Divide and rule: the politics of climate change negotiations

The stakes
The IPCC has confirmed that the Earth has a limited capacity to absorb greenhouse gas emissions (i.e. a limited “emission or carbon budget”). Senior economists have confirmed that this budget could be worth in excess of one trillion US dollars annually. Negotiations over a global goal and mitigation commitments are addressing how to share this limited atmospheric resource between rich and poor nations. At stake in the climate negotiations, therefore, is among the largest divisions of wealth and resources in modern history. Annex I countries have already used more than their fair share of this budget, and have long understood what’s at stake in the negotiations. They seek to continue their over-use of a shared resource by securing substantial “assigned amounts” of emissions based on their high historical levels, while locking the South into considerably lower and declining per-capita levels. Non-Annex I countries are rapidly beginning to understand the implications of an unjust distribution of the remaining atmospheric space, and of the financing and technology required to live well within its constraints. A number of countries have called for more equitable approaches taking into account historical responsibility, an equitable allocation of a shared atmospheric resource, per-capita accumulative emission levels, and the climate debt owed by developed countries to developing countries for their over-use of shared atmospheric space (“emissions debt”) and for the devastating consequences of climate change on developing countries (“adaptation debt”).

Objectives of developed countries
Both Annex I and non-Annex I countries seek an effective solution to climate change. Annex I countries, however, are concerned about the costs implementing their commitments under the present Climate Convention, which is fair to developing countries, reflects the deal struck at the Rio Earth Summit, and clearly defines the common but differentiated responsibilities of developed and developing countries. They are consequently seeking to change the Convention (either directly or through a new agreement) in a manner that:

- Allows them to continue their high per-capita emissions (and therefore to secure more than their fair share of remaining atmospheric space);
- Places emissions limitation on non-Annex I countries (via a global goal; deviations from BAU; economy-wide low carbon plans);
- Limits and passes on a considerable portion of the costs of adapting to climate change to non-Annex I countries
- Limits and passes on a considerable portion of the costs of financing and technology to non-Annex I countries; and
- Maintains or improves their economic competitiveness in international markets, by passing on costs, controlling technology (e.g. through IPRs) and further liberalizing markets.

The economic stakes are high. To achieve their objectives developed countries will likely use all the strategies and tactics available to them to convince, and if necessary, to divide and rule the developing countries.

Learning the lessons of other forums
Developing countries can learn much by examining the approaches used by developed countries in other international forums, such as the World Trade Organization.

Developed countries have a range of means at their disposal to divide developing countries and secure outcomes that favor them without necessarily favoring the South. And they are quite adept in using them. As reported in the Financial Times:

> The European Union has long been renowned for skilful use of ‘divide and rule’ tactics in global trade talks to play opponents off against each other.

Developing countries, at the same time, have developed considerable experience in those negotiations that could be applied usefully in the climate negotiations to maintain unity and solidarity and to ensure an agreed outcome that addresses the needs of all developing countries.

Developing countries know there is strength in unity. As stated by one WTO negotiator about the G20 – a key grouping of developing countries in WTO negotiations:

> The G20 has, to my mind, provided a forum for its members to fight collectively for their interests. All major members realise the importance of this – there is strength in unity. The major members, if not all, have realised that any short-sighted step taken to succumb to the divisive techniques used by the majors will go against their interests in the long run. If we leave the group for little crumbs here and there, we will look like fools.
Building on the experience of seasoned climate negotiators, and of negotiators in other forums, developing countries can ensure they maintain a united front under what will inevitably be growing political pressure from Annex I countries.

Controlling the discourse
One key strategy of developed countries is controlling the discourse or narrative in which negotiations are set – shaping the expectations of decision-makers and the public about objectives, and what constitutes success and failure. Annex I countries have harvested a public discourse to support their objectives. The terms “post-Kyoto agreement” and “post-2012 agreement”, widely repeated in the press, are inaccurate descriptions of current negotiations. As noted by one senior developing country official: “the Kyoto Protocol is not yoghurt; it has no expiry date”. The 2012 date is simply the commencement of the second commitment period. Negotiations under the Convention are for action “now, up to and beyond 2012.” Also, the Bali Action Plan calls for an “agreed outcome” and a “decision” and makes no reference to an “agreement”. Parties to the negotiations differ on the form of the outcome. Despite this, many members of the public, the media and governments continue to use the post-2012/Post-Kyoto agreement language when, as yet, agreement by all Parties is lacking on the form of the agreed outcome.

Misleading the media
In some cases, controlling the discourse extends to actively advancing falsehoods. This, of course, is difficult to prove. But when media stories are consistently inaccurate across different sources, there is circumstantial evidence of intent to mislead. Reporting on the February 2007 G8 meeting provides an example. The Guardian reported (inaccurately) that:

Delegates agreed that developing countries would have to face targets for cutting greenhouse gas emissions as well as rich countries.

The BBC similarly reported (inaccurately):

Delegates agreed that developing countries would also have to meet targets for cutting greenhouse gas emissions, as well as rich countries.

Of course, there are a variety of explanations for systematic mistakes by the media. But inaccurate reporting is a such a regular occurrence after most major climate gatherings that there is grounds to believe there are active attempts, in some quarters, to mislead the media. Developing countries thus need to actively (and where possible, collectively) project their views to the media in order to prevent it from being misled.

Ambush and push
At the December 2007 Bali Climate Conference, developed countries sought to secure a global goal for emissions reduction, before developing countries understood the implications. By securing a global goal, as well as a developed country cut under the Kyoto Protocol (on a separate track), developed countries would have effectively set a “residual” target for developing countries. (i.e. global goal, minus Annex I target, equals non-Annex I target).

Developing countries ultimately declined to agree a global goal in Bali, recognizing that to do so without clear commitments from developed countries on finance, technology and adaptation would undermine their interests. Ultimately, a footnote was added to the Bali Action Plan referring to certain sections of the IPCC Fourth Assessment Report (IPCC 4AR) as a placeholder for later efforts to establish a global goal.

Developed countries have subsequently continued to add in additional language and obligations, over and above those agreed in the Bali Action Plan. These include references to deviations from “business as usual”; division of NAMAs into “autonomous, supported and carbon market”; “registering” all NAMAs; or requiring of “low-carbon development strategies”.

It is a well-established strategy for developed countries to introduce new issues onto the agenda with little time for developing countries to analyze them carefully, coordinate and respond. The goal is to keep the South on the back foot, reacting rather than setting the agenda.

Mischaracterizing policy as science
Since Bali, some Annex I countries have actively mischaracterized their own negotiating positions on burden sharing as “science”, thereby attempting to avoid or limit discussions about equity.

Some countries have characterized information contained in IPCC 4AR as: 1) establishing or supporting a 2°C global goal; and 2) stating that to achieve this goal Annex I countries should reduce emissions by 25-40% from 1990. Based on this, they suggest that subsequent “scientific studies” say non-Annex I countries would need to deviate by “15-30% from baseline” emissions to achieve a 2°C objective. In actual fact, the IPCC makes no such policy recommendations about burden sharing, and does not claim to do so. The 25-40% range is taken from a box (Box 13.7) summarizing “allocation studies” (i.e. studies dividing the global carbon budget between rich and poor countries), most of which were funded by EU institutions or undertaken by EU-based analysts.

Rather than engaging in an open and honest dialogue about effort sharing, these countries have tried to “hoodwink” the South into a highly inequitable sharing of a limited global resource by claiming that these particular shares are required by science, when nothing could be further from the truth.

Obscuring the details
Another strategy is to construct proposals in a manner that makes it difficult to evaluate the implications for developing countries. The EU’s proposal for a global goal and mitigation by Annex I and non-Annex I countries, for example, is particularly opaque. The expected efforts of developed and developing countries are denominated as cuts from 1990 levels and as deviations from business as usual, respectively – i.e. as apples and oranges – making it difficult to compare them.
If adopted the EU proposal would, in effect, permit countries such as the United States to continue emitting at around 14 tonnes CO2 per capita, and would lock in developing countries such as India to around 3 tonnes per capita. It would consolidate for the Annex I countries a disproportionate share of a global emission budget worth over a trillion dollars annually, constituting a major subsidy by developing countries (who would forgo part of their rightful share of the remaining atmospheric space) to developed countries.

Some developing countries have not fully comprehended the massive distributional and equity issues at play in the current negotiations, and the implications for their future development – in part because the implications of proposals by the developed countries have remained so obscure.

**Building a Trojan Horse**
In some international negotiations, developed country officials and/or consultants are occasionally included in the delegations of developing countries, on the basis that they can help to build the capacity of these delegations or support them in the negotiations. In many cases, these individuals are great champions of the South. But in some cases there is reason to doubt their motives. In some cases, they may actively provide information back to developed countries, or advocate for developed country positions with developing countries, or develop positions and strategies that divide developing countries from each other.

In the climate negotiations, a number of the members of developing country delegations were formerly on the delegations of Annex I countries, or are funded by Annex I countries. These officials sit in the meetings of the G77 and China, the LDC group, the AOSIS group and other groupings. In some cases, they advance positions that are facially inconsistent with the positions of groupings of which their countries are part.

For example, one country with limited capacity (represented primarily by a non-national) has put forward positions that mirror those put forward by its former colonial power on behalf of the EU. Indeed, their proposal went even further than those by the EU by calling for an “absolute” emission reduction by developing countries by 2050. The proposal is facially inconsistent with proposals by the LDC group and the G77 and China, which that developing country has also supported.

**Carving out special deals**
Developed countries also seek to split up the developing countries by offering special deals to sub-groups of countries in exchange for their cooperation on other issues under negotiations.

These strategies are a more sophisticated version of the divide and rule strategy. In the context of the WTO, for example:

... attempts to break countries away from the G20 have been replaced with a more sophisticated variant of the ‘divide and rule’ strategy, as individual country groupings have been offered preferential access to developed country markets in return for their cooperation at the WTO.

At the WTO, the EU sought to define a common set of interests for least developed and vulnerable countries and to use this to divide the South. In a letter by the EU to WTO Members (May 2004) it stated:

*Least developed countries and other weak or vulnerable developing countries in a similar situation – essentially the G90 – should not have to open their markets beyond their existing commitments, and should be able to benefit from increased market access offered by both developed and advanced developing countries.*

A number of countries (both developing and developed) immediately expressed concern about such an obvious attempt to divide the WTO membership at a time when it most needs to be united in a search for a framework solution to the Doha Round.

Despite knowing there is strength in unity, developing countries have often conceded substantial ground on the promise of future benefits only to find the results lacking. In the context of the climate negotiations, for instance, support promised to least developed countries has not materialized in the context of the LDCF at the GEF, and developed countries have instead chosen to establish new funding arrangements under the World Bank, despite the concerns of many developing countries.

**Establishing new groupings of countries**
In some cases, where it is difficult to divide developing countries using existing groupings, developed countries seek to establish new groupings as the basis of divide and rule tactics.

At the WTO, for example, developed countries have actively championed new categories of countries – such as the “small and vulnerable economies” – with the goal of offering these countries promises of favorable treatment in return for breaking with their fellow developing countries. Smaller groupings, by and large, are easier to pressure and cheaper to fund.

Similar tactics may be employed in the climate negotiations. Some developed countries are championing new groupings of small and vulnerable countries. The stated intention is to improve the voice and visibility of poor and vulnerable countries and ensure they receive fair treatment in the negotiations. This, of course, is desirable.

However, concerns have been raised that such a group will be used for quite different purposes, including to: 1) isolate the poorest countries from the support of larger developing countries (reducing rather than increasing their leverage in demanding considerable emission reductions from the North); 2) divide the South, reducing its capacity to secure major commitments from developed countries on financing and technology; and 3) pit poor countries against poor countries, rather than unifying them in their claims on the rich countries, which are largely responsible for causing climate change.
Ultimately, this approach may undermine the very interests of the vulnerable countries it supposedly seeks to promote. A divided South is less likely to receive either deep cuts from Annex I or substantial financing and technological support (for mitigation by non-Annex I), which may ultimately result in worse climate impacts for the vulnerable countries. And without the backing of the large developing countries, the vulnerable countries seem unlikely in practice to receive much support for adaptation.

Setting up the blame game
The Annex I countries have already used the media to characterize larger developing countries such as China as “reluctant” to negotiate, and the United States’ recent engagement as progressive and as “unlocking the negotiations”.

In fact, China has been constructive in international negotiations, and active in its domestic efforts to limit the growth of emissions. The United States, by contrast, has so far failed to provide detailed proposals and has hardly “unlocked the negotiations”. Indeed, it has failed fundamentally to cut emissions since signing the UNEFCCC and, unlike China, is not a Party to the Kyoto Protocol and still has no comprehensive national plan in place for limiting emissions (though some State level efforts have been impressive).

The Annex I countries are using all means to distract attention from their own failures to implement the Convention, mount pressure on developing countries, and to set up the blame game in the event the fail to get their way in Copenhagen, and the meeting is not deemed a success.

Divide and rule narratives
Justifiably some small island states have emphasized their sovereign right to “survive” as a State. They have also noted the value of human rights in implementing climate policy.

Some developed countries, and some NGOs, are supporting the development of narratives that are prejudicial to the common interests of developing countries.

Some actors in the North are seeking to juxtapose a “right to survival” narrative with a “right to development” narrative. In other words, India should give up some part of its “right to development” in order to secure Small Island States’ “right to survive”.

Such a narrative pits poor against the poor. It falsely pits the well-being of around 50 million people in small island states with that of more than a billion living below the poverty line.

It shifts their focus from jointly seeking deep cuts by Annex I countries (providing atmospheric space for the South) and substantial financing and technology (supporting emission reductions in the South).

The intended outcome is: 1) lower costs and greater atmospheric space for the North; and 2) greater costs and lower atmospheric space for the South – an outcome that is clearly preferable to the developed countries, but unlikely in the interest of any developing country.

Forum shopping
Larger developed countries and country groupings – such as the European Union – coordinate actions across a number of different forums, with the goal of securing compromises by exploiting the challenges of capacity and coordination faced by developing countries.

The EU, for instance, has actively sought declarations with various different developing country groupings – such as the African Union or the ACP countries. They rely on the fact that the developing country officials negotiating these statements (often secretariat staff, and officials who do not work on climate change) do not know the full details of the climate negotiations.

The EU, supported by the Climate Secretariat, sought for a long time to include language calling for a “ratiifiable outcome” in Copenhagen – referring to a new treaty, when it is quite aware that developing countries have not agreed to such an outcome in the climate negotiations.

The text of these declarations will be brought to the notice of Ministers during the final stages of the negotiations, in order to pressure them into accepting language that their negotiators have fought to prevent, on the basis that the country has already accepted it elsewhere.

Establishing forums outside UNEFCCC
A specific case of forum shopping is the creation of new forums outside the UNEFCCC designed explicitly to discuss climate change, beyond the reach of the majority of developing countries.

The Major Economies Forum, established by the United States and now supported by many developed countries, is emerging as one place where the larger developed countries meet with larger developing countries, to the exclusion of the vast majority of developing countries.

The G8 has also served as a place where developed countries develop common positions to put forward within the UNEFCCC. The inclusion of large developing countries (referred to as “G8 plus 5”) is providing another forum in which developed countries seek to cut deals with some but not all developing countries.

Conducting discussions in developed country-led forums allows those countries to control the messaging, leading to inaccurate media coverage and biased outcomes (see “misleading the media”, above).

By inviting larger developing countries to discuss climate change on their “turf”, the developed countries can also control the agenda, and foster distrust between larger and smaller developing countries, which rightly feel excluded from these discussions. While it is valid for different countries to meet in different forums, care must be exercised to ensure it does not have adverse effects on developing country unity under mounting pressure.

Inappropriate roles for chairs/public officials
Chairs and public officials (e.g. heads of Secretariats) have been used to advance agendas that are at odds with the stated positions and interests of developing countries. At the WTO’s Cancun Ministerial:

In addition to the use of private mini-ministerials to set the agenda for the talks, the key documents on which negotiations were to be based had bypassed any process of approval by the WTO’s membership.

Instead, the draft Ministerial Text was submitted to the Cancún Ministerial ‘on the personal responsibility’ of … Chair of the General Council, with close support from WTO Director-General Dr Supachai Panitchpakdi.
This refusal to transmit key negotiating texts through the proper channels had been repeatedly criticised in the preceding months for undermining the democratic basis of the WTO, turning it from a member-driven into a Chair-driven organization.

In Bali, developing countries expressed concerns over the role of senior Secretariat Staff. Concerns have also been raised about the balance of a so-called “focus document” prepared by a Chair, which one delegation dubbed the “selective document” on the basis it seemed systematically to favor proposals from the North over those from the South.

Presentation of biased texts

One particular concern is the development of biased negotiating texts, which place developing countries behind the starting line before the negotiations even begin in earnest.

In the WTO and other forums, texts prepared by chairs have often reflected a strong bias towards the interests and proposals of developed and not developing countries. This, in some cases, reflects common interests between a Chair and those countries. In other cases, it reflects power politics and political pressure. In all cases, the result is unfairness towards developing countries.

The existence of bias in negotiating texts undermines trust and progress in negotiations. At the WTO’s Cancun Ministerial, for example:

As pointed out by numerous delegations, [the] text was substantially based on the proposals made by the USA, EU and other developed countries – even where alternative proposals had been submitted by developing country members

As a result of this “The conspicuous bias of this draft made the whole process of negotiation particularly difficult, as Ministers were not presented with options on which to negotiate”.

In the climate negotiations, developing countries have expressed concerns about the biased nature of documents prepared by the Secretariat and Chair. Concerns include: 1) lack of balance in structure and content; 2) exclusion of relevant proposals by developing countries; and 3) inclusion of extraneous items from developed countries (e.g. outside the negotiation mandate).

To increase the likelihood of a fair outcome (but by no means guarantee it), developing countries need to ensure that negotiations are Party-driven and reflect the full and exact text of proposals put forward by them. The compilation of texts without attribution, and without reference to the relevant legal obligations being implemented, is a recipe for unfair outcomes.

Green rooms

In the context of the WTO, small group settings – or “green rooms” have been used to cut deals between small groups of powerful countries, with participation (often largely symbolic) by “representatives” of other countries. Green rooms have provided a means for isolating “problematic” countries, advancing negotiations with relatively inexperienced ministers, or excluding key negotiators (on the basis of insufficient seniority).

Already in Bali, the negotiations were held in small groupings of negotiators and Ministers. These “green room” processes have been heavily criticized in other international forums as undermining the legitimacy of the process and any outcome. In Bali, Ministers and other senior officials were excluded from discussions, on the basis they were not on a list held by the Secretariat.

Developing countries should demand that processes are open to all interested Parties. Where small group processes are required they should, at a minimum, be formally agreed by all Parties; Parties should select their own representatives; and participation should reflect the proportional representation of Parties (i.e. G77 should have numbers reflecting its membership).

Green men

In the WTO, the Chair of the negotiations has appointed individuals to “facilitate” the development of consensus on specific issues. They became known as “green men” on the basis that, along with green rooms, they offered a vehicle by which the chair could control the negotiations ensuring a chair-driven rather than a Party-driven process – one which usually resulted in the subordination of developing country interests.

The Chair of the AWG-LCA has proposed creating “focus groups which would seek to narrow down options or flesh out promising ideas” to be “facilitated by individuals” identified by the Chair. A number of countries have raised questions about the basis upon which countries would participate in the “focus group” and the role of “facilitators”.

Moving up the ladder

Ministerial-level meetings and Summits are important ways of garnering political support and buy-in from all countries. However, in many developing countries - with limited resources and capacity for coordination - Ministers and Heads of State are often not as conversant with the politics and the detail of the climate change negotiations, as Ministers and Heads of State from developed countries.

This is sometimes used to the advantage of developed countries, and the proliferation of Ministerial and Summit-level meetings to negotiate and secure political agreement often marginalizes and sometimes overturns the positions of developing country negotiators who “know too much” and are therefore seen as obstacles by developed countries to achieving their interests.

Use of non-governmental organizations

NGOs provide a very important and useful role in climate negotiations. With the goal of enhancing this role, a number of governments fund NGOs to participate in climate negotiations and related activities.

Some governments, however, fund NGOs to provide “services” that the government cannot undertake itself. These NGOs are little more than arms of the governments who fund them. Their role is variously to build consensus among NGOs to support the positions of the governments that fund them, to gather intelligence, to lobby other governments, and undertake capacity building that supports the interests of their funders.

Understanding the origin, membership and outlook of NGOs – and where they get their information and funding – is important when evaluating their positions and proposals.
Bringing in outside expertise
Given the economic interests at stake in the climate negotiations, developed countries are drawing on negotiators from the WTO and elsewhere who understand complex negotiations as well as the divide and rule strategies that have worked in the WTO and other forums. Senior negotiators in the European Union, for example, have been responsible for many of the strategies used, and positions adopted, in the WTO. It remains to be seen whether their presence results in use in the climate negotiations of the type of tactics for which the EU has become well known elsewhere (see “Learning the lessons” above)

Overwhelming numbers
Developed countries also often bring large delegations to meetings, supported by even larger groups of advisors. Large delegations allow developed countries to drive the process, and ensure that developing countries remain on the back foot – responding rather than directing the course of discussions.

Large delegations also provide other advantages. They allow developed countries to tie up developing country negotiators in numerous bilateral meetings. They ensure greater capacity for action with NGOs and the media. They allow them to gather more intelligence about their opponent’s positions and intentions.

Rumor mongering
An additional strategy is to spread rumors about the intentions of different developing countries, with the goal of breaking trust and creating discord among developing countries.

In the context of the WTO:
- The EU was also accused of trying to undermine developing country unity during the Ministerial by spreading rumours ... The USA was more direct in its attempts to destabilise the new developing country groupings, launching strong attacks against Brazil, in particular, as coordinator of the G20. This dual approach of a more subtle EU and more outspoken USA is a ‘good cop, bad cop’ ploy which the two have used before at the WTO.

Rumors may be spread about the role or intention of coordinators supporting developing country cooperation on different issues; or about the intentions of larger countries. In some cases, developed countries will play “good cop, bad cop” with the intention of wooing some countries away from the group of developing countries. Developing countries should name and shame any developed country that spreads rumors with malicious intent.

Removing delegates
A common tactic towards the end of negotiations is to pressure or remove the most effective negotiators from the South. There is a long tradition of political pressure being used to remove the most experienced and effective negotiators. At greatest risk are those who are most effective in building Southern solidarity.

Negotiators who are effective champions of the South are characterized to their governments as “troublemakers” or as “intransigent”. In some negotiations, developing country negotiators and Ambassadors have been removed under direct pressure from developed countries; harming not only the careers of the individuals who are effectively defending the interests of their countries and other developing countries; but compromising those interests.

Already, in the context of climate negotiations, aspersions are being cast in national capitals about the contribution of some developing country negotiators – with the objective, it seems, of having them removed from national delegations.

To pre-empt these tactics, developing countries should actively support each other in their national capitals, which should understand that the greater the pressure from the North, the greater the likelihood that their negotiator is fiercely and effectively defending their national interest and the interests of all developing countries.

Strong-arm tactics
Another strategy widely used in other international forums is placing undue pressure on developing country negotiators and governments. In the end-game of negotiations at the WTO, and other forums, hard-ball negotiating strategies have been used to manufacture consent and consensus. Tactics have involved:

- Threatening cuts in aid budgets
- Threatening loss of trade preferences
- Personal attacks on ambassadors and negotiators (calling them “troublesome”)

In Bali, some developing countries were informed that they would suffer losses of trade sanctions if they did not compromise and accept positions offered by some developed countries. The likelihood of this kind of pressure may well increase, as the countdown to Copenhagen continues.

Developing countries should thus be vigilant to expose tactics such as these as highly inappropriate to any negotiations, including those involving climate change.
1. Nicholas Stern (stating “at $40 per tonne CO2e a total world allocation of rights of, say, 30Gt (roughly the required flows in 2030) would be worth $1.2 trillion per annum), in The Global Deal (2009)


4. The Financial Times, 14 April 2004

5. Id., at 16


7. BBC, 16 February 2007

8. Guardian, 6 May 2009

9. Action Aid., at 6

10. Id., at 9

11. Id

12. Id., at 14

13 Id., at 5