

# **IT'S BEEN A HARD DAY'S NIGHT**

Why making international environmental policy is so difficult.

A case study of the UNFCCC Copenhagen Summit.

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## CONTENTS

1	INTRODUCTION	3
2	POWER IN THE CONTEXT OF THE UNFCCC	7
2.1	Three dimensions of power	9
2.2	Power structures, participation and compliance	11
3	CLIMATE CHANGE AND THE DEVELOPMENT OF A NEOLIBERAL FINANCIAL SYSTEM – A BRIEF HISTORY	15
3.1	Emissions Trading Scheme	18
3.2	Clean Development Mechanism	20
4	COPENHAGEN SUMMIT AS A FORUM FOR CLIMATE CHANGE NEGOTIATIONS	22
4.1	Structure	22
4.2	Proceedings	25
5	SUMMARIES OF THE WORK OF THE NEGOTIATION GROUPS	27
5.1	SBI	28
5.2	SBSTA	29
5.3	AWG-LCA	31
5.4	AWG-KP	36
6	DIFFICULTIES ON PAPER AND IN REAL LIFE	39
6.1	Deadlock	41
6.2	The grand finale	44
7	AFTER COPENHAGEN – A THEORETICAL DISCUSSION	47
7.1	Compliance	48
7.2	Participation	50
7.3	The past that cannot be forgotten	52
8	THE FUTURE	57
8.1	Geopolitics	59
8.2	Securitisation	61

<b>BIBLIOGRAPHY</b>	66
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<b>INTERNET SOURCES</b>	70
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### **LIST OF TABLES**

Table 1: Regional negotiating groups.

Table 2: CO2 emissions of BRICS countries.

## 1 INTRODUCTION

Environmental negotiations have been on the international agenda since the Stockholm Conference of 1972, but the Kyoto Protocol in 1997 was the first major agreement limiting carbon dioxide emissions in order to reduce the speed of global warming. Although it had a major impact on emission levels, the Protocol was devised only for the commitment period of 2008-2012 and there were significant states missing from the group of participating countries. From the beginning of the Kyoto Protocol it was clear that this would only be the first phase and that a more comprehensive agreement would have to be negotiated in the future. In the 13<sup>th</sup> session of the Conference of Parties (of the Kyoto Protocol) in 2007, the Bali Action Plan (BAP) was outlined, setting out four long-term goals of mitigation, adaptation, finance and technology transfer. Also an Ad-hoc Working Group was set for discussing how the Convention would be implemented in the future. The latter and BAP were to announce their work in a major summit in Copenhagen in 2009. (UNFCCC.)

The Copenhagen Summit in December 2009 was to be the biggest summit so far, comprising of two negotiating tracks<sup>1</sup> and allowing an exceptionally large group of non-governmental observers to be present in many meetings. Considering that the Kyoto Protocol was not ratified by many of the biggest polluters, participants in Copenhagen held high hopes for the new agreement that was to be negotiated. However, something went wrong. No binding agreement was reached and the final paper, Copenhagen Accord, was not even adopted: the Convention only “took note” of it.

The underlining idea of this paper is to examine the Copenhagen Summit as a failure. As the language of the UNFCCC does not acknowledge a word as brutal as ‘failure’, it will not appear in official documents or statements. ‘Failure’ can be seen as an opposite phenomenon to ‘success’ – to fail is not to succeed. It is relatively easy to assess whether the summit succeeded or not. The main goals of the Copenhagen Summit were to construct a new, binding agreement on emissions for the Kyoto Protocol countries, to solve the question of emission limits for the rapidly industrialised countries and other non-Kyoto countries, to decide how much funding the developing countries would get,

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<sup>1</sup> One for the participants of the Kyoto Protocol and one for all the other states.

and how this funding would be managed (Deloitte 2009). The only final outcome was the decision to “take note” of the Copenhagen Accord. The questions of funding suffered severe blows as many of the industrialized states made their offers of financial help conditional to the forming of a new agreement, which never materialised.

It would be very narrow-minded to direct the blame towards little details, such as unprofessional chairing of the host government Denmark or Barack Obama’s failure to charm both domestic and international policy makers.<sup>2</sup> There is obviously something wrong with the international, UN-led negotiating system, if a summit of this importance and this much pressure fails to produce a binding agreement. Simultaneously, trade agreements seem to materialise even under tough opposition from some participants in meetings hosted by the WTO or the EU. It seems that at its present form, the UNFCCC is incapable of ensuring a successful negotiation round. The UNFCCC echoes the same power relations that are paralysing the work of the Security Council. The UNFCCC, as a sub-organisation of the UN, is created by the same countries that are benefiting from this power structure and therefore fortifying it at every possibility.

This is not a new revelation; it is a commonly known problem. However, until the Copenhagen Summit, many observers thought that perhaps the issue of climate change would be projected as the most serious global threat of the century and thus the aims of the summit would exceed the usual bargaining needs and pettiness that is so common in the UN negotiations. After the Copenhagen Summit it is clear that the UNFCCC makes no exception to the rule. Many countries still chose principle and short-term profit over long-term stability and common wellbeing. The world is still divided into blocks, of which the EU presents the committed side, while the US and the BASIC countries remain the doubters. The other great divide is the South-North gap, which echoes in every speech made by the most fervent developing countries.

Taking this stark world vision as the basis, this thesis aims to identify some reasons for this inability to ensure results in climate change negotiations by studying the structure, participants and procedures of the Copenhagen Summit. This thesis does not focus on

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<sup>2</sup> In different media, these kinds of reasons were popular. See for example, Black, Richard. “Why did Copenhagen fail to deliver a climate deal?” BBC News, 22.12.2009.

one research question, making a hypothesis of it and proving it right or wrong in the end. The aim of this thesis is to discuss the problematic of the UNFCCC system within the current world order, using the notorious Copenhagen Summit as the case study. The main presumptions of the thesis are:

1. The setting of the UNFCCC is problematic because the UN system is based on voluntary compliance, even though halting climate change would require comprehensive commitment. Therefore there is an inbuilt problem of compliance in the policy making system.
2. Because of the historical North-South-divide and its developmental consequences, many developing countries are unwilling to commit to strict emission targets. This causes tension not only between developed and developing countries but also amongst developing countries, hence possible compliance is compromised even further.
3. Slowing down climate change is a game where nobody wins if not everyone complies. Scientific evidence shows that now is the time to make drastic changes to policy. This is a message that doesn't get through because of the deep mistrust between developing and developed countries. Therefore a compromise solution with partial participation, which might be perfectly acceptable in other types of negotiations, is not enough. Although all the countries are aware of this, they decide to ignore this for political reasons.
4. Despite all the above, states are willing to trod this long and windy road of negotiations in order to achieve results and do something about climate change. The UNFCCC seems to be the only channel where all the states are permitted *and* willing to participate, even if sometimes a little reluctantly. To abandon the UNFCCC would mean starting all over again, and because of the timescale of climate change, this is does not seem viable.

These presumptions shape the form of this study. The theoretical introduction to the topic starts with discussion of power in voluntary organisations. Steven Lukes' theory of three-dimensional power acts as a macro-level introduction to the topic. Lukes' theory of power widens the way in which power is traditionally seen and gives a tool for looking behind the agency level. Lukes' theory of power gives an insight into what

power could be at the ideational level; into how to control not only the expression of ideas but also the formulation of them.

The ways in which participating states perceive power guide their actions as well. If the UNFCCC is seen as a fighting field for power politics, participants prepare themselves for war. If the atmosphere of the Summit oozes tranquillity and goodwill, participants may lower their defences and be more open to compromises. Signals before the Copenhagen Summit were mixed: at the same time many heads of state were issuing dire warnings about the possible consequences of a failure to achieve a new, binding agreement, but yet many leaders got domestic orders to not give in too much. Some countries made it clear that they would not compromise much, regardless of the others. Many looked up on the USA as a saviour, although Obama had just been elected and was facing an enflamed domestic situation with very little back-up coming from that direction.

Despite the hype, the Copenhagen Summit was not one of its kind - it was just one meeting in a series of UNFCCC annual meetings. Before moving on to study the proceedings of the Copenhagen Summit, a chapter on the history of international environmental policy forming will illustrate the development of environmental concern and the incentive to combine economic thinking with environmental policy.

International voluntary agreements always face the problem of compliance. The Copenhagen Summit is a good example of a negotiations round that lacked uniformity, transparency and a general willingness to comply. To help uncover why there was such a gap between the words and the actions, the Summit programme will be analysed in detail, studying each of the subgroups separately. The rather dramatic events of the last days of the Summit will be revealed and the consequences of this twist will direct the discussion on power and compliance theory towards possible suggestions on how to improve international environmental policy making. A Master's Thesis is not the place to devise a whole new global system of controlling climate change, hence the suggestions will be incremental and based on the existing system. In the spirit of the scientists who encourage to take urgent measures and who warn about the consequences of inaction, idealism may have to make way to pragmatism in the conclusions of this

thesis as well and therefore, unfortunately, the great inequality of the world will remain unsolved.

## **2 POWER IN THE CONTEXT OF THE UNFCCC**

The concept of democracy may be old, but its definition is always tied to the context of its use. In terms of international climate negotiations, democracy seems to have made a full circle from the Ancient times of the citizens of *Polis* to the postmodern times. Although hosted by the UN and therefore presumably carrying an air of equality, the proceedings of the Copenhagen summit seem to portray many elements best known from the Ancient Greeks – in order to have a say, one must not just qualify financially but also fulfil the requirement of good reputation. This is how politics works, but in the context of a looming environmental disaster threatening the whole human society, the priority should be given to those states that are closest to environmental disasters because of the global warming.

If the aim of the meeting is to ensure that the Kyoto Protocol will be widened and continued under a new name, trivial but common disputes such as who puts the propositions forward should not matter. This is the 21<sup>st</sup> century: states are no longer responsible only to their citizens, but to the global community as well. Who or what form this community takes is sometimes unclear, but the interconnectedness of the world ensures that states are never able to make decisions solely with the interests of their own citizens in mind.

Democracy, when considered as the rule of the majority, seems to have been present in Copenhagen up until the last day, but the final hours showed that emergency was once again a good excuse to switch democratic policy making for something quick and effective.

The Copenhagen Summit is a very interesting starting point for a study of power, because in spite of all the optimistic expectations of a success, the summit ended up



with a non-binding paper. There have been many explanations covering one or another aspect of the summit in order to explain the failure, but there has not been very much discussion about the different levels of power that might have directed the summit towards failure. Previous explanations about the failure have concentrated on the agency level, studying different parties to the summit and explaining lack of consensus and co-operation by decisions taken by individual actors. Decision-making and non-decision-making in a non-constructive way are the most obvious of indicators in explaining the chaos in the negotiations, but in this study interest is directed also towards the reasons and causes behind these actions.

Discovering some logic behind the negotiations requires a study of not just about *what* was said, but more precisely about *how* the decisions were formed and *why*. As the failure of the summit was partly caused by inability to take action and to show commitment at the right time, non-decision-making may well be a conscious decision too, therefore *why not* belongs to the list of question this study is aiming to seek answers to.

The Oxford Dictionary states ‘failure’ as lack of success, the neglect or omission of expected or required action, the action or state of not functioning, naming an example of ‘a sudden cessation of power’. This is an appropriate image with regards to the topic of this paper, seeing the failure of Copenhagen as a lack of power within the motion of trying to ensure the forming of an agreement. Of course this does not mean that the participants of the summit were powerless, but somehow the (seemingly) common goal of forming an agreement seemed to suffocate in the web of conflicting interests and opinions.

General atmosphere in the summit was reported to be very tense, and some participants were eager to doom the summit failure from the first day onwards. This phenomenon seems to be clashing with the common political atmosphere of “making things work” preceding the summit. In order to study why the summit ended in a failure, one must study at the different levels of power play within the summit, not settling only for the agency level of individual actors, but also looking at the structure of the summit and the possibilities of power play it offers. Steven Lukes’ theory of three-dimensional power offers a good starting point for the analysis.

## 2.1 Three dimensions of power

In order to grasp the possible levels of exercising power in an international summit, one must be aware of theory of power. One classic contextualisation of power is Lukes' view of power on three dimensions. The first dimension is adapted from Dahl: "A has power over B to the extent that he can get B to do something that B would not otherwise do" (Lukes 1974: 12). This pluralist view of power claims power to be observable behaviour. Decision-making is portrayed as the central act of power. "First, one-dimensional view of power involves a focus on *behaviour* in the making of *decisions* on *issues* over which there is an observable *conflict of interests*, seen as express policy preferences, revealed by political participation" (*ibid*, 15). However, this view of power covers only the visible level of exercising power.

Bachrach and Baratz (in Lukes 1974: 17) criticise the pluralist view for emphasising too much action – behaviour - and thereafter proceed to claim that power has two faces. Bachrach and Baratz use the term 'mobilisation of bias', which is described as "a set of predominant values, beliefs, rituals, and institutional procedures ('rules of the game') that operate systematically and consistently to the benefit of certain persons and groups at the expense of others" (*ibid*, 17). This type of power consists of coercion, influence, authority, force and manipulation. It is vital to understand and identify potential issues that are prevented from becoming prevailing by non-decision-making (*ibid*, 19).

According to Lukes, even with the addition of the second face of power, the picture is still incomplete. The two former dimensions of power only observe conscious, actual behaviour – that is to say, they are "too committed to behaviourism" (*ibid*, 21). Lukes wants to draw attention to a third dimension of power – the bias of the system, which can be mobilised, recreated and reinforced in ways that are not consciously chosen – or even the intended results of particular individuals' choices (*ibid*, 21). To constrict the analysis of power on conscious conflict situations leaves out a whole range of power analysis. As Lukes illustrates: "A may exercise power over B by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping or determining his very wants" (*ibid*, 23). Conflict may not be necessary because just to prevent disputes from arising in the first place is ultimately more effective. Lukes

quotes Dahl's famous phrase: "leaders 'do not merely *respond* to the preferences of constituents; leaders also *shape* preferences'" (*ibid*).

Why is the third dimension of power so important in understanding the uses of power? The first dimension of power cannot unveil any hidden agendas because it is entangled in the system, evaluating only power vested in decisions within. There might be options to choose from, but *how* have they become available? The pluralist view of power may be relevant in quantitative research, but it evades an aspect that is one of the key questions in this thesis as well – who decides what gets on the agenda? The second dimension of power does take into account the inactivity of individuals and ways of exercising power in order to leave something aside from the agenda, but again, it is assumed that all these actions are conscious, and the intentions of these actions correspond to the final outcome.

To use the third dimension of power is to allow for the possibility that *political systems* are able to, in Lukes' words, "prevent demands from becoming political issues or even from being made" (*ibid*, 38). The challenge of using the radical view of power comes from the limits of thinking and speaking – even the classic concept of *exercising* power seems to imply that this is something that needs a subject and a conscious decision to act.

In his chapter on domination, Lukes quotes Spinoza:

One man has another in his power when he holds him in bonds; when he has disarmed him and deprived him of the means of self-defence or escape, when he has inspired him with fear; or when he has bound him so closely by a service that he would rather please his benefactor than himself, and rather be guided by his benefactor's judgement than by his own" (Lukes 2005: 86).

Domination is a relevant subject with regards to Copenhagen summit. As many of the poorer countries are dependent upon investments and trade deals with rich countries, the latter are in a position to dominate the former. A bloc of industrialised countries can dominate the whole group of summit participants in budgetary negotiations because they have the means to do so. In order to understand why the summit did not succeed, it

is vital to understand this dependence. Global governance is a structure within which workings of power can be detected in many different levels.

Moving into a more structure-oriented theory of power, Barnett and Duvall (2005: 3) identify four forms of power in international relations: compulsory, institutional, structural and productive power. *Compulsory power* is similar to Lukes' first face of power: direct control over someone. In the international system this could mean one state threatening another. *Institutional power* is a form of indirect control, such as designing an institution that is inbuilt to function in a way that will profit the designer. *Structural power* can be seen for example in the capitalist economy system as the different abilities of capital and labour. *Productive power* works on the level of production of subjectivity in systems of meaning and signification. Barnett and Duvall (2005: 4) see the benefits of using these different categories in terms of linking different schools of thought together.

In terms of global environmental policy making and negotiations, these ways of studying power enable us to see the larger structure of a global climate summit: how the structure of the summit generates a certain kind of internal summit hegemony, how the existing economic system forms borders of reality within which to keep the discussion, how all kinds of power struggles might have taken place behind official statements, and finally, how little good intentions weigh when they end up opposing the pre-negotiated deals.

## 2.2 Power structures, participation and compliance

Structural power can be studied at the depth of the current politico-economic system or at the level of a single organisation. One way of looking at the global hegemonic structure is a world-system theory. Immanuel Wallerstein (2003: 131) describes the present world order as a capitalist world-economy that is hierarchical, unequal and polarising and hosting a political structure of an interstate system in which some states are manifestly stronger than others. While endlessly trying to gain wealth, stronger states are constantly imposing their will on weaker states.

Wallerstein is looking at a case of outside intervention on internal affairs of countries, pointing out the controversy of defending universal human rights while appreciating self-determination and “the right of countries not to be subordinate to the imperial and imperious imposition of the values of others on them” (*ibid*). The same controversy can be found in the discussion about restricting emissions – there is the claim on equal developing opportunities for poor countries *versus* the scientific calculation of the benefits of maximum participation on restricting emissions.

While it is clear that the more countries restrict emissions the less damage it will do to the climate, emission levels of different countries tell the truth about the need for participation. In 2008, the top ten emitting countries accounted for two thirds of the world’s emissions (IEA 2010: 9). To give a bit more detailed idea of the scale of the problem, Africa’s CO<sub>2</sub> emissions were 889.9 millions of tonnes in 2008, while China alone produced 6550.5 Mt of CO<sub>2</sub> in the same year (*ibid*, 13). Although China has declared environmental preservation as one of its basic national policies as early as in the 1980s, it has mainly dealt with problems by closing down polluting industries in one area and shifting production into a new place. However, it is not only Chinese consumers who are making the country’s industry produce tonnes of emissions. As China is the world’s biggest export manufacturer, about a third of Chinese CO<sub>2</sub> emissions were a result of producing exports (Clark 2009). This is one of the reasons why China is not very keen on restrictions.

Emissions from Africa added up to less than 14 % of that of China’s, thus making it evident that the problem of emissions will not be solved by focusing on the number of countries committed to restrictions but by getting out the real figures and ensuring that the biggest polluters also participate. China is using the rhetoric of a developing nation, making evident that it is doing more than it has been asked to do even though in the light of the history it should not be asked to do any more than developed countries did fifty years ago. Wen Jiabao’s speech in Copenhagen was built around the principle of “common but differentiated responsibilities”, which Jiabao explained clearly: “if we all agree that carbon dioxide emissions are the direct cause for climate change, then it is all too clear who should take the primary responsibility” (2009: 4). This way of thinking

mirrors the world-system theory by acknowledging the different possibilities countries have had while developing.

Analysing power at the structural level proves problematic if one is not willing to accept that power can reside outside the agency level as well. Advocates of liberal institutionalism have linked the structural level to agency by justifying the need for institutions on the rational choices taken by individual actors in order to overcome collective-action problems. Because of this conscious process, institutions are seen as purposefully constructed, controllable units (Hurrell 2005: 34).

Liberal institutionalism is often offered as the thread holding environmental institutions together as well. Institutionalism has been seen to be most effective in cases including both an objective common interest seems to fit an institutional design *and* a subjective sense of the benefits of cooperative behaviour (*ibid*, 35). There should be a common language of bargaining and a shared perception of potential gains, as well as a potential for securing contracting. This is the key issue with environmental agreements: there is the carrot, but where is the stick? If actors are deemed rational, why would they commit themselves to a contract that is *potentially* useful - if wide participation is ensured – but one that *definitely* requires some losses in order to achieve the goal? In this way environmental agreements can be pictured as a prisoner's dilemma, where the only way to ensure short term absolute gains is to abstain from loyalty even though this strategy causes major losses in the long term.

One of the reasons why this kind of reasoning is very difficult in the global environmental politics is the difference in spatial perceptions of different actors. Most of the developed countries have short policy cycles due to changing governments. Making decisions on a long scale might seem impossible, because there is the domestic political authority to think of. On the other hand, those countries that are feeling the impacts of climate change because of geographical realities are forced to think of the *longue durée* and thus may be willing to raise the goal of halting climate change above daily domestic policy disputes.

The prisoner's dilemma of participation in environmental agreements has been discussed in a fair amount of articles. However, various writes have noted that game

theories cannot be very well applied to environmental problems as such. Usually environmental negotiations take place within a set structure such as the UN. There are multiple parties to one agreement and all are expecting to receive similar benefits to the others. More than ten years ago, Gregory Daneke (2001: 526) pointed out the main problem of climate change policy, directing the discourse towards game theoretic thinking:

Owners of a coal-fired power plant in Ohio do not necessarily have to worry about rising oceans in Brazil or dying coral reefs in Australia. Obviously, global warming eventually will threaten the agricultural and coastal regions of the United States, yet these costs may be small in comparison with the benefits that accrue to inequitable use of the lion's share of the world's energy and atmosphere.

Daneke concluded that existing economic analyses could not account for the cooperation through institutionalism; “the extent of the ebb and flow of cooperation and institutional co-evolution, let alone provide instruments for enhancing choices” (*ibid*, 529). Daneke's solution was to bring up more systemic choices, better suited for the specific terms of climate policy. In order to bring the *longue durée* into the calculations, he proposed comparing short term and long terms costs and benefits, and, further, also rewarding choices that expand, rather than collapse, future choices (*ibid*, 528). These models would be meant for wider use, so that companies, organisations and regions could weigh their policies with the same instruments.

Besides the economic reasons suggested above, there are studies of other incentives that might have an effect on participation to international agreements. Robert O. Keohane and Kal Raustiala (2008: 3) propose a theory of participation and commitment based on “an economy of esteem”. Originally developed by Geoffrey Brennan and Philip Pettit, the economy of esteem refers to incentives that are powered by other people's positive reactions to the protagonist's actions. By taking into account the desire for honour and respect, institutions can be designed so that they have a better possibility of attracting participants. Keohane and Raustiala develop this concept further by analysing it in the case climate negotiations. They claim that esteem can be a powerful incentive in climate treaty participation, if it is vested into use with care. (*Ibid.*)

However, there are certain prerogatives. Standards of good performance must be clear, and it needs to be generally understood that others also understand the rules of the game. Two further prerogatives are strong normative symbolism for action (or inaction) and measurability of performance. Keohane and Raustiala address the obvious question about the need for monitoring by handing the responsibility to non-governmental organisations, which are often devoted to monitoring states' practices and compliance anyway (*ibid*, 4). One way of rewarding compliance to the standards could be vested into an awards system, such as prizes for politicians who have "advanced efforts to mitigate climate change while in office" (*ibid*). This might direct politicians towards a long-term perspective, which might otherwise seem less lucrative because of short terms of office. As the problem of domestic pressure was evident in Copenhagen as well, this possibility of another view on compliance is truly enticing. This issue is brought up in the finishing chapter of the thesis, when the possibilities of improving participation and compliance are discussed further.

### **3 CLIMATE CHANGE AND THE DEVELOPMENT OF A NEOLIBERAL FINANCIAL SYSTEM – A BRIEF HISTORY**

Up until the 1970s there was a broad consensus that energy use and economic growth were related. In 1973-4 a conflict in the Middle East triggered an increase in oil prices for six months. This was an experience that caused many countries, especially in Europe, to form new policies designed to reduce dependence on oil from Middle East. As most countries did not have oil resources within their own territories, they were forced to form new policies promoting energy efficiency. Yet the energy use per GWP (Gross World Product) after the oil crisis did not alter much from that of before because the main effect in terms of oil consumption was that many energy intensive production lines were shifted from Europe and Japan to 'pollution havens' (Braithwaite & Drahos



2000: 267). Newly industrialised countries, such as Korea, Taiwan, Mexico and Brazil, expanded industrial production (Newell & Paterson 2010: 15).

This event was not the only major event of the decade. Economic turmoil caused a shift in economic ideology. The ‘Chicago School’ of economists pursued neoliberalism as the only solution to boost the markets. ‘Rolling back the state’ was necessary to allow free markets to flourish. After the experience of Chile in 1973, new economic thinking spread to USA and the UK, and many other countries followed suit. The IMF and the World Bank promoted neoliberal reform agendas in poor countries through loan programs (*ibid*, 19). Coupled with free markets was free finance. Financial markets were deregulated, thus creating rather volatile global financial markets.

Neoliberalism offered a solution to the problem of inflation: governments were not to use intrusive measures such as direct controls on wages and prices, but to “control the money supply” (*ibid*, 20). In a deregulated system this was done by rising interest rates, which makes borrowing more expensive. In the turn of the decade this new policy led to a debt crisis. Countries in the South, which had borrowed large amounts of money in the 1970s, were unable to pay back because of the rise in interest rates. Many Southern countries ended up spending most of their export earnings on the interest rates alone. The World Bank and the IMF credited emergency loans to these countries, but the structural adjustment policies required to gain the loans made the situation worse: economic crises turned into social ones, the gap between North and South grew ever wider. However, for those developing countries that were not forced to resort to the IMF, this period marked a starting point for a process of growth. China and India “experienced respectively 9.4 % and 5.4% average growth rates in the period 1980-1991” (*ibid*, 22). The significance of the economic rise was noticeable on carbon emissions.

Peter Newell and Matthew Paterson (2010: 24) claim that the key elements of neoliberal capitalism – ideological fixation with the markets, the dominance of finance, the widening global economic inequalities and the focus on networks as means of organising – have all shaped the global responses to climate change. In the 1980s economic growth and environmental protection were not seen as opposites but something that could be enforced simultaneously. The ideological atmosphere of the

decade was not well suited for research on climate change. A telling example comes from the Climatic Research Unit of the University of East Anglia: the CRU threw away most of their temperature data from weather stations at the time, because it did not seem vital. This has caused problems recently as much of the IPCC's evidence on the study on the gravity of climate change is based on this data (Leake 2009). However, environmental concern was already rooted in the global community, just the ways in which states could control climate change were – as they still are - debated. As many will remember, there was a time when global warming, although already seen as a grave phenomenon, was projected beneficial for travel industry and agriculture!

By the turn of the decade attitudes had changed significantly. The UN had set up IPCC in 1988, and in 1992 a significant environmental conference was held in Rio. The Summit in Rio was the first UN-based convention focusing on climate change. The UN Framework Convention on Climate Change was signed by 166 countries but no binding emission targets were set (Giddens 2009: 187). The main achievement of the summit was that all participating nations agreed to monitor and calculate their emissions and report the levels annually. By 1995 it had become obvious that cuts would have to be made in order to achieve progress. The industrial countries would set targets for themselves.

The Kyoto Protocol in 1997 had to be set up in a way that would not require complete consensus, because the US was not willing to commit herself to financial disadvantage over rapidly developing countries such as China (Newell & Paterson 2010: 27). The US and Australia were the only industrialised countries not to sign the Protocol. Russia was persuaded to join only after it received emission trading quotas that corresponded to its pre-collapse levels. In effect, Russia wasn't obliged to make any cuts to its emissions, but it was able to sign the Protocol.

### 3.1 Emissions Trading Scheme

The decade was marked by a neoliberal attitude focusing on growth and unlimited opportunities. When pushed to react to climate change, governments could use cost-benefit analysis to calculate the best options for pollution control, and rather than outright ban any substances or processes, “it would be better to use ‘market mechanisms’ to achieve environmental goals” (Newell & Paterson: 24). Following this line of thought it is easy to see why most countries have favoured emission trading schemes rather than environmental taxes. The main argument against taxes has been the prospect of relocation - ‘carbon leakage’- which means that the most polluting companies would use the exit option and move their production overseas to avoid taxation. Yet when the US first proposed emissions trading as the only viable solution in the UN negotiations in 1996, there was much resistance -not least from the US politicians and lobbyists (*ibid*, 27). In the end, emissions trading scheme came in effect, but it was inbuilt with just the amount of flexibility to be able to have become accepted in the Kyoto negotiations of 1997, although this was mainly due to intensive pressure by the US as the only means of keeping it aboard in the negotiations.

After the European Union decided to develop its own emission trading schemes while also taking part in the Kyoto process, emission trading business started to develop rapidly. The European Trading Scheme (ETS) started operating in 2005, and the initial idea had been to auction the emissions credits. As this proposal was turned down after intensive lobbying from the industry, the result was a system that let member states to set up their own national allocation plans (Giddens 2009: 198). Alongside states, many companies, banks, organisations and networks started their own co-operational projects trying to benefit from or get involved in the emissions trading scheme, and many of them are very significant actors still. These partnerships and organisations form a semi-official power network working behind any official trading negotiations. Newell and Paterson describe these networks “highly fluid, expanding and changing focus rapidly, aiming to get people act in ways that neither traditional regulation nor exhortation from governments can” (*ibid*, 31).

The emission trading system that emerged after the initial visions was the only way to get states to commit themselves. Because of the loose structure of the ETS, the effect on emissions has been very moderate and the beneficiaries have been for example those power companies that have been making profit by transferring the price of carbon credits to the consumers, while having initially gained it for free (Giddens 2009: 199). Currently the ETS is under scrutiny, and the most recent EU directive (2009/29/EC, *italics by the author*) states that

While experience gathered during the first trading period shows the potential of the Community scheme and the finalisation of national allocation plans for the second trading period will deliver significant emission reductions by 2012, *a review undertaken in 2007 has confirmed that a more harmonised emission trading system is imperative in order to better exploit the benefits of emission trading, to avoid distortions in the internal market and to facilitate the linking of emissions trading systems.*

The EU is currently aiming to establish a verification system for the individual emission reports and for the accreditation and supervision of verifiers. This could ensure a more equal distribution of emission allowances and help to reach the projected emission reductions. There is also another major change: from 2013 onwards, the main way of distributing the emission allowances is auctioning. The amount of free allowances will be decreasing gradually, so that in 2020 only 30% of the allowances will be free, and finally in 2027 all allowances will be auctioned (Directive 2009/29/EC). Auctioning will not be based solely on the basis of emissions, but there will also be a 10% quota distributed “for the purpose of solidarity and growth” (EU: Greenhouse Gas Emission Allowance Trading Scheme) and a 2% quota available for auction to those member states that had in 2005 cut down their emissions by 20% compared to their Kyoto Protocol base year. At least half of the profits from the auction have to be used on different measures for reducing greenhouse gases.

### 3.1 Clean Development Mechanism

The markets have been criticised of ‘carbon colonialism’, as wealthier consumers have been able to buy offsets for their emissions in the South. According to Newell and Paterson (2010:78), the founding father behind the modern policies for restrictions was Ted Hanisch. In 1991 Hanisch sketched a system where countries could jointly work to meet their obligations. Countries could invest in other countries’ projects or form joint project in order to meet their emission restriction targets. What was new in this system was the idea that it does not matter where geographically the emissions are taken from, but how much CO<sub>2</sub> has been saved globally. This idea was presented with applause in the UNFCCC meeting in 1992. Particularly the US representatives were very keen to explore this idea further, as the values of ‘flexibility’ and ‘cost-effectiveness’ were vital in order to sell this idea domestically. This idea of flexibility is behind the Clean Development Mechanism (CDM) and the Joint Implementation (JI). (*Ibid.*)

Hanisch’s idea was lucrative to the larger states because the system would enable them to pay for the emissions in a cheaper country while still gaining the same benefits to the environment. The developing countries were understandably cross about this idea, but they did not have much bargaining power because they had asserted that they would not pay anyway, since climate change had been caused by the developed states. Joint Implementation, where both parties would have to reduce emissions, would be out of the question for the developing countries.

The first time this idea was put to practise was at COP1 in Berlin, 1995. The pilot phase was called ‘Activities Implemented Jointly’ so that developing states would not get cross. The difference to JI was in the activities - targets were not the same to every state. Northern investors could set up projects with Southern states and both would benefit. Protesters said this was not responsible behaviour from the developed states but nevertheless it gained support from all the participant states. (*Ibid*, 80.)

At Kyoto in 1997, the AIJ system was developed further into a Joint Implementation process. Clean Development Mechanism came in effect as well and soon proved to be successful. Rich Northern countries, especially the USA, were worried about giving advantage to those rapidly developing countries that were not part of the KP. Southern

countries, on the other hand, started to see the benefits of CDM: cheap emission costs attracted new investors and might even result in new energy-saving projects. The Brazilians made a suggestion about a new, international compliance fund just before the Kyoto Conference. The Northern countries could direct the fines from failing to meet their obligations into projects and funds for adaptation in the developing countries. (*Ibid*, 81-3.)

It did not happen instantly, but over the years CDM became the main process of the KP. Countries that are funding projects of GHG emission reductions overseas get emissions credits (*ibid*. 83). One certified emission credit is the equivalent to one tonne of CO<sub>2</sub> (UNFCCC: What is the CDM). These credits, CERs, can be traded or sold. One major problem at the moment is that a very large number of the CDM projects go to rapidly developing countries such as India, China and Brazil. Many countries see these projects mainly as useful sources of foreign investment (Newel & Paterson 2010: 135).

Another problem with the CDMs is the quality of the project: it has been said that almost half of the claimed reductions might be a result of clever accounting tricks (Giddens 2009: 190). As the European Union especially needs the CDM venue in order to reach its emission reduction target, the mechanism is allowed to flourish (*ibid*.).

The aim of this section has been to demonstrate how the process of mitigation and adaptation has been seen both as an economic possibility and a threat from the beginning. The novel principle of saving the environment has always been vested into the economic realities. CDMs and ETS have given a clear way of calculating the costs and reporting the target sums of mitigation. The negotiations at the UNFCCC linger around economics all the time, because financing is the key to most mitigation acts. As the saying goes, there's no such thing as free lunch.

## 4 COPENHAGEN SUMMIT AS A FORUM FOR CLIMATE CHANGE NEGOTIATIONS

Copenhagen Summit was organised under the UNFCCC structure. In order to understand where the decisions were made and how much interaction, communication and bargaining between different bodies was possible, the structure of the summit is examined in detail.

### 4.1 Structure

The United Nations Framework Convention on Climate Change (*from now on referred as the UNFCCC*) has been organising negotiations since the Rio Summit in 1992. In the UNFCCC structure, participating states have been divided into two tracks for the purpose of environmental policy setting. There is the Annex I list, which includes all the countries that are industrialised - or in transition - *and* committed to reducing their emissions. Non-Annex I countries are mostly developing countries that have ratified to the UNFCCC but are not bound to mitigation. The division follows the principle of *common but differentiated responsibilities*, which takes notice of varying financial capabilities and historical contributions to the climate change (Luta et al. 2009: 3.)

The *Conference of the Parties* (COP) is the highest decision-making authority of the United Nations Framework Convention on Climate Change. The COP reviews the implementation of the UNFCCC. The COP meets every year, and these major meetings are preceded by negotiation meetings. The meeting in Copenhagen was the 15<sup>th</sup> meeting in this line of meetings, thus it went by the short name COP15.

Alongside COP15, the second major meeting of Copenhagen was the CMP 5, *meeting of the Parties to the Kyoto Protocol*. The COP and CMP sessions were to be held at the same time in order to reduce costs and to improve coordination between the Convention and the Protocol.<sup>3</sup>

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<sup>3</sup> A complete list of parties to the meeting can be found in <http://unfccc.int/resource/docs/2009/cmp5/eng/21.pdf>, (filing name FCCC/KP/CMP/2009/21), page 24.

There are two permanent subsidiary bodies to the COP. *Subsidiary Body for Implementation* (SBI) functions to offer recommendations on policy and implementation issues to the COP (and to other bodies, if requested) The SBI also reviews the financial assistance given to non-Annex I countries (to help them reach their commitments to the Convention). *Subsidiary Body for Scientific and Technological Advice* (SBSTA) forms a link between information and assessment provided by expert sources (IPCC as the most well-known example) and the COP, which focuses solely on policy setting. The SBSTA works on promoting the development of environmentally friendly technologies and on improving the technical side of national communications and emission inventories. (UN: Convention Bodies.)

The two tracks system is formed around the two working groups. The *Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol* (AWG-KP), held its 10<sup>th</sup> meeting in Copenhagen. This group was established by the group of countries committed to Kyoto Protocol in Montreal 2005 and its task was to consider new commitments for the Annex I parties after the expiration of Kyoto Protocol in 2012. (It is worth noting that the US is not part of this group because of its failure to ratify the Kyoto Protocol.)

The other track is AWG-LCA, *Ad Hoc Working Group for Long Term Cooperative Action under the Convention*. The eighth meeting of this group took place in Copenhagen, as its work on a strengthened international deal on climate change was to be concluded here. The group's task was to find a way to ensure long-term cooperation in mitigation, adaptation, technology development and transfer, and finance. All the 192 parties of the UNFCCC were included in this group, regardless of their participation or non-participation in the Kyoto Protocol.

The two tracks system is a key to understanding the problematic nature of the Summit. The AWG-KP functions on limiting emissions from developed (and rapidly developing) countries while the AWG-LCA focuses on the developing countries and their possible commitments to mitigation.



For practical reasons, as always in large meetings hosted by the UN, countries were divided into regional negotiating groups. In the COP/CMP, following groups were present:

Table 1: Regional negotiating groups.

<b>Group</b>	<b>Speaker Country</b>	<b>Description</b>
African Group	Ethiopia	53 members. A new group in COP/CMP - African countries have traditionally been represented through G-77.
Alliance of Small Island States	Grenada	AOSIS is a coalition of 43 members from low-lying and small island states, most of which are members of the G-77 as well.
European Union	Sweden	27 members in 2009. Speaker is the country holding EU Presidency at the time. It is worth noting that the EU does not have a separate vote from its members.
Group of 77 and China	Sudan	Originally founded in 1964 for UNCTAD, now functioning throughout the UN system. Diverse group; over 130 members. The Chair of the G-77 rotates every year.
Least Developed Countries	Lesotho	Group of 50 LDCs. This group has become increasingly active in recent negotiations.
Umbrella Group	Australia	A loose coalition of non-EU developed countries. Usually includes Australia, Canada Iceland, Japan, New Zealand, Norway, Russia, Ukraine and the US.

(UNFCCC 2009: Party Groupings.)

Another significant group was formed in the negotiations but it did not enjoy an official group status. The BASIC is short for Brazil, South Africa, India and China, known as the most powerful developing countries at the moment. These countries are part of the G-77 group, but in Copenhagen they cooperated together, in practise forming a group of its own, instead of remaining with the unstable G-77.

Besides the UN representatives and governments the COP15 meetings attract business, as well as nongovernmental and observer organizations. The Copenhagen Summit

attracted approximately 10,500 delegates and 13,500 observers.<sup>4</sup> (UNFCCC 2009: Party Groupings.)

## 4.2 Proceedings

To put it simply, the main goal of the Copenhagen Summit was to reach a legally binding agreement on a new climate treaty replacing the Kyoto Protocol, which was due to expire in 2012. There was also a general consensus that the base of participants to the new treaty should be wider than that of the Kyoto agreement, which did not bind any of the largest polluters such as China, India or the US. In order to analyse why things went pear-shaped, it is necessary to study the proceedings of the summary.

Large meetings hosted by the UN usually follow a certain structure of programme. In the opening session of the COP15, statements were given only on behalf of groups, thus saving time before the main squeeze (UNFCCC/CP/2009/1: 3.) After the official opening ceremony the plenary meetings started. In Copenhagen this meant that the two subsidiary bodies, the SBI and the SBSTA, started their sessions first, on Tuesday, in order to achieve a consensus before Saturday, when they would be asked to transmit their results to the COP or the CMP. The aim of the COP and CMP plenary meetings was to settle those key questions that were not part of the subsidiary bodies' agenda. This meant that the subsidiary bodies could only prepare their work in advance and then hand it forward, not knowing how much of it would be left after the high segment bargaining.

The two Ad Hoc Working Groups, AWG-KP and AWG-LCA, did not have the same pressure in terms of finalised solutions, because although they were expected to deliver solutions to the questions a couple of days before the high level segment, the structure allowed more flexibility and interaction by leaving the arrangements under review throughout the session.

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<sup>4</sup> For more information, see the United Nations Climate Change Conference in Copenhagen, 7-19 December 2009. [http://unfccc.int/meetings/cop\\_15/items/5257.php](http://unfccc.int/meetings/cop_15/items/5257.php)

The high level meeting was scheduled to the end of the two weeks. The nature of the meeting is illustrated well by the fact that each party to the high level segment was given a maximum time of three minutes for their speech. Statements on behalf of groups were recommended in order to save time. At the end of the common meeting of participants to COP and CMP, separate meetings were held for both meetings to discuss the decisions and conclusions that were to be made (*ibid.* & FCCC/CP/2009/1/Add.1: 2).



Before the Summit, Yvo de Boer, the Executive Secretary of the UN Climate Change Secretariat, stated four essential questions that needed to receive answers in the COP15. Firstly, it was necessary to know how much the industrialized countries were willing to reduce their emissions of greenhouse gases. Secondly was the question of the amount of action the major developing countries such as China and India were willing to take in order to limit the growth of their emissions. Thirdly, how was the help needed by developing countries to engage in reducing their emissions and adapting to the impacts of climate change going to be financed? And finally, how was that money going to be managed? (Deloitte 2009: 4.)

The final outcome, the Copenhagen Accord, did not give many answers, because it was not a binding agreement. The Accord states that the countries *emphasise* their strong political will to urgently combat climate change, that they *recognise* the scientific view that the increase in global temperature should be less than 2 degrees, *agree* that deep cuts in emissions are needed according to science and feel the need to cooperate in achieving the peaking of emissions as soon as possible, while

recognizing that the time frame for peaking will be longer in developing countries and bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-emission development strategy is indispensable to sustainable development (Draft Decision CP.15).

With this kind of an end to the summit, one is entitled to ask, what happened to the ambitions?

## **5 SUMMARIES OF THE WORK OF THE NEGOTIATION GROUPS**

Shortly after the Copenhagen Summit Richard Black, the environment correspondent for BBC News, wrote a column about the reasons behind the failure of the convention. Of the eight reasons Black mentions, six were based on badly performed individual or collective action (instead of structural issues). Black (22.12.2009) blamed the US and the BASIC countries for preferring agreements that are not legally binding, Barack Obama for trying to step up as the mediator although his stance in domestic politics was not yet strong enough, the Danish Government for procedurally ruining the summit because of dividing the countries into more and less important ones *and* for hurrying things all along, the decision of the US media team for trying to speed things up at the crucial moment, the European Union for deciding to accept the accord even though it was not what they had been campaigning for, and all the campaigners for being directed towards the wrong countries.

The rest of the reasons for failure, according to Black, included the US political system with its checks and balances, making the US leader mercy of the Congress, and the weather, which apparently showed no signs of global warming at the time! These points were educated guesses of a journalist, but they sum up fairly well the scale of the problems at the Copenhagen Summit. This section is dedicated to going through the summit proceedings one by one, examining how different meetings were related to each others and what specific issues were compromised and why. The evaluation of the working groups will continue in the following chapter, where the most interesting disputes and compromises are discussed in depth.

## 5.1 SBI

Subsidiary Body for Implementation held its 31<sup>st</sup> meeting in Copenhagen. On the provisional agenda of this body were the following issues: to take note of the national greenhouse gas inventory data from Annex I parties and of the status report of the fourth review of communications, to review the financial mechanism of the Convention, the assessment of the Special Climate Change Fund, to consider the draft decision on further actions on the implementation of the decision 1/CP.10<sup>5</sup>, to assess and discuss development and transfer of technologies, to discuss capacity-building under both the Convention and the Kyoto Protocol, to discuss further the possibility of adverse effects (based on Kyoto Protocol, Article 3, paragraph 14), to take note of the report of the administrator of the international transaction log under the Kyoto Protocol and to take note of the annual compilation and accounting report for the Annex B parties. The SBI was also to look at the draft decisions on administrative and financial matters to be recommended for adoption by the COP 15 and CMP 5. (FCCC/SBI/2009/9.)

The opening speeches in this body were given by representatives of each negotiating group. Each group stressed what they thought was most important. To the Umbrella Group, the most important task was to make sure that the COP and CMP would receive overall high quality reporting of inventories, policies and measures. The EU group suggested giving priority to the fourth review of the financial mechanism under the SBI. The Environmental Integrity Group played down SBI's importance in aiding the Summit to achieve a deal but stressed that methodological and technical details would be valued later. The LDCs naturally stressed the LDC work programme, while G-77/China expressed concern on the lack of progress on capacity building under the Convention and wished to draw attention to financial and technical constraints related to non-Annex I communications. The AOSIS called for progress on agenda items facilitating adaptation of small island states<sup>6</sup> to climate change. The African Group stressed the importance of predictable and sustainable funding from public sources. (ENB vol. 12 Number 450.)

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<sup>5</sup> Buenos Aires programme of work on adaptation and response measures.

<sup>6</sup> Most SIDS are remote, small in land area and population (less than 1.5 million), with a very narrow resource base and fragile land and marine ecosystems that are highly vulnerable to natural disasters. Their economies are open and heavily dependent on trade for national income. (*UN definition.*)

One of the key issues in SBI was reviewing the financial mechanism. The LDC group stressed again the importance of funding and expressed dissatisfaction with the implementation of the LDC programme. China pointed out that developed countries should be more involved in contributing to the fifth replenishment. The Global Environmental Facility<sup>7</sup> raised discussion. Algeria said that the GEF reforms were inadequate and that there was urgent need to strengthen priorities for beneficiaries. Syria, alongside a number of African countries, opposed the co-financing requirement as too burdensome for LDCs.

The SBI also received an oral report by the Chair of the Least Developed Countries Expert Group on national adaptation programmes of action, the GEF received praise for support for the preparation and implementation of National Adaptation Programmes of Actions<sup>8</sup>. The SBI produced a paper indicating a need for financial resources for the full implementation of priorities identified in NAPAs for at least USD 1.93 billion.

With the busy schedule, many of the less urgent items on the SBI agenda were either delegated to smaller working groups to discuss or left to the forthcoming 32<sup>nd</sup> meeting of the SBI. The budgetary needs of the SBI decisions did not exceed the programme budget for 2010-11. In total, the SBI followed the programme in a predicted manner.

## 5.2 SBSTA

The Subsidiary Body for Scientific and Technological Advice conjures in conjunction with the SBI. These two bodies sometimes work together on some issues that require the expertise of both the bodies. In Copenhagen, the SBSTA was to take note of the Nairobi work programme on impacts, vulnerability and adaptation to climate change, to work on the Expert Group on Technology Transfer (*EGTT*) by studying the final report on performance indicators and deciding on the future work of the group, to assess the

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<sup>7</sup> As an operating entity of the financial mechanism of the UNFCCC, the GEF provides financing to country-driven projects consistent with guidance approved by the Conference of the Parties on policies, program priorities, and eligibility criteria. (*UN definition.*)

<sup>8</sup> National adaptation programmes of action provide a process for LDCs to identify priority activities that respond to their urgent and immediate needs to adapt to climate change – those for which further delay would increase vulnerability and/or costs at a later stage. (*UN definition.*)

work on reducing emissions from deforestation in developing countries (*REDD*)<sup>9</sup>, to assess research and systematic observation, to take note of the annual report on the technical review of greenhouse gas inventories from Annex I countries, to consider carbon dioxide capture and storage (CCS) in geological formations as Clean Development Mechanism (CDM) project activities, and finally, to consider matters relating to Article 2, paragraph 3 of the Kyoto Protocol. (FCCC/SBSTA/2009/4.)

The opening statements were an indication of what regional groups wanted to place priority on. Sudan, speaking on behalf of the G-77, accentuated the value of work done in implementing the Nairobi Work Programme. Sudan also supported the Third World Climate Conference statement for strengthening the Global Climate Observing System. The AOSIS countries urged the SBSTA to prepare a draft decision for COP on REDD and REDD+. Australia, on behalf of the Umbrella Group, also wished to prioritise REDD as well as carbon dioxide capture and storage under the CDM. The EU and various other countries wished to prioritise REDD. (ENB vol. 12 Number 450.)

Quite a few of the issues on the programme were transferred to be discussed in the next SBSTA meeting. This was because it was agreed that there should be no additional pressure on the COP in terms of schedule (SVL 2009: 16). One of the issues raising more discussion was REDD, although the Chair was compelled to remind the participants that policy-related aspects were to be discussed under the AWG-LCA, and the SBSTA was to concentrate on the technical details. One of the non-country participants of the meeting was Collaborative Partnership on Forests, who, speaking on behalf of the World Forestry Congress, reminded the meeting that bare net deforestation rates would not reflect the actual change on carbon stocks. The discussions were continued in a contact group.

When reviewing the Annex I countries greenhouse gas inventories, the meeting observed some problems with the roster of experts used for the inventories. This issue was also brought up in the COP meeting later on. The SBSTA took note of the report. (*Ibid.*)

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<sup>9</sup> Reducing Emissions from Deforestation and Forest Degradation is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. (*UN definition.*)

Carbon capture and storage in geological formations as part of a Clean Development Mechanism (*CDM*) raised discussion. There had previously been disagreements about this, and the 31<sup>st</sup> SBSTA was no exception. Saudi-Arabia, Norway, the EU and Japan were amongst those countries that supported CCS under the CDM, but for example Venezuela, Brazil and Paraguay were very critical about the system. The decision to postpone the issue to the 32<sup>nd</sup> meeting did not come by surprise to any of the participants. (ENB vol. 12 Number 450 & SVL 2009: 17.)

### 5.3 AWG-LCA 8

The Ad Hoc Working Group for Long-Term Cooperative Action was one of the key forums in the Copenhagen Summit. The AWG-LCA was founded in Bali in 2007, when the COP wished to dedicate a specific working group focusing on the implementation of the Convention through long-term cooperative action. The work of the group was to be completed at the 15<sup>th</sup> session of the COP at Copenhagen.<sup>10</sup>

The AWG-LCA group had convened twice during the autumn leading up to Copenhagen, first in Bangkok in September and then in Barcelona in November. The main purpose of these meetings was to prepare a set of documents that would offer a solid starting point for the negotiations at the Copenhagen Summit. The purpose of the new draft was disputed - one of the main demands of the LDCs was to continue with the Kyoto Protocol and not replace it with a new one or merge it with a new agreement (Mosisili 2009). Some other countries were willing to consider the formation of a new agreement in which the AWG-LCA draft would serve as the basis. Disputes about the nature of the AWG-LCA paper went on throughout the summit.

The AWG-LCA 7 had prepared two so-called non-papers. The non-paper No. 33, prepared in Bangkok, was clearly more in favour of the developing states. The non-paper stated that due to their historical responsibility, developed countries must show

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<sup>10</sup> At its fifteenth session, the COP, by its decision 1/CP.15, extended the mandate of the AWG-LCA to enable it to continue its work with a view to presenting the outcome of its work to the COP for adoption at its sixteenth session.



leadership in the global effort. The responsibility of the developing states was linked directly to the funding from the developed states:

Recognizing that, led by developed country Parties, this transition is needed by all the Parties. As there is still no model a concrete roadmap for low-emission development, especially for developing country Parties, is urgently needed. All countries will need to develop comprehensive climate response strategies, in line with their individual responsibilities and capabilities that achieve an emission trajectory to a low-emission economy. Those developing countries that were and are low-emission economies *need sufficient financial incentives and appropriate technology transfer* to keep avoiding greenhouse gas (GHG) emissions in their path to sustainable development and to prevent adopting the high GHG emission trajectories of developed countries and *global crises, such as the financial crisis, should not constitute an obstacle to the provision of financial and technical assistance* to developing countries. (FCCC/AWGLCA/2009/14, *italics added.*)<sup>11</sup>

The non-paper No. 43, prepared in Barcelona, was more inclined towards the Kyoto Protocol as “the ultimate objective of the Convention” (*ibid*). The responsibilities of the developing countries were not much more specific than in the previous non-paper, but the wording allowed for the tightening of mitigation responsibilities of the developing countries in the case of larger contributions by the developed countries:

Acknowledging that developing countries are already contributing to a global mitigation effort in accordance with the Convention. *Developing country Parties could enhance mitigation action if developed country Parties make even deeper cuts in their own domestic emissions and provide adequate means of implementation.* National circumstances, including mitigation potential, environmental, social and economic conditions and other relevant factors as well as the constant evolution of scientific knowledge relating to climate change shall further be taken into account. (*Ibid, italics added.*)

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<sup>11</sup> The alternative wordings suggested by different participants were more ambitious. For example, alternative 5 stated that “[T]he difference between the assigned total amounts of Annex I Parties and their actual domestic amounts of GHG emissions shall be quantified as an increase in their emissions debt and shall provide the basis of fulfillment by Annex I Parties of their commitments to provide financing, technology and compensation to developing countries for mitigating and adapting to climate change. In light of a shared vision based on historic responsibility/debt Annex I Parties shall provide new and additional financial resources to meet the full costs incurred by developing country Parties of meeting their commitments, towards the full, effective and sustained implementation of the Convention” (FCCC/AWGLCA/2009/14).

The two non-papers drafted in Bangkok and Barcelona formed the basis on what the work of the AWG-LCA continued in Copenhagen. At the Summit discussion continued about whether to use the non-paper No. 33 or the non-paper No. 43 as the basis. Some parties also criticised the wording of the papers, claiming that their preferred options were not reflected in them at all (ENB vol. 12 Number 450).

In Copenhagen, the AWG-LCA had eight working days in which to bring out a plan for long-term cooperative action. The task was to find draft proposals to the following issues under the long-term cooperative action plan: a shared vision for long-term cooperative action, enhanced national/international action on mitigation of climate change, enhanced action on adaptation, enhanced action on technology development and transfer to support action on mitigation and adaptation, enhanced action on the provision on financial resources and investment to support action on mitigation and adaptation and technology cooperation. (FCCC/AWGLCA/2009/17.) Because of the work done in Bangkok and Barcelona, the working group was able to have confidence in reaching final texts in the areas of shared vision, adaptation, technology development and transfer and capacity building. Financial resources and investment was perceived to be an area where perhaps more work was needed. (FCCC/AWGLCA/2009/16.)

The working group divided the issues into nine drafting groups, each covering one issue on the programme. Issues outside the drafting groups, such as mitigation by developed countries, market-based mechanisms and maritime and aviation emissions, were commented on individually. (ENB vol. 12 Number 450.) The working groups were to draft texts based on the Bali Action Plan, and the previously drafted compilation of texts (the non-papers from the 7<sup>th</sup> AWG-LCA meeting) were to work as a starting point. However, this did not simplify the negotiations very much, because there were still differing opinions on which of the non-papers served a better starting point.

Especially the working group on shared vision suffered of the disputes on which of the non-papers would serve as a better starting point for the final draft (SVL 2009: 10). In addition, not all participants were content with the division of the AWG-LCA into smaller drafting groups. The G-77/China, Bolivia and Algeria “expressed concern with the proliferation of groups” (ENB vol. 12 Number 450), and Egypt and Venezuela

stressed that the aim should be to reach a common outcome in one process, not multiple separate processes and thus multiple outcomes (*ibid.*).

Mitigation was one of the key issues. The discussion on mitigation was very tangled up because the possible procedures would depend on the suggestions of the AWG-KP 10<sup>12</sup>. The expectations on the work of the AWG-KP influenced very strongly different countries' takes on mitigation. Conversation within the developing countries lingered around Nationally Appropriate Mitigation Actions (*NAMAs*). The role of low-carbon emission strategies in relation to *NAMAs* raised discussion. The *NAMAs* have been perceived as voluntary and bottom-up ways of enhancing mitigation and many developing countries were expressing doubts that adding conditions to the *NAMAs* would not help developing countries in their mitigation efforts (TWN 10). Once again the idea of shared but differentiated responsibilities was brought up as the developing countries voiced opinions that due to the (limitless) way the developed states have been able to develop, most of the mitigation work done by developing states should be voluntary in nature and heavily supported by the developed nations.

The work of the AWG-LCA on mitigation was based on the Bali Action Plan and therefore most of the disputes in the working group concerned the nature of the countries different BAP paragraphs applied to. One example was the purpose of the sub-paragraph 1(b)(i) of the BAP, which requires

Measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including quantified emission limitation and reduction objectives, by all developed country Parties, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances adaptation (FCCC/CP/2007/6/Add.1: 3).

Countries disagreed on whether this applied to developed countries or to all Annex I countries that were not Protocol countries (ENB Vol.12 No. 452). The disagreement had to do with the countries' opinions towards the legal nature of the draft – those supporting the continuation of the Kyoto Protocol did not wish to signal that “the text prejudices the legal form of the outcome” (*ibid.*).

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<sup>12</sup> Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.

Work on technology development and transfer started on the basis of the non-paper drafted in Barcelona. Priorities in this segment were deciding on the structure of the technology mechanism and what it would consist of. The purpose was to discuss the actions that would enhance technology transfer, financing and capacity building. (SVL 2009: 12.)

Finance was definitely one of the key issues in Copenhagen. The AWG-LCA could not decide on the level of finance because that would be a matter of political decision-making and thus the responsibility of the COP/CMP, but the working group was to discuss the need for a governing body between the COP and the financial instruments and to discuss whether a whole new fund would be required (SVL 2009: 13). It was common knowledge that this would raise differing opinions. China and India were known to support the creation of a new financial mechanism under the authority of the COP, Japan has expressed interest in a financial entity under the World Bank and the US was known to support the current financial entity, the GEF<sup>13</sup>, under the control of the COP, and was known to rely on the EU for high-level support (Luta et al. 2009).

The African Group stated their opinions in a proposal submitted for the AWG-LCA. The group suggested that the financial mechanism should work under the COP. In its submission the group stated that the financial commitments of the developed countries have not been met and that the developed states should provide “*substantial, new, additional, adequate, predictable and sustained public funding additional to and different from the ODA [Official Development Assistance]*” (FCCC/AWGLCA/2009/MISC.8: 10).

The AOSIS countries were also willing to establish a new climate fund that would function under the COP. In their proposal the AOSIS countries made a strong commitment to the continuation of the Kyoto Protocol (which would be renewed under the name of Copenhagen Protocol). The AOSIS also stressed that funding to the new

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<sup>13</sup> The Global Environment Facility was established in October 1991 as a \$1 billion pilot program in the World Bank to assist in the protection of the global environment and to promote environmental sustainable development. In 1994, at the Rio Earth Summit, the GEF was restructured and moved out of the World Bank system to become a permanent, separate institution. As part of the restructuring, the GEF was entrusted to become the financial mechanism for both the UN Convention on Biological Diversity and the UN Framework Convention on Climate Change. ([www.thgef.org/gef/whatisgef](http://www.thgef.org/gef/whatisgef))

climate fund should not be taken out of ODA. One way of funding would be penalties or fines imposed on developed countries as a consequence of non-compliance to emission reduction and financial support commitments. (FCCC/AWGLCA/2009/MISC.8: 31.)

On Friday 11<sup>th</sup> December, the fifth day of the Summit, the AG-LCA published the first draft version of the proposal. The Chair of the group tried to make it clear that the draft did not direct the Summit towards any particular kind of legal form, but the draft was formed in a way that seemed to form a core to the COP decision. The proponents for a legally binding deal were not entirely satisfied with the published draft, but at the same time, even a draft for a COP decision seemed to be enough for many participants, given the evident disagreements about the nature of the forthcoming post-Kyoto proposal. (ENB Vol.12 No. 453.)

Another problem came in the form of ministerial negotiations. Some of the AWG-LCA drafting groups started to feel like they were given only a secondary status as it became evident that Ministerial consultations would deal with the exact same issues as the drafting groups. The drafting group on shared vision was *de facto* asked to stop discussing the key issues for long-term emission reduction and trade protection, as the issues would be dealt by the Ministerial consultations (TWN 16).

The developing countries were not keen on handing out many of the difficult issues to the ministerial level. The African Group and the LDCs requested suspending all the work of AWG-LCA because of these worries. The group did not manage to produce a solid paper for the COP/CMP, only a very highly bracketed (and disputed) draft.

#### 5.4 AWG-KP 10

The Ad Hoc Working Group on Further Commitments for Annex I Countries under the Kyoto Protocol held its 10<sup>th</sup> meeting in Copenhagen. The mandate of the group was to develop a proposal for amending the Protocol and also to define emission reduction commitments for the post-Kyoto period from 2012 onwards. The group was to analyse the means of reaching emission reduction targets, to consider relevant methodological

issues, to consider possible effects on environment, economy and social relations of the potential tools, policies, measures and methodologies available to Annex I countries and to consider further commitments by Annex I countries. (FCCC/KP/AWG/2009/15.)

The group's work was known to be difficult to manage because of the tension between some of the developed countries, who had expressed wishes to abandon the KP altogether, and most of the developing countries, who were regarding the KP vital to the climate change policy setting. In the previous AWG-KP meeting in Barcelona, the African group had first refused to negotiate on other issues until the issue of emission reduction targets had been resolved (TWN 4).

The opening statements reflected once again the policy preferences of the regional groups. The G-77 expressed strongly that the Kyoto Protocol should be continued on the second period. Instead of Annex I countries developing different, non-binding mechanisms, they should commit to the Protocol more vigorously *and* simultaneously prepare for the potential consequences of these policies to the developing countries. (ENB Vol.12 No. 449.)

The African Group had not altered the group's view on the issue since the previous meeting. The African Group "expressed serious concerns with the lack of progress" (*ibid.*) in the process and opposed renegotiating the UNFCCC. The group also requested a transparent high level segment, perhaps sensing the willingness of some countries to resort to private negotiations if negotiations would not proceed otherwise. Saudi Arabia expressed concern over countries relying on the export of fossil fuels and expressed clearly that it was not ready to accelerate the proceedings on some issues while postponing others. Lesotho, speaking on behalf of the LDCs, supported the continuation of the two-track process. Lesotho reminded the group that the Kyoto Protocol is the only forum addressing GHG emission reductions, and hence the termination of the Protocol would bring an end to binding emission reductions obligations (TWN 4).

The AOSIS group stressed the urgency of the situation, stating the need to seriously consider their options if a legally binding agreement would not be reached. The AOSIS also emphasised that the most important task of CMP was to reaffirm the central importance of the Kyoto Protocol. Lesotho, chairing for the African Group, also

reminded the audience that the required levels of reductions were set too low and that they should be stricter and could be as well, in terms of current technological and economic situation. (TWN 4 & ENB Vol.12 No.449.)

Australia, speaking on behalf of the Umbrella group, affirmed that all the group members were willing to commit to legally binding targets. Australia also made it clear that the Umbrella group's preferred outcome was a single new legally binding treaty and that broad participation was essential in any possible outcome. (TWN 4.) The EU, chaired by Sweden, stated that a more comprehensive and inclusive agreement was required. The EU announced that it was willing to maintain its commitments under the Kyoto Protocol. The EU also proposed that Annex I countries should cut down their emissions by 30%, a level in which the EU was willing to commit if the other developed countries do their share and if the developing countries also commit to legally binding emission reductions. (*Ibid.*) The new agreement should be based in the Kyoto Protocol but all the non-Kyoto Annex I countries should participate in it. Therefore agreement on required numbers should receive much importance, especially when negotiating work had to be done across two tracks (AWG-LCA and AWG-KP).

The work of the AWG-KP was divided into four groups. One group was to work on Annex I emission reductions, one on other issues; third group was to discuss potential consequences, fourth group was to meet if requested by other groups in order to discuss legal matters. These groups were to focus on preparing draft Protocol amendments and COP/CMP decisions, and if this was not possible for some reason, at least the resulting text should have a limited number of clearly defined options for the ministers to choose from (ENB Vol.12 No.449).

Because of the deadlock at the AWG-LCA, all the other groups of the AWG-KP were unable to continue apart from the group focusing on Annex I Parties' further emission reductions. Developing countries requested more attention to the issues at the AWG-KP, fearing that Kyoto Protocol would be wiped out altogether at the ministerial level. (ENB Vol.12 No. 455.) In the end, no draft agreement was finished because of the inability to work properly.

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## 6 DIFFICULTIES ON PAPER AND IN REAL LIFE

Working groups in the Copenhagen Summit got to realise the problematic nature of the UNFCCC structure very soon. The combination of two tracks, two subsidiary bodies and a high-level segment in the end ensures that decisions cannot be very easily made and the division of power may be intricate. The aims of the negotiators may be towards domestic well-being, but the implications of the actions concern a wider group of people. David Held (1995: 17) deems the idea of a quasi-supranational community governing itself “deeply problematic”. Held (*ibid*, 18) notes that when dealing with global matters, the decision-makers may not be regarded accountable only to the community bounded by the territorial boundaries, but possibly to a wider audience. This is evident in the implications of one state’s decision not to take mitigation measures: consequences are felt not only in the subject state but also in all the states that are suffering from climate change.

One of the major problems of Copenhagen Summit was the way states conditioned their promises – state A gave a proposition that would only apply if state B would comply too, but state B was part of a group X that could not agree on the wording of their proposition because of state C, and therefore B could not comply and A’s proposition would not work. One of the major obstacles was the dispute between China and the US. The US refused to agree to a deal where China would not be set under stricter observation (Kirkup & Gray 2009).

China has benefitted from its rapid economic growth since the drafting of Kyoto Protocol and now it should be considered fully responsible for doing its share in the negotiations. US domestic pressure heavily restricted the way the US representatives could bargain: US Senator John Kerry admitted that “[t]o pass a bill, we must be able to assure a senator from Ohio that steel workers in his state won’t lose their jobs to India and China because those countries are not participating in a way that is measurable, reportable and verifiable” (*ibid*). While the US representatives were bound by domestic pressure, China did not show any signs of weakness. Wen Jiabao (2009: 3) explained the Chinese policy in his speech in the High Level Segment:



China has a 1.3 billion population and its per capita GDP has only exceeded US \$3,000. According to the UN standards, we still have 150 million people living below the poverty line and we therefore face the arduous task of developing the economy and improving people's livelihood. China is now at an important stage of accelerated industrialization and urbanization, and, given the predominant role of coal in our energy mix, we are confronted with a special difficulty in emission reduction.

Knowing that China was viewed critically because of its rapidly growing levels of emissions, Jiabao used strong rhetoric to appeal to the other developing countries for support:

Developed countries account for 80 % of the total global carbon dioxide emissions since the Industrial Revolution over 200 years ago. (...) It is totally unjustified to ask [developing countries] to undertake emission reduction targets beyond their due obligations and capabilities in disregard of historical responsibilities, per capita emissions and different levels of development. Developed countries, which are already leading an affluent life, still maintain a level of per capita emissions that is far higher than that of developing countries, and most of their emissions are attributed to consumption (2009: 4-5).

As an outcome, both China and the US had an opportunity to show that they wouldn't give in under pressure. Domestic points were surely scored because of these statements, but this was bad news for the rest of the Summit.

Another example of bad bargaining was the practical work of the two tracks, AWG-KP and AWG-LCA. The negotiators of the AWG-KP track were reluctant to get anything down on paper before they knew what had been promised by the developing countries in the AWG-LCA track (Dimitrov 2010: 800). As discussed in chapter 5.4, there were many significant disagreements in the AWG-LCA concerning the role of the developing states in the requirements for the parties. Many of the parties felt that their suggestions were given less significance because of the division into smaller working groups. The nature of the AWG-LCA was such that without solid suggestions the work of the track would be rather useless, so the pressure to get results must have been high. Finally the track managed to produce a proposition for a draft for the COP, but the wording was vague and the proposition pointed towards something similar to Kyoto Protocol, which was not what the AWG-KP had been hoping for.

Radoslav Dimitrov, an Associate Professor of Political Science, a regular government delegate for Bulgaria at environmental negotiations and a UN rapporteur for Environmental News Bulletin (ENB), has written a detailed analysis of the problems of the Copenhagen Summit from the insider point of view. Dimitrov describes the large gap between outsider expectations and insider realism. According to Dimitrov (2010: 806), the idea of a binding agreement was put aside in November 2009 at Barcelona, when it became clear that there would not be enough progress to reach a treaty by December. The Chair of the AWG-LCA had decided to aim for a core decision that would give something solid to the following negotiations. This was not what the AOSIS and developing states had expected, and the rhetoric they used in the beginning of the Summit had suggested that they were desperate to be heard out. However, in the speech Mohamed Nasheed gave at the AOSIS Climate Change Summit, realism was present.

“To avert the disasters that we are going to face, we need to be able to come out with a solution or come out with an agreement in Copenhagen. *Now, that is becoming very very difficult, especially when a number of countries feel that reducing emission would be reducing or decelerating their development activities.* We feel that we may be able to find other ways and means of narrating the story and more imaginative ways of putting the message across. (...) We also feel that in this whole argument of climate change, *even if countries are unable to come out with an agreement,* we can request countries for us to be given an additional arrangement where small nations, more vulnerable nations are able to have adaptation measures that would fit to our own needs. We didn’t do any of these things but we are now having to face the difficulties and the disadvantages arising from that.” (Nasheed 2009, *italics added.*)

The desperation was starting to echo in Nasheed’s speech at this point, but worse was yet to come.

## 6.1 Deadlock

Within days of the beginning of the Copenhagen Summit it was clear that progress was not going to come easily. The AOSIS and some Latin American countries decided to publicly call for a binding agreement that would impose strict obligations to developing countries as well as Annex-I countries (Dimitrov 2010: 807). A new proposal, originally drafted and submitted six months in advance as required, called for stricter emission

limits and requested to keep the temperature rise at 1.5 degrees<sup>14</sup> (FCCC/CP/2009/4). The proposal also suggested that all developed countries undertake mitigation commitments that are verifiable (*ibid*). Tuvalu demanded for the negotiations to be suspended until the new proposition was read and considered by the Summit.

While Tuvalu got support from the Island states and some developing states, many other developing states, such as China, India, Saudi Arabia and South Africa opposed it because of the stricter emission limits (Vidal 2009). According to Dimitrov (2009: 807), other delegations and presiding chairpersons were reluctant or even dismissive in response. When one country brought the Tuvalu proposition up in AWG-LCA Plenary, accusing the Chair of being the only person who had not read the proposal, the response of the Chairperson, Michael Zammit-Cutajar, had been this: “Tonight when I go to bed, I will take the proposal with me for bedtime reading.” Later the Tuvalu delegation was forced to walk out of the negotiations when it became evident that the talks would continue without any changes to the program (Black 9.12.2009).

Although Tuvalu’s proposal was not given time in the negotiations, the pledge to receive financial aid was heard. On the first week the EU Council announced that it was ready to give 2.4 billion per year for funding (Dimitrov 2010: 807). By the second week, Canada, Japan, Norway, Russia and USA had followed suit. However, the developing countries were not as enthusiastic as may have been expected. They were adamant in reminding the developed countries that the main issue was survival, not money (*ibid*).

When the developed countries expressed concern over China, there was neither carrot nor stick to use. China wanted to remain in its developing state status and it was not in need of financial aid if that was attached to strict conditions. And if China could not be persuaded to cut down emissions according to the proposed agreement, the US would not be able to take part either. If the US would not take part, many rapidly developing nations would also deem the agreement a failure and would not want to participate. Without China and USA in the group, the other developed parties would be left to deal

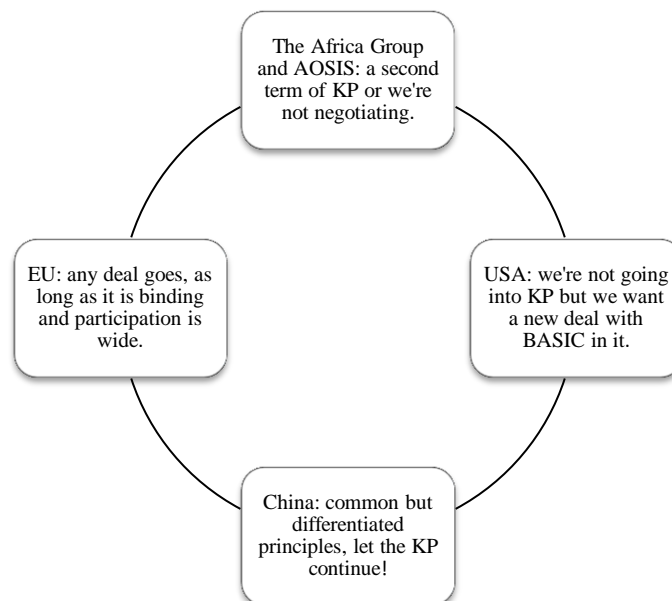
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<sup>14</sup> “Actions taken within this Protocol shall play a significant role in ensuring that global greenhouse gas concentrations in the atmosphere must be stabilized as far below 350 parts per million of carbon dioxide equivalent as possible, with temperature increases limited to as far below 1.5 degrees celsius above pre-industrial levels as possible.” FCCC/CP/2009/4.

with an impossible situation of trying to slow down climate change without the biggest polluters.

The developing countries made it clear over and over again that Kyoto Protocol was a good starting point and that the aim of the meeting should be to negotiate stricter terms for a second commitment period of KP. When the ministerial level started, the Africa Group announced that they would not participate until they would be certain that a second period of Kyoto Protocol was still the aim (TWN 14).

While developing countries were still using all their diplomatic resources to ensure a second term for KP, developed countries tried to soften the blow with promises of financial aid. It was clear that the US would not commit itself to KP but would seek to form a new agreement that would encompass all of the biggest polluters (such as China). Annex-I states were aware of this and therefore tried to ensure that a new but equally binding agreements would be formed. However, wider participation would require lesser emission limits, because in line with the idea of “common but differentiated responsibilities”, China and other rapidly developing countries would not commit to anything that would significantly weaken the growth of their industries. Thereby the possibility of another term of KP was wiped out of the negotiating board and this was a bitter result for the developing countries. A deadlock was the natural consequence.



Power is not always inbuilt. As was the case with the Tuvalu Proposal, smaller countries can rebel if necessary. Unfortunately the chances of achieving a result are quite narrow, if no significant actors are involved. Tuvalu had no powerful allies so it had to try to raise attention by refusing to continue the negotiations until its voice was heard. Tuvalu could do this because it is a tiny state and has nothing to lose by protesting. It turned out that Tuvalu got the sympathy of other AOSIS countries and the protesters but was unable to influence other states.

## 6.2 The grand finale

There were not many possible ways out of the deadlock. When the ministerial level arrived in Copenhagen in the end of the second week, the situation was still a mess. There was no draft to work on because the texts AWG-LCA and AGW-KP had managed to produce were so heavily bracketed that the actual content of the text was still to be negotiated (Dimitrov 2010: 808). The Danish hosts saw no other way out than to gather the representatives from the countries they deemed most important into a group and to persuade these key players to negotiate with their regional groups for a compromise solution. (*Ibid*, 809.) In terms of democracy this was a bad idea and so thought most of the developing countries, who feared that this would be again just a way to play out the smaller participants. The struggle between democratic ideals and pragmatism was rather unexpected because the principle of consensus is at the heart of the UNFCCC procedures.

After some time, it became evident that regardless of the idealism, the Danish Chair and the chosen countries were already going ahead with the new plan. “The Friends of the Chair” group consisted of 29 countries and involved mostly heads of state. The Chair, Danish Prime Minister Rasmussen, never officially let it out who the members of this group were, which raised suspicions about the transparency of the process. While “friends of the chair” convened, all other delegations were left to spend their time in whichever way suitable, because all the other negotiations were suspended. (*Ibid*.) A hard day’s night followed. As accounted by Dimitrov (2010: 809): “Pens in hand, 25

prime ministers and presidents were crafting a text themselves, something rare in diplomacy since Churchill's famous scribble on a napkin in Yalta (...)."

Transparency may have been pushed aside but some results were achieved with the new method. These smaller groups managed to draft three versions of the final accord, each vaguer than the previous. The final draft version was so general that it would have to suit everyone. The goal of maximum temperature rise was 2 Celsius. (*Ibid.*) This meant that in terms of mitigation, the draft was not worth much. It was not based on the texts drafted by the working groups and the significance of the paper was merely superficial: the heads of states had managed to save their faces by managing to produce a paper. To masquerade the diplomatic failure, Barack Obama, David Cameron and Kevin Rudd each gave press conferences about a new agreement as soon as the private negotiations were over. This caused a stir because the COP had not adopted the text yet and many delegations had not even officially heard of this paper yet (Dimitrov 2010: 810 and TWN 23.)

An informal high-level meeting was held before the final Plenary meeting. The speakers of this meeting had been chosen beforehand, but the Presidents of Venezuela and Bolivia asked to speak as well. They very strongly rejected the way developing countries were pressurised to agree to adopt the Accord. Chavez stated that "[t]his move lacked transparency. No one can slip a document through the door or try to do something in a fraudulent way." (TWN 22.) Chavez "categorically rejected any document which was "cooked-up" and announced he and President Morales were leaving the Conference, and stressed that their officials will reject any such documents produced" (*ibid.*). The Presidents got many responses from developed states but already it was clear that the Plenary would not act as a rubber stamp on this draft agreement.

Because of the way the Accord was formed and because of the disappointing content of the paper, the Conference Plenary was very much divided over the issue. The Plenary started in the middle of the night and many delegates were still unaware of the bargaining that had been going on earlier in the day (TWN 23). When the Chair announced that an Accord had been drafted by the chosen few and now the plenary would be suspended for an hour for the delegates to get to know the text, things turned dramatic. Many countries wanted to abandon the Accord altogether because of the non-

existent transparency in the brief drafting process. However, there were many countries that wished to proceed and saw this as the only means to do so. (ENB vol. 12 Number 459.) As the UN process is based on consensus, opposition from some participants would mean that the Convention could not adopt the Accord.

Tuvalu was still outraged at the way it had been treated earlier and therefore it did not come as a surprise that it was the first country to reject the Accord. Many other developing countries expressed their outrage as well. The representative of Sudan compared the accord to the Holocaust: “it condemns and turns Africa into a furnace because 2 degrees Celsius results in 3.5 degrees according to IPCC” (Dimitrov 2010: 811). If Tuvalu was most upset about the content of the Accord, some states were more upset about the way it was drafted. The representative of Saudi Arabia stated that “[t]his is not how this body operates, and we are not going to establish new ways for this body today here” (*ibid.*: 812). As the Plenary meeting took place at the night and early morning of the last day of the Summit, some heads of state had already flown home and their delegates were left to deal with the pressure. The US representatives reminded the Plenary that the informal group had included members of all the major regional groups and therefore the drafting process could be labelled transparent (*ibid.*).

Finance became an issue at the last minute, although in a different way than during the working group negotiations. The Accord stated that the industrialised countries had made commitments for 30 billion dollars for the years 2010-2012 (Dimitrov 2010: 810). The list of commitments by developed countries had been circulating in the Summit previously, but now the total sum of the financing was to be the key element of the Accord. Many developing countries were outraged by the idea that all the concrete goals were missing from the Accord but that yet a sum of money was to lure all the developing states into supporting the adoption of the paper.

After much heated discussion, the United Kingdom made a proposition to adopt the Accord. The Chair, Rasmussen, noted that some countries were still against the Accord but yet he urged everyone to sign up to it. The representatives of Cuba and Venezuela immediately announced that they would not accept a document that they saw as pure bribery. Rasmussen was forced to conclude that adoption of the paper would not be possible. (TWN 23.) According to witnesses, this caused turmoil in the conference hall.

(see Dimitrov 2010: 813 and TWN 23). It took the authority of Ban Ki-Moon and numerous informal negotiations to lead the Plenary through to a compromise decision to “take note” of the Accord. (ENB vol. 12 Number 459.) If this was mortifying to the representatives of those countries that had already given out press statements about an agreement, so it was for the Chair, who had been trying to reach the adoption of the Accord until the last minute.

The decision to “take note” of the Accord brought some closure to the Summit. The decision signified that the Accord was given a neutral status and by this procedure the Convention had no inbuilt obligation to adopt the Accord in the future. What was left was the disagreement over how to interpret this decision, but this died out rather soon. Because of the overrun schedule of the Summit, many delegated were leaving as soon as the decision to take note of the Accord was taken (Dimitrov 2010: 814). What was left was an empty conference room and a hollow Accord, that was to be “taken note of”.

## **7 AFTER COPENHAGEN – A THEORETICAL DISCUSSION**

Having examined the proceedings and the diplomatic quarrels in the Summit, it is time to delve deeper into the issues that seem to cause deep misunderstandings in international environmental negotiations. Because the issue in question, climate change, is a problem of commons, all parties have to form an opinion of the suitable policies available. At Copenhagen, ideological differences made it very difficult to define what the options could be. Some possibilities were ruled out straightaway because they would give too many concessions to one or other group. Deadlock was no surprise in the end.

This chapter starts with a discussion on compliance in global governance, especially in the UN-led system. There cannot be compliance without participation, so discussion on participation follows shortly. These two concepts are studied in conjunction with the Copenhagen Summit. After linking theory and practise in this chapter, the thesis ends



with a discussion of the possible changes that would improve the possibility of success in the UNFCCC or in international environmental negotiations in general.

## 7.1 Compliance

Thomas G. Weiss and Ramesh Thakur (2010: 6) define 'global governance' as "the sum of laws, norms, policies, and institutions that define, constitute and mediate relations among citizens, society, markets and the state in the international arena". The UN, officially formed in 1945, represents the old world in terms of global governance, while there are increasing amounts of smaller examples of global governance in multiple specific areas, such as patents, taxing or trade negotiations, which represent the new field of global governance. These specific deals usually offer direct benefits for all the participants and it's mainly a question of how much can be wrangled out of the negotiations. The UN is a different case because of the idealism embedded in the charter. Some states find it hard to see how being part of the UN is beneficial to the state.

The UN is facing a growing problem of compliance. It is increasingly questioned whether the UN offers enough incentives that reward cooperation. However, much of the work the UN does is aiding work where the reward comes from humanity, from all the lives saved. If this does not seem a reward enough for some states, it is hard to see why they have committed to the UN in the first place. It has been shocking to notice how some of the recent famines have gone almost unnoticed by the great public, although experts at the UN have warned about escalation of problems many times. The floods in Pakistan went almost unnoticed by the global community despite multiple warnings about escalating disaster. In November 2011, the UN had received only \$96.5m of the \$357m that had been pledged, and the situation had been alarming since August 2011 (Cummins 2011). More recently, UNICEF had to remind the international community of the refugee camps in the neighbouring countries of Syria. Despite numerous appeals, UNICEF had been given only 20 per cent of the amount required (Manner 2013).

International agreements always bring in a level of uncertainty. A way to reduce this uncertainty is to improve the flow of information. Ethan B. Kapstein (2005: 89) claims that therefore one of the key functions of international institutions is to provide states with information about the actions of other states. In bilateral agreements states must always worry about other, unknown deals, but when states agree to common policies and share information, this risk reduces drastically. A simple game theory might prove this valid. Countries are willing to offer reciprocity in order to keep things stable and continuous. However, reciprocity and fairness are not the same thing. Kapstein (*ibid*, 90) uses a trade regime as an example. If country A offers \$100 million of tariff reductions to its trading partners in the WTO and expects some other countries to do the same, the benefits of this deal depend solely on the wealth of these countries. Fairness only kicks in if the reductions are calculated according to the capabilities of these countries. Kapstein calls this differentiated reciprocity “relaxed reciprocity” (*ibid*).

A diffuse, or relaxed, reciprocity is not purely beneficial to stronger states. Stronger states are giving out more benefits than they get in return. The reason for this fairness might be in long-term benefits: fairer regimes may well last longer because the foundations are more stable (*ibid*, 91). Even though domestic policies are often shaped by short-sightedness, in the field of international agreements, long-term gains may flourish.

In the UNFCCC process, the developed states are trying to find an understanding through diffuse reciprocity but the developing countries do not find this offer lucrative. China is also using this kind of diplomacy: it is making promises of large but entirely voluntary emission cuts while it is refusing to take part in a binding agreement. This goes well with the already mixed image China is sending out: they are a wealthy country, but their GDP is still very low.

China’s history of development is unique: China was able to start developing its industry as soon as the strict Communist era started to loosen up. Eager to put the past behind, the Chinese have practically worked miracles in building up an industry incomparable to any other. However, China is a divided land with a large majority of poor people and an urban, rapidly growing middle-class. The Chinese welfare system is still under construction. Those living in the contaminated rural areas have no means of

voicing their opinion and the urban people are generally not very interested in environmental protection (apart from the air pollution of big cities).

China is a country where the state's opinion is voiced by a few selected ones. In this kind of political culture, it is easy to remain isolated from the Western political consensus and even to take pride from outsider status. China's focus in international politics has not been the West for some time now and because of mutual understanding with its trading partners in the East and in Africa, China has managed to strengthen its identification with the G-77 group further. Because of the strong position in the G-77 group, China has been able to dictate how much cooperation and compromises it wants. In Copenhagen, China announced that it had already taken measures to voluntarily restrict emissions but at the same time it indicated that it was not willing to concede to the Western demands about the transparency and measurability of the emission cut by agreeing to take part in monitoring processes.

## 7.2 Participation

In the beginning of this thesis the most interesting aspect of this study seemed to be the discovery of why some of the most important decisions were never made. However, after looking at the conference papers and getting a bigger picture of the tiny possibility there ever was for the Summit to succeed thoroughly, one much more interesting question seems to be in need of looking at: how is it that states are still wishing to take part in these negotiations, although at the same time they seem to be quite reluctant to make difficult decisions in these meetings? 'Still' implies that we are perhaps living in a time where the UN is not the sole guardian of the good and evil anymore, a time that questions the power of an organization that was built to strengthen the union of the winners of the war and that has been torn by internal debates and power politics since the very beginning, thereby making it an organization that may not very well reflect the reality and the values of the modern world society. Considering the former, it seems that there are two sets of values for the states: a sense of duty that comes from decades of participation within the UN and a heightened sense of feeling of the times changing.

Ask any generation, the times are always changing. What makes this feeling of change so profound is that it implies very different things to different states. The developing countries are feeling the change as widened possibilities for development and a chance to finally catch up with the West. They are eager to achieve what the developed countries have achieved in the 20<sup>th</sup> century and it is hard to see why they would not be allowed to do so. Former President Tarja Halonen summed this problematic up in a recent interview: “We are trying to tell them that we only have this one planet. They say ‘ok, but then give us more money’. We reply that we don’t have any more money, please don’t kill a milking cow.” (Saarikoski 2013.)

Meanwhile the first world countries are torn between a sense of duty and a heightened trend of neoliberalism. The former is the backbone of the UN; a knowledge that being privileged has not come without sacrifices, that there is a reason why the world is divided into rich and poor countries. This clash between two worlds, one leaning onto the past mistreating and the other onto the limitless future, gives the best advantages to those parties that are able to benefit from both: rapidly developing countries are able to use the moral right derived from the colonialist past as a speedway to industrial bloom even though their levels of emission equal or even exceed the levels of old industrialised countries. The BRICS countries have managed to have the cake *and* eat it, and this policy gap has proved very difficult to bridge. This chart shows how much the BRICS countries account for the total. It is worth noting that the total growth of emissions from 2009 to 2011 is 2180.225t, and the BRICS countries account for 1 411.889 tonnes, which is 64.8 per cent of the whole sum.

Table 2: CO2 emissions of BRICS countries.

	<i>total tonnes in 2009</i>	<i>total tonnes in 2011</i>
<b>Brazil</b>	420.16	475.409
<b>China</b>	7 710.50	8 715.307
<b>India</b>	1 601.12	1 725.762
<b>Russia</b>	1 572.07	1 788.136
<b>South Africa</b>	450.44	461.565
<i>World</i>	<i>30 398.42</i>	<i>32 578.645</i>

EIA Statistics 2009 and 2011.

The BRICS countries with their demands are at the core of the moral problem that captures international climate politics: how can we now introduce norms and possibly even laws to directly regulate emissions in a way former protocols have not been able to do, if we are still trying to establish which parties should take part in saving the commons from more damage?

### 7.3 The past that cannot be forgotten

At the turn of the new millennium, academics were starting to express more concern about the problem of environmental commons in relation to equality and compliance. The inbuilt inequality of environmental problems was a topic of much academic discussion. David Held, Anthony McGrew, David Goldblatt and Jonathan Perraton stated in 1999 (378) that

it is inconceivable that anyone can effectively own the atmosphere and no one can be excluded from its usage, yet the consequences of any actions in specific and small locales can have impacts of a highly unpredictable and volatile nature all over the planet. The intrinsically global character of these common ecosystems means that spatially separated social actions and networks can become bound together in powerful ways.

The authors pay attention to the way separate societies are linked interdependently by different environmental policies. They are highlighting that “what distinguishes the contemporary problems of the environmental commons (...) is the unique extent of those interrelations, the increasing number of separate national polities and policy areas drawn into the expanding web of stretched relations, and the increasing intensity of global and regional interactions.“ (*Ibid.*) While these separate units are perhaps unintentionally linked by policies at present, similar patterns are at the root of a large part of environmental problems.

According to the authors, the global diffusion of industrialisation from the West not only increased the reach of pollution but also increased the world’s capacity to consume resources (*ibid*, 409). This trajectory has been boosted by some international economic

institutions - such as the World Bank – that have supplied capital, infrastructure and economic advice keenly. While the authors do not take a strong moral stand on the future problems, they do issue the compliance problem briefly. They admit that there is “considerable evidence to suggest that the incapacity of some governments to regulate environmental problems, and their tendency to promise higher standards of safety and environmental quality than they are capable of delivering, have contributed to a decline in public trust and confidence in states in advanced capitalist societies” (*ibid*, 413). A decline in confidence is hardly going to ease the process of compliance. The BRICS are very eager to remind the West of these moral problems, and this brings us to the beginning of the cycle again.

A whole study could be done on the historical trajectories that have led to this situation of inequality. However, as the main interest in this thesis is to examine the factors leading to Copenhagen Summit’s failure, the past will need to be integrated into a few specific notions. Although compliance has always been a problem within the UN, previously it has been shadowed by the ghosts of the Cold War.

In terms of environmental negotiations, the parties are divided differently. Previously mentioned BRICS countries may have worked in close cooperation with the West or the East, but their main interests are not in expanding their power through force and diplomatic brilliance but through economic success. Emission reductions clearly diminish these countries’ abilities to develop as rapidly as they would wish to, and therefore it is their main mission to ensure that their industries will suffer as little as possible from the restrictions. This causes enormous strain to the notion of compliance and hopefully also forces the “old powers” to think of new ways to make compliance to environmental agreements seem lucrative. However, it is not just BRICS that are resisting voluntary deals on the basis of economic realities. With the recession of the late 2000s many other countries have also taken a step backwards when it comes to compliance to different UN commitments.

Participation and compliance are not a problem only amongst rapidly developing nations, but also amongst those countries that would most benefit from international aid in mitigation. While some of the reasons may be found on the agency level, a quick look at what is embedded in the structure of global relations is in order. Timmons

Roberts, Parks and Vasquez (2004: 25) have listed three central theoretical traditions in environmental treaty participation. *Constructivists* look at international relations as if there was a global environmental 'culture' gradually spreading throughout the world. The values of this culture have become global and common and thus have created a social system which encourages treaty ratification. When being part of sophisticated elite has become desirable, states start to feel the obligation to participate in environmental organisations and scientific unions. This participation in turn correlates with the number of environmental treaties ratified by the country. (*Ibid.*)

*Realists* have a different take on treaties. Treaties have no signification unless a compliance system is ensured. States participate only for the benefits, and once the agreements starts to lose its appeal, states pull out. Therefore a powerful state needs to use its authority to coerce countries into cooperation.

The third group, *rational choice institutionalists*, have focused on explaining cooperation. Interdependence, uncertainty and high transaction costs force states to think of cooperation as a way to overcome collective action problems. Institutions provide reliable information, monitor and verify state behaviour, assist implementation and sanction non-compliance. Thereby international treaties become "functional solutions to efficiency problems" (*ibid.* 26), and breaching them would be reputationally costly.

The authors do not feel that any of the three theories is sufficient in explaining participation. Institutionalism is the most developed of these three theories but it fails to look beyond the managerial aspect. It "does not address the role that existing social structures play in producing and reproducing environmental degradation and non-participation in international governance" (*ibid.*, 30). The authors bring in structural inequality as a reason for non-participation: developing countries that have repeatedly lost the struggle to better one's position may not feel the incentive to join international environmental agreements. They may not be in a position to implement good environmental policies and participate in conferences even though they are often the ones who suffer most from deforestation, land degradation and pollution. All this fails to fit into the institutionalist approach and therefore another theory is required. (*Ibid.*)

Taking into consideration the need to connect agency issues with structural problems, dependency theory seems to be the solution. It is a theory that can take inequality issues into consideration. Structuralism descends from world-systems theory and fits a study of participation well because of its stress on the significance of the global system. World-system theories in general acknowledge the significance of history, especially colonialism, and they focus on structural constraints and material exchange while keeping in mind the global focus (Shannon quoted in *ibid*, 31). Structuralism is founded on the notion that on the top of a pyramid are the wealthy states and at the bottom, all the 'peripheral' nations struggle. Colonial relationships assisted in forming this structure and since then it has been unbreakable because of the predominance of the wealthier and therefore more powerful states. Timmons Roberts, Parks and Vasquez stress the need to acknowledge this structure before analysing participation (*ibid*). If the opportunities to participate and be heard seem limited because of economic problems, the reason might be hidden here.

Timmons Roberts, Parks and Vásquez explain participation through structuralism. In this thesis the focus is on two separate but interconnected phenomena: the power states have and use of it in environmental negotiations and on compliance. Concentrating on the former, structuralism can help us to understand not just why states may choose not to take part in international agreements but also why they may or may not be able to have influence on the topics of the negotiations. What options does a relatively small and insignificant state have in the negotiations, if it is faced with a decision that is not beneficial to it? It must be a part of a regional group and it might be that the group's policy is not suited to that particular country. In this kind of a situation, the state in question can either lobby harder, try to get powerful allies or refuse to cooperate.

In international negotiations, states often cooperate in order to gain more power. Developing countries have united under G-77 as early as in the 1960s (Vihma 2010: 4). From a structuralist perspective, the Third World countries have been forced to unite because of the burden they have received from the developed countries. Looking at this cooperation from more instrumentalist perspective, strength in numbers may ease policy making and indeed give a bit more bargaining power. Without the structure of the negotiating group, many developing countries would not have much of a role to play in



international negotiations (Williams 2005: 54). These two views together may help explain why such a heterogeneous group such as G-77 decide to participate as a group in international negotiations.

Developing countries seem to have five specific interests that have repeatedly been brought up in international environmental negotiations. The first notable issue is the insistence on linking environment with development. Environmental protection should not clash with the right to develop. The second interest has been the need to receive more resources for environmental programs. ODA cannot be transferred to environmental assistance just like that. The third issue concerns technology. The absence of technological assistance makes the developing countries vulnerable in the event of an environmental crisis. The fourth issue concerns capacity building for negotiations and policy implementation. Resources are required. The fifth issue concerns the time horizon in which the countries need to implement new regulations. Developing countries have repeatedly bargained for more time for implementation. (Williams 2005: 56 & Vihma 2010: 4.)

Before bringing this chapter to an end it is useful to consider another aspect that may not always get attention. Development and environmental issues must be very strongly connected in terms of policy, if the great divide of participants in the environmental negotiations is based on wealth. The groupings in the Copenhagen negotiations were not made on the basis of the pollution levels but on the basis of each country's position in the development ladder. Therefore, for China, India and other rising economic powers, it is definitely beneficial to be able to identify oneself with the G-77 group of developing countries and not with the other "major polluters". This possibility is what infuriates the US and makes it demand the participation of China in the new deal. This double role is one of the reasons why the US refused to commit to Kyoto Protocol and why the BRICS states are facing such hard opposition.

## 8. THE FUTURE

How does the international community move on after a Summit like this? It's business, as usual. After Copenhagen, many more UNFCCC meetings have followed: AWG-KP 11 and AWG-LCA 9 in Bonn in 2010, AWG-KP 12 and AWG-LCA 10 a couple of months later, AWG-KP 13 and AWG-LCA 11 in August and in the same year, AWG-KP 14 and AWG-LCA 12 in Tianjin in October. The major event of 2010 was the Cancun Conference in November. In Cancun, an agreement on reducing carbon emissions was made. Yet this was more future promises than anything new and significant. The parties agreed to commit to a maximum rise of two degrees (to the pre-Industrial level), as well as considering lowering it further (UNFCCC: Cancun Climate Conference). As the Copenhagen Accord had stated the goal of a maximum of two Celsius degrees rise, the Cancun agreement did not raise the stakes.

The UNFCCC in Durban in 2011 was finally the success the participants had been hoping for. The need for a proper agreement was acknowledged and all governments committed to a plan that would stabilise emissions at a level that would reduce the risk of the worst scenarios of global warming. At Durban the Convention decided to extend the work of the AWG-LCA one year further, as well as launching "a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, through a subsidiary body under the Convention hereby established and to be known as the Ad Hoc Working Group on the Durban Platform for Enhanced Action" (FCCC/CP/2011/9/Add.1). The main diplomatic successes of Durban were the decision to continue the Kyoto Protocol through a second commitment period, the launch of a new body, the AWG-ADP, and the decision to conclude within the year 2012 the work of the AWG-LCA, which had been given more time in all of the previous Conventions (UNFCCC Durban).

The grand meeting of 2012 was held in Doha. Here the participants managed to agree to amend the Kyoto Protocol by replacing the Annex B Table emission limits with a new table. Nothing much was expected from the Doha meeting, as the participants in Durban had agreed that 2015 would be the next big year. Everything negotiated until then could

be incremental, nothing tremendous was required. What was significant in Doha was the new way of negotiating: the two tracks were dismissed in favour of a one negotiating forum, the Durban Platform (Hedegaard 2012). This signals better chances for the developing countries to get involved in all the major decisions, regardless of their role in the Kyoto Protocol. The main expectations are now directed towards 2015, when the world will hopefully see something else than a new “Hopenhagen”.

Based on the evaluation of the Copenhagen Summit, what now seem to be the issues that could be improved so that international environmental negotiations might get results? As discussed in the beginning, this thesis leaves out solutions that would require devising a new world order and a new institution based on that order. The aim of this chapter is to discuss any means of easing the current process. These ideas may be ideational, structural or connected to the agency level, as long as they offer some pragmatism as well.

It is not possible to change a singular thing and expect there to be no secondary consequences. Structural and agency problems are directly interconnected because the underlining structure dictates the form of the power relations. Agency is never free of a context, and all social reproduction takes place under conditions and relations that have been formed in the past (Patomäki & Wight 2000: 231). The same applies to the level of images: we are always restricted by the context we operate in – referring back to Lukes’ theory of the third level of power which can be used to “prevent demands from becoming political issues or even from being made” (Lukes 1974: 38). If the current political context is such that it rewards promises and beautiful political rhetoric, the actual emission restriction targets of a climate summit may wane behind the artificial structure of cooperation and promises of better monitoring measures.

The proceedings of the Copenhagen Summit have shown that the gap between the ideational level and reality may be tremendous. Before the summit many states rallied the potential for a new deal although it now seems that the chances of getting there were narrow in the first place and became non-existent during the Summit. Each participant state came to the meeting with their national interests in mind, and especially the US Head was very heavily restricted in his actions by the sheer knowledge that the Congress would immediately vote down any measure that would seem too harsh to the

domestic industry. This is a common problem in international environmental negotiations – international voluntary action always comes second to domestic interests. There would have to be a way to lay off some of the weight of the domestic pressure, and therefore my suggestion is to fully securitise the issue of climate change. Securitisation of the issue through the UN Security Council and the placing of priority to tackling the issue would force states to take mitigation seriously and perhaps place higher priority on it. The act of securitisation could easily be justified with the risk it places on human security. It is fair to say that climate change has already been securitised, but the suggestion is to consider strengthening this process even further. The last chapter of the thesis tries to explain why securitisation might be beneficial to participation and compliance in the UNFCCC agreements.

## 8.1 Geopolitics

Many of the developed states are geographically situated so that they do not suffer from the effects of climate change as gravely as numerous developing states. And even in difficult environments, developed states are better prepared to tackle the problems - in other words, adaptation measures already exist. Knowledge of this security gives confidence – these states do not have to worry about their existence in the future. The US has suffered from severe weather conditions in the past, such as the damage done by hurricane Katrina. This event did not convince the Bush administration of the necessity of actions preventing climate change, but today it is widely seen as a warning of the future affected by climate change. (Some critics claim that had the hurricane trashed a city largely populated by wealthier citizens, attitudes would have changed earlier.)

Because the developed states feel rather safe, they are not so easily moved by the pleas of the geographically challenged states. Most of these states are small island states that do not have much authority in the international negotiations. Other vulnerable states are those that are very quickly affected by drought, erosion and the diminishing of natural habitats. The most sensitive areas to climate change are coral reefs, mangroves, boreal and tropical forests, polar and alpine ecosystems, prairie wetlands and remnant native grasslands. The most vulnerable human systems are water supply systems, forestry

activities, agricultural systems and coastal zones and fisheries (Barnett 2001: 9). Citizens of the most vulnerable states will feel the effects of climate change in their livelihoods very directly.

Another set of climate-related problems falls on those countries that have to prepare to take in climate refugees. Uncontrollable migration is a question of human security. One of the problems of climate-based migration is the uneven distribution of migrants. Most of the people migrating from their countries will not go as far as possible but will stay in the neighbouring countries. It has been noticed that given the choice, migrants tend to travel along pre-existing paths – to places where they have family, support networks and historical ties (Brown 2008: 23). As these countries are often located in a similar geographical area to the original country of migration, this will only delay the problem of climate-based damage. Increased immigration is often an uneven burden to the neighbouring countries. If climate change renders some areas inhabitable, neighbouring states will have to be prepared to help and they need financing for this. Therefore financial decisions should be made so that all the calculations include a wider set of problems.

If the receiving state faces difficulties, the same can be said about the society of the place of origin. Climate-stimulated emigration hinders national economies and societies less effective: it disrupts production and domestic markets and besides the economic affects, it also hollows out societies. Mass migration worsens the ‘brain drain’ from developing countries, thus making it harder to strengthen the society and develop domestic politics into a more transparent, democratic and reliable system. Very often migration leads to problems with health and education. Climate-stimulated migration is a global problem at the heart of human security discourse.<sup>15</sup>

Conditions of scarcity increase the risk of competition. Competition can easily turn into a state of conflict between rival groups (Brown, Hammill & McLeman 2007: 1148). If the society is already weak, conflict-resolution mechanisms may fail and the end result may be violence. On-going violence may worsen the scarcity further because of the increased competition and more difficult access to resources.

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<sup>15</sup> This section is partly paraphrased from an earlier essay ‘*Climate Change and Human Security*’, submitted to lecturer Matti Jutila in May 2010.

The problem of intensified competition is not just a domestic problem. Mitigation can open up unwanted possibilities as well. The overriding goal of reducing emissions may be shadowed by “a competitive struggle for resources” (Giddens 2009: 205). Giddens (*ibid*) portrays a situation where political leaders might use the growing problem of climate change-induced migrants in power bids concerning something else. This is not just a possible scenario; it would be very likely that the consequences of climate migration would be projected to every other international negotiation as well.

## 8.2 Securitisation

As was discussed in the previous subchapter, climate change constructs a threat to human security. On this basis, climate change could well be securitised in order to get a special status for it. To simplify, securitisation is a process whereby a phenomenon is verbally constructed into a security threat. In essence, the first move of the securitisation process is a speech act. The academics of the ‘Copenhagen School’ emphasise that an issue is not securitised until it has been transformed from an everyday issue into a matter of urgency and this move must be accepted by the relevant audience (Scott 2012: 221). Consent by the audience seals the securitisation act and only after this can the issue be securitised. In terms of climate change, a clear sign was taking the issue to the UN Security Council in 2007. This could be seen as raising the issue above daily politics and into an emergency matter.

In 2007, John Ashton, UK Foreign Secretary’s Special Representative for Climate Change, said that “there is every reason to believe that as the 21<sup>st</sup> century unfolds, the security story will be bound together by climate change...” (*quoted in* Barnett & Adger 2007: 641). In April 2007, the UN Security Council took up climate change as an important human security issue. Several countries opposed the idea of treating climate change as a question human security because they doubted the potential of the Security Council to oversee the implementation of the possible actions required. If the Security Council is not seen as a valid agent for guarding the required measures, the point of conceptualising climate change as a security issue becomes unclear. (Scott 2012: 225.)

However, this was not the only reason why some countries expressed doubts over the issue. When climate change was brought into the Security Council, developing countries were not very keen on making the issue a security threat. The main reason for this was the fear that mitigation measures would override development aid and place exorbitant pressure on the economies of these fragile states. In his opening speech, the representative of Ghana stated that

developing countries regard industrialization as the path to economic prosperity and lasting peace and stability. That cannot happen unless they have access to an efficient and reliable supply of energy for processing and adding value to their agricultural and mineral produce. (...) In relation to the foregoing, what sort of compromises will developing countries be obliged to make in line with the emergent international consensus on energy, security and climate change? Would they be politically sustainable within States that are already unstable and fragile? (S/PV.5663: 7.)

In the end, the developing countries were worried that this was once again a northern-driven agenda and that it might turn into one new way of the north interfering in southern affairs (Brown, Hammill & McLeman 2007: 1154).

In May 2008, the European Council released a paper in climate change and security (*ibid*). The paper listed the same difficulties that have been discussed in the previous subchapter on geopolitics. This high-level paper was one of the many papers that were published about climate change as a security threat around that time. The US government was advised by a military advisory group to include climate change and its implications in national security and defence strategies (Rodrigues 2012: 6). The UK and France mentioned climate change in their national defence strategies. The great public started to see climate change as a security issue, so one could say that the securitisation move had been completed. This does not mean that the issue of climate change is now taken care by the Security Council, but it offers the possibility to use the power of the Security Council in making sure that all states realise the potential threat.

If the problem of underlying power relations disrupts the negotiations at the UNFCCC, why taking the issue to the Security Council would be an improvement? This is admittedly a paradox, but as explained in the beginning of this thesis, this is not the

place to devise a new global institution outside the existing system. The securitisation of climate change would indeed place the matter into the hands of the winners of the Second World War, which is not the relevant group for this issue.<sup>16</sup> However, given the inflamed situation at Copenhagen, securitisation would give more pushing power to those countries that now threaten to leave out agreements, mainly the US, China and Russia. If at the moment these states are unwilling to commit to acts that might compromise their competitive advantages, the authority vested into the membership of the Security Council might make these countries feel more self-esteem and thereby more moral obligation to do what is good for the global community.

Why would the members of the Security Council feel more obliged to work towards a proper deal if climate change was securitised? The economy of esteem, as explained by Keohane and Raustiala, might offer the explanation here. If China and the US felt that as the great beneficiaries of all the weak nations they were to save the world, they might be more inclined towards giving in with their individual requests. Keohane and Raustiala (2008: 4) remind that in order to benefit from the economy of esteem, the standards of good performance need to be widely accepted and it is very important that “the normative symbolism of action” has to be strong. When it comes to saving geopolitically fragile areas from the effects of climate change, the normative symbolism is very easily present.

Keohane and Raustiala propose the system of the economy of esteem to be based on some non-governmental organisation that would nominate individuals to stand for some suitable award (*ibid*). In this thesis, the idea of an economy of esteem is transferred to the institutional level so that the combined authority of the membership of the Security Council together with a feeling of esteem would provide an incentive powerful enough to overcome the domestic pressure and think more globally.

One major problem with this idea is derived from the nature of the UNFCCC, which is based on consensus. The Security Council is not a democratic forum because it consists of permanent members, who have claimed their seat after the Second World War, and of

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<sup>16</sup> The Security Council itself is a relic from the past and should not continue in the current form any longer than absolutely necessary, but as the aim of the thesis is to make pragmatic suggestions, one is forced to accept the existing institution and only dream of a better one.



non-permanent members that are selected through a secret vote after much internal bargaining (as Finland got to notice in 2012). The motion of shifting power away from the UNFCCC and into the Security Council would transform the process into a less democratic and transparent one. Therefore these two forums would have to work together, the UNFCCC convening as usual and the Security Council overseeing the process and giving suggestions about the necessary adaptation measures in terms of human security. Mitigation is definitely at the core of the UNFCCC system, but the expertise of the Security Council could be used in studies and calculations of the adaptation measures that will not be avoided at this point of global warming even with careful mitigation.

It has been feared that the securitisation of climate change might change the way it is dealt with, that a policy shift from mitigation to adaptation might be inevitable, but this does not need to be the case. If the Security Council was monitoring the mitigation measures legislated and executed by the UNFCCC, the problem of compliance and transparency might be smaller because of the double authority of these two institutions combined.

The strength of the cooperation of the Security Council and the UNFCCC would be in the enhanced political will of the states involved in the both. Especially the permanent five members have a shared history and they have developed some shared understandings by now (Johnstone 2005: 195). To be able to make progress on two different forums might prove beneficial to the feeling of esteem of the permanent five and thereby a cycle of more action and more esteem might form.

The suggestion to securitise climate change and to use the concept of an economy of esteem to enforce the moral obligation of the Security Council to consider what is globally beneficial may seem insignificant. However, the actions at the Copenhagen Summit proved that international democracy cannot sink any lower - if two years of work can be put aside for a quick, secretive drafting process for an Accord that is both ineffective and controversial, an attentive observer might draw the conclusion that subtle is not the way to do things. Admittedly giving more power to the Security Council would shift the power even further away from individual developing countries,

but their great ally China, who has been so keen to identify with the G-77 group, could be counted upon to act as their messenger in the Security Council.

After the Copenhagen Summit it seemed that the UNFCCC system is so twisted by idealism and structural constraints that it can never work. The principle of consensus doesn't match well with the economic restrictions of the developed and rapidly developing countries. The principle of saving the environment has to accommodate the principle of common but differentiated responsibilities. In this net of clashing opinions it is difficult to distinguish the goodies from the baddies, because it is all in the eye of the observer.

As stated in the beginning of the thesis, countries cannot afford to lose any more time by devising a whole new system for international environmental policy. And even if they did, who could guarantee that these same problems would not continue? Researchers have noticed that in difficult times, people tend start respecting strong leadership. If it is Kekkonen in Finnish domestic policy, the equivalent in international environmental policy might be the Security Council with its over-dated mandate and superpower struggles. Often as it is paralysed because of vetoes, it cannot be any more so than the UNFCCC. With a little bit of moral obligation and a feeling of benevolence triggered by raised esteem, the Security Council might be able to prove that it can be truly useful and work towards halting climate change in ways the UNFCCC structure is not capable of. It's not exactly a new sheriff in town, but as the European Union has its hands full with internal problems, there are no competitors for taking the leadership in international environmental policy.

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