Planet or Profit: Remodeling the Climate Change Negotiations

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Abstract: *The global community proposes to takes measures for combating climate change. The United Nations initiated a process that brought together experienced negotiators to discuss the twin solution of mitigating greenhouse gas emissions and adapting to the new environment in the Copenhagen summit. However, the competing goals and lack of trust resulted in a failure to reach a mutual beneficial agreement between nation-states. This paper examines the negotiation process and where it failed in streamlining issues, facilitating communication, creating equity and promoting transparency. The paper argues that the negotiation process underwent capitalization, and the approach needs to be reformed with inclusion of environmental consciousness instead of rationalization. To overcome these barriers, we propose to reflect on the peacemaking practices exercised by traditional communities.*

1. Introduction

An increasing awareness for the environment since the World Summit in 1992 has led to the institutionalization of multilateral debates. The international negotiations, developed under the United Nations (UN) umbrella, provide an opportunity for nation states to obtain more than they would individually gain in their effort for protecting the earth under ongoing economic development. Nation states are increasingly transferring their national responsibility to global forums in finding solutions to pending environmental problems such as changing climate, increasing pollution and growing energy consumption (Habermas, 2008).

Many of the nation states negotiate for resources to cope with the uneven distribution of environmental risk. Environmental issues are often reframed from a holistic, multidisciplinary and multilevel problem into smaller issues,

with liability, intellectual property, access to resources and sharing of benefits as the main topics for negotiation[1]. This segmentation has led to avoidance, redirection and postponement of the real problems to later dates. As such, the climate change convention has been changing its scope, issues, parties and communication patterns since the beginning (Fogel, 2002). However, this approach has resulted in one of the most tedious negotiations in the international environmental arena.

The difficulty with the climate change debate lies in the ambiguity of scientific research outcomes that are preventing parties to be held accountable for potential effects of environmental destruction. Besides uncertainty is climate a global good that is impossible to manage per individual country, unlike many other environmental goods e.g. biodiversity, water, land. Combating global warming requires a full and complete collaboration among nation states, thereby stepping out of the instrumental and profitable relationship between mankind and nature (Barry, 2007). A failed effort for reaching such common ground is the World Climate Convention held in Copenhagen in December 2009. This convention's inability to deliver results is an increasing concern among nation states, scientists, environmentalists and the general public (Depledge, 2006, Dessler & Parson, 2006).

This paper begins with analyzing the UN framework for negotiation, before exploring the roles of the parties, issues and the mechanics of the climate change negotiations in Copenhagen. Subsequently, the paper discusses the current negotiation pattern and proposes to use elements of indigenous peacemaking to maintain the balance among negotiating parties.

2. The Institution of the UNFCCC

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[1] http://www.unccd.int/convention/text/convention.php;
http://www.conferencealerts.com/index.htm;
http://unfccc.int/essential_background/convention/background/items/2853.php

The United Nations Framework Convention on Climate Change (UNFCCC) is the institutional framework that guides nation states in their negotiations. The nation states bundle in groups because they have limited power when operating alone. There are two polarized streams active; the wealthier "Northern" countries and the developing "Southern" world. Because the geographical climate effect is expected to be mild in the North compared to the South (IPCC, 2007), the target of the North is pursuing economic growth and their consumptive way of life (Ikeme, 2003). Most Northern countries, except from those existing in European Union, define their BATNA[1] as either delaying the negotiations or avoiding to fulfill their obligations (Black, 2010).

Southern nations are bundled in the Group-77 and China. These countries are in the majority and consist of mostly nature dependent communities. Southern countries are worried if their adaptive capacity will be sufficient enough to overcome the impacts of rising temperature, rising sea-level and intensifying weather. Their main goal is to receive compensation from the North for emissions released in the past, especially in conjunction with the effluents generated from industrial development (Thomas & Twyman, 2005). Such historical issues are often used in the UN negotiations as diversions from tackling the main problems. In that same line of thought, the developing countries realize that the effects of climate change are heavily dependent on their social, economic and political situation in-country (Dessler & Parson, 2006).

The developing countries are in a disadvantaged position because they have fewer resources to target climate change. Their goal is to acquire finances to adapt to the new climate rather than mitigating it. Thus, the developing nations are the dependent and affected parties in the negotiations (Lewicki, Barry & Saunders, 2007). Yet developing countries may be only participating to avoid to be left behind. The lack of a clear path for negotiation shows that developing countries have difficulty assessing their BATNA. Also, the South feels that the negotiation is occurring in a fast changing environment (Docherty, 2005). This change is felt since the private sector was allowed to

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[1] Best alternative to a negotiated agreement (Lewicki et al. 2007).

become part of the negotiations to facilitate trade in emissions in 2000 (Fogel, 2002).

Since its inception, the debate has developed working structures and validated important decision-making processes (O' Riordan & Jordan, 1999). The architecture of the UNFCCC debate lies in the hand of the chairperson. The chairperson is usually picked from a pool of respected experts and appointed by the majority-rule of nation-states. Both the chairperson and his/her secretariat function as the manager to the negotiation, and control the agenda, communication, administrative processes and compliance mechanisms[1].

Parties negotiate about several issues. The discourse concentrates on two important tracks: adapting to the changing climate and mitigating the release of greenhouse gases. Negotiations in both tracks are based on scientific outcomes produced by climate scientists. Yet are these outcomes uncertain and leaders in the debate misuse the uncertainty for making decisions to their advantage (Patt, 2007). Scientists spearhead the working bodies with their factual-inductive approach to negotiation (Cohen, 2004). Because only highly regarded scientists with wide geographical coverage can participate[2], they are forming an elite group with a seemingly more important role than the main parties in the negotiation. Habermas (1975) recognizes the cultivation of such a superstructure as one that is dependent on its potential for embedding knowledge. Thus, science became a major tool to negotiate within the debate.

In the scientific nimbus, communication between parties is instrumental. Parties are set to communicate through working groups and plenary sessions. The standpoints presented in the plenary are often the result of negotiations in smaller working groups. The negotiations are guided scientific rationalism because the majority of chairs have been coming from the North. Following Docherty's (2005) concept, the negotiation uses rational rather than meaningful explanations. However, meaning is an important concept for stakeholders that deal with environment, because environmental issues are directly linked to human

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[1] http://unfccc.int/secretariat/history_of_the_secretariat/items/1218.php

[2] http://www.ipcc.ch/about/index.htm

survival (Williams & Parkman, 2003). However, climate change is difficult sense because personal experiences are still uncommon (Leiserowitz, 2006).

The decision-making process is based on consensus. More than 150 parties need to agree for a decision to become effective in the plenary meeting called the Conference of the Parties (Robins, 2010). This system is not based on the legal and cultural pluralism of different nation states (Cohen, 2004). It requires nation states to have long-term visions and sufficient negotiation expertise to be an active player in the negotiations. It remains difficult for nation states to commit to agreements that stretch into more than one term of Government (Hovi, Sprintz & Underdal, 2009).

The basis for decision-making is the bracketed (disagreed) text as developed by the negotiating parties. The first document that circulates is often strong and thorough. However, the final agreement has weak incentives and enforcement capacity (Egenhofer & Georgiev, 2009). One good example is the Kyoto protocol of 1997, in which targets were set for decreasing greenhouse gas commitments. The final protocol provides sufficient space for flexibility, enabling non-compliant countries to delay their commitments until a second negotiation round in 2012 (Von Stein, 2008; Vezirgiannidou, 2009). In consequence, trust between parties is worsening to the extent that some parties are even hesitant providing information to others. Therefore, the divide between North and South further expands which negatively impacts the efficacy of decision-making. Depledge (2006) even finds that innovation in the debate is stalled.

3. The Negotiations in Copenhagen

Since 2007, the UNFCCC proposed to negotiate towards a binding agreement in Copenhagen. The negotiations were intended to primarily create a new global deal on lowering emission targets from industrialized countries (Climatico, 2010). Because the Kyoto protocol will terminate in 2012, parties need to reach consensus about a new treaty on emission targets. Copenhagen was seen by many as a momentum to raise awareness among the global

population and to force the industrialized world leaders to commit to significant reduction of greenhouse gas emissions.

Pre Negotiation

In the pre negotiation phase parties usually set the tone for the negotiation. This includes framing of issues, developing a fair process and defining the interrelationship between parties (Essentials). Before Copenhagen, several working groups meetings were held to frame the issues in bracketed text in a draft document. These meetings ended up in a loose document with many issues still to be discussed. However, other incidents have either negatively or positively influenced the atmosphere in which the negotiations would occur.

The first incident occurred in November 2009, one month before the start of the Copenhagen negotiations in the ASIA-Pacific Summit. The leaders of the Asian and Pacific countries stated that the Copenhagen target was unrealistic. Also, they could not find agreement on a regional emission reduction target[1]. The statement of Asia and the Pacific nations demonstrated that the countries were not willing to take the lead in Copenhagen.

Second, the Prime Minister Rasmussen of Denmark, chair of the meeting, compiled a draft political declaration before the negotiations commenced (Black, 2010). The declaration, drafted by Denmark with a select group of Northern countries, was intercepted and published by the media a few days before the negotiations started. Many nations were surprised by the incident and especially developing countries started distrusting the process. Their position of dependency may have also lessened the motivation to negotiate (Lewicki et al., 2007). The trust in the process further declined with a public dispute between Prime-Minister Rasmussen and the Environment Minister of Denmark, Hedegaard, over the course of action towards the negotiations (Guérin & Wemaere, 2009).

Positive intentions were shared by several heads of states, such as the United States (USA), Brazil and the EU, who stressed the urgency for making a commitment in the negotiations. However, significant actions from these

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[1] http://news.bbc.co.uk/2/hi/8360982.stm

countries remained pending, and only China and India, both fast growing economies in Asia, committed to a voluntary reduction in emissions a few days before the negotiations started (Climatico, 2010). This example was a first move, and according to Cohen (2004) an important step for creating positive dynamics in the debate.

Issues and Interests

The debate has changed negotiations over issues several times. UNFCCC historically focused on promoting planting of trees against the high levels of emission release by the developing world caused by massive deforestation. However, with the release of the science second report in 1995, the discourse began to emphasize large scale forest carbon sequestration. By the year 2000, the release of a science report proposed and initiated the exchange of carbon between the nature-rich developing world and the industrialized countries (Fogel, 2002). Such frequent change of focus increases the complexity of the negotiations, currently involving trade, economy, research, innovation, human rights (Egenhofer & Georgiev, 2009).

Due to the complexity of the issues, a loose text was negotiated in Copenhagen. Also, the issues were arbitrary divided over the two track system of mitigation and adaptation. This resulted in an uncooperative framework for nation states to negotiate. In addition, the two track system had a negative effect on the negotiation as it reflected the historical equity disputes between the developing (adapting) and developed (mitigating) world. Cohen (2004) stresses the importance of cooperation to built relationships between parties. Lack of cohesion makes a process less transparent and enables the stronger power parties to make moves. For instance, the nontransparent process in Copenhagen facilitated the North to sidestep the overall target of a 2° C decrease in global temperature (Guérin & Wemaere, 2010).

The interest of the Northern countries was divided. Although the Northern countries were obliged as world leaders to set an example and make a strong commitment, the EU was interested in cutting back emissions while the USA and Japan were more focused on changing the UN process (Egenhofer & Georgiev, 2009). The USA preferred to

negotiate in an informal setting that would result in a non-legally binding document. Their participation in the negations was minimal (Egenhofer & Georgiev, 2009).

Negotiation

The negations followed the pattern of distributive bargaining. The negotiations on mitigation focus on either a 1.5 (Southern standpoint) or 2ºC (Northern standpoint) decrease in greenhouse gas emissions (Müller, 2010). The adaptation track concentrated on the amount of finances the North should allocate for the Southern countries to overcome extreme climate hits. Nation states negotiated on both tracks by inserting, amending and deleting bracketed text in the main document. Nevertheless, there was not much progress made since the North had limited power and was resisting making (unwanted) concessions. The North had to look for other ways to get their interests met.

The USA started complaining about the bracketed text to the chair of the meeting in an informal setting (Müller, 2010). This move initiated a course of informal meetings that dominated the negotiations. It is important to notice that both a formal and informal settings are important in group negotiations (Lewicki et al., 2007). Therefore, the UN has institutionalized the informal meeting of the "Friends of the Chair". In this meeting, the chair has the opportunity to meet with influential persons to brainstorm about the main issues when the meeting is in a deadlock. However, the chair of Copenhagen overlooked the negative effects such meetings can have on transparency, especially when the informal meetings outweigh the formal settings where decision-making takes place.

Brazil, China, India and South Africa as rapidly growing nations with increasing emission release were equally interested in mitigation and adaptation. These countries assessed their BATNA based on the non-participation of the USA. According to Hafner-Burton & Montgomery (2006), the change in dynamics created an opportunity for establishing new power relations. Brazil and federates strived for a positive outcome of the negotiations so they can address their growing problems at the home front. China and India's ambitious pledge for decreasing emission

occurred just before they bundled with South-Africa and Brazil to form a new block called BASIC. BASIC wanted to lead the process, thereby overshadowing the mediator role the European Union had previously played in bringing together the North and South on several issues. The EU is known for playing a mediator role in the majority of environmental negotiations under the UN umbrella.

After the negotiation blocks reshuffled, the meetings entered into a next level. Ministers from the 193 participating countries arrived to overcome the deadlock. This tactic is well known in international negotiation (Cohen, 2004). At that time, the USA pledges a large amount of finances for adaptation, but still does not make any concessions for reducing emissions (Müller, 2010). Lewicki et al. (2007) find that power defines the path of negotiations. Similarly, the USA used the momentum to force chair Hedegaard to remove the negotiated text from the table. The chair introduced a new text even before the two-track groups had reported to her (Müller, 2010). After a strong reaction from G-77 and BASIC on issues of respect and transparency, the original text was reset two days after (Guérin & Wemaere, 2009). However, there was insufficient time for the Ministers to compile a comprehensive text for discussion by the Heads of States.

With the appearance of the Heads of States in the last days, the negotiations dissolved into two separate entities: the formal UNFCCC and the informal Heads of States. In the latter, the 25 Heads of States each made a public statement which triggered a trust problem between the USA and China. China was facing Lewicki et al.'s (2007) dilemma of trust with the lack of commitment by the USA. This trust problem led the Heads of States only to commit to a political declaration. The negotiations for the political declaration took place in a closed environment, with the BASIC countries and the USA as the main negotiators (Muller, 2010, Guérin & Wemaere, 2009). Such informal sessions have contributed to the lack of transparency.

The final political declaration needed to become adopted by all the nation states in the plenary of the UNFCCC. However, due to time constraints, the chair hastily opened and closed the meeting so that nations could review the document for adoption. Because the UN process is

suppose to promote equity and transparency, the South objected to the chair for: 1) not having reached commitment over 1.5ºC decrease in greenhouse gas emission release, 2) the lack of transparency and 3) the lack of respect for the nations and the process (Müller, 2010). The political document was not adopted by the nation states in the plenary meeting.

Outcome

In such unstable environment, the UN support structure may not have been strong enough to withhold the negotiation being influenced by outside parties. Docherty (2004) believes that outside pressure can make negotiations fail. By being overly present in the streets of Copenhagen, the media, environmentalists and the general public put increasing pressure on the world leaders. For instance, President Obama from the USA provided the outcome of the political meeting to the press before the accord was discussed with the nation states (Climatico, 2010). This shows that the individual score was more important than the global goals.

The outcome of the Copenhagen negotiations is still a text under discussion. The political declaration of the world leaders can be seen as an intention. It is questionable if participating nations have gained by entering into these multilateral negotiations or if they would be better of combating climate change on their own. For instance, for Suriname, a small developing country that is one of world's greenest yet most vulnerable nations to sea-level rise (IPCC, 2007), the negotiations have not provided significant benefit in terms of finances needed for adaptation and mitigation. Suriname could be better off by making bilateral deals in the carbon trading market with European countries, similar to their neighbor Guyana. In general, most countries see the negotiations as a failure, both in process and in content. However, the negotiations have promoted countries to go into *retraite* and evaluate their positions, their role and future in the climate negotiations (Egenhofer & Georgiev, 2009).

4. Native Peacemaking

Compared to the late 90s, the climate debate has diverted focus from global protection to a capitalistic undertaking. The debate has involved many more actors beyond the conventional UN setting: corporations such as Bank of America, Fortis and Newscorp became alliances because they are interested in trading carbon to comply with their emission standards (Dessler & Parson, 2006).. Most nation states are now following the route of the North because they want to take advantage of the opportunities presented in the carbon market (Holzinger, 2001). This follows a concept developed by Lewicki et al. (2007), who find that individuals their perceptions is formed by the power and rights parties in the negotiations.

"Capitalization" has not promoted bridging the divide between the North and South. Not even the best global negotiators and leaders could divert the lack of equity and respect in the process. Most nation states agree that the UNFCCC process needs to change. The framework should transform the distributive bargaining towards integrative bargaining, because climate is a non-distributive global good. Then, the UNFCCC has an obligation to guide nations in moving away from the instrumental relationship into a more respectful, equal connection with nature, as described by Marcuse (Barry, 2007). Because climate change is not directly visible or experienced, the nation states rely on the message that is created by the institution (Maibach Leiserowitz, & Roser-Renouf (2009). This message is framed by science and driven by profit. One way to make climate change a priority issue in all nations is through communicating a univocal and personal message (Weber, 2006) to address the causes, the potential solutions and the policy framework for climate change.

The UNFCCC cannot provide sufficient transparency to the process. Because the actual bargaining is always under a time constraint, the plenary meeting is only used to formalize decisions that are already taken in the "back rooms". Cohen (2004) suggests not to rush the issues on the table to prevent failure of the negotiations. Trading time for outcomes can not only alter the feeling of safety, but also the transparency during the overall bargaining process.

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Transparency is a concept that is embedded in peacemaking practices of traditional communities. Because traditional communities base their existence on a knowledge-practice-belief system, the element of time has a circular, never-ending dimension (Berkes, Colding, & Folke, 2000). For instance, traditional communities take time to grief and heal the relationship with parties in conflict, as they value the interrelationship between parties. They adjust processes during negotiation to avoid domination of one party over the other (Walker, 2007).

The UNFCCC should be more sensitive to the time-factor to promote transparency. They should follow the concepts of traditional communities to facilitate transparency in the process. For example, the "behind the door" negotiations of the Heads of States were not reported to the outside world or in the official UNFCCC records. To improve transparency, the UNFCCC could take time to inform the parties about this event before rushing new issues to the table. Also, the negotiation process needs a more flexible mode of communication. The current mode operates by using diplomatic language (Cohen, 2004). Therefore, in the UNFCCC, there is an increasing inability to discuss and solve social problems because of the tighter institutional links. By providing more opportunity for nation states to speak, and using flexible and reflective language, the UNFCCC can start overcoming the communication gap (Smith, 2009). Following Habermas' theory, the powerful, institutional "superstructure" then outgrows the resource-dependent group, thereby creating an increasing distinction between the two groups (Ritzer, 2008).

Lastly, many scholars are calling for more equality in the climate change debate (O'Riordan & Jordan, 1999, Sowers, 2006, Depledge, 2006). Equality is the most important prerequisite for a successful negotiation process. Walker (2007) sees inequality as an ingredient for failure, as it negatively influences group power and dynamics. Yet domination can be overcome by the guidance and wisdom of the leaders. This can be demonstrated with an example from the UN biosafety negotiations in 2001. The chair of the biosafety negotiations, the Colombian Environment Minister Juan Mayr previously lived and worked with indigenous communities. Mayr used his indigenous knowledge to get the

UN meeting out of deadlock. He modified the conventional UN setting and moved the meeting from the UN building in New York to a hotel in Montreal. He was aware that he needed to create a neutral place to promote transparency. Then, Mayr gave every group a teddy bear and each bear could only speak for ten minutes at a time. That system created equality to come out of the impasse (Bail et al. 2003). Whether the leadership of the climate debate is able to follow Mayr's footsteps and overcome the global rally for profit, remains unknown.

5. Conclusion

The paper demonstrates the UNFCCC's intention is to create an equitable setting for the negotiations to occur, however, the individual nation' positions and interests are changing faster than the institution's ability to facilitate these in the negotiations. The UNFCCC needs to overcome some barriers. First, there is high involvement of politics and the process continuously reinstates the North-South divide. It seems that the role the power party's play define the framework in the negotiation. Specifically, the unwillingness of the USA to effectively participate and pursue capitalistic interest had pulled the climate change negotiations into a stalemate, especially because other parties followed their direction. Second, even though the process is already far ahead, the negotiation groups are still changing. The majority of the developing countries is showing negotiation fatigue (except BASIC) and is accepting domination instead of fighting inequality (Smith, 2009).

The UNFCCC can build on native peacemaking to provide for a more equitable process, in which the role of the power parties and politics are clear and non-dominating. Native peacemaking teaches that the process is more important than the content of the negotiations. A respectful process, in which all parties should decide on the process, will prevent parties to complain as non-transparent, unfair or invalid. Such a process provides enough time for nation states to improve their participation, and rethink their interest and position. This will be crucial for the success or failure of the climate change negotiations. In conclusion, the

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UN system needs to face a dilemma of choosing for profit or the survival of humankind (planet). The UN can use elements of native peacemaking to improve the understanding for a renewed relationship between parties and between mankind and nature.

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