



# "On Behalf of My Delegation,..."

## A Survival Guide for Developing Country Climate Negotiators

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Foreword by  
Ambassador Raúl Estrada Oyuela

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## Preface and Acknowledgements

This document pays a tribute to the negotiators from the South who have, under very complicated circumstances, bravely negotiated the extremely complex climate change issue on behalf of the region. It responds to the expressed needs of Southern negotiators over the last 10 years. Individually many are of excellent calibre and highly respected (see the excellent reviews of Ambassador Estrada's performance in 1997 by Mwandosya 1999; and Oberthür and Ott 1999). At the same time, there is a constant surge of new negotiators who are actually primarily meteorologists, environmentalists, policymakers and scientists, who have to don the garb of a "negotiator" at the negotiations. The implicit understanding in many developing countries is that these experts must learn on the job. In the meanwhile, the negotiations continue at an unrelenting pace, making no allowances for the unprepared negotiator.

Hence, this document provides, on the one hand, a backpacker's guide to the negotiating context and, on the other hand, sums up the key problems faced by negotiators and ways to deal with these problems. This "Survival Guide" combines descriptions of substance and procedure; simplicity with detail, theory with practical tips, ideas with material for further research and words with figures. It is a manual to assist the South in general, and Southern negotiators in particular, in dealing with the negotiations.

In preparing the materials, I was inspired and advised by Christiana Figueres, Angela Churie Kallhauge, Victoria Kellett, Youba Sokona, Jacob Swager, Farhana Yamin and in particular, by Alison Drayton, former chair of the G-77 in the climate change negotiations during 1999. This document is the product of two projects of the Climate Change Knowledge Network, a network with members from 14 research institutes in developed and developing countries. The first project was initiated by the Center for Sustainable Development of the Americas, Washington, which focuses on the negotiating capacity of negotiators from Latin America and the Caribbean. It had financial support from the U.S. Agency for International Development, the Wallace Global Foundation, and the Andean Development Corporation. The second was conducted by the International Institute for Sustainable Development, Winnipeg, in partnership with Environnement et Développement du Tiers-Monde, Senegal, with financial support from Norway and Canada for enhancing negotiating capacity in Africa. The Institute for Environmental Studies, Amsterdam, has been actively involved in both projects. The dynamics of the

two projects led to different types of training workshops being adopted, but in many ways lessons can be learnt from both projects and these have been incorporated in this report. Heartfelt thanks to all the other trainers and resource people including Ambassador Rogatien Biauou, Brook Boyer, Chad Carpenter, Beatrice Chaytor, H.W.O. Okoth Ogendo, Ogunlade Davidson and Raymond Saner and the participants of the two workshops who helped us test the results. I would also like to thank the Foundation for International Environmental Law and Development for giving us permission to reproduce the Topical Index to the United Nations Framework Convention for Climate Change. In particular, I would like to thank Frédéric Gagnon-Lebrun, who has helped to check and double check the information in this document. I hope that this “Survival Guide” will help the negotiators from the South cope with the complexity and uncertainty of international negotiations. Forewarned is forearmed.

Joyeeta Gupta

## Foreword

The one hundred pages of this book are in fact a useful Survival Guide for those approaching climate change negotiations for the first time. It has been written for developing country delegates, but delegates from other countries can also profit from its reading the same way that a similar survival guide for industrialized country delegates would be useful for those coming from developing countries, because it is necessary to know both sides of the story.

Personal conditions are needed to negotiate and not all qualities described at the beginning of Part II can be acquired, some of them are congenital. However the best natural conditions are insufficient if information is lacking and this book is an excellent summary of information and at the same time a first class guide to get further and deeper data. Information however, is a continuous flow and delegates need to be up dated also continuously. Ideas appear and evolve during meetings and between meetings, “interest grouping” and “sub grouping” is a permanent exercise and some that seemed relevant before could disappear or become out of context in a short time.

In a large number of cases, developing country negotiators work in “single person” delegations and that is difficult and tiring, but having colleagues in the delegation, all information has to be shared with all of them. The strength of a team is that of its weaker member.

It is always a must to know and understand the other party’s position. Behind stated positions lies a domestic, regional and international background of political, economic and social circumstances, which are needed to guess the other party’s bottom line.

Negotiators should analyze controversies and explore the possibility of disentangling contentious issues looking for new, better and perhaps common approaches to existing problems. Becoming hostage of a “zero sum” situation has to be avoided always and it’s usually possible to add a new element, and if necessary, to create a negotiating package. If a party becomes a net loser in the arrangement, the agreement will neither be stable nor reliable.

Of course I can’t say that I agree with all and every line in this book, but I strongly recommend its reading. It was written in the fairest possible way but it necessarily includes a perspective because its authors are human beings. I myself would not be able to produce a perfectly objective piece.

Outsiders may believe that diplomats use tricks and lies or semi lies to induce others to an agreement. Nothing is more distant to reality. In fact it is possible to deceive other delegates at some point in time or to cheat in a given circumstance, but no solid result may be built from that. "Lies have short legs" as we say in Spanish and in fact any delegate induced to make a mistake, sooner or later will realize the situation and react.

On the contrary, to be faithful and loyal pays back very well in my own experience. I never lied in a negotiation. People may like me or not, but I think they believe me.

Once again I encourage you to read this book and to contribute with your best efforts to negotiations, which shall have as the ultimate aim, the enhancement of human welfare.

Raúl A. Estrada Oyuela  
Ambassador of the Republic of Argentina

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## Part I

# The Negotiating Context

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## The Climate Change Problem

### 1.1 The problem

Greenhouse gases (GHGs) are those that trap the infrared radiation emitted by the earth's surface thus warming the surface and the atmosphere. These gases include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulphur hexafluoride (SF<sub>6</sub>). Since 1750, the atmospheric concentrations have increased by 30%, 145% and 15% for the first three gases (Houghton et al. 1996: 3). This may lead to a mean global temperature rise of 1–3.5 degrees C by the end of this century, higher than that experienced over the last 10,000 years. Such a rise may lead to changes in the global atmospheric system, shifts in the climatic zones and shifts in extreme and mean weather conditions. This could also lead to a rise in the sea level of about 0.15 to 0.95 m and the melting of glaciers. This is referred to as the climate change phenomenon.

### 1.2 The science

The state of the art knowledge on climate change is presented in the five-yearly reports of the Intergovernmental Panel on Climate Change (IPCC). IPCC (Houghton et al. 1996: 4) concludes, on the basis of existing science that “the balance of evidence suggests a discernible human influence on the global climate.” However, some scientists claim that IPCC conclusions are faulty since they are based on unrealistic models and are political and not scientific assessments (Emsley 1996). Nevertheless, the scientific debate indicates that there is some degree of confidence in the data on emission levels, but there is less confidence about the role of sinks in absorbing these emissions and the impact of the emissions on the global climate. Given the scientific uncertainty “we will have to abandon our unrealistic demand for a single certain truth and instead strive for transparency of the various positions and learn to live with pluralism in climate change risk assessment” (van der Sluijs 1997).

### 1.3 The impacts

The potential impacts of climate change are likely to be very severe at an aggregate level and at the level of the impacts on individual unique ecosystems and

countries. At an aggregate level, the temperatures and sea levels are expected to rise and there is an expectation of extreme weather events. At the specific level, it is expected that some ecosystems will be unable to cope with the rate of change, that climate change will further exacerbate the frequency and magnitude of droughts in some parts of the world and that, consequently, food production and water security will be affected. Coastal zones might also suffer considerably, and the lives and livelihoods of human populations in coastal areas, arid and semi-arid areas, and cyclone-prone regions are particularly at risk. The risk will be increased by the greater incidence of heat stress and vector-borne diseases especially in the tropics and sub-tropics (Watson et al. 1996: 3-19). Countries with higher financial and technological ability may be in a better position to cope with the impacts of climate change than the developing countries with limited resources.

#### 1.4 The policy

According to the IPCC, “Stabilization at any of the concentration levels studied (350-750 ppmv) is only possible if emissions are eventually reduced to well below 1990 levels” (Houghton et al. 1995: 22). The key sources of the greenhouse gases are energy use, transport and land-use; all three provide services to humanity that are needed to promote economic growth. Factor four proponents argue that the North needs to double its wealth while halving its resource use in order to make space for the developmental needs of the South (cf. von Weizsäcker et al. 1997). Southern documents talk of the need for modernizing consumption and production patterns in countries, much of which has been adopted in Agenda 21 and other Commission for Sustainable Development documents. The scientists at the Second World Climate Conference (1989) called for developing countries to avoid making the mistakes of the developed countries and to use “leap-frog” technologies to travel to modern times.

Clearly, these proposals call for considerable political will as well as research and development in all countries. The developing countries need to be seriously interested in learning from past mistakes and developing alternative definitions for sustainable development. However, some might not be in a position to make such changes. This calls for the mechanisms of capacity building, technology transfer and financial assistance.

The international community has taken cognisance of this and has adopted a convention (see Section 2.2) and a protocol (see Section 2.3) to deal with the issue of climate change. From a scientific perspective, the decision to adopt emission-related commitments under the Kyoto Protocol is a key decision in the right direction, but falls short of what is needed. As Bert Bolin (1998: 330-331) states: “The inertia of the climate change system was not appreciated

fully by the delegates in Kyoto. It therefore seems likely that another international effort will be required well before 2010 to consider whether further measures are warranted.” The reduction trends that arise from the Kyoto Protocol are consistent with a stabilization of CO<sub>2</sub> emissions concentrations at 550 parts per million volume. Even at this level, it is expected that there will be significant ecosystem damage, 60-350 million more people will be at risk of hunger, there will be a significant loss of life and a 50 cm increase in the sea level with all the attendant impacts.

### 1.5 Tips and tricks

- Familiarize yourself with reports of the IPCC and other scientific bodies to know the areas of scientific agreement and uncertainty.
- Master the technical vocabulary related to climate change.

---

For more information on climate change read:

Bruce, J.P., H. Lee and E. Haites (eds.) (1996). *Climate Change 1995: Economic and Social Dimensions of Climate Change; Contribution of Working Group III to the Second Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge.

Houghton, J.T., G.J. Jenkins and J.J. Ephraums (1990). *Climate Change: The IPCC Scientific Assessment*, Cambridge University Press, Cambridge.

Houghton, J.T., L.G. Meira Filho, J. Bruce, H. Lee, B.A. Callander, E. Haites, N. Harris and K. Maskell (eds.) (1995). *Climate Change 1994: Radiative Forcing of Climate Change and an Evaluation of the IPCC IS92 Emission Scenarios*, Cambridge University Press, Cambridge.

Houghton, J.T., L.G. Meira Filho, B.A. Callander, N. Harris, A. Kattenberg and K. Maskell (eds.) (1996). *Climate Change 1995: The Science of Climate Change*, Cambridge University Press, Cambridge.

IPCC (1998). *The Regional Impacts of Climate Change: An Assessment of Vulnerability*, Cambridge University Press, Cambridge.

On what the North can do:

Sachs, W., R. Loske and M. Linz et al. (1998). *Greening the North: A Post-Industrial Blue Print for Ecology and Equity*, Zed Books, London.

Weiszäcker, E.von-, A. Lovins and H. Lovins (1997). *Factor Four, Doubling Wealth and Halving Resource Use*, Earthscan, London.

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For more information on climate change visit:

"Potential Impacts of Climate Change," *Pacific Institute for Studies in Development, Environment and Security* [http://www.pacinst.org/cc\\_2.html](http://www.pacinst.org/cc_2.html)

"United Nations Climate Change Information Kit," *United Nations – Climate Change Information Sheet 23* <http://www.unfccc.org/resource/iuckit/fact23.html>

*Climate Ark* <http://www.ClimateArk.org/> (click on the link: *Impacts*)

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## The Climate Convention and the Kyoto Protocol

### 2.1 The key documents in the regime

The key documents in the regime are the United Nations Framework Convention on Climate Change (FCCC 1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (KP 1997). In addition, the decisions in the regime are taken by the Conference of the Parties (COP). The COP meets annually since 1995. The Conference of the Parties makes its decisions on the basis of the reports of the subsidiary bodies (see Section 3.2).

### 2.2 The FCCC, 1992

A decade after the 1979 World Climate Conference, the United Nations Framework Convention on Climate Change (FCCC) was adopted in May 1992 and was opened for signature at the United Nations Conference on Environment and Development (the Earth Summit) in Rio de Janeiro. The FCCC consists of a Preamble, 26 Articles and two Annexes. The FCCC states that the ultimate objective of the Convention and any related legal instrument is to achieve the stabilization of greenhouse gas concentrations in the atmosphere at a level that would enable ecosystems to naturally adapt and not harm food production (Art. 2). This objective is to be achieved by measures guided by the principles of equity and the common, but differentiated responsibilities and respective capabilities of developed and developing countries (vulnerable countries in particular), the need for precautionary measures, sustainable development and a supportive, open economic system (Art. 3).

Furthermore, the Convention divides the world into two groups—developed (western countries and eastern countries with economies in transition listed in Annex I; see Table 4) and developing countries. Annex I countries were encouraged to reduce their emissions of CO<sub>2</sub>, N<sub>2</sub>O and CH<sub>4</sub> in the year 2000 to the 1990 levels. Under the Convention, developed countries listed in Annex II (a sub-set of Annex I) are expected to provide financial assistance to the developing countries (Art. 11, 21). They are also expected to cooperate in the field of science and technology transfer to enable these countries to adopt

more climate-friendly technologies and to adapt to the potential impacts of climate change. The FCCC calls on all Parties to make national inventories of emissions and adopt climate policies (Art. 4), to undertake research and observation (Art. 5), education, training and public awareness (Art. 6) and to communicate these to the Secretariat (Art. 12). The FCCC established five bodies (see Section 3). Issues relating to implementation, dispute settlement, amendments, annexes, protocols, right to vote, deposition, ratification, entry into force, reservations and withdrawal are covered in the remaining articles.

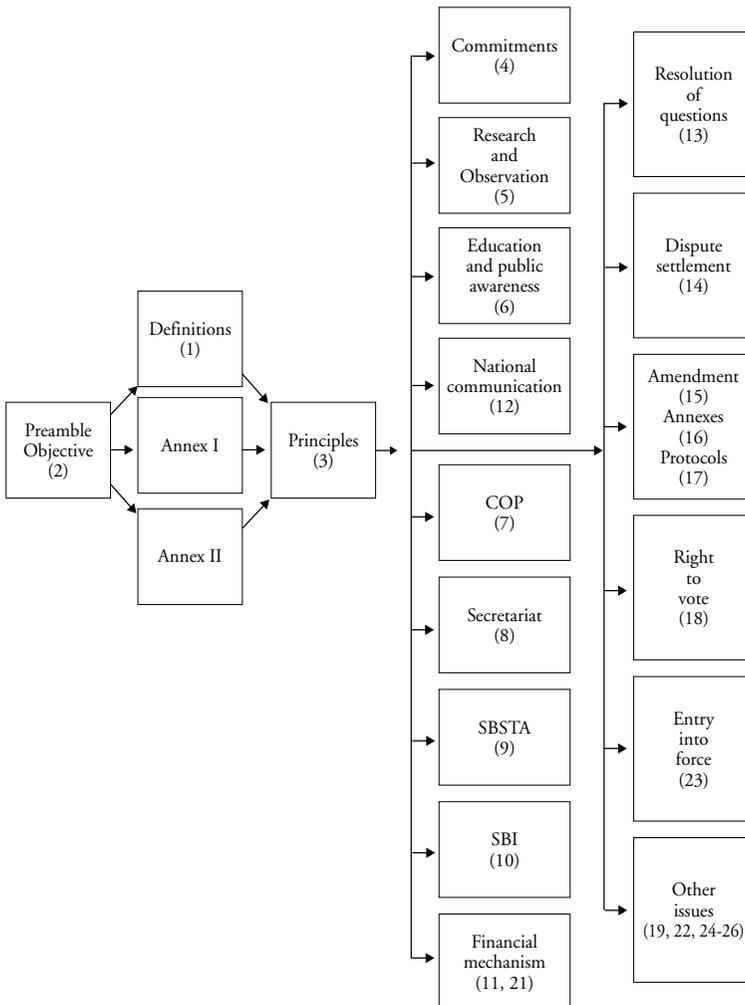


Figure 1. The FCCC

*Table 1. The decisions of the COPs*

COP	Key decisions
COP-1, Berlin 1995 21 decisions	Pilot phase on Activities Implemented Jointly (AIJ) which would permit countries to voluntarily participate in projects aimed at reducing emissions of GHGs, but without credits. The Berlin Mandate to negotiate legally binding reduction commitments was adopted.
COP-2, Geneva 1996 17 decisions	Geneva Ministerial Declaration was noted, but not adopted, and a decision on guidelines for the national communications to be prepared by developing countries was adopted. The COP also discussed Quantified Emissions Limitation and Reduction Objectives (QELROs) for different Parties and advocated an acceleration of Berlin Mandate talks so that concrete commitments could be adopted at COP-3 in Japan in December 1997.
COP-3, Kyoto 1997 18 decisions	Adoption of the Kyoto Protocol (see Section 2.3).
COP-4, Buenos Aires 1998 19 decisions	The Buenos Aires Plan of Action which focuses on strengthening the financial mechanism, the development and transfer of technologies and maintaining the momentum in relation to the Kyoto Protocol.
COP-5, Bonn 1999 22 decisions	The decisions focus on adoption of the guidelines for the preparation of national communications by Annex I countries, discussion of technology transfer, capacity building and the flexibility mechanisms.

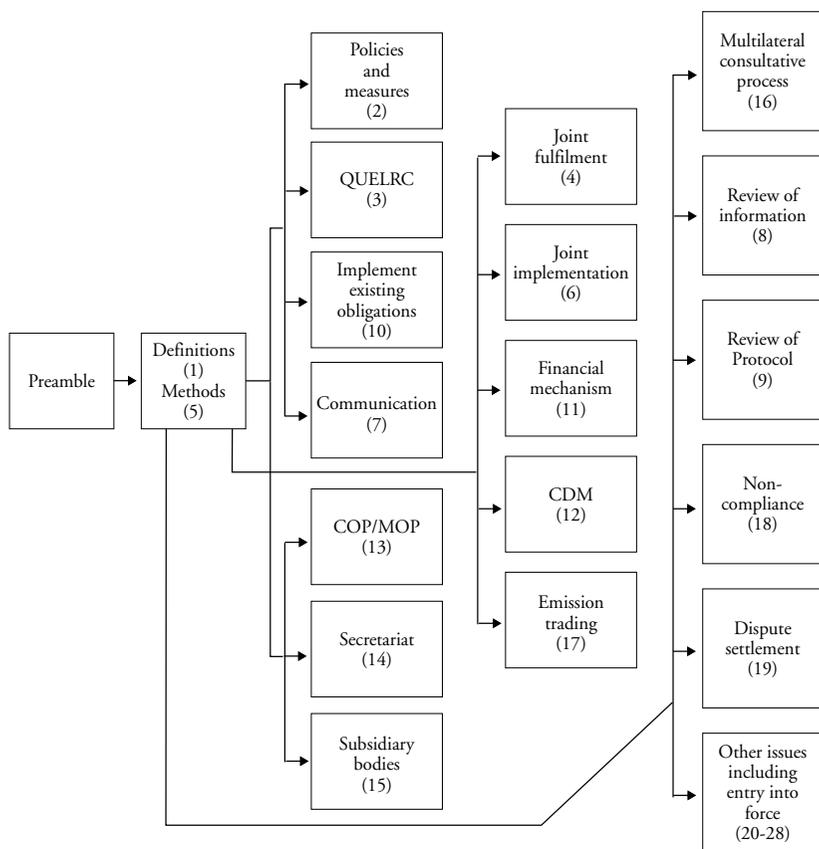
The FCCC includes a list of follow-up activities for the COP (Art. 7) such as reviewing the implementation process and adopting decisions necessary to promote effective implementation. In addition, the COP is expected to ensure the development of a common methodology for calculating emissions (Art. 4.1(a)) and removal from sinks (Art. 4.2(c)), review the communications made by all Parties (Art. 4.1(a) and (j); Art. 4.2(b)), review and amend the list of countries in Annex I and II (Art. 4.2(f)) and develop procedures relating to conciliation (Art. 14.8). The COP is expected to review the adequacy of the specific obligations of Annex I countries and, if necessary, take appropriate action (Art. 4.2(d)). It is expected to arrange for the provision of technical and financial support to developing countries (Art. 12.7) on request in relation to their commitments. Thus, the purpose of the COP is to ensure the progress of the climate regime towards the ultimate objective.

## 2.3 The Kyoto Protocol

At COP-3, the Kyoto Protocol (KP) to the FCCC was adopted. The KP aims to reduce emissions of Annex I countries (slightly modified in a new Annex B (see Table 4)) by at least 5% below 1990 levels (and in some cases 1995 levels) in the period 2008-2012. Individually, these countries have separate commitments. The European Union countries are collectively expected to reduce their emissions by 8%, the USA by 7% and Japan by 6%. Australia, Iceland and Norway are allowed to increase their emissions. The remaining countries are allowed varying levels of reduction. Although an important first step, it falls short of what is needed to stabilize global concentrations of GHGs.

The Protocol identifies policies and measures that can be taken by countries (Art. 2) and quantified commitments for Annex B countries on six GHGs (Art. 3; see Section 1.1), and reiterates other commitments (Art.10). Countries need to communicate their measures (Art. 7) and these are then reviewed (Art. 8). There are also articles on definitions, methodologies, non-compliance, dispute resolution, amendments, annexes, voting, depository, signature and ratification, entry into force, reservations and withdrawals.

The 1997 Kyoto Protocol allows joint implementation (JI – Art. 6; see Box 1) with crediting among the developed country Parties. It establishes a Clean Development Mechanism (CDM – Art. 12) which aims at enabling projects in developing countries to achieve sustainable development, contribute to the ultimate objective of the Convention and assist developed countries in complying with their quantified emission reduction and limitation commitments. Under the Protocol, countries with commitments are also allowed to participate in emission trading (ET – Art. 17) among themselves. Such schemes call for the division of a budget of permissible emissions among countries. Those countries that do not use their complete share may sell the unused portion to those who need them. In the KP, the assigned amounts (or quotas) have been allocated to the developed countries and the quotas are equivalent to their emission reduction commitments. The underlying rationale of these co-operative mechanisms is to ensure that global emissions of greenhouse gases are reduced in a cost-effective manner in line with the principles in Article 3 of the FCCC.



*Figure 2. The Kyoto Protocol*

The KP has many “loopholes” in that it includes variable base years, flexibility mechanisms (namely JI, CDM and ET) and sinks. The combined effect of these loopholes could inflate the target of -5% to such an extent as to render the actual impact insignificant. This is why there is considerable pressure in the post-Kyoto period to actually determine the modalities and processes so as to minimize the potential use of loopholes. The KP has yet to enter into force as only 29 developing countries have ratified it thus far (see Table 3). The United States has stated that ratification will depend on “meaningful participation” by key developing countries, and initially the European Union countries and other developed countries were unwilling to ratify, except simultaneously with the U.S. However, the EU is now trying to lobby for ratification.

At the next Conference of the Parties in November 2000 (COP-6), it is expected that flexibility mechanisms will be the key issue.

**Box 1. Negotiation from Joint Implementation to the Clean Development Mechanism**

The FCCC does not define the concept “joint implementation.” As such only the literal English language meaning is of relevance. Lawyers may be tempted to look at the preparatory documents and argue that joint implementation implies investment in developing (and other) countries in return for emission reduction credits. However, the developing countries had never explicitly agreed to this. The issue was heavily discussed and finally, in 1995, the developing countries agreed to accept a pilot phase on Activities Implemented Jointly, which would be voluntary in nature and without credits. This implied that the pilot phase would at some time be reviewed extensively and a full-fledged system would be set in place. In the meanwhile, many of the large developing countries, including Brazil, had made their objections to Joint Implementation known. In 1997, Brazil proposed a Clean Development Fund (CDF) on the basis of the polluter pays principle. The CDF, funded by fines paid by countries in non-compliance, would finance emission limitation and adaptation measures. During the negotiations, the non-compliance elements were removed from the CDF since none of the developed countries were interested in such a fine. “The side-tracking of compliance led the contact groups on a clean development fund to focus instead on the role such a mechanism might play in facilitating project based joint implementation” (Werksman 1998: 152; cf. Aslam 1998). Joint Implementation had been on the agenda for a long time but because of the reservations of the developing countries, discussions were flagging on this issue. And then suddenly at Kyoto, the Clean Development Mechanism (CDM)—the big “Kyoto surprise”—was adopted.

## 2.4 Tips and tricks

- Understand the main and peripheral issues in the debate and in the environment of the negotiations.
- Familiarize yourself thoroughly with the FCCC and KP; at least keep it in your possession at all times.

- Underline texts that are relevant for your own position on key issues, so that you can cite them without having to search for the appropriate texts.
- Keep a copy of all the COP decisions within reach. If you need one, the document desk of the FCCC has a copy of all decisions for you to refer to.
- Keep the index located in this guide with you at all times (see Section 12).

---

For more information read:

Grubb, M., C. Vrolijk and D. Brack (1999). *The Kyoto Protocol*, Earthscan/RIIA, London.

Oberthür, S. and H. E. Ott (1999). *The Kyoto Protocol. International Climate Policy for the 21st Century*; Springer Verlag, Heidelberg et al., Berlin.

Yamin, F. (1998). The Kyoto Protocol: Origins, Assessment and Future Challenges, *Review of European Community and International Environmental Law*, Vol. 7, No. 2, 113-27.

For more information visit:

COP decisions can be downloaded from: <http://www.unfccc.int>

“Beginners Guide to the Convention,” *United Nations—Framework Convention on Climate Change* <http://www.unfccc.int/resource/beginner.html>

“Global Climate Change: Adequacy of Commitments under the UN Framework Convention and the Berlin Mandate,” *Congressional Research Service, Report for Congress* <http://www.cnire.org/nle/clim-14.html>

“Kyoto and After,” *UNA\_UK – Environment* [http://www.oneworld.org/UNA\\_UK/kyoto2.htm](http://www.oneworld.org/UNA_UK/kyoto2.htm)

“Negotiations Continue on the Kyoto Protocol,” *Briefing on Global Warming on NRDC Online* <http://www.igc.apc.org/nrdc/brief/global.html>

“The Convention and the Kyoto Protocol,” *United Nations – Framework Convention on Climate Change* <http://www.unfccc.org/resource/convkp.html>

“The Kyoto Protocol: What Does it Really Say?,” *Campaigns Climate – Understanding the Whole Problem* <http://www.oneworld.org/cse/html/cmp/cmp333.htm>

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## The Bodies in the Regime

### 3.1 The need for executing agencies

The scientific and policy issues are complex. Negotiations must be prepared not only at the domestic level, but also at the international level to ensure that consensus is possible at the annual COPs. This implies substantial inter-sessional work during which the subsidiary bodies prepare materials, and meetings of the subsidiary bodies where discussions on the content take place.

### 3.2 The bodies established by the Convention and the Protocol

Under the Convention, five bodies co-exist:

1. The Conference of the Parties (COP), which consists of negotiators from ratifying countries, meets once a year to review the implementation and to take decisions on how to improve the implementation process (Art. 7)<sup>1</sup>.
2. The Secretariat undertakes the day-to-day activities of coordinating the implementation and makes arrangements for the annual meetings of the COP. Under Rule 28/29 of the Rules of Procedure (see Section 4), it must provide needed staff and services, interpretation services, receive, translate, reproduce and distribute documents, make sound recordings of the meetings, prepare the agenda, etc.
3. A Subsidiary Body for Scientific and Technological Advice (SBSTA) has been established to advise the COP about the latest developments in the scientific and technological area and to provide policy recommendations (Art. 9). The SBSTA meets once or twice a year<sup>2</sup>.
4. The Subsidiary Body for Implementation (SBI) provides assistance in assessing and reviewing the implementation of the Convention.
5. The Convention also identified the Global Environment Facility (GEF) as an interim operating entity to provide financial resources on a grant or concessional basis, including for technology transfer, to the developing countries.

The Kyoto Protocol will use the Secretariat and the subsidiary bodies established under the Convention, and the Conference of the Parties to the Convention will serve as the Meeting of the Parties to the Protocol (hence the abbreviation COP/MOP).

### 3.3 Other formal bodies

Over the years, there has been a number of formal bodies established in the regime for a specific purpose. For example, the Ad-Hoc Group on the Berlin Mandate was established by the first meeting of the Conference of the Parties in 1995 and it existed until 1997. Its purpose was to help with the preparation of binding commitments for Annex I countries. An Ad-Hoc Group on Article 13 was also established in 1995 to advise on the multilateral consultative process in relation to non-compliance.

### 3.4 The informal groups

The formal negotiations only take place in the plenary sessions of the COP. Only two plenary sessions take place at any given point of time. Other formal negotiations take place in the subsidiary body meetings. However, the bulk of the negotiations take place informally. Plenary sessions consolidate positions determined and negotiated informally in contact groups, corridor work, non-groups, expert consultations and informal workshops. This is inevitable since it is impossible to discuss all the various issues in plenary among 194 countries. The informal consultations and groups set up by the President of the COP and/or Chair of the subsidiary bodies help to find consensus in small groups through preparing, re-framing, re-defining, re-drafting and refining the negotiating process. The Chair may appoint individuals to preside over these informal sessions. These sessions do not generally have translation facilities, which makes it extremely difficult for non-English speakers to participate. However, agreement reached in any of these groups is not easy to oppose in the plenary sessions, because so much time has been invested in the informal meetings. These informal groups include:

***Friends of the Chair/President:*** Sometimes the Chair can invite a few prominent negotiators to form a group called Friends of the Chair/President to help informally in developing consensus on issues.

***Working Group:*** A group convened by the COP or by one of the subsidiary bodies to work on large scale issues. The Chair or Co-chairs must be designated by the Chair of the body calling the Working Group, and membership is open to all Parties. Examples: Working Group on Mechanisms, on Compliance, etc.

***Joint Working Group:*** Two working groups, each convened by a different subsidiary body, brought together to work on cross cutting issues.

**Contact Group:** A spur-of-the-moment group called into being to resolve a specific issue on which there is disagreement. Membership is ostensibly open to all Parties, but is usually limited to those Parties individually invited by the Chair to participate, due to their different viewpoints.

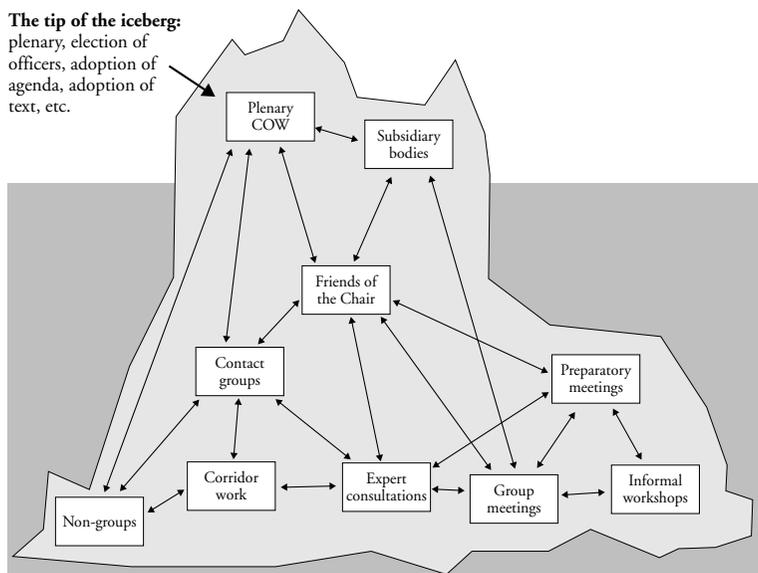
**Joint Contact Group:** Two contact groups created separately and brought together to resolve differences between them.

**Informal Group:** A group called into being by one or more of the Parties, for purposes of informal consultation.

**Non-group:** Under circumstances of extreme reluctance to enter into negotiation, non-groups can be called into being by the Chair in order to encourage communication without the pressure of negotiations.

### 3.5 The formal and the informal

The formal sessions are governed by rules of procedure, are transparent, generally in all UN languages and accessible for all Parties and accredited observers. The informal sessions are mostly in English, not very accessible and transparent, have few observers, if any, and take place simultaneously to a number of other similar sessions. They are, however, very influential in the process.



*Figure 3. The formal and informal processes (Boyer 2000, adapted from Jean Freymond)*

**Box 2. Lack of transparency:  
The perceptions of the informal processes**

Schelling (1960: 31) argues that organizing multiple meetings is a good negotiating tactic and is not a neutral approach to reaching consensus. “When there are two objects to negotiate, the decision to negotiate them simultaneously or in separate forums is by no means neutral to the outcome, particularly when there is a latent extortionate threat that can be exploited only if it can be attached to some more ordinary, legitimate bargaining situation.”

Interviewees (Gupta 2000a) have, over the years, argued that they find the international negotiation process not very transparent. “What happens inside the negotiation rooms determines very little. Late night meetings in smoke-filled rooms, late calls home, corridor discussions, lunches, individual agreements outside the plenary are then sold to the plenary.” “The development of consensus is not a logical consequence of the negotiating process.” “Nobody knows why we agreed to a 5.2% reduction.” There is “no open and transparent debate.” Decisions appear to be taken during informal lunches, in the corridors, by powerful groups.

Of course, this is seen as logical since “...you cannot negotiate anything in a public room, there is no debate, only statements. The plenary and SBI only help to set the positions and the final decisions are taken behind closed doors. The main work is in the informal groups, where people can talk more openly; and in these groups only countries very interested in the issue are present.”

### 3.6 Tips and tricks

- If you are alone on your delegation, you should focus on one or two critical issues for your country and choose the most appropriate plenary session.
- Seek ways of finding out what happened in the sessions you missed.
- If you can find another lone negotiator from a like-minded country, you can divide the plenary negotiations between you. This is unorthodox in that the other negotiator can in no way represent your country, but he or she can alert you to issues that might be relevant for your country and you can reciprocate in kind.
- If you cannot make sense of all the informal processes, find someone from the NGOs from your region and ask them for a briefing.

- In the long-term, it is absolutely imperative to make coalitions with other developing countries and share the participation in the informal processes (i.e., division of labour between countries (team up!)).

#### Footnotes

- 1 Only Parties to a treaty participate in a COP. A Committee of the Whole (COW) has been established to allow non-Parties to participate in the discussions.
- 2 An IPCC/SBSTA Joint Working Group has since been established to ensure linkages between the information needs of the Conference of the Parties and the scientific community. There is thus a regular dialogue between the two communities. This is generally true although sometimes there is a communication gap between the two groups and this is reflected in the confused wording on sinks in the Kyoto Protocol; (see Yamin (1998)).

"On Behalf of My Delegation,..."

–4–

## The Rules of Procedure

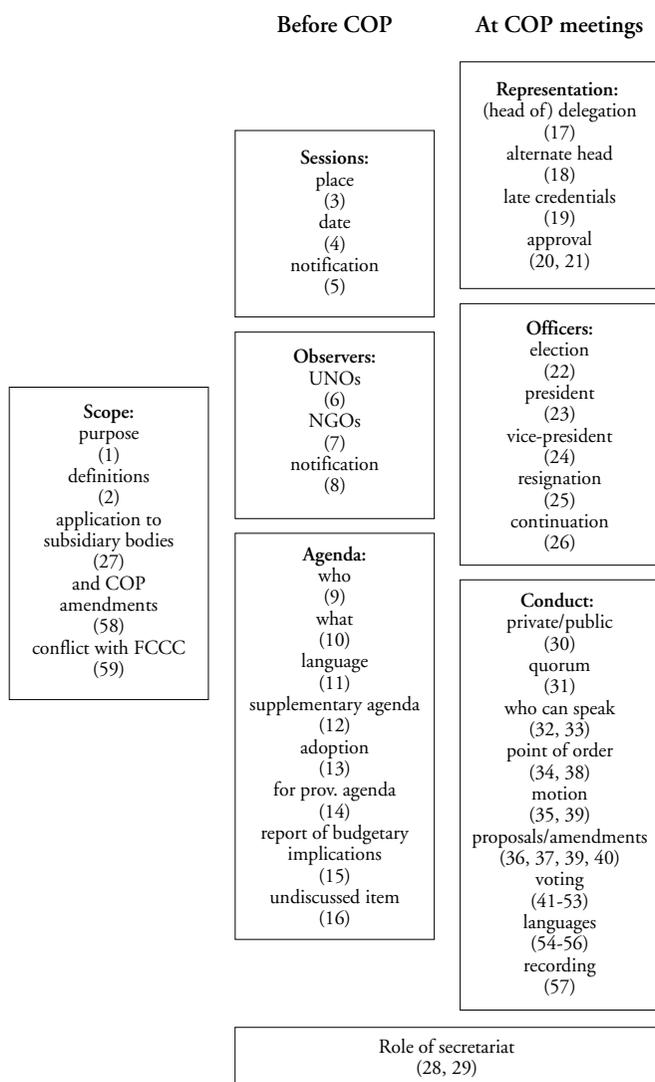
### 4.1 Why are rules of procedure important?

Rules of procedure are very important because they govern the process of negotiation and can be used to shape the process and content. Adhering to the rules of procedure ensures that there is rule of law in the negotiations. The rules of procedure are applicable to all the formal negotiations.

### 4.2 The Rules of Procedure

Articles 7.2 and 7.3 of the (FCCC) state that the COP shall adopt Rules of Procedure by consensus. The rules were drafted in *A/AC.237/L.22/Rev.2* (1995) and amended in *FCCC/CP/1996/2* (1996). The draft Rules of Procedure have not yet been adopted due to remaining disagreements on Rule 22 (paragraph 1) and Rule 42 (paragraph 1). However, the draft Rules of Procedure are being applied on an interim basis, with the exception of Rule 42 (see Section 4.4).

The rules cover the agenda, location, date and notification of the meetings, the role of observers, participation, and the election of the Bureau<sup>3</sup> officers to run the meetings. The Bureau presides over the work of the COP and facilitates agreement among the Parties. The Rules of Procedure also specify in detail the role of the Secretariat (see Figure 4).



*Figure 4. The Rules of Procedure*

### 4.3 Key issues in the Rules of Procedure

Negotiators can only speak when they have permission to speak from their head of delegation, and have permission from the Chair after raising their country placard. When permission is granted, it is customary to begin the intervention by thanking the chair. A delegate will speak:

- To put forward the country position;
- To raise a point of order: When a delegate feels that the President is not following the procedures in the Rules, he or she can make a “T” with the placard or hands to make a point of order. If the delegate simply raises the hand or placard this is not necessarily seen as a request to make a point of order. The President must immediately respond in accordance with the rules (Rule 34). The delegate begins by saying: “I would like to make a point of order...”; or
- To make a motion: When a delegate has a suggestion about how the President should deal with an issue, he can make a motion under Rule 35. The delegate begins with: “I would like to make a motion....” An example is when a delegate thinks that someone has suggested a new idea to which he or she cannot immediately respond without consultation. So the delegate suggests that the discussion on that particular issue is moved to another time in the agenda.

Note that the motion and the point of order are not common practices. They are to be used with discretion!

#### 4.4 Outstanding issues in the Rules of Procedure

There are two controversial issues in the Rules of Procedure: one is on the voting arrangements and the other on regional representation in the Bureau, which actually runs the meetings of the COPs. Decisions can be adopted by consensus or by voting arrangements. Consensus calls for agreement from all Parties. Voting calls for an agreement from many Parties depending on the definition of the voting rules. Rule 42 talks about the voting procedures. As yet there is no agreement on this article and it is not being applied. Rule 22 has also been controversial since there was disagreement about how the regions should be equitably represented in the Bureau. However, the latter rule is being applied.

#### 4.5 Consensus is not unanimity

Decisions in a negotiation process can traditionally be taken by unanimity, voting or consensus. Unanimity calls for explicit agreement of all Parties. Consensus falls short of that. It is a process that aims at securing agreement from all, or at least most countries. If there is no explicit objection, a decision can be adopted by consensus. Majority voting consists of simple majority, qualified majority (the adoption of formulae such as 3/4th, 7/8th, etc.), weighted majority<sup>4</sup> and double majority<sup>5</sup> rules.

In the early days of the UN, there were only a few developing countries. However, now with 130 G-77 (and non-Annex I) countries and another 23

non-G-77 developing countries (see Table 8), developing countries always have a simple majority and, depending on the formula chosen, also the majority in terms of percentages. This puts the negotiation process in the hands of the developing countries. Developed countries have the advantage when weighted majority or double majority systems are chosen. Hence, those groups of countries in the minority such as the EU, Annex I and even OPEC prefer to have all decisions taken by consensus, rather than through a majority voting process. This, however, can slow down the decision-making process. On some occasions, in order to reach a consensus, the Chair may ignore the objection of a country.

#### 4.6 Role of President or Chairman

The roles of the President of the COP or the Chair of the subsidiary bodies are to achieve agreement, be impartial and satisfy the world about the progress made in the negotiations. The President does not have the right to represent his or her country. The tasks of the President are elaborated in Rules 23-26 of the Rules of Procedure.

#### 4.7 The nomenclature of documents

During the negotiations, a substantial number of documents are circulated. Making sense of these documents is usually a challenge. A key first step is to understand the nomenclature of the documents (see Table 2). All key negotiation documents such as the agenda, the COP reports and the amendments to the Convention and Protocol are available in all UN languages. Other support material is usually only available in English. However, sometimes even if a document is meant to be in all UN languages, if there is a shortage of time, the document may temporarily be made available only in English. This has been a source of some concern to many negotiators. A visit to the FCCC web site revealed that there is some degree of variation in the number of languages in which documents are prepared; and possibly there is a backlog in translation. The Secretariat is trying its best to translate but there are resource limitations.

*Table 2. The nomenclature of documents*

<b>Nomenclature</b>	<b>Full name</b>	<b>Description</b>	<b>Languages</b>
FCCC/CP	Provisional and regular documents/ agenda	Pre-conference documents	Generally in all UN languages <sup>6</sup>
INF.docs	Information documents	Background information	English
Misc. Docs	Miscellaneous documents	Views of Parties/ observers; participants list	English
Add.	Addendum	The second part of a document previously submitted	Depends on the main document
Corr.	Corrigendum	Only corrections to a document	Depends on the main document
Rev.	Revision	Revised document	Generally only in English, sometimes also in Chinese
CRP	Conference Room Papers	Working docs for during negotiations	English
L. docs	Limited documents	Draft reports and texts	English generally, sometimes in Spanish, French and Chinese
Non-papers	Unofficial documents	Informal, in-session docs to assist negotiations	English
IDR	In-depth reviews	Reviews of national communications	English
TP	Technical papers		English
NC	National Communication		English and summary in all UN languages

*Source: Boyer 2000; the information on languages is based on existing practice; see FCCC web site.*

#### 4.8 Tips and tricks

- Keep a copy of the Rules of Procedure handy, and if possible memorize the key elements.
- Speak through a single spokesperson when possible.
- Learn to master the use of “Motions” and “Points of Order.”
- Keep an ear open for when other countries are using “Motions,” and discern if it is a delay tactic or a legitimate request.
- One voiced objection to a consensus is, theoretically, enough to stop the consensus. Some countries have used this power in the negotiations. However, it is not wise to misuse the power of objection. Most countries are extremely diplomatic and cautious in exercising this right.
- Familiarize yourself with the nomenclature of the documents listed in Table 2.

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For more information read:

Werksman, Jacob (1999). *Paper on Procedural and Institutional Aspects of the Emerging Climate Change Regime: Do Impoverished Procedures Lead to Impoverished Rules*. Presented at the Workshop to Enhance the Policy-Making Capacity Under the Framework Convention on Climate Change, 17-18 March 1999. Unpublished, author’s copy.

*Convention on the Law of Treaties (Vienna) 23 May 1969*, in force 14 August 1970; 875 UNTS 3.

#### Footnotes

- 3 The Bureau consists of one President, seven Vice-Presidents, one Rapporteur and two Chairs (of the two subsidiary bodies).
- 4 Weighted majority means that additional weight is given to some countries for varied specific reasons. For example, the World Bank uses weighted voting in which weights are assigned according to the level of the capital subscriptions of the borrower and non-borrower countries. (Source: [www.worldbank.org](http://www.worldbank.org))
- 5 Double majority requires a majority to be maintained both on the basis of one vote per country, as well as on the basis of financial contributions to a fund.
- 6 For COP-5 and -6, these are not yet available other than in English on the web site.

-5-

## State and Non-State Actors

## 5.1 State actors

According to international law, only States (and sometimes regional economic integration organizations) are authorized to negotiate a multilateral treaty. Unless a State accepts, ratifies or otherwise accedes to an international agreement, it is not a Party to the agreement. All States, whether Parties or non-Parties are involved in the negotiations. However, only Parties can actually participate in the decision-making process. Observers may not vote or object to consensus proceedings. Groupings that are not recognized by the United Nations as States may only be involved as observers (e.g., Palestinian Liberation Organization). State actors and coalitions are discussed in the next section.

*Table 3. List of Parties and non-Parties as of September 7, 2000*

194 (EC included)	Parties	Non-Parties
FCCC	All others (186 countries)	8 countries: Afghanistan, Brunei Darussalam, Congo (DR), Holy See, Iraq, Liberia, Somalia, Turkey.
KP	29 countries: Antigua and Barbuda, Bahamas, Barbados, Bolivia, Cyprus, Ecuador, El Salvador, Estonia, Fiji, Georgia, Guatemala, Guinea, Honduras, Jamaica, Kiribati, Lesotho, Maldives, Mexico, Micronesia, Mongolia, Nicaragua, Niue, Palau, Panama, Paraguay, Trinidad and Tobago, Turkmenistan, Tuvalu, Uzbekistan.	All others (165 countries)

Source: <http://www.unfccc.int/resource/kpstats.pdf>

## 5.2 Non-state actors

Non-state actors include environmental non-governmental organizations (NGOs), research NGOs and industry NGOs. Each NGO has its own constituency and represents specific interests. These non-state actors influence the negotiating process in many ways. In general, non-state actors do not serve the interests of any individual country. NGOs thus raise public awareness on the issue and link it with the daily priorities of people. They help to re-define the problem for the public, and they raise the transparency of the policymaking processes. They try to ensure the accountability of the negotiating processes and the effectiveness of the outputs. However, some industry NGOs may actually wish no outputs.

The key family of climate NGOs is the Climate Action Network (CAN) which consists of around 300 members. It has five major branches: Climate Network Europe (CNE), Climate Network Africa (CNA), Climate Action Network South-East Asia (CANSEA), Climate Action Network-South Asia (CANSAs) and the U.S. branch. Some of these networks are not functioning optimally. CAN aims to develop a common position for NGOs worldwide that work on climate change related issues. Major international NGOs include Greenpeace and World Wide Fund for Nature (WWF). Major Southern NGOs include the South Centre in Geneva, the Centre for Science and Environment in New Delhi, and the Center for the Sustainable Development of the Americas.

At least one NGO provides detailed neutral reports of the daily negotiation process (see the Earth Negotiations Bulletin (ENB) of the International Institute for Sustainable Development). Other environmental NGOs provide critical perspectives and analysis of the issues being covered in the negotiations (see the newsletter ECO). Yet other NGOs provide regional perspectives (see *Hotspot* by CNE; *CLIME ASIA* by CANSAs, *IMPACT* by CNA). Many environmental NGOs write scientific and position papers to influence the negotiations. They form coalitions to support the negotiations and they make common presentations of their positions. They conduct evaluations of national implementations and monitor the work of governments. Finally, some international experts from research NGOs also help the delegations of the small island States to actually formulate and negotiate national negotiating positions. In addition it is useful to know that the United Nations Non-Governmental Liaison Service produces the Environment and Development File in which it sums up key issues in different negotiations. It also covers the climate change negotiations for other negotiating groups.

However, all NGOs do not have the same opinion. There is a conflict between the Northern and the Southern NGOs on the definition of the issues. “While the former argue the need for curbs to be placed on economic growth, the lat-

ter argue that the worst problems are created by industry and over-consumption in the North and by inequalities in the global economic system” (McCormick 1999: 60). There is a difference of opinion between those NGOs who would like to close the loopholes and those who would like to be innovative in the process of identifying solutions to keep countries on board.

There are also many epistemic or scientific groupings. The international epistemic community consists of the scientists associated with the Intergovernmental Panel on Climate Change. In addition researchers from various institutions world-wide are active in the negotiation process. From the South these include those from the Bangladesh Centre for Advanced Studies, the Tata Energy Research Institute in New Delhi, the Southern Centre for Energy and Environment in Harare, the ENDA Tiers-Monde in Senegal, etc. Sometimes it is difficult to differentiate between a scientific group and an environmental group. From the North, these include the Foundation for International Environmental Law and Development, the International Institute for Sustainable Development, the World Resources Institute, the Institute for Environmental Studies Amsterdam and the Stockholm Environment Institute.

Then there are industry NGOs. These include green industry NGOs like the World Business Council for Sustainable Development (with its many branches), the Business Council for a Sustainable Energy Future, the Insurance Industry Initiative for the Environment and the Pew Center on Global Climate Change (with members like United Technologies, Intel, AEP, DuPont, British Petroleum, Shell, Toyota, Boeing, ABB, Lockheed Martin, Enron and Edison International). There are also other industry NGOs who favour waiting for complete scientific evidence before far-reaching action is taken. These include the Global Climate Coalition, the Coalition for Vehicle Choice (and its Global Climate Information project) and the Climate Council. There are also middle-of-the-road NGOs like the International Climate Change Partnership, the International Chamber of Commerce and the European Roundtable of Industrialists (Kolk 1998).

Finally, there are observers from banks, other UN organizations like UNDP, UNEP and the International Organization for Standardisation (ISO) and there are national and international journalists who organize a series of press conferences. The number of participants is increasing. Ten thousand people attended COP-3 and the same number is expected at COP-6.

### 5.3 Tips and tricks

Because there are literally thousands of participants at these meetings, it is important not to feel isolated and unimportant in the process. It is easy to feel overwhelmed by the number of people, the number of stands of NGOs and

other organizations, the number of rooms involved in the process and by the decisive way everybody appears to be knowing exactly what to do and where to go. Don't let that fool you. Most are as lost as you are and are trying to pretend that they are comfortable. If this is your first visit to the negotiations, it may be useful to know that country tables are arranged alphabetically in the plenary rooms and it is handy to know where colleagues from other countries will be sitting. Some tips and tricks are:

- Find your country, regional or international NGOs; they sit at the back of the room. They may be willing to explain terms, texts and help you find other delegates with similar negotiating positions.
- The names used by industry can be misleading; for example, the Global Climate Coalition is a coalition that demands more and more scientific evidence of climate change, as opposed to demanding precautionary action. Sometimes, businesses become members of “green” coalitions and then influence the policies of these coalitions to an extent that they are no longer green and focused. This is a trend to watch out for.
- Female delegates may often feel more isolated since there are not many women negotiators. Sometimes it helps to find other women negotiators to compare notes and to develop a strategy for coping with the negotiations.

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For more information read:

TERI (1998). *Climate Change: Post-Kyoto Perspectives from the South*, Tata Energy Research Institute, New Delhi.

CSE (1998). *South Asia Statement: Towards an Atmosphere that Belongs to All*, CSE Dossier, October 24, New Delhi.

For more information visit:

Search for climate change on the *WBCSD site*: <http://www.wbcsd.ch/web-searc.htm>

Check out this page for a list of NGOs in the South (too many to list them!) <http://wbln0018.worldbank.org/essd/essd.nsf/d3f59aa3a570f67a852567cf00695688/3fdb87396561d180852567ed004c499f?OpenDocument>

*IISD site* on key organizations working in research and action for sustainable development: <http://iisd.ca/ic/>

*ENDA* (Dakar): <http://www.enda.sn/>

*Climate Action Network:* <http://www.igc.org/climate/Eco.html>

*WWF:* <http://www.wwf.org/>

*IPCC:* <http://www.ipcc.ch/>

“What is the Intergovernmental Panel on Climate Change?,” *Resources for the Future – Weathervane* <http://www.weathervane.rff.org/negtable/02backintergov.html>

*Pew Center reports:* <http://www.pewclimate.org/projects/index.html>

*GCC:* <http://www.globalclimate.org>

"On Behalf of My Delegation,..."

## Coalitions in the Climate Change Regime

### 6.1 The importance of coalitions

The climate change negotiations take place among 194 countries. It is impossible to negotiate with each country individually. This means that countries try to develop coalitions with other countries. Such coalitions are necessary to make the negotiations manageable, to reduce the complexity of the issues and the numbers of negotiating groups. Further, such coalitions can reduce transaction costs for countries by helping them to pool their resources and increase their negotiation leverage. Coalitions can be used to put issues on the agenda, to negotiate a point of view, and to modify or break a consensus. Coalitions can be power-based (e.g., G-77 versus non-G-77; see Section 7), issue-specific (e.g., Alliance of Small Island States – AOSIS), institutionalized or formal (e.g., the European Union – EU), political or constructed (e.g., JUSS-CANNZ). The disadvantages of coalitions is that although in theory one has the flexibility to manoeuvre in different groups, in practice it is very difficult to move out of a specific coalition.

### 6.2 The two major negotiating blocs (power-based coalitions)

During the Cold War there were three major groupings of countries: the West bloc, the East bloc and the developing countries (organized in the Non-Aligned Movement (NAM) and the Group of 77 and China – see Section 7). In the post-Cold War politics, the former countries of the East bloc have joined forces with either the developed or the developing countries. Thus, in the climate negotiations, the primary groupings are Annex I/B, Annex II and non-Annex I countries (see Section 2 and Table 4). Meanwhile, there is growing pressure on the Republic of Korea and Mexico to join Annex I. Kazakhstan has stated that it is willing to join Annex I (FCCC/CP/1999/6/Add.1, para 4). Most non-Annex I countries belong to G-77 (see Table 7).

*Table 4. List of countries in the Annexes*

Annex I (41 incl. EC) and Annex B (39 incl. EC) countries Annex I Parties (40) and Annex B Parties (0)	Annex II (25 incl. EC and Turkey)	Non-Annex I
Australia, Austria, Belarus**, Belgium, Bulgaria, Canada, Croatia*, Czechoslovakia (now: The Czech Republic and Slovakia)*, Denmark, EEC (now: European Community), Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein*, Lithuania, Luxembourg, Monaco*, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia*, Spain, Sweden, Switzerland, Turkey** 7, Ukraine, UK, USA	Australia, Austria, Belgium, Canada, Denmark, EEC (now: European Community), Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, UK, USA	153 countries; (see Table 8)

\* countries added to Annex I by amendment, adopted at COP-3 that entered into force on 13/8/98;  
\*\* countries not in Annex B of the Kyoto Protocol.

### 6.3 The divisions within the blocs (issue-based and political)

Within Annex I, there are different groupings. The most permanent group is the European Union. The countries with economies in transition (CEITs) are not very organized as a coalition; some, such as those aspiring to EU membership, tend to align themselves with the EU and others, such as Ukraine and Russia, with other Annex I Parties. The U.S. and other Annex I Parties occasionally operate in a group known as JUSSCANNZ (acronym of their country names). There is also an umbrella group that has members from JUSSCANNZ and some CEITs, all interested in maximizing opportunities for participating in the Kyoto mechanisms.

*Table 5. Divisions within Annex I (40 + EC) countries*

EU (15)	JUSSCANNZ (7)	CEIT (14) (not a negotiating group)	Umbrella group	Rest of Annex I (4)
Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, UK	Japan, U.S., Switzerland, Canada, Australia, Norway, New Zealand <sup>8</sup>	Belarus, Bulgaria, Czech Republic, Slovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russian Federation, Ukraine, Croatia, Slovenia	Japan, U.S., Iceland, Canada, Australia, Norway, New Zealand, Russian Federation, Ukraine	Iceland, Liechtenstein, Monaco, Turkey

#### 6.4 The divisions across the groups in Non-Annex I

The non-Annex I countries too have diverse groupings. The Africa Group consists of 53 countries, the group of Latin America and the Caribbean has 33 members. Asia does not have an active regional group in the negotiations. In addition, there is AOSIS which has 42 members of which four are not independent States and five are not members of G-77. OPEC has 11 members in Asia, Africa and Latin America. GRILA is an informal group in Latin America. The non-G-77 non-Annex I countries consists of 23 countries.

These groupings are groups of convenience; they are based on historical, economic and geographical associations. AOSIS (Alliance of Small Island States) has a shared concern in relation to their smallness and in relation to their vulnerability. OPEC (Organization of Petroleum Exporting Countries) has a shared concern in relation to its oil export revenues that may be affected by reduced use of fossil fuel. GRILA is a loose group of Latin American countries brought together primarily by their interest in promoting the CDM, and in using sink enhancement projects in the CDM. Africa is chiefly concerned about the impacts of climate change. Latin America and the Caribbean are concerned with economic development opportunities; while the key concern in Asia is the fear of caps on growth levels in the future. During the negotia-

tions of June 2000, a new group was formed, which cuts across Annex I/non-Annex I lines. The Environmental Integrity Group is currently composed of Mexico, the Republic of Korea and Switzerland, on the basis of their common interest to ensure environmental integrity in the KP.

*Table 6. Non-Annex I Negotiating Groups in the Climate Negotiations (by group)*

Group	Members	Number
AOSIS	American Samoa*, Antigua and Barbuda, Bahamas, Barbados, Belize, Cape Verde, Comoros, Cook Islands**, Cuba, Cyprus, Dominica, Fed. States of Micronesia, Fiji, Grenada, Guam*, Guinea-Bissau, Guyana, Jamaica, Kiribati, Maldives, Malta, Marshall Islands, Mauritius, Nauru**, Netherlands Antilles*, Niue**, Palau**, Papua New Guinea, Samoa, Sao Tome and Principe, Seychelles, Singapore, Solomon Islands, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Surinam, Tonga, Trinidad and Tobago, Tuvalu**, U.S. Virgin Islands*, Vanuatu.	42-4=38
GRILA (informal group)	Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Guatemala, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico**, Nicaragua, Panama, Paraguay, Uruguay.	16
OPEC	Algeria, Indonesia, Iran, Iraq, Kuwait, Libya, Nigeria, Qatar, Saudi Arabia, UAE, Venezuela.	11
Environmental Integrity Group	Mexico**, Korea (Rep.)**, Switzerland <sup>9</sup> **.	3

*Note: \* not independent States; \*\* non-G77 countries*

The developing countries, although classified as developing, consist of a large number of countries with varying economic circumstances. Some AOSIS countries are very rich on a per capita basis and some OPEC countries very poor. In fact, the World Bank (2000) classified Andorra, Bahamas, Brunei Darussalam, Cyprus, Israel, Kuwait, Malta, Qatar and Singapore as High Income Countries based on their per capita GDP.

*Table 7. Non-Annex I Negotiating Groups in the Climate Negotiations (by region)*

Continent	Countries	Total	
		G-77	Non-G-77
Africa	Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (DR), Congo (Rep.), Cote D'ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe	53 <sup>10</sup>	
Asia	Afghanistan, Armenia*, Azerbaijan*, Bahrain, Bangladesh, Bhutan, Brunei, Cambodia, China, Cyprus, Georgia*, India, Indonesia, Iran, Iraq, Israel*, Jordan, Kazakhstan*, Korea (DPR), Korea (Rep.)*, Kuwait, Kyrgyzstan*, Lao (PDR), Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Oman, Pakistan, Palestine, <sup>11</sup> Papua New Guinea, Philippines, Qatar, Saudi Arabia, Singapore, Sri Lanka, Syria, Tajikistan*, Thailand, Turkmenistan, United Arab Emirates, Uzbekistan*, Vietnam, Yemen	36	9
LAC	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Costa Rica, Cuba, Colombia, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico*, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela	32	1

Continent	Countries	Total	
		G-77	Non-G-77
Europe	Albania*, Andorra*, Bosnia Herzegovina, Holy See*, Macedonia (Former Yugoslav Republic of)*, Malta, Moldova*, San Marino*, Yugoslavia (Federal Rep.)*	2	7
Oceania	Cook islands*, Fiji, Kiribati*, Marshall Islands, Micronesia (Federal States of), Nauru*, Niue*, Palau*, Samoa, Solomon Islands, Tonga, Tuvalu*, Vanuatu	7	6
Total G-77	All the above countries minus the * ones, i.e., those mentioned below	130	
Non-G-77	Albania, Andorra, Armenia, Azerbaijan, Cook islands, Georgia, Holy See, Israel, Kazakhstan, Kiribati, Korea (Rep.), Kyrgyzstan, Macedonia (Former Yugoslav Republic of), Mexico, Nauru, Niue, Palau, Moldova, San Marino, Tajikistan, Tuvalu, Uzbekistan, Yugoslavia (Federal Rep.)		23

## 6.5 The divisions across the blocs

On different issues there are alliances across blocs. Thus, for example, those developed countries and actors within Annex I who do not support emission reduction commitments tend to find support from OPEC countries. Those environmental NGOs who want to see a speedy solution to the climate change problem tend to find support in the AOSIS countries. Those investors who are looking for ways to purchase emission reduction credits find support in industries and entrepreneurs in a wide range of developing countries.

## 6.6 Tips and tricks

- Identify the group to which you belong—G-77, non-G-77 and non-Annex I, or Annex I.
- If your country is a G-77 member, attend the G-77 meetings which normally begin at 9:00 in the morning during the sessions.
- Identify the regional group to which you belong and attend their meetings which normally begin at 8:00 in the morning.
- Identify the sub-group to which you belong; and find dinner or corridor opportunities to see what they are pushing forward.

- Identify if there are issues on which you can agree with other sub-groups; but do not do this behind the back of your own group. This can create an unpleasant diplomatic breach.
- Read miscellaneous documents that cover country positions on specific issues.
- Keep copies of group positions and submissions from past and ongoing negotiations in their different drafts (institutional memory).
- Make a critical analysis of each text, with an eye for underlying policies or “traps.”

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For more information on country and region positions visit:

For Canada: <http://www.climatechange.gc.ca/>

For EU: [http://europa.eu.int/geninfo/query\\_fr.htm](http://europa.eu.int/geninfo/query_fr.htm) and <http://europa.eu.int/>

For G-77 (climate change position not described): <http://www.G-77.org/>

For AOSIS (climate change position not described): <http://www.sidsnet.org/>

For OECD (general information about climate change): <http://www.oecd.org/env/cc/index.htm>; “OECD Perspectives on Climate Change Policies,” OECD (1999) <http://www.oecd.org/env/docs/cc/cop5-statement.pdf>

For OPEC (climate change position not described): <http://www.opec.org/>

For the U.S.: <http://www.epa.gov/globalwarming/index.html>

#### Footnotes

7 Turkey has requested that its status as Annex I and II be reconsidered in view of its inability to comply with the possible commitments for these countries (FCCC/CP/1999/6/Add.1, para 3).

8 Iceland, Korea (Rep.) and Mexico may attend meetings.

9 Switzerland is a member of Annex I.

10 This total excludes Western Sahara since it is not an independent state.

11 Palestine is not an independent state.

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## -7- The G-77 and China

### 7.1 The need for G-77 and China

The South consists of three and a half billion people living in about 140 countries in thousands of communities with diverging religions, languages, customs and resources. However, it also exists as a loosely united body that is defined by its geographical location, its shared structural and political characteristics, its use of soft currency and its common historical experiences. “They share a fundamental trait; they exist on the periphery of the developed countries of the North. Most of their people are poor; their economies are mostly weak and defenceless; they are generally powerless in the world arena” (South Centre 1993: 3).

While the birth of the G-77 in 1964 principally aimed at developing a strategy of coalitional bargaining to restructure the international economic system in favour of the South, the G-77 has been used as a negotiating framework also for environmental and other issues. In the 1970s and 1980s, the G-77 had difficulty in articulating its position. With the end of the Reagan era, the Cold War and the economic decline in many developing countries, the developing countries once again tried to enhance their bargaining power with the preparations for the Earth Summit and were able to redefine a position. Since then the group has grown exponentially and they have been influencing the various committees of the UN. In 2000, the very first global G-77 summit was held. In the mean while, at the ninth meeting of the Non-Aligned Movement (NAM), Julius Nyerere proposed a smaller group of countries to develop the policies for the South—the G-15. This group consists of Algeria, Argentina, Egypt, India, Indonesia, Jamaica, Malaysia, Nigeria, Peru, Senegal, Venezuela, Yugoslavia (Federal Rep.) and Zimbabwe. This group also tried to involve two non-NAM members—Brazil and Mexico.

### 7.2 The membership of G-77 and China

There are 153 non-Annex I/B countries. Of these 130 are members of the group G-77 and China (see Table 8).

*Table 8. G-77 members and non-G-77, non-Annex I countries*

Non-Annex 1 countries (153)				
G-77 countries (130)	New OECD (2)	CEITS (11)	AOSIS (Non-G-77) (6)	Misc. (4)
133 - 3 members (Palestine is not an independent state; Yugoslavia is not allowed to participate; Romania is in Annex I)	Mexico, Korea (Rep.)	Albania, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Macedonia (Former Yugoslav Republic of), Moldova, Tajikistan, Uzbekistan, Yugoslavia (Federal Rep.)	Cook Islands, Kiribati, Nauru, Niue, Palau, Tuvalu	Andorra, Israel, Holy See, San Marino

The chair of G-77 rotates among the countries on an annual basis. The last decade has seen Bolivia, Ghana, Pakistan, Colombia, Algeria, Philippines, Costa Rica, Tanzania, Indonesia, Guyana as Chairs, and Nigeria is chairing in 2000. Iran is the next chair. The chairmanship rotates between regions but there is no clear list of future chairs.

The G-77 and China currently has a Rome Chapter (at FAO), Paris Chapter (at UNESCO), Nairobi Chapter (at UNEP), Washington Chapter (at IMF and World Bank) and a Vienna Chapter (since 1998 at UNIDO) (<http://www.G-77.org/vienna/index.html>).

### 7.3 The purpose of G-77 and China

The G-77 and China aims at articulating and promoting collective economic interests and enhancing the joint negotiating capacity on all major issues in the UN. This year the G-77 and China expounded on its key concerns for the first time in its history at the Havana Summit in April 2000 (Group of 77 South Summit 2000). It reiterated its full commitment to the spirit of the G-77 and China and decided to "map out a better future for our countries and peoples and to work towards the establishment of an international economic system which will be just and democratic." The Summit asked for support for the

development agenda of the South. It argues: “while recognizing the value of environmental protection, labour standards, intellectual property protection, indigenous innovation and local community, sound macroeconomic management and promotion and protection of all universally recognized human rights and fundamental freedoms, including the right to development, and the treatment of each issue in its competent international organization, we reject all attempts to use these issues as conditionalities for restricting market access or aid and technology flows to developing countries.” It goes on to state that “we believe that the prevailing modes of production and consumption in the industrialized world are unsustainable and should be changed for they threaten the very survival of the planet.” Finally, “we advocate a solution for the serious global, regional, and local environmental problems facing humanity, based on the recognition of the North’s ecological debt and the principle of common but differentiated responsibilities of the developed and developing countries.”

#### 7.4 The challenges in the G-77 and China

The G-77 has extraordinary challenges. It includes a few very rich countries in a vast majority of poor countries. Many of the member countries are seriously affected by civil war. The governance systems are different and they have limited resources. The secretariat of G-77 and China itself has limited resources. Although G-77 shares key concerns, there are many issues in which member countries have diverging interests. Interviews reveal that the G-77 countries are also affected by a range of ideological dilemmas in relation to environmental negotiations. Key challenges faced by these countries include difficulties in articulating what sustainable development should look like. Many of these countries also face severe poverty and this implies that they face the dilemma of either using their last resources unsustainably, or losing a short-term opportunity to grow. The question for some developing countries is: Can they empower their own private sector to deal with public problems? In relation to the climate change negotiations, another dilemma faced is: How can they ask for equity in the international negotiations, without being held accountable by other countries and local actors for domestic equity related issues (see Table 9)? The G-77 is in search of a common vision for the future.

*Table 9. Sustainability dilemmas of the South*

<b>The dilemmas</b>	<b>Description</b>
Development	How to modernize without westernizing?
Poverty – I	How to survive without squandering one's resources?
Poverty – II	How to ask for assistance without mortgaging one's future?
Privatization	How to empower the private sector to solve public problems?
Equity	How to achieve equity internationally without being held responsible domestically?
Economic	How to serve short-term business interests without affecting long-term economic interests?

## 7.5 Tips and tricks

- Master the internal procedures and workings of the group. Be active within the group.
- All G-77 members speak through G-77. If you haven't discussed your position in G-77, don't discuss it in public.
- Assign responsibility for each negotiating issue to different colleagues within the G-77.
- Always attempt to put a proposal in writing and put it before the group in advance.
- Listen very carefully to the views of others and see if you are talking the same language.
- Identify the key G-77 interests and pursue them under each issue, unless they are incompatible with your national interests.
- Exchange ideas and approaches informally among the G-77 members.
- Try to understand the strengths and weaknesses of G-77, and try to contribute to minimizing its weaknesses.
- Some delegates tend to dominate the discussions (in particular English speaking delegates). Try to find ways of communicating to ensure that you too have a chance. Written submissions are one way to affect the agenda and the internal process.

- Ensure that individuals with language skills are included on your national delegations.
- Capitalize on the size of the group and avoid feeling powerless against wealthier nations.

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For more information read:

*Journal of the Group of 77*, e-mail [G-77off@undp.org]

Sridharan, K. (1998). G-15 and South-South Cooperation: Promise and Performance, *Third World Quarterly*, Vol. 19, No. 3, 357-373.

For more information visit:

G-77: <http://www.G-77.org/>

"On Behalf of My Delegation,..."

## Part II

# Negotiating Skills

"On Behalf of My Delegation,..."

–8–

## The Ideal Negotiator

### 8.1 Negotiating theory

The basic purpose of negotiating is to resolve conflict of interests on various issues. Negotiation aims to achieve a result that satisfies all Parties. A good negotiator is one who is a good listener, proactive, diplomatic and analytical, has technical knowledge, language skills and, above-all, self-discipline. It is important to remember that individuals can make a difference even if they are from very small countries.

### 8.2 Preparing for the negotiations

A good negotiator prepares thoroughly for the negotiations. This means that the negotiator has a good understanding of the issues at stake, as well as clarity about, his/her country's interests and position on each of the issues and the respective positions of other countries on all the issues. He or she has to be fully conversant with all the key issues that will come up for negotiation in the next round of negotiations and must know all the issues that have been accepted or rejected in the past negotiations. The negotiator must be fully aware of the legal implications of the Rules of Procedure and adopted text, must be familiar with diplomatic protocol and must have social skills that enable him or her to mix freely in the international context.

In the context of modern environmental diplomacy, a negotiator must not only have legal and political skills, but also good depth of knowledge on economics, finance and natural sciences. In addition, since most of these issues cover complexity at a very detailed level, the negotiator has to be able to assimilate the facts and separate them from the assumptions and the perceptions. The negotiator needs to prepare in advance on the basis of the perceptions of the stakeholders in his or her own country in order to determine his or her own position on these issues.

According to the Vienna Convention on the Law of Treaties, the effect of a treaty on a particular State cannot be considered invalid because of the lack of authority of the representative (Art. 47). Error by the representative can be accepted as a way to render a specific treaty invalid in relation to the specific State, but only if “the error relates to a fact or situation which was assumed by

that State to exist at the time when the treaty was concluded and formed an essential basis of its consent to be bound by the treaty” (Art. 48 (1)) except when “the State in question contributed by its own conduct to the error or if the circumstances were such as to put that State on notice of a possible error” (Art. 48 (2)). This implies that the negotiator must at all times be fully prepared for the negotiations, otherwise he or she may put the country represented in a compromising position.

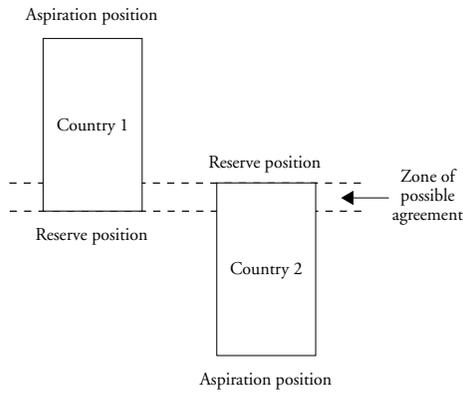
A good negotiating team consists of a group of negotiators who cover the various issues and have expertise in complementary areas. The team is led by a head of delegation. There is frequently a deputy head who can negotiate during the all-night sessions. A clear division of labour among the team members in terms of substance and process is arranged in advance and takes advantage of different skills and technical backgrounds. The younger team members are groomed into the process. Some team members focus on cross-sectoral issues so that the country position is consistent in different related sub-issues. Some may be entrusted with the task of building coalitions with other countries. Some may focus only on monitoring the process, and securing the most important documents for the negotiations. Legal drafters may be involved simply in drafting the text. Some may be responsible for making copious notes of the negotiations so that it is possible to double check on the (changing) positions of other countries.

The preparations need to be done in advance of the negotiations, so that at the negotiations there is time to respond to the new ideas and views that are being circulated.

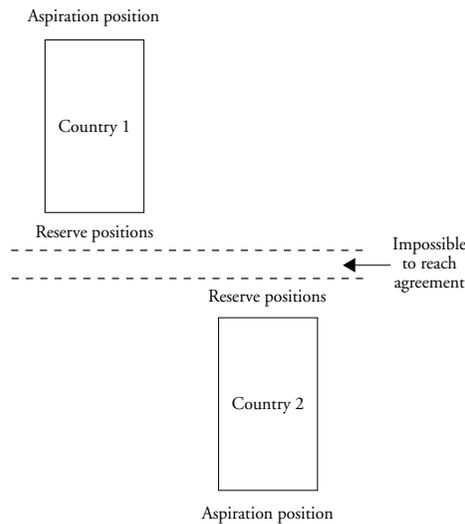
### 8.3 Positions and bargaining

There are two types of bargaining strategies. One is referred to as distributive bargaining and the other as integrative bargaining. The simplest form of negotiation is distributive bargaining. Here one party wants one item from the other. This is a win-lose situation. In such situations it is likely that one wins at the cost of the other. In such negotiations, each party has an aspiration position (a position that the party wants) and a reserve position (the lowest acceptable negotiating position). Agreement normally falls between the two reserve positions of the two Parties. If there is considerable overlap, it is possible that both Parties may be satisfied (Saner 2000, citing Walton and McKersie 1965).

If there is no overlap, then it is actually time for the Parties to discontinue negotiations, since one is only likely to be satisfied at a substantial cost to the other (Saner 2000).



*Figure 5. Zone of agreement*



*Figure 6. Zone of disagreement*

In integrative bargaining, an attempt is made to breach the gap between the interests of the two Parties by developing a possible package of negotiating elements, in which each side gives something to the other side and vice versa. This is possible through issue-linkages to other issue areas. Thus, each party makes some concessions in different issue areas and together they reach relative satisfaction. This implies that both Parties must be ready to seek potential options for developing such issue-linkages and need to have something to offer each other.

In integrative bargaining, Parties can enlarge the space of agreement by identifying and discussing a range of alternatives, by improving the quality and quantity of information that is made available to the other Parties and by trying to influence the perception of the other party (Saner 2000). However, if only some Parties are engaging in integrative bargaining, and if the other party only reacts, the negotiations may not go in favour of the inactive party. This implies that the developing countries should develop proactive integrative strategies and not merely react to integrative bargaining strategies of the North.

#### 8.4 Tips and tricks

- Prepare thoroughly for each negotiating session.
- Have a clear brief outlining what deliverables your government expects. Know your interests and bottom line.
- Be careful not to over-defend your position. You may work yourself into a corner and it is then harder to change your position without losing face.
- Develop more than one version of a proposed text (you may also need to anticipate reactions).
- Consider relative strategies and chances available in trying to obtain the deliverables.
- Have reasons ready to defend key concepts and negotiating positions.
- Do not introduce complex language that does not clarify the process or provide a safeguard as it can create unforeseen problems.
- Be prepared to explain why existing text is or is not acceptable.
- Be flexible and prepared for tactical retreats, to gamble and, if necessary, to change course towards your goal.
- Try to develop useful linkages to other issues of concern to your country and reasons why these should be related to the climate negotiations.
- Try to identify areas in which you can provide concessions to the other party during the negotiations in return for issues on which your concerns are met.

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For more information read:

Schelling, T.C. (1960). *The Strategy of Conflict*, Harvard University Press, Massachusetts.

Saner, R. (2000). *The Expert Negotiator*, Kluwer Academic Publications, The Hague.

## The Handicapped Negotiator

### 9.1 Introduction

Modern negotiations on environmental issues are scientifically complex and take place rapidly. There are also no easy policy tools for dividing responsibilities between countries. There is imperfect information, unstable agreements and relationships, irrational behaviour, massive communication flow and multiple choices. The other party will “paper” the opponents, delay them, tire them and then bring new proposals. In the process, developing (and developed) country negotiators have a very tough job.

### 9.2 The negotiator in the domestic context—the hollow mandate

Negotiators from most developing countries have a serious challenge before them. Many of their countries have not developed a clear vision on how they define sustainable development, nor do they have a clear ideological framework. These negotiators often have to cope with conflicting scientific information at the international level. They do not have much support from national environmental and social groups or from industry on the issue of climate policy. There are no clearly defined long-term policy goals on the climate issue. Some countries do have policymaking frameworks but these are sometimes more a matter of form than substance. Under these circumstances, and given that the scientific information and the issues for negotiation are becoming increasingly complex, the developing country negotiator tends to fall back on making general statements and rhetorical remarks. All this adds up to a “hollow negotiating mandate” (see Table 10).

*Table 10. The hollow negotiating mandate*

Characteristics	Explanation
Ideological vacillation and the sustainability dilemmas	Confusion about whether liberalism (market mechanisms) will address the poverty and developmental issues of developing countries or not
Structural imbalance in knowledge	Lack of relevant science; available knowledge not seen as relevant, because of the way the issue is defined
Social alienation on imported issues	The issue is not on the public or political agenda so there is, in general, not much political support
Historical and rhetorical issue-linkages	Few domestic material linkages to energy, transport and agriculture are made
Fractured, formal processes at domestic level	Policy meetings on climate change more a matter of form than of strategy, few, with competing priorities; lack of continuity of personnel
Qualitative, elitist and diplomatic determination of national interests	Abstract and general, moral or political rather than economic; damage control
Total impact: "Hollow or rhetorical mandate"	Abstract, general, based on precedent and vulnerable to influence

### **Box 3. Scientific controversies**

Policymakers selectively use scientific results to promote their own goals. Thus there are policymakers who argue that reducing emissions in the North will lead to a collapse of the global economy (and hence emissions of the South), and that it is clearly not in the developing countries' interests to call for major emission reductions in the North. Then there are others who argue that it is pointless for the North to reduce its emissions, since it will be rendered negligible by the huge growth of emissions in the South. It is very difficult under such circumstances to know whether by arguing for tough climate change policy measures in the North, the developing countries are hurting their own economic interests or not.

There is another example of confusing scientific information that led to defensive negotiations. Jose Goldemberg (1994: 176) recalls an incident where primarily because of deforestation data about Brazilian forests coming from the North, Brazil went on the defensive to deny that there was any such problem. However, when it became apparent that the actual scale of deforestation was not as “extensive or catastrophic,” the government adopted a more realistic approach and was less defensive and more constructive in the process.

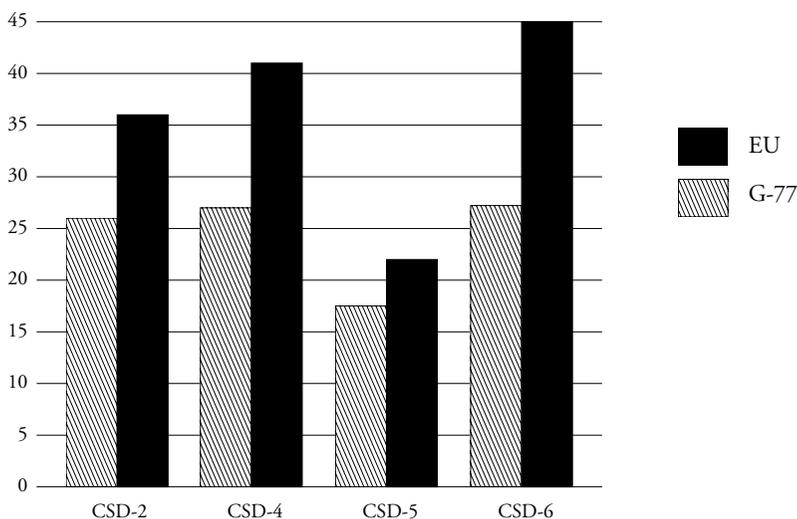
*Table 11. The handicapped coalition forming power of the developing countries*

Characteristics at G-77 level	Explanation
Ideology of the lowest common denominator (LCD) in most issues; of the most powerful countries in some issues	Contradiction between desire to emulate the West and rejection of western rationality; lack of political synergism; adoption of realpolitik argument: “its a hard world, one takes what one gets”
Combined structural imbalance in knowledge	Lack of scientific co-operation: “we don’t have much to pool”; operating in an information vacuum
Combined apathy and helplessness	Lack of public/NGO support; lack of industry involvement
Historical and rhetorical linkages of the LCD; of powerful countries in some issues	Discussion focuses on North-South issues where G-77 countries have common knowledge
Sporadic and minimal participation and the lack of “staying power”	Financial and institutional constraints impede inter-sessional meetings. Distrust of each other’s capability in negotiating on behalf of one’s government; many governments are in crises
Abstract and vague national interests	Unifying abstract interests leads to even vaguer definitions of interests
Total impact: “Handicapped coalition forming power”	

When negotiators have a hollow or rhetorical mandate, it becomes very difficult to develop a regional negotiating position. Because different developing countries have different levels of confusion about the ideological routes and sustainable development goals to which they are reaching out, there is a lack of political synergy between countries (Gupta 2000a,b). In such situations, some countries adopt the *realpolitik* argument that it is a hard world, and one must take what one can get. Again, at the level of individual countries there is a lack of new and solid scientific material. This implies that when countries try to pool their resources together, sometimes there is not much to pool. In other cases, some countries have scientific information, but this is difficult for others to accept until it is verified and scrutinized in their own countries. Given the lack of involvement from national NGOs, industries and sometimes politicians, the negotiators are in general quite alone and unsupported. Participation in the various meetings is at best sporadic; not all countries attend all meetings and all sessions within the meetings. This implies that there is a lack of staying power and the lack of resources impedes the ability of the Group to meet between sessions and develop specific common positions. Common interests are thus determined in very abstract terms such as the need for technology transfer and capacity building. All this adds up to a handicapped coalition-forming power (see Table 11).

### 9.3 The negotiator at the negotiations—the handicapped negotiating power

If there is a hollow mandate and handicapped coalition forming power, it is inevitable that statements will be rhetorical and not focused on problem solving (Gupta 2000a,b). Rhetorical statements tend to point out that it is the developed countries that have been the major polluters and that they should take action first and transfer technologies to developing countries. There is nothing intrinsically wrong with such a statement, but it needs to be made more explicit. Thus, developing countries need to either come up with what they think are reasonable goals to be achieved in, for example, the second budget period; or what specific technologies they want transferred and under what types of conditions. This all calls for considerable homework, and lobbying at international level; it cannot be churned out over night. Lynn Wagner (1999) has actually counted and assessed the statements made by different countries during the negotiations of the Commission for Sustainable Development, and shows that the G-77 does not often make problem solving statements (see Figure 7).



*Figure 7. Percentage of problem-solving statements at UN CSD negotiations (based on Wagner 1999)*

At the negotiations, the developed countries are thus far better prepared than the developing countries. The developed countries come up with a variety of suggestions. Responding to these suggestions is difficult because the lack of a fundamental ideological consensus between the developing countries implies that it is difficult to develop common reactive positions during the negotiations that go beyond rhetoric. Sometimes, the suggestions of the developed countries may include side-payments. Here developing countries may find it difficult to see the side-payments and the issue-linkages made by the developed countries in a positive light. At the actual negotiations, since there are multiple negotiations taking place at multiple formal and informal sessions, the developing countries have difficulties coping with the number of negotiating drafts, changing context of negotiations, multiple meetings, informal and non-transparent decision-making procedures as compared to the developed countries who normally send a large negotiating team. When developing countries negotiate to defend vaguely articulated national interests, while the developed countries have a far more clear vision of their own interests, this is neither very motivating nor is it very successful. This implies that the developing countries have handicapped negotiating power at the international negotiations.

## 9.4 Negotiating strategy

The *hollow negotiating mandate* leads to a *defensive negotiating strategy*, which has the following characteristics (Gupta 1997; 2000a,b):

- Negotiators tend to ad lib. This method is legal but lacks legitimacy since it is not necessarily based on ideas and views prevalent in the country. In such situations, many negotiators use proxy indicators of legitimacy. This means that they re-use ideas, principles and positions that their government has negotiated in other issue areas. However, this does not guarantee that the position is relevant to the issue being discussed.
- Negotiators do not dare or care to make new proposals; they prefer to err on the side of caution. If a negotiator were to try and be constructive without support from his or her government and if the idea either backfires, fails or succeeds, the negotiator may not be able to explain to the government on what he or she based that position.
- Negotiators tend to oppose ideas coming from the other party, in this case—the developed countries. As Anil Agarwal once put it—they use their power to oppose, because they do not have the power to propose.
- Negotiators tend to reduce the issues to a few ideas on which they develop reactive positions. The rest tends to be accepted by default. They tend to focus on “damage control” as opposed to maximizing gains.
- Negotiators tend to vacillate in their position if financial gains are offered.
- Negotiators tend to see issues holistically and link the issue to all other international issues. Thus linkages are made to international debt, trade and other environmental issues such as desertification.
- Negotiators tend to feel cheated by the negotiation results. Since the negotiations proceed fairly rapidly, and since the developing country negotiators are handicapped and focused on damage control, while the developed countries have a better idea of what they want to achieve from the negotiations, the negotiations may favour developed country interests. This then leads to developing country negotiators feeling cheated by the results.
- Negotiators are more vulnerable to the use of indirect side-payments and issue-linkages.

The *handicapped coalition-forming power* leads to a *brittle, defensive strategy* which is characterized by (Gupta 2000a,b):

- Confusion between the coalition of like-minded country approach and the G-77 and China approach. While some developing countries feel that they are more advanced than the rest of the developing countries and should try to develop coalitions with other developed countries, the other developing countries (e.g., AOSIS and OPEC) feel the need to adopt the G-77 approach.
- Lack of leadership at present among the developing countries. On the other hand, leadership of the G-77 and China implies representing the interests of other countries and that is a heavy price to pay if these interests are against national interests.
- Susceptibility to divide and rule tactics. Four elements of the divide and rule tactics can be distinguished: (a) the use of the word “voluntary” (See Box 4); (b) the selective use of side-payments along lines established by old colonial relations; (c) the selective use of “reprisals” in other bilateral relations with the developed countries; and (d) the fear of the richer developing countries that they may be the next group of countries that need to take on commitments.

Finally, the *handicapped negotiating power* leads to a *threadbare, brittle and defensive strategy* which is characterized by:

- Inadequate participation in terms of sheer numbers at all relevant meetings;
- Inability to cover all the issues;
- Inadequate support and lobbying from the presence of domestic scientists, NGOs and industry; and
- Inability to deal with the informal processes where decisions tend to be made (see Figure 3).

#### **Box 4. The use of the word “voluntary”**

The word “voluntary” has been strategically used in the negotiations. For example, the word was introduced in the article on Activities Implemented Jointly (AIJ) at COP-1 suggesting respect for the position of the majority of the developing countries who were opposed to Joint Implementation in 1995, while allowing a minority to participate in such a program. Clearly once AIJ became voluntary all countries would compete to participate in it rather than lose access to the resources and technologies that could become available through AIJ.

The word “voluntary” was used again at COP-3. The developed countries attempted to introduce an article on the voluntary adoption of measures by developing countries. This was successfully blocked in the Kyoto negotiations, but reappeared in the following discussions of the Conference of the Parties in Argentina, creating more dissension in the developing world. Argentina and Kazakhstan stated that they would be willing to adopt voluntary measures. This immediately put the remaining developing countries in a difficult negotiating position. The developing countries are afraid of the use of the word “voluntary” participation in relation to different obligations because in their view it is used to divide and rule the developing countries.

### 9.5 Tips and tricks

- Try to find creative means to develop a negotiating position prior to departure from the capital.
- If you use proxy indicators of legitimacy, try to see if the position and principles borrowed are relevant for the issue being negotiated and check if you can make the position more substantial in terms of content, targets and timetables.
- Be aware of the weaknesses in the preparation and seek ways to minimize the vulnerability in the negotiations.
- Try to find creative means of increasing the number of participants in the negotiation team and try to team up with other countries.

For more information read:

Gupta, J. (1997). *The Climate Change Convention and Developing Countries – From Conflict to Consensus?*, *Environment and Policy Series*, Kluwer Academic Publishers, Dordrecht.

Gupta, J. (2000). North-South Aspects of the Climate Change Issue: Towards a Negotiating Theory and Strategy for Developing Countries, *International Journal of Sustainable Development*, Vol. 3, No. 2, 115-135.

Sagar, A. and M. Kandlikar (1997). Knowledge, Rhetoric and Power: International Politics of Climate Change, *Economic and Political Weekly*, December 6, 3140.

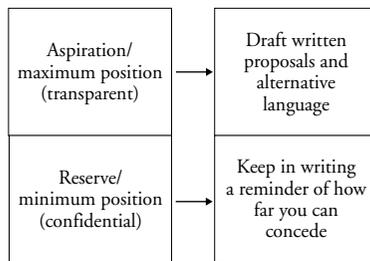
"On Behalf of My Delegation,..."

## -10- Coping Strategies

### 10.1 Filling a hollow mandate

In order to prepare a national mandate, the negotiator needs to have an (a) aspiration position (what you would like) and (b) a reserve position (which sets the minimum that the negotiator can accept) (Saner 2000). Between the two is the zone of possible agreement. The negotiator needs a draft written proposal with many alternative ways to express the same concepts. He or she also needs to know what can be given away as concessions in the negotiations.

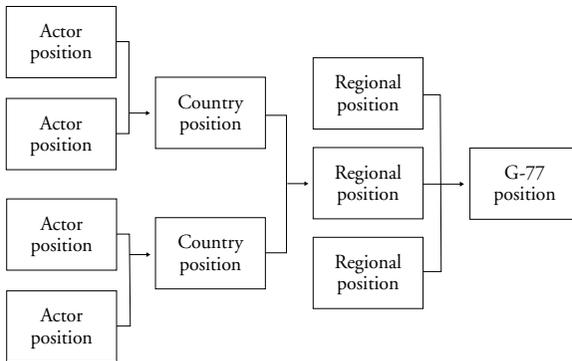
Sometimes, there is no real mandate; it is difficult to prepare for the negotiations. In such circumstances, the negotiator may wish to use the position of national and/or regional non-governmental organizations as the aspiration position and the conventional position taken by the foreign office as the reserve position. The negotiator will need to use some proxy indicators of legitimacy to ensure that there is some back-up and support for the chosen position. The negotiator will also need to try to bargain internally for support for the position developed.



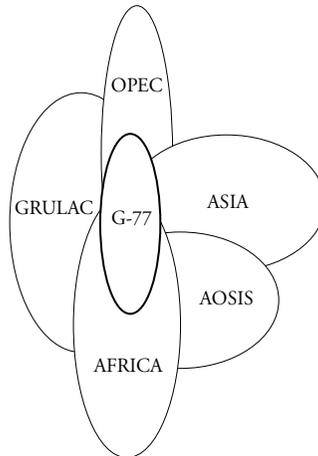
*Figure 8. Aspiration and reserve mandates*

### 10.2 Coping with handicapped negotiating power

The negotiator may then want to use his or her aspiration position to negotiate the regional position. The regional position should not fall below the reserve position.



*Figure 9. The G-77 position*



*Figure 10. Consensus and conflict of interests in the G-77*

The G-77 position is the common denominator among all positions of developing countries. That is why it ends up having very little substance at times, and very little constructive value. This is where it becomes important to understand how to increase the area of commonality among G-77 and China countries. Let us take the example of the completely diverse views of AOSIS and OPEC in relation to whether there should be stringent measures taken to reduce GHG emissions in developed countries. In the ultimate analysis, it appeared that stringent measures were seen as important for 120 G-77 countries with the bulk of the combined population. Only a few countries were opposed. This led to the birth of the Green G-77 (see Box 5). Another example is the belief of some NGOs and many developing countries that CDM

should be restricted to certain technologies and certain sectors so that specific sustainable technologies get the maximum push. Others fear that if that happens, there will be limited resources for their countries, and so they support sinks and all technologies. This brings us to the need to apply bargaining techniques to reach integrative bargaining as opposed to distributive bargaining (see Section 8.3). There is need to increase the number of alternatives, to maintain a series of fall back positions, to communicate clearly, to improve the negotiations through the quality and quantity of information and thereby to influence the perception of the others.

#### **Box 5. Green G-77**

The developing countries have, on occasion, developed tools to deal with dissension among the ranks. One such occasion took place at COP-1 in 1995. The developing countries were faced with the AOSIS position calling for major reductions in emissions and the OPEC position that wanted to postpone serious action. When the core of the G-77 decided that they wanted to support AOSIS, the Ambassador of India drafted a text and lobbied for support within the rest of G-77. Within 48 hours, 72 G-77 countries had come on board. By the time of submission 100 countries supported it. It was clear that OPEC was isolated and that the G-77 would proceed with its position, even without the support of OPEC. The OPEC countries finally caved in and joined the negotiations (Mwandosya 1999).

### 10.3 Coping with handicapped negotiating power: Strategies

Even if the negotiator has a position, it is not enough. He or she needs techniques to influence the process of negotiation. These include influencing the agenda, the process, drafting text, circulating it informally among colleagues, submitting it formally to the Secretariat, responding to other's queries, negotiating the text and suggesting alternative formulations, checking the consensus view against the reserve position and, if not happy, bracketing the text or using the words "can accept," "maybe" and/or "too early to make a commitment" (see Section 10.6)!

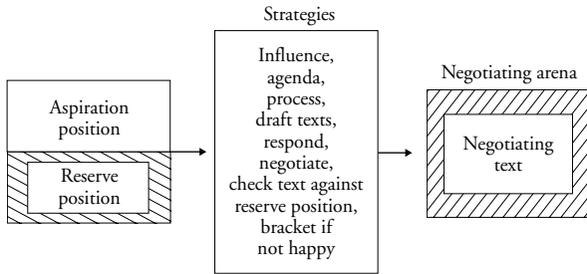


Figure 11. Influencing the negotiating text

### 10.4 Drafting

Negotiators never draft in a vacuum except in the early stages of a negotiation. In general the drafting skills must take the national/regional position and the consolidated negotiating text as a basis.

If the negotiating text is overwhelming: first select all text related to the negotiating position, directly or indirectly. It is on these textual items that the negotiator needs to have a position and draft text. Where the material is neutral the negotiator may wish to ignore it. Where the text goes against the basic position of the negotiator, he or she may need to have alternative drafts ready for the negotiating process.

Text	Want	Neutral	Don't want
Directly related	Draft text	Monitor	Draft alternatives focus on damage control, object, delete, bracket
Indirectly related	Draft text	Can ignore	Monitor

Figure 12. Separating issues from non-issues

It is critical to have good drafting skills. There are no quick ways to learn such skills. However, it is important to keep in mind that there should be a combination of:

- Innovative, problem solving text (i.e., new ideas, new options) to move the process further
- Repetition of existing text in the FCCC/KP/COP decisions to avoid re-negotiation of the already agreed text.

In drafting, it is important to understand the connotations of specific words (especially in English, since the bulk of the informal negotiations take place in English). There is a hierarchy of words. “Shall” and “decides” are stronger than “should,” “may,” “recommends,” “invites,” etc. The effect of strong words in a legally binding document is very high.

It is not enough to draft; one needs to lobby for the draft, circulate drafts and test and improve the language until it gains acceptance amongst coalition partners. Such papers can be circulated informally in corridors, or formally to the sessions of the groups. Then it needs to be officially submitted to the Secretariat.

### 10.5 Submitting

In order to influence the negotiations, it is not only important to write position papers and draft texts that have specific bearing on the negotiation text, but it is important to submit them to the Secretariat as Misc. documents before the negotiation commences and as non-papers and CRP during the negotiations. It is vital to respect the deadline and to have one submission per subject. Submit the text electronically as this facilitates the process.

### 10.6 Speaking

The negotiator must always have permission from the head of delegation and from the Chair before he or she may speak. It is a daunting task to speak coherently and clearly in a room full of negotiators. It is thus very important to have a written text that is either already submitted or ready for submission, as the basis for the interventions. Time is also very precious, so it is vital that the comments raised are to the point, brief, and crisp. Avoid repetition. This is easier when you have the written text before you. It is also better to spend less time on opening statements and more on textual suggestions. Make sure that the proposal you have submitted is the subject of discussion and does not get brushed away without at least some consideration. If others object to your text, try to enter into a discussion of the reasons why you proposed the text.

When statements made by others are not clear, ask clarifying questions to understand what the statements actually mean. Don't assume that everyone else in the room has understood. This gives you and other negotiators time to consider a response. Do not just ask: “what does this mean?” Instead, ask “does this mean?...” This way you can ensure that you are not given a response that does not really answer your questions. Ask exploratory questions. Discuss the pros and cons of an issue openly. This helps to increase the bargaining space for yourself, while also serving to clarify the issue for colleagues. This enhances the degree of comprehension and the ability to respond.

In addition, you need to watch out for every single addition made to the text. For example, if you are insisting on a clause to include compensation for adaptation, and the other Party insists on including the word "proven" you have to understand what that means. It means that only when the cause-effect link is proved beyond reasonable doubt, is it possible to request compensation from other countries! Be wary of accepting vague concessions. Make them specific by including content, targets and timetables before accepting!

When unhappy with the suggestions of other countries, remember that silence is consent: did you want to consent? If not, you need to speak. In doing so, avoid repeating yourself. In negotiating, don't assume that the Chair is your friend in the meeting, even if he or she comes from your region. The Chair will get annoyed if you keep repeating your text, without making changes in wording to reach consensus. Avoid using words like "delete." Keep proposing to use new compromise language. Go from "discourage" to "consider"; from "assist" to "explore." As the opening to your intervention, try to avoid statements like "we disagree," "we hold to our own position" and instead try to think in terms of "in the spirit of compromise," "in order to take account of...", "in the interest of reaching agreement," "to promote consensus," "can agree with," "to meet our own interests and yours," etc. Disagreement on a text is usually expressed by putting it in square brackets—[ ], through footnotes and through optional versions.

If you want the other side to accept something, use your bargaining chips; but never give in without demanding something else in return. Make temporary reservations when you are not sure if the package as a whole will be acceptable. Summarize what has been agreed, when you think you may have secured a concession or when you have refused a concession. Make sure that there is no room for misunderstanding.

During the negotiation process, the bracketed text will be slowly "unbracketed." Never agree to remove one text in one place without adding something at the end of another sentence or text. If the clause includes a "shall" up-front and there is heavy negotiation on the following text, then it is vital that in the process of negotiation the Parties do not trade the substance for the "shall," because this will weaken the intent of the clause. Add "if appropriate," "if necessary," wherever you want to weaken the text. Remove these kinds of clauses when you want to strengthen the text. Keep alert if the other Party wants to include such language. In negotiation theory there is often talk of splitting the job of negotiating between a "good guy" and a "bad guy." If the other side has a good guy and a bad guy, get into discussion with the good guy.

## 10.7 Tips and tricks

- Explore opportunities domestically to increase the size of the delegation; domestic industry might be willing to finance its own participation and NGOs and academics could try to raise some resources for also joining the delegation.
- Familiarize yourself with other countries' positions to understand what to expect.
- Know what back up resources exist and what channels are open for reinforcement.
- Adopt the other countries' position if it will give you more advantage.
- Defend substance, not language.
- Be simple and clear and avoid technical phraseology.
- Be prepared to “think on your feet.”
- Do not let the Chair railroad you to accept unacceptable decisions.
- Be aware of language “traps”—unwelcome policy implications stemming from unclear text.
- Be clear on what you want, what other Parties want, and which items are “bargaining chips.”
- Be watchful when a Party makes flattering comments to see if this is a tactic to divert your attention from the substance.
- Listen to the other side and see if there are concessions being made.
- If new concepts are introduced, make sure the brackets are not in the incorrect place.
- Watch the brackets; don't allow the [shalls] to become [should] or [may], unless it is in your interest.
- Garner support for your objection before objecting. Ensure others will follow you with supportive interventions.
- Avoid saying “delete”; instead try to use alternative language to express what you want.
- Watch out for “this is covered elsewhere,” “as appropriate,” “all Parties” and the comment—“this is not relevant.”
- Not everyone in other coalitions is your opponent on specific issues; identify friends in relation to specific issues.

“On Behalf of My Delegation,…”

- Don't add the same text in every paragraph; get the key elements in one paragraph and make it as strong as possible.
- Define a strategy of your own and be proactive.
- Use NGO publications to test your position, ideas, suggestions, etc.
- Keep a diary during the negotiations and record the proceedings and in particular keep a detailed record of how you have negotiated. This will be extremely valuable information for your successor in future negotiation rounds.

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For more information visit:

*International Forum for Capacity Building* (Many Southern NGOs participate)  
<http://ifcb-ngo.org/index.html>

– 11 –

## Tips and Tricks for the Lonely Diplomat

### 11.1 Introduction

Managing, not surviving the chaos is the key goal. Below is a list of tips in relation to this.

- Familiarize yourself with reports of the IPCC and other scientific bodies to know the areas of scientific agreement and uncertainty.
- Learn the technical vocabulary related to climate change.
- Understand the main and peripheral issues in the debate and the environment of the negotiations.

### 11.2 Memorize and keep with you

- Familiarize yourself thoroughly with the FCCC and KP; at least keep them in your possession at all times.
- Keep the index located in this guide with you at all times (see Chapter 12).
- Underline texts that are relevant for your own position on key issues, so that you can cite them whenever necessary.
- Keep a copy of all the COP decisions within reach. If you need one, the document desk of the FCCC has a copy of all decisions for you to refer to.
- Keep a copy of the Rules of Procedure handy, and if possible memorize the key elements.

### 11.3 Making sense of the reading material

There is an overwhelming amount of information available. In order to prepare, some things need to be read and understood prior to the negotiations.

In terms of reading material, focus on:

- Out of all the scientific material, at least the policy makers' summary of the new IPCC reports.

- Out of all the official documents, at least the consolidated negotiating text and the CRPs.
- Out of the unofficial documents, at least the Earth Negotiations Bulletin, ECO, and regional newsletters from the NGOs.

These documents are to be read in order to:

- Identify what can serve your own cause.
- Understand the position of others.
- Keep abreast of what is happening in other fora.
- Critically examine the available scientific information.
- Critically analyse each text with an eye for underlying policies or “traps.”

#### 11.4 Preparing for the actual negotiations

- Prepare your own aspiration and reserve positions.
- Prepare thoroughly for each negotiating session.
- Know your interests and bottom line.
- Identify the group to which you belong—G-77, non-G-77, non-Annex I or Annex I.
- Find out, if not influence, the regional position; inform the group of yours.
- Find out, if not influence, the G-77 position; inform the group of yours.
- Find out, if not influence, the positions of groups within the G-77 that are not in line with yours.
- Find out the key positions of the developed countries. Find out on which issues you can agree with individual developed countries and on which issues you differ.
- Read miscellaneous documents that cover country positions on specific issues.
- Keep copies of group positions and submissions from past and ongoing negotiations in their different drafts (institutional memory).
- Try and understand the strengths and weaknesses of G-77, and try to contribute to minimizing its weaknesses.
- Speak through a single spokesperson when possible.

- Assign responsibility for each negotiating issue within the G-77.
- Always attempt to put a proposal in writing and put it before the group in advance.
- Identify the key G-77 interests at stake and pursue them under each issue.
- Exchange ideas and approaches informally among the G-77 members.
- Some delegates tend to dominate the discussions. Try to find ways of communicating to ensure that you too have a chance. Written submissions are one way to affect the agenda and the internal process.
- Ensure that individuals with language skills are included on your national delegations.
- Capitalize on the size of the group and avoid feeling powerless against wealthier nations.
- Master the internal procedures and workings of the group. Be active within the group.
- Define a strategy of your own and be proactive.
- Use NGO publications to test your position, ideas, suggestions, etc.

### 11.5 Getting your bearings

- Find the plenary rooms and your own country table (it is arranged in alphabetical order); that is where the action is.
- Find the placards of the countries that are friendly; those are where your friends may be.
- Find your country, regional or international NGOs; they sit at the back of the room. Here you may find some friendly person who will be willing to explain terms, texts and help you find other delegates with similar negotiating positions.
- If you are alone on your delegation, you should focus on choosing the most key plenary session for your country.
- If you can find another lone negotiator from a like-minded country, you can divide the plenary negotiations between you. This is unorthodox in that the other negotiator can in no way represent your country; but he or she can alert you to issues that may be relevant for your country and you can reciprocate in kind.
- If you cannot make sense of all the informal processes, find someone from the NGOs from your region and ask them for a briefing.

## 11.6 Drafting

- Draft texts that can be discussed, lobbied and then submitted as misc. documents or CRPs.
- Use a combination of repetition and innovative material.
- Use strong language.
- As far as possible include literal text from COP decisions and FCCC and KP documents in your drafting, and cite them all the time. This is the legal basis for the negotiations.

## 11.7 Negotiating

- Garner support for your objection before objecting. Ensure others will follow you with supportive interventions.
- Listen carefully to the objection of others. Identify your issue-related friends.
- Learn to master the use of “Motions” and “Points of Order.”
- Keep an ear open for when other countries are using “Motions,” and discern if it is a delay tactic or a legitimate request.
- One voiced objection to a consensus is, theoretically, enough to stop the consensus; don’t misuse this power, but be aware of it.
- Identify if there are issues in which you can agree with other sub-groups; but do not do this behind the back of your own group—this can create an unpleasant diplomatic breach.
- All G-77 members speak through G-77. If you haven’t discussed your position in G-77, don’t discuss it in public.
- Listen very carefully to the views of others and see if you are talking the same language. Not everyone in other coalitions differs with you; identify friends in relation to specific issues.
- Be careful not to over-defend your position. You may work yourself into a corner and it is then harder to change your position without losing face.
- Develop more than one version of the proposed text (the negotiator must anticipate reactions).
- Have reasons ready to defend key concepts and positions.
- Do not introduce complex language that does not clarify the process or provide a safeguard as it can create unforeseen problems.

- Be prepared to explain why existing text is or is not acceptable to you.
- Be flexible and prepared for tactical retreats, to gamble and, if necessary, change course towards your goal.
- Be clear on what you want, what other Parties want, and which items are “bargaining chips.”
- Be watchful when a Party makes flattering comments to see if this is a tactic to divert your attention from the substance.
- Listen to the other side and see if there are concessions being made.
- If new concepts are introduced, make sure the brackets are not in the incorrect place.
- Watch the brackets; don’t allow the [shalls] to become [should] or [may].
- Avoid using the word “delete”; instead familiarize yourself with other words that convey the same meaning.
- Watch out for “this is covered elsewhere,” “as appropriate,” “certified,” “all Parties,” and the comment—“this is not relevant.”
- Don’t add the same text in every paragraph; get the key elements in one paragraph and make that as strong as possible.
- Keep a record of the proceedings and in particular a diary of all the different suggestions made your negotiating team during the negotiations and make this available to future negotiating teams from your country.

### 11.8 Optimizing participation

- Seek ways of finding out what happened in the sessions you missed.
- Identify the sub-group to which you belong; and find dinner or corridor opportunities to see what they are pushing forward.
- Make sure to be at the Conference site at 8:00 a.m. to attend your region’s preparations for the negotiations. This is also where you will meet people with whom you can discuss and strategize.
- If your country is a G-77 member, attend the G-77 meetings which normally begin at 9:00 in the morning during the sessions.
- In making contacts keep the existing coalitions of countries in mind.
- The names used by industry can be misleading. Sometimes, businesses become members of “green” coalitions and then influences the

policies of these coalitions to an extent that they are no longer green and focused. This is a trend to watch out for.

- In the long-term it is absolutely imperative to make coalitions with other developing countries and share the task of participation in the informal processes (i.e., division of labour between countries (team up!)).
- Explore opportunities domestically to increase the size of the delegation; domestic industry may be willing to finance its own participation and NGOs and academics could try to raise some resources for also joining the delegation.

### 11.9 Monitor the progress of others

- It is also important to know what has, in fact, been achieved by other countries. This means it is important to read the documents that analyse the implementation of the developed countries. Further, it is important to know where you stand in relation to other developing countries; and how far they are in the implementation process.

### 11.10 Focus

- Focus on the agenda and the items to be discussed.
- Be alert, especially during the last few decisive sessions. Decisions are taken at intermediate and at end sessions. Don't tire yourself out before the last few sessions. That is where the key steps are taken. Keep reserve energy in store.
- Make the chaos manageable for yourself. Focus on the main and formal meetings, if you are alone. Focus on the ENB reports, ECO and the CRPs at a very minimum. Attend the regional meetings. Attend some of the informative side-events, where issues are sometimes explained in simple language and in some depth. Keep your aspiration and reserve positions with you at all times.

### 11.11 From sustenance to diplomatic encounters

It is an illusion to think that the world of diplomats is a glamorous world of chit-chat, delicacies and champagne. The reality is that it is a very hard world of long and tiring hours, hunger pangs and sleepless nights (something very few of your colleagues back home will realize). You need a number of coping strategies to deal with the stress.

- Food and drink: Most negotiating sites have very limited and expensive food and drinks available, long queues and inconvenient loca-

tions. Prepare in advance. Going hungry to save time and resources does not support the concentration process. Carry a water bottle.

- **Social invitations:** If you happen to hold a key position in the negotiations, other delegations may invite you for a meal out to reach consensus. Only go if you have the time and are prepared with your aspiration and reserve positions. Otherwise, the invitations will cut into vital preparation time. Don't fool yourself that the other Party is not extremely well prepared and can afford to take out time for coalition building.
- **Formal invitations and elections:** It is an honour to be invited to stand for elections for the formal positions in the negotiations. Generally such an honour is limited to those diplomats who have language, scientific, management and negotiating skills. If you do stand, do not forget that you then are no longer representing your country; that it is more than unlikely that you will be able to defend straightforwardly the position of your region. Be conscious of the consequences for your country and region before making yourself available for such a position and accepting.
- However, being invited as co-chair or being invited to play a role in an informal group gives you considerable influence on the process. So it is worth taking the position if you feel confident enough about your understanding of the process and what your country, region and the G-77 hopes to accomplish from the negotiations. There are some financial resources available to support officers elected from LDCs.

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Index to the FCCC

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          P       =     Preamble  
          Bold   =     Title of Article

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43/53, *Protection of global climate for present and future generations of mankind*, P.11

44/172, *Plan of action to combat desertification*, P.12

44/206, *Possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas*, P.12

44/207, *Protection of global climate for present and future generations of mankind*, P.11

44/228, *United Nations Conference on Environment and Development*, P.11

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World Bank. *See* Global Environment Facility

World Meteorological Organization (WMO), important contributions of, P.15

For more information read:

FCCC secretariat (1999). *Glossary of Climate Change Acronyms and Jargon*.

World Bank (1999). *Global Environment Facility Terms with some Definitions*.

For more information visit:

“Glossary of Climate Change Acronyms and Jargon,” *United Nations – Framework Convention on Climate Change* <http://www.unfccc.int/siteinfo/glossary.html>

“Glossary of Climate Change Terms,” *United States Environmental Protection Agency, Global Warming Site*, <http://www.epa.gov/globalwarming/glossary.html>

“Treaty reference guide,” *United Nations Treaty Collection*: <http://untreaty.un.org/english/guide.asp>

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References

Andresen, S. and J. Wettestad (1992). International Resource Cooperation and the Greenhouse Problem, *Global Environmental Change*, Human and Policy Dimensions, Vol. 2, No. 4, December 1992, Butterworth-Heinemann, Oxford, 277-291.

AOSIS Protocol (1994). *Draft Protocol Text*, A/AC.1237/L.23, 27 September 1994.

Aslam, M.A. (1998). *The Clean Development Mechanism: Unravelling the Mystery*, paper presented at the Climate Assessment and Policy Development after Kyoto, organized by MIT Global Change Forum and the Royal Institute for Environmental Affairs, London on June 16.

Banuri, T., K. Goran-Maler, M. Grubb, H.K. Jacobson and F. Yamin (1996). Equity and Social Considerations, in Bruce, J., Hoesung Lee and E. Haites (eds.), *Climate Change 1995: Economic and Social Dimensions of Climate Change; Contribution of Working Group III to the Second Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, 79-124.

Benedick, R.E. (1993). Perspectives of a Negotiation Practitioner, in Sjostedt, G. (ed.), *International Environment Negotiation*, IIASA, Laxenberg, 219-243.

Bolin, B. (1998). The Kyoto Negotiations on Climate Change: A Science Perspective, *Science*, Vol. 279, 330-31.

Boyer, B.S. (2000). Conference Diplomacy and UN Rules of Procedure, Presentation at the Miami Workshop on Negotiation Skills for Climate Issues, July 24, 2000, Miami.

Brazilian Proposal (1997). *Proposed Elements of a Protocol*, FCCC/AGBM/1997/Misc.1/Add.3.

Carpenter, C. and A.C. Kallhauge (2000). *Climate Change Capacity Project*, Report of the Dakar Workshop, 17-21 July, 2000, International Institute for Sustainable Development, Winnipeg.

Central Intelligence Agency (2000), *The World Factbook*, Washington D.C.: <http://www.odci.gov/cia/publications/factbook/index.html>

Dasgupta, C. (1994). The Climate Change Negotiations, in Mintzer, I.M. and Leonard, J.A. (eds.), *Negotiating Climate Change: The Inside Story of the Rio Convention*, Cambridge University Press, Cambridge, 129-148.

Eizenstat, S. (1998). *Eizenstat Addresses Climate Change Treaty Concerns*, Speech of the Under Secretary of State on April 14, 1998 to the Association of Women in International Trade.

Emsley, J. (ed.) (1996). *The Global Warming Debate: The Report of the European Science Forum*, Bournemouth Press Limited, Dorset.

FCCC (United Nations Framework Convention on Climate Change), (New York) 9 May 1992, in force 24 March, 1994; 31 I.L.M. 1992.

Goldemberg, J. (1994). The Road to Rio, in Mintzer, I.M. and Leonard, J.A. (eds.), *Negotiating Climate Change: The Inside Story of the Rio Convention*, Cambridge University Press, Cambridge, 175-186.

Greene, O. (1996). Lessons from Other International Environmental Agreements, in M. Paterson and M. Grubb (eds.), *Sharing the Effort – Options for Differentiating Commitments on Climate Change*, The Royal Institute of International Affairs, London, 23-44.

Group of 77 South Summit (2000). *Declaration of the South Summit*, held in Havana, 10-14 April, 2000.

Gupta, J. (1997). *The Climate Change Convention and Developing Countries – From Conflict to Consensus?*, Environment and Policy Series, Kluwer Academic Publishers, Dordrecht.

Gupta, J. (2000a). *Climate Change: Regime Development and Treaty Implementation in the Context of Unequal Power Relations*, Institute for Environmental Studies, 0-00/02.

Gupta, J. (2000b). North-South Aspects of the Climate Change Issue: Towards a Negotiating Theory and Strategy for Developing Countries, *International Journal of Sustainable Development*, Vol. 3, No. 2, 115-135.

Houghton, J.T., L.G. Meira Filho, B.A. Callander, N. Harris, A. Kattenberg and K. Maskell (eds.) (1996). *Climate Change 1995: The Science of Climate Change*, Cambridge University Press, Cambridge, 4.

Houghton, J.T., L.G. Meira Filho, J. Bruce, H. Lee, B.A. Callander, E. Haites, N. Harris and K. Maskell (eds.) (1995). *Climate Change 1994: Radiative Forcing of Climate Change and an Evaluation of the IPCC IS92 Emission Scenarios*, Cambridge University Press, Cambridge, 22.

IPCC (1994). *Equity and Social Considerations Related to Climate Change*, Proceedings of the IPCC Working Group III Workshop in Nairobi, ICIPE Science Press, Nairobi.

IPCC (1998). *The Regional Impacts of Climate Change: An Assessment of Vulnerability*, Cambridge University Press, Cambridge.

Kandlikar, Milind and Ambuj Sagar (1999). Climate Change Research and Analysis in India: An Integrated Assessment of a North-South Divide, *Global Environmental Change*, Vol. 9, 119-138.

Kaufman, J. (1996). *Conference Diplomacy: An Introductory Analysis*, Macmillan Press, London.

Kolk, A. (1999). Multinationale Ondernemingen en Internationaal Klimaatbeleid, *Milieu*, Vol. 4, 181-191.

KP (Kyoto Protocol to the United Nations Framework Convention on Climate Change), 37 I.L.M. 22; (the corrected text is available at the website of the climate secretariat, <http://www.unfccc.int>).

McCormick, J. (1999). The Role of Environmental NGOs in International Regimes, in Vig, N.J. and R.S. Axelrod (eds.), *The Global Environment: Institutions, Law, and Policy*, Earthscan, London, 52-71.

Mwandosya, M.J. (1999). *Survival Emissions: A Perspective from the South on Global Climate Change Negotiation*. DUP (1996) LIMITED and The Centre for Energy, Environment, Science and Technology (CEEST-2000), Tanzania.

Oberthür, S. and H.E. Ott (1999). *The Kyoto Protocol. International Climate Policy for the 21st Century*. Berlin, Heidelberg et al: Springer Verlag, 359.

Roberts, A. and B. Kingsbury (1993). Introduction: The UN's Roles in International Society since 1945, in Roberts, A. and B. Kingsbury (eds.), *United Nations, Divided World: The UN in International Relations*, Clarendon Press, Oxford, 1-63.

Sand, Peter (1990). *Lessons Learned in Global Environmental Governance*, World Resources Institute, New York.

Saner, R. (2000). *The Expert Negotiators*. Kluwer Academic Publisher, The Hague.

Schelling, T.C. (1960). *The Strategy of Conflict*. Harvard University Press, Massachusetts.

Sebenius, J.K. (1993). The Law of the Sea Conference: Lessons for Negotiations to Control Global Warming, in Sjostedt, G. (ed.), *International Environment Negotiations*, IIASA, Laxenberg, 189-216.

South Centre (1993). An Overview and Summary of the Report of the South Commission, in South Centre (ed.), *Facing the Challenge: Responses to the Report of the South Commission*, Zed Books, London, 3-52.

Sridharan, K. (1998). G-15 and South-South Cooperation: Promise and Performance, *Third World Quarterly*, Vol. 19, No. 3, 357-373.

Susskind, L.E., W.M. Moomaw and T.L. Hill (ed.) (1997). *Innovations in International Environmental Negotiation*, Pon Books, Cambridge, USA.

SWCC (1999). *Scientific Declaration of the Second World Climate Conference*, Geneva.

van der Sluijs, J.P. (1997). *Anchoring Amid Uncertainty; On the Management of Uncertainties in Risk Assessment of Anthropogenic Climate Change*, (Utrecht: PhD Thesis, University of Utrecht, ISBN 90-393-1329-6), 242.

von Weizsäcker, E., A.B. Lovins and L.H. Lovins (1997), *Factor Four. Doubling Wealth – Halving Resource Use*, Earthscan, London.

Wagner, L. (1999). Negotiations in the UN Commission on Sustainable Development, *International Negotiation, A Journal of Theory and Practice*, Vol. 4, No. 2, 107-131.

Watson, R.T., M.C. Zinyowera, R.H. Moss and D.J. Dokken (1996). *Climate Change 1995: Impacts, Adaptations and Mitigation of Climate Change: Scientific-Technical Analyses*, Cambridge University Press, Cambridge.

Werksman, J. (1998). The Clean Development Mechanism: Unwrapping the "Kyoto Surprise," *Review of European Community and International Environmental Law*, Vol. 7, No. 2, 147-158.

World Bank (2000). *Entering the 21st Century; World Development Report*, World Bank, Washington.

WRI (1999). *World Resources 1998-99*, World Resources Institute, Washington.

Yamin, F. (1998). The Kyoto Protocol: Origins, Assessment and Future Challenges, *Review of European Community and International Environmental Law*, Vol. 7, No. 2, 113-27, at 119.

---

Zartman, I.W., D. Druckman, L. Jensen, D.J. Pruitt and H.P.Young (1996). Negotiation as a Search for Justice, *International Negotiations, A Journal of Theory and Practice*, Vol. 1, 79-98.



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