



# On Behalf of My Delegation ...

A survival guide for  
new and lonely climate  
change negotiators

SECOND EDITION

Joyeeta Gupta and Jennifer Allan

# “On Behalf of My Delegation...”

A survival guide for new and lonely  
climate change negotiators

**SECOND EDITION**

By Joyeeta Gupta and Jennifer Allan

© 2023 International Institute for Sustainable Development

ISBN 978-1-894784-86-3

Published by the International Institute for Sustainable Development

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111 Lombard Avenue, Suite 325

Winnipeg, Manitoba, Canada R3B 0T4

Earth Negotiations Bulletin (ENB) is a balanced, timely, and independent reporting service on United Nations environment and development negotiations founded in 1992. The ENB team provides daily coverage at sustainable development negotiations and events around the world, documenting global efforts to tackle climate change, biodiversity loss, sustainable land use, safe chemicals management, deep sea mining, and other global challenges. We distribute our free daily reports and summaries at meeting venues as well as by email to our subscribers, increasing transparency, engagement, and accountability in these vital processes. With tens of thousands of subscribers—including government ministers and officials, UN delegates, NGOs, the business community, academics, and the media—and an unmatched team of environmental negotiation specialists, ENB is an essential actor in the world's journey toward a more just, sustainable planet.

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This second edition is undertaken with the financial support of Irish Aid. The ideas, opinions and comments therein are entirely the responsibility of its author(s) and do not necessarily represent or reflect the funders' policy.

European Research Council under the European Union's Horizon 2020 research and innovation programme (grant agreement No 101020082) to Joyeeta Gupta.

Photos throughout by IISD/ENB photographers Mike Muzurakis, Anastasia Rodopoulou, and Kiara Worth.



# Preface and Acknowledgements

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This document pays tribute to negotiators worldwide, but especially from the Global South, who have, under very complicated circumstances, bravely negotiated the extremely complex issue of climate change on behalf of their countries. It builds on research conducted in the 1990s on the challenges facing negotiators (Gupta, 1997; Mwandosya, 1999; Oberthür & Ott, 1999), which led to programmes training negotiators in the 1990s and the first edition of *On Behalf of My Delegation*. Twenty years later, much of the material is still valid, and some has changed. Responding to demand, Jennifer now joins forces with me to update this book based not only on my follow-up research but also on her observations of the negotiation process while writing the *Earth Negotiations Bulletin* since 2012.

We have updated this book to help the wide variety of negotiators who are actually primarily meteorologists, environmentalists, policy-makers and scientists, who have to don the garb of a “negotiator” at the negotiations. Or they are professional negotiators but have little understanding of the variety of issues that arise in a climate change negotiation. The implicit understanding in many countries, but poorer countries in particular, is that these experts must learn on the job. In the meanwhile, the negotiations continue at an unrelenting pace, making no allowances for the negotiator who is overwhelmed by the complexity of both the subject and the negotiation process.

Hence, this “Survival Guide” 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 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 negotiators in general, and Southern negotiators in particular, in dealing with the negotiations.

## “ON BEHALF OF MY DELEGATION ...”

The original materials were inspired by Christiana Figueres, Angela Churie Kallhaug, 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 in 1999. The original document was sponsored by the Climate Change Knowledge Network, the Center for Sustainable Development of the Americas, Washington, the U.S. Agency for International Development, the Wallace Global Foundation, the Andean Development Corporation, and 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. Ambassador Rogatien Biaou, Brook Boyer, Chad Carpenter, Beatrice Chaytor, H.W.O. Okoth Ogendo, Ogunlade Davidson, and Raymond Saner provided input. Frédéric Gagnon-Lebrun helped to check and double-check the information in the original *Survival Guide*. This version is sponsored by the International Institute for Sustainable Development. We thank Emilie Beauchamp, Christiana Figueres, Ximena Loría, Jeffrey Qi, and Lynn Wagner for reviewing this version. Aljoscha Karg and Luc van Vliet helped with updating this version. Forewarned is forearmed.

Joyeeta Gupta and Jennifer Allan are both academics working to understand the complexities of climate change—from the negotiation rooms to the streets. Joyeeta won the 2022 Piers Sellers Prize for a world-leading contribution to solution-focused climate research and the 2023 Spinoza prize—the highest award to a scientist in the Netherlands.

Jennifer’s academic work considers both negotiation rooms and social movements. Her book *The New Climate Activism* tries to relate the experiences of new activists who brought gender, justice, trade union, and other social worries to the global climate negotiations. With the Earth Negotiations Bulletin, Jennifer has attended nearly all climate meetings in (more than) a decade and also enjoys the different, sometimes more focused, negotiations in the chemicals and waste fields.

We hope that our collective efforts at helping new, young, lonely negotiators who enter the complex 30-year negotiation process to address the climate emergency will be as useful now as it was 20 years ago when the first edition was written.

Joyeeta Gupta and Jennifer Allan

# Foreword

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I am delighted that IISD has decided to update this book, originally published in 2000. Its purpose then and now is to contribute to the onboarding of new climate change negotiators, especially from developing countries. There is seldom any capacity building available to them, and the responsibilities they assume are daunting even with due preparation, overwhelming without any induction.

The climate challenge has not diminished. We are suffering stronger and more frequent extreme weather events, leading to weakened ecosystems, more physical destruction, and increased human misery. The science has become more granular in its projections of the impacts of unabated climate change and more precise in its attributions. The continued rise of greenhouse gas emissions is quickly exhausting the scarce remaining carbon budget that we can burn before trespassing planetary thresholds, after which ecosystem transformations will be dangerously irreversible. The time available for us to change course is running out.

The Paris Agreement adopted in 2015, the corresponding Rulebook adopted in 2021, and the clear deadlines of 2030 and 2050 determined by science point to the pace and scale of the necessary decarbonization of the global economy over the next few decades, but we are not on track. Furthermore, many of the issues that are critical to developing countries (e.g., financial support for the transition, recognition of irreparable loss and damage, acceleration of adaptation support) are still being discussed.

And yet, there is no doubt that the attention of UNFCCC negotiators has to shift. It is now no longer about which is the route to decarbonization—it is about *how* quickly we proceed along that path. It is no longer about intents and

## “ON BEHALF OF MY DELEGATION ...”

commitments but rather about timely implementation and execution. It is no longer just about climate change as a silo but rather about understanding the inextricable connectivity with nature and with so many related social challenges. The new complexities are challenging the old system.

The multilateral landscape has become exceedingly polarized and entrenched over the years, and there is a real danger that the international negotiations could degrade the level of the debate to the point where we tragically cheat ourselves out of the possibility of effectively addressing climate change.

Fortunately, many negotiators of the older generations are handing the baton over to younger colleagues. It is my hope that the new entrants into the climate negotiations will bring a restorative spirit with them. Desperate times call for courageous and wise leadership on the part of all. The consequences of unabated climate change are so dire that we cannot afford to let ideology stand in the way of human well-being. There is a choice to be made between continuing to feed the fires of the divide and impossibility or intentionally cultivating a mindset of collaborative possibility, co-creating a space of benefit for all. As we quickly approach the 2030 deadline, the international negotiations should be the space for responsible collaborative action in its many forms—mitigation, adaptation, finance—in order to avert the worst impacts on the most vulnerable.

There are some rays of hope. Alongside the mounting impacts of climate change, there is clear evidence that some of the energy solutions are beginning to flourish in industrialised as well as in developing countries. As this book goes to print, extraordinary technological transformations are happening faster than we had predicted, exponentially accelerating toward a number of positive tipping points that could combine into cascades of positive change.

The cost of renewable electricity has plummeted over the past decade, leading to a much faster deployment than forecasted. Wind and solar power are now cheaper than power generated by fossil fuels in most countries in both the Global North and the Global South. By 2030, solar and wind are set to supply over a third of all power in the world. Demand for fossil fuel electricity is already in decline and will continue to lose ground as renewable electricity further outcompetes hydrocarbons on cost in all geographies. Electric vehicles are predicted to soon become cheaper to buy than fossil-fuelled cars in all leading car markets (the European Union, China, India, and the United States), leading to a decisive drop

in demand for oil products for transportation. Green hydrogen technologies are advancing by leaps and bounds, making it a potential avenue to decarbonize harder-to-abate sectors such as steel, shipping, aviation, and cement. There is a technical and economic path to net-zero in each of those sectors, and rapid progress is possible before 2030 by deploying technologies that are already at or near market readiness.

Developing countries need not follow the polluting carbon-intensive development path that has characterised that of industrialised countries. There is a significant opportunity to leapfrog to superior energy and transport technologies as the basis of further economic development, avoiding getting stuck with technologies that harm our health and have been rendered obsolete in other geographies.

Mitigation technologies are by no means the sum total of the response to the threats of climate change. But the fact that their horizon is so positive imbues the negotiations with a renewed sense of hope, which should be carried into the adjacent challenge of urgently regenerating nature.

As we move beyond fossil fuels, we can and should also move beyond the socio-political legacy that those fuels have so detrimentally imprinted. It is time for a new international discourse. Contrary to what we thought before, we now know that responses to climate change are more economically profitable and, above all, more societally beneficial than we had ever conceived. So here is a provocative thought: what if the UNFCCC negotiations are now devoted to the design and implementation of a better world for all, and negotiators become the collaborative architects of such a future?

Christiana Figueres

Founding Partner, Global Optimism

Former Executive Secretary, UN Framework Convention on Climate Change Secretariat





# Foreword

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The one hundred pages of the second edition of this book offer a useful survival guide for those approaching climate change negotiations for the first time. As I also highlighted in my foreword for the first edition, this book has been written for developing country delegates, but delegates from other countries and civil society representatives can also profit from its reading.

Negotiations have been described as part art, part science. While those in the trenches of negotiations know that some negotiators seem to have better natural gifts than others, even the best natural talents are insufficient if information is lacking. This book offers a first-class guide to help representatives engage in climate change negotiations.

In a large number of cases, developing country negotiators work in “single-person” delegations, which is difficult and tiring. Representatives on large delegations face other challenges, as they need to develop information-sharing mechanisms within their teams. The strength of each team is that of its weakest member. Improving the skills of negotiators is, therefore, important for all delegations, to ensure climate negotiations are deliberative and all countries can participate in decisions on global climate action.

Negotiation involves a great deal of research work, as delegates need to learn and understand the other parties’ positions. Behind stated positions lie domestic, regional, and international backgrounds of political, economic, and social circumstances. Delegates must take this information into account to guess the other parties’ bottom lines.

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Negotiators should analyze controversies and explore the possibility of disentangling contentious issues, looking for new, better, and perhaps common approaches to existing problems. Becoming a hostage of “zero-sum” negotiations should be avoided. Seasoned delegates have found that it is 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.

Outsiders may believe that diplomats use tricks and lies or half-truths to induce others to an agreement. Nothing is more distant from reality. It is possible to deceive other delegates at some point in time or to cheat in a given circumstance, but no solid result will be built from such action. “Lies have short legs,” as we say in Spanish. Any delegate induced by deception will realize the situation sooner or later and react.

On the contrary, my own experience was that the faithful and loyal negotiators received their just rewards. I never lied in a negotiation. People may have liked me or not, but I think they believed me.

I encourage you to contribute your best efforts to climate change negotiations and the enhancement of human welfare. Books like *On Behalf of My Delegation* seek to enhance negotiators’ efforts to achieve this ultimate goal.

Raúl A. Estrada Oyuela

Ambassador of the Republic of Argentina

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# **PART I**

## **The Negotiating Context**



1.5°C

FROM G20 TO COP27  
Fight for 1.5°

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1.5°C

1.5°C

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# 1

## The Climate Change Problem

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### **Box 1. A note on the language in international climate negotiations**

This guide acknowledges the potential sensitivities surrounding the language used in the context of international climate negotiations. Certain terms and phrases, historically rooted in the discourse and decisions of these negotiations, may not fully reflect the diverse realities and experiences of different nations and communities. Specifically, terms such as “developed and developing countries,” “Global South and Global North,” “aid,” “empowerment,” “capacity building,” and references to “poor” or “vulnerable” populations, among others, carry with them connotations and histories that may oversimplify complex socio-economic dynamics or inadvertently perpetuate stereotypes. These terms, while commonplace in historical and even current dialogue about climate change and development, are increasingly recognised as part of a larger narrative that often fails to address underlying power imbalances, the legacies of colonialism, and the agency and resilience of communities described as “recipients” or “beneficiaries” (Lartey & Beauchamp, 2022). The names of countries and terminologies have been kept as listed in the Climate Convention.

This guide uses these terms in the context of their presence in historical documents and ongoing negotiations, not as an endorsement of these language choices. The intention is to provide clarity and continuity with the established dialogue for those participating in these complex negotiations.

## 1.1 The Problem

This book provides an overview of the climate change negotiation arena for the new negotiator or for the negotiator who does not have much support or backup for the negotiations.

Greenhouse gases (GHGs) 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, perfluorocarbons, and sulphur hexafluoride. Since 1750, the atmospheric concentrations have increased by 47%, 156%, and 23% for the first three gases. CO<sub>2</sub> concentrations are “higher than at any time in at least 2 million years” (Intergovernmental Panel on Climate Change [IPCC], 2021, p. 8). This may lead to a mean global temperature rise of 1.4–4.4°C by the end of this century, higher than that experienced over the last 10,000 years (IPCC, 2021, p. 14). This rise has fundamentally altered the global atmospheric system, leading to shifts in the climatic zones and increased extreme weather conditions. By 2100, these effects will lead to a rise in the sea level of about 0.28 to 1.01 m and the melting of glaciers (IPCC, 2021, p. 21). We are now in a climate “crisis” or “emergency.”

## 1.2 The Science

The state-of-the-art knowledge on climate change is presented in the 5-yearly reports and special reports of the IPCC. It has long concluded that, on the basis of existing science, “it is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred” (IPCC 2021, p. 4). The scientific consensus on human-caused climate change in peer-reviewed papers is greater than 99% (Lynas et al., 2021). The indisputable scientific evidence leads the IPCC to call for transformational action.

## 1.3 The Impacts

Today, climate change severely impacts entire ecosystems and every human to various extents (see Figure 1). So far, the global surface temperature has risen by ~1.15°C above pre-industrial levels (IPCC, 2023, p. 6). Already, “warming of 1.0°C ... has fundamentally transformed our planet and its natural systems” (Hoegh-Guldberg et al., 2019, p. 9) and 1°C is seen as more just than 1.5°C

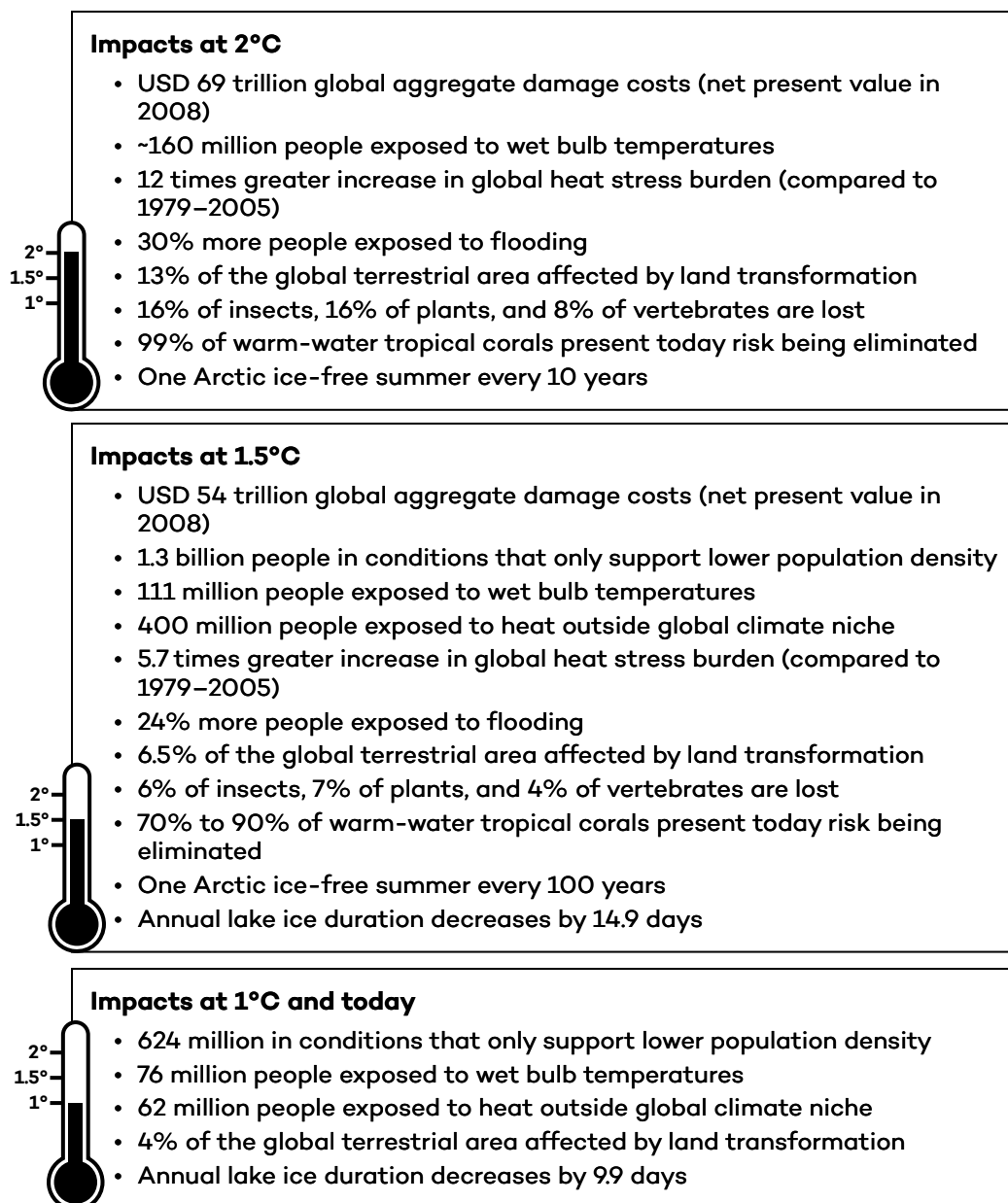
### Box 2. Key terms in climate science and policy

1. **Adaptation:** In human systems, the process of adjustment to actual or expected climate and its effects in order to moderate harm or exploit beneficial opportunities. In natural systems, the process of adjustment to actual climate and its effects; human intervention may facilitate adjustment to expected climate and its effects.
2. **Anthropogenic:** Originating from human activity. Often used to describe greenhouse gas emissions that are human-caused.
3. **GHGs:** Gases that trap infrared radiation from the Earth's surface, contributing to global warming. Common examples include CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O.
4. **Loss and damage:** The actual and/or potential manifestation of impacts associated with climate change in developing countries that negatively affect human and natural systems.
5. **Pre-industrial Levels:** Average global conditions in the climate system prior to significant human impact, typically considered to be before 1750.

(Rockström et al. 2023). These changes will be further exacerbated at 1.5°C, at 2.0°C and beyond. In addition, the estimated threshold for four tipping points—the Greenland and West Antarctic Ice Sheets, low-latitude Coral Reefs and Boreal Permafrost—is at 1.5°C (Armstrong McKay et al., 2022, p. 3). Limiting warming to 1.5°C is therefore crucial, as well as addressing the impacts of climate change, including those that communities cannot adapt to or recover from (i.e., residual impacts).

The four main pillars of climate policy are: (a) mitigation, i.e., reducing emissions, (b) adaptation to impacts, i.e., building resilience or reducing vulnerabilities of socio-economic and natural systems to climate impacts, (c) loss and damage, i.e., permanent, irreversible impact of climate change, and (d) means of implementation, i.e., the financial, technological, and capacity-building support necessary for developing countries to undertake mitigation, adaptation, and loss and damage actions.

**Figure 1.** Impacts at different temperature levels

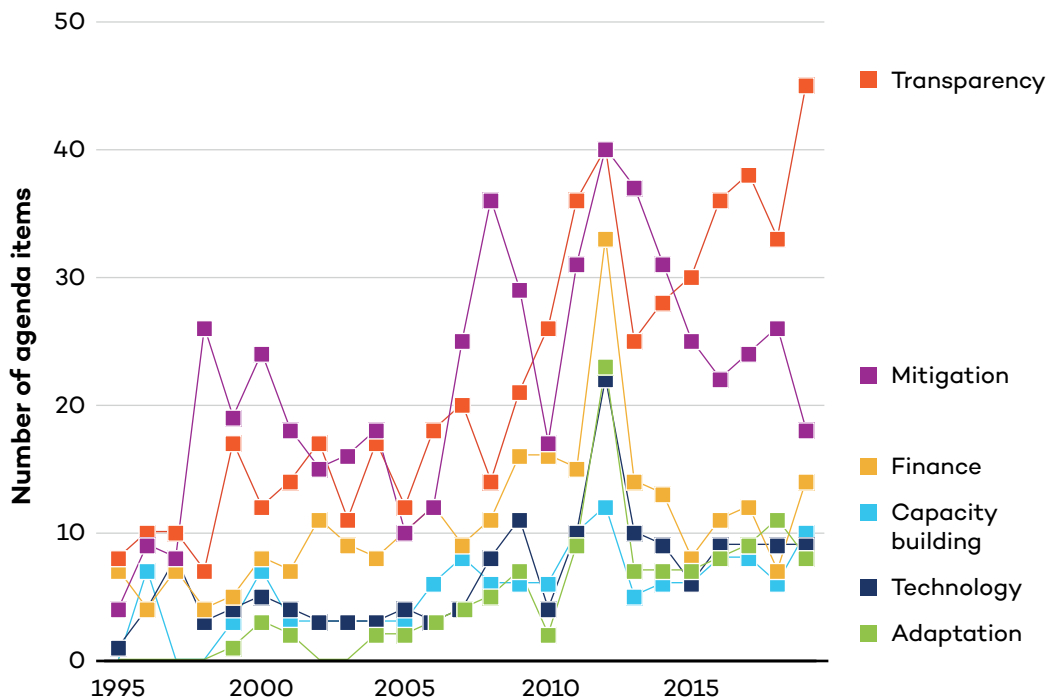


Source: Figure designed by AK and LvV based on Hoegh-Guldberg et al., 2019; Huang et al., 2022; IPCC, 2018; IPCC, 2022; Lenton et al., 2023; Matthews et al., 2017; Rockström et al., 2023.

## THE NEGOTIATING CONTEXT

Historically, most agenda items discussed during climate negotiations have related to targets and timetables, mitigation and transparency, which includes national reporting (see Figure 2). This is changing under the Paris Agreement as other issues related to adaptation and means of implementation take centre stage. However, mitigation is the most important adaptation strategy and prioritizing that will reduce the need to adapt for the coming centuries.

**Figure 2.** Six top substantive categories of issues over time



Source: Allan & Bhandary, 2022.

### 1.4 The Mitigation Policy

After more than 20 years of negotiation, the Paris Agreement adopted the target of reducing GHG emissions consistent with a stabilisation of average temperature in relation to pre-industrial levels at well below 2°C while “pursuing all efforts” to limit temperature rise to 1.5°C. GHGs are emitted by industry, energy, transport, agriculture, and buildings; all sectors that enable rapid economic growth.

Addressing climate change implies radically transforming the way we produce and use. As the global community moves toward 2050–2060 (when countries



## “ON BEHALF OF MY DELEGATION ...”

have agreed to reach net-zero emissions), there will be increased negotiation tensions between countries and calls for justice will increase. This is because the available permissible emissions will decrease every year (see Box 3). For more details on the legal framework, see Chapter 2.

There is a need to modernise consumption and production patterns in all countries. Clearly, developed countries, which have benefitted from economic growth, typically at the expense of the Global South, must curb their emissions. Relatedly, the economic trajectories followed by developed countries are demonstrably incompatible with a safe climate. This means that developing countries should avoid making the same mistakes as the Global North and “leap-frog” to sustainable economies. Furthermore, policies need to consider not only unequal emissions among countries but also among households. According to the IPCC (2023, p. 10), “the 10% of households with the highest per capita

### **Box 3. Negotiation tension is expected to rise as we move toward net-zero**

In 1990, when the negotiations began, there was still a considerable GHG emissions budget left to share between countries and people. However, as we move toward 2050, the year in which we need to hit (net-) zero emissions, emissions continue to rise in the face of rapidly approaching deadlines, decreasing the emissions available to be shared between countries. This will lead to increased negotiation stress and greater calls for justice between countries but also within countries as there are fewer emission units to share.

Moreover, calls for justice will increase as the dangerous effects of climate change are unevenly felt. This is especially critical because the later we start to reduce our collective GHG emissions, the more drastic the reduction path will need to be.

The only way to achieve this is to realise that there have to be multiple pathways used by different countries to achieve (net-) zero.

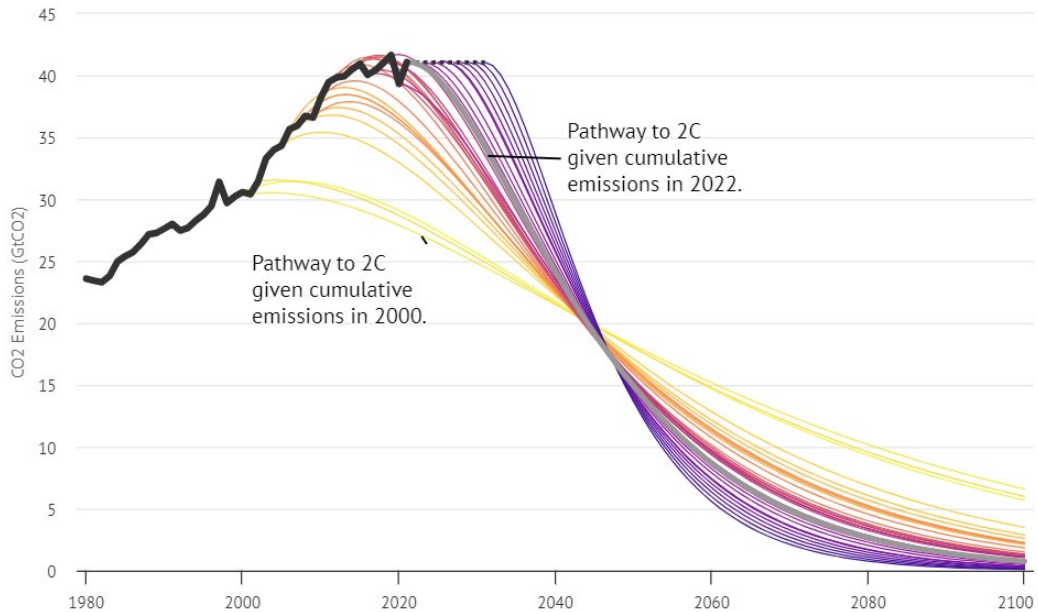
*Source: Andrews, 2022; Adapted from Gupta, 2014.*

## THE NEGOTIATING CONTEXT

emissions contribute 34%–45% of global consumption-based household GHG emissions, while the middle 40% contribute 40%–53%, and the bottom 50% contribute 13%–15%.”

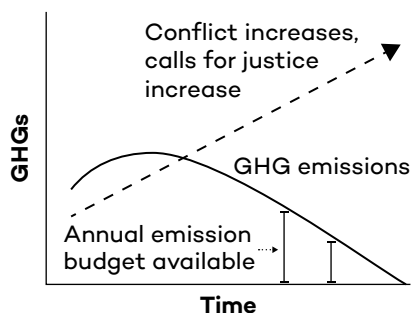
Clearly, these proposals call for considerable political will and research and development in all countries. Developing countries need to be seriously interested in learning from past mistakes and developing alternative definitions for sustainable development. However, some might not be in a position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

**Figure 3.** Limiting warming to 1.5°C is increasingly difficult without large-scale negative emissions reductions



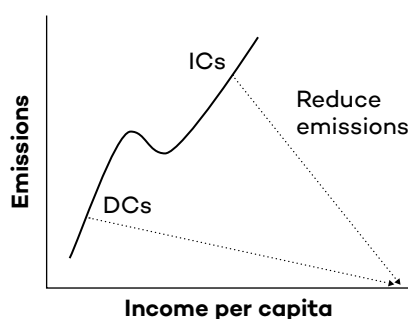
Source: Andrews, 2022.

**Figure 4.** Multiple pathways to achieve (net-) zero emissions



Source: Gupta, 2014.

**Figure 5.** Decreasing climate budget increases conflict and calls for justice



Source: Gupta, 2014.

The global response to climate change has evolved. The international community has adopted a convention (see 2.2), protocol, and agreement (see 2.3 and 2.4). From a scientific perspective, the decision to adopt emissions-related commitments under the Kyoto Protocol was a key decision in the right direction, as is the Paris Agreement’s pledge to limit global warming to well below 2°C, while pursuing all efforts to keep it below 1.5°C. The Paris Agreement is also significant because it solidifies and advances work on adaptation, loss and damage, and means of implementation.

However, present emission reduction policies and targets enshrined in countries’ nationally determined contributions (NDCs, the pledges made under the Paris Agreement) fall short of what is needed to meet the temperature goals of the Paris Agreement. Without urgent and drastic policy action, further damage to humans and ecosystems will be irreversible.

## 1.5 The Adaptation Policy

The need to adapt to climate impacts has been evident since the start of the negotiations. It is also critical to plan for the expected impacts to come. However, mitigation was initially seen as a global problem, and adaptation as a local problem that received less attention. Calls to prioritise adaptation led to the establishment of the Cancun Adaptation Framework in 2010 at COP 16. Calls to prioritise adaptation continue today in the face of concerns that mitigation attracts more political attention and funding.

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Adaptation includes interventions that help adjust to climate impacts (IPCC Annex II). Adaptation actions can take many forms, such as building flood defenses, setting up early warning systems, and ensuring infrastructure can be resilient to extreme weather events. It also includes efforts to reinforce government systems by integrating climate risks in planning.

Developing countries can signal their adaptation needs through several channels, perhaps most commonly national adaptation plans and adaptation communications (under the Paris Agreement). There has been a strong call for several years to move from planning to implementation backed by the assistance of developed countries.

### 1.6 Loss and Damage

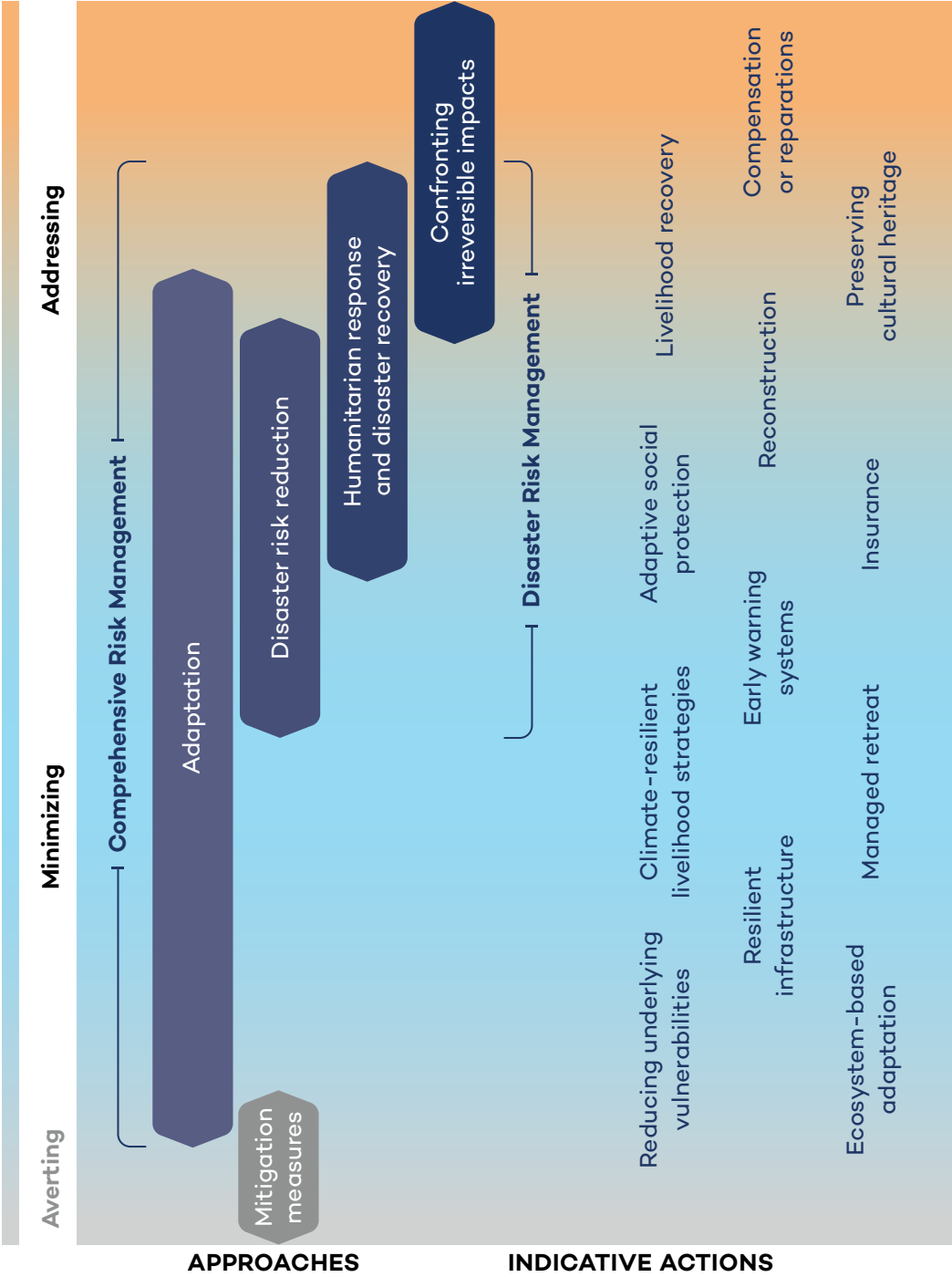
Residual impacts—those impacts that cannot be adapted to or mitigated—require insurance or compensation strategies. Consideration of residual impacts gave rise to the concept of “loss and damage” that can be caused by slow-onset events (e.g., sea level rise, desertification, and ocean acidification) or fast-onset events (e.g., extreme weather events, such as hurricanes and flash floods), that can devastate communities, economies, and ecosystems. The IPCC’s 1.5°C report highlights the urgency of addressing these irreversible impacts beyond adaptive capacities. The various approaches to responding to such loss and damage are illustrated in Figure 3.

Operationalizing the concept of loss and damage has been challenging. Developing countries, particularly low-lying island nations and those with less adaptive capacity, face an existential threat from rising sea levels and extreme weather events and require financial support and compensation for the losses incurred. While the science of attributing specific events to climate change is rapidly evolving, the politics remain complex. This is particularly true for issues around compensation for loss and damage.

### 1.7 The Means of Implementation Policy

Finance, technology, and capacity building are all fundamental needs of developing countries to enact mitigation, adaptation, and loss and damage policies. A 2021 United Nations Framework Convention on Climate Change (UNFCCC) report on the needs of developing countries put the estimate of

**Figure 6.** The spectrum of approaches to responding to loss and damage



Source: Qi et al., 2023.

## THE NEGOTIATING CONTEXT

around USD 5.8 trillion–5.9 trillion through to 2030. Developing countries identified more adaptation than mitigation needs, but more costs were identified for mitigation.

In short, the UNFCCC process has had to evolve from one focused on emission reductions to a regime capable of addressing a range of other issues. This growth of issue areas has largely been required because of the failure of the international community, notably many developed countries, to reduce their emissions.

### **Box 4. Navigating the UNFCCC website**

The UNFCCC website is comprehensive but changes frequently. Learning to navigate it is critical.

1. Check the homepage and news section regularly for recent updates on climate negotiations and their related events.
  - a. Check the “Event” page, which covers the Regional Climate Weeks and other process-related meetings and workshops that might not pop up somewhere else.
  - b. Check the workstream pages, which usually have the most up-to-date info on a particular process, and the latest documents relevant to that process.
2. A separate tab covers the upcoming UN Conference of the Parties (COP) and negotiating text.
3. Read the webpages on “Processes and Meetings,” which provide an overview of the international climate system (see Chapter 2).
4. Learn to use the submission portal.

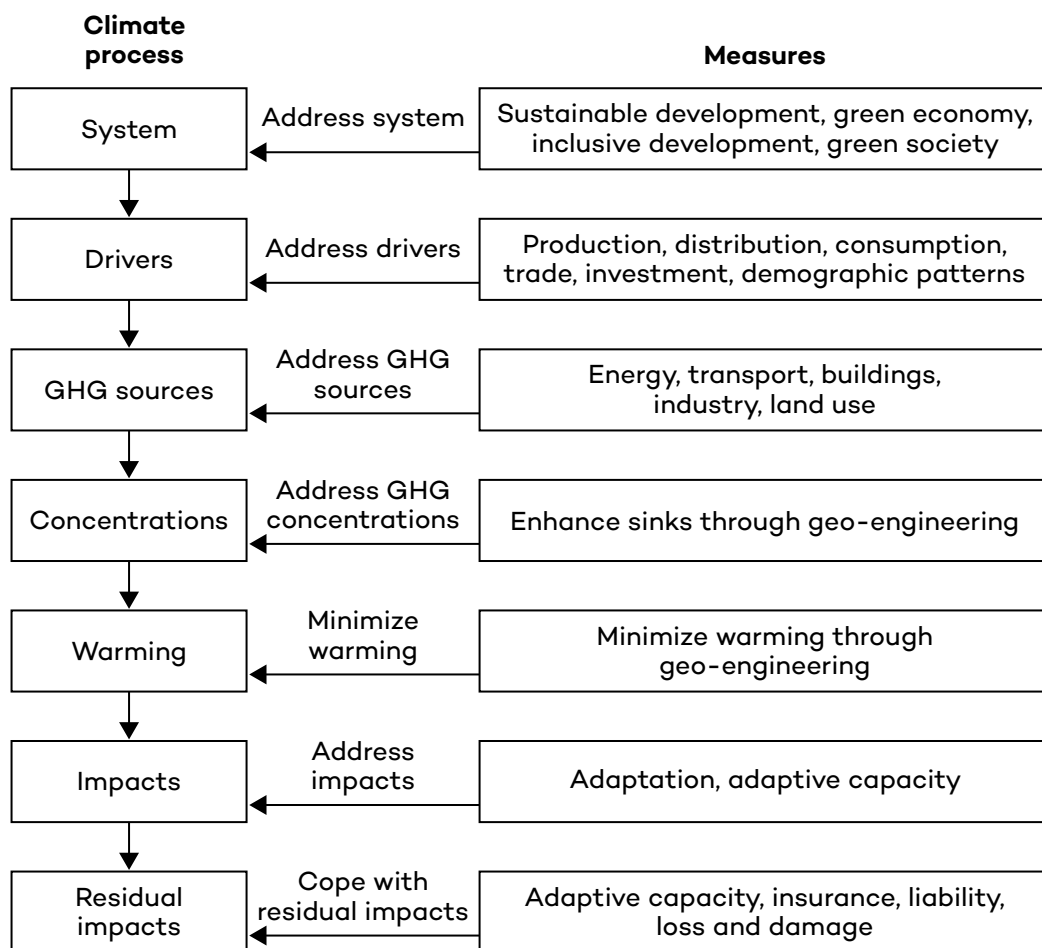
## **1.8 Climate Change and Development**

One of the key challenges in the negotiation process is the fact that climate change is so closely linked with development paradigms. One can see climate change as arising from a development paradigm that shapes production and consumption patterns, which further affect the way in which different sectors emit GHGs, which leads to GHG concentration in the atmosphere, which leads

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to warming, which has impacts (including residual ones). The different levels of climate change can be addressed through a range of different measures (see Figure 4). However, the climate change negotiations have initially mostly focused on reducing emissions, and later on adaptation, and more recently on loss and damage. But the deeper question of how we can redesign our development paradigm remains unanswered in all countries.

**Figure 7.** Measures targeted at different parts of the climate system



Source: Adapted from Gupta, 2014.

### 1.9 Tips and Tricks

- Familiarise yourself with the reports of the IPCC and other scientific bodies to know the areas of scientific agreement and uncertainty. Read the policy-makers' summary of the latest IPCC reports of Working Groups 1-3.
- Separate the main from peripheral issues for you. Understand the links between mitigation, adaptation, loss and damage, and development.
- Master the technical vocabulary related to climate change.
- Familiarise yourself with the human and environmental impacts associated with different global temperature trajectories. Identify the key impacts already felt in your country. Identify the key mitigation trajectories that are relevant for your country.
- Learn to navigate the UNFCCC website.
- Do not underestimate the time needed to prepare for negotiations.
- Try to understand the relation between development and climate change in your country.





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## 2

# The Evolution of the International Climate Regime

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### 2.1 The Key Documents in the Regime

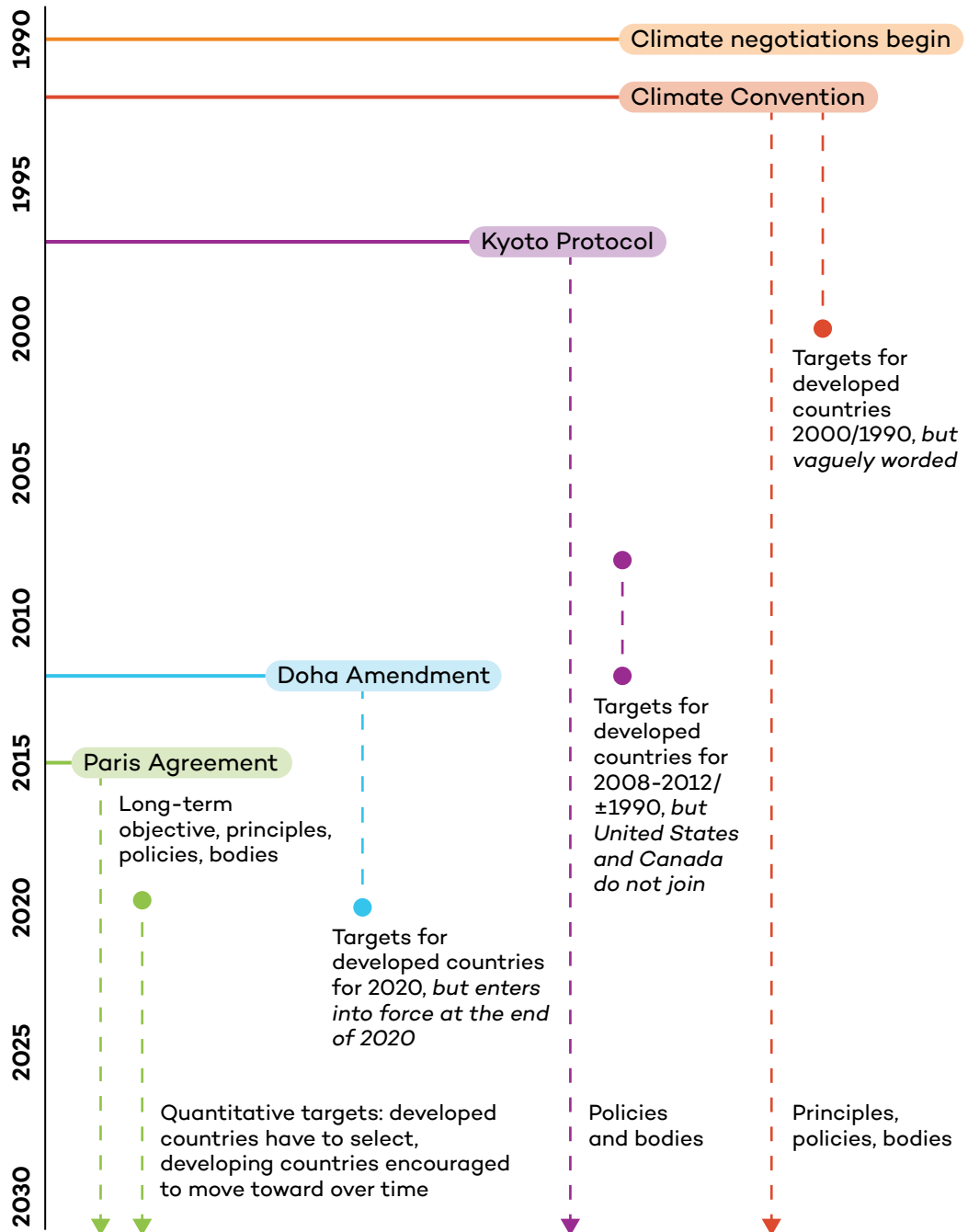
The key documents in the regime are the United Nations Framework Convention on Climate Change (UNFCCC, 1992), the Kyoto Protocol to the Convention (UNFCCC, 1997), the Doha Amendment 2012, and the Paris Agreement of 2015. In addition, the United Nations Conference of the Parties (COP) has met annually since 1995 (except for 2020 due to the COVID-19 pandemic) to take decisions.

### 2.2 The UNFCCC, 1992

Following the 1979 World Climate Conference, the UNFCCC was adopted in 1992 and entered into force in 1994. The UNFCCC consists of a preamble, 26 articles and two annexes. It states that the ultimate objective of the Convention and any related legal instrument is to achieve the stabilisation 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 5) and developing countries. Annex I countries were

**Figure 8.** Binding climate agreements and their treatment of mitigation targets



Source: Gupta, J. Author's diagram.

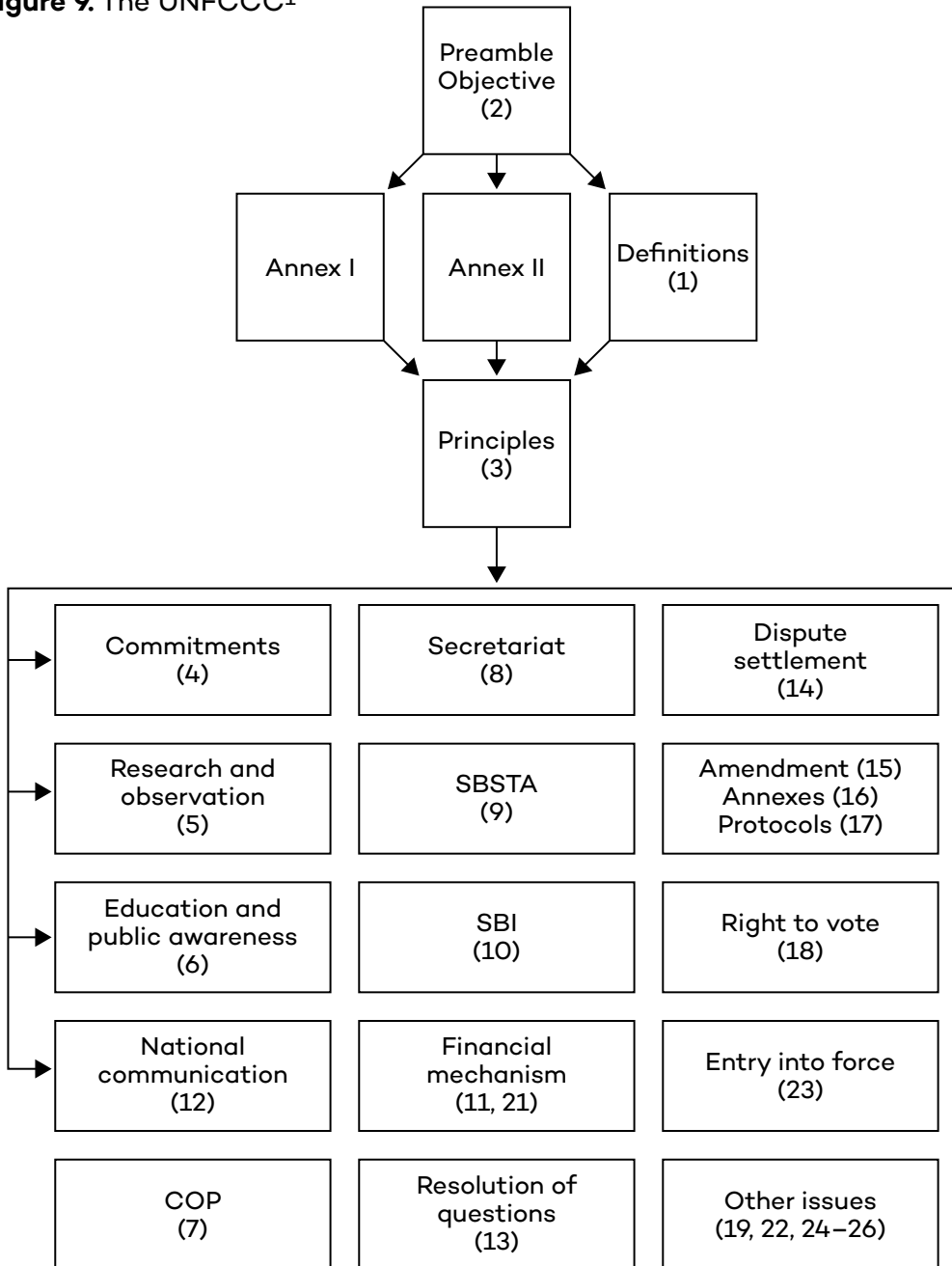
## THE NEGOTIATING CONTEXT

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 1990 levels. Under the Convention, developed countries listed in Annex II (a subset of Annex I) were and are expected to provide financial assistance to developing countries (Arts. 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 UNFCCC 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 UNFCCC established five bodies (see Figure 6). 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.

The UNFCCC 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 toward the ultimate objective. Key decisions made at different COPs are listed in Table 2.

**“ON BEHALF OF MY DELEGATION ...”**

**Figure 9.** The UNFCCC<sup>1</sup>



Source: Authors.

<sup>1</sup> Note: Subsidiary Body for Scientific and Technological Advice (SBSTA); Subsidiary Body for Implementation (SBI).

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**Table 1.** The decisions of the key COPs

<b>COP</b>	<b>Key decisions</b>
1, Berlin 1995 21 decisions	Pilot phase on Activities Implemented Jointly which would permit countries to voluntarily participate in projects aimed at reducing emissions of greenhouse gases (GHGs), but no crediting of emission reductions to the investors was allowed during the pilot phase. The Berlin Mandate to negotiate legally binding reduction commitments was adopted.
3, Kyoto 1997 18 decisions	Adoption of the Kyoto Protocol (see 2.3)
6, The Hague and Bonn 2000 4 decisions and 3 resolutions	Plus 2 decisions, including the Bonn Agreements—operationalised market mechanisms
11, Montreal 2005 15 Decisions	Including adopting all decisions prepared by the COP about implementing the Kyoto Protocol
15, Copenhagen 2009 13 Decisions	Including Copenhagen Accord (not legally adopted), notes long-term objective; subsequently – countries submit voluntary commitments; aim to raise USD 30 billion in 2012 rising to USD 100 billion in 2020
18, Doha 2012 26 Decisions	Including amendment on second commitment period (Kyoto Protocol), 2013–2020; process for adopting agreement in 2015 with targets from 2020
21, Paris 2015 23 Decisions	Paris Agreement (see 2.4).
24, Katowice 2018 18 Decisions	Countries adopt the Paris Rulebook, comprising most of the operational rules for the Paris Agreement
26, Glasgow 2021	Adopted the Glasgow Climate Pact, which included new language around phasing down unabated coal and doubling adaptation finance

Source: Authors.

**Box 5. Balancing the impasse between the impacts of climate change and differentiated responsibilities in climate mitigation policy**

The impacts of climate change can be very severe: death, displacement, destruction of infrastructure, and loss of agricultural productivity (see Figure 1). On the other hand, climate mitigation poses serious challenges. Consider the case of fossil fuels. The fossil fuel enterprise is worth between USD 16 trillion and USD 295 trillion (Linquiti & Cogswell, 2016; Wiegand, 2021). When compared with a global GDP of just over 100 trillion, this implies that not only the fossil fuel companies but also shareholders and users have significant stakes in fossil fuels' continued use (World Bank Development Indicators Database, 2023). Both super-rich investors and the poorest of farmers rely on fossil fuels, the former for investments and the latter for essential tasks like transporting produce to the market. This widespread dependence complicates the global transition away from fossil fuels. Proposals now suggest natural gas as an interim fuel, but this risks perpetuating fossil fuel dependency. Developed countries like the United States and Canada have inadequately demonstrated that they are willing to adopt emission reduction targets as they have not ratified the Kyoto Protocol or the Doha Amendment. Developed countries have been unable to adequately address the fossil fuel lock in and demonstrate that they are willing to reduce their emissions. While developed nations grapple with their reliance on coal, gas, and oil, developing nations face a pivotal question: Can they sidestep this dependency? Might it be more cost-effective in the long run to invest in sustainable energy alternatives? Could it help developing countries avoid stranded assets?

### **2.3 The Kyoto Protocol**

At COP 3, countries adopted the 1997 Kyoto Protocol to the UNFCCC (see Figure 7). The Kyoto Protocol aims to reduce emissions of Annex I countries (slightly modified in a new Annex B (see Table 5)) by at least 5% below 1990 levels (and, in some cases, 1995 levels) in the period 2008–2012. Individually, these countries had separate commitments, whereby most developed countries—with the notable exception of Australia, Iceland, and Norway—were expected

## THE NEGOTIATING CONTEXT

to reduce their emissions. The Protocol identified policies and measures that can be taken by countries (Art. 2) and quantified commitments for Annex B countries on six GHGs (Art. 3; see 1.1), and reiterated other commitments (Art.10). Countries need to communicate their measures (Art. 7) and they are then reviewed (Art. 8). It also included articles on definitions, methodologies, noncompliance, dispute resolution, amendments, annexes, voting, depository, signature and ratification, entry into force, reservations, and withdrawals.

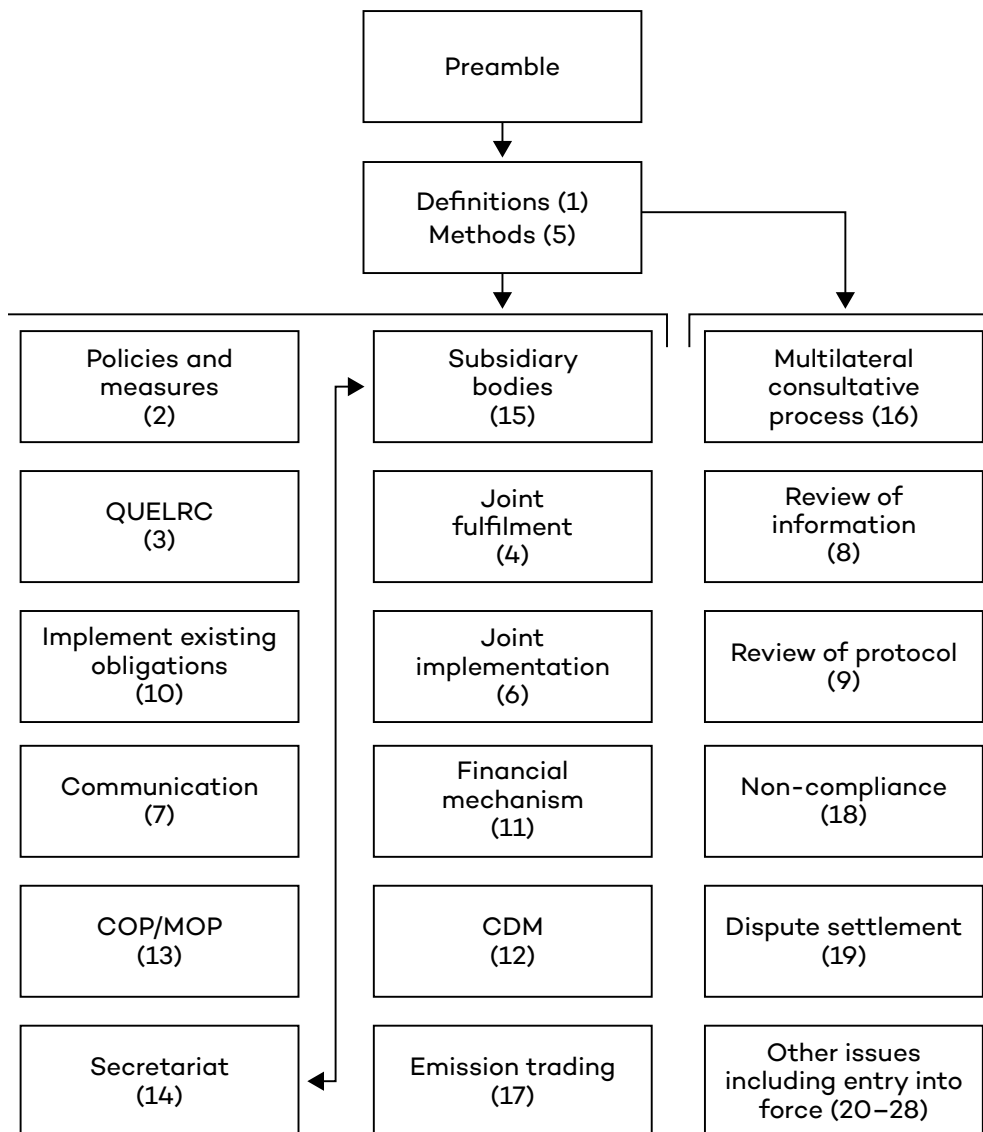
The Kyoto Protocol introduced two mechanisms to provide countries with alternative, flexible ways to meet their emission reduction commitments under the Protocol. Joint Implementation (Art. 6) facilitated crediting among the developed country Parties and was not extensively used in the Kyoto era. Meanwhile, the Clean Development Mechanism (CDM, Art. 12), which was aimed at enabling projects in developing countries to achieve sustainable development in return for emission credits, was more extensively used. While China, India, Brazil, and a few other developing countries benefitted from the CDM, sub-Saharan African and other regions were largely left behind.

The market and non-market based mechanisms in Article 6 of the Paris Agreement are a legacy of the Protocol mechanisms. There are several similarities, but the new market mechanisms also include measures to help all developing countries participate. There are complex rules, still being finalised, to ensure that emission reductions are only counted toward one country's pledge under the Paris Agreement. This helps avoid "double counting," where the same emission reductions appear to have been undertaken twice, inflating the true extent of mitigation.

In terms of the Kyoto Protocol's successes, several European countries and Japan largely met their specified reduction targets by 2012. However, the United States, a major global emitter, signed but never ratified the treaty, significantly weakening its potential impact. Canada, after initially ratifying it, later withdrew. The rich countries were unable to set an example in terms of phasing out fossil fuels. Global CO<sub>2</sub> emissions have continued to increase, undermining the Protocol's reach and impact (Almer & Winkler 2017).



Figure 10. The Kyoto Protocol<sup>2</sup>



Source: Authors.

<sup>2</sup> Note: Quantified Emission Limitation and Reduction Commitment (QUELRC); Meeting of the Parties (MOP).

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The Kyoto Protocol entered into force in 2005, and its first commitment period (the timeframe during which participating countries are legally bound to meet their specified targets for reducing GHG emissions) ran from 2008 to 2012. In 2009, the Copenhagen Conference—which was supposed to adopt targets for the second commitment period (2012–2020)—failed. However, in 2012, the Doha Amendment was adopted, with targets for industrialised countries for the period 2013–2020. The United States, Canada, Japan, and Russia did not approve this amendment and it entered into force only on the last day of 2020 (largely a symbolic gesture). These difficulties and the alternative offered by the Paris Agreement in 2015 contributed to a paradigm shift in international climate negotiations away from binding emission reduction agreements (see Box 6).

### 2.4 The Paris Agreement

The third legally binding agreement in the climate regime is the Paris Agreement of 2015. It consists of an objective, a transparency framework, cooperative measures between countries, and a Global Stocktake. It specifies rules on facilitating compliance and reiterates the organisations that are important in the regime.

Of critical importance is the adoption of multiple long-term objectives. Given the lock-in of some degree of warming due to existing carbon in the atmosphere, as well as differentiated abilities of countries to decarbonise, the Paris Agreement includes goals for adaptation and finance as well. The long-term objective is

- (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;
- (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
- (c) Making finance flows consistent with a pathway toward low greenhouse gas emissions and climate-resilient development.

A collective, quantified finance goal is due to be agreed by 2025.

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**Table 2.** The Paris Agreement

<b>Goals</b>	<ul style="list-style-type: none"> <li>• 2°C &amp; if possible 1.5°C; climate-resilient, low-GHG development; financial coherence principle: equity &amp; CBDRRC<sup>3</sup> (Art.2) Global Goal on Adaptation</li> <li>• New collective, quantified finance goal</li> </ul>
<b>Measures</b>	<ul style="list-style-type: none"> <li>• All Parties prepare, submit, and maintain a nationally determined contribution (NDC) (Art. 3)</li> <li>• Achieve net-zero emissions by second half of century (equity/ sustainable development); NDCs (Art. 4)</li> <li>• Protect sinks (Art. 5)</li> <li>• Adaptation (Art.7)</li> <li>• Loss and damage (Art.8)</li> <li>• Education, public awareness (Art. 12)</li> </ul>
<b>Cooperative measure</b>	<ul style="list-style-type: none"> <li>• Voluntary co-operative market and non-market mechanism (Art. 6)</li> </ul>
<b>Support to developing countries</b>	<ul style="list-style-type: none"> <li>• Financial support (Art. 9)</li> <li>• Technology transfer mechanism (Art.10)</li> <li>• Capacity building (Art. 11)</li> </ul>
<b>Transparency and compliance</b>	<ul style="list-style-type: none"> <li>• Enhanced Transparency Framework (Art. 13)</li> <li>• Global Stocktake (Art 14)</li> <li>• Implementation and compliance mechanism (Art. 15)</li> </ul>
<b>Organisations</b>	<ul style="list-style-type: none"> <li>• COP (Art. 16)</li> <li>• Secretariat (Art.17)</li> <li>• Subsidiary Body for Scientific and Technological Advice, Subsidiary Body for Implementation (Art. 18)</li> <li>• Other subsidiary bodies (Art. 19)</li> </ul>

Source: Authors.

The Paris Agreement calls on Parties to submit NDCs, in which each country states what it is willing to do to mitigate and adapt to climate change. NDCs are to be updated or resubmitted every 5 years. Each NDC can last for 10 years. There is a legally binding commitment to submit and maintain an NDC in the NDC registry (a publicly available repository of all NDCs). However, the

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<sup>3</sup> Common but differentiated responsibilities and respective capabilities.

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contents of NDCs are not legally binding, and countries have flexibility in what to include. Developed countries are to have a quantified, economy-wide target. Failure to reach targets or any aspect of an NDC does not constitute breaking a legal commitment.

### **Box 6. Equity between developed and developing countries**

In the initial days of the climate change negotiations, the agreement was that the industrialised, developed countries would lead by reducing their emissions while developing countries would be allowed to increase their emissions at least for some time before later reducing them. This was included in the Climate Change Convention (Art 4.2a and b) and in the Kyoto Protocol and its Doha Amendment as the CBDR-RC principle, which specified targets for the developed countries. Some large developed countries did not accept legally binding targets for the period 1990–2020, which would have made targets for developing countries more acceptable. With the Paris Agreement, countries have entered a new phase, as they now all have to reduce their emissions. Since it appeared impossible to share an overall target, each country now states what it will do “in light of national circumstances,” and these commitments are added to see if the global goal can be reached. Intragenerational equity, as well as intergenerational (past versus present) equity, issues have been sidelined in target setting to protect future generations; however, recent discussions on loss and damage, particularly in the context of the Global Goal on Adaptation discussions and the concept of loss and damage itself, have sought to reintroduce and emphasise these equity considerations. The Global Goal on Adaptation discussions, for instance, have highlighted the need for developed countries to support developing nations in their adaptation efforts. Developing countries will have to unite firmly within the G77 on this issue to ensure that future financial assistance is considerably higher than that over the past 30 years.

Additionally, the Paris Agreement alludes to the concept of net-zero emissions, calling on parties to achieve a balance between anthropogenic emissions and sinks by the second half of the century (Art. 4). The Agreement also includes several provisions that were key demands of developing countries. There is a global goal

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on adaptation, as called for by the African Group. Also, an article on loss and damage reaffirms the role of loss and damage-related institutions, especially the Warsaw International Mechanism on Loss and Damage.

Transparency is key to the Paris Agreement. All countries are to provide national reports under the enhanced transparency framework as a legally binding commitment. The framework is common to all parties, but there are flexibilities built in for developing countries, especially least developed countries and Small Island Developing States. Every 5 years, there is a Global Stocktake to assess the international community’s collective progress on mitigation, adaptation, and means of implementation. Its findings are meant to inform the next round of NDCs.

While the Paris Agreement fosters a sense of global unity in addressing climate change and spotlights the importance of the 1.5°C goal, it embodies a shift into what scholars characterise as the post-equity era of climate negotiations (see Box 6) (Klinsky et al., 2017). The Kyoto Protocol was steeped in the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), a principle within the UNFCCC that predominately assigns historical carbon emitters with emission reduction targets but also assigns countries responsibilities based on their capabilities. After the Paris Agreement, each country, irrespective of its developmental trajectory or historical emissions, is tasked with submitting NDCs, signalling an evolution in how global climate responsibilities are perceived (Streck et al., 2016). In this way, the CBDR-RC has evolved over time to push all countries to take more proactive roles; however, there is still differentiation evident in the Paris Agreement. Developed countries are to have quantitative, economy-wide targets in their NDCs, while developing countries have more flexibility. There are flexibilities in national reporting as well. The CBDR-RC principle continues to evolve as countries debate and rely on it in current Global Stocktake, adaptation, and loss and damage negotiations. Terms currently in use in the negotiations are presented in Box 7.

### Box 7. Key terms in the international climate regime

The climate regime has its own jargon. Understanding this is critical for the negotiator:

1. **Adaptation:** There is no agreed definition of adaptation in the UNFCCC. However, it is generally thought to include actions and projects that reduce socio-economic and natural vulnerabilities and raise resilience to climate impacts.
2. **Biennial Transparency Report:** All countries will have to submit this report as part of the enhanced transparency framework; however, there is some flexibility afforded to developing countries on their submissions.
3. **Capacity building:** Enhancing the abilities of countries, especially developing nations, to take effective action, including through financial and technical support. The Paris Agreement establishes the Paris Committee on Capacity-Building.
4. **Enhanced Transparency Framework:** A mechanism under the Paris Agreement to build mutual trust and promote effective implementation. It provides a clear overview of climate actions, including clarity and tracking of progress toward achieving countries' individual NDCs, and understanding of climate change impacts and support provided and received. It is the foundation upon which the Biennial Transparency Reports are based.
5. **Finance:** A central, cross-cutting area of negotiations. In particular, the Paris Agreement calls for a new, quantified collective finance goal to be set by 2025. The Standing Committee on Finance is a key body. It prepares reports for the COP and Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA), including on the state of climate finance.
6. **Global Stocktake:** A 5-yearly review to assess collective progress toward achieving the objectives of the agreement.
7. **Loss and Damage (uppercase):** IPCC (2022, p. 2914) uses the capitalised "Loss and Damage" to refer specifically to the political debates and negotiations under the UNFCCC following the establishment of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts in 2013.

8. **Loss and damage (lowercase):** According to the IPCC (2022, p. 2914), the lowercase “loss and damage” or “losses and damages” refer to the “harm from (observed) impacts and (projected) risks” of anthropogenic climate change and could be economic or noneconomic. These harms are unavoidable—beyond what countries, communities, or ecosystems can adapt to.
9. **Mitigation:** Actions to limit or reduce greenhouse gas emissions and enhance sinks.
10. **NDCs:** National climate action plans detailing mitigation and adaptation efforts.
11. **Adaptation Communication:** A vehicle for countries to signal their adaptation needs. Developing countries can also do this through national adaptation plans.
12. **Net-Zero:** A state where the amount of GHGs emitted is balanced by the amount removed. While the explicit term is not in the Paris Agreement, the concept is inferred.

## 2.5 Tips and Tricks

- Understand the main and peripheral issues in the debate and in the environment of the negotiations.
- Internalise the UNFCCC, the Kyoto Protocol, and Paris Agreement; keep them on your computer or keep a printout.
- Understand the history of international climate negotiations and the shift in approach to global emission reduction efforts represented by the Paris Agreement compared to the Kyoto Protocol.
- 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.
- Familiarise yourself with the key terms used in the international climate regime, particularly the concept of net-zero.







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# 3

## The Bodies in the Regime

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### 3.1 The Need for Executing Agencies

The scientific and policy issues around climate change are complex and have evolved over time. In step, countries have established numerous bodies under the United Nations Framework Convention on Climate Change (UNFCCC) to organise and advance discussions. There is substantial intersessional work during which the constituted and subsidiary bodies prepare materials and meet to try to ensure consensus at the annual Conferences of the Parties (COPs).

### 3.2 The Bodies Established by the Convention, Protocol, and the Agreement

Under the Convention, five bodies co-exist:

1. **The COP**, consisting of representatives from UNFCCC-ratifying countries, meets annually to review implementation and to make decisions on how to improve the implementation process of the UNFCCC (Art. 7).
2. The COP, serving as the meeting of the parties to the Kyoto Protocol (CMP), the decision making body for Protocol-specific issues.
3. The CMA, the decision-making body for issues specific to the Paris Agreement.
4. **The Secretariat** undertakes the daily coordination of implementation and organises the annual COP meetings. Under Rule 28/29 of the draft Rules of Procedure (see Chapter 4), it must provide the necessary staff and services, including interpretation services, documentation services

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such as translation, records of the meetings, and preparation of the agenda, among others.

5. **The Subsidiary Body for Scientific and Technological Advice (SBSTA)** was established to advise on the latest developments in the scientific and technological area and to provide policy recommendations. The SBSTA meets twice a year. On an extraordinary basis, countries may agree to hold additional meetings.
6. **The Subsidiary Body for Implementation (SBI)** provides assistance in assessing and reviewing the implementation of the Convention. It meets in conjunction with the SBSTA twice a year, and more often if required.
7. The Convention also identified the **Global Environment Facility** as a financial mechanism to provide financial resources on a grant or concessional basis, including for technology transfer, to developing countries. The Global Environment Facility serves a number of multilateral environmental agreements.
8. **The Green Climate Fund** is the second operating entity of the financial mechanism. It is under the guidance of the COP and also serves the Paris Agreement.
9. **The Adaptation Fund:** A fund dedicated to concrete adaptation projects in developing countries. It was established under the Kyoto Protocol. Countries agreed that it “shall” serve the Paris Agreement.

The Kyoto Protocol and the Paris Agreement use the Secretariat and the subsidiary bodies established under the Convention.

The Protocol and Agreement are treaties under the Convention. The CMA and CMP may refer issues to the COP. They also meet during the COPs.

The CMP and CMA handle issues related to their specific treaties only. There are some disputes about whether issues should be on the COP, CMA, or both agendas, such as the Warsaw International Mechanism. It is important to know under which body negotiations can occur because each can only take decisions in relation to its treaty. The reason behind different annual meetings is that different countries have ratified different agreements.

### 3.3 Other Formal Bodies

Over the years, there have been several formal bodies established in the regime for a specific purpose. Some are short-lived, ad hoc bodies. For example, the Ad-Hoc Group on the Berlin Mandate was established by the first COP in 1995, and it existed until 1997. Similarly, the decision that adopted the Paris Agreement created the Ad-Hoc Working Group on the Paris Agreement to prepare the Paris Rulebook.

Other bodies are permanent and have specific mandates. The constituted bodies meet intersessionally to fulfill work programmes established by the COP, CMP, or CMA (or a combination). Memberships can vary. Some are open only to parties, while others have non-state members. They may make recommendations to the governing bodies if requested. The constituted bodies usually prepare an annual report for consideration of the COP, CMP, and/or CMA.

### 3.4 The Negotiation and Informal Groups

The formal negotiations begin and end in the plenary sessions of the COP. The opening plenary adopts the agenda, hears opening statements, and sets out how work under each agenda item will proceed. The closing plenary takes decisions and hears closing statements.

The bulk of the negotiations take place in smaller, often informal settings. This is inevitable because it is impossible to discuss all the various issues in plenary among all 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, redrafting and refining the negotiating texts.

The COP President or Subsidiary Body Chair appoints pairs of delegates to facilitate these discussions, one from a developed and one from a developing country. These sessions do not generally have translation facilities, which makes it extremely difficult for non-English speakers to participate. In addition, 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:

## “ON BEHALF OF MY DELEGATION ...”

- **Contact Group:** A group established to negotiate a specific agenda item or sub-item. All parties may attend, and meetings are open to observers. Usually, contact groups convene as the first and last meeting on an issue.
- **Joint Contact Group:** A contact group considering an issue under the mandate of multiple bodies. Usually, these are joint SBI/SBSTA contact groups.
- **Informal Consultations:** A group created by the Parties for purposes of informal consultation. Increasingly, these are open to observers and are functionally very similar to contact groups.
- **Informal–Informal Consultations:** A small group of parties may convene in these “informal informals” to resolve very specific issues. The Secretariat and Co-Facilitators are generally not present. Parties report back to the informal group or the contact group.
- **Informal Stocktaking Plenary:** During the second week of a COP, the Presidency often convenes an informal plenary (or several) to allow ministers and other negotiation facilitators to report back on progress. This allows all parties to hear a status report and the Presidency’s planned next steps.
- **Ministerial Consultations:** During the second week of a COP, ministers will be tasked with convening consultations on specific issues. These issues may not be tied closely to the agenda; some issues could be grouped if the Presidency believes that that will advance negotiations. Ministers often have leeway to choose a negotiation format. Some may choose informal consultation groups, while others undertake “shuttle diplomacy,” moving from one coalition or party to another.
- **Mandated Events:** There are many meetings, round tables, panels, workshops, and other formats established through the Paris Agreement and other COP or CMA decisions. These take place during intersessional meetings and the COPs.

### 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. Plenaries are now often webcast and available on demand. Contact groups, informal consultations, and other informal settings are in English and take place simultaneously with a number of other similar sessions. Observer access is not guaranteed and may be limited to a few people. However, these sessions are where many of the compromises are found and where decisions are prepared

## THE NEGOTIATING CONTEXT

for adoption by the plenary. Not all groups or issues are given equal time. In response to requests from parties, the Secretariat and COP Presidency allocate more time to those issues that are deemed to be priorities or particularly complex.

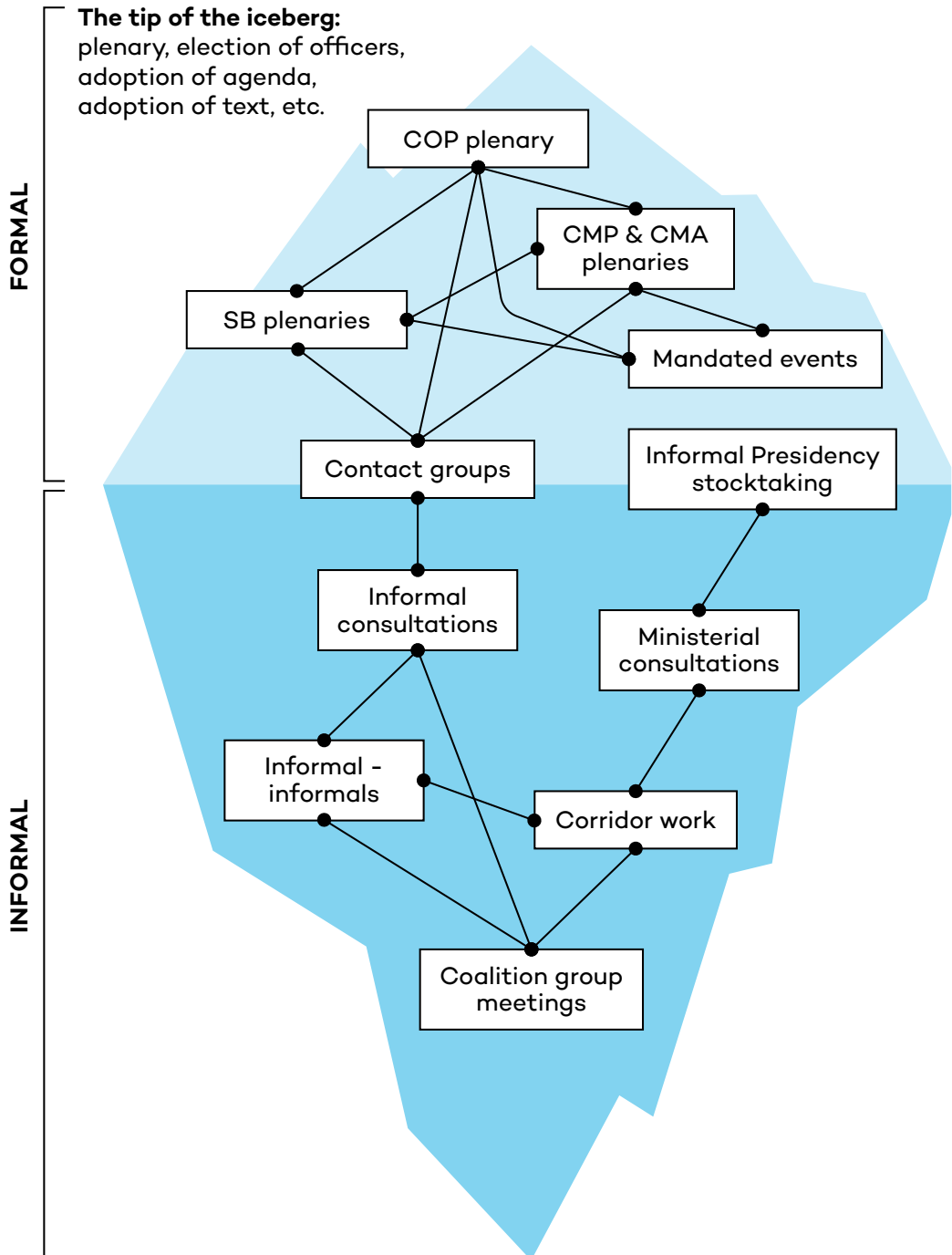
### **Box 8. Lack of transparency**

Academic research and firsthand accounts from negotiators highlight a significant transparency issue in the negotiation processes of the UNFCCC. The practice of organizing multiple meetings, a common strategy in complex negotiations, is particularly notable for its implications. First, there are simply more to attend. This is one reason that many find working in negotiation coalitions to be helpful. One country can represent a group, report back to them, and get a further mandate through daily coordination meetings. Second, it opens the possibility of delaying or trying to relocate issues where a country might think they could get a better outcome. Parties have lengthy discussions about whether one contact group or another should discuss an issue. One example is discussions on support for developing countries: should support for adaptation be discussed under national adaptation plans or adaptation finance?

Interviewees have, over the years, explained to both authors that they find the international negotiation process not very transparent. “What happens inside the negotiation rooms determines very little. Late-night meetings, 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 [in the Kyoto Protocol].” 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 happens outside the plenary, where people can talk more openly, and in these groups only countries very interested in the issue are present.”

# “ON BEHALF OF MY DELEGATION ...”

**Figure 11.** The formal and informal processes



Source: Adapted from Boyer, 2000.

### 3.6 Tips and Tricks

- If you are alone in your delegation, you should focus on one or two critical issues for your country and choose the most appropriate plenary session.
- Collaborate with other national delegates so that you have representation in different parallel sessions.
- Seek ways of finding out what happened in the sessions you missed. The Earth Negotiations Bulletin reports are a good source. See <https://enb.iisd.org> or sign up to receive each report at <https://enb.iisd.org/get-updates>.
- If you cannot make sense of all the informal processes, find someone from a non-governmental organisation from your region and ask them for a briefing.
- Attend the daily coordination meetings of your coalition(s) to hear updates from the various negotiation rooms.





# 4

## The Rules of Procedure

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### 4.1 Why Are Rules of Procedure Important?

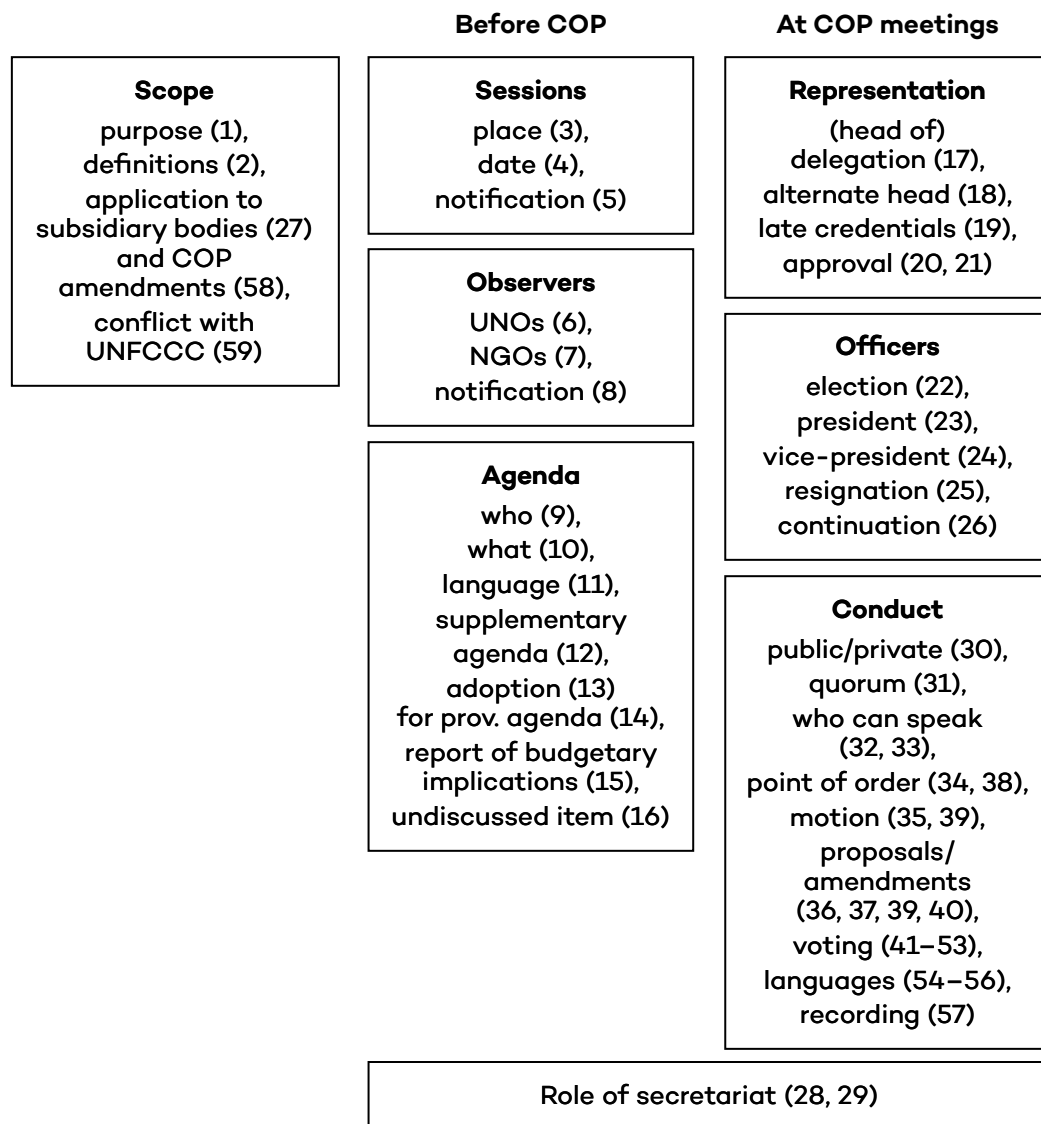
Treaties are governed by the Law of Treaties (see Box 9) and the Rules of Procedure. Adhering to the rules of procedure ensures that there is rule of law in the negotiations. The rules of procedure are applicable to all formal negotiations.

#### **Box 9. The Law of Treaties**

The Law of Treaties governs international treaty negotiations. It expects that all negotiators understand the issues and are negotiating in good faith (Art. 46). Negotiators cannot claim that a treaty is invalid because they agreed to something without fully understanding it. They can only claim that a treaty is invalid if there is a clear case of fraud, corruption, or coercion by others (Art. 48). States that agreed to, but have not yet ratified, a treaty must not take steps that may be contradictory to it (Art. 18). States that have agreed to a treaty cannot avoid its implementation based on the argument that it contradicts national law (Art. 27). Key to negotiation is being aware of the responsibility that one must be well prepared for the negotiations.

## 4.2 The Rules of Procedure

**Figure 12.** The Rules of Procedure



Source: Authors.

Articles 7.2 and 7.3 of the United Nations Framework Convention on Climate Change (UNFCCC) state that the UN Conference of the Parties (COP) shall adopt Rules of Procedure by consensus. The rules were drafted in A/AC.237/L.22/Rev.2 (1995) and amended in UNFCCC/CP/1996/2 (1996).

## THE NEGOTIATING CONTEXT

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 9).

### 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 suggest a change to the text that is being considered;
- to raise a point of order: When a delegate feels that the President is not following the procedures in the draft Rules, they can make a “T” with the placard or hands to make a point of order. If the delegate raises the hand or placard, or pushes the microphone button to request the floor, 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.” Further discussion cannot proceed until the point of order is resolved;
- to make a motion: When a delegate has a suggestion about how the President should deal with an issue, they 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 they cannot immediately respond without consultation, so the delegate suggests that the discussion on that particular issue is moved to another time in the agenda. This has not often been used.

When countries cannot reach agreement, Rule 16 is used. This means that the agenda item is automatically included on the agenda for the next meeting. All

## “ON BEHALF OF MY DELEGATION ...”

the pre-sessional documents will be again presented for consideration, but any documents prepared during the negotiations will be lost (unless on an exceptional basis, parties agree to continue with them).

**Figure 13.** Russian Federation delegate making a point of order



### **Suspending vs. Adjourning Meetings**

If the Chair suspends a meeting, or if a party requests, the meeting is suspended, then the same agenda is used at the start of the next session. For example, the ad hoc Working Group on the Paris Agreement would suspend its sessions and reconvene as a way to avoid disagreements on the agenda.

### **4.4 Outstanding Issues in the Draft Rules of Procedure**

The voting arrangements remain unagreed. Theoretically, 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 rule, and it is not 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 the explicit agreement of all Parties. Consensus falls short of that. It is a process that aims at securing agreement from all, or at least nearly all countries. If there is no explicit objection, countries can adopt a decision by consensus. For example, the Paris Agreement was adopted by consensus, despite Nicaragua speaking in plenary to highlight its disagreement with the treaty. The negotiator did, however, specify that he would not block consensus.

Voting rules range across the multilateral environmental agreements that include such provisions. Two are most common: simple majority or qualified majorities (e.g., 2/3 or 3/4 of those present and voting).

There has been a long debate on the absence of voting rules in the UNFCCC. Recently, the lack of voting has led to public questions about the efficacy of the COPs. If united, developing countries would easily secure a simple or qualified majority. However, the differences among G-77 countries on many key issues make achieving solidarity difficult. This leaves developed countries, oil-producing countries, and others in the minority. The math is more complicated, and countries may struggle to identify the appropriate threshold for adopting decisions via a vote.

### 4.6 Role of President or Chair

The roles of the President of the COP or the Chairs of the subsidiary bodies are to achieve agreement, be impartial, uphold the draft Rules of Procedure, and inform the world about the progress made in the negotiations. The President does not have the right to represent their country. The tasks of the President are elaborated in Rules 23–26 of the draft Rules of Procedure.

### 4.7 The Role of the Bureau

The Bureau provides advice and guidance regarding the ongoing work under the Convention, the Kyoto Protocol, and the Paris Agreement, including on the organisation of their sessions and the operation of the secretariat. This role is particularly active intersessionally, i.e., when the COP, CMP, and CMA are not in

## “ON BEHALF OF MY DELEGATION ...”

session. The Bureau is elected from representatives of Parties nominated by each of the five United Nations regional groups and Small Island Developing States.

The Bureau is mainly responsible for assisting with process management. It assists the President in the performance of their duties through various means, including by undertaking consultations on behalf of the Presidency or presiding over a session. The Bureau is responsible for examining the credentials of Parties, reviewing the list of intergovernmental organisations and non-governmental organisations seeking accreditation, and submitting a report on these credentials. The Rapporteur is a member of the Bureau and is responsible for finalizing the reports of the sessions.

### 4.8 The Nomenclature of Documents

Negotiations generate a substantial number of documents. Making sense of these documents is often a challenge. A key first step is to understand the nomenclature of the documents (see Table 3). All key negotiation documents, such as the agenda, pre-session documents, and decisions, are available in all UN languages. Other support material and in-session documents are 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.

**Table 3.** The nomenclature of documents

<b>Nomenclature</b>	<b>Full Name</b>	<b>Description</b>	<b>Languages</b>
UNFCCC/CP UNFCCC/KP UNFCCC/PA	Provisional and regular documents/ agenda	Pre-conference documents	Generally, in all UN languages
INF docs	Information documents	Background information	English
Misc. Docs	Miscellaneous documents	Views of Parties/ observers; participants list	English

## THE NEGOTIATING CONTEXT

<b>Nomenclature</b>	<b>Full Name</b>	<b>Description</b>	<b>Languages</b>
Add.	Addendum	The second part of a document previously submitted	Depends on the main documents
Corr.	Corrigendum	Only corrections to a document	Depends on the main document
Rev.	Revision	Revised document	Generally only in English
CRP	Conference Room Papers	Working docs for negotiations, put forward by parties or negotiation Chairs	English
L. docs	Limited documents	Draft reports and decision texts	English generally, sometimes in Spanish, French and Chinese, should be translated into all UN languages before adoption
Non-papers	Unofficial documents	Informal, in-session docs to assist negotiations	English
IDR	In-depth reviews	Reviews of national communications	English
TP	Technical papers	Secretariat-produced reports on a specific topic mandated by Parties	English
NC	National communication		English and summary in all UN languages

Source: Updated from Boyer, 2000; the information on language is based on existing practice: see UNFCCC website.



## 4.9 Tips and Tricks

- Keep a copy of the Rules of Procedure handy, and if possible, memorise the key elements.
- Speak through a single spokesperson when possible.
- Learn to master the use of “Points of Order.”
- 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.
- Familiarise yourself with the nomenclature of the documents listed in Table 2.
- Familiarise yourself with the UNFCCC website beforehand. It is regularly changed, moving various information to new sections of the site and including different functionality. It can be difficult to navigate.
- Be sure to sign up for the email lists for contact groups/informal consultations so you are sent the latest versions of the text.

### Footnotes

1. The COP, CMP, and CMA are led by the President, Vice-Presidents, the Chairs of the subsidiary bodies and the Rapporteur. Each region has two members, with an additional member representing small island states.
2. 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)).





INDIGENOUS PEOPLES  
ORGANIZATION

# 5

## State and Non-State Actors

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### 5.1 State Actors

According to international law, only states (and sometimes regional economic integration organisations) are authorised 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 recognised by the United Nations as states may only be involved as observers (e.g., the Palestinian Liberation Organization). State actors and coalitions are discussed in the next section.

Up-to-date information on the Parties to various environmental agreements is available at the UN Depository: <https://treaties.un.org/Pages/Treaties.aspx?id=27&subid=A&clang=en>

**Table 4.** List of Parties and non-Parties as of September 2023

Parties		Non-Parties
UNFCCC	All Parties (198)	
Kyoto Protocol	192	The United States signed but never ratified. Canada withdrew in 2011. Andorra, Palestine, and South Sudan are not parties, and the protocol does not apply to the Holy See.
Doha Amendment	148 Entered into force December 31, 2020	Afghanistan, Bahrain, Bhutan, Canada, Eritrea, Iran, Iraq, Israel, Jordan, Laos, Libya, Mongolia, Myanmar, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saudi Arabia, Somalia, South Sudan, Syria, Tajikistan, Turkey, United Arab Emirates, United States, Vietnam, Yemen.
Paris Agreement	194 states and the European Union	Iran, Libya, Yemen have signed but not ratified. The United States has ratified, withdrew in 2020, and ratified the agreement again in 2021.

Source: Authors.

## 5.2 Non-State Actors

Non-state actors are categorised into nine constituencies that mirror but differ from the “Major Groups” framework instituted in Agenda 21, the action plan from the United Nations Conference on Environment and Development, also known as the Earth Summit, in 1992. The UNFCCC constituencies are:

- BINGOs: Business and industry non-governmental organisations (NGOs)
- ENGOs: Environmental NGOs
- RINGOs: Research and independent NGOs
- IPOs: Indigenous People’s organisations
- TUNGOs: Trade union NGOs

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- WGC: Women and Gender Constituency
- YOUNGOs: Children and youth NGOs
- LGMAs: Local government and municipal authorities
- Farmers: Farmers and agricultural NGOs

NGO participation has changed considerably since the mid-2000s. There are many more NGOs representing social issues, such as gender, labour, and Indigenous Peoples' rights. These new NGOs brought and popularised new concepts (such as climate justice) and tactics (such as protests and civil disobedience).

NGOs have many goals at UN Conferences of the Parties (COPs). Some try to influence the negotiations. Others use the media and public attention at COPs to mobilise public opinion for climate action or to add transparency to the meetings. Some NGOs showcase their work at side events and exhibition spaces and network with like-minded organisations. Not all NGO representatives, therefore, will be well-versed in the details of the negotiations. Many do not go into negotiation rooms at all.

Some business and industry NGOs may actually advocate for limited progress in the negotiations or to delay action. A growing number of industry groups favour strong climate action, particularly those in the renewable energy sector. Others, however, continue to represent fossil fuel and other climate-harming sectors. They often will lobby at the domestic level but are also present at COPs. There is a discussion about whether fossil fuel companies should be allowed at COPs under the Arrangements for Intergovernmental Meetings agenda item on the Subsidiary Body for Implementation agenda.

Among environmental NGOs, the Climate Action Network (CAN) is one of the focal groups. It consists of over 1,900 organisations, with many regional and national chapters. Climate justice organisations (grouped as Climate Justice Now!) share leadership of the environmental NGO constituency. These two groups sometimes disagree on the key issues and priorities. Climate justice activists focus on the disparities between the Global North and Global South and call for developed countries to take meaningful action. CAN has moved closer to this position but also focuses on making market mechanisms environmentally sound, something that Climate Justice Now! views as a “false solution” to climate change.

## “ON BEHALF OF MY DELEGATION ...”

At least one NGO provides detailed neutral reports of the daily negotiation process (see the Earth Negotiations Bulletin 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, the Third World Network’s Updates, Carbon Brief, and Climate Change News). Many environmental NGOs write scientific and position papers to influence the negotiations.

Most constituency groups aim to form a common position among the members of the group. They provide their views in plenary, in 2-minute statements. Many also publish their views on the websites. They hold daily coordination meetings that are advertised on the live schedule and the daily schedule. One exception is the RINGO constituency, which does not operate as an advocacy constituency and does not coordinate with other constituencies.

### 5.3 Tips and Tricks

Because there are literally tens of 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 international organisations, 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 try 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 as follows:

- Find your country, regional, or international NGOs; they sit at the back of the room. They may be willing to explain terms and texts and help you find other delegates with similar negotiating positions.
- Look up the NGO that you may meet with beforehand. There are a range of organisations with their own goals and mandates.
- Female delegates should reach out to other women in their delegation or coalition. This may help them feel less isolated. It can help provide information about potential male delegates (state and NGO) to keep clear of.





Science is  
NOT  
NEGOTIABLE



DEPUTY  
EXECUTIVE SECRETARY

# 6

## Coalitions in the Climate Change Regime

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### 6.1 The Importance of Coalitions

The climate change negotiations take place among 198 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 effectively reduce the number of groups engaged in negotiations. Further, such coalitions can reduce transaction costs for countries by helping them pool their resources and increase their negotiation leverage. Coalitions can show solidarity and strong support that can help put issues on the agenda, put forward a position, and modify or break a consensus. In some settings, such as Presidency or minister-led consultations, a few representatives may be asked to represent the coalition.

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]), institutionalised or formal (e.g., the European Union [EU]), political or constructed (e.g., the Umbrella Group). The disadvantage of coalitions is that all the countries in the coalition must agree to a common position, which can reduce flexibility at the negotiation table. Frequently, the coalition representative has to consult the group before agreeing to a proposal at the negotiation table.

### 6.2 Annex I and non-Annex I

Under the Convention, the primary groupings are Annex I/B, Annex II and non-Annex I countries (see Section 2 and Table 5). These groups have been relatively stable, with very few countries moving from one Annex to another. Turkey has asked to move out of Annex I, but countries have yet to agree. Most non-Annex I countries belong to G-77 (see Table 7).

**Table 5.** List of countries in the Annexes

<b>Annex I (41 incl. EC) and Annex B (39 incl. EC) countries</b>	<b>Annex II (25 incl. EC and Turkey)</b>	<b>Non-Annex I</b>
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, Kazakhstan***, Latvia, Liechtenstein*, Lithuania, Luxembourg, Monaco*, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia*, Spain, Sweden, Switzerland, Turkey** 7, Ukraine, United Kingdom, United States	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, United Kingdom, United States	155 countries; (see Table 7)

Source: Authors.

\* 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; \*\*\*Upon ratification of the Kyoto Protocol by Kazakhstan and its entry into force, Kazakhstan became an Annex I Party for the purposes of the Protocol, but remains a non-Annex I Party under the Convention.

The Paris Agreement does not refer to Annex I or non-Annex I. It uses the terms “developed” and “developing” countries and specifies some flexibility for least developed countries and Small Island Developing States.

There is one group that bridges the Annex I and non-Annex I divide—the Environmental Integrity Group. It includes Mexico, Liechtenstein, Monaco, the Republic of Korea, Switzerland, and Georgia.

### 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.

**Table 6.** Divisions within Annex I (40 + EC) countries

EU (27)*	Umbrella Group (9)
Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden	Australia, Canada, Japan, New Zealand, Kazakhstan, Norway, the Russian Federation,** Ukraine, and the United States

Source: Authors.

\* The United Kingdom ceased to be a member of the EU after Brexit in 2020.

\*\* The Russian Federation has not been coordinating with the group since the invasion of Ukraine.

### 6.4 The Divisions Across the Groups in Non-Annex I

The non-Annex I countries also have diverse groupings. These groupings are groups of convenience; they are based on historical, economic, and geographical associations. Others have shared concerns, such as climate vulnerability. Membership often overlaps and can change (Parties opting in or out). Non-Annex I coalitions include:

- AOSIS
- The African Group
- Least Developed Countries
- The Independent Alliance of Latin America and the Caribbean
- Like-Minded Developing Countries
- Argentina, Brazil, and Uruguay
- Coalition of Rainforest Nations
- The Arab Group

**Figure 14.** Negotiating Groups in the climate negotiations

	REGIONAL GROUPS				GLOBAL GROUPS		
DEVELOPING COUNTRIES	<b>G-77 and China</b>	Brunei Darussalam	Bhutan Cambodia	D.P.R. of Korea Lao P.D.R.	Mongolia Myanmar	Nepal Philippines Thailand Turkmenistan	
	Afghanistan Azerbaijan Bosnia and Herzegovina	Bangladesh China Ecuador India	El Salvador Indonesia Iran	Malaysia Pakistan Sri Lanka	Viet Nam		
	Angola Benin Botswana Burkina Faso	<b>LMDC</b>	Algeria Egypt Sudan	Iraq Jordan Kuwait Saudi Arabia Syria	<b>ALBA</b> Bolivia Nicaragua Venezuela	<b>ABU</b> Argentina Brazil Uruguay	
	Burundi Cameroon Central African Republic Chad Congo Côte d'Ivoire D.R. Congo Equatorial Guinea Eritrea Ethiopia Eswatini Gabon Gambia	Ghana Guinea Guinea-Bissau Kenya Lesotho Liberia Malawi Madagascar Mozambique Namibia Niger Nigeria Rwanda São Tomé and Príncipe Sierra Leone	Comoros Djibuti Libya Mauritania Morocco Somalia Tunisia	Bahrain Lebanon Oman Palestine Qatar UAE Yemen	<b>Arab Group</b>	<b>Cuba</b>	<b>AOSIS</b> St. Lucia St. Kitts and Nevis St. Vincent, Grenadines
	Cabo Verde	Mauritius Seychelles	Senegal South Africa Sudan Togo Uganda Tanzania Zambia	<b>AILAC</b> Chile Colombia Costa Rica Guatemala Honduras Panama Paraguay Peru	Dominican Republic Fiji Guyana Haiti Jamaica Kiribati Maldives Marshall Islands Micronesia	Nauru Papua New Guinea Samoa Singapore Solomon Islands Suriname Timor-Leste Tonga Trinidad and Tobago Tonga Vanuatu	
	<b>African Group of Negotiators</b>					Cook Islands Niue	Palau Tuvalu
	<b>Parties without group affiliation</b>						
	Albania Andorra Armenia	Kyrgyzstan Moldova Montenegro	North Macedonia San Marino	Serbia Turkey Uzbekistan		<b>Environmental Integrity Group</b> Georgia Mexico	
	<b>Observer State: Holy See</b>					Liechtenstein Monaco	R. of Korea Switzerland
	DEVELOPED COUNTRIES	<b>European Union*</b>				<b>Umbrella Group</b>	
		Austria Belgium Bulgaria Croatia Cyprus Czechia Denmark	Estonia Finland France Germany Greece Hungary Ireland	Italy Latvia Lithuania Luxembourg Malta Netherlands Poland	Portugal Romania Slovakia Slovenia Spain Sweden UK**	Australia Belarus Canada Iceland Israel Japan Kazakhstan	New Zealand Norway Russian Federation Ukraine United States

Source: Mooseman et al., 2019.

\* The EU is a Party to the UNFCCC.

\*\* The UK ceased to be a member of the EU after Brexit in 2020.

### 6.5 Tips and Tricks

- Identify the coalition(s) to which you belong.
- If your country is a G-77 member, attend the G-77 meetings, which normally begin at 9:00 a.m. during the sessions.
- Identify the other coalitions to which you belong and attend their meetings. Other coalition meetings are on the live schedule.
- Attend the pre-meetings for coalitions in the days before a session.
- Identify if there are issues on which you can agree with other coalitions, but do not do this behind the back of your own group. This can create an unpleasant diplomatic breach.
- In making contacts, keep the existing coalitions of countries in mind.
- 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.”



VEDDE

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BE

# 7

## The G-77 and China

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

The Global 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. While in the initial years of the climate negotiations the G-77 and China often spoke as a group, they do not often do so anymore. This may be a pity because it reduces their ability to negotiate effectively. Hence, this chapter.

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 also been used as a negotiating framework 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 their position. Since then, the group has grown exponentially and has been influencing the various committees of the UN. In 2000, the very first global G-77 summit was held. It had its most recent summit in September 2023.



## 7.2 The Membership of G-77 and China

There are 155 non-Annex I countries. Of these, 135 are members of the group G-77 and China (see Table 7).

**Table 7.** G-77 members and non-G-77, non-Annex I countries

<b>G-77 countries (135)</b>	135 – 1 (Palestine is not an independent state)
<b>New OECD (6)</b>	Chile, Colombia, Costa Rica, Israel, Korea (Rep.), Mexico
<b>CEITS<sup>4</sup> (14)</b>	Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kazakhstan, Kyrgyzstan, Montenegro, Moldova, Serbia, Tajikistan, North Macedonia, Turkmenistan, Uzbekistan
<b>AOSIS (Non-G-77) (4)</b>	Cook Islands, Niue, Palau, Tuvalu
<b>Misc. (3)</b>	Andorra, Holy See, San Marino

Source: Authors.

As mentioned above, there are many coalitions of developing countries, each representing a different region and/or its unique issues. The G-77/China group, therefore, is diverse and, at times, struggles to find strong positions that have the agreement of all members.

The chair of the G-77 rotates among the countries on an annual basis. The last decade has seen Bolivia, South Africa, Thailand, Ecuador, Egypt, Palestine, Guyana, Guinea, and Pakistan chairing in rotation: Cuba is chairing in 2023. Uganda is the next chair. Chairing rotates between regions, but there is no clear list of future chairs.

The G-77 and China currently has a Rome Chapter (at the Food and Agriculture Organization of the United Nations), Paris Chapter (at United Nations Educational, Scientific and Cultural Organization), Nairobi Chapter (at UN United Nations Environment Programme), Washington Chapter (at International Monetary Fund and World Bank) and a Vienna Chapter (since 1998 at United

<sup>4</sup> Countries with economies in transition.

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Nations Industrial Development Organization) (<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 at the Havana Summit in September 2023 (Group of 77 and China, 2023). It reaffirmed its dedication, stating it is “convinced of the urgent need to act together” and “reaffirm our full adherence to the spirit, principles and objectives of the Group of 77 and China.” The Summit highlighted the pivotal role of science, technology, and innovation, stressing “the urgent need for a comprehensive reform of the international financial architecture” and advocating for a world where all states engage in “win-win” cooperation that can bring “huge gains to all countries and all parts of the world.” The group expressed deep concern over the “existing disparities between developed and developing countries in terms of conditions, possibilities and capacities to produce new scientific and technological knowledge.” In the face of recent challenges, including the COVID-19 pandemic, the G-77 and China emphasised the necessity of global solidarity and international cooperation, asserting the need for “unhindered, timely and equitable access for developing countries to health-related measures, products and technologies.” Strongly opposing any form of coercive economic measures, the group declared, “We reject the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries,” emphasizing that such actions severely thwart developmental goals. The Summit also underscored the ethical and responsible development and use of science, technology, and innovation, recognizing their essential role in fostering “more sustainable production and consumption patterns.”

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

The G-77 faces extraordinary challenges. It includes a few very rich countries in a vast majority of poor countries. 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.

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The Group includes countries that are highly vulnerable to climate change and some with economies dependent on fossil fuels. It is increasingly rare that the Group can find a common position. Often, the opening and closing statements read as a list of priorities among the various members of the Group.

When the Group can hold a shared position, it can be very powerful. Recently, the call for a loss and damage fund was successful in part because the G-77/China maintained a cohesive stance. Loss and damage and agriculture are two areas in the climate negotiations where the G-77 tends to be unified. The Group often has shared objectives in finance negotiations, although individual coalitions will add their own more detailed views at the negotiation table.

**Table 8.** Sustainability dilemmas of the Global South

<b>The dilemmas</b>	<b>Description</b>
Development	How to modernise without Westernising?
Poverty – I	How to survive without squandering one’s resources?
Poverty – II	How to ask for assistance without mortgaging one’s future?
Privatisation	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? Is leaving fossil fuel underground economically sensible?

Source: Authors.

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, low-carbon development, and a just transition 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-

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term opportunity to grow. The question for some developing countries is this: Can they empower their own private sector to deal with public problems? In relation to the climate change negotiations, they also face the dilemma of how they can ask for equity in the international negotiations without being held accountable by other countries and local actors for domestic equity-related issues (see Table 8). How can they develop if they avoid using the fossil fuels in their own territory? The G-77 is in search of a common vision for the future.

### 7.5 Tips and Tricks

- Master the internal procedures and workings of the group. Be active within the group while working with your specific coalitions.
- 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 speaking the same language.
- Identify the key G-77 interests and pursue them under each issue unless they are incompatible with your national or coalition's interests.
- Exchange ideas and approaches informally among the G-77 members.
- Try to understand the strengths and weaknesses of the 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.
- Capitalise on the size of the group and avoid feeling powerless against wealthier nations.



## **PART II**

# Negotiating Skills



# 8

## The Ideal Negotiator

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### 8.1 Negotiating Theory

The basic purpose of negotiating is to resolve conflicts of interest on various issues. Negotiation aims to achieve a result that satisfies all Parties. A good negotiator is one who is culturally sensitive, a good listener, proactive, diplomatic, analytical, and 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. An in-depth understanding of the negotiation process and the rules of procedure can even out power differences and magnify personal impact.

### 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 their country's interests and position on each of the issues. They should be aware of their country's "red lines" (non-negotiable positions) and "yellow lines" (cautionary positions). It is equally important to seek to discern and understand the respective positions of other countries, as positions in negotiations are based on these deeper interests. This is because the negotiator 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 texts, must be familiar with diplomatic protocol, and must have social skills that enable them to mix freely in the international context. Increasingly, a good negotiator must also be proficient



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in utilizing digital tools and platforms, understanding the nuances of digital communications. Mastering digital etiquette, from maintaining engagement in virtual meetings to ensuring optimal video and audio presentation, is important in modern climate negotiations.

In the context of modern environmental diplomacy, a negotiator must not only have legal and political skills but also a good depth of knowledge of 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 their own country in order to determine their 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, they 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 the head of delegation. There is frequently a deputy head who can negotiate during the all-night sessions. Heads of delegation may be called upon to represent their country’s interest in Presidency-led consultations, although often this occurs among coalitions.

A clear division of labour among the team members in terms of substance and process is arranged in advance, leveraging the skills and technical backgrounds of each member. The younger team members are integrated and mentored into the process. Some team members focus on cross-sectoral issues so that the country position is consistent in different related sub-issues. Others may be entrusted with the task of building coalitions with other countries or focus only on monitoring

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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 the (changing) positions of other countries.

As the proportion of women, young people, and Indigenous negotiators grows, it is imperative for the team to foster an inclusive work environment. This means ensuring every member is treated equitably, offering support and guidance when needed, respecting diverse perspectives, and valuing the unique knowledge and skills each individual brings to the negotiations.

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 (“hard”) bargaining and the other as integrative (“soft”) 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 & McKersie, 1965).

If there is no overlap in the parties’ positions (or no “zone of possible agreement” or “landing zone”), then it is actually time for the Parties to discontinue negotiations, since one is likely to be satisfied only at a substantial cost to the other (Saner, 2000). In the context of climate negotiations, distributive bargaining is generally less appropriate because climate negotiations involve multifaceted issues that are not conducive to a zero-sum, win-lose paradigm (Gupta, 2012).

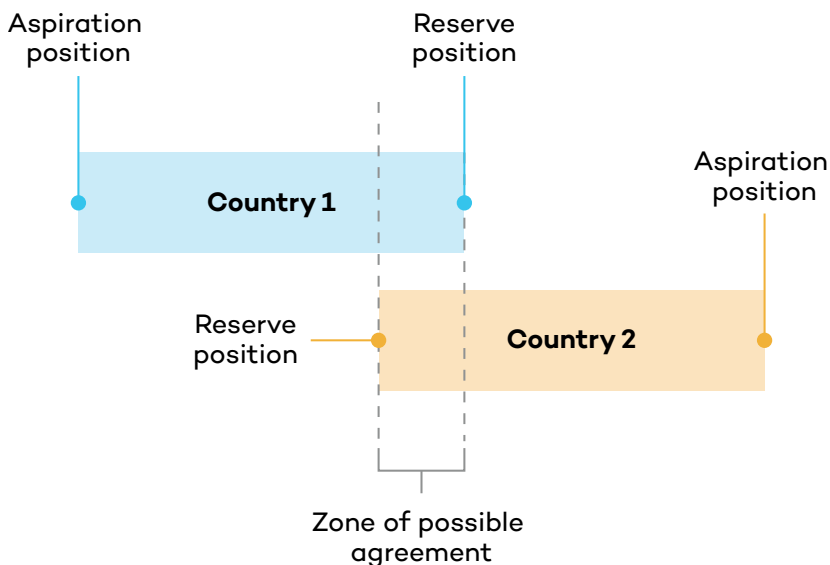
In integrative bargaining, an attempt is made to breach the gap between the interests of the two Parties by developing a possible package of negotiating elements. In this scenario, both sides strive to identify a new option that will incorporate both parties’ positions. This can be achieved through issue-linkages

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to other issue areas. As a result, each party makes some concessions in different issue areas and together, they reach relative satisfaction; a “win-win” situation. This approach requires both Parties to be proactive in seeking potential options for developing such issue-linkages and to be prepared to offer something of value to each other.

Building on this, it is essential for negotiators to prioritise a win-win approach whenever possible rather than settling for a win-lose outcome. To achieve this, a negotiator must delve deeper into understanding the underlying interests (the “why”) behind a position (the “what”). By focusing on these interests rather than a rigid position, it often becomes evident that the goals of the negotiating parties are not necessarily in conflict. Recognising these interests empowers the negotiator to devise alternative proposals that benefit all parties involved, a strategy often referred to as “expanding the pie.” However, it is crucial for these alternatives to be perceived as fair by the other parties. Fairness not only legitimises a proposal but also fosters trust. If a proposal is perceived as unfair, it can erode agreements, especially when negotiations face challenges.<sup>5</sup>

**Figure 15.** Zone of possible agreement

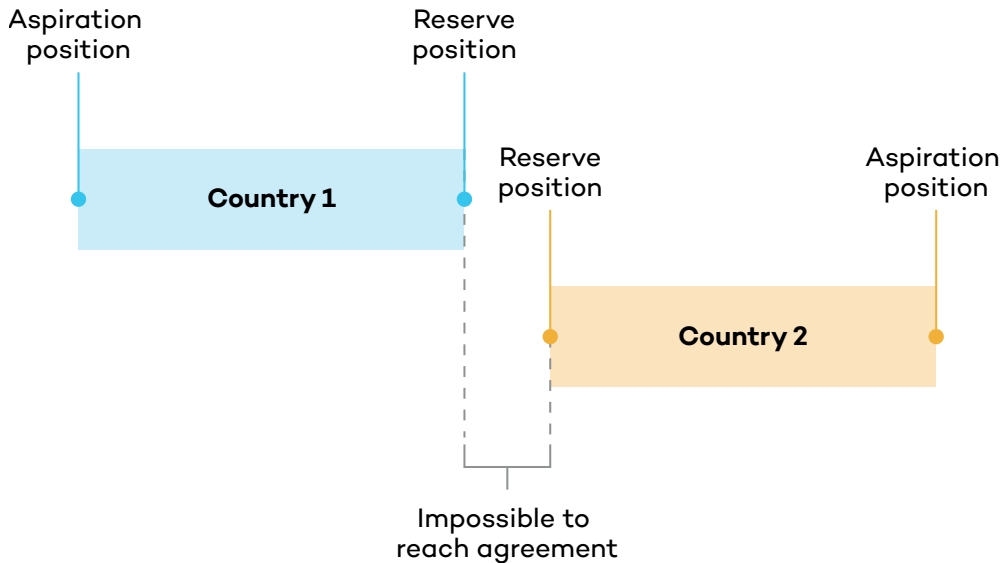


Source: Authors.

<sup>5</sup> Insights derived from the Program on Negotiation at Harvard Law School and the Negotiation and Conflict Resolution Collaboratory at Harvard Kennedy School.

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**Figure 16.** Zone of possible disagreement



Source: Authors.

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 while others merely react, the negotiations may not be favourable for the reactive party. It is essential for all negotiators, regardless of their perceived strength of position, to develop proactive integrative strategies.

### 8.4 Tips and Tricks

- Understand the processes and procedures involved in negotiations.
- Prepare thoroughly for each negotiating session. Specifically, this could mean creating a stakeholder map that includes the positions and interests of relevant parties. Categorise them based on alignment: aligned, opposed, nuclear, or indifferent. Building a relationship with each party can help you during your negotiations (Gaudiosi et al., 2019).
- To better understand the background of negotiations, acquaint yourself with historical concepts and phrases, code words, and the workload of your

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counterparts. This can help you formulate a promising strategy (Gaudiosi et al., 2019).

- Discuss key issues among your negotiation team and contact others in your government who may have an interest.
- Actively look for allies: discuss the agenda issues with representatives from other countries and NGOs and seek to identify like-minded countries before you go to the negotiations.
- Both competence and warmth help to gather good-will, support, and cooperation (Gaudiosi et al., 2019).
- Build relationships and trust with others by treating them as people rather than negotiators. Approach them in informal settings outside the negotiations. When appropriate, take the floor on behalf of your country or negotiating group to make a political point in which you show support for what another country or group said without explaining the position. This can pay dividends later in the negotiation room.
- Negotiations often proceed very rapidly. It is very difficult to read the text during the negotiations. It is difficult to predict which sections will be negotiated slowly and which will not. Be aware of this and prepare yourself for a variety of scenarios requiring quick thinking.
- Internalise the negotiating text. Focus on the agenda and the items to be discussed.
- Revise your negotiation strategy and actions at intervals during the process to assure yourself you are on the right track (Gaudiosi et al., 2019).
- Read the briefing notes of your predecessors, or—better still—talk to them.
- Time management is critical. Understand the agenda and decide what you can do when and how. Preparation reduces the stress at the negotiations.
- Understand the geography of the COPs; who sits where and where do critical meetings and side-events take place? Where does the actual formal negotiation happen? Where do the informal negotiations take place?
- Read the room. Find the placards of friendly countries; they might be your allies. Also, understand when not to get involved: be aware of what is being decided and what the opposing positions are, and judge whether the specific issue being discussed is a priority for a country or group. Based on this, determine whether an intervention is necessary or if it is better not to get involved.
- Do not let side events and NGO stalls distract you from the main task of negotiation. Try to be reflective of any distractions and biases throughout the negotiating process (Gaudiosi et al., 2019).

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- Know in advance who your government has historically trusted and who it has not. Also, know what has been achieved by other countries.
- Act in a consistent and credible manner during negotiations. Your reputation can be essential to the negotiations later on (Gaudiosi et al., 2019).
- 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. Use vagueness only to secure your own priorities (Gaudiosi et al., 2019).
- 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 toward your goal.
- If a majority of parties seem to agree with you, use the momentum on your side. Most parties are less likely to object to a majority (Gaudiosi et al., 2019).
- Try to develop useful linkages to other issues of concern to your country and reasons why these should be related to the climate negotiations.
- Inform yourself about your counterparts' previous experiences and background. This can help you to see your own data through their eyes and thus to persuade your counterpart (Gaudiosi et al., 2019).
- Be aware of other negotiators' narratives, interests, priorities, and red lines. These can help you improve your own strategy and create alliances and new solutions with mutual benefit (Gaudiosi et al., 2019).
- 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.
- In a situation where additional incentives are necessary to achieve your goal, package deals are useful to secure trade-offs (Gaudiosi et al., 2019).
- Ensure that language and action in any agreement are feasible, so that all signatories follow up with implementation (Gaudiosi et al., 2019).
- Read the Earth Negotiations Bulletin, ECO, and regional newsletters from NGOs to stay informed.



# 9

## The Disadvantaged Negotiator

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### 9.1 Introduction

Climate change negotiations have evolved significantly over the years, reflecting the dynamic nature of global environmental challenges and the shifting geopolitical landscape. These negotiations are multifaceted, encompassing scientific intricacies, policy dilemmas, and a myriad of stakeholder interests. Negotiators, whether from developed or developing nations, grapple with vast information flows, fluctuating agreements, and strategic manoeuvres by opposing parties.

That said, it is crucial to recognise that the challenges faced by negotiators are not uniform. While all negotiators must navigate the complexities of the negotiation process, those from developing countries often confront additional hurdles. These challenges arise from historical inequities, differing levels of technical expertise, and varying capacities to engage in prolonged negotiations. However, it is also essential to approach this topic with sensitivity and respect, avoiding generalisations or a condescending tone. Smaller or less privileged countries have showcased resilience, innovation, and leadership in many global forums, and their negotiators have brought unique perspectives and strengths to the table and will continue to do so. Many specific areas of climate policy and articles in treaties—including references to 1.5°C and the global goal on adaptation—stem from developing countries' negotiation skills.

This section delves into the specific challenges faced by country negotiators with fewer resources or experience before Chapter 10 builds on it to offer insights and strategies to navigate them effectively.



## 9.2 The Negotiator in the Domestic Context—The hollow mandate

In general terms, many negotiators representing developing countries face a unique set of challenges and find themselves at a distinct crossroads. Their position is shaped by a confluence of historical, socio-economic, and political factors that set them apart from their counterparts in more-industrialised nations.

1. **Historical Context:** Many nations are still grappling with the legacies of colonialism, which have left deep-rooted impacts on their socio-economic structures and governance frameworks. This historical backdrop can influence their stance in negotiations as they seek redress for past injustices and a fairer distribution of future responsibilities. This is particularly true for what the United Nations Framework Convention on Climate Change (UNFCCC) refers to as “developing” countries. There are also UNFCCC and other climate programmes that involve access to or changed use of land and land tenure.
2. **Evolving Policy Frameworks:** While some countries have had the luxury of decades-long policy evolution on climate change, many smaller nations are in the nascent stages of formulating their climate strategies. This is not a sign of inadequacy but rather a reflection of the different trajectories that nations have taken in their development journeys.
3. **Scientific Information and Capacity:** Access to cutting-edge scientific research and the capacity to interpret and apply this information can be limited in some countries. This is not due to a lack of intellect or capability but often stems from resource constraints and competing national priorities. It is also the result of a lack of research in more-resourced countries on the effects of climate change in less-resourced countries and contexts.
4. **Civil Society and Industry Engagement:** The relationship between negotiators, civil society, and industries in some countries can be complex. While some nations have robust engagement mechanisms, others might be in the early stages of fostering these dialogues. This dynamic interplay can influence the depth and direction of climate negotiations.
5. **Economic and Developmental Priorities:** Balancing immediate developmental needs with long-term climate goals is a tightrope that developing country negotiators often walk. Their countries might be facing pressing challenges like poverty alleviation, infrastructure development, and healthcare, which can influence their negotiation priorities.

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- 6. Diverse Voices and Perspectives:** Developing countries are not a monolithic entity. They encompass a vast array of cultures, economies, and ecosystems. This diversity means that negotiators often carry the weight of representing varied and sometimes conflicting interests.

Given these multifaceted challenges, some country negotiators can sometimes find themselves in positions where the breadth of issues they need to address and the complexities they face can overshadow their core mandates. The term “hollow mandate” emerges from this context. It is not a reflection of the negotiator’s capability or intent but rather an outcome of the overwhelming confluence of challenges.

When negotiators are grappling with historical legacies, evolving policy landscapes, scientific information gaps, varied stakeholder engagements, pressing developmental priorities, and the need to represent diverse voices, it can sometimes lead to a situation where the core objectives of the negotiation might seem diluted. This dilution can manifest in broader statements or positions that might not capture the specific nuances or priorities of their nation. Although Chapter 10 goes into detail on resolving the challenges faced by some countries at climate negotiations, Table 9 notes some specific strategies for overcoming the hollow negotiating mandate.

### **Box 10. Scientific controversies**

Policy-makers selectively use scientific results to promote their own goals. Thus, there are policy-makers who argue that reducing emissions in the Global North will lead to a collapse of the global economy (and hence emissions of the Global 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 Global 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 Global North, the developing countries are hurting their own economic interests or not.

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**Table 9.** The hollow negotiating mandate

<b>Characteristics</b>	<b>Explanation</b>	<b>Implications for negotiators</b>
<b>Ideological dilemmas in sustainability</b>	Many countries face the challenge of balancing immediate economic growth, often driven by resource-intensive industries, with the long-term imperatives of environmental sustainability.	It is difficult for a negotiator to resolve a problem that should be resolved at the national level.  In the meanwhile, negotiators could focus on identifying “no regrets” options or options with “co-benefits.”
<b>Knowledge imbalance</b>	Some countries might find available scientific knowledge, like IPCC scenarios, challenging to comprehend or not directly relevant to their context.	Advocate for capacity-utilisation initiatives and training sessions. Collaborate with scientific experts to interpret and contextualise data, including the climate scenarios.
<b>Public perception of imported issues</b>	Climate change might not always be a top public or political agenda in some countries. While there's a call for adaptation support, there might be resistance against mitigation rules.	Highlight the interconnectedness of adaptation and mitigation when engaging with domestic and international policy-makers.
<b>Historical context and issue linkages</b>	There might be limited domestic connections made between climate change and sectors like energy, transport, and agriculture.	Foster interdepartmental collaborations. Highlight the co-benefits of climate action in these sectors, such as job creation or health benefits.
<b>Fractured formal processes at domestic level</b>	Policy meetings on climate change are more a matter of form than of strategy; few, have competing priorities; and lack continuity of personnel.	Advocate for institutional memory and training for new personnel. Push for more strategic and outcome-focused meetings.

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Characteristics	Explanation	Implications for negotiators
<b>Qualitative, elitist, and diplomatic determination of national interests</b>	National interests might sometimes be determined based on abstract political or moral grounds rather than concrete scientific and economic data.	Emphasise the importance of data-driven decision making. Collaborate with experts to ensure a balance between moral, political, scientific, and economic considerations.
<b>Total impact: Potential for a hollow mandate</b>	The culmination of these challenges might lead to a mandate that is general, based on precedent, and potentially influenced by external factors.	Stay informed and updated. Collaborate with a diverse set of stakeholders to ensure a robust and well-informed mandate.

Source: Authors.

N.B. While this table emerged from research in developing countries, many of the issues are also relevant for developed countries.

When negotiators have a hollow or rhetorical mandate, it becomes very difficult to develop a negotiating position within the coalition. In cases where countries tend to be less aware of the ideological routes and sustainable development goals to which they are aspiring, this can result in a lack of political synergy between countries (Gupta 2000a, 2000b). In such situations, some countries adopt the realpolitik argument that it is a hard world, and one must take what one can get.

In the early phase of the climate negotiations, there was a lack of new and solid scientific material at the level of individual countries. This meant that when countries tried to pool their resources together, sometimes there was not much to pool. In other cases, some countries had scientific information, but this was difficult for others to accept until it was verified and scrutinised in their own countries. Given the lack of involvement from national non-governmental organisations (NGOs), industries, and sometimes politicians, negotiators were quite alone and unsupported. Participation in the various meetings was at best sporadic; not all countries attended all meetings nor all sessions within the meetings. This implied that there was a lack of staying power, and the lack of resources impeded the ability of the G-77 to meet between sessions and develop specific common positions. Common interests were thus determined in very abstract terms, such as the need for technology transfer and capacity building. All

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this led to a disadvantage in coalition-forming power (see Table 10). While access to resources and involvement of domestic civil society organizations (CSOs), industries, and politicians have improved for some countries, these disadvantages continue to exist for smaller and more vulnerable countries. It is thus important to be aware of the power differences in coalition forming between countries. Moreover, while the G-77 countries have increasingly formed a wide variety of coalitions (see Table 10), a big challenge is their ability to develop substantive positions that the entire group can stand behind within the G-77.

**Table 10.** The disadvantaged coalition-forming power of some developing countries

Characteristics at coalition level	Explanation
Ideology of the lowest common denominator in most issues; of the most powerful countries in some issues	Contradiction between desire to emulate the West and rejection of Western approaches; 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 lowest common denominator; 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 more vague definitions of interests
<b>Total impact: “Disadvantaged coalition-forming power”</b>	

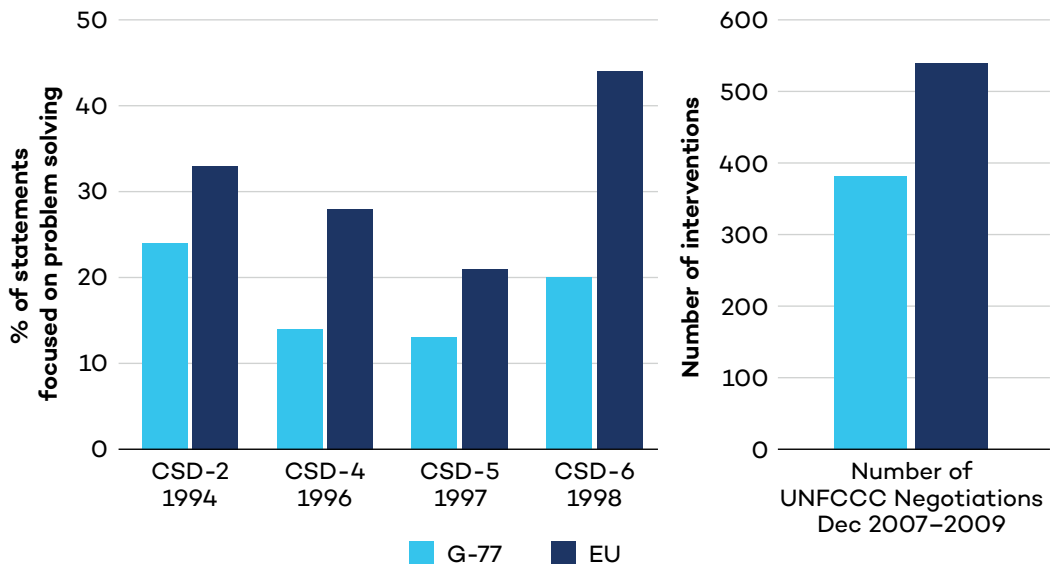
Source: Authors.

### 9.3 The Negotiator at the Negotiations—The disadvantaged negotiating power

If there is a hollow mandate and disadvantaged coalition-forming power, it is inevitable that statements will be rhetorical and not focused on problem solving (Gupta 2000a, 2000b). 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, transfer technologies to developing countries, and provide financial assistance. There is nothing intrinsically wrong with such a statement, but it needs to be made more explicit and specific.

Since the Paris Agreement is in legal force and the regime is in “implementation mode,” proposals must be specific and reference ongoing work. There is little space to negotiate new goals or principles. Negotiations are increasingly technical.

**Figure 17.** Percentage of problem-solving statements at UN CSD<sup>6</sup> negotiations and climate interventions



Source: Based on Wagner, 1999; Castro et al., 2011.

<sup>6</sup> Commission on Sustainable Development.

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At the negotiations, some countries tend to be better prepared than others due to the disadvantage in resources outlined above. There may be dozens of documents, up to hundreds of pages each, to read before the negotiations start. The developed countries come up with a variety of suggestions, which adds to the workload of preparation and responding to the various options. There may also be a lack of a fundamental ideological consensus among coalition members and between coalitions comprised of some developing countries. Often, negotiators speaking for a coalition may have to ask for time to consult and coordinate with their coalition before they can respond to or agree with a proposal.

At the actual negotiations, since there are multiple negotiations taking place at multiple formal and informal sessions, some countries have difficulties coping with the number of negotiating drafts, changing context of negotiations, multiple meetings, new suggestions, informal and non-transparent decision-making procedures as compared to bigger countries, which normally send a large negotiating team. Moreover, the very layout of the negotiation venues poses another challenge. Often, these venues are arranged in a way that requires delegates to navigate through a bustling and overwhelming array of exhibitions and side events before they even reach the negotiation areas. This not only serves as an intimidating prelude but also contrasts sharply with the eventual monotony of the negotiation hall itself, where some discussions are strategically “rushed” along and others dragged out. Finally, the negotiations necessarily demand a high level of English skills, given the increasingly nuanced and complicated use of language and grammar to reach agreements. In an ideal situation where all countries would have a clear vision of their national interest, no country would have a disadvantaged negotiating power at the international level. However, as long as these structural disadvantages exist, negotiators must consider these power imbalances during negotiations.

### 9.4 Negotiating Strategy

The **hollow negotiating mandate** leads to a **defensive negotiating strategy**, which has the following characteristics:

- Negotiators tend to improvise on issues that are deemed a lower priority. 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

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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. The result can be a procedural debate of “where” (i.e., under what agenda item) to discuss a given issue.

- 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 their government or coalition and if the idea either backfires, fails, or succeeds, the negotiator may not be able to explain to the government what they based that position on.
- Negotiators tend to oppose ideas coming from the other party, which tend to be developed countries. As Anil Agarwal once put it—some countries 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; however, this is not always the case, as sometimes their mandate from their government is to make sure an issue is not included.
- Negotiators tend to vacillate on 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 some country negotiators are disadvantaged and focused on damage control while the other countries have a better idea of what they want to achieve from the negotiations, the negotiations may favour developed country interests.

The disadvantaged coalition-forming power leads to a brittle, defensive strategy that is characterised by (Gupta 2000a, 2000b):

- 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, other developing countries (e.g., AOSIS and the Arab Group) feel the need to adopt the G-77 approach.
- Current lack of leadership among some developing countries: On the other hand, leadership of the G-77 and China implies representing the interests of



**Box 11. 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 programme. 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. Here, the term “voluntary” was a slippery slope toward compulsory.

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.

Ultimately, “voluntary” measures won out in the post-equity era of the Paris Agreement. By introducing nationally determined contributions—self-set, voluntary targets—the onus was placed on individual countries to determine their climate ambition. This may have been the only way to move forward in the agenda on target setting, but it may lead to a lose–lose situation if the climate objective is missed.

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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 12); (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 disadvantaged negotiating power leads to a threadbare, brittle, and defensive strategy characterised 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 7).

### 9.5 Deciding at What Level to Focus Negotiations

Climate change can be seen as a problem of the system, production/consumption patterns, emissions, concentrations, impacts, and residual impacts. A key question is deciding at which level to operate (see Figure 7). If one doesn't address the system and drivers, the negotiations will focus only on the symptoms of climate change.

### 9.6 Tips and Tricks

- If you are alone, focus on the main and formal meetings and try to attend the regional and coalition meetings.
- Practice listening; if you don't listen carefully, you will not know with whom you can make issue-related coalitions.
- Try to organise sessions with scientists and actors from your own country so that you can listen to their advice.
- Try to find creative means to develop a negotiating position prior to departure from the capital.

## **“ON BEHALF OF MY DELEGATION ...”**

- If you use proxy indicators of legitimacy, try to see if the position and principles borrowed are relevant to 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 potential weaknesses in your preparation and seek ways to minimise the vulnerability in the negotiations.
- Try to find creative means of increasing the number of participants in the negotiation team (e.g., invite NGOs, industry representatives, and scientists to participate in your delegation) and try to team up with other countries.
- Try to reach closure on issues. In other words, do not let the negotiations end with a postponement of issues critical to you.





# 10

## Coping Strategies

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### 10.1 Filling a Hollow Mandate

In order to prepare a national mandate, the negotiator needs to have (a) an 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. They also need to know what can be given away as concessions in the negotiations.

Sometimes, there is no real mandate on a specific issue; 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 organisations (NGOs) 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 backup and support for the chosen position. The negotiator will also need to try to bargain internally for support for the position developed.

### **Box 12. Negotiating text online and on screen**

Negotiation of a text may start with a written proposal put forward by chairs, party coalitions, or individual countries. If there are multiple proposals, countries must first agree on which version is the basis of negotiations. If it is a chair’s proposal, countries first provide feedback on whether the proposal can serve as the basis for further talks.

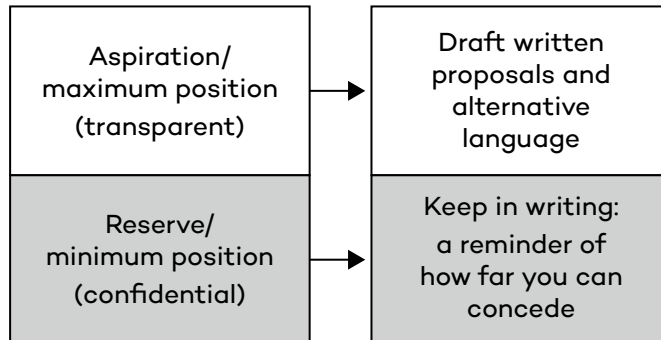
The version accepted as the basis is often shared in an online portal for negotiators and may be shown on a screen in the negotiating room. Often, discussions are first general and then go to paragraph-by-paragraph negotiations.

Negotiators will likely disagree with specific words, framing, and the placement of specific ideas. Disagreement about specific words is shown through square brackets (i.e., [...]). Once all the disagreements are noted in square brackets, the process of resolving these disagreements begins. This leads to negotiators stating that if some words in one square bracketed area are accepted, this is conditional on changing the terms in other square brackets. The process of resolving these square brackets is tricky—as a victory in one bracketed area may turn out to be a false victory if a change in another term implies a different content. Note further that sometimes changes in the text may be acceptable if some other article is changed elsewhere in the negotiating text that would again change the meaning of the text.

Negotiators may adopt an “insider” term during this phase. For example, during the Paris Agreement negotiations, “####” was used. Countries disagreed on whether parties should undertake contributions, commitments, actions, plans, or some combination. Rather than rewriting the various options, negotiators agreed to use “####.”

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**Figure 18.** Aspiration and reserve mandates



Source: Authors.

### 10.2 Coping With Disadvantaged Negotiating Power

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

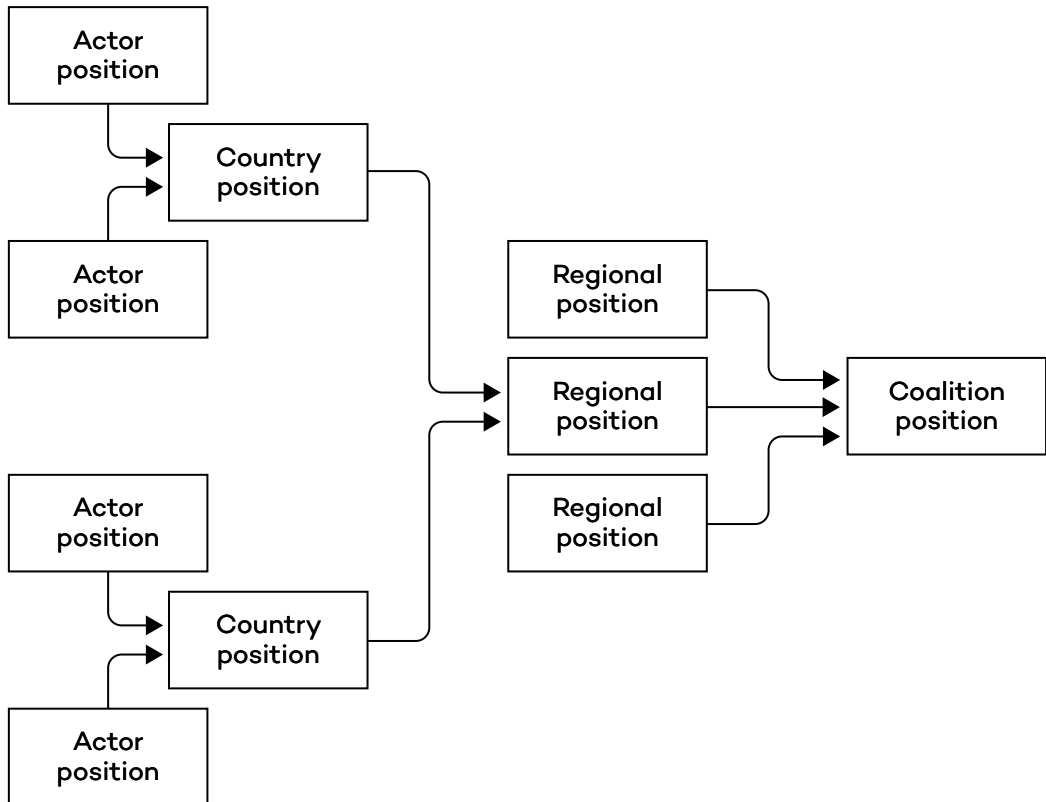
We believe that since the key challenge facing the negotiators is how to redefine the development paradigm and reduce the role of fossil fuels and agriculture in climate change, it is important for the G-77 to negotiate on behalf of the entire group of developing countries, possibly with the exception of the emerging economies and the Organization of the Petroleum Exporting Countries (OPEC).

The G-77 position is the common denominator among all positions of developing countries. That is why it can end 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 the Alliance of Small Island States (AOSIS) and least developed countries and the Arab Group (and emerging economies) in relation to whether there should be stringent measures taken to reduce greenhouse gas emissions in developed countries. In 1995, 120 G-77 countries, the green G77, excluded OPEC to demand stronger targets from the global North and contribute to the Kyoto targets. The G-77 has also been successful in demanding loss and damage institutions and the establishment of a fund. 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 fallback positions, to communicate clearly, and to improve the negotiations through the quality and quantity of information and thereby to influence the perception of the others.

**Figure 19.** The coalition position



Source: Authors.

### 10.3 Coping With Disadvantaged Negotiating Power: Strategies

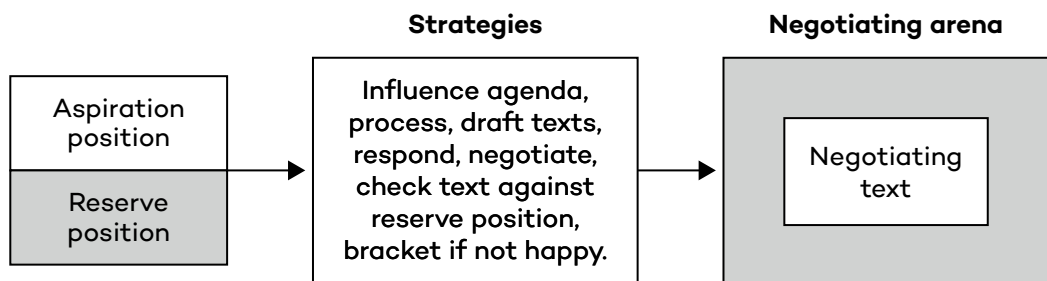
It is not enough for the negotiator to have a position. They also need techniques to influence the process of negotiation. These include influencing the agenda and the process, drafting text, circulating it informally among colleagues, submitting it formally to the Secretariat, responding to other’s 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).

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### Box 13. Some success in bargaining

Developing countries have, on occasion, developed tools to deal with dissension among the ranks. One such occasion took place at COP 1 in 1995. 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 the 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). Developing countries have also seen some success through the use of integrative bargaining strategies throughout international climate negotiations. Notably, AOSIS has used an integrative strategy in its push for stricter global targets to keep global warming under 1.5°C. Both AOSIS and the least developed countries have relied on a similar strategy to push for recognition and compensation for climate-related loss and damage, culminating most recently in an agreement on the establishment of a loss and damage fund at COP 27. This was necessary because “hard” negotiating strategies from developed countries obstructed earlier progress on loss and damage (Falzon et al., 2023).

Figure 20. Influencing the negotiating text



Source: Authors.

## 10.4 Drafting

### **Box 14. Watch out for the comma!**

In 1992, developing countries had asked for the right to development. Developed countries had suggested that this be modified to a right to sustainable development. A clever negotiator shifted a comma from after the word promote to before the word promote, which led to the sentence no longer referring to a right but a responsibility. The text now reads:

“The Parties have a right to, and should, promote sustainable development.”

*Source: Biniiaz, 2016.*

Ahead of formal drafting, it is possible to submit views and inputs through various calls for submissions. These have become increasingly important for countries to share their positions and views and may be invited by the chair to submit a decision. During the drafting sessions, 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 directly or indirectly related to the negotiating position. 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, they may need to have alternative drafts ready for the negotiating process.

There are no quick ways to learn good drafting skills, but it is critical to have them. 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; and
- repetition of existing text in the UNFCCC/KP/PA COP decisions to avoid renegotiation of the already agreed text.

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**Figure 21.** Separating issues from non-issues

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

Source: Authors.

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 words like these in a legally binding document is very strong.

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 they need 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: it is also important to submit them to the Secretariat as “Misc.” documents before the negotiation commences and as non-papers and conference room papers during the negotiations. It is vital to respect the deadline and to have one submission per subject.

## **10.6 Speaking**

The negotiator must always have permission from the head of delegation and from the Chair before they 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 question. 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 it is possible to request compensation from other countries only when the cause-effect link is proved beyond reasonable doubt! 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 they come 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

## NEGOTIATING SKILLS

compromise language. Go from “discourage” to “consider”; from “assist” to “explore.” As the opening to your intervention, try to avoid statements like “we disagree” or “we hold to our own position;” 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.

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. Summarise 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” upfront and there is heavy negotiation in 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 cop” and a “bad cop.” If the other side has a good guy and a bad guy, get into discussion with the good guy.

### 10.7 Reaching Closure

It is critical for negotiators to reach closure, i.e., reach a conclusion on the issues central to them. Prolonged disagreement leads to postponement of solutions to a future date, thereby delaying action, which may be precisely what the other party wants. Assessing in advance whether a weak agreement is better than a delayed agreement is critical.

## 10.8 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 also try to raise some resources for joining the delegation. For an overview of climate scientists from the Global South see: <https://www.carbonbrief.org/global-south-climate-database/>
- Make coalitions with other disadvantaged negotiators and share the task of participation in the informal processes. Familiarise yourself with the other countries’ positions to understand what to expect. Find out on which issues you can agree with individual countries, and on which issues you differ.
- Use the advantages as a smaller country vis-à-vis a larger country. You can increase your impact on the negotiations by adopting the role of a bridge, creating alliances, embracing a leadership position during the process, raising your voice, and thinking creatively (Gaudiosi et al., 2019).
- Know what backup resources exist and what channels are open for reinforcement.
- Seek ways of finding out what happened in the sessions you missed.
- Keep your aspiration and reserve positions with you at all times.
- Adopt the other countries’ position if it will give you more advantage.
- Defend substance, not language.
- Be simple and clear, and avoid technical jargon.
- Offer to submit specific wording proposals to the Chairs in writing.
- Be prepared to “think on your feet.”
- Do not let the Chair railroad you into accepting unacceptable decisions.
- Keep reserve energy for the last few decisive sessions when decisions are taken.
- 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 [shoulds] or [mays], unless it is in your interest.

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- Use strong language.
- Garner support for your objection before objecting. Ensure others will follow you with supportive interventions.
- Use a combination of repetition and innovative material.
- Cite earlier COP decisions and documents in your drafting. This is the legal basis for the negotiations.
- 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.
- 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: in particular, keep a detailed record of how you have negotiated. This will be extremely valuable information for your successor in future negotiation rounds.
- Be aware that difficult and uncomfortable situations of a cultural or social nature or with respect to your gender might arise. Try to react diplomatically and remember what you are hoping to achieve (Gaudiosi et al., 2019).





# 11

## Tips and Tricks for the Lonely Diplomat

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Managing, not surviving, the chaos is the key goal. This chapter collates all the tips and tricks from the chapters in this book, as well as widens the scope with some additional suggestions.

### 11.1 The Climate Change Problem

- Familiarise yourself with reports of the Intergovernmental Panel on Climate Change (IPCC) and other scientific bodies to know the areas of scientific agreement and uncertainty. Read the policy-makers' summary of the latest IPCC reports of Working Groups 1-3.
- Separate the main from peripheral issues for you. Understand the links between mitigation, adaptation, loss and damage, and development.
- Master the technical vocabulary related to climate change.
- Familiarise yourself with the human and environmental impacts associated with different global temperature trajectories. Identify the key impacts already felt in your country. Identify the key mitigation trajectories that are relevant for your country.
- Learn to navigate the UNFCCC website.
- Do not underestimate the time needed to prepare for negotiations.
- Try to understand the relation between development and climate change for your country.

### 11.2 The Evolution of the International Climate Regime

- Understand the main and peripheral issues in the debate and in the environment of the negotiations.

## “ON BEHALF OF MY DELEGATION ...”

- Internalise the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and Paris Agreement; keep it on your computer or keep a printout.
- Understand the history of international climate negotiations and the shift in approach to global emission reductions efforts represented by the Paris Agreement compared to the Kyoto Protocol.
- 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.
- Familiarise yourself with the key terms used in the international climate regime, particularly the concept of net-zero.

### 11.3 The Bodies in the Regime

- If you are alone in your delegation, you should focus on one or two critical issues for your country and choose the most appropriate plenary session.
- Collaborate with other national delegates so that you have representation in different parallel sessions.
- Seek ways of finding out what happened in the sessions you missed. The Earth Negotiations Bulletin reports are a good source. See <https://enb.iisd.org> or sign up to receive each report at <https://enb.iisd.org/get-updates>
- If you cannot make sense of all the informal processes, find someone from an NGO from your region and ask them for a briefing.
- Attend the daily coordination meetings of your coalition(s) to hear updates from the various negotiation rooms.

### 11.4 The Rules of Procedure

- Keep a copy of the Rules of Procedure handy, and, if possible, memorise the key elements.
- Speak through a single spokesperson when possible.
- Learn to master the use of “Points of Order.”
- 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.
- Familiarise yourself with the nomenclature of the documents listed in Table 2.

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- Familiarise yourself with the UNFCCC website beforehand. It is regularly changed, moving various information to new sections of the site and including different functionality. It can be difficult to navigate.
- Be sure to sign up for the email lists for contact groups/informal consultations so you are sent the latest versions of text.

### 11.5 State and Non-State Actors

- Find your country, regional, or international NGOs; they sit at the back of the room. They may be willing to explain terms and texts and help you find other delegates with similar negotiating positions.
- Look up the NGO that you may meet with beforehand. There are a range of organisations with their own goals and mandates.
- Female delegates should reach out to other women in their delegation or coalition. This may help them feel less isolated. It can help provide information about potential male delegates (state and NGO) to keep clear of.

### 11.6 Coalitions in the Climate Change Regime

- Identify the coalition(s) to which you belong.
- If your country is a G-77 member, attend the G-77 meetings, which normally begin at 9:00 a.m. during the sessions.
- Identify the other coalitions to which you belong and attend their meetings. Other coalition meetings are on the live schedule.
- Attend the pre-meetings for coalitions in the days before a session.

### 11.7 The G-77 and China

- Master the internal procedures and workings of the group. Be active within the group, while working with your specific coalitions.
- 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 or coalition's interests.

## “ON BEHALF OF MY DELEGATION ...”

- 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 (in particular English-speaking 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.
- Capitalise on the size of the group and avoid feeling powerless against wealthier nations.

### 11.8 The Ideal Negotiator

- Understand the processes and procedures involved in negotiations.
- Prepare thoroughly for each negotiating session. Specifically, this could mean creating a stakeholder map that includes the positions and interests of relevant parties. Categorise them based on alignment: aligned, opposed, nuclear, or indifferent. Building a relationship with each party can help you during your negotiations (Gaudiosi et al., 2019).
- To better understand the background of negotiations, acquaint yourself with historical concepts and phrases, code words, and the workload of your counterparts. This can help you formulate a promising strategy (Gaudiosi et al., 2019).
- Discuss key issues among your negotiation team and contact others in your government who may have an interest.
- Actively look for allies: discuss the agenda issues with representatives from other countries and NGOs and seek to identify like-minded countries before you go to the negotiations.
- Both competence and warmth help to gather goodwill, support and cooperation (Gaudiosi et al., 2019).
- Build relationships and trust with others by treating them as people rather than negotiators. Approach them in informal settings outside the negotiations. When appropriate, take the floor on behalf of your country or negotiating group to make a political point in which you show support for what another country or group said without explaining the position. This can pay dividends later in the negotiation room.

## NEGOTIATING SKILLS

- Negotiations often proceed very rapidly. It is very difficult to read the text during the negotiations. It is difficult to predict which sections will be negotiated slowly and which not. Be aware of this and prepare yourself for a variety of scenarios requiring quick thinking.
- Internalise the negotiating text. Focus on the agenda and the items to be discussed.
- Revise your negotiation strategy and actions at intervals during the process to assure yourself you are on the right track (Gaudiosi et al., 2019).
- Read the briefing notes of your predecessors, or better still, talk to them.
- Time management is critical. Understand the agenda and decide what you can do when and how. Preparation reduces the stress at the negotiations.
- Understand the geography of the COPs; who sits where, and where do critical meetings and side events take place? Where does the actual formal negotiation happen; where do the informal negotiations take place?
- Read the room. Find the placards of friendly countries; they might be your allies. Also understand when not to get involved: be aware of what is being decided and what the opposing positions are, and judge whether the specific issue being discussed is a priority for a country or group. Based on this, determine whether an intervention is necessary or if it is better not to get involved.
- Do not let side events and NGO stalls distract you from the main task of negotiation. Try to be reflective of any distractions and biases throughout the negotiating process (Gaudiosi et al., 2019).
- Know in advance who your government has historically trusted and who not. Also, know what has been achieved by other countries.
- Act in a consistent and credible manner during negotiations. Your reputation can be essential to the negotiations later on (Gaudiosi et al., 2019).
- 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.

## “ON BEHALF OF MY DELEGATION ...”

- Do not introduce complex language that does not clarify the process or provide a safeguard, as this can create unforeseen problems. Use vagueness only to secure your own priorities (Gaudiosi et al., 2019).
- 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 toward your goal.
- If a majority of parties seem to agree with you, use the momentum on your side. Most parties are less likely to object to a majority (Gaudiosi et al., 2019).
- Try to develop useful linkages to other issues of concern to your country and reasons why these should be related to the climate negotiations.
- Inform yourself about your counterparts’ previous experiences and background. This can help you to see your own data through their eyes and thus persuade your counterpart (Gaudiosi et al., 2019).
- Be aware of other negotiators’ narratives, interests, priorities, and red lines. These can help you to improve your own strategy and create alliances and new solutions with mutual benefit (Gaudiosi et al., 2019).
- 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.
- In a situation where additional incentives are necessary to achieve your goal, package deals are useful to secure trade-offs (Gaudiosi et al., 2019).
- Ensure that language and action in any agreement are feasible so that all signatories follow up with implementation (Gaudiosi et al., 2019).
- Read the Earth Negotiations Bulletin, ECO, and regional newsletters from NGOs to stay informed.

### 11.9 The Disadvantaged Negotiator

- If you are alone, focus on the main and formal meetings and try to attend the regional and coalition meetings.
- Practice listening; if you don’t listen carefully, you will not know with whom you can make issue-related coalitions.
- Try to organise sessions with scientists and actors from your own country so that you can listen to their advice.
- 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

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you can make the position more substantial in terms of content, targets, and timetables.

- Be aware of the potential weaknesses in your preparation and seek ways to minimise the vulnerability in the negotiations.
- Try to find creative means of increasing the number of participants in the negotiation team (e.g., invite NGOs, industry, and scientists to participate in your delegation) and try to team up with other countries.
- Try to reach closure on issues. In other words, do not let the negotiations end with a postponement of issues critical to you.

### 11.10 Coping Strategies

- 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. For an overview of climate scientists from the Global South see: <https://www.carbonbrief.org/global-south-climate-database/>
- Participate in coalitions with other disadvantaged negotiators and share the task of participation in the informal processes. Familiarise yourself with the other countries' positions to understand what to expect. Find out on which issues you can agree with individual countries, and on which issues you differ.
- Use the advantages as a smaller country vis-à-vis a larger country. You can increase your impact on the negotiations by adopting the role of a bridge, creating alliances, embracing a leadership position during the process, raising your voice, and thinking creatively (Gaudiosi et al., 2019).
- Know what backup resources exist and what channels are open for reinforcement.
- Seek ways of finding out what happened in the sessions you missed.
- Keep your aspiration and reserve positions with you at all times.
- Adopt the other countries' position if it will give you more advantage.
- Defend substance, not language.
- Be simple and clear and avoid technical phraseology.
- Offer to submit specific wording proposals to the Chairs in writing.
- Be prepared to “think on your feet.”
- Do not let the Chair railroad you to accept unacceptable decisions.
- Keep reserve energy for the last few decisive sessions when decisions are taken.
- Be aware of language “traps”—unwelcome policy implications stemming from unclear text.



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- 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.
- Use strong language.
- Garner support for your objection before objecting. Ensure others will follow you with supportive interventions.
- Use a combination of repetition and innovative material.
- Cite earlier COP decisions and documents in your drafting. This is the legal basis for the negotiations.
- 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.
- 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.
- Be aware that difficult and uncomfortable situations of cultural or social nature or with respect to your gender might arise. Try to react diplomatically and remember what you are hoping to achieve (Gaudiosi et al., 2019).

### 11.11 Practical Tips

- Negotiation conferences are long and gruelling, requiring a lot of time spent on your feet. The venues are very large. Be prepared with comfortable shoes.

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- Negotiations are also tiring, and if your accommodation is far away from the venue it may be worth relying on your country's private area for a power nap.
- Affordable food at negotiation venues can be scarce, so if possible and necessary bring your own meals.
- Pack a water bottle. Water is sold in bottles, and there may be large refill stations, but no bottles provided.
- Plug in your devices when you can. Not all rooms will have outlets. Consider bringing a portable charging device.
- Download the conference app. It will have a map of the venue and the daily programme (at least). On X/Twitter, @UNFCCC Documents alerts when new documents, including draft decision texts, are available, with a link to the document.

### 11.12 Final Suggestions

- Explore possibilities to expand your country's delegation before leaving your country—industry representatives, NGOs, and academics might find other ways to finance their participation. Start this process early and vet potential delegation members carefully. They may have to get invitation letters from the Secretariat for visas.
- Understand the geography of negotiations—what is happening where and what do you need to focus on. The venues are very large. It can be more than a kilometre from security to the plenary.
- Read the summary notes of previous delegations. If you don't have those, read the daily and/or summary reports of Earth Negotiation Bulletin to see who said what in order to identify issue-specific allies.
- Keep copies of group positions and submissions from past and ongoing negotiations in their different drafts (institutional memory). Bookmark the relevant pages on the UNFCCC site.
- Attend the pre-meetings that coalitions convene before the meeting begins.
- Ensure you are part of the relevant WhatsApp or Signal groups where coalitions or issue-specific delegates discuss options and developments.
- Find the plenary rooms and your own country table (they are arranged in alphabetical order); that is where the action is. Inform yourself in advance where you need to be—plenary rooms tend to be furthest away.
- Find out where and when daily coalition coordination meetings will be held.
- If you can find another lone negotiator from a like-minded country, you can divide the plenary negotiations between yourselves. This is unorthodox, in that

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the other negotiator can in no way represent your country, but they can alert you to issues that may be relevant for your country and you can reciprocate.

- Bookmark the live schedule, UNFCCC body pages, and other pages on the website. Refresh the live schedule before and after the lunch break.
- 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 other countries. Further, it is important to know where you stand in relation to other countries and how far along they are in the implementation process.
- Make the chaos manageable for yourself. Focus on the main and formal meetings if you are alone. Focus on the Earth Negotiations Bulletin reports, ECO, and the conference room papers at a very minimum. Attend the regional and coalition 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.
- The purpose of negotiation is to reach a final decision. A decision to postpone decision making delays action. Try to ensure that there is enough time to get to closure.
- Social invitations: If you happen to hold a key position in the negotiations, other delegations may invite you for informal–informal consultations.
- 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 diplomats with language, scientific, management, and negotiating skills. If you do stand, do not forget that you are no longer representing your country; it is more than unlikely that you will be able to straightforwardly defend your region’s position. 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. It is thus worth taking the position if you feel confident enough about your understanding of the process and what your country, region, coalition, and the G-77 hope to accomplish from the negotiations. There are some financial resources available to support officers elected from LDCs.





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## 12

# Conclusion: Beyond “on behalf of my delegation”

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In global negotiations to address global problems, the practice has been that negotiators represent their governments. When this book was initially written, it was based on research (Gupta, 1997) that led to the understanding that developing country negotiators, in particular, were facing serious problems in negotiating with the Global North. However, curiously, 200 copies of the first edition of this book were ordered by an organisation in the United States, which shows that some of the information was even seen as relevant for negotiators from the North. Now, 20 years later, the situation is a little different. While many negotiators have excellent negotiating skills, newcomers to negotiations still have a lot of catching up to do. Similarly, there is still a need among civil society organisations to climb the steep learning curve; there is consistent demand among these groups, too, for a primer on climate cooperation and COPs. And in that sense, this revised version is still highly relevant.

Having said that, it was only in 2015 that a long-term temperature objective was articulated in the Paris Agreement. The United States and Canada did not participate in the Kyoto Protocol (targets for 2008–2012/1990) or the Doha amendment (targets for 2013–2020/1990) and thus did not accept any legally binding quantitative target for the period 1990–2020. This demonstrated the unwillingness of some powerful countries to take action on climate change. We have moved from top-down legally binding targets to more flexible, less-binding targets in nationally determined contributions. This shift demonstrates that we have gone from a more equitable approach to sharing responsibilities to a post-equity stage. The global community is likely to pass the 1.5°C target in the next 8 years, and we are not yet on track to reach 2°C. Meanwhile, even at 1.1°C, tens of millions of people are suffering from soaring wet bulb temperatures, to say

nothing about the current and committed impacts of extreme weather events and sea level rise (Rockström et al., 2023).

All this means that problems like climate change need negotiators to go beyond the narrow and short-term interests of the politicians in power to think about the consequences of inaction on themselves and others, on nature, and on the climate system itself. Current negotiations are based on maximising short-term self-interest rather than maximising long-term shared interest and revisiting development paradigms. An interesting lesson can be drawn from the 2030 Agenda negotiations. Chasek and Wagner (2016) argued that “seat sharing”—the process of asking different governments, often from different parts of the world to share a “seat” in the negotiating process—enabled a more collaborative negotiating process to reach the 17 SDGs. Seat sharing can enable countries to understand each other’s position and come up with joint positions. Gellers (2016) shows that the crowdsourcing of global governance used in the 2030 Agenda negotiations enabled the youth and many other stakeholders to make their views clear regarding the goals of the 2030 Agenda.

The urgency of the climate crisis requires, as Hale (2016) puts it, an “all hands on deck approach.” We’ve seen a rapid rise of companies making pledges to reduce emissions or achieve carbon neutrality. These have sparked greenwashing concerns. Indeed, the United Nations Framework Convention on Climate Change’s evaluation of the pledges made in the Global Climate Action Portal shows that many of the pledges are not backed up by concrete plans. The UN Secretary General has formed the High-Level Expert Group on the Net-Zero Emissions Commitments of Non-State Entities to establish standards for company pledges.

International organisations, too, are deeply implicated. Climate change threatens the core of the UN’s work—from peace to development. Multilateral development banks are under pressure to reform but without imposing green conditionalities on lending or grants. There is an enormous amount of global action on climate change and, somehow, very little to show for it.

Court cases on climate change and social movements demanding climate justice reveal the growing anger of people worldwide at the slow pace of climate decision making in the international arena. Such slow negotiations may lead to a lose-lose situation for all. While many countries are now trying to catch up by adopting

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net-zero goals, hoping to compensate for their emissions by other measures, the question is whether net-zero by all countries adds up to net-zero at the global level. Moreover, the pursuit of net-zero by all countries raises all kinds of justice issues. Our contention is that only through a search for just solutions from the global to local level will we be able to possibly stop the worst outcomes of the climate change problem.





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# Additional Resources

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## Chapter 1

### **For more information on climate change, read:**

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- United Nations Framework Convention on Climate Change Handbook, <https://unfccc.int/resource/docs/publications/handbook.pdf>
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### **More information is available via the following resources:**

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**For more information, visit:**

*Introduction to negotiation: A strategic playbook for becoming a principled and persuasive negotiator* [Course offered by Yale University on Coursera]. This course can offer foundational skills. See: <https://www.coursera.org/learn/negotiation>

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### For more information visit:

The UNFCCC’s webpage on capacity building, which offers capacity-building initiatives specifically aimed at developing countries, including workshops, informational sessions, and technical support to enhance negotiation skills. <https://unfccc.int/topics/capacity-building>

The Global Environment Facility supports developing countries in negotiating and implementing international environmental treaties, including those related to climate change. It provides financial aid and technical support to enhance the capabilities of environmental negotiators. <https://www.thegef.org/what-we-do/topics/capacity-development>









