

COP15 in an Uneven World

Contradiction and crisis at the United Nations Framework Convention on Climate Change

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When one thinks of the United Nations, images of democracy, compromise, and world leaders tackling difficult collective action problems come to mind. UN decisions may include the cooperative reduction of nuclear armaments, declarations of human rights, or peacekeeping operations. When it comes to climate change, the United Nations is also the highest decision-making body that nations turn to in order to come to a collective agreement on how to reduce global greenhouse gas (GHG) emissions. Climate change policy is negotiated at the global level mainly because

the climate system's dynamics are globally integrated. The sources of GHG emissions can emerge anywhere on the globe, and may change climate conditions anywhere. Complicating matters, the sources of anthropogenic GHGs include regions, nations, localities, individuals, firms, and multiple activities. Due to these characteristics, climate change is considered a global collective action problem. In 1990, the UN General Assembly passed a resolution to formally launch negotiations towards an international climate change agreement and on May 9, 1992, the United Nation Framework



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Convention on Climate Change (UNFCCC) was adopted (IPIECA, 2008: 2). Currently, the Convention has been signed by 191 nations. The annual Conference of the Parties (COP) is the highest decision making authority of the UNFCCC. The COP is mandated to review the implementation of the Convention, to adopt decisions to further the Convention's rules, and to negotiate new commitments (IPIECA, 2008: 4). The Kyoto Protocol of 1997 was an outgrowth of this process and served to strengthen the Convention by setting binding targets on GHG emissions.

The fifteenth COP took place in Copenhagen from December 7-18, 2009, and was arguably one of the most important events in climate politics in the past decade. Governments, interest groups, and the media anticipated that COP15 would lead to a post-Kyoto international agreement. COP15 invited record public attention, non-governmental organization (NGO) participation, and political mobilization. Despite the high expectations of many observers, by all accounts, COP15 was a dismal failure. No binding accord was signed between nations, sending world leaders home with no new emission

reduction targets. Civil society, which included thousands of invited NGO delegates, was literally locked out of the conference center in sub-zero conditions. Finally, Copenhagen itself was turned into a virtual police state where violence and police brutality were arbitrarily used against thousands of peaceful protestors. The questions that this article seeks to answer are: Why was COP15 a failure? And what are the consequences of COP15 for the future of international climate politics?

UNFCCC multilateralism

Commonly, the UNFCCC, COP, and the Kyoto Protocol are discussed as exemplars of international cooperation, conjuring up an image of multiple countries working in harmony towards resolving the single collective action problem of climate change. Central to the UNFCCC is the idea that cooperation among interested parties, including states, corporations, and civil society, can result in policies that resolve global warming while also maintaining economic prosperity. It is assumed that all parties share the common goal of atmospheric pro-

tection and that conventional science is the appropriate basis for environmental policy (Glover 2006: 6). These assumptions serve to situate climate change as a global environmental management problem.

The theoretical ideal and pragmatic means for international cooperation on climate change has been democratic pluralism. This involves individuals and groups competing, freely and openly, towards their own political ends through formal political processes (Dickerson & Flanagan, 1998). The annual COP serves as a space for nations to evaluate, negotiate, and improve their commitments within the Convention. The COP involves heads of state, national delegations, coordinated groups¹, and observer organizations. Any organization qualified in matters covered by the Convention and upon request, is admitted by the secretariat. The secretariat prides itself on the exceptional level of participation that observers enjoy. The basic assumption underlying the COP is that interest groups can lobby governments on an equal and level playing field to further their own political ends. The COP actively involves NGOs which typically attend sessions to observe and exchange views with other participants (IPIECA, 2008: 9). This involvement allows a wide range of groups to bring their experience, expertise, and perspectives into the climate negotiations. Scholars have argued that the influence of observers allows for innovative

compromises that advance an international consensus. The array of observer NGOs typically attending the COP include business and industry groups, environmental groups, Indigenous groups, local governments, research groups, trade unions, women's groups, and youth groups. Agreements with UNFCCC are reached through negotiations and equal voting privileges between nations, while the powers of the UNFCCC over state sovereignty remain limited. In sum, the COP is mandated to operate according to the ideals of pluralism, liberal democracy, inclusion, and compromise.

Contradictions within the UNFCCC

Despite the UNFCCC's mandate for pluralist democratic engagement, the climate negotiation process has run into a number of contradictions throughout its short history. Understanding climate change politics in the international context requires an appreciation of the way in which political power is exercised by different groups in pursuit of their goals (Newell, 2000: 1). The claim that the UNFCCC represents a fair, equitable, and socially optimal approach ignores the uneven power relations between states or the uneven power between non-state actors. Political economy is valuable for analyzing the international interactions of states, corporations, and capital in shaping the

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The UNFCCC in an uneven world system

States do not enter the UNFCCC negotiations as equal players. The world economic system is characterized by asymmetrical power relations between nations, with the core industrialized countries holding a majority share of global wealth and contributing disproportionately to global GHG emissions². The largest and most powerful states in the global economy are sustained by the use of cheap and readily available fossil fuel energy (Newell, 2000: 8). The particularities of the availability of fossil energy in different countries, helps explain differential bargaining positions and the dynamics of climate policy making (Newell & Paterson, 1998). Compounding this uneven pattern of consumption and wealth is the likelihood that developing nations are expected to experience the highest incidences of climate impacts and vulnerability. These asymmetrical relations have generated differential visions regarding the allocation of responsibility for climate change response. Systematic inequality has served to engender non-cooperation and distrust in international climate negotiations. Consequently, nations with the most power eschew responsibility for climate change while those with the greatest vulnerability to climate change have little bargaining power while carrying the heavy social costs (O'Hara, 2009: 230). Moreover, global resentment has been garnished as the South expects the North to reduce their consumption, while the North expects the South to make adjustments to reduce extreme events and GHG emissions (O'Hara, 2009: 230). Divisions also exist between developing countries, which further complicates the negotiations. For example,

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the demands of the small islands differ significantly from emerging economies. Distrust generated by inequality, power differentials, and divergent world views were major roadblocks to creating a post-Kyoto accord at COP15.

Corporate power and the UNFCCC

Furthermore, not all NGOs share equal influence over the negotiation process. Typically, state positions are swayed by lobbies. One aspect of the COP that democratic pluralism ignores is the fact that corporations enjoy privileged access to and influence over state entities engaged in the negotiations (Newell & Paterson, 1998: 680). Since the inception of the UNFCCC, the fossil fuel lobby has been influential in climate negotiations. Why is it that the industry with vested interest in a weak climate agreement has historically played a privileged role in the climate negotiations? And what are the implications of this influence?

Fossil fuel lobbies have overtly acted to sway national, regional, and global responses to climate change in favor of their interests. The most famous example of corporate influence over the climate negotiations is the Global Climate Coalition, which describes itself as the 'leading business voice on climate change', and includes over 55 business associations and companies such as the American Petroleum Institute, DuPont, Ford, General Motors, Texaco, Chevron, and Shell (Newell & Paterson, 1998: 682-683). In a campaign from 1988-1999, the Coalition spent over U.S. \$63 million on climate skepticism to change U.S. electoral opinion, 'anti-Kyoto Protocol' advertising, and on financial contributions to politicians opposed to a U.S. carbon tax (Glover, 2006). The UNFCCC process assumes that states and mar-

kets are separate, and that states make autonomous decisions. However, in capitalist societies the state plays a crucial function in maintaining the conditions of capital accumulation, which since the 20th century have relied on fossil fuel energy. The primary role of fossil fuels in both economic growth and global warming implies that industrialized economies are directly threatened by emission limits. The deep-seated contradiction between ecological limits and economic growth based on fossil fuels plagues the climate negotiations. Corporate lobbies limit the scope of state response to climate change thereby permitting continued consumption of fossil fuels in the industrialized core while also ensuring that international climate agreements open market opportunities. Lobbies representing fossil fuel companies have had their positions adopted by national governments and incorporated into the UNFCCC (Newell & Paterson, 1998: 682-683). At COP15, fossil fuel lobbies used their domestic influence to sway state negotiation positions. For example, the U.S. oil and gas industry spent \$35 million, electric utilities spent \$20 million, and the coal mining industry spent \$3.4 million on political contributions to state representatives in order to protect energy industry interests at the COP15 negotiations (Open Secrets, 2010).

In addition, the UNFCCC structure includes a separate consultative mechanism for industry groups, giving the corporate lobby special access to the secretariat. At COP15, the UNFCCC held a Business Day, a consultative event, which featured over 40 speakers from the private sector and over 400 industry participants (Davenport, et al., 2009). Thousands of corporate lobbyists attended COP15. Among them were the World Business Council on Sustainable Development (WBCSD) (230 delegates), the International

Emissions Trading Association (486 delegates), and the International Chamber of Commerce (ICC) (136 delegates) (UNFCCC, 2009). These groups have been criticized for their role in sabotaging the climate negotiations, while supporting false market solutions to climate change such as carbon capture and storage, and reduced emissions through decreased deforestation (REDD).

The aim of the powerful corporate lobby at the COP15 was to influence the climate negotiation process towards protecting the interests of capital. The contradictory

consequence of these on-going dynamics has been climate change solutions that favour the interests of capital under the guise of climate response.

Crisis at COP15

It is arguable that these contradictions reached a tipping point at COP15. Six months after, the executive secretary conceded that “Copenhagen was a pretty horrible conference” (van den Bosch, 2010). In fact, COP15 was a multifaceted failure in international politics and a moment of crisis for the UNFCCC. The failure of states to reach an accord, the NGO lockout, and the use of violence, all combined to create a crisis for the international climate process.

Non-binding Copenhagen Accord

COP15 failed to achieve a binding legal agreement for the post-Kyoto period. Although the Copenhagen Accord endorses the continuation of the Kyoto Protocol, it is not a legally binding accord, and it does not commit countries to new GHG reduction targets. The Accord offers to mobilize U.S. \$100 billion to developing nations, but only in 2020 with no indi-

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cation of how to do so. Moreover, the Accord was drafted by only five countries, the United States, China, India, South Africa, and Brazil, and emerged from an exclusive meeting outside of the COP. As such, the Accord was rejected by a number of states on the grounds of 'undemocratic' procedure. The status of the Accord and its legal implications remain unclear.

The NGO lockout

The official lockout of civil society from COP15 was a turning point for international climate politics. By December 14, 45,000 official delegates descended on COP15 to participate as observers. This historical turnout proved to be a serious challenge for the United Nations. Logistically, the conference site could hold only 15,000 people, leaving 30,000 delegates out in the cold. Delegates were stranded, day after day, with no entry in sight.

Outraged with the shutout of their participation, NGO delegates protested. On December 16, locked-out NGOs joined a street march while NGOs inside COP15 protested. Eventually, a few hundred NGO delegates walked out of the conference to join their peers in the street. The delegates were met with police brutality and arbitrary arrest. Amid the chaos, the president of the UNFCCC resigned. The next morning the UNFCCC unilaterally decided to formally lock out all 15,000 NGO delegates from COP15. Thousands of invited participants were officially blocked from the multilateral climate process, marking the end of NGO participation within the UNFCCC.

The sudden absence of civil society groups was described as conspicuous and sobering (Hack, 2009). According to the UNFCCC, the problems associated with including civil society were logistical, "stretching the organizational capability of the secretariat as never before." However, NGOs refused to accept this rhetoric

and argued that the lockout was an effort to shut out voices that disagreed with the politics and weak proposals of the UNFCCC. For NGOs whose UN status was deactivated, and whose members confronted police violence and arrests, COP15 was a moment of crisis, and decisive failure in UN multilateralism.

On December 17, NGO delegates held an emergency meeting at Klimaforum to discuss their future engagement with the UNFCCC. The sentiment was that the

UNFCCC and national leaders did not want to include input from civil society and instead sided with transnational capital. Currently, it remains uncertain if the COP will ever include NGOs directly again. COP16 proposes to have two separate venues, one for national delegates and the other for NGOs. A public outcry against this new exclusionary structure has ensued.

Protests, violence, and containment of civil society

The most significant failure of COP15 was the use of violence to silence dissenting voices. The number of demonstrations in the streets outside of COP15 was unprecedented in UNFCCC history. Protesters included environmental activists, NGOs, and UN delegates. As the conference proceeded, it became clear that maintaining repressive control by police force was a priority for the UN and Denmark.

Prior to COP15, Denmark passed a law permitting the police to make pre-emptive arrests and detain anyone for up to 12 hours.³ On December 9, police raided protestor accommodations, and detained 200 people. On December 12, over 100,000⁴ climate justice protesters peacefully demonstrated, and police responded by pre-emptively detaining 968 protestors. By December 16 tensions between civil society and the UNFCCC escalated, and 35,000 protest-

COP16 proposes to have two separate venues, one for national delegates and the other for NGOs.

ers, including locked-out NGOs and delegates displeased with the talks, marched to the gates of the conference demanding to be heard. They were met by 9,000 police officers who arbitrarily used pepper spray, batons, and brutal force to contain them.

In light of these events, the executive director of Greenpeace UK wrote “The city of Copenhagen is a crime scene tonight ... it is now evident that beating global warming will require a radically different model of politics than the one on display here in Copenhagen” (BBC, 2009). Prominent NGOs and activists argued that an alternative politics to the UNFCCC is necessary, and hope turned to the first World People’s Summit on Climate Change.

Alternative visions

The first World People’s Summit on Climate Change was an international gathering of 30,000 people that took place in Cochabamba from April 19-22, 2010 (*Green Left*, 2010). The conference was a response by civil society and several governments to the failure of COP15 and the UNFCCC process. The summit addressed the structural causes of climate change and the uneven pattern of development, production, consumption, and ecological degradation characteristic to global capitalism. The summit overtly critiqued the UNFCCC process and suggested alternatives such as a global referendum on climate proposals at the UNFCCC along with the establishment of an international climate justice tribunal to hold countries legally accountable to their Kyoto commitments. The conference produced a Universal Declaration of Rights of Mother Earth which was submitted to the UNFCCC. Finally, the conference established the People’s Accord (see *HP173*), which rejects the Copenhagen Accord, and places the onus for climate deadlock on corporations and governments in developed countries. The People’s Accord proposes deep reforms to the UNFCCC, including state compliance and full consultation and participation for Indigenous peoples at international climate negotiations. Proponents of the Accord argue that it moves

away from the UNFCCC towards a ‘real’ solution to climate change founded on resistance, a rejection of capitalism, and a revival of ‘Indigenous’ environmental values.

Despite the need for an ‘alternative’ to the UNFCCC, it is important to note that accepting the movement as ‘liberatory’⁵ may not revise environmental discourses in a direction that favors marginalized people. Calling to replace the capitalist system with socialist alternatives may not necessarily address emissions, climate change, or ensuing climate vulnerability. Moreover, it is important to note that the movement may also impose an ideology that falsely romanticizes the Indigenous relationships with nature. Most importantly, the movement may perpetuate a false vision of nature as existing apart from humanity and as such can result in the failure of ‘alternative visions’ to address modernity as the core cause of climate change and its politics.

Conclusion

In conclusion, the international process for negotiating climate change solutions has historically been less inclusionary, equitable, and multilateral than commonly assumed. The lens of political economy calls into question the myth of UNFCCC multilateralism by looking at the multifaceted failures of COP15.

The UNFCCC is characterized by contradictions that reached a point of crisis at COP15. The failure of COP15 to reach a binding agreement, while locking out NGOs and using repressive force against civil society, marked a turning point in climate politics. In response, a counter approach, embodied in the People’s Accord has emerged. However, the liberatory potential of this the people’s climate movement for transforming human consciousness towards nature, and ultimately addressing the challenge of climate change, requires further inquiry.

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Endnotes

1. i.e., the G77, ASIS, and OPEC.
2. The absolute emissions of India and China continue to rise however per capita emissions remain lower than the core industrialized countries.
3. Police were allowed to detain anyone whom they suspect might break the law in the near future.
4. Estimates vary from 25,000-100,000. Even at low estimates, the scale was unprecedented.
5. 'liberatory' is used here in Forsyth's sense.

References

1. Bernstein, Steven, 2001. *The Compromise of Liberal Environmentalism*. West Sussex: Columbia University Press.
2. *Green Left*, 2010. "Bolivia's world climate summit a breakthrough," 1 May.
3. <http://www.greenleft.org.au/node/43891> accessed 1 May 2010.
4. BBC, 2009. "Copenhagen deal reaction in quotes," 19 December.
5. <http://news.bbc.co.uk/1/hi/sci/tech/8421910.stm>, accessed 9 June 2010.
6. Davenport, Deborah, Morgera, Elisa, and Wagner, Lynn, 2009. "Summary of Copenhagen Business Day," *IISD Bulletin*, 160, 2.
7. <http://www.iisd.ca/climate/cop15/bd/html/ymbvol160num2e.html>, accessed 24 May 2010.
8. Dickerson, Mark O., and Flanagan, Thomas, 1998. *An Introduction to Government and Politics. 5th Edition*. Scarborough: ITP Nelson.
9. Forsyth, Tim, 2004. "Industrial pollution and Social Movements in Thailand," pp. 422-438. In Peet, Richard and Watts, Michael, editors, 2004, 10. *Liberation Ecologies: Environment, Development, and Social Movement*. 2nd Edition. London: Routledge.
11. Glover, Leigh, 2006. *Postmodern Climate Change*. London: Routledge.
12. Hack, Tobin, 2009. "Lockout: Civil Society Groups Denied Access to COP15," *Big Think*, December 19, <http://bigthink.com/ideas/17943>, accessed 8 June 2010.
13. Musumali, Abel, 2010, *Summary Report UNFCCC Bonn 1 Meeting*.
14. <http://www.ayicc.net/wp-content/uploads/2010/04/BONN-1-MEETING.pdf>, accessed 7 June 2010.
15. Newell, Peter, 2000. *Climate for Change*. Cambridge: Cambridge University Press.
16. Newell, Peter, and Paterson, Matthew, 1998. "A Climate for Business: Global Warming, the State, and Capital," *Review of International Political Economy*, 5, 4 (December), 679-703.
17. O'Hara, Philip Anthony, 2009. "Political Economy of Climate Change, Ecological

Destruction, and Uneven Development," *Ecological Economics*, 6, 2 (December), 223-234.

18. Open Secrets Database, 2010. <http://www.opensecrets.org/>, accessed on 13 June 2010.
19. The United Nations Framework Convention on Climate Change and its Kyoto Protocol: A Guide to Climate Change Negotiations, 2010. http://ipieca.org/activities/climate_change/downloads/publications/unfccc_guide.pdf, accessed 24 May 2010.
20. UNFCCC, 2010. *Communication Letter to Observers*, 23 February.
21. UNFCCC, 2009. COP15 - FCCC/CP/2009/MISC.1, 7 December.
22. van den Bosch, Servaas, 2010. "Climate Change: Restoring Trust after 'Horrible' Copenhagen Conference", *Inter Press Service*, 7 June.
23. <http://www.alertnet.org/thenews/newsdesk/ips/873faf5f335bb64e455c1321c102fa9c.htm>, accessed 7 June 2010.
24. World People's Conference on Climate Change and the Rights of Mother Earth. <http://pwccc.wordpress.com/2010/04/24/peoples-agreement/>, accessed 9 June 2010.

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