# THE ANALYSIS OF CLIMATE CHANGE NEGOTIATIONS BETWEEN 1995-2002*

*İklim Değişikliği Görüşmelerinin 1995-2002 Yılları Arasında Analizi*

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***Abstract***

*This article aims to address the historical background of the climate change talks. Particularly, the positions taken by the three main blocks that participated in the COP1 meetings held in Berlin in 1995 and the COP8 meetings held in New Delhi in 2002 constitute the main area of focus of the article. Because analyzing the negotiation positions of the three main blocks makes it easier to understand the perceptions and results of the processes regarding the climate change negotiations. In this context, the approaches of the United States of America, European Union and China to negotiations are examined in detail in the article.*

***Keywords:*** *Climate Change Negotiations, Global Warming, United States, European Union, G-77/China.*

***Özet***

*Bu makale, iklim değişikliği görüşmelerinin tarihsel arka planını ele almayı amaçlamaktadır. Özellikle de 1995 yılında Berlin'de düzenlenmiş olan COP1 toplantıları ile 2002 yılında Yeni Delhi'de düzenlenen COP8 toplantılarında görüşmelere katılan üç ana bloğun takındıkları pozisyonlar makalenin odaklandığı temel alanı teşkil etmektedir. Zira üç ana bloğun görüşme pozisyonlarının analiz edilmesi, iklim değişikliği görüşmelerine ilişkin yaşanan süreçlerin algılamalarının ve sonuçlarının anlaşılmasını kolaylaştırmaktadır. Bu kapsamda makalede Amerika Birleşik Devletleri, Avrupa Birliği ve Çin'in görüşmelere olan yaklaşımları detaylı bir şekilde incelenmektedir.*

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# INTRODUCTION

Environmental regime formation involves different stages (agenda formation, negotiation, and implementation).[1] In an attempt to find solutions to global environmental problems, multilateral environmental diplomacy became a crucial tool for international negotiation processes in which informal agreements or binding treaties have been created, evolved, and implemented for the formation of global environmental governance and environmental regimes. The formation of environmental regimes takes place through the international negotiations of many formal conventions and protocols as well as informal workshops and meetings. The theoretical arguments of this study derive from the literature of international negotiation and the literature of international institutions and international regimes for the concepts of "consensual knowledge"[2] and "epistemic/ scientific communities".[3] International regimes are social institutions that combine sets of principles, norms, rules, procedures, and programs to "govern the interactions of actors in specific issue-areas."[4] The multilateral environmental negotiation (MEN) is important because the negotiation stage of regime formation is best reflected within the characteristics of multilateral negotiation.[5]

The majority of environmental regime negotiations have occurred in the form of "conference diplomacy" in which governments and

1 Oran R. Young, *Creating Regimes: Arctic Accords and International Governance*, Cornell University Press, Ithaca 1998.

2 , Bertram I. Spector et al., "The Dynamics of Regime-Building Negotiations", Bertram I. Spector et al., eds., *Negotiating International Regimes: Lessons Learned from the United Nations Conference on Environment and Development (UNCED)*, Graham Trotman/Martinus Nijhoff, London 1994, p. 3-21.

3 Peter M. Haas, "Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control", *International Organization*, 43(3), Summer 1989, p. 376-40; Peter M. Haas, "Banning Chlorofluorocarbons: Epistemic Community Efforts to Protect Stratospheric Ozone", *International Organization*, 46(1), Winter 1992, p. 187-224.

4 Marc A. Levy, "The Study of International Regimes", *Working Paper*, International Institute for Applied Systems Analysis, no. 94-113, November 1994, p. 11.

5 Fen Oslor Hampson, *Multilateral Negotiations: Lessons from Arms Control, Trade, and the Environment*, John Hopkins University Press, Baltimore 1995.

intergovernmental organizations involve "internationally coordinated policy-making through negotiation" in a conference setting.[6] They have usually followed a two-step convention-protocol approach. First, the parties sign a broad framework "convention" with agreed principles in an issue area. Without any binding obligations on the parties, a "framework convention" aims to establish a set of principles, norms, goals, and formal mechanisms for cooperation on the issue. Then, the parties sign a detailed "protocol" that produces binding agreements with the control measures, goals, standards, targets, and timetables at the conference of parties (COP). According to this approach, the negotiation moves from non-binding to binding texts, broad to specific issues, scientific to political discussions, and diagnosis to formula stages. Even though the parties adopt the protocol, they still continue to negotiate additional protocols and amendments as well as other related cross-issues (climate change, sustainable development) due to the introduction of new issues, interests, parties, information, scientific evidence, and polluting technologies, for several more years. The latest example of this approach was the Rio Convention or the United Nations Framework Convention on Climate Change (1992) and the Climate Change Protocol in Kyoto (1997).[7] The most successful one was the Vienna Convention (1985) and the Montreal Protocol (1987) on ozone depletion.[8]

This research aims to analyze the three main negotiation coalitions between conference of parties (COP) in Berlin in 1995 to COP8 in New Delhi in 2002. First, it presents a short scientific and historical background of climate change negotiations. The time period between 1995 to 2002

6 Pamela Chasek, *Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy*, United Nations University Press, New York 2001, p. 20.

7 Mary J. Larson, *Conflict Resolution in Ecological Negotiations: How Multilateral Negotiations Contribute to the Resolution of Environment and Development Conflicts*, Institute for Conflict Analysis and Resolution, George Mason University, (Unpublished Doctora Thesis), Virginia 2001.

8 Gareth Porter-Janet W. Brown, *Global Environmental Politics*, Westview Press, New York 1996, p. 16-17; Lawrence Susskind, *Environmental Diplomacy: Negotiating More Effective Global Agreements*, Oxford University Press, New York 1994, p. 30-31.

is selected because it helps us to shed lights on the pre- and post-Kyoto climate change negotiation perceptions, processes and outcomes. The period between COP1 to COP8 has included the negotiation position changes until the September 11th attacks that produce a fundamental political axis shift not only for global environmental politics but also international system. It is necessary to examine the pre-and post-Kyoto climate change negotiations in order to understand perceptions, processes and outcomes during multilateral environmental regime negotiations.

In the first section of the paper, the researcher focuses on the sources and effects of global warming. The second section starts from the 1st World Climate Conference of 1979 and ends at the COP-8 in New Delhi in 2002. The third section investigates the negotiation structures, perceptions, positions, processes and outcomes of the three major blocs: the European Union (EU), the United States, and the G-77/China. The US position in Kyoto supported "meaningful, but equitable commitment from all nations" principle.[9] The G-77/China bloc has first voiced about the control mechanism the "common but differentiated responsibility (CBDR)"[10] principle and about financial and technology transfers "preferential treatment"[11] and "additionality"[12] principles. In contrast to the ozone regime negotiations, the EU has become a leader in the climate change regime negotiations. It pushed for powerful global environmental regime with "teeth" about global warming. It has suggested the toughest reduction of three major greenhouse gases (GHGs), namely methane ($CH_4$), carbon dioxide ($CO_2$), chlorofluorocarbons (CFCs), and

9 Bill Clinton, *Remarks by the President at the White House Conference on Climate Change*, Georgetown University, Washington D.C., http://clinton6.nara.gov/1997/10/1997-10-06-president-remarks-at-conference-on-climate-change.html, (Date of Accession: 16.07.2015).

10 Tuula Honkonen, *The Common but Differentiated Responsibility Principle in Multilateral Environmental Agreements*, Kluwer Law International, Netherlands 2009.

11 Michael T. Hatch, "Chinese Politics, Energy, and Climate Negotiations", Paul G. Harris, ed., *Global Warming and the East Asia: The Domestics and International Politics*, Routledge, London 2003, p. 51.

12 Maxwell T. Boykoff-Chukwumerije Okereke, "A-Z Glossary", *The Politics of Climate Change: A Survey*, Maxwell T. Boykoff, ed., Routledge, London 2010, p. 183-263.

nitrous oxide ($N_2O$). The EU had the highest target: GHGs emissions must cut by a 15 percent below 1990 levels that must be reached by the year 2010. In addition, the EU countries have demanded special treatment for developing countries and less developed countries by presenting new and additional technological and financial assistance.

## SCIENCE OF CLIMATE CHANGE: CAUSES AND CONSEQUENCES

In this section the science of climate change is briefly outlined. The term, global warming, is not used because it is sometimes misleading. Global warming connotes gradual, benign, related to temperature and uniform. What happens with the world climate is none above. Climate change is rapid, negative, and occurs with uneven effects to human society and ecosystems. Climate change is a part of human and natural history since the beginning of the life on Earth. However, the human-induced climate change is the extraordinary warming of the Earth from increased concentration of anthropogenic (produced, induced, or influenced by human activity) greenhouse gases (GHGs). Some labels this phenomenon "global climatic disruption."[13] The Earth's atmosphere could trap solar radiation that warms the surface and atmosphere like a gardener's greenhouse. The greenhouse effect is necessary to balance the temperature; otherwise, the planet would be far too cold to live on. However, if the concentration of GHGs increase, the Earth will not be able to absorb some of the radiation, leading to an enhanced global warming with changes in climatic patterns on the Earth's land and oceans.

The biggest emitted GHG, carbon dioxide ($CO_2$), is produced when fossil fuels (e.g., coal, oil, natural gas) are burned in the course of the

13 John P. Holden, "Introduction", Stephen H. Schneider et al, eds., *Climate Change Science and Policy*, Island Press, Washington D.C 2010, p. 1-11.

production and consumption of usable energy. Other GHGs come from burning of waste products, land-use changes, agriculture, and livestock. Carbon dioxide ($CO_2$) can naturally be absorbed by forests and soil or "sinks." Sink is any process, activity, or mechanism that removes a GHG from the atmosphere. Sinks often refer to the absorption of atmospheric carbon by a forest. As a result, the climate change policy calls for multi-level measures and issue-linkage such as renewable and other energy resources, modification of agricultural systems, land use and livestock waste management, forestation, and dissertation.[14] But, the most important measure is to limit the emission of GHGs into the ecosystem.

The effects of the global warming are summarized by the Intergovernmental Panel on Climate Change (IPCC) that was established by the U.N. General Assembly in December 1988. The 1992 UNFCC is an important milestone for science-policy of climate change. It ratified in all 191 countries, including the US called for "stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[15] However, the Convention did not define what would compose of "dangerous anthropogenic interference." The IPCC's second assessment report[16] (1995) indicates that if the simulated model prediction is correct, average global temperature will rise by 1-3.5 degrees Celsius (ºC). The result may increase the global mean sea level by 15-95 centimeters in the next century with the melting glaciers and water expansion. Globally, the other impacts of climate change include a rise in storms, floods, water shortages, changes in precipitation, extreme high temperature events,



14 Joyeeta Gupta, *The Climate Change Convention and Developing Countries: From Conflict to Consensus?*, Kluwer Academic Publishers, Boston 1997, p. 5.

15 United Nations, "Article 2 (Objectives)", *United Nations Framework Convention on Climate Change*, http://unfccc.int/resource/docs/convkp/conveng.pdf, (Date of Accession: 18.07.2015).

16 "IPCC Second Assessment: Climate Change 1995", *IPCC (Intergovernmental Panel on Climate Change)*, https://www.ipcc.ch/pdf/climate-changes-1995/ipcc-2nd-assessment/2nd-assessment-en.pdf, (Date of Accession: 18.07.2015), p. 8.

adverse effects to agriculture, possible threats to fisheries in ocean and freshwater, infectious disease transmission, and the like.[17] There has been a lengthy discussion about the winners and losers from climate change in terms of vulnerability, adaptability, and sensitivity. According to the IPCC regional effect report[18], Africa is the most vulnerable due to its large population, poverty, and weak economies and the most sensitive due to its geography, all of which limit its adaptation capabilities. In the same way, the small island states may suffer from freshwater shortages, eradication of coastal areas, harmful effects on tourism, and even the abandonment of their territory. North America, Western Europe, and Japan may face detrimental effects of climate change, but they have been able to adapt changes since they are more sensitive than vulnerable to the global warming.

Apart from the environmental issue for all negotiation participants, climate change is also a developmental, equity, and moral issue for the developing countries. The developing and less-developed countries (the Global South) believe that high levels of GHG emissions result from the developed countries' fossil fuel-based development. The developing countries believe that it is the responsibility of industrialized countries "to repay the ecological debt" by reducing GHG emissions. The Global South concerns with developmental issues and economic growth and favor control measures that no effects on the living standard of their citizens. Basically, developing countries have demanded first economic growth and poverty eradication and then the reduction of GHGs. In 1996, one U.S. citizen emitted GHGs that were equal to 19 Indians, 30 Pakistanis, 17 Maldivians, 19 Sri Lankans, 107 Bangladeshis, 134 Bhutanese, or 269



17 "Climate Change 2007: Synthesis Report", *IPCC*, https://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf, (Date of Accession: 18.07.2015).

18 "Climate Change 1995: The Science of Climate Change", *IPCC*, http://www. ipcc.org.cz, (Date of Accession: 13.06.2020).

Nepalis.[19] As a result, the developing countries has introduced the principle of "common but differentiated responsibility" (CBDR) that articulated in the Rio Declaration (Principle 7) means all countries share the burden of climate change, but the developed countries are most responsible and would act first. It was placed in Article 4 of 1992 UNFCCC.[20] This principle is based on the ancient view of justice and summarized by Marx's maxim: "from each according to his ability, to each according to his need."[21] The principle of CBDR has two rationales. First, the North has the ability to pay for the reason of intragenerational equity. Second, the North has the responsibility to pay because they have received disproportionate share of unsustainable development for centuries.[22]

In short, the development of science-policy of the climate change has been a complicated process with the participation of an unprecedented number of countries with a remarkable divergence of interests and positions. The emergence of scientific knowledge about global warming led to the adoption of the Rio Convention in June 1992. However, the Kyoto Protocol (1997) has had difficulties for full implementation because of the lack of scientific consensus and epistemic community about climate change. The next section will tell the story of the negotiation process with its ups and downs.



19 Anil Agarwal, "A Southern Perspective on Curbing Global Climate Change", Stephen H. Schneider et al., *Climate Change Policy: A Survey*, Island Press, Washington 2002, p. 377.

20 Steven Ferrey-Anil R. Cabraal, *Renewable Power in Developing Countries: Wining the War on Global Warming*, Penwell Books, Tulsa 2006, p. 15.

21 Paul Thomas, *Karl Marx and Anarchists*, Routledge&Kegan Paul PLC, Boston 1985, p. 120.

22 Dire Tladi, *Sustainable Development in International Law: An Analysis of Key Enviro-Economics Instruments*, Pretoria University Law Press, South Africa 2007, http://www.pulp.up.ac.za/pdf/2007_03/2007_03.pdf, (Date of Accession: 18.07.2015), p. 51.

# HISTORY OF CLIMATE CHANGE NEGOTIATION: CLIMATE AND DIPLOMACY

The climate change issue initially appeared in the scientific arena in the early 1960s when careful measurements indicated high-level concentrations of carbon dioxide ($CO_2$) in the atmosphere. In the 1970s, computer models provided higher confidence in global warming predictions. The First World Climate Conference gathered in 1979, which led to many scientific workshops and meetings up until the establishment of the IPCC in 1988. The climate change issue moved into the public, political and international area in 1988 due to the growth of scientific knowledge, the success of other environmental regimes, and the heat wave and drought.[23]

The U.N. General Assembly formed the Intergovernmental Negotiating Committee (INC) for a Framework Convention on Climate Change (FCCC) in December 1990. The INC has held five sessions to negotiate a framework convention for signature in June 1992 at the United Nations Conference on Environmental and Development (UNCED). The US effectively blocked any binding commitments with targets and timetables and argued further scientific research and voluntary national strategies and programs. Developing countries pushed for a new fund for financial assistance and technology transfer. The EC Member States and small island states (AOSIS) favored a strong regime with "teeth" on the reduction of GHGs. After several night sessions, the FCCC was signed by more than 150 states on the final day of the Earth Summit in Rio de Janeiro in 1992. The agreement called for a "voluntary" stabilization of GHG emissions by the developed countries ("Annex I" countries in the FCCC) to 1990 levels by the year 2000. Annex I parties are industrialized countries and

23 Daniel Bodansky, "History of the Global Climate Change Regime", Urs Luterbacher- Detlef F. Sprinz, eds., *International Relations and Global Climate Change*, MIT Press, Cambridge 2001, p. 26-27.

economies in transition that are listed in Annex I of the UNFCCC. Thirty-eight (38) industrialized countries agreed to reduce their emissions of six GHGs. They are responsible for a nonbonding commitment to return their GHG emissions to 1990 levels by the year 2000. Annex I countries are listed in Annex B of the Kyoto Protocol. They agreed to cut back their emissions by a total of 5.2 % between 2008 and 2012 from 1990 levels. The developed countries only agreed on the "new and additional" financial resources for developing countries. The FCCC also established an institution, the Conference of Parties (COP) that replaced the INC.[24]

The FCCC created a legal and institutional framework for the scientific review of global warming and started legally binding implementation efforts to control climate change. After the Rio Convention entered into force in March 1994, eight formal negotiating sessions – or Conferences of Parties (COPs) – have followed with several milestones, namely the Berlin Mandate, the Kyoto Protocol and the Buenos Aires Declaration.

The post-Rio negotiating process began at the first COP-1 meeting in Berlin in 1995. Representatives from 120 countries produced the Berlin Mandate, in which industrialized countries agreed to reduce their GHG emissions by setting specific targets with certain years such as 2005, 2010, and 2020 and to assist the developing countries, which only committed to voluntary emissions reductions. A few months later, the IPCC published its second scientific assessment report that contains more conclusive language with "discernible human influence on global climate." (IPCC, 1995) However, it still warned about "uncertainties in key factors" about scientific knowledge (Ibid). In July 1996, COP-2 convened in Geneva, Switzerland. At COP-2, more than 100 countries signed into the Geneva Declaration that calls for a legally binding protocol with specific

24 Wayne A. Morrissey-John R. Justus, "Global Climate Change", Horace M. Karling, ed., *Global Climate Change*, Nova Science Publishers Inc., New York 2001, p. 10.

targets and timetables to reduce the GHG emissions of developed country parties. It is important to note that the Declaration was adopted in the absence of consensus.

The Kyoto Conference (COP-3) was held in Kyoto, Japan in December 1997 with the participation of more than 10,000 people from 170 countries, press, NGOs, and IGOs. The conference was almost finished with deadlock, but the U.S Vice President Al Gore came to Kyoto and gave a speech in high-level segment of the Conference. He called for more flexibility of the U.S. negotiators that led to the adoption of the Kyoto Protocol. Overall, all industrial countries agreed to a 5 percent cut below 1990 levels in GHG emissions by the period 2008-2012. The target cuts for the US, the EU, and Japan are 7, 8, and 6 percent, respectively. The Protocol provided the Clean Development Mechanism (CDM) in which industrialized countries could earn emission credits to meet their obligations by financing projects that reduced carbon emissions in developing countries.[25] Table 1 is giving milestones of the global climate change negotiations from pre-Kyoto (1979) to post-Kyoto (2002) period until the September 11th below.

**Table 1: Summary of Key Events in Climate Change Negotiations, 1979-2003[26]**

1979 First World Climate Conference.

1983 World Commission on Environment and Development Established (Brundtland Commission).

1988 The Intergovernmental Panel on Climate Change (IPCC).

1990 Negotiations on UN Framework Convention on Climate Change was began by the UN General Assembly.

25 J.W. Anderson, "How the Kyoto Protocol Developed: A Brief History", Michael A. Toman, ed., *Climate Change Economics and Policy: An RFF Anthology*, Resources for the Future (RFF), Washington 2001, p. 20.
26 Rebecca Schaaf, *Development Organizations*, Routledge, London 2013, p. 63.

1990 First Assessment Report of the IPCC. Human activities might be affecting climate, but uncertainty exists.

1992 The U.N. Framework Convention Climate Change (UNFCCC) was established at the Earth Summit in Rio de Janeiro, Brazil. GHG emissions reduce to 1990 levels by 2000.

1994 UNFCCC entered into force after receiving 50 ratifications.

1995 IPCC Second Assessment Report. The Conference of Parties (COP)

1995 The first conference of parties to the UNFCCC (COP-1) accepted the negotiation of legally binding targets and timetables at the Berlin Mandate. Germany.

1996 The second COP meeting (COP-2). Geneva, Switzerland.

1997 U.S. Senate passed Byrd-Hagel resolution, 95-0. It called for the developing countries to limit their increases of GHGs.

1997 Kyoto Protocol was signed in the third COP meeting (COP-3). The developed countries (Annex I) agree to reduce their GHG emissions by an average about 5 % of 1990 levels by the 5-year period 2008-2012. It envisaged flexibility mechanisms including emission trading for compliance and no commitment for developing countries. Kyoto, Japan.

1998 The fourth COP meeting (COP-4) was signed on the “Buenos Aires Action Plan”. Buenos Aires, Argentina.

1999 The fifth COP meeting (COP-5). Bonn, Germany.

2000 The sixth COP meeting (COP-6). The Hague, Netherlands.

2001 President George W. Bush announced to pull out of the Kyoto Protocol.

2001 COP-6bis meeting. Bonn, Germany

2001 The seventh COP meeting (COP-7). Marrakesh, Morocco.

2002 The eighth COP meeting (COP-8). New Delhi, India.

The process of the post-Kyoto negotiations has been devoted to resolve the operational and implementation details of the Kyoto Protocol. In November 1998, COP-4 convened to negotiate the outstanding issues of the Kyoto Protocol in Buenos Aires, Argentina. The parties agreed upon a work plan to negotiate rules for key elements of the Protocol. They set a new deadline for deciding these rules: November 2000 or COP-6 (The Buenos Aires Plan of Action). Moreover, Argentina and Kazakhstan announced their intention to place themselves under voluntary commitments for emission limits and the US signed the Kyoto Protocol. At the COP-5, held in Bonn in November 1999, the negotiators attempted to bring the treaty into force by 2002, or "Rio + 10", the tenth anniversary of the Earth Summit. But the Clinton Administration called for entry into force (EIF) "at the earliest possible date."[27]

The parties met in The Hague for COP-6 with the hope to soften the three-way gridlock among the US, the EU, and the developing countries in November 2000. They dealt with all the most contentious issues such as the emission trading, carbon sinks, and compliance mechanisms. The talks ended without any agreement where EU ministers commented that: "No deal is better than a bad deal."[28] The disputed issues are how much the size and role of sinks, how should be to interpret the "supplementary" restrictions on trading and joint implementation, and how to design compliance mechanisms.[29]

27 Dana Fisher, *National Governance and the Global Climate Change Regime*, Rowman&Littlefield Pub., Lanham 2004, p. 37-38.

28 Leonie Haimson, "Appendix A: Climate Change History", Stephen H. Schneider, et al., *Climate Change Policy: A Survey,* Island Press, Washington 2002, p. 526.

29 Warwick J. McKibbin-Peter J. Wilcoxen, *Climate Change Policy After Kyoto: Blueprint for a Realist Approach*, Brookings Institution Press, Washington 2002, p. 47-48.

In March 2001, President George W. Bush announced his decision to pull out of the Kyoto Protocol since it was "fatally flawed", and argued that it would damage the U.S. economy and have little chance to be ratified by the Senate.[30] Without an elephant (the world's largest emitter of GHGs) in the negotiation process, the nations of the world met again in Bonn for COP-6bis in July 2001. In this meeting, the EU showed unprecedented flexibility to get Japan's support for the EIF since it was still possible for the Kyoto Protocol to take effect without American participation. The Europeans accepted the unlimited emission trading and credits (carbons sinks) and softened the penalties for noncompliance. The Protocol would have come into force during this decade if it were ratified by 55 countries, which together represent 55 % of the 1990 emissions of the industrialized (Annex I) countries.[31]

The seventh COP-7 was held in Marrakech, Morocco in October and November 2001 with a renewed momentum in the air among many of the participants, from state delegations to members of environmental NGOs. Its objective is to refine the Bonn Agreements in three main areas: "principles, nature and scope" of the flexibility mechanisms, the accounting rules for sinks, land use changes, and forestry; and discourage noncompliance with an enforcement mechanism. When the Umbrella Group (a loose alliance of Annex I Parties) joined the consensus on the last two days of the negotiation, the Marrakech Accords were formulated at COP-7. The Umbrella Group includes Canada, Australia, Japan, the Russian Federation and New Zealand. The accords outlined detailed specification for many of the institutional and administrative aspects of the flexibility mechanisms. Moreover, countries may bank their credits

30 John Feldon, "The Black Hole in the Kyoto Protocol: Was the Exclusion of Black Carbon Regulation a "Fatal Flaw?"", *Sustainable Development Law&Policy*, 7(2), Climate Law Reporter Winter 2007, http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1242&context=sdlp, (Date of Accession: 18.07.2015), p. 60.

31 Joseph A. Camilleri, "Energy Governance in the Era of Climate Change", Luca Anceshi-Johathan Symons, eds., *Energy Security in the Era of Climate Change: Asia-Pacific Experience*, Palgrave Macmillan Pub., New York 2012, p. 262.

obtained from CDM and carbon sinks.[32] The level of detail was remarkable in some areas. For example, serial numbers were assigned for emission permits with exact specifications so that they cannot be sold twice.[33] But the agreement has failed to produce a viable mechanism for enforcement to control emissions.

In November 2002, 4300 participants gathered for COP-8 meeting in New Delhi, India. The main discussion revolved around the economic and ecological effectiveness for the North and equity and global solidarity for the South. The powerful developing countries won the discussions on broadening commitments for implementation of FCCC. The Delhi Declaration favored the southern perspective in which development and poverty eradication became cornerstones of the developing countries' participation in the Kyoto Protocol.[34] By June 6, 2003, the Kyoto Protocol had been signed by 84 countries and actually ratified by 58 countries, which represent 43.9 % of GHGs emitted by industrialized countries in 1990. In order to the Kyoto Protocol came into force, all other major emitters except the US should have ratified the Protocol. The US has accounted for more than 34 percent of Annex I emissions. The Russia has become a key actor in global climate change negotiations. The European Union has used carrots and sticks approach to force Russia to ratify the Protocol. It linked Russian acceptance to the World Trade Organization (WTO) to the Russian ratification of the Kyoto Protocol. It came into force on 16 February 2005 with the ratification of 193 countries.[35]



32 The Earth Negotiation Bulletin, 12(189), http://www.iisd.ca/vol12/enb12189e.html, (Date of Accession: 17.07.2015).

33 Gurmit Singh, *Understanding Carbon Credits*, Aditya Books, New Delhi 2009, p. 71.

34 The Earth Negotiation Bulletin, 12(209), http://www.iisd.ca/linkages/vol12/enb12209e.html, (Date of Accession: 17.07.2015).

35 Elisa Morgera, *The External Environmental Policy of the European Union: EU and International Law Perspective*, Cambridge University Press, Cambridge 2012, p. 125.

## MAJOR ACTORS: THE UNITED STATES (US), EUROPEAN UNION (EU) AND THE GROUP OF 77/CHINA

Climate change negotiations seem to involve around half a dozen coalitions, but to a large extent, three coalitions set the terms of the 1992 Rio Convention, the 1997 Kyoto Protocol, and the other five conferences of parties (COP) meetings between 1998 and 2002. The US is the key player with its 22 % shares of global fossil emissions. The negotiation position of the US has passed three stages. First, the Bush Administration (1988-1992) in 1992 pursued to prevent explicit targets and timetables in the Rio Convention. The Clinton Administration (1992-2000) supported the target-oriented approach and committed to the aim of stabilizing the GHG emissions at their 1990 level by 2000.[36] But the US at the Kyoto meeting had the goal of GHG emissions at 1990 levels by 2008-2012. In the third stage, the Bush Administration (2000-2008) pursued a hard bargaining strategy and even openly rejected the Kyoto Protocol in March 2001 soon after his presidency inauguration. President George W. Bush's aim is to slow the growth of emissions through domestic and voluntary action rather than reducing them through international cooperation.

The US has used some hard bargaining tactics and behaviors during the negotiations. First, the Byrd-Hagel Resolution passed the Senate by 95-0 before the Kyoto meeting. It mandated the Clinton Administration not to sign any agreement unless the developing countries adopt binding reduction targets. Similarly, President Clinton declared as a binding target

36 Paul G. Harris, "Climate Change: Is the United States Sharing the Burden?", Paul G. Harris, ed., *Climate Change and American Foreign Policy*, St. Martin's Press, New York 2000, p. 39; Tora Skodvin, *Structure and Agent in the Scientific Diplomacy of Climate Change: An Empirical Case Study of Science-Policy Interaction in the Intergovernmental Panel on Climate Change*, Kluwer Academic Publishers, Boston 2000, p. 198.

the 1990 level by 2008-2012 and "meaningful, but equitable commitment" from the developing countries.[37]

When we compare US objectives and the climate change deliberations, the glass is half full and half empty for the US. The FCCC provided voluntary not obligatory action and the Kyoto Protocol affirmed the importance of the market mechanisms (emission trading and credits) – as the US wanted. However, American concerns about both developing countries' participation and less tough restrictions have not been addressed during the COP negotiations.

The European Community (EC), unlike the ozone regime, has made an effort to play a leader role to reduce GHG emissions. In 1990, it agreed upon the stabilization of $CO_2$ emissions of the Community as a whole at 1990 levels by 2000.[38] Up until 1997, EC member countries have succeeded in internally developing a burden-sharing formula. In 1997, the EU, the only supranational entity, proposed the toughest policy target with the reduction of EU emissions of the three major GHGs ($CO_2$, $CH_4$, and $N_2O$). It also proposed a strong target, a 15 percent cut in GHG emissions below 1990 levels by the year 2010. The EU has introduced a "triptyque approach" in which each country mainly focused on its own measures and policies (vertical approach) and economic sectors across the EU has aimed for substantial emissions reduction (horizontal approach).[39] The Kyoto Protocol set a target of 8 percent reduction for the EU. The EU was opposed by the US on lower reductions and later timetables and on



37 Christian Downie, *The Politics of the Climate Change Negotiations: Strategies and Variables in Prolonged International Negotiations*, Edward Elgar Publishing, Northampton 2014, p. 80.

38 Nigel Haigh, "EC Climate Change Policies and Politics", Tim O'Riordan-Jill Jager, eds., *Politics of Climate Change: A European Perspective*, Routledge, New York 1996, p. 182.

39 Mikael Skou Andersen, "Regulation or Coordination: European Climate Policy between Scylla and Charybdis", Bernd Hansjürgens, *ed*., in *Emissions Trading for Climate Policy: US and European Perspectives*, Cambridge University Press, Cambridge 2005, p. 139-142.

the so-called European "bubble" where EU countries would agree to their overall emissions limitations and then reallocate those emissions among themselves. The Europeans have supported the demands of developing countries for special treatment in the form of new and additional financial and technological assistance.

Developing countries have influenced global negotiations by virtue of their sheer size. They are as heterogeneous as the developed countries; yet still created common positions and coalitions among themselves. The developing countries are assumed to be most vulnerable to climate change, yet they have almost no "control" over the problem since they contribute very little to global emissions (China is the exception). The negotiating bloc of developing countries basically is the Group of 77 (G77). In addition, the group of small island states formed an alliance during the early phase of the negotiations (Alliance of the Small Island States-AOSIS).[40] There are at least three major sub-groups among developing countries. First, the biggest developing countries, primarily China, India and Brazil, are expected to become the major GHG emitters during the next few decades. For example, China has already surpassed the US as the world's largest emitter of $CO_2$ in 2007 accounting for 8 % of total accumulated emissions.[41] The second sub-group is the major oil-producing countries that are concerned about the economic impact on their fossil-fuel related industries and markets. They have taken a position similar to the US that substantive reduction of carbon dioxide emissions should be postponed due to the scientific and economic uncertainties.[42] The third sub-group is the least developed countries (LDCs) that have a need for technology and financial transfers. As an autonomous coalition,

40 AOSIS has 44 States and Observers, http://aosis.org/members/, (Date of Accession: 19.07.2015).

41 Xiaolin Wang et al., "Quality of Growth and Poverty Reduction in China", *Springer* 2014, p. 6.

42 Paul G. Harris, "Climate Change and American Foreign Policy: An Introduction", Paul G. Harris, ed., *Climate Change and American Foreign Policy*, St. Martin's Press, New York 2000, p. 15.

AOSIS's concern is related to the detrimental consequences of rising sea level by global warming to these countries.

Despite divergent interests and positions, developing countries have managed to develop common positions. First, they agreed on the "common and differentiated responsibility" principle on the control mechanisms and "preferential treatment" and "additionality" principles on financial and technology transfers. Further, they also agreed that GHG emissions are reduced and developing countries contribute such reductions with the additional financial transfers.

Overall, the climate change negotiations are characterized by significant controversies within as well as between the developing and developed countries. In addition to the traditional differences between the North and the South, each coalition and group has been preoccupied with internal negotiations among themselves. The developed countries mainly negotiated over global restrictions on emission reductions with flexible mechanisms for their implementation. The total amount of GHG reductions was fixed, but the industrialized countries have bargained over the allocation of the commitments. Second, the North, especially the US delegation, has pushed hard for the commitment from developing countries such as China, India, and Brazil. Third, the South supports a punitive and legally binding compliance mechanism for the North and seeks to prevent any action, even "voluntary", from the developing countries. They also raise the concern about the emission trading, credits and sinks that the least developed countries (LDCs) will not meet their sustainable development needs such as food and energy security with purely market-driven mechanisms.

## CONCLUSION

This study contributes the study of climate change issues in general and the climate change negotiations in particular. It gives a brief

historical background about the main international environmental regime negotiation of the 20th and 21st centuries, the climate change negotiation. It is important to examine with a historical approach to the conference of parties (COPs) negotiations from 1995 to 2002. Also, this study is important because it briefly explains the important blocs of the climate change negotiations, namely the US, the EU, and the G-77/China. In order to understand the current climate change negotiation processes and outcomes, it is necessary to examine the pre- and post-Kyoto negotiations.

The COP11 in Montreal formally launched the post-Kyoto climate change negotiation in 2005. It adopted the framework/protocol approach for the future post-Kyoto agreements covering period after 2012. The lessons of the Kyoto Protocol approach suggest that the negotiating parties may two-track approach by bargaining two or more separate protocols in parallel. Post-Kyoto negotiations should re-construct consensual knowledge and problem-solving and re-distribute disputed issues (territorial, economic, human and cultural).[43] The 2009 Copenhagen Meeting which resulted in the Copenhagen Accord is an important turning point for the climate change negotiation. There was an agreement on regulations concerning emission cuts and set a 2 ºC target for maximum permitted average temperature increase in the atmosphere. The Marrakesh Accords were the starting point for the post-Kyoto period.[44] Therefore, it is important to analyze the negotiation positions of three important negotiating blocs (the US, the EU, and the G77/China) in the climate change negotiations before and after the Kyoto Treaty (1995-2002).



43 Gunnar Sjöestedt-Ariel Macaspac Penetrante, "Conclusion: Strategic Facilitation of Climate Talks", Gunnar Sjöestedt-Ariel Macaspac Penetrante, ed., *Climate Change Negotiations: A Guide to Resolving Disputes and Facilitating Multilateral Cooperation*, Routledge, London 2013, p. 426.

44 Joanna Depledge, *The Organization of Global Negotiations: Constructing the Climate Change Regime*, Earthscan, London 2005, p. 26.

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