

“Hopenhagen” to “Nopenhagen”? The Role of Public Expectation at the Copenhagen Summit.

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MARTIN MARK JONES, JUL 3 2011

The arrival of United States (US) President Barack Obama and over 100 fellow Heads of Government at the end of the 15th Conference of Parties[1] in Copenhagen (COP15) somewhat underlined Dunn's quip that diplomacy is “too important to be left to the diplomats” (Berridge, 2010) (Dunn, 1996, p.5).

It should not be understated the extent to which public expectation of a comprehensive, legally binding accord was raised in the run-up to COP15 (Paterson, 2009, p.140). The “rebranding” of the host city of Copenhagen to “*Hopenhagen*” for the duration of the conference testifies to the overt attempt at engendering a sense of expectation of the summit's outcomes (Death, 2011, p.8) (Dimitrov, 2010). Meanwhile, practitioners such as Ban Ki Moon[2] warned of catastrophic damage to people [and] to the planet” (Levi, 2009), the opening speech of Yvo de Boer[3] pressed the urgency of the task at hand (Death, 2011, p.8) (The Economist, 2009b), while the Maldives President asserted that failure at COP15 would be “suicide” (Nasheed, 2009).

However, the increasing prospect of such a “failure” at Copenhagen, prompted by difficulty in making significant advances in pre-summit negotiations, led many to readjust their discourse in advance of the summit from one of overt optimism to cautious pragmatism, presumably in an attempt to temper public expectation (Death, 2011, p.9). Ban Ki Moon's office's down-shifting of the significance of COP15 in late October 2009 (Charbonneau, 2009) followed public doubts raised by the Group of 8 (Becker, 2009) (China Daily, 2009) and the Obama administration (Chalmers, 2009) of the feasibility of a UN agreement at Copenhagen. Meanwhile, a more normative argument developed, with the practicality of a UNFCCC-negotiated agreement *per se* being cast in to doubt (Levi, 2009).

It is widely accepted that Copenhagen ultimately failed to live up to expectations (Christoff, 2010, p.638) (Garman, 2009) (Miliband, 2009) (The Economist, 2009a) (Traynor, 2010). This essay will examine the role of such expectation at COP15, arguing that the conclusion of Copenhagen's “failure” is largely unwarranted and contingent upon unrealistic expectations (Levi, 2009) of the diplomatic dynamics and political ripeness and subject-issue complexity of the summit.

Part 1. The diplomatic theory of negotiation at COP15

Diplomatically, COP15 was a somewhat hybrid event which warrants deconstruction. Before turning to examination of the issues raised at Copenhagen it may therefore be worthwhile considering the theoretical aspects underpinning the event.

As its name would suggest COP15 was technically a serial multilateral conference (The Economist, 2009b). However the somewhat unprecedented nature of the event as a grand-stand event in international relations and the high expectations of its outcome meant that its profile was raised more to that akin to *ad hoc* summitry (Berridge, 2010, p.172) (Death, 2011, p.7). With this in mind, for clarity, and consistent with relevant literature, the term

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“summit” will be used in this paper when referring to the COP15. With regard to the expectation of Copenhagen, this paper recognises the theoretical weakness of asserting the author’s perception of the summit as an accurate reflection of global perception. However it also recognises the methodological difficulty in examining inter-cultural subjectivity[4] and thus considers an extensive trans-cultural examination of perception of the summit beyond the scope of this paper.

Summitry

Closely associated with the rise in globalisation, the rise of modern summitry has coincided with a need to secure agreement in areas of high-politics (Dunn, 1996, p.5) (Reynolds, 2009, p.115). Given its recent escalation on the political agenda, Levi argues that the nature of climate change negotiation is such that it requires summit-level diplomacy (Levi, 2010) thus suggesting that the subject of climate change has attained somewhat the status of high politics in the international sphere.

It is important to note that the manifestation of such up-rating of a subject-issue which distinguishes the summit from the bi-lateral or multi-lateral conference is the personalisation of power (Reynolds, 2007, p.15). This is often seen as an opportunity to provide momentum and the political impetus to enable a successful conclusion of negotiations (Berridge, 2010, pp.67-68). The somewhat heroic shift in negotiation from the technical to the political level (Death, 2011, p.14) and inability for Heads of Government (HoGs) to defer decisions to “a higher authority”, as their subordinates would be able to claim, provides for greater scope as well as pressure for a deal (Berridge, 2010, p.164).

While the heroic practice of HoGs to break negotiating deadlocks is well documented[5], when considering the role of public expectation on COP15, one must note the theoretical downsides to such high-profile diplomacy such as playing to the gallery that summitry encourages (Berridge, 2010, pp.164-165, 175) (Death, 2011, p.5) (Furedi, 2009). Tim Grosser[6], went further, criticising the expectation that summitry can push the envelope of negotiations – questioning both the assumption that HoGs are able to reach agreement where professional diplomats or negotiators fail and the assumption that fear of failure, exacerbated by the high-profile nature of summitry, will produce a result that will not otherwise have materialised (The Economist, 2009c). In doing so, citing several rounds of summit-level trade negotiation that have fallen short of expectations in such circumstance, he provides a powerful empirical critique of an otherwise attractive theory.

The need to hold a summit suggests a degree of sub-optimality with the status quo. Thus, a Foucauldian analysis of summitry, as structural or super-structural devices, when applied to a notion of sub-optimality implies that a perceived change in the incumbent balance of power is necessary in order for the process to be deemed a success (Death, 2011, p.5). Such a reflection is important when considering the validity of the perception that Copenhagen was a failure.

Furthermore, the highly structuralist expectation that a satisfactory agreement would be reached in the fundamentally *inter-governmental* UNFCCC fails to note the value of governance through informal networks, both state-centric and permeated by non-nation state actors or civil society (Death, 2011, p.5) and thus risks condemning as a failure otherwise valid outcomes.

While “pre-cooking” negotiations can usually reduce summits to rubber-stamping photo opportunities (Berridge, 2010, p.175) (Chasek, 2001, p.26) (Death, 2011, p.6) (Formerand, 1996, p.365) (Seyfang & Jordan, 2002, p.19), the failure to reach substantial agreement in advance of Copenhagen significantly increased time-pressures at the summit itself. The empirical manifestation of this, a circumventing of the all-party UNFCCC in preference of the small-party US+ BASIC[7] “Copenhagen Accord” represents one reading of the dynamics behind the perceived “failure” of Copenhagen (Berridge, 2010, p.175).

Deadlines

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Agreement at Copenhagen was not a strict necessity since COP15 was only one in a series of conferences of parties to the UNFCCC. However, as Berridge observes, artificial deadlines and the positive diplomatic momentum they created increase the necessity a comprehensive agreement (Berridge, 2010, p.58). Thus, given the exaggerated pro-agreement, publically announced pre-summit discourse detailed above, failure to meet the expectations that such discourse engendered may still serve to threaten a near-mortal blow to the credibility of those conducting such negotiations. The vanity of HoGs should not be under-estimated here and thence neither should the pressure to avoid such an outcome (Berridge, 2010, p.164).

However, while Copenhagen was a largely artificial deadline, it was, in certain respects, also a practical one – as the UNFCCC sought to conclude agreement on a successor to the Kyoto Protocol to the UNFCCC, due to expire in 2012 (Christoff, 2010, p.637). Unlike the Bush Administration, which was vehemently opposed to the Kyoto Protocol, US President Obama was seen as sympathetic to an agreement and thought more representative of a more inclusive political viewpoint. In spite of clear domestic opposition on the Right to such an agreement, having recently taken office with a mandate for action on climate change, the moment was thus perceived to provide a degree of “ripeness” for a global deal.

Part 2 – Case Study of COP15

This section will contend that the public condemnation of Copenhagen as an “incredible disaster”[8] is largely a function of unrealistic expectations and a misperception of the ripeness of COP15 for the agreement many had expected. In doing so, it will examine the realpolitik of the summit, arguing that several factors produced a climate whereby conditions for maximalist accord were far from ripe.

Despite the attempted readjustment of discourse and expectation of the outcomes of COP15 prior to the summit’s inaugural session, including the UN Secretary general’s office openly talking of post-Copenhagen talks (Charbonneau, 2009), there is clear evidence that several key actors continued to push for a maximalist UNFCCC agreement throughout the course of the summit. The island state of Tuvalu became an unlikely poster-child for the developing-world bloc and civil society when it called for a binding agreement, as opposed to the political agreement that had been expected for the preceding weeks (The Economist, 2009b). Faced with the prospect of the summit failing to produce the outcome many had hoped, non-governmental organisations (NGOs) organised high-publicity actions to draw attention to the more obstructionist states in plenary (The Economist, 2009b), pressure which Ed Miliband[9] considered key in securing the eventual Copenhagen Accord (Miliband, 2009).

Unrealistic expectation of UNFCCC as a forum for accord

As discussed above, the expectation of a legally binding, treaty-like agreement negotiated between states and within the framework of the UNFCCC represents an assumption of validity and satisfaction which is inherently structural, myopic and flawed.

As an “issue”, the multi-faceted complexity of climate change provides theoretical and political difficulty in negotiating governance frameworks even between a limited number of states (Vogler, 2008, p.362) (Bulkeley & Newell, 2010, p.2). However, the UNFCCC is criticised by many as “inherently unwieldy” as a negotiating forum for climate governance (Levi, 2009) and perceptions which limit valid outcomes exclusively to such a forum risk myopia (Christoff, 2010, p.638) (Death, 2011, p.3).

The operation of one-vote-per-country plenary sessions under a condition of zero-sum unanimity fails to take account of the common but differentiated responsibility and costs of climate change and is not without its critics (Levi, 2009). Zadek condemns such efforts as a “fool’s errand” (Zadek, 2011) while Death questions the centrality of the assumption of the summit as a negotiating sphere for climate change (Death, 2011, p.13) and Miliband has called for “major reform of the UN body overseeing the negotiations” (Miliband, 2009).

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Realpolitik

The risk of circumventing Realist considerations is especially important in appreciating a second reading of why the UNFCCC failed to provide the maximalist agreement many had preferred to the oft-criticised Copenhagen Accord[10] that eventually emerged.

Such Realist tensions were exemplified by US negotiator Pershing's comments that, in COP15, the US was “not really worried what Chad does” (Death, 2011, p.10). As such, it is argued that more powerful countries are only willing to accept the procedural banalities of the UNFCCC in so far as it does not pose a threat to their vital national interests (Death, 2011, p.10) (Krasner, 1982). Of course, such a structuralist approach often overlooks the power-magnifying attributes that lead smaller countries, both metaphorically and physically, to insist upon the multilateralism that the UNFCCC represents as a negotiating sphere.

The Copenhagen Accord[11], negotiated primarily between the BASIC countries and the US, which emerged to the surprise of many excluded parties can be seen both as an eleventh-hour attempt to mitigate the risk of an agreement-less failure and a pragmatic affirmation of efforts to moderate the carbon-intensifying urges of major emerging countries.

Hegemonic stability theory would suggest that any regime need be supported/tolerated by the Hegemon (Stokke, 1997, p.39). Although the existence of a Hegemon is contested today[12] (G0), the perceived weakening of the Kyoto Protocol from the non-ratification of USA, attributed largely to domestic pressures and an unsympathetic Senate, and the empirical need to include rapidly industrialising states such as China and other BASIC countries in any valid agreement need be considered. To this extent, in any consideration of what constituted realistic expectations at COP15, it is instructive to consider the negotiating positions of the US and of China, neither country of which was a party to the Kyoto Protocol and both of which were seen as key to the success of any accord, political or legal, at Copenhagen.

China

Formally still a developing country in the UNFCCC, the geo-political rise of China has led to internal expectations that its government protect the right to develop of its country's economy tempered by external concerns that such a rise, un-tempered and carbon-intensive, would prove catastrophic for global efforts to mitigate climate change (Christoff, 2010, p.644). As such, Miliband recalls that China proved obstructive throughout the main plenary, despite support by the “vast majority” of developing and developed countries for mandatory emissions reductions (Miliband, 2009). Christoff notes that, interestingly, “China's public negotiating stance did not vary prior to or at Copenhagen” (Christoff, 2010, p.647) and had no intention to do so (Christoff, 2010, p.649). Such an insight suggests that a maximalist agreement will have been impossible and thus renders moot a consideration of the apparent failure of negotiations.

USA

A consideration of the domestic constraints on the US negotiating position is equally instructive. Despite entering the White House atop a somewhat euphoric wave of global expectation, Obama was as constrained by domestic pressures as was Chinese Premier Wen. As Obama's plenary speech underlined, the US President's international actorness is often significantly restricted by a constant need to consider domestic audiences and the perception that any actions may carry (Obama, 2009). Thus, global civil society actors significantly over-estimated the extent to which Obama, and thence the US, could engage in actions which may be perceived domestically as weakening its relative world status, especially were this to be to the exclusion of potential competitors who were unwilling to make such concessions (Carrington, 2010) (Garman, 2009). As such, there appeared to be a remarkable disparity in

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public expectations of a ripe moment for a climate deal under Obama and the domestically-feasible room-to-manoevre away Bush II-administration policies (Christoff, 2010, pp.649-51).

Part 3 – Conclusion

In conclusion, one can assert that the 15th Conference of Parties to the United Nations Framework Convention on Climate Change at Copenhagen absolutely failed to live up to much of the public expectation raised of it in advance of the summit. However, three main caveats accompany such a damning conclusion.

Firstly, the Copenhagen Agreement which eventually emerged to round condemnation (Furedi, 2009)(Revkin & Broder, 2009)(Traynor, 2010) (The Economist, 2009a) (Zadek, 2011) produced little in terms of a change in the global economic balance of power. This, as was noted, can be attributed in part to the significant domestic constraints imposed upon China and the USA. However, it is interesting to note the shift of the dynamic of negotiation from inclusive multilateralism to the exclusionary practice that the emergent US+ BASIC climate group represents, a dynamic which somewhat problematises conventional assumptions relating to economic hegemony.

Secondly, such a re-affirmation of the pre-Copenhagen status quo also betrays part of the fundamental problématique of climate change as a multi-issue polemic. It should be remembered that climate change, the holistic political, ethical and economic questions that underpin it and thus the diplomacy that is required to mitigate the pressures produced by it is quite unlike any other subject of international concern ever encountered by humankind. The emergent climate change regime is far more complex than Bretton Woods or the Nuclear Non-Proliferation treaty. The Accord, eventually signed by 141 countries[13], provided the foundation upon which the Cancun talks later built.

Finally, expectation of a UNFCCC-centric agreement and seeming exclusion of extra-UNFCCC agreements as invalid is theoretically weak, inflexible and unrealistic of political, diplomatic and economic pressures that the mitigation of climate change produces. While it can be said that a modification of the modus operandi of the UNFCCC to mitigate apparent realist tensions underlying climate change may help the cause of multilateralism, it does little to encourage solidarity, engender an *esprit de corps* and address the inverted climate pay-offs which see the weakest countries suffer greatest from climate change (Christoff, 2010, p.643).

It can be said that the expectations at COP15 were not so high that they were unattainable. However, domestic pressures in key countries, procedural difficulties, insufficient pre-cooking and the “ClimateGate” scandal certainly play a role in explaining the failure to reach what many would have considered a satisfactory deal. However, summits remain important, if imperfect, spheres for inter-national diplomacy and the presence of HoGs, under pressure from public expectation, did appear to have a role in forcing through a sub-optimal deal – preferred by most to no deal at all (Dimitrov, 2010, p.22) (The Economist, 2009a) (Miliband, 2009) (Levi, 2010).

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[1] Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC)

[2] UN Secretary General

[3] Executive Secretary to the UNFCCC

[4] Cf. *The Civic Culture* (Almond and Verba, 1963)

[5] Cf. The European Council; (Cini, 2007) (Berridge, 2010)

[6] New Zealand Minister for Trade during Copenhagen

[7] Brazil, South Africa, India and China

[8] Comment attributed to Herman Van Rompuy, President of the European Council (Traynor, 2010).

[9] United Kingdom Energy and Climate Change Secretary at Copenhagen

[10] For the first reading, see above footnote 8.

[11] See http://unfccc.int/meetings/cop_15/copenhagen_accord/items/5262.php

[12] See, for example, The Eurasia Group's notion of the G-Zero <http://eurasiagroup.net/>

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[13] Before the January 31st 2010 deadline.

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