

One Long Day in Copenhagen*

Shyam Saran

At the Copenhagen Climate Summit, no country could set aside its selfish interests to set up a robust framework for global collaboration to deal with the elemental threat staring humanity in the face. Neither the developed industrialized countries nor developing countries like India were able to rise above their narrowly defined and near-term interests. Instead, the negotiations had a competitive dynamic, each country yielding as little as possible and extracting the maximum. It was inevitable that this would lead to a least-common-denominator outcome, and that is what happened with the Copenhagen Accord (United Nations Framework Convention on Climate Change [UNFCCC] 2010). ...

En route to the airport, I received a call from the Prime Minister's Office (PMO) telling me that the Chinese premier, Wen Jiabao, had requested a meeting with him on the sidelines of the summit. ...

* This chapter is reprinted with permission from Shyam Saran. 2017. *How India Sees the World: From Kautilya to the 21st Century*. New Delhi: Juggernaut.

When he asked for my views before a response was conveyed to the Chinese, my instant reaction was that he should agree. ...

I insisted on the meeting because of the recent strains in India–China relations. There had been incidents at the border and the Chinese had reacted negatively, even threateningly, to the tour of Arunachal Pradesh by His Holiness, the Dalai Lama as well as to our prime minister's own visit to the state later in the year. The proposed meeting in Copenhagen, I felt, would help in reducing some of the prevailing tensions. It would also strengthen coordination among Brazil, South Africa, India, and China—the BASIC group—at the climate summit. ...

Soon after the flight took off, Foreign Secretary Nirupama Rao and I were summoned to the prime minister's cabin. He was not enthusiastic about meeting Wen Jiabao and was apprehensive that contentious issues like Tibet would be raised. ... My own feeling was that the Chinese premier wanted India's support, as a member of the BASIC group, against what was turning out to be a concerted effort by the United States (US) and its Western allies to isolate China at the climate summit.

This was a big change from our experience of the previous two years, when China was projected as the poster boy for tackling climate change, while India was pilloried for being 'recalcitrant' and 'obstructionist'. The irony was that the Chinese were often taking more hard-line positions than we were in the negotiations. ...

One witnessed a change in the West's attitude towards China soon after Obama's first official visit to China as US president in November 2009. Instead of inaugurating what the Americans believed would be a new era of 'strategic trust' and cooperation between the established and the rising power, the Chinese treated the visitor as a supplicant. ...

American eagerness to construct a positive narrative of US–China relations may have led the Chinese to believe that the US was in a weak and vulnerable position and that this was China's opportunity to press its advantage politically and psychologically. But the Chinese had made a miscalculation, and US anger surfaced soon afterwards, in the run-up to Copenhagen. And it had its impact on Indo-US relations too.

Prime Minister Manmohan Singh visited Washington later that same November, shortly after Obama's China visit. Much pomp and

ceremony surrounded the visit, intended to assuage Indian concerns over the growing alignment in US–China relations. The special attention shown to our prime minister was in the nature of a consolation prize. Behind the scenes, the new US administration did not accord India the same priority as the previous one. ... There was, moreover, considerable unhappiness at the inclusion of a paragraph about South Asia in the US–China joint statement (Administration of Barack Obama 2009: 1707):

The two sides are ready to strengthen communications, dialogue and cooperation on issues related to South Asia and work together to promote peace, stability and development in the region.

During the preparations for the Indian prime minister's visit to Washington, the US side also played hardball, insisting that India align its negotiating position at Copenhagen with the US, believing perhaps that China would drift away from BASIC. There was a video conference on 11 November between Obama's chief economic advisor of the time, Lawrence Summers, and his climate envoy, Todd Stern, on the US side and Planning Commission deputy chairman, Montek Singh Ahluwalia, and myself on the Indian side. Summers adopted an overbearing and threatening tone, virtually demanding India's alignment with the American position and a reflection of this in the joint statement. My suggestion that we should only have a general statement committing the two countries to work for a successful outcome at Copenhagen was summarily rejected.

But the prime minister's Washington visit turned out to be more substantive and positive than expected, thanks to the Chinese overplaying their cards. Much of the visit was devoted to an exchange of notes on the China challenge.

This must not have gone unnoticed in Beijing, and the request for a meeting between the two leaders at Copenhagen was probably related to this change in the geopolitical equation. Also, rightly or wrongly, the Chinese were worried at what they saw as a shift in the Indian position on climate change indicated by recent statements from India's environment minister, Jairam Ramesh, who had sought to introduce a degree of flexibility in India's negotiating brief.

Our delegation arrived in Copenhagen on the evening of 17 December, and Jairam Ramesh reached the hotel to brief the prime minister on the results of the ministerial segment he had been attending. The Danish chairman had circulated a draft of the Copenhagen declaration, which would be in the nature of a political declaration, and this was to be discussed at an informal meeting that same night among a Friends of the Chair group of twenty to twenty-five leaders. ...

A draft of the possible outcome document was circulated and was then considered paragraph by paragraph. The formulations deviated substantially from the BASIC group's positions. While there was consensus on limiting global temperature rise to 2°C, the European countries also wanted to include a target of reducing global greenhouse gas (GHG) emissions by 50 per cent by 2050. This was accompanied by an offer from the developed countries to reduce their own emissions by 80 per cent by the same date. The implicit assumption was that the developing countries would also have to achieve absolute reductions in their emissions by at least 20–5 per cent by that date to meet the 50 per cent reduction target for global emissions.

China, Brazil, and India, predictably, opposed this proposal. There was a sharp reaction from the European countries. They alleged that this opposition could jeopardize the interests of other developing countries for which the developed world was ready to provide US\$100 billion in climate-related finance by 2020. At one stage, Jairam Ramesh suggested that the 50 per cent target could be included so long as it was linked to the equity principle. But this was categorically rejected by the Chinese delegate. By now we knew that without its substantive content being spelt out, equity would be a mere slogan.

The Europeans then suggested that while the global goal of 50 per cent reduction in global emissions could be omitted, there should continue to be a reference to the developed countries' commitment to reduce their own emissions by 80 per cent by 2050. This too was opposed by the Chinese, who argued that inclusion of this target, along with the 2°C temperature limit, would again imply that the balance reductions would have to come from developing countries. There was a storm of protest from the Western leaders.

Another controversy erupted over the treatment of voluntary mitigation actions by developing countries. This was sought to be put in the same category of commitments as those of the developed countries and subjected to some form of international verification. This would have blurred the distinction between developed and developing countries, whose obligations are as different as their entitlements in the UNFCCC.

The final controversy was over the legal nature of the 'agreed outcome'. The Western countries wanted a specific reference to a legally binding outcome. India and other BASIC countries insisted that the nature of the outcome be determined by the content of the agreement and not be prejudged.

The discussions were still in progress when I left to cover our prime minister's meeting with his Chinese counterpart at 8 a.m. at the hotel. ...

Wen Jiabao welcomed the prime minister, saying he regarded Dr Singh as his 'guru' and a wise elder brother. He said he wanted to acquaint the prime minister with the very disturbing developments that had been taking place over the 24 hours he had been in Copenhagen. The US and the West European countries had been working conspiratorially to cook up an outcome behind China's back. He had not been invited by the Danish chairman to the informal Friends of the Chair meeting (convened by the chairman) after the formal banquet the previous night. His vice foreign minister, He Yafei, had gone instead. It had been reported to him that the Danish draft was completely against the consistent positions held by the BASIC group. Wen requested our prime minister to extend support to China against this well-orchestrated Western attempt to undermine the UNFCCC and to openly attack the interests of developing countries.

Our prime minister suggested that the leaders of the BASIC group meet informally before the plenary to coordinate their positions, and Wen Jiabao welcomed the suggestion.

There followed an interesting exchange on India–China relations. Wen recalled that during his visit to India in April 2005, the two leaders had agreed to a strategic and cooperative partnership, and that their bilateral relations had acquired a global dimension. India–China cooperation was necessary to safeguard their respective

interests as well as the interests of developing countries on several global and regional issues. The Chinese premier added that China would never harm India's interests and recognized India's leadership role in South Asia.

Then he made an extraordinary assertion. He acknowledged that his 'Indian friends' had been unhappy with the reference to South Asia in the China-US joint statement issued after Obama's visit to Beijing in November (from which I have quoted above). He said he wanted to clarify that the formulation was not China's but put there by the US side! He again emphasized that China would not interfere in South Asia and harm India's interests.

Whether this was true or not, it certainly put India-China relations thereafter on an even keel for a period, and Wen made a successful visit to India later in 2010. ...

Just before the plenary began, the BASIC leaders—Premier Wen, President Lula of Brazil, President Zuma of South Africa, and our own prime minister—met in the delegates' lounge. This was the very first such meeting of the BASIC leaders. In the brief exchange, each of the leaders criticized the conduct of the Western countries and the partisan role played by the Danish chair. They deplored the attempts to create a division between the developing countries and the BASIC countries. More importantly, they agreed that their negotiators would work in close consultation and coordination, holding firmly to the well-known BASIC positions on outstanding issues. They also agreed that the leaders should not be expected to engage in negotiating the outcome draft. ...

Meanwhile, the Friends of the Chair had completed the first reading of the draft put forward by the Danish hosts. There had been no consensus and the chairman had agreed to prepare a fresh draft for consideration, taking into account the deliberations held in the early hours of that morning. ...

Jairam Ramesh had apparently been engaging in consultations with several of the leaders and their aides. When we reassembled, he handed me the fresh draft document and requested me to handle the negotiations as he had to meet and brief our prime minister. The draft was deeply problematic, and I pointed out to him that several of the formulations would be unacceptable to the BASIC group. He said that nothing had been agreed in the informal consultations and everything

was ad referendum. I could seek amendments as we deemed fit. For the rest of the session, it was Ambassador Chandrashekhar Dasgupta and I who engaged in what proved to be difficult, unpleasant, and acrimonious negotiations.

The points of contention were no different from those raised in the morning session. The goal of 50 per cent reduction in global emissions was retained, along with the 2°C temperature rise limit. I immediately objected to it. Gordon Brown accused the Indian delegation of bad faith, insisting that Jairam Ramesh had agreed to the formulation in the morning. Merkel also chimed in, saying that positions agreed in consultations among leaders should be respected.

I explained that the 50 per cent target carried the implicit assumption of substantial emission reductions by developing countries without any indication of the financial resources and technology transfers necessary to enable such mitigation action by them. I also pointed out that such expectations were in complete contradiction to the overriding objective of poverty eradication and social and economic development, which was recognized without qualification in the UNFCCC.

Once again, as they had in the morning session, the West Europeans insisted that along with the 2°C temperature rise limit, the commitment of developed countries to reduce their own emissions by 80 per cent by 2050 should be recorded in the document. I had to point out that this would not be acceptable for the same reason, that is, it implied that the developing countries would have to contribute the balance of absolute emission reductions required to attain the global temperature goal; they could not take on this commitment without a clear and definitive indication of the financial and technological resources available to them under the proposed climate regime.

Subsequently, I had to repeat these arguments for President Obama, who came in later and demanded to know why India was saying no to every proposal without offering any alternative. After hearing me out, he said he understood our position but could not agree with it.

The discussion then moved on to the issue of transparency. Obama insisted that the voluntary mitigation actions by developing

countries should be in accordance with international guidelines and subjected to international evaluation. While developed and developing countries may have differential commitments, the same legal template should apply to all.

Here, again, I had to point out that the obligations and entitlements of developed and developing countries were clearly differentiated in the UNFCCC. This was the essence of the principle of common but differentiated responsibilities and respective capabilities, or the so-called CBDR principle, enshrined in the agreement. I added that developing countries were ready to use their already existing responsibility to provide details of their climate action as part of their National Communications (NATCOMs). This could be made more detailed and more frequent, but it was not the same as the evaluation of absolute emission reduction obligations of developed countries.

This set off another storm in the room, with Sarkozy accusing India and the 'emerging big countries' of indulging in a charade. He went on to threaten to expose the obstructions posed by them, adding that if agreement could not be reached on the global goal and transparency, no money would be available for poorer countries. He added for good measure that it was because of these 'big countries' that the Maldives and Bangladesh would be deprived of the money they would otherwise have received from developed countries.

There was a subsequent discussion on finance. The Mexican president proposed a Green Climate Fund, which could be subscribed to ... on the basis of accepted criteria. There were some queries about whether major developing countries would also contribute funds. I pointed out that it was the legal responsibility of the developed countries to provide both finance and technology to developing countries to enable them to undertake climate action. Developing countries had no such obligation. This was greeted by much smirking among Obama, Gordon Brown, and Sarkozy.

It was during this session that the developed countries agreed to provide US\$10 billion a year for three years, from 2010 to 2012, to the least developed countries (LDCs), Small Island Developing States (SIDS), and African states. A firm commitment from the developed countries to provide US\$100 billion by 2020 was shot down by Obama, who said that the term used should be 'mobilize' rather than

‘provide’. He said he could not make a firm commitment without US congressional approval.

When Ambassador Chandrashekhar Dasgupta was occupying the Indian chair and taking part in the drafting, Sarkozy, at one point, shouted that leaders should not have to negotiate with ‘junior officials’. Ambassador Dasgupta reacted strongly to this, pointing out that he was representing India and his credentials should not be questioned. Sarkozy did subside after this, apologizing for his remark.

I left the negotiating room soon afterwards to brief the prime minister, and also to prepare for our departure that evening for Delhi. It was already past five in the evening, and it seemed unlikely that an agreement would be reached in time for a closing plenary, when we received a message that Wen Jiabao was requesting an urgent meeting with our prime minister. He had also invited the other BASIC leaders to the meeting to take stock of the day’s deliberations. ...

Wen Jiabao welcomed his fellow leaders and said he wanted to discuss the manner in which BASIC should handle the impending failure of the summit, which the developed countries would squarely blame on the BASIC countries. He suggested a coordinated strategy to deal with the negative fallout. He also said the US president had asked to see him before his departure, and the meeting with him had been set for 7 p.m. So, he also wanted advice on what he should convey to the US president.

An inconclusive discussion followed on what the BASIC leaders should say about the summit. It was agreed that while regretting the failure of the summit, a commitment to continuing the negotiations should be conveyed to the international community. It was also agreed that BASIC needed to strengthen their consultations and coordination in the negotiating process. The leaders agreed with the positions taken by their negotiators in the Friends of the Chair meeting. Wen was asked to convey all these points to the US president.

It was at this juncture that President Obama arrived at the glass door of the conference room, accompanied by Hillary Clinton and other senior aides. The deputy National Security Advisor (NSA) for economic affairs, and later the US trade representative, Mike Froman was there, as was Todd Stern, the US special envoy on climate change.

Obama called out to Wen Jiabao from the door, asking whether he should come in or wait for the meeting to conclude. Wen Jiabao looked questioningly at his counterparts, who readily agreed to invite the US president to join the discussions. Obama was invited to sit next to Zuma. The room had become very crowded, and several accompanying aides had to stand.

The US president began by saying that a failure of the Copenhagen summit would be a very serious setback and every effort should be made to salvage it. He said most of the proposed Copenhagen Accord had been agreed on except for the impasse on a few remaining issues. For the US, the issue of international review of mitigation actions undertaken by developed and developing countries was most important, he said. For him to persuade the US Congress to approve significant financing for developing countries, the transparency of action taken by all parties was crucial. He conveyed that if acceptable language could be found on this issue, then the accord could be saved. If not, he was prepared to go ahead with an agreement with those willing to join the accord. The rest would have to explain to the world why they were standing outside the agreement.

Wen Jiabao conveyed the willingness of the BASIC countries to record their voluntary actions in their respective NATCOMs, which could meet the transparency objective. However, Obama said this would not be sufficient. He suggested an attempt be made to find some acceptable language. He asked Mike Froman to consult with the representatives of the BASIC leaders to see if a compromise could be reached. Froman was joined by He Yafei from China, Jairam Ramesh from India, Luiz from Brazil, and Alf Wills from South Africa. They went into a huddle in a corner of the room while the leaders continued to discuss other issues. After about ten minutes, the group returned with the formulation 'technical analysis and assessment' as applicable to developing country mitigation actions to meet the transparency criterion.

Obama was not satisfied with the wording and wanted a stronger, more explicit, formulation. After some further back and forth, he suggested the phrase 'international analysis and assessment', but the Chinese looked sceptical. At this point, Jairam proposed 'international consultations and analysis', which Obama seemed inclined to

accept. He turned to Wen Jiabao to ask whether the latest formulation would be acceptable to China. Wen Jiabao, in turn, looked around to see if the others had any reservations. When the other leaders kept their counsel, he nodded his head in assent.

It was at this point that all hell broke loose. Xie Zhenhua, China's chief climate negotiator, who had been following the exchange with increasing distress, got extremely agitated and began to loudly and angrily berate his own premier. Since I knew Mandarin, I could broadly follow what he was saying. Xie wagged his finger at Obama, exclaiming that the American president had brought nothing to the table and was making outrageous demands on China. He then banged the table with his fist and warned his premier against accepting any compromise that would be akin to selling out the country. Obama asked Wen Jiabao's interpreter to translate what Xie was saying. She was extremely flustered and said she could not translate what had been said. Wen Jiabao sat impassively and did not retract his acceptance of the compromise formulation.

Xie's outburst was most unusual and unexpected. For an official to angrily disagree with his own premier in public would be unthinkable in any country, and more so in an authoritarian and strictly hierarchical system like China's. However, Xie continues to serve as China's chief climate change negotiator to this day and does not seem to have been taken to task for his public outburst at his premier at Copenhagen.

Having pocketed what he had been looking for, Obama proceeded to sell his European allies down the drain. He agreed to have all references to the 50 per cent reduction in global emissions dropped from the final draft outcome document as well as the reference to the developed countries' commitment to 80 per cent emission reduction by 2050. He also agreed that there need not be any reference to a legally binding outcome that the European countries had been insisting upon. He then left to consult with his allies still waiting in the main negotiating room. After about twenty minutes, he emerged to announce to the gaggle of American and international press: 'We have a deal.'

For a leader representing a country that had brought nothing to the negotiating table, this was indeed a public relations coup. The Europeans were given no opportunity to demur.

Earlier when we were exiting the small conference room after Obama's departure, Xie Zhenhua, whom I had worked with closely during the past two years, came up to me, held my hand and declared with barely concealed frustration: 'The UNFCCC and the Kyoto Protocol have been buried at this meeting and we will learn to regret this day.'

The process of attrition and systematic hollowing out of the UNFCCC had begun. The Paris Agreement of 2015 represents the culmination of the dismantling exercise. And India dare not acknowledge that it has been complicit in it.

References

- Administration of Barack Obama. 2009. 'Joint Statement by the United States of America and the Republic of China', 17 November. Available at <https://www.gpo.gov/fdsys/pkg/PPP-2009-book2/pdf/PPP-2009-book2-doc-pg1702.pdf>.
- United Nations Framework Convention on Climate Change (UNFCCC). 2010. 'The Copenhagen Accord', Decision 2/CP.15, FCCC/CP/2009/11/Add.1, p. 4.