

GETTING BEYOND THE LOWEST COMMON DENOMINATOR: Developing Countries in Global Environmental Negotiations

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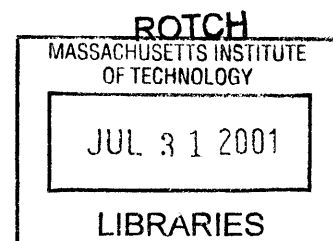
Submitted to the Department of Urban Studies and Planning
in partial fulfillment of the requirements for the degrees of

**Doctor of Philosophy
in International Environmental Policy**

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Submitted to the Department of Urban Studies and Planning
on April 24, 2001, in partial fulfillment of the requirements for the degree of
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at the Massachusetts Institute of Technology.

ABSTRACT

This study explores the collective negotiation behavior of the developing countries of the South in international environmental politics. The so-called 'South'—represented in global negotiations by Group of 77 (G77)—is an unwieldy and unlikely collective made up of over 130 countries displaying dramatically different economic conditions, ideological persuasions, political systems and geographic features and environmental endowments. Yet, for over 30 years now, the collective has demonstrated remarkable resilience in the face of internal divisions as well as external threats. Although sometimes described as an economic collective 'of the poor', the South is, in fact, a political collective 'of the marginalized'. Its resilience stems from its member's strongly shared sense of exclusion from the international system and their collective desire to change the 'rules of the game'. This resilience, however, has often come at the cost of having to slip into 'lowest common denominator' positions.

In following an 'asymmetrically prescriptive-descriptive' research approach, this study seeks to explore the nature of the 'South' as a negotiating collective and understand why it tends to slip into lowest common denominator positions. The study uses the case of global negotiations on the Desertification Convention and twelve experimental runs of a simulation-game (The Chlorine Game; conducted in four countries, with 191 players of 59 different nationalities). The case-experience and the experimental results are analyzed using a heuristic framework developed to explore and explain strategic options available to collectives in international multilateral negotiations. Descriptively, the study concludes that the South tends to negotiate as a 'behavioral alignment' maintaining a relatively broad issue focus and investing relatively little in the internal organization. While this explains its 'lowest common denominator' tendency, it is nonetheless an understandable strategy given the South's chronic lack of resources and diversity. Prescriptively, the study suggests that the most desirable results for the South are likely to be in 'coalition mode' where the collective moves towards increased internal coordination and a more specific issue-focus. This will require concerted investment in more meaningful South-South negotiation prior to North-South negotiations and in the internal organization of the G77.

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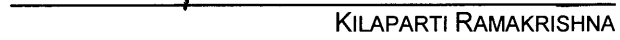
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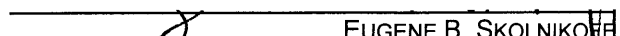
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I had always thought that this would be the easiest page to write. Like just about everything else about this dissertation, I was far too optimistic in my estimations. Although writing these particular paragraphs is, indeed, the most pleasant of duties; it is by no means an easy exercise. As I look back at the sometimes painful but always enriching journey that has brought me to the conclusion of my doctoral studies, I can honestly say that there is probably not a single paragraph in this rather large volume that has not in some way benefited from the wisdom, advice, experience, insight and the good humor of countless teachers, colleagues, friends and (in the last few years) students. Time, space, memory, and the complex ways in which learning happens, make it difficult for me to acknowledge the far too many of those who have influenced and inspired these pages. Yet, I do wish to extend a heartfelt word of gratitude to all my unnamed mentors. I wish to do the same to all the scholars whose writings opened doors for me that I did not even know existed, and to all the practitioners who guided me through the intricate maze of how the international system works.

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CONTENTS

Dissertation Title and Approval Form	1
Abstract	3
Dissertation Committee Approval	5
Acknowledgements	7
Contents	9
Glossary	15

Chapter # 1

Introduction	17
1.1 Research Question	18
1.2 Research Approach	20
1.3 Plan of Study	23
1.4 Beyond the Research Question	24

Chapter # 2

Collectives in International Multilateral Negotiations	29
2.1 International Multilateral Negotiation	32
<i>2.1.1 – Bilateral versus Multilateral</i>	<i>34</i>
<i>2.1.2 – The ‘Fundamental’ Difference</i>	<i>38</i>
2.2 Dimensions of Complexity	43
<i>2.2.1 – Complexity Related to Parties</i>	<i>44</i>
<i>2.2.2 – Complexity Related to Issues</i>	<i>48</i>
<i>2.2.3 – Complexity Related to Process</i>	<i>51</i>
<i>2.2.4 – Managing Complexity</i>	<i>56</i>
2.3 Role of Collectives	58
<i>2.3.1 – ‘Collective’ Confusions</i>	<i>60</i>
<i>2.3.2 – Coalition Lessons</i>	<i>66</i>
<i>2.3.3 – Alliance Lessons</i>	<i>70</i>
2.4 Organizing the Learning	75
<i>2.4.1 – Thinking ‘Collectively’</i>	<i>75</i>
<i>2.4.2 – Conceptualizing Collectives: Definitions, Propositions and a Template</i>	<i>78</i>

Understanding the South	87
3.1 Defining the South	88
3.1.1 – <i>What is the South?</i>	89
3.1.2 – <i>Is there still a South?</i>	92
3.1.3 – <i>Why not 'Third World'?</i>	98
3.2 The Institutional Face of the South	103
3.2.1 – <i>The Non-Aligned Movement (NAM)</i>	104
3.2.2 – <i>The Group of 77 (G77)</i>	110
3.3 The South in Global Environmental Negotiations	120
3.3.1 – <i>From NIEO to NIEO</i>	122
3.3.2 – <i>North-South Dialogue and the Global Politics of Sustainable Development</i>	128
3.4 Achievement and Impediment	136
3.4.1 – <i>Gauging Success</i>	136
3.4.2 – <i>The Lowest Common Denominator Trap</i>	139
3.4.3 – <i>Looking Ahead</i>	141

Learning from the Desertification Negotiations	145
4.1 Background and Overview	147
4.1.1 – <i>From PACD to CCD</i>	148
4.1.2 – <i>Highlights and Hurdles</i>	151
4.2 The Pre-Negotiation Phase	155
4.2.1 – <i>UNCED: How Africa got 'its' Convention</i>	155
4.3 The Negotiation Phase	158
4.3.1 – <i>INCD-1: The Nightmare at Nairobi</i>	158
4.3.2 – <i>INCD-2: Patching up the G77</i>	160
4.3.3 – <i>INCD-3, INCD-4 & INCD-5: Money Matters</i>	161
4.3.4 – <i>A Bitter-Sweet Victory</i>	164
4.4 Post-Agreement Negotiations	165
4.4.1 – <i>The Interim Phase: Going Around in Circles</i>	165
4.4.2 – <i>CoPs: Administrative Wrangling</i>	168
4.5 Analysis	169
4.5.1 – <i>Mapping the G77 during CCD Negotiations</i>	171
4.5.2 – <i>Lessons for the South</i>	176
4.5.3 – <i>A Convention Full of Surprises</i>	182

The Chlorine Game	183
5.1 Simulations as a Research Tool	184
5.1.1 – Learning about Simulations	185
5.1.2 – Learning from Simulations	189
5.2 The Chlorine Game	195
5.2.1 – Game Design and Structure	196
5.2.2 – The Chlorine Game as a Research Simulation	206
5.2.3 – Game Flow and Coding of Results	212
5.2.4 – The Experimental Setting	215

Learning from the Chlorine Game	221
6.1 Variant #2: Alignment-like Behavior	222
6.1.1 – Variant #1, Game #1—TIT	223
6.1.2 – Variant #1, Game #2—UNITAR 1	226
6.1.3 – Variant #1, Game #3—SDPI 2	228
6.1.4 – Summary of Variant #1 Results	233
6.2 Variant #2: Bloc-like Behavior	236
6.2.1 – Variant #2, Game #1—SDPI 1	236
6.2.2 – Variant #2, Game #2—MIT-TPP 1	242
6.2.3 – Variant #2, Game #3—UNDPCSD	246
6.2.4 – Summary of Variant #1 Results	250
6.3 Variant #3: Coalition-like Behavior	253
6.3.1 – Variant #3, Game #1--CASIN	253
6.3.2 – Variant #3, Game #2—MIT-TPP 3	258
6.3.3 – Variant #3, Game #3—IUCN-P	263
6.3.4 – Summary of Variant #3 Results	268
6.4 Variant #4: Deal-Making Behavior	271
6.4.1 – Variant #4, Game #1—MIT-TPP 2	272
6.4.2 – Variant #4, Game #2—UNITAR 2	277
6.4.3 – Variant #4, Game #3—BU-IR	280
6.4.4 – Summary of Variant #4 Results	285
6.5 Key Lessons	288
6.5.1 – Lessons about the Collective Behavior of the South	289
6.5.2 – Lessons about the Simulation	296

Getting Beyond the Lowest Common Denominator	301
7.1 A Recap	303
7.2 Descriptive Lessons (On the Nature of the South)	307
<i>7.2.1 – Lessons about Motivation</i>	<i>307</i>
<i>7.2.2 – Lessons about Organization</i>	<i>309</i>
<i>7.2.3 – Lessons about Tactics</i>	<i>313</i>
7.3 Prescriptive Advice (Towards a Strategy for the South)	316
<i>7.2.1 – Advice about Motivation</i>	<i>317</i>
<i>7.2.2 – Advice about Organization</i>	<i>320</i>
<i>7.2.3 – Advice about Tactics</i>	<i>326</i>
7.4 Directions for Future Research	329
Bibliography	333
Annex (Simulation instructions for the Chlorine Game)	363

● **Tables** ●

Table 2.1	Key Characteristics of International Multilateral Negotiation as Identified in the Literature	39
Table 4.1	The G77 During CCD Negotiations	173
Table 5.1	Summary Positions of State Parties on Agenda Issues	203
Table 5.2	The Chlorine Game—Role Assignment and Instructions	204
Table 5.3	Expected Effects of Control Faxes on Southern Parties	211
Table 5.4	Key Goals of Relevant State Parties	214
Table 5.5	The Experimental Settings for the Research Runs	218
Table 5.6	Results of Participant Satisfaction Sample Survey	219
Table 6.1	Summary Observations for Variant #1	235
Table 6.2	Contact Group Suggestions	248
Table 6.3	Summary Observations for Variant #2	251
Table 6.4	Summary Observations for Variant #3	270
Table 6.5	Summary Observations for Variant #4	286
Table 6.6	Summary Observations for all Experimental Runs	290
Table 7.1	A Summary of Descriptive Lessons and Prescriptive Advice	303

● **Figures** ●

Figure 2.1	Dimensions of Complexity in International Multilateral Negotiation	44
Figure 2.2	The ABCD of Collectives in International Multilateral Negotiation	81
Figure 4.1	CCD Timeline	149
Figure 4.2	The G77 During CCD Negotiations	174
Figure 5.1	The Four Variants of the Chlorine Game	208
Figure 6.1	Developing Countries in Variant #1	234
Figure 6.2	Developing Countries in Variant #2	252
Figure 6.3	Developing Countries in Variant #3	269
Figure 6.4	Developing Countries in Variant #4	287
Figure 6.5	'High Success' Simulation Runs	289

● **Boxes** ●

Box 3.1	NAM Members	106
Box 3.2	G77 Members	115
Box 5.1	The Chlorine Game—Negotiation Agenda	200
Box 5.2	The Research Runs—Some Statistical Trivia	216

● **Maps** ●

Map 3.1	The World of NAM	107
Map 3.2	The World of G77	116

GLOSSARY

AOSIS	Association of Small Island States
CBI	Consensus Building Institute
CCD	[United Nations] Convention to Combat Desertification
CIDA	Canadian International Development Agency
CoP	Conference of the Parties
CoW	Committee of the Whole
CSD	[UN] Commission on Sustainable Development
DUSP	Department of Urban Studies and Planning (MIT)
Earth Summit	Popular name for the United Nations Conference on Environment and Development
EC	European Community
ECLA	[UN] Economic Commission for Latin America
ECOSOC	United Nations Economic and Social Council
ENB	Earth Negotiation Bulletin
EU	European Union
FAO	Food and Agriculture Organization
G77	Group of 77
GATT	General Agreement of Tariffs and Trade
GEF	Global Environment Facility
ICSU	International Council of Scientific Unions
IISD	International Institute for Sustainable Development
IMF	International Monetary Fund
INCD	Intergovernmental Negotiating Committee for the Elaboration of a Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa
IUCN	World Conservation Union (<i>formerly the International Union for the Conservation of Nature and Natural Resources</i>)
JUSCANZ	Japan, the US, Canada, Australia and New Zealand
LDCs	Less Developed Countries
LOS	Law of the Sea
MIT	Massachusetts Institute of Technology
NAM	Nonaligned Movement
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental organization
NIE[co]O	New International Economic Order
NIE[nv]O	New International Environmental Order
NIEO	New International Economic Order

OAU	Organization of African Unity
OECD	Organization for Economic Co-operation and Development
OPEC	Organization of Petroleum Exporting Countries
PACD	Plan of Action to Combat Desertification
PEP	Pakistan Environmental Programme
PON	Program on Negotiation at Harvard Law School
POPs	Persistent Organic Pollutants
PrepCom	Preparatory Committee for the United Nations Conference on Environment and Development
SDPI	Sustainable Development Policy Institute (Pakistan)
TIT	Tokyo Institute of Technology
UN	United Nations
UNCED	United Nations Conference on Environment and Development <i>(Held at Rio de Janeiro, Brazil, 2-14 June, 1992)</i>
UNCHE	United Nations Conference on the Human Environment <i>(Held at Stockholm, Sweden, 5-16 June, 1972)</i>
UNCLOS III	Third United Nations Convention on the Law of the Sea
UNCOD	United Nations Conference on Desertification
UNCTAD	United Nations Conference on Trade and Development
UNDPCSD	United Nations Department for Policy Coordination and Sustainable Development
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNGASS	United Nations General Assembly Special Session
UNITAR	United Nations Institute for Training and Research
WCED	World Commission on Environment and Development
WCS	World Conservation Strategy
WTO	World Trade Organization

#1

Introduction

*Before I built a wall
I'd ask to know
What I was walling in
Or walling out...*

— ROBERT FROST

The 1990s were marked by a remarkable upsurge of interest in global environmental problems that have come to hold a place of significant prominence on the international agenda. This interest is no longer confined to a few ecologists and researchers; politicians, academics, business leaders, community leaders, and ordinary citizens from every corner of the world now routinely raise these concerns. It is true that there is much sloganeering, faddism, and rhetoric associated with these pronouncements. It is also true that the global environmental agenda is not only externally contested, but is internally fractured—the specific environmental priorities of a 'green' politician in Europe, a 'green' industrialist in Japan, a 'green' consumer in the United States, and a 'green' activist in the Amazon are likely to differ substantially and substantively. Nonetheless, there is a largely shared belief that current patterns of stress on the global environment cannot be sustained indefinitely and that the problem requires collective global action. Since the 1992 Earth Summit, held in Rio de Janeiro, Brazil, this realization has been translated into a feverish focus on what may be described as the global politics of sustainable development. This new focus, which seeks to balance the demands of economic development with those of ecological sustainability, is apparent at various levels of discourse—at the level of activism, of international diplomacy and of academic scholarship.

This politics of sustainable development and the spate of global environmental negotiations triggered by the Earth Summit has also contributed significantly to reviving the importance of a

'North-South' template for understanding and dealing with global problems. In fact, one could argue that the Rio conference resurrected the term 'South' as the descriptor of choice for the developing countries of the so-called 'Third World.' More than that, environmental treaty negotiations at, and since, Rio have demonstrated that the North-South axis remains a major—if not *the* major—fault-line in global environmental policy and politics.

Yet, in the now burgeoning literature on international environmental politics there is probably no single aspect whose importance is acknowledged as consistently but which is treated as casually, even shabbily, as the role of the developing countries collective in this new politics. Although broad-brush, simplistic, stereotypical—and sometimes erroneous—generalizations about the behavior of the South in international environmental affairs abound, and while the literature is replete with injunctions on the interconnected nature of the global environmental crisis and why it is necessary for the industrially developed countries of the North to engage the developing ones of the South, critical analytic enquiry into the role played by the South in international environmental affairs is conspicuous only by its widespread neglect.¹

This is not to suggest that intellectual effort has not been invested into understanding how *particular* developing countries have reacted to particular international environmental concerns (*see, for example*, Miller 1995; Ramakrishna, 1985; Rajan 1997; Kobayashi, 2000). However, for an area of scholarship that habitually and pervasively talks about "*the* developing countries", "*the* Third World" or "*the* South" behaving in one way or the other, surprisingly little research exists on how this *group* of countries, as a collective, has tended to behave in international environmental negotiations—or, for that matter, whether it even makes sense to talk about this set of countries as a group. This study seeks to contribute toward filling this gap. Broadly speaking, this enquiry sets out to study the nature of collective negotiation on the part of the developing countries in international environmental negotiation.

1.1 Research Question

To whatever extent the developing countries of the South are a collective they are, at least at first blush, an unwieldy and even unlikely set. Consider, for example, the main institutional

¹ Of course, there are some exceptions. Notable amongst the very few who have treated the subject with more analytic rigor than the majority of their peers are Caroline Thomas (1992), Gupta (1997) and Agarwal et al. (1999).

manifestation and negotiating arm of the South, the G77—the 'Group of 77' is, in fact, a group of 133 very disparate countries that range from huge India and Brazil to tiny Saint Lucia and Bhutan. At one international negotiation after the other the G77 is tasked with representing the collective interests of a membership that not only spans the geographic, cultural and religious diversity of four continents, but an equally diverse spectrum of politics and ideology—ranging from still communist Cuba, to stoutly free market Singapore, to firmly royalist Saudi Arabia, to all the possible shades that define the varied political ideologies of countries such as Iran, Fiji, Jamaica and Myanmar. Developmentally, the members of the group are spread across the world's economic map—from South Korea to Somalia, Malaysia to Mozambique, and Chile to Chad. The ecological endowments are no less diverse from the rainforests of the Amazon to the deserts of the Sahel to the coral reefs of the South Pacific islands. Yet, despite the diversity within its ranks, the G77—now in its fourth decade—has steadfastly defied all predictions of its impending demise. Indeed, it thrives once again in this new era of global environmental negotiations where it has again emerged as the most authentic and authoritative negotiating voice of the collective South. For all the differences between them, its members have expressed remarkable consistency and an enduring preference to negotiate under its banner.

This endurance, however, has come at a price—the toll of maintaining group cohesion within a large and diverse collective has often resulted in a tendency to negotiate at the level of its lowest common denominator. By this we refer to the tendency to reduce the collective platform to only those minimal positions on which all members are already in agreement. This leads to what may be described as 'lose-lose' situations. Dragged down to its lowest common denominator position, the collective ends up leaving 'value' on the table. Individual developing countries have to often settle for less than their preferred options, leaving them dissatisfied. Since the nature of global negotiations is predominantly consensual, the South's collective agenda is not greatly advanced and the ultimate outcomes tend to approximate the status quo.

The puzzle that presents itself, therefore, is the following: On the one hand, the South has been a surprisingly successful collective in terms of holding its membership together for so long despite immense internal diversity. On the other hand, in order to do so, the South has reduced itself to a less effective collective than it could have been because of its tendency to slip into its lowest common denominator positions. This makes the South's endurance and resilience all the more surprising. This study seeks to explore this puzzle and gain insights into exactly what is the 'South', what holds it together, and what explains its resilience? The goal, however, is more than just to understand how the collective South behaves in international

environmental negotiations, and why. This descriptive element of the research is important because it leads us to the prescriptive question that this study seeks to answer: Why does the Southern collective slip into lowest common denominator positions in international environmental negotiations and how can it break out of this tendency?

1.2 Research Approach

In *Decision Making*, David Bell, Howard Raiffa and Amos Tversky (1989) identify three distinct approaches to the analysis of decisions and decision-making processes—descriptive, normative and prescriptive. Raiffa (1991a: 11-12) elaborates: "*Descriptive analysis* is concerned with how real people behave... *Normative* or *abstractive analysis* deals with how idealized, rational, super-intelligent people *should* act... [and] *Prescriptive* analysis is advisory in nature." In their introduction to the three research approaches Bell, Raiffa, and Tversky (1989: 17) point out that the difference between the three "can be illuminated by examining the criteria by which they are evaluated. Descriptive models are evaluated by their *empirical validity*; normative models by their *theoretical adequacy*, that is the degree to which they provide acceptable idealizations of rational choice; prescriptive models by their *pragmatic value*, that is, by their ability to help people make better decisions." This research enquiry has elements of all three approaches but is firmly rooted in what Howard Raiffa (1982, 1985, 1991a, 1997) has called the 'asymmetrically prescriptive-descriptive' approach to negotiation analysis.

Raiffa (1982: 21) describes the asymmetrically prescriptive-descriptive approach as one where the researcher "is concerned with studying and understanding the behavior of real people in real conflict situations, so that he can better advise one party about how it should behave in order to achieve its best expected outcome. This type of analysis is *prescriptive* from the vantage point of one party and *descriptive* from the point of view of the competing party." In advocating such an approach for international negotiations, Raiffa (1991a: 14) elaborates:

Wise prescriptions should ideally be based on good descriptions. In that respect, good analysis of international negotiations should precede prescriptions for change. Some would argue that it is presumptuous to prescribe how international negotiations *should* be conducted before one has a fundamental understanding of how these negotiations *are* conducted. But how fundamental? The process of understanding is unending, and prescriptive analysis cannot and should not be postponed indefinitely. Indeed, prescriptive orientations often highlight new frameworks for descriptive studies. Description and prescription should mature together.

Another important distinction made by Raiffa (1991: 14) relates to the difference between analysis *of* negotiations and analysis *for* negotiations: "Analysis *of* negotiations is descriptive and may draw insights from normative (or abstractive) studies. Analysis *for* negotiations has a different flavor. It is designed to help disputants and intervenors (facilitators, mediators, or arbitrators) to do their job better in specific real-world negotiating problems." To follow both paths simultaneously falls within the tradition of the negotiation analysis scholarship. Sebenius (1992) suggests that the distinctive characteristics of negotiation analysis include: a) an asymmetrically prescriptive-descriptive orientation, b) a radically subjective perspective, c) a sensitivity to 'value left on the table', and d) a focus away from equilibrium analysis and towards perceptions of the zones of possible agreement.²

The research approach adopted by this study, then, falls within the tradition of negotiation analysis and adopts, more specifically, an *asymmetrically prescriptive-descriptive* approach that will include both an analysis *of* (past) negotiation episodes and an analysis *for* (future) international environmental negotiations with respect to the collective action strategies adopted by (and advisable for) the developing countries of the South.

In pursuing this research agenda we will seek insights from three separate sources of learning: from the literature, from a global environmental negotiation case study, and from a set of experimental runs of a negotiation simulation.³ Given the multidisciplinary nature of this enquiry a number of different streams of the literature will be reviewed. These include the scholarship of negotiation theory, especially as it pertains to the role of collectives in

² Relevant exemplars of this scholarship would include Axelrod (1984), Fisher, Ury and Patton (1991), Iklé (1964), Lax and Sebenius (1986), Neale and Bazerman (1991), Raiffa (1982, 1997), Schelling (1960, 1966), Susskind and Field (1996), Susskind and Cruikshank (1987), Walton and McKersie (1965), Young (1991), and Zartman and Berman (1982). An impressive subset of this literature has developed on the theme of *international* negotiation, and is well represented in Kremenyuk (1991a), Bercovitch and Rubin (1993), and Zartman (1994c). More recently, studies on various aspects of *international environmental* negotiation have begun to appear, including Benedick (1991), Boyer (1996), Gupta (2000), Parson (1992), Sjostedt (1993), and Susskind (1994a).

³ An important fourth source of insights—personal interviews—was also used for brainstorming and data validation purposes but is not specifically presented or discussed in the text because the free form interviews were conducted opportunistically rather than as part of formal research design. Amongst those interviewed, the following were particularly important in the development of the argument here: Howard Raiffa, Thomas Schelling (on use of simulations); Anil Agarwal, Tariq Banuri, Gamani Corea, Ashok Khosla, Ayub Qutub, Atiq Rahman, Shridath Ramphal, Youba Sokona (on the South); Amb. Ahmed Kamal, Amb. Jamshed Marker, Amb. Naroni Slade, Branislav Gosovic (on the G77); Amb. Bo Kjellén, Amb. Mahmoud Ould El-Ghaout, Amb. Hama Arba Diallo, Amb. Rogatien Biaou, Pamela Chasek, Elizabeth Corell, Enoch Okpara (on the desertification negotiations).

international multilateral negotiations, and including the general literature on international negotiations and particularly international environmental negotiations (Chapter #2); the scholarship on North-South relations and on the developing countries as a collective in international relations, including primary documents related to the G77 and NAM (Chapter #3); primary documents and the secondary literature on the negotiations leading to the United Nations Convention to Combat Desertification (Chapter #4); and the scholarship on the design and use of simulations as a research device (Chapter #5).

Our second source of learning is a case study focusing on the developing countries during the negotiations leading to the United Nations Convention to Combat Desertification. Although a number of accounts of these negotiations are available in the literature, this case study does make a unique contribution to the scholarship because none of the existing accounts focuses specifically on the role of the developing countries as a group. More importantly, this particular case is of special importance to the study of international environmental treaty-making. Sometimes referred to as the first 'sustainable development' treaty, desertification is the only case amongst contemporary global environmental treaties that was actually called for by the developing countries. As would be expected, it saw an unprecedented level of engagement and involvement by the G77. In fact, the internal deliberations were so intense that early in the negotiations the G77 could not meet as a group—an unprecedented turn of events for the collective. In response to this intensity of involvement, the G77 was forced to experiment with a far wider variety of negotiation tactics than usual. This is a particularly rich source of learning for our purpose since it provides unique and detailed insights into the inner workings of, and tensions within, the G77; it also demonstrated a rare attempt on the part of the G77 to respond to its internal challenges and ultimately move beyond the lowest common denominator.

The final source of learning, a potentially controversial one, is the use of a complex negotiation simulation. Although there is now fairly long and extensive experience in the use of such simulations as a research tool, the literature does express doubts about the efficacy and limits of such research. The literature on the subject was reviewed (Chapter #5) to better understand the appropriate use of such research. This review highlighted the following principles: simulation-based research a) is appropriate for theory-building but not for theory testing, b) is best suited to high-stake, novel and complex problems where conventional approaches have limitations, c) is inappropriate for predictive research but can provide process insights and innovative ideas, d) is best used as part of a hybrid research strategy, e) requires careful research during design, and f) works best with 'expert' and 'informed' players. Based on

these guiding principles, a 13-role, free-form, role-play simulation—the Chlorine Game—was especially designed for this research and a total of twelve experimental runs were conducted (in four countries, using a total of 191 players, of 59 different nationalities).⁴ Much effort was invested in rigorous research that informed the substance and architecture of the simulation. The goal of these runs was to systematically study alternative collective behavior by the developing country parties under varying conditions and to use these to corroborate and build upon the lessons already derived from the literature review and the case study.

1.3 Plan of Study

The goal of this first, introductory, chapter has been to simply lay out a basic road map for the remainder of the study. This has entailed stating the research question and the context in which it is framed, and outlining the research approach that this study will adopt. The conceptual arguments related and responding to the above are detailed in later chapters. At this point, the goal has been to make as clear and concise a statement on these as possible and to alert the reader of what is to follow. The purpose of this final section is to outline how the arguments and evidence are organized in subsequent chapters.

Chapter #2 undertakes a literature review of the various streams of literature that pertain to the understanding of collectives in international multilateral negotiations. It will seek to highlight how the dynamics of multilateral negotiations are different from those of bilateral negotiations and will devise a map of the key distinctions of the former. The most important goal of this chapter will be to catalog how collectives behave in international multilateral negotiations for the purpose of constructing a conceptual framework around which to organize the remainder of the chapters. Just as Chapter #2 seeks to set the conceptual context for the remainder of the study, Chapter #3 seeks to set the substantive context for this research. Its goal is to review the genesis and organization of the South as a group and to develop a clearer understanding of *why* the developing countries of the South seek to negotiate as a collective. This is followed, in Chapter #4, by an attempt to better understand *how* the developing countries negotiate as a collective. This is done through a detailed case description of the role

⁴ Three runs each for four different variants of the game, which were developed on the basis of the conceptual framework developed in Chapter #2.

of the G77 during the desertification negotiations, followed by an analysis of the case based on the framework developed in Chapter #2.

The next chapter introduces the concept of using simulation-games as a research device. The chapter will review the literature on this subject with a special emphasis on understanding what constitutes appropriate and inappropriate research use of simulations. It will then describe the process and content architecture of the Chlorine Game and describe how it has been adapted to respond to our research goals. The chapter will also present basic information on where, how and with whom the twelve experimental runs of the Chlorine Game were conducted. This will be followed, in Chapter #6, with descriptions of each of the twelve experimental runs of the Chlorine Game. These will be organized, at first order, in terms of the four variants of the simulation so that results of the runs in similar variants are discussed together. At second order, and as conclusion to the chapter, the results of all twelve experimental runs will be discussed together to highlight the most important lessons from the simulation in terms of the collective behavior of the South. The analysis, at both levels, will be organized around the conceptual framework developed in Chapter #2.

Finally, Chapter #7 will revisit and respond to the research question introduced in this chapter by synthesizing the evidence and learning from the intervening chapters. In following the asymmetrically prescriptive-descriptive approach outlined above, the final chapter will organize its conclusions around the descriptive lessons related to the nature of the South as a collective and the prescriptive advice towards a strategy for the South, respectively. Both the descriptive lessons and the prescriptive advice will be organized and categorized in terms of a) the goals that motivate the South, b) how the collective is organized, and c) how it operates tactically.

1.4 Beyond the Research Question

Before delving into the above, however, it is useful to also outline a few key areas that this study will *not* explore even though they could have been, and remain, areas worthy of fruitful enquiry related to our broader concerns. Given the intricate and varied complexity of social and political systems, the negotiation analyst—particularly on issues related to international negotiation—is forced to carefully limit the scope of the enquiry in order to make the analysis manageable and meaningful. This is a rather serious intellectual responsibility since the boundaries chosen can influence not only what questions can be framed but also what answers

are derived. In order to highlight a given problem, the analyst places particular elements and variables in the spotlight and, in doing so, necessarily blurs other elements and variables. This is one way in which the 'messiness' of real politics is organized in analysis so that 'order'—or at least the 'pattern'—underneath the mess is made apparent. The attempt to seek patterns and order within the mess or meaning within the noise of real politics is not to deny the mess or stifle the noise; it is merely an attempt to make sense of what might otherwise seem incomprehensible. Much like a photographer, the research analyst must recognize that while no picture can be entirely complete, the test of one's craft is to do full justice to those elements and variables that are the subject of one's enquiry. Intellectual honesty demands, therefore, a careful demarcation of where the analytical spotlight is being placed, and where it is not.

In choosing to focus upon the collective behavior of the developing countries in global environmental negotiations, this study makes a clear choice to place the *South as a group* in the analytical spotlight. In effect, this also means that the behavior of other actors in global environmental negotiations is not accorded similar attention. Indeed, it also means that by bringing the collective behavior of these countries into relief, the behavior of individual countries (and the motivations thereof) is paid less attention. None of this is to say that the behavior of other actors or of individual Southern countries is of less importance. It is not. It does, however, say that a conscious choice has been made to focus on the collective dimension of Southern behavior; principally because there is a glaring lack of analysis and understanding in this particular area. It should also be underscored and understood that drawing the heuristic boundaries as we have does not imply that forces outside the boundaries have no influence on our subject. Indeed, the analysis that follows only highlights how other actors can and do influence the group behavior of the South; as does the behavior of individual countries within the group. To play with all the many variables that these dimensions require would make the analysis unmanageable but the decision to not focus upon them should not be seen as a denial of their import. Indeed, within the results of this study lies a clear invitation to expand the scope of such enquiry by also incorporating these and other dimensions in future research.

Having said the above, there are two broad areas of potential relevance to future research that deserve to be identified here even though it was not possible to deal with them at length in the following chapters. **The first set of issues relates to the role of outside actors on the behavior of the South as a group.** Outcomes of all negotiation, and of international multilateral negotiation in particular, are influenced by how the various actors behave in combination. The North-South dynamic that we focus upon here is certainly a function of how

both North *and* South behave and of how they perceive the 'other' to be behaving. Neither the South's behavior nor its ultimate impacts can be devoid of the corresponding behavior of the North (Hansen, 1980; McDonald, 1982; Agarwal, 1992; Lerner, 1992; Chubin, 1993; Najam, 1994c; Williams, 1993). Moreover, to conceive of North-South dynamics simply in terms of North and South is itself incomplete. Not only are there a number of state parties that do not fit neatly into this binary conceptualization, but a significant literature now exists highlighting the considerable influence of non-state parties in global environmental negotiations; this would include the influence enjoyed by nongovernmental organizations, business groups, 'knowledge communities' and secretariats (Hass, 1990; Fisher, 1993; Hinchberger, 1993; McCormick, 1993; Skolnikoff, 1993; Salamon, 1994; Sandford, 1994; Young, 1994; Susskind, 1994a; Chayes and Chayes, 1995; Weiss and Gordenker, 1996; Mathews, 1997; Corell, 1999b; Najam, 1999a and 1999b; Long, 2000).⁵ While relevant aspects of the influence that these various actors have on global environmental negotiations do feature as context for the discussion in subsequent chapters,⁶ these are not a central theme of the framework or analysis of this study.

While the above relates to the influences that forces external to the collective South might have on the group, **a second important set of issues relates to the influence of forces internal to the Southern collective.** By this we refer to the role of individual members of the collective, and particularly to the domestic motivations of their international behavior. Indeed, there is a huge literature in international relations on how the behavior of states in international affairs cannot be divorced from—and is sometimes best understood via—the demands and constraints of their domestic politics. This scholarship is best represented in the work of Robert Putnam (1988) on the 'logic of two level games' as it relates to the influence of domestic politics on diplomacy. The evidence, to whatever small extent it exists, suggests that individual developing countries in global environmental politics are subject to this logic no less than industrialized countries of the North (Miller 1995; Ramakrishna, 1985; Rajan 1997; Kobayashi, 2000). In focusing on the group behavior of the South, however, this study has shied away from any conceptual conclusions or generalizations about how domestic politics influences the actions of the collective.⁷ While domestic motivations do figure contextually in

⁵ This literature, it should be noted, is principally focused for the influence of non-state actors on global environmental negotiations at large and, for most part, does not deal with the influence these actors have on the South. This, in itself, is an area ripe for further research.

⁶ Indeed, the Chlorine Game used in this study explicitly includes all these influences in its design to account for their demonstrated influence.

⁷ One could argue that to the extent that the developing countries continue to view the global environmental agenda as an imposition of the North, they can distance their collective stand on this

the case study on desertification and in the design and discussions of the simulation-game they are also not included in the conceptual framework or analysis embodied in this study.

To tackle these issues in detail in order to arrive at meaningful conclusions about them would have made the analysis unmanageable within the scope of this research. Therefore, both sets of issues are brought up in subsequent chapters only to the extent necessary to contextualize the research question at hand, and not beyond. The study, therefore, has no unique claims to make or lessons to highlight on these counts. However, as we shall note in the final chapter, the claims it does make and the lessons it does highlight about the group behavior of the South in global environmental negotiations do serve to underscore the importance of both the above sets of issues as important themes for future research.

In conclusion, global environmental negotiations—and the dynamics of North-South tensions within it—present us with a complex, varied and multifaceted puzzle. This study does not, and cannot, seek to present a full and complete picture of all the intricacies of such negotiations. It does, however, seek a better and deeper comprehension of one piece of the puzzle that has been much ignored and misunderstood by the literature—the role of the developing countries collective, as a group, in global environmental negotiations. The hope, of course, is that the identification and understanding of each new piece in the puzzle adds to our comprehension of the whole and brings us a step closer to an appreciation of the larger picture; and, thereby, to addressing the broadest and most vital question about how best to achieve meaningful global environmental cooperation.

issue from their domestic politics to the extent that the environmental issues being negotiated globally tend to be more distant from the demands and constraints of their domestic constituencies. However, when global discussions begin to impinge on domestic politics it is likely to influence the global behavior of these countries, including their strategies for collective negotiation.

#2

Collectives in International Multilateral Negotiation

*A friend of a friend is a friend.
A friend of an enemy is an enemy.
An enemy of a friend is an enemy.
An enemy of an enemy is a friend*

— ARAB PROVERB

Fred Iklé (1964: 1) opened his book, *How Nations Negotiate*, with the following lines:

Certain subjects seem quite clear as long as we leave them alone. The answers look obvious until we ask questions, the concepts appear to be well understood until we wish to define them, causes and effects are easily recognized until we seek to explain them, and all the rules pass for valid until we try to prove them.

The many who have followed Iklé—even as they have added so much to our understanding of negotiation and its dynamics—have also highlighted that when issues related to negotiation are subjected to systematic enquiry, the answers still tend to be anything but obvious, many concepts remain less than fully understood, the rules remain contested, and the links between cause and effect are often difficult to pin down. Yet, a tremendous amount of learning has been generated on the subject since Iklé (1964: x) condemned the literature on how to be a

good negotiator as failing to “meet the standard” and being like “those homilies that advise soldiers to be obedient, brave, alert, and resourceful.” Today, the literature on negotiation constitutes an enormous, formidable, and fascinating wealth of knowledge that spans many disciplines and is, arguably, becoming a discipline unto itself. It is, in fact, because of this scholarly growth that clarity on the scope and limits of one’s enquiry are extremely important.

This chapter seeks to focus on the four operative words in its title. Starting in reverse order, we are concerned, at the broadest level, with *negotiation* as a mode of decision-making. While negotiation is only one amongst a limited number of ways of making decisions in society, it is probably one of the most prevalent ways and can be defined as “a process of two (or more) parties combining their conflicting points of view into a single decision” (Zartman, 1977: 620).

While one must acknowledge the much-proclaimed truisms that “negotiation is a fact of life” (Fisher and Ury, 1991: xvii) and “everyone negotiates” (Bazerman and Neale, 1992: 1), our concern here is with a particular type of negotiation, in a particular setting. The type of negotiation we are interested in relates to disputes that Howard Raiffa (1982) classifies as “many parties, many issues”. In preferring the term ‘*multi-party* negotiation’ some tend to only underscore the importance of the number of parties (Lewicki et al., 1999); however, even though the multiplicity of parties is a key feature, this label distracts attention from other forms of complexity which make such negotiation particularly challenging. The chapter, therefore, uses the term *multilateral negotiation* which is more appropriate because, as Saadia Touval (1991: 351) reminds us, it literally means ‘many sided’. More specifically, while a three-party negotiation would be multilateral in definition, we are interested most in large-N negotiations typically involving the entire membership of the UN system, or a sizeable subset thereof.¹

To narrow the focus, but make the subject even more complex, we are interested in multilateral negotiation in a particular setting: *international multilateral negotiations*. More than thirty years ago, Arthur Lall’s (1966: 1) *Modern International Negotiation* had persuasively argued that international affairs had entered the “era of negotiation.” That sentiment is even truer today; as Merle (1989: 238) points out, “negotiation has become a permanent, continuous and universal instrument of international relations today.” However, notwithstanding the fact that there is more international multilateral negotiation, involving more actors and more issues than ever before, it is also true that the ‘system’ of international multilateral negotiation, to the

¹ Indeed, there are those who argue that “most negotiations are multilateral” and “even many seemingly bilateral negotiations actually involve several players” (Bolton and Chatterjee, 1996: 253).

extent it exists, is still fledgling (Kremenjuk, 1991: 23) and on issues of the environment—as on so many other issues—it exists mostly by default (Suskind, 1994a: 11). Two additional points should be made. First, contemporary international multilateral negotiations, particularly on global environmental issues, tend to be ‘inter-state’ negotiations in name alone (Chayes and Chayes, 1995; Princen et al., 1995; Najam, 1999a). There are “literally billions of stakeholders” and a “complex web of actors, institutions, and practices [that is] always in motion, animated by the efforts of individuals and organizations to advance their interests” (Suskind, 1994a: 3, 12). Second, such negotiation should be understood not simply as a means for international ‘conflict resolution’ but as a tool for global ‘policy-making’. In playing on Carl von Clausewitz’s (1991) famous axiom that “war is a mere continuation of policy by other means”, Winham (1986) poignantly reminds us that “negotiation is a continuation of policy by other means.”

The ultimate focus is on the role of *collectives in international multilateral negotiation*. By this we mean the array of arrangements under which a sub-set of parties in an international multilateral negotiation act, or are seen as acting, cooperatively on all or some issues. Such arrangements go by a variety of names in the literature—alignment, alliance, bloc, caucus, club, coalition, détente, entente, group, and so on. Different terms are often used interchangeably, and sometimes used with very different meanings in different contexts. The chapter seeks to make better sense of the various terms and develop a framework for better understanding and organizing the various arrangements. Although the theory-building literature focusing particularly on collectives in international multilateral negotiations is embarrassingly scant and relatively young, the larger scholarship that has a bearing on the study of such collective arrangements is astoundingly rich and illustrious. It includes such ‘canonical’ works as *Nations in Alliance* by George Liska (1962), *The Theory of Political Coalitions* by William Riker (1962), *The Logic of Collective Action* by Mancur Olson (1965), *Arms and Influence* by Thomas Schelling (1966), *Decision Analysis* by Howard Raiffa (1968), and *N-Person Game Theory* by Antonin Rapoport (1970). Even though Liska is interested primarily in military and security alliances, Riker in voting coalitions, Olson in interest groups, Raiffa in group decisions, and Rapoport in game theoretic explanations, they (and the literatures in their traditions) have relevance to our areas of focus and will be explored to the extent of that relevance. However, in limiting the scope of this review to the most relevant of observations, it is worth repeating the seminal note of caution from Midgaard and Underdal (1977: 330-331): “Most of the research on multiparty decision-making does not deal specifically with negotiation. There is no

evidence that concepts and propositions from other kinds of group [decision-making] processes apply equally well to negotiation. This reservation pertains to *inter alia*, coalition theories.”²

This chapter is organized around the themes introduced above. We begin, in the next two sections, with a review of the literature on international multilateral negotiation, focusing particularly on the characteristics and challenges of international multilateral negotiation (#2.1 and #2.2). This is followed by a review of collective arrangements identified in different streams of relevant literatures (#2.3). The final section (#2.4) will contextualize the learning from the chapter in terms of our research question and will develop a framework for better understanding and organizing the role of collectives in international multilateral negotiation. The goal of this chapter is to highlight the general lessons on the role of collectives in international multilateral negotiation, in preparation for applying these, in subsequent chapters, to the specific case of the Southern collective in international environmental treaty negotiations.

2.1 International Multilateral Negotiation

Sages, through the ages, have been in the business of giving advice on how to conduct international negotiation. Probably the best-known exponent of this ancient genre is Niccolo Machiavelli whose immortalized treatise, *The Prince* (written in 1513), “taught the world to think in terms of cold political power” and is considered to be “one of the half dozen books that have done most to shape Western thought” (Lerner, 1950: xxv, xxx). Indeed, half a millennium later, in *Beyond Machiavelli* (Fisher et al., 1994), Roger Fisher—one of the most celebrated negotiation advisors of our times—is still tackling the same problematique in much the same format: if you were in a position of giving advice to the decision-maker who matters, what advice would you give?³

However, in both style and substance, the antecedents of such enterprise even predate Machiavelli. Centuries before the Florentine, around the year 400 BC, the famed thirteen chapters of *The Art of War* by Sun Tzu first appeared. Although primarily a text on warfare, its subtext has been treated as a treatise on inter-state alliance and negotiation for centuries, and for other forms of negotiation more recently (McNeilly, 1996). Dealing more directly with the

² Others, such as Touval (1991), Zartman (1994a), and Hampson (1995) have repeated the caution.

³ Indeed, Niccolo Machiavelli and Roger Fisher differ fundamentally in the nature of the advice they dispense, and in the choice of both ends and means that the proverbial ‘Prince’ should adopt.

negotiation of international treaties is the magnum opus, *Arthashastra* ('The Science of Wealth and Politics') which appeared in India nearly two millennia ago (sometime before the year 150 AD). Written by the master Kautilya (also known as Chanakya and Vishnugupta) it deals in detail with the role of power in international negotiation—a subject that contemporary negotiation theory still struggles with and shies away from (*see* Gupta, 2000: 17-19). Moving forward in history, but still nearly a century before Machiavelli completed *Il Principe*, Ibn Khaldûn wrote his strikingly similar treatise *Muqaddimah* ('The Prolegomena') under strikingly similar circumstances. A scholar-cum-political adventurer operating in the turbulent last days of the Muslim empire in North Africa and Andalusia (Southern Spain), it has been said of Ibn Khaldûn that while "Thucydides invented history... Ibn Khaldûn turned it into a science" (Lacoste, 1984: 142). Like *The Prince* after it, *Muqaddimah* was also a product of political exile and presents a similarly hard-nosed strategy for international negotiations.

As should be expected, the history of scholarly and real-politik interest in international negotiation is long and illustrious; after all, diplomacy is defined by the *Webster English Dictionary* as "the art and practice of conducting negotiations between nations." Much of what have now become the foundations of modern negotiation theory can be traced back to early scholarship on diplomacy. For example, modern day exhortations about negotiated settlements being more desirable than armed conflict resound with Abbot de Pradt's distinction, made in 1815, between solutions of 'the sword' and of 'reason' (*see* Merle, 1989: 234). Similarly, the contemporary understanding of international negotiation being (at least) a "two-level" game is presaged by the words of Cardinal Dubois, Foreign Minister under 18th century French King Louis XV, who noted in his memoirs: "I always found it harder to negotiate with my own Court than with foreign Courts" (*see* Merle, 1989: 235). And the logic of 'issue linkage' (and, by extension, what is sometimes referred to as Homans's Theorem⁴) was explored eloquently by François de Callières who, in proclaiming that "the secret of negotiation is to harmonize the interests of the parties concerned," could well be considered one of the earlier exponents of what has come to be known as 'win-win negotiation' (*see* Sebenius, 1984: 183).

While the intellectual foundations for the study of international negotiation are indeed deep and rich, the advent of systematic research on international negotiation is quite recent and conceptual explorations into international multilateral negotiation are more recent still.

⁴ Homans (1961: 62) posits that "the more the items at stake can be divided into goods valued more by one party than they cost to the other and goods valued more by the other party than they cost to the first, the greater chances of successful outcomes." Also see Hass (1980) and Susskind (1994a).

Importantly, the emerging scholarship on international multilateral negotiation is unanimous in proclaiming that the lessons from the larger literature on predominantly bilateral international negotiation, while certainly relevant and probably necessary, is not sufficient for meaningful explanation and advice in the multilateral setting. In calling for more systematic study of international multilateral negotiation as a distinct and separate category, three linked reasons are offered (*see, especially*, Midgaard and Underdall, 1977; Zartman, 1989; Touval, 1991; Friedheim, 1993; Chasek, 1994; Hampson, 1995; DuPont, 1996):

- ❖ The conceptual literature on negotiation in general, and international negotiation more particularly, is dominantly focused on the bilateral.
- ❖ The defining characteristics of multilateral negotiations are distinct from bilateral negotiations (and other forms of multilateral, but non-negotiated, decision-making), the most fundamental difference relating to complexity along multiple dimensions.
- ❖ The challenge of international multilateral negotiation can be viewed as the challenge of managing the inherent complexity.

The remainder of this section focuses on the first of these issues and provides background to section 2.2 which is concerned with the remaining two issues. This review will primarily focus on the literature specific to international multilateral negotiation.

2.1.1 • Bilateral versus Multilateral

I. William Zartman (1994a: 1) has argued that:⁵

Negotiation theory, such as it is, has focused exclusively on bilateral bargaining, based on assumptions strictly dependent on the existence of two parties. Therefore, its answers to the basic analytical question—How are negotiated outcomes achieved/explained?—are at least suspect because of inapplicable assumptions and may be entirely invalid for multilateral interactions.

⁵ The lament is often repeated in the literature on multilateral negotiations, although others tend to state the case less bluntly (*see, for example*, Kremenyuk, 1991; Touval, 1991; Friedheim, 1993; Chasek, 1994; DuPont, 1996; Boyer, 1996; Lewicki et al., 1999). For example, David Lax and James Sebenius (1991: 153) note, more politely, that “in recent years, many analysts have improved our knowledge of negotiation, yet it is probably fair to say that the clearest and most powerful advances in the theory have been within or mainly inspired by the bilateral or two-party case.”

Indeed, the literature on international negotiation—even when it is discussing multilateral situations—has overwhelmingly tended to highlight the bilateral interaction. Consider, for example, two classics on the subject—*How Nations Negotiate* by Fred Iklé and *Modern International Negotiation* by Arthur Lall (1966)—both of which are set very much in the larger context of multilateral situations (especially of the United Nations) but are structured nearly entirely in terms of two-party instruments, tactics and strategies. Even discussions on negotiating military alliances, the one subject on which the situation with multiple parties invariably comes up, the tendency is to deal with two parties at a time so that the multiparty situation is stripped down into a series of dyadic interactions. This has been the dominant way to deal with the issue for two and a half millennia—from Sun Tzu's (Sawyer, 1996 [~420 BC]) *Art of War* to Hans Morgenthau's (1973: 188 [1948]) *Politics Among Nations*, which is considered one of the principal realist text in international relations.⁶

Alliances are a necessary function of the balance of power operating within a multiple-state system. Nations A and B, competing with each other, have three choices in order to maintain and improve their relative power positions. They can increase their own power, they can add to their own power the power of other nations, or they can withhold the power of other nations from the adversary. When they make the first choice, they embark upon an armaments race. When they choose the second and third alternatives, they pursue a policy of alliances.

Notwithstanding Zartman's (and before him Midgaard and Underdal's [1977]) lament, there have been understandable reasons—contextually and conceptually—for the general tendency to translate the multilateral into the bilateral when dealing with international interactions.

Contextually, both war and diplomacy—two staples of international politics—have been traditionally understood as dyadic interactions and it is no surprise that the negotiation element that underlies both is so often cast in bilateral terms. Conceptually, the case has been made that it is defensible, if not outright necessary, to reduce multilateral negotiations to bilateral analysis in order to make meaningful analysis possible (Preeg, 1970; Axelrod, 1984; Snidal, 1985). This is deemed necessary by some because robust analytical tools (particularly for quantitative studies) for dealing with complexity along multiple dimensions are not readily available (Watson and Buede, 1987; Gallhofer and Saris, 1997). Moreover, many multilateral situations do ultimately boil down to—or can be reduced to—seemingly dyadic interactions, particularly through the process of coalition formation. Some of the most elegant treatments of specific international multilateral negotiations, including those by Sebenius (1984) and Winham

⁶ On the subject of alliance, see also George Liska's (1962) *Nations in Alliance* and Glenn Snyder's (1997) *Alliance Politics*.

(1986), suggest that conflicts do tend to bilateralize.⁷ Even Zartman (1989: 3), probably the most forceful critic of reducing multilateral negotiation to its bare bilateral manifestation, accepts that “in many cases this approach is a reflection of reality, since ostensibly multiple sides often aggregate into two camps, either on an ad-hoc basis or on an institutional basis.”⁸

More recently, however, both the contextual and conceptual arguments for reducing the analysis of multilateral situations into a set of bilateral interactions have become diluted.

Contextually, ever since the Congress of Vienna in 1815—but especially in the aftermath of World War II, the emergence of the United Nations, global decolonization, the fall of the Berlin Wall, and advances in communication technologies—international interaction has become progressively more multilateral.⁹ War is no longer as binary an affair as it once might have been. Diplomacy is increasingly a creature of the multilateral setting and even when practiced bilaterally just between two countries, it is often ‘played out’ at the multilateral stage—to the glare and scrutiny of an ever-more-inquisitive world media. Global conference diplomacy is now quite the norm for international policy-making; and so is international multilateral negotiation. As Hampson (1995: vii) points out, “while bilateral negotiations are still commonplace, international negotiations are increasingly multilateral... also more commonplace in diplomacy is the handling of more than one specific issue in the context of multilateral negotiations.” (*Also see* Kaufmann, 1968; Midgaard and Underdall, 1977; Rothstein, 1979; Rittberger, 1983; Soroos, 1986; Caldwell, 1990; Friedheim, 1993; Najam, 1993a; Skolnikoff, 1993, Susskind, 1994a; Young, 1994; Chayes and Chayes, 1995; DuPont, 1994; Snyder, 1997).

Conceptually, even though multilateral negotiation is still less studied than its bilateral counterpart, the scholarly interest in this area has been steadily growing; particularly amongst scholars focusing on international issues such as global environmental policy. There now exists

⁷ This resounds with Kenneth Waltz’s (1979: 167) assertion that “the game of power politics, if really played hard, presses the players into two rival camps”. However he adds a note of caution (as does Winham) that “so complicated is the business of making and maintaining alliances that the game may be played hard enough to produce that result only under the pressure of war.”

⁸ All studies of North-South relations—including this one—have a tendency to structure discussions around a binary framework to some extent; both as an analytical device and as a reflection of institutional reality. The issue for Zartman (1989, 1994a) and others is the extent to which the notion of the dyadic relationship is considered a rigid framework for analysis.

⁹ The purpose here is not to defend ‘multilateralism’ as a normative policy prescription but merely to suggest that international interaction increasingly occurs in *settings* that are multilateral, ranging from the United Nations to the OECD to the G-7 to regional groupings. For a discussion of ‘multilateralism’ see Ruggie (1992), Caporaso (1992) and Kahler (1992).

a rich and varied reservoir of detailed studies on particular episodes of, and particular aspects of, international multilateral negotiations.¹⁰ More importantly—and complementing the rich descriptive literature—a number of defined analytical approaches, conceptual tools and organizational frameworks have been posited to deal specifically with the unique problems of international multilateral negotiation. These include, for example, theory building discussions on: coalitional dynamics in multilateral negotiation (Midgaard and Underdal, 1977; Lax and Sebenius, 1991; Boyer, 1996; DuPont, 1996; Sebenius, 1996); the management of complexity (Winham, 1977; Zartman, 1989; Hampson, 1995); issue linkage (Sjöstedt, et al., 1994; Susskind, 1994a); negotiation rules and structure (Kremenjuk, 1991; Touval, 1991; Spector, 1992; Lang, 1994; Susskind, 1994a); strategic devices such as issue and party sequencing (Sebenius, 1983; Lax and Sebenius, 1991); methods for analyzing multilateral interaction (Raiffa, 1982; Sebenius, 1984; Winham, 1986; Friedheim, 1993); the role of ‘roles’ in negotiation (Midgaard and Underdal, 1977; Spector, 1992; Sjöstedt, et al., 1994; Susskind and Ozawa, 1992; Zartman, 1994a; DuPont, 1996); and on cataloging various approaches to study multilateral negotiation (Midgaard and Underdal, 1977; Zartman, 1994b; Hampson, 1995).

Collectively, these (and such) works signify the emergence of an independent literature on international multilateral negotiation which builds upon, but is no longer dependent upon constructs borrowed from adjoining streams of scholarship. Although Hampson (1995: 8) is correct in reminding us that this growing literature “is in some ways as unruly as the phenomenon it seeks to analyze and explain,” it should be noted that this despite adopting a variety of different disciplinary and conceptual approaches, the literature is in striking agreement on many issues. Most importantly, it is consistently insistent in its claim that even where multilateral situations seem to resemble or reduce to bilateral interaction (through processes of coalition, issue packaging, etc.), it is conceptually inappropriate to simply apply

¹⁰ See, for example, Gosovic (1972), Sebenius (1984), Winham (1986), Skolnikoff (1990), Benedick (1991), Banuri (1992), Gardner (1992), Litfin (1994), Mintzer and Leonard (1994), Hampson (1995), Miller (1995), Tolba (1998). Indeed, the descriptive and prescriptive literature on international multilateral negotiations on global environmental issues is particularly rich and features regularly not only in disciplinary journals on international affairs, environmental policy and negotiation, but constitutes the mainstay of new specialized scholarly journals such as *International Environmental Affairs* (no longer being published), *Journal of Environment and Development*, *Environmental Politics*, and *Global Environmental Politics*. An important reservoir of the emerging scholarship in this area is the annual series of collected papers on international environmental negotiation from the MIT-Harvard Program on public disputes (Susskind, Siskind and Breslin, 1990; Susskind, Dolin and Breslin, 1992; Susskind, Moomaw and Najam, 1993; Susskind, Moomaw and Najam, 1994; Moomaw, Susskind, and Sawin, 1995; Susskind, Moomaw and Hill, 1997; Susskind, Moomaw and Hill, 1998).

the lessons of bilateral analysis because this process of reduction is itself unique to the multilateral enterprise and makes the seemingly bilateral dynamic far more complex than just a multiplicity of dyadic interactions (*see* Raiffa, 1982).

The case for why “the dynamics of multilateral negotiation cannot be adequately described as a sequence of bilateral negotiations” (Touval, 1991: 351) fundamentally rests on the argument of *complexity* which, although not absent from bilateral situations, is deemed to be vastly more intense (and varied) in multilateral interactions. According to Hampson (1995: 4), for example, bilateral and multilateral negotiations are “fundamentally different” because “the principal characteristic of [multilateral] negotiations is complexity, involving not just large numbers of players but multiple interests, roles, issues, and hierarchies, all of which may vary over the duration of such negotiations... [and] large numbers do in fact introduce a qualitatively different kind of diplomacy in international politics.” On this point, the literature is quite unanimous (Walton and McKersie, 1965; Midgaard and Underdal, 1977; Winham, 1977; Zartman, 1989, 1994a; Touval, 1991; Chasek, 1994; Boyer, 1996; DuPont, 1996). The following two sections will explore the nature and dimensions of the so-called ‘fundamental’ difference.

2.1.2 • The ‘Fundamental’ Difference

There seems absolute consensus amongst scholars of the subject that “the overarching characteristic of multilateral negotiation is its complexity *along all conceivable dimensions*” (Zartman, 1994a: 3; *emphasis added*). Gilbert Winham (1977: 347-348) goes as far as to proclaim that “modern international negotiation is an exercise in complexity” which may be viewed as “an attempt to manage and to maintain control over an increasingly complex system.” He goes on to define complexity as ‘complication’ and elaborates its challenge to comprehension using Herbert Simon’s (1969: 86) characterization of complexity consisting of “a large number of parts that interact in a nonsimple way.” For the scholar, such complexity makes international multilateral negotiation a “very messy affair, almost defying generalization” (Holsti, 1982: 160). For the practitioner, it tends to have direct effects on both “the style and content of their negotiating behavior” (Winham, 1977: 348).¹¹

¹¹ The complexity that is routinely presented as the defining feature of multilateral negotiation is only compounded by the new layers of complexity that are added as soon as multilateral negotiation is practiced in an international – especially inter-state – context. In fact, complexity is also deemed to be a defining feature of an ‘international system’ that has, arguably, become only more complex with

Table 2.1: Key Characteristics of International Multilateral Negotiation as Identified in the Literature

Attribute	A sampling of scholars who have identified it as a key characteristic
<i>There are many parties...</i>	All scholars
<i>There are many issues...</i>	All scholars
<i>Coalition formation is a key dynamic...</i>	Midgaard and Underdal, 1977; Sebenius, 1983; Zartman, 1989; Touval, 1991; Chasek, 1994; Zartman, 1994a; Hampson, 1995; Boyer, 1996; DuPont, 1996
<i>There are many different roles to be played...</i>	Midgaard and Underdal, 1977; Zartman, 1989; Touval, 1991; Sjöstedt, et al., 1994; Chasek, 1994; Boyer, 1996; DuPont, 1996
<i>Need for process structuring</i>	Kaufmann, 1968; Winham, 197; Raiffa, 1982; Lax and Sebenius, 1991
<i>Decisions are often by consensus...</i>	Touval, 1991; Friedheim, 1993; Chasek, 1994; Sjöstedt, et al., 1994; Zartman, 1994a; Hampson, 1995; Boyer, 1996
<i>High levels of issue uncertainty...</i>	Winham, 1977; Friedheim, 1993; Susskind and Ozawa, 1992; Sjöstedt, et al., 1994; Hampson, 1995
<i>Different parties value different issues, differently...</i>	Sebenius, 1983; Lax and Sebenius, 1991; Friedheim, 1993; Susskind, 1994a; Zartman, 1994a
<i>Opportunity for process manipulation...</i>	Midgaard and Underdal, 1977; Winham, 1977; Lax and Sebenius, 1991; Susskind, 1994a
<i>There is a variety (by types) of actors involved...</i>	Spector, 1992; Chasek, 1994; Sjöstedt, et al., 1994; Susskind, 1994a; Hampson, 1995; Boyer, 1996
<i>Negotiations occur over very long periods of time...</i>	Touval, 1991; Spector and Korula, 1993; Chasek, 1994; Susskind, 1994a
<i>Partial and non-final outcomes are common...</i>	Midgaard and Underdal, 1977; Winham, 1977; Chasek, 1994; Susskind, 1994a
<i>Interpersonal dynamics...</i>	Underdal, 1977; Touval, 1991; Chasek, 1994; Hampson, 1995
<i>The setting is often conference diplomacy...</i>	Susskind and Ozawa, 1992; Friedheim, 1993; Chasek, 1994; DuPont, 1996
<i>Often about rule-making...</i>	Friedheim, 1993; Chasek, 1994; Zartman, 1994a; Boyer, 1996

the collapse of the Soviet Union. The literature related to the complexity of the international system is too large, and only loosely related to our enquiry, to be reviewed here. However, for a representative sampling of the contemporary interpretations of this literature see *Coping with Complexity in the International System*, edited by Jack Snyder and Robert Jervis.

While bilateral negotiations are in no way immune from complexity, many have argued that complexity is a) an intrinsic feature of multilateral negotiation and b) manifests itself in the multilateral situation in ways that it does not, or cannot, in bilateral interactions. In arguing for the first of these points, Knut Midgaard and Arild Underdal (1977: 331-332) pointed out that:¹²

One of the most fundamental consequences of increasing the number of actors is that the negotiation situation tends to become less lucid, more complex, and therefore, in some respects, more demanding. First, as conference size increases, there will be more values, interests, and perceptions to be integrated or accommodated. This means that an actor will have to consider more interests when deciding upon his moves, as well as that there are more moves and systems of interaction to be coordinated. Second, since there are more interests to consider, there will probably also be more *uncertainty* as to the interests and motives of some of the others and as to the perceptions of one's own utilities... to the average actor, increased conference size generally means, *inter alia*, increased situational complexity... (*Original emphasis*).

On the second issue, a number of scholars have discussed the various dimensions of complexity in multilateral situations. In his various writings, William Zartman has looked at this issue in some detail and has condensed the findings to a list of "the minimal and basic characteristics that define multilateral negotiation and distinguish it from bilateral agreement" (1994a: 4-6):

First, and most obviously, multilateral means *multiparty* negotiations... Many sides do not just constitute a numbers game but rather a challenge to the reconciliation of multifaceted interests... *Multiple issues* provide the means as well as the subject of agreement because they allow for trade-offs that provide the framework for a single outcome. They also create texture in the negotiations because not all of the many parties have the same intensity of interests on any issue, any more than they have the same substantive interest... The third defining characteristic is the *multirole* nature of the negotiations... In the process of being more or less active in multilateral negotiations, parties select from a limited list of roles that differ in nature... Without such role diversity, the issue and party complexities could not be combined into an agreeable outcome... Multilateral agreement is frequently by *consensus*, a decision rule in which, essentially, abstention is an affirmative when a significant but unspecified number of parties are in favor and the rest do not oppose... Fifth, the outcomes of multilateral negotiations are mainly matters of *rule making* rather than the redistribution of tangible goods. Finally, and obviously, multilateral negotiations are characterized by *coalition*... Although coalition has been proposed as a major approach to analyzing multilateral negotiations, particularly through game theory, it should be considered one—even if a salient one—of the many ways in which parties in many-partied negotiations handle their own large number.

While most discussions of multilateral negotiations tend to revolve around the characteristics defined in this list, a few authors have suggested additional attributes that could be added to

¹² Midgaard and Underdal (1977) were also amongst the first to highlight that certain complexities are unique to multilateral negotiation—e.g., role differentiation (since roles such as 'chairman or leader' and 'go-between or mediator' are commonplace in multilateral interactions but not present in strict bilateral situations) and the different nature of coalitions in situations characterized by the search for an 'agreement' (i.e., a unanimous decision) rather than by a dichotomous win-lose dynamic.

it.¹³ A review of the relevant literature suggests that there are more than a dozen distinct attributes that have claim to being observed frequently enough in modern international multilateral negotiations to be considered dominant, if not defining, characteristics of such interaction.¹⁴ These, along with a sampling of the scholarship that identifies them as key characteristics of international multilateral negotiation, are presented in Table 2.1.¹⁵

A review of Table 2.1 suggests that many, in fact most, of the attributes are *not unique* to multilateral negotiations.¹⁶ Some (for example, multiple issues, length, or partial outcomes) are also found in many bilateral negotiations, international or otherwise. Others (for example, decision by consensus, the focus on rule-making or the level of uncertainty) are not a necessary

¹³ In particular, Chasek (1994) identifies five specific elements that can be added to Zartman's list: negotiations tend to be protracted over long periods of time; the role interpersonal relationships including reputation, trust, credibility and friendships outside the conference room; multiplicity of types of participants; the ongoing nature of negotiations; and the conference diplomacy setting.

¹⁴ Some scholars, within this literature, have focused not only on the elements that make multilateral negotiation distinct from the bilateral, but on the factors that impede or facilitate agreement in the multilateral settings. For Saadia Touval (1991), the impediments include: a) the sheer number of participants; b) the tendency amongst coalitions to become rigid and uncompromising; c) the immensity of the communication and information processing challenge; d) the tendency of parties to indulge in grandstanding; e) the complexity of trading concessions in a multilateral forum; and f) the problem of time. On the other hand, he points out that "the fact remains that multilateral negotiation often leads to agreement" (p. 356). He credits this to facilitating factors such as: a) the simplification of the many-parties problem through negotiating collectives; b) negotiation by representatives; c) the flexibility and differentiation between actors provided by the roles they assume; d) the asymmetries of interests and priority that allow for creative trading across issues valued differently; e) power or 'resource' asymmetries that allow for payoffs and issue linkages; f) the multiplicity of associational possibilities available to parties; g) the dominant focus on problem solving, versus competition, within multilateral forums; and h) an enhanced ability to manage risk since a large number of parties can act as guarantors. Fen Osler Hampson's (1995) list is quite similar. In terms of obstacles it includes: multiple parties and interests; b) the emergence of blocking coalitions; c) the role of entrenched belief systems and ideology; d) process-generated stakes exacerbated by the highly visible nature of most multilateral interaction; and e) the risk of sub-optimal outcomes pronounced by the application of consensus rules. The facilitating factors for Hampson are: a) the role of 'crises' in spurring negotiators into action; b) the role of epistemic communities and consensual knowledge; c) the potential of building crosscutting alliances and of bridging; d) the simplifying effect of negotiating via representatives, especially in coalitions; e) entrepreneurial leadership; f) simple solutions and formulae; g) clear-cut compliance mechanisms; and h) strategies of issue decomposition, sequencing and incrementalism.

¹⁵ At this point the identified attributes are listed in summary, the next section will provide a more detailed discussion on each.

¹⁶ Indeed, Howard Raiffa (1982: 251) has pointed out that "some of [the] alleged differences are complexities only in degree, which can just as well be explicated in two-party negotiations." However, he agrees that "there is a world of difference between two-party and many-party negotiations", and defines the complexity as the defining complexion of this difference.

feature of all international multilateral negotiation. From a strict theoretical point of view, only the number of parties and the resulting possibility of coalition formation can be considered unique to multilateral negotiation; i.e., not possible in strict bilateral negotiation. In all fairness, however, the claim of the literature is not that these attributes are *unique* to multilateral negotiation, but that they are more prevalent and dominant in multilateral situations and, in acting together, they magnify the overall complexity well beyond what may be experienced in most bilateral situations. According to Zartman (1989: 4), "multilateral negotiations are different from bilaterals for two reasons—because they have a nature or dynamic of their own as a result of their complexity, and because the ways of handling (both analyzing and practicing) bilateral negotiations cannot, by their own nature, be extended to multilaterals."

The implicit argument is that although not all multilateral negotiations are likely to exhibit all attributes, most international multilateral negotiations exhibit most of them, most of the time—that the confluence of these complexities is the norm in multilateral negotiation but an exception in bilateral interactions. Therefore, as a general class of negotiation, multilaterals are fundamentally different from bilaterals because the level of complexity tends to be higher along more dimensions, even if many of the complexities themselves are not unique to the multilateral process. Moreover, it is also contended that even if other facets of complexity are merely triggered by the multi-party condition, their impact on the negotiation structure and the negotiator's behavior is so profound and so central to the outcome that ignoring or downplaying their importance amounts to a misrepresentation of the multilateral negotiation process in a real sense.¹⁷ (See Midgaard and Underdal, 1977; Zartman, 1989 and 1994a; Touval, 1991; Spector, 1992; Chasek, 1994; Sjöstedt, et al, 1994; Hampson, 1995).

¹⁷ Indeed, the simplifying assumptions about multilateral situations—particularly reducing the complexity only to a multiple-party constraint—are singled out by this literature as a major flaw in some of the more quantitative approaches to understand multilateral negotiations. For example, in discussing game-theoretic models, Hampson (1995: 12) argues that "the virtues of parsimony and elegance prove to be their principal weakness in trying to explain negotiation processes in complex multilateral settings when multiple actors and interests are involved and N is large... Many of the assumptions upon which game-theoretic models are based—that all actors are utility maximizers and enjoy perfect or near-perfect information concerning their opponents' preferences; that the rules of interaction are fixed; that the actors are single players representing only themselves—are either untested or unprovable." Zartman (1994a: 4) also challenges the notion that since all complexities emanate from the multiple-party condition, therefore the analysis can focus only on the number of parties and reduce it further by "characterizing multilateral negotiations as merely the negotiations of many dyads." He posits a broader challenge to analysts of multilateral negotiation (p. 4): "If analysis were to be based on dyads, either the picture would be incomplete or the result would be chaos. The very purpose of multilateral negotiation is to give difficult but necessary coherence to the complexity created by a congeries of dyads. Analysis must meet the same test."

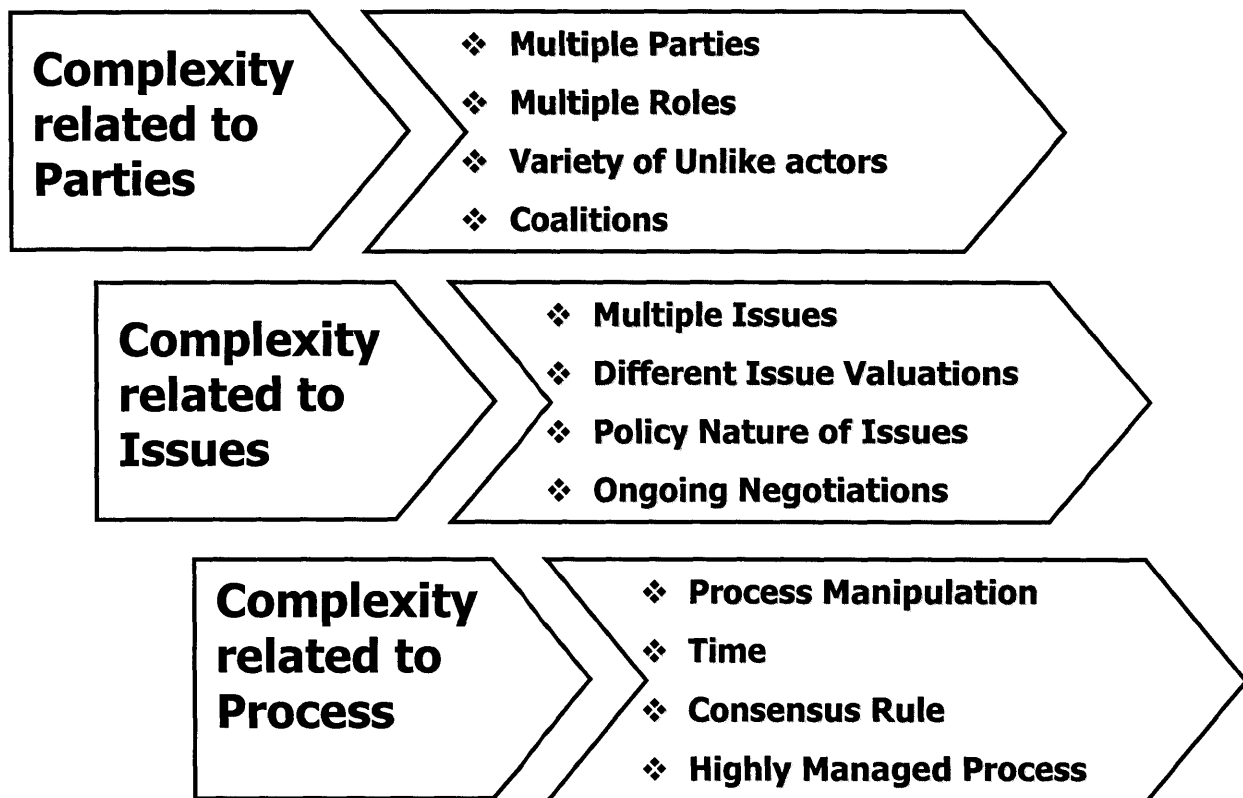
2.2 Dimensions of Complexity

In trying to systematically organize the array of complexities thrown up by the literature, Howard Raiffa's (1982: 251) strikingly simple yet characteristically elegant description of multilateral negotiations is the obvious place to begin: "Many Parties, Many Issues." Exposing the layers and facets of complexities that are added to the negotiation dynamic as the number of parties and issues increase, Raiffa points his reader towards many of the attributes listed in Table 2.1. In drawing these links, he provides us with the two critical meta-categories (i.e., *parties* and *issues*) and a rationale for a third, related, category: "[multilateral] negotiations can be chaotic unless some *structure* is imposed either externally or internally" (Raiffa: 254; *emphasis added*). Others also seem to validate that although there are many facets of complexity in multilateral negotiation, not all complexities are born equal and the key dimensions of complexity in international multilateral negotiation are those that relate to parties, issues and process (or structure), respectively (Zartman, 1994a; Hampson, 1995; DuPont, 1996). Indeed, there seems to be an imbedded hierarchy within these three dimensions, with complexities related to parties being the intrinsic complexity, which nearly always necessitates a set of complexities related to multiple issues, and the two (in conjunction) require process structuring that tends to introduce complexities of its own.¹⁸

Based on this insight from the literature, we can organize the attributes of complexity in international multilateral negotiation along three key dimensions: a) complexity related to parties, b) complexity related to issues, and c) complexity related to process. In fact, as depicted in Figure 2.1, the attributes identified in the literature fall quite neatly into these three dimensions. Each dimension and its component complexities will now be discussed separately.

¹⁸ Zartman (1994a: 2) points out that "in bilateral negotiation, the situation is already structured by definition; in a multilateral situation, it must be structured according to the parties and issues, through the use of roles." For Zartman the variety of parties, issues and roles are the key complexities and the structural complexities a function thereof. For Hampson (1995: 49) "the main challenge is to organize complexity, which is experienced at the level of both parties and issues." DuPont (1996: 49) similarly views parties and issues as the distinctive complexities in multilateral negotiation and structural complexities as a resulting condition. However, multiplicity of issues is not a *defining* feature of multilateral negotiation. It is conceivable to have a single-issue international multilateral negotiation. In reality, such parsimony is unnecessary because, although theoretically conceivable and conceptually convenient, such a situation is highly unlikely *because* there are multiple parties. Complexity related to parties, therefore, takes precedence since it induces the complexities related to issues and together they necessitate complex process structuring.

Figure 2.1: Dimensions of Complexity in International Multilateral Negotiation



2.2.1 • Complexity Related to Parties

The defining feature of multilateral negotiation is complexity related to parties and the most fundamental differentiating aspect, of course, is that there are **many parties** involved. Technically, any negotiation with more than two parties ($n > 2$) would be considered multilateral. Practically, international multilateral negotiations tend to have a much larger N . Global policy negotiations often include all or most United Nations members and it is quite the norm to have nearly 200 directly involved parties. The level of party multiplicity is important because the literature seems to suggest “an almost inverse relation” between the number of parties and the likelihood of reaching agreement (Hampson, 1995: 28). Earlier scholars were quite emphatic on this point. If one were to view the set of negotiators as a large group and the agreement they seek as a collective good, then Mancur Olson’s (1965: 35) groundbreaking book, *The Logic of Collective Action*, would suggest that “the larger the group, the farther it will fall short of

providing an optimal amount of a collective good.”¹⁹ Midgaard and Underdal (1977) posit a whole series of propositions around similar lines essentially arguing that as the number of parties increase it becomes “more difficult to decide on own moves and to find satisfactory solutions to the problems involved” (p. 332). Others are less convinced of a direct correlation between the number of parties and the likelihood of agreement, even though they agree that more parties do make the negotiation more complex, even cumbersome. Indeed, as we shall discuss later, there are ways to ‘manage’ large numbers of parties. Moreover, in some cases the other forms of complexity triggered by the multiparty situation provide opportunities for creative solutions through, for example, ‘circular bargains’, ‘trading across differences’, and reduced competitive behavior (*see* Schelling, 1960; Sebenius, 1983; Touval, 1991; Susskind, 1994a; Hampson, 1995; DuPont, 1996). Building on his earlier work with David Lax (Lax and Sebenius, 1986, 1991), James Sebenius (1996) proposes a model of ‘sequencing choices’ which respond to the question, ‘with whom should I talk first?’—not only is such a question moot in bilateral interactions, but responding to it makes the practice and strategy of multilateral negotiation a totally different enterprise.

It is not just the number of parties, but the **range of roles** that they can play that adds ‘texture’ to international multilateral negotiations. Midgaard and Underdal (1977: 335) were amongst the first to posit the importance of ‘role differentiation’ in multilateral situations in arguing that certain roles which are not present in bilateral situations are familiar, and sometimes essential, in multilateral negotiation; they suggested two to begin with: that of the chairman or leader and that of the go-between or mediator. Lang (1989) has elaborated the critical role of the Chair in international multilateral encounters and Susskind (1994a) has detailed the ways in which ‘unofficials’ and mediators can enrich the consensus building process in such negotiations. In keeping with these insights, Touval (1991) has highlighted the point that leadership and mediation need not come not only from formally appointed ‘outsiders’ but very often comes from within the parties (*see also*, Susskind and Cruikshank, 1987; Susskind, et al., 2000). This relates, importantly, to the fact that given the large number of parties there will invariably be differences in the intensity of involvement that parties have in the negotiation process. Differences in involvement and relevance to the agreement (and its ultimate implementation) allow for what Lax and Sebenius (1991: 155) call ‘party arithmetic’—the

¹⁹ Within the international relations literature, Russell Hardin (1982) and Michael Taylor (1987), amongst others, have questioned the intuitive relationship posited by Olson. For a useful exposition of the debate on the actor numbers in international interaction, see Kahler (1992).

'adding' and 'subtracting' of parties through actions that "affect which entities are and or are not actively involved in a given negotiation." Various typologies have been suggested to define the points in the continuum of roles available in multilateral encounters. Sjöstedt, et al. (1994: 11; following on Sjöstedt, 1993) summarize the various roles as follows:

[In multilateral situations, negotiators] can Drive, Conduct, Defend, Brake, or Cruise. Drivers try to organize the participation to produce an agreement that is consonant with their interests. Conductors also seek to produce an agreement, but from a neutral position, with no interest axe of their own to grind. Defenders are single-issue participants, concerned more with incorporating a particular measure or position in the agreement than with the overall success of the negotiations. Brakers are the opposing or modifying resistance, brought into action by the progress being made on either the broad regime or on specific issue items. Cruisers are filler, with no strong interests of their own and so available as followers. Two other marginal strategies are left, that of exit, through individual exceptions and derogations, and that of compensation, through a trade of exceptions for inducements and side payments.

In building upon this typology, DuPont (1996: 57) adds two analytical challenges: that of role determination (why do certain parties assume certain roles at certain times in certain negotiations?) and role stability (how do the roles assumed by particular parties change during the course of a negotiation, and to what effect?). However, even as the literature points out that the multiplicity of roles adds new layers of complexity to the analysis of multilateral negotiation, it also suggests that in practice the availability of these roles is a means of managing inherent complexity since they impose an organic organization to what would otherwise be a more chaotic process (*see*, Sebenius, 1983; Touval, 1991; Lang, 1994).

A third aspect of complexity related to parties stems not from the multiplicity of actors or the range of roles, but from **variety of unlike actors** that tend to be involved in international multilateral negotiation. As Boyer (1996: 7) notes, such negotiations involve "a large number of *unlike* units from different sectors of society" including not only government representatives but also nongovernmental organizations, scientists, secretariats, media, business groups, etc. (*also see* Spector, 1992, Chasek, 1994; Sandford, 1994; Susskind, 1994a; Najam, 1999b). The distinction is important because 'unlike' actors bring 'unlike' approaches, cognitive maps, decision rules, and action strategies to the process. The defining difference between these actors is not restricted to differing goals and interests but also, importantly, to the source of their legitimacy (Najam, 1996b). The influence of non-state actors has been growing in international relations in general but has had a particularly visible impact on international multilateral negotiations (*see* McCormick, 1993; Salamon, 1994; Chen, 1995; Spiro, 1995; Ritchie, 1996; Mathews, 1997; Najam, 1999a). The confluence of these 'unlike' actors has had exceptional, and sometimes dramatic, influence on global environmental negotiations

(Hinchberger, 1993; Finger, 1994; Najam, 1994b; Susskind, 1994b; Princen et al., 1995; Boyer, 1996; Okpara, 1996; Fisher, 1998); and more recently, on trade negotiations (Halle, 2000; Najam, 2000c; Najam and Robins, 2001). The increasingly visible role of science and expert communities in international multilateral negotiation has also been a subject of much scholarly comment (Jasanoff, 1996; Haas, 1990; Susskind and Ozawa, 1992; Litfin, 1994; Susskind, 1994a; Jasanoff and Wynne, 1998; Corell, 1999). While the literature has made much of how the more frequent and direct participation of 'unlike' actors has changed the face of modern international negotiations, it should be stressed that any rumors of the nation-state's demise are vastly exaggerated (Chayes and Chayes, 1995; Gordenker and Weiss, 1995a and 1995b; Najam, 2000a). As Victor Kremenyuk (1991: 23) very rightly points out "The essential actor in the international arena is still a nation-state, which is the monopolistic owner of the main 'currency' in negotiations—sovereignty." Yet, the point to be made is that the nation-state is no longer what it once might have been; while it certainly remains the 'essential' actor in the international arena, it is not the 'only' actor in international multilateral negotiations.

Coalition dynamic has been variously described as the "distinctive" aspect (Lang, 1994: 208), the "hallmark" (Hampson, 1995: 5), the "striking phenomenon" (DuPont, 1996: 47), and the "dominant feature" (Boyer, 1996: 13) of international multilateral negotiation.²⁰ For David Lax and James Sebenius (1991: 154) it is the most important of the "many elements of multiparty situations [that] simply cannot occur in negotiations between two monolithic parties"; for them, thinking about multilateral negotiation is, in large part, 'thinking coalitionally.' Indeed, some scholars described multilateral negotiation—not just practically, but definitionally—as a coalition building exercise (Sjöstedt, et al., 1994; Hampson, 1995; DuPont, 1996). Although the literature uses the term 'coalition' for a rather wide variety of arrangements but, in general terms, it refers to the dynamic where two or more parties unite their resources to achieve a desired result (Rubin and Brown, 1975: 64). A number of scholars have added that in addition to power enhancement, negotiators also use coalitions as a means of 'complexity reduction'—"a common platform, incorporating the minimal demands of each separate coalition member, is easier to handle and negotiate than the sum of individual items" (DuPont, 1996: 49). Yet, the 'simplification' function of coalitions has costs of its own (Pridham, 1986; Touval, 1991). Midgaard and Underdal, 1977: 343) point out, "coalitions themselves may be rather slow and inflexible actors, and thus the net gain in conference efficiency may be less evident than one

²⁰ Since a later section will be dealing with collectives in international multilateral negotiation in more detail, we will focus here only on how coalition dynamics relate to complexity in such situations.

might expect... [moreover,] once a coalition has succeeded in hammering out a 'difficult' decision, that decision is likely to be hard to modify or change." In essence, the literature's refrain highlights the promise but with a strong note of caution: "[while] coalitions reduce cognitive complexity and greatly facilitate the exchange of information by reducing the number of core positions and interests to a manageable number... the danger with any coalition is that group solidarity and coalition maintenance can become ends in themselves, leading to rigid and inflexible bargaining positions" (Hampson, 1995: 352-353).

2.2.2 • Complexity Related to Issues

Linked to the above, and stemming from the multiplicity of parties, is a set of complexities related to issues. Principal amongst these is that international multilateral negotiation nearly always involves **multiple issues**. The effect is "almost an inverse relation between the number of participants and issues in multilateral negotiations and the likelihood of reaching an agreement that accommodates each participants interests" (Hampson, 1995: 28). However, it is not merely that the number of issues can be high, but that **different issues are valued differently by different parties**. In combination, these two facets of issue complexity (issue multiplicity and issue valuation) pose a complex challenge to the negotiator—in looking only at the final stage of the Third UN Convention on the Law of the Sea (UNCLOS III), Robert Friedheim (1994: 75) estimated that the negotiator's decision matrix would have comprised over 66,000 different cells. Yet, this feature not only adds complexity to the multilateral dynamic, but also offers important opportunities for its resolution. Zartman's (1994a: 4) comment that "multiple issues provide the means as well as the subject of agreement," is an apt observation and worth repeating. Multiple parties and issues also "enlarges the potential for 'circular barter' and for linkages to issues that are of concern to some participants, but not to all" (Touval, 1991: 357). In the strategic realm, Lax and Sebenius (1991: 153) have demonstrated how the presence (or potential) of multiple issues allows negotiators to creatively 'sequence' issues for maximum impact; Susskind et al. (2000) have detailed strategies for seeking 'mutual gains agreements' by capitalizing on the ability to 'trade across differences'; and Zartman (1989) has pointed out that just as coalition is a means for managing high numbers of parties, the packaging of, linkages amongst and trade-offs between multiple issues provides the negotiator with options for reducing the inherent issue complexities. Indeed, Lawrence Susskind (1994a: 82) points out that issue linkages "can be crucial to the success of

negotiation.” Yet, he also notes that linking multiple issues in elaborate ways can also have costs, particularly in terms of agenda enlargement and the potential for blackmail.²¹

As with the parties, it is not just the number but also the **nature of the issues** that can add important wrinkles of complexity to international multilateral negotiation. A number of scholars have pointed out that international multilateral negotiations are most often about ‘rule-making’ (Chasek, 1994; Sjöstedt, et al., 1994; Zartman, 1994a; Hampson, 1995; Boyer 1996).

... rule-making is defined to include both the negotiation of legally-binding instruments, such as treaties, conventions or protocols, as well as negotiation of non-legally binding agreements, such as declarations, action plans and recommendations. Rarely are the basic characteristics of division and exchange present in multilateral negotiations; instead, the main goal is to harmonize national legislation or establish rules that can be applied by and to states (Winham and Kizer, 1993). This does not mean that tangible goods are not affected, but it does mean that the effect is uncertain, long-range and universal, instead of simply being contingent on the other party’s actions. It also means that the importance of finding a mutually acceptable formula is even greater than in bilateral negotiations, since the adoption of a rule depends more on convincing justification or a notion of justice than on exchanged concessions in detail. (Chasek, 1994: 21).

The claim that distributional aspects are suppressed in multilateral settings is questionable since ‘rules’ will invariably define ultimate distribution. That being said, it is clear that international multilateral negotiations are, indeed, most often concerned with the formation of international policy and, therefore, with a very particular sort of issues. The thrust is not simply on arriving at a reconciled notion of what happened in the known past (as in many dispute settlements) but much more on designing actions for an unknown, and often distant, future. Friedheim’s (1993: 48) observation with regards to the UNCLOS III—“often what was under negotiation was not merely a formula that promised to solve a transnational problem, but a political principle that would create a shift in national authority”—is, in fact, true for many international multilateral negotiations and most global environmental treaty negotiations. Moreover, the complexity associated with global policy issues is high because they tend to be shrouded in high levels of uncertainty; often, scientific uncertainty. Winham (1977: 350) points out that “complexity is created under conditions of uncertainty, when information needed for decision-making is difficult or costly to obtain or is simply unavailable.” On a very similar note, Susskind

²¹ Building on these insights some have called for greater issue linkage not only within the same policy arena but across policy arenas—Susskind (1994a: 98) suggests that “it would be prudent always to keep several treaties on the table at the same time, and to be open to nontraditional crossovers between separate policy arenas like environment and GATT”; Najam (2000b) suggests looking into the potential for a ‘Law of the Atmosphere’ by linking and ‘trading across’ the various agreements dealing with issues of the atmospheric environment.

(1994a: 68) argues that “the greater the degree of uncertainty the more likely the parties are to gravitate toward vague framework conventions.” In fact, a major source of costs and contention in international environmental negotiations relates to dealing with the complex (as opposed to just technical) nature of the issues under discussion (Litfin, 1994; Susskind, 1994a; Jasanoff and Wynne, 1998). Moreover, genuine uncertainty is open to abuse in the negotiation process either through delay tactics or ‘adversary science’ (Susskind, 1994a). In essence, the nature of issues in international multilateral negotiation, particularly their role as policy determinants and the need to manage and reduce, if not resolve, high levels of uncertainty adds additional layers of complexity to an already all-too-complex negotiation process.

Resulting from and contributing to issue complexity is the tendency for **partial outcomes and ongoing negotiations** that often characterize international multilateral negotiations.²² Midgaard and Underdal (1977: 339) hypothesized that “the larger the conference, the more likely it is that an agreement, if concluded at all, will be ‘partial’ in at least one of three ways: (a) covering only some of the agenda topics; (b) leaving some disagreement latent in an ambiguous text; and (c) being signed and accepted by only some of the parties.” In positing that the risk of suboptimal outcomes increases with size, they reiterated Olson’s (1968) thesis in the context of multilateral negotiation. More importantly, they foretold what has come to be known as the ‘convention-protocol’ approach; now the preferred mode of constructing global environmental treaties.²³ Indeed, the ‘convention-protocol’ approach can be viewed as a manifestation of the issue complexities inherent in international multilateral negotiation, and an attempt to ‘manage’ them through ongoing negotiations that seeks larger agreement by building upon smaller blocks of partial (sometimes, piecemeal) outcomes. This is not simply

²² The ongoing nature of many international multilateral negotiations is, of course, a complexity related to process as much as to issues. It is discussed here in terms of its impact on the partial resolution of issues but is also has important influences on all the process complexities discussed later.

²³ Susskind (1994a: 30) describes the Convention-Protocol approach as a two-step process where “an initial series of meetings is held to review scientific evidence and draft a framework convention” followed by “subsequent meetings of the signatories [to] focus on the preparation of detailed protocols.” Porter et al. (2000: 13-14) elaborate that a framework convention “is negotiated in anticipation of one or more later elaborating texts... it is intended to establish a set of principles, norms, and goals and formal mechanisms for cooperation on the issue... rather than to impose major binding obligations on the parties. A framework convention is followed by the negotiation of one or more protocols, which spell out more specific obligations of the parties on the overall issue in question or on a narrower subissue.” Susskind (1994a: 30-37) considers the approach to have a number of ‘fundamental flaws’ including encouraging a long-drawn process, a tendency for lowest-common-denominator agreements, *ad hoc* arrangements, discouraging positive issue linkages, and ignoring enforcement concerns (*also see*, Najam and Sagar, 1998; Najam 2000b).

the multilateral face of what Raiffa (1991) calls "Post-Settlement Settlements"; the goal is not to take an 'imperfect' agreement and improve it, but to leave an agreement 'incomplete' and then work upon it in installments.²⁴ On the one hand, the tendency for partial outcomes and ongoing negotiation may be viewed as resignation to the challenge of multiple issues that are variously valued and intrinsically complex. In the terms of Midgaard and Underdal (1977: 336), there emerges an "informal norm against certain kinds of 'perfectionism'... once an acceptable solution is found, there [is] strong pressure not to delay progress by searching for the 'perfect' one." On the other hand, one employ the image of 'falling forward' into an evolving agreement that is "often built up inductively, in an incremental process, in which many parts are put together by trial and error into a momentary, unstable resting place, preparatory to further movement... instability can be a creative characteristic of negotiations" (Sjöstedt, et al., 1994: 9-10; *also see*, Zartman, 1983). In either case, the fact that the now nearly 200 states that make up the international system are in constant negotiation contact with each other, fosters the tendency—and ability—during global negotiations to consider any given negotiation episode as merely one 'move' in an ongoing game, rather than a clearly bounded 'game' unto itself.

2.2.3 • Complexity Related to Process

The complexities related to parties and issues, discussed above, can make multilateral negotiation a messy and chaotic affair and require, as Raiffa (1982: 299) suggests, the imposition of formalized rules and procedure. This, however, itself gives rise to a different set of complexities related to process. Importantly, the very necessity for process structuring heightens the possibility for **process manipulation**. As Winham (1977: 354) notes, "Complexity, by definition, entails a limited comprehension of one's environment. One might therefore expect complexity to create paralysis in decision-making, but this is usually not the case in international negotiation. Negotiators generally manage to cope with complexity; and if they fail to reach a settlement, incapacity to take action in a complex situation is usually not the reason for the failure. One reason why negotiators retain a capacity for action is that the human mind acts as a mechanism for resolving complexity by imposing structure on otherwise ambiguous information." What structure is imposed, how rules are made, and who decides the process are, of course, open to negotiation and strategic exploitation—or what Howard Raiffa

²⁴ Chasek (1994: 27), building on Spector, 1993) argues differently suggesting that the ongoing nature of international multilateral negotiation is, in fact, an evolutionary search for constant improvement.

(1982: 334) has called "rules manipulation for conflict resolution." The definitive work in this area comes from Lax and Sebenius (1991: 166) who argue that "when more than two parties are involved in a negotiation, complex rules or norms often govern the interactions and open the door to a class of tactics that we call process opportunism." They distinguish process opportunism "which suggests tactics that take existing processes for granted" from "process entrepreneurialism" which refers to an active attempt at changing the structure of the process (p. 173). In either case, they note that (page 173, *emphasis added*):

...the observed tactical complexities derive from three factors that are inherently absent from bilateral dealing. First, obviously there are many parties. Second, *the patterns of interaction among these parties are not merely free-form interactions among the full group; instead, there are actual or de facto restrictions on communication and the order and conditions of negotiating.* Thus, third, in the absence of full information by all parties, *the process can be shaped or exploited for the ends of one or more of the participants.*

Examples from practice confirm that the need to devise process rules and the ability to strategically manipulate it create the opportunity for a wide range of tactics that can add layers of complexity to international multilateral negotiation (*also see*, Benedick, 1991; Chayes, 1991; Chayes and Skolnikoff, 1992; Young, 1993; Lang, 1994; Susskind, 1994a; Tolba, 1998).²⁵

Time is yet another complicating factor. Touval (1991: 356) points out that "since multilateral negotiation involves so many moving parts, it is reasonable to expect it will require a great deal of time." And, indeed, it does. One of the most notorious case in this regards is the Law of the Sea (LOS) negotiations which lasted 15 years in the negotiation phase, only to be rejected by the United States and subsequently by other key parties, then languishing for a similar duration before being revived. However, the LOS was not the exception; global trade negotiations such as the Tokyo and Uruguay Rounds took so long that GATT was jokingly referred to as the 'general agreement to talk and talk.' Recent environmental negotiations have picked up in pace slightly—but only slightly, and largely because they have been more forthcoming in accepting partial outcomes and postponing contentious issues to the future. This is to be expected given the need for greater information processing and communication across multiple channels (Lax and Sebenius, 1991; Touval, 1991) as well as the scientifically complex and uncertain nature of the issues involved (Susskind, 1994a; Jasanoff, 1996). While the negotiation takes a long time

²⁵ On the 'need' for process rules, see Midgaard and Underdal (1977: 335): "In any negotiation process, it is vital that there are certain basic interaction rules known and largely observed by all parties. As long as the number of parties is quite small, a tactic agreement may be developed on which rules to adopt. As conference size increases, however, the need for formalization (i.e., explicit codification) of rules seems to grow stronger."

because of party and issue complexities, time itself becomes a complexity-inducing factor—for example, individuals involved in the negotiation may change requiring their replacements to retrace the learning curve; the situation to be resolved may become worse due to the delay; the international or domestic political climate may change making the negotiated agreement now moot or unacceptable to specific parties; or simply the monetary cost of global dialogue might wear down certain actors. The LOS, for example, suffered from all of the above.²⁶ The importance of time as a variable is further compounded because of the ongoing nature of international multilateral negotiations, already discussed above.

Decision by consensus, which is the dominant mode in international multilateral negotiation, has significant process implications. Touval (1991: 361), who considers the consensus rule to be “the principal challenge of multilateral negotiation,” makes two points worth underscoring. The first relates to definition: “[consensus] has come to mean that none of the participants oppose the agreement, although the degree of support for the agreement among them may vary.” Second, “decisions by consensus are quite common not only in ad hoc multilateral gatherings, but also in many negotiations conducted within the framework of those international organizations whose charters provide for decisions to be reached by voting.” In fact, the formal vote is not just the exception but an outright rarity in recent international multilateral negotiation, except in EU institutions.²⁷ As Chayes and Chayes (1995: 129) highlight, “with increasing frequency international organizations, as a matter of practice, proceed by consensus and avoid formal votes” (*also see* Young, 1994).²⁸ This condition has important implications to the negotiation process (Zartman, 1994a: 6):

In bilateral negotiations, each party has a veto, and therefore there is a basic element of equality. Veto is a looser notion in multilateral negotiations, if it exists at all. Parties not agreeing can

²⁶ Insightful accounts of protracted LOS negotiations are available in Sebenius (1984) and Friedheim (1993) and of the equally cumbersome Tokyo Round GATT talks in Winham (1986).

²⁷ This means that much of the very sophisticated literature on voting coalitions is of limited value in the study of international multilateral negotiation. However, while formal voting is becoming highly unusual, some of the dynamics remain valid. For example, the process of signing and ratification is de facto voting that happens post-negotiation but can cast its shadow on the negotiation itself.

²⁸ Friedheim (1993: 45) explains why the consensus rule has become so prevalent in international negotiation: “Legislation decision works best where a social compact is present; where it is understood that a minority will accept the decisions of the majority and that the majority will not use its powers to oppress the minority. Such a social compact does not yet exist in the United Nations or in the world community, where defection, or refusal to accept a decision, is still within the power of a nation-state. Consequently, although in many respects a United Nations plenipotentiary conference resembles a legislature, it has moved away from voting as the basic decision mechanism (although there is a requirement to confirm a decision by formal vote), and towards consensus.”

abstain without blocking the outcome, and parties opposing can be left out as long as their number does not become significant. Strategies of incremental participation and agreement then become possible. At the same time, the significant-number requirement means that lowest-common-denominator agreements can form the basis of an incremental process that creates international sociopolitical pressures rather than legal obligations to conform.

The wiggle room imbedded in the consensus rule is, of course, open to abuse. For example, parties can use the legal device of registering 'reservations' to otherwise 'consensus' decisions. It can also lead to what Robert Rothstein (1987: 30) called "counterfeit agreements" which resort "deliberately to ambiguous and imprecise wording of agreements" (Touval, 1991: 362):

By creating the possibility of different interpretations, it is often possible to win the assent of participants who would otherwise oppose the agreement. While this also holds true for bilateral agreements, it seems more prevalent in multilateral negotiation—where the consent of many parties is required.... [Ambiguity] produces the illusion of agreement where little agreement actually exists, and increases the risk of bitter dispute developing over conflicting interpretations of the document. Yet ambiguity also confers important benefits; it is often better to arrive at an imprecise agreement (and thus establish a modicum of cooperation) than to use the continuing gap between existing positions to justify refraining from any cooperation. (Touval, 1991: 362).

Touval (1991: 362-363) adds that the consensus rule can also facilitate agreement because states tend to avoid isolation and seek legitimacy; both of these dynamics move them closer to the position of the large group already in agreement as long as their own aversions are minor. Indeed, Lang (1994: 205) points out that in international multilateral settings, breaking away from the dominant consensus can have major political costs that not all states can afford.²⁹

Multilateral negotiation tends to be a far more **managed process** than bilateral negotiation. While this is an obvious response to process complexities, it is also a complexity in itself. The highly managed nature of international multilateral negotiations manifests itself most importantly in the structure of how the negotiation takes place and also in the additional importance that certain roles—especially the Chair and neutrals—assume. Different types of negotiation take place under different sets of institutional procedures and cultural norms; even when not codified, these contextual understandings become routinized and lend a degree of certainty and control to the process (Walton and McKersie, 1965; Kolb and Faure, 1994). Conference diplomacy is the contextual arena in which many international multilateral negotiations take place.³⁰ It serves to provide a minimal structure on the deliberations; but in

²⁹ For useful discussions on how to achieve meaningful consensus decisions in multi-stakeholder policy discussions see Susskind and Cruikshank (1987), Susskind (1994a), Susskind et al. (2000).

³⁰ Friedheim (1993), prefers the term 'Parliamentary Diplomacy.' However, building on the distinctions suggested by Dean Rusk (1955), Kaufmann (1968: 22) argues that "parliamentary diplomacy is a

doing so it adds complexities of its own. Conference diplomacy has been defined as “processes of internationally coordinated policy-making through negotiation which takes place at the regular or special sessions of the main intergovernmental bodies of the United Nations system and at *ad hoc* world conferences sponsored by the United Nations or one of its specialized agencies” (Rittberger, 1968: 171). It forms the structural linchpin of what Kremenyuk (1991: 22) calls the emerging system of international negotiation and has become “an omnipresent element of international political life” (Rittberger, 1983: 167):

...the frequency and diversity of these conferences, as well as of the institutional settings in which they often take place, seem to indicate that the political system of international relations does not simply consist of the sum total of national governments and their dyadic interactions. Rather, they suggest the existence of a political system with specialized transgovernmental and transnational structures and processes, involving state and non-state actors, which are capable of handling at least some collective tasks in an *ex ante* coordinated manner. (Rittberger, 1983: 171)

Yet, as Jonathan Dean (1986: 91) has commented, diplomacy in the multilateral forum “magnifies the difficulties of the bilateral forum by 200-500 percent.” Such a forum can be “bewilderingly complex, combining elements of diplomacy, where participating states may choose to defect if what is being negotiated does not seem to make them better off, with elements of legislation, where the interests of individual states aggregate into group positions, and ultimately into a collective decision” (Friedheim, 1993: 44). While a benefit of the conference setting is that it provides a process for structuring communication between dozens, often hundreds, of parties it is also easy to become a prisoner of the structure (Touval, 1991: 355). On the other hand, the structure is routinely bypassed and information processing often happens through smaller sub-plenary groups, often bilaterally; this has its own problems:

Each participant is likely to experience difficulty orchestrating the different signals that are being sent—sometimes simultaneously—to different audiences, and interpreting the statements and signals made by the other participants. In addition, inconsistent or contradictory messages, as well as errors in interpretation, may cause friction, generate distrust, and hinder the successful conclusion of negotiations” (Touval, 1991: 355).

Johan Kaufmann’s (1968: 22) description of conference diplomacy as a system where “open covenants’ are arrived at through procedures and negotiations which are open only in their early and their final stages, and confidential or at least not ‘public’ for the remaining, often the greater, part” is less true today than it might once have been. Although much of the real

narrower concept than conference diplomacy because the latter covers not only public meetings, but also private, often informal meetings held before, during and after international conferences.”

'action' still happens in smaller, closed groups (Benedick, 1991; Lang, 1994), the conference diplomacy setting is very much a fishbowl increasingly open to public visibility and media scrutiny. Beyond putting pressure on the negotiators, this characteristic also stems a tendency for histrionics, grandstanding and posturing—not only for the benefit of the public and the press but, even in their absence, for the large audience provided by other delegates and their staff (Touval, 1991: 355; Nye, 1986: 90). However, according to Touval (1991: 359), this tendency is somewhat balanced by the security that large numbers can provide to parties both in restraining their competitive urges ("since the presence of parties with whom no serious conflict exists requires that their interests be taken into account") and in spreading the risk (since "the impact of any single negotiator is less in a multilateral structure than in a bilateral one... [therefore] the harm caused to trusting negotiators by the exploitative behavior of a single participant is likely to be smaller in a multilateral structure than in a bilateral one"). An important aspect of this structure is the importance that it invests in the 'managers' of the process. The critical, often deciding, role of the Chair in shaping the discussions, fermenting sub-groups, controlling the flow of discourse, influencing the timing and sequencing of key discussions and decisions, hammering acceptable drafts, defining win-win possibilities, etc. has been highlighted in the case literature (Benedick, 1991; Koh, 1993; Rowlands, 1995; Corell, 1999b) as well as in theoretical treatments (Kaufmann, 1968; Midgaard and Underdal, 1977; Touval, 1991; Susskind, 1994a). It is now also increasingly clear that secretariats—and negotiation sponsors—play a more critical role in defining the scope, shape and substance of the ultimate negotiation than they are often given credit for (Sandford, 1992, 1994; Susskind, 1994a; Tolba, 1998). As managers of what are often very large and very complex processes, it is these process managers who have the best vantage view of the negotiations in their entirety; in fact, one might posit that they are sometimes the only ones who have a view of the full picture and are the ones who have the greatest stake in getting to 'some' outcome.

2.2.4 • Managing Complexity

Must complexity confound international multilateral negotiation? In their seminal work on the subject, Knut Midgaard and Arild Underdal (1977: 336) seemed to confirm the earlier thesis from Mancur Olson (1965) in proclaiming that "other things being equal, the larger the conference, the harder it is to find a solution that will be readily accepted by everyone." Yet, Saadia Touval (1991: 356) reminds us that despite all complexities, "the fact remains that

multilateral negotiation often leads to agreement.” The dichotomy is resolved, of course, by the fact that other things are nearly never equal.³¹

The litany of complexities detailed earlier is indeed multifaceted and compounds the challenge to the practice as well as the analysis of international multilateral negotiation. Yet, it is important to note that the various complexities do not simply add up in a linear fashion. Indeed, it is obvious that some complexities cancel out others. For example, coalitions—even as they add new complexities of their own—serve the vital purpose of reducing the difficulties inherent in the multiparty situation by turning large *N* negotiations into plurilateral encounters and providing manageable cognitive templates to negotiators and analysts alike (Zartman, 1994b; Hampson, 1995). The ability, and practice, of parties to assume different roles in the multilateral setting serves to similarly reduce and manage complexity (Touval, 1991). The ability to make links not just between issues in one negotiation setting but across multiple negotiation settings through ongoing negotiations and the reality of agreeing on partial outcomes are also manifestations of complexity management. Indeed, process manipulation as a strategic device (Lax and Sebenius, 1991) is possible, at least partly, because of the need to manipulate the process somehow as a device for complexity management (Winham, 1977). Moreover, the human mind has its own unique ways of dealing with complexity:

To some extent, the complexity of the real situation softens the intensity of the bargaining dynamics. The parties are not clear about what is in their own interests, and their knowledge about the interests of others is likewise vague. Compromise is often easier to arrange in a situation of ambiguity. In this perverse sense, the complexity of reality yields simplicity: many real-world negotiations are happily not as divisive as starkly simple laboratory games, because in the real world it is difficult to see clearly what is in one’s own best interest. (Raiffa, 1982: 274).

The lesson—underscored by Winham (1977) and elaborated by Hampson (1995)—is that although complexity is a defining feature of international multilateral negotiation, it need not be an insurmountable hurdle. Indeed, negotiators tend to be quite creative about finding ways to cope with—and manage—complexity (Rittberger, 1983). However, to argue that complexity can be managed is not to deny complexity; if anything, it is to accept complexity as something

³¹ Fen Osler Hampson (1995:349) comes to similar conclusion: “Does greater complexity, in terms of both parties and issues, pose an insurmountable barrier to international negotiation? The answer is surely no. This is because parties will respond to the negotiation challenge by assuming specialized roles, including bridging, brokering, and mediation, that facilitate the negotiation process and propel negotiations forward. Outside experts will help define prenegotiation and negotiation possibilities. The public will pressure political elites who must then decide whether cooperative solutions are called for. Catalytic events or crises can also prompt a change in attitudes (public as well s elites) and lead to new behaviors that involve the search for cooperative solutions.”

that is real and has to be dealt with. In this regards, Zartman (1994b: 222) argues that managing complexity is the “name of the game” in international multilateral negotiation, which is a truly complex system because it is irreducible and has no hidden simplicity.

Complexity is the essential nature of multilateral negotiation, at many different—and hence complex—levels.... Complexity becomes overwhelming, and because it does not contain any single ‘hidden simplicity’ on which analysis and practice can be based, the prime imperative of practitioner and analyst alike is thus to find rough ways of ‘decomplexifying’ to the point where complexity becomes manageable, either for making something happen or for explaining what is going on.

The absence of any ‘hidden simplicity’ implies that even though the multiparty condition may be the basic complexity that triggers various other complexities, it is not prudent to reduce the analysis only to this condition. Indeed, as discussed above, the other elements of complexity play a critical role in managing this complexity. So, on the one hand the various dimensions of complexity cannot be linearly added and, on the other hand, they are woven together in a system where they intricately impact each other. Two important lessons of this review, therefore, are that: a) while complexity is a fundamental defining feature of international multilateral negotiation, it need not be a confounding feature; and b) although multiple parties is the original complexity from which other complexities emerge, it is not the simplifying complexity to which analysis can be reduced.

Just as real-world negotiations find ways to wade through the complexities of international multilateral negotiation, so must the analyst. The challenge is to recognize the complexities but not to be paralyzed by the web of linkages where everything seems to matter. For Zartman (1994b: 222) the basic analytical question is: “How did/do parties manage the characteristic complexity of their encounter in order to produce outcomes?” It is abundantly apparent from the literature reviewed that one of the most important—and for many scholars the single most important—mechanisms that parties use to manage complexity in international multilateral negotiation is through coalitions or, more precisely (as will be discussed), collectives. Without losing sight of the other facets of complexity, the following section and the remainder of this study will focus on this aspect of managing complexity in international multilateral negotiation.

2.3 Role of Collectives

An uncommonly large number of books on negotiation start with a restatement of the truism that people negotiate all the time. Self-evident as this assertion is and notwithstanding the

protean and pervasive manifestations of negotiation in everyday life, let it also be said that just because we negotiate all the time does not mean that everything we do is negotiation. To cast that wide a net is neither substantively accurate nor conceptually useful. At a realistic level, it is generally understood that negotiation is one way—possibly the most common way—in which decisions are reached in society; other ways would include legislation, voting, judication, coercion, war, etc. (see Rapoport, 1960; Iklé, 1964; Zartman, 1977; Morgenthau, 1978). This insight is of relevance to our discussion not just because this study focuses on a relatively small slice of that much larger set of decisions that are made via negotiation (i.e., at the international multilateral level), but also because the scholarship on collectives—groups, coalitions, alliances, alignments, and the like—covers a landscape much larger than just negotiations.

Although the scholarship on collectives—particularly under the headings of coalitions and alliances—is immense, it is difficult to point towards *a distinct literature* on the role of collectives in negotiations. What is easier to identify, however, are *multiple streams of literatures* that clearly add up to a substantial wealth of learning on the subject that is applicable to international multilateral negotiations. This section seeks to highlight the relevant findings of these literatures within the constraints of the main finding of the previous section: that international multilateral negotiations are contextually distinct, not only from other modes of decision-making but also from non-international and bilateral negotiation.³²

We begin by surveying the key terms that have been used in describing collective arrangements in international multilateral negotiations, and follow by looking more closely at the lessons to be

³² There are a number of rich discussions on how to classify various approaches to negotiation in (Bercovitch, 1984; Murray, 1986; Neale and Bazerman, 1985). Students of multilateral negotiations, including the role of collectives within them, have suggested their own organizing frameworks. Two basic approaches seem to have emerged. One focuses on the *analytical approach* being applied and the other on the *discipline* of enquiry. The first is exemplified by the typologies used by Zartman (1989, 1991) who highlights five dominant approaches: structural, strategic, process, behavioral and integrative analyses. In the same tradition, Hampson (1995: 8) suggests a more layered typology focusing on structural analysis (power-oriented explanations), decisional analysis (formal, utility-maximization decision models; this includes sub-types of game theory, linkage analysis, concession analysis), and process analysis (context driven models; this includes sub-types of institutional bargaining, staging and sequencing, cognitive analysis, and mediation analysis). The second approach, used amongst others by Stevenson, Pearce and Porter (1985) and DuPont (1994), finds a disciplinary organization more useful classifying the main streams coming from the directions of political science, social psychology and organization theory. The two systems obviously highlight different elements—analytical approaches emphasizes the tools that are used to analyze problems while disciplinary typologies tend to focus on the choice of the problems themselves. However, in practice, both end up reviewing similar literatures since the tools are determined, in part, by the problems at hand and problems gravitate towards the analytical tools that seem most appropriate.

derived from the scholarship associated with the two most relevant categories: coalitions and alliances. The purpose is to establish clarity on the range of different collective arrangements and the conceptual lessons to be learnt from their application to a variety of problems. This will lead, in the next and final section, to constructing a framework for analyzing the collective behavior of the developing countries in international environmental treaty negotiations.

2.3.1 • 'Collective' Confusions

By 'collectives' we mean the array of arrangements under which a sub-set of two or more parties in an international multilateral negotiation act, or are seen as acting, cooperatively on selected issues for the purpose of influencing the negotiated outcome. After having already depicted coalitions as a (maybe 'the') defining feature of international multilateral negotiation, the reader is likely to find the sudden adoption to the term 'collectives' disconcerting. While apologies for this abrupt change are in order, it is necessitated by a conceptual quandary. On the one hand, the literature on international multilateral negotiation *does*, in fact, predominantly use the term 'coalition' (hence its use in earlier sections). On the other hand, a contention of this study—introduced in this section—is that the term is often used rather generously and often as a catchall for a fairly wide array of collective arrangements of which coalitions, by most of its many definitions, is just one variant. Other terms are also used in the relevant literatures—sometimes as synonyms to coalitions but often with distinct definitional implications. Here we explore some key terms and begin delineating conceptual distinctions.³³

The use of the term **coalition** is nearly ubiquitous in the scholarship directly relating to international multilateral negotiations. The assumption of clarity and shared understanding is so strong that most studies do not even try to define it, except by example and application. The few that do, find it to be a rather nebulous concept. After a review of the definitional debates Boyer (1996: 53), for example, resigns to depicting coalitions simply as "any subset of actors... that coordinate action for desired goal." Amongst those seeking more precision, DuPont (1994: 148) defines coalitions (specifically in terms of international multilateral negotiation) as "cooperative efforts for the attainment of short-range, issue specific objectives."

³³ Not all terms, of course, can be reviewed. Those that are most relevant to the practice of international multilateral negotiation and are used in the literatures most relevant to its analysis are discussed. Other concepts—including unions, leagues, clubs, etc.—are not discussed.

Kaufmann (1968: 144) ascribes similar characteristics—issue specificity and *ad hoc* structure—to the coalition. From a social psychology perspective, Rubin and Brown (1975: 64) define a coalition as “the unification of the power or resources (or both) of two or more parties so that they stand a better chance of obtaining a desired outcome or of controlling others not included in the coalition.” The most rigorous definition comes from Stevenson, Pearce and Porter (1985: 261) who examine the concept from an organization theory perspective and suggest that a coalition must have eight *necessary* characteristics: a) an interacting group of individuals, b) deliberately constructed, c) independent of the formal structure, d) lacking its own internal formal structure, e) consisting of mutually perceived membership, f) issue oriented, g) focused on a goal or goals external to the coalition, and h) requiring concerted member action.

There are also a number of typologies and a plethora of application discussions. The overarching notion of *winning*, *blocking* and *universal coalitions* has been suggested as being important. These build on Riker’s (1962: 12) definition of a winning coalition as a “subgroup which, by the rules accepted by all members, can decide for the whole.” By extension, a blocking coalition comprises of “actors who enjoy sufficient structural power that their defection from a cooperative solution or refusal to participate in a negotiated settlement will be sufficient to prevent agreement” (Hampson, 1995: 30; *also see* Sebenius, 1991: 127). And a universal coalition is one that signifies a ‘coalition of the whole’, or consensus (Sjöstedt, et al., 1994: 11). Eccles (1983) distinguishes between *formal* and *informal coalitions*, Cobb (1986) organizes the coalitional landscape as consisting of *potential coalitions* (subdivided into *latent* and *dormant coalitions*), *operating coalitions* (subdivided into *established* and *temporary coalitions*) and *recurring coalitions*, and Lax and Sebenius (1991) add the notions of *natural*, *de facto* and *nominal coalitions* to this mix. Moving away from his own (1994) definition, DuPont (1996) makes a distinction between *general goal coalitions* and *issue-specific coalitions*. This adds to his earlier typology of a) *hard-core broad-based coalitions*, b) *intra-bloc groupings*, c) *issue-specific coalitions*, d) *opportunistic alignments and tactical alliances*, and d) *groups of external actors* (DuPont, 1994). While these and the many other typologies scattered in the literature do capture the realities of the impressive spectrum of collective arrangements, unfortunately they add to the confusion of whether coalitions should be construed broadly or narrowly.

Although it is abundantly apparent that specific scholars have clear and definite understandings of what *they* mean by coalition (exemplified also in their choice of examples and typologies), the literature as a whole does not. Indeed, the literature tends to use the term coalition as a catchall—much the same as we are using the term collective. That, of course, would not be a

problem except that some of the meanings being ascribed to the term coalition have already been 'taken' by other specific terms either in the same or in related literatures.

The definitional confusion becomes striking, for example, when one reviews the international relations literature on collective arrangements between states. The key concept in this literature is that of **alliances**, defined by Sullivan (1974: 101) as a "cooperative effort in which the rights and duties of each member are codified in treaty." The general literature on the subject tends to agree that the defining feature of an alliance is the presumably *binding* and *formal* nature of the cooperation and generally discusses the concept in the context of military alliances (Morgenthau, 1959; Liska, 1962; Neustadt, 1970; Holsti, et al., 1973; Walt, 1987; Snyder, 1997). Despite generally agreeing about the definitional components of an alliance, this literature also bemoans the profusion of typologies (Stein, 1990: 151).³⁴ Of more concern to this scholarship, however, is the distinction between alliances and **alignments**.³⁵ Snyder (1997: 6) defines the later as "expectations of states about whether they will be supported or opposed by other states in future interactions"; such expectations generally "stem from the perceived interests, capabilities, and observed behavior of other states." Sullivan (1974: 101) further differentiates between *informal alignments* ("learned expectations as to how much cooperation might be expected from other nations") and *behavioral alignments* ("actual efforts to coordinate their behavior in a similar manner with respect to common objects"). Snyder (1997: 8) adds the important distinction that "formal alliances introduce a sense of obligation not present in tactic alignments. The sense of obligation arises, first, from the legal status of the contract as a treaty, although not all alliance arrangements take the treaty form. It stems also from the moral convention that promises should be kept."

A common element in the conceptualization of alliances, as of all collective arrangements including coalitions, is the focus on an existing, or constructed, congruity of interests. However, as Hans Morgenthau (1959: 186) points out, "not every community of interests, calling for common policies and actions, also calls for legal codification in an explicit alliance.

³⁴ Morgenthau (1959: 188), for example, reminds his readers that in Sanskrit there are sixteen words for different types of alliances.

³⁵ Two other collective arrangements discussed in the international relations literature have potential bearing on international multilateral situations. The first is *ententes* or "agreements that tacitly raise expectations of mutual support by reducing the amount of conflict between the parties." This is to be differentiated from *détente* or "agreements between adversaries that do not reduce their conflict enough to change their basic relationship"—there is a reduction in the tension, but the relationship remains primarily adversarial. (Snyder, 1997: 11).

Yet, on the other hand, an alliance requires of necessity a community of interests for its foundation." In short, a commonality of interests is necessary but not sufficient for an alliance. Sufficiency requires some formal structure. Morgenthau adds, "an alliance adds precision, especially in the form of limitation, to an existing community of interests and to the general policies and concrete measures serving them." A key point, in our search for definitional clarity, is that the *form* that the expression of congruent interests takes is deemed important and is likely to impact party behavior. To quote from Morgenthau (p. 197) yet again: "common interests are the rock on which all alliances are built. Yet, upon this rock all kinds of structures may be erected, some solid and spacious, others crumbling and confining."

Here, the semantic confusion is compounded. Just as one of DuPont's (1994) typologies would have us consider alignments and alliances simply one form of coalition, Snyder (1997: 12) clearly views a coalition as one form of alliance (and all alliances as 'formalized' alignments): "[in a coalition] a large number of states get together for a specific purpose, and when that purpose is accomplished, the group disbands." While this definition fits well with DuPont's (1994) focus on coalitions being short-term and issue-specific, the defining feature of Snyder's conception of the coalition is size—i.e., coalitions are significantly larger than alliances.³⁶

For others, it is not a matter of subsuming one within the other but of nuanced synonyms:

Historically the words 'coalition' and 'alliance' have been used almost interchangeably. In so far as there has been a difference it has been that the word 'alliance' more often has implied an arrangement between independent states involving treaty agreements, while the word 'coalition' has tended rather to emphasize a consensus of attitude and approach to a set of common problems. (Nitze, 1959: 22).

Another term that is sometimes used is **blocs**. In an early study on the impact of groups and blocs in the United Nations, Hovet (1960: 30) defined a bloc as "a group of states which meets regularly in caucus and the members of which are bound in their votes in the General Assembly by the caucus decision." Contextually, the term is a creature of the Cold War, where high stakes and hostility 'hardened' the competing alliances into 'blocs'.³⁷ As a 'hardened alliance', a bloc may be seen as a collective arrangement exhibiting a very high level of homogeneity (Kaufmann, 1968: 141), tight bonds (Welch, 1959: 281) and an expectation of complete

³⁶ Morgenthau (1959: 191) would suggest the coalitions are likely to be short term because they are larger in size; although focusing on narrow issues might give them greater longevity.

³⁷ The term was used mostly in relation to the Soviet alliance systems (especially the Warsaw Pact) and by Soviet scholars in terms of the Atlantic Alliance system. See Welch (1959).

agreement on a very broad set of issue.³⁸ The term has sometimes been used in other contexts including in describing the G77 (e.g., Rothstein, 1977; Hansen, 1979; Avalle, 1994).

Another important term for us is **group**. It is important because the practice of international multilateral negotiation within the United Nations context is structured around a system of regional caucus groups—formulated on the presumption that regional proximation is likely to translate into common interests and, therefore, may engender cooperation in negotiation. These groups have assumed a quasi-formal stature and are the basis of the G-77 as well as other negotiating collectives (Najam, 1994a; Avalle, 1994). Particularly in the context of large UN conference negotiations, “the almost chaotic structure suggested by large numbers of participants is, in practice, somewhat simplified by the coalescence of states into groups... [and] the effective negotiating structure that emerges as a result of the coalescence of groups may be reduced to very few negotiators” (Touval, 1991: 356). The notion of groups, or rather ‘interest groups’ is well-studied and has been defined simply as a set of actors with a common interest (Bentley, 1949; Verba, 1961; Olson, 1965). Although the United Nations has historically chosen to define its system of caucus groups regionally, sub-grouping structured around other lines (e.g., issue-based) are a constant and prominent presence in international negotiation, particularly international environmental negotiation; however, the meta-structure of regional caucus groups has survived and thrived.³⁹ As a result, at international multilateral negotiations, the issue-specific groups (which act more as coalitions) operate simultaneously with the regional caucus groups (which act less often as coalitions and more as alignments). At a nominal level, both are interest groups to varying extent and operate under the various compulsions and dynamics elaborated in small group theory as applied to multilateral negotiations (*see* Rubin and Swap, 1994). However, there is confusion about the relationship between a group and a coalition; in some writings the former is subsumed within the later, in

³⁸ Hans Morgenthau (1959: 206) considers the Warsaw Pact, the basis of what became known as the ‘Soviet bloc’, to not be a true alliance at all: “Power is here not superimposed upon common interests, as in a genuine alliance, but becomes a substitute for them. Thus the nation possessing such unchallengeable power makes the other contracting party subservient to its interests, regardless, and in spite of the divergences, of the latter’s interests. Such so-called treaties of alliance are in truth in the nature of treaties establishing, in the legal form of alliances, relationships that are a modern version of protectorates or suzerainty, and the nations subjected to them are correctly called satellites rather than allies.”

³⁹ For example, the evolving climate change negotiations have seen a number of ‘groups’, such as the Alliance of Small Island States (AOSIS), develop around key issues. However, such issue groups tend to be seen as temporary and context specific, as opposed to the regional groups which have assumed a procedural as well as functional permanence in UN sponsored conference diplomacy.

others it is the reverse, and in many they are treated as identical. Austrian diplomat Winfried Lang (1994: 208) is one of the few who makes an explicit distinction:

Coalition implies the formation and disbanding of associative relations; some governments cluster around a specific concern, while others move away and join another political or economic cluster. Thus coalition is a rather dynamic concept of the interactions in a multilateral framework. Interest groups reflect a somewhat higher degree of stability.

The goal of this, necessarily brief, review has been twofold. First, to highlight the variety of collective arrangements that are possible in international multilateral negotiations. Second, to suggest that although these various terms have quite specific meanings in various disciplines and application areas, they have been applied rather randomly to international multilateral negotiation and this has led to semantic as well as conceptual confusion.⁴⁰ For example, the case literature on international multilateral negotiation routinely (though to differing extent) uses each of the five terms discussed above in describing the particular collective that this study is interested in understanding—the Group of 77. Yet, it is fairly obvious even at a cursory level (and as will be later elaborated) that the G77 nearly never operates like a bloc or even an alliance and operates only infrequently as a formal coalition. At a minimum, it is certainly a caucus group within the UN system; possibly even the most stable of groups. Ironically, the one term that describes its behavior best—i.e., alignment—is the one that is used least often in describing its activities. The choice of one term over another—given that each has specific implications—invariably leads the reader to differing images of the nature of the collective in question, at least some of which are bound to be erroneous.

While it is tempting to plunge right into the task of devising common definitions for the various terms in the context of international multilateral negotiation, it is important to note that the 'baggage' that each term brings relates not only to how it is defined in specific disciplines but also to how it has been applied to specific problem sets. The following sections will focus on relevant lessons to be learnt about how those who tend to speak in the language of coalitions and those who talk in terms of alliances, the two most important terms, tend to apply them.

⁴⁰ In as much as 'coalition' has been applied as a catchall for the various types of collectives, the literature has lost out on the subtleties that could be derived from this rich definitional milieu; where different terms have been applied merely as synonyms, it has served only to confuse those who do attach specific meanings to specific terms and to sometimes unknowingly misdescribe reality.

2.3.2 • Coalition Lessons

Coalitions have been studied at length in a very wide variety of contexts ranging from, for example, domestic legislation politics (Groennings, et al., 1970), to labor union bargaining (Schwarz, 1970), to social cooperative behavior in 'humans and other animals' (Harcourt and DeWaal, 1992). While not all contexts are equally relevant for our purpose, insights from how the concept has been applied across different issue areas are.⁴¹

Formal deductive theories of coalitions have been, and remain, largely focused on two fundamental questions: a) which coalitions are likely to form? and b) how is the payoff divided among coalition members? (Rapoport, 1970: 286). Such models, particularly those applying game theory, have been described as mostly focusing on *static outcomes* of coalitional action rather than the *dynamic processes* that lead to them (Brams, 1975; Lax and Sebenius, 1991). In short, "scholars have analyzed coalitions as a specific bargaining problem. Understanding how coalitions *influence* the bargaining process is less understood" (Boyer, 1996: 15).

Political science applications—mostly of domestic legislative coalitions—have tended to gravitate either towards explanations based on the 'minimum size principle' as espoused by Riker (1962) or toward a 'policy distance' argument such as those offered by Axelrod (1970) or DeSwaan (1973). The size principle posits that the parties necessary to form a minimum winning coalition will aggregate together; moreover, if the coalition grows larger than the minimum size necessary to 'win', it will shed parties and revert to the minimum winning size. The policy distance school builds on this but suggests that ideological proximity will play the critical role in determining which, amongst a set of possible winning coalitions, will in fact be formed. Moreover, it suggests that stability will also be a function of the same.

Another rich source of research on coalitions comes from social psychology based largely, though not entirely, in laboratory experiments (often with three parties). The key questions are much the same and the main predictor of behavior is payoff—how do coalitions maximize and distribute payoffs for their members. In focusing on the differing resources that parties bring to a coalition, some suggest a model where parties seek to maximize the total resources available to the coalition, and thereby to them, by controlling as many other players as possible

⁴¹ A number of useful reviews of the literatures related to coalitions are available in Groennings, et al., (1970), Rubin and Brown (1975), Brams (1975), Murnighan (1978), and Pridham (1986). Summaries of how these apply to international multilateral negotiations are presented in Lax and Sebenius (1991), DuPont (1994, 1996), and Hampson (1995).

(Caplow, 1956, 1968). Others suggest a model reflecting the minimum size principle and payoff distribution on the basis of equity with respect to contributed resources (Gamson, 1961). Yet others view the issue from a bargaining standpoint and suggested models that combine the above and, in addition, stress the importance of alternative coalitional opportunities available to the parties (Chertkoff, 1970; Komorita and Chertkoff, 1973; Komorita, 1974).

Rich as these streams of research are, they are fundamentally focused on coalitions as a particular type of game—and international multilateral negotiations, as Midgaard and Underall (1977: 341) explain, is clearly “a very different type of game”:⁴²

The most fundamental difference is in terms of decision rules. The basic purpose of negotiation is to arrive at some kind of *agreement*—i.e., a unanimous decision. This has a number of implications; the most immediately relevant one to be noted here is that it implies a different concept of coalition success. The traditional criterion of winning is that a coalition must be able to meet a generally accepted rule that confers upon a subgroup the legitimate authority to make decisions for the whole. Obviously this criterion is not very useful when it is applied to processes where no such rule exists. In negotiations, the general purpose of forming a coalition will usually be to make (through information, arguments, or sheer pressure) someone agree to something that he/they would otherwise not have considered or accepted... Most negotiations are not ‘winner-take-all’ games. Thus, in negotiation, success will usually be a matter of degree. Moreover, success will often be ‘nonexclusive’ in the sense that more than one coalition can form and (to some extent) succeed in the same process. In sum, this suggests that when studying negotiations, the dichotomous concept of winning should be replaced by a continuous or incremental concept of success.... [Also,] joining a coalition is not always, as is assumed in most theories, a necessary condition for benefiting from its success. In the case of collective goods, an actor may reap the benefits of cooperation without joining at all... [Moreover,] the resources of a coalition should not generally be conceived of simply as the sum of member resources. The formation of a coalition may create new resources as well as destroy some of the individual member resources.

Although one might legitimately argue with some of the above, it is clear that in most instances international multilateral negotiation *is* indeed a different kind of game in a number of dimensions—it is not a winner-take-all, zero-sum enterprise and nor are winnings known or divisible; the very concept of ‘sides’ is often blurred; consensus, rather than voting, is the common decision rule, and even where ‘winning coalitions’ can be identified *post hoc* these are not delineated in the decision structure; the concept of a ‘minimum winning coalition’ is problematic because success and payoffs are not exclusive to those who ‘win’; complex issue palettes mean that success and payoffs are not only nonexclusive but are often partial.

⁴² Boyer (1996: 54) comes to similar conclusion, and argues that “by searching to provide parsimonious explanations, sociological and political science theories of coalition formation make strict assumptions that do not apply consistently and/or neatly to the case of multilateral environmental negotiation.”

An important point missed by most commentators is that deductive formalizations, by necessity, tend to view each negotiation as a bounded event—one with a clear beginning and end. In most cases, even where the negotiators are likely to interact again, this is a reasonable assumption. It is less so, however, in international multilateral negotiation. States, and very often the individual negotiators, are in constant negotiation contact with each other over a wide variety of issue. An ever-busier international negotiation system means that negotiators not only seek linkages between multiple parties and multiple issues but also multiple negotiations. Since each negotiation episode can be seen as but one move in a larger game encompassing many simultaneous or sequential encounters, coalition calculations—including the meaning of success and payoffs—are distinctly different. Also, the reason that *Party P1* joins hands with *Party P2* in *Negotiation N1* can be a function of the joint gains they intend to seek in *Negotiation N2* rather than anything to do with *Negotiation N1*. Moreover, most coalition models assume that the opening choice faced by parties is whether and which coalition to join. In international multilateral negotiation, as Touval (1991: 353) notes in passing, coalitions usually antedate negotiations. The important calculation, therefore, relates not just to the benefits of joining *Coalition C1*, but also to the costs of leaving *Coalition C2*.

Similar concerns have been raised by scholars of organization theory who have, more recently but quite actively, become interested in intra-organizational coalitions. This stream of learning on coalitions is of significance to us because, as Kolb and Faure (1994: 114) point out, “international multilateral negotiations... actually take place in organizations.” Moreover, organizational participants, much like states in the international system, “have both a history and a future together” (Stevenson, et al., 1985: 260). Although much of this research continues to rely on earlier theories from political science and social psychology (Bacharach and Lawler, 1980; Murnighan, 1986; Murnighan and Brass, 1991) some of the notions suggested as distinct to organizational settings also seem pertinent to international multilateral negotiations (*see, for example*, Stevenson et al., 1985). Two important lessons highlighted by Pfeffer (1981) seem especially germane to our enquiry. First, organizational (and international) coalitions will tend to be larger than the minimum size necessary because consensus is often necessary and always desirable. Second, since decisions are often increasing-sum, rather than zero-sum, ‘losers’ end up getting symbolic assurances and other side payments.

Those who have applied this learning to international multilateral negotiations view the main functions of coalitions as “complexity reduction and power enhancement” (DuPont, 1996: 61). Coalitions are credited with reducing both the “situational complexity” (Midgaard and Underdal,

1977: 343) and “cognitive complexity” (Hampson, 1995: 352) and are “one way in which both scholars and practitioners attempt to deal with complexity” (Boyer, 1996: 14). However, there is also agreement that this simplification has costs, both in terms of coalition management (including payoffs) and to the process. In terms of the later, there is “the risk of excessive polarization” (DuPont, 1996: 49) because “to the extent that coalitions are based on shared intrinsic interests, belief systems, or values, bargaining positions can harden across coalitions and hinder the prospects for agreement” (Hampson, 1995: 49). This is directly related to the first point about coalition management because even as coalitions simplify the process at one level they add a new—intra-coalition—level to the negotiation dynamic. Hence, Midgaard and Underdal (1977: 343) have suggested that coalitions can be “rather slow and inflexible actors”:

Since failure to reach agreement among its members most often means failure to produce a decision at all, the decision-making capacity of a pluralistic actor is, other things being equal, lower than that of more unitary actors. In general, low decision-making capacity favors a ‘passive’ approach to negotiation, at least as far as topics involving internal conflict are concerned. On such topics, coalitions will usually be less able to adopt the searching and flexible approach of cooperative negotiations... The requirement of agreement tends to favor the coalition member(s) who are most opposed to further concessions. Furthermore, once a coalition has succeeded in hammering out a ‘difficult’ decision, that decision is likely to be hard to modify or change.

With regards to power enhancement—the second main function of coalitions—one has to agree with William Mark Habib (1988: 10) that although power should be a “principal focus of negotiation analysis” it has, for most part, “been shunted to the periphery” of the negotiation literature (*also see* McCarthy, 1991). The scholarship focusing on international multilateral negotiation is not an exception. Indeed, some have argued that a focus on power is suited more to the study of bilateral negotiations because questions of symmetry and asymmetry between parties are less clear in multilateral situations (Zartman, 1989: 5; Hampson, 1995: 10). As a result, those who talk in terms of ‘coalitions’ have tended to leave discussions of structural power (asymmetries) to what we are calling the ‘alliance’ scholars (discussed later). However, notwithstanding the fact that much of this literature shies away even from the word ‘power’ and is largely uninterested in power asymmetries as a structural feature, it does conceptualizes coalitions very much as a *tactical* instrument of power enhancement. Tactically, “power becomes no longer a position or a possession—something a party ‘has’—but a way of exercising a causal relation—something one ‘does’—to bring about an outcome and not just the ability to do so” (Zartman, 1991: 149); in this sense, a coalition is a tactic that parties can employ, something they can ‘do’, to change real or assumed power symmetries.

At a general level, tactics "are drawn from the three classic baskets labeled Coalesce, Cut Up, and Confront. Groups seek either to aggregate other groups and parties into a growing winning coalition, or to divide opposing groups into smaller parts so as to absorb or merely weaken them, or to work out a deal with them" (Sjöstedt, et al., 1994: 12). Touval (1991: 353) adds that "a coalition is better able to affect the interests of other actors than a state acting alone. The implicit threat to others that if they do not accept the terms proposed, their relationship with all members of the coalition will suffer is more impressive than a similar threat made by a single state. Threats to break off negotiations without reaching an agreement may also be more effective, for states will be perceived by their opponents as being better able to withstand the consequences of no agreement if they are members of a coalition."

In his various writings, James Sebenius (1983, 1991, 1994, 1996) has detailed theoretical as well as applied insights into more specific tactical moves that can be applied to either enhance the power of existing coalitions or to craft winning coalitions. Three key coalitional tactics, discussed in Lax and Sebenius (1991), are party arithmetic ('adding' and 'subtracting' parties), process opportunism (manipulations of structural or process restrictions), and strategic sequencing (in what order should parties be approached and information shared). In building on these, Lax and Sebenius (1991: 189) are able to provide a very different rationality for coalitions that is rooted in negotiation analysis (*see* Raiffa, 1982; Sebenius, 1992; Young, 1991) rather than earlier theories: "coalitional actions [shape] the zone of possible agreement in desirable ways by (1) favorably influencing alternatives to negotiated agreement, (2) realizing joint gains, and/or (3) committing to favorable points within the zone."

2.3.3 • Alliance Lessons

Although Lax and Sebenius (1991: 153) consider the literature on alliances to be "closely related" to the study of coalitions, there remains an almost palpable divide between research presented in the language of one or the other term. Indeed, if one thinks of collective arrangements at the international level, one is likely to begin with the term alliance. It is not surprising that from Sun Tzu to Kautilya to Ibn Khaldûn to Machiavelli and beyond, the very staple of international politics has been strategizing about alliances; indeed, George Liska (1962: 3) aptly reminds us that "it is impossible to speak of international relations without reference to alliances; the two often merge in all but name." What is surprising, is that despite a distinct and distinguished literature on alliances (*see* Wolfers, 1959; Liska, 1962; Rothstein,

1968; Singer and Small, 1968; Neustadt, 1970; Holsti, Hopmann and Sullivan, 1973; Sullivan, 1974; Job, 1981; Walt, 1987; Stein, 1990; Snyder, 1997), those concerned with collective arrangements in negotiation have tended to either ignore alliances—both as a term and as a concept—or treat them rather marginally. Snyder (1997: 1) points us towards an answer:⁴³

Alliances obviously are cooperative endeavors, in that their members concert their resources in the pursuit of some common goal. The goal, however, is the prosecution of conflict with an outside party. Scholars interested in international cooperation have tended to focus more on the resolution of conflict between adversaries than on its prosecution; students of national security policy have been drawn more to the prosecution of conflict by such means as armaments, crises, and wars than to cooperative measures such as alliances. Hence the hybrid phenomenon of alliance has received less attention than it deserves.

Some of literature does highlight the role of alliances as 'cooperation for conflict'. Liska (1962: 12), for example, posits that "alliances are against, and only derivatively for, someone or something." Snyder (1997: 2) chimes in, "alliances can hardly be studied apart from the enmities that precipitate them." If, indeed, it is the tone and subject matter of much of the alliance literature—i.e., the 'prosecution of conflict' or war—that has induced those who define their discipline as 'conflict resolution' to maintain a decent distance from this scholarship then this has clearly been a mistake. While those who talk more in terms of, say, 'coalitions' may not highlight the fact, it remains that to be *for* something does imply being *against* something else; and war does remain one mode, albeit an undesirable one, of resolving conflicts.⁴⁴

For all the overt focus on war and military security it should be stressed that "alliances mark the cooperative end of the continuum of international relations" (Stein, 1990: 151) and the concept is applicable to and is being increasingly used in other arenas of international relations, most notably in international trade blocs (Snyder, 1997: 4). Moreover, the substantive focus of much of the scholarship has distracted attention away from the important fact that the defining feature of an alliance relates not to the frequent application of the concept to military cooperation, but to the *formal* nature of the collective arrangement (often encoded in treaty).

In highlighting that, definitionally, an alliance is formal in its internal structure and binding in intent (*see* Morgenthau, 1959; Liska, 1962; Neustadt, 1970; Holsti, Hopmann and Sullivan,

⁴³ One should note that this excerpt from Glenn Snyder (1997: 1) is originally meant to answer a different question—i.e., why has the "central phenomenon" of military alliances tended to be "bypassed by [the] great outpouring of theory... [on the] interplay of conflict and cooperation."

⁴⁴ Moreover, the goal, even of military alliance, is not only to enhance one's power in preparation of conflict but to reduce that probability by signaling one's enhanced power to potential adversaries.

1973; Sullivan, 1974; Walt, 1987; Snyder, 1997) this stream of scholarship places the spotlight on that which goes on *within* the collective—i.e., how does the collective maintain its cohesion. This is a distinctly different focus from that which has preoccupied much of the coalition literature (i.e., questions related to the generation and division of payoffs). Moreover, it places a premium on political explanations and conceptualizes the collective as a relationship. It is these three related lessons from the alliance literature, often ignored or underplayed by coalition scholars, that are particularly pertinent to international multilateral negotiations: a) an openness to political explanations, b) a focus on the internal management of the collective, and c) a recognition of collectives as relationships rather than ‘transactions’.

Indeed, political calculations can be—and sometimes are (Brams and Heilman, 1974 and Brams and Garrigo-Pico, 1975)—factored into coalition models like those already discussed. However, in viewing the collective as a political structure rather than a bargaining device, political explanations come to the fore in the literature on alliances and bring with them a different set of issues. Power becomes central to the analysis both as a structural and a tactical issue (Morgenthau, 1959). Importantly, from our perspective, scholars of the alliance literature have been more prone to also factor in the issue and structure dimensions of multilateral complexity. In particular there is an acute recognition that even where a common interest brings the alliance together there will invariably be other interests that are not common, and may even be contradictory. Morgenthau (1959: 191) points out that “a typical alliance is imbedded in a dynamic field of diverse interests and purposes” and will attempt to “transform a small fraction of the total interests of the contracting parties into common policies and measures.” The challenge of alliance politics, therefore, becomes broader than simply devising a scheme to distribute the payoffs derived on the common interest—it becomes a question of holding the collective together to serve the common interest even as divergent interests push and pull in other directions. The focus, therefore, is on alliance management.

Bargaining remains a key word for both sets of scholarship. However, in the first the more pronounced preoccupation is on how the collective is organized to bargain with other (outside) actors; in the later the emphasis is more on how the members of the collective bargain amongst themselves to keep the collective intact. This, of course, is entirely understandable since the alliance is conceived as a more formal entity and, therefore, its stability as a political structure is more important than the necessarily temporary union represented by the coalition.

Management involves pursuing both common interests and competitive interests and thus is essentially a process of bargaining, either tactic or explicit. The most fundamental common interest

is to preserve the alliance; having made the alliance in anticipation of benefits, the partners have a stake in keeping those benefits flowing. The primary competitive interest is to control or influence the ally in order to minimize one's own costs and risks. What gives rise to both these management tasks is the likelihood that allies will have at least some divergent interests or even conflicting interests. Although their common interests will have been sufficient to induce them to ally in the first place, their divergent and conflicting interests will constantly threaten to pull them apart. The job of alliance management, in a nutshell, is to counter these centrifugal tendencies, by either joint or unilateral action, in such a way as to maximize joint benefits and minimize costs to one's independent interests. (Snyder, 1997: 165-166).

This also leads to a focus on the issue of 'dependence' which, according to Snyder (1997: 166), "in an alliance, as in any relationship, may be defined concisely and comprehensively as the opportunity cost of terminating it." The notion is a pivotal one in any multi-negotiation system where the parties 'have a past and a future together'—the calculation is not only restricted to whether a party can get a better deal elsewhere but involves the cost of leaving the original collective and the ability (or otherwise) to return at a later date and on different issues.

Much can be justifiably made of the formal nature of alliances and how that one element can influence the dynamics within the collective. However, formal structure should not be confused with permanence. Indeed, most scholars (certainly realists and balance-of-power theorists) view alliances as necessarily temporary arrangements because they are focused on self-interest within an environment of competing interests (Morgenthau, 1959; 1978; Snyder, 1984, 1997; Walt, 1987). Morton Kaplan (1957: 116) views them as "transient instrumental adjustments to a changing international environment." Snyder (1997: 65) adds that "alliance agreements, no matter how 'binding' they may be in international law, are never absolutely or practically so."

Does this invalidate the very concept of alliances? Not so, according to Snyder (1997: 9) who points out that, whether practically binding or not, in reality "alliance promises are often made and kept even though they are not fully consistent with the parties' interests" and "the political reality of alliances... lies not in the formal contract but in the expectations that are supported or created—not only between the partners but also amongst all interested bystanders, including especially opponents." It is not that states are acting irrationally when they choose to stand by a partner even when it is against their immediate interest or abide by an understanding even if they do not have to. In fact, they are acting entirely rationally—a rationality based not simply on a short-term calculation on that particular interest, at that particular time, in that particular (bounded) game, but a rationality rooted in the calculus of a long-term, ongoing, interaction over multiple issues. In essence, it is the rationality of a relationship rather than a transaction.

Arthur Stein (1990: 154) certainly views alliances as relationships, and rather demanding ones at that: "some alliances are more than collaborative regimes—they are arrangements for joint decision making in which states care about the joint power of the alliance and in which they attach weights to their allies' interests. They commit themselves to act neither unilaterally nor without concern for the needs of their allies. Such alliances entail collective interests, sympathy, and solidarity." He goes on to posit what he calls 'dilemmas of entanglement':⁴⁵

Alliance dilemmas, or what I would also call dilemmas of entanglement, arise when individual self-interest points in a different direction from conjoint interest. This situation after all, is the true test of an alliance. When individualistic and joint interests converge, there is no need to posit the existence of joint interests, and hence there is no reason for alliances to exist. When the individualistic and conjoint interests diverge, actors must choose between their own egoistic concerns and the interests of the joint entity, the alliance. If actors always choose their individualistic interests when such situations arise, alliances are neither efficacious nor meaningful. Truly meaningful alliances are those in which that dilemma is, at least sometimes, resolved in favor of conjoint interests. (Stein, 1990: 163-164).

While Stein agrees that not all, or even most, alliances would fit this rigorous test. His point, however, is that the alliances that matter most are the ones "sustained by states prepared to pay some absolute individual costs in order to ensure the maintenance of the relationship" (p. 169). While many do not agree with such a view, even those who conceptualize alliances as being rooted in hard-nosed self-interest politics view them as relationships, often using the metaphor of 'commitment' and 'marriages of convenience.' That, Stein can live with:

Marriage represents the commitment of individuals to each other, more than a temporary and convenient convergence of interests. It signals a commitment to attach some weight to another person's needs and dislikes. It is a commitment to some form of joint decision-making. Like alliances, marriages are not forever. They can end in divorce. Nevertheless, marriages are difficult to dissolve. Their dissolution and consummation are consequent. (Stein, 1990: 168)

The continuing debates within international relations on the intensity of alliance relationships notwithstanding, the key lesson for our purpose is that all collectives are, in fact, forms of relationships and need to be understood as such. The irony, of course, is that the negotiation literature that has otherwise made such a virtue of relationship as an explanatory factor (*see, for example*, Fisher and Brown, 1988; Fisher et al., 1991) has generally tended to ignore the issue, or treat it almost parenthetically, when dealing with collectives.

⁴⁵ This, however, is not a total abdication of self-interest. As Stein (1990: 164) explains, "only when the consequences of a state's choice have more of an effect on others than on itself will it be torn between a dominant strategy of maximizing its own interest and one of maximizing the interest of the group. It is such an asymmetry of impact that is at the root of dilemmas of entanglement."

2.4 Organizing the Learning

This chapter has progressed from the general to the more specific. Section 2.1 began with a broad discussion of international multilateral negotiations and how these are distinct from bilateral encounters. Section 2.2 focused on the dimensions of complexity that are the defining characteristics of such negotiation. Section 2.3 highlighted the literature on collectives—especially coalitions and alliances—as a key means of managing this complexity. This final section seeks to make the discussion more specific by pulling together and organizing the key lessons of the literature review as they pertain to our research question.

In reviewing the various strands of scholarship on collectives in international multilateral negotiation, we seek to highlight the characteristics most relevant to the role of developing countries, as a group, in international environmental treaty negotiations. Contextually, we are interested in large-*N* negotiations; involving a large number of parties, often global in scale with representation from most UN members.⁴⁶ In focusing on ‘developing countries as a group’ there is an implicit suggestion that these countries have enough in common for them to be collectively labeled as a ‘group’. However, although the literature views these countries as a collective of some sort, the exact nature of this collective remains undefined and often unclear. The purpose of the entire study is to be able to say something meaningful about the nature of this collective, and the goal of this chapter has been to establish a conceptual basis for doing so. Here we will first review the main lessons derived from our literature review and, on the basis of this, will go on to suggest a set of definitions, propositions and a template for better understanding the role of collectives in international multilateral negotiations.

2.4.1 • Thinking ‘Collectively’

To begin by summarizing the general lessons of this review,⁴⁷ it seems self-evident that *multilateral negotiations are different from bilateral encounters*. However, the literature agrees that the distinction is about more than just a multiplicity of parties; *the fundamental difference*

⁴⁶ The universe of international multilateral negotiations is, of course, larger. While some conclusions of this chapter may be applicable to other contexts (including smaller-*N* negotiations) no claim to universality is implied. Indeed, the goal of this chapter has been to highlight those elements from the related literatures that are most relevant to the context in which our research question is set.

⁴⁷ Since the goal here is to summarize the key findings of the previous sections, therefore, citations already detailed in earlier discussion in this chapter are not repeated here.

relates to the multiple levels of complexity that are added to the dynamic as soon as there are more than two parties involved. Although the various facets of complexity emanate from the defining condition of multiple parties, they cannot be reduced to just that because these *complexities are often interwoven, frequently reinforcing, sometimes balancing, and not prone to linear agglomeration*. Moreover, complexities tend to get compounded in cases of large-*N*, international multilateral negotiations. While the literature throws up many manifestations of complexity, this chapter has organized these discussions around *three key dimensions—complexities related to parties, to issues and to process, respectively* (see Figure 2.1). In short, our review of these dimensions suggests that a) while complexity is a fundamental defining feature of international multilateral negotiation, it need not be a confounding feature; and b) although multiple parties is the original complexity from which other complexities emerge, it is not the simplifying complexity to which analysis can be reduced.

There is general agreement that one of *the most important distinctions of multilateral negotiation is the ability of subsets of parties to negotiate collectively*. On the one hand, this adds significant complexity to the practice as well as analysis of multilateral negotiation; on the other hand, it is an important means of managing complexity in both domains. For obvious reasons, collectives become especially important in large-*N* negotiations. Not surprisingly, there is a large reservoir of scholarship on this subject that constitutes multiple streams of relevant learning. Key amongst the lessons common to the various streams is that *collectives are important instruments of complexity reduction and power enhancement but can be slow and inflexible actors, often requiring intense internal management to be effective*.

However, not all lessons are directly applicable to *international multilateral negotiations, which have been described as 'a very different type of game' from other contexts*. To mention a few of the differences: international multilateral negotiation tends not to be zero-sum; key concepts such as 'sides' and 'winning' are blurred, and because of that so are concepts of 'winning' and 'blocking' coalitions in the strict sense; payoffs are often non-divisible and nonexclusive; consensus, rather than voting, is frequently the decision rule; and, importantly, such negotiation is better framed as an on-going multi-negotiation enterprise with a fairly stable set of actors who share 'a history and a future' together, rather than as a neatly bounded games.

Although much of the literature specifically looking at international multilateral negotiation has tended not to do so, the larger scholarship (particularly from international relations) highlights the importance of *focusing on the internal politics and management of the collective*. This is so

because, as noted, they are a different type of game in at least three respects. First, *negotiating collectives tend to both antedate and postdate particular negotiation episodes*. This is so because international multilateral negotiations are part of an ongoing system of international negotiation where specific episodes tend not to have clear beginnings and ends, and where the same set of actors (and sometimes the very same representatives negotiating on their behalf) are engaged in multiple and ongoing negotiations with related, if not linked, issues. Second, *even though collectives come together because of the key common interests of their members, there usually are other issues on which the members of the collective have divergent, sometimes contradictory, views*. Moreover, because there are multiple issues at play and not all of them are likely to be 'resolved' within the given episode, the choice of which (and whose) issues are placed at what priority on the collective agenda is of pivotal import. A key task becomes holding the collective together to serve common interests, despite the centrifugal forces (i.e., better offers from outside parties or conflicting interests within) that threaten the collective's solidarity. The internal centripetal bargain that ultimately binds the collective often includes tactic agreements on at least some of the divergent interests in addition to the common interests. Third, *even loosely structured collectives in international multilateral negotiation can turn out to be fairly resilient*. Given the long-term engagement, a sense of 'relationship' and 'dependence' can build amongst the members, raising the opportunity cost of terminating the collective arrangement. Even where immediate priorities differ, residual affinities from past collaboration and potential future joint gains can prove to be powerful ties.

The image of the collective in international multilateral negotiations that emerges from our review is that of *an intrinsically tense relationship that is nonetheless generally enduring and relatively resilient*. More accurately, the relationship is *made* enduring and resilient as members adopt various means to manage the tension that exists between centrifugal forces that threaten to break the collective apart and the centripetal forces that serve to hold it together.

Finally, a key point that is not prominently discussed in any of the individual literatures, but emerges as a clearly important issue when the various streams are reviewed together, relates to the rather *wide variety of collective possibilities available to international multilateral negotiators*. In the following discussion *we suggest that these possibilities and the nature of the collective's behavior at any given point is critical to the success of the collective, is a function of how parties and issues are managed, and that behavior can vary within a given negotiation episode* (again as a function of how parties and issues are managed).

2.4.2 • Conceptualizing Collectives: Definitions, Propositions and a Template

Collectives go by many names in the literatures surveyed. While there is some confusion and much overlap between the various terms used to describe them, it is apparent that the different terms do have nuanced but significant differences in what they seek to describe. Adapting the learning from Section 2.3, we can now propose descriptions for the key terms in the context of the specific characteristics and complexities of international multilateral negotiation:⁴⁸

- ❖ To begin at the broadest level, a **group** may be described as a process-defined collective of parties brought together on the presumption of potentially common interests that could, but need not necessarily, lead to joint negotiation efforts.
- ❖ **Alignment** describes learned expectations of future cooperation, even in the absence of deliberate coordination, on the basis of a general congruity of perceived interests and/or actual cooperative behavior in the past.
- ❖ A **coalition** may be described as concerted efforts involving the pooling of power and resources, deliberately constructed and coordinated, for the attainment of short-range, clearly defined, issue-specific objectives.
- ❖ **Alliance** also involves deliberately constructed coordination and the pooled power but the association stems from a congruence of broad-based interests on a general set of issues, often with expectations of a longer-term and wide-ranging relationship.
- ❖ A **bloc** may be viewed as a 'hardened alliance' exhibiting tight bonds of solidarity based on a wide-ranging homogeneity of interests and intense member coordination, with an expectation of broad-based agreement on most issues.

An immediate conclusion from the above seems to be that there is a continuum of collective behaviors related on the observed level of solidarity—ranging from bloc-like behavior (at the very high solidarity end) to alliance-like behavior to coalition-like behavior to alignment-like

⁴⁸ These descriptions build on the literature review presented in earlier sections, especially section 2.3. In particular, our conceptualization of **groups** is rooted in the practice of the UN group system, especially as discussed by Kaufmann (1968) and Lang (1994); that of **alignments** builds on the descriptions provided in Sullivan (1974) and Snyder (1997); that of **coalitions** is deeply rooted in the characterizations provided in Rubin and Brown (1975: 64), Stevenson, Pearce and Porter (1985: 261) and DuPont (1994: 148); that of **alliances** emerges from the lively definitional discussions in Morgenthau (1959), Liska (1962), Stein (1990) and Snyder (1997); and that of **blocs** builds generally on how the term was used in Cold War discussions but also on how it has sometimes been used to refer to the Group of 77 (e.g., Rothstein, 1977; Hansen, 1979; Avalle, 1994).

behavior. Other points of the continuum could include sub-categories within alignments, coalitions and alliances. 'Group', as a catchall, does not fit as a specific point on the continuum. Indeed, to whatever extent this variety of collective behaviors is acknowledged in the literature, it is recognized as such a continuum—as a means of placing the observed behavior on a scale of expressed solidarity. However, our review of the literatures that conceptualize the individual terms suggests that a unidimensional focus on solidarity captures the nuanced distinctions insufficiently, although not incorrectly. In particular, three related propositions can be posited.

First, while the various terms do signify a certain observed and expected gradient of solidarity, they also reflect the strategic choice that parties make with regards to the level of effort they are willing to invest in managing the parties in the collective and the issues on which they have either common or divergent interests. Conceptualizing collectives within a context of strategic choice regarding how the complexities of parties and issues are managed within the collective also serves to embed the discussion within the characterizing peculiarities of international multilateral negotiations as discussed earlier and away from assumptions that are rooted in other, substantively different, contexts. Indeed, a key realization in this regard is that 'success' for a collective in international multilateral negotiation is not only a function of how common interests are managed, but how divergent interests are dealt with.

Second, a focus on the behavior of collectives, as opposed to only structure, seems appropriate. This is because international multilateral negotiations are generally not characterized by the clear and codified rules or the divisible and defined payoffs that is the basis of much analysis of coalitions; nor is it conducive to the type of precision that typical alliance analysis demands in its focus on the codification of the cooperative intent. While the rigidity demanded by a focus on structure is inappropriate, the behavioral dynamics associated with different terms are commonplace observations in international multilateral negotiation. In essence, although strict alliances or blocs (with formal, codified obligations) are uncommon and unlikely in international multilateral negotiation, alliance-like behavior is fairly familiar (in terms of enduring cooperative expectation). Similarly, although coalitions in international multilateral negotiations operate in procedurally and analytically distinct settings—from, say, coalitions in legislative voting situations—coalition-like behavior is widely recognized as a defining feature of all multilateral negotiation, including at the international multilateral negotiation.

Third, the behavior of collectives in international multilateral negotiations tend to be fairly dynamic with parties having the ability to strategically choose from, and slide between,

different collective arrangements. This can be so for a number of reasons including, in particular, the long-term and ongoing nature of the interaction. Moreover, the boundaries between the different forms of collective behavior tend to be rather porous because the rules and structures are less constraining—unlike military alliances the stakes are not as high as they might be in the case of impending war; and unlike legislative or laboratory coalitions the rules are not as defined. Finally, flexibility itself becomes a management device for dealing with collectives that involve a large number of parties, deal with a large number of issues and is set within an ongoing multi-negotiation process where each episode can be long-drawn and the costs of outright exit from an existing collective arrangement can be high.

A conceptualization of the variety of available arrangements based on such propositions points us away from the image of a unidimensional continuum of solidarity and towards a rather different visualization; one depicted by a two-dimensional space outlined by the strategic choices made in managing the parties and their interests (both convergent and divergent). Figure 2.2 conceives this heuristic template as being defined by axes representing how the relevant complexities related to parties and issues, respectively, are managed by the collective:

- ❖ **Parties:** *The x-axis in Figure 2.2 represents the nature of the strategic choice that a collective makes in terms of parties management—ranging from less to more formal coordination.* This builds on the recurrent theme in the definitional discussions which suggests that the nature of the collective arrangement differs by the level of structural formality—whether it is ‘formal’, ‘codified by treaty’, ‘based on learned behavior’ or on ‘actual efforts’, and so on. The key questions in this regard would include, for example: How does the group maintain and display its unity? Are there clearly defined decision procedures? Do relationships within the collective assume a formal structure? Are there expectations of regular meetings, joint statements and communiqués?

- ❖ **Issues:** *The y-axis represents how the collective manages interests and issues—ranging from a focus principally on issue-specific concerns to one on more broadly defined interests.* One end of the range represents a general agreement on a broad set of common interests while the other signifies a greater focus on differentiated concerns where a congruity of interests exists on some issues but not on others.⁴⁹ This also

⁴⁹ It should be noted that there can be, and often are, instances where parties do agree on broad sets of issues but choose only to negotiate collectively on specific issues. This may happen for a variety of reasons including, especially, the high level of efforts required to maintain broad-based collective

builds on a recurrent theme of the literature, which suggests that collectives restricted to specific—narrowly defined and often short-term—issues behave differently from those built around a larger and broader array of issues. Given that members of any collective are likely to have many interests and not all of them entirely convergent, the choice of which issues to focus upon as a collective is of strategic importance and helps explain the nature of the resulting collective. The key questions in this case would include, for example: Do the members maintain a collective position on all or only on selected issues? How are differences within the group resolved on differently valued issues? Are group members able to negotiate on specific issues independently without jeopardizing their (or the group's) ability to negotiate collectively on other issues?

**Figure 2.2: The ABCD of Collectives
in International Multilateral Negotiation**

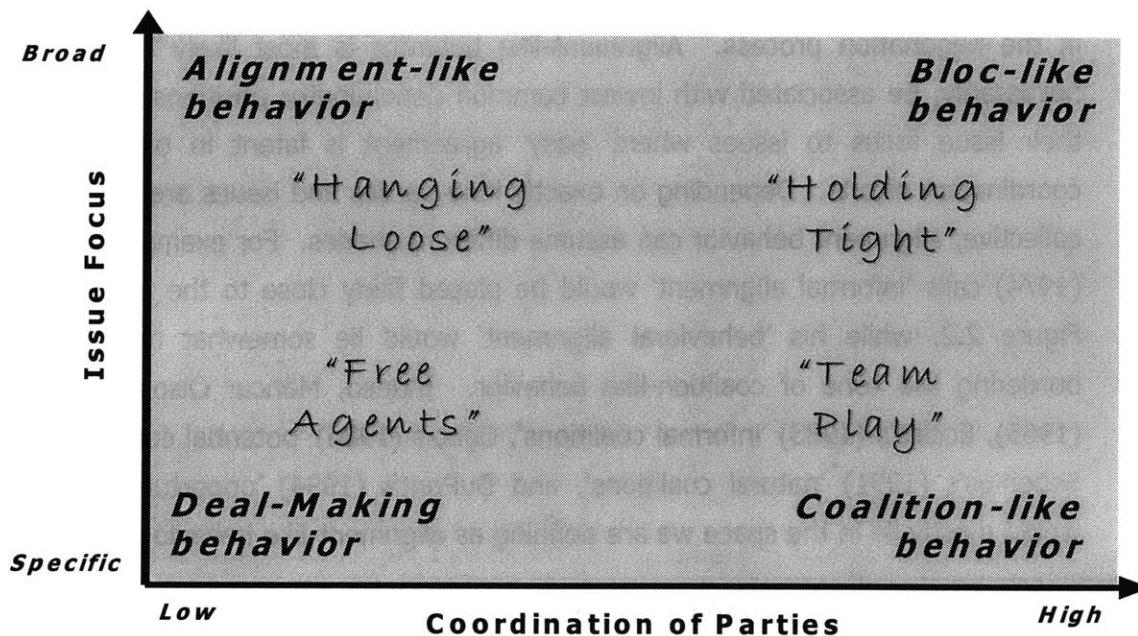


Figure 2.2 not only highlights the defining character of the complexities related to parties and issues, but also invests explanatory power in these variables. This is a useful template for our purpose because both party coordination and issue focus are observable characteristics. Figure

action. For our purpose, what is important is the observed behavior and whether the issue focus of the collective is 'seen' as relatively broad or more specific.

2.2 provides a means to organize observations on these variables—the expression of party unity as measured by the level of coordination and the expression of issue unity as gauged by the level of issue specificity, respectively. Moreover, the key definitions suggested earlier in this section can be organized rather neatly along these variables, giving us a template that may be described as the ‘ABCD of Collectives in International Multilateral Negotiation.’

- ❖ **Alignment-like behavior** is to be expected in situations characterized by relatively low coordination of parties and a relatively broad issue focus. One could describe such behavior as ‘hanging loose’—the parties in the collective are held together by a natural affinity based on a broad-based similarity of interests but the bond remains tentative in the absence of explicit coordination. This would arise, for example, where an already established congruity of general interests is recognized but there is little effort or opportunity to formally coordinate common platforms. In practice, this is fairly frequent behavior where the concerned parties (and others) expect, and plan for, mutual support in the negotiation process. Alignment-like behavior is most likely to, but need not necessarily, be associated with lowest common denominator positions as parties shrink their issue focus to issues where ‘easy’ agreement is latent in order to minimize coordination efforts. Depending on exactly how parties and issues are managed by the collective, alignment behavior can assume different shades. For example, what Sullivan (1974) calls ‘informal alignment’ would be placed fairly close to the top-left corner of Figure 2.2, while his ‘behavioral alignment’ would lie somewhat to the southeast, bordering the zone of coalition-like behavior. Indeed, Mancur Olson’s ‘latent group’ (1965), Eccles’s (1983) ‘informal coalitions’, Cobb’s (1986) ‘potential coalitions’, Lax and Sebenius’s (1991) ‘natural coalitions’, and DuPont’s (1994) ‘opportunistic alignments’ would mostly lie in the space we are defining as alignment-like behavior.

One example comes from the early phase (up to 1990) of the ozone negotiations.⁵⁰ In the absence of a G77 the few developing countries in the talks had little opportunity for formal coordination. However, there was a clear sense of a broad common interest in seeking financial transfers as part of the treaty design; moreover, there were no important specific issues that they valued differently. Therefore, despite the lack of formal coordination they acted, and were seen by others, as a negotiating collective.

⁵⁰ Particularly during the run-up to the 1990 London Amendments; during the final phase of the London negotiations, and later, the G77 became a more visible player (Litfin, 1994; Rajan, 1997).

- ❖ Variants of **bloc-like behavior** would be expected where a broad issue focus is matched with high levels of formal coordination. Characterized by solidarity, such negotiation may be visualized as the members of the collective 'holding tight' to each other—the parties in the collective are held together tightly because the broad set of common interests that they share are cemented into a common strategy through active coordination. Although 'pure' bloc behavior (exemplified by an 'all for one, one for all' attitude) is fairly rare, various forms of frequently observed alliance behavior would also fall in this category. Formal coordination amongst the members serves to convert the expectation of joint negotiation action into explicit intent which is announced to those within and outside of the collective through actions such as regular meetings, joint statements, individual members speaking on behalf of the collective, etc. Variations within the category will depend on the breadth and depth of issue consensus amongst the members and the level of active coordination that they are willing to invest. While the solidarity expressed by such behavior has obvious benefits in multilateral negotiation, 'holding too tight' can have significant costs to individual members since forging broad consensus can sometimes involve overlooking at least some specific interests and because high coordination has capacity costs of its own. In addition to the behavior described in the alliance literature, this space would be occupied, for example, by what DuPont terms 'hard-core broad-based coalitions' (1994) and 'general goal coalitions' (1996) or what Cobb (1986) calls 'established coalitions'.

While such collectives can be demanding in terms of efforts, and are unlikely to endure when the number of members and/or issues is large, one notable example of a collective negotiating in this mode would be that of the G77 during the ill-fated New International Economic Order (NIEO) negotiations in the 1970s. Although the developing countries failed in their valiant attempt to use their numeric strength at the United Nations to negotiate a new economic order for the world, the negotiations were characterized by very high efforts at group coordination and a strongly felt broad-based consensus that overwhelmed other more specific differences amongst these countries.⁵¹

- ❖ **Coalition-like behavior** is to be expected, as suggested in the literature, when the parties in the collective invest in relatively high levels of coordination for the attainment

⁵¹ NIEO negotiations will be discussed in the next chapter. Amongst its many good accounts, see, Gosovic (1972), Bhagwati (1977), Menon (1977), Rothstein (1977; 1979), Hansen (1979); Haq (1980), Mahbub-ul-Haq (1980a; 1980b); Ramphal (1980), Agarwala (1983), Murphy (1984).

of well-defined packages of issue-specific goals. Negotiation by such collectives can be characterized as 'team play' by its members because it involves the pursuit of well-defined and often limited objectives in a well-coordinated fashion that often includes different 'players' having distinct responsibilities related to their particular strengths. Although such behavior also involves a rather strong expression of solidarity, the unity is focused narrowly both substantively and temporally; moreover, the focused nature of the solidarity is evident both to the members of the collective and to other parties and observers.⁵² However, coalition-like behavior can—and very often does—stem from collective endeavors in the past and/or leads to more of them in the future. As described in the literature, many variations of coalition behavior may be observed. Such variations would be explained here according to the differing levels of issue specificity and parties' coordination, within the southeast quadrant of Figure 2.2. Situated within this quadrant would be Eccles's (1983) 'formal coalitions' (but not his 'informal coalitions'), Cobb's (1986) 'temporary' as well as 'recurring' coalitions, as well as Dupont's 'issue-specific coalitions' (1994; 1996). In following the tradition of Lax and Sebenius (1991) and DuPont (1994) we would also include here sub-coalitions within larger groups that might be otherwise acting as blocs of alignments.

Collective negotiation by the Alliance of Small Island States (AOSIS) in the context of climate change negotiations and by the group of land-locked states during the Law of the Sea deliberations are amongst the many examples of negotiation collectives in the coalition mode.⁵³ In both cases, the parties chose to act as a coalition on 'their' specific issues without actually divorcing themselves from G77 on more broad-based issues. They served, therefore, not only as coalitions seeking certain specific interests within the larger negotiations, but as sub-coalitions (rather than factions) within the Southern collective seeking to raise the profile of those interests on the G77 agenda. A different example of coalition behavior in international multilateral negotiations comes from the

⁵² Parties can choose to focus only on specific issues for the coalitional action either because the common interests pertain only to that issue or because they do not wish to invest the heavy effort required to maintain and service collective negotiation on a broad-based agenda.

⁵³ Good accounts of the Law of the Sea negotiations and the coalitional dynamics within it are available in Sebenius (1984) and Friedheim (1993). Amongst the many good accounts of the early phase of the climate change negotiations, including the role of AOSIS, see Mintzer and Leonard (1994), Rowlands (1995), Rajan (1997), and Agarwal et al. (1999). Although AOSIS has also attempted to negotiate collectively in other arenas, it remains most effective and prominent in negotiations pertaining to global climate change.

early phase of ozone deliberations where the so-called 'Toronto Group' emerged as early champions of regulatory curbs on ozone depleting chemicals.⁵⁴

- ❖ Finally, there are the situations where the principal focus of the parties is on their more specific interests and there is little opportunity or effort for coordination. This would lead to **deal-making behavior** and parties are likely to act like 'free agents'—the possibility, based on the potential, of common negotiation platforms exists but the parties (or sub-groups) are willing to entertain the best available deals for meeting their immediate, differentiated, interests from within or outside the collective. Although this is a rather transitory arrangement, such situations are fairly frequent. While one can also view this as a special case of issue-specific alignment, it is important to note that as 'free agents', the parties are often in a state of flux during this phase and it is the nature of the 'deal' that is (or is not) made which often moves them into (or out of) relatively more stable collective arrangements. In the language of Lax and Sebenius (1991), it is in this quadrant that the conditions are most ripe for 'coalition building' and 'coalition breaking'. As with the other arrangements discussed earlier, but even more so, much would depend on the importance of the issues on which the parties have convergent or divergent interests and also on the level of that convergence or divergence.

To better understand deal-making behavior consider the example of the ongoing negotiations for a possible Forests Convention. During the 1992 Earth Summit negotiations countries with large tracts of tropical forests had a strong common interest in resisting the (then) almost exclusive focus on tropical forests. However, instead of pursuing collective negotiation on their own, these countries (including Brazil, Malaysia, Indonesia, etc.) were able to place their concerns within the broader platform of the G77 even though most members of the G77 did not have clear stakes on this issue. In essence, the countries with tropical forests did *not* act as 'free agents' precisely because they were able to strike a deal with the larger collective and its broader agenda.⁵⁵

⁵⁴ This well-coordinated coalition emerged in 1983 and initially comprised Canada, Finland, Norway, Sweden and Switzerland. Some other countries, most notably the United States, later joined the coalition. See Benedick (1991), Litfin (1994) and Boyer (1996).

⁵⁵ Conditions were ripe for a 'deal' to be struck within the G77 on this issue because of many reasons, including: a) the countries in question were already within positions of leadership within G77; b) although other G77 members did not share this interest they were also not opposed to it; c) the broader issues within UNCED negotiations on which the G77 collective had common interests were valued highly by all members and there was a clear desire to find accommodation on differentially

Interestingly, the nature of discussions on a possible Forests Convention has evolved since then, as have country interests. As the focus has moved towards management indicators in all forests, two distinct issue-specific groups have emerged within the developing countries on the crucial issue of selecting criteria for 'green' forest products. Some countries, including Malaysia and Indonesia, view a regime based on management criteria favorably; others, such as Brazil and India, do not. While both factions continue to operate in alignment mode within the G77 where they share important broader goals (including the call for a financial transfers for forests), on this particular issue they remain in the deal-making mode. No grand deal has yet been struck either in terms of a common G77 position on this issue or in terms of a defection from the G77.⁵⁶

For our purpose, Figure 2.2 serves a number of useful functions. First, it provides a template for organizing observations regarding how a collective manages party and issue complexity. Second, it provides a means of identifying the nature of collective behavior at any given point, based on these observations. Third, it provides a framework within which to test the propositions raised earlier in this section. Finally, it provides a space on which we can plot the changes in a collective's behavior over the course of negotiation. In doing the above, it also places the focus squarely on the internal management of the collective.

The following chapters will use the findings of this chapter to organize and analyze the behavior of the developing countries as a group in international environmental negotiation.

valued issues; and d) a 'principled' opposition to the Convention was crafted on the argument that focusing only, or principally, on tropic forests was discriminatory.

⁵⁶ For example, even in showing some sympathy for the European-Canadian coalition that has very similar interests on this issue, Malaysia and Indonesia have adamantly kept a decent distance from them as formal partners; Brazil and India have been even more resistant to putting their support behind USA and Australia even though they, like them, oppose the current design of the criteria regime. For more on the evolution of these negotiations see Agarwal et al. (1999). For discussions on the future directions of global forest policy see Ramakrishna and Woodwell (1993). *Also see*, Grayson (1995); Humphreys (1996); Narain (1997); and Abramovitz (1998).

#3

Understanding the South

"For the South, in the era of negotiations, effective unity is the mandate of the world's poor. But without organization, real unity will be forever a mirage."

— **SIR SHRIDATH RAMPHAL (1980)**,
*Former Foreign Minister of Guyana and
former Secretary General of the British Commonwealth.*

Over the last decade, the term, 'South' has once again become the descriptor of choice for the set of nations that are variously referred to as the developing, less developed, underdeveloped countries, or simply the 'Third World.' Especially in the context of global negotiations—and even more so in international environmental negotiations—these countries are choosing, and sometimes demanding, that they be referred to as 'the South'. It is the contention of this chapter that this is more than just a matter of semantics. Indeed, the term reflects a certain aspect of their collective identity and, more importantly for our purpose, their desire to negotiate as a collective. It also reflects the type of collective that they are and wish to be. Equally, it is a reflection of the evolving global agenda that these countries, and the international system, are grappling with; in particular, the international environmental agenda.

This chapter will focus, therefore, on the concept of the 'South.' In particular, it sets itself the following goals. First, to establish the relevance of a 'South' in the post-Cold War world and understand what the countries of the South mean when they choose to describe themselves as

the 'South' rather than as 'developing countries' or as the 'Third World.' Second, to establish whether there is, in fact, a recognizable South within the international system and to determine the efficacy and relevance of the institutions of the collective South. Third, to review the potential of the current phase of North-South dialogue in the context of what may be called the global politics of sustainable development. And finally, to review how this unlikely and unwieldy collective has held together despite the odds, and at what cost. The purpose of this chapter is to trace the historical evolution of the Southern collective and to explore the motivations that have held the collective together. In doing so we will opt for a broad, rather than an episodic, view of *why* the Southern collective has behaved as it has. Subsequent chapters will focus more directly on *how* it has behaved as a collective.

3.1 Defining the 'South'

The end of the twentieth century has been a time of redefinition of the world order. Some proclaimed an 'end of history' (Fukuyama, 1989, 1992)¹; others foresaw an impending 'clash of civilizations' (Huntington, 1993, 1996).² In the midst of all this, the issues, alliances, and institutions that had dominated international politics in the last half-century are undergoing fundamental change. The retreat of Cold War tensions has signaled a withering of old rivalries and a blossoming of new alliances; it has also allowed a new spate of issues—including trade, economic development, human rights, and environmental quality—to take center-stage.

The upheaval in the geo-strategic landscape has rendered alliances from another era defunct; all across Africa, Latin America, and Asia, regimes that never had real support at home find themselves deserted by the superpowers that had long sponsored their rule. In the former Yugoslavia this led to the brutal dismemberment of a false state; in Somalia and Rwanda it triggered the disintegration of all notions of statehood. Alliances whose very rationale had been the ideological divide between East and West toil to adjust to a world whose fault-lines have shifted; some like the Warsaw Pact have crumbled, others like the North Atlantic Treaty

¹ In a much-debated 1990 essay, and later in his 1992 book, Francis Fukuyama argued that the century's ideological wars are over, and liberal democracy has won. He contends that liberal democracy is the final form of government and, therefore, we have reached the "end of history."

² In another much debated essay, published in *Foreign Affairs* in 1993, Samuel P. Huntington argued that world politics is entering a new phase, in which the dominating source of international conflict will be cultural, not ideological. He traces the fault lines of civilizations as the battle lines of the future. Huntington elaborates on the argument in a 1996 book under the same title.

Organization (NATO) struggle to seek a new mandate and new partners; yet others, like the Organization for Economic Cooperation and Development (OECD), turn their attention inwards as the battles move from being ideological to economic and the tensions are not as much with foes outside as between friends within. International institutions—no longer required to serve as Cold War sparring grounds—seek an expanded mandate, demand new powers; the World Bank with its gospel of structural adjustment and liberalization, the United Nations in its role as global conscience. It is within the context of this changing world order that the reemergence of the South as an “alliance of the powerless” needs to be understood (Williams, 1993: 9).

3.1.1 • What is the South?

After more than a decade in hibernation, the phrase ‘North-South’ again became the staple of scholarly as well as populist discourse on subjects related to international politics, most particularly international environmental politics and negotiation, during the early 1990s. Despite their pervasive use the terms ‘North’ and ‘South’ are seldom defined. This sub-section focuses on the term ‘South.’ More specifically, on what the countries of the South imply when they choose to self-define themselves as such despite, or because of, the historical baggage that the term carries. Implicit in this effort is the contention that understanding the term is not only integral to contextualizing North-South environmental differences but is critical to understanding why the South behaves as it does in international environmental politics.³

In 1980, the Independent Commission on International Development Issues acknowledged that neither North nor South is a “uniform or permanent grouping” and described them as generally synonymous with “developed” and “developing” countries (Brandt Commission, 1980: 31).⁴ Emile Van Lennep (1983: 15)—then secretary general of the OECD—pointed out that the North-South concept, “like all powerful ideas... has the virtue of grand simplicity.”⁵ He added that:

³ Details of the institutional forms and content of the collective will be discussed later.

⁴ The “Independent Commission on International Development Issues” is popularly recognized by the name of its Chairman, Willy Brandt, former chancellor of the Federal Republic of Germany. The commission’s original report, *North-South: A Program for Survival* (Brandt Commission, 1980), was followed three years later by an update, *Common Crisis: North-South Cooperation for World Recovery* (Brandt Commission, 1983).

⁵ It should be added that according to Van Lennep (1983: 16) this grand simplicity is a source of both strength and weakness because “the phenomenon of North and South is by no means the only important political and historical reality of our times” and viewing problems too exclusively through this global lens may lead to ignoring the role of domestic policies.

...the force of the North-South concept derives from major historical and political realities manifested in the post-World War II era. It is true that over time the distinction between North and South has become less clear in an objective sense. But the fact remains that there are two sets of countries which are widely comprehended to consist of the developed and the developing, each set sharing certain broad characteristics and psychological affinities. We have the countries of the North, with advanced or relatively advanced income levels and social conditions and a more or less completed process of national integration. The South comprises countries where the development process is still very much in train, where dual economies and dual societies are characteristic, and where, in many cases, hunger and poverty remain the dominant way of life for millions of people.

This remains a still valid caricature of how the North-South divide is perceived by many. Indeed, the popular view that the North-South divide is a binary distinction between 'haves' and 'have nots' is a powerful, and not untrue, way of understanding the concept—as long as one remembers that what the South wishes to 'have' is not simply economic development, but a say in the political decisions that affect its destiny (Krasner, 1985; Thomas, 1987). The danger, however, is that the distinction is too often distilled only to its economic dimensions, leading to the image of a South forever knocking at the North's door with a begging bowl in hand.

Aware of this danger, the 1990 South Commission defined the term in a decidedly more political context.⁶ It talks not merely about economic poverty but about the 'poverty of influence.' For the Commission, the defining feature of the South is not merely its economic weakness, but also its political dependence. The self-definition of the South, therefore, is a definition of exclusion: these are countries which believe that they have been "bypassed" and view themselves as existing "on the periphery" (South Commission, 1990: 1; *emphasis added*):⁷

⁶ The South Commission was established in response to the idea floated by Malaysian Prime Minister Dr. Mahatir Mohammed. Chaired by Julius Nyerere, former president of Tanzania, with Dr. Manmohan Singh of India as its secretary general, the 28-person commission had representatives from all continents of the South. These included: Gamani Corea (Sri Lanka) former secretary general of UNCTAD; Michael Manley, former Prime Minister of Jamaica; Carlos Andres Perez, former President of Venezuela; Shridath Ramphal (Guyana), former secretary general of the British Commonwealth; and Dr. Abdus Salam (Pakistan), Nobel Prize winner in physics. The report of the Commission, *The Challenge to the South*, was published in 1990 and was followed three years later by *Facing the Challenge: Responses to the Report of the South Commission* (South Centre, 1993).

⁷ Some Southern environmentalists build on such definitions to stress that the North-South distinction is not just a 'developed-developing' difference, but primarily a 'domination-dependence' divide; a divide created and perpetuated by centuries of colonialism which, they say, turned into neo-colonialism and is now in the danger of becoming eco-colonialism (Agarwal and Narain, 1991; Peng, 1992). During the UNCED process even government officials from the South began echoing this sentiment. Consider, for example, this statement by a Pakistani diplomat, Tariq Hyder, speaking for the Group of 77 (quoted in *SUNS*, 4 April 1992): "We [the South] do not want our freedom after independence, which has been so short, and in many ways so illusory... to be constrained by new environmental conditionalities which could be equated with environmental colonialism."

While most of the people of the North are affluent, most of the people of the South are poor; while the economies of the North are generally strong and resilient, those of the South are mostly weak and defenseless; *while the countries in the North are, by and large, in control of their destinies, those of the South are very vulnerable to external factors and lacking in functional sovereignty.*

To redress, what they consider to be an imbalance of influence, the developing countries have sought the vehicle of global negotiations, often referred to as North-South dialogue (*see* Gosovic, 1972; Menon, 1977; Haq, 1980; Jones, 1983; Murphy, 1984; Weiss, 1986a). Although Jones (1983: 1) considers "North-South Dialogue" to be "very much a phrase of the 1970s," the terminology and the concept of the North-South divide is not new. Gordon (1978: 5-6) credits former British Ambassador to Washington, Sir Oliver Franks, with having coined the expression "North-South relations" in the late 1950s and having suggested that a world-wide cleavage along that axis might come to rival East-West relations as a central concern of world politics.

By the early 1960s the term was already in use within the 'development community' (Ward, 1965: 3) and gained wider public recognition in the 1970s as part of the rallying cry for a New International Economic Order (NIEO). In NIEO debates, it gained legitimacy through its usage in UN documents and international forums (Moss and Winton, 1976; Makiyama 1980, 1982). During the 1980s, as the NIEO movement faded from global attention, the term was also confined largely to specialized academic discourse. However, the publication of the South Commission Report in 1990 and the term's wide use by governments, nongovernmental organizations (NGOs), the media, and officials during the UN Conference on Environment and Development (UNCED) process revitalized it in popular environmental contexts.

Conventionally, at least till before the end of the Cold War, the East European countries of the Soviet bloc were seen as part of the North (*see* Brandt Commission, 1980; South Commission, 1990). Formally, then, North equaled East plus West. Practically, however, the North-South divide has been much more of a West-South divide (Weiss, 1986a: 20). The East's attitude towards the South has remained ambivalent, ranging from strong support on questions of redesigning international economic institutions to outright opposition in other cases such as the Law of the Sea negotiations. Historically, this would suggest a triangular schema with the North equaling West, and South and East being distinct actors.⁸

⁸ Along this line, Hansen (1979, 3-4), for example, used the term North as "a shorthand description for the world's rich, industrialized noncommunist states" and South for "the world's less developed or developing states" which "range from the suddenly rich but yet-to industrialize oil states of the Middle East to the so-called Fourth World states, the poorest countries of the world." Academic debate on whether there is a Fourth World, whether dividing the world into such spheres has any

Although this triangular schema still best describes our popular division of the world,⁹ the end of the Cold War has disturbed the neat distinctions. The placement of East bloc countries within a North-South framework has become more difficult (Wallerstein, 1993). Some East bloc countries now fit better within the 'North' while others are distinctively 'Southern' in character. Moreover, the end of the Cold War has created a set of new states—primarily in the Balkans and Central Asia—with a strong claim to being of the South, even though most of them are not (yet) represented in the institutions of the South (Najam, 1993b: 48; Ayoob, 1995: 63). This has raised new concerns and questions about the continuing validity of the concept in the post-Cold War world. While the nations that make up the collective continue to congregate under the Southern banner, at least some analysts seem to be saying: 'it may work in reality, but does it make sense in theory?'

3.1.2 • Is there still a South?

In proclaiming that "The 'Third World' Is Dead," the *New York Times* (Crossette, 1994) has not been alone in prematurely pronouncing the demise of the South. Indeed, unwarranted obituaries have been, and remain, an enduring feature of the collective's decidedly rocky history. In its post-Cold War variant, the arguments go something like this: If the North was merely another name for the West, and now there is no East, then how can there still be a South? Better still, if there is no longer a 'Second' world, how can there be a 'Third'? For those who remain fixated on notions that define the 'Third World' or the 'South' only in the narrow terms of Cold War polarizations, the conclusion is obvious: the emergence of Southern unity, they insist, was a result of Cold War politics; with the Cold War being dead, the alliance should also be buried. Oxley (1991: 102, 109), for example, opines that the North-South dichotomy has been "archaic" for quite some time, and has been rendered "ludicrous" by the end of the Cold War. With the Second World having surrendered to the economic ideology of the First,

utility and where the socialist bloc countries fit in the schema were in rage in the 1970s. For a fascinating exposition of this debate see Wolf-Phillips (1979), Worsley (1979), Muni (1979), Love (1980), McCall (1980) and Mountjoy (1980). In the shadow of the falling Berlin Wall, such discussion was revitalized in the 1990s (see Weiss and Kestrel, 1991; David, 1991 and 1992; Adams, 1993; Najam, 1993b; Berger, 1994; Ayoob, 1995; Grant, 1995; Kamrava, 1995; Magyar, 1995).

⁹ The nomenclature has, however, changed with the West (or North) being called 'advanced industrialized democracies', the East often labeled as 'economies in transition', and the South still described as the 'Third World'.

and with the South being as heterogeneous as it is, it is tempting to proclaim the Third World as a "mere historical curiosity," and the coalition of the South as "at best little more than an irrelevance and at worst an absurdity"; in the course of time it may turn out to be so; but that time is not yet (Williams, 1993: 7-8; *also see* Grant, 1996).

At the simplest and most pragmatic level, what Roger Hansen (1979: 2) had to say about why thinking in North-South terms was valid 20 years ago, seems equally valid today: "If over [130] developing countries time and again, in forum after forum, act as a diplomatic unit, they would seem to merit analysis as a potential actor of major importance in the international system."

Irrespective of what academic, or even popular, opinion may insist, if this group of states continues to act as a relatively cohesive group in international forums—as they do—then it is simply irresponsible, not to say ridiculous, to label them deceased. At a deeper level of analysis, it is important to remember that even though the South emerged as a direct response to the new patterns of dependence that were manifest in Cold War polarizations, it is historically rooted in five centuries of shared colonial experience whose economic, social, and political scars are far from healed. For many of these countries, the desire for unity in the face of an international economic order that continues to place them at a systemic disadvantage still outweighs the internal diversity—which, in fact, has been a feature of the coalition's definition from its very outset. Most importantly, even if some Northern observers consider the South's agenda of 1970s "discredited" (Sebenius, 1991a: 87), it remains unfinished business for much of the South and a goal that is still seen as something that is very much worth pursuing (South Commission 1990; Mohammed, 1992; Samper, 1995; Grant, 1996).

The end of the Cold War has not resulted in making the Third World irrelevant as an explanatory category in international politics.... The relevance of the Third World, or the South, has been reinforced by the end of the Cold War because now the dichotomy between the developed, affluent, and powerful North and the underdeveloped, poor, and weak South is visible in even starker terms than earlier.... The end of the Cold War clearly has juxtaposed the vulnerabilities and insecurities of the South—an increasingly popular synonym for the Third World—with the power and affluence of the industrialized North. (Ayoob, 1995: 61)

The validity of the South as an effective, or even a 'real' negotiating collective had long been questioned on structural grounds. The collapse of Cold War tensions only revived such criticism on historical grounds. Not surprisingly, then, the South's self-definition—or rather lack of any concreteness therein—has been vulnerable on at least two fronts: the structural criticism about

the lack of homogeneity within the coalition, and the historical criticism about the irrelevance of the coalition after the demise of the Cold War.¹⁰ Let us review both streams of criticism.

The issue of heterogeneity has dogged the South from the very inception but many many Southern scholars and leaders consider it to be a false issue because from the very beginning the South has accepted, even prided in, its internal diversity. According to Williams (1993: 10), a "crucial feature" of the collective is "the members' recognition of the essential heterogeneity of the group." While the South's defenders have not contested the inherent heterogeneity of the collective, they have consistently contested the assertion that this heterogeneity is a 'defining variable' which might make the collective defunct (*see* Muni, 1979; Brandt Commission, 1980; Nyerere, 1980; Sabri-Abdalla, 1980; South Commission, 1990; Manley, 1991). In essence, since the solidarity of the South "has never been based on some supposed general identity of economic interests by all developing countries" (Geldart and Lyon, 1980: 101) therefore economic heterogeneity is insufficient—though not unimportant—for challenging the viability of the coalition. As Williams (1993: 10) argues, it may pose a "problem of management" but it is not "a sign of irrelevance or disintegration."

Additionally, available quantitative analyses suggest that the economic differentiation within the South has not grown as dramatically over the years as is popularly perceived, nor is it significantly greater than the economic differences within the North (Sabri-Abdalla, 1980; Adams, 1993).¹¹ Ultimately, the only litmus test of the South's alleged disintegration has to be whether its more fortunate members make efforts to distance themselves from their less well-off comrades in the common quest for international systemic change. Grant (1995: 569) reminds us that "there has been no stampede among the [Newly Industrialized Countries] to disassociate themselves from the Third World, especially as the portals of the industrialized countries of the North have not been flung open to them." In this respect, then, one can only

¹⁰ A more detailed argument along these lines is made in Najam (1994a; 1996f).

¹¹ In analyzing the economic data, Adams (1993: 16) finds that "in four decades of post-war economic development there has been a widening of the income gap and virtually no change in the basic division of the countries of the world." The only exceptions to the trend, he notes, are Singapore, Taiwan, South Korea and Hong Kong; of these, one is a city state and the statehood of another is in question. More strikingly, in analyzing the available data for 106 countries he finds that over the period 1960-89 only 11 countries have recorded a per capita growth rate of more than 4 per cent. This certainly belies the popular hype which is based more on occasional spikes in the fortunes of individual countries than on sustained performance. At the same time, "the gap in average incomes between the richest developed and the poorest developing countries increased from about 50:1 in the early post-war years to about 130:1 by the end of the 1980s" (pg. 238).

agree with Thomas (1987: 3-4) that "the changes which have taken place in the last forty years have not sufficiently eroded the political, psychological or economic underpinnings of the grouping to warrant a reclassification. As a category in international relations, the Third World has not yet been rendered invalid." The question, of course, is whether the global changes over the last decade have somehow made the Southern collective defunct.

This is the thesis of the second stream of critique of the South as a viable collective; it argues that since the East-West rift has disappeared, therefore the South can also be declared deceased or, at the very least, it can be safely ignored (Van Evera, 1990). Such a view seems to rest on the assumptions that a unipolar world implies an undivided world and/or that South unity came about only because of the Cold War. The first of these assumptions can only be credited to a flawed euphoria. For leaders of the South, the sense of subordination, alienation, and injustice that had initially brought them together, still persists. Not only has the end of Cold War not triggered a buoyancy of hope in the South, it has raised new fears. As Malaysian Prime Minister Mahatir Mohammed (1992: 26) made passionately plain, "a unipolar world is every bit as threatening [to the South] as a bipolar world."

The unipolar world is fraught with threats and challenges. To deal with them we need to cling even more closely to one another. Without the option to defect to the other side, we can expect less wooing but more threats. Alone we have to submit one by one. Together we may yet be able to sustain our independence and integrity... We must decide for ourselves or the decisions will be made for us by others. We cannot expect decisions made by others to favor us.

As to arguments about the Southern collective being an artifact of the Cold War, it is true that Southern unity, especially within the non-aligned movement, emerged as a retaliation to Cold War polarizations. However, the South sought for itself an identity separate from either bloc. Seen by the West as a 'construct of the idle left' and often accused of being conceptually inconsistent by its critics, non-alignment has had a very precise meaning for its adherents. The essence of the South's political identity was not merely a retaliation to *bi*-polarity, but to the very notion of *polarity*. Sabri-Abdalla (1980: 40) reminds us that "dependence, with all its corollaries" has always been the root cause of Southern solidarity; as long as the perception of dependency remains intact, so will the South." Cedric Grant (1996: 569) explains:

The transition from a bipolar world does not render [the South] anachronistic; nor does it justify the removal of the concept of the Third World from among the tools for analyzing international politics. On the contrary, the Third World, as an analytical concept, is likely to retain its usefulness so long as the world continues to be riven by serious economic and political disparities.

Having said the above, although the end of the Cold War does not render the South defunct, it does present it with a new set of dangers. The dangers entail not as much in the South 'disappearing' as in being 'ignored' in the wake of its own diminishing strategic utility (*see* David, 1992; Chubin, 1993). An articulation of the attendant fears of the South is captured by Chubin (1993: 88), who argues that "the South is under siege—from an international community impatient to meddle in its affairs. States of the South are losing their sovereignty, which in many cases was only recently or tentatively acquired."¹² Not only is there the fear of a North more belligerent in using its hegemonic privileges, there is also the emergence of new claimants to the North's sympathy in the former Soviet bloc. The South is fearful of being marginalized further as attention and resources are diverted from development in the South to economic reconstruction in the East (Peng, 1992; Singh, 1992; Adede, 1994).

While the dangers highlighted by the end of the Cold War have signaled to the South a need to revitalize its sagging coalition, new stirring around global environmental issues have offered them something on which to engage the North. The de-escalation of superpower confrontation also provides the potential for a shift in the world's geopolitical axis; from an era of East-West conflict to one of North-South tension (Lerner, 1992: 18; Peng, 1992: 5).

Neither the gravity of the threat nor the potential of the opportunity is lost on Southern leadership. If recent stirrings in the Group of 77 (G77) and the Nonaligned Movement (NAM) are anything to go by, the South is not about to become a casualty of Cold War cessation. Two empirical studies of voting politics within the UN General Assembly demonstrate the tenacity and resilience of the South and the trend toward the reemerging prominence of the North-South divide in global affairs. Iida's (1988) quantitative analysis of developing countries' voting patterns in the General Assembly finds that the South's solidarity persisted—and was, in fact, higher than in the 1970s—during the 1980s when the fortunes of the South were at their lowest.¹³ Even more striking evidence is provided by Kim and Russett's (1996) study of

¹² Chubin (1993: 91-3) adds that while the end of the Cold War has robbed the South of bargaining leverage, it has "freed the North to indulge its basic antipathy toward the poorer South... the South is often depicted as the 'new threat,' and some of its members as 'rogue' states." This is compounded because "the South struggles not only with its own problems of political and economic development, domestic instability, and regional antagonisms, but also with a changing international system that promises it little in the way of assistance or relief."

¹³ According to Iida (1988: 394), this was because "when Third World states feel that they are losing power, they step up their efforts to coordinate their policy positions so that they will increase their bargaining power. When their power is growing, they have less need for presenting a unified front."

alignments within the UN General Assembly since the end of the Cold War. Analyzing the voting roll-call data for General Assembly sessions from 1991 to 1993, they find (pg. 651):

The North-South split now characterizes voting positions as much as the East-West split once did. The importance of North-South issues is not new, but during the cold war years it tended to be conflated with and be overshadowed by East-West issues as a source of division. The resurgence of North-South voting renews and strengthens a long-standing alignment, one now likely to dominate the UN for a substantial period in its future. Voting alignments are likely to be shaped by state preferences along developmental lines, and views of self-determination and economic development will reflect the continuing great differences between rich and poor nations.

A sense of new vulnerabilities, the persisting pangs of an unfinished agenda, and the opportunity of renewing a North-South dialogue under environmental auspices seems to have translated into a renewed assertiveness by the Southern collective, especially around the broad ambit of sustainable development. The evolution of what has been called 'ecopolitics' (Kay and Skolnikoff, 1972; Pirages, 1978; Alker and Haas, 1993) seems to have given the South a new arena to rally in. With the global agenda no longer clouded by Cold War distractions, and with their own strategic utility to the superpowers evaporated, the countries of the South are reasserting their collective voice in international negotiations. The concurrent thrust of global environmental treat-making has provided them with an opportune arena in which to do so.¹⁴

The reinvigoration that the South, especially the G77, seems to have enjoyed during and since the 1992 Rio Summit, and the prominence (re-)gained by the South as a relatively cohesive negotiating collective took many by surprise. Some thought the cohesion was unnatural while others predicted that it would be momentary. After all, the long-standing economic, political and geographic differences within the South could only be compounded by the environmental differences between them; the all-too-apparent differences between royalist, oil-rich Saudi Arabia and communist, economically struggling, Cuba can only be enlarged when one also factors that the first is a sparsely populated desert and the latter a populous small island state.

¹⁴ It is generally accepted that North-South differences are a critical component of the international environmental problematique; that these differences are, in fact, a major impediment to global cooperation; and that any international effort to address environmental problems is not only likely to be influenced by North-South rifts but will also have to somehow address—and 'manage'—them (*See* Young, 1989; Caldwell, 1990; de la Court, 1990; Mathews 1991; Gardner, 1992; Peng, 1992; Petesch, 1992; Thomas, 1992; Choucri, 1993; Susskind, 1994a; Miller, 1995; Sell, 1996; Najam and Page, 1998;; Elliott, 1998; Tolba, 1998; Agarwal et al., 1999; French, 2000). These differences were glaringly apparent during the 1992 Rio Summit, where "North and South clashed on a wide range of economic and political issues related to sustainable development" and negotiations since then have only verified that the "inequitable economic relations between North and South [are] a crucial element of the political context of global environmental politics" (Porter and Brown, 1996: 108).

In fact, at many turns during the 1992 Earth Summit, and in global negotiations since then, differences within the developing countries of the G77 have led to apparent fractures and frictions in the collective. For example, in the climate change negotiations the influential oil-producing members of the G77 have had a significantly different agenda than the G77 members of the Alliance of Small Island States (AOSIS) and other coastal nations that are frontline states for possible sea-level rise (Boyer, 1996; Moomaw, 1997; Elliot, 1998). In the negotiations on desertification, as we will discuss in the next chapter, the dispute between African and non-African members (on the priority for Africa within the Convention) nearly brought the G77 to a halt (Agarwal et al., 1999; Corell, 1999; Long, 1999). Negotiations on the biosafety protocol within the biodiversity convention also saw the developing countries differing significantly based on their particular trade priorities (Cosbey and Burgiel, 2000; Smith, 2000).

The surprise is not that developing countries had different priorities on specific issues. It is that even when they chose to pursue their differentiated interests in global negotiations they nearly entirely did so within the framework of the G77. True to form, the collective has remained remarkably resilient in the face of conditions that should have predicated disintegration. Porter, Brown and Chasek (2000: 179) explain: "Despite growing disparities among the developing countries between rapidly industrializing countries such as China, India, Malaysia, and Brazil, and debt-ridden countries that have experienced little or no growth since the 1980s, such as most of sub-Saharan Africa, Vietnam, Myanmar, and Nicaragua, developing countries share a common view of the relationship between global environmental issues and North-South economic relations." It is this common view of the nature of the environmental problematique and its placement within a North-South framework that ensures that the collective South will continue to play an important role in future global environmental negotiations.

3.1.3 • Why Not 'Third World'?

Before closing this section something needs to be said why the term 'South' is being used here rather than the 'Third World.' The two terms came into usage around the same time, were originally used to convey the same meaning, and still refer to roughly the same set of countries. However, in the context of popular, journalistic, and even academic usage their intent has substantially and substantively diverged. While 'South' retains its intent of being a political entity, 'Third World' has become a predominantly economic concept referring to poor countries,

and more generally to the poor. In fact, it is no longer used exclusively for states; 'Third World conditions' has become a synonym for economic deprivation anywhere.¹⁵

This is a serious deviation from the original conceptual intent of the term 'Third World.' Alfred Sauvy, French demographer and economic historian, is generally credited with having coined the term (Angelopoulos, 1972: 9; Wolf-Phillips, 1979: 105; Love, 1980: 315; Keyfitz, 1993: 3).¹⁶ Writing at a time when the Cold War was at its coldest, he introduced it in an influential article in *l'Observateur* (14 August 1952; No. 118, pg. 5), titled *Trois mondes, Une planète*:

Nous parlons volontiers des deux mondes en présence, de leur guerre possible, de leur coexistence, etc. oubliant trop souvent qu'il en existe un troisième, le plus important... C'est l'ensemble de ceux que l'on appelle... les pays sous-développés... ignoré, exploité, méprisé... veut, lui aussi, être quelque chose.

[We gladly speak of two worlds facing each other, of their possible war, of their coexistence, etc., forgetting too often that there is a third one, *the most important*... That is the group of those that are called... the underdeveloped countries... ignored, exploited, scorned... *that want, they too, to be recognized*].¹⁷

The term *tiers monde* as it first became popular in French—and then got translated into English as Third World—brought with it a certain history: its antecedent being French political concepts including 'Third Force,' 'Third Estate,' 'Third Way,' and 'Third Camp' (see Wolf-Phillips, 1979; Worsley, 1979; Love, 1980; Otter, 1981).¹⁸ Each term carried a distinct, nuanced meaning. The commonality was that 'Thirdness' represented a sense of distance from the dominant poles rather than a descending numerical order; it was used specifically to highlight exclusion, independence, alienation, powerlessness, and a rooted desire to change the order of things.¹⁹

¹⁵ For example a report in 'All Things Considered' on National Public Radio speaks of "almost Third World living conditions here in Texas on this side of the border" (NPR, 1995), while an interview in the *Los Angeles Times* talks about "importing Third World conditions" to USA (Mungen, 1996).

¹⁶ Worsley (1979: 101) doubts that Sauvy 'coined' the term. Citing John T. Marcus' *Neutrality and Nationalism in France* (New York: Bookman Associates, 1958) he asserts that Claude Bordet used the term at least as early as April 1949. This, however, is challenged by Love (1980: 315).

¹⁷ *Emphasis added.* Keyfitz (1993: 3) points out that the word "important" in French means both numerically preponderant, as well as important in the English sense, and Sauvy is using it in both contexts. He adds that "Sauvy wanted to form our minds to the idea that the poor countries were a problem, perhaps the chief problem, of the rich countries, whether the latter realized it or not."

¹⁸ Love (1980: 315) adds the phrase 'Third Position' to the list. This is of significance since the 'Third Position' doctrine was forwarded by Argentina's Juan Perón as early as 1949 as a notion related to neutrality in the emerging Cold War; this was similar to the eventual non-alignment doctrine.

¹⁹ Wolf-Phillips (1979: 105) points out that "it may be that in the 1950s the phrase *tiers monde* was used more in the sense of 'Third Force' rather than 'Third World', indicating 'non-alignment' rather than 'underdevelopment'." He points out that *tiers monde* was originally popularized in France during 1947-9 to describe the political parties that took their stance between the opposing poles of

These connotations and the historical context of earlier French use of 'Thirdness' made *tiers monde* an apt phrase for the newly independent, formerly colonized, poor states that were just entering the international system in the 1950s.²⁰ Love (1980: 316) explains:

When Alfred Sauvy coined *Tiers Monde* in his 1952 article, '*Trois mondes, une planète*' his analogy was to the *Tiers État*. He wrote, "...this Third World [is] unknown, exploited, despised like the Third Estate; it, too, wants something." Here, of course, he was alluding to the Abbé Sieyès' ringing phrases of 1789: "What is the Third Estate? Everything. What has it been till now in the Political Order? Nothing. What does it want to be? Something." Thus, in addition to the idea of non-alignment (discussed by Sauvy in the same article), in this use of the term we find neglect, exploitation, and revolutionary potential.

The essence of the original 'Third World'—which is all but lost in its current use—was that poverty was *a* symptom, rather than *the* cause of the commonalty. What bound the countries of the Third World, despite all their internal differences, was not that they were (for most part) economically impoverished but that they all felt politically disempowered. They had only recently become part of an international system that they had no hand in shaping, over which they had limited influence and no power, and which they considered unsympathetic to their interests. It was this system that they wished to change.²¹ Or to use Sauvy's metaphor: the 'ignored, exploited, scorned' of the world sought 'something'—they wanted 'to be recognized.'

The above discussion may seem archaic, but its purpose is to underscore the important point that the term 'Third World' originally evolved as a *political* concept. As Merriam (1988: 20) reminds us, the term is "more than merely a sociological designation, it connotes a psychological condition, a state of mind encompassing the hopes and aspirations of three-

Gaullist and Fourth Republic policies. Interestingly, as late as 1958 de Gaulle was to use *tiers monde* to describe the role of France independent of US foreign policy alliances. Also indicative of the use of 'third' in this context was the 'Third Way' movement in France of the mid-1950s which saw itself as the alternative to NATO and Stalinist militarism (Worsley, 1979; Otter, 1981).

²⁰ This sense of alienation and exclusion is also captured in 'periphery' in the *dependencia* literature which grew out of the 'historico-structuralism' of Raúl Prebisch (Prebisch, 1950; Packenham, 1992).

²¹ Hedley Bull (1984: 217), in reviewing the development of international relations in this century, points out that "the dominance of the European or Western powers at the turn of the century was expressed in their superior economic and military power and in their commanding intellectual and cultural authority but also *in the rules and institutions of international society*" (*emphasis added*); he adds that "the rules of international law which then prevailed had been made, for the most part, by these European or Western states... they were also in substantial measure made *for them*" (*original emphasis*). Bull (pgs. 220-3) goes on to argue that after the Second World War a "revolt against Western dominance" became strong enough to shake this system, and this revolt was based on five themes: a) struggle for equal sovereignty; b) anti-colonial revolution; c) struggle for racial equality; d) struggle for economic justice; and e) struggle for cultural liberation.

fourths of humanity.” It originally became popular amongst scholars and leaders of the emerging South as a political concept (Lyon, 1984). Over the years its meaning has changed dramatically to an economic connotation (Muni, 1979; Mountjoy, 1980). As a political concept, the expression “neither [denoted] an inferior value structure, nor a descending numerical order” (Muni, 1979: 128). As an economic concept it has been corrupted to imply exactly that.

This is not to suggest that ‘Third World’ as a concept of simple economic gradation is without validity. Indeed, poverty is a major commonality of these states; it is also the major banner used by them in articulating their demands.²² As an economic term, ‘Third World’ has become a useful concept. But it no longer does justice to its original political essence. That essence is better captured by the term ‘South.’ It is this political essence that the scholars and leaders of the South attempt to capture by making South their descriptor of choice, and it is this political essence that is on display when these countries choose to negotiate collectively.

For its proponents, and for the purpose of this study, the term ‘South’ implies not just a commonality, but a bond; a bond borne out of a distinct sense of being dependent and unequal. The South Commission’s report, *The Challenge to the South* (1990), essentially echoes the views of the earlier Brandt Commission (1980: 32) which had pointed out that the South’s “solidarity in global negotiations stems from the awareness of being dependent on the North, and unequal with it.” It is erroneous to consider ‘South’ as another alternative term used to refer to what are essentially economic concepts: ‘developing countries’, ‘underdeveloped countries’, ‘less developed countries’, or simply ‘poor countries’. As Roger Hansen (1980: 1105-6), a leading scholar of the North-South conflict, points out in a still relevant analysis:

It is increasingly misleading to equate North and South with rich and poor countries, industrialized and nonindustrialized countries, developed and underdeveloped countries. Each group contains states of enormous diversity by all economic measures.... [W]hile economic issues remain a central ingredient, they are only one of several fundamental elements in the North-South conflict. Like ‘the North’, ‘the South’ is a label given meaning not by the degree to which those countries share economic characteristics but by the decision of those countries to act as a diplomatic unit coordinating a large measure of their international activity. Properly used, the label ‘South’ applies to a readily observable process in today’s international politics, and not to an analytical categorization of countries based on relative levels of economic development.

Williams (1993: 9) argues that, even today, the South is “essentially a political coalition”:

²² However, note that poverty is also evoked in a political context. An excellent example is Julius Nyerere’s (1980: 7) description of the G77 as “the trade union of the poor”. The fact that he uses the decidedly political context of a trade union implies the intrinsically political nature of the coalition.

Efforts to depict the Third World as an economic or cultural concept mistakenly attempt to reduce political behavior to a non-political explanation.... The unity of these countries arises, in the first place, from the inability of these states to exert significant influence on world events.... [M]aterial weakness and an inability to influence policy making provides a powerful stimulus of an alliance of the powerless.... [The] international division between the 'haves' and 'have-nots', did not by itself create the coalition although it established necessary conditions for bringing it into existence.

It is critical, therefore, to remember that the Southern coalition is bonded together not just in a common desire for economic justice, but in a shared demand for a fundamental restructuring of international institutions and regimes. In *The Poverty Curtain*, Mahbub-ul-Haq (1976: 167) stresses that the struggle of the Southern collective is against "systemic discrimination"; as such "the basic struggle is for equality of opportunity, not equality of income." On a similar note, though in making a different argument, Stephen Krasner (1985: 27) argues that Southern solidarity is motivated by political control as much as by economic wealth and development; that "vulnerability, not simple poverty" is the motivating force for the Southern coalition.²³

Viewing North-South issues with a political lens brings the enormity of the problem of global cooperation on anything—including the environment—into sharp relief. If bridging the enormous chasm of economic disparity between North and South seems like an insurmountable problem, then bridging the equally fundamental differences in the political aspirations of the two camps is even more so. Bringing about drastic changes in the international system that they consider antithetical to their interests is a fundamental goal of the South. The North is unprepared to accept any such change.²⁴ It is here, as much as in the economic differences between the two, that we find the true essence of North-South conflict.

²³ Krasner (1985) starts with the question: "What do Third World countries want?" (p. 3). His assumption that "Third World states, like all states in the international system, are concerned about vulnerability and threat" (p. 3), leads him to the conclusion that "Third World states want power and control as much as wealth" (p. 3). He argues that "North-South conflict is endemic" because the power gap is already so great that vulnerability will persist (p. 294). His prescription, then, is that "the international system would be more stable and less conflictual if the North and the South had less to do with each other" (p. 30). Interestingly, the very last sentence of the book simply states that, "there are some problems for which there are no solutions" (p. 314). Also see Krasner (1983).

²⁴ The threat inherent in the South's call has long been obvious to the North. In *Contemporary International Law: A Concise Introduction*, Levi (1979: 274) laments that "the division between developed and developing states has already disadvantageously affected the international legal system, and it is likely to do so in the near future. The reasons are, first, that the developing states are changing their tactics from making demands in international forums to assuming active roles in international institutions; they are trying to use international law to obtain a greater share in the world's wealth; and above all and affecting everything else, the developed and the developing states take two totally different approaches to the regulation of their relationship."

Such a historical and political appreciation of what it means to 'be of the South' needs to be cultivated if we are to make sense of the behavior of these countries in the global environmental politics and negotiation. This not only provides an explanation for the levels of emotion and frustration that North-South debates provoke, but also point to the conclusion that operationalizing global sustainable development is not merely about technical or market 'fixes'; it is ultimately about reconciling deep-rooted normative differences about how the international system—including the international environmental system—should be organized.

3.2 The Institutional Face of the South

The previous section has attempted to understand the essence of what the developing countries mean when they choose to describe themselves as the 'South'. It argued that this essence is principally political, rather than economic; and that it builds on a set of shared vulnerabilities, grievances, and aspirations for the collective South to congregate around. One is justified in asking whether such a congregation exists only in the rhetoric of the South or whether it has institutionally manifest itself in international multilateral negotiations? This section sets out to answer this question. It will explore how the South has organized itself in the international system, gauge the efficacy of its organization and explore its limits.

Although the South is not—nor has it ever been—a simple concept to define, the wide acceptance and growing use of the term implies that even where the 'South' defies precise definition, it enjoys general recognition. Nowhere is this recognition more manifest than in the institutional face of the South. Institutionally, the South consists of two distinct organizations, the Non-Aligned Movement (NAM) and the Group of 77 (G77). While distinct in their objectives, organizational structures and competencies, the two demonstrate a high degree of convergence in their membership and goals, and may be considered "separate parts of a single coalition" (Williams, 1993: 11). While the memberships of the two organizations do not exactly mirror, the overlap between the 115 members of NAM and 132 members of G77 (plus China) translates into informal as well as formal coordination (*see* Boxes 3.1 and 3.2).

The roles played by the two in furthering the Southern agenda have been distinct, but complimentary. According to Sauvart (1981a: 5), "while the Non-Aligned Countries [have] played a key role in making the development issue a priority item of the international agenda, the Group of 77 has become the principal organ of the Third World through which the concrete

actions... are negotiated within the framework of the United Nations system.” This reflects the decision taken at the 1973 NAM Algiers Summit to entrust the pursuit of economic objectives to the G77, with NAM acting as a “catalytic force” focusing on the political environment within which such goals could be achieved (Searwar, 1988: 10 ff4).²⁵ In general, NAM’s rationale is primarily political while G77 is more focused on economic issues; NAM is the political mouthpiece and G77 is the negotiating arm of the Southern collective.²⁶ However, the two mandates have been converging over the years and although the general distinction remains valid, NAM has begun focusing more on economic issues since the 1992 Jakarta NAM Summit.

3.2.1 • The Non-Aligned Movement (NAM)

Although its roots can be traced to earlier anti-colonial movements, the Afro-Asian Conference held at Bandung, Indonesia, in 1955 is generally recognized as the defining event for NAM, and the South as a negotiating collective.²⁷ Twenty-nine countries from Africa and Asia and representatives from many liberation and nationalist movements participated. The principle of “abstention from the use of arrangements of collective defense to serve the particular interests of any big powers,” which was to become the principal doctrine of NAM, was first articulated here. The heated debate on the concept of ‘non-alignment’ remains the most enduring legacy of the event which was to convert what, till then, was a regional group into a cross-regional collective. (Jansen, 1966; Sharma, 1969; Jankowitsch and Sauvart, 1978; Rajamoorthy, 1992).

This was an era characterized by new states gaining political independence from colonial rule, a scramble amongst the superpowers for establishing ‘spheres of influence,’ and a growing concern amongst some of these new states that a world divided by the ideological animosities

²⁵ The most recent manifestation of the relationship was in the declaration of the recent ‘South Summit’ held in Havana, Cuba in April 2000 (G77, 2000a). The meeting of heads of state and government of the G77 reaffirmed both the “imperative need to act in close unity” and the importance of collaborating with NAM through the Joint Coordinating Committee (JCC).

²⁶ It is important not to confuse the distinction between *economic* and *political* here with that made earlier while discussing the term ‘Third World’. Both NAM and G77 are inherently political institutions. However, NAM has tended to focus more on power (or ‘high’) politics, while G77 concentrates on the (‘low’) politics of economics and development.

²⁷ Jansen (1966) and Rajamoorthy (1992) consider the 1947 Asian Relations Conference, held in India, as the first landmark in the evolution of NAM. With most of the South still under colonial rule, the conference was held as a nongovernmental meeting attended by 230 delegates from 28 countries. Many were leaders of independence movements and were to become future leaders of Asia.

of the Cold War would only subvert their own hard-won independence. The debate on non-alignment was, therefore, both important and divisive. In the process, some who were present at Bandung (notably China and Japan) decided not to join the ranks of what later became NAM. However, the transformation from an Afro-Asian *conference* into a non-aligned *movement* did mean that new allies from Latin America and Europe could now be inducted. Prime Minister Nehru of India and President Soekarno of Indonesia, who had advocated non-alignment at Bandung, were joined in the following years by President Nasser of Egypt, Marshal Tito of Yugoslavia, and President Nkrumah of Ghana in championing the concept.

It was under the leadership of these five that a Summit Conference was convened at Belgrade, Yugoslavia, in September 1961. With leaders of 27 countries—including Cuba and Yugoslavia—in attendance, the founders of NAM sought to maintain their own independence and at the same time provide a principled response to the prevailing bipolar international order. The defining motivation remained a rejection of domination and dependence, one summed up by Zambian President, Dr. Kenneth Kaunda: “we wish to be free to make our own assessment in matters which affect us and having done so, to be able to make our decisions without pandering to the ideologies of any nation or bloc” (*quoted in Rajamoorthy, 1992: 22*).

Since those heady days, twelve Summit meetings of Heads of State and Government have been held; most recently in South Africa in 1998 with the next one planned for Bangladesh in 2002.²⁸ NAM membership has now risen to 115 with the most recent entrant, the Dominican Republic gaining membership in 1999 (Box 3.1 and Map 3.1).²⁹ An important development since the end of the Cold War has been a greater openness to other groupings and states. Apart from a large number of future prospective members (or supporters) who attend the NAM Summits as observers, the number and range of ‘guest’ representation at NAM Summits has increased to now include most Northern groupings and states.³⁰ Also of note is the induction of some former Soviet states; something which G77 has been more hesitant in doing.³¹ (NAM, 2001).

²⁸ NAM Summits have been held at Belgrade, Yugoslavia (1961); Cairo, Egypt (1964); Lusaka, Zambia (1970); Algiers, Algeria (1973); Colombo, Sri Lanka (1976); Havana, Cuba (1979); New Delhi, India (1983); Harare, Zimbabwe (1986); Belgrade, Yugoslavia (1989); Jakarta, Indonesia (1992); Cartagena, Colombia (1995); and Durban, South Africa (1998).

²⁹ Turkmenistan, Belarus and Dominican Republic are the most recent entrants. The applications of Bosnia-Herzegovina and Costa Rica were rejected both at Cartagena and then at Durban. The membership of Yugoslavia has been suspended since 1992.

³⁰ At the last NAM Summit in 1998, the countries with observer status included: Armenia, Belarus, Brazil, People’s Republic of China, Costa Rica, Croatia, Dominica, Dominican Republic, Kazakhstan, Kyrgyzstan, Mexico, Paraguay, Ukraine, and Uruguay. The ‘guest’ list was even more telling:

Box 3.1: The Non-Aligned Movement

- Afghanistan •
- Bahamas •
- Barbados •
- Benin •
- Botswana •
- Burundi •
- Cape Verde •
- Chile •
- Congo •
- Cuba •
- Dominican Republic •
- Equatorial Guinea •
- Gabon •
- Grenada •
- Guinea-Bissau •
- India •
- Iraq •
- Kenya •
- Lao •
- Liberia •
- Malawi •
- Mali •
- Mauritius •
- Mozambique •
- Nepal •
- Nigeria •
- Palestine •
- Peru •
- Rwanda •
- Saudi Arabia •
- Sierra Leone •
- South Africa •
- Suriname •
- Tanzania •
- Trinidad & Tobago •
- Uganda •
- Vanuatu •
- Yemen •
- Algeria •
- Bahrain •
- Belarus •
- Bhutan •
- Brunei Darussalam •
- Cambodia •
- Central African Republic •
- Colombia •
- Congo (DPR; Zaire) •
- Cyprus •
- Ecuador •
- Ethiopia •
- Gambia •
- Guatemala •
- Guyana •
- Indonesia •
- Jamaica •
- Korea (North) •
- Lebanon •
- Libya •
- Malaysia •
- Malta •
- Mongolia •
- Myanmar •
- Nicaragua •
- Oman •
- Panama •
- Philippines •
- St. Lucia •
- Senegal •
- Singapore •
- Sri Lanka •
- Swaziland •
- Thailand •
- Tunisia •
- United Arab Emirates •
- Venezuela •
- Yugoslavia (*suspended*) •
- Zimbabwe •
- Angola •
- Bangladesh •
- Belize •
- Bolivia •
- Burkina Faso •
- Cameroon •
- Chad •
- Comoros •
- Côte d'Ivoire •
- Djibouti •
- Egypt •
- Eritrea •
- Ghana •
- Guinea •
- Honduras •
- Iran •
- Jordan •
- Kuwait •
- Lesotho •
- Madagascar •
- Maldives •
- Mauritania •
- Morocco •
- Namibia •
- Niger •
- Pakistan •
- Papua New Guinea •
- Qatar •
- Sao Tome and Principe •
- Seychelles •
- Somalia •
- Sudan •
- Syria •
- Togo •
- Turkmenistan •
- Uzbekistan •
- Viet Nam •
- Zambia •

Australia, Austria, Bosnia-Herzegovina, Bulgaria, Canada, Finland, France, Germany, Greece, Holy See, Hungary, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovak Republic, Slovenia, Sweden, Switzerland, United Kingdom, and the United States of America.

³¹ Belarus, Uzbekistan and Turkmenistan are now full members.

The road for NAM, however, has been far from smooth. Its relevance, never fully accepted by the Western powers, has come under serious internal question at least twice. The early 1980s saw the coalition fighting off internal threats to its continuity as member states repelled moves by the then Chair, Cuba, to promote the Soviet Union as the South's "natural ally."³² The early 1990s have seen it successfully fighting off a similar challenge to its continuing validity, this time from the replacement of superpower bipolarity with unipolarity.³³

Map 3.1: The World of the Non-Aligned Movement



Indeed, NAM's achievements can seem dismal if we take its rhetoric literally—i.e. its stated goal of substantively redirecting the path of global politics either by ensuring its own functional independence or by contributing to world peace through influencing a weakening of the bipolar system. Having said that, while it is tempting to write off NAM as irrelevant, it is erroneous to do so (Jansen, 1992; Williams, 1993; Grant, 1995; McBeth, 1995). NAM's agenda has always been broader than its nomenclature. It has provided a forum to the nations of the South to stress their common concerns for independence and sovereign equality, de-colonization and anti-racism, economic and social development, sovereignty over natural resources, cultural equality, multilateralism, and the non-use of force or the threat of force. NAM's efficacy needs

³² Grant (1995: 575-6) points out that on top of the economic decline that marked the era, "political bickering and maneuvering within NAM in the late 1970s also severely tested [its] coherence... The most divisive issue was the attempt to radicalize NAM to the left. Cuba, which chaired the NAM from 1979 to 1983, promoted the view that the Soviet Union was 'the natural ally' of the movement." Although the NAM members repelled the move, it served to further fuel the West's distrust of NAM.

³³ Some, like Chubin (1993: 91), assert that "Non-alignment died with the Cold War"; others, like Grant (1995: 583), insist that "that there is a role for the NAM is not in doubt." This study will argue for the latter view (as do Jansen, 1992 and McBeth, 1995).

to be gauged not as much in the achievement of these goals, as in its ability to raise these issues at the international level. On that count NAM has been a reasonable success.

The durability of NAM through the turbulent 1980s, through internal differences, and through the demise of the Cold War highlights the continuing value the Southern leadership see in it. This was demonstrated most strikingly at the 1992 Summit in Jakarta, Indonesia. What some had predicted to be a swan song for the organization turned into rejuvenation.³⁴ Although the assembled Heads of State and government acknowledged the need for “a realistic reordering of priorities” in light of the changed global setting, the Summit revitalized NAM and was one of the most comprehensive in its history—both in terms of attendance and the scope and depth of issues covered. It was especially important for articulating a rationale for the organization’s continued existence in a unipolar world (Misra, 1993). The South’s view that “the desire to be independent is not dependent on the number of military blocs in existence at any given time,” was most championed by the Malaysian Prime Minister, Dr. Mahatir Mohammed (1992: 26):

How can we remain non-aligned when the two ideological adversaries have disappeared? Where before we had the option to defect to the other side, now we have none. Our new option is to submit or resist. Both involve a loss of leverage, and weak nations with no leverage can only become weaker.

Such a rearticulation of enduring NAM goals within the context of a unipolar world was not limited to a few outspoken leaders but was a striking feature of the entire meeting. For example, a preparatory report argued (South Centre, 1992: 1-2, 8):

For NAM... non-alignment was always a positive stand for peace, human rights, and an economically just world, which by inference meant a rejection of relationships which involved servitude and sacrifice of national self-interest by perpetuating injustice and inequity. The basic values and objectives of non-alignment not only remain valid in the current world, they need to be promoted and defend vigorously. This world is no less unjust, inequitable, unfair or dangerous than it used to be.... The logic of the developing countries working together has not weakened merely because East-West tensions have subsided. In fact, it was not the East-West divide but the desire of new states, mostly ex-colonies, to promote their common interests that lay at the origins of the Non-Aligned Movement. As long as the developing countries have interests of their own on the global political and economic scene the logic of collective action will remain valid.

Misra (1993: 14) summarized the significance of the 1992 Summit in NAM’s evolution:

³⁴ At a preparatory meeting for the Summit, Egypt had proposed that with the Cold War having ended NAM should wind itself up and merge with G77. Instead, the leaders assembled at the conference came out with a vociferous vindication of the continuing utility of the movement in a unipolar world.

In the history of NAM, the Jakarta Summit must be reckoned as a watershed. Without resorting to anti-Western rhetoric, the leaders made a sober and realistic assessment of the emerging international situation. *It was a moment of redefinition.* It was an occasion to take stock of their own possible role in world affairs... The main contribution of the Summit, however, was that it helped in dissipating much of the uncertainty about the validity of non-alignment. The process of renewal was begun; the movement was back on the rails. (*Emphasis added*).

This process of revalidation was continued in Cartagena where the new Chair, President Samper of Columbia (1995: 10-11), proclaimed that "never before has it been so clear that we cannot face the challenges of the new international balance individually" and that "our integration into the world cannot be a solitary, suicidal adventure." More important than the rearticulation of goals, however, was the redefinition of strategies. In his concluding address, he stressed the need for NAM to take "the step from confrontation to cooperation, from conflict to consensus, from individualism to solidarity"; this was a more sober, more pragmatic NAM: "We cannot continue complaining. We have to move from idealism to reality" (*quoted in Ferrer, 1995: 25*). The tone was echoed at the 1998 Summit in Durban, South Africa which declared that "unity of purpose and strategy among the nations of the Movement is of critical importance" but focused much more on the challenges within the South than on differences with the North (NAM, 1998).

Ultimately, NAM's greatest achievement is its resilience as a platform where its leadership can articulate their agenda. More than that, it has proved to be a forum where this agenda can evolve and respond to changing priorities. This resilience is, in large measure, a factor of its being an evolving institution; one that has had demonstrable impact in influencing and projecting the collective South's evolving agenda. Born in the 1950s as the anti-colonial voice of newly independent states, NAM began shifting its focus more towards development in the 1970s. The fourth NAM Summit held in Algeria in September 1973 laid the political foundation of the South's demand for a New International Economic Order. More recently, the movement has responded to post-Cold War realities and focused on new priorities—the 1992 Jakarta Summit focused on sustainable development, the 1995 Cartagena Summit focused on UN system reform, and the 1998 Durban Summit focused on the uneven impacts of globalization. In each case, the Summit documents not only voiced the South's sentiments authentically but also shaped them. Furthermore, NAM has provided the weaker Southern states an opportunity to increase their participation in the international political economy beyond what the prevailing order would have otherwise permitted, while permitting the relatively stronger states the use of collective's strength of numbers to enhance their own role in global politics.

If survival and redefinition have been the major successes, it may be because it has lacked any formal structure that could have imperiled its survival by resisting redefinition. This lack of structure, however, has imparted a certain sense of adhocism to NAM. This has often translated into a lack of follow-through of decisions and has tended to reduce NAM rhetoric to being exactly that. Without formal structure to ensure continuity, the onus of translating good ideas into real action is left entirely to individual member states who, despite all their good intentions, have too many other immediate worries distracting them from long-term NAM goals.

An instrument of political summitry, NAM meets every three years to renew (or redefine) its vows. Operating through ministerial committees, NAM has no permanent institutional infrastructure to manage its activities between Summits. The Summits are held every three years, with meetings of foreign ministers held at eighteen-month intervals. Continuity is provided by the Chairperson-in-office (the Chair of the preceding summit), and a 'Bureau'—composed of permanent representatives to the United Nations at New York—that serves as a *de facto* 'steering committee' between ministerial conferences. The Chair country's Permanent Representative at the United Nations at New York serves as the head of a Coordinating Bureau for inter-Summit coordination. Occasionally, the troika of past, serving and future Chairs play an important role to ensure continuity. (Searwar, 1988: 10-11; NAM, 2001).

Although proposals to formalize institutional arrangements have often been made, they have not resulted in headway. In part, the reluctance to 'institutionalize' has stemmed from the fear that from being an 'anti-bloc' movement, NAM would become a 'Southern bloc' in itself; or that it might be 'taken over' by a particular state or group of states from its own ranks. However, a lack of resources, a profusion of unstable domestic political regimes in member states, unwieldy size, and the absence of any management structure has often led to the translation of genuine enthusiasm on the part of individual NAM leaders into inaction on the part of the collective.

3.2.2 • The Group of 77 (G77)

The Group of 77 has been described by Julius Nyerere (1980: 7), former President of Tanzania, as the "trade union of the poor" and by Roger Hansen (1979: 90) as "the most dynamic of the developing-country institutions." The G77 (1994b: 1) itself describes its goal as "provid[ing] the means for the developing world to articulate and promote its collective economic interests and enhance its joint negotiating capacity on all major North-South international economic

issues in the United Nations system, and promote economic and technical cooperation among developing countries.” Although it emerged around the same time as NAM, G77 has its own distinctive origins and, unlike NAM, was born within—and primarily as a result of—the changing composition of the United Nations in the 1960s (see Sauvnt, 1981b). The 1955 Bandung conference was a protest over the failure to achieve enough de-colonization since 1947-8 and the transformation of the United Nations into an arena for Cold War sparring. By the turn of the decade, however, the flavor of the UN had changed:

From January 1950 to November 1955 there was a deadlock within the United Nations system on the question of new members, and none secured admission. Then in December 1955 a tacit Soviet-American bargain enabled sixteen new members to join simultaneously and the doors of the United Nations were henceforth in principle open for further new members, so much so that in 1960 alone seventeen newly independent states were admitted—sixteen of them from Africa. Thus between 1955 and the early 1960s the basic political composition and character of plenary United Nations gatherings changed from being predominantly NATO-like to become more markedly Afro-Asian, even Third World, in character. (Geldart and Lyon, 1980: 82)

The new UN composition meant that newly independent, developing, and non-aligned nations (the three terms identified almost the same countries) suddenly had a majority in the UN General Assembly. Although impeded by their unwieldy size and lack of experience in (or resources for) alliance politics, this unlikely group surprised—and annoyed—the major Western powers by incessantly demanding, and sometimes obtaining, more UN focus on issues of concern to them (*see* Sharma, 1969; Sauvnt, 1981a; McDonald, 1982; Adams, 1993).

The most important such issue was international trade; particularly, commodity trade. Under the intellectual leadership of Argentine economist Raúl Prebisch, the dynamic head of the UN’s Economic Commission for Latin America (ECLA) and later the first secretary general of the United Nations Conference on Trade and Development (UNCTAD), the developing countries became increasingly convinced that existing economic institutions placed the South at a systemic trading disadvantage, that their poverty and ‘peripheral’ status was historically defined, and that the only solution was to structurally change the international economic system. Based on the tenants of, what became known as, ‘dependency theory’ they considered the existing international economic structures to be instruments of Northern interests and unsympathetic to their developmental concerns. They sought, therefore, an international trade organization controlled directly by the UN—where they were in majority and over which, they believed, they could exert greater influence. (*See* Gosovic, 1972; Moss and Winton, 1976; Menon, 1977; Jones, 1983; Murphy, 1984; Pakenham, 1992; Adams, 1993).

In calling for an International Trade Organization in the early 1960s, the developing countries were, in fact, demanding a structural change that could accommodate their strength of numbers as well as their concerns; Western industrialized countries, however, preferred to rely on existing instruments.³⁵ The result of this tussle was the 1964 UN Conference on Trade and Development, which was convened as a "second-best compromise" for everyone, and has since become an institutionalized series of conferences.³⁶ The conference is considered to be of "seminal importance" in the evolution of North-South dialogue (Adams, 1993: 90) and it was there that the Group of 77 was officially born. Geldart and Lyon (1980: 85) recount:

The first manifesto of the proto-G77 was released on October 18, 1963 in the UN General Assembly... when 75 member-states jointly sponsored a resolution entitled 'Joint Declaration of the Developing Countries'. The 75 endorsed with enthusiasm the opportunity offered by the forthcoming Geneva conference [UNCTAD-I] as, 'conducive to the development of their economies and to the integrated growth of the world economy as a whole'... Twenty-one of these sponsoring states were from Latin America and the Caribbean, thirty-one from Africa, and twenty from Asia and the Middle East; the remaining three of the seventy-five were Cyprus, New Zealand and Yugoslavia... During the three-month-long proceedings of UNCTAD-I in Geneva, from March to June 1964, this informal group of 75 became the Group of 77 when Kenya, South Korea and South Vietnam added their signatures to the Group's Joint Declaration... and New Zealand withdrew...

UNCTAD-I came at a time of rising optimism and expectations in the South. A large number of countries had just gained independence, especially in Africa; developing countries were beginning to make their presence felt in international forums; and the industrialized world finally seemed to be responding.³⁷ This enthusiasm, and the larger commonality in aspirations, allowed the new nations to circumvent their internal differences. In a remarkable show of solidarity they arrived at Geneva as a single unit; a unified negotiating collective which, by its sheer numbers, could no longer be ignored. This collective of 77, otherwise disparate, nations was remarkable not only because it actually did speak with one voice, but also because it

³⁵ Ironically, in 1995 a World Trade Organization (WTO) was created at the behest of the same industrialized countries that had strongly opposed an International Trade Organization in the 1940s and again in the 1960s.

³⁶ Rather than just being a 'conference', UNCTAD became an institution of regularly recurring conferences. It was especially active and influential during the 1970s at the height of the NIEO movement. Jones (1983: 28) writes: "It has long been conventional wisdom in the United States and Western Europe to deplore UNCTAD as unwieldy, unnecessary, and ineffective, yet it has undoubtedly been the central institution of the North-South dialogue over the past twenty years."

³⁷ For most part, the North responded under duress. The newfound unity of the South caught them by surprise and it was the South's unity more than any genuine enthusiasm that resulted in the North's conceding to the creation of UNCTAD as a permanent mechanism (Gosovic, 1968; Sauvart, 1981a). However, the spirit of enthusiasm and coalition building was a dominant theme of the era: In 1960 the Organization of Petroleum Exporting Countries (OPEC) was formed; in 1961 OECD came into being with the ending of Marshall Aid; and the first Yaoundé conventions were held in 1962-63.

effectively changed (albeit temporarily) the direction of international polity (Gosovic, 1972; Sauvant, 1981a).³⁸ As Williams (1993: 13) records, UNCTAD-I “was the first conference at which the North-South divide took precedence over the East-West division.”

The G77 was designed as a pressure group to demand changes in the structure of the international economy, particularly with respect to primary commodities, which were the mainstay of many Southern economies. Created as a Southern negotiating caucus for UNCTAD, the collective was principally directed to UNCTAD until 1971. Through the late 1960’s, UNCTAD allowed the G77 to become “the most comprehensively authentic voice of the Third World” and the UNCTAD Secretariat in Geneva came to be seen as a principal voice and *de facto* secretariat of the G77. (See Gosovic, 1972; Sauvant, 1981a; Weiss, 1986a and 1986b).

The period 1971-74 has been described as the “watershed years” for G77 (Geldart and Lyon, 1980: 91). The raging monetary crisis, rising global inflation, expansions in G77 membership, the decision by the Organization of Petroleum Exporting Countries (OPEC) to quadruple oil price, the disastrous US performance in Vietnam, and the onset of détente diplomacy set the stage for the G77’s thrust for, what became known as, the New International Economic Order. These were the heydays of Southern unity: NAM and G77 were in sync; OPEC seemed to demonstrate that unity could bestow power to the powerless;³⁹ the “Charter of Economic Rights and Duties of States” was accepted at the UN General Assembly where the numerical strength of the G77 allowed it to win many victories over the industrialized countries; efforts to split the coalition over the oil issue were successfully repelled; and, finally, the North was forced—albeit reluctantly—into negotiations which it had so stridently resisted.

³⁸ Sauvant (1981a: 2) emphasizes the importance of UNCTAD-I to the South: “For the first time, the Third World *as a whole* had participated in the elaboration of a comprehensive set of measures. Accordingly, ‘new’ was the theme of the ‘Joint Declaration of the Seventy-Seven’: UNCTAD-I was recognized as a significant step towards ‘creating a new and just world economic order’; the basic premises of the ‘new order’ were seen to involve ‘a new international division of labor’ and the adoption of ‘a new and dynamic international policy for trade and development’ was expected to facilitate the formulation of ‘new policies by the Governments of both developed and developing countries in the context of a new awareness of the needs of the developing countries’. Finally, a ‘new machinery’ was considered necessary to serve as an institutional focal point for the continuation of the work initiated by the conference.”

³⁹ Rising oil prices hurt the South as much as, if not more than, the North. However, the South stood united behind OPEC in the hope that similar action on other commodities would also jack up those prices to their ‘true’ levels. Thomas (1987: 3) points out that “those states in the Third World which suffered as a result of the [oil price rise], championed OPEC; the price rise were seen as a victory for the Third World.” Not surprisingly, the 1970s saw a hectic spree of commodity cartel formation; the 1980s, however, saw the carcasses of these cartels rotting in neglect and failure (Adams, 1993).

The euphoria, however, was not to last long. The changed economic and political climate of the late 1970s and the 1980s left the NIEO movement, the hopes it had generated, and the solidarity it had fostered, much bruised. Twenty years after it was first formed “the impression that the Group of 77 had a kind of countervailing power has been exposed for its emptiness” and that the G77’s “numerical superiority is insufficient to compensate for its lack of economic power” (Weiss 1986a: 2, 155). The G77 itself acknowledges that despite the great start, “the entire North-South dialogue was brought to a virtual standstill” by the 1980s (G77, 1994a: 12).

Yet, despite the widely prevalent sense that the South in general, and the G77 in particular, has not been able to achieve its grandiose goals, the collective has refused to die. If anything, the 1990s has witnessed a mini-resurrection both of the South as a concept and the G77 as an institution. After the dormancy of the 1980s the new spate of global conference diplomacy has (once again) seen the G77 emerge as an influential and authentic voice of the global South. The shared views on international economic justice and the belief that unity might bestow power that had first crystallized the G77 as a negotiating collective have sustained it through the turbulent 1980s and beyond. Despite the failure to negotiate desired change, the ranks of G77 have swelled to a current membership of 132 plus China (Box 3.2 and Map 3.2).⁴⁰ In large part, this is because “the initial reasons for the formation of the coalition, i.e. individual weakness to pursue national goals, Western indifference or negativism to suggested reform, the existence of an institutional channel of communication which augmented the trend to mass aggregation and the persistence of economic weakness, have helped to maintain the coalition and increase its attractiveness.” (Williams, 1993: 13).

While the persistent inability of the G77 in achieving its goals has been a source of concern to its leadership, this has not been a reason to disband the group because not only have the underlying common interests that brought these countries together remained unmet—they have also remained unchanged. This reflects both a failure in having these goals met and a constancy of purpose in wanting to address them. In the absence of other alternatives, the relevance of the collective stems not from a track-record of success in negotiating collectively, but from the fear of inevitable failure in negotiating separately. This fear is articulated in an editorial in the South Letter (1994: 1): “Individual developing countries, even the most

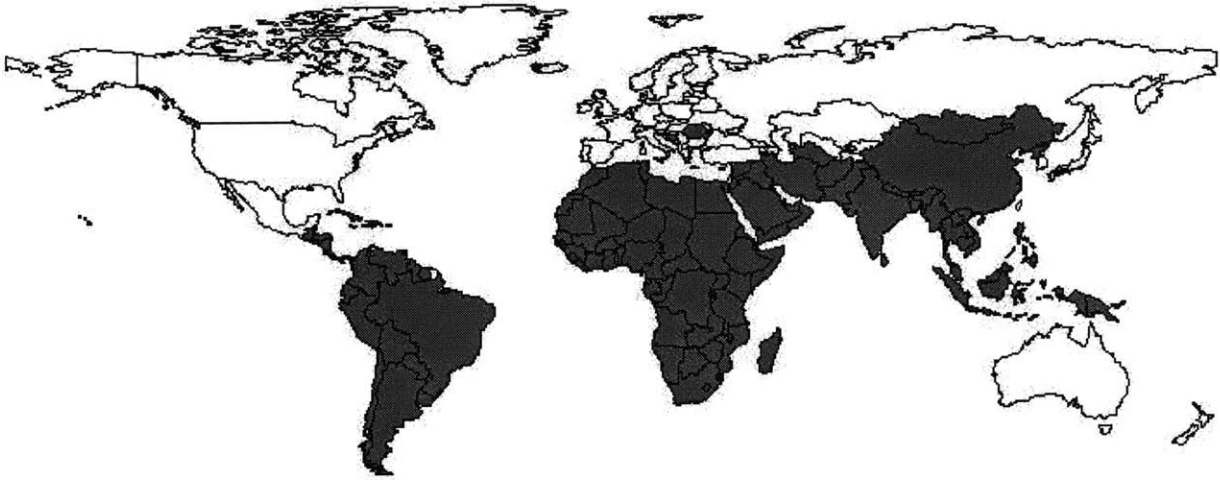
⁴⁰ Although China is not a full member of the G77 it holds a place of prominence as the only associate member; all resolutions and statements of the group are introduced on behalf of ‘the Group of 77 and China.’ The membership of Yugoslavia has been suspended since 1992.

powerful and influential, count for very little in the grossly uneven match with powerful nations of the North; a North which seems to act in unison on all major North-South issues.”

Box 3.2: The Group of 77 plus China

- Afghanistan •
- Antigua & Barbuda •
- Bahrain •
- Belize •
- Bolivia •
- Brazil •
- Burundi •
- Cape Verde •
- Chile •
- Comoros •
- Costa Rica •
- Cyprus •
- Dominican Republic •
- El Salvador •
- Ethiopia •
- Gambia •
- Guatemala •
- Guyana •
- India •
- Iraq •
- Kenya •
- Lao •
- Liberia •
- Malawi •
- Mali •
- Mauritania •
- Mongolia •
- Myanmar •
- Nicaragua •
- Oman •
- Panama •
- Peru •
- Romania •
- Sao Tome and Principe •
- Seychelles •
- Solomon Islands •
- Sri Lanka •
- St. Vincent & Grenadines •
- Swaziland •
- Thailand •
- Trinidad & Tobago •
- Uganda •
- Vanuatu •
- Yemen •
- Algeria •
- Argentina •
- Bangladesh •
- Benin •
- Bosnia-Herzegovina •
- Brunei Darussalam •
- Cambodia •
- Central African Republic •
- China (*associate member*) •
- Congo •
- Côte d'Ivoire •
- Djibouti •
- Ecuador •
- Equatorial Guinea •
- Fiji •
- Ghana •
- Guinea •
- Haiti •
- Indonesia •
- Jamaica •
- Korea (North) •
- Lebanon •
- Libya •
- Malaysia •
- Malta •
- Mauritius •
- Morocco •
- Namibia •
- Niger •
- Pakistan •
- Papua New Guinea •
- Philippines •
- Rwanda •
- Saudi Arabia •
- Sierra Leone •
- Somalia •
- St. Kitts and Nevis •
- Sudan •
- Syria •
- Togo •
- Tunisia •
- United Arab Emirates •
- Venezuela •
- Yugoslavia (*suspended*) •
- Zimbabwe •
- Angola •
- Bahamas •
- Barbados •
- Bhutan •
- Botswana •
- Burkina Faso •
- Cameroon •
- Chad •
- Colombia •
- Congo (DPR; Zaire) •
- Cuba •
- Dominica •
- Egypt •
- Eritrea •
- Gabon •
- Grenada •
- Guinea-Bissau •
- Honduras •
- Iran •
- Jordan •
- Kuwait •
- Lesotho •
- Madagascar •
- Maldives •
- Marshall Islands •
- Micronesia •
- Mozambique •
- Nepal •
- Nigeria •
- Palestine •
- Paraguay •
- Qatar •
- Samoa •
- Senegal •
- Singapore •
- South Africa •
- St. Lucia •
- Suriname •
- Tanzania •
- Tonga •
- Turkmenistan •
- Uruguay •
- Viet Nam •
- Zambia •

Map 3.2: The World of the Group of 77 plus China



On the positive side, although the NIEO never achieved its goals, the fact that the initiative was able to gather steam is no mean achievement for the G77 which was its 'chief negotiator'. Indeed, as a collective the G77 has exerted substantial influence in the agenda setting stages of various UN deliberations—although it has not often succeeded in having its concerns redressed, it has had remarkable success in having them placed on the table. Similarly, although instances where the G77 has had its preferred options accepted may be few, but it has had not inconsequential successes in shaping final compromises; most recently so during the 1992 Earth Summit and a whole series of subsequent global negotiations.⁴¹

The growth of the G77, even during its 'down days' has been quite spectacular. Starting at 77, its membership now stands at 132 plus China. The most recent entrants are Eritrea and Turkmenistan who joined in 1997 and 1998, respectively. The only two countries to have left its fold are Mexico and South Korea (in 1994 and 1997, respectively); both graduated to full OECD membership whose ground rules required them to give up their G77 membership. Structurally, G77 evolved simultaneously with (and possibly due to) the UN group system which, as institutionalized for UNCTAD-I, lumped Africa and Asia (plus Yugoslavia) in Group A, the Western alliance in Group B, Latin America and the Caribbean in Group C, and East Europe

⁴¹ The G77's role at UNCED is discussed in Najam (1995a). The argument is that while the G77 was quite influential in shaping the agenda, its gains were 'negative' in that it was far more successful in blocking the options it did not prefer (e.g. a global treaty on tropical forests) than it was in crafting its preferences into concrete decisions (e.g. large scale global transfers of resources). The South has had a similar impact on shaping the global population discourse (Najam, 1994b and 1996c) and in other episodes of global negotiation (see Banuri, 1992; Rajan, 1997; Agarwal et al., 1999).

in Group D. Essentially, Groups A and C formed an alliance that grew up to become G77.⁴² In turn, the G77 has taken this system and built its own institutional template around it. G77 has historically functioned through three constituent regional caucuses—Africa, Asia, and Latin America and the Caribbean.⁴³ This is a strategy for diversity management allows each region within the collective the 'voice' and the opportunity to have its views heard. Each group arrives at a regional consensus, which is then aggregated into a general G77 position by full consensus.⁴⁴ The arrival at a consensus position despite a large membership is also facilitated by the complex and overlapping UN caucusing structures (*see* Rigg and Plano, 1994).

Sauvant (1981a: 10) maintains that the UN group system "was one of the most important factors in the consolidation of the Group of 77 as an effective interest group because it introduced institutional pressures for co-ordination and co-operation." On the other hand, Weiss (1986a: 3, 5) has argued that the groupings do not reflect economic reality and "the reliance upon this fiction guarantees a continuation of past frustrations", and "by insisting upon confrontation across group lines, the South has condemned itself to stalemate."

The group system, closely tied to the origins of the Group of 77 and solidarity among its members, has been responsible for launching the multilateral development dialogue between the North and the South, as well as for establishing some general principles governing international economic affairs. However, it has essentially outlived its usefulness. At best, it hampers progress and at

⁴² The regional group system in the UN was introduced in 1957 to ensure "a balanced geographical distribution among its members." Five groups were then introduced: Asian and African States (later separated into two groups), Eastern European States, Latin American States, Western European and Other States, and permanent members of the Security Council. The current group system, which varies in its specific composition, but not in its general outline has developed from this early conception. For a detailed discussion on how the group system works within the UN system and how the G77 has used it for its own structuring see Sauvant (1981a). For a insightful critical evaluation of the same see Weiss (1986a).

⁴³ This has caused some problems for the few European members in the coalition. For example, founding member Yugoslavia was placed in the Asian group, as were Malta and Cyprus. However, Romania joined the Latin America group. This is because membership to G77 is obtained through the consent of the regional groups rather than through the entirety of the G77 (Gosovic, 1972).

⁴⁴ In discussing decision making procedures of the G77 for UNCTAD related activities, Sauvant (1981a: 44-5) describes the process of consensus building at the regional level to be "well structured" and following "a firmly established sequence." He highlights the fact that "regions play a key role," that "virtually all matters are first examined by them," and that "the region's positions, in turn, are harmonized in *ad hoc* plenary meetings of the Group of 77." More recently, however, the G77 in New York has begun meeting occasionally in issue clusters which may eventually mean a move away from the importance now attached to regional groups. A sophisticated and evolved sense of 'consensus' has been internalized in the operating procedures of both NAM and G77; both stress that consensus implies 'substantial agreement' but not necessarily 'unanimity' (*see* NAM, 2001).

worst works against agreement on specific and operational components of a more equitable international order. The G77 has become a prisoner of solidarity. (Weiss, 1986a: 6).

Indeed, the group structure imposes a certain rigidity to G77 positions. It makes internal negotiations within the G77 burdensome and often means that the position the caucus adopts as a whole is not only watered down to the lowest common denominator but is so finely crafted that it is entirely inflexible. This often means that in trying not to offend any member of the caucus, the G77 position ends up pleasing none and being all but non-negotiable to boot. On the other hand, as Sauvant (1981a) implies, the regional caucuses are the nearest thing that G77 has to an organizational structure; without them any form of decision-making or management of over 130 national positions would become all but impossible.

This points to the most enduring criticism of the G77 regarding its lack of any permanent organizational structure. Although G77 does have a skeletal staff at New York and Geneva to assist the chairperson, it is effectively makeshift and totally inadequate. In the absence of any headway, mission staff of member countries, and particularly of the G77 chair nation, serve as temporary service staff for the G77 which leads to a sporadic quality of work and very limited continuity. This, despite the fact that passionate calls for a more permanent servicing structure have been made for over twenty years, including most recently by the G77 South Summit held in Havana, Cuba in April 2000 (Gosovic, 1972; Searwar and Lewis, 1979; TWQ, 1979; Hall, 1980; Mahbub-ul-Haq, 1980a, 1983; Ramphal, 1980; Commonwealth, 1982; Sewell and Zartman, 1984; South Commission, 1990; G77, 1994a, 1996, 2000b; Najam, 1994a).

Annual Ministerial Meetings, convened at the beginning of the regular sessions of the UN General Assembly, serve as the major decision-making body (G77, 1994b). Special Ministerial Meetings are periodically called to focus on particular issues or to prepare for important global negotiations. Technical expertise is provided by various committees whose composition, importance, and even nomenclature tends to vary from one year to the next. While these are useful devices in and of themselves, they provide neither continuity nor a repository of organizational memory. Various committees have been variously important at various points of time, the actual people involved change frequently and are forever distracted by other (non-G77) worries, and the approach to management tends to change with every new Chair.

Even more confusion is added because the various G77 chapters associated with different UN centers are only minimally coordinated. Through the mid-1970s, as G77's size, visibility, and scope of issues covered increased, so did the arenas in which it operated. From being

restricted only to the UNCTAD, it duplicated itself at all major international organizations and negotiations. Functioning as informal caucuses for diplomats from member countries, G77 'hubs' have sprung up at New York, Geneva, Rome, Vienna, Paris, Nairobi, and Washington where international bodies such as the UN General Assembly, the UNCTAD Secretariat, the Food and Agriculture Organization (FAO), UN Educational, Scientific, and Cultural Organization (UNESCO), United Nations Environmental Program (UNEP), the World Bank, and the IMF are based.⁴⁵ In addition, G77 caucuses are active in most international negotiations where they adopt joint bargaining positions and strategies, and the group's Chair serves as the spokesperson for the entire caucus. Although the various chapters have recently increased coordination, it is important to remember that, in general (Williams, 1993: 13):

These different Groups of 77 are not subsidiaries of one central organization but rather autonomous bodies with certain key features in common. These include membership, the use of the group system, regional infrastructure and the ministerial meeting as the highest decision making body.

The lack of an organizational structure, however, does not imply a lack of a procedural structure; which is, in fact, highly developed especially in terms of regional balances. Sauvart (1981a: 29) considers the G77's flexible procedural structure to be a source of its strength:

Although the procedures of the Group of 77 are essentially based on precedent, the Group has maintained a high degree of organizational flexibility... This flexibility, the informality of many of the Group's arrangements, the careful observance of equal regional representation, the openness of all non-plenary organs to all members of the Group, and the rule that decisions are to be taken by consensus are the principal sources of strength of the Group of 77 and have been the basis of its great capacity to grow and to absorb new developments.

While this still remains generally true, procedural flexibility alone is no longer enough because the backup support that G77 once enjoyed from UN secretariats (especially from UNCTAD) is no longer available. The regional groups were a useful mechanism for harnessing political support for already well-defined intellectual agendas; they have, however, not proved to be a useful facilitative device to create new proposals and agendas in the absence of such intellectual support. On its thirtieth anniversary, a report written for the G77 (1994a: 15-6) acknowledged:

The intellectual challenge facing the G77 is greater than ever before. But it comes at a time when the supporting role of the international secretariats is weaker than in the past. The ability of the G77 to recapture its credibility as an effective negotiating partner is, therefore, critically dependent

⁴⁵ Officially, the G77 does not operate in the World Bank and the IMF. However, informally it has begun to have a presence there. Also, as a result of UNCTAD-III in 1972, a Group of 24, representing the Southern countries, was established in Washington at the World Bank and IMF.

on its success in mobilizing the research and analytical resources needed for its work. In the present situation, the need for some kind of a secretariat of its own is compelling.

Despite its persistent structural limitations and its modest accomplishments, the G77 has been a legitimate and not uninfluential player in international multilateral negotiations. Born as a temporary caucus, it has become the dominant negotiating voice of the collective South in the UN system. While the G77 may not have achieved the radical systemic change that it envisioned, it has won valuable concessions and small victories on a number of issues at these and such forums. Not least of these victories is its own survival and acceptance as an enduring, even if not always effective, negotiating collective in the international negotiations.

3.3 The South in Global Environmental Negotiations

The timing of the 1992 Rio Summit was extremely opportune for the South. The UNCED preparatory process coincided with the fall of the Berlin Wall. While the latter instilled a sense of new vulnerabilities in the developing world and provided the motivation for revitalizing the collective South, the former offered an opportunity to engage the North in a new dialogue. The relevance of Rio was not lost on an influential group of Southern intellectuals, brought together by the South Centre (1991: 1-2) to propose a common negotiation strategy for the South:

UNCED offers... an opportunity for engaging in more balanced negotiations between the North and the South, and it could yield results that the developing countries have been seeking for some time. Global action on the environment cannot succeed without the full participation and collaboration of the South. Indeed, UNCED is an international conference where the North is seeking environmental concessions from the South, and where the South can make such concessions in return for firm commitments by the North to restructure global economic relations. This potential give-and-take relationship makes it possible for the South to bargain for a comprehensive compact with the North.

The achievements of Rio did not match the South's exaggerated hopes (Agarwal, 1992; Banuri, 1992; Najam, 1995a). The North was no more interested in bargaining for a 'comprehensive compact' in 1992 than it had been in 1977. However, UNCED did place the spotlight firmly on the North-South conflict and moved the need for North-South dialogue back into prominence. A sampling of headlines from the Rio process testify to this regained prominence:

- ❖ "North-South Divide Is Marring Environment Talks" - *New York Times* (17 March 1992)
- ❖ "Planning Talks Split on North-South Lines" - *The Boston Globe* (5 April 1992)
- ❖ "North-South Battles Dominate Run-up to Earth Summit" - *Third World Resurgence* (May 1992)

- ❖ "One Summit, Differing Goals" - *International Herald Tribune* (2 June 1992)
- ❖ "Poor vs. Rich in Rio" - *New York Times* (3 June 1992)

UNCED gave the South a forum, an issue, and an audience that it had been denied since the 1970s. The South—represented by an energetic G77—not only succeeded in reopening the North-South dialogue, they effectively made it *the* focus of the Summit. For a South that had gone to Rio fearful that the 1980s had left the North-South dialogue "in tatters," that the clock on international economic cooperation had been "turned backwards," and that the prospects for North-South cooperation were "bleak," the very fact that the dialogue was resuscitated was one of Rio's biggest achievement (quotes from Peng, 1992; 27-29).⁴⁶ North-South fault lines have similarly framed the spate of international environmental treaty negotiations that have followed UNCED. As we approach the tenth anniversary of the Rio conference, the South might justifiably feel frustrated at the lost promise of what then seemed like the "next generation" of North-South dialogue (Najam, 1994a, 1994c; Sandbrook, 1997; Osborn, 2000). However, it is also true that these negotiations have provided the South, as represented by G77, with opportunities to reshape the emerging global environmental agenda in terms of their enduring interests—they have attempted to do this by molding global environmental politics into the global politics of sustainable development. This has sometimes introduced new tensions for the Southern collective, both in terms of frictions with the North and fissures within.

This section seeks to understand the concerns and interests of the South, as expressed through the G77, within the evolving politics of sustainable development. This new phase of North-South dialogue, however, cannot be understood without understanding the legacy of an earlier era of North-South dialogue. This is important not simply for establishing historical context but because the North-South skirmishes now seen as a recurring feature of global environmental negotiation lie on the exact same continuum as earlier North-South conflicts. We begin by proposing that the Southern interests in global environmental negotiations today are a direct reflection of the South's earlier call for a New International Economic Order. We then look at the opportunities and threats imbedded in the new global politics of sustainable development.

⁴⁶ This is not a small achievement. The establishment of 'meaningful' North-South dialogue has been a much-reiterated objective of both NAM and G77. The South's belief has been that in agreeing to establish serious North-South negotiations the North will, by definition, accept the South as a player of some consequence in the international system. More than that, the conviction that the South has in its own platform and 'moral case' leads it to believe that once a channel of earnest negotiation is opened it would be able to convince the North of its positions and achieve at least some of its goals.

3.3.1 • From NIEO to NIEO

It is a contention of this section that the South's current desire for, what could be described as, a New International *Environmental* Order (NIE[nv]O) is a reflection of the same fears and hopes that had prompted its earlier call for a New International *Economic* Order (NIE[co]O) in the 1970s (Najam, 1995).⁴⁷ Moreover, to not appreciate this continuum is to misunderstand why the South behaves in global environmental negotiations as it does. The bulk of North-based environmental scholarship has steadfastly refused to acknowledge the importance of this continuum. A notable exception is Alker and Haas (1993: 166) who point out that "although it is not adequately describable as a return to the imperial/colonial world, contemporary global ecopolitics reflects somewhat analogous North-South geopolitical differences." However, even the scholars who do not invest much faith in seeking historical parallels to the South's current concerns would agree with Alker and Haas's (1993: 164) forecast of "a new era in which global ecopolitics will define many of the terms, if not the practices, of world politics" and that "North-South tensions are likely to be a salient conservative feature of this new era" (*see*, Young, 1989; Gardner, 1992; Petesch, 1992; Thomas, 1992; Susskind, 1994a; Miller, 1995; Porter and Brown, 1996; Elliott, 1998; Agarwal et al., 1999; French, 2000).

In *The North-South Dialogue: A Brief History*, Jones (1983: 1) explains the emergence and rationale of the NIE[co]O movement for both North and South:

Arab oil-power and American humiliation in South-East Asian combined to direct the attention of western politicians, journalists, and publics increasingly towards the interminable succession of technically complex international negotiations on trade, money, and a host of lesser issues, in which it appeared that a new balance of power was to be struck between the industrialized West and the successor states of the old European empires in Africa, Asia, and Latin America. Satisfactory outcomes in these negotiations were regarded by the Third World states as essential to healthy economic and political development because it was widely assumed that the prevailing structure of international institutions served the narrow interests of powerful industrialized states at the expense of the poorer countries of the South.

Hansen (1979: vii) defines the NIE[co]O debate as a conflict about "conceptions about the management of society." On a similar note, Krasner (1985: 27) sees it as the South's fundamental challenge to the existing order of what he calls 'global liberalism'; he points out

⁴⁷ The New International *Economic* Order movement will be referred to as NIE[co]O here to differentiate it from what we are calling the New International *Environmental* Order (NIE[nv]O). However, wherever used, NIEO will still refer to the New International Economic Order.

that “vulnerability, not simple poverty” was the motivating force for these newly independent developing countries. In popular understanding, it is generally agreed that for the South NIEO was a movement to restructure what it saw as an international system of iniquitous global economic relations; and for the North it became an effort to bring into the folds of the ‘global free market’ the two-thirds of humanity that lived in the so-called ‘Third World.’⁴⁸

Rallying its newfound unity and negotiating as a tight bloc, the G77 gained a major victory when special session of the United Nations General Assembly was called in June 1974. The session legitimized the South’s demand for the creation of a ‘New International Economic Order’ by passing a resolution to that effect and drawing out a ‘Plan of Action.’ This was followed, in December 1974, of a ‘Charter of Economic Rights and Duties of States.’ The proponents of the new order demanded “full and complete economic emancipation” for the South and the way to achieve it was “to recover and control their natural resources and wealth, and the means of economic development.” The developing countries decided to “change their traditional approach to negotiations with developed countries, hitherto consisting in presentation of a list of requests to developed countries and an appeal to their political goodwill.” The new approach, they decided, would involve common action to strengthen their bargaining position, more economic activity among themselves and a strategy based on “the principle of relying first and foremost on themselves.” (Menon, 1977: 3-4; also Moss and Winton, 1976: 533-73).

If 1974 was what Murphy (1984: 127) called “the year of NIEO demands,” its euphoria was short-lived.⁴⁹ The optimism reflected in UN resolutions proved misplaced and the differences

⁴⁸ For a comprehensive record of the development of the NIEO/North-South debate within international forums see *A New International Economic Order: Selected Documents 1945-1975* (Moss and Winton, 1976; also see Makiyama, 1980 and 1982). Insightful discussions on the events that led up to NIEO is provided in *The North-South Dialogue: A Brief History* (Jones, 1983), *The Emergence of the NIEO Ideology* (Murphy, 1984) and *Global Dialogue: The New International Order* (Menon, 1977). Bhagwati (1977) and Doran et al. (1983) provide a good sampling of the dependencia debate; the story of the oil crisis of 1973 and its affects on the North-South dialogue are discussed in Allen (1979), and Askari and Cummings (1978). The implications of the NIEO movement for the South are discussed in detail in Agarwala (1983) and Haq (1980). A more Northern perspective is provided by Hansen (1979). A useful analysis of the negotiation strategies of the two sides is provided in LePrestre (1979). Williams (1993) provides a more recent analysis highlighting the significance of the Southern coalition in current environmental debates. For an authoritative sampling of the views that shaped NIEO see *The Poverty Curtain* (Mahbub-ul-Haq, 1976).

⁴⁹ It is important to understand the optimism generated by 1974 in the context of that era. As Craig Murphy (1984: 91-2) points out: “in retrospect the language of the 1974 texts has even more of an Alice in Wonderland quality than [commentators of the time] detected. But when they wrote the 1974 texts, new order advocates shared a new hope that the old order was failing. They believed that restating their views could do something more than ritual. Third World officials knew... that no

persisted—North accusing South of being confrontational and South blaming North for perpetuating an unjust order. However, the G77 did get one key demand met. Out of necessity rather than conviction, the North agreed to begin a process of wide-ranging North-South negotiations on international economic issues (*see* Gordon, 1978; McDonald, 1982).

The North-South dialogue acquired some momentum between 1974 and 1979. It was undoubtedly spurred by the fear of the developed countries that the newly found assertiveness of the South after the rise in oil prices in 1973 could lead to a damaging confrontation. For as long as that threat was perceived as possible, the North kept the dialogue going; when it subsided, the North withdrew. (South Commission, 1990: 216)

This view is shared by scholars from the North. As Hansen (1980: 1105) recounts:

Notwithstanding all the talk of a shift in the North from a policy of 'confrontation' to one of 'negotiation', Northern responses to Southern initiatives in the dialogue of the late 1970s remained fundamentally negative. Led by the United States, the North continued to reject almost all Southern proposals without engaging in serious negotiation.

All attempts at genuine dialogue failed.⁵⁰ The 1977 Conference on International Economic Cooperation which was billed as the great beginning of North-South cooperation in fact marked the beginning of the end of the first generation of the North-South dialogue; the failure on the 1981 [North-South] Summit at Cancun was its end; and the failure of the 11th UNGA Special Session soon afterwards was the end of the end. By the 1980s it was obvious that the momentum had been lost and North-South dialogue "appeared to be taking place largely between the conveniently deaf" (Mistry, 1993: 170). As Mahbub-ul-Haq (1980b: 270) put it, "North-South negotiations [had] deteriorated to a ritual and a skillful exercise in *non*-dialogue."

In subsequent years, as geo-political and geo-economic events shaped new alliances, the South's unity as a bloc weakened. As the North's perception of the economic importance of

genie with magic words, or even the wildest sympathizers with the UN, would be able to convince all governments of the truth of the Third World position. But changes in American economic policy beginning in 1971 appeared to signal the end of the postwar economic system. The system's operation had begun to have unanticipated consequences unacceptable to its major supporters. By 1974 all national governments recognized a need to change the international economic order. The LDCs thought they had a chance to influence the change that was bound to take place."

⁵⁰ Renninger (1989: 250) points out that the North viewed the South's stand as rigid, inflexible, unbusinesslike, confrontational, and unrealistic and "never accepted the need for radical change and has certainly resisted any attempts to alter the bases of its power over international economic life. Essentially the strategy followed by the North is one of 'damage limitation'... ranging from extreme hostility to acceptance in principle of certain kinds of changes to efforts to split apart the [South]."

natural resources in the South (particularly mineral and agricultural products) diminished, so did the perceived leverage enjoyed by the G77. As an increasingly indebted South struggled more than ever to resist the ravages of an unkind international economy, the control of the Bretton Woods twins—the World Bank and the IMF—became ever stronger. The NIE[co]O agenda rapidly receded from world attention, and so did discussions about North-South dialogue. It wasn't until the Earth Summit in 1992, that the relevance and need of North-South negotiations once again became the subject of broad academic, policy and even public discussion.

However, the environmental issue as an exemplar of the North-South divide predates Rio by at least twenty years. It is, in fact, striking that the vast literature on the history of the North-South conflict and the equally vast scholarship on international environmental politics treat the role of developing countries in the United Nations Conference on the Human Environment (UNCHE), held in Stockholm in 1972, as a mere footnote. This may be because soon after the Stockholm conference the world was brought to a near standstill by the oil crisis of 1973, which is popularly depicted as the 'official' NIEO launch. While the oil crisis was certainly the event that brought Southern concerns to the forefront of global attention, in fact, UNCHE was one of the first major global forums outside UNCTAD where the South consciously negotiated as a unified collective and adopted many of the very same substantive arguments and negotiation strategies which were soon to become the hallmark of NIE[co]O (Rowland, 1973).

Indeed, from the very beginning, the developing countries recognized environmental concerns in the North as a distinctively North-South issue and, in some cases, as an effort to sabotage the South's developmental aspirations (*see* Mahbub-ul-Haq, 1976). The intellectual leadership of the South very poignantly set out to redefine the environmental problematique in a decidedly North-South context. The most telling example was the so-called 'Founex Report' (Founex, 1972) produced by a distinguished group of Southern intellectuals as part of the UNCHE preparatory process. The report left a deep and lasting impact on the Stockholm conference and beyond has been considered to have "marked the turning point in the definition of the international environmental problem" (Williams, 1993: 18). It is relevant to the argument here for two very important reasons. First, the tone and substance of the report mirrored, nearly to an exactitude, what was soon to become the rhetoric of the NIEO. Second, the tone and substance of the report mirrored, nearly to an exactitude, the rhetoric of the South at UNCED and at major environmental forums before and since. Some excerpts (Founex, 1972: 5-6):

The developing countries would clearly wish to avoid, as far as feasible, the [environmental] mistakes and distortions that have characterized the patterns of development of the industrialized

societies. However, the major environmental problems of the developing countries are essentially of a different kind. They are predominantly problems that reflect the poverty and very lack of development in their societies.... These are problems, no less than those of industrial pollution, that clamor for attention in the context of the concern with human environment. They are problems which affect the greater mass of mankind.... In [industrialized] countries, it is appropriate to view development as a cause of environmental problems... In [the Southern] context, development becomes essentially a cure for their major environmental problems.

The point to be underscored is not simply that the Founex Report remains one of the most authentic and articulate enunciation of the South's collective interests on issues of environment and development, but that a) these interests have remained unchanged over time, b) they are the same interests which informed the NIEO ideology, and c) these same interests lie at the heart of today's global politics of sustainable development.

The constancy in the position of the South at Stockholm (which came at the very beginning of the first generation of North-South dialogue) and at Rio (which came at the very beginning of the second generation) supports the view that the two sets of dialogues lie on the very same continuum.⁵¹ The point is further supported in the accounts of UNCED negotiations by G77 negotiators. Chris K. Mensah (1994: 38), for example, points out that the Southern leadership had explicitly formulated its negotiation strategy around two key goals. First to "ensure that the South has adequate environmental space for its future development" and the secondly to:

... modify global economic relations in such a way that the South obtains the required resources, technology, and access to markets which would enable it to pursue a development process that is both environmentally sound and rapid enough to meet [its] needs and aspirations...

In short, developing countries have constantly and consistently contextualized environmental issues as being part of the larger complex of North-South concerns. They consider the interests and priorities of their own collective to be shared enough to maintain a common position and the North's interests and priorities to be distinctively different from their own. It was, therefore, no accident that UNCED ended up being polarized along North-South lines.

⁵¹ Williams (1993: 20-1) also recognizes, the "remarkable degree of consistency [that] is apparent in the aspirations and demands voiced by the developing countries on environmental issues since 1971." He goes on to define four central themes which underpin the common Southern position: The insistence that the responsibility for global environmental problems resides in the North; the contention that any ameliorative measures taken must not hinder the South's development prospects; the demand for free transfer of technology from North to South; and the demand for transfer of additional resources to the South to enhance environmental protection. Note how this list mirrors the more 'official' Southern position enunciated in accounts from G77 negotiators at UNCED (Mensah, 1994; Dasgupta, 1994; Hyder, 1994).

The importance of the North-South dimension in international environmental affairs is widely accepted in the literature (*see* Young, 1989; Caldwell, 1990; de la Court, 1990; Mathews 1991; Porter and Brown, 1996; Gardner, 1992; Peng, 1992; Thomas, 1992; Susskind, 1994a; Elliott, 1998; Agarwal et al., 1999; French, 2000). However, even in accepting the importance of the North-South split, there is hesitancy amongst many scholars to accept the 'new' North-South environmental tensions as an extension of earlier North-South conflicts from the 1970s. In large part, this is because of the *fear*—as articulated by Sebenius (1991, 1994)—that entertaining the South's development agenda within the environmental dialogue might rekindle old confrontations and protract ugly polarizations. The hesitancy has also been propped up by the *hope* that the growing public perception of a collective threat to the global environment may translate into political momentum for collective international action (Porter and Brown, 1991: 156-9; Petesch, 1992: 92-7), or that a new ideological commonalty may grow around the concept of sustainable development (Sebenius, 1991), or that the demise of East-West tensions might themselves ease North-South misapprehensions (MacDonald, 1991: 42).

The experience from UNCED and subsequent environmental negotiations seems to suggest that polarizations across North-South lines are unlikely to disappear either by ignoring them or by wishing them away (Banuri, 1992; Thomas, 1992; Williams, 1993; Dasgupta, 1994; Hyder, 1994; Rajan, 1997; Agarwal et al., 1999; Najam and Robins, 2001). The resilience that the South has shown in pursuing, what it considers, its legitimate agenda of economic justice and international systemic change suggests that foreseeable global negotiations, including international environmental dialogue, will be dogged by this agenda. That this agenda of the South is beginning to look very much like a call for a 'New International *Environmental Order*' should not come as a surprise to scholars of the subject. As Hansen (1980: 1120) had foretold, "in an era of linkage politics and strong Southern bloc institutionalization, the [South] will often attempt to accomplish in one setting what it is unable to accomplish in another."

This is exactly how the G77 has responded to the recent flurry of global environmental negotiations. Williams (1993: 19) points out that "the possibility of linking negotiations on global environmental change with demands for change in other areas of North-South relations is one crucial reason for the continued participation of developing countries in negotiations of environmental problems." Similarly, Porter and Brown (1991: 129) opines that "many developing countries, particularly the more radical members of the Group of 77, have viewed global environmental negotiations as the best, if not the only, opportunity to advance a broader agenda of change in the structure of North-South economic relationships." Williams (1993: 25)

makes the point explicit: "it is not... a question of environment being co-opted into the North-South debate. It already exists in this debate and is conceived in North-South terms."

This has to be seen as strategic behavior on the part of the South. It is not a mere coincidence that the times when the South has actually been able to force the North to the negotiating table have corresponded with periods when interest in 'global issues' has been high. The confluence of important international conferences in the 1970s was not the principal cause of the peaking of NIE[co]O sentiments, but it certainly contributed significantly to the momentum that North-South dialogue was able to gain. By similar token, the spate of global conferences and negotiations in the 1990s has provided the South the opportunity and the platforms to reignite and reinvigorate their unfinished NIE[co]O agenda. One can only conclude that the leaders of the South will continue pushing this agenda through future negotiations and that the extent of their enthusiasm for the deliberations will be proportional to the extent to which this agenda is incorporated within the scope of the discussions and decisions.

3.3.2 • North-South Dialogue and the Global Politics of Sustainable Development

If it were the new vulnerabilities brought forth by the end of the Cold War that gave the developing countries the motivation to reinvigorate the collective South, and the concurrent onset of global environmental negotiations that provided them the forums in which to engage the North, it is the all-encompassing rubric of 'sustainable development' that has enabled them to pursue the new North-South dialogue without having (yet) lost the North's attention while holding firm on their abiding developmental interests.⁵²

⁵² After some valiant efforts at trying to define sustainable development rigorously (Tietenberg, 1988; Pearce, Barbier, and Markandya, 199), most seem to have hesitantly resigned to the notion that finding a precise definition for sustainable development is not only unlikely, it may also be undesirable (Najam, 1997). As Lélé (1991: 607) puts it: "to some extent, the value of the phrase does lie in its broad vagueness." The very strength of the concept emanates from its 'constructive ambiguity'. Even though its distinctive antecedents go at least as far back as the *World Conservation Strategy* (WCS, 1980), the term was first popularized in academic and policy circles by the publication of *Our Common Future*, the Report of the World Commission on Environment and Development (WCED, 1987). Its essential feature is the attempt to reconcile the economic and environmental dimensions of human activity without explicitly pitting one against the other. The World Commission had defined sustainable development as "a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet

The landscape of global negotiations in the 1990s is littered with myriad negotiations on myriad issues in myriad venues taking place with increasing frequency. These negotiations range from much trumpeted summitry on issues related to the environment, population, women, human rights, social development, food security, or human settlements to efforts aimed at building new global regimes on climate change, biodiversity, deforestation, desertification, or persistent organic pollutants, to the minutiae of overseeing the implementation of Agenda 21 in the UN Commission on Sustainable Development (CSD), sorting out the operational modalities of the Global Environmental Facility (GEF), or working out trade and environment conflicts within the World Trade Organization (WTO). While these negotiations differ in many respects, three elements are strikingly pervasive: the first is the preeminence of the North-South fault line as a defining features of the deliberations; the second is the central role that the G77 plays as the negotiating voice of the South; and the third is the emergence of sustainable development as a matrix within which the substance of the discourse is recurrently couched.⁵³ These elements, in conjunction, are the key ingredients of the new global politics of sustainable development.⁵⁴

Even though the mega-summits seem to be subsiding, we are likely to see a continuation of, if not a growth in, the trend toward more frequent and more complex international environmental norm-setting (Young, 1993; Susskind, 1994a; Miller, 1995; Najam, 2000b). As Porter and Brown (1996: 147) point out, "today governments are involved every month in new rounds of

human needs and aspirations" (WCED, 1987: 46). For the WCED the concept was political rather than economic and there was utility in leaving it loosely defined (Lélé, 1991; Dietz et al., 1992; Soroos, 1994). We recognize the term in the same vein: as a broad political goal rather than a precise policy edict. The political value of the concept emanates from its ability to bring under one banner the industrialized world's newfound interest in assuring global environmental sustainability and the developing world's persevering desire to seek economic and social development. The politics of sustainable development relates to the politics (and negotiation) that seeks to juxtapose the ecological *sustainability* demands (mostly of the well-off) with the economic and social *development* imperative of the marginalized. As Soroos (1994: 310) points out, "the terminology has stimulated a reassessment of the meaning of development in an era fraught with environmental perils, in addition to becoming a conceptual bridge for efforts to forge a critical partnership between North and South for addressing the problems of environment and development."

⁵³ The growth of international environmental negotiations is all too apparent to anyone who subscribes to (or visits the website of) the *Earth Negotiation Bulletin* (online at <http://www.iisd.ca/linkages/>), which tracks and reports on the various international environmental negotiations. A perusal of the daily reports from these various negotiations provides striking evidence of all three trends. In particular, it also suggests that even in negotiations where there are fissures within the South, the G77 remains an operational, though circumscribed, 'collective of the whole.'

⁵⁴ Some have although argued that this new politics also entails a 'softening' of sovereignty although it certainly does not imply its demise. See Moomaw (1997) and Raustiala (1996).

international negotiations preparing for regimes that are soon to go into effect, reviewing and strengthening existing regimes, or negotiating new regimes.” It is equally likely that the global nature of the environmental problematique will continue to make it one of the principal, though not the only, arena for continued North-South sparring. Moreover, the South has a strategic interest in continuing to define this dialogue in terms of sustainable development because this allows it to establish the crucial link between environment and development—a link that they have fought hard to establish and hold dear to their heart:⁵⁵

It is significant that [Rio was] a conference on Environment *and* Development. This twofold topic marks the recognition of the “link” and of the interdependence of issues and solutions concerning what has in the past been treated as two separate agendas of international negotiations, on account of the insistence of the North. Because of this “link” it is possible to mount an integrated approach to the global challenges of sustainable development. (South Centre, 1991: 1)

For optimists, the global politics of sustainable development is the embodiment of the hope that in trying to synergize the North’s concern for environmental sustainability and the South’s desire for economic and social development, the concept of sustainable development, loosely defined as it is—and, in fact, because it is defined as loosely as it is—will provide a broad framework within which a global compact that would meet the interests of both North and South could be built. For pragmatists, however, it is better understood as:

...a struggle between the developing and developed countries to define sustainable development in a way that fits their own agendas. The developed countries, most of which are relatively rich, put environment first. By contrast, the developing countries, most of which are poor and still struggling to meet basic human needs, put development first. (Hyder, 1994: 205)

Although the optimistic sentiment is certainly well-meaning, many are hesitant to accept that the new generation of North-South dialogue could be any more fruitful nor any less acrimonious than the old. This is especially true for those who still remember the entrenched antagonisms of the previous attempt. Wallerstein (1993: 118), for example, believes that “the next 20 years of North-South negotiations are not going to be more significant or efficacious than the last 20.”⁵⁶ Others, such as Grant (1995: 582), are more sanguine, even upbeat: “in many respects conditions are more favorable than at any other time for common ground to be established.”

⁵⁵ The South fought hard to make Rio a conference on Environment *and* Development. See Adede (1994) and Najam (1993a) for a discussion of how the developing countries fought to enshrine the environment-development link within the enabling documents for UNCED.

⁵⁶ Wallerstein (1993: 118) says this in commenting on the 1990 report of the South Commission. He adds (quoting from the report): “The reality is that it is most unlikely that the dominant forces of the world system will permit, let alone encourage, the creation of ‘a global rule-based system built on the principles of transparency, multilateralism, and non-discrimination’, the hope of the South

Around the time of the Rio Summit there was a certain misplaced buoyancy amongst those who argued, if only for effect, that sustainable development might be the 'trump card' that the South had been looking for all along. The North's new concern for global environmental problems, it was argued, provided the South with considerable leverage and bargaining power because without the participation of the developing countries many such problems cannot be addressed effectively.⁵⁷ A Caribbean official was reported as suggesting that "for the first time in more than a decade, the developing countries have an issue [i.e. the environment] where they have some real leverage" while India's environment minister went even further to proclaim that "the begging bowl is [now] really in the hands of the Western world."⁵⁸

In retrospect, the enthusiasm was decidedly exaggerated and with time it has certainly mellowed. Although the South was not entirely powerless in Rio, it soon found that its 'leverage' lay not as much in influencing what went *into* the treaties as in what was kept *out* of them.⁵⁹ Such 'negative power' has been a recurrent feature of the South's behavior in the global politics of sustainable development (Agarwal, 1992; *Down to Earth*, 1992; Mello, 1993; Najam, 1995a). Studies of just how much real leverage the environment might provide the developing countries on particular issues have yielded more sober, although not entirely pessimistic, assessments. In looking at the ozone case, for example, Rajan (1992: 147) found that the evidence does "not justify the view that the environmental issue has delivered into the hands of the South a potent new bargaining weapon." However, he would most likely agree with Miller (1995: 141), who focused on global regimes relating to the ozone layer, hazardous waste and biodiversity and found that "when there is a shared perception of environmental

Commission. If they did, it would mean the end of the functioning of the capitalist world economy as it has been known for the last 500 years. What the South Commission wants is a revolutionary transformation in the whole structure of the world system, and it asks for it very politely, almost timidly. Its wish will not be fulfilled."

⁵⁷ MacDonald (1992: 41), for example, predicted that "the views of the developing nations will determine the direction, and probably the ultimate significance, of UNCED." The *New York Times* (17 March 1992) noted that "for the first time... the developing countries have an issue where they have some real leverage." Oran Young (1993: 447), argued that the South has "substantial bargaining leverage" and that "Northerners will ignore the demands of the South regarding climate change at their peril." Also see Stone (1993) and Sebenius (1994).

⁵⁸ Both statements are quoted in Rajan (1992: 135-6). Rajan cites an *International Herald Tribune* (18 March 1992: 23) report "Environmental War Heats Up" as the source for the statement from the Caribbean official, and a report in *India Today* (15 June 1992: 26), "The Earth Wars," as the source for the statement by Indian Environmental Minister Kamal Nath.

⁵⁹ For example, on forests Mello (1993: 41) argues that although the South was able to claim 'victory', it was essentially the avoidance of defeat: i.e., they were able to ward off a binding legal convention.

vulnerability, the Third World is able to gain a *modest* bargaining advantage" (*emphasis added*). Sell (1996), in looking at North-South environmental bargaining on ozone depletion, climate change and biodiversity, and Mello (1993), in analyzing the forestry negotiations at UNCED, arrive at similar conclusions. In short, the evidence suggests that while the South may have some leverage in the global politics of sustainable development its extent is limited, its application is largely to avoid defeat, and its use is conditional on the existence of a high level of concern, even alarm, for the said issue in the North.⁶⁰

One should add that while some might proclaim that the emergence of global environmental issues has the potential to fundamentally change the nature of international relations, sober voices are justifiably more guarded. In outlining the remarkable stability of the international system in the face of massive changes in the science and technology landscape of the planet, and in particularly discussing climate change—considered by many to be the most poignant of global environmental issues—Eugene Skolnikoff (1993: 191-192) reminds his reader that “the effects on international affairs... is essentially to add a new and arresting issue to international politics—one that raises particularly difficult questions for governments... but not one that is inherently unfamiliar.” The same would be true for other contemporary global environmental issues, often to a greater extent. For those who consider environmental issues as a possible trump card that could drastically change the balance in the international system, Skolnikoff’s assessment is more than just cautionary: “unless the threat of global warming moves to [a much higher, and possibly catastrophic, level] the consequences for the political structures of the international system are not likely to be substantial.” The international system, iniquitous as it may be, is in no danger of being fundamentally overturned any time soon.

From the South’s perspective such assessments are sobering but not melancholy. The South’s desire for systemic international change is enduring but, over the last many decades, it has been tempered by more realistic assessments—the impatience that once characterized the South is no longer as evident. Moreover, the defining essence of the collective South is the desire to minimize risk, rather than to maximize gain. Given the South’s perceptions about the post-Cold War (im-)balance of power (Chubin, 1993), vulnerability in a hostile international order (Ayoob, 1995), and fears of the environment being turned into a tool for ecocolonialism (Adams, 1993) the South’s achievements in the global politics of sustainable development, thus

⁶⁰ Moreover, the South has often squandered this meager influence in seeking boilerplate demands, such as extended deadlines, have often given the South very little in terms of real environmental or economic benefits (Papasavva and Moomaw, 1997).

far, although not spectacular have also not been disastrous. In fact, from its standpoint, the Southern collective has been able to do exactly what it set out to do: minimizing the risk of being bulldozed by a Northern agenda, maintaining a North-South focus to the dialogue, and eking out little victories (in terms of global transfers) whenever possible (*see* Adede, 1992; Hyder 1994; Mensah, 1994). While this should be read as an appeal to lower ones sights on the extent of the potential for a new North-South bargain being constructed around the global politics of sustainable development, it should not distract from the point that a potential—no matter how small—does, in fact, exist. This potential emanates from two important differences between the first generation of North-South dialogue and its current incarnation.

First, unlike its predecessor, the second generation of North-South interaction is characterized by both side wanting to establish a global dialogue, albeit with differing interests and agendas. For the South, such dialogue is itself a long-standing goal (Jones, 1983; South Commission, 1990). For the North, it is necessitated by the realization that global action on the environment cannot be successful without the active participation of the developing countries (MacDonald, 1991; Sebenius, 1994). This is a major sea-change from the 1970s when the South was calling for dialogue and the North was actively resisting (Weintraub, 1980; Hansen, 1980). Furthermore, there is a certain sense of urgency on both sides, since the effects of both environmental devastation and abject poverty compound visibly over time (Ramphal, 1992).

Second, by its very nature, it is often difficult to conceive global environmental problems in terms of victory and defeat, especially in the long run (Rajan, 1992; Mensah, 1994; Porter and Brown, 1996). Unlike the oil or debt crises of the 1970s, the environmental crisis is not easily defined in win-lose terms. Although the jury is still out on whether and how the global environment might become a win-win issue, all indications suggest that it can very easily be transformed into a lose-lose proposition. This, too, marks a difference from earlier North-South dialogue which failed partly because it was perceived, especially in the North, as a zero-sum game (Gordon, 1978; Hansen, 1980; Mahbub-ul-Haq, 1980b; Weintraub, 1980; Sewell and Zartman, 1984). Delayed sea-level rise, averted ozone depletion, or better protected forests may help some nations more than others, but in general they will help all nations.

What the above means in terms of actual North-South negotiations is that there is already significantly greater agreement between North and South on the 'need' for a potential 'New International *Environmental* Order' than there ever was on the subject of a New International

Economic Order.⁶¹ Having said that, while a common desire does exist in both camps—at least at the level of general principles—to tackle environmental problems, the hurdles to actually doing so are many and are profound. At the heart of the North-South politics of sustainable development are debates about the costs to be borne (including foregone benefits), the ability to bear these costs, the responsibility for causing the problem, and the ability to influence future decisions. These boil down to contentions about past responsibility, present ability, and future priorities. Serious differences persist between North and South, on all three.⁶²

Bridging the deep differences that exist on all three axes is not an easy task and would require, at a minimum, innovative strategies from both North and South.⁶³ Till now, such strategies have not been forthcoming and both sides remain fixated on outmoded (and hitherto unsuccessful) strategies of dealing with the other.⁶⁴ Given the deeply felt interests that the South has resiliently pursued for so long it is unlikely that it will voluntarily forsake its demands or be argued out of them. By similar token, given a realistic assessment of the South's bargaining leverage over the North, it is equally unlikely that the former will be able to browbeat the latter into simply accepting its position. If meaningful headway is to be made it will have to come through some mechanism that allows the interests of both sides to be met. That mechanism is creative issue-linkage. This would require not a narrowing down of issues

⁶¹ This does not mean that NIE[nv]O awaits around the corner (indeed, there is much dispute between the two on the 'shape' that it should take. It does, however, mean that NIE[nv]O need not necessarily be the stillborn like NIE[co]O.

⁶² While much is made in the literature of the first two (past responsibility and present ability), the issue of future priorities is often overlooked. However, as Porter, Brown and Chasek (2000: 178-9) point out: "Developing countries have generally regarded the negotiation of global regimes on ozone depletion, climate change, biodiversity loss, and conservation of endangered species as a Northern agenda. Their own environmental priorities have been urban air and water pollution, the erosion and salinization of agricultural land, and toxic chemical contamination; but for most developing countries, economic growth, employment, and overcoming poverty have been the dominant concerns. Although developing countries are now active participants in many of these 'Northern' regimes, their main concern is usually to ensure that their economic interests are protected."

⁶³ Najam (1995a) proposes one such strategy for the South, which builds upon the lessons of negotiation theory and the experiences of the South. The 8-point strategy can be paraphrased as: 'Stop feeling angry at the North and sorry for yourself.' It recommends that the South should focus on interests, not positions; cultivate its own power; be hard on issues, not on people; redefine the international environmental agenda; organize itself; develop its constituency; clean up its own act; and remember that good agreements are more important than 'winning'. The paper also argues that such a strategy would also lead to a more productive international negotiation process.

⁶⁴ Mistry (1993: 195) points out: "it is unlikely that much will be accomplished if the underlying tone of [North-South dialogue] continues to be regarded as complaining on the part of the South and as an arrogant unwillingness to contemplate overdue changes in the world order on the part of the North."

to the ones that are of the most immediate urgency, but a broadening of the agenda so that the various sides can trade across differently valued issues and, maybe, treaties.

In this regards, sustainable development can be a potentially fortuitous term in that it can (given the right conditions) allow efficient packaging of issues of concern to North and South—issues that they might otherwise be hesitant to deal with individually. However, issue-linkage can be fraught with both dangers and opportunities. Some like Stone (1993: 115) fear that “adding cards to the deck raises the risk that the environment will get lost in the shuffle.” However, Susskind (1994a: 82) reminds us that issue-linkage can be “crucial to the success of negotiation[s]” that involve complex, multi-party, multi-issue bargaining. While there is certainly the danger of issue-linkage turning into blackmail—either by the North arm-twisting the South to follow its environmental dictates, or by the South threatening environmental inaction in the absence of a restructured international system—there is a strong case for both to seek issue-linkages in their pursuit of meaningful dialogue. After all, the very term ‘sustainable development’ is itself the embodiment of creative issue-linkage and the promise of the global politics of sustainable development is, in fact, the promise of issue-linkage.

While issue-linkage that might incorporate the various interests is a potential strategy for breaking the impasse in North-South dialogue, it is by no means an easy strategy to operationalize. It would require a “level of political will... that [does] not appear to exist” (Porter and Brown, 1991: 152). From the North it would demand “a spirit of compromise” so that the South sees itself engaging in a “genuine dialogue” (Williams, 1993: 25). From the South it calls for setting “its [own] house in order,” because “unless [the South] is able to get greater honesty, efficiency, and self-reliance into its own economic systems, it will be consistently portrayed as a beggar” (Agarwal, 1992: 36). More generally, issue-linkage will only succeed if it is seen as “legitimate,” if not seen as such by all parties, it would amount to nothing more than “blackmail” (Susskind, 1994a: 98).

The challenge, then, is to ensure that this generation of North-South dialogue does not plunge into the quagmire of frustration and acrimony like its predecessor. In the waning moments of the first generation of such dialogue, Sidney Weintraub (1980: 456) was arguing that “in order to negotiate effectively, the weak must find some lever to give them strength.” At about the same time, Mahbub-ul-Haq (1980b: 276) opined that “it is possible that only a real international economic or political crisis will convince all sides to rush to the negotiating table.” Today, some in the South believe that the environment could be that leverage; many in the North insist that

the environment is that crisis. The jury is still out on whether it is either. However, a window of opportunity does exist, albeit small, in the potential of sustainable development becoming a win-win issue that could begin to start bridging the North-South chasm. The challenge is compounded by the opportunity—if the opportunity is missed, the common environmental crisis that the North and South are equally locked into could well collapse into common catastrophe.

3.4 Achievement and Impediment

Has the South, particularly as represented institutionally by the G77 in global negotiations, been an effective negotiation collective? The answer, as always, depends on whom you ask. At the end of the first generation of North-South dialogue, Weintraub (1980: 459-63) put it most bluntly: "The fundamentals of the international economic order have not been changed as a result of the North-South dialogue... No principles or rules have been substantially altered to accommodate the demands of the South... Stated broadly, the North has not agreed that systemic change is needed." Writing at about the same time, Sauvart (1981a: 27) proclaimed that the "concerns of the G77 now influence nearly all considerations of international economic issues in the United Nations." Both statements remain correct today. The systemic change the South sought has not been achieved; yet, G77 remains a resilient actor in international affairs and has influenced the agenda, if not the results, of global negotiations. Calling the South a failure as a collective would be erroneous, if only because of its tenacity; yet, its success (if it can be called that) is better measured by its survival than by tangible achievement.

3.4.1 • Gauging Success

How should one gauge the achievements of the South? Firstly, any evaluation of the South and its institutions must begin with recognition of the nature of the collective. As a group that derives its strength—and its very identity—from its shared weakness, *the South is designed to minimize the vulnerability of its members to the prevalent international regime, rather than maximize their domination over it.*⁶⁵ It is with this yardstick that the achievements of the

⁶⁵ For a discussion of 'vulnerability' as used here, see Krasner (1983, 1985). Building on that, Thomas (1987: 4-5) argues that "Third World states suffer from an acute lack of control over the international environment in which they must function, and of all the world's states they are the ones

South need to be gauged. The motivation behind the creation and endurance of NAM and G77 is their members' acute realization of their own weakness. Although the rhetoric of the South is, understandably, laden with the hope of systemically changing the international order, the principal motivation is the fear that in not banding together, their individual vulnerability would be compounded. According to Williams (1993: 10), "[t]he Third World coalition is not necessarily a winning coalition but it minimizes the risk of defeat." As Julius Nyerere (1980: 5-6), then President of Tanzania, candidly acknowledged to his G77 colleagues:

[W]hat we have in common is that we are all, in relation to the developed world, dependent nations... We are ashamed to admit it; but economically we are dependencies—semi-colonies at best—not sovereign states... [T]he reality is that the unity of even the most powerful of the subgroups within the Third World is not sufficient to allow its members to become full actors, rather than reactors, in the world economic system. The unity of the entire Third World is necessary for the achievement of fundamental change in the present world economic arrangement.

The importance of this realization of their own weakness is critical to understanding the tenacity of the South's institutions. Admitting their own weakness has meant that *even where the ideal aspirations are high, the realistic expectation of reaching them is low*. Moreover, starting from an admitted position of weakness allows for a redefinition of success—success becomes broader than achieving that which is better, and encompasses averting that which might be worse. After defining ideal goals and aspirations, Southern negotiators have most often focused on averting, or reducing, the damage that existing or proposed systems imply. *Success, therefore, is measured not in maximizing the gains but in minimizing the losses.*⁶⁶ This flows directly from the South being, what Nyerere (1980: 4) called, "a unity of opposition."

Secondly, *the South is a creature of the United Nations system*. It is there that it has tried to exert its influence. Even NAM, which operates outside the UN system, is laden with references to the UN charter and has sought its influence via the world body. Krasner (1985: 8) has

for whom the economic alternatives of survive or perish are the most pressing.... In these circumstances of insecurity, Third World states have attempted where possible to increase their room for maneuver, to increase their ability to stabilize the environment in which they must function, and to minimize their vulnerability."

⁶⁶ For example, in analyzing the South's performance at the 1992 Earth Summit, Agarwal (1992: 35) notes that the fear of giving up their development aspirations to Northern environmentalism compelled the South to search for 'negative gains' (i.e., not losing too much). At Rio, as well as at the 1972 Stockholm conference, the South (as represented by G77) succeeded in ensuring that the issues and options that it liked least were kept *out* of the final texts but failed to bring the concerns and solutions that it did support *into* the texts of the agreements; as such, it exercised a 'negative' power; the power to stop, rather than the power to shape (Najam, 1995).

argued that "if the United Nations had not existed, it would have been impossible for the Third World to articulate a general program for altering international regimes." Literally born and raised within the UN, G77 realizes that it is there and not in the economic realm of Bretton Woods, that it enjoys a comparative advantage. This is important, in that it has sought, and continues to seek, change in economic regimes via a body that is principally political (*see* Jaramillo, 1994). While that change has not transpired, the UN is much more of an economic animal today than it was thirty years ago; this is a testimony to the G77's influence.

Finally, *it is important to gauge G77's achievements not only by its continuing relevance today but by its cumulative impact over the span of its existence.* As Grant (1995: 576) points out, in view of the weakened state of the South in international relations by the end of the 1980s it is easy to forget that South had earlier exerted considerable influence in international affairs:

Many advances achieved by the UN in the 1960s and 1970s were due to collective action and moral pressure by the developing countries, through the NAM and its twin institution, the Group of 77. These countries increasingly determined the issues for the UN agenda and influenced their outcome. They were at the forefront of promoting international cooperation to deal with issues of global concern including apartheid, decolonization, development, disarmament and the Law of the Sea.

Indeed, there have indeed been occasional triumphs. Successful struggles against colonization and apartheid, the passage in the UN of the declaration for a New International Economic Order, the Charter of the Economic Rights and Duties of States, the emphasis on development within international discourse, the acceptance of 'special needs' for developing countries, and occasional spurts of North-South dialogue are such achievements. In comparison to the original aspirations of the South, this is not much. However, it has been enough to keep the collective intact; the South realizes that "whilst coalition politics does not guarantee victory on any issues, it does produce the possibility of increased influence. It turns the certainty of permanent defeat on all issues into the likelihood of occasional triumph" (Williams, 1993: 9-10). The politics of the South is the diplomacy of influence, not the politics of power.

However, the South is aware that it has very few tangible achievements in its past, disillusionment in its present, and uncertainty in its future (South Commission, 1990; South Centre, 1992; G77, 1994a). The South of the 1990s is *not* the South of the 1970s—it is more diverse, less idealistic; more disillusioned, less impatient. But it remains—or rather, has reemerged—as a not inconsequential player in international policy, especially in international environmental affairs. The euphoria of the NIEO years is now a thing of the past:

Pragmatism has appeared in southern negotiating strategies. The widespread belief in the possibility of comprehensive structural changes in the existing international economic order that would suit the South has diminished. While rhetoric remains intact, simultaneously sobriety has been forced on the Third World. (Weiss, 1986a: 152-3)

Weiss (1986a: 3-4) advise that "taking firm, if small, steps toward an alternative international economic order that is marginally more equitable is preferable to taking large, but ethereal, steps towards a utopian order" is well taken. The South's new pragmatism is reflected in the still firm, but much mellowed, approach to North-South relations taken by the South Commission (1990) and articulated in the 1992, 1995 and 1998 NAM Summits. The 'street-politics' tactics of confrontation that the South adopted in the 1960s were warranted to ensure that the South's concerns were heard and placed on the agenda; however, to borrow once again from Weiss (1986a: 13) "it is difficult to remain *avant-garde* for [thirty-five] years."

3.4.2 • The Lowest Common Denominator Trap

The story of this chapter has been the story of the remarkable resilience of the South as a collective. This resilience is remarkable not only because of the large differences that so obviously exist within this rather oversized and unwieldy group of countries, but even more so because it seems not to have brought them much in terms of concrete achievement. Indeed, it is the resilience itself—as manifest in the institutional survival and tenacity of the G77—that seems to be the collective's most important achievement. Preceding sections have tried to highlight why these otherwise disparate countries have held on to each other over such a long period. Here we focus on the cost they have had to pay in doing so. For the G77, this cost has been imposed most importantly in terms of the lowest common denominator positions that the collective has so often been reduced to. By this we refer to the tendency of large groups to reduce their platforms to only those minimal positions on which all members are in full agreement. In practical terms this means that the members with the most stringent position and those seeking the smallest movement define the collective's agenda.

There are a number of factors that facilitate this predicament of the Southern collective. To begin with, there is the self-perception of vulnerability and the attendant impulse for risk-minimization rather than gain-maximization. Having been (re-)mobilized principally because of the shared fear of the North imposing new environmental agendas on the developing countries, the South has been driven to group together much more by the desire to minimize individual

losses than to create joint gains. This, combined with the memory of their 1970s NIEO adventures, militates against risk-prone grand strategy; for risk-averse members of the collective—fearful of the designs of the more powerful North and unsure of the limits of their own strengths—the lowest common denominator can seem like a cozy haven. It may promise much less in terms of rewards but it does promise to insulate against massive costs.

Yet, it is not a matter of self-perception alone. The reality of a large and unwieldy collective, lacking in formal management structures and facing chronic resource constraints goes a long way in explaining the predicament. In facing the dilemma inherent in the tension between creating and claiming value (Lax and Sebenius 1986; Susskind and Cruickshank 1987), the South has found itself without the space, the time, or the resources to invest in the creation of joint gains because it has been so heavily burdened by the sheer size of the collective, the lack of any formal management structures, and severe resource constraints. The conundrum is that while the G77 has resisted formal management in the fear that it might make it a more rigid collective prone to control by leading states and secretariat staff, the absence of meaningful management routines has led to ad hoc rather than dynamic decision-making, prey to a rigidity of its own. All of this has contributed to the lowest common denominator trap: a predicament where the South often finds itself getting, and sometimes even seeking, no more than the minimum that is acceptable to its most stringent members; in the process, value is left on the table in the shape of joint gains that might have been had if trades across differently valued issues had been facilitated (see Susskind and Field, 1996).

As seen in chapter #2, collectives—particularly large collectives dealing with multiple and complex issues—tend to be slow and inflexible actors prone to lowest common denominator decision-making; especially in the absence of proactive management and intense intra-collective negotiation. In the context of international relations the G77 with 133 members (including China) is an unusually large negotiating collective. It is prone, therefore, to the constraints laid out in the seminal book, *The Logic of Collective Action*, where Mancur Olson (1965: 51) pointed out that large collectives can have “a latent power or capacity for action, but the potential power can be realized or ‘mobilized’ only with the aid of ‘selective incentives.’” When incentives are unavailable, watered down positions that seek not to offend any member can become the next best choice. Lessons from group theory regarding the travails of operationally maintaining group cohesion also seem applicable; especially the insight that maintaining the existence of the collective itself becomes the purpose or task of the group in order to accomplish other

tasks; negotiation, in this sense can become a system-maintenance process even more than an interest actualization project (*see* Rubin and Swap, 1994).

Finally, one should recall that global negotiation is an ongoing enterprise where the cumulated gains over a set of negotiations are more important than the specific goals for any particular negotiation episode. For the South, the limited goals of particular international environmental negotiations are removed from, and often secondary, to the larger goal of seeking systemic change in international structures. It is easy, therefore, to begin believing that unity over the long term is more important than (at least) specific interests in particular negotiation episodes. Although this is clearly a recipe for frustration in terms of the unmet or ignored interests that are bound to accumulate over time, the primacy of maintaining the façade of unity is key to the ethos of the Southern collective. For a group whose 'acquired unity' has been deemed unnatural and transitory by so many (from within and without its ranks) for so long, maintenance of the expression of unity—even if it is merely cosmetic unity on the lowest of common denominators—becomes an important goal in itself.

Although the South has emerged as a remarkably stable and resilient collective in global environmental negotiations, the price of stability has often had to adopt lowest common denominator positions. This has constrained the G77's ability to negotiate effectively for the shared goals of the collective or the differentiated interests of its members. The unity of the G77, while not insignificant, is forever tentative; it is a unity that the G77 stumbled into; a unity that it has *learned* to stumble into. The impulse for risk reduction, low expectations, assumed habits of collaboration wrought out of a long history, and the need to herd a large and differentiated collective in the face of chronic resource constraints and no management effort has forced the South into the lowest common denominator trap. Getting beyond the lowest common denominator is deserving of concern because it serves as an important impediment to the larger interests of global environmental care, the collective interests of the Southern collective, as well as the differentiated interests of individual developing countries.

3.4.3 • Looking Ahead

In seeking to establish the context for the remainder of this study, this chapter set itself the task of exploring the essence, the efficacy, and the prospects of the Southern collective in the global politics of sustainable development. The goal has been to explore the motivations of the

Southern collective in international affairs in general and international environmental negotiations in particular. The purpose was to identify the defining features, the motivations, the *modus operandi*, and the agenda of the complex entity called 'the South' which has become an increasingly important, even pivotal, actor in international environmental affairs. In doing so, we have focused on the collective behavior of developing states. This does not imply that this is the only behavior that is of relevance to the international environmental enterprise, nor that this behavior is itself independent of domestic and sub-national forces within and between individual states. It does, however, imply that even though it is the collective behavior of these states—especially as manifest in the activities of G77—that is most directly visible at the international level, there is a tendency in the literature to gloss over it or even ignore its import.⁶⁷ This chapter has sought to fill this gap in the literature.

To recap, this chapter makes three sets of claims. *First, the South is alive and well.* The end of the Cold War has not spelled the demise of the South. In fact, it has given the countries of a South a new motivation to coalesce their unity. Moreover, its supposedly growing economic heterogeneity has also not made the collective defunct. For the countries that describe themselves as the South the term has never been a simple statement about shared economic impoverishment. It has been, instead, an articulation of their shared perceptions of political marginalization. It is the shared sense of being on the periphery of global decision making that is the defining feature of the Southern collective. For as long as this persists, so will the South.

Second, there is—and there has been for some time—a recognizable institutional face of the South and this face is becoming a more and more familiar feature of international environmental affairs. The Non-Aligned Movement and the Group of 77 constitute the broad political and economic arms of the Southern collective. The latter of these, the G77, has consistently acted as the representative negotiating voice of the South in environmental negotiations. Although both groups suffer from the common malady of not having formal management structures to provide continuity and focus to their work, they each have fairly

⁶⁷ Indeed, much of the work that does claim to make a statement on the developing countries as a *group* has also tended to do so on the basis of a more in-depth analysis of just a few leading countries within the group. A good example of such analysis is Marian Miller's (1995) book, *The Third World in Global Environmental Politics*, which virtually builds up its entire analysis of Third World behavior on the behavior of two countries: China and India. Although these two countries are amongst the most important players within the South they still remain parts of a much larger sum. Understanding how they tend to behave, either individually or as members of the larger group, is extremely important but it is not necessarily a mirror of the larger group behavior of the South.

prescribed operating procedures, especially in relation to decision-making. The continuing tenacity of these institutions, despite unfavorable environments, is their greatest achievement.

Third, the so-called global politics of sustainable development has allowed the South the opportunity to reinvigorate its sustaining agenda of global systemic change. The North-South differences now arising on issues related to the creation of, what may be called, a 'New International *Environmental Order*' are best understood as lying on the exact same continuum as earlier North-South conflicts that had surrounded the ill-famed 'New International *Economic Order*'. Although the concept of sustainable development does allow a small window of opportunity for a win-win compact to be crafted by incorporating the interests of both North and South, the evidence till now does not suggest that such a compact is imminent. Most importantly, the South (and the G77 as its negotiating arm) has to find a way out of the lowest common denominator trap that it has increasingly found itself in. The previous chapter suggests that this would involve more intensive intra-South negotiations prior to the global negotiations and possibly more differentiated platforms. In the language of Chapter #2, the G77 has mostly acted as a behavioral alignment in international negotiations; it needs to act more in coalition mode—where the issue focus becomes more specific to particular negotiation episodes and where parties' coordination becomes more intense. The challenge in moving from 'hanging loose' to 'playing as a team' is the challenge of internal organization. This is not likely to be an easy move to make, but it is increasingly evident that this is a necessary move for the South. Subsequent chapters will look more specifically into what such a move would imply.

#4

Learning from the Desertification Negotiations

*After three days in the desert sun
I was looking at a riverbed,
And the story it told of a river that flowed
Made me sad to think it was dead.*

— AMERICA (Rock Group, from the song
'I've been through the desert on a horse with no name')

The United Nations Convention to Combat Desertification (CCD) tends to evoke strong reaction amongst those who study it.¹ On the one hand there are those who applaud it as the very embodiment of the aspirations and promise of the 1992 Earth Summit (held at Rio de Janeiro, Brazil) and as the first “sustainable development treaty... [which] marks the beginning of a transition from international environmental law to sustainable development law” (Chasek, 1997: 147, 168). Others, however, are less celebratory about what they describe as “Rio’s stepchild” (Sharma, 1999)—a “poor relation” to other Rio treaties and a “second class convention”

¹ The full official title of the agreement is the *United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa*. We will refer to it here variously as the United Nations Convention to Combat Desertification, as the Desertification Convention, and as CCD.

(Agarwal et al., 1999).² Yet, even the vehement skeptics acknowledge CCD's promise as "[perhaps the first treaty that] provides the world with a framework for global and national action that is both just and bold" (Agarwal et al, 1999: 186). And even its supporters acknowledge that at times (particularly on North-South financial tensions), "negotiations seemed to be nothing more than a debate among fluent tongues and deaf ears; the spirit of the Earth Summit was apparently an ephemeral spurt" (Kassas, 1995: 177).

Whatever else they may or may not agree on, all who have commented on the Desertification Convention seem to agree that it is unique amongst its cohort of global environmental treaties in that it is the only one that was called for by the developing countries and, therefore, saw an unprecedented level of engagement and involvement by the G77 and its members (Agarwal et al., 1999; Burns, 1995; Chasek, 1997; Corell, 1998, 1999a, 1999b; Danish, 1995; Johnson, 1993; Kassas, 1995; Kjellén, 1994; Long, 1997; Okpara, 1996; Toulmin, 1994, 1995).

This case is particularly relevant and suited to our enquiry, not only because it was manifestly South-driven, but because it saw uncommonly intense South-South bargaining within the context of a global environmental negotiation. This chapter focuses precisely on this aspect—*the role of the South in international negotiations for a desertification convention*. The purpose is not to tell the detailed story of how the CCD was negotiated,³ but to focus on the experience and strategies of the developing countries within this negotiation episode—both in terms of how the Southern collective negotiated with the North and how it negotiated amongst itself.

We begin with a general background and overview section that briefly outlines the historical developments that led to the CCD and the scientific and other debates that provided the context for these negotiations. Since the remainder of our discussion will look, rather exclusively, at the role of the South in the CCD negotiations, the overview section presents a broader and more general commentary on the Convention as a whole. This is followed by sections that look specifically at how the developing countries (as regional groupings as well as a collective Southern caucus) behaved during different phases of the negotiations. We will focus principally on the actual negotiation period—beginning with the preparatory stage of the United National Conference on Environment and Development (UNCED), where the notion of

² Agarwal et al. (1999: 178) base the epithet "second class convention" on a statement made by Mahmoud Ould El-Ghaouth, chairperson of the Committee of the Whole during the first CCD Conference of the Parties. They credit the phrase 'poor relation' as a descriptor of the CCD to a delegate comment at the Second Conference of the Parties, citing ENB (1998: 5).

³ For two contrasting accounts, see Corell (1999b) and Agarwal et al. (1999).

negotiating such a convention was first forwarded and accepted, to the fifth meeting of the negotiating committee (in Paris in June 1994) where the CCD was formally adopted. However, the post-agreement phase—which includes the so-called interim phase of negotiations and the first three Conferences of the Parties (CoPs)—are also surveyed briefly.⁴ Finally, the South's experience in these negotiations is analyzed using the framework developed in Chapter #2.

4.1 Background and Overview

William C. Burns (1995: 832) reminds us that unlike many other global environmental problems, desertification—or more precisely, land degradation—has scourged the planet for centuries and many civilizations, across time and around the planet, have suffered its wrath:

4200 years ago, the world's first empire, the Akkadian in Mesopotamia, collapsed after only a century of prosperity as a result of severe drought that induced desert-like conditions throughout what is now Iraq, Syria, and parts of Southern Turkey. In the sixth century B.C., the capital of the Kingdom of Kush, Napata, was abandoned because of overgrazing by herds, resulting in erosion and advancement of the desert. More recently, in the later part of the 19th Century and early part of the 20th, desertification seriously denuded the productivity of large portions of rangelands in the United States and Australia.⁵

As Elisabeth Corell (1999b: 19) points out, while the international policy interest in desertification is much more recent, in fact, "desertification was one of the first major international environmental issues" and "it attracted international public attention much earlier than the dominant environmental concerns of today, such as biodiversity loss, climate change and deforestation." The precursor to the CCD was the non-binding Plan of Action to Combat Desertification (PACD) which emerged from the 1977 United Nations Conference on Desertification (UNCOD) and was one of the very first concerted efforts by the, then recently formed, United Nations Environmental Programme (UNEP) at tackling a specific international environmental issue at a global level (*see* Long, 2000).

In fact, UNEP has consistently championed the issue as a major global priority calling it "one of the most serious environmental and socio-economic problems of the world" (UNEP, 1991: xiv).

⁴ Although there were officially only 10 conferences of the negotiating committee, in fact, a total of twelve negotiating sessions were held. This includes the initial organizational session held in New York in 1993 and the two separate meetings of the final negotiating conference which met first in New York in January 1997 and then *resumed* its session in Geneva in August that year.

⁵ For more on historical background see, Dregne (1983) and Long (2000).

A UNEP Environmental Brief (undated: 1) on the subject highlighted the magnitude of the problem by proclaiming that “one third of the Earth’s land area, and as many as 850 million of the world’s poorest people, are potentially at risk... about 3500 million hectare of land—and area the size of North and South America combined—are affected by desertification... [and] every year about 6 million hectares of land are irretrievably lost to desertification.”⁶

In short, desertification is an issue with ancient antecedents, which has recently been assuming crisis proportions, and which international policy-makers have been trying, unsuccessfully, to tackle for nearly a quarter of a century now.

4.1.1 • From PACD to CCD

Although the Great Sahelian Drought (1968-73) was devastating large parts of Africa at that very time, desertification as an issue was not on the international environmental policy radar at the 1972 United Nations Conference on the Human Environment (UNCHE) at Stockholm. However, given that UNEP—which was borne out of UNCHE—soon became the first, and still only, United Nations’ agency to be housed in Africa (or for that matter anywhere in the developing world) it was not surprising that the newly minted world organization soon turned its attention towards the environmental havoc that had been wrought by the drought:

In 1968, crisis struck in the Sahel region of Africa. Rainfall plummeted from the average annual rate of 284 millimeters to 122 millimeters in 1968 and only fifty-four millimeters in 1972. During six years of unremitting drought, Lake Chad, at one time the second largest wetland in Africa, shrunk to only one-third of its normal size, and several primary river systems failed to flood, resulting in widespread death of sustaining vegetation and shrubs... Before rainfall levels returned to normal in 1974, an estimated 250 thousand people in the region died from famine, drought and disease. Millions of domestic animals, including cattle, goats and sheep also perished... The drought in the Sahel focused the international community’s attention on the tragic implications of desertification. In December 1974, the United Nations General Assembly adopted a resolution calling for “international action to combat desertification” and the convening of a United Nations Conference on Desertification (UNCOD) to effectuate this objective.

UNCOD convened in Nairobi, Kenya in September 1977. The conference culminated in the adoption of a “Plan of Action to Combat Desertification” (PACD), reflecting three fundamental objectives: (1) “to prevent and arrest the advance of desertification; (2) to reclaim desertified land for productive use; and (3) to sustain and promote, within ecological limits, the productivity of arid, semi-arid, sub-humid and other areas vulnerable to desertification in order to improve the quality of life of

⁶ Although the Brief (UNEP, undated) is not dated, it is clearly from the later 1980s and is pre-UNCED and pre-CCD. UNEP places the number of people at ‘risk’ from desertification at 1 billion!

their inhabitants.” The PACD called for national and regional actions to combat desertification through an integrated program of land management assessment, the implementation of corrective measures to prevent the degradation of dryland ecosystems, and the strengthening of scientific and technological infrastructures in dryland nations. (Burns, 1995: 849-50).

Figure 4.1: CCD Timeline

<i>Pre-negotiation Phase</i>				<i>Negotiation Phase</i>		<i>Interim Phase</i>		<i>Implementation Phase</i>			
1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
UN General Assembly— (Res. 44/228) New York, Dec. 89				Organizational Session New York, Jan. 93		INCD-6 New York, Jan. 95		COP-1 Rome, Oct. 97			
Meeting of African Environmental Ministers Abidjan, Nov. 91				INCD-1 Nairobi, Jun. 93		INCD-7 Nairobi, Aug. 95		COP-2 Dakar, Dec. 98			
UNCED PrepCom-IV New York, Mar. 92				INCD-2 Geneva, Sep. 93		INCD-8 Geneva, Feb. 96		COP-3 Recife, Nov. 99			
UNCED Rio de Janeiro, Jun. 92				INCD-3 New York, Jan. 94		INCD-9 New York, Sep. 96		COP-4 Bonn, Dec. 00			
UN General Assembly New York, Dec. 92				INCD-4 Geneva, Mar. 94		INCD-10 New York, Jan. 97					
				INCD-5 Paris, Jun. 94		UN General Assembly-- Special Session New York, Jun. 97					
						INCD-10 (resumed) Geneva, Aug. 97					
UNGA decision to negotiate a convention on desertification, 22 Dec. 92				CCD adopted, 17 June, 94		CCD comes into force, 26 Dec. 1996		Conferences of the Parties			

In so doing, the non-binding PACD not only served as the precursor to the legally-binding CCD but laid down the foundation of the latter’s substance and architecture. While a number of attempts were made to create functional institutions to implement the spirit of the PACD—and while there was a brief second spurt of global interest in the issue when disaster struck Africa yet again in 1983-84—chronic disinterest by the rest of the world, institutional turf battles, and a failure to raise funds for required action doomed the PACD; which has been aptly dubbed an “abject failure” (Burns, 1995: 852). To those who were most affected, and therefore dejected, by the demise of PACD the lessons were clear: if anything meaningful were ever to be done

about desertification, a) the issue would have to attain higher international profile as a truly global issue, b) it would have to be dealt with within a legally-binding framework, and c) a dependable and sufficient supply of funds would have to be procured.

The African countries, with the support of other developing countries, launched a move to actualize such an agreement in the run-up to the 1992 Earth Summit at Rio de Janeiro, which eventually resulted in the 1994 Desertification Convention. After intense (and often tense) deliberations at UNCED on whether there should at all be a global treaty on desertification, the Earth Summit agreed that there should, and the UN General Assembly (UNGA) established the intergovernmental negotiating committee for the elaboration of a convention to combat desertification (INCD) in late 1992. After a first organizational session, held in January 1993 in New York, the INCD met five times between June 1993 and June 1994 to prepare the text of the Convention, officially titled the "United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa".

The Convention (along with its four regional annexes) was adopted at INCD-5 at Paris, in June 1994 and opened for signature later that year. It was decided that the INCD would continue meeting until the requisite number of ratifications were received and the Convention came into force. A total of six additional meetings were held in this interim period. The Convention legally came into force when the fiftieth instrument of ratification was formally received (from Chad) on 26 December 1996.⁷ Since then, Conferences of the Parties (CoPs) have been held annually. Figure 4.1 depicts the CCD process as organized around key negotiation phases (based on Corell, 1999b: 81). The analysis in this chapter will focus principally on the first two phases as depicted in Figure 4.1—including the pre-negotiation and the negotiation phase—up to the actual adoption of the Convention. A brief discussion of the negotiations during the interim phase and the CoPs will be presented for purposes of continuity, but the focus of our analysis will be the stages at which the actual negotiations were most critical and intense.⁸

⁷ An international agreement is 'adopted' when national negotiators 'sign' it, signifying the intent of their nations to accede to the treaty as a legally binding instrument. However, since the negotiators are only 'representing' their governments it requires an act of government (most often of the legislature) to make the commitment binding. This 'ratification' is done through a formal act of legislation that makes the particular international agreement a stated part of national law. Particular international agreements determine particular rules about how many state ratifications are required before it becomes a binding international legal instrument; the CCD required a total of 50 state ratifications. For more on this and related aspects, see Berridge (1995) and Hunter et al. (1998).

⁸ The literature provides many labels for what constitutes the 'stages' or 'phases' of a negotiation. For example, Atkinson (1980; cited in Holmes 1992) divides his schema into the stages of exploration,

4.1.2 • Highlights and Hurdles

While the travails of the negotiations will be discussed later, a few key elements of CCD are worth highlighting (*based on*, Burns, 1995; Danish, 1995; Agarwal et al., 1999; Long, 2000):

- ❖ The CCD is the third international convention to arise from the 1992 Earth Summit. While considered to be a 'sister' of the other two (the conventions of climate change and biodiversity) it is different in that it was not signed at, but only initiated at UNCED. It is also different in that it is not typically styled in the so-called 'convention-protocol' approach and implementable obligations are contained within its own operative instruments, which are regionally constructed. Although it is a global instrument, it is organized around a series of regional annexes. Finally, although desertification is not a new policy issue, the treaty was negotiated in an uncharacteristically short time—just about one year and over only five formal negotiating conferences.⁹
- ❖ CCD's main text includes 40 articles and is supplemented by four regional annexes (ranging in size from 7 to 19 articles). It provides a "code of good practices" for dryland management by governments as well as a framework for cooperation between local land users, NGOs, governments, international organizations, funding agencies, and Northern donor countries. It adopts a 'bottom-up' and 'integrated' approach to implementation and is seen as NGO- and community-friendly.

solution development, and conclusion. Zartman and Berman (1982) term their three stages as diagnosis, formula and details. Carlisle and Leary (1981; cited in Holmes, 1992) views the stages as preliminaries, exploration and settlement. In focusing on multilateral negotiation, Touval (1991) uses a similar schema but different terminology—pre-negotiation, formal negotiation and agreement. In very similar vein, Sandford (1992) calls her stages pre-negotiation, negotiation and implementation. Susskind (1994a) proposes a variant specific for international environmental negotiations based on a three-stage process: problem scoping, treaty negotiation, and treaty tightening. Putnam et al. (1990; cited in Holmes, 1992) suggest the phases of agenda definition and problem formulation, of narrowing differences, and of agreement and implementation. While a number of models suggest more than three phases—for example, Gulliver (1979), Friedheim (1987), and Rittberger (1983)—even their models can be easily collapsed into three broad phases. In reviewing the literature Lewicki et al. (1999: 47) see general agreement that "negotiation, like communication in problem-solving groups and in other forms of ritualistic social interaction, proceeds through distinct phases or stages"; they term these stages as initiation, problem solving and resolution (for a summary of the literature on multilateral negotiation phases, see Chasek, 1994). While, at a more subtle level, there are many differences between these models (for example some are prescriptive and other descriptive), for our general purpose it is enough to note that there is a certain rhythm to the negotiation process and this rhythm may be generally characterized as moving through the stages of pre-negotiation, negotiation, and implementation. (A similar rhythm can also be identified in the literature on policy processes in general; see Najam 1995b). However, one must treat any description of stages as a general explanatory tool rather than a precise definition.

⁹ This is from when the UN General Assembly called for treaty negotiations to begin and its adoption.

- ❖ In addition to spelling out general obligations for all parties, the Convention spells out specific obligations from 'affected country Parties' and 'developed country Parties'. A principal obligation for affected parties is to address underlying socio-economic causes of desertification, and for developed parties to provide and mobilize financial resources. It also establishes a 'Global Mechanism' to "promote actions leading to the mobilization and channeling of substantial financial resources." However, it does not specify how this is to be achieved or administered. The Convention also calls for the development of national, sub-regional and regional action programs.

Although the Desertification Convention is just the latest episode in a continuing saga, it is considered to be an important step forward—not only for desertification, but for how international environmental agreements are negotiated (Toulmin, 1994; Danish, 1995; Okpara, 1996; Chasek, 1997; Corell, 1999b). To highlight just a few of its distinguishing features:

- ❖ This was the first, and still only, truly South-driven international environmental negotiation (and treaty).
- ❖ The CCD is a 'sustainable development' convention in that it deals with both environment and development.
- ❖ The CCD takes a multi-disciplinary, bottom-up, and community driven approach unlike any other international environmental agreement.
- ❖ The negotiation process has been credited for being efficient, or at least swift.

However, for the very same reasons some see it holding only marginal promise of being actually implemented in its true spirit (Burns, 1995; Kassas, 1995; Long, 1997; Agarwal et al, 1999). Indeed, there is good reason to be cautious, even wary, in ones assessment. The most obvious, of course, is that the lack of international financial and other support that had doomed the PACD has also dogged CCD. Not only was the Convention denied a separate window of funding from the Global Environmental Facility (GEF) but the Global Mechanism is still fledgling in terms of both resources and institutional mandate (Agarwal et al., 1999: 178-183). Indeed, much to the South's dismay, the Convention is deliberately vague on financial commitments. As Chasek (1997: 163) points out, "although the last-minute agreement on the package containing [articles on financial responsibilities and the Global Mechanism] paved the way for the adoption of the Convention, it was clear that not all parties were satisfied with the results." Equally importantly, it seems that the heated debates that had shaped the negotiations and were supposedly resolved through the creative language of the CCD, continue to haunt the Convention; particularly in terms of its eventual implementation. Three such debates are of particular relevance to the future implementation of the Convention.

First, there are the **debates about definition and causation**. One would assume that the long history of international discussion on the issue would have at least resolved definitional debates about exactly what is, and is not, desertification. One would be wrong. The CCD defines desertification as “land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities.” The exact same definition was used, in fact, by UNCED’s Agenda 21 and is based significantly on the definition used by PACD and UNCOD. However, the apparent continuity is misleading; the definition itself and especially the issue of causality became an intense political tussle, right at the onset of the negotiations. Although much of the discussion was shrouded in science, the motivations were often political—for example, the North’s attempt to somehow sneak in the forests issues into desertification by extending the definition out of drylands, and the South’s concerns about international trade and debt regimes as a major cause of the crisis (Agarwal et al., 1999: 171). As Marybeth Long (2000) details, desertification as a policy issue has been defined throughout the century by how the term is ‘framed’ politically rather than by advances in scientific understanding. At its heart, the definitional debate relates to the extent to which desertification is a natural phenomenon and the extent to which it is a human-induced condition. The developing countries insisted that the Convention would be meaningless unless it also addressed the various socio-economic causes of the crisis. Corell (1999b: 59) points out the political implications of what might otherwise seem like an academic preoccupation:

... if desertification in the legally binding convention text is defined as a problem solely caused by human activity, governments are responsible for improving the situation but at the same time run the risk of being criticized for not addressing it properly. However, if it is a result of human *and* climatic causes, those governments can also argue that they are subject to a natural phenomenon that requires international assistance to deal with the consequences. Moreover, if desertification is caused only by natural factors, there is—from a political perspective—no need to allocate resources to an international agreement about an issue that would be futile to address.

Second, there are **debates about scope**. Since we now have a global convention to deal with the issue, one might be tempted to think that the debate about whether this is a global or regional issue has been settled. Yet, a careful reading of the Convention—whose preamble identifies desertification as having a “global dimension”—suggests that the debate continue to simmer between the lines. From the very beginning, both the United States and the European Union were actively opposed to an international treaty on desertification on exactly this ground: “Industrialized countries saw desertification as a local phenomenon, unworthy of an international convention, and were unwilling to commit to a global effort, which would require more funds” (Agarwal et al., 1999: 163). Although the South might want to take solace in the

fact that they were eventually able to get a global convention, the Northern agreement was—and remains, at best—“tepid” (Burns, 1995: 855) and the very language of the convention remains vague and awkward about just how global the implementation is likely to be. Nowhere does the debate about scope manifest itself as centrally as on the question of financing. Agarwal et al. (1999: 181) remind us that “the question uppermost in the minds of African and a number of other Southern countries is whether the convention will be able to mobilize sufficient funds to take action worldwide, or whether the history of the 1977 PACD will be repeated.” A failure to mobilize the funds, particularly via the Global Mechanism—as now seems likely—will almost certainly send the message to the South in general and the Africans in particular that the Global Mechanism is anything but global, and so is CCD.

Finally, despite all the celebration for the CCD being a ‘bottom-up’ and community-driven convention, **debates about solutions that work** persist. Porter et al. (2000: 135) argue that an important challenge for the Convention is to “[reconcile] the Convention’s emphasis on ‘bottom-up’ approaches and involvement at all levels by all relevant actors, while remaining an international coordinating body.” More than that, Agarwal et al. (1999) bring into question the desire or ability of Southern countries to put into place the systems of good governance and innovative management that are needed to operationalize bottom-up solutions at the massive scale that the Convention seems to call for. If indeed the promise of ‘bottom-up’ approaches is not realized in this case, the loss will be much greater than just that to the CCD in terms of dissuading other treaties to adopt similar ‘bottom-up’ or ‘sustainable development’ focus.

The overall prognosis, therefore, has to be mixed. There is no doubt that the CCD is an important, maybe even groundbreaking, convention—to quote Burns (1995: 882): “The ultimate success or failure of the Convention may speak volumes as to the future viability of international environmental agreements.” However, there can only be very guarded optimism about whether we are finally embarked on the road to ‘combating’ desertification—to quote, one again, Burns (1995: 882): “unfortunately, if current trends continue, the world’s drylands are doomed to become steadily more barren and less productive, with disastrous implications.”

Within the context of this broad overview, the following sections will now look more closely at how the Southern collective behaved in the CCD negotiations.¹⁰

¹⁰ The factual description of events in the next three sections relies heavily on the narrative of the CCD negotiation process available in Burns (1995), Danish (1995), Kassas (1995), Chasek (1997), Corell (1999b), Agarwal et al. (1999) and Long (2000). For reading ease, however, they will be cited only

4.2 The Pre-Negotiation Phase

Many of the, otherwise detailed, accounts of the desertification negotiations (*for example*, Burns, 1995; Chasek, 1997; Agarwal et al., 1999) tend to ignore the fact that “based on UN General Assembly resolutions prior to the negotiations that led up to the Earth Summit, it seemed as if desertification would occupy a prominent place on the UNCED agenda” (Corell, 1999b: 73). It is worth noting that “even though the principal proponents of UNCED were from the North, United Nations resolution 44/228 which sets the mandate for the conference was a creature of Southern interests” (Najam, 1993a: 197).¹¹ More significantly, on G77 insistence, desertification as an issue was afforded a very special place of prominence in this resolution. In fact, in specifically calling upon UNCED to “accord high priority to drought and desertification control,” UN resolution 44/228 gave much more importance to desertification than, for example, issues like climate change, biodiversity and deforestation. What is surprising, however, is that despite this mandated importance, the UNCED preparatory process paid little attention to desertification; certainly the first three of the four UNCED Preparatory Committee meetings (PrepComs) all but ignored the issue (Long, 1997: 89).

4.2.1 • UNCED: How Africa got ‘its’ Convention

Unhappy at the treatment that ‘their’ issue was getting from the industrialized countries of the North and also from their G77 comrades, the African Group insisted that the issue of desertification be put “at the top of the agenda for PrepCom IV” (Corell, 1999b: 73). Moreover, realizing that the lead on desertification would have to be taken by the Africans themselves, a special meeting of 40 African environment ministers held in Abidjan, Côte d’Ivoire, in November

where the point is particular to their account or where direct quotes are used. In addition, detailed accounts of each negotiating meeting (including daily accounts) from the Earth Negotiation Bulletin (ENB) have also been reviewed in detail and have been extremely helpful in corroborating and filling-in information regarding specifics. Daily Reports (<http://www.iisd.ca/vol04/>) and Summary Reports (<http://www.iisd.ca/linkages/desert.html>) for each session are published and distributed by the International Institute for Sustainable Development (IISD) and can be accessed electronically.

¹¹ UN resolution 44/228 (December 1989) was a phenomenally detailed manifesto of environment-development linkages and was seen by the South as a major victory because they believed it would shape the final outcome of UNCED. Much to the South’s dismay it did not. (Najam, 1993a).

1991 (right before UNCED PrepCom IV), adopted the "African Common Position on Environment and Development" and the "Abidjan Declaration." One of the major points in these documents was the call for an international convention to combat desertification as one of the items to be included in Agenda 21. In choosing to do so, the African group took an important step towards differentiating desertification as a particularly 'African' issue, and the manifesto it adopted demonstrated a degree of independence from the larger G77 grouping.¹² This was further reinforced when the G77 met in Kuala Lumpur in early 1992 and failed to endorse the African call for a desertification convention in its communiqué (Porter et al., 2000: 133).¹³ In the run-up to PrepCom IV, therefore, the desertification issue had become a clearly differentiated 'African issue' and one on which regional coordination by the G77 was even lower-than-usual.

The issue of whether an international convention on desertification was merited came to a head at the fourth UNCED PrepCom at New York in March 1992. Consensus on most elements of what eventually became Chapter 12 of Agenda 21 ("Managing Fragile Ecosystems") arose relatively easily (Long, 1997: 89) since they were mostly "recycled" versions of arguments from the 1972 UNCOD (Corell, 1996: 6). However, the African demand—with tactical, if not enthusiastic support from the G77—for a desertification convention was fiercely resisted by the North. According to Agarwal et al. (1999: 169), this was because the North was "not willing to undertake any financial responsibility for arresting the process of desertification" and "fearing that a convention would lead to the inclusion of desertification as a new area of funding under the Global Environmental Facility (GEF), the US vehemently opposed the idea" (see also, Porter et al., 2000: 132). Corell (1996: 6) adds, "the European Community and the US referred to the failed PACD and doubted whether desertification, in their eyes a cluster of local environmental issues, was a problem suited for a global convention." However, what began as a straight forward North-South tussle soon took a different—and, for Southern solidarity, a more dangerous—twist, when the North decided to "[dangle] the desertification convention as a carrot to induce the South to agree to a forest convention" (Agarwal et al., 1999: 169-71):

The EU delegation openly offered to accept the desertification convention in exchange for the forest convention. Since some Southern countries, including Brazil, India, Indonesia and Malaysia, were against the forest convention, while the African nations were keen to get the desertification convention, the EU threat drove a wedge between G77 nations.

¹² While the group met separately from the rest of the G77, it did so within the G77 framework. In fact, at that point the G77 Chair was an African country, Ghana.

¹³ By this time the G77 Chair had moved to the Asian group, and the meeting was heavily influenced by Dr. Mahatir Mohammad, the Prime Minister of the host country, Malaysia.

With the potential of giving the North their forests convention and of dividing the (till then very united) G77, the issue created quite a stir at PrepCom IV, and in the absence of any resolution it had to be postponed to the Rio Summit itself.¹⁴ The G77, its unity jolted, took steps to regroup—standing resolutely behind the African demand for a desertification convention but pressing upon the African countries to not give in on the deforestation issue. Ultimately:

[The] African countries, supported by the rest of the developing world, forcefully pushed the desertification issue against resistance from [the North]. The turning point came when the United States agreed to support the proposal and the pressure became too strong for the European Community to resist. A chapter on desertification and drought was included in Agenda 21 and, on 10 June 1992, UNCED requested the UN General Assembly to establish an intergovernmental negotiating committee to elaborate a desertification convention. (Corell, 1999b: 75).¹⁵

Six months later, at its 47th session, the UNGA adopted resolution 47/188 (on 22 December 1992) establishing an international negotiating committee for the elaboration of a convention to combat desertification (INCD). Moreover, in reflecting the sense of urgency of the developing countries, the UNGA resolution stated that the negotiations should be finalized by June 1994.

Interestingly, the G77 was galvanized by the challenge. Instead of splitting the G77 unity around regional lines, the North's attempt to link deforestation with desertification resulted in closer and more intense coordination within the G77. Internal negotiations intensified in the period between PrepCom IV and UNCED and between UNCED and the December UNGA session, and desertification once again became a 'G77 issue' rather than just an 'African issue'. By the time the dust settled, a) the South was clearly happy at having resisted the Northern "browbeating" and forcing the North to "backtrack" (Agarwal et al., 1999: 171); b) it was

¹⁴ It should be noted that the EU move also split Africa, since a number of African countries with large tracts of tropical forests were opposed to Northern attempts to impose a forests convention that would focus principally, if not solely, on tropical forests. Agarwal et al. (1999: 229) point out that "an effort was made to chip away at African unity when the EU delegation offered to support the desertification convention only if African countries agreed to a forest convention," but countries like Cameroon and Gabon were leaders amongst the Southern group most adamantly opposing the idea.

¹⁵ Various reasons have been suggested for why the US (and later the EC) changed its position even though they clearly had not been convinced of the need for such an instrument. These include: a) Tommy Koh of Singapore, Chairman of the UNCED PrepCom had taken personal responsibility for the issue and used his office to press for an agreement; b) the US decision was meant to deflect the negative publicity it was getting home for its other positions at UNCED; c) the North gave in because it wanted to keep the African nations (and other developing countries) engaged in the Rio process, which had otherwise been focusing primarily on issues of Northern interest such as biodiversity and climate change; and d) finally and importantly, the African group had indicated throughout PrepCom IV and UNCED that it would insist on a desertification convention before approving any other UNCED document—an African defection, could therefore, have jeopardized all other Rio agreements. (See Johnson, 1993: 243; Corell, 1999b: 75; Agarwal et al., 1999: 171)

demonstrating a higher level of group coordination; and c) desertification, although still an 'African priority', had assumed relatively broader support within the G77.

4.3 The Negotiation Phase

Scholarly analyses of the CCD negotiations have principally focused upon North-South differences. Indeed, North-South tensions were clearly the dominant and defining dynamic of the negotiations. Moreover, this was to be entirely expected in a process that was pushed for by the South and actively resisted (at every phase) by the North. However, it is equally significant that the CCD negotiations were different from other recent environmental negotiations because of the intensity of South-South differences—and, often, tensions. In fact, it was the South-South (rather than North-South) tensions because of which “in the last hours of INCD-1 the entire negotiation seemed to be in jeopardy” (Corell, 1999b: 89). But strong as these disagreements were, they were not signs of the much-prophesized eventual breakup of the G77. Far from it, these were also entirely to be expected. Given that this was an eminently Southern issue, it should not be surprising that the developing countries were much more engaged and animated in the negotiations. Since it was no longer enough to simply ‘respond’ to a Northern agenda—as, for example, in so many other issues such as ozone depletion, climate change, biodiversity, etc. (Benedick, 1991; Miller, 1995; Mintzer and Leonard, 1994; Rajan, 1997; Thomas, 1992)—the developing countries were forced to invent more proactive proposals. This not only required far more intense South-South negotiation but also necessitated bringing to the surface whatever differences the G77 had amongst itself. What *is* surprising and noteworthy is that by the end of the negotiations all the South-South differences had been meaningfully resolved but most of the North-South tensions continued to simmer unresolved; as potential threats to the Convention’s ultimate implementability. This section will focus on both these sets of tensions—North-South and South-South—and how the G77 responded to them in the course of the CCD negotiation process.

4.3.1 • INCD-1: The Nightmare at Nairobi

The developing countries had been fairly active in preparing for the first substantive session of intergovernmental negotiating committee for the desertification convention (INCD). In addition

to the preparatory consultations that the African group and later the G77 held prior to the 1992 UNGA session, they participated actively in the INCD organizational session (held in New York, January 1993) where Algeria submitted a 40-page outline of a convention to the African group and Egypt distributed an extensive position paper (Corell, 1999b: 76, 87). However, neither the G77 nor the INCD Secretariat anticipated the reaction that awaited a chance suggestion that the INCD Chairman--Ambassador Bo Kjellèn of Sweden—had thrown out towards the very end of the organizational session.¹⁶ When delegates met for the first substantive session of the INCD at Nairobi in May 1993, most of them expected a rather staid and straightforward “information sharing”. They were in for a surprise:

A major element in the negotiations, as indicated by the title of the Convention, was the special role for Africa.... At the INCD organizational meeting, the Chairman [Ambassador Bo Kjellèn of Sweden] proposed that the special concern for Africa be expressed in the form of an annex or protocol to the convention and that other parts of the world could have protocols or annexes in the future. However, this caused a split in the G77 ... [At INCD-1] Latin American and Asian delegates in particular resisted this proposal, insisting that instruments for other regions should be negotiated simultaneously. They argued that the problem was worldwide and that their efforts to combat desertification deserved equal attention to those of Africa. Unless areas other than Africa received attention, the Convention would not appear to be global and thus would be unlikely to receive support from countries in other regions. The African countries thus faced a balancing act to maintain their particular role in the Convention and the support of the rest of the G77 countries at the same time. This disagreement was so strong in the last hours of INCD-1 that the entire negotiation seemed to be in jeopardy. (Corell, 1999b: 89).

The issue of granting priority to Africa became the defining issue at INCD-1. It caused a greater fissure within the G77 than it otherwise might have because Colombia, which had recently assumed the G77 Chair, had not shown up for the negotiation and, in their absence, Brazil was serving as the acting Chair. However Brazil, with significant drylands of its own, was one of the most vocal proponents of all regional annexes being negotiated simultaneously. The Africans, already incensed at what they considered to be an attempt to hijack ‘their’ convention, saw this as a blatant conflict of interest.¹⁷ With the Africans refusing to meet under Brazilian leadership, the G77 was essentially immobilized as a vehicle of Southern coordination for the first and only time in any international environmental negotiation. More

¹⁶ Although Ambassador Kjellèn had raised the possibility of such an option at the organizational meeting, there was no indication at the time that it would get the response it eventually did. The proposal itself was formally made at INCD-1 (ENB 1993a, 1993b).

¹⁷ According to an ENB (1994c) analysis: “Throughout the negotiations, it was interesting to note how many countries suddenly discovered they suffered from drought and/or desertification. Even some Southeast Asian countries insisted that they felt marginalized and excluded from the Convention. Nevertheless, the African Group felt that attention diverted towards other regional groups would have the effect of diluting the priority that had been guaranteed to Africa.”

than that, the negotiations themselves were stalled and INCD-1 ended with a huge question mark over the future of the Convention. The *Earth Negotiation Bulletin* team reporting on the meeting ended their summary assessment of the negotiations with this uncharacteristically emotional commentary: "... the first session of the INCD ended on a discordant note, exactly one year after the Earth Summit in Rio. Whatever was embodied in the 'Spirit of Rio'—compromise, consensus and the desire to avoid failure—was lost in Nairobi" (ENB, 1993b).

Although the epicenter of the feud was very much within the G77, posturing from the North further fueled the tensions. As with the deforestation-desertification linkage issue at UNCED, the US and European delegates sided with the African group, in what some saw as an attempt to scuttle Southern unity (Agarwal et al., 1999: 173).¹⁸

4.3.2 • INCD-2: Patching up the G77

The tensions from Nairobi spilled over into INCD-2 at Geneva, which started amidst much uncertainty but ended with the G77 succeeding in regrouping itself:

As in Nairobi, the most difficult issue [at INCD-2] was the preparation of regional instruments and the future work of the Committee. However, unlike Nairobi, the G-77 was able to meet and agree on a common position. Two factors enabled this agreement: the arrival of the delegate from Colombia and the agreement on a formula with regard to regional instruments. Colombia's absence in Nairobi and Brazil's position of acting Chair of the G-77 proved to be explosive once Brazil took the uncompromising position in support of regional instruments for Latin America and Asia to be negotiated simultaneously with the instrument for Africa. In Geneva, when it appeared as though Brazil would be acting Chair of the G-77 once again, a number of delegations refused to allow the G-77 to meet. It was not until Colombia arrived and took the Chair that the G-77 was able to meet, bridge regional differences and agree on a common position. The formula that facilitated G-77 agreement ensured that the Convention and the regional instrument for Africa would be finalized by June 1994 and proposed scheduling a meeting during the interim period pending the entry into force of the Convention to review the situation regarding other regional instruments, thus allowing all necessary regional instruments to enter into force with the Convention. (ENB, 1993c).¹⁹

¹⁸ It has been suggested that the North continued trying to divide the South along African/non-African lines throughout the negotiations, including on issues related to financing and treaty administration (Agarwal et al., 1999; *also see* ENB, 1994c).

¹⁹ Colombia—which did not see desertification as a national interest—had originally not intended to attend INCD-2. They rushed a delegate to the meeting only when it became apparent that without them the G77 might not be able to meet as a group. Since the G77 leadership rotates regionally and it was Latin America's 'turn', Brazil (as the next Latin American country in line) was obligated to assume the G77 chair in case of Colombia's absence. Many African delegates were adamantly opposed to this.

Agreement on this issue could not have come any sooner because by INCD-2 the G77 had even more compelling reasons to reassert its unity. The key item on INCD-2's agenda was the single compilation text that had been compiled by the Secretariat on the basis of comments and statements received from various governments. The Secretariat had sifted through nearly 700 pages of drafts to produce a synthesis document of 86 pages, and this became the basis of negotiation at Geneva. The developing countries—particularly from Africa—contributed significantly to this process. The Organization for African Unity (OAU) submitted a complete draft convention text; this was complimented by texts from Burkina Faso, Egypt, Mali, Senegal and Tunisia (ENB, 1993c). Once discussions on a possible text began in earnest, North-South differences inevitably came to the fore. Long (1997: 94) recounts one example:

[North-South] divergence occurred in discussions regarding the 'global' nature of desertification. Southern countries supported use of the word global because it emphasized the importance of desertification throughout the world and not only in Africa. Northern states opposed the term global. Northern delegates believed that the word global connoted global warming and suggested Northern responsibility for desertification's solution. Furthermore, industrialized countries feared that emphasis on desertification, as a global problem linked to climate change would enable anti-desertification projects to access new funding via GEF. This possibility ran counter to the North's position that efforts to combat desertification should draw on existing funding and institutions.

The discussion on financing also began at INCD-2 and it became clear that the North had no inclination to agree to any additional and systematic sources of funds. In short, the issues that came to the forefront of the agenda at INCD-2 only served to remind the Southern countries of the broader goals that had brought them together under the G77 banner in the first place and nudged them to reassert their unity. The G77 left Geneva bruised, but recovering.

4.3.3 • INCD-3, INCD-4 & INCD-5: Money Matters

The rationality of why the developing countries were originally sticking together under the G77 umbrella came into even sharper relief at the third, fourth and fifth substantive sessions of the INCD held, respectively, in New York, Geneva and Paris in January, March and June of 1994 (ENB, 1994a, 1994b, 1994c). During these meetings, the G77—now with Algeria, an African country, as its Chair--progressively reaffirmed its role as the principal (and, often, sole) voice of the South. However, and importantly, even as the G77 strengthened its coordinating role during these sessions it was able to maintain a high level of issue differentiation between regions and particular member states; in terms of negotiation theory, the G77 was visibly behaving much more as a functional 'coalition' than an 'alignment' (see Chapter #2).

Although a whole host of issues were discussed and decided over these three sessions, the most compelling debates were on state obligations and financial provisions. We will, therefore, focus on these issues, which also serve as representative exemplars of how the G77 dealt with important North-South as well as South-South differences.

The Convention defines three types of obligations—general, affected country, and developed country obligations. Under general obligations, the US and the European Union succeeded in thwarting Southern attempts to directly link desertification to concerns about international trade, debt and poverty eradication (Chasek, 1997: 158-159). Discussions on the obligations of affected state Parties were relatively straightforward except for some rhetorical North-South sparring on the part of the United States which insisted that the focus not be limited to affected 'developing' countries (ENB, 1994b). Much more entrenched debate ensued in crafting the obligations of developed countries. The G77 was not willing to give in as easily on this as on the others since it saw this as central to the ultimate success of the Convention:

The trouble began at INCD-3, when Article 6 in the first draft of the convention was titled 'Obligations of country Parties in a position to provide assistance.' The outspoken Ambassador Wen Lian Ting from Malaysia immediately... argued that this was a blatant attempt to expand the traditional donor community to include nondeveloped countries. Most of the Asian and Latin American countries concurred. (Chasek, 1997: 160).

However, as Agarwal et al. (1999: 175) point out, "for many African countries, the money was important, not its source" and "many Francophone African countries, including Burkina Faso, Cameroon, Mali, Mauritania and Senegal supported the Norway-UK-US proposal of expanding the source of assistance." For other G77 members, however, the real issue related to precedence and maintaining the 'common but differentiated responsibility' principle (ENB, 1994a). The difference within the G77 at this point was between those most focused of the specific issue of desertification and those more concerned about broader G77 goals as they related not just to this particular episode but to the larger emerging regime of global environmental treaties. The debate threatened to split the G77 once again.

This time, however, Algeria (the G77 Chair) acted proactively to avert the threat. Over the course of INCD-3 and INCD-4, Algeria called for and spearheaded a progression of internal G77 negotiations to convince the dissenting countries that although the other G77 members were willing to support the least developed countries in anti-desertification programs, but accepting the proposed language would split the G77, undo many of the gains of UNCED, and set a dangerous precedent (Chasek, 1997: 161). The G77 was ultimately able to arrive at

compromise language which satisfied all its factions: "Other Parties are encouraged to provide, on a voluntary basis, knowledge, know-how and techniques related to desertification and/or financial resources to affected developing country Parties" and the phrase "other Parties in a position to give assistance" was deleted from the title (ENB, 1994c). Of course, the question of developed country obligations (Article 6) still had to be painstakingly negotiated with the US and EU delegates (this eventually became part of a larger compromise package on financial responsibilities). However, the G77 initiative in ironing out its internal differences demonstrated a resolve to maintain its unity against external threats, and an ability to undertake internal negotiations in a 'problem-solving' mode to deal with its members' differentiated interests.

North-South financial tensions, however, proved far more difficult to resolve. The INCD Chairman, Bo Kjellén (1994: 8), was obviously frustrated by the "continuous wrangling about financial issues", but no more than the developing countries. The lesson from the 1977 UNCOD for the South, and for Africa in particular, was that no international effort could ever be implemented without a stable and significant source of independent funding. To the G77, more than anything else, this was the ultimate test of CCD. Yet, every attempt they made towards this goal was shot down—demanding a new funding window for desertification within the GEF, demanding a new Fund for Desertification, and demanding the actualization of the North's Rio commitment of 0.7 percent of GNP for official development assistance.

By the conclusion of INCD-3, the two articles on financial issues contained approximately 65 sets of brackets and positions were clearly polarized along North-South lines (ENB, 1994b). At INCD-4 the G77 Chair (Algeria) was proclaiming that the regional annexes (and, by default, CCD) would be "pointless" without new and additional financial resources and without a financial mechanism that was independent, identifiable and capable of mobilizing such resources (ENB, 1994b). On the other hand, "the industrialized countries were a united veto coalition in rejecting any provision for new and additional financing" (Porter et al., 2000: 134).

By [INCD-4] it was clear that the delegates were deadlocked and no further progress could be made. A small working group was established to identify common areas of understanding and draft new text for consideration in Paris. When delegates arrived in Paris for INCD-5, however, substantive discussions on financial resources proved to be impossible.... At the beginning of the second week, it was decided to relegate [this issue] to a small contact group, consisting of eight representatives from the G77 and eight from the OECD group of countries. The contact group met round the clock for three days... The United States proposed the establishment of a 'Global Mechanism' to promote actions leading to the mobilization and channeling of financial resources. After several lengthy discussions about the nature of such a Global Mechanism, the G77 agreed to withdraw its proposal for a special desertification fund. (Chasek, 1997: 161-162).

Technically, the deadline for concluding the negotiations had already passed at midnight of June 17-18, but frantic negotiation continued on other elements of the financial compromise. It was well past midnight on the final day of INCD-5 that such a compromise was in hand:

The regional groups quickly gathered to hear the results. Although the OECD group of countries said they were, reluctantly, going to accept the contact group's text, the African Group and the G77 had more difficulty. At one point, it looked as though the G77 was going to reject the compromise and the negotiations would end in failure, but at 3:45 a.m., the G77 finally emerged [from its meeting] and said that they would accept the compromise, although a number of its members had reservations. When the final plenary meeting began at 4:00 a.m., Uganda, Ethiopia, Sudan, India, and Djibouti all stated their reservations for the record. (Chasek, 1997: 162)

As the session finally wrapped up at 8:00 a.m. (Paris time, on the morning of 18 June 1994) after having negotiated and adopted the Convention, the *Earth Negotiation Bulletin* (1994c) reported that many delegates "were too exhausted to celebrate"; others, of course, may not have wanted to celebrate what was a compromise-laden Convention that left just about all parties seriously unsatisfied on at least some elements.

4.3.4 • A Bitter-Sweet Victory

For the Africans, who had fought so single-mindedly for the Convention against so many odds, it must have been a sweet moment to finally get the legally binding international convention that they so cherished. However, the lack of a certain and stable source of funding that had plagued the PACD would also haunt the CCD. The priority for Africa that they had demanded was eventually accepted in the form of a special "Resolution on Urgent Action for Africa". However, the system of regional annexes assured that other countries that were affected by the problems of desertification would also not be ignored and, to at least some Africans, diluted the 'particularity' desired by Africa. The fine regional balance struck in this system of annexes—and Africa's continuing desire to have a "global yet African" Convention (ENB, 1997c: 11)—would continue to be an issue in subsequent years.

For its part, the G77 leaders must have left with mixed feelings. Indeed, the CCD is undoubtedly the most South-driven international environmental agreement. Yet, on the one issue that was most dear to the G77—new and additional financing—the North refused to budge and, in fact, retracted from its Rio position (Agarwal et al., 1999: 176). Institutionally, the G77 had just survived the single most important challenge to its internal unity in any international environmental negotiation. Although the G77 had to work hard at it (and there

were plenty of scary moments on the way), here was a case where, arguably, it did not succumb to the lowest common denominator and instead allowed its members to pursue differentiated agendas while also maintaining a high level of group coordination.

4.4 Post-Agreement Negotiations

The CCD was negotiated in record time—and often at breakneck speed—over a period of just thirteen months (and was adopted barely two years from when UNCED first recommended such a convention). Things slowed down significantly immediately after its adoption in Paris. It was decided at Paris that the INCD would continue to meet until the requisite 50 ratifications were received and the first Conference of the Parties (CoP) was held. Six such meetings were held between January 1995 and August 1997 and were followed by annual CoPs in 1997, 1998, 1999 and 2000.²⁰ These ‘post-agreement’ negotiations, held after the formal adoption of the Convention, are not the principal focus of our analysis. However, a number of issues continued (and still continue) to remain unresolved through these meetings and will be briefly discussed here to assist us in charting the post-agreement dynamics of North-South as well as South-South negotiations in the context of the CCD.

4.4.1 • The Interim Phase: Going Around in Circles

The stated purpose of continuing INCD meetings during the interim phase was to design and decide the modalities of the Global Mechanism, to initiate preparations for the first meetings of the Conference of Parties and the Committee on Science and Technology, to decide on a location and institutional arrangements for a permanent Secretariat for the Convention, and to facilitate the implementation of the Resolution on Urgent Action for Africa (ENB, 1995a: 4). Much of the work was organizational and the overall pace was more relaxed. However, on a few key issues the differences remained as contentious and the deliberations as frantic as in the negotiation phase. The issue of ‘particularity’ for Africa versus the ‘universality’ of the Convention as an international instrument continued to periodically—though more mildly—raise its head. Tensions around the provision of meaningful financial mechanisms were as

²⁰ CoP-4 will be held in Bonn, in December 2000. Summary reports of the other sessions are available at *Earth Negotiation Bulletin* (1995a, 1995b, 1996a, 1996b, 1997a, 1997b, 1997c, 1998, 1999).

confrontational as ever as the G77 pushed for an independent and well-endowed Global Mechanism while the US and EU insisted on limiting its scale and scope as much as possible. Both these sets of tensions were transported to the CoPs, which have remained mired in administrative minutia and petty squabbling rather than benefiting from the protracted preparatory meetings in the interim phase (Agarwal et al, 1999: 178-181).

INCD-6 was a relatively low-key event that focused primarily on organizing for the interim phase. The session had its obligatory outbursts of North-South sparring on issues such as the role of the Secretariat (the South preferring a more empowered Secretariat), financial obligations (the North preferring no mention of commitments), the relative importance of CCD in comparison to its 'sister' Conventions on climate change and biodiversity (the South fearing that CCD was being relegated to a lower status), the ultimate scale and scope of the Global Mechanism (the North resisting expansion in either dimension), etc. (ENB, 1995a).

INCD-7 was even less eventful and "mostly procedural decisions resulted, as delegates gently broached dialogues on potentially difficult areas such as the Global Mechanism and financial rules that most agree cannot be negotiated fully until closer to the first session of the COP" (ENB, 1995b: 9). At INCD-8 at Geneva, with the CoP looming closer and the contentious issues less postponable, the negotiations became earnest; and more heated (ENB, 1996a: 10-11):

The areas where the least progress occurred were negotiations on the GM and the financial rules.... Delegates say two visions of the GM are emerging. The one supported by many developing country delegations would establish a central fund with its own resources. The one described by OECD delegates would provide motivation and be an information source that would leave funds in existing bilateral and multilateral funds. These functions are critical to the Convention's implementation and countries' decisions on ratification, so delegates say the decision cannot be rushed.

The session laid out the battle-lines for the next three meetings—all of which related to issues of finance and were solidly North-South in orientation. To the North, the developing countries of the G77 were again trying to expand the scope of the Convention to something much more than just desertification. To the South, the industrialized countries were only proving that they were less serious about desertification—a predominantly Southern concern—than they were about issues such as biodiversity or climate change. The essential positions remained the same and were played out variously in discussions related to the Global Mechanism, the mandate of the Permanent Secretariat, financial procedures, decision-making rules, etc.

When the delegates reassembled in September 1996 for INCD-9 in New York, they merely replayed the same debate, again with no resolution in sight. As ENB (1996b: 9-10) reported:

Negotiations on the Global Mechanism's function of mobilizing resources were, for many, a repeat of the experience in Paris in June 1994. The late night meetings by informal groups, frequent adjournment of meetings, and a contact group... were familiar to those who had followed the same issue at INCD-5 in Paris.... One delegate joked that [the Global Mechanism] should be restricted to an address on the World Wide Web. Others said the Global Mechanism is the heart and soul of the Convention. They complained that even though there is now consensus that desertification is a global problem and African countries are ready to implement the CCD, the lack of decision on the Global Mechanism signifies that there is still reluctance to support the Convention.... One delegate commented that the Mechanism would forever haunt the Convention.

Essentially, the North-South battle over 'new and independent' financing that had been postponed in the wee hours of INCD-5 was being rehashed all over again. Meeting at INCD-10 in January 1997, the delegates were again unable to resolve the differences and decided to pass on the most contentious issues—including those related to the Global Mechanism, the Permanent Secretariat, and the composition of the COP Bureau—to the first CoP. The session also decided to 'resume' its meeting in August, two months prior to the first Conference of the Parties, to try to resolve other pending issues. (ENB, 1997a).

The G77, however, had one more card it wanted to try. In June 1997, the so-called 'Rio+5' was convened in New York as a United Nations General Assembly Special Session (UNGASS) to review the progress on decisions made during the Rio Earth Summit. The South hoped that this high-level meeting would "remind the Northern countries of their Rio commitments" (Agarwal et al., 1999: 175). However, attempts by the G77 to try to get the North to commit to fund the CCD Global Mechanism went "unrewarded" (Corell, 1998: 223) as "the North stuck adamantly to its position" (Agarwal et al., 1999: 175). By the time the INCD met for the last time for the resumed tenth session (Geneva, August 1997), and with the pressures of time looming large and the North in no mood to budge, the G77 realized that it had been fighting a losing battle and essentially gave up on its fight for a well-endowed Global Mechanism.

Through these six sessions, the G77 remained more cohesive on the issues than it had during the negotiation phase. There were frequent concerns from the Africans that the special resolution on urgent action for Africa had failed to attract the necessary resources, and murmurs that because of the financial constraints on the Convention and the system of regional Annexes Africa would eventually get even fewer resources; some non-African delegates raised concerns that their issues were being ignored during discussions on implementation (see ENB, 1995a, 1995b, 1996a). The major dynamic, however, was of increasing North-South polarization on the issue of financing with an attendant decrease in issue differentiation within the G77. Gradually, the G77 slid back into its familiar posture as a behavioral alignment;

maintaining a united stand without the need for much formal coordination and reasserting well-established and unsurprising arguments on a short menu of well-rehearsed concerns.

Arguably, the North-South polarization at the end of the interim phase was more acute than at the end of INCD-5. For the Africans in particular, time had taken its toll on the euphoria of actually having negotiated a binding Convention. The failure to raise the profile of either the Convention as a whole or of the Global Mechanism had raised serious doubts about just how seriously the North took the CCD, or Africa. This sense of being treated like a 'second class convention' became a continuing theme in the first three Conferences of the Parties and has resulted in much bickering (Agarwal et al., 1999). In particular, it has resulted in a strong desire, particularly by Africa, to assert the CCD's—and within it, their region's—importance through otherwise peripheral issues such as how many seats Africa has in the CoP Bureau or whether CCD is 'equal', or even 'superior', to its sister Conventions (see ENB, 1997c, 1998).

4.4.2 • CoPs: Administrative Wrangling

The negative legacy of the interim INCD sessions is not restricted only to more acute North-South polarization and a heightened sense of the CCD being side-lined on the international stage. Equally important is the unfinished agenda that the interim phase burdened the first CoP with. Most of what was supposed to be decided in the interim phase, was not. Those who had hoped the CoPs would mark a shift in focus towards implementation have been frustrated as the first three CoPs have struggled with administrative wrangling (Agarwal et al., 1999; ENB, 1999; Sharma, 1999). The first week of CoP-1 was nearly paralyzed because rules about Bureau structure were not yet in place (ENB, 1998) and the second week was the scene of fierce, and often unruly, wars of word over budgetary issues (Agarwal et al., 1999: 178-179).

Developments at CoP-2--held in Dakar, Senegal, in December 1998--were only marginally more promising. Administrative quibbles continued to dog the meeting as the spillover agenda from CoP-1 consumed the time, effort, and sometimes patience, of delegates. A particularly contentious issue related to voting procedures with "the G77 wanting a 'simple majority vote' instead of a 'two thirds majority vote' when consensus was lacking on Convention decisions"; the North, particularly delegates from the so-called JUSCANZ countries (Japan, the US, Canada, Australia and New Zealand), insisted on consensus decisions (Agarwal et al., 1999: 180). At the end of the meeting, the issue was still bracketed and unresolved (ENB, 1998).

The same issues replayed themselves at CoP-3, held in November 1999 in Recife, Brazil. By the end of CoP-3 even those who had been bravely putting a positive spin on events had begun to despair. According to the *Earth Negotiation Bulletin* (1999: 13-14; *emphasis added*):

A lack of momentum plagued the conference from the outset... [which] will be remembered for its long and difficult negotiations on the budget as well as on procedures to review implementation. *Tensions and mistrust between negotiators pervaded these talks and provoked expressions of concern that they might even spell the end of the CCD.*

The one ray of potential hope is the 'Recife Initiative'. Adopted at CoP-3 it calls for, apart from other things, the adoption of a declaration on commitments "to focus on a number of specific thematic and sectoral areas over an agreed period of time" at CoP-4. It also reiterates the "need to adopt measures to eradicate poverty; reaffirms the need to mobilize financial resources and promote transfer of technology and capacity building for combating desertification; stresses the need to integrate CCD implementation into mainstream national development strategies of affected countries; and emphasizes the importance of carrying out further work on benchmarks and indicators and providing expertise to support CCD implementation at national, sub-regional and regional levels" (ENB, 1999: 4). While there is little chance that all, or any, of the above can be followed through any time soon, getting a declaration that clearly outlines a list of things that the Convention wants to achieve and a timeline for doing so, may be a first step towards operationalizing the CCD into a meaningful international instrument. At this point, unfortunately, one has little option but to agree with those who consider its future to be rather bleak (Agarwal et al., 1999; ENB, 1999).

4.5 Analysis

In recounting how the South behaved in the global negotiations for a desertification convention, previous sections have focused on the two key challenges that the G77 faced:

- ❖ Holding the group together through protracted, and often divisive, negotiations.
- ❖ Negotiating with the North in a manner that maximized the gains and minimized the risks to the Southern collective (and to its regional sub-sets and state members).

Indeed, these are the most important concerns for any group that decides to negotiate collectively in multilateral negotiation. The purpose of negotiating collectively, after all, is to increase the prospects of gains and decrease the potential of risks for the members of the

group. However, while negotiating collectives are invariably the results of a perceived similarity in interests, these interests are unlikely to be entirely identical. Hence, a certain amount of effort and energy has to be devoted to simply holding the collective together through the gyrations of the negotiation. In the language of Chapter #2, the task of the collective becomes to balance the centrifugal forces pulling the members away from the core of the collective by enhancing the pull of centripetal forces working to bring them back. The tussle between these forces was not just visible, but prominent, in these negotiations.

In focusing on the associative behavior of the developing countries in international environmental negotiation, the desertification negotiations emerge as a particularly significant experience because both the challenges—that of holding the Southern collective together and that of negotiating with the North—proved to be uncommonly acute. On the one hand, the very solidarity of the G77 was threatened in ways they have not been threatened before or since. On the other, the North-South character of the deliberations was more profound than in many other environmental negotiations simply because this was uniquely South-driven.

Preceding sections have described how the Group of 77 reacted to these challenges. Building on these description, this section will analyze the G77's experience and strategies during the CCD negotiations within the context of the conceptual discussion and template presented in Chapter #2. Recall that in reviewing the literature on collectives in multilateral negotiations we had conceived a heuristic template, defined by axes representing how the relevant complexities related to parties and issues, respectively, are managed by the collective:²¹

- ❖ **Parties' Coordination:** The x-axis in the two-dimensional heuristic template represents the nature of the strategic choice that a collective makes in terms of parties management—ranging from less to more formal coordination.
- ❖ **Issue Focus:** The y-axis in the two-dimensional heuristic template represents how the collective manages interests and issues—ranging from crafting joint positions that also incorporate issue-specific concerns of specific parties (or sub-groups of parties) to a focus principally on more broadly defined and commonly held interests.

The finding of Chapter #2 was that the nature of a group's associative behavior is a function of these two defining variables. Extrapolating from the definitional literature, it argued that observations of parties' coordination and issue focus could reasonably define and organize the behavior of the collective at that given point in the negotiation:

²¹ Here we summarize those findings of Chapter #2 that are necessary to understanding the analysis.

- ❖ **Alignment-like behavior** is to be expected in situations characterized by low coordination of parties and a relatively broad issue focus. One could describe such behavior as 'hanging loose'—the parties are held together by broad-based similarity of interests but the bond remains tentative in the absence of explicit coordination.
- ❖ **Bloc-like behavior** would be expected where a broad issue focus is matched with high levels of formal coordination. Characterized by solidarity, such negotiation may be visualized as the members of the collective 'holding tight' to each other—the parties in the collective are held together tightly because the broad set of common interests that they share are cemented into a common strategy through active coordination.
- ❖ **Coalition-like behavior** is expected when parties invest significantly in coordination for the attainment of well-defined packages of issue-specific goals. Such negotiation can be characterized as 'team play' because it involves the pursuit of well-defined and often limited objectives in a well-coordinated fashion that often includes different 'players' having distinct responsibilities related to their particular strengths.
- ❖ Finally, there are situations where the principal focus of the parties is on their more specific interests and there is little opportunity or effort for coordination. This leads to **deal-making behavior** and parties act like 'free agents'—the possibility and potential for common negotiation platforms exists but the parties (or sub-groups) are willing to entertain the best available deals for meeting their immediate, differentiated, interests.

In the following sections we will first use the heuristic template defined in Chapter #2 to map the collective behavior of the G77 during the desertification negotiations (section 4.5.1) and then highlight the key lessons for the South in terms of its collective strategy (section 4.5.2).

4.5.1 • Mapping the G77 during CCD Negotiations

Global environmental negotiations, by definition, involve a very large number of parties, complex, multi-faceted and inter-related sets of issues, protracted timelines, and multiple sets of deliberations going on simultaneously. Describing them in 'blow-by-blow' detail is always a difficult task and, in this case, not particularly useful. Our discussion here lays no claim to having provided a full account of every aspect of the CCD negotiations.²² We have focused, instead, specifically on the tactics and strategies of the developing countries in these negotiations. In doing so, this chapter has sifted through existing accounts to highlight South-South and North-South dynamics of these negotiations at various stages. In fact, the issue of

²² Others—including Burns (1995), Danish (1995), Kassas (1995), Chasek (1997), Corell (1999b), and Agarwal et al. (1999)—have already tried to provide such accounts.

desertification is only of incidental interest to our enquiry. The CCD negotiations have been chosen because—more than any other recent multilateral environmental treaty—they showcase the North-South and South-South tensions at the heart of this study. Moreover, because of these heightened tensions, the Southern collective was forced to try out a greater variety of collective tactics and strategies than usual. The CCD case allows us, therefore, to follow the trail of how and why the G77 changed its collective behavior, and to what effect.

To get a better picture of how these strategies changed during the course of the CCD deliberations we will plot the behavior of the G77 at key points. Each plot will be marked on the template defined in Chapter #2 (Figure 2.2) by assessing the observed parties' coordination and issue focus at that juncture in the negotiation. At this point, our goal is merely to explain why the plots have been made as they have. These assessments, although subjective, are informed by close scrutiny of the South's behavior in the negotiations. While the minute details of each placement may be open to dispute, the general course the G77 charted for itself through the ebb and flow of the negotiation is much more important for this study.

In describing the details of the G77's behavior at key points in the negotiation, earlier sections have sought to estimate the nature of parties' coordination and issue focus at each juncture. Table 4.1 translates these assessments into a coding schema for mapping the G77's collective behavior. Figure 4.2 depicts the results of this mapping. Coordination is coded at one of five possible levels—low, medium-low, medium, medium-high, and high. Issue focus is also coded at one of five possible levels—specific, mostly specific, mixed, mostly broad, and broad. In both cases, plus (+) and minus (-) notations are used to better capture the observed nuances within and between these levels. For example, if the observed level deviates from a precise medium-low valuation by being slightly higher, it would be notated as 'medium-low (+)'.

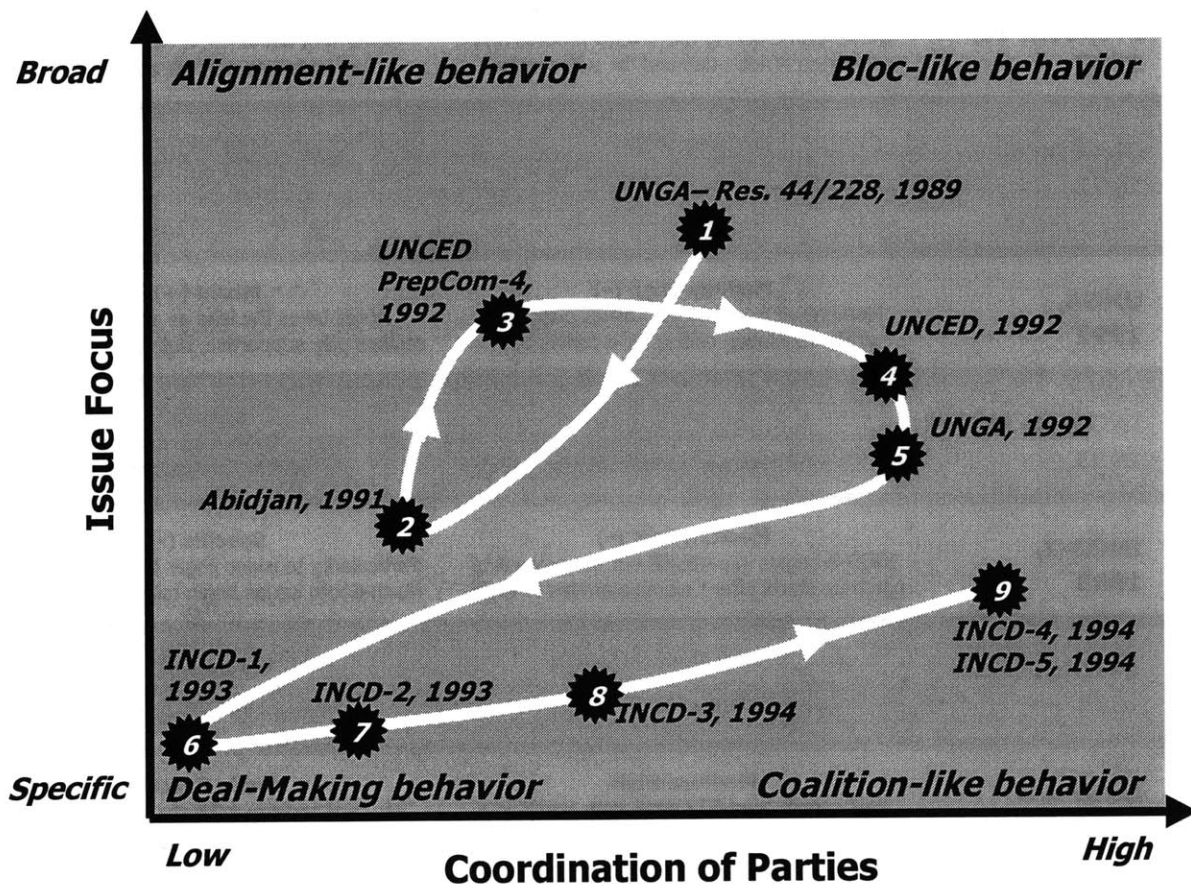
The set of coordinates detailed in Table 4.1 and mapped in Figure 4.2 begin with the 1989 UN General Assembly resolution 44/228, which was the enabling resolution for UNCED. At this point, the G77 was behaving as a alliance and 'holding tight' (point #1 in Table 4.1 and Figure 4.3). The South presented a fairly well coordinated position on why development and poverty should be at the forefront of the UNCED agenda and, importantly, placed desertification on this agenda as a quintessential 'Southern' issue—rather than just 'African' issue. Figure 4.2, therefore, depicts the G77 demonstrating a slightly higher than medium level of coordination and a still mostly broad issue focus. At this point, the South's broad agenda is to link development to environment, and desertification is packaged within this broader agenda.

Table 4.1: The G77 During CCD Negotiations

Key points in the negotiation	Parties' Coordination	Issue Focus
#1 UNGA 44/228, 1989	Medium (+) The G77 took the lead in drafting and defending the substance of resolution 44/228.	Mostly Broad (-) Although seen as 'African priority', it is clearly a 'G77 issue'.
#2 Abidjan, 1991	Medium-Low Limited G77-wide coordination on this issue at this point; both at the African meeting at Abidjan and the G77 meeting at Kuala Lumpur.	Mostly Specific (-) African Ministers clearly take the lead in making desertification an 'African issue', despite lack of interest from rest of G77.
#3 UNCED PrepCom-IV, 1992	Medium-Low (+) G77 began coordinating on desertification for the first time during the UNCED process and supported Africa's demand for a Convention.	Mostly Broad (+) Although G77 adopted the issue in its platform of demands, it was still seen and presented as only Africa's priority.
#4 UNCED, 1992	Medium-High (-) Threat of desertification being linked to deforestation galvanizes G77 into greater coordination on this issue.	Mixed (-) Africa sticks with G77 despite EU 'carrot'; G77 sorts its own differences to adopt a common position on desertification-deforestation.
#5 UNGA, 1992	Medium-High (-) Momentum from UNCED carries over, G77 drafts resolution calling for a convention.	Mixed (+) Africa takes the lead as and other G77 regions play supportive, but supporting, roles.
#6 INC-1, 1993	Low G77 is paralyzed and unable to meet as African group refuses to accept Brazilian leadership.	Specific Latin America (with Asian support) question Africa's 'particularity'.
#7 INC-2, 1993	Medium-Low (-) INC-2 begins in paralysis but the process of patch-up starts after Colombia arrives to Chair.	Specific (-) Particularity tensions linger but are diluted as North-South issues begin taking center stage.
#8 INC-3, 1994	Medium (-) G77 is able to regroup; greater coordination as agenda moves to financial issues.	Mostly Specific (+) Decision to have regional annexes provides a way to deal with issue differentiation.
#9 INC-4 & INC-5, 1994	Medium-High Well-coordinated G77 deals with North as a united front on financial issues.	Mostly Specific Regional annexes take shape and increase comfort level of regional groups within G77.
Interim Phase and CoPs	Fluctuating between Medium-Low and Medium G77 retreats to familiar position at a medium-low level of, occasionally increasing coordination when negotiating important concerns with North (such as Global Mechanism).	Fluctuating between Mostly Broad and Mixed Regional annexes serve to institutionalize issue differentiation within CCD. Concerns about regional differentiation are occasionally raised but in a now-routinized discourse.

By 1991, however, the issue of desertification within the G77 context is more differentiated and less coordinated. At the Abidjan meeting of African environmental ministers (#2) and the subsequent G77 meeting in Kuala Lumpur, the G77 is not entirely operating as a set of 'free agents' but they are demonstrating relatively less coordination on desertification which was, by then, is viewed as an 'Africa only' issue. At the Fourth PrepCom for UNCED (#3), when desertification is finally discussed as an agenda item, the G77 tactically rallied back to Africa's support but largely in its all-too-familiar mode as a behavioral alignment. The issue, assumes a new importance once the EU linked desertification with its call for a deforestation convention.

Figure 4.2: The G77 During CCD Negotiations



Galvanized by the threat of this potential linkage breaking away some of the African members, the G77 begin moving towards 'team play' and coalitional behavior by increasing levels of coordination as well as issue differentiation on desertification in the run-up to, and at, UNCED (#4). This momentum was maintained at the 1992 UN General Assembly session (#5) where

the G77, under African leadership, drafted the resolution (47/188) calling for international negotiations to begin on a desertification convention. Figure 4.2 depicts the significant G77 coordination that went into drafting this resolution by plotting it at a 'medium-high (-)' level. The level of issue differentiation is plotted at 'mixed (+)' to account for the fact that the G77 was able to craft a common position for the convention, which included a focus on its abiding broader goals while also allowing the African group to maintain its particular priority.

When the negotiations formally began, at INCD-1 (#6), the G77 collective was in for a shock as some Latin American countries (with the support of the Asian group) suddenly questioned Africa's 'particularity' on desertification. The question, quite clearly, was 'whose issue is this?' and, even more importantly, 'whose convention will this be?' While this obviously meant that issue focus had become highly differentiated, the even bigger crisis for the G77 was that its coordinating role had reached an all-time 'low' and it was effectively paralyzed as the Africans refused to meet under Brazil's leadership (the acting G77 Chair at the time).

The crisis spilled over into INCD-2 (#7) and required intense intervention from the G77 secretariat in New York—which sent in a delegate from Colombia to take over the Chairmanship and hence allow the G77 to meet again. While the process of patching-up the G77 began at INCD-2, tensions—and the level of issue differentiation—were still quite high and the collective was only beginning to regain its ability to coordinate common positions. This process of moving out of 'free agent' behavior was aided by the fact that discussions on traditional North-South issues (including those related to financing) began at INCD-2 and continued at INCD-3.

By INCD-3 (#8), the Southern collective was clearly moving towards 'team play' and the focus of tensions had clearly shifted from a South-South to a North-South axis. Importantly, the question of issue focus had been addressed by deciding to negotiate a 'global' convention accompanied by a set of 'regional' implementation annexes, of which the African Annex would be considered 'first amongst equals'. This solution acknowledged the special importance of Africa that the African group craved without making the other regions feel 'left out'. By INCD-3, therefore, the G77 was clearly moving out of its deal-making phase and towards more coalitional dynamics. Table 4.1 estimates the level of G77 coordination at just short of medium and the issue focus still mostly specific but moving in the direction of a mixed focus.

The last two sessions of the negotiation phase—INCD-4 and INCD-5 (#9)—were marked by persistent North-South tensions over the details of the financial and institutional clauses. For its part, the G77 (now under Algerian Chairmanship) negotiated as a cohesive and well-

coordinated 'team'. Interestingly, the issue of regional annexes (which were finalized during these sessions) forced the G77 to maintain a more issue-specific focus. The regional annexes proved to be a fortuitous device for the G77 since its regional groups could now maintain a united front on common issues without compromising the focus on their regional interests. Figure 4.2 considers the G77 operating as a coalition at this critical juncture in the negotiations.

Figure 4.2 does not plot G77's associational dynamics during the post-agreement period (the interim phase and the CoPs), principally because the most important substantive negotiations on the Convention had already been completed. However, based on section 4.4 above, Table 4.1 does provide a general assessment of how the G77 behaved during the six negotiating sessions of the interim period and the subsequent Conferences of the Parties. During this period the G77 returned to its all-too-familiar negotiating posture as a behavioral alignment; 'hanging loose'. With the major decisions having already been made and the discourse retreating to a routinized, predictable and often rhetorical plane of North-South sparring, the level of coordination and the issue focus fluctuated within the behavioral alignment space.

4.5.2 • Lessons for the South

The first and most important lesson to be derived from Figure 4.2 and its telling of the CCD story is that the most desirable outcomes for the G77, as well as for its component sub-groups, came when it was negotiating in the coalition quadrant—where group members are able to pursue their differentiated interests while still maintaining a high level of group coordination and unity on a common agenda. Importantly, the results achieved under such conditions were also the most desirable for the regime as a whole. Note that the two most important achievements of the regime—the agreement to actually negotiate a convention and the CCD's ultimate adoption both happened in the south-east quadrant of Figure 4.2, with the G77 negotiating as an internally stable and well-coordinated coalition; and 'playing as a team'.

The other striking thing to note in Figure 4.2 is that in terms of strategies and tactics adopted during the CCD negotiations, the G77 was—quite literally—all over the map. The story of the desertification negotiation is one about the South having to respond, in real time and in quick succession, to a series of challenges; both to its internal unity and to its relationship with the North. In fact, the image of G77 that emerges from this story is that of a fairly nimble collective, willing and able to respond to changing situations and potential threats to its unity.

Within the context of the above two findings, which will be explored at greater length in the final chapter, this case highlights some more specific lessons for the South in terms of South-South frictions as well as North-South tensions.

In relation to **South-South frictions**, the bone of contention was the 'particularity' demanded by Africa. In the pre-negotiation phase the non-African groups within the G77 were supportive but less than enthusiastic about a desertification convention (including countries such as India and Brazil, themselves facing significant desertification), which they did not see as a particular priority for themselves. Once the negotiations began, some non-African countries (particularly those who were themselves at risk of desertification) suddenly realized that if the CCD became a predominantly 'African' instrument, they might lose out on whatever benefits and opportunities the convention had to offer. The result was not only substantive disagreements but also an erosion of trust and goodwill within the G77 membership. Importantly, it took significant effort and proactive leadership on the part of Algeria (the G77 Chair at the time) to bring the collective back together and even then it was often an uneasy union.

The specific issue of 'particularity' was ultimately resolved by devising a treaty that was global in scope but was accompanied by a set of regional annexes to be negotiated and implemented simultaneously. However, the treaty acknowledged the special status for Africa: a) by retaining the phrase 'Particularly in Africa' in the title of the CCD; b) via a resolution calling for special attention to Africa by focusing on the state of early implementation in Africa during the interim phase; and c) through the more detailed nature of the African annex. This solution served to assuage Africa's concerns as well as those of other regions (which got their own regional annexes). From the G77's perspective, the regional annexes served to a) diffuse South-South tensions during treaty negotiation, b) allow the South to rise beyond the lowest common denominator by de-linking common interests from differentiated concerns, and c) is likely to serve as safety valves for future tensions on issues valued differently by different regions.

Importantly, the regional annexes have provided the regime with a structure whereby issues valued differently by different regions can be dealt with without necessarily holding the entire convention in jeopardy. In essence, a mechanism for dealing with regionally differentiated issues within a global treaty structure has been set up. Although the regional approach has been used to some acclaim in the case of the UNEP Regional Seas Program (e.g., Haas, 1990), the use of regional annexes (as opposed to protocols) sets an important precedent for *global* environmental treaties. In fact, in his 1994 book *Environmental Diplomacy*, Lawrence Susskind

proposed such an approach as one means to break the impasse than many global environmental treaties often face. It is likely that this approach will also be used in the future in situations where a problem manifests itself globally but with important regional differences.

Moreover, it can be argued that in this instance the G77 was able to rise above the lowest common denominator. At UNCED, some members of the G77 (mostly from Sudano-Sahelian Africa) strongly wanted a desertification convention while most others were lukewarm about it; the lowest common denominator result would have been to maintain the status quo and move ahead without fighting for a convention. By the time the negotiation began, the prevailing sense was that the final convention should focus principally (if not solely) on Africa, but there were a few non-African countries that strongly desired a more expansive mandate; at INCD-1 and INCD-2, therefore, the lowest common denominator solution would have been to stick to the intent of the UN General Assembly resolution 47/188 (that had called for the convention) and negotiate a convention that was dominantly 'African' in character. Yet, in both cases, the G77 initiated intense internal negotiations that resulted in mutually acceptable solutions for its relevant sub-groups. Within these episodes, however, there are at least two important lessons:

- ❖ First, while the G77 may have been able to rise above the lowest common denominator in these instances, it did so under conditions of threat. At UNCED, it is doubtful if the G77 would have searched for a solution to its internal differences (on the importance of desertification) had it not been for the EU suggestion to link the prospects for a desertification convention with those for a deforestation treaty. The implied threat of many African countries breaking away from the G77 common position on deforestation galvanized the G77 into intense internal negotiations that ultimately led to a South-South deal whereby the African group agreed to continue opposing a deforestation convention in return for the rest of the G77 making desertification a high priority. Later, at the beginning of the INCD process, it was the prospect of the entire G77 being paralyzed—at this and at other negotiations—that forced the G77 leadership to step in and help resolve the differences between the African group and key Latin American countries. The good news is that, when pushed into doing so, the G77 is capable of meaningful internal negotiations that do rise above the lowest common denominator. The bad news is that this case does not suggest a latent disposition within the G77 for investing in more structured internal negotiations (especially prior to the negotiations) between its sub-groups. In short, when it needs to the G77 can 'play as a team' but it would rather just 'hang loose'. One cannot, of course, predict what the final outcome

might have been had the G77 invested in South-South negotiations as a matter of routine rather than under duress. However, it can be argued that the toll these events took on trust and goodwill within the G77 would most likely have been less. The lesson, therefore, is about the **need for systematic and routine South-South negotiations prior to the larger North-South dialogue, particularly on issues where interests within the G77 are highly differentiated.**

- ❖ Directly related to the above, the second lesson is that arriving at internal agreements within the group requires hard work and constant vigilance. In both instances, the G77 had to go through intense internal negotiations—in the discomfort of the deal-making quadrant—in order to arrive at a common position that fulfilled the differentiated interests of its various sub-groups. Given the chronic resource constraints that the G77 faces (and the sheer size of a collective with over 130 countries) it is not surprising that the group is unable to invest in pre-negotiation preparation. Collective pre-negotiation preparation requires substantial investments of time, effort and resources. Playing as a team has its benefits, but it does require significant effort; much more than just ‘hanging loose’. It is not entirely a surprise, therefore, that the South tends to retreat to alignment mode—or that it has done so during the post-agreement phase in the CCD process. The alignment quadrant is a safer and more convenient place to be. While the payoffs are not high, nor are the risks and the investment. The problem arises—as it did in this case—when the alignment quadrant no longer remains a viable option because of external or internal threats. For the G77 the lesson from the desertification case is that achieving the desired goals for the larger collective as well as for its component groups would require enduring the increased effort and vigilance of the coalition quadrant. **The challenge of occupying the coalition quadrant is quite clearly the challenge of internal G77 organization and group management.**

In relation to **North-South tensions**, the debates were mostly familiar, largely on issues related to financing and regime governance, and ultimately remained less conclusive.

At one level, the desertification case represents an important role-reversal. Unlike just about every other global environmental negotiation where the North is the one pushing for a treaty and the South is resisting on the grounds that there are other more pressing global concerns that should be addressed first, this was a case where it was the South calling for a treaty and the North resisting for exactly the same reasons. This odd and unusual situation had at least

two important impacts on the general nature of the North-South relations. First, since the North has never fully accepted the rationale for a global convention, it has continued to fight for restricting the scale and scope of the CCD at every step; including now in the post-agreement phase. The North has been far more successful in this role of the dominant blocking coalition than the South usually is, because the (im)balance of power in terms of resources and expertise is so heavily tilted in its favor. Second, and importantly, in its unfamiliar role as the regime leader, the South was no longer able to retreat to the comfortable position of simply adopting a reactive strategy—one where its role is restricted to simply reacting to, and finding fault with, the proposals from the North. Instead, it was faced with a situation where it had to be more proactive—coming up with positive options and convincing the North of them. In retrospect, the South was only marginally successful in this task, although the fact that it even attempted a proactive approach is a positive step.

The entire debate on financing was indicative of the G77's failure to convince the North (especially the US and EU) to adopt the South's preferred options, and its inability to redesign those options in a package that would be acceptable to the North. While a Global Mechanism was finally agreed to in the dying moments of the treaty negotiation, the idea for the compromise came from the North and not the G77. Moreover, for many in the Southern collective, it is not much of a compromise at all. The Global Mechanism is much more a vindication of the North's position that no new institutions or additional funding are needed, than a response to the G77's deeply-held belief that without a stable and significant source of financing the fate of this convention will be no different from that of the PACD before it.

Having said the above, two noteworthy lessons do emerge from this experience:

- ❖ The most important lesson, once again, is that of preparation, including systematic South-South negotiations prior to the main North-South negotiations. The striking conclusion of the North-South discourse in these negotiations was not that the North refused to give in to Southern demands on financing and governance, but that the South was unable to present the North with a package that the industrialized countries could accept. The sad fact is that when placed in the unfamiliar position of being the group 'leading' the negotiation—as opposed to 'blocking' it—the South was unable to rise to the challenge. The undeniable power differential between North and South notwithstanding, the G77 was not able to fully invest in a process of option-generation and a search for creative win-win solutions that could alter the dynamics of the North-

South confrontation. This was partly because the G77 had to spend so much time in keeping its unity intact. **Better pre-negotiation preparation is the one strategic step that would not only have strengthened the G77's internal unity but would also have prepared it for more proactive negotiation with the North.**

- ❖ Second, the desertification case does demonstrate that the G77 is, in fact, a fairly stable collective. Situations—either created intentionally or inadvertently—that served to place a wedge within Southern solidarity by providing an incentive to one group to defect from the larger collective, failed to break Southern solidarity even when the payoffs were relatively high. Indeed, these situations did cause serious dents within the G77. However, they also served to galvanize the collective and eventually strengthen its solidarity. This is to be expected since the G77 has a track record of holding dearly to its unity. Since the group operates as a negotiating caucus in a whole array of international negotiations, maintaining long-term unity can be rationalized as being more important than the fate of any single issue in any single negotiation (see Chapter #2).²³ The lesson, however, is not simply that breaking the G77 is not likely to be 'easy'; the more important lesson is that it may not even be desirable. The experience of the times when the G77 was in disarray (INCD-1 and INCD-2 in particular) suggests that a fragmented South may, in fact, be more difficult to negotiate with than a well-coordinated and well-prepared South; at the very least because of the sheer cacophony of so many negotiating voices on the table. The agreement that was eventually reached on the Global Mechanism, even though it was less than satisfactory to many, would probably not have been possible if the G77 had still been fragmented.²⁴ **From the North's perspective, a South that is negotiating in coalition mode may well be a tougher negotiator because it is better prepared and better organized; but it is also likely to be a better partner in the search for innovative options for tricky problems, because of the same reasons.**

To summarize the above, the big descriptive lesson from this case study is about the desirability of operating in coalition mode; the big prescriptive lesson relates to the importance of negotiation preparation and internal (South-South) negotiation as a precursor to effective

²³ Could the G77 have been permanently 'broken' if the payoffs were larger? Probably; but they would have to be much larger.

²⁴ In fact, a number of Southern countries were quite unhappy with the agreement but were convinced by their G77 colleagues that, although less than perfect, this was the best deal they could get.

negotiation with the North. These and related issues raised by this case will be explored further in subsequent chapters by using a research simulation and will, in the final chapter, be analyzed for the descriptive lessons and the prescriptive advice for the Southern collective.

4.5.3 • A Convention Full of Surprises

In conclusion, let it not be forgotten that the very fact that we have a convention on desertification is somewhat of a surprise and something worth celebrating. In fact, the entire story of the CCD is full of surprises. Let us highlight just a few of the big ones:

- ❖ Given the contents of UN resolution 44/228, it was a surprise that the UNCED preparatory process did not include discussions on a desertification convention.
- ❖ Given the then prevailing attitude of the North as well as the African South, it was a surprise that UNCED did eventually end up calling for a convention on desertification.
- ❖ Given the high level of unity and coordination that the G77 had shown at the 1992 UN General Assembly discussions on desertification and subsequent organizational meetings, it was indeed a surprise—in fact, a shock—that the G77 broke up along regional lines at INCD-1 and was totally paralyzed well into INCD-2.
- ❖ Given the intensity of the South-South disputes at INCD-1 and INCD-2, it was a surprise that the G77 was able to again emerge as a united, fairly well coordinated, and even effective caucus of all developing countries by INCD-3 and beyond.
- ❖ Given the entrenched North-South differences on issues of finance up to the very closing moments of INCD-5, it was a major surprise that a convention was actually adopted in June 1994; after just 13 months of active negotiation.

For the G77 this was a roller-coaster ride that it had not expected, for which it was not prepared, but which it did survive. The CCD negotiations demonstrated the G77's considerable survival skills and its ability to respond to internal crises. The biggest surprise of all may be that despite the deep and divisive differences that emerged within the G77, the group did, by the end, meaningfully accommodate the competing interests within its ranks. It was less successful in arriving at a meaningful resolution to its differences with the North. While important first steps were taken, the jury is still out on how successful the Global Mechanism, and for that matter the CCD, might be. Although the G77 was able to rise beyond the 'lowest common denominator' in some instances, it demonstrated that it is more adept at maintaining its internal unity than at changing the terms of the debate in its discourse with the North.

#5

The Chlorine Game

*My work is a game;
A very serious game.*
— M.C. ESCHER

To complement the findings of the case study on the desertification negotiations (Chapter #4), this study has used a role-play negotiation simulation as an experimental device for the purpose of systematically exploring the nature of the Southern collective (as discussed in Chapter #3) in terms of the conceptual template of collective arrangements that was introduced in Chapter #2. The results of the twelve experimental runs of the simulation are presented in Chapter #6. As prelude to the results, and in order for them to be placed in context, this chapter seeks to introduce a) the concept of simulation-gaming as a research tool and b) the particular simulation (the 'Chlorine Game') that was developed for and used in our research.

Although the use of simulations and games as a research tool is not new, it remains a rather contested enterprise. Hence, the chapter will begin by reviewing the literature on the subject with a particular focus on why one might want to use simulation-games as a research tool, the limitations and potentials of this research approach, how the results of simulation-game experiments can supplement and complement the evidence from case studies, and the conceptual basis of deciphering and utilizing the results of simulation-gaming as research results. Following this, the bulk of the chapter will present a detailed description of the simulation used in this study, i.e., the Chlorine Game. We will look closely at the structure of the simulation in terms of negotiation mechanics as well as expected dynamics; how it was

tailored to relate to our research goals; how the results are coded in terms of our research enquiry; and the settings in which the experimental runs of the simulation were conducted.

5.1 Simulations as Research Tools

The literature on modern simulation-gaming is now nearly half a century old and is the repository of considerable experience and insight on the use of simulated role-play exercises (Bloomfield and Padelford, 1959; Goldhammer and Speier, 1959; Guetzkow 1962; Barringer and Whaley 1965; Giffin 1965; Coplin 1968; Boocock and Schild, 1968; Carlson 1969; Bloomfield and Gearin 1973; Duke 1974; Mandel, 1977; Brewer and Shubik 1979; Becker, 1980; Doerner 1980; Guetzkow and Valadez 1981a; Horn and Cleaves, 1983; Ståhl 1983; Bloomfield 1984; Brewer 1984; Ward 1985; Dolin and Susskind, 1990; Woodworth and Gump, 1994; Parson 1996a; Lantis, 1998; Susskind and Corburn, 1999; Lantis, et al., 2000).¹ Yet, the verdict on the efficacy of such approaches remains mixed, even hesitant. Despite the fact that simulations and games are being used in academia more than ever before, they continue to be seen as a rather novel and sometimes controversial enterprise; particularly when used as a research tool.

On the one hand, it is quite clear that the pedagogical use of simulations and games has grown tremendously. In discussing the use of simulations in international affairs, Lantis (1998: 41) points out that although most of the early simulations and games in international relations were structured around Cold War dynamics, "instead of diminishing scholarly enthusiasm about simulations, the end of the Cold War actually prompted a renewed interest in role-playing simulations as innovative teaching tools." Their use in teaching other issues and, in particular, negotiation has grown even more dramatically. Susskind and Corburn (1999: 1) point out that "there has been an enormous growth in the number of professional schools and corporations teaching negotiation, and most of these teaching efforts are built around simulations." On the other hand, the enthusiasm for using role-play simulations as 'learning' (rather than teaching) devices remains tempered, even amongst those who advocate such use. Parson (1996a: 247), for example, points out that "while the potential contribution of simulation gaming are large,

¹ Indeed, the scholarly journal *Simulation and Gaming* (formerly *Simulation and Games*), now in its 31st year of publication, which is devoted principally to the study of the subject.

and complementary to those of other methods, it is undeniable that despite 40 years of experience, simulation-gaming methods have not yet lived up to their perceived promise.”²

Although the general goal of this section is to provide a brief primer on simulation-gaming, our more specific focus is on the use of this approach for research. In seeking to understand the literature’s ambivalence about using simulations in research settings, this section will review the genesis of simulation games as research tools, seek definitional clarity, explore the strengths and weaknesses of this approach, and seek an understanding of what constitutes an appropriate or inappropriate research use of role play simulation exercises.

5.1.1 • Learning about Simulations

Although the historical roots of simulation gaming nearly certainly lie deeper, Ole Holsti (2000, 258) describes the current incarnation of the phenomenon as a distinctly post World War II event and Becker (1980: 17) points out that “the history of gaming is to a large extent the history of war games.” While war games have an ancient and illustrious lineage,³ Becker links the birth of the modern simulation game directly to the Japanese attack on Pearl Harbor:

As soon as it turned out that the games played at the Total War Research Institute and the Naval War College of Japan had contributed vitally to the success of the surprise attack on the American fleet on December 7, 1941, these exercises were imitated elsewhere on a large scale. During and since World War II military gaming has flourished. Other fields adopted these techniques also: The American Management Association developed the first widely used management game in 1956 after its members visited the Naval War College. (Becker, 1980: 17-18).

Within the social sciences, and particularly within international relations, the key contributions to the development of the modern research simulation games came from the pioneering work done in the 1960s by Harold Guetzkow and his colleagues at Northwestern University (on the ‘InterNation Simulation’) and by Lincoln Bloomfield and his colleagues at MIT (on ‘The Political

² In a different paper, Parson’s (1996b: 13) commentary is more harsh as he suggests that this might be because such methods “keep bad company, and have a record of intemperate claims and mis-applications.” He cites Smith (1987) and Bracken (1977) to argue that “biased or polemical applications of simulation exercises and war games have caused, or risked, grave harm.” The examples he uses include a rigged Japanese naval war games prior to the battle of Midway being used to mislead senior decision-makers into authorizing the engagement, and a US Air Force war game whose director drew the conclusion that the US could selectively use nuclear weapons on military targets to force concessions from the USSR without escalating to general nuclear war. This seems like a rather unfair criticism since these and such examples highlight the *inappropriate use* of simulation exercises, rather than the *inappropriateness* of simulation exercises as a methodology.

³ Legend has it that the game of chess was originally devised as a war game.

Exercise' or POLEX).⁴ Since those early days and their principal focus on political-military issues, the use of simulations and games for policy research, but even more for teaching, has spread far and wide, across disciplines and across the globe, spawning research programs, academic journals, scholarly societies, and even commercial enterprises specializing the designing and running simulations. Indeed, as Becker pointed out in 1980 "nowadays almost every activity in society has its games" (p. 18); only more so today.⁵

The early literature was focused on—and, in fact, quite excited about—the potential of simulation games as a research tool. In fact, while teaching was seen as an important function of simulations, it was felt that teaching goals were better achieved when they were part of a research focus (Guetzkow et al., 1963; Coplin, 1968). Over the years, the two paths have diverged and a thriving and still-enthusiastic literature on the pedagogical use simulations (e.g., Thiagarajan, 1994; Kaufman, 1998; Boyer, 2000) seems to have de-linked itself from what is now a rather fleeting, and sometimes apologetic, scholarship on their research use (e.g., Parson, 1996a). Striking evidence of this shift can be found in rummaging through the last thirty years of the journal *Simulation and Gaming*.⁶ Despite this less than subtle shift—which seems to have begun around the early- to mid-1980s—there is a wealth of accumulated learning on the subject of simulation games either directly dealing with, or relevant to, their use in research. Although this literature is replete with competing (sometimes contradictory) definitions, classifications and typologies, a consensus seems to have emerged on certain key issues including the proper usage of key terms including 'simulations' and 'games.'

These two terms are of obvious importance to our enquiry and have been the cause of some trepidation to the more precise scholars from the beginning. For example, Lincoln Bloomfield distanced himself from both and crafted the expression 'political exercise' on the grounds that

4 See Bloomfield and Padelford (1959), Guetzkow et al., (1963) Bloomfield and Gearin (1973), and Bloomfield (1984) for informed discussions of the early developments in the field. Bloomfield and Gearin (1973: 1009) described the early experiments as "all-man, role-playing game(s) using 'realistic' hypothetical crisis problems... to educate policy analysts by projecting international situations that otherwise might not be considered, and to expose diplomats and others to roles their own experience might not otherwise fully comprehend."

5 Over the years, a number of different terms have been used to describe simulations. Consider this sampling: 'mock reality' (Coplin, 1968), 'crisis games' (Giffin 1965), 'political gaming' (Bloomfield and Gearin, 1973), 'free-form games' (Shubik, 1975), 'manual gaming' (Becker, 1980), 'political simulations' (Foster et al., 1980), 'operational games' (Ståhl 1983), 'free-form games (Brewer, 1984). Although this can cause semantic confusion—especially with different terms being used to mean the same thing or the same term used to imply different things—it also reflects what different people have considered to be the defining features of the enterprise they are involved in.

6 One should note, however, that the field of research *on* simulations and games is well and thriving; what is less evident is the erstwhile confidence in research *with* simulations and games.

neither expression reflected the reality of what he was doing since a 'game' customarily refers to a "formally-structured competitive interaction with specified payoffs" and 'simulation' is best applied to "explicit computer or other models with well-defined components interacting in a predictable way" (Bloomfield and Gearin, 1973: 1008ff1). Others, such as Dawson (1962: 9), were comfortable with both, or either, expression: "Although some writers maintain that there is a distinction between simulation and gaming, this writer does not consider simulation and gaming to be two separate techniques. He considers gaming to be a term sometimes applied to some simulations in which human actors participate within the simulated system, generally in a competitive situation." Most scholars, however, have acknowledged the distinction that Bloomfield noted but found reflections of both terms in what they seek to practice and describe and, therefore, have offered adaptive definitions. Amongst these, for example, are Brewer and Shubik (1979: 7, 9) who define gaming as "[an] exercise [which] employs human beings acting as themselves or playing roles in an environment that is either actual or simulated" and simulation as "the representation of a system or organism by another system or model designed to have a relevant behavioral similarity to the original." They go on to point out that "generally speaking, all games are simulations; the reverse categorization, however, may not apply" (p. 9). The distinction is further elaborated upon by Becker (1980: 20):

The simulationists adore mathematics, research, computers, getting reliable and valid answers to unambiguously formulated questions, and helping imaginary prisoners to solve dilemmas in order to get out of nonexistent prisons. Those addicted to gaming like to create entities like "learning environments," put a lot of "gaminess" into their models, get a kick out of Lego and other toys, and seem to be more interested in satisfying players than in rigid control of experimental conditions.

As Becker concludes, however, there has been a gradual convergence of the two schools which has led to the now frequent use of the term 'simulation games' as the descriptor of choice:

Simulation gaming differs from other kinds of simulation in how it represents human decision making and problem solving. While other kinds of simulation may exclude human agency from the system studied, or represent it entirely through formal or computer models, simulation gaming represents it through the behavior of human participants. It seeks to represent the information processing, cognition, negotiation, and decision making of senior decision makers, organizations, or governments, by engaging people to participate in a simulation, giving them roles, information, tasks, and responsibilities, and placing them in a vivid, demanding, realistic situation in which they must act.... While the interactions of decisions can be structured in many ways, two characteristics are deemed essential to making a simulation a game: rules structuring the interactions among participants' decisions; and separate centers of thought or decision (teams or individuals) that do not observe each others' planning and deliberation, and so must interpret and respond to statements and actions that they did not compose. (Parson, 1996a: 235)

A sense of how these ideas have been incorporated into the actual use of the term simulation—as used by those who design and use them—is captured by Susskind and Corburn (1999: 1):

Simulations model a complex process or reality. They place participants in an assigned role in a specific situation and challenge them to find ways to address the circumstances and the consequences likely to follow from various courses of action. Simulations can be based on real-life situations or purely hypothetical premises. They can include computer-based packages of information or not, and they are usually carried out via face-to-face interaction, although asynchronous interaction involving computer-assisted communication is gaining in popularity. Simulations offer a safe setting in which errors are not costly and experimentation is encouraged.

Susskind and Corburn (1999: 1) recognize the differences between simulations, games (having “an agreed upon set of rules that limit possible final solutions or agreement”) and role-plays (involving “a set of specifications or characteristics that are assigned to each participant”) but argue that simulation typically combine the elements of games and role-plays and is, therefore, the most appropriate descriptor. Importantly, they highlights the significance of the ‘role-play’ element which remains an integral and, often, defining part of the experience (see Lantis, 1998).⁷ This description best fits the exercise that forms the basis of our research.⁸

While the hybrid simulation (incorporating elements of pure simulation, pure gaming, and pure role-play) has become the prevalent form, there are a variety of functions that these simulations serve. However, much conceptual confusion persists on issues of classification. One widely used classification of simulations was provided by Barton Cunningham (1984), who identified four approaches to simulation and a total of eleven types within them:

- ❖ **Experimental simulations** seek to scientifically measure certain effects in a controlled setting. These include laboratory experiments and game theoretical experiments.
- ❖ **Predictive simulations** seek to forecast under uncertainty. These include mathematical games, machine games, board and bookkeeping games, and heuristic exercises.
- ❖ **Evaluative simulations** seek to operationally assess the workability of an organization or program. These include incident simulations and in-basket simulations.
- ❖ **Educational simulations** provide the skills or values to deal with new situations. These include role-playing simulations, gaming simulations and structured experiences.

⁷ While earlier scholars had highlighted the implications of role-play (see Bloomfield and Gearin, 1973), more recent works seem to have incorporated, or relegated, it within the ‘simulation’ aspect.

⁸ In describing the exercise that this study is based on (The Chlorine Game), we will use the term ‘simulation’ in the sense described by Susskind and Corburn (1999)—i.e., combining elements of games and role-plays. For variety, however, some of the other terms may also be used occasionally.

In another, more recent, attempt Parson (1996a) suggests four models of how simulation games can be used: as experiments, to instruct decision makers, to promote creativity and insights, and to integrate knowledge. On the face of it, Parson's simulation games would seem to correspond to just one of Cunningham's types (gaming simulation). However, on inspection, Parson's conception of simulation games would also include elements of Cunningham's role-playing simulations, structured experiments, laboratory experiments and heuristic exercises. Also, although the use of simulations for experiments is a major category for both, they seem to be discussing very different things. While both use a similar (overly stringent) definition of 'experiment' they are obviously talking about very different 'forms' of simulation. Similarly, all four of Parson's models would fit into what Cunningham classifies as educational simulations.

These two studies are contrasted here not as much to critique their substance as to highlight just one of the many unresolved conceptual gaps in our learning about simulations. Yet another gap that has been repeatedly identified relates to a lack of shared frameworks for evaluating simulations (Torney-Purta, 1998; Susskind and Corburn, 1999). The point, of course, is that while there is much accumulated experience and insight on simulations and while there is also a shared sense of the key elements that compose them, the theoretical development of the field remains rather rudimentary.

To summarize, this brief look at the literature on simulations suggests three key lessons: a) there has been a dramatic growth in the use of simulations and games in scholarly settings, particularly as training and teaching tools; b) the early enthusiasm for the use of simulations as research tools seems to have tapered off; c) in their pure state, games, simulations and role-plays have distinct characteristics all three of which are conglomerated in modern hybrid simulation which is most often referred to as simply 'simulation' or 'simulation game'; and d) although there is a sizeable literature on the use of simulations, it is largely descriptive and there is no distinct 'theory' of simulations (or elements thereof) that one can easily identify.

5.1.2 • Learning from Simulations

Having just described the literature's diminishing enthusiasm for the use of simulation games as research tools, why would one even consider investing as much time and effort in simulation-based research as this study does? Foolhardy as it might seem, the fact of the matter is that although the literature seems to have tuned out on simulation-based research, it does not

provide much indication of why it has done so—indeed, the best accounts of the potential limitations of such research comes from those who continue to advocate and practice such research. Moreover, the arguments that its proponents have been giving for adopting this method, despite its known limitations, remain compelling; particularly for the question that this study is focusing upon. Indeed, although our literature review suggests that the research use of simulation games—particularly in international relations—is currently out of fashion, it does not convincingly dissuade one from such research. If anything, it suggests that our problematique is one of that limited set of issues for which such a methodology may, in fact, be appropriate; even desirable. This section, therefore, seeks to focus on the following question: When is it appropriate to use simulations for research, and why is it appropriate for this study?

In responding to this question, it is useful to return to the origin of modern simulation, as it relates to the study of war and military strategy (Brewer and Shubik 1979; Carlson 1969). This was for a reason—each war is novel enough to limit the value of analyzing historical data alone; and initiating real wars simply to understand them better has severe moral and financial implications (*also see* Brewer, 1984). As Giffin (1965: 15) points out:

It must be recalled that military officers, unlike other professional men, lack the opportunity to practice their trade except under the special circumstances of war. And, even then, one war can differ so much from another that for many practical purposes past experience can be more hindrance than help in approaching what comes next. Once war is joined, it provides its own classroom. Military men then acquire competence of the kind that seems to be required for the occasion. However, this can be a terribly costly way to learn during initial stages of ignorance.

In at least some significant ways, international negotiators are similar to military officers. Negotiation, like war, also provides its own classroom; but in global environmental negotiation, as in war, the cost of ignorance can be terrible. Hence, the attraction to simulations.

Parson (1996a: 234) suggests that “problems that might merit investigation through simulation gaming are those with high enough stakes to merit substantial investment in knowledge or insight to guide decision making, but whose complexity, novelty, or perverse characteristics impose sharp limits on the usefulness of standard decision-making procedures, historical analogy, or conventional forms of analysis.” The question that this study seeks to investigate falls exactly under this rubric. The special utility of using a negotiation simulation to study complex global environmental politics emerges from the paucity of actual cases or real opportunities to ‘test out’ alternative strategies and approaches (see Parson, 1996b).

In outlining the benefits of simulation-based research, Brewer (1984: 811) suggests that “a fundamental purpose of manual gaming is to encourage creative, innovative thinking about problems that defy treatment by more conventional analytic approaches and methods.” A particularly important benefit of using simulations for research is that they provide a forum that can encourage ‘out-of-the-box’ ideas (Bloomfield and Gearin 1973; Duke 1974; Brewer 1984; Dolin and Susskind 1990). By selectively unshackling participants from the routines of reality, they can facilitate new ideas and innovative strategies that might not otherwise emerge—after all, it is just a game! As Max Bazerman puts it, “the most important thing simulations do is unfreeze people from past practice” (quoted in Susskind and Corburn, 1999: 16).

The issues raised in arguing against the use of simulations as a research tool include: game manager bias, prejudiced design assumptions, unverifiable data, difficulties in documentation, no peer review, total dependence on whims of participants, difficulties in participant selection, difficulties in reproducing results, their unscientific nature, the lack of rigorous controls, inappropriate generalization of results, etc. However, those arguing in defense of simulation-based research suggest that simulations can be a useful technique despite these limitations given the difficulties in studying complex decision problems which involve many agents and layers of information; where information is limited or unavailable; where choice sets are ambiguous or changing; and where consequences are poorly understood, fall in the future or on unidentified parties. Moreover, they argue, the limitations can be minimized and accounted for if the researcher-observer is careful in the design and conduct of the simulation. (Waltz 1968; Bloomfield and Gearin 1973; Brewer and Shubik 1979; Guetzkow 1981; Parson, 1996a).

An important point made by nearly all proponents relates to the importance of post-simulation debriefing. While the key role of debriefing in the teaching context is undisputed (Lantis, 1998; Susskind and Corburn, 1999; Boyer, 2000), debriefing also serves as a safety valve for some of the problems that can emerge in simulation-based research: “simulation’s risks are mitigated in the debriefing, when participants can question the simulation’s relevance and generalizability, present other possibilities, and reflect critically on their experience, at some distance from the experience they have just lived through” (Parson, 1996a: 247; *also see* Bloomfield and Gearin 1973; Guetzkow 1981; Brewer 1984). Another strategy to check for possible pitfalls is to conduct simulation-based research within the context of a multifaceted research program where other, often more conventional, research methods are also being used (Parson, 1996b). Bloomfield (1984) suggests that hybrid research programs can allow simulations to contribute to theory-testing in terms of corroborating results achieved from other methods.

Ultimately, as with any tool, it is important for those using simulations to know the limitations of their tool. Indeed, flawed research design, researcher bias, over-generalization, or lack of rigorous controls are problems common to many social science methodologies and need not necessarily be higher in simulation-based research than, say, in case study based research. Parson (1996a: 247) does well to remind the researcher that "one must approach complex policy problems with some humility, whatever means is used to study them."⁹ Although one could obviously find examples of 'bad' simulation-based research (as one could with any other methodology), those who have advocated such research have been uncommonly focused on trying to minimize the risks of inappropriate use, and suggesting what constitutes appropriate use. Bloomfield (1984: 787), for example, makes it very clear that "games do not predict future events or policy outcomes and can be misleading for specific contingency planning purposes"; however, he adds that, "they can indicate in detail how a future situation might develop and, even more important, why." He also suggests that process-related learning is likely to be for more significant than the 'results' of the simulation per se. The prudent researcher, therefore, views simulations not as a means of generating 'data' on results but as a tool for understanding the process being simulated and facilitating the exploration of alternative approaches and options. As Parson (1996a: 247) notes, "both modelers and gamers tend to urge their audiences to disregard their exercise's specific results while taking very seriously its deeper and more general insights." Designers of research simulations are also urged to design around precisely formulated questions, with a sense of which variables in the scenario are to be manipulated, and to invest significant research effort in the substance of the scenario and game instructions (Bloomfield and Gearin, 1973; Cunningham, 1984; Dolin and Susskind, 1990).

Finally, the researcher is advised to seek appropriate participants. There is consensus that the participants should be knowledgeable about their roles and the decision-making environment that is being simulated, but need not be experts on the substance of the simulation. While the importance of 'expert' players is stressed, replicating the roles they have in real life can be counter-productive as they are likely to resist the suspension of belief that is so necessary for successful simulation. The evidence suggests that players who are knowledgeable about the decision-making environments being simulated will assume their roles with relative ease and

⁹ Parson (1996b: 16) adds: "the risk... may be no worse, though, than the widely observed tendency of decision-makers to draw too-confident inferences from vivid historical images, or their own prior experiences, both of which are also tiny samples of complex events. Indeed, the possibility of [simulations] to incorporate diverse perspectives, and the possibility of reviewing particular problems or scenarios repeatedly under different conditions, both suggest that the risk of excessive generalization may be less pronounced from [simulations] than from real-life experience."

are able to play them reasonably well. (Barringer and Whaley, 1965; Bloomfield and Gearin, 1973; Mandel, 1977; Guetzkow and Valadez, 1981b; Bloomfield, 1984).¹⁰

One attempt to disentangle and synthesize the learning and suggest when simulation-based research is or is not appropriate was made by Parson (1996a) who, as explained earlier, suggests four models of how simulations can be used to inform difficult and complex policy problems. He concludes that “two of these models—simulations as experiments, and simulations to instruct decision makers—are either flawed or irrelevant in application to problems of this kind, while two—simulations to promote creativity and insights, or to integrate knowledge—are persuasive and promising” (Parson, 1996a: 244).¹¹ In reaching his conclusion about simulations as experiments, Parson’s argument (lack of similarity between simulation and reality and lack of replication) rehashes concerns about the ‘unscientific’ nature of simulations, but he sets up a straw man by focusing on too stringent a definition of ‘experiment’. In fact, as long ago as 1973, Bloomfield and Gearin (p. 1027) had expressed the “general consensus among scholars” that simulations do *not* meet the rigor of scientific experimentation, because they are not replicable, it is difficult to identify precise variables, reality cannot be fully simulated and, therefore, they cannot be used to rigorously test policy hypotheses. This consensus has, in fact, sustained. Their point, however, is significantly different from Parson’s. In noting that “if the purpose of all experimental social science is to *test* specific hypotheses about policy or decision-makers, this criticism is devastatingly valid” they suggest that the role of experiments in social science is, in fact, broader than just that (p. 1027; *original emphasis*). While they call for “far more rigor and methodological self-consciousness on the part of the game designer”, they are quick to add that “a danger exists in excessive scientism: it would in our opinion be a shame to distort the values that already inhere in [simulation] for the sake of fidelity to often imperfect and sometimes dubious theory” (p. 1030). They view simulations as a different kind of experiment; seeking hypothesis generation and possibly corroboration of results from other more conventional methods (*see* Bloomfield, 1984). In line with this view,

¹⁰ A synthesis of the learning from an earlier generation of such simulations at MIT (conducted with expert informed participants) reached this important conclusion: “In the light of later events, almost no scenario envisioned in the games occurred in the real world. But, in every case, a team’s decision-making, including the alternatives considered, bureaucratic interactions, and final policy choices, was astonishingly similar to real-like processes” (Bloomfield, 1984: 788).

¹¹ The finding on simulations and instructing decision makers seems overstated since Parson (1996a) himself lists various types of instruction that simulations can offer and refutes only one type—specific policy-relevant scientific knowledge. Moreover, experience from foreign policy (Bloomfield, 1984; Brewer, 1984), energy policy (Dolin and Susskind, 1990) and elsewhere suggests that well-designed simulations can be vehicles for substantive instruction for decision makers on complex policy issues.

their final conclusion, (“tendered with optimism rather than resignation”), is that simulations represent “a form of theory-building more than a source of explication and validation of existing theory” (p. 1031). This study views simulation experiments in the same vein.

Adopting a somewhat less structured approach, our own attempt to cull a sense of the literature in terms of what would constitute an appropriate use of simulations for research, yields the following key lessons (identified with the key proponents of these lessons):

- ❖ Appropriate simulation-based research is likely to be theory-building (i.e., hypothesis generating) and unlikely to be theory-testing (hypothesis testing). (Barringer and Whaley, 1965; Bloomfield and Gearin, 1973).
- ❖ Simulation-based research is best suited to problems that are high-stake, novel, complex and where conventional approaches have limitations (Guetzkow, 1981; Brewer, 1984; Dolin and Susskind, 1990; Parson, 1996a and 1996b).
- ❖ Simulations should not be used for predictive research (Goldhammer and Speier, 1959; Bloomfield and Gearin, 1973). Simulation-based research can provide powerful insights on process issues (Bloomfield, 1984; Brewer, 1984). Simulation-based research can be a useful means of soliciting innovative approaches and ideas from participants (Brewer, 1984; Dolin and Susskind, 1990; Parson, 1996a).
- ❖ It is advisable to adopt a hybrid research strategy, where the simulation is conducted in conjunction with other more conventional methods, possibly for the purpose of corroborating the findings from the later. (Bloomfield, 1984; Parson, 1996b).
- ❖ Apart from careful design of the simulation process, a high level of substantive research needs to be invested in the design of the research simulation (Guetzkow, 1981; Bloomfield and Gearin, 1973; Cunningham, 1984; Dolin and Susskind, 1990).
- ❖ Simulation-based research tends to work best with ‘expert’ and ‘informed’ participants who have experience or knowledge of the roles that they are playing but need not have the exact same role in real life. (Barringer and Whaley, 1965; Mandel, 1977; Guetzkow and Valadez, 1981b; Bloomfield, 1984).

These lessons, above all else, have guided us in designing, adapting and using the Chlorine Game as a research device for better understanding the role of the developing countries’ collective in international environmental negotiations. The following section will detail the structure of the Chlorine Game with a particular focus on how it has been designed to meet the goals of this particular study.

5.2 The Chlorine Game

The negotiation simulation used for this research—‘The Global Management of Organochlorines’ or, more simply, the ‘Chlorine Game’—is based on an earlier simulation exercise developed, in 1995, at the Massachusetts Institute of Technology (MIT) under the supervision of Professor Lawrence Susskind.¹² The version used in this research—although based on, and retaining, the original design—was substantively and structurally modified by the author to suit the present research design. This process of game redesign and modification was undertaken during the academic year 1995-96 and entailed the rewriting of all role instructions and addition of various handouts, instruction change faxes, a press conference feature, etc.¹³

Two types of changes were made during this process of redesign. The first, more major, set of changes sought to adapt the simulation to the conceptual framework of the present endeavor. The second set was meant to further improve the ‘gaming’ experience for the players and the ‘simulation’ ability of instructions (i.e., making the instructions trigger a better representation of the reality they sought to simulate). The changes were made iteratively on the basis of a number of ‘test-runs’ of the game and interviews with scholars and practitioners of international negotiation. The elaborate design process validated the view that “simulation design is as much an experiential learning process as is simulation use” (Susskind and Corburn, 1999: 25). Each test-run was followed by intensive debriefing sessions that served as focus groups for game redesign. Four test-runs, in particular, were critical to the evolution of the final version:

- ❖ **May 1995 – Consensus Building Institute (CBI), Cambridge, Massachusetts.** This test-run provided valuable redesign ideas, particularly from a research perspective; the participants included leading negotiation scholars from Boston area universities.
- ❖ **July 1995 – International Program on the Management of Sustainability, The Netherlands.** This test-run was particularly important in providing practitioner

12 The original game was developed by the ‘Chlorine Treaty Negotiation Team’ at the Department of Urban Studies and Planning (DUSP) at the MIT. Its development was supervised by Prof. Lawrence Susskind (DUSP, MIT) and managed by Sarah McKernan of the Consensus Building Institute (CBI, Cambridge, Mass.). The original team was drawn from various departments at MIT, the John F. Kennedy School of Government at Harvard University, the Harvard Business School, and CBI. They included: Mike Gordon, Adil Najam, Joshua Secunda, Granville Sewell, Parag Shah and Andrea Strimling. The initial development of the case was supported by The Chlorine Project at MIT.

13 While extensive changes were made to the structure and substance of the game, the choice of player roles and the basic structure remains rooted in the original. The process of game redesign was supported by research fellowships from the Kann Rasmussen Initiative in Environmental Leadership (at MIT) and from the Program on Negotiation (PON) at Harvard Law School.

insights. The participants included mid-career environmental officials and diplomats from around the world, particularly from developing countries.¹⁴

- ❖ **April 1996 – Program on Negotiation (PON) at Harvard Law School, Cambridge, Massachusetts.** This test-run used the 'second generation' version of the game that had already incorporated a number of changes. The participants in this case were advanced graduate students (a high percentage of international students with prior work experience) enrolled in a joint MIT/Fletcher School of Diplomacy course in international environmental negotiation. It provided a good test of the following: a) the simulation as a teaching tool, b) the changes that had already been made, and c) how a motivated but less experienced set of players would react to the game.
- ❖ **June 1996 – The MIT Chlorine Conference, Cambridge, Massachusetts.** This final test-run used a 'third generation' version of the game. It was particularly important because the participants included a large representation from industry and science, two groups that had not been sufficiently tapped in earlier runs.

The insights gained from expert interviews, test-runs, and post-test-run debriefings were used in finalizing the research version of the Chlorine Game in July 1996. This final version was then used in the twelve experimental runs of the game—the first of these was conducted at the Tokyo Institute of Technology (TIT), Tokyo, Japan in August 1996 and the last was held in July 1999 at Swat, Pakistan for IUCN-The World Conservation Union (Pakistan Office).

Before going into the specific results of the experimental runs of the simulation in Chapter# 6, the remainder of this chapter will detail the structure of the Chlorine Game—in general terms and in relation to its research goals. The full text of the final version of the Chlorine Game (including general and confidential instructions, handouts, and faxes) is provided in Annex.

5.2.1 • Game Design and Structure

In general terms, the Chlorine Game is a multi-party (13 parties), multi-issue (four issues), free-form, international negotiation simulation related to the global management of organochlorines, lasting at least 7 hours. Substantively, the simulation relates to the global management of organochlorines—organic compounds containing chlorine that can pose potential dangers to human health and the environment, dangers that are compounded by the ubiquitous use and

¹⁴ The author was himself not present at this test-run but received detailed comments and debriefing notes from the game managers who were present.

persistence of these chemicals. For the purpose of our research the issue of organochlorines, per se, is of little consequence. In fact, a major reason for choosing this particular issue was that although it was already being talked about as a possible candidate for global regulation, there was no history (at the time of game conception) of international negotiation on the subject. As such, one could hope to minimize the dangers of players trying to 'mimic reality' by simply repeating the results of real world deliberations on the subject.¹⁵ However, in keeping with the finding of the literature that in order for the participants to engage realistically in the simulation the substantive information has to be believable and reasonable (Guetzkow and Valadez, 1981; Bloomfield and Gearin, 1973), the players were provided (as part of the general instructions) a ten-page briefing paper on the science and economics of organochlorines.

A second element of the general instruction is the game scenario. This establishes the context in which the simulation is set. To quote from the scenario document provided to the players:

Recent studies have added new weight to the mounting evidence that some organochlorine compounds may pose serious risks to human health and the environment. Taking its cue from growing international concern about the impacts of organochlorines on the global environment, the United Nations Environment Programme (UNEP) has turned its full attention to this issue.... As the first step towards initiating the most constructive international dialogue, UNEP has decided to convene an international Working Group on Managing the Global Use of Organochlorines. The working group's charge is to review the issue of organochlorines with a view to defining a manageable agenda of issues and options for full scale negotiations on the subject, which may be initiated at a later stage. *The goal of this negotiation is to come up with a set of issues and options on the chlorine issue that are as well-defined as possible, which reflect this key interests of the various parties and which might form the agenda for a more formal treaty negotiation on the subject. This is a preliminary exercise aimed at discussing key issues and identifying areas of possible agreement and potential conflict.* It would be desirable, but is not necessary, that a draft resolution emerge from these negotiations. *(Original emphasis).*

Setting up the game as a Working Group negotiation, rather than formal treaty-making, serves two important purposes. First, it is a justification for restricting the number of players in the game to a manageable size. Second, it provides the players with a negotiation mandate that is feasible (but not easy) within the given time. In essence, the players are invited to a 'scoping negotiation' but their instructions make it abundantly clear that it is an earnest exercise whose results will influence the shape of the eventual treaty. While emphasis is placed (particularly in

¹⁵ It should be noted that since then actual global negotiations on the subject have begun under the banner of 'Persistence Organic Pollutants' or POPs. Interestingly, the dynamics of the POPs negotiations bear a number of striking similarities to the Chlorine Game and a number of individuals involved in these negotiations (on behalf of governments, UN agencies, industry and NGOs) have played the Chlorine Game. Although the various runs of the simulation did present a number of insights into the POPs issue, these are beyond the scope of the present study.

the confidential instructions) on the expectation that 'something' (by way of documentation) will emerge out of this negotiation, the nature of the expected output is left purposely vague. The purpose is to resist 'forcing' any particular output on the group and to allow it the freedom to shape and direct the process—which, for our purposes, is far more important than the product.

According to the scenario, UNEP (in its capacity as the convenor of the Working Group) has invited a total of 12 parties to the negotiation, plus a designated Chair. This includes eight state parties, including four advanced industrial economies (USA, Japan, Germany and Norway) and four generally developing countries including one economy in transition (China, Brazil, India and the Czech Republic). In addition, UNEP has invited representatives from four international nongovernmental organizations (NGOs). Finally, a former Cost Rican Ambassador to the United Nations has been designated to act as the Chair (the Chair does *not* represent Costa Rica).¹⁶

The eight countries represented were carefully chosen for relevance to organochlorines and to North-South environmental debates. USA, Japan and Germany are the three biggest industrial economies in the world and the largest producers and consumers of organochlorines. Germany also serves as the unofficial representative of the European Union (EU). Norway, a more recent member of the EU, was included to represent the Scandinavian countries and is given the most 'pro-environmental' position. China and India are included for the sheer size of their populations (between them, they are home to more than one-third of all humanity) and the sizeable current and potential impact of their organochlorines use. Brazil, which is also designated as the G77 chair in the simulation, is chosen both to add geographic diversity and to represent the middle-income bracket of the South. The Czech Republic is included as a representative of the economies in transition and as a country that shares some of the interests of the industrialized North while also sharing many of the concerns of the developing South.¹⁷

Selecting eight countries to represent a diverse universe of around 185 is bound to be problematic and no single selection can be entirely satisfactory. However, it should be noted

¹⁶ To provide the players with some insight into their roles—and to distance them from who they are in real life—the scenario provides brief biographical sketches for all roles. The information also highlights that all parties are represented at a high level (Ambassador level) and, for state parties, the representatives are senior officials from the Ministries of Environment, Trade or Foreign Affairs.

¹⁷ It should be noted that some countries are included as representatives of larger groupings. For example, the Czech Republic represents economies in transition; Norway represents the Nordic/Scandinavian view; Germany, apart from its own large industrial base, is also representing the EU; Brazil is included to represent middle-income and more industrialized developing countries; India is also representing the lower-income strata of the G77; and so on.

that between them, the eight countries represented in the negotiation represent a very sizeable chunk of the world's population and economy. The more important questions from our perspective are the related concerns about the South-to-North proportion of representation at the negotiating table and the selection of specific Southern parties. On the first issue, the South is under-represented numerically but is over-represented in relation to its contribution to the global chlorine economy. Although some latitude on this issue can be claimed by virtue of this being a Working Group negotiation, the more important consideration for game design was to keep a realistic North-South 'power' balance. Arguably, in any international environmental negotiation—particularly on an issue such as this—the North will have an overall 'negotiation presence' equal or greater than that of the South even if the latter has far greater numeric strength (Agarwal et al, 1999; Elliott, 1998; Hunter et al., 1998; Najam, 1993b, 1994a; Porter and Brown, 1996; Thomas, 1992). Negotiation presence includes not only economic and political clout but also issue knowledge and negotiation preparation. This negotiation presence, while tangible in real world negotiations (see Chapter #4), is difficult to translate into the simulated arena. The North-South proportion has, therefore, been appropriately massaged to arrive at a reasonable proximation of the negotiation presence of the two camps.

This leads to the second issue; particularly related to geographic representation. Indeed, the entire continent of Africa is unrepresented. This was an agonizingly pragmatic decision: if only eight countries are to be represented on a Working Group on an issue such as organochlorines, the likelihood of an African country being one of them is very low. This is a painful reality, and one that needed to be highlighted. At the same time, it could be argued that in representing the G77, Brazil is also speaking for the African members of the G77. In fact, the concern about Africa's non-representation is made an explicit part of Brazil's confidential instructions and invariably becomes a discussion issue in the game and its debriefing.

The choice of the four NGOs—and, in fact, having any NGOs at all—is more problematic. The literature on international negotiation is categorically clear on the important role played by NGOs, particularly as being conduits of information and innovation (Arts, 1998; Finger, 1994; Fisher, 1993; French, 2000; Kakabadse and Burns, 1994; Keck and Sikkink, 1998; Martens, 1992; Mathews, 1997; McCormick, 1993; McMahon, 1993; Najam, 1996a, 1996b, 1996d; 1999a; 2000a; Princen et al, 1995; Salamon, 1994; Spiro, 1995; Van Rooy, 1997; Weiss and Gordenker, 1996; Young et al., 1999). Some means to recognize and simulate the NGO influence in the game was therefore deemed appropriate. In the real world they NGOs play this

role partly inside (as observers, occasional speakers, and as providers of research and information) and partly outside (as advocates and monitors) the negotiating room.¹⁸

Box 5.1: The Chlorine Game—Negotiation Agenda

SCOPE OF PROBLEM: There is substantial disagreement over the risks to human health and the environment threat posed by organochlorines of various kinds. There are those who say that the scientific evidence is inconclusive. Even if some of the risk assessments are correct, they argue, the potential human health impacts are not serious enough to warrant global action. Among those who think the problem might indeed be serious, some would like to see further studies (of various kinds). Others would endorse taking precautionary action as long as it involves minimal costs and disruption. Yet others are convinced that the problem is terribly serious and urge that everything possible should be done urgently to reduce the risks.

POSSIBLE ACTIONS: A most obvious action could be to undertake additional scientific assessments. Economic impact assessments (of the various risk reduction strategies) might also be encouraged. Some countries feel that specific targets and timetables should be set now. Some might call for, say, a 25% reduction of all organochlorines but prefer to leave it up to each country to figure out the most cost-effective way of achieving the goal. Others could advocate a 50% reduction, for example, naming specific substances to be banned or black-listed. Monitoring arrangements and penalty systems, although controversial, are also under discussion.

FINANCING: There are at least three contentious issues at stake under the heading of financing. First, there is the question of how much money may be required to finance both the implementation of a possible chlorine regime as well as the search for chlorine substitutes. Second, there is a debate over the appropriate means of raising such funds (e.g. taxes versus licensing fees). Finally, there is the question of whether any financing regime should be based on need (e.g. the cost of adjusting to the requirements of the treaty) or on the basis of technological merit (e.g. the most promising new technologies).

GOVERNANCE: Decisions regarding options for an eventual governance structure are rife with disagreement. Will everyone have equal vote? Will it be majority rule or consensus decision-making? Is a weighted regional voting system preferable? Should votes be weighted according to the impact the treaty is likely to have? What will be the nature of the institutional set-up? Would new institutions have to be created or can we utilize existing institutions? A different governance issue concerns the participation of NGOs. To what extent should NGOs be granted a formal role in the eventual regime?

The choice of the four NGOs is motivated by the desire to simulate the impact of important interest groups that would invariably have presence and influence at such a negotiation. These include environmental groups, business groups, and science. These interests are represented

¹⁸ The attempt was to simulate this complex interaction by inviting four NGO representatives as observers, with full rights of participation in the discussion. While this may seem like a leap in the level of NGO participation (and nearly always became a subject of heated discussion in the experimental runs) it provides a reasonable simulation of reality in that the decision-making rule is based clearly on the achievement of consensus between the eight state parties only.

in the simulation through the following NGOs: a 'dark green' environmental group represented by 'GreenStrategies' (based on GreenPeace); a 'light green' environmental group represented by the 'International Union for the Conservation of the Environment (IUCE, based on IUCN-The World Conservation Union); the International Business Roundtable (IBR, a global industry group representing large organochlorines manufacturers); and the International Council of Scientific Associations (ICSA, based on the International Council of Scientific Unions or ICSU).

The dynamics of the game design require the players to focus their negotiation efforts on the resolution of four key areas pertaining to the global management of organochlorines. The game scenario sets these issues out as the larger agenda for the meeting and the confidential instructions provide each player with specific priorities on each. The four areas relate to: a) the scope of the problem, b) possible actions, c) financing, and d) governance. Introduction to these issues, as described in the game scenario, are presented in Box 5.1. Each player is provided with a briefing notebook containing detailed positions on each of the four agenda items along with the arguments on which these positions are based. Table 5.1 provides a summary of these positions for each of the eight state parties. The Chair is deemed neutral and does not have any substantive positions to advance. The positions of the NGOs are less nuanced and relatively self-explanatory. It should be noted that the positions described in Table 5.1 are the 'initial' positions for each role. Moreover, while each party has a number of interests to advance, only a limited number actually become the subject of detailed discussion.

Whereas the general instructions lay out the overall structure and agenda for the game, the confidential instructions focus on defining each particular role's specific interests, priorities and strategies viz-a-viz the negotiation agenda. Each role, including the Chair, is provided with fairly comprehensive and detailed confidential instructions (8-12 pages each) detailing the concerns and arguments that shape that role's interests. Moreover, some of the parties are also provided with ready-to-distribute handouts and proposals that they can choose to distribute to other members of the Working Group at appropriate points during the simulation.¹⁹ To further steer the game in the direction of the research question, the

¹⁹ Of the four roles provided with handouts, two are instructed to distribute their material to all players in advance of the game while the other two are allowed to choose the most appropriate time for distribution. Material distributed in advance of the actual negotiation include: a) an advocacy 'fact sheet' on the dangers of organochlorines prepared by GreenStrategies, and b) a detailed 'licensing proposal' jointly prepared by Norway and IUCE and distributed by Norway. Multiple copies of a 'Chlorine Tax' proposal (produced by a group of developing country NGOs) are provided to Brazil which can decide when, and if, it wants to distribute it to the other players. Similarly, a proposal is provided to Germany that it can distribute at its discretion.

simulation manager conducts a series of mock press conferences (usually two or three) with the negotiators and has a number of prepared faxes which can be sent to particular parties during the course of the negotiation.²⁰

The confidential instructions are based on detailed research into how each role (or the composite grouping that the role represents in the simulation) has tended to behave in past episodes of international environmental negotiation.²¹ In taking the literature's exhortation to heed (Bloomfield and Gearin, 1973; Guetzkow and Valadez, 1981; Cunningham, 1984; Dolin and Susskind, 1990), great effort has been invested in making the instructions comprehensive, representative and realistic. All state roles were whetted by at least one person who was either very familiar with or had actual experience in that role.²² Effort was made to not only list the interests of the parties of different issues, but to describe them in the language and with the arguments that the role in question is most likely to adopt in actual negotiations. This contributed significantly to make the discourse 'sound' and 'feel' more realistic for the participants. The confidential instructions of each party are organized as a set of memos from various domestic stakeholders to highlight the two-level structure of international policy-making where internal negotiations within each country or organization are at least as important, and often more important, than the larger international negotiation (*see* Putnam, 1988; French, 1992; Susskind, 1994; Najam 1996c; Caldwell, 1990; Elliott, 1998).

20 The mock press conferences also serve to reinforce the importance of domestic constituencies, which are critical actors not 'sitting at the table' (Susskind and Cruickshank, 1987). They also serve as important control devices in the tradition of some of the earlier policy exercises (Goldhammer and Speier, 1959; Guetzkow et al., 1963). They are designed to ensure that the socialization process of the game does not make the players lose sight of their original instructions. The questions during the press conference are constructed specifically to send messages to particular roles reminding them of, or stressing upon, some of the points contained in their confidential instructions.

21 The necessary disclaimer is prominently displayed on all instructions: "All roles and instructions are hypothetical and should not imply any official endorsement of these views by the parties concerned. Although real country names are used, the interests ascribed to individual roles are hypothetical and are devised for simulation purposes rather than as a representation of official positions. The scenario of the simulation should not be seen to imply that the United Nations Environmental Programme (UNEP) is actually interested in pursuing international negotiations along these lines."

22 The evidence from post-game interviews with senior government decision-makers (including Ambassador-level diplomats), officials of international organizations (especially of the UN system), NGO activists (from South and North), and leaders of industry (including senior management of major multinational chemical companies) who participated in the various experimental and test runs of the simulation have consistently confirmed that the instructions and scenario are indeed realistic.

Table 5.1: Summary Positions of State Parties on Agenda Issues

Role	Scope	Action	Financing	Governance
Brazil	The issue may be important, but there are far more pressing issues that should be tackled first. Scientific/economic assessment needed.	Limited action. Some restrictions on PVC acceptable, support sought on pulp and paper, no regulation on agricultural chemicals.	Independent, self-financing funding mechanism preferred. Preferential treatment to developing countries sought.	One country, one vote preferred but will accept consensus rules. CSD-like governance structure. Only observer status for NGOs.
China	Not a truly global issue. Deal with important survival problems first. Inter-governmental assessment needed.	Limited action. No regulation of PVCs. Seek funding for phasing out PCB use. Any action must have financial assistance.	Burden of financing not to be on South directly or indirectly. Preferential treatment for the South.	Regional balance in governance. One country, one vote. Strong opposition to any formal status for NGOs.
India	The issue is global and important but more scientific assessment needed.	Can reduce by up to a third, if given financial assistance. Seeks funds for DDT elimination.	Preference for market-based mechanisms. Preferential treatment for developing countries.	Consensus based decision-making acceptable. Encourages observer status for NGOs.
Czech Republic	Already too many global environmental treaties. This is more of a regional problem.	Regional or limited global action OK. No global regulation on PVCs acceptable.	Voluntary global fund. Preferential treatment for economies in transition.	Majority voting with regional balance. Observer status for NGOs.
Germany	This is a major global issue; precautionary principle should be applied.	Some immediate action needed within a phased program. Target PVC first.	Preference for market-based mechanisms. Seed support for developing countries.	Preference for weighted voting. Full participation for selected NGOs.
Japan	Chlorine problem is restricted to only a few chemicals and is not a global issue.	Limit action to scientific studies. Target known threats such as DDT.	Chlorine tax unacceptable. Will consider market-based schemes.	Preference for weighted voting. Universal observer status for NGOs.
Norway	This is an immediate, urgent and global problem and should be tackled on priority.	Global convention to reduce chlorine use by 50% and target particular chemicals.	Adopt a market-based licensing scheme to encourage substitutes and assist the South.	Decisions by consensus. Expanded (but non-voting) role for NGOs.
USA	This is a regional problem and there is no reason to discuss it as global.	No immediate action is warranted beyond further scientific assessment.	Since this is not global, no global financial mechanism is needed	Prefer weighted voting; consensus acceptable. NGOs as observers only.

Thus, for example, the delegate from India (being represented by the Additional Secretary for Trade and Industry) gets a set of memos which include a position paper from the Indian

foreign office, a letter from the National Planning Commission outlining their developmental priorities, another from a trade group representing Indian chemical manufacturers, and yet another from a coalition of Indian environmental NGOs. Although the first memo in each instruction packet serves as a 'position paper' for the role and attempts to highlight the key arguments presented in the other memos. In fact, there is a deliberate attempt to infuse a diversity—and some opposition—of views within the confidential instructions via the various memos. For example, to continue with the example of the India role, the memo from the chemical manufacturers' trade group pulls the negotiator in a significantly different direction from where the memo from the coalition of environmental NGOs would have the negotiator go. The tension is consciously imbedded in the belief that just as all politics tends to be local, all international negotiation ultimately tends to be domestic.

Table 5.2: The Chlorine Game—Role Assignment and Instructions

Role	General Instructions	Confidential Instructions	Handouts	Other	
Chair <i>Former Costa Rican Ambassador to the United Nations</i>	Background Briefing Paper on Organochlorines (10 pages)	Game Scenario and Biographical Sketches (8 Pages)	Memo from UNEP Executive Director laying out UNEP's goals for the negotiation, ideas for running the meeting, note on NGO participation, and note on role of Chair. (6 pages)		
Brazil <i>Permanent Ambassador to the United Nations in Geneva</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) Brazilian Ambassador to the UN (outlining G77 concerns); and b) National Board for Industrial Planning. (10 pages)	A proposal for a 'Chlorine Tax' prepared by Southern NGOs.	One of three possible faxes to trigger a variant of the simulation.
China <i>Director of Environment, Ministry of Foreign Affairs</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) Chinese Academy of Environmental Sciences and Technology; b) National Board of Economic Planning; and c) Ministry of Industries and Trade. (10 pages)		One of two possible faxes to trigger a particular variant of the simulation.
India <i>Additional Secretary for International Trade, Ministry of Industries and Trade</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) National Planning Commission; b) Indian Chemical Association; and c) Environmental NGO Coalition. (12 pages)		One of three possible faxes to trigger a variant of the simulation.
Czech Republic <i>Director of International Affairs, Ministry of Trade and Industry</i>			Position paper from Ministry of Trade and Industry, and memos from: a) Ministry of Environment; and b) Senior Environmental Advisor. (6 pages)		One of two possible faxes to trigger a variant of the simulation.

<p>Germany <i>Director of Environmental Affairs, Ministry of Foreign Affairs</i></p>		<p>Position paper from Ministry of Foreign Affairs, and memos from: a) Ministry of Environment; and b) Ministry of Economics and International Trade. (8 pages)</p>	<p>A proposal for reduction target without specifying chemicals.</p>	
<p>Japan <i>Director, Global Environmental Affairs, Industrial Location and Environmental Protection Bureau</i></p>		<p>Position paper from Ministry of Foreign Affairs, and memos from: a) Ministry of Trade and Industry; b) Environmental Health Bureau; c) Japanese International Cooperation Agency; and d) Japan Network of Environment and Pollution. (10 pages)</p>		<p>Fax received only in Variant #4 of the simulation.</p>
<p>Norway <i>Director of International Affairs, Ministry of Environment</i></p>		<p>Position paper from Ministry of Environment, and memos from: a) Ministry of Foreign Affairs; and b) Norway Pulp and Paper Association. (6 pages)</p>	<p>A proposal for a 'licensing scheme' prepared with IUCE.</p>	
<p>USA <i>Director, Office of Environment, State Department</i></p>		<p>Position paper from the Department of State, and memos from: a) Environmental Protection Agency; b) Department of Commerce; and c) Office of Legal Advice. (10 pages)</p>		<p>Fax received during all versions of the game.</p>
<p>GreenStrategies <i>Coordinator, International Organizations</i></p>		<p>Memo from the Executive Director laying out the organization's position and summarizing key technical and advocacy points. (8 pages)</p>	<p>2 Fact sheets on policy and science concerns.</p>	
<p>IUCE <i>Special Assistant to Executive Director</i></p>		<p>Memos from Executive Director, and from departments of a) development; and b) corporate relations. (6 pages)</p>		
<p>International Business Roundtable <i>Director of Multilateral Trade</i></p>		<p>Position paper from Executive Director, and memos from: a) Consumer Goods Association; b) International Manufacturers Association; and c) Collaborative for Responsible Development. (10 pages)</p>		
<p>ICSA <i>Special Assistant to Executive Director</i></p>		<p>Memos from Executive Director, and from committees on: a) Chemicals in Industry; and b) Chlorine. (6 pages)</p>		

Armed with this extensive information—the first set of general and confidential instructions, and handouts for each player is around 29-36 pages of fairly detailed text, which may be added to during the course of the simulation with additional handouts and instruction faxes—but encouraged to apply their own knowledge and expertise, the players begin the day-long negotiation simulation. A summary of the role assignments and the instructional material

provided to each player is presented in Table 5.2. The process rules are kept fairly simple. The Chair is responsible for managing the process in any manner that is acceptable to all parties. NGOs are provided full participation rights in the discussion but all final decisions are made by the eight state parties on the basis of consensus.²³

5.2.2 • The Chlorine Game as a Research Simulation

At any given point during a complex and intense role-play exercise such as the Chlorine Game, a large number of things are happening simultaneously—many of them outside of the game design, and most with only limited relevance to the researcher's immediate research focus.²⁴ The challenge to the researcher is to remain focused on the research context and block out the noise (which can oftentimes be much more lively) from the information pertinent to the research questions (Guetzkow, 1963). Invariably, the players remain intensely engrossed in the substantive details—sometimes even trying to 'bend' the process to meet their ends. In many cases, and certainly in this, the elements of the simulation that most animate and excite the players are very different from those that are of greatest interest to the researcher.²⁵ To maintain the research focus, therefore, it is important to clearly define and systematically observe the variables critical to the prescribed research question (Bloomfield and Gearin, 1973). This sub-section outlines the elements of the Chlorine Game that were designed specifically to facilitate the research at hand—first, how are the four variants defined and how are they triggered; and second, what observations are coded for analysis and how?

The research design follows directly from the conceptual discussion and template presented in Chapter #2. Recall that in reviewing the literature on collectives in multilateral negotiations we

²³ The parties are reminded that consensus often means coming to an agreement that 'everyone can live with.' In the absence of such agreement, it is possible for parties that do agree to announce whatever agreement they as a sub-group have come to. In practice, a number of inventive solutions were adopted during the experimental runs. While the exact shape and structure of the final output is of relatively less importance to our research, it is of great importance to the players themselves who view the final result as a validation of the time and effort they invested in the simulation.

²⁴ In fact, the experimental runs of the Chlorine Game could be used to study a number of other issues such as the dynamics of international negotiation, the particular fault lines on organochlorines and POPs, the role of the Chair, or the role of NGOs in international environmental negotiation. However, these incidental insights remain outside our research mandate and will not be studied.

²⁵ This should not negatively impact the robustness of the observations (in this case, of group behavior by the developing countries), in that what is being observed and recorded are the more natural dynamics of the game while the players are concentrating their deliberate efforts elsewhere.

had conceived a heuristic template, defined by axes representing how the relevant complexities related to parties and issues, respectively, are managed by the collective:²⁶

- ❖ **Parties' Coordination:** The x-axis in the two-dimensional heuristic template represents the nature of the strategic choice that a collective makes in terms of parties management—ranging from less to more formal coordination.
- ❖ **Issue Focus:** The y-axis in the two-dimensional heuristic template represents how the collective manages interests and issues—ranging from crafting joint positions that also incorporate issue-specific concerns of specific parties (or sub-groups of parties) to a focus principally on more broadly defined and commonly held interests.

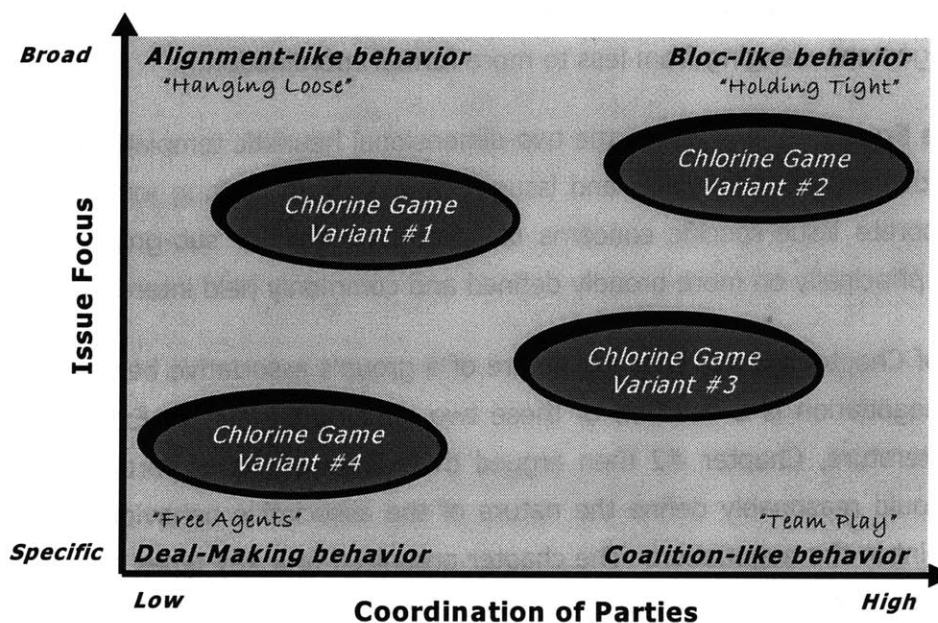
The finding of Chapter #2 was that the nature of a group's associative behavior within a larger multilateral negotiation is a function of these two defining variables. Extrapolating from the definitional literature, Chapter #2 then argued that observations of parties' coordination and issue focus could reasonably define the nature of the associative behavior of the collective at that given point in the negotiation. The chapter organized four key types of collective behavior on the template, dubbing it a the 'ABCD of Collectives in International Multilateral Negotiation':

- ❖ **Alignment-like behavior** is to be expected in situations characterized by low coordination of parties and a relatively broad issue focus. One could describe such behavior as 'hanging loose'—the parties are held together by broad-based similarity of interests but the bond remains tentative in the absence of explicit coordination.
- ❖ **Bloc-like behavior** would be expected where a broad issue focus is matched with high levels of formal coordination. Characterized by solidarity, such negotiation may be visualized as the members of the collective 'holding tight' to each other—the parties in the collective are held together tightly because the broad set of common interests that they share are cemented into a common strategy through active coordination.
- ❖ **Coalition-like behavior** is expected when parties invest significantly in coordination for the attainment of well-defined packages of issue-specific goals. Such negotiation can be characterized as 'team play' because it involves the pursuit of well-defined and often limited objectives in a well-coordinated fashion that often includes different 'players' having distinct responsibilities related to their particular strengths.
- ❖ Finally, there are situations where the principal focus of the parties is on their more specific interests and there is little opportunity or effort for coordination. This leads to **deal-making behavior** and parties act like 'free agents'—the possibility and potential

²⁶ The next page summarizes those findings of Chapter #2 that are necessary to understanding how the four variants of the game are constructed and triggered.

for common negotiation platforms exists but the parties (or sub-groups) are willing to entertain the best available deals for meeting their immediate, differentiated, interests.

Figure 5.1: The Four Variants of the Chlorine Game



These prototype behaviors, as represented on the heuristic template devised in Chapter #2 provide the basis for defining the four variants of the Chlorine Game that were used in our research. Each variant was designed to guide the players towards one of the four behaviors defined above—or to one of the four corners of the heuristic template. Figure 5.1 depicts the expected behavior in each of the four variants on the heuristic template. Descriptions of the four variants, and how they relate to this framework are provided below:

- ❖ In **Variant #1**, which is the base case, the South is structured as a caucus with only lukewarm interest in formal coordination. The confidential instructions send a message to each of the three Southern delegations (China, India and Brazil) that while they may explore common positions with other developing countries, they are not bound by any predetermined ties and should do all they can to achieve the best possible results for their own country. Brazil is designated as the current Chair of the G77 but there is no obligation—explicit or implied—for the South to negotiate as the G77. Also, the sole transitional economy (Czech Republic) is told to seek deals in its own best interest while also trying to claim a share of any international funding that may be available. *However, since the instructions refer to a history of association between these countries*

across multiple issues (i.e., a relatively broad issue focus) but do not require formal negotiation coordination, **alignment-like behavior is expected** from these countries.

- ❖ **Variant #2** seeks to simulate bloc-like dynamics by pushing the Southern parties towards greater solidarity through a series of faxes received by each of the three developing countries about a third of the way into the negotiation. They are informed that a recent 'South Summit' has passed a unanimous resolution stating that in the post-Cold War world it is more important than ever for the developing countries to stick together and visibly demonstrate their unity, since "unity is now our only strength." The Czech Republic does not receive any fax.²⁷ Importantly, the three developing countries are given specific proposals and language that they would like to include in the final text. It is stressed that their national interests and priorities remain unchanged. However, in pursuing their interests, they are encouraged to negotiate and coordinate more intensely. *Given the higher level of coordination demanded by this development and the existing broad issue focus, bloc- or alliance-like behavior is expected.*
- ❖ **Variant #3** of the simulation seeks to simulate coalition-like dynamics by nudging the Southern delegates towards increased coordination and a more specific issue focus. This time the three developing countries and the sole transitional economy receive a fax each, encouraging them to actively coordinate their negotiating strategies but to simultaneously place most emphasis on the issues of most importance to them. This is different from the base scenario in that it calls for increasing the level of formal coordination while also requiring enhanced issue differentiation. It calls upon each to maintain a focus on their specific interests while constructing a common position only where it can be easily crafted. **Coalition-like behavior is therefore expected.**
- ❖ **Variant #4** seeks to simulate deal-making dynamics by encouraging key Southern delegates to consider a bilateral, as opposed to collective, approach to the negotiation. The variant is triggered by three countries—Brazil, India, and Czech Republic—receiving individual faxes, which raise the possibility and potential of making bilateral deals.²⁸ China does not receive such a fax. USA and Germany are already inclined towards such

²⁷ However, the fax to Brazil highlights the potential strategic value of including the Czechs into the grant Southern alliance.

²⁸ The Czech Republic, for example, is reminded of its European Union aspirations and associations and is encouraged to seek closer collaboration with the German delegation. India is similarly reminded of its important position in the globalizing economy and the potential of capitalizing on that.

deals in their original confidential instructions.²⁹ Japan also receives a fax outlining its policy preference for a multilateral financing mechanism to which Japan is prepared to be the major donor. Norway already has an inclination towards multilateralism. This variant seeks to *create conditions of high issue differentiation and low coordination; the expected outcome is a momentum towards **inter- and intra-group deal-making***.

While the essential elements are the same in all four variants of the game, each variant nudges the developing country players towards a different associative behavior. By keeping the base scenario—as contained in the original set of general and confidential instructions—exactly the same, the simulation seeks to highlight the impact of this dynamic on the overall result.³⁰ Sets of 'control faxes' are used to trigger particular variants of the game.³¹ These faxes are constructed—and construed by the players—as additional confidential instructions. None of the faxes invalidate any of the interests outlined in the original instructions. They are designed to bring about variations in the associative strategy adopted by the developing countries. Table 5.3 summarizes the expected effect of the control-faxes on the relevant countries.

The desire to trigger four distinct variants of the same game is the single most ambitious and risky element of this research. Ideally, to check for participant bias, one would want to have the *same* set of players participate in four different runs, one for each variant (Parson, 1996a). However, this is practically difficult (and even undesirable, since information dynamics would change). Historically, similar attempts to design research simulations involving multiple variants has yielded mixed results—for example, the experience at MIT in the 1970s suggested that the expected behavior had not always transpired but multiple variants did yield more observations for comparison and better analysis (see Bloomfield and Gearin, 1973; Bloomfield, 1984). Our hopes, therefore, were somewhat guarded. Ideally, the goal was that in enough runs of the game, the confidential faxes would at least push (even if temporarily) the developing country

²⁹ USA is especially desirous of following a path of bilateral arrangements. This desire is reflected in the confidential instructions for the US and is reinforced in the fax they receive (in all variants of the game) which not only stresses the preference of the US for bilateral deals but also authorizes substantial amounts of money that may be used *only* in bilateral arrangements.

³⁰ Obviously, the one thing that cannot be kept constant is the personality of individual players. In a simulation like this, personality does indeed play a critical part. Based on researcher observation and post-game comments from the participants, the discussion will attempt (as best as possible) to sift out the impacts of particular personalities on particular simulation runs.

³¹ The exception is the fax given to the US around two-thirds of the way into the simulation. This is not a 'control fax'; it is given to the US delegation in most runs, it authorizes the US negotiator to make particular financial commitments within the constraints of the original instructions.

collective towards the expected direction and over multiple runs at least some observations at various points on the template would be made for meaningful analysis.

Table 5.3: Expected Effects of Control Faxes on Southern Parties

		China	Brazil	India	Czech Republic
Variant #1 <i>Informal Alignment expected</i>	Parties' Coordination	Medium-Low. No expectation to negotiate as G77; inclination towards Southern alignment.	Medium. As the designated G77 Chair, Brazil has interest in an active and strong G77.	Medium-Low. No expectation to negotiate as G77; inclination towards Southern alignment.	Low. No expectation to cooperate with G77 but a perception of mutual interests.
	Issue Focus	Broad. Key concerns are broad and general issues of mutual Southern interest.	Broad. Key concerns are broad and general issues of mutual Southern interest.	Broad. Key concerns are broad and general issues of mutual Southern interest.	Undetermined. Inclination towards the broad and general Southern concerns.
Variant #2 <i>Bloc or Alliance expected</i>	Parties' Coordination	High. Explicit instructions to generate and demonstrate Southern solidarity.	High. Explicit instructions to generate and demonstrate Southern solidarity.	High. Explicit instructions to generate and demonstrate Southern solidarity.	Undetermined. Open to persuasion but without an specific instructions on this issue.
	Issue Focus	Broad. Key concerns are broad and general issues of mutual Southern interest.	Broad. Key concerns are broad and general issues of mutual Southern interest.	Broad. Key concerns are broad and general issues of mutual Southern interest.	Undetermined. Inclination towards the broad and general Southern concerns.
Variant #3 <i>Behavioral Alignment or Coalition expected</i>	Parties' Coordination	High. Instructions to facilitate greater coordination and seek solidarity.	Medium-High. Instructions to facilitate greater coordination within the G77.	Medium-High. Instructions to facilitate greater coordination within the G77.	Medium. Instructions to seek coordination with the G77 on issues of mutual interest.
	Issue Focus	Mixed. Instructions to lay greater emphasis on particular issues of specific interest.	Mixed. Instructions to lay greater emphasis on particular issues of specific interest.	Fairly Specific Instructions to focus mainly on particular issues of specific interest.	Issue Specific. Instructions to focus principally on particular issues of specific interest.
Variant #4 <i>Deal-making expected</i>	Parties' Coordination	Undetermined. No specific instructions on this, but an inclination towards alignment.	Low. Specific instructions to seek best bilateral deals.	Low. Specific instructions to seek best bilateral deals.	Low. Specific instructions to seek best bilateral deals.
	Issue Focus	Broad. Key concerns are broad and general issues of mutual Southern interest.	Issue Specific. Instructions to focus principally on particular issues of specific interest.	Issue Specific. Instructions to focus principally on particular issues of specific interest.	Issue Specific. Instructions to focus principally on particular issues of specific interest.

5.2.3 • Game Flow and Coding of Results

This section will quickly review the flow of the Chlorine Game. While each run is, in fact, unique in many ways; there are some general similarities that should be noted. In particular this is important in terms of how the results of the experimental runs are recorded and coded.

Although the exact structure and flow of the negotiation is left to the discretion of the players and the Chair, typically there is a familiar and somewhat predictable pattern to the sequence of events.³² The negotiation proper begins with the remarks of the Chair on negotiation goals and procedures. This is generally followed by brief opening remarks by the delegates. In most cases, these are general remarks where the players highlight strongly held views. In some cases, however, the Chair might request the parties to structure their comments around the four key issues on the agenda (scope, actions, financing, and governance). This is followed—either immediately or after a brief set of more general discussions—with the first set of breakout (caucus) sessions in which the associative dynamics begin to come into play. Sometimes after this, generally during the second plenary session, and around one-third of the way into the negotiation, particular parties are handed their control faxes.³³

It should be noted here that in the earlier runs of the game, the decision about which variant to pursue was made in light of how the simulation progressed. This ensured that the control faxes would build upon, and not disturb, the natural flow of the game. In latter runs, the decision was predetermined, based on the need for an equal number of runs of each variant.

Although the control faxes are delivered to the players discretely, there is a general flurry of activity—particularly caucus meetings but also including more animated plenary discussions—once the new information has been digested. Such activity becomes most intense during the working lunch, which is often the scene of some of the most intense—though informal—small group discussions and negotiation. Beyond this, the negotiation proper fluctuates between plenary sessions where all roles are represented and smaller group sessions and caucuses (including between like-minded parties and between parties with significant differences). The ratio of plenary-to-small group negotiations, however, varies widely from group to group and is

³² This relates partly, but only partly, to the suggestions provided in the Chair's confidential instructions. Also, the flow being described here is for the simulations run over a single full day.

³³ Obviously, this does not happen in Variant #1 where there are no control faxes to be distributed.

a function of the Chair's strategy and player preference. In cases where delegations are composed of more than one player, multiple meetings are sometimes held simultaneously.

The very last hour of the simulation is generally the most intense; final agreements are crafted and attempts made to reach consensus. The drafting tends to happen in sub-committees, which tend to have representatives of each of the multiple contending viewpoints. At the very end of the simulation, the Chair is asked to read out the final agreement—or in the absence of a formal text, to summarize the 'sense' of agreement, if there is one—and each party is provided the opportunity to accept (or not) that reading for the official record.

Although the confidential faxes are the principal control device, there are at least two other important control features available to the game manager/researcher. The first of these is a series of mock press conferences, which the game manager may call at any time.³⁴ While the precise timing depends on the flow of the game, there are usually three—held soon after the opening statements; sometimes before lunch (but after the distribution of the control faxes); and mid-way between lunch and game conclusion. The press conferences do not have a set script and are generally designed to 'keep the players honest' in following their confidential instructions. They serve as reminders to the players of the larger national and international contexts in which the negotiation is taking place, they highlight the public expectations, and they provide a subtle means to nudge particular players towards a particular direction.

A final control device available to the researcher is direct interaction with the players during the simulation. While the researcher does not interfere substantively in the proceedings, players are free to approach the researcher in case of specific questions and concerns that are not addressed in the confidential instructions. Conceivably, if players are blatantly disregarding their instructions, the researcher may intervene through, say, a fictitious telephone call from the 'home office'. This need did not arise in any of the runs reported here.

We come now to the coding protocol used for interpreting the experiment results. The coding protocol focuses separately on issues of *process* and *outcome*. The process issue of particular concern to this research is the nature of the associative relationship between the developing country roles. As described, this is seen as a function of the levels of coordination and issue

³⁴ In setting the ground rules for the press conferences, the players are told that the press is unaware of what the negotiators have discussed but there may have been 'leaks.' Moreover, they are reminded that the press conference will be telecast at their home bases and they should be careful in what they say because—via the press—they are speaking to their home constituencies.

focus (Figure 5.1). Coordination—ranging from low to high levels—is gauged by observations of the frequency and intensity of caucuses and meetings, joint statements, designated responsibility, and common position articulations (i.e., speaking on behalf of the group as a group). Issue focus—ranging from broad to specific—is gauged by observations of whether the developing countries choose to act cohesively only on broad areas of existing common interests or also on issues that are of particular interest to some but not to others in the collective.

Table 5.4: Key Goals of Relevant State Parties ³⁵

Core Shared Goals	Key Individual Goals
<p>For China, India and Brazil the core shared goals include:</p> <ul style="list-style-type: none"> a) The creation of an international multilateral funding mechanism for organochlorine management with a stable source of funding and firm commitments of support from the North. b) The acknowledgement of an explicit link between environment and development, especially poverty. c) The acknowledgement of Northern responsibility for the problem and—on that basis—preferential treatment (including financial assistance and delayed implementation timetables) for the South. d) No net financial cost to the developing countries—no action required by the South without due compensation and assistance. e) Any scientific assessment should be intergovernmental with proportional representation from developing countries. f) Governance mechanisms based on proportional country representation (and not on financial contribution). NGO participation limited to observer status. <p><i>The Czech Republic generally shares these interests but would prefer to actualize them under a 'European' identity—as opposed to a 'Southern' identity.</i></p>	<p>BRAZIL The key individual interests include:</p> <ul style="list-style-type: none"> a) ensuring that there is absolutely no action on agriculture related chemicals, and b) an eagerness to get technical assistance for upgrading the pulp and paper industry, even at the cost of some regulation on it. <p>CHINA Ensuring that there is absolutely no regulatory action on PVCs.</p> <p>INDIA Very strong desire to get international support and funding for the elimination of DDT use.</p> <p>CZECH REPUBLIC Ensuring that economies in transition get the same financial and technical assistance package as the developing countries.</p>

In a simulation such as this, outcome evaluation—'how successful is a particular outcome for a given set of parties?'—needs a nuanced and necessarily qualitative approach. Simply polling the participants for their opinion is unsatisfactory since they are more likely to gauge the

³⁵ It should be noted that the interests identified as key individual interests may also be shared by some other countries, but not at the same priority.

'experience' of the exercise rather than the results, particularly since they are likely to lack a basis for evaluating the particular results anyhow.³⁶ The complexity of the substance and the intensity of the human experience involved also make it problematic to create a rigid and arbitrary baseline of 'expected outputs' to which any result might be compared. However, a limited and relevant set of issues can be identified which are amenable to qualitative coding and can provide a proximate sense of how 'successful' the developing country parties have been in meeting their stated interests. It seems reasonable to assume that a set of parties negotiating together as a group will consider the negotiation to be a success if:

- a) an agreement is reached expeditiously which
- b) meets the shared interests of those parties, and
- c) satisfactorily addresses the individual concerns of specific parties within the group.

The coding protocol for gauging the results of each negotiation run is structured around these three criteria, each of which is coded qualitatively on a scale of high to low. The coding is based specifically on particular key interests (shared and individual) of the four developing country roles. These goals are imbedded into the confidential instructions of these roles. Table 5.4 sifts out the shared and individual goals (for the four relevant parties) that are used in coding the results of the experimental runs.

5.2.4 • The Experimental Setting

This final sub-section will present a survey of the settings in which the twelve experimental runs of the Chlorine Game were conducted. Since the human context is critical to role-play games, it is important that we have a sense of who the players were, what general experiences they brought to the experiment, and in the settings in which the experiments were conducted. A total of 12 research runs of the simulation were conducted in four countries (USA, Pakistan, Switzerland and Japan) and a total of 191 unique players from 59 different countries participated. Box 5.2 presents some salient statistical trivia for the research runs. Significant effort was made to ensure that the players were drawn not only from different parts of the world but from different disciplinary and experiential backgrounds. They included career

³⁶ A survey of player satisfaction with (and reaction to) the simulation is presented later in this chapter. While it is not a satisfactory measure of game results, it is a useful measure of game quality.

diplomats (from junior diplomats to high-level dignitaries including a few Ambassadors), government officials (especially from environmental and economic Ministries and agencies), United Nations' officials (particularly those working on issues related to the environment), representatives from nongovernmental organizations (international as well as local NGOs), representatives from the business sector, and graduate students.³⁷

Box 5.2: The Research Runs—Some Statistical Trivia

- ❖ **Of the total 191 players, from 59 different countries, who participated in the research runs, 106 were from developing countries (39 countries, including Mexico and Taiwan), 80 were from the industrialized countries (16 countries), and five from Economies in Transition (4 countries).**
- ❖ **The maximum number of players were from Pakistan (43 players), where three different runs were conducted. This was followed by 34 players from the United States, 17 from Japan, and 7 from Mexico. The remaining players were distributed as follows:**
 - 5 players each from Canada and 4 players from South Africa.**
 - 3 players each from France, India, Philippines, Spain, Switzerland, Taiwan, and Venezuela.**
 - 2 players each from China, Ecuador, Egypt, Germany, Greece, Hong Kong, Indonesia, Jamaica, Korea, Lithuania, Netherlands, Portugal, Sweden, and Trinidad & Tobago.**
 - 1 player each from Armenia, Australia, Austria, Bolivia, Chile, Colombia, Costa Rica, Denmark, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Israel, Italy, Lebanon, Lesotho, Malaysia, Myanmar, Mozambique, Nepal, New Zealand, Nicaragua, Papua New Guinea, Russian Federation, Seychelles, Sri Lanka, Sudan, Tanzania, Thailand, Turkmenistan, and Zambia.**
- ❖ **In all runs except one, players from two or more countries were represented. In two different runs, each participating player was from a different country.**
- ❖ **The very first research run, in Japan, was conducted mostly in Japanese while the very last one, in Pakistan, was conducted mostly in Urdu and some in Pushto.**

In selecting the venues and players for the experimental runs, the key principle was to seek 'informed' and 'interested' players. This meant searching for opportunities where the players either had experience of actually participating in, or closely following, international environmental negotiations in a professional setting (e.g., governmental or NGO functionaries), or a substantial knowledge of the organochlorine issue and/or of international environmental affairs in an academic setting (e.g., advanced graduate students). Although some have argued that only 'expert' players should participate in serious research exercises (Bloomfield, 1984),

³⁷ Different sets of players brought different skills and strengths to the game. Those with more experience (for example, senior government officials and diplomats) brought insights from their own experience while younger participants (particularly graduate students) were more willing to put in effort and time into extra background reading, etc. Having a mix of players across the different runs was also served as a check against any particular group of skill set skewing the results.

others have suggested that well-informed and well-prepared players, including graduate students, can provide reasonable simulations of expert behavior (Guetzkow and Valadez, 1981b). Our research runs included a mix of both categories. Another key consideration in participant selection was to maintain an international mix with representation from different regions and from countries at different levels of economic development. Two important criteria were used in seeking host institutions for the research runs of the simulation:

- ❖ A desire to run the simulation in different regions of the world so that differing perspectives and a global mix of participants can be incorporated into the study (with a special effort being made to include a fair proportion of Southern participants); and
- ❖ A desire to run the simulation in institutions having an abiding professional or scholarly interest in better understanding and improving international environmental negotiation so they can identify and invite 'informed' and 'interested' individuals participants.

Table 5.5 presents a list of venues where the research runs of the simulation were conducted, along with the participant composition, and the variant of the game that was used. In most cases a team of more than one player represented at least some roles. While the diversity of skills brought by the players was considered strength of the process, some effort was made to 'level' the playing field in terms of general background. This was achieved by tying the simulation runs to training or teaching programs that also served to ensure relatively 'informed' participants. This ranged from semester length graduate classes to two-day training seminars. In all cases, the players were provided ample time to prepare for the negotiation and the confidential instructions were distributed well in advance of the simulation run.

All research runs were played over a 7-8 hour negotiation period. All except the three runs at MIT were conducted over the equivalent of one working day. The three MIT runs had the same number of formal negotiating hours, but were spread over a 2.5 week period and included drawn out caucus meetings. Since the participants were able to prepare far more elaborately for these runs, they were able to negotiate in much more detail. As expected, the final output was also far more elaborate and 'filled in' than in the shorter (one-day) runs.³⁸

³⁸ During the three MIT runs, the participants were also asked to hand in two written assignments (at the beginning and conclusion of the game) outlining their expectations going in and their analysis coming out of the negotiation. They were encouraged to report extensively to the researcher (through personal meetings and email) on out-of-conference meetings, on their negotiating and group strategies, and on what they considered to be the key events and moments in the negotiation.

Table 5.5: The Experimental Settings for the Research Runs

#	Game Run	Participants	Variant
1	TIT Tokyo Institute of Technology Tokyo, Japan – August 1996	14 players; mostly graduate students	Variant #1 <i>Informal Alignment</i>
2	SDPI 1 Sustainable Development Policy Institute Islamabad, Pakistan – August 1996	13 players; mix of government, NGOs and researchers	Variant #2 <i>Formal Alliance/Bloc</i>
3	CASIN Center for Applied Studies in International Negotiation Geneva, Switzerland – November 1996	17 players; senior-to-mid level serving diplomats	Variant #3 <i>Behavioral Alignment/Coalition</i>
4	MIT-TPP 1 Massachusetts Institute of Technology, Technology and Policy Program Cambridge, USA – Fall 1996	12 players; all graduate students	Variant #2 <i>Formal Alliance/Bloc</i>
5	MIT-TPP 2 Massachusetts Institute of Technology, Technology and Policy Program Cambridge, USA – Fall 1996	22 players; all graduate students	Variant #4 <i>Deal-making</i>
6	MIT-TPP 3 Massachusetts Institute of Technology, Technology and Policy Program Cambridge, USA – Fall 1996	22 players; all graduate students	Variant #3 <i>Behavioral Alignment/Coalition</i>
7	UNDPCSD United Nations Department for Policy Coordination and Sustainable Development New York, USA – February 1997	16 players; all senior-to-mid level UN officials and diplomats	Variant #2 <i>Formal Alliance/Bloc</i>
8	UNITAR 1 United Nations Institute for Training and Research New York, USA – May 1997	14 players; all senior-to-mid level diplomats	Variant #1 <i>Informal Alignment</i>
9	UNITAR 2 United Nations Institute for Training and Research New York, USA – May 1997	13 players; all senior-to-mid level diplomats	Variant #4 <i>Deal-making</i>
10	BU-IR Boston University, Dept. of International Relations Boston, USA – November 1997	17 players; mostly graduate students	Variant #4 <i>Deal-making</i>
11	SDPI 2 Sustainable Development Policy Institute Islamabad, Pakistan – December 1998	18 players; mix of government officials and NGOs	Variant #1 <i>Informal Alignment</i>
12	IUCN-P World Conservation Union-Pakistan Swat, Pakistan – July 1999	14 players; mix of government officials and NGOs	Variant #3 <i>Behavioral Alignment/Coalition</i>

Finally, to gauge reactions to the general simulation experience—and evaluate the participant perception of the utility of the simulation as a research and teaching tool—a sample survey was distributed at the end of random research (and other) runs of the simulation.³⁹ Table 5.6 reports the results of this sample survey. Although the results of any such survey can only be suggestive, the views of participants who have just spent an entire day (or more) in an intense negotiating experience are an important measure of the simulation experience. The results presented in Table 5.6 suggest a high level of participant satisfaction with the game experience and a high rating of the simulation as a teaching and research device.

Table 5.6: Results of Participant Satisfaction Sample Survey (*n*=119)

Survey Question	Rating (0-5)
Question #1 On a scale of 0-5 (with zero being very bad and 5 being excellent) how would you rate the simulation as an educational/training experience which makes us better understand how international negotiation takes place?	4.48
Question #2 From what you know about the positions of various actors in international environmental negotiation, how would you rate the arguments and positions built into the game on a scale of 0-5 (with zero being 'totally unrealistic' to 5 being 'extremely realistic')?	4.23
Question #3 On a scale of 0-5 (with zero being very bad and 5 being excellent) how would you rate the simulation as a vehicle for thinking about ways in which international environmental negotiation can be improved?	4.21
Question #4 On a scale of 0-5 (with zero being 'not at all' and 5 being 'very strongly') how favorably would you recommend playing this game to others interested in understanding the process of international environmental negotiation?	4.58
Question #5 On a scale of 0-5 (with zero being 'not at all' and 5 being 'very strongly') how favorably would you recommend playing this game to others interested in trying to figure out ways of improving the process of international environmental negotiation?	4.33

³⁹ It should be noted that the survey instrument was developed after the first few runs and therefore was not distributed after every research run. Moreover, the results reported here also include survey responses from a number of runs that are not part of this research, and some which were conducted by game managers other than the author. The reported results, therefore, are indicators of the simulation experience of this game in general, rather than of the research runs only. Table 6.2 presents data from 119 evaluations in runs of the game. About half of these are from research runs and about a quarter are from runs conducted by game managers other than the author.

#6

Learning from the Chlorine Game

*For when the One Great Scorer comes
to write against your name,
He marks—not that you won or lost
--but how you played the game.*

— **GRANTLAND RICE**, *ALUMNUS FOOTBALL*

This chapter reports on the experimental runs of the Chlorine Game. Discussed in detail in Chapter #5, the Chlorine Game was devised to study the collective behavior of the South in international environmental negotiation. In focusing the simulation on our research question, four variants of the simulation were developed to correspond generally to **A**lignment-like, **B**loc-like, **C**oalition-like and **D**eal-Making behavior (as discussed in Chapter #2). The conceptual design of these variants and the mechanisms by which each is triggered in experiment has already been discussed in the previous chapter. Three runs were conducted for each of the four variants, giving a total of twelve experimental runs. Each of these will be described here.

Since each run lasted at least seven hours of intense and complex negotiation, we will concentrate only on those elements of the group behavior of the developing country roles that are directly relevant to our research question. In particular, the discussion will focus on the two variables that constitute the research framework—parties' coordination and issue focus—and on the level of success achieved by the developing country parties in meeting their common and differentiated goals. Each of the following four sections will begin with a description of the relevant variant of the game, report of the three experimental runs, and conclude with

summarizing the behavior in the three runs. The chapter concludes with a discussion of key lessons learnt regarding the simulation and the behavior of the developing country parties.

6.1 Variant #1: Alignment-like Behavior

This section reports on the three experimental runs of Variant #1 of the Chlorine Game. This variant is, in fact, the base case and seeks to provoke alignment dynamics, as defined by the top-left (or northwest) quadrant of the association template defined earlier (Figures 2.2 and 5.1). *This variant of the game is triggered through the original confidential instructions themselves.* These are designed to encourage the developing country parties towards a specified behavior on the two variables of interest to our research—i.e., a relatively low level of parties' coordination and a relatively broad issue-focus. Recall from Chapter #5:

In Variant #1 the South is structured as a caucus with only lukewarm interest in overly formal coordination. The confidential instructions send a message to each of the three Southern delegations (China, India and Brazil) that while they may wish to explore common positions with other developing countries, they are not bound by any predetermined ties and should do all they can to achieve the best possible results for their own country. Brazil is designated as the current Chair of the G77 but there is no obligation—explicit or implied—for the South to negotiate via the G77 platform. In addition, the solitary transitional economy (Czech Republic) is told to seek deals in its own best interest while also trying to be a claimant to any international funding that may be available. *However, since the instructions refer to a history of association between these countries across multiple issues (i.e., a relatively broad issue focus) but do not require formal negotiation coordination, alignment-like behavior is expected from these countries.*

Also recall from Table 5.3 that the expected levels of formal coordination for China, Brazil, India and the Czech Republic are medium-low, medium, medium-low, and low, respectively. China, Brazil, and India are expected to maintain a generally broad issue-focus (undetermined for the Czech Republic). While a 'blow-by-blow' account of each negotiation run will not be provided, a general sense of how the negotiation proceeded and the key elements of the final agreement that emerged are described here. The focus is on **process variables** (parties' coordination and issue focus) and **outcome evaluation** (whether an agreement was reached and how it addressed the shared and individual interests, as already identified in Table 5.4). The focus on these two elements—process and outcome—is an enduring feature of negotiation analysis scholarship, going back at least to the organizing framework used by Fred Iklē (1964:2) in his seminal book, *How Nations Negotiate*, and has been a defining feature of much of the more recent negotiation analytic literature (Young, 1991; Zartman, 1991; Sebenius, 1992).

6.1.1 • Variant #1, Game #1—TIT (Tokyo, Japan)

The first research run was held at the Department of Social Engineering, Tokyo Institute of Technology (TIT), Tokyo, Japan.¹ The simulation lasted a total of eight hours, including a working lunch and post-simulation debriefing. The 14 participants included graduate students (mostly doctoral) and a faculty member, all of them specialists in environmental science or planning.² All participants except one were from Japan and much of the negotiation itself was conducted in Japanese.³ The participants were extremely well-prepared and most came into the simulation with detailed notes on (and, in a few cases, Japanese translations of) the instructions (which were distributed in English, well in advance of the simulation run).

The general structure of the negotiation followed the time-table set by the Chair at the beginning of the day. Following a quick round of opening statements, a 15 minutes caucus was announced by the Chair who asked the four developing countries to meet each other in one sub-group, the four industrialized countries to meet in another, and the four NGOs to meet in a third. Associative relationships between the parties began taking firmer shape during the one-hour plenary discussion that followed. By the time the second caucus break was taken—about two hours into the game—three clear groups had emerged. On the one side, USA, Japan and the Business Roundtable strongly argued that the issue was regional rather than global and no international action should be contemplated without further scientific assessment. At the other end of the spectrum, Norway, Germany, IUCE and GreenStrategies articulated a need for immediate and significant international action on the issue. Meanwhile, the four developing countries emerged as a fairly united, but generally uncoordinated, group that considered the organochlorine issue a distraction from the more pressing challenges of poverty and development. They were, however, willing to accept some modest international action if (and only if) financial assistance was provided to them. Having defined a neutral 'scientific' role for itself, ICSA was not a part of any group at this point.

The groups gelled further over, and after lunch and by the time the third formal set of small group meetings was held (soon after lunch) the developing countries group had formed a

¹ The author is grateful to Prof. Harashina and Prof. Sakano for arranging the simulation run.

² There was one player each for all roles except Germany, which had a team of two.

³ An English speaking graduate student translated the discussion for the author.

working partnership with Norway, Germany, IUCE, GreenStrategies, and ICSA. USA, Japan and the Business Roundtable were still together as a firm group. USA invited India to a separate meeting to see if a bilateral deal could be made on DDT elimination in India. While India had a strong differentiated interest in the proposition, the talks failed because India was unwilling to distance itself from the larger Southern collective agenda. Around three-fourths way into the negotiation, a winning coalition began to emerge, structured around a) the acceptance of some limited international action, b) further scientific assessment, and c) financial assistance and time-table concessions for the developing countries. USA and the Business Roundtable were initially reluctant to join this emerging consensus but ultimately did so in the realization that they might otherwise be left out of the eventual deal.

Much time was spent during the final hours in trying to hammer an agreement on funding around the so-called 'licensing scheme' proposed by Norway and IUCE. This proved to be contentious and unsuccessful and left the participants with no time to draft a written agreement. However, the Chair summarized his 'sense of the consensus' at the end of the day to which all parties concurred. Key elements of the expressed consensus included:

- ❖ An international intergovernmental scientific study to be conducted by ICSA (USA expressed a strong preference for independent, academic-based research).
- ❖ Future agreements to give preferential treatment to developing countries and economies in transition.
- ❖ Japan pledged voluntary funding to assist developing countries in their transition to cleaner chemicals—particularly the elimination of DDT use. USA also pledged significant voluntary funding, mostly for advancing research but also for assisting specific developing countries. Both insisted on the funding being bilateral.
- ❖ It was agreed that, based on further research and negotiation, a three tiered list of organochlorines will be produced differentiating between a) substances that are known to be harmful (e.g., DDT); b) substances that are potentially harmful if improperly managed (e.g., many fertilizers and pesticides); and c) substances whose impacts are uncertain (e.g., plastics). The first tier would be candidates for phase-outs, the second for further research and improved management, and the third for additional research.

This particular run was clearly 'driven' by the Chair and none of the other players emerged as a strong personality capable of taking control of pace or direction of the process. There was no clear leader of the Southern collective although India was able to direct the second half of the discussions within the collective due to the focus invested in the DDT issue.

In analyzing the process variables we find that the Southern collective behaved, as expected, as an *informal alignment* but with some demonstrated inclination towards *behavioral alignment*. The developing countries began with and maintained a natural affinity for each other and the level of *parties' coordination* was *medium-low*. While the developing countries ritualistically met as a group in each of the caucuses, that was about the extent of formalized interaction. Within these caucuses there were only half-hearted attempts to arrive at a joint negotiation strategy and during plenary negotiations there were no joint statements or interventions made by the group as a whole. In fact, Brazil (as designated G77 Chair) chose not to interject as spokesperson for the G77. DDT elimination was the only issue on which the group demonstrated some degree of internal negotiation and coordination.

There was a general tendency on the part of the developing countries to focus only on their common concerns, and the overall *issue focus* was *generally broad moving towards mixed*. This was largely because India did, at least for some time, raise the issue of DDT that was of specific interest to it outside of the Southern collective and, more importantly, it then placed the issue for intra-South negotiation. Ultimately the issue was presented as a common concern for the three developing countries. Arguably, India was able to do so because after having been approached by the US for a potential bilateral deal, the implied threat of India defecting from the group turned DDT into a priority for the entire group.⁴ However, this was a relatively easy issue for the developing countries to deal with because DDT is also a concern for China and Brazil, although at a lesser degree than for India.

In analyzing the simulation results we find that, within the given game structure, *the developing countries had low to modest success* in meeting their mutual and individual interests. Although no formal agreement was drafted, a consensus had clearly begun to emerge and some of the South's shared interests were part of this consensus. However, other common issues were snubbed. For example, not only was the issue of the North's historical responsibility not accepted but even a milder articulation of the principle of 'common but differentiated responsibility' was refuted. On the other hand, both India and the Czech Republic did succeed in meeting their key individual interests.

⁴ This is very similar to how desertification became a G77 issue at UNCED only after the EU linked a desertification convention to a deforestation agreement, and in doing so raised the threat of 'breaking' the Africans out of the G77 solidarity.

6.1.2 • Variant #1, Game #2—UNITAR 1 (New York, USA)

The second run of Variant #1 of the simulation was held in New York at the United Nations Headquarters, in collaboration with the United Nations Institute for Training and Research (UNITAR).⁵ It lasted a total of seven and a half hours, including a working lunch and a post-simulation debriefing. A total of 14 players, from 14 different countries, participated.⁶ All were mid-level diplomats serving in their country's diplomatic missions to the United Nations and all had prior experience in international multilateral negotiation. The simulation was the culminating event of a two-day training session on multilateral environmental negotiation.⁷

The negotiation was conducted nearly entirely in plenary. Apart from the working lunch, which also served as a de facto small-group caucus, there was only one brief caucus break. Ultimately, the reluctance to hold more break-out sessions and the insistence to discuss all issues in plenary contributed to the lack of agreement. The negotiation session began with elaborate formal opening statements and then dealt with the four agenda issues, one at a time. Despite the lack of opportunity (or expressed desire) for group caucusing, Brazil (as the Chair of the G77) was able to marshal the 'Southern' viewpoint during plenary discussions, sometimes speaking on behalf of the three developing countries (Brazil, India and China). However, the Czech Republic neither attempted, nor was invited to be part of the developing country group.

The one break-out session (held shortly before lunch) and the discussions over lunch only cemented the 'natural affinities' so that three clear clusters of opinions emerged. The first was led by USA—with the support of Japan, the Business Roundtable, and ICSA—and argued for very limited (if at all) international action beyond scientific assessment. A second grouping consisted of Norway, Germany and IUCE and demanded significant and immediate international regulatory action. This group was generally, but not always enthusiastically, able to call upon the support of the Czech Republic. GreenStrategies also had an affinity for this group but with some reservations since it was calling for far greater regulation than this group was willing to support. Finally, the developing countries hung together on their core concern of preferential treatment, which emerged as their de facto one-point agenda.

⁵ The author is grateful to Nassrine Azimi, Chief of UNITAR, New York, for arranging the simulation.

⁶ There was one player for each role except IUCE, which had a team of two.

⁷ The training session on multilateral environmental negotiation was conducted by Prof. William Moomaw of the Fletcher School of Law and Diplomacy and Prof. Lawrence Susskind of the Massachusetts Institute for Technology, on behalf of the Consensus Building Institute (CBI).

The Chair's attempt—immediately after lunch—to introduce her treaty draft was quickly squashed by other delegates. This was largely because the draft was premature in some ways and based on a misreading of delegate interests in others. Right before lunch, Germany introduced its framework proposal but it got lost in the discussion as it was overwhelmed by discussion on the Chair's draft. A late attempt by ICSA to propose the notion of a three-tiered list of substances as the basis of any future regulation also failed to garner enthusiasm from the delegates. Around three-fourths of the way into the simulation, it became obvious to the participants that the prospects of a formal agreement were slim to none. The focus, therefore, shifted to laying out a direction for future discussions and announcing voluntary commitments where applicable. While there was no sense of consensus on the key elements of a potential agreement, the Chair's final summary highlighted the following points:

- ❖ There was consensus that some substances with known and documented harm should be eliminated as soon as possible. There was, however, no agreement on the design or need for international financial assistance in this regards.
- ❖ There was agreement that any future agreement should give preferential treatment to the developing countries.
- ❖ USA announced that it would take the lead in financing and conducting major international studies on organochlorine use and management. ICSA pledged its scientific support for this undertaking.
- ❖ Japan announced voluntary financial assistance to developing countries for phasing out chlorine products with known harmful effect on a bilateral basis.
- ❖ It was decided that further negotiation was needed. These negotiations, it was felt, should focus on the outline framework proposed by Germany (see Appendix) and the three-tiered list of substances by level of harm (as proposed by ICSA). Furthermore, these negotiations should try to incorporate, innovative financing options preferably based on market mechanisms and certainly not on taxation.

In terms of individual negotiators, the Chair tried to maintain a firm grip on the process by trying to manage every aspect of it and keeping all discussions in the plenary. However, this strategy obviously backfired, especially after her attempt to introduce a draft agreement was squashed immediately. The Chair of the G77 emerged as the obvious leader of the Southern collective and much of the discussion was direct confrontation between Brazil and USA.

In analyzing the associative behavior of the developing countries, we find that the Southern collective behaved, as expected, as an *informal alignment*. Beyond periodic articulation of the natural affinity that the developing countries began with, there was little demonstration of *parties' coordination*, which *remained low* throughout the simulation. Although their latent affinity and unison of purpose was obviously quite high, the developing countries were unable to build upon it for lack of more formal coordination. Brazil, as the Chair of G77, attempted to increase the group's coordination, but without success. This was partly because there were few opportunities for the developing countries to meet as a group and formalize their association. However, in part, they were themselves to blame for the lack of such opportunities.

Despite the lack of coordination, the developing countries did act as a collective in the plenary discussions on the issues that were of common concern; particularly on demanding preferential treatment in terms of financial assistance as well as any future targets. However, the issues of individual interest to particular developing country parties did not even come up for discussion and the group nearly entirely focused on what it considered to be the principal common interest. The developing country collective was, in fact, quite united on the one (and only) issue that they seemed interested in. Overall, therefore, the group did not crumble along the lines of specific issues and the demonstrated *issue focus* remained quite *broad*.

In analyzing these results, we find that the developing countries had *low success* in meeting their mutual and individual interests—as did other parties. To begin with, there was no formal agreement, and even the informal consensus is too vague to be meaningful. Although the other parties did acknowledge the one interest that the three developing countries lobbied for, the Southern group essentially failed in organizing themselves for seeking other goals of mutual or individual interest. The Czech Republic was unable to stake a claim to preferential treatment for economies in transition and the South was unable to incorporate the Czech Republic into its collective as a way of enhancing its negotiation leverage.

6.1.3 • Variant #1, Game #3—SDPI 2 (Islamabad, Pakistan)

The final run of Variant #1 was held at the Sustainable Development Policy Institute (SDPI), Islamabad, Pakistan.⁸ It lasted a total of eight and a half hours (including a working lunch and

⁸ The author is grateful to Brig. M. Yasin, Coordinator Training, SDPI, for arranging the simulation run.

post-simulation debriefing). It began with a two hour opening sessions on the first day and continued into the second day. A total of 18 players participated; all but one were Pakistani.⁹ Most of the negotiation was conducted in English but much of the small group discussion and caucusing was in Urdu. There was an even mix of players from government and NGOs.¹⁰ Government participants were largely from the Ministries of Environment and Foreign Affairs. The NGO participants were from field and research organizations. There were also two participants from international donor agencies. The simulation was the highlight of a three-day training session on multilateral environmental agreements.¹¹

This was a particularly spirited negotiation. Despite the Chair's attempt to lay down detailed procedural rules and establish a negotiation schedule, the negotiation tended to go its own way. Nearly half the total time was spent in small group sessions and caucusing. In fact, the overall time spent in caucusing was even greater since some meetings were held parallel to the plenary sessions.¹² The fact that the game was spread over two days allowed the players to revisit their role instructions after the two-hour opening session on the first day. This contributed to more intense deliberations on the second day.¹³

The opening session on the first day was composed of fairly formal and detailed opening statements followed by a preliminary discussion on the goals of the negotiation and on the four agenda issues. This was followed by a first set of small group meetings before dispersing for the day. The battle lines were drawn fairly early in the process as GreenStrategies made a particularly impassioned opening statement calling for immediate and drastic international action. This was immediately followed by a demand from USA that no action beyond more scientific research should even be discussed at this meeting. India intervened to blame GreenStrategies for alarmism while simultaneously chiding USA for "ducking its historical

⁹ Two players each represented USA, Norway, India, China and ICSEA.

¹⁰ This group also brought a wealth of experience with it. 8 participants, mostly from government, had 20 years or more of working experience including at high decision-making levels. The remaining participants had working experiences ranging from 5 to 18 years.

¹¹ The training was conducted by the author as one in a series of environmental trainings conducted as part of the Pakistan Environmental Program (PEP), which is partly funded by the Canadian International Development Agency (CIDA). PEP trainings are conducted at and managed by SDPI.

¹² This was possible partly because several of the key roles had two representatives. Also, the strong group dynamics within the contending collectives allowed certain roles to absent themselves at particular times while they participated in side meetings.

¹³ Several of the players who had come from out of town for the training session were staying at the same hotel. Some of them held initial, informal, consultations during the evenings.

responsibility behind the skirt of science.” An even more important indication of things to follow came during the first mock press conference where Brazil, as the G77 Chair, spoke formally on behalf of the South with both India and China acknowledging and seconding the “common position” set out by Brazil. It is important to note that this press conference was held at the end of the opening session on the first day, and *before* the first set of caucus meetings.

The three developing countries—Brazil, China and India—began the second day as a fairly cohesive group but also focused on their key individual interests (which were the thrust of many of their early plenary statements). However, they soon adopted the trappings of a far more coordinated and formally structured group. In fact, by the end of the day, they were negotiating as if they were not three different parties but members of one, larger, ‘Southern’ delegation. Although Brazil was the designated Chair of the G77 for the meeting, China and India took an equal measure of leadership. While there was a mild attempt early in the second day to accommodate the key individual interests of the three parties into a common position, the countries eventually focused nearly entirely on the original common interests. The focus was particularly on establishing a “Northern responsibility” for the problem; justifying the right to compensation for the South or, at the least, the principle of ‘common but differentiated responsibility’; seeking preferential treatment for developing countries; and incorporating the notion of sustainable development into any final text. The Czech Republic had developed a comfortable ‘working relationship’ with the three developing countries early in the negotiation which remained fairly intact until the last quarter of the simulation when the Czech delegate chose to identify himself as more ‘European’ than ‘Southern’.

Following its histrionics on the first day, GreenStrategies remained caught up in an ideological battle of words with the International Business Roundtable (IBR) during the second day; this effectively removed both from the larger group dynamics. Japan got swayed early to join the ‘European Green’ group led by Germany (also including Norway and IUCE). This left USA alone and isolated throughout the second day, particularly at the very end of the negotiation. It was left in an uncomfortable position (without either of its usual allies—IBR and Japan—at its side) arguing about historical responsibility with the developing countries, about the justification of the precautionary principle with the European group, and about limiting action only to research with both. The other remaining party, ICSA, tried to maintain a neutral position sometimes working closely with the Chair to seek a consensus position, at others tilting towards USA on the need for more research, and ultimately echoing the call of the European Group for some immediate regulation within a long-term phased program of action.

In the very last hour, a winning coalition seemed to be developing around the German proposal—including Germany, Norway, Czech Republic, Japan, IUCE, and ICESA. The group called for a 'phased approach' seeking a 25% reduction in total organochlorine use over the next 15 years for industrialized countries and over 25 years from developing countries and economies in transition (more stringent cuts to be added in subsequent protocols). USA wanted to make this subject to the results of an independent (not inter-governmental) scientific commission, which it offered to fund. The developing countries were holding out for a multilateral funding mechanism with significant up-front contributions (as opposed to sizeable, but bilateral, commitments being offered by USA and Japan).

At this point the entire negotiation was happening in small groups and at one point a deal seemed imminent as USA sought the services of Japan to act as intermediary between itself and the other parties to arrive at a carefully crafted consensus. Japan's shuttle diplomacy bore little fruit but did push the remaining parties towards a potential deal that would be acceptable to all except USA. This deal was based on the language of the German proposal but including some text supplied by the developing countries on historical responsibility and preferential treatment. However, as the closing plenary was called, any plans to push for such a conclusion were overtaken by the somewhat stunning announcement from the Chair (who, for most part, had not been part of the small group discussions) that since time was running out, he proposed making the following statement on behalf of the delegates and end the deliberations:

Chair's Draft Statement

The distinguished delegates considered the problem of organochlorines and agreed:

1. It is suspected that some organochlorines cause one or more significant health problems in human and other species on Earth.
2. A chlorine financing mechanism should be created and national governments and development agencies be encouraged to voluntarily contribute to a fund. This fund would be used to conduct the relevant research in ten years time.
3. On the basis of that research, organochlorines that are found harmful to humans and other species would be phased out over a period to be determined as the process proceeds.
4. There is urgent need to address the problem. The first meeting has been a brainstorming session. The second meeting would be held after six months to follow-up and to discuss new ideas and actions.

Essentially, this was designed to be a polite way of saying that there was no consensus and of documenting the least common denominator. However, it resulted in an expression of outrage

by Germany and India who charged that the Chair had misread the will of the delegates and failed to recognize how close the negotiation was to an agreement that would be acceptable to the majority of the delegates.¹⁴ Moreover, they argued, this statement would essentially legitimize the position of those who did not want any action. To complicate matters further, USA distributed a written statement that it had produced in anticipation of being left out of any deal—but without knowing of the contents of the Chair's draft. It read as follows:

Statement Issued by USA

1. It is appreciated that UNEP has brought the important issue of organochlorine to the notice of the international community at this First Brainstorming Round of Talks on Organochlorines.
2. The countries of the industrialized world are invited to follow suit and like USA commit funds to projects of research aimed at analyzing the potential hazards of different organochlorines on a product-by-product basis.
3. USA announces its willingness to provide up to 65% of funding for an international scientific assessment of the organochlorine problem and lead the process. The results of this research will determine the future course of action to be followed. The USA invites other industrialized world to commit resources likewise. The principle upon which USA is operating is that the diagnosis of the problem should precede the prescription and any agreement arrived at should be implementable (especially by the governments of the less developed countries) and include all parties, especially the most important actors.
4. All developed countries are invited to follow the example of the US as it announces to commit US dollars 600 million (over 5 years) for small loans for converting dirty chlorine technologies in the developed and developing world.

By this point, near mayhem had broken out. India, with the support of all parties except USA and IBR, moved to reject the Chair's draft. Brazil called upon UNEP to immediately convene a second round of the negotiation where the consensus that was beginning to emerge between the developing countries and the European group could be discussed further and turned into a formal agreement. Germany seconded this and the exercise was called to an end.

In analyzing the behavior of the developing countries, it is quite clear that the Southern collective started somewhere between an informal and a behavioral alignment (more towards the later) and moved rather quickly towards *bloc-like behavior*. Beginning with a relatively high perception of natural affinity, the developing countries rapidly formalized their associative relationships to achieve a high level of coordination. They were, in fact, willing to shift focus

¹⁴ In retrospect, this turn of events seems somewhat similar to the events at COP-6 of the Climate Convention, at The Hague in late 2000.

from key individual concerns to key shared concerns to maintain a high level of coordination and collaboration. We find, therefore, that the *level of parties' coordination began at around a medium and moved fairly rapidly to between medium-high and high.*

On issue focus, however, the developing countries moved in the opposite direction. Partly as the price for maintaining the high level of coordination, all three developing countries reduced the importance they were initially placing on key individual concerns to focus more aggressively on shared interests. There was also a demonstrated desire—although somewhat latent and ultimately unsuccessful—to incorporate the Czech Republic into their grand alliance. The developing country roles *remained focus on the broad issues* and the more role-specific concerns assumed diminishing importance as the simulation progressed.

While the South was obviously the most dominant group in the negotiation, in using the criteria defined earlier we find that *the developing countries had low success* in meeting their mutual and individual interests—as did other parties. Not only was no agreement reached, there was actual dissention and disintegration. While there was the possibility that an agreement could have been achieved without USA being part of it and the South's key shared interests would have been part of it, one should note that it is far from certain if such a compact would have been achieved even if there were the time.¹⁵ Moreover, it would have left the single biggest producer and consumer of organochlorines out of the agreement and there would be serious doubts of it ever being implemented, even in Europe, due to the economic and political impacts of US non-participation. Finally, all of the developing country parties had to abdicate (or postpone) any hopes of meeting their key individual interests.

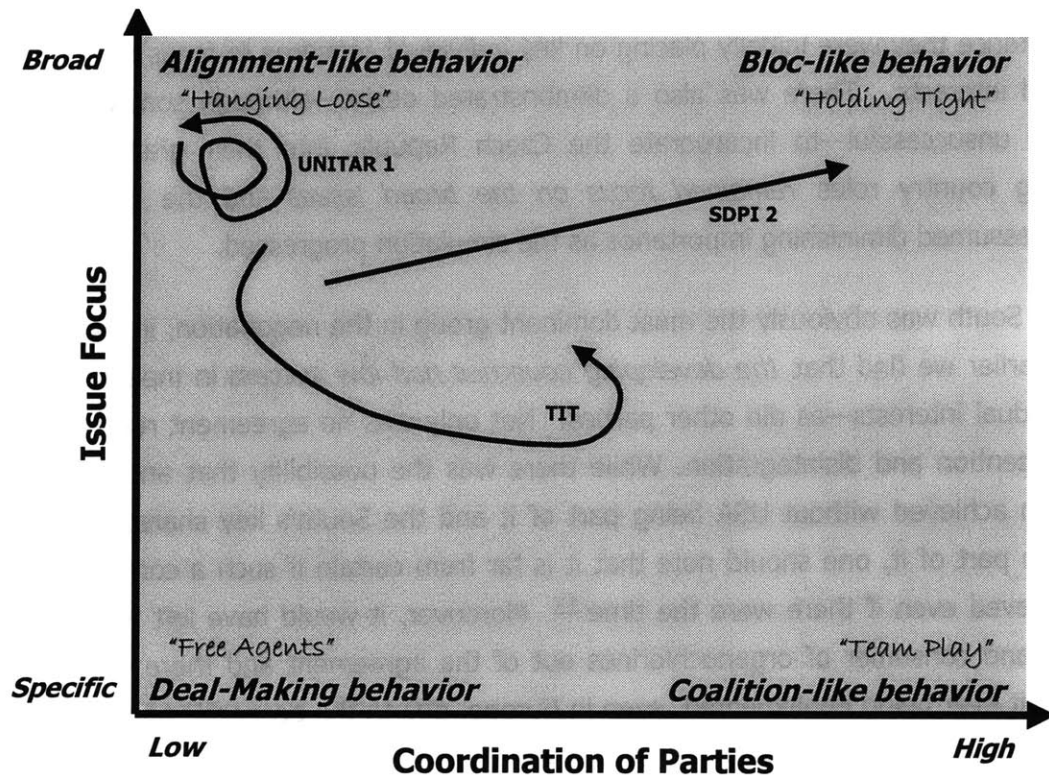
6.1.4 • Summary of Variant #1 Results

As the base scenario (with no additional instructions beyond the original set of confidentials) the players had greater latitude to control the ultimate direction of the simulation. As a result, the three runs took distinctly different paths. While all three began with the developing countries exhibiting expected informal alignment-like behavior, there was a significant scatter within the category and at least one run (SDPI 2) saw the Southern collective moving rather

¹⁵ What was holding the European and Southern groups together at the very end was not a unity of interests as much as a shared opposition to the US position.

rapidly from alignment-like behavior to bloc-like behavior. A summary of the key observations regarding the collective behavior of the developing country roles is presented in Table 6.1 and Figure 6.1 notates the general direction of movement on the behavioral template.

Figure 6.1: Developing Countries in Variant #1 Simulation Runs



A key point to note is that although there are significant differences in the collective behavior of the developing country roles, there was relatively little variation in the observed issue focus, which remained generally broad in all three runs. For most part, the developing country roles remained more fixated on broadly accepted and acceptable common concerns rather than pushing for key individual interests. In the one case (TIT) where India began a move towards a more issue specific agenda, the developing countries in the game were quick to coordinate their positions on that issue and convert it into a component of the collective agenda. In the absence of a pressing need to focus on specific individual interests over shared interests, there was a clear sense of comfort in remaining focused on the broad issues on which there was a pre-existing convergence of interests amongst the Southern parties.

However, the observed level of parties' coordination spanned the entire spectrum, from low (in UNITAR 1) to medium-high and even high (in SDPI 2). However, it should be noted that in the

SDPI 2 run the very high level of coordination developed largely as a means to defend the Southern interests in opposition to what was seen as hard-line positions from the USA; in the TIT run the coordination came only in response to an implied threat of possible defection. In both cases, therefore, the motivation for coordination came not from the desire to maximize gains but to minimize risks in the face of some threat to the collective.

Table 6.1: Summary of Observations for Variant #1 Simulation Runs
(Expected behavior of developing country roles: Informal alignment-like)

Research Run	Observed level of Parties' Coordination	Observed nature of Issue Focus	Observed behavior of collective	Comments on negotiation results
TIT	Medium-low	Broad moving to Mixed	Informal Alignment moving towards Behavioral Alignment	Low to Modest success in meeting key interests
UNITAR 1	Low	Broad	Informal Alignment-like behavior	Low success in meeting key interests
SDPI 2	Medium changes to Medium-High / High	Broad	Behavioral Alignment changes to Bloc-like behavior	Low success in meeting key interests

The instructions for this variant gave the players much freedom in choosing their behavior as a collective. Although the expectation that they would demonstrate alignment-like dynamics proved correct, there was significant variance within the alignment space and in one of the three cases (SDPI 2) the Southern collective demonstrated clear bloc-like behavior. The overall results, however, seem to verify the contention that developing countries, as a collective, are most prone to alignment-like behavior which demands relatively little in terms of parties' coordination and the comfort of a broad issue focus. However, a threat to the viability of the collective or its broad agenda can trigger risk-reducing moves towards greater coordination.

However, there seems to be a tradeoff between comfort and success. While alignment-like behavior might promise the first it seems not to be a recipe for the latter. The success achieved, either in terms of the shared goals of the collective or the individual interests of the developing country parties, remained generally low. In the one case where modest success was noted, it was a product not of alignment-like negotiation by the Southern collective, but a result of that limited period in the simulation when the developing country parties began moving towards more coalition like dynamics and investing in intra-collective negotiations.

6.2 Variant #2: Bloc-like Behavior

This section reports on the three experimental runs of Variant #2 of the Chlorine Game. It sought to trigger bloc- or alliance-like dynamics from the developing country parties. Described in Chapter #2 as 'holding tight,' such behavior is depicted as the top-right (or northeast) quadrant of the template defined earlier (Figures 2.2 and 5.1). *The variant is triggered by a set of confidential faxes encouraging developing country delegates to adopt a relatively high level of coordination while maintaining a broad issue focus.* Recall from Chapter #5:

Variant #2 seeks to simulate bloc- or alliance-like dynamics by pushing the Southern parties towards greater solidarity through a series of faxes received by each of the three developing countries about a third of the way into the negotiation. The faxes inform the delegations that a recent 'South Summit' has passed a unanimous resolution stating that in the post-Cold War world it is more important than ever for the developing countries to stick together and visibly demonstrate their unity, since "unity is now our only strength." In this variant, the Czech Republic does not receive any fax.¹⁶ Importantly, the three developing countries are given specific proposals and language that they would like to include in the final text. It is stressed that their national interests and priorities remain unchanged and as important as ever. However, in pursuing their interests, the faxes encourage them to negotiate and band together with other developing countries more intensely. *Given the higher level of coordination demanded by this development and the existing broad issue focus, bloc- or alliance-like behavior is expected.*

Also recall from Table 5.3 that China, Brazil and India are expected to demonstrate high levels of coordination and a broad issue focus in this variant. The behavior to be expected from the Czech Republic on both variables remains undetermined. As before, we will present a general sense of how the negotiation proceeded and key elements of the final agreement for each of the three runs. In particular we will focus on the developing country parties in the simulation in terms of **process variables** (parties' coordination and issue focus) and **outcome evaluation** (whether an agreement was reached and how it addressed the shared and individual interests).

6.2.1 • Variant #2, Game #1—SDPI 1 (Islamabad, Pakistan)

The first run of Variant #2 of the simulation, lasting a total of eight hours, was held at the Sustainable Development Policy Institute (SDPI), Islamabad, Pakistan.¹⁷ A total of 13 players

¹⁶ The fax to Brazil highlights the potential strategic value of including the Czechs into the alliance.

¹⁷ The author is grateful to Mehreen Samee, Research Coordinator, SDPI, for arranging the simulation.

participated (one for each role), all but one of whom were from Pakistan. Most negotiation was in English but some of small group discussions and caucusing were in Urdu. About half the players were researchers from the host institution, specializing in development economics and planning. Other players were from academic institutions, environmental consulting firms, and international development agencies. The group represented a wide range of experience—from policy practitioners with 20 years of experience to graduate students.¹⁸

This was a fast-paced and intense negotiation in which all four agenda issues—scope, action, financing and governance—were addressed in the final agreement. The intensity of the game was a function of the amount of effort and enthusiasm invested by the players. Key roles—including those of USA, Germany, India, Brazil and China—were played by thoughtful and well-prepared players who made the simulation realistic in both tone and substance. The simulation followed the general negotiation timeline discussed and agreed to at the very beginning.¹⁹

After a session of fairly general opening statements, the Chair called for a 20 minute break for small group discussions. He requested that for at least the first 10 minutes, the developing countries and the Czech Republic meet in one small group, the four industrialized countries in another, and the four NGOs in yet another. The plenary discussion that followed was particularly intense and focused more on conceptual and ideological differences than actual proposals. At this point the three developing countries did not act as a coordinated group, but did individually make impassioned pleas for preferential treatment for developing countries. Each one of them also highlighted their key individual concerns during this discussion.

Germany, Norway and IUCE emerged as the main proponents of early and decisive regulation while Japan and the IBR argued for market-based solutions. Interestingly, USA remained strategically silent in most of these exchanges insisting only that whatever action were taken whenever, it should be based on extensive and robust scientific research rather than

¹⁸ A number of the participants had prior experience of working on Pakistan's positions at various international environmental negotiation processes.

¹⁹ The negotiation began with brief opening statements and a set of caucus meetings. This was followed by a plenary organized around the four agenda issues. Towards the end of this session, the confidential faxes designed to trigger this variant were distributed. The plenary then broke up for caucus meetings and reconvened for a short pre-lunch session where various proposals were introduced. A number of informal meetings were held over lunch, which was followed by a plenary session to discuss the various proposals. The process of actually drafting an agreement text began in the third and final set of small group meetings—which began about an hour before the end of the simulation—and continued into the closing plenary. There were no press conferences in this run.

“environmental alarmism.” In so structuring its case, USA—who already had an existing affinity to Japan and IBR—was able to enlist ICSA and the Czech Republic into an alliance based on the slogan “science first, action alter.” GreenStrategies focused its energy and argument on USA and ICSA, by insisting that science should not be an excuse for inaction and that science itself is not neutral. This dynamic, of the GreenStrategies adopting a highly aggressive posture to both USA and ICSA, remained an important feature of the discussion to the very end.

Towards the end of this plenary, a set of confidential faxes were discretely distributed to Brazil, China and India calling upon them to act as a more coordinated bloc and to highlight the unity of the Southern collective. During the caucus meeting, held soon afterwards the three G77 countries huddled together, intensely devising a joint strategy in light of the new instructions. Towards the end of the caucus they also consulted with the Czech delegate. Norway and IUCE met separately to prepare for their presentation of a ‘licensing scheme’, while USA and Japan met separately. Meanwhile, Germany began paving the way for its proposal, first by presenting a ‘sneak preview’ of its ideas to the remaining parties (the Chair, Czech Republic, ICSA, IBR and GreenStrategies) and later trying to speak separately with the other three small groups.

The G77 countries began the post-caucus plenary with a very a visible gesture of solidarity—physically rearranging their chairs next to each other. They also began speaking collectively and focusing more on shared goals, mostly using the language of sustainable development. While they did not put forth their own proposal, they began laying out a set of demands structured around their main shared interests. They also called for country-based technical and economic assessments so that any targets would be national, accounting for economic differences and past responsibilities. The discussion quickly eliminated the ‘chlorine tax’ as well as the ‘licensing scheme’—for being politically unfeasible and too complicated, respectively. The suggestion from USA and Japan to postpone any discussion of possible actions until *after* more research had been done was also dismissed by the other parties. When the plenary broke for a late working lunch there was no viable proposal on the table.

Over lunch, Germany distributed copies of its proposal to the various parties to ‘chew it over.’ By the time the negotiators met in the post-lunch plenary they were already familiar with the proposal and there was already some support for it. The proposal benefited from a) being relatively short and simple, b) being introduced after all the other proposals had been discussed and discarded, c) being presented as a means to overcome the problems that had already been identified by others, and d) Germany’s active lobbying for it. Germany was able to get the

immediate and full support of the Czech Republic on the basis of its shared European/EU identity. Having seen their own proposal being shot down, Norway and IUCE were also willing to support the proposal as the “nearest and next best thing.” The remaining NGOs—ICSA, IBR and GreenStrategies—although not entirely elated, were willing to “live with it.” In essence, Germany was able to mobilize a numerically strong, although sometimes less than enthusiastic, support for its proposal. The Southern collective was not opposed, but did not consider the proposal to have enough incentives for them. However, Germany’s willingness to allow parties to suggest alternative language resulted in the developing countries warming to the proposal.

Meanwhile, sensing the consensus going against it, USA announced a significant financial contribution if the focus were shifted to a) bilateral and regional, as opposed to global, action and b) postponing any and all regulation until after more definitive scientific evidence was available. It targeted the financing mostly to research and made it attractive to ICSA and IBR by suggesting that the research program may be overseen by ICSA and would have significant private sector inputs. At the same time, USA announced that it was willing to bilaterally support programs in selected developing countries on the elimination and control of certain harmful substances. While the US gambit got initially enthusiastic response from ICSA and IBR, the developing countries—which, by now, were behaving like a solid bloc—considered, in Brazil’s words, bilateralism to be a “code word for ‘aid with strings attached.’”

This was followed by a frantic session of small group meetings, important amongst which were meetings between Germany, Norway and the Czech Republic on the one hand and the three developing countries on the other. The later meeting involved negotiations within the Southern collective on how to include the key individual concerns of the three countries. A combined meeting of these six countries followed. Upon return to the plenary, Germany and Norway counter-proposed the formation of a voluntary *global* fund to which they pledged less grand, but still significant, contributions. They argued that other industrialized countries, not at the table, would most likely also contribute to this fund and announced that, in principle, they had the support of the G77 members for their proposal. As the tug-of-war continued in the ensuing discussion, Germany kept its proposal alive by massaging the language to incorporate concerns as they emerged. Importantly, each of the three developing countries was able to raise their key individual concerns and have them incorporated into the text. For example, the original proposal had sought a specified reduction in PVC use which China was able to block. Moreover, on the insistence of India and China, respectively, DDT elimination and PCB phase-out were singled out as priority issues for global funding, and Brazil was able to get promises of

assistance for cleaner pulp and paper technologies. In getting these provisions included, the Southern collective agreed to forego direct references to historical responsibility that they had earlier demanded and also agreed to a weighted voting structure for the voluntary global fund.

Realizing that a winning consensus was emerging and feeling left out, Japan also moved to support the proposal and, more importantly, announced a substantial financial contribution to the global fund. At this point, USA reluctantly joined the consensus but with certain provisos—particularly, demanding a prominent articulation of the need for more scientific research and a clause that it would have control over how its contributions to the fund (which would be voluntary anyhow) would be used. The following draft emerged after hurried textual haggling:

Draft International Initiative on the Management of Organochlorines

We recognize the need to act responsibly and rationally on the issue of organochlorines, and agree to base all actions on robust scientific evidence. A Global Organochlorine Management Initiative should be structured around the following principles:

- i. The use of unsafe organochlorines—as determined by a technical committee (to be set up)—should be reduced or phased out as soon as economically and technically appropriate substituted are available.
- ii. Countries should set as a goal a gradual control of the environmental impact of organochlorines over a 20-year period. Each country should establish a national chlorine management plan. It is recommended that all parties complete a national assessment in the next three years. Where appropriate, countries should coordinate their management efforts on an industry-by-industry basis.
- iii. In five years, the signatories should meet to review progress and take into account the best available scientific advice for further action towards the management of organochlorines.
- iv. Developing countries participation will be subject to the provision of sufficient assistance (financial and technical) and preferential treatment in any future targets and timetables.
- v. A voluntary global fund will be established to conduct research on chlorine management and to assist developing countries in complying with this Global Organochlorine Management Initiative. The fund would place particular priority on providing assistance for the elimination of DDT use, the phase-out of PCBs, and the transfer of known cleaner technologies (for example, pulp and paper technologies). The fund will be governed on the basis of 50% weighted voting rights being enjoyed by donor countries and the remaining votes divided amongst the recipient countries.
- vi. NGOs will be given observer status in the deliberations of the fund and on the technical committees formed to assist the working of this Initiative.

Finalized in the very closing moments of the simulation, the draft was obviously hurried and did not capture all the nuances of the discussion. A few of these are important to note:

- ❖ The original German proposal went through a total of five iterations. There are a number of key differences between the original and the final form. First, the clause that specifically targeted PVC use was removed. Second, Germany's specific call for a 50% reduction in overall organochlorine use over the next 20 years was first replaced by a 25% reduction, then to a set of voluntary targets, and finally the specific reduction target was dropped but the 20 year time-frame was retained. Third, developing countries were able to add language about preferential treatment and assistance. Fourth, the notion of a global fund was not in the original proposal and was added as a response to US tactics and a way to get developing country support.
- ❖ There was a clear sense that the agreement would be considered a 'convention' to which specific 'protocols' would be added subsequently.
- ❖ Towards the end, a consensus was beginning to emerge around the general notion that in the first five years ICSA would conduct a global scientific study to determine the relative dangers of different organochlorines and produce a three-tiered list (black, gray and white) according to how harmful particular uses of organochlorines are.

The behavior of the developing countries evolved during the course of the simulation. Beginning as a fairly strong alignment, the confidential faxes moved the Southern collective squarely into *bloc-like dynamics* which first solidified and then, towards the very end, began moving *towards the coalition quadrant* as intra-collective negotiations on issues of specific concern to individual parties became more important. The *high level of coordination* amongst the Southern collective was obvious in a variety of ways, including physically sitting next to each other, joint statements, speaking on behalf of each other, etc. While this dynamic was particularly strong in the middle third of the simulation, the level of coordination remained high to medium-high throughout. Even towards the very end, when particular developing countries were lobbying for their specific individual interests rather than the broad shared interests, they did so with each other's explicit support and in a highly coordinated fashion. The developing country parties began the negotiation with a rather mixed issue focus, moved to *focus principally on the broad shared goals* immediately after the confidential faxes were distributed, and *moved their attention to specific individual interests* towards the end of the simulation.

Although the language of the final agreement is broad and general, it was obvious that the real consensus was on something slightly more concrete than what could be drafted in a hurry. The consensus included concessions on a large number of issues of interest to the developing countries. In using the criteria defined earlier, we find that *the developing countries' collective enjoyed fairly high success* in meeting their mutual and individual interests. Although they

could not always insert their preferred text into the final agreement, they were generally able to incorporate most of their shared and individual interests.²⁰

6.2.2 • Variant #2, Game #2—MIT-TPP 1 (Cambridge, USA)

Played over a period of two weeks, this was one of the three simultaneous runs of the simulation held at MIT.²¹ The 12 participants were all graduate students with science backgrounds, specializing in technology policy at MIT's Technology and Policy Program; only one delegate represented each role.²² The simulation was part of a required course for the students and represented a significant portion of its overall grade. As a result, the players had prepared extremely well for the exercise, including considerable outside reading and research. Apart from nearly six hours of formal, in-class, negotiations the players met informally for nearly six additional hours (one of this evening meetings lasted well past midnight).

Managed by a well organized Chair, each meeting began with a clearly set agenda and a recap of the previous meeting. The first meeting, lasting just over one hour, was introductory in nature with delegates highlighting their priorities for the negotiation. The substantive tone for subsequent discussions was set by the Chair's strong focus on dealing with each substance individually rather than organochlorines as a class. At the end of this meeting confidential faxes were distributed to Brazil, India and China urging them to increase coordination and focus on the broad collective goals. This led to a caucus meeting of the three countries before the second formal meeting. Apart from strategizing in terms of the new instructions, the caucus also decided to seek the support of the Czech Republic as part of their collective.

A second formal meeting (lasting two hours) was quite different in tone and substance. On the one hand, heated debates were held between IBR and GreenStrategies on scientific evidence regarding organochlorine harm, and between USA and India on whether this was a regional or a global problem. On the other hand, the G77 and Czech Republic established themselves as a united bloc operating very much on the 'all for one, one for all' mode. Having approached and

²⁰ For its part, the Czech Republic was not able to get preferential treatment for economies in transition into the formal agreement; however, there was a sense and expectation that its European partners would provide it preferential support.

²¹ The author is grateful to Dr. Richard Tabors of the MIT Technology and Policy Program (TPP) for making this run possible as part of the graduate Proseminar in Technology and Policy.

²² It should be noted that all three MIT runs did not have ICSA as a role.

convinced the Czech during a short caucus break, Brazil was able to speak authoritatively for the 'G4' (Brazil, India, China and Czech Republic) and in the name of developing as well as transitional economies. As a visible sign of this solidarity, the four delegates chose to sit closely together and coordinate intensely by whispering and passing notes to each other during the course of the discussions before making joint statements on the collective's behalf. During a mock press conference, Brazil responded to one of the questions by saying "We (the G4) do have some differences on certain issues, but have decided to go for the minimum that we all agree on, which includes some of our key goals anyhow." The collective had obviously adopted a lowest common denominator approach in order to maintain its unity. The other substantive highlights of the session included the IBR suggestion to focus only on substances with known harmful effects, the US insistence on the need for more scientific research, the Czech call for not postponing financing discussions, and Japan's announcement that it would make organochlorines a priority in its international environmental assistance programs.

The next set of meetings was held entirely in small groups as emerging collectives began discussing their priorities for the shape and nature of the final agreement. This was in addition to a rather intense set of informal interactions over personal exchanges, email and telephone that had already occurred between various players. Two ideas began to be circulated in draft form as a result of this process. The first was initiated by Japan and sought funding pledges from the North for a set of three related organochlorine funds which would deal with research on substitutes, research on health effects and seed investments in promising technologies. The second came from the Southern group and sought priority for DDT and PCB elimination. This latter was a reflection of China and India having been able to raise the profile of their key individual concerns within the larger Southern agenda.

The Chair was able to merge these two streams into a draft proposal which he presented at the next formal meeting and which eventually became the basis of the final agreement. By this time, the character of the discussion had assumed a markedly North-South flavor and the G4 had begun demanding broader provisions related to sustainable development, including an explicit articulation of the North's historical responsibility for the organochlorine problem. For its part, the Northern collective began showing signs of strain since Norway and Germany were more eager to work with the South than the US. This culminated in a somewhat heated exchange between the US and Germany during a press conference when the latter accused the US of possibly trying to sabotage any global accord and the US denying vehemently. However, between the Chair, Norway and India the focus was brought back to drafting language that was

acceptable to all parties. An interesting manifestation of the new Southern collective was their insistence on adding the phrase “developing countries and economies in transition” to all operative sentences in the draft texts. The process of drafting continued into the two informal meetings of the entire plenary. This proved to be a slow and often acrimonious process interspersed with numerous caucus meetings where acceptable language was hammered out. However, to their credit, the Chair and Norway remained focused on wordsmithing and were able to craft, piece by piece, an agreement that all parties could eventually live with.

Two important observations regarding this tedious process, which spanned over a total of three different meetings (one well past midnight), should be highlighted. First, the North-South tension in this group was palpable, frequently led to heated exchanges, and ultimately resulted in the two groups sitting on opposite sides of the table literally battling it out with the other; while this was a source of discomfort for the players and slowed the pace of negotiations, it was based on earnest belief in the positions they were advancing and did not always preclude progress on the draft. Second, and partly as an explanation of the first, the G4 which had—by practice and by proclamation—resolved to focus only on broad issues with shared goals, ended up returning to their specific individual interests during this process and were eventually able to place these within the context of their collective’s shared goals after intensive intra-collective negotiations; indeed, the moments of breakthrough in the drafting were often correlated with intense North-North and South-South dialogue than only North-South discussions. One such moment was when the stalemate between USA and Germany was broken by the decision to have two separate funds one for international project support (as advocated by Germany) and one for fundamental research (as demanded by USA). Another example, was when India was able to build support for urgent action on DDT elimination even though other developing countries were relatively less interested in this issue; in return India accepted China and Brazil’s priorities on all other issues and supported the Czech demand for having economies in transition referred to at the same level of importance as developing countries.

Late into the last night, a 10-page long agreement was finalized which was deemed acceptable to all. This included a 6-page report of the negotiation for the purpose of informing future negotiations and a 4-page long draft treat. The key elements of this agreement included:

- ❖ The **declaratory portion** recalled key principles including those related to the need for sustainable development, the need for promotion of free trade and market mechanisms, the primacy of national sovereignty and the need for scientific research.

- ❖ In the draft treaty, a **statement of principles** highlighted a) the potential dangers of some organochlorines, b) the need for intensive research, and c) the right of development for all nations along with the responsibility for minimizing harm.
- ❖ A **reduction plan for specific organochlorine compounds and classes** calls for elimination of DDT use in 8 years, 'substantial reduction' in PCBs over 20 years (with intensive research on substitutes in the next 5 years) and voluntary action on the following: Perchloroethylene, pulp and paper applications, agriculture pesticides, and chlorinated solvents. The details of the plan to be negotiated later but developing countries to be provided financial assistance and technology transfers in proportion to the burden placed on them; all targets to be based on realistic science-based research.
- ❖ Based on pledges from all participating industrialized countries, a **set of voluntary international funds would be developed**. These would include: an International Research Consortium (IRC) incorporated into the Global Environmental Facility (GEF) and will focus on project development and information sharing; an International Chlorine Effects Research Fund (ICERF) to support fundamental research on health effects and substitutes; and an International Technology Transfer Fund (ITTF). The industrialized countries present made initial pledges to the tune of \$61 million for ICERF and of \$252 million for ITTF, along with a commitment to IRC.
- ❖ **NGOs** should have observer status in future negotiations and institutions.
- ❖ A final section in the report highlighted five **areas where further negotiation is needed**: a) role of NGOs in regime governance; b) North-South relations, c) sovereignty vs. international accountability, d) precautionary vs. exhaustive science and e) role of private industry and business in regime management.

In analyzing the behavior of the Southern collective, they adopted rather *strong bloc-like behavior* fairly early in the simulation and were even able to enlist the support of the Czech Republic. Moreover, they were able to maintain and strengthen this solidarity over the course of the extended negotiation. However, towards the end when the final agreement was taking shape they were able to *move towards coalition-like behavior* by turning their attention from a primary focus on issues that had broad support from all members of the collective to issues of specific interest to individual members. The *level of coordination remained high* and only increased with time while the *issue focus remained broad for most of the simulation but became issue-specific towards the end*. While an obvious cost of moving into entrenched bloc-like behavior was to trigger similar behavior from the North, a benefit was that the investment in coordination made during the early phase was instrumental in facilitating smoother South-South negotiations on particular issues towards the end. It is rather remarkable that this run followed a path quite similar to that followed by SDPI 1, which had been conducted half a world away with a very different type of players and in a very different environment.

Although the final agreement is quite long, its language remains vague on many key issues precisely because of the entrenched North-South flavor of this simulation. While the issues where the Southern collective had broad agreement on their goals do make it into the declaratory segment of the agreement they do not get the type of detailed treatment that these countries had demanded. Moreover, although the specific interests of some developing countries (particularly India) are met, those other others are not treated equally well (e.g., Brazil). Overall, therefore, it is our assessment that the *developing countries enjoyed modest success* in meeting their collective and individual interests.

6.2.3 • Variant #2, Game #3—UNDPCSD (New York, USA)

The third run of this variant of the simulation was conducted in New York at the United Nations Department for Policy Coordination and Sustainable Development (UNDPCSD).²³ It lasted a seven and a half hours and a total of 16 players from 11 different countries participated.²⁴ All were mid-to-senior level UN officials and UN-based diplomats with experience in international negotiation, particularly in the context of the UN Commission on Sustainable Development.

The negotiation was conducted under the direction of a very strong Chair who had formulated a negotiation timeline in advance of the simulation and was resolute in following it. While the other players were generally agreeable to follow the Chair's predefined agenda, there were moments of tension between the parties and the Chair. The simulation began with a round of opening statements that lasted about 30 minutes. The Chair then proposed the formation of two 'contact groups'; one included Germany, China, Czech Republic, USA, GreenStrategies, and ICSA while the other included Norway, Brazil, India, Japan, IUCE and IBR. Germany and Norway, respectively, were designated as the 'friends of the Chair/conveners.' The Chair also distributed a prepared set of 'questions to be addressed' on each of the four agenda items requesting that both groups focus on these.²⁵ Brazil, supported by several others, requested a

²³ The author is grateful to Kenneth G. Ruffing, Chief, UNDPSCD for arranging this simulation run.

²⁴ There were two players each for Germany, IBR, and GreenStrategies. All other roles had one player.

²⁵ The Chair outlines four main questions, further divided into a total of 12 sub-questions. These were: 1) Do we have a problem? (*What is the nature of the problem? Is it global or local in scope?*); 2) What actions can be taken to address the problem? (*Are further scientific assessments or studies needed? Do we need risk assessment? Should we set specific targets and timetables? Are monitoring arrangements or penalty systems needed?*); 3) How would action be financed? (*How much money is needed for a chlorine regime as well as to search for substitutes? What is the best means to raise*

formal G77 caucus meeting *before* the contact groups met, but the Chair suggested that such a caucus should be postponed until after the contact group meetings. However, the three developing countries and the Czech Republic did huddle briefly and informally on their way to the contact group meetings to quickly exchange key concerns.²⁶

In the first contact group, Germany carefully raised the ideas incorporated into its proposal, without actually distributing it, as a way of gaining support for its ideas. While it did gain hesitant support from USA and the Czech Republic, ICSA was strongly opposed to the notion of any across the board targets for all organochlorines. There was early consensus on the utility of a 'convention-protocol' approach that began with a broad framework convention and would be 'filled-in' with protocols as better scientific information and improved political will became evident. The US insisted that all discussion on financing should be postponed until after the convention had been accepted while China and the Czech Republic felt that without financing, developing countries and economies in transition would not be able to support any agreement, even a framework convention. China introduced the notion on an intergovernmental panel on organochlorines to study the state of relevant technical, economic and policy knowledge. USA expressed a preference for an independent, academia-based set of studies.

The second contact group was dominated by ideological debates between the two NGOs—IBR and IUCE. Much time was spent on discussing the 'licensing scheme' proposed by Norway and IUCE but there was little support for it because of its complexity and the opposition from IBR. A tentative consensus was reached on adopting a chemical-by-chemical approach instead of an across-the-board approach to organochlorines management. The developing countries raised their general concerns about prioritizing development issues and framing any agreement within the context of sustainable development and the provisions of Agenda 21. There was a demonstrated affinity between India and China, but little scope for formal coordination.

Neither contact group was able to respond to the specific questions identified by the Chair but both had some suggestions regarding the larger questions; these are presented in Table 6.2.

funds? Should financing be on the basis of need or merit?); 4) How should the agreement be managed? (Should it be a binding treaty, convention or take some other form? What voting procedure should be adopted? What should be the role and status of NGOs?)

²⁶ There was some debate on whether roles represented by two players could send one delegate to each contact group. China strongly opposed this move on the grounds that it would give de facto double voice to privileged parties with large delegations.

Table 6.2: Contact Group Suggestions on Chair's Questions

Question	Contact Group I <i>Germany, China, USA</i> <i>Czech Republic, GreenStrategies, ICSA</i>	Contact Group II <i>Norway, Brazil, Japan,</i> <i>India, IUCE, IBR</i>
<i>Do we have a problem?</i>	Significant differences in opinion on scope of problem but agreement that some limited response may be needed.	This is a significant global problem but needs to be understood in the context of sustainable development.
<i>What actions can be taken to address the problem?</i>	Begin with a broad framework convention and setting up an intergovernmental scientific assessment.	Any action should focus on specific substances and across the board targets should be avoided.
<i>How would action be financed?</i>	Some disagreement on whether any financing should be discussed at this stage, but general inclination towards voluntary mechanisms.	No consensus reached but licensing scheme rejected. Any mechanism should have financing for the South.
<i>How should the agreement be managed?</i>	NGOs should only have observer status in any governance scheme. Preference for no new institutions.	No discussion on this issue

As the contact groups concluded their meetings, Brazil, China and India were discretely given confidential faxes with instructions to seek a cohesive strategy with particular emphasis on key shared goals. Small group caucuses began immediately after the contact group meetings (which had run over-time) and continued over lunch. The Southern caucus was particularly focused. The three developing countries produced a list of the key issues they wanted to stress; in particular, the need for preferential and significant financing, a preference for 'democratic' international governance, and a desire to focus on the implementation of existing Rio treaties before beginning new negotiations. They also discussed which parties might ally with them and felt that some mutuality of interest would exist with the Czech Republic. Moreover, they felt that there were areas of agreement with USA as well as Germany-Norway, but only one of these two possible relationships could be cultivated. It was felt that getting Japan's support would be difficult and none of the NGOs were to be fully trusted since they were all represented Northern concerns. The three G77 countries then dispersed for individual meetings with other parties. Meanwhile, other small group meetings were held between USA, Japan and IBR; Germany, Norway and IUCE; and the Chair, ICSA and GreenStrategies.

The post-lunch plenary began with a discussion of the reports from the two contact groups. The developing countries soon made it clear that they were negotiating as a group and there was a deliberate strategy of speaking collectively for the South, with China emerging as the lead spokesperson for the collective. This became all the more evident during the post-lunch

press conference where China laid out a “common Southern platform” which essentially stressed the need for sustainable development and focusing on the implementation of Agenda 21 before “the international system is burdened with new treaties.” The discussion between lunch and the next small-group break (taken with just over one hour to go) took on a decidedly, and increasingly, North-South flavor with the G77 taking the view that a focus on organochlorines would be a distraction from the more legitimate ‘development’ concerns of the South. Even though much of the Southern indignation was outwardly directed at the US, there was a de facto unison of purpose between the two since neither seemed to want an elaborate agreement. However, the developing countries position also distanced them from Germany and Norway—both of whom wanted relatively stringent action, relatively quickly.

A final set of caucus meetings did not ease the conflict and the North-South distance further increased. Germany’s attempt to introduce a watered-down version of its proposal was rejected, as was Brazil’s proposal for a ‘Chlorine Tax.’ As the simulation wound up, the Chair proposed a least common denominator proposal calling for the establishment of an Intergovernmental Panel on Organochlorines (IGPOC). While all four industrialized countries committed limited funding for such a panel, its exact structure could not be agreed to. Ultimately, the Chair laid out a statement outlining an agenda for future negotiations:

❖ The Way Forward: Chair’s Statement

- ❖ An Intergovernmental Panel on Organochlorines (IGPOC) should be established and its first task should be to determine a workplan and have it approved by the United Nations CSD.
- ❖ The IGPOC will provide technical and scientific advice to further negotiations on the following: a) which substances should be targeted for bans and phase-outs, b) what timelines are technically and economically feasible for such bans and phase-outs, c) mechanisms for providing financial and technical assistance to developing countries.
- ❖ The IGPOC will produce assessment reports on areas that require further research to determine risks of and alternatives to the use of particular substances.
- ❖ While the notion of IGPOC is acceptable to the parties in attendance, further international negotiation is required to determine: a) its organizational structure including designated scientific sub-committees, b) its terms of reference, c) its composition, and d) the duration of its mandate.
- ❖ It is agreed that NGOs would only have observer status in any future negotiation.

The Southern collective began as an informal alignment and then assumed *bloc-like behavior* after the confidential faxes were distributed. Bloc solidarity deepened over time as the developing countries demonstrated high coordination and an increasing focus on broad shared

goals. Beginning with relatively little opportunity to coordinate their strategies—and partly fueled by that—the developing countries moved to very *high levels of coordination* by the end. By the second half of the simulation nearly all statements and interventions made by any developing country were made on behalf of all developing countries and the intense coordination of both positions and strategy led to an ‘all for one and one for all’ mindset. Apart from the very early stage of the negotiation when certain individual issues were raised by the developing countries, *the focus remained firmly on broad issues* (often described in terms of sustainable development goals). By the end, the collective was focusing only on the common concerns as they had defined them, with no reference whatsoever to the key individual interests that had been defined in their confidential instructions.

For all the solidarity they were able to demonstrate, *the developing countries had low success* in meeting their goals. This is a tricky call to make since, by the end, they had (re-)defined their goal as stalling any agreement. However, in relation to the shared and individual interests defined in the confidential instructions the results were entirely unsatisfactory. Moreover, even the redefined goal of stalling any agreement was not fully achieved since the Chair’s concluding statement could be seen as the first step towards an eventually more elaborate agreement.

6.2.4 • Summary of Variant #2 Results

It is quite evident that the confidential faxes used to trigger bloc-like behavior worked well in all three runs; indeed, it is remarkable how well they worked and how quickly each group moved into bloc dynamics. This is partly explained by the fact that these particular faxes were given to groups that were already moving in that direction and therefore the faxes only highlighted already latent tendencies. However, the ease and speed with which each of the three groups moved into bloc-like behavior suggests that there may be something in the nature and intensity of North-South differences that makes it relatively easy to settle into such a dynamic.

The results of the first two runs are remarkably similar in many important respects and markedly different from the third. In the first two cases, the developing countries adopted strong bloc-like postures for much of the game and then moved to more coalition-like behavior towards the end. In the third case they maintained bloc dynamics to the very end, in fact, becoming more entrenched as time went by. A summary of the key observations regarding the

collective behavior of the developing country roles is presented in Table 6.3 and Figure 6.2 notates the general direction of movement on the behavioral template.²⁷

Table 6.3: Summary of Observations for Variant #2 Simulation Runs
(Expected behavior of developing country roles: Bloc- or Alliance-like)

Research Run	Observed level of Parties' Coordination	Observed nature of Issue Focus	Observed behavior of collective	Comments on negotiation results
SDPI 1	High	Broad moving to Mixed	Bloc-like behavior moving to Coalition-like behavior	Fairly High success in meeting key interests
MIT-TPP 1	High	Broad moving to Mixed	Bloc-like behavior moving to Coalition-like behavior	Modest success in meeting key interests
UNDPCSD	High	Broad	Bloc-like behavior	Low success in meeting key interests

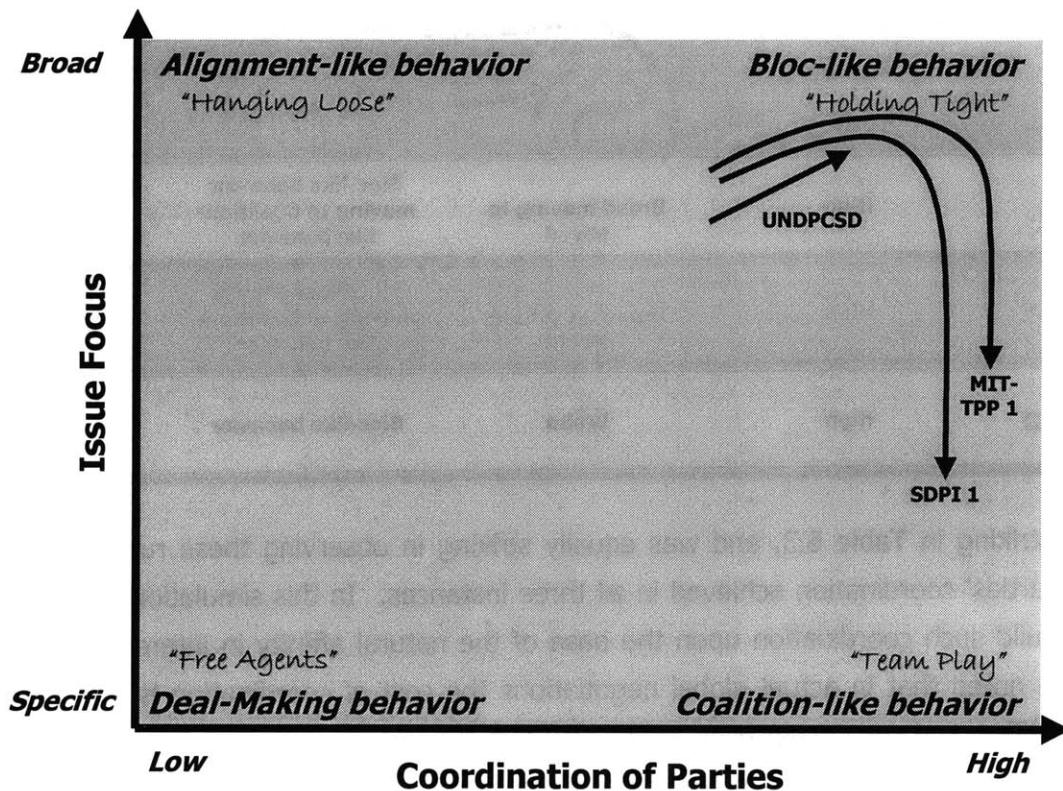
What is striking in Table 6.3, and was equally striking in observing these runs, was the high level of parties' coordination achieved in all three instances. In this simulation it was relatively easy to build such coordination upon the base of the natural affinity in interests. However, it should be noted that in actual global negotiations the cost of coordination is much higher (in terms of effort and resources) even when affinities are strong. The one important difference, however, that is not captured in the table is that in all except the MIT-TPP 1 run, the Czech Republic was *not* part of the Southern collective. The trade off, of course, is between the extra efforts needed to hold on to a larger collective versus the benefits derived from a larger base.

The other observation to be highlighted is that the broad interests that the three groups gravitated towards were expressed in two distinct ways. The first was in terms of the North's 'historical guilt' and the attendant language of 'compensation', 'responsibility', etc. The second was in terms of sustainable development as expressed in the language of the 'compact' between environment and development. It is important, but not surprising, that the UNDPCSD run where the developing countries spoke more in terms of the first was less successful in arriving at an agreement than the first two. In the other two runs the developing countries began with broad issues and built their solidarity on that basis; but then they used that

²⁷ The figure tracks the movement in behavior only *after* the confidential faxes have been distributed.

solidarity to move towards internal arrangements on how to deal with the more differentiated issues of specific importance to individual members. The language of sustainable development afforded them a better template for incorporating both sets of interests.

Figure 6.2: Developing Countries in Variant #2 Simulation Runs



If the major lesson of variant #1 (alignment-like behavior) was that comfort is not a recipe for success, the lesson emerging from variant #2 (bloc-like behavior) seems to be that solidarity alone is also not enough. The one run which displayed only bloc behavior (UNDPDSD) ended without any meaningful agreement. While the other two runs did achieve measurable success in meeting their key interests, both did so only when they were able to move away from being purely bloc-like collectives and towards becoming more coalition-like collectives. Strategically, both were able to capitalize on their bloc-behavior by using an early focus on issues where a broad agreement already existed, to build a track-record of coordination and unity which they then capitalized upon in resolving more differentiated interests into the collective's common positions. However, as we noted in the MIT-TPP 1 run, the risk in such a strategy is that the 'bloc phase' can alienate other parties and sometimes drive them into similar behavior.

6.3 Variant #3: Coalition-like Behavior

This section reports on the three experimental runs of Variant #3. This variant seeks to trigger coalition dynamics from the developing country parties. Such 'team play' behavior is depicted as the bottom-right (or southeast) quadrant of the template defined earlier. *The variant is triggered by confidential faxes encouraging the developing country parties to adopt a relatively high level of coordination along with a more specific issue focus.* Recall from Chapter #5:

This variant of the simulation seeks to simulate coalition-like dynamics by nudging the Southern delegates towards increased coordination and a more specific issue focus. This time the three developing countries and the sole transitional economy receive a fax each, encouraging them to actively coordinate their negotiating strategies but to simultaneously place more emphasis on the issues of most importance to them, in addition to the shared agenda. This is different from the base scenario in that it calls for increasing the level of formal coordination while also requiring enhanced issue differentiation. It calls upon individual countries to keep a strong focus on their specific interests while constructing a common position only on issues where one can easily be crafted. *The expected associative behavior, therefore, is in the quadrant of coalition-like behavior.*

Given the content of the confidential faxes, it is expected that China will seek to move towards a relatively high degree of coordination but Brazil, India and the Czech Republic would seek medium-high levels of coordination. On the other hand, while the Czech are likely to call for a highly issue-specific focus, China and Brazil would seek a mixed issue focus while India would be inclined towards a level somewhere between the two. As before, we will present a general sense of how the negotiation proceeded and key elements of the final agreement for each run. In particular we will focus on the developing country parties in terms of **process variables** (parties' coordination and issue focus) and **outcome evaluation** (whether an agreement was reached and how it addressed the shared and individual interests, as identified in Table 5.4).

6.3.1 • Variant #3, Game #1—CASIN (Geneva, Switzerland)

The first run of Variant #3 was held at the Center for Applied Studies in International Negotiation (CASIN), Geneva, Switzerland as part of a weeklong training session for mid-to-senior level diplomats.²⁸ 17 players from 12 different countries participated in the daylong

²⁸ The author is grateful to Dr. Brook Boyer for arranging the simulation run as part of a weeklong training course on Enhancing the Practice of Multilateral Conference Diplomacy' that he was running.

simulation.²⁹ The majority of participants were career diplomats and government trade officials. Of all the runs, the participants here had the most actual experience in international negotiations and included two Ambassadors and a number of high-ranking diplomats. As a result, the procedural and declaratory sophistication in this run was higher than in any other.

After a set of opening statements from the parties, the Chair laid out a detailed agenda for the day, which was structured around individual sessions for each of the four agenda items. A highlight of this session was the opening statement from Brazil, who introduced himself as the Chair of G77 plus China and was able to speak convincingly on behalf of the collective because he had already cornered the other Southern delegates prior to the opening session for an informal caucus to establish a collective persona. At the end of the session, the Chair summed up points on which agreement seemed possible and made argued that even the parties which seemed farthest apart (US-China and IBR-GreenStrategies) might not be irreconcilably apart.

This positive tone was challenged in the first substantive session that followed. Discussions soon became polarized with negotiators from Norway, Germany, IUCE and GreenStrategies insisting that organochlorines are a global issue and USA, Japan and IBR insisting that it is regional. The issue served to unite the developing countries and Czech Republic who found common cause in the argument that the most important dimension of the challenge was not spatial, but developmental. The issue was unresolved when the negotiators broke for coffee, over which the three sub-groups that had emerged huddled together. During this break, confidential faxes were delivered to Brazil, China, India and the Czech Republic encouraging them to coordinate amongst themselves but particularly focus on their key specific interests.

By the time the break was taken two things were abundantly clear: a) the three developing countries and the Czech Republic were going to negotiate as a fairly well-coordinated collective with Brazil as their leader, and b) the neat timeline laid out by the Chair was not going to be followed. The Chair wisely decided to ignore his earlier agenda and instead called upon the parties to present any proposals. This session, which lasted until lunch, was extremely lively. It began with Germany and then Brazil distributing their proposals and Norway presenting its licensing idea. Various clusters of opinion began to take shape during discussion. At the two extremes were GreenStrategies (which considered none of the proposal as doing enough) and USA (which considered all the proposals seeking too much). A major difference emerged

²⁹ Two players each represented the Czech Republic, Germany, Norway, and USA.

between GreenStrategies and Germany on the one hand who considered both PVC and pesticides as key problems that had to be immediately tackled, and China and Czech Republic on the other who considered any action on either categories nonnegotiable. A third faultline emerged when Norway and USA argued that at least some action could be taken with little or no international funding on substances (such as DDT and PCBs) that are so obviously harmful to human health that domestic action is warranted. India and the Czech Republic took offence at the suggestion and insisted that developing and transitional economies could simply not afford any action whatsoever until *after* adequate funding had been “not just promised, but delivered!” By the end of this session, both the ‘chlorine tax’ and the ‘licensing’ proposals had been shot down. The importance of this session was that all parties, and especially the Chair, got a good sense of the zones of possible agreement and (more importantly) disagreement.

Although the level of coordination amongst developing country parties was relatively high from the very beginning and although they had actively plugged their specific interests into the pre-lunch discussions, as a collective they were operating at the cusp of bloc- and coalition-like behavior since they remained more focused on issues where broad agreement already existed between them. During lunch, they moved more squarely into the coalition space. During the morning discussions it had become clear that Germany and Norway would consider providing considerable funds for DDT elimination and improved pulp and paper technologies—of particular interest to India and Brazil, respectively—if they could get a firm decision on PVC reduction. However, China had a very strong position against any action on PVC. Minutes before the developing countries met for their lunch caucus, USA privately hinted to India that it could ‘take care’ of DDT in India if the later supported the US call for regional and bilateral action on specific substances and limiting the global response only to better scientific research.

Over lunch, the developing countries and Czech Republic worked towards devising a collective platform. This included: a) the Czech Republic would support a common platform in return for economies in transition being singled out for assistance along with developing countries; b) China would place DDT elimination and pulp and paper technology transfers as priority demands in return for the group agreeing to remain resolute on no targets or timetables for PVC (even though Brazil was not against, and could even benefit from, PVC phase-outs); c) it was also agreed that the collective would continue to press for their long-standing and long-term shared interests, their priority would be to actualize their specific interests. Meanwhile, the Chair worked with ICSA to draft a resolution of his own while the other parties met in a large caucus to discuss original German proposal.

By the time the parties returned to plenary, three drafts were floating around: a draft resolution devised by the Chair, a revamped German proposal which now had hesitant support from USA, and a set of statements that the Southern collective wanted to add. A key criticism of the Chair's draft was that it was too declaratory and without much in terms of actual commitments, the German proposal was criticized as having commitments but no financial assistance, while the language proposed by the developing countries was criticized for being antagonistic to the North and unrealistic in its goals. With attempts to harmonize the various proposals running into difficulties, Japan announced a substantial financial contribution and was followed by similar announcements by the other industrialized countries (although with various caveats).

While this infusion made the German proposal seem suddenly more attractive, concerns about the lingering differences between the three proposals persisted and prompted the Chair to call for a brief break to attempt harmonization. A quick meeting between the Chair, Brazil, Germany and USA resulted in a plan whereby two separate components of an agreement would be negotiated, instead of seeking one integrated agreement. The Chair's draft would be worked into a 'resolution' and the German and the G77 proposals would be merged into a draft 'plan of action'. The plenary welcomed this suggestion and formulated two drafting committees with the proviso that those who had drafted the earlier proposals would *not* be in the draft committees dealing with their plans.³⁰

With time running out, the two committees frantically hammered their drafts together and brought them back to a closing plenary. Debate ensued on a few key points. First, USA, Japan and Germany wanted to remove all mentions of the terms 'historical responsibility', 'polluter pays principle', 'precautionary principle' and 'compensation' because of their legal implications and also wanted the drafts to focus only on issues related to organochlorines rather than general propositions about sustainable development. Second, Germany with support from IUCE and GreenStrategies insisted that some target, no matter how distant, must be set for action on PVCs. Third, China and India wanted to remove any mention of the role of NGOs since they considered most environmental NGOs to be either North-based or forwarding Northern agendas. Tentative compromise language on these issues was reached on the fourth reading and the following were adopted.

³⁰ As a result Germany and China worked on the resolution based on the Chair's draft along with India, Japan and IUCE while the remaining parties worked on drafting a Plan of Action.

Resolution on Global Management of Organochlorines

The UNEP Working Group on Managing the Global Use of Organochlorines met in informal session to share views on a preliminary set of issues and options for a more formal treaty negotiation on the subject. The meeting reached agreement on how to proceed and resolved that:

1. The global management and eventual elimination of harmful organochlorines is an important element of promoting environmentally friendly sustainable development.
2. Even though the problem of the use of organochlorines manifests itself on a regional basis, it however has very pertinent global repercussions, including economic.
3. Given the paucity of information, it is imperative to initiate an intensive research program that will focus on targeting unknown harmful substances and their economic impact.
4. Special funds will be created to assist with both research and costs of adjustment and the positive benefits of promoting environmental friendly production processes.
5. Industrialized countries will be the principal contributors to these funds since they are, and have historically been, the major contributors to the global use of organochlorines. Such a financing mechanism is accepted in principle, but its details will be worked out over time in accordance with the Plan of Action (below).
6. The governance of a global chlorine regime should be discussed by a working committee that will initially be constituted as a continuation of this group.
7. The participation of nongovernmental organizations (NGOs) in the informal working groups should be subject to the technical and professional expertise that they can contribute to the process and the pursuit of North-South balance; the conference of the parties to any future treaty will retain the right to refuse access to particular NGOs.

Draft Plan of Action on the Global Management of Organochlorines

We believe that all countries must take some modest steps towards reducing total usage of harmful organochlorines. The following are proposed as initial steps:

- I. The use of useful organochlorines and their economic impact (as determined by a technical committee) should be reduced or phased out subject to substitutes availability.
- II. Countries should significantly [20% or more] reduce their total consumption of organochlorines over a reasonable time period [around 5 years] taking into account the economic impacts of such actions. In five years, nations should consider coordinating further, more specific, reductions on an industry-by-industry basis.
- III. Joint research should be conducted on a product-by-product basis on the environmental impact of unsafe organochlorines. Financing of this research should be through a special fund to which any country may contribute voluntarily.
- IV. On known dangerous substance (e.g., DDT, PCBs and CFCs) it is proposed that a transition fund be created to support restructuring and transition measures related to phasing-out harmful organochlorines in developing countries and economies in transition. Cognizance will be taken of the different levels of development in various countries. This fund will be voluntary at this point. The most important priority should be accorded to DDT.
- V. OECD countries are called upon to assist developing countries and economies in transition with technology transfers, particularly in the pulp and paper sector.

- VI. Countries are encouraged to consider voluntary reductions in other potentially harmful substances and processes, wherever cost-effectively possible, including in the use of PVCs.
- VII. To initiate the voluntary fund mentioned above, Germany announces an initial contribution of US\$ 150 million and Japan an initial contribution of US\$ 750 million (over a five year period). USA announces that it will contribute up to 65% of the expenses of scientific research. Norway is unable to name an exact amount at this point, but announces its support for the fund and intention to contribute generously to it.

As in so many other runs, the language of the agreement reflects less than the consensus that actually existed. In large part, this was a factor of time and information constraints. Overall, however, there was a clear sense in the room—as expressed in closing statements from the Chair, USA and Brazil—that the parties had achieved significant consensus. In analyzing the results, it is evident that the Southern collective began the simulation already a strong behavioral alignment and began moving in the direction of bloc-like behavior in the pre-lunch period. However, from then onwards *the developing countries in the simulation exhibited clear coalition-like behavior*. Beginning the simulation with a predisposition to coordination, the developing countries maintained a *high level of coordination* throughout the game. On the other hand, *the developing countries began with an inclination towards a mixed to broad issue focus and moved quickly to a mixed to specific issue focus* in the second half of the simulation.

With regards to results, notwithstanding the sometimes vague language of the final text, it was clear that the developing country parties left the simulation with a distinct sense of having succeeded in meeting their individual and shared interests better than they had expected to. They were certainly able to achieve the goals they had set for themselves during their lunch caucus. It is fair to say, therefore, that *the developing countries enjoyed fairly high success*. The success of the collective was also high in that its solidarity was both strong and stable.

6.3.2 • Variant #3, Game #2—MIT-TPP 3 (Cambridge, USA)

If the players in the previous run (CASIN) brought the most actual experience in international negotiation, the participants in this run actually spent the most time in negotiation. Played over a period of two weeks, this was one of the three simultaneous runs of the simulation held at MIT.³¹ The 22 participants were all graduate students with science backgrounds, specializing in

³¹ The author is grateful to Dr. Richard Tabors of the MIT Technology and Policy Program (TPP) for making this run possible as part of the graduate Proseminar in Technology and Policy.

technology policy at MIT's Technology and Policy Program; all but two roles were represented by two delegates each.³² Apart from nearly six hours of formal, in-class negotiations the players decided to meet an additional four times for nearly eleven hours of informal meetings (two evening meetings lasted past midnight); in addition, there was intense one-on-one interaction between the players over the two weeks and the Chair set up a dedicated email list for the group where different players could post ideas and reactions between meetings. All in all, it made for the most detailed simulation run in our sample.³³

This run was also distinctive because of the effort put in and role played by the Chair. At the very first meeting, the energetic and organized Chair distributed professionally done folders that included a proposed calendar of meetings over the two weeks, a contact list including each players email, and a 'primer on how to negotiate' composed of a 5-page summary of the books *Getting to Yes* (Fisher et al., 1991) and 7-page summary of *Environmental Diplomacy* (Susskind, 1994a).³⁴ Over the course of the two weeks, multiple working drafts of emerging agreement and various proposals and submissions from other parties were added to the folder.

The first in-class meeting was devoted to opening statements and a discussion on process logistics. The first full substantive meeting was held later that evening and included involved discussions on NGO participation and treaty enforcement. The licensing and chlorine tax proposals were presented and briefly discussed. The highlight was a brainstorming session where the Chair encouraged the participants to think outside of their roles and to devise as exhaustive a list of options as possible, including those that they might not support or they might consider unrealistic. This worked quite well and most players got into the problem-solving mode for the exercise. The Chair volunteered to use the results of the brainstorming to craft a first rough draft of a possible agreement in time for the next meeting of the group.

The Chair's draft, distributed at the start of the second formal (in-class) meeting, focused primarily rules for classifying different products and processes for future research. Although much of this session was devoted to small group discussions, a sense of simmering discontent

³² One player each represented GreenStrategies and IUCE. It should be noted that all three MIT runs did not have ICSA as a role.

³³ The simulation was conducted as part of a required course for the students and represented a significant portion of its overall grade. As a result, the players had prepared extremely well for the exercise, including considerable outside reading and research.

³⁴ He used his knowledge of these books to great advantage over the course of the negotiation, and at various points legitimized his preferred options by citing 'the books'.

with the Chair's draft became evident in the plenary. On the one hand, Norway was concerned that the focus on research (detailed in the 'action' section) would serve to distract from 'real' action on substances of known harm. At one point she exclaimed: "if we wait for totally conclusive research, we will be waiting for two centuries!" On the other, the first murmurs of concern from the developing countries were heard when India objected that all references to funding were preceded by the term voluntary and "voluntary really means that it will be charity." The Chair nipped both concerns in the bud by arguing that he wanted to remain in "brainstorming rather than the political posturing" for as long as possible and that such concerns would eventually be tackled in subsequent drafts. Two things were evident by the end of this session. First, the Chair was firmly 'in control' of the negotiations, wished to remain so, and his strategy was to keep the negotiators focused on solving 'the problem at hand' rather than going into what he called "tangential political issues". Second, although the developing countries had met in polite and customary caucus twice, they were a tentative, even hesitant, caucus. At this point, Brazil, China, India and the Czech Republic were given confidential faxes encouraging them to focus particularly on their specific interests (in addition to the shared interests) and also to seek improved coordination amongst themselves.

In response to these faxes, these four countries met in caucus. They focused on concerns that were common to the four and also on differentiated issues. They agreed that the goals they shared were important enough to merit collective negotiation and the individual interests were differentiated but not opposed. They resolved to act as a more coordinated group in subsequent sessions. However, their first attempt to do so proved short-lived. By the time the next plenary was held, the Chair had a new more elaborate draft ready for discussion. Key elements included the creation of an International Research Center on Organochlorines (IRCO) comprised of an information center and a research initiatives group. This draft had an even more pronounced focus on how to classify harmful organochlorines and organize international research on them. Calls, on the one hand, by India and Brazil to discuss questions about funding and institutional governance and by Norway, on the other, to deal with regulatory action on substances with known harm were postponed on the grounds that the discussion should remain focused on the new elements in the draft rather than on adding new issues.

By the next meeting, the Chair's draft had become more elaborate still, the scope section had turned into the 'data collection' section, and the institutional architecture had become even more focused on research and classification—now including an elaborate decision tree, spread over two pages and six stages, on how to objectively determine the substances to be targeted.

Although the section on financing now had tentative language on the need to fund the transfer of technology to developing countries, the discussion was nearly entirely focused on the intricacies of the new material in the draft. Halfway into this discussion—and after a few unsuccessful attempts by various developing countries to shift the negotiation to broader issues of financing and to action on specific organochlorines—Brazil interrupted with “why are we talking about this in such detail? This is of interest only to a few rich countries. I am not interested in this. I am interested in what this means to my country’s development today!”³⁵ This opened the floodgates for others. China chimed in, “this is a waste of time for me!” Norway was more polite: “we should be worrying about things that we know are harmful today, we know what they are and that is where we should focus.” Suddenly, all the issues that had not been discussed till now, came to the fore. USA disagreed with Norway and Germany and insisted that “problems should be managed at the scale at which they occur” and, therefore, the very idea of a ‘global’ plan did not make sense; Japan disagreed with USA and called for a multilateral rather than bilateral approach; Brazil brought up the issue of the North’s historical guilt to which both Japan and USA objected strongly; and the Czech Republic raised issues about the financial inability of economies in transition to take on any additional environmental responsibilities. With all these pent-up political issues gushing out there was near mayhem. To his credit, the Chair kept his calm and promised to incorporate these concerns in the next draft.

With only one more scheduled meeting remaining, the parties agreed to hold an additional meeting the following evening. In his next draft, the Chair did focus on financing mechanisms and the three developing countries (without the Czech Republic) did make an attempt to work together to develop financing options. However, by this time so much effort had gone into the detailed plans for research institutions and so little time was left that both the Chair and the G77 were pulled towards tying their financing plans to the existing draft. In effect, the developing countries had diluted, if not abdicated, the effort to focus on their specific interests and their ability to articulate their broader goals had also been severely curtailed.

The last substantive session became an elaborate, and fairly tense, editing exercise as the various parties attempted to take the Chair’s draft and incorporate as many of their concerns as possible into it. Some compromises really left no one happy. For example, on the insistence of some developing countries, Norway, Germany, IUCE and GreenStrategies, it was decided that some mention of the chemicals with known harm should be made. As a result a very short

³⁵ This particular quote is a paraphrase since the exact words could not be recorded.

addendum was added to the agreement stating that three compounds—DDT, PCBs and CFCs—would be scheduled for phase-out without going through the elaborate research process outlined in the agreement. However, the timetable for the phase-out required 50% reduction in 10 years, 90% reduction in 15 years and 100% reduction in 20 years. Norway pointed out that in the case of CFCs this amounted to a reversal of the far more swift reduction already taking place a part of the Montreal Protocol. India had similar reservations about the pace of change envisaged for DDT elimination. Despite a number of reservations, and entirely due to the perseverance of the Chair, a general (though hesitant) consensus began to emerge around a massaged version of the Chair's most recent draft. The final draft, although much reduced in size, was still a fairly elaborate and detailed document whose key elements include:

- ❖ The agreement sets out a **three-stage system** to “determine with precision” which organochlorines are harmful to humans and the environment. It is based on “the principle of knowledge preceding action. Knowledge is not scientific certainty, but rather compelling evidence.”
- ❖ The first stage would be of **Environmental Scientific Research** where an international Environmental Research Advisory Board (ERAB) would classify targeted organochlorines on the basis of toxicity, penetration and availability of substitutes.
- ❖ The second stage would be of **Socioeconomic Research**, which would be limited to Group I (high toxicity/high penetration/substitute available) chemicals and would look at parameters such as substitutability, utilization, and exposure.
- ❖ The third stage would be of **Process for Action and Periodic Assessment** during which negotiations would be initiated on formulating a plan for international regulation. This process would involve an International Advisory Board (IAB) evaluating and synthesizing various environmental and socioeconomic impact studies and devising an international accord for required action, followed by an international Financing Board (IFB) exploring options for funding, followed by periodic reassessments by the IAB.
- ❖ **Coordination** would be the responsibility of an International Center on Organochlorine Management (ICOM) to be operated “by an elite team of international negotiators and scientists, with the authority to act as negotiation chairs in the [bodies defined above].”
- ❖ All the institutions described here would be **funded by voluntary contributions**.
- ❖ Finally, there is an **addendum** on three compounds (DDT, PCBs, CFCs) that are ready for complete phase-out over the next 20 years.

In a dramatic move that took everyone by total surprise during the final reading, Norway announced that it could not sign this agreement, although it would not actively oppose it. Her statement explained that while there was nothing in the text that Norway opposed, the

agreement essentially postponed all action to a future unspecified date and Norway does not find “anything to support” in the text. Norway announced that while she regretted having to do so, she considered it to be an important matter of principle. At this point, India announced that although it would abide by its already announced decision to sign the agreement, it too had similar reservations about it. The negotiation ended on this less than pleasant note.

While there is much that can be said in analysis of this most intense and animated of our simulations (e.g., the impact of an activist Chair), we will restrict our analysis to the variables of importance to this study—the behavior of the developing country roles as a collective and the level of success they achieved. Beginning as an alignment, the developing country parties struggled unsuccessfully to move to coalition mode and eventually resigned back to *alignment-like behavior*. They displayed *low to medium levels of coordination*; although they made valiant attempts to increase their coordination they were not able to sustain it. Attempts to focus on, and have the negotiation focus on, specific issues of importance to them were unsuccessful. For most part, the *issue focus remained broad*, and that too barely. Although an elaborate agreement was reached (despite Norway’s dissent) and although it included token mention of some of the shared and differentiated interests of the Southern roles, overall *the developing countries had low success* in meeting their goals. It is clear that the thrust of the agreement was quite different from what the Southern parties desired. Moreover, they failed to act as a collective for much of the negotiation and this ended up hurting them not only in the achievement of their shared goals, but also in terms of their differentiated, individual goals.

6.3.3 • Variant #3, Game #3—IUCN-P (Swat, Pakistan)

This, the chronologically last research run was organized for the Pakistan country office of IUCN-The World Conservation Union.³⁶ 14 players, all from Pakistan, participated in this simulation; all had between 10 and 25 years of work experience; four were from research NGOs and the remaining from government; the main negotiations were in English and Urdu, while small group discussions were conducted in Urdu and sometimes in Pushto.³⁷ This simulation had the benefit of being held in a scenically beautiful but removed location with all participants staying at the same hotel for the duration of the simulation. Held as part of a four-day training

³⁶ The author is grateful to Gul Najm Jamy, Head, IUCN Peshawar Office, for arranging the simulation.

³⁷ All roles except for India were represented by one player each.

session on international environmental agreements, it began on the evening of Day 2 with a one-hour introductory session, continued for six hours on Day 3, and concluded with a one-hour closing session on the last day.³⁸ As such, although a total of eight hours were spent in formal negotiations, the players did have more time to negotiate informally.

The introductory session on the first evening was largely devoted to formal opening statements and a discussion of procedural matters. Over dinner that evening some informal meetings took place, including one between the Brazil, India, China, IUCE and GreenStrategies and a round of 'visits' from the US delegate to various delegates. More focused negotiations began the following morning with the Chair asking the delegates to present their 'vital issues' and identify faultlines. Although some were hesitant to divulge either, the discussion was generally useful and yielded a reasonable list of key issues and faultlines. While there was some implied affinity between the three developing countries, it was not formalized in any fashion and each remained focused on their own particular concerns. Amongst the NGOs, IUCE and GreenStrategies expressed much sympathy for the developing country positions. The Czech Republic clearly saw and presented itself as part of the 'European group' rather as an ally to the developing countries. At this point, the US choose not to stress on its desire for limiting action only to more scientific study but, along with Japan and IBR, advocated a 'go slow' approach that was distinctly different from the European desire for early and significant action.

When the session broke for a tea break about an hour-and-a-half into the negotiation, the three developing countries naturally congregated together. Confidential faxes instructing them to increase coordination in pursuit of their key individual and shared interests were distributed to them at this point. A similar fax was delivered to the Czech Republic about an hour later suggesting that it might also benefit from coordination with the developing countries collective. For the developing countries, the faxes only reinforced their existing strategy. They responded to the fax, therefore, by increasing their coordination and stressing the need to view organochlorines within a sustainable development framework. For the Czech Republic, however, the fax had the opposite effect. The Czech delegate had invested his efforts in cultivating closer relations with Norway and Germany, particularly the later. He responded to the fax by seeking some nominal interaction with the developing countries but maintaining the strategic focus on Europe. The pre-lunch plenary remained exploratory and its key debates

³⁸ The author conducted the training for the staff and partners of IUCN-Pakistan. It was designed for government officials involved in implementing the Sarhad Provincial Conservation Strategy.

related to a) whether the problem should be addressed as a regional or as a global issue, and b) whether the discussion should focus on specific substances or on organochlorines as a class.

Responding to the expressed desires of a number of delegates, the Chair suggested taking an extended lunch break (2 hours and 15 minutes) to allow the players to enjoy their surroundings but use the time to come up with specific proposals that could be discussed upon return. This proved to be an important development that significantly changed the direction of events. During a walk in the surrounding mountains after lunch, the US 'worked' the various delegates to build support for its 'graduated approach', which would start by focusing only on substances with known and proven harm while more scientific research was undertaken. To facilitate the approach, the US was willing to invest heavily in the scientific research and bilaterally in the targeting on particular organochlorines in particular countries. India, in particular, found the US proposal appealing, especially since the US was willing to place DDT as a top priority for its bilateral assistance. In an unrelated move, to get backing for their licensing idea, Norway (with the mediation of IUCE) was able to gain Brazil's attention in anticipation of possible technology transfers of Norway's highly acclaimed pulp and paper technologies to Brazil. While no explicit deals were made, the impact of these discussions was to weaken Southern coordination and leave China somewhat isolated in its desire to have a 'united' Southern collective around the broad shared goals. On the other hand, the congruity of interests that had been evident before lunch between Norway, Germany, Czech Republic, IUCE and GreenStrategies also began to unravel as Norway and IUCE propagated their licensing proposal to which Germany and the Czech Republic were lukewarm, at best. GreenStrategies, for its part, felt left out as the other parties seemed far more willing to dilute their call for immediate and significant action.

Back in plenary, IUCE's presentation (with Norway) of its licensing scheme received less enthusiastic reception than it had anticipated; its assumed allies—Germany, Czech Republic and GreenStrategies—reacted to it with caution and some concern and although Brazil expressed "tentative support" it could not deliver either China and India as IUCE and Norway had hoped. Seizing the moment, USA presented its 'graduated approach' highlighting that the obvious differences in priorities called for a "steady rather than heady" strategy. With support coming from Japan, India and IBR and stringent opposition coming only from China and GreenStrategies, the Chair asked the US to present draft language around its proposal. However, the impending sense that their own differences might allow 'meaningful' action to be postponed pushed the other parties closer together with Germany leading the charge on the argument that although there were significant differences in the room, the consensus was

broader than what the US proposal assumed. Germany presented its own proposal and invited the parties to “play with” its wording to come to an agreeable outcome.

Over the break that followed, the three European countries, IUCE and GreenStrategies joined ranks as the blocking coalition to the US proposal. For their part, the three developing countries came together once again in intense coordination. This happened partly because China, now with Brazil’s backing, convinced India to refocus on the shared goals by highlighting the long-term collective interests of the three countries. The more important reason, however, might have been India’s realization that under the US proposal no specific commitments would be made at this time and any bilateral deals would have to be ‘detailed’ at a later, undetermined date. Moreover, China was proposed a larger multilateral fund where recipient countries could choose management strategies of their own choice. India was able to convince itself that this might be a more independent and stable, and possibly even larger, source of financing for its DDT elimination goal. Overall, the developing country collective was able to regroup, and a strong European led collective was very eager to gain their support.

The plenary that followed was, therefore, very different in flavor. Suddenly, it was the German rather than the US proposal that came out looking strong. The stumbling block was Germany’s desire that PVCs be targeted for urgent action and China’s insistence (now with Brazilian and Indian support) that no specific substances, and certainly not PVCs, be the focus of targeted action. Ultimately, the Europeans were willing to live with the Chinese proposal for an international fund that called for total organochlorine reduction rather than use-specific targets. This was partly because they saw this as the necessary price of getting Southern support and largely because Japan put in its own support (and a sizeable contribution) to the fund once it saw the tide changing. By the end of the day, the US had also joined the consensus realizing that it could not keep an agreement from happening but ensuring that some of its interests were reflected in the final text, including the notion that problems should be tackled at the level at which they occur and its insistence that funding be voluntary and donors have the choice between multilateral and bilateral utilization of their contributions. With an agreement now in sight, it was decided to adjourn for the day. The Chair was entrusted to draft a resolution overnight in consultation with a committee composed on Germany, USA, Brazil, China and IUCE, and to present it to the plenary for discussion and approval the following morning. After some debate on the first draft amongst the drafting committee, a second draft was ready by dinner and was informally discussed with key parties. By next morning, there was consensus on the draft, which was unanimously approved after minor changes.

**Resolution -- Special UNEP Meeting of Working group on the
Global Management of Organochlorines**

We the parties represented at the UNEP Meeting on the Global Management of Organochlorines at Swat, Pakistan, resolve:

1. Organochlorines are an international issue that needs to be tackled internationally. The issue has regional as well as global implications that need to be tackled at the appropriate level.
2. Countries should curtail the production and consumption of organochlorines, especially those with the most harmful environmental impacts. As a target, developed countries should seek to reduce total organochlorine production and consumption by 50% by 2020 and the developing countries should seek to reduce total organochlorine production and consumption by 25% by 2020. Countries should decide which uses are targeted as priorities on the basis of product-by-product analysis, subject to technology and research constraints.
3. An international fund should be created to promote research and development and technology transfer to assist in the reduction of global organochlorine production and consumption. While the Fund will be multilateral and countries are encouraged to contribute to it as such, countries may also assist others on a bilateral basis. The Fund will initially be based on voluntary contributions. One of the uses of the Fund will be to assist in the transfer of cleaner technologies—particularly those related to the pulp and paper sector and for DDT elimination—from industrialized countries to developing countries and economies in transition. This is based on the principle that the financial burden of organochlorine cleanup should not be placed on those who have not caused the problem.
4. Priority for funding should be given to countries in greatest need, for phase out of uses that are scientifically considered most environmentally harmful. Countries seeking funding will be required to create proposals which will be judged on the following criteria: a) need of country, b) environmental impact, c) cost-effectiveness, d) availability of appropriate substitutes, and any other relevant criteria to be determined and agreed later. It is understood that more research will be required to find appropriate cost-effective substitutes.
5. Any future agreements on this subject should ensure that a longer time-span is provided to developing countries for any phase-out targets.
6. It is resolved that NGOs should be given observer status in this process as catalysts for research and development, advocacy, and consumer awareness and dissemination.
7. Although substantial progress has been made in these opening negotiations, further detailed negotiations are needed on a number of issues, particularly the following:
 - a. Which aspects are best tackled globally and which are better dealt regionally?
 - b. Mechanisms to assure the sustainability of the Fund, through voluntary and other means. Discussions on more stable funds through licensing, taxation or other means.
 - c. The governance and decision mechanism for the Fund. This would also include mechanisms for promoting research on and dissemination of substitutes.

In tracking the negotiation, it seems that after beginning as a behavioral alignment, the developing countries fumbled in deal-making mode for the middle-third of the simulation. However, by the end of the negotiation—and certainly during the critical stage of drafting the agreement—the *developing countries exhibited coalition-like behavior*. Beginning at a medium

level of coordination, they were at medium-low coordination during the middle-third of the negotiations. By the end of the simulation, however, they were quite clearly at a *high level of coordination*. With regards to issues, the developing countries actually began the simulation with a *fairly issue-specific focus* and remained there for much of the negotiations, except for occasional forays into the broader common goals—importantly, the broader issue focus became necessary when the collective wished to reaffirm or hold its collective identity.

The resolution represents a number of important compromises. The developing countries ultimately agreed to drop reference to historic responsibility or link this to larger developmental concerns. In return they were able to craft the text on the voluntary fund, which they considered the mechanism for achieving their individual interests, and also gain less stringent targets for themselves. They were also able to devise favorable funding criteria. For its part, the Czech Republic was able to lay claim to international funding but was unable to gain preferential treatment in the timeframe for commitments. Importantly for both, the prospect of a stable source of funding was left open. While the US was able to put in references to some of its key concerns neither the US nor Europe got the agreement they wanted; however, both got something they could live with. For the US, it was much less than they feared; for the Europeans, it was at least a (small) step in the right direction. Amongst the interesting elements of the text is its relatively friendlier tone towards NGOs, which was largely made possible because over the course of the negotiation both IUCE and GreenStrategies were generally close to the Southern collective. Overall, the major imprint on the agreement is that of the *developing countries who had fairly high success* in terms of the final agreement.

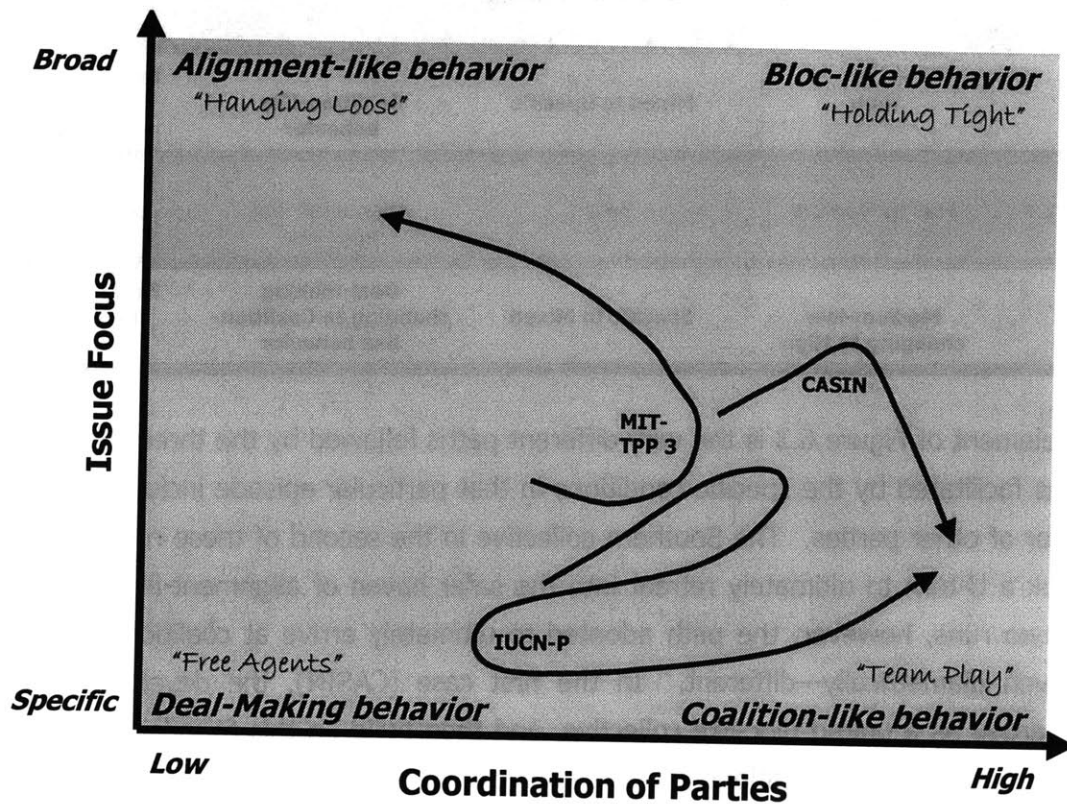
6.3.4 • Summary of Variant #3 Results

Perhaps the most remarkable feature of the three runs in this variant was how hard each of the three Southern groups had to struggle to arrive and remain in coalition mode. To some extent, this struggle is graphically represented in Figure 6.3, which notates the general movement on the behavioral template.³⁹ Table 6.4 tells the same story in summarizing the key observations regarding the collective behavior of the developing country roles. As the narrative explains, however, the pushes and pulls in each of the three cases were significantly more pronounced than either the figure or the table can capture. The difference between the three runs, of

³⁹ The figure tracks the movement in behavior only *after* the confidential faxes have been distributed.

course, is that in two of the cases (CASIN and IUCN-P) the developing countries collective was ultimately successful in this struggle and (not inconsequentially) in the negotiation per se, in the third case (MIT-TPP 3) it ultimately retreated into the safer confines of alignment mode.

Figure 6.3: Developing Countries in Variant #3 Simulation Runs



Beyond reinforcing the now evident conclusion that—at least for the developing country collective in this game—the coalition quadrant is more likely to correlate with a successful conclusion to the negotiation, the most important finding of these runs is that operating in this quadrant is not easy. This, of course, is not surprising. Just as it is apparent why alignment dynamics—where the members can focus on issues on which they already agree broadly and which requires relatively low coordination—tends to be a comfortable place to be, it is also apparent why the coalition space is not only not as comfortable, but can sometimes be outright uncomfortable. A necessary tension exists within the effort to focus on more specific individual interests while also maintaining a higher level of coordination—after all, coordination is facilitated by broader shared goals more easily than by differentiated individual goals. This was borne out by these three runs where the tension was more pronounced when the focus was only on the differentiated interests and less so as the parties moved to mixed or broader issues.

Table 6.4: Summary of Observations for Variant #3 Simulation Runs

(Expected behavior of developing country roles: Coalition-like behavior)

Research Run	Observed level of Parties' Coordination	Observed nature of Issue Focus	Observed behavior of collective	Comments on negotiation results
CASIN	High	Mixed to Specific	Coalition-like behavior	Fairly High success in meeting key interests
MIT-TPP 3	Low to Medium	Broad	Alignment-like behavior	Low success in meeting key interests
IUCN-P	Medium-low changing to High	Specific to Mixed	Deal-making changing to Coalition-like behavior	Fairly High success in meeting key interests

A striking element of Figure 6.3 is the very different paths followed by the three runs. Each, of course, was facilitated by the specific conditions in that particular episode including, especially, the behavior of other parties. The Southern collective in the second of these runs (MIT-TPP 3) literally took a U-turn to ultimately retreat into the safer haven of alignment-like behavior. In the other two runs, however, the path adopted to ultimately arrive at coalition behavior was notably—even diametrically—different. In the first case (CASIN), the developing countries initially emerged as a united bloc-like collective, and then build on this foundation of solidarity to arrive at mutual accommodations on differentiated issues. In the case of the IUCN-P run, the collective first disintegrated into a deal-making dynamics before regrouping into coalition-like behavior. They did so out of the fear of losing out on the joint gains that could be achieved through collective negotiation. On the basis of just these two examples, there seems to be a case for strategic sequencing—beginning with the strengthening of group solidarity by remaining focused on the shared interests and moving to the more differentiated issues at a later stage. However, this could also entail the problems associated with bloc-like behavior—particularly in terms of inducing the same behavior in other parties. Moreover, where the differentiated interests are irreconcilable this might delay disintegration, but not avoid it.

What seems clearer is the advisability of articulating the differentiated interests within the language of the shared goals, and active intra-collective negotiation. Similar to the earlier runs that had operated in coalition mode (MIT-TPP 1 and SDPI 1), developing countries in both CASIN and IUCN-P were able to re-craft their shared goals to accommodate their differentiated

interests rather than simply negotiating individually on differentiated goals and collectively on shared goals. The one case where the later was attempted (IUCN-P) proved problematic enough that the Southern coalition had to revert to seeking a common platform that included the differentiated issue-specific concerns of its individual members. Most importantly, the key to finally 'arriving' into the coalition quadrant in both cases was intense intra-collective negotiations towards devising such a common platform.

6.4 Variant #4: Deal-Making Behavior

The remaining three experimental runs were held to simulate Variant #4 of the game. *Through a set of confidential faxes, this variant sought to trigger deal-making or 'free agent' behavior from the developing country parties; where the focus is on specific issues of the highest individual interest while the level of coordination is relatively low.* This form of associative behavior is depicted as the bottom-left (or southwest) quadrant in the template defined earlier (Figures 2.2 and 5.1). Recall from Chapter #5:

This variant seeks to simulate deal-making dynamics by encouraging key Southern delegates to consider a bilateral, as opposed to collective, approach to the negotiation. The variant is triggered by three countries—Brazil, India, and Czech Republic—receiving individual faxes, which raise the possibility and potential of making bilateral deals to further their key individual interests.⁴⁰ China does not receive such a fax. USA and Germany are already inclined towards such deals in their original confidential instructions.⁴¹ However, in this variant of the simulation Japan received a fax outlining a policy preference for a multilateral financing mechanism to which Japan is prepared to be the major donor. Norway already has an inclination towards multilateralism. This variant seeks to *create conditions of high issue differentiation and low coordination; the expected outcome is a momentum towards inter- and intra-group deal-making.*

Given the content of the confidential faxes, it is expected that India, Brazil and the Czech Republic will seek high levels of issue differentiation--i.e., a more issue-specific focus—as well as relatively lower levels of coordination within the Southern collective. China, on the other hand, is expected to push for broader common goals but the level of coordination it desires

⁴⁰ The Czech Republic, for example, is reminded of its European Union aspirations and associations and is encouraged to seek closer collaboration with the German delegation. India is similarly reminded of its important position in the globalizing economy and the potential of capitalizing on that.

⁴¹ USA is especially desirous of following a path of bilateral arrangements. This desire is reflected in the confidential instructions for the US and is reinforced in the fax they receive (in all variants of the game) which not only stresses the preference of the US for bilateral deals but also authorizes substantial amounts of money that may be used *only* in bilateral arrangements.

remains undetermined. As before, we will present a general sense of how the negotiation proceeded and key elements of the final agreement for each run. In particular, we will focus on the developing country parties in terms of **process variables** (parties' coordination and issue focus) and **outcome evaluation** (whether an agreement was reached and how it addressed the shared and individual interests, as identified in Table 5.4).

6.4.1 • Variant #4, Game #1—MIT-TPP 2 (Cambridge, USA)

Played over a period of two weeks, this was one of the three simultaneous runs of the simulation held at MIT.⁴² The 22 participants were all graduate students with science backgrounds, specializing in technology policy at MIT's Technology and Policy Program.⁴³ The negotiation was conducted over four in-class sessions and one out-of-class session; additional informal discussions also took place over email and in personal meetings.⁴⁴

The opening meeting began with customary opening statements, followed by a discussion on 'ground rules' and logistics for the negotiation process. The Chair then set up three random brainstorming groups (selected by drawing lots) and asked them to meet before the next full session to discuss the possible shape of a final agreement.⁴⁵ The next meeting began with presentations from the three groups but it soon became clear that these exploratory meetings had little to offer beyond regurgitating the concerns already expressed in opening statements. The substantive focus of this session was on proposal presentations from Germany, IUCE (licensing scheme), Brazil (chlorine tax) and GreenStrategies (immediate wide-ranging phase outs based on the precautionary principle). These served to highlight the differences between various camps. One camp (which was dubbed as the 'minimalist group' by GreenStrategies) included USA, Japan, IBR and the Czech Republic and advocated only the minimum action necessary. They stressed the 'regional' character of the organochlorine problem, advocated

⁴² The author is grateful to Dr. Richard Tabors of the MIT Technology and Policy Program (TPP) for making this run possible as part of the graduate Proseminar in Technology and Policy.

⁴³ It should be noted that all three MIT runs did not have ICSA as a role. GreenStrategies, IBR and IUCE were represented by one player each, USA by three, and all others by two.

⁴⁴ The simulation was conducted as part of a required course for the students and represented a significant portion of its overall grade. As a result, the players had prepared extremely well for the exercise, including considerable outside reading and research.

⁴⁵ The three groups were composed as follows: a) Brazil; GreenStrategies, Norway; b) Czech Republic, China, IUCE, IBR; and c) USA, Japan, Germany, India.

domestic and possibly regional solutions, and dismissed “alarmist notions” about the extent of the problem. On the opposite side, Norway, Germany, IUCE and GreenStrategies argued for “urgent and significant action to combat this urgent and significant threat.”

The developing countries congregated hesitantly in between; they were skeptical about needlessly expanding environmental regimes but aspects of this problem, they argued, had environmental and economic implications that should be addressed within a sustainable development framework. By the end of this session, China—strongly focused on the need for a stable multilateral funding mechanism—had emerged as the spokesperson for the Southern collective; but the collective as a whole was a fairly loose entity demonstrating a congruity of general interests but no effort towards formal coordination. Confidential faxes were distributed to Brazil and India encouraging them to adopt a more pronounced deal-making approach. China received no such fax and remained unaware of the faxes received by India and Brazil.

The third substantive meeting began with Germany suggesting modifications to its earlier proposal, including a shift from targeting specific substances (particularly PVC) to seeking a general reduction in total organochlorine consumption (by 10-15 percent over two years, with longer timeframe for ‘countries in need’). The US came in with a counter-proposal arguing that regulation of any sort is the wrong direction to go, and the focus of the international community should be on creating market solutions. The US suggestion, that international funding should be focused primarily on facilitating research on safer cost-effective substitutes, met with initial approval from Japan, IBR and the Czech Republic. More importantly, the US openness to involve NGOs in the scientific research and to set aside funds for countries most in need was obviously aimed at diluting the likely opposition from the developing countries and NGOs. In the discussion that ensued, only Norway and China emerged as strong opponents to the US proposal with the other parties maintaining an ambivalent stance. The Chair decided to call off the meeting early to give the parties opportunity to caucus and announced that he would prepare a ‘composite draft’ based on the discussions. At this point, a confidential fax was given to the Czech Republic encouraging it to seek bilateral deals, particularly with European parties. At the same time, Japan was given a fax urging it to use its resources to maintain a multilateral, rather than bilateral, thrust to any eventual agreement.

The caucusing that followed was particularly intense and was nearly entirely done in dyads rather than in groups of three or more. Visually and substantively, it was a scramble to ‘do the rounds’ and catch other parties in one-on-one dialogue. The result was a very hectic round of

discussions with India emerging as one of the parties that everyone seemed to want to talk to. The process continued during the two days between this and the next formal meeting and also commandeered the first half of that session. By the time the plenary met as a whole for its fourth substantive session, two things had changed dramatically: first, they now had a detailed draft that the Chair had put together (based largely on a merger of the US and German proposals and the Chair's own ideas); second, alliances and congruities that had been apparent in earlier sessions had disappeared. The ensuing discussions proved to be very lively but quite disjointed as each party sought to insert their particular interests into the text—the mood of the room was very much 'each player for themselves'. The two parties most obviously discomforted by this were Norway (which saw its goal of an expansive, action-oriented agreement disappearing) and China (whose calls to focus on financing mechanisms were going unheard, even by India and Brazil). With time running out, it was decided to hold an additional session that evening in which the draft would be finalized in a line-by-line reading.

Bilateral contacts continued in the interim and by the time the plenary met again India had verbal commitments from USA and Germany to contribute to DDT elimination in India, and the Czech Republic had been "reassured" by USA and Germany that any bilateral assistance from them would account for the special hardships of economies in transition. While Brazil also had general sentiments of support from USA and Germany, its particular interest in seeking transfer of cleaner pulp and paper technologies was yet unmet since Norway, which had the most advanced technologies in this area, was still uneasy with pursuing the bilateral route.⁴⁶

A clause-by-clause reading of the Chair's final draft commenced during the final plenary. The first section (on declaratory principles) went surprisingly smoothly; the clause related to preferential treatment for developing countries was accepted unanimously as was the definition of the problem as a specifically global concern. The next section (on a future negotiation agenda) was also finalized rather quickly since it listed various options without identifying a preference. However, the third section (on specific recommendations) ran into problems as soon as the issue of financing came up. The US argued that there was no need to detail this section since the financing of any action would be bilateral and voluntary. Even as a flurry of hands went up, with nearly everyone in the room wanting to respond, the US added that it had earlier agreed to organochlorine being treated as a 'global problem' *only* on the assumption that the action would be domestic or regional and certainly bilateral and voluntary. The most

⁴⁶ This information is based on the author's interviews with various players.

important impact of this statement was that it suddenly reminded the three developing countries of their common cause. Sensing a pandemonium, and wishing to avoid it, the Chair called for a 15 minutes break and asked the parties to work out an accommodation. In an interesting development, every party in the room converged to the chalkboard where USA tried to explain how a bilaterally funded scheme might work better than a multilateral scheme. Intense and heated arguments were thrown around in what effectively became a 'committee of the whole'. Norway suggested that bilateral systems could neither be exhaustive in scope nor innovative in strategy while China argued that these would give inordinate power to particular donor and recipient countries and would lead to decisions made on political expediency rather than scientific priority. As the group dispersed back towards their seats, still without any resolution, the three developing countries huddled together in intense discussion, with China passionately arguing that the short-term benefits of bilateral arrangements would be far less than the long-term benefits of a stable multilateral funding arrangement.

Immediately upon reconvening, Japan—sensing that this was the right moment—announced that it would be willing to provide substantial funding to a multilateral fund for organochlorine management provided clear guidelines and principles for its use and management were established. Germany and Norway chimed in that they would also support such an initiative. China also threw its support behind this proposal and found immediate concurrence from both India and Brazil. However, USA argued that having multiple funding systems would complicate things, be counterproductive, and work against market forces. This threw the question of financing open once again, but also rendered the draft text, as it then stood, defunct. Moreover, it was apparent to all that a satisfactory resolution was unlikely in the time remaining. After an inconclusive discussion, the Chair suggested that funding be placed in the list of issues that remain unresolved and should be resolved at a later date. With no other option seemingly available, the parties hesitantly accepted the Chair's idea. The remainder of the reading went uneventfully, yielding a 232-line 'Resolution' whose key elements included:

- ❖ A **declaratory section** highlighting a) the harmful aspects of some organochlorines but the imprudence of a total ban; b) the need for better research on determining the impacts of and substitutes for various organochlorines; c) that organochlorines are not the most pressing problem faced by developing countries; d) that these chemicals are important to many economies; and e) the global nature of the problem.
- ❖ An **identification of key issues** on which future negotiations should focus, and an inventory of options for each. These issues include: a) the need establish quantifiable short and long term goals, b) funding mechanisms, c) mechanism for fund allocation, d) fund governance, e) technology transfer and f) possible uses of the fund.

- ❖ A **section on recommendations** for the next five years. The three key aspects of this non-binding, much-diluted, but functional section include: a) a short term-goal of 15 percent reduction in total organochlorine use over the next five years, with a reduced target of 10 percent reduction over five years for “countries facing extreme hardships”; b) a long-term goal of 30 percent reduction in 20 years and of 25 percent in 25 years for “developing countries and economies in transition”; c) a detailed plan for “coordination of scientific research” including the details of a scientific advisory body, a research fund, and a projects fund. This section also provides cursory discussion on certification, project review, production and distribution of substitutes in developing countries, and the desirability of NGO participation in future negotiations.
- ❖ On the critical and contentious issue of **financing** the resolution uses ambiguous language suggesting that “countries are strongly encouraged to give and seek both bilateral and multilateral financial resources to assist each other.”
- ❖ The issue of **prioritizing specific uses and substances** is effectively bypassed by simply listing *all* uses and substances listed in the UNEP briefing paper on the subject.

In analyzing the behavior of the developing countries, the one thing that is abundantly clear is that their *level of coordination remained very low* throughout the run; notwithstanding that it seemed to be rising towards the very end. For most of the negotiation they also *remained focused on more specific issues* and goals, although towards the beginning and again at the very end they seemed to be moving towards a mixed issue focus. Clearly, *the developing countries were operating in the deal-making quadrant* for most of this simulation run.

Determining the level of success they achieved is slightly trickier. On the one hand, some of their general concerns—particularly, preferential treatment for developing countries—are mentioned in the final resolution and a number of bilateral arrangements were actualized. However, a closer analysis suggests that there is less cause for celebration than one might assume. The only real victory in the resolution itself seems to be on the principle that developing countries should be given more time to implement any targets and timetables. However, this is overshadowed by the fact that there is no stipulation for providing these countries with some technological and financial assistance as a precursor to implementation (something that has been consistently, even if cursorily, mentioned in other agreements). Institutionally, the resolution focuses nearly entirely on how research is to be conducted and funded and the possibility of project funding is left vague, except for the provision that countries contributing more than 10 percent of the total fund would retain veto power on all decisions. As for general funding arrangements, a key common concern of the developing countries, the terms are left entirely vague with no firm commitment even for a voluntary

international fund. Overall, therefore, the developing countries as a group have little to be happy about. Individually, an examination of the bilateral arrangements suggests that few actual commitments were made. Although India was able to obtain significant support for its DDT elimination program (from USA, Germany and eventually Japan), both China and Brazil were unable to make any meaningful headway on their individual interests. Moreover, one important result of pursuing these interests in bilateral arrangements 'outside' of the main negotiations was that no priority was given to any specific use or substance within the final resolution. The record here is mixed at best. Overall, one has to conclude that *the developing countries achieved a relatively low level of success* in meeting their interests. Indeed, this realization seemed to have set in towards the very end as the South scrambled to move back into alignment mode in an ultimately aborted attempt to actualize some of their shared goals.

6.4.2 • Variant #4, Game #2—UNITAR 2 (New York, USA)

This was the second of two simultaneous runs of the Chlorine Games held in New York at the United Nations Headquarters, hosted by UNITAR.⁴⁷ It lasted a total of seven and a half hours, including a working lunch and a post-game debriefing. A total of 13 players, from 13 different countries, participated. All were mid-level diplomats serving at the UN or at diplomatic missions to the UN. The simulation was part of a two-day training on multilateral environmental negotiation.⁴⁸ Although this was a different variant of the game, one strikingly similarity to its counterpart (UNITAR 1) was that this was also conducted nearly entirely in plenary.

The opening session was devoted to rather elaborate statements from each party. The one substantive highlight of this session was a general distrust of NGOs expressed by most state parties. Apart from Norway, which made a valiant attempt to defend NGO contributions in the negotiation, all others spoke either against NGO participation or remained silent, leading to a general marginalization of the NGO roles. This influenced the negotiation process in two important ways. First, the main discussion was held nearly entirely amongst the state parties. Second, it forced the NGOs to gravitate to those state parties that they felt closest to and become de facto advisors to those delegations. IUCE gravitated naturally to Norway, IBR to

⁴⁷ The author is grateful to Nassrine Azimi, Chief of UNITAR, New York, for arranging the simulation.

⁴⁸ The training session on multilateral environmental negotiation was conducted by Prof. William Moomaw of the Fletcher School of Law and Diplomacy and Prof. Lawrence Susskind of the Massachusetts Institute for Technology, on behalf of the Consensus Building Institute (CBI).

USA, and ICSA became the Chair's 'scientific aid'. GreenStrategies remained in agitator mode for much of the negotiation and was reduced to passing notes to parties that it felt an affinity to on any given issue; IUCE also practiced 'advocacy by passing notes' to good effect.

It was more than an hour-and-a-half into the game that the group actually got to discuss the substance of organochlorine management. Based on the opening statements, the developing countries were mimicking the alignment dynamics of actual international negotiations but with little coordination. However, in response to the Chair's suggestion that parties list the elements they would like to see in the final agreement, the developing countries presented a mix of their broader goals and their more specific individual interests. Immediately after this exercise Brazil and India were given confidential faxes encouraging them to focus on their individual interests without worrying as much about group coordination with other developing countries. The Czech Republic received a similar fax encouraging it to seek greater alignment with other European parties. Japan also received a confidential fax urging it to use its resources in pursuit of its preference for a multilateral agreement. The discussion at this point, however, was firmly focused on a debate on the scope of the issue. USA was arguing that the problem was domestic and regional and nothing more than a research program was warranted at the global level. However, Germany and Norway were calling for a rather elaborate, global response based on stringent targets and timetables for specific organochlorines. This discussion continued up to lunch and the developing countries (as well as the Czech Republic) were largely removed from it, except for a few infrequent and non-consequential comments.

The first real opportunity for small group caucusing came during lunch. A few general, and mostly brief, discussions were held between individual parties but no major breakthroughs were reported. Upon resumption, however, Brazil expressed some disenchantment with the discussion thus far and called upon the industrialized countries to present specific proposals. It also made clear that its own particular concern was technology transfer on favorable terms, particularly for the pulp and paper sector. India followed the cue and put in a word for its priority issue, DDT elimination. Germany responded to the challenge and distributed its proposal, stressing that it was willing to include additional language about both DDT elimination and technology transfer arrangements for the pulp and paper sector. While both Brazil and India welcomed the German proposal, China expressed strong disapproval because the proposal targeted PVCs in particular. China was joined in its opposition by the Czech Republic (on the PVC issues) and by USA (which considered the proposal to be "alarmist"). The now emerging faultline clearly ran through the Southern collective with Brazil and India throwing

their support for the German proposal in lieu of its incorporating their specific interests and China willing to deal with USA's 'go slow' approach in order to keep PVCs from being targeted.

While Norway had already put its support behind the German proposal, Japan tried to mediate between the two camps by suggesting that a consensus text could be drafted by including the elements common in the two positions. For its own part, Japan did prefer a multilateral arrangement and was, therefore, uncomfortable with the US approach; however, it was also not comfortable with the German approach which called for far more stringent action than it was willing to live with. A new twist was added to the discussion with the US suggesting that issues such as DDT elimination and technology transfer could be much better dealt with in a bilateral mode than in the regulatory framework proposed by the Germans. This move was clearly designed to woo the support of India and Brazil. It did, in fact, succeed with India who expressed its ability to "live with either approach as long as the issue of DDT elimination was given priority." In effect, the developing countries had abdicated on their shared interests in favor for a rather strong focus on their differentiated individual interests. While the wooing game continued, the inability of the Chair (or of any other party) to attempt a compromise text (which seemed possible at many points) prolonged the impasse and the negotiation ended in stalemate. Although the Chair made an attempt to highlight the few issues on which there was general concurrence, the simulation concluded, in fact, without agreement.

The result was partly a factor of a rather weak Chair who sought to maintain control over the procedural details of the negotiation but shied from any substantive input. As a result, many opportunities when elements of a consensus agreement seemed possible, even imminent, were lost and 'value' was left on the table. With the NGOs having been effectively 'decommissioned' early in the negotiation, the other actors that could have viewed the situation somewhat dispassionately and highlighted the zones of possible agreement were also removed.

In analyzing the behavior of the developing countries, it is clear that the observed *level of coordination remained very low* throughout the game and *the issue focus became progressively more specific*. The result was an entrenched *deal-making behavior*. Although the two simultaneous UNITAR runs both exhibited very low coordination by the developing countries, the striking contrast was that in this case (UNITAR 2) there was nearly no mention of the South's common concerns, while in that case (UNITAR 1) there was no mention of the specific concerns of the individual members of the collective.

In determining the level of success achieved by the developing countries, one should begin by noting that not only did the parties fail to reach a formal agreement, but no agreement was actually in sight when the negotiations concluded. Moreover, even if a compromise text had been crafted it is unlikely that it would have treated the South's broader goals meaningfully. As such, one might conclude that the developing countries were not successful in pursuing their shared interests. On the other hand, given the dynamics of the second half of the simulation, one might conclude that if an agreement had ultimately concluded it would necessarily have met the specific interests of at least some (but probably not all) of the developing countries. It is fair to conclude that, overall, even with generous estimates the *developing countries would have been limited to very low success* in this particular run of the simulation.

While the experience of this run seems somewhat similar to the earlier run of this variant (MIT-TPP 2), a major and potentially important difference is that in this case the developing countries sought their bilateral deals 'within' the confines of the main negotiation while in the earlier run they sought these as side-deals 'outside' of the formal negotiation. The distinction seems to be of some importance but there is insufficient information to suggest which is better.

6.4.3 • Variant #4, Game #3—BU-IR (Boston, USA)

This, the final run of the final variant of the game, was held at the Department of International Relations at Boston University. 17 players from 8 different countries, mostly graduate students specializing in international environmental policy, participated in this run which lasted over eight hours.⁴⁹ Amongst our experimental runs, this group had the least actual experience in international negotiations; however, having spent an entire semester studying the theory and practice of international environmental treaty making, it was well prepared for the exercise and came to it with some earnestness since a substantial portion of their grade depended upon it.

After an initial round of prepared opening statements, the Chair broke up the group into two pre-assigned sub-committees giving each about 20 minutes to prepare two lists--key issues on

⁴⁹ The simulation was a required exercise in a graduate class on Global Environmental Policy and Negotiation, taught by the author and offered jointly by the Department of International Relations and the Center for Energy and Environmental Studies. Although most participants were graduate students, a few qualifying undergraduates (seniors) also participated. Most roles were represented by only one player each; China, Germany, India and Japan were represented by two each.

which consensus was likely and key issues on which serious differences exist.⁵⁰ The discussion in the first group remained focused on the scope of the problem with USA insisting that it should be tackled at the domestic and regional level and the only defensible global policy would be to invest in further research. ICSA aligned with USA, particularly on the issue of giving priority to further research. Norway and GreenStrategies lined up on the other end. Both Brazil and the Czech Republic were ambivalent. The discussion in the second group had a different flavor. India and China viewed organochlorine management as "a sustainable development problem whose solution lies in creating developmental conditions conducive to a shift in production and consumption patterns." This call for increased financial assistance for the South found some sympathy from Germany, Japan and IUCE but IBR argued that expanding the scope of these negotiations to cover sustainable development was imprudent. An informal set of caucuses followed these breakout sessions. The most important of these was a meeting held between Brazil, China, Czech Republic and India. Although largely focused on sharing information about what had transpired in the two groups, there was a clear desire in this group for acting collectively. Norway, Germany and IUCE (which had held a small group meeting of their own) later approached the four to offer their assistance and support.

By the time the plenary met again, a congruity of interests seemed to have developed between these seven countries. Japan and GreenStrategies remained uncommitted, while USA, IBR and ICSA converged around the idea of beginning with a research program. Seizing the moment, Norway and Germany introduced their respective proposals and suggested that the two could be merged into a single text. A short break was called to allow the parties to deliberate upon the proposals. At this point, confidential faxes were discretely delivered to Brazil, India and the Czech Republic urging them to focus more on their specific interests. A fax was also delivered to Japan, highlighting the fact that it would strongly prefer a multilateral arrangement to a bilateral one and would be willing to contribute significantly to the creation of one.

Interestingly, Brazil (which had emerged as the leader of the Southern collective but was unaware about who else had received a change in instructions) reacted to its new instructions by gathering China, India and the Czech Republic and calling upon their support in advocating its key individual interests. India and the Czech Republic (which had received similar faxes) were quite eager to do so and China was also amenable, particularly since the German

⁵⁰ The first committee consisted on USA, Brazil, Czech Republic, Norway, GreenStrategies and ICSA; the second comprised on Japan, India, China, Germany, IUCE and IBR. Wisely, the Chair sought the parties' approval for his pre-assignment offering to rearrange if necessary.

proposal's inclusion of PVC targets had brought its own individual interests into sharp relief. Interestingly, the four countries sat down and crafted a platform that incorporated each party's specific interests. Elements of the platform included: a) raising sufficient funding for the global elimination of DDT use over 5 years through subsidizing cleaner alternatives, b) establishing a technology transfer program in the pulp and paper sector that provided developing and transitional economies with available cleaner technologies, c) a moratorium on any restrictions on organochlorine uses deemed vital to the developmental interests of developing and transitional economies, especially including PVC and agriculture related chemicals.

Upon return to plenary, Brazil presented this platform as the common platform of what she called the 'BICC' (Brazil, India, China and Czech) group. Germany responded that although many of these concerns could be accommodated within its proposal, PVCs were an important issue for itself, Norway, IUCE and GreenStrategies and needed to be dealt with. Meanwhile, USA, IBR and Japan continued to have reservations on the German proposal for differing reasons. Moreover, the general sentiment of the room on the licensing scheme was that it was premature at this stage. ICSA, which had aligned with the USA till now, suggested that a more significant research component could be added to the German proposal as a precursor to any specific action. By the time the group broke for lunch, it seemed that the negotiation was moving towards a resolution somehow structured around a restructured German proposal.

Amongst the many informal discussions that took place during lunch, the most significant one started off as a pleasant little chat between China and ICSA with the later suggesting that a 'CITES-like' solution could be constructed by establishing a multiple lists system where chemicals in different lists are treated with different levels of action. As the discussion grew more elaborate other players were attracted to it; by the end, it turned into an informal mini-plenary involving all parties discussing the notion in brainstorming (as opposed to formal negotiation) mode. The only parties not involved in this discussion were USA, Brazil and Germany, which had been whisked away by the Chair to attempt crafting a consensus draft based on the morning's discussions. This group operated in a less amicable atmosphere and was the scene of some rather passionate exchanges, particularly between Brazil and USA.

The post-lunch plenary began with the Chair reporting that his drafting group had failed to arrive at an acceptable draft. Seemingly at an impasse, the Chair was leaning towards a "general statement of concern" without any implementable clauses. However, ICSA presented a gist of its discussions over lunch and offered it as an alternative. The proposal, as presented,

was to establish three lists of chemicals—List 1 would include chemicals with scientifically proven harm, whose use and production could be banned; List 2 would include chemicals with suspected harm, whose use may be voluntarily reduced and whose impact should be scientifically studied; List 3 would include chemicals which had been scientifically proven to be low-risk and non-persistent. The US was sympathetic to the idea since it was based on “science led policy.” However, Germany was skeptical since it seemed to postpone real action. Brazil, India and the Czech Republic joined China, who had voiced similar reservations over lunch, in pointing out that the real challenge was devising an institutional system for making the decisions. In an inspired move, IUCE took to the flipchart and drew an elaborate representation of how he saw the scheme working. Over the next hour and a half, the flip charts remained the focal point of the group as different parties attacked and/or added to the original idea. By the time the process ended, a number of important things had transpired.

- ❖ Consensus had emerged on four general lists—a) substances with proven harm, candidates for phase out; b) substances with potential harm and available substitutes, candidates for technology shifts to reduce impact; c) substances with suspected harm, candidates for increased research on impacts; and d) potential alternatives for any of above, candidates for research in product development and dissemination.
- ❖ On governance, there was consensus that all decisions would be made by state parties and NGOs would have observer status. ICSA and USA had reservations to the notion of equal national representation in scientific as well as financial decisions.
- ❖ On funding, USA had committed funds for lists (c) and (d) only; Japan, Germany and Norway also announced intention to support but no made no commitments.
- ❖ The three developing countries, with the support of Czech Republic, Germany, Norway, IUCE and GreenStrategies had announced that their acceptance of any agreement would be conditional on at least some substances being placed in the various lists at this meeting. USA and ICSA were resistant to do so on grounds of insufficient information. The developing countries had also made their support conditional to the provision of sufficient funds to implement whatever actions were mandated for Lists (a) and (b).

In outlining this summary, the Chair also noted that with time running out a written agreement might not be possible. He suggested, however, that consensus be sought on the issues in contention; particularly on governance, funding and specific targets. To expedite the process he suggested breaking up into three groups to deal with these issues. The groups that emerged were: a) ICSA, USA and China on governance; b) India, Japan and Norway on financing c) Brazil, Germany, Czech Republic, IBR, GreenStrategies and IUCE on targets. Obviously the greatest interest was in setting targets for the short term. The ‘easy’ decision in

this group was to place both DDT and PCBs in List (a) for immediate phase out; also, organochlorine use in the pulp and paper sector was placed in List (b) on the assumption that this meant facilitating technology transfer. The problem case was of PVCs—Germany, Norway, GreenStrategies and IUCE considered them a prime target but China and Czech Republic were very resistant to the idea. The impasse was broken when the Czech Republic suggested that it would not be averse to reducing PVC use if cost-effective alternatives were made available. The decision, therefore, was to place PVC in List (b) on the proviso that reduction would be subject to transferring alternative technologies to developing and transitional countries. The job, however, was far from done. While substances had been identified, the task of determining the level of reductions and timetables remained. Moreover, the Czech delegate made it abundantly clear that placing any targets and timetables assumed the international community's willingness and ability to fully fund that reduction in developing and transitional economies. This meant that the real action was still in the financing committee. The breakthrough, in that committee, came when Japan announced that it was willing to make a significant additional commitment to the GEF if that was accepted as the mechanism for funding transactions. The committee on governance, however, remained deadlocked.

The brief plenary discussion on the reports from the three committees remained equally stalled. On conclusion, therefore, the Chair summarized the consensus as consisting of the following:

- ❖ A four-list system, as described earlier, is acceptable to all.
- ❖ As part of List (a), DDT and PCBs will be targeted for a phase out over the next five years. As part of List (b), a window would be established under GEF to subsidize technology transfers for cleaner alternatives to organochlorines used in the pulp and paper sector and PVCs (no specific targets or timetables).
- ❖ The GEF would manage the funding for any eventual mechanism. Japan has committed to providing significant funding for helping meet the goals related to Lists (a) and (b) over the next five years. USA is committed to providing significant funds for research related to Lists (c) and (d) but cannot, at this point, commit to funding via the GEF.
- ❖ It is understood that any action on the part of developing countries and economies in transition will be subject to the provision of adequate funds necessary for that action.
- ❖ Decisions on governance and other related issues is postponed.

In analyzing the collective behavior of the developing countries (inclusive, in this case, of the Czech Republic), it is clear that *the level of coordination* between them increased as the game progressed and was *fairly high* when it ended. This was quite surprising given the results of

the other two runs in this variant. It was largely a factor of the good working relationship that had already developed between these parties before the confidential faxes were distributed. More importantly, it was a function of Brazil's ability to build a new 'common platform' around the specific interests of the individual member countries. However, in pursuing this new platform, the existing common goals of the parties were largely placed on the back burner. As such, *the focus remained on specific issue for most of the negotiation.*

Overall, therefore, the developing countries transited rather quickly to *coalition-like behavior* and remained in that quadrant for most of the negotiation. The nature of this 'coalition', however, was different from that in other runs (SDPI 1, MIT-TPP 1, CASIN and IUCN-P) in that all the earlier cases had tended towards a mixed issue focus. This run, it seems, was moving towards a 'purer' coalition mode with high coordination and a strong and undiluted focus on specific issues of individual interest. This seems to be an important point, particularly as we gauge the level of success of the developing countries as a group. Although no formal agreement was reached in this run, it was evident to all present that the delegates were in sight of a possible agreement when they ran out of time. Such an agreement, it seems, would have done a fairly good job of incorporating the individual interests of all the developing countries (and the Czech Republic). However, it is also clear that if such an agreement had been reached on the terms of the last two hours of the simulation it would have paid relatively little attention to the common goals of the developing countries. Overall, one would expect that, generously evaluating, such an agreement would have provided *modest success for the developing countries* in meeting their individual and shared goals.

6.4.4 • Summary of Variant #4 Results

The most striking aspect of the three runs of this variant of the simulation is how difficult it was for each of the three groups to arrive at any agreement. In one group there was no agreement and seemingly no likelihood of a meaningful agreement (UNITAR 2); in another, a structurally elaborate but substantively light agreement was reached but it was one that most parties were uncomfortable with and which they accepted mostly due to time pressures (MIT-TPP 2); in the final case, a substantively meaningful agreement did seem imminent but could not be detailed, again due to time constraints (BU-IR). However, this should not be a surprise. A key lesson from theory (Chapter #2) is that collectives serve to make multilateral negotiation more manageable by effectively reducing the number of parties as well as the number of issues. In

as much as deal-making behavior tends to disintegrate collectives, it also serves to effectively increase both the number of parties and the number of specific issues in play, hence making the negotiation process that much more complex and cumbersome.

Although the three runs shared this very important trait, the developing country parties followed significantly different paths in each case. A summary of the key observations on the behavior of the developing country roles is presented in Table 6.5 and Figure 6.4 notates the general direction of movement on the behavioral template.⁵¹ In the first game (MIT-TPP 2), the three developing countries attempted to go separate directions but were ultimately forced to regroup and begin moving toward alignment behavior. In the second run (UNITAR 2), they refused to put in the effort required in deal-making and eventually slumped into the southwest corner of Figure 6.4. In the third game (BU-IR), they landed squarely in the coalition quadrant.

Table 6.5: Summary of Observations for Variant #4 Simulation Runs
(Expected behavior of developing country roles: Deal Making behavior)

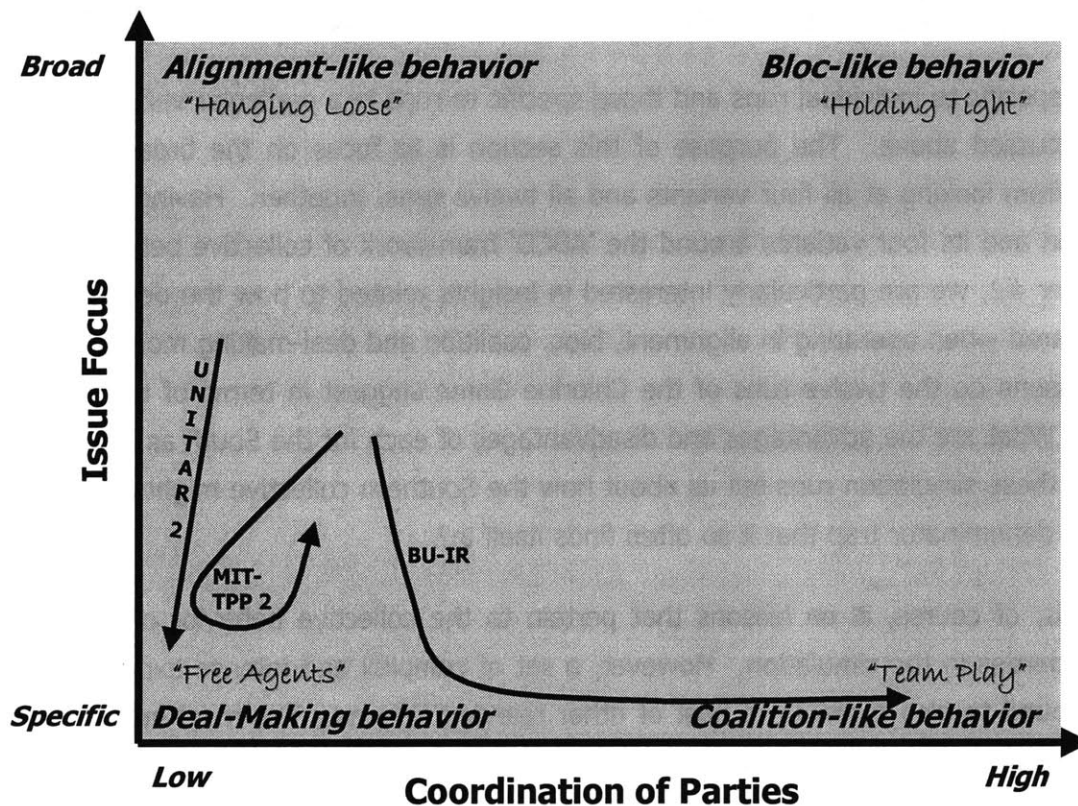
Research Run	Observed level of Parties' Coordination	Observed nature of Issue Focus	Observed behavior of collective	Comments on negotiation results
MIT-TPP 2	Low	Specific	Deal-making behavior moving to Alignment-like behavior	Low success in meeting key interests
UNITAR 2	Low	Specific	Deal-making behavior	No success in meeting key interests
BU-IR	Medium-low changing to High	Specific	Coalition-like behavior	(Potentially) Modest success in meeting key interests

Although Table 6.5 shows that all three runs were able to maintain an issue-specific focus for most of the simulation, it should be noted that this was not an easy posture to maintain. Just as the developing countries had found a certain comfort (during Variant #2) in moving towards broader goals, there was a palpable discomfort and additional effort required in maintaining an issue-specific focus. Not surprisingly, the deal-making quadrant also brings out the sense of struggle that was earlier demonstrated in the coalition quadrant. In both cases, the need to

⁵¹ The figure tracks the movement in behavior only *after* the confidential faxes have been distributed.

maintain a focus on more specific and differentiated issues vests a natural tension that does not exist when the parties are focusing on broader issues on which general agreement already exists. However, the nature of the struggle in the two quadrants is quite different. The struggle in the coalition corner is analogous to that involved in 'playing as a team' and worrying not only about one's own specific interests but also the interests of one's teammates. The struggle in the deal-making mode, on the other hand, is analogous to the strain on the 'free agent' who ends up bearing a much heavier burden on himself. This distinction is demonstrated, for example, when one compares the first run of this variant with the third. In the first case (MIT-TPP 2), the individual developing countries operated (for most of the game) as free agents seeking the best deals for themselves; in the third case (BU-IR) they were clearly playing as a team but having to work hard to maintain the teamwork. In comparing the two modes, it does seem that while coalition-like behavior demands the substantial additional effort required in maintaining a higher level of coordination, the effort can be worthwhile since it also promises better prospects of reaching a successful agreement.

Figure 6.4: Developing Countries in Variant #4 Simulation Runs



An interesting question raised by these three runs is whether it is more desirable to seek deals 'inside' or 'outside' the main agreement. In the first case (MIT-TPP 2), the developing country roles sought side-arrangements 'outside' of the main negotiation (as linked payoffs). In the second case (UNITAR 2), they seemed to seek the deals within the main negotiation so that the *quid pro quo* was structured into the final agreement. Since neither strategy yielded a meaningful agreement, it is difficult to assess their strengths and weaknesses. However, from the experience of the first case, it does seem that seeking side arrangements outside of the main negotiation can be a potentially more risky proposition. Interestingly, applying such a lens to the third run of this variant suggests that in this case (BU-IR) the 'deals' were struck *amongst* the developing countries themselves. This, in turn, demanded greater coordination amongst the parties and eventually led them to the coalition quadrant. In the language of Variant #4, one might therefore suggest that coalition-like behavior can be defined as a situation where the deals are sought *within* the collective.

6.5 Key Lessons

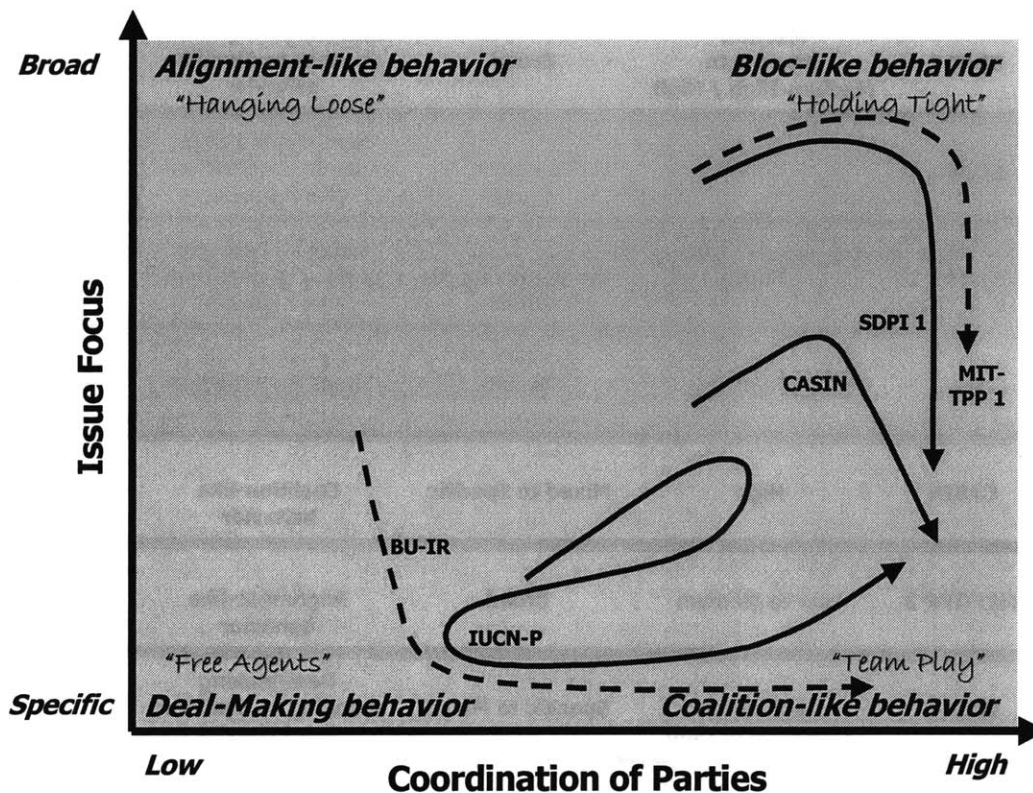
Lessons specific to individual runs and those specific to runs in a particular variant have already been discussed above. The purpose of this section is to focus on the broader lessons that emerge from looking at all four variants and all twelve runs, together. Having constructed the simulation and its four variants around the 'ABCD' framework of collective behavior introduced in Chapter #2, we are particularly interested in insights related to how the developing country parties fared when operating in alignment, bloc, coalition and deal-making modes, respectively. What lessons do the twelve runs of the Chlorine Game suggest in terms of the four behavior modes? What are the advantages and disadvantages of each for the South as a collective? And what do these simulation runs tell us about how the Southern collective might avoid the lowest common denominator trap that it so often finds itself in?

Our focus, of course, is on lessons that pertain to the collective behavior of the developing country parties in the simulation. However, a set of complex and intense experiences such as this is bound to also throw up a host of other relevant lessons. The most important of these lessons—especially as they pertain to the use of simulations as a research device and to international multilateral negotiation—will, therefore, be listed briefly in the final section.

6.5.1 • Lessons about the Collective Behavior of the South

The most striking finding highlighted by the twelve experimental runs of the Chlorine Game is that in this simulation the most comfortable place for the developing countries to be in (i.e., least effort and least risk) is in alignment mode, and the most effective place to be (i.e., most likely to meet common and differentiated interests of parties) is in the coalition quadrant. The finding is striking not because it is entirely surprising but because it comes across much stronger and more consistently than one might have expected. This serves to corroborate the key lesson from the desertification case study and also the insights from Chapters #2 and #3.

Figure 6.5: 'Successful' Simulation Runs



In terms of outcome, the desirability of coalition-like behavior ('team play' characterized by relatively high levels of coordination within the collective and a focus on differentiated issue-specific concerns) is evident from reviewing the results of all twelve runs together (Table 6.6). This becomes even more striking when we sift through the results and place only those runs where the developing countries collective achieved 'fairly high success' (in bold lines) and where

they achieved 'modest success' (in dashed lines), on the behavioral template (Figure 6.5). Indeed, all 'successful' paths seem to lie in and/or lead to the 'Team Play'!

Table 6.6: Summary of Observations for All Experimental Runs

	Research Run	Observed level of Parties' Coordination	Observed nature of Issue Focus	Observed behavior of collective	Comments on negotiation results
Variant #1: Alignment-like Behavior	TIT	Medium-low	Broad moving to Mixed	Informal Alignment moving towards Behavioral Alignment	Low to Modest success in meeting key interests
	UNITAR 1	Low	Broad	Informal Alignment-like behavior	Low success in meeting key interests
	SDPI 2	Medium changes to Medium-High / High	Broad	Behavioral Alignment changes to Bloc-like behavior	Low success in meeting key interests
Variant #2: Bloc-like Behavior	SDPI 1	High	Broad moving to Mixed	Bloc-like behavior moving to Coalition-like behavior	Fairly High success in meeting key interests
	MIT-TPP 1	High	Broad moving to Mixed	Bloc-like behavior moving to Coalition-like behavior	Modest success in meeting key interests
	UNDPCSD	High	Broad	Bloc-like behavior	Low success in meeting key interests
Variant #3: Coalition-like Behavior	CASIN	High	Mixed to Specific	Coalition-like behavior	Fairly High success in meeting key interests
	MIT-TPP 3	Low to Medium	Broad	Alignment-like behavior	Low success in meeting key interests
	IUCN-P	Medium-low changing to High	Specific to Mixed	Deal-making changing to Coalition-like behavior	Fairly High success in meeting key interests
Variant #4: Deal-Making Behavior	MIT-TPP 2	Low	Specific	Deal-making behavior moving to Alignment-like behavior	Low success in meeting key interests
	UNITAR 2	Low	Specific	Deal-making behavior	No success in meeting key interests
	BU-IR	Medium-low changing to High	Specific	Coalition-like behavior	(Potentially) Modest success in meeting key interests

Figure 6.5 highlights how the three runs where the Southern parties' were most successful in meeting their differentiated and common interests (as defined in Table 5.4)—SDPI 1, CASIN and IUCN-P—are all characterized by their collectively settling into coalition-like 'team play'. The two other runs where the developing countries were relatively successful—MIT-TPP 1 and BU-IR—were also moving in the same direction. In and of itself, the fact that runs that saw the developing countries settling in the coalition space were relatively successful is not surprising. After all, 'success' was coded in terms of the parties meeting their common as well as differentiated goals and this, by definition, is more likely in the two lower quadrants (deal-making and coalition-like behavior). However, what is significant and relatively surprising is that the players—who, for their part, were interested only in the most 'successful' outcomes for themselves and unaware of the conceptual arguments that they were helping test out—gravitated towards the coalition quadrant even though the deal-making quadrant has the advantage of not requiring as much coordination effort. In fact, in one case (IUCN-P) the developing countries bounced back into the coalition quadrant from deal-making behavior while in another (BU-IR) they slid into coalition mode after having been guided into deal-making behavior by their confidential faxes. The surprise here is the preference that the 'success seeking' players seem to be expressing for 'team play' over 'free agent' behavior.

It was also evident from the experimental runs that it is not 'easy' to operate in the coalitional space; at best it requires a greater level of effort and at worst it can entail a higher level of risk to the collective's solidarity. Indeed, all five runs depicted in Figure 6.5 demonstrated intense South-South negotiations and hectic out-of-conference activities in terms of caucus and small group meetings. The effort that is required to play as a team as well as the risks involved in this were most visible in MIT-TPP 3. Recall from Figure 6.3, above, that this is the run where the developing countries literally took a U-turn back into alignment territory after unsuccessfully attempting to adopt coalition-like dynamics. The effort, of course, is needed because of the demands of high coordination compounded by the fact that coordination is required not only on issues of existing congruent interests (as in 'hanging tough' behavior) but also on differentiated and issue-specific interests. The risk is associated with the move to more issue-specific concerns and the potential they have for highlighting that which is different (and differentiated) between the parties in the collective instead of simply building on that which is patently common. It is these risks that help explain the observed preference for coalition-mode over deal-making behavior. Consider the two runs where the developing countries ended up operating in deal-making mode. The risk of the collective unraveling—or at least no longer being able to operate as effectively on their common interests—was evident in UNITAR 2, while

in MIT-TPP 2 the fear of such an eventuality drove the developing country parties back towards the relative comfort of alignment-like dynamics.

An important point in this regards is that coalition behavior requires higher-effort because of its demand for parties coordination and also to 'manage' the inherent tension between the desire to maintain and deepen the solidarity that comes from existing broad commonalities and the impulse to expand and widen the platform by including more differentiated, issue-specific interests. It is while operating within the coalition quadrant that the tensions between the centrifugal forces pushing the members away from the center of the collective and the centripetal forces moving them towards its core are most in tension; and when the need to balance them is most in pressing. The effort of the collective, therefore, goes into balancing these forces. This goes back to what Arthur Stein (1990) has called "dilemmas of entanglement" (see Chapter #2) in arguing that the true test of a collective comes when the individualistic and common interests diverge; in our conceptualization, the collective is put most starkly to this test when it seeks to play as a team in the coalition quadrant.

Arguably, the added coordination between parties translates into increased demonstrations of solidarity in episodes of bloc-like behavior but turns to expanded common platforms during coalition-like behavior. By extension, one might posit that while increased coordination might sometimes lead to more entrenched and aggressive rhetoric (towards the 'other') in bloc behavior, it is likely to be channeled more constructively in the coalition quadrant since the coordination is focused inwards (towards the collective) in the later case and outwards in the former case. One should hasten to add, however, that this is a proposition that emerges from, rather than a finding of, the simulation runs. To whatever extent there is evidence supporting the proposition, it comes from comparing the two runs that demonstrated bloc-like behavior (SDPI 2 and UNDPDSD) with the ones that demonstrated, or were leaning towards, coalition-like behavior. The tone of the North-South discourse in the first set was distinctly, demonstrably and considerably more confrontational, and even acerbic, than in the second set.

Comparing the behavior of the Southern parties during 'holding tight' and 'team play' behaviors also draws our attention to the fact that, from the developing countries' perspective, the best results in these twelve runs were achieved not in 'pure' coalition behavior but often at the cusp of coalition- and bloc-like behaviors—leaning towards more alliance-like behavior in the language of Chapter #2. The three most desirable results (SDPI 1, CASIN and IUCN-P), for example, were achieved with the issue focus somewhere between mixed and specific.

Moreover, the descriptions of two runs (IUCN-P and BU-IR) seem to suggest that moving to an issue focus that is too specific and differentiated can create tensions within the collective by distracting from the broader common agenda. Although this is also in the realm of proposition rather than finding, the evidence from the experimental runs suggests that while moving to a more issue-specific focus is desirable it should not distract too much from the broad common interests since that is the 'cement' which holds the collective together in the first place. Issue-specific concerns should build upon, rather than distance themselves from, the broader common concerns.⁵² Related directly to this is the proposition introduced in section 6.3.4 concerning strategic sequencing—i.e., the notion that the developing countries collective should first focus on strengthening its collective solidarity by focusing on the broad common issues and then use the established unity to expand their platform to more differentiated issues. In looking again at Figure 6.5, three of the five more successful runs—MIT-TPP 1, SDPI 1 and CASIN—seem to have moved along this route and the effort and strain involved in these was, in fact, relatively less than in the other two runs notated in the diagram (BU-IR and IUCN-P).

The focus of the foregoing has been on coalition dynamics since that clearly emerged as the most effective place for the developing countries collective to be in this simulation. However, the discussion also touched on bloc-like and deal-making behavior since the first of these, like coalition dynamics, requires a high levels of coordination and the second requires a more specific issue-focus. In that sense each of these is a step removed (although a very important step removed) from coalition dynamics. In the same sense, the exact opposite of coalition-like behavior is alignment-like behavior. This insight, obvious as it might sound, is important. As expected, alignment dynamics emerge as the ones likely to be most comfortable for the developing countries and where they are most likely to reside. Note, therefore, that the results of our experimental runs of the Chlorine Game clearly suggest that the two most important nodes on the behavioral template represent coalitional (or team play) and alignment (or hanging loose) behavior from the developing countries; the former being the most effective space for them to be in and the latter being the most likely. Table 6.6 suggests that the other two corners—representing deal-making and bloc-like behavior tend to be transitional points from where the developing countries move onwards to either alignment or coalitional behavior. This, of course, is in sharp contrast to the view in the literature that tends to see the continuum of collective behaviors of the South as represented by a linear continuum that has bloc

⁵² The two runs in deal-making behavior (UNITAR 2 and MIT-TPP 2) also highlight this conclusion.

dynamics at one end and the equivalent of deal-making dynamics at the other—and, therefore, views those two as the two most important points in the continuum (Chapter #2).

Let us turn our attention now to alignment dynamics where parties ‘hang loose’ in a behavior characterized by relatively low levels of coordination and a relatively broad issue focus. All runs of the Chlorine Game began with the developing country parties in alignment mode—since this was the base case and the confidential faxes that triggered the different variants did not kick in till about a third of the way into the negotiations. It is notable that in all cases except one (UNITAR 1), the original instinct of our ‘success seeking’ participants was to move somewhere else on the template—either to strengthen their alliances through increased coordination and thereby move towards bloc-like dynamics, or attempt to expand the platform of demands beyond the broad common issues by moving towards a more issue-specific focus and thereby into deal-making territory, or to do both by sliding towards coalition-like dynamics.⁵³ Evidently, the logic of why the highest payoffs are unlikely in the ‘hanging loose’ quadrant was apparent to the participants. What became apparent to them only later in the game (see especially TIT, MIT-TPP 2 and MIT-TPP 3) was that there is a certain comfort and security in hanging loose that may not be available in other more risk-prone points on the behavioral template.

Although there are relatively good prospects of the developing countries meeting their minimal common interests in alignment mode, the predominant focus on broad issues does not present the opportunity to expand the platform to include more issue-specific and differentiated concerns. On the other hand, this behavior does not demand much from the collective in terms of coordination effort. For a collective that is more interested in minimizing its risks than maximizing its gains and is strapped for institutional resources this behavior makes a lot of sense. To move to bloc-like behavior entails added effort in terms of higher demands for coordination and introduces the new risk of antagonizing the ‘other’ into equally entrenched behavior (as happened in SDPI 2). To move to coalition-like behavior entails the same extra effort in terms of coordination but also requires a shift towards more issue-specific and differentiated concerns. The risk in this case is of the solidarity of the collective unraveling as the members shift their focus from interests that they hold in common to those where they have differing priorities (this was beginning to become evident in MIT-TPP 3). In moving to deal-making behavior the relatively low coordination not only enhances the risk to the solidarity

⁵³ In most cases these instincts were sharpened via appropriate confidential faxes. However, the attempts to shift positions to somewhat more proactive dynamics was visible in most cases even in the early stages of the negotiations (prior to the variant’s kicking in).

of the collective but also does not provide respite in effort since free agents can bank much less on the natural congruity in broad interests than members of a collective that 'hangs loose' but does 'hang together' (this was evident during the latter half of MIT-TPP 2). In short, alignment behavior offers lower risk as well as lower effort than in any other behavioral archetype.

Of course, alignment dynamics are also most conducive to lowest common denominator behavior. In fact, lowest common denominator positions are also possible during bloc-like behavior but they are more likely within the alignment quadrant. Both 'hanging loose' and 'holding tight' encourage a limited focus on broad common issues but the tighter squeeze in the latter implies a higher effort on the part of the collective and it seems reasonable that all else being equal, a collective that is willing to adopt a lowest common denominator platform is more likely to not invest in the additional coordination effort required for bloc-like behavior. Indeed, the two cases of bloc-like behavior (SDPI 2 and UNDPDSD) in our sample were both motivated by an effort to guard the broadly held common position and resulted, as discussed above, in higher than normal North-South antagonisms. On the other hand, in two other cases (SDPI 1 and MIT-TPP 1) the developing country parties were able to use a strategy of holding tightly to each other to establish a trust and, thereby, a basis for later moving into 'team play' dynamics. In essence, the evidence from our runs of the Chlorine Game suggests that for the developing countries' collective the alignment mode is both the most comfortable place to be and the space most likely to lead to lowest-common denominator behavior. This also corroborates the propositions emerging from our reviews of the literature on collectives (Chapter #2), the nature of the South as a collective (Chapter #3), and from the desertification case study (Chapter #4).

To synthesize the above in terms of the asymmetrically descriptive-prescriptive framework adopted by this study, two overarching lessons can be highlighted for the South:

- ❖ From a **descriptive perspective**, our twelve experimental runs of the Chlorine Game make it quite clear that in terms of results the coalition mode (or 'team play') is the most desirable behavior for the Southern collective (see Figure 6.5). However, when the developing countries do not want to, or cannot, invest in the increased coordination and internal South-South negotiations that are required to negotiate as a coalition, it does make sense to adopt alignment dynamics rather than bloc-like or deal-making behavior. Given that the G77 usually operates as an alignment, this finding mimics the G77's actual behavior and also justifies the rationale behind the behavior. The results of the experimental runs of the simulation serve to explain why the Southern collective

(which is intrinsically risk averse) seeks the comfort of the alignment mode, even at the cost of reducing itself to lowest common denominator positions. This also helps explain why the G77 membership is unwilling to move either to bloc-like or deal-making behavior.⁵⁴ The results also suggest that despite higher payoff prospects, the coalition space also requires higher effort from the collective in terms of internal coordination and preparation. Given the chronic institutional limitations of the G77 one can posit that one reason we do not see the G77 in coalition mode more often is because its institutional setup is not structured to meet the demands of coalitional behavior.

- ❖ From a **prescriptive perspective**, while our experimental runs clearly point towards the desirability of the coalition (or 'team play') mode for the South, they also points us towards conditions in which other behavior might be advisable for the collective. The lessons from these twelve runs suggest that, as general rules of thumb, **Alignment-like** (or 'hanging loose') behavior makes sense when risk and effort need to be minimized or when the negotiation is about relatively less important issues and maintaining the unity of the collective for future negotiations is more important. **Bloc-like** (or 'holding tight') behavior makes sense when there are not too many differentiated issues and the negotiation is on issue that are of very high importance to all members of the collective. **Coalition-like** (or 'team play') behavior is most desirable when there is a mix of shared and differentiated interests and both are valued highly by the members of the collective. **Deal-making** behavior makes sense when the common interests are much less important than the specific differentiated interests and/or when parties have something so valuable to offer to others that they can afford to be 'free agents'.

6.5.2 • Lessons about the Simulation

Our discussion, and this study as a whole, has focused principally on the lessons most directly pertinent to the role of developing countries as a group in international environmental negotiations. However, the lessons that emerge from the simulation runs are necessarily broader than that. Although we have neither the mandate nor the space to delve into these in

⁵⁴ The simulation results strongly contradict the calls of those who would have the G77 disband and individual developing countries seek out the best deals for themselves, as well as of those who would have the G77 up the ante and move to bloc-like solidarity of purpose and tactics.

any great detail, the more important of these lessons deserve mention. In particular, we will list here some of the key lessons related to the use of simulations as a research tool including the influence of personality in role-play and insights into game logistics and simulation design.

On **the use of simulations as a research device**, the twelve experimental runs of the Chlorine Game suggest a generally positive prognosis. By and large, the game 'behaved' as it was supposed to. Although the participants came from widely varying backgrounds and brought highly diverse disciplinary, professional and cultural experiences, they responded generally similarly to the instructions, infused generally similar meanings to the roles they were playing, and one could have walked into any one of the twelve runs at any point in their progression and recognized the simulation dynamics to be similar to that in any other run. This, of course, does not suggest replicability in the precise scientific sense. However, it does suggest a replicability of stimuli. It suggests that the game design, and particularly the confidential instructions, sent the same messages to very different players playing the same role in different runs of the game. While the games themselves progressed differently because different sets of players applied different sets of strategies, each run is comparable to the other for research purposes because the starting points were generally similar.

As discussed in Chapter #5, the single most ambitious element of our game design was the desire to use four different variants to facilitate the adoption of differing negotiation strategies by the developing country parties in the simulation. Earlier scholars (e.g., Bloomfield and Gearin, 1973; Bloomfield, 1984) had highlighted the potential of such an approach but had themselves reported rather mixed success. Our experience with the Chlorine Game has also yielded mixed—but generally more encouraging—results. On the one hand, if one looks at the runs in the four variants (Figures 6.1, 6.2, 6.3 and 6.4) it is clear that in no case was the variant successful in completely and unambiguously inducing the precise behavior that was expected.⁵⁵ On the other hand, however, in all the runs it was clear that the relevant players understood the implications of the new instructions in the confidential faxes and did attempt to induce the expected behavior; although not always successfully. Realistically speaking, the fact that they could not (or chose not to) follow the expected paths should neither be a source of surprise nor a cause for concern. The variants were designed to be instructive rather than

⁵⁵ For alignment, bloc and deal-making behavior only one of the three runs each (UNITAR 1, UNDPSCD and UNITAR 2, respectively) resulted in behaviors that mimicked the expectation. None of the three runs for the coalition variant, mimicked expectations exactly; although two of the three runs in that variant (CASIN and IUCN-P) eventually remained in the expected quadrant.

predictive. This should be understood within the context of our operating assumption—that the players were out to be ‘successful’ within the terms of their confidential instructions, were unaware of the concepts being tested, and were familiar with but not attempting to mimic the actual behavior of developing countries. Given the above, one can claim that the four variants were generally successful in that a) each expected behavior did ‘kick in’ even if it was not always followed through; b) between the twelve runs enough observations were available in each of the four quadrants for us to be able to say something meaningful about each; and c) in choosing to operate within a particular behavior pattern, because or despite of the triggered variant, the players effectively demonstrated their sense of the costs and benefits of each.

Some of **the challenges of role-play** in a research simulation have already been introduced in the above paragraphs. However, since the role-play element has critical implications for the simulation’s use as a research device, a few points more specific to this element also need to be highlighted. First, recall from Chapter #5 the literature’s repeated emphasis on the use of ‘expert’ and ‘informed’ participants. Recall also that in our research design significant attention was paid to ensuring ‘informed’ participants (in the sense of Guetzkow and Valadez, 1981b),⁵⁶ but not all runs were played with what Bloomfield (1984), for example, might have called ‘expert’ participants. Despite this—and despite the fact that our sample of participants was far more diverse in terms of disciplinary, professional and cultural backgrounds—one can confidently report that like most other researchers before us, we found that the player’s moves and role portrayals were surprisingly free of academic, professional and cultural bias.⁵⁷ The simulation was generally successful in creating a level playing field in terms of informed participants. While different participants in different runs invariably ‘played’ the same roles with different intensities of passion and levels of skill, they did play them similarly and always within the confines of the instructions. In relation to ‘expertise’ the four runs where the participants were most similar to their real life counterparts were purposely placed in four different quadrants (UNITAR 1, UNDPCSD, CASIN and UNITAR 2). Interestingly, three of these (UNITAR

⁵⁶ One way to ensure this was by pegging each run to a relatively detailed training session of some sort that sought to level the information field between the players and to highlight for them some basic lessons about negotiation theory and international environmental negotiation.

⁵⁷ One should quickly add that this does not imply that the role-portrayals were free of disciplinary, professional and cultural influences. The distinction, as we use it, implies bias when the role is unrealistically changed in its fundamental dimensions to suit a player’s disciplinary, professional or cultural preferences; influence, in this case, suggests a player investing experience and expertise that that have because of their disciplinary, professional or cultural experiences in how they play the role, without actually embellishing any of the fundamental dimensions of the role design.

1, UNDPDSD and UNITAR 2) were relatively uninteresting and lackluster runs where the participants (because they were 'experts') largely mimicked their real behavior within the constructs of the particular variant. However, the CASIN run was amongst the most interesting of all runs for its very high level of 'realisticness' and also for the willingness of fairly high-level players to break out of their routinized behavior and experiment with alternative ideas. In essence, the runs reinforce the general finding of the literature that research simulations should use 'informed' and 'expert' participants but highlight the finding of Guetzkow and Valadez (1981b) that existing interest and a thought-out pre-game briefing/training can produce participants who will play out the roles responsibly and realistically.

The fact that the players were consistently 'honest' to their role instructions is a source of much comfort in evaluating the simulation; however, this does not imply that each role was played exactly alike in every run. Indeed, a striking finding is that individuals, and individual personality, matters. Personality factors played an important role in every case; even though the instructions were identical, the dynamics were different because the individuals were different. However, within the confines of each role's essential priorities, differences of approach, strategy or even skill are to be expected in real negotiations, and this simulation was no different. Indeed, one might argue that role-play simulations are a useful tool for negotiation research *because* personality matters. They can internalize, and possibly isolate, personality variables better than other methods.⁵⁸ Importantly, but not surprisingly, while the personality of all players matters, the personality of some matters more than others. In particular, the role of the Chair is pivotal in any multilateral negotiation. This is very much in keeping with the findings of the descriptive literature on international multilateral negotiation and was apparent to various degrees in all runs of the simulation, and in particular in MIT-TPP 3. A final issue in this regards relates to whether the game moved in a particular direction because of the instructions imbedded in different variants or because the personality and strategy differences between the players in different runs. The answer, it seems, is both. It should be noted that in most cases a particular variant was chosen for particular runs *because* the players were already demonstrating an inclination towards that particular behavior. While it is obviously difficult to isolate the causality it is not unreasonable to suggest that both forces

⁵⁸ Simulations, much like real negotiations, invariably assume a life of their own; the ability to track them in a controlled environment can shed light on issues that the descriptive or the more constrained experimental methods cannot. Although this was not the case here, social-psychological simulations can be set up to test the impact of personality variables on the negotiation process or outcome.

count—the instructions establish (or change) the definition of ‘payoff’ or success while the personality of players influences the strategies they are likely to adopt in seeking success.

Finally, a few insights into the **logistics of running a research simulation** deserve to be listed. These, of course, are particular to the Chlorine Game but most are generalizable beyond this specific simulation. First, preparation matters. Advance preparation is a virtue not only for negotiation in general but also for simulation management. In particular, this includes distributing the instructions well in advance of the simulation, stressing the importance of reading the instructions and preparing for the role-play upon the participants, and being available to answer questions in advance of the simulation. Second, time matters. During post-game debriefing, participants consistently reported their surprise at how quickly the time went by. Given the complexity of the simulation, the full day format for the negotiations emerged as sufficient, but probably the minimum sufficient, duration.⁵⁹ What worked well, however, was running the game over the same duration but over more than one days (as in SDPI 2 and IUCN-P; and in the three MIT-TPP runs). The pause, even if it is a one-night break, allows parties to think through ideas and explore possibilities that can be lost in the rush of a single-day run. Third, location matters. It was apparent that location is important, particularly in terms of conducting the simulation in a place that not only has the necessary facilities (meals and snacks; comfortable seating and light; flipcharts and overhead projectors; computers and copying machines) but also moves the players from their familiar surroundings so that they can remove themselves from their everyday persona and into the roles they are playing. IUCN-P suggests that moving the players to a scenically pleasant location and adding opportunities for social interaction can also have beneficial effects.⁶⁰

⁵⁹ Shorter durations, especially during test runs, were found lacking and longer runs did add much in terms of details but not always in the number of issues covered.

⁶⁰ While seeking general lessons on international multilateral negotiations are beyond our mandate, two lessons were so overwhelmingly evident in all runs that they deserve to be mentioned. First, all twelve runs highlight the importance of breakout sessions, caucuses small group meetings, and socializing activities. This is also in keeping with the findings of the broader literature on international multilateral negotiation. While one cannot claim a direct correlation between the number of breakout sessions and the overall success of the negotiation; one can claim that meaningful agreements, where they emerged, emerged during and because of intense out-of-conference small-group interaction. Second, the power of putting in a proposal that is simple and amenable to drafting changes was demonstrated by the fact that the German Proposal was the basis of most of the final agreements. Moreover, this seems to highlight the importance of putting in written proposals; no matter how much the German Proposal got changed in the process of negotiation it always retained enough of the original essence to meet Germany’s essential goals.

#7

Getting Beyond the Lowest Common Denominator

*There is nothing more difficult to carry out,
nor more doubtful of success,
nor more dangerous to handle,
than to initiate a new order of things.*

— NICCOLO MACHIAVELLI, *THE PRINCE*

This odyssey began with an ostensibly simple question: Why does the Southern collective slip into lowest common denominator positions in international environmental negotiations and how can it break out of this tendency? Of course, this question could not be answered without first grappling with several other equally important, and potentially more perplexing, questions. Is the so-called 'South' even a meaningful analytical category for students of international environmental negotiation? As a negotiating collective, why does it so often choose to operate at the level of its lowest common denominator? And since it does, would its members be better off abandoning collective negotiation through its platform? These are questions that invariably lurk behind any discussion of North-South relations in international environmental politics; yet, they are rarely raised or discussed explicitly. This study has tried to untangle these and such questions in seeking a meaningful response to its primary question.

In navigating through our research, we have followed in the footsteps of the 'asymmetrically prescriptive-descriptive' approach to negotiation analysis advocated by Howard Raiffa (1982,

1985, 1991a, 1997).¹ Recall from Chapter #1 that Raiffa (1982: 21) describes this approach as being “concerned with studying and understanding the behavior of real people in real conflict situations, so that he can better advise one party about how it should behave in order to achieve its best expected outcome. This type of analysis is *prescriptive* from the vantage point of one party and *descriptive* from the point of view of the competing party.” Recall also, how in advocating such an approach for research on international negotiations Raiffa (1991a: 14) advocated that “description and prescription should mature together.”

In seeking a simultaneous maturation of prescription and description, this study has grappled with a two-fold analytic challenge: *the descriptive challenge of understanding the nature of the South as a collective* in international environmental negotiations, and *the prescriptive challenge of determining the best strategy for the South*. To build, once again, on a framework provided by Howard Raiffa (1991a: 14) previous chapters have undertaken an analysis of negotiations (a real case and a set of experimental simulations) for the purpose of feeding into an analysis for negotiation.

The task before this final chapter is to explore the links between the two, to highlight the key descriptive lessons on the basis of which to suggest appropriate prescriptive advice. Before focusing on these, however, the next section will recap the goals and key findings of each preceding chapter. The purpose of this is to outline how the ideas being presented here have evolved over, and flow from, previous chapters. This will be followed by a discussion of the key findings that emerge when these chapters are taken together. Our goal here is only to highlight the most important findings and not to repeat the lessons specific to various chapters, which have already been presented and discussed. A summary of the most important descriptive lessons about the nature of the South and prescriptive advice for the South is presented in Table 7.1, which is categorized in terms of a) the goals that motivate the South, b) how the collective is organized, and c) how it operates tactically.² Finally, the chapter concludes with a brief discussion on directions for future research.

1 Speaking more broadly, this research has followed the *negotiation analysis* tradition. Sebenius (1992) suggests that the distinctive characteristics of this approach include: a) an asymmetrically prescriptive-descriptive orientation, b) a radically subjective perspective, c) a sensitivity to ‘value left on the table’, and d) a focus away from equilibrium analysis and towards perceptions of the zones of possible agreement.

2 The three elements—motivation, organization and tactics—overlap and operate simultaneously. The lessons and advice highlighted within each also overlaps, and have been categorized as such for heuristic clarity.

Table 7.1: A Summary of Descriptive Lessons and Prescriptive Advice

	Descriptive Lessons: <i>On the Nature of the South</i>	Prescriptive Advice: <i>Towards a Strategy for the South</i>
The South's Motivation	<ul style="list-style-type: none"> ❖ There is a South, it is alive and well, and is likely to remain so. ❖ For the South, any particular negotiation episode is seen as part of a longer-term 'game' about changing the terms of the larger North-South relations. It is this larger goal, rather than commonalities related to specific negotiation episodes, that holds the South together. 	<ul style="list-style-type: none"> ❖ Retain the focus on the long-term 'game' of changing the terms of North-South relations. ❖ For the medium-term, map out possible sub-goals that might lead to the long-term goal, and for the short-term translate these into objectives specific to particular negotiation episodes.
The South's Organization	<ul style="list-style-type: none"> ❖ As a collective, the South tends to negotiate as a broad-based, nominally coordinated, frequently rigid, often ineffective, but remarkably stable behavioral alignment. ❖ The larger collective, however, is made up of a number of smaller—often more focused, less stable—sub-groups which are more transient and whose issue-specific interests are often narrower, nearer-term, and more differentiated. The mechanisms to manage these sub-groups are insufficiently developed. 	<ul style="list-style-type: none"> ❖ Establish, at the earliest, a small but functional 'South Secretariat' (and invest the needed resources and authority in it). ❖ Expand the space and opportunities for South-South negotiations, especially but not only, prior to global negotiations. This would lead to and call for the G77 as well as its members to be better prepared for negotiations with the North. It could also entail further loosening the existing group structure within the G77 to allow for more issue-focused and geographic-focused sub-groupings.
The South's Tactics	<ul style="list-style-type: none"> ❖ Prone to risk-minimization, the Southern collective gravitates to the relative comfort of alignment-like behavior and is willing to adopt lowest common denominator positions because they often require less effort and are less threatening to it's much cherished goal of stability. ❖ Lowest common denominator positions postpone or suppress the more differentiated interests of particular sub-groups and a) can lead to internal tensions and dissatisfaction, and b) 'value is left on the table.' 	<ul style="list-style-type: none"> ❖ Over the long-term the South should retain its tactical behavior as a broad-based alignment in global negotiations. ❖ In particular negotiation episodes, the South should seek to occupy the coalitional space by simultaneously 'tightening' and 'loosening' the collective's management. Tightening in terms of focusing more on parties' coordination, and loosening in terms of allowing more room for differentiated, issue-specific interests to be accommodated within the collective's agenda.

7.1 A Recap

We began with an introduction to the research question and methodology in **Chapter #1**. In particular, the chapter laid out the puzzle in the language of the *least common denominator*—the tendency of large groups to sometimes reduce their platforms to only those minimal positions on which all members are already in agreement. This means that the members with

the most stringent position and those seeking the smallest movement define the collective's agenda. Moreover, the chapter defined the context of the enterprise as *a study of the South as a collective*. Our focus, therefore, has been firmly on the collective behavior of the developing countries in international environmental politics. In doing so, we have sought to fill a glaring gap in the literature, which seems to forever refer to 'the South' as if it were a collective but nearly never treats it as such for analytical purposes.

In order to say anything meaningful about the role of the South as a collective, it was necessary to first review the existing conceptual literature on the role of collectives in international multilateral negotiation. **Chapter #2** began its literature review on the subject by establishing the scholarly consensus that *multilateral negotiations are conceptually distinct from, and irreducible to, bilateral negotiations* because of the many layers of complexity involved in the former. The chapter organized the rather long list of complexities thrown up by the literature around a dozen key elements, and further arranged these along *three defining dimensions—i.e., complexities related to parties, issues and process, respectively*. It also argued that these complexities are often interwoven, frequently reinforcing, sometimes balancing, not prone to linear agglomeration, and often tend to compound in cases of large-*N*, international multilateral negotiations. In reviewing the various streams of literature on the role of collectives, the chapter highlighted the common lesson that *collectives are important instruments of complexity reduction and power enhancement but can be slow and inflexible actors, often requiring intense internal management to be effective*. Finally, Chapter #2 synthesized the lessons from the literature review to conceptualize *a heuristic template for organizing the variety of collective arrangements that parties can choose from and slide between*. Axes representing how complexities related to parties and issues, respectively, are managed by the collective define this two-dimensional space, which was used to organize observations and analysis in subsequent chapters. In particular, it suggested that alignment-like (or 'hanging loose') behavior is likely where the parties' coordination is relatively low while the issue focus is relatively broad; bloc-like (or 'holding tight') behavior is to be expected where coordination is relatively high but the issue focus remains broad; coalition-like (or 'team play') behavior is likely where the parties' coordination is relatively high and the issue focus is on specific as well as common issues; finally, deal-making (or 'free agent') behavior is to be expected where the coordination is low but the focus is more differentiated and issue-specific.

Chapter #3 set out to establish the context for the remainder of the study. What is it that the developing countries of the South hold in common? How have they organized themselves

institutionally for collective negotiation? How has the collective responded to the end of the Cold War and to international environmental treaty negotiations? The goal of the chapter was to trace the historical evolution of the Southern collective and to explore the motivations that have brought, and held, the collective together? The key question, therefore, was *why* developing countries negotiate as a collective? The first important conclusion of the chapter was that despite the much-noted heterogeneity within the South and the recent changes in global politics, *the South is alive and well and is likely to remain so*. This is because its sense of unity in international affairs emanates from its members' shared sense of political marginalization, rather than common economic deprivations. Second, *the Group of 77 represents the negotiating voice of the collective South in international environmental affairs*. Although it suffers, along with the Nonaligned Movement, from a weak organizational structure it does have fairly prescribed operating procedures and its continuing tenacity, despite the odds, is its greatest achievement. However, the price of institutional survival in the absence of more defined processes for internal management has been a tendency to sink to lowest common denominator positions. This is understandable, at least in part, because by definition the South is driven by risk-minimizing tendencies rather than gain-maximizing tactics. Finally, the emergence of what might be called *the global politics of sustainable development has revitalized the collective South around its enduring agenda of systemic change in the international system*. However, the potential imbedded in this opportunity has not been realized yet as the South stagnates in its lowest common denominator positions and the promise of grand North-South bargains around environmental issues remains unfulfilled.

Whereas Chapter #3 focused on *why* the developing countries seek to negotiate collectively, **Chapter #4** sought to understand *how* they tend to negotiate as a collective. To do so, the chapter undertook a case study of the global negotiations on the Desertification Convention. The case is unique amongst its cohort of global environmental treaties in that it is the only one that was called for by the developing countries and, therefore, saw an unprecedented level of engagement and involvement by the G77 and its members. Not coincidentally, it also saw uncommonly intense South-South bargaining. The goal of the chapter was to focus on the experience and strategies of the Southern collective within this set of negotiations—both in terms of how the Southern collective negotiated with the North and how it negotiated amongst itself. A major finding was that the South moved through the entire spectrum of available collective arrangements and remained remarkably resilient despite a rather traumatic set of negotiations. Moreover, in plotting the movement of the South on the behavioral template defined in Chapter #2, it became strikingly clear that the most desirable outcomes for the G77,

as well as for its component sub-groups, came when it was negotiating in and around coalition space—where group members were able to pursue their differentiated interests while still maintaining a high level of coordination. Importantly, the results achieved under such conditions were also the most desirable for the regime as a whole. Although the desertification case demonstrated that the G77 is capable of rising above the lowest common denominator, it also highlighted why it does not do so very often—doing so requires significant investments of effort and time in internal South-South negotiations. Indeed, it did so in this case only when it *had* to. However, the case also demonstrated that the G77 is a remarkably resilient collective—willing to and capable of changing its strategies in order to maintain its stability.

The limitation of real cases, of course, is that while they help you understand ‘what is’ they can only point vaguely towards ‘what could be’. To get a systematic view of how the Southern collective might behave under different conditions, a role-play simulation game was developed. **Chapter #5** reviewed the literature on simulations as a research device and the conditions in which such a research methodology is appropriate. It then described the simulation in detail, including how the 13 roles in the Chlorine Game—including three developing country roles and an economy in transition—were specifically developed to help address the question central to this investigation. The chapter presented details of how four variants of the game had been designed to highlight the four quadrants of the behavioral space defined earlier—the four variants were designed to trigger alignment-like, bloc-like, coalition-like and deal-making behavior, respectively, amongst the Southern collective in the game. Finally, the chapter described the procedures and conditions in which the role-play experiments were run.

Chapter #6 presented the results of the twelve experimental runs of the simulation—three runs for each of the four variants. Although the variants generally seemed to trigger the expected associative behavior amongst the developing country roles, each run did (as expected) take on a life of its own depending on who was playing the game, and how. However, a clear and consistent lesson of the simulations was that the best results for the Southern collective (measured by how well the common and individual goals of its members are met) were achieved in coalition mode. Also consistent with the findings of the desertification case was the observation that while generally more successful, coalition-like behavior was also the most demanding for the collective. In particular, it required fairly intense management of the collective; including South-South bargaining. Finally, a very interesting (and equally clear) lesson from the simulation runs was that although the most desirable position for the Southern collective is to be in coalition mode, but when this is not possible it makes full sense for the

developing country collective to seek the comfort and refuge of the lowest common denominator position in alignment mode.

7.2 Descriptive Lessons (On the Nature of the South)

The goal of this section is to pull together the learning from the preceding chapters and organize the salient descriptive lessons about *the nature of the South as a collective*. In keeping with our negotiation analytic orientation, we will highlight the lessons from the perspective of the South and principally, but not solely, in the context of international environmental negotiations. The portrait of the Southern collective that emerges from this study depicts a complex picture, the nuances of which are detailed in previous chapters. Here we seek to highlight the essential elements of a sketch in relation to a) the goals that motivate the South, b) how the collective is organized, and c) how it operates tactically.

7.2.1 • Lessons about Motivation

Understanding what drives the Southern collective and, more importantly, what holds this large and unwieldy set of countries together, is the first logical step in understanding the nature of the South as a collective in international negotiations. In this case, however, there seems to be a question that must be answered prior to the first step: Is there still a South, if there ever was one? In tackling these fundamental questions about the goals that motivate and sustain the Southern collective, the foregoing chapters come to the following major conclusions:

- ❖ ***There is a South, it is alive and well, and is likely to remain so.***
- ❖ ***For the South, any particular episode of international negotiation is just one part of a longer-term 'game' about changing the terms of the larger North-South relations. It is this larger goal, rather than commonalities related to specific negotiation episodes, that holds the South together.***

Much like the title character in Baroness Orczy's novel, *The Scarlet Pimpernel*, the South is omnipresent yet elusive in discussions of international environmental politics. Scholarly, diplomatic and journalistic accounts alike are replete with references to 'the South' in the

singular and for many it is the term of choice when referring to the developing countries as a group; yet it is conspicuous by its absence as an analytical category, except in the most general of terms. Indeed, there seems to be a strong current of, often unstated, doubt about whether the South is a meaningful entity today, even if it had been at some earlier point in time.³ At the simplest level, Roger Hansen's (1979: 2) refrain from two decades ago still rings true—if over 130 countries insist on acting as a diplomatic unit in negotiation after negotiation, at forum after forum, for over 30 years, then it is fair to say that they deserve analytic attention. However, as Chapter #3 detailed, the South deserves attention for more than its persistence. It is not just that these countries have acted as a diplomatic unit, but that the diplomatic unit has a precise—although arguably imperfect—institutional form that demands analytic attention.

While there is agreement about *who* we are talking about when we refer to the South, there is much misunderstanding about *what* we are talking about.⁴ For many in the North, the term remains yet another notation for 'poor' countries. However, for those who define themselves as such, the South is a collective of the marginalized, rather than a collective of the poor. The term denotes a shared sense of being left on the periphery of global decision-making and a common desire to change the rules of the international system. Understanding the motivations of the South is essential to appreciating its political nature; it also helps explain its tenacity and endurance. Borne out of common aspiration, rather than just common condition, it is the enduring aspiration of international systemic change, unrealistic as that might be, that has held the South together despite changes in the economic or political conditions of individual members. This helps explain why NAM has continued to grow despite the end of the Cold War and why the G77 refused to fizzle out despite the failure of the NIEO movement—and also why it reunited despite lingering differences during the desertification talks. The South is likely to remain alive as a collective for as long as that aspiration remains a shared goal of its members.

It is important to restate the fact that international negotiations tend to be long-term and ongoing. It is also useful to carefully consider a key question posed by Raiffa (1991): "What is the game?" For analysts focusing only on particular episodes (say, climate change or biodiversity, etc.) it is easy to mistake the 'game' as being that particular episode or that

³ Interestingly, the prevalence of such doubt is to be recognized less by the works of those who express it than by those who argue against it. *See, for example*, Adams (1993), Williams (1993), Ayoob (1995), Grant (1996).

⁴ It evident from Chapter #3 that despite the much trumpeted lack of precision in definition, observers and scholars are quite clear about which countries they mean when they use the label South; just as diplomats and governments are clear in their use of the term. Moreover, the term refers to the same set of countries for both groups and these countries have a recognizable institutional embodiment in international negotiations—the G77.

particular issue. For the players the 'game' is often bigger. For the South, the 'game' has been much larger than any particular environmental issue and relates more to its ongoing quest for a change in the terms of North-South relations. Indeed, this has been particularly true for issues on the global environmental agenda which, according to most in the South, remains North-driven (Peng, 1991; Banuri, 1992; Agarwal et al., 1999). A recognition of the larger 'game' helps explain much of the South's behavior in global environmental affairs.

A glimpse of the South's vigilance of its larger agenda and its perceived need to maintain solidarity over the long-term was evident in the desertification negotiations, where it resisted external as well as internal threats to its unity and kept reverting to collective tactics in the belief that commonality in the larger and longer-term interests outweighed any differences on issue-specific preferences related to desertification. Indeed, our case study of the desertification negotiations suggests that the 'game' was always bigger than just desertification. A telling manifestation of this is the fact that although the G77 'broke' along differences on the desertification issue during the first negotiating session, it was 'pulled together' in subsequent sessions along the lines of larger and longer-term issues such as the principle and composition of any funding mechanism—the G77 delegates made it both implicitly and explicitly clear that the shape of the emerging architecture of a global environmental regime and sources of North-to-South financial transfers within it was their principal concern.

One can conclude, therefore, that absent any sweeping changes in the South's conception of the 'larger game'—i.e., changing the terms of North-South relations—developing countries will continue to negotiate as a collective under the banner of the G77. This is because there is significant conceptual justification and demonstrated determination to maintain a focus on larger common goals, despite specific differences on specific issues within the collective.

7.2.2 • Lessons about Organization

Although motivation brings a collective together, one of the lessons of Chapter #2—reinforced by the case study on desertification as well as the simulation experiments—was that it takes a lot of organizational effort to make it at all effective. While Chapter #3 has already described the structure of the institutions of the South—particularly the G77—two key lessons emerge from the preceding chapters about how the structure organizes itself in negotiation:

- ❖ ***The Southern collective tends to negotiate as a very broad-based, nominally coordinated, frequently rigid, often ineffective, but remarkably stable behavioral alignment.***
- ❖ ***The collective, however, is made up of a number of smaller—more focused, less stable—sub-groups which are more transient and whose issue-specific interests are often narrower, more immediate, and more differentiated. The mechanisms to manage these sub-groups are insufficiently developed.***

The Group of 77 (G77) is the negotiating voice of the South. For over thirty years now, G77 has been *the* Southern collective in UN-based negotiations. Definitionally, it is more than just the 'caucus' that it introduces itself as (G77, 1994a), but less than the 'coalition' (*e.g.*, Porter et al., 2000) or 'bloc' (*e.g.*, Avalle, 1994) that it is sometimes described as. As with any collective involved in a long-term multi-negotiation system, its precise behavior tends to change from episode to episode and within negotiation episodes. However, given its current organization and practices, we find that its 'normal' state is that of a behavioral alignment—a situation where parties' coordination is relatively low and the issue focus is relatively broad; where the members of the collective expect, and are likely to, loosely stick together on known common issues.⁵

It is self-evident that any collective of this size, at any given point in time, will invariably include smaller sub-groups whose nearer-term interests are non-identical. While larger common bonds might hold the collective together, these differentiated interests tend to be specific to particular negotiation episodes and are often more immediate. While such sub-groups are likely to be more focused on particular issues, they are also more likely to be transitory from one negotiation to the other and vary in composition by issue. Managing transitory sub-groups with differentiated interests requires a flexibility in organization which is lacking in the G77, whose only real forum for intra-collective negotiation is based on very large regional groupings.⁶

Having said that, however, the G77 has been a stable entity in international politics because its membership sees value in its continued existence. Yet, the G77's single most important

⁵ This definition is based on the analytic framework developed in Chapter #2. However, the G77 also fits the more general definition of a *behavioral alignment*, provided by Sullivan (1974: 101), as "actual efforts of parties to coordinate their behavior in a similar manner with respect to common objectives." It is not a *bloc* or *coalition* because both requires much more intense coordination than the G77 normally demonstrates; moreover, coalition behavior would require a relatively specific issue-focus. Also recall that the larger literature defines a coalition as "cooperative efforts for the attainment of short-range, issue-specific objectives" (DuPont, 1994: 148) and the goals of the G77 are neither short-range nor issue-specific. By similar token, the G77 lacks the codification and coordination that is demanded of blocs and alliances in the larger literature (Snyder, 1997).

⁶ As we will note later, responding to differentiated interests by ignoring or suppressing internal differences can result in internal tensions, lingering discomfort, and ineffective outcomes.

achievement has been its own resilience. Writing in 1979, Philippe Le Prestre (p. 108) pointed out that “the remarkable fact is that, despite pressure from developed countries and internal differences, [the G77] has managed to keep its cohesiveness over the years ... [despite having] threatened several times to break up.” More than twenty years down the road, its enduring resilience is even more remarkable. The fact that the G77 continues to speak authentically for its membership at every major global negotiation even as its ranks have swelled from the original 77 to the current 133, is no minor feat—particularly, given its immense diversity, its lack of management resources, major geopolitical shifts during this period, and occasional attempts at its disbandment. Acutely aware of its vulnerabilities, the G77 has not only adapted to them but seems to have evolved into a form suited to its institutional survival as a collective, in the face of these vulnerabilities. Given its unwieldy size, internal diversity and lack of institutional resources, it has gravitated toward a broad-based agenda focusing principally on common issues where agreement already exists and has adopted a minimalist management style that does not ask much from its members in terms of coordination effort. (Conversely, it also does not provide them much in terms of preparatory support or strategic advice for particular negotiations). In essence, it has tended to seek a certain level of comfort in alignment behavior and, as the various runs of our simulation demonstrated, it tends to gravitate back towards such behavior whenever it is unable to cope with the strains of other modes of collective behavior. As Chapter #6 noted on the basis of evidence from the simulation experiments, all the other archetypes of collective behavior require significantly more effort in terms of greater parties’ coordination and/or a more differentiated issue focus.

However, the fact that the G77 is only nominally managed does not imply that it is a flexible outfit; far from it, the lack of management resources has forced a rigidity on the collective. For example, although the use of three regional sub-groups serves a vital management function (Sauvant, 1981a) it has been decried for imposing an inflexibility that makes the G77 “a prisoner of [its own] solidarity” and hampers the prospects of agreement (Weiss, 1986a: 6). In addition, this system of management via three very large regional caucuses pushes the collective further towards broader issues by imposing artificial boundaries on issues that may not be regionally defined.⁷ This can lead to ineffective outcomes and internal tensions. During desertification negotiations, for example, the G77 fractured along the lines of regional groups (African vs. non-African countries) rather than issue lines. This was an artificial fracture

⁷ It should be noted that the regional groups discussed here are defined at a very large scale—i.e., the African, Asian and Central-Latin American/Caribbean groups, respectively. The rigidity may not be as severe if the regions were less expansive and more homogenous.

because, although a large number of African countries are threatened by desertification, other African countries are not; and a number of countries outside Africa are. Arguably, issue-defined sub-groups might have resulted in more meaningful internal negotiations, maybe a more amicable process, and possibly a more satisfactory outcome. By forcing a tri-regional organization upon its members, the G77 has set itself up for fracturing along group lines.

The cause of the ineffective outcomes, however, is not simply that the G77's organizational rigidity, but its organizational meagerness. The one lesson that was quite clear from the experimental runs of the negotiation—especially the most successful one (see Figure 6.5) was that organization is nearly always a prelude to effectiveness. The desertification negotiations also highlight the fact that the way out of stalemate passes through rather intense internal negotiations. Indeed, the lesson to be highlighted in terms of organization for negotiation is that the way out of rigid organization is flexible organization, not a lack of organization.

While rigid organization has its obvious costs, it also has some non-obvious benefits. For the G77, the benefit is the ability to manage a large and diverse membership with fairly limited resources—this, of course, has resulted in the G77's rather remarkable institutional stability. There is, unfortunately, a sad logic at work here—a chronic lack of organizational resources in the face of a large and diverse membership, force the collective into adopting a relatively rigid organizational regime to maintain the stability of the collective, which ultimately comes at the cost of effectiveness in particular negotiation episodes. However, for a collective that defines its goals in terms of long-term systemic change, stability can be rationally viewed as being more important than episodic effectiveness. Stemming from a self-perception of vulnerability, the South values stability highly. Indeed, “the more one's unity is precarious, the more one has to express one's faith in it” (Le Prestre, 1979: 109). This has been evident in the history of the G77, in the desertification case, and in nearly all runs of the Chlorine Game. Although there was no 'official' G77 in the simulation—and even in cases where the players were actively dissuaded from operating as a G77-like collective—the Southern roles invariably ended up creating something similar to it. One is tempted to proclaim that if there were no G77, the developing countries would have created one. Indeed, the perceived sense of weakness accentuates the *need* for such a collective, and if one already exists, to ensure its stability.

7.2.3 • Lessons about Tactics

The most surprising lessons of this study relate to how the Southern collective operates at a tactical level. The original articulation of our research question assumed that the lowest common denominator is something that the South 'slips' into; inadvertently, unknowingly and rather unwillingly. Our most striking finding is that there is, in fact, a certain logic to why the Southern collective tends to operate at that level. Indeed, one is tempted to extrapolate from this to claim that while the collective may not want to operate at the level of the lowest common denominator, it is a decision that is often taken knowingly, even if not entirely willingly. This general finding can be articulated in terms of two key lessons:

- ❖ ***Prone to risk-minimization and conscious of its vulnerabilities, the South gravitates to the relative comfort of alignment-like behavior and is willing to adopt lowest common denominator positions because they often require less effort and are less threatening to the collective's much cherished stability.***
- ❖ ***Lowest common denominator positions postpone or suppress the more differentiated interests of particular sub-groups and can lead to a) internal tensions and dissatisfaction within the collective, and b) suboptimal outcomes where 'value is left on the table.'***

To begin where we left off the last section, the stability and survival of the collective is deemed a vital goal for the South. This, of course, makes full sense for a collective that considers itself to be involved in a larger and longer-term game than any particular negotiation episode. Our contention here is that the South is not only organized for the achievement of this goal, but also operates tactically towards its achievement. However, it does seem counter intuitive to suggest—as we did—that the Southern collective is willing to operate at the level of its lowest common denominator *because* it seeks institutional survival and stability. After all, stability should be a function of performance and achievement in terms of how well the collective is able to meet the common and differentiated interests of its membership. The lowest common denominator is not a state that promises much in terms of achievement—tantamount to running at the pace of the slowest in the pack, it seems bound to leave at least some feeling that they would have gained more by breaking from the pack. Lowest common denominator positions should, therefore, militate against the stability of the collective rather than contribute to it. This, of course, is the conundrum: why has the South, which seems to operate so often at the level of its lowest common denominator endured so long as *the* developing country collective in global negotiations, including international environmental negotiations?

This puzzle is central to this study, and preceding chapters offer a range of explanations. Let us list the key arguments by continuing with the metaphor of slowing down to the pace of the pack versus moving at one's own, possibly faster, pace:

- ❖ Like much of the literature on international multilateral negotiations (Chapter #2), the members of the Southern collective recognize the 'game' as a long-distance run rather than a series of sprints. In as much as any particular negotiation episode is like a leg of the longer race, the benefit of sprinting to the finish line in that leg has to be weighed against the cost of not being able to count on the support of the pack the next time. This holds true for any collective in any negotiation, but appeals particularly to the South, which has historically defined its 'game' as a long-haul marathon.
- ❖ The calculus of costs and benefits comes into even sharper relief when one considers that by virtue of its self-definition, the membership of the G77 perceives itself as a unity of the weak and therefore has a necessarily low estimation of its own strengths, except through the process of agglomeration. As Chapter #3 concluded, because of its self-definition as a collective of the marginalized, the Southern collective is primarily—and understandably—attracted to risk-averse strategies. And breaking from the pack is full of risk, as detailed in the discussion at the end of Chapter #6 on the basis of simulation results. If one's self-perception is one of weakness, then one *needs* the safety of the pack to have any chance of surviving, let alone winning the race!
- ❖ Moreover, it is not just a question of costs (i.e., risks) but also of benefits. As Chapter #3 highlighted, the South continues to view the global environmental agenda with suspicion; as a creature of Northern construct and, therefore, of dubious relevance to the interests of the South. The benefits of breaking from the pack in international environmental negotiations have, therefore, seemed particularly unappealing.
- ❖ Although organizational flexibility—providing space and opportunity for intra-collective negotiation—is not the strong suit of the G77, the desertification case suggests that the collective can be surprisingly nimble when its cherished stability is threatened. Once the fracture occurred between the African and non-African groups, the leadership of the G77 (including countries like Malaysia and Colombia which did not have a particularly strong interest in the desertification issue) were quick to mend the cracks and ensure that the collective remained intact.⁸ Interestingly, the dynamic was rather different in the simulation runs. Our 'success seeking' players sought more adventurous strategies away from the comfort of alignment behavior, but were quick to return to the comfort of alignment when threatened. The difference is explained largely by the fact that

⁸ The imperative to maintain solidarity above all else that was demonstrated in the desertification case and some of the simulation runs resonate with the South's historical behavior. As Le Prestre (1979: 108) recounts: "The emphasis upon solidarity was demonstrated during and after the rise of oil prices [in the 1970s]. Many thought at the time that the end of the caucus had come and that bilateral negotiations would have to take place. In fact, after a period of internal tensions, the Group of 77 did not split enough to endanger its overall bargaining position. Not only did the oil-rich countries side with the other LDCs during [the 1975 Conference on International Economic Cooperation], but they began increasing their aid and were willing to contribute substantively to a regulating fund for commodities."

players in the simulation tended to define 'success' in terms of the simulation while, as detailed in Chapter #2, developing country delegates are more likely to define it (also in terms of the South's longer term enduring goals. What is common in both (and even more surprising in the simulation on account of its intensity) is the demonstrated ability of the collective to respond to threats to its viability—whether it be by moving towards coalition behavior to appease the 'fast paced' in the pack (as in the desertification case) or to move towards alignment behavior to placate the fears of the relatively less aggressive (as in the simulation runs). The point is that there is a certain tendency for the emergence of significant centripetal forces in response to any apparent centrifugal threats of defection. The postulate of resilience in collectives that was proposed in Chapter #2 seems to have been validated by the evidence in Chapters #4 and #6. The pack, slow as it might be, is not without influence on those who seek to defect.⁹

- ❖ A major lesson of the simulation experiments, presented in Chapter #6, is that there is not just safety but also comfort in running with the pack. As any long-distance runner knows, the energy required in running alone is greater than in remaining with the pack. The same, it seems, is true for negotiating collectives. Although alignment-like behavior was clearly prone to the lowest common denominator effect, it was also the most comfortable place to be; because it required less effort in terms of parties' coordination and was least threatening to members of the collective in terms of issue focus.¹⁰

The last of these points is especially important because it helps explain why those who wish to, or are able to, move faster do not induce more speed in their comrades: why must the pack move down to the lowest common denominator; why not move up to the highest common multiple? The answer lies in the organizational limitations of the G77 as a collective. Whereas an overarching insight of the previous section was that the G77's organization evolved to respond to the challenges it faced as a collective, a key insight here is that G77 tactics have followed its organizational form, or the limitations thereof. The ease and safety afforded in crafting platforms around known common positions is not available when trying to craft more nuanced platforms that build on the common positions but also incorporate more differentiated interests. As we shall discuss in detail later, creating such platforms for the G77 would involve, at a minimum, intense intra-collective negotiations prior to actual negotiations with the North. In its current form, the G77 certainly does not have the ability (i.e., resources) and has not yet demonstrated the will to mobilize such an enterprise.

⁹ It should be posited that the above would be different if only a few in the pack were running slow while the many wished to move faster. The case in most international environmental negotiations, it seems, is reversed which is why the greater mass of those content at the lowest common denominator position (either because they are more risk averse, or less prepared, or less likely to benefit) tends to prevail.

¹⁰ Deal-making, which would be equivalent to breaking from the pack and focusing on one's own specific interests, required much more effort from the individual parties (as did coalition-like and bloc-like behavior).

The above is meant to explain the first of our two key lessons. It suggests that there are reasons why the South gravitates towards its lowest common denominator, but does not condone the practice. While this may be an understandable tactic for the G77 today, it is certainly not an advisable strategy for the long-term. On the one hand, by reducing its focus on the lowest common denominator, the South is condemned to leaving value on the table and accepting sub-optimal outcomes. On the other hand, it is a recipe for breeding tensions and lingering dissatisfaction within the collective. Those whose differentiated interests are postponed or suppressed in the process of moving to the lowest common denominator might accept the decision of the collective but are bound to feel slighted. Over time, the dissatisfaction can mount; particularly if the payoffs achieved by going to the lowest common denominators are unimpressive. The internal dissatisfaction and tensions were most apparent in the desertification negotiations. Although the G77 was eventually patched up, the discussion in Chapter #4 makes clear that dissatisfaction lingered, as did remnants of distrust. In fact, the stalemate that has ensued during the CoPs can be attributed partly to the dissatisfaction within the Southern collective which has reduced its ability to mount pressure on the North for its inaction, even on already agreed to goals (such as operationalizing the Global Mechanism). The results of the experimental runs of the Chlorine Game do not directly point towards the dissatisfaction thesis, but do clearly highlight the 'value' that is left on the table with lowest common denominator positions. Agreements reached within the coalition quadrant were superior to those reached in the alignment or bloc quadrants because they were able to incorporate more 'value' from the table. Alignment outcomes, by definition, overlook or underplay more differentiated interests and are therefore suboptimal. The next section will focus on prescriptive advice for the South, designed to break this cycle.

7.3 Prescriptive Advice (Towards a Strategy for the South)

The goal of this section is to highlight the prescriptive advice that emerges from this study for the developing countries collective. Keeping with the asymmetrically prescriptive-descriptive orientation of this study, advice should be *for* someone—in our case, it is best addressed to the Chair of the G77. Based on the lessons that we have learnt from this research, what would be the best advice that we could give to the Chair of the G77 regarding how the South, as a group, should act in future episodes of international environmental negotiation? This section

will organize its advice to mirror the presentation of the descriptive lessons—what are the most important prescriptive advice for the developing countries in terms of a) the South’s motivation, b) its organization as a collective, and c) its negotiation tactics.

7.3.1 • Advice about Motivation

At the most simple level, it seems evident that the stated goals that have motivated collective negotiation by the South—the desire to reshape the international system and to, at least, change the terms of North-South relations so that they are less unfavorable to the South—have remained unfulfilled. There are those who might argue that the motivations of the South have been flawed and the developing countries should change its goals (Weintraub, 1980; Weiss, 1986a). Others would argue that the type of changes that the South ostensibly seeks in the international system are not likely in the foreseeable future, if only because the international system—unfair as it might seem to many in the South—has proved to be remarkably resilient; more so than even the South.¹¹ However, as Chapter #3 detailed at length, any false expectations the South might have once entertained of rapid and full achievement of these goals have since dissipated. The goals, however, have endured. They have endured because most developing countries do consider the international system to be fundamentally unsympathetic to their interests and the desire to make it somewhat less unsympathetic or at the very least to keep it from becoming any more unsympathetic remains a worthy goal.

To simplistically write off the long-standing motivations of the collective South would not only be insulting to those who have nurtured and maintained these aspirations for nearly four decades now; but, more importantly, it would signify a misunderstanding of the nuances of the collective and its motivations. Even in acknowledging that the prospects for large-scale and deep-rooted system change in international relations are bleak in the foreseeable future, this study accepts—and respects—the South’s enduring motivation. As discussed in the section on descriptive lessons, the South views any particular negotiation episode as part of a longer-term ‘game’ about changing the terms of the larger North-South relations; we expect it to continue

¹¹ For a compelling articulation of the case for the resilience of the international system see *The Elusive Transformation: Science, Technology, and the Evolution of International Politics* by Eugene Skolnikoff (1993); also see Krasner (1985). In focusing on the prospects of North-South negotiations, others have similarly concluded that absent any drastic economic, political or ecological crisis there is little prospect of its triggering any significant structural change in international affairs (see, Gordon, 1978; Hansen, 1979; Mahbub-ul-Haq, 1980b; Ramphal, 1980; Weintraub, 1980; McDonald, 1982; Osio, 1983).

doing so for all the compelling reasons discussed in Chapter #3. Our advice to the Chair of the G77, therefore, would be to retain a focus on the exact same 'game' and the very same motivations, but to shift the collective's attention towards the steps involved in the 'game' and the sub-goals that might lead to the ultimate long-term goal:

- ❖ ***Retain the long-term focus on changing the terms of North-South relations.***
- ❖ ***For the medium-term, map out possible sub-goals that might lead to the long-term goal, and for the short-term translate these into objectives specific to particular negotiation episodes.***

The first of the above is so central to the very *raison d'être* of the G77 that for ideological as well as pragmatic purposes it needs to be highlighted. More than that, the long-term goal of changing the terms of larger North-South relations provides the G77 with the firm anchor that it needs to hold a large and unwieldy collective together. However, our descriptive sections have highlighted that while this unwavering long-term focus has been instrumental in keeping the collective together, it has been less successful in making the collective effective. As the sheer number of global negotiations and their complexity increases the limits of this long-term focus are likely to be tested further because the chances of members being tempted away from the G77's broader common goals towards their more differentiated interests would also increase.

The need, therefore, is to keep a focus on the long-term motivation but chart a viable course in that direction by breaking it up into a series of medium- and short-term objectives. This advice is also based on a pragmatic assessment: the larger goal of international systemic change is not likely to be met soon, and certainly not in one big swoop. If, indeed, such a goal is to be actualized it is much more likely to be through a culmination of many smaller steps, many smaller victories. It is these smaller steps and smaller victories that need to be charted, both at a medium-term, multi-negotiation scale and a short-term, single-negotiation scale.

In fairness, it would be erroneous to suggest that the G77 does not have any goals specific to particular negotiation episodes. In fact, it nearly always stumbles upon a set of positions. However, most often these are either reactions to the North's suggested menu of options or/and regurgitations of now routinized demands for 'additional financing' and/or 'technology transfers'. While both are necessary components of what might be a proactive Southern agenda, neither (nor both together) are sufficient to define a focused set of motivations for the Southern collective in any particular negotiation episode. The gist of the argument here is that the South needs to explicitly define its motivation and agenda for the emerging international

environmental regime as a whole, as well as for particular international environmental negotiations. This relates to the oft-repeated call for the G77 to adopt a proactive, rather than reactive, approach to global environmental treaty negotiations (Najam, 1994c; Agarwal et al., 1999; Gupta, 2000). More importantly, it speaks to the need for the South to update the language of its goals to the language of contemporary environmental negotiations rather than clinging to the language of the NIEO. This is not to suggest that the goals themselves have or should change; but that they should be framed within the context of the specific negotiations rather than applied as 'form demands' for 'additional financing' and 'technology transfer'.

The need for such an approach was most glaringly apparent during the desertification negotiations. Despite the fact that this was a South-motivated set of negotiations in a long-drawn process and much G77 discussion had preceded the actual negotiations (certainly more than in most other cases), the lack of motivational focus evidenced when the G77 literally broke down during INCD-1 was simply astounding. Even as the collective patched itself together and returned to a more united platform, the lack of a clear of G77-wide agenda has dogged the negotiations into the CoPs. A systematic assessment of the collective's goals and priorities for that particular set of negotiations—within the context of other ongoing negotiations as well as foreseeable negotiations in the future—would have allowed the G77 to invest the energy and effort now dissipated in holding the collective together, into better negotiating with the North.¹²

The case for why it is the South that should invest in this rearticulation of the larger North-South 'game', and why it should do so now, is based on the lessons from Chapter #3. The 1990s gave the South a renewed international visibility. It also gave the South a more challenging world—one highlighted by a North that is ever more impatient with the South's demands (Adam, 1993), a unipolar world that leaves the South at a greater disadvantage (Ayoob, 1995), and an international climate in which UN secretariats can no longer provide the South with intellectual leadership (G77, 1994a). On the other hand, the wave of global negotiations in the 1990s, including a spurt of international environmental negotiations, have highlighted the potential for a new set of North-South negotiations, another opportunity for the South to engage the North in global dialogue. If indeed this potential—slim as it is—is to be met, the onus of defining a new agenda for this new dialogue lies very much with the South. This is because, as Ramphal (1995: 4-5) pointed out, "of all the people of the world, those of

¹² A multi-negotiation focus would also allow the G77 members to 'trade across' differently valued issues in different negotiations, which is itself likely to raise the collective from its lowest common denominator positions.

the developing world—and the poorest among them in particular—have the least interest in the status quo and the most in change... Change must be the South's strategic choice."

7.3.2 • Advice about Organization

The desertification case study as well as the experimental runs of the Chlorine game singularly point towards the importance of the organizational challenge faced by the South. More specifically, they highlight the fact that the organizational challenge before the South is the challenge of *internal* organization—that, for the G77, an improved ability to facilitate meaningful South-South interaction and negotiation is a precursor, in fact a pre-condition, for meaningful North-South negotiations. Our advice to the Chairman of the G77, therefore, is:

- ❖ ***Establish, at the very earliest, a small but functional 'South Secretariat' (and invest the requisite resources and authority in it).***
- ❖ ***Expand the space and opportunities for meaningful South-South negotiations, especially but not exclusively, prior to global negotiations. This would both lead to and call for the Southern collective as well as its members to be better prepared for negotiations with the North. It could also entail further loosening the existing group structure within the G77 to allow for more issue-focused and geographic-focused sub-groupings.***

The irony here, and it is a sad one for the G77, is that this advice is not new. In fact, thoughtful Southern scholars have been meting out pretty much the same prescription for nearly thirty years now; unfortunately, to very little effect. For example, Sir Shridath Ramphal, former foreign minister of Guyana and Secretary-General of the British Commonwealth, has been amongst the earliest, most persistent, and most articulate advocates of setting up a formal organization to assist the South (specifically the G77) in global negotiations. The case he makes is based on the following argument (Ramphal, 1980: 14-21):

The North [is] highly organized for negotiation... The South is almost wholly unorganized in terms of negotiations with the North, and even in terms of relations within the South... Neither in the nonaligned movement nor in the Group of 77 is there... [a] permanent Third World machinery for exploring the collective policy options of the developing countries... Decision making must rest with governments, and negotiation must be conducted by their collective instrumentalities like the Group of 77 negotiators; but both processes would be greatly assisted if informed by the most searching work of analysis and policy exploration, and by advice on strategy and tactics that takes account of the balanced interests of the South as a whole... [A South Secretariat] is the missing link between Third World unity and Southern strength... Its character must be essentially technocratic. It should have no negotiating role of its own... it must come from and belong to the Third World, for from its

roots will it derive its authenticity... it must be an organization controlled by the South... it must, above all, be financed by the South...¹³

Scholars of North-South dialogue have come to similar conclusions. Hall (1980) has called for "greater technical and organizational preparedness" (p. 47) in the G77 where he found "policy formulation occurs mostly through a haphazard, uncertain, and largely undirected process" (p. 51). He proposes an 'Intergovernmental Advisory Group of Experts' having "no policymaking functions" and "operationally adapted to the present structure of the Group of 77 characterized by informality, rotating chairmanship, regional groupings, and tolerance of political, social, and economic diversity" (p. 56). The group would be expected to provide technical advice to G77 negotiators; liaise with members governments, international organizations and nongovernmental and private research institutions; assist in establishing priorities for research and implementation therein; and serve as a training facility (p. 57). Based on a negotiation theory analysis of North-South dialogue and the assumption that "North-South negotiations do not have to be a zero-sum game," Sewell and Zartman (1984: 375-88) conclude that "the South needs its own institution, analogous to the OECD" which should "not only provide analytical support but should strive to identify priorities and to develop and propose strategies and tactics for the negotiations." They believe that "a relatively small organization with a highly competent and qualified staff could provide the critical support system."

Such recommendations have not only come from individuals but also from representative Southern groups. For example, an informal meeting of leading Southern intellectuals held at Arusha, Tanzania in 1978 supported the idea (TWQ, 1979).¹⁴ The group felt that "the South

¹³ Other prominent leaders of the South have been making a similar call. Principal amongst them is Mahbub-ul-Haq, Pakistan's former minister for economic planning and finance, and originator of the World Bank's annual *World Development Report* as well as UNDP's annual *Human Development Report*. In 1976 (pgs. 182-3) he proposed a central Third World Secretariat to serve the needs of the South (including G77 and NAM) and to "develop negotiating positions... [and] well-documented, specific proposals which harmonize the political and economic interests of the Third World." Four years later, he was still trying to win support for it by stressing that "little change will occur... unless the South begins to organize its countervailing power on a political, economic, and intellectual front" (1980a: 141) and that such an organization was "badly needed" to "shape a package of negotiations which would satisfy the different interests of [the South's] various constituencies" (1980b: 274). Finding many nations in the South still not ready for the idea in 1983 (pgs. 5-6), he passionately argued: "Must all countries of the Third World come together before they can set up a substantive Secretariat of the Third World? If we mean business, such a Secretariat can be started by a handful of countries, with others coming along later... I believe that for too long now we have waited for global negotiations to start. We have become willing victims of a non-event, settling for a non-dialogue since we have not developed sufficient confidence in the South in ourselves to start the dialogue anywhere, in any forum, on any subject holding some promise of progress. Indeed, I suspect that there has been a bureaucratic conspiracy of inaction."

¹⁴ The meeting was attended by such luminaries as Ismail-Sabri Abdalla, Jagdish Bhagwati, Mahbub-ul-Haq, Enrique Iglesias, Amir Jamal, Raúl Prebisch, Shridath Ramphal, Soedjatmoko, and Cesar Virata.

often faced the North without clearly defined objectives and agreed priorities, without a complete range of technical options, without a full consciousness of its leverage and without effective pre-negotiation to reconcile the diverse national and regional needs of its members" (p. 117-8). Meeting in 1978, the group saw a clear need for long term planning: "priority must also be given to developing long-term negotiating proposals for the 1980s and 1990s" (p. 120). More formal deliberations have reached similar conclusion (see Commonwealth, 1982; South Commission, 1990). Sauvant (1981a: 44-54) details the efforts within the G77 to set up such a permanent structure. Initially suggested at the very first ministerial meeting of the G77 (in 1967), and at subsequent meeting since then, the idea has, in each case, been referred back to various committees for 'further review.' Proponents of the idea have included such influential leaders as President Nyerere of Tanzania and Prime Minister Bandranaike of Sri Lanka.

Why have proposals for such an organization—having been made repeatedly by eminent scholars and leaders—been so consistently ignored? Some of the reasons identified include:

- ❖ Control will be taken over by bureaucrats and the secretariat will become a supranational agency constraining the power of governments (Ramphal, 1980: 18; Sauvant, 1981a: 53).
- ❖ Inordinate control will be taken over by coordinating governments "behind the veil of bureaucracy" (Ramphal, 1980: 18), or by those providing major financial support to the secretariat (Hall, 1980: 55; Sauvant, 1981a: 53).
- ❖ Centralization of decision making will not only dilute the power of individual states but also of the regional clusters which have been an important feature, and source of strength, for the South, and particularly for the G77 (Hall, 1980: 51).
- ❖ Financing such an organization would be an added burden on already poor states (Hall, 1980, 56; Ramphal, 1980: 20; Sauvant, 1981a: 90ff66).
- ❖ A secretariat, primarily servicing G77, might disturb the balance between G77 and NAM, pitting one against the other *vis à vis* prominence and influence (Sauvant, 1981a: 53).
- ❖ Such organization by the South might be viewed in the North as confrontational (Mahbub-ul-Haq, 1980a: 151; Ramphal, 1980: 20).
- ❖ Conversely, a secretariat would tend to take a "mediating role" and might draw the South towards compromises that may not be in its interest (Sauvant, 1981a: 51).
- ❖ An intrinsic resistance to institutionalizing the processes of informal consultation by which the South (especially the G77) has traditionally worked: "A resistance formed... out of the vast differences between members of the [G77]... and out of fears that too formal a Group structure might foreclose options better left open" (Ramphal, 1980: 18).
- ❖ The desire not to proceed with such an organization until all members within the larger Southern alliance are ready for it (Mahbub-ul-Haq, 1983: 5).
- ❖ Divisive questions regarding location and financing (Sauvant, 1981a: 53; Weiss, 1986: 93).

In reviewing the debate, it seems that the very diversity of the South, which is a major rationale for setting up a South Secretariat, has been the biggest hurdle in its establishment. Over the years, NAM, G77, and the South in general, have used informal structures of decision-making as a method for managing diversity. The fear that more formal structures might

accentuate the differences within the collective has led to hesitancy to create such structures. This is not to belittle the importance of other factors, including vested interests within the South and their fear that such a secretariat might trespass their turfs and reduce their power. However, given the persistent doubts about the validity of the collective, conservative forces have argued “if it ain’t broke, don’t fix it” to suppress the calls for a South Secretariat. Even where it is accepted that a South Secretariat may in fact strengthen the collective, the risk that it just might, instead, highlight the internal differences has been used by those who find the current system of *ad hocism* and informality to have worked well enough for the South.

To the question why an idea that wasn’t accepted ten years ago, might be accepted today, the answer is simply one of timing. For the South, the end-1970s and the beginning-1980s—when the calls for a South Secretariat were the strongest—were marked by two somewhat contradictory sentiments. On the one hand, the euphoria of the memories of the Southern unity in the face of OPEC’s price hike still lingered (Mahbub-ul-Haq, 1976, Nyerere, 1980); on the other, the writing on the wall was spelling the demise of North-South dialogue in the face of Northern uninterest (Mahbub-ul-Haq, 1983; Renninger, 1989). The first gave the optimists the hope that the South’s militant “trade unionism” was still the way to go; the later gave the pessimists the excuse that it was already too late to salvage the dialogue. Writing about the mid-1970s, Mahbub-ul-Haq (1976; 145) observed that “these were the early days of [the South’s] new trade unionism. The first task was to shout, to raise slogans, to smash a few windows. More serious dialogue could only have come later.” As the time for more serious dialogue approached, the South was still shouting, raising slogans and smashing windows. Too many amongst its ranks were still not ready for preparing for serious negotiation. What may be different in the South today is a new sense of sobriety. This new sobriety is best expressed in the 1990 report of the South Commission, *The Challenge to the South*. Sensing that new issues on the global agenda required even more technical expertise than before, hoping that the South may finally be ready to accept a South Secretariat, and responding to many of the concerns that had challenged its formation in the past, the South Commission presents its case:

[Today] the South has more at stake in the global arena, as the agenda of issues becomes wider and more complex and as the North, much better equipped for international negotiations, becomes more disposed to using its weight in dealing with the South... [The] range and technical complexity [of the issues being negotiated]—and the multiplicity of forums in which negotiations take place—impose a negotiating burden far beyond the capacity of most developing countries... [Also,] the increasing diversity within the South demands careful attention to ways of accommodating different and sometimes even conflicting interests... [T]he developing countries should establish a well-staffed secretariat of the South that would provide continuing institutional support for analysis, interaction, negotiations, and follow-up action—the technical foundation for their collective action...

[I]ts executive head should be a person of high international standing, and its senior professional officers should be chosen for their technical excellence as well as for their commitment to the cause of the South... [A] minimum staff of twenty to twenty-five professionals will be required... We have no doubt that the necessary resources can be found within the South to finance its work... [W]e do not believe that the establishment of the South Secretariat should depend on unanimity among the countries of the South. So long as there is substantial enough support to make its setting-up feasible, a start should be made. (South Commission, 1990: 200-5)

Our most sincere advice to the Chair of the G77 is to pay serious heed to the illustrious lineage of advice coming from the eminent Southern intellectuals quoted above. There is, and has been for over thirty years now, an obvious and urgent need for something akin to a South Secretariat. While this particular need is not specifically highlighted by the case or simulation evidence we considered, it is more than validated by the general lesson about intra-South organization that was highlighted by both. The various existing proposals for a South Secretariat differ in minor organizational details but are strikingly similar in broad format. It is beyond our mandate to go in the details of the most preferred format, and at this point any of the available formats would be more desirable than no secretariat. However, the author of this study has in the past proposed a synthesis format for a South Secretariat based on earlier proposals (Najam, 1994a) the key elements of which are listed as an addendum to our advice:

- ❖ The South Secretariat should be a creature of the larger South rather than just the G77. Although its key function should be to service the negotiation needs of the G77 it should be viewed as a 'bridging' secretariat for the NAM as well as the G77. In that capacity it should be the secretariat for the triennial NAM Summits as well as the much more frequent global negotiations where the G77 represents the Southern interests.
- ❖ The South Secretariat should be a creature of its state members. However, it should capitalize on the human and intellectual resources available within civil society and academia in the South. While it *should not* be an activist secretariat that has a formal negotiating role of its own, it *should* be an active secretariat with a clear mandate and sufficient resources to advise and assist the G77 in global negotiations.
- ❖ The South Secretariat should be headed by an executive head (Secretary General) of high international repute. The Secretary General should be appointed for up to two three-year terms corresponding with NAM summits and should be selected by NAM Heads of States on the basis of a short list forwarded by the G77. The three-year term would give the G77 a policy continuity it now lacks. The Chair of the G77 (to continue on the one-year regional rotation basis) would continue to be the 'chief negotiator' for the South. The Secretary General of the South Secretariat would serve as the chief advisor (as opposed to assistant) to the Chair of the G77 (and to the Chair of NAM).
- ❖ Three key roles are envisaged for the secretariat: a) management of collective, b) technical support, and c) strategy development. In a sense, these three roles correspond

to the short-, medium-, and long-term challenges faced by the South. The role of collective management is to serve the immediate needs of the collective at particular negotiations, including working as the secretariat for the G77 leadership during specific negotiations, organizing and facilitating South-South discussions, and managing the informational flow within this very large collective. Technical support would be required within the short-term, negotiation-specific context but would be even more useful in developing reasoned analyses of Southern priorities and goals in advance of negotiations and in anticipation of future deliberations (similar to the technical support role of the OECD Secretariat). The role of strategy development is longer-term and relates to our discussion on motivation above; a key goal would be to adapt the longer-term common goals of the South into goals more specific to particular negotiations.

- ❖ The Secretariat is envisaged as an advisory body but to whatever extent decisions have to be taken they should follow the 'consensus' rule already in place at both G77 and NAM. The staff size should be restricted but should be sufficient to carry out the responsibilities assigned. The South Commission's estimate of a secretariat of around 20-25 people seems right. It is important that the highest professional standards be applied in the selection of permanent staff as well as expert consultants, and to the extent possible they be from the South itself. New York emerges as the most appropriate location for the secretariat, simply because the UN General Assembly happens to be there. It is vital that the necessary resources be made available to the secretariat. To the extent possible these resources should be raised from the governments of the South so that independence can be maintained.

Setting up some structure that resembles a South Secretariat (or, at a minimum an expanded and functional G77 secretariat) is the first immediate step that the G77 should take. However, *how* the secretariat is used is of equal, maybe greater, importance. At a minimum, the Secretariat should assist the G77 in doing what it now does, better. Hopefully, however, it should assist the G77 in doing even better by doing more. In particular, the real test of the secretariat, and of the G77's use of the secretariat, would be whether it is able to facilitate meaningful South-South negotiations in preparation for fruitful North-South negotiations. This challenge is particularly directed at the Chair of the G77 who is best positioned to prod the G77 in this direction. At its root, the organizational challenge before the G77 is a challenge of leadership. The current structure does not allow the G77 Chair (in office for only one year) the room or the encouragement to assume a leadership role. A secretariat should empower the G77 Chair as well as the proposed executive head of the Secretariat to play a more proactive role in the management of the collective. This does not imply a transfer of authority from member states to Secretariat staff and G77 Chair; it implies entrusting the Secretariat and the G77 Chair with task of political representation rather than simple logistic manipulation. The leadership of the South—including the key troika of past, current and future Chairs—has to

demonstrate a commitment to the internal management and coordination within the G77. The creation of a South Secretariat would be an immediate and visible step in this direction. However, the leadership would be manifest most significantly in how the Secretariat is used; particularly as a vehicle for pre-negotiation preparation, as a space for intra-South dialogue, and as a forum where alternative structuring of problems and sub-groups (including issue-specific and regional specific groupings) can be experimented.

7.3.3 • Advice about Tactics

With regards to tactics, the single most important prescriptive advice for the South that has come across consistently, unambiguously and vigorously from each of our research elements—literature reviews, case evidence, and simulation results—relates to the desirability of the Southern collective adopting a coalition-like negotiation stance; that is, relatively high levels of internal coordination and a concomitant issue-specific focus. Our advice to the Chair of the G77, therefore, is to simply restate the most important finding of Chapters #4 and #6 and amongst the key lessons from Chapters #2 and #3.

- ❖ ***Over the long-term the South should retain its tactical identity as a broad-based alignment in global negotiations in general.***
- ❖ ***In particular negotiation episodes, the South should seek to occupy the coalitional space by both 'tightening' and 'loosening' the collective's management. Tightening in terms of focusing more on parties' coordination, and loosening in terms of providing more room for differentiated, issue-specific interests to be accommodated within the collective's agenda.***

Over a large range of issues and negotiations over the long-term, any large international collective—and certainly one as large and diverse as the G77—is likely to find it difficult to operate in any behavioral mode other than alignment. Alignment dynamics, as characterized by relatively low parties' coordination and a relatively broad issue-focus, are bound to be the 'natural state' of a collective this large and this diverse when operating on a docket of issues as wide-ranging as the G77 does. Moreover, this behavior has served the G77 relatively well in terms of holding it together despite repeated, but always exaggerated, rumors of its impending disintegration. This explains the first of our two pieces of advice for the G77 Chair.

However, the evidence already discussed at length in Chapters #4 and #6 suggests that although alignment mode may be the safest and most comfortable tactical position for the Southern collective, it tends to push the collective down to its lowest common denominator and does not represent the most effective set of tactics in terms of meeting the collective's common goals as well as the more differentiated objectives of its membership. Moreover, as discussed earlier in this chapter, the relative 'comfort' of alignment behavior (in terms of relatively less effort) can be offset by the 'discomfort' that emerges from the dissatisfaction of members whose differentiated interests are bypassed in the attempt to keep the collective intact. While alignment tactics are fine, and even advisable at the broad multi-negotiation level, they ought to be tempered to more coalitional tactics within particular episodes of negotiation, especially where the individual members or sub-groups have strong issue-specific interests—strong enough for them to feel disillusioned with the larger collective, even if not strong enough to consider outright defection (see Chapter #4 on desertification negotiations). Hence the advice to adopt coalitional behavior within the context of particular negotiation episodes.

There is no contradiction in the Southern collective, or more precisely the G77, 'hanging together' as an alignment in terms of the large slate of international environmental negotiations in general but reformulating its strengths to 'play as a team' in the coalitional space when operating in the context of a specific environmental treaty negotiations. Indeed, the logic of such behavior stems from the fact that when taken together, the global environmental landscape covers such a wide variety of issues on which there are likely to be such a variety of opinions within the South that the issue-specific focus required in the coalitional mode would be unfeasible. On the other hand, on any given issue there are always likely to be some whose issue-specific differentiated interests are more pressing than others; indeed the coalitional makeup within the collective is likely to be different on different issues and negotiations. To adopt alignment tactics within specific negotiation episodes would be to condemn the collective to lowest common denominator positions and force dissatisfaction on at least some. To maintain a flexible stance and create the ability to move into coalition tactics within specific negotiations would not only allow the collective to escape the lowest common denominator but, when done properly, allow different members (or sub-groups) within the larger collective to trade their differently valued interests across treaties so that a higher proportion of the 'value' is claimed not only from a given negotiating table, but a given set of tables.

Obvious and compelling as the advice to move into coalitional dynamics is—particularly on the basis of the case evidence from the desertification negotiations and the simulation results from

the Chlorine Game—the key to doing so lies in first operationalizing the already discussed advice relating to the South’s motivation and organization. Tactically we are calling for the G77 to simultaneously ‘loosen’ and ‘tighten’ the manner in which the collective is now managed; the loosening is sought in how issues are managed and relates directly to our earlier advice on the South’s motivations, and the tightening is sought in how the parties are managed and relates to our earlier advice on the how the South is organized as a collective.

To expand on this, recall from Chapter #2 that coalition dynamics are defined in our framework by two variables—a relatively high level of parties’ coordination and a relatively specific issue-focus. The later of these requires a loosening in how the G77 has traditionally managed issues and requires the provision of space and opportunities where the parties can pursue their issue-specific and differentiated interests within the confines of the larger collective agenda. For this to happen, the advice relating to motivation (above) becomes critical in that it would allow the membership of the collective to retain its longer-term focus on broader common goals but simultaneously break these down into shorter-term issue-specific objectives. This process will open up the possibility for the collective to reconfigure its agenda in ways that can also accommodate the differentiated issue-specific goals. This, of course, takes us right into the territory of the first requirement—i.e., the need for improved intra-South coordination. This is where the need to tighten the focus on internal coordination becomes important. What this entails is to operationalize our earlier advice on organization by creating a functional South Secretariat and using it to improve and enhance the level and quality of South-South negotiations *prior* to the global negotiations. Indeed, this also follows from our descriptive lessons. While discussing the descriptive lessons related to tactics we had noted that the G77’s tactics have followed its organizational form—our prescriptive advice builds on that and seeks to change that G77’s organizational form on the assumption that this will directly influence the collective’s choice of negotiation tactics. Just as it is entirely reasonable for a large collective that lacks in organizational resources to seek the comfort of the alignment quadrant, it seems reasonable to assume that a collective that is better endowed in organizational resources will seek the higher payoff arena of the coalitional quadrant.

In this regards, recall the anomaly that was noted earlier between the lessons from the desertification case and the simulation runs. During the desertification negotiations there seemed to be a tendency for the G77 to prefer the comfort of alignment-like behavior but a readiness to move into coalition-like behavior when forced to do so under threat of dissatisfaction amongst its ranks. The situation was quite the reverse in the simulation runs

where the developing country parties were quite willing to seek higher payoffs at other points on the behavioral template but tended to return to the safety of the alignment quadrant when the risks associated with other forms of behavior threatened the collective's unity. We had explained this by arguing that the players in the Chlorine Game were relatively more 'success seeking' than actual Southern negotiators who tend to be more risk averse. One could also argue that the organizational costs involved in the Chlorine Game (because there were only three developing country parties) were also less severe and this encouraged more adventurism on the part of the simulation participants; and that it was the knowledge of the paucity of organizational resources amongst the actual negotiators in the desertification case that attracted them towards alignment behavior. If, indeed, this is true then one might also posit that a better organized South is more likely to behave as the participants in the simulation did—that is, be more 'success seeking' in terms of not only focusing on the long enduring common goals of the collective but also on the more differentiated objectives of its membership.

7.4 Directions for Future Research

Any research enterprise of this magnitude tends to raise as many questions as it answers; often more. This study is no exception. As we have followed our research question through the various twists and turns of this project, many interesting questions have arisen—some we had to respond to in order to make sense of our principal question; others were bypassed for pragmatic reasons of time, effort and mandate. While not all of these can or should be listed here, there are two that stand out as being so important and such logical extensions of this study that they deserve to be highlighted as possible directions for future research.

The first relates to the other side of the asymmetry in our asymmetrically prescriptive-descriptive research approach. Our question has required us to focus so steadfastly (and often narrowly) on the perspective of the South that one can but not wonder what this means for the North. Given the reciprocal and interlinked nature of the negotiation enterprise, this is not simply a matter of curiosity. Indeed, what the developing countries of the South choose to do, or can do, depends in significant measure on how the North might respond to their actions.

How might the industrialized countries of the North respond to a South that actually implements the prescriptive advice detailed above? This seems to be an important and logical next step to this study that we have not been able to pursue, but which is

worth pursuing. To the extent that this study posits any potential answers, the proposition would be that a more focused and better organized South operating in coalition mode is likely to lead to more fruitful global negotiations and, therefore, will also be good for the North (to the extent that global environmental regimes are largely being pursued on the North's behest). This, of course, is an optimistic proposition and one could conceive compelling arguments why a North that has been wary of a better-organized South in the past will remain wary. On the other hand, the optimism derives from the limited insights on this issue from the desertification case study and the simulation results. In both cases, Northern parties found a South in disarray far more difficult to deal with than a South that was well-organized and focused.

Note that this question relates directly to the first of the two issues identified in Chapter #1 as an area that was not being tackled in this study but was of potential relevance to future research. Studying the reaction and response of the North to a different negotiation Southern strategy is, however, but one element of how the behavior of outside actors may be of relevance to the South's strategic options. Other questions in this regard would include, for example, the desired role of various civil society actors (NGOs, knowledge communities, business, etc.) from both North and South in this new strategy, including in the South Secretariat proposed here.

The second question that presents itself as a priority for future research is diametrically different and relates not to how the North might respond to a South that does pay heed to our prescriptive advice, but to how individual members of the Southern collective might respond. This relates directly to the second area of concern identified in Chapter #1 and speaks to the domestic motivations of the international behavior of the member states of the Southern collective. Largely because the role of the collective South is understudied in the literature, we have maintained a near-exclusive focus on the Southern collective rather than on its individual members. However, there is no collective except as a conglomeration of its members. Moreover, members tend to think not as much in terms of what is good for the collective as a whole but in terms of what is best for them and how its achievement might be speeded or impeded through collective negotiation. Moreover, the calculation of what is considered 'good' for a particular country is directly motivated by the goals and constraints of its domestic politics. In arguing that individual countries, in making such assessments, have consistently found the G77 to be a collective that serves rather than impedes their larger goals, this study has moved on to a rather dedicated (sometimes even narrow) focus on the collective South.

In focusing on why the collective would seek to avoid defections of its members, this study has ignored the question: **When does it make sense for an individual country to defect from the Southern collective or when might the collective seek to 'let some members go'?** This question is an important and logical extension of our findings and is likely to quickly move the focus to the domestic determinants of a country's international behavior. To return to the analogy used earlier in this chapter about the pack wishing to move at one pace and some of its members demanding to move at either a faster or slower pace, it does stand to reason that in some cases—maybe even in a number of cases—it would make sense for the pack to say a fond farewell to its more nimble or its less athletic comrades, or those who now wish to travel in a different direction. Indeed, the goal of our earlier prescriptive advice on the preference of coalitional tactics was precisely to allow some in the pack to move faster than others during certain legs of the long-distance run so that a pack that adopts variable speeds for different members remains a pack nonetheless. However, there are bound to be times when the issue-specific interests of certain members are so intense or so differentiated that simple coalitional tactics do not work. Indeed, there can be times when the circumstance of certain members changes so drastically that the broadly held common goals are no longer held either broadly or in common. Like this study, the South too has ignored these possibilities. However, this study highlights the importance of pursuing such enquiry in the future. Indeed, this author (Najam, 1993b) has argued elsewhere that trying to hold on to all its members forever runs counter to the South's own stated goals and that the Southern collective needs some mechanism to determine when to bid a fond adieu to members whose fortunes and aspirations have changed over time so that they no longer look like the rest of the pack, even if they insist on pacing with the pack in lockstep!

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ANNEX: INSTRUCTIONS FOR THE CHLORINE GAME

This annex reproduces the original text of the instructions for the Chlorine Game. All elements of the instructions—general instructions, confidential instructions and confidential faxes used during the game including the ones used to trigger the different variants of the game—are included here. It should be noted, however, that no single player in the game saw all these elements together. While all players received the exact same general instructions (game scenario and background briefing paper), the confidential instructions were, obviously, different for different roles and also different for the same roles in different variants of the game (depending on which confidential fax they received).

The confidential instructions were handed to the players well in advance of the game and included a list of the different pieces of the instructions provided to them as well as the following disclaimer, printed prominently (shorter versions of this disclaimer were also included in the general and confidential instructions as distributed originally):¹

This negotiation simulation has been revised and redesigned by Adil Najam, of the Massachusetts Institute of Technology, for his research on international environmental politics, multilateral diplomacy and the role of developing countries in international environmental affairs. It is a modified version of the original, which was created by the Chlorine Treaty Negotiation Team at the Department of Urban Studies and Planning at the Massachusetts Institute of Technology under the direction of Professor Lawrence Susskind and Sarah McKearnan. Members of the team that originally wrote the simulation were drawn from various departments at MIT, the John F. Kennedy School of Government at Harvard University, the Harvard Business School, and the Consensus Building Institute. They included Mike Gordon, Adil Najam, Joshua Secunda, Granville Sewell, Parag Shah and Andrea Strimling. The first development of the case was generously supported by The Chlorine Project at the Massachusetts Institute of Technology, Cambridge, Mass. Subsequent

¹ The confidential instructions also noted who had been the lead author for those instructions before extensive revisions were undertaken by the author for the purpose of redesigning the game for this research. These details are as follows: **Mike Gordon:** IBR; **Adil Najam:** Chair, Brazil, China, Japan; **Joshua Secunda:** Licensing proposal; **Granville Sewell:** Czech Republic; Norway, USA; **Parag Shah:** Germany, GreenStrategies, India; and **Andrea Strimling:** ICSA, IUCE.

redesign has been supported by research fellowships for Adil Najam from the Kann Rasmussen Initiative in Environmental Leadership (at MIT) and from the Program on Negotiation (PON) at Harvard Law School. All roles and instructions are hypothetical and should not imply any official endorsement of these views by the parties concerned. Although real country names are used, the interests ascribed to individual roles are hypothetical and are devised for simulation purposes rather than as a representation of official positions. The scenario of the simulation should not be seen to imply that the United Nations Environmental Programme (UNEP) is actually interested in pursuing international negotiations along these lines. This case may not be reproduced, revised, or translated in whole or in part by any means without written permission. *Copyright © 1996-2000 by the Massachusetts Institute of Technology. All rights reserved.*

To better understand how the proper 'cocktail' of instructions was put together for specific roles in specific runs of the game, Table A.1 below reproduces the table from Chapter #5 (Table 5.2), which outlines the distribution of instructions to different roles.

Table A.1: The Chlorine Game—Role Assignment and Instructions

Role	General Instructions	Confidential Instructions	Handouts	Other	
Chair <i>Former Costa Rican Ambassador to the United Nations</i>	Background Briefing Paper on Organochlorines (10 pages)	Game Scenario and Biographical Sketches (8 Pages)	Memo from UNEP Executive Director laying out UNEP's goals for the negotiation, ideas for running the meeting, note on NGO participation, and note on role of Chair. (6 pages)		
Brazil <i>Permanent Ambassador to the United Nations in Geneva</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) Brazilian Ambassador to the UN (outlining G77 concerns); and b) National Board for Industrial Planning. (10 pages)	A proposal for a 'Chlorine Tax' prepared by Southern NGOs.	One of three possible faxes to trigger a variant of the simulation.
China <i>Director of Environment, Ministry of Foreign Affairs</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) Chinese Academy of Environmental Sciences and Technology; b) National Board of Economic Planning; and c) Ministry of Industries and Trade. (10 pages)		One of two possible faxes to trigger a particular variant of the simulation.
India <i>Additional Secretary for International Trade, Ministry of Industries and Trade</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) National Planning Commission; b) Indian Chemical Association; and c) Environmental NGO Coalition. (12 pages)		One of three possible faxes to trigger a variant of the simulation.
Czech Republic <i>Director of International Affairs, Ministry of Trade and Industry</i>			Position paper from Ministry of Trade and Industry, and memos from: a) Ministry of Environment; and b) Senior Environmental Advisor. (6 pages)		One of two possible faxes to trigger a variant of the simulation.

Germany <i>Director of Environmental Affairs, Ministry of Foreign Affairs</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) Ministry of Environment; and b) Ministry of Economics and International Trade. <i>(8 pages)</i>	A proposal for reduction target without specifying chemicals.	
Japan <i>Director, Global Environmental Affairs, Industrial Location and Environmental Protection Bureau</i>			Position paper from Ministry of Foreign Affairs, and memos from: a) Ministry of Trade and Industry; b) Environmental Health Bureau; c) Japanese International Cooperation Agency; and d) Japan Network of Environment and Pollution. <i>(10 pages)</i>		Fax received only in Variant #4 of the simulation.
Norway <i>Director of International Affairs, Ministry of Environment</i>			Position paper from Ministry of Environment, and memos from: a) Ministry of Foreign Affairs; and b) Norway Pulp and Paper Association. <i>(6 pages)</i>	A proposal for a 'licensing scheme' prepared with IUCE.	
USA <i>Director, Office of Environment, State Department</i>			Position paper from the Department of State, and memos from: a) Environmental Protection Agency; b) Department of Commerce; and c) Office of Legal Advice. <i>(10 pages)</i>		Fax received during all versions of the game.
GreenStrategies <i>Coordinator, International Organizations</i>			Memo from the Executive Director laying out the organization's position and summarizing key technical and advocacy points. <i>(8 pages)</i>	2 Fact sheets on policy and science concerns.	
IUCE <i>Special Assistant to Executive Director</i>			Memos from Executive Director, and from departments of a) development; and b) corporate relations. <i>(6 pages)</i>		
International Business Roundtable <i>Director of Multilateral Trade</i>			Position paper from Executive Director, and memos from: a) Consumer Goods Association; b) International Manufacturers Association; and c) Collaborative for Responsible Development. <i>(10 pages)</i>		
ICSA <i>Special Assistant to Executive Director</i>			Memos from Executive Director, and from committees on: a) Chemicals in Industry; and b) Chlorine. <i>(6 pages)</i>		

To assist the reader in identifying the appropriate elements of the instructions, the following table of contents for this annex assigns page numbers to the various 'pieces' of the instruction package. It should, however, be noted that the original game did not follow these page numbers or this organization. Minor formatting changes have also been made to the instructions to suit their inclusion in this annex.

General Instructions

Game Scenario	367
Biographical Sketches of Roles	371
Background Briefing	375

Handouts

Licensing Proposal (distributed by Norway and IUCE)	385
GreenStrategies Fact Sheets on (a) Science and (b) Policy	389
'Chlorine Tax' Proposal (distributed by Brazil on behalf of G77 NGOs)	391
Proposal for Organochlorine Reduction (distributed by Germany)	393

Confidential Instructions

Chair	395
Brazil	401
China	411
Czech Republic	421
Germany	427
India	435
Japan	447
Norway	457
United States of America	463
GreenStrategies	473
International Business Roundtable (IBR)	481
International Council of Scientific Associations (ICSA)	491
International Union for the Conservation of the Environment (IUCE)	497

Confidential Faxes

All Variants — Confidential Fax received by USA	503
Variant # 2 (Bloc-like Behavior) – Confidential Faxes for Brazil, China and India	505
Variant # 3 (Coalition-like Behavior) – Confidential Faxes for Brazil, China, Czech Republic and India	511
Variant # 4 (Deal-making Behavior) – Confidential Faxes for Brazil, India, Czech Republic and Japan	515

INFORMATION FOR ALL PARTICIPANTS

UNEP WORKING GROUP ON MANAGING THE GLOBAL USE OF ORGANOCHLORINES

Recent studies have added new weight to the growing evidence that some organochlorine compounds may pose serious risks to human health and the environment. Taking its cue from growing international concern about the impacts of organochlorines on the global environment, the United Nations Environment Programme (UNEP) has turned its full attention to this issue. The Director of UNEP has called on nations to be pro-active, that is, to negotiate and ratify an international treaty to phase out at least some of the most harmful organochlorines.

The Executive Director of UNEP is eager to do this in a way that improves upon the usual convention-protocol process, which typically takes ten years or more. Indeed, the Executive Director would like to initiate a treaty development process that provides a more efficacious model for generating sound global agreements even in the face of scientific uncertainty. From UNEP's standpoint, one of the most important steps is to encourage both developed and developing countries to engage in informal dialogue before they lock into formal positions and each country's range of flexibility narrows. The UNEP Executive Director's hope is that this "brainstorming" period will produce a treaty draft that reflects the most important concerns of all parties while taking account of the best scientific advice available.

In a recent speech, the Director said "I am committed to sparking an open international debate about chlorine before any formal treaty negotiations begin. This will educate the international community about the effects of any ban or phase-out, advance our understanding of the key provisions that must be incorporated into any convention, and, perhaps, lead to more focused action, more quickly than might otherwise be the case. It will also better prepare all countries to participate in regional as well as multilateral negotiations when the time arises."

As the first step towards initiating the most constructive international dialogue, UNEP has decided to convene an international Working Group on Managing the Global Use of Organochlorines. The working group's charge is to review the issue of organochlorines with a view of defining a manageable agenda of issues and options for full scale negotiations on the subject that may be initiated at a later stage. **The goal of this negotiation is to come up with a set of issues and options on the chlorine issue that are fairly well-defined, which reflect the key interests of the various parties and which might form the agenda for a more formal treaty negotiation on the subject. This is a preliminary exercise for discussing key issues and identifying areas of possible agreement and potential conflict.** It would be highly desirable, but not necessary, that a draft document of some sort emerge from these negotiations.

UNEP has carefully selected eight countries to participate in the informal Working Group. All have agreed to participate. They include: the Brazil, China, the Czech Republic, Germany, India, Japan, Norway and United States. Some countries have opted to send a senior official from their Ministry of Trade, while others are sending a representative from their Ministry of Environment. In addition, UNEP has decided to include representatives from selected nongovernmental organizations (NGOs) that have relevance and expertise relevant to the ongoing debate over organochlorines. Four international organizations have agreed to send representatives to serve on the Working Group: Green Strategies, the International Business Roundtable, the International Council of Scientific Associations, and the International Union for the Conservation of the Environment. In general, and in some cases with some reservations, the governments have agreed for the NGOs to participate as members of this Working Group. In addition to the above, UNEP has invited a former Ambassador of Costa Rica to the United Nations and Special Assistant to the UN Secretary General to act as the Chair for the meeting. He will do so in his personal capacity and not as a representative of Costa Rica.

The purpose of this meeting is to try to initiate an initial discussion on the subject and identify the key issues and options. UNEP staff has identified a preliminary list of four key areas, discussed below. These, however, are broad areas and it is hoped that this meeting will be able to narrow the debate within each to identifiable, and manageable, issues and options.

SCOPE OF THE PROBLEM

There is substantial disagreement over the risks to human health and the environment threat posed by organochlorines of various kinds. There are those who say that the scientific evidence is inconclusive. Even if some of the risk assessments are correct, they argue, the potential human health impacts are not serious enough to warrant global action. Among those who think the problem might indeed be serious, some would like to see further studies (of various kinds). Others would endorse taking precautionary action as long as it involves minimal costs and disruption. Yet others are convinced that the problem is terribly serious and urge that everything possible should be done quickly, in fact urgently, to reduce the risks.

POSSIBLE ACTIONS

A most obvious action could be to undertake additional scientific assessments. Economic impact assessments (of the various risk reduction strategies) might also be encouraged. Some countries feel that specific targets and timetables should be set now. Some might call for, say, a 25% reduction of all organochlorines but prefer to leave it up to each country to figure out the most cost-effective way of achieving the goal. Others could advocate a 50% reduction, for example, naming specific substances to be banned or black-listed. Monitoring arrangements and penalty systems, although controversial, are also under discussion.

FINANCING

There are at least three contentious issues at stake under the heading of financing. First, there is the question of how much money may be required to finance both the implementation of a possible chlorine regime as well as the search for chlorine substitutes. Second, there is a debate over the appropriate means of raising such funds (e.g. taxes versus licensing fees). Finally, there is the question of whether any financing regime should be based on need (e.g. the cost of adjusting to the requirements of the treaty) or on the basis of technological merit (e.g. the most promising new technologies).

GOVERNANCE

Decisions regarding options for an eventual governance structure are rife with disagreement. Will everyone have equal vote? Will it be majority rule or

consensus decision-making? Is a weighted regional voting system preferable? Should votes be weighted according to the impact the treaty is likely to have? What will be the nature of the institutional set-up? Would new institutions have to be created or can we utilize existing institutions? A different governance issue concerns the participation of NGOs. To what extent should NGOs be granted a formal role in the eventual regime?

Today, the Working Group will meet in its first full session. Representatives of the eight countries and the four international organizations have received background briefing materials from UNEP to help them prepare for this meeting. These materials include a general briefing on the substance of the issue from UNEP staff as well as confidential instructions from their respective constituencies. The confidential instructions detail the role's views on the four issues under consideration. Moreover, some of the parties have prepared proposals that may be distributed to the other members of the working group during the course of the negotiation (some have been distributed in advance of the negotiation).

The ground rules for the negotiation are kept simple. Procedurally, the meeting will be run by the Chair, in consultation with the parties, generally in accordance to standard international procedures. The Chair, or parties, can suggest procedural modifications and suggestions that will be subject to consensus acceptance by those present. Formal voting is not expected. Any substantive decisions, especially on any final documents, should seek consensus support of all eight state parties. Support from NGO parties, where available, will only strengthen the sense of consensus. If consensus amongst the eight state parties is not possible, those who are in agreement can choose to put forth their own agreement(s) and/or statement(s) clearly stating the parties who are in support of it. The final document, if there is one, can take any of many forms including that of a statement, declaration, resolution, convention, agreement, treaty, etc.

Brief biographical sketches of the various members of the group are provided in the following pages. These should give you a better idea of who you are dealing with in the negotiation.

UNEP WORKING GROUP
ON MANAGING THE GLOBAL USE OF
ORGANOCHLORINES

BIOGRAPHICAL SKETCHES

The organizers of the meeting have invited Costa Rica's former Ambassador at the Permanent Mission to the United Nations to serve as **THE CHAIR** of this working group. The Ambassador is well-known and well-respected amongst UN diplomatic circles and has often played a conciliatory role between developing and industrialized countries in international negotiations. S(he) is also known for experimenting with innovative diplomatic techniques to improve the international negotiation system and has been a champion of more nongovernmental representation in international affairs. S(he) has served as the Special Representative of the UN Secretary General on numerous occasions and is known not only for her/his diplomatic skills and integrity but also for facilitative abilities which have been demonstrated with distinction at various international conferences. The Ambassador has chaired many important international negotiations including those on environment and trade. Formerly a professor of international law and politics, the Ambassador has received many international awards including the UNEP 500 Award for Environmental Excellence and is considered by many to be a potential future Secretary-General of the United Nations.

BRAZIL is represented by her Permanent Ambassador to the United Nations in Geneva. The Ambassador is a senior career diplomat who has led the Brazilian delegations at a number of sensitive negotiations; these include meetings of the GATT, the preparatory committee of UNCED, regional trade negotiations. S(he) has also served as Brazil's ambassador to (West) Germany (1982-84) and then Czechoslovakia (1989-91) and is well respected in both developing and developed countries. For the current year Brazil is the Chair of the Group of 77 (a UN based caucus of over 130 developing countries). However, the G77 is not being directly represented at this meeting.

CHINA is represented by the Director of the Environment Desk of the Ministry of Foreign Affairs in Beijing. Recently appointed to this position, s(he) holds a doctorate in forestry economics, and left a teaching position at the University of Shanghai to join the Ministry of Foreign Affairs ten years ago. Since then, s(he) has been a member of Chinese delegations to a number of

specialized environmental negotiations, including the climate convention, the desertification convention, the forestry convention, and the fisheries protocols. For the last year, before being named Director of the Environment Desk, s(he) was a senior research fellow at the Chinese National Institute of International Affairs working on issues of trade and the environment.

THE CZECH REPUBLIC is represented by the Director of the Office of International Affairs at the Czech Ministry of Trade and Industry. S(he) is a career bureaucrat who has been in government for 18 years. (S)he has been with the Ministry of Trade for the past ten years. Over the last few years (s)he has been repeatedly asked to represent the country in international environmental negotiations. The Director has worked in close collaboration with the Ministry of Environment and Natural Resources on issues relating to the environment but remains stationed principally at the Ministry of Trade and Industry.

GERMANY is represented by the Director of the Office of Environmental Affairs, in the Ministry of Foreign Affairs. S(he) is well-respected in international circles as well as amongst Germany's environmental community. (S)he is known for having the ability to "bridge the gap" between conflicting interests when negotiating internationally. The Director has maintained a high profile in international environmental issues and has taken a proactive role in international negotiations. S(he) has been particularly active in shaping the environmental policy of the European Union. Although she will not be formally representing the EU here, her views are likely to represent the EU environmental interests in general.

INDIA is represented by the Additional Secretary for International Trade, the Ministry of Industries and Trade. A career bureaucrat and the second most high-ranking official in the Ministry, the Additional Secretary is considered by most to be *the* most influential official in the Indian government, after the Trade and Industries Minister, as far as international trade is concerned. The Additional Secretary is a veteran of numerous international trade negotiations at GATT and various bilateral fora and is widely respected amongst Western diplomats for being a bright and savvy negotiator. Her/his appointment as the leader of the Indian delegation has, however, surprised many Indian environmentalists who would have preferred that the delegation be led by someone from the Ministry of Environment and Natural Resources.

JAPAN is represented by the Director of the Global Environmental Affairs Office within the Industrial Location and Environmental Protection Bureau. An energy analyst by training, s(he) has been a career civil servant for the last fifteen years and had worked for short periods of time both with the Ministry of Foreign Affairs (in its Global Environmental Affairs Division) and with

the Ministry of International Trade and Industry (MITI). For the last six years, however, s(he) has been with the Industrial Location and Environmental Protection Bureau where s(he) helped establish the Global Environmental Affairs Office that (s)he now heads. Although s(he) has been a member of the Japanese delegation to a large number of international negotiations, this is the first time that she has been called upon to lead the delegation; in fact, this is one of the very few important international negotiation where an official of the Industrial Location and Environmental Protection Bureau is leading the Japanese delegation instead of someone in the Ministry of Foreign Affairs.

NORWAY is represented by the Director of the Office of International Affairs and Development with Norway's Ministry of Environment. The Director is a senior official with 20 years of experience in environmental issues. S(he) responds directly to the Minister of the Environment and is the Minister's hand-picked appointee. Her/his participation is an indication of the importance the Minister attaches to these discussions. The Director has been an influential force in shaping Norway's policy towards organochlorines and is known for his/her views on the urgency of tackling this problem quickly and doing so at a global level.

The **UNITED STATES OF AMERICA** is represented by the Director of the Office of Environmental Protection at the U.S. State Department's Bureau of Oceans and International Environmental and Scientific Affairs. The Director is a senior career diplomat who has spent the last ten years working on environmental issues. S(he) reports to the Deputy Secretary of State for Environment and Development, who is a political appointee. The Director typically heads delegations for most routine negotiations on environmental issues and has vast experience in such negotiations. The Director is reputed to be an astute negotiator with a strong grasp on environmental as well as political realities. Although deeply committed to environmental issues, the Director is known for his sharp critique of over-enthusiasm on the part of activists.

GREEN STRATEGIES is represented by a senior staff member who has been with the NGO for the last ten years. S(he) is one of the co-authors of the Transition Plan to a Chlorine-Free Economy, and has been working on Green Strategies' Chlorine Phase-Out Project since its inception four years ago. S(he) has been an environmental activist since the first Earth Day in the 1970s and has a Master's degree in Environmental Policy. S(he) has been one of the leading activists in this area and has published a number of newspaper and magazine articles on the subject.

The **INTERNATIONAL BUSINESS ROUNDTABLE** is represented by the Director of the Roundtable's Department of Multinational Trade Issues. The Director received an undergraduate

degree in Business Administration from the Wharton School, a Masters in Economics from the University of Chicago, and a Doctorate in Business Administration from Harvard Business School. S(he) worked in Corporate Communications for Allied Signal in Texas, moved to Washington, D.C. to lobby for the Chemical Manufacturer's Association, then served on the Bush Administration team to prepare for, then negotiate at, the 1992 Conference on Development and the Environment at Rio de Janeiro. After George Bush lost the 1992 US Presidential elections, s(he) joined the International Business Roundtable as its Director for Multilateral Trade Issues. In that position, s(he) has participated in many international negotiations, particularly those related to the World Trade Organization.

The **INTERNATIONAL COUNCIL OF SCIENTIFIC ASSOCIATIONS (ICSA)** is represented by the Special Assistant to the Executive Director. S(he) graduated from MIT two years ago with a Ph.D. in Chemistry. As Special Assistant to the Executive Director s(he) has been influential in carving out a larger role for ICSA in the international arena. The Special Assistant has often been reported to have pushed for a greater role for ICSA in all international negotiations that relate to scientific issues and that providing such a role to ICSA would make these negotiations that much more efficient. Many insiders at ICSA view her/him as a possible future Executive Director of the organization.

The **INTERNATIONAL UNION FOR THE CONSERVATION OF THE ENVIRONMENT (IUCE)** is represented by its Director for External Affairs. The Director has been with IUCE with five years. Belonging to the Netherlands, s(he) has held senior positions in a number of international environmental NGOs, including the Worldwide Fund for Nature (WWF). The Director is highly admired in international circles for having a clear grasp both of realpolitik and of environmental issues. S(he) has often participated in international negotiations and unlike other NGO representatives has maintained cordial relations with government representatives. The Director's views on international environmental issues are well-respected both in the NGO community and by governmental delegates.

U N E P

Memorandum

TO: UNEP Working Group on
Managing the Global Use of Organochlorines
FROM: UNEP Secretariat
RE.: Background Briefing (Prepared by an outside consultant for UNEP)

INTRODUCTION

Since World War I, the use of chemicals containing chlorine has grown exponentially. As many as 15,000 chlorinated compounds exist today, some by design, and others as the unintended byproducts of manufacturing or combustion. Chlorine compounds are used to make plastics, refine petroleum, bleach pulp and paper, produce solvents, disinfectants, and flame retardants; for dry cleaning, process food; make paints, refrigerants, and insulation; and to treat waste water. In the U.S., for example, chlorine is in virtually all drinking water systems, in 85% of pharmaceuticals, and in 96% of crop protection chemicals.

The ubiquitous use of chlorine both to facilitate industrial processes and to manufacture consumer products has made it a major contributor to the economies of both developed and developing nations. Again, statistics available in the United States hint at the scale of chlorine's use globally and the resulting economic importance. A report recently prepared for the Chlorine Institute by Charles River Associates regarding the economic benefits of chlorine in the U.S. economy estimates that 1.3 million U.S. jobs generating more than \$31 billion in annual wages and salaries depend on the chlorine industry.

However, the last decade has witnessed a dramatic increase in concern about the known and suspected impacts of these compounds on the health of animal and human populations. Many new studies suggest that some chlorine-based "bad actors" may be responsible for a host of health problems in various animal species exposed to high levels of these pollutants. In addition, there is a growing body of laboratory research which documents the potential of

organochlorines to cause cancer, disrupt endocrine systems, cause developmental defects, and weaken immune systems in the organisms exposed to them.

The new research findings have catalyzed action among advocacy groups and some governmental bodies, especially in Europe. These groups have issued a call for a global ban on chlorine (and its various applications and derivatives). It is claimed that there is enough scientific evidence regarding the harm done by organochlorine pesticides, PCBs, and dioxin to warrant adoption of precautionary measures. Although the majority of chlorinated compounds have never been studied for their toxicological effects (the task of studying 15,000 compounds clearly presents enormous logistical and financial obstacles), these groups maintain that the "weight of evidence" warrants making logical assumptions about their likely impacts and taking precautionary measures to ensure that animal and human populations are protected.

The international chemical industry has decried this call for a phase-out of all chlorine compounds. First, they point out that the benefits of chlorine use in modern industrial chemistry should not be underestimated. Second, they assert that treating all organochlorines as if they had the same properties and produce the same impacts is methodologically unsound. Third, they insist that even though there may be substitutes available for some chlorinated compounds, effecting a global switch to these substitutes would produce mammoth costs and economic dislocation that cannot be absorbed by many national economies around the world.

BRIEF HISTORY OF THE GLOBAL USE OF CHLORINE

Chlorine was added to the periodic chart of elements in 1810. However, it wasn't until after World War II that the chemical industry began relying heavily on chlorine to develop new chemicals and consumer products. This trend accelerated after World War II and chlorine became the centerpiece of an emerging chemical revolution.

One of the first applications of chlorine after World War I was in the manufacture of pesticides designed to protect crops and increase agricultural productivity. DDT, or dichloro-diphenyl-trichloroethane is perhaps the most well known of the pesticides introduced to the global economy during this period. In 1937, a Swedish chemist who received a Nobel prize for discovering its efficiency in combating insects. Other insecticides, fungicides, and herbicides were soon invented, and chlorinated compounds quickly gained currency throughout the world in fighting tropical diseases as well as controlling pest populations.

The post-World War period also witnessed the emergence of industrial uses for chlorine. Two versatile chemicals containing chlorine were particularly important in fueling economic

development: polychlorinated biphenyls (PCBs) and chloroflourocarbons (CFCs). PCBs were distinguished by their low flammability, making them ideal for use in transformers and capacitors, which had previously been highly flammable. They were also used in vacuum pump fluids, lubricating oils, heat transfer liquids, and other industrial chemicals, which facilitated the manufacture of consumer products. CFCs were similarly versatile. At the time of their entrance into the market, they were thought to be nontoxic and non-reactive and were widely used as refrigerants, propellants in spray cans, blowing agents in plastic foam products, and solvents for cleaning electric parts.

After World War II, the importance of chlorine in the chemical industry grew exponentially with the development of thousands of new chemicals that either contained chlorine or relied on chlorine for their manufacture. Perhaps the most well-known application developed after World War II is polyvinyl chloride, or PVC. The versatility of PVC has been rivaled by few compounds; it is used to produce consumer products as varied as floor tiles, shoe soles, electrical insulation, automobile components, and medical equipment. Other applications for chlorine included many industrial solvents (including methylene chloride), new forms of pesticides, epoxy resins, dyes and pigments, and pharmaceuticals.

Today, over 25% of the approximately 60,000 chemicals in use either contain chlorine or rely on chlorine for their production, making this element one of the most widely used industrial feedstocks in existence. Global chlorine production has now reached 38 million tons a year.

One way to understand the global chlorine economy is to divide it into three categories: direct uses of chlorine, chlorine-containing consumer products, and chlorine-facilitated products. The category of **direct uses of chlorine** includes water purification and pulp bleaching to produce white paper. The category of **chlorine-containing products** includes PVC as well as other plastics with uses ranging from food packaging to automotive components. It also includes pharmaceuticals, crop protection chemicals, dry-cleaning chemicals, and chlorinated solvents, which are used in a wide variety of industrial processes for cleaning parts, or as paint strippers, adhesives, and extractants. Finally, the category of **chlorine-facilitated products** includes products that do not themselves contain the element chlorine but which are manufactured via a process that depends on the use of chlorine as a catalyst. Many paints, paper, plastics, and other consumer goods are produced with the aid of chlorinated compounds.

ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS

Until thirty years ago, little was known about the potential hazards that chlorinated compounds posed to human or animal health. DDT provides a good example. Now banned in most industrialized countries and heavily restricted in many developing countries, DDT once enjoyed a hallowed reputation as a highly efficient, low-cost pesticide. It was manufactured in large quantities and used all over the world for crop protection and for halting the spread of tropical diseases such as malaria. As Scientific American described the global importance of DDT in the post-war period:

The supply of the insecticide DDT, which in the space of six years has become one of the world's necessities, almost comparable to steel and fuel, has begun to give concern to health workers. The World Health Organization last month reported developing a shortage of the chemical so serious that it threatens the breakdown of the campaign against insect-borne disease, which since the end of the war has wiped out malaria in many parts of the world.

Today, global concern about the impacts of organochlorines such as DDT on the health of human and wildlife populations is growing. The following section is intended as an encapsulated summary of what is known and what is not known about these impacts.

CHEMICAL PROPERTIES OF ORGANOCHLORINES

In its elemental state, chlorine appears as a pale green gas. This gas is highly toxic to plants and animals. However, it rarely occurs in this form on Earth. Elemental chlorine is highly reactive and unstable, and it quickly combines with other molecules.

Three key properties of organochlorines raise concerns about their ubiquitous use in industry and agriculture. The first is ***persistence***, or the length of time during which a chemical exists in its original form without being broken down or transformed. Due to its ability to attract electrons, chlorine forms strong bonds with other atoms or molecules so that they do not break down readily once released into the environment. It is precisely this characteristic that makes chlorine so useful for synthesizing other chemicals. For example, chlorine readily reacts with carbon, making carbon and chlorine one of the most versatile combinations for synthesizing other compounds. However, the bonds that form between chlorine atoms and carbon atoms are so strong that many of the chemicals synthesized with these two elements tend to persist in the environment for long periods of time.

The second characteristic of organochlorines that creates concern is ***bioaccumulation***. This is the tendency of certain chemicals to accumulate in greater concentrations in biota than in the surrounding environment. Organochlorines are "lipophilic," meaning that they tend to occur in greater concentrations in fat, or lipids. Illustrations of the effects of bioaccumulation can be

found in the many studies of fish and wildlife in the U.S. Great Lakes, an area heavily dosed by organochlorines from the effluent of nearby industries. The tissues of Great Lakes' fish contain much higher concentrations of contaminants than the water in which they live. When wildlife or humans eat these fish, the contaminant loading is passed onto the consuming organisms, which has a similar biological inability to get rid of it. Organisms can thus carry much greater concentrations of environmental pollutants than occur in the environment, an effect known as *bioconcentration*. It is the combined tendency of organochlorines to persist and to bioconcentrate that produces alarm in scientists studying their effects; some of these chemicals have been found to be so persistent in humans that their half-life exceeds ten years.

The third troublesome characteristic of organochlorines is their **toxicity**. This refers to the ability of a chemical to damage an organ system or to disrupt a biochemical process. Almost every chemical has a set of exposure conditions under which it is toxic, but there is an enormous range in the amount of a substance required to produce harm and also in the extent of the harm likely to be done. The worst "environmental bad actors" are those which produce harm at "normal" environmental exposure levels. Scientists debate the relative toxicity of organochlorines as a class. The difficulty in making a determination about their toxicity lies in the paucity of testing that has been done of individual chemicals. Because of chlorine's ability to combine with innumerable varieties of organic compounds, the number of possible organochlorines exceeds the capacity of the scientific community for testing.

However, some organochlorines have been shown to be highly toxic. Dioxins, a subfamily of organochlorines, are perhaps the most well-known of these. Dioxins have no known use; they are an unintended by-product of certain industrial processes and combustion. Scientific evidence on the toxicity of dioxins suggests that they may be among the most potent toxicants ever studied. They have produced a variety of biological effects in experimental animals at dose levels hundreds or even thousands of times lower than many of the other chemicals of environmental interest. It is these findings that have propelled some environmentalists to call for an immediate phase-out of chlorine as an industrial feedstock. Since dioxin is an unintended byproduct of the industrial use of chlorine, the only way to ensure that no dioxin is produced is to eliminate the use of chlorine in industrial processes.

RESEARCH ON HEALTH EFFECTS

Recent proposals by governmental and non-governmental organizations to restrict the use of the roughly 15,000 organochlorines in commerce have been driven by growing scientific

evidence about the adverse impacts of these compounds on public health and wildlife. Scientists in many countries have undertaken studies aimed at exploring the connection between exposure to organochlorines and a range of health effects. Much of this research has been focused on determining whether these substances cause cancer in humans. In recent years, however, scientists have broadened their focus to include a host of other potential non-cancer health effects, including developmental disorders, endocrine disruption, and immunological problems in both human and animal populations.

There are two broad scientific approaches that have been used to study organochlorines. The first, an epidemiological approach, involves observations of health trends in actual animal and human populations that may have been exposed to one or multiple organochlorine compounds. These studies are hindered by a large degree of uncertainty, due to the difficulty in establishing a causal relationship between observed health trends and exposure to particular chemicals. Scientists have confronted major methodological obstacles in their attempts to isolate exposures that may have contributed to observed health effects. Nevertheless, a number of scientists around the world point to possible connections between alarming health trends and the presence of various organochlorines in the environment.

The second broad approach, involving controlled laboratory studies, explores the effects of particular substances on lab animals such as mice and rats. Here the method is to administer high doses of such substances, document their health impacts, and then extrapolate findings to actual populations under non-laboratory conditions. These studies, too, are hindered by high levels of uncertainty associated with efforts to extrapolate across species, as well as from high dose levels used in controlled laboratory settings to lower doses likely to be experienced under non-laboratory conditions.

Following is a brief summary of the recent research on the health impacts of organochlorines. We have included examples of both kinds of research described above. While this is far from an exhaustive account of the studies that have been completed, it does give a broad overview of the major research findings on organochlorines over the past decade.

Increased Incidence of Cancer: Historically, cancer has received the most attention as a possible health endpoint of exposure to organochlorines. In part, this concern has developed as a result of some disturbing historical trends in cancer rates. One study, by the National Academy of Sciences in the U.S., documented increasing cancer rates in twenty different countries around the world, even after accounting for the aging of the population. The study reported increased mortality from multiple myeloma, prostate cancer, breast cancer, brain

cancer, non-Hodgkins Lymphoma, kidney cancer, and testicular cancer. Increases in the rate of breast cancer have captured the attention of scientists and the public alike. In the U.S., the chances of a woman developing breast cancer have gone from one in twenty in 1960 to one in nine today. Scientists suggest that it is unlikely this increase can be explained by the usual factors associated with an increased probability of getting the disease. While research examining the potential causes of this rise in breast cancer rates is in its infancy, several studies have suggested a connection between incidence of the disease and human exposure to organochlorines. Fat tissue in women with breast cancer has been shown to have higher levels of certain organochlorines than in healthy women. Industrial nations that use organochlorines more extensively and generate more pollution also have significantly higher rates of breast cancer than developing countries.

Studies of cancer rates at the sites of industrial accidents also offer important data about the carcinogenic effects of organochlorines. Two accidents in Europe have been studied extensively. In Seveso, Italy, people living near an industrial plant were exposed to high levels of dioxin after an industrial accident. In Germany, workers in a chemical plant contaminated with dioxin experienced high dose exposures. Research into the effects of both accidents revealed elevated rates of several forms of cancer.

Laboratory studies of some organochlorines have pointed to carcinogenic properties. For example, cancer has been induced in laboratory animals exposed to doses of dioxin, PCBs, and chloroform. However, some scientists assert that organochlorines as a class are not strong carcinogens. Many organochlorines tested in lab rodents do not produce elevated rates of cancer. Those organochlorines that do test positive for cancer in lab animals usually only produce modest elevations in tumors.

Endocrine Disruption: While the public and many scientists have focused on cancer as the main human health threat from exposure to organochlorines, recent research has revealed that some organochlorines may be even more debilitating to the endocrine systems of a wide array of organisms. Endocrine disruption is thought to lead to a litany of other health problems, such as the feminization of males or the masculinization of females, failure to reproduce, and weakened immune systems. New scientific attention to these non-cancer effects of organochlorines was sparked at a recent meeting of 21 leading scientists, sponsored by the World Wildlife Fund. Representing a cross-section of scientific disciplines including reproductive physiology, ecology, comparative endocrinology, immunology, and zoology, the group discussed their findings on the effects of organochlorines on different species and concluded:

A large number of man-made chemicals that have been released into the environment, as well as a few natural ones, have the potential to disrupt the endocrine systems of animals, including humans. Among these are the persistent bioaccumulative organohalogen compounds that include some pesticides (fungicides, herbicides, and insecticides) and industrial chemicals, other synthetic products, and some metals. Many wildlife populations are already affected by these compounds. The impacts include thyroid disruption in birds and fish; decreased fertility in birds, fish, shellfish and mammals; defeminization and masculinization of female fish and birds; and compromised immune systems in birds and mammals.

A number of studies have suggested that organochlorines may have very different effects on developing embryos or fetuses than they do on adult organisms of the same species. This means that even when adult populations show no signs of having been affected by chlorinated compounds in the environment, their offspring may sustain serious impacts that inhibit their functioning and their ability to reproduce. Some scientists suggest that even very low doses can harm an embryo, especially if the exposure occurs at a critical point in fetal development.

Wildlife Studies: Some of the potent warning signs about these non-cancer effects of organochlorines have appeared in research on the health of fish and wildlife in the Great Lakes region of USA, an area that has been heavily exposed to a range of organochlorine compounds including PCBs, dioxin, DDT, and other industrial solvents. Scientific reports document that at least 14 species, which depend on Great Lakes fish, are suffering severe health problems. For example, one study showed that 100% of sexually mature, pink coho and Chinook salmon have vastly enlarged thyroids, a sign that endocrine systems have been disturbed. The Great Lakes area is not the only region in the world in which scientists are exploring the relationship between exposure to organochlorines and adverse health impacts on wildlife. Some of the strongest evidence from the field comes from Florida's Lake Apopka, where there was a large DDT spill in 1980. Researchers found a 90% decline in the birthrate of alligators, which they attributed to abnormalities in their reproductive organs. In other locations, seals and fish in PCB-contaminated environments have also experienced reproductive failure.

The difficulty with this population-based research lies in trying to substantiate causal relationships between health problems observed in wildlife and specific chemicals that may be present in the environment. Scientists have sought to confirm suspicions about certain organochlorine compounds by testing them in the lab on proxy animals. For example, scientists have examined the effects of dioxin on male rodents. Their findings suggest that even very small amounts of dioxin can induce negative health impacts. In one study, the lowest dose of dioxin necessary to cause reproductive problems in offspring was less than an order of magnitude greater, on a per kilogram basis, than current average background levels that have accumulated in the tissue of humans.

Research on Human Effects: Less is known about the endocrine effects of different organochlorines on humans. Some scientists argue that useful conclusions about potential human impacts can be drawn from the various animal studies conducted in the lab or in the field. Specifically, they maintain that there is enough similarity between the mechanisms governing the development of the animal and human fetuses to merit extrapolating findings about deleterious effects from animal to human populations. Other scientists emphasize the high degree of uncertainty involved in generalizing about human health based on the results of animal studies. They argue that animals have been exposed to extremely high doses of organochlorines relative to their weight. Furthermore, they point out that it is much easier to pinpoint causal links when investigating wildlife health in an area contaminated by a single pollutant, than it is when investigating the health of different species in areas where multiple pollutants are present in varying quantities.

A European study postulated that a steady decline in global sperm counts over the last fifty years might be linked to a worldwide accumulation of hormone-disrupting chemicals in the environment. Conducted by two reproductive biologists from the National University Hospital in Copenhagen and the British Medical Research Council Reproductive Biology Unit in Scotland, the study involved a meta-analysis of 61 sperm count studies published between 1938 and 1990. While scientists don't dispute their finding that sperm counts have steadily decreased, many do not subscribe to the theory that this phenomenon is caused by environmental factors.

This emerging research on organochlorines is relatively new and has not yet been a major factor propelling groups to advocate a phase-out of chlorine. However, if additional studies verify some of the preliminary findings, the potential "endocrine disrupting" effects of organochlorines are sure to play a more prominent role in discussions of possible global actions to reduce chlorine use. More than half the pesticides and a wide range of other industrial chemicals now in use are capable of causing endocrine disruption.

RECENT INTERNATIONAL REGULATORY ACTION

A number of policies calling for a ban or phase out of various chlorine compounds have been adopted over the past several years. These include:

- European Community Directive 76/464/EEV. "Directive on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community." The directive includes a list of chemicals whose discharge into surface waters is to be eliminated.

- Paris Convention on the North Sea. Signed in the mid-1970's, this Convention contains wholesale restrictions on chlorine, in the form of a phase-out of emissions of persistent, toxic chemicals indicated on an attached list. The list includes references to organochlorine chemicals as a class.
- The 1992 Convention and Ministerial Meeting of the Oslo and Paris Commissions on Prevention of Marine Pollution (OSPERCOM), representing 15 North Atlantic nations, and the 1993 Barcelona Convention on the Mediterranean Sea (BARCON), representing 24 Mediterranean nations. Both bodies concluded that persistent, bioaccumulative organochlorines should be treated as a priority for phase-out.
- 1990 Bergen Joint Agenda for Action: "By 1992, Governments should have agreed on a regional time table for the phasing out mercury, cadmium, and chlorinated compounds."
- 1990 Bergen/Danube International meeting of NGOs. "The family of organohalogenes should be phased out by the year 1995."
- 1991 Scandinavian plan for the reduction and phase-out of chlorine from pulp and paper production. The Scandinavian countries have adopted a plan and timetable for phasing out chlorine use. Even in the absence of formal regulations, economic and market forces are accelerating the phase-out of chlorine in this industrial sector.

In addition, a number of jurisdictions in Europe are reducing their use of PVC, a ubiquitous plastic whose manufacture and burning are widely believed to produce dioxin. In significant areas of Austria and Germany, use of PVC building materials is prohibited in the construction of new public buildings. In the German state of Lower Saxony any purchase of PVC products by the government is banned unless no substitutes are available. Meanwhile, the Swedish government continues to press for an international control regime for PCBs, motivated by impacts in Sweden from the long-range atmospheric transport of these chemicals. Sweden also supports the virtual elimination of the solvent perchloroethylene, which is widely used by dry cleaners. And in Canada, the New Democratic Party government of Ontario has ordered its paper industry to phase out the use of chlorine by 2002.

Several of the European environmental regimes listed above have taken a position on organochlorines as a class, something which the U.S. regulatory apparatus has been unwilling to do. Thus far, none of these regimes has been implemented as a broad-based ban, although their existence puts pressure on European industry to search for chlorine substitutes. While specific bans have so far been limited to chlorine in pulp paper bleaching and to the use of PVC, Europeans have a number of established regional forums in which to address chlorine issues. This is not the case in the developing world, where the chlorine issue has not reached prominence. In many regions organochlorine compounds that have been banned or restricted in North America and Western Europe, such as DDT, are used extensively.

PROPOSAL TO LICENSE SUBSTITUTE PRODUCTS AND PROCESSES TO ADDRESS THE GLOBAL CHLORINE PROBLEM

PRESENTED BY THE GOVERNMENT OF NORWAY
PROPOSAL DEVELOPED BY THE
INTERNATIONAL UNION FOR THE CONSERVATION OF THE ENVIRONMENT (IUCE)

The International Union for the Conservation of the Environment (IUCE) recognizes that certain chlorinated compounds pose a risk to human health and the environment, and that action should be taken to ban the production and use of these compounds. However, the viability of such action will depend on the availability of substitutes. The IUCE proposes the following mechanism for encouraging the development of substitutes. This mechanism would involve the establishment of a licensing authority to create financial incentives for research and development, and a licensing fund to manage the global distribution of money, technology and intellectual property rights.

Background

There is strong scientific evidence that certain chlorinated compounds pose significant risks to human health and the environment, and should therefore be banned. However, given the economic importance of these compounds, any action would be ineffective if not accompanied by parallel actions to ensure the development of environmentally sound and economically viable substitutes.

Although some might argue that the market would achieve this if left to its own, there are two major problems with this approach. First, substitutes would not be available quickly enough to forestall economic difficulties. Second, uneven distribution of these substitutes across countries would cause both environmental and economic problems, thereby compromising the goals of any international agreement. Industrialized countries with large GNPs and healthy economies might be expected to benefit first from substitutes, as the industries in these countries are in the best position to develop them. Because industries in developing countries tend to be poorer and lack the capacity for significant research and development efforts, developing countries might not benefit for many years.

A mechanism to encourage the development of substitutes and ensure their global distribution would alleviate these problems. There is also a need to establish a fund to help developing countries acquire substitute technologies and to assist in treaty implementation.

Proposal

Given the above needs, the IUCE proposes that a mechanism be established to (1) encourage the development of substitutes for banned chlorinated compounds and (2) manage the distribution of these substitutes. This mechanism would consist of a Licensing Authority and a Licensing Fund. The Licensing Authority would manage a system of exclusive production rights awarded to those industries proposing the most appropriate substitutes for a banned chlorinated compound. This system of exclusive rights would be supported by production and trade restrictions by all countries participating in the ban. Profits would be shared with the Licensing Fund, which would in turn ensure the sharing of technology, funds, and patent rights with developing countries.

The Licensing Authority

Under this mechanism, UNEP would be responsible for overseeing the global distribution of the rights to produce and trade in substitutes for banned chlorinated compounds. UNEP would award these rights to individual firms for a limited period of time. During this period, the firms would enjoy exclusive rights to produce and trade in the specified substitutes, in exchange for contributing a portion of the profits to the Licensing Fund. In agreeing to this financial mechanism, governments would place restrictions on substitutes not protected by these exclusive rights, thereby ensuring the value of UNEP awards to firms.

Substitute Development Process: UNEP would coordinate a process of awarding exclusive rights to the production and/or trade of substitutes for banned chlorinated compounds to individual firms. Under this process, UNEP, in conjunction with an international body of experts, would set up a Request of Proposals (RFP) process to award these rights. The RFPs would solicit proposals for chlorine-free products or processes that could replace the compounds or processes that the international community has agreed should be banned or phased out. The RFP would detail environmental, economic and technical specifications that products and processes must meet in order to be considered for the awards. Specifically, substitute products must meet or exceed minimum requirements with respect to:

- **Environmental Impact:** The RFP would include requirements with respect to global warming potential, ozone depleting potential, and environmental and human health risk potential, accounting for bioaccumulation and persistence.
- **Economic Impact:** The RFP would include requirements with respect to efficiency (based on marginal cost of production), socio-economic impacts, and macro-economic efficiency and distribution, including impacts on international trade;
- **Technical Performance:** The RFP would induce requirements with respect to the performance of alternatives in the various industries.

The proposals that meet the minimum specifications would then be ranked by the committee of experts based on a numerical scoring system. A limited number of firms (e.g., twelve) would then be selected according to their scores. These firms would be awarded exclusive rights to produce and trade in the proposed substitute products and processes.

Domestic Production and Foreign Import Restrictions: Under this mechanism, Parties to the agreement to ban or phase-out the production and use of particular chlorinated compounds would take affirmative steps to protect these exclusive production and trade rights. The international committee of experts would identify products and processes that have the potential to compete with approved substitutes, and Parties would take actions to promote approved substitutes and restrict these competing products and processes.

Licensing Fund

To ensure the equitable availability and distribution of substitutes, a Licensing Fund would be established, managed by the Licensing Authority. This Fund would receive a portion of the profits earned by firms having exclusive rights to a substitute, and the Licensing Authority would use the fund to ensure the equitable sharing of funds, technologies, and possibly patent rights.

Profit Sharing Mechanics: Each RFP for a substitute will have an estimated monetary value. This value will be based on the value of the market of the chlorinate compound that it is replacing. Depending on the actions that the Conference of the Parties takes on specific compounds, the total gross value of all licensing issued could be approximately \$145 billion over a seven-year licensing period. In exchange for receiving benefits from producing and trading specific substitutes, companies will contribute a portion of the profits earned on the substitutes to a special fund administered by UNEP according to the following guidelines:

- Once a company starts to earn a profit on the specified substitute, they will contribute a percentage of net profits on the sale of the substitute to the Licensing Fund. The exact details of profit sharing could be decided at a later stage.
- Companies will not contribute to the special fund until they start earning a profit. This will ensure that they recover their investment in research and development. Profit would be defined as the 1995 net present value of gross revenues minus fixed and marginal costs. Maximum total costs will be specified in the RFP. Profits (rate of return) are expected to be approximately 18 percent of the values listed above.

Distribution of Funds: UNEP, in conjunction with the Committee of Experts and the Conference of the Parties, would oversee the distribution of funds from the Licensing Fund. These funds would be used to support the incremental costs of projects to implement the ban or phase-out of specified chlorinated compounds. Countries requesting funding would prepare proposals for specific projects to implement the

ban or phase-out and, where appropriate, employ the appropriate substitute. These proposals would be ranked by UNEP, under advise from the Committee of Experts, according to economic or environmental need and technical and economic viability. Projects to be funded would be approved by the Conference of the Parties, based on recommendations by UNEP. Highest priority would be given to countries in greatest need, based either on extent of risk from the chlorinated compound being phased out or the economic circumstances of the country.

Technology Transfer/Sharing of Patent Rights: Where appropriate and feasible, the fund will ensure the transfer of technology through the purchase and transfer of patent rights for substitutes. Developing countries, and industries in developing countries, may submit to UNEP a proposal for the purchase of a patent right.

Proposed Treaty Text for Licensing Agreement Proposal by the Government of Norway

The Conference of the Parties agree that there shall be a licensing agreement controlling the production, marketing and sale of Organochlorine substitutes.

1. No Party to this Convention shall allow persons residing within or outside of its borders to sell or purchase substitutes for Organochlorine compounds listed in Annex [?], except in conformance with this Article.
2. No Party to this Convention shall allow the importation or manufacture of substitutes for Organochlorine compounds listed in Annex [?], except in conformance with this Article.
3. The Contracting Parties hereby in agreement enter into an Economic Marketing Agreement dedicated solely to the development and substitute of environmentally benign substitutes for those Organochlorine compounds listed in Annex [?] to this Convention.
4. The Agreement's purpose is solely limited to the grant of an exclusive right to market approved Organochlorine substitutes to each State that is party to this Convention. This exclusive right will be granted to any person legally and rightfully holding an internationally valid patent for the Organochlorine substitute, for the period of time granted by the terms of the patent.
5. The right to approve an Organochlorine substitute is solely within the discretion of the Conference of the Parties.
6. The Conference of the Parties, in consultation with the Subsidiary Body for Scientific and Technological Advice, shall develop a procedure to assess the efficacy of such substitutes and a procedure for their adoption by the Conference of the Parties.
7. The Parties agree to adopt all necessary domestic legislation to comply with this Article within five years of the Convention's entry into force.

GreenStrategies

WORKING FOR A CLEANER PLANET

Fact Sheet I : The Scientific Case Against Chlorine

GreenStrategies believes that the problem of global chlorine contamination has become the most urgent environmental problem facing the world today. The purpose of this fact sheet is to present a clear, objective outline of the problems caused by chlorine. We hope that this will assist you in understanding the problem and working with us in forging a solution.

- *Chlorine gas is not a naturally occurring substance but is manufactured by the chemical industry by splitting sodium chloride (salt) molecules with electricity. Chlorine gas is highly unstable and easily bonds with other molecules. When combined with organic matter, it forms a class of chemicals known as organochlorines.*
- *Organochlorines are very stable molecules that can persist for decades or centuries in the environment. When they do break down, they can form other organochlorines that may be more toxic than the original compound.*
- *Organochlorines released into the atmosphere are carried tremendous distances and are now being found throughout the global environment. Organochlorines have been found in the tissue of polar bears, whales, and Inuit people thousands of miles from any industrial source.*
- *Many organochlorines concentrate in fats, and thus bioaccumulate in the food chain. Levels found in many different mammals and birds have been several thousand times higher than ambient levels. Beluga whales in the St. Lawrence river in Canada have been found to have such high levels of PCBs in their fat tissues that their dead bodies are legally classified as hazardous waste.*
- *Humans, at the top of the food chain, are particularly vulnerable to organochlorine contamination. Over 177 organochlorines have been found in tissues of people in the United States and Canada. These chemicals are easily passed through mother's milk to infants. A study in the United States found that mother's milk in a number of adult women was so contaminated with pesticides that it violated federal limits for cow's milk.*
- *In studies of the Great Lakes ecosystem, organochlorines have been linked to health problems in 14 different species, including humans, bald eagles, salmon, and beluga whales. These effects were most severe in the offspring of the exposed species. Similar phenomena have been found in the Baltic, the Wadden Sea, the Arctic, and the U.S. Pacific Coast.*
- *Virtually all organochlorines that have been studied have been found to cause one or more significant health effects in humans. Organochlorines have been linked to increases in cancer rates, declining sperm counts and abnormalities in the male sex organs and reproductive tract, endometriosis and other reproductive problems in women, immune system impairments, and birth defects and impaired child development. Chlorine compounds, particularly chloroflorocarbons, appear to lie behind the rapid depletion of the ozone layer. This depletion will expose all species on earth to significantly higher doses of ultraviolet radiation.*
- *Because of its ubiquitous nature, a global phase-out of chlorine is the only way to effectively end the human health and environmental destruction that it is causing.*

GreenStrategies

WORKING FOR A CLEANER PLANET

Fact Sheet II : The Transition to a Chlorine-Free Society

A transition to a chlorine-free economy will clearly be a major social and economic undertaking. However, if it were implemented with careful planning, the transition would be economically beneficial and socially just. It could save money and create new jobs. Furthermore, it could provide a model for how to undertake major economic change in a way that is humane and equitable for those most directly affected. Nations should join together in initiating a transition planning and implementation process that rationally and equitably phases out chlorine and organochlorines. The process should include:

- Priority phase-out sectors should be identified for early attention, and realistic goals and timetables should be established. At a minimum, paper bleaching, solvents, PVC and pesticides should be given highest priority, as these comprise over half of all chlorine use and can be phased out with relatively low economic costs. This phase-out might be undertaken as follows:
 - **Paper bleaching:** phase out chlorine-based pulp and paper bleaching by the year 2005.
 - **Chlorinated solvents:** phase out production and use of chlorinated solvents by the year 2005 for the majority of applications. Allow the possibility of extensions for individual applications that prove to be difficult to phase out.
 - **Polyvinyl chloride plastic:** phase out the use of PVC in disposable products or products with a short life expectancy by the year 2002. Establish a plan and time-table for the phase-out of PVC used in durable products that achieves an end to the use of PVC as quickly as possible while avoiding unnecessary economic dislocations.
 - **Pesticides:** phase out by the year 2002 the use of those pesticides that are most persistent in the environment and have non-agricultural uses. Establish a longer-term process for phasing out other pesticides, including a program of technical assistance, training, and incentives.
- **Chlorine Fund:** Parties to the Convention should impose a tax on chlorine-gas production to support the phase-out process. Revenue equivalent to those generated by a tax on the chlorine-gas production process should be placed in a dedicated Chlorine-Free Transition Fund. The moneys in this Fund could be distributed to aid the transition to a chlorine-free industrial society. Specifically, the fund should be used to protect and assist displaced workers; to support redevelopment programs in affected communities, and to fund efforts to explore and demonstrate economically viable alternatives in those sectors in which further R&D is necessary.
- **Transition Planning:** A transition planning process should be established to implement the phase-out. The goal is to minimize costs, maximize benefits, ensure equitable economic impact of costs and benefits, and mitigate negative impacts on workers and communities. This process should include:
 - Realistic and measurable timetables for action.
 - Transition planning mechanisms that provide input from representatives of communities, labor, environmentalists, chemical producers, and chemical users.
 - Planning exercises focusing on the proposed phase-out of specific industrial processes or clusters of processes. Participants in these exercises should be asked to help define ways to achieve the timeline for phase-out that avoid unnecessary economic or social burden. Alternatives, obstacles and opportunities should be explored, including such regulatory instruments as bans, taxes, market forces, procurement policies, labeling requirements, and building codes. The specifics of the phase-out process could be amended or modified based on the discussions. Representatives from the spectrum of affected interests should participate in the exercises, and they should be given access to technical and economic expertise.

A PROPOSAL TO INSTITUTE
A GLOBAL CHLORINE TAX
TO RAISE FUNDS FOR
CLEAN CHLORINE TECHNOLOGIES
IN DEVELOPING COUNTRIES

The Third World Union, the South Network, and the Fundacao Grupo South call upon the member states of the Group of 77 (G77) to propose the institution of a global chlorine tax to raise funds for facilitate the introduction of clean chlorine technologies in the South.

We note with deep concern that past promises on the part of industrialized countries to financially and technologically assist developing countries in their transition towards more environmentally protective policies have not been fulfilled. In the absence of such compensation from the North, which has been historically responsible for the greatest global environmental damage, the cost of environmental action is forced upon the poorest nations. This exacerbates a poverty and dependency cycle that is already the most immediate and serious environmental threat to the South. It is vitally important, therefore, that any future environmental action required of the South be accompanied by guarantees (as opposed to goodwill promises) of compensatory financial and technological transfers. At a very minimum such transfers should fully cover all additional costs that the developing countries are being asked to incur; ideally, they should also pay for more generalized programs of poverty eradication and sustainable development. These programs are ultimately more powerful than any specific band-aid solution in addressing the roots of the global environmental crisis.

The current uproar about chlorine usage detracts attention from the much more immediate and pressing environmental problems related to poverty, a lack of clean water and adequate food, and essential developmental needs. We fear that the real costs of any international action on chlorine use will again have to be borne by the developing countries, not only in terms of the real costs but also in terms of their foregone developmental priorities.

We therefore suggest the setting up of a self-sustaining financial mechanism as a precondition for any global action on this issue. Specifically, our proposal is to:

- a) Set up a global chlorine fund.
- b) Encourage national governments and development agencies to voluntarily contribute to this fund -- especially in its early phase.
- c) Levy a chlorine tax on the use or manufacture of substances and processes with the greatest environmental impacts. The level of taxation should be directly proportional to the level of dangers posed by the said substance.
- d) This level may be determined through international scientific and economic assessment. The assessment would be used to formulate three annexes that list chlorinated substances and processes according to the levels of their

potential danger to the environment. The international assessment should also suggest a system of industrial reporting that would guard against under-reporting, especially by multinational corporations.

- e) The tax should be levied on governments rather than individual industries. Governments could then decide what policies they would adopt to govern the collection of the tax from individual businesses. A system of penalties and monitoring should be instituted for non-payment.
- h) The funds generated should be used to subsidize the adoption of clean chlorine practices and technologies in the developing countries. The criteria for funding should be based on need. Proposals for funding should be solicited from governments as well as directly from industry.
- g) The level of taxation of particular substances should be progressively raised, but industry should always be given enough time to phase out dirty practices on their own. By a similar token, the level of subsidies should be progressively decreased for particular substances so as to give developing countries an incentive to switch to cleaner alternatives earlier rather than later. Decreasing the level of subsidies over time would also check against the possibility that these subsidies would become a dole-out.
- h) Any institution created to manage the Fund should be transparent, democratic, and accountable directly to the United Nations General Assembly, possibly via the U.N. Commission on Sustainable Development.

This scheme aims to encourage the development of new cleaner products. We believe that it is practical, as well as environmentally beneficial, because:

- i) It provides an incentive to dirty industry to move to clean practices in order to avoid paying the tax. At the same time it provides new industry, including in developing countries, a disincentive to take the dirty path.
- ii) It provides an incentive to developers of cleaner alternatives in two ways. First, demand for their cleaner alternatives will be enhanced because of (i) above. Second, many developing country industries that might otherwise not have been able to afford the more expensive, cleaner technologies would now be able to do so through the subsidization provided by the Fund.
- iii) Since both the level of taxation and of subsidies varies over time, the scheme can be "technology forcing" by giving an incentive to industries in both the North and the South to adopt cleaner practices earlier rather than later.
- iv) It sets a clear precedent for basing international policy on the principle of penalizing bad environmental practices and rewarding good ones.
- v) Given the size of the chlorine economy, even a very modest tax will produce enough revenue to make meaningful improvements to the chlorine practices in the developing countries.

This proposal has not looked into the question of what the governing structure of the body managing the Fund should be or which particular substances should be taxed at which levels. These are questions that national governments can best discuss. However, we strongly urge the developing countries of the G77 to support this proposal. We believe that it is also in the interest of environmentalists, both North and South, to support this idea and call upon other delegates at the meeting to do so.

CHLORINE REDUCTION PROPOSAL

- Federal Republic of Germany •

The Federal Republic of Germany believes that all countries must take some modest steps towards reducing total usage of chlorine. The following are proposed as initial steps:

- i) The use of unsafe organochlorines (as determined by a technical committee) should be reduced or phased out as soon as appropriate substitutes are available;*
- ii) Countries should set as a goal a 50% reduction in the consumption of organochlorines over a 20-year period. Each country should establish a national chlorine reduction plan to implement this reduction. Where appropriate, countries should coordinate their reduction efforts on an industry-by-industry basis.*
- iii) As an initial step in this coordination, countries should reduce their use of PVC by half. This will bring chlorine consumption down by 10% to 15% in most countries.*
- iv) In five years, nations should consider coordinating further reductions in the use of organochlorines on an industry-by-industry basis.*
- v) An international fund should be established to assist developing countries in implementing the above.*

Executive Director's Office

UNEP

United Nations Environmental Programme

To: The Chair,
UNEP Working Group on Managing
the Global Use of Organochlorines

From: The Executive Director
United Nations Environmental Programme

Dear Ambassador,

I am really pleased that you have agreed to chair the UNEP Working Group on Managing the Global Use of Organochlorines. I fully appreciate the fact that this is likely to be a particularly contentious negotiation. I am, therefore, doubly encouraged by your acceptance to Chair this group. I am confident that your wide experience in chairing such negotiations will strengthen and enrich the process and will allow the Working Group to reach a meaningful resolution to some of the many complex issues on the agenda.

I will use this letter to outline some of UNEP's concerns and goals regarding this negotiation. I would, however, stress that everything in this letter is advisory rather than mandatory. Issues of how, when, and whether to use this information are left to you. What information you chose to share with the participants is also left at your discretion.

Our desire is to convene a negotiation that is innovative both substantively and procedurally. It is important that participant apprehensions about some of these new approaches be allayed right at the outset. I propose that you address the potential concerns of the parties in your opening remarks and ensure that they understand why we wish to try out this different approach.

In the following paragraphs I will detail some of my own thoughts on issues relevant to making this working group a success. I hope you will find them helpful in formulating your own strategy for managing this negotiation and in addressing concerns that the parties might have. You may find it useful to go over some of these points in your opening statement.

UNEP'S GOAL IN THIS NEGOTIATION:

UNEP is eager to model a treaty drafting process that will encourage both developed and developing countries to engage in informal dialogue on larger underlying interests, before they adopt formal positions and each country's range of flexibility narrows. UNEP hopes that by initiating an 'informal' international dialogue on the issue of organochlorines *before* any formal negotiations begin, the international community may benefit from becoming better educated about the effects of their global use.

To this end, UNEP is convening this working group of eight representative state parties and four international nongovernmental organizations (NGOs) to discuss the potential of, and the possible framework for, a global treaty on managing the use of selected organochlorines. We have tried to convene a working group which will be small enough to allow for meaningful dialogue and exploration of the issues, but that will also be representative in a broader, even global, sense.

Much effort on our part has been invested in ensuring that the group is, in fact, representative. We have also had to convince the various parties of the utility of participating in this dialogue. State parties attending will include representatives from some of the most important economic players of the industrialized economies (U.S.A., Japan, and Germany), leaders in the global effort to regulate organochlorines (Norway), the largest countries of the developing world (China and India), the current chair of the Group of 77 which represents less developed countries in UN forums (Brazil), and a leading environmental country from the Economies in Transition (Czech Republic). In addition, widely respected international NGOs representing the global scientific, business, and environmental communities have also been invited to attend. We are happy to report that all have accepted our invitation to participate in this informal dialogue.

The most important goal for UNEP is to initiate a genuine dialogue amongst the more important players in the global debate on managing organochlorines. We view these consultations as a first round of "brainstorming" in which parties can share their concerns and priorities and possibly begin outlining mutually acceptable win-win options. The purpose of this meeting is to try to initiate a discussion on the subject and identify the key issues and options. UNEP staff has identified its preliminary list of four key areas—scope of the problem, possible actions, financing and governance. These are, however, still very broad areas. Our hope is that this negotiation will be able to narrow down the debate within each to short lists of identifiable issues and options.

There are four principal issues that we believe to be of the utmost concern in this case (other related and unrelated issues may also come up but we strongly advise that every effort be made to retain the focus on these four issues, though not necessarily in any particular order):

- a) **The scope of the problem** (Is this really a problem serious enough to take international action?).
- b) Possible national and global **actions that might be taken**. (Actions might include targeting reductions of specific organochlorines: What steps should be taken? What particular substances should be regulated in what manner?)
- c) **Financing strategies** (Who will pay for the actions required, how? Can innovative financing mechanisms be devised?).
- d) **Governance** of any potential organochlorine regime (How should any regime set up to manage organochlorines be governed? What should be the role of NGOs in such a regime? What role would developing and developed countries play in such a governance structure?).

At a minimum, it UNEP's goal is to facilitate a meaningful and open discussion on at least a few of these issues. We hope this discussion will enhance each party's understanding of the concerns and interests of the others, and initiate the first steps towards finding potential win-win options. The optimal result would be to involve the parties in a process of drafting alternative treaty language as a precursor to formal global negotiations. It is our hope that, despite the short duration of this meeting, the participants will be able to conclude this meeting somewhere between the two ends defined above. UNEP would be delighted if the participants were able to conclude with some meaningful discussion and some initial step towards drafting treaty

language. Even a 'skeleton treaty' or 'resolution', which lays out the broad outlines without filling in the details, would be a useful contribution of this meeting. At a minimum we would like this negotiation to narrow down the debate within each to short lists of identifiable issues and options.

We expect the Chair to utilize the last 15 minutes to review whatever progress the participants have made and to arrive at a synthesis report of the dialogue.

SOME IDEAS OF RUNNING THE MEETING:

You yourself are best qualified to decide how to run this meeting. However, our consulting team of negotiation experts suggests that you begin with a brief round of introductory comments from the participants. This may be followed by a set of small group caucus meetings, if you or the participants so desire. Since the discussion can be meandering and can get lost in tangents, we suggest using a writing-board or flip-chart to note key points and keep the attention of the participants focused on these. It may be very useful if you can guide the discussion to identify possible options and alternatives for each issue to focus the discussion. For example, in the area of 'scope of the problem' the two most extreme options may be "*organochlorines are not a global problem at all*" and "*all organochlorines are a global problem*". Intermediate options may be filled out with the help of the participants and may include things such as "*some organochlorines may be a global problem but we need more scientific study to identify them*" or "*while we need more scientific study on some chemicals, on others the environmental harms are well known.*"

These are obviously very broad and very generalized ideas, but if you can use the opening statements and discussion to construct a list of possible options for each area then such list can be effectively used to craft an overall package (treaty). This may happen through building upon the proposals that various parties are likely to put forward, through a merger of more than one such proposal, or through your own efforts at crafting a new package that all parties can agree to. Since different parties are likely to value different issues differently, there may be a rich scope for trading across these differences and crafting a package of options on all four issues that everyone can live with. Our experts tell us that frequent (but not excessively long) caucuses amongst parties can go a long way in arriving at consensual packages of potential agreement.

ROLE OF NGOS:

The fact that four NGOs are represented at this meeting in a similar capacity as state parties is unusual, though not without precedent in international environmental negotiations. Not all governments are equally enthusiastic about increased participation of NGOs in such negotiations. It may be advisable to remind all parties at the outset that the participation of NGOs in this particular set of discussions has been agreed upon by all present in pre-meeting discussions. This does not, however, imply that NGOs would necessarily be provided the same status in future formal negotiations on organochlorines or in any governance structures created for the purpose. In essence, while the level and nature of NGO participation in future global management of organochlorines is a legitimate issue for negotiation, the state parties present have already accepted their presence at this meeting.

It is important to emphasize that one of the main reasons why UNEP has decided to invite NGO representatives to this meeting (and the state parties have accepted their presence) is the informal nature of this meeting. Moreover, NGOs bring with them, particularly in this case, a wealth of technical knowledge and analysis. The NGOs present at this meeting have all been studying the question of how to manage organochlorines for some time. We are confident that they will contribute valuable insights and information to the process. We also harbor a small hope that discussion at this meeting may lead to innovative ideas about how NGOs can better contribute to international environmental policy in general.

UNEP'S CONCEPTION OF THE ROLE OF THE CHAIR:

The role of the Chair in any international multi-party negotiation is always important. Given the unorthodox nature of this negotiation (e.g., a few selected states, presence of NGOs) the success of the endeavor will require a Chair who commands the respect of the participants and can manage the proceedings. We are confident that given your experience and your standing in both industrialized and developing countries as well as amongst NGOs, you will be able to facilitate this working group effectively.

We envisage a strong facilitative role for the Chair. It is our opinion that many participants will be very reluctant to move beyond their formal positions and will attempt to wrest control of the meeting from you in order to avoid having to brainstorm or improvise in any way. You will need to keep the discussion focused as well as

carefully manage the time allotted for each part of the agenda. It may also be useful meet the delegates before the negotiations begin (during the reading period) to make them more aware of what your role as Chair will entail. While you would obviously not wish to alienate the participants, I would strongly encourage you to take control of the meeting and consider it very much to be 'your show'.

While these discussions have been referred to as 'informal' negotiations, we believe that all participants will come to the table with well-developed positions and explicit instructions about what they can and cannot say. In order to engage in real 'brainstorming' and option-invention it will be necessary to move the participants off their initial posturing, and get them to reflect on their own and the other's underlying interests. We are confident that this can be achieved if each participant is required to engage in focused discussions with other participants about their concerns.

I hope that the above suggestions are of use. I wish you the very best of luck in facilitating this negotiation and look forward to hearing about the results from you soon!

Ministry of Foreign Affairs
Federative Republic of Brazil

To: Ambassador Extraordinary
and Plenipotentiary,
Permanent Mission of Brazil to the United Nations,
Palais des Nations, Geneva, Switzerland.

From: Chief Secretary,
Ministry of Foreign Affairs, Brasilia, Brazil

Dear Ambassador,

I am glad that you were able to make it for the inter-agency meeting last week to discuss Brazil's position at the forthcoming UNEP Working Group on Managing the Global Use of Organochlorines. I will summarize here the Ministry's main concerns and positions as they emerged at that meeting. Whether, how, and when particular positions should be stated or arguments should be made can best be determined by you during the negotiations. However, I would urge you to make these determinations in pursuance of **Brazil's larger national goals of a) safeguarding our national economic interests, b) seeking new economic opportunities and development assistance for Brazilian enterprises, c) maintaining a position of international environmental leadership amongst the developing countries, and d) seeking a leadership position amongst the South in international affairs in general.**

Your official capacity at the negotiation is to represent the Federated Republic of Brazil. Having said that, we realize that Brazil's claim to being invited to this select working group was not uninfluenced by our being the current chair of the G77. We also believe that maintaining dual representation—and speaking not only for Brazil but also for the over 130 developing countries of the G77—will provide you with additional prestige and clout. In keeping with G77 precedent, you are expected to pursue G77 goals to the fullest, but not at the cost of Brazil's vital interests.

The Brazilian Permanent Mission to the United Nations in New York has already held extensive consultations with other G77 representatives (see attached letter) including some who will be present at the negotiation. We strongly recommend that you establish early contact with other G77 members who will be participating in the Working Group—India and China (Associate Member)—and possibly also with the Czech Republic. This will help establish a leadership role for Brazil in articulating the views of the developing countries during meetings of the Working Group. Contacts with other participants who may be sympathetic to our position should be cultivated likewise.

To assist you in preparing your strategy for the negotiation, I have put together a dossier of memoranda received by my office from various relevant agencies. These include:

- From the Brazilian Permanent Mission to the United Nations in New York: *A letter summarizing the views of the component regional groups of the G77.*
- From the Federal Ministry of Industrial Development: *A memorandum highlighting local business responses to the different financing schemes.*
- Jointly from the Fundacao Grupo South (Brasilia), Third World Union (Kuala Lumpur), and the South Network (Geneva): *A proposal to institute a global 'chlorine tax' to raise funds for subsidizing clean chlorine technologies in the developing countries, and a technical assessment of the risk from organochlorines and scientifically justified actions.* (Extra copies of this are included for distribution to other members of the working group).

You should feel free to use arguments from any of the above as you choose fit. It is important to keep in mind, however, that they describe internal discussions. For your purposes, you should consider the position spelled out in this letter as your primary position.

SCOPE OF PROBLEM

- On its own behalf and on behalf of the developing countries of the G77, Brazil acknowledges that chlorine may be an environmental problem of some significance. However, the level of this significance is yet uncertain. Moreover, we feel that there are far more pressing global environmental priorities, especially in the developing countries, that demand world attention.
- We are disturbed that the global environmental agenda continues to be defined by Northern priorities, such as those concerning chlorine, while the world continues to ignore immediate threats to the environment that emanate from poverty, poor water and sanitation, sheer hunger, etc. However, we have come to this meeting in good faith, hoping that the environmental crisis will help bridge rather than expand the chasm between North and South.
- We recognize that environmental problems could lead to a common global crisis. We are willing to do our part in trying to avert a crisis, as long as the industrialized countries are willing to do their part by helping the poorer nations manage the heavy financial burden that meaningful environmental action will entail.
- Because of the above, Brazil seeks more scientific and economic analysis of the extent of the chlorine problem. Moreover, we insist that any conclusion of this negotiation should include an explicit recognition that there are far more pressing environmental problems in the developing world, most of which are related to abject poverty.

FINANCING

- One of the most important questions on the Working Group's agenda concerns the question of how to finance a global chlorine regime. The G77 and Brazil firmly believe that the industrialized countries are principally responsible for the environmental crisis. Ideally, these countries should create compensatory funds to assist developing countries with the clean-up activities now required. However, the track record of the North in fulfilling this responsibility has been less than glorious. Therefore, we strongly believe that any global chlorine regime should be financed through the creation of some sort of independent, self-financing scheme.
- In light of our preference for an independent, self financing scheme, we should strongly advocate for the 'chlorine tax' proposal introduced by the G77 on behalf of leading Southern NGOs (with some additions from Brazil). We will, however, be willing to consider the 'licensing scheme' as a next best option, if (and only if) our principal concerns about it (see note from Ministry of Industrial Development) are addressed.

ACTION

- We believe that additional scientific and economic assessment of the chlorine question is urgently needed. We also believe that some immediate action is warranted.
- If a fair compensatory packet is offered to Brazil, we might approve up to 25% (preferably less) reduction in all organochlorines, as long as individual countries can choose the method of implementation and the specific compounds that will be reduced. However, in this (or any such) scheme we will push hard for preferential treatment for developing countries including grace periods in any timetables and lower targets for any reductions.
- We may be willing to agree to some restrictions on PVC use and PVC production technologies, if some of the new, cleaner technologies now being developed are shared with Brazil on a concessional basis. However, we are interested in efforts to create new regulations on the production processes for pulp bleaching. Most of Brazil's industry uses older technologies. We would, in fact, like to move to cleaner technologies in this area. However, we cannot afford to phase-out these without substantial assistance. Given financial assistance and technology transfer in this area Brazil may be able to support regulation on the pulp and paper industry.
- We are **strongly opposed** to any restrictions on the use or production of chlorinated chemicals used in the agricultural section. Under no condition would we be able to accept a ban on all agricultural chemicals.
- In the case of some selected pesticides we might be able to agree to a timetabled phase out if, and only if, this phase out included special concessions for developing countries and sufficient financial compensation. Finally, Brazil has been trying hard to phase out DDT for

some years and we are generally being successful. Support from the international community could speed this process.

GOVERNANCE

- All institutional mechanisms should be based on the principle of national sovereignty and equality, i.e. of democracy. Every country should have an equal voice and vote in the conference of parties. In addition, any smaller bodies that are created should be regionally balanced along formulae already used by other UN agencies. In case the issue cannot be resolved any other way, Brazil may be inclined to accept consensus governance in the conference of the parties as a compromise solution; but only if its other interests are being accommodated in the package deal.
- The governance question is especially critical for the financing scheme. The Global Environmental Facility, we believe, is too influenced by the industrialized West. We should push hard for a system that a) is based firmly within the United Nation system; b) is based on one-country-one vote; and c) ensures a regional balance. In short, the precedent to follow in the case of governance should be the Commission on Sustainable Development rather than the Global Environmental Facility.

NGOs

- Both Brazil and the G77 welcome the active participation of NGOs in international environmental policy. Having said that, we do believe that the most constructive role for NGOs is as watchdogs of, rather than full players in, the international system. Questions of who NGOs represent, which NGOs are the most representative or 'authentic', etc. are simply too complex to be sorted out in the context of international negotiations. Moreover, most Southern NGOs (like Southern governments) have too little resources and too many more pressing priorities to be able to fully participate in international negotiations, and are often under-represented.
- In light of these myriad issues the only sensible course is to grant only an observatory role to NGOs. The conference of the parties may decide in particular cases to invite comments or statements from particular NGOs, but granting a right to offer comments or statements to all NGOs is unfair to those who may have the desire to do so but not the resources. All NGOs should be allowed observer status; in special cases some may be invited to make statements or submit documents. Beyond that, any formal role is counter-productive.

NOTE ON PROPOSAL FOR A 'CHLORINE TAX'

In the accompanying dossier you will find a memo from three prominent Southern NGOs regarding the institution of a 'chlorine tax' to subsidize the propagation of clean chlorine

technologies in the developing countries. Extra copies of the memo have been provided—in case you decide to distribute the proposal to the other parties at the table. At the moment, they have not seen the proposal and **it is your choice whether to distribute it or not.**

The proposal was originally submitted to the Group of 77 representatives at the United Nations. They, in turn, have requested that we introduce the proposal at the UNEP Working Group Meeting on behalf of the G77. It is important to keep the following points in mind:

- Although the G77 and Brazil are willing to introduce the proposal, we do so only on behalf of these organizations. Although the G77, as a body, supports the general essence of the proposal—and especially the need to establish a stable financing mechanism to assist developing countries in taking costly environmental actions—a number of G77 members have concerns about some specific aspects of the proposal. Instead of trying to come up with an entirely new proposal it was decided to introduce the current version with individual states retaining the right to suggest specific alterations to it. Partly this stemmed from the recognition that the industrialized countries are unlikely to accept any such proposal. Yet, the importance of promoting the idea that there should be a stable and independent sources of additional financing is so great that we should not let this opportunity go by.
- Brazil's major concern about this proposal is that it does not demand concessional treatment for developing countries. Such special treatment is very much the norm in international instruments, and we should stress the importance of giving industries in developing countries preferential treatment in terms of any timetables or tax-levels that this scheme, or any similar scheme, might entail. In introducing the proposal you may want to suggest on Brazil's behalf that the level of taxation be set a couple of notches lower for industries in developing countries than it is for industries in the North. By a similar token, if specific sunset periods are determined for particular substances before they begin to be taxed, this period should be longer for developing countries than for industrialized ones.

All of the above is not meant to place you in a straight-jacket of instructions. It is meant to provide you with Brazil's policy preferences; based on these, you can decide whether any proposed text is acceptable or not to your country. I wish you the best of luck in the negotiation.

*Permanent Mission
of the
Federated Republic of Brazil*

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United Nations, New York

To: Chief Secretary,
Ministry of Foreign Affairs,
Brasilia, Brazil.

From: Ambassador,
Permanent Mission of Brazil,
United Nations, New York, U.S.A.

Dear Chief Secretary,

In my capacity as the current chairperson of the Group of 77 (G77), I called a meeting of the representatives of the G77 member states last week to solicit national and regional positions on the forthcoming UNEP Working Group on 'Managing the Global Use of Organochlorines.'

I am happy to report that the meeting was well attended, and there was a general confidence amongst the member states that Brazil's interests on the issue are fairly consistent with those of most other developing countries. I am writing this letter to summarize some of the salient points made at the meeting. I recommend that these be passed on to our delegate to the meeting, who might find them helpful in preparing for the negotiation.

- The African states (especially Nigeria, Algeria and Ghana) felt particularly aggrieved at the fact that no African country is represented in the Working Group. They saw this as part of a continuing tendency to ignore Africa, and the interests of African countries, in international environmental dialogue. They made a strong plea for Brazil, as the G77 Chair, to raise this concern at the meeting and point out that even if Africa's current contribution to the chlorine economy is small, the future impacts of chlorine use in the over 50 African states could be substantial. They encouraged Brazil to point out that Africa may not be interested in participating in a regime that does not address its concerns and that it has no hand in formulating.
- The proposal to institute a 'global chlorine tax' (from three Southern NGOs) was discussed and debated at length. Amongst its most ardent supporters were the smaller economies from Africa and Asia who see this as the only real way in which they could benefit from a global chlorine regime. Brazil itself and a few other countries (including Malaysia, Indonesia, India, and Pakistan) had a few specific concerns about the proposal. Most important amongst these was that the tax might hurt the nascent and emerging chlorine industries in the developing countries and that there should be preferential treatment built into the proposal for industries in the South. However, there seemed general consensus that the proposal should be introduced during the meeting of the Working Group, because it will initiate a discussion on the need for permanent financing mechanisms that are based on the principle of penalizing polluting industries (particularly multinationals) rather than rewarding them through false monopolies. It was also decided that the proposal should be introduced by the G77, but on behalf of its three author organizations. Also, Brazil would retain the right to voice its own suggested revisions to the proposal regarding preferential treatment for developing country industries, and small industries.

- There was no consensus on the so-called 'licensing scheme' that will probably be proposed during the meeting. Although some countries maintained that it could potentially be beneficial to the developing countries if it did generate the level of funds that its proponents are advertising, others strongly argued that not only is the potential of the scheme exaggerated but it is also highly susceptible to co-optation by the industrialized countries and their multinationals. The later case was most emphatically made by Malaysia. The earlier position was advocated by Pakistan and Indonesia. Some of the smaller countries felt the idea was worth looking into if the funds generated would be especially targeted towards helping the poorest countries. In the absence of any consensus it was decided to approach the proposal cautiously.
- Everyone agreed that no regime should be accepted unless it includes a strong guarantee for financial compensation before the developing countries are required to take any steps.
- Similarly, broad consensus existed on the need to base the governance of all future institutions on the principle of one-country-one-vote. This approach would ensure that all regions of the world were proportionally represented in the decision-making apparatus. It was pointed out (by Malaysia) that even if concessions were to be made on the one-country-one-vote principle, the model to follow should be the CSD rather than the GEF.
- Although a few countries (particularly Latin American) were more open to enhanced NGO participation, the general consensus was that NGOs should be given observer status, but no more. Many of the smaller countries pointed out that their NGOs did not have the resources to fully participate in international fora, and opening full participation to NGOs would only translate into even greater influence for the richer countries (and their NGOs) on international environmental policy. No objection was raised to the proposal from Malaysia and Mexico that the conference of the parties be allowed to solicit statements and documents from particular NGOs when it so desires.
- The fact that many of the financing mechanisms being considered at the meeting would possibly provide financing to projects in the industrialized countries was highly resented. It was suggested that such moves should be strongly resisted, and international financing should be provided only to developing countries (and possibly to the poorest of the East European economies in transition). It was pointed out that providing funding to large multinationals would amount to rewarding the culprits.
- A number of countries (including Egypt, Bangladesh, Indonesia, & Nigeria) were particularly sensitive to the issue of any regulation upon the use or production of chlorinated pesticides and herbicides. They strongly asserted that a total ban or even a strong regulation on agricultural chemicals would be unacceptable to them unless accompanied by substantial financial compensation for the loss that their economies would necessarily suffer from such regulation. It was, however, felt that if acceptable compensation was provided most countries could phase out DDT use. Most developing countries were not prepared to accept strong restrictions on PVCs, pulp bleaching, and agricultural chemicals.
- Although a large number of countries raised the concern that organochlorines were not exactly the South's top environmental priority and that the developing countries should be focusing on other more pressing issues instead, it was also pointed out that the G77 should use the opportunity to seek additional financing for the developing countries in the environmental area. However, any move to impose new environmental restrictions upon the developing countries and their developmental aspirations should be strongly resisted. In essence, it was made abundantly clear that the developing countries would not accept any action on organochlorines unless its costs were paid in full, and in advance, by the international community.

**FEDERAL MINISTRY OF
INDUSTRIAL DEVELOPMENT**
The Federated Republic of Brazil

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To: Chief Secretary, Ministry of Foreign Affairs
From: Chairman, National Board for Industrial Planning
Subject: Managing the Global Use of Organochlorines

Dear Chief Secretary,

As requested by the Ministry of Foreign Affairs, I have discussed the various issues relevant to an international regime for controlling global chlorine use with my colleagues. I have also had the opportunity to discuss these issues with other relevant agencies involved in the national industrial planning process and with a select group of business leaders. We believe that while Brazil must not compromise its developmental interests, it should view the effort to establish an international regime as a potential source of technology and financial transfers from the industrialized countries. These transfers could help fund the transition to a cleaner and more productive industrial base. Our views on some specific issues follow:

Chlorine Tax:

Any such proposal must also contain a clause regarding preferential treatment (in terms of timetables and tax-thresholds) for industries in the developing countries. In general, we believe that even if some Brazilian businesses are eventually required to pay a tax under this scheme, our industry is well-placed to benefit from it nonetheless: as an industrial leader within the South we are likely to gain important financial support from the Fund for upgrading our technological base to more cleaner environmental standards.

Licensing Scheme:

Brazilian industrial interests are more threatened by this scheme, which is highly biased towards industry in the industrialized countries. Our business leaders have expressed concern that the scheme will favor large multinationals with huge R&D budgets, at the cost of relatively smaller companies in the South. If the scheme works and new, cheaper, alternatives are forthcoming

substantial benefits could accrue to the developing countries. Our industries would be in a good position to reap benefits. However, the prospects of its working are dubious, and even if it does the (uncertain) benefits will come far in the future while the (high) costs will have to be borne immediately by the smaller firms in the developing countries. These costs would essentially make it necessary for these smaller firms to change their entire way of doing business.

Despite these reservations, the scheme could potentially benefit Brazilian industry. For this reason we are interested in hearing more about the idea. In particular, we want to hear more about the guarantees its proponents offer to ensure that a) cutting edge technologies are actually transferred to the South; b) the financial compensation is made before actions are demanded (rather than as a result of their having been carried out); c) financial compensation covers the entirety of the costs incurred; and d) preferential treatment is provided to developing countries.

Chlorine Fund:

Our strongest endorsement is for a chlorine fund. We suggest that Brazil demand the creation of an international Chlorine Fund, based on voluntary contributions from industrialized countries, to facilitate the conversion in the developing countries to the best 'clean' chlorine practices.

Use of Funds:

Our general position is that funding should be distributed only to developing countries so that the playing field can be leveled. Essentially, we can find no justification for distributing any funding to industrialized countries. These countries already hold an inequitable advantage in the international economic system, achieved partially through their continued exploitation of the environment over the years. Having said that, we would recommend that the financing be done through soft loans and grants made to the most deserving cases within the developing countries. The primary purpose of the funds must be the dissemination of cleaner technologies to the widest possible extent, rather than the mere creation of newer, cleaner technologies which are so expensive that only the very few who are very rich can use them. Ultimately, the environment will benefit more from a wide dissemination of funds aimed at assisting developing countries in cleansing their technological base.

Substances to Target:

Given that much of chlorine use is immensely beneficial and produces little or no environmental impacts, it is important to target the substances to be regulated very carefully. Stringent international scientific and economic assessment must precede any such decision. We are certain that given financial assistance most developing countries, including Brazil, can fully phase out the most dangerous substances such as DDT. We are very concerned, however, about any phase out proposals for any category of pesticides. Given their immense importance to our national economic survival Brazil should strongly resist any such move. We also believe that the Brazilian paper industry may be able to make the transition to cleaner, less chlorine-intensive bleaching technologies if enough international support is provided to them. Therefore Brazil should work towards a regime that encourages technology transfer in the area of pulp and paper. Also, at a slightly lower priority, if the new alternative technologies for PVCs that are now being developed could be provided to Brazil on concessional terms, this might become a good opportunity for upgrading our national technological base.

Actions to be Taken:

Some countries, especially those that have contributed the most to the problem, may recommend taking no action on the grounds of scientific uncertainty. Such a move should be strongly resisted on the grounds of the precautionary principle, and also on the grounds that enough evidence does exist in the case of a number of substances.

However, the case for a thorough (internationally conducted) scientific and economic assessment is extremely strong. Given the need for assessment, we see no case for blanket bans or even stringent phase outs of particular groups of substances, particularly of pesticides, herbicides, and most chlorine containing substances including PVC. However, if an attractive compensatory package is forthcoming, Brazil could possibly reduce its use of organochlorines by up to 25% over a 30-year period, as long as the choices about which substances to target and how to implement the reduction are left to the countries themselves. We could, as already suggested, also accept phase-outs of DDT if enough international assistance is forthcoming.

Ministry of Foreign Affairs
THE PEOPLES REPUBLIC OF CHINA

To: Director, Environment Desk,
Ministry of Foreign Affairs,

From: Chief Secretary,
Ministry of Foreign Affairs

Dear Director,

In pursuance of our earlier discussions, this is to confirm that you will be representing China at the informal UNEP Working Group on the global use of organochlorines.

Although the meeting is called 'informal', we consider it of great importance because its results are likely to set the precedent, and the framework, for future international regulation of chlorine-based products, and potentially of other chemicals too. We therefore intend to follow its results closely, and influence them to reflect the interests of the people of China. A number of meetings have been held within the Ministry and with other relevant agencies to formulate our national position on this subject. I am attaching various memoranda that we have received from these agencies that should assist you in formulating your negotiation strategy for the meeting. These include:

- o From the Chinese National Academy of Environmental Sciences and Technology:
A technical assessment on the environmental risks of organochlorines and possible actions that would be scientifically justified.
- o From the National Board of Economic Planning:
A memorandum outlining the major issues for China in evaluating financial mechanisms to assist action on organochlorine products.
- o From the Ministry of Industries and Trade:
A memorandum highlighting local business responses to the proposed licensing scheme.

You should feel free to use arguments from any of the above as you choose fit. However, for your purpose, **consider the position described in this letter as your primary position and the official position of the People's Republic.** I summarize here some of the major issues that are of special concern to the Ministry of Foreign Affairs:

GENERAL :

- o China's general position on the environment should be reiterated at the meeting: China takes the threat to global and local environments very seriously and intends to take a leadership position in doing everything to mitigate this threat. However, the environment must not be used to advance the interests of a few select countries, nor should it be used as an excuse to sabotage the development aspirations of the developing countries for whom poverty

and a lack of economic opportunity in an unfriendly international order remains the most crippling environmental problem.

- o China has undertaken many unilateral initiatives that go well beyond the mandates of international regimes and will continue to do so. However, it will not allow its sovereignty to be held hostage in the name of the environment; China alone holds the right to accept or refuse any action in this domain.

SCOPE OF PROBLEM:

- o China is concerned that the international environmental agenda is predominantly controlled by the concerns of the West, often at the cost of issues that are of greater importance to the developing world. Chlorine is yet another example of this tendency. If chlorine is a problem--and it is important to remember that the scientific evidence is as of yet inconclusive--then it is a problem which has been largely caused by the capitalist economies of the West. Countries which are only beginning their process of industrialization cannot be asked to pay the price by agreeing to international actions that forestall their legitimate development aspirations. We are not prepared to yet again pay the price for the past environmental sins of the West.
- o The international community should seek redress of the past damage that the West's callous use of chlorine has caused to the global environment. At a very minimum, any initiative **must** have adequate compensatory mechanisms to offset the future costs to developing countries of converting to new technologies and products.
- o The Foreign Ministry endorses the attached technical assessment. We are apprehensive about the alarmist view taken by those calling for a total chlorine ban. However, we are equally concerned about the complacent view of those who wish to do nothing and push the issue under the carpet. There is strong scientific evidence about the environmental devastation caused by some organochlorines and scientifically sound, gradual phase-outs of such chemicals are merited.
- o However, the selection of such products should be done on the basis of scientific merit. The selection should also be done so that it does not produce trade advantages for certain countries and companies. Moreover, any action in this direction **must** a) include adequate compensatory mechanisms (financial and technological) for developing countries; and b) give developing countries a longer time period to phase-out chemicals. Any other approach would place an unjustifiable burden on the developing countries who have, in general, not contributed to the problem in the past nor economically benefited from such polluting industry.

ACTIONS:

- o Regarding specific action, China firmly believes that some action is warranted (see memo from the National Academy). We also believe that in addition to whatever action is agreed to, scientific and economic assessment is required as a matter of urgency.

— CONFIDENTIAL —

- However, such assessment cannot be left either to environmental NGOs or to industry sponsored groups--both of which have vested agendas. The assessment must be done by a technically competent intergovernmental panel composed of experts from developing as well as industrialized countries. Such a panel may recommend to the conference of parties for their approval lists of chemicals arranged according to the severity of their impacts on the environment.
- If a fair compensatory packet is offered to China, we might approve up to 25% (preferably less) reduction in all organochlorines if both the choice of compounds which would be reduced and the method of implementation were left to individual countries.
- However, in this (or any such) scheme we will push hard for **preferential treatment for developing countries**, including special grace periods in any timetables and lower targets for any reductions. It may be stressed that in asking for preferential treatment for developing countries there is both a historical justification (because environmental problems were essentially created by the industrialized countries) and a historical precedent (because most earlier environmental treaties have included such provisions).
- China will not accept any regulation of any sort on any form of crop protection chemical use (pesticides, herbicides, insecticides) since we consider these to be critical to our food and, therefore, national security.
- China is willing and eager to phase out PCBs. However, given our developmental priorities we will need international support in doing so. We look towards this negotiation for getting such support.
- Moreover, we feel that there is no case at all for any regulation of PVCs, which we consider critical to Chinas continued industrial progress. This is our most vital interest. China will oppose any initiative to ban any type of commercial PVC production. The same is generally true for paper processing industries. China will not allow any regulation on the use of chlorine in PVC and is generally opposed to regulation on paper pulp bleaching.

FINANCING:

- It needs to be stressed that any mechanism should ensure that a) the burden of financing is neither directly nor indirectly placed on the developing countries; b) the compensation is proportional to the costs of the required actions; and c) developing countries are ensured special (preferential) treatment.
- China's strongly believes that any financing mechanism must punish big industry and big business for its past environmental sins rather than reward it for future good efforts. China will not consider any mechanism that compromises the interests of its own business enterprises or places them at a position of even greater competitive disadvantage than the already skewed international trading system does.

GOVERNANCE :

- o Any institutional mechanism generated—either a conference of the parties or a smaller body created to manage issues of finance provision, technology transfers, or scientific assessment—should be based on the principle of national sovereignty and equality, i.e. of democracy. Every country should have an equal vote. Any smaller bodies should be regionally balanced through the use of formulae already practiced by other UN agencies.
- o In case the issue cannot be resolved any other way, China may be inclined to accept consensus governance in the conference of the parties as a compromise solution; but only if its other interests are being accommodated in the package deal.

NGOs :

- o We have strong views about the appropriate level of NGO involvement in international meetings such as this one. In general, we are concerned about the motives of the countries that are pushing for greater NGO involvement in international affairs, and about the possible repercussions of these seemingly innocuous and polite proposals. We see the push for NGO involvement as a thinly veiled attempt to boost Western influence in an international system that is already controlled by Western countries. NGOs from developing countries cannot afford the exorbitant costs (in time and in money) involved in attending and influencing international negotiations. Given the experience of past negotiations, it seems clear that NGOs from rich, industrialized countries have given their states added, *de facto*, voice at these gatherings.
- o The legitimacy of many of these Western NGOs, (or the non-representative Southern groups whose attendance they sometimes fund at international conferences) is also questionable. In the end, NGO involvement is too heavily shaped by special interest politics, which has already corrupted the politics of many Western countries.
- o China is, therefore, weary of giving NGOs undue powers at international negotiations. Countries that have strong feelings on the subject should include NGO representatives in their delegations, just as China has always included citizen representatives in its international delegations. **Under no circumstances** will China allow NGOs any role in international governance beyond that of being non-participating observers. We may, however, accept a limited observer status for NGOs.

In general, China will continue to work closely with the developing states of the G77 and use their support to advance our joint interests. We encourage you to work closely with the representative of the G77, who will also be at the meeting, and with other like-minded delegates. In particular, we feel that Brazil, India and the Czech Republic may support positions similar to our own. However, the interests of the people of China must remain paramount in all deliberations and should not be compromised on any account. I look forward to reading your report on how the negotiations go and hearing about it directly from you when you return.

*The Chinese National Academy
of Environmental Sciences and Technology*

In response to the inquiry from the Ministry of Foreign Affairs regarding our technical assessment of the environmental risks of organochlorines and possible actions that are scientifically justified, I am now in a position to report the following:

- 1) There is certainly no doubt that some chlorine containing compounds have severe environmental effects. However, given the ubiquitous nature of chlorine and its presence in innumerable products and compounds that are extremely useful, no blanket statement can possibly be made about the dangers of all organochlorines as a class of chemicals. We therefore reject the alarmist view that an outright ban is required on all chlorine-containing or chlorine-using products and processes. We reject, with equal stringency, the complacent view that there is no environmental problem related to chlorine use or even that the only justifiable position is to study it. Instead, **we find that there is strong scientific evidence that the use of chlorine can pose important environmental problems** and some mechanism to manage its global usage should be set up. Because chlorine is probably an environmental problem of some significance, we believe that some measures (at least the ones that can be taken quickly and easily) are warranted immediately. For example, PCBs could be targeted for phase-outs in China, there are even alternatives available, but they are costly for many Chinese users. China has already made great strides in curbing the use of DDT.
- 2) We are concerned about the 'activist' science (and the vested interests it serves) that is advanced by a lot of Northern environmental NGOs or industry sponsored groups. Therefore, we recommend that an *inter-governmental* technical panel be convened to assess the scientific and economic questions related to the global management of chlorine use. Any such group should have a fair balance of technical expertise from developing and developed countries.
- 3) Given our finding that different chlorine compounds have different impacts on the environment, we recommend that the first task for this technical panel be to prepare a set of lists that categorize products and processes which use organochlorines according to the level of danger that they pose to the environment. Any decision to ban, phase-out, or allow continued production of particular substances should be based on technical assessment.
- 4) Although the risks of many chlorinated chemicals used in agriculture are well known, these chemicals have immense importance for our agriculture. We believe the prudent course is to mandate their careful use rather than to ban them outright.
- 5) Research suggests that cost-effective alternatives to PVCs may soon be available in the industrialized countries. China should make every effort to obtain cleaner PVC technologies as quickly as possible. Similarly, less chlorine dependent technologies for paper pulp bleaching are already being used in many European countries, but not in China. We recommend that the use of less chlorine intensive technologies should be encouraged. However, we understand that this may not be feasible in the near-term because of the prohibitive costs of these technologies.

National Board of Economic Planning

The Peoples Republic of China

To: Director, Environment Desk, Ministry of Foreign Affairs
From: Chairman, National Board of Economic Planning
Subject: Issues in financing an international chlorine regime

Dear Colleague,

As requested by the Ministry of Foreign Affairs, I have discussed the various financial issues relevant to an international regime for controlling global chlorine use with my colleagues. We believe that while China must not allow a new international regime to compromise its developmental interests, it should view such a regime as a potential source of technology and financial transfers from the industrialized countries. In fact, we strongly believe that China's response to any proposed international action should include an insistence on such transfers. The richer countries must be reminded that providing economic and technological assistance to the developing countries will help them meet their own environmental interests, because it will make it possible for the developing countries to switch to cleaner modes of production. This is especially true in the case of China, because of its population and industrial size.

The cornerstone of China's policy on any proposed action, financial or otherwise, must be that China will not take—nor accept responsibility to take—any action whatsoever until adequate transfers of alternative technologies and/or financial resources are provided. Technology and financial transfers must happen before the developing countries are required to take any steps whatsoever, not as a likely reward for good behavior. Moreover, compensation must be adequate to cover the full economic cost of such steps. Also, China should insist that developing countries be given preferential treatment in any timetable that lays out when reductions must occur as part of any required action. This preferential treatment is justified given the fact that responsibility for the environmental crisis lies largely with the industrialized countries, and given the legitimacy of the development agenda of developing countries.

Within the above framework, we see two related issues regarding financing. The first involves how funds are to be generated to support a global chlorine regime; the second involves how they are to be distributed. The first will itself define how much funds are generated which, in many important ways, will influence how they are distributed.

With regards to generating funds:

Our first choice is that the industrialized countries recognize their historical responsibility in creating the environmental crisis and (as compensation for their continuing environmental callousness) voluntarily contribute to a significant 'chlorine fund'. This fund would be used to disseminate clean chlorine technologies to the developing countries. As a second choice, China might (provisionally) support the G77's proposal for a 'chlorine tax', but only if it ensures that China (and other developing countries) is granted special treatment given that its chlorine usage, even if high in real terms, is extremely small in per capita terms. Thus a 'chlorine tax' imposed on governments on the basis of per capita chlorine use will be acceptable to China. Only under very special conditions should China accept any variant of the licensing scheme (see Ministry of Trade and Industry memo). China is concerned that a) this scheme is too likely to be co-opted by big (Western) businesses; and b) even if it does produce some compensation, it will be too slow to trickle and too small to compensate small countries who will essentially be asked to pack up entire industries.

With regards to distributing funds:

China's general position is that funding should be distributed only to developing countries so that the playing field can be leveled; essentially we find no justification for distributing any funding to industrialized countries, who already hold an inequitable advantage in the international economic system, achieved partially through their continued exploitation of the environment over the years.

Having said that, China's first preference would be for the funds to be given as grants (or possibly soft loans) to countries on a need basis. Need, in this case, should be calculated as a function of the country's economic development, its state of industrialization, and its ability to use the funds to improve the environmental cleanliness of its industrial base—all in relation to its chlorine usage. Only reluctantly will China allow the management of such a fund to be given to the GEF whose institutional structure is strongly controlled by the

industrialized minority and is non-transparent, undemocratic, and unaccountable. We might accept a system of loans and grants made for demonstration projects by those who can do the job best only as long as these are restricted to developing countries (and possibly to economies in transition). What will be unacceptable is any attempt by the industrialized world to argue that no moneys should be collected or distributed. This argument would be seen by China as yet another example of the West's continuing environmental callousness and its utter disregard both for the environmental sins of its past and the ecological prospects of the world's future.

With regards to phasing out specific uses:

We should strongly oppose any action towards restricting the use of chlorinated substances in the agricultural sector and in PVCs; these are vital to China's economic development and progress just as it has been vital to the progress of the industrialized countries in the past. Regarding these two sectors there must be no compromise.

However, on the issue of bleaching paper, we feel that if international financial assistance was forthcoming to Chinese industry to upgrade its paper production processes to intermediate, less chlorine intensive technologies, then that may be a wise course for China. However, China will be able to afford this transition **ONLY** if substantial financial and technological transfers are forthcoming. On PCBs, we recognize the danger and have been trying to phase it out for some years; however, the alternatives are still too costly for China to be able to afford the transition. If the international community is willing to foot the bill of phasing out PCBs in China (and the bill may not be too large) then we see that as a positive policy development.

memorandum

Ministry of Industries & Trade, Peoples Republic of China

Attn.: Director, Environment Desk,
Ministry of Foreign Affairs

FROM: Director General for International Trade,
Ministry of Industries and Trade

SUBJECT: UNEP Working Group on Chlorine (licensing scheme)

A meeting of the general managers of various industries that use, or produce, chlorine was organized by my office last week to discuss the so-called 'licensing scheme' that is likely to be proposed at the informal meeting of the UNEP Working Group on Chlorine. Those present were quite disturbed by many of the provisions in the proposal. I can only add my own alarm to this. It is our strong and unanimous belief that the scheme would prove to be a major detriment to China's international trade and domestic industrial development. We feel that the proposal is inherently, and strongly, biased towards the interests of large, multinational, Western industries and will be detrimental not only to the interests of industry in China but to industry all over the developing world, and even small industries in the industrialized countries.

Amongst the specific objections raised at the meeting, some worth noting include:

- The proposed mechanism means that only large multinational (Western) firms which can afford to spend large amounts on R&D will be able to compete for the 'exclusive rights' to manufacture substitutes. Thus the proposal is inherently anti-small-firm and anti-developing-countries.
- Even if the scheme works, the proposal as it now stands allows firms NOT to contribute the designated portion of the funds that is supposed to go to developing countries until they have recovered their investment. This amounts to an incentive for the firms to inaccurately report their profits. Much more importantly, it means that any compensation the developing countries might get will come their way AFTER many years. In essence, the proposal asks countries to make sacrifices today in the *hope* of rewards tomorrow! What if the expected profits never materialize? Also, who is supposed to bear the immediate costs of closing and converting manufacturing enterprises? Again, given the industrialized countries pathetic historical record of fulfilling their promises of financial transfers, we have no faith at all in their ability, or even their intent, to fulfill such an obligation.

- The 'exclusive rights' that some firms will gain will necessarily mean that other firms elsewhere (especially start-up firms in the developing countries) will have to pack up and go out of business. This can mean massive dislocation and unemployment, redundancy of expensive equipment, and price hikes. Developing countries cannot afford any of this.
- Essentially the proposal entails setting up forced monopolies. In all likelihood these monopolies will be granted to industries from the West. This will mean increased dependency of the poorer countries on the rich. This can, at its worst, usher in a new era of 'industrial colonialism.' As one person pointed out "the British banned the ginning of cloth in colonial India to provide artificial monopolies for textile mills in Manchester, now the North wants to create forced advantages for its industries in the name of the environment."

Those present at the meeting were also asked to come up with suggestions about what type of changes will need to be made to the proposal as it now stands before China should even begin considering it as a possibility. These included:

- The focus of any scheme should be on transferring environment-friendly technology to developing countries rather than granting monopolies to industrialized countries.
- To be considered seriously by China, any scheme MUST spell out a concrete mechanism for ensuring the transfer of adequate levels of resources and technology before any action whatsoever is required on the part of industry in China. No empty promises of 'honest effort' on the basis of magical profit projection will do. Too many of those have been made and ignored in the past by the industrialized countries for us to trust them any longer.
- Any scheme must have provisions for preferential treatment for developing countries both in terms of access to clean technologies and in terms of the deadlines imposed on banning particular products and processes.
- Any mechanism must ensure that additional funding from the developed countries will cover the full cost of conversion and/or closure.
- Any mechanism discussed must ensure that its mandates will not be held hostage to political manipulations such as international sloganeering on human rights, intellectual rights, terrorism, fundamentalism, etc., which are increasingly being used by the West as a means to gain unfair advantages for its companies in an already skewed international order.

MINISTRY OF TRADE & INDUSTRY

FEDERAL GOVERNMENT OF THE CZECH REPUBLIC

To: The Director, Office of International Affairs, Ministry of Trade & Industry
From: Special Advisor to the Ministry of Trade and Industry
Subject: Briefing Materials for the UNEP Informal Negotiations on Chlorine

You have been appointed to represent the Czech Republic to the UNEP Working Group on Managing the Global Use of Organochlorines. Because of growing international concern, UNEP has turned its attention to this issue and is proposing an international convention to phase out some of the more harmful chlorine compounds.

Accompanying this memorandum is a description of the Czech position on most of the salient issues. We anticipate that the agenda for the Working Group's first meeting will revolve around four issues: scope of the problem, actions, financing, and governance. We believe that the financing issue is most important, followed by actions to be taken.

We are skeptical of the need to move quickly on the issue of chlorine. International conventions have been negotiated on a number of other global issues in the last twenty years, including climate change, biodiversity, air pollution, and hazardous waste. Given the limited resources of the Republic's national government and the difficult transition that our industrial sector is currently going through, addressing one more environmental issue is a low priority for us at this point. However, if adequate financial and technical assistance were made available, we might be prepared to take certain limited actions.

If global action is to be taken on chlorine, it is the position of the Czech Republic that those countries that have contributed most to the problem should provide the financial and technical resources to remove it. These resources cannot be restricted for use by only developing countries, but must be extended to countries with economies in transition. The Czech Republic simply cannot accept responsibility for taking further action unless it is provided the financial and technical resources to do so. Our national economy is already strained by the burdens of transition, and a further burden placed on it by the international community could wreak havoc on our economic recovery. Should this financial and technical assistance be guaranteed, we would be willing to examine the possibilities within our various industrial sectors for reducing chlorine use.

Some may propose an approach that reduces or eliminates chlorine use in particular industrial sectors. Should this approach be taken, it is particularly important that the industrial chemicals sector, including the manufacture of PVC, be protected. This sector has been hit particularly hard in the economic transition, with output declining by almost 40% in the last five years. A ban on chlorine could devastate this sector.

You should consider these negotiations as an opportunity to advance our long-term international alliances on issues related to trade and the environment. We believe that the United States and Japan may have concerns similar to our own as far as regulating industrial chemicals is concerned. However, they are unlikely to support our key goal of seeking international financial support. On the other hand the developing countries (Brazil, China and India) are likely to support our call for more financial assistance but may wish to restrict this support only to developing countries. You should caucus with both groups and see which may serve our interests best. If we can build a meaningful alliance with the developing countries it may serve us well in the future. On the other hand if any of the industrialized countries have special concessions that they can offer in return for our support we should not let the opportunity bypass us.

Given below is a concise statement of the Czech position of the chlorine issue. Also attached for your information is a memorandum from the Ministry of Environment outlining the current environmental priorities. Also attached is the memorandum from the Ministry of Foreign Affairs expressing concern about the financing issue.

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Global Action on Chlorine: THE CZECH POSITION

The following provides the Czech position on global efforts to reduce or phase-out the global use of chlorine. It addresses the following issues: scope of problem, specific actions, financial mechanism, and governance.

SCOPE OF PROBLEM

- The Czech Republic believes that a comprehensive global treaty on all classes of chlorine-containing substances is not necessary at this time. The international community is already addressing a multiplicity of environmental issues. An additional global issue cannot be added to this agenda without sacrificing action on other priority issues. National governments have a limited capacity to address all of these issues at once, and it is not clear that chlorine is a global priority. Moreover, the available scientific evidence on the subject is also less than convincing.
- This does not preclude, however, the undertaking of a global scientific assessment to determine the nature and scope of the problem. A coordinated global assessment of the current state of knowledge about the hazards posed by organochlorines could prove extremely useful in determining the need for action in the future.
- This also does not preclude a more limited agreement—either at a global or at regional levels—to address those organochlorines whose harms have been scientifically determined and for which alternatives exist.

ACTIONS

- Immediate action on this subject should focus on gathering the scientific evidence that is needed before the international community can make informed decisions.
- Should it be determined that coordinated international action is needed to regulate usage of some of the more harmful organochlorines, the Czech Republic would consider joining in these actions provided adequate financial and technical resources are made available.

- Any action to reduce or eliminate chlorine use in the industrial chemicals sector should be resisted. In particular, the manufacture of PVC should not be targeted. In this sector, chlorine and chlorinated compounds are used primarily as intermediate chemicals, and thus they do not pose a serious threat to the environment.

FINANCING

- Financial and technical assistance must be provided to developing countries as well as countries with economies in transition if actions are to be taken.
- The Czech Republic supports the establishment of a financial mechanism, supported by contributions from industrialized countries, to provide this financial assistance.
- We are willing to support a taxation proposal as long as the proceeds of the tax will also go to assist economies in transition. Should such a system be established, the taxes should be imposed according to the level of economic well-being of a country so as not to be regressive.
- We understand that there is some effort to establish a global system of trading rights as a means of encouraging and supporting the development of substitutes for chlorinated products. We are skeptical of this scheme, as we are concerned that firms from developing countries and countries with economies in transition would not be able to fairly participate in it.

GOVERNANCE

- In general, the Czech Republic believes that international agreements should be governed by majority rule. This has been the voting system in past international agreements, including the Biodiversity Convention and the Basil Convention.
- On the chlorine issue, a weighted regional voting scheme would be acceptable, as this is the governance system for the Commission on Sustainable Development.

NGO Participation

- The Czech Republic believes that non-governmental organizations have an appropriate role in formal debates concerning substantive issues of the Convention. However, this role should be restricted to providing them an observer status and should not extend to the establishment of voting rights for NGOs.

MINISTRY OF THE ENVIRONMENT
Federal Government of the Czech Republic

To: The Director, Office of International Affairs
From: The Assistant to the Minister, Ministry of the Environment
Subject: UNEP Working Group on Chlorine

I would like to thank you for agreeing to represent the Czech Republic at the upcoming meeting of the UNEP Working Group on Managing the Global Use of Chlorine. I regret that I was not able to accept the invitation, but previous engagements are limiting my ability to travel this month. I am quite confident that you will be successful in conveying our concerns about this issue.

My principal concern is that the effort to restrict the use of chlorine will impose high costs on our nation and place a significant burden on our Ministry, which is already struggling to cope with significant environmental problems. While I acknowledge that the use of chlorine poses a problem, I am concerned that the issue could detract from our efforts to address other, more significant, environmental problems.

As you are aware, our economic transition has revealed environmental problems of catastrophic proportions. Some of these problems, such as saline pollution in some rivers and domestic coal burning, are being addressed without significant costs. Other problems, such as the soil and ground water pollution around our military bases and in our industrialized regions, are tremendously complicated and expensive to clean up. With the current economic transition, new problems are emerging, including the changing structure of energy supply, an inflow of dirty technologies from Western industry, increasing household waste, and a growing stress on our forests and oil reserves. We have no choice but to place a very high priority on addressing these wide-ranging domestic problems. Therefore, I am not sure that releases of chlorine to the environment can be addressed quickly in our country—unless, of course, the industrialized countries are willing to assist in paying for the chlorine clean up.

I am also concerned about the limited capacity of the Environment Ministry to accept any additional responsibilities. While I believe that we have had notable achievements in some areas (including our effort to restrict the trade of toxic wastes and to end gold mining in Bohemia) our ability to address the multiplicity of environmental problems in the Republic is limited. We were established only in 1990, and have been handed extensive and nearly unmanageable responsibilities. Our focus now is on implementing the plans that we have developed thus far. The 1991 Regional Environmental Plan that was agreed to in Dobruška lays out an ambitious agenda, one that we will be unable to follow if the global community continues to impose additional obligations.

In short, I would recommend that you urge those at the discussions to carefully consider the ramifications of requiring extensive action at this time. If action is mandated, it should be focused on specific substances rather than on very broad categories. It may be worthwhile for the international community to set a manageable list of priorities by recognizing that some substances may be more harmful than others and by setting up a way of identifying which are the most harmful substances that need to be controlled immediately, which are potentially harmful and need more study, and which are not harmful at all. Moving from such a logical basis of action and building all decisions on robust scientific advice seems to be the best way to go.

The Czech Republic is willing to join the international consensus on such a structured step-by-step approach. Moreover, you should urge this meeting to begin by developing a consensus for general principles rather than specific deadlines and quotas. I believe that **the world will be well-served if this meeting can end with a general statement of principles regarding the global management of organochlorines which all the parties around the table can agree to.**

MINISTRY OF FOREIGN AFFAIRS

Federal Government of the Czech Republic

To: Director, Office of International Affairs
From: Senior Advisor for the Environment
Subject: UNEP Working Group on Chlorine

We understand that there will be some discussions at the forthcoming UNEP meeting about financing options. You must make it clear that the Czech Republic cannot accept any agreement that does not extend financial assistance to countries with economies in transition. This has been a significant issue in past treaty negotiations and has not yet been resolved to our satisfaction. Countries with economies in transition were excluded from the financial mechanisms included in the Climate Convention and the Biodiversity Convention. Although these countries were omitted from these formal financial arrangements, they have managed to receive some financial assistance through the Global Environment Facility (GEF). We are not happy, however, with this arrangement, which we consider *ad hoc* at best. **You must work in these discussions to ensure that countries with economies in transition are explicitly recognized in whatever financial mechanism is incorporated into the agreement.** To do so you may need to work closely with the developing countries and form an alliance with them.

I understand that the Ministry of the Environment has expressed concern that the Czech Republic is unable to take on additional responsibilities with regard to the environment. While I understand this position, I am concerned that it might suggest that the Czech Republic does not acknowledge the gravity of the current environmental crisis. This is not the case. We are signatories to all global environmental agreements and are moving forward in their implementation. We recognize that we face significant environmental challenges, and we are prepared as a nation to face these challenges, in partnership with the global community. However, our economy simply cannot absorb additional environmental costs. We are struggling now to address environmental problems of much greater significance.

I suggest, therefore, that you focus your attention on making other representatives of the Working Group aware of our skepticism about the need for immediate action on chlorine. You should also try to advance our position that should action be deemed necessary, financial assistance must be made available to both developing countries and countries with economies in transition. Financial assistance will be critical in enabling these countries to live up to their international commitments.

Ministry of Foreign Affairs

Federal Republic of Germany

To: The Director, Office of Environmental Affairs
From: Special Assistant to the Minister for Foreign Affairs
Subject: UNEP-Sponsored Working Group on Organochlorines

As you know, you have been nominated to represent the Federal Republic of Germany at the forthcoming UNEP Working Group Meeting on the Global Management of Organochlorines. These preliminary discussions have been called by UNEP in response to the growing international concern about the impacts of chlorine on the global environment. The Executive Director of UNEP is calling for the United Nations to propose and negotiate an international treaty to phase out some of the more harmful organochlorines.

Our understanding is that the Working Group will attempt to forge a consensus on the primary issues that would need to be worked out in any Convention on chlorine. These issues are a) the scope of the problem, b) specific actions to be taken, c) financing, and d) governance. The most critical of these for us are scope and actions.

In general, we expect that these discussions will be difficult. I have attached for your use a short briefing paper which outlines the major points on which the German Inter-ministerial Environment Committee was able to agree. I have also attached memoranda from the Environment Ministry and from the Ministry of Economics and Trade that should provide you with a sense of the areas of divergence between relevant ministries. Feel free to use arguments from these as appropriate. However, consider the position spelled out in the official briefing paper as your primary position and the official position of Germany.

I am particularly anxious that the Federal Republic of Germany must appear to be a leader on this issue. As you are aware, Germany currently has the Presidency of the European Union. In assuming the Presidency, the Chancellor committed to taking strong actions to protect the global environment. Given the extraordinary success of the Green Party in the recent Parliamentary elections, he will need to follow through on this commitment if he is to hold the current fragile governing coalition together. However, you must also be sensitive to the costs of action on chlorine. Our unified country is yet young, and our eastern states remain dependent on the chemicals industry as a cornerstone of their economic base. We are only now recovering from the tremendous costs of modernizing this region, and rapid action on chlorine could severely hamper growth.

As part of this leadership effort, you should propose that countries be asked to agree to a 50% reduction in chlorine use over the next twenty years. This should be achieved through a program of planned reductions in the use of those organochlorines that have been proven

unsafe and that have appropriate substitutes available. As a first step, PVC use should be reduced by half, and further reductions should be made on an industry-by-industry basis. Copies of our proposal outlining this plan are attached for distribution. We believe that this proposal can form the basis of a final consensus agreement and would very much like for the world to recognize this 'German Proposal' as the basis of eventual agreement.

Although you are required only to represent Germany, it is expected that you will also express EU views if necessary and our European allies will certainly watch your words and actions carefully. Capitals in EU states are sharply divided, with some advocating aggressive action while others are resistant to anything other than further research. There is no consensus on the chlorine issue in Brussels, although a number of committees have discussed it. Because we have received no instructions on how the EU would like to address the issue, we cannot speak on their behalf at the meeting. However, you should put forward those EU positions that are well established, such as strong support for action based on the Precautionary Principle. You must be careful to differentiate between your representation of the Federal Republic of Germany and your representation of the EU and its member states.

I suggest that you work hard to build a coalition for action on chlorine. We encourage you to work with Norway and the environmental NGOs in particular, because we suspect that they share our commitment to identifying some concrete actions that can be taken by the international community in the near future. While Norway may be an advocate for more extensive actions than we are currently prepared to support, an important common element in our positions may be the need to take action on the basis of the Precautionary Principle. You should be prepared to support the Norwegian representative to the extent you can, as it could help our bilateral discussions concerning the Baltic Sea.

You may also find allies amongst some of the developing countries. Although this is not mentioned in the position paper, under special circumstances, you may commit international assistance up to US\$ 200 million for cleaner chlorine technologies. You may commit this money either to any international mechanism created at the meeting or to individual developing countries. That choice is yours to make. However, we would prefer that any monetary commitment be made to an international agency. You should commit international assistance only under special circumstances. Ideally, we would like not to commit money, or to be able to say that we will come forth with "some assistance" without having to name a particular figure. However, if you feel that it will help our larger goals at the negotiation to announce this amount, you may do so. If, indeed, our other goals at this negotiation are fulfilled, we may even be willing to add to this amount.

As already mentioned, we have attached multiple copies of a proposal that incorporates some of our Germany's key concerns. If, at any point in the negotiation, you consider it appropriate to distribute this proposal to other members of the Working Group, you may feel free to do so.

Read the attachments carefully - there are many issues discussed, and many potential tradeoffs to be made with other participating countries.

BRIEFING PAPER ON CHLORINE

Federal Republic of Germany

• CONFIDENTIAL •

SCOPE OF THE PROBLEM

- There are problems inherent in chlorine chemistry that make organochlorines a significant environmental and human health risk. Virtually all organochlorines studied thus far have been found to cause significant disruption to the reproductive, endocrine, and other systems of many different organisms. Because organochlorines are ubiquitous in modern society, the problem is a global one that must be address by all nations working in concert.
- It must be recognized, however, that because organochlorines are ubiquitous in modern society, any rapid and unplanned reductions in their use could have significant economic impacts. All efforts must be made to minimize these impacts.
- Germany supports the use of the “precautionary principle,” which, as agreed in the Rio Declaration, states: “in order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” This principle does not require that economics be ignored, but that science, economics, and human values all be considered when decisions are made about how to protect the environment and human health.
- In concordance with the precautionary principle, Germany believes that nations should agree to:
 - i) take immediate actions to reduce organochlorine use in sectors where there is evidence of significant risk;
 - ii) reduce significantly over the long-term the production and use of organochlorines; and
 - iii) undertake further scientific study where evidence is not yet sufficient to support international action.

ACTIONS TO BE TAKEN

- Some action to reduce the use of dangerous organochlorines needs to be taken on the basis of the Precautionary Principle. We cannot accept an overly conservative approach that amounts to doing nothing. There is enough scientific evidence in hand to support reductions in certain areas.

- An outright ban on all organochlorine compounds is not appropriate at this time because little is known about the risks posed by many organochlorines, and because of the significant role that organochlorines play in modern society.
- We propose that nations agree to a modest reduction in the use of organochlorines along the following lines:
 - i) The use of unsafe organochlorines (as determined by a technical committee) should be reduced or phased out as soon as appropriate substitutes are available.
 - ii) Countries should set as a goal a 50% reduction in the consumption of organochlorines over a 20-year period. Each country should establish a national chlorine reduction plan to implement this reduction. Where appropriate, countries should coordinate their reduction efforts on an industry-by-industry basis.
 - iii) As an initial step in this coordination, countries should reduce by half the use of PVC. This will bring chlorine consumption down by 10% to 15% in most countries.
 - iv) In five years, nations should consider coordinating further reductions in the use of organochlorines on an industry-by-industry basis.
 - v) An international fund should be established to assist developing countries in implementing the above.
- PVC is an appropriate target for reductions because:
 - i) it represents a large percentage of total world wide chlorine use.
 - ii) studies indicate that a substantial reduction in its use is economically feasible, and that a substitute is now available for it (see attached memo).
- This proposal is quite flexible. It does not mandate which chlorine compounds should be reduced or eliminated (except for PVC), but rather calls on each country to choose the reduction strategy that is most appropriate given its existing environmental and economic context, as long as that strategy will reduce overall chlorine consumption by 50% over a 20 year period. This approach also allows companies in each country to be involved in deciding which chlorine compounds they would most likely be able to reduce by 50%.
- The pharmaceutical industry is a very important part of the German economy and uses relatively little chlorine (less than 5% of total chlorine use). Any action taken against chlorine compounds used in the pharmaceutical industry (i.e. phosgene, sodium hypochlorite, propylene oxide) would not significantly reduce the overall risk posed by these chemicals, but would cause serious economic harm.

FINANCING

- This issue is critical, as any international chlorine Convention would be useless without a realistic funding mechanism to support implementation of the treaty.

- Furthermore, developing countries are highly unlikely to accept any proposal that calls for reductions without some sort of financial and/or technical assistance that will facilitate their efforts to reach the necessary targets.
- We would be interested in exploring creative ways of encouraging the private sector to develop substitutes.
- Although we would favor any financing proposal that would benefit our chemical industry, it is also important that some sort of workable mechanism be developed to aid the nations of the South in managing the economic burden of converting to cleaner technologies.
- We are skeptical about the idea of imposing a tax on organochlorines. We are unclear about its details at this moment but would not want it to be a precedent setting measure in international environmental policy.

GOVERNANCE

- The FRG supports a system of weighted voting: the larger a country's GNP, the more votes it should have. It is not appropriate that every country has the same voting power. Countries that will be required to contribute the most (financially) towards the implementation of this treaty should be provided with the means to ensure that the funds are used appropriately.
- A consensus based system would be an acceptable second choice—every country participating would need to accept any decision.
- The FRG proposes that a carefully selected group of NGOs should be allowed to participate in the Conference of the Parties with full rights of participation. If this is unacceptable to others, NGOs should at least be granted observer status.
- It is important for NGOs to be present at meetings of the Conference of the Parties as they represent important perspectives that otherwise might not be heard. Some NGOs have thought quite a lot about the issues that we will be dealing with, and it would be beneficial to all countries involved to have the option of listening to their arguments.

MINISTRY OF THE ENVIRONMENT
FEDERAL REPUBLIC OF GERMANY

OFFICE OF THE CHIEF SECRETARY

To: Special Assistant to the Minister for the Environment
From: Chief Secretary, Environment Ministry
Subject: UNEP Working Group on Organochlorines

On behalf of the Minister of Environment, I would like to express the hope that Germany will take the lead in advocating for aggressive global actions to reduce chlorine use at the upcoming meeting of the UNEP Working Group on Organochlorines. We view this occasion as an important opportunity for the world to reassess the uses of chlorine. We also see this occasion as an opportunity for Germany to strengthen its role as an environmental leader among nations. Germany has been building its visibility as an environmental leader over the past decade by making hard but sustainable choices for the long term. We hope that Germany will maintain this long-term perspective as it develops policies in the future.

There are over 15,000 chlorine compounds in the world today. These are used in many different sectors of the economy. Chlorine is used directly (e.g., in water disinfection), as a component of end products (e.g., PVC, bleach, or pesticides), or as a component of intermediate products (e.g., isocyanates or pharmaceuticals). Products that either contain chlorine or are dependent on chlorine for their production include medical devices, paper, chemicals, dyes, carpet backing, bullet-proof glass, flavoring extracts, and corrosion inhibitors. This widespread use has caused chlorinated substances to be pervasive in the environment.

There is increasing concern that some of these compounds have significant adverse environmental and human health effects. For example, when chlorine is used as a disinfectant for drinking water, it can react with humic matter in the water to produce trihalomethane compounds. These compounds are carcinogenic. The use of chlorine in paper bleaching and its presence in PVC have been linked to the formation of polychlorinated-dibenzo-dioxins (PCDDs) and polychlorinated-dibenzo-furans

(PCDFs). Dioxins have been linked to reproductive, developmental, immune, and other effects, and are possible carcinogens. These compounds are found throughout the food chain. In consuming meat, dairy products, and fish, the average German ingests 18 to 912 picograms of dioxin daily, at levels 50 times greater than what is considered a safe dose.

The Environment Ministry believes that the scientific evidence on the impacts of some organochlorines is sufficient to warrant coordinated international action aimed at reducing their use. I would like to inform you of a study published by the environment ministry in the German state of Hessen. This study claims that a 51% reduction of chlorine use in Germany is economically feasible. It argues that this substantial reduction in chlorine use could be achieved by mandating the use of substitutes for polyvinyl chloride (PVC). The study finds that PVC can be easily substituted by polystyrene and other materials in 50% of PVC applications, with an increase in production costs of only 4%. While this action would target the plastics industry, it would lead to a dramatic reduction in the overall organochlorine consumption.

We realize that the national Chemical Industry Group (GCIA) is skeptical about the conclusions drawn in this study. However, we strongly believe that there is an opportunity to begin an orderly restructuring of chlorine chemistry over the next 20 years, and we think this restructuring should begin with a reduction in the use of PVC.

German chemical companies with a vested interest in PVC applications may, of course, oppose this proposal. However, three factors will help us negotiate an appropriate reduction strategy with these industries: (i) there is a growing environmental concern among German consumers, and firms are now having to take this into consideration in their production strategies, and (ii) over time there will be increasing international pressure, in the form of global mandates, for the private sector to take aggressive action, and (iii) Germany could be a significant producer of these substitutes.

I hope you are able to use this information in advocating for strong action on chlorine.

MINISTRY OF ECONOMICS AND TRADE

Federal Republic of Germany

To: The Director, Office of Multilateral Environmental Affairs
From: Director, External Relations Division, Ministry of Economics and Trade
Subject: UNEP-Sponsored Working Group on Organochlorines

The purpose of this memorandum is to impress upon you the importance of organochlorines to the economy of our country. The chlorine economy of Germany is worth between DM40 and DM45 billion (approximately \$US 25 billion). Any changes to the way our chemical industry does business will most certainly have negative repercussions on our economy. Many of the companies in the relevant industries have just this year begun to pull themselves out of a recession and post better gains. Any sort of immediate reduction or phase-out would be likely to cause a setback to the recovery and a serious loss of jobs.

I recently held a working session with several representatives of the chemical industry. The industry leaders present at this meeting basically echoed some of the sentiments I have presented above and reminded me of the following important points:

- A recent study by the German Parliamentary Enquete Kommission recognized that chlorine is central to the chemical industry in Germany.
- A study done for our Ministry for Research and Technology by consultant Prognos AG, concluded: "PVC is difficult or costly to replace in many critical uses. A total ban on PVC would cost Germany DM6 billion for materials replacement, and losses of up to 100,000 chemical industry jobs."

Despite all that I have said above, I do feel that we must look for ways of making some trade-offs necessary to ensure environmental well-being. However, these trade-offs are only appropriate when it can be proven that by reducing or phasing-out certain chlorine compounds the environment will be truly better off. Thus, I believe that the following criteria must be met:

- 1) It must be shown that a particular chlorine compound is harmful to public health.
- 2) It must be shown that an economically viable substitute is available which not as harmful.

When there is a scientific consensus that the above criteria are met for a particular chlorine compound then it would be appropriate to consider a slow and flexible reduction strategy. A statement of principles, which includes the above points, would be a good result of this negotiation. I have talked to various industry leaders about the possibility of reductions if the above criteria are met, and they seem willing to consider them.

We have heard that one of the representatives to the Working Group may introduce a financing proposal that would give seed money to companies to help them develop cleaner substitutes. We would be in favor of such a proposal, as long as there is a chance that our companies would make a net profit from such arrangements.

Ministry of Foreign Affairs
The Government of India

To: Additional Secretary for International Trade
Ministry of Trade and Industries
Government of India

From: Chief Secretary, Ministry of Foreign Affairs
Government of India *and* Chairperson
Joint-Committee on Chlorine
and the Environment

Dear Additional Secretary,

As the Chairperson of the joint coordinating committee of Secretaries of the Ministries of Foreign Affairs, Trade and Commerce, and Environment and Natural Resources, I am glad to confirm your nomination as the leader of India's negotiation team at the forthcoming informal UNEP Working Group on Managing the Global Use of Organochlorines.

It is likely that most other governments at the meeting will be represented either by officials from their ministries of foreign affairs or from their ministries of the environment. In selecting you as the leader of our delegation, the Indian government wishes to make clear the importance we attach to our international trade and industrial development, especially to industries in our chemical sector. The joint committee is depending on you to communicate India's belief that the goal of protecting the environment should not be used as an excuse to halt the economic development of the developing countries. At the same time, the joint committee would like you to emphasize the importance we attach to environmental integrity at the global and the national level.

Although this negotiation is an informal one, we believe that it may be a precursor to a more formal negotiation of a treaty that would regulate the use of organochlorines. The possibility that UNEP may initiate a treaty making process makes it critical for India to ensure that any recommendations agreed to by the Working Group reflect our national interest.

This meeting will present important opportunities for India to build support for its positions among the other representatives. Of the other government delegations that will be present at the meeting, our concerns are likely to be most similar to those of Brazil (current chair of the Group-of-77) and China. The Czech Republic is another potential ally. You are encouraged to form a coalition with these and other like-minded parties to further India's interests during this negotiation. In terms of our interaction with other representatives of the developing world, you will need to engage in a delicate balancing act. As you know, India has historically been a leader of the South (the developing countries) on developmental as well as environmental issues. We wish to retain and strengthen this position. However, we do not wish to be seen as militant by potential allies and business partners in the industrialized world. In pursuit of this objective, you are encouraged to seek out the Japanese and Norwegian

negotiators, and to discuss with them possibilities for bilateral transfers of technologies and resources.

To assist you in preparing for the negotiation, I have put together a dossier of memoranda received by the Joint-Committee on the forthcoming negotiation. These include memoranda from:

1. *The Director for Environmental Affairs, National Planning Commission.*
2. *The Indian Chemical Manufacturing Association.*
3. *The Environmental NGO Coalition of India.*

You should feel free to use arguments from any of the above as you see fit. However, **consider the position spelled out in this letter as your primary position that, more than anything in the attached memos, defines our official position.** In the following paragraphs I will summarize some of the major issues that the Joint-Committee considers particularly important. These points integrate the advice we have received from the Ministry of Foreign Affairs, the Ministry of Trade and Industries, and the Ministry of Environment and Natural Resources.

SCOPE OF PROBLEM:

1. India realizes that some chlorine-containing chemicals have been shown to cause harmful environmental and health effects. We are supportive of efforts to curb the use of such substances and processes. However, we do not believe that all chlorine compounds are hazardous to human health and the natural environment. More scientific research must precede any international action involving reductions or phase-outs.
2. First of all, not all uses of organochlorines are necessarily hazardous; some are, in fact, critical to improving the quality of life for human populations (e.g., chlorine is an effective disinfectant of drinking water). Therefore, steps should be taken to encourage—rather than discourage—the spread of beneficial chlorine technologies to developing countries. Second, as far as environmental issues are concerned, we are not convinced that organochlorines are, or should be, the top priority of the international community. A far more pressing issue concerns the environmental costs of endemic poverty and a chronic lack of economic opportunities constitutes. It is here that global attention should focus. An over-emphasis on organochlorines increases the likelihood that the international community will impose measures that may hinder developing countries' efforts towards enhancing economic opportunities for their people.
3. Finally, and most importantly, India in particular and the developing countries in general will *only* accept international action on this subject if it is accompanied with adequate compensation in the form of financial and technology transfers. The industrialized countries must be willing to transfer cleaner chlorine technologies to developing countries at concessional rates and/or to devise a mechanism that facilitates the transition to cleaner

technologies in the developing countries without imposing the cost on us. In the absence of such guarantees, our own developmental, environmental, and survival priorities will not allow us to take any action on organochlorines. We cannot impose the cost of action on our already overburdened population.

ACTIONS:

1. As a precursor to any action on the issue—and at a minimum—a regime of scientific and economic assessment should be set up. Such assessment should:
 - i) Identify which specific organochlorines cause a health and environmental risk sufficient to mandate reductions or phase-outs. The final assessment, and what qualifies as sufficient risk, must be agreed upon by scientific bodies in both the industrialized and the developing world.
 - ii) Look into whether economically and environmentally viable substitutes are available.
 - iii) Review options for how developing countries might be reasonably compensated for the above through the transfer of cleaner technologies and/or direct financial transfers.
2. Any agreement to phase out or reduce some organochlorines must include compensation for developing countries in the form of financial and technological assistance. If a fair compensatory packet is guaranteed to India, we *might* approve up to 33.33% (preferably less) reduction in all organochlorines. The selection of a method of implementation and a set of compounds to be reduced should be left to individual countries. In such a case, however, the financing guaranteed by the international community must be sufficient to fully alleviate any economic burden placed on our industries by the transition. This financing can be either through direct transfers of money and/or technology, or through some licensing or taxation scheme.
3. In addition, developing countries must be given a longer time frame for compliance and possibly lower targets. It may be stressed that there is both a historical justification and a historical precedent for giving preferential treatment to developing countries in the implementation of global treaties. Most international environmental problems have largely been created by the industrialized countries, and earlier environmental treaties having included provisions for such preferential treatment.
4. Regarding specific substances that might be targeted for phase-outs or reductions, India could, *given financial support*, fully eliminate all uses of DDT over a 3 years period and significantly improve the provisions for the use and disposal of PCBs over the next 5 years. *(If international support to the tune of US\$ 300 were provided to India we could put in the rest of the money ourselves and launch a program to substantially restrict the use of*

DDT). Although the international investment (either through governmental or private channels) required would be significantly more, we can also substantially reduce the use of organochlorines in the pulp and paper sector. **We are very much looking towards this negotiation as a means of raising resources to fully eliminate DDT use.** Indeed, if we can get the requisite funding for this, we would consider the negotiation as success.

5. India cannot accept any regulation of any sort on any form of crop protection chemical use (pesticides, herbicides, insecticides), since we consider these to be critical to our food, and therefore national, security. Moreover, India will also oppose any initiative to ban commercial PVC production.

FINANCING:

1. It needs to be stressed that any financing mechanism should ensure that:
 - a) the burden of financing is neither directly nor indirectly placed on the developing countries;
 - b) the compensation is proportional to the costs of actions being required; and
 - c) developing countries are ensured special (preferential) treatment.

India will **not** consider any mechanism that compromises the interests of its industries or places them in a position of even greater disadvantage than the already skewed international trading system now does.

2. Given the importance that India attaches to industrial development and given the economic liberalization policies currently being advanced by the government of India, we will be very interested in any proposal that could potentially upgrade our chemical industries to more advanced and cleaner technologies and make us more competitive internationally. We would recommend that you seek out private discussions with governments, NGOs or industry groups from the affluent countries to communicate our interests in this respect. Any proposal, however, should be scrutinized carefully, and should be accepted only if it fulfills the conditions described above.
3. We expect a so-called "licensing proposal" to be presented at the meeting. Although the exact shape of the proposal is as of yet unclear, India would be willing to consider it in the spirit of the foregoing comment. We see it as a *potential* vehicle for furthering the interests of India's chemical industry, and will give it our (conditional) support only if its proponents can demonstrate that it would, in fact, contribute to our industrial development.
4. We also expect the G-77 (through Brazil) to introduce a proposal for a chlorine tax. Although the chances of such a proposal being accepted are slim, we support the general idea because it is based on the polluter-pays-

principle. It should, however, be stressed that India would only support such a tax if it was calculated on a per capita consumption basis.

GOVERNANCE:

1. India supports the principle of democracy in international governance. Every country should have an equal vote in the conference of parties and any smaller bodies created should be regionally balanced along formulae already used by other UN agencies. This regional representation could be patterned after the Commission on Sustainable Development. In this model, different regions of the world are equally represented. If the issue could not be resolved in any other way, India might be inclined to accept consensus governance in the conference of the parties as a compromise solution; but only if its other interests are being accommodated in the package deal.
2. Although India has accepted, on an experimental basis, the presence of NGOs at this conference, we should make it clear that this participation should not be seen as a precedent for NGO participation in any formal regime that might emerge from this effort.
3. India welcomes the effort to involve ordinary citizens in international governance. We have, as a result of our Gandhian traditions, long involved our own citizens and NGOs in all policy-making. We are concerned, however, that NGO presence in international fora is heavily skewed towards Northern groups who have the resources needed to participate, or towards Southern groups willing to toe the line of the Northern NGOs who are funding their presence at these forums.
4. India would accept accrediting observer status to NGOs as long the conference of state parties retains the right to refuse such accreditation to NGOs that are not representative. Moreover, steps should be taken to maintain a just North-South balance in NGO accreditation. All state parties should be encouraged to voluntarily include more NGO representatives on their official delegations. India has maintained this practice in most recent international environmental negotiations.

NATIONAL PLANNING COMMISSION

THE GOVERNMENT OF INDIA

To: Chairperson,
The Joint-Committee on Chlorine
and the Environment

From: Director for Environmental Affairs,
National Planning Commission

Subject: UNEP Working Group
on the Global Management
of Organochlorines

Dear colleague,

As requested by the Ministry of Foreign Affairs, I have discussed with my colleagues the various financial issues relevant to an international regime for controlling global chlorine use. We believe that while India must not compromise its developmental interests, it should view UNEP's effort to manage organochlorines as a potential source of technology and financial transfers from the industrialized countries. These transfers could help support the development of a cleaner and more productive industrial base in India. We should remind the richer countries that it is in their own environmental interest to provide economic and technological assistance to developing countries so that those countries can move quickly to cleaner modes of production. India should be targeted for assistance due to its population and industrial size.

The **cornerstone** of India's policy on any action, financial or otherwise, must be that India will not take, nor accept the responsibility to take, any action whatsoever until adequate transfers of alternative technologies and/or financial resources are provided. Moreover, compensation must be *adequate* to cover the full economic cost of such steps.

o **With regards to generating funds:**

Our first choice is that the industrialized countries recognize their historical responsibility for creating the current environmental crisis and voluntarily disseminate clean chlorine technologies to the developing countries. However, we consider this to be unrealistic. As a second choice, India *might* (provisionally) support G77's proposal for a "chlorine tax", but *only* if it ensures that India (as well as other developing countries) is granted special

treatment given that its chlorine usage is extremely small in per capita terms. In short, a "chlorine tax" imposed on governments on the basis of per capita chlorine use will be acceptable to India. We would also be willing to consider the so-called "licensing scheme" but it would have to be modified to provide more safeguards to the smaller and medium-sized industries in the developing countries (see memo from ICMA). We should resist accepting such a proposal unless we have secured special treatment for Indian industries.

o **With regard to distributing funds:**

India's general position is that funding should be distributed only to developing countries. Having said that, India's first preference would be for the funds to be given as grants (or possibly soft loans) to developing countries on a need basis. Need, in this case, should be calculated as a function of the country's economic development, its state of industrialization, and its ability to use the funds to improve the environmental cleanliness of its industrial base--all in relation to its chlorine usage. We might accept a system of loans and grants made for demonstration projects by those who can do the job best *only as long as* these are restricted to developing countries (and possibly to economies in transition). Only reluctantly would India allow the management of such a fund to be given to the GEF, because the organization's institutional structure is strongly controlled by the industrialized minority and is non-transparent, undemocratic, and unaccountable.

o **For immediate action on DDT and PCBs:**

Since the government of India is already committed to eradicating the use of DDT, it may be opportune to seek international funding for this purpose. We would be open to either bilateral or multilateral funding. Although the process will demand a far greater amount (much of which the government of India will raise from its own resources) we feel that if a commitment can be made (either by a group of countries or by an international body) for around US\$300 million, then India will be willing to announce at this meeting its commitment to eradicate all use of DDT within a 3-year period.

i.c.m.a.

**Indian Chemicals
Manufacturing Association**

To: Chairperson
The Joint-Committee on
Chlorine and the Environment
Government of India

From: Coordinator
The Environmental Coalition of India

Dear Chairperson,

For more than three years the \$17-billion/year Indian Chemical industry has been grappling with profound economic changes resulting from the government's economic liberalization policies. While there is little doubt that the effect of these policies on the chemical industry will be good, there have been damaging short-term effects.

Nevertheless, the beneficial side of the government's policies can already be seen: Indian chemical exports are projected to grow at 12% per year over the next five years, while investments grew 28% over the last five. In a recent statement to the Prime Minister, India's Science Advisory Council stressed that "with proper inputs and policy changes, the Indian chemical industry is likely to surge ahead and become a world leader in some sectors, especially in fertilizers, synthetic fibers, high performance polymers, and specialty chemicals." Note that these are predominantly chemical sectors that use organochlorines.

With respect to the up-coming negotiations of the UNEP Working Group on the Global Management of Organochlorines, ICMA is seriously concerned about the negative effects that any move towards reducing or phasing out of chlorine will have on India's chemical industry. We are just beginning to become a force in the European markets, and expect to enter the US market shortly. Any international mandates that force us to make expensive retrofits to our plants, and meet increasingly stringent environmental standards, will undoubtedly set our progress back. The only way that we could even consider making changes to our current manufacturing technologies would be if we did not have to bear the economic burden of doing so.

We are also aware that one of the participants at the meeting may propose a licensing mechanism. This licensing proposal is an interesting way to: 1) try and push the technology frontier towards the development of cleaner chlorine substitutes; and 2) generate a pool of money that might be used to transfer resources to developing countries so that they

can upgrade their processes to cleaner technologies. However, in its current form, it is obviously biased in favor of giant multinational corporations with extensive research and development budgets rather than to the interests of smaller and medium-sized industries as are found in India. If accepted in its current form, it is likely to ruin many smaller and medium-sized industries, including many in India, and create virtual monopolies for the larger multi-national conglomerates. As such, we urge the government of India to reject the proposal in its current form on the basis that it would be to the grave detriment of our international industrial competitiveness.

Having said so, important changes in the proposal could be made so that it safeguards the interests of smaller outfits and industries. This new version of the proposal would be to India's interests, and might also gather support from other developing countries and smaller industries in industrialized countries. At the minimum, these safeguards for developing countries and smaller and medium-sized firms would necessarily have to include guarantees for obtaining financial and technological transfers for cleaner processes at favorable terms as well as preferential treatment, including less stringent timetables and targets for industries in developing countries. To summarize, we might be able to consider a new version of the licensing scheme more seriously if, and only if:

- a) There is a likely chance that Indian industries could gain a license. Currently we feel that the bigger chemical companies of the developed countries would probably be most likely to procure all the licenses. A certain number of licenses should be explicitly reserved for developing countries only. Only then will we have a chance to see some economic benefit for our country from this licensing mechanism.
- b) The money gained through the licensing procedure is substantial enough so that **when** it is distributed to the developing countries it should cover the full costs that will be incurred by their companies as they change their ways.
- c) Industries in developing countries should be required to change their practices **after** the transfer of funds and technologies has begun, rather than in anticipation of the same.

In the absence of the above safeguards, we believe that India should refuse the initiative outright. However, we urge the government of India to work actively with the proposing parties to incorporate the above changes. If these changes are made, we believe that the licensing mechanism could greatly benefit India's developmental goals, Indian industry, and the Indian people.

THE ENVIRONMENTAL COALITION OF INDIA

A network of more than 300 Nongovernmental Organizations (NGOs)
working in the area of Environment and Development

To: Chairperson
The Joint-Committee on Chlorine and the Environment

From: Coordinator
The Environmental Coalition of India

On behalf of the over 300 member environment and development organizations of our coalition, I wish to bring to your attention the following points regarding the forthcoming meeting of the UNEP Working Group on the Global Management of Organochlorines.

- ❖ The environmental challenges faced by the world today necessitate that we rethink our way of defining not just progress but also development. This will require the industrialized countries to discard the notion of unlimited growth that they have long promoted, and actively curb their rampant consumerist attitudes. It will also require the developing countries to resist the temptation of repeating the same mistakes that the industrialized countries of the North have already made. The world is now facing the consequences of those mistakes.
- ❖ The North and South must combine in a genuinely global partnership to respond to these challenges. We submit, however, that the international community must recognize that the greatest environmental priority of the vast majority of the world is true sustainable development. The necessary first step in this direction is attacking the abject poverty, which describes the state of existence for such a vast portion of the human race today. The responsibility for addressing the environmental impacts of rampant poverty lies squarely with the governments of the developed countries. We urge the government of India, therefore, to highlight this fact at all international environmental negotiations, including the forthcoming meeting of the UNEP Working Group on Organochlorines.
- ❖ We believe that although there are some beneficial uses of organochlorines, the widespread prevalence of such substances poses serious potential risks to human

health and the natural environment. We believe, therefore, that global action is warranted on this issue. Moreover, we urge the government of India to assert a leadership position on this issue not only amongst the developing countries but also in the world at large.

- ❖ Such leadership would entail taking two concrete steps towards reducing the use of organochlorines. First, at the national level, it would mean regulating the spread of obsolescent dirty technologies within India and highly restricting the currently unchecked expansion of domestic chemical industries that are using environmentally harmful processes. Second, at the international level, it would mean firmly insisting on the provision of the latest and cleanest technologies to the developing countries on favorable terms so that the transition to cleaner processes can be accelerated. Moreover, India must insist that the industrialized countries are responsible for the current environmental mess, and therefore should be required to compensate for the damages according to the internationally accepted polluter-pays-principle. The focus, therefore, must be on poverty alleviation in the developing countries and on consumption control in the industrialized ones. By taking the tough actions domestically, our government would be in a much stronger position to call for tough international actions.
- ❖ With respect to technology transfer we must be adamant that we be given not just the technology (i.e. the hardware), but also adequate training about how to use it (i.e. software). We refuse to become long-term slaves to Western technologies, or to allow this sort of technology transfer to become a means for Western nations to gain increasing control over our economy. We must be able to operate the technology on our own, and eventually be given the right to manufacture it in our own country so that we are not perpetually dependent on the West. The Intellectual Property Rights argument must not be used as an excuse to perpetuate injustice and keep beneficial technologies from the developing countries. *(These points are of special importance in relation to the so-called 'licensing scheme' that some Northern governments and NGOs are likely to support at the meeting).*
- ❖ We fully support the proposal floated in the Group-of-77 by other Southern NGOs regarding the imposition of a chlorine tax to subsidize the development and spread of clean technologies. The proposal is worth supporting because a) it forces those who have caused the greatest problem (in developed as well as developing countries) to bear the cost of cleanup and b) it is an incentive for industries in the

North as well as the South to do away with dirty practices and processes and replace them with cleaner technologies. As such it is a motor for positive change because it creates a disincentive for the continuation of dirty practices and an incentive for the early adoption of cleaner alternatives.

- ❖ With respect to the participation of NGOs in this meeting and any future institutions that might emerge, it is a healthy trend that NGOs have been invited to this meeting as full participants. However, we are concerned that all of the NGOs invited are primarily Northern groups. We urge you to call for greater NGO participation in future environmental governance while stressing the need for ensuring proportional and legitimately representative participation of Northern as well as Southern NGOs.
- ❖ We believe that India's position at the Working Group should not be dictated by the interests of Indian Industry but by the interests of the Indian people—both current and future generations. We owe it to the future generations to leave behind a planet that has not been poisoned by a legacy of artificial and potentially poisonous chemicals. At the same time, we owe it to our present generation of poor and deprived masses to ensure for them a decent standard of living and economic opportunities. Some believe that these two obligations cannot be balanced—that 'sustainable development' is at best a myth and at worst a lie. The Environmental Coalition of India, however, believes otherwise. We believe that the two imperatives can be simultaneously achieved—but only if the rich and the prosperous of the world can be made to curb their gluttonous consumption patterns. At the same time, the deprived and the sidelined must be convinced that the path to prosperity need not necessarily be the path of perpetual growth. We urge you, therefore, to make it clear to the industrialized countries that the first step in the global management of the environment must be to curb the conspicuous consumption in the North. But in asking the rich nations to do so, let us in the developing countries also make a pledge not to repeat the mistakes that they have already made. Let us agree not to go down the same hazardous path to growth that they have trodden upon with such disastrous results.

We in the Coalition have deliberated long on this subject and the above represents our consensus position. We hope that as you formulate India's final position for the forthcoming meeting of the UNEP Working Group you will keep these points in mind.

**GLOBAL
ENVIRONMENTAL
AFFAIRS OFFICE**

Ministry of
Foreign Affairs
JAPAN

To: Director, Global Environmental Affairs Office,
Industrial Location and Environmental Protection Bureau

From: Director General, International Environmental Affairs,
Ministry of Foreign Affairs

Dear colleague,

As you are aware, the informal UNEP Working Group on Managing the Global Use of Organochlorines will meet later this month. Although the Ministry of Foreign Affairs continues to hold the lead responsibility for Japan's position in any international treaty negotiation, we feel that the nature and scope of this meeting and your own abiding interest and involvement in chlorine issues places you in the best position to represent the government of Japan at this meeting. In preparing for this negotiation we expect you to work in close cooperation with the Ministry of Foreign Affairs, while also familiarizing yourself with the opinions of various relevant agencies including your own.

As you are aware, Japan's international environmental reputation is negative in some quarters, particularly amongst NGOs in the United States and Europe. This despite the fact that not only does Japan's overseas development assistance surpass any other country, but a substantial percentage of those development funds are being used for international environmental assistance. In this meeting, we seek an opportunity to redress this error in our reputation. Having said that, Japan will not hold its vital economic interests hostage to alarmist environmentalism. Your principal responsibility at this negotiation is to strengthen our international environmental image while also safeguarding our vital economic interests.

Strategically, it may be wise to keep a low (but firm) profile on issues where our position is likely to be unpopular. On such issues, it may be best to (as far as practically feasible) let other players do the arguing. You may, at your discretion, wish to privately assure such parties of our support.

While the Foreign Office has not had direct communication on this subject with any other party, our own assessment is that the interests of the United States delegation and that of the International Business Roundtable (IBR) may be similar to our own. Germany may also be sympathetic to some of our concerns. Wherever there is congruence in Japan's interests and those of other countries, you may wish to encourage the representatives of those countries to take firmer and more visible stands on the issues that are also of concern to us.

To assist you in this preparation, I have put together a dossier of memoranda on the forthcoming negotiation that have been received by my office. These include:

1. **From the Ministry of International Trade and Industry (MITI):** *An assessment of the impact of any global regime regulating the use of chlorine on Japanese Industry, and suggested responses to various proposals.*
2. **From the Office of Environmental Chemicals Safety, Environmental Health Bureau:** *Unofficial preliminary findings of ongoing research by the Japanese University Consortium on environmental impacts of industrial and agricultural uses of organochlorines.*
3. **From the Japanese International Cooperation Agency (JICA):** *An offer to provide seed money for an international 'chlorine fund' to assist developing countries in phasing out particular chlorinated products and processes.*
4. **From the Japan Network on Environment and Pollution (JNEP):** *A letter addressed to the Chairman, Diet (Parliament) Committee on Environmental Affairs regarding the role of NGOs in international environmental governance.*

I hope that these memos will assist you in formulating your negotiation strategy. You should feel free to use arguments from any of the above as you choose fit. However, they remain internal discussions. Japan's official policy on organochlorines should be guided, above all, by the following points. These points have taken account of our discussions with other relevant agencies. As long as the essential interests outlined below are not compromised, you should try to accommodate as many of the points made in the accompanying memoranda as possible.

SCOPE OF PROBLEMS:

1. Global environmental concerns have always been a very high priority in Japanese international policy. We realize that there *may be* potentially harmful environmental effects of excessive chlorine consumption. However, we feel that these dangers are restricted to a few uses of chlorine. Furthermore, there lingers great scientific uncertainty on the nature and levels of these dangers.
2. Equally, we are not yet convinced that chlorine is a truly 'global' problem. There is certainly a need for further study on the potential problems. We therefore reject alarmist reactions. However, you should emphasize that Japan welcomes this meeting in the belief that there are indeed some initial (but not too drastic) steps that can, and should, be taken by the international community. The important point to emphasize is that we must not rush into steps that are too drastic in the absence of robust scientific evidence.

ACTIONS:

1. We believe that the international community should begin with the following steps: a) ensure that countries follow the chlorine-related regulations they already have in place; b) identify the chemicals that are already known to be serious 'bad actors'— and consider setting up a phase out regime for them; c) invest in scientific assessments to determine

- the relative environmental impacts of various other chlorinated compounds and then consider setting up a series of lists arranged according to the intensity of environmental impacts; and d) consider setting up a modest financial mechanism to assist developing countries in moving towards cleaner chlorine related practices (this should, ideally, be done within the framework of existing mechanisms such as the GEF).
2. In the case of the known ‘serious offenders’ (e.g. DDT) Japan already has stringent regulations in place. We do not think that the international community should focus on extending such regulations to other currently unregulated products or processes. Instead, it is more advisable to focus on harmonizing the international standards on these known offenders. In practice, this will necessitate assisting developing countries in making the transition. We believe this can be realistically achieved without massive changes in international industrial regulations and with modest amounts of money.
 3. We recommend putting global restrictions only on such known harmful chemicals such as DDT by placing them on a timetabled total phase out list, possibly with some monitoring and enforcement provisions. We should oppose any proposals to phase out PVC, as well as any attempts to target crop protection chemicals for reductions or phase-outs. We should also resist any proposal to regulate the paper pulp bleaching industry, but we are willing to consider a timetable for conversion to less chlorine intensive processes over a sufficient period of time.
 4. In the long run, more investment in scientific and economic assessment should be made. Specifically, the international community should sponsor the creation of a set of scientific annexes listing various substances according to their known levels of environmental dangers. While this is not our preference, Japan could possibly accept a 25% reduction of all organochlorines if the choice of substances and method of reduction is left to countries.

FINANCING:

1. Japan categorically rejects any proposal regarding a global ‘chlorine tax’ on the grounds that it infringes upon our sovereignty and the right of national governments to make domestic policies as they see best.
2. We understand that there is a so-called ‘licensing scheme’ proposal. From what we know of it we see some potential comparative advantage for our sophisticated, research-oriented companies. However, we find the proposal in its current stage to be unfeasible and susceptible to political co-optation by forces unsympathetic to the free operation of international markets.
3. We are, however, open to hearing more about the scheme. We could begin to consider it seriously only if it provides enough guarantees that sophisticated, research-oriented companies will indeed benefit and that the benefits will outweigh the risks to these and other companies that are likely to be forced through massive conversions in their way of doing business. A low profile on this subject is, therefore, to Japan’s best interests.

GOVERNANCE:

1. Any institutional mechanism created to manage organochlorines should ideally be governed through a weighted system of voting, based on the national GDP (which is a good surrogate for the level of chlorine use and production). However, we foresee opposition to such a scheme and would accept, instead, a system of consensus.
2. Any system adopted should, however, ensure that Japan enjoys a level of influence commensurate to its global economic position.
3. While we do not believe that the international system is yet ready for the level of NGO involvement in international environmental policy making that is advocated by JNEP (see attached letter), we do support an enhanced level of NGO involvement. Japan should push for universal observer status for NGOs in all international environmental negotiation.
4. A system where the conference of parties can invite NGOs for formal presentations will also be acceptable to Japan, provided that such participation is upon invitation from the parties, rather than as a matter of right.

NOTE ON THE USE OF POSSIBLE CONTRIBUTION TO A 'CHLORINE FUND':

In the accompanying dossier you will find a memo from JICA regarding a possible Japanese contribution to a so-called 'chlorine fund.' Please note the following:

1. Consider this only a backup strategy. We would prefer that the need to make JICA's full proposal would not arise. However, if you feel that the negotiations are coming to an impasse and/or that Japan's international environmental prestige could be substantially enhanced by making such an offer, you may do so at your discretion. If and when you make the proposal is for you to decide based upon your assessment of how the negotiations are proceeding. However, if you decide to make it, it must be introduced in such a way that it asserts Japan's leadership role in providing global environmental assistance.
2. Ideally, we would prefer for such a fund to be based within the Global Environmental Facility (GEF) framework. If any other framework is discussed, Japan's position will be the same as outlined for other governance issues above. Strategically, we believe that once we have made the proposal the European delegates may also join in to contribute some amounts and the United States may also be convinced to contribute a token sum. The decision regarding whether to approach the Europeans before making the proposal, or after doing so, is left to your better judgment.
3. You can make a more general commitment to increasing Japan's focus on chlorine related funding in its existing bilateral aid at any time as you deem fit, irrespective of whether you choose to make the above proposal or not.

M.I.T.I.

MINISTRY OF INTERNATIONAL TRADE AND INDUSTRIES
Government of Japan

To: Director General,
Global Environmental Affairs Division,
Ministry of Foreign Affairs.

From: Bureau Chief,
Bureau of International Competitiveness,
Ministry of International Trade and Industries.

Dear Director-General,

MITI is very concerned about the alarmist attitude that some Western NGOs and a few North European countries are taking on the organochlorine issue. We believe that such alarmism could be potentially disastrous for some sectors of Japanese industry and may also have negative impacts on our agricultural sector. We therefore feel that Japan should take a strong stand at the forthcoming meeting of the UNEP Working Group on Managing the Global Use of Organochlorines against any move towards creating new global regulations on the use or production of chlorinated substances.

The above is not to belittle the potential environmental impacts of some uses of organochlorines. However, any proponents of drastic regulations on organochlorines should be reminded that Japan disallows the use of the substances with known hazardous impacts (e.g. DDT) and stringently regulates the use and processing of other substances (e.g., most chlorine containing products including PVC). At this point, any actions beyond the ones that Japan has already taken makes neither scientific nor economic sense. In particular, any restraints imposed on the production or use of PVCs, paper pulp bleaching, water treatment, pharmaceuticals, and crop protection chemicals will be absolutely detrimental to Japan's economic interests and should be resisted strongly.

We strongly recommend blocking any move to regulate any PVC products. We are also skeptical about the efficacy of regulating paper pulp bleaching, but given that our industry is already moving quickly to cleaner intermediate processes, we could live with a global agreement that phases in those intermediate chlorine use processes for pulp bleaching. We do recommend, however, that Japan push other countries to follow the high standards set by us in banning DDT. In general, we suggest that no action be taken on any substance or process until both the prevalence of risk and the availability of alternatives is proven.

We are particularly concerned about the two financing mechanism that are likely to crop up at the meeting: one having to do with a licensing scheme for the development of new substances and the other relying on direct taxation of chlorine use. Both schemes target domestic industry as the source of international revenue and both are detrimental to Japan's industrial interests. Both should, therefore, be resisted by Japan—at least, in their current formulation. Moreover, both schemes are riddled with logistic problems that

cannot be addressed without creating massive new international bureaucracies. They are likely to be cumbersome, inefficient and counterproductive. As such they are contrary to the principles of free trade, and therefore to WTO.

A 'chlorine tax' is simply unacceptable to Japanese industry. Not only does it interfere with the free market, it also flies in the face of national sovereignty, and Japan must not allow any international body to tax its domestic activities. The idea is replete with practical difficulties including, to name a few, questions of who will assess such a tax? how reliable is our information on production and use amounts? how will the tax be collected? how will it be distributed?

The notion of a 'licensing scheme' which effectively grants an international monopoly to companies that create new, more environment friendly, alternatives to organochlorines has a certain appeal in that it can benefit innovative research-oriented firms; an area in which Japan enjoys a comparative advantage. However, our discussions with industry representatives suggest that the potential benefits from such a scheme are too uncertain (not to mention the fact that those benefits would be limited to only a few companies) to outweigh the risk that the scheme imposes on a far greater number of companies that are likely to be adversely affected.

Moreover, we are concerned that any institutional mechanism created to manage such a scheme will be unduly dominated by developing countries on the one hand (who will seek to divert the profits from innovative companies to their inefficient ones) and by the European countries on the other hand (who will seek to promote their alarmist views on organochlorines).

All this is in addition to the obvious management problems that any elaborate scheme such as this entails. Our questions include: How can we assure that substances targeted for substitution are not selected politically? How can we ensure that companies will not misreport either on their use of banned items or their profits? How will disputes regarding the compliance with such a regime be decided? Who will monitor it? What forms of penalties will be assessed? What will force nations to accept such penalties? What guarantee is there that the scheme will not turn into massive international log-rolling? Can it really generate the amount of moneys that its proponents suggest? What is the scientific basis of the argument that low-cost alternatives exist and can be easily developed? What if the monopoly is awarded to a less-than-best alternative? Wouldn't the market have made a better election in this case? etc.

In conclusion, Japan has consistently resisted all outside interference in its domestic industrial policy and should do so again. Whether it is a scheme of chlorine taxation or a scheme that creates artificial monopolies, the underlying premise is that an international body should interfere in the domestic management of Japan's industrial base. This should not be allowed under any guise, environmental or other.

Office of Environmental Chemicals Safety Environmental Health Bureau

Unofficial Preliminary findings of ongoing research of the Japanese University Consortium on environmental impacts of industrial and agricultural uses of organochlorines.

In response to the request for information from the Ministry of Foreign Affairs we are providing **unofficial preliminary findings** from the ongoing research of the Japanese University Consortium. Funded by the Office of Environmental Chemicals Safety and the Japanese Academy of Sciences, this research has examined the environmental impacts of industrial and agricultural uses of organochlorines. We would like to stress that these results are preliminary and unofficial and **only for internal use**. There is immense uncertainty about the impacts of many organochlorines in general, and the researchers within the consortium are not in unanimous agreement about the level of danger posed by the specific chemicals we studied. Any policy position on the subject needs to take this uncertainty into account. We do, however, strongly urge global collaboration to support further scientific investigation into the subject, possibly through an international consortium of scientists who are already studying chlorine.

1. The use of some of the most dangerous organochlorines—including DDT—is already severely restricted in nearly all industrialized countries and in many developing countries. However, there is a strong scientific case for banning their use altogether, or at least globally harmonizing the regulations in various countries. The biggest threat in this case comes from the developing countries, which either do not have enough stringent regulations and/or do not enforce them rigorously. In our view, the single most important action that can be taken to minimize the *known* environmental dangers from organochlorines is to ensure that the developing countries follow the international best practice in their use of the most harmful ones.

2. In the case of paper pulp bleaching, less chlorine intensive processes are already available. Many companies have already adopted these alternative processes. We recommend that the international community develop incentives for speeding up this process of conversion without falling into an alarmist approach that would cause big dislocations in the industry.
3. Although particular crop protection chemicals (pesticides, herbicides, and insecticides) may have dangerous effects that need to be regulated, we do not see a case for extensive regulation of this sector; especially given the immense importance of these chemicals for our food security.
4. Some interesting advances by companies that produce PVCs suggest that we may be on the verge of coming up with alternatives that could seriously reduce our PVC dependence. We recommend that the search for such alternatives be intensified. We simultaneously recommend that no actions to reduce PVCs be taken until alternatives are found. Any other approach would not be advisable given the degree of uncertainty about the negative effects of PVC and its many benefits.
5. Overall, we believe that Japan can reduce its consumption of chlorine by up to 25% of all chlorine use. We recommend that as a first step, measures to undertake this reduction be taken.

JICA

Japanese International
Cooperation Agency

ATTN.: Director-General, Global Environmental Affairs Division
Ministry of Foreign Affairs

FROM: Chief, International Environmental Assistance Office
Japanese International Cooperation Agency (JICA)

RE.: Possible Japanese contribution to a `chlorine fund'

This is in response to the inquiry from the Global Environmental Affairs Division, Ministry of Foreign Affairs, regarding the amount that Japan might be able to commit to a possible `global chlorine fund.' It is our understanding that this fund may be proposed at an upcoming meeting of the UNEP Working Group on Managing the Global Use of Organochlorines.

We have discussed this matter at some length within our own agency and with the relevant officials in the Directorate for Development Issues at the International Finance Bureau of the Ministry of Finance. We are happy to report that Japan could commit up to a total of **US\$ 750 million over a period of 3 years, if making this offer was necessary** to advance Japan's interests during the Working Group negotiations.

It may, however, be stressed that it is still too early in the process to be sure how much of this contribution would be from additional resources allocated by JICA especially for this purpose, and how much would be diverted from the agency's other overseas development assistance (ODA) sources. We would expect some developing countries to object to such a diversion. However, given that Japan already has the highest ODA outlay in the world, and given that the environmental component within it is also steadily rising, we are hopeful that we would be able to marshal additional resources to fund such a contribution.

We suggest using the above offer only if it is absolutely necessary and, then too, only if it reasserts for Japan its continuing role as a leader in global environmental assistance. What we can offer more easily is a commitment to the UNEP Working Group that in the future Japan will give an even higher priority in its regular bilateral assistance program to issues relating to organochlorine management in the developing countries.

Japan Network on Environment and Pollution (JNEP)

To: Chairman,
Committee on Environmental Affairs,
Japanese Diet (Parliament).

Honorable Chairman San,

On behalf of the over 50 non-governmental organizations (NGOs) which are members of the Japan Network on Environment and Pollution (JNEP) we would like to bring to your attention the importance we attach to the forthcoming meeting of the UNEP Working Group on Managing the Global Use of Organochlorines. We wish to make two points here, the first related to the substance of the issue and the latter to the role of NGOs in international environmental management.

Japan has a disturbing legacy of chemical pollution—nowhere more tragic than in the Minamata Bay disaster. Our international environmental reputation is also far from being a source of pride. To ignore, or downplay, the critical threat organochlorines pose to the global environment would not only harm our national reputation, but would also be an indication that we as a nation have not yet learned from our past mistakes. We therefore strongly urge the government to take a strong stand at this meeting in favor of adopting the precautionary principle in all matters relating to managing the use of organochlorines. We also urge the government to call for an immediate global ban on all use of DDT, PVCs, chlorinated pesticides, herbicides and insecticides, and chlorine used in paper pulp bleaching.

On a different note, we believe that this meeting may offer a valuable opportunity to advance the call for an enhanced NGO role in international environmental policy making. We are concerned that this opportunity not be missed. You have already helped to ensure that official Japanese delegations to recent international environmental negotiations consulted NGOs. We seek from you a continuation of this support, and urge you to advise the Japanese delegate to push for maximum NGO involvement in any follow-up mechanism established at the negotiation. We believe that the time may now be ripe for full NGO participation in international negotiations—including the privileges of speaking, submitting documents and drafts, and possibly even voting. Japan should be a leader in calling for such participation. We realize that some developing countries may not view this proposal favorably. As an inducement, we suggest assuring them that the Japanese government and the Japanese NGO community will help subsidize the financial costs that NGO representatives from the developing countries will incur when they participate in international negotiating forums.

Your support has been a source of continued strength for the Japanese environmental NGOs. We hope that you will continue to be a leader in this area and will especially look into the two areas that this letter has focused on.

MINISTRY OF ENVIRONMENT
Office Of International And
Development Affairs
Government of Norway

Classified Memorandum

To: The Director, Office of International and Development Affairs,
Ministry of Environment

From: Staff Assistant for Multilateral Affairs

Subject: UNEP Informal Negotiations on Chlorine

You have been appointed the Norwegian representative to the UNEP Working Group on Managing the Global Use of Organochlorines. Because of growing international concern about chlorine, UNEP has turned its attention to this issue and is proposing an international convention to phase out some of the more harmful chlorine compounds. We have been informed that the Director of UNEP is eager to model a process for treaty development that will encourage countries to pinpoint areas of agreement and disagreement in an informal setting before formal treaty negotiations begin. The Working Group will allow for this unique opportunity; representatives will be asked to "brainstorm" the provisions of a draft treaty that would address the real priorities and concerns of both developed and developing countries.

Attached is a position paper describing the Norwegian position on most of the salient issues. We understand that the discussion will revolve around four main topics: scope of the problem, actions, financing, and governance. Of these four, the inter-ministerial Committee on Chemicals in the Environment (IMC), which approved the attached paper, believes that the first three are the most important.

As described in the position paper, the IMC strongly believes that we must use this opportunity to advance global action on chlorine. The Committee has been concerned about the effects of chlorinated compounds and their persistence in the environment for a number of years. As you are aware, we agreed in the 1990 Bergen Joint Agenda for Action that the Scandinavian countries would develop a regional timetable for phasing out chlorinated compounds. In 1991, we developed a plan for the reduction and phase-out of chlorine from pulp and paper production. We are currently developing plans for similar reductions in other industries. These actions have put the Scandinavian countries well ahead of the global community in reducing the use of chlorine. This is an opportunity to encourage other countries to also take action.

The Norwegian goal is to push for a phase-out of at least 50% of the chlorine use globally within the next 20 years. We believe that this goal can be achieved with the

phase-out of PVC and of chlorine use in pulp and paper and a number of other industrial products. Through this method, different countries will be able to reduce chlorine use where it is most economically efficient. We believe this broad-based approach will be the most effective means to protect the environment.

Some parties at the consultations may propose to reduce or eliminate chlorine use in particular industrial sectors. Should this road be taken, it is essential that the pulp and paper and the PVC manufacture industries be placed on this list. Actions on these two industries alone could reduce organochlorines in the environment by almost 50% by the year 2000. Because Scandinavian countries are already eliminating the use of chlorine in these industries, a global ban would reduce the possibility of our paper and chemical industries losing their shares of the European markets to countries such as the United States that are continuing to use chlorine. Attached for your information is a memorandum from the Norwegian Paper Manufacturing Association expressing concern about this issue of competitive advantage. A third target might be the dry cleaning industry which could stop using perchlorethylene.

We expect that you will be quite vocal in your advocacy for a global phase-out of chlorine use. You may wish to discuss your positions with the representatives from Germany and Japan to ascertain their reactions to a substantial phase-out and to advocate forcefully for strong actions. You might also use this opportunity to ask for support for our licensing proposal. Because we understand that some representatives may be somewhat ambivalent on the chlorine issue, strong advocacy of Norwegian positions in these meetings may be successful in raising concordance with our views. Some developing countries may also be supportive of substantial actions as long as assurances of adequate financial and technical assistance are made. We suggest that you caucus with them to understand their concerns and to make a concerted effort to win their support for our goals.

Also attached is a description of a proposed system for the global licensing of chlorine substitutes. This proposal was initially advanced by the International Union for the Conservation of the Environment (IUCE), which requested that we consider sponsoring it at this meeting. We find the proposed system quite intriguing and have prepared some draft treaty language to introduce it. You may wish to discuss this language with the IUCE representative. The original proposal from the IUCE and the draft treaty language are attached for your information. Copies of this have now been distributed to the other members of the UNEP Working Group, however, not all of them may have had a chance to review it in detail and it may be worthwhile for you and the IUCE representatives to explain its mechanics at the meeting.

NORWEGIAN POSITION PAPER *UNEP Discussion on Chlorine*

• SCOPE OF THE PROBLEM •

- **The Government of Norway believes that the effects of chlorine in the environment are significant and warrant immediate global action.**
- Chlorinated compounds, particularly organochlorines, have been linked to reproductive and endocrine disorders, and may be potent carcinogens. The use of chlorine in paper bleaching and its presence in PVC have been linked to the formation of polychlorinated-dibenzo-dioxins (PCDDs) and polychlorinated-dibenzo-furans (PCDFs). These compounds, as well as PCBs, are being found throughout the food chain. Dioxins have also been linked to reproductive, developmental, and immune effects.
- **This problem has been shown to be transboundary in nature, as numerous studies have shown that chlorinated substances such as PCBs can be carried tremendous distances by air and water currents.** Chlorinated compounds that are of primary interest persist in the environment for several months to years. PCBs and pesticides have been found in areas as remote as the Arctic, and studies have demonstrated that persistent, organic chemicals have been transported hundreds of kilometers to be deposited in the Baltic Sea. Studies by Norwegian scientists conclude that global contamination by organochlorines has occurred.
- Because chlorinated compounds are freely traded in the global economy, full-scale action is needed to curtail this problem. If action is taken by only a limited number of countries, they alone will have to bear the significant economic cost.

• ACTIONS •

- The Government of Norway believes that the problem of chlorine in the environment is such that immediate action must be taken to phase-out most of its uses. **UNEP should proceed immediately to coordinate a process for developing an international Convention on chlorine in the environment.** This Convention should contain actions binding the Parties to reduce the presence of chlorine in the environment.
- Because of the persistent environmental impacts of chlorine in the environment, the Precautionary Principle, Principle 15 of the Rio Declaration, agreed to by nations at the U.N. Conference on Environment and Development, Rio De Janeiro, June 1992, serves as a basis for taking action. This Principle states that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- Studies indicate that the reduction of chlorine use in a few industries, for which substitutes are available, can reduce global consumption of chlorine by over 50%. Notable among these are pulp and paper, PVC, pesticides, etc. Moreover, immediate (and easy) gains can be made by enforcing a complete global ban on all PCBs and

DDT—the scientific basis for this exists, most industrialized countries have already banned these, and many developing countries which still use them are likely to agree to such a regulation.

- The Government of Norway therefore proposes that nations agree to set a target of a 50% reduction in chlorine use by the year 2015, with nations devising the method of implementation that is most appropriate for their national circumstances and economies.

• FINANCING •

- The Government of Norway feels that financial and technical assistance should be available to developing countries and countries with economies in transition to assist in the reduction of chlorine use. Appropriate financial assistance mechanisms are a prerequisite for effective international action, and any proposed agreement lacking such mechanisms would be unacceptable.
- We do not foresee the issue of exact financial contributions from industrialized coming up at this meeting. However, if it does arise you can assure the Working Group that Norway will live up to its long tradition of international generosity. Although you are unable to make exact commitments you can say that Norway is more than likely to proportionally match (or better) the contributions from other industrialized countries.
- As primary beneficiaries of chlorine use, industry should play a significant role in both actions to reduce chlorine use and to finance this reduction. In return, industries should share in the rewards of substitutes found for chlorinated compounds. The Government of Norway proposes that nations agree to a system of licensing, as developed by the IUCE and the Government of Norway, which provides incentives for industry to develop substitutes for chlorinated compounds and contribute a portion of the financial rewards from these substitutes to a Special Fund. We are proposing specific language establishing a Licensing Authority and Fund for consideration by the delegates.
- A proposal for a chlorine tax may be put forward at this meeting. If our own licensing scheme were not acceptable, Norway would like to consider the tax proposal and encourage a discussion on it at the meeting.

• GOVERNANCE •

- The Government of Norway believes that governance of any Convention to address chlorine should be consensual. While not all Parties need to agree to any action taken by the Conference of the Parties, none should object.
- The Government of Norway believes that non-governmental organizations have an appropriate role in formal debates concerning substantive issues of the Convention. However, this role should not extend to voting rights.

Ministry of Foreign Affairs

OFFICE OF ENVIRONMENTAL AFFAIRS

To: The Director, Office of International and Developmental Affairs
Ministry of the Environment
From: The Director, Environmental Desk, Ministry of Foreign Affairs
Subject: UNEP Informal Negotiations on Chlorine

The purpose of this memorandum is to provide background and guidance on the Ministry of Foreign Affairs' approach to international negotiations on environmental issues.

Norway has long been a leader in promoting the protection of the global environment in international fora. Ever since Prime Minister Gro Harlem Brundtland chaired the UN Commission on Environment and Development in the 1980s, Norway has been a staunch advocate of stronger measures to protect the environment. We were one of the first nations to implement specific targets and timetables to reduce greenhouse gas emissions, setting the objective to shrink CO₂ emissions to the 1989 level by the end of this century. Norway was one of the first nations in Europe to take action on the reduction of CFCs, banning their use as propellants in aerosol cans in 1981.

Norway was instrumental in the development of the Rio Declaration on Environment and Development. We strongly believe that environmental actions should be bound by the **Precautionary Principle**, which states that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Norway has also led efforts to reduce levels of chlorine in the environment. We are signatories to the Paris Convention on the North Sea, which places substantial restriction on organochlorine chemicals as a class, and joined in the 1990 Bergen Joint Agenda for Action which is establishing a regional timetable for phasing out chlorinated compounds. Along with other Scandinavian countries, Norway is implementing the 1991 plan for the reduction and phase-out of chlorine from pulp and paper production.

While there is no intention of changing course in our advocacy of stronger efforts to protect the global environment, we are concerned that our credibility is being weakened in some areas by a perceived failure to take economic concerns into account. We have received credible information that Norway is viewed as an ally of extremist environmental organizations rather than of the EU and other like-minded countries. Representatives from EarthNow!, long-recognized as one of the more extreme of the environmental activist groups, have recently been promoting the parallels between their position on chlorine and that of the Norwegian government. Reports indicate a level of distrust by other nations in regard to Norwegian information on chlorine and its impacts.

My guidance to you, therefore, is that you take a measured tone in your formal discussions at the negotiations. It is important that the economic concerns of other countries be acknowledged rather than dismissed, and that the scientific uncertainties also be acknowledged and addressed. While the Government of Norway wants to appear as an advocate for the environment, it is essential that we take a reasonable and pragmatic tone in doing so.

NORWAY PULP AND PAPER ASSOCIATION

To: The Director,
Office of International and Development Affairs,
Ministry Of The Environment

Dear Director

I understand that you will be representing Norway at the upcoming UNEP meeting on chlorine. I am writing to urge that you press strongly for consistent and harmonious international standards for chlorine, and to push the international community to agree to ban the use of chlorine in the production of pulp and paper.

As you are aware, the Scandinavian nations agreed in 1991 to a plan to phase out the use of chlorine in pulp and paper production. This agreement was made with the full support of our members and counterparts in Sweden and Denmark, and we are moving forward in implementing the ban. A significant number of our production facilities have now been converted to chlorine-free processing and we expect the remainder to be on line within three years. This conversion has not occurred without a cost, however. Average production costs using chlorine-free processes are 10 percent higher than those using chlorine-based bleaching agents. These higher costs of production are resulting in slightly higher costs to the consumer.

We are concerned that without a global agreement to phase out the use of chlorine in pulp and paper production, this cost differential will significantly erode Norwegian competitiveness in the European paper market. Pulp and paper production is a major industry with an output worth a full five percent of the total national manufacturing output. We are significant suppliers to the European paper market, a market that is growing at the rate of four percent per year. We have received indications, however, that paper suppliers in North America are preparing to increase shipments to Europe in an effort to capitalize on the increase in our costs.

We are particularly concerned about events in the United States. While Canada is preparing to phase out the use of chlorine in pulp and paper production, we understand that companies in the United States have no intention of doing so. As a result, production costs in the United States are now substantially lower than those here. It is important for us that the global community take steps to even the playing field.

I hope that your discussions are productive, and I look forward to working with you in the future on this issue. Please feel free to contact my office or me if you need additional information on these issues.

U.S. DEPARTMENT OF STATE
Washington, D.C. 20520

BUREAU OF OCEANS AND
ENVIRONMENTAL AND
SCIENTIFIC AFFAIRS

Official Use Only

To: The Director, Office of Environmental Protection
From: Foreign Affairs Officer for Atmospheric Issues, OES/OEP
Subject: Informal Negotiations on Chlorine

You have been invited by UNEP to participate in the informal negotiations of the UNEP Working Group on Managing the Global Use of Organochlorines. The attached briefing package provides the U.S. views on the issue as discussed in the Inter-Agency Committee on Chlorine in the Environment.

This briefing package includes the following:

1. A summary briefing paper describing the U.S. position on a range of issues.
2. A memorandum from the Environmental Protection Agency describing EPA concerns about chlorine and current U.S. law.
3. A memorandum from the Department of Commerce/International Trade Administration on potential trade impacts of a chlorine ban or use reduction.
4. A memorandum from the Office of the Legal Advisor (L/OES) raising concerns about the basis for taking international action on chlorine at this time.

These preliminary discussions have been called by UNEP in response to what it perceives as growing international concern about the impacts of chlorine on the global environment. Much of this concern has been expressed by Scandinavian countries, particularly Norway, in concert with various environmental organizations. Taking its cue from these players, UNEP has been trying to take action on this issue. This meeting is

likely to be the first step towards the Executive Director of UNEP calling on the United Nations to negotiate an international treaty to phase out some of the more harmful organochlorines.

Attached is a position paper that has been cleared by the Interagency Committee on Chlorine in the Environment. You should be aware that while the Interagency Committee has cleared this paper, substantial differences of opinion remain among various relevant agencies. The attached memoranda from the Environmental Protection Agency's Office of Pesticides and Toxic Substances and the Department of Commerce's International Trade Administration illustrate this divergence. This meeting has sparked a great deal of controversy among the various U.S. agencies, and it is likely that some unhappiness will result no matter what the outcome of the meeting. The White House Policy Coordinating Committee on Environment and Natural Resources has not yet addressed this issue, but is likely to if UNEP appears poised to take aggressive actions after the meeting.

It is likely that some of our positions will be unpopular with our European allies. While you should be firm on this position, take every effort not to be cast as an 'environmental laggard'. It is in the critical interests of the United States to preserve and maintain its position as an environmental leader.

U.S. Position Paper (CONFIDENTIAL)

GLOBAL EFFORTS TO BAN CHLORINE

This position paper provides the U.S. position on global efforts to ban, or otherwise reduce, the global use of chlorine. It addresses the four key issues that have been identified as being on the agenda of the UNEP Working Group on the Global Management of Organochlorines.

SCOPE OF THE PROBLEM

- We believe that a global treaty on chlorine is not necessary at this time. It is not clear that the use of chlorine is a global problem that need be addressed on a global basis.
- Chlorine is a regional problem that should be addressed on a regional basis. While some countries are experiencing problems with transboundary transport of organochlorine compounds, others are not. Those countries that are experiencing these problems should work together to address them.
- Even if it could be agreed that chlorine is a global problem, it is not clear that the problem is of sufficient gravity to warrant priority attention by the international community. The international community is currently dealing with the global issues of climate change, biodiversity, endangered species, hazardous waste transport, desertification, and many others. An additional global issue cannot be added to this agenda without sacrificing action on other priority issues. With resources stretched so thin, there is currently no scientific justification to take action at this time.
- This does not preclude, however, the undertaking of a global scientific assessment to determine the nature and scope of the problem. There is concern within the United States that chlorine could present hazards of which we are currently unaware, and a coordinated global assessment of the current state of knowledge about these hazards could prove extremely useful in determining the need for action in the future.
- Some advocates of global action to ban chlorine and chlorinated substances have said that the "precautionary principle" points towards the necessity of establishing a regime for regulating these chemicals. There is no internationally recognized definition of the "precautionary principle," and it has no basis in international law. The United States cannot accept any action undertaken to address chlorine on the basis of the "precautionary principle."
- The issue of scope is extremely important to the U.S. Any document resulting from this negotiation should clearly reflect our belief that while some specific chlorine containing substances may constitute a problem, there is no scientific justification for branding organochlorines as an entire class of chemicals to be environmentally harmful. If, indeed, any assessment of the environmental harm of organochlorines is made it should be made at a specific product-by-product basis rather than targeting an entire group of chemicals; especially one as large and as economically pivotal as organochlorines.

ACTIONS

- As stated above, there is no scientific evidence that suggests it is necessary to implement international restrictions on the use of chlorine at this time. The international community should focus its attention on gathering additional scientific information about the environmental and public health impacts of organochlorines. This research will prepare the international community to make an informed decision at some point in the future about whether there is a need for any further action on chlorine.
- Some have proposed setting a target or goal of a percentage reduction in chlorinated compounds. We are very skeptical of this approach because it is unclear which chlorinated compounds would be targeted and to what levels. Such an approach would itself require more in-depth scientific evaluation of the problem.
- Some have also suggested banning or phasing-out the use of organochlorines in certain products or industries. Although some obvious substances, such as DDT, may justify such an approach, it is not advisable for the bulk of chlorinated substances. The United States would be particularly concerned about any effort to impose a global ban on the use of PVC or chlorine in pulp and paper manufacturing. If there are any environmental effects resulting from the use of chlorine in these sectors, the question of how to manage them is a strictly national issue that should be left exclusively to national governments.
- Language suggesting that timetables be established for reducing or phasing-out specific chlorinated compounds is equally dubious for the majority of compounds and is likely to place a tremendous burden on U.S. industries. However, countries wishing to do so could certainly adopt voluntary targets for themselves.
- We believe that, by and large, U.S. industry is already using clean processes in their production and use of chlorine. Any action should, therefore, be directed towards reducing dirty practices where they exist—including the developing countries—rather than penalizing U.S. producers and consumers. The induction of clean chlorine technologies in other countries can prove to be a boost for U.S. industry and we might be willing to facilitate such joint ventures in the area of organochlorines.
- The United States would support, and is even willing to spearhead, an international scientific study to assess the chlorine problem and advise which particular substances may be ripe for action. Such an assessment should include industry representation.
- While we would prefer that action be restricted to more scientific study of the problem, there is a real possibility of the rest of the world wanting to move more hastily on this issue. In such a case, the U.S. would advocate a gradual approach—targeting the known worst offenders (e.g., DDT, PCBs, etc.) first and committing to action on other substances only after enough scientific evidence has been collected. Under such a scenario, the U.S. may be willing to accept a broad framework that lays out general principles (rather than specific targets). It should be noted, however, that while we can live with such an arrangement, this is NOT our preferred option.

FINANCING

- Because we do not believe that any coordinated global action is necessary on chlorine, the United States also does not believe that any financial assistance should be distributed to particular countries or industries. Some financial assistance could perhaps be made available to support further scientific research and assessments.
- The United States has generally agreed that, when financial assistance is provided, it should be provided on the basis of need to viable and efficacious projects or activities.
- There is great concern that certain developing countries will insist on compensation in the form of financial and technical assistance for the damage done by chlorinated compounds and the costs of taking action to remove them from the environment. The United States cannot accept any form of the concept of “compensation” as the basis for assistance.
- As in the past, the United States would do its best to assist those who are most deserving of assistance. However, the U.S. will not do so under the dictate of any world body. It will do so of its own accord, itself selecting whom to assist, how and for what purpose. We will continue, as we always have, supporting the environmental efforts of deserving countries for deserving causes. The choice of which countries to assist remains entirely ours to make.

GOVERNANCE

- In general, the United States believes that international agreements should be governed by consensus. While all participants need not specifically agree to all actions, there should not be objections.
- While the United States has conceded to majority rule schemes in the past, it does not support the establishment of them.
- On the chlorine issue, a weighted voting scheme, where countries are given votes in proportion to their production or demand, presents certain advantages for the United States. A weighted voting scheme based on proportional impact cannot be established given the current scientific knowledge.
- The United States welcomes the presence of NGOs at this meeting in their capacity as observers. We hope that NGOs will continue to participate in other forums established to discuss this issue. However, they should be asked to do so only as observers. Instead of providing them an independent voice in international decision-making, governments should be encouraged to include them on their delegations. However, due to political ramifications at home, we do not wish to be seen as taking a hard-line position on this subject.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Office Of Prevention
Pesticides And Toxic Substances

To: The Director, Office of Environmental Protection, OES
From: The Director, Office of Prevention Pesticides and Toxic Substances
Subject: EPA Views on Informal Negotiations on Chlorine

As Chairman of EPA's Task Force on Chlorine, I would like to share with you my concerns about the U.S. position with regard to the upcoming UNEP discussions on chlorine. EPA believes that it is extremely important that we use this opportunity to mobilize international resources in a comprehensive assessment of the chlorine issue. There is mounting evidence that many of the chlorinated compounds currently in use pose significant risks to human health and the environment. A coordinated international effort to expand the body of scientific knowledge about chlorine is essential to resolve the many unanswered questions. **We should prod the global community to undertake a detailed scientific assessment of the chlorine issue, failing which we should announce our intention to do so unilaterally.**

There are currently over 15,000 chlorine compounds in the world. These compounds are used in many different sectors of the economy. Chlorine is used directly (e.g., water disinfection), as a component of end products (e.g., PVC, bleach, or pesticides) or as a component of intermediate products (e.g., isocyanates or pharmaceuticals). Among the products that depend on chlorine for their manufacture are medical devices, paper chemicals, dyes, carpet backing, bullet-proof glass, flavoring extracts, and corrosion inhibitors. This widespread use has caused chlorinated compounds to be pervasive in the environment.

There is increasing concern that these compounds have significant adverse impacts on the environment and on human health. For example, the use of chlorine in paper bleaching and its presence in PVC have been linked to the formation of polychlorinated-dibenzo-dioxins (PCDDs) and polychlorinated-dibenzo-furans (PCDFs). These compounds, as well as PCBs, are found throughout the food chain. In consuming meat, dairy products, and fish, the average American ingests 18 to 912 picograms of dioxin daily, a level at least 50 times greater than what is considered a safe dose.

Many chlorinated compounds are currently regulated in the United States because of their adverse impacts on human health and the environment. DDT and related chlorinated pesticides are banned or heavily restricted under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The disposal of many chlorinated solvents is regulated under the Resource Conservation and Recovery Act (RCRA) and the Clean Water Act. Pulp and

paper mills are now being required to meet stringent air and water emission standards, which should reduce the use of chlorine in the bleaching process. Stricter air pollution controls are also being put in place for municipal and hospital incinerators to reduce dioxin emissions by 99 percent.

The greatest obstacle to addressing the risks posed by chlorine and chlorinated compounds is our current lack of knowledge. Much is still unknown about the primary sources of chlorinated compounds, the environmental and health impacts of these compounds, and possible substitutes. For example, we know that waste combustion of chlorinated compounds accounts for about 95% of the dioxin that comes from known sources. However, only 50 percent of the total sources of dioxin have been identified. EPA is currently undertaking an assessment of the environmental and health impacts of chlorine and chlorinated compounds and the relative efficacy and safety of substitutes. This effort is focusing on four industries: pulp and paper manufacturing, water disinfection, polyvinyl chloride (PVC), and solvents. Our goal is to study chlorine comprehensively, rather than to take a compound-by-compound approach. Since there are 15,000 compounds used in many different industrial sectors and products, a compound-by-compound assessment is well beyond the resources of this agency.

We are concerned that EPA's effort may not be sufficient to fully understand the risks associated with chlorinated compounds. These compounds are ubiquitous, and the preliminary evidence suggests that at least a portion of them pose a serious threat to human populations. Moreover only a few have been studied; a great many more remain unidentified and untested. This effort by UNEP presents an opportunity to marshal the resources of the global community in a comprehensive, global assessment of what should be considered a global problem. It is imperative that we move forward in addressing this problem through such an international assessment.

On a final note, while globally mandated action on this issue in the United States is not warranted, we should press on the developing countries to change their patterns of chlorine use. For example, many developing countries persist in using chemicals such as DDT. Similarly, the processes of pesticide production and use remain primitive in many developing countries. Forcing them to raise their standards to those in the United States will not only go a long way in addressing the problem of chlorine but would also be a great opportunity for U.S. companies with known clean chlorine technologies to expand internationally. We urge, therefore, to push for a treaty that at least forces the rest of the world to meet U.S. standards of chlorine regulation. A decision to completely eradicate the global use of DDT will go some way in doing this for a chemical that has been proven harmful. The U.S. should push the developing countries to accept such a DDT ban and, if possible, assist them in implementing it.

INTERNATIONAL TRADE ADMINISTRATION

Office of the Administrator

United States Department of Commerce

To: The Director,
Office of Environmental Protection
From: The Administrator
Subject: ITA Concerns about UNEP Chlorine Meeting

The purpose of this memorandum is to emphasize the International Trade Administration's grave concerns about UNEP's effort to ban chlorine. While we concur with the U.S. position that no immediate action should be taken with regard to chlorine, we are concerned that even U.S. participation in these discussions could imply tacit approval of some future global agreement to reduce chlorine use. We urge you to state in no uncertain terms that U.S. presence at these discussions does not imply agreement that chlorine is a global problem that needs to be addressed.

Chlorine is a vital part of the U.S. economy. Of the 60,000 to 70,000 industrial chemicals in use in modern society, over 15,000 contain chlorine. The United States is the largest user of chlorine in the world, with almost one-third of the global chlorine demand. Europe accounts for 25 percent of the global demand, with Germany accounting for 9 percent and France a mere 4 percent. Japan takes up only 9 percent of the global chlorine demand. Any global action to reduce chlorine use will cause disproportionate harm to the U.S. economy.

Estimates suggest that a full phase-out of chlorine could cost the U.S. a total of more than \$102 billion per year and \$67 billion in capital changeover costs. The costs of replacements for direct chlorine use—pulp bleaching, water treatment, and coproduct caustic soda—would total \$11 billion per year. In the case of pulp bleaching, many paper mills in Europe have already shifted to chlorine-free processes. The costs of a U.S. conversion would thus adversely affect the U.S. share of the European paper market. The costs of replacing chlorine-based products with non-chlorinated substitutes would also be prohibitive. We estimate that the annual economic cost of replacing chlorine-containing products with substitutes, including PVC and other plastics, chlorinated solvents, and pesticides, would reach \$34.7 billion, and substitution costs for product process in which chlorine facilitates synthesis—such as propylene oxide, isocyanates, and pharmaceuticals—could be as much as another \$56 billion.

Actions targeted at particular industrial sectors could have significant economic effects. Estimates indicate that phasing out the use of chlorine in pharmaceuticals, which amount to only 1 percent of total chlorine production, would require changes in production and practices costing \$53.6 billion. Prohibiting chlorinated pesticides would require farmers to use alternative farming practices, and would cost them roughly \$24.3 billion. Implementing alternatives for water treatment would cost \$6 billion, and replacing PVC with other plastics and metals would cost \$6.9 billion. We understand from a number of sources that there may be some effort at this meeting to institute a ban on the production

and use of PVC and the use of chlorine in the pulp and paper industry. Such efforts will cause irreparable harm to our industries and economy, and must be resisted.

We understand that the NGO GreenStrategies has claimed that it would cost only \$22 billion to phase out 97.7 percent of chlorine use, and \$4 billion to cut it in half. We believe that these estimates are extraordinarily optimistic. In our review of their analysis, we have found that GreenStrategies grossly overestimates both the availability of alternatives and the market penetration of these alternatives, and severely underestimates the capital cost of substitution. They also claim that these costs would be offset by benefits associated with reducing health and environmental risks. However, there is not enough scientific data about chlorinated compounds to support this claim, nor is much information available about the potential health and environmental costs that might be incurred by non-chlorinated substitutes.

While we agree that a global assessment of the health and environmental impacts of chlorine and chlorinated substances may be appropriate, we strongly believe that such an assessment should take a compound-by-compound approach. Evaluation of the risks posed by chlorine must be based on reliable data specific to each compound. Attempting to evaluate the effects of chlorine on an industry-by-industry basis, or to make generalizations about the effects of an entire class of chlorine-containing compounds, violates the basic principles of toxicology. While chlorine-containing compounds all belong to one class, they are not equally hazardous. Therefore, broad-based action against chlorine or against the whole class of chlorinated chemicals would be irresponsible and unscientific. Furthermore, we believe that further scientific assessment must be coupled with a full examination of the economic consequences of replacing or reducing the use of specific compounds. It is clear that an examination of costs must be part of all responsible public policy decisions.

We understand that an environmental group is developing a market-based licensing plan for reducing the use of chlorine and chlorinated compounds in connection with the UNEP Working Group negotiations. While neither U.S. industry groups nor we have yet reviewed the details of the plan, we are somewhat skeptical about the viability of the concept. We understand that it is based on the awarding of sole production rights to companies that have developed chlorine substitutes in exchange for a share of the profits, but we have very little information on how such a scheme would work. Whatever little is known about the scheme suggests the setting up of a new global bureaucracy. We believe the U.S. position should be to reject the proposal on the basis that it violates the principle of a free market. Interfering with the market can be both costly and dangerous.

U.S. DEPARTMENT OF STATE
Washington, D.C. 20520

OFFICE OF THE LEGAL ADVISOR

To: The Director, Office of Environmental Protection, OES
From: Assistant Counsel for the Environment - L/OES
Subject: Preliminary Discussions on Chlorine

Having reviewed the U.S. Position Paper on Global Efforts to Ban Chlorine, I can sign-off on the substance of the paper. However, I would like to reiterate several issues with regard to the meeting itself and the basis for discussions. These concern our view of the scope of the chlorine 'problem,' and the appropriate basis for action.

In a recent meeting of the Interagency Committee on Chlorine in the Environment, we discussed the basis for action by UNEP. I raised several times my concern, as is reflected in the position paper, that the impact of chlorine in the environment does not constitute a global problem. While there is some transboundary transport of chlorinated compounds in some regions of the world, such as in northern Europe or in the Great Lakes region, this transport creates a regional problem as opposed to a global problem. I am concerned that UNEP's efforts may establish a precedent for taking global actions to address regional problems. As you are aware, many feel that the Convention on Desertification has come dangerously close to setting this precedent, as it was instigated in response to what was generally considered a problem in one region of the world. You should take all steps necessary in this meeting to make this concern known.

I am also concerned that this effort to ban chlorine is an attempt to provide a substantive foundation for the "precautionary principle." As I am sure you are aware, this principle was a highly contentious issue during the discussions at Rio in 1992. Its most common version appears as Principle 15 of the Rio Declaration, which states that "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." While this statement may appear innocuous, its legal meaning and implications are very unclear and quite dangerous. Furthermore, the Rio Declaration, and the 27 Principles contained in it, represents a very careful balance among many competing interests. It must be taken, therefore, as a whole rather than piecemeal. You must make it quite clear that there is no legal foundation for using the Precautionary Principle as the basis for action. If one Principle is cited from the Rio Declaration, all 27 must be cited.

GreenStrategies

WORKING FOR A CLEANER PLANET

TO: Coordinator, International Organizations
FROM: The Executive Director
SUBJECT: The UNEP Working Group on Organochlorines

UNEP will be convening a meeting of its new Working Group on Managing the Global Use of Organochlorines at the end of this month in Geneva. GreenStrategies has been invited to send a representative, as have a few other international non-governmental organizations. Representatives from eight countries will also participate in the meeting. My understanding is that the UNEP Executive Director of UNEP hopes to achieve preliminary agreement on the essential elements of an international convention that will restrict the use of organochlorines.

This meeting may be one of the most important events in global environmental protection since the Earth Summit in 1992. It has been eight years since we began our efforts to end the use of chlorine, and this meeting marks the beginning of the final, and most important, phase of our campaign—the negotiation towards a global Convention on chlorine. We can claim success in moving the chlorine issue to the top of the environmental agenda. If we can convince the Working Group participants of the urgency of the situation and the opportunities for change, we may be able to achieve global action on chlorine in only a few more years. This would be a truly remarkable achievement.

If we are successful in forging an agreement to reduce the use of organochlorines as a class, or at least to reduce the use of some of the worst environmental actors in that class, we will have been successful on another front. That is, we will have established the “precautionary principle” as a legal basis for action on environmental issues. This principle, best enunciated in the 1992 Rio Declaration, states that “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” If we can establish the principle as the basis for action in this case, we will have established a strong precedent for taking action on other environmental issues.

The purpose of your trip, therefore, is two-fold:

- ◊ You should convince the other delegates that chlorine poses a significant risk to the environment, and therefore must be phased out. To do this, you must convince the participants of the strength of the scientific case against organochlorine compounds, while also emphasizing the economic opportunities presented by chlorine-free industries.
- ◊ You should work to establish the “precautionary principle” as the basis for action. This principle is a powerful tool for addressing significant environmental problems about which full scientific certainty cannot be obtained in time to prevent irreparable damage. We should do all we can to establish it as a legally-binding basis for action.

In order to convince the representatives of the Working Group on the need for early action, you should make the following points:

- 1) Organochlorine compounds share similar properties as a result of their chlorine chemistry. For example, they tend to persist in the environment for long periods of time and to bioaccumulate in biological systems.
- 2) The serious environmental and public health impacts of some organochlorine compounds have already been proven by numerous scientists working in different parts of the world. Given that many of the chemicals in this class of compounds share similar properties, there is a high likelihood that organochlorine compounds which have not yet been studied also pose a serious threat to human health and the environment.
- 3) We cannot wait until a full risk assessment and economic analysis has been conducted for each and every chemical before we take action. There are more than 15,000 chemicals among the organochlorine compounds. A chemical-by-chemical assessment of each one would be technically and financially impossible.

In order to ensure that the other participants at the meeting will be convinced by your arguments about the need for immediate global actions on organochlorines, I suggest that you emphasize the technical issues and carve out a role for yourself as a scientific expert. I expect that you will have far more technical expertise on this issue than most of the delegates at the meeting, and you should play on this strength. We want all of the representatives in this Working Group to understand the contribution that GreenStrategies can make to this and future meetings.

To assist you in meeting this objective, I have attached several items. First, there is a position paper that outlines the essential positions you should present at the meeting on the four major issues that will be discussed. Second, you will find a short briefing paper describing the major scientific and economic arguments for global action on chlorine. I suggest that you

study this carefully so that you are prepared both to present our arguments to the meeting participants and to rebut, using credible technical information, arguments against action. Finally, I have attached copies of two fact sheets that have already been distributed to the meeting participants on behalf of GreenStrategies. The first presents the scientific case against chlorine, and the second outlines how the major uses of chlorine can be phased out in a reasonable manner. These fact sheets should assist you in establishing your credibility on the technical and economic issues.

I also suggest that you work hard to establish good relationships with those representatives at the meeting that may be sympathetic to our concerns. The International Union for the Conservation of the Environment (IUCE) should be helpful, as it also advocates phasing out some organochlorine compounds. We expect that Norway and Germany will also be strong supporters of our position, as they have historically been advocates for coordinated international environmental action. I suspect that you will not receive much sympathy from the U.S. or Japan, as they are typically closely allied with business interests. The business community is very much threatened by this meeting, and we understand that the representative of the International Business Roundtable will do all that he can to delay action.

The attached position paper spells out the positions of GreenStrategies on the major issues that will be discussed at the meeting. These issues are the scope of the convention, actions that should be taken, financing mechanisms, and governance. Please ensure that all your statements at the meeting are consistent with these positions. Obviously, we are not likely to win on all points. Therefore, you should place highest priority on the scope of the convention and actions under it. The governance issue is of less importance, although you should work hard to ensure NGO participation in future meetings. Of least importance is the financing issue.

Good luck at the meeting.

GreenStrategies

WORKING FOR A CLEANER PLANET

POSITION PAPER

SCOPE OF A CONVENTION

- Chlorinated compounds, particularly organochlorines, presents a clear and substantial threat to human health and the environment, and they should be phased out as soon as possible.
- Almost all organochlorines studied to date have been found to cause significant health impacts. These include genetic mutations, cancer, birth defects, and effects on the immune, reproductive, endocrine, and nervous systems. These effects have been found to occur even at very low doses.
- While some argue that chlorine is not a global problem, evidence points to the contrary. The threat is indeed global -- high levels of dioxins, PCBs and other organochlorines have been found in the body tissues of polar bears, whales, and Inuit people thousands of miles from any possible source.
- Because the class of chemicals known as organochlorines contains 15,000 different compounds, a chemical-by-chemical approach to regulation would take decades, if not centuries. The only way to effectively address this threat is to phase out the use of the whole class of organochlorine chemicals, even if scientific data is not available to evaluate the risk posed by each and every one of those chemicals.
- While further studies of organochlorines are necessary to minimize exposure to chemicals already released to the environment, the need for these studies should not provide an excuse for inaction. The scientific evidence about the deleterious effects caused by some of these compounds is sufficient to suggest that it would be irresponsible for the international community to avoid swift action.
- The Precautionary Principle—Principle 15 of the Rio Declaration adopted by 163 nations at the Earth Summit—makes clear the appropriateness of immediate global action. This Principle states: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

ACTIONS

- Countries should agree to an immediate phase-out of global chlorine use. Parties to a convention should be prepared to develop plans for implementing this phase-out as soon as possible, and should seek assistance from relevant NGOs and international organizations.
- Emphasis should be placed on those products and industrial processes that present the greatest risk, including PVC, plastic, pulp and paper processing, chlorinated solvents, synthetic pesticides, and disinfection of sewage and drinking water. The risks presented by compounds used in these products and processes have been clearly documented, and low-cost alternatives are available.

- Implemented with careful planning, the transition to a chlorine-free economy could be economically beneficial and socially just. It could save money and create new jobs. Chlorine-free alternatives are frequently more efficient and productive than the chlorine-based processes they replace, and thus the benefits of the transition would outweigh its costs.
- The chlorine industry has argued that phasing-out chlorine will result in exorbitant costs to each country's economy and massive job losses. The industry's scenario, however, assumes the chlorine phase-out will be implemented instantaneously, without thought, planning, or prioritization. Moreover, the chlorine industry assumes that chlorine-based processes and products will be replaced by other products and processes that will perform poorly and will be unreasonably expensive. In general, these dire predictions overestimate the costs of a well-planned transition and underestimate its benefits. The actual costs of phasing out chlorine are likely to be only a small fraction of those calculated by industry, and the benefits would likely outweigh these costs.

FINANCING

- While a phase-out of chlorine can be undertaken in a well-planned and methodical way, it should also be equitable and just. Therefore, countries should make sure that financial assistance is available to those countries that have fewer resources for making a transition.
- Parties to the Convention should impose a tax on chlorine production process. This would ensure a steady stream of revenue that could be used to support the phase-out process.
- Revenue equivalent to those generated by a tax on chlorine production process should be placed in a dedicated Chlorine-Free Transition Fund. The fund should be used to aid the transition to a chlorine-free industrial society. Specifically, it should be used to: 1) protect and assist displaced workers; 2) support redevelopment programs in affected communities; and 3) fund efforts to explore and demonstrate economically viable alternatives in those sectors in which further research and development is necessary. A board, with full participation by all countries, should be established to set policies regarding the distribution and management of the fund's resources.
- We can not support a convention that makes nice statements but does provide any sort of realistic funding mechanism, as such a convention cannot be implemented successfully.

GOVERNANCE

- GreenStrategies supports a regional voting mechanism in which each region has an equal number of votes, so that all regions of the world have close to an equal say in what finally happens. A simple majority-rules mechanism would be acceptable for ratifying decisions.
- We would not prefer a system that is based on consensus and that gives each country a veto. Such a system would be used by some countries to stall any coordinated international action at all.
- NGOs should be given the opportunity to participate in formal debate. NGOs have valuable information to contribute and have usually devoted a lot of time and resources to studying the issues of concern. Furthermore, NGOs should be entitled to choose among themselves the representative or group of representatives that will represent their diverse interests. This system of self-selection is much fairer than a system in which NGO representatives are selected by the Conference of the Parties, whose members could be strongly influenced by a few extreme groups or interests.

GreenStrategies

WORKING FOR A CLEANER PLANET

TECHNICAL BACKGROUND INFORMATION ON ORGANOCHLORINES

The Chemistry and Uses of Chlorine

- Chlorine gas is not a naturally-occurring substance. Chlorine gas is highly unstable, and easily bonds with other molecules. When combined with organic matter, it forms a class of chemicals known as organochlorines.
- Eighty-five percent of all chlorine gas is used in the chemicals industry. Of the remaining fifteen percent, ten percent is used by the pulp and paper industry, four percent is used in wastewater disinfection, and one percent is used to purify water.
- Of the eighty-five percent of chlorine gas used in the chemicals industry, polyvinyl chloride (PVC) and other plastics account for over fifty percent. Inorganic chemicals account for fifteen percent, solvents use nine percent, other organic chemicals use nine percent, and pesticides account for two percent.
- Many organochlorines are by-products of other processes. For example, many dioxins and furans are formed by the burning of PVC. Chlorine in drinking and wastewater combines with organic matter to form trihalomethanes. A great many organochlorines are created when chlorine is used to bleach pulp and paper.
- The chlorine industry did not exist prior to World War 1, but the chemicals industry now produces over 40 million tons of chlorine gas annually. In recent years, there has been very little growth in the demand for chlorine in North American and Europe, but demand continues to grow in developing countries.

The Scientific Basis for Concern

- Organochlorines are very stable molecules that can persist for decades or centuries in the environment. When they do break down, they can form other organochlorines that may be more toxic than the original compound.
- Organochlorines released into the atmosphere are carried tremendous distances. This explains why organochlorines have been found throughout the global environment.

They have been found in the tissue of polar bears, whales, and Inuit people thousands of miles from any industrial source.

- Many organochlorines concentrate in fats, and thus bioaccumulate in the food chain. Levels found in many different mammals and birds have been several thousand times higher than in the ambient environment. Beluga whales in the St. Lawrence river in Canada have been found to have such high levels of PCBs in their fat tissues that their dead bodies are legally classified as hazardous waste.
- Humans, at the top of the food chain, are particularly vulnerable to organochlorine contamination. Over 177 organochlorines have been found in tissues of people in the United States and Canada. These chemicals are easily passed through mother's milk to infants. A study conducted in the United States found that the mother's milk in a number of adult women was so contaminated with pesticides that it violated federal limits for cow's milk.
- In studies of the Great Lakes ecosystem, organochlorines have been linked to health problems in 14 different species, including humans, bald eagles, salmon, and beluga whales. These problems were most severe in the offspring of the exposed species. Similar phenomena have been found in the Baltic, the Wadden Sea, the Arctic, and the U.S. Pacific Coast.
- Workers exposed to organochlorines are at significant risk of experiencing cancer, neurological damage, reproductive problems, and other health-related problems. In the general population, organochlorines have also been linked to increases in cancer rates, declining sperm counts and abnormalities in the male sex organs and reproductive tract, endometriosis and other reproductive problems in women, birth defects and impaired child development, and immune system impairments.
- Chlorine compounds, particularly chlorofluorocarbons, appear to lie behind the rapid depletion of the ozone layer. This depletion will expose all species on earth to significantly higher doses of ultraviolet radiation.

Risks Posed by Major Uses

- Polyvinyl Chloride (PVC or vinyl) is the most environmentally-damaging of all plastics. PVC production results in the generation of many toxic by-products, and also requires toxic feedstocks for its production. The burning of PVC in incinerators or other fires has been found to be the single largest source of dioxin in the world.
- Pulp and Paper manufacturers produce many different organochlorines as byproducts of a bleaching process that uses chlorine gas and chlorine dioxide. Discharges of dioxins, furans, and other organochlorines have caused chemical imbalances in ecosystems downstream from the pulp and paper mills. The U.S. Environmental Protection Agency has estimated that a person eating fish caught downstream from a paper mill has a one in fifty chance of contracting cancer.

- Chlorinated Solvents, used by many different manufacturing industries, have been linked to cancer, neurological damage, and reproductive problems. They have caused severe air and ground-water contamination in many areas, and are linked to ozone depletion.
- Pesticides have been linked to cancers, neurological problems, birth defects, and other problems in many species. Designed to either kill or disrupt the biological functioning of pest organisms, they now contaminate virtually every spot on earth, including Antarctica.

Non-Chlorinated Alternatives for Major Uses

- Polyvinyl Chloride (PVC or vinyl): Can be replaced with wood, metals, glass, or chlorine-free plastics. Unnecessary packaging can be eliminated entirely. This is already happening in Germany and other countries.
- Pulp and Paper manufacturers can use oxygen-based bleaches (hydrogen peroxide, ozone, oxygen). Seventy percent of all paper in Germany is expected to be chlorine-free by 1996.
- Chlorinated Solvents can be replaced with water-based solvents and mechanical cleaning and coating. Chlorine-free refrigerators and air conditioners have now been developed, and some dry cleaners in the U.S., the U.K., Sweden and Germany are using steam- and water-based cleaning methods.
- Pesticides can be replaced by ecological or "organic" farming methods, often with reduced costs and increased yields. These methods include improved crop choice, mixing and rotation, mechanical tilling, and reliance on natural predators and biological pesticides.

The Need for a Global Phase-out of Chlorine

- Because of its ubiquitous nature, a global phase-out of chlorine is the only way to effectively end the human health and environmental destruction that it is causing.
- A chemical-by-chemical approach will not work. Undertaking the necessary regulatory process for each of the 15,000 organochlorines will take decades, if not centuries. Even if a particular substance is banned, the chemical industry could replace it with another chlorine-based substance with equal or greater potential for causing harm. Furthermore, a chemical-by-chemical approach will not eliminate the problem of chlorinated by-products.
- The American Public Health Association has recognized the impossibility of a chemical-by-chemical approach and has advocated the phase-out of organochlorines as a class. The International Joint Commission of the Great Lakes, the Paris Commission on the Northeast Atlantic, and the Parties to the Barcelona Convention on the Mediterranean Sea have all called for the phase-out of chlorine and/or organochlorines.

**THE INTERNATIONAL
BUSINESS ROUNDTABLE
*OFFICE OF THE EXECUTIVE DIRECTOR***

TO: The Director, Department of Multinational Trade Issues
FROM: The Special Assistant to the Executive Director
SUBJECT: UNEP Working Group on the Global Management of Organochlorines

As the Executive Director discussed with you earlier this week, he would like you to represent the International Business Roundtable at the upcoming UNEP Working Group on the Global Management of Organochlorines. The issues that will be discussed by the Working Group are important to our membership. The forthcoming discussions of the UNEP Working Group are intended to examine areas of agreement and disagreement on the issues that might emerge in future treaty negotiations on regulating organochlorines. We believe that such a treaty is wholly unwarranted given current scientific knowledge. In addition, banning or even restricting some organochlorine compounds could devastate many of the industries we represent. It is critical that we communicate our concerns about the proposal to negotiate an international chlorine treaty at all possible opportunities. This meeting is the first of these opportunities.

Attached for your information is a short briefing paper prepared by my staff outlining the official position of the IBR on the issues that will likely be on the Working Group's agenda. You should rely on this briefing paper as your primary source of information for the meeting.

Also attached for your information are three letters from several members of IBR. These letters discuss particular concerns about the upcoming meeting. Our membership has very diverse perspectives on the efficacy and danger of chlorinated compounds, and on the wisdom of action or inaction. Many members have much to lose, as organochlorines are essential to their production processes. Should the use of organochlorines be restricted, they could face sharply increased costs and, in many cases, be forced to close. Others that are not dependent on organochlorines view the actions that could result from this meeting as an opportunity to increase their market shares. You will need to take these different and sometimes diverging concerns into account during the meeting.

We believe that the two most important issues before the Working Group are the scope of the problem and the range of international actions that should be taken to address it. Other issues are of less concern. Our highest priority is to convince the other participants that:

- While some studies suggest that certain organochlorines do pose a risk, there is no unequivocal scientific evidence that organochlorines as a class are a problem; and
- severe economic consequences would result if any proposed reductions are imposed on organochlorines as a class.

You should be aware that if the international debate turns to banning whole classes or families of chemicals, we fear that regulatory agencies may abandon their traditional practice of basing regulations on chemical-by-chemical assessments. This is an important precedent to avoid.

You should rely on the attached letters to the extent that they do not conflict with the positions laid out in the briefing paper. Most of our membership is sympathetic with the perspectives contained in the first letter from the Consumer Goods Industrial Association. This organization emphasizes that the international community should approach any proposed action with extreme prudence. For example, it would be important to do a thorough examination of the potential sacrifices that would result from any proposed reduction in the use of specific organochlorines. We encourage you to pay special attention to the viewpoints that are laid out in this letter. During the meeting, some NGOs or countries may put blacklist plans on the table that would target specific products and processes for reductions in chlorine use. There is great fear among our members that these plans could destroy whole product lines and eliminate entire manufacturing sectors. Other proposals, such as global taxation, could set extremely dangerous precedents. An agreement to hold off on action, and instead study the issue further, would be preferred by the majority of our members.

The second letter from International Chemical Manufacturers raises a number of issues pertaining to a specific proposal that the IUCE may put forward during the Working Group meeting. This proposal describes a means of ensuring financing for a future international agreement on organochlorines. As we understand it, the proposal is to establish a "licensing" scheme under which firms would be awarded exclusive licenses to produce organochlorine substitutes in exchange for contributing a portion of their profits to an international fund. The fund would then be used in some way to help developing countries transition to these new technologies. Should this proposal be made, you should rely on this letter for guidance about the likely concerns of IBR members.

Your third letter comes from an alliance of business leaders interested in more environmentally sustainable methods of production. This letter represents the views of member corporations that may be upset, or at least disappointed, if no action emerges from the conference. These corporations have a direct interest in manufacturing new products that can serve as alternatives to many traditional chlorine-based products, and are thus ready to embrace rapid change. They would like to see a commitment to action emerge from the meeting both because it would signal the potential for future growth in their industries and because it would be a validation of their commitment to environmentally-sound manufacturing. While their views may not be in concert with those of a majority of our members, their interests must be acknowledged.

Because this meeting is the first step in a treaty-making process, much of the focus will be on the concerns of the eight countries present at the meeting. NGOs have traditionally had only small voices in the formal debates that take place at international meetings such as this. It is not clear that this meeting will be much different. I believe you will find your energy more efficiently spent in exchanging views privately with other participants than in engaging in the formal debate about the relevance and credibility of various scientific findings. This is not to suggest that you should not participate in these formal debates.

I do urge you, however, to invest significant amounts of energy in holding private discussions to build coalitions among the various participants who share some of our views. We believe that the United States, Japan, and the Czech Republic have considerable concerns about UNEP's effort to jump-start a chlorine treaty. This leads us to believe that they may be particularly receptive to our concerns. Many developing countries will support our views as well, as UNEP's actions could severely hamper their development efforts. I also suspect that the International Council of Scientific Associations may be supportive of our need for further study.

THE INTERNATIONAL BUSINESS ROUNDTABLE
POSITION PAPER ON
ORGANOCHLORINES

SCOPE OF PROBLEM

- The IBR believes that organochlorines as a class do not present a significant global problem and that action to reduce their use is not warranted. The class of chemicals known as organochlorines contains over 15,000 compounds. These compounds vary greatly in the degree of risk they pose to human health and the environment.
- The physical and chemical properties of chlorinated substances determine their toxicological properties and their ability to bioaccumulate. Only those compounds which have low water solubility and water vapor pressure are likely to accumulate in biological systems and persist in the environment. These include PCBs, DDT, and dioxins and furans. The use of most of these compounds is already heavily restricted in most countries.
- The potential of a particular organochlorine to produce biological effects depends on its specific molecular features. The presence of chlorine in an organic molecule may in fact reduce its tendency for affect biological systems. Thus it is impossible to make definitive conclusions about whether or not a particular organochlorine presents a risk without first doing research to examine specific biological responses to various dose levels.
- To state that all 15,000 organochlorines present a risk because a few are found to be dangerous is an abrupt departure from the scientifically-accepted approach of chemical-specific risk analysis, and sets a dangerous and far-reaching precedent.
- This departure from accepted scientific practice is especially irresponsible given the tremendous importance of chlorine to the global economy. Every sector incorporates chlorine, either directly or indirectly, in its final output. Many substitutes for chlorine are expensive and impractical. For example, it is estimated that using substitutes for chlorine-based products and processes would cost consumers in North America over \$100 billion per year.

ACTION

- The IBR believes that no action at all should be taken on organochlorines at this time. The scientific evidence on specific organochlorines is not sufficient to merit action, and the potential economic impacts could be devastating to the global economy.
- In many cases, alternative processes or materials are less environmentally friendly than chlorine, or they present their own risks. For example, substituting copper for PVC piping would cause substantial environmental harm to copper-rich areas, as mining would increase with the rise in demand. Banning the use of organochlorines in pharmaceuticals would force the medical community to use more dangerous and less effective therapies and practices.

- Should action be required, this action should focus on further research. Because the characteristics of organochlorines vary tremendously, a full analysis of each chemical is necessary to determine its fate and effects in the environment and any potential impacts on human health. These investigations should include toxicological dose-response analyses.
- This research should also include a full analysis of the projected economic effects of reductions in the use of specific compounds, as well as a full environmental and economic impact analysis of potential substitutes. In order to be responsible in taking action, we should ensure that the costs of reducing the use of any specific organochlorine do not outweigh the benefits produced by its reduction. Furthermore, we should ensure that substitutes will not have more deleterious effect on the environment than the chlorine compounds in question.

FINANCING

- The issue of financing is less important to the IBR than the issues of scope and action unless a tax is proposed.
- The IBR does not believe that a tax on organochlorines is justifiable. While the IBR prefers the use of economic instruments to traditional command-and-control approaches to environmental regulation, the design of these instruments must be based on sound scientific and economic data. Furthermore, if there was widespread international support for the implementation of a tax, then you should argue that the tax should only be imposed on a chemical-by-chemical basis. Given the tremendous heterogeneity of organochlorines as a class, any other tax structure would cause economic distortions.
- The IBR understands that a “licensing” scheme may be proposed as a means of financing global actions to reduce the use of organochlorines. As we understand it, this scheme would entail awarding firms monopolies on the production and sale of certain chlorine substitutes in return for a percentage of the profits from the sale. We are highly skeptical of this scheme, as many important questions about how it would work and whether it would be in the interests of businesses are as yet unanswered. The ownership of technology after any period of international protection has expired is of greatest concern. If such a licensing scheme were to be incorporated into a chlorine treaty, the IBR would advocate for a system that allowed the technology developer to maintain ownership. Government or UN ownership would present difficulties, though a scheme that provided for a private/government partnership might be acceptable.

GOVERNANCE

- Issues of governance are of lowest priority to the IBR. We are largely open to most arrangements regarding NGO participation except arrangements that include voting rights. No NGO participation might be somewhat preferable as we feel that we will be able to exert substantial influence at or away from the table, while the influence of those groups with views quite opposed to ours will be significantly diminished if they do not have voting rights.

Consumer Goods Industrial Association

Office of the Executive Director

Dear Sir:

I am writing to express our concern about the upcoming meeting of the UNEP Working Group on Managing the Global Use of Organochlorines. Our membership, representing nearly 100 companies with total sales of over \$200 billion [U.S.] per year, is particularly concerned about the potential impacts of any restrictions on the use of chlorinated organic compounds. I understand that an IBR representative has been invited to attend this meeting. I would like to provide our thoughts on three issues: a) the importance of chlorine and chlorinated organics (organochlorines) to the global economy, b) the scientifically-flawed approach of those that are advocating for a ban on chlorine, and c) the need for additional research before any action on chlorine is taken.

THE IMPORTANCE OF CHLORINE TO THE GLOBAL ECONOMY

World use of chlorine is estimated at over 37,000 tons each year. While figures on the value of the use of chlorine to the global economy are difficult to calculate, it is estimated that \$4 trillion in industrial output is in some way dependent on chlorine. In the United States and Canada alone, the economic benefits of chlorine total over \$100 billion. Organochlorine compounds include nearly 15,000 different chemicals, and are ubiquitous in our houses, fields, lawns, cars, and neighborhoods. Without organochlorines we would not have modern adhesives, cosmetics and deodorants, plastics, insulation in our houses, latex paints, antifreeze, soft-drinks and artificial flavorings, and many other everyday products.

Abandoning these compounds could have dramatic impacts on modern society. Cars and homes will be less durable, less safe and more expensive. Farming would be less productive, and produce would be less available, more expensive, and more frequently rotten. Among other effects, eliminating many chlorine compounds could result in:

- The elimination and dislocation of millions of jobs worldwide;
- A sharp increase in consumer food prices, as the elimination of chlorine-based crop protection chemicals would require farmers to cultivate more land and adopt more labor and capital intensive farming techniques;
- A sharp rise in infectious diseases and health care costs, as 85 percent of all pharmaceutical products, including antibiotics, are based on chlorine chemistry;
- Compounded global warming and other environmental problems because of the energy intensive nature of many of the alternatives to chlorine. (Steel piping, for instance replaces PVC, heated water replaces degreasers).

Following are some examples of how truly difficult it might be for essential industries to reduce their use of organochlorines:

- **Agricultural chemicals:** Chemicals are central to modern agriculture. Six of the top ten pesticides, four of the top ten herbicides, and five of the top ten fungicides contain chlorine. A rapid phase out would be disastrous to our membership, as many patents to manufacture these chemicals have not yet depreciated in value, and the effectiveness of many of these chemicals is very difficult to duplicate with the available substitutes.

- **Pulp and paper industries:** All new paper mills are quite efficient in the use of chlorine. Advanced technologies have reduced chlorine use in new plants. However, while new plants have been constructed so that they could be converted into chlorine-free plants relatively inexpensively, many old plants are still functioning and are nowhere near ready to be replaced. Retrofitting these plants would be tremendously expensive if it were possible at all.

We urge you to convey this information to the UNEP Working Group. It is essential that the Group understand the economic ramifications of the actions it proposes.

A SCIENTIFICALLY-FLAWED APPROACH

We are also concerned that the Working Group is failing to recognize the heterogeneity of organochlorines as a class. While a few of the 15,000 existing chlorinated chemicals clearly pose adverse environmental and public health risks, this is not true for the majority of chemicals in this class. The physical and chemical properties of chlorinated substances determine their toxicological properties and their ability to bioaccumulate. Because the environmental and human health effects of a particular organochlorine will vary depending on its molecular structure, it will only be possible to determine its impact on the environment by carrying out toxicological analyses that examine the chemical's "dose-response relationship". It is essential to recognize that each chemical is different, and its impact on human health and the environment must be assessed individually.

Currently, there are a group of environmentalists who are pressing for reductions in the use of organochlorines as a class. This approach fails to recognize the individual nature of each organochlorine chemical. It could be compared to calling for a ban against all bookstores because there are objections to the pornography found in a few adult bookstores. It is essential that each chemical be considered individually, and that potential actions be discussed after there has been a careful assessment of the chemical's toxicological effects and persistence in the environment.

NEED FOR FURTHER RESEARCH

If the UNEP Working Group were to take action on organochlorines, this action should focus on further research. While there is reason to believe that most of the 15,000 organochlorines are not harmful to human health or the environment, full risk assessments and toxicological studies have only been conducted for a very small number of these. These studies are the first step; it is simply not possible to make an informed decision about whether a particular chemical should be targeted for reductions until there is a full understanding of its impacts on human health. Furthermore, it is essential that there be a thorough analysis of the economic consequences of each proposed reduction, as well as an environmental impact analysis of proposed substitutes. In short, the following questions must be answered before there can be a responsible decision about whether or not to reduce (or ban) the use of any particular chemical:

- What are the specific environmental and human health risks posed by the organochlorines in question? How accurate and credible is the data supporting these findings? What is the magnitude of the risk? How many people are affected?
- What are the options for reducing this risk?
- What are the primary, secondary, and tertiary economic impacts of various options to reduce this risk? How many people will be affected?
- What substitutes are available for the chemical in question? What are their costs? How efficacious are they as substitutes? What are their environmental and public health risks?

To our knowledge, none of these issues have yet been addressed sufficiently, and it is therefore premature to consider reductions in the use of any specific organochlorines at this time other than those that have already been proven to pose high risks to human health (e.g., DDT, CFCs, PCBs).

International Chemical Manufacturers Association

To: The Executive Director
International Business Roundtable

Dear Sir:

I am writing to express some concerns with regard to the upcoming meeting of the UNEP Working Group on Organochlorines. Specifically, to relay the reaction of the International Chemical Manufacturers to a proposal that we understand may be made at the meeting. The proposal would seek financing for global actions to reduce the use of certain organochlorines. My purpose here is simply to alert you to the possibility that this financing proposal may be introduced, and to make some suggestions for how IBR's representative should respond to it at the meeting.

We have obtained a copy of the so-called "licensing" scheme that was developed by the IUCE. As we understand it, UNEP would award licenses to individual companies which have the capability to produce alternatives to organochlorine products or processes. In exchange for exclusive global rights of production and marketing for a certain period of time, the licensed companies would be required to contribute a portion of their profits during this period to a global fund. This fund would be used to assist developing countries in making the transition to the new products and processes.

If this scheme is proposed at the UNEP meeting, we believe that the IBR should oppose it strongly. We are very concerned that it has not been well thought-out. A number of our members have reviewed it and have raised some critical questions. These are outlined below. In the spirit of cooperation, we have attempted to describe some possible solutions to these issues. However, we urge you to withhold support for the proposal until these questions has been adequately addressed.

- **Who pays for research and development to identify alternatives?**

It is not clear whether companies would be expected to fund this research and development, or whether it would be supported by outside financing.

If companies are expected to cover the costs of these activities, it is difficult to see their incentive for participating given that patent rights

already provide a certain amount of protection from duplication. Perhaps the participating governments and international organizations could contribute money to a special research and development fund, and private companies could work cooperatively with these governments in the development process.

- **Would private companies compete to develop alternatives?**

It appears that the licensing scheme is designed to encourage companies to spend research and development funds on developing new products. But then they must compete to acquire licenses for production. This approach may concentrate business in the hands of a few privileged companies. If five companies spend \$100 million each to develop a new product, but only one company wins the license to manufacture the product, what happens to the remaining four companies? Is \$400 million spent needlessly? What if the product selected is good for the short-term but holds less potential in the long-term? Will this hinder the development of other, more promising long-term alternatives?

- **Who would own the technology after licensing protection expires?**

Patent protection is usually seventeen to twenty years. If the licenses awarded provided shorter periods of protection, the important question of ownership arises. Would the technologies be owned by the company? The government? The United Nations? Would the technology revert to the public domain? In order to be successful, the company producing the technology should be given protection at least until the patent rights expire.

- **What financial obligations would companies hold?**

Those receiving a license should be able to recoup their investment and realize the expected profit if the system is to be successful. We strongly believe that no profits should be shared until this happens.

These are a few of the essential issues that must be addressed before we can consider the plan seriously. Our membership would greatly appreciate if you would convey these concerns to the IUCE and UNEP directly, and inform us of any elaboration that they might offer.

Collaborative for Responsible Development

Office of the Chairman

To: The Executive Director
International Business Roundtable

Over the last three years, I have become convinced that environmental leadership must come from the private sector. As Chairman of Canadian Hydro, a firm dedicated to developing sustainable energy strategies, this frustration encouraged me to establish the Collaborative for Responsible Development with other like-minded companies.

The Collaborative for Responsible Development is an alliance of over 100 companies dedicated to the idea that sustainable development makes good business sense. It was established with the idea that business will only succeed in the long run if it makes protecting the environment profitable. This involves considerable risk in forging new paths and defying conventional wisdom, as well as considerable effort to meet old needs in new ways. Our members strive to find business opportunities in creating environmentally benign technologies. We look to national and international efforts to protect the environment for guidance in our efforts. We regard the upcoming meeting of the UNEP Working Group on Organochlorines as an important step in these protection efforts, and are interested in working with your organization and others at the meeting to ensure that any agreed-upon actions are implemented successfully.

The purpose of this letter is to provide you with information on how certain uses of organochlorines can be phased out efficiently and cost-effectively in certain sectors. Many of our members see positive aspects to phasing out the use of chlorine in these sectors, and I would like to pass on to you their comments in support of this effort. Taken together, these comments suggest that the most effective way to reduce the use of organochlorines may be to target specific industries where opportunities for chlorine substitution are readily available. I hope that you will pass on this information to others at the meeting, and use it to forge an agreement that would be a step forward for the global environment.

Natural Paper:

Natural, unchlorinated product lines are a viable alternative to chlorinated paper products. These product lines can succeed on the market if their distribution coincides with some public education about the environmental problems caused by bleached paper production. We would ideally like to see a requirement that all paper products have a warning label. In the case of paper products sent through a chlorinated bleaching process, such a label could require paper companies to acknowledge that the dioxin by-products of this process may lower sperm counts in men and raise the potential for cancer in women.

Steel:

Steel presents a durable and environmentally appropriate alternative to PVC in construction. A coalition of American steel companies and labor unions recently passed a joint resolution calling for the imposition of construction standards based on strength at various temperatures. The development of such standards would reduce PVC use considerably and encourage the use of more environmentally-benign alternatives such as steel.

Water Treatment:

Ultraviolet and lime water-treatments are as effective as chlorine in disinfecting and purifying water for potability. They do leave certain bacteria unchecked, but they are more effective than chlorine in eliminating other dangers. Supplementing these systems with modern filtration treatments makes them superior in every way to chlorine water treatments. Furthermore, the construction of ultraviolet water treatment facilities is not necessarily any more expensive than the construction of traditional water treatment systems. If some of the international contracts upgrading water distribution systems in developing countries could require chlorine-free methods of water treatment, alternative technologies would gain a strong advantage. This approach would also offer developing countries a chance to obtain new technologies that are only now being installed in industrialized countries.

We know some of the above ideas are still rough; they are as undeveloped as some of our industries. We are hopeful, however, that they will inspire you with some thoughts about how business might work together with the international community in creating a clean and safe world for future generations, rather than merely defending past and passing practices.

**INTERNATIONAL COUNCIL OF
SCIENTIFIC ASSOCIATIONS
[I • C • S • A]**

Office of the Executive Director

To: ICSA Negotiator
From: ICSA Executive Director
Subject: Chlorine Working Group Negotiations

I am pleased that you will be representing ICSA at the Chlorine Working Group negotiations. As you prepare for the negotiations, I urge you to keep in mind that ICSA, unlike the other NGOs that will be represented at the negotiations, is a scientific association, not an advocacy group. Our credibility in the international community stems from our commitment to scientific excellence, and you should be clear with the other parties that you are there as a representative of the international scientific community, not as a political or environmental advocate. Having said the above, ICSA does have a responsibility to ensure that some action is taken to address the environmental and public health impacts of chlorine containing compounds.

I encourage you to establish credibility as an expert spokesperson for the scientific community. Ensure that each time you speak, you are listened to as an authority on the subject. However, you should not let them view you as merely a source of scientific clarity. Remind them that the background information package distributed by UNEP (which, by the way, was prepared with inputs from your staff) represents the best available scientific information. You should make sure that you yourself have read and understood it thoroughly since others may ask you to elaborate on or explain its details.

While you should be willing to make explanatory comments on the report, you should not encourage them to come to you for anything more than is already in that package. You should use these opportunities to stress upon your most important point—i.e., **there is the need for more scientific study of the subject and that ICSA is best suited to undertake such studies.** If the countries of the world want more information on the subject, they should be willing to invest in further research on the subject. However, no country should use scientific uncertainty as an excuse for inaction on the aspects about which we do have sufficient information. Be very clear about making the distinction between organochlorines as an entire *class of chemicals* and *specific* chlorinated compounds—While it is scientifically unwise to condemn the entire range of chemicals, there is enough evidence about the environmental effects of particular substances (particularly DDT and PCBs) on which immediate action can, and should, be taken.

To elaborate on these essential themes, I have summarized below ICSA's key interests with respect to the issues that are likely to be discussed at the Working Group negotiations.

BACKGROUND

It is likely that many, if not all, of the parties at the negotiations will know very little about ICSA, and you may want to remind them of the following facts. The International Council of Scientific Associations was founded in 1930 to “encourage, for the benefit of humankind, international scientific activity which will serve scientific and technological development and to promote scientific cooperation within the countries and peoples of the world.” ICSA has over 100 member organizations in 70 countries, most of which are the principal scientific academies or councils of those countries.

SCOPE OF THE PROBLEM

Scientific study has demonstrated that a limited number of **specific** organochlorines have proven adverse effects on human health and the environment. Although ICSA does not find enough scientific evidence to support the alarmist view that all organochlorines are necessarily dangerous, we do agree that there is cause for concern. We feel that some limited action should be taken, where there is scientific evidence to support that action. Most importantly, we believe that rigorous, ongoing research is necessary.

You may be the only person at the negotiations with a background in science, and it will therefore be up to you to clarify the following points.

- **The problem is not with chlorine itself, but with its impacts when it combines with other elements to form certain specific compounds.** There is clearly a problem with several, specific organochlorines. However, the call to ban chlorine as an industrial feed stock focuses public attention on the wrong aspect of the problem. Non-scientists see elemental chlorine as the essence of the problem. This is incorrect. Chlorine is exceptionally valuable to society.
- **Science must drive decision-making.** The problems with certain organochlorines are scientific problems that require scientific solutions. Therefore, it is essential to have robust scientific input at every stage in the process of developing an international chlorine agreement. Although we recognize the importance of other concerns (such as the economic and political impacts of actions to reduce the use of organochlorines), these must not be allowed to taint scientific assessment. Science must drive the process.
- **ICSA should play the leading role in coordinating the scientific analysis at each stage in the process of developing an international agreement.** As the leading international scientific body, ICSA is uniquely positioned to play an important role in the analysis of problems associated with chlorine and the development of solutions. Moreover, since ICSA membership spans 70 countries, our involvement would automatically guarantee a global rather than nationalistic perspective.

ACTION

We are very concerned that any international action with respect to chlorine be based not on politics or business, but on rigorous science. This translates into the following recommendations with respect to international action:

- **The call for a total ban is scientifically unsubstantiated, unfeasible and irresponsible.** A ban would be tantamount to “throwing the baby out with the bath water.”
- **Any across-the board reduction is irresponsible.** A 25% across-the-board reduction in all organochlorines, something that many governments will likely support at the negotiations, is as unsubstantiated as a 100% ban. There is just no scientific basis for treating all organochlorines as a single class, and any such action is utterly inappropriate. However, targeted reductions in particular substances with known harmful potentials do make sense.
- **Scientific assessment is essential, but not enough.** Chlorine can be a very real problem, and the production and use of certain specific compounds must be restricted. The choice of these compounds, however, should be based on thorough scientific investigation. At this point we can recommend a total eradication of DDT and PCBs and further study, and possible restrictions, on PVC, pulp and paper bleaching processes and a number of agricultural chemicals.
- **Any action must be targeted to specific, named compounds, and ICSA should play the leading role in developing a list of targets.** The enclosed memo from the Committee on Chemicals in Industry details a system of annexes, which we strongly support. In essence, we should support a system that establishes a hierarchy of lists (e.g., black, gray and white) organized according to the dangers posed by specific substances, based on robust scientific evidence.
- **Decisions about which chemicals to limit should be based on science, not economics or politics.** This means that discussion about what actions are easy (i.e. inexpensive) or difficult (i.e. expensive) are misguided. Moreover, the availability of alternatives should not impact the evaluation of the problem.

FINANCING

- ICSA does not have a position with respect to financing, except to make sure that decisions about financing follow rather than precede decisions about what actions are necessary.

GOVERNANCE

- Any voting system is acceptable, but we would prefer that every country have veto power, in order to prevent rash, irresponsible action.
- We strongly believe that NGOs should participate directly in the debate, and would prefer that the Conference of Parties designate participants, as ICSA is certain to be included. If NGOs are relegated to observer status, you should ensure special provisions for ICSA's more active participation, perhaps through an ICSA-selected “committee of experts.”

-CONFIDENTIAL-

To: ICSA Negotiator
From: Chair, Committee on Chemicals in Industry
Subject: Chlorine Working Group Negotiations--A 3-Annex List Scheme

I understand that you will be representing ICSA at the informal Chlorine Working Group negotiations. Although we have not met, I have read your curriculum vitae, and have heard excellent things about your contributions to ICSA over the past year. ICSA has benefited enormously from the input and energy of a younger generation of scientists like yourself. However, the approach of this new generation of ICSA scientists has sometimes led to an increased level of activism within ICSA that is not appropriate to a leading international scientific organization.

We in the ICSA Committee on Chemicals in Industry believe that a small number of chlorinated organochlorines do have proven deleterious impacts on human health and the environment, and many of us, including myself, would like to see these restricted at the international level. However, this is not ICSA's role. ICSA is a scientific association, and as such, must limit its involvement to the clear and accurate presentation of scientific information.

The best contribution you can make to the negotiations, beyond your knowledge as a scientist, is to propose that any international decision be based on a system of 'Annexes.' ICSA would be responsible for the development and updating of the annexes. Variations of the annex system have been used successfully in several other international regimes.

Basically, the system establishes a limited number of annexes, or lists (we propose three), which categorize compounds according to the degree of harm they cause to human health and the environment. Of course, this categorization must reflect rigorous and thorough research on their real impacts. You might want to propose a black list, a gray list, and a white list. The black list would include only a small number of highly toxic substances such as dioxin, PCBs, and DDT. The gray list would include substances which pose significantly less risk to human health and the environment (moderate to low toxicity), as well as "suspect substances" requiring further study (these may include PVCs, organochlorines used in paper bleaching, and some agricultural chemicals). The white list would include substances for which there is no scientific basis for concern (for example, table salt!). Obviously, more scientific study is required in determining exactly which substances should be placed in which list.

By proposing the annex system, you will be able to ground the negotiations in science. Moreover, you will ensure that ICSA, by acting as the "keeper of the lists," plays an important role in the ongoing scientific analysis of the chlorine issue.

I, and my colleagues in the committee, firmly believe that this is the best proposal for ICSA to make and that you should limit your role to focusing on this aspect and not getting involved in the political tugs-of-war that are bound to predominate the meeting.

**INTERNATIONAL COUNCIL
OF SCIENTIFIC ASSOCIATIONS**

Chlorine Committee

To: ICSA Negotiator
From: Chair, Chlorine Committee
Subject: Chlorine Working Group Negotiations

I am very pleased that you will be representing ICSA at the informal Chlorine Working Group negotiations sponsored by UNEP. Although I know that you have read our most recent report, I am not sure that you know the background of the Chlorine Committee. The Committee was established by the ICSA Executive Director in 1995, with a mandate to "evaluate the uses of and concerns about chlorine and chlorinated compounds, and to make recommendations to guide international policy-making on these issues."

The Chlorine Committee has devoted three years to rigorous study of the chlorine issue. We have concluded that this is a very serious problem, and that ICSA must not stand on the sidelines in debates about chlorine policy. It is not only ICSA's role to link science to policy, it is our responsibility. The risks of "crossing the boundary" between science and policy are minute when compared to the risks of inaction with respect to chlorine.

I summarize below the most important points from our recent report, as they pertain to the upcoming negotiations.

- ❖ There is insufficient scientific evidence to conclude that the presence of non-persistent chlorinated compounds poses a threat to

human health or the environment. However, insufficient scientific evidence does not prove a lack of potential for harm.

- ❖ Toxic chlorinated compounds, which are known to be both persistent and bioaccumulative, can be treated as a group for regulatory purposes. These chemicals should be controlled.
- ❖ Chlorinated organochlorines are heterogeneous, and therefore have varied potential to produce deleterious effects in humans and the environment.
- ❖ All new chlorinated products and by-products should be evaluated for toxicity, persistence and bioaccumulation before they are released into the environment. Existing products and byproducts should be subjected to the same analysis. The evaluation should identify lethal as well as non-lethal toxic effects, including neurotoxicity, hormone modulation, and immunotoxicity. The process of determining these effects is a long one and should begin as soon as possible. ICSA is well placed to conduct such studies. However, this is an expensive process and would require support from the international committee.

I know that others within ICSA believe that the Association should not, under any circumstances, taint its image with advocacy. However, chlorine poses a serious, scientifically based threat to society, and it would be highly irresponsible for ICSA to stand on the sidelines in this debate. I encourage you to use all of your resources, including your scientific background and negotiation skills, to ensure that the Chlorine Working Group develops a strong, enforceable agreement that will significantly reduce the risks associated with toxic chlorinated substances.

**INTERNATIONAL
UNION FOR THE
CONSERVATION OF THE
ENVIRONMENT**

Office of the Executive Director

To: IUCE Negotiator
From: IUCE Executive Director
Subject: Chlorine Working Group Negotiations

I appreciated your memo of last week in which you raised concerns about how to balance the diverse needs and interests of our membership as you negotiate on behalf of the IUCE at the Chlorine Working Group Negotiations. You are right to have identified this as one of the primary challenges you face. I have outlined below several points that should guide you in the negotiations. However, I also encourage you to study the points raised in the two attached memos from the Chair of our Chlorine Committee and our Director of Corporate Relations. These memos represent two quite different views and I encourage you to consider both sets of views as you are formulating your negotiating strategy. Your effectiveness in these negotiations will depend on your capacity to build strategic alliances. Although you may need to adjust your strategies as the negotiations unfold, I have outlined below the major issues of concern to the IUCE and the expected positions and interests of other parties.

BACKGROUND ON IUCE

First, it is clear that UNEP has invited the IUCE to participate in the Working Group on Managing the Global Use of Organochlorines in an effort to balance the "radical" position of *GreenStrategies* with the more "moderate" stance of the IUCE. However, the IUCE is not a moderate parallel to *GreenStrategies*. We are an umbrella organization made up of a wide range of governments, government agencies, and NGOs. Although this poses a challenge to you as you develop your strategy, it also represents a source of credibility which you should use to maximize your leverage.

You may want to remind the other parties at the negotiation of the following facts.

The International Union for the Conservation of the Environment (IUCE) was founded in 1950. Since then, we have grown into one of the world's largest environmental umbrella organizations, with a 1998 budget of \$40 million. Our membership includes 71 states, five of which will be represented at the Chlorine negotiations (United States, Norway, Germany, Brazil and India). We have a strong record of working effectively with governments, having helped to prepare national environmental plans for over 45 countries. In particular, we have a history of cooperation with Norway, which has been a major donor to the IUCE for many years, and we are currently working with Brazilian authorities to develop a master plan for sustainable development in the Amazon. In addition to our state members, the IUCE brings together over 100 government agencies and close to 700 non-governmental organizations. Our work is

supported by 300 employees and 5,000 volunteers around the world, including some of the world's finest scientists and economists.

SCOPE OF THE PROBLEM

- Chlorine is an international problem that deserves some international action, particularly where such action is relatively inexpensive. Chlorinated organochlorines cross borders through atmospheric transport and international trade. The experiences of Sweden and the US, both of which banned DDT but continue to receive DDT through atmospheric deposition, testify to the need for international action. More than ten years after the US ban on DDT, atmospheric fluxes of 'new' DDT over eastern North America were 10 - 20% of those that occurred during peak domestic DDT usage. Although the issue of chlorine has recently captured the attention of the environmental community, chlorine is only one of many important environmental issues. In making decisions about what action to take, it is important to keep in mind that resources used to address this issue are resources that will be unavailable to address other, more pressing, environmental problems. Therefore, our actions at this point should be limited to relatively easy, inexpensive actions.

ACTION

- A chlorine ban is scientifically unsubstantiated. Although some global action is warranted, we do not agree with *GreenStrategies* that chlorine should be banned as an industrial feed stock. The call for a ban is based on two assumptions with which we take issue. The first assumption, that all chlorinated organochlorines should be treated as a class, is currently unsubstantiated by scientific evidence. Although there are several environmental "bad actors" among the organochlorines, including DDT, dioxins, PCBs and CFCs, there is no evidence at this point to implicate all organochlorines. The second assumption, which follows from the first, is that global action with respect to organochlorines should be based on the precautionary principle. Although we support the commitment to environmental protection that underlies the precautionary principle, this needs to be balanced with a commitment to responsible action. A chlorine ban would cause massive microeconomic and macroeconomic disruption. Moreover, requiring industry to prove the safety of individual compounds before production or use is economically unfeasible in our view.
- Action should be targeted to specific organochlorines, for which there are substitutes. We support action to phase out specific, targeted organochlorines. Decisions about which substances to restrict should be based on rigorous analysis of the costs and benefits of those restrictions. We would strongly support restrictions on the use of chlorine in the pulp and paper industry and in agriculture, where substitute processes are readily available. This would translate into a ban on DDT and chemically-related pesticides, and the elimination of chlorine use in the paper bleaching process. We would be hesitant, however, to place restrictions on pharmaceuticals or PVC production until further scientific research is done to assess their impacts on the environment and human health. Our first choice of action would therefore be to set a goal of 50% reduction of specific substances for which appropriate substitutes exist. Although we would be willing to consider a smaller reduction, any reduction below 25% will be insufficient to protect human health, and any across-the-board reduction of organochlorines as a single class would be irresponsible. We would prefer an agreement that includes timelines and

monitoring, but recognize that this may be unacceptable to some countries whose support will be needed in any treaty.

FINANCING

- Financing is the area in which I believe the IUCE has the most to offer, having devoted more than two years to developing an innovative licensing proposal.
- The Licensing Proposal. Our proposal addresses both collection and distribution of funds to support an international chlorine treaty. Although the details of the proposal are complex, the core concept is fairly straightforward. It will be up to you to help the other parties understand the proposal. Basically, the licensing process would fund the implementation of a chlorine treaty by offering exclusive licenses for the development of substitutes, thereby protecting a limited number of firms from competition for a limited time period. (Although this is akin to granting temporary "monopoly" status to these firms, you will want to avoid the term monopoly and stress the limited time frame for the protection.) Revenues generated by the sale of the substitutes would be shared between the license-holding firms and a fund administered by a Secretariat. That fund would then be used to finance the Secretariat, to invest in research and development of substitutes, and to provide financial and technical assistance to developing countries affected by any phase-outs or bans.
- Negotiating Strategy. You should expect initial strong opposition from the United States and business representatives to the licensing scheme. However, if the discussions move towards a chlorine tax, they could become your allies. You should sell the idea to developing countries as an opportunity to leap-frog to more advanced technologies. Although the other members of the Working Group have already received copies of the proposal, it is unlikely that they would have found the time to analyze it carefully. You will want to be very careful about when and how you initiate discussion of this proposal. I would strongly encourage you to meet with the Norwegian representative as soon as possible.

GOVERNANCE

- The role NGOs will play in the treaty negotiations is extremely important to the IUCE, and this is an issue on which there is broad agreement among our members. You should strongly argue for the right of NGOs to participate directly in the treaty negotiations. You may want to base your argument on the fact that NGOs often bring valuable information and innovative ideas to international environmental treaty-making. The strength of this argument will largely depend on your ability to promote the licensing scheme.
- NGO participation should include the right to submit materials and to make scheduled, formal presentations. Our first preference would be to have NGOs self-select a limited number of representatives, but we would be willing to have the Conference of the Parties make that selection. At a very minimum, NGOs should be present as observers.

**INTERNATIONAL
UNION FOR THE
CONSERVATION OF THE
ENVIRONMENT**

Department of Development

To: IUCE Negotiator
From: Chair, Chlorine Committee
Subject: Chlorine Working Group Negotiations

I have just returned from a meeting with the Executive Director regarding the position that IUCE would be advocating at the forthcoming UNEP Working Group meeting on the management of organochlorines. I am very concerned that this position reflects neither the work the Chlorine Committee has done over the past six years, nor the commitment of the IUCE to environmental protection. In particular, I strongly disagree with the Executive Director in terms of the scope of the problem and the actions that must be taken.

Evidence from numerous studies indicates that chlorine is a very serious problem. It is IUCE's responsibility to advocate for immediate and significant action to address this problem, even where that action is politically or economically difficult. I fear that focusing on the goal of establishing "credibility" at the working group negotiations would amount to caving in to the political concerns of a few of our conservative constituents. Far too much is at stake for the IUCE to stand on the sidelines. We must act decisively, forcefully and quickly to protect the environment from potential catastrophe.

The Chlorine Committee prepared a comprehensive report in preparation for these negotiations, and the Executive Director has clearly not conveyed the full message of that report to you. I would therefore like to summarize in this memo the Committee's principal recommendations as they are outlined in our report.

- Any action should be targeted to specific organochlorines, as there is insufficient scientific evidence to support treating all organochlorines as a single class.
- The Conference of the Parties to the treaty should identify substances for which there is clear cause for concern and establish a goal of 80% reduction over seven years. This list should be based solely on an environmental risk assessment and should include, at a minimum, DDT, chemically-related pesticides, and chlorine use in pulp and paper bleaching.
- A global treaty on chlorine should be immediately negotiated and this treaty should include provisions for monitoring and economic penalties, possibly including trade restrictions.

As you prepare for the negotiations, I urge you to keep in mind that my committee has spent six years working exclusively on this issue. When the committee was formed we were appropriately conservative. Now, after six years of research and analysis, it has become clear to us that chlorine poses a serious threat to human health and the environment. The international community must act quickly and boldly.

As the IUCE's representative at the working group negotiations, it will be up to you to ensure that the IUCE does not shy away from its responsibilities in this regard.

**INTERNATIONAL
UNION FOR THE
CONSERVATION OF THE
ENVIRONMENT**

Office of Corporate Relations

To: IUCE Negotiator
From: IUCE Director of Corporate Relations
Subject: Chlorine Working Group Negotiations

Although the IUCE has a strong record of working with governments and environmental NGOs, our record of cooperation is far less impressive with respect to the corporate sector. The environmental community, including the IUCE, wrote business off as the “enemy” to environmental protection for many years. However, it is becoming increasingly clear that cooperating with business is not selling out, but is rather an essential component of global environmental protection. Businesses have information, expertise and resources that the international community needs to effectively address global environmental problems. As you prepare for the upcoming Chlorine Working Group negotiations, I want to share with you some concerns I have about the positions the IUCE will take with respect to a possible chlorine treaty.

ON ACTION

1. Chlorine is essential to many industrial processes; any action to restrict production and use will have far-reaching microeconomic and macroeconomic impacts. We therefore need to be sure that any treaty includes provisions for rigorous scientific assessment of the impacts of specific chlorinated compounds and as well as provisions for economic assessment of the costs and benefits of reducing or banning these compounds.
2. There is no scientific evidence to support treating organochlorines as a single class. Therefore, an across-the-board reduction, even as low as 5%, is irresponsible.
3. We should support limited reduction of proven bad actors for which inexpensive substitutes exist. However, this reduction must be limited (preferably no more than 25%) and over a sufficient time period to prevent unnecessary economic dislocation. The timetable should be developed in cooperation with industry representatives.

ON FINANCING

1. The success of any efforts to reduce chlorine use will largely depend on the development of substitutes by industry.
2. The IUCE has invested several years developing the financing scheme, and many people within the leadership are deeply committed to it. You will therefore clearly need to table the proposal. When you do, however, I strongly encourage you to listen very carefully to the concerns that the representative from the business community will undoubtedly raise about the proposal, and to actively engage them in thinking through whether there are ways to modify its main elements to address these concerns.

F A C S I M I L E

Page 1 of 1

Office of the Vice President of the United States of America

From: Environmental Advisor to the Vice President and
Director, White House Policy Coordinating Committee
on Environment and Natural Resources
To: The Director, Office of Environmental Protection

The Whitehouse has been concerned about the negative press that the United States position on the global use of organochlorines has been getting in the run-up to this meeting. We have been accused to tugging at a hard-line and of trying to halt progress towards a global agreement on this issue.

We are not only concerned about the backlash from our allies in Europe but also from environmental groups here in the U.S. In the last two days alone, the Whitehouse has received more than 1000 emails and messages regarding the chlorine negotiations, the bulk of these are critical in tone. In particular, we have been accused to having bowed to industry interests while ignoring health effects.

Although the Whitehouse agrees with the general thrust of the U.S. position paper, we are concerned about the international environmental image of the country. **It is crucial that the U.S. maintain and enhance its position as a global environmental leader.** We feel, therefore, that it is important to highlight the positive elements of the U.S. position, especially our offer to spearhead—and, if necessary, provide the major (up to 65% of) funding for—an international scientific assessment of the issue.

Moreover, in speaking to U.S.A.I.D. we can offer a small grants program for developing countries wishing to convert dirty chlorine technologies to clean ones. (Although U.S.A.I.D. is yet unwilling to announce an exact amount figure, you can be certain that it will be at least to the tune of US\$600 million.) It should, however, be made clear that this program will be entirely run by the U.S. with no interference from any international body whatsoever. We should also encourage other industrialized countries to set up similar programs.

We, at the Whitehouse, wish you the best of luck in the remainder of the negotiations and are sure that you would do your best to preserve essential U.S. interests while also ensuring that the U.S. maintains its position of environmental leadership rather than being seen as an environmental villain.

Ministry of Foreign Affairs
Federative Republic of Brazil

• CONFIDENTIAL & URGENT •

To: Chief negotiator for Brazil at the UNEP Working Group on Organochlorines
From: The Minister of Foreign Affairs, Government of Brazil

As you know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 just concluded in Penang, Malaysia. The international media has been describing this meeting as the “single most important show of developing countries’ solidarity since the oil crisis in the 1970s.” You would also be aware that Brazil played a pivotal leadership role in this meeting and had a large hand in influencing the final resolution which has called for greater Southern solidarity, unity and coordination in all international negotiations.

Since your confidential instructions for the UNEP Working Group negotiations were prepared *prior* to this meeting it is important that they be modified to reflect the decisions taken at Penang. This memo should now be considered the most important set of instructions for you. While much of the specifics in your earlier packet remain as valid as before, the general tone and stance of your negotiation strategy should now be influenced by this memo, the substance of which overrides any contradictory instructions that may be contained in the earlier packet.

The most important impact of the Penang Declaration—and the expression of Southern unity it manifests—is that now you have to make sure that the developing countries of the South which are present at this meeting should coordinate their positions, should act as a united force (maybe even as a ‘bloc’) and, most importantly, should be seen to be doing so. This reflects the growing belief in our countries that the industrialized world has been unwilling to take our concerns seriously when we have acted alone or been lukewarm in our solidarity; the North is more likely to account for our interests if we use our strength of numbers—after all there are over 130 members of the G77—and demonstrate our unity.

Some may argue that there are important economic and political differences within the South. This is essentially true; however, as history has demonstrated and as the Penang Declaration points out “what is different amongst us may be important, but it is much less important than what we have in common—a desire to fulfill our legitimate development aspirations, to create a just international order which is no longer dominated by a few rich countries of the North, and to ensure that the priorities of the poor countries are properly reflected in the international agenda.” Moreover, we believe that in our quest to create a more fair international order the developing countries will gain valuable support from former Soviet bloc countries whose concerns are increasingly similar to our own. With the Cold War over and increasing assistance fatigue in the North, the developing countries are becoming more vulnerable than ever—unity is now our only strength and the environment may well be a trump card since it is an area where the rich countries desperately need our cooperation.

As already mentioned, the specifics of your instructions remain largely unchanged. However, strategically we suggest that as the very first order of business you meet the delegates from other developing countries and try to devise a system of coordinated negotiation. The rest of the Working Group is likely to take you far more seriously if they see all the developing

countries speaking in one voice—they are likely to respect your views even more if they see these views as representing not just these three developing countries but all the 130 member states of the G-77!

A delegation of the Czech Republic was present in Penang as an observer; we feel that with persuasion they are likely to support the South on many issues. Given some necessary quid-pro-quo, you might even win the support of the NGOs and of the more progressive industrialized countries (e.g., Norway) on whatever package agreement you come up with.

Unlike most environmental agreements of the past where the developing countries have passively reacted to proposals that were originally shaped by the North, we are very eager to make this a case where it is the South that takes the leadership in forging the shape of the final agreement. This may mean making some concessions so that the other countries can also join in, but any agreement must reflect the key interests of the developing world:

- A statement acknowledging that abject poverty and chronic deprivation remains the world's biggest problem and a focus on environmental concerns should distract neither resources nor attention from this global tragedy.
- An explicit statement that the developing countries have a legitimate right to development. The environment must not be used as an excuse to halt their economic development—at least, not until they have reached the same stage of development at which the industrialized countries now stand!
- A statement that, like all other environmental problems, the developing countries have NOT been historically responsible for creating the chlorine problem and must not be held liable for paying to ameliorate it.
- If any action is required from the developing countries, the international community should provide financing for it so that this action does not divert precious resources from the more pressing developmental and survival concerns in these countries. Preferably, such assistance should come as transfers of technology. Moreover, given that developing countries are being asked to forego the developmental options that the industrialized world has already used up, it is critical that preferential treatment in the form of extended deadlines, etc. be provided to the developing countries.

Given the new circumstances it may be advisable to push the proposal for a 'chlorine tax'. If the proposal, in its current form, is unacceptable to other countries you may work with other developing countries to see if it can be modified some way to become acceptable. Being able to have something like this accepted would demonstrate the ability of the South to shape the environmental agreements of the future.

Having said all of the above, we realize that it may already be too late to construct new proposals that reflect developing countries' interests better. **At this point in this negotiation, your important goal in light of the Penang meeting is to: a) ensure that the developing countries coordinate their negotiation efforts and are seen as working together, b) to adopt a leadership role in influencing the final text which emerges from this meeting, and c) to bring as many developing countries concerns as possible into the final agreement.**

— CONFIDENTIAL —

MINISTRY OF FOREIGN AFFAIRS
THE PEOPLES REPUBLIC OF CHINA

• URGENT & CONFIDENTIAL •

To: Chief negotiator for China
at the UNEP Working Group on Organochlorines
From: The Minister of Foreign Affairs, Government of China

As you know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 just concluded in Penang, Malaysia. The international media has been describing this meeting as the "single most important show of developing countries' solidarity since the oil crisis in the 1970s." You would also be aware that China played a pivotal leadership role in this meeting and had a large hand in influencing the final resolution which has called for greater Southern solidarity, unity and coordination in all international negotiations.

Since your confidential instructions for the UNEP Working Group negotiations were prepared *prior* to this meeting it is important that they be modified to reflect the decisions taken at Penang. This memo should now be considered the most important set of instructions for you. While much of the specifics in your earlier packet remain as valid as before, the general tone and stance of your negotiation strategy should now be influenced by this memo, the substance of which overrides any contradictory instructions that may be contained in the earlier packet.

The most important manifestation of the Penang Declaration for you is that now you have to make sure that the developing countries of the South which are present at this meeting should coordinate their positions, should act as a united force (maybe even as a 'bloc') and, most importantly, should be seen to be doing so. This reflects the growing belief in our countries that the industrialized world has been unwilling to take our concerns seriously when we have acted alone; the North is more likely to account for our interests if we use our strength of numbers—after all there are 130 members of the G77 alone—and demonstrate our unity. As an associate member of the G77 and a leader of the Southern coalition, China is very interested in seeing this unity demonstrated at the UNEP Working Group Meeting.

Some may argue that there are important economic and political differences within the South. This is essentially true; however, as history has demonstrated and as the Penang Declaration points out "what is different amongst us may be important, but it is much less important than what we have in common—a desire to fulfill our legitimate development aspirations, to create a just international order which is no longer dominated by a few rich countries of the North, and to ensure that the priorities of the poor countries are properly reflected in the international agenda." With the Cold War over and increasing assistance fatigue in the North, the developing countries are becoming more vulnerable than ever—

unity is now our only strength and the environment may well be a trump card since it is an area where the rich countries desperately need our cooperation.

As already mentioned, the specifics of your instructions remain largely unchanged. However, strategically we suggest that as the very first order of business you meet the delegates from other developing countries and try to devise a system of coordinated negotiation. The rest of the Working Group is likely to take you far more seriously if they see all the developing countries speaking in one voice—they are likely to respect your views even more if they see these views as representing not just these three developing countries but all the 130 member states of the G-77! Given some necessary quid-pro-quo, you might even win the support of the NGOs, of the Czech Republic and of the more progressive industrialized countries (e.g., Norway) on whatever package agreement you come up with.

Unlike most environmental agreements of the past where the developing countries have passively reacted to proposals that were originally shaped by the North, we are very eager to make this a case where it is the South that takes the leadership in forging the shape of the final agreement. This may mean making some concessions so that the other countries can also join in, but any agreement must reflect the key interests of the developing world. These interests are largely spelled out in your earlier instructions and you should actively work with other developing countries to bring as much of that wording into the final text as possible.

You should also work with the other developing countries to see if the ‘Chlorine Tax’ proposal, or some modification of it, can be pushed through this meeting. If it can, it would be a great achievement for the South in international environmental affairs. Even if no modified version of the proposal is found acceptable by other countries, you should make sure that the final agreement reflects as much of developing countries inspired language as possible.

Having said all of the above, we realize that it may already be too late to construct new proposals that reflect developing countries interests better. **At this point in this negotiation, your important goal in light of the Penang meeting is to: a) ensure that the developing countries coordinate their negotiation efforts and are seen as working together, b) to adopt a leadership role in influencing the final text which emerges from this meeting, and c) to bring as many developing countries concerns as possible into the final agreement.**

Ministry of Foreign Affairs
The Government of India

• URGENT & CONFIDENTIAL •

To: Chief negotiator for India at UNEP OC Working Group
From: The Minister of Foreign Affairs, Government of India

As you know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 just concluded in Penang, Malaysia. The international media has been describing this meeting as the "single most important show of developing countries' solidarity since the oil crisis in the 1970s." You would also be aware that India played a pivotal leadership role in this meeting and had a large hand in influencing the final resolution which has called for greater Southern solidarity, unity and coordination in all international negotiations.

Since your confidential instructions for the UNEP Working Group negotiations were prepared *prior* to this meeting it is important that they be modified to reflect the decisions taken at Penang. This memo should now be considered the most important set of instructions for you. While much of the specifics in your earlier packet remain as valid as before, the general tone and stance of your negotiation strategy should now be influenced by this memo, the substance of which overrides any contradictory instructions that may be contained in the earlier packet.

The most important manifestation of the Penang Declaration for you is that now you have to make sure that the developing countries of the South which are present at this meeting should coordinate their positions, should act as a united force (maybe even as a 'bloc') and, most importantly, should be seen to be doing so. This reflects the growing belief in our countries that the industrialized world has been unwilling to take our concerns seriously when we have acted alone or when we have lacked demonstrated solidarity; the North is more likely to account for our interests if we use our strength of numbers—after all there are 130 members of the G77—and demonstrate our unity.

Some may argue that there are important economic and political differences within the South. This is true; however, as history has demonstrated and as the Penang Declaration points out "what is different amongst us may be important, but it is much less important than what we have in common—a desire to fulfill our legitimate development aspirations, to create a just international order which is no longer dominated by a few rich countries of the North, and to ensure that the priorities of the poor countries are properly reflected in the international agenda." With the Cold War over and increasing assistance fatigue in the North, the developing countries are becoming more vulnerable than ever—unity is now our only strength and the environment may well be a trump card since it is an area where the rich countries still need our cooperation.

As mentioned, the specifics of your instructions remain largely unchanged. However, strategically we suggest that as the very first order of business you meet the delegates from other developing countries and try to devise a system of coordinated negotiation. The rest of the Working Group is likely to take

you far more seriously if they see all the developing countries speaking in one voice—they are likely to respect your views even more if they see these views as representing not just these three developing countries but all the 130 member states of the G-77!

Unlike most environmental agreements of the past where the developing countries have passively reacted to proposals that were originally shaped by the North, we are very eager to make this a case where it is the South that takes the leadership in forging the shape of the final agreement. This may mean making some concessions so that the other countries can also join in, but any agreement must reflect the key interests of the developing world. You should work with other developing countries to finalize the wording for the final text that reflect these interests, especially in terms of statements of principle about the role of developing countries in environmental issues.

A New Financing Proposal: You may also think of pushing more strongly for the so-called 'chlorine tax' proposal. If you feel that the other countries are not at all willing to accept this, you may suggest a modified scheme of a one-time global assessment where each country is required to contribute an amount based on a fixed percentage of its total chlorine-related production and/or use to a global 'Chlorine Fund.' The Fund should then be used to introduce cleaner chlorine technologies in the developing countries. Details regarding exactly what percentage and on exactly what figure (production or consumption, etc.) can be worked out later, as long as the proposal is accepted in principle.

You should stress that the individual country contribution could be a fairly small amount (fixed so that the overall size of the fund for the whole world is not larger than US\$ 1 billion—even for the world's single largest user of chlorine, the U.S., the contribution would merely be around US\$ 300 million. It could be agreed that this would only be a one-time contribution with future contributions being entirely voluntary. You could argue that given the size of the global chlorine economy this is a pittance and that this does not create any problems of precedence which the North seems so concerned about since this is only a one-time contribution. You could even offer that if such a scheme was adopted the developing countries would be willing to contribute their share without demanding preferential treatment. Your most important argument, however, should be that if the industrialized countries are really serious about this problem and want the developing countries to take them seriously, then they should put their money where there mouth is—and this is not even a lot of money!

Having said all of the above, we realize that it may already be too late to construct new proposals that reflect developing countries better. **At this point in this negotiation, your important goal in light of the Penang meeting is to: a) ensure that the developing countries coordinate their negotiation efforts and are seen as working together, b) to adopt a leadership role in influencing the final text which emerges from this meeting, and c) to bring as many developing countries concerns as possible into the final agreement.**

Ministry of Foreign Affairs
Federative Republic of Brazil

• CONFIDENTIAL & URGENT •

To: Chief negotiator for Brazil at the UNEP Working Group
From: The Minister of Foreign Affairs, Government of Brazil

As you know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 just concluded in Penang, Malaysia. The international media has been describing this meeting as an important milestone in South-South cooperation, especially since this meeting was also attended by a number of former Soviet bloc countries including Tajikistan, Uzbekistan, Slovenia, and the Czech Republic. China, which is an associate member of the G77 also attended and played a leading role in shaping the final declaration.

Many have seen this Summit as a sign that the developing world has embarked on a new path of 'South-South cooperation'. While this slogan has been used many times in the past, this meeting actually signed a number of serious protocols that will expand economic, industrial and technological cooperation *between* developing countries. Importantly, it is hoped that many economies in transition will also join in these partnership efforts. Although the details of the various agreements signed at this South Summit do not concern you directly, one clause of the Penang Declaration is of importance:

“The developing countries and the economies in transition will try, as far as practically feasible, to coordinate their efforts in all international negotiations, especially those related to environmental issues.”

The elaboration in the accompanying document adds: “wherever possible, we will meet together prior to such negotiations to explore common platforms. We will also closely coordinate our positions during these negotiations.” It then goes on to say that “While we recognize that there will remain differences within our ranks on many issues, we will try to forge consensual positions on those issues on which it is possible to speak with one voice; doing so will greatly increase our combined chance of getting our interests incorporated into international regimes.”

You should read the above as a directive to work more closely with other developing countries present at the UNEP Working Group. This does not mean that you have to agree with them on all issues, or to forfeit any of your own vital interests. It does, however, mean that on issues where there are clear common interests, you should try to come up with common positions, and state them as such at the meeting. This will also enhance your chances (as a group) of influencing the final text emerging from this meeting. As the Chair of the G77, Brazil should adopt a leading role in forging such coordination. You should call a meeting with delegates from India and China to see ways of coordinating positions for this Working Group. You may also want to set up a schedule so that such meetings are held regularly during the course of these negotiations (outside the regular sessions of the plenary). You should consider including the Czech Republic in these meetings. You may also want to explore the possibility of inviting, on occasion; other 'like minded' delegates (some of the NGOs, Norway, maybe even Germany) if you think fruitful partnerships can be created.

MINISTRY OF FOREIGN AFFAIRS
THE PEOPLES REPUBLIC OF CHINA

• URGENT & CONFIDENTIAL •

To: Chief negotiator for China
From: The Minister of Foreign Affairs, Government of China

As you know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 just concluded in Malaysia (*after your earlier instructions were written*). The international media has been describing this meeting as an important milestone in South-South cooperation, especially since this meeting was also attended by a number of former Soviet bloc countries. China, an associate member of the G77, also attended and played a leading role in shaping the final declaration.

Although the details of the agreements signed at this Summit do not concern you directly, one clause of the Summit Declaration is of importance:

"The developing countries and the economies in transition will try, as far as practically feasible, to coordinate their efforts in all international negotiations, especially those related to environmental issues."

The elaboration in the accompanying document adds: "wherever possible, we will meet together prior to such negotiations to explore common platforms. We will also closely coordinate our positions during these negotiations." It then goes on to say that, "while we recognize that there will remain differences within our ranks on many issues, we will try to forge consensual positions on those issues on which it is possible and speak with one voice; doing so will greatly increase our combined chance of getting our interests incorporated into international regimes."

You should read the above as a directive to work more closely with other developing countries present at the UNEP Working Group. This does not mean that you have to agree with them on all issues, or to forfeit any of your own vital interests. It does, however, mean that on issues where there are obvious common Interests you should try to come up with common positions, and state them as such at the meeting. This will also enhance your chances (as a group) of influencing the final text emerging from this meeting.

Ministry of Foreign Affairs
The Government of India

FACSIMILE

• U R G E N T & C O N F I D E N T I A L •

To: Chief negotiator for India at the
UNEP Working Group on Organochlorines

From: The Minister of Foreign Affairs, Government of India

As you know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 just concluded in Penang, Malaysia. The international media has been describing this meeting as an important milestone in South-South cooperation, especially since this meeting was also attended by a number of former Soviet bloc countries including Tajikistan, Uzbekistan, Slovenia, and the Czech Republic.

Although the details of the various agreements signed at this South Summit do not concern you directly at this moment, one clause of the Penang Declaration is of importance to you:

“The developing countries and the economies in transition will try, as far as practically feasible, to coordinate their efforts in all international negotiations, especially those related to environmental issues.”

The elaboration in the accompanying document adds: “Wherever possible, we will meet together prior to such negotiations to explore common platforms. We will also closely coordinate our positions during these negotiations.” It then goes on to say that “While we recognize that there will remain differences within our ranks on many issues, we will try to forge consensual positions on those issues on which it is possible and speak with one voice; doing so will greatly increase our combined chance of getting our interests incorporated into international regimes.”

You should read the above as a directive to work more closely with other developing countries present at the UNEP Working Group. This does not mean that you have to agree with them on all issues, or to forfeit any of your own vital interests. It does, however, mean that on issues where there are obvious common interests, you should try to come up with common positions and state them as such at the meeting. This will also enhance your chances (as a group) of influencing the final text emerging from this meeting.

F A C S I M I L E

MINISTRY OF FOREIGN AFFAIRS

C Z E C H R E P U B L I C

From: Minister of Foreign Affairs, Czech Republic
To: Chief Czech Negotiator at the
UNEP Working Group on Organochlorines

As you may know, a summit meeting of the Heads of State and Foreign Ministers of the member states of the Group of 77 (a coordination caucus of over 130 developing countries in the UN system) just concluded in Penang, Malaysia (*after your earlier instructions were written*). The international media has been describing this meeting as an important milestone in South-South cooperation, especially since this meeting was also attended by a number of former Soviet bloc countries including Tajikistan, Uzbekistan, Slovenia, and the Czech Republic. China, which is an associate member of the G77 also attended.

We believe that this was an important meeting for the Czech Republic because it was the first time that the developing countries have accepted that economies in transition are as much in need of international assistance as developing countries.

One important clause of the Summit Declaration says that "*The developing countries and the economies in transition will try, as far as practically feasible, to coordinate their efforts in all international negotiations, especially those related to environmental issues.*"

We believe that the developing countries will try to get together at the Chlorine Working Group to form such a coordinated position. If they do, and if you are invited, you should actively participate in the meeting and see ways of forming a partnership with them on issues of common interest. **This does not mean that you have to agree with them on all issues, or to forfeit any of your own vital interests.** It does, however, mean that on issues where there are common interests you should try to come up with common positions and state them as such at the meeting. This will also enhance your chances (as a group) of influencing the final text emerging from this meeting.

UNDER NO CIRCUMSTANCES ARE YOU TO SHARE ANY
OF THE ABOVE INFORMATION WITH OTHER
MEMBERS OF THE WORKING GROUP
—ESPECIALLY WITH THE INDUSTRIALIZED COUNTRIES.

Ministry of Foreign Affairs
Federative Republic of Brazil

• CONFIDENTIAL & URGENT •

To: Chief negotiator for Brazil at the Working Group on Organochlorines
From: The Minister of Foreign Affairs, Government of Brazil

I have been following the UNEP Working Group on Organochlorines with great interest and want to congratulate you on doing a good job of articulating the interests of your country at this negotiation. I am concerned, however, that some industrialized countries may try to push for particular bilateral deals with other developing countries and economies in transition.

Ideally, we would like to see the creation of an international funding mechanism that does not leave us overly dependent on the changing whims of individual donor countries and give us control of how the funds are utilized. However, it seems that in the post-Cold War world, the utility of collective negotiation strategies is diminishing and the South no longer has much hope of bringing about massive change through collective tactics. While we do not wish to be seen as abandoning the G77, we should reevaluate whether our efforts are best spent on coordinating with developing countries or in seeking our goals in individual negotiation. At the same time, we do not want to be seen as pushing too hard for bilateral deals for ourselves—this would make the industrialized countries think that we are over-eager to oblige them and would create serious apprehensions within other developing countries with whom we still share some common goals and may ultimately wish to negotiate collectively with (here or elsewhere).

What I am suggesting is that while you should continue pushing for a multilateral financing mechanism, you should also keep your ears to the ground for the possibility of bilateral agreements. In particular, our interest of upgrading our pulp and paper sector with transfers of the latest technologies could benefit greatly from bilateral arrangements. While coming back home with only bilateral deals has certain negative impacts (i.e., bilateral financial deals give more control to the donor; loss of credibility with the rest of the developing countries who may not get such deals; etc.), it is better than coming back with nothing.

I realize that your task is not an easy one. The decision on exactly what strategy you should adopt is entirely yours to make—and can only be made in light of how the overall negotiation in the Working Group is going. I can also not offer any advice on how much (if any) of these concerns you should share with other like-minded countries, or whether you should directly approach donor countries to explore the possibilities of bilateral arrangements. These, too, are decisions that you (and you alone) can make. Your final decisions should be based solely on how best to actualize Brazil's interests.

I wish you the best of luck in making the right decision.

Ministry of Foreign Affairs
The Government of India

• URGENT & CONFIDENTIAL •

To: Chief negotiator for India at the UNEP Ocs Working Group
From: The Minister of Foreign Affairs, Government of India

I have been following the UNEP Working Group on Organochlorines with great interest and want to congratulate you on doing a good job of articulating the interests of your country at this negotiation. I am concerned, however, that the days of grand Southern solidarity are over and also that some industrialized countries may try to push for particular bilateral deals with other developing countries and economies in transition.

Ideally, we would like to see the creation of an international funding mechanism that gives us greater control and does not leave us overly dependent on the changing whims of individual donor countries. If our national interests are best served through a collective strategy then that is what you should pursue. However, if bilateral deals are to be had, we do not wish to be left out of them. What is not at all desirable for us is to find out at the end of these negotiations that other countries have been able to use these talks to make bilateral arrangements while we were so busy trying to create a multilateral international mechanism. At the same time, we do not want to be seen as pushing too hard for bilateral deals for ourselves—this would make the industrialized countries think that we are over-eager to oblige them and would create apprehensions within other developing countries who would no longer accept us as a leader.

Moreover, conditions for making bilateral deals on our key interests are particularly good at this time because there is an acute awareness in the world of the size and power of Indian markets and a growing sense of our importance to the world economy. One can assume, therefore, that industrialized countries would be eager to engage with us in bilateral arrangements. In particular, it is to our benefit to consider arrangements that can help India eliminate the dangerous use of DDT. This would probably mean seeking opportunities to discuss issues with industrialized countries and possibly less direct coordination with the Southern group.

What I am suggesting is that you should also keep your ears to the ground for the possibility of bilateral agreements and pursue them when you deem them appropriate. While coming back home with only bilateral arrangements has certain negative impacts (i.e., they give more control to donors; loss of credibility with the rest of the developing countries; etc.), it is certainly better than coming back with nothing.

I realize that your task is not easy. The decision on what strategy you adopt is entirely yours. I can also not offer any advice on whether you should directly approach donor countries to explore the possibilities of bilateral arrangements or whether you should share any of these concerns with other developing countries. These are decisions that you can make. I wish you the best of luck in making the right decision for meeting our national goals.

F A C S I M I L E

MINISTRY OF FOREIGN AFFAIRS C Z E C H R E P U B L I C

From: Minister of Foreign Affairs, Czech Republic
To: Chief Czech Negotiator at the
UNEP Working Group on Organochlorines

As you are aware, the Czech Republic has been trying to get a full membership of the European Union (EU). I have just returned from a very encouraging set of meetings in Brussels that lead me to believe that we may well be able to attain this goal in the next few years.

However, doing so would require a subtle shift in our international image—being seen as much more of a 'European player' and slowly moving away from the 'economy in transition' label. This does not mean that the realities of actually being an economy in transition has changed; it does, however, mean that we want to send a clear signal to EU countries that even though we are not one of them yet, we are very much like them and share many of their concerns and interests.

The issue here is more than just image; we will gain full EU membership only if we can comply with the membership requirements, including bringing our various regulations (including environmental regulations) at par with European standards. It is our understanding that the EU may be willing to give us special treatment (e.g. a slightly lenient time-frame in which to reach Europe-wide environmental standards) and some assistance. However, we want to demonstrate that wherever possible we will put in our good faith effort to walk in step with the rest of Europe.

The implication of the above for you is that we feel that these UNEP negotiations provide a good opportunity to put all of the above into practice. This does NOT mean that any of the vital interests spelling out in your confidential instructions have changed. However, it does mean that you might consider rethinking the strategies for achieving these goals.

For example, while our need for international environmental assistance remains as real as ever, you may consider the option of obtaining bilateral assistance from other European countries as a preferable option to pressing for multilateral funds. This would also mean reevaluating how much you want your interests and concerns to be identified as being the same as those of the developing countries. From our point of view, we would prefer the Czech position to be identified as being more in synchrony with European interests than with Southern interests.

I do not intend to give you any new specific instructions in this fax. It may, however, be useful to meet the delegates from other European nations in particular, and other industrialized countries in general, to explore the possibilities of bilateral assistance from them. You should be careful, however, in not making this seem as a sudden change in policy... ideally, we would like them to think that it is not a change at all! We certainly do not want them to get the impression that we are too over-enthusiastic about gaining their support and willing to change or give up on our national interests.

GLOBAL
ENVIRONMENTAL
AFFAIRS OFFICE

Ministry of
Foreign Affairs
JAPAN

To: Director, Global Environmental Affairs Office
From: Director General, International Environmental Affairs

I have been following the proceedings of the UNEP Working Group on Organochlorines with great interest. I feel that you have done an admirable job of presenting Japan's positions and interests in this negotiation.

I am concerned, however, that some other delegates may be pushing towards a more bilateral approach in these negotiations and using our support for the position on all organochlorines not being a global problem in ways that will ultimately hurt rather than help our larger interests. When Japan argues that not all organochlorines may be global problems, our intention is not to stifle all international action, but rather to limit the extent of such action. I am not convinced that others who are using this argument are doing so for the same reason.

As you know, we already have very stringent regulations on a number of organochlorines and view these negotiations as **an opportunity to take a leadership position in international environmental affairs**. Also, although we are the single biggest contributor of bilateral development assistance to developing countries (including environmental assistance) such bilateral assistance has not resulted in Japan being given its rightful acknowledgment as a global environmental leader. The low public profile of our environmental assistance may be because we have often made our contributions without the fanfare, and have mostly made them at a bilateral level. We now feel that maybe contributing to an international initiative—and doing so with a high profile—may be a better for gaining legitimacy as a global environmental leader. Being viewed as such may also help Japan in its continuing bid for a permanent seat in the UN Security Council.

Even though bilateralism has been a cornerstone of our policy (and international environmental policy) we are now of the view that at this particular meeting we should try to push for an international initiative—*as long as* Japan emerges as one of the leading architects of such an international initiative and *only if* it does not circumvent any of Japan's vital interests already outlined in your confidential instructions. From our point of view, and ideal outcome would be a low-intensity international agreement with Japan's role seen as being important in its creation. Such an agreement would target known bad-actors which Japan has already regulated and have minimal negative repercussions for Japanese industry.

I feel that the funds at your disposal from JICA could be a powerful tool for furthering the above goals. However, before you embark on any strategy you will need to think carefully about its pros and cons. First, and most importantly, you want to use these funds **only** if they contribute to ensuring a leadership position for Japan; you certainly don't want to be in a position where you commit significant funds and are still upstaged by someone else (you are willing to be generous, but only if you are acknowledged for being so). Secondly, you certainly don't want to contribute to an international agreement that is against Japan's interests (this would mean making sure that your contribution will be made only if Japan supports all other provisions of any final agreement).

Having said the above, let me stress that all of the preceding is advisory rather than mandatory. Whether, and how, to use this advice is entirely up to your discretion and better judgment. Whatever decision you take should be guided by Japan's vital interests outlined in your confidential instructions and, most especially, by our desire to emerge as an international environmental leader. I wish you good luck in the remaining negotiations.