Soft Cooperation in the Shadow of Distributional Conflict? Domestic Politics and International Climate Negotiations*

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Abstract

In the United Nations climate negotiations, key developing countries have for long rejected proposals for enhancing the international transparency of their greenhouse gas emissions and national climate policies. Why would states categorically reject a technical proposal that does not contain any legally binding obligations to control emissions? We argue that negotiators reject transparency because they can thus signal their resolve to domestic audiences. If domestic audiences expect tough bargaining in the future, and therefore prefer a resolute negotiator, the incumbent negotiator may reject soft forms of cooperation to avoid losing the support of a hawkish domestic audience. A comparison of South Africa's and India's approaches to transparency during the 2005-2009 period provides evidence for the theory. South Africa's moderate domestic audiences allowed negotiators to compromise and even be proactive, while India adopted a hardline position. When India's new Environment Minister, Jairam Ramesh, tried to use transparency to increase cooperation with industrialized countries in 2009, he was faced with heavy domestic criticism. More generally, this study shows how the shadow of legally binding obligation can prevent soft forms of cooperation, such as enhancing transparency.

Keywords: climate policy, international negotiations, two-level games, domestic politics, game theory, transparency, legalization

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1 Introduction

Promoting the international transparency of greenhouse gas emissions and climate actions in different countries is one goal of the United Nations (UN) climate regime. This initiative would not require countries to accept any legally binding, ratifiable obligations concerning their emissions or to offer climate finance. And yet, transparency has been a sticking point in the negotiations for two decades. In particular, it has provoked opposition by emerging economies like China and India. As a former top-level civil servant from India recently explained, "in practical terms, measuring, reporting and verifying [of climate actions] may involve plant level verification of emissions, and building up of an international database for targeting trade sanctions."[1] Similarly, a negotiator from India noted that transparency is a first step in a downward spiral; "the fact is that a proposal [for transparency] regardless of how you call it, puts obligations on developing countries as well as the industrialized countries, only of varying degrees at the moment, and to be scaled up in due time" (Times of India, 2009*b*).

However, the argument initially seems counterintuitive. Why would Indian policymakers reject transparency initiatives that lack binding obligations for behavioral change? The idea that measuring and reporting requirements would somehow be a slippery slope to legally binding emissions reductions or trade sanctions strains credibility. Agreeing on transparency measures in the UN context is not anything of the kind. While transparency seems to generate large scale political controversy in the negotiations, the reason for this is not obvious.

This is not to say academics have not debated transparency. In the debate, the different justifications for promoting transparency have been scrutinized (Gupta, 2008; Mason, 2008; Florini, 2008; Gupta, 2010). Scholars have also discussed the procedural aims of informing and empowering countries, as well as the substantive goal of environmental improvement. Some raise critical concerns about transparency, seeing it as "purely technocratic," not allowing for "any real shift of power," and framed as an alternative to "mandatory regulation" (Mason, 2008). Others see transparency as a key strategy for enhancing accountability and promoting environmental protection (Florini, 2008).

[1] Dr. Prodipto Ghosh, presentation, The Energy and Resources Institute, November 8, 2010.

Conventional cooperation theories based on neoliberalism institutionalism (Keohane, 1984; Abbott and Snidal, 1998; Koremenos, Lipson, and Snidal, 2001) cannot explain these events. If "soft cooperation," defined as coordination that does not oblige behavioral change, offers flexibility and cooperation at a low cost (Abbott and Snidal, 2000), why would the seemingly technical issue of measuring and reporting provoke major controversies? Why would developing countries adopt an intransigent position on reporting, instead of using it as an opportunity to realize affordable reputational and coordination gains from cooperation with the industrialized countries? Conventional accounts of international bargaining offer little more guidance here, given their emphasis on bargaining over hard, legally enforceable commitments to behavioral change (Fearon, 1998; Gilligan, 2004; Putnam, 1988).

Motivated by this puzzle, we propose that countries reject soft cooperation in international negotiations if they worry that their domestic audiences punish them for adopting moderate positions.[2] If domestic audiences believe that their interests are best represented by intransigent negotiators who drive a hard bargain in the future, then negotiators have incentives to reject even the most innocuous proposals. If the negotiators were to accept proposals for soft cooperation, their domestic audiences would worry about their willingness to compromise on other issues in the future. Moderate negotiators might not drive hard bargains in negotiations in a distributional conflict, such as over emissions reduction commitments, and so audiences would remove negotiators who appear irresolute by accepting soft cooperation. In the shadow of a distributional conflict, soft cooperation may fail due to domestic audience pressure.

To test the theory, we conduct a comparative analysis of Indian and South African negotiation behavior in UN climate negotiations during the 2005-2009 period. At this time, international transparency was one of the key soft issues on the agenda. While South Africa adopted a moderate negotiation position throughout, India's position remained much less compromising. Only toward the 2009 Copenhagen summit did India's opposition recede, as the newly appointed Environment Minister, Jairam Ramesh, sought to portray India as a cooperative country committed to multilateralism in its foreign policy.

[2] This theory may not explain the negotiation positions of totalitarian regimes, but it does apply to authoritarian countries, even if domestic audiences do not influence policy through democratic channels.

However, Ramesh's initiative was met with an icy response at home. We offer a quantitative analysis of *Times of India* and *Johannesburg Star* newspaper articles on climate negotiations, complemented with a qualitative case study of each country. We chose these two newspapers because each is the leading moderate, mainstream media outlet in its country, and thus best represents the domestic audience's median view. Based on the analysis, we show that while South Africa's negotiation position on transparency never provoked controversy, the Indian media adopted a traditional hardline position, criticizing Ramesh for being too soft and compromising toward the industrialized countries. This is consistent with the idea that negotiators face pressures to adopt hardline positions even on issues that do not involve commitments to behavioral change. Moreover, should they ever deviate from the expected hardline position, their domestic audiences will punish them.

Our strategic approach to the relationship between soft cooperation and a distributional conflict is unique. For example, a large body of literature has sought to conceptualize soft and hard law (Chinkin, 1989; Klabbers, 1996, 1998; Shelton, 2000; Kirton and Trebilcock, 2004; Abbott and Snidal, 2000; Abbott et al., 2000; Karlsson-Vinkhuyzen and Vihma, 2009; Shaffer and Pollack, 2010), but the relationship between the *substantively* different obligations in international law has drawn little attention. We offer an empirically falsifiable model that can be applied to a wide variety of issue areas beyond climate policy.

For students of climate policy, our explanation for conflicts surrounding the transparency issue is noteworthy. While there is a large body of literature on the topic of transparency in international relations and law, analytical articles with a focus on the politics of transparency are lacking. Studies on transparency in global environmental politics have focused on highlighting the importance of transparency in international regimes (Mitchell, 1998; Dai, 2002), and there is a large collection of policy proposals on how to set up a system for measurement, reporting and verification (Breidenich and Bodansky, 2009; Fransen, 2009). Dai (2007) has gone beyond architectural proposals and analyzed the differences in monitoring arrangements from a rationalist viewpoint, emphasizing the role of domestic constituencies. However, the question of why transparency is such a controversial political topic has been overlooked.

The remainder of the article is organized as follows. We begin with a concise overview of

the legal literature on soft and hard law in international relations, showing that the role of soft cooperation, distributional conflict, and domestic politics in characterizing their relationship has not been studied. We then present a game-theoretic analysis of the relationship between the two, with a particular emphasis on the role of domestic politics. The case studies of India and South Africa show how domestic politics shape different countries' negotiation positions.

2 Soft Cooperation and Distributional Conflict in International Relations

The increasing importance of global regulation has led to the "legalization" of international relations (Abbott et al., 2000; Chayes and Chayes, 1995). There is a great deal of variety in the scope, form and content of recent international agreements. Driven by the realist challenge to prove that international law can exert influence on nation states, much of the scholarship focused on international agreements in their traditional "hard law" form, such as the World Trade Organization. Since the early 1990s, both legal scholars and political scientists have shown increased interest in "soft law" (Abbott and Snidal, 2000; Chinkin, 1989; Klabbers, 1998; Lipson, 1991), and there is a growing body of research that studies networks, transnational standards, partnerships with non-state actors, and other soft modes of global governance (Braithwaite and Drahos, 2000; Shelton, 2000; Bernstein and Cashore, 2007; Black, 2008).

The literature gives multiple definitions and many different typologies to approach this multitude of international agreements. Many articles prefer a formalist approach, in which the form or the source defines the "hardness" of the agreement, and "soft law" is something that is not legally binding, that does not emerge from a treaty or customary law. Others, such as Abbott and Snidal (2000), place more emphasis on the substantive dimension, using the term "hard law" to refer to legally binding agreements that *oblige* a behavioral change, with a degree of *precision* and *delegation* of authority to the international level. Agreements that lack this criteria fall under the realm of "soft law." Influenced by this view, our binary division of "soft cooperation" and "distributional conflict" highlights the content of the international agreement in question, instead of focusing on

the legal form (Abbott and Snidal, 2000; Abbott et al., 2000).

Our interest lies in exploring how the distributional conflicts – surrounding "hard law" that obliges behavioral change (Abbott and Snidal, 2000) – may impede "soft cooperation" that does not require such commitment to change state behavior. It bears emphasizing that our analysis relies heavily on the rationalist approach to international law and cooperation (Abbott and Snidal, 1998; Goldsmith and Posner, 2005; Guzman, 2008; Keohane, 1984; Lipson, 1991), which emphasizes that different agreements offer states different costs and benefits.[3] From a rationalist point of view, states and other international actors utilize international agreements to order their relations because it helps to reduce transaction costs, strengthen the credibility of their commitments, expand available political strategies, and resolve problems of incomplete contracting. Such commitments can be enforced through reciprocity (Keohane, 1984) and reputational incentives (Chayes and Chayes, 1995; Guzman, 2008).

However, international agreements also restrict state behavior and sovereignty (Abbott and Snidal, 2000). The rationalist paradigm sees that the advantage of less ambitious soft cooperation is a lower sovereignty cost to states (Lipson, 1991; Abbott and Snidal, 2000; Kirton and Trebilcock, 2004; Shaffer and Pollack, 2010). Informal "soft law" reduces a government's policy autonomy to a lesser extent, allows experimentation with different rules in complex circumstances, and facilitates compromise in bargaining (Abbott and Snidal, 2000). Even if states are not ready to accept legal obligations to change their behavior that present high compliance costs, they may benefit from less intrusive forms of cooperation. The other side of the coin is that soft cooperation arguably represents a less credible commitment to the issue at hand than hard agreement that addresses the distributional conflict.

This article focuses on the relationship between coexisting attempts for soft cooperation and an underlying distributional conflict. Perhaps surprisingly, this kind of interaction in more complex ways has drawn little attention. In the related academic literature on hard and soft law, as noted by a recent study,"the scholarship has failed to address how, when and why hard law and soft law

[3]The other main approach to the study of legal qualities in international relations and international law nexus. Social constructivists adopt a broad view of law, arguing that changes in state behavior occurs through processes of socialization and the expansion of norms, ideas and principles (Franck, 1990; Chayes and Chayes, 1995; Koh, 1997).

operate as antagonists" (Shaffer and Pollack, 2010: 2). Shaffer and Pollack (2010) argue that hard law regimes can strengthen soft law regimes, and thus reduce the benefits of the latter. Similarly, they note, the existence of soft law regimes may undermine the binding nature of hard law.

Finally, the relationship between our argument and the study of "regime interactions" and "regime complexity" warrants brief digression. Several scholars have offered useful descriptive accounts of how international institutions interact (Gehring and Obertür, 2009; Raustiala and Victor, 2004), and how fragmented regime complexes differ from integrated, hierarchic regimes (Biermann et al., 2009; Keohane and Victor, 2011). Our analysis offers an analytical model of one such interaction, namely that between hard law in distributional conflict and soft cooperation. As such, we contribute to the study of regime interactions by moving the literature from description toward causal analysis.

3 Soft Cooperation and Distributional Conflict: The Role of Domestic Politics

Our model is developed around the following intuition. First, we assume that state governments can engage in "soft cooperation" that is not characterized by distributional conflict. In our empirical case, for example, soft cooperation consists of reporting with guidelines and common accounting rules for all parties. Conversely, legally binding obligations for behavioral change are modeled as "hard cooperation," with the assumption that it features bargaining under distributional conflict. For example, hard cooperation could be about binding commitments to reduce greenhouse gas emissions or trade tariffs.

Second, we assume that a government's political survival is determined by a domestic audience, such as the legislature or the military elite, depending on the regime type of the state. Since the domestic audience has limited information regarding the government's preferences, it uses soft cooperation as an indicator for whether the government is "moderate" or "hardliner." In equilibrium, a negotiator's approach to soft cooperation informs the domestic audience about her likely behavior in bargaining over hard cooperation with binding obligations.

3.1 Model

The game is played by a *leader*, a domestic *audience*, and a *foreign country*. The leader and the audience are in one country, and their country engages in formal negotiations with the foreign country. For simplicity, we model the foreign country as a unitary actor. We also simplify by assuming the domestic audience is unitary; while this latter assumption is not realistic, the domestic audience's position can be thought of the median position of a diverse domestic audience. The leader's Bayesian type is her private information. It can be "moderate" or "hardliner," and it is not revealed to any other players.

Sequence of moves. The sequence of moves is the following:

1. The leader decides on soft cooperation with the foreign country, $S \in \{YES, NO\}$.

2. The audience selects a support level for the leader, $L \in \{-1, 0, 1\}$.

3. The leader engages in Nash bargaining with the foreign country over hard cooperation.

This sequence captures the intuition that soft cooperation may influence the domestic audience's decision to support or oppose the leader. This effect depends on whether the domestic audience wants to keep a moderate or hardliner leader for hard cooperation.

A key assumption underpinning this sequence of moves is that soft cooperation is temporally prior to hard cooperation. Empirically, this may not always be the case. Our interest is in situations in which hard cooperation with legally binding obligations is difficult. In such circumstances, it seems plausible to assume that hard cooperation occurs with delay, if at all. This does not prevent countries from engaging in soft cooperation.

Information. The leader learns her Bayesian type, $t \in \{MOD, HAR\}$, as the game begins. All other actors initially believe that the leader is a hardliner with a prior probability $p \in (0, 1)$. If the leader is replaced, the new leader is also a hardliner with the same prior probability p. The leader's type is revealed to the foreign country before the Nash bargaining game begins.

Nash bargaining. The Nash bargaining game is described and solved in detail in the mathematical appendix. The main assumption is that the leader and the foreign country share a pie worth $\pi > 0$. The solution is the Nash Bargaining Solution, so in equilibrium they share the surplus over

their disagreement points $50 - 50$. This bargaining solution splits the difference between the two countries based on their relative bargaining power, and this relative bargaining power depends on the disagreement points only. As a country's dependence on cooperation increases, its bargaining position deteriorates because it cannot credibly threaten to reject cooperation.

Political survival. If $L = -1$, the audience actively opposes the leader. Consequently, the leader loses power. If $L = 0$, the leader survives with probability $\lambda = \frac{1}{2}$ because the audience neither supports nor opposes the leader. The simplifying assumption of equal survival probability is important because it prevents complications from an intrinsic bias toward fearing the interest group's opposition as opposed to hoping for its support. If $L = 1$, the audience actively supports the leader so she retains power with certainty.[4]

When the leader does not survive, a new leader type is drawn from the prior probability distribution. Thus, the new leader will be a hardliner with probability p. This assumption can be motivated with reference to a group of political competitors with unobservable preferences. If the current leader loses power, a new leader must be chosen. The new leader has yet to establish a reputation for international negotiation positions, so her Bayesian type is subject to uncertainty.

Foreign country payoffs. The foreign country obtains some positive payoff $F^s > 0$ if the leader agrees on soft cooperation. In the Nash bargaining game, it obtains a disagreement payoff of zero from failure. Since the pie to be distributed is worth π, in equilibrium the foreign country's Nash bargaining payoff upon successful bargaining is $\frac{1}{2}(\pi - q)$, where q is the leader's disagreement payoff, as shown in the mathematical appendix. This payoff must be strictly positive for successful bargaining.

Audience payoffs. The audience obtains some positive payoff $A^s > 0$ if the leader agrees on soft cooperation. If the leader and the foreign country fail to reach an agreement in the Nash bargaining game, the audience obtains a disagreement payoff normalized to zero. If the leader and the foreign country successfully reach an agreement, the payoff to the audience is $W(x)$, where W is a strictly increasing function of the leader's bargaining share $x \in [0, 1]$. Notably, we do *not* assume that W is necessarily positive: it is possible that the audience prefers no deal to a bad deal. In this

[4]The assumption that active opposition and support result in deterministic political survival outcomes is not necessary for any of our our results, but it reduces notation and thus allows more elegant exposition.

case, the audience can be regarded as relatively hawkish.

Leader payoffs. The leader obtains a payoff with three parts. From soft cooperation, she obtains a payoff bonus of $+1$. Since soft cooperation is modeled as a coordination effort, we assume that this payoff does *not* depend on the leader's Bayesian type.[5]

If the leader remains in office, we assume she reaps a bonus of $R > 0$. This denotes the direct value of office, either through private rents or the ability to exercise domestic power.

From Nash bargaining, the leader obtains a payoff that depends on her disagreement payoff and bargaining share. The disagreement payoff to the leader is q, where $q = \overline{q}$ for a hardliner and $q = \underline{q}$ for a moderate. Thus, a hardliner is a more aggressive bargainer than a moderate leader.

In the Nash bargaining game, the leader's equilibrium payoff is q whenever no bargaining range exists because $q \geq \pi$. To avoid implausible outcomes, we suppose $\underline{q} < \pi$ so that the moderate leader is always willing to bargain. However, we allow the possibility that $\overline{q} > \pi$, so that the hardliner may prefer no deal at all.

If $q < \pi$, mutually profitable bargaining is possible. The equilibrium bargaining payoff to the leader is

$$q + \frac{1}{2}(\pi - q). \tag{1}$$

The first term is the disagreement payoff, and the second term is the leader's share of the bargaining surplus. Notably, this equilibrium bargaining payoff is always strictly increasing in the value of the disagreement payoff q. Thus, a hardliner leader can expect a higher equilibrium bargaining payoff than a moderate leader.

Strategies. The foreign country only moves in the Nash bargaining game, and its bargaining strategy is fully described in the mathematical appendix. The leader's strategy comprises (i) a mapping from her type into the initial soft cooperation decision and (ii) a bargaining strategy as described in the mathematical appendix. The audience's strategy maps the leader's soft cooperation decision into a support decision.

[5] All results hold even if the soft cooperation bonus varies with the Bayesian type, as long as the payoff difference is sufficiently small.

3.2 Solution Concept

This is a dynamic game of complete information, so the appropriate solution concept is the Perfect Bayesian Equilibrium in pure strategies.[6] An equilibrium of the game is, therefore, a strategy vector that meets the following conditions. First, the actions in the Nash bargaining game must be best responses to each other. Second, the audience's support level L^* must be optimal given the audience's beliefs and the equilibrium of the Nash bargaining game. Third, the leader's soft cooperation decision S^* must be optimal given the equilibrium of the subgame that it induces. Finally, beliefs must be consistent with behavior on the path of play. To simplify, we restrict attention to pure strategies.

As an equilibrium refinement, we require that beliefs "off the path of play" be updated as follows: if the leader deviates from equilibrium play by refraining from soft cooperation, the audience believes that the leader is a hardliner. This refinement implies that the audience responds to deviations intuitively: a deviating leader is probably a hardliner. Given that the hardliner must obtain a higher payoff from the Nash bargaining game than the moderate leader, and the soft cooperation payoffs are identical across Bayesian types, this equilibrium refinement is reasonable. A second equilibrium refinement is that all equilibria off the Pareto-frontier are rejected. If two equilibria exist, and one of them produces an unambiguously higher payoff for all players of the game, the Pareto-inferior equilibrium is rejected. Finally, we assume that if the domestic audience is exactly indifferent between support levels L, it remains neutral unless this results in non-existence of equilibria. This assumption is plausible if one assumes that active support or opposition carries a small transaction cost.

3.3 Pooling Equilibria

The game has two classes of equilibria in pure strategies. First, in a "pooling equilibrium" both governments engage in soft cooperation. Second, in a "separating equilibrium" only moderate governments engage in soft cooperation. In the mathematical appendix, we show that no other

[6] When multiple equilibria in pure strategies exist, a mixed strategy equilibrium also exists. It does not shed any additional light on our research question, so we omit it.

equilibria in pure strategies may exist. Here, we focus on regions of the parameter space that allow unique

We begin with the pooling equilibria of the game. First, we describe the conditions under which both types of leader engage in soft cooperation.

Proposition 1 (pooling equilibrium, soft cooperation). *A unique pooling equilibrium such that both leader types engage in soft cooperation exists if and only if one of the following conditions hold:*

1. *The audience's expected payoff from bargaining on hard cooperation is higher under a moderate than a hardline leader;*

2. *The audience's expected payoff from bargaining on hard cooperation is higher under a hardline than a moderate leader, but the hardline leader's valuation of soft cooperation exceeds her valuation of the expected payoff from retaining power with a higher probability due to increased audience support.*

The first condition is empirically essential. If the domestic audience wants a moderate leader at the bargaining table because the hardliner is expected to fail to reach a deal, soft cooperation can be expected. Neither type of the leader has an incentive to deviate, for any deviation would result in the domestic audience's withdrawing support to the leader. In our case study of South Africa's climate policy, we show that this condition is met.

The second condition is somewhat more restrictive, but theoretically interesting. Even if the audience prefers a hardline leader, this leader may herself ascribe value to soft cooperation. In such a case, pooling to soft cooperation is possible because even hardline prefers to continue soft cooperation. Empirically, this contingency appears unlikely.

What about pooling to rejecting soft cooperation?

Proposition 2 (pooling equilibrium, no soft cooperation). *A unique pooling equilibrium such that both leader types reject soft cooperation exists as long as both of the following conditions hold:*

1. *The audience's expected payoff from bargaining on hard cooperation is higher under a hardline than a moderate leader;*

2. *The moderate leader's valuation of soft cooperation falls below her valuation of the expected payoff from retaining power with a higher probability due to increased audience support.*

This is a key result from our analysis. It shows that if the audience prefers a hardliner, and the expected value of political survival with the audience's support is high, then an equilibrium exist such that *all* leaders reject soft cooperation. In this case, the incentive to retain power forces even intrinsically moderate leaders to avoid soft cooperation. If they did so, then the audience would learn that the leader is moderate. This would result in the leader's replacement. In our case studies, India's climate policy before Environment Minister Jairam Ramesh's entry into power seems to fit this pattern.

3.4 Separating Equilibrium

Consider now the scenario of a "separating equilibrium," whereby the hardline leader decisively rejects soft cooperation while the moderate leader accepts it.

Proposition 3 (separating equilibrium). *In the separating equilibrium of the game, the moderate (hardline) leader type accepts (rejects) soft cooperation. A unique equilibrium exists as long as all of the following conditions hold:*

1. *The audience prefers a hardliner to a moderate;*

2. *The hardliner's expected payoff from political survival with the audience's support exceeds the value of soft cooperation;*

3. *The moderate's expected payoff from political survival with the audience's support does not exceed the value of soft cooperation.*

This proposition provides a rationale for why some leaders reject soft cooperation in the shadow of distributional bargaining over hard cooperation, while others accept it. By rejecting, hardliners

can signal their toughness to domestic audiences. This requires that the value of political survival exceeds the value of soft cooperation. This is a plausible scenario if the audience has a clear preference for a hardliner, and the audience's ability to influence the leader's political survival is pronounced.

3.5 Existence and Uniqueness of Equilibria

We offer a graphical illustration of the possible equilibria in FIGURE 1. If the audience does not prefer a hardliner, the unique equilibrium has both leader types engaging in soft cooperation. If the audience prefers a hardliner, it is required that the moderate type nonetheless prefers soft cooperation while the hardliner does not.

[Figure 1 about here.]

4 Research Design

To test our theory, we exploit cross-national and temporal variation in state behavior in international negotiations. As discussed below, our model leads us to expect that not only will negotiators of states with moderate domestic audiences accept soft cooperation, but even negotiators of states with hardline domestic audiences may engage in soft cooperation if they (i) ascribe a high value to soft cooperation and (ii) are personally moderate. As a further test, we can examine audience reactions to soft cooperation decisions. We would expect hardline domestic audiences to react to soft cooperation in a hostile fashion, even if such soft cooperation does not have any immediate material consequences for the hardliners.

The cases that we examine focus on multilateral climate negotiations during the crucial 2005-2009 period, namely South Africa's and India's strategies in negotiations on soft cooperation issues. South Africa is a state with a relatively moderate domestic audience, and we indeed find that South Africa's position has been consistently accommodating. India is a state with a hardline domestic audience, yet we find that India's position on soft cooperation shifted dramatically during the first part of 2009. This shift resulted from the entry of a new negotiator, the Environment Minister

Jairam Ramesh, in spite of domestic criticism.

This section presents our research design. We begin with a summary of our empirical hypotheses. Then, we summarize our case selection criteria. We then discuss the coding of the dependent and independent variables. Finally, we introduce several alternative explanations that need to be considered in the empirical analysis: state power, the direct effect of domestic audience preferences, and the direct effect of negotiators' preferences.

4.1 Empirical Implications

Consider now some hypotheses.

Hypothesis 1 (audience supports moderate leaders). *If the domestic audience in a country prefers the moderate leader in distributional bargaining over hard cooperation, the negotiator supports soft cooperation with a high probability.*

In this case, a pooling equilibrium with soft cooperation is the unique equilibrium of the game. This implies that the probability that soft cooperation be rejected is low.

Hypothesis 2 (audience supports hardline leaders). *If the domestic audience in a country prefers the hardline leader in distributional bargaining over hard cooperation, the negotiator supports soft cooperation with a low probability.*

If the audience supports hardline leaders, we should see a lower probability of soft cooperation.

Hypothesis 3 (moderate leaders engage in soft cooperation despite domestic criticism). *Only a negotiator with moderate preferences supports soft cooperation in a country where the domestic audience prefers the hardline leader. The decision to support is followed by domestic criticism.*

Suppose the audience supports hardline leaders. If the audience is politically influential, only

negotiators with a clear preference for moderate positions support soft cooperation. They face domestic criticism for doing so.

This is our key hypothesis because it distinguishes the theory from a simple account of audience preferences. Negotiators face international pressures, such as accusations of obstructionism in the negotiations, that do not affect the domestic constituencies. It is, therefore, logical that their preferences may diverge. The negotiator spends a considerable amount of time and energy in the international realm and may develop a nuanced understanding of the other parties' positions. Our case study of India contains a typical example of diverging preferences of the negotiator and the audience, that is, an internationalist negotiator at odds with the conservative, hardline audience.

4.2 Case Selection Criteria

For present purposes, case selection presents three important challenges. First, which *issue* should we analyze? It must be salient and such that both soft and hard cooperation are relevant. It must also feature repeated negotiations over time, so that we can explore soft cooperation decisions and audience reactions to these decisions.

Climate policy is an ideal case. Both soft and hard cooperation are relevant. The ultimate goal of multilateral climate negotiations is the formation of a legally binding, global treaty (Barrett and Toman, 2010). Yet negotiating such an agreement is difficult, and so much of the actual negotiations focus on soft cooperation issues, including capacity building and reporting (Breidenich and Bodansky, 2009; Brewer, 2008). Additionally, climate policy has been one of the most salient domestic political issues across the globe (Agrawala and Andresen, 1999; Najam, Huq, and Sokona, 2003). Therefore, climate policy is an ideal case for analyzing the negotiator's incentives as a "dual politician" facing simultaneous domestic and international pressures (Evans, Jacobs, and Putnam, 1993).

The second question pertains to choosing the states and events to be analyzed within this issue area. Our research method is a structured and focused comparison of two mostly similar country cases. We chose to focus on two important developing countries, South Africa and India. These cases are ideal for several reasons. First, both are democracies with free media, so information

concerning audience preferences is available for measurement. Second, both countries have in many ways similar concerns. They are rapidly industrializing countries with growing greenhouse gas emissions, they are concerned about the possibility of binding obligations in the future, and they both are important regional powers with global ambitions.

In the case of South Africa, the value of our primary independent variable, namely audience preferences, remained moderate throughout the case study. In the case of India, it remained hardline throughout the case study. But while the attributes of South Africa's negotiator did not change over time, India's negotiating team changed completely. Before 2009 India negotiated with a minister with no real foreign policy profile and influential civil servants, whose background induced a clear preference for traditional hardline positions. In 2009 a new ministerial figure took the lead, with interest in broader foreign policy moderating his personal policy positions, which culminated to the resigning of the top civil servants in favour of the traditional position. This basic setting allows comparison of across countries and over time. Across countries, the value of audience preferences varies. Over time, negotiator preferences remain unchanged in South Africa but change in India. Thus, we would expect South Africa to adopt an accommodating strategy throughout the case study while India's behavior should become more accommodating over time. Finally, this increased accommodation should be followed by a firestorm of domestic criticism. These expectations are summarized in Table 1.

[Table 1 about here.]

The third question to examine pertains to choosing the negotiating setting to be analyzed. Climate policy is a vastly complicated issue, with action occurring in multiple fora (Andonova, Betsill, and Bulkeley, 2009). Given our interest in foreign policy, we focus on multilateral negotiations under the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and the 1997 Kyoto Protocol (KP). Whether one believes these negotiations have been fruitful or not, they have been by far the most salient and politically controversial effort in the context of international politics. The UN talks also build a bridge between soft cooperation and hard cooperation.

For practical reasons, we limit our attention to three negotiation rounds, each centering on a specific Conference of Parties (COP). We selected these three rounds in view of their growing

importance. The first is the 2005 Montreal COP-11; the second is the 2007 Bali COP-13; and the third is the 2009 Copenhagen COP-15. All three featured extensive substantive questions, attracted lots of domestic attention, and featured intense bargaining between sovereign states.

4.3 Coding the Dependent Variables

There is a plethora of soft cooperation issues being negotiated under the UNFCCC treaty. We have selected the debate concerning monitoring emissions and reporting domestic climate policies to enhance transparency. This has for long been a crunch issue between developed and developing country parties, for example in the debate on the mandate of the Consultative Group of Experts (CGE) since the late 1990s.[7] Intensive negotiations over transparency have also taken the limelight in our case study meetings such as Bali COP-13 and Copenhagen COP-15. The Bali Action Plan outlined that the climate actions of developing countries and the US should be "measurable, reportable and verifiable (MRV)," but left open the operationalization of this arrangement, as well as whether it applies to all national actions or only actions partially financed by the North.[8] The Copenhagen Accord, and later on the agreement reached in Cancún, elaborated that the unilateral action by developing countries would be subject to biennial reporting and "international consultation and analysis (ICA)."[9] This sensitive compromise was widely considered as the key to the modest success of Cancun meeting.

In sum, the transparency issue, with reporting and its guidelines, scope and institutional follow-up, has been a consistently sticky issue throughout the history of climate negotiations, although it is a soft cooperation agenda item that involves no distributional conflict.

To investigate the positions of India and South Africa on transparency in climate change negotiations, we have utilised the country submissions to the UNFCCC and the archives of the Earth Negotiations Bulletin[10], participatory observation, and the authors' nearly transcript quality notes

[7] For background, see http://unfccc.int/national_reports/non-annex_i_natcom/cge/items/2608.php, accessed August 14, 2012.

[8] Paragraph 1 b (ii) of Bali Action Plan contains a carefully placed comma, inserted by India in the final plenary, that opens the scope of MRV of developing country actions to interpretation. Paragraph 1 b (i) the MRV and 'comparability of effort' implicitly refers to the domestic climate actions of the US. See UNFCCC: Decision 1/CP.13.

[9] See Copenhagen Accord, UNFCCC: Decision 1/CP.15; Cancún Agreements, UNFCCC: Decision 1/CP.16, paragraph 60 and paragraph 62.

[10] See http://www.unfccc.int and http://www.iisd.ca/enbvol/enb-background.htm, accessed August 8, 2012.

from 2007 onwards.[11] The criterion on agreeing and opposing different initiatives is easily verified from country statements in these meetings via the ENB and authors notes.

Media analysis is a plausible way to illustrate the differences in home audiences in India and South Africa. The role of mass media in shaping and reflecting public understanding of climate change has been researched extensively (Pellechia, 1997; Boykoff and Boykoff, 2004, 2007; Billett, 2010), and the data is rather easily accessible and opens to both quantitative and qualitative analysis. The most prominent type of media analysis in climate politics has focused on how the mass media frames the debate about the existence of climate change and ”climate skepticism” in the United States and United Kingdom (Boykoff and Boykoff, 2004, 2007).

We chose two leading English language daily newspapers, *The Johannesburg Star* (JS) and *The Times of India* (ToI), to represent the media in respective countries. The data from these sources is summarized in Table 2. Public polling cited by Billett (2010) suggests that the print media is the major source of information for the Indian literate public on climate change issues and that 74% of the surveyed population used newspapers as the primary source of information on climate change.[12] ToI is the leading Indian nationally circulated daily newspaper with readership of 7 million people. JS has a readership of 840,000 and is, according to its website, “unchallenged as South Africa’s most influential daily newspaper.”[13]

[Table 2 about here.]

The data for the analysis was selected by collecting and analyzing all relevant articles in each chosen newspaper two days prior the meeting, during the proceedings, and four days after the given meeting. Searches were conducted by using a combination of dates and keywords. The keywords in were the location of the meeting, such as “Bali” and “climate.” We then dismissed articles that did not concern climate negotiations. The ToI data was collected from the ToI e-archives (Delhi

[11] We have observed on site the following meetings of the UNFCCC: Vienna (27-31 August 2007), Bali (3-14 December 2007), Bonn (2-13 June 2008), Poznan (1-12 December 2008), Bonn (2-13 June 2009), Bonn (10-14 August 2009), Barcelona (2-6 November 2009), Copenhagen (7-18 December 2009), Bonn (9-11 April 2010), Bonn (2-6 August 2010), Cancún (29 November-10 December 2010), Bonn (6-17 June 2011), Durban (28 November-December 2011), Bangkok (28 August-7 September 2012).

[12] See the 2010 Indian Readership survey at `http://archives.newswatch.in/newsblog/7983`, accessed August 8, 2012.

[13] For JS readership, see `http://www.iol.co.za/the-star/readership-1.913275`, accessed August 8, 2012.

edition); according to the website, the archives should include all articles published in the original paper version. The JS data was collected from the internet archive of the JS paper edition.

4.4 Coding the Independent Variables

The analysis was built on the assumption of audience preferences staying constant over time. It would even be plausible to argue that the Indian audience has become somewhat more hawkish in the course of increased media attention on climate change and intensified public debate. The stability of the preferences of the Indian elite in climate politics is well documented (Rajan, 1997; Rangreji, 1999; Rajamani, 2008; Dubash, 2009; Vihma, 2011; Dubash, 2012), and the literature analysis indicates that there has not been a concrete shift in audience preferences in India. South African elite preferences have become more internationalist since the country was an outcast in the Apartheid era, and following some unsuccessful unilateralist policy experiments in the 1990s (Mandela, 1993; Olivier and Geldenhuys, 1997; Kagwanja, 2006; Jordaan, 2012). In our period of study, it is credible to argue that the audience preferences in climate policy have been stable.

The negotiator is a "dual politician" who faces pressure from both domestic audience and the international sphere (Evans, Jacobs, and Putnam, 1993). In practice, the Indian position in climate change negotiations 1990s was largely formed and outlined by civil servants of leading ministries, and they did not face the international pressure via the broader foreign policy and its issue interlinkages (Rajan, 1997). This practise was changed in June 2007, when the Prime Minister's Council on Climate Change, a high-level working group chaired by the prime minister himself, was formed to coordinate India's national climate change action. The move was a response to the growing international attention on climate change and increased pressure on India and other major developing countries (Vihma, 2011). This pressure had been built through a combination of international negotiations, bilateral diplomacy, and a threat of unilateral domestic policies aimed at addressing competitiveness concerns. After 2007, the climate policy became explicitly part of a broader foreign policy, which in turn made sections of the elite more moderate and internationalist in their climate positions, and enabled the policy shift that took place in 2009 via Minister Jairam Ramesh. A known cosmopolitan, Minister Ramesh's agenda as environment minister was peppered with

broader foreign policy concerns, most notably towards China, but also in strategic relations to US and EU (Vihma, 2011).

In the South African negotiating team there was no major shuffle in the study period. The climate talks have been traditionally seen as part of broader, multilateral foreign policy agenda. The South African negotiations team was led by ministers Marthinus van Schalkwyk (Ministers of Environmental Affairs and Tourism, until May 2009) and Buyelwa Sonica (Minister of Water and Environmental Affairs, May 2009 onwards), and senior civil servant negotiators.

4.5 Alternative Explanations

Given our focus on India and South Africa, power differences may provide one explanation for the two countries' different bargaining postures. If powerful countries generally have their way in multilateral negotiations, one would expect India to continually adopt more aggressive positions than South Africa. Moreover, India's position should become increasingly aggressive over time due to its rapid economic growth. Audiences in both countries should by and large support their national negotiation positions.

Alternatively, elite preferences may explain a country's interest in soft cooperation. According to this view, the foreign policy elite's own ideological views would determine the country's position. Moreover, the country's would not significantly respond to audience criticism.

A third alternative explanation would place causal priority on audience preferences. If elites simply reacted to constituency demands, then audience preferences should be the primary explanation for approaches to soft cooperation. Elite preferences themselves should be largely irrelevant.

Finally, the two countries' material interests could offer a different explanation. Given South Africa's much higher per capita carbon dioxide emissions and economic wealth than India's, one would expect South Africa to be particularly reluctant to engage in any kind of cooperation, including of the soft type.

5 The Evidence

This section presents the results from the empirical analysis. The political backdrop for the analysis is the long history of transparency and developing country reporting in the UNFCCC negotiations. In the Convention, signed in 1992 with entry into force in 1993, the developing countries faced virtually no transparency requirements. The submission of National Communications (NatComs) was framed in irregular and voluntary terms – not in accordance with international guidelines like developed country reporting – and was allowed to use ancient data. For example India submitted its first NatCom in 2004, twelve years after signing the framework convention, and assessed its greenhouse gas emissions for the year 1994 (Government of India, 2004). Improving the relevance, reliability and frequency of reporting for major developing countries has been one of the key priorities of developed countries in the climate change negotiations, and some major developing countries such as India and China have successfully resisted this pressure. The long-time status quo was changed in the ultimate political pressure of Copenhagen meeting in 2009 and the following negotiating rounds. The developing countries agreed to increase their reporting on emissions and mitigations actions, and to join a process of International Consultations and Analysis (ICA) on these reports. The Copenhagen Accord (UNFCCC, 2009), Cancún Agreements (UNFCCC, 2010) and Durban decisions (UNFCCC, 2011) envisioned biennial reporting with 4 years old data and the modalities of the ICA procedure, which was agreed to be conducted "in a manner that is non-intrusive, non-punitive and respectful of national sovereignty" (UNFCCC, 2010: paragraph 63).

We begin with the South African case and show that due to moderate audience preferences, South Africa's negotiators never faced pressure to adopt hardline position. This amounts to the pooling equilibrium captured in our first proposition, where South Africa's negotiators consistently choose to support soft cooperation. In India, the situation was different. Historically, the country has adopted hardline positions due to a domestic preference for aggressive negotiators. With Minister Ramesh's entry, the official Indian position softened somewhat, but Ramesh paid a domestic political price for his willingness to compromise internationally. This amounts to the separating equilibrium, whereby moderate politicians have incentives to engage in soft cooperation in spite of the expectation of future domestic criticism.

5.1 South Africa: Accepting Soft Cooperation

South Africa does not have a tradition in its foreign environmental policy in the same way most other countries do. For four decades South Africa's international relations were in a poor state due to the Apartheid regime. By the end of the 1980s, South Africa was one of the most isolated states in the world. To recover from this difficult condition, the new ruling party African National Congress (ANC) began to develop policies to "take South Africa into the new world order as a responsible global citizen" (Mandela, 1993) in the early 1990s. From this effort comes the normative strand in the foreign policy making of South Africa, which highlights South Africa's moral power, "derived from its extraordinary political transition from apartheid to democracy" (Kagwanja, 2006: 28). ANC outlined its commitment to post-apartheid neo-liberal internationalism. In the beginning of the country's new foreign policy, Nelson Mandela's towering personality and international stature gave South Africa an image of international leadership.

Some of South Africa's first non-multilateral initiatives in the post-apartheid era were less than successful. In the mid-90s crisis in Nigeria, the Organization for African Unity ruled Mandela's push for sanctions, together with the UK and US, to be "un-African" and "not an African way to deal with an African problem" (Olivier and Geldenhuys, 1997). Also South Africa's brief venture into power-based unilateralism as a regional power in the 1990s – namely the military intervention in Lesotho – backfired and exposed it to risk of isolation in the African continent, and thus reinforced South Africa's commitment to multilateralism (Kagwanja, 2006: 27). Upon assuming office in 1999, President Thabo Mbeki was compelled to adopt a renewed commitment to a multilateral strategy. South Africa's Foreign Affairs Department's strategic plans have throughout the 2000s highlighted multilateralism as the entry point of achieving foreign policy objectives (Department of Foreign Affairs, 2005). Underscoring the role of the UN has been the guiding line in South Africa's responses to the global security issues, such as "the war on terror," as well as for dealing with multiple environmental issues.

The normative legacy in South African foreign policy has also, naturally, been contrasted with a pragmatist approach. This has led to ad hoc policy-making with strategic inconsistencies (Fairbanks, 2012). In 2007, South Africa voted against a General Assembly resolution calling on Myan-

mar's military junta to stop its violations to human rights. It was also active in opposing UN sanctions on Zimbabwe and refused to grant visa to Dalai Lama in 2011. The pragmatist standpoint sees South Africa as a rising power, favouring good relations to strategic partners (such as China) and economic interests (in Zimbabwe), rather than setting itself as a normative leader promoting internationalist principles of its liberation struggle. China formally invited South Africa to be the S in the BRICS in late 2010. The normative and pragmatist camps in South Africa are likely to continue their political struggles, causing sometimes erratic behavior. However, both poles are committed to multilateral decision-making. Multilateralism is also valued with the pragmatists as it softens any perceptions of working against the key foreign policy partners.

Bearing in mind these tensions and past experiences, the need to balance relations to both Africa and emerging economies as well as the North help to explain South Africa's commitment to multilateralism in resolving international problems.

The media analysis in FIGURE 2 indicated that there is clearly a lesser extent of domestic discussion on international climate change negotiations in South Africa than in India. The articles in JS show a rising trend in 2005-2009, but on a significantly lower level than in ToI. The articles in JS were also more general in their nature – the moves made by the delegation in the climate negotiations seem less politicized in South Africa than in India.

[Figure 2 about here.]

Of the 40 JS articles analyzed, 73 percent showed a fundamentally neutral approach to climate talks. The view of insufficient Northern action on reducing emissions was flagged in 10 percent of the articles, but usually without an underlying view in which international policy is focused on trying to relocate responsibility for emissions cuts to developing world.

The analysis indicates that the audience reaction to soft cooperation issues such as the transparency debate has been moderate or even supportive. There was in essence no "neo-colonialist" argumentation which would present climate politics as a Northern agenda or argue that responsibility for climate change rests solely with developed countries. The moderate line in climate negotiations by the JS reflects the wider approach to climate change in South Africa. Climate change is viewed as a global threat that needs to be addressed multilaterally, and not first and

foremost as a North-South issue in historical and developmental terms. Not a single article in JS material argued that South Africa should *avoid compromising* in climate change negotiations. Moreover, we filed 18 percent of JS articles under "Southern leadership." These articles describe the proactive and leading role of developing countries, in almost all cases South Africa itself, brokering the agreement with "bold" and "ambitious" actions, and being the "star" of the climate talks (Johannesburg Star, 2009*b*).

In a JS article, a South African NGO campaigner elaborated further (Johannesburg Star, 2009*a*):

> "South Africa has long been a progressive voice in the negotiations and also has the interests of the African continent and the global South (developing nations) at heart [...] we have a very real interest in a successful global deal that is fair, ambitious and binding."

Another NGO representative noted that "[c]limate change is not about individual countries, but the fate of humanity as a whole. Every leader needs to commit to real action in the name of our common good" (Johannesburg Star, 2009*a*).

In the early stages of the Copenhagen COP-15 President Jacob Zuma gave an ambitious pledge of voluntary greenhouse gas reductions on condition of an equitable deal and sufficient funding. This raised some domestic criticism of "punching above its weight" in the contribution to mitigation action (Atteridge, 2011; Johannesburg Star, 2009*c*), as the pledge reflected one of the most ambitious scenarios of the country's modeling exercise. It is also notable that it was the President's office that gave the pledge, and decided on the scale of the pledge, suggesting that broader foreign policy objectives indeed play a role in South Africa's climate diplomacy. The domestic discussion that followed indicates (Johannesburg Star, 2009*c*), in turn, that climate policies do get their share of following and political attention in South Africa. In the case of capping the emissions – an issue with actual distributional effects – the audience does react.

In the climate negotiations South Africa has acted as the "good multilateralist" (Mantzikons, 2010), seen widely as playing a bridge-builder role between industrialized and developing countries (Atteridge, 2011). The positions of South Africa have typically been perceived as moderate and progressive. South Africa has noted its flexibility in the legal form of the future agreement – it

would be willing to agree on a legally binding agreement as a part of a global deal. In the heated procedural discussions between Bali and Copenhagen meetings, where several parties were called attempts to get down to serious negotiations "a betrayal of democratic and inclusive principles," South Africa took moderate and forward looking positions (Vihma, 2010). It has conducted a bridge-building role in attending Cartagena Dialogue meetings of "progressive countries," and was a key player in the so called "Durban Alliance" of European and developing countries in 2011.

South Africa has often been a spokesperson for African Group, and African countries have relied on South Africa's capacity to engage in the negotiations (Unmusig and Cramer, 2008). South Africa is known for working hard to achieve unity in the African Group as well as the wider G77 of developing countries. Several South African negotiators are prolific figures and respected for their skills and professionalism in the negotiations, and they are often seen as Chairpersons in important meetings and working groups. [14] This deep engagement in the UNFCCC negotiations has, for its part, given South Africa the reputation of a committed multilateralist in the climate context.

South Africa has engaged actively in fostering soft cooperation on the transparency issue. Especially after the Bali meeting the country has sought to clarify how to operationalize the MRV paragraphs in concrete terms with several submissions and other initiatives. In Bali the South African minister declared that "our actions will be measurable, reportable and verifiable" and that "there is no longer a plausible excuse for inaction by any country", and thus "broke ranks with developing country ally India", as noted by a JS article (Johannesburg Star, 2007). Already in a submission to the UNFCCC in 2008, South Africa noted its openness to more frequent reporting and international guidelines (Republic of South Africa, 2008).

Another example of South African activity in the transparency issue is the International Partnership on Mitigation and MRV launched in 2010 by South Africa, South Korea and Germany. The overall aim of this informal Partnership is to support a practical exchange on mitigation-related activities and MRV between developing and developed countries. The Partnership organizes meetings back-to-back with climate negotiations to ensure continuous exchange with the UNFCCC process, as well as technical workshops and support for capacity-building for rendering emissions reductions

[14] The key negotiators in the UNFCCC include Mr. Alf Willis, Ms. Sandea De Wet, and Dr. Harald Winkler.

measurable, reportable and verifiable. [15]

In the domestic sphere the South African government has announced its intention to make emissions data reporting mandatory for emitters of more than a 0.1Mt of greenhouse gases per year in the 2011 National Climate Change Response White Paper (Republic of South Africa, 2011: 29). The initiative outlines a domestic transparency system that "evolves with international measuring, reporting and verification (MRV) requirements" (Republic of South Africa, 2011: 7). As noted by a group of influential researchers from the University of Cape Town, the White Paper contributes to MRV, which is one of the key topics in the international climate negotiations "to create trust and legitimacy" (Boyd et al., 2011).

5.2 India: Rejecting Soft Cooperation

The tradition in Indian foreign environmental policy is to frame environmental stewardship and socio-economic development as contrasting priorities. Indian Prime Minister Indira Gandhi stated in her famous address to the 1972 UN Conference on Human Environment in Stockholm that "we do not wish to impoverish the environment any further and yet we cannot for a moment forget the grim poverty of large numbers of people. Are not poverty and need the greatest polluters?" (Gandhi, 1972). The foreign policy dimension of Mrs. Gandhi's Stockholm speech also had a strong anti-North streak and captured a historical perspective toward the colonial past.[16]

A long-time opinion leader in the developing country bloc, India has sought to champion the concerns felt by other developing countries, as well as to occupy the moral high ground as a defender of poor countries' rights (Rajan, 1997; Rajamani, 2008). In the 1970s, when environmental issues first entered the global politics, the prevailing view of the developing world was that global environmental problems are problems that have been caused by, and should be solved by, the developed countries of the North. India and many other developing countries shared a perception that the South was taken on board to solve the problems and concerns of the rich industrialized North without proper compensation (Gupta, 1997; Jakobsen, 1999; Rajan, 1997; Vihma, 2011). In

[15] For more information, see http://www.mitigationpartnership.net/.

[16] The Stockholm Address of Prime Minister Gandhi (1972) continued, "Many of the advanced countries of today have reached their present affluence by their domination over other races and countries, the exploitation of their own masses and their own natural resources."

the issue area of global climate governance, one of the most stable and vocal countries pronouncing this argument has been India. As noted by an expert, "All through from Indira Gandhi's address to our negotiating position in the Montreal Protocol negotiations [...] there is an unbroken intellectual tradition which has not changed." [17] This position, seen as steadfastness from the Northern perspective, has earned India a reputation among developed countries of being a difficult negotiating partner, a Southern hard-liner. India has defended itself by stating that its emissions do not have a significant impact. They are "only a fraction of the global figure" (Saran, 2008) and "action by India will have a marginal effect" (Singh, 2007), and even if India were to "eliminate all its greenhouse gas emissions, essentially by going back to the Stone Age," it would hardly matter for the ongoing climate change (Ghosh, 2007). India had acquired "an ugly reputation on the global front against climate change," and among big economies, "perhaps only America and Russia are considered more obdurate" (The Economist, 2008). Dubash (2009: 8) rightfully notes that these charges are "seldom formally made," but feature constantly in the corridors of UNFCCC meetings.

India has, evidently, strictly refused to undertake legal international obligation to limit its greenhouse gas emissions (hard law) in the climate change regime. Also soft cooperation in climate governance, such as transparency initiatives, have met sharp resistance. India has been very careful in negotiating soft cooperation that does not consist of bargaining over emission limitations. This resistance to soft cooperation has included opposing international guidelines on developing country's national communications as well as refusal to allow an expert body to compare and consult developing country reporting. During the years 1999-2007 India was alongside with China involved in a long-standing conflict with the North on the mandate of the Consultative Group of Experts on National Communications from Parties not included in Annex I to the Convention (CGE). India has often outlined that developing countries face no review requirements in the Convention, and this position is not to be changed.[18] In the MRV debate after the Bali meeting India outlined in its submissions to the UNFCCC that mitigation actions of developing countries are "not subject to any kind of international review" (World Resources Institute, 2010).

The rising trend of articles in our media analysis is shown in Figure 3. It confirms that the

[17]Dr. Lavanya Rajamani (personal interview, 2008).
[18]For example, see the Bonn Climate Talks, AWG-LCA plenary meeting, June 9, 2008.

public debate and consciousness on UN climate negations in India has increased significantly in the past five years (Billett, 2010; Vihma, 2011). ToI followed very intensely the Copenhagen meeting and published 85 articles on the negotiations during the talks (figure 4). The analysis also backs up the results of the extensive media study by Billett (2010), namely that the North vs. South framing is dominant in the Indian media reporting on climate negotiations. The percentage of articles we filed under "Northern responsibility" represented 68 percent in Copenhagen, and 62 percent in Bali, respectively. There was only one article out of the 133 total ToI articles that showed aspirations of Indian leadership by pro-activeness and taking mitigation actions, "going green grass root" (Times of India, 2007*c*).

[Figure 3 about here.]

Throughout the years, Indian environmental NGOs, research institutes, media and civil society actors have mostly supported, and in many cases actively advanced, India's traditional hard-line stance in the UN climate regime. This reflects the broad consensus among the Indian elite on several issues concerning global climate policy debates, such as (a) the idea that India should not be labelled a major emitter due to low per capita emission levels and limited cumulative emissions, (b) the argument that India has a considerable development burden, (c) charges of hypocrisy for developed countries with growing emissions, and (d) a fear that India will not be "treated fairly" if it engages deeper in the process (Dubash, 2009). Based on the analyzed ToI articles, the Indian audience viewed the UNFCCC negotiations primarily through a hard-line perspective, where the responsibility for present and future change lies with developed countries, the international "other" (Billett, 2010). According to the Indian view, the North is "bullying" developing countries (Times of India, 2007*b*), shifting goal posts, plotting and scheming. India, on the other hand, is seen as engaged in a defensive battle. As explained by a journalist (Times of India, 2007*a*),

> "The strong Indian delegation will have just one uphill task at hand – ensure the industrialized rich countries don't paper over their past and present failures and shift the onus on India to improve the world's future. In other words, India will try to ensure a stalemate in the global negotiations because it believes the solution already exists and

the rich countries want to play blind to it."

As the above text illustrates, the wording and the standpoint in 63 percent of the articles was assessed as showing a clearly negative attitude towards North (or "West"), often suggesting that developed countries are blocking the talks and not playing fairly. ToI also published several articles that only focused on the US policies, often describing US as the main opponent, plotting against India and developing countries as a whole.

In contrast to the more than 15 years of continuity in the "traditional" Indian position was witnessed in 2009, as environment minister Jairam Ramesh – seemingly with a level of support from his party and the PM's office – begun to soften India's rhetoric in his many foreign visits. Minister declared that his intention was to "change the narrative of India in climate change negotiations" (Times of India, 2009*c*), and that his view of India is "not defensive, not obstructionist" (Times of India, 2009*a*), but a country that truly wants to achieve a meaningful agreement in Copenhagen COP-15, even if this meant compromising on some aspects of the traditional position. In concrete terms, Ramesh changed the Indian position towards the transparency debate, in which India now outlined that improving NatComs by making them more frequent, detailed, and transparent would be an offer India is willing to make for the success of the post-2012 agreement. India also announced its CO2 intensity target for the year 2020 in quantitative format just four days before the meeting in Copenhagen.

The new Indian position outlined by the new environment minister – together with their implicit and explicit critique on the long prevailing Indian stance – caused a wide domestic push-back in the press as well as from the opposition, experts and civil society. Clear signs of audienceâs displeasure emerged in September 2009, after the first concrete shift from the traditional position, namely the signing of Major Economies Forum statement by Prime Minister Singh which endorsed the two degree target for global warming (MEF, 2009). Already this move "generated much heat" in the Parliament, as the opposition questioned the change in stance (Times of India, 2009*c*). The main opposition party (Bharatiya Janata) leader asked the Government for clarification, because "if India changed its stand on climate change, it would have to pay the price for pollution caused by developed countries" (Hindustan Times, 2009*a*). Accepting the ICA procedure in Copenhagen

also became a subject to notable political controversy in the Indian Parliament after the meeting. [19]

The two leading English-language daily newspapers, ToI and Hindustan Times, quickly positioned themselves against Ramesh's project and for the traditional Indian position (Times of India, 2009*b*; Hindustan Times, 2009*b*). In our data of the Copenhagen meeting 2009, the ToI reporting was in most cases concerned about the Indian delegation compromising from the traditional position.

With the exception of one NGO, Centre for Social Markets (CSM), virtually all other Indian stakeholders were sharply critical of the new stance outlined by Ramesh. The issues that drew hardest criticism were the references made toward compromising with the United States and references to transparency and increased reporting (Times of India, 2009*b*). In October 2009, a group of 43 organisations wrote to Prime Minister Singh urging that any change in climate negotiation position "should not compromise the countryâs development" and that "the civil society in India would oppose any moves to change India's negotiating position in the direction being suggested by the government."[20] The differences in position with Minister Ramesh and the conservative leading civil servant negotiators (Special Envoy Shyam Saran, Ambassador Chandrasekar Dasgupta, and Dr. Prodipto Ghosh) were also made public (Times of India, 2009*e,f*).

As a "dual politician," Minister Ramesh explicitly stated in the domestic debate that he and the prime minister were concerned about the reputational impacts caused by Indiaâs traditional position. Mr. Ramesh concluded that the traditional position could be "disfavored by the developed countries, small island states and vulnerable countries" and reduce possibilities for "India's aspirations for permanent membership of the Security Council" (Times of India, 2009*d*). Minister Ramesh's motivation to compromise on soft cooperation was due to cosmopolitan preferences and broader foreign policy concerns. It involved relations to the North, but also to fellow developing countries from the South. This point was emphasized by Minister Ramesh when he confronted critics in the Parliament after the Copenhagen meeting: [21]

[19]For example Lokh Sabha of the Indian Parliament, 21 December 2009, transcript on file with authors.

[20]The letter was signed by 85 individuals and 43 organisations, including ActionAid, the Delhi Science Forum, and the Jawaharlal Nehru University (JNU).

[21]Rajya Sabha, 21 December 2009, transcript on file with authors.

The Bangladeshi delegates asked, "why are you not settling the issue of transparency?" The Maldives delegation asked me, "why are you not setting the issue of transparency?" So, the issue of transparency had become a stumbling block."

Minister Ramesh was later reassigned to become minister for rural development in July 2011. While the move was a de facto promotion for Ramesh, as he was moved to a domestically more powerful ministry, his international portfolio became smaller as he lost the foreign environmental policy. The current environmental minister, Jayanthi Natarajan, soon articulated her careful and cautious rather than proactive and compromising position.[22]

6 Conclusion

In multilateral climate negotiations, the international transparency through reporting domestic climate actions and emissions has, for a considerable time, provoked controversy. Why must it be so? At first sight, it is surprising that a mostly technical issue unrelated to legally binding obligations on emissions reductions would become a lightning rod for controversy.

We have argued that the political disputes surrounding reporting and transparency can be explained with reference to domestic politics. Even if soft cooperation does not itself contain the seeds of political controversy, negotiators must consider the domestic audience's reaction to their behavior in the negotiations on soft cooperation issues. If the domestic audience prefers a hardline negotiator in the key negotiations on a distributional conflict, such as legally binding emissions reduction commitments, negotiators may try to signal their resolve by acting tough even in talks on soft cooperation, such as reporting requirements.

To test the argument, we investigated the negotiation behavior of two large developing countries, namely South Africa and India, in multilateral climate talks from 2005 to 2009. Consistent with the model, South Africa's moderate audience encouraged the country's negotiator to adopt moderate positions. In the equilibria of our model, negotiators with moderate audiences behind them engage

[22]After the Durban meeting in 2011, minister Natarajan outlined that "Our primary objective was to protect Indiaâs long term interest in the climate change negotiations. In this matter, we have been guided by the political consensus that has been the hallmark of our national position on the issue of climate change ever since this matter became a global concern decades ago" (Lokh Sabha, 16 December 2011, transcript on file with authors).

in soft cooperation to reap the gains from policy coordination. According to our first proposition, this is so regardless of the negotiator's own preferences. Even a hardliner engages in soft cooperation, if domestic audiences so wish.

In India, however, there was considerable pressure for the negotiators to reject even soft cooperation. Minister Ramesh's departure from this norm, and the vitriolic domestic response to follow, are consistent with a separating equilibrium whereby only moderate negotiators are willing to pay a domestic political cost for soft cooperation. We hypothesized that moderate leaders like Ramesh may go against the preferences of their domestic audiences, even risking their own political survival, if they sufficiently value the benefits of soft cooperation. As a multilateralist and reformer, Ramesh made the calculation that the international benefits of soft cooperation outweight the risk of being ousted. This explains why Ramesh would go against the preferences of influential domestic constituencies. This behavior is captured by our third proposition on the separating equilibrium of our model, in which hardliners reject soft cooperation to enhance their prospects of domestic political survival, while moderates may accept the calculated risk of losing office, given how much they value the benefits of soft cooperation with foreign countries.

Viewed through a theoretical lens, the model contributes to combining two previously separate strands of inquiry. On the one hand, the importance of domestic politics for negotiation behavior has been long recognized (Putnam, 1988; Moravcsik, 1997; Milner, 1997). On the other hand, the importance of distinguish between soft cooperation and legal obilgations that address a distributional relates also to a central research question for scholars of international law, especially in the debate on the relationship and qualities between soft and hard law (Lipson, 1991; Klabbers, 1998; Abbott and Snidal, 2000). However, these research communities have not engaged in intellectual exchange. We have shown how domestic politics can explain why soft cooperation, which is supposed to be a relatively easy to achieve when addressing pressing global problems, can provoke major political controversy. This requires the shadow of a distributional conflict, for otherwise even hardline negotiators would have nothing to lose from soft cooperation.

Our primary empirical contribution focuses on multilateral climate negotiations. The transparency issue has proven a stumbling block to progress on global climate mitigation, and we have

shown that domestic politics can shed light on why this is so. The prognosis is somewhat pessimistic. Even seemingly technical issues can become stumbling blocks as long as the shadow of a distributional conflict remain.

One concrete solution to breaking the gridlock is to separate the negotiation on the technical issues from the negotiation on big political issues. Separate negotiators, for example, could help. If some negotiators are only responsible for soft cooperation, their incentives to signal resolve would be limited.

A Mathematical Appendix

In this mathematical appendix, we first characterize the equilibrium of the Nash bargaining game and then analyze the equilibria of the entire game.

A.1 Nash Bargaining

The Nash bargaining game is played upon revelation of the leader's Bayesian type to the foreign country. Thus, the game is played under complete information. In the game, the leader selects a demand $d^{lead} \in [0, 1]$ while the foreign country selects a demand $d^{for} \in [0, 1]$. If $d^{lead} + d^{for} \leq 1$, then bargaining succeeds. If $d^{lead} + d^{for} \leq 1 > 1$, then bargaining fails and both players receive their disagreement payoffs.

Our equilibrium concept is the Nash Bargaining Solution. If a bargaining range does not exist with $q > \pi$, then bargaining fails as the leader proposes, say, $d^{lead} = 1$ and the foreign country proposes, say, $d^{for} = 1$. If a bargaining range exists because $q \leq \pi$, any combination of demands such that $d^{lead} + d^{for} = 1$ is a Nash equilibrium.

Given the disagreement payoffs described in the main text, and the properties of the Nash Bargaining Solution (NBS), it must maximize

$$\left(q + d^{lead}(\pi - q)\right)\left(d^{for}(\pi - q)\right). \tag{2}$$

Writing $d^{for} = 1 - d^{lead}$, we obtain the solution $d^{lead} = d^{for} = 1/2$. Thus, the equilibrium payoffs are $q + \frac{1}{2}(\pi - q)$ and $\frac{1}{2}(\pi - q)$. Differentiating the former with respect to q, we see that it is strictly increasing in q whenever a deal is reached. Whenever $q > \pi$, the expected value is also strictly increasing in q. Let $U(t)$ denote the expected payoff to leader of type t from the bargaining game. Note that $U(HAR) > U(MOD)$ given that the bargaining payoff is increasing in q and $\overline{q} > \underline{q}$.

The audience's payoff is zero without a bargain and $W(x)$ otherwise. We let $E(NBS \mid \ddot{)}$ denote the audience's expected payoff from the bargaining subgame given the leader's type t.

A.2 Solution Concept

Given that the game contains incomplete information, the appropriate solution concept is the Perfect Bayesian Equilibrium (PBE). We focus on pure strategies. A PBE consists of the above NBS, individually rational strategies for all players, and updated beliefs that accord with behavior on the path of play. The NBS notwithstanding, let $(S^* \mid t)$ denote the equilibrium strategy of a leader of type t. Let μ denote the audience's posterior belief that $t = HAR$ following the choice of S, and let $L^*(S)$ denote the audience's support level as a function of S. The PBE requires that these strategies be optimal given μ.

A.3 Equilibrium Refinements

To simplify the analysis, we impose a series of plausible equilibrium refinements. First, if the leader plays $S = NO$ off the path of play, then we require that $\mu = 10$. Second, if multiple equilibria exist and one of them Pareto-dominates the others, then this equilibrium be selected. Finally, if $\mu = p$, we set $L = 0$.

A.4 Pooling Equilibria

We begin with a characterization of the pooling equilibria of the game. In a pooling equilibrium, both types of the leader must play the action as to the decision on soft cooperation, $(S^* \mid MOD) = (S^* \mid HARD)$. The domestic audience's beliefs must remain unchanged from priors on the path of play, $\mu = p$.

Let us first prove that if both types of the pooling equilibrium exist, then the one with both rejecting soft cooperation is Pareto-dominated. Note that equilibrium behavior in both such equilibria must be exactly identical except for the soft cooperation stage. To see why, reecall that the domestic audience selects $L^* = 0$ whenever indifferent, and so $L^* = 0$. As shown in the analysis of the Nash bargaining game, equilibrium behavior does not depend at all on the soft cooperation decision S^*. These two facts imply that the pooling equilibria must be exactly identical except for S^*. To conclude the proof, note that the payoffs to all players are identical in both classes of pooling equilibria, except that when both leaders engage in soft cooperation they both obtain a

payoff bonus of $+1$. Thus, the second equilibrium refinement excludes the pooling equilibrium with both players rejecting soft cooperation as Pareto-inferior.

First characterize the conditions for pooling to soft cooperation, with $S^* = YES$ for all t. By the first equilibrium refinement, the audience reacts to a sudden deviation through $S = NO$ by assuming that the leader is a hardliner, $mu = 1$. Clearly, such a deviation is not profitable whenever $E(NBS \mid t = MOD) > E(NBS \mid t = HAR)$ because $S = NO$ induces $L = -1$. Thus, an equilibrium with $S^* = YES$ exists when this condition holds.

Consider now the possibility that $E(NBS \mid t = MOD) < E(NBS \mid t = HAR)$. Given that $U(HAR) > U(MOD)$ and R does not depend on the leader's type, it suffices to consider the hardliner's possible deviation. The payoff from soft cooperation is given by

$$1 + \frac{1}{2} \cdot (R + U(HAR)), \tag{3}$$

whereas the payoff from rejecting it is given by

$$(R + U(HAR)). \tag{4}$$

Whenever the former dominates the latter, pooling to soft cooperation is an equilibrium.

Now, consider the possibility of pooling to rejecting soft cooperation, with $S^* = YES$ for all t. If $E(NBS \mid t = MOD) > E(NBS \mid t = HAR)$, this equilibrium clearly cannot exist because both types would benefit from reaping the $+1$ while shifting L from $L^* = 0$ to $L^* = 1$.

It remains to consider $E(NBS \mid t = MOD) < E(NBS \mid t = HAR)$. In this case, the audience prefers the hardliner. The payoff from deviating to soft cooperation is $+1$ given the equilibrium refinement, requiring that $L = -1$ whenever $S = NO$ off the path of play. The payoff from the equilibrium strategy is

$$\frac{1}{2} \cdot (R + U(t)), \tag{5}$$

clearly lower for the moderate. Thus, the equilibrium exists if and only if $\frac{1}{2} \cdot (R + U(MOD)) \geq 1$.

A.5 Separating Equilibria

Consider now the separating equilibria of the game. There are two logically tenable possibilities: either (i) only moderates engage in soft cooperation or (ii) only hardliners engage in soft cooperation. We begin by demonstrating that the second possibility can be rejected.

To see this, suppose toward a contradiction that only hardliners engage in soft cooperation, $(S^* = YES \mid t = HAR)$ while moderates reject soft cooperation, $(S^* = YES \mid t = MOD)$. In this equilibrium, only hardliners obtain the $+1$ bonus. Thus, the moderate must obtain a bonus of more than $+1$ from rejecting soft cooperation. The only possible benefit of rejecting soft cooperation would result from an increase in the probability of political survival. Let $\eta \in (0, 1]$ denote the probability increase. Thus, the benefit of rejecting soft cooperation for the moderate is $\eta(R + E^{mod})$, where E^{mod} is the expected payoff to the moderate from the Nash bargaining game. Conversely, the benefit of rejecting soft cooperation for the hardliner would be $\eta(R + E^{hard})$. With $E^{mod} < E^{hard}$, as shown in the analysis of the NBS, it follows that the hardliner has a larger incentive to deviate. This contradicts the definition of an equilibrium.

We are thus left with one candidate for a separating equilibrium: hardliners reject soft cooperation, $(S^* = NO \mid t = HAR)$, while moderates accept it, $(S^* = YES \mid t = MOD)$. In this equilibrium, the audience's posterior beliefs are perfectly informed by the leader's decision. Soft cooperation implies a moderate, so that $(\mu \mid S^* = YES) = 0$, while rejection implies a hardliner, so that $(\mu \mid S^* = NO) = 1$. Since both types obtain a $+1$ bonus from soft cooperation, and off-path acceptance of soft cooperation induces $\mu = 0$, it must be that the audience prefers the hardliner, $E(NBS \mid t = MOD) < E(NBS \mid t = HAR)$. Otherwise, the hardliner's expected payoff must increase from deviating by accepting soft cooperation, $S = NO$.

It remains to consider the possibility that $E(NBS \mid t = MOD) > E(NBS \mid t = HAR)$. In this case, it needs to be verified that neither type has an incentive to deviate. The moderate type does not have an incentive to deviate whenever

$$1 \geq R + U(MOD). \tag{6}$$

The hardliner type does not have an incentive to deviate whenever

$$1 \leq R + U(HAR). \tag{7}$$

Combining, we need $R + U(HAR) \geq 1 \geq R + U(MOD)$.

A.6 Equilibrium Existence

If the audience prefers the moderate leader, $E(NBS \mid t = MOD) > E(NBS \mid t = HAR)$ the separating equilibrium cannot exist. Moreover, only pooling to soft cooperation is possible by the equilibrium refinement.

If the audience prefers the hardliner, then we have the following:

1. If $R + U(HAR) > 1 > R + U(MOD)$, then the separating equilibrium exists;
2. If $\frac{1}{2}(R + U(HAR)) < 1$, then pooling to soft cooperation is possible;
3. If $\frac{1}{2} \cdot (R + U(MOD)) < 1$, then pooling to rejection of soft cooperation is possible, unless pooling to soft cooperation is possible.

Notably, these conditions cover the universe of possibilities, and so a PBE in pure strategies is guaranteed to exist.

A.7 Proofs

To prove Proposition 1, consider the conditions for pooling to soft cooperation. Whenever the audience prefers a moderate to a hardline leader, with $E(NBS \mid t = MOD) > E(NBS \mid t = HAR)$, pooling to soft cooperation is the unique equilibrium of the game. Suppose now $E(NBS \mid t = MOD) < E(NBS \mid t = HAR)$. In this case, it suffices that $(R + U(HAR)) < 1$ for pooling to soft cooperation to be the unique equilibrum of the game.

To prove Proposition 2, consider the conditions for pooling to rejecting soft cooperation. Recall that whenever the audience prefers hardline to a moderate leader, with $E(NBS \mid t = MOD) > E(NBS \mid t = HAR)$, pooling to soft cooperation is the unique equilibrium of the game. Therefore,

it suffices to consider the case of $E(NBS \mid t = MOD) < E(NBS \mid t = HAR)$. As shown in the equilibrium analysis, it is also required that $\frac{1}{2} \cdot (R + U(MOD)) \geq 1$, so that the moderate leader's valuation of soft cooperation falls below her valuation of the expected payoff from retaining power with a higher probability due to increased audience support.

For Proposition 3, recall again that we need $E(NBS \mid t = MOD) < E(NBS \mid t = HAR)$, as shown in the equilibrium analysis. There, it is also shown that we need $R + U(HAR) \geq 1 \geq R + U(MOD)$.

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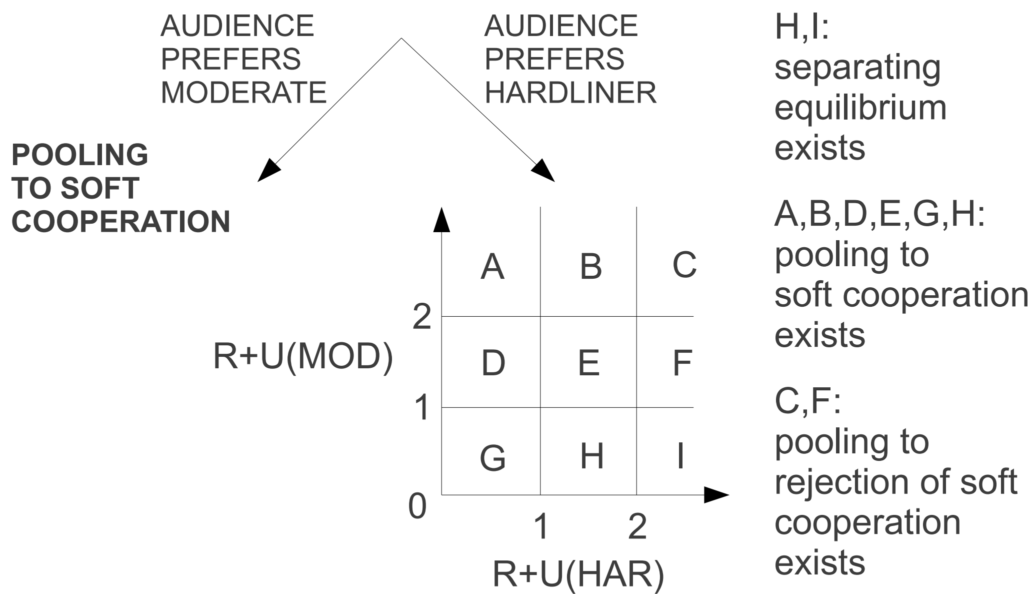

Figure 1: Equilibrium behavior. The arrows indicate whether the audience prefers moderate or hardline leaders, and the chart shows equilibrium existence conditional on the audience's preference for a hardline leader.

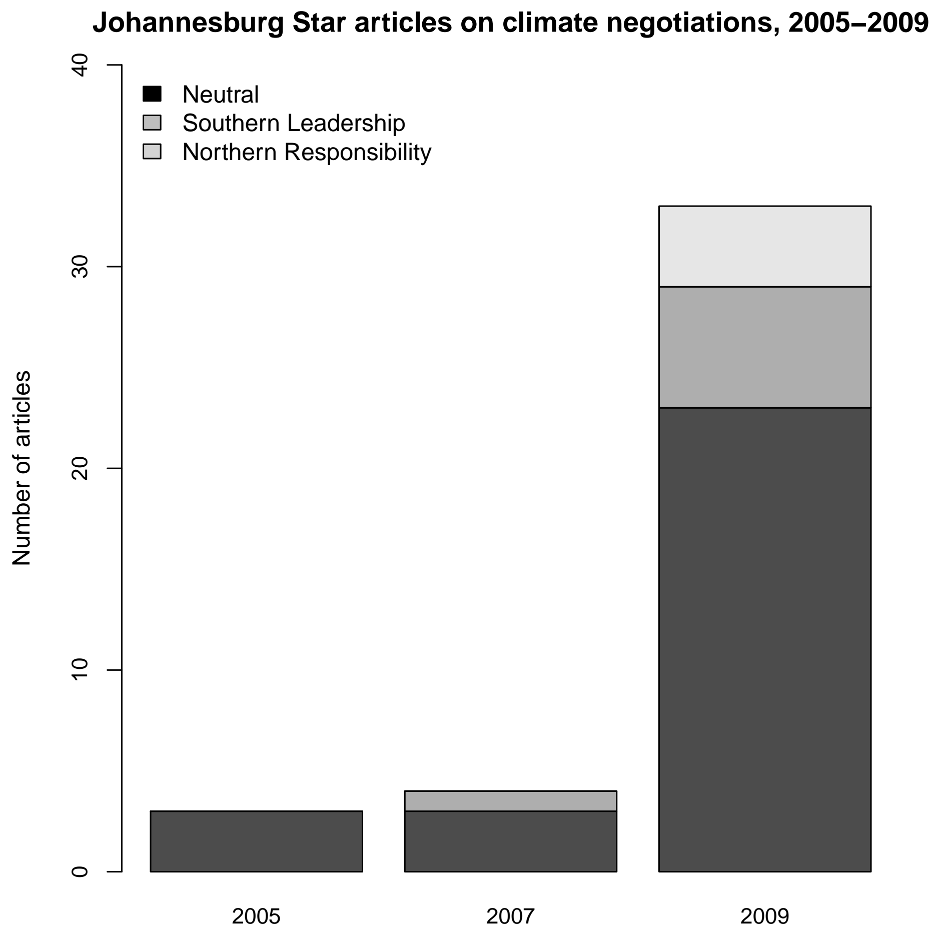

Figure 2: Media analysis of *Johannesburg Star*, 2005-2009.

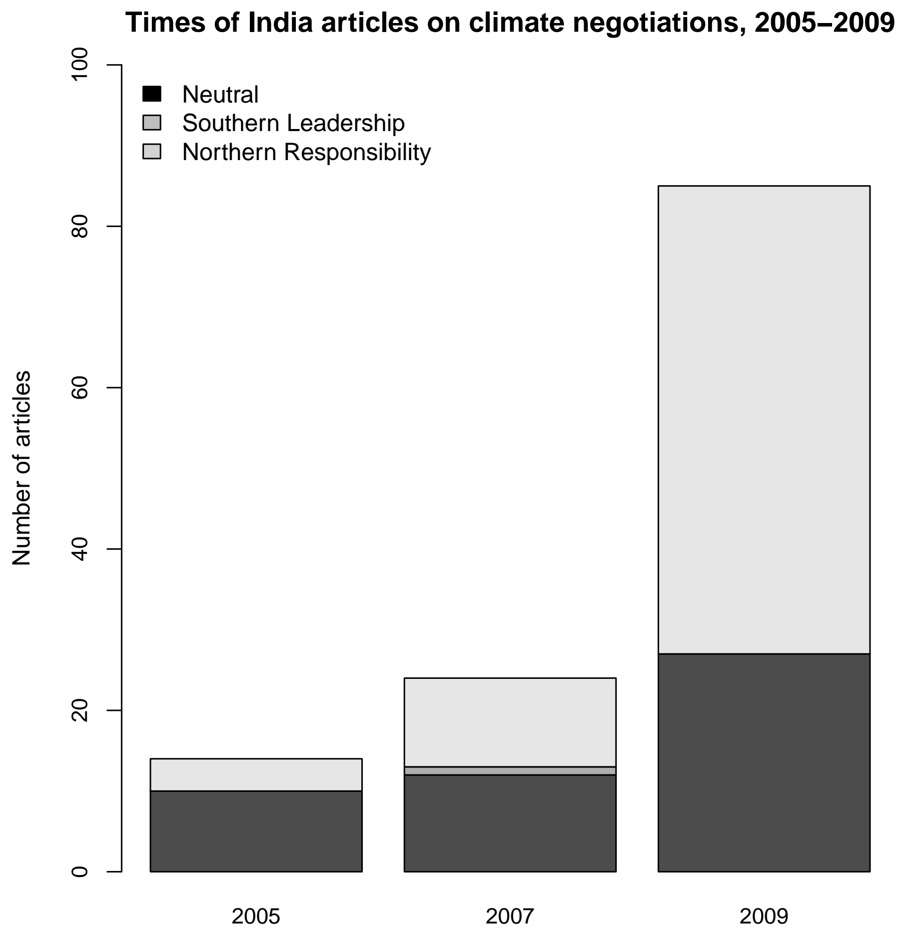

Figure 3: Media analysis of *Times of India*, 2005-2009.

Expectations	Pre-Copenhagen	Copenhagen
India	Hardline	Moderate
South Africa	Moderate	Moderate

Table 1: Summary of testable hypotheses.

Meeting	Time	Place	*Times of India*	*Johannesburg Star*
UNFCCC COP-11	12/2005	Montreal	14	3
UNFCCC COP-13	12/2007	Bali	33	4
UNFCCC COP-15	12/2009	Copenhagen	85	33
Total			**132 articles**	**40 articles**

Table 2: Newspaper articles in *The Johannesburg Star* and *The Times of India*.