



STOP FOSSIL FUELS SETTING THE CLIMATE AGENDA

**Lessons from international tobacco law:
protecting public policy from vested interests**

December 2013



Corporate capture of UNFCCC climate talks

The United Nations Framework Convention on Climate Change (UNFCCC)'s 19th Conference of the Parties (COP19) took place in the Polish capital of Warsaw, 11-22 November 2013. The international climate talks have become a magnet for corporate lobbyists and vested industry interests, eager to ensure not only that international action on climate does not get in the way of polluter's profits, but that it offers them lucrative business opportunities. Under the notoriously pro-coal Polish government's presidency, COP19 was heralded as the most corporate captured climate talks ever.

COP19: Dirty industry sponsorship

The pre-COP meeting of environmental ministers held in Warsaw 2-4 October, a crucially important moment in the negotiations, included an unprecedented "business day", providing exclusive access to big business lobbyists keen to set the agenda in their favour. But even more shocking was the corporate sponsorship of the COP itself, by fossil fuel companies and other big polluting industries. COP19's official corporate "partners", which provided services from building the plenary halls to providing cars, paper cups, document bags, notebooks and pens, included big-time climate crooks such as ArcelorMittal, Alstom, BMW, General Motors, Emirates Airlines, PGE and LOTOS. All companies with massive carbon footprints and records of lobbying against effective and fair climate action.

For example, French energy and fossil fuel giant Alstom lobbies for nonsensically named "clean" coal and for more nuclear power. ArcelorMittal, the world's biggest steel company, has lobbied ferociously in Europe against emissions reduction targets and to ensure the EU's Emissions Trading Scheme is so full of loopholes that it could avoid any domestic cuts, whilst securing billions of euros in windfall profits.

BMW, famed for its fuel-guzzling, high-end cars, has lobbied effectively against tighter vehicle emission targets in the EU, using its influence over German Chancellor Angela Merkel to get these laws delayed. Emirates, as part of the International Air Transport Association (IATA), fights against aviation being included in any binding climate mechanism. General Motors has a history of funding climate sceptic think tanks, like the US right wing

Heartland institute.

Coal power giants LOTOS and PGE, both majority owned by the Polish government, are pushing hard for coal to be included in our climate agreement. LOTOS is also pushing for shale gas – which requires an environmentally and socially devastating method of extraction (fracking) - including through pro-shale gas astroturf organisations posing as citizens groups.¹

Corporate side-events galore

Added to this, were the huge number of both official and non-official corporate side events that took place in and around COP19, many given an extra boost of importance by official links with the Polish COP's organisers. The Polish Ministry of Economy teamed up with the World Coal Association to put on a parallel, paradoxically named, "International Coal and Climate Summit". The UNFCCC incredibly gave recognition, and the appearance of acceptability, to it by the attendance of Executive Secretary Christiana Figueres, despite calls from civil society for her not to attend. The joint "Warsaw Communiqué" of the coal lobby and Polish government hosts of COP19 is nothing more than a blunt call for the continued use of climate-catastrophic coal and unproven, incredibly costly and decades-away technology such as carbon capture and storage (CCS), misleadingly wrapped in the language of sustainable development.

Inside the COP19 venue, the Polish national stadium, corporate lobby groups were given the privilege of hosting official side events. The chemicals industry associations CEFIC and ICCA hosted a side event which misleadingly painted shale gas as a cheap and climate-friendly answer to their prayers, and for "equivalent targets for industrialised and emerging economies". In other words, for policies that deny the principle of historical responsibility, which is a prerequisite for climate justice.² The US Chamber of Commerce – whose most influential members include ExxonMobil, Duke Energy, Monsanto and Dow Chemical – was given a platform by the UNFCCC to host an event promoting ideas like "voluntary carbon markets" and for public climate money to go directly to big business to "mobilize" its efforts. Despite the fact that the US Chamber lobbied to block US climate laws and publicly called for climate science to be "put on trial!"³

Big business and polluting industries have become masters of spin, disguising their pro-profit and environmentally exploitative agendas with clever rhetoric and isolated examples of sustainable projects, whilst lobbying for "solutions" that will fail to prevent catastrophic climate change and lock us into a system dependent on fossil fuels. Their rhetoric hides the fact that these companies are performing activities, and in many cases have core business models, which have disastrous effects on the climate, local environments and people, violating human rights and destroying local communities.

¹ For more information, see Corporate Europe Observatory and Transnational Institute's "COP19 Guide to Corporate Lobbying", November 2013, <http://corporateeurope.org/publications/cop19-guide-corporate-lobbying>

² CEO, "Diary of a Corporate COP: how polluting industry is presenting its false solutions at COP19", 16 November 2013, <http://corporateeurope.org/blog/diary-corporate-cop-how-polluting-industry-presenting-its-false-solutions-cop19>

³ CEO, "A fly on the wall of the corporate COP: Through the looking glass", 20 November 2013, <http://corporateeurope.org/blog/fly-wall-corporate-cop-through-looking-glass>

Open letter calling for rules to protect the integrity of climate policy-making from vested corporate interests

Signed by over 70 civil society organisations from across the globe

Warsaw, 21st November 2013

Dear UN Secretary-General Ban Ki-moon and UNFCCC Executive Secretary Christiana Figueres,

We are writing to you as a group of civil society organisations, groups and social movements deeply concerned with the fate of the climate. The devastating consequences of super typhoon Yolanda are the latest reminder of the cost of inaction, and the urgency of the task ahead.

Yet the 19th Conference of the Parties (COP19) of the United Nations Framework Convention on Climate Change (UNFCCC), hosted this year by the Polish government in Warsaw, has taken unprecedented and damaging steps towards embracing the same corporations that profit from continued emissions while actively lobbying against effective and just climate action. The Warsaw COP has official corporate “partners” which include the fossil fuel industry and major polluters like PGE, Alstom, LOTOS, ArcelorMittal, BMW, General Motors and Emirates Airlines. Along with a large number of corporate-affiliated side events and the exclusive access to negotiators granted to corporate lobby groups during the business-only pre-COP in October, the hosting Polish government's Ministry of Economy has teamed up with the World Coal Association - a coal industry lobby group - to put on a parallel "International Coal and Climate Summit", falsely presenting coal as a central part of the solution to climate change and development. Added to this, the UNFCCC secretariat has created the appearance of sanctioning the coal lobby's agenda by allowing executive secretary Christiana Figueres to address the coal summit, despite calls from both the youth constituency and from environmental and development groups not to attend.

At risk are both our climate and the integrity of the UNFCCC as a multilateral process to tackle climate change. Therefore there is an urgent need for rules to govern the relationship between the UNFCCC and the fossil fuel industry, including obligations for COP Presidents. Rules that would ensure the current damaging situation is avoided, by ending the undue access and influence of polluting businesses and industries, recognising that their direct commercial interests are fundamentally and irreconcilably in conflict with the urgent need for an equitable and ambitious climate policy.

The UN Global Compact's recently released “Guide for Responsible Corporate Engagement in Climate Policy” (produced in cooperation with the UNFCCC and others), recognises the damaging effect of the fossil fuel industry on climate policy, but its recommended voluntary guidelines for corporate lobbying around climate are woefully inadequate in light of the planetary emergency. To protect the climate and the UNFCCC, an approach corresponding to the scale of the climate crisis is needed.

Other UN bodies have faced similar challenges in addressing the undue influence of harmful industries and dealt with the situation effectively, such as the UN World Health Organisation (WHO). Article 5.3 of its global tobacco treaty, the Framework Convention on Tobacco Control (FCTC), enshrines in international law the principle that the tobacco industry has no role in public health policy-making, due to the “fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests” and states that “Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry”.

We urge you to look at such examples and take commensurate action to protect climate policy-making from the vested interests of the fossil fuel industry - or companies whose core business model depends on the excessive emission of greenhouse gases - and their attempts to undermine and subvert urgently needed action.

Yours sincerely,

The undersigned organisations
[See Annex]

The UNFCCC however, instead of protecting itself from powerful and self-serving corporations, is granting them an ever-more central role. Whilst this was most starkly seen under the Polish Presidency hosting COP19, it is a trend that has been growing for years. The corporate capture of the UN climate negotiations risks making them not merely ineffective, but counterproductive to tackling climate change.

In order to ensure real, effective and just climate action, it is absolutely vital that polluting corporations with everything to gain from climate inaction are not legitimised in the context of climate-change policy-making nor given the opportunity to influence, undermine or subvert the policy-process. A policy-process which, by its very nature – reducing and eliminating greenhouse gas emissions, particularly from the burning of fossil fuels - is in conflict with the vested interests of industries that profit from these emissions.

Civil society walk out...

In response to a dangerous lack of progress, the renegeing on commitments on finance and emissions reductions by several rich countries, and faced with the blatant corporate dominance of what became known as the coal-COP, around 800 representatives of civil society, from environmental, labour, development, youth, climate justice and women's groups staged a walk-out on the penultimate day of COP19 in Warsaw.⁴ With the message, "Polluters talk, we walk" and "Volveremos" - we will return – civil society banded together to cast a light on the disastrous direction our global community is taking, following the lead of dirty industry interests rather than the needs of people and planet.

...and calls for climate policy to be protected from fossil fuel interests

On the same day, more than seventy civil society organisations from countries and regions as diverse as India, Mozambique, Ukraine, USA, Chile, Bulgaria, UK, the Middle East, Russia, Ghana, Australia, the Philippines, Nigeria, Spain and South Africa, wrote to UN Secretary-General Ban Ki-moon and UNFCCC Executive Secretary Christiana Figueres. Their open letter [see previous page] urges action to protect climate policy-making from the vested interests of the fossil fuel industry – or companies whose core business model depends on the excessive emission of greenhouse gases – and their attempts to undermine and subvert urgently needed climate action.⁵ In their open letter, these groups point to the precedent of another UN agency tasked with regulating an industry that profits from harm, and how it deals with the industry's efforts to undermine and subvert efforts to regulate it: the World Health Organisation and big tobacco.



What can we learn from the global tobacco treaty?

The United Nations World Health Organisation's (WHO) global tobacco treaty offers some valuable lessons in how to handle a harmful industry intent on undermining and subverting efforts to control it. The WHO Framework Convention on Tobacco Control (FCTC)'s Article 5.3 enshrines in international law the principle that the tobacco industry has no role in public health policy-making. Article 5.3 states that in setting tobacco control policies,

"Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry".⁶

The FCTC 5.3 is based on the fact that there is no safe way of using tobacco. Tobacco kills one third to one half of its users, and the tobacco industry is "driving the largest preventable epidemic on the planet, killing six million every year – dwarfing deaths from AIDS, malaria, HIV and tuberculosis combined."⁷ The industry's profits depend on addicting new customers around the world, so it will do everything in its power to subvert efforts to stop it. Thus, the companies that profit from the sale and use of tobacco have no place in influencing policy-makers whose goal is to minimise this. Article 5.3's implementing guidelines state that:

"There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests."⁸

The FCTC establishes an important precedent for the international regulation of other industries that endanger human rights, public health and the environment. 5.3 is a vital precedent for corporate accountability, by prohibiting an abusive industry from influencing its own regulation.

Article 5.3's implementing guidelines give detailed recommendations about how governments can protect the integrity of their public health policy-making. The guidelines were drafted based on decades of evidence showing the:

⁴ See for example, Earth in Brackets, "You have never seen a coalition like this before" 21 November 2013, <http://www.earthinbrackets.org/2013/11/21/you-have-never-seen-a-coalition-like-this-before/>

⁵ You can also see the open letter online, at <http://corporateeurope.org/blog/open-letter-calling-rules-protect-integrity-climate-policy-making-vested-corporate-interests> and accompanying press release at <http://corporateeurope.org/pressreleases/2013/11/civil-society-pushes-block-fossil-fuel-lobbying-un-climate-talks>

⁶ UN WHO, 'Framework Convention on Tobacco Control', Article 5.3, 2003, <http://whqlibdoc.who.int/publications/2003/9241591013.pdf>

⁷ John Stewart, Director of Challenge Big Tobacco Campaign, Corporate Accountability International, correspondence with the author, December 2013

⁸ *ibid.*

*“broad array of strategies and tactics used by the tobacco industry to interfere with the setting and implementing of tobacco control measures”.*⁹

The different guidelines are each designed to prevent a specific tobacco industry tactic to interfere with public health. The measures apply not only directly to the tobacco industry but to any organizations or individuals that work to further the interests of the industry. This is because the tobacco industry pioneered the use of front groups to push its deadly agenda, after discovering early on that, due to its tarnished image, it was more effective to create astroturf organizations like “smokers rights,” or call on the hospitality industry, retailers, farmers, or even food corporations.

The provisions in the guidelines also apply to:

*“all branches of government that may have an interest in, or the capacity to, affect public health policies with respect to tobacco control”.*¹⁰

Tobacco banned from lobbying & COPs

The guidelines to Article 5.3 prohibit access for representatives of the tobacco industry and its interests to the treaty's Conference of the Parties (COP), including attending meetings, lobbying delegates or attending as members of Party delegations.¹¹

The guidelines furthermore require that policy-makers, both at national and international level, should:

“interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products”.

Where interactions are strictly necessary, Parties should:

*“ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.”*¹²

In effect, this bans tobacco industry lobbying - or “interest representation”¹³ - towards public health policy-makers, and ensures that any interactions that do take place, are open to public scrutiny. This is underpinned by the need to “avoid the creation of any perception of a real or potential partnership or cooperation resulting from or on account of such interaction”.¹⁴

The guidelines also make it quite clear that the tobacco industry should not be a partner in any initiative linked to setting or implementing public health policies, because its interests are in direct conflict with the goals of public health.¹⁵

No preferential treatment, partnerships or voluntary agreements

Conflicts of interest with the tobacco industry in government bodies are prohibited, alongside any kind of partnership, sponsorship or voluntary initiatives, or incentives to operate.

*“Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.”*¹⁶

Concretely, this means that no preferential treatment of the tobacco industry, including financial subsidies or tax breaks, is permitted.¹⁷

The tobacco industry's strategy of pushing for voluntary agreements with governments in order to delay regulation for, in some cases, decades, led to the following guidelines. Parties should not accept, support or endorse:

“partnerships and non-binding or non-enforceable agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests...”

“any voluntary code of conduct or instrument drafted by the tobacco industry that is offered as a substitute for legally enforceable tobacco control measures...”

*“any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.”*¹⁸

Parties are also required to avoid conflicts of interest for government officials and employees, including ensuring full transparency around the revolving door between public health officials and the tobacco industry. The guidelines also recommend that Parties:

“prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns”,

and at a very minimum require full disclosure of such contributions.¹⁹ These provisions followed the discovery that the tobacco industry had infiltrated the highest levels of governments, and even the WHO, in order to advance its interests.

The ingenuity of tobacco tactics also led to guidelines on public education, not only about the harms of tobacco, but about the strategies and tactics of the industry. Which include targeting non-health government ministries (e.g. trade, finance, economics, etc), co-opting them as a way of indirectly influencing health policy. Thus, Parties must:

*“raise awareness about the tobacco industry's practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interests of the tobacco industry”,*²⁰

and to,

“denormalize and, to the extent possible, regulate activities described as “socially responsible” by the

⁹ UN WHO, *ibid*, Paragraph 13

¹⁰ UN WHO, *ibid*, Paragraph 7

¹¹ UN WHO, *ibid*, Section 4

¹² UN WHO, 'Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control' 2008, http://www.who.int/fctc/guidelines/article_5_3.pdf, Section 2

¹³ See, for example, the European Commission and European Parliament's definition of interest representation, which includes any activity with the objective of “directly or indirectly influencing the formulation or implementation of policy and the decision-making processes... irrespective of the channel or medium of communication used, for example outsourcing, media, contracts with professional intermediaries, think-tanks, platforms, forums, campaigns and grassroots initiatives”, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:191:0029:0038:EN:PDF>

¹⁴ UN WHO, *ibid*, Section 2

¹⁵ UN WHO, *ibid*, Section 3

¹⁶ UN WHO, *ibid*, Section 7

¹⁷ UN WHO, *ibid*, Section 7

¹⁸ UN WHO, *ibid*, Section 3

¹⁹ UN WHO, *ibid*, Section 4

²⁰ UN WHO, *ibid*, Section 1

*tobacco industry, including but not limited to activities described as “corporate social responsibility”.*²¹

Another guideline requires that information provided by the tobacco industry be transparent and accurate, including requiring the industry to provide governments with information on their lobbying, advertising etc.²² This stems from tobacco's history of misrepresenting information about the harms of tobacco, advertising's effects on smoking rates, product contents, and so on.

State-owned industry: same treatment

The guidelines also stipulate that these provisions apply to all tobacco industry, regardless of whether it is government-owned, non- government-owned or a combination thereof. This is no small issue, given that the largest tobacco corporation in the world, as just one example, is a Chinese state-owned monopoly.

Specifically, they state that Parties should ensure that:

“State-owned tobacco industry is treated in the same way as any other member of the tobacco industry...”

“the setting and implementing of tobacco control policy are separated from overseeing or managing tobacco industry...”

*“representatives of State-owned tobacco industry does not form part of delegations to any meetings of the Conference of the Parties”.*²³

Countries that do not have a State-owned tobacco industry should not invest in tobacco, and those countries that do have one must ensure that any investment in it does not prevent them from fully implementing the FCTC.²⁴ Some countries have, in response to this guideline, taken the initiative to divest from tobacco, for example Norway, Australia and the Netherlands.

How did tobacco get fire-walled?

The firewall between the tobacco industry and public health policy-makers that is enacted by the FCTC Article 5.3 followed decades of tobacco industry misinformation campaigns, use of front groups and aggressive lobbying, so-called corporate social responsibility (CSR), funding of junk science to discredit the scientific body of evidence about tobacco's dangerous effects, and infiltration of the WHO and other health agencies to undermine tobacco-control efforts. Following a U.S. court case in the late 1990s, the Master Settlement Agreement (which forced big tobacco to pay out billions in reparations for tobacco-related healthcare costs) released millions of internal tobacco industry documents.

The documents clearly show the efforts of the tobacco industry to undermine or subvert tobacco control regulation; on this basis, a WHO inquiry reported in 2000 on tobacco companies' strategies.²⁵ It confirmed that:

“the tobacco industry has operated for years with the express intention of subverting the role of governments and of WHO in implementing public health policies to combat the tobacco epidemic”.²⁶

During the UN WHO negotiations for the global tobacco treaty, in 2001-2002, a network of over 100 consumer, environmental, public health, human rights, faith-based and corporate accountability organizations, largely from the global South, fought to limit tobacco industry influence. The Network for Accountability of Tobacco Transnationals (NATT)²⁷ was instrumental in pushing for, and turning the tide in support of, Article 5.3. Because countries in the global South were being most negatively affected by the tobacco epidemic and industry aggression (more than 70% of tobacco-related deaths already occur in low- and middle-income countries), and aggressively lobbied, by the tobacco industry; the fight for Article 5.3 was led by an African block and smaller island nations like Palau and the Philippines. Support also came from within the WHO, keen to do something about the tobacco industry's attempts to infiltrate it.

In 2003, the WHO FCTC was adopted by the World Health Assembly, with the unprecedented inclusion of an article designed to prevent a harmful industry from manipulating policy-making to serve its own interests – Article 5.3. The FCTC entered into force in 2005, and NATT is now busy trying to ensure Article 5.3 is properly implemented – including the guidelines adopted in 2008 – in the 177 countries that have ratified it. FCTC 5.3 is not only a great success for public health, but an important precedent for corporate accountability.

²¹ UN WHO, *ibid*, Section 6

²² UN WHO, *ibid*, Section 5

²³ UN WHO, *ibid*, Section 8

²⁴ UN WHO, *ibid*, Section 7

²⁵ WHO, 'Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organisation', July 2000, http://www.who.int/tobacco/en/who_inquiry.pdf

²⁶ As stated in the UN WHO FCTC Guidelines, *ibid*, Paragraph 1, World Health Assembly resolution WHA54.18 on transparency in tobacco control process, citing the findings of the Committee of Experts on Tobacco Industry Documents.

²⁷ Corporate Accountability International, 'Network For Accountability Of Tobacco Transnationals (NATT)', http://www.stopcorporateabuse.org/sites/default/files/resources/natt_leadership_rede_sign_pdf_8.15.pdf



Parallels between tobacco and fossil fuel industries: profiting from harm

There is a strong analogy between tobacco and health, on the one hand, and fossil fuels and climate change, on the other. As the IPCC's fifth assessment report confirms, there is no safe way of emitting greenhouse gases into the atmosphere. Given the current levels of atmospheric carbon, and the many climatic feedback mechanisms, climate science tells us that we need to leave fossil fuels in the ground and reduce global emissions. Climate change is destroying - and will continue to destroy - lives and livelihoods, on an enormous scale. The interests of fossil fuel companies - and other big polluters - directly conflict with the goals of climate-change policy-makers.

COP19 coincided with the release of research showing that just 90 companies have, between them, produced nearly two-thirds of the greenhouse gas emissions generated since the beginning of the industrial age.²⁸ All but seven of these deal in oil, gas and coal - and half of the estimated emissions were produced just in the past 25 years. The biggest contributing private companies include Chevron, ExxonMobil, BP and Shell, alongside state-owned companies such as Saudi Aramco and Russia's Gazprom.

No coincidence then that some of the world's top contributors to climate change, like ExxonMobil, are also funding climate change denial campaigns. But involvement in climate-denial is just the tip of the (fast-melting) iceberg: the fossil fuel industry has been up to the same dodgy and dishonest tricks as big tobacco. Propaganda campaigns, front groups, funding junk science and climate denial, financing political parties and aggressively lobbying, not to mention close-ties with governments and infiltrating country delegations to UNFCCC COPs. The result? Vital progress in the climate talks weakened and blocked; a failure on both climate action and climate justice.

²⁸ Heede, Richard, "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854-2010", *Climate Change*, 22 November 2013, Springer, http://download.springer.com/static/pdf/371/art%253A10.1007%252Fs10584-013-0986-y.pdf?auth66=1385561863_383b1660d17ad1bb9af2c5b3e3253f4f&ext=.pdf

But unlike big tobacco, big polluters have been successful at painting themselves as part of the solution, rather than part of the problem, to climate change. Despite the fact that they profit from their continued contributions to climate catastrophe, and engage in subversive lobbying to block more ambitious and binding climate targets and mechanisms, at national and international levels.

Payrolling the climate-denial movement

Vocal and vociferous climate sceptic groups, such as right-wing think tanks the Heartland Institute, the Centre for the Study of Carbon Dioxide and Global Change and the Heritage Foundation, are being funded by fossil fuels and other big polluting industries.²⁹ ExxonMobil, for example, which is alone responsible for 3.22% of all human-made carbon emissions since the dawn of industrialisation,³⁰ spent \$27.4 million supporting the climate denial movement, funding climate-sceptic studies, think tanks and propaganda campaigns, between 1998 and 2012.³¹ The multi-billionaire Koch brothers, whose fortune has its roots in fossil fuels, have funnelled at least \$67 million into the denial machine since 1997, through charitable foundations. In many cases, climate sceptic think tanks (and their fossil fuel funders) have close links with "the original architects of the blueprint for deflecting blame and denying responsibility": the tobacco industry.³²

Through such climate sceptic groups, the fossil fuel industry has been involved in misinformation and propaganda campaigns, junk-science studies, insidious personal attacks and abuse towards climate scientists, and many other dirty tactics. The UNFCCC's Director of the Implementation Strategy Unit, Halldor Thorgeirsson, recently warned that:

"Vested interests are paying for the discrediting of scientists all the time".³³

Astroturf, greenwash and "bluwash"

Front groups - or astroturf campaigns, so-named for their faked appearance of grass roots support - are another tactic used being by dirty energy companies and polluters. For example, Polish dirty energy companies LOTOS and PGNiG funded a pro-shale gas lobby group misleadingly called the "Citizens Coalition for Responsible Energy", which promoted the supposed view of citizens that shale gas has no environmental risks and needs no further regulation, including holding an exhibition for Members of European Parliament, prior to a key vote on shale gas.³⁴

²⁹ InsideClimate News, 'Ahead of IPCC Climate Report, Sceptic Groups Launch Global Anti-Science Campaign', September 2013, <http://insideclimatenews.org/news/20130918/ahead-ippcc-climate-report-skeptic-groups-launch-global-anti-science-campaign?page=show>

³⁰ Heede, *ibid.*

³¹ Greenpeace USA, 'Dealing in Doubt: The Climate Denial Machine vs. Climate Science', September 2013, <http://www.greenpeace.org/usa/Global/usa/report/Dealing%20in%20Doubt%202013%20-%20Greenpeace%20report%20on%20Climate%20Change%20Denial%20Machine.pdf>

³² Greenpeace USA, *ibid.*

³³ The Guardian, 'Big business funds effort to discredit climate science, warns UN official', September 2013, <http://www.theguardian.com/science/2013/sep/20/big-business-funding-climate-change-sceptics>

³⁴ CEO, 'Citizens coalition or industry front group?', November 2012, <http://corporateeurope.org/climate-and-energy/2012/11/citizens-coalition-or-industry-frontgroup-covert-lobby-shale-gas-enters>

Swedish energy giant Vattenfall pioneered an ingenious and high-profile Climate Tour in 2008, displaying thousands of orange figures representing signatories to their climate manifesto, in cities across Europe. Yet the content of this manifesto – which they urged the public to sign by entreating that “Your signature can curb climate change” – called for more new coal power, controversial and decades away technology CCS, nuclear power and agrofuels, which compete with food production and so cause deforestation.³⁵

The use of voluntary 'partnerships', and the greenwashing opportunity they provide, is exemplified by the UNFCCC COP19 partnering up with climate crooks who profit from polluting and lobby against effective climate action. By providing so-called “green” products to the Warsaw COP organisers, fossil fuel companies and polluting industries had their branding adorned all over the stadium, from Emirates beanbags and LOTOS document bags to PGE pens, Alstom water coolers and the ArcelorMittal conference halls.

But greenwashing efforts are also displayed masterfully by business lobby groups like the World Business Council for Sustainable Development (WBCSD), a club of CEOs of multinational corporations, claiming to work for “a sustainable future for business, society and the environment.”³⁶ Its 200 members have a combined revenue of over \$7 trillion,³⁷ including many companies with well-documented records of human rights and environmental abuse, such as Shell, GDF Suez, Duke Energy, Veolia, Vale, Dow Chemical, Monsanto, E.ON, BP and Rio Tinto.³⁸

WBCSD has successfully pioneered the re-branding of corporations as part of the solution to climate change, whilst in reality opposing legally binding environmental and social standards for corporate activities at every major international UN summit. As well as pushing for “solutions” that enable the continued profiting from, and burning of, fossil fuels, such as voluntary sectoral agreements for industry and CCS. WBCSD co-organises a Business Day at each UNFCCC COP, a lobbying extravaganza for big business; this year’s “Climate Solutions” conference took place in Warsaw’s Marriott hotel³⁹ and chillingly ended with a call for even more institutionalised access of big business and dirty energy corporations to the UNFCCC.

The UN Global Compact, the “world’s largest voluntary corporate citizenship initiative”,⁴⁰ is another example of the kind of voluntary partnership that discredits the UN’s efforts at fast and fair climate mitigation and adaptation. Its non-binding nature, the appalling records of many of its members (such as Shell, BP, Rio Tinto, etc) and its failure to improve their overall behaviour due to its lack of real substance, monitoring or enforcement has led to accusations of “bluewash”, whereby polluting and exploitative companies gain some appearance of

legitimacy through their link to the United Nations.⁴¹ At COP19, the Global Compact’s ‘Caring for Climate Initiative’⁴² co-hosted a “Caring for Climate Business Forum” to “showcase the contributions that business and investors can make towards climate action while providing a high-level leadership platform with policy-makers.”⁴³ This strategy, like that of the WBCSD,

“picks isolated examples of initiatives by business, and showcases them as “proof” of the overall commitment of that company to responsible social and environmental behaviour, attempting to silence the huge negative impacts of that company’s core activities.”⁴⁴

The Global Compact, together with the UNFCCC and UNEP, also released a “Guide for Responsible Corporate Engagement in Climate Policy”,⁴⁵ another voluntary initiative that vested corporate interests have pushed in an attempt to stave off mandatory rules and legally-binding action. Once again given legitimacy by the very body that these vested corporate interests are working so hard to undermine and subvert.

Infiltrating governments and UNFCCC Dirty energy companies as “civil society”

The UNFCCC’s categorisation of “Civil Society” and “Non-governmental Organisations (NGOs), contrary to common understanding, includes “Business and Industry”.⁴⁶ This means that big business and polluting industry lobby organisations can attend UNFCCC COPs as part of civil society. At COP19, under the umbrella of numerous business platforms and lobby groups, representatives of many of the world’s biggest polluters attended the Warsaw climate talks.⁴⁷ For example, under the auspices of the WBCSD, representatives of Shell, Alstom, Unilever, EDF Trading, BMW, Siemens, ArcelorMittal, General Electric and BASF attended COP19 (and no doubt many others COPs prior to this).

The International Emissions Trading Association (IETA) sent people from Shell, GDF Suez, ENEL, ENI, Vattenfall, Mitsubishi, Dow Chemicals, ABN AMRO and KDF Energy. The so-called Climate Action Reserve also sent individuals from Shell and BMW. The International Petroleum Industry Environmental Conservation Association (IPIECA), an oil industry association whose “double-speak” name would make George Orwell proud, sent representatives of

³⁵ Climate greenwash awards 2009, <http://www.climategreenwash.org/vattenfall.html>

³⁶ WBCSD website, 'About', <http://www.wbcd.org/about.aspx>

³⁷ WBCSD, 'WBCSD and World Climate Ltd create a unique forum for business during the UNFCCC COP19, Warsaw Poland', 24 June 2013, <http://www.wbcd.org/Pages/eNews/eNewsDetails.aspx?ID=15783&NoSearchContextKey=true>

³⁸ WBCSD, 'Members', <http://www.wbcd.org/about/members/members-list-region.aspx>

³⁹ WBCSD, 'WBCSD and World Climate Ltd create a unique forum for business during the UNFCCC COP19, Warsaw Poland', *ibid.*

⁴⁰ UN Global Compact, 'UN Secretary-General Opens Historic Leaders Summit on Corporate Citizenship', 5 July 2007, http://www.unglobalcompact.org/NewsAndEvents/news_archives/2007_07_05a.html

⁴¹ UN Global Compact, 'Oxfam International and the United Nations Global Compact To Partner on Poverty Assessment Tool', 17 October 2013, <http://www.unglobalcompact.org/news/561-10-17-2013>

⁴² Caring for Climate website, <http://caringforclimate.org/> and UN Global Compact website, 'Caring for Climate', http://www.unglobalcompact.org/Issues/Environment/Climate_Change/index.html

⁴³ Caring for Climate Business Forum website, 'A Global Call for Climate Action', <http://caringforclimate.org/forum/> and 'Venue', <http://caringforclimate.org/forum/participantinfo/venue/>

⁴⁴ CEO and TNI, *ibid.*

⁴⁵ UN Global Compact, UNFCCC, UNEP et al., "Guide for Responsible Corporate Engagement in Climate Policy: A Caring for Climate Report", 2013, http://www.unglobalcompact.org/docs/issues_doc/Environment/climate/Guide_Responsible_Corporate_Engagement_Climate_Policy.pdf

⁴⁶ UNFCCC, Parties & Observers, Civil Society, Admitted NGO, Constituency – Business and Industry, http://maindb.unfccc.int/public/ngo.pl?sort=const_og_name

⁴⁷ UNFCCC Conference of the Parties, Nineteenth session, Warsaw, 11–22 November 2013, List of participants, <http://unfccc.int/resource/docs/2013/cop19/eng/inf04.pdf>

Chevron and Total. To take a little reality check, ChevronTexaco is the biggest single corporation responsible for climate change, with 3.52% of global human-made carbon emissions attributed to it since the industrial age began (1751–2010)!⁴⁸

Big business on government delegations

Another way that the fossil fuel and other major polluting industries infiltrate the climate talks is through government delegations, demonstrating their close links with many governments. The 195 countries⁴⁹ that are Party to the UNFCCC send delegations of varying size to each COP, which alas are serving as another avenue for vested corporate interests to gain traction in the climate negotiations. The New Zealand delegation to COP19 included a representative from BusinessNZ, “the voice of business”, whose members include the likes of BP, Chevron, Meridian Energy, Shell and Siemens.⁵⁰ Japan's delegation included three people from Mitsubishi UFJ Research and Consulting Co. Ltd, the “think tank arm” of Japanese financial titan Mitsubishi UFJ Financial Group, which is the 17th biggest coal financier in the world.⁵¹ Both of these rich nations were condemned for undermining progress at COP19, Japan for reneging on its 2020 emissions targets (instead, pledging to increase emissions!) and New Zealand for anti-climate sentiment and hypocrisy over fossil fuel subsidies.⁵²

Brazil's delegation included individuals from several industry lobbies, such as the Brazilian Business Council for Sustainable Development, whose members include Petrobras, Shell, Vale, BP and Bayer;⁵³ the Brazilian National Confederation of Industry (CNI); and, the Brazilian Association of the Chemical Industry, which represents Dow, BASF, Henkel and PETROM.⁵⁴ It also had delegates from several bank-rollers of climate change, namely HSBC, Itaú Bank, Santander and the Bank of Brazil, which together provided over 5.7 billion euros finance to coal mining and coal-fired electricity in 2005-2011.⁵⁵ Not to mention a delegate from Isolux Corsán, an energy giant with enormous vested interest in fossil fuels.⁵⁶

The Finnish delegation included a representative from business lobby the Confederation of Finnish Industries EK, the Turkish delegation four representatives from the

Turkish Industry and Business Association (TUSIAD), and the Austrian delegation a representative from the Federation of Austrian Industry. All of which are the national members of BusinessEurope,⁵⁷ arguably the most powerful business lobby group at EU level, which has systematically lobbied to block, weaken or delay just about every environmental or climate measure proposed in Brussels.

Poland's delegation included Andrei Marcu, the Head of the Carbon Market Forum at neoliberal think-tank the Centre for European Policy Studies (CEPS), and architect of the EU's push for business-friendly carbon markets in the climate talks, despite their track record of failing to reduce emissions. Marcu was formerly President of IETA, WBCSD's Climate and Energy managing director, CEO of Bluenext (a Paris-based carbon trading exchange) and head of regulatory affairs at oil trading giant Mercuria Energy Group.⁵⁸ Poland's delegation also included more than 80 individuals with no title, affiliation or other form of clarification, making it very difficult to ascertain what interests they represent.

Funding political parties and governments

Dirty energy companies also fund and infiltrate political parties and governments. The influence of big oil is no more obvious than on US climate and energy policy; a fact illustrated by Oil Change International's calculation that, for the years 2009-2010:

“for every \$1 the industry spends on campaign contributions and lobbying in Washington DC, it gets back \$59 in subsidies.”⁵⁹

The UK government is also in bed with big oil, gas and coal, with around one third of government ministers having direct links (either past or present) to big fossil fuel companies like Shell, or backgrounds in finance sector companies that are involved in facilitating or funding dirty energy projects.⁶⁰ A revolving door between public office and lucrative positions in the private energy sector adds to the close-ties between governments and dirty energy, not just in the UK and US, but many other countries besides.

It is perhaps not surprising therefore that developed country governments, which are failing to provide the promised (yet still woefully inadequate) \$100 billion a year by 2020 to help developing countries reduce emissions and adapt to climate impacts, are in fact providing five times more public support for fossil fuel production and consumption than they have so far pledged in climate finance.⁶¹

⁴⁸ Heede, *ibid*.

⁴⁹ To be exact, 194 states plus the European Union, http://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php

⁵⁰ BusinessNZ, Major Companies Group (MCG), <http://www.businessnz.org.nz/majorcompaniesgroup>

⁵¹ 'Top 20 Banks financing coal fired electricity and coal mining since 2005', p. 15 'Bankrolling Climate Change' report, 2009, published by urgewald, groundWork, Earthlife Africa Johannesburg and BankTrack, http://www.banktrack.org/download/bankrolling_climate_change/climatekillerbanks_final_0.pdf

⁵² See, for example, CAN-International, <http://www.climateactionnetwork.org/fossil-of-the-day/kyotos-legacy-smoke-japan-slashes-climate-action>; Tck Tck Tck, <http://tckctck.org/2013/11/cop19-day-2-solidarity-spreads-warsaw/58759> and <http://tckctck.org/2013/11/cop19-day-3-domestic-events-interfere-bold-commitments/58810>; Adopt a negotiator, <http://adoptanegotiator.org/2013/11/21/subsidies-and-protest-flotillas/>

⁵³ WBCSD, BCSD Brazil (CEBDS), <http://www.wbcds.org/regional-network/members-list/latin-america/cebds.aspx>

⁵⁴ ABIQUIM, Members, <http://abiquim.org.br/english/content.asp?princ=wwa&pag=abiqmem>

⁵⁵ Total finance (project finance, investment banking and corporate loans) in coal mining and coal fired electricity 2005-2011, in million Euro: HSBC 3,596.01, Itaú Bank 86.46, Santander 1,963.55, Bank of Brazil 80.77. Totals 5726.79 million Euro. Data from 'Bankrolling Climate Change' report, *ibid*.

⁵⁶ Isolux Corsán, Energy, <http://www.isoluxcorsan.com/en/business-area/energy/>

⁵⁷ BusinessEurope, 41 members in 35 countries, <http://www.businesseurope.eu/Content/Default.asp?pageid=600>

⁵⁸ CEPS, Andrei Marcu, <http://www.ceps.be/member/andrei-marcu>

⁵⁹ Oil Change International, 'Fossil Fuel Funding to Congress: Industry influence in the U.S.', <http://priceofoil.org/fossil-fuel-industry-influence-in-the-u-s/>

⁶⁰ World Development Movement, 'Web of power: The UK government and the energy-finance complex fuelling climate change', March 2013, <http://www.wdm.org.uk/sites/default/files/Carbon%20Capital%20Media%20Briefing5.pdf>

⁶¹ Oil Change International, 'A Call for Reason in Warsaw: Finance Climate Action, not Fossil Fuel Subsidies' 20 November 2013, <http://priceofoil.org/2013/11/20/call-reason-warsaw-finance-climate-action-fossil-fuel-subsidies/>

Evidence of fossil fuel subversion and undermining of climate policy

There is a vast body of evidence documenting the:

“fossil fuel industry’s 20 year fight to scupper climate change action; and how the fossil fuel companies have deployed many of the tactics of the tobacco industry as it has sought to deny the evidence of climate change and delay action. It has even employed many of the same scientists or think tanks to sow doubt and confusion.”⁶²

The examples given in this report represent only the surface of a (dangerously rising) sea. More thorough accounts can be found in, for example, Jeremy K Leggett’s book *Carbon War*, which documents the fossil fuel industry’s attempts to undermine the UN process in the 1990s, as well as Naomi Oreskas and Erik Conway’s *Merchants of Doubt*, and James Hoggan’s *Climate Cover-up*.

Greenpeace’s report *Dealing in Doubt: The Climate Denial Machine vs. Climate Science* offers another enlightening account. Most recently, Corporate Europe Observatory and the Transnational Institute’s report *the COP19 Guide to Corporate Lobbying* documents the activities of the many industry lobby groups in and around the Warsaw climate talks, and how these contrast with the spin and greenwash that they have become so expert at spouting.

A great deal more evidence of the fossil fuel industry’s persistent and concerted efforts to undermine and subvert progress on climate action and climate justice is dispersed across the collective experience of many NGOs, civil society and activist groups, international organisations and policy-makers at all levels. Efforts to gather, compile and present this data would add greatly to the already extensive body of evidence showing vested industry attempts to ensure they can continue profiting from polluting – at the expense of our climate and future.



Protecting climate-policy from the vested interests of the fossil fuel industry

To protect the integrity of the climate talks, and ultimately our planet, there is an urgent need to safeguard climate-change policy-making, both at the national and UNFCCC level, from the vested interests of the fossil fuel industry.

Recognition of the dangerous and derailing role played by industries that profit from their contributions to climate change is growing. Illustrated not only by the civil society walk out of COP19, the nearly 80 organisations [see Annex] that wrote to UN Secretary-General Ban Ki-moon and UNFCCC Executive Secretary Christiana Figueres calling for rules to protect the integrity of climate policy-making from vested corporate interests, but even by the European Parliament, which in October 2013, recognised the problem of fossil fuel lobbying in its COP19 climate resolution. The resolution states that there is a:

"need to be vigilant concerning efforts by economic actors that emit significant amounts of greenhouse gases or benefit from burning fossil fuels, to undermine or subvert climate protection efforts."⁶³

Without action to protect climate policy from the efforts of fossil fuels and big polluters to undermine and subvert it, including by limiting interactions between climate policy-makers and the fossil fuel industry (including lobbyists, front groups, etc, representing their interests) at UN, national and regional levels, the weakening, blocking and misdirection of urgent, ambitious and just climate action will continue. A prospect which neither people nor planet can afford.

The WHO global tobacco treaty Article 5.3, and its accompanying guidelines, sets a legal and political precedent for limiting interactions between an industry that profits from harm and those tasked with minimising and ultimately stopping the harm it causes.

There is no doubt that a similar case can be made for the

⁶² Andy Rowell, 'Time to Learn from Tobacco', 22 November 2013, Oil Change International, <http://priceofoil.org/2013/11/22/time-learn-tobacco/>

⁶³ European Parliament resolution of 23 October 2013 on the climate change conference in Warsaw, Poland (COP 19), (2013/2666(RSP)), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0443&language=EN&ring=B7-2013-0482>

need to protect climate change policy-making from the vested interests of corporations that benefit from the continued excessive use of fossil fuels. Corporations which, through the use of front groups, financing climate-denial, greenwashing, lobbying, infiltrating governments and the UNFCCC, funding political parties and a revolving door between dirty industry and government, have been working for decades to block, delay and weaken vital action on climate justice. Corporations which are pushing for false "solutions" that will enable them to keep burning fossil fuels and profiting from pollution. At the expense of fair and effective policies on mitigation of, and adaptation to the devastating effects of, climate change.

Climate science tells us that the world urgently needs to reduce its greenhouse gas emissions and make the transition to a post-fossil fuel society, leaving at least two thirds of known fossil fuel reserves in the ground. Yet vested corporate interests are pushing for shale gas exploitation, new coal power plants (with semi-mythical and decades away CCS) and opening up the Arctic for oil exploration. All the while climate change is destroying - and will continue to destroy - lives and livelihoods, on an enormous scale.

The interests of fossil fuel companies - and other industries whose core business model depends on excess emissions of greenhouse gases - are in direct conflict with the goals of climate change policy-makers. It is therefore an urgent priority that action is taken, and rules are put in place, to ensure that the vested interests of polluting industries are no longer enabled or allowed to undermine and subvert climate change policy-making. The UN WHO's global tobacco treaty sets an important precedent in this respect, by prohibiting an abusive industry from influencing its own regulation.

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Environmental and Economic Justice

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Annex. Civil society organisations signatory to the open letter to Ban Ki-moon and Christiana Figueres:

350.org
350.org Durban
Aitec-Ipam
Alianza para la Conservacion y Desarrollo
Amigos de la Tierra España, Friends of the Earth Spain
Arab Youth Climate Movement (AYCM)
Asociación Ambientalista de Chiriqui
Attac France
Beyond Copenhagen Collective, India
Bharat Jan Vigyan Jatha (India People's Science Campaign), India
Biofuelwatch UK/US
BlueLink.net, Bulgaria
BUND (Friends of the Earth Germany)
Carbon Trade Watch
Center for Environment, Bosnia and Herzegovina
Clean Beach and Development, Ghana
Climate Crisis Coalition of the Olympia Fellowship of Reconciliation
Climate Policy Program - Institute for Policy Studies (USA)
Conseil de la Jeunesse (Belgian French-speaking youth council)
Corporate Accountability International
Corporate Europe Observatory
Earth in Brackets
European Coalition for Corporate Justice (ECCJ)
Ecologistas en Acción, Spain
EcoNexus
El Comité de Solidaridad con América Latina
Environmental Rights Action, Friends of the Earth Nigeria
FERN
Food & Water Europe
Food & Water Watch
Food Recovery Network
Foundation for Environment and Agriculture, Bulgaria
Friends of the Earth Canada
Friends of the Earth International (FoEI)
Friends of the Earth Scotland
Friends of the Earth United States
Friends of the Siberian Forests (FSF)
Gaia Foundation
Global Alliance for Incinerator Alternatives (GAIA)
Global Witness
Green America
HELIO International
NOAH, Friends of the Earth Denmark
groundWork, Friends of the Earth South Africa
Gujarat Forum On CDM, India
International Institute of Climate Action and Theory (iicat) Climate Justice Project
Justiça Ambiental (Friends of the Earth Mozambique)
La Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)
National Ecological Center of Ukraine
NATIONAL TOXICS NETWORK INC., Australia
Nature Code, Austria
Olympia Movement for Justice and Peace (OMJP)
Ong AFRICANDO, Canary Islands (Spain)
ParyavaranMitra, India
People & Planet, UK
Philippine Movement for Climate Justice (PMCJ)
Philippine Rural Reconstruction Movement (PRRM)
Pick Up America/The Harvest Collective, USA
Red de Accion por los Derechos Ambientales, Chile
Regional Advocacy Center "Life", Ukraine
Regional Centre for Development Cooperation(RCDC), India
SEE Change Net
Soldepaz Pachakuti
South Asian Dialogues on Ecological Democracy
South Durban Community Environmental Alliance (SDCEA)
Southern African Faith Communities' Environment Institute (SAFCEI)
Spinwatch
SWARNA HANSA Foundation
Taiwan Environmental Protection Union
The Corner House, UK
United Kingdom Youth Climate Coalition (UKYCC)
UNIÓN UNIVERSAL DESARROLLO SOLIDARIO
Vision for Alternative Development (VALD), Ghana
Women for Peace and Ecology
World Development Movement (WDM), UK
World Rainforest Movement (WRM)
Young Friends of the Earth EWNI
Za Zemiata - Friends of the Earth Bulgaria



STOP FOSSIL FUELS SETTING THE CLIMATE AGENDA

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