

# Disaster in Tuvalu

## Negotiation instructions for the US negotiation team

Anselm Dannecker,\* Leah Kessler,† Monica Giannone‡

### CONFIDENTIAL

Enclosed an memo requesting your presence at an urgent meeting.

---

\* Anselm Dannecker, Senior Fellow, Negotiation and Conflict Resolution Collaboratory, (NCRC) Center for Public Leadership (CPL), Harvard Kennedy School.

† Leah Kessler, Research Assistant, NCRC, HKS, Harvard Kennedy School.

‡ Monica Giannone, Director, NCRC, HKS, Harvard Kennedy School.

This simulation was written under the Climate Case and Simulation Series by the Negotiation and Conflict Resolution Collaboratory, Center for Public Leadership, Harvard Kennedy School. The authors want to thank Laura Juliana Arciniegas for providing insightful comment, and Gabrielle Bacon for supporting the creation of the series.

© 2024 by the President and Fellows of Harvard College. This work is licensed under [CC BY-ND 4.0](https://creativecommons.org/licenses/by-nd/4.0/).



To: United States of America's Committee to Draft Negotiating Instructions

From: Office of the Special Climate Envoy, with Authorization from the Office of the President

Date: October 31, 2022

**Re: Urgent Meeting Regarding US Position on Negotiations for Disaster Relief for Tuvalu**

### Context:

In preparation for the meeting between US Special Climate Envoy John Kerry and the Tuvaluan Special Climate Envoy Seve Paeniu, their respective Chiefs of Staffs are meeting tomorrow.

The Chief of Staff is already on the plane. You are requested to partake in a pre-meeting to outline instructions to the Chief of Staff on how to represent US interests.

### Participants for the pre-meeting:

- US Special Climate Envoy
- Secretary for the Treasury (Finance Minister)
- Secretary of State (Foreign Minister)
- Chief of Staff of US President (*UNCONFIRMED; may or may not attend the meeting*).

### Goals of the meeting:

- 1) **Develop joint position and guidance** of what specifically you expect the Climate Envoy's Chief of Staff to **achieve** in the pre-meeting (e.g., whether the Chief of Staffs should reach a final binding agreement, whether the Chief of Staffs should reach a tentative agreement to be finalized by the Climate Envoy's, whether the Chief of Staffs should develop several recommendations to the Climate Envoy of what an agreement could look like, etc.).
- 2) **Decide on what authority to commit** the Climate Envoy's Chief of Staff will have (e.g., can they enter binding agreements, can they not agree to anything, can they agree to certain outcomes but no others, etc.).
- 3) **Develop joint positions and guidance** for the Climate Envoy's Chief of staff for all of the discussion items (incl. Item 1: Amount of Funding, Item 2, Funding Vehicles, Item 3: Public Communication of the results, and Potential Item 4: COP27).

### Expected outcome:

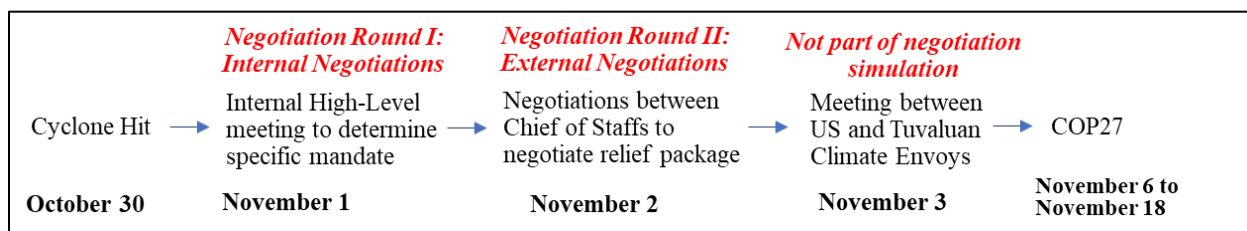
For the outcome of the meeting, the President expects a short document that will be sent to the Climate Envoy's Chief of Staff to guide their negotiation approach.

### Suggested flow for the meeting:

- 1) Brief Introductions
- 2) Develop position and guidance on what the Chief of Staff should achieve as an outcome
- 3) Develop joint positions on all agenda items
- 4) Draft negotiation instructions for Chief of Staff and/or brief the Chief of Staff



## Overview of Timeline of Events:



## Guidance (developed in collaboration with the Office of the President):

This committee is authorized by the US President to provide instructions and whatever mandate it sees as appropriate to John Kerry's Chief of Staff with the key goal to generate an outcome that advances US interests. US President Biden has made a strong public commitment to support Tuvalu in this desperate time. The international community is expecting US leadership on mounting an effective response. You are urged to design an approach for the upcoming negotiations that leads to a successful conclusion and that will be looked at by the media as an instance of US leadership.

With regards to US interests, the following guidance for a successful outcome has been developed in collaboration with the US President:

- 1) **Maintain good diplomatic relations with Tuvalu.** Strong diplomatic ties with Tuvalu, one of the US key allies in the Pacific, is critical. Global warming and climate change present an evolving and existential crisis for everyone. The US has made a concerted effort to help global partners, incl. Tuvalu, in developing infrastructure, governance, and technology to support its fight against climate change. The original intended purpose of the meeting between Paeniu and Kerry was to make a global and public showing of how countries can collaborate and learn from one another, across divides. Despite the changed agenda, this should still be the outcome.
- 2) **Ensure strong US public image in the world.** The international community and the media should look upon the outcome positively as an instance of US leadership. A failure to adequately support a country in a humanitarian crisis would have strong negative reputational consequences. Bad media must be avoided!
- 3) **Provide support within fiscal constraints.** The US should live up to its bold commitment to provide support whilst maintaining fiscal prudence. The budget is tight and excess spending might lead to undue Congressional scrutiny. The Secretary of the Treasury has been asked to join the meeting to provide details on funding options.
- 4) **Ensure consistency with US foreign policy objectives.** The agreement should be in line with US security objectives. China has offered funding specific projects in what we believe might be an attempt to exert its influence in the region. We have concerns regarding China operating sensitive infrastructure. The Secretary of State was asked to provide details. That said, a stronger financial participation by China is, in principle, very welcome as it reduces the fiscal pressure on the US and especially with regards to climate funding, the US has for a long time pushed for China taking a larger role. You should evaluate how to balance these objectives.
- 5) **Ensure that outcome does not create a problematic precedent for US climate foreign policy, specifically in light of COP27 and L&D.** We believe that Tuvalu and other vulnerable nations might want to use this episode to create precedents around L&D financing mechanisms for



climate-induced disasters. Several aspects in this regard will be critical: Will money come through a climate fund thus linking the cyclone disaster to climate? Will the public communication (if there is any) link the events that unfolded to specific US actions in the past, thus suggesting that the US responsibility for the climate change events including cyclones such as this one? Will a successful conclusion of the negotiation be contingent on US support on L&D as an agenda item for COP27? The US Special Climate Envoy will provide details on these issues. But note that whilst we are open to discuss increased financing or new vehicles for climate related impacts, any agreement or communication that frames financial support as reparations or liabilities for past actions opens the door for a discussion about open-ended legal financial claims. Beyond the immediate challenge of Congressional approval this would require, such a broad sweeping claim would simply be financially impossible for the US. The degree to which this situation can unduly shape the discussions at COP27 must be carefully deliberated.

Good luck at your upcoming negotiations and we thank you for your service.