

## **Assessing Copenhagen: Where to Now on Climate Change?**

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**The December 2009 Copenhagen Climate Change Conference** (or, to be more precise, the 15th Conference of the Parties (COP) to the UN Framework Convention on Climate Change and the 5th Meeting of the Parties to the Kyoto Protocol) has come and gone. Under the terms of the Bali Roadmap agreed at the 13th COP in 2007, the Copenhagen meeting was supposed to adopt emission reduction targets for industrialized countries for a second commitment period after 2012. It was also supposed to agree on the specifics of longer term cooperative action on a range of issues including mitigation, adaptation, technology development and transfer, and provision of financial resources to support developing country efforts. In the end, it did none of these things. The best that delegates at Copenhagen could manage in place of such agreement was a short and rather garbled political statement – the Copenhagen Accord – and even then a last-minute absence of consensus meant that it could only be noted rather than adopted in the conference report.

It had been clear to observers since at least the middle of 2009 that no binding agreement would be adopted at Copenhagen. The Convention's executive secretary Yvo de Boer made it known that he would be happy to get general agreement on four issues. Those issues were: how much industrialized countries were willing to reduce their emissions; what major developing countries such as China and India were willing to do to limit the growth of their emissions; how help for developing countries to reduce emissions and adapt to the impacts of climate change would be financed; and how that money would be managed. While each of these was addressed at the COP, the detail in the Accord and other conference decisions is either missing, sketchy or relies on promise rather than actual commitment.

So was Copenhagen a total failure? Opinion is, not surprisingly, sharply divided. Political leaders involved in the High-Level Summit on the final two days have done their best to be positive, calling it a first step (German Chancellor Angela Merkel), a good first step (UK Prime Minister Gordon Brown), a positive step (Chinese Foreign Minister Yang Jiechi), a significant step (UN Secretary General Ban Ki-moon) and a breakthrough (US President Obama). Given that it is over 17 years since the Framework Convention was adopted at the Rio Summit and more than a decade since the adoption of the Kyoto Protocol, claims about 'first steps' are rather difficult to sustain. Notwithstanding some of the unfortunate hyperbole (Sudan's attempts to liken the Accord to the Holocaust brought almost universal condemnation), the Copenhagen meeting has also been described along a continuum of disappointment from 'weak' to 'a train wreck'.

It's rather too soon to tell whether we will look back on Copenhagen as the beginning of the end of climate multilateralism, as a lost opportunity, as a 'blip' on an otherwise fairly smooth trajectory towards a new climate agreement, or even as a crucial step in guaranteeing that

trajectory. But it's not too soon to explore some of the key issues that arise from the Copenhagen process that will demand further attention by policy-makers and scholars alike.

One of the most important questions is whether the Copenhagen meeting as a whole - not just the Accord - delivered anything that will advance global efforts to deal with mitigation of and to climate change. The Accord refers on more than one occasion to the need to hold the increase in average global temperature to less than 2 degrees Celsius. The optimists argue that this is the first time that there has been global agreement - for 'global' read 'all the big emitters' - on an actual climate target. In the 1992 UN Framework Convention on Climate Change, parties agreed only to 'stabiliz[e] greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system' without saying what that level might be. The 1997 Kyoto Protocol established aggregate emissions reductions - but only for industrialized and transition economies - of about 5 percent against 1990 levels: those parties have until 2012 to meet their targets.

The Accord contains no specific targets or commitments even though most leading emitters had announced their pledges in advance of the COP. It agrees that deep cuts are required but says only that countries 'should cooperate' to get to a stage of 'peaking' emissions as soon as possible. Developed countries are expected to provide their 2020 targets to the Secretariat by the end of January 2010 but can choose their own baseline rather than being tied to the 1990 baseline in the Kyoto Protocol. Developing countries are also expected to submit details of their Nationally Appropriate Mitigation Action, or NAMAs, in the acronym-riddled climate lexicon. If they want international support to meet their mitigation targets, then they must submit to international measurement, reporting and verification (MRV). In the meantime, the two appendices to the Accord (one for Annex I parties - those who have existing commitments under the Kyoto Protocol - and one for non-Annex I parties) remain blank.

There was also a declaratory statement in the Accord on the need to provide positive incentives for REDD (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) and a specific conference decision on REDD methodological guidelines. Other emissions mitigation issues were overlooked completely. There is, for example, nothing in either the Accord or any of the COP decisions (most of which addressed administrative or governance issues) on international transport emissions which are currently not covered by the Kyoto Protocol.

What does this mean for global efforts to reduce emissions? Climate mitigation calculations are complex which is one of the reasons that they are also politically controversial. Based on what is known about existing 'announceables' - the various pledges that governments have made about the next phase of their emissions reductions - it is unlikely that these will be sufficient to restrict the change in global average surface temperature to 2 degrees. Some parts of the world will be subject to temperature changes higher than the global average 2 degrees. Many industrialized countries argue that this means that their efforts will come to naught unless the biggest emitters among the developing countries also make a real commitment to reducing their emissions. Others - and here the calculations get really complex - calculate that the Accord process will continue to favor existing polluters and that developed countries will continue to occupy global 'carbon space' and dominate the carbon budget that remains for consumption between now and 2050.

Even 2 degrees won't prevent the kinds of impacts that will have real and sometimes devastating consequences for millions of people in low lying island countries; in countries with vulnerable coastlines and river deltas; in countries already facing marginal agriculture and food

insecurity; and in those where governance capacity for responding to climate change faces serious deficits. This means that support for adaptation is crucial. The Accord does talk about money for new and additional resources to support both adaptation and mitigation strategies in developing countries. The sums seem substantial: USD100 billion a year by 2020 and something 'approaching' USD30 billion to be forthcoming by 2010-2012 (earlier drafts said 'amounting to'). But these are promises only, the Accord is ambiguous on whether these are expected to be entirely additional to existing commitments, and as the sources of funds can include private and investment monies which are likely to come by way of loans rather than foreign aid governments are somewhat let off the hook. Only a few governments plus the European Union were prepared to make specific dollar pledges at Copenhagen.

In the shadows behind the Accord and global efforts to address climate change lurks an equally important set of questions about institutional architecture, climate diplomacy and, for some, the whole UN way of doing things.

The COP raises questions about the relationship between the Accord and existing climate architecture under the Convention and the Protocol. Disputes over whether to amend or replace the Protocol apparently took up days at Copenhagen. Many developing countries favor keeping the Protocol, because it maintains the clear distinction between them and developed countries in terms of historical contributions and responsibilities to take the lead on mitigation (the carbon debt argument). The Protocol provisions and targets still stand and its institutional mechanisms (such as the Clean Development Mechanism) will continue to function even if there is not a formal second commitment period after 2012. But there are some areas of uncertainty. The Accord established a Green Climate Fund as the transfer mechanism for a substantial component of increased financial support to developing countries. The details are yet to be worked out but one important issue will be how this will mesh with the CDM's project-based approach.

The Copenhagen Accord also relies on voluntary commitments, a kind of pledge-and-review process in contrast to the top-down legally binding model of the Kyoto Protocol. The first test for this model will be whether developed and developing countries provide (or have provided) information on their 'quantified economy-wide emission targets' and mitigation actions by 31 January deadline. The second will be whether developed country targets actually 'strengthen' their Kyoto Protocol commitments as the Accord expects. A third, longer term test will be whether the measurement, reporting and verification of those reductions are conducted in the rigorous and robust way that the Accord anticipates. And a fourth test will come in the (highly likely) event that any particular country does not meet its voluntary targets.

The UN model of inclusive multilateralism has been built on the idea of one-state one-vote or, at least, equal veto rights to all states although theory has never entirely matched practice. Since the 1992 Rio Conference (the UN Conference on Environment and Development), environmental diplomacy has also become increasingly participatory, open to a vast variety of NGOs and civil society organisations as well as to the corporate sector. The logic behind this has been two-fold. The efficiency argument is that governance is more likely to be successful if all stakeholders are involved in international rule-making. The ethical argument is that climate diplomacy should reflect a deliberative form of global democracy that accounts for and, equally important, to those who are most marginalised from political processes but also often most affected by climate change. However the final version of the Accord was negotiated behind closed doors by a small number of governments following personal diplomatic interventions between US President Obama and the leaders of key developing countries (China, Brazil, India and South Africa). One of the reasons that many less developed countries were so angry about

the Accord was that they felt that not only had they been excluded from discussion on an agreement that would have real consequences for their climate vulnerability but that their concerns had been entirely discounted in this process.

For some, this apparent challenge to UN-style multilateral climate diplomacy is lamentable. For others it is a good thing. Coordinated negotiations among small groups of key countries on specific issues are thought preferable to open-ended multilateralism because they offer a better chance of getting real agreement and commitment. This small-group, behind-closed-doors model is, in fact, not new. It is how last minute agreements are often reached in multilateral environmental negotiations. The issue by issue approach also has some precedent in the climate regime. The COP was the umbrella for a series of parallel meetings, each tasked with reaching agreement on a specific dimension of the climate change agenda. Those meetings included the two ad hoc working groups that had been meeting regularly in the intervening two years: the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) established in 2005 and the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (or AWG-LCA) established in 2007. It also included the UNFCCC Subsidiary Bodies on Implementation and on Scientific and Technological Advice, and a series of 'informal' contact groups on issues such as the Adaptation Fund, compliance, and joint implementation.

Demands for finding better ways of negotiating on the complexity of issues on the climate change agenda are certainly warranted. But there is little to be gained from a return to the old, elite style of secret diplomacy behind closed doors. One immediate improvement in the processes of climate, however, would be to dispose of the practice that COPs are chaired by a minister or the head of government of the host country. While some have executed this task well over the years, there is no doubt that important meetings have failed because of the chair's lack of skill, deftness and understanding of just exactly what is going on.

Where to now? The two key working groups – AWG-KP and AWG-LCA – are to continue their discussions and report to the 16th COP in Mexico City late in 2010. An intersessional meeting is scheduled for Bonn sometime in the middle of the year. The Accord process – submission of voluntary targets and mitigation actions – should be kicking into action as I write this. If governments offer robust targets and actions, this could well motivate serious efforts to get agreement in Mexico. If not, then the future for climate diplomacy – and for those who are most vulnerable to climate change – is looking rather bleak.