

Copenhagen is not over ...

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What did COP15 mean for the world?¹ Two observations are obvious.

I. *A New Tipping Point*

Firstly, a fundamental shift had already taken place even ahead of COP15. There is a realization that economies need to decarbonize although the world still has to reconcile economic growth and climate change concerns. World leaders already know this otherwise they wouldn't have offered new carbon emissions reduction pledges ahead of COP15 (see Appendix A). Moreover, 120 political leaders showed up in Copenhagen during the second crucial week of the negotiations each of whom gave stirring speeches. This was a new 'tipping point'.

II. *Lack of an enabling process*

"Loud thunder, but only light rain"

Chinese proverb

Secondly, just because so many heads of state and ministers gathered together in one place, it didn't mean they could agree on a global climate deal. They went home knowing the whole world watched how they tottered and faltered.

The UN-sponsored multilateral process didn't help. If anything, it contributed to the ultimate failure. The bureaucratic and unwieldy UN mechanism, designed for assertions of known positions – which is what many negotiators did – failed to facilitate genuine deliberation, dialogue and decision-making.² Indeed, many would say there is now more distrust than before COP15, which could feed existing geopolitical tensions.

Even after the political leaders arrived in Copenhagen, the process didn't enable the ceding of the negotiating process to them despite a harrowing final two days where key players worked through the night to salvage an impending crash.³ Many are saying the final outcome was a deal struck between China and the US.

In the end, not only national self-interests (not to lose out to others) but also biases about each other got the better of them even though the governments of the world knew they were dealing with a major planetary challenge that threatens the life-support system for humans.

¹ COP stands for Conference of the Parties under the UN Framework Convention on Climate Change 1992 (UNFCCC). The UNFCCC is the treaty to stabilize GHGs in the atmosphere, and the COP is the annual meetings to assess progress. COP15, held in Copenhagen, was the 15th meeting and was meant to devise a successor to the Kyoto Protocol. The protocol is part of the UNFCCC. It was adopted in 1997 and came into effect in 2005. The protocol set binding emissions reduction targets of 5.2% from 1990 levels for 37 developed countries (Annex I countries) and non-binding ones for developing countries (non-Annex I countries).

² Fiona Harvey, Joshua Chaffin and Harvey Morris (22 December 2008) 'UN agrees to reform climate process', Financial Times, p. 4.

³ There was confusion over the roles of the negotiations and ministers and political leaders. There was also a failure on the part of the COP15 Danish presidency to manage a complex process of negotiations.

III. The Copenhagen Accord

Politically significant, legally non-binding

There was the non-binding, three-page Copenhagen Accord in the end that was first sketched out after too many sleepless hours (see Appendix B).⁴ The accord was ‘noted’ but not formally adopted by COP15. Some say it is an important breakthrough that lays the foundation for international action, while others say it is a political compromise of questionable substance and legitimacy.

Depending on whether one sees the glass as ‘half full’ or ‘half empty’, one may emphasize the positive or negative aspects of the accord.

For the optimists, the accord recognizes the world must not exceed a 2 °C warming above pre-industrial level. The accord calls for Annex I (developed) countries to formalize their reduction pledges and for non-Annex I (developing) countries to state their proposed efforts by 1 February 2010. It provides for the mitigation actions to be monitored nationally and reported in line with guidelines to be worked out. There will be an assessment of the implementation of the accord to be completed by 2015. The accord pledges a US\$30 billion fund to be set-up by Annex I countries by 2012 for mitigation and adaptation in developing countries, and for US\$100 billion a year to be made available by 2020.⁵ Significantly, the accord authorizes the long-awaited forest protection mechanism (referred to as REDD+).⁶

For the pessimists, the non-binding, best-effort accord has two major flaws. Firstly, despite recognizing the importance of keeping within 2 °C warming, there was no agreement on limiting emissions or time frame for the peaking of emissions. There is no concrete emissions reductions targets for Annex I countries or commitments for non-Annex I countries on mitigation actions. It also does not state when global emissions must peak and the emissions reductions necessary by specific dates in the future. Secondly, the accord is not an agenda for action. It neither specifies the steps countries will need to take to reach agreement nor the process and institutions necessary to make things happen. The accord triggered an immediate negative reaction from carbon markets.⁷

⁴ The accord has a total of 5 pages with 3 pages forming the main text. It was drawn up by the heads of state from Brazil, China, India, South Africa and the US. It was then put to the COP plenary, where it was ‘noted’.

⁵ The amount of US\$30 billion came from various UN commissioned studies as the minimum amount needed in the short-term. The amount US\$100-200 billion per annum by 2020 were figures suggested by the World Bank and various research bodies.

⁶ REDD+ means ‘Reducing Emissions from Deforestation and Degradation, plus enhancement of carbon stocks’. The REDD+ mechanism paves the way for developing countries to seek greater incentives if they conserve forest areas, adopt sustainable environment management programmes or plant new trees.

⁷ Market participants in Europe criticized the accord for not having done enough to drive investment in low carbon technology, and with no agreement, the EU did not raise its emissions reduction commitments beyond 20% by 2020, which with an agreement would have increased to 30% by 2020. The higher target would lift carbon prices thus spurring greater investment in low carbon technology; see Chris Flood and Fiona Harvey (22 December 2009) ‘Carbon prices fall in wake of Copenhagen’, *Financial Times, Companies & Markets*, p. 15.

⁸ The small island states were criticized for using procedures to waste time, and for insisting on the 1.5°C threshold.

⁹ China has always refused international verification of national data on the basis that it would be an affront to national sovereignty. During COP15, the US did not use the word “verification” but called for countries to implement reduction commitments in “a transparent manner”.

¹⁰ Prior to China arriving in Copenhagen, it had already built an understanding with Brazil, South Africa, and India on how to work together at COP15. These 4 countries were referred to as the ‘BASIC group’. China also had a general agreement with the US. China’s premier and the US president met twice at COP15 in the fading hours of the negotiations to hammer out a deal they could live with and take to the others. A major sticking point was over verification. Then China, the US and leaders from India, Brazil and South African also met, the discussions of which shaped the accord. For an account on how Premier Wen Jiabao and President Obama struck a deal, see Anthony Faiola, Juliet Eilperin and John Pomfret (20 December 2009) ‘Copenhagen climate deal shows new world order may be led by US, China’, Washington Post, p. A01. For post-COP15 account by the Chinese Foreign Ministry, see Qin Gang’s Q/A on 21 December 2009, <http://fmprc.gov.cn/eng/xwfx/s2510/t646731.htm>, and also see Zhao Cheng and Tian Fan (Xinhua News Agency) and Wei Dongze (People’s Daily) writing about Premier Wen Jiabao’s meetings in Copenhagen and how the BASIC group came to draft the accord, <http://fmprc.gov.cn/eng/ejb/zwjg/zwbd/t64821.htm>, 28 December 2009.

IV. *Negotiations positions*

If progress is to be made in 2010 the negotiation positions of the major countries at COP15 still have to be reconciled.

These positions may be divided into several blocs:

Most vulnerable: The small island states and the least developed countries (LDCs) of Africa and South America demanded global temperatures be capped at 1.5 °C and for global emissions to peak by 2015 to avert dangerous climate change. This would mean major emitters from developing countries, such as China, must also reduce emissions by a much larger margin.⁸

Major future emitters: The G77+China opposed position (i) because of the development imperative. They argue financial support for mitigation and adaptation projects from Annex I to non-Annex I countries is payment for the GHGs that have been emitted by Annex I countries since the Industrial Revolution. Requirement by Annex I countries for transparent verification of non-Annex I mitigation efforts would be an intrusion on national sovereignty. Priority for financial support from Annex I countries can be given to the most vulnerable countries for adaptation.

Annex I countries: The US made clear money could be made available against transparent verification of national mitigation efforts of developing countries.⁹ The EU, Australia and Japan felt squeezed between deals made the US and China.¹⁰

China

'He who is cautious may seem timid in the beginning, but his mettle will shine through in the end'
Wen Jiabao, Chinese premier, quoting Chinese saying, 16 December 2009



While China does not dispute the science of climate change, it argues there are different interpretations to its impacts and timeline, which affect how different countries see when emissions must peak and how fast and deep reductions must happen to avert dangerous climate change. China sees its recognition of the 2 °C threshold as a concession. It was not prepared to go further, and its refusal to adopt two clauses stating Annex I countries would cut emissions by 80% by 2050, and for global reduction to be cut by 50% by 2050, led to their abandonment.¹¹ Instead, China was successful in getting the accord to acknowledge the time frame for peaking would take longer in developing countries, and stressed 'social and economic development and poverty eradication are the first and overriding priorities of developing countries.'



China sees it as an achievement that Annex I countries are prepared to provide US\$30 billion by 2012 and US\$100 billion per year by 2020 for climate projects in non-Annex I countries. On transparent verification that cuts were actually made, China felt specifically targeted and its objection led to a compromise: mitigation actions taken by developing countries would be subject to domestic measurement, reporting and verification but developing countries have to provide information on the implementation of their actions for international consultations and analysis every two years under defined guidelines to be worked out so that national sovereignty is respected. The Chinese government knows it would need to consider how the international consultation process could be carried out since it has to rely on data reporting from often unreliable local authorities.



India

India's position going into COP15 were to thwart moves to impose binding targets for global emissions reduction and to only provide information about domestic mitigation programmes. Thus, by having agreed to international consultation and analysis, it feels it has also compromised. India, like China, insists it will ensure the rules to be agreed will not encroach on India's sovereignty.



United States

Despite the US president's efforts to shape a deal during the 14 hours he was in Copenhagen, the US's best emission reduction proposal at COP15 (17% reduction compared to 2005 level) amounted to about 3%-4% on 1990 levels, which other countries found derisory. The president called the accord 'a first step' and 'a shift in orientation moving'.¹²

EU, Australia and Japan

The EU agreed to the accord because for the first time China, US, India, Brazil, South Africa, Indonesia, Mexico, South Korea and Singapore had proposed measures to reduce emissions but it recognizes what is on the table will not achieve the 2 °C threshold.¹³ Australia preferred to have a weak accord than the negotiations collapsing altogether. The EU, Australia and Japan – who have binding targets to deliver by 2012 under the Kyoto Protocol – felt if they were the only ones willing to commit to binding targets post-2012, it would not be enough because together they would only make up about 30% of global emissions. They were most keen to have a new agreement that would bind everyone, including China and the US.¹⁴



¹¹ Mark Lynas (22 December 2009) 'How do I know China wrecked the Copenhagen deal? I was in the room', *Guardian*. See also Zhao Cheng and Tian Fan (Xinhua News Agency) and Wei Dongze (People's Daily) <http://fmprc.gov.cn/eng/ejb/zwjg/zwbd/t64821.htm>, 28 December 2009.

¹² See Civic Exchange's paper, Jesse Corradi, "Summary: The US Position on Climate Change, Post COP15". Hong Kong: Civic Exchange, January 2010. <http://www.civic-exchange.org/eng/upload/files/100114PostCOP15.pdf>

¹³ The various pledges in Appendix I made by various countries ahead of COP15 would lead to global temperature rise to over 3 Deg C, see Suzanne Goldenberg, Johan Vidal and Jonathan Watts (17 December 2009) 'Leaked UN report shows cuts offered at Copenhagen would lead to 3C rise', *Guardian*, <http://www.guardian.co.uk/environment/2009/dec/17/un-leaked-report-copenhagen-3c>

¹⁴ A key dispute between Annex I and non-Annex I countries, especially those from the EU, Australia and Japan, going into COP15 was whether to continue negotiations on a 'double track' (favoured by developing countries) or 'single track' basis (favoured by developed countries). The double track was to negotiate the UNFCCC and its Kyoto Protocol separately, which was the agreement at COP13. The single track basis would replace the protocol with a new deal. Developing countries argued the push for a single deal was a ploy by developed countries to dodge their obligations and force developing countries to do more. COP15 decided to maintain the double track approach.

V. *Concluding Observations*

(i) **Process to manage global commons**

It was probably expecting too much of the COP process to solve the complex climate problem. Even a reformed negotiation process may not do the trick easily. Managing the global commons, such as atmospheric temperature (which affects everyone but is owned by no one), is truly super challenging. However, there is nothing else right now besides the UN mechanism that enables global dialogue. Reforming the process needs to take account of what is needed to deliberate the management of global commons, not forgetting the climate system includes land, oceans and the cryosphere (ice and snow).

(ii) **Reconciling global divides**

Reconciliation is made harder still because substantial gulfs exist between rich and poor countries, and also about how the world can fix its politics and economics to take planetary systems and global commons into account. There is a need to discuss sustainable development and how development can be measured to reflect the success of nations. With the 20th anniversary of the Rio Summit in 2012, global discussion is likely to adopt a renewed interest in sustainable development but progress will likely be slow although the spread of ideas will be much aided by modern communications technology and methods.

(iii) **Questions going forward in the short-term**

There are a number of issues worth observing going forward:

1. Under what circumstances will countries' improve their emissions reduction pledges?
2. How will the financial pledges be made real?
3. How should international transparent consultation be designed?
4. How will COP15 affect the COP16 process?
5. Can national actions be structured to become a part of international collaboration?
6. What kinds of new norms are necessary that can then lead new multilateral agreements?

Appendix A

This information is based on tables presented in draft versions of the Copenhagen Accord but not appearing in the official version.

Annex I (Developed) Countries

Country/Region	% Reduction by 2020*	Reference Year	Status
Australia	5-15	2000	Officially announced
Belarus	5-10	1990	Under consideration
Canada	20	2006	Officially announced
Croatia	5	1990	Under consideration
EU	20-30	1990	Legislated
Iceland	15	1990	Officially announced
Japan	25	1990	Officially announced
Kazakhstan	15	1992	Officially announced
Liechtenstein	20-30	1990	Officially announced
Monaco	20	1990	Officially announced
New Zealand	10-20	1990	Officially announced
Norway	30-40	1990	Officially announced
Russian Federation	15-25	1990	Officially announced
Switzerland	20-30	1990	Officially announced
Ukraine	20	1990	Under consideration
USA	14-17	2005	Under consideration

*Reductions below emissions in the Reference Year

Non-Annex I (Developing) Countries

Brazil	To reduce emissions 36.1-38.9% from BAU level by 2020
China	To reduce carbon intensity 40-45% by 2020 on 2005 level
Costa Rica	To become carbon neutral by 2021
India	To reduce emission intensity 20-25% by 2020 on 2005 level
Indonesia	To reduce emissions 26% from BAU by 2020 unilaterally, 41% with international support
Maldives	To become carbon neutral by 2019
Mexico	To reduce emissions 50% by 2050 on 2000 level
Philippines	To reduce emissions 5% from 1990 levels (no timeline)
Republic of Korea	To reduce emissions 4% below 2005 by 2020 or 30% from BAU level (unilaterally)
Singapore	To reduce emissions 16% from BAU level by 2020
South Africa	To reduce emissions 34% from BAU level by 2020, 42% by 2025, conditional on international support

Appendix 2

The Copenhagen Accord

http://unfccc.int/files/meetings/cop_15/application/pdf/cop15_cph_auv.pdf

Copenhagen Accord

The Heads of State, Heads of Government, Ministers, and other heads of the following delegations present at the United Nations Climate Change Conference 2009 in Copenhagen: [List of Parties]

In pursuit of the ultimate objective of the Convention as stated in its Article 2,

Being guided by the principles and provisions of the Convention,

Noting the results of work done by the two Ad hoc Working Groups,

Endorsing decision x/CP.15 on the Ad hoc Working Group on Long-term Cooperative Action and decision x/CMP.5 that requests the Ad hoc Working Group on Further Commitments of Annex I Parties under the Kyoto Protocol to continue its work,

Have agreed on this Copenhagen Accord which is operational immediately.

1. We underline that climate change is one of the greatest challenges of our time. We emphasise our strong political will to urgently combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities. To achieve the ultimate objective of the Convention to stabilize greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, we shall, recognizing the scientific view that the increase in global temperature should be below 2 degrees Celsius, on the basis of equity and in the context of sustainable development, enhance our long-term cooperative action to combat climate change. We recognize the critical impacts of climate change and the potential impacts of response measures on countries particularly vulnerable to its adverse effects and stress the need to establish a comprehensive adaptation programme including international support.

2. We agree that deep cuts in global emissions are required according to science, and as documented by the IPCC Fourth Assessment Report with a view to reduce global emissions so as to hold the increase in global temperature below 2 degrees Celsius, and take action to meet this objective consistent with science and on the basis of equity. We should cooperate in achieving the peaking of global and national emissions as soon as possible, recognizing that the time frame for peaking will be longer in developing countries and bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-emission development strategy is indispensable to sustainable development.

3. Adaptation to the adverse effects of climate change and the potential impacts of response measures is a challenge faced by all countries. Enhanced action and international cooperation on adaptation is urgently required to ensure the implementation of the Convention by enabling and supporting the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing countries, especially in those that are particularly vulnerable, especially least developed countries, small island developing States and Africa. We agree that developed countries shall provide adequate, predictable and sustainable financial resources, technology and capacity-building to support the implementation of adaptation action in developing countries.

4. Annex I Parties commit to implement individually or jointly the quantified economy-wide emissions targets for 2020, to be submitted in the format given in Appendix I by Annex I Parties to the secretariat by 31 January 2010 for compilation in an INF document. Annex I Parties that are Party to the Kyoto Protocol will thereby further strengthen the emissions reductions initiated by the Kyoto Protocol. Delivery of reductions and financing by

developed countries will be measured, reported and verified in accordance with existing and any further guidelines adopted by the Conference of the Parties, and will ensure that accounting of such targets and finance is rigorous, robust and transparent.

5. Non-Annex I Parties to the Convention will implement mitigation actions, including those to be submitted to the secretariat by non-Annex I Parties in the format given in Appendix II by 31 January 2010, for compilation in an INF document, consistent with Article 4.1 and Article 4.7 and in the context of sustainable development. Least developed countries and small island developing States may undertake actions voluntarily and on the basis of support. Mitigation actions subsequently taken and envisaged by Non-Annex I Parties, including national inventory reports, shall be communicated through national communications consistent with Article 12.1(b) every two years on the basis of guidelines to be adopted by the Conference of the Parties. Those mitigation actions in national communications or otherwise communicated to the Secretariat will be added to the list in appendix II. Mitigation actions taken by Non-Annex I Parties will be subject to their domestic measurement, reporting and verification the result of which will be reported through their national communications every two years. Non-Annex I Parties will communicate information on the implementation of their actions through National Communications, with provisions for international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected. Nationally appropriate mitigation actions seeking international support will be recorded in a registry along with relevant technology, finance and capacity building support. Those actions supported will be added to the list in appendix II. These supported nationally appropriate mitigation actions will be subject to international measurement, reporting and verification in accordance with guidelines adopted by the Conference of the Parties.

6. We recognize the crucial role of reducing emission from deforestation and forest degradation and the need to enhance removals of greenhouse gas emission by forests and agree on the need to provide positive incentives to such actions through the immediate establishment of a mechanism including REDD-plus, to enable the mobilization of financial resources from developed countries.

7. We decide to pursue various approaches, including opportunities to use markets, to enhance the cost-effectiveness of, and to promote mitigation actions. Developing countries, especially those with low emitting economies should be provided incentives to continue to develop on a low emission pathway.

8. Scaled up, new and additional, predictable and adequate funding as well as improved access shall be provided to developing countries, in accordance with the relevant provisions of the Convention, to enable and support enhanced action on mitigation, including substantial finance to reduce emissions from deforestation and forest degradation (REDD-plus), adaptation, technology development and transfer and capacity-building, for enhanced implementation of the Convention. The collective commitment by developed countries is to provide new and additional resources, including forestry and investments through international institutions, approaching USD 30 billion for the period 2010 – 2012 with balanced allocation between adaptation and mitigation. Funding for adaptation will be prioritized for the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa. In the context of meaningful mitigation actions and transparency on implementation, developed countries commit to a goal of mobilizing jointly USD 100 billion dollars a year by 2020 to address the needs of developing countries. This funding will come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance. New multilateral funding for adaptation will be delivered through effective and efficient fund arrangements, with a governance structure providing for equal representation of developed and developing countries. A significant portion of such funding should flow through the Copenhagen Green Climate Fund.

9. To this end, a High Level Panel will be established under the guidance of and accountable to the Conference of the Parties to study the contribution of the potential sources of revenue, including alternative sources of finance, towards meeting this goal.

10. We decide that the Copenhagen Green Climate Fund shall be established as an operating entity of the financial mechanism of the Convention to support projects, programme, policies and other activities in developing countries related to mitigation including REDD-plus, adaptation, capacity-building, technology development and transfer.

11. In order to enhance action on development and transfer of technology we decide to establish a Technology Mechanism to accelerate technology development and transfer in support of action on adaptation and mitigation that will be guided by a country-driven approach and be based on national circumstances and priorities.

12. We call for an assessment of the implementation of this Accord to be completed by 2015, including in light of the Convention's ultimate objective. This would include consideration of strengthening the long-term goal referencing various matters presented by the science, including in relation to temperature rises of 1.5 degrees Celsius.

