

COP15 for journalists: a guide to the UN climate change summit

Governments gather in Denmark in December 2009 for what is perhaps the most important meeting since the end of the second world war. December is the deadline they have set themselves for agreeing on action to tackle climate change, and the COP15 conference in Copenhagen is where hopes are high that a new global deal can be struck. This briefing is a guide for journalists reporting on this event, its buildup and its aftermath. It explains key processes, major actions to be agreed and possible outcomes.

Four key questions for COP15 to answer

Our planet's climate is changing. In the past century, the global average temperature has risen by about 0.7 degrees Celsius. Scientists in the Intergovernmental Panel on Climate Change (IPCC) say this is 90 per cent likely to be due to human activities that emit greenhouse gases, such as power generation, deforestation, transport, agriculture and industry. The IPCC warns that impacts are already being felt and further changes could be 'abrupt or irreversible'. They suggest global greenhouse gas emissions must decline rapidly if we are to avoid a dangerous increase in temperature.

This is the scientific background to what is now a deeply political problem. Globally, emissions are rising steadily, making reductions (mitigation) all the more urgent. It is also clear that some climate change is unavoidable, so societies must act to reduce impacts (adaptation). With far less urgency than the science demands, governments are trying to hammer out an agreement on how to tackle these challenges. Their self-imposed deadline is the end of COP15 – shorthand for both the 15th Conference of Parties to the UN Framework Convention on Climate Change (UNFCCC) and the 5th Meeting of Parties to the Kyoto Protocol (see 'Key points on the road to Copenhagen', overleaf, for a discussion of these and other essential climate terms).

There are a number of key battlegrounds at COP15. First is the division between the 189 Parties to the Kyoto Protocol, which are negotiating the Protocol's continuation, and the United States, which wants a

quite different international framework. Another major battle is between developed (or Annex I) and developing (or non-Annex I) nations. The former have the greatest responsibility for causing climate change because of their combined current and historical greenhouse gas emissions. They also have the highest emissions per person today, and greater financial and technological means to address the problem. But some developing nations such as China and India now have very large and growing emissions, and developed nations want them to share the burden of mitigation.

Developing countries insist they must deal with immediate poverty reduction and social issues and should be assisted with mitigation actions, as they did not cause climate change and have fewer resources to deal with it. Many are unilaterally acting to cut emissions in ways that are consistent with development priorities. Increasingly vocal in calling for urgent action from all major emitters are the countries that have the lowest emissions and are the most vulnerable to impacts – the Least Developed Countries (LDCs) and Small Island Developing States (SIDS).¹ By contrast, oil-producing countries appear to be stalling the negotiations and seeking less ambitious actions.

Out of this complex mix of competing interests, COP15 must answer four key questions. How much will developed countries commit to reducing their emissions? What are major developing countries willing to do to limit theirs? Where will the money and technological support come from to help developing nations reduce emissions and adapt to climate change? And how will that money be managed?

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Key points on the road to Copenhagen

1. Rio: The UN climate-change negotiations take place under the UN Framework Convention on Climate Change (UNFCCC), an international treaty created at the Earth Summit in Rio de Janeiro, Brazil, in 1992 to prevent dangerous climate change resulting from emissions of greenhouse gases. A total of 192 Parties have ratified the UNFCCC and it entered into force in 1994. Under the Convention, nations agreed to protect the climate system for present and future generations according to their 'common but differentiated responsibilities and respective capabilities', meaning that developed countries 'should take the lead in combating climate change and the adverse effects thereof'. They also agreed that the extent to which developing nations can meet their treaty obligations would depend on the extent to which developed countries provide finance and technology. And they agreed that 'economic and social development and poverty eradication are the first and overriding priorities of the developing country parties'.

2. Kyoto: In 1997, Parties to the UNFCCC added the Kyoto Protocol. This created the first and only legally binding targets for developed nations, and important international monitoring, reporting and verification mechanisms to enforce compliance. It obliged developed nations to reduce their emissions to an average of 5.2 per cent below 1990 levels between 2008 and 2012. To help achieve this, the protocol created 'flexibility mechanisms' – such as carbon trading and the Clean Development Mechanism (CDM), which allows developed nations to reach their targets by investing in emissions reductions in developing nations. The Kyoto Protocol has been ratified by 189 governments and entered into force in 2005. The United States, however, has not ratified the Protocol and thus had no international commitments to reduce its emissions. This disconnect between the world's biggest historical contributor to climate change and the rest of the parties to the UNFCCC is a major barrier to an effective agreement at COP15 (see 'Killing Kyoto? Risks along the way').

3. Bali: In 2007 the parties to the UNFCCC adopted the Bali Action Plan. This opened a new negotiation track under the UNFCCC in an effort to bring the United States into line with other developed nations, who were asked to continue the Kyoto track by negotiating targets for the Protocol's second commitment period, which would start in 2013. Under the plan, parties to the UNFCCC must reach agreement in five main areas by the end of COP15: *a shared vision* of what parties to the Convention aim to achieve, including a long-term goal for emissions reductions; *mitigation* of climate change by reducing the atmospheric concentration of greenhouse gas emissions, including quantified 'commitments' from developed nations and nationally appropriate mitigation 'actions' (NAMAs) from developing nations, including through reduced deforestation; *adaptation* to impacts such as changing rainfall patterns, extreme weather events, rising sea levels and shifting patterns of disease; *technology transfer and development* to support both adaptation and mitigation; and *finance and investment* to pay for all of the above.

The negotiating blocks

Parties to the UNFCCC make decisions by consensus, and there is a big difference in the power of individual nations as their negotiating teams vary greatly in size, skills and experience. To help address this, nations come together in different 'blocks' to negotiate on common interests.

The **G77/China** brings together 130 countries whose main position is that the rich countries should accept their historical responsibility for climate change and greatly reduce their emissions while allowing the G77/China to continue to develop. Within that group there are some tensions due to the wide diversity among countries and regions.

The **African Group** is made up of 50 countries which highlight their vulnerability to climate change and issues of concern such as poverty and access to resources. The **Alliance of Small Island States (AOSIS)** is a coalition of 43 small islands and low-lying coastal countries that share concerns about rising sea levels. The 49 **Least Developed Countries (LDCs)** are the world's poorest countries and are mostly in Africa. Their emissions are

tiny compared to those of other countries and they are the least prepared for the changes ahead. Although most of their members are also part of the G77/China, the LDCs and AOSIS want large developing nations such as China and India to reduce their emissions and are calling for tougher action to address climate change than any other groups. The **Coalition for Rainforest Nations** is not an official negotiating group but it often issues joint statements.

The **European Union (EU)**, which comprises 27 member states, negotiates as a unified entity. The **Umbrella Group** brings together non-EU industrialised nations (Australia, Canada, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russia, Ukraine and the United States). The **Environmental Integrity Group** (Mexico, South Korea and Switzerland, together with Liechtenstein and Monaco) sometimes intervene as a separate negotiating group to ensure their inclusion in last-minute, closed-door negotiations. The **Organization of the Petroleum Exporting Countries (OPEC)** is not a formal negotiating group, but its 13 member states closely coordinate their positions.

Killing Kyoto? Risks along the way

The negotiations are in fact two parallel sets of talks. Those covering the UNFCCC as set out in the Bali Action Plan occur in the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA). Negotiations under Kyoto take place in the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP).

A common misconception is that governments are negotiating a replacement for the protocol, or that it is going to expire. In fact, it is just the protocol's first commitment period which ends in 2012. Its structural elements, like carbon markets and compliance mechanisms, as well as the Adaptation Fund (funded mainly by the CDM), have no expiry date.

Developed countries party to the protocol are legally bound to agree new targets for a second commitment period that begins in 2013. In accordance with the IPCC's scientific findings, developing nations are calling for deep cuts. The LDCs and SIDS demand an overall target of cutting emissions to 45 per cent below their 1990 levels by 2020. But so far developed nations have proposed targets only up to 16-23 per cent, according to the UNFCCC Secretariat.

Under the AWG-LCA negotiating track, meanwhile, the United States is also calling for a replacement of economy-wide targets that are internationally binding (like those of the Kyoto Protocol) with a 'pledge and review' approach. Under this proposal, each nation would pledge national actions that are open to some degree of measurement, reporting and verification (MRV) by other countries, and which then combine to create a global total. Such a total may or may not add up to what science demands, and pledging countries would not be internationally bound to adhere to any targets. The US proposal may appeal to some developing nations that are voluntarily reducing their emissions.

Some – such as India – say they would consider international MRV, but only of any actions that are supported by finance and technology from developed nations. So far, however, the developed countries are delaying making any commitments to provide such support until after developing nations have pledged their mitigation actions.

Almost all developed countries want the two negotiating tracks to merge, leading to a single new agreement. Most developing countries favour a dual-track strategy that would both amend the Kyoto Protocol and create a new agreement resulting from the LCA track, as this would ensure the Kyoto Protocol's more environmentally rigorous targets and multilateral compliance would remain in place. They fear that a single agreement may result in some or all of the Kyoto

Protocol features being dropped in an attempt to craft a weak deal appealing to the United States (see 'Possible COP15 outcomes', below).

The legal form of the COP15 outcome is a major sticking point, as developing nations largely want the Kyoto Protocol to go on, with a new commitment period, and they oppose any new agreement that spells out new commitments for them. For any agreement to replace the protocol, it must appeal to developing countries as being better overall in terms of its environmental outcomes and additional financial resources it promises.

Possible COP15 outcomes

Negotiators in each AWG track must agree text for parties to the UNFCCC and the Kyoto Protocol to adopt at COP15. Whatever happens, COP15 will have a fundamental impact for years as some of its possible outcomes are legally binding and others are not.

- **No agreement.** COP15 could end without agreement, with the expectation that talks resume in 2010 (termed 'COP15-bis').
- **A decision or set of decisions.** This is the weakest agreed outcome, but could be combined with one of the following stronger outcomes.
- **A political 'implementing agreement'** that is not legally binding and through which each state decides its own goals and how to reach them according to domestic laws. This is favoured by the United States, but opponents say that unless the targets are internationally binding, and there is a compliance mechanism to enforce them, such an agreement will be flouted. Developing nations also fear that national approaches could allow developed nations to use domestic laws to discriminate against their exports if their production entails emissions.
- **A single new legally binding agreement (Copenhagen Protocol)** that replaces the Kyoto Protocol and includes additional issues such as adaptation to climate change impacts. Such an agreement could include mitigation commitments for the United States, plus actions for major developing nations.
- **Two protocols.** An amended Kyoto Protocol that improves on what has already been negotiated plus a new legally binding agreement as described above. Most developing nations want this.

Other hot topics and sticking points

Shared vision Countries cannot agree yet on goals for global emissions to peak – whether to include only a long-term goal (2050) or nearer-term goals such as 2015-2020. There is no agreement yet on whether to use a limit based on the increase of temperature, a total level of emissions or an atmospheric concentration of greenhouse gases (measured in parts per million or ppm). Many developed countries and major developing nations say the increase in global temperature should not exceed 2 °C above pre-industrial levels. But close to 100 other nations, including the LDCs and AOSIS, argue for a more ambitious goal of no more than 1.5 °C of warming. This would entail limiting concentration to 350ppm (a challenge given that it is already at 387ppm, up from 280ppm in pre-industrial times).

REDD Deforestation causes 15-20 per cent of all greenhouse gas emissions. Something likely to be adopted at COP15 is REDD, or reducing emissions from deforestation and (forest) degradation in developing countries. Under REDD, countries that reduce deforestation could gain credits for reduced emissions. These credits could be sold on international carbon markets, compensated through a fund paid by developed nations or, as looks most likely, paid for using a combination of both approaches. Up for negotiation is whether and how REDD will benefit forest-dependent communities, safeguard against conversion of natural forests to plantations and bring additional benefits for biodiversity (collectively known as REDD-plus).

Fossil fuels Controversial in both negotiating tracks are the 'economic and social consequences of response measures' – the impacts of mitigation. The wealthier oil-producing nations in OPEC are particularly concerned that moves to de-carbonise development will harm their economies. They are calling for compensation for lost oil revenues. Although this topic is covered under mitigation in the Bali Action Plan, OPEC members keep raising it in discussions of adaptation, to the dismay of poor and vulnerable nations. LDCs and AOSIS see it as conceptually different from dealing with impacts such as floods, droughts and rising seas. The key issue is that fossil fuel use drives impacts. More effective mitigation means less adaptation is needed but this will impact OPEC economies. While AOSIS and LDCs urge immediate action, OPEC would gain from slowing mitigation.

Vulnerability The vulnerable should be first in line for support to adapt to climate change impacts, but who decides who is vulnerable? Parties have already agreed that some developing nations within the G77/China (such as the LDCs and SIDS) are 'particularly vulnerable'. But

other countries are contesting this, as they fear it could leave them last in line for finance. They argue that all developing countries have vulnerable communities. This division causes additional tensions within the G77/China.

Intellectual property Technology will be essential for both mitigating climate change and adapting to its impacts, but the developed countries have most of the advanced technologies and a larger capacity to develop new ones. Parties need to agree ways of transferring technologies to the non-Annex I countries, and a major barrier is disagreement about intellectual property rights (IPRs). The United States says any agreement must not undermine enforcement of IPRs, which it sees as essential incentives for innovation. Developing countries argue for a more flexible approach – such as exemptions from patent protection for vulnerable countries – to enhance the transfers of technology.

Finance The World Bank says developing nations will need US\$400 billion per year for mitigation and US\$75-100 billion per year for adaptation. Critics say the costs of adaptation have been grossly underestimated as they do not include all sectors that need to adapt. In this context, key areas for negotiators to agree at COP15 include how much funding will be needed, how it will be raised, and how it will be disbursed and used. Developed countries want funding to be diffused through existing channels such as the World Bank's Global Environment Facility, but developing nations point to problems with this and want central institutional control under the authority of the UNFCCC. There are various proposals for how to raise the money, but so far few pledges of cash. Mexico has proposed a Green Fund that all countries, except LDCs, would contribute to on the basis of their GDP, emissions and population. The LDCs have proposed an International Air Passenger Adaptation Levy, which could raise US\$10-15 billion per year for adaptation. But so far, other developing nations in the G77/China have opposed this, as it would raise money from all countries alike.

Time running out

With just 10 days of negotiating time available at COP15, much of the negotiating text is still comprised of various alternative pieces of wording that are presented in square brackets [like this]. These brackets mean that countries still disagree about the contents. The European Commission's president, José Manuel Barroso, said in September 2009 that: 'If we do not sort this out, it risks becoming the longest suicide note in history.' As each negotiator aims to maximise their country's gain and minimise their concessions, we are left waiting to see who blinks first in the world's biggest poker game.

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Notes

■ ¹ SIDS is a formal group in the UN system and the UNFCCC notes their specific vulnerability to climate change. Most but not all SIDS are members of the Alliance of Small Island States (AOSIS), which represents them in the UNFCCC negotiations.