

Copenhagen: Political Immobility Faced With Citizen Mobilization?

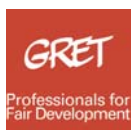
Analysis of the Fifteenth Conference of the Parties
to the Convention on Climate Change
7-19 December 2009, Copenhagen

Coordination SUD's Climate and Development Committee

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Foreword. The Failure in Copenhagen Must Consolidate Citizen Mobilization!

The need for development and the need to fight climate change are more than ever interconnected. Climate change increases inequalities by hitting the poorest populations the hardest. By intensifying the vulnerability of these countries, it compromises—a little more each day—their chances for development. This is why Coordination SUD¹ and CAN-France² have, since 2007, joined forces to influence more strongly France's position in regard to the international climate negotiations.

Through this cooperation, our two families of associations are endeavoring to refine their expertise and consolidate joint messages addressed to the public authorities and government. Furthermore, solidarity associations have a key role to play in this field by integrating considerations of climate change in their development projects. It is crucial that the international negotiations be connected to practical action in the field, both when it comes to lowering emissions and adapting to the impacts of climate change equally.

Copenhagen ended with a failure, i.e. an agreement that is not truly one. However, in the gloomy picture one can draw of this Conference, one must note the unprecedented mobilization by NGOs—both environmental NGOs and international solidarity NGOs—as well as social movements.

On the heels of this failure, we must put a new foot forward. Civil society—in both developed and developing countries equally—must remain mobilized to allow the adoption of ambitious and legally binding commitments during future Conferences of the Parties (COPs) in order to protect the international community from the climate threat. Consideration of international solidarity concerns is essential so that these commitments may be implemented in the field effectively and fairly. The Copenhagen Conference showed that much hard work still remains to be done in this area.

Since Copenhagen, the monopoly held by a handful of experts over climate change issues has come to an end. Greater cooperation with our counterparts in developing countries and significant citizen mobilization are indispensable to encourage our Heads of State and Government to be more responsible and show more solidarity when they negotiate the future of our planet. ●

*Jean-Louis Vielajus, President of Coordination SUD,
and Sandrine Mathy, President of CAN-F*

¹ Coordination SUD – Solidarité Urgence Développement is the national coordinating body for French development and relief NGOs. Founded in 1994, it currently brings together six NGO groups (CLONG – Volontariat, CNAJEP, Coordination d'Agen, CRID, FORIM, and Groupe Initiatives) and more than 130 NGOs that are active in the fields of humanitarian aid, development assistance, environmental protection, the defense of human rights for disadvantaged people, and international solidarity education and advocacy.

² The Climate Action Network France (CAN-F) is a multidisciplinary network of twenty-four national associations united around the fight against climate change. CAN-F's member associations are as follows: Agir pour l'Environnement, Les Amis de la Terre, Greenpeace, Ligue de Protection des Oiseaux (LPO), WWF, Dossiers et Débats pour le Développement Durable (4D), Comité de Liaison Energie Renouvelable (CLER), HELIO International, Hespul, Solar Generation, Réseau Sortir du Nucléaire, Fédération Nationale des Associations d'Usagers des Transports (FNAUT), Fédération Française des Usagers de la Bicyclette (FUBicy), Alofa Tuvalu, Oxfam France – Agir Ici, GRET, Energies Durables en Normandie (EDEN), Energies Durables en Ile-de-France (EDIF), Virage Energie, Objectif Climat, Energies solidaires, EcoZac des Batignolles, EcoZac de Rungis, and ALDER Climat Energie.

Introduction

After the Bali Action Plan was adopted at the end of 2007, the fifteenth Conference of the Parties (COP)³ to the United Nations Framework Convention on Climate Change (UNFCCC), held from 7 to 19 December 2009 in Copenhagen, Denmark, was a highly anticipated event. The attention given to this summit was worthy of the stakes: adopt a new, legally binding international agreement on the climate and lay the foundation for the climate regime beyond 2012 so as to avoid dangerous and irreversible climate change in the future. Mankind had a rendezvous with its own future.

Since Bali, there were negotiating sessions of the ad hoc working groups under the Convention and under the Kyoto Protocol, in charge of laying the foundations of the new climate regime. Those sessions were held at a frantic pace and ultimately resulted in a 174-page document full of brackets. This text was to serve as the basis for the discussions in Copenhagen. The negotiators had a difficult task ahead of them: extract from these 174 pages the pith and marrow that would allow the foundations of this new regime to be laid. The definition of a shared vision for all countries, the reduction of developed countries' emissions, and the financial and technological support for developing countries were among the "sticking points" of the negotiations on which satisfactory compromises in terms of ambition and equity were expected.

The starting gun was fired, the negotiators tackled the task as well as they could, and were able to produce a series of draft texts before the Heads of State arrived on 16 December. They presented a main text on a shared vision for long-term cooperation, and nine accompanying documents covering the other major subjects of the negotiations, in particular emission reduction targets and actions, adaptation, financing, and technology transfer. However, the length of these documents and above all the lack of consensus on most of their provisions, written in between brackets, led the Heads of State to ignore them and elaborate—behind closed doors—the "Copenhagen Accord."

Is this text a third-rate accord or an accord catalyzing new impetus? Opinions diverge between those who see the glass as half empty and those who see it as half full. However, this text, elaborated by twenty-seven countries, remains a political declaration of which the Parties to the Convention "take note" as they were unable to obtain a consensus for its signature. Without legally binding status, this text relies on the smallest common denominator: a shared vision reduced to a single quantified objective—the threshold of a 2°C temperature increase not to exceed by the end of the century—and the announcement of reduction targets pushed back to 31 January 2010. The text does announce numbers for fast-start financing (2010-2012) and long-term financing, and the establishment of new funds and mechanisms. However, the vagueness and uncertainties surrounding the concrete modalities for distributing and allocating resources and implementing new funds limit how positively one may view these commitments. It is still too early to assess the accord's ability to mobilize governments effectively and clear up certain sticking points in the negotiations. This will largely depend on how it can be re-inserted in the UN negotiation process to which a large number of countries remain attached.

Despite this relatively gloomy picture of the Copenhagen Conference, one cannot deny that it was a major event in the climate negotiations. The traditional balance of power between

³ The COP is the decision-making body of the Convention.

countries and the interplay of actors have shifted considerably. Rarely has an international climate conference mobilized so many people and so much energy: more than 40,000 accreditation requests sent to the United Nations, including 21,000 observers (environmental NGOs, private sector, etc.) and 5,000 journalists, some 115 Heads of State and Government, and a demonstration by nearly 50,000 people in Copenhagen! Since Bali, we have seen an unprecedented process of collective appropriation of the climate change issue: the strong attendance, the convergence of citizen movements and the media coverage bear witness to this. Rarely also has the issue of governance garnered as much attention in discussions perturbed by procedural issues, or raised as many questions on the possibility of attaining legally binding commitments in the UN framework where consensus is the golden rule.

Finally, in this marathon and race for numbers that the Copenhagen Conference represented, international solidarity issues were usually pushed aside in the discussions of the ad hoc working groups under the Convention and the Protocol. Yet, these issues are, more than ever, an unavoidable aspect of fighting climate change. Climate change challenges modes of development at their very roots. In these international discussions, real understanding and consideration of local realities, especially in developing countries, is crucial to ensuring that the future climate regime leads to policies and actions that are both effective and equitable in the field.

The present document proposes an analysis of the Copenhagen Conference, combining the viewpoints of the French environmental and development and relief NGOs that mobilized together for better consideration of international solidarity stakes in the climate negotiations. The first chapter examines the main points of the Copenhagen Accord and the prospects for the continued negotiations in 2010. The second chapter is devoted to the new geopolitical configuration illustrated in Copenhagen via the shifts in the traditional balance of power, citizen mobilization, and governance issues. Finally, the last chapter proposes an analysis of the discussions from a more operational angle on three technical subjects—adaptation, agriculture, and forests—so as to identify the international solidarity challenges that will need to be addressed in the near future. ●

CHAPTER 1

Examining the Copenhagen Accord

After two years of negotiations on the future climate regime beyond 2012, the Copenhagen Conference had raised unprecedented expectations and represented a historical occasion not to be missed. All the scientific data were on the table, and the commitments the countries were supposed to make were known in advance.

Furthermore, there was the hope that the 115 Heads of State and Government who came to the Conference would not dare return home without an ambitious agreement. Nevertheless, Copenhagen's outcome was very paltry: an agreement that was not really one, the simple extension of the mandates of the two working groups—under the Convention and under the Kyoto Protocol—in charge of defining the climate regime beyond 2012, and considerable confusion as to the continuation of the negotiations.

With the Copenhagen Accord, a third avenue of negotiations was added. How will it dovetail with the two other avenues of negotiation? Who will ultimately conduct this concerto of several "orchestras and voices"?

The Copenhagen "Accord"

The Copenhagen Accord was presented as *the* outcome of the December summit. It is an agreement drafted the last day of the negotiations behind closed doors, with vague and worrisome content in regard to the scientific data, and without a legally binding status.

A simple political declaration, it is still too soon to judge its ability to mobilize States effectively and how it could be reintegrated into the UN negotiation process in order to result, ultimately, in the adoption of legally binding instruments for the period beyond 2012.

A Hollow-Sounding Accord

In regard to its content, the Copenhagen Accord is like an empty shell. The weakness and vagueness of its provisions on the shared vision, emission reduction targets and financing will not allow the international community to avoid dangerous and irreversible climate change.

The accord refers to the establishment of new mechanisms or working groups but questions remain as to how they can be made operational.

A Shared Vision at the Lowest Common Denominator

Arriving at a shared vision among countries of how to avoid irreversible and dangerous global warming was one of the major challenges of this Summit. Indeed, the shared vision was inscribed as the first pillar of the Bali Action Plan (BAP) adopted by the thirteenth COP at the end of 2007 (Box 1).

BOX 1

> Bali Action Plan – The Shared Vision

The BAP defines the “shared vision” as follows: “A shared vision for long-term cooperative action, including a long-term global goal for emission reductions, to achieve the ultimate

objective of the Convention, in accordance with the provisions and principles of the Convention, in particular the principle of common but differentiated responsibilities and respective capabilities, and taking into account social and economic conditions and other relevant factors.”

In Copenhagen, the countries were not able to agree on the major principles and goals forming the basis for this long-term vision to fight climate change:

- **A maximum ceiling for global warming set at 2°C:** This target is not a new commitment. It had already been adopted during the Major Economies Forum⁴ and the G8 Summit in July 2009. However, many countries such as the small island developing states and even some African countries demand a threshold of 1.5°C, which is much more prudent in regard to impacts on the future of mankind and ecosystems. In response to these demands, the text offers a more than timid response: the threshold of 1.5°C could possibly be taken into account, in function of an assessment of the Accord’s implementation, planned for 2015.
- **No baseline:** No baseline was defined for the goal of 2°C. Yet, in accordance with the provisions in the reports by the Intergovernmental Panel on Climate Change – IPCC (2007), the 2°C threshold is calculated in relation to pre-industrial temperature levels. This lack of a baseline makes the 2°C goal null and void. If it is calculated in relation to current temperatures, it will obviously not have the same implications.
- **No indication as to how to limit global warming to less than 2°C:** Several proposals were formulated by the countries on the question of means in regard to the global emission reduction target for 2050, the stabilization of greenhouse gas emission concentrations in the atmosphere, and the global emissions peak. For instance, the small island developing states (AOSIS) and NGOs demand that greenhouse gas concentrations be stabilized at 350 parts per million (ppm) of CO₂ equivalent and that global emissions peak in 2015. The lack of reference to these various parameters is largely linked to the roadblocks set up by China and India.

The countries attempted to overcome this lack of consensus by vague and little-binding formulations such as: “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 “We should cooperate in achieving the peaking of global and national emissions as soon as possible [...]”⁵

⁴ This group contains the countries that account for more than 80% of global greenhouse gas emissions.

⁵ Paragraph 2 of the Copenhagen Accord.

Emission Reductions Leading Straight to Warming of +3°C

● *Reduction Targets and Actions: An Announcement Pushed Back to 31 January 2010*

According to the BAP, Copenhagen was supposed to lead to the definition of new medium-term (2020) emission reduction targets and actions, with differentiated treatment for developed and developing countries (Box 2).

BOX 2

> **Bali Action Plan – Differentiated Efforts by Developed and Developing Countries**

According to paragraph 1b of the BAP, the following was demanded of the two groups of countries:

- **developed countries:** “Measurable, reportable and verifiable nationally appro-

priate mitigation commitments or actions, including quantified emission limitation and reduction objectives”; and

- **developing countries:** “Nationally appropriate mitigation actions in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner.”

According to the IPCC’s conclusions (2007), in order to limit global warming to less than 2°C by the end of the century, it was crucial that Copenhagen lead to:

- an overall reduction in developing countries’ greenhouse gas emissions of at least 40% by 2020 compared to 1990 levels; and
- limiting the trajectory of developing country emissions by between 15% and 30% by 2020 compared to a “business as usual” scenario.

The Copenhagen Accord does not contain either of these references. It stipulates that developed countries “commit to implement individually or jointly the quantified economy-wide emissions targets for 2020, to be submitted [...] to the secretariat by 31 January 2010 for compilation in an INF document.”⁶ Developing countries for their part shall have to “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 [...]” Special treatment is reserved for the least developed countries (LDCs) and small island developing states that “may undertake actions voluntarily and on the basis of support.”

In this way, the countries are themselves asked to voluntarily communicate the goals and actions that they intend to adopt and implement to fight climate change to the Secretariat of the Climate Convention by 31 January 2010. The Copenhagen Accord thus contains two empty appendices to complete:

- the first for developed countries titled “Quantified economy-wide emissions targets for 2020”; and
- the second for the “Nationally appropriate mitigation actions of developing country Parties”.

On 31 January, several countries thus communicated their reduction goals for 2020 (see table below). However, no country went further than the goals already announced before and during the Copenhagen Conference.

⁶ Paragraph 4 of the Copenhagen Accord.

| COUNTRY | TARGET | BASELINE YEAR | REDUCTION TYPE | GOAL IN RELATION TO 1990 |
|------------------|------------------|---------------|--|--------------------------|
| Australia | -5% to -25% | 2000 | absolute | -3,89% to -24,1% |
| Brazil | -36,1% to -38,9% | not available | deviation from the most plausible projection | +6,4% to +1,7% |
| Canada | -17% | 2005 | absolute | +0,24% |
| China | -40% à -45% | not available | carbon intensity | not available |
| European Union | -20% to -30% | 1990 | absolute | -20% to -30% |
| India | -20% to -25% | 2005 | carbon intensity | not available |
| Indonesia | -26% | not available | deviation from the most plausible projection | +22% |
| Japan | -25% | 1990 | absolute | -25% |
| Maldives | -100% | 2009 | absolute | -100% |
| Marshall Islands | -40% | 2009 | absolute | -40% |
| New Zealand | -10% to -20% | 1990 | absolute | -10% to -20% |
| Norway | -30% to -40% | 1990 | absolute | -30% to -40% |
| Singapore | -7% to -11% | not available | deviation from the most plausible projection | +124% to +115% |
| South Africa | -34% | not available | deviation from the most plausible projection | +48,2% |
| South Korea | -30% | not available | deviation from the most plausible projection | +63,9% |
| United States | -17% | 2005 | absolute | -3,67% |

Source: <http://www.usclimatenetwork.org/policy/copenhagen-accord-commitments>

It should be noted that these estimates are based on different baseline scenarios, especially when these goals are calculated based on emission projections for 2020 or carbon intensity. The first estimates based on the emission reduction goals announced by developed countries and the developing countries' voluntary actions are far from satisfactory. According to a confidential Convention Secretariat document dated 15 December⁷, which circulated informally during the conference, all of these actions and targets would result in a greenhouse gas concentration of 550 ppm CO₂ eq. or more, and thus warming of a minimum of 3°C. The gap between science and politics is obvious: the difference to make up so as to limit greenhouse gas concentration in the atmosphere to 450 ppm CO₂ eq. is at least 2 to 5 gigatons (Gt). As an example, the European Union's emissions in 2007 were 4 Gt. For their part, the reduction goals for all developed countries would seem to fall between -15% and -18% at best for 2020 compared to 1990 levels—quite far from the necessary 40% cut.

● *Reduction Goals Defined “from the Bottom Up”*

The Copenhagen Accord confirms the “bottom-up” approach advocated by the United States to the detriment of the “top-down” approach taken in the Kyoto Protocol and defended by the European Union. The first approach consists of adding up the various national laws that countries adopt with the aim of fighting climate change. The second defines a collective emission reduction goal to be attained by developed countries that is then shared among the various countries in a “top-down” approach. The bottom-up approach seems inadequate to limit global warming to less than 2°C.

It is crucial that an emission reduction target be set in function of the scientific data and independently of the national circumstances of individual countries. Distributing the efforts to make could allow for a degree of flexibility among countries. However, the objective to attain to avoid a climate disaster cannot in any way be fashioned to respond to the national contingencies of the various countries.

International Transparency Regarding Actions: A Compromise Born of the Sino-American Standoff

International transparency in regard to emission reduction actions was one of the primary stumbling blocks between China and the United States. China rejected the idea that international oversight be exercised over its national emission reduction actions that were not supported by international financing. The United States on the contrary demanded “transparency” for all developing country actions, whether or not they were supported by international financing.

This issue of transparency seems to have crystallized a geopolitical combat between the two large economies that goes well beyond the simple framework of the climate.

The compromise already proposed prior to Copenhagen by the majority of developing countries was acceptable: emission reduction actions that receive international financial support would be subject to an international system of measurement, reporting and verification (MRV) while actions that do not receive such support would be verified according to national rules.

By the conclusion of the Copenhagen Conference, the Sino-American standoff had resulted in a provision that increases transparency requirements for developing countries' emission reduction actions. Indeed, these countries must cover the following in their national communications:

- their reduction actions, including national emissions inventories, every two years: these actions will be subject to a national “MRV” system; and

⁷ For more information: Preliminary Assessment of pledges made by Annex 1 Parties and voluntary actions and policy goals announced by a number of Non-Annex 1 Parties. 15 December 2009.
<http://www.greenpeace.org/international/press/reports/unfccc-secretariat-pledges-ass>

- information on the implementation of these actions: consultations and an international analysis based on guidelines will be planned in national communications. These guidelines will make it possible to ensure that national sovereignty is respected. The text does not, however, specify who will be in charge of elaborating them.

Developing countries' national actions that receive international financial support will, for their part, be subject to an international "MRV" system in a way consistent with the guidelines that will be adopted by the Conference of the Parties. They will be included in a register alongside the corresponding international support.

Financing: Numbers but Vague Operational Modalities

In Bali, developing countries agreed to participate in the global effort to cut emissions for the period beyond 2012 on the condition that they be supported with financing, technologies and capacity building. The announcement of appropriate financial support from developed countries to developing countries was, thus, a *sine qua non* for the success of Copenhagen. Developed countries, because of their historic responsibility for the climate crisis and their greater capacity to act, were thus supposed to secure adequate aid for developing countries so that they can establish actions to limit their emissions and adapt to the consequences of climate change.

The Accord contains a specific paragraph on financing (Box 3). While numbers are included in regard to fast-start financing (2010-2012) and long-term financing, close reading of the provisions considerably limit what some have presented as "the major advance" of the Copenhagen Conference.

BOX 3

> **Financial Support for Developing Countries According to the Copenhagen Accord**

"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."

(Copenhagen Accord, 2009)

● *Fast-start Financing*

The Copenhagen Accord provides for fast-start financing for the 2010-2012 period in the amount of 30 billion dollars (or 10 billion per year). This financing will come from voluntary unilateral commitments. For instance, during the Council meeting of Heads of State on 11 December, Europe promised that it and its member-States would contribute 10.6 billion dollars over three years. Japan's and the United States' contributions are 11 and 3.6 billion dollars respectively. For now, the total comes to 25.2 billion dollars instead of the 30 billion dollars announced.



Beyond these numbers, the Copenhagen Accord does not contain any details on:

- **the additionality of financing in relation to official development assistance (ODA) targets :** Since climate change amplifies the economic, ecologic and social vulnerabilities that developing countries are already facing, those countries, supported by civil society, believe that the financial support to fight climate change should be added to ODA rather than replace ODA. However, in the current context of economic crisis, many developed countries are tempted to “recycle” their ODA even more under the label of “climate financing.” In regard to these concerns, the text only evokes “new and additional” financing but does not specify in comparison to what;
- **funding allocation:** The agreement stipulates that fast-start financing should be allocated in a balanced manner to emission mitigation actions and actions to adapt to the impacts of climate change, but it does not specify a distribution key. It should be remembered that the initial goal of this financing was to help developing countries prepare to implement the climate agreement for the period beyond 2012 (capacity building, institution building, etc.). It states that financing for adaptation should go in priority to the most vulnerable countries such as LDCs, small island developing states and African countries. However, no procedure was defined to determine, in a transparent fashion, which actions will be supported with this financing;
- **the nature of the financing** (grants and/or loans): Some countries such as the United Kingdom seem to suggest that a large share of this financing will be allocated in the form of loans;
- **financing distribution channels:** No precisions are given on how this financing will take concrete form in the field, in particular as far as governance and delivery (the proportion of aid distributed via bilateral or multilateral channels) are concerned.

All of these missing elements, and especially the nature of and channels for financing distribution, will be largely decisive in developed countries’ capacity to mobilize resources effectively and equitably in the field, and consequently their ability to win the trust of developing countries.

● *Long-Term Financing*

When it comes to long-term financing, the Accord states that developed countries commit to a goal of progressively and jointly mobilizing 100 billion dollars per year by 2020 to address the needs of developing countries (approximately 70 billion euros per year). This amount is

less than half the estimated needs (of at least approximately 200 billion dollars from public sources per year in 2020 for adaptation and emission limitation in developing countries). According to the Copenhagen Accord, the 100 billion dollars would “come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance.” In other words, the governments have made no commitments as to the exact amount of public financial support for developing countries. The sources of funding may be both public and private, without any weighting between the two. As a reminder, most developing countries demanded that this financing be of public origin first and foremost, with a levy of 0.5% to 5.5% on the GDP of developed countries. Furthermore, there was once again no clarification between this amount and the official development assistance target.

The Copenhagen Accord evokes the creation of a “Copenhagen Green Climate Fund” through which will notably transit “a large share” of new financing for adaptation. The Green Fund will be established as an operational entity of the Convention’s financial mechanism (the Global Environment Facility, GEF) in order to support projects, programs, policies or other activities in developing countries in conjunction with mitigation, the fight against deforestation and forest degradation, adaptation, capacity building, development, and technology transfer. However, no indications are given as to the governance of financing and the future of the various funds that already exist in the framework of the Convention and the Kyoto Protocol.

Finally, one of the challenges in Copenhagen was to arrive at the creation of new mechanisms to generate financing that is sustainable, automatic and responds adequately to the needs of developing countries. Several proposals were formulated, such as:

- a global and uniform tax on CO₂ emissions above a per-inhabitant emission threshold of two tons per year, with the exception of LDCs;
- auctioning some of developed countries’ polluting rights;
- taxes on emissions from international air and maritime transport;
- a tax on airline tickets; and
- a tax on financial transactions.

In Copenhagen, no reference to these innovative financing mechanisms was retained. The Accord entrusts “a high-level panel” with studying potential sources of revenue, including alternative sources of financing. This panel, whose composition is still unknown, will act according to guidelines and will be accountable before the Conference of the Parties. No deadline has been proposed for the completion of its work.

The Creation of New Mechanisms for Technologies and Forests

In addition to the Green Climate Fund and the high-level panel on alternative sources of financing, the Accord provides for the establishment of a REDD-plus⁸ mechanism destined to facilitate the mobilization of financial resources from developed countries, and a technology mechanism “to accelerate development and transfer in support of action on adaptation and mitigation.”

In regard to the REDD-plus mechanism, many points of friction were unable to be resolved, such as the definition of a deforestation reduction target for 2020, the elaboration of rules of governance and respect for local communities’ and indigenous peoples’ rights, or even the chosen financial approach (public financing and/or the market) to encourage developing countries to fight deforestation and forest degradation (see *Chapter 3*).

In regard to technology transfer, the positions taken by the various countries are still very different, notably on the subject of intellectual property rights.

⁸ Reducing emissions from deforestation and forest degradation, conservation and enhancement of forest carbon stocks.



An Accord that Is Not One

The Copenhagen Accord negotiated Friday 18 December between twenty-seven countries representing the main regional groups in the United Nations is not an agreement by the entire international community, unlike what some Heads of State announced. In compliance with the United Nation's current rules, this agreement must be the subject of a consensus to be adopted by all countries in a plenary session of the COP. During this session, the proposal to adopt the Copenhagen Accord in the form of a COP decision was soundly rejected. Some countries such as Costa Rica asked that the Copenhagen Accord be presented as a simple information document (INF) while others wished that it be viewed as a submission from the countries that negotiated it (i.e. in the form of a "MISC" document).

Ultimately, a different compromise was reached after two hours of informal consultations held on Saturday morning: a COP decision "takes note" of the Copenhagen Accord, which was annexed to the decision. This formulation does not in any way mean that the countries have accepted the Copenhagen Accord.

From the legal standpoint, the Copenhagen Accord is not binding on the Parties to the Climate Convention. It can be seen as equivalent to a declaration of political intent whose existence the countries have agreed to acknowledge. The list of countries supporting the Copenhagen Accord will figure in the preamble. Countries that wish to sign this agreement will be able to do so by sending a simple letter to the Secretariat.

The Continuation of the Negotiations on the Period Beyond 2012: Who Will Conduct this Concerto With Several Voices?

Since the Bali Conference at the end of 2007, two arenas for negotiations—the Working Group under the auspices of the Kyoto Protocol (AWG-KP) and the Working Group on Long-Term Cooperative Action under the Climate Convention (AWG-LCA)—have coexisted to elaborate the future international regime to fight climate change. In Copenhagen, these groups'

work led to the elaboration of texts on different issues of the negotiations. However, the length of these documents and the lack of consensus on most of their provisions, written in between brackets, led the Heads of State to ignore them and elaborate the "Copenhagen Accord." In this way, the texts produced by the two working groups were not able to be adopted. These groups' negotiation mandate therefore needed to be extended until the next Conference of the Parties, which will be held in Mexico at the end of 2010.

No decision was made on setting up the Kyoto Protocol's second commitment period, and the BAP roadmap under the Convention remains to be perfected. Numerous legal uncertainties remain as to the articulation between these two paths and the Copenhagen Accord, and on States' ability to agree on legally binding instruments during the next COP at the end of 2010.

Making the Kyoto Protocol Sustainable Beyond 2012: A Decision Pushed Back to the End of 2010

Extension of the Working Groups' Mandate

One of the main objectives of the Copenhagen Conference was the adoption of an amendment to the Kyoto Protocol defining new emission reduction targets for Annex I developed countries⁹ for the period beyond 2012¹⁰. This was the main mandate of the AWG-KP. By the end of the Copenhagen Conference, this decision had not been made.

This outcome can be explained by the blockage thrown up by several developed countries (Canada, Japan, the European Union, etc.). These countries demanded that the avenues of negotiation under the Protocol and the Convention be merged, notably so as to involve the United States. This position was one of the main causes of the Conference's failure. For developing countries, abandoning the Protocol was unacceptable because it is currently the only legally binding instrument to fight climate change.

The decision was thus made to extend the AWG-KP's mandate to present its work for adoption during the sixteenth COP at the end of 2010. South Africa and Algeria asked that this mandate be expanded to include a reference to adopting an amendment to the Protocol so as to include the Annex 1 developed countries' new reduction targets. However, the European Union, Canada and Japan were opposed to this. The question of the Protocol's sustainability has therefore been pushed back to the next COP.

The Environmental Integrity of the Kyoto Protocol Still Little Ensured

Beyond defining ambitious reduction targets coherent with the climate emergency, the Copenhagen Conference should have led to an improvement in the environmental integrity of the Kyoto Protocol. The Protocol contains many loopholes, conceded in 1997 and then in 2001 during the conclusion of the Marrakech Accords.

The AWG-KP had thus been charged with working to improve the environmental integrity of the Kyoto Protocol by reforming flexibility mechanisms and including new sectors that are sources of greenhouse gas emissions (Box 4). For instance, several countries such as Peru and Brazil proposed setting a maximum percentage on developed countries' use of flexibility mechanisms to attain their emission reduction goals (30% of the target to attain) for the period beyond 2012. Other countries proposed that Annex I countries attain the totality of their reduction goals solely within their own boundaries. In the end, the question of a cap on the use of flexibility mechanisms was not resolved. The only decision adopted in regard to flexi-

⁹ Developed countries, except for the United States, that have quantified targets for their emission reductions.

¹⁰ The Kyoto Protocol provides for other commitment periods beyond 2012 that must be adopted in amendments.

BOX 4**> Emission Reductions in the International Maritime and Air Sectors**

Greenhouse gas emissions from the international air and maritime sectors are not covered by the Kyoto Protocol even though they account for approximately 5% of global emissions and are rising rapidly (by more than 85% for the maritime sector since 1990 and by more than 50% for aviation over the same period). For Annex I countries, the Kyoto Protocol leaves responsibility for regulating the emissions in these sectors to the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). However, no legally binding measures have been taken by either of these two organizations in more than twelve years.

In Copenhagen, the European Union had, for instance, proposed two reduction targets: less 10% for aviation and less 20% for the maritime sector, in 2020, compared to the 2005 level. These targets—which in reality would allow

these sectors to continue to increase their emissions—were not adopted. Very strong disagreements emerged on the issue of setting up a global emission reduction system for these sectors rather than a system applicable only to Annex I countries, as mentioned in Article 2.2 of the Kyoto Protocol. The possibility of generating revenues, via the instauration of new mechanisms in these sectors such as taxes or emission rights exchange systems, was not able to be retained due to a lack of consensus. It would, however, have been a new and sustainable source of financing for developing countries.

The final decision states that the ICAO and IMO are invited to continue their work and present it to future sessions of the Subsidiary Body for Scientific and Technical Advice (SBSTA). The question should also be addressed during the next negotiation session in the month of June, in Bonn, because the options for regulating emissions in these sectors will be discussed in the framework of the AWG-LCA.

bility mechanisms deals with the guidelines for the use of the Clean Development Mechanism (CDM) for the current period. It aims to improve the transparency and impartiality of decisions taken by the designated national authorities and the geographic distribution of projects. For its part, the Copenhagen Accord simply refers to “opportunities to use markets.”

Other points to improve the Protocol’s environmental integrity also remain unresolved, such as:

- the progressive suppression of the CDM for the most economically-advanced developing countries, to be replaced by sectoral approaches;
- the ineligibility of environmentally-dangerous projects that do not otherwise contribute to the sustainable development of their host countries, such as nuclear activities or carbon sequestration and storage (*Box 5, page 20*);
- the rules on the accounting of greenhouse gas emissions related to land use, land-use change and forestry by Annex I countries; and
- the necessary regulation of emissions in excess of the permits attributed to the first commitment period under the Kyoto Protocol in order to prevent this surplus from canceling out developed countries’ future emission reduction efforts.

The Bali Action Plan: The Future of the Convention Still Remains to Be Defined

The failures of the negotiations under the Convention are in large part linked to the failure of the negotiations under the Kyoto Protocol. The mandate given to the AWG-LCA in Bali was also extended until the next COP. All of the points under negotiation—emission reduction, adaptation, financing, technology transfer, fighting deforestation and forest degradation, and even sectoral approaches—therefore remain to be decided.

BOX 5

> **Carbon Capture and Storage and Nuclear Power in the CDM in 2012?**

Several countries proposed that, starting in 2013, carbon capture and storage (CCS) activities and nuclear power be eligible for the CDM. Most oil-producing countries figure among the most ardent defenders of CCS: Saudi Arabia, the United Arab Emirates, Nigeria, etc. The inclusion of this technology was sharply contested by Tuvalu and Grenada. However, the decision of the Meeting of the Parties¹¹ on the CDM recognizes the “importance” of this technology, “bearing in mind the concerns” related to the non-permanence, including over the long-term, of storage, the environmental impacts, responsibility, safety, and

insurance coverage and compensation in the case of leakage. This decision requested that the SBSTA continue its work with an aim to the possible inclusion of this technology in the CDM and the adoption of a decision to this effect during the next Meeting of the Parties to the Protocol.

What is more, several countries defended the inclusion of nuclear power in the framework of the CDM, including Canada, Japan and India. France, while pushing this option, officially remained silent, as the European Union spoke with one voice on the international scene although divided on the subject. Since the question of including nuclear power in the CDM was not able to be resolved in Copenhagen, it will come up again in the future.

Five countries (Australia, Costa Rica, Japan, Tuvalu and the United States) proposed adopting a new protocol at the Climate Convention. Tuvalu, in the same way as NGOs, proposed that the Copenhagen Conference result in the adoption of two legally binding instruments, one under the Kyoto Protocol (an amendment) and the other under the Climate Convention. However, many countries were opposed to the decision to extend the AWG-LCA's mandate referring to a “legally binding result”, even within the G77+China (China, India, Saudi Arabia, South Africa). Since developed countries were unable to determine new targets for the reduction of their emissions under the Protocol, it was ultimately unlikely that a legally binding instrument would be able to be adopted in the framework of the Convention.

The Future of the Negotiations: Legal Uncertainties

The COP 15 only resulted in the simple extension of the mandates of the AWG-KP and AWG-LCA. The Copenhagen Accord was not accepted by the international community. Thus, all the elements of the future climate regime remain to be decided. Consequently, the negotiations will resume on the basis of the texts presented by the working groups under the Convention and the Protocol. Nevertheless, legal uncertainties surround the next steps in the negotiations.

A Shift from Two to Now Three Tracks of Negotiation?

The Copenhagen Conference left behind a legal fog that the countries will have to lift as quickly as possible in 2010. The two pre-existing avenues of negotiations on the period beyond 2012 saw the addition of the “Copenhagen Accord.” The connection between these multiple avenues is difficult to identify. Will the Copenhagen Accord, a simple political declaration, be a pillar of the future international regime to fight climate change? Or is it only destined to “fuel” the future negotiations that will continue in the framework of the AWG-KP and AWG-LCA?

The two ad hoc working groups are supposed to present the outcome of their work for adoption during the next COP at the end of 2010. For the moment, only one intermediary nego-

¹¹ The Kyoto Protocol's decision-making body.

tiation session is officially scheduled for June in Bonn. Several countries have nevertheless already expressed their desire to add additional negotiating sessions to the calendar for this year. The mandate given to Mexico, the conference host, is extremely open in the decisions that were adopted: the host country may take all necessary measures to facilitate the work with the aim of success during the next conference.

For its part, the Copenhagen Accord is described as “immediately operational”, a somewhat surprising turn of phrase in regard to the Accord, which contains neither a schedule nor practical implementation modalities. In this way, the application of the principal elements of the Copenhagen Accord will above all depend on the good will of the countries that signed it. The countries that would like the Accord to gain credibility despite its legally non-binding nature will have every interest in applying its provisions as rapidly as possible. This is notably the case for the fast-start financing that should be attributed starting this year.

Simultaneously, the Copenhagen Accord refers the implementation of several of its provisions to future decisions by the Conference of the Parties (for example, for the adoption of guidelines on “MRV” criteria for developing countries’ appropriate national emission reduction actions, or for the establishment of the Green Climate Fund as an operational entity of the Convention’s financial mechanism). The Copenhagen Accord requires the adoption of decisions by the Conference of the Parties on these points.

In this context, a risk of conflict emerges. Because the Copenhagen Accord was not accepted by the Conference of the Parties, it cannot legally mandate the latter for the adoption of decisions implementing its provisions.

When Will Legally Binding Instruments Be Adopted?

The major remaining uncertainty deals with the legal nature of the future commitments. The Copenhagen Accord is not legally binding and the decisions extending the mandate of the two working groups AWG-LCA and AWG-PK do not contain any indications on the legal outcome that should be obtained during the next COP. Ultimately, nothing precludes the adoption of binding commitments but nothing guarantees it either. Some had envisaged the adoption, in Copenhagen in the framework of the Convention, of a decision by the Conference of the Parties to push back the adoption of a new legally binding treaty to the year 2010. From NGOs’ point of view, this solution was already not satisfactory, but Copenhagen led to an even weaker result. ●

CHAPTER 2

Copenhagen or the New Geopolitical Hand

While overall the Conference is seen as a failure given the flimsy nature of its decisions compared to the stakes behind the fight against climate change, lessons can also be learnt from the way in which the negotiations progressed. Beyond the disappointment with the final outcome, the COP15 was a striking event in geopolitical terms, upsetting the traditional balances of power between countries and actors. In this regard, the Copenhagen Conference represents a turning point in how the negotiations are seen. The citizen mobilization without precedent in the history of climate negotiations was also a noteworthy event. Among other things, the way that the United Nations and the Danish Presidency of the COP managed the negotiations generated numerous frustrations, worsening the climate of mistrust already created by the divergent positions taken. Finally, the Conference revealed issues related to the future of multilateralism and the evolution of international law.

Shifting Position Lines

While the negotiations in recent years had been heavily marked by a confrontation between large blocks of countries (developing countries, the Umbrella Group¹², the European Union, etc.), the Copenhagen Conference was more a theater of clashes or connivance between countries or groups of countries.

The G77+China, until then very united, often advanced with scattered ranks with some of its "sub-groups" (the Alliance of Small Island States, the Africa Group, Bolivarian countries) and some countries (China, Saudi Arabia, etc.) taking sometimes individual, divergent or contrasting positions. Among developed countries, neither the European Union, despite its reputation for "making the best offer" when it comes to climate change, nor the United States on whom high hopes rested thanks to the new administration under Obama, were able to provide any real leadership on the subject. A battle progressively broke out between China and the United States, to the detriment of all the others. These evolutions are important if we interpret them as calling into question a formula for representation that no longer meets countries' expectations in a negotiation on global stakes.

Developing Countries: United or Divided?

Developing countries grouped together within the G77+China group had long spoken with one voice at all times. In Copenhagen, this line clearly moved as certain precursors had

¹² Composed notably of the United States, Australia and New Zealand, among others.

seemed to hint it would on various international subjects. Even though all developing countries aligned to reject differentiated treatment, demand the continuation of the Kyoto Protocol, and remind developed countries of the need to fulfill their commitments, we were able to see a demarcation or distancing of certain groups of countries or even individual countries within the G77+China.

In both substance and form, the end of emerging countries' vocal monopoly was revealed. Various sub-groups and countries in G77+China set themselves apart on several occasions during the negotiations, especially during the final seventy-two hours:

- **Tuvalu** : This small island state embodies the urgency of collective action against climate change. It proclaimed its demands until the end of the negotiations: the goal of limiting global warming to 1.5°C, and two legally binding agreements, one under the Kyoto Protocol and the other under the Climate convention. In this way, Tuvalu went against the positions defended by China and India, and refused any compromise behind closed doors (Box 6).

BOX 6

> Tuvalu

"We are the most vulnerable countries in the world to the impacts of climate change," declared Apisai Ielemia, the Prime Minister of Tuvalu, speaking of the island states on 16 December during the ministerial segment. Tuvalu truly embodies vulnerability to climate change and the urgency of action by the international community.

This small island state, which negotiates within the AOSIS group, came to Copenhagen determined and prepared. It challenged developed countries on the issue of survival, which directly affects it, and on their responsibility. Going against the positions taken by the large emerging countries and rejecting the compromise accepted by the AOSIS group, Tuvalu maintained its position throughout the negotiations:

the negotiations must lead to a legally binding agreement, and set an objective shared by all of limiting warming to 1.5°C. "Tuvalu's future, and the future of millions of people, depends on a truly legally binding outcome in Copenhagen."

In 2009, Tuvalu worked in the framework of the two avenues of negotiation, and formulated three proposed agreements for discussion by the Parties, containing notably a series of amendments to the Kyoto Protocol (that aimed notably to open possibilities for the financing of an adaptation fund) and a new protocol to give concrete form to the BAP. What is more, it said it was willing to make concessions. The debate on the legal nature of the accord caused the sessions to be suspended on several occasions. On 19 December 2009, Tuvalu rejected the Copenhagen Accord.

- **Brazil**, with a discourse that sought to be responsible and set itself apart within emerging countries: In his speech on 18 December, President Luiz Inacio da Silva declared that "Brazil is willing to put money [on the table] also to help the other [developing] countries" in the framework of a global accord, while simultaneously calling on developed countries to live up to their emission reduction commitments.
- **Venezuela, Bolivia, Cuba and Nicaragua**, with the ideological tone of their discourse: Also critical of the lack of transparency in the negotiations, they see in this an expression of the deficit of democracy in the global system and the inequalities that characterize it. These countries point a finger at capitalism as being a destructive development model and calling for "a new system," echoing the citizen demands on 12 December 2009. "If the climate were a bank, the largest, the wealth governments would have already saved it," declared Hugo Chavez.
- **The Africa Group**: From the negotiations in Barcelona in November to Copenhagen, Africa, united around several strong positions, played the role of agitator. It did not hesitate to block

the negotiations when it was dissatisfied with the progression of the discussions or developed countries' lack of ambition. The turning point in the negotiations for Africa took place on 15 December during the visit by the Ethiopian Prime Minister Meles Zenawi, in Europe, before his arrival in Copenhagen. Following the meeting with Nicolas Sarkozy, the two leaders drafted a joint declaration for an agreement in Copenhagen. This declaration contained elements that were more than surprising, very far from the position elaborated by the African countries as a whole (Box 7).

BOX 7

> Africa

Throughout the year 2009, the African continent worked hard to unify its position for the negotiations in Copenhagen. Its primary demands were as follows:

- a 40% cut in developed countries' greenhouse gas emissions by 2020 and a 95% cut by 2050 compared to 1990 levels; and
- a levy of 1.5% on developed countries' GDPs to support the fight against climate change in developing countries.

On this basis, Africa took an offensive strategy and did not hesitate to set itself apart from the G77+China. The joint declaration by the Ethiopian Prime Minister and the President of the French Republic spread trouble within the Africa Group. Indeed, this declaration diverged from the group's shared position, notably on the following points:

- the provision of 10 billion dollars per year, over three years, of fast-start financing for the most vulnerable countries (the last African submission on 12 December demanded 133 billion dollars per year for the same financing);

- the provision of 100 billion dollars per year until 2020 to fight climate change in developing countries (the Africa Group's position estimated these needs at 450 billion dollars per year over the same period); and
- the absence of a greenhouse gas emission reduction target for developed countries.

Following this declaration, many African countries asked themselves if they should divorce themselves from the positions taken by Meles Zenawi. However, Hilary Clinton's announcement on 16 December 2009 of long-term financing in the amount of 100 billion dollars per year until 2020 to fight climate change in developing countries sealed the fate of African countries. Indeed, the Ethiopian Prime Minister was in this way able to boast that he had found common ground with Europe and the United States. The other African countries then had no choice but to remain united behind their official leader. In this way, out of fear of losing everything, Africa adhered to the Copenhagen "Accord" because it promised them immediate transfers of funds albeit in smaller amounts than the estimated needs of the African continent in the face of the threat of climate change.

- **OPEC countries, with Saudi Arabia at the top of the list:** These countries, whose economies depend in large part on fossil energy, fear the negative impact that an international policy to fight climate change, in particular the creation of a carbon tax, could have on their economies. They are opposed to any form of binding agreement. They demand financial compensation measures to offset oil economies' drop in revenues that would result from ambitious emission reduction targets (also called "response measures"). On this point, the Copenhagen Accord satisfied them because it puts the impacts of climate change and the impacts of response measures on the same level.

But, ultimately, it was above all the emerging countries and especially China (Box 8) that won, by eliminating all references to medium- and long-term reduction targets in the final agreement. The poorest, little armed for the negotiations (Box 9) were forced to rally behind the Copenhagen Accord because it contains—failing better—some commitments in regard to fast-start financing.

BOX 8**> China**

China's position is based on the principle of developed countries' historic responsibility for the global warming problem, and on the right to development. More specifically, its position on mitigation, financing, technology transfer, and verification is as follows:

- **Mitigation:** Developed countries must set binding greenhouse gas reduction targets in the framework of the Kyoto Protocol. Other countries may do so voluntarily.
- **Financing:** A new fund independent from the GEF must be set up for mitigation, adaptation, technology transfer and capacity building. It must be financed with public resources from developed countries, over and above ODA targets. The envelope must total 200 billion dollars per year. Financing from the private sector must come in addition to this envelope.
- **Technology Transfer:** A new institution in charge of technology transfers must be created. An executive bureau of experts from all countries would be in charge of elaborating an action plan for technology transfers. It also supports the creation of a multilateral fund for clean technologies that would finance the transfer of these technologies, build research capacities, and train human resources in developing countries.

- **Verification:** China defends a verification method that allows for comparable estimates of the emissions of Annex 1 countries under the Kyoto Protocol and the non-Annex 1 countries that receive international financing for their reduction actions. It is sharply opposed to applying this verification to actions that do not receive international financing, in the name of international sovereignty.

On the national level, China proposes lowering its carbon intensity—that is to say the ratio of GDP to CO₂ emissions—by 40% to 45% by 2020 compared to its 2005 level. In 2005, China had a carbon intensity of 3.3 tons of CO₂ per 1,000 dollars of GDP. By 2020, its carbon intensity is projected to reach 1.85 to 2 tons of CO₂ per 1,000 dollars of GDP. The emissions considered will come only from industrial activity and the use of fossil fuels.

In this way, China's real emissions in 2020 will depend on the growth of its GDP. According to the Institut du Développement Durable et des Relations Internationales (IDDRI, sustainable development and international relations institute), its GDP could increase threefold between 2005 and 2020 (with 10% growth per year)¹³. China's emissions could therefore double by 2020 despite a drop in its carbon intensity. As a result, China will have to set up drastic mitigation policies to keep these promises, notably in the area of energy efficiency.

BOX 9**> Numerous Diverse but Poorly Armed Delegations**

Unlike previous conferences, developing countries came in large numbers, with many more delegations. Mali and Senegal each had a delegation of approximately fifty people wearing the "pink" badge (that of the Parties) whereas they had previously usually sent ten people at most. Among emerging countries, we can cite Brazil, represented by nearly 100

people. In addition to delegation size, there was also the diversity of representatives invited to be part of the official delegations, with strong representation of civil society in the broad sense: NGOs, businesses, etc.

However, a large share of these delegates often seemed unarmed in the face of the complexity of the subjects and how they were broken down in the negotiations; in the end, they often seemed inadequately prepared to participate in the discussions and make themselves heard.

¹³ <http://blog.iddri.org/index.php?post/2009/12/07/IDDRI-AT-COPENHAGEN.-Chinese-pledge%3A-What-does-it-mean-Is-it-enough>

Developed Countries: The Lack of a Leader

In some ways, the conferences seem to be carbon copies of each previous conference. In Copenhagen, as in Poznan, developed countries distinguished themselves by their lack of a leader among them even though some, like the European Union, had proposals to make. No one country or block of countries managed to take the helm and steer the international community toward legally binding, ambitious and equitable results. It is true that, given the unfortunate increase in their greenhouse gas emissions in recent years, their legitimacy was already shaky when it came to convincing developing countries of the need for them to participate in the efforts to fight climate change.

● *The European Union*

The European Union's leadership was handicapped by several things:

- the dysfunctions of the Danish Presidency of the COP, which generated considerable tension among developing countries (see *Chapter 3*);
- a lack of coordination between the member-states' positions, notably on the issues of verification of developing countries' emission reductions, and the rules for measuring emissions from land use and land-use change; and
- the existence of economic disparities between member-States that led to weak and vague European proposals on the question of financial support for developing countries.

Over and above these elements, the European Union was not able to make more ambitious announcements, in particular a new commitment to cut its emissions by at least 30% (instead of the current 20%). This percentage would have been more in line with the reduction target range given by the IPCC to avoid global warming of more than 2°C on average. The European Union and other developed countries were also supposed to put numbers on the table for their contribution to long-term financing to fight climate change in developing countries.

The European Union, believing it had shown its hand too soon with the adoption of the Energy-Climate Package at the end of 2008, decided in the end to hold its position and wait for the other countries to announce their own targets and long-term financing contributions. Of course, the European Union did promise to contribute 2.4 billion euros per year from 2010 to 2012. It did not, however, provide any guarantees as to the additionality of this fast-start financing in regard to ODA targets. This "recycling" of ODA does not satisfy either developing countries or civil society, who have demanded much greater efforts.

● *The United States*

High hopes had been placed on the new American administration since the Poznan Conference. However, over the course of 2009, it rapidly became clear that the United States would not join the Kyoto Protocol. In Copenhagen, the United States staunchly defended its position, adopting a very slick position characterized by both the weakness of its commitments and the standoff with China (*Box 10, page 28*). Despite the real domestic difficulties due to a Congress divided on the question of passing new national laws on emission reductions, the United States' attitude of systematically obstructing progress in the negotiations is becoming less and less sustainable and will not make it possible to rally the commitment of the large emerging countries, especially China.

The United States raises another fundamental problem—it pulls a large number of other developed countries in its wake. Many countries that have little desire to commit to new emission reduction targets in the framework of the Protocol have quickly fallen in line behind the United States (with Canada leading the charge).

Furthermore, the determination of many developed countries to obtain a single agreement that included the United States pulled the entire international community down to the smallest common denominator that made up the Copenhagen Accord.

BOX 10

**> Barack Obama's Speech
(18 December 2009)**

In his speech, Barack Obama did not leave the door open even a crack for the possibility that the United States would make an international commitment to lower its emissions. His speech was designed more to reassure the American congress, very retrenched on the subject, rather than to rally the confidence of developing countries when it comes to a new global climate agreement.

The only commitments that were announced dealt with fast-start and long-term financing in Hilary Clinton's speech during the ministerial segment.

Instead of making a positive gesture in the interest of reconciling interests, the President of the United States took a hard line with developing countries, demanding transparency in these countries' emission reduction efforts whether or not these efforts are financed with international funds—a rather unwelcome message, especially for China.

A different strategy could probably have resulted in a better outcome: developed countries should have fulfilled their obligations by adopting an amendment to the Kyoto Protocol containing new, ambitious and binding emission reduction targets. In so doing, they could have created a climate of trust with developing countries and a situation of isolation and obligation for the United States.

Beyond these strategic considerations, the reality of the climate crisis calls for drastic emission reductions in all developed countries irrespective of the United States' policy in this area.

2010: How Can the Standoff Between China and the United States Be Overcome?

The agenda for the negotiations will be crowded again in 2010, even though uncertainty hangs over the dates of the next meetings and how the various avenues of negotiation will be coordinated.

In Copenhagen, a new geopolitical transition seems to have begun, upsetting the balance of power. The standoff between China and the United States appeared even more flagrant, and overshadowed the slight progress that had been made since Bali. The accord that was reached, which is lacking in ambition, is indubitably the outcome of the Sino-American discussions throughout 2009 and the two meetings between the Chinese Prime Minister and the American President on the last day of the Conference.

The speeches of the Prime Minister of China and the President of the United States clearly highlighted the points of contention, and notably:

- developed countries' quantified commitments compared to the quantified commitments of all the major economies: China will not commit as long as the United States has not adopted an ambitious reduction target. For the United States, all major economies—including emerging countries—must contribute to the mitigation efforts;
- international verification of emission reductions only for actions financed by the international community versus systematic verification of all actions: The United States would like to be able to verify that China lives up to its commitments, notably via a more transparent and reliable Chinese emission inventory.

In the background, this standoff shows:

- some countries' sometimes extreme attachment to the principle of national sovereignty to the detriment of an ambitious shared vision that takes into account countries' needs and differentiated responsibilities;

- the mistrust that reigns in the negotiations and more generally in international relations; and
- the need to take global economic relations into account in the negotiations.

Ultimately, numerous areas of uncertainty limit countries' latitude for action. Countries propose quantified targets for their emission reductions (unilaterally and multilaterally), expressed in reduction percentages or carbon intensity indexed on growth. However, it is often difficult to know how these numbers were derived.

As the negotiations continue, considerable work must be done to analyze in depth the latitude countries have to act and advance.

Unprecedented Citizen Mobilization

In Copenhagen, we also saw a reconfiguration in the interplay between actors, with massive mobilization by society and the media. Both inside and outside the official conference center, environmental, social and international solidarity movements were very present to make their voices heard loudly by negotiators and politicians. There has never been as large a media presence at an international climate conference, even though their attention was focused more on the political leaders than on civil society. The presence of numerous civil society actors in Copenhagen allowed the various networks to get to know each other better and compare their respective analyses and recommendations. It will also provide them with a shared experience and common references that can be used in the future to forge new alliances.

Massive Citizen Mobilization

In this rather dim picture of the Conference, a positive element must be emphasized: the magnitude and meaning of citizen mobilization.

● *Stronger Demands by Citizens*

For several months, the preparations and social mobilization gave the impression that the Copenhagen Conference would be a historic landmark in the climate negotiations. Numerous events were organized before the summit to inform citizens around the world of the stakes behind the Conference and invite them to demand strong policy commitments from their leaders. Global mobilization days were thus held—notably on 24 October and 5 December 2009—at the instigation of large international coalitions of NGOs. This social pressure was crowned with success, helping push this subject to a higher position on the international political agenda.

Attendance beat the records on all levels. Within the United Nations conference center, 45,000 people were accredited, including 21,000 observers (NGOs, companies, research institutes, local governments, youth groups, etc.) and nearly 5,000 journalists, for a maximum capacity of only 15,000 people. The way that this gap between registration and capacity was managed was, what is more, denounced by NGOs inasmuch as the problems were not seriously anticipated and served as a pretext to exclude observers, notably during the final days of the summit.

Alongside the official summit, the civil society forum organized by Danish NGOs, Klimaforum (Box 11), was also well-attended. And the citizen demonstration on Saturday 12 December brought nearly 50,000 people together in the streets of Copenhagen.

For nearly two weeks, the whole world was able to follow the events at the summit in the tiniest detail through the information relayed by the journalists and representatives of civil society organizations present in Copenhagen.

BOX 11

> Klimaforum: Its Agenda, Its Declaration

Within Klimaforum, nearly 200 conferences were held at the instigation of more than 250 different structures. Each attended by several hundred people, these conferences dealt with the testimony of local populations affected by climate change, adaptation initiatives, the links between climate change and the defense of food sovereignty, the development of alternative solutions for agriculture, energy production, consumption, transportation, construction, etc.

"System Change – Not Climate Change: A People's Declaration," prepared before the summit and finalized during the Klimaforum meetings,

was signed by some 500 organizations representing more than seventy countries. This declaration reveals people's growing preoccupation with climate stakes. It repositions climate change in the global context of citizen mobilization in response to international challenges and today's multidimensional crisis, and demands deep-reaching economic and social change.

The declaration demands a fair, ambitious and binding international agreement guaranteeing that populations' needs are taken into account, especially the most vulnerable populations, and that they have a say in the social choices that need to be made. Finally, it rejects all technical market-based solutions that intensify social and environmental conflicts.

● *A Rich Diversity in this Mobilization*

In addition to the unprecedented participation, what was new also lies in the involvement of many actors who do not specialize in climate issues. Environmental NGOs, represented in the majority by the Climate Action Network International (CAN-I), were no longer the only ones invested in following the negotiations. The presence of international solidarity organizations (development, relief, development education, etc. NGOs) has increased little by little and many ties were forged between these two NGO families. These civil society organizations were also joined by a large number of representatives of social movements from around the world: citizen movements, farmers' organizations, women's groups, representatives of indigenous populations, unions, local elected officials, etc.

In Copenhagen, the anti-globalization movement truly imposed itself as a new actor that would have to be "dealt with" going forward. Generally speaking, civil society spoke up loudly, multiplying the channels of mobilization both inside and outside the United Nations conference center.



While the audiences in both forums (the official conference and side events) were different, many organizations were successfully able to be present in both, facilitating the building of bridges. Furthermore, the eviction of observers from the official conference center during the final days of the summit encouraged the various networks of civil society organizations to become closer.

While it did not cause the political leaders to make ambitious commitments, the mobilization by civil society was a major success in that it reached an unprecedented magnitude and diversity, and largely helped make this conference a global event.

Mobilization Partially Relayed by the Media

On 7 December 2009, the first day of the Copenhagen Summit, fifty-six newspapers (including *Le Monde* in France) published the same editorial calling on the leaders to take effective measures to fight global warming. This global initiative launched the media coverage of this conference, which was characterized in France by a multitude of on-line chronicles by journalists such as “Copenhagen au jour le jour” (Copenhagen day by day) and the growth of citizen press on the web 2.0 that revealed the amplitude of the general public’s mobilization.

Despite this effervescence, the media attention remained fairly focused on “fights between leaders,” the struggle over numbers, and the activities of a few major environmental NGOs. With the lack of progress in the negotiations, the media were more interested in anecdotes and sound bites and less drawn to the various citizen movements present in Copenhagen. As a result, the diversity of messages carried by the various civil society organizations was only partially relayed.

For instance, the stakes of global solidarity generally suffered from a lack of visibility compared to the numbers and utterances from policy makers (Box 12). In some way, this reveals the ne-

BOX 12

> The Mobilization of French International Solidarity NGOs

Faced with the profusion of information in the media, Coordination SUD had wanted to showcase the additional value of French international solidarity NGOs in Copenhagen. During the course of the negotiations, it noted that both the political debate and media coverage tended to be more a question of “dueling numbers” rather than a discussion of the real challenges of climate change for populations¹⁴.

Throughout the negotiations, Coordination SUD reminded a dedicated base of 283 journalists of the international solidarity stakes in regard to climate change (developed countries’ responsibility, climate change financing, consideration of developing country populations, etc.). This communication effort concentrated on several activities and tools: publication of

a position paper and press kit in French and English, widely distributed in the Bella Center and Klimaforum, the organization of a workshop titled “Global Warming Demands Global Solidarity!”¹⁵ on 10 December, and press releases, notably with CAN-F. The additional value brought by the international solidarity NGOs following the negotiations was expressed in a regular newsletter, *Echoes from Copenhagen*, written collectively by the French international solidarity NGOs belonging to Coordination SUD’s Climate and Development group.

“Mexico at the end of 2010” offers a new opportunity to communicate on international solidarity stakes in the fight against climate change. Prior awareness raising among the media and the continuation of strategic alliances to speak with one voice will undoubtedly be key in optimizing media mobilization.

¹⁴ Communiqué “La bataille contre le changement climatique ne doit pas être qu’une bataille des chiffres !” 11/12/2009.

¹⁵ Communiqué “Global Warming Demands Global Solidarity!”, 03/12/2009.

gotiators' tendency to focus on the major principles and numbers rather than discuss how the future agreement could be implemented. These more pragmatic, operational issues are, however, crucial if the agreement is to be both effective and equitable in the field.

Next Steps: Forge and Consolidate Alliances?

Citizen mobilization must not end in Copenhagen. Instead, it must continue in 2010, another important year for the climate. Various challenges must be overcome to increase the impact of citizen mobilization on policy makers and the general public. First, one must consolidate these closer ties and build solid bridges between the various movements. A second challenge is to seek alliances between partners in developed and developing countries. Finally, anchoring the citizen movement in territorial dynamics seems indispensable in order to consolidate the link between the local and global levels and increase the capacity to act.

● *Diverse Actors, Diverse Positions, Diverse Modes of Action*

Various initiatives regarding international alliances were taken prior to Copenhagen. The final structure in three international networks corresponds to the reality of diverging points of view on a number of subjects (Box 13).

The diversity of civil society actors present in Copenhagen effectively reflects the diversity of positions and modes of action. Environmental NGOs, international solidarity NGOs and social movements are animated by the same desire to obtain ambitious commitments to fight climate change that include the principles of solidarity and social justice and allow new development models to be implemented. However, they do not necessarily share the same vision of implementation modalities, such as the use of the carbon market and purely technical solutions as instruments to lower emissions, or of differentiated efforts by developing countries.

BOX 13

> **The Main NGO Networks on Climate Issues**

– **Climate Action Network International.** This network brings together the roughly 450 environmental NGOs that are the main interlocutors of the governments in the climate negotiations. Two years ago, it opened its doors to development organizations. Its objective is to work "to promote government and individual action to limit human-induced climate change to ecologically sustainable levels." Their vision is to "protect the atmosphere while allowing for sustainable and equitable development worldwide." In France, CAN-F unites most of the large environmental NGOs and a few international solidarity NGOs. It works closely with the international solidarity NGOs that belong to Coordination SUD.

– **Climate Justice Now.** This alliance brings together 160 organizations for whom fighting climate change implies transforming the economic model. Indeed, they believe that the neoliberal economy prevents the realization of

viable societies. The principal members of this coalition include: Via Campesina, Attac, International Forum on Globalization, Third World Network, etc. These movements favor an approach focusing more on issues of social justice and international solidarity than on the climate. In France, the Urgence Climatique Justice Sociale coalition is made up of environmental NGOs, citizen movements, unions and political groups.

– **Climate Justice Action.** This less structured network brings together radical direct-action climate movements. Their action is based on a more radical criticism of capitalism and a rejection of the UN's climate mandate.

– **Tcktkctck.** This platform, formed for an international awareness-raising campaign, brought together, among others, Amnesty International, WWF, Ultimatum Climatique, Christian Aid, CAN, the International Federation of Red Cross and Red Crescent Societies (IFRC), Plan International, World Vision, Oxfam, Avaaz, Greenpeace, 350.org, IIED, the World Council of the Churches, Care, etc.



In some cases, the divergences may go beyond these fracture lines present within each family. They deal with the depth and breadth of the social and economic transformations to be brought to our societies and the degree to which the current system (less growth versus green growth) is challenged, the legitimacy of the actors intervening in this field (private sector, governments, the UN, international financial institutions, etc.), the amount of democratic participation in societal choices, etc. The modes of action they employ to defend this vision and change practices also vary: mobilizing the general public (use of mass media, flash mobs¹⁶, etc.), institutional lobbying on the technical components of the negotiations, citizen action on the stakes of regulating business, specialized reports, development projects in the field that integrate climate considerations, development education, providing training and decision-making tools to developing country delegates, etc.

● *What Common Foundation? What Alliances?*

This splintering may seem harmful for the quality of action by civil society organizations. The above-mentioned networks mark the landscape of organizations involved in climate issues. But the various groups are not hermetic. Some organizations have forged alliances within different coalitions. What is more, the local, national or regional forms of these networks sometimes also structure themselves differently, creating alliances and developing their own analyses. Beyond these internal processes, the search for shared positions and synergies in modes of action is a crucial but complex task. The NGOs involved in lobbying on the negotiation texts must obtain a wider perspective in order to avoid limiting the discussions to technical aspects alone. They must seek to communicate with organizations that are less familiar with the negotiations so that they can together identify concrete alternatives for instruments to fight climate change.

In this context, how can these NGOs work together and forge stronger, more effective alliances in the future? First, it is necessary to allow each the time to assess its own mobilization and define its strategy for the coming year. Then, we must multiply meetings among the various actors in the various networks to compare their respective assessments and strategies to compare analyses of the national contexts and actions to conduct in these contexts: NGOs, social movements, research, unions, etc. Finally, the aim will be to agree on priorities:

- define their respective ‘red lines’ (use of the market and carbon financing, technical solutions, international governance and the mandate of international financial institutions, amount of participation by local populations, etc.); and

¹⁶ A “flash mob” is a large group of people who assemble suddenly in a public place with little forewarning, perform a pre-determined action, and then quickly disperse. Flash mobs are generally organized via Internet.

- identify points of consensus and/or crosscutting actions that can bring them together more widely without any having to abandon their specific analyses.

Beyond closer ties between the various movements, alliances between NGOs and national NGO platforms in developed and developing countries (when they exist) must also be sought. In order to shift position lines on the national level, it is necessary to identify the key countries for each topic so as to forge relationships with organizations in these countries. Some national barriers may be lifted through alliances with developing-country partners and their own networks.

Based on often different local realities, the goal will be to work on creating a shared understanding of the issues and elaborating collective positions that can be advocated to the policy makers in the various countries concerned. All the networks already do this work. It must be deepened and stepped up. The International Forum of National NGO Platforms (IFP), in which Coordination SUD and nearly eighty other platforms participate, and the Climate and Development Network are examples of what can be done to bring positions closer together and participate in non-governmental diplomacy (*Boxes 14 and 15*).

BOX 14

> **The International Forum of National NGO Platforms**

To foster the emergence of national voices in international negotiations, eighty-two national NGO platforms decided to create the International Forum of National NGO Platforms (IFP) in October 2008 in Paris. These national NGO platforms wished to cooperate and foster the ability of the most fragile among them to speak up in national, regional and international debates. These discussions among platforms are built around the concept of “non-governmental diplomacy.” These platforms notably decided to work on six priority subjects: climate change, agricultural market regulation,

access to water and sanitation, conflict prevention and resolution, the fight against exclusion and social inequalities, and official development assistance and development financing. Each of these six themes is the object of “non-governmental diplomacy” exercised by a member of the IFP. The area of climate change is run by the Pacific Island coalition, the Pacific Islands Association of NGOs (PIANGO). Several platforms, including ACCION (Chili), InterAction (United States), SPONG (Burkina Faso) and Coordination SUD (France) have joined this working group.

For more information on the Forum, visit www.ong-ngo.org

BOX 15

> **The Climate and Development Network**

The Climate & Development Network was created in 2007. Today, it has more than forty NGO members (thirty from West Africa, five from North Africa, and five from France). Coordinated by CAN-France and ENDA Third World, it aims to build the foundation for long-term collaboration between NGOs and French-speaking negotiators, with the dual objective of:

- increasing the influence of civil society and French-speaking African delegates within the negotiations on climate change; and

- ensuring better consideration of development issues in international climate policies.

More widely, this project aims to encourage the establishment of measures that integrate both the challenges involved in improving living conditions and climate-related imperatives. This approach targets in priority the policy-makers active in determining the implementation of low-carbon development policies in North and West Africa. Indeed, this continent is both the poorest and the one most violently facing the effects of climate change. It is therefore an extremely sensitive area that requires specific attention.

● *Taking Root in Territorial Dynamics*

Beyond the negotiations and shared commitments, the fight against climate change must take form in territorial dynamics. Indeed, action for low-carbon development must mobilize all local actors: territorial authorities, associations, economic and institutional actors, etc. Climate objectives have no chance of being achieved without an alliance of different actors around territorial strategies for low-carbon development.

Collective dynamics on the territorial scale are to be sought. Numerous initiatives are already in place in territories (in France, the territorial climate-energy plans) to withstand climate change, and local governments have for years proven their capacity to innovate in this direction. Local governments, the contracting authorities for local development, and associations and NGOs, who have technical expertise, complement each other and are now called to work more closely together.

European and global networks of local governments, represented in particular by the organizations Local Governments for Sustainability (ICLEI) and *Energie Cités*, were present in Copenhagen. They joined together under a common banner with the aim of obtaining the recognition of local governments' role in fighting climate change. Their proximity to territories, their knowledge of local issues, their investment capacities, and their structuring responsibilities (transportation, territorial planning, education, economic development, etc.) make them crucial actors in development.

Governance of the negotiations

The uncertainties that hang over the negotiation process for the coming year are in part a reflection of the confusion that reigned during the fifteen days of the Conference. Time-consuming procedural and governance issues hampered the progression of the negotiations. The failure of the Copenhagen Conference once again raises the question of the future of multilateralism. The rules of governance are showing their limits in relation to the major challenges that the international community must overcome.

The negotiations were affected by a handicap inherent to UN operations: the UN must obtain a consensus from 194 countries on legally binding commitments that imply deep-reaching changes in modes of production and consumption. Despite this handicap, multilateralism must remain the favored path to reach the most effective and most equitable binding agreement possible. An evolution in international environmental law and more generally international governance of the environment are crucial to improve the effectiveness of multilateral environment agreements, in particular those dealing with the climate.

Confusion and Impatience

Denmark and the United Nations did indeed intend to make Copenhagen a success in terms of both the process and the content. Numerous security measures and extensive preparation on the content of the discussions aimed to create a setting conducive to progress. Given the stakes behind the Conference, the Danish Presidency of the COP had a difficult task: manage the debates efficiently to reach the greatly anticipated agreement. Starting with a 174-page document, the COP had to arrive at a text of approximately twenty pages at most with no passages still in brackets. The pressure was as intense as the exercise was difficult. National delegates had barely six days to agree on a "clean" text to submit to the Heads of State and Government.

However, several factors interfered with the ideal scenario. First, the number of participants and managing this number caused delays and frustrations. This progressively increased the

tension among participants, many of which were discovering this type of meeting for the first time. Next, the format adopted, the number of negotiators, and the negotiators' work in closed and guarded rooms which were themselves plunged in a gigantic milling crowd of observers in search of information also generated a general feeling of isolation or exclusion from the first days of the conference. This impression grew as the blockages in the negotiations grew stronger.

In the negotiations themselves, the demands and alliances ran up against the impossibility of progressing, giving rise to spontaneous initiatives to which the Danish Presidency on several occasions responded or issued statements that were poorly received and criticized by many:

- **The agenda for the ministers' informal discussions** : It had been planned that these discussions only cover AWG-LCA issues. This proposal generated a hue and cry among the Africa and LDC Group, supported by the rest of the G77+China, demanding the suspension of the AWG-LCA negotiations and all issues under the AWG-KP except the reduction of Annex I countries' emissions for the period beyond 2012. These countries saw it as an attempt by Annex I countries to avoid the issue of the extension of the Kyoto Protocol and their emission reduction commitments.
- **Establishment of "Friends of the Presidency" consultations on the issues addressed by the AWG-LCA and the AWG-KP**: While many saw this process as the only reasonable way to move forward, some developing countries were strongly opposed to it and insisted on the need for transparent and inclusive negotiation processes. It was in this format that the Copenhagen Accord was drafted and then presented to the plenary session for formal adoption. All developed countries, most developing countries, and the spokesmen for AOSIS, LDCs and the Africa Group acknowledged that the negotiation process had been legitimate. But a small number of developing countries led by Venezuela, Bolivia, Cuba and Nicaragua in particular expressed strong objections to a "opaque and non-democratic" negotiation process and rejected the Copenhagen Accord.

A strong feeling of confusion and impatience ultimately spread to all participants. A period of questioning has now begun. It involves questioning the UN process and, in the absence of an immediate replacement, questioning how such a meeting can be prepared and conducted respectfully of all.

Club Logic versus Multilateralism?

Only rare international summits bring together as many policy-makers on one single cause. Many were counting on the involvement of politics to strengthen the final agreement. Instead, the mobilization of the Heads of State and Government intensified the confusion that had already reigned since the negotiations opened. In this way, the policy-makers were directly confronted with the reality and difficulty of the climate change negotiations.

While the club logic adopted to elaborate the accord was criticized by several countries, it also upset UN operating rules and revealed some of its limitations. The text elaborated behind closed doors and then presented to the plenary session was rejected due to a lack of consensus. Following the Conference, voices were raised to underscore the unsuitableness and inefficiency of UN rules. With decisions made by giving a voice to each country and requiring a consensus, it is difficult to obtain legally binding agreements for 194 countries on measures whose consequences cross borders and may impact countries' national sovereignty. The consensus rule is in this case synonymous with the right to veto. As a result, some policy makers and analysts believe that negotiations within groups of countries (the club logic), for instance in the G8/G20 format or the Forum of Major Economies, would be more appropriate to lay the foundations of an agreement. However, the attempt in Copenhagen by approximately thirty Heads of State and Government was not very conclusive.

Several responses are given to these criticisms. Some believe that the States are responsible for the failure and that the UN is not at all responsible. For others, the future of multilateral-

ism must be questioned more widely. After the failure of the World Trade Organization (WTO) Ministerial Conferences, multilateralism is once again going through a difficult period.

Toward Stronger International Governance of the Environment?

While the club logic may appear to be more satisfactory in the short term, it will be neither effective nor equitable nor even viable over the long term. Consequently, the multilateral path must be favored.

First, it is undeniable that the failure in Copenhagen is partially due to the poor example set by developed countries (Annex I), many of whom have not respected their commitments under the Kyoto Protocol. To improve compliance with this type of international treaty, it is vital that the national parliaments that have to ratify said treaties get involved and be more fully involved in elaborating and implementing them. Indeed, few social, economic, environmental or cultural problems can today be examined on one single level of governance (whether local, national, sub-regional or international); nor can they be resolved with a decision by a single institution. Hence the importance of links between territories and the international level.

Second, the crisis that multilateralism underwent in Copenhagen raises the question of the evolution of international environment law. This body of law often remains little or poorly enforced because adequate verification and sanction mechanisms are lacking. In addition, faced with the multiplication of trade/environment conflicts within the WTO, the lack of effective dispute resolution mechanisms seems to be a true institutional gap.

Vast reflection has been launched on how to improve the effectiveness of international environment law and ensure better coherence between trade objectives and environmental objectives. This reflection examines the issue of strengthening the United Nations Environment Programme (UNEP) and the establishment of a world environment organization. Given the economic and trade stakes involved in the issue of climate change, a discussion on how to prioritize trade, environmental and social standards is indispensable. ●

CHAPTER 3

Copenhagen and International Solidarity Challenges

The Copenhagen Accord and the new geopolitical hand heavily marked this Conference and to some degree overshadowed the work that was done in the framework of the working groups under the Convention and Protocol. However, nearly ten draft texts were on the table before the Heads of State arrived. While some texts were far from the object of unanimous acceptance—in particular those on the most sensitive subjects (the shared vision, mitigation measures and actions, financing)—others had reached a more advanced stage, notably those dealing with agriculture, adaptation, REDD-plus (forests), and technology transfers.

Today, when the provisions of the Copenhagen Accord must be applied as rapidly as possible, in particular those on fast-start financing, the importance of the issues in relation to operational modalities is more than clear. In this regard, consideration of the stakes of international solidarity, the equity and effectiveness of financing, social justice and policy coherence seems crucial. Furthermore, analysis of the Convention AWG's draft texts makes it possible to outline the challenges that remain to be overcome in this domain as the negotiations continue. This is the case notably for the texts on adaptation, agriculture and the reduction of emissions from deforestation. These subjects are central issues for developing countries.

Adaptation

It is becoming a question of survival for developing countries to establish adaptation policies and measures. These countries repeated this constantly in Copenhagen but there is still no echo of it in the debates dominated by mitigation issues. The predictions are definitive following the Copenhagen Summit: global temperatures are predicted to rise by nearly 3°C by 2100 in light of the latest announcements by the Parties of their emission reduction targets (see *Chapter 1*). This will have a catastrophic and irremediable effect on the planet. The most vulnerable countries—especially LDCs and small island states—will be the first, most affected.

Various adaptation funds and mechanisms have been set up since 2001. Most often, their effectiveness is still hindered by financing that is still inadequate for needs. The agreement reached in Copenhagen provides for the mobilization of fast-start financing to fight climate change from now to 2013. However, the way in which these funds will be divided between mitigation and adaptation was not specified—not to mention the other limitations mentioned

above (uncertainties as to the Accord's ability to mobilize countries, uncertainties as to financing distribution channels, etc.) that do not provide the desired guarantees that the needs of the most vulnerable will be taken into consideration as soon as possible.

Beyond the Accord, the AWG-LCA's contact group on adaptation produced a draft text before the Heads of State and Government arrived. In this text, adaptation is still primarily addressed through institutional and international governance issues, as financing issues were handled in another group. Yet, given the urgency of the situation, more operational issues should be tackled as they will condition the realization of effective and equitable actions in the field.

Adaptation: The Chasm Between Financing and Needs

While adaptation figured in Article 1 of the Convention, it was only in 2001 that the first operational schemes and financing systems were set up. Since then, the international community's interest in adaptation has grown, with the adoption of the Bali Plan in 2007, which devoted a specific section to the subject on equal footing with mitigation. However, this interest has not resulted in adequate financing and sufficient concrete action in the field.

● *The First Responses Provided by the Convention and the Protocol*

Several funds were set up in the framework of the Convention and the Protocol to meet adaptation challenges:

- **The Least Developed Country Fund (LDCF):** This fund aims to support LDCs in preparing and implementing their National Adaptation Programmes of Action (NAPAs). The LDCF is financed with voluntary contributions from developed countries. It has enabled the elaboration of forty-one NAPAs and the implementation of seventeen of them (UNFCCC, 2009a).
- **The Special Climate Change Fund (SCCF):** This fund is designed for the implementation of activities in the fields of adaptation, technology transfer, mitigation (energy, transportation, agriculture/forestry, waste management, etc.), and economic diversification. It too is financed with voluntary contributions from developed countries.
- **The Adaptation Fund (AF):** Unlike the LDCF and SCCF, this fund falls under the Kyoto Protocol and is financed by a 2% tax on the sale of carbon credits under the CDM. In theory, it has been operational since the 13th Conference of the Parties in 2007. Its governance is original. It is managed by a sixteen-member board of directors, the majority of which are representatives from developing countries. Its secretariat is based at the GEF, and it is administered by the World Bank. The policies and operational guidelines governing access to the funds were defined by the Fund's Board of Directors in 2009 (UNFCCC, 2009b). The Parties can access the Fund through accredited national operational entities (complying notably with international fiduciary standards) or multilateral implementation bodies (UNDP, World Bank, etc.) and regional banks. To date, the accreditations making entities eligible for the fund have still not been issued. No projects have yet been financed by the Fund.

In addition to these different funds, a working program on the impact of climate change, vulnerability and adaptation was launched in 2005 in Nairobi. It aims to gather information on climate change on the local, regional, national and international levels, improve adaptation methods and tools, and foster research and scientific cooperation. Planned to last five years (2005-2010), the working program positions itself as a tool to help government authorities make decisions on the subject of adaptation.

● *North-South Tension over Adaptation Financing and Governance*

Since the Bali Conference, developing countries have continuously stated that obtaining—now and beyond 2012—financing commensurate with needs that is sustainable, stable and

additional was the *sine qua non* for their participation in the global effort to fight climate change. Yet, developed countries' voluntary contributions to the various funds have been well below the financing needs for adaptation.

Depending on the various sources, estimated needs range from 10-100 billion dollars per year. Current voluntary contributions are on the order of a few hundred million dollars. For example, it is estimated that 2.1 billion dollars are needed to implement all NAPAs, whereas in 2009, the LDCF had only 171 million dollars—ten times less than the necessary sum. The governance of funds to fight climate change is another subject of discord. The debate notably deals with the role of the GEF in managing funds. In response to the repeated criticism from developing countries, the GEF has undertaken several reforms to better meet their needs and improve their access to financing.

In this context, developing countries are expressing strong expectations for the regime beyond 2012. These expectations deal with the need for sustainable, adequate and predictable financing. This last aspect refers to the modes of long-term financing (tax on land transactions, etc.) in opposition to countries' current voluntary (and haphazard) contributions to the funds under the Convention and the Protocol.

Their expectations also focus on direct and simple access to future fund(s) whose governance must be favorable to them. Developing countries would like to see the creation of new institutions and new funds, whereas developed countries argue for utilizing existing institutions. Between the lines is the issue of verification of how resources are used and the primary donors' potential right of inspection.

The Terms of the Negotiation

The discussions conducted by the contact group on adaptation in the framework of the AWG-LCA focus mainly on the institutional scheme to be set up. The tricky question of financing is addressed in a different contact group.

The latest version of the text on adaptation is organized around the following elements:

- **Principles for Action:** The text invites the Parties to take action in the field of adaptation, reminding them notably of the need to implement NAPAs or build the capacities of policy makers to take adaptation better into account when planning their policies. The text also mentions the issue of migrations and invites the Parties to study and cooperate on this phenomenon more fully.
- **International Architecture:** Two options are proposed in regard to the institutional systems to set up. The first option deals with the creation of a specific body in charge of adaptation (adaptation committee¹⁷, subsidiary body for adaptation, or consultative council on adaptation), but does not specify the associated prerogatives. The second option proposed to strengthen, support and better take advantage of the institutional systems that already exist in the Convention.
- **Sub-Regional Variations:** Two options are also proposed to facilitate planning and implementation of adaptation measures within countries. The first option deals with the creation of regional centers that would operate under the auspices of an international center and would make it possible to concentrate knowledge on adaptation. The second option provides for the creation of regional platforms whose mandate would be to facilitate the exchange of information between countries and help build the capacities of developing countries on the national level.

¹⁷ The Adaptation Committee is composed of thirty-two members designated by the Parties, twenty of which come from Parties not targeted in Annex 1 of the Convention. The members of the committee sit in an individual capacity.

Adaptation and International Solidarity: The Challenges to Overcome

Even though the discussions remain focused on institutional issues, it is becoming urgent that the operational challenges of adaptation be addressed. The heterogeneity of stakes and needs when it comes to fighting climate change in developing countries has been emphasized many times. In the case of adaptation financing, the geographic and sectoral allocation of resources is a pressing question, with all the complexity behind the concept of adaptation.

The first step is to reach a shared understanding of vulnerability, which has until now been the main criterion for financing allocation. In a context marked by great uncertainty, withstanding climate change will also imply withstanding the current climatic variability. Finally, a bottom-up approach to adaptation will need to be sought so as to take into account the needs of the most vulnerable populations.

- *Reach a Shared Understanding of Vulnerability as a Criterion for Allocating Financing*

Until now, the LDCs and small island developing states were the primary recipients of adaptation financing because they are seen as the most vulnerable. Adaptation is viewed as a set of actions that make it possible to limit the economic, ecological and social vulnerabilities caused by climate change. In the framework of the discussions on the Adaptation Fund's guidelines and operational orientations, many non-LDC developing countries expressed their desire to be eligible for these funds. This positioning raises the question of how to define vulnerability, the main eligibility criterion for financing. The relevance of differentiating between categories of countries (LDCs, island states, etc.) can be questioned.

Other criteria could be taken into consideration, such as spatial differentiation. In other categories of countries, the economic, ecological and social inequalities can be strong. In emerging countries, for example, certain segments of the population are particularly vulnerable (populations living in coastal areas or mountains). Even though these countries' response capacity is higher than that of other countries overall, specific support for adaptation could be needed for these territories and these particularly vulnerable populations. This shows that there is a need for a shared understanding of vulnerability in future discussions so that a structure and financing can be proposed that are suited to developing countries.

This exercise must be conducted taking into account the available financial volumes with a concern for aid effectiveness. It must lead to targeted support suited to the needs of the most vulnerable countries and populations.

- *Faced with the Scientific Uncertainty, Act on Current Climate Variability*

Beyond reducing vulnerabilities, adaptation also implies the ability to prepare goods, economic activities, ecosystems and populations for greater climatic variability in the future. The implementation of adaptation policies, measures and projects therefore runs up against the question of data on the future impacts of climate change. As the predictions are marked by a high degree of uncertainty, it seems vital that adaptation measures be elaborated to be sufficiently flexible to leave latitude in the case of deviations from the predictions. In this context, research on the evolution of the climate plays a major role. Collaboration between research and development practitioners is indispensable in order to anticipate climate risks in development actions.

- *Favor Adaptation by Local Communities*

The focalization of the discussions on the institutional systems to set up tends to hide the role that local actors such as communities and local governments can play. Setting up a centralized and vertical system could be counterproductive for obtaining concrete, rapid actions in the field.

Systems such as regional adaptation centers currently being discussed in the negotiations should place particular importance on taking into account local realities and foster the involvement of the populations concerned. While massive investment in technologies and infrastructures will be necessary to withstand climate change (early warning systems, building dykes, adapting energy systems, etc.), there will also be a need for actions devoted to adapting local communities.

In particular, these actions would help build the capacities of local communities (awareness-raising and information on the phenomena) and disseminate traditional practices that have proven effective. However, the decision as to the level of intervention for adaptation actions—local, national or sub-regional—will depend greatly on which sources of financing are favored (bilateral or multilateral funding) and the nature of the instruments utilized (subsidies versus loans). In the case of adaptation, subsidies will undoubtedly be a more appropriate response to the preoccupations of local communities in terms of poverty alleviation and vulnerability reduction.

Agriculture

Agriculture was long treated as a sideline in the climate negotiations. Yet, this sector generates a large share of global greenhouse gas emissions, especially when the emissions from deforestation due to the expansion of farmland are taken into account. In 2005, nearly three fourths of emissions from agriculture came from developing countries. Agriculture's potential contribution to mitigating climate change is enormous as a result, especially if carbon sequestration in soil is used. In this context, including agriculture in the negotiations on the climate regime beyond 2012 is a major stake, especially for developing countries. Indeed, for developing countries, agriculture accounts for a large share of the economy and plays a crucial role in food security, employment, poverty alleviation and sustainable territorial management.

Since November 2009, agriculture has been addressed in the discussions of the ad hoc working group under the Convention, in the section on sectoral approaches to mitigation. In Copenhagen, considerable progress was made on this subject and should be noted despite the lack of an official decision. However, taking agriculture into account in the future climate regime raises numerous challenges, not only in methodological terms but also in terms of international solidarity. An approach that views this sector from the angle of climate change mitigation only without taking into account the stakes of adaptation, food security and more broadly social and environmental sustainability would be unproductive.

Agriculture: Mitigation Potential Acknowledged Late

Until now, agriculture was addressed only indirectly in the Kyoto Protocol through CDM projects dealing with land use, land-use change and forestry (LULUCF), or energy (recycling and reuse of agricultural residues, animal waste treatment, etc.).

However, according to the IPCC, the agricultural sector (excluding land-use change) accounted for 13.5% of total greenhouse gas emissions in 2004 (use of fossil fuels, fertilizer production, the transformation of nitrates contained in fertilizers into nitrous oxide, etc.). These emissions, which vary greatly according to the type of agriculture practices, are growing rapidly. Even though it varies according to region and type of farming, agriculture's mitigation potential is therefore significant (approximately 5 to 6 Gt of CO₂ equivalent per year until 2030¹⁸). The regions or countries that could contribute most to mitigation through agriculture are Southeast Asia and Latin America (IPCC, 2007). Several agricultural practices and techniques already

¹⁸ N.B.: average annual emissions from 1958 to 2005 were eleven Gt of CO₂ equivalent.

exist to limit greenhouse gas emissions and increase the capacity to sequester carbon in the soil: sustainable management of arable land and pastures, protecting and restoring organic matter in soil and degraded soil, etc.

It took until June 2009 for a process of informal dialogue on agriculture to be launched. At the initiative of New Zealand, this process brings together all countries interested in the subject. It has revealed a consensus on the importance of agriculture's role in mitigating climate change and led to the establishment of a special working group to address agriculture in sectoral approaches.

The Terms of the Negotiation

In Copenhagen, the discussions were conducted based on a draft text elaborated during the negotiating session in Bangkok (at the end of September 2009) by the contact group on sectoral approaches and specific actions in the field of agriculture. Given the very new nature of the subject, the contact group's goal was above all to launch a work program on this subject. A one-page draft text was written in a relatively constructive atmosphere according to the negotiators.

Based on the Convention on Climate Change, notably its Articles 2, 3 and 4, the text reaffirms a certain number of essential principles: respect for disadvantaged farmers, indigenous populations' rights and traditional know-how, consideration of the relationships between agriculture and food security, and the link between adaptation and mitigation actions. While restating these general principles is a positive point, it is still too soon to know what decisions will guide their concrete implementation.

In its more operational section, the text contains three crucial elements:

- **Cooperation between research and development on agriculture:** The Parties decide to cooperate in the areas of research and development, including the transfer of technologies and practices that make it possible to lower greenhouse gas emissions. Technologies and practices that make it possible to sustainably improve the effectiveness and productivity of agricultural systems, support adaptation and help ensure food security are targeted in particular.
- **Disguised trade restrictions:** The Parties affirm that sectoral approaches, in particular specific actions in the agricultural sector, must not be arbitrary or unjustified means of discrimination or disguised restrictions on international trade. This paragraph, contained between brackets, is the main point of contention between Latin American countries that wish to include this provision and developed countries (the European Union, Australia and New Zealand) that do not intend to tackle trade issues in the framework of the climate negotiations.
- **Establishment of a work program:** The Parties demand that the SBSTA establish a work program during its next session (June 2010).

However, like all the other documents that were under discussion during the two weeks of the summit, this text was not included in the final decision, and the final decision does not contain anything on the subject of agriculture. The status of this document is therefore uncertain. It is difficult to know which version of the text will be used when the negotiations start up again.

Agriculture and International Solidarity: The Challenges to Overcome

While noteworthy progress was made on this subject in the space of six months, it is still far from being up to the challenges, given the crises that have erupted and could erupt because of climate change. In addition to methodological questions (calculating and tracking greenhouse gas emissions from agriculture, estimating soil carbon sequestration capacity, etc.), including agriculture in the new agreement will raise major challenges for international solidar-

ity (research, coherence of approaches and agriculture financing in developing countries). It would be dangerous to tackle this sector solely from the viewpoint of the climate, adopting a technical approach focused on the question of mitigation and carbon. All of these challenges will need to be at the heart of the SBSTA's future work program.

● *Pool Research Efforts*

Taking agriculture into account in the new climate agreement raises important methodological problems. It is difficult to estimate soil carbon content, and science still needs to advance on this point. In addition, the difficulties calculating emission reductions are magnified in LDCs where the operational nature of the system would clearly be challenged by the limited capacities in these countries and problems referencing smallholder farmers.

Even though it is still too early to announce the mechanisms for including agriculture in the future agreement, in particular its integration in the carbon market, it is crucial that research efforts be devoted to elaborating shared and internationally recognized methods to evaluate soil carbon sequestration capacities and inventories of greenhouse gases from agriculture. These methods must be appropriate for the various agricultural models (intensive, smallholder, etc.) and accessible to developing countries.

Beyond methods, public financing will be necessary to analyze, document and encourage recourse to low-carbon practices. It will also be indispensable to ensure the environmental, social and economic viability of their establishment on a larger scale and anticipate the indirect effects of this dissemination.

● *Promote a Crosscutting and Coherent Approach*

Agriculture occupies a crucial place in the economies of developing countries. More than three fourths of the poor inhabitants in developing countries live in rural areas and most of them depend on agriculture for their livelihood (World Bank, 2007).¹⁹ Among other things, agriculture is one of the sectors most directly threatened by climate change. The increased variation in temperatures and precipitation will bring deep-reaching modifications to agricultural activity. The rapidity of these changes is a serious threat to the resilience of agrarian systems and their productivity; it risks intensifying the vulnerability of poor rural populations that make a living from farming (Box 16, p. 46).

Given agriculture's multifunctional nature, the reflections in the framework of the climate negotiations cannot be disconnected from adaptation challenges.

Among other things, it is indispensable that the mechanisms in the Convention, Protocol and Copenhagen Accord be coordinated with global actions in the areas of agriculture and food and other multilateral environment agreements (the convention on biodiversity, the convention to combat desertification and soil degradation). In this context, those involved in the international climate negotiations must ensure the coherence of the measures taken in climate agreements with the efforts developed by the FAO, in other relevant environmental conventions, and by the actors involved in defending food sovereignty in developing countries. Agriculture in developing countries will rise to the challenge of climate change thanks to the support provided by suitable and coherent public policies.

Finally, no one technical solution can be the single solution to lowering greenhouse gas emissions in the agricultural sector. Diversifying solutions is the best way to minimize any possible negative indirect impacts and maximize the final outcome on the international level. As a result, the future system will need to favor the establishment of a range of diverse measures suited to the varying local contexts. Inversely, "bad good solutions" should be avoided (Box 17, p. 46).

¹⁹ It is estimated that agriculture provides a means of subsistence to 86% of the rural population. It employs 1.3 billion small farmers and landless rural people; it provides "social protection financed by the farm" when shocks take place in urban areas; and it is the foundation of viable rural communities. Of the 5.5 billion people living in the developing world, three billion—almost half of humanity—live in rural areas. An estimated 2.5 billion of them are members of farming households and 1.5 billion are smallholder farming households. (World Bank, 2007.)

BOX 16

> **Climate Change and Food Security**

According to the IPCC's latest report, climate change should increase the number of undernourished people by 5% to 26% by 2080 (compared to scenarios that exclude climate change). The report on the international assessment of agricultural knowledge, science and technology for development (IAASTD)²⁰ identifies a series of risks linked to climate change that will act as so many new constraints on agricultural production, threatening food security. They will also increase conflicts over access to natural resources: multiplication of extreme weather phenomena (increased frequency and severity), growing intra- and inter-seasonal varia-

tions and an increase in evapotranspiration rates in all ecosystems, lack of water and rainfall distribution problems, etc. Faced with these threats, the report recommends improving risk prediction, anticipation and warning systems based on networks of observers in the most vulnerable regions and involving the populations concerned.

In its general conclusions, the report suggests a fundamental shift in agricultural knowledge, science and technology so as to "recognize and give increased importance to the multifunctionality of agriculture" and acknowledges the role of "farming communities, farm households, and farmers as producers and managers of ecosystems."

BOX 17

> **Beware of "Bad Good Solutions"**

Farmers' organizations in developing countries have in mind the precedent of agrofuels, whose production was strongly encouraged with the aim of substituting them for fossil resources. While this type of fuel may be interesting on the local level, the sudden increase in international demand for agrofuels played a non-negligible role in triggering the food crisis in 2008. The rising price of commodities used to produce these agrofuels (cane sugar, soy, oil palm, etc.) placed energy production and food production in direct competition, increasing land pressure to the detriment of smallholder farming and food crops.

Other technical solutions also already provoke the same type of enthusiasm from the international community. One such example is "biochar", a solution to capture carbon in the ground whose positive effects have not been proven everywhere but that some are already proposing as a key solution to expand to the international level. This type of technique is in the research phase and must first be studied better before being duplicated.

Setting up sectoral policies in the field of agriculture to fight climate change and its effects therefore requires further examination of a certain number of questions beforehand so as to anticipate the effects of the measures envisaged in conjunction with the actors concerned.

● *Increase Public Investment in Agriculture in Developing Countries*

The question of how to finance measures to reduce emissions from agriculture has not yet been tackled given the very preliminary nature of the discussions. When it comes to carbon sequestration in soil, the orientations have not been defined, between setting up a market mechanism similar to the CDM with agricultural "carbon" credits or the provision of public financing. Among these options, some raise considerable concerns for farmers' organizations in developing countries (Box 18).

²⁰ The IAASTD in a process initiated and run by the World Bank and several United Nations agencies. Between 2005 and 2008, it brought together fifty-seven governments and numerous agricultural development actors from research and civil society. The goal was to conduct a prospective assessment of the contributions of agronomic research and agricultural technologies to attaining the Millennium Development Goals (<http://www.agassessment.org>).

BOX 18**> The Carbon Market and Agriculture – The Viewpoint of Developing Country Farmers**

Many farmers' organizations in developing countries, who attended the Klimaforum, are concerned about the possible establishment of market mechanisms to remunerate the preservation of carbon stocks in agriculture. They fear that these mechanisms could ruin their efforts to defend the living conditions of poor farmers. Indeed, these mechanisms could favor large-scale actors that would be more able to demonstrate their carbon emission reductions,

and increase competition over access to land resources. For the moment, a technical approach is being favored over a social approach.

The envisaged policies integrate the issue of poverty alleviation only slightly: since poverty alleviation requires considerable resources and is strongly linked to agricultural practices that will need to adapt, the solution can only be a double win or a double loss. In addition, the investments that need to be made for the agricultural sector will find themselves in direct competition with all the other investments to be made for mitigation and adaptation.

More generally, the question of financing measures to reduce emissions from agriculture must be linked to that of the necessary public investments in the agriculture of developing countries. The efforts made in development aid for the agricultural sector have not lived up to the expectations raised by the speeches and promises by policy makers and donors (G8/G20, FAO Food Summit, etc.) after the "food riots" of 2008.

The reality of the financial efforts by developing country governments and donors is still far from the promises made in their speeches. While 22 billion dollars were announced in Rome in June 2008, only 10% had been committed by January 2009, according to the FAO's indications. In this context, the Global Partnership for Agriculture and Food launched following the global food crisis of 2008 aims, among other things, to catalyze public financing to support agriculture in developing countries. As a result, it is crucial that bridges be built between the international climate negotiations and this new global partnership with an aim to coherence between approaches and aid effectiveness.



Andrea Seeling

Forests

The fight against deforestation has been the subject of numerous, unsuccessful attempts at multilateral regulation. A new initiative to eradicate deforestation was launched in 2005 via the Convention on Climate Change. Since this phenomenon is responsible for 20% of global greenhouse gas emissions, it seems crucial that the climate regime take it into account in order to prevent global warming of more than 2°C.

In Copenhagen, the discussions on setting up a payment system for efforts to reduce emissions from deforestation and forest degradation, and sustainably manage forests (REDD-plus) took a clearly political turn.

The Copenhagen Accord refers to the need to finance fast-start "REDD-plus" actions. A draft text was also prepared in the framework of the ad hoc working group under the Convention. While it was not adopted, we can now note the importance of a holistic approach to REDD-plus in order to take into account the multiple causes of deforestation and avoid the deviances of a mechanism that would lead to the creation of "carbon" rents to the detriment of the most vulnerable populations, notably those living in forests. The challenges relating to the elaboration and implementation of the future mechanism are complex and go beyond the issue of carbon.

Notes on the Consideration of Forests in the Climate Negotiations

Deforestation is currently responsible for nearly 20% of global greenhouse gas emissions. Primarily located in developing countries, it is explained by complex phenomena (Box 19). However, deforestation is not covered in the current climate regime. Only activities linked to land use, land-use change and forestry (LULUCF) are taken into account in CDM projects.

We had to wait until 2005 for the subject of reducing emissions from deforestation (RED) to be included on the agenda for the "climate" negotiations, following strong mobilization by Costa Rica and Papua New Guinea. A work program devoted to the RED mechanism was then launched in the framework of the SBSTA. In 2007, the subject of "RED" was placed on the political agenda with its inclusion in the Bali Action Plan, and pilot projects were then encouraged. During the course of the technical discussions, the mechanism evolved to take into account forest degradation and sustainable forest management (REDD-plus).

Approximately forty developing countries have launched pilot projects while elaborating REDD-plus strategies. These projects are conducted with the aid of international, bilateral and unilateral programs that have recently been set up, such as the World Bank's Forest Carbon

BOX 19

> **Deforestation, a Complex Phenomenon**

An assessment of global forest resources conducted by the FAO in 2005 showed a net annual loss of 7.3 million hectares of forest over the 2000-2005 period.

The continent most affected is South America with 4.3 million ha per year (3.1 million in Brazil), followed by Africa with 4 million ha per year. In terms of the deforestation rate, the regions most affected are Central America and Southeast Asia (2% per year in Indonesia).

Deforestation and forest degradation are the result of a combination of factors: agricultural expansion (agribusiness, stock farming, itinerant farming), the extraction of wood products (timber, pulp, firewood), and infrastructure development (roads), etc. The consequences of the loss of forest cover are numerous: perturbation of water regimes, accentuation of erosion, loss of biodiversity, and economic and social impacts on the communities that depend directly on forest products and services.

Consequently, fighting deforestation is also a way to ensure ecosystems' better resilience in the face of climate change.



Jean-François Kibler

Partnership Facility (FCPF) or the “UN-REDD” initiative conducted by the FAO, the United Nations Development Programme and the United Nations Environment Programme.

Noteworthy initiatives have also been set up by developed countries, such as Norway’s international “climate and forests” initiative, Australia’s international forest carbon initiative, and the Congo Basin Forest Fund. These initiatives, if they are effective, could be beneficial. The pace of deforestation in certain countries is far too rapid for us to wait until 1 January 2013 without running the risk of allowing irreversible upsets

The Terms of the Negotiation

The Copenhagen Accord recognized the urgency of a REDD-plus mechanism, and some fast-start financing should be devoted to this subject. According to France and the United Kingdom, this proportion could be 20%. A decision on the methodological guidelines was prepared by the SBSTA and adopted by the Parties in the framework of the pre-1012 agenda. It aims to help countries prepare “REDD-plus” activities by 2012. The REDD-plus mechanism was also discussed in a contact group in the framework of the negotiations on the period beyond 2012 (AWG-LCA). A draft text was elaborated and should serve as the basis for the discussions that will continue in 2010.

This draft confirms the scope of the mechanism, which includes:

- reducing emissions from deforestation;
- reducing emissions from forest degradation;
- conservation of forest carbon stocks;
- sustainable management of forests; and
- enhancement of forest carbon stocks.

It restates the need to fight deforestation to reduce global greenhouse gas emissions but does not set a quantified objective for this. Several key principles are emphasized: the necessity of a country-driven approach in respect for their sovereignty; the contribution to the sustainable development of the countries concerned; and the coherence of “REDD-plus” policies with national mitigation and adaptation measures. It sets safeguards on the mechanism that should be taken into account during implementation:

- the effective governance and transparency of the mechanism within operating countries;
- respect for indigenous peoples’ and local communities’ rights;

- the conservation of biodiversity; and
- the reduction of the risk of deforestation “displacements”.

The implementation of the REDD-plus mechanism will follow an approach with several phases: establishment of a national strategy, which will then be translated into national or infra-national actions. The launch of the REDD-plus mechanism will depend on the country concerned, its implementation capacities, and the financial support it receives. It will be the subject of “MRV” verification like other mitigation actions. The modalities for this verification will have to be established by the SBSTA. The text remains silent on the mode of financing—use of the carbon market or public financing—which should be decided during a future session of the COP.

Forests and International Solidarity: The Challenges to Overcome

Despite the progress that was made in Copenhagen on the REDD-plus mechanism, gaps remain in addition to the lack of a quantified objective for reducing emissions by combating deforestation: the eligibility of forest management activities whose environmental and social benefits are not guaranteed, non-respect for the principle of social justice in the modalities for local implementation, and lack of a decision as to the financial mechanisms that will be mobilized to support the actions of developing countries in this sector. Yet, these are key points to ensure that the future REDD-plus mechanism participate effectively in reducing deforestation while respecting the principle of social justice.

● *Favor Sustainable Forest Management Activities*

Certain countries may be very tempted to favor projects that make it possible to receive a large carbon rent. The large scope proposed for the REDD-plus mechanism reveals the determination to take into account all sources of carbon flows and stocks. Protecting primary forests is, thus, repositioned as one solution among other types of forest projects. Despite the safeguard on biodiversity that evokes a determination to avoid converting natural forests into forests managed like plantations, a degree of ambiguity persists as to the eligibility of other forest projects, and notably forest plantations. When they are conducted in an industrial manner and favor only one species of tree, they can have negative environmental and social impacts (water pollution, loss of biodiversity, child labor, increased forest pressure, etc.).

It is crucial that the negotiations to come place greater emphasis on combating deforestation compared to enhancing carbon stocks. As all attempts at international regulation of the fight against deforestation have failed to date, especially in the framework of the Convention on Biological Diversity, we must seize the opportunity that a REDD-plus mechanism could be to combat deforestation.

● *Guarantee the Principle of Social Justice*

Implementation modalities remain vague and raise questions as to the objectives, transparency, effectiveness and consideration of social justice in REDD-plus mechanism implementation. Several crucial elements on which the discussions were unable to reach a decision therefore include:

- **the mechanism’s scale of intervention:** The infra-national approach, re-introduced in the discussion by Colombia, the United States and Indonesia, would allow projects to be implemented in specific territories within countries. Yet, during previous discussions, the countries as a whole agreed on the importance of a national approach. The effectiveness of the mechanism will not be the same if the projects eligible for it are developed on the national or infra-national scale. In the framework of an infra-national approach, displacements (transference of deforestation to other countries, regions, etc.) would be likely to happen. A national approach would make it possible to address global causes of deforestation without excluding zones beforehand;

- **the respect for local communities' and indigenous peoples' rights:** The United Nations Declaration on the rights of indigenous peoples is mentioned in the operational section of the draft text indicating a degree of political recognition. However, this safeguard clause is limited inasmuch as several countries, under the pretext of the principle of national sovereignty, are opposed to the verification of and reports on compliance with it being able to be produced by the countries that receive financing.

● *Ensure Equitable Financing in Developing Countries*

No options have been chosen for the financing mechanism. Yet, the choice of a mechanism—use of the carbon market or public financing—could have different social or environmental consequences.

Recourse to carbon finance (emission reductions converted into sellable carbon credits) runs the risk of leading to land speculation and a race for land, provoking increased marginalization of local communities and indigenous peoples; the resulting pressure and instability would hinder successful policy implementation. If the carbon market collapses (a sharp drop in the price of a ton of carbon), the effectiveness of the REDD-plus mechanism on emission reductions would only be very marginal.

In the case of public financing—which involves creating a fund—the actors concerned could have greater flexibility in the use of the funds to set up actions with environmental and social benefits and move beyond a carbon-centered approach (support for better management of pioneer fronts, capacity building, easier resolution of land conflicts, etc.).

In the framework of implementing the Copenhagen Accord, fast-start financing will be devoted to “REDD-plus” projects. To this end, it is crucial that projects with environmental and social benefits be favored. In the longer term, the question of the sustainability of resources will come up. Among other things, according to the pilot experiments conducted on the REDD-plus mechanism, capital tends to gravitate above all to countries that are already able to set up actions to combat deforestation, with more advanced institutional systems. As the negotiations continue, these various risks and constraints in the allocation of financing and in the definition of REDD-plus implementation modalities will have to be taken into account. ●

Conclusion

Should the international community and civil society give up hope after Copenhagen? The response is not so simple. At first glance and on reading the Accord, one could be tempted to answer negatively, given the small amount of compromises obtained and the lack of legally binding commitments. The uncertainties as to the Accord's operational implementation and its coordination with the UN process—the famous two paths for negotiations—are also of a nature to make people pessimistic. Nevertheless, without turning the page entirely on what many believe to be a failure, it is necessary to look to the future.

The Copenhagen Conference made it possible to lift the veil on numerous challenges that are on the horizon for the continuation of the negotiations now and after Cancun at the end of 2010. These challenges are above all geopolitical in nature. Alliances are to be forged and/or strengthened between countries so as to avoid being trapped in the Sino-American standoff. Within developing countries, several countries or groups of countries have set themselves apart from the positions taken by the leading countries and China in particular. This does not imply that the G77+China should break apart; however, it is necessary that the voices of various groups of developing countries be heard. Alliances between developed countries and these groups of countries should, therefore, be sought. Finally, with Copenhagen, it has also become urgent to reflect on the evolution of UN decision-making rules and, more broadly, on global governance of the environment.

While citizen mobilization was massive and brought together diverse movements, it received little echo among politicians and negotiators. The bridges between these different movements in France must be consolidated so that pressure can continue to be brought to shift political positions. Similarly, these movements must define or strengthen their partnerships with their homologues in other developed and developing countries with the aim of pressuring policy makers, especially those in countries little inclined to accept legally binding, ambitious commitments. These are challenges that French international solidarity and environmental NGOs wish to overcome together.

Beyond these challenges, the Copenhagen Summit once again revealed the importance of placing the issues of international solidarity at the center of the fight against climate change. Tackling climate change implies radical transformation in modes of development. Climate policies must consequently be built on the basis of a precise evaluation of countries' needs and latitude.

In order to avoid global warming that would have dramatic consequences for the future of mankind, we cannot content ourselves with fighting over numbers. We must also address operational modalities. This implies taking into account local realities in each country, and especially in developing countries. For instance, discussions such as those on the consideration of agriculture and forests in the future climate regime cannot take place in isolation and without a detailed analysis of the sustainability of the various existing agricultural models, local land stakes, and other parameters of essential public policies. Several developed countries have also, through the Copenhagen Accord, promised to allocate fast-start financing to mitigation and adaptation in developing countries. While we can regret that these resources are not in addition to ODA targets, it is crucial that their allocation be done on an equitable and

transparent basis so that the most vulnerable countries benefit from these funds as well. The use of this financing should be assessed before the next Conference of the Parties in Mexico at the end of 2010.

In this way, Copenhagen was the source of numerous frustrations and uncertainties. But it also opened doors to new fields of action that we must continue to explore in order to save the planet and its vulnerable population from climate change and political inaction. ●

Annexes

ANNEX 1

Abbreviations and Acronyms

| | |
|---------|---|
| AF | Adaptation Fund |
| AOSIS | Alliance of Small Island Developing States |
| AWG-KP | Working group under the auspices of the Kyoto Protocol |
| AWG-LCA | Working group on long term cooperative action under the Climate Convention |
| BAP | Bali Action Plan |
| CAN-F | Climate Action Network France |
| CAN-I | Climate Action Network International |
| CCS | Carbon Capture and Storage |
| CDM | Clean Development Mechanism |
| COP | Conference of the Parties |
| EU | European Union |
| GDP | gross domestic product |
| GEF | Global Environment Facility |
| ICAO | International Civil Aviation Organization |
| ICLEI | Local Governments for Sustainability, an international association of local governments |
| IFP | International Forum of National NGO Platforms |
| IMO | International Maritime Organization |
| IPCC | Intergovernmental Panel on Climate Change |
| ISO | international solidarity organization (development & relief organization) |
| LDCF | Least Developed Country Fund |
| LDCs | Least Developed Countries |
| LULUCF | Land Use, Land-Use Change and Forestry |
| MRV | measurable, reportable, verifiable |
| NAPA | National Adaptation Program of Action |
| NGO | non-governmental organization |
| ODA | Official Development Assistance |

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| | |
|--------|--|
| OPEC | Organization of the Petroleum Exporting Countries |
| REDD | Reducing Emissions from Deforestation and Forest Degradation |
| SBSTA | Subsidiary Body for Scientific and Technological Advice |
| SCCF | Special Climate Change Fund |
| UNEP | United Nations Environment Programme |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UNO | United Nations Organization |
| WGD | Working Group on Desertification |
| WTO | World Trade Organization |

ANNEX 2

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Coordination SUD

(Solidarité - Urgence - Développement)

Founded in 1994, **Coordination SUD**, the French national platform of international solidarity NGOs, brings together more than 130 NGOs. These NGOs carry out humanitarian relief and development assistance. In the framework of its advocacy and international cooperation activities, Coordination SUD has set up working committees to allow NGOs to align their positions and work together on advocacy.

Coordination SUD's Climate and Development Committee brings together approximately thirty NGOs, members of Coordination SUD and of the Climate Action Network France, who are working on climate change issues and the links between these issues and development.

Created while preparing the follow-up program of the French presidency of the European Union, this committee has three objectives:

- foster experience exchange and discussions on practices among committee members;
- raise awareness of climate change issues among French development and relief NGOs and build their capacity to better integrate these issues in their projects; and
- elaborate common positions on the challenges involved in fighting climate change in developing countries.

The majority of its work focuses on monitoring the international negotiations on implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, and the adoption of a new, ambitious and equitable climate agreement beyond 2012.

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Climate Action Network France (CAN-F)

The Climate Action Network France is a multidisciplinary network of twenty-four local and national associations united around the fight against climate change. It is the French representative of Climate Action Network International (CAN International), a global network of more than 430 NGOs around the world.

As an observer to the UNFCCC, it participates in the international climate negotiations. Its main missions are to inform, raise awareness, and ensure that public policies are up to the challenge of climate change.

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