

Copenhagen and beyond:
reshuffling the cards
Discussion paper

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reshuffling the cards**
Discussion paper

by

Sven Harmeling
Sönke Kreft
Alpha Kaloga
Germanwatch e.V., Germany

Niklas Höhne
Markus Hagemann
ECOFYS GmbH, Germany

On behalf of the German Federal Environment Agency

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P.O.B. 14 06
06813 Dessau-Roßlau
Germany
Phone: +49-340-2103-0
Fax: +49-340-2103 2285
Email: info@umweltbundesamt.de
Internet: <http://www.umweltbundesamt.de>
<http://fuer-mensch-und-umwelt.de/>

Edited by: Section I 2.1 Climate Protection
Eric Fee
Guido Knoche

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Executive Summary

Expectations set upon the 15th Conference of the Parties (COP 15) of the United Nations Framework Convention on Climate Change (UNFCCC) in Copenhagen were extremely high. This was because the COP 13 in Bali had set the COP 15 as the deadline for achieving a legally binding agreement to replace or extend the Kyoto Protocol. Additionally, the heads of states' attendance as well as attention from the media contributed to such high expectations. Therefore, the outcome of Copenhagen - a basic political consensus - was disappointing to many. Now that a few months have passed, much of the fog over the process has lifted, although it is still uncertain how to achieve a legally binding agreement that ensures the limitation of climate change to a level that can be adapted to.

The purpose of this discussion paper is to assess the outcome of the Copenhagen negotiations, the relationship between different negotiation tracks, as well as political implications. Furthermore, we discuss how to proceed within the climate negotiations from the current state of affairs.

The intention of the Bali Action Plan (BAP), agreed by the Parties in December 2007, was to achieve a legally binding agreement by December 2009 in Copenhagen, which was to take into effect after the expiration of the 1st commitment period under the Kyoto Protocol at the end of 2012. This was to be conducted under two parallel working groups, one under the UNFCCC, encompassing all countries, and the other under the Kyoto Protocol, including only those Parties that ratified it (i.e. without the USA). This goal of reaching a legally binding, agreement within the said timeframe was not met. However, two major stepping stones resulted from Copenhagen. Firstly, Parties achieved a basic political consensus when they "took note" of the 'Copenhagen Accord'. Second, Parties made further progress within the two working groups, whose mandate was extended until December 2010.

The Copenhagen Accord, a three page document, consisting of primarily very general goals and agreements, was initially negotiated by a group of 25 Parties from all world regions, but was later rejected by several other Parties. Therefore, it was taken note of, but not adopted by the COP, the supreme body of the UNFCCC.

The Copenhagen Accord provides political guidance with regard to some key issues under the negotiations, but leaves several questions open to interpretation. Though it adopts the goal of limiting global warming to below 2°C, the Accord provides little guidance on how to achieve it. Nevertheless, for the first time in history, Parties (including developing countries) were requested to submit their emission reduction proposals or actions. In aggregate the submissions do not yet signal the achievement of the 2°C goal, rather they reflect a limit of approximately 3°C¹.

One further success of the Accord was the promise by developed countries to provide \$ 30 billion in fast track financing (2010-2012), as well as to mobilize \$100 billion annually in private and public funding as of 2020, for mitigation and adaptation activities in developing countries.

Aside from the Copenhagen Accord, the two Ad-hoc Working Groups (AWG) under the UNFCCC (AWG-LCA) and under the Kyoto Protocol (AWG-KP), resulted in further developments and compromises, however at differing paces. For example, contact groups negotiating Adaptation and Technology Transfer have nearly reached strong enough consensus to pass the negotiating texts to the political level. On the other hand, contact groups for other issues, especially those regarding mitigation, were unable to resolve several major issues.

The outcome of the COP15 leaves us with many challenges for the near future. The three day organizational meeting of the AWGs in April 2010 has shown differences in understanding amongst the Parties as the post Copenhagen negotiation process begins. Yet, this session resulted in the agreement that the newly appointed AWG-LCA chair will provide a new negotiation text by the next session in June 2010, combining the latest versions of the AWG's texts with the Copenhagen Accord.

So far, many questions remain open. Therefore, we have identified suggestions that could help bring progress to the negotiations leading up to the COP 16 and beyond, stacking the cards in favour of a fair and ambitious agreement. These suggestions are summarized as follows:

- Parties should strive for COP decisions in Cancun on those issues and building blocks where compromise is within sight (REDD, Adaptation, Capacity Building, Technology Transfer).

¹ Meinshausen & Rogelj (2010)

- To ensure transparency all global regions must be represented in further processes.
- Developed countries should be more open to a new commitment period under the Kyoto Protocol.
- It is crucial for developed countries to uphold their fast-start finance commitments and conduct this in a transparent manner in order to maintain the trust of the developing countries.
- Copenhagen emission reduction pledges should be transformed into national policies. However these pledges must be seen as a minimum level to build upon.

Zusammenfassung

Die Erwartungen an die 15. Vertragsstaatenkonferenz unter der Klimarahmenkonvention der Vereinten Nationen (COP 15) in Kopenhagen waren extrem hoch, da während COP 13 auf Bali COP 15 als Frist für die Schaffung eines rechtsverbindlichen Abkommens gesetzt hatte. Zusätzlich steigerten die Anwesenheit der Staatsoberhäupter und die Aufmerksamkeit der Medien die hohen Erwartungen. Demzufolge war das Ergebnis der Verhandlungen, ein minimaler politischer Konsens, für viele enttäuschend. Einige Monate sind seitdem vergangen und der über dem Prozess liegende Nebel scheint sich langsam zu heben, wenngleich es immer noch unklar ist, wie ein Abkommen vereinbart werden kann, welches den Klimawandel auf ein anpassbares Maß begrenzt.

Das vorliegende Diskussionspapier dient der Einschätzung der Kopenhagener Verhandlungsergebnisse, der Analyse der Beziehungen zwischen den verschiedenen Verhandlungssträngen sowie der Beurteilung der politischen Auswirkungen. Des Weiteren erfolgt eine Diskussion, wie nach aktueller Sachlage, in den UN-Klimaverhandlungen fortgefahren werden sollte.

Der Bali Aktionsplan (BAP), der im Dezember 2007 von den Vertragsstaaten verabschiedet wurde, zielte darauf ab, im Dezember 2009 in Kopenhagen ein rechtsverbindliches Klimaschutzabkommen zu schaffen, welches nach Ablauf der ersten Verpflichtungsperiode des Kyoto-Protokolls (Ende 2012) in Kraft treten sollte. Dies sollte in zwei parallel arbeitenden Arbeitsgruppen verhandelt werden. Eine der beiden Arbeitsgruppen ist unter der UNFCCC eingerichtet worden und umfasst alle seine Vertragstaaten. Die andere Arbeitsgruppe arbeitet unter dem Kyoto-Protokoll (KP) und schließt somit nur die Staaten ein, die das Kyoto-Protokolls ratifiziert haben (also nicht die USA). Die Erarbeitung eines rechtsverbindlichen Abkommens innerhalb des beschriebenen Zeitrahmens wurde allerdings nicht erreicht. Allerdings resultierten zwei wichtige Ergebnisse aus den Verhandlungen in Kopenhagen. Erstens erschafften die Staaten eine politische Grundübereinstimmung durch die Zurkenntnisnahme der Kopenhagen-Vereinbarung. Zweitens erreichten die Staaten weitere Fortschritte innerhalb der zwei Arbeitsgruppen, deren Mandat bis Dezember 2010 verlängert wurde.

Die dreiseitige „Kopenhagen Vereinbarung“, welche in erster Linie sehr allgemeine Ziele und Vereinbarungen enthält, wurde von einer Gruppe aus 25 Staaten verschiedener Weltregionen verhandelt, jedoch später von einigen Staaten abgelehnt. Demzufolge nahm die Vertragsstaatenkonferenz (COP), das höchste Gremium der Klimarahmenkonvention (UNFCCC), die Vereinbarung lediglich zur Kenntnis und nicht formell an.

Die Kopenhagen Vereinbarung hat zu Einigung in einigen politischen Kernfragen geführt, lässt jedoch auch viele Fragen offen und großen Spielraum für Interpretation. Obgleich die Vereinbarung das Ziel der Begrenzung der globalen Erderwärmung auf maximal 2° Celsius festschreibt, enthält sie wenig Anleitung, wie dieses Ziel erreicht werden kann. Gleichwohl fordert die Vereinbarung die Staaten (einschließlich der Entwicklungsländer) erstmals in der Geschichte auf, ihre jeweiligen Emissionsminderungsvorschläge und -maßnahmen vorzulegen. Die kumulierten Angaben spiegeln jedoch noch nicht der Erreichung der 2°C Grenze wider sondern eher eine Grenze von ungefähr 3°C².

Ein weiterer Erfolg der Kopenhagen Vereinbarung ist die Zusage der Industrieländer zur Bereitstellung von \$30 Mrd. zu „fast start finance“ (2010-2012) sowie die Mobilisierung von jährlich \$100 Mrd. für Minderungs- und Anpassungsmaßnahmen in Entwicklungsländern ab 2020.

Neben der „Kopenhagen Vereinbarung“ haben sich in den beiden ad-hoc Arbeitsgruppen (AWG), unter der Klimarahmenkonvention (AWG-LCA) und unter dem Kyoto-Protokoll (AWG-KP), weitere Fortschritte bzw. Kompromisse ergeben, allerdings jeweils in unterschiedlicher Geschwindigkeit. So haben beispielsweise die Kontaktgruppen zu Anpassung und Technologietransfer, einen nahezu ausreichenden Konsens erreicht, um den entsprechenden Verhandlungstext auf die politische Ebene zu setzen. Andere Kontaktgruppen, insbesondere die Kontaktgruppen zu den Minderungsthemen, waren nicht in der Lage, bedeutende Fragen eindeutig zu klären.

Das Ergebnis der 15. Vertragsstaatenkonferenz (COP 15) überlässt uns viele Herausforderungen für die nahe Zukunft. Das dreitägige Organisationstreffen der AWGs im April 2010 hat bereits zu Beginn der post-Kopenhagen Verhandlungen sehr unterschiedliche Verständnisse unter den Vertragsstaaten aufgezeigt. Gleichwohl führten die Verhandlungen zu einer Verständigung darüber, dass die neu ernannte Vorsitzende der AWG LCA bis zur nächsten Verhandlungssitzung im Juni 2010, einen neuen Verhandlungstext vorbereiten soll,

² Meinshausen & Rogelj (2010)

der die letzten LCA Texte mit der Kopenhagen Vereinbarung verbinden soll. Gegenwärtig bleiben jedoch noch viele Fragen offen. Daher haben wir Empfehlungen erarbeitet, die helfen können, Fortschritte in den Klimaverhandlungen, die zu COP 16 und darüber hinaus führen, zu erzielen und die Karten für ein faires und ambitioniertes Abkommen neu zu mischen.

- Die Vertragsstaaten sollten bereits in Cancun COP-Entscheidungen zu denjenigen Themen anstreben, zu denen ein Konsens in Sicht ist (REDD, Anpassung, Capacity Building, Technologietransfer).
- Um Transparenz zu sichern, muss eine angemessene Repräsentanz aller globalen Regionen in allen weiteren Prozessen sichergestellt werden.
- Industrieländer sollten offener sein gegenüber einer neuen Verpflichtungsperiode unter dem Kyoto-Protokoll.
- Es ist äußerst wichtig für die Industrieländer, ihre „fast start“ Finanzierungszusagen aufrecht zu erhalten und die Durchführung in einer transparenten Art und Weise um das Vertrauen der Entwicklungsländer zu behalten.
- Die Minderungszusagen im Rahmen der Kopenhagen-Vereinbarung sollte in nationale Politiken umgesetzt werden. Allerdings sollten diese Zusagen lediglich als Minimallevel angesehen werden auf denen aufgebaut werden muss.

1. Introduction

The stage for the Copenhagen UN climate conference was set at the 13th Conference of the Parties (COP13) of 2007 in Bali, which launched a two year negotiating process – called the “Bali Roadmap”. A marathon of several intersessional meetings and other processes outside of the UNFCCC arena took place to lay the ground for a successful outcome in Copenhagen.

In Copenhagen, a remarkable number of 40.000 participants were registered. Parties engaged in two weeks of non-stop, open-ended negotiations, meetings and co-ordinations. These included apart from the technical negotiations, high and very high-level segments of ministers and Heads of States and Governments.

Leading up to the COP 15, stakes were set high and there was great hope that the Bali Roadmap would lead to an ambitious, comprehensive, legally binding outcome. More importantly, most of the world’s major economies began to implement or seriously consider national legislation to curb their emissions. If it were to have passed legislation in its proposed form, Obama’s climate policy would have paved the way to an 80% reduction in USA’s emissions by 2050. Also China had committed to reduce its emission intensity by 40 - 45% by 2015, offering a CO₂-related quantitative target for the first time in the UNFCCC context.

However, even before Copenhagen, cumbersome pre-negotiations and domestic constraints in the US darkened the prospects of capturing the encouraging national developments in a comprehensive, international, legally binding deal. Nonetheless, it was the hope that Copenhagen and the 120 attending world leaders would bring a strong impulse, bridging the gap between what countries envisage and what science advises.

However, after two weeks of complex talks, the conference ended with the “noting of” the relatively short Copenhagen Accord, not with a comprehensive, legally binding agreement as hoped by many.

Now all the parties are searching their way through the fog of confusion, created by what could be described as climate policy finally arriving in global power politics.

Assessing the result of the COP 15 is a fairly difficult task, because it is still uncertain what the true implications of the following two major outcomes are:

1. decisions under the UNFCCC and the Kyoto Protocol to extend the negotiations for the Bali Action Plan for another year and the preliminary (unagreed) status of those negotiations
2. the Copenhagen Accord, which was agreed by some but not all countries

With the Copenhagen Accord, there was fear the negotiations might become more complex, adding another negotiation track to the two AWGs already in existence. After the first round of negotiations in 2010, it is at least clear that the Copenhagen Accord will not establish a third, separate negotiating track, but has to be integrated in the context of the work of the two AWGs.

Therefore, the aim of this discussion paper is as follows:

1. Assess
 - a. the outcomes of the Copenhagen negotiations, with a focus on general issues and the substance of adaptation and mitigation,
 - b. the relationship between the different negotiation tracks,
 - c. international political implications
2. Consider options on how to proceed in the next year both with international climate negotiations, both under the UNFCCC and in external fora.

2. Stocktaking

Taking stock of the progress towards a comprehensive climate regime requires consideration of two stepping stones achieved at COP 15/CMP 5 in Copenhagen. One is a COP decision “taking note” of the “Copenhagen Accord”, a document which to some extent could be seen as a chapeau for the building blocks of the Bali Action Plan³. The other is the preliminary outcome of the work of the two ad-hoc working groups AWG-LCA⁴ under the COP and the AWG-KP under the CMP.

After Copenhagen, a majority of the Parties to the UNFCCC have explicitly or implicitly associated themselves with the Accord. While originally independent of the AWG-LCA negotiation text, the content of the Accord has now been integrated into the AWG-LCA since the AWG-LCA chair had been given the mandate to consolidate the Copenhagen Accord with

³ The Copenhagen Accord was taken note of in Decision 2/CP.15 (UNFCCC, 2010 a.)

⁴ Captured in FCCC/AWGLCA/2009/L.7 (UNFCCC, 2010 b.).

the latest LCA text. These included the texts drafted in working groups that were not reported to the COP.⁵ Some of the content in the Copenhagen Accord (e.g. creation of a new Fund, establishment of a Technology Mechanism) might help to overcome some of the stumbling blocks in the AWG's negotiations. However, the Accord should not be seen as the one and only element to be integrated into the further negotiations towards a comprehensive agreement at the COP 16 in Mexico or later.

Regarding the basis for the future negotiations under the AWG-LCA and AWG-KP, further clarification will be required in the upcoming negotiating sessions, since it is not certain that Parties will agree to work with this text when it is presented.

The following sections provide an overview of some of the elements of the Copenhagen Accord and the achievements of negotiations under the AWGs.

2.1 Copenhagen Accord

The Copenhagen Accord was initially negotiated by a group of 25 heads of state in the context of the High-Level Segment on the 17th and 18th of December. The composition of this group was discussed quite controversially in the aftermath of the meeting, since there was not a formal invitation to all Parties or country groups to nominate representatives, but a representative selection made by the host of the COP. When the Accord was presented to the COP plenary in the early morning of December 19th by the Danish Prime Minister, Lars Lokke Rasmussen, it was not perceived well, for several reasons which are explained below. The process of its negotiation was also de-linked from the progress in the AWG negotiations.⁶

The outcome of the controversial debates that followed its presentation was that the COP15 plenary only took note of the Copenhagen Accord and did not adopt it as a formal decision. Thus, it is merely a politically binding document, meaning it is a declaration of intent for those Parties who have associated themselves with it.

Currently, 128 countries have associated themselves with the CA or indicate they are likely to do so in the near future.⁷ As requested by the Accord, most of the countries have either

⁵ FCCC/AWGLCA/2010/6 (UNFCCC 2010c.)

⁶ On the UN side, the Accord negotiations were led by UN Secretary General Ban-Ki Moon with no consultation of UNFCCC staff. The presentation and the discussion of the Accord happened in a confusing and highly controversial plenary, which should be marked as historic and unprecedented. Mueller (2010) presents an interesting narrative of what happened the last two nights in Copenhagen.

⁷ <http://www.usclimatenetwork.org/policy/copenhagen-accord-commitments>, as of 25th May 2010

submitted absolute targets, carbon intensity targets or shifts from a “business-as-usual” (BAU) development. These associating countries count for more than 80% of the world’s emission.

Generally, three underlying reasons motivated countries to either prevent the COP from adopting the CA or to block it in the aftermath of the COP15:

1. The first group, including Tuvalu, the Cook Islands and Nauru, refused the adoption because of the low ambition and lack of coherence in the document.
2. The second group, consisting of some Latin American countries (the ALBA group) as well as Sudan, argued that a lack of procedural inclusiveness prevents the Copenhagen Accord from being eligible for acceptance by the COP. [However, it seems plausible that at least some of these countries, not known for a strong stance on transparency and free participation thus far, were rather driven by non climate-related motives (as exemplified by a lamentation speech of Hugo Chavez in the plenary session).]
3. A third group appeared after Copenhagen, comprised of countries such as Kuwait, which for a long time pursued a clearly obstructive role in climate change negotiations and which strategically decided to prevent advancement of international climate policy by not supporting the Accord.⁸

The CA recognises the “scientific view that the increase in global temperature should be kept to below 2 degrees Celsius”. While the Accord does not specify “above pre-industrial level”, this benchmark seems to be the generally accepted baseline. The 2°C limit is to be guarded “on the basis of equity and in the context of sustainable development”. Demanded by the Maldives in particular, the Accord contains a clause to review the implementation of the agreement by 2015, “including in relation to temperature rises of 1.5 degrees Celsius”, which leaves the door open for more stringent ambition, despite its weak formulation. Furthermore, it states that global emissions should peak “as soon as possible”. The Accord does not mention more specific midterm global goals or of Annex I countries in the order of 25% to 40% below the 1990 level in 2020. All of these formulations were dropped during the

⁸ Historically, Saudi Arabia played that role. Saudi Arabia, however, was part of the group negotiating the Accord .Not associating with a document to the genesis of which S.A. was part of would be diplomatically unacceptable. So far Saudi Arabia has not associated itself, nor refused association. It, however, stated that negotiations have to take place on basis of the AWGs only.

negotiations of the CA. Instead it has been given a “bottom up” format, in which parties submitted their own concrete mitigation targets and actions.

(a) Mitigation

Annex I countries

The Copenhagen Accord addressed and partially resolved a few of the issues on mitigation that have proven to be contentious for Annex I countries in the AWG-KP and AWG-LCA negotiations (para 4). Firstly, Annex I Parties agreed to submit their quantified economy-wide emissions targets for 2020 by 31 January 2010.

All Annex I countries, except Turkey, have submitted their reduction commitments to date.⁹ Many countries provide a range of possible targets, usually making the more ambitious end conditional to a global agreement, equivalent actions by others, land use, land-use change and forestry (the LULUCF) rules (New Zealand, Belarus) or participation in mechanisms to achieve the targets. The targets have not changed significantly compared to what had been proposed in the final hours in Copenhagen. Only Canada weakened its target to exactly align itself with the target of the USA while Russia made the lower end of its range a bit more ambitious. Aggregated reductions of the Annex I countries would result in an emission level in 2020 of 12 - 19% below the 1990 level without land-use, land-use change and forestry (LULUCF), but could also be significantly less, if accounting for LULUCF would be allowed (up to 5 percentage points) or if unused emission allowances (often called “hot air”) can also be used in 2020 (several percentage points).¹⁰

Whether these voluntary reduction targets might eventually become new reduction targets for a second commitment period under the Kyoto Protocol remains very uncertain.

Non-Annex I countries

The Copenhagen Accord addresses some of the contentious issues on mitigation by Non-Annex I countries. Non-Annex I Parties were also invited to submit their “nationally appropriate mitigation actions” and many eventually submitted with their association statement to the CA a set of actions to the UNFCCC secretariat. These include actions that are implemented by the country unilaterally as well as those supported by international financing.

⁹ 23.3.2010

¹⁰ See Rogelj et al. (2010) and www.climateactiontracker.org

Under the CA measurement, reporting and verification (MRV) would apply as follows:

1. All nationally appropriate mitigation actions are reported in national communications every two years. This reporting includes results of domestic MRV . Guidelines need to be developed for the provision of this information and to allow for “international consultations and analysis ... that will ensure that national sovereignty is respected”.
2. All actions will be listed in appendix II of the Copenhagen Accord.
3. Nationally appropriate mitigation actions seeking international support will in addition be recorded in a registry along with relevant technology, finance and capacity building support. These supported nationally appropriate mitigation actions will be subject to international MRV in accordance with yet to be adopted guidelines.

The issue of what would be “MRVed” was a matter of intense debate in Copenhagen. A new element of this agreement is that all actions in national communications are now provided much more frequently than before, even with some international consultations and analyses, elements that developing countries resisted for years.

The actions that developing countries have submitted to the Copenhagen Accord range from absolute reduction targets below a baseline, to intensity targets (reduction of emissions per GDP) and to extensive lists of projects. All major developing countries provided quantitative emission goals, although they had earlier resisted taking on any such targets. Summing the expected reductions leads to a substantial reduction of emissions below the baseline in 2020 in the order of 10% below reference.

All reductions proposed by Annex I and Non-Annex I countries together are not sufficient in 2020 to stay within the pathway towards the stated goal of limiting temperature increase to 2°C. Studies vary about the magnitude of the gap from relatively small to very substantial.¹¹

The Accord (para 6) agrees on the important role of reducing emissions from deforestation and degradation, conserving forest Carbon (C) stocks, enhancing forest C-stocks and managing forest C-stocks sustainably (REDD++)). Forest C-stocks refer to carbon stored in the forest (trees, soil, etc.). The parties „agree on the need“ for the “immediate

¹¹ UNEP Chief Scientists Office, 2010

establishment of a **mechanism including REDD**. However, the word “immediate” could be seen as signifying that this should begin before COP-16. The mechanism should be a positive incentive to enable the mobilization of financial resources from developed countries. Yet the intent still needs to be clarified, as do further details of the mechanism.

(b) Adaptation

The Copenhagen Accord acknowledges the importance of adaptation for all countries, and underscores that enhanced action and international cooperation is required. Disappointingly however, many issues discussed in the AWG-LCA contact-group on adaptation are not mentioned at all in the Accord e.g. regional centres, the debate about an Adaptation Technical Panel or Committee, or the demand for an International Insurance Mechanism.¹² Moreover, there are two major points of contention regarding adaptation in the Copenhagen Accord, which are inconsistent with previous developments in the negotiations and have the potential to cause major setbacks:

Response measures and adaptation

The first one is that the potential negative impacts of response measures taken to mitigate climate change are stated twice in the same paragraph as adaptation to the adverse effects of climate change itself (paragraphs 2 and 3)¹³. Given the fact that the coupling of response measures to adaptation has for many years hindered substantial progress on adaptation under the UNFCCC¹⁴, the Accord is a step backwards from the Bali Action Plan, which had explicitly addressed the issue of response measures under the mitigation building block. Dealing with response measures under adaptation means having the issue discussed at two points, in mitigation and adaptation. However, it is important to note that in Paragraph 3 and 8 the Accord does not mention “response measures” in regard to support for the

¹² See e.g. Siegele, 2010

¹³ Potential impacts of response measures refers to loss of (fossil fuel) revenues due to climate mitigation policies. This has been a classic claim by Saudi Arabia and other oil exporting countries, based on Art. 4.8 of the Convention which addresses “the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures”. It is increasingly also an issue for African countries, which undiversified economies might be negatively affected by developed countries’ mitigation activities in the short run. Historically, the inclusion of “response measure” in the adaptation discussions have slowed negotiation progress and throttled moneys dedicated for the purpose of adaptation to adverse climate change in vulnerable countries. However, Art. 4.4 of the UNFCCC, which explicitly refers to the developed countries’ support obligation for adaptation in particularly vulnerable developing countries, coupled with the preamble, clearly does not refer to response measures. Thus, under the Bali Action Plan response measures became a mitigation issue under para 1b)iv, addressing the needs in consistence with Art. 4.8.

¹⁴ In particular 1/CP.10 – the Buenos Aires Programme of Work on Adaptation and Response Measures

implementation of adaptation, which is where the further UNFCCC process and international cooperation have to make the key difference.¹⁵

Prioritisation of country groups

The second point of contention is the issue of prioritization of certain country groups when it comes to support for the implementation of adaptation. While the Copenhagen Accord includes a similar definition like the Bali Action Plan which suggested prioritisation of “the least developed countries and small island developing States, and further taking into account the needs of countries in Africa affected by drought, desertification and floods”, several countries are no longer supporting this definition. In particular some Latin American and Caribbean countries, vulnerable mountainous Central Asian countries as well as some other bigger Asian countries fear that this would result in a de-facto exclusion from substantial adaptation funding, given the assumption that provided funding will lag behind the need anyway. It is thus primarily contentious amongst the developing countries and at times it has even threatened to divide the G-77 countries within the climate negotiations. Thus, this will be a difficult issue to resolve, although the concrete implications remain unclear since there has not been an open debate on what “prioritisation” would mean practically.

(c) Finance

Of crucial relevance to both adaptation and mitigation is the issue of finance.

An important component of the Accord is the aim to deliver fast-start money by developed countries “approaching USD 30 billion for the period 2010 – 2012 with balanced allocation between adaptation and mitigation”. While the Accord underlines that these resources should be new and additional, it lacks a clearer definition of what this is supposed to mean.

With regard to long-term finance the Accord must be seen as a step forward, although it falls short of the estimates published by recent studies¹⁶. The Accord states that “developed countries commit to a goal of mobilizing jointly USD 100 billion a year by 2020 to address the needs of developing countries”. Open questions remain, regarding how much of the money

¹⁵ Paragraph 2 also mentions response measures in the context of “a comprehensive adaptation programme including international support” and thus adds to the ambiguity. Moreover the proponents of the inclusion of response measures into the AWG-LCA adaptation text, are the same that refuse the Copenhagen Accord has a basis for work.

¹⁶ The recently launched study Economics of Adaptation to Climate Change, by the Worldbank (2009) estimates adaptation costs in developing countries to be in the order of 75-100bn USD. The study Assessing the costs of adaptation to climate change conducted by Parry et al. (2009) concludes, however, that while in general the assessment of adaptation costs is very uncertain, previous estimates of adaptation costs have drastically under-estimated the scope of the burden in developing countries. Finance for adaptation comes on top of 280bn USD (private and public money), needed for mitigation actions in developing countries consistent with a 450 ppm scenario (McKinsey & Company (2009): “Pathways to a low carbon economy”, p. 43. 2020 value is identified by an linear increase from 2013 to 2027), plus money to halt deforestation and money to enable technology transfer.

will be public money and how much will be private money, as well as how this will be allocated to the different needs (mitigation, adaptation, avoided deforestation and technology transfer).

Two further features in the Accord deserve attention, which perhaps may predetermine the outcomes on the AWG-LCA technical negotiation level. One is the agreement to establish¹⁷ a Copenhagen “Green Climate Fund” as an operating entity of the financial mechanism of the Convention to support mitigation and adaptation actions. Furthermore, the Accord notes that a “considerable” portion of the \$ 100 billion climate financing should be channelled via this fund.

Generally, the orders of magnitude of fast track and long term financing as well as the establishment of the Green Climate Fund are major steps forward. The agreement to establish a “High-Level Panel on Climate Finance”, with a view to further study and provide recommendations on potential sources of revenue, was taken up by the UN Secretary General when he initiated the High-Level Advisory Group on Climate Change Financing in February 2010. It is supposed to work out recommendations which then should be considered by COP 16 in Cancún¹⁸ However, many decisions on contentious issues, already having caused a stalemate on the technical level of the negotiations, were postponed to a later point. Besides the previously mentioned issues, stalemates include the funding arrangement (sources of finance, - bilateral and multilateral) as well as the institutional setting (governance structure of the funds as well as the roles of Worldbank, GEF and the AF¹⁹).

(d) Technology

The Copenhagen Accord contains the initiative to establish a technology mechanism, which could one day when it is established play an important role in promoting coordination of technology support and deployment initiatives. However, the Accord includes no details on the governing structure, financing of technology cooperation and IPR issues, which could hamper fast start implementation of technology cooperation in the frame of the CA. The CA

¹⁷ -/CP15 takes only „note of“ the Accord, a full operationalization of the Green Climate Fund as well as the fast-track finance will likely need a new COP decision.

¹⁸ <http://www.un.org/wcm/content/site/climatechange/pages/financeadvisorygroup>

¹⁹ The Accord states, that the governance structure will be based on equal representation of developed and developing countries. This can be seen as an implicit argument against the Adaptation Fund, which is based on equitable representation. However, it is not yet clear if this was the intention. Rather it is a bit confusing that this governance reference is only linked to adaptation in the Accord, since it is relevant and decisive for the Fund as a whole.

only refers to the two principles of technology transfer and development as being country driven and “based on national circumstances and priorities” in paragraph 11.

(e) The relationship between the Copenhagen Accord and the AWG-LCA

As shown in the prior section there are issues, where the Accord means potential progress towards consensus as well as potential setbacks in the negotiations under the AWG-LCA. Regarding the mitigation targets, the CA may be able to bring discussions further towards an agreement in the LCA. One area is a general agreement on MRV of developing country actions, with details to be decided. In regards to technology, it also brings consensus on a technology mechanism, yet the details still need to be worked out. While most adaptation content has been left to the technical level under the AWG-LCA mandate, the two contentious issues appearing in the CA are by themselves enough reason to contemplate the relationship between the Accord and the AWG-LCA. In particular, response measures and the prioritisation of country groups belong to the controversial and so far unresolved issues in the adaptation negotiations of the last year.

Does the Accord now provide the agreed compromise solution, or will it rather restrain future talks? What is the significance of its inclusion of formulations which have not been agreed upon or have not even been discussed in such a form under the AWG-LCA? There is no definite answer yet and answers vary depending on the different negotiation items in question. Generally it is important to note that the Accord is a political declaration, not a legal text, and that obvious inconsistencies should not be over-interpreted. Yet the relationship between these documents was a major point of discussion for the continuation of the negotiations during the three day session in Bonn and the acceptance of their integration into a new negotiation text is still to be tested beginning with the next session in June.

2.2 Achievements in Copenhagen under the AWG LCA and KP

As the individual LCA and KP texts were not agreed upon, the COP decided to continue with the negotiation process on these tracks until the end of 2010. There was some question as to whether the latest text submitted (draft decision) to the COP, or those texts which were

negotiated after the last AWG plenary will be used for further negotiations. Meanwhile, the AWG-LCA chair's mandate to consolidate these texts, including the Copenhagen Accord as well, has given some direction to this issue. This is quite important since progress was made in these previously unofficial texts which should now be maintained in the new negotiation text.

(a) Mitigation in Annex I and non-Annex I countries

Several major issues regarding mitigation in Annex I countries remain unsolved.

The order of magnitude of aggregated reductions of Annex I countries by 2020 was not agreed upon. Also the low ambition level is a major concern of many developing countries. The draft text under the AWG KP mentions the IPCC range from 25% to 40% below 1990 in 2020 but also includes proposals reducing up to 49%. Most optimistic interpretations of aggregated proposals of Annex I countries to date²⁰ added up to at most 19% below 1990 in 2020. However, considering the less ambitious end of proposals and the potential loopholes in the use of forestry credits (LULUCF) if LULUCF rules will be agreed upon after the overall targets are set, as well as the carry over of unused allowances from the first commitment period, no reductions below BAU would be necessary in 2020²¹. Guidelines are needed on how to MRV emission reductions.

It is likely that the development of developed countries will be a highly contentious issue in further negotiations. Parties will have to come to consensus on general guidelines for the accounting of LULUCF, the rules for unused allowances from earlier commitment periods (AAU surplus) and possible changes to the flexible Mechanisms.

Major issues about mitigation in Non-Annex I countries also remain unsolved. The status of the discussion is summarised in the draft conclusions of the AWG LCA.²²

The developing countries' share of reduction efforts for 2020 or until 2050 is not explicitly mentioned in the Accord. It could indirectly be derived from the – yet to be decided – global reduction goal and the overall reduction targets for developed countries. This may have

²⁰ 23.3.2010

²¹ Climate Action Tracker (2009); Rogelj et al. (2010)

²² (UNFCCC, 2009 a. & b.)

been one reason why some developing countries strongly opposed setting a 2050 reduction target for the group of developed countries.

Guidelines for a mechanism to record unilateral and supported nationally appropriate mitigation actions (NAMAs) for developing countries need to be developed. The negotiation text still speaks of a “registry” or “schedules”. These options include guidelines for:

- Reporting of actions, support and national greenhouse gas emissions in national communications and allowing for “international consultations and analysis”.
- The depth of technical analysis of proposed NAMAs under an international body prior to the acceptance in the registry and who would undertake such analysis
- Criteria for which actions are funded (possibly under the new financial or technology mechanism)
- For international MRV of supported actions.

Reducing emissions from deforestation and degradation in developing countries; and the role of conservation, sustainable management of forest and the enhancement of forest carbon stocks(REDD+)

The draft LCA text states that a comprehensive approach should be taken encompassing not only deforestation, but also sustainable forest management, the conservation and the enhancement of carbon stocks.²³ A major outstanding issue is whether reductions on emissions can result in carbon credits that can be sold on the international market or how else these actions are financed. After a general agreement, guidelines need to be developed on how to MRV the actions.

Other aspects of mitigation

No concrete text formulations emerged regarding emissions reductions from aviation and marine bunker fuels during the negotiations. These emissions are currently uncontrolled under the UNFCCC and have been growing fast and are expected to continually increase in the future.

As developing countries in particular could be affected economically and socially by mitigation measures, there are several options in the text proposed by developing country parties, which are summarized as follows:

- Minimisation of damage from response measures to climate change

²³ (UNFCCC 2010 c.UNFCCC, 2010 d.)

- Avoidance of trade measures
- The effects of response measures as a topic of research by a UNFCCC body.

The draft LCA text on new market-based mechanisms entails no consensus but provides five consolidated options. One option, that has been put forward by the Umbrella States²⁴, the EU, some Latin American Countries and others, suggests the creation of new market-based mechanisms that cover “broad segments of the economy”. Furthermore it requests the SBSTA to recommend to the COP definitions, modalities and procedures of new market-based mechanisms.

(b) Adaptation

Nearing agreement, with a few speed bumps

The adaptation negotiations under the AWG-LCA made significant progress, by finalising a full reading of the latest text available on the 16th of December. It still contains brackets and options in certain issues, but has reached a state in which it is nearly ready to be forwarded to the political level. The final state of the text has been published by the Secretariat in document FCCC/AWGLCA/2009/17.²⁵ It indicates agreement on some important areas, such as the guiding principles for enhanced action on adaptation (paragraph 3). Among these is the reference to vulnerable groups (within countries), which in principle has been a key demand by NGOs. However, the language is weaker than e.g. the agreement in the AF to “give special attention to the most vulnerable communities”. Another example of broader agreement is a list of specific activities for which developing countries can possibly receive funding (paragraph 4). The text does not prescribe which sectors countries should give priority to, as this needs to be identified within countries.²⁶

The following issues remain open, with either bracketed language or options left for the ministers to choose from:²⁷

²⁴ Umbrella States are a loose grouping of developed countries including some to all of the following: Australia, Canada, Iceland, Japan, New Zealand, Norway, the Russian Federation, Ukraine and the US.

²⁵ (UNFCCC, 2010 dc.)

²⁶ That is why the related footnote listing certain sectors has probably no practical implications (and why the lengthy and intense debate around this footnote in the last drafting group was rather pointless).

²⁷ Where paragraphs are referenced in the following explanation, this relates to text version from 15 December, FCCC/AWGLCA/2009/L.7/Add.1 (UNFCCC, 2009 c.)

- **Response measures:** as outlined before, the link to adaptation to the adverse effects of climate change remains controversial. However, there are indications that within the AWG-LCA discussions Saudi Arabia is becoming more and more isolated on this issue, with only a few countries speaking in their favour. To some degree it is obvious that these countries want to use this as a “bargaining chip” for issues under other building blocks, e.g. the inclusion of Carbon Capture and Storage (CCS) in CDM and possibly in the newly created market-based mechanisms covered by the mitigation negotiations; (paragraph 1);
- **Financial support:** While it is clear that developed countries must increase their financial efforts to support adaptation in developing countries in accordance with the Convention, there is still no agreement on how this should be formulated in the adaptation text. This is partly due to the links with the overall AWG-LCA finance negotiations²⁸, and the need for coherency between the different negotiation blocks. However, there are also adaptation specific aspects, such as the prioritisation in funding of certain country groups (see above), which is primarily a controversy within the G77 and China. It is also relevant to generate the necessary support for large financial transfers from developed countries, whose interest lies in ensuring that the money flows to those with the greatest need. Two text options remain from the last round of negotiations (paragraph 6).
- **Institutional arrangements** for adaptation under the Convention: (paragraph 7): For a long time many developing countries expressed the need for specific institutional arrangements to deal with adaptation under the UNFCCC, - with different approaches being proposed (Adaptation Committee, Advisory Body, Subsidiary Body on Adaptation). Developed countries are hesitant to create specific institutions under the UNFCCC and seek rather to strengthen existing arrangements and improve the coordination among them. The discussions also ended in dispute over whether or not a process for designating national hubs for adaptation is necessary (demanded by some AOSIS countries and rejected by both developed and developing countries, paragraph 5).
- **International mechanism on loss and damage** (paragraph 8): In particular those countries whose existence is threatened by climate change, such as the small island

²⁸ UNFCCC (2009 d.)

developing states, demand a mechanism which reliably assists them in coping with climate risks, in particular those to which adaptation is not possible. Such a mechanism would be centred on risk reduction and risk transfer for extreme events (e.g. in the form of an international insurance pool). For sea-level rise AOSIS countries demand a rehabilitation and/or compensation component. Driven by an underlying fear to create compensation-like payments, which could pave the way towards litigation for climate change harm, all developed Parties are very critical of the latter component. Two options remained in the text, - one demanding the specific international mechanism and - one proposing the compromise of language regarding the enhancement of international cooperation on risk management²⁹ and the request for parties to explore where such a mechanism should be based.

- **The scope of monitoring and reporting** (paragraph 12): While most of developing countries want to see a strong focus on the monitoring of the financial support, they seem to be less open on a comprehensive monitoring and reporting approach to the implementation of adaptation actions and their progress.

(c) Technology

In comparison to other negotiation items, there has been significant movement in the technology contact group of the AWG LCA in the past year, with the achievement of consensus on most of the critical issues in Copenhagen. The text contains only a limited number of brackets which means that agreement on a variety of issues was reached within the group.

Parties have identified a non-exclusive list of activities that could be supported with technology. The choice of the activities to be supported should be determined by a country driven process and be guided by consideration for efficiency and effectiveness. Still remaining open is the discussion on whether the purchase of licences and IPRs should also be supported here in this context.

The technology mechanism will consist of a Technology Executive Committee, which is to replace the currently existing Expert Group on Technology Transfer (EGTT), as well as climate technology centres nested within a network. It is unclear to what degree this mechanism

²⁹ The compromise option fails, however, in setting a timeline to explore the steps to achieve such enhanced cooperation.

takes account of the activities identified or if and how this mechanism will be linked to a possible financial mechanism. However, a list of actions that a technology mechanism should support is given.

The functions that a Technology Executive Committee could have are still under discussion and bracketed. The discussion includes monitoring, removal of barriers, collaboration, support and assistance, etc. The Committee will replace the EGTT and details of the reporting lines to the COP and its subsidiary bodies still need to be determined. With respect to financing it is intended that the Committee will play an advisory role, while it is unclear whether the Committee will only provide information or recommendations as well.

The Climate Technology Centres should support and accelerate the diffusion of technology by providing technical assistance and training upon request of developing country parties. The climate technology centres are to support development in all parts of the technology deployment process, from the needs assessment to the provision of information, the design of programmes to the evaluation. Furthermore, national as well as a number of regional innovation centres, together with a climate technology network and a roster of experts shall be established.

Intellectual Property rights (IPRs) remain the most heavily disputed issue in the technology negotiation. While one option is to make no reference at all to them in the text, the other option is to take actions to remove the barriers posed by IPRs to technology transfer. The latter lays down various options that include the creation of a global IPR pool and sharing publicly funded technology know-how in the public domain or even the full removal of IPRs in developing countries.

To make a real difference, a political agreement would have to address issues such as funding, market creation, demand-side measures as well as supply-side measures. Civil society organisations have advised that the “Shared Vision” text contains clear “Global Technology Objectives” to open up the need for low carbon infrastructures and guide national and international development towards low carbon and climate resilient economies. The term “Global Technology Objectives” was introduced by a consortium of

civil society organisations and individuals who published a draft Copenhagen Treaty in mid-2009, with the following technology objectives proposed³⁰:

- development and demonstration to at least double current levels by 2012 and quadruple current levels by 2020, with a key focus on bilateral and multilateral cooperative initiatives;
- obtain a global average of at least two thirds of the world's primary energy demand from renewable energy sources by 2050, with the midterm goal of achieving at least 20 percent by 2020;
- improving average energy intensity of the global economy by 2.5% per year until 2050;
- and securing access to modern energy services for all people by 2025, without locking them into a high GHG intensity development path.

(d) Finance

The high level of progress observed in technology cooperation did not hold true for finance, which is important for all other blocks. Here, technical negotiations were cumbersome and slow, since real advances could only be made on a political level. Crunch issues included: the scope and source of finance (both in terms of mechanisms as well as contributing countries) and the institutional arrangements for the disbursement of funds. The latter posed true for the governance of funding as well as for the role of existing funds versus the establishment of new funds.

3. Outlook: What needs to happen from now on?

Undoubtedly, the results of Copenhagen and the way they have been achieved pose a number of challenges in the UNFCCC process for this year and beyond. We conclude with the following discussion points, in order to provide an outlook as well as insight to help reshuffle the cards after Copenhagen for a winning game in Mexico:

³⁰ Germanwatch et al., 2009

3.1 Tightrope walk: Advancing the negotiations under the Copenhagen

Accord

Three different possible scenarios had emerged after Copenhagen, each being preferred by a different group of countries: The first was to use the Copenhagen Accord as an alternative negotiation track- a view which can be attributed to the US. The second was to ignore the Copenhagen Accord and to pursue within the LCA and KP mandate only. The third was to pick those elements of the Copenhagen Accord, where progress was achieved, and integrate them into the KP and LCA track of the UNFCCC discussions.

After the April 2010 procedural session of negotiations in Bonn, it seems as though the third option is the most realistic. The AWG-LCA chair will present a new negotiation text in June, which will contain the elements of the Copenhagen Accord as well as the latest negotiation texts under the AWG-LCA, in the respective groups.

3.2 Reset the sequence

The comprehensive package approach for COP 15 where "Nothing is agreed until everything is agreed" has proven very difficult. The alternative is to allow for a disaggregated approach to negotiate and conclude more advanced issues first. The motto could be "Nothing is agreed until enough is agreed". Areas where compromise is within sight and where Cancún realistically could achieve COP decisions are Adaptation, REDD, Capacity Building and Technology Transfer. Already the June session in Bonn can deliver decisive progress here. It remains to be seen whether all countries can agree to such a process, now that the general lines are set in the Copenhagen Accord.

The most important question is what to do with the Kyoto Protocol. Perhaps a tactical mistake on the part of the EU was expressing its preference for a single agreement, which has made it difficult to form alliances with progressive developing countries. More strategic would have been a more open view towards a possible second commitment period under the KP.

3.3 Kyoto revival

However, the chances are slim for achieving a legally binding deal in Cancún for all building blocks, with equal strength to the KP. This is mostly due to a US climate policy, which remains unable to commit to a ratifiable treaty, and as a consequence emerging economies are not ready to accept legally binding targets. Realizing this inconvenient truth, developed countries must reverse their position on the KP. In order to best build up elements in the LCA- track, it is essential that the Kyoto architecture, with all its institutional procedures and arrangements, continues to exist in order to be a prototype for the technical arrangement within the LCA track.

3.4 Inclusion of Parties and reform of the decision making process

The lack of transparency and participation in the process (along with the weak communication about this process) was stated as a main reason for the non-adoption of the CA and its insufficient content and support in Copenhagen. Ironically, the inclusion of all Parties, some of which were not negotiating in good faith, stalled the technical negotiations and contributed to the weak outcome. In order to be able to conclude the LCA and KP negotiations, it is thus pivotal to achieve effective UNFCCC decision-making structures which simultaneously meet the requirements of participation and inclusiveness.

In general, there are two options of streamlining the decision-making process. One is the full adoption of the provisional rule of procedures (including the ominous rule 42, which sets the voting rule) in order to enable COP decisions by majority rule and not by consensus. As this adoption would need a consensus, this would likely require a major political effort also outside the UNFCCC. Attempts to achieve this have failed since 1995, interestingly back then because developed countries feared developing countries' domination. Having majority rules is, however, nothing unique within the overall UN system.

The other option is to be more tactful with the proceedings of the "Friends of the Chair" group, - a small number of countries which negotiate on behalf of the remaining countries to better prepare decisions for adoption by all Parties. This format is a usual UNFCCC procedure, which helped to bring success to the COP3 in Kyoto and COP13 in Bali. In Copenhagen the discussion on the LCA track became stalled because some countries opposed forming such a group, partially caused by the weak communication of the Danish

Presidency about this intent. However choosing the participating countries for such a group is a delicate undertaking, as again exemplified by the Copenhagen summit. In the high-level group, which drafted the Copenhagen Accord, there was no member state of the ALBA group present, which contributed to the “outrage” in the final plenary. The formation and establishment of such a group – in a transparent and inclusive manner involving all relevant country groups - could be one focus in the year 2010.

3.5 Act now: Fast-track action

Different interpretations of the underlying causes behind the disappointing results in Copenhagen exist. One reoccurring theme, however, is the lack of trust. Building of trust must therefore be the core strategy for all constructive forces in the negotiation. At this point, financial commitments play a priority role in building trust.

Fast Start Finance must be perceived as a credible step towards a long-term climate finance architecture that consists of new and additional public money, demonstrating a clear shift away from the business-as-usual finance commitments and their relabeling. This credibility includes an objective and transparent process to determine the allocation of financial resources. However, the status quo of current pledges raises considerable doubts, to what extent these are in fact new and additional or not relabelled/recycled old commitments.³¹

While some countries may only have difficulties to provide the resources this year – given that most government budgets had already been fixed last year before COP15 – there is considerable reason for concern that most developed countries will continue relabeling resources that have already been promised for other purposes before Copenhagen.³²

The selection of funded projects and programmes under fast track finance should contribute to trust building and learning of lessons. In principle, however, fast track finance should be spent on transformative projects, which contribute to the vision of a comprehensive climate agreement and which strengthen forerunner coalitions e.g. Europe and vulnerable countries or some of the emerging economies.

³¹ i.e. Germany/Japan

³² See World Resources Institute (2010)

3.6 Mitigation pledges: Changing the Max. to the Min.

The Copenhagen Accord relies on a bottom-up approach on enshrining each countries' emissions reduction goal in an annex, whereas a top-down approach would consist of having an aggregated number first and then allocate it accordingly to the different states. Given the stated 2°C limit also enshrined in the Accord, it is obvious that the ambition of pledges needs to be increased. However, the Accord does not provide for a mechanism to increase the ambition level other than public pressure. The option to jointly increase the ambition level under the pressure of not agreeing at all was missing in Copenhagen.

Some observers now postulate that the atmospheric benefit comes not from an international treaty, but from the concrete action on the ground³³. This might be equally true for investment decisions, which are largely driven by domestic legislation rather than international soft and hard law. Thus one focus, also for the purpose of trust building, is to transform the pledges into national policies. However, in doing so, the pledges need to be seen as minimum reference points rather than a maximum.

3.7 Reframing the narrative: From a climate burden to an opportunity

One anecdotic incident in Copenhagen is that Chancellor Merkel was baffled by the Chinese Premier, who refused a developed country reduction target of 80% by 2050. In the case of limiting global warming to below 2°C, such an 80% reduction target would leave, in the view of China, a disproportionate share of reductions to developing countries. This equity concern needs to be taken into account, as this anecdotic event in Copenhagen exemplifies.

There have been various attempts to incorporate the equity dimension into the commitment of what countries need to reduce or finance. The approaches range from the concept of "climate debt"³⁴ to more sophisticated approaches such as the Greenhouse Development Rights Framework³⁵. The general shortcoming of using such a perspective alone is, however, that it singles out the view of poor and vulnerable countries, which did not contribute in the past and will not contribute in the future. The "effort" sharing discussion is largely one taking place between developed countries and emerging economies.

³³ see Levi, S. (2009)

³⁴ This concept was brought into the negotiations by Bolivia. A simplified summary is that industrialized countries must reduce emissions drastically (-65% by 2020), while developing countries are allowed to continue their pollutions (growth)

³⁵ This concept brought forward by Baer et al. (2007) envisages to allocate emissions by calculating a capacity and responsibility factor.

Agreeing on one metric of "effort" sharing in a political process is impossible since the views differ too substantially on what would be fair. Unfortunately, the window of opportunity is small for conducting mitigation and adaptation action to prevent dangerous climate change impacts in vulnerable countries. Such a discussion would effectively result in a stalemate for climate negotiations and therefore in delayed action. This would in return result in potential disastrous consequences for some of the most vulnerable countries and would therefore not be fair. Thus, the urgency to undertake bold and swift climate action must also be on component of a just approach.

A way forward could be to centre the justice discourse around the transformations of economies - and the chances therein - , which are necessary to stay within the 2°C target. Huge advancement in the development and deployment of technologies are necessary to make countries' economies compatible for the future, some are speaking of the next Kontratjew-cycle³⁶. An inherent equity theme is how the opportunities of this cycle could be fairly shared. One illustrative example is the DESERTEC³⁷ initiative, which by design could be extractive and just produce energy for Europe or it could by design facilitate sustainable development in the participating countries. To make it a dynamic producing element in climate policy, the adding of the "opportunity" sharing to the existing approach of "effort" sharing should be a focus after Copenhagen. It goes without saying that national actions in industrialized countries need to prove that they really envisage a transformation and renewing of their economies.

³⁶ Kontratjew cycle describes long-term growth cycles depending on certain transformative technologies

³⁷ DESERTEC is a cooperation between European and African investors and energy companies which will produce a large scale solar park in the Sahara Desert to provide energy for consumers in Europe and North Africa. Further information is available at: <http://www.desertec.org/>

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