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Before and after the Copenhagen Accord: stocktaking pros and cons of the new legal architecture of the climate change regime

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EAERE-FEEM-VIU European Summer School on Climate Change Negotiations

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Contents

- History and developments of the negotiations on climate change
- The Copenhagen Accord
- The future of the international climate change regime

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International Environmental Negotiations

- Actors
- Formal and informal setting
- ROP + Consensus
- Tools
- Outcome
- How to make a treaty
- Main features environmental negotiations

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Post-2012 strategy

- CMP1 (2005) Ad-hoc Working Group (AWG)-KP

- COP11 Dialogue Long-term Cooperative Action (LCA)

4+1 blocks

- COP13 Bali Action Plan

2 years negotiations – 8 meetings

2 tracks: AWG LCA-KP

- Bali Roadmap

- COP14 Poznan

Para 49 conclusions (KP)

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BAP: Mitigation

- 1(b)(i) on mitigation by developed countries
- 1(b)(ii) on mitigation by developing countries
- 1(b)(iii) on reducing deforestation and forest degradation in developing countries, plus conservation (REDD plus)
- 1(b)(iv) on sectoral approaches
- 1(b)(v) on market-based approaches
- 1(b)(vi) on consequences of response measures

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CMP3 Bali

- Parallel with Bali Action Plan
- Linkages between the two processes
  - Commitments, tools, adaptation fund, …
- Meetings held in conjunction
- KP track
  - Takes note of the conclusions of the IPCC that GHE emissions reduction commitments between 25-40% below 1990 levels were needed on the part of industrialized countries for the period beyond 2012 to limit global temperature increase, with GHG emissions peaking within next 10 to 15 years before going down

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Programme of negotiations

- 2008: Bangkok, Bonn, Accra, Poznan
- AWG-LCA5 & AWG-KP7: March-April 2009 Bonn
- AWG-LCA6 & AWG-KP8 and SB30 (SBSTA and SBI):
  1-12 June 2009 Bonn
- Intersessional informal consultations:
  10-14 August 2009 Bonn
- AWG-LCA7 & AWG-KP9:
  28 September-9 October 2009 Bangkok
- Resumed AWG-LCA7 & AWG-KP9:
  2-6 November 2009 Barcelona

- COP15 & CMP5: 7-18 December 2009 Copenhagen

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Run up to Copenhagen (I)

- Bonn I
  - Different speed two tracks
  - Legal form agreed outcome (5 options)
  - Numbers
- Bonn II
  - 6 months rule
  - Negotiating text (LCA): 199 pages
- Bonn III
  - AWG-KP: no progress on other amendments and numbers

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Run up to Copenhagen (II)

- Bangkok
  - EU announced to favour single unified structure retaining the major aspects of the KP
- Barcelona
  - Block of the negotiations
  - Announcement final outcome will be a COP decision with “political commitment to action”
  - Progress in REDD plus

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Numbers

- IPCC -25 to -40% by 2020
- Information on possible quantified emission limitation and reduction objectives (QELROs) by Annex I Parties
  - -11% to -18%
- AOSIS and big part of non-Annex I Parties
  - -45% by 2020

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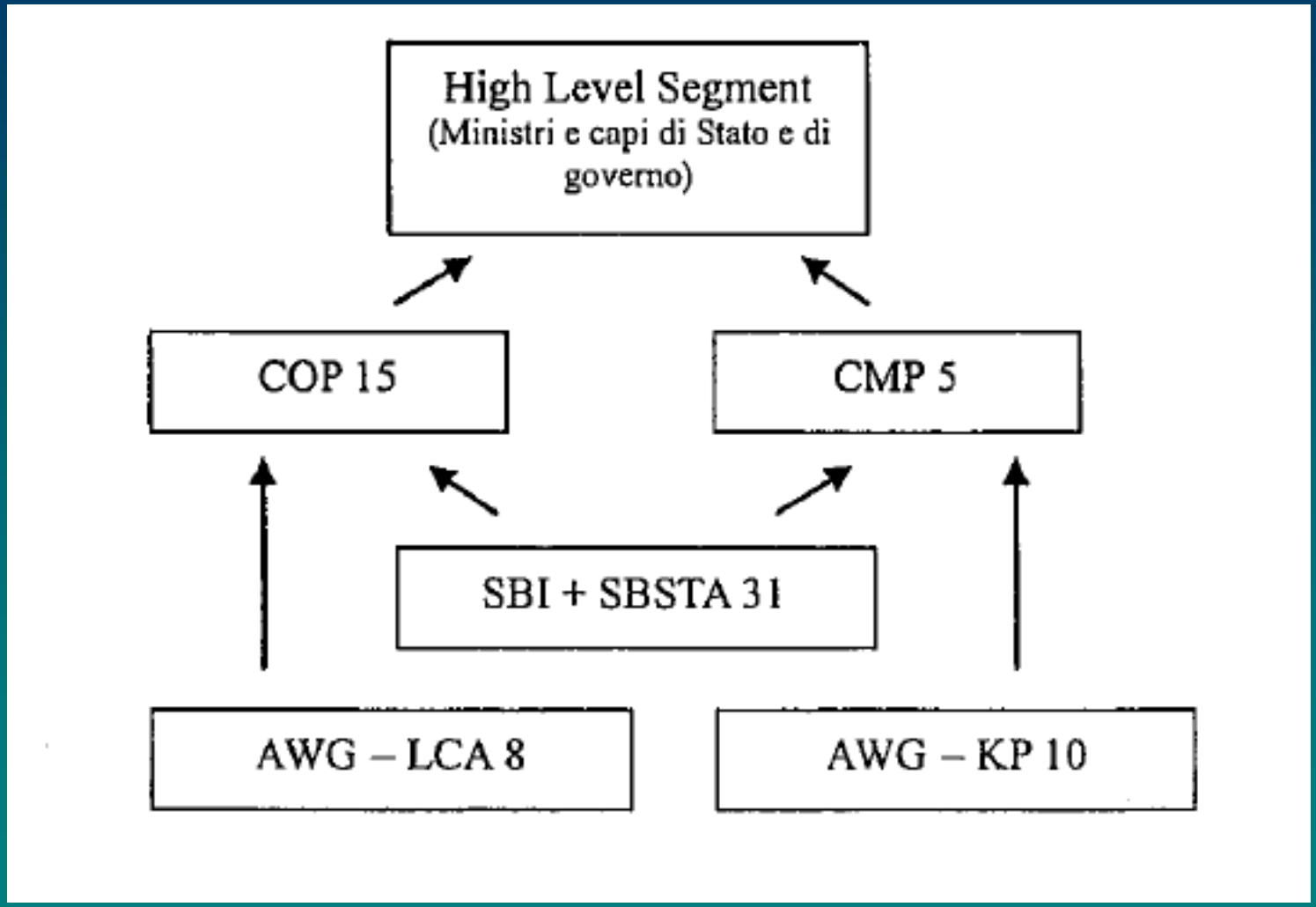
Copenhagen Summit



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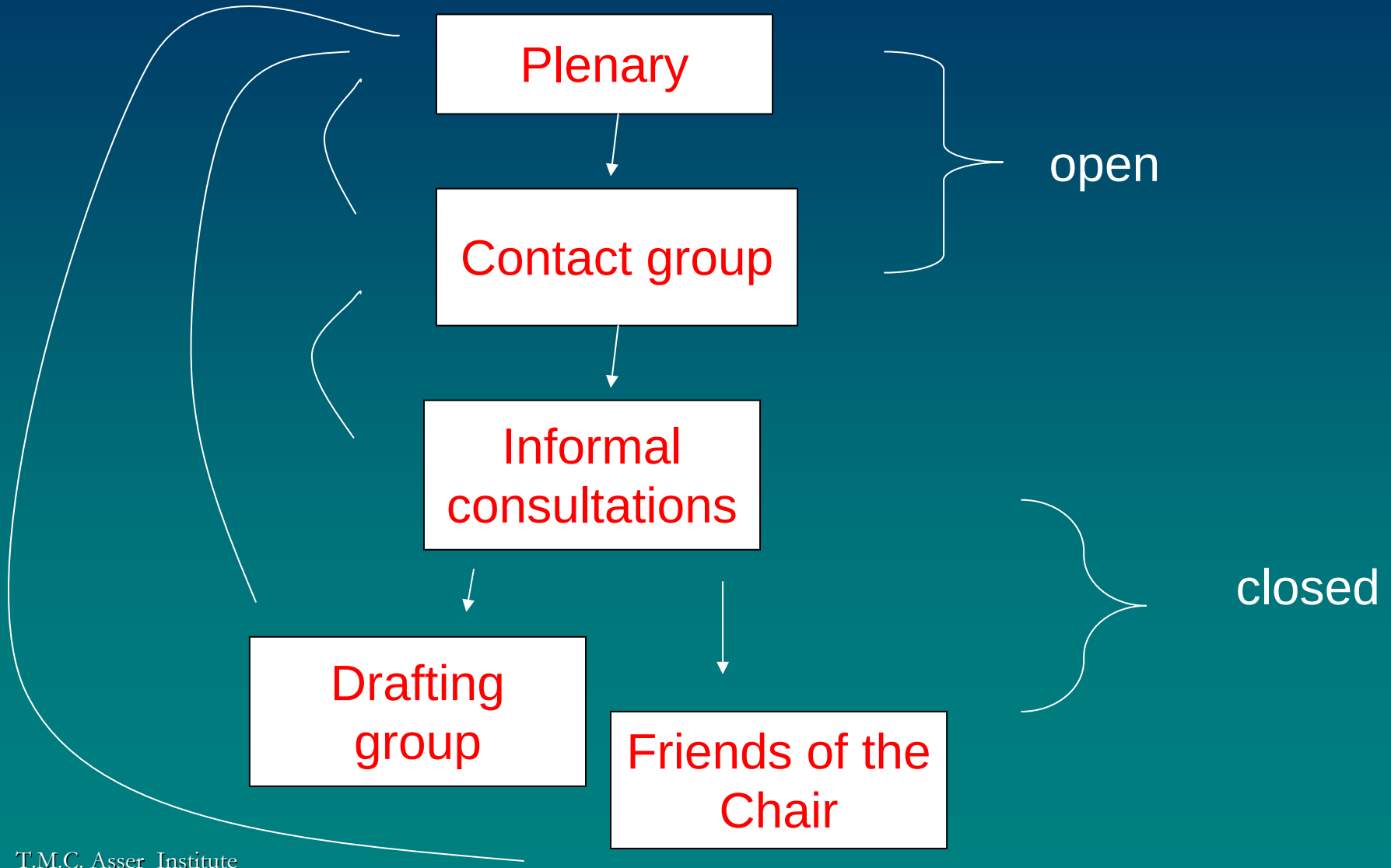
Type of meetings



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Sample day

8-10 Groups other than the Convention and Protocol bodies

10-13 COP/CMP plenary, SBI/SBSTA, AWGs, contact groups, informal consultations, etc..

13-15 Groups other than the Convention and Protocol bodies

15-18 COP/CMP plenary, SBI/SBSTA, AWGs, contact groups, informal consultations, etc..

18-20 Groups other than the Convention and Protocol bodies

18 onwards: bilateral meetings among Parties

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COP15 and COP5

- 7-15 December:
  - Leak draft political text
  - Two track negotiations neither merged nor concluded
- Deadlock 16 December
  - Chair draft conclusions LCA and KP

- 17 December: open ended drafting groups
- Friends of the chair or high level meetings?
- No consensus on how to proceed by 3 am Friday 18 December

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‘The final cut’

- 28 or so countries present
- US + BASIC (5 countries) running the game
- Public announcements on the media (“we have a deal”)

- Final plenary COP15/CMP5 :11 hours
- Points of order and procedural irregularities
- Express objections by a few Parties
- Final result rescued by Ban-Ki Moon

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Copenhagen Accord (I)

- ‘The COP takes note of the Copenhagen Accord of 18 December 2009’
- UN General Assembly (2001):
  - ”the terms ‘take note of’ and ‘notes’ are neutral terms that constitute neither approval nor disapproval”

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Copenhagen Accord (II)

- Not adopted
- Early versions
- Bali Action Plan not respected
- Discussion too political

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Copenhagen Accord (III)

- Strengths:
  - First political agreement on climate change with big consensus
  - Reference to keep global temp below 2ºC and 2015 review
  - Establishment new bodies

- Weaknesses:
  - No reference to ‘legally binding treaty’ anymore
  - No numbers
  - Weaken the KP
  - Difficult to be implemented under COP/CMP
  - Explicit rejection by some Parties

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The Copenhagen Accord

… is weak in terms of global and individual GHG emission reductions

… does not provide clarity on the destiny of the post-2012 process

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Concluding remarks on the CA

- Copenhagen Accord suffered from lack of clarity on mandate for small group
- Consensus issue
- Many parts of AWGs process are lost
- Many negotiated texts still pending
- Legal and political implications of association

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Negotiations in 2010

- AWG-KP 11 and AWG-LCA 9: 9-11 April, Bonn
- AWG-KP 12 and AWG-LCA 10: 31 May – 11 June, Bonn
  - Negotiating text
- AWG-KP 13 and AWG-LCA 11: 2-6 August, Bonn

- Intersessional meeting: probably October, China

- COP16 and CMP6, 29 November – 10 December, Cancun, Mexico

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Copenhagen Accord after Copenhagen

- 112 Parties supporting the Accord
- 76 emission reduction/limitation pledges made by developed and developing countries after Copenhagen
- All developed countries pledged emission reduction targets= 12-19% reduction by 2020
- 39 developing countries pledged voluntary actions to limit GHG emissions

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Unresolved issues

- Numbers
- USA
- LULUCF
- NAMAs
- Markets
- Finance
- MRV

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Indicative list of related topics

AWG-KP	AWG-LCA
Shared vision of the challenge set by the ultimate objective of the Convention	Shared vision including a long term goal
Scale of emission reductions to be achieved by Annex I Parties in aggregate	Collective emission reductions for developed countries to be achieved as a result of mitigation commitments or actions in the mid-term
Contribution of Annex I Parties to the scale of emission reductions and QELROs	Comparable magnitude of commitments
Amendment to Annex B and related options	Various options for inscribing commitments
Application of IPCC 2006 guidelines New greenhouse gases and common metrics Definitions, rules, modalities and guidelines for LULUCF in the second commitment period	Elements and technical modalities of the current reporting and review system under the Convention to be used for measurement reporting and verification of commitments and action by developed country Parties.
Compliance	Compliance
Improvements to emissions trading and the project based mechanisms	Utilising existing Kyoto Protocol flexibility mechanisms. New market-based mechanisms
Potential consequences	Economic and social consequences of response measures

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Other initiatives

- Major economies forum (17 Parties)
- REDD+ Partnership
- International Partnership on Mitigation and MRV
- BASIC

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Options (some) for the future

- WTO process
- Non-proliferation treaty
- Unilateral Declarations

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Thank you

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