

BONN II: WRAP UP

Analysis of revised LCA text and KP negotiations

The Bonn II session of UN climate negotiations have concluded with the climate regime in a precarious position. The United States and other Umbrella Countries are continuing their effort to end the Kyoto Protocol's legally binding regime. In addition, the new LCA Chair's text is decidedly unbalanced in favour of developed countries and the controversial Copenhagen Accord.

The Chair of the AWG-LCA late last night released the much-awaited revised text to facilitate negotiations. The Chair revised Chapter I of her 17 May 2010 text based on input from Parties. The text has been improved by aligning its structure more closely with the structure of the Bali Action Plan.

But it is likely to spark controversy among some Parties. Not just because of what it includes, but also what's left out. Many of the developing countries' proposals remain off the table, while substantial new "transparency" provisions have been added on behalf of the developed countries.

Equally controversial are the final discussions of the AWG-KP in which a number of developed countries have indicated - more clearly than ever - they intend to kill the legally binding Kyoto Protocol in favor of a new "pledge-based" system based on importing the Copenhagen Accord via the parallel AWG-LCA negotiating track.

During the final moments of Bonn II, the big picture is that some Parties have effectively maneuvered the process towards ending the Kyoto Protocol and smuggling the Copenhagen Accord into the AWG-LCA as the basis of a new international climate architecture.

Killing the Kyoto Protocol

More clearly than ever, some developed countries have indicated their intention to end, rather than implement, their commitments under the Kyoto Protocol. These discussions are playing out in the AWG-KP, where Russia supported by Japan have openly opposed references to the "second commitment period" of the Kyoto Protocol, and to "increase the level of ambition of Annex I Parties".

Developing countries strongly expressed their opposition to the killing of the Kyoto Protocol. According to China, "some countries want to hold this process hostage and demand a ransom from the other working group". China and Bolivia, among others, have called for the discussions to take place openly in plenary to ensure transparency in the process and access by journalists and civil society.

This discussion in the AWG-KP is a prelude to ending the only legally binding treaty containing mitigation commitments for developed countries, with the goal of

creating a "pledge-based" approach based on the Copenhagen Accord.

Smuggling in the Copenhagen Accord

Meanwhile, the new AWG-LCA text substantially reflects the controversial Copenhagen Accord. It continues to exclude proposals tabled by countries not associated with the Accord - including Bolivia's demand for a 1°C global goal and proposals from the World People's Conference. The paradigm reflected in the Accord risks a shift away from a science- and rules-based approach favored by many countries - including traditionally the European Union - towards a "bottom up" or "pledge based" approach favored by the United States and other developed countries. The text notably has removed references confirming that Annex I Parties to the Kyoto Protocol shall take their further commitments under the Kyoto Protocol. Nor does it state the Protocol will continue into a second commitment period beyond 2012. The strategy in each of the two working groups is clear.

Keeping the world safe?

The new LCA text refers to a global goal, including as one option a goal of 1.5°C. But it fails to include the peaking year required for any reasonable chance of achieving this goal. Nor would the developed country mitigation targets offer even a slight chance of achieving this goal. The text lacks reference to a peaking year of 2015 - demanded by AOSIS, LDCs and other developing countries. It now includes a peaking year for both "global and national emissions" of 2020. This simultaneously delays the peaking year for global emissions (i.e. from 2015 to 2020) - weakening the prospects of achieving the 1.5°C necessary to keep the world safe. And it advances a peaking date for developing countries (i.e. to 2020), shifting the burden of mitigating climate change towards poor countries.

Sharing the burden unfairly

The text calls for global emission reductions of 50-85% by 2050 (without expressing a base year), and emission reductions by developed countries of 25-40% by 2020 and 80-95% by 2050 from 1990 levels. It excludes the demand for deeper global cuts (e.g. 95% or 100% by 2050) and deeper developed country cuts (e.g. 45% or 50%) advanced by many developing countries.

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By defining global and developed country emission reductions, it effectively defines the size of the global “carbon pie” or “budget” and divides it up between developed and developing countries. (The global goal sets the size of the pie, the developed countries mid- and long-term targets sets their “slice” with the remaining fraction falling to the poor.) The result is that, after already emitting more greenhouse gases than the Earth can absorb, causing climate change in the process, the developed countries get considerably more than their fair share of the remaining global commons – an “atmospheric resource” valued by their own economists, such as Nicholas Stern, in the trillions of dollars.

Consistent with this approach, the text has dropped the language requiring a “paradigm for equal access to global atmospheric resources”. Yet a fairer allocation of the Earth’s carbon budget is seen by many developing countries as the basis for fairly sharing the burden of mitigating climate change, and of ensuring they can follow a less polluting pathway than the developed countries through finance and technology transfers that compensate for developed countries’ excessive use of the carbon budget.

No set of science-based global goals

Many developing countries have also proposed a set of goals reflecting the elements of the Bali Action Plan – including mitigation, adaptation, technology and financing. Their aim is to ensure that all elements of the deal “add up” to get the job done. These are not reflected in the text. In the absence of a clear set of goals, there is little assurance the Convention’s objective will be achieved, or developed countries will do their fair share. Developed countries, in other words, will secure an unfair share of the remaining atmospheric space without guaranteeing that developing countries secure the means needed to live sustainably in the remaining fraction. A set of science-based goals should be reinstated.

Comparable efforts among developed countries?

The text includes provisions relating to comparability of effort among developed countries but fails to include the most important aspect – their scale of mitigation efforts. It mentions “legal form” and provisions for MRV, and historical responsibility (all bracketed), but it includes no provision requiring comparable magnitude of mitigation efforts. There is no reference to the Kyoto Protocol as a benchmark for comparability.

This is difficult to reconcile with the letter and spirit of the Bali Action Plan, or with the Convention, which requires Annex I Parties to make “equitable and adequate contributions”. It reflects pressure by the United States, which is reluctant to negotiate its targets (rather than to merely “announce” them), or to have their targets compared unfavorably with other

countries under the Kyoto Protocol or otherwise. Notably, the US pledge is expected to yield only 3 or 4% reductions when measured against a 1990 baseline – far below what science and equity require.

Symmetrical transparency?

The US has said any agreement must apply “symmetrically” to all Parties, excepting the LDCs. The text includes obligations for “transparency” and “measurement, reporting and verification” that are substantially similar for developed and developing countries. Each, for instance, are required to supply reports every two years. But developing countries are subject to an additional layer of oversight – so called “international consultation and analysis” every two years. The text is arguably asymmetrical – but in favor of the developed countries and does not respect the careful balance of the Convention’s principle of common but differentiated responsibilities.

Show us the money

While it includes numbers relating to mitigation (notably favoring the proposals of the developed countries) the text leaves blank the level of financial resources required. This, according to the text, is to be in “the order of [xx]”. The G77 and China have called for financing of the equivalent of at least 1.5% of Annex I GNP, with other countries estimating that significantly larger levels will be required. It is unclear why these levels are not noted clearly.

Carrots or sticks?

Developing countries had put forward language in shared vision calling on developed countries to refrain from using trade related measures against developing countries. They are concerned that developed countries will use economic pressure to enforce an unfair deal. This language has disappeared from the shared vision (though some text remains in sections on response measures).

An uphill climb to Cancun?

In conclusion, the text includes many disputed points in un-bracketed text. It gives the impression that these points enjoy consensus, which may put many poor developing countries at a disadvantage. It fails to reflect the basic paradigm of equitable burden sharing put forward by many developing countries and required by the Convention. Imbalances in the text have implications not merely for the development prospects of millions of people, but also for the adequacy of the collective global climate effort. If developed countries are unwilling to shoulder their fair share of the burden – based on their historical responsibilities and capabilities – then prospects of an effective outcome are low, and dwindling daily. There remains much to do to rebalance the text in favor of an adequate and fair outcome. Discussion in Bonn III in August must rectify these issues, and set us on course towards a successful outcome in Cancun.

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