

Key points:

- Copenhagen failed to deliver a fair, effective and legally binding agreement on climate change.
- World leaders must now return to the negotiation table and conclude the deal that science and equity demands.
- Europe should play its part to re-build trust by strengthening leadership, in particular by immediately stepping up its 2020 emission reduction commitment from 20% to 30%.
- Ireland should play its part to re-build trust by passing an effective Climate Change Bill and by ensuring that Ireland's contribution to climate finance is 100% separate and additional to our aid commitments.

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Copenhagen: what went wrong and what happens next?

Copenhagen was the culmination of a two year process to agree a new international deal on climate change. It represented an enormous opportunity to prevent catastrophic climate change. It was attended by an unprecedented number of world leaders who had the power to make the necessary decisions. Copenhagen failed to agree a fair, effective and legally binding agreement. It also failed to do the next best thing: provide a strong foundation and timetable to conclude such a deal this year. The main outcomes were the 'Copenhagen Accord', a weak political statement that was 'noted' by the conference; and the decision to continue negotiations along the two tracks established by the Bali Action Plan, with a new deadline of December 2010.

The challenge and urgency to tackle climate change remains unaddressed. World leaders need to get back to the negotiation table and conclude the deal that science and justice demands. It remains possible and more urgent than ever to conclude a fair, equitable and legally binding agreement.

What was at stake in Copenhagen?

Climate change is already devastating the lives of the most vulnerable people around the world. Everyday Trócaire works with communities whose lives have become ever more challenged by changing rainfall, increasing droughts and floods, and the impacts of increasing storms and hurricanes (see box 1). Without urgent action to address climate change, the impacts will be catastrophic not only for the poorest people around the world, but increasingly also for those in richer countries.

Box 1: The human face of climate change – voices from the communities Trócaire works with around the world

"The weather is different to before. Now the rains fall irregularly, so it is hard to grow or harvest the crops. This year, the rains came early, but stopped. Now, there is no rain even though it is the rainy season. I don't know what to do."
Sop Kunny, Farmer, Cambodia

"Before, floods were not like now. It was possible to produce enough to eat. Now it's different. Floods come, and then one or two weeks later, we have floods again. The crops fail and people are left hungry and with no food to eat or buy"

Felipe Macaniji, Farmer, Mozambique

"The rains are not constant and sometimes it rains too much. You plant the maize fields and then it doesn't rain, and the soil cracks, the heat is unbearable, and all this is affecting us a lot. With this problem with the climate we are completely lost."

Eugenia Figueroa, Farmer, El Salvador

The level of political and public engagement in advance of Copenhagen represented a unique opportunity for leaders to make the difficult but necessary choices to alter our current course towards disaster, and instead put us on a greener and more equitable path. In Ireland thousands of campaigners took part in the Stop Climate Chaos 'Countdown to Copenhagen' action on Sandymount Strand in June and in the 'human wave' which engulfed the Quays in December in order to demand action on climate change. Trócaire volunteer campaigners travelled by bus to Copenhagen and joined with tens of thousands of concerned citizens to rally outside the conference centre to call for a fair and effective outcome.

What was expected from COP 15 in Copenhagen?

Copenhagen was the deadline for fulfilling the Bali Action Plan, agreed at the 13th meeting of the Conference of the Parties (COP 13) in Bali in December 2007. It was expected to deliver a new legally binding agreement to avoid dangerous levels of climate change and to ensure developing countries can adapt to the impacts of climate change (see Box 2).

Box 2: Essential components of a fair, effective deal include:

Mitigation: Preventing dangerous climate change

- Agreeing a global emissions reduction target to keep global temperature rise below 2° by peaking global emissions within the period 2013-2017 and reducing greenhouse gas concentrations ultimately to 350ppm (parts per million)
- Developed countries agreeing emission reductions of at least 40% below 1990 levels by 2020. To be achieved using domestic reductions, limiting the use of offsetting.
- Developing countries limit their emission growth, supported by finance, technology transfer and capacity building.

Adaptation and Finance: Protecting vulnerable people from the impacts of climate change

- Providing at least US\$195 billion in public financing for vulnerable people in developing countries to adapt to the impacts of climate change and to support mitigation actions, technology transfer and reduce deforestation by 2020.
- Ensure all climate financing is in addition to Overseas Development Aid commitments. Payments for offsets must not contribute towards this minimum public financing.
- At least US\$100 billion (of the above total) to be provided in grants to enable people to adapt to the impacts of climate change in developing countries, including an international climate insurance pool.
- Ensure adaptation finance is channelled to the most vulnerable people.

Legally binding and enforceable:

- Until the international community agrees to a system that provides better environmental outcomes, a stronger compliance mechanism, and has widespread support, the Kyoto Protocol should continue with a second commitment period.
- In addition to the Kyoto Protocol, a complementary agreement should provide emission reduction commitments by the US comparable to other developed countries, incorporate financial commitments, and cover developing country action.

In the run up to Copenhagen, having witnessed the glacially slow pace of negotiations many were pessimistic about whether Copenhagen would be able to deliver on such a deal. However, with the unprecedented attendance of over one hundred world leaders and intense scrutiny and mobilisation of civil society, a major breakthrough that could unlock the deal was hoped for.

What happened in Copenhagen?

The two weeks of negotiations in Copenhagen were fraught and difficult: on the one hand political re-entrenchment of positions and unwillingness to compromise prevented progress in key areas of substance, while at the same time disagreements and disgruntlement over process and transparency issues eroded trust among the parties. Together, this culminated in deadlock in the official negotiation texts and ultimately a cobbled together Copenhagen Accord, which could not be adopted.

Before the arrival of parties in Copenhagen, trust between countries, in particular between developing and developed countries was already frayed following two years of frustratingly slow negotiations. There had been moves by some developing countries to pledge new emission reduction targets. The process in the US to introduce domestic legislation to reduce emissions was a welcome first step towards joining an international agreement. However, the very low targets, equivalent to approximately 4% below 1990 levels by 2020 was regarded as far from adequate in the international negotiations. The EU had led in 2008 by committing to 20% reductions by 2020, stepping up to 30% in the event of comparable offers. Developing countries, including China, India and Mexico among others, put forward significant commitments to tackle emissions domestically. However, in advance of Copenhagen the major issues of rich country government emission targets as well as financing adaptation and mitigation in developing countries remained far from resolved. The Danish Prime Minister, who would act as President of the negotiations, claimed it would not be possible to agree a legally binding agreement in time, and proposed a single 'politically binding' outcome instead of the two tracks that had been agreed in Bali. These sentiments were echoed by other rich countries in advance of the talks. This issue of the nature of the outcome of Copenhagen was highly contentious both before and during the talks, with developing countries making clear they could not accept the 'killing' of the Kyoto Protocol.

Rumours were rife of an alternative negotiation text produced by the Danish Presidency and a select group of countries with the aim of producing a political statement. An early draft was leaked during the first week of negotiations, sparking outrage both at the process of working on a behind the scenes text rather than the two official negotiation texts, as well as the weakness of the content, which reflected developed rather than developing country positions. In response, and with the aim of getting the process back on two tracks, a number of other groups produced their own alternative texts, including the Alliance of Small Island States (AOSIS), the Africa Group and the BASIC grouping of Brazil, South Africa, India and China. The spectacle of a plethora of alternative texts eventually forced attention back to the two official UN texts, but a great deal of time and trust was lost along the way.

In the official negotiations the two tracks made a limited amount of progress in a few areas. There were hopes that the texts could be almost completed, with just a few of the biggest political decisions left in 'brackets' that could be agreed by the Ministers and Heads of State. However, the ongoing re-entrenchment of positions and continuing fears over where the 'real' negotiations were happening meant that neither of the negotiation texts were completed. By early morning of Friday 18 December, the last official day of the conference, the Chairpersons responsible for reporting on the two tracks, stated that while some progress had been made in some areas most areas had stalled and political guidance from Ministers and Heads of State was needed to achieve agreement. As world leaders arrived on the final day of the conference, not only had there been little movement on all of the big issues, emission reduction targets, finance and the legal outcome of any deal – there was no clear text to form the basis of any agreement.

During the late hours of the last day of the conference, the US, China, India, Brazil and South Africa drew up a short three page text behind closed doors. It was notable, that the European Union were not a part of this group. The text, the Copenhagen Accord, was discussed by 25 heads of government before being presented to the conference of the parties for approval. In a plenary session that lasted all through the night and into Saturday morning, countries argued for and against the adoption of the Accord. Opinions split over the unacceptability of a document that was agreed in secret and only presented for adoption and which was insufficient to address the scale of the problem, to those acknowledging the major flaws of the document but arguing that it should be adopted as a 'first step' to agreeing a more ambitious and binding agreement in 2010. With no consensus, the conference did not adopt the Copenhagen Accord, noting it instead.

The conference also renewed the mandates to continue negotiations on the two official tracks of the Bali Action Plan – the Ad-hoc Working Group on Long term Cooperative Action (AWGLCA) and on Further Commitments under the Kyoto (AWGKP), to conclude in December 2010. This, perhaps the most significant of the outcomes, is in essence an agreement to keep talking.

Reasons for failure: insufficient political will

Negotiations in Copenhagen were undermined by both the lack of ambition on behalf of rich nations, and the untransparent and non participatory approach to the negotiations. These combined to produce a climate of distrust so great that the talks almost collapsed on more than one occasion, and which ultimately ended in confusion and disagreement.

It is the responsibility of rich countries to lead in dramatically reducing greenhouse gas emissions. However, rich countries arrived with a weak set of emission reduction pledges, adding up to just 11-19% by 2020 – well short of the 40% necessary to stay below 2°C global temperature rise. Furthermore the targets were riddled with loopholes, meaning that they would result in even smaller reductions in real terms. In the negotiation session in Barcelona in November 2009 the group of African countries protested at the lack of progress in this area, and on Monday 14 December, opening the second week in Copenhagen the African group and LDCs supported by the rest of the G77 and China called for suspending negotiations under all areas of the negotiations apart from rich country emission reductions. A hoped-for breakthrough on this issue, in particular by the US, did not materialise. This left Australia, Canada, Japan and New Zealand free to hide behind the US low figures. The European Union, who had a commitment to raise its target from 20% to 30%, did not see enough progress from others to do so and thus remains at a 20% target. A stalemate in emission reduction pledges stalled real progress towards a final agreement.

Fears also focused on the implication that rich countries were seeking to abandon the Kyoto Protocol. Developing countries in particular feared this was an attempt by rich countries to water down their emission targets, and to erase the distinction enshrined in the Protocol between rich and poor countries. G77 negotiating tactics were not united on how to achieve a continuation of the Kyoto Protocol, and this lack of coherence undermined united action. In the first week China, India and others opposed the formation of a contact group to look explicitly at proposals for new protocols, opposing efforts led by Tuvalu for Copenhagen to deliver on two legally binding outcomes (the continuation of the Kyoto Protocol and a legally binding complementary agreement covering other issues and the US). Parties to the Kyoto Protocol, especially the EU, Japan and Russia were unwilling to see a continuation of the Kyoto Protocol without the US being part of an equally binding agreement. Copenhagen resulted in no legally binding outcomes at all.

The style of deal making pursued by rich countries and actively promoted by the Danish Presidency further eroded chances of success in Copenhagen. Before the start of the conference, the Danish Presidency had attracted criticism for announcing that hopes of a legally binding outcome were unlikely to be met, and throughout the conference developing countries believed that the Presidency were seeking to deliver an outcome produced behind the scenes rather than based upon the two tracks of the official negotiations. The resultant atmosphere of distrust marred the entire negotiation session, culminating in the opposition to adopt the Copenhagen Accord as an outcome of the conference.

In the wake of Copenhagen some commentators have suggested the failure in Copenhagen was a failure of the UN process itself. However, as a global problem, the response to climate change requires a global solution agreed to by all nations, and the UN is the only forum in which this can happen. A series of small country grouping high level meetings throughout the past two years, including the G8, G20, the US led Major Economies Forum (MEF) and numerous bilateral meetings have also failed to produce an ambitious solution to climate change. The failure of Copenhagen is not the failure of the UN process, but rather the failure of political will.

What was in the Copenhagen Accord?

The Copenhagen Accord is clearly insufficient to the task of preventing dangerous climate change. A weak commitment to limiting global temperature rises to 2°C at least acknowledges the scientific consensus on what is necessary to avoid catastrophic climate change, and refers to the need for global emissions to peak 'as soon as possible'. However, the Accord does not include targets that would ensure this happens in practice. Shamefully, rich countries did not commit themselves to a collective emission reduction target, and there is no global long term reduction target either. Instead, the agreement suggests an approach where each country submits a pledged reduction target to the UNFCCC for information purposes only – a method vocally advocated by the US, which will not drive the necessary emission reductions to prevent devastating climate change.

With regard to developing country mitigation actions, the Accord agreed on one of the highly contentious issues in the negotiations: the need for international measurement, reporting and verification of developing country mitigation actions that are supported by rich country financing. A significant concession by India and China sought by the US, also commits voluntary mitigation action undertaken by developing countries to 'international consultations and analysis'.

The Accord commits developed countries to providing 'new and additional' resources of \$30 billion for the period 2010-2012. This short-term finance is essential, and welcome. However, much of the EU's contribution is simply re-pledging existing finance, and very little of the overall total is additional to the overseas aid commitment of 0.7 percent of GNI.

For longer term financing, there is a call to mobilise \$100 billion for adaptation and mitigation by 2020. This is an important step, but is only half the amount that is necessary, and in reality is only an aspiration rather than commitment. Furthermore, there is no specific obligation for individual countries, there is no mention of how to raise the sums, how it will be shared between adaptation and mitigation, or how much will be predictable public finance rather than private flows from investment or the carbon market. A major flaw in the document is that it makes no clear commitment to ensuring climate finance is raised separately and additionally to existing aid commitments of 0.7 percent GNI. The poorest and most vulnerable people in the world should not have to choose between services such as health and education or protection from the impacts of climate change.

The way forward

Copenhagen did not bring us significantly closer to the urgently needed fair, effective legally binding agreement. The Copenhagen Accord is not legally binding, and even if it was, its content is too weak to represent a fair and effective deal. The two official negotiating texts do however have the potential to deliver a fair and effective legally binding deal, but in order to do so they require the high-level political commitment to break their current deadlock, and this is something that will need to develop during 2010 out of the ashes of a highly tense and acrimonious conference.

World leaders must return to the negotiating table, learning the lessons of Copenhagen in relation to process, and commit to the action that science and equity demands (see Box 2). In 2010 the planned negotiation sessions in Bonn in June and in Mexico in December, should be complemented by as many further sessions as are necessary to give enough time to the process.

Trust between developing and developed countries will need to be rebuilt. Europe can contribute to this by strengthening leadership, in particular by stepping its commitment from 20% up to 30% immediately.

Ireland, for its part, should bring in a strong and effective Climate Change Bill that enshrines a 40% emission reduction target by 2020 and commits to achieving this through domestic action. Furthermore, Ireland should officially commit to ensuring the sources of its **contributions to climate finance are entirely separate and additional** to our target to provide 0.7% of national income in overseas development assistance.