



Political Will at the Highest Level needed

A Hesitant Beginning to the “Countdown to Copenhagen” at the Climate Negotiations in Bonn, June 2009

The UN climate negotiations, which took place at the beginning of June in Bonn, marked the start of serious negotiations on a Copenhagen Agreement. The discussions on the current draft negotiating text showed, however, that alongside the technically difficult details of the negotiations, there are areas of great differences in position, which can only be overcome at the highest level.

The most recent round of negotiations on the way to a Copenhagen Deal took place from the 1st to the 12th of June in Bonn. Alongside the annual meetings of the subsidiary bodies of the UNFCCC, the Convention Working Group¹ and the Kyoto Working Group², both of which are crucial to the Copenhagen process, met as well. With almost 5000 registered participants, interest in the meetings was extraordinarily high.

Pressure from Science and Many Developing Countries

The negotiations were characterized by the stamp of new scientific findings, which more clearly than ever show the dangers of self-accelerating changes in the climate system, and emphasize the need for comprehensive global emissions reductions of 80% by 2050 (compared to 1990). The increase in developing country demands, already to be seen in Bonn in March, continued. Alongside the small island states and the least developed countries (all together more than 80 countries), now China as well is demanding that developed countries reduce their emissions by at least 40% by 2020 (compared to 1990) – a target demanded by the science, which developed countries have hitherto not lived up to. During the negotiations, Japan attracted much resentment as it declared a “bonsai” reduction target. It is prepared to reduce its national emissions by minus 8% compared to 1990, only 2% more than its Kyoto target, agreed upon in 1997.

Developed countries have not yet agreed on an “official” aggregate emissions reduction target. There was also no movement on the critical issue of financial and technological support – in the order of 100 billion dollars. The EU finance ministers addressed this topic during the negotiations, mentioning, however, neither the scale of the financing to be provided, nor the central instrument to raise it, namely the auctioning of industrialized countries’ emissions permits.

The Negotiations Begin

The most recent negotiations also marked the beginning of the real negotiations on the way to Copenhagen. Two weeks before the negotiations, the Chairs of the two negotiating groups presented draft negotiating texts, which for the first time since the Bali Summit were not just a summary of the statements and suggestions of the various countries, but rather an attempt to summarize the ideas in a consistent document in legal language. The negotiating texts are thus to be considered as complimentary. While the Convention Working Group covers the

¹ Ad hoc Working group on Long-Term Cooperative Action, AWG-LCA

² Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol, AWG-KP

central negotiating blocks – mitigation, adaptation, and implementation through financial and technical support and capacity building-, the emissions reduction targets, negotiated under the Kyoto Working Group, are not just a central stumbling block for the negotiations, but are also important for the development of the emissions trading market and the financing instruments based on it, both of which are discussed in the Convention Working Group. This also means: real progress will only be made in both, or neither, of the two areas.

More Text, Instead of Less

How did it run, the start of the negotiations, of the “Countdown to Copenhagen”? The Chair of the Convention Working Group’s 50-page draft document has grown into a 199-page strong text. The chapters were put through a “first reading”, in which the countries or groups of countries could submit their comments. The countries pointed out primarily those parts of the text, where they had reservations concerning the formulation or content. The group of 77 and China (G77 and China) criticized in many places “deviations” from the Text of the Convention, although similar concepts were intended. There was little discussion on disputed aspects of the texts. Each country could submit additions to the text to the Secretariat. As all countries made good use of this opportunity, each chapter has now more than doubled in length, without much of the necessary substance having been added. In principle, there are now in many places text options side by side, which at the same time reveals where there are differences of opinion, both *between* developed and developing countries, as well as *among* them. This first phase, which seems first glance to merely add complexity, is important, so that countries develop “ownership” for the text, and regard for the text as a “negotiating text”, not merely as a Chair’s document, forcing his ideas upon them.

Kyoto 2 or a Copenhagen Protocol? What could the Copenhagen Deal look like?

One exciting but also very controversial issue concerns the legal form of the Copenhagen agreement. Here three options can be differentiated: 1) one protocol bringing together the Kyoto and the Convention Working Groups; 2) amendments to the Kyoto Protocol for a second commitment period and at the same time a Copenhagen Protocol; 3) an extension of the Kyoto Protocol, and “decisions” of the Conference of the Parties for the Convention Working Group. Fundamentally, one can say that protocols which have to be ratified have a much stronger “bindingness”, particularly when they are simultaneously combined with a sanctions regime. At the same time, their implementation takes longer because they have to be ratified by national parliaments. The coming into force of the Kyoto Protocol took so long, however, primarily because several concretizations had to be undertaken, to make it ready for ratification; and because the USA and Russia were not ready to ratify it, even after these further concretizations. The world can not afford such a long process again. The text of the Copenhagen agreement must thus be more concretely formulated as was the case with the Kyoto Protocol, so that the ratification process doesn’t begin only after further negotiations on the implementation guidelines. In the case of Kyoto, these were the Marrakesh Accords.

Without the necessary “bindingness” the danger exists that the agreement doesn’t work effectively. Without this “bindingness”, financial investors won’t divert any large-scale investments. The world cannot afford this delay. Option 3 (i.e. a continuation of the Kyoto Protocol, and COP decisions) is considered the most problematic option by the legal experts of the Climate Action Network, because of its limited legal “bindingness”. That the G77 and China prefer this option can be best explained by the fact that there are countries within this group, e.g. the OPEC countries, which have little interest in a legally strong and environmentally ambitious agreement. In comparison, Tuvalu, as a small island state particularly threatened by climate change, has presented a two-protocol draft, i.e. option 2.

Pressure from the NGOs

In months-long cooperative effort, several nongovernmental organizations, including Germanwatch, WWF International and Greenpeace International, wrote and then presented their own “Copenhagen Treaty”³, which envisages a second commitment period of the Kyoto Protocol, as well as a Copenhagen Protocol and COP decisions for measures to be undertaken before 2013. This draft should serve to show the necessary level of ambition for developed and particular developing countries, if the global temperature rise is to be kept below 2 degrees C (compared with preindustrial levels) with the necessary level of certainty. At the same time, it envisages comprehensive support for mitigation, also in the area of deforestation, and for adaptation to the consequences of climate change. This draft was discussed with many delegations in Bonn, and can be further developed in the coming months.

Four More Steps to Copenhagen

The next round of negotiations, likewise in Bonn, will take place from the 10th to the 14th of August. The current, expanded negotiating texts will not be changed again until the next round, so that all countries have the time to form more exact opinions before concrete negotiations on the text at the next Bonn session. At the technical level, much progress is to be expected here. The large keystones, however, - mitigation, financing, technology cooperation – are not to be laid through the technical negotiations. These will ultimately be decided on in the last night of Copenhagen. The political will must, however, grow before then: at the meetings at the Heads of Government level, e.g. the G8, the G20, the Major Economies Forum, and the UN General Assembly. By the end of September we will be able to judge the ambition on the Copenhagen Deal much better. Will these meetings decide on vague benchmarks, or on a new, path-breaking agreement? Without much more pressure from civil society this will not happen. Bonn was, in this regard, a good, but small beginning.

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At the Rheinaue in Bonn, 6.6.09, in pouring rain, 500 climate activists formed a human exclamation mark for action on climate change. Photo: R. van Warden / Spectral Q / Design J. Quigley

³ A Copenhagen Climate Treaty - Version 1.0, A Proposal for a Copenhagen Agreement by Members of the NGO Community, Juni 2009, available for download at: www.germanwatch.org/treaty