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Success or Failure?

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of the Chavez government in Venezuela, and the extension of its influence in the region, notably through the ALBA group.

9 See Climate Change Secretariat Webcast, at http://cop15.meta-fusion.com/kongresse/cop15/templ/archive.php?id_kongressmain=1&theme=unfccc.

10 In a precedent that no doubt inspired the procedural strategy adopted in Copenhagen, the Geneva Ministerial Declaration was instead taken note of, and appended to the COP 2 report.

11 "CMP" refers to the COP, serving as the meeting of the Parties to the Kyoto Protocol. The COP President also serves as CMP President.

12 See Climate Change Secretariat Webcast, *supra* note 9.

13 See decision -/CP.15, available at http://unfccc.int/meetings/cop_15/items/5257.php.

14 See Climate Change Secretariat Webcast, *supra* note 9.

15 Reducing emissions from deforestation and forest degradation in developing countries.

16 Decision -/CP.15, "Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention", available at http://unfccc.int/meetings/cop_15/items/5257.php.

17 Although, as an oil producer, Venezuela does feature among the top 30 emitters.



3. Success or Failure?

by Richard L. Ottinger*

The Copenhagen Climate Conference and its Copenhagen Accord have generally been billed by the press as having been a failure. I think this is a very unfortunate mischaracterisation. The conference was a failure only in not achieving binding commitments to reduce global greenhouse gas (GHG) emission levels sufficiently to meet the requirements identified by the some 3,000 leading global scientists of the UN International Panel on Climate Change (IPCC) to avoid disastrous consequences – such as sea-level rise leading to massive migration, food disruption, water shortages, tropical disease migration, biodiversity destruction, *etc.* But the conference didn't expect that this could occur in the midst of a global recession. The timing of these events was highly unfortunate. But a great deal was accomplished to lay a good foundation for a future agreement. The years of hard work by many international, national, municipal, industrial and academic experts resulted in some very significant results.

First, the coming together of 193 nations to address the global climate challenge was unprecedented. The participation of the rapidly developing countries of China, India, Brazil and South Africa who, with the US, negotiated the final Accord, and the agreement by Mexico to host the next climate conference were very important, particularly in view of the fact that they had declined to make GHG emission reduction commitments for the Kyoto Protocol. The near universal recognition of the seriousness of the climate change challenge for the future of the world and support for a binding international agreement to address it were vitally important. Indeed, there would have been a clearly binding agreement to lock in the commitments made at the conference were it not for the ineptness of the Danish Prime Minister who took over from the very able chairmanship of Danish Climate and Energy Minister Connie Hedegaard. He misinterpreted the need for adoption of the Accord by "consensus" as a requirement for unanimity. Thus the objection of just five countries – Bolivia, Cuba, Nicaragua, Sudan and Venezuela – was allowed to derail the desires of virtually all the rest of the 193 countries expressed in speech after speech supporting such an agreement, even including the US and China. There is even an active debate among legal scholars

as to whether the Accord can be considered "soft law" for which countries making emission reduction and financial commitments can be held accountable.

The fact that 130 heads of State came to the conference and overwhelmingly spoke in strong support of an international climate commitment was also unprecedented and is a testimony to the importance the world attaches to addressing this issue.

Then there was the incredible outpouring of support for a strong agreement by civil society. Representing concerned citizens and an estimated 1000 NGOs from around the world, 45,000 attendees came to the conference, and maintained enthusiastic support even though the Centre could only accommodate 15,000 of them. The NGOs, governments, international and scientific organisations, industrial groups and others held close to 1000 "side events" conducting panels on every aspect of climate change and solutions. The United Nations Foundation, Climate Action Network, Environmental Grantmakers' Association and others conducted briefings on climate issues and the status of the conference by many of the top experts and negotiators. There was incomparable energy and enthusiasm.

Another very important accomplishment was the uniting of the AOSIS organisation of small island States and the Most Vulnerable States' organisation. Pace Law School and the Yale School of Forestry, under the leadership of Professors Roy Lee and Robert VanLierop, had collaborated with them in devising a strategy to use their

In a press conference following the Summit, the Spokesperson for the UN Secretary-General said that "the accord reached in Copenhagen was an important step forward".

leverage to strengthen the agreement and to assure that their dire needs for adaptation help were met, largely ignored at the previous climate conferences. While drastic, their action in shutting down the plenary for more than a week and at one point walking out of the conference with the African countries, was very effective in making the conference address these needs. As one after another pointed out, the island States and many of those most vulnerable stand to lose their countries, their homes and their livelihoods if GHG emissions are not effectively and sufficiently limited. Thus they had little choice but

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to take these drastic actions, and they succeeded in getting agreement to establish immediately a US\$10 billion short-term adaptation fund, growing to US\$30 billion in 2010–2012 for which full funding was committed, and growing aspirationally to US\$100 billion a year by 2020; though the donors to the latter fund were not identified, Secretary Clinton did commit the US to paying its fair share. They also obtained a commitment in the Accord requiring consideration of establishing emission reductions to limit temperature increases to 1.5°C (350 ppm) in the first reviewing period in 2015.

The conference adopted the goal set by the IPCC scientists for holding temperature increases to 2°C (450 ppm), requiring a 40 percent global emission reduction below 1990 levels by 2020. Little press attention was given to the quite substantial GHG emission reductions toward that goal which were committed at the conference. The European Union made by far the largest commitment of 20 percent below 1990 levels and were very aggravated that other large emitters committed to much less and that no binding agreement was reached; EU industry is very concerned that the cost requirements of meeting

additional commitments in the Accord with a deadline of 30 January.

Very significantly, the International Institute for Applied Systems Analysis (IIASA) found that these commitments would reduce 2020 emissions by 11–22 percent and that the costs of achieving these goals would be only 0.15 percent of gross domestic product.

One of the most important accomplishments of the conference was agreement on the architecture and funding for the REDD programme (Reducing Emissions from Deforestation and forest Degradation), including agreed measures for monitoring, reporting and verification. A total of US\$30 billion dollars was agreed to be paid by developed countries to get forest conservation off to a fast start.

The US and China finally agreed to verification agreement formulae, and there were also commitments for technology development and transfer to developing countries, a black carbon reduction programme by the US, continuation of the negotiations in the IPCC Long-term Cooperative Action Working Group and Kyoto Protocol Working Group, and guidance on reforming the Clean Development Mechanism (CDM) and Joint Implemen-

tation (JI) programmes. There was no agreement to include Carbon Capture and Storage as a CDM measure, calling instead for more research on leakage and permanence of sequestration. The Accord also considers gender issues, recognises the needs of indigenous people, and considers the roles of marine issues and environmentally based adaptation measures.

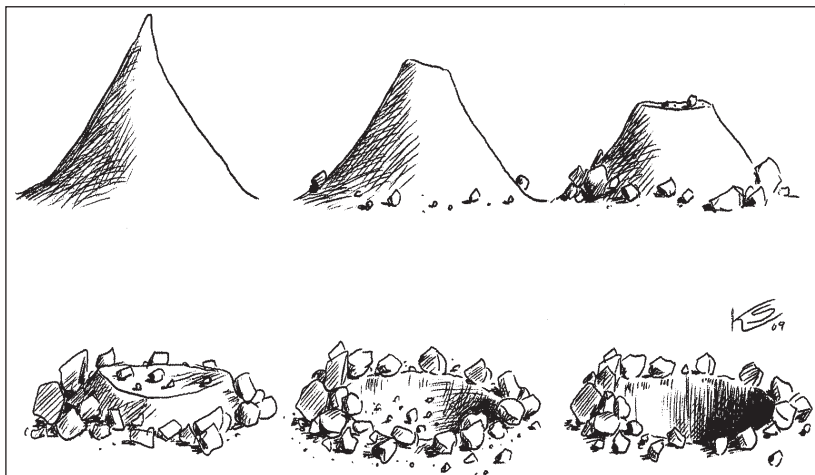
In conclusion, while the conference did not achieve a clearly binding agreement or emission reductions satisfying the IPCC requirements to avoid catastrophic global temperature increases, it did make enough progress on which to build such an agreement in Mexico in November 2010, the date for the

next Conference of the Parties meeting. As Chair Connie Hedegaard put it, there was no point in getting depressed: “What we need to do is to secure the step that we took and turn it into a result...”

President Obama and Premier Wen of China emerged as the key leaders in saving the Accord. There were some very unfortunate conflicts between the US and China along the way, but at the end both agreed on the urgency and support of a strong climate agreement.

The success of the conference was well summed up by President Obama in stating:

For the first time in history, all major economies have come together to accept their responsibility to take action to confront the threat of climate change. We're going to have to build on the momentum that we've established here in Copenhagen to ensure that international action to significantly reduce emissions is sustained and sufficient over time. We've come a long way, but we have much further to go.



Eroding summit

Courtesy: Financial Times

their much higher goals will cause them a competitive disadvantage and job losses. The US committed to a 17 percent emissions reduction, but only below 2005 levels, equating to just 3 percent below 1990 levels. President Obama was under great constraint for fear of undermining Senate passage of climate legislation if he agreed to more stringent reductions than are in the pending House and Senate legislation; this dilemma was generally recognised and the US did make a very substantial US\$3.6 billion commitment towards the short-term developing country adaptation fund. China and India made emission reduction commitments for the first time, of 40–45 percent and 21–25 percent respectively below 2005 levels, but only of emissions intensity, not emission levels; Brazil 21–25 percent below 2005 levels; Mexico 50 percent below 2000 levels; S. Africa 34 percent below current levels; S. Korea 4 percent below 2005 levels; and Japan 25 percent below 1990 levels. These commitments were included in the Accord with a provision for inclusion of greater and