



Preparing for Paris 2015

Paper 1: The UNFCCC Conference of Parties (COP 21) in Paris 2015

The Quaker United Nations Office (QUNO) seeks to promote multilateral cooperation for a fair and peaceful world. We have held consultative status through our world Quaker body since 1948, and have offices in Geneva, New York, and a meeting space in Bonn. Our areas of work include the Human Impacts of Climate Change, Peacebuilding and the Prevention of Violent Conflict, Food and Sustainability, and Human Rights and Refugees.

Our work is often done behind the scenes to help facilitate a constructive outcome to negotiations such as the development of the Human Rights Council (2000s) and the Landmine Ban Treaty (1990s). Our previous work in UN environmental processes includes support for negotiations on the Convention on Desertification, the Convention on Biological Diversity and the 1992 Earth Summit preparations. QUNO also chaired the NGO Committee for the 1972 UN Conference on the Human Environment.

The international climate negotiations are among the most complex and profound in human history. Countries with different economic, political, social and environmental circumstances seek an agreement that can address present concerns and protect future generations. It is an extraordinary, and necessary, agreement to achieve.

The following paper is from a series of four short briefing papers, "Preparing for Paris," which QUNO has developed for the upcoming climate change conference, or Conference of Parties (COP) 21, to be held in Paris in December 2015.

Paper One explores the background and challenges facing the United Nations Framework Convention on Climate Change (UNFCCC) and, more specifically, the COP 21.

Introduction: What is this COP 21 in Paris?

The COP 21, and the 11th annual meeting of the Members of the Kyoto Protocol (CMP 11), will be held from 30 November to 11 December in the Le Bourget region of Paris. The annual COP is the main decision making session of the UNFCCC; this 21st session is historic as Countries (Parties) will consider adopting a new climate change agreement applicable to all Parties.

Why do we need a global effort on climate change?

Kenneth Boulding, a renowned economist and Quaker, once described the planet as "spaceship earth." This perspective influenced not only the questioning of unlimited material growth on a planet of limited natural resources, but also offered an image of our human situation: despite national borders, we are dependent on this planet for our shared existence.

25 years ago, policy makers began preparing for the 1992 Rio Earth Summit, a conference which resulted in the UNFCCC. The resulting Convention came into force in 1994, and has been signed by 195 countries and one regional economic integration organization (EU), all of which are referred to as "Parties to the Convention."

The 1992 Earth summit helped to create global recognition that a number of planetary processes, including climate change, were in crisis due to human (anthropogenic) activities. However, since 1992, global anthropogenic greenhouse gas (GHG) emissions have increased over 48%¹. Global mean surface temperature already warmed approximately 0.85C between 1880 and 2012, and is "on track" for increases (high confidence) of 3.7°C to 4.8°C by 2100, compared to pre-industrial levels, or from 2.5C to 7.8C when including climate uncertainty.² This rate of temperature rise would threaten to collapse current eco-systems and thus the long term existence of current species, including human beings.

13 Avenue du Mervelet
1209 Geneva, Switzerland
Tel: +41 22 748 4800
quno@quno.ch
www.quno.org

1 <http://www.theguardian.com/environment/2012/jun/21/global-carbon-emissions-record> (accessed 6 October 2015)

2 Intergovernmental Panel on Climate Change (IPCC) 5th Assessment Report, Working Group III Summary for Policy Makers, p.8 http://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_summary-for-policymakers.pdf

These unprecedented rates of temperature rise are not inevitable; we know why they are happening, and we know how to ensure against dangerous increases. But protecting the most vulnerable now and all our future generations from catastrophic climate change requires a global effort to address root causes. These root causes primarily stem from fossil fuel combustion and land degradation (including intensive and animal agriculture practices), and in turn the release of methane gas through permafrost melting due to rising temperatures.

What has already happened in the international climate change negotiations?

The objective of the 1994 Convention was, and remains, the stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.³ The 1994 Convention is legal but non-binding and without enforcement mechanisms; it can and has served as a “framework” through which to create legally binding agreements.

Following its adoption, it became clear that necessary GHG emission reductions were not being realized under a non-binding structure. As a result, Parties negotiated the Kyoto Protocol (KP) to establish legally binding targets for developed (industrialized) countries, as these countries had both the economic capacity to reduce GHG emissions, and the historical responsibility for most GHG emissions leading to the climate change crisis. This approach was also meant to help address concerns for fairness, as developed countries benefited economically from longer periods of industrialization. The KP was adopted in 1997 and put into force in 2005.

Why is the KP insufficient?

The KP, which remains in force until 2020, was founded on a binary structure. Developed countries are labelled “Annex I and II,” with legally binding GHG emission reduction targets, and developing countries are “non-Annex,” with voluntary GHG reductions. However, the KP “First Commitment” target for developed countries of 5% of 1990 level GHG emissions was not ambitious, and the highest GHG emitting country at the time, the USA, did not ratify the KP. Canada, currently the highest per capita contributor to emissions in the world⁴, withdrew in 2013.

³ Article 2, The United Nations Framework Convention on Climate Change, <http://unfccc.int/resource/docs/convkp/conveng.pdf>, p. 4

⁴ World Resources Institute, <http://www.wri.org/blog/2014/11/6-graphs-explain-world%E2%80%99s-top-10-emitters>

Agreement to increase the mitigation ambition under a “Second Commitment Period,” for 18% of 1990 levels by 2020, was adopted by the European Union, Australia, Switzerland, Norway, Iceland, and Liechtenstein, but rejected by New Zealand, Russia and Japan, in addition to the USA and Canada. While some European countries have made significant decreases in their emissions, and some developing countries have done so on a voluntary basis, global GHG emissions have, other than in the year 2014, been rising. This lack of overall leadership displayed by developed countries continues to feed serious mistrust in the international negotiations.

In addition, the balance of GHG emissions has changed. According to the United Nations Environment Programme, the developed country share of GHG emissions decreased from 51.8% to 40.9%, while developing country share of GHG emissions increased from 48.2% to 59.1%⁵. A new approach must be both fair and ambitious, but it needs all countries to begin a transformation of those energy and land use policies to sufficiently stem global catastrophic climate change.

At present, negotiators discuss temperature rises above pre-industrial temperatures of 1.5C (championed by low lying and island States) or a 2C threshold, the latter which would lead to even severer climate disruption but is pushed by higher emitters as acceptable.

What is happening in the UNFCCC before the COP 21?

Delegates (negotiators) continue to negotiate, and oversee the implementation, of many aspects of the 1994 Convention. This includes work under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), which includes both pre-and-post 2020 climate action. “Workstream 2” focuses on improving commitments from developed countries on GHG emission reduction, and increased commitments to finance, capacity building, and technology transfer. Progress in this Workstream is critical, because it builds trust that developed countries are offering sincere leadership in the build up to a universal agreement.

In addition, under the ADP, delegates are negotiating the draft text for a new climate change agreement, to come into force in 2020. Negotiators met for two weeks in June, a week in early September, a week in October, and will

⁵ The Emissions Gap Report 2013, UNEP, page xi, <http://www.unep.org/publications/ebooks/emissionsgap-report2013/>

meet during the COP 21 in Paris where they will decide whether or not to adopt a new climate change agreement.

Why is a new agreement needed?

A new global framework is needed if humanity is to stem dangerous anthropogenic climate change. Developed countries failed to sufficiently support the KP, but in addition, the KP does not address a rapidly changing world, where anthropogenic GHG emissions are increasing at unprecedented rates in a number of developed and many developing countries. In Paris, States will decide whether or not to adopt a new agreement, and if so under what legal form, for example, as “a protocol, another legal instrument, or agreed outcome with legal force in the Convention.”⁶ This is a paradigm shift from earlier agreements, and at core is about increasing “ambition” in GHG emission mitigation and adaptation to climate change. This, however, requires clarity on fair and equitable approaches to overcome mistrust and ensure buy-in, to create an effective agreement.

What are the major challenges facing a new climate change agreement?

Although UNFCCC delegates are negotiating global action to stem anthropogenic climate change, the negotiation room is influenced by a far deeper experience, evolving from past colonization practices, continued unfair trade policies, corporate power struggles, assumptions of unlimited growth, misspent overseas aid, and anger over insufficient leadership from developed countries. In turn, economic competitiveness rather than climate science more often defines national positions, because national mitigation efforts are often seen as a “national sacrifice” if not distributed fairly. This reflects the core challenge of the climate change negotiations – most countries negotiating this new agreement remain dependent on fossil fuel based energy sources and destructive land use policies. So long as we remain dependent on fossil fuels as energy sources, as well as material growth in a planet with limited natural resources, emission growth will persist driven by growth in global population and economic activities.⁷ Support to developing countries in achieving this energy transformation can be based on both practical (most effective) and moral arguments.

6 UNFCCC decision 1/CP.20, Lima Call for Climate Action, p.1 <http://unfccc.int/resource/docs/2014/cop20/eng/10a01.pdf#page=2>

7 Intergovernmental Panel for Climate Change (IPCC) 5th Assessment Report, Working Group III Summary for Policy Makers, p. 8, http://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_summary-for-policymakers.pdf

A new climate change agreement could help countries prepare for an energy and land use transformation and avoid catastrophic climate change. Transition to renewable energy sources would improve energy independence, energy cost, and ensure against economic, social and environmental devastation that would occur under the rate of temperature increase predicted with existing global GHG emissions. This transition requires global political will as well as substantial financial support to enable urgent and effective global ambition.

Few if any delegates in the negotiation room question that anthropogenic climate change is happening. Many may be “climate champions” in their own capitals, seeking to convince respective Ministries that climate change is a priority. The psychological pressure of their work is not to be underestimated. But the mistrust in the negotiation room, if not met with fair and ambitious initiatives championed by wealthier countries, could lead to a weak if not ineffective agreement. What is agreed in Paris will be a legacy we leave future generations. Below is a consideration of the challenges facing the negotiations in establishing a fair, ambitious and transparent new global climate change agreement.

a. Fairness / Differentiation

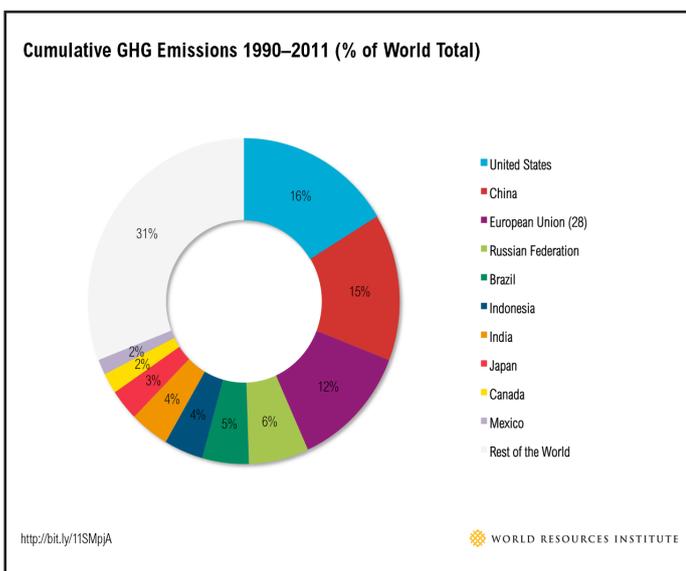
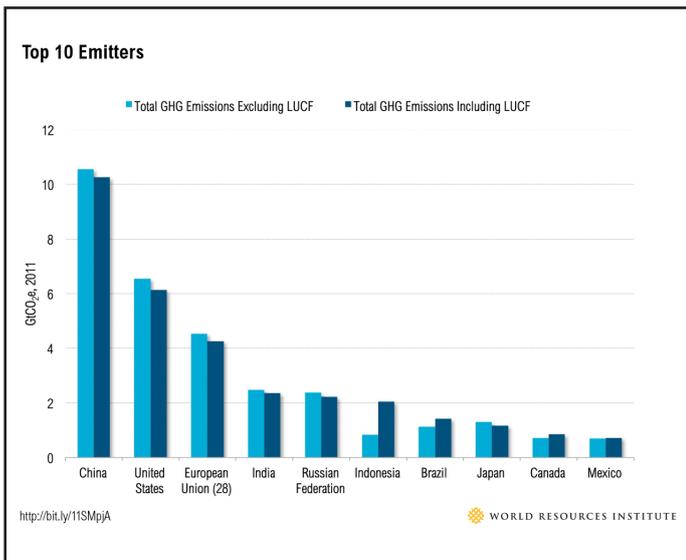
Arguably, the most pressing question is how Parties in 2020 will share the responsibility in facing anthropogenic climate change. Nearly all Parties in the UNFCCC now recognise the need to take some responsibility for their polluting actions, and this has been partially met by the concept of bottom up, self-defined “Intended Nationally Determined Contributions (INDCs, see below). But INDCs are only part of the story. The question is how to genuinely implement an equitable sharing of benefits and burdens of global transition into low-carbon economies.⁸ Countries which benefitted economically from fossil fuel dependent industrialization have achieved a standard of economic wealth that enables funding for a shift to decarbonized energy sources. Less or least developed countries, which seek to shift poverty cycles through economic development, usually lack the funding, the capacity and the technology to reach this level and therefore continue with fossil fuel reliance.

The 1994 Convention outlines the concept of “common but differentiated responsibilities,” known as CBDR.

8 Unpacking the Debate on Climate Justice and Equity, <http://www.benelexblog.law.ed.ac.uk/2014/12/11/unpacking-the-debate-on-climate-justice-and-equity-part-i/>, p. 1

Respective capabilities (RC)” was added to CBDR, while at the COP 20 in Lima, delegates added “in light of national circumstances.” Some Parties wish to continue with the “Annex” binary approach defined in the KP, while others seek a way forward that adjusts to current GHG emissions. Some want the term “historical responsibility” to reflect the role of developed countries. Some want “equity” throughout. Clarity and consensus on what is “fair and effective differentiation” is critical for global support of a new agreement.

In addition, how do the richer and those most responsible for climate change support those who are poorer and least responsible for this crisis? The current emission scenario now includes historical emitters and fast growing emitters, with the low emitting, least developed and middle income countries often being more proactive in the negotiations than the highest, and/or fastest growing, emitters, and have offered frameworks reflecting universal responsibility and fair distribution.



b. Intended Nationally Determined Contributions (INDCs)

At present, Parties are submitting their INDCs to the UNFCCC Secretariat. The concept of an INDC was agreed in a “huddle” of negotiators during the last hours of the COP 19 in Warsaw, following the breakdown of a more formal negotiation process. INDCs are a “bottom up” approach, in which countries/Parties define their own contributions rather than an independent or UN body defining the appropriate reduction amount (top down). INDCs can include both decarbonisation actions within their countries, and “off sets” or carbon trading schemes. These latter approaches are controversial as they are often considered an avoidance of direct decarbonisation efforts of national economies.

Extensive GHG reductions are critical by the year 2020 to keep a 2°C target feasible.⁹ However, INDCs thus far submitted are not sufficient to keep global mean temperatures from rising above 1.5C or 2°C above preindustrial temperatures, nor have they offered clarification on how to implement fairness (differentiation), or commitments of promised financial and other forms of support.

The COP 21 in Paris therefore is already a failure on these accounts. However, the key expectation for Paris is the delivery of a framework, or process. Paris is about increasing ambition, and about creating an agreement which outlines not only a fair, but also a transparent framework in which countries can increase their mitigation ambition as urgently as possible. Essential, but by no means guaranteed, is cross-Party support for an independent body to assess if and when countries are doing their fair share in reducing GHG emissions. Otherwise, countries simply submit what they wish, in various forms, irrespective of what is sufficient. (These links presented in Annex 1 are helpful to follow a country’s INDC.)

c. Finance and related support

Significant trust can be built between Parties through transparent and binding commitments on climate finance, technology transfer, and capacity building. These are particularly critical issues for poorer countries, and the UNFCCC process is an important access for them. However, there is no agreed definition of what constitutes

⁹ The Challenge to Keep Global Warming below 2°C, in Nature Climate Change, Peters P, et al, published online 2 December, p.2

“climate finance,” and this can increase mistrust both with the donor and receiver. There is no legally binding obligation on what level of finance, technology transfer and capacity support, and from whom, should be delivered each year and how this would evolve over time. As a result, mistrust builds over the 100 US\$ billion a year by 2020 promised at the COP 15 in Copenhagen, critical for implementation of many developing country INDCs.

In addition, donations to the process are not generous; the UNFCCC Secretariat budget has been cut and at the time of writing there was no money to pay for delegates from developing countries to attend the COP at Paris. At the September ADP negotiations, an evening session included four meetings of substance, while many poorer countries only had one delegate present. This reflects the inequality of the system. Overall, anthropogenic climate change remains the “global crisis that isn’t,” with wealthy countries spending hundreds of billions of dollars a year on military, and a small fraction of this on action to stem catastrophic climate change.

d. Legally Binding

It is often stated that countries are negotiating a new, “legally binding” agreement for all Parties. But the level of “legal form” is not yet decided. An agreement can be legally binding but not include legally binding emission reduction targets, finance commitments and transparent reporting methods. It could serve as a framework but have no power to act with enforcement if countries choose to continue on with “business as usual” GHG emissions. Unfortunately, this issue is receiving less focus at the current negotiations and may be left for a last minute decision. Yet the level of legal force of a new agreement could be the defining element of its long term failure or success. The KP was successful with those developed countries which had the political will to follow through with increasing commitments. It was unsuccessful with those who lacked the political will.

e. Human Rights

Of high priority to civil society groups, and a number of countries, is the inclusion of human rights language in the new climate change agreement. This work is advocated by civil society organisations present at the negotiations and is viewed as critical not only for the protection of citizens in climate change action, but also for societal “buy-in” of climate action. It is also recognition that choosing to pursue activities prove to destroy the environment on which we and future generations depend, violates the human rights of the most vulnerable now, and all future

generations.

The following language was encouraged by human rights groups for consideration in the agreement sections that hold legal weight (i.e.: not the Preamble):

All Parties shall, in all climate change actions, respect, protect, promote and fulfil human rights for all, including the rights of indigenous peoples; ensuring gender equality and the full equal participation of women; ensuring intergenerational equity; ensuring a just transition of the workforce that creates decent work and quality jobs; ensuring food security; and ensuring the integrity and resilience of natural ecosystems.

In conclusion

There is widespread frustration if not anger that the UNFCCC negotiations have existed for two decades while GHG emissions have continued to increase alongside scientific proof of rising climate stress. While political inflexibility continues, the negotiations are significantly more frank and engaged than what was in evidence even last year, with the co-chairs separating issues to be discussed under the co-facilitation of delegates themselves. While an improvement, the pace remains painfully slow, and the latest “streamlined” Non-Paper draft released by the Co-Chairs has significant omissions (link to draft in footnote below¹⁰), a process which can backfire as it did during the COP 20 in Lima.

As frustrating as the UNFCCC process is, it remains the one multilateral effort in which the poorest have a voice beside the richest countries in addressing anthropogenic climate change. A new agreement would represent a paradigm shift for climate change action, and could include additional legally bound mitigation, adaptation and finance commitments with a transparent framework through which current and future climate actions can be effectively implemented and monitored. It could include high emission Parties currently outside the KP, as well as mitigation and adaptation commitments from both developed and developing countries. Or the agreement could be based on aspirations without legally binding obligations, in which case anything can be said but little “must” be followed.

¹⁰ Link to: <http://unfccc.int/resource/docs/2015/adp2/eng/8infnot.pdf>

Annex 1: How to follow a country's INDC

- The actual INDC country submission:
www4.unfccc.int/submissions/indc/Submission%20Pages/submissions.aspx
- The effectiveness of the INDC:
climateactiontracker.org
- Developed country progress (or lack of) on GHGN emission reduction between 1990 and 2012.
unfccc.int/ghg_data/ghg_data_unfccc/items/4146.php

This information was prepared by the UNFCCC Secretariat, for Annex 1 (developed) countries. Please note that Canada and the USA are not signatories of the Kyoto Protocol, meaning they have refused to participate in a legal obligation to decrease their emissions.

Annex 2: Attendance

For those who wish to go to Paris, but do not have a UNFCCC registration place, the French government is creating a civil society area where events will be open to the public.

For more information, please link with: cop21.gouv.fr/en/civil-society. Events are being organized worldwide, and include pilgrimages from around the world meeting in Paris to demand urgent and effective action.

Annex 3: Human Rights action

The following publications may be of interest:

- ciel.org/Publications/CCandHR_Feb2015.pdf
- climatenetwork.org/sites/default/files/final_submission_to_adp_on_human_rights_protections_7_feb_2015.pdf

In addition, the Oslo Principles on Global Climate Change Obligations (osloprinciples.org) outline all countries' climate change obligations. These were developed by a group of experts in international law, human rights law, and environmental law. The Principles have been used by civil society groups to engage with their national government positions

It was also meant to help address justice concerns, as those least responsible for the current climate change crisis, poor and vulnerable communities and all future generations, are the most affected.