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# From Copenhagen to Cancun: The Future of the Legal Regime Governing Climate Change

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# Urgency of Action



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# The UN Climate Agreements



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## UN Framework Convention on Climate Change

- 192 parties (including US)
- To prevent “dangerous” human interference
- “Common but differentiated responsibilities”
- Developed country “aim”: 1990 levels by 2000

## Kyoto Protocol

- 190 parties
- Binding emission targets for 36 developed countries
- Market-based architecture

# The Challenge

## Kyoto Protocol



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UNFCCC

### AWG-KP

Ad Hoc Working Group/ Kyoto Protocol

- Negotiation of post-2012 commitments for countries with Kyoto targets (i.e., not United States)
- Launched in 2005 in Montreal
- No agreement yet on target range

### AWG-LCA

Ad Hoc Working Group on Long-Term Cooperative Action

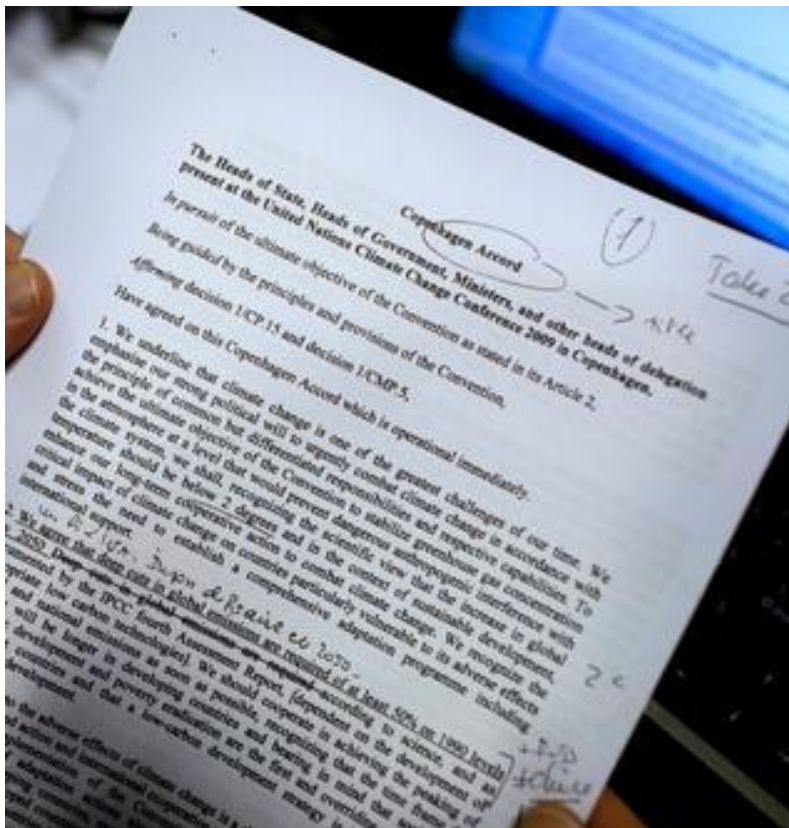
- 2007 Bali Action Plan calls for “agreed outcome” in 2009 on:
- “Shared vision for long-term cooperative action, including a long-term global goal”
  - Developed country mitigation “commitments or actions”
  - Developing country mitigation “actions” supported by technology, finance, etc.
  - Adaptation
  - Mitigation and support are to be “measurable, reportable, and verifiable”

# Copenhagen Accord



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- Aspirational 2°C target, with GHG emissions peaking as soon as possible
- A pledge-and-review process of
  - Quantified economy-wide emissions targets for 2020 by developed countries
  - Nationally appropriate mitigation actions of developing country Partiesto be reported every 2 years



# Copenhagen Accord (cont')



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- International MRV system for developed countries, domestic MRV plus “international consultations and analysis” for developing countries
- The development of low-emission development strategies is indispensable to sustainable development.
- REDD regime to be established
- A mechanism for North-South transfer of technology
- Enhanced action on adaptation, with response measures and international cooperation is urgently needed.
- Use of markets

# Financing Pledges of COP-15



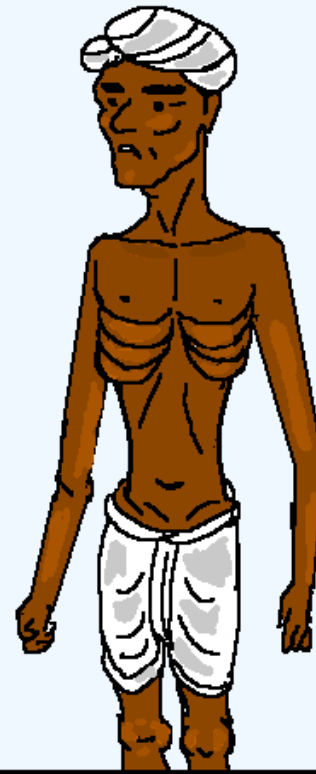
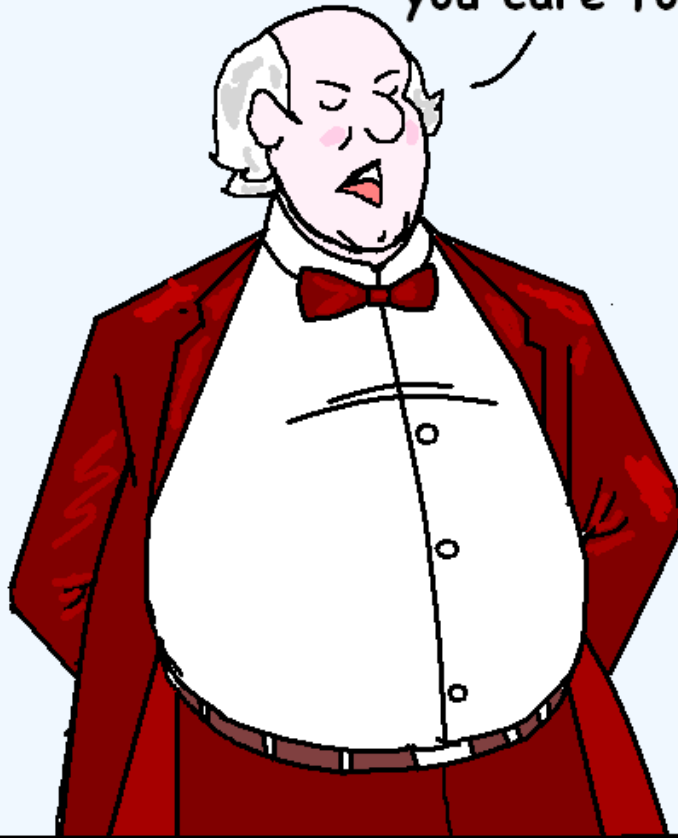
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- Decide to pursue various approaches, including opportunities to use markets, to enhance the cost-effectiveness of, and to promote mitigation actions.
- Scaled up, new and additional funding shall be provided to developing countries.
- The collective commitment by developed countries is to provide new and additional resources, including forestry and investments of USD 30 billion for the period 2010 - 2012
- Developed countries commit to mobilize 100 billion dollars a year by 2020 to address the needs of developing countries.
- A High Level Panel will be established to study the contribution of the potential sources of revenue.
- Decide that the Copenhagen Green Climate Fund shall be established.



# What is missing and why?

All you are interested in is development and getting rich! Don't you care for the environment?



Binding framework and obligations

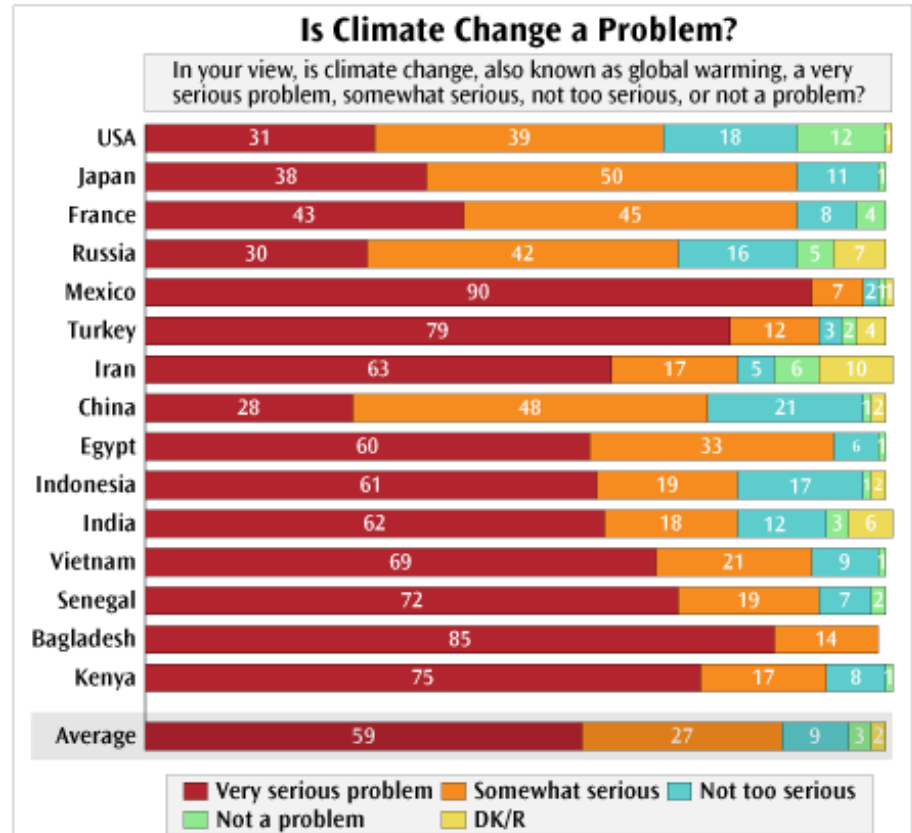
- No shared vision
- No agreement on institutions and process

# Taking the pulse of COP-15



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- The US remains an unreliable partner in international climate policy; it is far from becoming a leader.
- The EU took laudable action, but committed a number of strategic errors before and in Copenhagen. Its top-down vision is not shared by the majority of parties.
- China will take strong domestic action, but resists to internationally mandated action.
- BASIC countries in general not willing to negotiate their own mitigation actions internationally.



..and badly organized conference, weak and clumsy presidency...cold winter and economic crisis.

# Strategic Priorities



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- Need for building trust
  - Replace discussion on commitments by action
  - Establish efficient financing frameworks that incentivize emission reductions in developing countries and finance the costs of adaptation. Pay for performance wherever possible.
  - Swift disbursements of fast-track funding pledged in Copenhagen
  - New and additional resources to the extent possible
- Need for a venue analysis
  - Establish the elements and decisions that need to be taken in the context of the UNFCCC and those that may be taken or prepared in other fora
  - Decide on institutions and implementation arrangements





# What to expect from Cancun?

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- Putting the process back on track
- Building consensus around goals, objectives and the process
- Detangling the LCA and KP working packages, developing new text and adopt decisions on issues that are supported by broad consensus (REDD, TT)
- Facilitate fast-track financing

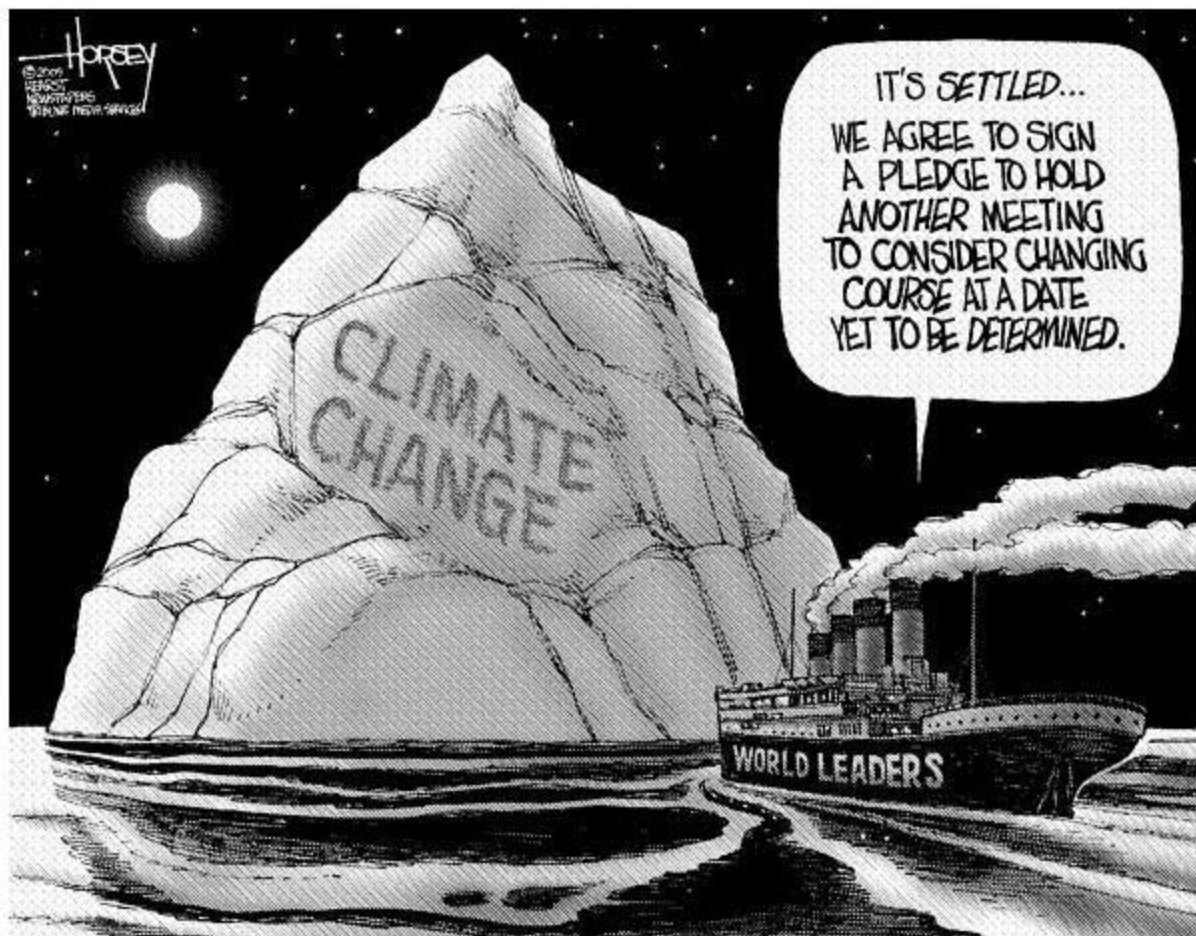


Promising Mexican leadership, highly skilled and committed team.

# To be avoided...



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