

# Inside Copenhagen: The State of Climate Governance

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The state of global climate governance came into sharp focus in December 2009, as the UN Climate Change Conference in Copenhagen brought together the global political elite to finalize humankind's response to global climate change. Nearly 120 heads of state in the same building constituted the highest concentration of robust decision-making power the world had seen. The stakes were uniquely high: the widespread consequences of climate change meant political decisions would affect most people around the world as well as future generations. And while the world's attention was justifiably on Copenhagen, the conference produced a particularly ambiguous outcome, leaving governments and observers alike wondering how to assess the results.<sup>1</sup>

This ambiguity challenges the academic community to assess the overall state of climate governance. I evaluate the Copenhagen outcome in the broader context of climate governance, from the insider perspective of a government delegate.<sup>2</sup> Access behind closed doors and active participation in the process help in understanding the outcome and its implications. The conference was a failure whose magnitude exceeded our worst fears, and the resulting Copenhagen Accord was a desperate attempt to mask that failure. However, there is a sharp contrast between multilateral climate governance and "aggregate" climate governance. Today we face two concurrent realities: the UN climate process is seriously damaged, while aggregate climate policy is making significant progress. The trajectory of the policy path matters more than single conference events, and recent policy developments display positive trends. This contrast between a stagnant UN process and a vibrant multilevel policy realm underscores the need for the scholarly community to develop a composite measure of global climate governance.

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1. Egenhofer and Georgiev 2009.

2. The author was a government delegate for a European Union country. For a full insider account of Copenhagen including key contentious issues and positions of key players, see Dimitrov 2010.

## Setting the Stage: Prospects and Obstacles

The United Nations Climate Conference in Copenhagen was the culmination of two years of intense negotiations on a new global climate agreement.<sup>3</sup> These years brought little progress in key policy debates. In the three months before Copenhagen, however, an avalanche of positive developments bode well. Following European leadership, Japan pledged highly ambitious 25 percent emission cuts below 1990 levels by 2020, and the US offered 30 percent below 2005 by 2025 and 42 percent by 2030. The global media reported quantitative policy pledges by major developing country emitters: first Brazil with 36–39 percent cuts by 2020 below business-as-usual, followed by China with 40–45 percent and India with 20–25 percent decline in carbon intensity below 2005. With all major players ready for domestic action, the stage appeared set for a basic international agreement.

The key to an accurate assessment of Copenhagen lies in the list of political scenarios negotiators considered privately. In internal EU discussion as well as official negotiations, delegations strategized four possible outcomes in declining order of policy strength: 1) a legal treaty; 2) a “comprehensive core decision”; 3) a political declaration; and 4) no output whatsoever. Negotiators regarded the heads-of-state factor as a solid guarantee that *something* will be decided, since failure to produce any document would be a politically unaffordable scandal. Hence, no one considered option 4 seriously—until the last day of the conference.

Though the outside world expected a global climate treaty to be produced, with the exception of some island nations who pursued it faithfully until the end, inside negotiators viewed this as an unlikely outcome.<sup>4</sup> The idea of a binding agreement was abandoned a month before at the Barcelona round in November 2009, when lack of progress made negotiators concede we would not be ready for a treaty in December. Our aim became a nonbinding “comprehensive core decision” and our worst-case scenario for Copenhagen was a political declaration. Everyone except perhaps Saudi Arabia focused their efforts on avoiding that outcome and ensuring a comprehensive decision capturing as much policy substance as possible.

Several issues proved impossible to resolve, including: the number of international agreements to be negotiated; the future of the Kyoto Protocol; the targets for maximum global temperature increase, carbon concentrations and aggregate emission reductions; the method of determining country targets (top-down versus bottom-up); and the role of agriculture and forest policy. One particularly intractable issue was whether developing country actions should be

3. Cléménçon 2008.

4. Island states and several Latin American countries backed Tuvalu’s detailed text for an ambitious Copenhagen Protocol that would impose obligations for all major emitters and limit global temperature rise to 1.5°C. Their repeated calls to negotiate on basis of the proposal were never answered.

subject to international measuring, reporting and verification.<sup>5</sup> The West accepted voluntary actions by developing countries, agreed to finance them in part and placed US\$ 25 bn on the table in Copenhagen.<sup>6</sup> The money and concessions had remarkably little impact on negotiations: China, India and Brazil never reciprocated with *any* compromise, did not table their media-reported pledges and asserted their freedom of development regardless of environmental impacts.

## Dramatic Finale

When negotiations failed, priority switched from saving the world to saving face. Heads of states arrived and negotiators had nothing to present to them. “Negotiations have reached a dead end,” stated South Africa in the middle of the second week.<sup>7</sup> “Further negotiations would be only useless theatre,” the chief negotiator of a major regional bloc said. Irreconcilable differences between developed and developing countries precluded a meaningful agreement. At the same time, allowing such a big event in international diplomacy to fail would be an embarrassment for all present political leaders.

“Why don’t we be frank and tell the world we failed?” the head of a European delegation told me privately. The last 48 hours of the conference were dedicated to masking the failure of the international community. Pens in hand, 25 prime ministers and presidents began crafting a declaration themselves. The draft texts of 200-plus pages negotiated over two years were effectively trashed and replaced with a brand new declaration of two and a half pages. Three drafts were developed over two days, each one slimmer than the previous. Early draft references to global emission cuts of 50 percent by 2050 and 80 percent in industrialized countries disappeared. Presidents flew away on Friday night with a particularly weak political declaration in their wake. We had reached our worst-case scenario.

As we hit rock bottom and thought things could not get worse, they did. In final Plenary at 2am Saturday, seven countries opposed the Accord as undemocratically created, and too weak to save the world: Tuvalu, Nicaragua, Bolivia, Cuba, Venezuela, Sudan, and later Pakistan. Each had veto power given the consensus rules in the UN process. Western delegations were mortified, facing the prospect of failing to adopt a declaration by their own heads of state.

The meeting was suspended, everyone rose and 200 people gathered at the center, surrounding delegates from Bolivia and Venezuela who were physically pressed against the wall of the podium. “You will never get the money again!”

5. Comprehensive analyses of key issues include Kulovesi and Gutiérrez 2009; and Rajamani 2009.

6. The EU tabled US\$ 10.6 bn and Japan US\$ 11 bn in public finance for 2010–12. The US offered informally US \$ 3.7 bn.

7. Where not indicated by a citation, quotes are from the author’s direct observations at Copenhagen.

shouted one Western delegate. The President of the Maldives pleaded with a Bolivian official: "Please Madam, this is our last chance. I have two daughters and wish to live with my grandchildren. Our nation is one and a half meters above sea level . . ."

In the imbroglio, one delegate captured the essence of the historic moment while confronting a Bolivian: "What we are doing now is killing this process. The signal we are giving to the outside world when millions are watching will be: 'We failed. The UN system failed.'" Pressure and pleas brought no results: countries did not drop their opposition<sup>8</sup> and the Accord was not formally adopted. The Copenhagen decision was a single sentence: "The Conference of the Parties takes note of the Copenhagen Accord of 18 December 2009," with the accord attached in an appendix.<sup>9</sup> Most notably, China, India and Brazil never made a statement during this final Plenary, a clear testimony that they were content with this vacuous outcome.

## Copenhagen Outcomes

The conference produced two main outcomes: the tentative political declaration and the continuation of UN negotiations. The Copenhagen Accord is an agreement among heads of governments vaguely alluding to limiting temperature rise to 2°C. In the text, targets for industrialized countries and actions for developing countries are to be defined voluntarily and communicated to the Secretariat by 31 January 2010. Only actions funded internationally are subject to international monitoring, reporting and verification. The text also stipulates: the establishment of a mechanism for "REDD-plus (Reduced Emissions from Deforestation and Forest Degradation)", a Copenhagen Green Climate Fund, a Technology Mechanism, and climate finance of US\$ 30 bn for the period 2010–2012 and US\$ 100 bn dollars a year by 2020, contingent on meaningful and transparent mitigation actions.

The Accord is weak for four reasons. 1) It is a nonbinding political declaration. 2) It was made by an unspecified list of countries. 3) It is remarkably light in content, with no global targets for aggregate emission reductions to ensure environmental results. 4) Without formal adoption, the Accord remains a free-floating agreement without an institutional home and with highly ambiguous legal status in international law.<sup>10</sup>

The second decision was to continue negotiations in 2010 but the new mandate does not include a binding climate agreement. The US, Brazil, China

8. Only Tuvalu softened their opposition and implicitly gave the Accord green light.

9. United Nations 2009.

10. The absence of legal weight was made clear when on 18 January 2010, the Secretariat posted a notification inviting countries who support the Accord to subscribe by January 31. "In light of the legal character of the Accord, such communication may take the form of a simple letter to the Executive Secretary from a relevant officer of a Government or a note verbale. . . ." See UNFCCC 2010.

and India closed a deal to delete the reference to a “legally binding” negotiation outcome, and the EU, Japan, Russia, Norway and others objected to no avail. Thus, negotiations in 2010 have no clear goal and prospects for resolving the differences that wrecked Copenhagen are practically nonexistent.

## Assessing Climate Governance

The current situation in the UN multilateral process is worse than before Copenhagen. Failure to adopt the lightest possible nonbinding declaration underscores the bleak prospects of the consensus-based UN process for responding to climate change.<sup>11</sup> This will likely shift policy efforts to national, bilateral and regional initiatives. The conference delivered little but managed to destroy existing hope. Whereas previously we held out hope that omnipotent heads of state could resolve outstanding political differences in one fell swoop, we have now lost even that hope. If the highest-level leaders cannot settle differences, who can?

Paradoxically, climate policy developments worldwide are overall positive. Aggregate climate governance comprising regional, national, subnational and local policies as well as nonstate initiatives worldwide is steadily gaining speed.<sup>12</sup> The Copenhagen disaster should not obscure the bigger and brighter picture: Today the vast majority of countries with significant emissions have pledged fairly ambitious domestic targets, many backed with detailed policy implementation plans.<sup>13</sup> The EU’s elaborate and ambitious policy is legislated and binding on all 27 country members. Three years ago, Japan’s 25 percent or Norway’s 40 percent cuts by 2020 would have been incredible!

Second, governments are providing billions of public dollars for climate policy, in addition to private investment. Money was perhaps the main achievement of Copenhagen and a major breakthrough in the history of climate talks. The EU, Japan and Norway pledged over US\$ 25 bn for fast-track adaptation and mitigation policy in 2010–2012. The US and others endorsed the European estimate of US\$ 100 bn annually by 2020. The Accord reflected these numbers and presumably opens the door for this money to start flowing. Finally, local and nonstate climate governance is thriving. Subnational public policies and nonstate initiatives such as voluntary carbon-offset schemes are proliferating. Several hundred major cities around the world have developed policy initiatives and formed transnational city networks.<sup>14</sup> While the UN process is moribund, multilevel policies are likely to proceed with implementation and continue to grow.

Clearly, current pledges are not sufficient to prevent the worst. Their aggregate impact would lead to 16–23 percent emission reductions in industrialized

11. Haas 2008.

12. On regional policies, see Oberthür and Pallemarts 2010; and Selin and VanDeveer 2009.

13. Tables summarizing current policy pledges and financial contributions are in Dimitrov 2010.

14. An excellent gateway to the literature on local climate governance is Betsill and Bulkeley 2007.

countries by 2020, which is below the 25–40 percent thought to be needed to prevent temperature rise above 2°C. And even 2°C would doom millions of people in island nations and other highly vulnerable countries. The fast-track finance of US\$ 10 bn per year is “not enough to buy coffins for Africa,” quipped a high-level UN official. The grave tragedy of our times is that the urgency to save lives conflicts with the slow pace of history and social change.

A proper historical perspective may help instill patience nonetheless. We are embarking on a global transition that constitutes a veritable energy revolution. Governments are negotiating a fundamental transformation of the global economy toward low-carbon development. The transition would require a fundamental socioeconomic transformation of modern societies, and the sheer magnitude of changes guarantees the process will take many decades. By comparison, the Industrial Revolution took one century in Europe alone. Copenhagen was just one event in a long-term process. A failed conference is less important than the overall trajectory of that process which is an upward curve. The global process toward a green economy now appears irreversible.

### The Academic Challenge: Research Questions

The Copenhagen episode raises at least two challenging questions to the academic community. First, how should we measure and assess multilevel climate governance? IR scholars have developed measures on the effectiveness of formal interstate regimes.<sup>15</sup> What we need now are aggregate measures to gauge other levels of “public” governance as well as nonstate governance. We have a rich global collection of public and private policies at various levels and diverse jurisdictions, many outside of international frameworks. Monitoring and measuring their aggregate magnitude is a major challenge. What would a barometer of global climate policies look like?

Second, can political failures have *positive* policy impacts? The Copenhagen disaster may be a blessing in disguise if it increases political pressure on governments to secure a meaningful agreement. More importantly, multilateral failures may indirectly facilitate climate policy at other levels of governance. Stakeholders who see they cannot expect much needed adaptation or mitigation action from the global level may increase their self-reliance and strengthen policy efforts at local, subnational and regional levels. The possibility that political failures at one level facilitate policies at other levels deserves research exploration.

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