

THE NEXT STEP IN THE ROAD

An evaluation of the Copenhagen Climate Change Conference



After the bewildering disappointment of the United Nations climate summit held in Copenhagen last December, civil society must set its eyes on the road ahead and ask “where to from here?” as the climate crisis continues apace. **Leonie Joubert** sat in on a round-table discussion held in Cape Town in the aftermath of the summit.

The Copenhagen Accord, agreed upon by key blocs in the closing hours of the Copenhagen climate summit, was neither legally binding nor politically strong. There have been multiple explanations for why it failed: obstructionism from some states (China and India), bullying from others (the United States); procedural bungling by the host country, Denmark; the consensus-driven mandate of the United Nations.

Either way, the final outcome was a three-page political agreement, supported by certain participants in the talks, before being thrust upon all the member states of the United Nations Framework Convention on Climate Change (UNFCCC). The document did not emerge from the two-year UN negotiating process, but rather was the result of back-room bartering by key economic players, with Denmark acting as biased umpire. This kind of rule-

breaking threatens to undermine the UN process as countries have yet to venture forward into the next phase of negotiations.

The outcome of the failed UNFCCC negotiations leaves the global citizenry without the carrot-and-stick mechanisms that a strong international emissions reduction law should have given them. The muscular law required to meet the targets demanded by science is still well beyond the UNFCCC's reach.

But this summit did show an interesting shift in global power-play from the industrial countries – the European Union, formerly a big player in climate responses, fell by the wayside in these talks – to the big emerging economies. Brazil, South Africa, India and China (the so-called BASIC countries) emerged as true power brokers in these talks, while the Association of Small Island States (AOSIS) and Least-Developed Countries (LCDs) came with a strong joint voice because they were negotiating their very survival.*

United Nations to the rescue, or the death of multi-lateralism?

In hindsight, the outcome of the Copenhagen summit, the 15th United Nations Conference of the Parties, or COP15, should hardly have come as a surprise. A legal, binding and equitable deal was unlikely to be reached. It's not that signatory countries of the UNFCCC were necessarily opposed to the idea or deliberately obstructionist (although some might contest this point) but the United Nations may have set itself up for failure simply by putting in place a consensus-based negotiating procedure.

Since the UNFCCC climate negotiations in Bali in 2007, member countries have been working on the draft text of a document which should have been signed into inter-

national law by midnight on Friday, 18 December 2009. But even in the months leading up to the Copenhagen summit, this document was huge and unwieldy – over 200 pages long. Extra meetings were scheduled ahead of the December gathering, in order to whittle this text down to a shorter and more manageable document which bureaucrats could then begin to tighten up at the summit. But even so, the document which came to the summit was still too cumbersome. Countries remained gridlocked around issues of finance, mitigation, the future of the Kyoto Protocol and deforestation.

And, under UN procedure, before any phrase or word could be signed into law, every one of the 194 signatory countries had to agree on that one point. There's little chance that this kind of consensus would be reached by all countries on every point in such a large draft law.

The UN also allowed considerable procedural leeway to Denmark as host country. Just 48 hours before the deadline to sign the law into life, Danish prime minister Lars Løkke Rasmussen stepped in to break the deadlock in the negotiations and relegating CO15 president Connie Hedegaard to the position of "Special Advisor". The move went unopposed by the UN, resulting in the highly skilled Hedegaard being replaced by what UK environment minister Ed Miliband described as an unprepared Rasmussen. Other critics called Rasmussen "amateurish" and said he only "made things worse".

This raises the question about whether UN procedure should be tightened up ahead of the next summit, COP16, to be held in Mexico later this year, or COP17 in South Africa in 2011.

Furthermore, governments came to these negotiations representing their own state and economic interests. Even though many acknowledged the urgency of the climate crisis in their rhetoric, many states were "schizophrenic"

**FOOTNOTE: The Heinrich Boll Foundation (HBF) hosted a post-mortem of the United Nations' Copenhagen Climate Change Conference at its Cape Town office earlier this year. Key civil society organisations were invited to share their views on the summit, to interrogate whether the United Nations structure is capable of delivering a robust climate deal and to ask what civil society can do to keep momentum in the wake of the summit's dispiriting failure. The meeting was conducted under the Chatham House Rule, meaning that all views expressed were done so on condition that they are not attributed to a source.*

in their handling of the matter at the negotiations because their actions were informed by those economic interests rather than the demands of science. There didn't appear to be a real attempt to keep global temperature increases below 2°C or to seek fair burden sharing.

Some critics view this disconnect as leading to a “lowest common denominator” response within the UN's climate negotiating process. The consensus-based approach means that unless all 194 countries agree on a point, it doesn't make it through into the law. This all-or-nothing approach results in a watering down of ideas and mechanisms just so they are acceptable to all, producing a draft law that falls far short of the requirements of science. Another concern is whether political leaders should be allowed to broker these kinds of deals, as happened with the Accord, when they should really just be there to sign into life a law which is drafted for them by highly skilled bureaucrats.

The most obvious demonstration of how economic interests have steered the course of the response to climate change, was the emergence of new geo-political blocs, and the falling away of others. Most notable was the aligning of Brazil, South Africa, India and China. The fact that the United States singled out this group for 11th-hour discussions demonstrates the point. The European Union, which had been driving for deep emissions cuts ahead of the negotiations, was largely sidelined in the final hours of negotiations (during a post-midnight press conference in the early hours of Saturday, 19 December, their representatives implied they had been strong-armed into reducing their more ambitious numbers).

AOSIS countries – the small island states such as Tuvalu and the Maldives – joined other most-vulnerable countries (so-called “Least Developed Countries”, or LDCs, such as Lesotho), bringing a strong moral voice to the negotiations as many of these countries face almost certain ruin as climate change threatens their survival.

The old blocs were still very present, including the G8 and the G77 – but there seemed to be shifting currents within these groupings, particularly as the United States appeared more interested in power broking with the BASIC countries rather than its old allies, such as the United Kingdom.

In light of the UN's failure to push through a new law, should these old and new blocs be allowed to drive the

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process of global response to climate? The danger of this approach is that blocs remain driven by regional economic interests. Even though the G77 represents many under-developed countries, it also includes OPEC countries whose protectionist politicking undermined efforts to push for an ambitious Copenhagen outcome. In the final closed-door meeting in which the Copenhagen Accord was agreed upon, most blocs were represented, if not each of the 194 member states. But the ALBA bloc – representing a loose alliance of Central American and neighbouring states including Bolivia, Cuba, Ecuador, Nicaragua and Venezuela – was excluded from this meeting, sparking near collapse of the summit as these countries protested the lack of transparency and the break from UN procedure.

The other major criticism of the UN handling of COP15 was about how inclusive it really was, given that civil society was almost totally excluded from the closing days of the summit. Conference organisers had given out 45 000 accreditation passes ahead of the summit, but for a venue that could only accommodate 15 000 people. Thousands of civil society organisation (CSO) people had their accreditation revoked in the final days of the summit, when organisers pinched off access to the conference building as security was heightened for the arrival of Heads of State.

With this slew of criticism for the UN and Danish handling of the conference, and interest groups going into parallel closed-door discussions, serious questions have been raised about the future of the United Nations and whether or not it is the right place to attempt the kind of interna-

tional law that is required to deal with a global crisis of this magnitude. Or perhaps the urgency of the climate crisis requires a faster response than the UN process is able to deliver. Perhaps the failure of the UN climate summit means the death of multi-lateralism in negotiating global agreements?

Yet in spite of its failings, many civil society organisations still hold that the UN should be the “home” of climate discussions, because if not the UN, then where? The UN still represents the most democratic and inclusive system available to the global arena. The UNFCCC might not be able to produce the kind of agreement that civil society would like to see, but there isn't an alternative institution.

But the failure of the UNFCCC process in Copenhagen does threaten to undermine the multi-lateral system, particularly when groups like the G8, G20 or G77 go into bloc-interest closed-door meetings, where domestic and economic interests drive the agenda rather than the requirements of science. This shifts the momentum of climate action outside of the UN and whittles down its power. Countries should guard against allowing a process like this to be moved into organisations such as the World Economic Forum (WEF) which tend to represent the interests of capital.

Something does need to be done to break the impasse, though. Because the issues that had negotiations tied up for the past several years (emissions cuts, finance, technology transfer, deforestation) were the same issues that kept bureaucrats and heads of state bogged down until the very closing hours of the Copenhagen summit. These need to be reconciled if a robust regime is to be reached.

The climate summit may have shown the ineffectiveness of the United Nations, but it's the only institution in which a crisis of this nature can be addressed. If countries are serious about keeping temperature increases below the 2°C, as required by science, and if that is to be done in a way that shares the burden equitably, then it cannot be a process that relies on voluntary and arbitrary action. It requires firm, enforceable international law and no other body can draw up and implement laws like that, other than the United Nations.

Ultimately, though, the UN needs to be held accountable.

It should not be allowed to break its own rules of procedure (including around withdrawing observer status to civil society and allowing the host countries to blunder in their day-to-day management of the summit) and there's a role for civil society to call for such accountability. These are important lessons for observers to take with them to the next summits in Mexico and South Africa.

The people, unite!

In many respects, the failure at Copenhagen was a healing shock for civil society organisations (CSOs) because as much as it highlighted weaknesses in the UN process, it also showed up the fault lines within civil society's own strategy regarding mobilising around climate issues. Such organisations have been criticised for not working together closely enough, and for failing to create a joint coordinated strategy. There also appeared to be a disjuncture between activists' strategies in their home countries, and their rhetoric and actions at the climate summit.

Observers feel that if CSOs don't organise debate in order to coordinate their actions, they will continue to fragment their power by acting in blocs at future climate negotiations. Activists also need to drum up the kind of political pressure at a local and national level that will force domestic policy change. Decisions need to be made about where to channel resources most effectively – towards domestic or international mobilisation.

In light of this, civil society needs to pay greater attention to domestic activities, pushing for a strong grass-roots movement aimed at forcing governments to respond appropriately to the climate and energy situation. Then they need to hold governments accountable to their promises and rhetoric.

In the lead-up to Copenhagen there was a strong, centralised civic movement, a critical mass of activism. But after the collapse at Copenhagen, many activists have been left feeling disillusioned. The challenge now is to see how to regain momentum and one of the ways to do that is for different civil society groups to unite across apparent ideological or policy differences, and become a joint and organised front. One area around which different CSOs could rally is that of energy.

There is also an urgent need to mobilise voters, and to drum up a people's movement in which the public is made to realise that their power lies in how they vote and who they put into government positions.

Although questions do remain about how effective this will be. The problem in the South African context is that the political future of the ruling party is fairly secure – it's unlikely that the ANC will lose its seat of power for the next two or more decades, meaning there's no threat from a disgruntled electorate. This is unlike many developed world democracies where politicians are much more concerned about voter opinion and of being unseated in a situation where the opposition is running tight on the heels of the incumbent party.

Activists need to rally this kind of action now, and they should not wait around for an agreement to be signed before mobilising at this level.

One of the challenges of organising people behind CSOs, though, is that climate change negotiations have become so complex, procedurally entangled and jargon-dense. This feeds into a growing disjuncture between civil society discussions and what actually happens during these summits.

Furthermore, there needs to be a more sophisticated critique of some of the individual players in these negotiations. Groups like ALBA appeared “left” at the Copenhagen summit, but Venezuela's Hugo Chavez and some Saudi Arabian representatives – groups of elders within the G77 – played a key role in the failure of the negotiations. These are charismatic leaders, not necessarily vested in finding solutions but in capturing the limelight for themselves, and civil society needs to understand this if they hope to make the United Nations a more effective place for multi-lateral proceedings.

Civil society and media need to give a deeper analysis to the actions of people like Sudanese negotiator Lumumba Di-Aping who used civil society and media to give himself greater legitimacy. Historically, Sudan has aligned herself closely to the oil-producing Arab states and has been known to “run interference” for them at previous negotiations – and indeed did so at this one too. Lumumba was a shrewd player at COP15, who started out as an obsta-

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cle to the negotiations but, as some observers noted, later positioned himself as the most pro-poor voice there. No doubt, similar characters will emerge at future COPs, and CSOs could use their platform to voice informed critiques about these kinds of characters.

The Africa group arrived at the summit with a strong, united position – more so than ever before, something which had analysts abuzz. And the group stood firm for the first week. But when developed countries began their back-room wheeling and dealing (for instance, when France lured Ethiopia's prime minister Meles Zenawi away from the group's more science-driven position), the bloc's solidarity dissolved.

This gives the appearance that some Africans may be easily corruptible in the face of developed world politicking, some observers have noted. CSOs might find this a possible rallying point since they could push for greater accountability from African leaders.

There is some debate about the merits of naming-and-shaming states that failed to keep their promises regarding climate change and emissions trajectories. While it might be appropriate to do so in local media, some observers feel that naming-and-shaming developing countries on an international stage would do more harm than good. The rational is that it could play into the hands of industrialised countries, which might be looking for reasons to justify their own inaction on emissions cuts or lack of

delivery on funding. Defending developing countries on an international stage, while criticising them privately or in the media back home, may be a tactical move rather than a principled one, but an important one nonetheless. Although since South Africa has the appearance of being a force for moral good in the climate arena, being embarrassed internationally for spin-doctoring its emissions pledges could leverage greater accountability from the ruling ANC. Nevertheless, while developing countries do need to be held accountable (particularly where their promises abroad contradicted their actions at home), activists need to be tactical in levelling criticism.

There appears to be a disjuncture between what South Africa is promising on the global stage, regarding emissions reductions, and what it is doing domestically (for instance continuing with coal-based economic growth targets). There may be some room for civil society to demand greater accountability to the public around energy policy. Key areas include government's decision to build two more coal-fired power stations. Activists could also lobby the World Bank to withhold funding for these power stations. CSOs should push for a national debate on energy, and keep agitating around good feed-in tariffs and energy efficiency.

Whatever the final strategy, however, activists need to dig in and commit to pushing for policy change around the climate in a way that produces constant pressure over a long period of time in the hope that it might bring about sudden, irreversible change both in legislation and in practice. The collapse of communism and the end of apartheid are examples of where this kind of strategy has been effective. But the question remains – CSOs still need to decide which horse to back in order to bring about the most desirable change.

WHERE TO FROM HERE:

- Drum up a strong, bottom-up, grass-roots people's movement; an insurrection, if you will.
- Work on creating a clear link, in the public mind, between energy and climate.
- Get CSOs to set aside differences and come together in a united, organised front in the climate regime context. Think strategically about how to bring these forces together.
- Don't try to spin the Mexico COP (December 2010) as the next Copenhagen where the deal will finally be sealed, because this is unlikely to happen. The 17th COP, scheduled to take place in South Africa in December 2011, could be the place where this climate law is finally signed into life. CSOs should start focusing their energy on this.
- Particular attention needs to be paid to the institutions and architecture created around financing, particularly as developed world "fast start" funding, initiated under the Copenhagen Accord, begins to trickle through to developing countries.
- Mobilise around energy policy and call for energy planning that reflects contemporary debates around climate change and appropriate responses.
- Build strategic partnerships, for instance with trade unions such as Cosatu, in order to push for climate policy that is pro-poor.