

## COP15 - Copenhagen Climate Summit, 7-18 December 2009 Greenpeace analysis of the Summit

### A. What happened in Copenhagen?

By the end of the first week in Copenhagen, it had become clear that negotiators who had been working on an agreed outcome since the Bali Conference at the end of 2007 would be unable to seal the deal. Major discussions in the first week of Copenhagen indicated a huge split not only between developed and developing countries but also within the group of developing countries. The split was between those who wanted to make progress with the development of a legally binding deal in addition to the Kyoto Protocol (mostly the group of vulnerable countries) and those that did not want such a deal (mainly China, India and the OPEC countries).

The arrival and participation of the Ministers in the process did not bring any progress, also due to the fact that the process was extremely badly managed, the blame for which the UNFCCC Secretariat was keen to allot to failures by the Danish presidency of the Conference of the Parties (COP). The lack of organisation had already become fairly obvious in the lead-up to Copenhagen.<sup>1</sup> Disagreement over the process culminated in an all-night discussion of whether a Friends of the Chair consultative group should be formed to help the process move forward.

This Friends of the Chair group<sup>2</sup> was eventually established when heads of state and government arrived and started its work during Thursday night when a first draft of the three-page Copenhagen Accord was developed. Negotiations, mostly at bilateral level, continued during Friday and several new versions of the Copenhagen Accord were leaked in the conference centre.

The final deal was made between the heads of state and government of the US, Brazil, China, India, and South Africa, after which several of them promptly departed. On his way out, President Obama gave a press conference announcing the deal. This deal included both the final version of the three-page Copenhagen Accord (plus two pages of blank tables) and the draft COP and CMP decision on the further process.

This final version of the deal then needed to gain approval from the 192 Parties to the UNFCCC. Several regional groupings discussed their position but most attention went to the decision of the EU. They were not in the room when the final deal was made and it remained unclear for a while whether the EU would support the deal or not.

By the time the final plenary started at 3 am on Saturday 19 December, the EU had decided in favour. Other groups, including the G77 and AOSIS did not come to a unified position, which quickly became clear in the plenary. A limited number of countries voiced objection to the

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1 Perhaps one of the worse mistakes the Danish prime minister Rasmussen made process wise was his surprise visit to the APEC HOS summit in November, just before the COP preparatory meeting with 43 environment ministers was about to start in Copenhagen. So, instead of letting this traditional pre-COP, with balanced regional representation, set the stage for the process and form of outcomes in COP15, Rasmussen let the White House press office do it, by announcing that COP15 could only agree to a politically binding agreement.

2 We believe the following countries participated in these small group discussions: US, EU (Sweden and European Commission), UK, France, Germany, India, China, South Africa, Brazil, Ethiopia, Bangladesh, Grenada, Denmark, Russia, Japan, Maldives, Saudi-Arabia, Mexico, Australia, Canada, Indonesia, South Korea, Sudan, Spain, Norway, Colombia (and possibly Lesotho, Gabon or Algeria)

Copenhagen Accord and therefore blocked its adoption as a COP decision, given that unanimity is needed for any such decision. The following countries are on record as not having supported the adoption of the Copenhagen Accord: Bolivia, Nicaragua, Venezuela, Cuba, Tuvalu, and Sudan.

Most objections centred on the undemocratic nature of the process, because of the role played by of President Obama in forcing through the agreement, and because of the weak nature of the deal. Surprisingly, many countries that were not involved in the final process and which should have been concerned by the weakness of the deal ( including most of the small island states, African nations and least developed countries), did call for the Accord to be supported, mostly for pragmatic reasons:

- from their point of view, the Accord would allow the process to continue, while not adopting the Accord could result in a complete collapse of the talks;
- and importantly, they saw the Accord providing a finance hook for developing countries by establishing a Copenhagen Climate Fund, a collective commitment by developed countries to provide USD 30 billion for the period 2010-2012 and an aspirational goal to provide USD 100 billion a year by 2020, and a High-Level Panel under the COP to study how this goal could be achieved.

A procedural solution was found in the Conference of the Parties “taking note” of the Copenhagen Accord and the presidency of the COP calling upon all Parties to individually sign on to the Copenhagen Accord. It is not clear what the legal meaning is of “taking note” nor who should coordinate the sign on and whether that is a task for the UNFCCC Secretariat. Similarly the Copenhagen Accord calls for both developed and developing countries to submit their emission reduction/nationally appropriate mitigation actions to the UNFCCC secretariat by 31 January. It is not clear, however, whether the Secretariat has a mandate to be the secretariat of the Copenhagen Accord.

Another discussion arose as the final deal made by the US, Brazil, China, India and South Africa deleted, at the very last moment, reference to the ambition to adopt a legally binding instrument as a result of the work of the Ad-hoc Working Group on Long-term Co-operative Action by the next COP. Several countries, led by Nicaragua, proposed to reinsert that language in the COP decision on the further work programme. This led to fierce resistance from India and China, supported by Gambia (pushed by the OPEC countries) and Saudi Arabia. As consensus is needed for any COP decision, the reference to a legally binding outcome of further negotiations was deleted.

The decisions, however, to continue both the work of the AWG-LCA (with a view to an outcome by COP 16) and the AWG-KP (with a view to finalise work by COP 16) do also keep alive the documents coming out of both these tracks. While the KP document clearly got stalled because of the lack of ambition on numbers from developed countries, the LCA document (L7 and addenda) does contain a number of interesting paragraphs on adaptation, finance, REDD and others that are useful documents on which to continue further negotiations.

## **B. Who did what?**

It was expected that any weak outcome or failure of the Copenhagen Summit would lead to some kind of a blame game. This is the case, but only to a limited extent. But in certain countries fingers have been pointed to, for instance, the US, China or even Tuvalu for being completely unrealistic.

Given the outcome of Copenhagen, the blame game makes little sense and is easily exploited by certain countries to evade responsibility, which is indeed a global one.

From the perspective of the most vulnerable countries, the blame game between the US (and other developed countries) and China (and other emerging countries) makes little sense as both have played an important part in ensuring we did not get the progress we needed. Developed countries, and in particular the US, refused to come up with the needed emission reductions and funding

targets which enabled the emerging countries, and in particular China and India, to block any long-term provisions (including the legally binding nature) as those imply strong future commitments from these countries.

One thing should be clear, within the UNFCCC it makes little sense to continue to speak about the developing countries as one group. The analysis below therefore include several of the G77 subgroups.

### **Specific countries and groupings**

#### ***United States:***

Despite President Obama's promises that the US would play a leading role in international climate negotiations this has not been the case. Instead, the US has downplayed the importance of globally agreed rules and targets and has made these less important than its domestic agenda. Obama and his Administration have consistently ensured that nothing in Copenhagen could weaken their ability to get a climate and energy Bill approved by the US Senate. Were this to be a strong Bill, it might be worth the effort but it is clear that the fossil fuel and other polluting industries are continuing to weaken the Bill. Once the bill is agreed, and once the reconciliation process with the House has been finished, the US Administration might have more flexibility to play. But even that will be limited and far away from the fair, ambitious and legally binding agreement that Greenpeace seeks. While the US did not need a global deal from Copenhagen, it did need a deal where China was playing on the same rules as the US. The big question now is how China will interpret the Copenhagen Accord and the process forward. The last hours in the COP plenary already indicated that China might not stand firmly behind the Accord as it already started to question the legal significance of it.

#### ***European Union:***

The EU wanted to be a leader in the climate negotiations but internal divergences and a lack of ambition prevented this from happening. This was due not only to the resistance to shift from 20% to 30% emissions reductions but also the lack of solutions to loophole issues such as offsets, LULU and Anus.. While several countries were pushing for a trust-building package to be announced, this move forward was blocked for strategic reasons (in particular by the Commission) and for content reasons (by Italy, Poland and others). The trust-building package (reaffirming EU support for the continuation of the Kyoto Protocol, a shift from 20% to 30% reductions and a specific number for long-term financing) could have put the EU back in the game. They failed to do so and the EU was sidelined, having little to offer and not being considered important from a US and China perspective. This is less due to the EU's economic position but more to the fact that the EU is already in the game. Therefore, neither the US nor China were looking at the EU or its Member States as a bloc/countries that needed to be part of the agreement in order to sell the deal at home. As far as the EU's domestic climate policies are concerned, the Copenhagen outcome is a disaster. Industry did not get the certainty it has been calling for, and will likely start challenging their treatment under EU emissions trading legislation.

#### ***China:***

China became the deal-maker/breaker as it was obvious that the US needed it to be part of the deal in order to be able to sell Copenhagen at home as a success, which Obama needed to do for domestic reasons. China knew that of all major emitting countries it had least to fear at home from failure in Copenhagen and exploited that position to avoid long-term commitments coming out of the conference. China knows that in the long-term it will be unable to continue to use its position as a developing and low-emitting country. For instance, by 2020 its per capita emissions might exceed those for the EU as a whole, while China's per capita emissions already exceeds those of some European nations. . China therefore mainly pushed for attention to focus on ambitious short-term commitments, something the developed countries were unable to come up with. Agreement thus neither focused on ambitious short-term nor on ambitious long-term commitments, nor was

agreement found to speak about a legally binding agreement to come out of the LCA.

### ***India:***

Despite having much lower per capita emissions than China, in the final hours of the conference India chose to fully align itself with China and followed them on crucial issues such as long-term targets and the legally binding issue.

### ***Brazil:***

While in the first one and a half weeks of the COP, Brazilian negotiators chose to side with other emerging economies, President Lula clearly made a plea for a considerably more ambitious outcome. He gained no support for this from either the developed countries that did not want to make ambitious short-term commitments, nor from other emerging economies that feared long-term commitments.

### ***South Africa:***

While the South African negotiators on several occasions made good interventions, they chose to line up with the emerging economies rather than with the African and/or vulnerable countries. Little is known about the role President Zuma played in the final hours of the negotiations.

### ***Umbrella countries:***

The Umbrella group continued to play a negative role in trying to minimise commitments by sticking to low targets and promoting large loopholes. Their role in the final hours of the negotiations was fairly minimal. For example, there are no indications of them having participated on short term funding. The main role of the Umbrella group countries seems to be to distract attention from the main issues and the main players.

### ***AOSIS:***

While still being the only bloc that consistently calls for a fair, ambitious and legally binding deal, the AOSIS group did not come out of Copenhagen as a strong bloc, due to disagreements within the group before and during the conference. These were primarily caused by Singapore (a rich industrialised country which refuses to recognise itself as one) and Papua New Guinea. AOSIS was also divided during the last night with most AOSIS countries calling for the Copenhagen Accord to be approved, even with all its imperfections – which were many when compared to the AOSIS positions, and Tuvalu being isolated in its resistance to the Accord. Tuvalu's statement that they cannot be bought with a few coins will definitely not have improved unity. During the meeting the divisions between AOSIS and the emerging economies became more and more clear, with AOSIS being largely unable to really influence G77 positions.

### ***African Union:***

The AU once again showed its face when refusing to continue the negotiations unless clear priority was given to discussing and solving the future of the Kyoto Protocol and in particular the numbers for the second commitment period. While they got attention for this move (as in Barcelona) nothing was solved and negotiations continued without the numbers being agreed upon. It became obvious that a lack of unity exists in the African group with countries such as South Africa, Nigeria & Algeria (OPEC) and Sudan (wannabe OPEC, and strong economic ties to China) running their own show.

### ***Least Developed Countries:***

The group of the LDCs was not visible in Copenhagen. Several of their members did participate in the Friends of the Chair group but they seem to not have had any impact.

### ***Vulnerable countries:***

The informal coalition between AOSIS, Africa and the LDCs became visible only once when Tuvalu asked for a contact group to be established under the COP to discuss proposals for a legally binding protocol under the LCA. This proposal was rejected by the OPECs, China and India while several of the vulnerable countries clearly expressed support for it. But they did not get it and were unable to move the G77 on this.

### ***ALBA group:***

While not an officially recognised group within the UNFCCC, the ALBA and in particular Bolivia, Venezuela, Nicaragua and Cuba were the ones most vocally opposing the Copenhagen Accord. Some ALBA members, most notably Antigua and Barbuda, have supported the Accord, which leaves doubt over whether the ALBA group as such will (continue to) play a role in future negotiations. It should be clear that while Bolivia played a remarkable role in Copenhagen, pushing for strong emission reduction targets, the other members were less visible. Also remarkable is that Venezuela was mentioned in the first list of the Friends of the Chair group. It is unclear as to whether they did participate but this appears very unlikely. And, if not, why they did not.

### ***Russia:***

Russia kept relatively quiet but, as with the Umbrella countries, focused more on the loopholes than on the targets. Russia is usually the last to act; the fact they kept silent is a clear indication of the weak progress of the negotiations.

## **C. What's next?**

While many decisions were taken at the Copenhagen Summit, only three of them are seen as really important: the decision on the Copenhagen Accord; the decision on the outcome of work under the AWG-LCA; and the decision on the outcome of work under the AWG-KP.

These decisions extend negotiations of new targets and agreed outcomes of the Bali Action plan into 2010 but indicate a minimalist set of important dates for 2010:

- 31 January: deadline for sending in emission reduction/national action as part of the Copenhagen Accord;
- 31 May – 11 June: first sessional period in Bonn;
- (this was a mistake on the UNFCCC website)
- 29 November – 10 December: COP 16 in Mexico

There is a rumour that another intersessional meeting might be organised as early as March or April, but it is unclear who is calling for this. In any case, it is the COP Bureau that will decide on this and their first meeting will take place in Mid February.

Also important to note is that the UN Secretary-General has announced the intention to introduce measures to help improve the negotiations: "We will consider how to streamline the negotiations process. We will also look at how to encompass the full context of climate change and development in the negotiations, both substantively and institutionally. Early next year, (i.e. 2010) will establish a high-level panel on development and climate change to strategically address such issues."

Despite all the negative press the UN and the UNFCCC is getting, the real deal will need to be made within the UNFCCC structure. During 2009 the leaders of the big emitting countries had several opportunities in several forums to build trust amongst each other, in order to come to a global agreement, but they failed in each of these: G8, G20, MEF, APEC, CHOGM - not to even mention all the lost opportunities rich countries had in their national processes. Failure in the

UNFCCC forum in Copenhagen only followed suit.

According to the decisions, the negotiations during 2010 will be based on texts prepared under the AWG-KP and AWG-LCA. These are texts in form of draft decisions that were supposed to be dealt with by Ministers during the final days of Copenhagen. Instead, they were sidelined when the focus turned onto the Copenhagen Accord.

These texts are much more detailed in substance than the Copenhagen Accord, and the battle ahead is likely to be whether the work of the AWGs now further defines the four new bodies established by the Copenhagen Accord, or whether it is the other way around, with the Copenhagen Accord merely providing input for the work of the AWGs.

The problem with the former is that it would lead to the Copenhagen Accord becoming “the” post-2012 agreement.

The problem with the latter is that there is still wide disagreement over where the work of these negotiating groups (AWGs) should lead: whether it should be just a continuation of the Kyoto Protocol (KP), or whether the KP should be accompanied by another, equally strong protocol or whether the Kyoto Protocol should be replaced with one new Protocol that covers the targets and actions of all countries.

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