



Changing course in international climate policy reaching a global agreement with different speeds

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Since the Copenhagen conference, climate negotiations have stalled. Immediately following Copenhagen many believed that the conference in Cancún would finally bring a legally binding global agreement, but soon afterwards hopes were pinned on the conference in South Africa 2011 or the “Rio +20” conference in 2012 to bring forth a final agreement.

The climate conference in Cancún has brought an end to the deadlock in the multilateral process, and that is good. Unfortunately, however, Cancún has not brought us any closer to effectively limiting global warming to 2°C, let alone 1.5 °C. To use a picture: The climate patient is still in intensive care on life support - the plug, however, has not been pulled because there is still hope. There was a fair amount of progress in Cancún, but in order to bring the patient back to life – i.e. to limit global warming! – we urgently need a new strategy. If substantive action is not realized very quickly, global warming will inevitably reach dangerous levels. The German Greens are thus convinced that we need a climate policy of different speeds. Because if we wait for the slowest country until we all act, it will be simply too late.

We cannot afford to wait for the slowest country

This conclusion forces us to approach the elephant in the room - the US. Many nations that are willing to move forward are frustrated with the United States, once again one must say. The in principle willing Obama administration is again being restrained by the legislature, even worse after the midterm elections this past November. Ratification of an international treaty requires a two-thirds majority in the Senate. For constitutional reasons, additional to the political difficulties, the US is thus rather constrained in the conclusion of international agreements and will most probably not be able to ratify a meaningful climate treaty in the foreseeable future. Therefore, one thing is clear: Whoever makes a treaty dependent on U.S. participation is aiming at no treaty at all – or an agreement containing only a loose pledge-and-review process based on the weak Copenhagen Accord.

And there is another elephant in the room – the Peoples Republic of China has surpassed the U.S. as the largest emitter of greenhouse gases and has become a heavyweight in international negotiations. Because of this status but also because of its colonial past and because it has only recently become this international recognition, China fosters a rather traditional understanding of national sovereignty. It therefore is reluctant to enter into binding international agreements, especially when its economic development is concerned. Different from the US, however, China’s political elites have realised the dangers emanating from climate change and have instigated a number of far-reaching policies aimed at reducing greenhouse gases through efficiency and the switch to renewables.

In Copenhagen, China and U.S. joined forces against Europe

When China and the U.S. agree not to move in international climate negotiations, as was the case in Copenhagen, the window of opportunity for a comprehensive agreement becomes extremely narrow. It should be positively noted, however, that both “elephants” remained more or less calm in Cancún. Nevertheless – both superpowers do not have a great interest in achieving a legally binding global climate agreement. The cable reports published by WikiLeaks show how the U.S. obstructed such an agreement in Copenhagen by financially and politically pressuring other countries to support the weak Copenhagen Accord. The cable reports also show how the U.S. and China joined forces against a European frontrunner role.

While Cancún has saved international climate diplomacy from drowning, it has done little to stop the drowning of small island states. The challenge to convert our industrial society into a carbon neutral economy is enormous, especially because special interest groups within the old structures are in a strong opposition. The beneficiaries cling to the fossil status quo: the traditional energy companies and energy-intensive industries are doing everything they can to oppose the transformation to a solar society based on energy efficiency and renewables. Some companies even finance activities to obstruct progress, as tobacco companies have successfully done for decades. These forces have effectively blocked progress in the U.S. and are more or less successful in a number of other countries.

The EU can demonstrate: climate protection makes sense ecologically and economically

The world cannot wait for everyone to join a global climate agreement. In fact, a global climate agreement can only be reached if certain countries move forward and show those that are still hesitant that climate protection makes sense both ecologically and economically. Therefore we need a climate policy of different speeds in order to reach a new, legally binding treaty as soon as possible, without losing sight of the ultimate goal of a global agreement. The European Union may serve as a template for such a policy of different speeds: While the EU started with legislation and rules that were valid for all member states, in recent years, groups of countries have moved faster than others, e.g. in the Schengen Agreement on the free movement of people or the implementation of a single currency (the Euro). At the same time, the basic consensus has never been questioned and all countries more or less move in the same direction: towards more economic and political integration. In a rather diverse community, making rapid political progress simultaneously is almost impossible.

The basic consensus in the context of climate policy is the UN Framework Convention on Climate Change (UNFCCC) of 1992. It offers agreement on the ultimate goal of preventing a dangerous anthropogenic interference with the climate system, the basic rules of cooperation including the principle of common but differentiated responsibilities between countries, as well as a framework for transparent exchange of information. Around this core of rules and procedures, different agreements can now be negotiated by a subset of states willing to move faster. The UN Biodiversity Convention may serve as a good example for this approach: The U.S. has never become party to the agreement (but is taking an active role as an observer) and it is moving forward. The parties involved have even agreed on an additional protocol at the

recent summit in Nagoya to allow for more variation in how quickly individual countries will move towards the Convention's goals – different speeds within different speeds.

Such an approach would still ensure multilateral cooperation since it is placed firmly within the framework of the UN. Such an approach even requires, that the multilateral regimes UNFCCC and the Kyoto Protocol are strengthened. Promoting this type of international cooperation does, however, reject a narrowly defined notion of multilateralism that is based on unanimity even though international law has never required unanimity in treaty making! In fact, some of the most successful international regulations have started out as plurilateral undertakings and were later widened into a comprehensive regime. Most environmental and economic treaties, including the ozone treaties often used as role models for successful agreements to protect Earth, were following this path.

This time we need to do it right

The obvious actor to form an alliance is of course the European Union. In the past each crisis in climate diplomacy was overcome by the so-called “Green Group”. At COP-1 in Berlin, as at COP-6 in Bonn and COP-7 in Marrakesh, it was the EU together with key emerging economies, small island states (AOSIS), and a large number of developing countries that rescued the process. The same could and should happen now. Only that this time, it should be done right: We need this coalition not only for saving the process, in order to bring about a global agreement one day in the future. We also need it to build the agreement itself now because otherwise we will not be able to build agreement. This is a big difference and there are powerful objections against it. But I believe that each of them can be refuted if the political will exists.

There are three basic objections against an approach of varying “climate policy speeds.” First, there is an almost universally held conviction that someone who has created the damage must make the greatest effort to clean up the mess – especially if this entity (be it person, company or state) is quite capable of doing so. Anything else is regarded as “unfair”. There are therefore many good reasons to demand that the U.S. does its fair share in the fight against climate change. However, this conviction does not carry very far in ethical terms because everyone would also agree that inaction by a major polluter is not a good excuse for other actors not to act.

A smaller group taking the lead that will grow over time

Second, there is a widely held economic assumption that a global problem requires a global answer in order to be effective. This is true in the sense that of course the most effective solution would be a global consensus coupled with common strategies. It would indeed be the most efficient approach, especially if coupled with a global carbon market. However, if the best solution cannot be reached, the second-best must do. Otherwise we might end up with no real progress for the next ten years or more. Therefore, an approach based on a smaller group of states that will gradually increase by number has a better chance of success than the uncompromising approach to “get everyone on board”.

Finally, there is a real and perceived fear of competitive disadvantages for the forerunners. I firmly believe that these fears are exaggerated since about 80 percent of our national economies have no connection with the world's markets. Moreover, in times of accelerating oil prices almost all investments in efficiency and renewables will pay off very quickly. Of course, in political spheres all fears relating to competitiveness must be taken seriously and thus appropriate measures must be taken. But there is a range of potential instruments from border carbon adjustments to preferential treatment within this group that can be explored if negative economic trends should prevail. One could even think of a resource regime. The Montreal Protocol was successful exactly because it established a producer/consumer cartel for CFCs. Fear of comparative disadvantages can therefore be effectively countered.

Diplomacy in the 21st century is about non-zero sum games

In geopolitical terms, seeking an alliance with China, India, Brazil, South Africa and other emerging economies promises great benefits for the European Union. The U.S. has abdicated leadership and has therefore left a big void right in the centre of geopolitics, but the EU can fill this role. China is not as averse to a climate agreement as its opposition to U.S. demands might suggest. A strategy of zero sum games will not do, as the Chinese know well. Diplomacy in the 21st century is about non-zero sum games. And the EU is pretty experienced in these sort of games because it is practicing them to a certain degree within its own borders.

To sum up: A strategy where commitments are only made when others follow cannot be successful. To the contrary, those countries that move forward will demonstrate to others ways to increase their own speed. Time is running out and with every year that is lost in stalled negotiations, the possibility for an effective and equitable solution to the climate change challenge is narrowing, with grave consequences for the life and well-being of future generations and the planet as a whole. Let's therefore think the unthinkable: conclude a climate treaty without the U.S.!

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