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Library Note

Debate on 14th January: The Copenhagen Conference on Climate Change

This Library Note aims to provide background reading for the debate to be held on Thursday 14th January:

“To call attention to the outcome of the Copenhagen Conference on Climate Change”

The UN Conference on Climate Change took place in Copenhagen from 7th–19th December 2009. This Note explains the significance of the Conference in the context of previous international agreements on climate change, sets out the major disagreements that marred the negotiating process in Copenhagen and summarises the key elements contained in the final Copenhagen Accord. It considers analysis of the Accord's achievements and shortcomings, and summarises the reactions of key nations and interest groups.

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Table of Contents

1. Introduction	1
2. The road to Copenhagen	1
2.1 United Nations Framework Convention on Climate Change (UNFCCC)	1
2.2 The Kyoto Protocol	2
2.3 The Bali Roadmap	2
3. The Copenhagen Conference—what happened?	3
4. The Copenhagen Accord	6
4.1 What was agreed?	6
4.2 What does the Accord achieve?	7
5. Reactions	9
5.1 United Nations	9
5.2 United Kingdom	10
5.3 China	11
5.4 United States	12
5.5 European Union	13
5.6 Developing nations	14
5.7 Environmental groups	15
5.8 Business	15
Appendix—The Copenhagen Accord	17

1. Introduction

This Note considers the outcomes of the UN Conference on Climate Change which took place in Copenhagen from 7th–19th December 2009. The Conference was a follow-up meeting to previous international agreements on climate change negotiated through the UN. This Note begins by briefly describing these agreements to show how they paved the way to Copenhagen. It then sets out the major disagreements that marred the negotiating process at the Conference and summarises the key elements contained in the Copenhagen Accord, the text which the Conference “noted” without formally adopting. The Note also considers analysis of some of the Accord’s achievements and shortcomings; the final section summarises the reactions of key nations and interest groups.

The full text of the Copenhagen Accord is reproduced in the Appendix to this Note.

For information on the run-up to the Copenhagen Conference, see House of Commons Library Research Paper *Climate Change: The Copenhagen Conference*, which was published shortly before the Conference began.¹ This gives a detailed assessment of recent trends in emissions; some of the scientific background behind the issues addressed at Copenhagen; details of emissions reductions pledges made by key countries in advance of the Conference and the preparatory meetings which took place during 2009 in Bonn, Bangkok and Barcelona. The Parliamentary Office of Science and Technology (POST) has produced a briefing on *Climate Change Science* which examines the scientific background to climate change in depth.² The Copenhagen Conference is also sometimes referred to as COP-15 as it was the fifteenth meeting of the Conference of Parties (COP) to the UN Framework Convention on Climate Change.

2. The road to Copenhagen

In order to understand fully what the Copenhagen Conference was seeking to achieve, and why it proved so difficult for world leaders to reach agreement, it is helpful to have an understanding of earlier international agreements on climate change and how they paved the way to Copenhagen.

2.1 United Nations Framework Convention on Climate Change (UNFCCC)

In 1988, the Intergovernmental Panel on Climate Change (IPCC) was created by the World Meteorological Organization and the United Nations Environment Programme (UNEP). This group issued a first assessment report in 1990 reflecting the views of 400 scientists which stated that global warming was real. The IPCC’s findings spurred governments to create the United Nations Framework Convention on Climate Change (UNFCCC), which was signed at the 1992 United Nations Conference on Environment and Development in Rio de Janeiro (known as the Earth Summit).³ The UNFCCC came into force in 1994 and has been ratified by 192 countries. It “sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate change [and]

¹ House of Commons Library, [Climate Change: The Copenhagen Conference](#) (2nd December 2009), RP 09/87.

² Parliamentary Office of Science and Technology, [Climate Change Science](#) (November 2007), POST Note 295.

³ The full text of the UN Framework Convention on Climate Change is available here: <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

recognizes that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other greenhouse gases”.⁴

2.2 The Kyoto Protocol

In 1997, an additional protocol to the UNFCCC was adopted in Kyoto, Japan.⁵ It set binding targets for 37 industrialised countries and the European Union (collectively referred to as ‘Annex I parties’) for reducing greenhouse gas emissions. These targets amount to an average 5% reduction in emissions compared to 1990 levels over the five-year period from 2008 to 2012.⁶ While the UNFCCC encouraged industrialised countries to stabilise greenhouse gas emissions, the Kyoto Protocol placed them under a legally binding commitment to do so. Recognising that developed countries are principally responsible for the current high levels of greenhouse gas emissions in the atmosphere as a result of more than 150 years of industrial activity, the Kyoto Protocol places a heavier burden on developed nations under the principle of “common but differentiated responsibilities”.

The Kyoto Protocol entered into force in 2005 and has been ratified by 190 countries. However, this does not include the United States, meaning that the world’s second biggest emitter (and biggest per capita emitter) of greenhouse gases has no binding targets for reducing its emissions. Nor do the binding targets apply to developing countries, including large ones such as China, which is now the world’s highest producer of greenhouse gases.

2.3 The Bali Roadmap

At the UN Climate Change Conference in Bali in 2007, the signatories to the UNFCCC agreed to negotiate a new global climate policy for beyond 2012, the date on which the first commitment period of the Kyoto Protocol is due to end. The Conference culminated in the adoption of the Bali Roadmap, a framework intended to “create the world’s road-map to a secure climate future”.⁷ This included the Bali Action Plan to chart the course for a new negotiating process.⁸ The Action Plan:

... opened a new negotiation track under the UNFCCC in an effort to bring the United States into line with other developed nations, who were asked to continue the Kyoto track by negotiating for the Protocol’s second commitment period, which would start in 2013. Under the plan, parties to the UNFCCC must reach agreement in five main areas by the end of COP15: *a shared vision* of what parties to the Convention aim to achieve, including a long-term goal for emissions reductions; *mitigation* of climate change by reducing the atmospheric concentration of greenhouse gas emissions, including quantified ‘commitments’ from developed nations and nationally appropriate mitigation ‘actions’ (NAMAs) from developing nations, including through reduced deforestation; *adaptation* to impacts such as changing rainfall patterns, extreme weather events, rising sea levels and shifting patterns of disease; *technology transfer and development* to

⁴ UNFCCC website: http://unfccc.int/essential_background/convention/items/2627.php.

⁵ The full text of the Kyoto Protocol is available from the UNFCCC website: <http://unfccc.int/resource/docs/convkp/kpeng.pdf>.

⁶ UNFCCC website: http://unfccc.int/kyoto_protocol/items/2830.php.

⁷ Rachemat Witoelar, President of the Bali UN Climate Change Conference, [closing address](#) (15th December 2007).

⁸ The full text of the Bali Action Plan and the other decisions adopted is available from the UNFCCC website: <http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=3>.

support both adaptation and mitigation; and *finance and investment* to pay for all of the above.⁹

3. The Copenhagen Conference—what happened?

In his opening statement to the Conference on 7th December 2009, Yvo de Boer, the Executive Secretary of the UNFCCC, set out what he believed needed to be achieved at Copenhagen:

At this time of year, many people are busy preparing their Christmas cakes. To my mind, the ideal Christmas cake that needs to come out of Copenhagen has three layers:

1. The bottom layer consists of an agreement on prompt implementation of action on mitigation, adaptation, finance, technology, REDD [reducing emissions from deforestation and forest degradation] and capacity-building;
2. The second layer consists of ambitious emission reduction commitments and actions. It also includes commitments on start-up finance in the order of 10 billion USD per year, as well as long-term finance;
3. And the third layer, or the icing on the cake, consists of a shared vision on long-term cooperative action on climate change and a long-term goal.¹⁰

The negotiation process proved far from straightforward. Owing to the fact that not all countries that are bound by the UNFCCC have also signed the Kyoto Protocol, two parallel sets of negotiations took place at Copenhagen. Divisions over whether this twin-track approach should continue, or whether it should be replaced by a single new framework, were a major stumbling block, as an observer at the Conference noted:

... There are two tracks to the negotiations: first, under the Kyoto Protocol (the Kyoto track), rich countries who have signed and ratified must consider further emissions reduction targets for the KP's second commitment period (and as we saw yesterday [10th December 2009] there is very little appetite from the rich countries to do this without some form of commitment from the US and the major developing countries—Japan, Russia and Canada said as much explicitly); and second, under the UN Framework Convention on Climate Change, all countries, including the US and all the developing countries, are discussing long-term cooperative action [LCA] to strengthen implementation of the Convention, the aim of which is to avoid dangerous anthropogenic climate change (the LCA track). The view of many was that these two tracks would eventually be merged into a new, single treaty. However, the tension is that developing countries do not want a new treaty—they are very attached to Kyoto as it enshrines the principle of 'common but differentiated' responsibility and places the emphasis on rich countries to act. On the other hand, the US has said that it will never ratify Kyoto.¹¹

⁹ Mike Shanahan, [COP15 for journalists, a guide to the UN climate change summit](#) (November 2009), IIED Briefing.

¹⁰ Yvo de Boer, [Statement on the Opening of the fifteenth session of the Conference of Parties \(COP15\)](#) (7th December 2009).

¹¹ Terry Townshend, International Policy Director, GLOBE International (Global Legislators Organisation for a Balanced Environment), [COP15 Blog—Day Five](#) (11th December 2009).

At the beginning of the second week of the Conference, the G77-China bloc of 130 developing nations suspended participation in the talks for several hours, protesting that developed nations were seeking to undermine the “common but differentiated” approach enshrined in the Kyoto Protocol. Lumumba Di-Aping, a Sudanese diplomat serving as the G77-China group’s chief negotiator, claimed that:

It has become clear that the Danish presidency—in the most undemocratic fashion—is advancing the interests of the developed countries at the expense of the balance of obligations between developed and developing countries.¹²

However, divisions at Copenhagen did not consist simply of a split between developing and developed nations. The talks were also suspended on 9th December and again on 10th December following proposals by Tuvalu, a small island state, to introduce binding targets that would seek to limit global average temperature rises to 1.5°C—the threshold that many consider critical for nations that are particularly vulnerable to rising sea levels. While the proposal was “immediately supported by other small island states, including Grenada, Trinidad and Tobago and several African states... it was opposed by 15 countries, including the powerful nations of China, Saudi Arabia and India”.¹³ These larger developing nations objected to the constraints such targets might impose on their economies, opening up a division in the G77 bloc.

Another disagreement developed in the later stages of the Conference—the so-called “high-level segment” attended by 110 world leaders—this time between China and the US. It was reported that the talks began to make progress on the penultimate day of the Conference (17th December 2009), when Hillary Clinton, the US Secretary of State, agreed that the US would take part in a \$100 billion fund to help the poorest countries cope with climate change, a scheme originally proposed by Gordon Brown in July.¹⁴ However, President Obama later insisted that “the money depended on being able to monitor and verify, on the ground, measures by developing nations to reduce the growth of their emissions”.¹⁵ The *Daily Telegraph* noted in turn the reaction of the Chinese:

Wen Jibao, the Chinese premier, made clear he was unwilling to have international monitors infringe the national sovereignty of the People’s Republic. The world was kept waiting while the two superpowers cobbled together an agreement that was acceptable to both. The final accord is widely seen to have acquiesced to Chinese demands by agreeing that emissions can be measured domestically, as long as the results are reported to the rest of the world. However, speaking later, Mr Obama gave a veiled warning that satellite technology could be used for what is likely to be termed “eco-spying” to ensure countries honoured their commitments.¹⁶

In addition to tensions over the issue of monitoring and verification, there were also disagreements between China and developed countries on emissions targets. China is said to have declared that the EU’s proposal to set a target for developed nations to cut emissions by 80% by 2050 was unacceptable, “the assumed reason [being] that China

¹² [Copenhagen climate summit negotiations ‘suspended’](http://news.bbc.co.uk), BBC News Website (http://news.bbc.co.uk), 14th December 2009.

¹³ [Copenhagen talks break down as developing nations split over ‘Tuvalu’ protocol](#), *Guardian*, 9th December 2009.

¹⁴ [Copenhagen climate summit: world leaders miss best chance](#), *Daily Telegraph*, 19th December 2009.

¹⁵ *ibid*, 19th December 2009.

¹⁶ [Copenhagen climate summit: Barack Obama risks China’s anger over satellite monitoring](#), *Daily Telegraph*, 19th December 2009.

will have joined their ranks by 2050 and does not want to meet such a target".¹⁷ China and India reportedly rejected amendments proposed earlier by Gordon Brown to commit to 50% reductions in global emissions by 2050 and to make the agreement legally binding.¹⁸

Describing the negotiating process, Ed Miliband, the Secretary of State for Energy and Climate Change, said:

The Conference was held up by disagreements over procedure: which text negotiators should look at and whether, as in Kyoto, a representative group of countries could be formed to avoid having to discuss everything in a plenary of 192 nations. These disputes about process meant that it was not until 3 am on Friday, the last day of a two-week Conference, that substantive negotiations began on what became the Copenhagen accord. By then, there was simply too little time to bridge some of the differences that existed.¹⁹

Newspaper articles have described how China's most senior delegates "snubbed" the leaders of developed countries by walking out of negotiations, leaving Barack Obama, Gordon Brown, Angela Merkel and Nicolas Sarkozy "to go through documents line by line with middle-ranking Chinese officials for hours on end".²⁰ As successive texts were negotiated, journalists noted from leaked drafts that "each one [sacrificed] another commitment in the desperate scramble to achieve a compromise".²¹

President Obama eventually negotiated a deal with representatives of China, India, Brazil and South Africa.²² Having consulted with a number of other leaders, late on the evening of 18th December he went on television to announce what he called a "meaningful deal", apparently before many of the countries attending the talks had seen the text. Delegates from some developing countries took exception to the way the agreement had been reached and spoke out strongly against it when it was presented to them in the plenary session in the early hours of 19th December. For example, Venezuela's representative, Claudia Salerno, waving her bleeding hand, asked:

Do I have to bleed to grab your attention? International agreements cannot be imposed by a small exclusive group. You are endorsing a coup d'état against the United Nations.²³

Lumumba Di-Aping, the Sudanese chair of the G77-China bloc, compared the proposed deal to the Holocaust:

[This] is asking Africa to sign a suicide pact, an incineration pact in order to maintain the economic dependence of a few countries. It's a solution based on values that funnelled six million people in Europe into furnaces.²⁴

¹⁷ [Copenhagen: The last-ditch drama that saved the deal from collapse](#), *Guardian*, 20th December 2009.

¹⁸ *ibid*, 20th December 2009.

¹⁹ HC *Hansard*, 5th January 2010, col 43.

²⁰ [Hot air in our time](#), *Sunday Times*, 20th December 2009.

²¹ [Copenhagen deadlock wrapped up as emissions deal](#), *Times*, 19th December 2009.

²² [Q&A: The Copenhagen climate summit](#), BBC News Website (<http://news.bbc.co.uk>), 21st December 2009.

²³ [Copenhagen: The last-ditch drama that saved the deal from collapse](#), *Guardian*, 20th December 2009.

²⁴ [Copenhagen closes with weak deal that poor threaten to reject](#), *Guardian*, 19th December 2009.

Ed Miliband, having gone to bed believing that agreement had been reached, returned to the plenary session early on 19th December and made a last-minute intervention in favour of the draft Copenhagen Accord. This text was agreed by a group representing 49 developed and developing countries that together account for more than 80% of global emissions.²⁵ However, in the face of opposition from countries such as Sudan, Cuba, Venezuela, Nicaragua and Bolivia, the text could not be formally approved and adopted by the whole Conference.²⁶ Instead, a decision was adopted that “the Conference of Parties takes note of the Copenhagen Accord of 18th December 2009”.²⁷ In other words, the Copenhagen Accord is a political agreement which nations can decide whether or not to support, rather than a legally binding international treaty obliging nations to fulfil certain commitments. The Accord does not contain any commitment to reach a legally binding agreement in the future.

4. The Copenhagen Accord

4.1 What was agreed?

The full text of the Copenhagen Accord can be found in the Appendix to this Note. The most important elements were presented in an official UN press release as follows:

The Copenhagen Accord recognizes the scientific view that an increase in global temperature below 2 degrees is required to stave off the worst effects of climate change.

In order to achieve this goal, the accord specifies that industrialised countries will commit to implement, individual or jointly, quantified economy-wide emissions targets from 2020, to be listed in the accord before 31st January 2010.

A number of developing countries, including major emerging economies, agreed to communicate their efforts to limit greenhouse gas emissions every two years, also listing their voluntary pledges before 31st January 2010.

Nationally appropriate mitigation actions seeking international support are to be recorded in a registry along with relevant technology, finance and capacity support building from industrialised nations.

Because the pledges listed by developed and developing countries may, according to science, be found insufficient to keep the global temperature rise below 2 degrees or less, leaders called for a review of the accord, to be completed by 2015.

The review would include a consideration of the long-term goal to limit the global average temperature rise to 1.5 degrees.

Heads of state and government also intend to unleash prompt action on mitigation, adaptation, finance, technology, reducing emissions from deforestation in developing countries and capacity-building.

²⁵ HC *Hansard*, 5th January 2010, col 42.

²⁶ [Hot air in our time](#), *Sunday Times*, 20th December 2009.

²⁷ [Preamble to the text of the Copenhagen Accord of 18th December 2009](#), published on the UNFCCC website.

To this effect, they intend to establish the “Copenhagen Green Climate Fund” to support immediate action on climate change. The collective commitment towards the fund by developed countries over the next three years will approach 30 billion US dollars.

For long-term finance, developed countries agreed to support a goal of jointly mobilizing 100 billion dollars a year by 2020 to address the needs of developing countries.

In order to step up action on the development and transfer of technology, governments intend to establish a new technology mechanism to accelerate development and transfer in support of action on adaptation and mitigation.²⁸

4.2 What does the Accord achieve?

Analysts from the European Climate Foundation summed up the achievements and shortcomings of the deal as follows:

What Copenhagen changed:

- With 110 world leaders present and a single issue on the agenda, there has never been a meeting like this. The countries that brokered the text, the US, China, India, South Africa, Brazil and the EU, also reflects [sic] a world in which the balance of power has significantly changed in the last 20 years.
- At a fundamental level, the Conference redefined the debate between countries in terms of awareness of climate science and support for action. There is no longer any question that climate change is central to the political thinking of every country on the planet.
- Public awareness has also massively increased. The vast campaigns run around the world in the run-up to Copenhagen by governments, NGOs and business and the media coverage of the issue and the summit have made addressing climate change widely understood and discussed from the pubs of rural England to the bars of Beijing.
- The other very important change is that green growth is now the prevailing economic model of our time. The idea that addressing climate change is bad for business was buried at Copenhagen. Countries from both developed and developing worlds have announced low-carbon economic plans and are moving forward.

What it did not change:

- That combination of political will, economic direction and public pressure was not enough to overcome the concerns over sovereignty that many countries have in the context of international law. The final decision reflects the fact that many countries only want to be answerable to themselves. They will co-operate, but not under the threat of legal sanction.

²⁸ UNFCCC press release, [Copenhagen United Nations Climate Change Conference ends with political agreement to cap temperature rise, reduce emissions and raise finance](#) (19th December 2009).

- There is no quantified aggregate target for emissions reduction such as the 50% by 2050 that was in early drafts—as it stands, targets are yet to be announced and they may be at the low end of what was promised, locking in ever greater emissions.
- The reference to transparency in the text is significant as it will mean that for the first time actions by countries can be assessed globally, but there is no verification of the actions undertaken in the developing world unless they are paid for by the developed world.
- Also, there is very little detail on any of the elements it does mention.

The accord does refer to the target of limiting global warming to 2°C above pre-industrial temperatures, as well as the need for quantified action by both developed and developing countries—but it's unclear how the target will be achieved.²⁹

In the absence of binding targets in the Copenhagen Accord, countries will make their own voluntary pledges on how much they will reduce their greenhouse gas emissions. Climate change scientists have calculated that the emissions reduction targets offered by various countries in the run-up to Copenhagen are not sufficient to limit global average temperature rises to 2°C.³⁰ A confidential draft of an internal note written by the UNFCCC Secretariat on 15th December was published by the *Guardian*.³¹ The document contained a preliminary assessment of pledges made by developed and developing countries and concluded that there was a gap between these pledges and the reductions which are calculated to be required by 2020 to keep temperature rises to 2°C or below:

Unless the remaining gap of around 1.9 to 4.2 gigatonnes is closed and Parties commit themselves to strong action prior and after 2020, global emissions will remain on an unsustainable pathway that could lead to concentrations equal or above 500 parts per million with the related temperature rise around 3°C.³²

Researchers from the Sustainability Institute (an environmental NGO), and the Massachusetts Institute of Technology have analysed the emissions pledges made by individual nations using their C-ROADS climate policy simulation model and concluded that there is:

... a large gap between the [non-binding] targets in the final Copenhagen agreement and the commitments offered by individual nations. Using the C-ROADS model, the researchers estimate that current confirmed proposals (that is, submissions to the UNFCCC or official government positions) would raise expected global mean temperatures by 3.9°C (7.0°F) by 2100. Including conditional proposals, legislation under debate and unofficial government

²⁹ Tom Brookes and Tim Nuthall of the European Climate Foundation, [What did Copenhagen achieve?](http://news.bbc.co.uk), BBC News Website (<http://news.bbc.co.uk>), 21st December 2009.

³⁰ See House of Commons Library, [Climate Change: The Copenhagen Conference](#) (2nd December 2009), RP 09/87, for a summary of targets proposed by the UK and other key players such as the EU, US, India and China.

³¹ [Leaked UN report shows cuts offered at Copenhagen would lead to 3C rise](#), *Guardian*, 17th December 2009.

³² Confidential UN document of 15th December 2009 quoted in full in [UN analysis: What Copenhagen emissions cuts mean for future temperatures](#), *Guardian*, 17th December 2009.

statements would lower expected warming to an increase of approximately 2.9°C (5.2°F) over preindustrial levels.³³

There are indications that “countries that went into the Copenhagen Conference prepared to offer bigger cuts in emissions if other countries took tough action, appear to be sticking with pledges to cut emissions at the lower end of their range”.³⁴ Countries’ commitments are likely to depend on action taken by others; for example, the UK announced after the Copenhagen Conference that it would be prepared to make more ambitious cuts in emissions if the EU does likewise:

... The UK stands by its domestic commitment to reduce emissions by at least 34% by 2020, and more if the European Union moves to a total 30% cut.

The UK wants to see the European Union move to a target of a 30% cut in emissions by 2020, compared with the current 20% figures, alongside other countries moving to the top of their emissions reduction ambitions.³⁵

Just as the Copenhagen Accord does not make explicit how the goal of keeping global temperature increases below 2°C is to be achieved, it contains little detail on where the promised funding will come from. For example, the text of the Accord does not commit developed countries to contributing specific amounts. A key issue for developing countries is how much of the \$30 billion quick-start fund and the \$100 billion long-term fund will represent new money in addition to existing overseas aid commitments. Developing countries are said to “fear that aid will be repackaged as climate finance and they would be no better off overall”.³⁶

5. Reactions

5.1 United Nations

Yvo De Boer, the Executive Secretary of the UNFCCC, summed up the achievements and shortcomings of the outcomes of the Copenhagen Conference in his closing press briefing on 19th December:

We now have a Copenhagen Accord which I think contains a number of very significant elements in terms of a maximum temperature increase goal, a commitment by industrialised countries, engagement of developing countries, significant short- and long-term financial support being indicated, new mechanisms created for technology and forestry issues, so an impressive accord. But not an accord that is legally binding. Not an accord that, at this moment, pins down industrialised countries to individual targets. Not an accord that at this stage specifies what major developing countries will do. Not an accord that at this stage makes it clear how the 30 billion [US dollars] that it talks about is to be divided up amongst individual contributors. So it’s an important accord. It’s politically incredibly significant because it has brought together heads of state and government from the north and from the south, from large countries, from small

³³ Sustainability Institute, [Final Copenhagen Accord Press Release](#) (19th December 2009).

³⁴ [Q&A: The Copenhagen climate summit](#), BBC News Website (<http://news.bbc.co.uk>), 21st December 2009.

³⁵ Department of Energy and Climate Change press release, [Copenhagen accord to kick start immediate global climate action](#) (19th December 2009).

³⁶ [Leaders cut safeguards to salvage Copenhagen climate deal](#), *Times*, 18th December 2009.

countries, you had at the same table the Prime Minister of Lesotho and the President of the United States working together on a joint text, but at the same time in all fairness I think you have to recognise that what this has put in place is a letter of intent, an indication of a willingness to move forward, the ingredients of an architecture that can respond to the long-term challenge of climate change, but not in precise legal terms. And that means that we have a lot of work to do on the road to Mexico.^{37,38}

Ban Ki-Moon, the UN Secretary-General, said that he would “encourage [world leaders] to directly engage in achieving a global legally binding climate change treaty in 2010”.³⁹ He continued:

While I am satisfied that we sealed a deal, I am aware that the outcome of the Copenhagen Conference, including the Copenhagen Accord, did not go as far as many would have hoped.

Nonetheless they represent a beginning—an essential beginning.⁴⁰

Ban Ki-Moon also announced that he would establish a high-level panel to consider how to improve the negotiating process and how to “encompass the full context of climate change and development in the negotiations”.⁴¹

5.2 United Kingdom

Gordon Brown has focused on the need to push for a legally binding treaty. He said:

This is the first step we are taking towards a green and low carbon future for the world, steps we are taking together. First steps are difficult, but they are also necessary. Having taken that first step I hope that we can move quickly to the next step which is to get a legally binding treaty.⁴²

Writing in the *Guardian*, Ed Miliband singled out China for particular criticism, and also alluded to the role that other developing countries had played in blocking a legally binding treaty:

The vast majority of countries, developed and developing, believe that we will only construct a lasting accord that protects the planet if all countries’ commitments or actions are legally binding. But some leading developing countries currently refuse to countenance this. That is why we did not secure an agreement that the political accord struck in Copenhagen should lead to a legally binding outcome.

We did not get an agreement on 50% reductions in global emissions by 2050 or on 80% reductions by developed countries. Both were vetoed by China, despite the support of a coalition of developed and the vast majority of developing countries...⁴³

³⁷ [Podcast](#) of Yvo de Boer, closing press briefing, 19th December 2009.

³⁸ The next UNFCCC Conference (COP-16) is scheduled to take place in Mexico in December 2010.

³⁹ Ban Ki-Moon, [Opening comments at press encounter on the outcome of the UN Climate Change Conference](#), (21st December 2009).

⁴⁰ *ibid*, 21st December 2009.

⁴¹ *ibid*, 21st December 2009.

⁴² 10 Downing Street press release, [PM to push for legally binding treaty](#) (19th December 2009).

⁴³ Ed Miliband, [The road from Copenhagen](#), *Guardian*, 20th December 2009.

Nevertheless, he argued that the Copenhagen Accord was a step in the right direction, as long as countries continued to pursue ambitious reduction targets:

Would it have been better to refuse to sign and walk away? No. Of course it was right to consider whether we should sign. But to have vetoed the agreement would have meant walking away from the progress made in the last year and the real outcomes that are part of this accord, including finance for poor countries. Some of the strongest voices urging that we agree the accord were countries like the Maldives and Ethiopia.

... If countries deliver on the most ambitious targets, we will be within striking distance of what is needed to prevent warming of more than 2C... We must work to ensure that developed nations in particular, such as Australia, Japan and the EU nations, deliver on the highest possible emissions cuts. And as the US Senate considers its legislation, it is important it delivers not just the 17% reductions offered so far but the deepest possible.⁴⁴

In a recent statement to the House of Commons, Ed Miliband reiterated the need to “show the highest levels of ambition on emissions as part of the commitments that we make”, including carrying forward the commitment to move from 20 to 30% emissions reduction in the EU. In an apparent reference to countries such as China and India, he also underlined that:

... We should recognise how far major developing countries have come in the past year. However, we must also seek to allay their concern that they will be constrained from growth and development by the demands of a legal treaty.⁴⁵

5.3 China

A Chinese Foreign Ministry spokesman described Ed Miliband’s remarks in the *Guardian* as a “political scheme” intended to sow discord amongst developing nations:

Thanks to the concerted efforts of all parties, the Copenhagen Conference yielded fruit, reached broad consensus and won support from the vast number of developing countries. China made arduous efforts to push forward the progress of the Conference, and contributed to safeguarding the interests of the vast number of developing countries and adhering to the international consensus, which is obvious to all and beyond any doubt. The remarks against China by an individual British politician contained [an] obvious political scheme to shirk responsibilities towards the developing countries, and provoke discord among the developing countries. Their attempt will come to nothing. We urge them to correct mistakes, fulfill their obligations to the developing countries in an earnest way, and stay away from activities that hinder the cooperation in coping with climate change by the international community.⁴⁶

China’s Foreign Minister, Yang Jiechi, said that the Copenhagen Conference had “yielded significant and positive fruits in three aspects”, which a report from the Chinese

⁴⁴ *ibid*, 20th December 2009.

⁴⁵ HC *Hansard*, 5th January 2010, col 43.

⁴⁶ Ministry of Foreign Affairs of the People’s Republic of China, [Foreign Ministry Spokesperson Jiang Yu’s response to the British accusation that China “hijacked” negotiations at the Copenhagen Climate Change Conference](#) (22nd December 2009).

state news agency elaborated as follows:

First, it firmly upheld the principle of “common but differentiated responsibilities” set by the UN Framework Convention on Climate Change and the Kyoto Protocol.

Second, it made a solid step forward in promoting developed countries’ binding emissions cuts and developing countries’ voluntary mitigation actions.

Third, it produced important consensus on the key issues of long-term global emissions cut targets, funding and technology support to developing countries, and transparency.⁴⁷

In an interview a week after the Conference, Premier Wen Jibao stressed that the rest of the world must understand the fact that development remained the top priority of developing countries. He said that China would not follow developed countries on their path to industrialisation at the price of the environment, but insisted that: “we must fight for China’s due rights for development”.⁴⁸

5.4 United States

President Obama—speaking before the Copenhagen Conference had officially ended and before some developing nations objected in the plenary session to the text he had agreed with the leaders of other key states—described the Accord as a “meaningful and unprecedented breakthrough”. He went on to say:

... Progress did not come easily, and we know that this progress alone is not enough. Going forward, we’re going to have to build on the momentum that we’ve established here in Copenhagen to ensure that international action to significantly reduce emissions is sustained and sufficient over time. We’ve come a long way, but we have much further to go.⁴⁹

President Obama accepted that China and India had “legitimate points” in arguing that it would be unfair for them to be bound by legal obligations to curtail their ability to develop when their per capita carbon emissions were still relatively low.⁵⁰

In response to criticisms that the United States’ pledged emissions cuts lacked ambition President Obama explained:

... The one principle I brought to this is that whatever commitments we make, I want to be able to be sure that they’re actually commitments we can keep. So we tried to be modest in what we thought we could accomplish. I think there was interest on the part of some to, for example, increase our mitigation targets. Although when you look out in the years 2025 or 2030, our goals are entirely comparable with Europe’s. On the front end they appear to be less, because frankly, they’ve had a head start over the last several years.⁵¹

⁴⁷ [Chinese Premier’s attendance at Copenhagen summit sends hope, confidence to the world](#), Xinhua state news agency, 20th December 2009.

⁴⁸ [Highlights of Wen’s exclusive interview with Xinhua](#), Xinhua state news agency, 27th December 2009.

⁴⁹ White House press release, [Remarks by the President during press availability in Copenhagen](#), (18th December 2009).

⁵⁰ *ibid*, 18th December 2009.

⁵¹ *ibid*, 18th December 2009.

And on the issue of the lack of a legally binding agreement, he stated:

... Some people are legitimately going to ask ... if it's not legally binding, what prevents us from, 10 years from now, looking and saying, you know, everybody fell short of these goals and there's no consequences to it? My response is that, A, that's why I think we should still drive towards something that is more binding ... But that was not achievable at this Conference.

And the second point I'd make is that Kyoto was legally binding and everybody still fell short anyway. And so I think that it's important for us, instead of setting up a bunch of goals that end up just being words on a page and are not met, that we get moving—everybody is taking as aggressive a set of actions as they can; that there is a sense of mutual obligation and information sharing so that people can see who's serious and who's not; that we strive for more binding agreements over time; and that we just keep moving forward.⁵²

In a later interview with the American news channel PBS, several days after the Conference finally ended, President Obama said that: "I think that people are justified in being disappointed about the outcome in Copenhagen".⁵³ However, he maintained that the eventual outcome was preferable to a complete collapse of the talks.

5.5 European Union

Jose Manuel Barroso, President of the European Commission, commented that:

... This accord is better than no accord [...] I will not hide my disappointment regarding the ambition in terms of the binding nature or non-binding nature of the future agreement. On this particular point, the text agreed today falls far short of our expectations.

... At the same time, it's also fair to say that this was the first time we could put, in an agreement at this level, the actions that have been now pledged by many other parties, parties that so far had not committed to these kinds of actions.

... We have three pillars in this text on which we can build progress: emission reductions, finance, and transparency. But the fight to achieve a higher level of ambition goes on, and this fight is one we cannot afford to lose.⁵⁴

President Sarkozy emphasised the positive aspects of the deal:

The text we have is certainly not perfect. Firstly, it is not a treaty, although we are seeking for this accord to be turned into a binding legal instrument by 2010. [But] if there had been no agreement, it would have meant that two countries as significant as China and India, which represent 2.5 billion citizens out of 6 billion, would be free of all obligations because these countries are not in Kyoto [...] If

⁵² *ibid*, 18th December 2009.

⁵³ [Obama says disappointment over Copenhagen is valid](http://news.bbc.co.uk), BBC News Website (http://news.bbc.co.uk), 23rd December 2009.

⁵⁴ European Commission press release, [Statement of President Barroso on the Copenhagen Climate Accord COP15 Copenhagen](#) (19th December 2009).

we had not reached an agreement, the USA—which is also not part of Kyoto—would be free of any form of obligation. This is why an agreement was absolutely vital for the stability of the planet.⁵⁵

An official press release from the German Chancellery stated that the focus would be on laying down binding targets at further international climate change talks in Bonn and Mexico in 2010. Chancellor Angela Merkel declared that: “Copenhagen was a first step on the way to a new global climate change regime. No more, but equally no less”.⁵⁶

5.6 Developing nations

The Indian Prime Minister, Dr Manmohan Singh, speaking at the opening of an Indian Science Congress on 3rd January said that:

We were able to make only limited progress at the Copenhagen Summit and no one was satisfied with the outcome. And yet, there is no escaping the truth that the nations of the world have to move to a low greenhouse gas emissions and energy efficient development path.

All over the world, countries are chalking out strategies to achieve greater energy efficiency and a shift to renewable sources of energy. They are also chalking out strategies for adapting to such climate change as is inevitable. India must not lag behind in these areas.⁵⁷

Despite their involvement in negotiating the final text, Brazil and South Africa have voiced dissatisfaction with it. Sergio Serra, Brazil’s Climate Change Ambassador, said:

It’s very disappointing I would say, but it is not a big failure... if we agree to meet again and deal with the issues that are still pending. We have a big job ahead to avoid climate change through effective emissions reduction targets and this was not done here.⁵⁸

South Africa’s Environment Minister, Buyelwa Sonjica, went further, saying that the failure to produce a legally binding agreement was “not acceptable, it is definitely not acceptable”.⁵⁹

Representatives of small island states vulnerable to rising sea levels were some of the fiercest critics of the agreement. Mohamed Nasheed, President of the Maldives, commented that:

Anything above 1.5 degrees [rise in global average temperatures], the Maldives and many small islands and low-lying islands would vanish. It is for this reason that we tried very hard during the course of the last two days to have 1.5 degrees

⁵⁵ French Presidency press release, [Conférence de presse à l'issue du COP15](#), (18th December 2009), this author’s translation from the original French.

⁵⁶ German Federal Chancellery press release, [Hope in spite of compromise reached in Copenhagen](#) (21st December 2009).

⁵⁷ [Manmohan Singh not satisfied with Copenhagen Summit outcome](#), Asian News International press agency, 3rd January 2010.

⁵⁸ [Copenhagen deal reaction in quotes](#), BBC News website (<http://news.bbc.co.uk>), 19th December 2009.

⁵⁹ [Climate change alliance crumbles as accord is labelled ‘a great failure’](#), *Financial Times*, 23rd December 2009.

in the document. I am so sorry that this was blatantly obstructed by big-emitting countries.⁶⁰

Referring to the financial assistance offered by developed nations to developing nations under the Accord, Ian Fry, the chief negotiator for the Pacific island of Tuvalu, said: “It looks like we are being offered 30 pieces of silver to betray our people and our future”.⁶¹

5.7 Environmental groups

Joss Garman, a Greenpeace campaigner and the co-founder of Plane Stupid, commented that:

This “deal” is beyond bad. It contains no legally binding targets and no indication of when or how they will come about. There is not even a declaration that the world will aim to keep global temperature rises below 2 degrees. Instead, leaders merely recognise the science behind that vital threshold, as if that were enough to prevent us crossing it.

The only part of this deal that anyone sane came close to welcoming was the \$100bn global climate fund, but it’s now apparent that even this is largely made up of existing budgets, with no indication of how new money will be raised and distributed so that poorer countries can go green and adapt to climate change.

... I know we Greens are partial to hyperbole. We use language as a bludgeon to direct attention to the crisis we are facing, and you will hear much more of it in the coming days and weeks. But, really, it is no exaggeration to describe the outcome of Copenhagen as a historic failure that will live in infamy.⁶²

Friends of the Earth’s Executive Director, Andy Atkins, blamed the US for the Conference’s outcome:

The US appears to be more interested in saving face than saving the planet. They are now using strong-arm tactics to bully the developing world into backing a plan that completely undermines the existing UN process and does little to diminish the growing threat of catastrophic climate change. This is completely unacceptable.

This summit has been a complete failure—the climate accord should be sent to the recycling bin.⁶³

5.8 Business

Business leaders have also expressed disappointment at the deal reached in Copenhagen; without the certainty of long-term binding targets, they fear it will be difficult to secure the investment necessary to move to a low-carbon economy. Richard Lambert, the Director General of the Confederation of British Industry, said:

⁶⁰ [Copenhagen deal reaction in quotes](http://news.bbc.co.uk), BBC News website (<http://news.bbc.co.uk>), 19th December 2009.

⁶¹ *ibid*, 19th December 2009.

⁶² Joss Garman, [Copenhagen—Historic failure that will live in infamy](#), *Independent*, 20th December 2009.

⁶³ Friends of the Earth press release, [Brokenhagen—Climate summit ends in failure](#) (19th December 2009).

The Copenhagen Accord is a missed opportunity, and a disappointing conclusion to two years of negotiations. The heads of state have come up with an agreement that skates over difficult points and is light on detail. There is now a real need to maintain momentum in order to agree as soon as possible on a legally binding replacement to the Kyoto Protocol, which expires in 2013. Business needs a clearer sense of direction if it is to make the enormous investments needed to shift towards a low carbon economy.⁶⁴

Dr Bill Kyte, Head of Corporate Sustainable Development at the energy firm EON, explained that: "Having long-term targets in place is absolutely critical to energy companies because we're making investments now for 30 years or more into the future".⁶⁵

The *Financial Times* reported that the outcome of the Copenhagen Conference had had a negative effect on the EU's carbon-trading scheme, which is intended to give companies an incentive to cut their carbon emissions:

Prices for carbon permits for December 2010 delivery, the benchmark contract for pricing European permits, dropped nearly 10 per cent in early trading, before recovering to end the day [21st December 2009] 8.3 per cent lower at €12.41.

Lower prices give companies less incentive to invest in cutting their greenhouse gas output. Analysts estimate that price of more than €40 a tonne are required to stimulate investment in new low-carbon technologies.

Carbon traders blamed the price fall on the Copenhagen Conference, which produced an accord among the world's biggest developed and developing countries to limit their greenhouse gas emissions, but omitted details on what those limits would be.⁶⁶

⁶⁴ CBI press release, [CBI reaction to Copenhagen summit](#) (19th December 2009).

⁶⁵ [Businesses left out in the cold at Copenhagen](#), *Sunday Times*, 20th December 2009.

⁶⁶ [Carbon prices fall in wake of Copenhagen](#), *Financial Times*, 22nd December 2009.

Appendix—The Copenhagen Accord

The Heads of State, Heads of Government, Ministers, and other heads of the following delegations present at the United Nations Climate Change Conference 2009 in Copenhagen: [List of Parties]

In pursuit of the ultimate objective of the Convention as stated in its Article 2,

Being guided by the principles and provisions of the Convention,

Noting the results of work done by the two Ad hoc Working Groups,

Endorsing decision x/CP.15 on the Ad hoc Working Group on Long-term Cooperative Action and decision x/CMP.5 that requests the Ad hoc Working Group on Further Commitments of Annex I Parties under the Kyoto Protocol to continue its work,

Have agreed on this Copenhagen Accord which is operational immediately.

1. We underline that climate change is one of the greatest challenges of our time. We emphasise our strong political will to urgently combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities. To achieve the ultimate objective of the Convention to stabilize greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, we shall, recognizing the scientific view that the increase in global temperature should be below 2 degrees Celsius, on the basis of equity and in the context of sustainable development, enhance our long-term cooperative action to combat climate change. We recognize the critical impacts of climate change and the potential impacts of response measures on countries particularly vulnerable to its adverse effects and stress the need to establish a comprehensive adaptation programme including international support.

2. We agree that deep cuts in global emissions are required according to science, and as documented by the IPCC Fourth Assessment Report with a view to reduce global emissions so as to hold the increase in global temperature below 2 degrees Celsius, and take action to meet this objective consistent with science and on the basis of equity. We should cooperate in achieving the peaking of global and national emissions as soon as possible, recognizing that the time frame for peaking will be longer in developing countries and bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-emission development strategy is indispensable to sustainable development.

3. Adaptation to the adverse effects of climate change and the potential impacts of response measures is a challenge faced by all countries. Enhanced action and international cooperation on adaptation is urgently required to ensure the implementation of the Convention by enabling and supporting the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing countries, especially in those that are particularly vulnerable, especially least developed countries, small island developing States and Africa. We agree that developed countries shall provide adequate, predictable and sustainable financial resources, technology and capacity-building to support the implementation of adaptation action in developing countries.

4. Annex I Parties commit to implement individually or jointly the quantified economy-wide emissions targets for 2020, to be submitted in the format given in Appendix I by Annex I Parties to the secretariat by 31st January 2010 for compilation in an INF

document. Annex I Parties that are Party to the Kyoto Protocol will thereby further strengthen the emissions reductions initiated by the Kyoto Protocol. Delivery of reductions and financing by developed countries will be measured, reported and verified in accordance with existing and any further guidelines adopted by the Conference of the Parties, and will ensure that accounting of such targets and finance is rigorous, robust and transparent.

5. Non-Annex I Parties to the Convention will implement mitigation actions, including those to be submitted to the secretariat by non-Annex I Parties in the format given in Appendix II by 31st January 2010, for compilation in an INF document, consistent with Article 4.1 and Article 4.7 and in the context of sustainable development. Least developed countries and small island developing States may undertake actions voluntarily and on the basis of support. Mitigation actions subsequently taken and envisaged by Non-Annex I Parties, including national inventory reports, shall be communicated through national communications consistent with Article 12.1(b) every two years on the basis of guidelines to be adopted by the Conference of the Parties. Those mitigation actions in national communications or otherwise communicated to the Secretariat will be added to the list in appendix II. Mitigation actions taken by Non-Annex I Parties will be subject to their domestic measurement, reporting and verification the result of which will be reported through their national communications every two years. Non-Annex I Parties will communicate information on the implementation of their actions through National Communications, with provisions for international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected. Nationally appropriate mitigation actions seeking international support will be recorded in a registry along with relevant technology, finance and capacity building support. Those actions supported will be added to the list in appendix II. These supported nationally appropriate mitigation actions will be subject to international measurement, reporting and verification in accordance with guidelines adopted by the Conference of the Parties.

6. We recognize the crucial role of reducing emission from deforestation and forest degradation and the need to enhance removals of greenhouse gas emission by forests and agree on the need to provide positive incentives to such actions through the immediate establishment of a mechanism including REDD-plus, to enable the mobilization of financial resources from developed countries.

7. We decide to pursue various approaches, including opportunities to use markets, to enhance the cost-effectiveness of, and to promote mitigation actions. Developing countries, especially those with low emitting economies should be provided incentives to continue to develop on a low emission pathway.

8. Scaled up, new and additional, predictable and adequate funding as well as improved access shall be provided to developing countries, in accordance with the relevant provisions of the Convention, to enable and support enhanced action on mitigation, including substantial finance to reduce emissions from deforestation and forest degradation (REDD-plus), adaptation, technology development and transfer and capacity-building, for enhanced implementation of the Convention. The collective commitment by developed countries is to provide new and additional resources, including forestry and investments through international institutions, approaching USD 30 billion for the period 2010–2012 with balanced allocation between adaptation and mitigation. Funding for adaptation will be prioritized for the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa. In the context of meaningful mitigation actions and transparency on implementation, developed countries commit to a goal of mobilizing jointly USD 100 billion dollars a year by 2020 to address the needs of developing countries. This funding

will come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance. New multilateral funding for adaptation will be delivered through effective and efficient fund arrangements, with a governance structure providing for equal representation of developed and developing countries. A significant portion of such funding should flow through the Copenhagen Green Climate Fund.

9. To this end, a High Level Panel will be established under the guidance of and accountable to the Conference of the Parties to study the contribution of the potential sources of revenue, including alternative sources of finance, towards meeting this goal.

10. We decide that the Copenhagen Green Climate Fund shall be established as an operating entity of the financial mechanism of the Convention to support projects, programme, policies and other activities in developing countries related to mitigation including REDD-plus, adaptation, capacity-building, technology development and transfer.

11. In order to enhance action on development and transfer of technology we decide to establish a Technology Mechanism to accelerate technology development and transfer in support of action on adaptation and mitigation that will be guided by a country-driven approach and be based on national circumstances and priorities.

12. We call for an assessment of the implementation of this Accord to be completed by 2015, including in light of the Convention's ultimate objective. This would include consideration of strengthening the long-term goal referencing various matters presented by the science, including in relation to temperature rises of 1.5 degrees Celsius.

Source: UNFCCC website:

http://unfccc.int/files/meetings/cop_15/application/pdf/cop15_cph_auv.pdf

