

# Climate Change HOW THE WEST HAD ITS WAY



*A pavilion at the World Climate Change Conference 2015 (COP-21) at Le Bourget, near Paris, France, on December 1.*

**By R. Ramachandran**

*The story of the just-concluded COP-21 in Paris is one of clever manoeuvring by the U.S., both before and during the conference, false goals, and compromises by developing countries, all of which raise doubts about the seriousness of the West in fighting the war against climate change.*

On December 12, almost a day later than its scheduled closure, the much-awaited international and legally binding agreement to ensure a sustainable future that would avoid serious irreversible damage caused by

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global warming was reached at the 21st Conference of the Parties (COP-21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris. The 12-day climate summit was critical ("A text for Paris", *Frontline*, December 11) because four years ago at COP-17 in Durban, South

Africa, the 195 parties to the Convention had set 2015 as the deadline for arriving at a binding agreement, which will take effect from 2020, to limit greenhouse gas (GHG) emissions so that the average global surface temperature increase by 2100 does not overshoot the limit of 2°C

### **About the Author**

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– or even a more ambitious 1.5°C – above pre-industrial levels. The current warming is already 0.85°C.

The Paris Agreement, as the outcome of COP-21 is called, was hailed as “historic” by the president of the summit, the French Foreign Minister Laurent Fabius, and by representatives of several countries who spoke at the final plenary which adopted the agreement. Several commentators, too, termed it a landmark agreement. The agreement will be open for ratification by member states from April 2016 and will come into force once 55 nations (contributing to 55 per cent of current carbon emissions) ratify it. An Ad hoc Working Group on the Paris Agreement has been established to work out the modalities of implementation of all its aspects.

Given that it has taken over 20 years since the Convention came into being, and four years since the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP) launched the process to develop “a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”, it is certainly a historic and landmark moment.

But, despite the contentious and tortuous negotiations, it is clear as daylight that the agreement will not set us on a path that has some chance of preventing the disastrous impacts of climate change because it does not bind countries to the specific targets for carbon emission reduction that science dictates. What is binding is only the framework in which the agreement is set, not quantitative emission reduction targets that would make sense for a liveable planet in the future. In fact, in an interview to *The Guardian*, James Hansen, the former National Aeronautics and Space Administration (NASA) scientist who made the world aware of climate change with his congressional testimony in 1988, called the Paris Agreement a “fraud”.

So, the prolonged applause at the end of the concluding session of the summit was more for having achieved something that, given the expediency to reach an



At COP-21, Barack Obama with leaders of island nations, which are under threat by rising sea levels, on December 1. KEVIN

agreement in Paris, had the approval of all the nations rather than for having ensured a safe and sustainable future. Given what science tells us, a reflection on the agreement tells one that unless there is some drastic mid-course correction (which seems impossible) or some technological marvels occur (which seem unlikely in the short to medium term) that can offset the stock of GHG emissions in the atmosphere, the agreement cannot ensure that the earth will be a safe place after 2100. It appears that when it came to the crunch, developing countries just did not, or could not, try hard enough to steer the negotiations back on to the correct path and yielded to pressures and made several compromises. They did manage to salvage something, which, however, seems to be largely in the phraseology and the language used in the agreement.

The framework for carbon emission reductions in the Paris Agreement is akin to a pot-luck dinner, with invitees bringing whatever they can, as John Cassidy said in *The New Yorker*. Each party to the Convention was “invited” to submit by October 1 what has been termed as Intended Nationally Determined Contributions (INDCs) – meaning “this-is-what-I-can-do” – beyond 2020 towards a low carbon, secure climate future. Against these unilateral and voluntary intentions of nations, an ideal framework would have been to have, as enunciated in the UNFCCC, differentially mandated targets, with developed countries required to take greater emission reductions as their

accumulated stock of carbon emissions since industrialisation began is primarily responsible for the current global warming.

This differentiation between developed and developing countries is enshrined in the Convention through its cornerstone principle that requires countries to take actions “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities (CBDR-RC)”.

The Convention also mandates that developed countries extend finance and technology to developing countries because mitigation and adaptation by developing countries are critically dependent on the finance, technology and capacity-building support they receive.

But, as discussed in the curtainraiser to the summit (*Frontline*, December 11), these bottom-up submissions do not add up to the mitigation actions that science requires to limit the temperature rise to below 2°C.



James Hansen, the former NASA scientist, called the Paris Agreement a ‘fraud’

This has been clearly brought out in the recent Synthesis Report of the UNFCCC on the INDCs and the 2015 Emissions Gap Report of the United Nations Environment Programme, which say that the combined effect of the INDCs cannot keep the warming below 2°C, let alone 1.5°C, and sets the world on a path towards a more than 3°C increase, and that too if the pre-2020 mitigation pledges made at COP-16 in Cancun are met.

### Potentially Disastrous

This scenario is disastrous for the world unless the developed countries of the West undertake far deeper emission cuts than what they have declared in their INDCs. But that does not seem to be on the cards as Paris saw no such pronouncement by developed nations, in particular the United States, which has historically been the greatest polluter of the atmospheric commons and whose INDCs up to 2025 amount to a mere 9 per cent below the 1990 level. The Fourth Assessment Report (AR4) of the Intergovernmental Panel on Climate Change (IPCC) requires developed countries to cut back on their emissions by at least 50 per cent by 2030 from the 1990 levels.

According to a recent review of the INDCs by civil society groups ([http://civilsocietyreview.org/wpcontent/uploads/2015/11/CSO\\_FullReport.pdf](http://civilsocietyreview.org/wpcontent/uploads/2015/11/CSO_FullReport.pdf)), the ambition of all the major developed countries falls well short of their fair shares in terms of their historical responsibilities and equity. Those with the biggest gap between their INDCs and their fair shares include Russia, whose INDCs amounted to zero contribution towards its fair share; Japan, whose INDC was about one tenth; the U.S.' was about a fifth; and the European Union's (E.U.) was just over a fifth. The INDCs of the majority of the developing countries, on the other hand, exceed or broadly meet their fair share.

Once the agreement comes into force in 2020, the *de facto* INDCs for the period beyond 2020 will be rendered *de jure* and will be called Nationally Determined Contributions (NDCs). Since the agreement will then have the force of an international treaty, these

NDCs will become legally binding, and the agreement has provisions for monitoring, reporting and verification of the actions by the Parties (Article 13 on "Transparency"). This is of no consolation because the NDCs are not adequate to prevent disastrous climate change.

The agreement does not set out penalties for non-compliance. In fact, Article 15 of the agreement states: "The mechanism [to facilitate implementation of and promote compliance with the provisions of this agreement]... shall... be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive."

So, developed countries, whose (I) NDCs are much less than what science requires of them, can even renege on their commitments and get away without attracting any penalties.

When the ADP, established by COP-17 and entrusted with the task of arriving at an appropriate negotiating text for the COP in Paris, transmitted its draft text to the French presidency after its Bonn meeting in October, the key issues at stake from the perspective of developing countries were (i) the principle of differentiation between developed and developing countries; (ii) the goal of the temperature "guard rail" of 2°C vs 1.5°C; (iii) finance and technology transfer; (iv) equity and climate justice (on the basis of historical emissions and carbon budget); (v) loss and damage and

associated compensation mechanism; and (vi) "transparency" or review mechanism.

In Bonn, the ADP co-chairs' initial draft text was an unbalanced and lopsided one, largely favouring developed countries and ignoring the submissions made by developing countries. Following intense negotiations, many of the above issues were brought back into the text through insertions in parentheses.

The direction in which the Paris negotiations would go was becoming clear even earlier, with the developed countries, led by the U.S., wanting to rewrite the basic tenets of the Convention altogether, and the principle of CBDR-RC in particular.

Since COP-15 in 2009 in Copenhagen, the U.S., backed by Australia, Canada and Japan (who together constitute what is called the Umbrella Group), has managed to alter the very nature of the discourse at climate change negotiations under the UNFCCC and steered it away from the pursued track. Paris was the culmination of its behind-the-scenes manoeuvring and bilateral engagement over the years, resulting in a highly ineffective agreement based on a bottom-up pledge and review mechanism, which puts the world on the path to catastrophe. Days ahead of the Paris conference, the U.S. began its diplomatic moves to set the tone for the final leg of the climate negotiations.

A paragraph on climate change, with references that would have been



Children playing in an abandoned home on the coastline in Majuro, the Marshall Islands, on October 28. Rising sea levels are already an inescapable part of daily life in the Marshall Islands.

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Mayors from different cities at the Paris city hall during the Summit of Local Elected for Climate on December 4.

unacceptable to developing countries, was sought to be included in the final communique that was issued at the conclusion of the G20 meeting in Antalya, Turkey, on November 16. The draft included an endorsement of the recent report of the Organisation for Economic Cooperation and Development on climate finance, which had been widely criticised for the double counting of normal developmental assistance as climate funds; a reference to

a mechanism for the review and ratcheting up of the mitigation targets alone (and not of finance and technology) under the Paris Agreement; and “carbon neutrality”, a term undefined under the UNFCCC that implies taking mitigation action elsewhere to offset the continuing domestic emissions, as the long-term goals of the Paris negotiations rather than the temperature limit of 2°C set at COP-20 in Lima to be achieved through domestic emission reductions.

Finally, however, Indian officials succeeded in having the language changed to something that was acceptable and which did not detract from the UNFCCC process. Earlier, in an interview to *Financial Times*, U.S. Secretary of State John Kerry had said that the Paris deal would not be a legally binding treaty. Referring to India’s continued dependence on coal, he had said that India would be a challenge to contend with at the talks. “We have got a lot of focus on India right now to try to bring them along,” Kerry had said. His statement was roundly rebutted by the India’s Minister for Environment, Forest and Climate Change Prakash Javadekar and other officials. But Kerry’s remarks were soon followed by a confidential note that was sent to select countries, including India, outlining what the terms for the Paris talks should be.

The note spelt out the terms for negotiations in Paris: doing away with the basis of differentiation under the UNFCCC, carbon neutrality and contribution to climate funds by all countries “in a position to do so” based on present economic capabilities and existing circumstances (*Frontline*, December 11). In Cancun, it was decided that developed countries would raise a Green Climate Fund worth \$100 billion annually by 2020 to assist developing countries in meeting the challenges of climate change. As of May 2015, the amount raised was a paltry \$10.2 billion.

A day before the Paris talks began, the U.S. also released a nonpaper that essentially advocated the same notions as above as the terms for the Paris agreement. It reiterated that the agreement should be based on “self-differentiation”, whereby differentiation arises from the voluntary climate targets set by countries based on national circumstances that would be transparent and verifiable rather than on the differentiation mandated under the UNFCCC and targets set accordingly. President Barack Obama in his speech on the opening day of the summit famously said: “Targets that are not set for each of us but by each of us” (emphasis added throughout).

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### Image Change

Two days before the scheduled conclusion of the summit, Sunita Narain of the Centre for Science and Environment, New Delhi, wrote from Paris: "The erstwhile climate renegades... are in control of the dialogue, narrative and the audience... these countries have done an image change. They are now the good guys. They want the world to be ambitious in meeting not just the 2°C temperature threshold, they are pushing for even staying below 1.5°C. They say... they care for the small island nations, which will suffer horrendous consequences with rising temperatures.

They also want an effective arrangement to monitor progress and to ramp up actions to meet these targets.... This makeover is not overnight, or sudden. These countries have also done their homework... the script is crafted skilfully and the propaganda is spread. Audaciously." Alongside, a "high ambition coalition" representing over 100 countries also sprang up, the handiwork again of the U.S. which apparently was in the works over the last six months. It consisted of the U.S., E.U. members and the 79 African, Caribbean and Pacific countries. By selling to the latter, highly vulnerable countries, which have been opposed to temperature limit as the ultimate goal, the idea of the (impossible to achieve) long-term goal of 1.5°C, they were won over. The coalition also wanted a review of countries' emission commitments every five years in a unified system that would be applicable to all. Clearly, the unrealistic target, contradictory and hypocritical given the highly unambitious INDCs of developed countries and their earlier stance, the proposed review mechanism and the promise of ramping up emission reductions to high ambition during subsequent submission of NDCs were clearly devices to drive a wedge among the developing countries. The final text of the adopted agreement suggests that this devious tactic by the U.S. ultimately prevailed.

### Many Compromises

In the ultimate analysis, by effectively sanctifying the INDC-based approach, the final agreement largely reflects the

developed countries' perspective on how the global fight against climate change should be carried out collectively by nations, and not what the science of climate change demands or how it had been envisioned in the original convention.

Developing countries seemed to have compromised on several fronts, particularly with regard to historical responsibility and equity, but managed to score minor victories of sorts, particularly in retaining the convention's language in parts, especially on the issue of differentiation and its implications on some aspects of climate action. However, their import remains largely platitudinous, given the flawed basic premise of INDC based emission reductions in the agreement.

What developing countries would consider as a victory, as indeed Prakash Javadekar has said, is in being able to retain the language on equity and CBDR-RC almost in the form enshrined in the UNFCCC, given the widespread apprehension of its total deletion. Only almost because the agreement has adopted a diluted version of the principle that emerged in the "Lima Call for Action" decision at COP-20: "This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, *in the light of different national circumstances.*" The italicised part was an addition at Lima which effectively places the principle in the current context and not

in the historical context as envisioned in the UNFCCC. The Convention's differentiation principle for climate actions by developed and developing countries is based on equity and responsibilities arising from historical emissions, and not on present circumstances. While the implications of differentiation are reflected in aspects such as mitigation, adaptation, financial support, technology transfer and capacity building, they are to be understood in the diluted perspective of locating it in the present context, and also without any targets set for any of these, particularly finance. For example, in the context of mitigation, Article 4.4 (on mitigation) in the final draft before the concluding plenary where the agreement was adopted, read: "Developed country Parties *shall* continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties *should* continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances."

Developed and developing countries were differentiated by the use of the italicised words above. But, in the adopted agreement, "shall" has been changed to "should" (which is noncommittal). The final document was supposed to have been corrected for "technical errors", and in the final plenary, the agreement was gavelled by COP-21 president Laurent



Oxfam activists wearing masks of (from left) U.S. President Barack Obama, Chinese President Xi Jinping, French President Francois Hollande, Indian Prime Minister Narendra Modi, German Chancellor Angela Merkel and Australian Prime Minister Malcolm Turnbull at a protest during COP-21 on December 10.

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Fabius and pushed through even as the lone dissenting voice of Nicaragua was drowned out in the applause.

### 'Historical Responsibility' Erased

The notion of historical responsibility and the idea of corresponding equitable distribution of the available carbon budget up to 2100, in fact, have been completely erased from the Paris agreement. But for the pious mention in the preamble and in Article 2, the word equity (in the above sense) does not appear anywhere else. More significantly, the phrase carbon budget (*Frontline*, December 11) does not figure at all, though it had figured in the first draft of December 9. The French presidency and his facilitators who ironed out the final text ensured that it disappeared completely in the final adopted version. Developing countries, too, seem to have not pressed for it, having resigned themselves to the fact that they will be branded "blockers". Without historical responsibility and the associated notion of a carbon budget, which apportions the available atmospheric carbon space equitably amongst nations on the basis of historical emissions and sets targets for future emissions, there is no way of operationalising equity. Thus, equity remains a hollow word in the agreement.

As for the goal of limiting temperature increase, what the agreement has set out can, in effect, be termed contradictory. On the one hand, it notes in its preamble "with concern that the estimated aggregate greenhouse gas emission levels in 2025 and 2030 resulting from the INDCs do not fall within least-cost 2°C scenarios but rather lead to a projected level of 55 Gt in 2030, and... that much greater emission reduction efforts will be required than those associated with the INDCs in order to hold the increase in the global average temperature to below 2°C above pre-industrial levels by reducing emissions to 40 Gt or to 1.5°C above pre-industrial levels by reducing to a level to be identified [yet]...."

On the other, Article 2 envisions implementation of the agreement by "Holding the increase in the global average



At a news conference during COP-21 on December 8, (from left) Xie Zhenhua, Special Representative for Climate Change, China; Prakash Javadekar, Minister of State for Environment, Forest and Climate Change, India; and Edna Bomo Molewa, Minister of Environmental Affairs, South Africa.

temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above preindustrial levels...." However, the agreement, which is premised only on voluntary emission reductions through NDCs, with empty promises of ratcheting up reductions in the future, and which does away with the carbon budget altogether, which would otherwise have set definite targets based on science, militates against this.

To identify the amount of emissions that the atmosphere can sustain in 2030 in order to limit the temperature rise to 1.5°C above preindustrial levels, the Paris COP has called upon the IPCC to provide a special report in 2018 on the impact of global warming of 1.5°C above pre-industrial levels and related global GHG emission pathways. But the agreement has no provision for leveraging the subsequent ramp-up of emission reductions and ensuring that the upwardly revised targets are met.

"While indicating the goal of 2°C or 1.5°C, the agreement allows developed countries to commit to only such emissions reductions as they wish to, in the form INDCs," point out T. Jayaraman and Tejal Kanitkar of the Tata Institute of Social Sciences, Mumbai, in a statement released after the adoption of the agreement. "It has not ensured that the sum total of their actual greenhouse gas emissions will be compatible with their fair share of the global limit on the global carbon budget that is necessary to ensure that the temperature target is met." "Worse," says

the statement, "the agreement ignores the scientific reality that given the global emissions expected until 2025 and 2030, even the 2°C goal will be difficult to meet to any substantial degree of certainty.... The achievement of the 1.5°C is virtually impossible with the mitigation efforts currently inscribed through the INDCs, since the global cumulative emissions that are expected until 2025 and 2030, are well above the limit that is necessary to keep to 1.5°C.

"This is a dangerous path for the world to take. On the one hand, to the most vulnerable nations, especially the Small Island States, the agreement makes a promise that cannot be kept. On the other hand, for other nations too, it sets a false goal in adaptation. Adaptation, expecting a 1.5°C increase, will lull countries into false complacency, leaving them underprepared if indeed the temperature rise will be greater, as it is well more than likely to be. The developed countries will bear no liability for loss and damage on this account, as the agreement makes clear."

The promised review of mitigation efforts by countries and the report by the IPCC in 2018 to achieve a 1.5°C ceiling, however, do offer an opportunity to bring back to the table the important notion of the carbon budget, which is after all the premise advocated by the IPCC, and steer the climate change discourse back on a realistic track at least in 2018. That would seem very unlikely given the course the climate change discourse has taken. ❁