



A Future for International Climate Politics – Durban and Beyond

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Content

Preface	5
Barbara Unmüßig, President Heinrich Böll Foundation	
A Future for International Climate Politics	7
A Discussion Paper by the Heinrich Böll Foundation	
Lili Fuhr, Department Head Ecology and Sustainable Development	
Barbara Unmüßig, President	
Introductory Note	17
Durban: A Signpost Toward a Safe Climate Future?	19
Hans JH Verolme, Founder and Principal, Climate Advisers Network	
Pathways and Partnerships for Progress for Durban and Beyond	37
Farhana Yamin, Visiting Lecturer, University College London, also works for Children's Investment Fund Foundation	
List of Abbreviations	59

Preface

The Heinrich Böll Foundation, with its 29 offices and numerous civil society partners around the world, has been following and engaging in climate and energy politics as well as in the UN climate negotiations for some years. For us, climate and energy politics is a multilevel effort. This is why we support and cooperate with local and regional partners in order to achieve a low-carbon, resource-efficient, equitable, and participatory development. Sharing knowledge, strengthening civil society capacities, forming alliances for low-carbon pathways, and fighting against false solutions (like nuclear energy) are elements of our strategy. Local and national activities in that context are key to mitigate climate change and to identify and implement the right adaptation strategies. That is why the UNFCCC process is a central, but not the only, forum for our diverse activities.

While many actors are currently backing away from further serious engagement in the UNFCCC process, we still believe that it is the only existing and, in the near-term, conceivable forum to coherently address climate change as an ethical and political problem. Importantly, civil society has observer status at the UNFCCC in its search for multilateral, global, and (gender) equitable solutions.

We do, however, realize that staying within the climate bubble and the UNFCCC framework will not allow us to understand and address the underlying causes and structures that prevent negotiators and governments from reaching agreement on a fair, ambitious, and binding global climate regime. A much broader perspective and fresh strategy is needed to tackle inequity and achieve a truly sustainable socio-ecological transformation of our economies and societies.

Therefore, in the last few months, we have initiated a project on the future of international climate politics. As part of this project, we commissioned two prominent experts to write two analytical papers, from which we now draw. We would like to thank Hans Verolme and Farhana Yamin for their contributions, advice, and personal involvement, and we are happy to present their excellent papers to a wider public to enlighten and inspire our joint debate.

Barbara Unmüßig, President, Heinrich Böll Foundation
Berlin, November 2011

A Future for International Climate Politics

A discussion paper by the Heinrich Böll Foundation

By Lili Fuhr, Department Head Ecology and Sustainable Development and Barbara Unmüßig, President

Summary

Two years after the Copenhagen summit, the real world is moving away from a safe and equitable climate future faster than ever. Political leaders are busy fighting the global financial crisis. But the lack of public interest and disengagement of relevant actors in the UN climate negotiations (UNFCCC) has – in light of the rise of the G-20 as the new and powerful global governance forum – the potential to conceal what is really at stake. If the G-20 is “the premier forum for international economic development”¹ and we are serious about stopping climate change, we have to ensure that G-20 politics do not undermine our objectives for the climate, the environment, poverty eradication, and global justice.

Political engagement in this changing climate requires entirely new thinking about strategies and alliances that, in our view, should build on the following considerations:

There is no alternative to a legally binding agreement if we are serious about preventing dangerous climate change.

The UNFCCC needs to be safeguarded as the central forum for negotiating climate politics; at the same time, we need to shift our focus to those fora and political agendas that are undermining serious climate efforts, specifically the G-20.

At the same time, policies for national energy, economics, and development have to provide the groundwork for a global shift toward a safe climate future. International deadlock is no excuse for national inaction.

Climate politics require new resource politics at the local, national, and international levels and need to move beyond a purely carbon perspective.

The role of civil society in international climate politics today should focus on:

rebuilding coalitions and developing a clear division of labor inside and outside of the UNFCCC, as well as across different thematic “silos” while taking into account changing geopolitics and global governance;

refocusing advocacy efforts on the real spoilers and vested interests on the local, regional, and global levels; and,

mobilizing global and local movements to reclaim the commons: the atmosphere, natural resources such as land, forests, biodiversity, and water, but also knowledge and public spaces.

Should people expect their political leaders to tackle multiple crises – including climate change, hunger, economic disparity, and a collapse of financial systems – in a comprehensive manner? And if so, what are the appropriate international fora to do so? Only two years ago, we were all busy preparing for the biggest UN summit in history: the 15th Conference of the Parties (COP 15) in Copenhagen. The whole world was watching as over 100 heads of state and many more negotiators, business leaders, and civil society actors gathered to strike a deal that would stop dangerous global warming and, thereby, save the world – and then failed. Two years later, not many are paying attention to the preparations for the next climate summit in Durban, South

¹. See http://www.g20.org/about_what_is_g20.aspx (visited October 31, 2011).

Africa. Political leaders are busy fighting the global financial crisis and economic recession that hit three years ago. Although it has changed form and names like a hydra, the crisis remains a serious threat to prosperity and welfare of all our economies if it is not tackled at the roots. However, the lack of public interest and increasing distrust and disengagement of relevant actors from the United Nations Framework Convention on Climate Change (UNFCCC) process has the potential to conceal what is really at stake.

Climate change as a moral challenge

Climate change is not disappearing. It is real. People are suffering from its impacts now around the world. The famine at the Horn of Africa and recent floods in Thailand and Central America are only a few shocking examples of what a warming world with inadequate institutions, low adaptive capacities, and inequitable distribution of resources looks like.

The injunction to “do no harm” is an important value in Western society, yet when it comes to climate change, short-term economic self-interests often prevail. For this reason, uncertainty is no longer seen as an acceptable ground for delayed action. Climate change challenges our deeply felt conception of fairness, as its causes are often generated locally but the harm is felt on a planetary scale. Climate change gnaws at the very foundation of our societies, as it upsets the existing fragile social balance between the haves and have-nots. The poorest people, who bear little to no responsibility for the climate problem, face the most dire, even catastrophic, consequences. They are also the ones unable to cope with these consequences. Ironically, the security threat posed by climate disruption has become an important reason for climate action by the richest economies. Hence, climate change is not simply an economic or environmental challenge requiring that the polluter pay (a practice that may be legislated in order to internalize costs for damages that were hitherto deemed externalities). Climate change in the context of a much broader crisis of ecological injustice and persistent global poverty on the one hand, and resource overconsumption on the other, is very much a moral challenge and not simply an economic and environmental one. We know the answers to this problem, and not tackling it now but delaying action into the future seems to be a characteristic feature of today’s politics.

The central challenge: Are we ready to commit?

The choice we are currently being offered by our leaders in international climate politics is a crucial and potentially very dangerous one. The key question negotiators are facing in Durban is: With the first commitment period of the Kyoto Protocol ending in 2012, should there be a second commitment period? What at first glance might look like a very technical or legal problem is in reality one with much wider implications. The challenge to keep global warming below a dangerous threshold of 2°C, or even 1.5°C, above pre-industrial levels requires an urgent shift toward a zero-carbon economy globally. This requires emission reductions of 80-95 percent by developed countries by 2050. But that requires a joint vision and global objective from which all parties derive their responsibilities, rights, and rules in a fair manner. The negotiations are far from addressing the central challenge to peak emissions by 2015, and there is almost no talk about real and fair effort-sharing between countries. Instead, we are being asked by our own political leaders to be pragmatic and realistic in our expectations concerning the climate negotiations. But realism in that respect means accepting a world that is 3° to 4°C warmer.

The crossroads where we stand could lead to a legally binding agreement and mandatory rules for governments on how to safeguard the environment, the atmosphere, and our livelihoods. Through national legislation, the agreement could then be imposed on companies and individuals. The alternative – which we are currently heading toward – is often called a “pledge-and-review” approach, which pertains not only to climate politics but also to law and regulations in the fields of human rights and corporate conduct. In practice, it means that because of a lack of a global vision and consensus, mandatory rules relating to, for instance, emission reductions, are abolished. Governments make pledges and may, or may not, work toward these goals, but there will be no accountability toward others. This is a system of “survival of the fittest” in which the winners and losers are pre-ordained. At least in the near-term, the losers are the poor and vulnerable. Ulti-

mately, with climate change we are all losers. So next to serious, urgent, and adequate mitigation measures that cut carbon at its source, we have to address the challenge of adaptation – and also the loss and damage from the unavoidable impacts of climate change – today.

Governments and political systems around the world are faced with increased pressure as a result of the direct or indirect influence of corporate money and lobbying. Very often, corporate contributions are targeted and aim to prevent legally binding regulations for corporations and to secure investors' rights. We must recognize that, in this context, our democracies in their current form are often failing to protect the global commons, the rights of people (including those in third countries), and future generations against these vested interests. In recent years, we have in fact witnessed private sector losses being socialized on a massive scale.

Fighting to save the best features of the Kyoto Protocol (KP) – the only legally binding instrument to reduce greenhouse gas emissions – will require us to form unusual, new, and broader alliances and strategically move beyond the UNFCCC process to mobilize political will and public support. We must take this path despite the fact that the KP is weak in its current form and implementation problematic, for example it allows for offsetting of emissions and fails to address serious market failures.

The real world

The last two years have not only seen the highest growth of CO₂ emissions globally (after an interim drop in 2009 due to the first round of the financial crisis), and not simply in emerging economies, such as China; global emissions in 2010 also reached an all time peak of 30.6 gigatons, according to the latest International Energy Agency data. Worryingly, the carbon and resource intensity of the global economy is still rising, not falling. As a result, recent climate science has moved beyond even the more pessimistic scenarios of the IPCC's Fourth Assessment Report.

The pledge-and-review regime envisioned in the 2009 Copenhagen Accord has so far failed to address global warming and left us with a striking "gigaton gap" of up to 10 gigatonnes. In Copenhagen, governments failed to deliver a fair, ambitious, and binding agreement. Instead, they presented individual pledges of countries that were grossly inadequate in light of the mitigation need, as defined by the IPCC (a minimum reduction of 25-40 percent by 2020 compared to 1990 levels for developed countries). Studies have shown that if the Copenhagen pledges were to be put into political action without the offsetting and loopholes being addressed, we would only see a reduction of emissions by developed countries of 11-16 percent compared to 1990 by 2020.²

Another fact of the real world is that governments of developed countries are utterly failing to live up to the double responsibility of not only cutting emissions at home but also providing adequate, reliable, and additional financial resources for emission reductions and adaptation in the poorer countries. Some of the most serious impacts of global warming are already being felt in these vulnerable regions. At the same time, mitigation policies and technologies very often do not take into account the need to build climate resilience. The task to compensate for false mitigation policies and measures that set the course for even higher vulnerability in face of a growing challenge is thus left to adaptation planning – policy coherence is something else.

A 4°C world?

All that taken into account: What is the value and use of the so-called 2°C target, adopted by, among others, the EU as the dangerous threshold that is to be avoided at all cost?³ It is – and will remain – a yardstick

². <http://www.climateactiontracker.org/developed.php> (visited October 31, 2011).

³. In the Copenhagen Accord, governments agreed to the goal of limiting global warming to a level of no more than 2°C following year-long lobbying efforts of civil society. However, with climate science and global warming progressing, many now argue that warming above 1.5°C already constitutes dangerous global warming as defined in the UN Framework Convention. Neither of the targets has any legally binding nature.

against which to measure the words and actions of our governments. However, due to weak 2020 mitigation targets, ever-growing dependency on fossil fuels – leading also to the extraction of extreme and risky forms of unconventional oil in environmentally and socially vulnerable regions (Arctic, Amazon, deep water, etc.) – means that we are currently heading toward a world that is at least 3° or 4°C warmer. This requires us to, on the one hand, increase our ongoing efforts and pressure on governments and businesses. On the other hand, it also requires us to fundamentally refocus our efforts to manage the unavoidable consequences through adaptation efforts, address the financial needs of the least developed countries and most vulnerable groups, and stave off false or inequitable solutions such as harmful mitigation technologies, increased offsetting, market mechanisms for the protection of global rainforests, or climate- / geo-engineering.

Rio+20: Are we outgreening our economy?

In 2012, heads of state, government representatives, and civil society actors from around the world will gather in Rio de Janeiro to celebrate the 20th anniversary of the Earth Summit of 1992, take stock of progress made, and re-create momentum for sustainable development globally. Rio 2012 could set the course for an equitable, resource-efficient, and low-carbon economy.

However, the buy-in for the process has been weak so far, and even the most optimistic assessments warn us not to expect any quantum leaps in commitments to a sustainable future. Even worse, the concept of a “Green Economy,”⁴ as currently discussed in the context of Rio+20, does not use a normative framework or criteria, or rule out certain high-risk technologies (such as nuclear energy, large dams, unsustainable biofuels, or GMO agriculture). Therefore, it holds both the risk of “greenwashing” and moving the world toward a “green” but inequitable future – despite laudable efforts of the United Nations Environment Programme to push the topic onto the international agenda. For many, there is the risk of further enclosure of the commons by putting a price on nature and natural resources (such as forests, land, and biodiversity) and, in the process, jeopardizing potential gains for the climate and the environment. Rio will thus not be the “big bang” for a sustainable future and is definitely not a back-up option if our governments fail to deliver in Durban. Similarly, the Mexico meeting of the G-20 shortly before Rio 2012 will not be the place to make up for whatever outcome emerges in Rio.

Expectations for COP 17 in Durban

Since the 2007 summit in Bali, the UN climate negotiations have been taking place on two different tracks: One deals with the future of the Kyoto Protocol and new targets for those countries that already have commitments under the KP. The second track, the so-called long-term cooperative action or LCA track, has a much wider scope and deals with mitigation, adaptation, finance, and technology. It aims to arrive at a comprehensive agreement for all countries.

A legal package – One of the key issues on the table in Durban is the design of a “legal package,” a master plan on how to manage the two negotiating tracks and finally deal with the future of the KP. Without that, governments will not be able to agree to emission reduction targets that are adequate to close the gigaton gap. It would be wrong to measure the success or failure of Durban by an agreement on the KP only. But the fact that many countries seem ready to abandon the only legally binding instrument available – incorporating over a decade of intensive and detailed work to implement its rules – is disconcerting. Critics rightly point to the fact that, due to the abandonment of the KP by the United States in 2001, the treaty covers only a shrinking portion of global emissions. But the symbolic, political value of the world’s historical emitters taking responsibility and continuing to lead the charge cannot be underestimated. Europe – and Germany as its largest economy – should stay the course here. Still, key developing countries have not given up hope on a bigger deal in Durban, one involving the United States. While we understand this position, we fear this could result in a game of

⁴. The full title is “Green Economy in the context of sustainable development and poverty eradication” (GESDPE).

"hide and seek," with the atmosphere as the loser. All need to do more! A political deal on a second commitment period for the KP – not a transitional arrangement – should be made in lockstep with a deal, some kind of roadmap on a structured process that leads to a legally binding agreement covering all emitters, including the United States and big emitters from the developing world (such as the BASIC countries: Brazil, South Africa, India, China), and that provides incentives for low-carbon strategies in all countries and clear criteria for a fair effort-sharing based on historical responsibility and economic capability.⁵

MRV⁶ – Another key issue for Durban are mitigation efforts of developing countries. As part of the move away from a rules-based multilateral climate regime, countries such as the United States are attempting to abandon the existing common accounting system for rich countries, which was developed by the IPCC. We have all observed what happens when banks and large companies "cook their books." The consequences for the climate would be similar. It is important to understand that each ton of carbon is not created equal. Caution is, therefore, necessary so as not to overestimate the role a forest mechanism (Reduced Emissions from Deforestation and Forest Degradation, REDD+⁷) can play in a future climate regime. Ongoing REDD pilot schemes are not only problematic with regards to safeguards and human rights abuses, but have also highlighted the risk of fungibility of fossil to organic carbon, potentially undermining the integrity of a climate regime. At the same time, a lot of pressure is being put on developing countries to be more transparent with regard to their climate actions. Civil society has fought for increased transparency, safeguards, and good governance for decades. While we support efforts to create an integrated system of monitoring, reporting, and verification (MRV) under the UNFCCC, when such a call comes from a country known for its inaction, it rings hollow. Similarly, we remain worried by the continued use of loopholes, which in effect water down mitigation pledges by several gigatons. Durban would be a good place to finally come clean and turn vague pledges into sound targets.

Finance – In Copenhagen, governments of developed countries pledged to raise up to US\$100 billion a year by 2020, and we know that even that striking number is not enough. It is also easy to figure out that the less we do to mitigate the problem, the higher the costs of adaptation (but also loss and damage). But that trade-off unfortunately has not yet entered the minds of political leaders, or it has been wiped out by other considerations. But where is that money going to come from and will it be additional to overseas development assistance? The question of sources is even more relevant in light of the current debt crisis of the key countries whose governments we expect to finance climate protection and adaptation in developing countries. One such innovative source of finance, the Financial Transactions Tax, lobbied for by civil society and social movements for many years, is now almost within reach. The proceeds, though, are unlikely to be used for the purpose originally intended; they will more likely disappear in the empty European government coffers. More likely sources for long-term climate finance are levies on aviation (on the European level) and maritime bunker fuel (globally), which, if correctly implemented, would yield some significant new resources. Still, these would fail to provide the necessary sums.

The discourse on climate (but also development) finance is thus generally shifting toward a greater role of the private sector, which seems realistic, but this shift holds serious implications for legitimacy and political prioritization (such as mitigation over adaptation, profit over people, return on investment as a key driver). Closely linked with this concern is the realization that some of the key institutional players in climate finance (but first and foremost the World Bank) are working toward weakening or abandoning their system of social and envi-

⁵. One such framework translating the principle of "common but differentiated responsibilities and respective capabilities" of the UNFCCC into an index for differentiation is the Greenhouse Development Rights Framework (<http://www.boell.de/GDRs>).

⁶. MRV (measurable, reportable and verifiable) was introduced in Bali 2007. It is currently being negotiated as an implementation tool and refers to the assessment of mitigation actions in developing countries (but also to finance from developed countries), including external oversight and checks.

⁷. REDD+ includes sustainable management of forests and enhancement of forest carbon stocks.

ronmental safeguards – one of the key mechanisms through which civil society in the past has fought to secure a fair, (gender-) equitable, and sustainable funding of projects. The trends toward utilization of less public money, fewer safeguards, and fewer adaptation efforts are leading us toward a fundamentally unsustainable world. Additional resources are essential, but getting adaptation right is not only about money. Adopting a new approach to development and fixing our institutions is yet another challenge.

It is clear that the UN climate negotiations – and everything happening in the run-up to and at Durban – can only be understood in light of ongoing geo-political shifts. Climate politics has thus to be put in the context of those power struggles. The same governments – or parts of those governments – negotiating for a safe climate future under the UNFCCC are, in other fora and political fields (such as agriculture, infrastructure, finance), actually undermining that effort. They are backed by powerful lobby structures and corporate money, thereby preventing us from reaching a fair, ambitious, and legally binding global agreement.

Geo-political changes

Global power relations have changed significantly in the last couple of years, and various new and interest-driven coalitions have emerged. One of the key developments with regards to climate politics has been the weakening of the transatlantic relationship, which had already began when the United States walked away from Kyoto and where we learned that we were confronting a completely dysfunctional US political system, which means that the United States is unlikely to be part of any legally binding deal in the foreseeable future. But we also know that we still have to deal with the United States as the biggest historical and one of the highest per capita emitters. We need to find an arrangement for the United States to enter a binding agreement at a later point in time.

The G-77 is another coalition that has been weakened due to the enormous diversity of interests of its membership. Least developed countries and big emerging economies find it increasingly difficult to arrive at joint positions and demands when it comes to mitigation and effort-sharing. The more natural alliance appears to be that of the most vulnerable countries such as the African Group, the majority of the Alliance of Small Island States (AOSIS) – that is, the Small Islands Developing States (SIDS) – and least developed countries (LDCs). The recent joint statement by the African Group, LDC Group, and the ALBA Group⁸ points in that direction. The emerging economies, on the other side, are increasingly coordinating their positions through groups such as BASIC (Brazil, South Africa, India, China), BRICS (Brazil, Russia, India, China, South Africa), or IBSA (India, Brazil, South Africa).

The need to hold the G-20 accountable for 2°C

The last few years have seen the rise of one especially important global governance forum that is neither accountable to the citizens nor inclusive in its membership: the G-20. The G-20, broadly speaking, consists of two groups of countries: the G-7 – the old industrialized countries (from Europe in addition to the United States, Japan, and Canada) – and the emerging economies (i.e., China, India, Brazil, South Africa, but also Mexico, Argentina, Indonesia, South Korea, and Saudi Arabia). Both have very few joint interests except for when it comes to securing access to the natural resources (land, water, minerals, forests, oil, atmospheric space, biodiversity) and markets of those countries not present at the table – the poorer developing countries. Thus, the G-20 members strive for greater security for their investments and investors and a pledge-and-review regime globally that makes it impossible to hold them to account for any negative side effects or damages.

The G-20 was originally founded in the late 1990s as an informal club of finance ministers. In recent years, it has considerably extended its mandate beyond its core (finance and economics) and is now taking decisions,

⁸. The ALBA Group includes among others Bolivia, Venezuela, Ecuador, Cuba, Nicaragua, Antigua and Barbuda.

creating mechanisms, and directing international investment flows that have serious implications for climate, energy, and resource politics. In most cases these actually undermine sustainable development efforts undertaken in other fora. One such example is the Development Action Plan (DAP) agreed by the G-20 at their Seoul summit in 2010. The nine pillars of the DAP (the two most important ones being infrastructure and agriculture) have no environmental dimension but rather focus on safeguarding investors' rights over the protection of the environment and the people. It is one example where development planning in a silo mentality not only disrespects social, economic, and ecological needs of recipient countries, but actually increases vulnerability to climate change.

In 2011, the G-20 Leaders have put climate finance on their agenda and, in 2012, the Mexicans are expected to put "green growth" on the agenda of their summit on June 18-19, 2012, in Los Cabos. Yet, the body has made little to no progress when it comes to issues such as removing harmful fossil fuel subsidies, as pledged by the leaders at the 2009 G-20 summit in Pittsburgh. If the G-20 is "the premier forum for international economic development"⁹ and we are serious about stopping climate change, we have to ensure that G-20 politics do not undermine our objectives for the climate, the environment, poverty eradication, and global justice. Otherwise, the chance of winning this battle is receding rapidly.

Strengthen a weakened Europe

Possibly the most relevant geo-political challenge – including for the climate – is a weakening of Europe. The EU for many years has played a leading role in the UNFCCC. It has also always been a proponent of legally binding rules and has cast its arguments within a normative framework. The EU has concrete targets for reducing greenhouse gas emissions (20%), increasing energy efficiency (20%), and promoting renewable energies in its overall energy mix (20%) – all to be achieved by 2020. The EU of 27, however, is less homogeneous than the EU of 15 that negotiated Kyoto, and it is having increased difficulties developing joint positions on international topics and is sometimes struggling to by-pass national interests of its larger members. For example, the EU has so far not been able to move its 20 percent emissions reduction target to even 25 percent, even though that is close to business as usual and real leadership would require the EU to go way beyond 30 percent.

The current debt and the euro crisis make it all too apparent that European leaders are utterly failing to tackle problems at their roots and are barely able to provide short-term and reactionary political responses. That is not only a problem for the stability of the euro but also for the climate context. The world needs Europe to be strong and bold enough to step up to the challenges ahead. The EU – and Germany as the biggest economy within Europe – need to prove the feasibility of leaving the fossil fuel-based development pathway, while devising a just transition that deals with the politics for potential losers in that rapid process. But the EU also needs to fulfill its international responsibility of climate finance, move away from a global resource race, and boldly strive for multilateral solutions to global problems.

Toward coherent and complementary international climate politics

Political engagement in this changing climate requires entirely new thinking about strategies and alliances that, in our view, should build on the following considerations:

There is no alternative to a legally binding agreement if we are serious about preventing dangerous climate change.

For Durban that concretely means that we must urge our governments to agree on a second commitment period of the Kyoto Protocol and a roadmap to negotiate a legally binding agreement for all other countries by

⁹. See http://www.g20.org/about_what_is_g20.aspx (visited October 31, 2011).

2015. Failure to secure the legally binding nature of mitigation commitments will, in practice, mean an abandonment of the 2°C target. Some have argued that there is a trade-off and that a legally binding agreement would by definition be less ambitious. We beg to differ, as the bindingness does not proscribe the nature of the commitments. Importantly, however, we need to start a review of the question about equitable effort-sharing. The lack of such a formal debate has, in our view, hampered the negotiations from progressing substantially, as especially fast-growing economies are concerned that their development rights could be curtailed without significant reciprocal action by historical emitters.

We need to safeguard the UNFCCC as the central forum for negotiating climate politics while at the same time shifting our strategies to those fora and political agendas that are undermining serious climate efforts (specifically the G-20).

Climate politics (as carbon metrics) have permeated every realm of environmental policy, such as biodiversity and agriculture; sectoral approaches and plans are growing in scope and purpose. Large environmental and development networks and other civil society organizations will have to decide how much of their time and resources they will invest in the UNFCCC process in the years to come. With large geopolitical changes under way, it is clear that we cannot focus our efforts on only one forum. But whether a problem appears on the agendas of the G-20, the UNFCCC, or Rio 2012 matters less than the fact that, in the end, we are dealing with the same governments (albeit different parts of those governments in different fora). We need to thus identify strategic objectives, partners, and major spoilers, know our bottom lines, and go where the real decisions are being taken, where policies are being implemented, and where mechanisms are being put in place. This also requires a strong and clear focus on the national level to fight for coherent national policies in all fora. We have to safeguard the UNFCCC as the relevant forum for climate politics, since it is the only forum where the vulnerable states are at the table, and civil society has some role to play as an active observer (a role that needs to be improved quite a lot). At the same time, we have to move beyond a mere COP-focus and get beyond hoping for a big breakthrough in one venue after another: Copenhagen, Cancun, Durban... This complicated process needs serious long-term, professional civil society observation and engagement in the years to come. A good division of labor between civil society organizations is key, but in return requires trust that has partly been lost in the struggles of the last few years.

International deadlock is no excuse for national inaction.

A lack of ambition at the global level cannot be an excuse for poor implementation of serious mitigation measures and adaptation strategies at the national level. An end to business-as-usual also means that all policies in all sectors have to be made climate-proof and contribute to a low-carbon, resource-efficient, and climate-resilient development. Ambitious, innovative, and effective measures and policies at the local and national levels will in the end prepare the ground for a fair global deal. Contributing to the global goal of reducing carbon emissions by up to 90 percent by 2100 is the responsibility of every government on this planet – albeit according to responsibility and capability.

An end to business-as-usual also means a switch in our energy consumption patterns – away from oil and especially coal – and new models and priorities of public funding, including the phasing out of harmful subsidies. To avoid dangerous warming, we will even have to leave fossil fuel reserves in the ground. But the right mix of policies, regulations, and incentives to ensure that on a large scale have yet to be identified.

National governments have an equally high responsibility to design and implement adaptation strategies, taking into account the needs and capacities of the most vulnerable groups – including indigenous peoples and women – within their countries. This requires a reassessment of a broad range of policies in sectors such as agriculture, health, water, or transport. Adaptation and climate protection must go hand in hand. In order to ensure policy coherence at the national level, new institutions and processes of political decision-making have to be developed.

Climate politics require new resource politics at the local, national, and international levels and need to move beyond a purely carbon perspective.

What we really mean when we talk about protecting the climate and adapting to unavoidable effects of global warming is a new way of using, dividing, protecting, managing, and governing our natural resources – land, water, forests, biodiversity, minerals, and fossil fuels. Struggles for more sustainable and equitable resource politics are taking place at the local, national, and international levels from the tar sands in Canada and Congo, the rain forests in Brazil and Indonesia, the minerals in the Arctic and Southern oceans, to the oil fields in Nigeria and Libya and small-scale farming communities around the world.

Some of the most dangerous trends we can witness in climate politics can actually be elucidated by looking at them from a resource perspective. These concepts resonate: examples for the enclosure of our commons, the “financialization” of nature, and the primacy of investors’ rights over environment and people are manifold. We demand our governments ensure that climate politics are coherent by taking into account the nexus between the different resource struggles and interconnectedness of the crises. But we also believe that civil society still has a lot to improve when it comes to developing truly coherent and comprehensive strategies and building the necessary cross-silo alliances to implement them.

It is also clear that with no legally binding global agreement in place and emissions rising globally, the very real threat of “runaway” climate change leads many to think that large-scale technological fixes with often new or untested technologies might spare us the need to cut carbon emissions at their source. But many of these technologies are very harmful to the environment and people and can only be truly assessed when we move beyond a purely carbon perspective (examples are nuclear energy, mega dams, GMO agriculture, biofuels, climate engineering). We need to be ready to detect the underlying vested interests of these false solutions, identify the key drivers and actors, and step up to defend a climate of justice.

Climate equity reloaded: Put the needs of the most vulnerable center stage!

“Climate equity,” or “climate justice,” has been the political catch phrase for many civil society networks in the UNFCCC context for the last couple of years. And rightly so. However, with new developments under way and our core demands at risk, we need to redefine what we mean by climate equity and translate it into our strategies, projects, and actions. We need a stronger emphasis on the moral imperative – described above – rather than a technocratic win-win approach.

In a fight that we are so close to losing altogether, we need to be clear about the normative framework we are working in and also communicate it to others. The core pillar of this framework must concern the primacy of the needs and capacities of the most vulnerable groups. Yes, the financial crisis is a terrible threat to the well-being of our economies and many people will indirectly die in this crisis if we do not manage it well. But it is still a crisis of the rich, of those who have. The have-nots of this world might indirectly also be affected through volatile commodity prices, for instance. But the overwhelming threat that hundreds of millions of small-scale farmers, fishermen, women, children, and slum dwellers face is climate change in all its facets. Thus, a second pillar must emphasize adaptation, adaptation finance, loss and damage, and climate governance in the poorest and most vulnerable states and communities. The third pillar refers to an effort-sharing debate that starts with a legally binding regime and takes into account the true costs of the crisis (heading for a 4°C world) and the proposed solutions (technologies, policies, etc.).

The role of civil society in international climate politics

Civil society has played a key role in moving the international agenda on environmental issues, trade and investment, economics, and finance forward in the last 25 years. Its campaigns have made climate change an issue that heads of state ignore at their peril. The public understands that the plight of the poor and our fragile environment is not just another disaster but a catastrophe created by human excess and irresponsibility. NGOs also played a crucial role in the design and entry into force of the Kyoto Protocol, the continued focus on environmental integrity through the closing of loopholes, and addressing the intrinsic flaws in the instru-

ments such as the Clean Development Mechanism. Importantly, it was NGOs that pointed out in Copenhagen that “the emperor had no clothes” and that the pledges could not hide the enormity of the gigaton gap. However, many have rightly questioned in the last few years whether a growing gap between the “inside” and the “outside” strategies and open disagreement about core objectives and issues has prevented civil society from realizing its full potential. We strongly believe that civil society does play a crucial role in a dysfunctional democratic system, where governments are failing and vested corporate interests are pulling us in the wrong direction. But how can we do things differently when so much has been done wrong and so much is now at stake?

Rebuild coalitions and develop a clear division of labor

We do not have to agree on everything in order to fight for the same big objective. Questions such as whether or how to use market instruments or cooperate with progressive businesses have in the past, and are still very often, seen as unbridgeable ideological gaps by some spectrums of civil society. In these – often purely rhetorical – struggles, we sometimes lose sight of the joint objectives and goals we are fighting for. We believe it would be worth the effort to rebuild coalitions of civil society – bringing together those fighting on the inside of the process with those fighting the “system” – in light of the magnitude of the problem and the real and powerful spoilers. However, in order to (re)create the trust needed to do so, we will have to be explicit about the normative framework in which we are working. We might lose some partners then. Not everyone will adopt the same criteria or draw the same red lines. But it will allow us to create powerful new alliances across a very wide spectrum of civil society working on various international fora – UNFCCC, G-20, Rio+20, international financial institutions, etc. – and through that, lay the groundwork for more transparency, synergy, and lasting impact.

Identify major spoilers and partners, refocus advocacy efforts

Do we really think that our political leaders are so stupid that they fail to understand what is at stake? Some might not know the magnitude of the problem; others might fail to see the interconnectedness of the problems. But we believe that this is less of a problem than the lack of public support for unpopular measures that will primarily benefit the powerless or future generations. How can we help to create the political will? One way to look at this question is to state that politicians and governments are very often not the right target for our lobbying or advocacy efforts and that we need to become better at identifying the true spoilers – including ourselves in our unwillingness to be ready to face the challenge, jump into the cold waters, and swim without knowing the distance to the other side.

Mobilize a global movement to reclaim the commons

People have prevented the building of new coal power plants at the community level around the globe. International resistance to nuclear energy has finally – and only after the catastrophe in Fukushima – led to a phase-out of nuclear energy in Germany. Thousands of people participate in the global day of action every year or take daily conscious decisions when buying energy-saving light bulbs, consuming electricity from renewable sources, or traveling on public transport. It is imperative that we stop playing out the local against the global when it comes to identifying the most effective strategies of mobilization and resistance. In light of the current crises involving climate, poverty, hunger, economics, and democracies, we need activities on all levels.

It gives hope to see how many people around the world are resisting malign corporate influence, misuse of power, corruption and inequality, and demanding more transparency, participation, binding rules, and democratic spaces to voice their concerns. This puts pressure on politics and occasionally even wipes out dictatorships. We need equally strong and targeted alliances against resource exploitation, economic greed, unsustainable development models, and injustice globally: Occupy Big Oil, Amazonia, the Arctic, Alberta... and reclaim the commons.

Introductory Note

The following paper “Durban: A Signpost Toward a Safe Climate Future?” and its companion paper entitled “Pathways and Partnerships for Progress for Durban and Beyond” were initially prepared to facilitate a strategy discussion within civil society about how governments can work together through existing and new alliances toward a fair, ambitious, and legally binding agreement to tackle climate change. The two papers were discussed by experts from among a broad range of civil society organizations at the June 2011 meeting of the UNFCCC subsidiary bodies in Bonn. Following the June exchange, the papers have been revised with a view to providing orientation and guidance that may be useful for civil society as they refine strategies for Durban and beyond.

Durban: A Signpost Toward a Safe Climate Future?

Hans JH Verolme, founder and principal, Climate Advisers Network

Berlin, October 2011

Introduction

There is a weakening consensus on how to tackle the climate crisis. Yet, the window to act is closing rapidly. A decisive response is urgently needed.

A priority for the upcoming climate summit in Durban is the securing of the second commitment period of the Kyoto Protocol and reaching agreement to negotiate, by 2015 at the latest, a comprehensive, legally binding instrument – or package of instruments – covering all other countries. A progressive alliance of countries can make Durban a success and deliver this balanced package.

This paper offers a broad view of the state of international climate politics as the international community prepares for the 17th Conference of the Parties in Durban, South Africa. The paper has been written for an expert audience of civil society colleagues with the aim to stimulate strategic discussion on possible new approaches to the multilateral climate negotiations at a time when the prospects of a fair, ambitious, and binding global agreement seems further away than ever. It is necessarily limited in its scope and reflects the bias of the author, in that it takes an insider's view of the international negotiations process, and is written with considerable distance from the harsh realities on the ground.

The focus of this paper is the state of play of negotiations. It starts off identifying the key issues and options for action in Durban – all this as input to a debate on how to change the politics of climate change, given that the science cannot be changed. The paper then proceeds to provide a frank – plain-truths – assessment of the condition of the multilateral talks. The paper does not, however, attempt to summarize the current negotiating texts. The paper also does not contain an update on the latest best-available science or of the realities of climate impacts around the world, ranging from the rising food insecurity to environmental refugees. Nevertheless, it is hoped that in its breadth, it enables a comprehensive and in depth discussion on where to next, as it is clear that business as usual – also on the side of civil society – will not prevent dangerous climate change.

This paper and its companion paper, entitled "Pathways and Partnerships for Progress for Durban and Beyond," were initially prepared to facilitate a strategy discussion within civil society about how to advance progress toward a fair, ambitious, and legally binding agreement to tackle climate change. The companion paper looks at how governments can work together through existing and new alliances.

The two papers were discussed by experts from among a broad range of civil society organizations at the June 2011 meeting of the UNFCCC subsidiary bodies in Bonn. Following the June exchange, the papers have been revised with a view to providing orientation and guidance that may be useful for civil society as they refine strategies for Durban and beyond.

I wish to thank the Heinrich Boell Foundation, my project partner Farhana Yamin, as well as several anonymous reviewers and the workshop participants for sharing their deep knowledge, frank opinions, and recommendations for improvement of the analysis. The usual caveat applies and I take full responsibility for the opinions expressed and remaining shortcomings.

The debate does not end here, and I welcome any feedback readers may have.

1. A temperature check

Climate change realities

Emissions growth explosive

- Despite a brief slowdown after the financial crisis of 2008/09, global emissions have continued to rise at a dangerous rate. Emissions growth has tracked the top end of all projections by the International Energy Agency and Intergovernmental Panel on Climate Change models. Scientists are sounding the alarm bell.
- Without a policy U-turn, warming in the order of 3° to 4°C is assured, resulting in failing harvests, dangerous weather events and, ultimately, displacement of millions.

Warming hits the poorest the hardest

- Least developed countries, especially African and small island nations, are highly vulnerable to climate impacts already. This vulnerability now combines with a deterioration of the global financial and economic environment into a widening development gap. This at a time when official development assistance is dwindling and trade imbalances are deepening.
- Climate-related disasters are now commonplace. The human costs of such tragedy are incalculable, but the bill is currently footed by poor people and governments of the most vulnerable nations that bear least responsibility and have limited capacity to adapt.

Climate change politics

The UN talks

- In 2009 at Copenhagen, a deal was struck at the highest political level: A promise by all to raise ambition to limit global warming to 2°C, and for rich nations to support more action to be taken by developing countries with US\$100 billion annually by 2020.
- This non-binding agreement started to unravel even before the ink was dry.
- Though progress was made in Cancun last year, some fundamental questions that were central to the Bali Action Plan, agreed in 2007, remain to be answered and must now be resolved. At the same time, the clock is ticking as the Kyoto Protocol's first commitment period is about to expire in 2012.

Global economic and domestic political realities

- The indebtedness of Europe and the United States, rising unemployment, historically high commodity prices, trade and currency imbalances, and a sense of insecurity among global elites about the shifting world order require enhanced cooperation. Yet, they appear instead to be contributing to a gradual retreat from international collaboration, also on other issues. The world needs stronger multilaterally agreed rules to protect the Earth's climate and to give hope to poorer countries and communities that they will not be abandoned by the international system when they need it most.
- But powerful vested interests have hardened their opposition, lobbying against international rules that facilitate the necessary transformation away from a fossil fuel-dependent economy, and arguing this would lead to further job losses and rising energy costs. This despite evidence that tackling climate change results in strong green job growth and unleashes innovation. Some industries will, however, be impacted; it is, therefore, essential to make this a just transition.

2. How did we get here?

Following the failure to agree a fair, ambitious, and legally binding agreement in Copenhagen, the climate talks entered a phase of great uncertainty. It was clear that shifting geo-politics and economics, a high degree of substantive and procedural complexity, and fear of the short-term pain of taking drastic steps to mitigate climate change were among the root causes of what had turned into a sad game of chicken.

There was little political courage on display in Copenhagen, and strong strategic alliances of progressive leaders failed to emerge. Many observers, including the media, had presumed a successful outcome, not simply because of the necessity of such a “green new deal” but also because they failed to see the widening gap between science and politics. The fair, ambitious, and binding (FAB) agreement, for which many NGOs campaigned, was beyond reach. The climate movement left Copenhagen in some disarray, as did many governments.

The FAB deal assumed a willingness to take on binding commitments, for all to take adequate action, and for the equitable sharing of the effort. That willingness was lacking in Copenhagen and has diminished since. For political will to be increased, a momentum needs to be created. Many believe that by speaking truth to power science can still inspire people and political leaders.

One year later in Cancun, COP 16 became a high-stakes meeting for entirely different reasons. The credibility of the UN as the preeminent international forum to negotiate comprehensive agreements had been called into question. Mexico pulled out all the stops to both safeguard the process and to engage with those that had most strongly opposed agreement in Copenhagen. In the end only Bolivia maintained its strong reservations. The rest of the world seemed all too happy to sign onto a package of decisions that was considered to adequately address the needs of all parties, without making anyone be able to claim the problem had been solved. In our view, the Cancun Agreements, while “saving” the process, primarily served to translate the weak ambition and Copenhagen compromises into negotiating texts. Progress was made on the institutional arrangements for finance, technology, and adaptation as well as Reduced Emissions from Deforestation and Forest Degradation (REDD+). Other crucial elements of the Bali Action Plan were left untouched.

The world's leading historical polluter, the United States, considered the Cancun Agreements a success as it did translate much of the Copenhagen Accord – a political agreement adopted by a significant group of heads of state and government but rejected in plenary – into UN decisions. It also further strengthened the US view that any new global deal would be made up of national pledges verified internationally through a non-punitive review, in stark contrast to a science-driven, target-based system with international obligations and a compliance mechanism. By doing so, the United States set the debate on legal form back to the mid-1990s. But as will be discussed below, the real debate is not a sterile debate about form versus function, but a debate about political will and how (and when) to capture that at the international level.

Four months later, in Bangkok, it quickly became clear that the developing countries in particular were not willing to give up the fight for an agreement that insisted on the Annex 1 group of countries – the historical polluters – to act first, as called for in the Framework Convention. They sought to keep on the agenda for 2011 those elements of the Bali Action Plan that were left unresolved in Cancun.

This debate about the agenda once again made clear that there are widely divergent views on what is urgent and what is important. A vocal minority felt that as the really big issues are unlikely to be resolved this year, the focus should lie with issues of implementation of the Cancun Agreements. These countries, and this is not only the United States, can of course be accused of engaging in a ploy, as they actually do not wish to resolve key issues.

Frankly, from a civil society perspective, this is a false dilemma. The attitude exhibited by negotiators from all sides that nothing is agreed till everything is agreed could spell the death of a fair, ambitious, and binding global climate agreement. Therefore, some civil society actors have advocated a more modular approach.

There is merit in capturing concrete results, taking the actions that can be taken now, and rebuilding trust and confidence. This has so far not happened. We note that this approach also has its detractors. So, do "building blocks" suffice as the NGO package for Durban?

Over the course of 2011, issues as varied as the creation of technology centers to promote the sharing of green technology and the possibility of setting up a registry to match developing country emissions reduction initiatives with financial support from the developed world were to be discussed, with the aim of reaching firm decisions by year's end. These were some of the practical agreements reached in Cancun. But what has weighed most on us has been the future of the Kyoto Protocol.

Rescue the Kyoto Protocol!

The Kyoto Protocol is a multilateral, legally binding treaty that provides a rules-based framework with a compliance system. Crafted in 1997, it entered into force in 2005 and established a cap on developed country emissions, set emissions reduction targets for those countries, and created a global market for reduction credits. Many of the features of the global climate regime that people believe to be part of the UN Framework Convention on Climate Change are, in fact, the formal decisions that implement provisions of the Kyoto Protocol. Specifically, the Clean Development Mechanism and the accounting rules for emissions from land use and forest management.

Despite its obvious and well-known flaws, the political value of the Kyoto Protocol is far greater than its constituent parts. The collapse of negotiations on a second commitment period for the Kyoto Protocol would signal a defeat for the environmental community and would be a huge loss for the UN system of multilateral environmental governance. Furthermore, it would, frankly speaking, be a diplomatic blamage for the EU, which fought hard and despite years of US opposition, to secure its entry into force and which has made the Kyoto Protocol a cornerstone of its Emissions Trading Scheme. For developing countries, the Kyoto Protocol also has significant symbolic value, as the treaty commits those countries with the largest historical responsibility for climate change listed in Annex I of the Convention to act first. But many feel they have dodged this responsibility so far.

The impasse over how climate action by other major economies will be tracked, reviewed, and supported, and what instrument will be developed to capture their pledges in the context of the Framework Convention, can be resolved at Durban. Parties should first set out a long-term vision of a legal architecture that maintains the best features of the Kyoto Protocol. Then, in order for balance to be achieved, they need to craft a mandate for a legally binding instrument under the Convention. This will allow the detailed rules developed under the Kyoto Protocol – for example, crediting for projects, baselines and measuring of emissions, and transparency and joint review of actions – that were painstakingly negotiated over the course of several years to be maintained or improved, rather than lost altogether. It is clear that politically agreed pledges, like those proffered in Copenhagen, and accounting rules on what a ton of carbon is, for example, that can be changed by countries as and when they see fit will never have the required rigor that an internationally binding agreement would.

Vested interests have tried to undermine or, where possible, destroy multilateral rules on climate mitigation for 25 years. While reports of the death of the Kyoto Protocol are greatly exaggerated, since its signing in 1997 it has never been more at risk. Several Parties to the Protocol are now insisting they will not join a second commitment period. They argue that, despite their political and economic importance, Kyoto Protocol members only represent a diminishing share of fast-rising global emissions. They hope their position will lead others to also abandon what remains the only multilateral rules-based system to reduce greenhouse gases emissions. We note the UN Framework Convention does not require any Party, developed or developing, to reduce their emissions.

Delaying a decision on the second commitment period to 2012 would only empower those seeking to undermine the international framework further. They could, for example, try to coerce those in urgent need of binding emission reductions with promises of adaptation funds. They will likely say that legally binding rules simply take too long to negotiate and that to "pledge and review" is faster. Yet, it is clear that a pledge-and-review

system cannot provide the transparency and confidence that legally binding rules provide and it lacks a mechanism to strengthen the collective ambition. To now abandon Kyoto's fundamental approach to emission reductions in favor of pledge-and-review, in view of a lack of political will from some countries, would damage the credibility of the entire UN system and represent a win for laggards and vested interests. Specifically, failure to agree a second commitment period spells the end of international, legally binding targets, championed by progressive countries and NGOs as the lynchpin of a credible international system to protect the Earth's climate.

Some institutions are already responding to an impending collapse of the international market. In light of the failure of governments to secure the Kyoto Protocol post-2012, and in response to the plentiful supply of offsets that are increasingly criticized for their lack of environmental and developmental integrity, carbon prices now stand at half their 2009 level. This is having a direct negative impact on investment in green jobs, efficiency, and renewable energy globally.

Summing up, for the Kyoto Protocol to continue to function, developed countries need to commit in Durban to take on commitments beyond 2012. But all countries need to do far more, and developing countries need to agree to a detailed road map for negotiations of a new legally binding instrument that will encompass their actions. Durban must provide signals for the "real economy" that drive green investments on a significant scale the world over. These signals are provided by clear and predictable, legally binding rules that give public and private sector investors a solid foundation for making informed clean-energy investment and revenue-stream decisions, as well as avoid the higher costs and liabilities associated with choosing more emission-intensive options.

Realistically, a "political" commitment to the Kyoto Protocol and a so-called mandate decision as such are not a success, but when they are combined, they can move the process one step back from impending failure. A mandate can be weak or strong, it can be time-limited or open-ended. In the end, no matter what the exact formulation of the mandate, it is political courage and will that delivers on it.

The timeline

A package deal on the mandate would need to include a firm timeline. It is important to remember that in 2013/14, the IPCC will release the working group reports and, ultimately, the summary for policymakers of its Fifth Assessment Report. This report could inform the review agreed to by heads of state in Copenhagen. This review is to be completed in 2015 and explicitly address the adequacy of the existing 2°C paradigm, exploring the need for a 1.5°C threshold to be the cornerstone of the multilateral "shared vision." Until 2015 legally binding reduction targets will remain limited to Kyoto Parties. But preparations could be made to establish a binding reduction target for the United States and (growth) targets for developing countries by, say, 2020. In the meantime, it is essential for confidence and trust to be (re-)built through bilateral and pilot schemes. By 2015 at the latest, a new protocol or set of legal instruments could then be agreed. The Kyoto experience shows that such a protocol itself needs to be fleshed out further. For the agreement to be effective, it would need to be ratified and enter into force no later than 2020. This is possible if countries join hands in a progressive alliance.

3. Core issues of substance for Durban, and beyond

The world is dangerously close – some scientists argue that we have in fact crossed the threshold – to the planet exceeding 2°C, let alone 1.5°C, of warming. Civil society has had a differentiated response to the failings of the international process and national governments to prevent this from happening, despite over 20 years of negotiations with the express aim of preventing dangerous climate change.

It is evident that there currently is no shared vision among civil society groups of the strategies that can put the global talks back on course to a safe climate future. Some NGO critics have argued that a lack of a credible and inspiring vision of what sustainable development in a warmer world looks like lies at the root of this. To make matters worse, science tells us that with the current low levels of ambition, we will face a world that has warmed 4°C on average. So, the challenge is multi-faceted and we need strong institutions that allow societies to adapt.

But there seems to be broad agreement among civil society actors about what the core challenges for Durban and beyond are. In no specific order:

Closing the gigaton gap

The Cancun Agreements provided an acknowledgement by the world's governments of the gap that results from their lack of political courage to translate a rather vague, rhetorical ambition to prevent dangerous warming into a fair and binding agreement. The existence of this large (some 10 gigatons!) gap between ambition and action is now central to the work of many NGOs. The United Nations Environment Programme report, to which several NGOs and scientists contributed, did a solid job analyzing and quantifying the problem. This was essential in having the gap be formally recognized at Cancun. What is missing, however, is a further detailed analysis of options available for closing the gap and the ways by which international institutions and mechanisms (incl. those beyond the UNFCCC) can translate this understanding into binding agreements. This debate is of course closely linked to a wider debate about the potential options for financing (see below).

It is worth noting that a few civil society groups prefer not to speak of the gigaton gap, as this is seen to be a mitigation-centric, somewhat technocratic approach to what is a political problem. They prefer to talk about the broader credibility gap of governments that includes, for example, the lack of concrete financing commitments. This lack of agreement on the utility of a gap narrative undermines what, in my view, is the power of "the gap" as one of a handful of unifying concepts that can underpin longer-term strategy and civil society communications. This needs to be debated and resolved.

Identifying sources of finance for long-term mitigation and adaptation needs

One key plank of present day civil society strategy has to be how to manage the consequences of warming that can no longer be avoided and how to pay for it. Currently, many civil society actors are engaging intensively in the Transitional Committee and its preparations for an operational Green Climate Fund (GCF). The current negotiating mandate does not, however, include resolution of the all-important question of sources of sustained financial support. Developed countries must deliver on their existing legal responsibilities to provide support to those countries that already face climate impacts exceeding their capacities to cope, especially in Africa and small island developing states. A package cannot be limited to mitigation only. It would need to address both the dual obligation of the rich to reduce emissions and provide financial and technology support for mitigation and adaptation to those least responsible and those that have limited capacity to do so without support.

Two issues are certain to inflame the discussion on sustained sources. The first is the role of private sector finance and investment and existing multilateral institutions in the GCF, which will after all operate at arm's length from the Conference of the Parties. The second issue is how the moral obligation of developed countries is translated into an agreement, and the possible ways of assessing the nature and level of contributions. The backdrop to this debate is one of broken promises with regards to adaptation finance. However, against the backdrop of a debt crisis, civil society calls that focus on assessed contributions are likely to fall on deaf ears. This in large part because of the fact that it is mostly government money that will be required for adaptation finance. Donor governments and private sector interests may present recipient governments with false tradeoffs between adaptation and mitigation, for example money for REDD vs. money for adaptation. But against the scale of finance required, (in)fighting over those limited resources is futile.

In the current global economic situation, it will be necessary to increase private sector investment to create public-private partnerships in infrastructure development and implement polluter-pay systems that mobilize finance for climate action. It is important to bear in mind that ultimately the question of climate finance is not about incremental increases in support for poor countries. All finance, including regular government budget spending, foreign direct investment, multilateral funds, and bilateral development aid, needs to be climate-proofed. Without a rethink of the current finance narrative, we miss the point. In the short term, in Durban the Green Climate Fund needs to be mandated to identify long-term sources and to be given a timeline for agreeing on their deployment. But a civil society vision for climate finance and investment that encompasses the role of the private sector without compromising safeguards, transparency, and accountability needs to be crafted.

Finally, despite a primary focus being the level and sources of finance, it matters how money is being spent. Civil society has a role to play in creating the normative finance framework to be adopted by governments that explicitly aims to “do no harm,” and that safeguards human rights and gender equity.

Deciding on the future of the Kyoto Protocol and the legal form of a new agreement

Governments have started to present details of their pledges for 2020, but none have spoken in unequivocal terms about removing the conditionalities from their pledges and moving to the top end of their (inadequate) ranges. Without this step, reaching full agreement on a second commitment period in Durban is difficult. For developing countries, the absence of a clear commitment to commit is the failed litmus test upon which agreement to long-term cooperative action (LCA) has been predicated. But even “political” agreement to a second commitment period in Durban will result in a gap between commitment periods (i.e., entry into force on January 1, 2013).

As discussed above, many have become aware of the real possibility of there being no second commitment period to the Kyoto Protocol. This is largely due to the positions taken by Umbrella Group countries (Japan, Russia, Canada, and to some extent Australia). But the Umbrella Group has been aided and abetted by Europe. While in Cancun under the Belgian Presidency the EU took a balanced approach, right now it again emphasizes that it prefers a single agreement. Developing countries’ insistence on a second commitment period is sounding shriller and shriller. What can they do to turn the table and change the current dynamic?

According to some, Article 10 of the Kyoto Protocol opens the door to non-Annex 1 Parties to introduce their non-binding pledges. This is a bridge too far, but are there other options? Beyond a potentially lethal, simple extension of the first commitment period, other options exist: a so-called frontrunner agreement, a single negotiation under the Framework Convention, or specific protocols on issues like forests, adaptation, renewable technology that Parties opt-in to. One thing is clear: The reverberations of what would be a symbolic failure to agree a second commitment period will extend farther than Annex 1 negotiators and politicians are willing to fathom.

South Africa sees itself as one of the progressive forces in the diplomatic world and will do its utmost to prevent a failure of the talks. Governments will keep on talking even if Durban is inconclusive. But at this time, it seems unlikely that heads of state and government will be in a position to revisit the issue when they meet in Rio de Janeiro in June 2012 for the 20th anniversary of the Earth Summit.

NGOs seem to be on one page when they call on governments to agree to a second commitment period. The messages of what this entails for the United States and developing countries is very mixed. In my view, it is important for civil society to go beyond a simple “Adopt CP2” (second commitment period) message and engage with other governments that do not currently have legally binding obligations on their willingness to commit.

It should be clear by now that the symbolic nature and political “value” of the Kyoto Protocol has become almost larger than its climate-saving function. But it would be unfair to criticize civil society’s defense of the Kyoto Protocol as a bad case of function following form. Through the Protocol, civil society has consistently defended its essential elements. But post-Durban, we could benefit from a re-examination of these elements and

consider whether they need defending elsewhere. A coherent, comprehensive strategy across institutions is still lacking.

Dealing with market and non-market instruments, especially from a justice perspective

There is broad agreement on the need for all countries and people to take action with urgency at home, and for those most responsible to support others in taking such action. There is a long-standing debate about whether the results of the supported actions can be measured and counted toward the fulfillment of international obligations. While what matters most is what the atmosphere “sees” on balance, taking credit for action taken by others has become good business for some and, some argue, has resulted in misappropriation for others. We cannot have the underlying debate on the privatization of the atmospheric “commons” in an effort to stimulate climate mitigation here. It is clear that the rights of communities and people have, in some cases, been violated in this process. At a minimum, significant reform of mechanisms is needed – a process of which some governments are supportive. But the harsher realities have led some civil society groups to reject the use of market instruments for climate action altogether.

Still, many continue to support the use of market mechanisms as an economically efficient measure that stimulates the spread of low-emission technologies. A further argument in favor of the use of market mechanisms is their potential to make the polluter pay and the potential large-scale application. Non-market mechanisms tend to be onerous to create and their funding is often not secure, though the volatility, short-term focus, and conditionality attached to private finance must be noted. If the framework agreement is undergoing a process of fundamental redesign, it seems that all is up for grabs in this area. One thing is clear – governments and business are united in their push for an increase in the use of even less stringent market-based mechanisms. Some have gone as far as considering the collapse of the Kyoto Protocol as an opportunity and proposed linking an EU-only binding target with a system of emerging carbon markets across the Annex 1 / non-Annex 1 divide. At a minimum, civil society should stand firm and force the redesign of the existing flawed system and not divert its limited energy into seeking internal agreement – where none can be found – on the rights or wrongs of the market. A layered strategy and division of labor in this area can be highly effective.

Establishing a fair and equitable effort-sharing framework

The debates around the multitude of approaches to effort-sharing – taking place in the context of the urgent need for greatly enhanced mitigation action that is needed to effect a global peaking of emissions before 2020 – is at risk of slipping off the negotiating table. It will most certainly not be dealt with adequately in Durban. Yet, to some, without a broad, shared understanding and consensus on an approach to effort-sharing, no agreement is possible. The current pledges by Annex 1 Parties are not even in the IPCC “recommended” range of minus 25 to 40 percent. (We note the IPCC range was not adjusted to account for any fair-share approach.) This, however, has not stopped civil society, academics, and, more recently, governments from developing ever new approaches; all of which show the inadequacy of all that is currently on the table. In my view, civil society should move beyond internal debates (some of which rather unproductive) toward a principled, yet politically effective strategy to promote climate justice. But it has to be recognized that a “just” response within the (UN) box is, for now, not possible; hence, while our work outside of the UN needs to be aligned with the work on the inside track. For the foreseeable future, a division of labor will need to be agreed that makes full and coordinated use of the breadth and depth of experience and expertise, as well as the diversity of opinions.

Preventing further carbon lock-in

The science is sobering: A global peak in emissions in this decade is increasingly unlikely and the more realistic projected reduction pathways post-2020 tell us that emissions will not be reduced at a rate that avoids dangerous warming. Increasing ambition and measurable mitigation in the short-term remains the highest possible priority. Some countries are arguing that a later peak and sharp reductions post-2030 still provide reasonable

certainty, though the science does not support it. This needs a clear rebuttal, as it provides comfort to laggards that are not sensitive to a potential loss of competitive advantage in the post-industrial age.

Furthermore, the delay in climate action this decade represents a long-term problem, in that the physical infrastructure that is created often locks in a fossil-fuel dependency. No amount of efficiency improvements in the following decades can overcome this problem. As a result, we see an emergence of support for geo-engineering and, even post-Fukushima, a resurgence of support for nuclear energy.

The strategic debate on civil society responses to this dual challenge has led to some groups targeting lock-in by focused campaigning against new coal-fired power stations, unlocking of marginal oil and gas reserves, and a campaign to abolish fossil fuel subsidies. NGO responses to geo-engineering have been limited and case-specific and advocacy for scaled-up efficiency and renewables has not been very strategic. These campaigns are, as of yet, not part of an internationally coordinated or coherent approach to tackle lock-in.

The battle against carbon lock-in is one where domestically developed visions for zero-carbon futures meet the international negotiations process that can inspire them and support their implementation. However, following the failure in Copenhagen, there appeared to arise a deepening divide in approach, pitting some working on the national level against those working on the international level. This seems to extend beyond a simple debate about deploying scarce resources or division of labor. Some corners of the diverse civil society universe indeed now openly state a disbelief in the aspiration held by a majority of NGOs that international negotiations cannot deliver progressive outcomes.

To adapt is the only option?

Climate change is here and its complex multitude of devastating consequences is a daily reality for many people, especially the poor. While for years the international climate debate has centered around the (continuing) urgent need to mitigate, it has been clear that adaptation to the unavoidable consequences requires more than a climate-proofing of existing planning and development programming. This is most immediately experienced in the field of disaster management, where civil society already plays a unique role. But it can be argued that in the era of climate refugees, a more fundamental societal debate needs to be triggered that explores the consequences for all societies of warming. The aim of such a debate would extend beyond adaptation as we know it inside the negotiations, namely to reinvigorate climate action in a wider sense.

What is clear is that the existing framing of the adaptation agenda fails to inspire. There is a sense that the gap between a “keep warming limited to 1.5°C” message and the palpable reality of a world warming up to 4°C needs a clear and coherent civil society response.

Dealing with key blocking countries – First and foremost the United States

Last but not least, this is considered by some to be the most important challenge faced by the multilateral community. Questions regarding countries, country groupings, and alliances are dealt with extensively in the companion paper. But having worked in transatlantic diplomacy for over a decade, I cannot help but reflect on what by now must be labeled a problem of misguided “leadership from behind” that has serious global repercussions.

With domestic legislation at an impasse, it is clear the United States has little to offer at Durban other than low ambition and pledge-and-review. A pledge-based climate regime would represent a win for laggards the world over. To put it differently, the abandonment by the United States of an international climate agreement and the inability of its federal institutions to unite behind even the most basic of necessary actions will make any multilateral agreement hard to sell. This is especially true for other large emitters, like China and the EU. But while it is clear to all experts that the United States can be written off for now, it is unlikely that heads of government would openly acknowledge such a fact. However, diplomats and ministers are increasingly acting accordingly. The “uncomfortable truth” is that, despite some action at the local and state levels, comprehensive federal

climate legislation may not emerge in the United States until well after the presidential election of November 2012. Experts anticipate a bill to be debated in Congress in the spring of 2015, but even that is very optimistic. It is my view that the United States may ultimately, say 2020, sign on to an international agreement, but this is by no means assured. The United States at this time may be trying to ensure everyone else becomes resigned to the 2020 timeframe. But the world cannot afford to wait. A 2020 agreement would, by necessity, build on a prior agreement that secures the Kyoto Protocol in Durban and sows the seeds for a comprehensive agreement. . Consensus among progressive countries in Durban on decisions securing the Kyoto Protocol and that mandate early adoption of a legally binding instrument would in effect prevent the United States from blocking progress. This should, however, be done with a view to keeping the door open for the return of the United States at a time when its domestic political conditions are more favorable.

Following the side-lining of the EU in Copenhagen, what will it take for Europe to play its crucial role? While breaking the negative G-2 (US-China) dynamic that seemed to dominate after Copenhagen, there is one laudable objective: The EU cannot rest on its (domestic) laurels. Its self-perception as the progressive climate actor has become dented. A decisive move that puts Europe back on track toward a low-carbon, innovative knowledge economy is needed soon. Europe has historically sought to exercise its influence through “engagement” and has realized that finding a joint approach with China and other important countries, for example on transparency and the concrete forms their climate actions might take, is the way forward. Putting in place such building blocks helps rebuild confidence and allows other pieces of the puzzle to fall into place. Still, this assumes that all the negotiation strands are moved along with some skill and that wider geopolitical dynamics continue to support this rapprochement.

Though the Kyoto Protocol was born in Japan, that country has resisted committing to a second commitment period of the Protocol. This position is only in part flowing from what we call “the US problem.” In my view, Japan's position can be moved, primarily through deepened collaboration with China, South Korea, and the EU. Japan will, in the end, find it difficult to stand apart from an emerging global consensus – an argument that, of course, applies to other large polluters that are holding out for agreement as well, like Russia and Canada. But where exactly the tipping point lies, one can only guess at this point.

Clearly, against the backdrop of global financial instability, reaching agreement on the future of the climate regime is difficult. At present, there is no obvious place for heads of state to meet and discuss the problem. It has been suggested by some that the G-20 has a role to play. Others strongly reject this notion, as the G-20 has undermined climate objectives and – if given a formal role – would leave the “foxes guarding the hen house.” For there to be coherence with the UNFCCC, the G-20 would need to fundamentally change course and explicitly frame financial and economic policy in a 2°C context, recognizing the need for deep emissions cuts. We are far removed from that, so a new emerging political consensus will first be promoted through bilateral diplomacy and summity before being discussed at the G-20. The essentials of such a consensus will not be much different from previous G-8 declarations (or, heresy, the Copenhagen Accord). When that new consensus emerges, the G-20 could, in theory, play a constructive role, particularly on finance. But in absence of this consensus, the G-20, which lacks relevant expertise among the bureaucrats involved, is more likely to hinder. Sensitizing the G-20 is, however, necessary. Without scaled-up financing and investment (both private and public), a carbon market, and regulation of polluters, no climate regime can function. The G-20 will ultimately have some role here, but the UNFCCC remains the place where the “real” work gets done – no matter how time-consuming and complicated.

4. On the boat to Durban

The official agenda for Durban

The Cancun Agreements provided quite specific instructions to negotiators for 2011 in outlining a range of Durban deliverables.

In the area of adaptation, the functioning of the Adaptation Committee is to be decided at Durban, institutional arrangements for capacity-building are to be made, the design of the Green Climate Fund is to be finalized, and its Steering Committee will be given its mandate. This is in parallel to a review of the Adaptation Fund, which is capitalized through a levy on Clean Development Mechanism transactions.

In the area of mitigation, in addition to the workshops clarifying pledges and actions for Annex 1 and non-Annex 1 countries that started in Bangkok, a progress report on financing for REDD+ is to be presented, and consideration given to the establishment of new market and non-market mechanisms while building on the existing ones. Given the centrality of the mechanisms to the framework, it is necessary for those to be agreed in Durban. If countries want to secure the Kyoto Protocol, Parties will have to end their never-ending squabbles on Land Use, Land-Use Change and Forestry rules (read loopholes) for the second commitment period. The aim should be to conclude negotiations on the KP rules, so that there will be no gap in commitment periods.

In light of the clear inadequacy of current pledges, what is important is that the scope, modalities, and inputs for the review, which is to start in 2013 and conclude in 2015, will be elaborated in Durban. Yet, no further discussions on the “shared vision,” or lack thereof, seems to be envisaged for Durban.

The fight over the LCA agenda in Bangkok, April 2011, centered around those issues in the mandate from Bali that could not be resolved in Cancun. Since, India has insisted on including additional agenda items relating to intellectual property rights, trade and equity on the COP agenda, in what some see as an attempt to re-open the Cancun Agreements.

Some bottom-line issues for civil society that are not explicitly included in the agenda above are:

- reaffirm the political commitment to a second commitment period; a global ambition to peak emissions well before 2020; and, in a fair and equitable manner, a reduction of emissions by at least 80 percent by 2050;
- the removal of conditionalities on current pledges and countries moving to the upper limit of their stated ranges, or beyond; and,
- the closing of loopholes, specifically environmental integrity in accounting / baselines, no double-counting, isolating and containing the problem with the assigned amount units (AAU) surplus; and, importantly, actual additionality of reductions and finance.

In addition, many groups are promoting, among others:

- agreement on strong measurable, reportable and verifiable (MRV) guidelines and transparent rules for the registries of support and supported actions;
- extending accounting and expert review practices from Kyoto to the Convention; and,
- significant progress on the finance institutions and the crucial agreement on a process for identifying the long-term sources of finance.

This is by no means a complete list and it notably does not deal with broader demands in the areas of equity and climate justice; it is an “inside the box” and somewhat narrow minimal outcome. The question is: What red lines would one draw when considered from the 10,000 foot level? This, of course, depends on what the expectations for Durban are.

What is still missing in this Durban package for a FAB deal?

Such a Durban package falls well-short of the fair, ambitious, and binding agreement being sought by civil society, in that it does not include agreement on effort-sharing principles, let alone framework. It delays decisions on further agreement covering actions under the Convention, including by developing countries and the United States. The package is not expected to increase the current low level of ambition, leaving that as a potential conclusion for the review in 2015. The package does not include agreement on sources of sustained long-term finance or conclude negotiations on the system of support for enhanced actions.

Some segments of civil society are calling for these essential elements of an FAB deal to be delivered in 2011. Others do not wish to raise public expectations to that level, fearing fatigue among activists, as well as politicians at home, if expectations are set too high.

Beyond Durban

The general mood among both governments and civil society experts appears to be that while Durban is crucial to the future of the Kyoto Protocol, it is not the place where the comprehensive agreement called for in the Bali Action Plan will be concluded. If significant steps are made in Durban, as called for by civil society, confidence would be instilled in the UNFCCC process and it is conceivable to conclude a more comprehensive set of decisions and agreements at COP 18.

But a weak outcome in Durban – specifically the failure to secure political agreement on the second commitment period of the Kyoto Protocol – would put the question of the future of the climate framework on the agenda of the 20th anniversary of the Earth Summit, where heads of state and government would discuss it in early June 2012 in Rio de Janeiro. However, the preparatory process for Rio+20 has not dealt with the climate question. Some argue that the debate about a “green economy” is adequate preparation for a discussion on one cornerstone of green policy, that is, the rapid and fundamental transition to a low-carbon economy. We are not convinced and at this stage do not expect Rio+20 to present a major step forward on any front. The debate so far has been limited to a modest “greening” of the mainstream, not the major departure from business-as-usual called for by many civil society groups, unsurprisingly. It is after all the fears of many ordinary middle class people and the short-termism of many politicians influenced by a persistent lobbying of those economic interests that stand to lose most that are stalling the debate in all fora.

An African COP

There is a lot of excitement among civil society about the next COP taking place in Africa, South Africa in particular. Having not too long ago been written off as a lost continent, Africa is back in the international spotlight as businesses and countries compete for its resources. These very resources are proving crucial in the development of clean technology, as well as serving the ongoing addiction to fossil fuel. This gives new meaning to the term “resource curse” and civil society has an important role to play in setting a new agenda for Africa.

South Africa has been a progressive force and thought leader in the international climate talks. It also has a vibrant political culture where civil society – from trade unions to local environmental groups – play an active role in policy development. As a result, South Africa is one of the few countries in the world to have something akin to a low-emissions development strategy, namely its Long-Term Mitigation Scenarios. But it is also a country with great economic and social inequality, high unemployment, and many people still lacking access to energy and safe drinking water. This despite the fact that South Africa has a per capita income of about US\$8,500 and per capita emissions of 9 tons of CO₂, comparable to France. Political infighting is rife. Still, South African groups have come together to organize civil society involvement in the COP and established the COP 17, but views on strategy are widely divergent. For now, the priorities for South African civil society are not well integrated with those of international civil society.

New negotiation, new chances?

Negotiation fatigue has not yet dissipated, despite the partial success of Cancun. Many people have in fact lost faith in the multilateral system or, specifically, the UNFCCC as the venue in which success can be reaped. Can these international negotiations involving 195 countries ever reach a comprehensive agreement, and if they do, will it indeed close this gap between our ambition and the current weak pledges? We find different actors providing vastly, fundamentally differing assessments. Open disagreement on such an important question makes civil society involvement in the multilateral talks less credible and, ultimately, less effective.

For several years now, climate change has featured on the agendas of the G-8, the G8+5, and the G-20. In part this was due to the pressure civil society exerted on relevant governments to take up – in discussions among heads of government – key issues that were until then left to (domestically weak) environment ministers. But beyond negotiated statements of ambition and good will, these fora were not able to agree on the kind of specificity that would be needed if they were to serve as the basis for comprehensive agreement. In fact, some of the work of the G-20, largely led by finance ministers and their experts, have served to undermine our work in the UN.

So, despite all its weaknesses, the UN process has proven to be durable. Its importance rests not only in the fact it is the only venue where all countries are present, including those most affected and least responsible for this crisis. Even processes specifically created to address climate and energy issues, such as the Major Economies Meeting, or technology-specific ones, have to date not delivered the results touted.

More fundamental is the challenge put to the UN by an entirely different vision of multilateral cooperation in a changing world – it is most often heard among policy elites and academics in the United States, though not exclusively so. In the context of the climate talks, US climate envoy Todd Stern has been most outspoken in his support for this vision in which the UN is reduced to the role of convenor and aggregator of sovereign decisions affecting the global common good. This view of multilateralism also poses an unprecedented challenge to civil society. It is now clear that this reductionist vision of multilateralism is being encountered in other arenas as well, like the G-20. It needs to be challenged through a broader civil society strategy. The current gap between civil society actors trying to open up the G-20 and the UN-focused groups needs to be bridged.

5. Legal framework moving forward

The legal debate is a reflection of political necessities and (lack of) willingness to act. The problem before us is not one of legal options, though one could argue it is about the legal framework. To some this is primarily about the binding nature of obligations upon others. Whichever way, it is a further reflection of the deep-seated mistrust in the present system that has been created over the course of 20 years that is centered around politically negotiated obligations with a strong element of bottom-up pledging. This is aggravated by a system of compliance (both the enforcement and the facilitative aspects) that is seen not to be functioning.

All are not created equal

Since the creation of the negotiating track on LCA as part of the Bali Action Plan in 2007, there has been a lingering doubt about its implications for the future of the Kyoto Protocol, negotiations on which had been launched in Montreal in December 2005. Some were quick to argue that a “Committee of the Whole” was needed to deal with issues common to both tracks. Others went as far as to argue that the only logical answer to the situation that had arisen was to negotiate a new legally binding framework for all Parties, while still recognizing the common but differentiated responsibilities. This was clearly a bridge too far for the majority of Parties, especially members of the G-77 and China, who wished to maintain some form of a “firewall” between the members of the original Annex 1 group and the rest of the world.

Since 1992, the world has changed tremendously. In the context of the climate negotiations, the rise of a number of fast-industrializing economies – referred to in this context as the BASIC countries – has led several Annex 1 countries with mid-level per capita emissions, like Japan, or middle-income economies in transition, like Russia, to argue that it is time for a new approach. Add to this the fear among many in the richer post-industrial economies about the emergence of these economies as strong international trade partners and we have a recipe for gridlock.

Form over function or a question of political will?

Several Parties and NGOs have entered the fray with proposals for possible legal solutions to the dilemma outlined above, ranging from the single comprehensive agreement referred to above to a two-treaty structure under the existing Framework Convention. Others have argued that a second commitment period to the Kyoto Protocol with quantified emissions reduction obligations is needed before any progress shall be made on the agreement referred to in the Bali Action Plan that encompasses commitments by other countries. But as any lawyer will confirm, the debate of form versus function is endless. What matters is political will. A lack of it can make a legally binding multilateral agreement worth less than the paper it is printed on. Conversely, the defects of a non-binding instrument can be overcome. One can make almost any strong political agreement work legally.

What the green new deal will look like in the end is the one million dollar question... Broadly speaking, there are three options. Theoretically, a single new instrument that incorporates all of the Kyoto Protocol and its decisions could be negotiated. But in light of G-77 dynamics, that is unlikely. The second option would be based on two treaty instruments. The first is a revised Kyoto Protocol, and the second a new protocol covering other countries' climate commitments. Some of their actions would be supported, but they would all be credited, as in the future they might have value. The third option creates a different architecture that, through pledges, evolves over time. Those countries that are outside the Kyoto Protocol are encouraged to list actions they wish to see supported. But the concept of a global goal evaporates and it is expected that several countries will leave the Kyoto Protocol. Any trading of reductions takes place at a regional or national level. Under either option, collaboration on REDD, technology, or adaptation may be captured in additional protocols to the UNFCCC. One can argue about the pros and cons of each option, but the third one is least likely to deliver the environmental integrity required, not to mention the absence of any equity considerations under such an approach.

From the perspective of the atmosphere, a package of instruments or a single instrument can deliver the same outcome. Politically, it is a question of balance. Balance is in the eye of the beholder, but all relevant elements were listed in the Bali Action Plan, negotiated in 2007.

Are we bound?

Whereas legal structure and the form of the agreement is clearly important, the debate over form and structure has masked disagreement over the extent to which Parties are "bound" by COP/CMP (Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol) decisions, agreements, and obligations entered into under the UNFCCC and its Kyoto Protocol.

The actual language of the obligation matters, as does the method by which compliance with multilaterally agreed rules and standards contained in an agreement, once reached, is undertaken.

Finally – and this is what a lot of the debate in Durban will be focused on – the nature of the compliance can range from weak (with national monitoring and reporting but limited international verification), to strong (with international facilitation and ultimately independent international compliance review and automatic penalties) – something not even contained in the compliance regime for the Kyoto Protocol.

It has been argued that this legal wrangling is akin to moving deck chairs on the Titanic and that civil society actors should not waste scarce resources on the debate on “bindingness.” But against a backdrop of the emergence of the pledge-and-review framework, I would argue that it is appropriate for NGOs to directly attack US exceptionalism, while recognizing that support for pledge-and-review extends well beyond the United States.

6. Strategy and tactics for civil society

International negotiations and the climate movement

After reaching its apex and nadir in Copenhagen, civil society (and donor) interest in the UN negotiations has dropped off. Whereas in the run-up to Copenhagen the meeting rooms were too small to handle the throngs of activists, the climate movement was less tangibly present in Cancun. That said, the movement in all its forms is very much alive. Durban is expected to again bring tens of thousands together. What is our message?

A debate across the full spectrum of civil society actors is needed, on both the tactics for Durban and around a longer-term strategic vision.

Civil society in all its diversity has, over the years, significantly increased its engagement in international climate politics and policy, culminating in Copenhagen. While they may all share the overarching goal of a climate-safe planet, the underlying realities these groups and people represent are vastly divergent. Hence, it became increasingly difficult to bring groups together with a shared vision, a unified agenda, and shared broad strategy that covered all issues. A clear example has been the debate around the role of equity and fairness.

This paper has brought forward two very different types of questions. Some are fundamental in nature and also open up debates on issues that some consider “non-negotiable.” Others are tactical and often concern messaging of our public asks. It is important for our debate if people express their views on the dividing line between them.

A desire has been expressed to park discussion of some issues where debate has not been productive in favor of a focused and effective collaboration on other issues. Yet, in light of the political and real world challenges facing civil society, it may be time to revisit some questions with an open mind and, where needed, agree a new division of labor based on respective areas of strength and expertise.

Who stands to lose?

The companion paper provides food for thought on the opportunities for building new progressive strategic alliances among and with governments. But the paper, for now, does not extend its scope to the fraught relationship between civil society and businesses. One lesson learned post-Copenhagen is that vested interests – and none more so than vested business interests – are by and large not buying into a model of rapid change toward a zero-carbon economy. Of course they have a broad range of reasons for doing so. What fails us so far is a good analysis of who stands to lose and the just transition needed. This lack of hard analysis has come about in part because of the religious belief in a narrative of climate action as a win-win-win. But it will not do to just simply state that if there are any losers as a result of mitigation policies being implemented at all, the gains will more than make up for the losses.

So while bridges have been built between segments of civil society and business, these have not delivered the gains sought. This is not simply a debate about “greenwashing” of corporate climate action, or about the appropriateness of public alliances with “good” business.

A concerted, well-funded, and coordinated campaign against those corporate interests that have systematically undercut efforts to take more ambitious climate action is needed: naming names, making it personal, and in

the process exposing the deep roots in government. This might lead to burning some bridges between NGOs and business and government that were built over the past decade. As this may be counterproductive, when looking at the need for stronger alliances – and taking into account the structural and long-term nature of the problem – this needs more careful consideration in the context of strategy redevelopment.

The progressive alliance

All countries must do more to avert further catastrophic climate change. To guarantee a future for the Kyoto Protocol and in the longer term craft a stronger climate regime, the companion paper argues for a progressive alliance to be forged. This alliance could include on the developing country side the least developed countries and small island developing states. In addition, the alliance would include most of Latin America (including richer countries like Chile and Argentina) and, crucially, all countries in the BASIC group. On the developed country side, an alliance would include the more progressive elements in the Umbrella Group (Norway and Iceland, potentially followed by Australia and New Zealand), the key members of the Environmental Integrity Group (Mexico, Switzerland, and South Korea), and finally the 27 European Union member states. It is far from certain that all these countries will join hands. In fact, the core of such an alliance exists already in the Cartagena Dialogue, but there are tensions inherent in that process that point to the need for a broader, more political approach.

Furthermore, the progressive alliance will, on the developing country side, most likely not include all African Group members, mostly due to OPEC members' influence, nor the entire Alliance of Small Island States, rather excluding its richest members like Singapore. Unsurprisingly, Arab and ALBA¹ members of OPEC will stay outside such an alliance. It will be most interesting to watch whether Southeast Asian countries would be willing to join a progressive alliance and – under any reasonable effort-sharing formula and in light of their emissions / GDP profiles – if they would be willing to take significantly more action and take on binding commitments in the 2020s. Developed countries that are certain to oppose the search for such an agreement are the United States, Canada, and Russia.

Key questions for Durban, and beyond

Progress on the inside – What constitutes success or failure in Durban?

The default modus operandi would be for civil society to focus on the need for the Kyoto Protocol to survive. What can be the specific contribution by civil society in securing it? Civil society calls on existing Kyoto Protocol Parties to commit in a CMP decision to remove conditionality from pledges and announce hard targets in line with the science. This needs to be complemented by an explicit understanding that for the Protocol to function, a broader agreement is required. NGOs, therefore, need to pressure all other countries to move in lock-step and agree to a deadline on negotiations on a binding agreement that is consistent with the science; that is, to drop the long-standing conditionality on a full agreement on the Protocol side to be put in place first. This, however, may not be sufficient to break the current deadlock around the second commitment period. As the Kyoto Protocol has value beyond the symbolic, civil society can credibly advocate that the existing form fits function. This is not an unsustainable, unquestioning, or even “religious” commitment to the Protocol, despite its flaws.

Beyond Durban, if 2011 were to fail in delivering a solid agreement on a second commitment period for the Kyoto Protocol, should NGOs hold out for COP 18? Firstly, we need to make the fight broader. In terms of PR, that would even include Rio+20. A broadened strategy, rather than finessing legal matters, should examine the

¹ . The Bolivarian Alliance for the Peoples of Our America (ALBA) was founded in 2004 with the aim to strengthen economic independence of its members: Venezuela, Ecuador, Cuba, Bolivia, Nicaragua, Antigua and Barbuda, Dominica, and St. Vincent and the Grenadines. The group originally included Honduras as well.

fundamental issues, including the role of other institutions. On substance, it should strengthen and link the work at the national and international levels to close the gigaton gap and focus on specific campaigns that tackle carbon lock-in and deal head on with, for example, corporate lobbying, resource crunches, and geo-engineering.

The broader picture: A 4°C strategy?

Emissions are spiraling out of control. Without strong policy interventions, the road to 1.5°C will be closed before the end of this decade. Realities on the ground are confronting poor people and pose a challenge to civil society organizations.

A more fundamental societal debate needs to be triggered that explores the consequences of warming for all societies. This includes the ethical framing of climate inequity, scenarios for warming in the range of 3 to 4°C, and the need to prepare for disruptive change. The aim of such a debate would extend beyond adaptation as we know it. Yet, a deeper debate about disruptive climate change, especially one that goes outside the existing “pro-poor” frame, could be counterproductive in that it undermines a more positive “green economy” narrative that seems to slowly be gaining traction in post-industrial economies. To others, such a debate does not give adequate attention to the equity dimension of the climate crisis.

In the end, we need to answer these questions: Where do we move toward? Is civil society making the most of its strength and potential influence? What alliances do we build to move forward?

Pathways and Partnerships for Progress for Durban and Beyond*

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1. Scope and purpose

The scope of the paper is focused mainly on how governmental alliances work and may be improved within the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol (KP) as these institutions, along with the Intergovernmental Panel on Climate Change (IPCC), were created by governments specifically to serve as the core machinery for intergovernmental cooperation on the global response to climate change.

The paper recognizes, however, that climate governance is set to expand beyond this institutional core because the implementation of even modest levels of climate mitigation policies will have important economic, trade, and finance consequences implicating the mandates of institutions other than the UNFCCC/KP. Furthermore, as climate impacts begin to compound hardships and injustices faced by vulnerable groups and countries, institutions dealing with development, humanitarian aid, human rights, disasters, and international security will have to address climate change adaptation issues more squarely than is currently the case. As climate mitigation and adaptation morph and migrate to other fora, institutions such as the G-8, the G-20, WTO, UN Security Council, UN General Assembly, and international financial institutions will come into play, in turn drawing in new fora that are convened or established to complement/challenge these.¹ This expanded "governance space" adds an extra layer of complexity and coordination challenges to climate negotiations and makes it difficult to track how alliances are working and toward what end.

The work of the G-20 is especially relevant. On the opportunities side, the G-20 has taken up issue of fossil fuel subsidies and, more recently, turned its attention to climate finance with not much progress being made on either issue as of November 2011.² The core G-20 work on opening up economic and trade areas is making progress, but this involves a mainstream "brown agenda" of facilitating unsustainable natural resource extraction and investment in infrastructure that is not compatible with carbon constraints; in some cases the G-20 process is actually examining how to downgrade existing social and environmental safeguards for certain

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¹. For example, the new "big five" leaders for BRICS countries (Brazil, Russia, India, and China, all of whom welcomed South Africa for the first time as a new member on April 14, 2011). See report of and text of the Sanya Declaration, at the BRICS Leaders Meeting in south China's resort city of Sanya. http://news.xinhuanet.com/english2010/china/2011-04/14/c_13829453.htm.

2. For information about the G-20, see http://www.g20.org/about_index.aspx (November 6, 2011).

kinds of investments.³ Developments in fora such as the G-20, which is advancing the short-term interests of the 20 most economically powerful countries in the world, creates new challenges and/or burdens for smaller, vulnerable countries. It is also a challenge for climate civil society organizations (CSOs), many of whom are not aware of G-20 developments and are not set up to participate in UNFCCC/KP processes as well as core economic ones nested around the G-20. At the same time, however, the expanded governance space also provides opportunities for civil society to consider how existing and emergent institutions can leverage relevant power structures in ways that help to solve climate change, especially in ways that speed up progress toward a low-carbon, climate-resilient world, which is the ultimate aim of a fair, ambitious, and binding (FAB) deal.

1. What are the rationale, interests, and key actors driving new alliances (between countries) currently observed in the UNFCCC negotiations (e.g., Cartagena Dialogue, BASIC) and how do they differ from the old “traditional” ones (e.g., G-77)?
2. What is the concrete contribution of the new alliances to date, and what is their likely potential in terms of inducing progress or hindering it at Durban and beyond?
3. Are there potential new alliances of progressive countries that have not yet formed but could – if fostered – realistically help to move the UNFCCC talks forward toward a fair global deal or specific elements thereof (e.g., mitigation, adaptation, REDD)? How do we make them happen?
4. Specifically, what can the EU do to foster progressive alliances and prevent blocking ones through its work both in the climate regime and fora like the MEF and G-20?⁴
5. How can civil society actors in the respective countries help to promote the right kind of alliances? What kind of international communication and cooperation between different actors from civil society and governments would be needed to do so? In particular, how can CSOs working on the trade/economic agenda and fora such as G-20 link up with the climate justice and green NGOs working on UN climate-related processes?

2. Prospects for progress

Many of the questions above highlight the need for clarity – and ultimately a broad measure of agreement among governments and civil society on what now counts as “progress” in international climate negotiations – about which governments and alliances can be considered “progressive” and which as hindrances.

At present there is little clarity, let alone agreement, on these issues among governments or NGOs. This is not surprising. Climate change has slipped down the political agenda since Copenhagen. Prospects for making progress on the scale demanded by science are made complicated by a number of conditions.

First, developed countries face a long period of financial austerity arising from the financial crises, and any perception of further economic pain driven by progressive climate policy is now seen as a bigger political risk. European leaders are preoccupied by the euro zone crisis, which shows no signs of containment. There is no quick fix in sight as the Cannes summit of the G-20 dashed European hopes that other global powers would provide increased financial resources for the European Financial Stability Facility or via the IMF.

³. For more details, see the "Introduction to the G20" and related items at: http://www.boell.org/web/group_of_20-651.html.

⁴. The term “climate regime” will be used as shorthand to refer to the rules, institutions, and procedures established pursuant to the UNFCCC and Kyoto.

Second, political leaders are currently distracted by other difficult international problems such as peace and security in Africa (Sudan, Somalia, etc.), and the challenges posed by the “Arab Spring” and related democratic transition in North Africa and the Middle East.

Third, there is increasing recognition that power balances and the nature of the global political order is in a profound state of flux. As summed up by one commentator “there is no longer any question: wealth and power are moving from the North and the West to the East and the South and the old order dominated by the United States and Europe is giving way to one increasingly shared with non-Western rising states.”⁵ Even if one disagrees with this statement, the point is that the majority of Western political elites, and a large section of their publics, accept it – as do many in the South. Despite these new realities, the North-South divide remains the fundamental fault line in global climate politics and challenging its future relevance is considered a major taboo by many CSOs.⁶ This makes it difficult to name and shame blockers and laggards.

On the non-government side, there is a lack of clarity about what constitutes “progress” in the climate policy arena. While the FAB framework advocated by CSOs for Copenhagen was useful for unifying civil society around a broad overarching vision of the end result (fairness, science-based ambition, legally binding regime), a commitment to FAB does not provide sufficient guidance on how to get there and over what time frames. More intermediate outcomes and milestones are needed, as these will help answer trickier questions that currently divide governments and NGOs alike, such as who should take on legally binding commitments, when, and according to which criteria and conditions.

More broadly, climate change is a profound and long-term problem. Each Conference of the Parties (COP) can only hope to accomplish a part of the work needed to transform our collective global energy, food, water, health, and security systems to better address climate vulnerabilities, promote sustainable development, and protect the atmosphere. There is no “one big” solution that can be achieved by a single COP, given prevailing political realities (set out in the complementary paper). UN processes are a long-term game. At best, key momentum-generating “moments” and milestones can be built in only once every 3-5 years. The stakes are high and opportunities cannot be squandered as they were at Copenhagen.

If seen within an overall mid-term strategy of what can be delivered in the next 3-4 years, Durban will not be able to provide a “big bang” once for all solution to climate and economic justice issues. But Durban has the potential to deliver some of the building blocks Cancun could not deliver that would put a FAB deal within easier reach post-2012. At its worst, Durban risks becoming the graveyard for the Kyoto Protocol and wasting the billions in governmental investments in human resources and administrative and legal architecture at national, regional, and international levels that have been expended over the last two decades. These political and economic investments have been secured as a result of two decades of CSO efforts that helped to create a science-driven, rules-based regime that aims to protect the atmosphere whilst enabling developing countries to pursue their developmental priorities.

3. Criteria for judging progress

Political and strategic discussions among CSOs might usefully begin by exchanging and refining views about how to strategically conceptualize “progress” at Durban and beyond. This in turn may require some discussion

⁵. G. John Ikenberry, “The Future of the Liberal World Order,” Foreign Affairs, May/June 2011.

⁶. For more on how the North-South, Annex I/non-Annex I division exerts inertia on regime development, see F. Yamin and J. Depledge, “The Global Climate Change Regime: A time for Consolidation or Fundamental Reform?” In: R.K. Pachauri, Dealing with Climate Change, Setting a Global Agenda for Mitigation and Adaptation, TERI, 2010.

about the nature and relevance of North-South political dynamics and the categories used in discourse around this, as well as raise complex choices and tradeoffs between equity, ambition, and legal certainty and continuity of tried-and-tested approaches. Questions that might help civil society to reflect more openly and frankly about defining “progress” (or at least understand where others are coming from) might include:

- Is it realistic to raise levels of ambition and resolve “equity” and “atmospheric space” considerations in the short term, given the lack of significant progress on climate policy in the United States? Would efforts be better focused on attempting to safeguard the continuity of the rules-based nature of the international climate regime?
- Does inaction by one major emitter justify inaction by others? And if so, for how long and under what conditions?
- Can the principle of common but differentiated responsibility and respective capabilities (CBDRRC) be applied in 2012 in the same way that it was 20 years ago? Is a more nuanced and tailor-made approach possible? To what extent is there a risk that an over-rigid defense of CBDRRC facilitates blocking of action by large emitters who are in a very different social, economic, and political circumstances than 20 years ago?
- Is it tactically advantageous to concede that not all developed countries will be willing to sign off on a Kyoto Protocol second commitment period (CP2), and to focus instead on a smaller, more ambitious strategic group that is willing to work together to vote through and/or apply amendments to the Kyoto Protocol, thereby securing the survival of its core rules? Would such a deal need to be underpinned by a common vision on the long-term architecture of the regime, such as, for example, in a unified regime under a single legal instrument for all? Could such a vision be outlined and a strategy resolved in time to secure a mandate at Durban?
- What are the conditions needed to ensure that such a strategic group has a critical mass of countries, sufficient to ensure the survival of core architecture and to provide pull for other countries to subsequently coalesce around this?

The credibility of different theories of change that appear to guide the work of different segments of civil society might also benefit from a more in-depth discussion. For example, a more honest appraisal of what multilateral processes in general, and climate change in particular, can deliver by way of climate justice is needed that takes into account the consensual, essentially voluntary nature of international law.

Tactically, NGOs need to consider collectively in what circumstances it would be strategic to support adoption of COP and CMP (Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol) decisions that deliver only modest gains and when these should be rejected to “fight another day.” Naming and shaming, walkouts, vetoes, and brinkmanship tactics at critical moments are legitimate correctives to shame laggard governments. But overreliance on these tools in the UNFCCC/KP also risks making toxic the only multilateral space open to vulnerable countries in whose name climate justice is demanded, and this may serve recalcitrant countries more than progressive forces.

An important follow-up to this and the companion paper would be to find ways in which civil society can better understand and share intelligence and analyses about what constitutes progress for different groups and alliances and to foster definitions of success that generate higher levels of collective action by governments, business, and civil society alike.

To proactively trigger discussions on these issues, this section suggests some possible definitions and criteria that might be used as a starting point about how to define the progressive credentials of different countries and groups:

- Leadership should be defined in climate-relevant terms rather than by whether a country belongs to an historic grouping. A country or group can be deemed progressive if it demonstrates political leadership in pursuing a low-carbon, climate-resilient pathway domestically, as well as calling for others to pursue this

internationally. Leadership is essentially a politically relative concept. The core criterion should be whether a country is rejecting business-as-usual development models in practice, and not necessarily whether it has already achieved absolute levels of mitigation reductions consistent with ranges indicated by science.

- A country is deemed diplomatically progressive if it challenges laggards from across the political spectrum (both privately and in open diplomatic settings) to do more, and tries to foster political conditions and alliances that make it easier for counterparts to take more ambitious action. By contrast, countries that set politically unviable conditions for others to fulfill as a condition for their own action are deemed diplomatic laggards because they are likely to be deal-spoilers rather than deal-makers.
- Because inaction always magnifies climate injustice, a country is deemed a progressive leader if it uses whatever resources it has available (domestic and international) to protect its vulnerable groups and ecosystems. A country that is developing along business-as-usual lines but is simply calling for larger financial flows from others before initiating steps to protect its vulnerable groups is taking neither climate science nor the demands of justice seriously.
- The UNFCCC is almost unique among international regimes for not allowing decision-making by majority voting. This has encouraged procedural laggards – countries that habitually (ab)use procedures to render decision-making more difficult. Typical examples include demands that all countries have access to all decision-making processes, not just in relation to issues of special concern to that country; or the tactic of self-imposed exclusion, for example by blocking the selection of regional candidates for elected bodies, as was the case recently for the Asia Group candidates for the Green Climate Fund Transitional Committee.

4. Rationale, interests, and key actors in existing and new groups and alliances

a. Current alliances

Climate change is simply too big and complicated an issue in its causes and impacts to permit neat classification of countries. States have divergent interests depending on the scale of damage and degree of culpability. Moreover, national interests increasingly cut across traditional political groupings such as the North or South – there are as many divisions within the OECD as there are within the largest traditional grouping, the G-77.

Among global regimes, the multilateral climate regime now has one of the highest levels of participation from both states' parties and stakeholder organizations, including NGOs, intergovernmental organizations (IGOs), and business. The UNFCCC has 195 State Parties, and the Kyoto Protocol has 193 Parties (minus the United States and Andorra).

Parties to these agreements have organized themselves into numerous groups and alliances. Some of the affiliations stem from official UN listings, which exist primarily for the purpose of selection candidates for elected posts.⁷ Others consist of political alliances, including the G-77, the Alliance of Small Island States (AOSIS), least developed countries (LDCs), African Group, OPEC, ALBA, EU, Commission for Environmental Cooperation, Umbrella Group, Environmental Integrity Group, and the Arab League. More recently, the

⁷. The main UN recognized groups are the five regional groups, which exist mainly for the purposes of elections: Africa, Asia, GRULAC, Central Europe and Western Europe, and Other Group (WEOG). For further details, see Annex A of this paper.

process has seen the emergence of BASIC (Brazil, South Africa, India, China) and the Cartagena Dialogue, as well as “issue-specific” initiatives, such as the Coalition for Rainforest Nations and various REDD-related partnerships (United Nations Collaborative initiative on Reducing Emissions from Deforestation and forest Degradation). Although it is more a forum than an alliance, initiatives such as the Major Economies Forum (MEF) also bring together certain groups of countries for ad-hoc collaboration. A number of intergovernmental organizations such as the African Union, Secretariat of the Pacific Regional Environment Programme (SPREP), Association of Southeast Asian Nations (ASEAN), Southeast Asian Association for Regional Cooperation (SAARC), and the Commonwealth Heads of States also from time to time become active in climate change, depending on their members’ interests in utilizing their institutional capacities in climate negotiations.

Annex A of this paper provides a description of the main groups and alliances, their current members and core concerns, and a short assessment of whether they have played a progressive or blocking role in negotiations to date, bearing in mind the criteria for assessing progress and steps needed to secure a FAB deal. The following section focuses more on newer groupings and alliances and the role these might play in future negotiations.

The key point to bear in mind at this point is that these alliances and groupings bear little relationship to the legal differentiation found in the UNFCCC/KP framework, which structures legal commitments around just five categories of Parties:

- Annex I Parties/Annex B Parties (for mitigation commitments, with special procedures for EU as a Regional Economic Integration Organisation (REIO))
- Annex II Parties (for finance/technology commitments)
- Economies in transition (for flexibility with regards to mitigation commitments)
- LDCs (for flexibility in reporting commitments and help with adaptation)
- Developing countries/non-Annex I Parties⁸

One of the most important points of contention in the negotiations is whether the structure of UNFCCC/KP commitments should be more differentiated than currently exists, and if so, what the underlying logic of further differentiation should be. In short, what is the most appropriate interpretation/application of the CBD/RRRC principle, and does it need to be further developed or interpreted in relation to the three kinds of commitments found in the Convention/KP: mitigation; provision of finance and technology and reporting; and procedural and administrative commitments.

b. New alliances involving developed countries

The core groupings that make up the 42 Parties now listed in Annex I of the Convention have remained fairly stable over the last 10 years. But some significant changes affect the prospects of developing progressive alliances in the run-up to Durban and beyond.

First, the EU has expanded beyond the 15 members that signed up to Kyoto and now encompasses 28 member countries. Unlike the EU-15, for whom securing Kyoto was touted as evidence of global leadership on climate change, few of the more recent EU entrants prioritize climate or environment leadership. The various “green group” alliances between the EU and developing countries that were central to progressive developments at COP 1 through to COP 7 in Marrakech, and still in evidence in Bali at COP 13, were, in hindsight, the high mark of EU ambitions to be seen as a global player distinctive from the United States. The appetite for

⁸. Strictly speaking, and in conformity with CBD/RRRC, the structure of obligations in the UNFCCC/KP applies to all Parties (common obligations) with more stringent obligations/differentiation set out for some Parties (Annex I/B, Annex II, EITs, LDCs). There are no commitments specifically listed for developing countries as such.

continued global leadership by the EU, in the absence of comparable efforts by the United States, is not spread evenly across the EU-28 and many smaller and newer entrants, such as Poland, need to be convinced that continued leadership will be worth it, diplomatically and economically. It is also much more difficult to coordinate climate policy, and ratification procedures, among 28 countries than between 15, rendering decision-making and changes in tactics/strategy that much more difficult.

A second development affecting the ease with which progressive alliances might be formed is the expansion and greater level of cooperation among the JUSSCANNZ countries (Japan, the United States, Switzerland, Canada, Australia, Norway and New Zealand) to now take in other countries, mainly from Central Asia, who do not have any other natural “home.” Now called the Umbrella Group, the political alliance comprises around 14 countries for whom the central uniting agenda is increased levels of commitments by major developing-country emitters, especially by China and India. The larger, more influential members of the Umbrella Group are now united in insisting that the changing levels of emissions, development status, and political power of major developing countries merits revisiting the application of CBDRRC in climate change, both for mitigation and finance-related obligations. This has been a consistent line of argumentation since 1994, and now represents embedded Umbrella “groupthink” such that it is unlikely to be moved by CSO advocacy alone. Although there is a range of views among the Umbrella Group on what differentiation means in practice, there is unity of view that any future legally binding regime must be premised on commitments that go beyond those included in the UNFCCC/KP for developing countries. The most extreme position (advocated mainly by the United States) demands legal parity in terms of mitigation commitments and comparability in terms of measurement, reporting, and verification (MRV) and compliance.

The Umbrella Group has the potential to be a significant blocker of progress at Durban, in that it contains all the countries that are now strongly opposed to a second commitment period under the Kyoto Protocol (Russia, Japan, and Canada most strongly, but with Australia and New Zealand likely to follow). Prior to Cancun, most of the Umbrella Group called publicly for a single legally binding treaty framework that would bring the United States back in, and at the same time establish mitigation commitments for China and India. But since Cancun, and with an acknowledgement that the United States cannot at the present time commit internationally, there is more emphasis on securing a series of COP decisions that would lead to a weaker institutional framework (unless there were firm commitments and processes put in place to upgrade these into legally binding forms).

Another relatively new grouping that does not fit neatly into the Annex I category, but whose members also are not developing countries, is the Environmental Integrity Group, made up of Mexico, South Korea, and Switzerland as its core, but which is also joined by Monaco and Lichtenstein. The group is generally like-minded and makes common plenary statements, but it does not generally submit position papers. It sees itself as an active bridge-builder and moderator. If COP 18 is hosted South Korea, it will mean that two out of three presidencies will be from among its members.

c. New alliances involving developing countries

This section focuses on some of the newer alliances that have emerged recently, and whose members are wholly or majority developing countries (BASIC, Cartagena Dialogue, REDD-related partnerships, and ALBA). Other long-standing alliances and groupings, such as AOSIS, LDCs and OPEC, are explained in Annex A. The recent hook-up between some negotiators from LDCs, ALBA, and the African Group, announced at a press conference at the end of the Panama sessions of the Ad hoc Working Groups (AWGs) in October 2011 is too recent to be considered in this paper.⁹

⁹. The press conference announcing this can be viewed at: http://unfccc2.meta-fusion.com/kongresse/111001_AWG/temp/play.php?id_kongresssession=4028&theme=unfccc.

The new alliances have emerged for two main reasons – one related to differences in climate policy over specific issues and the other to broader patterns of representation and outlook related to the emerging geopolitical international order. Regarding climate policy, the members of new groupings have very different views about how the CBDRRC principle should be implemented across a range of issues, specifically in relation to mitigation and the use of market mechanisms. And second, the new alliances reflect a desire by their members to be more pro-active in managing the multilateral negotiating process. Many want a more direct voice on the international stage and regard being represented solely through traditional political groupings like the G-77 as inadequate and/or anachronistic at best. This is understandable given that the largest developing countries have been incorporated into the G-20, which describes itself as the “premier forum for our international economic cooperation.”

The various REDD+ coalitions and partnerships have emerged because their members wanted to use forest measures to enhance mitigation action. Many are also more open to a variety of financing options, including the use of market mechanisms and offsets. By 2005, these countries felt frustrated with others in the G-77 and considered their own efforts at mitigation were unjustifiably being held back by other developing countries. In recent years, REDD+ countries have demonstrated that forming coalitions that are issue-specific and that cut across the Annex I/non-Annex I divide can help them achieve results they believe are in their national interests as well as contribute to the ultimate objective of the Convention.

As part of the Cancun Agreements, REDD+ initiatives have delivered a concrete set of rules and a separate set of processes and institutional structures. The REDD+ process has also led to greater acceptance within the G-77 of allowing different groups of developing countries to take forward different sets of mitigation options, that is, to allow all countries to progress their relevant mitigation option rather than blocking each other's issues, which in the past has led to frustration and inaction, and which is not in the collective interests of developing countries.

Although India, Brazil, and South Africa (IBSA) ministers had for some years cooperated thru the IBSA process, this did not formally involve China.¹⁰ The four countries formalized collaboration through their environment ministers by establishing BASIC. This grouping first emerged in October 2009, driven primarily by China's fears that Copenhagen dynamics could leave them isolated on the “CBDR firewall” issue at a time when they were about to overtake the United States as the largest single emitter. The BASIC environment ministers have since then met on a quarterly basis (with each country chairing one session per year) to share intelligence and exchange views, and have generally issued joint statements. To avoid charges that BASIC represents a break with G-77 “solidarity,” recent BASIC meetings have invited the Chair of G-77, a representative from AOSIS, and also one from LDCs/Africa as observers. The joint statements issued by BASIC environment ministers at the end of each quarterly meeting signal some common points of relevance for immediate negotiations and thus provide input/orientation to discussions within G-77 as well as to developing-country negotiating partners.¹¹ More recently, a BASIC Experts Forum (BEF) has emerged, and meets in parallel with BASIC ministers with the aim of providing analytical support upon ministerial request to BASIC meetings. Currently, most of BEF's effort has been on analyzing and synthesizing how the four countries approach “equity” and “atmospheric space” issues, as these have direct implications for peaking dates and the application of CBDRRC in the context of mitigation burden-sharing over the long term. A BEF paper on equitable access to sustainable development has been finalized in time for Durban.¹²

Whilst BASIC functions primarily at the environment ministerial level and focuses on climate change specifically, the BRICS group (Brazil, Russia, India, China, South Africa) works primarily at the heads of state level and has a much broader remit and sets out the overall priorities seen by these five countries, in some ways mirror-

¹⁰. For more about IBSA, see <http://www.ibsa-trilateral.org/>.

¹¹. BASIC meetings take place quarterly and ministers also meet during the COP itself.

¹². See <http://www.bbc.co.uk/news/science-environment-15591309>.

ing the G-8 process.¹³ The inclusion of Russia adds an anti-Kyoto Protocol sentiment to the group, even though the remaining four members are at least publicly calling for Kyoto to continue beyond the first commitment period. It is not clear if BASIC countries would be willing to use their BRICS affiliations to influence Russia on the issue of Kyoto. South Africa formally joined the BRIC group in April 2011.

The Cartagena Dialogue has its roots in the chaotic diplomacy in the last 48 hours of COP 15 in Copenhagen, when diplomats from a wide range of countries tried to ensure some of the gains of the summit captured in the Copenhagen Accord could be embedded in the UN process rather than being lost altogether. The Dialogue was launched formally in March 2010, and now has around 30 participating countries from across a broad spectrum of geographically representative groupings. Some of the initial meetings involve ministers, but are now mainly at the heads of delegation level. The Dialogue is unique in that it brings together developed and developing countries from all continents and also has the participation (as observers) of representatives of the COP Presidency. Most members are very proactive diplomatically, conveying a common commitment to maintaining the core institutional machinery of the UNFCCC/KP and climate multilateralism. They are strongly in favor of a legally binding regime. Most of the topics chosen by the Dialogue are complex, cross-cutting issues such as legal form, mitigation, MRV, and finance. The Dialogue has also tried to find ways of taking up subjects that are not for immediate negotiations such as low-carbon development planning processes.

Dialogue members believe that discussion and dialogue, rather than brinkmanship and vetoes, are the key diplomatic route to resolving differences and tackling blockages. In the past year, co-facilitators – one from a developing country and one from a developed country – have prepared short papers and issues/options for discussions. Dialogue members also share an understanding that greater ambition on the part of all countries may require tailor-made solutions that better reflect vastly different circumstances, capabilities, and vulnerabilities. Members work together to build diplomatic bridges and find solutions that are the highest possible ambition, bearing in mind that diplomats only have so much leverage to change prevailing political circumstances and each COP is capable of delivering some degree of progress.

Another grouping that has become more active in the climate space includes the African Union. The 2009 decision by the African Union to appoint Prime Minister Meles Zenawi to represent Africa at Copenhagen may be an early indication that regional groups are rethinking their representation in climate forums, especially at high-level political summits such as Copenhagen and perhaps Durban.

Finally, the Latin American countries are also increasingly active in collaborating at the regional level. A glance at any Daily Program from Bangkok shows several different configurations from the continent meeting to discuss positions, especially on REDD issues, and to coordinate strategy, for example Guatemala on behalf of SICA¹⁴ and Colombia on behalf of Highly Vulnerable Countries.¹⁵ In part these countries distinguish themselves from the ALBA group (explained in Annex A of this paper) whose members have also become much more vocal in the last three or so years. ALBA have made the most stringent environmental and financial demands of developed countries from the developing-country side.

As explained earlier, the desire for both larger developing countries (such as BASIC) and smaller/medium-sized ones to splinter and form more “like-minded formations” stems from their fundamentally different interests, but also from broader shifts in the changing geo-political order. Many countries, developed and developing, fear that the new global order is turning away from the post-war, rules-based system to one that is more contested and characterized by a fragmented system of blocs, spheres of influence, mercantilist networks, and

¹³. See report of and text of the Sanya Declaration at the BRICS Leaders Meeting in south China's resort city of Sanya. http://news.xinhuanet.com/english2010/china/2011-04/14/c_13829453.htm.

¹⁴. The members of the Central American Integration System (SICA) are: Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and the Dominican Republic.

¹⁵. The main countries that are participating are from Latin America who consider themselves vulnerable but are not LDCs/SIDS.

regional rivalries. The latter seems to be the BASIC vision at times. This is one reason why many smaller and middle-sized developing countries in particular seem more comfortable with an open-rules-based system and are joining coalitions with others with similar outlooks in the hope that this affords some protection against existing global and emerging regional powers.¹⁶

5. Concrete contributions and likely prospects for new alliances

In terms of negotiating dynamics, what is the likely potential of these various groups and alliances in terms of inducing progress or hindering it at Durban and beyond?

It is clear that traditional groupings, such as the G-77, will continue to provide a platform for developing-country collaboration and some core level of representation. If it ceased to exist, the G-77 would probably be reinvented because at a functional level it provides a wide range of invaluable services for its members. The G-77 system of daily briefings and competent issue coordinators, for example, provides a vital lifeline for developing-country delegations hard pressed for resources to follow myriad working groups. And for any Presidency or Chair, the Group's backing provides a strong signal of support and obviates the need for time-consuming negotiations with smaller groups or individual Parties, which would make international negotiations come to a complete standstill.

But at the same time, simply judging by the proliferation of groupings and the priority issues they engage on, there is a growing sense that the majority of developing countries no longer regard G-77 representation on its own as adequately serving their individual or collective interests on an issue that goes to the heart of economic development and, in some cases, their very survival as states and societies.

On "traditional" subjects where there is a clear collective interest for all developing countries, such as increased and more accessible financial resources from developed countries, technology transfer, and capacity-building, the Group is able to speak to a common agenda. The same is true to a certain extent with adaptation-related issues. But on issues relating to resource allocation and governance (who gets the money and who decides), there is considerable diversity of views between the richer, middle-income countries and smaller countries and LDCs, let alone the major developing-country donors like China and Brazil, who are now major donors in their own right.

On many other issues, particularly those concerning mitigation, markets, MRV, and compliance, there is no coherent G-77 position as such and no prospect of one, given the fundamental differences of national policies and interests. On these kinds of issues, the G-77 is regarded by many countries as an anachronistic hurdle to be negotiated around or defended against rather than a genuine voice for the collective aspirations of developing countries. In this context, newer issue-based alliances will work alongside existing groupings such as AOSIS and LDCs to put forward substantive positions in their own right.¹⁷ The migration of negotiating energy to other newer groupings means, however, that there is a risk of disproportionate influence of certain countries "capturing" the G-77 to pursue sectional, rather than genuinely collective, interests.¹⁸ OPEC countries such as

¹⁶. A similar dynamic is evident in the WTO.

¹⁷. AOSIS was established in 1989 and started working as a bloc from the first meeting of the Intergovernmental Negotiating Committee (INC) established by the UN in 1989 to negotiate a climate change convention. The LDCs have been a recognized constituency since, but did not take active part in climate negotiations until relatively recently due to capacity constraints.

¹⁸. As Annex A of this paper shows, the number of times the G-77 chairmanship has been held by OPEC (or oil producing countries or countries with substantial economic or cultural ties to OPEC) perhaps suggests this group of countries see the

Saudi Arabia and Venezuela are very active in G-77 meetings to ensure their views prevail over less powerful and less vocal groupings such as LDCs and the African Group. This dynamic – the richest and most powerful developing countries dominating smaller and more vulnerable ones – must be kept in check if the G-77 is to remain relevant to the vast majority of its members.

In terms of positive contributions to making progress at Durban, the active engagement of AOSIS, LDCs, and the African Group are critical to ensuring that environmental integrity, increased ambition, and adaptation needs remain center stage at Durban and are not lost in the convergence of low-ambition interests between the big emitters on both the developed and developing-country side of the ledger. All three groupings need to be at the forefront of holding laggard governments and the multilateral process itself to account.

Additionally, alliances that cut across the Annex I/non-Annex I divide – and which are able to address the full package of issues on the table, such as the Cartagena Dialogue and the Environmental Integrity Group – are more likely to be in a position to drive compromises and package deals. Although “new” to the process, the Cartagena Dialogue played a significant role in the run-up to and during COP 16 in Cancun by crafting language proposals that sought to capture the “middle ground,” thereby helping to prevent a slide to the lowest common denominator.¹⁹ In particular, the Dialogue countries were able to support the Mexican Presidency’s efforts to find convergence on positions that would be acceptable to the vast majority of delegations, even if they did not meet the demands of all.

In some respects, the Durban COP presents a different set of political dynamics, and potentially, a more difficult set of political choices. For example, the Cartagena Dialogue countries hold differing views on the future of the Kyoto Protocol, in particular, on whether there should be a second commitment period. In the first half of 2011, we are already seeing some backtracking on agreements reached in Cancun and not much progress on long-term finance. The most progressive groupings, including AOSIS, LDCs, and the Cartagena Dialogue, will need to work hard to maintain momentum toward a FAB deal.

As the Durban meeting is in a BASIC country, BASIC members as a group have a special opportunity to put their collective weight behind South Africa’s effort to finding solutions to problems that could not be resolved at Cancun. Chief among these is the issue of the future of the Kyoto Protocol. Publicly, BASIC is continuing to call on Annex B Parties to commit to a second commitment period. This could lead to an impasse, as several members of the Umbrella Group are not in a position to accept a second commitment period. The strategic choice at Durban will be whether BASIC is willing to make the compromises necessary on the long-term cooperative action (LCA) side to fulfill whatever conditions the EU and other progressive developed countries might need to agree to a second commitment period. The other option would be for BASIC to decide to side with the United States, and the majority of the Umbrella Group, in accepting a slide toward a “pledge-and-review” system enshrined in non-binding COP decisions, which stands little chance of even being legally “upgraded” to a legally binding framework for emission reductions for any country.

It is clear that the US/Umbrella Group will not expend any political capital to make the running on maintaining a binding structure such as Kyoto. This in turn hands BASIC countries an excuse to lower legal ambition in the LCA track, effectively killing off the possibility of a FAB deal. Accordingly, the crucial alliance that will need to be forged to avoid a non-legally-binding pledge-and-review system becoming the default rests largely with a deal being done between the EU and the BASIC countries, in particular China, on the long-term architectural vision for the climate regime. South Africa is already on board. If China also agrees, it is likely that India could

value of holding this position as a way of giving greater prominence to certain issues or controlling international processes such as climate change.

¹⁹. See for example, Jennifer Morgan, Reflections on the Cancun Agreements, December 14 2010, available at <http://www.wri.org/stories/2010/12/reflections-cancun-agreements>. See also Mark Lynas, An Island Adviser Sees Promise in Durban Talks, on the role of the Cartagena Dialogue at Cancun negotiations and expectations for Durban, <http://dotearth.blogs.nytimes.com/2011/11/16/an-island-adviser-sees-promise-in-durban-climate-talks/>

be persuaded and Brazil, too. In short, if China is agreeable to a continuation of the Kyoto Protocol beyond the first commitment period, they will need to find ways to give the EU enough of what it needs in terms of environmental integrity, market mechanisms, and flexibility on finalizing the form, time frame, and stringency of the EU's Quantified Emission Limitation and Reduction Objective (QELRO). The EU may also want an expression of commitment from bigger developing-country emitters to move toward a unified regime (single legal agreement) immediately after the expiry of the second commitment period in 2017 (see below). The EU in turn will have to find a way of reassuring China and developing countries that a second commitment period will not necessarily involve legally binding targets and consequences for developing countries such as BASIC on par with those to be agreed by developed countries.

At the same time, some degree of clarity will need to be found for all Parties to the Convention to ensure that countries that opt to be bound by Kyoto-style targets and accountability mechanisms beyond 2012 and those not so bound (such as the United States or Canada, Japan, or Russia, and possibly Australia) will eventually sit in the same "legal house." This means finding convergence criteria and legal and institutional pathways to unify what might become a fragmented legal regime as a result of only a sub-set of Annex B Parties accepting second commitment period QELROs. Progressive developing countries will need to support the emergence of such a deal politically, and help to find the compromises on a political package that can be agreed in Durban.

Likely blockers to exploration of this scenario might include Saudi Arabia and other OPEC countries, such as Venezuela. They could be joined by countries from ALBA that are non-OPEC, such as Bolivia, on the grounds that the deal being proposed is not ambitious enough or fails to secure climate justice. But countries that have taken a principled stance on the continuation of Kyoto, such as Bolivia, might also find a solution that allows only some Annex B Parties to move forward with CP2, provided it is coupled with a strong decision on the 2013-2015 review, which can set up a process to increase global ambition. If these insist on rejecting the CP2 as too weak, such countries should be asked to explain how a better solution can be found and a timeline for achieving them.

Dangerously simplistic, black and white expectations about securing a Kyoto Protocol second commitment period at Durban (the Saudi line of "to KP or not to KP" and Bolivia's all or nothing approach) may play well to public galleries. But fundamentally, this rhetoric presents a false choice. Adoption of amendments to establish a second commitment period for all Annex I Parties to the Kyoto Protocol that would come into legal effect through full ratification one year later is not politically feasible at Durban, and it could actually lock in low-ambition mitigation targets.

The only plausible scenario that comes close to maintaining Kyoto's rules-based approach without locking in low ambition involves the EU and progressive developing countries once again forging an alliance that extends the best features of Kyoto into the post-2012 period and then provides a strong review process for 2013-2015 to increase ambition. This would be complemented on the LCA with a clear mandate and timetable to adopt one or more legally binding instruments that covers emitters not covered in the KP, such as the United States, with the emissions of developing countries covered in ways that respect CBDRRC. Such an approach would put international pressure on the United States and the Umbrella Group to come back to the negotiating table to negotiate on "Kyoto compatible terms." More significantly, it would avoid enshrining a pledge-and-review system as the default outcome at Durban, which would then make it virtually impossible to get back to a framework that is comprehensive, science-driven, and gives the poor and vulnerable a chance to steer negotiations toward a safer planet.

6. Fostering more effective alliances

An alliance can only be effective if its members have a shared goal and values that help them navigate the shortest critical path to its achievement. Copenhagen and the FAB framework provide a clear goal and focal moment for what most CSOs and the vast majority of governments wanted to achieve collectively. It is clear now that there are only a handful of countries, albeit powerful ones, that are opposed to a balanced package on the KP and the LCA side and each is hiding behind the other.

But in hindsight, one of the reasons why the Copenhagen summit collapsed was the gulf of misunderstanding between what an intergovernmental process like the UNFCCC can deliver and what must be done by actors other than governments before, during, and after a meeting like Copenhagen to achieve the beneficial impact of the agreements reached. International agreements are rarely self-executing. Implementation requires as much, if not more, hard work than what is required to get the agreements in the first place.

The climate challenge demands more connected thinking and higher levels of collaboration among governments, businesses, and NGOs. One concrete suggestion is to improve understanding among CSOs about what international processes can and cannot deliver and to ensure that expectations match the institutional capabilities of the international system.

A first step would be to encourage the different climate “camps” to engage in creating a new vision and critical path that fosters a positive division of labor among and between “environmentalists” and those working on “climate justice”; “insiders” and “outsiders”; “activists” and “experts” and “UNFCCC/KP’ers”; and those working in non-climate fora such as the G-8, the G-20, and Multilateral Development Banks/ International Financial Institutions as well as newer leadership groupings like BASIC and BRICS. Developing stronger alliances between these actors who are active in various fora will help international negotiations produce agreements of the kind that can be rapidly implemented on the basis of strong political support. A key part of this exercise would be development of a deeper understanding of what CSOs might want as core “asks” from G8/G20/BRICS and how these support the “asks” made in core climate institutions, like the UNFCCC/KP.²⁰ Currently, too few NGOs working on the “inside” climate process are aware of, let alone working with, NGOs working on the broader economic justice issues in fora such as the G-20, where pledge-and-review processes are also being used to avoid powerful actors being held accountable.

In the climate regime, top-down mitigation targets that are international in nature are necessary to give effect to scientifically driven imperatives. Otherwise each country has a tendency to sign up to the bare minimum, as shown only too well by the Copenhagen pledges. Political pledges can be downgraded and abandoned overnight. International targets require domestic and international accountability mechanisms to allow progress to be assessed and politicians to be held to account. The international machinery associated with setting up targets and checking compliance with them at the international level is, however, very technical and appeals only to a few technical NGOs with resources. By their very nature then, top-down, scientifically driven targets are not an ideal starting point to start engaging the public and generating buy-ins from domestic constituencies whose cooperation is needed for implementation. Creating “task forces” or “round tables” that allow collective deliberations by those working on international climate policy – but that also draw in national accountability structures such as parliamentarians, elected officials, and policy experts from sub-national structures such as cities and regions – may be one way forward to bridge the divide between top-down and bottom-up perspectives, and build confidence in the international system. Issues such as low(er) carbon development planning or

²⁰. This deeper understanding will be developed post Durban based on what is achieved in Durban and further discussions with civil society about what they see as key opportunities and choices available in other fora such as G-8, G-20, and BRICS as well as other issues like environmental taxation and border tax adjustment issues being raised in other fora such as the EU and the WTO.

green growth lend themselves to this kind of organization mode. Issue-specific task forces could be set up under the COP but would function away from negotiations and would meet in other fora and meetings. This might be a useful way to “join up” vertical national and international conversations as well as horizontal conversations across multiple climate-related fora.

New coalitions and partnerships could also be fostered on specific neglected topics, such as loss and damage to climate impacts, which are of greatest relevance to developing countries and the most vulnerable populations, but which will eventually be borne by all. Countries that have done most to put this on the agenda (AOSIS and LDCs) do not have the institutional and human resources to initiate MRV and REDD+ type partnerships that have helped generate results on mitigation-related issues. But while “loss and damage” is at the early phases of its life as a policy issue, the topic is an area where stakeholder-driven research and collaborative policy analysis might produce results that can be agreed more quickly than analysis that is simply commissioned by just one government. Greater use could also be made of the UNFCCC secretariat’s analytical expertise as a source of trusted advice and can often provide input in much shorter time frames than a typical IPCC special report.²¹

Finally, another constituency that is not involved to the degree that it needs to be in the future is the green business and finance sector, especially from developing countries and including national development banks. A better understanding is needed of what this community needs to continue investing in greener jobs and other related investments.

²¹. See F. Yamin and J. Depledge, *The International Climate Change Regime: Rules, Institutions and Procedures*, CUP, 2004.

ANNEX A:

Traditional and Emerging Alliances and Groups

This section provides an overview of the main groupings and alliances currently operating within the climate regime. For ease, the groupings are organized under the following headings with a short section on each group describing its members. Most of the descriptive information about membership is from the UNFCCC website or the web.

- UN regional groupings
- Developed country alliances
- Developing countries alliances
- Mixed alliances and groupings

1. UN regional groupings

The member states of the United Nations are unofficially divided into five geo-political regional groupings. In the climate context, these exist mainly to facilitate appointments and elections to posts. Only the African Group is active on substantive issues. As of 2010, the 192 UN member states are divided into five groups as follows:

- the African Group (53 member states)
- the Asian Group (53 member states)
- the Eastern European Group, also known as Countries with Economies in Transition (CEIT) (23 member states)
- the Latin American and Caribbean Group (GRULAC), (33 member states)
- the Western European and Others Group (WEOG), (28 member states – plus 1 observer)

2. Developed country alliances

2.1 EU

As a regional economic integration organization, the EU is a Party to both the Convention and the Kyoto Protocol. However, it does not have a separate vote from its member states. Because the EU signed the Convention when it was known as the European Economic Community, the EU retains this name for all formal Convention-related purposes. The 28 member states are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom.

The EU has been a climate champion since 1992, exemplified by its offer to host the first COP in 1995 as well as the UNFCCC secretariat. It has historically played a leadership role in climate negotiations domestically and internationally on a number of issues. It has championed science-based targets and was one of the first blocs to put forward the need for a global goal (2°C). During Kyoto negotiations, the EU was a strong advocate of domestic policies and measures and insisted on limiting use of offsets. Many of its positions on environmental safeguards draw strong support from developing countries such as AOSIS/LDCs, which wanted to limit the use of surplus assigned amount units (AAUs) and to avoid cheap, difficult to measure offsets from deforesta-

tion, undercutting the rationale for domestic action. Efforts made by the EU to bring the Kyoto Protocol into legal effect are again testament to its leadership.

The establishment of the EU Emissions Trading Scheme in 2005, with over 10,000 regulated installations, has given the EU a central place in the world's carbon markets and, despite some early shortcomings, the environmental integrity of the EU ETS is improving and with it the credibility of the EU as a global leader committed to climate action. Unlike JUSSCANNZ (now the Umbrella Group), the EU has not historically asked for full legal symmetry of mitigation commitments between developed and developing countries and has been more respectful of issues relating to the CBDRRC and the "firewall." This was one of the key reasons why developing countries formed an alliance with the EU at COP 1, which led to agreement of the Berlin Mandate, which specified no new commitments would be negotiated for developing countries as part of the Kyoto Protocol process – an understanding that stayed in place until the adoption of the Marrakech Accords and the entry into force of the Kyoto Protocol in 2005.

The EU is one of the largest providers of climate finance and fast start finance since Copenhagen. In the context of current negotiations, the EU is still the only major group of developed countries that is willing to consider signing up to a second commitment period under Kyoto, albeit this is subject to conditions that include the prospect of a legally binding instrument covering the United States and bigger developing countries.

2.2 Central Group 11

The CG11 was the main negotiating coalition of Central European Annex I Parties, but most of its members are now part of the EU. As former economies in transition, few of these countries had strong environmental track records or interest in climate change as a global issue, and in some case are heavily reliant on coal (e.g., Poland). These factors tilt the EU into less ambitious positions. The rotating EU Presidency will be held by Poland from July – December 2011, and they are unlikely to push for ambitious outcomes.

2.3 Umbrella Group

The Umbrella Group is a now tightly organized coalition of non-EU developed countries chaired and coordinated by Australia that formed following the adoption of the Kyoto Protocol. Although there is no formal list, the group is usually made up of Australia, Canada, Iceland, Japan, Kazakhstan, New Zealand, Norway, the Russian Federation, Ukraine, and the United States. The Umbrella Group evolved from the JUSSCANNZ group, which was active during the Kyoto Protocol negotiations.

Most members of the Umbrella Group supported legally binding targets, market-based mechanisms, and strong compliance systems during the Kyoto negotiations. However, as of 2011, the group contains mainly laggard countries: those that have failed to ratify Kyoto (the United States); those that are likely to be out of compliance unless serious efforts are made (Canada); those whose emissions have grown substantially against Kyoto targets and are looking for cheap offsets (Japan); or those that are asking for banking of surplus AAUs for financial gain when these bring no environmental benefit (Russia). Japan and Russia have already made clear they will not be part of a second Kyoto commitment period and recently stated that negotiations of a new legal instrument should be deferred to 2018. The Umbrella Group has been the most vocal on the issue of graduation for major developing countries and most now subscribe to the US view that there should be equal legal treatment of major emitters, whether developed and developing. On all these counts, the group regularly collects more "fossil of the day" awards than any other group.

2.4 Environment Integrity Group

The EIG was formed in 2000 and comprises Mexico, the Republic of Korea, and Switzerland, along with Monaco and Lichtenstein. These countries found it difficult to be represented in elected bodies and at high-level ministerial meetings as they were not Annex I Parties or developing countries. Their interventions often try to build bridges and provide middle-ground positions.

3. Developing countries alliances

3.1 G-77

Group of 77 (G-77) and China is the largest negotiating alliance of developing countries. It operates from New York, where elections for Chairs take place on a rotating basis between Asia, Africa, and GRULAC. Since being founded in 1967 under the auspices of the United Nations Conference on Trade and Development, the G-77 has sought to harmonize the negotiating positions of its 131 member states, particularly on issues relating to finance, development, and trade. A disproportionate numbers of G-77 Chairs in the last 10 years have come from OPEC countries.

The G-77 has certain core positions and values that help define the collective interests of its now very diverse members. On substance, G-77 countries are strongly united around the principle of historic responsibility of developed countries as the basis of CBD/RC. The Group believes that technology transfer and financial resources should be provided to developing countries, which should not be burdened by additional costs of mitigating climate change or adapting to these. On institutional issues, the Group strongly asserts the principle of equitable geographic representation and demands political control of governance bodies to ensure these are responsive to developing-country needs rather than being driven by donor priorities. Meeting the 0.7 percent target for overseas development assistance is a long-standing G-77 demand within and outside the climate change regime, as is mandatory contributions to funds.

On climate issues, the G-77 only meets a couple of days ahead of the main UNFCCC meetings. It does not have a formal system of long-term analytical support (comparable to the OECD/Climate Change Experts Groups, which provides analytical advice on key issues relating to negotiations to all governments of the OECD/Annex I Parties). This explains in part why the G-77 can sometimes appear to be overly defensive about new proposals and ideas. It simply takes around 12-18 months for the Group to fully engage and understand complex issues from the viewpoint of its large membership base. The diverse languages and capacity constraints of its members also makes development of new positions much more challenging.

3.2 Least developed countries

LDCs are considered to be the world's poorest countries and, on that count alone, some of its most vulnerable. The criteria currently used by the Economic and Social Council for designation as an LDC include low income, human resource weakness, and economic vulnerability. Currently 50 countries have been designated by the UN General Assembly as LDCs. There is no central logistics or analytical support for the LDC group on climate issues, which is provided in a fragmented and ad hoc way by a number of NGOs with funding from progressive donors. The current chair is from Gambia.

3.3 African Group

The African Group is one of the five UN regional groups comprising 53 African countries. Although UN groups had mainly existed for nominations and election, for the last 10 years the African Group has become more active. It has also taken positions on substantive and procedural issues as well as major analyses on issues like finance. It presented position papers in the run-up to Copenhagen that generally focus on the high vulnerability of African countries, demanded ambitious action to limit temperatures to 1.5°C, and prioritized access to adaptation funding for Africa. The chair is chosen annually and is currently from Democratic Republic of Congo.

3.4 The Alliance of Small Island States

AOSIS was formed in 1989 at the eve of negotiations mandated by the UN to agree a framework convention. It now comprises 43 low-lying and island states. AOSIS has maintained a high profile in the negotiations on all issues covered by the Convention. Its unity comes from the fact that their very survival as states and societies is threatened by climate change and sea level rises. The group has been particularly active in demanding

ambitious, science-driven, legally binding targets and sufficient funding to cover the increasing costs of adaptation island countries face due to climate change. It has always been at the forefront of developing legal proposals and inputting into the design of institutional structures, and its representatives have often been seen as pragmatic bridge builders. They were the first to propose a draft text during the Kyoto Protocol negotiations calling for cuts in carbon dioxide emissions of 20 percent from 1990 levels by 2005.

AOSIS is based in New York. A chair is elected with a degree of rotation among the three main island regions (Pacific, Caribbean, and Mediterranean and Indian oceans). The current chair from Grenada is due to be handed over to Nauru at the end of 2011. Since its inception, one seat on the COP bureau is always reserved for a “small island developing states” representative – a provision that was enshrined into COP rules of procedure as a way of ensuring that the smaller, vulnerable countries were not excluded from decision-making, especially as within each UN region smaller countries often lose out to regional superpowers in terms of seats and elections.

3.5 Organization of the Petroleum Exporting Countries

OPEC was founded in Baghdad, Iraq, in 1960 by five countries: Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela, which are its founding members. It has a total of 12 members in total, the other 7 being Libya, Qatar, United Arab Emirates, Algeria, Nigeria, and Angola. Although these countries never speak publically as OPEC, they often coordinate positions and focus on mitigation issues that they insist must take into account their dependency on fossil fuel exports. Some of these countries have played a very disruptive procedural role in the last 20 years, trying deliberately to prevent the science of climate change from being officially accepted, siding with climate skeptics, and demanding equal time/priority for the issue of loss of profits from possible lost oil revenues to be treated as adaptation issues that affect loss of lives, livelihoods, and ecosystems on which millions of people depend. Because few countries and NGOs accept the substantive legitimacy of OPEC’s demands for compensation for lost oil revenues, a number of OPEC countries such as Saudi Arabia and Venezuela use their command of UN procedures to take other issues “hostage” and prevent progress on these in return for concessions.

Although dependency on oil exports is a big factor governing their climate positions, it is not the full story. Iran’s anti-American foreign policy stance was a key factor in making Iran fully support the adoption of the Marrakesh Accords in 2001 as a way to defy the rejection of the Kyoto Protocol announced by George W. Bush, even though US rejection of the Kyoto Protocol had been welcomed by Saudi Arabia. The US/Saudi Arabia alliance appears to have re-emerged recently as Saudi Arabia sided with the United States as the only two countries that raised objections to the work of the Transitional Committee designing the Green Climate Fund.

Some OPEC countries are becoming tired of OPEC’s procedural antics. The UAE, for example, has begun to distance itself from some of the extreme stances taken by Saudi Arabia. At Cancun, the Saudis were successful in getting recognition of “carbon capture and storage” in the Clean Development Mechanism, as they believe this will allow fossil fuel business to flourish as usual. For this reason, OPEC tends to insist on adoption of the most environmentally lax options and tries to ensure that other sectors (forests) are prioritized for mitigation instead of energy. Essentially, Saudi Arabia has joined the Convention to play a spoiler role from the inside. Its decision to ratify the Kyoto Protocol at the very last minute (only when it was certain it could not prevent its entry into force) is widely regarded as being fuelled by similar motives. Its U-turn in now being one of the diehard champions of Kyoto has to do with trying to prevent balanced progress on the LCA and KP tracks. It is aware that progress on only one track is a deal breaker.

3.6 League of Arab Nations

The Arab League, officially called the League of Arab States, is a regional organization of Arab states in North and Northeast Africa and Southwest Asia (Middle East). It was formed in Cairo on March 22, 1945, with six members: Egypt, Iraq, Transjordan (renamed Jordan after 1946), Lebanon, Saudi Arabia, and Syria. Yemen joined as a member on May 5, 1945. The Arab League currently has 22 members and four observers. The

main goal of the league is to "draw closer the relations between member States and co-ordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries." The League has become more visible lately, with Egypt playing a prominent role. In the main, these Arab states have followed Saudi Arab on procedural and substantive issues and have tended to question or block proposals from the Presidency or from parties urging compromise or a balanced progress on the Convention and the Protocol side.

3.7 Bolivarian Alliance for the Peoples of Our America

ALBA is an international cooperation organization based on the idea of social, political, and economic integration between the countries of Latin America and the Caribbean. It is associated with socialist and social democratic governments and is an attempt at regional economic integration based on a vision of social welfare, bartering, and mutual economic aid, rather than trade liberalization as with free trade agreements. ALBA member nations are Antigua and Barbuda, Bolivia, Cuba, Dominica, Ecuador, Nicaragua, Saint Vincent, and the Grenadines and Venezuela. It should be noted that the AOSIS members of ALBA do not negotiate climate change issues through ALBA but are represented primarily through AOSIS. ALBA was not formed with climate protection in mind. Accordingly, many of its positions in climate fora reflect its broader geopolitical aspirations and values rather than having much by way of benefit to climate change. Venezuela is the core ALBA member and is also a founding OPEC member and tends to follow the Saudi line of vetoing progressive action that might impact negatively on demand for oil.

3.8 BASIC

BASIC emerged in October 2009 based on an initiative from China. The BASIC environment ministers meet on a quarterly basis to share intelligence and to issue a joint statement with each country, chairing one session per year. The BASIC Experts Forum is a meeting of experts nominated by BASIC ministers who meet in parallel with BASIC ministers with the aim of providing analytical support upon ministerial request to BASIC meetings. Recent meetings have been attended by the Chair of G-77 and other chairs of AOSIS and the LDC/African Group. BASIC do not often make statements as BASIC in the UNFCCC but work through the G-77 to ensure their positions are articulated by as wide a group of countries as possible. There are probably more things on which BASIC members disagree than issues on which they agree. Brazil and South Africa have been supporters of legally binding approaches while China and India have not. The three IBSA countries are proud of their democratic traditions and are not really in the same economic league as China, and in the long term are rivals as far as access to natural resources is concerned. Apart from the current "firewall" issue and not being put in the same legal mitigation category as the United States, in many other areas their positions are fundamentally divergent from each other's and from the rest of the G-77. A request from Indonesia to join BASIC was turned down in 2010.

3.9 Central American Integration System

The members of SICA are: Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and the Dominican Republic. They meet regularly to share information and discuss joint positions and strategies of relevance to their highly interconnected region. They sometimes take positions but tend to work through other groups.

4. Mixed alliances and groupings

4.1 Cartagena Dialogue

The Cartagena Dialogue for Progressive Action (CD for short) is an informal space, open to countries working toward an ambitious, comprehensive, and legally binding regime in the UNFCCC, and committed domestically to becoming or remaining low-carbon economies. These countries are willing to work positively and proactively

together, within and across regional groupings and traditional negotiating blocs in the UNFCCC. The aim of the Dialogue is to discuss openly and constructively the rationale behind each other's positions, exploring areas of convergence and potential areas of joint action. The Dialogue does not replace existing regional and political groupings, but complements them by providing a safe space for countries to reach out and talk to others, which is especially valuable as it includes Annex I and non-Annex I Parties from all of the major groupings described above.

The first meeting of the Dialogue was hosted by Colombia in Cartagena in March 2010 and provided an important opportunity for countries to reflect on the shortcomings and achievements of COP 15/CMP 5 held in Copenhagen a few months earlier. Participants were able to discuss candidly the need to work better across and within their respective groupings to secure a higher degree of success for future multilateral negotiations. The second and third meetings of the Cartagena Dialogue were convened respectively by the Government of the Republic of the Maldives in July 2011 in Male and then by the Government of Costa Rica in October 2011 in San Jose. The focus of both meetings was to understand core positions and where these diverged and to discuss options that might best capture the most ambitious solutions feasible. Apart from these "offsite," more reflective meetings, participants in the Dialogue have found it useful to set aside time for discussions at working sessions of subsidiary bodies and the AWGs.

The fourth meeting of the Cartagena Dialogue for 2011 took place in Lilongwe, Malawi, from March 8-10, 2011. Delegations from 34 countries from across Africa, AOSIS, the EU, Latin America, Oceania, and South-east Asia participated in the meeting, including the President of the sixteenth session of the Conference of Parties to the UNFCCC (COP 16), Mexico, and incoming President for this year's COP 17 in South Africa. The meeting focused on an analysis of key challenges arising from the adoption of the Cancun Agreements. Participants engaged in open, frank, and constructive exchanges on their shared priorities for international climate talks in 2011, as well as ways to operationalize key architectural elements contained in the Cancun Agreements in ways that are conducive to the collective desire of CD countries to work toward a legally binding framework for post-2012. Participants identified seven focal areas during the Lilongwe meeting for future work in 2011 including:

- Legal options
- Adaptation
- Mitigation commitments and pledges
- Transparency (MRV)
- Raising ambition including modalities for 2013-2015 Review
- Low-carbon growth plans and
- Finance

The Dialogue met in full session in Samoa in July and in Chile in November 2011. The core issues for work are the complex, cross-cutting, and interconnected issues where balance is needed to secure a successful outcome at Durban. These include legal form, mitigation, the 2013-2013 review, and MRV rules and procedures. Currently, there is no independent funding or logistical support for the CD. This has allowed delegations to offer funding and in-kind contributions and has meant every delegation can contribute something. But it has also created logistical and political complexities about governance structures and membership.

4.2 Central Asia and Moldova

CACAM refers to Armenia, Uzbekistan, and Turkmenistan, on behalf of Central Asia, the Caucasus, and Moldova. These countries submitted a letter dated July 27, 2001, to the Executive Secretary. The letter expressed concern regarding the definition of the term "developing countries" as used in the Convention, the Protocol, and COP decisions to determine recipients of financial, technological, and capacity-building support. The CACAM countries sought a clear definition of "developing countries" or a reference to relevant legal texts contain-

ing such a definition. The term "developing countries" is not defined by the Convention and does not encompass all the Parties not included in Annex I to the Convention (non-Annex I Parties), since some of these do not consider themselves to be developing countries. No progress on refining the definition of "developing country" has been made.

4.3 Major Economies Forum on Energy and Climate

The MEF was launched on March 28, 2009. It was intended to facilitate a candid dialogue among major developed and developing economies, to help generate the political leadership necessary to achieve a successful outcome at the December UN Climate Change Conference in Copenhagen, and to advance the exploration of concrete initiatives and joint ventures that increase the supply of clean energy while cutting greenhouse gas emissions.

The 17 major economies participating in the MEF are: Australia, Brazil, Canada, China, the European Union, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, South Africa, the United Kingdom, and the United States. Denmark, in its capacity as the President of the December 2009 Conference of the Parties to the UN Framework Convention on Climate Change, and the United Nations, have also been invited to participate in this dialogue.

Discussions at the MEF have contributed to clarifying options and to ironing out some compromises and agreements on key issues. But the MEF has not been able to replace the centrality of the UNFCCC/KP negotiations.

4.4 REDD+ initiatives

The Coalition for Rainforest Nations was set up by Papua New Guinea in 2005 and was key to putting the REDD issue on the international agenda. Its objective is to reconcile forest stewardship with economic development. Participating countries include: Argentina, Bangladesh, Belize, Cameroon, Central African Republic, Chile, Congo, Costa Rica, Cote d'Ivoire, DR Congo, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, El Salvador, Fiji, Gabon, Ghana, Guatemala, Guyana, Honduras, Indonesia, Jamaica, Kenya, Lesotho, Liberia, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Samoa, Sierra Leone, Solomon Islands, Suriname, Thailand, Uruguay, Uganda, Vanuatu, and Viet Nam.

The UN-REDD Programme is the United Nations Collaborative Programme on Reducing Emissions from Deforestation and forest Degradation (REDD) in developing countries. The program was launched in September 2008 to assist developing countries prepare and implement national REDD+ strategies, and builds on the convening power and expertise of the Food and Agriculture Organization of the United Nations, the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP). The program currently has 29 partner countries spanning Africa, Asia-Pacific, and Latin America, of which 13 are receiving support for National Programme activities. These 13 countries are: Bolivia, Cambodia, Democratic Republic of the Congo, Ecuador, Indonesia, Panama, Papua New Guinea, Paraguay, the Philippines, Solomon Islands, Tanzania, Viet Nam, and Zambia. To date, the UN-REDD Programme's Policy Board has approved a total of US\$55.4 million for its nine initial pilot countries and four new countries (Cambodia, Ecuador, the Philippines, and Solomon Islands). These funds help to support the development and implementation of national REDD+ strategies. National Programmes in seven UN-REDD Programme countries are now in their implementation phase (Bolivia, Democratic Republic of Congo, Indonesia, Panama, Tanzania, Viet Nam, and Zambia).

UN-REDD Programme countries not receiving direct support for National Programme activities engage with the Programme in a number of ways, including as observers to the Programme's Policy Board, and through participation in regional workshops and knowledge-sharing facilitated by the Programme's interactive online workspace. These countries are: Argentina, Bangladesh, Bhutan, Central African Republic, Colombia, Costa Rica, Gabon, Guatemala, Guyana, Kenya, Mexico, Nepal, Nigeria, Republic of Congo, Sri Lanka, and Sudan.

List of Abbreviations

AAU	Assigned amount units
ALBA	Bolivarian Alliance for the Peoples of Our America
AOSIS	Alliance of Small Island States
ASEAN	Association of Southeast Asian Nations
AWG	Ad hoc Working Groups (UN)
BASIC	Brazil, South Africa, India, China
BEF	BASIC Experts Forum
BRICS	Brazil, Russia, India, China, South Africa
CACAM	Armenia, Uzbekistan, and Turkmenistan, on behalf of Central Asia, the Caucasus, and Moldova
CBDRRC	Common but differentiated responsibility and respective capabilities
CD	Cartagena Dialogue for Progressive Action
CEC	Commission for Environmental Cooperation
CEIT	Countries with Economies in Transition
CG11	Central Group 11
CMP	Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol
COP	Conference of the Parties (UN)
CP2	Second commitment period to the Kyoto Protocol
CSO	Civil Society Organization
DAP	Development Action Plan
EIG	Environment Integrity Group
ETS	Emissions Trading Scheme (EU)
FAB	Fair, ambitious, and binding
GCF	Green Climate Fund
GRULAC	Latin American and Caribbean Group
IBSA	India, Brazil, South Africa
IGO	Intergovernmental organization
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
JUSSCANNZ	Japan, the United States, Switzerland, Canada, Australia, Norway and New Zealand
KP	Kyoto Protocol
LCA	Long-term cooperative action
LDC	Least developed countries
MEF	Major Economies Forum on Energy and Climate

MRV	Measurement, reporting, and verification
NGO	Nongovernmental organization
OECD	Organisation for Economic Co-operation and Development
OPEC	Organization of the Petroleum Exporting Countries
QELRO	Quantified Emission Limitation and Reduction Objective
REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and forest Degradation
REIO	Regional Economic Integration Organisation
SAARC	Southeast Asian Association for Regional Cooperation
SICA	Central American Integration System
SIDS	Small Island Developing States
SPREP	Secretariat of the Pacific Regional Environment Programme
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	UN Framework Convention on Climate Change
WEOG	Western European and Others Group
WTO	World Trade Organization