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Paris Climate Change Summit: Why it is Bound to Fail

By Raman Letchumanan

Synopsis

Expectations are high for a good and fair new climate change agreement at the much anticipated on-going climate change summit in Paris. Such expectations are elusive if the negotiations fail to face reality and set aside divisive national interests for the global good, humanity and the planet.

Commentary

AFTER 21 YEARS of negotiations, hopes are high that a new climate change agreement at the 21st Conference of Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris will break new ground on saving the planet from the grave threat of climate change. However, the obstacles to reaching a deal is not on the issues perse, but how the UNFCCC negotiation process itself has not addressed or postponed critical decisions thus far, which Paris has to now resolve. Under the pretext of a new comprehensive global deal, the Paris talks are expected to address the failings of past negotiations and resolve it at one go.

The Paris talks should certainly avoid the habit of making key decisions at the eleventh hour, in many cases beyond the scheduled Friday close, up to the late hours of Sunday. At that late hour, decisions are focused on “compromise language”, by a small group of key negotiators, which then continues to haunt subsequent negotiations as to its actual meaning, intent and applicability.

Curse of eleventh hour deals

In Kyoto in 1997, where the Kyoto Protocol was adopted, the eleventh hour break-

through came with the agreement on the Clean Development Mechanism (CDM) where developed countries insisted that they should be allowed to make cheaper investments in developing countries to meet their national emission reduction targets. However, CDM turned out to be the primary means of reducing developed country commitments. The US refused to ratify the Protocol.

These led to the failure of the Kyoto Protocol with almost all countries not meeting their targets, and consequently a collapse of the market carbon price. Least Developed Countries expecting a windfall through the Adaptation Fund resourced from the CDM were left high and dry. Paris now has to address the future fate of the Kyoto Protocol.

In Bali in 2007, again at the eleventh hour deadlock, Papua New Guinea had to tell the US to “get out of the way” if it was not willing to lead. The compromise language came in the form of “Nationally Appropriate Mitigation Actions (NAMAs)” where developing countries agreed to cut emissions, subject to receiving adequate financial support, in particular. The Bali talks were expected to lead to a comprehensive deal in Copenhagen two years later.

In Copenhagen in 2009, however, developing countries insisted on “show us the money first” as promised for their NAMAs. A last-minute attempt promising US\$30 billion immediate short-term finance, among others, failed to reach consensus on the Copenhagen Accord.

That elusive global deal continued through to Durban (South Africa) in 2011. A compromise deal at the eleventh hour resulted in a decision to launch “*a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties*”. Negotiators since then, as sculptors furiously chipping away without first agreeing on its final form, have produced a 54-page text with full of brackets and options, to be settled at Paris. The legal nature of the final draft may yet make or break the negotiations at the eleventh hour in Paris.

Tweaking lifestyles vs losing livelihoods

Yes, all issues inherited from the past are on the table in Paris, and none, including previously agreed principles, is sacrosanct. The battle lines are clearly demarcated: developed vs developing, rich vs poor, mandatory vs voluntary mitigation actions, givers vs takers in the context of finance, technology and capacity building etc. But this was not what the 1992 UNFCCC envisaged based on the universally accepted principles and value systems such as equity, sustainable development, precautionary measures (approach), historical responsibility, common but differentiated responsibility, polluters-pay-principle, and the right to development, livelihood and clean environment.

In fact from the humanistic point of view, it is simply a matter of tweaking lifestyles vs losing livelihoods. In Southeast Asia for example, the choice for the latter group is to restrain from using fires to cultivate their land, or worse risking life, limb and property to weather-induced disasters.

In fact national boundaries do not distinguish between rich and poor, or where

disasters will strike. Developed and Developing Countries should realise that their socio-economic development will change over time, and their obligations and commitments will also change over time as they negotiate the future climate agenda over the next 100 years.

Unfortunately, looking at the current draft negotiating text (as of 10 November), even the principle and value-based approach is being questioned. All the principles mentioned above are bracketed, and even references to the UNFCCC is in brackets - that means subject to negotiation. It would be a sheer nightmare if the Paris talks unravel what has been agreed, and is still applicable, at the historic Earth Summit in Rio in 1992.

A principles- and value-based approach

Rather than focussing on numbers and operational details, Paris should take on a principles- and value-based approach building upon the provisions of the UNFCCC. It is good that, through the Intended Nationally Determined Contributions (INDCs), countries have expressed what each can do, in terms of mitigation, adaptation, finance, technology etc.

However the UNFCCC Secretariat, in analysing the 147 INDC submissions as of 1 October 2015, has found that global emissions are expected to be higher by 37-57% by 2030 compared to 1990 levels, a far cry from the reduction of 25-40% called for by the world's scientists. Nevertheless, there is a discernible reduction in the rate of growth of future emissions.

More tellingly, all countries have reported well-developed plans and strategies to reduce emissions through their national effort, and that they could do more if the environment is facilitative and conducive. This is the key lesson for the Paris talks: to facilitate countries, the private sector, the society and communities to do their part for climate change; without being overly intrusive and prescriptive, but to set a global level-playing field and empower the transformation towards a low-carbon society. In fact, most of the gains in climate action so far should be attributed to private sector enterprise, technological innovations, and the environmentally-conscious society.

In a break from tradition, world leaders gathered in Paris on 30 November 2015 on the first day of the two-week Conference. All of them have espoused the principles and value-based approach in combating climate change, and committed to urgent ambitious actions in addressing the threats of climate change. Their officials should take the cue as they navigate the negotiating text, and not quibble on language and who does what. Otherwise, Paris will set itself up for the classic eleventh hour deal, where decisions become meaningless and contentious.

If COP21 in Paris fails to deliver and lead, then it is time for the UNFCCC "to get out of the way".

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