

ECO



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Making it Stick

After reading yesterday's ENB (loyal readers may not have noticed – but yes, there is another daily newsletter out in the halls), ECO was delighted to see that several developing countries had verbalized their desire for a legally binding instrument. ECO very warmly welcomes these moves. Having consulted with some legal eagles hanging around in the corridors of the Maritim, ECO has learned that there seem to be different levels of bindingness in international law. While COP decisions are in a sense binding, they are *not as binding* as formal treaty provisions.

In order to nail down the ambitious outcome the world needs in Copenhagen, Parties must choose the most certain and unambiguous legal form. Therefore, the main commitments and actions to be undertaken in the future, the new architecture for technology cooperation and financial support for both adaptation and nationally appropriate mitigation actions by developing countries need to

be stipulated in treaty provisions.

At the same time, Parties have been discussing whether the Copenhagen outcome should be expressed in one or two instruments. While it may be too soon to resolve this question, ECO feels strongly that the outcome should preserve the core elements of the Kyoto Protocol. We have all worked too hard over too many years to toss it away. Those elements include: international rules on accounting, reporting and review; the use of AAUs, which establish clear obligations for developed countries and enables Parties and observers to assess the comparability of efforts; and a compliance system that provides a solid basis for going forward. Accordingly, ECO gets a bit worried by some developed countries pushing too fast towards a single completely new instrument that would supersede the Kyoto Protocol. For the moment, ECO invites Parties to rather focus on enhancing consensus on the fact that a legally binding treaty is needed!

The Convention is not a Shopping List

In this process, progress on all issues is required. We won't reach an agreement in Copenhagen that covers only certain aspects of the Bali Action Plan. We either tackle all points on the table, or we have no outcome. This is a scary notion, considering the multitude of issues being discussed. We don't want to reach Copenhagen, and find that, oops, because 'the social and economical impacts of response measures' has been left behind we are unable to sign an agreement. Perhaps this is a bit of an exaggeration, but it is important to have progress on all issues simultaneously. Why? Well, every issue is a priority for one party or another; and if a Party sees no progress on their issue(s), this can cause them to become the nasty 'blockers' that everyone hates. They can start using the kind of tactics that we teach our children not to do: arm-twisting, threatening, bluffing, etc.

With the example mentioned above – 'the

social and economical impacts of response measures' – this is the key issue for Saudi Arabia and has clearly been pushed down the agenda by several of the Parties. And let's be clear, the issue is not just about the impact on the oil trade, and no one (we hope) is suggesting giving money to the Saudis. But it is crucial to understand how our actions to fight the impacts of our common enemy, climate change, will also themselves have an impact, and we need to understand what this is.

Therefore, we would like to remind everyone with CAN's position on the issue of 'response measures':

The primary objective of this convention is to fight climate change and its impacts. In no way can addressing the 'adverse effects of response measures' hinder us from achieving this ultimate objective. For CAN this objective is that emissions need to peak

–continued on back page, col. 2

Time to Believe

This week's negotiations – no matter how stagnant they may feel – are bringing us one step closer to our common goal of delivering a courageous and fair global deal to secure a safe climate for our children and future generations.

But ECO's sixth sense detects some cynicism in the halls – a lingering shadow over the talks, occasionally expressed in a quiet comment here and there, that indicates a lack of belief that we can achieve all of our most ambitious hopes. As an antidote of sorts, ECO would like to point out that there is still room for optimism: hidden deep in the 200-odd pages, we actually have great options in the text which, if kept, will achieve a truly great and historic agreement in Copenhagen. We can choose to keep these options, to protect the most vulnerable and least culpable; to have ambition in our targets and to ensure that all nations true best interests are protected.

The Copenhagen Deal and all that follows on from it will be of our making. On the last day of 2009, when we look back to judge ourselves on the outcomes of 2009, what do you believe you will be looking back on? Can you dare to dream of full success at Copenhagen, which will leave a legacy for centuries, even millennia? No other generation has had this challenge or this opportunity. It is truly humbling.

But then again, no other generation has left a world to their children so much more damaged than the world into which they were born. Will we continue this trend, or will we change course? The cynics among us would argue the former, the dreamers the latter. ECO today asks the cynics to please, dare to dream. Because the act of being a cynic (often covered up by the term 'political realist' or 'politically pragmatic') itself closes the possibility of success.

When the economic crisis hit, the world rallied and came up with huge funding almost

–continued on back page, col. 1

REDD should be about REDD

We applaud the bold initiative of the Facilitator of the LCA sub-group on REDD, to conduct a series of consultations with individual Parties and groups in order to produce a more manageable negotiating text. Clearly, financing is on top of the list of priorities for many delegations. No money, no REDD. But it is also vital that we achieve understanding on the Objectives and Scope of REDD before we go much further.

Our concern is that the core objective of avoiding the destruction of intact natural forest (REDD) has become obscured with too much emphasis on REDD+. The surest way to reduce emissions is by conserving intact, natural forests. Other forest management practices can help, but let us not lose sight of this focus. REDD should have priority over REDD+.

We urge Parties to adopt an ambitious aim for REDD to end greenhouse gas emissions from deforestation and forest degradation in developing countries by 2020.

As the Convention on Biological Diversity's Ad Hoc Technical Expert Group (AHTEG) points out, the destruction and degradation of natural tropical forests is, by far, the most important and urgent forest-related issue, in terms of emissions, biodiversity loss, the provision of ecosystem services and livelihoods for indigenous and local people. Modified natural forests (i.e. those that have been logged or degraded) have lower carbon stocks, less biodiversity and less resilience to climate change than primary forests, and monoculture and limited species plantations the least of all.

A REDD+ regime without priority given

–Time to Believe, from front page
overnight. This inspirational action was taken to help prevent further financial chaos. The climate crisis can receive the same level of response and show commitment to people's livelihoods and communities. Solutions are possible. The only barrier is lack of political will. But every day, more and more people are working hard to give decision makers the mandate to take courageous action now to switch to a low carbon and climate resilient economy. This will deliver immediate benefits as well as long term climate stability.

At the Bonn meeting in June a leading scientist said, "We can negotiate about the climate, but we can not negotiate with the climate". We can not ask the climate for more time, we can not ask it to be less sensitive. It will do what it will do in response to our emissions. The choice of impacts is therefore up to us. Dare to imagine this scenario: this December in Copenhagen, we take account of the latest science. The United Nations heals its divisions, rises to the challenge and actually 'unites', with all nations contributing to

to the conservation of natural forests could result in attention and resources being diverted to the establishment of plantations at the expense of slowing and halting deforestation and degradation.

Some current proposals (e.g. x.7 of the LCA text) suggest retaining the forest definition of the Marrakesh accords (16/CMP.1). This definition doesn't make any distinction between natural forests and plantations, creating the potential for conversion of primary forests to plantation monoculture with no recognition of the loss of carbon, biodiversity, or other ecosystem services that has occurred. Why not use the existing FAO definitions instead which distinguish between primary forest, modified forests and plantations?

Natural forests are not only important for biodiversity, but they provide livelihoods for about 1.6 billion people, most of whom have historically helped to conserve their forests. Both REDD and REDD+ should directly benefit local communities and Indigenous Peoples and their rights must be respected.

It is thus vital that an agreement on REDD as well as REDD+ contain both biodiversity and social safeguards. The current LCA text contains some potentially promising provisions for these but they must be strengthened significantly, e.g. by including an effective conflict resolution mechanism. There is a danger that in the drive to get a consolidated and more manageable text, some of the few clauses that contain such safeguards will be lost. This would be self-defeating, because forests will only hold the carbon we expect from them if we take care of biodiversity and the well-being of people as well.

the climate solution, and mutually supported to take the most ambitious possible action. When we sit with our families at the end of December, we will be able to reflect back on an exhausting year, culminating in a daze of frenetic and strained meetings in Copenhagen which pulled a miracle out of the jaws of defeat. We cannot let our cynicism lock that possibility out of reality. Just as failure is unimaginable, success is imaginable, it is possible.

–Shopping List, from front page
around 2015 and be reduced globally by more than 50% by 2050. Now, on the way towards achieving this ultimate objective, we need to choose the path that creates the fewest *negative* impacts. [Note: the word 'negative' is emphasized, since response measures can also have many positive effects, and this needs to be recognized.]

Having considered this example, Saudi Arabia also needs to recognize the need to go forward on all other issues – to ensure everyone's survival.

Money from Fresh Air

The issue of bunker fuels has been around for a long time, yet not everyone realizes its dual importance:

Firstly, in the long term, if the aviation and maritime sectors continue their rapid growth with no mitigation targets, the 2°C limit is seriously under threat.

Secondly, and less well-known, new sources of financing could be made available by including long-delayed action on bunker fuels in the Copenhagen agreement: it is estimated that revenues of several US\$10bn could be raised annually from measures to control these emissions.

Not only does this represent a substantial proportion of the money needed for adaptation and mitigation in developing countries, it also would offer a stable source of funding that does not depend on government pledges. Revenues could be collected from operators and paid directly in to an international fund under the Convention, greatly increasing their predictability.

This is attractive!

In this way, emissions would be reduced, at the same time generating a net flow of finance for developing countries. Put in the language of the Bali Action Plan and the Convention, this would be a way for developing countries to participate in a cooperative sectoral approach, as provided for by Article 4.1 c of the Convention ('practices and processes that... reduce... emissions... in all relevant sectors, including... transport') while having their full incremental costs met, as required by Article 4.3.

IMO and ICAO have been far too slow at developing measures to tackle bunker emissions, so it is important that the UNFCCC now takes decisive action. This body has the overview of climate change mitigation and financing, and as such is the appropriate place to set targets for the sectors, and put in place a financial mechanism that ensures an equitable approach.

Control of emissions, easy money: what's not to like?

LUDWIG

Ludwig was with some friends last night, intending to make plans for Bangkok, but he realised they needed to decide first what to do over the next two days. However, he couldn't even make up his mind about this, so he decided to step outside while he mulled things over. His friends were kept waiting for ages – but in the end all he could come up with were some totally unrealistic suggestions.

Ludwig is hoping to decide about Bangkok tonight...