

THE HISTORY OF GLOBAL CLIMATE GOVERNANCE

In 1979, global scientists concluded that climate change is a serious threat to humankind, and in 1992 the United Nations Framework Convention on Climate Change was adopted. However, more than 20 years later, although considerable progress has been made and the scientific community continues to provide evidence of climate change, we are still struggling to provide effective global governance to mitigate emissions and address its impacts.

What has happened globally on the climate change issue? How have countries' positions differed over time, and why? How are problems and politics developing on an increasingly globalized planet, and can we find a solution?

In this book, leading expert Joyeeta Gupta explores these questions and more, explaining the key underlying issues of the conflicts between international blocs. The negotiation history is systematically presented in five phases which demonstrate the evolution of decision making. The book discusses the coalitions, actors and potential role of the judiciary, as well as human rights issues in addressing the climate change problem. It explains that the process demonstrates progress but demands learning from past issues, and argues for a methodical solution through global law and constitutionalism, which could provide the quantum jump needed in addressing the problem of climate governance. This fascinating and accessible account will be a key resource for policymakers and NGOs, and also for researchers and graduate students in climate policy, geo-politics, climate change, environmental policy and law, and international relations.

JOYEETA GUPTA is Professor of Environment and Development in the Global South, in the Department of Geography, Planning and International Development Studies at the University of Amsterdam. She also works as part of the scientific steering committees of many different international programmes including the Global Water System project and the Earth System Governance project. Professor Gupta is editor-in-chief of *International Environmental Agreements: Politics, Law and Economics* and is on the editorial board of several journals, including *Carbon and Law Review*, *Environmental Science and Policy* and the new journal on *Current Opinion in Environmental Sustainability*. Her published work includes writing as a lead author for both the IPCC Report – which shared the 2007 Nobel Peace Prize with Al Gore – and the *Millennium Ecosystem Assessment*, which won the Zayed Second Prize, in addition to several books on climate change including *The Climate Change Convention and Developing Countries – From Conflict to Consensus?* (Kluwer Academic, 1997); and *Our Simmering Planet: What to do About Global Warming* (Zed Publishers, 2001). She is also the co-editor of *Mainstreaming Climate Change in Development Cooperation* (Cambridge University Press, 2010).

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‘Joyeeta Gupta’s analytical history tour of a quarter-century of climate change negotiations provides a good entry point for newcomers and a pause for reflection by veterans. The former will benefit from the foundations of her analysis in climate science and sustainability, while the latter will be intrigued by her outreach to the domains of international law and human rights.’

MICHAEL ZAMMIT CUTAJAR, Executive Secretary, UNFCCC Secretariat, 1991–2002; Chairman of the Guardian of Future Generations, under the Sustainable Development Act (2012), Malta.

‘This is an authoritative account of the history and complex political developments surrounding climate governance negotiation. Joyeeta Gupta has created a well-organized and interesting narrative, which will be extremely useful for anyone interested in climate change issues.’

DR YOUNBA SOKONA, Board Member, South Centre; Coordinator of the African Climate Policy Centre (ACPC) at the UN Economic Commission for Africa (UNECA); co-chair of the IPCC Working Group III.

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To Hans van der Hoeven, without whose unconditional encouragement and support during the last 25 years my work on climate change and this book would have been impossible.

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Foreword

YVO DE BOER

The climate change problem is a complex, multi-dimensional, systemic problem with a long temporal dimension. As a post-industrialization challenge, it has a long history; as its impacts will be felt long after the concentration of greenhouse gases have been stabilized, it has a long future. As it challenges our way of life, it is not just a technological problem, it is in essence a political problem. And as it ironically will affect all of us, it also has a way of bringing the whole world together. We are all dependent on each other for addressing the problem.

While in the past, the problem was essentially caused by the industrialized countries, this is now changing. The changing geo-politics of the world has brought new emitters into the picture. The victims of climate change remain the most vulnerable to the impacts of climate change. Although the problem is one that concerns the global commons, the way we share our rights to development with each other will remain the enduring problem, unless we can re-define and decarbonize our development pathways. This latter issue is not just a technological problem, it is deeply political – as it is politics that will create the space for economic investment in innovation by levelling the playing field. But levelling the playing field is not simply a matter of applying the same rules to all, it also means addressing global inequities.

This is what we have been negotiating about within the United Nations context. For the last 30 years we have given shape to the global discussions on climate change in the hope that we can find the way in which all our societies move towards a low-carbon future. The politics of negotiations shows how path-dependent this can be. Past behaviour shapes current intentions and current intentions will shape future behaviour. Any effort to understand the negotiating process will require an understanding of how past negotiations took place and how it shapes the current conflicts and opportunities. This is where this book attempts to shed light and provides an authoritative historical perspective of what has happened so far. Brought up in India, educated in the United States, and researching on North–South aspects,

transatlantic aspects and the multi-level governance aspects of climate change both in the developed and the developing countries for the last 23 years in the Netherlands, Professor Gupta is well-placed to provide a cosmopolitan view of the negotiations as they have unfolded.

A key argument made in the book is the notion of the leadership paradigm. This was conceived early on in the pre-negotiation phase as a way to ensure that the developed countries would lead by reducing their own emissions and by helping developing countries to reduce their emissions. This was a positive paradigm as it focused on the technological and economic opportunities for change and not on finger pointing as to who was responsible and who should be held liable. It was conceived at a time when the developing countries were not yet committed to an irrevocable neo-liberal paradigm, their emissions were low, and their development pathways as yet undefined. It was conceived at a time when many technologies were available and only needed the political and economic space to develop. And yet the social contract underlying this paradigm was compromised by the inability of the United States to irrevocably commit to a stabilization target in 1992. This affected the political will in the rest of the developed world. By 1997, the United States helped the global community to design a regime that would mobilize the world, even if the United States itself was unable to participate effectively in the process. The leadership paradigm held on but was slowly beginning to crumble.

As this book argues, as time passes the room for emitting greenhouse gas emissions becomes smaller and smaller, if the global community wants to avoid dangerous climate change. This implies that the negotiating problem becomes more and more acute as there are less and less emissions to share between countries. This is particularly challenging when recession begins to hit the global economy – because while this causes a dent in the growth of emissions, it also reduces the commitment to address the problem as other issues such as youth unemployment and a struggling economy become priorities. Twenty years after the United States' unwillingness to accept a binding target in the Climate Convention, when Canada announced that it would also not participate in the post-2012 second Kyoto period, the domino effect was launched with Russia, Japan and New Zealand following suit. Leadership now rests uneasily on the shoulders of the European Union which is also struggling to cope with its own internal economic and financial crises.

Meanwhile, the world has changed. Some large developing countries have opened up their economies, embraced the neo-liberal path and are on the way to rapid growth. They are caught between feeling cheated by the failed leadership paradigm and the growing expectation that they should take action. They are caught between the feeling that they are 'damned' if they reduce their emissions, and 'damned' if they don't as the expected impacts are likely to hit hard. They cannot quite see their way out of this process. A vast majority of vulnerable peoples

and countries are at the losing end of this tug-of-war in the negotiations on who should take what types of action first. This is where we are today.

And yet this book ends with a positive note. It argues that such a problem is unprecedented in human history and is a test of human ingenuity in being able to govern itself. It argues that it is inevitable that it will take time, because we are negotiating in a multi-speed world which includes extremely advanced countries, extremely vulnerable countries, and countries in conflict. It is therefore inevitable that the global learning process will take time. It argues that the mobilization of a global community may lead to the development of ideas and opportunities for addressing the problem as third-order learning sets it. It argues also that there is need for further developing legal tools – ranging from the recognition of human rights, to liability for causing harm to others, to global constitutionalization – as a way to bind humans together in this common endeavour. Law needs to provide a balance to politics to create the economic and technological space to solve a shared problem with huge equity implications.

Whether you agree with Joyeeta Gupta's interpretation of the history of climate governance or not, this book provides a short and compelling global overview of what has happened so far in the international negotiating process and the options for the future. It also shows how far we have come in first- and even second-order learning. The question is – are we ready for third-order learning?

Yvo de Boer is presently KPMG's Special Global Advisor, Climate Change and Sustainability. He was appointed by UN Secretary-General Kofi Annan as the Executive Secretary of the UNFCCC in 2006 and he held this position until 2010.

Preface and acknowledgements

I arrived in the Netherlands in 1988 and, upon completing a short assignment on the international trade in hazardous wastes, I was appointed by Pier Vellinga to help with national climate change policy and preparations for international negotiations. I was plunged into the preparations for the Noordwijk Conference on Climate Change and thereafter had to support the climate change department with its efforts at trying to develop both directional and instrumental leadership on the subject. Directional leadership was in terms of identifying the key principles, strategies and policies needed to help reduce the emissions of greenhouse gases and to show that it was possible and that it could generate co-benefits. Instrumental leadership was undertaken through a number of bilateral journeys to neighbouring countries, including those with economies in transition, to try and convince them to take on a stabilization target. Those were the heady days of supporting a proactive strategy in climate governance.

The speed with which the policy process moved in those days was unprecedented. Science was institutionalized and political processes were galvanized and, in a record two years, the United Nations Framework Convention on Climate Change was adopted. I moved out of the Environment Ministry to work on my PhD on climate change, and the interviews I conducted in those early days were very revealing. There appeared to be much conflict behind the consensus!

Over the 15 years since, the conflict has surfaced more prominently than ever. I remember that at Noordwijk, the US delegation had clarified that it shared the development aspirations of the developing countries. That has been the crux of the problem. All countries want to develop and few see a green, affordable way to do so. There are technological options available but the world is locked into an institutional and technological infrastructure. Developed countries do not wish to lose their competitive edge, developing countries want to catch up and if possible overtake. This underlies the dynamics of the negotiation process thus far. However,

I am very hopeful. Humans are ingenious and learning takes time. We will surely find the way to unlock the dilemma in which we find ourselves today. In the process, the vulnerable may increasingly become exposed to the impacts of climate change and it is necessary to find a way to both compensate them and to use them as a strong argument for mitigation action.

Having spent almost 25 years exposed to climate change, I have naturally made many friends along the way – and many of them did not hesitate to help with reviewing various sections of this book. I would like to take this opportunity to thank Karin Arts, Harro van Asselt, Laurens Bouwer, Catherine Brolmann, Nicholas Chan, Michiel van Drunen, Michael Faure, Antoinette Hildering, Hans van der Hoeven, Pedi Obani, Reyer Gerlagh, Eileen Harloff, Reggie Hernaus, Matthijs Hisschemöller, Onno Kuik, Mairon Bastos Lima, Henk Merkus, Leo Meyer, Arthur Mitzman, Hans de Moel, Charles Barclay Roger and the use of his database, Jacob Swager, Pier Vellinga and Wouter Wernink for their generosity and time in sharing their views and helping me to sharpen the analysis. Many thanks to my student assistants Marijn Faling and Andrea Brock. I think the biggest challenge has been what to leave out of the analysis – the history of the negotiations has been very rich and detailed. Ultimately I hope I have done justice to the story in the words that follow.

Abbreviations

AGBM	Ad Hoc Group on the Berlin Mandate (1995–1997)
AIJ	activities implemented jointly
ALA	Asian and Latin American (countries)
AOSIS	Association of Small Island States
AWG-DP	Ad Hoc Working Group on the Durban Platform for Enhanced Action
AWG-LCA	Ad Hoc Working Group on Long-term, Cooperative Action under the Climate Convention
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex-I Parties under the Kyoto Protocol
BASIC	group of countries comprising Brazil, South Africa, India and China
CACAM	Central Asia, Caucasus and Moldova (group)
CB	capacity building
CBD	Convention on Biological Diversity
CBDR	common but differentiated responsibilities
CCAC	Climate and Clean Air Coalition to Reduce Short-Lived Climate Pollutants
CDM	clean development mechanism
CER	certified emission reduction
CGE	consultative group of experts
CMP/COPMOP	Conference of the Parties serving as meeting of the Parties
COP	Conference of the Parties
DC	developing country
EC	European Community
EIT	countries with economies in transition
ET	emissions trading

(EU) ETS	(European Union) Emissions Trading Scheme
EU	European Union
FCCC	Framework Convention on Climate Change
G7	Group of 7
G77	Group of 77
G8	Group of 8
GCOS	global climate observing system
GDP	gross domestic product
GEF	global environment facility
GHG	greenhouse gas
GNI	gross national income
IC	industrialized country
INC	Intergovernmental Negotiating Committee for the UNFCCC (1990–1995)
IPCC	Intergovernmental Panel on Climate Change
JI	joint implementation
JWG	Joint Working Group (SBSTA/IPCC)
KP	Kyoto Protocol
LDC	least developed country
LULUCF	land use, land-use change and forestry
MDGs	Millennium Development Goals
MRV	monitoring, reporting and verification
NAMA	nationally appropriate mitigation actions
NAPA	national adaptation programme of action
NGO	non-governmental organization
ODA	official development assistance
OECD	Organisation for Economic Co-operation and Development
OPEC	Organization of Petroleum Exporting Countries
QUELRO	Quantified Emission Limitation and Reduction Objective
REDD	Reducing Emissions from Deforestation and Forest Degradation (refers to RED, REDD, REDD+ and REDD++ in this book as an umbrella term)
RMU	removal unit (generated by LULUCF projects that absorb carbon dioxide)
SBI	subsidiary body for implementation
SBSTA	subsidiary body for scientific and technological advice
SIDS	Small Island Developing States
UN	United Nations
UNCED	United Nations Conference on Environment and Development

List of abbreviations

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UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
USD	US dollar
WHC	World Heritage Convention