

Dr. Hermann E. Ott, Wuppertal Institute

# **Reflections on Enhanced Cooperation with Different Speeds for better Climate Protection**

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## What has been achieved to far?

- The history of climate diplomacy in the last 25 years has been one of ups and downs – or rather, of one up from 1990 to 1997 and a long slow down from thereon...
- Despite the entry into force of the UNFCCC in 1995 and the Kyoto Protocol in 2005 almost all indicators point into the wrong direction
  - GHG emissions are growing at an ever faster speed
  - Increased coal use world-wide
  - Rise in efficiency too low to compensate
  - Exception: the astonishing rise in renewables:
- Result: The ‚emissions gap‘ is growing.

## What is being negotiated before COP21 in Paris?

- The Kyoto Protocol from 1997 contains legally binding commitments for industrialised countries, an effective in-depth review procedure and a compliance mechanism.
- What is being negotiated now?
  - „(Intended) Nationally Determined Contributions“ (INDCs): voluntary contributions with regard to mitigation, adaptation and finance;
  - what kind of format should be used to report;
  - whether there should be a review of the implementation of INDCs at all and
  - who would carry out such a review: climate secretariat, Parties, NGOs?

To sum it up:

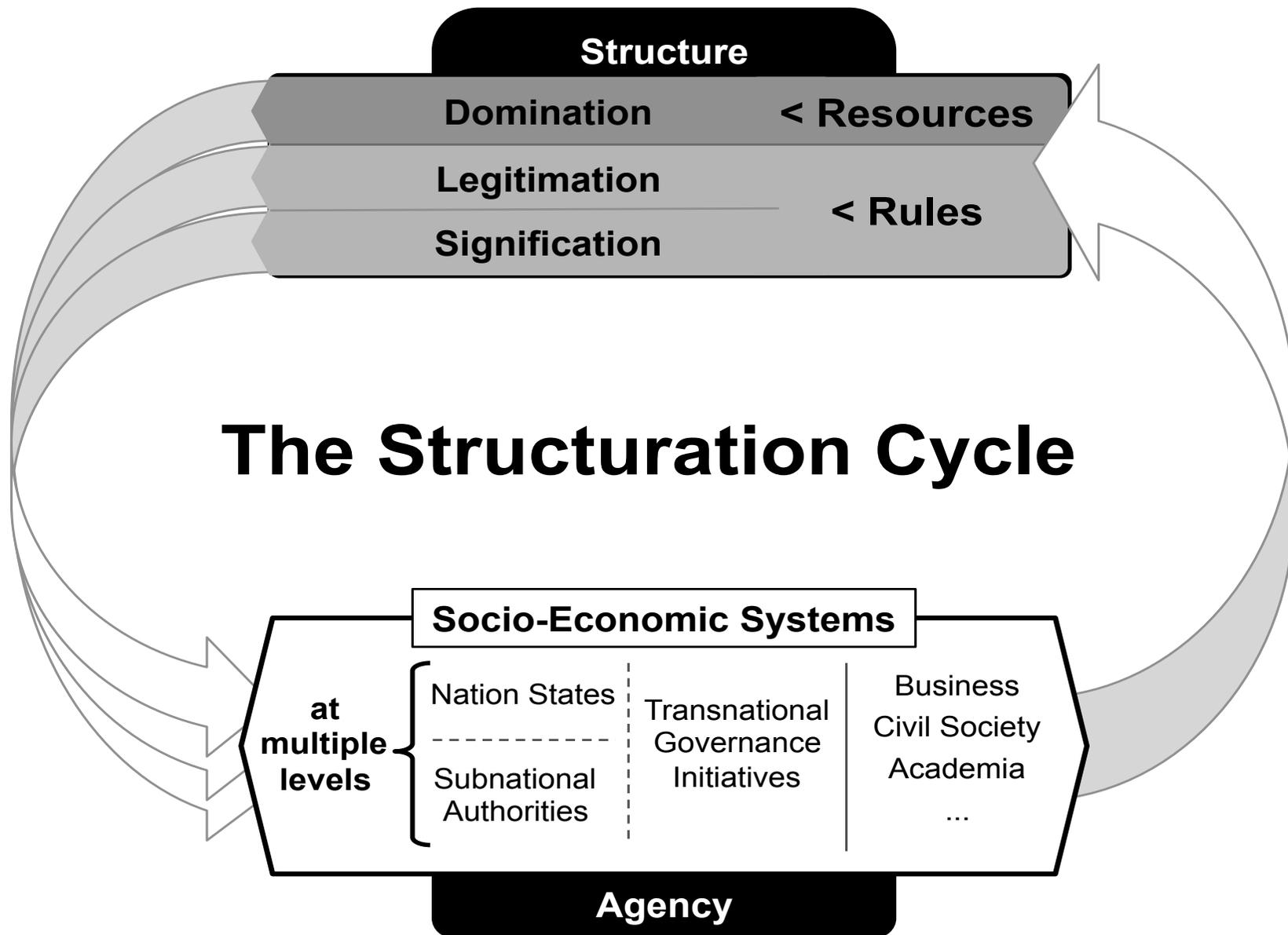
Any outcome of Paris will in all likelihood not be sufficient to bring about the required decrease in emissions to bring the world onto a safe path to stay below 2°C, let alone 1.5°C.

The global climate regime is developing into a system of „pledge and chat“ – highly unlikely to bring about transformative change.

So is the global effort completely futile?

To answer this we must to look at a bit of theory:

- Fighting climate change is about transformative change, not just small scale adaptations. So what drives transformation?
- Structuration Theory (e.g. Arts, 2000; Stones, 2005): there is a duality of agency and structure:
- Individual behaviour is co-determined by the structures in which all agents operate - and in turn actions change or reproduce structures.
- Structures are rules and resources:
  - Rules are the cognitive, interpretive frames and cultural norms.
  - Resources are economic resources as well as authoritative and allocative power.
- Giddens (1984) provides a further distinction:
  - rules are the structures of legitimation (norms) and signification (meaning)
  - resources are the structure of domination (e.g. economic)



Schematic illustration of the Structuration Cycle. *Illustration by Lukas Hermwille, WI.*

## What does this mean? (1)

- The global climate regime (UNFCCC & Kyoto Protocol) is doing ok at providing **significance** and **legitimation**:
  - Significance: e.g. by providing a co-ordination hub for civil society organisations and a focal point for the global media.
  - Legitimation: e.g. by providing governments with reasons to install ministries and agencies, or by recognizing nationally appropriate mitigation actions (NAMAs).
- Note: this function is ok but can be improved!

## What does this mean? (2)

- The global climate regime (UNFCCC & Kyoto Protocol) is not good at dealing with **resources**:
  - Negotiations within the regime have made numerous attempts to organise a (re-)allocation of resources.
- However, this has not been very successful
  - The Kyoto Protocol established a reduction regime for industrialised countries but was unable to extend it to developing countries and was effectively abandoned.

## Are there institutional reasons?

- The Kyoto Protocol (and thus the climate regime) is different from all other environmental protocols:
  - The Kyoto Protocol does not contain an „entry fee“ (= obligations, except for Annex I countries).
  - The Kyoto Protocol does not allow for majority voting: Rule 42 of the RoP is never applied. As a result, **all** decisions have to be taken by consensus.
- This has led to a standstill or rather a backlash.

It is highly unlikely that  
transformational change  
and a massive  
(re-)allocation of wealth on a global scale  
(majority of fossil fuels must stay in the  
ground)  
can be achieved by the  
consensus  
of 190 diverse countries.

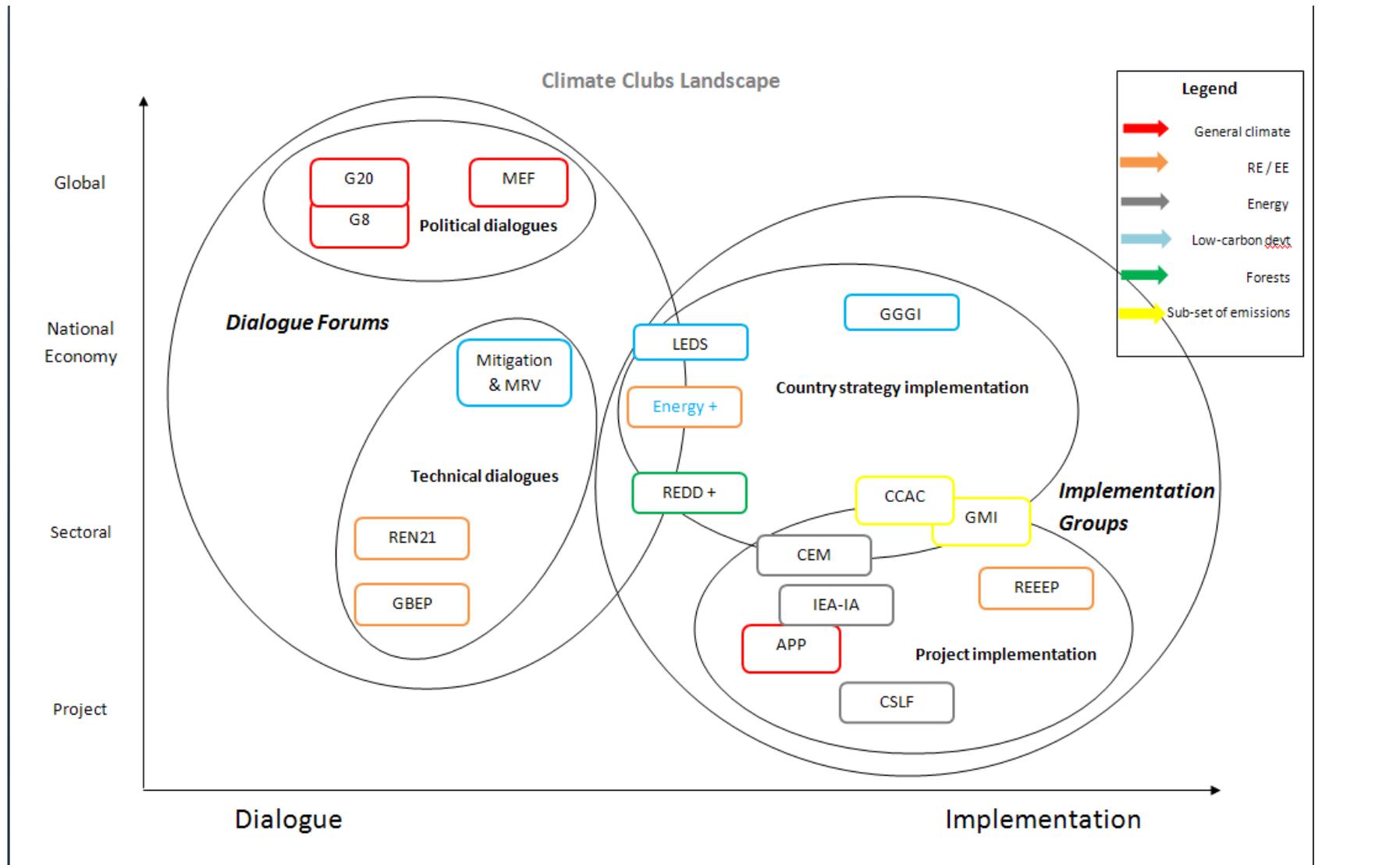
## Recommendations for the UN regime?

- The global UN regime should correspond to its core strengths (and the move towards INDCs seems to indicate into that direction):
  - Switch to multi-dimensional commitments, away from a pure target based approach;
  - Include commitments that are more geared towards regulating behaviour or „obligations of conduct“ (Bodansky 2012).
  - Increase supportive role of changes in national policies by increased financial support.
  
- This will help moving away from „burden“ image.

## ...and: A Fresh Start with a Second Track.

- Mandating enhanced agency requires a smaller circle of countries (and other actors) with ambitious targets.
- This cannot be achieved inside the UN regime because it would require the consent of all other Parties.
- The global UN regime thus should be supplemented with a Pioneer Club of more ambitious countries – an international treaty outside of the UNFCCC:
  - To establish a winning narrative for climate policy;
  - To facilitate leading by example;
  - To allow setting rules for increased flexibility and adaptivity by majority voting;
  - To enjoy the benefits of closer co-operation.

# An overview of climate clubs and why they are different (thx to Lutz Weischer)



## Characteristics of this new treaty

- Meant to foster enhanced action on climate change: explicit objective to fast-track progress.
- Could be open to sub-national actors like federal states.
- Would support transformative change through:
  - an ambitious vision;
  - clear and progressive criteria for membership;
  - flexible decision-making procedures (majority voting, fast track decision-making);
  - providing financial and technological support;
  - demonstrating that a fossil-free economy is working;
  - Increasing ambition also within the UN regime.

## Would there be interest for a pioneer climate club?

- Asia: Philippines, Bangladesh, South Korea, India, (maybe China?);
- Americas: Brazil, Mexico, Chile, Colombia (AILAC);
- Africa: South Africa, Morocco;
- Europe: Germany, Denmark, France, Hungary (?);
- And: the whole of AOSIS, Least Developed Countries...

## Relations with UN Regime?

- New treaty is not a substitute, but should supplement and support UNFCCC.
- Pioneer Club's commitments would spur increased action inside the UN regime.
- Proposal: Establish a framework within UNFCCC for initiatives outside for exchanges with
  - Technical Expert Meetings (now under the ADP's Workstream 2);
  - Technology Executive Committee;
  - the Climate Technology Centre and Network (CTCN);
  - the Durban Forum on capacity-building;
  - CDM Executive Board and the
  - operating entities of the Financial Mechanism.

# CONCLUSIONS

- It is important to acknowledge the strengths and weaknesses of the present system and allow for a **climate policy of different speeds**.
- The global UNFCCC system should concentrate on providing **meaning and legitimation** to climate protection activities worldwide.
- A second treaty should be added, initially outside of the UN regime, to provide a platform for ambitious countries (and perhaps subnational entities) for **moving faster** than the rest.

# Thank you!

(hermann.ott@wupperinst.org)

„Problems cannot be solved  
with the same mindset  
that created them.“

(Albert Einstein)