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ECO has been published by Non-Governmental Environmental Groups at major international conferences since the Stockholm Environment Conference in 1972. This issue is produced cooperatively by the Climate Action Network at the UNFCCC meetings in Durban in Nov-Dec 2011. ECO email: eco@sunlightdata.com – ECO website: <http://www.climatenetwork.org/eco-newsletters> – Editorial/Production: Fred Heutte

EU: Stand and Deliver!

Where does Connie Hedegaard, and where does the EU, really stand?

ECO has learned that in a hidden room in the parking garage of the ICC, the European Commission is now pushing the 27 member states towards an 8-year second commitment period of the Kyoto Protocol. What is going on? Why would the Commission so blatantly cater to corporate interests and delay action?

If it prefers an 8-year commitment period, the EU will imply a starting date no earlier than 2021 for the much needed comprehensive, legally binding agreement.

So EU, whose side are you on? Are you with those who want to delay legally binding global action to beyond 2020? What about your desired peaking year?

The vulnerable countries have rightly insisted that a 5-year commitment period is needed. The negotiating process must reflect a sense of urgency matching the climate's fast-changing reality. ECO suggests that 2020 is an easy date to remember. But it also pushes political responsibility for hard choices far enough into the future that it will hardly matter . . . well,

except to those millions for whom climate change, failing harvests or havoc-wreaking storms and floods are already a daily disaster. EU, whose side are you on!

Just in case it needs repeating: ECO fully supports the EU's aim of launching negotiations on a legally binding treaty between all parties, to be concluded in 2015 at the latest. That agreement should become operational in 2018. A 5-year commitment period of the Kyoto Protocol would make the EU's demand for a mandate more credible and send a persuasive message. And we can all hope it will allow for some others at the table to come round to understanding how highly dangerous their current low level of ambition is.

Europe must stand with the most vulnerable countries in challenging those that want to freeze mitigation for this decade. Freezing mitigation does not counter global warming, delaying ambition does not generate ambition. Last but not least, don't repeat old mistakes by slowing down negotiations because of a lack of action by the USA. That's an excuse the world won't buy ever again.

Brazil: Protect Your Forests!

As the world tries to find ways to reduce global emissions, Brazil is on the verge of igniting a real carbon bomb. A bill to change the country's Forest Law is about to be approved, resulting in the increase of deforestation by reducing protected areas, removing the obligations for the restoration of cleared areas, and pardoning loggers. The proposed bill will be sent to President Dilma Rousseff for final consideration in coming weeks.

This proposed change will compromise the National Policy on Climate Change and the emission reduction actions announced

by Brazil in 2009 during COP 15. Moreover, Brazil has used the reduction of deforestation rates to justify a position of leadership on environmental issues. Yet the mere anticipation of approval of the bill has already caused an increase of deforestation. One of the foreseeable consequences is that an area almost the size of France and Great Britain combined (790,000 km²), will lose legal protection, according to estimates presented by the Brazilian government itself. The negative impacts to the planet's climate

– *Brazil Forest Law, continued on page 2*

US: No More Denial!

Many hoped President Obama would be a breath of fresh air on American willingness to respond to the consensus of global climate science. The science says climate change is happening due to human activity, and it's urgent. Yesterday, the US confirmed its denial on the second proposition.

The US received a Fossil of the Day for statements about the science of climate change by Jonathan Pershing, the US Deputy Special Envoy, in his first press briefing here in Durban. Pershing is a scientist himself, and was involved with the IPCC, but he implausibly said current collective mitigation targets are sufficient to avoid going over 2 degrees. His overall message was that the US stands on its position that avoiding runaway global warming is not urgent enough to expend much political capital on commitments in the UNFCCC.

The lowered prioritization by the US for global climate commitments started with its weak mitigation target, which the US also will not agree to make legally binding. The US target of 17% below 2005 levels by 2020 is so weak that momentum to achieve it may already have been met even without comprehensive climate policies, due to the recession and rising relative cost of coal-fired electricity.

By saying the US is only really concerned with post-2020 commitments, the Obama Administration's negotiators are saying their boss doesn't need to deal with this issue, since Obama won't be in office after 2016 (assuming he wins another 4 year term). In his 2008 campaign, however, President Obama promised to be a leader on global climate disruption. But expectations have now fallen so low that all we can ask is for

– *US in Denial, continued on page 2*

– *Brazil Forest Law, continued from page 1*

will be incredibly high, as deforestation and land use represent about 75% of Brazilian CO2 emissions.

In light of the fact that Brazil will be hosting the Rio+20 conference next year, the situation becomes even more delicate and embarrassing. In the corridors here in Durban, these developments are causing considerable consternation. The Forest Law was a hot topic during Brazil's first press conference at COP 17, and the discussion spilled outside the meeting room.

Brazil has historical prominence in the climate negotiations. Therefore, there is certain to be an expectation that President Dilma Rousseff will send a clear message to the world showing that Brazil will meet the commitments announced in Copenhagen, avoiding a stain on the country's prestige and avoiding setbacks in its environmental policy. It's up to the President to determine whether she will stop the proposed Forest Law or embrace an imminent tragedy.

– *US in Denial, continued from page 1*

the US to agree some very reasonable steps forward in the negotiations – for example, on a mandate to package commitments into a legally binding agreement by 2015. That would give the world four more years, in addition to the Bali Action Plan, agreed by the Bush administration, which gave the world two. The climate may not wait. The world certainly cannot be dragged down by another US administration in denial.

AAUs: Don't Let 'Hot Air' Go Stale

'Hot air' (surplus AAUs) must be properly addressed in Durban. This is perhaps one of the most important points on which agreement needs to be reached for the second commitment period of the Kyoto Protocol. The total amount of AAUs is around 7.5-10 Gt CO₂e – in other words, roughly one-third of the current 2020 emissions reduction targets pledged by Annex I countries. This 'hot air' was created not because of effective climate policies but rather the economic crisis of the 1990s.

The biggest holders of surplus AAUs are Ukraine, Russia, Belarus and EU members from Central and Eastern Europe. Insisting that the full AAU surplus carries over to the second commitment period makes already weak pledges from developed countries even weaker.

Parties have several choices how to deal with this, from full carry-over to full restric-

Looking to fill gaps? Eliminate fossil-fuel subsidies!

On the way to Durban, ECO was re-reading some of the past articles that have graced its pages. One that is particularly striking and poignant is from Bonn in June 2011. *Title*: "Developed country UNFCCC climate finance commitments in 2013". *Article text*: "0".

It is also striking just how many articles there have been on the need to close the gigatonne gap and stay as far below 2° C as possible. If only there was a way to kill two birds (figuratively, of course, as we would not want to upset the CBD) with one stone – oh wait, there it is – eliminate fossil-fuel subsidies!

The OECD recently estimated that USD \$45 to \$75 billion a year has been spent on fossil fuel subsidies in its member countries in recent years. And the IEA in its 2011 *World Energy Outlook* finds another USD \$400 billion globally in consumption subsidies.

Imagine if much of that money was used to support renewable energy, energy efficiency, adaptation and other climate-related measures so sorely needed? Capitalization of the Green Fund would be a cinch!

As for the gigatonne gap, a joint report by IEA, OECD, the World Bank and OPEC (yes you read that right) showed that phas-

ing out subsidies to fossil-fuel consumption alone could reduce greenhouse gas emissions by 6.9% in 2020. That's "more than Kyoto" right there and is only a portion of the subsidies that need to go. (Of course, to assuage concerns over energy access, any phasing out of consumption subsidies in developing countries needs to be supported by climate finance to support safe renewable forms of energy – though we also know that consumption subsidies are socially regressive with only 8% of that \$400 billion reaching the poorest 20%, according to the IEA).

So it is thrilling to see that "Removing fossil fuel subsidies and/or reporting thereof" is listed as a means to increase the level of ambition of Parties in the "matters relating to paras. 36-38" text. As ECO has stressed many times before, the current targets and actions pledged by Parties are insufficient to keep warming below 2° C, let alone 1.5° C. Unfortunately, it doesn't seem likely the gap will be completely closed in Durban. So it is essential that the process next year further clarifying targets and actions and closing that gap include the consideration of phasing out fossil fuel subsidies. Phasing out fossil fuel subsidies can also contribute to efforts by developing countries to achieve a significant deviation from business as usual emissions by 2020, again with the proviso of climate finance to ensure energy access for all. ECO expects to see this linkage made explicit in COP decision text adopted at here in Durban. MRV negotiators (hint, hint!) may also wish to draw inspiration from the OECD's inventory on fossil fuel subsidies and how this could be incorporated and improved upon by reporting under the UNFCCC.



#1 CANADA
URGENCY NOW, ACTION MAYBE LATER

#2 UNITED STATES
INFINITE WAYS TO DEFER URGENCY

Fossil Subsidies: Hiding in Plain View

MRV: Opaque 'Transparency' or Meaningful Participation

ECO finds it heartening that that most Parties see Durban as the time to adopt essential guidelines and modalities on the key MRV issues. To be sure there are some gaps, which we will return to soon.

But we're dismayed to see almost no mention of stakeholder engagement in the November 18th text. It seems that most Parties have forgotten about making the transparency process, well, transparent. The few mentions in the text are incomplete at best.

So why this silence? Here's a guess: you've been too busy focusing on other things. Yes, it's true that there is a lot to discuss, but let's remember that stakeholder participation is nothing new for the UNFCCC and must be part of the provisions for IAR and ICA. There are three key elements that must be reflected in the text: (1) stakeholders must be able to make submissions feeding into the technical review; (2) they must be allowed to pose questions during the SBI process; and of course (3) all documentation from the IAR and ICA be made publicly available.

As IAR and ICA are all about transparency, the meetings under the SBI should

be open to stakeholders and allow for their questions at the end of the meeting or, at the very least, in writing in advance.

Stakeholders should also have the opportunity to submit information in advance of the expert technical analysis and sharing of views among Parties. These submissions should be compiled in a stakeholder report as an additional input to be considered along with countries' biennial (update) reports and the expert technical analysis. NGOs, businesses, universities and municipalities among others all have useful information to address climate change collaboratively. This includes complementary information that would help increase recognition of a country's efforts, share lessons learned from domestic implementation, and identify support needs and additional mitigation opportunities. After the review, stakeholders could also help the Party concerned prepare for the next round of reporting and identify relevant financial or capacity building support.

Finally -- and this should really go without saying -- all inputs and outputs of the IAR and ICA process should be made publicly available. This includes the reports of

the technical experts; transcripts of the facilitative sharing of views among Parties; and the outputs from the SBI, including recommendations. The UNFCCC already makes documents and submissions from Parties and stakeholders publicly available on the web, including all national communications from Parties and the in-depth reviews of Annex I country national communications. So let's follow that great precedent.

Remember, transparency is an objective of the IAR and ICA processes under decision 1/CP.16. Also, a commitment to engage stakeholders is enshrined in the Convention and in the Cancun Agreements. And surely with Rio+20 just around the corner, Parties don't need to be reminded that Principle 10 of the Rio Declaration on Environment and Development established that public participation and access to information are critical in matters relating to the environment, including climate change.

Aren't you glad the issue is now clear! ECO is hopeful that Parties will see the light so that IAR and ICA live up to the promise of transparency when they discuss these modalities in informals.

Take Good NAPs

As Parties start to feel the effects of lack of sleep here at the COP, they might want an afternoon nap. But ECO knows Parties won't want to fall asleep on the job when it comes to crafting a decision on the National Adaptation Plans (NAPs). Durban needs to deliver a decision that formalizes and elaborates this process and outlines the guidelines and modalities for LDCs and other developing countries to benefit from the process, clearly articulating the role, responsibility, and functions that the UNFCCC will offer, support, and facilitate. The process should entail such efforts as workshops, forums and expert meetings to facilitate south-south learning.

The specific form and format of national adaptation plans and strategies should be decided by each country, including whether to create a stand-alone plan or to incorporate adaptation needs and actions into existing strategic climate change or poverty alleviation and development plans. The global process should be non-prescriptive and enable country-driven, flexible, and iterative national-level planning and implementa-

tion. There are, however, a number of elements which are important when developing guidelines in order for NAPs to deliver on essential needs.

A decision on the National Adaptation Plans should include an elaboration of the guiding principles included in paragraph 12 of 1/CP.16 in order to support a country-driven, gender-sensitive, participatory and fully transparent approach that takes into account vulnerable groups, communities and ecosystems. These principles help ensure that the NAPs process and implementation will deliver assistance for the most vulnerable, for example through comprehensive vulnerability assessments to identify and prioritise the most vulnerable groups, communities and ecosystems. The process should also include robust consultations and participatory approaches to meaningfully capture the needs and concerns of most vulnerable communities. NAPs should integrate and reflect gender considerations, integrate and address ecosystems and their services, and facilitate synergies with other multilateral frameworks, such as the CBD, UNCCD and the Hyogo Framework for Action.

With regard to modalities, ECO believes

a NAPs decision should enhance synergies and linkages among the different bodies involved, in particular the Least Developed Countries Expert Group, the Adaptation Committee and the Nairobi Work Programme, to enable the dissemination of knowledge, information and good practices. Modalities should include opportunities to build national, local and civil society capacity.

It is important to get the technical modalities right, and it is vital not to hold this up. However, ECO would also like to remind developed country Parties that vulnerable countries and communities cannot adapt to the impacts of climate change (which they did not cause) empty-handed. They need to be able to trust in the will of developed countries to deliver funds for preparation and implementation of the NAPs. Potential channels for funding NAPs already exist through the LDCF (for planning and projects in LDCs), the Adaptation Fund (for projects) and potentially the Green Climate Fund - they just need to be filled up.

And a well-crafted NAPs decision will be rewarded with plenty of time for catching up on sleep.

**1986**

Canada supports
the people of South
Africa in their fight
against apartheid by
imposing sanctions

December 2011

Now is the time for
Canada to tackle
climate change,
which will impact
millions of people,
instead of supporting
multinational oil
companies

A Message for Canada during the UN Climate Summit in Durban:

Canada, you were once considered a leader on global issues like human rights and environmental protection. Today you're home to polluting tar sands oil, speeding the dangerous effects of climate change. For us in Africa, climate change is a life and death issue. By dramatically increasing Canada's global warming pollution, tar sands mining and drilling makes the problem worse, and exposes millions of Africans to more devastating drought and famine today and in the years to come. It's time to draw the line. We call on Canada to change course and be a leader in clean energy and to support international action to reduce global warming pollution.

SIGNATORIES**Archbishop Desmond Tutu**

Nobel Peace Laureate/former Archbishop of Cape Town

Jay Naidoo

Minister of Reconstruction and Development and then Communications in President Mandela's Cabinet/ Chairperson of the Global Alliance for Improved Nutrition

Zwelinzima Vavi

General Secretary of Congress of South African Trade Unions

Kumi Naidoo

Executive Director Greenpeace International

Bishop Geoff Davies

Executive Director of Southern African Faith Communities Environment Institute

Ruth Barivule Celestine

Ogoni Solidarity Forum, South Africa

Bobby Peek

GroundWork, Friends of the Earth SA/Golden Environment Prize Recipient for Africa

Dorah Lebelo

Anabela Lemos
Ja! Justica Ambiental, Mozambique

Southern Cape Land Committee

National Association of Professional Environmentalists Uganda

Friends of the Earth Nigeria**Environmental Monitoring Group****Project 90 by 2030****Centre for Environmental Rights****Johannesburg Anglican Environmental Initiative**

Supported by: Environmental Defence, Equiterre, Greenpeace Canada, Nobel Women's Initiative, and Sierra Club U.S.

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