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UNDERSTANDING WHY THE UN CLIMATE TALKS SEEM TO FAIL



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- Every year, the UN climate negotiations seem to fail the test of saving the global climate in the public eye. The expectations placed on the UN climate regime are simply too high.
- The great expectations of the UN climate regime – and the subsequent inability to meet them – are damaging, as they resonate with sceptics of international climate policy and UN multilateralism in general.
- The world has changed since the early 1990s, when post-Cold War optimism provided fertile ground for establishing several environmental regimes. The new geopolitical and domestic realities provide the backdrop for the progress that can be achieved through multilateral climate negotiations.
- However, the UN climate regime plays a crucial role by catalysing climate action, building a common vision between different states, enhancing transparency, and promoting the diffusion of novel policy ideas and instruments.
- The role of the UNFCCC could be further strengthened by allowing it to act as an orchestrator which coordinates the array of initiatives.

The Global Security research programme
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Climate negotiators and observers prepare for a long night in Cancún. Photo: UNClimatechange (flickr)

In the yearly aftermath of United Nations (UN) climate meetings, many reporters, experts and civil society organizations, especially those from developed countries, criticize the UN for another disappointing outcome. Some call for a reform of the UN model of multilateral negotiations; others argue for abandoning the talks altogether or moving the negotiations elsewhere. The round of UN climate talks typically “fail on ambition”, “fail to reverse global warming” and “fail in cutting global carbon emissions”.¹ These catchphrases enter the expert and public consciousness alike via the mass media.

The objective of this briefing paper is to provide an analysis of these great expectations in the context of the UN climate regime. The expectation that the UN meetings as such would reverse global climate change is based on faulty premises and can potentially be damaging. The unfair expectations paint international agreements as perpetual failures, providing ammunition for the interests that oppose any form of international environmental regulation. The briefing paper presents a defence of the UN Framework Convention on Climate Change (UNFCCC): If its role is properly understood, the regime may serve an important function in the response to climate change and in world affairs in general.

1 For examples, see World Wide Fund for Nature (WWF) press release, 11 December 2011; Foreign Affairs, 13 December 2011; The Economist, 3 September 2011.

Climate change is possibly the most complex problem – often called a “wicked” or “malign” problem in rationalist literature – that the world is facing. A central issue from the very outset has been that climate policies are not environmental policies in the traditional sense, but are closely related to economic growth, trade, and innovation. Furthermore, climate change mitigation is deeply intertwined with questions of energy production and land-use, which are intimately related to national sovereignty. This complexity of the problem structure does make climate change extremely challenging for international decision-making.

However, the problem structure does not single-handedly determine the success of an international environmental agreement. Solving seemingly simple and straightforward problems may be difficult as can be witnessed, for instance, in the case of the conservation of Atlantic tuna among generally friendly states. Relative successes may be achieved in the face of some of the most challenging problems, one example being the creation of the Antarctic regime during the height of the Cold War.²

2 ORAN YOUNG (2011). Effectiveness of International Environmental Regimes: Existing knowledge, cutting-edge themes, and research strategies, *Proceedings of the National Academies of Sciences*, vol. 108, no. 50.



The high expectations have been contrasted with concrete evidence on the challenges of multilateral decision-making. Photo: UNClimatechange (flickr)

Expectations of the climate regime

After the end of the Cold War in 1989, the West enjoyed a moment of great confidence, backed up by the US with its booming economy and unprecedented military hegemony. Globalization, powered by the Washington Consensus, accelerated rapidly, highlighting social, economic and political interdependence. This era, according to Professor Martti Koskenniemi, was characterized by “a turn to ethics” in international law. In the Cold War era, states were mistrustful of each other; formal and neutral norms were designed to achieve peaceful coexistence and minimal standards of acceptable behaviour. By contrast, in the 1990s, European countries in particular began to expect and demand international agreements to pursue a wide range of “good causes”, including human rights, increased environmental protection and trade liberalisation. As Koskenniemi notes in a satirical tone, “after 1989 we thought for a while that we were freed from neutrality and strictly formal rules, and that the good life itself was within the grasp of public authorities” at the international level.³ As a result, expectations about international decision-making and multilateral agreements rose to new unforeseen levels.

This period marked the dawn of the UN climate regime, first with the adoption of the UNFCCC in 1992, which was rapidly followed by the Kyoto Protocol in 1997. Inspired by the perceived successes of the ozone regime, European countries and their progressive allies campaigned throughout the 1990s to put into place a number of formal institutions and procedures for climate change mitigation through the UNFCCC. These included the procedures for regular review of the adequacy of commitments in light of the latest available science, procedures for adapting legally binding obligations, and the development of institutions and procedures for identifying and responding to non-compliance.

Although the optimism that prevailed in the 1990s still resonates in the texts and decisions adopted in the climate regime, over the years it has become evident that there are several constraints for the international response to climate change. First, a crucial implication of using a legally binding treaty is that in the US it triggers the advice and consent procedure, in which a two-thirds majority in the US Senate is needed for an international agreement signed by the US executive branch. A bi-partisan consensus on an international agreement is extremely difficult to achieve in the American domestic sphere. Moreover, neither the US Senate nor the American people will support a climate agreement that creates legal obligations for the US but not for other major economies, in particular China. Second, there is no reason to believe that China, India, and other emerging economies will drop their long-standing opposition

3 MARTTI KOSKENNIEMI (2002). Turn to Ethics in International Law. Available at: <http://www.helsinki.fi/eci/Publications/Koskenniemi/Ethics.pdf>.

Climate talks seem to be stuck in destructive dialectics of great expectations and perpetual failure, much like England's football team after 1966. Photo: Todd Awbrey (flickr)



to top-down, legally binding targets, even with significant increases in financial and technological assistance. Both the emerging powers and the US essentially prefer policies that are tailored to fit their national circumstances, and feel uncomfortable as objects of a strong international agreement imposing a quantified climate change mitigation ambition level.

In this light, the annual expectations that increased mitigation ambitions will emerge top-down from a UN meeting are utopian. There has not been a single climate meeting in the history of climate negotiations in which an international decision was taken to reduce a certain amount of emissions according to a level suggested by science, and then to distribute the resulting emission reduction efforts to countries according to objectively-defined criteria. Even the historic Kyoto meeting in 1997 produced an essentially "bottom-up" agreement, based on horse-trading within a small group of developed countries, who listed their own nationally-determined targets in the Annex to the Protocol. Any analytical look at the reality and the history of multilateral negotiations confirms how the basic political constraints, together with the dominant norm of state sovereignty, have limited the role of the UN climate talks since the very beginning. In the absence of a seismic shift in global climate politics, the big picture does not seem to be evolving towards more favourable conditions for multilateral decision-making. Experts and practitioners alike make a convincing case that we are currently dealing with increasing multipolar competition between the US, Europe, China and emerging powers.

Anatomy of the annual hype

Over the past twenty years of negotiations, the high expectations held by the progressive actors in the climate arena have been contrasted with concrete evidence on the challenges of multilateral decision-making. The optimism about tackling environmental problems through framework conventions, protocols and continuous negotiations has been countered with deep scepticism towards the UN-based regimes, particularly following the landmark climate meeting in Copenhagen in 2009.

The discussion surrounding the annual UN climate meetings currently entails a schizophrenic position: We seem to be stuck in destructive dialectics of great expectations and perpetual failure. The climate regime builds on the multilateral optimism of the 1990s. Progressive actors are afraid to give up on their high expectations for each annual meeting, fearing that without this pressure they would lose all meaningful climate action and modest compromises at the international level. However, the unfair expectations are painting a bleak picture of climate negotiations as failures in whatever they do, losing the nuances of the reality of policy-making. The image of UN talks always failing provides ammunition for cynical views that doubt the possibilities of global climate politics and multilateral decision-making as a whole, which is useful for vested interests that argue against all types of environmental regulation in the national and international spheres.

Examples of the oversimplifications that the high expectations create are plentiful. Although recent climate meetings in Copenhagen, Cancún and Durban have achieved progress and witnessed rather complex political games, if contrasted with the expectation of an ambitious top-down deal, analysts and observers are only left with disappointment. Among other items, critics have pointed out the failures to guarantee limits of warming to 2 degrees, the inability to deal with non-compliers (or defectors like Canada), and the convoluted nature of multilateral decision-making.

Certainly, the international climate change negotiations under the UN are taking place against the backdrop of the continuing growth of global greenhouse gas emissions, the already observable impacts of climate change and the risk of runaway climate change. It is undeniable that the international efforts to address grand environmental challenges such as climate change have so far proved to be grossly inadequate. However, the take-home message of decades of academic research on the potential of international environmental agreements is one of cautious optimism. The UN climate regime can make a difference. However, it does not operate in an idealist vacuum, but is empowered and limited by other causal forces, such as geopolitics and the domestic politics of key countries. The critique should be centred more on individual actors rather than the whole regime itself.

What can the UN climate regime do for us?

So is there a role for the treaty-based framework provided by the UN in the current political situation? We firmly believe that there is. Several important functions for the UN climate process can be identified.

Keeping climate change on the international policy agenda

The most basic function of the UN climate process should not be underestimated. Year after year, it brings together a variety of governmental and non-governmental actors to address the collective problem of climate change. Although the meetings have been characterized by serious disagreements over how the problem should be addressed, the focus on this limited progress overlooks the fact that 194 countries, including all major greenhouse

gas emitters, seek to jointly deal with the problem. The momentum created ensures that all countries have moved forward – albeit slowly and incrementally – towards the common goal of avoiding dangerous climate change.⁴ Negotiations are still ongoing, having survived meetings which were widely considered as failures, such as the meetings in The Hague in 2000 and in Copenhagen in 2009. Despite the disappointing outcomes of these meetings, the climate regime showed remarkable resilience, keeping the issue on the international policy agenda.

Working towards a shared vision on targets and responsibilities

By bringing together different actors, the UNFCCC also plays an important role in fostering mutual understanding and allowing parties to work together – albeit slowly, once again – towards a shared vision of the problem and its possible resolution. Moreover, countries have started to move away from the strict developed/developing country dichotomy, acknowledging that there are characteristics of countries which are more important for tackling the problem. This acknowledgement became increasingly clear in the 2007 Bali Action Plan, and was reaffirmed in the 2010 Cancún Agreement, which saw major developing countries pledging “nationally appropriate mitigation actions”. The issue of targets has also seen progress. When the UNFCCC was adopted in 1992, the shared vision included the need to prevent “dangerous anthropogenic interference with the climate system”, as well as recognition of the fact that developed countries are more responsible for the problem than others, and should hence take the lead in climate change mitigation. This does not mean that there was consensus on what precisely constitutes “dangerous”, or the amount of emission reductions that should take place in developed or developing countries – these are the disagreements that are likely to persist for some time to come. However, it is notable that twenty years later, countries have been willing to embrace a 2 °C temperature target (and a possibility of a 1.5 °C target), which could form the basis for estimating how much emission reductions are needed in the short and medium term. These are just two examples of ways in which

4 JOANNA DEPLEDGE and FARHANA YAMIN (2009). The Global Climate Change Regime: A Defence. In: Dieter Helm and Cameron Hepburn (eds.) *The Economics and Politics of Climate Change*, Oxford, UK, p. 439.

the UN climate regime is fostering a shared vision, even though it should be kept in mind that a truly "shared" vision may never materialize.

Providing transparency

The UNFCCC is characterized by a high level of transparency. It allows non-governmental observers to participate in (some of) the negotiations, increasing the possibility to hold states to account for their actions. More importantly, the Convention and the Protocol have put in place systems for monitoring, reporting and verifying greenhouse gas emissions, with a view to ensuring that countries comply with their commitments. Although collecting and reviewing data in itself does not necessarily result in compliance with emission reduction targets or increase the ambition to adopt more stringent mitigation policies, it does provide an important indication of the performance of countries. This transparency not only serves to build trust among the parties and enable comparability of efforts, but could also mobilize progressive domestic constituencies if a country is not living up to its promises. Even in a world where emission reduction targets are submitted in a bottom-up system, enhanced transparency can fulfil this function, particularly if it includes the possibility to provide an early warning when countries are straying off course.

Facilitating learning

From a cognitive perspective, the climate regime provides an important marketplace for ideas. The wealth of information has facilitated the diffusion of new climate policy instruments, most notably market-based mechanisms. Whereas greenhouse gas emissions trading was initially advocated mainly by the United States, the EU has become its main protagonist since the adoption of the European emissions trading system in 2003, and by now some developing countries, such as China and South Africa, have also started to experiment with the instrument. Submissions by governments allow for the sharing of domestic experiences, and also provide a platform for new ideas. Especially during the post-2012 negotiations of the last few years, a vast amount of information on policy options for tackling climate change has become available through submissions and reports by governments, academia, scientific bodies and other non-state actors. This is, for instance, how the issue of reduced emissions from deforestation and forest degradation (REDD) emerged on the agenda in the negotiations.

Reconciling ambition and realism

The urgency for meaningful climate action has been highlighted by a number of authoritative sources, including the Intergovernmental Panel on Climate Change, the International Energy Agency, and articles published in leading academic journals. The world is growing increasingly weary of UN climate talks, which, when contrasted with utopian expectations, seem to achieve no tangible progress towards an effective solution. The unfair expectations provide ammunition for sceptics who argue against multilateral environmental cooperation.

Similar concerns have been raised in the case of the UN Millennium Development Goals, which set targets that were implausible for a large number of countries. Many aid recipients will miss the goals, even though they have achieved rapid progress by historical standards. When other necessary conditions fail to materialize, aid advocates may find aid blamed for false "failures", undermining the constituency for sustained engagement with poor countries.⁵

Many important steps have been taken since the long-term climate discussions officially began in Montreal in 2005. Mitigation by developing countries is now firmly on the agenda, as are the critical questions of enhanced transparency and climate finance. Parties have found a shared vision on the need to limit the global average temperature increase to below 2 degrees and have agreed to review the ambitiousness of this goal by 2015. Adaptation has been given the same priority as mitigation, and new institutions have been established to promote technology-related issues. While many of these incremental advances are important, hard-fought and compelling to those "inside" the process, they fail to create a narrative for the wider public. While the recent advances in Cancún and Durban have "rescued" the UNFCCC process and multilateral climate change cooperation for now, in the next few years the process will face a critical test: It must continue to deliver tangible results and communicate them effectively in face of high – and

5 MICHAEL CLEMENS, CHARLES KENNY and TODD MOSS (2007). The Trouble with the MDGs: Confronting Expectations of Aid and Development Success, *World Development* 35 (5), pp. 735 – 751.



The potential function of the UNFCCC as 'orchestrator' has so far received scant attention. Photo: US National Archives and Records Administration.

likely unfair – demands. The message of communication should be: the UNFCCC is not doing this alone. There are leader states that help it in addressing climate change problem, laggard states that counter it, non-state actors and other international initiatives that could help it, and so forth. For the climate insiders and media alike it is crucial to fight climate apathy – in other words thinking that the problem will be or should be solved by someone else, such as the UNFCCC.

We believe the UNFCCC still has a crucial role to play in the complex system of global climate governance. Various important functions fulfilled by the UN climate regime have received only scant attention. These include its role in agenda-setting and maintenance; the fact that it brings countries together in a continuous dialogue, allowing the building of trust and a common vision between them; its ability to ensure countries can be held to account if they do not take climate action; and its role in the diffusion of policies and ideas.

These functions could be strengthened by ensuring, in addition, that the UN climate regime can function as an "orchestrator" that could keep track of the variety of initiatives by public and private actors at different levels of governance, and ensure they complement each other. If it indeed becomes increasingly clear that the climate regime can no longer play the role of regulator – i.e. prescribing the emission reductions required for each country – it may

instead play an important part as orchestrator⁶. This means, for instance, that through the monitoring and reporting function mentioned above, it could keep track of the variety of governance initiatives outside the climate regime, and assess whether adding up the efforts of these initiatives is in line with common objectives, such as keeping temperature increases below 2 °C. Orchestration – or coordination – could also seek to reduce inefficiencies by avoiding the duplication of efforts, and decrease the risk of double counting of efforts. For example, through the establishment of common guidelines and accounting frameworks, the UNFCCC could ensure the compatibility of existing and emerging emissions trading systems. Similarly, through coordination with clean technology initiatives outside of the UNFCCC, links could be established between funding mechanisms under the climate regime (notably the newly established Green Climate Fund), and technology transfer projects on the ground. In so doing, the UNFCCC could improve the coherence of the institutional complex for climate change, and ensure that global climate governance as a whole remains legitimate.

6 KENNETH ABBOTT and DUNCAN SNIDAL (2010). International Regulation without International Government: Improving IO Performance through Orchestration, *Review of International Organizations* 5 (3), pp. 315– 344.

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