

November 2009

U.S. Leadership in Copenhagen

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The Challenge

The December 2009 Copenhagen conference—the internationally agreed upon deadline for concluding a new global climate change agreement—is fast approaching. Although nations continue to make progress, deep divides remain on several fundamental issues. These include: (i) the emissions mitigation responsibilities of developed and developing countries, (ii) the financial obligations of developed nations to help developing nations adapt to climate change and pursue low-carbon economic growth, and (iii) the legal form of a new agreement, including whether it should create binding international obligations and, if so, for whom.

One significant challenge in the negotiations has been tremendous uncertainty about the direction of the United States. Important progress has occurred—President Obama has called for mandatory emission controls, and the House of Representatives has passed a bill that would reduce U.S. emissions significantly by 2020. However, the immediate fate of similar legislation in the Senate is far from clear even though it has cleared a key committee.

In addition, while the Obama administration is taking steps toward regulating U.S. emissions under the Clean Air Act, the timing and impact of that process is also highly uncertain. Other countries understandably want greater clarity on the shape of U.S. climate policy before committing internationally to reciprocal actions. Only weeks remain before Copenhagen, and there is a growing realization that the Senate is unlikely to finalize its work this year. Many climate change diplomats and advocates from around the world are looking to the Obama administration to give the international community a clear path forward.

How the United States handles the Copenhagen conference is of great importance to America and the world.

- **Too timid** a policy—one where the United States is seen as unwilling to lead—could risk a fundamental collapse in global climate talks and reduce the urgency for Congress to adopt the domestic policies needed to reduce U.S. emissions.

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- **Too aggressive** an approach—one where the Obama administration moves far beyond the Congress—could risk a repeat of the Kyoto Protocol: a congressional backlash and U.S. nonparticipation in a global climate agreement.
- In contrast, a strategy that is **just right**—with the U.S. administration accurately telegraphing to the world where Congress will end up—would allow for substantial progress in Copenhagen, give momentum to global climate talks, and increase pressure for swift enactment of domestic climate legislation.

Obama Speech

President Obama will have several opportunities to personally shape the direction of U.S. climate diplomacy in the weeks ahead. First, he will travel to Oslo to receive the Nobel Peace Prize on December 10th—right in the middle of the Copenhagen conference. Given his proximity to Copenhagen, the global importance of that climate conference and the Nobel selection committee’s mention of President Obama’s promising stance on climate change, the president is highly likely to want to use that speech to outline how the international community can get from Copenhagen to the next destination—a fully fleshed out global climate agreement. Second, the Danish Prime Minister is seeking to convince world leaders to attend the Copenhagen conference to help ensure a successful outcome. British Prime Minister Gordon Brown has already pledged to attend, and if other leaders make the same decision the president may feel he also needs to be in Copenhagen.

What should the president say when he addresses the international community? A few key messages would be particularly important. He should:

- Reaffirm the urgency of climate action by the United States and the world;
- Emphasize his strong personal commitment to lead on climate change and see to it that the United States joins a global agreement;
- Educate the American people and international community about what has been accomplished by the United States since January;
- Explain that climate policy will create good jobs and improve U.S. energy security;
- Outline the principles that should be agreed upon in Copenhagen, including the responsibility of all major emitters to take quantifiable, verifiable mitigation actions and the responsibility of developed nations to assist developing nations;
- Make it clear that the United States needs a few more months to be specific about its contributions through 2020;

- Create confidence that global climate negotiations will succeed even if dramatic progress in Copenhagen proves elusive;
- Call on Congress to approve a cap-and-trade bill by a date certain in 2010;
- Promise that continued congressional inaction will not stop the United States from reducing its emissions substantially by 2020; and
- Acknowledge that the United States does not expect developing nations to commit until the United States is also prepared to do so.

Substantively, the president could embrace several important principles for international climate cooperation. In that spirit, here are some examples of what the president might want to propose in a speech.

Limit warming to 2 degrees Celsius. The president could acknowledge the scientific view that global average temperatures ought not to exceed 2 degrees Celsius (3.6 degrees Fahrenheit) above preindustrial levels, as agreed to in 2009 by the G8 and Major Economies Forum.

Fifty percent emissions reductions by 2050. President Obama could call for a collective goal to reduce global emissions 50 percent by 2050, as agreed to by the G8 in 2009.

Eighty percent emissions reductions by 2050 by developed countries. The president could call for developed countries to set a goal of collectively reducing their emissions 80 percent by 2050, as agreed to by the G8 in 2009.

Global peak year. The president could call for all nations to agree on a collective goal to reach a peak of global emissions by a defined year, such as 2020 or 2025. The G8 and Major Economies Forum in 2009 agreed that global and national emissions should peak “as soon as possible.”

Developing country action by 2020. President Obama could ask developing countries to set a collective goal for reducing emissions a defined percentage below business-as-usual projections by 2020. The G8 in 2009 called for developing nations to reduce emissions “significantly below business-as-usual” by a “specified year.” Developing nations in the Major Economies Forum agreed to a “meaningful deviation from business-as-usual in the midterm.”

Developed country “prompt start” funding package. The president could ask developed nations to commit defined amount of funding in the short term (for example, before 2012) for adaptation and mitigation efforts in developing nations.

National “schedules and “registries.” President Obama could call for the international community to create a registry where each country agrees to list their climate change actions, including any quantifiable targets or objectives.

Low carbon growth plans. The president could call on all nations to prepare a “low-carbon growth plan” by a specified date, which would detail how they plan to meet both their economic development and climate objectives.

Verification system. President Obama could call for agreement by major developed and developing nations on the requirements for verifying climate actions, including common standards for measuring emissions, reporting on achievements and verifying progress.

The elements of a Copenhagen agreement listed above would be environmentally sound and politically defensible in the United States. The president could decide to also put forward some specifics about the contribution the United States would make. Whether the United States should be specific in Copenhagen about these additional elements is discussed further below, but for the moment here are some options the administration may be considering.

Developed country collective 2020 mitigation goal. The president could express support for a collective goal among developed nations for reducing emissions by 2020, possibly below a defined base year.

Developed country collective 2020 financing goal. President Obama could call for a collective pledge by developed nations for financing climate activities in developing countries by 2020, possibly with amounts for mitigation, adaptation, technology cooperation, and forestry conservation.

U.S. 2020 mitigation objective. The president could specify the United States’ pledge to reduce emissions a defined percentage below a base year by a particular date such as 2020.

U.S. 2020 financing objective. President Obama could specify the United States’ pledge to provide a defined amount of financing for climate activities in developing nations by 2020, possibly with specific amounts for mitigation, adaptation, technology cooperation and forest conservation.

Negotiated Outcome

While the *president* will have several opportunities to explain his administration's vision for future climate cooperation through public statements, the *United States* also will have opportunities in Copenhagen to negotiate a multilateral consensus. That consensus could come in the form of a political declaration by leaders or their negotiators, a formal decision of the climate conference or the text of a new legal instrument.

Unlike speeches, internationally negotiated texts are:

- Extremely hard to reopen;
- Difficult to walk away from;
- Inherently geared to an international audience rather than domestic constituents; and
- Full of politically challenging compromise language that is hard to defend.

A presidential speech is generally interpreted as reflecting the current policies of the president. In contrast, in the eyes of the international community a negotiated text becomes a commitment of the United States. Importantly, a negotiated Copenhagen text *would not need to be legally binding* for it to constrain the United States in ways that a speech would not. The process of formal, public agreement would create the political constraint, not the legal form of an agreement.

Despite the risks inherent in any negotiated text, however, the United States can and should agree globally (and distill into a negotiated consensus text) to most of the principles outlined above. International agreement on these principles is needed to give shape and meaning to continued climate negotiations and to give the world confidence that talk will lead to action.

However, the Obama administration would be taking substantial risks if it formally agreed to some specific measures of U.S. action. In a few areas, the president would risk defining for the United States terms that, in our system of government, need to be defined jointly with Congress. Consider the issue of financial contributions by developed nations to help developing nations adapt to climate change and pursue low carbon economic growth. Right now, the international community hopes the United States will agree to provide tens of billions per year for these purposes by 2020. This level of financing would likely prove unattainable if Congress does not adopt a cap-and-trade law, because traditional foreign assistance programs are highly unlikely to generate new revenues for international climate programs on this scale.

Agreeing in Copenhagen to provide such sums could create a dangerous disconnect between international expectations and domestic political realities. Negotiating a U.S. emissions

mitigation commitment for 2020 could also create false expectations internationally if, in the end, Congress does less to reduce U.S. emissions than the president promised in Copenhagen. Pledging an ambitious mitigation level for 2020, moreover, could create a backlash in Congress, just as the United States' Kyoto target did in 1997. This would make it even harder to enact climate legislation and join a global climate agreement.

The table below compares risks in a presidential speech versus those inherent in a negotiated text.

U.S Deliverables for Copenhagen		
	Obama Speech (before end of Copenhagen)	Negotiated Text (UN or bilateral)
Limit warming to 2 degrees C	Yes	Yes
50 percent emissions reductions by 2050	Yes	Yes
80 percent emissions reductions by 2050 by developed countries	Yes	Yes
Global peak year	Yes	Yes
Developing country action by 2020	Yes	Yes
Developed country "prompt start" funding package	Yes	Yes
National "schedules and registries"	Yes	Yes
Low carbon growth plans	Yes	Yes
Verification system	Yes	Yes
Developed country collective 2020 mitigation goal	Yes	Some Risk
Developed country collective 2020 financing goal	Yes	Risky
U.S. 2020 mitigation objective	Some Risk	Very Risky
U.S. 2020 financing objective	Risky	Very Risky

In theory, the United States could place brackets around numerical targets in an internationally negotiated text, or list a range of numbers. The 2020 mitigation commitment could be listed as "[17 percent] below 2005 levels" or "between 14–17 percent below 2005 levels". The United States could also list specific mitigation and financing numbers with an asterisk that said "subject to agreement by the U.S. Congress".

Whether doing so would actually allow for renegotiation is debatable. A similar approach was taken by the United States at the 1992 Rio Earth Summit. In Rio the United States joined a

nonbinding consensus text that, among other provisions, over U.S. objections called on developed countries to provide 0.7 percent of GDP as foreign aid to developing nations. The United States made clear to the world at the time that it did not consider itself politically bound by the 0.7 percent figure but few in the international community remember this qualification and internationally the United States is criticized for not living up to the 0.7 percent “commitment.”

In addition, any U.S. financing or mitigation targets offered by the president in Copenhagen would probably be quite conservative. The administration would not want to raise international expectations given the significant risk that the Senate may not approve cap-and-trade legislation soon. The administration’s negotiating strategy already reflects this type of conservatism. As noted above, the climate bill achieved by the House of Representatives would reduce U.S. emissions roughly 30 percent below 2005 levels. The administration, however, has purposefully chosen to focus international attention only on the 17 percent reduction that would be achieved under the cap-and-trade portion of the House bill, knowing that the final climate bill approved by Congress could be substantially weaker than the House version. But there is the important point: if the United States puts forward weak climate goals in Copenhagen, major emerging economies are likely to do the same, raising serious doubts about whether a Copenhagen agreement would do much to solve the climate crisis.

Best Path Forward

Given the unfortunate timing mismatch between international expectations and congressional action, the best path forward for President Obama could involve three distinct steps. First, President Obama should give a very forward leaning speech prior to the end of the Copenhagen conference to reaffirm his deep commitment to climate action, along the lines suggested above. Second, the United States should lock-in the less controversial elements of a Copenhagen accord (several of the items in green in the right hand column of the table above). This would give momentum to international climate talks and help narrow future negotiations. Third, the United States should propose setting a global deadline in the second half of 2010 by which date all nations, including the United States, need to specify their 2020 climate commitments.

A 2010 climate change “pledging conference” would give the international community confidence that in waiting for the United States it would not be waiting for Godot. It would also give the president leverage with Congress to push forward on climate legislation early in 2010. By June 2010, the Congress will be focusing on the midterm elections and would not be likely to enact climate legislation. Most experts predict the Democrats will lose ground in the midterm elections, dimming somewhat the prospects for new U.S. climate legislation.

Midway through 2010, therefore, the Obama administration and the world will know what the United States can deliver quickly. The July Major Economies Forum summit would provide a good opportunity for such a pledging conference where world leaders could explain to the international community what their nations are prepared to do on climate change. Follow up work on legal and technical issues could occur in the United Nations process over the next six to eighteen months, with a view to finalizing a new global agreement prior to 2012.