

Global Climate Change: Yesterday, Today and Tomorrow

Yampa Valley Energy Summit 2010
Craig, CO
May 12, 2010

Eugene M. Trisko
Attorney at Law
emtrisko@earthlink.net

It begins in Berlin ...

CONFERENCE OF THE PARTIES

First session

Berlin, 28 March - 7 April 1995

REPORT OF THE CONFERENCE OF THE PARTIES
ON ITS FIRST SESSION, HELD AT BERLIN FROM 28 MARCH TO 7 APRIL 1995

Addendum

PART TWO: ACTION TAKEN BY THE CONFERENCE OF THE PARTIES
AT ITS FIRST SESSION

The Berlin Mandate

I. DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES

Decision 1/CP.1

The Berlin Mandate: Review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention, including proposals related to a protocol and decisions on follow-up

The Conference of the Parties, at its first session,

Having reviewed Article 4, paragraph 2(a) and (b), of the United Nations Framework Convention on Climate Change, and

Having concluded that these subparagraphs are not adequate,

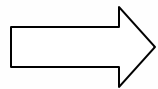
Agrees to begin a process to enable it to take appropriate action for the period beyond 2000, including the strengthening of the commitments of the Parties included in Annex I to the Convention (Annex I Parties) in Article 4, paragraph 2(a) and (b), through the adoption of a protocol or another legal instrument:

2. The process will, inter alia:

(a) Aim, as the priority in the process of strengthening the commitments in Article 4.2(a) and (b) of the Convention, for developed country/other Parties included in Annex I, both

- to elaborate policies and measures, as well as
- to set quantified limitation and reduction objectives within specified time-frames, such as 2005, 2010 and 2020, for their anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol,

taking into account the differences in starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort, and also the process of analysis and assessment referred to in section III, paragraph 4, below;



(b) Not introduce any new commitments for Parties not included in Annex I, but reaffirm existing commitments in Article 4.1 and continue to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4.3, 4.5 and 4.7;

The 2007 Bali Action Plan: Emission caps for industrial nations, sustainable development and financial assistance for developing countries

- (b) Enhanced national/international action on mitigation of climate change, including, inter alia, consideration of:
 - (i) Measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including **quantified emission limitation and reduction objectives, by all developed country Parties**, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances;
 - (ii) **Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development, supported and enabled by technology, financing and capacity-building**, in a measurable, reportable and verifiable manner;

Copenhagen: A Step Forward or Back?



Source: itsgettinghotinhere.org

G-77 & China Going-in Position

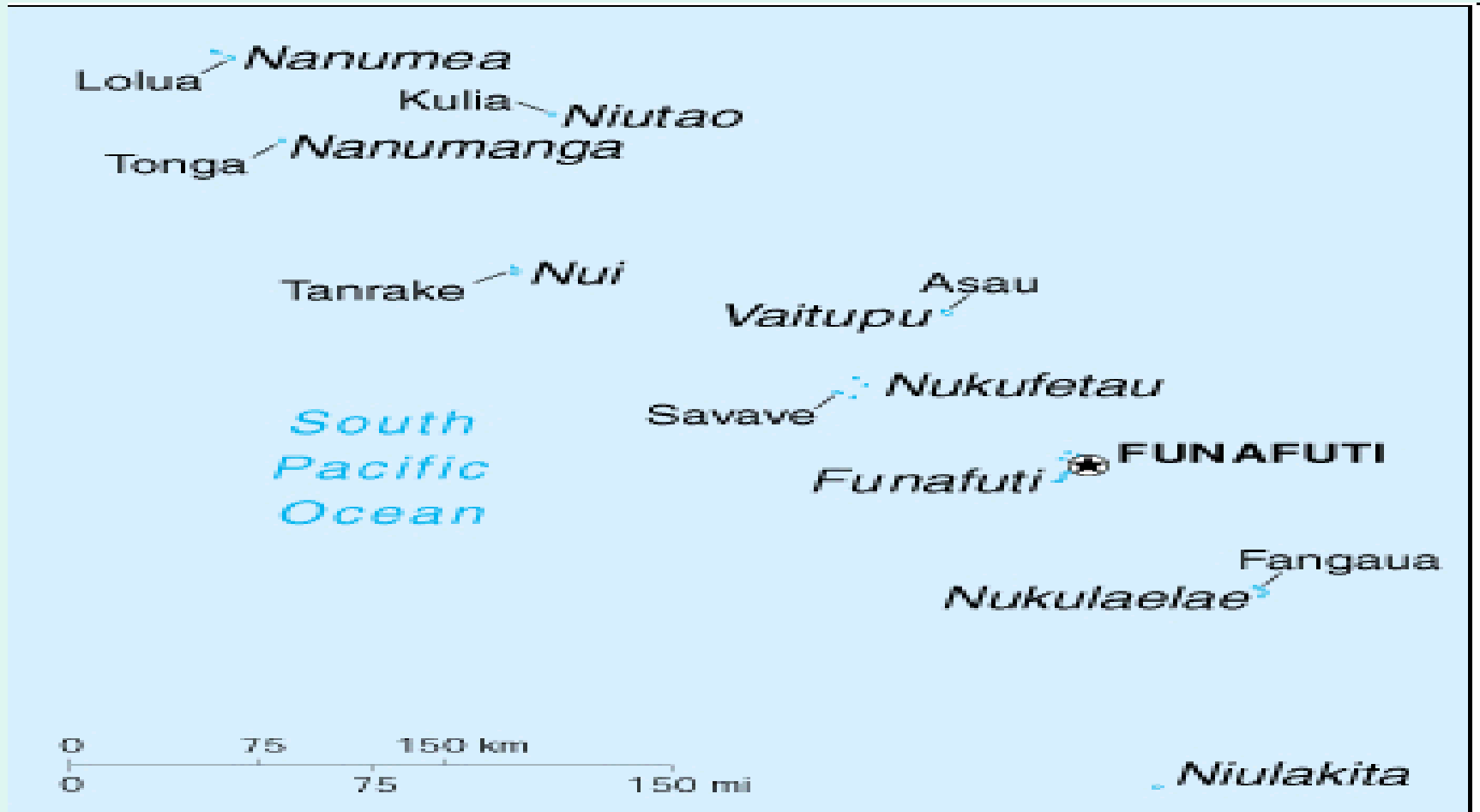
- “Measurable, reportable and verifiable” actions by developing countries are *only those actions made possible by the transfer of technology and financial resources from industrial nations.*
- *Obama sought to cut through this one-sided recipe for deadlock by developing support from India & China for voluntary commitments, with a \$100 Billion aid package restricted to “vulnerable” and “least-developed” nations.*

Who is Tuvalu?



Ian Fry (Tuvalu – Greenpeace attorney from Australia)

Where is Tuvalu?



Source: CIA

What did Tuvalu (Greenpeace) do?

- With four days to go, Tuvalu insisted on full negotiation of two protocols at Copenhagen: Kyoto Part 2 and Long Term Cooperative Action agreement involving all nations.
- Shut down the conference for two days.
- Generated a new breed of polar bears roaming the halls bearing “Save Kyoto” signs.
- Rebuffed Obama’s \$100B offer, “Mr. President, our country is not for sale” (At that price ...)
- Inspired Bangladesh to name its price (15%)

Copenhagen Accord

- Recognizes 2 degree C temperature target (~450 ppm).
- Pledges industrial nations to 80% carbon reductions by 2050 – but near-term targets are “fill in the blank” responses by industrial & developing nations.
- 50+ commitments received by UN FCCC to date.
- China and India “commitments” are based on BAU projections of CO2 efficiency improvements.
- Promises collective \$100 Bil/yr aid to small developing and vulnerable nations by 2020 from unspecified sources.
- Review of progress in five years (???)

Copenhagen, cont.

- UN Conference “noted” the Accord in its decisions, declined to adopt it as a United Nations document.
- Copenhagen Accord has no legal status within the UN climate process – it is a “political agreement” – not a treaty subject to ratification by the Senate.
- UN agreed to extend the mandates of both the Kyoto Protocol and Long-Term Cooperative Action ad hoc groups with a view toward reaching conclusions in Cancun in late 2010.
- Bonn meeting in April ended in disarray.

What the Copenhagen Accord avoided!

Draft decisions presented to the Conference of the Parties at its fifteenth session for consideration and adoption

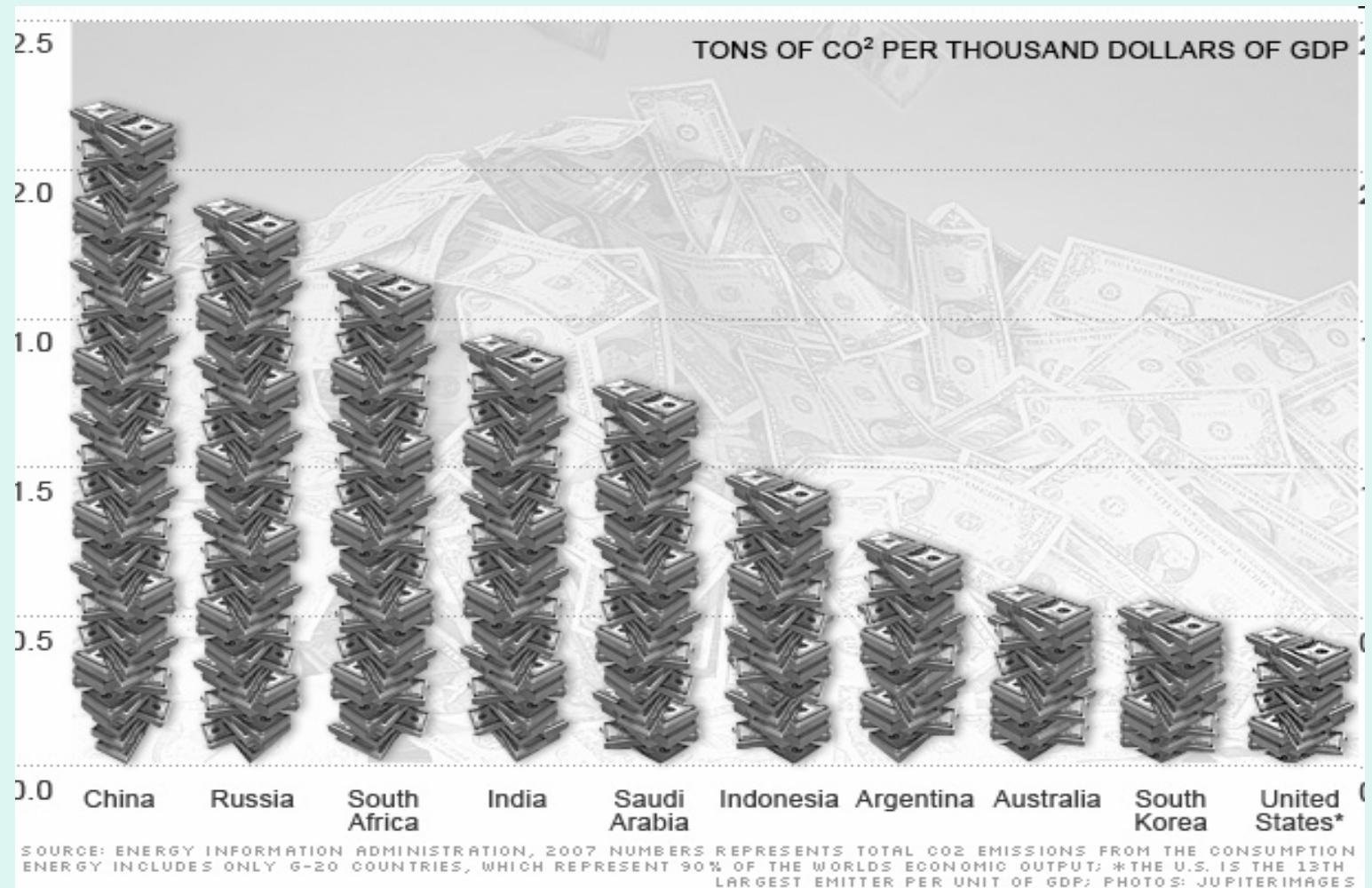
A. Draft decision -/CP.15

Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention ...

Acknowledging that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries and that owing to this **historical responsibility**, developed country Parties must take the lead in combating climate change and the adverse effects thereof [by adopting ambitious, quantified, legally-binding, economy-wide domestic emission reduction commitments or actions, and by providing adequate financial, technological and capacity-building support to developing country Parties],

Confirming that policies and measures to respond to climate change shall be implemented in such a way as to minimize adverse effects on other Parties, especially developing country Parties,

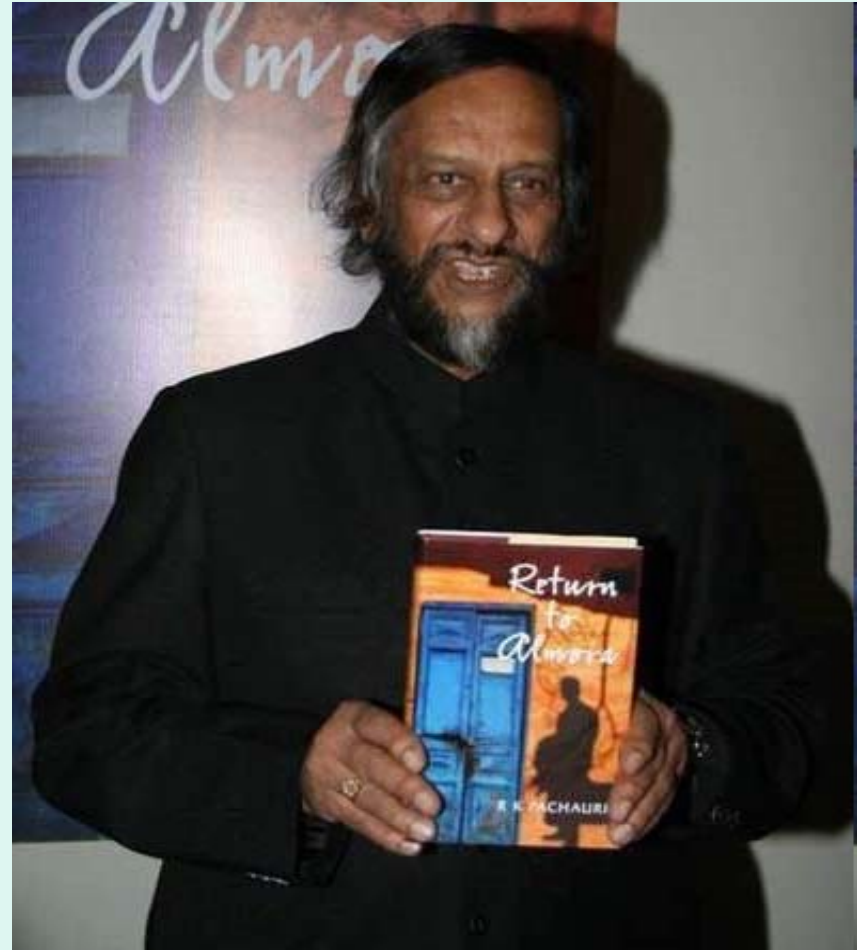
Why developing country reductions matter...



Source: US DOE/EIA (2007 data).

Meanwhile, the IPCC has been having a bad hair day ...

Just when you think things can't get any more bizarre with the IPCC, having just learned that the IPCC 2007 report used [magazine articles for references](#), head of the IPCC, Dr. Rajendra Pachauri, provides comedy gold. According to the [UK Telegraph](#), he's just released what they describe as a "smutty" romance novel, *Return to Almora* laced with steamy sex, lots of sex. Oh, and Shirley MacLaine.



Source: whatsupwiththat.com

The Washington Post (now) gets it:

Climate treaty realities push leaders to trim priority lists (4/13/10)

As prospects for a binding global climate treaty this year have evaporated, leaders and environmental advocates have focused their efforts on reaching agreement on a few top priorities, including preserving tropical forests and helping developing countries cope with climate change. ...

Show us the money - but don't expect us to account for it ...

Bolivia is leading an attempt to draft an alternate agenda for U.N. negotiators. ... Bolivian delegate Pablo Solon said he was glad that the concluding statement coming out of Bonn did not mention December's agreement to link climate funding for developing nations to greater transparency and accountability about their own emissions reductions.

In an effort to ease these tensions, industrialized nations are focusing on raising funds to decrease deforestation in Latin America, Africa and Southeast Asia. Norway has already pledged to pay as much as \$1 billion to preserve Brazil's forests; the United States has also promised \$1 billion for international forestry efforts. (WP 4/13/10)

US delegation in Bonn “upset” ...

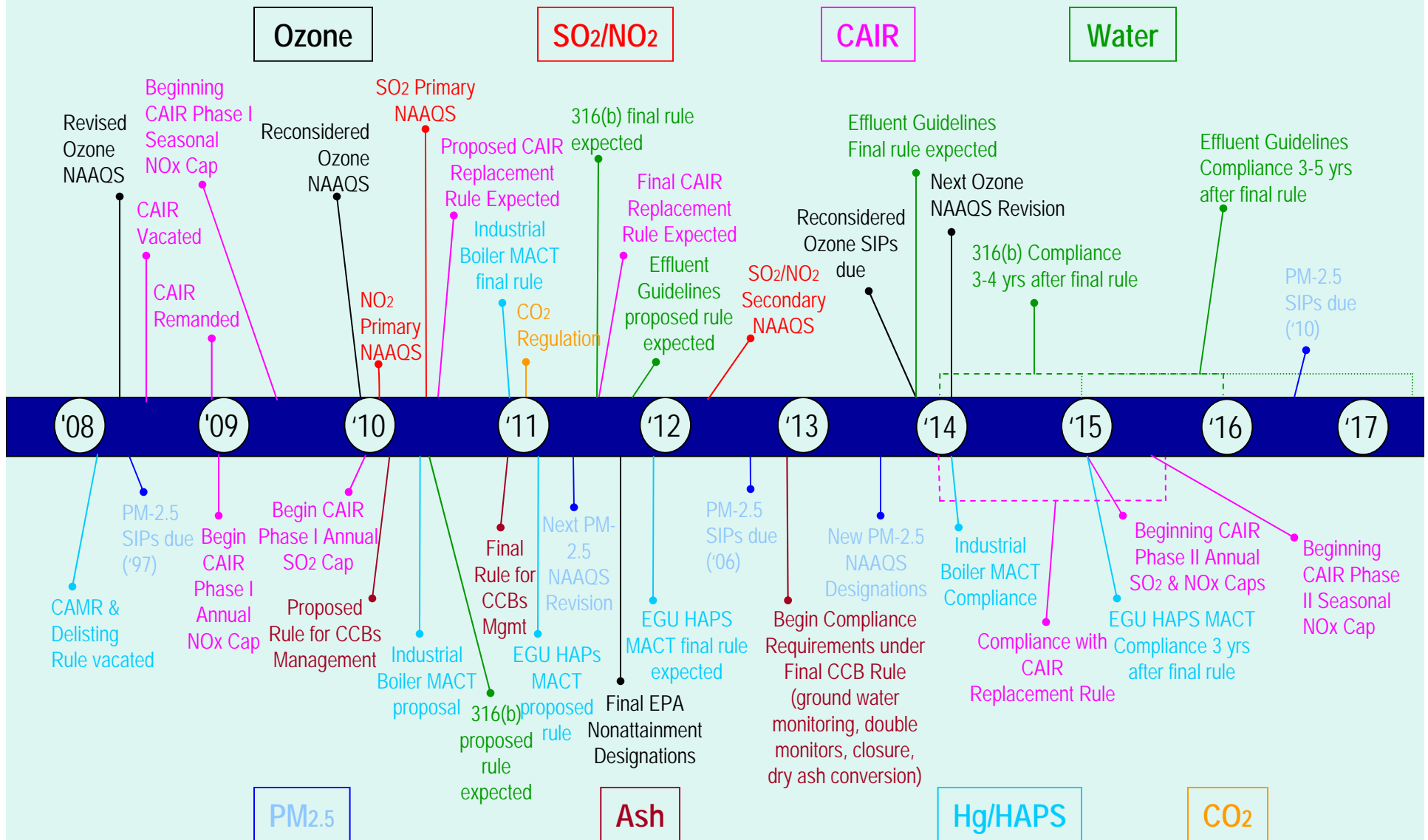
U.S. delegation chief Jonathan Pershing said he was “upset” by tactics he labeled “completely out of line” when countries that had declared support for the Copenhagen deal joined Sudan and Saudi Arabia in seeking to sideline that accord. The dispute, said the UN diplomat leading the talks, makes it unlikely an agreement will be finished when this year’s global warming discussions conclude in December in Cancun, Mexico. (Business Week, 4/12/10)

A Few \$64 Billion Questions

- Will the Accord form the basis for a new global climate treaty through the UN negotiation process? Will the Accord fold into G-20 negotiations? How would G-20 “commitments” be translated to legally binding commitments?
- Would U.S. EPA seek to rely on the Accord for developing CO₂ reduction targets in the absence of Congressional legislation?
- Will the United States of America be the only country on the planet with a legally-enforceable commitment to reduce carbon emissions by 80% by 2050?

Finally: If the UN and Congress fail to deliver, US EPA will not disappoint

US EPA Environmental Regulatory Requirements for the Utility Industry



Thanks to ...

- ACCCE (Terry Ross), Tri-State G&T (Gigi Dennis), and Yampa Valley Partners (Kate) for sponsoring this presentation!
- United Mine Workers of America for engaging in the UN climate debate since the 1992 Rio Treaty.