

The Future of the International Climate Change Regime

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Toward a post-Kyoto regime.

The first agreement for regulating international action on global warming was forged at the 1992 Rio Summit, when approximately 180 countries signed the United Nations Framework Convention on Climate Change. Article 2 of the convention states that the objective was “to achieve... stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”¹ The convention went into force relatively easily, because it did not obligate countries to make quantitative commitments to reduce greenhouse gas (GHG) emissions. However, as we shall see, the fact that they did not make those commitments would become one of the most controversial issues in international negotiations in subsequent years.

It was not until the 1997 Kyoto Protocol was signed that some countries fixed quantitative commitments to lower emissions. However, eight years had to go by for the protocol to go into effect. According to its Article 25, the protocol “shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession.”² The first objective was achieved rather simply, but it took until 2005 to fulfill the second, when Russia ratified its participation, thus surpassing the 55-percent threshold and making the agreement legally binding for the ratifying parties.

The protocol stipulated that only the Annex I countries would reduce their GHG emissions. The logic for this was due essentially to two international principles: historic responsibility and common but differentiated responsibilities. The first was an argument used by the developing countries to avoid making quantitative commitments. From 1850 on, the United States, Canada and Europe alone were the source of about 70 percent of the world’s emissions, while the developing countries accounted for under one-quarter. Linked to this, the principle of common but differentiated responsibilities refers to the idea that it is the developed countries that should assume the responsibility because they have more financial and technological resources. As a result, according to the protocol, the developed countries’ goal for 2008-2012 is to reduce their emissions an average of 5.2 percent, taking 1990 as the base year.³

Since the outset, the Kyoto Protocol has been the object of several criticisms. For a start, it is not self-enforcing, since it not all the actors have ratified it. Since this is a global issue, solving it requires the participation of all countries. That is,

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a ton of CO₂ emitted by Haiti has the same effect as a ton emitted by Germany. Therefore, since only a few countries are obliged to reduce their emissions, there is a great deal of “leakage” in the accord. The United States is the really outstanding country in this category, because, despite being part of Annex I, it never ratified the protocol; this accounts for about a 20 percent leakage of all the world’s emissions. However, another group that is not part of Annex I because they are developing countries (like China, India, Brazil and Mexico), not obliged to reduce GHG emissions despite being the source of a considerable proportion of them. Thus, between 42 and 45 percent of total global emissions—from China and the United States alone—are not subject to any quantitative commitment.

Another criticism of the protocol is linked to the percentage of emissions reduction agreed upon (5.2 percent); in addition to being considered difficult to achieve, this is really minimal.⁴ For example, Nicolas Stern estimates that to reverse the problem, GHG emissions will have to be reduced by 80 percent *vis-à-vis* 2000.⁵

A new round of negotiations began in Bali, Indonesia in 2008 to determine future work around the issue of climate change. Because the Kyoto Protocol lasts until 2012, the Conference of the Parties 9 (COP 9) in Copenhagen set 2009 as the deadline for governments to decide on a new international regime for climate change.⁶ For some time now, different proposals have been formulated about what this new instrument should look like. Today, about 50 proposals have been made, dealing with everything from specific issues like the design of potential commitments by the developing countries to the general analysis of all the components needed for a successful negotiating process.⁷ However, there is general agreement about the essential elements of an effective post-Kyoto climate regime. These can be summarized as follows.

THE SCOPE OF PARTICIPATION

As mentioned above, emission reduction commitments are the sole responsibility of developed countries, although this excludes the main producer, the United States, which has not ratified the protocol. Also, other important GHG generators do not participate, alleging their status as developing countries. In this sense, many of the current proposals hinge on plans involving substantial commitments by countries like China, India, Brazil and Mexico, who together account

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for 27 percent of emissions, of which 20 percent can be attributed to China. However, if we consider emissions per capita, these countries’ levels are much lower than the industrialized countries’.⁸

Getting the developing countries to make quantitative commitments will not be easy. As mentioned above, they defend their position with arguments like the idea of historic responsibility, which lies mainly with the industrialized countries, and point to issues like equity, maintaining their right to development based on burning fossil fuels. Also, they consider it unjust for the international community to demand that they make commitments when the biggest emitter has not assumed its responsibility.

In any case, a plan of commitments for the developing countries would have to be flexible to adapt to these nations’ specific conditions. So, factors like the size of their economies, how they have contributed to the problem historically and their right to development should be taken into account. These countries condition their participation on the industrialized countries’ transferring technology and financing to them to deal with a problem they consider they neither created nor are in a position to ameliorate. The situation is complex. However, we should not underestimate the fact that it will be the poorest countries that will suffer the greatest ill effects of global warming due to their enormous vulnerability and diminished capability to adapt.

U.S. PARTICIPATION

Another issue that must be resolved is the case of the United States, as the main or one of the main GHG emitters—some put China first. Although William Clinton signed the Kyoto Protocol, when it went before the Senate for ratification, the vote was overwhelmingly against. Later, George W. Bush expressed clear opposition to supporting it, a harsh blow to international efforts. Among Bush’s main arguments against making a commitment was that emission-reduction policies would have a heavy impact on the U.S. economy and that

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other countries with high emissions, like China, should also be required to participate.

However, with Barack Obama's election to the presidency, the U.S. position, at least on the level of discourse, has taken an important turn. Since his campaign, Obama promised that by 2050, his country would reduce its emissions by 80 percent. This is undoubtedly a big step forward. However, even if the current president makes that decision, compliance does not depend on him alone since, at the very most, if re-elected, he will remain in the White House eight years. Therefore, the measures the United States takes in the near future will have to be taken in a way that will guarantee their continuation for the coming decades. Also, we will have to see what position the United States takes during the international negotiations in terms of adhering or not to the post-Kyoto regime. Meanwhile, domestically, several of the states have formulated initiatives to reduce their GHG emissions.⁹

REDUCTION PERCENTAGES

Another issue to resolve is the amount of GHG that must be reduced. If nothing is done, current levels will make the Earth's temperature rise between four and six degrees Celsius by the end of this century. In its Fourth Assessment Report (2007), the Intergovernmental Panel on Climate Change (IPCC) predicted that if global warming was not halted, it would put species, ecosystems, human infrastructure, societies and housing at serious risk.¹⁰ Since global warming is irreversible—from 1850 to 2007, the planet's temperature rose 0.7 degrees Celsius, and for this century, the hike is predicted at between 1.6 and 6.9 degrees Celsius—¹¹ countries have generally based themselves on scientific evidence to decide what level of climate change would be "tolerable." There is a certain consensus that 2 degrees Celsius is the maximum tolerable increase, although this is enough to cause certain consequences. However, to achieve this, some studies state that it would be necessary to reach a zero-emissions level between 2050 and 2100.¹²

MEXICO AND THE INTERNATIONAL CLIMATE CHANGE REGIME

In 2005, Mexico accounted for about 1.6 percent of the world's emissions, putting it in thirteenth place. Measured per capita, every Mexican emits about 6.2 tons of CO₂ (t CO₂), situating the country near the world average (6.55 tons) and lower than the United States (22.9 t CO₂) and the European Union (10.4t CO₂). However, despite being in thirteenth place and being an OECD member, Mexico has not committed to quantitative emission reductions.

Although Mexico participates both in the United Nations Framework Convention on Climate Change and in the Kyoto Protocol, given its status as a non-Annex I country, it is only obligated to publish its "national communication," a document analyzing the country's emissions and activities linked to mitigating and adapting to climate change. Until today, Mexico has published three national communications, and the fourth is expected over the course of 2009. In addition, in 2007, Mexico presented its National Climate Change Strategy, identifying areas of opportunity for mitigating and adapting to climate change, stipulating lines of action for the future. Nevertheless, this document has been criticized for having unclear objectives and action goals. For this reason, in 2009, the 2008-2012 Special Climate Change Program (PECC), which includes 106 objectives and 303 goals that will guide the country's work until 2012, was opened up for public consultation.

Regarding the post-Kyoto regime negotiations, Mexico has declared itself a "proactive country willing to build bridges of understanding to facilitate an international accord."¹³ The PECC also states that Mexico would be in a position to commit to reducing its emissions 50 percent (using 2000 as a base year) by 2050, but on the condition that this commitment not be legally binding, that the industrialized countries facilitate financial and technological support and that there be a "global converging accord that would tend to offer a collective solution to the problem of climate change."¹⁴

CONCLUSIONS

Faced with the enormous challenge of global warming, the world does not have the luxury of inaction. Therefore, the current negotiations must yield concrete results reflecting more ambitious emission reduction commitments. Since the problem

is global, the solution must also be global. This means that the United States must assume its responsibility, but also that other countries like China, India, Brazil and Mexico must also participate in the international effort, taking into account their needs. **MM**

NOTES

- ¹ For the complete document, see <http://unfccc.int/resource/docs/convkp/conveng.pdf>. [Editor's Note.]
- ² The countries that make up Annex I are those that in 1992 were part of the Organization for Economic Cooperation and Development (OECD) (this excludes Mexico and South Korea, which joined later), together with the so-called economies in transition (the ones that had belonged to the former Soviet bloc). To consult the Kyoto Protocol, see <http://unfccc.int/resource/docs/convkp/kpeng.html>.
- ³ The individual goals for each developed countries are listed in Annex B of the Kyoto Protocol.
- ⁴ By 2004, the European Union had reduced its emissions by only 0.8 percent with regard to its 1990 levels, still a far cry from the goal it must meet by 2008-2012. The United States has increased emissions 16 percent. However, the biggest escalations have been by China and India, which have stepped up theirs by 47 and 55 percent, respectively.
- ⁵ Nicholas Stern, *The Economics of Climate Change. The Stern Review* (Cambridge: Cambridge University Press, 2007), p. 223.
- ⁶ To learn more about the COP 9, see <http://www.cbd.int/cop9/>. [Editor's Note.]
- ⁷ Hermann E. Ott, "Climate Policy post-2012. A Roadmap," discussion paper presented at the 2007 Tällberg Forum in Stockholm, p. 29.
- ⁸ For example, every Chinese person accounts for 10 tons of GHG a year; every Mexican, 6 tons; every Brazilian, 5 tons; and every Indian, 2 tons. By contrast, the United States emits 24 tons per inhabitant; Australia, 26 tons; and Canada, 22.
- ⁹ One of these is the Western Climate Initiative whereby seven states in the West of the United States and four Canadian provinces adopt measures to lower GHG. The Regional Greenhouse Gas Initiative is an equivalent project by Atlantic states.
- ¹⁰ See http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf. [Editor's Note.]
- ¹¹ W. L. Hare, "A Safe Landing for the Climate," Worldwatch Institute, *State of the World 2009. Into a Warming World* (Washington D.C.: Worldwatch Institute, 2009), pp. 14-15.
- ¹² D. P. V. Vuuren et al., "Stabilizing Greenhouse Gas Concentrations at Low Levels: An Assessment of Reduction Strategies and Costs," *Climatic Change* (March 2007), pp. 119-159. To achieve stability, annual CO₂ emissions must be reduced to a level equivalent to the natural absorption rate. After stabilization, natural absorption levels will gradually decline because the natural sinks will weaken. This implies that to maintain stabilization, emissions will have to drop to the absorption level of the oceans in coming centuries. Stern, op. cit., p. 223.
- ¹³ Poder Ejecutivo Federal, *Programa Especial de Cambio Climático 2008-2012* (public consultation version, March 24, 2009) (Mexico City: Poder Ejecutivo Federal), available on line at <http://www.semarnat.gob.mx/queessemarnat/consultaspublicas/Documents/pecc/consultac/complementaria/090323%20PECC%20vcpc.pdf>, p. VIII.
- ¹⁴ Ibid., pp. 13-14.

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