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Fair enough? Equity is key to next year's climate agreement

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Bonn, 2 June 2014. As of Wednesday, the city of Bonn will host yet another round of international climate negotiations. Here, the 196 parties to the United Nations Framework Convention on Climate Change (UNFCCC) are expected to pave the way for an ambitious new international climate agreement, to be adopted in Paris in December 2015. Although climate negotiations incrementally progress every year, even notorious optimists concede that the imminent negotiation round is one of the last opportunities to advance a *meaningful* 'global deal'. Crucially, any such deal can only really be expected to work if it is fair. To this end, negotiators will have to finally overcome the dichotomic distinction between industrialised countries and developing countries that was effectively set in stone by the UNFCCC's Kyoto Protocol in 1997.

Over the last rounds of negotiations it has become increasingly apparent that only an agreement that is perceived as fair by all parties will stand a chance to become an effective global agreement. The intransigence with which the United States and China oppose each other is the quintessential case in point. The US consider it unfair that emerging economies with skyrocketing emissions are exempted from reduction obligations. China considers the historical emissions of the US as an undue advantage and US demands for binding emissions reductions as tantamount to challenging China's right to development.

No fair deal means no deal at all

This kind of polarization showcases how any proposal that will be viewed as unfair even by a few parties will not fly. Yet, absolute fairness is an utopia that is inconceivable in the given international system. Negotiators must thus reach an agreement that is "fair enough" for all parties. This implies to acknowledge that the global nature of climate change invariably results in a common responsibility. Yet the responsibilities for the causes and the extent of climate change are unevenly distributed, as are the capabilities to dealing with it. Responsibilities thus need to be differentiated accordingly.

The current system, as framed by the UNFCCC and its Kyoto Protocol, applied the principle of 'common but differentiated responsibilities' by differentiating industrialised countries ("Annex I"-countries) from all other countries. Only the former are obliged to reduce greenhouse gas emissions. This has since proved a Pyrrhic victory for international climate policy: it was instrumental to reach agreement in the

first place, but created a system that is neither fair nor effective and, crucially, lacks any 'updating' provisions.

The dynamically increasing magnitude of emissions from emerging economies renders an exclusive focus on 'historical emissions' unfair. At the same time, most industrialised countries have at best stabilised their rampant emission levels in spite of knowing that these are irresponsibly high, thereby undermining their credibility vis-à-vis emerging economies. For poor developing countries the mutual finger-pointing between industrialised countries and emerging economies is cynical rather than fair. It is encouraging then, that negotiators from virtually any country will, at least at an individual level, agree on the need to overcome the dichotomic logic of the Kyoto Protocol. So what may enable them to do so as they take to the negotiation floor?

Fairness requires flexibility

Past experiences, including from the remarkably successful Montreal Protocol on ozone-depleting substances, clearly demonstrate the benefits of flexibility. As emission trends vary over time, international agreements that allow for adjustments prove more effective than static provisions. The fixed dichotomy of the Kyoto Protocol is a negative case in point. It needs to be abandoned. Yet, simply introducing more country categories would be repeating Kyoto's mistake. Much rather the 2015 agreement should define a set of criteria that will allow for a differentiation that is, first, conceivably fairer than an exclusive focus on absolute emissions or levels of economic growth and, second, flexible in the sense that it warrants a projectable and transparent promotion (or relegation) of individual countries between different groups, according to their development vis-à-vis the pertinent parameters. A promotion would automatically result in more stringent responsibilities.

The eventual operationalisation of equity in the 2015 climate agreement is subject to political decisions. Its fairness will ultimately be in the eye of the beholder. But let it not be forgotten that a meaningful global climate agreement will require solid foundations to become effective. Failure to provide these will not be doing justice to anyone – it would be unfair towards the most vulnerable groups, who have no leverage in the ongoing negotiations, and to future generations in particular. Sure enough that would not be 'fair enough'.