A Copenhagen Climate Treaty

Version 1.0

A Proposal for a Copenhagen Agreement by Members of the NGO Community

Note: The following text serves as a proposal and vision for the Copenhagen Agreement, it is put forward for the purpose of providing a holistic and coherent model treaty but also for initiating discussion. The information and analysis contained herein is based on existing positions and ideas from Parties and Observers that have been further developed and elaborated. The information within this text can be freely used and redistributed with no need for referencing.

Feedback: We welcome and encourage your input and feedback to this text. Please send your comments and questions to the contacts available at the back cover of this document.

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A PROPOSAL FOR A COPENHAGEN AGREEMENT
BY MEMBERS OF THE NGO COMMUNITY:

Alden Meyer USA
Athena Ballesteros Philippines
Bill Hare Australia
Carlos Alberto de Maltos Scaramuzza Brazil
CHENG Qian China
Christoph Bals Germany
Claire Langley UK
Claire Stockwell Canada
Dale Marshall Canada
Damien Demailly France
Daniel Mittler Germany
Diana Movius USA
Diane McFadzien Cook Islands
Doug Boucher USA
Emily Brickell UK
HOU Yanli China
Irina Stavchuk Ukraine
Jake Schmidt USA
Jan Kowalzig Germany
Jennifer Morgan USA
John Nordbo Denmark
Kaisa Kosonen Finland
Karen Regina Suassuna Brazil
Katherine Watts UK
Kathrin Gutmann Germany
Keya Chatterjee USA
Kim Carstensen Denmark
Kirsten Macey Australia
Kit Vaughan UK
LI Yan China
Mark Lutes Canada
Martin Kaiser Germany
Matthew Findlay UK
Naoyuki Yamagishi Japan
Peter Lockley UK
Regine Guenther Germany
Richard Worthington South Africa
Roman Czebiniak USA
Sandeep Champling Rai Nepal
Shane Tomlinson UK
Srinivas Krishnaswamy India
Stefan Henningsson Sweden
Stephan Singer Germany
Sven Harrmeling Germany
Tara Rao India
Tasneem Essop South Africa
Wael Hmaidan Lebanon

Overview of the Copenhagen Climate Treaty – Version 1.0

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I. The Agreement the World Needs

Climate change is not just a human tragedy but changes the very basis of survival on this planet. We know that our window of opportunity for limiting climate change is closing and therefore unprecedented international cooperation and commitment is required.

We need to, and we can, progress much faster, catalyzing the world onto a low-carbon development pathway that is ambitious, effective and fair and ensures that the right to survival for the most vulnerable is not sacrificed.

The **Copenhagen Climate Treaty** is a draft version of what the agreement in Copenhagen should look like. It is a **work in progress**; although the views on targets and the ambitious emission pathways will not change, the finer points are likely to evolve in step with the negotiations themselves. It is **meant to encourage and provoke countries** into thinking hard about the level of ambition, scope and detail that needs to be agreed in Copenhagen, the path to get us there and what comes afterwards.

The Copenhagen Climate Treaty, which must be adopted by all Parties, marries the need for ambitious and urgent action on adaptation and emissions reductions – driven by the science and equity – with the transformation of technology, the preservation of forests and the acceleration of sustainable development.

This NGO proposal serves as testament to the fact that compiling the Copenhagen Climate Treaty is possible today. All that is needed is that Parties have an open mind and real dedication to concluding a just, effective, science-based agreement, in time to keep global average temperature rise far below the danger threshold of 2°C.

Reaching this understanding about climate change between 192 countries will mean that the world has started to learn how to manage its planet. Failure to agree a strong, effective deal in Copenhagen will accelerate the demise into competing smaller entities, resource wars, disruption, refugees, and natural catastrophes.

Such deal in Copenhagen is a small step for governments – but a big step for humanity.

The Authors

This document was drafted by individuals from around the world reflecting on countries' national circumstances and debates with the knowledge that transformation is required. While in a couple of cases more detail is provided than is likely to be agreed in Copenhagen, the core elements of each provide an understanding of what must be agreed in December. Those are summarized below.

II. What the Deal Looks Like

The Treaty is based on the premise that all peoples, nations and cultures have the right to survive, to develop sustainably and to alleviate poverty.

The final agreement must balance the need for short-term action with medium and long-term certainty and vision on all aspects of the Bali Action Plan and the need for a legally binding form. It must be ambitious but must also safeguard the poorest people. There must be no trade off between ambition and equity.

The **shared vision** maps out the international effort required to fundamentally tackle climate change while meeting sustainable development goals. It outlines the overall long-term global objectives for the four building blocks, mitigation, adaptation, technology, and finance, showing what it takes to transform the world to a zero-carbon economy over the coming decades, including global emissions cuts of at least 80% below 1990 levels by 2050. It will additionally enshrine equity and the right to survival for countries, communities, cultures, and ecosystems, as well as the right to develop sustainably in accordance with the UNFCCC principles. The agreement then operationalizes the shared vision for a 5-year commitment period for 2013 to 2017, to be followed by subsequent 5-year periods, for all four building blocks.

The Treaty's Legal Structure

The Copenhagen Climate Treaty should consist of three pieces: an amendment to the Kyoto Protocol, a new Copenhagen Protocol and a set of decisions by the supreme body of the Convention and its Protocols.

The Copenhagen Protocol and amended Kyoto Protocol should be viewed as a package encompassing the international community's response to avoiding dangerous climate change.

The Convention and Protocol decisions should lay the groundwork for the immediate and early action needed up to 2012 for mitigation and adaptation, including some of the decisions that will need to be adopted at COP16 by Parties to the Copenhagen Protocol.

The Global Carbon Budget

The overall ambition of the Copenhagen deal must be to keep the rise of the world's average annual temperature **as far below 2°C warming** as necessary, compared to pre-industrial levels, to avoid catastrophic climate change.

The world must stay within a maximum carbon budget that cannot be overspent nor borrowed against in the future. It reflects the total amount of greenhouse gases the planet can bear before it tips into instability.

The planet's annual global carbon budget from all sources of greenhouse gases would in 2020 be no higher than 36.1 Gt CO_2e (giga tons of CO2 and other greenhouse gas emissions), roughly equal to 1990 levels and would need to be reduced to 7.2 Gt CO2e in 2050, in other words by 80 % below 1990 levels. To put the world rapidly onto an emissions reduction pathway that can achieve that, global emissions need to come back to 1990 levels by 2020.

For the annual reduction rates between 2010 and 2050 to be achievable, total global greenhouse gas emissions would need to peak in the 2013-2017 commitment period and decline thereafter. The physical emission paths would be:

- industrialised countries' fossil fuel and industrial greenhouse gas emissions would have to drop from present levels rapidly and almost be fully phased out by 2050,
- deforestation emissions would need to be reduced globally by at least 75% or more by 2020,
- developing country fossil fuel and industrial greenhouse gas emissions would need to peak before 2020 and then decline, which emphasizes the need to provide high levels of binding support by industrialized countries.

Historical Responsibility

All countries must contribute to preventing dangerous climate change. However, the largest share of responsibility for staying within the carbon budget rests with the industrialized countries, obligating them to reduce emissions at home whilst enabling and supporting developing countries to develop in a low-carbon manner.

Given that the remaining atmospheric space has been constricted as a result of the excessive use of fossil fuels by industrialized countries to date, these countries need to provide significant financial, technological and capacity building support that can be monitored and measured to ensure that developing countries have the means to stay within such a carbon constrained budget and to begin to remedy the historical inequities.

To achieve the necessary emission reductions, however, more advanced developing countries must also take up the call to action. Therefore the Treaty outlines their common but differentiated responsibilities and details the support to be provided.

Newly industrialized countries like Singapore, South Korea and Saudi Arabia should also take on binding targets in line with the Convention principle of common but differentiated responsibilities and respective capabilities. The criteria for designating newly industrialized countries should be negotiated in Copenhagen.

III. Key Terms and Obligations

The Copenhagen Climate Treaty lays out objectives and responsibilities for industrialized and developing countries. It also suggests new institutional and governance arrangements under the UNFCCC.

Industrialised Countries

Industrialised countries have a dual obligation under the Treaty, representing their overall responsibility for keeping the world within the limits of the global carbon budget and ensuring that adaptation to the impacts of climate change is possible for the most vulnerable. This dual binding obligation takes the form of emissions reductions as well as the provision of support to developing countries.

As a group, they should commit to an emissions pathway that includes targets for industrial GHG emissions of at least 40% below 1990 levels by 2020 and at least 95% below 1990 levels for 2050. This would mean overall carbon emissions of no more than 11.7 Gt CO_2e in 2020 and no more than 1.0 Gt CO_2e in 2050. Emissions from maritime and aviation sectors should be included in their reduction targets.

This will require a rapid shift from a high carbon economic growth model to a zero carbon sustainable development model. To put in place the institutions and policies necessary for such a transformation, each industrialized country should prepare a **Zero Carbon Action Plan** (ZCAP).

These plans would outline how a country will meet both its obligations, charting the country's emissions pathway in line with the 2050 global goal and outlining the actions that will ensure that it meets its legally binding target in the short term and stay within the industrialized carbon budget in the long-term. They would also outline how a country proposes to meet its finance, technology and capacity building support obligations, including its share of the 160 billion USD$ (115 billion Euros) annual funding requirement.

The plans would be submitted to and assessed by the newly created Copenhagen Climate Facility (CCF, see below) to ensure they are in line with meeting obligations. The CCF would be empowered to recommend additional actions and advocate penalties if not satisfied.

In order to ensure that industrialised countries meet both their emissions reductions and support commitments, both in the field of emissions reductions and support, industrialized countries should be subject to a **much stricter compliance regime**, including financial penalties and early warning mechanisms.

Developing Countries

Developing country action should aim to achieve the emission reductions required to stay within the global carbon budget, at the same time leading to the eradication of poverty, meeting the Millennium Development Goals and ensuring the right to overall sustainable development. The group of developing countries would formulate an emissions reduction aim to strive for within the global carbon budget concept.

As a group, developing countries should limit the growth of their emissions through nationally appropriate mitigation actions (called NAMAs) supported by industrialized countries. Advanced developing countries should incorporate their NAMAs into **Low Carbon Action Plans** (LCAPs), which would outline a country's plan towards a low carbon economy in the longer term. These plans should demonstrate requirements for finance, technology and capacity building support from industrialized countries to meet the developing countries' long term aim.

Building from the bottom-up of national circumstances, these actions are likely to include policies, measures and perhaps sectoral agreements. A process should be set up to match the needs of developing countries with the support to be provided by industrialized countries. Agreed actions and support would then be entered into an Action and Support Registry. A robust system to measure, report and verify such actions should be included.

The plans should address the most polluting sectors in the country whilst also looking at deforestation, transport and the built-environment, amongst others. Industrialized countries should commit considerable funds to cover the full cost of preparing these plans, immediately in 2010.

Other less advanced developing countries should also be encouraged to submit actions and plans based on their respective capacities and should be provided with the necessary support. This includes Least Developed Countries and Small Island Developing States which, while not contributing significantly to global emissions, have already shown leadership in moving towards a low carbon economy.

Institutions

A new institution will be required to ensure delivery of the obligations of industrialized countries as well as implementation of the adaptation and mitigation actions in developing countries. This cannot be accomplished by a fragmented set of existing institutions. The new institution should also oversee a Technology Development Objective to ensure the spread and transfer of currently available climate friendly technologies as well as spur the development of the next generation of technologies.

The new **Copenhagen Climate Facility** (CCF) would be an enhanced finance & technology mechanism learning from the experience of already existing institutions. It should reflect a democratic decision-making structure with an equitable and balanced regional representation, ensuring significant representation from developing countries, as well as formal representation from relevant stakeholders.

The CCF would operate under the guidance and authority of the supreme body of the Copenhagen Protocol (CMCP) and consist of:

- an Executive Committee and four Boards (Adaptation, Mitigation, REDD, Technology), with joint decision making power;
- a number of *Technical Panels* which provide support to the four Boards
- a *Secretariat*; and one or more *Trustee(s) or Treasurer*, with no decision making power;
- a *Reporting and Review Committee***,** that houses the various reporting, monitoring, review, assessment and verification functions of the Copenhagen Protocol

Adaptation Action Framework

The Copenhagen Agreement should include a global **Adaptation Action Framework** to strengthen international activities to facilitate adaptation planning and implementation and exchange of knowledge and experience among all Parties.

The Framework should provide easy and direct access to support for the most vulnerable communities, people and countries. It should ensure maximum national, local and community level involvement and ownership over all aspects of adaptation planning and implementation. It should also promote an integrated approach that enhances the climate resilience of the poor, in particular women, children, indigenous people, and the disproportionately affected. Proper monitoring and evaluation,

building on in-country experience, would ensure effective adaptation planning and implementation.

The Adaptation Action Framework would, in particular

- Provide massively scaled-up finance in the form of periodic grant installments to developing countries, particularly LDCs, SIDS and African countries prone to droughts floods and desertification; other extremely poor and vulnerable countries, for adaptation planning and implementation, for both urgent and immediate needs as well as long-term pro-active adaptation. These installments would be based on transparent and participatory In-country Coordinating Mechanisms (ICM) to prepare and update planning and evaluate implementation.
- Establish a Climate Risk Insurance Mechanism to cover losses from high-level impacts such as tropical cyclones, and to facilitate insurance schemes, such as micro insurance.
- Establish a process to develop modalities for a compensation and rehabilitation to address slow-onset impacts of climate change such as rising sea levels and other impacts that cannot be dealt with through pro-active adaptation or insurance.

Funding for the Adaptation Action Framework would come primarily through the Adaptation Board of the Copenhagen Climate Facility.

Technology cooperation

A global revolution in technology and technology cooperation is needed to accelerate the pace of innovation, increase the scale of demonstration and deployment, and ensure that all countries have access to affordable climate friendly technologies.

To achieve this revolution at the scale and speed needed will require a new approach, one that gives the UNFCCC the mandate to drive a set of Technology Action Programmes while pulling on bi-lateral and private sector initiatives. Therefore the **Copenhagen Climate Facility** and its Technology Board should coordinate the implementation of a robust and objective driven technology mechanism, leveraging a range of activities in this area.

Defining a Technology Development Objective will help to guide, transfer and drive Technology Action Programmes and should include:

- increasing financing for mitigation and adaptation related research, development and demonstration to at least double current levels by 2012 and four times current levels by 2020, with a key focus on bilateral and multilateral cooperative initiatives;
- obtaining a global average of at least two thirds of the world's primary energy demand from renewable energy sources by 2050, with the mid-term goal of achieving at least 20 percent by 2020;
- improving average energy intensity of the global economy by 2.5% per year until 2050; and
- securing access to modern energy services for all people by 2025, without locking them into a high GHG intensity development path.

Finance

Implementation of the Copenhagen Climate Treaty will need significant financial resources. These resources should be new and additional. A substantial portion of them should be channelled through the Copenhagen Climate Facility and used – particularly with respect to mitigation – to catalyze private investment.

Financial resources will be used for mitigation, technological cooperation and innovation and adaptation in developing countries, as well as forest protection. Overall industrialized countries should provide **at least 160 billion US$ per year for the period 2013-2017**, with each country assuming responsibility for an assessed portion of this amount as part of its binding national obligation for the same period. These commitments would be measured, reported and verified through the UNFCCC.

The main source of revenue should be **through the auctioning of roughly 10%** of industrialized countries emissions allocation with additional financing from international levies on aviation and marine sectors, with some portion also possible from national auctioning in line with a set of agreed UNFCCC criteria. A limited share could come from other means if they fulfill criteria.

The vast majority of the 160 billion US$ per year should be deposited in the Copenhagen Climate Facility and apportioned by the four Boards as follows:

- 56 billion US$ per year for adaptation activities;
- plus 7 billion US$ per year for a multilateral insurance mechanism;
- 42 billion US$ per year for REDD; and
- 55 billion US$ for mitigation and technology diffusion per year.

Reducing Deforestation

As forest destruction is responsible for close to 20% of global emissions, it is imperative that action to reduce emissions from deforestation be taken as part of the Copenhagen Agreement. This must be done in a manner that promotes the protection of biodiversity and fully respects the rights of local and indigenous peoples. Countries should commit to reducing emissions from deforestation to 1 Gt CO_2e or less by 2020 or at least 75% below estimated 1990 emissions, with a view to eliminating nearly all human induced forest emissions by 2030.

A REDD mechanism should be established, governed by the REDD Board. Developing countries should develop National Action Plans on REDD and should receive financial support for:

a) national-level emissions reductions against a scientifically rigorous baseline;
b) implementation and making measurable progress towards objectives identified in the National Action Plans on REDD, including preventing increases in future emissions in countries with low historic rates but with forests at significant risk; and
c) capacity building efforts now, up to and beyond 2012, to measure, monitor, report and verify reductions in GHG emissions or, on a transitional basis, the deforested and forest degraded area.

Carbon market instruments

The Clean Development Mechanism (CDM) needs to be fundamentally restructured to better serve sustainable development and activities should be limited to Least Developed Countries and other developing countries with little capacity to act.

For advanced developing countries, new carbon market mechanisms that provide incentives for long-term low-carbon development planning on a sectoral or economy-wide level, should be created.

David Suzuki Foundation
2211 West 4th Ave, Suite 219
Vancouver, BC
Canada V6K 4S2

Tel. 604-732-4228
Fax 604-732-0752

www.davidsuzuki.org

Germanwatch e.V.
Dr. Werner-Schuster-Haus
Kaiserstrasse 201
D-53113 Bonn

Tel. +49 (0) 228 / 60492-0, Fax -19

www.germanwatch.org
info@germanwatch.org

Greenpeace International
Ottho Heldringstraat 5
1066 AZ Amsterdam
The Netherlands

Tel. +31 (0) 20 718 2000
Fax +31 (0) 20 718 2002

www.greenpeace.org

IndyACT – The League of Independent Activists
P.O. Box 14-5472
Beirut
Lebanon

Tel/Fax +961-1-447192

email: climate@indyact.org

www.indyact.org

National Ecological Centre of Ukraine
Kominterna 1
01032 Kiev
Ukrainetel

Tel. +38 (044) 238 62 60

www.necu.org.ua

WWF International
Avenue du Mont-Blanc
CH 1196 Gland
Switzerland

Tel. +41 (22) 364 9111
Fax +41 (22) 364 5358

www.panda.org

Production: Rainer Litty
Printed by medialogik, Karlsruhe, Germany
Printed carbon neutral on FSC-certfied paper

Mixed Sources Cert no. SGS-COC-001349 © 1996 FSC

Published in June 2009