

Bali Roadmap, Copenhagen Convention - are we on track to a new international commitment to cut greenhouse gas emissions?



The mood on the tropical island of Bali this December was chilly. Participating in the Conference of the Parties to the [United Nations Framework Convention on Climate Change](#) and the parallel official meeting for the parties to the Kyoto Protocol, I met with government delegates, advocates, and academics from all over the planet. While many I spoke with expressed the hope that this meeting would produce an international commitment to drastic reductions in greenhouse gases that are necessary to avoid dangerous climate change, it was clear at the outset that the intransigence of the United States and China would be a significant challenge.

The best advocates for progress could get from this meeting was a schedule to negotiate over the next two years, aiming at an agreement at the 2009 Conference of the Parties in Copenhagen. On the other hand, although the official U.S. delegates were famously booed at key turning points, most of the people in attendance at Bali were acutely aware of California's leadership. The impact of California's breakthrough legislation, [AB32](#) and the [Pavley Bill](#), was widely appreciated among the roughly 10,000 in attendance. And the standing room only crowd at a panel of top Congressional aides, talking about the [Lieberman-Warner bill](#), reflected interest in the rapidly evolving role of Congress, as it stands on the threshold of adopting firm emissions reduction targets and market mechanisms to achieve them.

A key question that remains after Bali is, do we need new models, or just better versions of the Kyoto Protocol approach to reducing emissions of climate-forcing gases. This put us in mind of the debates at CCELP's "Cap and Trade" conference last February (presentations [here](#)), particularly concerning the Clean Development Mechanism. The CDM is moving forward, but hardly as the smooth symbiosis of economic development and environmental progress that was envisioned. Instead, we witnessed a tug of war between project developers arguing that the CDM approval process is too slow and rigorous, and other voices criticizing approved projects that are achieving neither GHG reductions nor technology transfer to developing countries.

Fresh approaches could include stronger compliance mechanisms, a greater variety of market and non-market policies to account for national capacity, and greater attention to co-benefits of preparing for adaptation while simultaneously reducing emissions. At CCELP's November Public Lands conference (presentations [here](#)), the use of wetlands to simultaneously sequester carbon, protect land vulnerable to sea level rise and contribute to biodiversity provided a striking example of the co-benefits approach.

Meanwhile, in Bali the initial experiences of the Kyoto Protocol's market mechanisms were on full view for assessment. The European Union Emission Trading Scheme and the Clean Development Mechanism offsets program can now offer some practical experience about designing monitoring, compliance and enforcement to ensure that markets produce real GHG reductions. Anticipating that cap and trade will be part of state or federal policy, CCELP's Fall 2008 conference will consider what legal tools are needed to make these policies succeed, as well as explore alternative models.

While the jury is still out on the effectiveness of market mechanisms, there is a broader question of whether a multilateral treaty is the right model. We continue to believe that the United Nations is an important focus for the global collaboration that is essential to climate change response, while not eschewing other channels of discussion and agreement. It is absolutely clear that US leadership is indispensable – but if the feds won't do it, the states will, with California in the vanguard. The “fossil of the day award” was regularly awarded to the United States (along with Canada, Japan, and Saudi Arabia – and sometimes to Australia for enthusiastically signing the Kyoto Protocol and then expressing much confusion about its role going forward) for contributing the worst input to the negotiations.

The increasing focus on adaptation in the Bali Action Plan is particularly relevant to the legal community. Adaption will require clear thinking on the legal framework for building resilience, and serious consideration of the climate justice issues invoked in Dan Farber's [current writing](#). CCELP is exploring paths toward climate-resilient development through the Boalt in New Orleans program, our ongoing engagement with the consequences of Hurricane Katrina.

A friend joked that the Conference of the Parties scheduled for December 2008 in cold, dark Poznan, Poland will be the punishment for going to tropical Bali in 2007. The Polish meetings will have to produce a greater blaze of substance and inspiration to carry the world community toward serious, binding, commitments, or the goal of real action in Copenhagen at the 2009 conference will fail.

CCELP, its faculty, and its affiliates will be developing applied research and hosting convenings on these topics over the course of the next year. We welcome your reactions, ideas, participation and support.

Cymie Payne
Associate Director, CCELP
Director, Global Commons Project
cpayne@law.berkeley.edu

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