

COPENHAGEN CONSEQUENCES

Analysis of the 2009 Copenhagen U.N. Climate Change Conference

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Senate's Byrd–Hagel Resolution Should Guide Global Warming Discussion in Copenhagen

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The Senate's 1997 Byrd–Hagel Resolution warned the Clinton Administration not to enter into any global warming treaty that leaves out developing nations or hurts the American economy.¹ The unanimous 95–0 resolution, passed prior to the creation of the 1997 Kyoto Protocol, is still U.S. policy today and should serve as the overarching guidelines for discussing any new climate treaty.

As it gears up for the next major international global warming conference in Copenhagen this December, the Obama Administration should carefully follow this resolution and steer clear of any agreement that violates its provisions.

Copenhagen: The Next Kyoto?

The Kyoto Protocol is the major global warming treaty currently in force, but its provisions expire in 2012. Thus, the upcoming Copenhagen conference has for over a year been seen by Kyoto proponents as critical for extending the provisions into the decades ahead.

Kyoto has failed to reduce emissions amongst developed nation signatories. More significantly, developing nations and their rapidly growing emissions—especial-

ly China, which now out-emits the U.S.—are completely exempted under Kyoto.

Kyoto was never ratified because it violated Byrd–Hagel, and any subsequent agreement at Copenhagen or beyond that violates this resolution should suffer the same fate.

Byrd–Hagel and Kyoto

Before the American delegation headed to Kyoto, Japan, in 1997 to negotiate a global warming treaty, the Byrd–Hagel Resolution clearly spelled out where the Senate stood.

Specifically, the resolution states that the U.S. and other developed nations should not enter into a treaty requiring reductions in emissions of carbon dioxide from fossil fuels and other greenhouse gasses unless it “also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties within the same compliance period.”

The resolution also states that the U.S. should not enter into any treaty that “would result in serious harm to the economy of the United States.” Clearly, the Senate was concerned that a global warming treaty may do the nation more economic harm than environmental good.

1. S. Res. 98, 105th Cong., 1st Sess., at <http://www.nationalcenter.org/KyotoSenate.html> (November 2, 2009).

The Kyoto Protocol violated both of these provisions. It gave exemptions to China, India, and other developing nations, so only developed signatories were obligated to reduce their emissions. And its provisions would have seriously damaged the American economy. An Energy Information Administration study at the time projected costs of U.S. compliance between \$100 and \$397 billion annually.²

Nonetheless, the American delegation, led by then-Vice President Al Gore, agreed to the Kyoto Protocol. However, President Clinton never submitted it to the Senate for the required ratification, knowing full well that he could not possibly get the two-thirds support needed for a treaty that so unambiguously flouted Byrd–Hagel. Neither did President Bush, or for that matter, has President Obama.

As Byrd–Hagel remains U.S. policy today, the Obama Administration should formulate a Copenhagen strategy that adheres to its provisions.

Kyoto's Failure

Kyoto can be considered a failure. As expected, emissions from exempted developing nations have increased since 1997, but surprisingly, so have emissions from many developed nation signatories. Indeed, nearly all Western European nations, as well major non-European signatories Japan and Canada, either have experienced emissions increases or have seen decreases smaller than those of the U.S.³ The fact that the U.S. is doing better as a Kyoto outsider than many Kyoto insiders is a lesson that ought not be lost at Copenhagen.

Evidence is also emerging that the underlying reason for the Kyoto Protocol—global warming—is looking like less and less of a problem than initially perceived.⁴ In fact, there has been little or no warming since the Kyoto Protocol was signed—despite increasing carbon dioxide emissions in the ensuing years.⁵

Overall, Kyoto is proving to be an ineffective solution to an overstated problem.

The Kyoto Protocol called for a 5 percent reduction below 1990 baseline emissions levels. But this target expires by the end of 2012. That is why proponents have focused on the next major conference of the parties in Copenhagen in December as necessary to extend the Kyoto approach and strengthen its required emission reductions.

Developing Nations Exempted

Byrd–Hagel warned that “greenhouse gas emissions of developing country parties are rapidly increasing and are expected to surpass emissions of the United States and other [developed] counties as early as 2015.” In fact, developing world emissions began to outpace developed emissions in 2005, and they are projected to continue increasing seven times faster than in the developed world.⁶ China alone now out-emits the U.S., and its emissions growth through 2030 is projected to be nine times higher than that of the U.S.⁷

In effect, any reduction in emissions from the U.S. and other developed nations would be rendered moot by burgeoning emissions from developing nations—even more so if developed-nation constraints shift economic activity to exempted nations.

2. Energy Information Administration, “Impacts of the Kyoto Protocol on U.S. Energy Markets and Economic Activity,” October 1998, Table ES 1, at <http://www.eia.doe.gov/oiaf/kyoto/execsum.html> (November 2, 2009).

3. Press release, “UNFCCC: Rising Industrialized Countries Emissions Underscore Urgent Need for Political Action on Climate Change,” United Nations, November 16, 2008, at http://unfccc.int/files/press/news_room/press_releases_and_advisories/application/pdf/081117_ghg_press_release.pdf (December 11, 2008); Energy Information Administration, “International Energy Annual 2006,” Table H.1co2: World Carbon Dioxide Emissions from the Consumption and Flaring of Fossil Fuels, 1980–2006, at <http://www.eia.doe.gov/pub/international/iealf/tableh1co2.xls> (December 11, 2008); Open Europe, “Europe’s Dirty Secret: Why the EU Emissions Trading Scheme Isn’t Working,” August 2007, at <http://www.openeurope.org.uk/research/etsp2.pdf> (December 11, 2008).

4. See Heartland Institute, “Climate Change Reconsidered: The Report of the Nongovernmental International Panel on Climate Change,” June 2009, at <http://www.heartland.org/publications/NIPCC%20report/PDFs/NIPCC%20Final.pdf> (November 2, 2009).

5. See Craig Loehle, “Trend Analysis of RSS and UAH MSU Global Temperature Data,” *Energy & Environment*, Vol. 20, No. 7 (2009), pp. 1087–1098.

6. Energy Information Administration, “International Energy Outlook 2009,” Chapter 8, at <http://www.eia.doe.gov/oiaf/ieo/emissions.html> (November 2, 2009).

7. *Ibid.*, Figs. 83 and 84.

The Economic Harm of a Copenhagen Post-Kyoto-Style Deal Could Be Substantial

As economically damaging as the Kyoto Protocol would have been had America ratified it, any serious attempt to create a new agreement in Copenhagen would likely be worse. Even proponents of Kyoto described its 5 percent target as a modest first step toward reducing greenhouse gas emissions. One analysis calculated that its provisions would have reduced the earth's future temperature by no more than 0.07 degrees Celsius by 2050.⁸ Assuming proponents of a new treaty are sincere about treating global warming as a dire threat, any such agreement coming out of Copenhagen would have to impose much larger emissions reductions.

For example, the domestic global warming bill, the American Climate and Energy Security Act, which narrowly passed the House last June and awaits consideration in the Senate, contains far more stringent targets than Kyoto's 5 percent reduction. It would require a 17 percent reduction in emissions from 2005 baseline levels by 2020 and 83 percent by 2050. The Heritage Foundation's analysis of the bill found costs that would easily qualify as serious harm to the economy of the United States—including annual reductions in gross domestic product of \$393 billion annually, total costs

to a household of four of nearly \$3,000 annually, and an average of over 1 million net job losses annually.⁹ In order to actually reduce emissions, similarly onerous targets would be necessary in any global warming treaty coming out of Copenhagen, and those would certainly violate Byrd–Hagel.

Meant to Last

The Byrd–Hagel Resolution applies to the “negotiations in Kyoto in December 1997, or thereafter.”¹⁰ Thus the Senate meant for its resolution to apply to all future global warming negotiations, and that includes Copenhagen.

The resolution's insistence that the U.S. not enter into any global warming treaty that either leaves out the developing world or causes serious economic harm should be firm guideposts for the Obama Administration as it prepares for Copenhagen. At a very minimum, the Administration should not agree to anything that violates Byrd–Hagel.

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8. M. L. Wigley *et al.*, “The Kyoto Protocol: CO₂, CH₄ and Climate Implications,” *Geophysical Research Letters*, Vol. 25, No. 13 (1998), pp. 2285–2288.

9. David Kreutzer *et al.*, “The Economic Consequences of Waxman–Markey: An Analysis of the American Clean Energy and Security Act of 2009,” Heritage Foundation *Center for Data Analysis Report* No. CDA09-04, August 6, 2009, at <http://www.heritage.org/Research/EnergyandEnvironment/cda0904.cfm>.

10. S. Res. 98, 105th Cong., 1st Sess., emphasis added.