

COPENHAGEN CONSEQUENCES

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

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Why Must the U.N. Be Central to Addressing Global Warming?

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A statement issued by the Asia-Pacific Economic Cooperation (APEC) summit conceded a long-suspected reality: The upcoming Copenhagen conference will not produce a legally binding climate pact to succeed the failed Kyoto Protocol.¹ APEC's statement was significant because APEC nations comprise roughly 60 percent of total anthropomorphic greenhouse emissions, including the two largest sources in China and the United States. Without participation by these nations, any agreement is moot.

Those hoping that Copenhagen would yield a substantive agreement to curb greenhouse gas emissions and related commitments were greatly disappointed by the APEC statement—perhaps most of all the United Nations, which has pushed for a binding legal framework in Copenhagen. But overlooked in this debate over what to do and when it must be done is the question of why the U.N. is so deeply involved in setting the tone and direction for the negotiations in the first place.

1. Julianna Goldman and Daniel Ten Kate, "APEC Concedes Copenhagen Climate Treaty out of Reach," Bloomberg, November 16, 2009, at <http://www.bloomberg.com/apps/news?pid=20601103&sid=aHZ4UFjPVrr4> (November 20, 2009); Caren Bohan, "World Leaders Back Felay to Final Climate Deal," Reuters, November 15, 2009, at <http://af.reuters.com/article/worldNews/idAFTR5AE0FP20091115> (November 20, 2009).

The U.N. is supposed to be a neutral facilitator, not a decision-making body. The decisions over what commitments nations make should be left to their respective governments—they have to justify them to the citizens who will be affected. In this debate, the U.N. has moved inappropriately beyond serving as bureaucratic "butlers of the process" to full-blown advocates pushing for ever more stringent commitments in the face of countervailing evidence and lack of political support for its suggested actions.

The governments at APEC were right to reject the artificial deadline posed by the Copenhagen meetings. Perhaps it is time to reject the U.N.'s role in the negotiations as well.

Questioning Assumptions

Increasingly, there is an implicit assumption that issues involving multiple nations should be addressed through the U.N. The notion that "global problems require global solutions and global resources"—often under the aegis of the U.N.—is frequently voiced by self-interested proponents of the U.N., such as U.N. Secretary-General Ban Ki-moon and others whose livelihoods and goals depend on the U.N.

The U.N. can sometimes serve a useful role as a facilitator of negotiations. However, there is no com-

elling reason that the U.N. *must* lead international negotiations on global warming—or any other multilateral issue. As detailed extensively in *ConUNdrum: The Limits of the U.N. and the Search for Alternatives*,² some purportedly global problems do not require global action to address or may in practice be better addressed through selective participation. Including nations with little at stake or minimal ability to affect a solution to a problem—which is the default process in the U.N. where all 192 member states have a seat at the table—can sometimes impede international action.

Such is clearly the case with global warming, as evidenced by the record of the Kyoto Protocol to the U.N. Framework Convention on Climate Change (UNFCCC). The Kyoto Protocol was ostensibly established to combat global warming by restricting emissions of greenhouse gases—at enormous cost to nations subject to its restrictions.

Even leaving aside credible questions about the reliability of projections for global warming and its causes, Kyoto is a failure. Even assuming perfect compliance, Kyoto would not significantly arrest projected global warming because of shortcomings of the agreement—specifically the exemption major developing country sources of greenhouse gas emissions and loopholes and other ruses that allow some developed countries to largely avoid emissions reductions.³

A Failed Approach

Yet the U.N. remains wedded to this failed approach. Indeed, the presumption is for Copenhagen and subsequent meetings to cement Kyoto in place and use it as a model to:

- Impose even more stringent, costly emissions restrictions on developed countries like the U.S.,
- Largely exempt developing countries like China and India, and

- Secure commitments for technology transfer to developing countries and an estimated \$100 billion per year for adaptation to climate change for poor nations.⁴

The myopia of the U.N. on affirming Kyoto and expanding on that model is hard to overstate. In August, U.N. Secretary-General Ban Ki-moon opined, “We have less than 10 years to halt the global rise in greenhouse gas emissions if we are to avoid catastrophic consequences for people and the planet. It is, simply, the greatest collective challenge we face as a human family.”⁵ In September, Ban stated that governments have “four months to secure the future of our planet.”⁶

Yvo de Boer, executive secretary of the UNFCCC, has echoed Ban’s urgent calls for action and is strongly and emotionally invested in a post-Kyoto agreement. Indeed, a news account notes that “at the Bali negotiations in December 2007, as talks hit their umpteenth buffer, de Boer had to be led away from the chamber in tears” in frustration over the lack of progress.⁷

A Neutral Broker?

Although a letter by Ban following the APEC conference states that he and other U.N. officials are “committed to serving as a neutral broker”⁸ in support of climate negotiations, the U.N.’s interests in the outcome of a post Kyoto framework are hardly consistent with that of a “neutral broker.”

2. Brett D. Schaefer, ed., *ConUNdrum: The Limits of the United Nations and the Search for Alternatives* (Lanham, MD: Rowman and Littlefield Publishers, 2009).

3. For a detailed analysis, see Christopher C. Horner, “Dysfunction in International Environmental Policy: How the U.N. Undermines Effective Solutions,” in *ibid.*, pp. 95–129.

4. See U.N. Secretary-General Ban Ki-moon, opening remarks to the U.N. Climate Change Summit Plenary, U.N. News Centre, September 22, 2009, at http://www.un.org/apps/news/infocus/speeches/statements_full.asp?statID=582 (November 20, 2009); Prime Minister Gordon Brown, “Roadmap to Copenhagen Speech,” Number 10, June 15, 2009, at <http://www.number10.gov.uk/Page19813> (November 20, 2009).

5. Ban Ki-moon, comments at a joint press conference on climate change with New York City Mayor Michael Bloomberg and Paul Dickinson, CEO of the Carbon Disclosure Project, United Nations, June 23, 2009, at <http://www.un.org/apps/sg/offthecuff.asp?nid=1302> (November 20, 2009).

6. Ban Ki-moon, remarks to the Global Environment Forum, U.N. News Centre, August 11, 2009, at http://www.un.org/apps/news/infocus/speeches/statements_full.asp?statID=557 (November 20, 2009).

7. Editorial, “In Praise of... Yvo de Boer,” *The Guardian*, November 11, 2009, at <http://www.guardian.co.uk/commentisfree/2009/nov/11/yvo-de-boer-crying-dutchman> (November 20, 2009).

8. Ban Ki-moon, “Now Is Our Time,” *Spiegel*, November 17, 2009, at <http://www.spiegel.de/international/world/0,1518,661797,00.html> (November 20, 2009).

On the contrary, the organization's officials have repeatedly used their position to influence negotiations toward their favored outcome—including a willingness to use questionable and politicized evidence to support their claims such as the discredited “hockey stick” graph that purportedly demonstrated a historically unprecedented increase in global temperatures at the start of the Industrial Revolution.

Indeed, one has only to look at Ban's “signposts for success at Copenhagen and beyond” for evidence of bias.⁹ According to these signposts, a successful agreement would require “ambitious emission reduction targets from industrialized countries by 2020” and “substantial financial and technological support” from developed countries to enable “developing countries to limit the growth of their emissions while they grow sustainably.”

The agreement would also have to “address all major sources of greenhouse gases, including deforestation and emissions from shipping and aviation.” Substantial funding commitments are a moral and political imperative and must “provide comprehensive support to the most vulnerable” developing nations for adaptation. And finally, “a successful deal must include an equitable global governance structure that addresses the needs of developing countries.” These are not neutral signposts. They are controversial commitments that evoked disagreement in past negotiations.

Even in the wake of the APEC statement and the clear lack of consensus among the member states for an agreement that would meet Ban's signposts, the U.N. continues to coordinate an international effort to mobilize support among non-governmental organizations and the media. The goal of this campaign is to press governments to back a detailed non-binding “political agreement” at Copenhagen, which will then be used as a foundation for 2010 negotiations on a robust and legally binding climate agreement.¹⁰

9. Moon, opening remarks to the U.N. Climate Change Summit Plenary.

10. George Russell, “Seal the Deal,” Fox News, November 19, 2009, at http://www.foxnews.com/printer_friendly_story/0,3566,575758,00.html (November 20, 2009).

Recommendations

The problems involved with negotiating a substantive agreement through the U.N. are manifold and should lead the U.S. to:

Minimize the U.N.'s Role in Negotiating Agreements to Address Global Warming. Instead of pursuing a costly, ineffective successor agreement based on the failed Kyoto model, governments committed to and capable of addressing global warming should establish limited, focused processes outside of the U.N.

Examples include the original U.S.-led Asia-Pacific Partnership on Clean Development and Climate and the Major Economies Forum on Energy and Climate¹¹ (formerly the Major Economies Meeting). Both have proven superior to the U.N. template for addressing “global warming” because they focus on what countries are actually willing to commit to, are less vulnerable to manipulation by third parties that are not central to resolving the issue at hand, and focus on outcomes rather than processes.

Restrict the U.N.'S Advocacy Activities. Representatives of the U.N. have grown increasingly bold in lobbying the U.S. Congress on various legislative issues. Earlier this year, Ban lobbied Congress to pay its assessment to the U.N. in full and on time.¹² In November, Ban lobbied Congress, which he saw as an impediment to securing an agreement in Copenhagen, to pass legislation on climate change.¹³

Since the U.S. taxpayer pays for 22 percent of the U.N. regular budget (including Ban's salary), over 25 percent of U.N. peacekeeping, and similar amounts of other U.N. organizations and activities, it is likely that lobbying by U.N. officials violates U.S. law prohibiting “money appropriated by any enactment of Congress” from being used “to influence in any manner a Member

11. U.S. Department of State, “Major Economies Forum on Energy and Climate,” at <http://www.state.gov/g/oes/climate/mem> (November 20, 2009).

12. Associated Press, “U.N Chief Calls U.S. ‘Deadbeat’ Donor,” Fox News, March 11, 2009, at <http://www.foxnews.com/politics/2009/03/11/chief-calls-deadbeat-donor> (November 20, 2009).

13. Reuters, “UN's Ban to Lobby U.S. Congress on Climate Change,” November 9, 2009, at <http://www.reuters.com/article/latestCrisis/idUSN09271643> (November 20, 2009).

of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation.”¹⁴ These restrictions exist for good reasons. If such restrictions do not apply in the case of the U.N., Congress should adjust the law accordingly.

Needed: A Realistic, Effective Strategy

By consenting to negotiate a global warming agreement through the U.N., the U.S. has placed its negotiators in a position of weakness. Nations with little direct stake in the outcome of negotiations as well as U.N. officials manipulate the process to satisfy their interests.

14. 18 U.S. Code 1913.

The end result is all but certain to be a less effective, more costly agreement that unduly burdens the U.S. and other developed countries without any real assurance that such sacrifices will realistically address the issue of global warming.

Instead of letting the U.N. funnel negotiations toward an unrealistic agreement that encourages non-compliance, the U.S. and other nations expected to shoulder the burden should work outside of the U.N. to hash out a realistic, effective strategy by which they are prepared to abide.

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