



# Friends of the Earth International

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### Position Paper for COP 15, Copenhagen December 2009

#### INTRODUCTION

The outcomes of the Copenhagen negotiations on the second commitment period of the Kyoto Protocol and fulfilment of other UNFCCC obligations will only be deemed as acceptable if any agreement/s reached are socially, politically, ecologically and economically just and compliant with human rights.

The trend of human-induced climate change is now perilously close to catastrophe for the majority of the world's peoples and fragile ecosystems. This trend is a direct result of the unsustainable and inequitable overconsumption of fossil fuels and the exploitation of carbon resources such as forests and soils, which is at the heart of the dominant economic development agenda. Friends of the Earth International believes that only a radical global change from the current economic and development paradigm will be able to prevent the worst consequences of climate change, which threatens the lives of the world's most impoverished peoples first. Friends of the Earth International calls for Climate Justice – a reversal of the historical responsibility for human induced climate change through massive emissions reductions in the Global North, reparation of the climate debt and equitable sharing of the Earth's resources in recognition of all peoples' and future generations' right to a dignified life within ecological limits.

The UNFCCC must provide the framework to ensure global change in line with climate justice. If it fails to do so, then it will be worse than achieving no agreement at all in Copenhagen. A bad “deal” will delay actions for years and will affect future generations for centuries. Developed countries should recognise that the failure to tackle climate change will result in massive human rights violations impacting on the world's most impoverished people and future generations. These include violations of such fundamental rights as the rights to life, food and property. We no longer have time for dangerous distractions of inadequate agreements and mechanisms. It's time to ACT NOW.

**Friends of the Earth International (FoEI) holds the following positions on key areas of the Copenhagen negotiations: emissions reduction, forest conservation, climate finance, human rights, and legal architecture.**

#### Emission Reductions

##### Short-term targets for annex-1

Friends of the Earth International demands that Industrialised countries must reduce their emissions domestically – without offsetting - by *at least* 40% by 2020.

At the December 2007 climate talks in Bali, the Ad-hoc Working Group on the Kyoto Protocol recognised that to achieve the lowest stabilization level, Annex-1 parties as a group would be required to reduce emissions by a range of 25-40% below 1990 levels by 2020 which is based on the scientific findings of the Intergovernmental Panel on Climate Change (IPCC). Committing to a reduction in the lower end of this range will leave an unacceptably high risk of increasing global temperatures beyond safe levels.

Emissions reductions of the range suggested by the IPCC only gives an estimated 50% chance of staying below 2 degrees. Meanwhile, the Alliance of Small Island States (AOSIS) believe that 2 degrees is not a safe threshold and that global warming should be limited to 1-1.5°C. So for the best chance of escaping devastating climate change, developed nations must at least commit to emission cuts of 40% at home by 2020.

The most recent scientific insights must be considered at every moment of political decision making with regard to adjusting emissions reductions targets when necessary.

We believe that national climate legislation setting annual targets for domestic emission cuts is one way of achieving these cuts, and will enable us to hold governments to account if they fail to meet these cuts.

### **Global Target**

Friends of the Earth International demands a total phase out of carbon emissions by mid-century in order to reverse current warming trends and hence minimize the chance of irreversible damage and possible runaway climate change. NASA scientist James Hansen and others have spotlighted the need to return to 350ppm CO<sub>2</sub> or lower to preserve the planet.<sup>1</sup> The sharing of this burden must be based on historical responsibility and capacity to act in order to enable a global just transition towards sustainable low carbon economies.

### **Burden Sharing**

Industrialised countries have accrued a climate debt<sup>2</sup> to developing countries which must be reflected in ambitious emission reduction targets in Annex I countries, as well as financial and technology transfer support for mitigation and adaptation requirements in southern countries.

The Convention recognises the historical and current responsibility of developed countries to “take the lead” and also that developing countries’ ability to reduce emissions is dependent on developed countries meeting their commitments under the Convention related to financial resources and transfer of technology (Article 4.7). Friends of the Earth International encourages developing countries to take national actions towards sustainable societies and calls for Annex I countries to fulfil their obligations.

Friends of the Earth International does not call for differentiation that would mean calling for developing countries to accept binding emissions reduction targets for the next commitment period.

Our demands for potential future binding targets on developing countries would be based on historical responsibility and capacity to act indicators, and be dependent on steps taken by developed countries in the second commitment period to accept and carry out binding emissions reduction targets and finance for mitigation and adaptation in the global South.

### **Offsetting**

Friends of the Earth International rejects offsetting. Offsetting wards off real measures to tackle climate change instead of fulfilling domestic emission reductions that are desperately needed if we are to avert a climate catastrophe. Instead, we demand that the global North takes the lead in radically reducing their emissions and meets their obligations for financial transfers to the global

<sup>1</sup> <http://arxiv.org/ftp/arxiv/papers/0804/0804.1135.pdf> and <http://arxiv.org/ftp/arxiv/papers/0804/0804.1126.pdf>

<sup>2</sup> See Friends of the Earth International, “Climate debt: making historical responsibility part of the solution”, 2005 <http://www.foei.org/en/publications/pdfs/climatedebt.pdf>

South, based on climate debt, for mitigation and adaptation that are *independent from and additional to* emission reduction obligations. Finance for mitigation and adaptation in the South in addition to domestic emissions reductions in the North must be attained.

Friends of the Earth International rejects the Clean Development Mechanism (CDM). The CDM is inherently unfair and is based on the failure of industrialised countries to achieve necessary emissions reduction targets. The CDM has well-documented devastating social, environmental and human rights impacts on communities and their environment in the global South.<sup>3</sup>

A market-trading scheme in forests would create the climate regime's biggest environmental compromise, creating disincentives for emission cuts in rich countries through the generation of credits that would be used as offsets.

### **Real solutions are needed to reduce emissions and ensure climate justice**

In order for emission reductions to be fair, equitable and sustainable, excessive consumption must be reduced and lifestyles changed, especially by rich countries and rich elites. The political framework for these necessary genuine lifestyle changes must be set NOW in order to not increase the burden for impoverished people and future generations to tackle the problem of climate change and face its consequences. This can be achieved through a mixture of diverse measures. Some proposals are not to be overlooked, and the environmental movement should adopt them as part of the struggle for climate justice. These include, amongst others:

- The cancellation of the external debt and the recognition and payment of the ecologic debt;
- Community-led proposals that seek to keep fossil fuels underground (oil: Yasuni, Uwa territory; Niger Delta; carbon: the 'almorzadero' highlands in Colombia; Bari territory in Colombian-Venezuelan Catatumbo, etc.);
- Phase out of nuclear, coal, oiled fired power generation immediately as these are long term investments and have major impacts on national budgets in the future, especially for future generations;
- Scaling up investment of energy-efficiency, sustainable transportation, and community-based renewable energy including solar, geothermal, wind and tidal;
- Immediate end to multilateral public investment in extractive industries;
- Strengthening movements against false solutions and objection to multilateral public investment in extractive industries;
- Rejecting false solutions to climate change including nuclear, carbon capture and storage, forest carbon trading, genetically modified organisms, big dams, agrofuels and offsetting. These distract from the real societal change that is needed and make it more difficult for present and future generations to achieve this change;
- Stopping the destruction of forests that is being driven by industrial agriculture agrofuels, excessive meat consumption, and unsustainable demand for timber leading to massive illegal logging and pulp products;
- Supporting agrarian reform to support small-scale, family and peasant farmers practicing agroecological farming which will both build up the carbon pool in soil and vegetation, and decentralised food production and distribution.

## **Conservation of Forests: REDD**

To prevent dangerous climate change and land degradation, conserve biodiversity and safeguard the sustainable use of forests by local communities, Indigenous Peoples, and future generations any agreement must be designed to stop deforestation and degradation, not simply reduce or defer emissions.<sup>4</sup>

<sup>3</sup> See Larry Lohmann's, "Carbon Trading: A Critical Conversation on Climate Change, Privatisation and Power", 2006 [www.dhf.uu.se/pdf/filer/DD2006\\_48\\_carbon\\_trading/carbon\\_trading\\_ch\\_4.pdf](http://www.dhf.uu.se/pdf/filer/DD2006_48_carbon_trading/carbon_trading_ch_4.pdf)

<sup>4</sup> See Friends of the Earth International's lobbying briefing on REDD, 2008 [www.foei.org/en/publications/pdfs/accra-briefing-forests-are-more-than-carbon](http://www.foei.org/en/publications/pdfs/accra-briefing-forests-are-more-than-carbon)

Any agreement on forests that is not fully and explicitly in line with the Convention on Biodiversity (CBD) Expanded Program of Work on Forest Biodiversity and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and integrated with international and national implementation policies under these instruments, undermines good forest practice. Any agreement must be developed through a joint process with other relevant forest conventions and human rights instruments and ensure full and effective participation of Indigenous Peoples and local communities.

Plantations are not forests. In the absence of a proper definition of forests, a REDD mechanism could be used to fund the expansion of plantations, even though they store, at best, only 20% of the carbon and a fraction of the biodiversity that old growth forests have.<sup>5</sup> We are against large monoculture tree plantations. Particularly genetically modified trees have significant negative social and environmental impacts. All governments and international agencies must explicitly recognize that plantations are not forests and implement policies that halt their expansion.

### **Land rights**

More than one billion people, including 60 million Indigenous people, are dependent on forests for their livelihoods, food and medicines. If the financial value of forests increases, Indigenous Peoples and local communities will increasingly face the prospect of social dislocation and violent eviction, especially those with no formal land title. The recognition and enforcement of customary and territorial land rights of Indigenous Peoples and forest-dependent communities must therefore be the basis of any forest policy.

### **Keep forests out of carbon markets**

Forest carbon markets will enable countries with emissions reduction responsibilities to avoid necessary economic transformation. A market REDD mechanism will create the climate regime's biggest loophole, risking humanity's ability to tackle climate change – allowing countries with high carbon intensive lifestyles to continue their inequitable and unsustainable consumption while not even ensuring that emission cuts are made in the long-term.

A market based mechanism towards addressing deforestation will mean a loss of peoples' sovereignty over natural resources and means to protect those natural resources. The inclusion of forests in carbon markets will also undermine public governance, weakening governments' ability to protect and manage natural resources.

There are relatively cheap options that could help prevent deforestation, through the implementation of deforestation bans and moratoria, and a global forest fire-fighting fund to assist countries unable to prevent or stop forest fires. Insofar as funding is required to stop deforestation, alternative funding sources such as taxes in industrialized countries should be utilized instead of the carbon market, voluntary schemes or the World Bank funds and projects.

### **Methodological issues**

Many methodological problems are not simply technical issues but have significant implications for policy making. Monitoring and verifying the carbon content and emissions reductions of forests is particularly complex and expensive. Focusing exclusively on the carbon value of forests neglects other crucial functions that forests play, especially conserving biodiversity and sustaining the livelihoods of Indigenous Peoples and local communities.

The social and environmental problems associated with deforestation will inevitably shift if the underlying causes of deforestation are not addressed. The impermanence of forests also means that carbon investors would seek to shift the burden of delivering successful REDD projects onto project providers, which would be highly disadvantageous for local communities and/or developing countries.

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<sup>5</sup> Palin et al. (1999). Carbon Sequestration and trace gas emissions in slash-and-burn and alternative land uses in the humid tropics, Palin et al., ASB Climate Change Working Group, CGIAR, Final Report, Phase II, [www.asb.cgiar.org/pdfwebdocs/Climate%20Change%20WG%20reports/Climate%20Change%20WG%20report.pdf](http://www.asb.cgiar.org/pdfwebdocs/Climate%20Change%20WG%20reports/Climate%20Change%20WG%20report.pdf)

### **Flawed logic**

Forest carbon trading is based on the false premise that the forest carbon overground cycles are equal to the extraction and burning of fossil fuel that were once part of underground carbon cycles. Once carbon-emitting fossil fuels (coal, oil and natural gas) are extracted and burned they cannot be safely stored underground and the total amount of carbon in the atmosphere is increased.

Forest carbon offsetting schemes lead to a constant net increases of carbon emissions in the atmosphere and even encourages further emissions. Leaving trees standing is therefore not even genuinely “offsetting” these emissions and it is a falsehood that emissions are being neutralized. Deforestation needs to be stopped without providing a pretext for business-as-usual pollution which will lead to runaway climate change.

### **Real solutions are needed to stop deforestation**

Tackling the drivers and underlying causes of deforestation is paramount: including agrofuels, excessive meat and paper consumption in industrialized and other major importing countries. We must also stop destructive practices in mining, oil and gas exploration and extraction and industrial logging.

## **Climate Finance**

Friends of the Earth International supports the legitimate demands from developing countries to get funding and technology transfer from developed countries to support developing country mitigation and adaptation needs. Any funding outside of the Convention (including the World Bank's climate investment funds) shall not be regarded as fulfilment of developed country commitments addressing Articles 4.1, 4.3, 4.7, 4.8, 4.9 and others under the Convention. Climate finance should be used to create climate justice and foster people's sovereignty – communities' ability to sustainably manage their local resources including energy, forests and water. It should also prioritise local technologies and knowledge, and empower Indigenous Peoples, women, youth and other vulnerable populations.

The UNFCCC must recognise that attempts to reduce vulnerability and adapt to climate change are undermined by 'development' strategies to expand exploration and extraction of natural resources for export. These export-oriented 'development' strategies often result in the degradation of ecosystems, do not improve the lives of impoverished and most vulnerable communities and additionally, often force countries to take on international loans that further compromise the ability to respond to climate impacts. International financial institutions and bilateral aid programs must acknowledge that an alternative development paradigm that protects livelihoods and capacity to protect ecosystems is needed, and must stop funding activities that further compromise the ability of nations and future generations to protect themselves from the impacts of climate change.

### **Reliable public financing**

The provision of climate finance should be mandatory, and derive from stable and predictable public sources in climate debtor (Annex I) countries. It must also be new and in addition to existing ODA obligations. It must be sufficient in scale to repay the climate debt and meet the mitigation, technology and adaptation needs of the Global South; but it should not be raised through border tax adjustments on goods imported from the Global South, or violate existing agreements under the UNFCCC. Domestic tax revenues and policies designed to raise climate finance in debtor countries must not burden poorer households unfairly. Possible sources include redirected military spending or an international tobin tax.

### **No conditionalities**

Developed countries cannot use fulfilling climate finance obligations to pre-determine the appropriate use of funds – these debates must be concluded in the UNFCCC will full participation of civil society. Climate finance must also be free of any conditionalities that might restrict

Indigenous Peoples' or local communities' involvement in decision-making and the design and implementation of related activities, both nationally and internationally: at all stages the meaningful involvement of local communities, Indigenous Peoples, women and youth will be vital to the success of measures to mitigate and adapt to climate change.

### **Governance**

Effective governance structures also need to allocate flows of climate finance in ways that protect Indigenous Peoples' and local communities' rights, cultures, lands, traditional practices and natural resources; ensure the Free Prior and Informed Consent of affected Indigenous Peoples and local communities; and establish the legal right to seek redress in the case of potentially damaging projects or miscarriage of rights. Support must also be provided for workers and sectors of society involved in carbon-dependent industries, to ensure a just transition.

Climate finance must come under the authority of the UNFCCC, not international financial institutions. Governments have already agreed that the UNFCCC, which is guided by multilaterally negotiated principles based on historical responsibility, is the main international framework for addressing climate change. It is also governed democratically.

Any executive board established to manage climate finance must be based on equitable representation consistent with the balance of representation of parties to the UNFCCC. Transparency and accountability mechanisms at the local, national, and international levels will also be essential to effective public scrutiny. A compliance system should be established to ensure fulfilment of all climate finance obligations.

### **Reject false solutions and institutions**

Technical, finance and institutional 'false solutions' must be rejected; and climate finance should not be channelled through or support any offsetting mechanisms or institutions and private entities that finance and/or profit from the promotion of false solutions. These include the World Bank, regional financial institutions, and other public and private agencies with poor environmental and social track records and undemocratic governance structures.

Finally, climate finance should not be used to support the private acquisition of intellectual property rights for climate technologies and know-how; and any provisions in free trade and investment agreements that interfere with the establishment of adequate governance structures, or support corporations engaged in false solutions, should also be dismantled.

### **Adaptation Fund**

The establishment of the Kyoto Protocol Adaptation Fund in 2007 was an important step in terms of governance of a multilateral fund, with regional representation with the majority from developing countries. Additionally, the Fund allows direct access by eligible parties to funds so that they do not have to go through implementing agencies. However, the Global Environment Facility is not an appropriate Secretariat for the Fund, and a new Secretariat, such as the UNFCCC, should be identified immediately. Adequate monitoring and evaluation, including by affected communities, of the operations of the Adaptation Fund are critical to ensuring that funds actually reach and assist the most vulnerable communities.

## **Human Rights**

To protect the individuals, communities and peoples most vulnerable to climate change now and in the future, human rights protections must be integrated into all aspects of the climate agreement. The agreement should affirm that human beings have the fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being, and recognise that the adverse effects of climate change have a range of direct and indirect implications for the full and effective enjoyment of human rights. It should specify that climate change mitigation and adaptation actions must be undertaken in a manner that respects, protects

and promotes human rights. Climate change must be addressed with access to information and with the fully, early equal and effective participation of individuals and communities, including through the provision of rights of redress where appropriate.

All aspects of the international climate agreement must also be consistent with existing international treaties and conventions, including those that ensure compliance with appropriate safeguards for Indigenous Peoples, women, youth, displaced and other vulnerable communities; and those that mandate strategic environmental assessments. Particular care must be taken to ensure that any finance or mitigation mechanisms do not restrict local communities' access to resources and Indigenous Peoples right to Free Prior and Informed Consent.

### **Climate Change Migration**

Climate induced migration poses a massive and as yet unrecognised challenge for human kind. In addition to environmental factors, impacts of climate change would increase global migration flows significantly. The scale of migration and associated socio-economic disruptions goes far beyond the territorial limits and capacity. Initial steps are already taken at community level in different countries, but further measures require financial and capacity building resources to facilitate resilience building activities to keep away climate induced migrants from abandoning their homeland, own **cultural norms and values**. However, beyond national capacity, there are clear needs of bilateral, regional, international, and intergenerational means of cooperation.

A mechanism to address the displacement of large numbers of climate refugees must be incorporated into adaptation funding, with Annex I countries providing the funding for relocation of displaced persons. People who are displaced from their homes as a result of climate change, either within their own country or into a different country, should also be given legal protection – including establishing of a legal definition - through the negotiation of a new international convention if necessary.

## **Legal Architecture**

The obligations under both the Kyoto Protocol and the Convention are to be met without bargaining one against the other. Developed countries who are parties to the Kyoto Protocol must honour their legal commitments there and not attempt to merge additional and essential obligations under the Long-term Co-operative Action that are being negotiated under the Convention.

It would be an environmental and social justice travesty to weaken Annex I obligations to make the deep and ambitious cuts by calling for a new single treaty that would allow for bottom-up national approaches instead of ensuring top-down aggregate cuts in line with science and a strong international compliance regime.

Renegotiating the form and principles of the Kyoto Protocol to allow for the needs of one country – the USA - that has been reticent to come on board for 13 years, will lead us to an outcome that is far less than the bare minimum of what is required to ensure the lives and livelihoods of billions of people and future generations. This we cannot afford.

The CMP must agree the second commitment period of the Kyoto Protocol with legally binding emission reductions in Annex 1 countries with no offsets.