

Is a Common Climate Change Policy Possible for the South?

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Abstract: In recent Conferences of Parties (COPs) to the United Nations Framework Convention on Climate Change (UNFCCC), it was observed that there was no one bloc representing the developing countries, the South, but several groups like the Alliance of Small Island States (AOSIS), the Least Developed Countries (LDCs), the African Group, the BASIC Group (Brazil, South Africa, India and China) and their immediate interests might not overlap. That said, the South's expectations from the developed countries, the North, have not changed. The South expects from the North to lead the global efforts in mitigating and adapting the negative impacts of climate change as agreed in the Kyoto Protocol. This paper analyzes whether the South could develop a common climate change policy on the way to adopt a universal legal agreement on climate change no later than 2015 as decided during COP17 in Durban, South Africa in December 2011.

Key Words: The South, Climate Change Policy, Sustainable Development, BASIC

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Introduction

Underscoring the right to develop their economies for better living standards and reducing poverty, and already documented “historical responsibilities” of the North (the developed countries) in fighting climate change based on the principle of fairness and equity, policy makers in the South (the developing countries) do not want to lead global efforts against climate change. However, with a clear understanding of the fact that climate change has already impacted the developing world negatively, they pay more attention to this global problem. They would like to initiate sustainable development practices in their countries and contribute to the worldwide emissions reduction schemes under the principle of “common but differentiated responsibilities and respective capabilities.” The main components of climate change policy of the South have been poverty alleviation policy, principle of equity, and sustainable development.

These main components were surfaced again and again in the recent Conferences of Parties (COPs) to the United Nations Framework Convention on Climate Change (UNFCCC) in Copenhagen (COP15 in 2009), Cancun (COP16 in 2010), Durban (COP17 in 2011) and Doha (COP18 in 2012). Despite the fact that in these major climate change conferences there was no one bloc representing all the countries of the Global South, but several like the Alliance of Small Island States (AOSIS), the Least Developed Countries (LDCs), the African Group, the BASIC Group (Brazil, South Africa, India and China) and their immediate interests may not be overlapping; their expectations from the North have not changed. They expect from the developed countries to lead the global efforts in mitigating and adapting the negative impacts of climate change as agreed in the Kyoto Protocol. In Durban, delegates of parties to the UNFCCC decided to adopt a universal

legal agreement on climate change as soon as possible, and no later than 2015¹. However, from perspective of the South the success of the Durban agreement certainly depends on the North's fulfillment of its earlier commitments.

That said; the South recognizes that its greenhouse gas (GHG) emissions have increased dramatically since 2000, faster than the Intergovernmental Panel on Climate Change (IPCC)'s prediction under the B1 scenario. In the post-Kyoto era, the Southern participation in climate change mitigation will be absolutely essential². According to latest figures released by the Global Carbon Project, global emissions have been growing at an average of three per cent each year since 2000³. Under these circumstances, a collective action by the North and the South is necessary and outweighs individual voluntary mitigation actions which were pledged in the recent climate change conferences. This understanding leads to a new approach in the Global South in contributing to a global emissions reduction system and adopting a universal legal agreement that delivers procedural and distributional justice⁴ in a Kantian culture of friendly states⁵.

¹UNFCCC, 17th Session of Conference of Parties (COP17), 2011, available at http://unfccc.int/meetings/durban_nov_2011/session/6294/php/view/decisions.php, (accessed on 2 March 2013).

² James Goodman, "Climate Change and Global Development: Towards a Post-Kyoto Paradigm?" *The Economic and Labour Relations Review*, Vol.23, Issue 1, 2012, p.109.

³ Michael Le Page and Michael Slezak, "No Sign of Emissions Letting Up As Climate Talks Begin", *New Scientist*, 8 December 2012, p.11. See *Nature Climate Change* at doi.org/jwf for more information.

⁴ Procedural justice can be achieved with the inclusion of all countries in the climate change negotiations and distributional justice by supporting the most vulnerable and disadvantaged countries in their adaptation and mitigation actions. For a detailed discussion on theoretical framework of the concepts, see J. Rawls, *A Theory of Justice*. Revised Edition. Oxford: Oxford University Press, 1999 and A. K. Sen, *Development as Freedom*. New York: Anchor Books, 1999. J. Gupta, "North-South Aspects of the Climate Change Issue: Towards a Negotiating Theory and Strategy for Developing Countries", *International Journal of Sustainable Development*, 3(2), 2000, pp. 115–135. J. Gupta, "A History of International Climate Change Policy", *Wiley Interdisciplinary Reviews: Climate Change*, 1(5), 2010, pp. 636–653.

⁵ According to Weiss and Burke, in a Hobbesian culture, individual states perceive others as "enemies" within the international system. In a Lockean culture or today's international sphere, the relationship among states has become one of "rivals" that may cooperate from time to time in the form ad hoc coalitions within balance of power paradigm. However, a Kantian culture characterizes international relations among "friends", in which states may still involve conflict sometimes but they are not violent, and in which sustained co-operation is the rule, not the exception. Thomas G Weiss and Martin J Burke, "Legitimacy, Identity and Climate Change: Moving from International to World Society?", *Third World Quarterly*, Vol. 32, No. 6, 2011, pp. 1057–1072.

This paper analyzes whether the South could develop a common climate change policy on the way to adopt a universal legal agreement on climate change by 2015 as agreed during COP17 in Durban, South Africa in December 2011. In the next section of the paper, the current climate change policy of the South will be analyzed. In the second part of the paper, different blocs within the South coalition will be introduced while examining whether a common climate change policy can be developed by the South for the post-Kyoto era. The article will be concluded with an assessment.

1. The South's Climate Change Policy in the Kyoto Era

Emphasizing the right to develop their economies to reduce poverty and “common but differentiated responsibilities” in fighting against climate change based on the principle of equity, Southern policy makers do not want to lead global efforts against climate change. However, with a clear understanding of the fact that climate change has already impacted their countries negatively, they pay more attention to this global problem. They would like to initiate sustainable development practices in their countries and contribute to the worldwide emissions reduction schemes. In this section, the main components of climate change policy of the South — poverty alleviation policy, principle of equity, and sustainable development — will be detailed.

1.1. Economic Development and Poverty Alleviation Policy

The emerging markets underline the importance of their economic development at global climate change negotiations. First of all, they approach the issue with a human rights perspective. Article 25 (paragraph 1) of the Universal Declaration of Human Rights of 1948 states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”⁶. In order to assure these basic human rights to their citizens, Southern policy makers would like to focus on economic development rather

⁶ United Nations, *The Universal Declaration of Human Rights*, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, <http://www.un.org/Overview/rights.html>, (accessed 5 January 2013).

than GHG emissions mitigation efforts. This point of view stresses the right to develop their economies, and therefore, to alleviate the woes of their disadvantaged people.

Despite rapid economic growth in the last decade, poverty is still a crucial social, political and economic problem in the developing world. Thanks to economic gains in China and India, Asian population below the dollar-a-day international poverty line dropped to 22% of a growing population in 2000 from 32% in 1990. However, the region still contains more than two-thirds of the world's poor⁷. The World Bank's recent study based on the new price survey and Purchasing Power Parity data revisions estimates 300 million poor people in China in 2007⁸. Even on current growth trends in major emerging economies like India, Indonesia and China; the region will still have 250 million people in absolute poverty by 2015 and large pockets of persistent poverty especially in South Asia⁹. India, by itself, has 27% of the world's poor¹⁰. In 2004, 930 million Asians did not have access to electricity.

In June 2007 China and India underscored the importance of elimination of poverty over confronting climate change at the G8 summit in Germany where they were under pressure to sign up to a mandatory limit on GHG emissions along with other invited developing countries such as Brazil, Mexico and South Africa. At the summit, Indian Foreign Secretary Shiv Shankar Menon said: "The fact is, historical responsibilities, even in terms of present emission levels - it's quite clear who's responsible for this. Once our per capita emission levels reach the same as those of the industrialized countries, we'll be very happy to do our share too"¹¹. Like other emerging

⁷ John Farrington and Jeremy Clarke, "Growth, Poverty Reduction and Development Assistance in Asia: Options and Prospects," *Development Policy Review*, Vol.24, No.1, p. 14.

⁸ Simeon Djankov, "How Many Poor People are There?" Doing Business Blog, 14 December 2007, <http://blog.doingbusiness.org/2007/12/exactly-how-man.html>, (accessed on 10 January 2012). Howard W. French, "Lives of Grinding Poverty, Untouched by China's Boom," *The New York Times*, 13 January 2008, www.nytimes.com, (accessed on 13 January 2013).

⁹ John Farrington and Jeremy Clarke, "Growth, Poverty Reduction and Development Assistance in Asia: Options and Prospects," p.15.

¹⁰ Sean Walsh, Huifang Tian, John Whalley and Manmohan Agarwal, "China and India's Participation in Global Climate Negotiations", *International Environmental Agreements*, 11, 2011, p. 268.

¹¹ Sanjoy Majumder, "India, China under Pressure at G8," BBC News, 6 June 2007, http://news.bbc.co.uk/2/hi/south_asia/6725453.stm, (accessed 6 June 2010).

economies, India argues that its annual carbon dioxide emissions per capita are relatively modest—about one-quarter of the global average¹².

The South clearly stated that they could not take steps which would slow down their economic growth. They see rapid economic growth as the only way to pull a significant portion of their population from poverty. In the recent climate change conferences, Southern delegates agreed to seek ways to make “measurable, reportable and verifiable” GHG emission cuts. According to Li Yan, a climate expert with Greenpeace, the Chinese delegate in the Durban Conference in December 2011 shifted their stance in terms of GHG emissions reduction. She said: “China is getting more confident it can deliver on stronger targets in the future”¹³. However, China has not yet declared that to it would accept mandatory restrictions any time soon, emphasizing that their priority remained growing out of poverty¹⁴.

1.2 Principle of Equity

The other component of Southern climate change policy is related to equity. Political leaders in the South keenly remind their Northern counterparts of their historical responsibilities for releasing GHG emissions into atmosphere since the Industrial Revolution. Because of development of the Northern economies, not of the developing world; the global atmospheric concentration of carbon dioxide has reached 379 parts per million (ppm) in 2005 from its pre-industrial level of 270 ppm¹⁵ and now approaching 400 ppm. Former Chinese Prime Minister Wen Jiabao said developed nations had

¹² For the sake of comparison, America’s annual carbon dioxide emission per capita is 20.6 tons in 2004, Canada’s 20 tons and Australia’s 16.2 tons. Kevin Watkins, *Human Development Report 2007-08: Fighting Climate Change: Human Solidarity in a Divided World*, Published for United Nations Development Program (UNDP), New York: Palgrave Macmillan, 2007, p.69. *The Economist*, “Better Late than Never: India Talks about Tackling Climate Change,” 30 July 2007, www.economist.com, (accessed on 30 July 2007). *The Economist*, “Greenhouse Gases: Emissionary position,” 7 June 2007, www.economist.com, (accessed on 7 June 2008).

¹³ Peter Ford, “Amid Durban Climate Talks Disappointment, China Provides Unexpected Hope,” *Christian Science Monitor*, 12/12/2011.

¹⁴ Thomas Fuller and Andrew C. Revkin, “Climate Plan Looks Beyond Bush’s Tenure,” *The New York Times*, 16 December 2007.

¹⁵ S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M.Tignor and H.L. Miller (eds.), *Climate Change 2007: The Physical Science Basis*. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), Summary for Policymakers, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA., 2007, p.2.

contributed more to climate change because they had been growing fast for 200 years¹⁶. The former Indian Environment Minister A. Raja, too, underlined the fact: "... We are not the biggest polluters when compared to the developed nations. We are not doing any harm to the entire world"¹⁷. Targeting India is unfair when the problem of global warming has been created by the industrialized countries according to the former Indian Foreign Secretary Shiv Shankar Menon who mentioned: "I think what is important is that the burden of the incremental costs of doing additional steps must be shared fairly and the principal of that is well-known, it is agreed"¹⁸.

The United States of America (the US), Canada and Australia emit around 20 tons of carbon dioxide (CO₂) equivalent per capita, Europe and Japan around 10 tons whereas China emits around 5 tons, and India around 2 tons, most of sub-Saharan Africa emits much less than 1 ton CO₂ equivalent per capita¹⁹. According to World Resources Institute, Annex 1 Parties to the UNFCCC, industrialized countries, account for about 20% of the world's total population, but are responsible for about 50% of current GHG emissions and since 1950 they have accounted for about 50% of global CO₂ emissions. Non-Annex 1 parties to the convention, developing countries, account for about 80% of the world's total population, whereas are responsible for about only 50% of emissions, both current and accumulated CO₂ since 1950²⁰.

During the UN Climate Change Conference in Bali in December 2007, Southern delegates were concerned by pressure coming from Northern delegates on accepting mandatory emissions targets, because they felt developed countries were trying to distract attention from their historical responsibility for climate change and from the failure of reaching their Kyoto targets. India's then Science and Technology Minister Kapil Sibal voiced that concern: "We are concerned at the attempts to create a new framework which may result in the dilution of specific and timebound commitments on emission reductions

¹⁶ BBC News, "Merkel Presses China on Climate," 27 August 2007, <http://news.bbc.co.uk/2/hi/business/6964892.stm>, (accessed on 27 August 2008).

¹⁷ Mike Scott, "Global Politics Underpins Climate Change Finance," *Global Investor*, March 2007, p.1.

¹⁸ Sanjoy Majumder, "India, China under Pressure at G8."

¹⁹ B. Bosnjakovic, "Geopolitics of Climate Change: A Review," *Thermal Science*, Vol. 16, No. 3, 2012, p.631.

²⁰ James Goodman, "Climate Change and Global Development: Towards a Post-Kyoto Paradigm?" *The Economic and Labour Relations Review*, Vol.23, Issue 1, 2012, p.118.

by developed countries."²¹ Dr. Rajendra Pachauri, an Indian scientist who also heads the IPCC, explained the mindset of political leaders in the South: "The impression is very well entrenched that developed countries aren't going to do anything, they're just going to point fingers at India, China, Brazil and say: 'You deal with the problem'"²². In the second meeting of the US-led climate talks among major economies in Honolulu, Hawaii on 2 February 2008, Indian and Russian representatives refused to include a statement that they had been discussing mandatory, internationally binding commitments although that was the main item on the agenda²³.

Based on the principle of "common but differentiated responsibilities," the South wants the North to take action more quickly and agree on a further set of emissions targets for post-Kyoto era and reduce their GHG emissions by 40% by 2020. They argue that the Western countries also should disseminate carbon neutral "green" technologies to developing countries to support their sustainable development projects. That is the moral responsibility of developed countries, according to Yu Qingtai, member of the Chinese delegation in the Bali Conference, who told richer countries "either view this as a gesture of charity or generosity, not as a moral or political obligation. They always try to shift the focus to the market, ignoring the fact that for developing countries, we know the technologies are out there but these are the most expensive technologies and we cannot afford them"²⁴.

On December 18, 2009 in Copenhagen Conference, Brazilian President Luís Inácio Lula da Silva acknowledged the need to establish an agreement based upon the principle of —common but differentiated responsibilities by affirming that "[d]eveloped countries must put their money on the table because of the greenhouse gases they have emitted for two centuries, allowing them to industrialize before the developing world. The COP-15 should not be negotiations between the haves and have nots... rather these

²¹ Richard Black, "EU 'Snub' Threat at Climate Talks," BBC News, 13 December 2007, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/science/nature/7141660.stm>, (accessed on 15 December 2007).

²² *The Economist*, "Better Late than Never: India Talks about Tackling Climate Change," 30 July 2007, www.economist.com, (accessed on 30 July 2009).

²³ Roger Harrabin, "Bush's climate talks 'engaging'," BBC News, 1 February 2008, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/science/nature/7223222.stm>, (accessed on 2 February 2008).

²⁴ Richard Black, "EU 'Snub' Threat at Climate Talks," BBC News, 13 December 2007, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/science/nature/7141660.stm>, (accessed on 15 December 2007).

negotiations are about constructing sustainable opportunities for everyone around the world"²⁵.

In a BBC interview, UN Secretary-General Ban Ki-moon said it was now up to the richest countries to show leadership on the issue.²⁶ As Dr. Peter Gleick puts; first, the industrialized countries are primarily responsible for the production of greenhouse gases. Second, poor nations have been burdened by negative impacts of global warming more than rich nations. Third, developing countries have far fewer technical and economic resources at their disposal for adapting and mitigating the impacts of global warming than do the industrial nations²⁷. After all, "the issue of global climate change is fundamentally about injustice and inequality," causing poor countries to suffer "the effect of a problem to which they contributed virtually nothing"²⁸. In parallel, in recent years climate justice became a popular concept and many authors studying this emerging concept are concerned about a new kind of colonialism²⁹. Since "Bali Principles of Climate Justice" meeting which brought together representatives from a wide range of social and environmental justice organizations in 2002, meetings on climate justice have been held on every continent³⁰.

1.3 Sustainable Development

The IPCC Synthesis Report made it clear that climate change would negatively affect the developing world. With 1.5-2.5 degrees Celsius increase in global average

²⁵ Quotation taken from Colin Crawford, Solange Teles da Silva & Kevin Morris, "South/North Exchange of 2009 - The Challenges of Climate Change Regulation for Governments on the Political Left: A Comparison of Brazilian and United States Promises and Actions," *Pace International Law Review*, Online Companion, Sept. 2010, p.20.

²⁶ BBC News, "China Unveils Climate Change Plan," 4 June 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/6717671.stm>, (accessed on 4 June 2008).

²⁷ Peter Gleick, "Climate Change and International Politics: Problems Facing the Developing World," *AMBIO*, Volume 18, No 6, 1989, p.335.

²⁸ J. Timmons Roberts and Bradley C. Parks, *A Climate of Injustice: Global Inequality, North-South Politics, and Climate Policy*, Cambridge, MA: The MIT Press, 2007, p.97.

²⁹ For a detailed discussion on climate justice, see A. Sen, *Idea of Justice*, London: Penguin Books Limited 2009. Doug Torgerson, "Expanding the Green Public Sphere: Post-Colonial Connections", *Environmental Politics*, Volume 15, No.5, 2006, pp. 713–730. L. Lohman, "Carbon Trading, Climate Justice and the Production of Ignorance", *Development*, 51, 2008, pp. 359–365. Timothy Doyle and Sanjay Chaturvedi, "Climate Territories: A Global Soul for the Global South?" *Geopolitics*, 15, 2010, p.516–535. Marco Grasso, "The Role of Justice in the North–South Conflict in Climate Change: The Case of Negotiations on the Adaptation Fund," *International Environmental Agreements*, 11, 2011, pp. 361–377.

³⁰ Karin Mickelson, "Beyond a Politics of The Possible? South–North Relations and Climate Justice", *Melbourne Journal of International Law*, Volume 10, 2009, p.412.

temperature relative to the 1980-1999 average, food and water security is likely to be further comprised in developing and poor countries.³¹ According to the UN Human Development Report, a number of risks that are threatening human development are as follows³²:

- the breakdown of agricultural systems, especially in sub-Saharan Africa, leaving up to 600 million more people facing malnutrition,
- an additional 1.8 billion people at risk from water scarcity by 2080,
- up to a third of a billion people living in coastal regions being displaced by tropical storms and flooding, and
- hundreds of millions of people at increased risk from emerging diseases, such as malaria.

Kevin Watkins, Lead Author of this 384-page report, warns about the short-term negative effects of climate change that will be faced by the developing world. He mentions: “Nobody wants to understate the very real long-term ecological challenges that climate change will bring to rich countries. But the near-term vulnerabilities are not concentrated in lower Manhattan and London, but in flood-prone areas of Bangladesh and drought-prone parts of sub-Saharan Africa. Allowing the window of opportunity to close would represent a moral and political failure without precedent in human history.”³³

Climate impact assessments made by the South support the same conclusion. A study conducted by the Remote Sensing Department of the China Aero Geophysical Survey underscored a rapidly rising snow line, shrinking wetlands and increased desertification in comparison with 30 years ago. According to a separate national assessment, temperatures in China would rise significantly in coming decades, water

³¹ Intergovernmental Panel on Climate Change, Summary for Policymakers of the Synthesis Report of the IPCC Fourth Assessment Report, 16 November 2007, <http://www.ipcc.ch/>, (accessed 27 December 2007). Also see, Molly E. Brown and Christopher C. Funk, “Food Security Under Climate Change,” *Science*, Vol. 319, No. 5863, 1 February 2008, p.580-581. David B. Lobell, Marshall B. Burke, Claudia Tebaldi, Michael D. Mastrandrea, Walter P. Falcon, and Rosamond L. Naylor, “Prioritizing Climate Change Adaptation Needs for Food Security in 2030,” *Science*, Vol. 319, No. 5863, 1 February 2008, p. 607.

³² Kevin Watkins, *Human Development Report 2007-08: Fighting Climate Change: Human Solidarity in a Divided World*, Published for United Nations Development Program (UNDP), New York: Palgrave Macmillan, 2007. The full-text of the report is available at <http://hdr.undp.org/en/reports/global/hdr2007-2008/>.

³³ BBC News, “Poorest 'In Climate Front Line,’” 27 November 2007, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/science/nature/7113576.stm>, (accessed on 27 November 2007).

shortages would worsen and extreme weather events would intensify.³⁴ The Indo-UK Program on Impacts of Climate Change identified serious potential impacts for India in the area of agriculture, forestry, health, and access to water resources.³⁵

In fact, climate change has already harmfully influenced the well-being of people in the South. The recent negative impacts of this global problem include serious climatic consequences; from devastating drought in the Amazon River Basin in South America to deadly monsoon floods in Indian subcontinent, threatening inundation of coastal lands in Bangladesh and Pacific islands; from fast-melting mountain glaciers in Peru, Nepal, and Tibet to a record high number of powerful tropical storms in the Atlantic Ocean affecting Central America and the Caribbean; from severely dry decades in the Sahel region and southern Africa to increasing cases of malaria and other water-borne diseases in Central Asia and Africa.

HSBC Climate Confidence Index surfaced that the highest level of concern about climate change were not in developed countries, but in the developing world. Countries with the largest proportions of people ranking climate change as the world's most worrying issue were Mexico, Brazil, India and China. Only 22% of British, 26% of German and 32% of American respondents thought climate change was one of the biggest issues the world faces; whereas 60% of Indian, 59% of Mexican, 58% of Brazilian and 47% of Chinese respondents did.³⁶ The index shows that developing country governments are also under pressure of their own population for action against climate change with increasing concerns about negative impacts of this global problem, besides pressure coming from developed countries governments which have worried about the emerging markets' rapidly raising GHG emissions. In parallel, 13% of complaints submitted to Chinese government agencies in 2006 were related to pollution, an increase of 7% in comparison to three years ago. The environmental awareness in

³⁴ People's Daily Online, 5 January 2007, <http://english.peopledaily.com.cn/>. Xinhua News Agency, 7 January 2007, www.xinhuanet.com/english/, (accessed 7 January 2009).

³⁵ *The Hindustan Times*, "Climate Change Impacts Are Global, Says Elliot Morley," 20 February 2006.

³⁶ For this project nine thousand respondents completed an internet based survey in Brazil, China, France, Germany, Hong Kong SAR, India, Mexico, the UK and the US. HSBC Holdings plc, HSBC Climate Confidence Index, London, July 2007, http://www.hsbc.com/1/PA_1_1_S5/content/assets/newsroom/hsbc_ccindex_p8.pdf, (accessed on 21 January 2008).

China has been documented by increasing number of pollution-related disturbances — 51,000 in 2005 and more than 60,000 in 2006 — according to the State Environmental Protection Administration (SEPA).³⁷

Considering domestic and international pressure and the future mitigation costs, Southern governments have begun introducing their national climate change action plans, emphasizing sustainable development. For the first time, the Chinese government has enacted laws that set the efficient use of energy, water and resources; the prevention of land pollution; waste reduction; and the rapid growth of renewable energy as the country's top priorities. In parallel to its first National Program on Addressing Climate Change, announced just before the G-8 Summit in Germany in June 2007; China reduced the energy intensity per dollar of Gross Domestic Product (GDP) by nearly 20% between 2006 and 2010. For the sake of comparison, during that period US Administration's goal was 1.8% per year. According to five year economic plan launched in 2011, Chinese authorities aim to decrease carbon intensity by 40-45% by 2020³⁸. On 13 July 2007 India's then Prime Minister Manmohan Singh chaired the first meeting of the country's National Council on Climate Change that would determine its climate change action plan. In addition to Prime Minister, the Council includes top ministers and bureaucrats, academics, journalists, and industrialists. The Council's first act was to commission three of its members—including Dr. Rajendra Pachauri, Head of the IPCC—to draft the country's climate change policy.³⁹

According to a study commissioned by GLOBE, a group of legislators from 33 different countries from the South and the North, the number of new domestic environmental laws raised from 10 per year in the early 2000s to 20 laws in 2012. In the year 2000 legislators in the Northern countries passed more environmental laws than their Southern counterparts. However, in 2012 legislators in the South passed twice as many

³⁷ *The Economist*, "Environmental Protection in China: Don't Drink the Water and Don't Breathe the Air," 26 January 2008, p. 42.

³⁸ *Emerging Markets Monitor*, "New EM Investment Theme: Climate Change," Volume 13, No. 11, 18 June 2007, p.7-8. BBC News, "China Unveils Climate Change Plan," 4 June 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/6717671.stm>, (accessed on 5 June 2007). Peter Ford, "Amid Durban Climate Talks Disappointment, China Provides Unexpected Hope," *Christian Science Monitor*, 12/12/2011.

³⁹ *The Economist*, "Better Late than Never: India Talks about Tackling Climate Change," 30 July 2007, www.economist.com, (accessed on 30 July 2009).

environmental laws as legislators in the industrialized countries did⁴⁰. Major Asian countries, such as China and India, are building domestic institutions in response to negative impacts of climate change. These countries have adopted the inter-agency coordination mechanism (IACM) as a national institutional approach to manage the functions of various governmental agencies to combat against climate change⁴¹.

At the Economic Leaders Meeting of the Asia-Pacific Economic Cooperation (APEC) forum in Sydney on 8 September 2007, which brought 21 member states including the US, Australia, Russia, China, Indonesia, Malaysia, and Mexico; the former Chinese President Hu Jintao announced that China would strengthen its capacity to adapt to climate change while pursuing economic development. He added: “We have contributed our share to mitigating global greenhouse gas emissions by taking a series of policy measures, including adjusting the economic structure, improving energy mix, raising energy efficiency, carrying out afforestation and practicing family planning.”⁴² According to Chinese sources, between 1991 and 2005 the total energy saved in China amounted to 800 million tons of standard coal, equivalent to 1.8 billion tons of carbon dioxide emission reduction. Chinese officials mentioned that thanks to the policy of family planning China has pursued since the 1970s, its population growth has been lowered by more than 300 million, equivalent to 1.2 billion tons of annual CO₂ emission reduction. China has set the targets of reducing energy consumption per unit of GDP by 20% and discharge of main pollutants by 10% and raising forest coverage from 18.2% to 20% between the end of 2005 and 2010.⁴³

During panel discussions held within the scope of the 62nd session of the UN General Assembly meetings in New York City in the last week of September 2007, developing countries demanded from developed countries more financial support for their sustainable development activities and asked for implementing more joint projects under

⁴⁰ *The Economist*, “Climate-Change Laws: Beginning at Home,” December 15, 2012.

⁴¹ Xin Zhou and Hideyuki Mori, “National Institutional Response to Climate Change and Stakeholder Participation: a Comparative Study for Asia”, *International Environmental Agreements*, 11, 2011, p.317. Subodh K. Sharma and Rita Chauhan, “Climate Change Research Initiative: Indian Network For Climate Change Assessment”, *Current Science*, Vol. 101, No. 3, 10 August 2011, p. 308.

⁴² Xinhua News Agency, “China To Strengthen Capacity To Adapt To Climate Change,” 8 September 2007, www.xinhuanet.com/english, (accessed 9 September 2009).

⁴³ Xinhua News Agency, “China To Strengthen Capacity To Adapt To Climate Change.”

the Clean Development Mechanism (CDM) of the Kyoto Protocol.⁴⁴ Mexican delegates suggested tying the aid given to poor countries through programs like the CDM to their efforts to combat climate change. In his speech at the UN General Assembly, Indonesia's then President Susilo Bambang Yudhoyono stated that all countries should take on bigger burdens and wanted his counterparts to “think outside the box”⁴⁵. Until expiration of the Kyoto Protocol first commitment period on December 31st, 2012, the total amount of carbon credits reached 1.8 billion certified emission reductions units (CERs). The number of CDM project activities that have issued CERs reached 2095 as of February 28, 2013. The United Kingdom, Japan, and the Netherlands are main carbon credit buyers in this emerging market of project-based emission reduction, while China, India and Brazil are major carbon credit suppliers⁴⁶.

In addition to carbon trading, the following items are the key elements for the South, that were agreed at the UN Climate Change Conference in Bali in December 2007⁴⁷:

- “measurable, reportable and verifiable actions” of developing countries “in the context of sustainable development, supported by technology and enabled by financing and capacity-building,”
- the transfer of clean energy technologies from developed countries to the developing world,
- “policy approaches and policy incentives” to reduce deforestation and converse forest cover, and
- cooperation to protect poorer countries against climate change impacts.

2. The South’s Climate Change Policy in the post-Kyoto Era

⁴⁴ Under the Clean Development Mechanism, developed countries (Annex B Parties to the Kyoto Protocol) may implement projects in developing countries (non-Annex B Parties) that reduce GHG emissions and count the resulting certified emission reductions (CERs) against their own national targets. The CDM also aims to help developing countries achieve sustainable development and contribute to the ultimate objective of the UN Framework Convention on Climate Change (UNFCCC).

⁴⁵ *The Economist*, “Climate Change: As the Waters Rise,” 29 September 2007, p.61.

⁴⁶ United Nations Framework Convention on Climate Change (UNFCCC)-Clean Development Mechanism, CDM Statistics, <http://cdm.unfccc.int/Statistics/Public/CDMinsights/index.html> (accessed on 27 March 2013).

⁴⁷ For the full-text of Bali Action Plan, visit the UNFCCC’s website at http://unfccc.int/meetings/cop_13/items/4049.php.

It is clear that without participation of major emerging economies like China and India as well Northern big emitters like the US, Canada and Japan the Durham agreement will not lead to any climate change treaty. For this reason, emerging economies, especially China, which is the world's largest GHG emitter, have faced serious international pressure for curbing their GHG emissions in the recent climate change conferences. This pressure has not only come from Northern countries like the European Union members, but from Southern countries as well, like the Least Developed Countries and small islands states which have been desperately trying to deal with the negative impacts of climate change. In addition, domestic pressure has been increasing on policy makers in the major Southern economies as their people have been suffering from the adverse climatic patterns.

These rapidly growing Southern economies also realize that they would face a huge economic cost due to environmental degradation directly or indirectly related to climate change. Extreme weather conditions would negatively affect their economic growth and their political stability. A recent United Nations Development Program (UNDP) report warned that if the negative impacts of climate change and environmental degradation are not adequately addressed by Chinese policy makers, there is a danger that China's three decades of social and economic achievements may be reversed⁴⁸. The UNDP report recommends that a cap and trade scheme should be introduced based on a national carbon intensity target and an enhanced system of monitoring and enforcement.

Moreover, policy makers in the major Southern economies recognize that mitigation and adaptation costs will be much higher in the future. According to Stern Review, "an upper bound for the expected annual cost of emissions reductions consistent with a trajectory leading to stabilization at 550 ppm CO₂ equivalent is likely to be around 1% of GDP by 2050"⁴⁹. This economic cost would sharply increase after 2050.

⁴⁸ For more information, see UNDP China National Human Development Report 2009/10: *China and a Sustainable Future: Towards a Low Carbon Economy and Society*. United Nations Development Program, China Translating and Publishing Corporation, Beijing, 2010, available at http://content.undp.org/go/cms-service/stream/asset/?asset_id=2471266B. Bosnjakovic, "Geopolitics of Climate Change: A Review," *Thermal Science*, Vol. 16, No. 3, 2012, pp. 638.

⁴⁹ Stern, N., *Stern Review: The Economics of Climate Change, Executive Summary*, HM Treasury, London., 2006, available at <http://siteresources.worldbank.org/INTINDONESIA/Resources/226271-1170911056314/3428109-1174614780539/SternReviewEng.pdf>

Repeating the mistakes of the North during their economic development would lead to dramatic consequences in the South, even to collapse of economic and social structures.

In the recent climate change conferences, it was observed that politically and economically heterogeneous South was represented by several groups like the Alliance of Small Island States (AOSIS), the Least Developed Countries (LDCs), the African Group and the BASIC Group (Brazil, South Africa, India and China)⁵⁰. The list can be expanded by adding Organization of the Petroleum Exporting Countries (OPEC) such as Saudi Arabia and relatively richer countries such as South Korea in order to argue that immediate interests of all Southern countries might not overlap. However, during Kyoto era, expectations from the North within context of their historical responsibilities and principle of “common but differentiated responsibilities and respective capabilities” have kept 130 countries of the main Southern bloc--“functionally the negotiating arm of the developing countries’ collective”⁵¹ for almost 50 years--Group of 77 (G-77) and China, together.

Under the Kyoto regime, non-Annex 1 countries (developing countries) has not had any emissions reduction target. For many scholars, considering emerging domination of the world GDP by emerging economies, Kyoto Protocol’s division of labor between developed and developing countries are outdated and cannot be taken as a model for shaping the post-Kyoto era⁵². During international negotiations from 2007 Bali (COP13) to 2012 Doha (COP18) Conferences, different interests within the G-77 bloc have led to different approaches and coalitions. In these summits, most vulnerable Southern countries, members of the AOSIS, LDCs, African Group as well as Caribbean countries pushed not only developed countries but also BASIC countries to change their negative

⁵⁰ For a more detailed discussion on Southern blocs, see Kathryn Ann Hochstetler, “The G-77, BASIC, and Global Climate Governance: A New Era in Multilateral Environmental Negotiations”, *Revista Brasileira de Política Internacional*. 55 (special edition), 2012, pp.53-69.

⁵¹ Adil Najam, “Developing Countries and Global Environmental Governance: From Contestation to Participation to Engagement”, *Global Environmental Agreements*, 5, 2005, p.307.

⁵² For example, Eric A. Posner and David Weisbach, *Climate Change Justice*, Princeton: Princeton University Press. 2010. B. Bosnjakovic, “Geopolitics of Climate Change: A Review,” *Thermal Science*, Vol. 16, No. 3, 2012, pp. 629-654. Jorge E. Vinuales, “Balancing Effectiveness and Fairness in the Redesign of the Climate Change Regime”, *Leiden Journal of International Law*, 24, 2011, p.252.

mindset in adopting a climate change treaty⁵³. In 2011 Durban Conference, the BASIC Group members, South Africa and Brazil seemed closer to this emerging coalition. China has given an impression that it could take more ownership in the post-Kyoto era⁵⁴. As a major investor in green technologies and low-carbon economy-- reducing its carbon intensity, building more nuclear power plants, achieving sound reforestations, taking solid steps in carbon capture and storage—China's self-confidence has increased⁵⁵. India now finds itself a little bit isolated in the Southern bloc due to not showing any sign that it will shift its long-standing stance. However, it is argued that if China adopts a universal legal agreement on climate change through Durban roadmap, not only Brazil and South Africa as major Southern economies, but also India would follow⁵⁶.

Indian Prime Minister Manmohan Singh stated: "Climate Change is a global challenge. It can only be successfully overcome through a global, collaborative and cooperative effort. India is prepared to play its role as a responsible member of the international community and make its own contribution. We are already doing so in the multilateral negotiations taking place under the UN Framework Convention on Climate Change. The outcome that we are looking for must be effective. It must be fair and equitable"⁵⁷.

⁵³ In Doha Conference in December 2012, 100 countries representing this coalition said in a statement: "This conference comes in the wake of disasters that offered an alarming glimpse at what life on a warming planet looks like. A failure to build on the progress we have made at this critical juncture could be a set back from which we may never recover." *International Business Times*, "Global Carbon Emissions Reach Record High while Doha Climate Change Talks Continue", 3 December 2012. The Dominican Republic led other developing countries by pledging to cut its emissions. Roger Harrabin, "Harrabin's Notes: Kyoto Rumbles on", BBC News, 9 December 2012.

⁵⁴ Peter Ford, "Amid Durban Climate Talks Disappointment, China Provides Unexpected Hope," *Christian Science Monitor*, 12/12/2011. Zhongxiang Zhang, "In What Format and Under What Timeframe Would China Take on Climate Commitments? A Roadmap to 2050", *International Environmental Agreements*, 11, 2011, p.257.

⁵⁵ Ming-Te Hung and Tu ng-Chieh Tsai, "Dilemma of Choice: China's Response to Climate Change", *Revista Brasileira de Política Internacional*. 55 (special edition), 2012, pp. 104-124. ZhongXiang Zhang, "Assessing China's Carbon Intensity Pledge for 2020: Stringency and Credibility Issues and Their Implications", *International Environmental Agreements*, 13, 2011, p.230.

⁵⁶ Sean Walsh, Huifang Tian, John Whalley and Manmohan Agarwal, "China and India's Participation In Global Climate Negotiations", *International Environmental Agreements*, 11, 2011, p. 263.

⁵⁷ This excerpt taken from the text of the address delivered by the Prime Minister Manmohan Singh on the release of India's Action Plan on Climate Change (NAPCC) on 30 June 2008. Timothy Doyle and Sanjay Chaturvedi, "Climate Territories: A Global Soul for the Global South?" *Geopolitics*, 15, 2010, p.527.

For the sake of fairness and equity, in the final climate change summit in Doha in December 2012, a new commitment period, probably the last one, for developed countries under the Kyoto Protocol was launched, “underlining the principle that developed countries lead mandated action to cut greenhouse gas emissions”, despite the fact that reduction targets are almost leveled and the major North countries such as Japan and Canada left and the US is still a free rider. Some progress has been made towards establishing the financial and technology support and new institutions to enable clean energy investments and sustainable growth in the South⁵⁸. Compensation has become a sensitive issue in the negotiations as most vulnerable Southern countries demand the inclusion in any climate regime of a "loss and damage mechanism" whereby the North would pay them to recover from negative impacts of climate change⁵⁹. In Doha, the Durban roadmap was emphasized with parties’ consent on timetable to adopt a universal climate agreement by 2015, which will come into effect in 2020. The negotiators will focus on the framework of the future climate regime under single negotiation track, the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP). The need to increase countries’ ambition to cut their GHG emissions and to help vulnerable countries to adapt was underscored.

From Southern perspective, a roadmap to a climate change treaty under this negotiation track should include the procedural and distributive justice. The procedural justice is inclusion of all countries on grounds of equity and fairness. This requires the North to recognize vulnerabilities and limited capabilities of the South and North’s own liabilities in combating climate change. The distributive justice takes this recognition one step further and addresses the well-being of the poorer by transferring climate funds and green technologies from the North to the South⁶⁰. The North’s leadership and sincere actions in combating climate change will encourage the South to make its own

⁵⁸ UNFCCC, “The Doha Climate Gateway”, available at http://unfccc.int/key_steps/doha_climate_gateway/items/7389.php, (Accessed on 30 March 2013).

⁵⁹ *The Economist*, “Harrabin’s Notes: Broken engagement,” 4 December 2012.

⁶⁰ Marco Grasso, “The Role of Justice in the North–South Conflict in Climate Change: The Case of Negotiations on the Adaptation Fund,” *International Environmental Agreements*, 11, 2011, p. 366.

contributions. This perspective has been voiced in almost all Joint Statements issued at conclusion of Meetings of Ministers of BASIC Group since November 2009⁶¹.

Even if they are very diverse bloc, economically and politically heterogeneous group; the G-77 recognizes the leadership of the BASIC Group in climate change negotiations. The BASIC Group, in return, makes clear that it will never make any decision without consent of the G-77. The BASIC Group underscores that they continue to remain as a part of the G-77 coalition, inviting the current president of the G-77 to all of their Ministerial Meetings and insisting in the Durban Conference that the G-77 represented their positions in the meetings⁶². The BASIC Group's commitment in a binding emissions reduction scheme to address the concerns of the most vulnerable Southern countries would strengthen their leadership role. Bottom-up approach through ambitious national policies to cut GHG emissions would serve better global cooperation against the global problem⁶³.

Assessment and Conclusion

This paper tries to answer the question of whether the South could develop a common climate change policy on the way to adopt a universal legal agreement on climate change no later than 2015 as decided during COP17 in Durban, South Africa in December 2011. Based on the analysis on the South's climate change policy during Kyoto era and its emerging approach during the negotiations for formulating the post-Kyoto climate change regime, this author's answer is yes.

In response to domestic and international pressure and in parallel to economic calculations regarding mitigation and adaption costs as well as future gains from international trade, the major emerging economies has signaled a change in their long-standing refusal on accepting a legally binding GHG emissions reduction agreement. Under the new negotiation track, the Ad hoc Working Group on the Durban Platform for

⁶¹ Anne-Sophie Tabau and Marion Lemoine, "Willing Power, Fearing Responsibilities: BASIC in the Climate Negotiations", *CCLR*, 3, 2012, p.199

⁶² Kathryn Ann Hochstetler, "The G-77, BASIC, and Global Climate Governance: A New Era in Multilateral Environmental Negotiations", *Revista Brasileira de Política Internacional*. 55 (special edition), 2012, pp.56-58.

⁶³ Andrew Paul Kythreotis, "Progress in Global Climate Change Politics? Reasserting National State Territoriality in a 'Post-Political' World", *Progress in Human Geography*, 36(4), 2012, pp.467-468.

Enhanced Action (ADP); the South under leadership of the BASIC Group would continue to defend components of its climate change policy: Poverty alleviation policy, principle of equity, and sustainable development. They will still try to convince the North that any climate change regime should be within parameters of the principle of “common but differentiated responsibilities and respective capabilities.”

The interpretation of the principle will be the main issue during the ADP negotiation process. A second issue is the choice of the methodology of measuring emissions and the accountancy rules. The South demands carbon intensity or per capita GHG emissions whereas the North supports the absolute targets. Base year for emissions reduction and the length of the commitment period are other emissions accounting issues on the table. The South wants a short time frame and small incremental targets over time. However, the EU would prefer to stick with their already stated long-term goals, such as 80% emissions reduction from 1990 levels by 2050. A third issue is the size and form of the carbon funds and technological transfer from the North to the South. A final issue is the North’s compliance with their Kyoto commitments. The North’s poor performance in meeting their Kyoto targets understandably discourages the South and questions the North’s credibility of any future commitments⁶⁴.

In the future climate change regime, every country, big or small, from the North or from the South, will face the consequences of climate change and global warming and should develop mitigation and adaptation measures in accordance to their respective capabilities. The North must understand that inter-generational equity is as important as intra-generational equity (the rights of the legitimate other)⁶⁵. On the path of successful and effective climate change regime, the full inclusion of all countries (the procedural justice), and efficient allocation of financial and technological support from the North (the distributive justice) are milestones. That requires levying carbon tax in the North and implementing low carbon measures in the South, more concentration on execution of the North’s mitigation and the South’s adaptation actions. It should be understood that

⁶⁴ Sean Walsh, Huifang Tian, John Whalley and Manmohan Agarwal, “China and India’s Participation in Global Climate Negotiations”, *International Environmental Agreements*, 11, 2011, p. 263–264, 271.

⁶⁵ Timothy Doyle and Sanjay Chaturvedi, “Climate Territories: A Global Soul for the Global South?” *Geopolitics*, 15, 2010, pp.533–534.

perceived dilemmas between self-interest and ethics, between effectiveness and fairness, between individual actions and global collective action, between realism and idealism should be overcome for well-being of the planet Earth and all of its residents.

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