

## US says no to “top down” rules for targets and compliance

Bangkok, 4 April (Meena Raman)-- At a pre-session workshop on the emission reduction targets by developed country Parties held in Bangkok on 3 April under the United Nations Framework Convention on Climate Change (UNFCCC), the United States said that it could not support an international regime or structure of top down rules for setting emission reduction targets and consequences for non-compliance.

Dr. Jonathan Pershing said that the US has made a pledge of 17% emission reductions by 2020 based on 2005 levels and was committed to that and a review process. The US was not adopting the Kyoto Protocol and it was not for a structure of top down rules that “someone else established”.

During the workshop, he stressed that compliance would come from countries having domestic law. But he also said that the US Congress had not passed a climate bill and he did not know when it would do so.

Pershing said that it was dubious if there could be an international regime with consequences for not meeting the targets set. If Parties can take domestic emissions targets and make that a domestically legally-binding regime that would be a huge step forward. He said that Parties could then compare and assess in their domestic context their actions and the transparency of that would give Parties the confidence needed.

On the issue of compliance, for the US, Pershing said that it is in the context of domestic law (and not an international regime). He said that there are huge consequences for non-compliance in the domestic law and it would apply to cap and trade, energy, clean air standards etc.

However, Pershing also clarified, in response to questions, that the US did not have national legislation covering the reduction target, as Congress has independent authority and “we don’t know when it will pass the law.”

Dr. Jonathan Pershing was speaking at a pre-session workshop on assumptions and conditions related to the attainment of quantified economy-wide emission reduction targets by developed country Parties held following the Cancun decision.

The Conference of Parties (COP) at its 16<sup>th</sup> session in Cancun took note of quantified economy-wide emission reduction targets to be implemented by Annex 1 Parties as communicated by them. The COP further requested the secretariat to organize workshops to clarify the assumptions and conditions related to the attainment of these targets. The COP decision also urged developed country Parties to increase the ambition of their targets and requested the secretariat to prepare a technical paper with the aim of facilitating understanding of these assumptions and conditions and a comparison of the level of emission reduction effort.

The first round of these workshops is being held in Bangkok in conjunction with the 14<sup>th</sup> session of the Ad-hoc Working Group on Long-term Cooperative Action (AWGLCA) from April 5 to 8.

The workshop was facilitated by two co-chairs, Mr. Richard Muyungi of Tanzania and Mr. Maas Goote of Netherlands. Also in attendance was Ms. Christiana Figueres, the Executive Secretary of the UNFCCC.

The workshop heard presentations from the United States, European Union, G77 and China, Norway, Australia, France, Switzerland, Alliance of Small Island States, New Zealand, Germany, Russia, India, Sweden, Japan, Poland, Bolivia, United Kingdom and Iceland.

(This article reports on the US intervention, see separate article in respect of the others).

The US representative, Jonathan Pershing said that the US mitigation commitment is in the range of a 17% reduction in emissions by 2020 compared to 2005 levels which is in conformity with anticipated

US energy and climate legislation recognizing that the final target will be reported to the UNFCCC Secretariat in the light of enacted legislation.

He clarified that this commitment comprised of domestic mitigation action with no reliance on international carbon offsets. It was an economy-wide target, which is not limited by sectors.

Pershing said that US emission trends have been declining from 2005 to 2009 to a level 8% below 2005.

He said that until last year, President Obama's administration had been pursuing a cap and trade programme but this did not pass through the US Congress. Since then, the US has been working on alternative policies with fundamentally increased level of support for clean energy, energy efficiency etc.

In relation to emissions trading and offsets, Pershing said that the US does not have federal law in this regard, while some states do. In the context of new federal law in the future, this may be included and any mechanism would meet high standards for environmental integrity and transparency.

Pershing said that the US was in a model that reflects its national circumstances.

At question time, Korea said that Parties were curious about the date or year when the US would adopt legislation on climate change.

Pershing said that the US had reported at a previous session in Bonn that it was looking to legislation that looked promising, that had included carbon trading and so on. But it did not pass.

He added that Congress has independent authority and we do not know when it will pass a law (on climate change). But we will stay with our 17% target and look to legislation and regulation that will make it comply, he said.

Pershing also spoke on the issue of comparability of efforts among developed countries, a principle agreed to in the Bali Action Plan. (In most of the discussions and the data provided by developed countries, the emissions reduction targets are given from the base year 1990 to the target year 2020).

Pershing however reiterated the US position of stating its target for 2020 with the base year of 2005. He said that there were different ways of making

comparisons, and in some of these ways the US target is comparable with other developed countries.

For example, if the target is taken as 2020 from 1990 levels, the targeted reductions are 3.1% for the US, 25% for Japan, 20-30% for the EU and Australia 10%. However based on other measures or years, the US is comparable. Based on 2005 levels compared to 2020, he said that the US target is 17%, the EU 13-24%, Japan 33% and Australia 10-20%. Based on emissions per capita reduction from 1990 to 2020, he said that US was comparable with the US being 28-29 %, the EU 21- 31%, Australia 35% and Japan 25%. He said that the US was also comparable in terms of GHG intensity reduction (from 2005 to 2020), with the US having a 40% reduction, EU 38-45% and Japan 50%.

Pershing stressed that the US had different perspectives on the issue of comparability. He said that he did not believe that Parties could agree on a single metric for comparability. The year 1990 (as base year) does not work for the US. For the US, 2005 is the base year used to compare emissions reductions.

Pershing said that the language in the Bali Action Plan did not refer to a metric as it talks of "comparable efforts". He said this was about the national circumstances of countries.

He said that "comparability" is different from "adequacy" (of the targets). There was need to look at the contribution to the overall global levels and whether those concentrations (of GHGs) would lead to temperature rise and are going the wrong way. The having of a common metric was much less important, said Pershing.

In response to several questions on the ambition level of the US, Pershing said that if one starts with just the present numbers (re the pledges), Parties would fall short of limiting the temperature level to a 2 degree C rise. He said that no one is going to stop at the current numbers. The question was how to take modest actions to significant steps to what is needed. He said that the Cancun decision is a good place to start, with global transparency, building confidence and creating mechanisms for finance and exchange of technologies. Parties needed to take steps and see what works, he said.