

# THE **COPENHAGEN** CONFERENCE:

HOW SHOULD THE **EU** RESPOND?

Joseph Curtin



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# THE COPENHAGEN CONFERENCE: HOW SHOULD THE EU RESPOND?

by Joseph Curtin, IIEA

## INTRODUCTION

The EU was marginalised at Copenhagen. As a consequence the Copenhagen Accord neither conceptually nor substantively reflected the EU's original negotiating position. This failure must lead to a reevaluation of its modus operandi in international negotiations if Europe wishes to match its rhetoric of leadership on climate protection with real influence.

This paper first offers a context for the EU's approach to climate change followed by a review of EU leadership on the issue; the next section provides an analysis of the content of the Copenhagen Accord and the overall direction of negotiations from a European perspective; the final section assesses the reaction within the EU to the Accord and offers initial thoughts on how the EU might increase its influence at future international climate negotiations.

## BACKGROUND

### 1.1. CONTEXT

The great European projects of the 20<sup>th</sup> Century - securing lasting peace and prosperity within the EU - have been accomplished to a large extent. It is the EU's ability to deliver for Europeans on international issues - climate, energy security and trade - which will command increasing public support. European leaders therefore see defending the continent's interest on the global stage as particular for the EU in the 21<sup>st</sup> century.

Nation states acting unilaterally cannot resolve these global challenges. This is particularly true of climate protection, which is best seen as a global public good, the provision of which poses classic collective action difficulties. There will always be strong incentives for some to "free ride" on the efforts of others, though all countries would be better off if they behaved in a cooperative manner. This leads to the well-known "tragedy of the commons".

There is a strong rationale for a central EU role given its experience in engendering mutually beneficial cooperation between sovereign states. Climate change, it is argued, can be addressed using the same approach on the global stage that was successful within the EU: agreement of legally binding international treaties; pooling of sovereignty in proscribed areas; establishment of supranational institutions, rule of law; economic solidarity between states; the importance of human rights etc.

This outlook was articulated clearly by Commission President José Manuel Barroso when he stated that “This is the great European narrative for the twenty first century. We have created a new and better European political order. Now we must use this experience to create a new and better global order”.<sup>1</sup>

## 1.2. LEADERSHIP IN ACTION

The emergence of these leadership ambitions can be traced back to the early 1990s when the EU played a central role in the establishment of the UN Framework Convention on Climate Change (UNFCCC) and implemented its first efforts to control emissions.<sup>2</sup> In 1996 the EU adopted the 2 degree target for global mean average temperature increase; and it played a decisive and proactive role at Kyoto where it proposed - and indeed took on – more ambitious targets than other developed countries.<sup>3</sup> Unlike many other developed countries the EU is on track to meet its mitigation commitments. Additionally, in 2005 the EU established the EU Emissions Trading Scheme – the first large scale carbon trading scheme of its kind.

In the recent round of negotiations the EU attempted to play a leadership role by securing internal agreement on climate change so that it could present an ambitious and unified front at Copenhagen. The energy and climate package, which took several years to design, negotiate and ratify, allowed the EU to come to Copenhagen with a proposal which was designed to encourage ambitious commitments to emissions reductions from other developed countries, particularly the US.

The EU offered a unilateral commitment to a minimum 20% reduction in emissions by 2020, rising to a 30% reduction if other developed countries made similar agreements.

Its proposal<sup>4</sup> on financing mitigation and adaptation measures in developing economies was published in September 2009. The EU proposed that developed countries should make €100 billion annually available by 2020 to fund adaptation and mitigation and that “fast start” finance should be immediately available in the event of a successful outcome at Copenhagen. The EU's “fair contribution” was estimated to be between €2 to 15 billion per year in 2020, with the remainder coming from other developed economies, carbon markets and private finance. Commission President Barroso made it clear that the objective of making this announcement was to give the Copenhagen talks a boost and to provide further leadership.<sup>5</sup>



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Because the EU was so clearly providing leadership others, it was hoped, would follow.<sup>6</sup>

# COPENHAGEN

## 2.1. SUBSTANTIVE ISSUES AT COPENHAGEN

The three-page Copenhagen Accord was the outcome of the Conference of Parties (COP) at Copenhagen in December 2009.<sup>7</sup> As it proved impossible to secure unanimous approval for this agreement, the COP “took note of” the accord. As of mid-January 2009, fewer than 20 countries out of 192 have indicated that they will sign and its legal standing therefore remains unclear.

Many EU objectives were simply not achieved. Comparison with the Danish Draft,<sup>8</sup> which was prepared by an inner core of countries in the lead-in to Copenhagen and leaked to the press at the start of negotiations, is instructive. This document can be seen as a reflection of the EU’s negotiating position (though the US may also have had some input as a member of the so called “circle of commitment”). The key elements of this agreement were as follows:



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- A framework for long term cooperative action which would entail:
  - Peak in emissions by 2020;
  - Global emissions reduced by 50% by 2050 on 1990 baseline;
  - Minimum 80% emissions reduction by 2050 for developed countries; and
  - Date for peaks in developing country emissions.
- An adaptation Framework, and commitment to “fast start” and long-term financing.
- Finance to be “additional”, overseen by a Climate Fund, with a “balanced” board to choose projects.
- Forest cover stabilised in developing countries.
- Emissions from shipping and aviation reduced.
- Global comprehensive carbon markets to replace project-based approaches.
- Investment in climate related R&D quadrupled by 2020 in developed countries and a range of measures, including the establishment of UNFCCC technology body to ensure

cooperative approach to technology transfer.

- “Robust” monitoring reporting and verification of mitigation efforts for all countries.
- Mitigation plans drafted and reviewed by all parties to the agreement.

The final Accord which emerged bares little resemblance to the Danish Text. In point 1 of the Accord the parties “recognise” the scientific view that the increase in global temperatures should be below 2 degrees Celsius. In point 2, however, the seemingly stronger acknowledgment is given that:

“...deep cuts in global emissions are required according to science, and as documented by the IPCC Fourth Assessment Report with a view to reduce global emissions so as to hold the increase in global temperature below 2 Degrees Celsius, and to take action to meet this objective consistent with the science and on the basis of equality”.

This qualified support for a 2 degree target is perhaps something of a success for the EU, given this has been its preferred target since 1996.

Agreement was also reached that developed countries would provide \$100 billion in financing “to enable and support advanced action on mitigation, including substantial finance to reduce emissions from deforestation and forest degradation, adaptation, technology development and transfer and capacity building”. €30 billion was also pledged for “fast start” finance. This is arguably another success for EU diplomacy.

It must be noted, however, that this commitment was largely attributed to the intervention of Hilary Clinton and timed “to resuscitate the talks” by the US administration before United States President Barack Obama’s arrival.<sup>9</sup> The EU’s own pledge of an annual €2.4 billion “fast start” financing for the years 2010-12 raised many criticisms. The G77 bloc characterised the pledge as “insignificant”.<sup>10</sup> The commitment on financing should also ensure that renewed impetus is given to preventing further deforestation, though little substantive progress was made on this issue.

The list of EU objectives not achieved is, however, lengthy. Most importantly, all meaningful mitigation targets were removed; aviation and shipping are not mentioned; no robust monitoring, reporting and verification procedures were agreed; the section on technology transfer is so vague so as to be almost irrelevant; and no mention is made of emissions trading.

## 2.2. OVERALL DIRECTION OF NEGOTIATIONS

In fact, the EU lost the initiative to such an extent that the whole approach to the architecture of the proposed agreement has moved decisively in a direction away from that proposed by Denmark. What is now emerging is a different approach which is akin to a proposal by Robert Stavins of the Harvard Project on International Climate Agreements. In a recent paper Stavins calls for what he describes as a more politically palatable approach based on a “portfolio of domestic commitments.”<sup>11</sup> This has also been described as “pledge and review”.

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Under such an arrangement, nations would make commitments to emissions reductions in domestic law, with a portfolio or list of such agreements emerging or being compiled at the UNFCCC. Alternatively a number of major players could compile an initial portfolio, inviting other countries to join thereafter. This later approach – described as “mini-lateralism” in an influential Foreign Policy article by Moisés Naím<sup>12</sup> - is likely to be very much in vogue following the negotiations at Copenhagen. This would represent a substantial shift away from internationally imposed targets with timetables for delivery, as favoured by the EU.

Stavins rather perspicaciously states that “Under a portfolio approach, these domestic commitments could be represented in a table of national schedules attached to an agreement”. For anyone who has looked at the layout of the Copenhagen Accord, this approach will be familiar.

Both the US and China remain sceptical about the prospect of a “top-down” approach which establishes a strict set of international rules, or involves devolving any power to international organisations. This is especially the case with China, and is particularly evident in its disagreement with the US over the monitoring of mitigation measures.

China refused throughout the conference to consider any independent monitoring of its emissions reduction efforts, and the final Accord states that “mitigation actions taken by non-Annex 1 Parties will be subject to their domestic measurement, reporting and verification” and guidelines “will ensure that national sovereignty is respected”.

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The “success” of having a 2 degree target referenced in the Accord seems somewhat irrelevant in light of these projections.

For this reason, a domestic portfolio approach may appear more viable. If this is the road that is chosen, a big question according to Stavins is “whether a domestic portfolio of commitments would prompt national actions ambitious enough to yield emissions reductions of the magnitude that science suggests may be required”.

The answer would seem to be “no”. According to Climate Action Tracker, an independent science-based assessment of pledges: “the emission commitments and pledges put forward by industrialized and developing countries shows that the world is headed for a global warming of 3.5°C by 2100... there is at least a one in four chance of exceeding a warming of 4°C”.<sup>13 14</sup> The “success” of having a 2 degree target referenced in the Accord seems somewhat irrelevant in light of these projections.

Of equal concern for the EU (to the content of the Accord) is the manner in which it was negotiated. The Accord came out of a meeting with the newly emerged “BASIC” block of Brazil, South Africa, India and China, who were joined by President Obama.<sup>15</sup> The President of the European Commission learned of the agreement they had reached by way of a text message on his phone. The EU and its Member States were presented with a text which had been agreed at a meeting at which they had not been present.

## AFTERMATH

### 3.1. EU REACTIONS

The reactions of European leaders to the Copenhagen outcome illustrate their disappointment. “The level of ambition is not what we were hoping for,” offered José Manuel Barroso, head of the EU Commission, while Swedish Prime Minister Fredrik Reinfeldt, whose country held the rotating European Union Presidency, said that the Accord “will not solve the climate pressures, the climate threat to mankind”. President Sarkozy is said to have initially refused to sign the Accord such was his disappointment.<sup>16</sup>

At the Environmental Council of the 23 December 2008, Ministers present were under no illusion in assessing the EU’s Copenhagen performance. Nor were there any illusions in COREPER where lead

civil servants were frank and open in admitting the magnitude of the EU's failure. There was a recognition that the EU had been upstaged at best and humiliated at worst, and that a radical new approach is needed.

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China in particular was singled out for criticism. Senior European diplomats accused China of "systematically wrecking the accord"<sup>17</sup> and deconstructing the Danish Text which was leaked at an early stage in the negotiations. China allegedly went about removing all meaningful numbers – “despite the support of a coalition of developed and the vast majority of developing countries” according to Ed Milliband, UK Secretary of State for Energy and Climate Change. China even went as far as insisting that the developed countries remove their own commitment to an 80% emissions reduction by 2050, which led Chancellor Merkel to ask: “Why can't we even mention our own targets?”<sup>18</sup>

### 3.2. ANALYSIS AND FUTURE STRATEGIC OPTIONS

Although the Accord is less than the EU would have hoped for, on the positive side, it remains unspecific enough for the EU to promote its agenda in negotiations leading to the Mexico COP in December 2011. In order for this to happen decisive action will be required. The EU will need to think strategically and tactically, with a cognisance of the realities in which it is operating.

It is important to point out that the EU is a relatively minor player in terms of global emissions, and its share of global emissions will diminish over time. According to Christian Egenhofer, Senior Fellow at CEPS “it is the US, China and other emerging economies that really matter in any lasting climate solution. There is nothing the EU can do about this”.<sup>19</sup> Although the EU's power in this new world order will be diminished, it still has many instruments at its disposal. In order to use these instruments and maximise its leverage, it will need to be cognisant of the fact that it is operating in a changing world.<sup>20</sup>

Focus should be on resuscitating the Danish Text to the greatest extent possible and in particular on securing agreement of all major parties to a long-term international framework capable of delivering as close as possible to the EU's 2 degree target.

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The first lesson from Copenhagen is that putting all your cards on the table to offer “leadership” can lead to unintended outcomes.

In the first place, it would seem unwise for the EU to offer a 30% emissions reduction in its “pledge” which is required before the end of January. The first lesson from Copenhagen is that putting all your cards on the table to offer “leadership” can lead to unintended outcomes. Other parties knew exactly what the EU was offering, so there was no need to engage the EU in negotiations; it also led to a perception of the EU, which proved correct, was that it would sign any deal rather than admit failure.

Second, on financing, the Copenhagen Accord cites “meaningful commitments and transparency on implementation” as prerequisites for financial transfers. For the same reasons outlined above, the EU should attach strong conditionality to the proposed transfers. At a very minimum, these conditions should include strict rules on monitoring, reporting and verification.

Third and most importantly, the EU should mainstream climate change into its other external policy instruments such as access to markets and overseas development aid. The EU is the largest market in the world, and China’s biggest trading partner.<sup>21</sup> Collectively, the EU is also the largest contributor of overseas development aid (ODA).<sup>22</sup>

Using these and other available instruments, the EU should begin to build strategic alliances. With the so-called Basic countries – Brazil, South Africa, India and China –meeting on 24 January in New Delhi to cement the emerging geopolitical alliance between the four large developing countries and “to convince other countries to sign up to the Copenhagen Accord that emerged last month”, the agenda is being shaped and the EU must act immediately.<sup>23</sup>



**There is much common ground and a willingness in the Obama Administration to sign an effective deal, as can be seen from the alleged agreement on large parts of the Danish Text.**

This could begin with an entente with the EU’s most natural ally: the US. There is much common ground and a willingness in the Obama Administration to sign an effective deal, as can be seen from the alleged agreement on large parts of the Danish Text.

The US, however, can and will not offer a mitigation target far beyond the -17% on 2005 levels that is on the table. While the EU should seek to encourage the US to maximise its 2020 mitigation commitment and to move beyond what is on the table, it must realise that a much stronger 2020 commitment has little hope of being ratified by the US Senate, particularly in a year of mid-term congressional and senatorial elections.

It may be necessary to go beyond current commitments on financing, and the US in particular should be encouraged to do so in the absence of a more stringent near-term mitigation target. The €100

billion annual commitments falls far short of the €200 million sought by Oxfam and other NGOs. The US must also be willing to make strong long-term commitments to emissions reductions.

The terms of the alliance should appeal to poorer developing countries so that it is not perceived as "very dangerous...for developing countries"<sup>24</sup> or "superimposed without discussion on the talks"<sup>25</sup> as was alleged with the leaking of the Danish Text.

If a common position were reached by the EU and US, it may not appeal to all developing countries, or even those in negotiating alliances. An inspection of the BASIC negotiating block, for example, reveals a heterogeneous group with different goals.

According to Brahma Chellaney, Professor of Strategic Studies at the Center for Policy Research in New Delhi "China cleverly deflected pressure by hiding behind small, poor countries and forging a negotiating alliance....the BASIC bloc". It used small developing countries with whom it has developed strategic alliances, such as Sudan, to constantly raise procedural obstacles and frustrate negotiations.

China's emissions on a per capita basis are four times those of India and many times more than those of many countries in Sub-Saharan Africa. Yet it was this alliance with India, and the developing countries of Africa which China so effectively used to deflect attention from itself. According to Chellaney this alliance is more favourable to China than India. This applies even more so to the rest of the G77 where the EU's proposal to establish a third category of "most vulnerable" must surely have been attractive.

Nor does China's strategic alliance with Brazil ostensibly offer much to the latter. According to Climate Action Tracker: "Brazil is one of the few major developing countries that has set an emission target. It provides very ambitious goals for reducing emissions from deforestation, the main source of greenhouse gas emissions in Brazil". In total, these emissions reductions would result in emissions of 36-39% below reference emissions in 2020. It must be noted that this offer is conditional on external financing from developed countries to prevent deforestation.

Brazilian President, Luiz Ignacio Lula da Silva, even announced the possibility that Brazil will contribute economically toward climate change measures in needy countries; the first offer by a developing country with an emerging economy to contribute toward climate finance.<sup>26</sup> Brazil



What this suggests is that there may be much to gain were the EU to engage in a campaign of strategic alliance building and to mainstream climate change objectives into its trade and ODA policy.

is playing a more proactive role in negotiations than China and has much to gain from a successful outcome to negotiations on deforestation (REED+).

What this suggests is that there may be much to gain were the EU to engage in a campaign of strategic alliance building and to mainstream climate change objectives into its trade and ODA policy.

China itself unsurprisingly viewed the outcome as “significant and positive”. The deal suits China with its booming coal-dependent economy and rapidly rising emissions. China was perhaps intent on weakening an international emissions regulation mechanism now so as to avoid future more stringent controls that might challenge this economic growth model. China must however, be aware of the dangers this poses to itself from climate change.

China, unlike most of the G77, is perhaps more concerned with market access and technology transfer than financial transfers. In order for China to be encouraged into a progressive international framework, a border tariff/carbon tariff must be on the table at negotiations. 30% of all Chinese emissions are embodied in exports. Daniel Gros, Director of CEPS, argues that a border tariff would be globally welfare positive. He also suggests that if the tax was imposed “to protect the global environment” it would be compatible with WTO rules “whose article XX allows for exemptions if the aim is to protect a global natural resource”.

He suggests a tariff of 9% on Chinese exports would be optimal for a mix of political and economic factors.<sup>27</sup> The revenue from such a tax could be used to help poorer countries which have signed up to an international agreement reduce the energy intensity of their economies.

French President Nicholas Sarkozy is a supporter on the introduction of carbon tariffs,<sup>28</sup> though EU Trade Commissioner designate Karel de Gucht told the European Parliament that “I don't think that's the right approach myself...it's an approach that will run into many practical problems.” What is important for the moment is that this measure is seen to be on the table, and the European Commission might immediately begin the process of bringing forward a proposal.



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Another issue which needs to be addressed by the EU is engagement with civil society organizations, many of whom are unprepared to publically criticize developing countries. For Christian Aid the Copenhagen failure was “the inevitable result of rich countries refusing adequately and fairly to

shoulder their overwhelming responsibility. For Friends of the Earth it was because "...rich countries have bullied developing nations".<sup>29</sup> Climate Action Network Europe, meanwhile, came to the flawed conclusion that Europe's failure to a 30% target was responsible for the Copenhagen failure.<sup>30</sup> While NGOs will always have a different set of objectives from the EU, the EU needs to communicate more effectively with NGOs. In the post-Copenhagen world, NGOs should be encouraged to play a more supportive role.

The EU must also present a more coherent front at negotiations. Coordination remains an enormous challenge for Europe. Speaking during her confirmation hearings as Commissioner for Climate Action on 15<sup>th</sup> 2010, January, Connie Hedegaard pointed out that: "The last hours in Copenhagen – China, India, the US, Russia Japan – each spoke with one voice while Europe spoke with many different voices," adding "We are almost unable to negotiate."

The Lisbon Treaty creates the position of President of the Council and Article 218 of TFEU states that the Commission's new powers for negotiating international agreements would extend to "nominating the union negotiator or head of the union's negotiating team". If the EU wants to be taken seriously as a negotiating block, it must use these new positions and powers to present a more united front.

## CONCLUSION

The EU is faced with an enormous strategic challenge. The disappointment of Copenhagen should result in a rethink of its approach to international negotiations. Using the instruments at its disposal, it should build strategic alliances with the objective of securing the best available deal on climate change, to reduce the probability of 4 degrees warming by 2100. How the EU responds may provide an indication of what role it will play in the addressing the global challenges of the 21<sup>st</sup> century.



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## ENDNOTES

<sup>1</sup>See: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/176&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>2</sup>The SAVE Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993L0076:EN:HTML>

<sup>3</sup>See: EU leadership on Climate Change: Living Up to the Challenges, Oberthur, S: <http://ec.europa.eu/education/ajmforum07/oberthur.pdf>

<sup>4</sup>See: [http://ec.europa.eu/environment/climat/pdf/future\\_action/com\\_2009\\_475.pdf](http://ec.europa.eu/environment/climat/pdf/future_action/com_2009_475.pdf)

<sup>5</sup>See: <http://news.bbc.co.uk/2/hi/8248474.stm>

<sup>6</sup>An optimism that I shared, see: <http://www.iiea.com/blogosphere/commissions--copenhagen-blueprint-can-break-the-deadlock>

<sup>7</sup>See: <http://unfccc.int/resource/docs/2009/cop15/eng/107.pdf>

<sup>8</sup>See: <http://www.guardian.co.uk/environment/2009/dec/08/copenhagen-climate-change>

<sup>9</sup>See: <http://www.nytimes.com/2009/12/18/science/earth/18climate.html>

<sup>10</sup>Copenhagen De-briefing: An Analysis of COP15 for Long-term Cooperation, Climatico, January 10, 2010, available at: <http://www.climaticoanalysis.org/wp-content/uploads/2010/01/post-cop15-report52.pdf>

<sup>11</sup>See: [http://belfercenter.ksg.harvard.edu/files/DomesticCommitments\\_final.pdf](http://belfercenter.ksg.harvard.edu/files/DomesticCommitments_final.pdf)

<sup>12</sup><http://www.foreignpolicy.com/articles/2009/06/18/minilateralism>

<sup>13</sup><http://www.climateactiontracker.org/>

<sup>14</sup>For implications of 4 degrees warming see: <http://deimos3.apple.com/WebObjects/Core.woa/Browse/ox-ac-uk-public.2770075867>

<sup>15</sup>See: <http://www.politico.com/news/stories/1209/30801.html>; <http://edition.cnn.com/2009/POLITICS/12/18/obama.copenhagen/index.html>; or <http://en.cop15.dk/news/view+news?newsid=3070>

<sup>16</sup>See: [http://www.expatca.com/nl/news/local\\_news/Europe-laments-\\_lack-of-ambition\\_-in-climate-deal\\_58931.html](http://www.expatca.com/nl/news/local_news/Europe-laments-_lack-of-ambition_-in-climate-deal_58931.html)

<sup>17</sup><http://www.guardian.co.uk/environment/2010/jan/05/he-yafei-china-climate-negotiator>

<sup>18</sup>See: <http://www.guardian.co.uk/environment/2009/dec/22/copenhagen-climate-change-mark-lynas>

<sup>19</sup>Egenhofer & Georgiev, 2010, CEPS Commentary: Why the transatlantic Alliance Climate Change Partnership Matters More Than Ever, available at: <http://www.ceps.be/book/why-transatlantic-climate-change-partnership-matters-more-ever>

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<sup>20</sup>It is interesting to note that realist foreign policy scholars such as Steve Walt and game theorists such as Bruce Bueno de Mesquita had long predicted failure at Copenhagen.

<sup>21</sup>See: <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/china/>

<sup>22</sup>See: [http://www.euroresources.org/fileadmin/user\\_upload/Euromapping/Euromapping\\_Final.pdf](http://www.euroresources.org/fileadmin/user_upload/Euromapping/Euromapping_Final.pdf)

<sup>23</sup>The Guardian, 13 January 2010: China, India, Brazil and South Africa prepare for post-Copenhagen meeting, John Vidal.

<sup>24</sup><http://www.guardian.co.uk/environment/2009/dec/08/copenhagen-climate-summit-disarray-danish-text>

<sup>25</sup><http://www.guardian.co.uk/environment/2009/dec/08/copenhagen-climate-summit-disarray-danish-text>

<sup>26</sup><http://en.cop15.dk/news/view+news?newsid=3053>

<sup>27</sup>CEPS Commentary: A border tax to protect the global environment? See: <http://www.ceps.be/book/border-tax-protect-global-environment>

<sup>28</sup><http://www.euractiv.com/en/climate-environment/carbon-tariffs-resurface-copenhagen-aftermath/article-188645>

<sup>29</sup>Reported in the Guardian: <http://www.guardian.co.uk/environment/2009/dec/22/copenhagen-climate-change-mark-lynas>

<sup>30</sup><http://www.climnet.org/>

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