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# An equitable arrangement

Equity — as nearly twenty years of hard-won experience demonstrates — is, without doubt, the golden key for climate negotiations. It is epitomized through the principle of “common but differentiated responsibility” between developed and developing nations. This principle is now a point of enormous contention in the climate negotiations. We risk derailing urgently needed solutions to reverse climate change tendencies because we have not yet found a way to guarantee equity under the UNFCCC process.



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Finding equity in the distribution of the atmosphere, equity in responsibility to mitigate, and equity in responsibility to the victims of climate impacts has thus far proven elusive to the negotiators. However, the international community has shown that it can provide equity in solving the global environmental challenge, as the story of the Montreal Protocol shows.

Considered the world’s most effective environmental treaty, the Protocol is a standard bearer for both global equity and climate mitigation. It applies the principle of common but differentiated responsibilities by requiring that industrialized nations step up to the plate first, while developing nations are given a grace period. And nations have agreed that industrialised countries should pay the incremental costs of compliance for developing ones.

Though the Protocol was originally designed primarily to protect the ozone layer, universal compliance with it has had a whopping positive effect on the climate by reducing climate emissions by the equivalent of 135 billion tons of CO<sub>2</sub> between 1990 and 2010. Considering the difficulties over negotiation of the Kyoto Protocol, the numbers are staggeringly impressive. The Montreal Protocol cut climate emissions to the tune of 11 billion tons per year — four to five times the reductions targeted in the first commitment period of the Kyoto Protocol!

And that’s not all. The accelerated phase-out of HCFCs (Hydrochlorofluorocarbons), negotiated and approved in 2007 under the Montreal Protocol, has the potential to eliminate another 15 billion tons of CO<sub>2</sub> equivalent. But there’s an important and fundamental catch: the phase-out’s climate benefits will only be realized if the transition out of HCFCs leads to substitutes that have zero or low Global Warming Potentials (GWPs). It could be greatly undermined if HFCs (hydrofluorocarbons) are selected as replacements.

HFCs are super greenhouse gases, 2,000 times more potent than carbon dioxide in terms of warming the climate. Although there are numerous low-GWP alternatives, they have become the fastest growing greenhouse gas in many countries through replacing HCFCs. If not controlled, they could be responsible for more than a third of climate forcing by mid-century.

HFCs are one of the six gases in the Kyoto Protocol basket being painstakingly negotiated under the UNFCCC process. A key issue in the talks concerns equity and differentiated responsibilities, and that is where our troubles lie. We face a crit-

ical dilemma, advancing by phasing out production and use of HCFCs under one regime (the Montreal Protocol), while being unable to limit the emissions of HFCs under another (the UNFCCC process).

How do we solve this? How do we take advantage of phasing out HCFCs but avoid the growth of HFCs — and, in so doing, guarantee the principle of common and differentiate responsibilities? Thinking of equity in the context of climate change negotiations in practice implies:

- a. Effective North-South transfer of technologies;
- b. Creating an equitable financial architecture guaranteeing equitable representation and decision-making power from Annex I (industrialised) & Non-Annex I countries;
- c. Annex I countries properly fulfilling their mitigation obligations;
- d. Annex I countries properly fulfilling their financial obligations on mitigation and adaptation.

All of these already occur and are present in the Montreal Protocol.

So why not then use what has already proven to be a fair, equitable, successful treaty that currently and successfully regulates HCFCs also to control HFCs?

Given the great success of the Montreal Protocol to date, it is a reasonable assumption that it would indeed serve as a constructive forum to address HFC phase-outs. The framework, institutions, and technical experts and negotiators who know each other well, are already in place. But a few more questions may arise:

- a. What do we gain in terms of mitigation?
- b. At what cost?
- c. What would this imply for the UNFCCC negotiations process?
- d. Are there other benefits?
- e. And — if the answers to all the above are positive, how do we do it?

A workable proposal already exists, first put forward by the Federated States of Micronesia in 2009. It would reduce 85-90 per cent of HFC production and use, achieving a climate mitigation of the equivalent of 100 billion tons of CO<sub>2</sub> by 2050. The United States, Canada, and Mexico followed with a similar proposal in 2010. So the politics are moving in the right direction.

HFCs are in the same family of gases, have similar chemical properties, and are used in the same sectors as chemicals already regulated by the Montreal Protocol — so the structures are already in place to implement a phase-out. The Protocol has already successfully eliminated nearly 100 per cent of 96 other damaging chemicals: an additional HFC phase-out could easily be put in motion.

If we do not address this potential and dangerous shift, the accelerated HCFC phase-out will lead to developing nations transitioning into HFCs in the next five years; in turn guaranteeing an enduring HFC market and a significant increase in emissions. So it is fundamental that we compliment an HCFC phase-out with a parallel phase-down of HFCs.

Developing countries would be comfortable using the Montreal Protocol to regulate production and use of HFCs and accounting to the UNFCCC for the mitigation gained. This would also provide good precedents for its synergy between different environment and agreements and for establishing equity in climate mitigation, since the Protocol has proven to guarantee equity through ensuring the transfer of technology and necessary financing, as well as enshrining the Principle of Equal but Differentiated Responsibilities.

Using the Montreal Protocol for this combined phase-out, will help us to leapfrog high-GWP HFCs entirely — saving billions of dollars to economies around the world.

We cannot but seize this amazing opportunity.

