
Local Governments Key to Cancun Climate Talks

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In December 2010, representatives from nearly all the world's governments will convene in Cancun, Mexico, under the auspices of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) with the intention of signing a new global agreement to address climate change. When they meet, one of the most promising areas to watch may be the relatively recent movement to refer to the role of "subnational" or "regional" governments in any agreement that is reached.

In spite of last year's stalled treaty talks in Copenhagen, representatives of city, state, and regional governments gathered in that city prior to and during the UNFCCC round to demonstrate their progress and reiterate the role they could play in a new international agreement. In a series of gatherings and cooperative agreements, subnational entities (regional, state, and local) have been cooperating across country borders to address climate effects, adaptation, and sustainability. And nongovernmental organizations (NGOs) focusing on local government have worked with countries attending the UNFCCC talks to ensure that the role of subnationals is included in drafts of any proposed agreement.

In the past five years, several organizations and countries have worked to highlight their roles in international negotiations. In 2005, at the 11th Conference of the Parties in the UNFCCC process in Montreal, the Network of Regional Governments for Sustainable Development (NRG4SD) pledged to collaborate to emphasize subnational participation in the next global climate agreement in 2005. At the same UNFCCC meeting, members of the Climate Group, which includes international corporations as well as state and regional governments, signed a similar pledge: the "Montreal Declaration of Federated States and Regional Governments on Climate Change."

At a side event to the Copenhagen Round, U.S. Governors Arnold Schwarzenegger (California), Christine Gregoire (Washington) and Jim Doyle (Wisconsin) spoke out regarding the important role of subnational action. Governor Schwarzenegger announced an agreement among the leaders of a number of subnational governments to launch R20—the Club of 20 Regions—to implement climate change reduction efforts. Other leaders in the group were the Premier of Quebec, the Governor of Nigeria's Delta State, the Environmental Minister of Algeria (also the leader of the UNFCCC Africa Group), and the President of Region Île-de-France, France. The agreement on the R20 Concept calls on its members to work with other existing regional networks, including the Forum of Global Associations of Regions, the Climate Group, NRG4SD, and the Assembly of European Regions.

Other active international organizations that made their presence known at Copenhagen include Local Governments

for Sustainability (ICLEI), United Cities and Local Governments, Metropolis, the C40 Climate Leadership Group, and the World Mayors Council on Climate Change.

When negotiations in Copenhagen resulted in the bare-bones "Copenhagen Accord" (which is not formally a part of the UNFCCC process), the draft texts for a new UNFCCC agreement continued to refer to the role of local bodies. Out of the ten topic areas for which draft texts were being prepared, at least four contained explicit references to subsidiary levels of government, including: capacity building, reduced emissions from deforestation and forest degradation (REDD), adaptation, and an overarching shared vision.

While cooperative agreements among subnationals are not binding internationally, these entities still play a significant part in any solution:

(1) Regulatory Experience. Long before the federal government took an active role, state and local governments in the United States took the lead in regulating greenhouse gases (GHGs). They will be key to reducing emissions in the United States and in assisting developing countries to do the same. Their experience will be essential for reaching an effective agreement and implementing it in time.

Many negotiators cite the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer as an example of how an international agreement to address GHGs can work, but that situation was very different, especially in terms of the role played by subnationals. Even before the Protocol was agreed to, most of the limits on Ozone Depleting Substances were at the national—not the subnational—level. State and local governments did not have extensive institutional infrastructure before a binding and effective international agreement was reached.

The same has not been true with climate in the United States. The vast bulk of institutional experience with GHG reduction exists at the subnational level because national or international regulation was contrary to federal government policy. Although major countries, including the United States, did sign on to an international agreement fairly early on (the 1992 Rio United Nations Framework Convention on Climate Change), the Convention's only binding limits on mitigation were not sufficiently specific to result in actual reductions without a subsequent implementing agreement.

The 1997 Kyoto Protocol was meant to serve as the Framework Convention's implementing role. But since the United States did not ratify Kyoto, many state and local governments addressed the issue:

- In 2002, the State of California authorized the adoption of new standards to regulate emissions of GHGs from automobiles.
- In late 2003, governors from the states that now form the Regional Greenhouse Gas Initiative (RGGI) began looking at the regulation of carbon dioxide from power plants.
- In 2005, the Conference of U.S. Mayors unanimously endorsed a voluntary agreement for cities to reduce GHG emissions by seven percent from their 1990 levels

by 2012; it now has over 500 signatories.

- In 2006, California adopted A.B. 32 to reduce overall GHG emissions statewide. Since then the state's Air Resources Board has been implementing a series of rules aimed at quantifying and reducing emissions.
- In 2007, the U.S. Supreme Court ruled in favor of a number of states that had brought suit demanding that the U.S. Environmental Protection Agency (EPA) regulate GHG emissions from automobiles.
- Also in 2007, two other regions of cooperating states initiated agreements to reduce emissions—the Western Climate Initiative and the Midwestern Regional Greenhouse Gas Accord.

This record of American subnational action is now critical to the success of a global solution. Sonoma County, California, Supervisor Valerie Brown, an International Council for Local Environmental Initiatives-USA (ICLEI-USA) board member, explains, "The talk about GHG reduction is easy. The on-the-ground methods require detail." Local governments "can chart how many VMT [vehicle miles traveled] occur within a local jurisdiction," how well water- and energy-efficiency measures are working, and what can be done to improve them.

While the American subnational experience is important domestically, it is also significant in helping developing countries build capacity for mitigating emissions. Most observers take it as a given that major *developing* countries must also cap and reduce GHG emissions for a successful agreement to be reached. Before Copenhagen, the U.S. delegation called on China to halve its GHG emissions by 2050, which would allow smaller developing countries a modest increase. Central governments in major developing countries like China may continue to argue against reductions in emissions, but the actual capacity to reduce emissions must occur at the subnational level. And while debate continues to rage at the UNFCCC level, several cooperative agreements among subnational governments now allow local governments to learn about how to mitigate emissions. For example, at the first and second Governors' Global Climate Summits in Los Angeles in 2008 and 2009, California (and several other U.S. states) entered into cooperative agreements with states and provinces in a number of developing countries to reduce or monitor emissions. Exchanges like these can improve the ability of local jurisdictions to reduce emissions and to adapt to the effects of climate change.

(2) Measurement, Reporting & Verification (MRV).

Reliable MRV is a major requirement of developed countries for any global agreement. Cooperative programs among subnational governments can significantly improve the ability of developing countries to adequately measure, report, and verify their emissions and emissions reductions. State and local governments in the United States have the most experience in quantifying emissions based on actual reporting of GHGs by emitting entities.

State and regional reporting mechanisms were based in part on preexisting foreign reporting systems, like the Kyoto Protocol-inspired European Union (EU) Emissions Trad-

ing System. California's rules rely on those developed by an earlier institution it founded called the California Climate Action Registry (CCAR). Voluntary reporting now occurs nationally through the Climate Registry, which relies on much of CCAR's earlier work. CCAR created a new entity, the Climate Action Reserve, which now provides protocols for the registration and verification of offsets. While RGGI presently relies on limited emissions reporting developed by EPA, reporting and verification of offsets would occur under protocols developed by state-inspired organizations like the Climate Action Reserve.

There have been three EPA efforts to establish federal GHG reporting, but they do not eliminate the importance of the state-created systems. As noted above, EPA has for some time required reporting by power plants under 40 C.F.R. Part 75, but that rule only covers CO₂ from this specific type of facility. EPA also has had responsibility under the Framework Convention on Climate Change to prepare an aggregate annual "Inventory of U.S. Greenhouse Gas Emissions and Sinks," but that Inventory is a "*top-down effort*" that guesses at overall GHG emissions by sector, while the reporting data from state and regional systems that include actual entity or facility emissions are the data necessary in any effort to both accurately report and reduce GHG emissions. Finally, EPA's new GHG mandatory reporting rule does not call for third-party verification or cover offsets, and it explicitly does not preempt state, regional, and voluntary schemes. See U.S. EPA, Mandatory Reporting of Greenhouse Gases: Final Rule, 74 Fed. Reg. 56,260, 56,266, 56,282–84 (Oct. 30, 2009). Therefore, subnational MRV remains of vital importance to United States compliance in international negotiations on climate.

Cross-border cooperation between subnational governments in both developed and developing countries can help build MRV capacity. Just as the EU's Emissions Trading System and other schemes served as a model for California's and the RGGI states' mandatory reporting, these mandatory subnational schemes can now serve as models in other countries.

(3) Reliability of Technological and Resource Transfers.

For the developed-country negotiators in the UNFCCC talks, transfers of financial resources and technology must result in GHG mitigation, not just adaptation. References to subnational governments in the UNFCCC texts can give developed countries greater assurance that funds and technology will get to where they need to be. The United Nations Development Programme has estimated that 50 to 80 percent of GHG emissions mitigation efforts will fall upon such subnational governments. Involving developing-country local governments can help assure developed countries that their foreign aid is meaningful and cost-effective.

For example, the Reduced Emissions from Deforestation and Forest Degradation (REDD) initiative is meant to reduce emissions by developing countries through transfers of wealth or technology. Preserving forests mitigates GHG emissions, and developed countries are willing to pay for this in developing countries. But reduced deforestation emissions must be real and verifiable, and the involvement of subna-

tional governments is an important step toward achieving that goal. Therefore, some parties emerging from Copenhagen called for a draft text that would provide for subnational involvement in REDD implementation, emissions accounting, and monitoring.

Also, in 2008, the states of California, Illinois, and Wisconsin signed cooperative agreements with states in Brazil and Indonesia to improve forest management practices, monitoring and verification, and financing efforts to achieve REDD implementation.

As Valerie Brown noted about Copenhagen, local govern-

ments were designated as “NGOs.” “. . . Our role should be recognized in the texts of the next UNFCCC agreement.” Indeed, local governments have been key in getting everyone to Cancun, and they can play a major role in moving everyone forward. 🌳

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