Who's holding us back?

How carbon-intensive industry is preventing effective climate legislation

Executive Summary

November 2011

GREENPEACE

Foreword by Kumi Naidoo


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For two weeks in December, the next climate summit (COP17) will converge in my hometown of Durban in South Africa, where negotiators from 194 countries will meet to grapple with the greatest challenge of our times: climate change.

In the past year alone, we have seen a dramatic increase in extreme weather events exacerbated by climate change. Flooding has blighted communities across Australia, China and the US. Entire Pacific nation states, such as Kiribati, are having to consider leaving their homes and livelihoods behind forever, as rising sea levels threaten to wipe out their vulnerable islands. And in the year when Africa will host the presidency of the climate negotiations, it is impossible to ignore the devastating drought in the Horn of Africa, which has driven over 12 million people to the brink of famine. And yet we are arguably little further forward than at the climate summit in Copenhagen two years ago, which captured the public imagination, but failed to deliver the legally binding agreement needed to keep the climate from spiralling towards catastrophic change.

Given the compelling scientific and political consensus that climate change is an increasing global problem, you may wonder why we aren't seeing progress sooner. Why is political action so out of step with the urgency of the situation: what is holding us back? One of the answers lies in the largely invisible network of lobbyists, representing the interests of the world's major polluting corporations.

But while their actions may be invisible, their outcomes are anything but. Collectively they spend the equivalent of the GDP of entire nations, to block progress on climate legislation, and ensure that fossil fuel and nuclear subsidies continue to give unfair advantages to dirty energy, above the safe, clean renewable energy future the public demands. This report shows beyond a shadow of a doubt that a handful of carbon-intensive companies who stand to benefit from inaction have been holding us back, and the politicians who choose to act on their behalf.

In this report, we document the tricks of the trade that polluting corporations use to pull the strings of our politicians and mislead the public. We expose the web of influence that sees these companies pit our leaders and entire countries against each other to hold back action on the climate.

There is however, a glimmer of hope on the horizon. Despite the massive odds against it, renewable energy has doubled in growth each year over the past decade. It employs more than 2 million people worldwide, and in the US already provides more jobs than coal. Despite the global economic crisis, investment in renewable energy hit a record $243 billion in 2010, and is expected to exceed $3 trillion in the next decade. We have the technology today to ensure a transition to a greener, safer and more equitable economy. However, we won't be able to ensure we make the global transition soon enough to avoid catastrophic climate change impacts and much human suffering unless national governments take strong measures at home and we are able to reach a fair, ambitious and legally binding international agreement.

Our governments must work with and learn from the business sector but we will not avoid irreversible climate change impacts unless they listen to and act on the behalf of their citizens. In Durban, it's time for governments to listen to the people, not the polluting corporations.

Kumi Naidoo

Executive Director, Greenpeace International

Amsterdam, November 2011

image Activists bike, walk and run in the streets to push the world into a future without fossil fuel and with 100% clean renewable energy.

image Greenpeace urges the world to 'Do it in Durban', the host city of the 2011 UN climate talks

"Greenpeace calls on the politicians who hold the fate of our economy and environment in their hands in Durban to listen to the people instead of polluting corporations like Shell, Eskom and Koch Industries."

Kumi Naidoo, Executive Director Greenpeace International

Executive Summary

Introduction

The corporations most responsible for contributing to climate change emissions and profiting from those activities are campaigning to increase their access to international negotiations and, at the same time, working to defeat progressive legislation on climate change and energy around the world.

These corporations – while making public statements that appear to show their concern for climate change and working with their own seemingly progressive trade associations like the World Business Council for Sustainable Development (WBCSD) – threaten to defeat urgent global progress on climate change and economic development for the 99% of the world's population that desires both clean energy and clean air.

This report helps to demonstrate why decisive action on the climate is being increasingly ousted from the political agenda. Firstly we summarise the lack of action at a national level in several key countries to build the right preconditions to a global climate agreement, which stands in stark contrast to public opinion demanding change. Then, the report reveals through clear case studies how a handful of major polluting corporations such as Eskom, BASF, ArcelorMittal, BHP Billiton, Shell and Koch Industries, as well as the industry associations that they are members of, are influencing governments and the political process on climate legislation.

What the people want

A global poll in 2009 showed that 73% of people placed a high priority on climate change[1], and a recent poll confirmed that **global concern about climate change has risen since the Copenhagen climate summit in 2009**, despite the ongoing global financial and economic crisis[2].

- According to the latest Eurobarometer opinion poll released in October 2011 concern about climate change among Europeans has grown since 2009 and **almost eight in ten respondents agree that tackling climate change can boost the economy and create jobs.**[3] Analysis by the European Commission[4] and several independent research institutes[5] indicated that **it would now be in Europe's economic interests to introduce stronger climate legislation**.

How the carbon-intensive corporations are holding us back

Carbon-intensive corporations and their networks of trade associations are blocking policies that aim to transition our societies into green, sustainable, low-risk economies. These polluting corporations often exert their influence behind the scenes, employing a variety of techniques, including using trade associations and think tanks as front groups; confusing the public through climate denial or advertising campaigns; making corporate political donations; as well as making use of the 'revolving door' between public servants and carbon-intensive corporations.

- In the US alone, approximately $3.5 bn is invested annually in lobbying activities at the federal level.[6] The US Chamber of Commerce tops the list of lobbyists.[7] In recent years, Royal Dutch Shell, the US Chamber of Commerce, Edison Electric Institute, PG&E, Southern Company, ExxonMobil, Chevron, BP and ConocoPhillips all made the top 20 list of lobbyists.[8] The climate campaign organisation 350.org estimates that 94% of US Chamber of Commerce contributions went to climate denier candidates.[9]
- Sector-specific trade associations such as the American Petroleum Institute, the Canadian Association of Petroleum Producers, the Australian Coal Association, the Energy Intensive User Group in South Africa or BusinessEurope and the European steel and chemicals associations Cefic and Eurofer often campaign outright against measures that would cut greenhouse gas emissions, or run campaigns in support of unfettered fossil fuel energy.[10]
- Some companies, on the other hand, have distanced themselves from such practices. PG&E, Exelon, PNM Resources and Apple all left the US Chamber of Commerce over the Chamber's positions and lobbying against climate change action.[11] In the EU more than 100 companies have supported a unilateral increase of the EU's outdated 2020 GHG emission target to 30% - taking publicly the opposite position of BusinessEurope that claims to represent them.[12]
- Key associations such as the Business Council of Australia[13], Association of Mining and Exploration Companies[14], Australian Chamber of Commerce and Industry[15,16], the Australian Coal Association[17], the Australian Trade and Industry Alliance[18], as well as companies including coal-mining firms, steel and aluminium producers and coal power generators have been opposing the introduction of a carbon tax in Australia[19], citing among other things job losses, rising prices and carbon leakage as reasons for their opposition.[20,21,22] These carbon-intensive sectors launched a series of colourful and seemingly chilling print, TV and online advertisements highlighting their importance to the Australian economy and seeking to undermine both the carbon price and the proposed resources tax.[23]

* The Alliance for a Competitive European Industry consists of 11 European industry sector associations such as the steel, cement, car and chemical sector. BusinessEurope . http://www.businesseurope.eu/Content/Default.asp?PageID=605

State of play – The European Union

Carbon-intensive companies and their apologists, such as BusinessEurope, Cefic and Eurofer and the Alliance for a Competitive European Industry*, continue to block serious progress on climate policies.

- The EU has been embroiled in an effort to increase its emissions reductions target for 2020 to 30% from 20%, but **this new target has been undermined by the heavy lobbying by carbon-intensive industrial players, including BASF, ArcelorMittal and Business Europe**. These companies and their associations not only exert their influence to hold back progress but are boldly reframing the debates despite economic analysis and reports that show the economic benefits to taking action on climate change. This report reveals how, despite EU Commission analysis showing the economic benefits of a 30% emissions reduction target, BusinessEurope and others have been successful in holding back action by creating a false debate on the 'de-industrialisation of Europe'.
- **ArcelorMittal has been granted very generous emission allowances, so large that the excess allowances by 2012 are likely to overtake Belgium's annual emissions, and ArcelorMittal is set to profit highly from sales or banking of these unused allowances**. These pollution 'gifts' – for which ArcelorMittal paid nothing – were the result of ArcelorMittal's and its predecessors' close relationship to and lobbying of the governments in the countries it operates in, all while it undermines the public understanding of climate science by financially supporting US Senate candidates denying climate change or blocking climate change legislation.[24]

State of play – The United States

- In recent years in the US, Royal Dutch Shell, the US Chamber of Commerce, Edison Electric Institute, PG&E, Southern Company, ExxonMobil, Chevron, BP and ConocoPhillips all made the top 20 list of lobbyists.[25] **When it comes to lobbying on climate change many sectors in the US have more than trebled their numbers of lobbyists between 2003 and 2008**.[26]
- Greenpeace revealed an internal American Petroleum Institute memo in August 2009, detailing an initiative by the API to ride the coat tails of the rising Tea Party. API was instructing members that they should deploy their employees to so-called Citizen Energy rallies to be held in key states nationwide. The target of these rallies was draft climate legislation being debated in Washington. The memo was explicitly supposed to be kept secret.
- **Koch Industries is one of the most powerful corporations holding back progress on climate change in the United States. Koch Industries and the Koch brothers who own the company are deeply involved in the climate denial movement funding numerous efforts on that front.** One controversy that has recently emerged is Koch's hidden agenda for the tar sands and the Keystone XL pipeline running from Canada to the Gulf Coast in Texas for oil export around the world. A Koch subsidiary in Canada, Flint Hills Resources Canada, made a declaration to the Canadian government that it has a 'substantial interest' in the pipeline's approval. But in the US, Koch representatives told members of Congress that the pipeline has 'nothing to do with any of our businesses' and 'we have no financial interest in the project'. Evidence shows Koch has been organising and funding so-called 'citizen' support for the pipeline.[27]

State of play – South Africa

South Africa is hampered in its efforts to supply clean, affordable, renewable energy for its people by the country's state-owned electricity provider and its close links to the carbon intensive industry:

- **South Africa's state-owned, coal-reliant utility Eskom contributed a massive 45% of South Africa's annual greenhouse gas emissions in 2010.**[28] An estimated 45% of electricity used in South Africa is consumed by just 36 companies represented in the Energy Intensive Users Group of Southern Africa.[29] Eskom's biggest customers include ArcelorMittal, BHP Billiton and AngloAmerican – with some of them also supplying coal to Eskom.[30] **The Energy-Intensive User Group has been openly lobbying against the introduction of effective emissions control measures** such as a proposed carbon tax.
- Average industrial prices are substantially cheaper than average residential prices in South Africa. **Secret price contracts between Eskom and the Australian mining company BHP Billiton for example are estimated at about 350% less than a low income residential customer in 2008/9, and less than half Eskom's reported production price in the period.**[31]
- In 2010, when the government put together a special task team to draft the country's electricity plan (and thus its emissions pathway) for the next 20 years, Eskom representatives and significant industry lobbyists were part of the process, while civil society and labour representatives were excluded.[32]
- Eskom claims to support a strong outcome in Durban and clean electricity. Eskom is currently planning a massive expansion of generation capacity that it claims is necessary to 'keep the lights on' for Africans. In reality, the vast majority of this capacity will be used by industry and remains coal-based.[33]

State of play – Canada

Canada is the only country in the world that signed and ratified the Kyoto Accord and then openly announced it would not meet its commitments. Canada is also the only country to decrease its mitigation emissions pledge for 2020. In addition, the Canadian government provides over $1.3 bn Canadian dollars in handouts to the oil industry every year, despite calls from within the Department of Finance to end these subsidies and committing to phase out fossil fuel subsidies at the G20 in 2009[34].

- At the heart of Canada's intransigence on climate change is the development of the tar sands, the fastest growing source of emissions in Canada. **Oil sands emissions numbers were deliberately left out of the most recent national inventory of Canada's greenhouse gas pollution submitted to the UN, but these data were given to oil and gas lobbyists from the Canadian Association of Petroleum Producers (CAPP) by Environment Canada engineer.**[35]
- The Canadian government's efforts to undermine clean energy policy extend beyond its own borders. **The current government has established an 'Oil Sands Advocacy Strategy', developed in coordination with companies such as Shell and other members of CAPP.**[36] The Department of Foreign Affairs and federal officials are systematically working to weaken and undermine clean energy and climate change policies in other countries in order to promote the interests of oil companies, including California's low-carbon fuel standard, a US federal clean fuels policy known as Section 526, and the EU's Fuel Quality Directive.
- Working with the Canadian government is Royal Dutch Shell, the world leader in greenhouse gas emissions.[37] While Shell claims to be concerned about climate change, it is investing almost exclusively in the continuous discovery of new oil reserves, including the huge expansion of the tar sands. Shell is a signatory to several climate leadership statements, including the Prince of Wales' recent 2 Degree Communiqué, yet our report details how Shell has directly made statements opposing the EU 30% emission reduction goal. As a prominent member of the Petroleum Association of Japan, it has also opposed Japan making a second commitment to Kyoto, and as a member of the American Petroleum Association it has opposed US climate legislation.

International dimension

The campaign for increased and privileged access for the business sector could open the door for the same carbon-intensive companies that are successfully lobbying against more climate ambition on the national level to influence the very architecture of an international climate agreement.

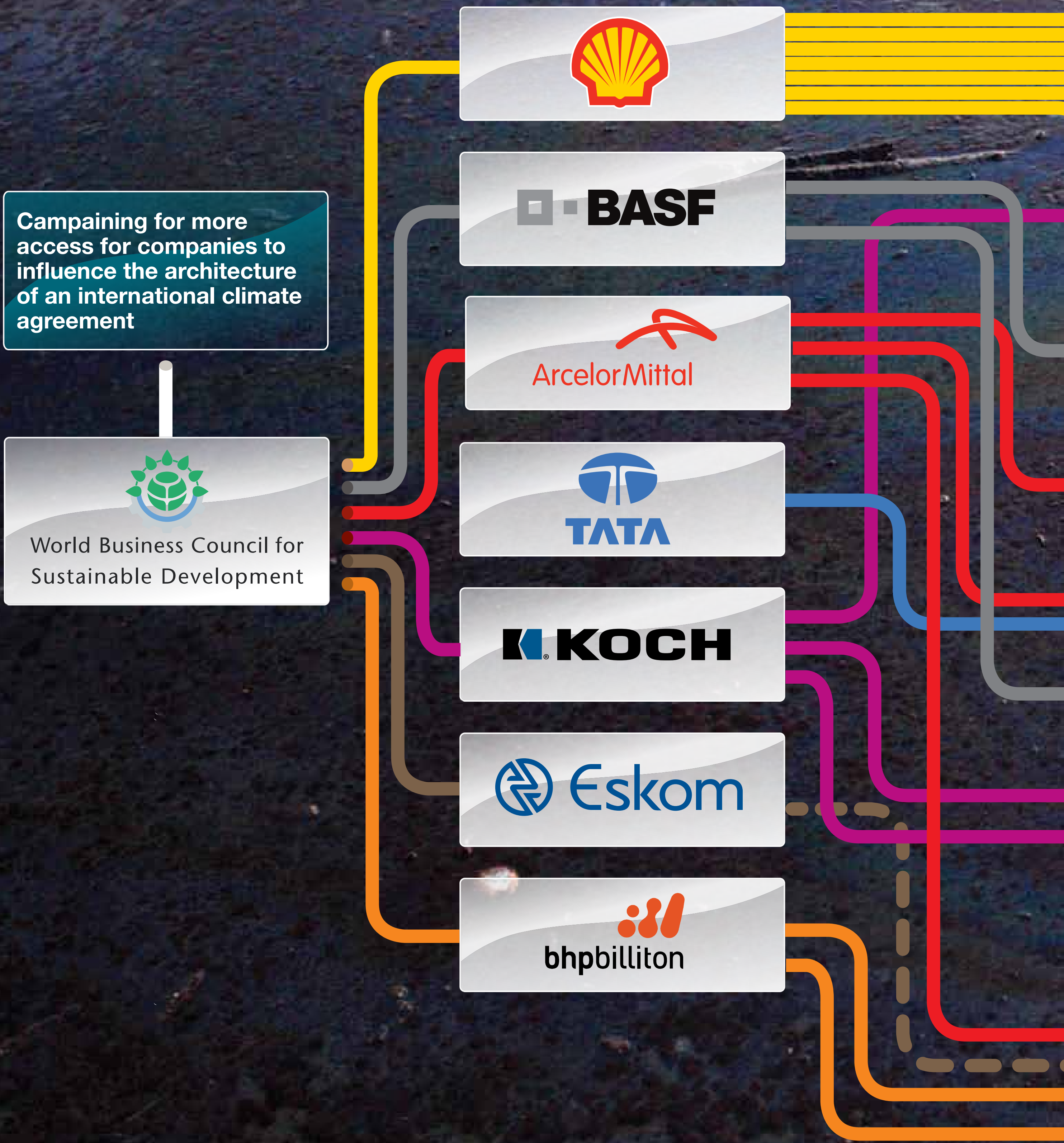
- While a broad range of companies came to Copenhagen and Cancún and supported a global deal through signing progressive business statements such as the Copenhagen and Cancún Communiqués, many of the signatories are the same carbon-intensive companies – such as Shell and BASF – that have been holding us back from tackling climate and energy challenges for the past 20 years.[38]
- The World Business Council for Sustainable Development (WBCSD)* has shifted in recent years to playing an increasingly high profile role as a convener and focal point for corporations engaging in the UNFCCC. While the WBCSD has a broad range of companies within its overall membership, its Executive Committee is dominated by some of the largest non-renewable energy and carbon-intensive companies in the world.[39] The WBCSD executive committee is a 'Who's Who' of the world's largest carbon-intensive companies who continue to profit from continued inaction on climate change.
- The increased dialogue with the different COP host governments is part of a much broader attempt by the private sector, led by the WBCSD, to institutionalise a direct and privileged private sector input into the UNFCCC agenda.[40]

Moving forward

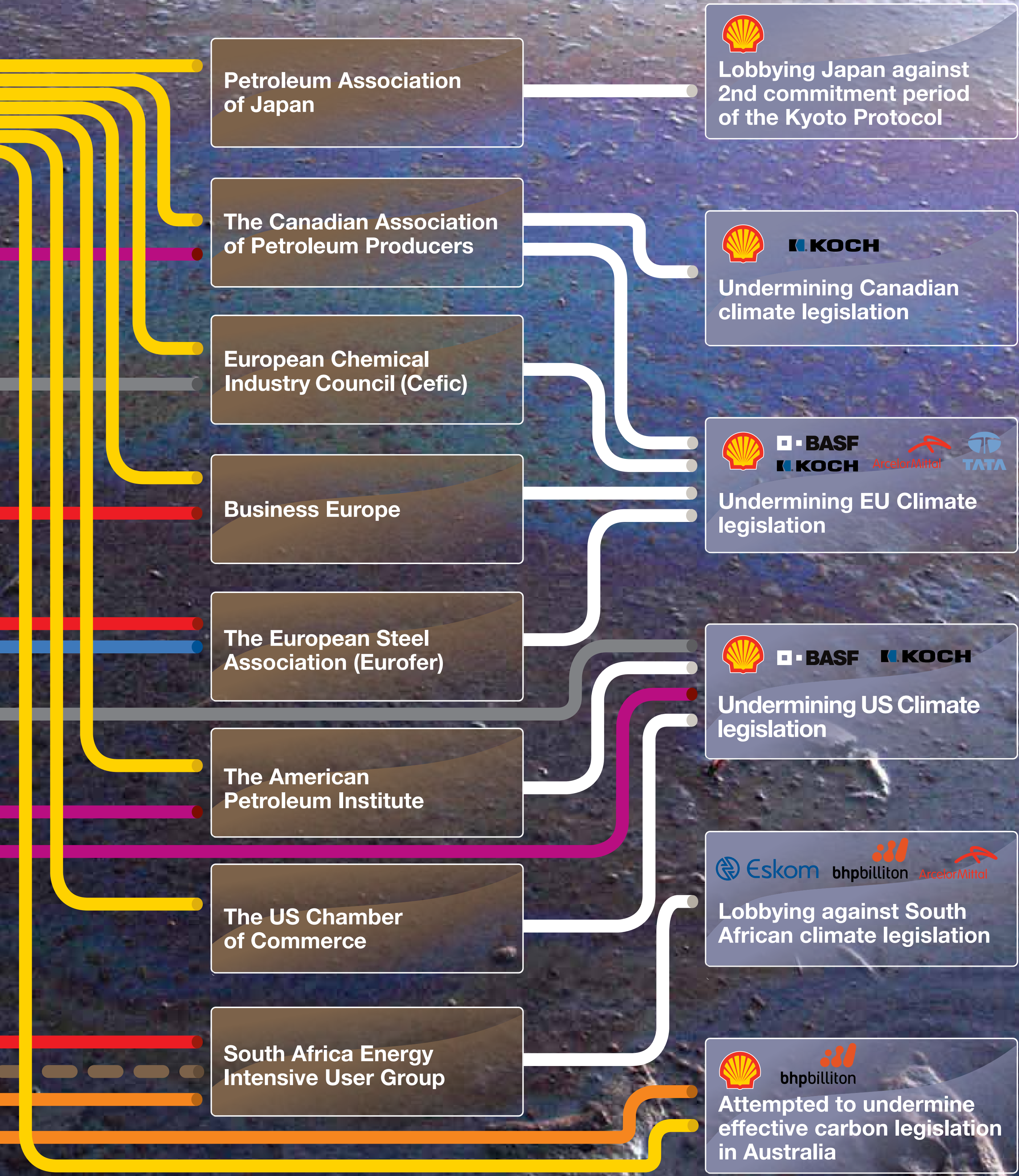
This report will show that carbon-intensive companies are acting to block key governments from tackling climate change through international and domestic policies. Without good renewable energy policies, a commitment to zero deforestation, promotion of green and decent jobs and legally binding regulation to control greenhouse gas emissions, the transition to green economies powered by clean and safe energy will not happen fast enough to avoid catastrophic climate change. Greenpeace applauds progressive corporations who are distancing themselves from the business associations who are lobbying against progress and engaging in strong efforts to ensure national and international policies and agreements to keep the world below 2°C. Greenpeace is calling on governments in Durban to listen to the people and not the polluting corporations, and:

- **Ensure a peak in global emissions by 2015**
- **Emission reductions: Close the gap between politics and science**
- **Ensure that the Kyoto Protocol continues and provide a mandate for a comprehensive legally binding instrument**
- **Deliver the necessary climate finance**
- **Set up a framework for protecting forests in developing countries**
- **Address the needs of the most vulnerable countries and communities**
- **Ensure global cooperation on technology and energy finance**
- **Ensure international transparency in assessing and monitoring country commitments and actions**
- **Ensure transparency, democracy and full participation in the UNFCCC process**

* The World Business Council for Sustainable Development came to life from the merger of the Internal Chamber of Commerce's World Industry Council for Environment and a UN-sponsored Business Council for Sustainable Development in 1995.



Note:
Solid pipeline indicates membership of association
Dotted pipeline indicates close relationship to association


Petroleum Association of Japan
The Canadian Association of Petroleum Producers
European Chemical Industry Council (Cefic)
Business Europe
The European Steel Association (Eurofer)
The American Petroleum Institute
The US Chamber of Commerce
South Africa Energy Intensive User Group
Lobbying Japan against 2nd commitment period of the Kyoto Protocol
KOCH
Undermining Canadian climate legislation
BASF
KOCH
ArcelorMittal
TATA
Undermining EU Climate legislation
BASF
KOCH
Undermining US Climate legislation
Eskom
bhpbilliton
ArcelorMittal
Lobbying against South African climate legislation
bhpbilliton
Attempted to undermine effective carbon legislation in Australia

At COP 17 in Durban, governments must deliver the building blocks of a global deal on climate action.

In Durban, governments must agree the following key building blocks towards the global agreement the world is waiting for:

Peak in global emissions by 2015

• Governments must agree to **peak global emissions** by 2015 and reduce emissions by at least 80% below 1990 levels by 2050, in accordance with the recommendations of the IPCC[41] and in order to not lock in the world onto a path towards catastrophic climate change. Any delay of the peak year will increase the environmental and economic costs and diminish the probability of keeping temperature rise below 2°C, which governments adopted as a target at COP16 in Cancún, let alone the 1.5°C that is supported by more than 100 countries.

Emission reductions: Close the gap between politics and science

• Governments must establish a **solid, time-bound process to close the gap** between the current mitigation pledges and the reductions needed to prevent catastrophic climate change. In Cancún they acknowledged that the current level of ambition is inadequate and not in accordance with the recommendations of climate scientists; in Durban, they must close the gap between the political pledges and the science.

• Governments must also **close the 'loopholes'** in the accounting rules for emissions reductions, to ensure that targets are honestly met. This includes improving the rules for accounting emissions from land use, land-use change and forestry (LULUCF) to make the rules reflect what the atmosphere actually sees; ensuring that carbon market credits are only counted once (avoid double counting) and minimising the damage from the use of excess emission allowances (hot air).

Ensure that the Kyoto Protocol continues and provide a mandate for a comprehensive legally binding instrument

Governments must guarantee the continuation and further development of the only legally binding instrument to fight climate change: the rules-based system of the Kyoto Protocol, as this is the only way to ensure clarity with respect to commitments and accounting methods, maintain a minimum international standard for emissions trading and promote, facilitate and ensure compliance with commitments.

• Developed countries who are parties to the Kyoto Protocol must accept to inscribe their targets under a **second commitment period of the Kyoto Protocol**.

• Developed countries who are not parties to the Kyoto Protocol must undertake a emission reduction commitment which are comparable to other developed countries. These commitments must be inscribed in a COP decision and subject to a robust and compliance-oriented regime.

• All governments must agree on a **mandate to negotiate a comprehensive legally binding instrument** under the convention to be adopted no later than 2015 and in force by the end of the second commitment period of the Kyoto Protocol.

Deliver the necessary international climate finance

• Governments must identify **specific innovative sources of finance**, such as a financial transaction tax and auctioning of emission allowances, and establish a time-bound process for the operationalisation these specific sources of finance.

• Based on a review of the scale of finance required to meet the objectives of the UNFCCC, the level of **finance must be scaled up** starting from 2013 to 2020 and beyond, keeping in mind that developed countries have committed to mobilising $100 bn US dollars a year by 2020 and acknowledging the key role of public sources of finance.

• Governments must agree on mechanisms which can generate finance for developing countries as well as provide incentives to reduce emissions from **international transportation** (aviation and shipping), while addressing common but differentiated responsibilities, for example by providing a rebate mechanism for developing countries.

• Governments must agree to **phase out all subsidies to fossil fuels and nuclear energy** with time-bound and socially just transition plans.

Set up a framework for protecting forests in developing countries

• Governments must ensure that a **forest funding window** is established within the Green Climate Fund to ensure adequate and predictable funding to halt the destruction of forests in developing countries.

• COP17 should lay out a strategy that focuses on **ending deforestation at the national level** (through national reference levels and monitoring efforts), since subnational projects and approaches merely shift deforestation from one part of the country to another.

• Governments must strengthen **safeguards** to ensure the protection of biological diversity and the rights of indigenous peoples and local communities.

Address the needs of the most vulnerable countries and communities

• In addition to identifying the sources of the long-term funding needed for adaptation to climate change, governments must agree modalities and guidelines for the composition of the **Adaptation Committee** and the development of **National Adaptation Plans**.

• Governments must ensure that the **work programme on loss and damage** evolves into permanent long-term solutions.

• Governments must address the impacts of climate change on **food security** in developing countries.

Ensure global cooperation on technology and energy finance

• Governments must agree to operationalise the technology mechanism by 2012 as envisioned in the Cancún agreements.

• Governments must design an environmental integrity framework for technology selection within the technology mechanism.

• Through the technology mechanism, governments must give equal prioritisation for adaptation and mitigation technology.

• Developed country parties must expedite capitalisation of the technology mechanism for effective delivery on its objective.

• Governments must avoid promoting false solutions such as carbon capture and storage (CCS) or nuclear energy through the clean development mechanism (CDM) and other international mechanisms.

Ensure international transparency

• Governments must agree on the broad contours of the **International Assessment and Review (IAR)** and the **International Consultation and Analysis (ICA)** in Durban.

• The IAR must be compliance-oriented and fill one of the main gaps in the current Kyoto compliance regime – namely the early warning of non-compliance.

• The ICA for non-annex 1 countries must be facilitation-oriented and focus on overcoming any capacity constraints they may face as they implement mitigation actions and improve on their reporting systems.

• Both the IAR and ICA processes must be open and public after the initial in-country expert assessment or analysis, and full NGO participation must be ensured.

• Governments must adopt preliminary guidelines for **biennial reports** for all countries and a common reporting format for the support commitments of developed countries in Durban. These guidelines should be reviewed and updated regularly.

• The guidelines for the biennial reports should include **reporting on fossil fuel subsidies** and their reform, which should be mandatory for developed countries and encouraged for all others.

Ensure transparency, democracy and full participation in the UNFCCC process

Civil society has a right to know how our governments are responding to the international climate crisis, and be heard in the political discussions.

• Governments must improve the **transparency** of the UNFCCC negotiations, and ensure meaningful **participation** of the civil society.

• Governments must **not allow the polluters privileged access** to the political processes.

Who's holding us back?

Download the full report or read it online at:

www.greenpeace.org/dirtydozen

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Edited by:
Mareike Britten, Alexandra Dawe, Jim Ford, Nina Schulz

Acknowledgements:
Tzeporah Berman, Martina Holbach, Stefan Krug, Tove Ryding, Rianne Teule, Civil Society Research and Support Collective

Designed by:
Atomo Design

Cover photograph:
© Greenpeace / Nick Cobbing

JN 391

Published in November 2011 by

Greenpeace International
Ottho Heldringstraat 5
1066 AZ Amsterdam
The Netherlands

greenpeace.org