

Deal Reached To Launch New Talks On Binding Climate Pact

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DURBAN, South Africa—After two weeks of contentious negotiations that at times seemed on the verge of collapse, delegates from 194 nations agreed early Sunday to launch new talks next year aimed at crafting by 2015 a new climate change treaty that could require the United States, China and all other major greenhouse gas emitters to begin reducing their emissions within a decade.

Approved nearly 36 hours after the conference was scheduled to conclude—a clear indication of the difficulty delegates had in crafting the accord—the agreement stops short of what environmentalists and many developing countries wanted to get from the Durban conference.

Nevertheless the deal is significant because it commits all of the world's major emitters—including China and India—to begin negotiations next year that could culminate in a legally binding treaty requiring all major emitters to trim their emissions beginning sometime after 2020.

Some environmentalists complained the assembled diplomats spent too much time arguing about the legal form of a future treaty and did not put enough focus on tightening existing emission reduction commitments and pledges to reduce the threat of global warming.

They also accused the United States of teaming with China, India and other major developing country emitters to block efforts by the European Union and less developed nations to craft a stronger agreement that would force more rapid emission reductions and deployment of technological and financial assistance to help poorer countries adapt to climate change impacts and speed deployment of low-emission technology.

Greens' main complaint with the deal is that it has little that would force the United States and other major emitters to ratchet down their emissions.

"There's very little in here that would bend the emissions curve," said Alden Meyer, strategy and policy director for the Union of Concerned Scientists.

Perhaps the most significant outcome of the Durban summit was that a heretofore monolithic coalition of 90-plus developing countries known as the "G-77 and China" clearly fractured as China, India, South Africa and Brazil—all rapidly industrializing countries—sided with the United States in pursuing a weaker deal while a coalition of less developed countries and the Alliance of Small Island States (AOSIS) joined the EU in pushing for a stronger accord.

The split became evident in the wee hours of Sunday as the conference almost collapsed over the wording of a provision describing the legal form a new treaty could take. The original text assembled by

South African Foreign Minister Maite Nkoana-Mashabane, who presided over the conference, called for concluding by 2015 the development of “a protocol, another legal instrument or a legal outcome...applicable to all parties” under the United Nations Framework Convention on Climate Change, a 1992 climate change treaty that established voluntary emission reductions by industrialized nations India, backed by Brazil, Pakistan, the United States and South Africa, had insisted upon the inclusion of “legal outcome”—a weaker formulation than “protocol” or “legal instrument”—to describe the outcome of the talks to begin next year.

The European Union, backed by the less developed countries and AOSIS, pressed to drop “legal outcome” from the document, saying the severity of the climate change threat requires the strongest possible treaty to ensure major economies reduce their emissions as rapidly and deeply as possible.

After letting India, the EU and more than a dozen other countries vent publicly on the dispute in an informal plenary, Nkoana-Mashabane urged the combatants to huddle in a corner and come up with some alternate wording that would be mutually satisfactory. The two countries then agreed to replace “legal outcome” with the phrase “an agreed outcome with legal force,” and the amended agreement was quickly adopted.

The agreement does not specify the date by which the proposed new treaty would take effect, an omission that appears to reflect an effort to finesse conflicting demands by the EU—which wanted a new treaty to be finalized no later than 2020—and by China and India, who insisted that a new treaty take effect no sooner than 2020.

The Durban agreement also established a new emission-reduction commitment period for the Kyoto Protocol, the 1997 treaty that requires 37 industrialized nations to reduce their emissions by a collective 5.2 percent below 1990 levels by 2012. The protocol’s commitment period expires at the end of 2012, and obtaining a new commitment period was a key demand of developing nations.

The new commitment period would begin in 2013 and last five or eight years; the length of the commitment period would be determined at next year’s climate summit in Qatar. Only the European Union and a handful of other countries said they would consider taking on new emission-reduction commitments. Japan, Canada and Australia, which were subject to the protocol’s first commitment period, have refused to sign on to a new round of cuts because the treaty does not require China, India and other rapidly industrializing countries to reduce emissions. The United States did not ratify the protocol and thus took on no emissions reduction obligations in the first commitment period.

The package of agreements includes provisions advancing a green climate fund established at the 2009 U.N. climate summit in Copenhagen by creating an oversight board and establishing rules and procedures for administering the fund, which will be used to help developing countries—particularly the poorest and most vulnerable to climate change—adapt to global warming impacts and deploy clean energy technologies.

However, in a major disappointment for developing countries, the agreement fails to identify specific sources of public and private sector finance for the fund, such as monetizing emissions from maritime shipping and civil aviation through carbon taxes fees or emission allowances.

Instead, the text says only that the fund may receive financial “inputs” from developed countries and “from a variety of other sources, public and private, including alternative sources.”

Developing countries wanted an agreement that would create dedicated funding sources to speed the flow of money into the fund so they could begin drawing on it quickly.

The package also includes provisions advancing a slew of issues developed at the Copenhagen summit, including accelerating the flow of low-emission technology to developing countries, boosting adaptation assistance and speeding the flow of hundreds billions of dollars of technology assistance. It also finalizes key provisions aimed at reducing emissions related to deforestation and forest destruction.

Throughout the hours of debate on the package, AOSIS members, whose countries already are being ravaged by rising sea levels and more intense storms, said the deal does not require sufficient ambition from developed countries to strengthen existing pledges or commitments to reduce emissions and accelerate the flow of technical and financial assistance to poor countries.

“If we believe that climate change is really a problem, and if we believe we need to bring the temperature [increase] to the level of 2 degrees Celsius or lower, the things we have decided to do would not get us there,” said Karl Hood, minister of foreign affairs, environment, foreign trade and export development for Grenada.

Nkoana-Mashabane urged the assembled delegates to support the package of agreements. “I think we all realize [the agreements] are not perfect, but we should not let the perfect become the enemy of the good and the possible,” Nkoana-Mashabane said. “We all have made huge collective investment in these draft decisions—more than 100 pages that deliver on implementation of the Cancun agreements, including major new climate change and funding institutions.

“They deliver on the main outstanding issue, the second commitment period on the Kyoto Protocol and provide us a process towards a legal climate change framework that would be applicable to all so as to ensure that we all do our part in addressing climate change.” For many veteran observers of the climate change treaty negotiations, the difficulty countries had in reaching even a weak deal may signal that effectively tackling the challenge of global warming increasingly may be beyond the reach of multilateral diplomacy.

Ned Helme, president of Center for Clean Air Policy, a Washington-based think tank that works closely with developing countries on climate policy, argued Sunday that devoting resources to deploy smart energy and efficiency projects in developing nations may be the best option developed countries can take to combat global warming.

“The extraordinary effort required to reach agreement in Durban...points to a single imperative for climate policy in 2012: Key developing countries and the key contributing countries must continue to make progress on financing ambitious policy actions on the ground,” Helme said. “These actions demonstrate the resolve of developing countries to close the emissions gap to protect the climate and promote sustainable development at home.”