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DURBAN CLIMATE CHANGE CONFERENCE 2011: AN ASSESSMENT

Abstract

Climate change can be termed as the greatest challenge of the 21st century as the very existence of human civilisation on the planet Earth is at stake. It is, therefore, imperative to assess the United Nations (UN) Climate Change Conferences in order to see how far the world leaders have progressed to work out a climate regime capable of avoiding irreversible and catastrophic change in climate. This paper aims to make an assessment of the latest UN Climate Change Conference which was held in 2011 in Durban, South Africa. Besides presenting the outcome of the conference, the paper attempts to underline the factors that led to this outcome and analyses the role of different countries in this regard. The paper argues that climate change is not merely an issue of natural science; rather it is very closely linked to global economic and political structures. Hence, what is happening in UN climate negotiations is a reflection of global politics.

1. Introduction

The United Nations Climate Change Conference 2011 took place in Durban, South Africa from 28 November to 9 December. Since the United Nations Framework Convention on Climate Change (UNFCCC) entered into force, the Parties to the treaty gather annually to assess progress in dealing with climate change. The Durban Conference is the 17th of this kind which otherwise is known as COP 17 (17th Conference of the Parties). Representatives from 195 nations participated in the conference with a view to find a path to keep the rise of global temperature “at a level that would prevent dangerous anthropogenic interference with the climate system.”¹

Today, there is no doubt about the impacts of climate change. As the UN Secretary General Ban Ki Moon said in his remarks to the high level segment of the conference, “Without exaggeration, we can say: the future of our planet is at

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¹ Article 2, United Nations Framework Convention on Climate Change.

stake. People's lives, the health of global economy, the very survival of some nations.'² There is plenty of literature narrating the devastating effects of climate change. The Norwegian refugee council has estimated that in 2010 as many as 35 million people were displaced worldwide due to extreme weather events caused by global warming.³ Nearly 350,000 deaths are taking place every year due to the exacerbating effects of climate change on major health concerns like malnutrition, diarrhoeal diseases, infections and malaria.⁴ It is, therefore, imperative to assess each UN Climate Conference in order to see how far the world leaders have progressed to work out a climate regime capable of avoiding irreversible and catastrophic change in climate.

In this context, this paper aims to make an assessment of Durban Climate Change Conference. The paper attempts to answer the following questions: What was the outcome of the conference? What were the underlying factors that led to this outcome? What roles did different countries play in the conference? What will be the future implications of all that happened in the conference?

The paper is divided into eight sections including the introduction. Section 2 presents a brief overview of UN climate talks with a view to set the background in which COP 17 has taken place. Section 3 describes the issues and outcomes of the conference while section 4 focuses on roles of different countries in this regard. Section 5 deals with role of Bangladesh during the conference. In section 6 the author makes an assessment of COP 17. Section 7 identifies some challenges for the future of UN climate talks and section 8 concludes the article.

2. UN Climate Talks: A Brief Overview

The root of UN climate talks can be traced back in 1979 when the first World Climate Conference was held in Geneva, Switzerland. A detailed account of the climate talks is provided in Annex I.

After UNFCCC came into force in 1994, the First Conference of the Parties (COP 1), held in 1995, launched a new round of negotiations on a protocol which, unlike the UNFCCC, would be legally binding. It gave birth to Kyoto Protocol in COP 3 in 1997 which set mandatory emission limits for Annex I countries⁵ mentioned in UNFCCC. In order to come into force, the Kyoto

² Remarks of the Secretary General to UNFCCC COP 17 high level Segment, available at:

http://unfccc.int/files/meetings/durban_nov_2011/statements/application/pdf/111206_cop17_hls_ban_ki_moon.pdf, accessed on: 19 January 2012.

³ "Ball in Climate Culprit's Court", *The Daily Star*, 28 November 2011.

⁴ *Ibid.*

⁵ Countries included in Annex I of UNFCCC are - Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein,

Protocol required that 55 countries, together producing at least 55 per cent of the world's 1990 Carbon dioxide emissions, must ratify the Protocol. This is known as the 55/55 target. The Protocol suffered a major setback in March, 2001, when the United States, which produced 36.1 per cent of the carbon dioxide emissions of the Protocol's Annex I countries, decided not to ratify the Protocol. As a result, ratification of Russia, which produces 17.4 per cent of emissions, became absolutely crucial for the protocol to come into force by achieving 55/55 target. After years of hesitation, in May 2004, Russia pledged to speed up its approval in return for the European Union's support for the country's bid to join the World Trade Organization (WTO).⁶ Eventually, Russia ratified the Protocol in November 2004 and it came into force in 2005.

As the first commitment period of the Kyoto Protocol would end in 2012, the 2007 UN Climate Change Conference, held in Bali, adopted the Bali Road Map as a two-year process to finalise a binding agreement in 2009 in Copenhagen. Although the Copenhagen conference was much hyped up beforehand, with so much hope linked to it, there were signs that Copenhagen might fail to set new legal targets for emission reduction to replace the Kyoto Protocol.⁷ Finally, to utter distress of the people worldwide, the conference ended with "Copenhagen Accord" which was "taken note of" but not "adopted". The Accord, drafted by the US and the BASIC countries (China, India, Brazil and South Africa), was characterised by many as "a weak political statement"⁸ "[w]ith no firm target for limiting the global temperature rise, no commitment to a legal treaty and no target year for peaking emissions".⁹ It was also criticised for the process it was reached; many blamed the process to be non-democratic and non-transparent. It was alleged that the Copenhagen process has undermined UN's multilateral process of climate negotiations.¹⁰ However, to save face, developed countries made a pledge in the accord to provide US\$ 30 billion to the developing world over the next three years, rising to US\$ 100 billion per year by 2020, to adapt to climate change, which provided basis to create the Green Climate Fund in the following Cancun conference.

Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

⁶ "Russia's Putin Signs Kyoto Protocol", 5 *The US Today*, 05 November 2004.

⁷ See, "Not-so-wonderful Copenhagen", *The Economist*, 18 November 2009.

⁸ John Vidal and Allegra Stratton, "Copenhagen summit veering towards farce, warns Ed Miliband", *The Guardian*, 16 December 2009.

⁹ "Key powers reach compromise at climate summit", BBC News, 19 December 2009.

¹⁰ See, Martin Khor Khor, "Blame Denmark, not China, for Copenhagen failure". *The Guardian*, 28 December 2009; also see, Brian Tokar, "What Really Happened in Copenhagen?", *The Independent*, 25 December 2009.

Not surprisingly, expectation was much lower during the following Cancun conference. In August 2010, Ban Ki Moon expressed his doubt about reaching a globally agreed, comprehensive deal and suggested instead incremental steps.¹¹ Eventually, the Cancun conference moved away from focusing solely on global emission reduction and put greater emphasis on adaptation measures.¹² The conference decided to establish the Cancun Adaptation Framework and the Adaptation Committee. It also adopted an agreement which includes a “Green Climate Fund”, worth US\$ 100 billion a year by 2020, to assist poorer countries in financing emission reduction and adaptation. A 40-nation “transition committee” was also formed to present a complete plan for the fund by the next climate conference in Durban. There was, of course, no agreement on how to extend the Kyoto Protocol, or whether developing countries should have binding emission reduction or whether rich countries would have to reduce emissions first.¹³ However, it was identified by many that the main success of Cancun talks was simply to prevent the collapse of UN’s climate negotiations and to promote support for a shift to low carbon economies.¹⁴

3. COP 17: Issues and Outcomes

As section 2 suggests, all crucial issues had been left to be resolved in Durban Summit. Deciding the future of the Kyoto Protocol and forging a new international climate treaty were two most important of them. Besides broader issues like the future climate regime, the summit had to deal with narrow ones like implementation of earlier decisions.

The primary focus of the summit was the future of the Kyoto Protocol. The protocol’s first commitment period would expire in 2012. Some countries, particularly developing countries, hoped that developed countries would agree to further cut emissions under a second commitment period. The European Union (EU) made a pledge that it would sign up for fresh commitments taking effect from 2013 in exchange of an agreement on the roadmap to make an international climate treaty. The pledge of the EU was, however, little more than symbolic as it actually translated into the UN framework its existing plan for reducing European greenhouse-gas emissions by 20 per cent by 2020 over 1990 levels. Finally the EU signed up for the second commitment period, declaring that New Zealand, Norway and Switzerland are also joining it.¹⁵ The duration of the post-2013 commitments will be either five or eight years and negotiations on this will

¹¹ “UN Chief Recommends Small Steps on Climate”, *New York Times*, 24 September 2010.

¹² J Jackson Ewing and Irene A Kuntjoro, “Cancun: Shifting Goals of Climate Talks”, *The Jakarta Post*, 29 December 2010.

¹³ “Climate talks end with modest steps”, Reuters, 12 December 2010.

¹⁴ *Ibid.*

¹⁵ “UN charts new climate course”, *The Daily Star*, 12 December 2011.

take place in 2012. On the other hand, Japan, Russia and Canada showed reluctance beforehand and did not sign up for the second commitment. Later on, Canada pulled itself out of the Kyoto Protocol which was supported by Russia.

More vital issue was how to forge a new international climate treaty that, in the language of those advocating for a more robust international approach, would require “legally binding” commitments from all countries, particularly the big emitters – both developed and developing. Such a treaty was expected to replace the Kyoto Protocol and possibly the voluntary approach embedded in the Cancun Agreements. At Durban, delegates did not try to negotiate the treaty itself as it was not possible to do so in a single conference. Rather, they took effort to establish a timeline for the deal. After two weeks of wrangling among the delegates and the last hour “huddling” between the EU and India, finally the summit came up with a compact two-page document termed as Durban Platform.

Durban Platform sets out a process for reaching a new agreement by 2015. Its significant elements are as follows: First, it notes a goal of keeping global temperature rise to 1.5 or 2.0 degrees celcius. More importantly, it notes that current voluntary commitments, made by countries at Cancun Summit, are insufficient to reach that goal. Second, the Platform asserts that countries should “launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the United Nations Framework Convention on Climate Change applicable to all Parties.” Although this language is exceedingly vague and raised much criticism aftermath, even this indefinite assertion required tremendous amount of fineness and hours of haggling to please all Parties. What is significant is that for the first time, the Platform has brought all major GHG emitters under a single legal roof. Third, the platform states that drafting of the new legal deal will begin in 2012 and end up by 2015 while the deal itself will come into force by 2020.

In the conference, Russia proposed an amendment in Article 4.2 (f) of UNFCCC which demanded a periodic review of the country lists in Annex I and II. There was a deep divide on this proposal. Majority of the Parties supported continued discussions on this issue at COP 18 and hence it was left to be decided in the future.

On Green Climate Fund, the summit reached an agreement on its basic governance structure but uncertainty still remains about the source of the fund. The US special envoy for climate change, Todd Stern said during the conference that there was a misconception that developed country governments would fund all of the US\$ 100 billion a year through the Green Climate Fund. He claimed that the US\$ 100 billion would be the total from all sources, including individual governments, international development banks, private companies and carbon markets. The issue of how big a role the private sector should play in financing

the Green Climate Fund had created uncertainty about operationalisation of the fund.¹⁶

The forum also made some progress on some other issues like procedure of international monitoring, reporting and verifying of voluntary emission reduction commitments made by countries; Reducing Emissions from Deforestation and forest Degradation (REDD), institutional approach to technology transfer and Clean Development Mechanism (CDM).

4. Role of Different Countries

The conference appeared as a scene of horse trading among two groups – one group was led by the EU and backed by a number of small island-nations and Least Developed Countries (LDC) and the other group consisted of the US, Canada, China, Russia, Japan, Brazil and India, the later termed by many as ‘the league of polluters’. The third distinct voice, heard in the Durban summit was that of the ALBA (Bolivarian Alliance for the Peoples of Our America) countries’ which called for more ambitious emission reduction commitments by the industrialised countries. Subsequent paragraphs attempt to describe roles of these countries.

The EU

As mentioned before, the EU pledged to sign up for second commitment period under the Kyoto Protocol in return of agreement by all countries – both developed and developing ones – on the “roadmap” to make a “legally binding” international climate treaty which would bring all countries under a legal roof. Connie Hedegarrd, the EU climate change commissioner, said: “We are almost ready to be alone in a second commitment period [to the Kyoto protocol]. We don’t ask too much of the world that after this second period all countries will be legally bound.”¹⁷ The EU tried up to the last hour to hammer out agreement on the roadmap. At the end, however, the original EU proposal aimed at a legally binding treaty was not agreed. The phrase “legally binding” was replaced with the vague words “a protocol, another legal instrument or an agreed outcome with legal force”. Nevertheless, the EU hailed the outcome of the summit as “historical breakthrough”.

¹⁶ Peter Fabricius, “Success of COP 17 in the balance”, available at: <http://www.iol.co.za/news/south-africa/kwazulu-natal/success-of-cop17-in-the-balance-1.1187390?ot=inmsa.ArticlePrintPageLayout.ot>, accessed on: 19 January 2012.

¹⁷ John Vidal and Fiona Harvey, “Climate Deal Salvaged After Marathon Talks in Durban”, *The Guardian*, 11 December 2011.

LDCs and Small Island States

In the UN climate negotiations, Least Developed Countries (LDC) and Small Island States are represented by several overlapped groups. The largest group is the Group of 77 or G-77 which actually consists of 132 countries. Being a divergent group, including the BASIC countries, the scope of G-77 to act as a voice of the LDCs and Small Island States is limited. Other groups are African Group, the coalition of LDCs and the Alliance of Small Island States (AOSIS). ALBA (The Bolivarian Alliance for the Peoples of Our America) is a small but much vocal group consisting of eight Latin American and Caribbean countries.

In the conference, G-77 called for a second commitment period under the Kyoto Protocol as part of a balanced and comprehensive outcome for Durban. They also advocated for full operationalisation of Cancun Agreement.¹⁸ AOSIS called for a new protocol under the AWGLCA¹⁹ that will raise confidence in co-operative action for increased ambition. The group of LDCs said that it was for a legally binding instrument, which sits alongside the Kyoto Protocol without prejudice to the discussions.²⁰ At the end, however, the role of AOSIS and the group of LDCs were limited in backing the EU proposal. Eventually, reaction of LDCs and small island states about the outcome of the conference was modest. Small island states said that they had gone along with the deal only because a collapse of the talks was of no help to their vulnerable nations. Tosi Mpanu-Mpanu, head of the African Group, said: “Of course we are not completely happy about the outcome, it lacks balance, but we believe it is starting to go into the right direction.”²¹

ALBA, on the other hand, played a more independent role in the Durban conference. Beforehand the conference, ALBA was working on a strategy to seek allies in developing countries on the issue of climate change.²² In a preparatory meeting in Panama before the conference, ALBA achieved an important agreement with the Group of Least Developed Nations and African Group. The agreement, among others, recognised that achieving a global goal of limiting temperature increase to well below 1.5°C above pre-industrial levels is required to avoid dangerous interference with the climate system. It stated that Annex I

¹⁸ “Summary of the Durban Climate Change Conference”, *Earth Negotiations Bulletin*, Vol 12, No. 534, 13 December 2011.

¹⁹ Ad Hoc Working Group on Long-term Cooperative Action under the UNFCCC Convention

²⁰ Meena Raman, “Deep Divide Over Legal Form”, *TWN Durban News Update*, 02 December 2011, available at: http://ifg.org/pdf/durban_update11.pdf, accessed on: 30 December 2011.

²¹ “UN charts new climate course”, *The Daily Star*, *op. cit.*

²² Eduardo José González, “ALBA: Committed to the Success of the Durban Conference”, available at: <http://www.radiohc.cu/ing/specials/opinion/3975-alba-committed-to-the-success-of-the-durban-conference.html>, accessed on: 04 January 2012.

Parties must commit to second and subsequent commitment periods under the Kyoto Protocol. It also demanded that Annex I Parties must reduce their emissions by at least 40 per cent by 2017 and 95 per cent by 2050, compared to 1990 levels.²³ During the conference, ALBA countries were fixed to these demands. Naturally, they were not happy at the result of the conference. Venezuela's ambassador, Claudia Salerno expressed her deep concern dramatically, "This agreement will kill off everyone. It is a farce. It is immoral to ask developing countries to sell ourselves for \$100bn."²⁴

The US

So far, the US opposed the Kyoto Protocol on the ground that it had excluded China and other emerging developing countries who later on became major polluters. Durban summit saw no exception in this regard. A US State Department spokeswoman clearly declared that it would not weigh in on the Kyoto debate as it was not a party to the Protocol. She added that the US would give priority to the approach, negotiated in Copenhagen and then adopted in Cancun.²⁵ In case of global climate regime, the US always advocated for non-binding approach that it succeeded to introduce in Copenhagen. Hence, the US had reasons to be glad of the outcome – Durban Platform – that encompassed all countries and omitted the words "legally binding." This was reflected in the comment of the US chief negotiator Todd Stern: "I think in the end it ended up quite well...The first time you will see developing countries agreeing, essentially, to be bound by a legal agreement."²⁶

China

China, which is at present world's second largest economy but is still categorised as a developing country, has become world's top most polluter in recent years. It holds the view that today's climate change is the result of past emissions done by the developed countries and hence the primary responsibility to prevent climate change lies on them. This view was re-affirmed during Durban summit when the Chinese delegation chief Xie Zhenhua said, "Before the formal negotiation of China's obligation after 2020, we hope there should be a comprehensive and scientific appraisal of the first commitment period of Kyoto Protocol. Only based on this, it can be fair for discussing China's legally binding

²³ Statement of Common Position by African Group, Group of Least Developed Countries and ALBA Group, available at: <http://climate-justice.info/wp-content/uploads/2011/11/Statement-of-Common-Positions-Afr-LDC-ALBA-FINAL.pdf>, accessed on: 05 January 2012.

²⁴ John Vidal and Fiona Harvey, "Climate Deal Salvaged After Marathon Talks in Durban", *op. cit.*

²⁵ "Rich in conspiracy against the poor", *The Daily Star*, 4 December 2011.

²⁶ "UN charts new climate course", *The Daily Star*, *op. cit.*

emission cut.”²⁷ However, China showed willingness to make binding commitments to limit emissions in 2020 on the condition that the regime would appropriately take into account historical contributions of greenhouse gases by developed countries as well as sustainable economic needs of developing countries such as China and India.

India

India holds the same view as China and had always opposed any binding commitment for developing countries. During the summit, India on one hand, insisted on saving the Kyoto Protocol. India's chief negotiator J M Mauskar said at the talks, “These are legal obligations of the developed world and must be fulfilled at Durban.”²⁸ On the other hand, the country strongly opposed the EU's proposal for a legally binding treaty applicable to all countries. Indian environment minister, Jayanthi Natarajan, responded fiercely to the proposal: “Am I to write a blank cheque and sign away the livelihoods and sustainability of 1.2 billion Indians, without even knowing what the EU “roadmap” contains? I wonder if this an agenda to shift the blame on to countries who are not responsible [for climate change]. I am told that India will be blamed. Please do not hold us hostage.”²⁹ The Indians held out for 36 hours after the summit was supposed to have ended, even when most other elements of a deal were in place. Their main point of opposition was the term “legally binding”. With the prospect of no deal looming, the president of the conference urged the EU and Indian delegations to go “into a huddle” in the middle of the conference hall and work out a compromise. They did so and, as per a Brazilian suggestion, agreed to replace the phrase “legally binding” with the vague words “a protocol, another legal instrument or an agreed outcome with legal force”. Yet the Indian Minister said her country had only reluctantly agreed to the accord. “We’ve had very intense discussions. We were not happy with reopening the text but in the spirit of flexibility and accommodation shown by all, we have shown our flexibility... we agree to adopt it,” she said.³⁰

5. Role of Bangladesh

As one of the countries most vulnerable to climate change, Bangladesh aligned itself with the group of LDCs and small island countries. It urged for continuation of the second commitment period of the Kyoto protocol and a legally binding outcome. As Minister for Environment and Forest Hasan Mahmud said, “We would like to see that Durban will, at least, secure the

²⁷ “China open to talks on binding emission cuts”, *China Daily*, 5 December 2011.

²⁸ “India pushes to save Kyoto Protocol”, *The Daily Star*, 4 December 2011.

²⁹ John Vidal and Fiona Harvey, “Climate Deal Salvaged After Marathon Talks in Durban”, *op. cit.*

³⁰ “UN charts new climate course”, *The Daily Star*, *op. cit.*

mandate to initiate dedicated discussion on a comprehensive legally binding instrument with robust compliance regime as soon as possible as agreed by parties.”³¹ At the end of the conference Bangladesh’s reaction was modest. “We are not happy, but not frustrated either as it saved the Kyoto protocol,” the environment minister said, adding that Bangladesh expected much more from the conference. He also warned “It will be too late if we have to wait till 2020 to implement the legally binding document and cap the temperature rise within two degree Celsius.”³²

In the Conference, Bangladesh made several proposals on Green Climate Fund (GCF) and Fast Track Fund (FTF). Major proposals were as follows: **First**, as the current operational FTF expires in 2012, donors should start contributing to the fund from 2013 to avoid any gap in climate financing. **Second**, 50 per cent of the GCF and FTF should be set aside for adaptation. Available information shows that only 19 per cent of FTF has gone to adaptation, which is vital for poor countries while the rest has gone to mitigation. **Third**, GCF and FTF must be additional to official development assistance and have the provision of direct access by the designated national authorities. There are allegations that many of the rich countries had diverted their regular foreign assistance in the name of Fast Track Fund. **Fourth**, GCF should function under the UNFCCC. This proposal was opposed to the US wish that it should be institutionalised under a separate body.³³ **Fifth**, a variety of public sources of funding should form the core of GCF, with the private sector playing a supplementary role. This view too was opposed to that of the US. Some of these proposals had been accepted in the conference while uncertainty remains about the fate of others.

In short, Bangladesh appeared to be vocal on adaptation aspect but seemed to play passive role on mitigation aspect.

6. Assessment of the Conference

Views vary on the degree of success of the conference. To some analysts, the conference is an utter failure while others give it the credit of modest success. Subsequent paragraphs provide an assessment of the major issues related to the conference.

6.1. Continuation of the Kyoto Protocol

Continuation of the Kyoto Protocol can hardly be depicted as a success of the summit. Figure 1 suggests why this continuation was not hailed at all. The Kyoto Protocol does not include China, US and India, the top three polluters of the

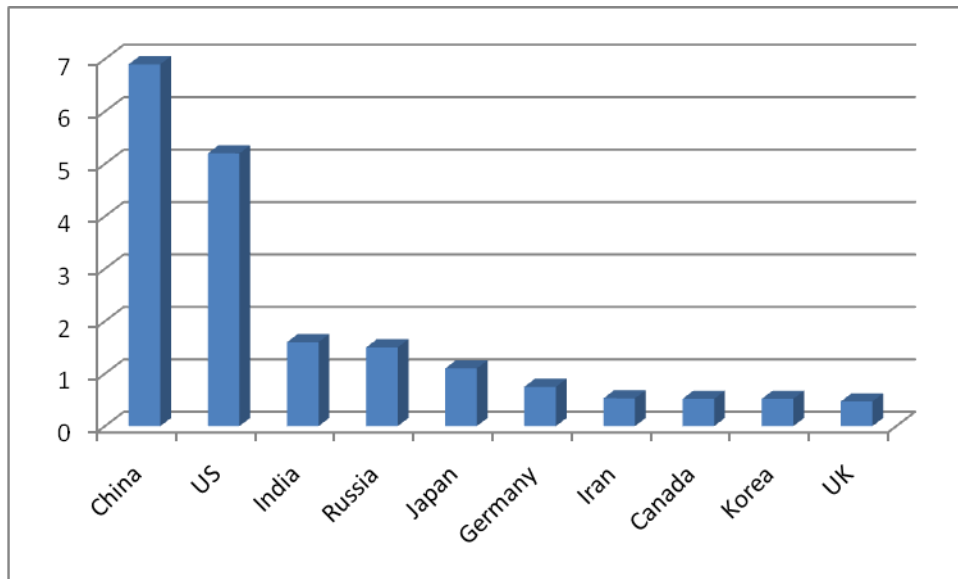
³¹ “Time ticks away for thorny issues”, *The Daily Star*, 6 December 2011.

³² “Durban not total failure”, *The Daily Star*, 14 December 2011.

³³ “Bangladesh pushes for green fund”, *The Daily Star*, 4 December 2011.

world. Furthermore, Russia, Japan and Canada, countries ranking 4th, 5th and 8th in CO₂ emission, did not sign up for the second commitment period of the protocol. The EU which contributes only 14 per cent of global emissions has signed up for second commitment period. Hence, this second round of the Kyoto Protocol has very little scope to contribute in mitigation of global emissions. And, this little scope too cannot be identified as a success of the Conference as the EU had already planned to reduce European greenhouse-gas emissions by 20 per cent by 2020 over 1990 levels. Through signing up the second commitment period, the EU actually translated its domestic plan into the UN framework.

Figure 1: Top Ten CO₂ Emitting Countries, 2009 (in billion tons)



Source: International Energy Agency, *CO₂ Emissions from Fuel Combustion Highlights*, 2011.

But, even if the Kyoto Protocol would have been signed by all its Parties for 2nd commitment period, could it bring much difference in the climate change scenario? Perhaps, it could not. Besides exclusion of three presently top polluters, the protocol suffers from several fundamental flaws. **First**, there is no penalty in the Protocol for a country that ratifies the Protocol but fails to meet its reduction targets. Furthermore, any country can withdraw from the treaty after ratifying it by simply giving one year's notice. This part of the treaty is harshly criticised by scientific community as it makes the treaty something that need not to be taken seriously.³⁴ Events in COP 17 has proved this criticism to be true. **Second**, even if the protocol would have been implemented with 100 per cent effectiveness, it

³⁴Eric Bond, "Climate Change and Kyoto Protocol", available at: <http://climatechange.sea.ca/index.html>, accessed on: 02 January 2012.

had very little scope to improve the climate change scenario. The Kyoto Protocol aims to reduce emissions from industrialised nations only by around 5 per cent while Intergovernmental Panel on Climate Change (IPCC) declares that a drastic 60 to 80 per cent reduction is necessary just to slow the process of climate change to an acceptable rate that would allow ecosystems to adapt.³⁵ **Third**, the loopholes created by ‘flexible’ Kyoto mechanisms – Emission Trading (ET), Joint Implementation (JI) and Clean Development Mechanism (CDM) – have made the whole treaty meaningless. These flexible mechanism, on one hand, guarantees business as usual or even more profit for the polluters; on the other hand, they give birth to dubious projects which generate huge profit but save little carbon.

6.2. The Durban Platform

According to the Durban Platform, a global climate treaty will be drafted within 2015 and the treaty will come into effect by 2020. Some consider the deadline to be relatively quick by international standards, while others criticised that it has let the top emitter countries off the hook for another 8 years which implies failure to bring the planet on the safe track of 2.0 degree Celsius.³⁶ Scientists say that if global temperature rises more than 2.0 degree Celcius above pre-industrial levels, climate change becomes catastrophic and irreversible.

“Right now the global climate regime amounts to nothing more than a voluntary deal that’s put off for a decade”, said Greenpeace director Kumi Naidoo.³⁷ What is its implication? According to the United Nations environment programme, countries’ current emissions pledges would collectively mean that global annual emissions of Green House Gases would be about 50 billion tonnes in 2020. But to have a 50-50 chance of avoiding global warming over 2.0 degree Celsius, scientists estimate that global annual emissions would need to fall to about 44 billion tonnes in 2020, to less than 35 billion tonnes in 2030 and less than 20 billion tonnes in 2050.³⁸ Even those who are optimistic about the Durban Platform, agree that “it does not divert the world from the dangerous path towards a 4.0 degree Celcius temperature rise on which we are now walking.”³⁹ Thus the timeframe suggested in Durban Platform contradicts with the goal it has set - keeping global temperature rise within 1.5 or 2.0 degree celcius.

³⁵ *Ibid.*

³⁶ Barrister Harun ur Rashid, “Durban Climate Conference: Who Won?”, *The Daily Star*, 14 December 2011.

³⁷ “UN charts new climate course”, *The Daily Star*, *op. cit.*

³⁸ “Durban deal will not avert catastrophic climate change, say scientists”, *The Guardian*, 11 December 2011.

³⁹ See, Michael Jacobs, “Hope at last at the Durban Conference on climate change”, *The Guardian*, 11 December 2011.

The last hour compromise made the language of the Durban Platform vague. At COP 17 the Parties agreed to establish an Ad Hoc Working Group on the Durban Platform for Enhanced Action (AWG-DP) which has been given the mandate to develop “a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”. Among the three options, the third one is the least clear as it uses language that does not appear in the Convention. While, out of context, many would like to interpret ‘legal force’ as being the equivalent to ‘legally binding’, others observe that the AWG-DP mandate does not reflect an explicit agreement that ‘actions’ set out in the agreement will be legally binding.⁴⁰ Rather, the words ‘agreed outcome with legal force’ seems to signal something different and softer, than a legal instrument ratification. Given the context of the conference, it is not irrational to suspect that the countries that have resisted calls for a legally binding agreement might use this third option to lead to an outcome that is not conventionally viewed as legally binding.

More importantly, the platform had left all difficult questions to be resolved later on. Observers say that the talks for the 2015 pact will be arduous. Most thorny issues are determining the agreement’s exact legal status and apportioning carbon constraints among rich and poor countries. The task of apportioning carbon cuts will be much complicated as it will have to take into account several issues. **First**, historic emissions – industrialised countries started burning fossil fuels earlier and so bear responsibility for most of the CO₂ already in the atmosphere. **Second**, despite same responsibility in historic emission, all countries cannot be treated equally because later on some countries have taken more efforts to reduce emissions than others. **Third**, countries with large forests might claim that they provide a valuable service in absorbing Carbon and may want this to be taken into account.⁴¹

Another contentious issue is the provision to enforce penalties against those who fail to keep their commitment. The Kyoto Protocol had no such provision which had allowed Canada to miss its target massively and with impunity. Unless penalties for failure are included in the future regime, it is hard to imagine how it would apply force. Harder is to imagine that countries like the US, China and India will agree to such provisions.⁴² Greenpeace has already alleged, “...the blockers lead by the US have succeeded in inserting a vital get-out clause that could easily prevent the next big climate deal being legally binding.”

⁴⁰ Jacob Werksman, “Q & A: The Legal Aspects of the Durban Platform Text”, available at: <http://insights.wri.org/news/2011/12/qa-legal-aspects-durban-platform-text>, accessed on: 28 December 2011.

⁴¹ *Ibid.*

⁴² “A deal in Durban”, *The Economist*, *op. cit.*

This is why David Symons, director of environmental consultancy WSP, reminds "No one should underestimate the difficulty of arriving at a legal agreement between the developed and developing countries, let alone one that for the first time includes China, India, Europe and America."⁴³ He also reminds about another issue that can make the task of reaching the deal uncertain. "Many political agreements put off the difficult actions for the next regime and that appears to be the reality for the Durban platform," he adds.⁴⁴

Uncertainly also remains about Green Climate Fund. Climate vulnerable countries like Bangladesh are insisting on immediate operationalisation of the fund. But the Durban summit could not reach decision on how the money would be spent, who would administer the fund and from where (public or private sources) the money would come from. Hence climate vulnerable LDCs have to wait to get assistance, or in other words compensation, from that fund while the climate change would not wait to take its toll.

6.3. Role of Different Countries

Quite reasonably, the issue of climate change is not out of the influence of global politics. The history of UN climate negotiations proves how much integrated the issue of climate change is to global politics. Following paragraphs provides an assessment of the role of different countries and blocks in UN climate negotiations including COP 17.

The US and Other Major Polluters

In the context of global politico-economic scenario, it is not surprising that the US has always been the greatest obstacle in the global fight against climate change. Annex 1 provides some examples of it. In the very beginning, the US has watered down the UNFCCC by posing the threat that it would not join the Earth summit if there was any binding commitment. Later on, it incorporated the flexible mechanisms in the Kyoto Protocol which have made it toothless. This time too, the country threatened that it would not ratify the Protocol if the flexible mechanisms were not incorporated. But they did not ratify it at last even though the mechanisms were adopted.

Brian Tokar, Director of the Institute for Social Ecology, has nicely summarised the role of the US in recent UN climate negotiations. He observes, "[a]fter the 2007 climate summit in Bali, Indonesia, the Bush administration tried to initiate an alternate track of negotiations on climate policy that involved only a select handful of the more compliant countries... the Obama administration has adopted essentially the same approach, with the full collaboration of the

⁴³ "Durban Climate Conference agrees deal to do a deal: now comes the harder part", *The Guardian*, *op.cit.*

⁴⁴ *Ibid.*

“BASICS,” the utterly substanceless “Copenhagen Accord” can be seen as this coercive strategy’s first diplomatic success.”⁴⁵ He further argues, “the US had planned for some months to attempt to replace the quaint notion of a comprehensive global climate agreement with a patchwork of informal, individual country commitments... Nothing is binding, and everything is voluntary, only to be “assessed” informally after another five years have passed...The US, of course, has always tried to undermine the United Nations when it couldn’t overtly control it...”⁴⁶

Thus the US, on one hand, has rejected so far to join any binding commitment; and on the other hand, it has been jeopardising the UN climate negotiations in various ways: first, by replacing a multilateral and comprehensive negotiation process with an informal one involving only a select handful of countries; and second, by establishing an evil nexus among the polluter countries, both developed and developing. All these were again manifested in the events in COP 17: US’s denial to be a party to the Kyoto Protocol and conditioned support⁴⁷ to legally binding agreement; Russia, Japan and Canada’s denial to sign up for second commitment period; US’s advocacy for the non-binding approach introduced in Copenhagen; and conspiracy-like impasse on the issue of responsibility of developing countries like China and India.

Sunita Narain, Director of India based Centre for Science and Environment, summarises the US led climate politics as follows: “The US has provided a perfect formula – it promises us the right to pollute, because it wants to legitimise its own pollution. As a powerful conspirator this will mean that we need to do little ourselves...” On climate finance she comments: “... The other proposition is equally seductive. To the countries, which are not yet polluters (from Ethiopia to Maldives), the Copenhagen Accord says we will give money to keep you pliant and agreeable.”⁴⁸

The EU

Many appreciate the role of the EU in UN climate negotiations. Nevertheless, it is not out of criticism. Some observe that one major reason behind European Union’s firm support for the Kyoto Protocol was lack of access to their own low-cost sources of fossil fuel. According to them, setting aside environmental considerations, the EU see economic advantages for themselves if the Protocol

⁴⁵ Brian Tokar, “What Was Really Decided in Copenhagen?” available at: mrzine.monthlyreview.org/tokar241209.html, accessed on: 30 December 2011.

⁴⁶ *Ibid.*

⁴⁷ US said that it would sign up such a binding agreement only if it includes major developing countries like India and China.

⁴⁸ Patrick Bond, *Politics of Climate Justice: Paralysis Above Movement Below*, South Africa: University of KwaZulu-Natal Press, 2012, p. 28.

were put into effect.⁴⁹ The EU's dubious role in incorporating the flexible mechanisms in the Kyoto Protocol can be recalled in this connection (See, Annex I). Others explain that despite common economic structure, the EU's response to climate change is different from the US and alike. One reason of this, they argue, is that environment consciousness is much stronger in the EU. A recent press release of Greenpeace informs: "According to the latest Eurobarometer opinion poll released in October 2011 the 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".⁵⁰

The role of the EU in bargaining the new climate regime in COP 17 is appreciated by many while others view the EU led negotiation as developed countries' attempt to shift their burden of cutting global emissions on to developing countries which violates the principle of "common but differentiated responsibility" of UNFCCC.⁵¹

ALBA

This left-leaning, small but vocal bloc of Latin American countries has shown the prospect to make a difference in climate negotiations. In recent years ALBA has vigorously taken up the cause of climate justice. It was the resistance from ALBA countries which has prevented the Copenhagen Accord from being 'adopted'. Naturally such stance of ALBA is detested by the US. According to secret diplomatic cables released by WikiLeaks, American diplomats sought to "neutralise, co-opt or marginalise" radical Latin American nations which were advocating deeper cuts in carbon emissions.⁵² The role of ALBA is not liked by the EU also. Britain's climate secretary Ed Miliband accused ALBA countries of "hijacking UN climate talks".⁵³ Interpreting in other way, "hijacking UN climate talks" reflects the strength of ALBA in making a difference in UN climate negotiations. Still, it is too early to predict whether and how this strength would contribute in bringing a real solution to climate change.

⁴⁹ Eric Bond, "Climate Change and Kyoto Protocol", *op. cit.*

⁵⁰ "Polluticians occupy the climate", press release of Greenpeace, 23 November 2011.

⁵¹ Martin Khor, "Durban Battle on Climate Regime's Future", *TWN Durban News Update 13*, 05 December 2011, available at: http://ifg.org/pdf/durban_update13.pdf, accessed on: 30 December 2011.

⁵² Nikolas Kozloff, "Time for a new geopolitical climate bloc: Part I", ALJAZEERA, available at <http://www.aljazeera.com/indepth/opinion/2011/12/2011121213124688507.html> accessed on 05 January 2012.

⁵³ Nikolas Kozloff, "Time for a new geopolitical climate bloc: Part II", ALJAZEERA, available at: <http://www.aljazeera.com/indepth/opinion/2011/12/2011121393718974204.html>, accessed on: 05 January 2012.

7. Challenges for the Future

Previous discussion suggests that UN climate talks has turned to a ping pong game among the major polluter – developed polluter countries led by the US on one side and developing polluter countries led by China and India on the other. The former group claims that as some developing countries have become top polluters with China as the topmost, any treaty that excludes them is meaningless and would fail to keep the world on the safer track of 2.0 degree Celsius. On the other hand, the latter group reminds about the historical contribution of the developed countries in causing climate change. Both lines of arguments appear to be logical. But what is missing in both lines of thought is the absence of sense of liability to save the planet Earth and the very existence of human civilisation. What makes countries so naïve? The answer lies in the present global economic structure. The US, China and India – all are competing economies and fears that emission cutting measures will make them less competitive compared to others. “What some see as inaction is in fact a demonstration of the palpable failure of our current economic system to address economic, social or environmental crises,” said Janet Redman, of the Washington-based Institute for Policy Studies.⁵⁴ Thus, making the two polluter groups agree to sign and ratify a meaningful legally binding treaty in the present economic structure remains a great challenge of the day.

Another challenge is to make the future climate regime a meaningful one. There is no point in keeping the market based mechanisms similar to the Kyoto Protocol in the new climate regime; neither is it scientifically approved nor is it able to halt global warming.

The logic behind the Kyoto Mechanisms (Emission Trading, Joint Implementation and Clean Development Mechanism) is that the planet as a whole does not care where the reductions in emissions are achieved; simply that reduction is taking place is enough. Hence, by investing in a reduction project on the other side of the globe, a country is still contributing to its own reduction quota. But scientists challenge this notion of emission exchange. They say that Green House Gases are complex and their rising production creates a non-linear impact which implies that a tonne of CO₂ produced in one place cannot be accommodated by reducing a tonne in another.⁵⁵

Experience shows that in case of climate change, the idea of market solution to market failure (externalities) does not work well. Contrary to their aims, these market mechanisms create such an opportunity of profit for Green House Gas (GHG) emitting companies that they are increasing their production and thereby

⁵⁴ “COP 17 ends: Earth, and Africa, still headed for disaster”, available at: <http://cop17insouthafrica.wordpress.com/>, accessed on: 19 January 2012.

⁵⁵ Patrick Bond, *Politics of Climate Justice: Paralysis Above Movement Below*, op. cit., p. 32.

increasing pollution while still they are getting credit of emission reduction.⁵⁶ A Wall Street Journal editorial comments: “The emerging alliance of business and environmental special interests may well prove powerful enough to give us cap-and-trade in CO₂... it would make money for some very large corporations. But don’t believe for a minute that this charade would do much about global warming.”⁵⁷ According to Newsweek magazine’s investigation of Third World carbon trading (through the Clean Development Mechanism), “It isn’t working . . . [and represents] a grossly inefficient way of cutting emissions in the developing world.” The magazine called the trade “a shell game” which has transferred “\$3 billion to some of the worst carbon polluters in the developing world.”⁵⁸

Given the failure of the Kyoto Protocol, what can be the alternatives? Many analysts, from NASA Scientist James E. Hansen to Nobel laureate economist Joseph Stiglitz, advocate for another market based mechanism called carbon tax.⁵⁹ According to them, carbon tax would raise the cost of carbon-intensive products and thereby would encourage firms and households to keep their carbon footprints low. Other more extreme groups call for leaving fossil fuels in the ground and investing in appropriate energy-efficiency and safe, clean and community-led renewable energy. Patrick Bond observes: “In contrast to carbon trading, what is reverberating within grassroots, coalface, and fenceline struggles in many parts of the world is a very different strategy and demand by civil society activists: leave the oil in the soil, the resources in the ground.”⁶⁰ What would be the final strategy for global fight against climate change will be decided in the power struggle among different sections of polluters and sufferers; because at the end, climate change is not merely a issue of natural science, rather it is very closely linked to global economic and political structure.

⁵⁶ For a vivid example of how this is happening, see, Nick Davies, “Truth about Kyoto: huge profits, little carbon saved”, *The Guardian*, 02 June 2007, available at: <http://www.guardian.co.uk/environment/2007/jun/02/india.greenpolitics>, accessed on: 04 January 2012.

⁵⁷ Available at: <http://bigthink.com/age-of-engagement/when-big-business-gets-behind-cap-and-trade-the-wall-street-journal-suddenly-re-frames-its-position-around-standing-up-for-the-little-guy>, accessed on: 07 January 2012.

⁵⁸ Cited in Patrick Bond, “From False to Real Solutions for Climate Change”, available at: <http://mrzine.monthlyreview.org/2008/bond060108.html>, accessed on: 06 January 2012.

⁵⁹ See, “Experts: Carbon Tax needed and NOT Cap-and-Trade Emission Trading Scheme (ETS), Yarra Valley Climate Action Group”, available at: <http://sites.google.com/site/yarravalleyclimateactiongroup/carbon-tax-needed-not-cap-and-trade-emission-trading-scheme-ets>, accessed on: 07 January 2012.

⁶⁰ Patrick Bond, “From False to Real Solutions for Climate Change”, *op. cit.*

8. Conclusion

The UN climate negotiation aimed at a global climate regime has achieved little success so far. The Durban Conference was no exception to this. On one hand, outcomes of the conference can hardly be depicted as a success. **First**, continuation of the Kyoto Protocol cannot be called a success of the summit as the protocol suffers from serious structural flaws. Furthermore, the second round of the protocol has negligible scope to contribute in mitigation of global emission. And, this negligible scope too is not a contribution of the conference as it actually translates EU's domestic plan into the UN framework. **Second**, Durban Platform sets a goal of keeping global temperature rise within 1.5 or 2.0 degree celcius but the timeframe it suggests, contradicts with the goal. The last hour compromise made the language of the Durban Platform vague. More importantly, the platform had left all difficult questions to be resolved later on. **Third**, the conference could not resolve uncertainly over major issues regarding the Green Climate Fund.

On the other hand, the Durban climate conference was another show of climate politics which has turned the UN climate talks into a ping pong game among the major polluters – developed polluter countries led by the US on one side and developing polluter countries led by China and India on the other.

Finally, it can be said that the ultimate solution of climate change will be determined by global climate politics, which in turn, depends on global economic and political structure.

