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Climate Talks in Durban

Successful Diplomacy but no Progress on Climate Protection

Susanne Dröge

The seventeenth Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) agreed in December 2011 that a new comprehensive climate agreement should be negotiated by 2015. Moreover, in Durban, South Africa, the international community also decided that a second commitment period under the Kyoto Protocol would begin in 2013. But given the low level of engagement by other industrialised countries under this agreement, the EU is committing itself more or less alone. Durban was successful diplomatically because it put an end, for the moment, to the wrangling over the Kyoto Protocol and a new treaty. A glance at the agreed timetable for negotiations, however, reveals that the United Nations have failed to introduce any effective short-term measures to counteract the accelerating pace of global warming. This would require an assertive policy seeking both unilateral and bilateral progress. Consequently Germany and the EU must increase their climate protection efforts and will need, in their foreign, development and economic policy, to pay greater attention to the impacts of climate change.

The failure of the 2009 Copenhagen Summit shattered confidence in future coordinated global action on climate change. Optimism in the run-up to the conference was fed above all by the prospect of the United States under President Barack Obama finally joining the international climate protection effort. Increasing concessions announced by rapidly industrialising countries also boosted hopes that global climate policy could be successful in the United Nations framework and succeed in

limiting global warming to an average of two degrees Celsius in this century.

Although the Copenhagen Summit did indeed agree on the two-degree limit, the national emission reduction targets reported to the Secretariat of the UN Framework Convention on Climate Change (UNFCCC) afterwards are far from enough to initiate a turnaround in global CO₂ emissions by 2020. An increase in global mean temperature of at least 3.5 degrees Celsius has come to be regarded as probable.

Rebuilding the Process after Copenhagen

In Cancún 2010 negotiators had to revive the political will to bring talks on extending the Kyoto obligations to a conclusion, while at the same time more firmly binding the rapidly industrialising countries into a new global treaty.

Now Durban has succeeded in defining the timetable for a new climate agreement. Within four years the developing, rapidly industrialising and developed countries are to agree on a comprehensive treaty text, with a new working group to assist the process (*the Durban Platform*). Considering the strife over treaty drafts since 2007 and clashes over emissions goals and funding, the negotiations would appear to be a task of Herculean proportions.

Extending the Kyoto Protocol

After much deliberation and debate the parties in Durban agreed to extend the developed countries' CO₂ reduction commitments under the Kyoto Protocol. The developing and rapidly industrialising countries tenaciously insisted on this as a condition of their participation in a new agreement, because to them the Kyoto Protocol represents the only proof that the developed countries take their historical responsibility for climate change seriously. But for major industrial nations like the United States, Canada, Russia and Japan the Kyoto Protocol is not an acceptable deal. Firstly, because it places absolutely no obligations on the rapidly industrialising countries, which the Protocol counts as developing countries. This point attracts particular criticism with respect to China, which is in fact today the world's biggest CO₂ emitter. Secondly, Canada and Japan, for example, massively overshot their targets in the first 2008–2012 period and therefore reject any future increase in their obligations.

For the EU, on the other hand, the Kyoto Protocol provides the treaty framework for its own climate policy: its 2020 goal of

reducing its CO₂ emissions by 20 or 30 percent is defined by the implications of the two degree limit for developed countries (25–40 percent by 2020), while its emissions trading arrangements, the *Clean Development Mechanism* that allows foreign climate protection projects to be offset against domestic CO₂ emissions, and the *Joint Implementation* projects with transformation states like Russia are all based on the Kyoto Protocol. The EU and the handful of other states that still adhere to the Protocol (including Norway, Switzerland, Belarus, Australia, New Zealand) were therefore left with only one option in Durban. They had to continue with "Kyoto II" in order to anchor their own initiatives in the international arena and pave the way for a new multilateral climate treaty.

Now these countries are left with just a few months to clarify the details of the extended Kyoto commitments. These include the duration of the second period (until 2017 or until 2020), the ambition level, the treatment of assigned amount units from the first period (which would benefit Russia as emission credits), and arrangements for emission offsets for forestry protection (see Sybille Acosta, *Der Wald als Klimaretter?* SWP-Aktuell 78/10, November 2010).

China ...

Durban also supplied the first signs that China might relax its rigid refusal to accept any climate commitments of its own in a new agreement. Beijing reiterated five of its well-known demands as preconditions for compromise: extend the Kyoto Protocol until 2020, review its effectiveness, introduce a *Green Climate Fund*, expand technology transfer from the industrial countries, and define common but differentiated commitments.

Because China has already submitted voluntary emission targets for 2020 to the UNFCCC (in 2010), it is willing to make further concessions only for the period thereafter. However, the other BASIC coun-

tries (South Africa, Brazil, India) have stayed clear of the Chinese initiative. Indeed, India, represented by Environment Minister Jayanthi Natarajan, fought tooth and nail at Durban to prevent a resolution predefining the legal status of a new agreement as “legally binding”. As a result the resolutions name several conceivable legal variants (“protocol”, “legal instrument”, “agreed outcome with legal force”).

... the G77 and New Alliances

The so-called BASIC countries (Brazil, South Africa, India, China), gathering on a regular basis since the end of 2009 to discuss international climate talks, have come under increasing criticism from the developing countries. In past negotiations China always identified itself as a developing country member of the G77 and thus exempt from accepting any obligations under Kyoto. In particular for the poor states worst hit by climate change, for example the low-lying Pacific islands, this stance had become a growing provocation.

The EU, represented by climate commissioner Connie Hedegaard, has long been working to take into account the interests of states especially affected by climate change, and was able to count on their open support for the first time in Durban. Together with other members of the Cartagena Dialogue (forty-three states pushing for a new climate treaty regardless of their usual coalitions) and the poorest developing countries, they lined up behind the EU’s demands for a new treaty. The divisions within G77 became obvious for the first time at Durban, although they were exposed repeatedly in the course of the climate negotiations. Many developing countries are no longer willing to exempt rapidly industrialising China and India from their responsibilities, nor to tolerate their refusal to undertake their own action on climate. It is this new alliance that has put the momentum into the transition from the pioneering Kyoto Protocol to a more comprehensive climate treaty.

The Path to 2015

The new climate treaty should, as laid down in 2007 in the Bali Action Plan, cover all aspects of international climate policy, including questions of funding, technology transfer and adaptation, and stipulate more ambitious climate protection. New data and analysis upon which targets can be set will be supplied by the IPCC’s Fifth Assessment Report, which is due in 2013 and 2014. Given that a revision of the minimum efforts required to meet the two-degree limit is not to be expected, the emissions reductions that need to be negotiated are already well known or will even be higher. Thus, the familiar conflicts over national commitments will continue to dominate the consultations.

Climate negotiations over the next four years are sure to experience similar pressures to those that wrecked Copenhagen: US disengagement, financial austerity in response to economic crisis, the refusal of Japan, Canada and Russia to set themselves internationally binding Kyoto targets. India might slide into obstructionism and continue refusing to make any effort of its own. China, Brazil and/or South Africa could show some progress, as all three are already working for climate protection at the national level. But agreeing to a multilateral treaty is a higher political hurdle, involving as it does the obligation to allow for monitoring by and reporting to international institutions. The harsh conflict over the EU’s introduction of emissions certificates for aviation from 2012 demonstrates just how little willingness there is to accept further climate protection steps. The United States and China, especially, never tire of threatening the EU with trade wars and other sanctions, even though the costs associated with the measures in question are negligible.

Climate Strategy 2.0

Despite the Durban package, international climate protection and the two-degree limit are still far from being signed and sealed.

The diplomatic successes cannot conceal the fact that European – and still less international – climate protection efforts are not enough.

If the EU and Germany are to advance the negotiations and global climate protection as a whole, they will have to work out a front-running multi-track strategy. The idea, formalised in the EU's 2008 Climate and Energy Package, of pushing ahead alone to animate other countries to cooperate has largely been exhausted.

Firstly, success in Durban has increased the pressure on the EU to raise its own climate targets for 2020. The EU had announced a 30 percent CO₂ reduction as long as other developed countries went along too. This was not successful. But now the EU has an obligation to maintain its credibility in the eyes of the nations of the “Durban alliance” that broke openly with the official G77 position. The EU's future actions will stand under broader scrutiny. Reducing CO₂ emissions by more than 20 percent by 2020 would also lend enormous weight to the commitment to a second Kyoto period and provide an incentive to the hesitant supporters Australia and New Zealand.

Secondly, in order to combat climate change and adapt to its consequences in poorer countries the *Green Climate Fund* needs to be financed quickly, dependably and transparently. There is argument over how the funding volume of \$100 billion sought for 2020 should be shared between private and public sources. The recipient countries will watch closely whether the EU and other donor states really contribute new money or merely redefine existing development transfers or announce private funding.

Thirdly, bilateral and multilateral cooperation on concrete climate protection projects needs to be stepped up. The Durban resolutions call for possibilities to quickly raise the “level of ambition” (the implementation of announced steps) to be reviewed in 2012. This makes a proactive climate foreign policy with respect

to selected partner countries ever more important. But the EU still lacks an external diplomatic service equipped to carry its climate policy forward.

Stepping up the climate process in 2012 thus remains a matter for the larger EU member states. Their efforts should focus on communicating the economic benefits of national climate protection, which is linked in many countries with questions of energy supply, land use or forestry. In order to cover all these eventualities, climate diplomacy must be given a more central position in the work of Germany's external representations.

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