

High Environmental and Political Stakes for COP 17



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Leadership: this is what we need when delegates converge in Durban to attend the 17th Conference of the Parties (COP 17) to the United Nations Framework Convention on Climate Change (UNFCCC) session. Leaders failed us in Copenhagen. They made some progress in Cancun but, during this year, in the lead up to COP 17, we have witnessed a backward slide in negotiations. This trend is worrying, as COP 17 represents a critical point in the ongoing negotiations to reach a multilateral agreement on climate change.

Much is at stake. The first commitment period of the Kyoto Protocol ends in 2012 and COP 17 has to provide certainty about the future. Durban is thus a tipping point. We can either lay the foundation for a legally binding agreement in the future or we can end up in a deadlock. Indeed, the very future of securing a multilateral agreement on climate hangs in the balance.

The Road to Durban – how did we get to such a position?

So how did we get to this point? COP 15 in Copenhagen in 2009 was expected to deliver the 'big deal' on climate change. Massive international expectations were built up ahead of that session and world leaders and citizens were galvanized into believing that the 'big deal' would happen. But the talks failed in Copenhagen and world leaders did not live up to expectations. Analysts have come up with various reasons for this failure. Two major factors that certainly contributed were the global financial crisis as well as the domestic political situation in the United States. The only outcome that was achieved was a political agreement, brokered by some Heads of States and led by President Obama, called the Copenhagen Accord. This Accord suffered a legitimacy and credibility crisis even as it was being crafted. In the end it was not adopted, but only noted, in the early hours of the final plenary of COP 15.

The failure in Copenhagen not only dealt a severe blow to climate talks but to faith in the multilateral system as well. It would take great effort to get countries to rebuild trust. COP 16 in Cancun managed to achieve this in some ways. The Mexican Presidency knew that this was its responsibility and cautiously went about trying to lay the basis for trust and some level of an agreement to be delivered in Cancun. A step-wise approach to reaching a final agreement was developed and Cancun delivered what was called a "balanced package of agreements" that would lay a foundation for a comprehensive agreement in Durban.

And this is where South Africa's problems begin. The interesting aspect of the outcome in Cancun was that all the politically difficult decisions were passed on to COP 17 in Durban. The most challenging one would be deciding on the future of the Kyoto Protocol. Under a very different set of circumstances, South Africa could have played host to a ratification COP. But the current global economic and political situation has meant that South Africa's role as COP President could come down to trying to save the only existing legally binding agreement at this point: the Kyoto Protocol.

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Rich nations have an obligation in terms of the Convention to take leadership and cut their emissions deeper and faster than developing countries, because of the historical responsibility they bear. The way in which they currently do this is through the Kyoto Protocol, in terms of which they have legally binding emission reduction targets.

Why saving the Kyoto Protocol in Durban is important

COP 17 in Durban takes place a year before the 1st Commitment Period of the Kyoto Protocol ends in 2012: in effect this is the last opportunity for parties to reach agreements on a post-2012 climate regime. One of the critical decisions that this COP will have to take is whether or not there will be a 2nd Commitment Period of the Kyoto Protocol. Some key countries, like Japan, Russia and Canada, have already signaled their intention not to join a 2nd Commitment Period. These countries, together with the United States, which is not a signatory to the Protocol, represent a large proportion of the major emitting countries. Their demand is for a legally binding agreement that includes all major developing countries, like China, India, Brazil and South Africa, amongst others.

The fact that these countries do not want to be party to the Kyoto Protocol after 2012 is a major setback for dealing with the threat of climate change. It implies that they will not be taking on legally binding emission reduction targets. And while parties did reach agreement in Cancun on limiting global warming to at least 2° Celsius, it is uncertain how this will be achieved without ambitious, top-down, binding targets for developed countries. The United States and others favor a bottom-up, voluntary pledge and review system instead. But the scale of the problem of climate change implies that such a voluntary system will risk placing the world on a path of runaway dangerous climate change. The emission reduction pledges currently on the table will lead us to a 3°C - 4°C warmer world, with all of its disastrous implications.

The United States has always been clear that it would never ratify the Kyoto Protocol. But what countries need from it is some form of comparable commitment. The US has put forward an emission reduction pledge, but whether even this weak pledge is credible is yet to be seen. We have been witnessing a massive pushback against any climate and energy related actions by vested interests in the US. At this point, with the largest historical emitter in the world in a position where it can offer very little, including finance, it is no wonder that the climate talks have been difficult.

Add to this the fact that we are experiencing a global economic crisis: developed countries, especially the US and the EU, are feeling the impacts of this crisis sharply

– while, on the other hand, we find that some larger developing countries like China and India are experiencing increasing economic growth. Developed countries feel that they will be placing their economies in a weakened state if they take on ambitious emissions targets while some developing countries continue to grow, and continue to increase their emissions. The US has been particularly obsessed with what China should do. The fact is that climate talks have never really been about the climate. They have instead been driven by narrow, short-term, national economic interests – no matter what consequences this will have for the planet and its people.

A further challenge arising from the uncertain future of the Kyoto Protocol – hanging in the balance as it is – is the possible implications it has for the chances of reaching any agreements in Durban. The developing countries, represented by the G77+China bloc, have made it very clear that an agreement to a 2nd Commitment Period under the Kyoto Protocol is a pre-condition for any progress in the talks. Whether this is political rhetoric or a real condition remains to be seen.

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So what does a South African COP Presidency do in the face of such challenges? Cancun has given COP 17 a clear mandate to ensure that there is no gap between a first and second Commitment Period. It is up to South Africa to facilitate such an agreement. To achieve this, countries would need to move away from their existing inflexible positions and make compromises. This will require nimble political and diplomatic skill on the part of South Africa.

A good starting point would be the European Union. They have a key leadership role to play, since they are the only other powerful bloc that can help save the Kyoto Protocol. But they would need something in return for sticking their necks out. Will they be able to step up to the challenge and move without the US and other key developed countries? And will developing countries find a way to assist them to do so by also agreeing to a negotiated outcome that is legally binding for *all* parties at least by 2015?

What about the future?

Up to now, developing countries have correctly demanded that developed countries take historical responsibility by committing to legally binding emission reduction targets, as well as supporting developing country mitigation and adaptation actions. Developing countries, on the other hand, have agreed to implement nationally appropriate mitigation actions mainly on the condition that financial support will be forthcoming from developed countries, and that these actions will not be legally binding. This is an issue of fairness – rich nations have mainly been responsible for the climate change problem we face today.

But, as we move into the future, we must recognize the global geopolitical shifts taking place, as well as the fact that some major developing countries are already exceeding the emissions of certain developed countries. Should the concept of *future* responsibility also be an issue to consider? In this context, could we foresee a future in which developing countries commit to legally binding emission reduction

targets? The way the UNFCCC is set up now, distinguishing between Annex 1 parties (developed countries) and Non-Annex 1 parties, reflects the need for fairness and equity in dealing with who should lead in taking actions, based on the principles of common but differentiated responsibilities and respective capabilities.

The question we need to address is how long would such a clearly defined distinction remain? Should we consider that certain newly industrialised developing countries which are currently defined as Non-Annex 1 could be graduated into an Annex 1 category and could therefore be expected to take on some form of legally binding emission reduction target in the future? A case in point would be the OPEC countries. These countries are part of the G77+China bloc but can we by any stretch of the imagination consider them to be on par with poorer developing countries in that bloc? And yet they have a powerful voice in the G77+China bloc, more so than Least Developed Countries and Small Island States.

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To be able to move into a future climate regime that truly reflects this changing world and truly reflects the Convention's principles of common but differentiated responsibilities and respective capabilities, we would need developed countries to act in good faith and *really* reduce their emissions to the levels required by science. And they are not doing this. Developed countries would also need to provide the financial support that they have committed to. This is the crux

of the problem. Major developing countries will not be prepared to take on legally binding commitments if their developed country counterparts do not take on their fair share of the burden. This logjam has to be broken if we want to see any progress towards a fair, ambitious and binding climate regime in the future, with all doing their fair share. And Durban should be able to lay the basis for this.

COP 17 in a longer-term perspective

It is becoming clear that parties are not ready to reach such a fair, ambitious and legally binding agreement in Durban. The political will at this point in time does not match what the science says is required. COP 17 should therefore be viewed within a longer timeline that could see some of these conditions changing. The period between 2013 and 2015 could be viewed as a "transitional" period: a period in which the space is created for negotiating a future legally binding agreement for all countries.

There are a number of important developments and events taking place during this "transitional" period that could create the momentum needed for a comprehensive agreement. The UNFCCC will see the tabling of the next important Intergovernmental Panel on Climate Change (IPCC) 5th Assessment report as well as the Report on a Review of 1.5°C. These reports will almost certainly present new evidence of the stark reality of the impacts of climate change. It is hoped that the findings in these reports will compel world leaders to wake up and act. Their citizens, who are already experiencing some of the devastating impacts of climate change, will not sit back quietly and accept that their leaders will do nothing.

Linked to this, a number of other key political and global events will also take place during that time: Rio+20 next year; elections in the US; European Parliamentary

elections; preparations for China's 13th 5 year plan, amongst others. A number of countries are already beginning to take actions domestically to lower the emissions intensity of their economies. Taken together with the possibility that the global economic crisis might also stabilize during this period, what we could find is a coming together of all the conditions that can build confidence and make the time ripe for leaders to find the political will to agree to a comprehensive multilateral climate agreement that is fair, ambitious and binding.

What should Durban deliver?

In this context, therefore, COP 17 in Durban should essentially deliver a secure "holding" position for the future. This might sound heretical in the context of the need for urgency, but this is the only pragmatic option to prevent the complete breakdown of multilateral negotiations on climate. What we need to aim for in Durban are two things: *to secure the future for a comprehensive agreement, and to lock in progress made in Cancun.*

This could be achieved through agreements on a balanced package of outcomes. Such a package should include: a lifeline for the Kyoto Protocol, and an agreement between developing countries and the US on a mandate to negotiate a legally binding agreement that will include them in the future. This will help with securing the future for an agreement. All parties also need to ensure that the agreements reached at COP 16 in Cancun are implemented and operationalised, especially the institutional decisions such as the establishment of the Green Climate Fund, the Adaptation Committee and the Technology Mechanism. Progress on reaching agreement on financing for reducing emissions from deforestation and degradation is possible. A robust system of accountability and transparency through a monitoring, reporting and verification (MRV) system is also needed.

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Most importantly, Durban has to deliver on securing long-term finance for climate action in developing countries. The '\$100 billion per annum until 2020' pledge by rich nations cannot remain just a pledge. In Durban we need to have a clear sense of where this money can come from. Agreement on some sources of funding is therefore critical. A number of interesting options are already available for consideration, as presented by the United Nation's Secretary General's Advisory Group on Finance. The recent G20 Finance Ministers meeting also made reference to sources of climate finance in its closing communiqué. Again this would require developed and developing countries to get out of their current trenches on the issue. Developing countries want this money to come predominantly from public sources and developed countries want this to come from private sources. Surely a middle ground is achievable? What we need is for the money to flow; ideological fixation on either side will not help the world's most vulnerable.

Finally, given the urgency of the need for action, we need parties to agree on a global goal for emission reductions – and this needs to be ambitious. To prevent dangerous climate change parties need to agree to reduce their emissions by 80% from 1990 levels by 2050, and to agree to peak their global emissions by 2015, allowing the space for developing countries to peak at a later point. Agreement on a global goal is also a mandate from Cancun for Durban.

Conclusion

None of what is being proposed is unachievable. Political will and a sense of urgency are what are needed. Political leaders need to remember that this COP takes place on the soil of Africa, the continent which, in terms of the science, will be the most vulnerable to climate impacts. They also need to be reminded that the impacts are already being felt. Frequent 'extreme events' have become daily news, and no single country will be exempt. Our fates are intertwined. We need to act in the interests of the global good and not narrow self-interest.

Our children and history will judge us. As things stand we can already be judged harshly. On our watch we have seen one of the worst global economic crises; we have failed to end poverty; we have been unable to deliver peace and security; the divide between rich and poor has increased; and we are now certainly failing to act to ensure the very survival of our planet and its people.

This is what is at stake in Durban.