

BULLETIN

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Global Climate Change Negotiations: Results of the UN Climate Change Conference in Durban

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The most important decisions made at COP17 in Durban concern the future of the Kyoto Protocol and the new global climate change treaty. It was decided to extend the Kyoto Protocol for the second commitment period and agree next year on the quantified emission limits after 2013. Compromise was also reached on a new legally binding document for all parties to the Convention, to be agreed by 2015 and implemented after 2020. However, negotiations on that document can be as difficult as recent negotiations within the framework of the Bali Action Plan.

This year's UN Climate Change Conference (COP17/CMP7) was held in Durban from 28 November to 11 December. The meeting brought together representatives of almost 200 countries to continue negotiations on a future climate-change pact. However, looking at the outcomes of previous climate-change conferences in Copenhagen and Cancun, expectations for the meeting in Durban were rather moderate. Nevertheless, the results of the COP17 could provide the answer to the question of whether it would be possible to achieve acceptance of the biggest emitters for binding greenhouse gas (GHG) emission reduction commitments in the framework of a legal, global agreement.

The Future of the Kyoto Protocol. The main topic of negotiation at the Durban Climate Change Conference was the future of the Kyoto Protocol (KP). Agreed in 1997, KP is the only legally binding document that contains quantified emission limits, but only for the parties included in Annex I to the Protocol. So, this means the United States, the second biggest emitter in the world, as well as major developing countries, such as China, India and Brazil, do not have any emission reduction commitments. Because the Protocol will expire at the end of 2012, there was a risk that without agreement on the future of the KP (the second commitment period), no country would have any emission reduction commitments from 2013 onward. The main supporters of an extension of the KP were developing countries, among them the most exposed to the adverse effects of climate change (especially small island states). Also, major emerging countries (China, India, Brazil) favoured an extension of the KP in its current shape, in which they do not have any commitments but take advantage of the assistance of developed countries for their climate actions. As the main party to the Kyoto Protocol, the EU was conditionally ready to agree to the second commitment period, provided there was an agreement to conclude by 2015 the new ambitious global climate change treaty, legally binding on all major economies, and which would come into effect from 2020. Against the KP extension were Canada, Japan and Russia, which opposed undertaking the new commitments without comparable commitments from major emerging economies.

Finally, the compromise reached in Durban assumed the extension of the Kyoto Protocol. The second commitment period under the KP is going to begin on 1 January 2013, so directly after the expiry of the first commitment period, and will last until the end of 2017 or 2020 (a decision on that date is to be made next year). Parties included in the Annex I to the KP shall provide by 1 May 2012 information on their quantified emission limits for the second commitment period for consideration and approval during the next UN Climate Change Conference in Qatar. However, there was no decision concerning carryover of assigned amount units (AAU) from the first to the second commitment period, which was especially in the interest of countries such as Poland, which fulfilled with

a surplus their GHG reduction commitments from the Kyoto Protocol. The implications of the right to sell AAU during the second commitment period are going to be further analyzed and a solution to this issue will be negotiated next year. The decision made at COP17 will have a direct impact on the EU, which declared a 20% reduction of GHG emission by 2020 compared to the 1990 level (also the goal of the energy-climate package signed in 2008), with the option to move to a 30% reduction level. However, because Canada, Japan and Russia have indicated their intent to not participate in the second commitment period, among the major emitters the new binding emission limits from 2013 would be applied only to Australia, Belarus, Kazakhstan, Norway, Switzerland and Ukraine.

The New Climate Change Treaty. The European Union was ready to agree to the second commitment period of the KP on the condition that major economies, especially the U.S. and China, agree to opening negotiations on a new legal framework for ambitious climate action, to be concluded by 2015, implemented from 2020 and applicable to all countries, even those that do not have any commitments under the Kyoto Protocol. The main opponents of such a solution were China and India, which argued that developed countries bear historical responsibility for emissions and its implication for climate change. They also claim that due to their development needs they are not ready to make any legally binding reduction commitments. Such a position had an impact on the sceptical attitude of the United States, which declared that it would not agree to any quantified emissions limits without legally binding reduction commitments from China in the new treaty. However, an additional factor that prevented American negotiators from making any far-reaching declarations was the lack of appropriate internal regulations (a Congressional climate bill), that is, a clear mandate to offer any emission reduction targets. The EU found allies for its proposal among the least-developed countries and small, island developing states, calling for in a joint statement issued at COP 17 a legally binding agreement covering all nations.

After intense negotiations over almost two extra days, the COP decided to extend only for the next year the work of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA), negotiation track of the Bali Action Plan, and to establish a new Ad Hoc Working Group called the Durban Platform for Enhanced Action. Its mission would be to launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force applicable to all Parties to the Convention. The negotiation on this track should be completed no later than 2015, in order to adopt the new legal document and to implement it from 2020. Furthermore, it was decided that the document should contain an increased level of ambitions for emission reduction commitments, taking into account the recommendation from the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), to be released in 2014.

Conclusions. The decisions adopted at the Durban Climate Change Conference to some extent solve one of the most important problems of the negotiations that began in Bali in 2007. So far, the negotiations have been conducted on two tracks: AWG–KP negotiated the future of the Kyoto Protocol and new emission limits for the second commitment period, whereas AWG–LCA negotiated the long-term mitigation and adaptation actions and possible commitments of the parties to Conventions, which in the end didn't lead to constructive outcomes in terms of emission reduction targets for countries not included in Annex I of the KP. In spite of repeated requests by the EU, it was a hard task to persuade other countries to combine those two negotiation tracks. The decisions made at COP 17 mean that AWG–KP will complete its work next year and then negotiation on one document that is legally binding for all parties to the Convention will proceed in the framework of one track, the Durban Platform for Enhanced Action. So the EU achieved one of its most important goals, which needs to be recognized as a success of the negotiations held on behalf of the EU by the Polish Presidency, especially taking into account the experience of the ineffective EU climate diplomacy during COP15 in Copenhagen.

However, the compromise reached in Durban also means that until 2020 only the EU and a small group of countries will have any binding emission reduction commitments. The other major economies only "agreed to agree in the future" on their GHG emission limits. It is still not decided whether arrangements from Durban are sufficient to raise the EU emission reduction target from 20% to 30%. It's also worth stressing the point that although countries such as the U.S., China or India agreed to launch negotiations on a document that was legally binding for them and to adopt their quantified emission reduction commitments, it's hard to predict if their offers will be comparable and acceptable to the EU, whether they will satisfy the developing countries most exposed to the adverse effects of climate change or whether they will be sufficient to reduce by 2050 the global CO₂ emissions by 50% compared to the 1990 level—the necessary goal to be achieved according to the IPCC.