

Durban - 28 November 2011

AT STAKE IN DURBAN: A CLIMATE DEAL FOR THE 1% OR THE 99%?

A civil society analysis of mitigation issues in the Durban talks

It's a planetary and humanitarian emergency...

The world is already reeling from major humanitarian emergencies exacerbated by climate change: floods in Thailand and Pakistan, landslides from extreme rains in many Latin American countries, and the multi-year drought in the Horn of Africa that threatens the lives of millions.

Current levels of warming have already begun triggering major "tipping points" in the Earth's system – such as Arctic methane releases, Amazon dieback, and the loss of icesheets. 2°C of warming, as proposed by some governments, threatens to tip a cascade of events that will cause warming to spin out of control. We have known since 1986 that warming "beyond 1°C may elicit rapid, unpredictable and non-linear responses that could lead to extensive ecosystem damage", the effects of which we're seeing already.*

...But rich countries risk climate anarchy

To address this crisis many countries – particularly developing countries – seek an agreement in Durban based on science, on the existing legally binding and multilateral system reflected in the Climate Convention and its Kyoto Protocol, and on the deal agreed by all countries in the Bali Roadmap.

A handful of wealthy countries – including notably the United States – are now seeking to move the goalposts. They want to dismantle the rules for developed countries' emissions reductions, shift the burden to developing countries, and renege on the Bali Roadmap. In the process, they are trying to end the Kyoto Protocol, and even the Convention, and replace it with a weak, ineffective "pledge and review" system that may take years to negotiate.

Durban, then, is shaping up as a clash of paradigms between those who believe that the world deserves and needs a science- and rules-based multilateral climate system to tackle perhaps the greatest challenge to face humanity, and those who are seeking to dismantle the existing one.

* UN Advisory Group on Greenhouse Gases, 1986

Developed countries must close the mitigation gap

To have a good chance of keeping global warming below 2°C – a goal that is by no means safe – annual climate pollution must be about 12Gt lower globally by 2020 according to UNEP. Around 14Gt is likely required to keep warming below 1.5°C.

In Copenhagen, developing countries pledged more than 5Gt of reductions with the support of finance, technology and capacity. They are willing to do their part, subject to delivery of finance, technology and capacity in accordance with the Convention. So to keep warming below 1.5°C a gap remains of around 9Gt (i.e., 14 minus 5) for developed countries to reduce.

However, developed countries have offered less than 4Gt of reductions, an effort considerably less ambitious than that offered by developing countries, and despite their "differentiated responsibilities and capabilities" – that is, their greater role in causing climate change and capacities to address it. Moreover, around 4Gt could be lost in accounting "loopholes." Carbon markets would make this outcome even worse. Rich countries may, in other words, make "no net contribution to reducing emissions by 2020".

Given how far emission pledges are from what the science requires, negotiations remain dangerously off track. A UNEP report confirms that countries' pledged emission reductions are too weak to avert dangerous climate change, and could cause warming of a catastrophic 5°C. Warming in Africa and other large land-masses would occur at much higher levels, heralding impacts not experienced in the history of human civilization.

The bargain of the Bali Roadmap must be kept

Under the Bali Roadmap agreed at the December 2007 UN climate conference, governments agreed to an approach under which all countries (covering 100% of global emissions) would contribute to the solution of climate change in accordance with equity, historical responsibility and common but differentiated responsibilities.

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Governments agreed to two tracks of negotiations under the Convention and its Kyoto Protocol. The agreement was that the current system would be maintained as the foundation of the global climate regime, and that we would build around this foundation in an equitable way.

Under the Bali Roadmap, it was understood that:

- The negotiations to ensure developed countries would adopt a second period of binding emission reduction commitments under the Kyoto Protocol commencing 2013;
- The United States, which is the only country to repudiate the Kyoto Protocol, would undertake comparable commitments under the Convention; and
- Developing countries would undertake nationally appropriate mitigation actions, enabled and supported by financing and technology that would be measurable, reportable and verifiable.

The bargain, emphasized consistently by the African Group and many other developing countries, was to maintain the existing rules – including provisions on transparency and compliance under the Kyoto Protocol – and to lift up the standard of other countries (including the United States) through new negotiations under the Convention.

Developed countries were also to honor their long-standing, but largely un-implemented, obligations to enable adaptation and provide substantial financial and technology transfers to developing countries.

Instead: deregulating the climate regime

Rather than honor this plan, many developed countries have now indicated their clear intention to avoid binding obligations to reduce their climate pollution by killing the Kyoto Protocol and replacing it with a weaker “pledge and review” system. At the same time, they are seeking to retain and expand their favored elements of the Kyoto Protocol (i.e. market mechanisms) into a new agreement, and shift their responsibilities onto developing countries.

A “pledge and review” system would mean that the rich countries most responsible for the problem would only reduce their emissions according to political pressures at home, not according to the increasingly dire scientific realities. There would be no internationally binding commitments, no comparability of efforts among developed countries, and no assurance of adequate efforts. The system of common rules and international compliance in the Kyoto Protocol that give meaning to these commitments would be abandoned.

Such an approach would effectively deregulate the climate regime and if agreed to in a new treaty, would mean that a deregulated approach is enshrined in international law.

A Durban mandate for the great escape

Anyone following media reports would be forgiven for thinking that the main issue for the Durban climate conference is to agree on a new legally binding treaty. Rich countries have been actively conveying their message in the media, shaping public expectations that Durban should deliver a new treaty, or at least a mandate for one. At the same time, some developing countries have also been calling for a new treaty.

The fine print however is that the rich countries want a new treaty that replaces an existing one - the Kyoto Protocol, whereas the least developed and island nations want a new treaty that complements, and sits alongside the Kyoto Protocol, not replaces it. These positions are incompatible.

Developing countries, in other words, want to implement the Bali Roadmap and ensure legally binding commitments under the Kyoto Protocol, but the developed countries are seeking to do away with all this, through a new mandate. If a new mandate is agreed, it is unlikely the interests of poor countries would prevail. The United States is unlikely to sign on altogether, risking further delay and inaction.

The reality is that the Convention and the Kyoto Protocol that make up the existing legally-binding climate architecture desperately needs implementing, not replacing. Developed countries appear progressive by asking for a legally binding treaty or the mandate for one, when the real truth is that they are violating the current legally binding regime, shifting the goalpost agreed in the Bali Roadmap, and renege on agreements for a second commitment period of the Kyoto Protocol.

The call for a new mandate for a new treaty in place of the Kyoto Protocol should be understood for what it really is – rich countries backtracking and renege on inconvenient obligations, at the expense of the poor and the planet. As it has been throughout history, the rich and powerful are re-writing the rules in their favour.

An elite and corporate led agenda by the 1% for the 1%

Underpinning the shift in the UN climate negotiations towards a “deregulatory” pledge-based system are vested interests represented in Northern industrialized countries, international financial institutions, multinational corporations and elites in both the North and the South.

The position of the United States in international climate negotiations, for instance, is shaped substantially by its failure to secure domestic climate legislation, which in turn is the result of actions by powerful economic lobbies including the coal, oil, automotive, metals, fertilizer, chemical, agri-business and other special interests, and the lobbyists and politicians they fund in Washington.

Vested interests have opposed not merely domestic legislation and international emission reduction pledges, but also any

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curbs on emissions that would affect their interests. Some are architects of the effort to deny climate change altogether, attacking climate scientists and limiting public understanding of the necessity of climate action. More than undermining the current inadequate pledges – which could lead the world to over 5 degrees °C of global warming – they seek to stop any effective action on climate change at all.

What must happen in Durban

Negotiations on further commitments for Annex I Parties have continued since 2005 with no clear commitment by Annex I countries that they will fulfill their legal obligations.

The time for ensuring there is no “gap” between the first and second periods of the Kyoto Protocol has run out – the moment of truth has arrived. Developed countries must now commit to a legal, not political, second commitment period of the Protocol.

Europe must stand up and be counted as a leader among developed countries, to join with developing countries in calling for an outcome that increases ambition, addresses the hard issues left off the table in Cancun, honors the promises made in Bali, and builds on – rather than dismantles – the climate system built since the Convention was agreed in 1992.

Europe, which has in the past tried to give leadership where other developed countries had been wanting, is now hedging, hoping to benefit from the dishonourable action of Canada, Japan, Russia, US, and others who are seeking to destroy the Kyoto Protocol, while avoiding the blame. It is time for Europe to be a true leader.

All developed countries must recommit to the Bali Roadmap which covers 100% of global emissions through three pillars:

1. Binding cuts for Annex I countries under the Kyoto Protocol;
2. Comparable efforts for the United States under the Convention; and
3. Appropriate mitigation actions by developing countries, supported by finance, technology and capacity.

Note: This briefing is focused on mitigation. Briefs on other issues are forthcoming. For more background information see climate-justice.info.

Key outcomes for mitigation from Durban:

- Parties must formally commit to conclude negotiations under the Kyoto Protocol, through an amendment of its Annex B. To ensure there is no gap between the first and second commitment period, as legally required by the Protocol negotiations, provisional application of the second commitment period must be agreed, pending entry into force. African governments have said there is “No Plan B” on the Kyoto Protocol. Durban must not be the burial ground of the Kyoto Protocol.
- Negotiations under the Protocol must close the “mitigation gap” between developed countries’ pledges and what science and equity require. Developed countries must show leadership, put aside the interests of their polluting corporations, and re-commit to an ambitious second commitment period. Europe must lead the developed countries, and not continue to use delaying tactics.
- Developed countries must not shift the burden to developing countries through carbon markets, or through using loopholes such as creative land-use accounting and surplus allowances. Current proposals for mitigation, markets and loopholes threaten not merely the negotiations but the global effort to tackle climate change.
- The United States, as the only developed country non-Party to the Kyoto Protocol, must commit to do its fair share and take on comparable efforts under the Convention, including ambitious, legally binding, economy-wide emission reduction commitments.
- Long-term sources and scale of finance commencing in 2013 must be agreed in Durban, for both mitigation and adaptation, and a process for determining how much finance is “necessary for implementation of the Convention” including mitigation actions by developing countries.
- Finance must be provided through a Green Climate Fund that is accountable to all countries under the Conference of Parties that supports developing countries not private corporations. Any “private sector facility” is to be opposed.

These elements must be part of an ambitious package on all issues that strengthens the global climate architecture, serves the interests of people not polluters, and supports the transformational change required for a more just and safe world. The world is watching: Durban must deliver for the 99%.