



Bridges Durban Update

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ELEVENTH HOUR DEAL EMERGES FROM PROTRACTED DURBAN CLIMATE MEET

Despite finding themselves near the brink of collapse in the early hours of Sunday morning, negotiators at the UNFCCC's 17th Conference of the Parties managed to find enough common ground to strike a deal. The decision puts the world on a path to negotiating a legal climate agreement – one that involves all major emitters including the US, India and China – that would enter into force in 2015.

The “[Durban Platform for Enhanced Action](#)” also commits parties to a second commitment for the Kyoto Protocol and provides a plan to advance implementation of the Cancun Agreement on financing, through the Global Climate Fund (GCF); technology; response measures; and reduced emissions from avoided deforestation. It falls short of expectations on the inclusion of agriculture in any long-range action, as well as on taxation or carbon-curling from maritime and air transport.

Importantly, the agreement reaffirms the goal of capping global warming at a maximum of 2°C. However, it also notes with “grave concern” that current commitments will not meet that goal and launches a work plan that will help improve ambition on the issue.

In their statements, virtually all delegates conceded that the new platform is not perfect. Much of the firm and less ambiguous language that many parties were aiming for has been weakened and several sticking points agreed upon by using vague references.

“None of us likes everything in it,” US climate envoy Todd Stern said of the deal. “Believe me, there is plenty the United States is not thrilled about.”

But South African Minister and COP president Maite Nkoana-Mashabane reminded parties that while perfection is the goal, it is not a requirement.

“I think we all realise [the texts] are not perfect,” she said. “But we should not let the perfect become the enemy of the good and the possible.”

Coming into Durban two weeks ago, the EU had been pushing for a new legally binding treaty by 2015 that would cover all major emitters. For that, the 27-member bloc said it would agree to sign up to a second period of emissions cuts under the Kyoto Protocol.

In the end, the UK's climate change secretary, Chris Huhne, hailed the deal, calling it a “significant step forward” that sends a strong message to business and investors about the need to move to a low-carbon economy.

UN Secretary-General Ban Ki-moon similarly welcomed the agreement, saying that the deal reached by the 194 parties to the UN Climate Convention was a significant step forward.

“The decision to launch a protocol or legal instrument applicable to all parties under the UNFCCC is essential for stimulating greater action and for raising the level of ambition and the mobilisation of resources to respond to the challenges of climate change,” Ban said in a statement.

He also stressed that the agreement to establish a second commitment period of the Kyoto Protocol “will increase certainty for the carbon market and provides additional incentives for new investments in technology and the infrastructure necessary to fight climate change.”

Kyoto Protocol?

There is no question that the biggest issue at play going into the Durban talks was the future of the Kyoto Protocol, which was signed in 1997. The first implementation period – or “commitment period,” in climate parlance – of the Protocol began in 2008 and is set to end next year. With 2012 fast approaching, developing countries had been pushing all parties to agree to a second commitment period of the Protocol to ensure that developed countries would continue to be held to their binding commitments.

With Canada, Japan, and Russia insisting prior to the meet that they would not sign on to another commitment period – and the US not having ratified the deal – moving the Protocol forward was left primarily to the EU. In the end, the Kyoto issue proved to be the bargaining chip that launched the new path to the future.

Connie Hedegaard, the EU's climate change commissioner, said she was prepared to offer developing countries what they were after only if they would agree to be “legally bound” to a new agreement by 2020.

“We need clarity...we need to commit,” she said in the final hours of the Durban meeting. “The EU has shown patience for many years. We are almost ready to be alone in a second commitment period. We don't ask too much of the world that after this second period all countries will be legally bound.”

There was resistance up until the very end, with Indian negotiator Jayanthi Natarajan making an emotional plea to not be asked to “sign away the rights of 1.2 billion people and many other people in the developing world” by agreeing to something that could limit their ability to grow their economy.

In the end, following a “huddle” requested by the COP president, the EU and India came to agreement on the issue by changing the phrase “legal outcome” in the earlier Durban Platform draft to “an agreed outcome with legal force under the convention applicable to all parties.” This weaker language was enough to satisfy India, which is hesitant to sign up for a deal that could impede its development.

The deal is indeed a breakthrough, but some environmental groups are questioning the value of a second Kyoto deal – dubbed by some KP2 – that does not include the US, Canada, Japan, and Russia. The text is also somewhat ambiguous on whether the Protocol will be extended to either 2017 or 2020, punting a final decision on the issue down the road to COP 18, which will take place next year in Doha, Qatar.

Green Climate Fund

Durban also saw movement on the other major expected outcome of the meet, with progress made on the Green Climate Fund. As expected, the [text](#) approves the governing instrument which will establish a 24 member board, composed of an equal number of developed and developing country members.

Members of the board – and their alternates – will be selected by their respective constituency or regional group within a constituency. The text also requires members to have the necessary finance and climate change skills and expertise and notes that gender balance should also be considered.

Importantly, it was agreed that the World Bank will serve as the interim trustee of the Fund for the first three years after its operationalisation. Washington had been pushing for the Bank to be designated as the trustee, insisting that the Fund must be managed by an international organisation with experience in managing funds globally.

Progress on response measures

The Seventeenth Conference of the Parties also made advances on the issue of response measures,

one heading that can encompass some of the major trade issues in climate change negotiations. The agreed [text](#) establishes a forum that will enact a work programme on the impact of the implementation of response measures – actions taken by countries to combat climate change – and consolidates all discussions on the response measures issue under the UN Climate Convention.

Traditionally associated with the potential impacts that a decrease in the use of fossil fuels will have on petroleum-producing countries, the impacts of response measures has become a hot issue for many developing countries, who argue that social and economic consequences would be faced through other sectors or economy-wide too.

This response measures issue was bitterly fought out in a small negotiating group under the Subsidiary Body for Scientific and Technical Advice (SBSTA), with sessions stretching late into the Saturday night. With ministers tied up in the informal discussions or “indabas” – for which COP 17 will be remembered – negotiators from a handful of countries commented that they could no longer move the issue forward.

While there was a clear split between developed and developing countries, the most notable divide was between the US and the G77 and China. Some observers speculated that the response measures issue was being dragged out on purpose by some parties so it could be used as a bargaining chip in other discussions. At one point, the SBSTA chair expressed his frustration at a US request to discuss the issue with colleagues working under the LCA, reminding the delegate that the response measures issue was not being negotiated under an ad hoc working group.

The final decision on the issue adopts a work programme and calls for the establishment of a forum on the impact of response measures to be convened by the chairs of both subsidiary bodies – STA and Implementation (SBI). It asks the subsidiary bodies to review the work of the forum this year and advance their findings in 2013 at COP 19.

While other trade issues – including agriculture and bunker fuels, dirty fuel used in shipping and aviation – failed to gain any meaningful traction in Durban, there was movement on technology, with the Green Climate Fund tasked with ensuring adequate development and transfer.

Technology transfer

Negotiators in Durban were also able to move forward the process of operationalising the Technology Mechanism, which had been established at last year's climate talks in Cancun.

The talk surrounding the Technology Mechanism touched upon a variety of issues, including the undefined relationship between Mechanism's two main bodies - the Technology Executive Committee (TEC) and Climate Technology Centre and Network (CTCN).

This issue has now been settled, with negotiators establishing a system of joint reporting by the TEC and CTCN to the COP. While developing countries wanted the TEC to provide guidance and oversight to the CTCN, this was not retained in the final language regarding the Mechanism.

Durban also witnessed the adoption of the terms of reference of the CTCN; these addressed the issue of governance through the establishment of an advisory body that reports to the COP.

Although intellectual property was raised several times in the context of the technology discussions, particularly by developing countries, apparently it did not feature in the final text.

A monumental deal?

So soon after the close of South Africa's climate meeting, it is hard to tell how this COP will be remembered in hindsight. While many attendees noted that the logistics of the event were an incomparable improvement on Cancun, there were still several shortcomings.

The closing plenaries saw constant praise from the floor for the COP president's tireless work and insistence that parties engage in a spirit of compromise and "Ubuntu." However, some delegates were critical of some of the tactics employed by the president.

The meet will most certainly be remembered for its use of South African tribal-inspired "indabas" to generate high-level discussion on major issues. However, while the indaba process was useful for ironing out "big picture" issues, one delegate told Bridges, it also tied up ministers' valuable time when they could be helping to move individual texts forward. Another negotiator said this was the reason the meeting stretched so long into overtime.

There was also a profound sense of confusion that clouded much of the two weeks of negotiations, with little information emerging from the talks as they unfolded. This atmosphere only intensified on Thursday, Friday, and Saturday, with reporters and other observers caught in a holding pattern, perpetually asking each other if they've heard *anything*.

The deafening silence from the COP only deepened late on Friday, with reporters, observers, and many delegates leaving the venue shortly before midnight unsure of what to expect on Saturday.

Despite these drawbacks, the process was guided to completion with South Africa at the helm. The COP will certainly be remembered for the exhaustion of those in attendance, but that is insignificant in historical terms. What is significant is the multilateral passion, emotion, and spirit of compromise seen from all delegates.

After three sleepless nights of hard work, the UNFCCC has proven that the multilateral process is still alive and capable of making collective progress. Indeed, what seemed impossible only three weeks back – namely an extension of the Kyoto Protocol and a plan to legally bind all emitters, traditional and emerging – was ultimately made possible through hard work and skilful diplomacy. A long and winding road has been drawn in Durban. But for climate change to be addressed effectively, this path will need to be travelled well and to actual reductions in global warming before success can truly be declared. Only then will we be able to declare more than "this past weekend, countries simply avoided to fail."

All of the decisions adopted by COP 17 and CMP 7 can be accessed [here](#).

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