

## **Durban Climate Conference; making a big deal of no deal**

**Ajay K Jha, PAIRVI/Beyond Copenhagen, 14<sup>th</sup> December 2011**

Durban Climate Change Conference ended on Sunday, overstretched by more than 36 hours. The exceptional outcome of the Conference has been that without deciding on any of the critical issues, the COP has been able to sell the failed Conference with a business acumen envied by toppers of biggest B schools. Everybody went back happy. Minister Mashabane proved to be able successor to Madam Patricia Espinosa. The Durban COP declared that "a second commitment period has been agreed, a new climate regime initiated bringing all the parties including major developing economies on board, and the GCF launched." Masterstroke of diplomacy and genuine and ambitious reply to the current climate crisis! However, the fine prints suggest that Durban not only postponed the hard decisions for many years to come, but also pressurized developing countries to be more accommodating than the developed countries. The work which has been left is many times more daunting than what has been achieved. In fact, even before the negotiators could reach back and charm their citizenry on how they could manage to pull off an impossible deal, the writing on the wall appears. The Chief American negotiator Tod Stern raised the storm even before the dust on COP 17 could settle by saying that hard work (read impossible) awaits the negotiators. Canada, not to be undone, declared its withdrawal from Kyoto Protocol. India and China probably are yet to position themselves on what to say.

Durban package delivered by COP 17 mainly consists of (i) the second commitment period (2CP) for emissions reductions by Annex 1 Parties under the KP; (ii) a decision on the Green Climate Fund (GCF) and (iii) an agreement on the Durban Platform for enhanced action. The package to which bleary eyed over worked negotiators have agreed definitely postpones desired action on climate front at least for 8 years, and puts the world on the risk of increase in temperature in the range of 4 to 6 DC. Not only that, COP 17 claims success on something which is yet to be decided and agreed upon; it is a trophy without the race! The second commitment period of the Kyoto Protocol beginning 2013, which may remain operational till 2017 or till 2020, fails to mention the numbers by which Annex 1 countries will reduce their emissions, which is to be decided by May 2012. It is highly circumspect that industrialized countries which have till date resisted responding to the demands of the science have intentions of doing something which they refused for so many years. The International Energy Agency says that for every dollar not spent on renewable adds a cost worth 4.5 USD in terms of mitigation and adaptation. The Green Climate Fund has been declared to be launched, will be operational by 2012. However, developed countries are yet to decide when and by how much they will fill its coffers. The most contentious fact, the trusteeship of the Fund remains with World Bank at least for a period of three years, when its performance will be reviewed, despite stiff opposition by developing countries.

However, the most celebrated decision of the COP 17 is the establishment of a new Durban Platform for enhanced action aimed at building up a new regime. The definition precisely defines the nature of the regime. It is either a "Protocol", or a "new legal framework", or an "agreed outcome with legal force." The only certain thing is that it will be "applicable to all." The draft document bids a final adieu to the most important principle, the "Common but differentiated responsibility based on respective capability," which has been the cornerstone of equity in the Kyoto Protocol. India and China, despite talking in impassioned way on the equity, could do no further when US says "if equity is in US is out." The document has no reference to equity or the CBDR. The document has much less relation to the scientific demands, and the proportion by which all countries (if at all) will reduce their emissions will be determined in future.

It is hoped that the regime will be finalized by 2015 and will be operational by 2020. One fails to understand how it will help to enhance the level of ambition of developed countries who have till now offered to reduce only 16-17% as against 40% demanded by science by 1990 standards. A number of developed countries and developing countries have refused to take 1990 emissions as baseline, and insist on making 2005 as baseline. Equally problematic are QELROs to be undertaken by developing countries. Developing countries till now have not provided a timeline for peaking of emissions. It will be highly difficult for countries like India and China to declare when their emissions will peak and reduce further. China is projected to overtake EU in terms of per capita income by 2020, when it will be extremely difficult for it to argue the developing country theory. One can clearly foresee more scope for conflict than consensus here. US climate policy and commitments remain highly subject to the results of the Presidential elections late next year.

As these decisions were not enough regressive COP 17 also approved extension of CDMs but also increased its scope by allowing CDM in Carbon Capture and Storage in geological formations aiming at big CDM projects. It is also interesting to note that countries who do want to go to Second commitment period of the protocol can also benefit from market based mechanism.

From India's point of view, the COP has been highly disappointing and shows lack of preparation. Except for talking on "equity in the atmospheric space," India hardly did anything to bring numbers on their side. While gaining proximity of China, India failed to capitalize on its BASIC camaraderie in putting South Africa and Brazil under pressure to support her. Put into last minute huddle with the EU, India bartered its strong stance for "agreed outcome with legal force." India's proposals on IPRs and Unilateral Trade measures also did not find much support and would have to look for resolution of these issues elsewhere. India should take a lesson or two in climate diplomacy from EU, whose proposal was the clear winner right from beginning of the Conference. The Durban package is almost everything that EU proposed and the world disposed.

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