

Readings on Critical Issues & Concerns for NGOs, Activists and others concerned with Justice & Social Change compiled for the workshops on **CLIMATE CHANGE & YOU.. Your WASTE**, 10th & 11th Feb, 2012, Mumbai

The 17th Conference of Parties to the UN Framework Convention on Climate Change (COP 17) met in Durban in December 2011 to negotiate ways to drastically reduce emissions to keep the world safe from a catastrophic collapse. What they achieved at the end of several days of protracted negotiations was to push the world to yet another round of torturous and messy negotiations for a new treaty, protocol or legal instrument.

Under “**the Durban Platform for Enhanced Action**”, the world agreed to negotiate “a protocol, another legal instrument or an agreed outcome with legal force” by 2012, to be implemented from 2020. Thus sounding the death knell of the basic principle of climate negotiations - Common but Differentiated Responsibilities (CBDR).

Lack of mention of any criteria for differentiation in “applicable to all” suggests that the notion of North-South differentiation will undergo substantial reformulation in the new agreement in favour of the North. Durban however preserved and expanded the protocol’s more odious features; especially the gigantic racket called carbon trading, and moved towards bringing agriculture within its ambit after having done so earlier with forestry. The aim is to inject steroids into the carbon markets which have collapsed because of the great recession and because of the sub-prime loan style speculative trading. – ([P Bidwai: Road to Nowhere](#))

Everything will be up for grabs, all principles will be reopened and all the old arm-twisting and back room maneuverings will be back in full swing. But with one big difference: no developed-developing firewall, rather a single framework for all countries. – ([D. Raghunandan, Delhi Science Forum: Kyoto Negotiations Redux](#))

The political context for the inclusion of this term “applicable to all”, in particular in the face of the conspicuous absence of the usual markers for differentiation — equity and common but differentiated responsibilities — makes it crystal clear that the goal posts on differentiation will shift post-2020. ([Lavanya Rajamani: Deconstructing Durban](#))



inel.wordpress.com

India's Non-position!

India went along with it because it was cornered and had no credible alternative proposals to make, which would also impose some constraints on the major emerging economies, dissimilar to the North's obligations, while exempting the vast majority of southern countries for binding commitments. After all, global carbon dioxide emissions rose 27% in 1990-2009, but China's emissions grew by 197% and India's by 176% over the same period. (Bidwai)

The science, practical politics and ethics too call for large developing countries to take on more serious mitigation actions, which would also bring substantial financial and societal co-benefits. Regrettably, this has not been internalized within the Indian policy establishment or even in sections of civil society. Except for occasional flashes of recognition in the recent past, a proper understanding of the future role of India and other large developing nations in emissions mitigation has not been evolved and properly integrated into the nation's official climate policy either domestically or internationally. (Raghunandan)

The other option would have been for India to retain its opposition to the "deal to have a deal" but to put greater effort into explicating its views, especially in providing more operational content to its demand for equity.

Such a position could importantly have included pre-conditions, for instance appropriate ambitious mitigation targets for the developed countries, essential for these commitments to be realised.

Regrettably, influential sections of the climate policy community and civil society have developed an unhealthy obsession with the term "legally binding" to the exclusion of all else in the arena of climate negotiations. Fortunately they are not the sole voices on the climate issue. But a fundamental question raised by Durban, that policymakers as well as public opinion need to face up to, is this: where should the fundamental red line in Indian climate policy lie? Should it be with "equity" or should it be with the term "legally binding"? ([Jayaraman T: Post-Durban, India has its task cut out](#))

Our interests fall under two broad heads...: First prospects for of high poverty levels of much of our population (development and alleviation should) not (be) restricted. Second, India has a great deal to lose from unchecked climate change, whether in terms of vulnerability of food systems, water availability, disease burden, sea level rise or weather events.

India's negotiating position has long prioritized the first objective - staving off caps. ([Navroz Dubash: Looking beyond Durban](#))

"India is asking for space for basic development for its people and poverty eradication. Is this an unreasonable demand?" she rightly asked. She said she could not "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.

But, given that Natarajan also said equity had to be "the centerpiece of the climate discussion and our negotiations should be built on it," why did she agree to launch a process to develop another legal instrument or a legal outcome under the Convention applicable to all parties, without a specific demand that this outcome incorporates equity or a reference to the principle of common but differentiated responsibilities? ([Anju Sharma: Climate Conversations - India's back to the wall at Durban](#))

Where do we go from here?

Carbon Budget models apply a principle of equity and apportion to each nation a fair share of the remaining total carbon budget proportional to its population and after deducting its historical contribution to accumulated carbon. This developed countries currently occupying more than their fair share, would need to decrease their total emissions over a given period, while a country such as India could increase its total emissions, both till they reach their respective fair share. (Raghunandan)

The principle of equity will have to be formulated in terms that stand some chance of being accepted, and not just as clever statements in a college debate. The key point is the need for space for development and meeting the energy needs of people who are moving out of poverty. Fairness and justice require that such people should not have to bear the costs of adjustment. A certain base level of emissions per capita should be treated as a prior charge on available environmental space. ([Nitin Desai: Momentum from Durban](#))

One important way forward is to reconceptualise India's stance on climate equity based on a per capita allocation.

A negotiating position based solely on allocating atmosphere space confers no responsibility on a country to assess its choice of development path.. The logic is strengthened by recognizing that imperative for all countries to explore lower carbon paths. Focusing on atmospheric space rather than development prospects exposes us to the charge of supporting a right to pollute into the future, independent of changes in technological context..

An approach that combines attention to industrialised countries' historical responsibility for the problem with an embrace of the responsibility to explore low carbon development trajectories is both ethically defensible and strategically wise. Ironically our own domestic national approach to actively exploring "co-benefits"-policies that promote development while also yielding climate gains-suggests that we do take climate science seriously and have embraced responsibility as duty. (Dubash)

There are six strategic issues for our new climate policy.

One: We will need a new organizing principle to shape the new arrangement.

Two: We should insist on maintaining the current differentiation between countries with respect to obligations for emissions reduction and obligations for provision of financial resources and technology. Moreover, the rationale should now be that technologies needed to deal with a global challenge be considered as 'global goods'. It is also time we announced that we do not need financial resources.

Three: there should be clarity on what our preferred outcome would be for tradeoffs where we retain certain rights we have under the convention, even as we give up some rights and take on new obligations.

Four, we will need to consider setting up a new group of 'like-minded countries'. Issue-based cooperation on certain elements, like technology, with differences around other concerns is quite in order.

Fifth, the key issue will be setting the agenda around a new organising principle to establish equity as the basis of the new framework.

Six, we also now know that a treaty by itself does not ensure implementation, and

what we need is a transformation of the global economy and society, to be achieved by modifying certain longer-term trends with respect to urbanisation, transportation and dietary habits, and will take time. The battle over the policy architecture for the climate regime will now take place in the Rio + 20 World Conference in June 2012, and, there too, the focus must be on eradication of poverty and energy efficiency. ([Mukul Sanwal, Climate Policy Beyond Durban](#))

References

Bidwai, Praful. Durban: Road to Nowhere. Economic & Political Weekly, 31 December 2011

Desai, Nitin, Momentum from Durban. Business Standard, 15 December 2011

Jayaraman. T, Post-Durban, India has its task cut out, 20 December, 2011, The Hindu

Rajamani, Lavanya, Deconstructing Durban Indian Express, 15 December, 2011

Raghuandan, D. Durban Platform: Kyoto Negotiations Redux. Economic and Political Weekly, 31 December 2011

Sanwal, Mukul, Climate Policy Beyond Durban, The Economic Times, 14 December, 2011

Sharma Anju, Climate Conversations - India's back to the wall at Durban , Alternet, 6, January, 2011

Additional Reading:

On the Road again: Progressive Countries Score a Realpolitik Victory in Durban while the Real Climate Continues to Heat Up. Sterk, Arens et al, Wuppertal Institute, 2011;

<http://www.wupperinst.org/>

What will be the overarching long-term framework of international climate policy and what near-term action will be taken to combat climate change? This first part of this report by Wolfgang Sterk and others details the negotiations and outcome on the legal form of the future climate regime. The second part discusses near-term action along the "building blocks" of the Bali Action Plan.

Q & A: The Legal Aspects of the Durban Platform Text.

Werksman, WRI Insights, 2011

Under international law, a binding agreement means a country agrees to be held accountable by other parties for compliance. The additional step of "ratification" makes these agreements become binding under the domestic law of that country. "**Agreed outcome with legal force**" seems to be designed to allow room for the negotiations to end with an outcome that doesn't take the form of a protocol, an amendment and or an annex to the UNFCCC Convention, but is still "under the Convention"

<http://insights.wri.org/news/2011/12/qa-legal-aspects-durban-platform-text>.

[Bending the curve back to multilateral agreement on climate change](#)

Harald Winkler, December 15, 2011. After Copenhagen and Cancún, there was a significant chance that negotiations would veer off into the pledge and review world. After Durban, the multi-lateral rules based system remains at the heart of both work now and negotiation of the future. With a view to secure a second commitment period of KP, a future for Kyoto was agreed. This is significant in its own right, with detailed commitments (QELROs) to be submitted by 1 May 2012, with the final adoption in Qatar next year. Durban means that the only legally binding instrument remains in force, while a new agreement is negotiated by 2015.

[What Durban means for carbon markets](#). Payal Parekh, climate-consulting.org

While there was no agreement to a new market-based mechanism, it has been defined and a work programme has been agreed to (p. 83-86) in order to develop procedures and modalities for a mechanism guided by decision [1/CP.16, paragraph 80](#), which was taken in Cancun and lays out a number of principles including the safeguarding of environmental integrity, ensuring a net decrease and/or avoidance of global greenhouse gas, as well as complementarity.

The EU would like to have a new market-based mechanism designed under the auspices of the COP to ensure a harmonised global market. Since the EU has also banned the use of CDM credits from projects registered after 2012 in non-LDC countries (projects in non-LDCs that have their crediting period renewed post-2012 remain eligible), it would prefer a new market mechanism under the UNFCCC rather than having to make bilateral agreements with a number of countries.

NEXT STOP: BLAME IT ON RIO?

Twenty years ago, in June, 1992 at the UN Conference on Environment and Development (UNCED) the international community agreed on the UN Framework Convention on Climate Change (UNFCCC) that provided the frame work for international negotiation on climate change till today. In June 2012, they will come together again in Rio for the Earth Summit- dubbed as Rio+ 20. This time around the focus will be on 'Green Economy in the context of poverty eradication and sustainable development'.

Will Rio+20 deliver?