

Is the Durban Platform of 2011 a Break-Through in Global Climate Change Negotiations?

Ponsah Saleh Clement Selbong
Department of History & International Studies, University of Jos

Abstract

This essay argues that though the Durban Summit, unlike the Copenhagen Summit, recorded some important achievements, there are inherent challenges which renders the meeting less-important. The essay argues that though the meeting as contented by Maite Nkoana-Mashabane, South Africa's Minister of International Relations, "has taken crucial steps forward for the common good and the global citizenry", there are questions which continue to remain a source of challenge among states. In making meaning of the materials, the authors utilised critical analysis to explore the issues that dominate the Durban Summit. The article benefits from secondary materials sourced from the database of Coventry University and University of Birmingham, United Kingdom.

Introduction

Like the wars of the last century, environmental and climate debate across national and international level is the pre-occupation of state and non-state actors. More than anything else, the issue has created new tensions within conference halls just the same way it has appeared on the agenda of international conferences. Yet, there with little impacts in real sense (Bodansky, 2012: 2). The above statement aptly captures the endless negotiations on climate change and environmental issues in general. In contemporary times, there is hardly any issue that has attracted the attention of the international system such as negotiations on climate change. Even though climate change has been on the agenda of many international environmental meetings before the early 1990s, its basic principles of negotiating climate change were set out in the famous United Nations Framework Convention on Climate Change (UNFCCC) which was agreed upon in the end of the Rio de Janeiro meeting in 1992 (Schipper, 2006).

As contented in the Rio document, parties to the Rio Convention set out to meet at least once every year to deliberate on actions needed to facilitate the implementation of the various agreements that may have been reached (Panjabi, 1997). Examples of such meetings are the conference of the parties (COP) and Conference and Meeting of the Parties to the Kyoto Protocol (CMP). Following several other meetings, the Durban Conference was convened as the 17th Meeting of COP and 7th Meeting of CMP (Morel *et al*, 2011). This essay argues that though the Durban Summit, unlike the Copenhagen Summit, recorded some important achievements, there are inherent challenges which renders the meeting less-important. The essay argues that though the meeting as contented by Maite Nkoana-Mashabane, former South Africa's Minister of International Relations, "has taken crucial steps forward for the common good and the global citizenry", there are questions which continue to remain a source of challenge among states. To achieve the objective of the essay, it has been divided into four parts namely: Part I provide a background of negotiation frameworks before Durban; Part II discussed some of the achievements of the Summit; Part III examined some of the observable failures of the Summit; and Part IV assessed the Durban Summit as a whole.

Part I: Other Negotiation Frameworks Before Durban Summit

Many of the Summits that precede the Durban Summit have largely been less impressive. Some observers like O'Riordan and Jager (2000) argues that the absence of a definitive agreement because of the unwillingness of world's greatest polluters such as the United States and China to negotiate and agreed on a legally binding agreement has been the major reason for the failure of many international climate conferences such as the Berlin Mandate (1995), Kyoto Protocol (1997), Bali (2007), Copenhagen (2009) and Cancun (2010) Conferences. While it would be wrong to assume that all the conferences failed because of the same purposes, many would agree with the fact that there has always been a division over issues of responsibilities such as the debates that have always enveloped developed and developing countries. While many states refused to ratify the Kyoto Protocol (1997) mainly because of its strict provisions and applicability (Von Stein, 2008), others contended that the Copenhagen Conference was a disappointment as state representatives returned home without an agreement (Dimitrov, 2010). The Cancun Conference (2010) which was a follow up conference to the Copenhagen (2009) though had its successes especially in the area of laying the foundation of the politics of eliminating the sharp distinction between developed and developing countries, it could not be concluded because of lack of agreement accentuated by the sharp distinction between developed and developing countries. In all the previous conferences before Durban Summit (2011), the distinction between what is popularly known as Annex I and Non-Annex I countries has always been clear, often without bitter disagreement and the lack of consensus (Ali, 2006). The

various deadlock on many instances of climate change negotiations are similar; it is either that states do not desire to reach a deal that would commit them to massive funding or that states are actually concerned with their perceived national interest, thus act only when it matters to them. This position has been aptly captured by one observer: The Westphalia international system encourages Nations to fight for their narrow short term perceived interest, making effective international cooperation on climate change extra-ordinarily difficult (Harris, P. G. (2013). Again, the economic realities caused by the global economic meltdown starting from 2008 when Western industrialized countries slumped into serious recession and which have since spread to different parts of the world as a result of global capitalist network, has contributed to the unwillingness of advanced economies toward committing themselves to any reasonable action that may tamper with the little recoveries that have been witnessed so far (O'Riordan & Jager, 2012). The situation can also be offered to explain their unwillingness or rather inability to meet up with their \$30 billion pledge to expend on emission reduction targets between 2010 and 2012 (2012: 228). Many economies are still struggling with domestic economic pressures. This has been made worse with the reaction of countries like Russia, Canada and Japan who announced their unwillingness to take part in the second commitment regime of the Kyoto Protocol because of what they termed as lack of commitment from polluters, like the United States and China. Again, European Union's conditions for the negotiation of a new roadmap for climate negotiations by 2015 have also created difficulties in the negotiations. No doubt, this has rendered many summits and meetings including the meetings before the Durban Summit less-impressive. But was the Durban Summit (2011) any different? Or was it another jamboree? I have attempted to answer this and many other questions in the following parts of the essay.

Part II: The Durban Summit and its Successes

After intensive deliberations, the Durban Summit came up with three important decisions. These decisions constituted the core position of Maite Nkoana-Mashabane, the South African Minister of International Relations and Cooperation and President of the Durban United Nations Climate Change Conference, which was earlier quoted. For greater understanding and analysis of the perspective advance above, I will discuss the decisions on the basis of which, the statement accredited to South African Minister is made.

To begin with, one of the three important results of the Durban Summit was the elimination of distinction between developed and developing countries or the Durban Platform for Enhanced Action (Rajamani, 2012). Lest we forget, this distinction, as stated earlier, has been one of the explanations for the failure of the previous summits. In other words, the clear line which often characterized previous decisions of similar summits since Rio Summit (1992) was completely eliminated in Durban. This decision as quoted by one observer reads: The delegates reached a non-binding agreement to reach an agreement by 2015 that will bring all countries under the same legal regime by 2020 (Rajamani, 2021, 511).

Instead of approving and adopting the distinction between developed and developing states, the Durban Summit concerned with creating a scheme of reducing emissions by combine effort of all countries by 2015 to be followed by implementation in 2020. As a result phrases that serve as defining terms in previous conferences such as "historical responsibility", "distributional equity", "common but differentiated responsibility" (Stone, 2012: 269) were erased. Note that these phrases were targeted at developed countries and shifting responsibilities to them while providing blank checks for the rest. Thus it was a historic moment when countries agreed to shoulder responsibilities rather than shifting and blaming others for not doing enough to save the planet. This dramatic change from other key international climate conferences has continued to attract comments. A renowned international lawyer, Bodansky (2011: 710) has tagged the conference as "a complete departure from the Berlin Mandate". Similarly, (Rajamani, 2021: 506) claimed that the Durban Summit provided "new process and with it a clean slate on differentiation". Still on the same line, and perhaps more clearly is the position advanced by Ayers (2009) who argued that the Durban is:

deliberately poised between two eras in the Fading age of Kyoto and new phase...with developed and developing countries presumably on a more equal footing (2009: 227).

However important the decision to eliminate the distinction between the developed and developing countries may be, the fact still remains that the developed countries are the greatest polluters and it will be difficult to mobilize countries who are lesser polluters to shoulder the same responsibilities with the greatest polluters. Again, the economic conditions of most developing countries coupled with the challenges of governance will impact on their commitment. This is not all; the lack of technological know-how in most developing economies would impede their commitment toward alternative sources of energy. This is so because, the developing economies rely heavily on fossil fuels to run their industries and it will be difficult to convince them to do otherwise. This situation is made worse by the fact that most of them see fossil fuels as strategic resources and therefore cannot willingly make themselves vulnerable to domestic crisis. Another important decision reached at the Durban Summit (2011) has to do with the enactment of new international legal regime or the Second Kyoto Protocol in 2015 that will come into force by 2020 (Höhne *et al*, 2012). No doubt this can be said to be a positive step in the right direction. It has helped in ensuring that the hope for an international legal

regime on climate change is not buried. However, this line of argument that is based on assumption that the mandated 2015 Conference fulfills the promises of the Durban Summit is over ambitious. That is to say, until the delegates to the 2015 mandated conference keeps to the dream of the Durban Summit and arrived on an acceptable and accommodating legal framework in 2015, such emphasis on the successes of the Durban Summit will be futile. Additionally, even if the 2015 new Kyoto Protocol becomes successful, states would have to deal with the problem of ratifying such legal framework in their individual states. This point, perhaps more than any other challenges, may hinder the realization of the Durban decision. One more important decision that the Durban Summit (2011) reached was on the need to integrate some of the Cancun Agreements through facilitating and mobilizing support for the Green Fund (Bird & Schalatek, 2011). This is not limited to state actors alone because private actors are also to be reached. More importantly, emphasis was stressed on developing new mechanisms that will enhance faster technological transfer and strengthen existing mechanisms for advancing alternative sources of energy. Other issues such as the need to discourage deforestation and funding new global campaign for forestation through legislation were also adopted. Certainly, all the above mention issues plus the need to encourage adaptation in the developing countries are serious yet important matters that would go down in history as some of the positive outcome of the Durban Summit and its successes. But the problem with the issue as will be analyzed in the foregoing section in detail is the issue of funding. Lessens have shown that countries are quick to pledge at conferences but when it comes to implementation, they provide a range of excuses that renders such promises empty. Deducing from some of the successes discussed above, diplomats like Maite Nkoana-Mashabane concluded that the Durban Summit recorded great milestone. But did the summit also have some shortcomings? This and other issues are analyzed in the following section.

Part III: Shortcomings of the Durban Summit (2011)

First, at the end of the Durban Summit, one can say that the expectation of having a new Kyoto Protocol, what some observers refers to as “the Second Kyoto Protocol” remains unclear. This is so because of the politics of deferment which fixed 2020 as the expected date for the beginning of implementation of the new international legal regime. Yet again, the summit excluded any binding regulation that aims at limiting emissions. This opens doors for unwilling states to sabotage any legal regime that may emerge, since the summit opted for voluntary actions and out rightly rejected binding instruments. While the Kyoto Protocol failed because of some of its strict applications and unwillingness by states to ratify, the Durban Summit may create greater challenge with the tendency for voluntary rather than binding regulations. This flexible option makes it unlikely for any reasonable progress even if it is ratified by all states. This is so because setting emission targets with binding regulations makes it possible to weight progress that will be made and provide scale for measuring successes and challenges for improvement.

Second, concerning the pledges by developed countries to mobilize \$30 billion between 2010 and 2010 and \$100 billion yearly from 2020 toward the sustenance of the Green Fund, it will not be out of place to argue that the amount is largely inadequate taking into cognizance the challenge posed by climate change with damaging effect (Adger *et al*, 2003) . More so, none of the developed countries identified the sources in which the fund will be raise. As observed by one commentator, it aims at opening doors for private investment directly and administered by the International Bank for Reconstruction and Development (IBRD). If this is true, it will convert the Green Fund into some sort of “exploitative employer’s fund” (Capoor & Ambrosi, 2012). This implies that the desire to make profits out of a globally recognized environmental and climate problems is no longer hidden. It raises doubt on the genuineness and commitment of states that make such pledges. But this is not surprising, as state’s actions and inactions are hardly dictated by moral compass. State’s actions and inactions as has been studied over time, are on protecting their national interest. The outcome of the Durban Conference created more opportunities for what has become known as “Green capitalism” (Friedmann, 2012: 227). He further argued:

The trend towards commoditization of nature has become the dominant philosophical point of view in environmental governance (2012: 228).

Taking into the cognizance the outcome of the repetitions in some of the terms of Cancun Conference (2010) and Copenhagen Conference (2009), one can argue that rather than ensuring the security of the climate through proactive measures toward curbing emissions, the interest of multinational corporations and their managers (from both North and South divide) has instead been the primary consideration. The elimination of distinction between industrialized countries and developing countries has raised fears of many developing economies that they may come under severe pressure to take equal steps in limiting greenhouse gas. To some, the idea that the summit helped in taking “crucial steps forward for the common good and global citizenry” is not only factually misleading but erroneously contrived (Bond, 2012: 50). This is so because of what he termed as one sided result in favour of major polluters. To him, the mainstreaming of responsibilities and equal sharing of the burden of commitment to climate change will place less developed countries and developing countries under severe stress. Though the above position can be seen as familiar defenses offered by developing countries who often cite the

lack of funding and some deep historical explanations for their contemporary situations, yet a closer look at these countries' economic indicators shows that they may not likely ratify or comply with any legal framework or decision that may be reached in 2015, thus there will be no prospects of implementation by 2020. This implies that the hope and expectations of rural communities who are faced with real pressure from the effect of climate change

(some of who registered their presence outside of Durban Conference Hall) is dashed as there was no single immediate results that will reduce the effect of climate problems on their lives and environment.

Part IV: Assessment of the Durban Conferences

My analyses of the successes and shortcomings of the Durban summit when properly aligned will provide us with a clear assessment of the understanding of Durban Summit. If we measure successes strictly by result of the summit to resolve the climate change problem, then the Durban Summit was not any close to been successful. Our definition of successes must not be as ambitious as we apply to other minor and individual issues of life. This is because in examining complex international issues such as international climate negotiations, having a roadmap toward progress could still be regarded as success or to those conferences as been successful. The most crucial matter in particular case of the Durban summit is whether it resulted to possible future outcomes and does not hinder the continuation of dialogue among states. Comparing the outcomes of Durban summit and other summit would help us in appreciating some of the positive outcomes as well as challenges that characterized the Durban Summit. Our assessment would therefore be limited to the outcomes of the Durban summit namely: Laying the roadmap for a new international legal framework that will come into force by 2020; eliminating the distinction between developed and developing countries; and integration of some of the key elements of the Cancun Agreement. One can say that the summit laid the foundation, though based on hope and expectations and dependent upon what comes up in 2015, for meaningful action in the long run. However, there are crucial grey areas that need critical attention. The Durban Summit has put on hold what need immediate, if you like, urgent responses. This is because the negative effect of climate change is multiplying such that any delay in taking actions necessary to curb the effects can only amount to deeper negative consequences. Recent scientific researchers have proven that methane which is released in millions of tons everyday has far more devastating consequences than greenhouse gases. And the rampant use of methane in contemporary times has multiplied thus exposing humankind to greater risk just like the environment to more damaging effects. Thus continuous politicization of climate negotiations through postponement of actions as witnessed in Durban exposed us to greater danger and deeper insecurity. Again, collapsing the clear line distinguishing Annex I countries and Non-Annex I countries or the developed and developing countries under the so called Durban Platform for Enhanced Action is one of the key decisions of the Durban Summit. This way, it has awakened the developing countries who over the years have continued to hide under the pretext of their categorization as developing countries while polluting the atmosphere and shifting the responsibility on developed countries. Worthy of note is the fact that this distinction was one of the critical issues that saw the failure of Copenhagen in 2009. While eliminating the distinction has helped to open up new way forward, it has perhaps created more doubt in the minds of observers on the commitment of developing countries who may have reluctantly agreed to the elimination of distinction. Listen to one environmentalist:

We are not sure that the developing countries would agree to enforce any legal framework that seeks to place them at par with the developed countries who are in fact the greatest polluters of the environment (Mumma, 2000: 10).

The doubt expressed above calls for a reconsideration of the over-rated successes of the Durban Summit of 2011. Considering the high level politics involved in this debate and in previous conferences such as the Bali Conference and the Copenhagen Conference, it will be highly unlikely for any meaningful outcome in 2015. After all, most nations in the global south do not have the scientific knowhow to develop and use at large, alternative sources of energy and there is no tangible indication of reducing emissions by 2020, the year set out for the beginning of the implementation of the Second Kyoto Protocol.

Another critical issue worthy of note is the prospect or otherwise of ratification of the new international legal regime that is meant to be in place by 2015. Many nations including the United States have complex domestic procedures in ratifying international legal regimes. There are deep seated domestic contradictions such as congresses and party influence which in the past has voided international legal regimes. The problem is further compounded by the doubtfulness in the minds of many analyst who are not convince that an international legal regime such as the one proposed by the Durban Summit can actually resolve complex situations like the case of climate change.

In conclusion, while there are observable challenges that emanate from some of the key decisions reached at Durban, the Summit had indeed taken rear steps toward the emergence of a new international legal regime that will serve to continue the dialogue toward resolving the complex problems of climate change. As analyzed above, the Durban Summit may be a success but its decisions rely solely on hope and expectation of a

successful 2015 Conference. But once the 2015 conference is able to enact the Second Kyoto Protocol, there is the likelihood that the mistakes of the First Kyoto Protocol will be overcome. No doubt, this will vindicate the ambitious conclusion by Maite Nkoana-Mashabane, South African Minister of International Relations and Cooperation and President of the Durban UN Climate Change Conference who claimed that 'We have taken crucial steps forward for the common good and the global citizenry today'

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