

# An Important Step Forward – Lots More To Do

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## The COP17 Outcome - Legal Form

COP17 didn't solve the climate problem. The nations of the world haven't yet committed to reducing emissions at a rate that can keep global warming below 2°C. This is the hard work ahead – and it will be very hard.

### But COP17 in Durban did make a number of important decisions;

- It reaffirmed that the way to address climate change is through an international legally binding rules based system. This is significant because the outcomes from Copenhagen and Cancun were based on voluntary domestically driven pledges and this offered little in the way of assurances to those countries most affected by and least responsible for climate change. The Durban outcome also renews faith in the role of the multilateral system in addressing problems of international significance. Climate change is a global problem and only a global solution can resolve it effectively.
- It sets a date, 2015 by which a new agreement should be agreed - allowing entry into force by 2020. This isn't early enough to avoid warming in excess of 2°C - so we need to continue to make progress on meeting the commitments made in Cancun and increase ambition on mitigation between now and the entry into force of a new agreement. What is important is that the date for agreeing a new legal agreement has been set for 2015 –anything later would have been unacceptable.
- The most vulnerable countries have compromised in order to agree a pathway to a new agreement. Now the most polluting countries must work with them to deliver the Durban roadmap by 2015. There is a lot to be agreed and immediately after the doors closed on COP17 some countries seemed to be back pedalling. Keeping the political pressure on to ensure an ambitious and effective agreement in 2015 is vitally important. So in many ways – the work starts now.
- Developed countries must take the lead – political and economic problems at home are no excuse for inaction. COP17 struggled for media attention in a week of critical EU negotiations and continued fears for the global economy. The current crisis will be dwarfed by the crises that climate change will bring to bear if we do not take global action to address its causes. Putting it off until later only increases the human, social, environmental and economic scale and cost of the problem.
- We have to respond to the fears of developing countries that a legally binding climate agreement will hamper their right to development. This, coupled with concerns about equity, was India's key concern. These are real issues and will be at the core of agreeing a comprehensive new agreement. India is just starting to prosper and develop. Its per capita

carbon footprint is still small at 1.2 tonnes of CO<sub>2</sub> equivalent/person/year, while in the US it is 19.1 tonnes of CO<sub>2</sub> equivalent/ person/year.

- The global community will have to engage with these concerns about equity and historic responsibility, as well as the right to development in the coming 3 years. These are issues of justice and must be addressed as part of a new legally binding agreement.
- This will be part of the discussions in the lead up to Rio+20 next year. It should be the start of a new positive dialogue on climate change – where we move away from a narrative of cuts and costs to one of opportunity and shared benefits. There is a real opportunity to embrace the green economy at Rio and make sure it reaps dividends for all nations and people.
- One of the headline asks going into Durban was the agreement of a second commitment period of the Kyoto Protocol. This has been secured – albeit with minimal participation by 38 countries including the EU, Switzerland and Norway. Japan, Canada and Russia are not taking part – and New Zealand and Australia are undecided. Given their rejection of Kyoto, the world should be looking to this group of countries to help deliver a new legally binding agreement as agreed in the Durban Platform for Action.
- The second commitment period will start on the 1st January 2013. Parties to this second period will convert their economy-wide targets into quantified emission limitation and reduction objectives (QELROs) and submit them for review by 1<sup>st</sup> May 2012. The continuation of Kyoto is particularly important to vulnerable developing countries that are unwilling to lose the only international legally binding emissions reduction instrument in place until a new one is secured.

### Comparison to MRFCJ's position going into Durban

- So how does the outcome measure up to the recommendations made at the meeting on legal form hosted by MRFCJ and the Grantham Institute in September 2011? The call then was for flexibility, for the creation of a middle ground package that could pave the way for a convergence phase during which the Kyoto Protocol would continue to operate and steps would be taken to work towards a new legally-binding instrument by 2015 at the latest, through agreement on milestones, rules and accounting mechanisms.
- This is very much the essence of the Durban Platform for Enhanced Action. The wording around the legally binding instrument is not water tight - *'Decides to launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the UNFCCC applicable to all Parties'* – but was enough to get ALL Parties to sign up and this is critically important. The new agreement must include all major emitters – but it must also include the most vulnerable and address the challenge of climate change in an inclusive and equitable manner. Maintaining the legal integrity of the eventual outcome will be tough but critical for climate justice.
- This is the start of a process – we need to make sure that the Durban Platform for Enhanced Action delivers a strong legal instrument by 2015 with the necessary ambition to keep global warming as far below 2°C as possible.