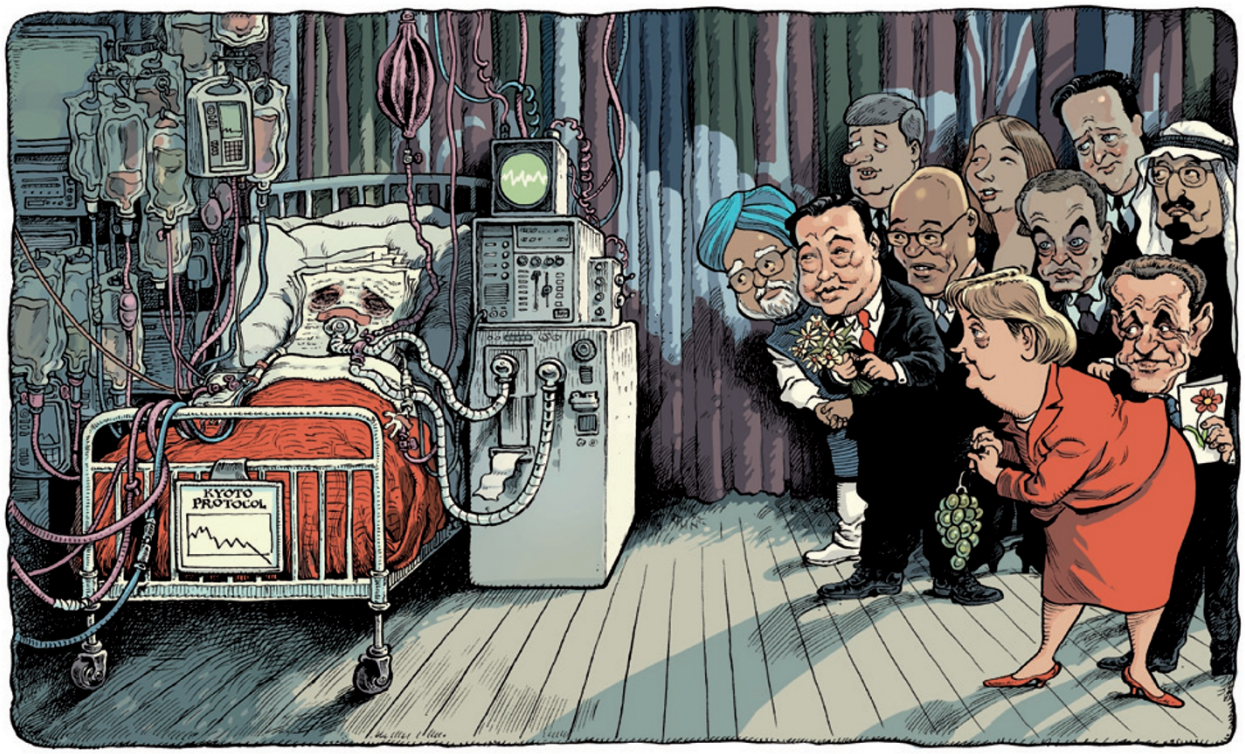
COMMENT



DAVID PARKINS

Letting go of Kyoto

A preoccupation with binding commitments blocks progress in climate-change negotiations. It is time to correct course, says **Elliot Diringer**.

When government representatives gather for another round of United Nations climate-change negotiations later this month in Durban, South Africa, they face a familiar thicket of issues. Yet for many — and, no doubt, for headline writers around the world — one stands above all the rest: the survival or death of the Kyoto Protocol. Kyoto's emission targets expire at the end of 2012, making Durban the last chance to set new targets in time to avoid a 'commitment gap'.

Kyoto will probably emerge from Durban alive, but just barely. This should not be cause for alarm. Although the protocol remains an important emblem of multilateralism, it has become, in reality, more of an impediment than a means to genuine progress. More important than ensuring Kyoto's long-term survival is building something better to take its place.

Durban affords an overdue opportunity to honestly reconsider what we can expect the UN climate process to deliver, and when. With the start of the Kyoto negotiations 16 years ago, the international community decided that legally binding commitments were the answer to climate change. A binding-or-nothing mentality has held sway ever since, and the result often has been 'nothing'.

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Although it has been obvious for some time that most of the developed world is unwilling to one-sidedly assume new binding targets, many developing countries will arrive in Durban insisting on precisely that. Without a compromise, the outcome may be less than nothing. It might, in the worst case, be the unravelling of the entire enterprise.

The more sensible course is an incremental one. Modest successes were achieved at last year's climate-change negotiations in Cancún, Mexico. The parties should build on that with further steps to strengthen the regime; they should also declare their intent to work towards binding commitments, while acknowledging that this will take time. Meanwhile, governments and climate advocates must work at home to build domestic support for strong national action. Without that, future international commitments will mean little, whether binding or not. ▶

In Durban, governments will again be challenged by the same two fundamental issues that dominated the start of the global climate effort two decades ago. One is governance. Is the best approach a binding top-down treaty with sanctions for non-compliance, a loose bottom-up arrangement with countries free to define their own voluntary commitments, or something in-between? The second is fairness. How is effort against this quintessentially global challenge equitably apportioned among countries whose degrees of responsibility and capacity vary so widely, and are continually evolving?

FIRST PRINCIPLES

The 1992 UN Framework Convention on Climate Change took a first stab at both. On fairness, it established the principle that countries should act "in accordance with their common but differentiated responsibilities and respective capabilities". Applying that principle, it set specific obligations for developed countries only — returning their greenhouse-gas emissions to 1990 levels by 2000. But this was simply an "aim", not a binding target. As to the ultimate shape of the regime, the convention left the door wide open.

It soon became evident that most developed countries would miss this goal, and in 1995 the parties launched a new round of talks that led to the 1997 Kyoto Protocol. They agreed right off that new commitments would apply to developed countries only. And, inspired in part by the success of the Montreal Protocol on ozone-depleting substances, they decided that this time the targets would be legally binding. (The prescribed consequences for non-compliance, however, are technically not binding — illustrating the many shades of grey associated with the 'binding' concept.)

It took until 2005 for Kyoto to win enough ratifications — notwithstanding its renunciation by the United States — to enter into force. In that time and in the years since, the emissions picture has shifted dramatically. Global greenhouse-gas emissions are up 25% since 1997. China has overtaken the United States as the world's largest annual emitter. Collectively, emissions from developing countries are now 58% of the total, and rising fast.

Against this backdrop, it is no surprise that countries such as Japan, Canada and Russia adamantly refuse to assume new binding targets unless the other major economies at present outside Kyoto's reach — most notably, the United States and China — do so as well. And for now, the odds of that happening are nil.

Yet for many, binding commitments remain a holy grail. This produced a near disaster two years ago at the Copenhagen meeting, where the widely held but wholly unrealistic expectation of a binding outcome was destined to go unmet. World leaders managed to hash out a political deal, the Copenhagen Accord, but in the final vitriolic hours, a handful of parties blocked its formal adoption. To both those in the room and those watching from afar, the UN climate process seemed to teeter. Another go-round like that in Durban could push it over the edge.

A key premise of the Kyoto experiment was that binding international commitments would drive national efforts. Yet outside Europe, where concern about climate change has always run strongest, there is little evidence that this is true. A prime counter example is Canada, where emissions are now 17–30% above 1990 levels (depending on whether land-use emissions are counted), despite a binding commitment to reduce them to 6% below.

Where ambitious national efforts have emerged, two other drivers seem more influential: political will and economic self-interest. Australia is arguably a case of the former. Heavily reliant, like Canada, on natural resources and energy-intensive exports, Australia's last government fell when it tried to push through emissions trading. But the new minority government — a coalition including the Green party — recommitted to the issues and just this month enacted an ambitious carbon-pricing scheme.

The mercantile motive, meanwhile, is nowhere more evident than in China, which has quickly dominated the emerging clean-energy market and now produces nearly 50% of the world's wind turbines and solar panels. China will also soon introduce emissions trading at the regional level.

In most cases, economic motive and political will both play a part. Germany and the United Kingdom are going beyond European Union (EU) mandates with 2020 emission targets of 40% and 34%, respectively, below 1990 levels. South Korea has devoted most of its 2009 US$38-billion economic stimulus to green growth, including energy efficiency and renewables. It and some other developing countries, including Brazil, India and South Africa, are fashioning or implementing market-based policies to drive efficiency or reduce emissions. Where neither political will nor competitive drive has yet taken hold, as in the United States, investment and action unfortunately lag.

"Strong, durable agreements don't typically spring forth fully formed."

If the principal drivers of action are domestic, do international commitments matter? Yes. In the long term, Kyoto's adherents are right: emissions commitments should be binding. Strong, sustained action to preserve a global good requires confidence that all are indeed contributing their fair share. But we need to be more realistic about how and when we get there.

Fortunately, if governments are prepared to look beyond Kyoto, they can find in last year's Cancún Agreements the seeds of a more viable successor. That pact gave the essential elements of the Copenhagen Accord the UN imprimatur, and offered countries the opportunity to pledge explicit targets or actions for 2020. More than 80, including all the major economies, have now done so.

This time, the numbers were set unilaterally, not negotiated as in Kyoto; pledges came from both developed and developing countries; and they are voluntary, not binding. In other words, even as the Kyoto negotiations have dragged on, a parallel 'bottom-up' framework has begun to take shape.

As yet, it is hardly adequate. To begin with, the 2020 pledges are too weak to put countries on track towards limiting global warming to 2 °C, the goal set in Copenhagen and affirmed in Cancún. Beyond that, the operational elements of Cancún — including a new Green Climate Fund for developing countries, stronger reporting and scrutiny of countries' actions, and new adaptation and technology mechanisms — are mere shells, with a raft of details still to be agreed on.

SMALL STEPS

In Durban, parties should indeed set their sights towards eventual binding commitments. But they should focus primarily on the more prosaic nuts and bolts of strengthening transparency and support for developing countries. However incremental, such steps will get us further than a recurring cycle of false expectation and failure.

For the Kyoto Protocol itself, the likely outcome is some sort of half-measure. A leading option is to set new emission targets through a 'political' second commitment period, which can be approved outright by ministers gathered in Durban, rather than a legally binding amendment to the protocol, which would have to be brought home and ratified, a long and difficult process for many governments. Even if joined by only the EU and a handful of others, such a life-support mechanism would avert a blow-up, and buy time to build a sounder alternative.

Looking across the multilateral landscape, it is clear that strong, durable agreements don't typically spring forth fully formed — they evolve over time. Kyoto was a bold attempt to short-circuit the process. The real tragedy is not its demise, but that the binding-or-nothing mindset has in the meantime kept us from pursuing other multilateral means of tackling climate change. Durban is a chance to correct course. ■

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