

## A deal in Durban

J.A



IN THE early hours of December 11th, after three days and nights of exhausting, often ill-tempered, final negotiations, the UN's two-week-long climate-change summit ended in Durban with an agreement.

Its terms—assuming they are acted upon—are unlikely to be sufficient to prevent a global temperature rise of more than 2°C. They might easily allow a 4°C rise. Yet with many governments distracted by pressing economic worries, the deal was as much as could have been expected from Durban; perhaps a little more.

The core of it is, in effect, a quid-pro-quo arrangement between the European Union and big developing-country polluters, including China and India. For its part, the EU will undertake a second round of emissions abatement under the Kyoto protocol, after its main provisions expire at the end of 2012. That will prolong the shelf-life of a treaty that imposes no emissions-cutting burden on any developing country.

In return, all countries have agreed to negotiate a new mitigation regime by 2015 and make it operational by 2020. Crucially, this new regime will see the burden of emission-cutting shared among all countries, even if rich ones will still be expected to do much more than poorer countries.

This commitment, which was reached despite last-ditch resistance from China and India, and despite little enthusiasm for it from America, looks like the Durban summit's biggest achievement. It promises to break a divisive and anachronistic distinction between developed and developing countries, which has thoroughly poisoned the waters of the UN process. It has also rendered it ineffective, given that the so-called developing countries given a free pass under Kyoto, including South Korea and Saudi Arabia as well as China and India, are now responsible for 58% of global emissions.

That is why the biggest developing-country polluters, chiefly China and India, were so reluctant to relinquish their freedom to pollute. With most other elements of a deal in place, almost 36 hours after the climate summit was due to have ended, the Indians were the last major obstacle to it. Their particular objection was to the insistence of the EU and its allies that the successor to Kyoto must be legally binding on all countries. "Am I to write a blank cheque and sign away the livelihoods and sustainability of 1.2 billion Indians, without even knowing what [the new agreement] contains?" asked the Indian environment minister, Jayanti Natarajan. "I wonder if this is an agenda to shift the blame on to countries who are not responsible [for climate change]."

With the prospect of no deal looming, the Europeans and Indian delegations were urged to go "into a huddle" in the middle of the conference hall and work out a compromise. They did so and, as per a Brazilian suggestion, agreed that the putative new deal would be "a protocol, another legal instrument or an agreed outcome with legal force."

What that may mean is anyone's guess. It was sufficient for the EU, whose belief in legally enforceable international agreements is shared by the Brazilians, to claim success. Yet it is also unclear how important this distinction really is. The Kyoto protocol is legally binding, but contains no provisions to enforce penalties against those who fail in their mitigation endeavours. This has allowed Canada to overshoot its target, massively, with impunity. Unless penalties for failure are inserted into the successor protocol, or instrument, or outcome—which China and India would almost certainly not allow—it is hard to imagine how it would have greater force.

A more important issue will be the scale of the future regime's ambition to curb global warming, as reflected in the mitigation targets countries assume under it. The Durban agreement includes an acknowledgement that there is a widening gap between the mitigation efforts currently promised and those required to keep warming within the broadly recognized 2°C safety limit. It remains to be seen whether this will spur countries to take the costly actions that closing this gap would require. The inadequacy of action on climate change hitherto suggests it may not.

Agreement was also reached in Durban on a package of other climate-friendly additional measures. Perhaps most notably, they included agreement on the broad design of a global Green Climate Fund, which will funnel some of the \$100 billion that rich countries have promised to make available to poor ones by 2020, to help them cut emissions and adapt to climate change. Again, there was no agreement—and little discussion—on the important question of where the money will be found.

Business leaders, among whom such things matter, appeared unimpressed by these omissions. "The agreement reached was more of a victory for the UN process, than for the global climate, or in creating a new business imperative," said Jonathan Grant, head of sustainability and climate change at PwC. "Business will shrug its shoulders over Durban and wait for direction from national capitals."

Among the main players in Durban, the Europeans emerged with most credit. Even as EU leaders were attempting to negotiate the survival of their currency, in Brussels on December 9th, their negotiators were most prominent in Durban and surprisingly forthright. A cynic might reflect that this signalled how toothless the UN process has become. Yet the Europeans' efforts were appreciated by many developing countries, including poor African and small island ones most threatened by global warming. Their strong support for the EU's proposals made it much harder for the Indians and Chinese to decry them as a developed-world plot against the poor and helpless.

Among the big developing countries, India may feel most aggrieved. Not unreasonably, it fears that any mitigation action will impose costs on it that it can ill afford to pay, in particular by constraining its ability to grow its economy and thereby withdraw millions from poverty. China, the world's biggest polluter, whose average emissions per head are already bigger than some European countries, will worry less. It has long seemed resigned to having to undertake more stringent emissions-cutting, indeed its recent heavy investments in renewable energy and energy-efficiency schemes suggest it foresees profits in this.

America has reason to be glad of the outcome. It has long bewailed the asymmetry of the Kyoto protocol—this was the ostensible reason why it failed to ratify it. Yet it was apparent in Durban that the American negotiators, envoys of a put-upon Democratic president, showed little enthusiasm for almost any part of the international process.

Their objections to some elements of the final deal were, though roundly denounced, in fact perfectly reasonable. They worried, for example, that the global Fund would be too tightly bound to the wider—slow-moving and largely ineffective—UN process. It is a shame they could not get their way in keeping it more separate.

And yet, that the world's most powerful country—whose scientists have made a vast contribution to climate science—was reduced to playing a bit-part in negotiations over the future of the world's climate was more than unimpressive. It was demeaning. And next time America demands that China, India or Brazil take bold steps for the global good, on trade or security, it will no doubt be remembered.

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