In the past issue of IMPAK in 2010 and 2011, I discussed the failed climate summit in Copenhagen (2009), the optimistic Cancun conference (2010) and the more hopeful Durban summit (2011). Hence, do we consider the Durban summit, the blueprint to "save our planet for the future of our children and our grandchildren to come", a success or failure for mankind? Is the masterplan merely an "empty shell of a plan that leaves the planet hurtling towards catastrophic climate change"?

The 17th Conference of the Parties (COP17) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 7th Session of the Conference of the Parties serving as the Meeting of the Parties (CMP7) to the Kyoto Protocol, had a uñtima convention at the end of last year from 28 November to 9 December 2011 (see Box 1 to understand what is COP and CMP7).

The United Nations Climate Change Conference, Durban 2011, delivered a breakthrough on the international community's response to climate change. In the second largest meeting of its kind, the negotiations advanced, in a balanced fashion, the implementation of the Convention and the Kyoto Protocol, the Bali Action Plan, and the Cancun Agreements. The outcomes included a decision by Parties to adopt a universal legal agreement on climate change as soon as possible, and no later than 2015. The President of COP17/CMP7, Maite Nkoana-Mashabane said, "what we have achieved in Durban will play a central role in saving tomorrow, today" (see Box 2 on the summary of the key outcomes of the summit).

Thus, do we consider the Durban Summit a success or failure? For most politicians, diplomats and some business leaders, the climate convention is considered a "historic breakthrough". On the other hand, the green non-governmental organisations (NGOs) consider the mega event to have failed in delivering the aggressive policy measures required for the sustainability of our planet Earth (Murray, 2011a). How much has the meeting assisted or hindered the mobilisation of investment in low carbon and environmentally sustainable infrastructure and technology? This is one way of measuring the success (or failure). Any treaty or declaration that comes out of events such as this, merely contains commitments, legally binding or otherwise and only represents a statement of intention. How many of these countries (the signatories) are willing to put their international obligations into action? Hence, merely setting emission targets that is difficult to enforce may not be the way forward. Instead, the summit should provide policy direction which is certain critical to drive global corporate investment in the technology and infrastructure necessary to cut emissions.

Nonetheless, on a positive note, the Durban Summit succeeded in getting the agreement that will ensure all countries (including China and India), to face legally backed climate change obligations. The operationalisation of the Green Climate Fund to help poor countries adopt to unavoidable climate change and develop more sustainable approaches was another key outcome of the summit. Countries have to commit to new, long-term, sources of finance to meet the target of USD 100 billion a year globally by 2020 (Murray, 2011b).

Nonetheless, the loose definition of 'major economy' used to set the conditions that major developing countries take for emission-reduction commitments and which is similar to developed nations may be very biased (Khor, 2011a). The United States had insisted on these impossible conditions in order for it to participate in this new treaty. It is quite obvious that developing countries with large populations are being targeted unfairly. Let us take India as an example of this 'major economy' as defined by USA. In 2010, per capita GDP, India is ranked lowly at USD 1,370. USA on the other hand had recorded USD 46,860 for the same period according to the IMF data. In 2008, India's per capita carbon dioxide emission level was 1.5 tonnes compared with 17.5 tonnes for the USA. Hence, expecting a 'major economy' like India to take the same obligations as other more developed countries (given their low per capita income) may seem unfair based on the population of the country alone. Thus, developing countries like China, India, Pakistan, Brazil and Egypt cannot solely be blamed for not bowing to the pressure of rich countries to maintain their present commitments (Khor, 2011b).

What does it take before the human race can rally their efforts to making serious commitments to safeguard the environment? In the USA, the 'climate' lawsuit where industries are made responsible for any negative effect that their operations have on local communities is already taking place. The extreme weather that many countries across the globe have been facing is an indicator of major disasters waiting to happen. The threatening changes resulting from extreme climate events are likely to cause untold damage to infrastructure, health and agriculture, not to mention losses and suffering to society as a whole.

Doha in Qatar, will be the host of the next COP summit in 2012. By then, will there be any concrete agreement to bind all the signatories?

Box 1: What is COP17/CMP7?
Since the United Nations Framework Convention for Climate Change (UNFCCC) entered into force in 1995, the Conference of the Parties (COP) to the UNFCCC have been meeting annually to assess progress in dealing with climate change. The COP adopts decisions and resolutions, published in reports of the COP. Successful decisions taken by the COP make up a detailed set of rules for practical and effective implementation of the Convention. The COP serves as the meeting of the Parties to the Kyoto Protocol, which also adopts decisions and resolutions on the implementation of its provisions. This annual meeting is referred to as the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MPC). However, Parties to the Convention that are not Parties to the Protocol are able to participate in the CMP as observers, but without the right to take decisions.

(Source: UNFCCC, 2011)

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Examining Gaps and Possible Options

Background
The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992 as a basis for a global response to the effects of climate change.

The UNFCCC Convention aims "to achieve, in accordance with the relevant provisions of the Convention, stabilisation of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous interference with the climate system" (Article 2 of UNFCCC, 1992: 4). The Convention is complemented by the 1997 Kyoto Protocol to achieve its objectives, which came into force in 2005. The protocol establishes legally binding limits for industrialised countries on emissions of carbon dioxide and other GHGs and to slash their GHG emissions by 5% by 2012 relative to 1990 levels. There are, however, some uncertainties in interpreting the meaning of 'dangerous' concentration levels as stated under the UNFCCC (Elzen et al. 2005; Oppenheimer & Petsonik, 2005). This is where the assessment reports by the Intergovernmental Panel on Climate Change (IPCC) become useful in providing crucial scientific information on the status of climate warming to enable informed decisions (IPCC, 2010). The Third Assessment Report prepared by the IPCC, for instance, indicated that such stabilisation would require substantial reductions in global GHG emissions of more than 60% (taking 1990 as baseline) (IPCC, 2001).

The United Nations Climate Change Conference in Durban, South Africa in 2011 negotiated the implementation of the Convention vis-a-vis the Kyoto Protocol, the Bali Action Plan, and the Cancun Agreements. The main outcome included the decision by Parties to adopt a universal legal agreement on climate change as soon as possible, and no later than 2015. This article hence narrows down the analysis on possibilities available in the post-Kyoto period (2008-2012) and what will constitute a fair differentiation of commitments among countries in addressing the issues more effectively.

Achievements of the Kyoto Protocol
The 1997 Kyoto Protocol is an important milestone in international climate policy. Built on the structural and institutional components of the UNFCCC, the Kyoto Protocol has over the years expanded and improved the convention's mechanisms in several ways. Among the major achievements include:

1. Establishing a negotiation framework that is built on international participation
2. Strengthening the nature of commitments to become legally binding
3. Involving the private sector into the treaty compliance
4. Mandating the development of procedures and mechanisms to address implementation and compliance to the objectives of UNFCCC
5. Making allowance for flexibility with respect to Parties' national implementation of commitments
6. Allowing the use of emissions trading and other market-based mechanisms to facilitate emission reductions at possibly lower costs.

The Kyoto Protocol is, however, only the first step in efforts undertaken to stabilise GHG concentrations. The increasing levels of GHGs in the atmosphere (especially carbon dioxide) from human activities have prompted numerous discussions towards addressing the issue more effectively. Among the more significant forums include...