

# Don't Sink Our Ship!

Posted on March 2, 2014 by Benito Müller

*Madam President, Forty-eight Least Developed Countries in the World have one final request to make. The Ship is ready to take off in Durban. Those who are not ready to come on board we say: please do not try to sink the Ship. The LDCs will stand firm and will not allow this Ship to be sunk!*

This is how Mr Pa Ousman Jarju, Special Climate Envoy of the Gambia, ended his statement as Chair of the LDCs to the opening plenary of the Durban Climate Conference on 28 November 2011. The Ship, as he reconfirmed in a personal communication, metaphorically stood for a legally binding Protocol of the UN Framework Convention on Climate Change (UNFCCC) as an outcome of the negotiations started in Durban, under what became known as the Ad-hoc working group of the Durban Platform for enhanced action (ADP).

Pa Ousman was by no means the only one fearing at the time that some Parties were out to scupper the Ship. On 11 December 2011, during the end game of the Durban Climate Conference, Outreach published a “very personal plea to the US delegation for returning to the Kyoto spirit and not block consensus if they find that everybody else is willing to agree. The risk is, of course, that they might not be able to come on board for some time, but does it really make sense to sink the ship in order to avoid that risk?”

Metaphors can be misleading, but they can also be helpful in illustrating the crux of the matter. Almost exactly ten years earlier, US Senator Joe Lieberman used another metaphor to express the surprise in Washington that at COP6.bis in Bonn, the Kyoto Protocol had survived the repudiation by the Bush administration: “Bonn surprised people. ... The feeling was that, if the United States took its football and left the field, the game couldn't go forward. But the rest of the nations of the world found their own football, and they completed the game. They left the United States on the sidelines. ...”

The question that exercised minds at the time was whether the Bush administration would set up an alternative tournament after failing to scupper the existing, legally binding, one. The situation today is quite different. This time, instead of walking away, the US team – with the tacit support of others – seem to be intent on changing the tournament's rules beyond recognition so as to be able to continue playing with their feet tied by domestic constraints. However, is it really justifiable to tie everyone else's feet for that reason in order to create a level playing field on the lowest common denominator? Would it not be better for everybody involved if these domestically tied teams just sit out a round or two – maybe practising among themselves – until they can participate without domestic shackles?

Leaving the realm of football metaphor, the issue is quite simply whether the outcome of the current negotiations will contain, among other, a legally binding Protocol – a treaty with international legally binding, economy-wide quantitative emission limitation or reduction targets. While such a Protocol may not be everybody's favourite option, it can have

significant advantages particularly if, like the EU, one is intent on engaging the private sector through emission trading schemes. The private sector needs assurance that changes in public policy will not end up jeopardizing long term investments in such trading schemes, and an internationally binding Protocol is seen to be the best way to reduce that risk – much more so than domestically, let alone “politically” binding targets.

A legally binding Protocol has other advantages – however the intention for this blog is not to argue for them, but merely to reissue a plea to countries not to block that option. Parties that do not wish to participate in a binding Protocol should not be coerced into joining – but those that prefer the option should not be stopped by others simply because they themselves would not wish to engage through it. Parties, in other words, must at least be given the option to sign up to a legally binding Protocol under the ADP.

It is in this spirit that I want to repeat Pa Ousman’s appeal to those who are not ready to come on board: Let those who wish to sail go ahead and please do not try to sink their Ship!