

I wasn't on the beach in Cancun at the latest international climate summit, but like lots of folks I followed its (pseudo) progress. It wrapped up on Saturday with a package of incremental agreements on important issues (LA Times has a good analysis [here](#)), but once again without getting far on the 10,000 gigaton question: Will the international community adopt, through this UN process, legally binding emissions limits for the world's largest emitters, including the US, India and China?

The head US envoy to the talks, Todd Stern, held a press conference on the Cancun outcome this morning in which he gave a definitive answer to this question. I've seen the transcript and it isn't pretty. In a response to a question about whether "Cancun basically punted the hardest issue, which is to say mandatory emissions caps," Stern had this to say:

[As to] emission commitments from the U.S., China, India, Brazil, et cetera. On that track, at the moment, while there may be something – some kind of legal treaty down the road, that's not happening, I think, anytime soon for the reason that we're not prepared to enter into legally binding commitments to reduce our emissions unless China, India, and so forth, are also prepared to do that. And at the moment, they're not.

And, in case anyone missed his point, later in the press event he said this: "I don't think that there is a strong expectation of a legally binding track in the LCA part of the agreements." [The LCA track is the set of negotiations between the US and developing countries like China and India.]

Does this matter? Some people conclude that even so-called legally binding commitments under UN treaties go only as far as consent-based processes will allow, so in practice are not very different from the "politically binding," voluntary commitments made last year in Copenhagen. But I think that view discounts the importance of international shaming. Even in international law contexts, don't we want at least a pinky swear?