

Durban Platform must not render meaningless negotiations in other bodies – say developing countries

Bonn, 23 May (Meena Raman)-A separate agenda item on “enhancing mitigation ambition” in the Ad-hoc Working Group on the Durban Platform (ADP) would render meaningless the ongoing discussions in the existing working groups dealing with this issue under the UNFCCC and the Kyoto Protocol, said many developing countries.

Referring to current negotiations under the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA) and the Ad-hoc Working Group under the Kyoto Protocol (AWG-KP), this would also delay actions and decisions in those forums.

They also said that disaggregating the discussion entirely from the AWG-KP and AWG-LCA context would jeopardize the fundamental equity principle of differentiation between Annex-I and non-Annex-I countries under the Convention, aside from weakening the legally binding nature of commitments and converting it to a voluntary scheme of actions for developed countries. This would impose an inequitable burden on developing countries in meeting the ambition gap, they added further.

These remarks were made by **Venezuela** on behalf of 34 countries at a plenary session of the ADP convened by the Sande De Wet of South Africa on 22 May.

Echoing the sentiments expressed by Venezuela, **China** added further that if a new space was opened under the ADP to discuss the mitigation ambition issue, this would cause a serious distraction from discussions that are on-going under the other two working groups and would be an incentive for “ship-jumpers” to be “platform-jumpers”.

(China was apparently referring to the Annex 1 Parties under the KP who have said they would not make further commitments for emissions reductions under the KP and have “jumped-ship” to the AWG-LCA track, such as Canada, Japan and Russia. The US has never been a Party to the KP and is supposed to undertake comparable mitigation efforts under the Bali Action Plan).

The ADP has not been able to adopt its provisional agenda due to concerns raised by many developing countries that the ADP should not deal with the issue of “enhancing mitigation ambition” for the pre 2020 time-frame as this was being dealt with by the other two working groups.

While all Parties, both developed and developing countries, stressed the need not to “unravel the delicate political balance” reached by the Conference of Parties on the Durban Platform decision 1/CP.17 (DP decision), stark differences were apparent on the understanding and interpretation of the various paragraphs contained in the decision, leading to an “agenda fight” which many developing countries regard as not being merely “procedural” but “substantive”. This therefore has prompted strong calls for a “generic agenda” that allows the need for further discussion to explore the understandings arrived at and not pre-determine what belongs to the work of the ADP.

Following another round of intense discussions, the plenary ended with agreement to conduct open-ended informal consultations the same day, which is believed to have heard proposals for modifications to provisional agenda. No consensus was reached in this regard and further consultations will be held on Wednesday, 23 May.

Venezuela delivered a statement on behalf **Argentina, Algeria, Bahrain, Bolivia, China, Comoros, Cuba, Democratic Republic of Congo, Djibouti, Ecuador, El Salvador, Egypt, India, Iraq, Jordan, Kuwait, Libya, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Palestine, Philippines, Qatar, Saudi Arabia, Syria, Somalia, Sudan, Thailand, Tunisia, United Arab Emirates and Yemen.**

Venezuela said that countries associated with the statement account for over 4 billion people on our planet or roughly 60% of the global population, with high incidence of vulnerability to climate change. There was a high stake not only in the ongoing negotiations but also in the important process that was launched at Durban as part of a balanced package.

It stressed that the ADP agenda is not a procedural discussion but one of substance and scope, both of which will have deep implication on our work. The agenda adopted here will guide Parties in this process at least until the end of this year. It was confident that a frank discussion at this stage would enhance the collective understanding on the way forward.

Venezuela expressed its willingness to substantively discuss the post 2020 mitigation framework going forward. At same time, it had no doubt that mitigation actions need to be enhanced during 2012-2020. However, at this stage, it foresees that a separate agenda item on enhancing mitigation ambition in the ADP would render meaningless the ongoing discussions of both the AWG-KP and AWG-LCA. In addition, it would delay actions and decisions in those forums.

It stressed that the context for ambition is provided by the KP where Parties are discussing the 2nd commitment period. In addition, for those Parties who are not party to the KP or would not abide by that treaty, also have a responsibility to ensure comparability of their targets and actions under the AWG-LCA. The AWG-LCA is a depository of several actions, not just mitigation actions. Disaggregating the discussion entirely from KP and LCA context would jeopardize the fundamental equity principle of differentiation between Annex-I and non-Annex-I countries under the Convention, aside from weakening the legally binding nature of commitments and converting it to a voluntary scheme of actions for developed Parties. It will

impose an inequitable burden on developing countries in meeting the ambition gap.

With a view to ensure that mitigation ambition under the DP is closely linked to work under the two other groups- namely LCA and KP, the group proposed the inclusion of the following footnote in the agenda:

The implementation of Decision 1/CP.17 should be examined on the basis of its compliance with International Law, in accordance with the principle of 'pacta sunt servanda' and, in particular, with the exception on non-performance related to the full respect and compliance with the UNFCCC and its Kyoto Protocol, for the Parties that are Parties of those instruments.

Venezuela also noted that the decision 1/CP.17 establishes the Durban Platform for 'Enhanced Action', and is not restricted to 'mitigation action' alone. On the basis of science, urgent mitigation ambition is needed. However, mitigation alone will not be sufficient. The collective ambition on other Bali Pillars namely adaptation, finance and technology transfer is also equally, if not more important to this process.

It fully supported an inclusive agenda that captures, in a non-selective manner, all the elements of decision 1/CP.17 and so that it may provide an acceptable basis to start work immediately. The agenda needs to capture the mutual assurances of all Parties exchanged at Durban. It will be more positive if it was comprehensive and broad based as possible and elaborated in the light of inputs received from LCA and KP. In the meantime Parties should begin a discussion on developing our understanding on the scope of work under the Durban Platform, it added.

Venezuela said that agreeing on an agenda that all Parties feel ownership of was important, thereby ensuring the context, quality and momentum for the work. It would be important to give due time and space to open-ended consultations, including in an informal setting. It strongly encourage that all future consultations on this be held in an open-ended, transparent and inclusive manner rather than by invitation.

China said that it firmly supported the balanced package reached in Durban, which had different components. Under the KP, the 2CP is confirmed. The AWG-LCA's mandate was

extended for a year to complete the work under the Bali Action Plan. The mandate was extended not to terminate it but to complete its work. Another part of the package was to launch a process for the post 2020 outcome. The objective of that is not a mandate to rewrite or renegotiate the Convention. China stressed that it was important not to bury differences on substance in the provisional agenda and there was need to agree on a generic formulation so that Parties could have a space for a frank and candid exchange on how to get to work, as this was the first year for the new process launched in Durban (under the ADP).

Philippines reiterated its proposal for modifying the agenda, which was “3. Planning of work in accordance with *all the elements* of decision 1/CP.17”. It also suggested deletion of agenda item 4 on “Workplan on enhancing mitigation ambition”.

Referring to the “balanced package from Durban”, it believed that Parties exhausted all efforts to arrive at such a balanced package. However, issues hounding the AWG-LCA and AWG-KP are whether Parties really believed that that balance has been preserved. Philippines said that the KP “remained in intensive care,” and issues on comparability of efforts of developed country mitigation under the AWG-LCA remain unclear. Deliberately pigeon-holing ambition in one arena of discussion will pull the plug on KP and ambitious action on mitigation and means of implementation agreements made in the past will be utterly diluted.

It said that its proposal for a generic agenda does not reopen what was agreed to in Durban.

In reference to the US saying that paragraph 1 of the Durban decision (on the work of the AWG-LCA) was “misplaced” under the ADP’s consideration, Philippines said this issue must be settled. An important way of unlocking the work under ADP is to “establish the mutual reassurances” that Parties will pursue together and make significant progress equally in important areas of our work, i.e. ambition in finance, technology development and transfer, and mitigation ambition in AWG-LCA and KP.

India underscored that the discussions on the ADP agenda was not a procedural issue but was one of substance. In trying to reach agreement which is comprehensive and consensus based,

there was need to take into account a wide coverage of work and to ensure that the principles of equity and common but differentiated responsibilities are fully infused in all the elements.

There were two components of work that need to be done: work relating to the post 2020 time frame and the pre 2020 time frame. The form of the outcomes for each of this is different and this had to be taken into account. The work is linked to the outcomes of the AWG-LCA and AWG-KP and is relevant for the ambition question and the approach to be taken under the ADP. Issues that are unresolved from the two bodies (LCA and KP) should be resolved through a seamless transition and the agenda must reflect this. It should not allow for fragmentation and limiting of scope. It should be ambitious but not selective. All elements need to be addressed for a comprehensive understanding of the decision taken (under 1/CP.17) and there was need for time to be given for the understanding to evolve.

Saudi Arabia said that efforts must be made not to polarize Parties’ positions but to find common ground. It proposed an informal open-ended discussion to read the DP decision and understand where Parties stood on the various paragraphs of the decision and build on how to move forward in the work.

Pakistan supported the proposal by Saudi Arabia for a single format approach (as opposed to the consideration of issues in two separate work streams as proposed by some Parties). It also echoed China’s views that the process should not allow for Parties to “jump-ships” or “platforms”.

Egypt also echoed the views of Philippines and its proposal for changes to the agenda. It also stressed that “ambition” was not uni-dimensional and that all developing countries also had vulnerabilities. It encouraged the adoption of a balanced agenda to maintain trust and good atmosphere among the Parties to do further work.

Malaysia echoed similar sentiments. The DP decision launched a new process. It failed to see why the ADP was dealing with issues under the BAP and there was need to allow for the continuation of work under the AWG-LCA. It

supported the Philippines proposal for changes to the agenda.

Brazil said that the main focus of the negotiations under the ADP was the new legal instrument under the UNFCCC. For this, the results of the AWG-KP and AWG-LCA should be evaluated to ensure a successful closure of work in these bodies.

South Africa said that the Durban package was based on trust and mutual reassurances. It involved the work of the AWG-LCA and AWG-KP as well as how a post 2020 agreement could look like. There was also an understanding around the level of ambition. There was need to look at what are the pre 2020 arrangements on the implementation of the Bali Roadmap.

Iran gave support to the Venezuelan statement.

The developed countries and many other developing countries supported the call for the adoption of the provisional agenda as proposed by the COP President and for a separate work stream to work on closing the mitigation ambition gap pre-2020 and another for the post 2020 legal instrument. This included **Nauru** for **AOSIS**, **Gambia**, **Peru**, **Chile**, **Costa Rica**, **Colombia**, **Barbados**, **Indonesia**, **Switzerland** for the **Environmental Integrity Group**, **EU**, **Australia** for the **Umbrella Group**, **US**, **Japan**, **Russia** and **New Zealand**.

Colombia stressed the need to terminate the AWG-LCA in December and that the ADP was not to do work in the same way with a different name. Durban created a paradigm shift as the current architecture (of the UNFCCC and the

KP) was not effective enough and there was need for ambition from more countries and a better scheme of support.

Gambia also said that the UNFCCC and the KP were insufficient and urged for collective efforts.

The **EU** expressed concerns that some developing countries were suggesting that the Bali Action Plan be continued in the new agreement. It could not accept this and wanted the AWG-LCA to be terminated in Doha.

The **US** clarified that there were two distinct elements of work for the ADP. The post 2020 regime dealt with paragraphs 2 to 6 of the DP decision and the pre 2020 work on enhancing mitigation ambition was in reference to paragraph 7. Each of these aspects had a clear mandate. The post 2020 work is about the scope and context of the future agreement. This was the conceptual phase of the work and there was need to test ideas and not to narrow positions.

This post 2020 work should be done in parallel with work in paragraph 7 on the pre 2020 (enhancing of mitigation ambition) and was a key part of the work of the ADP. The AWG-LCA and AWG-KP were the wrong bodies for this work.

Barbados stressed that the pre 2020 work on enhancing mitigation ambition was under the ADP. On concerns that this would affect the work of the AWG-LCA and AWG-KP, it was of the view that the discussion of the work plan could ensure coherence and avoid duplication of the work of the other bodies.