

Durban Platform: Future work linked to successful outcomes in other Working Groups

Geneva, 27 May (Meena Raman) – A large number of developing countries emphasised that the decision establishing the working group on the Durban Platform was part of a delicate overall package that included a meaningful second commitment period under the Kyoto Protocol and comparable emission reduction commitments by Annex 1 Parties not in the Protocol to 2020.

They also stressed the importance of successful outcomes at the next Conference of Parties in Doha, Qatar for both the Ad Hoc Working Group under the KP (AWG-KP), and the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA), which is to fulfill the mandate of the Bali Action Plan under the UN Framework Convention on Climate Change (UNFCCC).

They underlined that negotiations and progress in the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) are intrinsically connected to the developments and the successful conclusion of the KP and the LCA tracks.

These remarks, led by Philippines, speaking for 38 developing countries, Venezuela on behalf of the ALBA-TCP group, Egypt representing the Arab Group, Nauru for the Alliance of Small Island States (AOSIS) and Swaziland for the African Group, were made at the closing plenary of the ADP held on Friday, 25 May.

The developing countries also emphasised that negotiations under the ADP should be in accordance with the principles and provisions of the UNFCCC, especially the principle of equity and common but differentiated responsibilities (CBDR).

Venezuela said that the new ADP “ship of hope” is being seen as a “miracle cure” to address the climate challenge but this “ship” is uncertain and rides a treacherous sea of unmet promises and called for urgent action now by developed

countries to meet their commitments to avoid a shipwreck.

Dr. J. Mauskar, the newly elected Co-chair of the ADP, in his inaugural remarks said that Parties have in Bonn embarked on work under the DP where compromises were made and red lines were respected. He said that the road ahead was arduous, as Parties had agreed to launch a new process. There is need to travel this road with the sense of purposefulness and urgency to achieve meaningful results at the 18th COP in Doha and beyond.

Referring to the two workstreams in relation to (a) matters related to paragraphs 2 to 6; (b) matters related to paragraphs 7 and 8 of the DP decision (1/CP.17), Mauskar said that he and his Co-chair, Harald Dovland (Norway), will consult Parties on ways to approach the work and will make available this information. He said Parties had expressed wide support for an additional session of the ADP in Bangkok (tentatively scheduled to take place from 30 August to 5 September if financial resources are available.) He then invited statements from Parties.

The Philippines delivered a joint statement on behalf of 38 countries that comprised of **Algeria, Argentina, Bahrain, Bolivia, Comoros, China, Cuba, Democratic Republic of Congo, Dominica, Djibouti, Ecuador, Egypt, El Salvador, India, Iran, Iraq, Jordan, Kuwait, Libya, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Palestine, Pakistan, Paraguay, Saudi Arabia, Somalia, Sri Lanka, Sudan, Syria, Thailand, Tunisia, Venezuela, Yemen, and the Philippines.**

It said that these countries have been fully conscious of the decisions taken in Durban at COP17 and the context in which those decisions were made, including the fact that the work in the ADP is under the Convention, and therefore, must adhere to the provisions and principles of the Convention, in particular the principles of

equity and CBDR. Hence, any outcome under the ADP under the Convention applicable to all Parties must be equitable such that universality of application is not uniformity of application and the prospects for achieving the first and overriding priorities of economic and social development and poverty eradication on the part of developing countries are ensured.

The Philippines stressed that the decision establishing the ADP was part of a delicate overall package in Durban that includes a meaningful second commitment period of the KP and the understanding that developed countries will undertake commitments for deep emission reductions and successfully completing the work at LCA particularly the comparability of efforts amongst the Annex 1 Parties up to 2020. Therefore, the negotiations and progress in the ADP are intrinsically connected to the developments and conclusion of the KP and the LCA tracks.

It was willing to substantively discuss the post 2020 mitigation framework going forward. However, it stressed that the context for enhancing mitigation ambition is provided by the KP's second commitment period and that those Parties who are not party to the KP or would not abide by that treaty also have a responsibility to ensure the comparability of their targets and actions under the AWG-LCA.

The Philippines said the AWG-LCA is a depository of several actions in terms of adaptation, technology, finance and capacity building, and not just of mitigation actions. Disaggregating the discussion entirely from the KP and LCA context would jeopardize the fundamental principles of equity and of CBDR and the differentiation between Annex 1 and non-Annex 1 countries under the Convention, in addition to weakening the legally binding nature of commitments and converting them to a voluntary scheme of actions for developed country Parties.

It will impose an inequitable burden on developing countries, transferring them unfairly the obligations of developed countries quantified mitigation commitments. Ensuring that the ADP outcome result in, for example, strong mitigation ambition requires jumping off from a high base of commitments by developed countries that should be built up first under the AWG-KP and the AWG-LCA, said Philippines further.

Unfortunately, from these past two weeks, the signs are not encouraging, as the level of Annex 1 ambition is not what we expected. There is no doubt left that the level of ambition in developing country pledges is now in fact higher than those of Annex 1 Parties.

Notwithstanding this situation, the Philippines said the group of countries was still convinced that the outcome of the work of the ADP can be an effective instrument in the struggle to combat climate change through the strengthening of the multilateral regime under the Convention in accordance with its principles and provisions, and covering all relevant and interlinked issues, notably the building blocks of mitigation, adaptation, finance, technology and capacity building.

In this context, the ADP will need to address the needs of developing countries that are particularly vulnerable to the adverse effects of climate change through enhanced ambition on adaptation and the provision of support and means of implementation, including finance and technology, under the Convention.

Referring to the negotiations on the ADP agenda, it said that the debate on the ADP agenda was not simply one of procedure but also one of substance that will guide our work in the ADP.

It looked forward to pursuing the work on the crucial substantive issues that must be tackled in the ADP, on the understanding that 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 KP, for the Parties that are Parties of those instruments.

The Philippines reiterated that the plan of work of the ADP must be based on an agreement and clear understanding on guiding principles building on the principles and provisions of the Convention, the work done in the AWG-KP and AWG-LCA, and relevant COP decisions including decision 1/CP.17 under the Convention. The AWG-DP will have to reflect and apply these principles as the context and framing in future substantive discussions in the ADP.

The design of the work-plan on enhancing

mitigation ambition must recognize the differentiation of the nature and level of obligations of developed and developing countries, and of Annex I and non-Annex I countries, in accordance with the principles of equity and CBDR and with relevant provisions of the Convention.

It reaffirmed that all elements of decision1/CP.17 forms part of the work of the ADP, and the organization of the work of the AWG-DP must therefore reflect this as well as the principles and provisions of the Convention, and that the voluntary mitigation efforts by developing countries are related to the extent of obtaining of finance, technology transfer and capacity building, what has been long recognised in the history of the Convention and remains valid and relevant.

The legal form of the outcome should not be decided on up-front, nor should discussions on this be an immediate priority, but such discussion should be phased in at an appropriate time, when the negotiations on substantive issues evolve and mature.

It also stressed that it would be important to pursue work in an open-ended, participatory, inclusive and transparent manner, including in any informal setting. Therefore, it was important to avoid resorting to modalities that would further exacerbate the polarization among Parties in this already difficult process. The process for this must remain Party-driven and in accordance with the long-standing practice in the Convention of consensus decision-making.

Venezuela speaking for the Bolivarian Alternative for the Americas (ALBA) –TCP, said that in Bonn, it witnessed again the efforts of developed countries to exempt themselves from their historical responsibilities to climate change and impose on developing countries what they have not been able to accomplish: to increase their levels of ambition. Hindering the adoption of the agenda by the industrialized countries and their allies did nothing but confirm the lack of political will to take bold measures to reduce emissions.

The DP decision was only possible because Ministers were assured that there would be a second commitment period of the KP from 2013 and in accordance with what science required. In addition, work of the AWG-LCA is to complete its original mandate in the Bali Action Plan.

Since the creation of the new ADP to discuss possible post-2020 arrangements, Venezuela said there are attempts to reinterpret the agreement reached in Durban, to tie the work under the ADP as the only framework for global mitigation. In this “global” mitigation applicable to all, developing countries are asked to accept obligations without any distinction of responsibilities and without any technological or financial support from those who are really responsible for climate change. Such efforts circumvent the central principle of equity in the Convention.

On the way to Doha, Venezuela reiterated the need for clear commitments to reduce emissions under the KP and a satisfactory conclusion of work under the Bali mandate. It stressed that Parties cannot underestimate the importance of this in Doha, or the danger it represents.

It warned that Parties were starting a new working group and a new process of negotiations which could be the tomb of everything significant that has been achieved so far. There is an international legal framework carefully designed after years of hard work and costly for many countries. The pillars of the legal framework are the Convention and its KP. It said that the problem was the ambition and fulfillment of commitments by developed countries.

It called for the avoidance of artificial divisions between the ADP, the AWG-KP and the AWG-LCA. These divisions threaten the equity and CBDR principle. It said Parties must learn from experiences before embarking on a new ship of hope on the understanding that it will lead to a magical future beyond 2020.

Developed countries are not doing enough. Developing countries as a whole are reducing more emissions than developed countries, and this is also a scientific fact. Developing countries are engaged in the fight against climate change because they are already doing more than their share and are determined to do more, always based on voluntary actions.

The new sailing ship of hope is uncertain and rides a treacherous sea of promises. Urgent action now is needed to avoid a shipwreck, concluded Venezuela.

Nauru speaking for **AOSIS** said that there had been two decades of negotiations but the gravity of the climate crisis is even more severe. It

hoped that the work of the ADP could be advanced in the two workstreams by setting milestones and deadlines. It stressed the need to close the pre 2020 mitigation gap. It called on developed countries to provide information on clarifying their quantified emission reduction commitments while developing countries could provide information to analyse their mitigation potential and identify the means of implementation. It also stressed the need for a successful conclusion of the work of the AWG-LCA and the AWG-KP.

Egypt, speaking for the **Arab Group** said the negotiations under the ADP must be built on what has been reached and achieved already through the work of the AWG-KP and the AWG-LCA. Any attempt to separate the work of the ADP and the other two working groups and to start from a vacuum would undermine the principles and provisions of the Convention, notably the principle of equity and CBDR. It would lead to a weakening of the legally binding character of obligations to a voluntary system of pledges for developed countries and would impose an unfair burden on developing countries to bridge the gap in ambition.

The work program for the ADP must be based on an agreement and a clear understanding of the all the principles and provisions of the Convention, especially the principles of equity and CBDR. There should also be a balanced approach between the themes of adaptation, mitigation, and the means of implementation.

Swaziland for the **African Group** stressed the importance of the work of the AWG-LCA and AWG-KP as key milestones as they are built on a multilateral rules-based regime. It expressed disappointment on the slow progress under the AWG-KP and the lack of comparability of efforts in mitigation by developed countries who are not Parties to the KP. Stressing the need to implement the Bali mandate, it called for increased ambition on all fronts, including in relation to finance, technology transfer and capacity-building.

Gambia for the **LDCs** stressed the need for an additional session before Doha to advance the work of the ADP.

India emphasised the delicate balance of

decisions reached in Durban which was on the basis of “mutual reassurances”. It said that the work of the ADP was to fulfill the objective of the Convention and anchored in equity and CBDR and was not to rewrite the UNFCCC. The work of the ADP must build on the work of the AWG-LCA and AWG-KP and not replicate or modify the work of these two AWGs. The ADP was the logical home for the unresolved issues of the AWG-LCA, added India.

Australia speaking for the **Umbrella Group** said it was frustrated in Bonn by procedural issues. The ADP must intensify global efforts to achieve the 2 degree C limit in temperature rise. It must reflect the political, economic and current social realities while respecting vastly differing national circumstances. The ADP process must be forward looking and fair. It wanted progress to be made on the pre 2020 mitigation ambition while developing a new legal agreement applicable to all.

Denmark, for the **European Union** said that Durban was a significant turning point and the decision was a finely balanced political package. It was committed to ratifying a second commitment period under the KP, which was part of a transition to a single and comprehensive legally binding agreement from 2020. Referring to other Annex 1 Parties in the KP, it urged them to do the same (commit to a 2CP). It said progress on substance in Bonn was repeatedly impeded by procedural issues. It the goal was to limit the temperature rise, than Parties must address this collectively based on substance and not procedure. The ADP presented a new approach to building on what we have. In the post 2020 timeframe, all Parties must contribute according to their evolving responsibilities and capacities. . On the pre-2020 enhancing of mitigation ambition, one significant element was to further capture the mitigation pledges of developing countries and those who have not done so, have to come forward and join the global mitigation efforts.

Mexico for the **Environmental Integrity Group** stressed the importance of maintaining the integrity of the delicate balance reached in Durban. It was disappointed with the agenda discussion and there was need to start substantive work in the two workstreams.