

Developing countries say no to reinterpretation of climate Convention

Bonn, 30 April (Meena Raman) – Developing countries made a strong call that the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change (UNFCCC) must not lead to a reinterpretation or a rewriting of the Convention. They also stressed that the outcome must be in accordance with the objective, principles and provisions of the Convention, including the principles of equity and common but differentiated responsibility and respective capabilities (CBDRRC).

This call was made by the G77 and China at the opening plenary of the second session of the ADP in Bonn, Germany, that kicked off on 29 April and will meet till 3 May.

Parties agreed in Durban, South Africa, at the UNFCCC's 17th meeting of the Conference of Parties (COP 17) to adopt a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties in December 2015, and for it to come into effect and be implemented from 2020. At COP 18 in Doha, Qatar last year, they also agreed that they will consider elements for a draft negotiating text no later than 2014, with a view to making available a negotiating text before May 2015. Parties had also agreed to “launch a workplan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties”.

The work under the ADP is being conducted under two workstreams. Workstream 1 relates to

the new agreement to be concluded by 2015, while workstream 2 relates to the pre-2020 ambition. The ADP2 session was co-chaired by Jayant Mauskar (India) and Harald Dovland (Norway). Also present at the opening session was Ms. Christiana Figueres, Executive Secretary of the UNFCCC, who reminded Parties of the urgency needed in tackling climate change, given that the world “is just about to cross the 400 parts per million threshold of atmospheric concentrations of CO₂”.

Mr. Amena Yauvoli of Fiji, speaking for the **G77 and China**, said that the work of the ADP must be under the Convention and should be based on its principles and provisions related to commitments and responsibilities with regard to mitigation, adaptation and means of implementation. He added that the process under the ADP must not lead to a reinterpretation or a rewriting of the Convention; the outcome must be in accordance with the objective, principles and provisions stipulated in the Convention, including the principles of equity and CBDRRC; the negotiations must be a party-driven process, and must be fully inclusive and transparent; the work should lead to a balanced, ambitious, fair and equitable outcome under the Convention; and progress depends on following a balanced approach that will include mitigation, adaptation and means of implementation, in accordance with the spirit of the Convention.

In addition, the G77 and China applauded the amendments adopted in Doha in relation to the second commitment period of the Kyoto Protocol and said the efforts should now be focused on

bringing those amendments into effect at the earliest opportunity. Fiji urged all Parties to undertake the relevant legal procedures necessary to bring the amendments into force as soon as possible. The Group was also of the view that the outcome of our work under the Durban Platform must enable us to further enhance the full, effective and sustained implementation of the Convention and strengthen the multilateral rule-based regime in order for the Convention to achieve its ultimate objective.

In relation to the pre-2020 ambition, the G77 said that any action should be guided by the objectives and principles of the Convention. Given the urgency of our situation, the Group highlighted the need to increase and expedite efforts to close the ambition gap. In addressing this gap, focus must not only be limited to mitigation but also address gaps relating to finance, technology and support for capacity building. Failure to address these gaps will not only have impact in the short term but will also have profound impact on the scale of commitment that would be required under the 2015 agreement, which should be guided by the principles and provisions of the Convention. In this connection, the Group reiterated its call for developed countries to take leadership and do more in the provision of the means of implementation.

The G77 and China also said that this April session of the ADP should be utilised to build on the broad, conceptual and scoping discussions carried out last year and to that end will support efforts by Parties to engage in more specific and detailed work on the core elements of the 2015 agreement and a practical and result-orientated approach to increasing pre-2020 ambition. On the proposal by the two Co-Chairs to establish the contact group at this session of the ADP, the Group supported in principle its establishment under the two Co-Chairs to facilitate work and focus. The contact group would convene when necessary with the agreement of the Parties, said the G77 and China.

Swaziland for the **Africa Group** viewed the work of the ADP in the context of reassurances amongst Parties, where implementation of the Convention

beyond 2020 was agreed to on the basis of mitigation, finance, and technology commitments by developed countries. It said that the mitigation and finance gaps and lack of clear support for adaptation pre-2020 is of concern to Africa. Addressing these concerns will build the necessary trust as we focus our work on the 2015 agreement.

In respect of the 2015 agreement, it reiterated its view that all the principles and provisions of the Convention apply; as such there should be no renegotiation of the Convention and its annexes. Further, Swaziland wanted the setting of an adaptation goal and an expression of such a goal in the 2015 agreement, including support for mitigation and adaptation in developing countries. On the pre-2020 ambition, the Group was committed to bridging the gap towards the achievement of the agreed 2°Celsius goal to be reviewed towards 1.5°C starting this year. Referring to the emissions gap of 8-13Gt of CO₂ it said that global mitigation efforts should be undertaken and there should be effective delivery of the US\$100 billion per year by 2020. It called for the monetisation of the emissions gap and provision of incremental finance to support developing countries' new and supplementary mitigation actions would build confidence and trust in the system.

The Africa Group was concerned over the inadequacy of aggregate developed country pledges, and the lack of visibility and transparency on scalable and accessible means of implementation to incentivise and enhance developing countries' contribution to ambition. It was of the view that the workplan of the ADP will benefit from progress in the implementation of commitments and decisions under the Bali Road Map and called to facilitate linkages with the work of the subsidiary bodies under the Convention. On international cooperative actions, it stressed the importance of transparency and accounting provisions under the Convention so as to ensure the environmental integrity of such initiatives and build confidence in the multilateral system. It wanted transparency and recognition of such efforts through a reflection of the expected emission reduction outcome, sectors or gas

coverage, accounting assumptions and methodologies, and level of support pledged and provided.

Nauru, speaking for the **Alliance of Small Island States (AOSIS)**, said that time to act is rapidly slipping away and urgent and dramatic action in the next few years before 2020 is needed to avoid catastrophic effects. It stressed that failure to close the ambition gap has implications for workstream 1. AOSIS wanted to see two distinct contact groups for both the workstreams as the subject matter was separate. On workstream 1, it said that on the core elements of the agreement, decisions must be guided by the science and build on the foundations of the Convention. It called for a protocol under the Convention which is guided by its principles and applicable to all with contributions from all Parties. It also stressed the need for financial resources and technology transfer.

Nepal, for the **LDCs**, also called for two contact groups for the respective workstreams of the ADP. It said that under workstream 1, there is a need to define the structure and content of the agreement based on robust science and an equitable regime. It stressed the importance of the CBDR principle, with different and evolving capabilities and noting future trends. It said that elements for the future regime should include mitigation, finance, technology transfer, and capacity building, and transparency of action. It called for a closure of the gaps in implementation. Nepal also stressed the importance of adaptation for LDCs and other vulnerable countries which should be further enhanced. It said that mitigation is the best form of adaption. As regards workstream 2, it called for the closure of the mitigation gap and wanted progress on pre-2020 ambition, as this will affect the post-2020 ambition. It called on developed countries to take the lead.

Nicaragua, speaking for the **Like-Minded Developing Countries on Climate Change (LMDC)**, said that the LMDC countries have a combined population of 3.5 billion. Within its borders live more than 1.54 billion people who survive on incomes that are below the international

poverty line of US\$2 a day. Around 900 million more people in developing and least-developed countries also survive on less than \$2 a day. This means that more than two-and-a-half billion people survive on daily incomes that are less than what each cow in many developed countries receives in farm subsidies each day, which is clearly unjust and inequitable.

The LMDC highlighted the common challenge of poverty eradication and development that developing and least-developed countries have faced and continue to face from 1992 to the present day. Like other developing countries, its economies are still developing and so are fragile and vulnerable to the impacts and costs of climate change actions. Hence, as affirmed in the Convention, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty, added Nicaragua.

Nicaragua reminded that all Parties acknowledged that the largest share of historical global emissions of greenhouse gases originated in developed countries and that, owing to this historical responsibility, developed country Parties must take the lead in combating climate change and the adverse effects thereof. However, the extent to which Annex I Parties have fulfilled their commitments under the Convention has not been adequate, resulting instead in major implementation gaps for the Convention. On the other hand, many developing and least-developed countries are undertaking and investing heavily, in most cases using mainly their own domestic resources, in domestic climate mitigation and adaptation actions. These actions could have been further enhanced had Annex II Parties' commitments under the Convention to provide financing and technology transfer to developing countries been fulfilled.

The LMDC said the work of the ADP is to ensure the full and effective implementation of the

Convention in the period both before and after 2020. This must build on the work that has already been taking place and ensure that all parts of the package constituting the outcome under the Bali Road Map, including the agreed outcome under the Bali Action Plan and the adoption of the amendment to Annex B of the Kyoto Protocol for a 2nd commitment period, will be effectively and fully implemented now, up to and beyond 2020. The urgent task of implementation of the decisions already taken under the Convention, in particular those relating to the operationalisation of the mechanisms set up to assist the actions of developing countries, is a key priority and must receive equal emphasis in the work of the Parties going forward.

It stressed the negotiations and the outcome shall be guided by and must be consistent with the principles and provisions of the Convention, especially the principles of equity and CBDR. These principles of the Convention and the provisions and structure that reflect and apply these principles are at the foundation of the work of the ADP. The ADP negotiations must not replace, rewrite, restructure, renegotiate, or reinterpret the Convention and its principles, provisions, and structure, added Nicaragua.

It wanted the work under workstream 1 to link to, build on and be informed by the work of the subsidiary and other relevant bodies. It stressed also that work of the ADP in workstream 1 must address as essential elements of any outcome of its work all of the Convention building blocks of adaptation, mitigation, finance, technology transfer, and capacity building, as well as forest activities, response measures, economic diversification and resilience, loss and damage, and transparency and compliance issues, as substantive issues that need to be addressed in an operational, effective, and adequate manner. The actions to address climate change must be comprehensive and also address sinks and all gases and sectors.

For workstream 2, the LMDC looked forward to a result in which developed countries build trust, show good faith, and take the lead in addressing climate change by implementing the Doha package

and showing enhanced mitigation ambition in the pre-2020 period. It emphasised that increasing pre-2020 ambition shall primarily be achieved through the implementation of the 2nd commitment period of the Kyoto Protocol (KP) and the outcome of the Bali Action Plan in a comprehensive manner, covering mitigation, adaptation and finance and technology support. This could be done through Annex I KP Parties immediately ratifying the amendment to the KP for the second commitment period during 2013 and thereafter significantly scaling up their mitigation ambition by April 2014. Non-KP Annex I Parties must also commit to comparable enhanced mitigation ambition in the same timeframe. Annex II parties must also show increased ambition pre-2020 by fully financing mitigation actions in developing countries without seeking to get emission reduction credits from these actions and fully implementing their commitments to provide finance and technology transfer to developing countries under the Convention.

The outcome of the ADP's work under workstream 2 with respect to pre-2020 mitigation ambition particularly of developed countries will shape what will happen in workstream 1 with respect to developing an agreed outcome applicable to all Parties that leads to the urgent, effective, and enhanced post-2020 implementation of the Convention, it added.

The LMDC stressed that it is very important to ensure that the entire negotiating process is open, transparent, party-driven, fully participatory and inclusive, and reflects a balanced negotiating approach, pace, intensity, and progress for all issues and their elements in terms of their procedural and substantive treatment and outcome, and appropriate allocation of negotiating time for all issues.

Egypt, speaking for the **Arab Group**, said that the international climate change regime is founded on the principles and provisions of the UNFCCC and of the KP. Articles 3 and 4 of the Convention represent the basis for international cooperation in the fight against climate change, namely through the principle of CBDR, equity, and the

responsibility for historical emissions, and the absolute priority for developing countries to achieve sustainable development and poverty eradication in line with their national strategies and priorities. These fundamentals are not to be reinterpreted or renegotiated but instead our work should be grounded on them and they should be re-emphasised in any 2015 outcome.

The Arab Group stressed that the objective should be the full and sustained implementation of the Convention through the full implementation of the outcomes emanating from the Bali processes and the Durban and Doha decisions. The ADP work shall be informed of the progress in implementation of the commitments made in Durban and Doha in relation to the second commitment period of the KP and the implementation and delivery of commitments in the areas of adaptation, finance, technology transfer, and capacity building. Merely creating new institutions is not enough, but should be translated into concrete time-bound deliverables. Any 2015 outcome should not be mitigation-centred but should incorporate and integrate all these aspects. The Group called for balanced progress in our work in the elaboration of the content of all these building blocks. Our goal should be to bridge the ambition gaps in all these matters with the same level of seriousness and resolve if we are to deliver by 2015 an outcome that is effective and that all could feel ownership of.

The Arab Group said it will assume its fair share of the global efforts to combat climate change. Much is already taking place in individual Arab countries to delink their economic development strategies from the growth of their emissions and to implement new and renewable energy strategies. However, Arab countries will not agree with any attempt to move away from or side-step the founding principles of international cooperation in the field of climate change, or any attempt by some to renege on their legal obligation to take the lead in global efforts by shifting to developing countries the burden to fill the gap between the level of emission reductions required by science and their low mitigation commitments.

It called on Annex I countries members of the KP to urgently complete their ratification of the second commitment period, and revise their mitigation ambition upward in 2014. Non-KP Annex I countries or Annex I countries that chose not to be part of the second commitment period of the KP are called upon to exert comparable emission reduction efforts. There should also be a swift progress in the operationalisation of the Green Climate Fund as well as urgently addressing the missing elements pertaining to long-term finance in the Doha outcome. Furthermore, it called on all sides to desist from unilateral trade measures in the name of climate change, and to effectively address the socio-economic impact of response measures on developing countries and assist those countries in need to diversify their economies in order to face the repercussions of climate change. It also called for a shift in the mind-set in these international negotiations away from finger-pointing to a principled approach grounded on equity and fairness.

India speaking for the **BASIC** countries said that the work of the ADP is under the Convention's principles, provisions and structure and there can be no reinterpretation or renegotiation. The CBDR principle has been reaffirmed and must apply. The Durban Platform has to be a comprehensive process and must address all the building blocks in a coordinated manner. It noted with grave concern the ambition gap. It said that developed countries have to increase their ambition pledges with what is required by science and consistent with their historical responsibility. Developing countries are undertaking mitigation actions and they can enhance them if they are enabled with finance and technology transfer. It also called for the prioritisation of the operationalisation of the Green Climate Fund and the Technology Mechanism as well as enhancing of adaptation efforts. India supported the setting up of a contact group to advance further work.

Chile, speaking for the '**Independent Alliance of Latin America and the Caribbean**' (AILAC) (Chile, Colombia, Costa Rica, Guatemala, Panama and Peru), said that the Convention is a living instrument and should be interpreted in an

evolving way in the light of current realities. In addressing the issue of the CBDRRC principle, Chile said that ‘common responsibilities’ means legally binding commitments for all Parties and ‘differentiated responsibility’ means that each party has to make a fair contribution. ‘Respective capabilities’ needs to take into account the nature and scale of each state’s impact on mitigation and adaptation. The CBDR principle should not be an excuse for inaction, it added, calling for combined action by all. It said that all principles needed to be handled in an ethical way. While the Convention recognises the right to sustainable development, it does not allow for dangerous levels of emissions. It called for efforts to delink economic growth and emissions through low-carbon development strategies.

The Philippines stressed the need to remain faithful to the Convention as a fundamental basis for the only way to a successful strengthened climate regime. A deviation will prove counterproductive, and will lead us farther away from strengthening the regime. The work of the ADP is not pursued in a vacuum, it added. Parties should not work in isolation from the delicate balance that is achieved from the overall package out of Doha at the core of which is the adoption of the amendments establishing the second commitment period of the KP, the operationalisation and meaningfulness of which is cast in doubt. What is also cast in doubt is the willingness to take leadership in enhancing the implementation of the Convention, in relation to commitments and responsibilities with regard to mitigation, adaptation and means of implementation. It called for the ADP to ensure that there is a balanced negotiating approach, pace, intensity, and progress for all issues and elements in terms of procedural and substantive treatment and outcome, and appropriate allocation of discussion and negotiating time for the inter-dependent elements of mitigation, adaptation, finance, technology, and capacity building. It said that a decade was lost because countries that had the responsibility to lead refused to lead. The Philippines viewed the ADP, in particular

workstream 2, as the last opportunity for developed countries to step up to the plate, take responsibility and demonstrate leadership.

The **European Union** was concerned that Parties are not on an emissions pathway that is consistent in limiting the temperature goal of below 2 degrees C. Under the ADP, the EU was for a single, fair and comprehensive legally binding agreement applicable to all as well as the need to close the pre-2020 mitigation gap. In workstream 1, it wanted to see how there could be a spectrum of commitments which are fair and reflect the evolving economic realities and responses to the global challenge. On workstream 2, it wanted the identification of concrete actions with more Parties putting their pledges and enhancing them, as well as in undertaking cooperative initiatives. It cited actions related to HFCs, energy efficiency, and reform of fossil fuel subsidies.

Australia, speaking for the **Umbrella Group**, wanted a climate agreement which was effective and applicable to all. There was a need to better understand how we can design an agreement that captures the participation of all with a spectrum of commitments with all countries to act in a way that reflects national circumstances and ensures flexibility, transparency and environmental integrity. On the issue of increasing ambition, it said that 100-odd countries have still not made pledges for emission reductions and this needed to be done while complementary actions are also taken, including actions from sub-national bodies.

Switzerland, speaking for the **Environmental Integrity Group (EIG)**, emphasised the need to agree on the core elements of the 2015 agreement which included mitigation, adaptation, finance, transparency of action and common rules. It wanted a legally binding instrument with the same legal form with actions under the same rules with different levels of effort and timing, reflecting the CBDRRC principle. It said that there is a need for ‘dynamic differentiation’ and that fair differentiation must be developed. It also stressed the need to close the pre-2020 ambition gap with actions both within and outside the Convention.