

Durban Platform: Bangkok climate session likely to be contentious

Bangkok, 30 August (Meena Raman) – The Bangkok session of the Ad Hoc Working Group on the Durban Platform (ADP) under the UNFCCC is expected to see a contentious and wide range of views from Parties on the “vision” for the outcome of this body tasked with coming up with either a “protocol, another legal instrument or an agreed outcome with legal force” by 2015, in order to implement climate actions from 2020 onwards.

The ADP session will take place from 30 August to 5 September, 2012, in conjunction with the meetings of the other two Ad Hoc Working Groups under the UNFCCC’s Bali Action Plan and the Kyoto Protocol.

The UNFCCC principle of equity and common but differentiated responsibilities and respective capabilities in the context of the 2015 outcome is expected to be a key issue of debate in the ADP. Many developing countries have stressed the principle’s continued relevance and importance while developed countries led by the US refer to “changing circumstances and evolving commitments” of some major developing countries such as China, India and others perceived as “major emitters”, thus undermining the principle.

The Co-chairs of the ADP, Dr. J. Mauskar (India) and Mr. Harald Dovland (Norway) have issued a note on 7 August to Parties indicating how they would conduct the Bangkok session and have planned discussions on the “principles of the Convention”.

The note in this regard states that the Co-chairs plan “...to encourage a focused discussion on the elements that could frame the work of the ADP, especially how Parties envisage giving effect to the principles of the Convention in the results of the ADP’s work.”

“Many Parties have underlined the importance of the principles of equity and common but differentiated responsibilities and respective capabilities in this context. This discussion could be informed by the workshop on equitable access to sustainable development that was held in Bonn on 16 May 2012. A roundtable discussion on this topic is planned for the second half of the session,” said the information note from the Co-chairs.

In May, at its inaugural session in Bonn, the adoption of the ADP agenda and the election of the Co-chairs proved highly charged and difficult, given that this is a new body established after the UNFCCC’s 17th meeting of the Conference of Parties (COP) in Durban, with varying interpretations among Parties on what the key paragraphs of the Durban Platform decision means.

In the agenda that was adopted, two workstreams were initiated – one addressing matters related to paragraphs 2 to 6 of the Durban Platform decision (decision 1/CP.17) and another addressing matters related to paragraphs 7 to 8 of that same decision. (Paragraphs 2 to 6 relate to the agreed outcome envisaged for the post-2020 climate regime while paragraphs 7 to 8 relate to enhancing the mitigation ambition in the pre-2020 time frame.)

The Co-chairs in their note state that “an informal additional session of the ADP ... in Bangkok, ... provides a valuable opportunity to prepare for the resumed first session of the ADP to be held in Doha in November.”

The Co-chairs have indicated that discussions will be organized in a manner that “facilitates interactive dialogue, through use of a roundtable format, in several parts over the course of the session. The open and inclusive interactive

discussions, which we will co-chair jointly, will be open to all Parties and observer organizations”.

“Having considered the submissions and views expressed by Parties”, the Co-chairs have “proposed to structure the discussion in Bangkok as follows:

- (a) Vision for the ADP: We will invite Parties to share and explore their vision and aspirations for the ADP, the results of its work and how these results are to be achieved. It would be particularly useful if Parties could outline how they envisage the broad contours and features of the protocol, another legal instrument, or agreed outcome with legal force under the Convention applicable to all Parties. This roundtable discussion will be initiated at the beginning of the session.
- (b) Ambition: We would also like to deepen the discussion on how to enhance ambition, with the aim of building a better understanding of the mitigation gap and the opportunities to bridge that gap, the role of the means of implementation, and how to strengthen international cooperative initiatives.”

The Co-chairs “will prepare summaries of the discussions under our own responsibility and make these available after the session on the UNFCCC web site.”

In response to an invitation by the Co-chairs following the May Bonn session to provide additional inputs regarding the work of the ADP, several countries have made submissions and this included Brazil, India, the US, the European Union, and Chile and Colombia (jointly).

Brazil in its submission proposed that Parties should proceed with exploratory work to identify topics with greater potential for convergence and concentrate discussions on selected issues. It believed that the central outcome of the Durban Platform should be the development of a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties for it to come into effect and be implemented from 2020, in accordance with decision 1/CP.17 (the Durban Platform decision).

“In planning the work of the ADP, Parties will need to carefully consider issues arising from the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) that may have to be further addressed after both Ad Hoc Working Group are terminated in Doha. While decisions reached under the AWG-LCA and the AWG-KP should not be revisited by the ADP, unsolved issues under their mandates might need to be forwarded to the Durban Platform or to the permanent subsidiary bodies, the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA), said the Brazilian submission.

Brazil added that “it is also important to acknowledge that future negotiations on the legal form of the Durban Platform’s agreed outcome could have implications on the legal form of issues already concluded in other subsidiary bodies. These implications would need to be addressed by the ADP, before it presents its final results to the Conference of the Parties.”

It also stressed that the “work of the ADP shall be in full accordance with all the principles and provisions of the Convention, in particular the principles of equity and common but differentiated responsibilities and respective capabilities. These principles must be reflected in all aspects of the agenda of the ADP and of the Durban Platform’s final outcome.”

India in its submission re-emphasized that “work of the ADP shall be in full accordance with all the principles and provisions of the Convention, in particular the principles of equity and common but differentiated responsibilities and respective capabilities.”

It believed that the “immediate work under ADP is to create an environment, which is conducive to discussions on development of a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties. Therefore, the work of the ADP till COP-18 should focus on identifying the issues that should inform the Durban Platform in this regard.”

For India, the workstream for addressing the post 2020 regime (matters related to paragraphs 2-6 of decision 1/CP.17) “should facilitate discussions on substantive issues, particularly the principles underlying the Durban Platform and the manner in which these principles will be applied. These discussions should be open-ended to capture a wide range of views and to identify the broad areas of convergence. The work should progress sequentially and not in parallel on various aspects of ADP work. This will enhance efficiency of the process and help in achievement of objectives. The work in initial stages should build around defining the scope of work and clearly identifying the deliverables. It may be pre-mature to discuss timelines or milestones even before the substantive issues are identified and discussed.”

On the workstream for addressing matters related to paragraphs 7-8 of the Durban Platform decision, India was of the view that it “should not be mitigation-centric. It should address the issues related to both mitigation and means of implementation in a balanced manner to comprehensively address the ambition gap.”

The submission also states that “the work of ADP will need to be planned in a manner that it can build on the work of AWG-LCA and AWG-KP, though without revisiting the earlier decisions. Further, the issues that may not get resolved under these AWGs may need to be taken on board by the ADP or the permanent subsidiary bodies, the SBI and SBSTA.”

The **United States** focussed its submission on advancing work on the 2015 agreement. It saw “the early stages of the ADP process as providing a valuable opportunity to lay the conceptual groundwork for the agreement.”

“While the (UN)FCCC Parties have experience in developing a legal agreement applicable to some Parties (to the Kyoto Protocol) and a non-legal agreement applicable to all Parties (Cancún), they do not have experience developing a legal agreement applicable to all Parties. The successful development of such an agreement is perhaps the greatest challenge that the Parties have faced to date,” states the US submission.

“Given the challenges, we think ‘progress’ in the negotiations should be measured not by whether treaty texts have been put on the table but by

whether we are exploring the key issues, testing ideas, deepening our understanding of each other’s perspectives, and narrowing differences...Text can easily be written once conceptual agreement is reached or close at hand. The Bangkok meeting could be very useful in promoting conceptual exploration if it employs the right formats and focuses on the right issues,” said the US.

On substance, the US wanted a number of key issues that should be addressed at this early stage as follows: - “How should the agreement be designed so as to recognize the economic development and emissions realities of the time period in question, i.e., post-2020? While all Parties cannot be expected to undertake the same type/level of mitigation action, much more commonality will be necessary not only for actions themselves but also for measurement, reporting, review, and other forms of accountability. What are the implications for the approach to the Annexes?

How should the agreement be designed so as to be “applicable to all Parties” (and attract their participation in fact) while also promoting ambition?

To what extent can we avoid re-inventing the wheel by relying on institutional arrangements and procedures already launched in Cancun/Durban? Would refinements be necessary to address the new time period? Do all elements listed in paragraph 5 of the Durban Platform need to be part of the agreement per se or just part of the 2015 package? ” (Paragraph 5 of the decision agreed that the ADP “shall plan its work in the first half of 2012, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action, and support and capacity-building...”)

How can the agreement be designed so as to be a living, breathing instrument that can capture changing circumstances and evolving commitments? ”

Cyprus, in a submission on behalf of the **European Union** said that on the workstream on the 2015 agreement stressed “two urgent priorities - (i) to commence substantive discussions; and (ii) agree on a workplan for delivering the 2015 agreement.

The EU submission states that “the workplan to deliver the 2015 agreement should be as streamlined as possible and should be based around the high level elements identified in paragraph 5 of decision 1/CP.17

According to the EU, it does not think it will be possible at this early stage to reach consensus on substantive elaboration of those elements. “As such the workplan to be developed under your guidance should focus on the process leading to the adoption of an agreement in 2015.”

In an earlier submission to the UNFCCC in April this year, the EU said that “in order to give a context to our deliberations it is important to have a collective vision regarding what

we are working towards.” For the EU, it was for a “new protocol” that “could contain the following main elements: overall objectives; mitigation and accounting (including market mechanisms); compliance; adaptation; means of implementation (finance, technology transfer, capacity building); transparency of action and support; mitigation review and simplified ways to raise ambition”.

In relation to the workstream on pre-2020 mitigation ambition, the EU wants to accelerate efforts “to enhance pre 2020 mitigation ambition and ensure that the ambition process delivers in

Doha recommendations that build political momentum including by launching concrete complementary initiatives that will deliver action to close the gap.”

Chile and Colombia provided a joint-submission. In relation to the workstream on the 2015 agreement, they want the first element to deal with ‘legal matters’, relating to the architecture of the new regime viz. the legal form of the instrument to be agreed upon; the nature of commitments within that instrument; and the enforcement procedures contained in the instrument. The second element they want addressed is the ‘operationalization of mitigation’, which involves the method of defining mitigation commitments in the context of the principle of common but differentiated responsibilities and respective capabilities with a specific target or commitment for each country as a result; accounting and transparency of action; support, including finance for mitigation, technology transfer, capacity building and the measuring reporting and verification (MRV) of support for mitigation; and market mechanisms, including the use of existing mechanisms and the creation of new ones, if necessary. The third element relates to the operationalization of adaptation.