

Deep divide over Russia's proposal to amend Convention

Doha, 1 December (Chee Yoke Ling) – The deep divide between developing and developed countries remains over the proposal from the Russian Federation to amend Article 4.2(f) of the UN Framework Convention on Climate Change, to periodically review the lists in Annexes I and II of the Convention.

Developed countries and countries with economies in transition that support the amendment, argue that since 1992 when the Convention was adopted, the socio-economic situation in the world has changed. On the other hand, developing countries that do not support this move reiterate that the proposal goes against a basic principle of the Convention, i.e. common but differentiated responsibilities (CBDR) based on the historical responsibility of developed countries for the accumulation of greenhouse gases in the atmosphere.

The Convention provision currently reads as follows:

Article 4.2 - The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

(f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;

The Russian Federation on 24 May 2011 submitted an amendment text to insert after the words “with the approval of the Party concerned”, the following sentence:

“A further review of amendments to the lists in annexes I and II shall be conducted on a periodic basis, as determined by the Conference of the Parties, until the objective of the Convention has been achieved.”

(Annex I to the Convention contains a list of developed countries and countries with economies in transition, with obligations to reduce greenhouse gas

emissions. Annex II contains a list of developed countries based on the list member States of the Organization for Economic Cooperation and Development in 1992, with obligations to provide new and additional finance to developing countries. The Annexes reflect the principle of “common but differentiated responsibilities and respective capabilities” of the respective Parties to fulfill their obligations under the Convention.)

One of the controversial issues in the UN climate negotiations is the move by developed countries to reinterpret CBDR to shift more mitigation obligations to developing countries even as developed countries themselves do not take the lead to take ambitious emissions cuts in accordance with their historical responsibility. Developing countries are concerned that the Russian proposal goes against this principle.

At the 17th meeting of the Conference of the Parties (COP 17) in Durban last year, the Russian Federation said in a contact group (that met 4 times) that it would request for a vote by COP 17, but most Parties called for continued discussions at COP 18 in Doha. Thus the issue has been allocated 3 time slots for contact group discussion.

At the 30 November Contact Group meeting in Doha, the facilitator Ambassador Javier Diaz (Costa Rica), requested the Russian Federation to present its proposal, whose delegate then reiterated that it is about the possibility of addressing annexes of the Convention, because the Convention was adopted in 1992. Annexes I and II were not designed or meant to be cast in iron forever and we need to change with changes in the socio-economic situation in the world, said the Russian Federation. So we want Parties to refer to the wording in the proposal, which is simple: a periodical review of Parties in Annex I and Annex II, consistent with the main objective of the Convention, to prevent dangerous anthropogenic

interference with the climate system, it said.

Belarus and **Turkey** expressed support for the Russian Federation.

China said that it really appreciated the effort or intent of any colleague who wants to improve the Convention according to dynamic situations and want to enhance the Convention. But specifically on this proposal, its understanding is that the purpose is to review the 2 lists of States of the Convention and to modify the Annex I or Annex II lists, and that it is not a matter of whether we add or delete names. If this is the case, this concern could also be met by present mechanisms or practice of the Convention. If we want to add or delete, we can do that already, said China, giving the examples of the addition of Belarus and Malta to Annex I and the deletion of Turkey from Annex II with similar (COP) decisions.

So the present articles provide mature mechanisms for us to address Annex I and Annex II dynamics in accordance with the provisions and mechanisms of the Convention, it concluded.

India said that Parties had 4 rounds of discussion in Durban which were useful and enriching, and we examined the issue from all angles. From whatever it has seen in the last one year, India did not see the need for its delegation to review its position.

After our discussion we adopted the Durban Platform, it said, and we are getting into a post-2020 arrangement. Discussions on pre- and post-Durban Platform (decision) makes me more convinced that the lists reflect historical responsibility, CBDR and equity and nothing has changed so drastically that we need to change this.

How the Durban Platform outcome is going to shape and look is already in process. We are getting into an architecture that we want to reflect CBDR but that is evolving. So to look at this proposal at this juncture is not possible for us, said India.

The facilitator thanked India for putting the group in the new circumstances that we are now in.

The United States said the proposal is important if we want the UNFCCC to move forward. It shared Russia's concern that the Annexes are based on 1992 economic circumstances that do not reflect our current reality. The US indicated that it is precisely to link to other processes under the Convention that the Annexes will pose an obstacle (referring to the Durban Platform track).

(At the Durban COP, the US categorically refused to have CBDR or even the word "equity" explicitly contained in the Durban Platform decision. The

compromise was that the new working group will work towards a "a protocol, another legal instrument or an agreed outcome with legal force" by 2015.)

The US also said that several among the top 10 largest economies, emitters and richest countries are non-Annex I countries and the annexes do not reflect reality. There is real reluctance to talk about graduation and changing Annexes according to those terms, it added, and to have comprehensive participation necessary to meet our climate challenges, one possibility is to review (the annexes). Another possibility is in the discussion during the Durban Platform negotiations, but we may be moving towards a system where annexes still exist but those annexes may not be so important for mitigation. So in the context of relevance of annexes, the US said this discussion should continue.

Singapore raised 3 points. First, what the Russian Federation is proposing goes against the basis of the Convention, where one fundamental principle is CBDR, where developed countries are to take the lead, and this is also historical responsibility. Secondly, it is hard to understand how the proposal reflects that responsibility. Thirdly, similar to China and India, its position is quite clear, there is not much time at this COP so it did not see much need to discuss this proposal.

Australia said that as with US and others, it very much supports the intent of this proposal. A regular review will ensure that the Convention will not be lead into something that does not reflect reality. Parties agreed to review in 1998 and this proposal ensures that P will do that, it said.

(The existing Convention provision states that a review to amend the lists in Annexes I and II shall be *with the approval of the Party concerned*.)

Turkey agreed with the US and China that we can have different ways and means to reflect dynamism. But the exclusion of Turkey from Annex II in Marrakesh (COP) was after difficult negotiation. If there were efficient mechanisms it would have been excluded earlier, and its experience shows how difficult the present mechanism is, it said.

Saudi Arabia thanked Russia for its good intention for protecting the global climate. It supported China, India and Singapore, and said it would like to highlight a very important fact: that we have in Doha a situation that is very different from Durban, that is the content of the decision for the Durban Platform for 2020.

If we compare from 1990 to 2012, or from 1998 (review in Article 4.2) till now, there is change. But

this cannot compare with 150 years of historical responsibility, we need 20 and 20 and more 20 years. It is from the industrial revolution. We need to show that, then we can talk. We need to take into account the important fact of the Durban Platform decision. Saudi Arabia said it cannot accept the (amendment) proposal, as we are short of time. We have 7 processes and we have no time.

Responding to Turkey, it said that it proves there is a mechanism for joining or going out.

India then referred to China's point on how changes can be made, and said that even without changing Annexes developing countries have recognised they have to contribute more. That is why developing countries' pledges are more than developed countries – we have turned the Convention upside down. We are reflecting dynamic changes. It is not as if there is 1 side to the coin, there are 2 sides to the coin.

Iran said that this is not the appropriate time for the proposal. We have started the Durban Platform negotiations and we need convergence and full

cooperation, adding that we are concerned this proposal will make a divergence between the Parties at the same time. It agreed with China that there is a mechanism to make changes to the annexes.

Iran said further that developed countries have commitments and pledges within the framework of the Convention and it is that this proposal paves the way for developed countries to evade their commitments. It cannot go along with this proposal.

Canada said it very much agrees with the US, Australia and Russia for introducing the proposal. There is nothing (in the proposal) to compel a Party to move from one Annex to another, and it allows for useful and constructive discussion. It said that the fact that this proposal is at the same time as the ADP (Ad Hoc Working Group on the Durban Platform) is good timing, as we discuss over the next 2 years, the Russian proposal may allow us to overcome the inflexibilities experienced in the past.

The next 2 meetings of the Contact Group will be on Monday and Tuesday next week