

Clash of views on need for Durban mandate

Durban, 1 Dec (Meena Raman) – Parties expressed divergent views on the need for a mandate in Durban for a process to launch a new global treaty to address climate change at the climate talks under the UNFCCC and the Kyoto Protocol.

Several developed countries viz. the European Union, Japan and Australia called for a “new global and comprehensive legally binding (mitigation) framework” that binds all “major economies” and wanted a mandate in Durban to launch the process towards such an agreement.

The EU and Japan called for a new working group to be established to launch the process for a future mitigation regime.

The Alliance of Small Island States (AOSIS) in the meanwhile wanted a Durban mandate to secure a legally binding agreement to reflect the outcome of the work of the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA). The AOSIS also wanted the continuation of the Kyoto Protocol.

The proposal for a Durban mandate was opposed by some developing countries, especially Saudi Arabia, Egypt and Nigeria, who wanted the existing work under the Bali Action Plan (BAP) through the AWG-LCA to be completed and to deliver its outcome.

These views were expressed at an open-ended informal consultation for Parties and observers on Wednesday, 30 November, which was convened by Ambassador Nozipho Joyce Mxakato-Diseko on behalf of the South African Presidency of the climate talks.

Diseko asked those present to consider the following questions: (1) In working towards the strengthening of the multilateral rules-based response to climate change that builds on the existing regime and with the view to keeping the average rise in global temperature below 2 °C, what immediate actions should Parties agree to in Durban under the AWG-KP track and the AWG-LCA

track?; (2) What are Parties prepared to commit to now on the elements of future climate action? In particular, are Parties prepared to consider: objectives of a future multilateral rules-based regime; and a process and timelines?

Saudi Arabia stressed the importance of the second commitment period under the KP and wanted numbers for emission reductions by the end of next week from all Annex 1 Parties without any conditions. Referring to the conditions by developed countries for a second commitment period, it said that blackmailing will not work.

Responding to calls for a new mandate in Durban, Saudi Arabia said that the mandate of the Bali Action Plan (BAP) for the work of the AWG-LCA has not expired and its work has not been finished. There was need to continue to negotiate until Parties had fully delivered on the BAP outcome and then decide if there was need for another process to deliver the outcome. It called for the renewal of the mandate of the AWG-LCA.

Saudi Arabia said that there was no room for a new mandate where the intention of some Parties was to break down the firewall between developed and developing countries and to change the terms of reference of the UNFCCC. If Parties were not happy with the Convention, they could negotiate a new mandate for that but re-negotiating the Convention, its principles and commitments was not acceptable.

Egypt said that the objective was not to build a new regime but rather see how the existing regime needed to be strengthened, referring to current rules under the Convention and the KP, which are based on science and painstakingly negotiated over two decades. There was no lack of legal standards but there was a lack of implementation and the political will of Annex 1 Parties to assume their historical responsibilities and to provide the means of implementation.

Egypt said that agreement for the second commitment period of KP with no gap and ambitious targets by Annex 1 Parties consistent with science and historical responsibility was needed as well as comparable targets for non-KP developed country Parties. It also stressed the need to continue the work under the AWG-LCA to continue its work and accomplish the objectives decided in Bali on the real implementation of the Convention.

In relation to the call for the peaking of global emissions, Egypt also emphasized the need for various scenarios on the economic and social impacts of such peaking on developing countries with clear analysis.

Nigeria said that the road to Durban had clear mandate, which came from Bali and the idea of the new mandate cannot be a re-negotiation of the mandate. There could not be a new multilateral regime that is with a single treaty that reneges the KP. There was need to complete the second commitment period process under the KP. The AWG-LCA outcome provides the wider framework. The issue of a new mandate does not arise.

The **Democratic Republic of Congo**, in stressing the need for a second commitment period of the KP, underlined the need for a clear firewall in the two-tracks of the negotiations. For a future multilateral regime, it called for the principles and provisions of the Convention to be respected and for the full implementation of the means of implementation for developing countries and for continued discussions on the form of the legal outcome under the AWG-LCA.

Venezuela said that it was willing to discuss all ways and means to enhance the full, effective and sustained implementation of the Convention, which was part of the Bali Roadmap under the BAP.

Grenada for **AOSIS** reiterated their position that Durban must have a decision establishing a 5 year second commitment period to run from 2013-2017 with a single legal base year of 1990. It said that the

KP outcome was part of the regime under the two-track outcome, where without it, there could not be a way forward. On the second question, it wanted a process to scale up the mitigation pledges.

Barbados in supporting Grenada stressed the need for a second commitment period under the KP with more ambitious pledges. It wanted a Durban mandate to negotiate a new legally binding agreement under the AWG-LCA that will respect the principle of common but differentiated responsibilities and a clear process to raise the level of ambition. **Nauru** supported Grenada and Barbados.

European Union called for Durban to initiate a process at delivering a new global and comprehensive legally binding framework, which builds on the KP and also reflected today's realities (referring to the need to encompass all major economies including some developing countries.) It wanted negotiations in a new ad-hoc working group to be completed by 2015. It was in this context with a clear roadmap for a future regime that the EU was prepared to undertake a second commitment period under the KP.

Japan called for a new single comprehensive legal instrument, which would be fair and equitable where all major economies could participate. It wanted a mandate to negotiate a new treaty. It called for concrete steps in Durban to indicate the way forward, where a new space was needed to start discussions towards the future new treaty, and proposed a new working group for this.

Australia said that a new regime was needed which clarifies the mitigation targets of all Parties. The new regime must be flexible to accommodate the different domestic approaches and different circumstances and capacities of Parties. The KP alone is not enough and a single legal agreement binding all major economies was needed which could build on the rules of the KP.

The informal consultations will continue on 1 December.