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ADP Workstream 2 Should Not Discuss Workstream 1 Issues, Say Developing Countries

Geneva, 13 February (Hilary Chiew and Chee Yoke Ling) – The workstream 2 discussion in the contact group of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) on 12 February had a rocky start with a delay of nearly 30 minutes when Co-chair Daniel Reifsnyder (the United States) used the time to introduce the Co-chairs' proposed idea of work for the afternoon session.

This triggered many developing countries to question the appropriateness of the announcement of matters pertaining to workstream 1 in the contact group session dedicated to workstream 2 (WS2) as they urged Reifsnyder to start the meeting.

Reifsnyder proposed to have two conversations with an allocation of 1.5 hours each to discuss two issues.

The first issue proposed was that of 'cycle' (referring to Section K on the timeframe or process related to commitment of the elements text for the 2015 agreement) for mitigation and adaptation. He said this is for Parties to consider what kind of 'cycle' that they see can be adopted for the Paris agreement.

(WS2 deals with enhancing ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the UN Framework Convention on Climate Change by all Parties. Workstream 1 deals with the 2015 agreement for the post-2020 period.)

The second issue was on market and non-market mechanisms, particularly in Section D on mitigation with the additional proposals that Parties had made. He said he just wanted to provide a platform for brainstorming broadly.

For the Friday (13 February) morning session, he said the Co-chairs thought it would be useful to ask for Parties' thoughts on the June session in Bonn. (The other Co-chair is Ahmed Djoghla of Algeria.) Reifsnyder said there may be additional time for another subject if the discussion on the June session does not take up all the three hours (from 10 am to 1

pm). Further, he hoped to start the closing plenary at 3 pm to adopt the 'Geneva text'.

Since the six-day session of the resumed ADP started on 8 February, Parties had worked on the negotiating text which was annexed to the decision adopted in Lima (decision 1/CP.20) by inserting new proposals into the various sections to make available on the last day (13 February), the negotiating text of the Paris agreement. The text is now known as 'the Geneva text'. The Geneva session is the only negotiating session planned before May 2015.

India pointed out that most of the issues that the Co-chair raised were pertaining to workstream 1 (WS1) but Parties in the room are here for matters of WS2.

To this, Reifsnyder replied that those issues he raised are for the afternoon session. 'It is 10:30 am now and we have until 1 pm to talk about WS2,' he said. He explained that he and Co-chair Djoghla thought that there is an opportunity to share views on many issues but they have chosen these specific issues.

Argentina took the floor to join India in seeking clarification. It said WS2 is a very important matter and needs time for discussion, stressing that it is confusing that the Co-chair is raising WS1 issues while colleagues in the other room should have to decide on the process. (Most WS1 negotiators were attending an informal session chaired by Djoghla in another room. Earlier, Reifsnyder had also informed Parties of the informal discussion in the other room. He said Parties were looking into five paragraphs identified on 11 February and if there is appetite to streamline those five paragraphs. He assured Parties that if there is an agreement there, the matter will be brought back to the contact group for a decision to accept or not.)

Jordan echoed Argentina that WS2 is a very important issue and expected more attention to be given to it. It is grateful that the WS2 issue was given

the opportunity to be discussed in a contact group setting. In fact, more than one session is needed, it said.

China said it shared the concerns of others. It pointed out that the idea to have two slots to discuss the proposed ideas of the Co-chairs was not in their scenario note. They are totally new ideas, it said, adding that mitigation and adaptation are not the only issues when it comes to discussion on 'cycle', referring to means of implementation (finance, technology and capacity building).

It also wanted another slot for WS2 on 13 February and said that Parties do not have to rush for a closing plenary at 3 pm.

In supporting others that spoke earlier, **Iran** stressed that what Parties are likely to achieve for post-2020 is dependent on pre-2020. It also believed that more time is needed to discuss issues that are relevant and pertinent to WS2.

The European Union (EU) said it is a little confused. It said it heard that we are ready to get down to substance discussion. As 'the Geneva text' is locked down, we can make progress on substance in terms of understanding Parties' proposals. It was happy to follow the Co-chairs' proposals.

At this juncture, **Mali representing the Group of 77 and China (G77-China)** raised a point of order. Reifsnyder said he hoped it is really a point of order, and not that Mali wanted to jump the queue of Parties asking to take the floor.

Mali's Houssen Alfa (Seyni) Nafu said it is difficult to continue this discussion as WS1 negotiators are not in the room as indicated by others. He asked for the discussion to stop. However, Reifsnyder ignored the plea and continued to give the floor to Parties on the speaking list. He assured that no decision (on the proposed ideas for the afternoon session) will be taken that is not acceptable to Parties.

The Marshall Islands said it interpreted Reifsnyder's announcement as some upfront information and not going into the details. It hoped there will be no extended debate on the matter as it will then take up time for WS2 which is an important matter.

Japan said it believed that it is important to get into substance discussion and that the two issues raised by the Co-chair are very important as there are so many options and ideas. It would support the idea of having the two conversations.

India pointed out that the Co-chairs' idea was not in the daily programme. It said if Parties want to discuss something else (other than on the agenda), sufficient notice should be given. It said we should now go ahead with WS2 discussion.

Reifsnyder said it is his intention to move straight ahead with WS2 but the Co-chairs have the policy of no surprise. He explained that what he was trying to do is to orient the Parties as soon as we (the Co-chairs) are able to tell you what we are doing this afternoon.

'That said and we had been through this (debate). It is time now to move into WS2,' he declared. When Mali's Seyni Nafu began to deliver his statement for the G77 and China, Reifsnyder interrupted him as he (Reifsnyder) wanted to make an introduction to the session (on WS2).

By this time, word had spread about the confusion in the WS2 contact group to the informal meeting in the other room. The Singapore delegation raised its concern over WS1 issues being discussed in the contact group of WS2.

Mali speaking for the G77 China reminded that WS2 is a mandated agenda item related to the implementation of paragraphs 7 and 8 (of decision 1/CP.17). And indeed we do have an implementation crisis; demonstrated inter alia by the low number still of ratifications of the Doha Amendment of the Kyoto Protocol's second commitment period (CP2) or the lack of transparency on the US\$100 billion (a year by 2020) mobilisation effort.

Therefore in Lima, we reiterated our resolve as set out in decision 1/CP.19, paragraphs 3 and 4, to accelerate the full implementation of the decisions constituting the agreed outcome pursuant to decision 1/CP.13 and enhance ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties.

Our resolve, said Mali, as manifested by 'The Lima Spirit', should materialise through the adoption of a systematic and comprehensive approach addressing all the building blocks of pre-2020 action if we are to achieve More, Faster, and Now.

Mali suggested that to master this challenge, it is of critical importance that WS2 proceeds on three permanent and parallel tracks:

1. Track 1 – An Accelerated Implementation process to accelerate implementation and ambition in the pre-2020 period;
2. Track 2 – A Technical Examination Process (TEP) which builds on the existing TEMs, to realise practical opportunities with high mitigation potential and co-benefits for adaptation and sustainable development; and
3. Track 3 – A High Level Action Platform where political, private sector and civil society leaders can work together to launch voluntary concrete mitigation actions with adaptation and sustainable development co-benefits.

Focusing on the Accelerated Implementation Track (AIT), he said its purpose is to assess and improve coherence and implementation of pre-2020 action under the Convention. Its focus is to stock-take, evaluate and, if appropriate, recommend improvements to work under the relevant Convention bodies relating to pre-2020 action.

Parties must receive and discuss, in a consolidated and comprehensive manner, the technical inputs (such as status reports, etc.) that would be submitted by existing subsidiary bodies and processes under the Convention in relation to the implementation of paragraphs 17 and 18 of decision 1/CP.20, and paragraphs 3 and 4 of decision 1/CP.19, in relation to the Bali Action Plan outcome and the KP CP2 (e.g. on mitigation pre-2020 – from the IAR/ICA processes; on KP CP2 – from UNFCCC secretariat; on finance – from Standing Committee on Finance, Global Environment Facility, Green Climate Fund; on technology – from Technology Executive Committee and Climate Technology Centre and Network; on capacity building – from Durban Capacity Building Forum). The discussion on these reports should be focused on understanding the policy implications and identifying the policy recommendations for Parties for adoption by the ADP and subsequent endorsement to the Conference of the Parties (COP) for the COP to adopt as COP decisions.

He said that there will be not be a duplication by this process of any work or discussions being undertaken in any other UNFCCC body.

He further suggested that taking the technical inputs from the Convention bodies and the results of the TEP, the policy discussion under the ADP would revolve around the following:

- Ratification of the Doha amendment of the KP;
- Revisiting Annex 1 2020 Cancun and KP CP2 quantified emission limitations and reduction objectives (QELROs) to increase these to at least 40% below 1990 by 2020;
- Evaluating whether Annex 1 QELRO conditions are being removed;
- Reviewing the adequacy of, and identifying gaps in, the pre-2020 provision of means of implementation (finance including the finance pathway pre-2020, technology, capacity building) to support the implementation of Nationally Appropriate Mitigation Actions (NAMAs) and National Adaptation Plans (NAPs) of developing countries; and
- Further actions to address identified gaps in the pre-2020 provision of means of implementation

(finance including the finance pathway pre-2020, technology, capacity building) to support the implementation of NAMAs and NAPs of developing countries.

In addition to the technical inputs from the various Convention bodies above, the AIT could also receive and consider the Synthesis papers from the TEP.

This AIT, said Mali, should report to the ADP Co-chairs, who could either chair its meetings similarly, or delegate it to co-facilitators. It should meet at every session of the ADP, at least twice a year in conjunction with the meetings of the subsidiary bodies and the COP (i.e. mid- and end-year).

He said the group is confident that if the resolve – the ‘Lima Spirit’ – is manifested through the three tracks of Accelerated Implementation under the ADP, coupled with the TEP and a High Level Action Platform comprising a Ministerial Ambition, it could continually increase ambition on all elements in the pre-2020 period to provide a strong and ambitious basis for the start of the implementation of the 2015 agreement in 2020.

China speaking for the Like-minded Developing Countries (LMDC) said WS2 is an essential part of the work under the ADP that needs serious consideration by Parties on the way to Paris. It said the LMDC has consistently called for the urgent implementation of the needed pre-2020 enhanced actions in the context of Workstream 2 in order to lay down a strong, solid, and ambitious basis for enhanced post-2020 ambition under WS1. In short, WS2 is the stepping-stone to WS1. Pre-2020 ambition must be addressed in a comprehensive manner, covering mitigation, adaptation and finance and technology support.

It called for urgent and immediate ambitious action in the pre-2020 period that must not be delayed by developed countries, adding that any delay threatens the credibility of their ambition and commitment to combat climate change. The pre-2020 mitigation gap would not even have existed if the developed countries had committed to an emission reduction of 40% below their 1990 levels by 2020, it added.

For the LMDC, the outcomes of WS2 with respect to the pre-2020 period must lead to the closure of the ambition gaps between what is required of developed countries with respect to their mitigation, financing, technology development and transfer, and capacity building commitments under the Convention, and what has actually been done.

Doing so will allow the ADP process to move forward rapidly and in an ambitious manner in collectively constructing the post-2020 outcome.

The LMDC welcomed the Lima decision, which reflects the progress made so far on this important matter. It also clearly lays out key directions that we need to further advance our work under the WS2. These include accelerating implementation of current commitments, and identifying further potential and means of implementation, high level engagement.

‘We have a good discussion on technical examination process on Tuesday; we have successfully conducted Lima Climate Action High Level Meeting last year. However, we were not advancing the acceleration of implementation in the same pace as we expected. During the year of 2014, we have worked very closely with many colleagues to develop a specific accelerated implementation mechanism to order to advance the mandate given by para 3 and 4 in Warsaw decision. There are concerns on the time constraint of the negotiation process in this year. However, this should be the excuse for us not considering these key issues,’ said China.

It added that there are many important implementation issues explicitly listed in para 4 of the Warsaw decision and reiterated by the Lima decision we need to consider under the WS2 discussion which include but are not limited to:

1. The immediate and early ratification of the Kyoto Protocol amendment for its second commitment period by the Parties listed in Annex B of the Kyoto Protocol as well as other Parties;
2. Party that has not yet communicated a quantified economy-wide emission reduction target or nationally appropriate mitigation action, as applicable, to do so;
3. Developed country Party to implement without delay its quantified economy-wide emission reduction target under the Convention and, if it is also a Party to the Kyoto Protocol, its quantified emission limitation or reduction commitment for the second commitment period of the Kyoto Protocol, if applicable;
4. Developed country Party to revisit its quantified economy-wide emission reduction target under the Convention and, if it is also a Party to the Kyoto Protocol, its quantified emission limitation or reduction commitment for the second commitment period of the Kyoto Protocol, if applicable, in accordance with decision 1/CMP.8, paragraphs 7–11;

5. Developed country Party to periodically evaluate the continuing application of any conditions associated with its quantified economy-wide emission reduction target, with a view to adjusting, resolving or removing such conditions;
6. Developed country Parties to increase technology, finance and capacity-building support to enable increased mitigation ambition by developing country Parties;

China said that some of these issues have been addressed by other processes but some of them are not. The LMDC did not want to repeat the work undertaken by other processes but stressed the need for a place to look at overall implementation in an integrated manner. The ADP WS2 is exactly the right place where we should consider these issues, it said further.

In this regard, the LMDC asked the ADP Co-chair to allocate sufficient time during the ADP session to consider how Parties can further accelerate the implementation in a comprehensive manner. It also wanted to put back its proposal of AIM on the table.

India said the pressing question before us is, are we in suspended animation in the pre-2020 period or have we suspended ambition till the post-2020 arrangements are in place?

It outlined the basic implementation requirement for the pre-2020 period at this point:

- Urgent ratification of the second Commitment period of the Kyoto Protocol by all Annex I Parties.
- Revisiting and ratcheting up of ambition by developed country Parties. In Warsaw, it was also agreed that the KP Parties will revisit their targets with a view to increasing their ambition. However, this still remains an unfinished task.
- There is a need for removal of conditionalities associated with KP commitments of Annex I Parties.
- Provision of finance, technology and capacity building support by developed countries is a must in the pre-2020 period. It needs to be noted that developed countries Parties will provide and mobilise enhanced financial support to developing country Parties for ambitious mitigation and adaptation action. The need to scale up to US\$100 billion and beyond it has been inadequately addressed. The mobilisation of US\$10 billion through the GCF for four years is much below target and backsliding from earlier pledges, noting the

US\$10 billion per year under the fast-start finance for 2010 to 2012.

It pointed out that while international negotiations on an effective set of actions needed to address climate change are going on, India has already taken a number of actions on a voluntary basis with its own resources in pursuance of a sustainable development strategy, including change in energy mix, urban policy on climate smart cities.

It said during Lima, the multilateral assessment process which is part of the newly established international assessment and review (IAR) process for developed country Parties, it was learnt that only a few countries have met their target under the first commitment period of the KP.

India also said it is important to assess how the 2013-2015 review and the 5th Assessment Report of the Intergovernmental Panel on Climate Change were to inform the ADP process on adequacy and link to the 2015 agreement. Thus we feel the need for adequate allocation of time for WS2 issues in this and future sessions of the ADP.

Associating with the G77 and China statement, **Bolivia** said the KP is a durable agreement which requires Parties to look at subsequent commitment periods. The other great fallacy, it said, surrounds the remark that developing countries have no obligations. It said Articles 10 to 12 of the KP are about how developing countries will be able to undertake more mitigation actions in order to enhance their implementation of their commitments through technology and financial support (by developed countries) while Article 11 is about financing. However these provisions were not fully operationalised.

Pointing to Article 12, it said the Clean Development Mechanism has been in operation and has indeed advanced the developing countries in moving forward in their sustainable development pathway but at the same time produces certified emission reduction units that assisted developed countries to meet their commitments.

On finance, it said there is a process going under the long-term finance Standing Committee and biennial high level ministerial dialogues on climate finance. Therefore, there are mechanisms in place that we can capture that will allow us to address the pre-2020 gap in finance, technology development and transfer and capacity building.

Bolivia also said that it would be dangerous for the integrity of Mother Earth and negative for the 2015 agreement if pre-2020 ambition is not enhanced.

Brazil said WS2 is as important as WS1 as it is part of the confidence-building process, stressing that WS2 is here to facilitate our understanding of full implementation rather than negotiations. The outcome in Paris is for WS2 to be fully implemented and WS2 is not limited to actions by developing countries. It said to further elaborate work under WS2 does not mean that the technical examination process (TEP) which has been given special attention has exhausted our possibility for our work in WS2; rather it is an important tool to bring in more expertise and opportunity to engage with non-State actors and stakeholders in a facilitative mode.

However, it cautioned against direct engagement with non-State actors. It cited the example of the secretariat establishing formal engagement with those not Parties to the Convention.

When Co-chair Reifsnnyder asked for further explanation on Brazil's note of caution, it explained that the Convention is part of international law and the formal channel of communication is through national focal points. This is without prejudice to engagement with local governments and non-State actors, but should not be taken as a mandate to create a parallel formal channel of communication.

(Member States of the World Health Organisation are currently deliberating on a policy for engagement with non-State actors. Among the issues are the distinction between public interest and industry non-governmental organisations, role of the private sector, transparency and conflict of interest. For more information please see: http://www.twn.my/title2/health.info/2015/hi150_106.htm – 'WHO: Members States propose guidance for engagement with non-State actors'.)

Nicaragua cautioned that the pre-2020 period could well be yet another lost decade of no ambition, no commitments and no finance. It said the mere existence of the ADP is a collective understanding that the Ad Hoc Working Group on Long-term Cooperative Action will end and a new track begins; yet pledges were unfulfilled and the CP2 has not been ratified in 2015.

Responding to the G77 and China's suggestions on the three tracks, the United States said it is clear from the Lima decision language that we did not create a new process or new track for WS2 work. It said it is best to continue the work in a pragmatic manner rather than duplicate work and revisit work in Lima. Instead we should move forward to catalyse our work to further advance the TEP this year.

The EU said we have heard colleagues talk about implementation crisis that leads to emissions crisis; and that we cannot disregard decisions taken

in Lima. It said that with regard to conversations that had led to frustration in the past, such as pledges and KP commitments, those kinds of conversation will only lead to continuing frustration. It said the CP2 is for Parties to change their commitments and not whether we are implementing or performing our commitments. It said the TEP is a process that adds value without being political and allows us to be creative and innovative.

The EU also said that the GCF pledge of US\$10 billion (for four years) is a record, with the speed it was made, adding that this is part of the US\$100 billion that is to include the private sector, and part of billions flowing into energy investments.

New Zealand said the TEP could look into actionable policy such as fiscal instrument to reform and promote renewable energy development. On finance, it said it is important to remember that there are multiple sources of finance and channels of distribution. For New Zealand, it is currently providing by a factor of six times more than what it is paying to the GCF.

Japan said it totally supports the views of New Zealand and the US, adding that WS2 needs further collaboration and communication with the exiting institution such as TEC and CTCN.

Australia said it has reservation that the WS2 work under the ADP should include items in paragraphs 17 and 18 of the Lima decision (1/CP.20).

(Paragraph 17 reads: *Encourages all Parties to the Kyoto Protocol to ratify and implement the Doha Amendment to the Kyoto Protocol;*

Paragraph 18 reads: *Reiterates its resolve as set out in decision 1/CP.19, paragraphs 3 and 4, to accelerate the full implementation of the decisions constituting the agreed outcome pursuant to decision 1/CP.13 and enhance ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties; ...)*

South Africa said we need meaningful discussion on means of implementation (MOI) which it had raised many times. Without that discussion on MOI we will continue to talk in circles. We need an honest discussion – shelving away the issue of MOI will lead us to talk and identify actions of mitigation potential and we will get nowhere. It stressed that we cannot continue to park this issue.

Norway said that the United Nations motto in Geneva is, ‘The place where global solutions are shaped for you’ and that no matter how valuable the TEMs are, it is the follow-up that matters and Parties’ actions. On the 2015 work plan for WS2, it said that our experience is that TEMs with participation of both public and private sectors is useful and public-private partnerships are key.

Iran said that not just island states, but its region (Middle East and North Africa) have climate impacts and events such as dust storms in Iran that had not been experienced before.

In closing, Co-chair Reifsnnyder said he counted some 20 interventions and the discussion had been rich. He noted the interesting range of views and proposals. He said the TEP is laid out in paragraphs 19 and 20 and in the latter paragraph, he noted that there is a request for the ADP to further advance the TEP including the review process, to COP21 in Paris.

Referring to paragraph 17, he said many Parties that addressed the issue do not seem to think that there is anything in that paragraph except for the ADP to ‘encourage’ Parties to ratify and implement the Doha Amendment to the KP.

On paragraph 18, he said the question is, what does the word ‘reiterates’ mean and what to do with that, adding that it is not clear how to take the paragraph forward or is it really requesting us to do anything. He said it is up to the Parties, and that the matter can perhaps be discussed and heard from Parties on how to advance this topic when Parties discuss tomorrow (13 February) the approach for the June session.