

Lively exchange among Ministers on the Durban Platform

Kuala Lumpur, 30 Nov (Hilary Chiew) –The High-level Ministerial Dialogue on the Durban Platform for Enhanced Action saw ministers and special envoys for climate change from both developed and developing countries reiterating their respective positions in the negotiations at the Warsaw climate talks, showing a divergence of views over the agreement to be concluded in 2015.

Several developing countries' representatives stressed the importance of not rewriting the United Nations Framework Convention on Climate Change (UNFCCC), respecting the Convention's principles and provisions, particularly the principle of common but differentiated responsibilities (CBDR) and equity. They called upon developed country Parties to fulfil their commitments under the Convention in terms of mitigation and the provision of financial resources in order to deliver a successful outcome in 2015.

The speakers from developed countries on the otherhand stated strongly that "the world had changed" since 1992 (referring to the year of the Convention was adopted) and that the two annexes in the Convention representing developed and developing countries divisions (Annex 1 and Non-annex 1) are outdated and unacceptable.

The High-level Dialogue held on Thursday, 21 Nov, was co-facilitated by Ministers Vivian Balakrishnan (Singapore) and Tim Groser (New Zealand) who said that the session was meant to create an opportunity for ministers to provide political direction and increase the momentum of the process under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).

Taking the cue from Balakrishnan to "have a brutally honest discussion as needs be to crystallise the differences and provide strategic guidance with a sense of urgency", the speakers were frank about their expectations.

Three questions were projected on the screen to guide Parties' interventions. They were: What kind of change should a successful and meaningful 2015 agreement catalyze in the world and what elements of this agreement will secure such a change; How can the 2015 agreement be made to stand the test of time for all and remain durable while adaptable to changing circumstances; How can ambitious pre-2020 actions provide for a transitional phase towards the post-2020 world? The Dialogue was preceded by a keynote address by President Jakaya Kikwete of Tanzania. He hoped that Paris [venue of the 21st session of the Conference of Parties (COP 21) in 2015] will provide the elusive agreement since Copenhagen (COP 15 in 2009). He reminded Parties that we agreed to begin working for a new climate treaty no later than 2015 and developed countries agreed to support the developing countries, especially the poorest and most vulnerable to adapt to climate change. He noted that the agreement has to be comprehensive and balanced in terms of mitigation and adaptation actions, the latter taking into account millions of communities who are innocent victims of climate change.

He also called for addressing the inequality in the current climate regime where Africa is left out from various opportunities in the climate actions particularly those under the Kyoto Protocol (referring to the Clean Development Mechanism).

President Kikwete said African nations are innovating and contributing in their own ways in fighting climate change but leadership must come from the industrialised nations in terms of support. He outlined three areas where attention should be given: (1) Dynamism of all governments to increase emission reductions overtime in accordance with the principles of the Convention and that Africa needs support in finance, skills and technologies; (2) Broad approach to climate finance where public

finance must be scaled up and developed more effectively and in the long term, effective policies to involve the private sector; and (3) Addressing the ambition gap in terms of finance, technology and capacity building and that the low level of ambition of developed country Parties remains a matter of great concern.

Balakrishnan invited three 'ice-breakers' to kick-start the dialogue starting with China.

Vice Chairman of the National Development and Reform Commission, Xie Zhenhua said scientific facts have shown us that climate change has become a tangible and severe threat to sustainable development, and all countries should work together to tackle it through sincere cooperation. He made the following points: respect the principles of equity, CBDR and respective capabilities; funding is key for success and builds trust; the funds from developed countries for the period 2013 to 2015 should be no less than the fast-start finance; a clear roadmap for providing US\$100bil each year by 2020; capitalisation of the Green Climate Fund (GCF) with public funds as the major source as soon as possible; ratification of the Amendment to the second commitment period of Kyoto Protocol (KP) as soon as possible; launch the review process to further raise mitigation ambition; non-KP developed country Parties do comparable emissions reductions (under the UNFCCC); start the formal negotiation under the Durban Platform on the pillars of mitigation, adaptation, funding and technology in a balanced fashion, in accordance with the decisions made in Durban and Doha as a positive signal to assure the international community of a 2015 Agreement.

Xie also highlighted China's emission reduction policies and actions and South-South cooperation towards combating climate change.

The United States climate change special envoy Todd Stern stressed that ambition should begin at home, noting that the US carbon emissions had fallen for two decades while its economy grew. He shared the country's new regulation in the energy and transport sectors. On the issue of hydrofluorocarbons (HFCs), he said the global phase down presents a huge opportunity and urged to use the Montreal Protocol (on Ozone Depleting Substances) to phase down the production and consumption of the gas but keep the accounting within the UNFCCC.

(Several developing countries led by India argue that HFCs are greenhouse gases [and non-ozone depleting] and should thus be dealt with under the

UNFCCC.)

Stern said the 2015 Agreement needs to include meaningful participation of all Parties and is encouraged by the significant convergence in negotiations this year. He further noted that the idea of nationally-determined commitments ensure that Parties can put forward self-differentiated commitments and this is fully consistent with CBDR, adding that the US is ready to submit its' commitment well ahead of Paris.

He said quite a few Parties had argued that self-differentiation is not enough to satisfy CBDR which is based on the two categories of countries (set in 1992) that can never be changed no matter how out-of-date those categories are in the "new world". He said it is a prescription for orthodoxy and not for solving the problem. Therefore, it just would not work. If those categories are to be operational then they must evolve according to circumstances. Alternately, it can remain unchanged if it is not operational.

Venezuela's climate change envoy and Vice Minister, Claudia Salerno Caldera expressed four points that she felt Parties should be tackling. She said in Durban (COP17 in 2011), we agreed to negotiate a rules-based regime under the Convention which should be an essential part of the 2015 Agreement, which includes the principles and provisions that are part of the Convention such as its rules, annexes and structure. We are not negotiating the rules of the ADP. In her view, the ADP discussion and decisions should not prejudice or limit the 2015 outcome. She recalled that in Durban, Parties agreed on three forms – a protocol, another legal instrument or an agreed outcome with legal force. Therefore, discussions and decisions should respect the fact that the three options will remain on the table until 2015.

She said developing countries have strong concerns regarding the issues of finance and technology transfer being held hostage in Warsaw and that is a bad signal as the ADP is not merely a mitigation agreement. She described the current state of the ADP negotiations where developed countries are calling for flexibilities, as a revised form of the Copenhagen Accord, where an individual country's mitigation commitment has no obligation for compliance with every individual country doing 'what they can, when they can and as they can'.

Co-facilitator Balakrishnan then opened the floor for interventions.

The European Union's Climate Commissioner,

Connie Hedegaard said she appreciated the frank ministerial exchange but expressed concerns over where the negotiation is heading. Citing the discussions on the draft text in the ADP negotiations, she said we cannot afford any back-tracking from the Durban decisions.

She said Parties agreed that we must respect CBDR but it is also clear that reaching far into the 21st century, we need a more dynamic way than when we started in 1992. We need to leave Warsaw firmly on track. To close the mitigation gap, one key area lies in the phase down of HFCs. She said the EU is phasing down HFCs and would like others to send a similar strong signal. She also wanted those that had not submitted their mitigation pledges to do so and hoped that at the ministerial session in June next year in Bonn, all Parties will be prepared to raise their efforts and not just those that are obliged to do so under the second commitment period of the KP. She urged Parties to leave Warsaw and go back and do their 'homework' in time for the Paris COP (in 2015).

On the concern over a bottom-up regime where some said there is a risk it will not bring us far enough, she said we also have problem with a top-down approach as there are too few participants. She said there must be some kind of a hybrid approach that will ensure we do enough to stay below the 2°C temperature limit. She argued that while developed country Parties have to deliver more than others for very good reasons, we also realise that we cannot ensure the world stays below 2°C unless all of us are committed to do our utmost in the post-2020 regime.

In response to China's assertion that mitigation and adaptation must be balanced, Hedegaard said that does not mean we can do less on mitigation because science tells us that a world with more than 2°C temperature rise is not possible to adapt. She stressed that Parties should leave Warsaw saying loud and clear that "we will go home and do our homework", adding that it is not a fantastic outcome but a minimum one.

Nauru representing the Alliance of Small Island States(AOSIS) said the language of the COPs are too exotic to be understood. It stressed that the ADP workplan under workstream 2 (on the pre-2020 mitigation ambition) provided an effective way to reduce greenhouse gas emissions and help each other to do it. However, developing countries need funding and capacity building for the efforts. It does not understand why countries with greater wealth are not providing the promised finance, adding that

AOSIS needs a clear outcome from Warsaw and asked for a workplan to deliver finance and capacity building.

Japan said the post-2020 framework must be fair, effective and transparent for all countries to ensure that commitments are evaluated and performance is reviewed, adding that it is important to foster mutual understanding of Parties to enhance transparency of commitments.

Malaysia's Natural Resources and Environment Minister G. Palanivel

said the 2015 agreement must be firmly rooted in the understanding that historical activities that increased the atmospheric concentration of CO₂, facilitated the amassing of wealth in developed countries and reduced the atmospheric space needed for other countries to sustainably develop, must form the scientific, factual and moral basis. Such an agreement will also ensure that developed countries take the lead in undertaking enhanced mitigation commitments and will provide certainty on the provisions of the means of implementation to developing countries to undertake action, resulting in the desired upward spiral of ambition by all countries. He called for a clear work plan for the pre-2020 period to scale up mitigation in developed countries while scaling up mitigation and adaptation in developing countries through the provision of finance and, technology development and transfer, together with the requisite capacity building.

Peru, the host for the next COP, said to produce a draft agreement by May 2015, we need substantial results from Warsaw and for Parties to draw up clear deadlines of their mitigation ambition between now and Lima. It is also equally important for developed countries to announce additional financial inputs and carry out appropriate mitigation action.

Bolivia said a work programme for 2015 is vital to ensure a legal instrument under the Convention which is governed by its principles and provisions especially CBDR. It stressed that CBDR also implied that developed countries must undertake quantified emission reduction commitments by at least 40% reductions compared to 1990 levels; otherwise we cannot close the mitigation gap before 2020. There must be clear decisions on finance and technology transfer to be adopted in Warsaw such as a finance target of US\$70bil by 2016 and US\$100bil a year by 2020. There must not be attempts to dilute these efforts by taking money for other sources like bank loans, carbon markets and private investments. It stressed that the

operationalisation of a loss and damage mechanism is vital, considering what happened to the Philippines, in reference to the devastation caused by typhoon Haiyan.

The **UK's Secretary of State for Energy, Ed Davey** acknowledged that while developed countries need to lead, we cannot do it alone. In response to China on differentiating the actions of developed and developing countries in the 2015 Agreement, it would like to pose the issue differently – how can the agreement be designed so that it is fair – where big economies do more? He said a molecule of carbon regardless if it was emitted in the past, present or future will be equally damaging today and in the future. He urged Parties to look at things practically and not to split the world (into developed and developing countries), recalling that in Durban, it was decided that the agreement will be applicable to all.

To this, **India's Environment and Forest Minister Jayanthi Natarajan**, who took the floor following the UK, said Parties must consider intergenerational equity. She asked about developing countries that had to face the consequences of historical emissions. She said equity and historical responsibility emerged from a moral obligation and a scientific fact. We cannot achieve an ambitious agreement in 2015 unless we recognise and build upon both science and history. She stressed that the ADP must be guided by the principle of CBDR and we are not assembled here to rewrite the Convention. She said we need to build on the edifice since 1992 and not preside over its demise in Warsaw. On technology transfer, she said India is putting forth a new proposal which would reward innovators by calling for a new window in the Green Climate Fund for funding technologies protected by intellectual property to developing countries by paying the difference in cost.

On the issue of HFCs, Natarajan said that some G20 countries have opposed efforts to bring the gas under the Montreal Protocol. The issue, she added, should not be seen from a business perspective of providing markets to domestic companies (in developed countries). Developing countries need clarity on identified substitutes, their costs, safety and economic feasibility. She said the decision of the last COP to set up a mechanism for addressing loss and damage must be taken to its logical conclusion.

Nepal speaking for the Least Developed Countries (LDCs) said only a new legally binding protocol will truly stand the test of time as it will ensure all Parties play their roles with developed countries taking the lead. It said the 2015 Agreement must incentivise developing countries to transit to a low emission and sustainable pathway. It expressed concerns over proposals for a non-binding, pledge and review system, adding that the new agreement should include a continuous commitment period for a maximum of five years.

France, the host for COP21 in 2015 said the Warsaw outcome should launch a work programme for the 2015 agreement. We cannot tell ourselves there are two years to Paris. We have to start the work now, adding that it hoped by early 2014, the text would be ready for Paris.

Brunei, Colombia, Ireland, Fiji, Switzerland, Marshall Islands, the Russian Federation, Kenya, Trinidad and Tobago, Argentina, Egypt, Palau, Norway, Iran, Netherlands, Indonesia, Slovenia, Portugal and South Africa also shared their views.

In conclusion, co-facilitator Tim Groser said he heard nothing in the interventions that is irreconcilable; there had been more agreements than disagreements and urged Parties to make progress.