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ADP: Technology session debates the 'word that should not be named'

Warsaw, Nov 15 (Meena Raman) – 'The word that should not be named' became the subject of an interesting discussion at a technology session of the Durban Platform Working Group at the UNFCCC's climate talks in Warsaw on Thursday, 14 Nov.

Egypt, speaking for the Like-minded Developing Countries (LMDC) said that in Doha, Qatar, at the last meeting of the Conference of Parties (COP18), "some countries stopped us from even mentioning the word IPR (intellectual property rights) in the decisions which were adopted. "Like the Harry Potter series character, IPR was the word which should not be named." The Egyptian delegate went on to say that "we live in the real world and not in a fictional world. In this real world we live in, we need to address this issue of IPRs in a pragmatic manner, and not run away from this issue."

The senior delegate from India endorsed the LMDC statement and said that one issue, 'the word that should not be named', was one on which Parties have serious differences. There is need to be pragmatic and not run way from the issue. The delegate called for the 'word' to be named.

(According to an internet source, "originating in the Harry Potter book series, this term ['the word that should not be named'] represents a generic villain, or 'bad guy', whose name bespeaks evil to such an extent that it should not be spoken aloud).

Co-chair of the ADP, Kishan Kumarsingh (Trinidad and Tobago) responded that the issue is not new and Parties should not run away from dealing with it in a constructive way. He added that we should not shy away from it and "let's name IPRS".

During the session, apart from the LMDC, other developing countries including Bolivia, Ecuador, China, Saudi Arabia, Kuwait, Pakistan and Cuba referred to the word 'IPRs'.

The IPR issue was one of the central themes of the Ad Hoc Working Group on the Durban Platform session on 'technology' of the 'open-ended consultations on the content and elements of the 2015 agreement'. The afternoon session focused on 'technology', which was followed by 'finance'. (See separate article).

Co-chair Kumarsingh provided Parties with two guiding questions: (i) How could technology development and transfer be reflected in the 2015 agreement and (ii) what institutional arrangements would be required in the post 2020 period for technology development and transfer.

Malaysia, speaking for the **G77/China** said that technology development and transfer lies at the heart of sustainable development. Articles 4.3, 4.4 and 4.5 of the Convention are clear on the commitment of developed countries in this regard. In particular, Article 4.5 of the Convention is far from realising the potential for which it was inserted. Enhanced action should apply to both mitigation and adaptation related technologies and is relevant in both workstreams (referring to workstream1 on the post 2015 agreement and workstream 2 on the pre-2020 period).

It said that the development and transfer of adaptation technologies can reduce the impact of climate change and extreme weather events, thereby reducing loss and damage and, importantly, protecting and ensuring the effectiveness of mitigation measures. Adaptation technologies relating to economic diversification can build resilience as set out in the Bali Action Plan. The development and transfer of mitigation technologies is the key to achieving the objectives of the Convention. It enables Parties to change their emissions trajectories and avoids lock in of older and less efficient technologies and their associated emissions.

Malaysia said that enhanced action in the context of technology development and transfer requires the immediate, systematic removal of barriers and enhanced financial support for technology development and transfer for developing countries. There is need to provide for strengthening of all mechanisms that enable effective technology transfer and technology integration, as well as relevant and effective capacity building to promote and accelerate endogenous technology development.

It called for strengthened efforts to provide support for adaptation technology. It reiterated the need to ensure a balance between mitigation and adaptation, and development and access to technologies to assist countries in responding to current and projected climate change impacts is critical.

It said further that Annex I Parties need to put in place the enabling environment in their own countries that will remove the barriers to technology development and transfer and enable them to effectively implement their technology development and transfer obligations to developing countries.

Malaysia said that transparency of the provision of support will be a key element in the ADP outcome. Enhancements are needed with respect to the transparency regime for the provision of support to developing countries, including financing and technology transfer. A measuring, reporting and verification (MRV) system for enhancing transparency in financing and technology from Annex II Parties must be established, including identification of specific amounts, timelines, and sources must be created that strengthens the current system of reporting.

Egypt, speaking for the **LMDC** which includes **Algeria, Argentina, Bolivia, China, Cuba, Dominica, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, India, Iran, Iraq, Kuwait, Malaysia, Mali, Nicaragua, Pakistan, Philippines, Saudi Arabia, Sri Lanka, Syria, Venezuela** said the LMDC represents over three billion people living in countries that are particularly vulnerable to the adverse effects of climate change.

It wanted a chapter on technology development and transfer as an integral part of the 2015 outcome. By this it meant that all pillars of the 2015 should have the same legal nature or legal bindingness. Otherwise, we will only have a mitigation outcome with no committed means of implementation or adaptation issues reflected.

As a part of the enhanced actions under technology development and transfer, we see the commitment of providing technology support to developing countries as a crucial element of the post-2020 enhanced actions and commitments by developed countries. Annex II Parties should make specific, clear and detailed post-2020 commitments of funding to developing countries on supporting their technology research, development, demonstration and deployment. Needless to add, these commitments should be part of their post-2020 financial commitments.

Another equally important aspect on which enhanced action is required in the context of technology development and transfer are removal of barriers, especially issues related to IPRs. We all know how some countries stopped us from even mentioning the word IPR in the Doha Climate Gateway decisions. Like the Harry Potter series character, in Doha, IPR was the "word which should not be named". But we live in the real world, not in a fictional world. In this real world we live in, we need to address this issue of IPRs in a pragmatic manner, not run away from this issue. To begin with, we can use the financial mechanisms under the Convention to fund the IPR costs to ensure that climate friendly technology is available to developing countries easily. Everyone will emerge a winner in this process.

A dedicated window under the GCF for technology transfer and IPR issues should be established. In addition, an international mechanism on climate change related IPR should be established through the 2015 agreement, based on the lessons learned from the Technology Executive Committee (TEC), Climate Technology Centre and Network (CTCN) and other institutions and programmes established before 2020. Some specific issues on IPR should be addressed for the post-2020 period through this mechanism.

By addressing these issues in the 2015 agreement, we will certainly enhance the implementation of Article 4.1(c), 4.5 and 4.7. Further, Article 4.5 of the Convention is far from realizing the potential for which it was inserted, especially since it is linked to building capacity in developing countries to develop and produce endogenous technologies.

Egypt underlined that enhanced action should apply to both mitigation and adaptation related technologies. It called for specific windows for technology development and transfer in the Convention financial mechanism entities and funds (under the Convention and Kyoto Protocol). Annex II countries should put in place the enabling environment in their own countries that will remove the barriers (such as cost and IPRs) to technology development and transfer and enable them to effectively implement their technology obligations to developing countries.

A work programme on MRV of developed countries' support on technology development and transfer should be established in the 2015 agreement as part of enhanced action on transparency of action and support. A work programme for capacity building specifically serving for enhancement of developing countries' capacity in the areas of R&D, demonstration, and deployment of technologies, including human resources development and training, should be made by TEC and incorporated intothe 2015 agreement.

Other countries that echoed the views of the LMDC included **Kuwait, Algeria, Venezuela, Bolivia, China, Ecuador, Pakistan, Saudi Arabia** and **Cuba.**

Nauru, for the **Alliance of Small Island States (AOSIS)** said technology development and transfer must have the same status like other means of implementation linking it to the financial mechanisms. Barriers for technology development and transfer such as costs and diffusion must be addressed. On the institutional arrangements, it said there is little value in creating in new ones and wanted better collaboration in the existing Technology Mechanism of the Convention and for it to be strengthened. The process of technology development and transfer, if designed properly, will allow pathways for low carbon and climate resilience in developing countries.

It is called for the lessons learnt from the work of the TEC, CTCN and the Poznan Strategic Programme on Technology Transfer to be captured. The Technology Mechanism needs to be effective and enhanced. It should be anchored and linked to the financial mechanism of the Convention with predictable support.

India, referring to the 'word that should not be named' said that it is important to find a way forward in addressing the issue such that innovation continues to be encouraged and rewarded. We are not stifling innovation but it should be fully financed. Many of the businesses were open to the idea and there needs to be windows in various funds.

Venezuela said that in relation to the first question, we are not discussing in a vacuum and the Convention has a whole series of Articles in this regard. There is also the Bali Action Plan and all the decisions of the COPs and have institutions, but there is no money. Referring to the Co-chair's request to think about the lessons learnt from the existing institutional arrangements, it said we do not know about the lessons as there has been no experience yet to learn from. It said that "we have not driven that car" yet.

Bolivia stressed the importance of technology development and transfer in the context of the implementation of adaptation efforts. On the institutional arrangements, it did not see the linkage between the TEC and the CTCN. The TEC needs to have stronger functions and it should have oversight over the CTCN. There is no mandate currently for the TEC to provide guidance to the CTCN. The two entities were separate and this needed to be fixed. It wanted a workshop on this issue as clear proposals were needed. It also called for a technology pool which developing countries could access and is not related to market processes.

On the IPRs, it said there were lot of examples where access by developing countries was blocked by patents and licenses mainly for adaptation. It called for a workshop to discuss this.

China stressed the points made by the LMDC. Referring to the first question by the Co-chair for the technology session, it asked what he meant 'could' and 'be reflected' as the mandate is about enhanced action under the Durban decision. He said that what must be said is how technology development and transfer will be enhanced. It is not about 'reflection'. It called for a special chapter in the new agreement on technology development and transfer and for this to be enhanced.

In response to Japan (see below for Japanese intervention) on the TEC and the CTCN, China stressed the need for the functions of the TEC to be enhanced. The current functions of the TEC were too narrow for the post 2020 agreement. It also agreed with the points raised by India, Bolivia and Venezuela.

On the LMDC reference to windows for technology development and transfer in the financial mechanism and other funds, it said that this was a new idea in response to the Co-chair's question. On the issue of capacity building, China said that without capacity building, even if there was technology transfer, it could not be put into application.

Ecuador said it was troubled by the lack of adequate and predictable support for technology transfer, adding that technology transfer is not a conditionality for action. It is not about asking for favours but developed countries had commitments under the Convention. There is need for compliance and legal bindingness and a proper MRV system. It informed Parties that it had provided views in the World Trade Organisation to remove barriers for environmentally sound technologies.

Saudi Arabia said the LMDC position was very clear and answers all the questions posed by the Co-chair and stressed that without technology transfer, there will be no mitigation. The issue of the enabling environment is at all levels and asked the Co-chair to read the LMDC statement.

Kumarsingh said he had heard the statement and wanted focused discussions.

Cuba said that what we are trying to explain is not being listened to. We need to ensure that we are listening to each other. There are comments and issues that are not being heard and stressed that the conversation is not in a vacuum, and referred to the Convention and its principles, which is being forgotten on many occasions.

Japan called for the utilisation of the existing Technology Mechanism and said that the TEC has made good progress on technology needs assessments and the CTCN is under operation. The mechanism can be strengthened including with the participation of the private sector. It also proposed coordination with the Green Climate Fund, Global Environment Facility and the International Renewable Energy Agency. It proposed a new strategy for innovative technologies and a long-term roadmap for R&D. It said there are many barriers to technology transfer such as an enabling environment, financial support, information and so on and taking up IPRs alone is not effective.

More countries had raised their flags to intervene but given the time constraint, this will continue at the next session of the ADP dealing with technology on Friday, 15 Nov.