

Durban Platform: Concerns expressed over direction of discussions

Bonn, 7 June (Meena Raman) – Developing countries expressed concern that the roundtables and workshops held under the Ad Hoc Working Group on the Durban Platform (ADP) were being used to introduce new concepts and models for climate actions that moved Parties away from the UNFCCC's principles and provisions.

They also called for a stop to the informal roundtables and workshops and proposed Party-driven negotiations to begin on how to enhance action on implementing of the four pillars of the Convention for the post 2020 period viz. mitigation, adaptation, finance, and technology transfer.

These views were expressed by the Like-Minded Developing Countries in Climate Change (LMDC), whose statement was delivered by the Philippines at the roundtable session to discuss a “variety of enhanced actions” under workstream 1 (on the 2015 agreement) on Thursday, June 6 in Bonn.

Malaysia, speaking for the **G77 and China** reiterated

- i. The six points raised at the April session on behalf of the Group as the Group position on ADP;
 - a. The work under the Ad-hoc Working Group must be under the Convention and should be based on its principles and provisions related to commitments and responsibilities with regard to mitigation, adaptation and means of implementation;
 - b. The process under the ADP must not lead to a reinterpretation or a rewriting of the Convention;
 - c. The outcome of the ADP must be in

accordance with the objective, principles and provisions stipulated in the Convention, including the principles of equity and common but differentiated responsibility and respective capabilities;

- d. The negotiations under the ADP must be a party driven process, and must be fully inclusive and transparent;
- e. The work in this Ad-hoc Working Group should lead to a balanced, ambitious, fair and equitable outcome under the Convention; and
- f. Progress depends on following a balanced approach that will include mitigation, adaptation and means of implementation, in accordance with the spirit of the Convention.
 - ii. The decisions of Durban and Doha provide the mandate for the work of the ADP and the Group emphasizes that we need a balanced approach to our work.
 - iii. In the work of the ADP the leadership of developed countries is critical. Members of the G77 and China are prepared to do our part, developed parties need to demonstrate their leadership.

Philippines speaking for the **LMDC** said that the informal ADP roundtables and workshops were intended to assist Parties to exchange views analytically and conceptually so as to advance mutual understanding and clarify issues mandated by the Durban and Doha decisions – mitigation, adaptation, financing, technology transfer, capacity building, transparency of support and action. We should focus on these existing “common ground” elements, and build on them as integral, comprehensive, holistic, and

interlinked components of the outcome of the ADP by 2015.

It was concerned to see that these roundtables and workshops are moving away from that intent. The topics of these informal roundtables reflect the issues or areas indicated in the Co-chairs' informal 'Reflections Note' as "perceived areas of common ground" for workstreams 1 and 2. Philippines said that the LMDC had expressed reservations on the informal note and its annexes.

It said that these "perceived areas of common ground" are misperceived and are not common in terms of having been agreed to by all Parties, and they are not grounded on the Convention. The four pillars of the Convention are not treated in a balanced manner, and most of these areas shift the focus away from the Convention. It noted the statement of the Co-chairs' at the opening plenary clarifying that the annexes do not have any further status in the discussions.

These informal roundtables are being used to introduce new concepts and models for multilateral climate change actions that move us away from the Convention. These distract us from our work and create further barriers to the trust building and mutual understanding that is needed in order to have a credible, legitimate, and timely outcome in 2015.

Philippines gave the example of concepts of a "common accounting framework" for all Parties with respect to actions in the post-2020 period; of having a variety of nationally-determined enhanced actions by all Parties under international rules; or of having a process of consultations and assessment of such national actions that would be applicable to all Parties. These ignore the principles of equity and common but differentiated responsibility (CBDR). It reminded that Parties had agreed in Doha that the principles of the Convention, including equity and CBDR, would guide the work of the ADP.

It said that the application of CBDR in the post-2020 regime requires that differentiation between Annex I and non-Annex I Parties be reflected. Under the Convention, common accounting applies only to Annex I Parties, as they are required to have comparable mitigation ambition. Under the Convention, developed countries have specific commitments to reduce emissions and to provide finance, technology,

adaptation support, and developing countries do nationally-determined actions. Under the Convention, Annex I and II implementation is assessed on a country-by-country and aggregate basis while non-Annex I implementation is assessed on an overall aggregated basis.

This differentiation is based on real differences between Annex I and non-Annex I Parties, particularly with respect to historical responsibility and capability. The principle of CBDR lies at the heart of the Convention. To disregard, ignore, or twist it, is to rip out the heart of the Convention. To do so is to risk the collapse of this process.

On the issue of transparency, the LMDC proposed that the ADP should undertake a review of the adequacy of the specific emission reductions commitments of Annex I Parties as provided for in Article 4.2(d) of the Convention. This will be a truly transparent process to evaluate whether the level and extent of implementation of their commitments under Art. 4.2(a) and 4.2(b) of the Convention are adequate. This will set the base for further work on enhanced actions under the ADP.

The new conceptual models for the ADP outcome that developed countries have suggested in these informal roundtables on "variety of actions" – whether of the top-down, bottom-up, or hybrid kind – will lead to an outcome in 2015 that lacks credibility; is unfair and inequitable, especially to the poor and most vulnerable; weakens environmental and sustainable development integrity; and moves us farther away from meeting the objective of the Convention. These models weaken the ambition of developed countries under the Convention to take the lead in reducing their emissions and to provide finance, technology and capacity building for enhancing developing countries' own climate change actions. Any model has to apply in a differentiated manner to developing countries, in accordance with CBDR. This means, for example, that closing the ambition gap requires Annex I Parties leading in doing so. Any consultation process on increasing ambition to close the gap must focus on Annex I Parties.

The Philippines believed that the only model that can deliver the outcome for the future we all want is the Convention model. There is no need to re-invent it, only to fully implement it in all its aspects.

The varieties of enhanced action to implement the Convention should be focused on the four pillars of the Convention in a holistic, balanced and comprehensive manner. Enhanced action is not simply about mitigation and transparency of mitigation action. It is also about enhancing action on commitments on the other pillars of adaptation, finance, technology transfer, and capacity building, in a way that is conducive to sustainable development and that does not cause harm on the sustainable development prospects of developing countries. We need to discuss barriers to technology transfer like intellectual property rights (IPRs) under enhanced action of technology development and transfer. In this context, it requested the Co-chairs to start using the Convention language whenever we talk about means of implementation including using the phrase “providing scaled up, new and additional, adequate and predictable finance.”

Philippines said these informal ADP roundtables may be useful in fostering informal dialogue and discussion among Parties. They cannot be the means through which conclusions from the ADP Co-chairs shape the form or content of the 2015 agreement for use as the basis for future negotiations. Such conclusions can only be drawn from a formal, structured, open, participatory, and Party-driven negotiating process, which the informal roundtables and workshops emphatically are not. Only a formal negotiating process can deliver results in a methodical manner through consensual Party agreements on the elements of the 2015 outcome, the fleshing out of these elements, and their appropriate reflection in a formally-negotiated text for adoption by 2015.

Given the time that we have remaining until 2015, Philippines called for focus on the four pillars of the Convention in a more organized and structured way, consistent with the mandate of the ADP from Durban and Doha. In this context, it suggested structuring the negotiations around the four pillars, as developed through the negotiating process. For the rest of this session, we should stop the informal roundtables and workshops. Party-driven negotiations should start on how to enhance action on implementing of the four pillars of the Convention for the post 2020 period.

It said the Convention is not an abstract conjecture. It is a treaty that reflects important common ground. It is the reason for being of the

process that we are in. It is neither dogma nor a legendary mystery. The Convention is not merely aspirational, but a legally-binding basis for actions. Our job is to enhance its implementation, not to enhance its demise. We hold the principles and provisions of the Convention dearly not merely because it feels good to do so, but because for us, it is the only way to ensure we address climate change effectively and equitably. Our countries are doing more than our fair share, in large part with our own resources, on climate action under the Convention. We can do so much more under the Convention if it is fully implemented by others whom we believe have the capability to fully do so. Philippines asked why others have such a problem with implementing the principles and provisions of the Convention?

China said the roundtable and workshops are not held in a vacuum but there is a context. The basis of the roundtables/workshops is the Convention, its principles, provisions and annexes. There is a ‘common understanding’ not to rewrite and renegotiate the Convention but to enhance its implementation from 2020. Enhancing action is not mitigation but relates to the commitments of all Parties especially under Article 4. After clarifying the various issues, we need a plan of work and address issues on how we can further enhance actions on mitigation, adaptation, finance, technology transfer and capacity building. The issue of transparency is both for mitigation and for the provision of finance and technology transfer by developed countries. There are very clear commitments in the Convention on the part of developed countries, which originates from historical responsibility. We need to consider ‘enhanced actions’ in a balanced manner and not just focus on mitigation. We perceive a trend or tendency to focus on mitigation issues; this is not balanced there is need to re-focus on the four pillars of the Convention on the implementation of commitments.

On the ‘variety of actions’, China said that it is clear from the Durban decision that this relates to actions on mitigation, adaptation and implementation of the commitments for finance, technology transfer and capacity building. In another sense, it should not be an excuse to dilute the form of commitments under the Convention. The Convention should be implemented, including the principles,

provisions, structure and annexes. The ADP process and outcome is guided by CBDR and equity. It was concerned about ideas during the roundtable that deviate from the UNFCCC principles and provisions. It referred to notions around 'national circumstances' and 'nationally determined' actions for Annex 1 Parties, which it said should not be used. Ideas were forwarded for common accounting rules and comparability of efforts for all Parties. Since the commitments between Annex 1 and non-Annex 1 Parties are differentiated, the idea of common accounting rules is contradictory to the Convention, said China. There can be common rules for developed countries as the content of their commitments are different, which would continue to be economy wide reductions based on a particular base year.

For developing countries, enhanced actions are supported and enabled with finance and technology transfer. Another important element for developing country actions on mitigation and adaptation is that it has to be implemented in the overall context of sustainable development.

On transparency, China said that this should be considered in the context of the Convention and the agreed outcome from the Bali process. This is also differentiated for developed and developing countries. This issue is being discussed in the subsidiary bodies, which would provide further guidance.

On the topic of present roundtable on managing ambition in accordance with science and equity, China said that the process will be informed by the IPCC as well as the 2013-2015 review. It also stressed the need to include in this regard, a review of the adequacy of the commitments of Annex 1 Parties in implementing their commitments under the Convention in accordance with Article 4.2 (d).

Several other countries also echoed the views of the LMDC and the G77 and China and these included Dominica, Venezuela, Egypt, Ecuador, Iran, Pakistan, El Salvador, Thailand and Cuba.

Brazil said that a 'variety of actions' should reflect the principles and provisions of the Convention, including CBDR and the annexes, which respects historical responsibility. It wanted guidance on how the work would proceed.

The **European Union** said that the roundtables and the workshops had been useful and there had been substantive discussions. **Australia** said it found value in the roundtables and workshops.

Switzerland for the **Environmental Integrity Group (EIG)** wanted the roundtables to continue and discussion on concrete elements and concepts.

The ADP Co-chair, Harald Dovland (Norway) said that there would be an informal meeting on Friday, 7 June, and asked Parties to come with proposals on how to continue the process.