

## ADP: Agreement must be based on equity, applied to science

Bonn, 11 June (Meena Raman) – The future agreement under the Ad hoc Working Group on the Durban Platform (ADP) must be based on equity as applied to science.

This view was expressed by India at a discussion under the ADP on Saturday, June 8. Otherwise, it will result in transferring the commitments of developed countries to developing countries in the post-2020 period and this is unacceptable, said India.

The Saturday session, which was continued on Monday, June 10, saw an interesting exchange of views among Parties on the issue of how to manage ambition in accordance with science and equity.

Co-chair of the ADP, Jayant Mauskar (India) in introducing the discussion, said many Parties see the need in the 2015 agreement for individual contributions to be in accordance with science and equity. He said there is need to explore how to do this.

He invited ‘ice-breakers’ who were Gambia, Ethiopia and Switzerland who spoke on 8 June, while Brazil made a presentation on Monday, June 10 in this regard. Several countries reacted to the presentations, which included India that made a strong statement on the meaning of ‘equity’ in the new agreement.

Gambia for the LDCs, called for an ‘equity reference framework’ (ERF), with indicators of measurement for what is equitable, including historical responsibility, developing country needs and vulnerabilities. The ERF was supported by South Africa and Kenya.

Ethiopia presented a top-down approach through establishing a fair-shares allocation of atmospheric space for all Parties, which meets the requirements of equity and science by taking

into account historical emissions on a per capita basis.

Brazil referred to revived interest in its proposal introduced in 1997 during the Kyoto Protocol negotiations, on how historical emissions and concentrations of GHGs contributed to the rise in temperatures, underscoring the historical responsibility of developed countries.

In response to India, the US said that equity could also distract from ambition and was concerned about indicators that would undermine the objective of universal participation in the new agreement. It was worried about being bogged down in a divisive exercise. Japan echoed the view of the US, while Singapore expressed caution as regards the ERF and in developing indicators. The EU and Norway were also concerned about the indicators proposed by developing countries.

**India** stressed the importance of developed countries in meeting their commitments under the Convention in the pre-2020 period to bridge the ambition gap. If they do not meet their commitments in the pre-2020 period, then equity in the post-2020 period will be seriously affected. When we have science indicating to us where we should reach, it is inevitable that the principles of the Convention should apply.

It rejected any notion that ambition levels in the post-2020 period should be decided solely on whether a country has financial resources or not - in other words, it should not be decided solely on respective capabilities. The future, which is being discussed, has to be based on equity applied to science. Otherwise, it will result in merely transferring the commitment of developed countries to developing countries in the post-2020 period. This is unacceptable.

India said that equity was an important element of the decision on Durban Platform. Equity is a concept that has both ethical as well as scientific attributes in the context of climate change. It referred to Article 3.1 of the Convention, which talks of equity, which enjoins all Parties to protect the climate system on the basis of equity.

Although the term itself is not defined in the Convention, it gave practical examples in the Convention, of how equity can be achieved:

- The preamble of the Convention talks of the largest share of emissions originating in developed countries or the principle of historical responsibilities as we know;

- It talks further of the share of global emissions originating in developing countries rising to meet their social and development needs;

- Article 3.4 admits that ‘economic development is essential for adopting measures to address climate change’;

- It says that the developed countries will take the lead in combating climate change;

- Last, but not the least, differentiated commitments are recognized under Article 4 as manifestations of ‘equity’.

India stressed that equity is therefore a cornerstone of the Convention. It should continue to be the cornerstone for the post-2020 period. The notion that since the post 2020 arrangements are to apply to all Parties, the principle of equity and common but differentiated responsibility (CBDR) no longer apply or that it be dynamically applied according to respective capabilities only is incorrect. This simply does not stand to reason.

The Convention without equity would be a contradiction in terms, stressed India. Equity will not be served by an agreement based only on respective capabilities. It said that there is another impression going around that equity is an impediment to raising or reaching higher ambition for mitigation. Often, the call for respect for equity in the negotiations is seen as hesitation to act. It emphatically dispelled this notion. It said that equity is not an impediment to ambition but in fact, it is a key enabler to action by all Parties.

India said that equity would be achieved if it respects the right to development and the imperative of poverty eradication of developing

countries. The right to development is a key element of what equity seeks to articulate. It was conscious that it is not a right to pollute. India said it is a legitimate right that ensures sustainable development and survival for the millions in developing countries who are most vulnerable to climate change. It referred to its former Prime Minister, Indira Gandhi, who said stated in 1972 in the Stockholm Conference, that poverty is the greatest polluter.

India said further that equity is also not just linked to mitigation. It permeates all aspects of elements under negotiation. Aspects such as finance, technology transfer, adaptation etc. all need to be infused with equity. Enhanced action should be based on CBDR and equity applied to science. In other words, equity is an integral part of the post-2020 period and needs to be incorporated.

**Gambia** for the **LDCs** said the new agreement needs the highest level of certainty for trust and confidence to stay on track to a 1.5 degree C temperature limit. It was of the view that no Party disagrees that science and equity is the centrepiece but they are divided on how to articulate this. It said the progress in science is needed to guide Parties to the common global goal, the adequacy of action and progress towards achieving the ultimate objective of the Convention. It said discussions will help on what is fair and equitable with the expected result that should not seek to identify a single criteria. Historical responsibility, future needs and vulnerabilities could be taken into account and there is need for an ‘ERF’ and for a better definition of its form and function. It called for the establishing of a group of experts to develop methodologies. The output of such work needs to be within the structured expert dialogue of the 2013-2015 review.

**Ethiopia** said that the raising of ambition required both a top down and bottom up targets. A bottom-up target will satisfy the requirements of science and equity if and only when it is informed and guided by a target set in a top down fashion. This, it said, implies that both types of targets are mutually supportive and interlinked. In the absence of a top down target, fragmentation or disorder will prevail and thus occurrence of gap in actions is evident. In the absence of bottom up response, a target set through a top down way may ultimately remain being an empty shell, it added further.

Ethiopia said that initially, a global target has to be set, because it believed that it is a trendsetter for national responses. It recommended pursuing a hybrid approach in setting targets that satisfy the requirements of science and equity to the fullest. The next issue after determining the approach for setting targets is to determine the nature of these targets. It wanted a quantitative target to meet the requirements of equity and science and proposed a quantitative method of calculation, which responds to an equity-driven, and science based approach. The quantitative approach and the method of calculation enables the following:

1. quantify and cap the average global temperature rise;
2. quantify emission per country based on historical data;
3. quantify emission/capita of each party up until 2020;
4. quantify and apportion the fair share of atmospheric space;
5. quantify emission rights of each Party up until 2020, and
6. identify providers and quantify the support required of them for mitigation and adaptation.

According to its proposal, three types of emission rights would result when we quantify and assign emission rights to each Party according to the principle of CBDR, equity and science. Therefore, the result of the calculation will create three categories of parties. In tandem with the calculation:

- If the emission right of a Party is zero or negative, then that Party has run out of its share of atmospheric space and thus should mitigate sufficiently so as not to continue using more than its share of atmospheric space.
- If the emission right of a Party is positive, but slightly above zero, that Party is about to run out of its share of atmospheric space and thus should be encouraged and supported so as not to exceed its share of atmospheric space.
- If the emission right of a Party is positive, but well above zero, that Party has sufficient share of atmospheric space and thus should be supported so as to leapfrog the trajectory of brown economy.

Ethiopia said that apportioning emission rights and the obligation to provide support is a

necessary condition but not sufficient. In tandem with this, we need to design and put in place measures that help support, motivate and reward compliance of Parties and that help make any Party that has failed to comply feel the consequence of non-compliance. This can be achieved through various instruments. It said the proposed quantitative method has taken into account: atmospheric space, GHG emissions since 1751, population, GDP and GDP/Capita.

**Brazil** referred to its proposal, which was presented in 1997, during the Kyoto Protocol negotiations under the Berlin Mandate. It said that one part of the proposal on the Green Development Fund became the Clean Development Mechanism (CDM), following negotiations with the US. The other part related to the impact of GHG concentrations on temperature rise which was left to other discussions under the Subsidiary Body for Scientific and Technological Advice (SBSTA) from 1998 to 2008, which took note of the scientific and methodological approach and has not discussed the issue since. It said the new interest in the proposal has arisen since the decisions of Cancun where the 2 degree C limit in global temperature rise had been agreed to, on the basis of science and equity.

It said that historical responsibility is not based on flows of emissions alone. It relates to the relative contribution of Parties to the concentrations of emissions in cumulative terms and which has an effect on temperature rise. It underlined the difference between concentrations and emissions. Brazil said that it was accused of not including land use data and said that this could be done.

On why temperature matters, it said that there was no explicit quantification made through the Berlin Mandate of what the effect of overall GHGs emission reductions would mean in decreasing the rate of temperature rise. The focus on annual emissions in the negotiations provided snapshots and downplayed the responsibility of countries in terms of temperature increases. One should be looking at the whole movie, instead of the snapshots, said Brazil.

Looking at data from 1850 to 1990 as regards CO<sub>2</sub> levels, Brazil said the relative share of Annex 1 contribution to temperature increase was 89.65% while that of non-Annex 1 was 10.35%. This is important for historical

responsibility in the context of climate change, it added. In conclusion, Brazil said (i) the SBSTA could invite IPCC to develop a methodology that allows the exercise of emissions and concentrations of GHGs related to historical emissions; (ii) SBSTA invites countries to provide data including historical emissions for all Kyoto gases and sectors based on guidelines to be developed by IPCC and (iii) SBSTA can form an expert group to calculate individual country contributions to increase in temperature, based on data provided by countries and new simplified IPCC methodology through double accumulation process (of emissions and concentrations), regarding the relative historical contribution to temperature increases for all Kyoto gases and all sectors.

**Switzerland** said the new agreement must be informed by science. Equity and fair contribution by all Parties according to evolving responsibility and capabilities is key to deliver global ambition. There needs to be fair differentiation through a hybrid approach. It referred to four stages of the process – national determination of commitments; developing common rules; formulating of common expectations and a consultative phase following initial pledges. During the implementation, there is a common system for measuring, reporting and verification (MRV) and there is a common understanding of fair differentiation.

On the formulation of expectations, it said Parties must explain why they are deviating from meeting the ambition by showing that they are better able to increase ambition. On common expectations, it proposed self-determined indicators for fair differentiation. Through a consultative phase, if there is a gap in meeting the ambition, it said there could be cooperation to increase the ambition or through collective competition. On the means of implementation, it said that all Parties in a position to do so according to their capabilities and responsibilities should contribute.

**European Union** said that new agreement has two tests: that it is individually and collectively fair. All Parties will set ambitious commitments according to their responsibilities and capabilities. The principles must be applied in a dynamic way. Those with greatest responsibility will set most ambitious economy wide absolute targets. For others, a variety of commitments can be explored. Information should be provided to allow for comparability of efforts. Indicators

could be used in the assessment phase which is fair and ambitious and there is no need to negotiate that. It could comprise what Parties put forward to explain their commitments. The agreement should be flexible, dynamic, robust and durable and enable a regular assessment of the commitments in a timely manner. It did not agree with all the details provided by the countries which were ‘icebreakers’.

**Nauru** for **AOSIS**, said that the agreement has to be guided by science and to limit temperature rise to well below 1.5 degree C. Equity and CBDR are also at the heart of the new agreement.

**Philippines** stressed the importance of enhanced ambition on all fronts and for addressing all the gaps which could be done by raising ambition in the provision of financial resources to developing countries, for technology transfer to be delivered and capacity building are enabled. It expressed concerns that resources will be provided to only the poor and the particularly vulnerable. This was paternalistic and it said that in the Convention, all developing countries are particularly vulnerable and the kind of differentiation advanced was meant to entice some of developing countries. Developed countries cannot pick and choose and must be fair to all developing countries according to the Convention.

**South Africa** supported the call for an ERF. This is about reconciling the science imperative while respecting national circumstances. Nationally determined actions cannot be not adequate. The ERF has a role in the ex ante process of assessment of the adequacy of the process required for the global effort for mitigation and adaptation in line with the temperature goal. It has to reflect historical responsibility, current capability and what are fair efforts. The ERF is non-binding and is an ex ante process to assess relative commitments measured against fair efforts. It supported the call for an expert process in this regard.

**Saudi Arabia** stressed the importance of the Convention and its principles. Science also needed to advance the component of sustainable development related to social and economic impacts, vulnerability, adaptation and economic diversification. Equity has to be an integral basis of the new agreement.

**Norway** the new agreement should be ambitious with commitments for all Parties according to

responsibilities and capabilities. It was important for the pledges of all Parties to be understood based on their assumptions and metrics used to assess fairness. In the new agreement, mitigation commitments are determined at national levels and guided by a common framework based on science and MRV provisions. It supported the EU and did not want a mechanistic use of indicators.

**Australia** reiterated that commitments are nationally determined through a hybrid approach of international rules. Every country would want to make an assessment as to what represents fair effort. It must be informed by science and other analytical reference points including capacity to act and benefit from enhanced action. Equity has to be consistent with contemporary capability and reflects contribution to those in need. Then there is a fair regime.

**Kenya** also supported the call for an ERF. Commitments, which have been nationally determined, have not been effective and lead to an emissions gap. There is need for an objective process as regards global emission reduction targets and for commitments that meet the global goal for mitigation, adaptation, finance and technology transfer required. It called for an equity roundtable.

**China** said that science relates to both physical science and humanity; the science of nature and the social and economic system. There is need to develop conceptual thinking around ethics and norms. Ethical considerations have to address the historical responsibility of developed countries. There is also need to identify common challenges and tasks regarding the development pathway. Lessons must be learnt from the past of industrialised countries, looking at drivers of historical emission trajectories. Based on these experiences and lessons, it is important to reshape the development path all over the world and to build a new civilisation. For developed countries, it was the right time to combine climate change targets with economic recovery. Developing countries are most vulnerable to the impact of climate change and socio-economic impacts of response measures. Low carbon development pathway should be the conventional pathway but the question was how to find the solution for this. This needed a global

collective effort, which combines science and equity.

**Iran** stressed the importance of equity in the use of atmospheric space and the need to respect the right to development. The means of implementation is needed, without which mitigation and adaptation cannot be achieved. It also wanted the issue of intellectual property rights addressed.

**United States** said that countries need to feel that the agreement is fair. Different countries will have different perspectives. A nationally determined approach has the best chance and Parties are more likely to participate and implement if they have designed the agreement themselves. Participation is key to ambition. It will play a leadership role. Ex ante clarity of the commitments subject to intentional scrutiny is important. Referring to India saying that equity can enhance ambition, the US said equity can also distract from ambition. It was concerned about indicators that would undermine the objective of universal participation. It was worried about being bogged down in a divisive exercise. Indicators are not useful and cost effective. Each country needs view their contribution as being fair.

**Singapore** also said that commitments should be nationally determined in the context of national circumstances and there also needs to be globally agreed rules for a robust process to raise ambition. It agreed that the new agreement has to be guided by science and equity. On science, the IPCC's role is to inform the process. Equity is fundamental and each country must feel that the agreement is fair for itself and to the global community. It urged caution over proposals for a new equity framework when the Convention is the ultimate ERF. Any process that is launched may lead to a rewriting of the Convention and revisions to the UNFCCC. The principles and the provisions of the Convention are the indicators needed. Defining indicators is not a technical exercise but a political judgement.

**Japan** said that agreement should be equitable and all Parties must contribute. On how Parties feel about their contribution as being fair or not, this is a subjective value and not an objective one. It shared the concerns of the US on the indicators and that it is not realistically possible to agree.