



Developing countries oppose renegotiation of Paris Agreement

Bangkok, 11 September 2018 (Perna Bomzan and Meena Raman) – Developing countries strongly opposed attempts to renegotiate the Paris Agreement (PA) at the recently concluded climate talks in Bangkok, given attempts by developed countries to block references to differentiation between developed and developing countries in the negotiating text being drafted to implement the PA under the PA Work Programme (PAWP).

The **G77 and China** expressed strong concerns over attempts by developed countries “to undermine the core principle of common but differentiated responsibilities and respective capabilities (CBDRRC)” under the UNFCCC and the PA, “by blocking references to developed/developing countries in the proposed text for some of the modalities and procedures of our work for the PAWP.” The **Like-minded Developing Countries (LMDC)** and the **Arab Group**, which echoed the concerns of the G77 and China, reiterated that the PA should not be renegotiated.

These remarks were made at the closing session of the UNFCCC’s three subsidiary bodies, the Ad Hoc Working Group on the Paris Agreement (APA), the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA) on 9 Sept. These bodies are tasked with producing a negotiating text on guidelines to implement the PA, and will continue their work on the PAWP for the 24th session of the UNFCCC’s Conference of Parties (COP 24) to be held in Dec. in Katowice, Poland.

At the closing plenaries of the APA, SBI and SBSTA in Bangkok, conclusions were adopted at the respective meetings of the bodies, which took note of the further progress of work made at the

Bangkok session, and aimed to complete work on the PAWP in a timely manner and to forward the outcomes to the COP 24 at the latest.

The main conclusion of the Bangkok talks was agreement by Parties that the presiding officers of the three bodies “should prepare a joint reflections note addressing progress made to date and identifying ways forward, including textual proposals that would be helpful for advancing Parties’ deliberations.” According to the conclusion adopted, “the purpose of doing so would be to address all PAWP matters so as to ensure their balanced and coordinated consideration by the APA, the SBSTA and the SBI, and to facilitate successful completion of the PAWP at COP 24.”

The joint reflections note is to be released by mid-October 2018.

The three paragraph conclusions of the three respective bodies also contain an annex called ‘The Bangkok outcome’ which provides references to the outcomes of the work of the bodies on the various agenda items deliberated at the sessions.

Following the conclusion and adoption of the draft conclusions of the three bodies respectively, a joint plenary meeting was convened to hear statements from Parties. Developing countries reiterated their concerns over the lack of even progress especially on finance related issues and called for balanced progress on all aspects of the PAWP. Developed countries also expressed concerns on the pace of progress in Bangkok and the **Umbrella Group** in particular, laid blame on developing countries for introducing issues which they viewed as being “outside the Paris mandate,” in an apparent reference to matters related to finance.

Egypt, speaking on behalf of the **G77 and China** expressed concerns over attempts by developed countries “to undermine the core principle of CBDR-RC, by blocking references to developed/developing countries in the proposed text for some of the modalities and procedures of our work for the PAWP”. “Throughout this session, our Group spared no effort to engage on the various negotiating tracks with an open mind and with full willingness to reach agreement, particularly on the contentious issues. We regret to see that this has not been reciprocated with regard to a number of issues that are of particular importance to the members of our group”.

It stressed that “progress of work has been uneven, and remains to date insufficient for completing the mandated work by Katowice. Furthermore, we have continued to witness a certain level of rigidity in some tracks of the negotiations. Our group has repeatedly called for maintaining reasonable comparability in the levels of progress achieved across the board, while ensuring coherence, completeness and balance in form and content. We believe this to be the only guarantee for complete buy-in by all Parties and consequently provides the best chance for increased ambition by all”.

“Regarding the overall assessment of the work done at this session, and while acknowledging that progress has been made on many tracks, we believe that it still falls short compared to our expectations for this session. As we stated at the start of the session, we came to Bangkok with the hope of leaving with a textual basis for negotiations to start from at the beginning of the COP24 session. Alas, this is certainly not the case. And at Katowice we will have no choice but to deal with heavy and complex workload”.

Egypt underscored that on the issue of finance, “all means of implementation are essential to assist and enable developing parties to make their contributions under the PA. Without adequate support, some developing countries will have no choice but to implement at the lowest possible level, and raising ambition will be highly unlikely.” In this regard, it noted with concern that engagement on finance has not been sufficient to resolve the outstanding differences and, ultimately, move the process forward.

It stressed the need to move towards draft negotiating text as soon as possible on finance issues, and believed that the draft text submitted by the G77 on Article 9.7 provides a reasonable

and balanced basis for negotiations. (Article 9.7 provides that developed countries provide transparent and consistent information on support for developing countries provided and mobilized through public interventions biennially in accordance with the modalities, procedures and guidelines....”).

The G77 also believed that it was important “to move forward towards an agreement in Katowice on the process and modalities for the establishment of a new global goal on finance. Delaying this process may jeopardize the level of confidence in the financing framework of the PA”.

It added that on adaptation, it highlighted that progress has been made in this session in terms of the further guidance of the adaptation communication (AC) as well as AC mandates under the subsidiary bodies (SBs). Egypt was “happy to see that the organization of the text continues to be the one provided by our group. Moreover, we are pleased to see the options submitted by the G77 and China. We consider the tool workable and are prepared to move the process forward in Katowice”.

It regretted that on the issue of nationally determined contributions (NDCs), “despite some engagement between Parties, we are leaving Bangkok without the required progress to achieve what is required under the PA. We continue to stress the importance of maintaining the comprehensive full scope of NDCs. The Group again stresses the importance of maintaining the nationally determined nature of NDCs in light of equity, CBDRRC, in light of national circumstances”.

On the issue of the transparency framework, the G77 said that as Parties worked through the technical details of the enhanced framework for action and support, it highlighted three key principles that it hoped all Parties keep in mind. “First, the principle of no backsliding, as the PA states that we build on and enhance the existing arrangements under the Convention. Second, the principle of recognizing different starting points. The PA provides flexibility to developing countries because it recognizes our different starting points with regard to capacities in comparison to developed countries. Third, the principle of improvement over time. The PA calls for an enhancement to transparency and states that support will be provided to developing country Parties on a continuous basis to build transparency-related capacity over time”.

On the issue of response measures, the G77 reaffirmed the importance of fully considering and identifying the necessary actions to meet the specific needs and concerns of developing countries arising from the impact of the implementation of response measures, while avoiding its negative economic and social consequences, including with regard to equitable access to sustainable development and poverty eradication.

On the global stocktake (GST), Egypt was concerned that “issues relating to how equity will be reflected and made operational in the GST as well as to the scope of the GST in order to include loss and damage and response measures continue to remain unresolved. Once resolved, these issues may help unblock the discussions on the actual design of the GST mechanism”.

Reflecting on COP 24, the G77 highlighted the importance of finding the right balance between the important array of events which will be held at the high level, and the most critical task of successfully completing the operationalization of the PAWP.

“The priority is to focus political messaging on reaffirming support for the multilateral approach to addressing the pressing global challenge of climate change, with the UNFCCC as the lead, and to secure full implementation of the PA. The priority task of the Katowice Climate Conference is to finalize the PAWP and to hold successful mandated events, such as the Talanoa Dialogue and high level events on the pre-2020 agenda and finance,” said Egypt. (The Talanoa Dialogue refers to the 2018 facilitative dialogue to take stock of the collective efforts of Parties in relation to progress towards the long-term goal and to inform the preparation of NDCs).

Iran for the **LMDC** stressed that on the joint conclusions from this session, “there must be harmony, balance, and consistency with respect to the textual products of our work from this session in all elements of the PAWP, especially with respect to the depth of treatment of issues, content, structure, and format of these textual products.” As regards the mandate given to the presiding officers to prepare the joint reflections note, Iran stressed on the guidance given that “Parties’ views must be captured in a balanced manner, with no views omitted.”

As regards the NDCs, Iran said that “there have been persistent attempts to renegotiate the PA by

developed countries, particularly on the essential differentiation between Annex 1 and non-Annex 1 Parties coming from the Convention which continues to be reflected in the PA and on the scope of the NDCs as contained in Article 3.” It expressed deep concern that “further textual progress has been limited because some Parties did not accept how to reflect differentiation between developed and developing countries as a paragraph and options in the text.” Iran said that “NDCs are an extremely sensitive issue on the operationalization of differentiation as set out in the provisions of the PA.” It called for “an appropriate solution on differentiation on this agenda item”.

On the issue of transparency framework for action and support negotiations, Iran said “there were also continued and repeated attempts from Annex1 Parties to reduce the scope of the flexibilities for transparency for non-Annex1 developing countries that have been embedded in the PA, as well as attempts also from Annex1 Parties to create an imbalance in the level of detail for transparency among the various NDCs elements, by seeking to focus detailed negotiations on mitigation while not fully engaging on adaptation and means of implementation.”

In the compliance negotiations, “there were also repeated attempts to erase the essential differentiation between Annex1 and non-Annex1 Parties, although doing so would again be renegotiating the PA,” said Iran.

In the negotiations on technology transfer, “Annex1 Parties are resisting to commit to provide any enhanced support for technology development and transfer, seeking to limit what support they are in fact willing to provide, and are trying to erase the differentiation between Annex1 and non-Annex1 by refusing to have any reference to Annex1 or developed countries in the text. Again, we see this as renegotiating the PA’s terms that reflect the continuing differentiated legal commitment under Art. 4.5 of the UNFCCC of developed countries to support technology transfer to developing countries,” said Iran. It added that “the Technology Framework must be operationalized to strengthen the linkages between the Technology and the Financial Mechanism. Additionally, periodic assessment can serve as a key element of the Technology Framework to guide the Technology Mechanism in improving its performance in assisting developing country Parties, particularly in identifying gaps regarding

the adequacy of support provided to the Technology Mechanism.”

In the adaptation-related negotiations, Iran stated that “there is continued reluctance by Annex1 Parties to make the PA’s adaptation provisions operational, including with respect to the provision of adaptation financing such as the Adaptation Fund as well as on the various adaptation-related modalities for the PA.”

In relation to Article 6 of the PA (on cooperative approaches), Iran believed that “voluntary cooperative approaches have the potential to unlock new possibilities for climate action. Realizing these opportunities will require guidelines that accommodate all Parties offering opportunities for real and verifiable emission reductions or avoidance, and opportunities to implement comprehensive non-market approaches that include adaptation and means of implementation.” It added that it saw Article 6 as offering Parties additional avenues to implement their NDCs. “As such, Article 6 must foster cooperation, not restrict it,” it said further.

The LMDC also expressed deep concerns over at the slow and limited progress in relation to the finance issues. “The commitment of developed countries under the Convention and its PA to provide financial resources to developing countries on the basis of the needs and priorities of the latter remain. Discussions that attempt to misinterpret this commitment in bad faith, as a global goal of jointly mobilizing resources, where national resources from developing countries or their private sectors count as part of this mobilization damages our work under the PAWP,” it said. “The reluctance to discuss key issues like the inputs needed in order to establish a new global goal on finance is similarly disappointing, and suggests that this global goal will not in any way attempt to comply with the PA in striving for balance between adaptation and mitigation or addressing needs and priorities. Along the same lines, proposals to restructure the composition of the Adaptation Fund, giving priority to countries who “voluntarily” contribute is preposterous, as if those contributions are not the fulfillment of a commitment and will not be reported as such,” Iran added further.

It also said that “the refusal by Annex1 Parties to engage in good faith in the technology and the finance-related negotiations, including the setting of a new collective finance goal and the communication of indicative public financing to

be provided by them to developing countries, as stepping back from what was agreed in Paris barely three years ago”.

“As the leaders of the LMDC member countries’ governments have repeatedly said, we stand by the UNFCCC and its PA...This means that the PA should not be renegotiated,” stressed Iran further. It added that it “was glad to hear the leaders of some Annex1 Parties also say this after one Annex1 Party (referring to the United States), announced its intent to withdraw from the PA; unfortunately, we have yet to see the determination to live up to the PA stated by their leaders being reflected by their delegations here in our negotiations”.

Iran reiterated that “we want equitable and balanced outcomes from Katowice but we seemed to be headed for inequitable and unbalanced results. We worked on the basis of mutual reassurances from Durban till Paris but now all the assurances and concessions are wanted from us. More is being asked from us while less is being offered by our partners, even as the gap between what has been promised and what has been provided by developed countries for the pre-2020 period still needs to be addressed. This is not equitable,” it added.

Gabon for the **African Group** stressed that issues related to adaptation and finance are corner stones for a successful and balanced outcome in Katowice. It further added that “the successful completion of our work will be largely based on our ability to maintain balance and Party ownership.” It reaffirmed its confidence in the presiding officers to assist Parties for a successful outcome, including through the intersessional work with the following caveats – “(i) the assurance to Parties that the reflections note would include textual proposals and tools that identify streamlining options when necessary; (ii) all the ‘information notes’ from this session, including the annexes they contain are an integral part of our work”. It stressed the need for efforts to ensure the full implementation of the PA.

South Africa speaking for **Brazil, South Africa, India and China (BASIC)** stated that there has been “least progress in areas of central importance for our countries which are key to the implementation of the PA”. It expressed concern that the developed countries refused to engage in a meaningful way on issues of finance and technology transfer. It also highlighted the “disturbing signals” in the negotiations in the

“undermining equity and (the principle of) CBDR-RC” and stated that BASIC is “fully committed to the multilateral approach” and expected Parties to do likewise and “honour their commitments”.

Ethiopia for the **Least Developed Countries (LDCs)** expressed frustration that some issues continue to stall and added that “it is critical that the intersessional work between Bangkok and Katowice progresses our work further.” It stressed the need for Parties to be able to begin textual negotiations on a formal negotiating text from the start of COP24. It also emphasized that the full guidelines for the implementation of the PA have been adopted at COP 24, as mandated and that COP 24 must also deliver an ambitious outcome on the Talanoa Dialogue that helps to build momentum and raise global ambition to achieve the long-term goal of the PA.

Maldives for the **Alliance of Small Island Developing States (AOSIS)** reiterated that “in order to be successful in Katowice we need to ensure that we continue to work in a transparent and Party-driven manner. We recognize that there is uneven progress being made on various agenda items. It is critical that we ensure that we maintain the balance we achieved in Paris and make comparable progress across the tracks of negotiation on the PAWP”. It stressed that the issue of ‘loss and damage’ “is linked to a number of thematic areas and we look forward to working with Parties in maintaining its inclusion in the guidance for adaptation communication, specifically limits to adaptation, in reporting under the transparency framework, GST and support. This is necessary if we are to be truly operationalising the PA in a holistic and comprehensive manner”.

Saudi Arabia for the **Arab Group** expressed concerns over the negotiations stressing that “there is still a trend towards renegotiation in certain texts of the PA”. It underscored the need to “ensure a consolidated one package text leading to an omnibus decision for the implementation of the PA” at COP 24 and reiterated the importance of maintaining balance and called for a stop to renegotiating what was agreed to in the PA.

Colombia for the **Independent Alliance of the Latin America and the Caribbean (AILAC)**, also expressed deepest concerns over the lack of “incorporating interests and consideration of all Parties” in the negotiations, underlining the

“collective responsibility to deliver on the commitments taken in PA”. “Nothing is agreed if all is not agreed”, it said further.

Brazil for **Argentina, Brazil, Uruguay (ABU)** stressed that the PAWP must cover “all aspects of mitigation, adaptation and means of implementation for the full operationalisation of the PA, particularly, in transparency of support”. It said that there has not been “comparable level of progress” and urged for finding a delicate balance, without compromising the Party-driven nature of the process.

Australia for the **Umbrella Group (UG)** also expressed concerns about “slow pace of work” and suggested that one reason for this were efforts pursued “to work on issues outside the mandate of the PA”. (For the UG, some of the finance related issues pushed by the developing countries are seen as being outside the PA mandate). It also said that the “bifurcated approach”, (referring to differentiation between developed and developing countries), “is inconsistent with the PA and would hinder than build trust (among Parties).” It also stressed the need to focus work on “the Paris mandate”. It said Parties had provided a mandate to the presiding officers to arrive at a “strong basis for deliberations in Katowice”.

The **European Union (EU)** said that the Bangkok session “made progress” by “focusing on substance”, “clarifying views” and in “advancing the maturity” of issues with some being “far more complex” due to the “different nature of individual items”. It stated that “key political issues were not meant to be resolved in Bangkok”. However, “the outcome is not sufficient to serve as the basis for negotiations,” calling for “urgency to step up our efforts with clear and streamlined options with sufficient details for a draft negotiating text”. It urged the presiding officers to provide textual proposals to bring Parties closer to the outcome at COP 24 and added that “we are committed to put the PA into action” calling for determination and flexibility by all Parties.

Korea for the **Environmental Integrity Group (EIG)** also expressed deep concerns with “insufficient and disappointing progress on some issues” given only few days of negotiations left. It called for a “robust and comprehensive rulebook” with a “sense of urgency” expecting the presiding officers to provide “textual proposals intersessionally”.

