

Developed countries resist adoption of agenda in Working Group on long-term cooperation

Bonn, 16 May (Meena Raman) – The opening plenary of the 15th session of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) on 15 May under the UNFCCC, saw an intense resistance from Parties especially from developed countries to allow the adoption of the provisional agenda prepared by the Chair, Mr. Aysar Tayeb of Saudi Arabia.

A large number of developing countries on the other hand supported the adoption of the provisional agenda and the Chair's approach in the organisation of work. Following a lengthy exchange among Parties and the Chair which lasted more than 6 hours, it was agreed that informal consultations will be held today (Wednesday, 16 May at 4.30 pm) to agree on a way forward. The provisional agenda has thus not been adopted.

Parties were divided on whether to have a broad agenda approach based on the Bali Action Plan (BAP) elements including additional items added on since Bali (as proposed by the Chair) or to limit the focus to only the tasks mandated from the Durban outcome of the AWG-LCA (decision 2/CP.17).

The AWG-LCA Chair, in his inaugural remarks made clear that the Working Group was entering its fifth year of activity (having been launched in Bali, Indonesia in 2007 to advance the work of the BAP on long-term cooperative action to enable the full, effective and sustained implementation of the Convention in order to reach an agreed outcome) and was coming to the end of its work this year.

[In Durban, Parties agreed “to extend the AWG-LCA...for one year in order for it to continue its work and reach the agreed outcome pursuant to decision 1/CP.13 (Bali Action Plan) through decisions adopted by the 16th, 17th and 18th sessions of the Conference of the Parties, at which time the AWG-LCA... shall be terminated”. The 16th COP was held in Cancun, the

17th COP in Durban and the 18th COP will be held in Doha later this year.]

Tayeb said that this year was important to complete the work of the AWG-LCA and to reach a successful closure. He stressed that a lot of work had taken place and important decisions had been reached but the final year required a satisfactory completion of the BAP mandate and the successful implementation of all the decisions taken.

The Chair in his scenario note stated that “the provisional agenda of the AWG-LCA for 2012 comprehensively reflects the BAP and the additional elements that have been included under the work of the AWG-LCA. The annotations to the provisional agenda aim to reflect the status of the different elements of the provisional agenda. This will help Parties to reflect on the original mandate of the BAP and the decisions that have been adopted regarding the AWG-LCA at the 16th and 17th sessions of the COP. Such reflection should facilitate identifying the elements under the AWG-LCA that require further work in 2012. The completion of the remaining elements identified, together with the decisions reached under the AWG-LCA, will ensure that a comprehensive coverage of the BAP is concluded, and that the ‘agreed outcome’ is reached.”

Tayeb, in explaining his approach stressed the importance of having a holistic view to see what items were missing from the Bali mandate and assured Parties that all items needed to be addressed, including those decisions that needed to be taken to advance the issues from Durban. He proposed setting up a contact group that could then launch specific work needed.

In response to the approach outlined by the Chair, developed countries including the United States, Canada, Switzerland, the European Union, Australia, New Zealand, Japan and Mexico as well as developing

countries led by Nauru, representing the Alliance of Small Island States (AOSIS), Peru, Chile, Colombia, Honduras, Dominican Republic, and Panama wanted the focus of the AWG-LCA work to be on the decisions needed from the Durban outcome.

While many took pains to state that they did not want an “agenda fight”, they did question the provisional agenda proposed by the Chair.

Nauru on behalf of AOSIS said that the time for reflection was over and Parties needed to move with urgency. It also said that it would not re-negotiate the termination of the AWG-LCA.

The **US** said that the approach suggested by the Chair in looking at the remit of work based on the BAP was not a good one as it presumes that all issues are on the table and does not take into account the decisions taken (from Cancun and Durban) and the priorities that have been set. Other developed countries echoed similar views.

(The US in Durban during negotiations on the issue of ‘mitigation actions of developed countries’, was opposed to any discussion on how to increase the ambition level of developed country Parties and for a process to change the targets to address the ambition gap. Many Parties, including the EU and developing countries, underscored the need for increasing ambition, ensuring comparability of effort among all developed countries and the need for common accounting rules to ensure comparability. The final outcome document from Durban did not contain any of the proposals of the EU and other developing countries in this regard and was transmitted by the Chair of the AWG-LCA, Mr. Daniel Reifsnyder, who is from the US, “under his own responsibility” to the COP despite protests from several developing countries in this connection.)

Mexico (which hosted the 16th COP) was concerned about the agenda as it said that the basis and mandate of the AWG-LCA work had been changed by the Cancun and Durban decisions implying that not “everything” was on the table for negotiations.

Many developing countries supported the “comprehensive approach” taken by the Chair. This included the Arab Group led by Egypt, the ALBA countries represented by Venezuela, countries in the Central American Integration System (SICA) represented by Honduras, China, India, Pakistan, Philippines, Nicaragua, Indonesia, Sudan and Brazil.

China said that it was time to really have some serious reflection on the process that was started in Bali and since the AWG-LCA was close to completing its work, there was need to focus on the tasks that had to

be implemented as well as to ascertain how to resolve the “unresolved issues” and make the necessary arrangements to deal with them under the UNFCCC process. It stressed that the decision from Durban extending the life of the AWG-LCA was not for the purpose of terminating it but for it to complete its work and reach the agreed outcome as mandated in Bali.

China, referring to a quotation, said that if one was going to die, that has to be done with dignity, grace and respect. Hence, there was need to bring closure to the AWG-LCA with dignity and integrity.

Responding to Mexico, China disagreed that the Cancun and Durban decisions had changed the Bali mandate. The Cancun and Durban decisions furthered the implementation of the Bali mandate (and did not change it). The provisional agenda provided by the Chair set the context of the mandate, said China.

Venezuela, speaking for the ALBA group of countries supported the Chair’s approach and expressed regret that the last 3 COPs (Copenhagen, Cancun and Durban) did not respect established procedures (in adopting decisions). It took issue with the way in which the previous Chair of the AWG-LCA (from the United States) in Durban had transmitted the AWG-LCA outcome document for adoption by the COP “under his own responsibility” which was unprecedented and which was disputed by several countries for being imbalanced, especially as regards the mitigation of developed countries which required comparable efforts and commitments to be met.

Egypt, speaking for the Arab Group supported the adoption of the provisional agenda as there was need to review what has been achieved in the context of BAP mandate and to arrive at a common understanding on the current status of each of the elements. It said that the AWG-LCA should not end without its tasks being completed.

Egypt, then speaking in its national capacity, said that the promises by developed countries have not been delivered and countries were being taken for a ride. The negotiations thus far have led to the creation of “empty shells”. It said that the AWG-LCA needed to “stocktake” and not be a “mere despatcher” throwing issues to other bodies. There was need to make sure the “mission was accomplished”. Supporting the Chair’s approach, Egypt said that such a stocktaking does not mean re-opening of issues but Parties needed the assurance that what was agreed in Cancun and Durban did not supercede the agreement reached in Bali.

Honduras, speaking for the Central American Integration System (SICA) supported the AWG-LCA Chair and said there was need to assess if Parties have fulfilled the Bali mandate. Among the issues it highlighted for resolution this year (which were not addressed by previous decisions) relate to ‘intellectual property rights’ and ‘equitable access to sustainable development’.

India, speaking for the BASIC group of countries welcomed the approach suggested by the Chair. While recognising the need to avoid re-negotiating issues concluded in Durban, it stressed the importance of addressing the “unresolved issues” in the work of the AWG-LCA this year. It stressed that all issues should be addressed and not be allowed to fall off the table.

It said that the AWG-LCA outcome was an intrinsic part of the Bali Roadmap (the BAP and Kyoto Protocol second commitment period) and the balance with the outcome in the KP track must be maintained. India said that equity is the cornerstone of the negotiations and wanted to see the workshop on ‘equitable access to sustainable development’ (to be held on 16 May) not be an end in itself but should lead to the operationalization of equity in the UNFCCC process. Equity as a principle should not be viewed as an impediment to ambition but as an enabler of ambition.

Indonesia said that the extension of the work of the AWG-LCA this year could provide the space to conduct the remaining work which has not been completed from the Bali mandate. Issues that were not resolved could be dealt with through other bodies under the Convention or left to the new working group under the Durban Platform.

Pakistan also supported the Chair’s approach and said that there was need to take a step back and evaluate the progress achieved through Cancun and Durban in the context of the BAP. It highlighted some of the core issues that have not been resolved which included a decision on long-term finance. Integrating equity based on historical responsibility and the need for its clear operationalization was needed.

Philippines supported the Chair’s comprehensive approach which was a very useful way of allowing Parties to reflect on the original mandate of the AWG-LCA and the decisions that have been adopted in Cancun and Durban. A comprehensive approach does not undo the institutions that have been created and the decisions taken. It added that it was important to

reflect on how Parties deal with elements or areas under our original mandate whose work may not be able to be completed by the end of 2012, and whether the work should continue in other bodies of the Convention including the COP, or whether the AWG-LCA should extend its work, as was done several times in the past.

It also expressed concern over the way the AWG-LCA outcome of Durban was arrived at, in the face of apprehensions from many delegations including the Philippines, regarding the serious imbalance in the outcome document. It was therefore the responsibility of this body to restore the balance in this process. A significant area of such imbalance relates to mitigation of developed countries under paragraph 1(b)(i) BAP. Our work in the AWG-LCA must reflect the acknowledgment of historical responsibility, the scaling up of ambition, the setting of aggregate targets for the mid-term and long-term for developed countries and for comparability of efforts among them.

Philippines said that Parties must operationalize decisions taken in Cancun and Durban, and the AWG-LCA must address all the missing elements and aspects arising from the Bali Action Plan, the Cancun and Durban decisions.

In response to the various comments by Parties, the Chair of the AWG-LCA said that most the views were about how to structure the work and arrange the time allocation. He then illustrated the challenges facing Parties through a story that reflected the state of the negotiating process, with settlers moving into a land known as “Convention-land” where parameters were drawn and upon which many houses were being built. He drew the analogy of needing to go back to the “blueprints” to see if the houses were being properly constructed, in reference to the BAP.

Following on from a proposal by Singapore on a way forward, Tayeb proposed the adoption of the provisional agenda as outlined and to establish work under one single contact group with a clear understanding that elements from the Durban decision will have focused spin-off groups while Parties continue to evaluate other elements without excluding the possibility of having additional spin-off groups on other elements as needed.

Given that there was no agreement to this from Parties, he suggested having informal consultations on the way forward which will be held later today.