



Substantive Negotiations to Begin in June for New Climate Agreement

Progress was made towards a new climate agreement in December 2015 in Paris when a new negotiating text for that agreement was produced at the end of a UNFCCC session in Geneva in February 2015. We report on this text and what delegations said about the future negotiations in the rest of 2015.

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A view of the dais during the closing session of the Geneva Climate Conference in February 2015.



Opening ceremony of COP 20 in Lima in December 2014.

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Substantive Negotiations to Begin in June for New Climate Agreement

The UNFCCC session in February 2015 in Geneva successfully concluded by producing a negotiating text which will be the basis of the negotiations in the rest of the year until COP 21 in Paris.



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A view of the dais during the opening plenary of the Geneva Climate Conference in February 2015.

By Meena Raman

Parties under the UNFCCC's Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) will begin substantive negotiations for a new climate agreement in June, on the basis of a negotiating text that was agreed to at the Geneva climate change meeting on Friday, 13 February 2015.

Since the meeting began on Sunday, 8 February, Parties have been making proposals for addition to the elements text which was annexed to the decision adopted in Lima (in decision 1/CP.20).

At the closing plenary of the ADP held the afternoon of 13 February, Parties agreed to the 'Geneva text', which is 86 pages long (comprised of the Lima text and the additions made in Geneva), as the basis of negotiations which will begin in Bonn, Germany, in early June this year (from 1st to 11 June).

Agreement on the 'Geneva text' as

the basis of negotiations was greeted by Parties with applause, in what they saw as a text which was "more collectively owned" with their own proposals, compared to the Lima text which was produced by the previous ADP Co-chairs.

In general, the conduct of the Geneva ADP session by the new ADP Co-chairs, Daniel Reifsnyder (United States) and Ahmed Djoghlaif (Algeria), were viewed positively by Parties as being transparent, inclusive and "Party-driven".

Reifsnyder, at the formal closing plenary said that the negotiating text "reflects the proposals by all Parties" and that the ADP has fulfilled the request by the Conference of Parties (COP) to make available a negotiating text for the new agreement "well in advance of the May deadline." He added that the secretariat "will communicate your effort well in advance of the May deadline, not later than March."

(Parties had agreed in Lima to

"intensify its work with a view to making available a negotiating text for a protocol, another legal instrument or an outcome with legal force under the Convention applicable to all Parties before May 2015.")

The ADP Co-chair informed Parties that as a first step, the secretariat will edit and issue the negotiating text as an official document. He said the text will not be subject to modification but to only editorial changes, which will be translated and communicated to Parties. He said the communication will not prejudice the legal form of the agreement and will not prejudice the legal nature of any of the paragraphs of the text or their placement or the structure of the agreement. He added that the ADP has not yet identified which text are to be included in the agreement and which text could be in decisions.

Reifsnyder said that the contact group in the morning of Friday had explored ideas on how to make significant progress in the June session. (See further details below). He said the Co-chairs will issue a scenario note outlining the proposed organisation of work and will continue to consult with Parties.

He said that at this session, Parties also heard views on Workstream 2 (WS 2) on enhancing pre-2020 mitigation ambition viz. on implementation of the decisions since the Bali Action Plan, the urgency of ratifying the Doha Amendment of the Kyoto Protocol's second commitment period (CP2) and addressing the gaps in finance.

In his remarks, Co-chair Djoghlaif said that the Geneva session had been "an extraordinary experience" and "a turning point in the way we worked in order to respond to our common challenges in the UN." He said the "negotiating text will help our common trajectory."

Prior to suspending the ADP session, Reifsnyder said that in addition to the June session, there will be two additional sessions of the ADP prior to the Paris COP, which will be from 31 Au-



A view of the room during the opening plenary of the Geneva Climate Conference in February 2015.

gust to 4 September and 19 to 23 October and will also be held in Bonn.

Ideas for the Bonn session

At the contact group in the morning, Co-chair Djoghlafl invited Parties to give their views on how to start the June session and deliver the Paris agreement.

South Africa speaking for the **G77 and China** thanked the ADP Co-chairs for the manner in which the meeting was conducted to finalise the Geneva text. It said the text is now owned by Parties as it was produced in an open and transparent manner.

In Bonn, the **G77 and China** said negotiations must begin immediately and called for a scenario note from the ADP Co-chairs well in advance. It wanted clarity on how work will advance and how progress will be captured from the Bonn session. It said that spin-off groups might be needed and if facilitators are selected, there should be a balance between developed and developing countries. It said there should not be more than two parallel sessions taking place at the same time, taking into account matters being discussed during the meetings of the other subsidiary bodies. It stressed that discussions on adaptation and mitigation should not be separated and disconnected from the other elements of the means of implementation.

It said that WS2 has not enjoyed sufficient attention in Geneva and wanted to know how the two tracks

under the workstream will be organised in relation to the technical expert meetings (TEMs) and the accelerated implementation of decisions. It called for consultations with Parties on what should be discussed in these two streams. It also requested the Co-chairs to ensure that the meeting space is appropriate and not small and cramped.

Sudan for the **African Group** called for one of the additional sessions of the ADP to be held in April. (Although this call of the African Group was supported by other countries including China, and Argentina, Djoghlafl said that it was difficult to hold a meeting in April "for practical reasons".)

Saudi Arabia for the **Arab Group** said that during the negotiations, while

negotiating groups could speak, the right of any Party to also do so should be maintained. For this purpose, it did not support a "square shaped" seating arrangement.

Tuvalu for the **LDCs** said there was value in having Parties give some explanation of their ideas and then go into textual negotiations. In relation to the text, it wanted to first look at the overlaps. Within the Co-chairs' scenario note, it said it would be helpful if information in the text could be provided on where the overlaps are without giving any textual proposals, in the form of a commentary or table. This could help facilitate the work of Parties in June.

Malaysia for the **Like-minded Developing Countries (LMDC)** said that what has transpired is that Parties have produced a text reflecting all their positions in the Geneva text, and by this, Parties have begun building confidence in the process. Although the text has doubled, it said that this was the nature of negotiations on issues of importance that affect the whole world. It said that the mode of work established in Geneva should continue, adding that the process must be Party-driven and called for a balanced approach on all the six core elements of the negotiating text as well as WS 2. (The six core elements are mitigation, adaptation, finance, technology transfer, capacity building and transparency of action and support.)

In an apparent reference to the remarks by the EU (see below), Malaysia said that a "short text" has been suggested but this can be considered at



Gary William Theseira (left) and Gurdial Singh (right) of Malaysia, speaking for the Like-Minded Developing Countries.



ADP Co-Chair Dan Reifsnyder gavels the Geneva Climate Conference to a close.

the appropriate time. It said that substance should not be sacrificed at the altar of efficiency. So far, the process has been open-ended, and it expected this mode of work to continue.

Maldives for the Alliance of Small Island States expressed support for transparency in the conduct of work. Given the small size of delegations of its members, it wanted a limit on the number of parallel sessions that are held. It expected 2015 to focus on the 2020 agreement. In relation to WS2, it expected the TEMs to be more focused than in the past on policy outcomes.

India said that the ADP process was proceeding with “no surprise”. The immediate task was to further streamline the negotiating text, by addressing the redundancies and duplication. During the inter-session, it said Parties could make suggestions on how to reduce the various options. If there is convergence, the Co-chairs could capture how the text can be merged or brought together. It said that greater discussions were needed on the important issues of equity, differentiation, finance and WS 2 issues. One of the key tasks in WS 2 is for accelerating implementation of ambition pre 2020, adding that it cannot just be about the technical examination process.

Ecuador was happy with the “no surprise policy” of the Co-chairs. It wanted a “light streamlining exercise” in the beginning as Parties go through various stages of seeing where duplications are. It also said that a “square-room” setting was not favourable and

preferred negotiations in a plenary setting with texts on the screen, which could be held with parallel sessions.

China wanted a balanced approach for discussions in WS 1 where all the elements are treated equally; and in WS 2, balance should be reflected on the TEMs and the acceleration of implementation, which is important for confidence building. WS 2 needs adequate time. While there is a negotiation text for WS1, China was concerned about a lack of text for WS 2 and did not want a situation where there was “no deal in the last minute” in relation to pre-2020 ambition in Paris. It also called for a technical paper by the secretariat to identify paragraphs in the Geneva text which were similar “without touching the text.” It did not expect the Co-chairs to provide any guiding text for further negotiations. It supported the call by the African Group for one more session to accelerate work in April.

Egypt stressed the importance of transparency in the future process and agreed with the EU that there “should not be last minute deals.” It was cautious about negotiations through representatives and wanted an inclusive process for every country to be able to negotiate.

Venezuela also stressed the importance of transparency and clear methods of work. It said it was “good not to have evolving methods of work”.

Argentina supported the African Group for an ADP session in April or

May and not to have more than two parallel sessions.

Nicaragua said that every motion that increases transparency will be the way that will be acceptable by all.

The **European Union** said that Parties have achieved the bare minimum in Geneva and that the pace of progress needs to be accelerated. It did not want last minute deals and wanted a clear short text with minimum options. It said that the Geneva text was double that of Lima. It said the mode of work cannot be the same as that in Geneva and clarity in the process was needed. It called for leadership from the Co-chairs with engagement on substance. It called for a Co-chairs’ reflections note to guide Parties. It also wanted the secretariat to do a simple analysis of the duplications and redundancies and ideas of the paragraphs to be consolidated.

On the intended nationally determined contributions (INDCs), the EU wanted the “major and emerging economies” to submit their INDCs in the first quarter.

Australia for the Umbrella Group said that Parties had missed an opportunity in Geneva to eliminate duplications and improve navigability of the negotiating text. For Bonn, it hoped for convergence on options and wanted clarity to be provided in the scenario note of the Co-chairs.

Norway said there is need to look at the issue of differentiation in relation to the whole text and was concerned about approaching the elements in silos.

Switzerland expressed agreement with many elements referred to by the G77 and China. It also did not support having more than two sessions in parallel in Bonn.

Russia appreciated the way the Co-chairs conducted their work and that the efforts in Geneva were a “major breakthrough” that “should not be underestimated”.

New Zealand said that the Geneva text was only a starting point and there is need for fresh iterations as Parties move forward in the negotiations.

Meena Raman is a senior legal advisor of the Third World Network.

Understanding the Lima Climate Conference

A Proxy Battle for the 2015 Paris Agreement

The UNFCCC's Conference of Parties in Lima (COP 20) in December 2014 became an intense battle of process and substance, that in effect was a proxy for the bigger battles to come on what kind of agreement will be produced at COP 21 in Paris in December 2015.



The Lima Climate Change Conference begins as Manuel Pulgar-Vidal, Minister of the Environment of Peru and President-Designate of COP 20/CMP 10, assumes the gavel from COP 19/CMP 9 President Marcin Korolec, Poland.

By Martin Khor

I: Reaching agreement on the Lima outcome, after a near collapse

The annual United Nations climate conference, held in Lima, ended early on Sunday morning, 14 December 2014, after over two weeks of intense negotiations and the trauma of an almost total collapse of this round of talks that was supposed to be an important step towards a new climate change agreement scheduled to be adopted in Paris in December 2015.

If the 20th Conference of Parties (dubbed COP20) of the UN Framework Convention on Climate Change (UNFCCC) had ended without an outcome on its most important issue, the "Durban Platform", it would have sent a negative signal that the world is unable to come to grips with its most im-

portant challenge – tackling runaway climate change.

At the time the conference was scheduled to close, on Friday night (12 December), the majority of developing countries told the plenary session that they could not accept a draft decision that had been prepared by the Co-Chairs of the Durban Platform working group. They found the draft did not contain the issues that were important to them, and that it was skewed in favour of the developed countries.

Accepting such a draft would put the developing countries at a serious disadvantage when the negotiations resume this year. There will be intensive meetings in 2015 that will climax with the signing of the Paris agreement in December.

One by one, the developing countries and their groupings spoke up in criticism of the Co-Chairs' draft. They included the Africa Group, the least developed countries, and the like-minded developing countries (LMDCs) whose diverse members include India, China, Pakistan, Sri Lanka, Malaysia, Vietnam, Egypt, Saudi Arabia, Algeria, Jordan, Kuwait, Iran, Iraq, Qatar, Sudan, Mali, Democratic Republic of Congo, Argentina, Bolivia, Ecuador, Venezuela, Cuba, Nicaragua, and Dominica.

The Co-Chairs, Artur Runge-Metzger (Germany) and Kishan Kumarsingh (Trinidad and Tobago), had to concede that their draft could not be passed by the house, and handed the task of finding a solution to the President of the Conference of the Parties, who was the Environment Minister of Peru, Manuel Pulgar Vidal.

It was already 4 a.m. on Saturday, 13 December. The conference should have ended on Friday 6 p.m. The conference had thus moved into "extra time", and with a new referee. Could the President salvage an agreement which could not be reached after two weeks of fierce contest under the Co-Chairs?

The Minister quickly got into the act on 13 December morning, meeting with all the groups with their different views, and with the Ministers of key countries like the United States, European Union, China and India. A breakthrough came when a critical demand of the developing countries seemed to be accepted by the President, and more importantly, by the United States.

It was the issue of "common but differentiated responsibilities" (CBDR), a term that is prominent in the Climate Change Convention denoting that all countries have to act, but the developed countries have to undertake greater emission-reduction commitments because of their role in creating the cli-

mate crisis (they are responsible for most of the cumulative emissions in the atmosphere) and of their higher economic status. Developing countries also have to act, but their actions are to be supported by finance and technology transfer. In fact, a key provision of the Climate Change Convention (article 4.7) states that the extent to which developing countries take climate actions depends on the extent to which developed countries meet their commitments on providing financial resources and on technology transfer to developing countries.

This basic CBDR tenet of the Convention is being challenged by the US, European Union and other developed nations. They want to end the "differentiation", so that developing countries take on similar obligations as the developed nations, and moreover they want to cut the integral link between the finance they provide and the extent of actions of developing countries.

They obtained an advantage when the terms "equity" and "common but differentiated responsibilities", which are prominent in the Convention itself and in major decisions of the UNFCCC, were conspicuously left out when the decision (known as the Durban Platform) was adopted in 2011 to launch negotiations for a new climate agreement in 2015. That decision does mention that the 2015 agreement will be "under the Convention", which the developing countries have clung to, in order to argue that the agreement will have to be in accordance with the principles of equity and CBDR; while developed countries led by the United States have counter-argued that the new agreement will not have differentiation between the developed and developing countries.

Since then, the developing countries have fought hard to get the CBDR term back on the agenda. It was not included in the previous 12 December draft, which was a reason that draft had been rejected. When they met the COP20 President, Minister Vidal, the developing country groupings, especially the G77 and China, the LMDC and the Af-

rica Group, insisted that CBDR and "differentiation" be referred to in the final draft.

When the final plenary meeting was convened at 11.30pm on Saturday, 13 December, delegates found that a separate paragraph had been added, that the Conference of Parties "underscores its commitment to reaching an ambitious agreement in 2015 that reflects the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances."

This is an important paragraph. The mention of CBDR and especially the reference that it be reflected in the 2015 agreement was seen by many developing countries as a significant victory. The developing countries generally were also pleased with a paragraph in the preamble, "Reiterating that the work of the ADP shall be under the Convention and guided by its principles", since equity and CBDR are among its principles. However, some countries (particularly in the African Group) were unhappy with the accompanying phrase "in light of different national circumstances", which they felt diluted the CBDR principle or conditioned its use, opening the door to differentiation among developing countries and the argument (which the developed countries can be expected to make) that some developing countries should no longer be eligible to be treated specially as developing countries.

At the final plenary, Malaysia, representing the like-minded developing countries, stated that the inclusion of the paragraph on CBDR and also another paragraph in the preamble that the work of the Durban Platform is guided by the principles of the Convention, "together suggests to us cumulatively that the CBDR principle has been restored and it has been given its rightful place in the context of the Convention and the work that we are going to continue in relation to the new agreement." The Indian Minister of Environment and Climate Change, Prakash Javadekar, stated that Parties had achieved consensus on differentiation and the continuity of the Conven-

tion.

Other demands of the developing countries that were met in the new text were that the contributions to be made by each country could be balanced between mitigation, adaptation and finance and technology transfer, and that the text should not be "mitigation-centric"; "loss and damage" caused by climate change was given due mention in the new draft, which was interpreted by least developed countries that it could be considered as a component in the 2015 agreement; there would not be an officially-sanctioned process of assessment of each country's intended contributions prior to COP21 in Paris; and the terms and information linked to the "contributions" that each country will provide would not be as onerous on developing countries as originally promoted in the earlier draft.

There were, however, still major deficiencies in the Decision, including that there is only a very weak reference to the provision of financial resources. Developed countries are only urged to provide and mobilize enhanced financial support to developing countries for mitigation and adaptation actions.

These factors persuaded the developing countries to go along with the decision put forward by the COP President. The developed countries also agreed, although most of them were disappointed that their attempts to overload the Decision with issues and procedures of their interest, did not succeed. The conference ended at 2.00 am on Sunday, 14 December, 32 hours after its scheduled end.

In fact, as critics pointed out, there is not much new in the adopted decision, except perhaps that the CBDR principle would be reflected in the 2015 agreement. That this is seen by developing countries as a gain shows how disadvantaged they have become in the negotiations, since CBDR has all along been recognized as a key principle that is in fact put into practice in the structure and differentiated obligations of the Convention, and it should



Peruvian performance as part of the opening ceremony of COP 20.

thus have been accepted and explicitly mentioned right from the start of the Durban Platform process in December 2011.

The proceedings in Lima show how difficult the negotiations will be throughout 2015. If it took two whole weeks to reach consensus on a simple text in Lima, how much more contentious and difficult the negotiations will be for an entire new agreement this year.

II: Issues of substance and process that dominated the Lima Conference (and that will dominate the 2015 negotiations)

The most important and most fought over outcome of the UN Climate Conference in Lima was a decision adopted by the Conference of the Parties (COP) which the Peruvian Minister in charge of the conference termed '*The Lima call for climate action*'.

The crisis that developed in Lima that almost caused the collapse of COP20 had its roots in the fight over the substance and the process of the negotiations in the ad-hoc working group on the Durban Platform (ADP), which is the track in the UNFCCC that leads to the new climate change agreement in 2015.

This COP20 decision would normally have been prepared and agreed to by

the ADP and then the COP itself would simply endorse the draft thus prepared.

But what was significant at Lima is that the ADP could not agree on the draft decision. Indeed, a supposedly final draft produced by the Co-Chairs of the group met with widespread criticisms and outright rejection by a majority of developing countries, and had to be abandoned on the last night of the Conference. This forced the COP President himself to take over the process and eventually to obtain an approval of his own draft, that was different in some significant points from the Co-Chairs' final draft and even more so from their earlier drafts.

Perceived biases in the Co-Chairs' drafts

The Co-Chairs' drafts, and the process they had overseen since March 2014, had met with opposition from a large number of developing countries, which perceived them as biased in favour of positions of most developed countries. For example, earlier drafts of the Co Chairs made it mandatory for countries to include mitigation in their contributions, whereas adaptation, finance and technology transfer were optional. The 8 December draft says intended mitigation contributions of each country should represent the highest level of ambition; and the contributions should

reflect efforts that they are to make "unilaterally." Taken together this means that developing countries would have to commit to high mitigation actions without conditioning this on obtaining adequate finance and technology transfer from developed countries. It also mentions CBDR in the light of "evolving" national circumstances, and agrees that "parties with greatest responsibilities and those with sufficient capability" are to take on absolute economy-wide mitigation targets, implying that some developing countries are to be treated similarly with developed countries. Moreover, developed countries starting in 2019 should consider annual quantitative contributions on means of implementation to support developing countries' actions. (This is extremely flexible for developed countries on their finance commitment, with a very late deadline, especially compared with the mandatory mitigation actions developing countries have to submit by an early 2015 deadline). The 11 December draft says that developed countries and "other Parties in a position to do so" will provide support for developing countries. Taken together, the texts proposed by the Co-Chairs would make developing countries (or at least some of them) take on similar obligations as developed countries, thus obliterating the "differentiation" between the two sets of countries.

The developing countries felt that if the Co-Chairs' drafts were adopted, they would give an early and undue advantage to the developed countries in the design of the elements and framework of the 2015 Paris agreement itself, and indeed would already determine key aspects of the agreement and against their interests.

Lima, a proxy fight for the Paris agreement

The wrangling over the Lima decision between developed and developing countries was a proxy fight for what would be the core elements of the Paris agreement, without a direct negotiation on these elements themselves. An underlying issue is whether Parties would be treated in a differentiated

manner in their obligations, as clearly set out in the Climate Change Convention, or whether (as desired by developed countries), the Parties would all be treated in a similar manner in the agreement for post-2020 actions; another issue is whether the INDCs (and by extension, the elements of the Paris agreement itself) would be only or mainly be on mitigation, while neglecting the other issues.

This proxy fight took place through the issue of 'intended nationally determined contributions' (INDCs), a term that was adopted a year earlier at the 19th Conference of Parties in Warsaw. Countries are required to submit the climate change actions they are prepared to undertake, with these being called "contributions."

Scope of issues in the INDCs and the Paris agreement

All countries have also agreed that the 2015 agreement should contain provisions on mitigation, adaptation, finance, technology development and transfer, capacity building and transparency of action and support. The developing countries insist that all these topics should be given equal status and treatment. While they agree with the importance of mitigation, they consider adaptation as equally important, and that finance and technology are critical to their ability to implement the new obligations in a 2015 agreement. They are concerned that the developed countries want a "mitigation-centric" agreement, with prominence given to mitigation, or even an agreement with only mitigation, thus marginalizing adaptation. They are also concerned that the developed countries would like to very significantly downgrade their commitments to provide finance and technology to developing countries, and that they want to de-link the actions that developing countries put forward from the extent of finance and technology that is provided. These concerns are justified, because of the pronouncements and proposals that the developed countries have been putting forward in the past two years since the Durban Platform negotiations began.



Delegates participate in the closing COP and CMP plenary.

These countries have also tried to eliminate the "differentiation" in the obligations of developed and developing countries that are contained in the Convention, with the aim of pushing more of the overall obligations onto developing countries, particularly the middle-income countries.

Throughout the Lima meetings, the developed countries continued to make many proposals to reduce or eliminate the differences between their own commitments and the obligations of developing countries. These included:

- Doing away with the distinction between the types of commitments on climate actions to be made by developed and developing countries.
- Removing the link between the actions by developing countries and the funding and technology support they are to get from the developed countries.
- Introducing the concept that "major economies" and "emerging economies" should be treated in the same way as the developed countries in reducing their emissions and even in providing funds to poor countries.
- Removing or diluting references to "common but differentiated responsibilities" and "equity", which are key principles of the Climate Convention.

If these attempts succeed, they would undermine the main features of the presently balanced Convention and pave the way for a new agreement in 2015 which would be unfair to the developing countries.

However, the developing countries put up a stout defence of their interests. They were insisting on maintaining the "differentiation" between developed and developing countries, and on rejecting new categorization of countries such as "major economies", "emerging economies", "countries with the greatest responsibility" and "countries in a position to do so", which are not recognized in the Convention. They particularly insisted on the importance of finance and technology and on maintaining the link between these and the level of actions by developing countries.

The issue of correct sequencing of issues: elements, contributions, information

This proxy fight over substance was accompanied by a fight over the process that was used during the ADP negotiations. A very significant component of the process fight was over the sequencing of issues for discussion and for reaching agreement on.

The 2013 Warsaw COP decision in fact laid out three major tasks for 2014: for the ADP (the Durban Platform working group) to elaborate the ele-

ments of the 2015 agreement; for countries to prepare their INDCs; and for the ADP to identify the information that countries should provide when putting forward their INDCs.

The like-minded developing countries argued, starting in March 2014, that there must be proper sequencing of these three tasks. First, the elements of the agreement should be negotiated, including the scope, the principles, the various topics that constitute the provisions, and the defined roles of the different Parties. When the elements are clarified, this would then also clarify the nature of the “contributions” (obligations on climate actions) that countries should make, and in which differentiated manner. Following this sequence, secondly, countries could then prepare their specific contributions; and then thirdly the information that should accompany the “contributions” can be decided on. However, the developed countries wanted the opposite sequencing. They wanted to focus on INDCs and the information accompanying them; to define INDCs as only in relation to mitigation; and to have all countries treated in the same way with regard to the contributions they put forward. By getting agreement first on INDCs, and in this interpretation, they would *de facto* be determining that the 2015 agreement would be mitigation-centric and that there would be little differentiation between developed and developing countries in mitigation, as well as a delinking of developing countries’ actions from finance and technology. The Co-Chairs, through their draft texts, were going along with the developed countries’ approach.

Based on their logic on correct sequencing, during last year’s negotiations in the ADP, the like-minded developing countries insisted on the sequencing of completing the negotiations on elements first, and they put forward their own detailed proposal on elements, which they invited other delegations to engage with as a matter of first priority. However at the meeting of June 2014, the Co-Chairs tabled their own version of a draft Decision on con-

tributions, while they conducted the discussion on Elements in the form of countries continuously giving their views and which were not based either on Members’ draft texts nor on the Co-chairs’ texts. The message was clear: the issue of “contributions” was to be given priority, with text-based negotiations, while the issue of elements were treated only generally. And in the discussion on contributions, the developed countries made it clear that they considered only mitigation to be the subject of these contributions, thus wanting to eliminate adaptation, finance and technology.

The developing countries perceived these procedural steps as suiting the developed countries’ tactics of avoiding a direct negotiation on Elements first. During such an Elements negotiation, the key issue of whether CBDR applies, or whether all Parties have to undertake the same type of commitments, and the key issue of whether finance, technology and adaptation are to be given their proper status in the 2015 agreement, were bound to occupy front-door and centre stage status. These issues could be avoided through focusing first instead on “Contributions” and “Information on Contributions”, and through these side doors, usher in a mitigation-centric 2015 agreement, with no differentiation made between the mitigation obligations of developed and developing countries, and no mention of adaptation, finance or technology.

The 19th COP in Warsaw in 2013 adopted a decision which invited “all Parties to initiate or intensify domestic preparations for their INDCs without prejudice to the legal nature of the contributions”, in the context of adopting the 2015 agreement. The Warsaw decision did not prescribe the scope or nature of the ‘contributions’, whether these contributions relate to mitigation, adaptation, finance, technology transfer and capacity building, which are the items for the Paris agreement, or only to one or some of them.

Developed countries, in the course of discussions last year, wanted to confine the scope of the INDCs to only

mitigation, while developing countries wanted all the elements to be covered, including on what developed countries will provide as regards their contributions for finance and technology transfer to support the developing countries’ mitigation and adaptation actions in the post 2020 period.

Throughout the four meetings of the ADP in 2014, there were concerted attempts by developed countries to make use of the issue of INDCs to shape the larger issue of the nature of the mitigation component of the 2015 agreement, even before the mature negotiation or conclusion of negotiations on this mitigation issue per se. The developed countries insisted that INDCs are only about mitigation contributions and that all countries will have to forward their INDCs together with the up-front information accompanying them, by early 2015.

Ex ante assessment issue

Some developed countries also proposed a system by which these intended contributions would be assessed and reviewed (referred to as a process for an ‘ex-ante assessment’) in mid-2015 June, to see if they would be adequate in the aggregate to limit temperature rise to below 2 degrees Celsius.

Though some developing countries supported an ex-ante review, many others (especially the LMDC) were against it. The latter viewed the push by developed countries for an ‘ex-ante assessment’ ahead of Paris as being outside the Warsaw mandate. They also considered this to be prejudicial to the negotiations to be conducted for the 2015 agreement, in Paris, especially as regards how the mitigation element of the Paris agreement is to be approached; how the principle of CBDR would be applied across all the elements of the Paris agreement, including that relating to the contributions that Parties will make, as well as the up-front information relating to the contribution for the purposes of transparency.

They pointed out the imbalance of having developing countries’ mitigation “contributions” assessed (and

subjected to pressure for upgrading) whereas there was to be no assessment (or even information) on how much financial and technological support the developed countries are to provide. How could developing countries be expected to submit what they can do on mitigation when they do not know whether financial support is forthcoming and if so, how much?

In the October 2014 session of the ADP, China had stated that there can be no 'early harvest' by focusing only on mitigation when all elements of the 2015 outcome are "a package". It said that INDCs cannot be focused only on 'mitigation', isolated from the consideration of the provision of finance, technology transfer and capacity building support. Otherwise, it stressed, this would lead to a rewriting of the Convention. This view was widely shared by other developing countries, and reiterated in Lima.

Besides the ex-ante assessment issue, a major issue of basic importance was that of "differentiation". Developing countries across the board wanted assurances in the decision that the CBDR principle would be applied in the Paris agreement and in the INDCs. They insisted on this as a "red line."

Clash of approach on negotiating method

Another major issue of contention, that had consequences at the Lima COP, was over the method of negotiation being used at the ADP. Developing countries wanted the negotiations to be directly among the Parties. This is normally done in the UN system, at which Parties put forward texts which are then commented on and amended by other Parties, usually in real time and on a screen in the hall. This is the essence of a "Party-driven and transparent system of negotiation." However the developed countries preferred a process that was left in the control of the ADP Co-chairs, to produce draft texts, without clarity or transparency on how they were arrived at. The Co-Chairs themselves insisted on the latter method, to the frustration of the developing countries. This was perceived by

developing countries as a negotiating process that unfairly gave the advantage to developed countries, especially since the developed countries' views were seen to be given more prominence in the successive versions of the Co-Chairs' drafts on the ADP/COP decision.

This clash over the method of negotiation had been brewing over the whole year, and finally it came out in open and dramatic fashion mid-way through the first week of the Lima conference. The Co-Chairs continued to insist that they be the ones to write the texts of the ADP decision. But many developing countries were increasingly disgruntled because their views were not or were poorly represented in the Co-Chairs' drafts and they lost confidence that fair representation would ever be made. Their fear was that the Co-Chairs would keep producing drafts which eventually would have to be accepted by all, and that the final draft would be biased against the developing countries. The battle over process or procedure was thus also a battle over substance. Many developed countries, which were happy with the Chair-driven process, countered that time should not be wasted on procedural issues and should instead be spent on substance. But substance and process are in fact inter-twined in the ADP.

Towards the end of the first week at Lima, several of the developing countries asked the Co-Chairs to stop the discussion at the ADP and insisted that the proposals and texts of the countries be put on the screen in the room and also be compiled in a paper which would be the basis for detailed negotiations towards the final decisions.

In the face of this "rebellion", the Co-Chairs had to reluctantly agree to change the negotiating method. Then, for several days after, the different proposals and texts of various Parties were put on the screen during the discussion on specific issues, in the normal UN way, and the Parties were then talking to one another and not only through the Co-Chairs. However since this Member-driven process started so late, the lengthy document compiling the vari-

ous positions became unmanageable as the limited time left would not allow a consensus to be reached. Two days before the scheduled end of the Conference, the COP President directed the Co-Chairs to again produce their draft text of the Decision. They produced two drafts, on 11 and 12 December. However, though welcomed by the developed countries, these drafts were rejected by the developing countries, which led to the crisis of a near collapse and to the COP President taking over the drafting process.

This clash of approaches over the negotiating method and decision-making process may recur when negotiations resume in 2015. Developed countries are likely to argue that leaving the Co-chairs to draft is more efficient and takes less time, while developing countries are likely to argue that if the transparent Member-driven process had been adopted from the start of 2014, and been given the proper opportunity, it would have worked better and that this is the best way for inclusiveness, transparency and eventually ownership of the outcome.

The final Co-Chairs' 12 December draft were viewed by most developing-country groupings as not acceptable. On Saturday, 13 December, when the ADP convened, many developing countries and their groupings criticised and rejected the draft on grounds it was imbalanced and did not reflect key issues such as differentiation between developed and developing countries, the principles of equity and CBDR; that there was lack of any financial contribution for the post 2020 period; the draft on INDCs was mitigation centric with adaptation downgraded; there was a failure to include the issue of 'loss and damage'; and a very weak reference to pre-2020 climate action.

With the clock ticking beyond the closing time of the conference, many developing countries appealed to Vidal to help resolve the deadlock, as the talks were clearly on the brink of collapse. The ADP closed without adopting a text, and the COP Presidency

then took over the process. The President's draft decision, which was finally adopted on Sunday at 1 a.m., was viewed by developing countries as being more balanced as it dealt better with the issues of concern to them. The principle of CBDR was mentioned (it had been absent at the original decision launching the Durban Platform at COP17 in 2011); the scope of the INDCs is now open-ended; there is no provision for an ex-ante review of the INDCs; and there is reference in the preamble to the Warsaw Mechanism on Loss and Damage.

Thus was the Lima COP20 saved from a collapse, and a much simpler text adopted as a Decision, with a lot of the over-loaded paragraphs and an Annex discarded. The adopted decision does not settle in advance some key issues that earlier drafts would have, and thus allows for more options when negotiations resume on the contents of the 2015 agreement. At the same time, the issue of differentiation and CBDR is now more firmly grounded.

III: Looking ahead to 2015

What happened at COP20 is a prelude to the bigger battles that can be expected in the meetings scheduled in 2015 (February, June, August, October and December) to negotiate the new climate agreement.

The developed countries can be expected to give mitigation a higher status, perhaps proposing that it be in an agreement with greater legal standing while the other issues of adaptation, finance and technology be of a different category of legal-bindingness, perhaps even contained in a different document. They will probably try their best again to marginalize the finance and technology issues and de-link their commitments under the Convention on these issues from the "contributions" or obligations of developing countries on mitigation. Above all, they will insist that "the participation of all Parties" in the agreement (as mentioned in the Decision launching the Durban Platform) should mean the jettisoning of "differentiation", and that developing and developed countries take on simi-



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The COP in Lima was held in a huge compound on which big tents had been set up to house the plenary meetings, "contact group" meetings and small informal meetings.

lar obligations, perhaps with some flexibility only for LDCs.

The developing countries are likely to counter this by insisting on a balanced agreement with all issues on board, and with finance and technology linked to developing countries' actions, as well as the maintenance of differentiation in accordance with CBDR and equity.

In the final plenary at Lima, Bolivia (speaking for the Group of 77 and China) stressed the importance of five key issues for the Group in the 2015 agreement. One, it underscored the importance of principles and provisions of the Convention in the 2015 agreement, in particular equity and CBDR, and for the agreement to be under the Convention. Two, the agreement should be consistent with the Convention, including differentiation among developed and developing country Parties. Three, adaptation and loss and damage are key to the 2015 agreement and should be given their due space. Four, technology and capacity building are essential for the 2015 agreement and it must be clear that developed countries shall provide finance, technology development and transfer and capacity building support to developing countries. Five, the agreement must have an ambition to achieve sustainable development and poverty eradication.

There is clearly a paradigm clash between what the developed countries and the developing countries envisage for the new agreement.

Another major problem is that in the 2015 agreement, the need for an ambitious overall mitigation outcome that adequately addresses the climate change crisis is going to be sidelined, due to the "bottom-up approach" that seems to be implicitly accepted in the way countries are asked to submit their "contributions", which are to be "nationally determined" and can be explained according to their "national circumstances." This is in contrast to the top-down approach which for the initial three years (2008-2010) of the Bali Road Map and the Bali Action Plan (the predecessor to the Durban Platform) had been the approach favoured by the majority of members, including most of the developed countries especially the European Union. In the top down approach, the extent of global emission reduction which is required according to the conclusions of scientific analysis, is taken and then the overall effort required is shared out among the Parties, with developed countries taking the lead and also supporting developing countries' actions with finance and technology. Developing countries had insisted that the global effort should be within the framework of equity, or "the equitable access to atmospheric space" and the

“equitable access to sustainable development.” However the bottom-up approach, otherwise known as “pledge and review”, whereby each country chooses to put forward what it can do, according to its own circumstances, was championed by the United States. It emerged in the Copenhagen COP in December 2009 (in a draft decision that was however not adopted), became legitimized in the Cancun COP in 2010 and entrenched in the Warsaw COP in 2013 through the “intended nationally determined contributions” concept and then more deeply established in the Lima COP in 2014 through the procedures for submitting the INDCs.

According to the IPCC’s latest reports, finalized in 2014, future global emissions have to be restricted to a total of 1,000 billion tonnes of carbon dioxide if there is to be at least a 66% chance of limiting global warming to 2 degrees Celsius above pre-industrial levels. But global Greenhouse Gas emissions are running at about 50 billion tonnes a year, and in 20-25 years the “atmospheric space” available to absorb the Greenhouse gases would be exhausted. Unless an equitable way is found and agreed to on how to share this remaining atmospheric space, especially between developed and developing countries, the 1,000 billion tonnes limit is going to be exceeded soon, and significantly so. To design a new agreement that incorporates the ambitious global target and that is also equitable and seen by all to be so, and to get this accepted as a package, is the greatest challenge for reaching a 2015 agreement.

The developing countries are increasingly worried that the developed countries are trying to escape from their previously agreed roles of cutting emissions deeply and quickly, and of providing funds and technology to developing countries to support their climate actions.

The US has announced its plans to cut its emissions by an equivalent of about 3% by 2020 and around 14% by 2025 as compared to 1990, a far cry from the 20-40% by 2020 that the scientists in IPCC (the panel on climate



Over the final days of COP 20, a large mural was painted as a symbol of hope for the future, carrying with it messages from delegates attending the conference.

change) had said the developed countries have to do. Japan, Canada, Russia and Australia have indicated they no longer prioritise climate change in their national agendas, with the first three of these countries withdrawing from the second commitment period of the Kyoto protocol. Even the European Union, usually the global leader in climate actions, has slackened, having put forward targets that are less than ambitious.

The developed countries have also pledged about US\$10 billion for the Green Climate Fund to help developing countries. This is however for four years, so there will be \$2.5 billion a year. Although there are also funds through other channels, this is far below the US\$100 billion a year that in 2009 they had pledged to mobilise by 2020. Estimates for the annual costs of mitigation and adaptation actions in developing countries are multiples of this \$100 billion level. Though the developing countries have regularly called for a “finance road map”, with targets from now to the \$100 billion in 2020 as to how the financial resources for climate change will be scaled up, this has met with silence so far by the developed countries.

Given these trends, and what transpired at the Lima COP, deep and fundamental differences exist, especially between the developed and developing

countries, so the prospects of an agreement that is both ambitious and equitable are not bright.

Another issue that has to be confronted early in 2015 is the method of negotiations. The procedure of the Co-Chairs listening to the views of Parties and then deciding themselves what should be put in a text has not been workable. The Chairs should facilitate negotiations among members and not take on the role of being the oracle of the truth, to which Members must petition and hope to get their prayers answered. Although the inclusive and democratic process appears to take more time, in the end it saves time by allowing the members to negotiate among themselves and get to grips with their areas of differences and convergence. A lot of time was spent in 2014 with members asked to air their views, without getting to grips with negotiating with one another. The near collapse in Lima, using the Chair-led process, is a warning that a genuine Member-led process is required in 2015.

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Highlights of the Lima Decision on the Durban Platform

The COP 20 in Lima adopted a Decision on the Durban Platform, which is the track for negotiating the new agreement in Paris in 2015. Below is an analysis of this key decision.

By Meena Raman

Some of the key points in the 'Lima call for climate action' (the decision of 14 December 2014 relating to the Durban Platform) are set out below, together with comparisons to what was in earlier drafts of the issues in the Co-Chairs' texts of 12 December (and in some cases the drafts of 8 and 11 Dec.). Comments are also provided to provide an understanding of the changes that came about and their significance.

Preamble 1 states: "Reiterating that the work of the ADP shall be under the Convention and guided by its principles..." This paragraph refers to the principles of the Convention explicitly; this is important for developing countries which point out that among the principles are equity and CBDR.

Preamble 4 states: "Affirming its determination to strengthen adaptation action..." (through the 2015 agreement). This reference to adaptation in the new agreement was insisted on by developing countries as the Co-Chairs' earlier drafts did not have this reference. This was a major concern of developing countries which saw the developed

countries pushing for a mitigation-centric agreement, with the issues of adaptation and the means of implementation being marginalised or omitted.

Preamble 5 states: "Recalling decisions 2/CP.19 and X/CP.20 (Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts) and welcoming the progress made in Lima, Peru, towards the implementation of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts." The earlier drafts had no mention of loss and damage. Developing countries had been calling for 'loss and damage' to be part of the 2015 agreement, while developed countries have resisted this. The LDC Group made an appeal to include this issue in the final text. At the final plenary session, Tuvalu, speaking for the Least Developed Countries (LDCs), made an interpretative statement that the reference to the Mechanism for Loss and Damage in the preamble and the term "inter alia" in paragraph 2 of the decision made clear the intention that the legal outcome to be adopted in

Paris will properly, effectively and progressively address loss and damage.

Paragraph 3 reads: "Underscores its commitment to reaching an ambitious agreement in 2015 that reflects the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances". The mention of CBDR and especially the reference that it be reflected in the 2015 agreement was seen by most developing countries as a major victory, although some countries were not pleased with the accompanying phrase "in light of different national circumstances." At the final plenary, the LMDC (represented by Malaysia) stated that this "clear provision in the operational part of the text and this read together with the preambular paragraph which requires the work of the Durban Platform to be guided by the principles of the Convention, together suggests to us cumulatively that the CBDR principle has been restored and it has been given its rightful place in the context of the Convention and the work that we are going to continue" in relation to the new agreement.

Paragraph 4 "Urges developed country Parties to provide and mobilize enhanced financial support to developing country Parties for ambitious mitigation and adaptation actions, especially to Parties that are particularly vulnerable to the adverse effects of climate change; and recognizes complementary support by other Parties". The 12 December draft, instead of "...and recognises complementary



The Lima Climate Action High-level Meeting begins in the company of (L-R): Minister of Foreign Affairs Gonzalo Gutierrez, Peru; former US Vice-President Al Gore; former President of Mexico Felipe Calderón; UN Secretary-General Ban Ki-moon; President of Peru Ollanta Humala; COP 20/CMP 10 President Manuel Pulgar-Vidal, Peru; Minister of Foreign Affairs and International Development Laurent Fabius, France; and Intergovernmental Panel on Climate Change (IPCC) Chair Rajendra Pachauri.

support by other Parties” had the following language: “and invites other Parties willing to do so to complement such support”; while an earlier 11 December draft had the following words: “developed country Parties and other Parties in a position to do so...” These words in the earlier drafts were seen by many developing countries as diluting the CBDR principle, with developing countries also having to contribute to financing mitigation and adaptation actions, contrary to the provisions of the Convention.

Paragraph 9 “Reiterates its invitation to each Party to communicate to the secretariat its INDC towards achieving the objective of the Convention as set out in its Article 2.”

The Dec. 11 version of the draft text in Option 3, provided that “Parties’ INDCs ...will include a mitigation contribution, and may also include contributions on adaptation, finance, technology development and transfer and capacity-building and that the INDC of each Party will represent a progression beyond the current undertaking of that Party.” The concern expressed by many developing countries over this option was that all Parties had to provide a mitigation contribution which was mandatory, while contributions to the other elements are not so. This signalled a mitigation-centric approach which also did not differentiate between developed and developing countries and did not make it obligatory for developed countries to forward a finance and technology transfer contribution. The formulation that was finally agreed to leaves the scope of the INDC open, without a particular stress on mitigation.

In fact, the 8 Dec. draft states that “Parties that are not ready to communicate their INDCs by the first quarter of 2015” were invited to do so “by 31 May 2015 or as soon as possible thereafter.”

The 8 Dec. draft also provided that “each party shall communicate a quantifiable mitigation component in its INDC which represents the highest level of mitigation ambition, beyond its 2020 commitment and actions....guided by the principles of equity and CBDR-RC, in the light of evolving national circumstances.”

Many developing countries, especially the LMDC and the African Group, took issue with the term

“evolving national circumstances” which they said was not a term recognised by the Convention and its use amounted to a redefining of the CBDR principle, which prejudices the negotiations in Paris.

Paragraph 10 states: “Agrees that each Party’s INDC towards achieving the objective of the Convention as set out in its Article 2 will represent a progression beyond the current undertaking of that Party”. This paragraph is to reflect the call by many developing countries to ensure that developed countries do not backslide on their commitments in the post 2020 time-frame.

Paragraph 12 states: “Invites all Parties to consider communicating their undertakings in adaptation planning or consider including an adaptation component in their INDCs”. This paragraph reflects the call by many developing countries that their INDCs could also be or include a contribution to adaptation actions, and that INDCS should not solely be about mitigation.

Paragraph 13 “Reiterates its invitation to all Parties to communicate their INDCs well in advance of COP 20 (by the first quarter of 2015 by those Parties ready to do so) in a manner that facilitates the clarity, transparency and understanding of the INDCs”.

Paragraph 14 states: “Agrees that the information to be provided by Parties communicating their INDCs, in order to facilitate clarity, transparency and understanding, may include, as appropriate, inter alia, quantifiable information on the reference point (including, as appropriate, a base year), time frames and/or periods for implementation, scope and coverage, planning processes, assumptions and methodological approaches including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals, and how the Party considers that its INDC is fair and ambitious, in light of its national circumstances, and how it contributes towards achieving the objective of the Convention as set out in its Article 2.”

This paragraph relates to the information that is to accompany the INDCs. Given the use of the terms “as appropriate,” Parties can decide what information will accompany their INDCs. Concerns were raised by devel-

oping countries that the earlier draft texts did not reflect the CBDR principle as to how the information to be supplied by developed and developing countries should be differentiated. Although CBDR is not mentioned in this paragraph, its mention in paragraph 3 is taken by these countries to thus cover paragraph 6 as well.

Paragraph 16 “Requests the secretariat to: (a) Publish on the UNFCCC website the INDCs as communicated; (b) Prepare by 1 November 2015 a synthesis report on the aggregate effect of the INDCs communicated by Parties by 1 October 2015.”

Other than the preparation of a synthesis report by the secretariat on the aggregate effect of the INDCs, there is no mention in the final text that relates to ex-ante assessment or review of the INDCs prior to the Paris agreement.

The earlier draft of 8 Dec. made provision for the following “ex-ante” processes (in an apparent accelerated rate) to take place in 2015 after the communication of the INDCs as follows: To provide opportunities for seeking clarification on the INDCs; for Parties to submit questions to each other and for responses to be supplied within 4 weeks; for a workshop in June next year and at COP 21 for clarity, transparency and understanding of the INDCs communicated; for a technical paper by the secretariat on the existing methodologies relating to land-use and use of market mechanisms; organise a workshop on methodologies in June 2015; technical paper by the secretariat on the aggregate effect of the INDCs; for observers to publicise their analyses of the INDCs on the UNFCCC website.

Developing countries, led by the LMDC, were of the view that these matters were outside the scope of the Warsaw mandate and could prejudice the negotiations for the Paris agreement and were also imbalanced since there was no similar ex-ante process (or even information) on the financial contributions that developed countries would make to support developing countries.

The decision also has other paragraphs on the issue of pre-2020 climate actions.

The Climate Crisis is a Result of Corporate Profit, a New System is Needed

Below are excerpts from the address of Evo Morales at the opening session of the COP20 summit. He spoke not only as Bolivia's president but also in the name of the G77+China bloc, which was chaired by Bolivia in 2014.



President Evo Morales of Bolivia addressing the COP20.

By Evo Morales

Climate change is one of the most serious global challenges of our time. And we note that the developing countries continue to be the countries that mostly suffer the adverse effects of climate change and the growing frequency and intensity of extreme natural disasters, although they are historically the countries that are least responsible for climate change.

Climate change threatens not only the development prospects of the developing countries and their attainment of sustainable development but also the very existence and survival of the countries, societies and ecosystems of Mother Earth.

We declare that the United Nations Framework Convention on Climate Change is the essential international and intergovernmental forum for negotiating the global response to climate change. That response must fully respect the principles, provisions and final objective of the Convention, in particular the principles of equality, equity and common but differentiated

responsibilities...

And we highlight the creation of new UN climate change provisions on adaptation, financing and technology proposed by the G77+China with a holistic vision of climate change that includes mitigation and adaptation in respect of the right to development of peoples...

I request your patience and tolerance now while I express the profound vision and position of the Plurinational State of Bolivia regarding the ethics and politics concerning climate change... We can achieve a climate agreement based on the protection of life and Mother Earth, and not on the market, profit and capitalism.

In what is today the territory of Peru there was many years ago a great civilization that extended throughout the continent, a great indigenous civilization with much learning, and which has left us with a great legacy. Today, with COP20 being conducted in Lima, I ask that we orient our decisions by taking into account the learning of our indigenous peoples of Abya Yala...

Let us create a climate agreement using the philosophy and values of those peoples, a new climate agreement based on an anticolonialist vision. We indigenous peoples of the world meet and discuss things until we reach a consensus; we can spend days and nights dialoguing and discussing, but our goal is to reach an agreement among all of us.

We don't manipulate, we don't cheat and we don't confuse things. To reach agreement we give ourselves the necessary time to talk and to listen. Everything is transparent.

And our indigenous grandparents have taught us that a just society has to be based on three principles: "Ama Sua," "Ama Llulla," "Ama Quella" – do not steal, do not lie, and do not be lazy.

I ask that using those principles and values of our ancestors we develop a new climate agreement beginning with "Ama Sua": We are not robbers; we must not steal what belongs to others.

Recently the intergovernmental UN panel of climate change experts in its latest report concluded that if we do not want an increase in temperature by more than 2 degrees Celsius we cannot emit more than one thousand gigatons of greenhouse gases into the atmosphere by the year 2050.

And if we don't want the temperature to increase by more than 1.5 degrees Celsius, that quantity must be much less, approximately 630 gigatons of carbon dioxide.

The atmospheric space that exists in the planet must be shared with all, respecting the principles of equity and common but differentiated responsibilities.

But there are some greedy countries that want to consume by themselves what remains of the atmospheric space. Those countries have been stealing from us since colonial times and they want to continue stealing. They are stealing our future, the fu-

ture of our children and grandchildren, and they are robbing us of the possibility that we can develop in a sustainable way.

And if a developing country, with the obligation to feed and provide a more dignified life to its people, emits greenhouse gases, they begin to point accusing fingers at us. Yes, they want to sanction and punish those who take a little to eat and feed their people, but not to punish themselves, they who have stolen huge amounts in order to grow rich and feather their own nests.

There is a very large group of countries that have historically abused the atmosphere and who are committing ecocide on Mother Earth.

But we also have to say, in all honesty, that there are countries that are pursuing the same commercialist and consumerist road, with patterns of consumption and production based on predatory and insatiable capitalism, accumulating and concentrating wealth in the hands of a few, with a fondness for opulence – generators of poverty and marginalization...

We cannot have a climate agreement that condemns Mother Earth and humanity to death in order to favor Capital, the enrichment of a few and predatory consumerist growth. We are here to develop a climate agreement for life, and not for business and capitalist commercialism.

Secondly, we are not liars, “Ama Llulla”. We cannot continue negotiating a new climate agreement in which countries lie to each other, in which they say they are going to do something about climate change but in reality they do not want to do anything, in which they say one thing but in reality

they are thinking of doing something else, or in which they do not say what they are thinking and what they are doing.

Agreements that do not ensure the environmental integrity of Mother Earth, the integrity of our marvellous human community, are not ethical. Agreements that think only of business and do not promote life are lying. We cannot let the powerful with interests in Capital and not in life impose on us a new climate agreement that condemns humanity and Mother Earth to death.

The third principle: we are not lazy, “Ama Quella”. The developed countries do not want to increase their emissions reduction goals, and still less do they want to implement their commitments under the framework Convention in terms of adaptation, provision of financing and technology, and development of capacities.

Even worse, there are some countries that are promoting a new climate agreement in which all efforts to reduce greenhouse gas emissions are voluntary, that is, that each makes undertakings that are most convenient to them, disowning their historic responsibility as developed countries and condemning humanity to increases in temperature by more than 3 or even 4 degrees Celsius in the next 30 years.

If the developed countries had fulfilled their emissions reduction undertakings and taken the actions anticipated in the Convention, you can be sure that we would not be hearing at this stage the “apocalyptic” forecasts about climate change. But there are countries that are unwilling to face up to the obligation to carry out domestic reduc-

tions in their countries that compromise their economic development, and that are unwilling to support the developing countries to deal with climate change.

There are countries that instead of fulfilling their obligations under the convention do whatever they can to ensure that it is the others that do what they had to do or will have to do in the future. And that is why I ask them to comply with the rules of the indigenous peoples: Ama Sua, Ama Llulla, Ama Quella.

We do not steal atmospheric space and the right to development that correspond to other countries, particularly the poor countries. We do not lie, and we do not cheat; we fulfill the agreements to which we have subscribed. We are not lazy and we make agreements with ambitious promises that require us to ensure the integrity of our Mother Earth, and that incorporate all the elements of mitigation, adaptation, financing, technology and capital development.

Sisters and brothers of COP20, we sometimes debate in this class of conferences only the effects, and not the origin, of global warming. We have had more than 30 years of pretence, futile negotiations with no result...

Today we find ourselves on the threshold of the destruction of Mother Earth, faced with the disappearance of the human species. The developed countries of the North, responsible for the destruction of nature, have brought us to a barren land to legitimize their supposed commitment to humanity. We, the developing countries, have served as a source of legitimation for a unilateral and sterile dialogue.

We have served as a pretext for the powerful to continue doing the same thing, which has settled into a simulacrum of dialogue and deliberation. There is in this entire staging of environmentalism a great deal of hypocrisy, racism and neocolonialism.

Climate change has become once again the safety valve to avoid discussing substantive questions like the voracious model of capitalist development that is putting an end to humanity...We are losing time because the dialogue is not between equals; it is an unsuccessful monologue...



Indigenous people and affected communities speak out against the fossil fuel industry through a demonstration, calling for such companies to be banned from the UN climate talks.



Peruvian performance as part of the opening ceremony of COP 20.

We must now say to you, nothing has changed in those 30 years...

On behalf of my people, I can only say that we feel betrayed once again faced with this simulacrum of international agreements that are never enough. Our peoples are tired of all this deception, they are tired of suffering the increase in temperature, the melting of our mountain snow caps, of the heavy rains, the cruel flooding and the heartbreaking droughts, which each time make us poorer.

We have to get at the fundamental roots of the problem of climate change. We don't want more protocols; we want more structural solutions, overcoming capitalism, saving the peoples of the world...What is the use of reducing gas and toxic emissions to limit temperature increase to 1 or 2 degrees Celsius if the next generation will end up baking in suffocating heat?

Basically the problem is the supposedly civilizing model that is based on a greedy financial architecture in which wealth is concentrated in the hands of a few, producing poverty for the majority of humanity.

I want to tell you, sisters and brothers, that unless we change the centre of gravity of all the financial, economic, political, ecological and social distortions confronting our century and the planet, the search for a consensual agreement will be nothing more than a chimera.

A second root of the problem of climate change is the war politics of the great powers and the huge budget devoted to it. With only a fifth of the

money spent on the military by the five major military powers of the world we would be able to resolve 50 percent of our environmental problems...

And the third root of the problem of climate change has to do with the exaggerated industrialization, disproportionate consumption and pillaging of resources that could alleviate the major ills of humanity. The economic model upholding the financial architecture and war politics has as its nucleus the politics of the free market, that is, the voracious capitalist policy that pays no attention to anything other than profit, luxury, and consumerism...People are treated as things, and Mother Earth as a commodity.

Proposals to preserve the life of humanity and of Mother Earth

What are we doing now? Governments and businesses of the major world powers responsible for the climate catastrophe have shown they are unable to slow down this planetary tragedy that is jeopardizing humanity and nature as a whole. Their power and profits are fueled by the irreparable destruction of the environment...

Stopping climate change cannot be left to those who profit from the destruction of nature. That is why we the peoples must directly accept our own responsibility for the continuation of life and society by taking control of governments, and using that power to pressure and force government and businesses alike to take drastic and immediate measures to stop us from falling into this abyss of nature's destruction.

To defend our life and the existence of future generations it is absolutely necessary that the world's peoples, the hard-working society suffering daily the effects of climate change, take control of states, politics, the economy and use it to preserve humanity and the planet...

We have to put the brakes to capitalist accumulation, the endless accumulation of commodities. We need another civilization, another society, another mentality, other values, another culture that prioritizes the satisfaction of human needs, not profit, that believes in human beings and Mother Nature, not the "money god"...

Either we change global capitalist society or it annihilates the world's peoples and nature itself.

The environment is a common heritage of all the peoples of the world, of the ancient peoples, of the present peoples and the peoples who are to come...

The environment is a common resource...And that is why it must be administered by us as a community. Nature itself is a community, since it benefits everyone and affects everyone. Our ancient indigenous peoples knew this and that is why they lived as a community...

Community is the only way to live in equilibrium with nature. Community is salvation of the environment, of life, and accordingly of human beings. Community is life, capitalism is death. Community is harmony with Mother Earth and capitalism is destruction of Mother Earth.

Finally, it is really important to consider how we are to create institutions to judge those who pollute our planet, who injure our Mother Earth. Humanity needs to create an International Tribunal of Climate Justice, so that justice may be done.

Sisters and brothers, that in a nutshell is the experience that the indigenous peoples provide for the good of all humanity.

*Translated from Spanish to English
by Richard Fidler*

Equity as the Gateway to Environment Ambition

Below is a speech by the Executive Director of the South Centre at an international symposium on “Climate Change in the Summit Year 2015” in honour of the German climate scientist Prof. Dr. Hartmut Graßl. It was held in Hamburg, Germany, on 18 March 2015.

By Martin Khor

In the quest for an international climate agreement on actions to address the climate change crisis, three aspects have to be the basis simultaneously: the environmental imperative, the developmental imperative, and the equity imperative. This EDE formula requires that the different pieces of the climate negotiations be seen and addressed as a whole, in a holistic way. In particular, setting the global goal for emission reduction has to take account of the environmental imperative, and also deal with the emission reduction of Annex I and non Annex I parties. Equity is the element and principle that cements the link between environment and development. Indeed, equity is the gateway to environmental ambition.

For example, fixing of a temperature target and of a global emissions reduction goal must be done within a paradigm or framework for the equitable sharing of the atmospheric space and the development space. The sharing of the mitigation efforts, and the support (finance and technology transfer) that must accompany this sharing, is a most critical piece of the jigsaw puzzle.

The UN Climate Convention recognises the equity principle; that developed countries take the lead in emission reduction, and that developing countries have development imperatives, and their ability to undertake climate actions depend on the extent of support they receive from the developed countries. Annex I countries will also meet the **agreed full incremental costs** of implementing developing countries' mitigation measures, as well as providing financing on adaptation and technology.

There are competing claims on a national budget or a family budget.

The trade-offs and dilemmas are more acute for the poor. A poor family would put greater priority on feeding the children and on health care, and also on adaptation action such as preventing floods and rain from occupying the house, ahead of spending on mitigation. Thus, financial assistance is required if changing to more environmentally sound cooking stoves is to be done by the family. So too regarding a typical budget making exercise by developing countries. Thus the provision of finance to support mitigation in developing countries, which is operationalising the equity principle, would be a necessary piece of effective global mitigation action. Recognising the gateway role of equity to higher environmental ambition is not a rhetorical but a logical and realistic way of getting to a successful mitigation framework.

According to the latest IPCC reports, total CO₂ emissions since 1870 have to remain below about 2900 Gton of CO₂ if global warming is to be kept at less than 2 degrees Celsius (relative to 1861-80) with a probability of over 66%. However 1900 Gton has been emitted by 2011, leaving the space of only 1,000 Gton between now and the future. Since the emission level was 49 Gton of CO₂ equivalent in 2011, the carbon space would be exhausted within 2 or 3 decades at current rates of emission.

Of the cumulative global emissions Annex I countries accounted for 72% of the total compared to their share of population of about 25%. Developing countries accounted 28% of the total. The over-utilisation by Annex I was 568 Gton, the same as the under-utilisation by developing countries (up to 2009, in my estimation, in a paper on Equitable Sharing of Atmospheric and Development Space, South Centre, 2010). In terms of annual flow, Annex I is still exceeding its fair share.

In sharing the remaining carbon space in 2010-2050 two concepts are needed: (1) The allocation of carbon space as according to rights and responsibilities; (2) The actual carbon budget (and related physical emissions reduction schedule) that countries eventually put forward as what they can physically undertake.

There could be a difference between the allocation of responsibilities and rights, and the actual emissions reduction or related budgets. Therefore: Countries that cannot meet their allocated budget or emission cut can compensate for this unmet part of their obligation and countries that do not make full use of these rights, can obtain the funds for their actions.

The equity approach has implications for the various topics in the UN-FCCC discussion. In a discussion on global mitigation goal, the setting of a global goal for emission reduction should be accompanied by a clarification of the roles of developed and developing countries. For example, a proposal of a global goal of 50% and an Annex I goal of 80% proposal raises some issues. Firstly, the 50% global cut is environmentally not ambitious enough, as it would correspond to a carbon budget above what is required. Secondly, the implied distribution of the carbon budget gives Annex I countries a budget share of 30-35 per cent, compared to their 16% share of world population in this period. Thirdly, acceptance of this proposal means accepting not only an unfair distribution of the 2010-50 carbon budget, but also writing off the cumulative debt of developed countries.

Fourthly, accepting these figures (50%, 80%) implicitly accepts a specific emissions cut target for developing countries, and locking in this whole distribution of carbon budget and set of emissions cuts. It implies that in 2050, Annex I total and per capita emissions would be cut by 80% while developing countries' per capita emissions would be cut to 1.5 ton or about half below 1990 levels and compared to 2005 levels it would be around 40% below in absolute terms and 60% below in per capita terms. The cuts would be even more compared to business as usual in 2050.

It is doubtful that developing countries can meet this implied target for them, unless decoupling between emis-

sions and economic growth takes place through a miraculous mechanism. For this decoupling, massive infusions of finance and technology, coupled with institutional and human capacity building is required. This is why equity is also embedded in the finance and technology issues.

The enormity of the problem was not lost on the economist Nicholas Stern who has said : "If the allocations of rights to emit in any given year took greater account both of history and of equity in stocks rather than flows, then rich countries would have rights to emit which were lower than 2 tonnes per capita (possibly even negative). The negotiations of such right involve substantial financial allocations: at \$40 per tonne CO₂e a total world allocation of rights of, say, 30Gt (roughly the required flows in 2030) would be worth \$1.2 trillion per annum".

On estimates on mitigation funds needed, the World Bank estimated that: "In developing countries mitigation could cost \$140 to \$175 billion a year with associated financing needs of \$265 to \$565 billion." A study in India (by the CSE) of six sectors to determine India's low carbon growth options concludes: "There is no real way we can reduce emissions without impacting growth once we cross the current emissions-efficiency technology threshold...It is for this reason that India (and all other late entrants to the development game) must not give up on their demand for an equitable global agreement." For the power generation sector, a low-carbon strategy could reduce emissions in India cumulatively by 3.4 Gton by 2030-31. The additional cost of generating power from renewable technologies is estimated at US\$203 bil or about \$10 bil a year or \$60 per tonne of CO₂ emissions avoided.

On adaptation financing needs, the World Bank estimates up to \$100 billion a year, higher than the UNFCCC's financial flows report (at \$27 to \$66 bil a year). The most comprehensive estimate is an IIED-Imperial College study led by Martin Parry which found the adaptation cost for developing countries may come up to \$450 billion annually.

Financing for technology cooperation and transfer: The UNFCCC's expert group on technology (EGTT) estimates that the total finance needs are

\$300-1,000 billion a year; with developing countries' additional funding needs of \$182 - 505 billion a year, for deployment and diffusion of technology. This does not include research and development or demonstration costs in developing countries.

Implications for Negotiations

(a) Global Goal: In the negotiations on global goal, developing countries have argued that a decision on a global goal (whether temperature limit or global emissions reduction) should be in the context of equity and be preceded by a paradigm for the equitable sharing of the atmospheric space or resource. This should also be the case for the wording on a global peaking year.

This is a correct position because the global goals for temperature and emissions reduction have implications for the responsibilities of developing countries or for their options in their emissions and thus their economic pathways. This principle of equity in the sharing of atmospheric space has to be operationalised with the use of carbon budget and debt concepts. The data on fair shares and actual emissions and thus on debt/surplus also have major implications for the sharing of the carbon space in the 2010-2050 period, and thus of the allocation of emission obligations and rights as would be expressed in the shared vision's important element of "global goal for emissions reduction."

(b) Mitigation: The concepts and figures on cumulative emissions and carbon debt/surplus make it clear that Annex I parties must continue to "take the lead" in emissions reduction. If developed countries undertake only weak targets for the next commitment period and their emissions are only reduced a little (or even increases), then there is even less carbon space left for developing countries. The present pledges made either in the Copenhagen Accord/ Cancun pledges or Kyoto Protocol are far from adequate. Various analyses show that the Annex I (including the US) pledges add up collectively to only a 16% reduction (by 2020 compared to 1990) at best and if loopholes (through LULUCF and AAUs) are taken into account there can even be a 6.5% increase in Annex I emissions.

(c) Finance: One way in which the

historical carbon debt that developed countries hold may be discharged is through payments into the Green Climate Fund. Besides this, the developed countries have obligations under the UNFCCC to meet mitigation, adaptation and capacity building expenses. The quantum of funds for discharging the carbon debt and for meeting the additional costs are large, but this is to be expected since the financial requirements of adaptation, mitigation, capacity building and technology are massive. The amounts so far announced (\$10 bil a year in 2010-12 and \$100 bil by 2020) are inadequate. Moreover there is no road map between 2013 and 2020 and beyond.

(d) Technology Transfer: To play their extremely ambitious and difficult role, developing countries need technology at the most affordable rates. The following measures are proposed: (1) They must have the maximum access at least cost to the best technologies; (2) Barriers to technology transfer must be addressed, including the issue of IPRs; (3) Developing countries must be assisted in the development of endogenous technology and to undertake their own R and D and develop innovation, with international support; (4) R and D activities should be financed by UNFCCC funds, and the products from these should be in the public domain; (5) Sufficient funds should be provided for technology development and transfer to developing countries; (6) A Technology Policy Board or Council should be set up under the UNFCCC to address the technology issues.

It would be useful to have a work programme or research agenda with the objective to examine the various aspects of equity as a principle and how it is to be operationalized in various issues (mitigation, adaptation, finance, technology, global mitigation goal).

The recognition and operationalizing of the equity principle will be a major gateway for the raising of environmental ambition, including in facilitating that the means of implementation can be provided in adequate amounts and appropriate forms to developing countries so that they can contribute more to the global mitigation effort as well as to meeting their adaptation needs.

Social justice, energy transition and climate change on the eve of the COP-21

Below is a piece by the South Centre's Special Advisor on Sustainable Development, Youba Sokona, on the need to link social justice, energy transition and climate change in the debates for equity and to achieve sustainable development. He also outlines the challenges which need to be overcome. Lastly, he emphasizes the COP—21 that will be held in Paris in December 2015 as one of the last opportunities to reach an agreement.



An Indian villager works on a typical solar photovoltaic installation.

By Youba Sokona

The current debate in France on *Social justice, energy transition and climate change* could not be more timely, coming as it does in the run-up to the twenty-first session of the Conference of the Parties (COP-21) to the United Nations Framework Convention on Climate Change (UNFCCC) (Paris, 2015). This subject is one of the most complex, and extends far beyond issues pertaining to France. Indeed, the way in which the French and/or Europeans will manage their energy transition will depend on what happens worldwide; at the same time, what happens around the world will depend in part on how France and Europe fulfil their commitments for the implementation of the UNFCCC.

Climate change being a global challenge, can only be dealt within a context of justice, with a North/South dimension that has no doubt evolved but nevertheless remains the cornerstone of

the international balance of power. We must remain sceptical in the face of moralizing, ineffective statements that heighten mistrust; the aim is not to make mistakes on the practical means of implementation in a context characterized from the outset by a very unequal situation on either side, one that cannot be changed by climate policies alone.

From this point of view, and at the risk of sounding critical, Europe's attitude towards climate policy is strongly influenced by its internal tensions and, despite European assertions of leadership, Europe remains relatively deaf to "what is happening elsewhere".

The recent work of the Intergovernmental Panel on Climate Change (IPCC) indicates that not only the human influence on the climate system is clear, but also the increasing level of greenhouse gas emissions will lead to further global warming and alter every component of the climate system. This

will amplify the already visible effects on all continents and on the oceans. The first volume of the IPCC Fifth Assessment Report on physical science basis draws our attention to the fact that the global water cycle has changed, snow and ice cover is retreating ever more rapidly, average sea levels and ocean acidification are on the rise, and certain extreme climate events are occurring with growing frequency.

These most recent reports by the IPCC, like its earlier publications, issue a clear warning about the high cost of inaction to humanity as a whole.

While climate change deniers in the countries of the Organisation for Economic Co-operation and Development (OECD) continue to debate the point, in particular the scope of the consequences of climate change, African countries and certain regions of South-East Asia, China and Brazil are already experiencing those changes. The French, whether they are from Paris or the middle of the Ardèche, need scientific facts to be convinced of the reality of climate change, whereas inhabitants of above forty years old of Ségou (Mali), Tacloban (Philippines) or Watagouna (Mali) have already experienced or are confronted by this reality on the ground and are in despair. In brief, and this is truly an "injustice", it is certain developing countries, in particular the poorest and most fragile among them, are currently paying the price of the controversy over the reality of anthropogenic climate change; this controversy is one of the biggest obstacles to the action required on the part of developed countries, and therefore worldwide.

The main greenhouse gas causing overall global temperature rise is carbon dioxide, which comes essentially from the combustion of fossil fuels. The IPCC's work, like many other recent studies, indicates that to limit the rise in global temperature to 2°C above pre-industrial levels by 2100, immediate and ambitious mitigation actions are required. Such actions go



The 21st session of the Conference of the Parties of the UNFCCC and the 11th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol will be held in Paris, France in December 2015.

so far as to require carbon capture and sequestration, coupled with the massive deployment of bioenergy and reforestation, if, as appears increasingly likely, policies promoting energy efficiency and the use of renewables do not suffice on their own.

Climate stabilization requires urgent “decarbonization” of the economy and thus of energy supplies; in other words, an accelerated and profound global energy transition.

Hence the importance and timeliness of the debate on energy transition in the European Union (EU) and several of its Member States, even if, for an outside observer, that debate does not appear to be clearly anchored in discussion of climate issues. Examples are the disconnect between the affirmation of the need for ambitious decarbonization goals – Factor 4 – and sluggish action in the field of transport, or the recent and very real push to use coal and lignite in Europe.

As a result of this unavoidable requirement, not only will additional substantial financial means be mobilized, but energy system investments should also be redirected towards low- or zero-carbon options and energy efficiency. How is that challenge to be met at a time when households, especially the most fragile, are under acute pressure from the economic and financial crisis? How to cope in a context in which non-conventional fossil fuels are being developed – tar sands, shale gas, shale oil, deep-sea drilling, the re-emergence of coal, etc.?

The debate on energy transition in France, as in other European countries and elsewhere, raises numerous issues,

in particular of social justice, equity and ethics, of how to choose between current priorities, such as unemployment, precarity and the climate question. It is also at the heart of the debate on climate change, notwithstanding the absence of structured and ongoing dialogue between the stakeholders involved in the debates and decisions on climate change and on energy.

It is disconcerting to observe that even though everyone agrees that the energy question is at the heart of the climate question, discussion of both crucial issues is taking place in different forums. Indeed, the subject of “sustainable energy for all” is not discussed at climate change negotiations, where the questions of non-conventional oil and gas are to all intents and purposes absent as well. It is as though the “climate”, “energy” and “social” issues could be managed separately.

Of course, at the global level also it is difficult to concretely link energy transition, climate change and social justice in the discussions on the management of the common public good, because the energy transition issue is an integral part of climate change issues and, ultimately, of development concerns. Because of the nature of climate change – climate being a global public good – stronger, transparent and unambiguous international cooperation is required.

In fact, and contrary to what was decided in Rio in 1992, we have not managed to clearly articulate climate policies as an integral part of sustainable development. Indeed, the reference to sustainable development – and to common but differentiated responsibili-

ties – was soon little more than a “non-committal” rhetorical flourish.

“Climate change” has usually been reduced to its environmental dimension, the debate limited to the efforts to be undertaken to mitigate greenhouse gas emissions. This has spawned numerous misunderstandings on justice and equity; indeed, by focusing on the mitigation of greenhouse gas emissions independently of other factors, the discussion was locked into the “limited emissions budget to be shared” circle. Both economists and philosophers can engage in endless debate on how to share the burden fairly without noticing that the equation – when set in this manner – is impossible to solve. There is a sense of hypocrisy to the generous calls for North-South transfers in the name of equity, given the certainty that there is little hope that the developed countries, which are currently in crisis, will make the necessary transfers.

During the past 25 years of climate negotiations, neither the developed countries, nor Europe itself, have made the developing countries a credible offer to accelerate their energy transition. Yes, since Kyoto, Europe has willingly flaunted its energy virtues, adopting quantitatively ambitious emission reduction commitments. But when it comes to establishing an international fund based on small fees for “carbon exchange permits”, for example, it has agreed to the principle only to immediately limit it to the clean development mechanism alone, the only mechanism – no matter what its constraints are – that was “profitable for the countries of the South”. By the same token, Europe has never supported proposals such as that made by Brazil, for example, to establish a so-called “compliance” fund using penalties paid by countries not meeting their emission reduction objectives.

The question of the North’s responsibility for financing the transition to a low-carbon development mode remains crucial. In Copenhagen, Denmark, the principle of the Green Climate Fund was adopted, but the risk of mistrust may grow, given the fear that Industrialised Countries may not be able to provide sufficient funds for this mechanism in view of the strong constraints on public spending in Europe.

Justice, however, requires a transfer of funds: collective action will only be possible if climate policy constitutes a lever for redirecting the policies of the poorest and most fragile countries and allows them facilitated access to sustainable development. It is from this perspective that Decision 1 of the Cancun Agreements, which calls for “equitable access to sustainable development”, stands a chance of being implemented.

Not all countries are equal in the face of climate change: some have contributed more than others to the phenomenon; some suffer more heavily from the consequences. Some depend more heavily on fossil fuels, while others risk seeing their development hopes forever compromised. These considerations are indicative of the deep imbalances between countries, the combined outcome of development issues, energy policies and geographical, geopolitical and demographic constraints.

The result is an exceedingly complex equation where every element must be tackled, without exception. Isolated action by one country or group of countries will have little impact in the struggle against climate change; only concerted global action will lead to a significant reduction in greenhouse gas concentrations in the atmosphere. Only by taking collective action with the greatest possible urgency and on very ambitious targets can the worst consequences of the planet’s increasingly rapid warming be averted. It is now widely agreed that the measures taken to date to fight climate change fall far short of what is required.

Poverty eradication and development – or rather making development more sustainable – are legitimate aspirations held by many countries. Together with climate change, they form the challenges to which appropriate responses must be found as quickly as possible at the beginning of this third millennium. It is both timely and imperative to rise to the challenge of poverty eradication as part of a sustainable development vision, not for altruistic reasons, but because the shared goal of humanity’s survival requires it.

The central question here is how to translate the hopes of the poorest people, the aspirations of developing countries and the good intentions often voiced at major international meetings into reality. Poverty eradication is a complex challenge that often appears

simple. It is complex because poverty manifests itself in many ways. In its most concrete sense, poverty is the lack of basic capacity to function effectively in society. It means not having adequate shelter, not being able to access health services in case of illness, not having access to education and not being able to read, the death of a child as a result of a sickness caused by unsafe water, lack of sanitary facilities, and so on. Poverty is often described as an economic condition, and yet income is not the only factor influencing quality of life. Some societies have improved standards of living with relatively low average income levels. In others, however, even if incomes are sometimes relatively high, the result is not an improvement in collective well-being, as might have been expected.

There is a well-established correlation between access to energy and socio-economic development level. The fact that most Africans lack access to basic modern energy services, for example, is a major obstacle to the continent’s development and, above all, to poverty eradication. It means that neither schools nor health centres can function properly. It also means that access to clean drinking water and sanitation is constrained, to the detriment of the health of citizens. It means that the productive economic activities that could enable people to work their way out of poverty are seriously compromised. In short, we all know that improved access to energy for the poor and the marginalized would make a significant contribution to poverty eradication efforts.

Development in Africa will remain a pipedream so long as energy consumption levels are too low to meet the most basic survival needs of the majority of people. It is a startling fact that the 20 million inhabitants of New York City consume more energy than the entire population of Africa, i.e. nearly one billion people. The point is not, of course, for the average energy consumption levels of Africans to attain those of the residents of Manhattan. Indeed, it would be simply unrealistic, in the planet’s current conditions, for the 9 billion individuals making up humanity to have the energy consumption levels of the OECD countries. A development of that kind would probably require economic capacity to increase by a factor of 15 by 2050, and of

40 by the end of the century. This leads to an important observation and a recommendation. The observation is clear: the carrying capacity of the planet can in no way bear that burden. And the recommendation is not an easy one for Europeans to accept: for greenhouse gas emissions to fall in the developed countries, growth in energy consumption should be curbed and in some cases reversed, as energy systems are decarbonized. This has to be done to allow energy consumption to increase in countries that have to develop and improve the basic living conditions of their people. Steps have to be taken to ensure that our common future is built on solid foundations – ethics, equity, justice and solidarity – and to avoid the cannibalization of the planet and its resources.

The realism of lowering energy consumption in developed countries, of degrowth, of energy sobriety, is not easy for populations severely affected by the economic crisis to understand. Mainstreaming control of energy consumption into sustainable development considerations is a matter of concern to both the developed and the developing countries, because unless the reduction of greenhouse gas emissions is perceived among both the former and the latter as a lever of access to a genuine development model – other than that of the boom years – there will be no true climate policy.

Let us consider the question of equitable access to sustainable development with control of greenhouse gas emissions using Africa as an example. It is this aspect, too, that gives rise to hope for the climate change negotiations to be held in Paris in 2015. In such a context, how to give shape to the energy transition, or transitions, in Africa?

Africa has to solve, as soon as possible, the nagging issue of firewood, and mobilize and develop all the continent’s available energy resources and potentials so as to further its development. Is the “development first” requirement for sub-Saharan Africa compatible with the need for full participation in the fight against global warming? Is there any option to implement energy transition in sub-Saharan Africa that does not involve a massive increase in the use of fossil fuels and modern bioenergy?

Energy transition is a slow process that can be held back or accelerated by the policies in place. It is taking place everywhere, at different paces and in different ways, in Africa, Asia and Latin America. The issue of climate change and energy transition raises at least three different types of challenge that must be met in the shortest possible time:

1. Political will based on a clear vision shared by all countries. It is clear that justice, an ethical principle, also requires intellectual and scientific rigour. In this respect, the contribution of Working Group III to the IPCC Fifth Assessment Report is fairly symptomatic. In that contribution, there is a large gap between the reference to sustainable development and the virtual absence of sustainable development dimensions in the forward-looking economic studies used. The IPCC as such is not to blame; it reflects existing intellectual and scientific mindsets. What is needed are studies looking to 2050 and beyond, not on how to set the transition in motion by integrating short-term constraints. A moment ago I mentioned firewood. This aspect is practically ignored by existing forward-looking models. This is where justice starts, but not only in the form of a "cheque" for the poor; justice is pursued by the quality of academic cooperation in these fields, and my experience allows me to say that little progress has been made so far.

There can be no shared vision without a truly common intelligence, in which everyone listens to themselves without first transferring their own schemas. Research and scientific cooperation arrangements are decisive in this regard, as is an instrument such as the IPCC. Priority must be given to making sure their mode of operation allies excellence in research and training, so that the training is truly guided by the issues emerging "from the field", in order to avert a situation in which the discussion is of, for example, global carbon market arrangements that apply only to virtual realities.

2. A reorientation of institutions or institutional innovation, so that institutions are able to take on this vision and translate it into concrete action. It is difficult for me to be specific here, not only for lack of time but also because the issues are highly complex and I cannot claim to have the solutions.

What is true is that we are functioning within a framework of institutional models conceived in the years after the Second World War, or during the 1960s and 1970s. This leaves us unable to deal with cross-cutting problems such as those in front of us today. In this area, the most urgent need is for the courage to rethink cooperation and to mobilize the necessary human resources to that end: making too many statements on justice is the same as asking for charity. Economists have contributed to this, saying, for example, that the best solution to the problem of climate change is a single carbon price and that it would suffice to compensate the losers, for example the Indians, who would see the price of the cement they use for construction double. By getting tangled up in this kind of debate, we divert attention from the central question, namely, what has to be reformed? Who has to be upset so that we can at long last move forward and reap the benefits of North-South cooperation using a climate-compatible development model?

3. Finance structure reform, so that short- and long-term imperatives can be tackled simultaneously. How, then, to avoid the risk of distrust if the pledges taken in Copenhagen are not met? At the same time, what are the chances those pledges will be met, given the financial crisis? The size of the amounts to be redirected to the transition to a low-carbon model and to development exceeds what the Green Climate Fund (GCF) could mobilize. A massive reorientation of savings, in other words a massive transformation of the world of finance is therefore needed. The carbon

market cannot be relegated to the sidelines if decarbonization is to serve development: investment in key sectors such as energy, transportation, housing, agriculture and rural development will have to be reoriented. This cannot be done without reforming the institutions regulating those sectors and without radical changes in the heart of the financial system. Several ideas have been put forward in recent years (including reform of the International Monetary Fund (IMF), issuing a carbon currency and the creation of project-based bonds). The financial system created 20 or 30 years ago facilitated the emergence of rentier economics and speculative earnings, but it discouraged the orientation of savings towards long-term investments. If it remains unchanged, there can be no justice.

It would have been absolutely possible to stabilize concentrations of greenhouse gas emissions in order to limit average global temperature increases to 2°C if action had been taken in the 1990s; today achieving that goal is highly uncertain, and soon it will be stabilization at 3°C or even 4°C that will be impossible. Paris 2015 must be seen, not as just another conference, but as one of the last opportunities to avoid having no choice but to adapt to profound changes that have become unavoidable.

Youba Sokona is the Special Advisor on Sustainable Development of the South Centre. He is also Co-Chair of the Working Group on Mitigation of the Intergovernmental Panel on Climate Change.



Youth demonstrate outside of the negotiating rooms in support of the African Group's energy proposal.

Currency-trade link—A new wave of trade protection?

Two bills in the US Congress linking ‘currency manipulation’ to trade measures threaten to unleash a new wave of trade protection as well as to derail the Trans Pacific Partnership agreement.

By Martin Khor

Two bills introduced in the United States Congress in February 2015 could lead to a new kind of trade measure that in the short run may wreck the Trans Pacific Partnership Agreement (TPPA) and in the longer run could cause havoc in the global trading system.

The sponsors of the bills aimed at preventing “currency manipulation” claim to have majority support among Republicans and Democrats in both the Senate and the House of Representatives.

Moreover the bills’ sponsors and supporters intend to link passage of the legislation to the adoption of fast-track authority for the President and to approval of the TPPA.

Thus, this issue and these bills are being taken seriously, even if the Obama administration is opposed to linking the currency manipulation issue to trade measures.

The Congress members and their intellectual backers claim that some governments are deliberately manipulating to make their currencies artificially low so as to reduce the prices of their exports, enabling them to sell more to the world market.

The manipulating countries’ imports are also made more expensive, thus discouraging goods from other countries, the Congress members allege.

They cite studies that claim that the U.S. has lost 5 million jobs in the last decade because foreign governments have manipulated their currencies.

The main target of the bills is China, which has long been blamed by Congress members and some economists as currency manipulators.

But other countries that have been

mentioned are Japan, Malaysia and Singapore, in the context of the TPPA.

In an opinion article, Senators Sherrod Brown and Jeff Sessions and Representatives Sandy Levin and Mo Brooks (who are among the bills’ sponsors) argued that the United States’ high trade deficits with China are caused by the Chinese government’s action to devalue its own currency against the U.S. dollar.

“This puts American manufacturers at a serious disadvantage and makes it more difficult for American companies to compete against Chinese companies,” they claimed.

Though China is prominently targeted, the legislation can affect any country deemed to be “currency manipulators.”

The trade actions that the Congress members propose include:

- Enabling the American government to treat currency manipulation like illegal government subsidies or

dumping of products at low prices. American companies claiming to be affected by foreign countries manipulating their currencies can petition the Administration, which can then impose countervailing duties to offset the impact of currency manipulation on a U.S. industry.

- The U.S. government should include provisions in its trade agreements, starting with the TPPA, that would deter its trading partners from manipulating their currency. The currency bills’ content may thus be injected into the TPPA.

The timing of the tabling of the bills seems to be linked to the TPPA, which is reported to be near conclusion. A Ministerial meeting was held in March to address outstanding issues.

Many TPPA countries are reluctant or unwilling to conclude the negotiations unless the US President is given “fast track authority” through a Trade Promotion Authority (TPA) law, meaning that Congress can only vote for or against the agreement but cannot amend it.

But the Congress members sponsoring the currency bills are making the passing of the TPA conditional on the adoption of the currency manipulation legislation. They also want the TPPA to contain provisions punishing currency-manipulating countries, by suspending their TPPA benefits such as the preferential lowered tariffs.



The United States Capitol, seat of the US Congress.



Two bills in the US Congress aimed at punishing “currency manipulating countries” through trade sanctions raise all kinds of questions, such as “who is a currency manipulator and who is not”, and they threaten to spark new conflicts in the WTO and trade agreements like the TPPA.

In the media reports on the Congress bills, Japan was the country most prominently mentioned as a TPPA country that could be considered a currency manipulator.

But others were also mentioned. “Currencies rise and fall for lots of reasons, but U.S. Sen. Sherrod Brown, congressional colleagues and a number of American manufacturers charge that China, Japan, South Korea, Malaysia, and Singapore have used financial and central-government mechanisms to keep their currencies artificially low - and that this gives their factories an unfair pricing advantage and undercuts American competitors,” said an article by Stephen Koff of Northeast Ohio Media Group.

An article by the Peterson Institute’s Fred Bergsten, who has been advising some of the Congress members behind the bills, states that Malaysia and Singapore, “which are engaged in TPP negotiations, have also intervened and piled up sizeable reserves relative to any historical norms.”

He mentioned three criteria for identifying currency manipulators: excessive official foreign currency assets (more than 3 to 6 months of imports); acquisition of significant additional amounts of official foreign assets, implying substantial intervention, over a recent period, say six months; and a substantial current account surplus.

The Congress bills rely on IMF gui-

delines on what constitutes currency manipulation. These include large-scale intervention in one direction in currency markets; excessive accumulation of foreign exchange reserves; restrictions on or incentives for transactions or capital flows for balance of payments purposes; encouragement of capital flows through monetary policy for balance of payments purposes; fundamental exchange rate misalignment; and long and sustained current account surpluses.

The Congress legislation aims to counter currency manipulation used as trade protection or promotion. Ironically, however, it may lead instead to a new big wave of trade protection.

Critics are likely to see the US law

as self serving, as the US will be able unilaterally to define and decide who is a currency manipulator, and then to use trade measures such as tariff hikes and suspension of trade benefits.

Many governments and analysts have accused the U.S. itself as lowering its currency’s value through policies such as quantitative easing and near-zero interest rates. In their view, the US has also engaged in currency wars and can be considered a manipulator. If the US can take trade actions against those it perceives as manipulators, others can also take action against the U.S.

Some U.S. Congress members have defended US monetary policy as having legitimate aims, even though one effect is a low currency level. But other countries can similarly defend their actions.

The US proposed law, if it takes effect, can thus trigger trade protection measures and retaliation.

Another casualty could be the TPPA, which already contains unpopular and controversial components such as an investor-state dispute system, tight intellectual property rules, the opening up of government procurement and curbs on state-owned enterprises.

If the US Congress persuades the administration to inject punishment for currency manipulation as another TPPA component, it might be just too much, just like the straw that broke the camel’s back.



Leaders of the TPP countries met in Beijing in November 2014. Two bills in the US Congress linking ‘currency manipulation’ to trade measures threaten to derail the TPP agreement.

Access to finance, technology and new medicines to fight AMR needed, says South

A WHO Executive Board meeting discussed the draft of a global plan to fight anti-microbial resistance. Below is a report of what the delegations said at the meeting.



The 136th Session of the WHO Executive Board

By Mirza Alas

Developing countries made a strong call for access to finance, technology and new medicines to fight against antimicrobial resistance (AMR) during their interventions on WHO's proposed Global Action Plan (GAP) on AMR at the 136th Executive Board (EB) meeting.

The 136th EB meeting took place in Geneva from 26 January to 3 February 2015.

The EB discussed AMR on 28th January and decided to further deliberate on and amend the draft GAP at the next meeting of the Strategic and Technical Advisory Group (STAG) in light of the comments made by Member States for its consideration in the upcoming World Health Assembly (WHA) in May 2015.

(The URL for the relevant documents are: http://apps.who.int/gb/ebwha/pdf_files/EB136/B136_19-en.pdf) and (http://apps.who.int/gb/ebwha/pdf_files/EB136/B136_20-en.pdf.)

Even though all Member States recognized the importance of the GAP, the draft document was criticized for its failure to address the critical concerns of developing countries.

Developing countries stressed that

financial assistance, technology transfer, and access to affordable, current and new antibiotics for developing countries are critical aspects that need to be included as part of the GAP, in order to ensure that developing countries can actually develop and implement the plan in their own countries.

India and Pakistan, in particular, highlighted the need for a new Research and Development (R&D) model that delinks price from cost. This is a fundamental issue for ensuring research into new antibiotics and their affordability.

Highlights of the interventions of selected Member States' statements can be found below.

South Africa on behalf of the African Region (AFRO) emphasized that AMR is a global concern for human and animal health. It also expressed concern about the spreading of resistance and the way it threatens the gains made in treating many diseases. South Africa also pointed out the importance of the rational use of medicines in combating AMR and noted the draft GAP is the first comprehensive plan which recognized problems of access, as well as excessive use. Further it stated that the AFRO region is committed to endorse the plan but it stressed the im-

portance of support in order to implement the plan, particularly in the area of surveillance. South Africa reminded countries that AMR moves beyond borders, and there is need to act globally.

Kuwait on behalf of the Eastern Mediterranean Region reiterated that AMR is one of the biggest public health challenges and noted that all three organizational levels of WHO are part of the action plan. It encouraged the importance of implementation of the action plan and to allocate financial resources. Stating that there are rules and regulations in the region, it hoped for collaboration between the different sectors (human, animal etc).

Nepal on behalf of the South East Asian Region expressed some concerns about how the draft GAP failed to recognize that for developing countries the presence of political will alone is not sufficient to enable them to implement policies and measures required to address AMR. For developing countries, access to financial and technical resources for implementing actions to address AMR is critical and WHO's role in implementation needs to be articulated with clearly defined targets. Nepal also noted that Member States are encouraged by the GAP to collaborate in the investigation of natural sources of biodiversity and biorepositories as sources for the development of new antibiotics. It stressed that the GAP must clearly state that such collaboration must be based on the principle of fair and equitable benefit sharing.

India noted that AMR today threatens all countries, big and small, rich and poor, developed and developing, and that is why it requires concerted action by all member nations. It stressed that the focus must be on prevention, systems of infection control, correct prescription and consumption practices, access to antibiotics, R&D and impact of antibiotic use in agricultural and animal husbandry sectors.

India also expressed some concerns about the two year-timeline for each

nation to be ready with an action plan but without being given any assessment of the financial and other resources, which are required to achieve the objectives. It said that surveillance mechanisms, laboratory capacities, health system strengthening, human resources etc, need huge investments.

It further noted that the issue of access should not be linked to excess. Access is a much larger issue that not only includes availability and affordability of antibiotics but also encompasses access to health facilities, availability of adequate health care professionals, access to preventive technologies and 'point of care' diagnostics. India stressed that universal access to health care including to existing and new antibiotics should be identified as a stand-alone principle in the draft action plan. Moreover, it reiterated the urgency to accelerate R&D for new antibiotics. It is also critical that prices of new antibiotics are delinked from R&D costs, said India.

Furthermore, India pointed out that the Secretariat might not have the capacity and resources to be able to monitor the development and implementation of action plans by Member States. It also proposed that a sub-group be constituted to address various concerns expressed by different countries so that the final document to be considered by the WHA in May this year will be ready for adoption.

Pakistan endorsed the recommendation for development of national action plans. However, it stressed the need to chalk out how developing countries can actually operationalize the plan especially, with respect to financial and technical assistance for developing national capacity to imple-

ment monitoring and surveillance systems.

It also noted that the plan mentions exploring new private public partnerships and ignores the formulation of new research models which delink the cost of R&D from the actual price of the drug, as proposed by WHO's own consultative expert working group. It emphasized the importance to remember that for resource constrained developing countries, obligations can be implemented only if they have the capacity to do so.

Thailand noted that AMR is a major health threat and a complex problem driven by interconnected factors. Coordination of action is urgently required and GAP could be a tool to combat AMR. Further it stated that AMR is a critical issue and it needs strong political support of WHO, international and national partners and multi-sectoral participation. Thailand also emphasized that financial and technical resources are fundamental for implementation and that the WHO should facilitate a mechanism to facilitate resources especially for developing and least developed countries. Access to antimicrobials is essential and it supports an R&D model for products and diagnostics delinking the price.

On the other hand, developed countries advocated for the draft to be supported as it stood. The United States was the only country that proposed amendments related to regulations in the agricultural sector and the use of the precautionary principle to combat AMR.

The United States said AMR has potential to affect economic activities and that President Barack Obama has

taken note and has proposed a national plan that includes many similar components to the GAP. Several countries represented (at the EB) are part of activities. AMR is part of the global health security agenda and was part of the discussion with Prime Minister Modi in India. It said that the draft GAP is a comprehensive response and it had a few suggestions to strengthen the plan, and will give them to the Secretariat directly and look forward to see how they will be integrated in the run up to the WHA.

The WHO Director-General, Dr. Margaret Chan, asked the US to please read its suggestions. In response the US said that 'medically important antibiotics' should be the limitation on restrictions in agriculture, and that it does not support inclusion of the term 'precautionary principle' which has been suggested by some Member States.

Belgium speaking for the European Union, Turkey, Macedonia, Bosnia, Moldova and Georgia commended the work of the Secretariat and the wide-ranging consultations. It agreed on the importance of urgent concerted action to tackle AMR. It also noted the importance of human and animal health and the 'one health' concept. It stressed the importance of reaching a consensus now. It said that effective and prudent use of antimicrobials is core and it is also necessary to invest in new research and development. It welcomed a mechanism to mobilize resources and would like a monitoring and evaluation mechanism to be included as part of the progress report every two years. Belgium urged the EB to support the draft and recommended that it be adopted in May.

The United Kingdom supported the statement made by Belgium. It reiterated the vital need to tackle AMR since at least 25,000 lives are lost in the EU every year. Prime Minister David Cameron has asked economists to review the cost of AMR; without effective action now, by 2050 AMR will cost 3.5 % of global GDP and kill more than cancer. This will be severe in low and middle-income countries. Scientific consensus is that antibiotics in humans are the main driving force, but the use in animals and agriculture are also part of the issue. It welcomed the need for an integrated holistic 'one



There is a need for a new Research and Development (R&D) model that delinks price from cost. This is to ensure research into new antibiotics and their affordability.



There is scientific consensus that the use of antibiotics in animals and agriculture are also part of the problem of AMR.

health' approach and pointed out that AMR needs to be reflected in the post-2015 Sustainable Development Goals. It urged Member States to show their support for the action plan, otherwise we will have a situation as with Ebola.

Norway pointed out that the health perspective needs to be strengthened in the document and the environment as a possible source of AMR should be described. Additionally, pollution of antibiotic waste from pharmaceutical companies could also be an important issue and should be mentioned. It also talked about the importance of preventive measures such as vaccines, adding that fish farming in Norway is using vaccines and no antibiotics now. The GAP will have an impact and its implementation is crucial, said Norway, adding that WHO tie action with implementation.

The People's Health Movement made a joint statement on

behalf of itself and **Medicus Mundi International** pointing out that the report misses the importance of strong health systems to prevent the spread of AMR. Also, promotion and advertising of antibiotics, including marketing for inappropriate uses or incentivizing medical and veterinary personnel to prescribe, is harmful to health and should be prohibited. It urged Member States to include in Objective 5 the regulation and control of promotional practices by industry and to explicitly state the principles that need to be met. It also expressed concern regarding the use of the term "SSFFC" to refer to sub-standard medicines and urged Member States to demand the removal of the former in the context of AMR.

(The full statement can be accessed at: <https://apps.who.int/ngostatement/content/medicus-mundi-international-%E2%80%93-international-organisation-cooperation-health-care-mmi-5>.)

After all the statements the WHO Assistant Director-General (ADG) Dr. Keiji Fukuda addressed the Member States. Fukuda highlighted that given all the health priorities that we have, AMR conveys the sense of urgency and the impact of this issue. He underscored the overwhelming support for the development of the plan and adoption at the WHA and noted the consistency of the themes and the need for an interdisciplinary perspective, international and intersectoral approach that involves working with FAO and OIE under the 'one health'. The ADG also remarked that not all countries are in the same place and that reality has been reflected in the

plan. There are needs for middle-income and developing countries. He also mentioned that further work was needed on how we fund this, how do we build capacities and these calls (of Member States) have been heard.

The ADG asked Member States to provide their statements in writing so that this discussion can continue as needed and that all those inputs will be taken for a revision of the draft to the Strategic Technical Advisory Group (STAG) on antimicrobial resistance to provide advice. Fukuda emphasized that this is the start of a long process and the plan is just the beginning. He said that the plan is not perfect and is not detailed and what it does is to get us started and as we move forward into this process there will be more discussions.

WHO Director-General Dr. Margaret Chan underscored the need for action: "You want urgent action and you want to take this issue and move it along. Let's move ahead".

The STAG met on 24 to 25 February. After this meeting, and the revision of comments, an amended version of the draft was submitted to the WHA.

The global action plan was revised by the secretariat and a 'newer' version reflecting the concerns expressed by Member States should be ready before the WHA in May. However, as the earlier draft stood, there were many details that should have been unpacked, especially in terms of implementation. It is necessary for Member States to ensure that their concerns are actually reflected on the plan and that problematic areas are truly solved. In the case of developing countries it is necessary to recognize, as clearly expressed by Pakistan, "the importance to remember that for resource constrained developing countries obligations can be implemented only if they have the capacity to do so."

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