

Decoding

United Nations Framework Convention on Climate Change

26th November - 7th December 2012



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Decoding of International Negotiations

Prior to the Doha Conference

26th November - 7th December 2012

This booklet was written by:

Emeline **DIAZ**
Pierre **RADANNE**
Gabriel **BEDOY**
Marie **CHÉRON**

English translation by Judith Hitchman and Jaciara Topley Lira

Graphic Design by Émilie Chéron

Institut de l'Energie et de l'Environnement de la Francophonie (IEPF) 2012

56, rue Saint-Pierre, 3rd Floor

Québec G1K 4A1 Canada

Telephone : (1-418) 692-5727

Fax : (1-418) 692-5644

Email : iepf@iepf.org

Internet site : www.iepf.org

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This decoding report on International Negotiations aims to facilitate understanding of the current climate negotiations. It puts forward analyses and possible paths for progress in a pedagogical manner that is accessible to all. It contains a glossary of acronyms and of the climate negotiation jargon. It is published in French and English.

This document has been written with three objectives in mind. It aims to:

- Help the widest possible public to understand what is at stake in these negotiations by attempting to avoid overly technical jargon as far as possible
- Describe the process, the state of play, the subjects under discussion and the points of disagreement
- Highlight the possible points of convergence and options that could enable the process to move forward.

ADEME



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The 18th Conference Of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC) will take place in Doha in Qatar, from the 26th November to the 7th of December 2012. It marks a new stage in the negotiations. 2012 is a key date, as it marks the end of the first period of commitment to the Kyoto Protocol, the end of the negotiations of the agreements for the 2012-2020 period, and the preparation of a future post-2020 agreement.

The challenge in Doha will be to set the stage for this process, and to define and establish the conditions for success for both the 2012-2020 period and the future agreement.

The conditions for success of the next agreement.

The Durban decision: prepare for a new post-2020 agreement

The 17th Conference Of the Parties of the United Nations Framework Convention on Climate Change (2011, Durban) ended with the decision to start the post-2012 process. This decision was reached with some difficulty.

The “Durban Decision” recognises the need for all countries to urgently confront the serious threat of what are the often violent and potentially irreversible threats of climate change. This recognition takes the concrete form of launching a process of preparing for the post-2020 period that would include all countries and be legally binding.

This constitutes major progress.

“Decides that the Ad Hoc Working Group on the Durban Platform for Enhanced Action shall complete its work as early as possible but no later than 2015 in order to adopt this protocol, legal instrument or agreed outcome with legal force at the twenty-first session of the Conference of the Parties and for it to come into effect and be implemented from 2020.”

The decision also underlines the need for increased multilateral cooperation in a more ambitious reduction of emissions, in order to bridge the important existing gaps between the current efforts being made by countries, the way in which

¹ “Contain average global rise in temperatures to less than 2°C or 1.5°C compared with pre-industrial levels.”

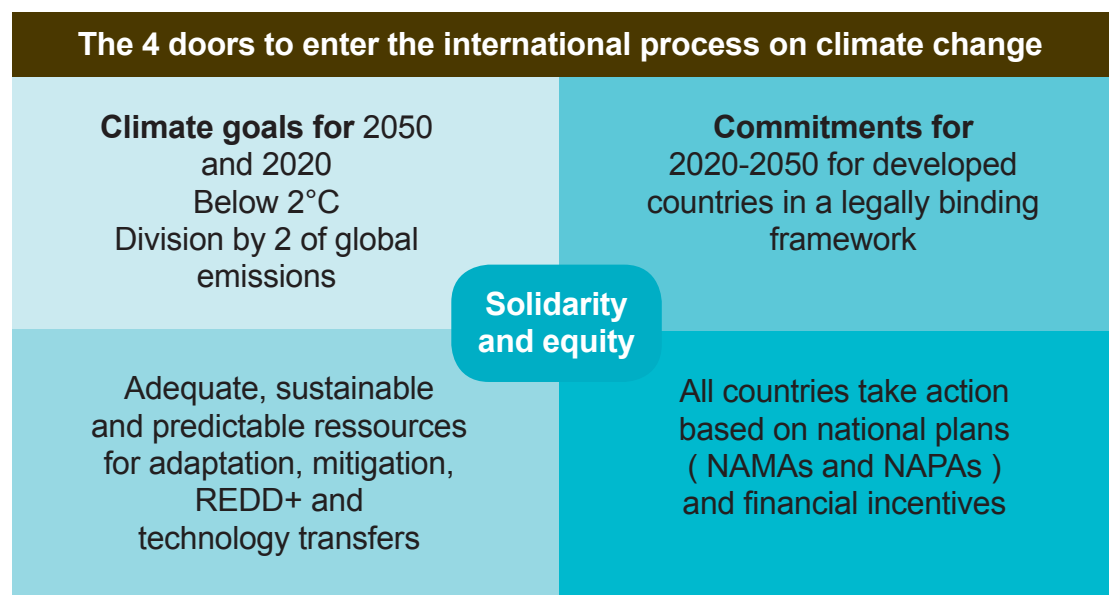
global emissions will evolve, and the objectives that need to be met for 2020 and beyond according to the recommendations of the IPCC scientific reports.¹

Countries are encouraged to increase the level of ambition of their actions to meet these targets as of 2013.

In order to achieve these results, a negotiation platform - the Durban Platform - was created. It is the result of many compromises: China and India initially refused to negotiate a new agreement that would limit their emissions. The United States however had made this participation a prerequisite for their participation in any new cycle of negotiations. And without the participation of these important countries, the European Union would not have agreed to commit to a second period of the Kyoto Protocol. The developing countries were opposed to any follow-up process without this second period of commitment that involves the industrialised countries in the name of their historical responsibility for greenhouse gas emissions..

The Durban Platform succeeded in reconciling all these interests by proposing a modular agreement that is also legally flexible: all countries participate, but certain countries (in particular the emerging nations) may wait to begin their commitments in the framework of the new post-2020 agreement, whereas others (the developed countries) shall start as of now (in the framework of the Rio Convention or the second Kyoto Protocol period); the least advanced countries shall develop their actions according to funding received. Parallel to this, the second period of commitment to the Kyoto Protocol has been officially decided, and the level of actions in the framework of the Convention shall be revised upwards.

The decision does not at this stage state either the nature or the contents of this new agreement that would replace the commitments for the 2013-2020 period, for either the Kyoto Protocol (that would at least in theory be of a legally binding nature), or that of the Rio Convention (outside the Kyoto Protocol and of a voluntary, non-binding nature). One of the main difficulties of this new negotiation will therefore lie in reaching a consensus on the legal form of the agreement: a binding agreement or a voluntary agreement... And achieving consensus on par with what is at stake will only be possible if a clear climate of trust can be built between countries.



1 • Building a climate of trust

Achieving an ambitious agreement in 2015 that would be implemented in 2020 after it has been ratified by national parliaments will first require having rebuilt trust between countries. Each country will have to prove that they are willing to commit, and that the result of the policies implemented are sufficiently convincing to merit their generalisation in the various categories of countries.

This is all the more indispensable, as moving forward in an ambitious manner to prepare for the post-2020 agreement will encourage the Parties to fulfil their commitments for the 2013-2020 period, irrespective of the form these commitments may take. And the success of this period will be essential to ensuring that the scientific recommendations are respected, and to strengthening the legitimacy of a new agreement.

Recent signs of climate change

Focus on:

Melting of the polar icecap in the Atlantic ocean reaches a new record.

At the end of summer 2012 the Arctic icecap is expected to fall below 4 million square kilometres. This mark falls below the previous record that goes back to 2007, when the Arctic icecap had shrunk to 4.28 million square kilometres. This already marked a fall of 23% compared with the previous record of 2005, and is 39% below the average for the years 1979-2000.

Focus on:

Hurricane Sandy

On 25th October, hurricane Sandy devastated the Caribbean before heading for the United States. There was considerable damage in Cuba, Jamaica, the Dominican Republic, the Bahamas and Haiti in particular. Over 60 people were killed, there was flooding and considerable loss in the agricultural sector, hospitals, roads and thousands of homes were destroyed. Haiti is suffering from a famine, as well as water pollution and cholera is spreading.

The hurricane then headed for the United States, striking landfall on the North-East of the country, on the night of October. Gusts of up to 150 km/h winds were recorded on the coast, with 130 km/h winds in New York City. The wind was accompanied by very violent rainfall. Over half of the United States was declared as suffering from a situation of natural catastrophe (flooding, with 900,000 people without electricity ; fires, evacuation of 370,000 people, nuclear power stations shut down,...). Damage from hurricane Sandy is estimated at 50 billion dollars².

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The question that this poses is the following: Is Sandy the result of climate change? It is not possible to make any direct connection between any given catastrophic incident and climate change. But it is possible to express certainty when such events occur with increased frequency and seriousness. And this is indeed the case.

For a hurricane to form, it requires hot water (at least 26°C). Although no scientists can be totally categorical, it is nevertheless a recognised fact that climate change will lead to an increase in sea temperature and levels; this encourages the formation of hurricanes and impacts their intensity, with higher, more violent waves forming. A study that was published on 15th October in the PNAS scientific review highlights the correlation between heat-waves and the tendency of hurricanes to increase in both number and strength.

According to a report by Munich Re³, published on 17th October on the period from 1980 – 2011, the North American continent is the one that has had the greatest increase in “weather-related financial loss”. Over 30,000 people died due to these catastrophes, whose cost is estimated at 1060 billion dollars (820 billion euros). According to this report, the number of extreme weather events has increased five-fold. (In Europe it has doubled).

A certain number of conditions need to be met to create a favourable framework for building a legally solid agreement for the post-2020 period:

- Demonstrate the goodwill of countries in the 2012-2020 period
- Take new global geopolitics into account
- Consider past mistakes in negotiations
- Build a shared framework of values
- The vision of a shared, successful future is possible on the basis of development strategies that are adapted to each country
- Introduce guarantee systems of respect for commitments and systems that these commitments comparable.

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A. Progress made in the 2012-2020 period

The aim is to avoid past pitfalls by successfully establishing collective principles for the upcoming negotiations. Establishing a timeline for progressive actions will be decisive, as climate change is not going to decrease, and its impact will be increasingly violent. This will involve showing that it is possible to act, that hands-on initiatives are being taken all over the world, that another vision of the future is possible, and that a transition is being built through innovations that are being implemented in a democratic way.

² According to Egecat, a consultancy firm

³ A major reinsurance firm

Although the negotiations on the 2013-2020 period ended in Durban, the nature of the commitments of the developed countries (Kyoto Protocol or mere reference to the Rio Convention), need to be pursued in Doha in terms of the definitive figures and commitments for 2020.

“Requests Parties and observer organizations to submit by 28 February 2012 their views on options and ways for further increasing the level of ambition and decides to hold an in-session workshop at the first negotiating session in 2012 to consider options and ways for increasing ambition and possible further actions⁵”

Thus, essentially under the influence of the AOSIS countries (Alliance of Small Island States), and the LDCs (Least Developed Countries), who fear that the perspective of a new post-2020 agreement might emphasize discussion to the detriment of actions that should be taken as of now, a process of negotiation was launched. It aimed to raise the level of ambition of mitigation efforts and begin “emergency work in the first semester of 2012”. This involves defining and studying the measures to be implemented between 2012 and 2020, in order to close the existing gap between commitments and current and projected emissions’ levels on one hand, and what science considers to be necessary on the other. The objective of the work plan is that all countries be encouraged to make maximum efforts to reduce greenhouse gas emissions through the implementation of actions and low-carbon, climate-resilient development strategies.

In future it will be necessary to prove that countries are taking action; that actions are being implemented, and that progress is being made. Bearing this in mind, countries were asked to submit solutions and potential means of implementation by the end of February 2012, in order to increase the level of ambition of efforts made, and to study new measures that could be taken. The main objective behind the new ambitions set is for this to lead to the implementation of more ambitious actions in terms of national policies.

A “Register” the implementation of which was detailed during the Durban discussion, and a platform were established to facilitate the harmonisation between the financial support of the developed countries and the measures taken by developing countries.

Workshops have also been organised for all the countries participating in the negotiation sessions, in order to exchange on possible solutions of how best to reduce the gap, and to overcome the differences in points of view. This has also enabled exchange to occur outside the strict framework of the plenary negotiations, and to exchange on progress that is already underway on the ground, pilot schemes that are being implemented, and strategies that have been planned. Countries need to work together in building mutually deeper understanding of their mutual perspectives and priorities. This will encourage consensus building and convergence on key concepts.



B. Consensus on shared values

Achieving an ambitious agreement that brings all countries together and is accepted by all for the post-2020 period is something that can only happen if there is a lot of serious work done in the coming years. This implies firstly the clarification of the stakes that are economic, geopolitical, political, social and environmental all at once. It will be necessary to reconcile States' different priorities in an increasingly competitive world that is shaken by major upheavals. And the next agreement needs to be founded on shared values that can bring the States together, and rebuild trust that has been badly shaken.

This implies reaching agreement on principles:

- First and foremost equity in both the sharing of mitigation efforts and funding that will be essential if countries are to accept the idea of committing to a single agreement.
- Followed by solidarity, which is the only way to solve the global challenge of the fight against climate change.
- And the guarantee that all that their efforts will be neither alone, nor in vain and that all countries are involved and respect their commitments.

1. Equity, the key to sharing

In Durban, the issue of equity was once again crucial. India explicitly mentioned that equity is the guiding norm for the future agreement, and is the *sine qua non* to accepting an agreement that includes all countries for 2020. Since then, many countries have affirmed the absolute need for equity in determining obligations, the nature and level of efforts that need to be made.

Equity in the framework of the Kyoto Protocol

Equity has been at the heart of the negotiations from the outset, but has not as yet found any concrete application in the framework of the Kyoto Protocol. This protocol establishes differentiated treatment for different categories of countries by determining their obligations in emissions' reduction for the thirty or so States listed in Annex 1. This situation is legally unique. This "legal inequality" is justified by equity aimed at correcting historical, social and economic inequalities in terms of development to which the most vulnerable developing countries were subjected.

Thus the industrialised countries have historically been those that have been responsible for the main emissions of greenhouse gas, and are therefore those mainly responsible for climate change. But it is the developing countries, especially the poorest, that are being subjected to the most violent impacts. It was therefore equitable that the industrialised countries make the greatest efforts. And within the Annex 1 countries, the distribution has also been based on national levels of greenhouse gas. Simply placing countries on an even footing would have been ethically and morally unacceptable.

The Convention states that Parties act on the basis of equity.

Although it is properly defined, the concept is based in a certain number of principles:

- *Common but differentiated responsibility according to countries*
- *Leadership taken by the developed countries*

- *Take the needs and circumstances of developing countries fully into account, particularly those countries that are the most vulnerable to the impacts of climate change*
- *The principle of precaution*
- *Take economic contexts into account*
- *The right to sustainable development.*

When the Rio Conventions and the Kyoto Protocol were adopted, the groups of countries within the United Nations corresponded to those that have relatively homogenous situations and those with clearly different interests. Thus the principle of shared but differentiated responsibility and the differentiated legal treatment were justified and indispensable and corresponded to the realities of the situation as it then was, especially in terms of levels of wealth and development and the levels of greenhouse gas emissions in particular.

“Common but differentiated responsibilities» Article 4.7 of the Convention:

“The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties”.

A concept without any shared definition

Even though these principles guarantee an ambitious interpretation of equity, they do generate certain contradictions, particularly between the right to development and the need to reduce emissions. This explains the fact that even if the question of equity was always present in speeches, it has led to no concrete formulation: debate has been lacking in structure or pragmatism and has not enabled any agreement as to the criteria for sharing commitments, reduction, and funding for all countries. Thus although the countries are aware of the need to agree on a shared concept of equity, the sessions held in Bonn and Bangkok in 2012 have revealed deep divergence as to what the term equity covers, and what the use of the concept entails. The very definition of equity is not consensual. Workshops have been organised in the course of 2012 to move forward towards shared understanding.

Without a shared vision of equity, without indicators or precise rules to guide it, negotiations have until now in reality been based on the balance of power, dealing blindly with the real margins for manoeuvre and expected efforts of all participants. We need to acknowledge what is self-evident: even if the same method of negotiation were to be taken up again in the future, it is bound to lead to even worse failure, given the ever greater gap between the emissions' paths of the various countries and the diverse situations of the said countries.

Four approaches to equity that have thus far been expressed

The historical approach to equity

This approach is strongly defended by India and Brazil. It underlines the fact that the industrialised countries have greatly contributed to the increased

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concentration of greenhouse gas in the atmosphere.

This implies that they have a sort of “carbon debt”, and that this should be linked to a counterpart of a strong obligation to reduce greenhouse gas emissions, whereas developing countries should benefit from a symmetrical right to emit the future equivalent to successfully develop. This concept overlooks the fact that until recent decades, CO₂ emissions were not considered damaging, as scientific knowledge did not yet link them to any known, tangible threat. Compensating for the past now appears to be financially impossible and also secondary, given what today’s priorities need to be: supporting the successful development for all countries.

An “optical” approach to equity

This empirical approach was adopted in the final Kyoto negotiations, setting objectives that at first sight appear to be close for industrialised countries. Determining commitments in reductions of between 6% and 8% for the main industrialised countries gave the impression of equivalent efforts. But this is in fact a shortcut for the media to state that equity of effort should be based on these figures, without going into their detailed content (level of development, population density, nature of national resources, electricity production, climate...). If two countries have the same value applied, with one having an emissions’ rate that is twice that of the other on a per capita basis, this does not constitute an equitable share of effort. It is also important to note that the sharing of commitments to reduce greenhouse gas within the European Union was transparently developed in early 1997 on the basis of criteria. It was subsequently translated into highly differentiated reduction rates for emissions for Member States.

This difficulty has become more acute in the new 2013-2020 negotiations:

- Those countries that have allowed their emissions’ levels to slide are trying to save face by proposing emissions’ reductions for 2020 by changing the baseline year of reference, which is contrary to the principle of equity.
- As the per capita gap for emissions has increased, cutting emissions for those countries that already have a low level of emissions becomes increasingly more difficult than for those who have taken little action to date.

It is therefore highly worrying that no rational approach has been taken to this question, either through the mandate granted to the Convention Secretariat or by cooperating with research bodies between countries.

A technical approach to equity

This approach consists of identifying technical criteria for comparison. Since Rio, research centres have carried out much work on this issue. A technical approach to equity would imply mixing different criteria:

- Per capita emissions
- Emissions based on the level of development via a system of carbon intensity per unit of wealth (measured in terms of GDP)
- Ratios per product unit (kWh for electricity, tons of steel, cement...)
- Geographic and climate constraints (heating requirements, density...)

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This work has not lead to any agreement to date. It will however be necessary to find a solution that enables binding commitments to reductions that take the situation of emerging economies into account, particularly for the emerging economies.

Some of the Annex 1 countries such as Japan are proposing that carbon intensity reduction objectives should be calculated on the basis of production units, or per unit of matter produced, so-called “intensity targets”. This method of using more equitable sharing would enable countries to move beyond the current classification of countries (Annex 1/non-Annex 1); it also enables emerging countries to become involved (“countries with the means to act that contribute to the increase in GHG”), in terms of mitigation policies. Japan is proposing sectoral objectives for reducing the carbon intensity, particularly in industrial production. An example of this is tCO₂ per unit of GDP or energy consumption per production unit.

An approach based on means of implementation

As well as the above-mentioned approaches that are based on the obligation to achieve results, there is another approach that proposes a vision of equity based on the means deployed. This approach was presented during the preparation of the Kyoto Protocol, but failed, for lack of any agreement between the countries on the policies and measures that could be collectively determined. An approach of this kind is complementary to those mentioned above, and could include the commitment to shared research programmes, introducing tax on energy or air transport. The proposal of National Adapted Mitigation Measures (NAMAs), that involve the generalised implementation of mitigation measures that leave countries the choice as of the measures to themselves, is part of this logic, as it clearly encourages operational, concrete progress.

The path to success

Equity in inventory methods

For the time being there are many asymmetrical aspects that are harmful to equity: between energy-producing countries and those that consume energy without having to extract it with all the concomitant emissions this involves, and between countries that have a lot of heavy industry, and those that are essentially consumers of heavy industry-produced goods, and whose activity lies essentially in the services sector... According to the inventory rules, the delocalisation of activities is considered as efforts in emissions’ reductions, whereas in reality it corresponds to shifting emissions from one place to another.

It would therefore be necessary to correct the national inventories by taking the movements of exchange into account: exports and imports of combustible fossil fuel, raw materials, agricultural produce, wood, manufactured goods. This would ultimately enable an accounting system that would link the emissions to the end-consumer, in a logic of carbon foot-print, thereby including the full chain of emissions of the primary sector (extraction, agriculture, forestry, industry, logistics), up to the moment the goods reach the end-consumer. This would require a deep and homogenous change in the methods of compiling statistics.

Equity in shared commitments

There is now a new typology emerging between the developed countries that have an increasing gap between the objectives in the reduction of their greenhouse gas emissions, the level of financial and technological support, and the developing countries whose situations are becoming increasingly diverse⁴. As a result of this, any single differentiation with just two categories of countries is no longer valid. The rapid rise of the emerging nations, the oil-producing countries or countries that fall into the middle-income band has redistributed the cards, and differentiated objectives within the developing countries particularly on the issue of technological and financial aid that is specifically aimed to benefit the most vulnerable and poorest countries. We need to move forward to a system where all countries are on the same list, obviously taking the different criteria that apply to them into account, particularly in terms of their level of development. Once these criteria have been established, it should then prove possible to negotiate commitments. And in order to achieve an equitable system, these commitments will need to be of a comparable nature.

The approach to equity should not and cannot be just occasional. It should be integrated into a perspective of sustainable development for all countries. This will be the political condition for sustainable involvement for all countries. This evolution can only have a long-term perspective, one that enables development modes to converge. It will lead to a broader perspective than climate negotiations alone. It is obvious that we need to aim for good living conditions for all of humanity by the end of this century, at the time when the global population will have ended the current period of demographic growth.

The need to take countries' diverse social situations into account

It is obviously not possible to use the same method for the emerging countries as for the developed ones. In the progressive fight against climate change, we need to take social differences into account. China, for example has four different kinds of population: the first accounts for almost 100 million people whose standard of living is similar to that in the West, the second are the several hundred million people who form the modest middle class of China; poor urban workers are the third, and lastly, several hundred million people are part of the rural subsistence economy. Identical ratios for consumption and emission cannot be applied to them all. The next round of negotiations should impose conditions that would lead to an equitable sharing of effort that takes the demographic, economic and social dimensions of development into account, as well as the availability of natural resources and the level of GHG emissions of each country. The equitable sharing of objectives constitutes a major socio-economic and democratic challenge.

This implies ensuring that the key principle of the new agreement will become effective, particularly in determining the way commitments are allocated for each country.

New development models should be based on equity in the way in which support is shared, and the expected level of actions undertaken by all, if they are to be viable and accepted. Recognising this need for equity and the importance of reconciling environment and development - the two components that mutually feed and strengthen one another - will be the condition for gaining social and democratic acceptance of progress towards a new development pathway.

⁴ c.f. section "The need to take profound change to the economic balance in a changing world into account."

2. Solidarity as the basis for relationships

We need to develop multiple kinds of solidarity, both between States and within States, if we are to collectively manage the planet.

Until recently, all the major planetary issues - hunger, social protection, major epidemics...- have been challenges that each country has tried to solve on their own, within their national framework, sometimes supported by international cooperation funding, but without any genuine international solidarity. But an important lesson can be learned from previous decades: global stakes pose an increasingly important number of issues that need to be addressed, can not longer be so at purely national level. It is only through international cooperation, coordination and solidarity that a suitable share of wealth can be achieved for the whole international community.

The fight against climate change: the first issue ever that requires compulsory international solidarity

The challenge of climate change will only be successfully addressed if there is globally concerted management and solidarity. Prior to the accumulation of greenhouse gas in the atmosphere since the mid-19th century, climate was fairly stable and regulated by natural cycles. Human activity has now led to this becoming modified, and the evolution of climate in each country is no longer just linked to the policies of that country alone, irrespective of how efficient these might be, but to the choices and practice of all countries of the world. This therefore implies that whatever policy any given country may adopt to stabilise its climate, it can only be guaranteed effective if there is simultaneous proportionate commitment made by all other countries. This is where a chain of solidarity needs to come into play in each part of the territory. This involves a radical historical change. Climate change is the first issue in the history of humankind involving compulsory solidarity. It also is the forerunner of other stakes that are now becoming increasingly important.

Compulsory solidarity is extending to an increasing number of issues

We are increasingly confronted by other issues that have also become interdependent, and that require solidarity. This is the result of globalisation, and includes:

- Access to rare resources, especially energy
- Global sharing of industrial activity
- Financial crises, whose resolution lies beyond the scope of national authorities
- The introduction of tax and social protection systems in those countries where economic competition is increasingly high
- The fight against the loss of biodiversity
- Managing pandemic illness...
- Managing the risks of natural climate change-related disasters.

This implies that it is essential to reduce the inequalities in order to reach political agreement between countries; this proves that there is genuine solidarity between North and South, and between territories, and genuinely involves all people. This solidarity needs to become a fundamental principle at both international and national levels if it is to reduce the gaps of wealth and to re-include marginalised populations.

Solidarity of Humankind to our planet should take the form of recognition of the finite nature of resources, and the need to protect our ecosystems. The interest of humans alone can no longer be the sole measurement of all things, without taking the collective process of responsibility for the whole planet into account. This is firstly because we are confronted by tangible limits, and also because of the increased interdependence of globalisation that is making shared responsibility a measure of universality.

The fight against climate change calls for three different kinds of solidarity:

In time

This “inter-generational” solidarity was underlined in the Brundtland report in 1987. Bearing this in mind, it is a form of development that “respects the renewal of resources in the case of those resources that are renewable, and with a calendar for replacing non-renewable resources”. But this “solidarity with future generations” also requires the additional dimension of “solidarity with our contemporary fellow-humans” (that aims to “solve current issues” according to the Brundtland definition).

In space, with international and “inter-territorial” solidarity

Sustainable development calls for a deep modification of the production and consumption modes of the industrialised countries. It also aims to strengthen the ability of developing countries to develop. It highlights the fact that the degree of modifications achieved by the developed countries conditions both the development of the developing countries, and the global preservation of the environment. It also implies solidarity between cities and rural areas, and solidarity between different territorial levels to guarantee overall development coherence of inter-related levels of territories.

Solidarity in terms of social inequalities

This need for solidarity is additional to those mentioned above. It is all the more important as the leading classes in developed countries have life-styles that are similar to those of the richest in the developed countries and vice-versa, particularly in cities in those countries where new forms of precariousness and situations of deep poverty and isolation persist.

Solidarity over a period of time between territories that deals with social inequalities also imposes a radical change in the concept of national sovereignty and the concept of State obligations. Equitable access to the Commons such as climate, biodiversity or mineral resources for example are the condition for global peace, and point to the need to introduce regulatory systems that reach beyond those of States. It specifically implies creating a binding framework that would oblige countries to respect their commitments.

3. Creating a framework to guarantee the respect of commitments

No trust can be built and countries will head for an even greater position of self-centredness, defiance and be tempted to place their national interests first, if there is no guarantee of the mutual respect of commitments,. This all works against the solidarity, openness and exchange that the world now needs. This kind of trust involves mechanisms that guarantee both the comparability of efforts made and to be linked to the need for equity between countries, but also a verification process to ensure that countries are effectively respecting their

commitments and genuinely putting emissions' mitigation actions in place. And that the promises of funding are being respected.

These principles clearly have not been respected in previous negotiations, particularly those that have taken place since 2005 on the second period of the Kyoto Protocol. So the issue is to avoid repeating past mistakes at all costs.

2 • Lessons learnt from past negotiations

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A. The situation of the negotiation at the time of the Kyoto negotiation

We should remember that at the time of the Kyoto Conference, only the American delegation had computers with technical and financial tools that could provide simulations of the global impact of commitments. The situation has since evolved, but there is still a serious imbalance in the appropriation of the negotiation and knowledge of the margins for manoeuvre, the technical possibilities and the economic conditions that exist between countries.

1. Lack of financial estimates for policies and measures to be adopted to meet agreed commitments.

Few countries have carried out detailed forecasts prior to the negotiations that include scenarii that would enable the calculation of emissions' reductions for a given date. These calculations need to be based on committed public policies, their energy choices, the future evolution of the cost of energy, and the financial means mobilised. At the Kyoto Conference, only the United States and the European Commission (and not the member States) had done this. For the 2012-2020 period we can now add Japan, Germany and Great Britain to this list.

This implies that countries were negotiating blindly, taking rigid positions and tending to over-estimate the costs and turn a blind eye to the advantages, particularly the progress in terms of energy efficiency. The negotiation has reached a deadlock not because the proposals on the table are unfavourable to countries, but because proposals that have favourable outcomes have been blocked further upstream due to lack of visibility: risk reduction, improved energy efficiency, cost cutting...

2. Strong-arm tactics

The situation whereby there is an inability to appreciate the efforts and progress that are the results of commitments made, has contributed to the hardening of the negotiations. Countries often demand that other countries do more than they are in a position to achieve. Some situations can be a real godsend: in Kyoto, the transition countries managed to negotiate stability of their emissions between 1990-2012, at a time when their emissions had fallen by 30-40% compared with their reference baseline of 1990.

3. Visible alignment

As the negotiation was not founded on objective criteria, it was based on symbolic references. Thus in Kyoto, the main industrialised nations were confronted by the alignment on similar objectives. At the end of the negotiations, there was still a gap: -8% for the European Union, -7% for Japan, -6% for the United States. This alignment was not equitable: given the real levels of emissions, the figure

for the United States should have been highest, and that for Japan lowest. Such disparities weaken the legitimacy of the agreements.

4. The lack of rational approach to reductions' objectives

The two debates on the application of the Kyoto Protocol in 1997 and the Copenhagen Conference as well as subsequent ones, have demonstrated a serious pathology that in itself is actually eroding the possibilities of reaching an agreement: the lack of rational approach to setting emissions' reductions objectives.

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B. Commitments in the framework of the Kyoto Protocol

1. From 2009 to 2011: the uncertain future of the Kyoto Protocol

In spite of the initial will expressed by President Obama, the United States have not made the expected return that would have enabled the situation to overcome the deadlock.

In 2009, the United States once again refused to sign up to the Kyoto Protocol or to any other legally binding agreement whatsoever. Following the disappointment of Copenhagen, the election results for the mid-term elections of November 2010 in the United States then made it impossible to succeed in having a climate-energy law adopted until 2014 at the earliest. The Republican majority in the House of Representatives refused to introduce any legislation on climate policy. The American commitment to a 17% reduction in emissions for the 2005-2020 period is included in the Copenhagen Accord, and should be implemented by a law voted through Congress. If this objective of emissions' reduction of 17% by 2020 compared with the 2005 levels is only equivalent to a 3.7% reduction compared with 1990, they will have missed an important deadline in the policies being implemented. If in fact the mitigation objective were to have become law, it would have become a binding commitment at least in terms of national policy. This law would also have made it possible to create a federal market of carbon quotas and would have constituted a clear sign of commitment.

The impact of this would have been to:

- Incite emerging countries to commit
- Strengthen the will of industrialised countries that are already active
- Provide developing countries with new trust
- Strengthen the efficiency of flexibility mechanisms and support the value of carbon markets.

And thus re-launch the process. But the election results put paid to those hopes. At Cancún, the United States failed to put any national agreement that would have enabled a compensation for their failure to adhere to the Kyoto Protocol on the table. In the face of this, the emerging countries in turn refused to make any commitments or differentiation compared with other developing countries, basing their argument on the principle of historical responsibility, given the fact that the United States were trying to impose the conditions that they themselves were not respecting, something that is against all notions of equity. This obviously meant that the climate regime was shaken. As well as the issue of the level of commitments for the second Kyoto Protocol period, it is the very continuation of the agreement that was at stake: what was the legitimacy of an agreement that failed to include the biggest historical or the biggest future emitters?

As the end of the first period of commitment approached, no substitute solution was found to enable the Protocol to retain its strength. 2011 was therefore marked by the hardening of positions:

- The industrialised countries, Japan and Russia (the Russian Prime Minister even mentioned the possibility of his country's leaving the Protocol, last October), and Canada expressed their firm refusal to commit to a second period of the Kyoto Protocol, on the grounds that it only included a small number of the greenhouse gas-emitting countries. The Kyoto Protocol does actually include fewer countries with a high level of GHG emissions than the Copenhagen Accord that was confirmed in Cancún. And even though the latter has no binding effect, it did receive the official support of 139 States that represent almost 87% of global emissions.
- Furthermore, most of the developed countries were genuinely so behind in fulfilling their objectives that they did not wish to make further commitments that they would not meet. They therefore refused any binding agreement that did not include all the main emitters, including the United States and the emerging countries.
- Given this disarray, the European Union and other Annex 1 countries of the Kyoto Protocol failed to re-engage, in spite of being convinced of the need for this agreement, as it represents the only legally binding instrument of solidarity of the process. They made their commitment conditional to that of the other countries, allowing the threat of the end of the Kyoto Protocol to persist.
- The emerging countries refused any amendment to the Kyoto Protocol that would constrain them to any emissions' reductions and systems of verification of their emissions, as long as the United States refused to commit.
- In the face of all this, the developing countries, particularly the African countries and the Small Island States (AOSIS), took a firmer stance, and demanded the lasting implementation of the Kyoto Protocol, as the only solid framework for the climate regime that could financially support them, and deliver on the demands of respect of commitments.

There were therefore great fears of leaving the Durban Conference with the Kyoto Protocol placed under wraps for a second period, and the risk of an irreparable fracture between the developing and developed countries occurring.

2. Maintaining a much weakened Kyoto Protocol

In spite of these difficulties, the Durban Conference managed to succeed in keeping the Protocol alive, even though it is seriously reduced and deprived of many of its members.

Several groups of the industrialised countries now exist within the industrialised countries:

- The United States firmly maintain their refusal of any legally binding framework within the Kyoto Protocol; they have been joined by Canada, who has rejected the agreement.
- The countries partially remaining in the Kyoto Protocol, that have refused to commit in a binding manner for a second period are Japan and Russia.

The European Union, Switzerland, Norway, Iceland, Australia and New Zealand have committed for a second period. This leaves only those countries that had

already made commitments in terms of their national legislation.

However, even if some of the above query the validity and the interest of an agreement that includes only a minority of countries and represents a low proportion of GHG emissions, maintaining the Protocol is paradoxically increasingly indispensable. There is proof that without it, the commitments tend to slip further in a game of adjustments aligned with the lowest commitments made on the part of the industrialised countries.

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C. Gaps that need to be overcome

1. Political anaesthesia

Political paralysis is the result of political anaesthesia, and is fed by the lack of visibility as to the margins of manoeuvre of the countries on their own actions as well as those of other parties. A negotiation reaches a positive conclusion when all actors can evaluate the genuine margin for manoeuvre of the other participants. During annual conferences, each country arrived with great uncertainty on whether what was being negotiated would be adequate for their particular case. There was insufficient time to describe possible pathways for taking climate change into account, as well as socially acceptable rhythms for action for each country or group of countries (developed countries, emerging countries, less advanced countries and most vulnerable countries...). Yet inventing new pathways to low-carbon, development that is resilient to the impacts of climate change is the only solution to overcoming the risks of conflict and heading towards a form of management of resources that is based on solidarity and that can open up perspectives of a satisfying life for all.

2. The absence of an economically precise approach

The Stern report alone did not provide sufficient input to allow people to modify their perception of the implications of taking climate change into account. For most people, including the negotiators, it is perceived as a source of additional costs and loss of economic competitiveness. The economic advantages of improved energy efficiency through mitigation measures have never been sufficiently taken into consideration as a potential benefit. It is true that the economic crisis and the erratic price fluctuations of oil have increased the confusion. As long as the fight against climate change is considered as a handicap rather than as an opportunity it will be difficult to impact countries' positions.

3. Lack of hierarchy of subjects

The main issues that have caused a deadlock have not always been clearly identified. This has led to a certain inability to reach potential compromise, or to untangling the other strands of the discussion. There has never been any real discussion held on each country's priorities, or how to try to identify the best approach to the negotiations. Deadlock was the result of the following three key central issues:

- The level of commitment of industrialised countries and the framework that would guarantee their respect
- The emissions' path that needs to be respected, based on scientific analysis
- The guarantee that all countries would have access to development
- Furthermore, there has been no early compromise on the points that would

enable trust to be built that would have proved their commitment and the goodwill of all the countries involved (such as funding). For many negotiators, putting proposals on the table was perceived as synonymous with taking additional risks without any guarantee of a counterpart, and was perceived as a sign of weakness.

4. The true evolution of emissions' pathways

The analysis of the real emissions' pathways shows an impressive contrast over 20 years. Some countries have more or less met their commitments in terms of emissions' reductions (mainly by massive coal-fired electricity production to replace gas as well as improved energy efficiency), whereas others have totally slipped, and have failed to put effective policies in place to reduce their greenhouse gas emissions.

This goes hand in hand with the considerable obscurity of the negotiations. This is the result of insufficient discussion both within the negotiations process on certain major but delicate issues, but especially within civil society as a whole. It is obvious that thus far public opinion in various countries has not been sufficiently informed about the required level of reduction in greenhouse gas emissions and the potential choices for achieving this.

5. Lack of discussion, efforts to clarify and democratisation of the issues

This has had two impacts:

- Firstly, the progressive failure of the media and the population at large to take an interest in these negotiations, especially following the disappointment at what was all too often presented by the media as the total failure of Copenhagen. Thus the feeling that no major progress was possible has led to gross disinterest or even rejection of the United Nations' negotiations framework, and worse still, of the issues of climate change itself. This can be seen by the increasingly limited presence of media, civil society, economic actors and academic institutions at international conferences, where the hard core of civil servants of the ministries and diplomats are taking part, even if the secretariat of the UNFCCC encourages these sessions to be as open as possible to "observers".
- Secondly, the rise of "climate sceptics" and worse still and even more pernicious, of "climate pessimism". This is largely fed by the predicted failure of the negotiations, and the claim that they are unable to remain within the recommended limits recommended by the IPCC. This pessimism is all the more dangerous as it feeds the fear of and stops action by leaders who believe that it is too late to save the situation. Solutions do however exist, and actors all over the world are taking action. Human and environmental damage are unacceptable and irreversible if we persist in a 'wait and see' attitude.

Fortunately both the Cancún and Durban conferences enabled the human community to remain together in the collective framework of the United Nations negotiations. The involvement of local government, companies as well as of various associations, people and of each and every citizen in the world will be as determining a factor as the progress made in the commitments made by States. Training, information, understanding what is at stake, and capacity building in developing countries are all determining factors of how the process will unfold. Obviously, the success of the new agreement will be proportionate to the numbers of people involved.

In order to avoid past mistakes and achieve an ambitious agreement, it will be necessary to move forward in the next cycle of negotiations, and to follow the rules of negotiation.

This same process will also need to grasp and include the realities of a world in a state of constant change, a world that is very different from the one that saw the birth of the Framework Agreement and the Kyoto Protocol.

3 • Considering the profound transformation of economic balance in a world of change

The current framework and way in which efforts are shared, is based on the distinction between developing and developed countries, and is no longer satisfactory.

The key principles that underpin equity in the Convention - the “common but differentiated responsibility” and “the right to development” in particular were anchored in a context of quasi-duality between developed and developing countries; they were defined on the basis of levels of wealth and rates of GHG emissions. But the current geopolitical, economic and environmental reality has evolved considerably as has the understanding of what is at stake. Thus the developing countries have observed that as the main victims of climate change, they need to make efforts to reduce the impacts and take a different path from the one hitherto followed by the developed countries as well as the emerging countries, and find their place in the framework of the future agreement

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A. The categories that represented the countries at Rio 92 are increasingly outdated

The Rio Convention established two categories of countries:

- The Annex 1 countries, i.e. OECD members (based on the 1990 membership) and countries that belonged to the ex-URSS and Eastern European communist countries. It is worth noting that this list omitted countries whose per capita emissions were also high, such as the oil-producing countries of the Persian Gulf.
- The non-Annex 1 countries, i.e. the developing countries.

Categorising countries in this manner corresponded to a date (1990) when the countries that are now qualified as emerging had not yet begun their economic growth; this was taken up in the Kyoto Protocol in an identical way for the 1990-2012 period.

During the recent negotiations on the second period of commitment to the Kyoto Protocol (2013-2020) (involving the European Union, Switzerland, Norway, Iceland, Australia and New Zealand), where the promises expressed by countries outside the Kyoto Protocol but involved in the Rio Convention (the United States, Japan, Russia and Canada), the divisions remained the same. The desire of Annex 1 countries to see commitments applied to emerging nations ran into a brick wall. Furthermore, the way in which an emerging nation was to be distinguished from a developing country was never specified.

The feeling of injustice that sprang from the rather inequitable way in which commitments were decided, strengthened the need for a renewal of the basis of negotiation, in order to adopt a legal framework that takes current change into consideration. In order to do this it would be necessary to override the categories of countries as determined in the Rio Declaration, and taken up in subsequent agreements. This would also imply a fairer way of sharing funding (that thus far has mainly benefited emerging nations via the flexibility mechanisms, rather than the least advanced countries that it was originally aimed to support).

Since the Copenhagen Conference the contours of global cooperation in the fight against climate change have become rather uncertain. The lines that govern the negotiations are constantly shifting, becoming more complicated and interwoven at each session.

This is due to two main changes:

- The notable absence of any real leadership by any given country, combined with the deep division between developed countries
- An increasingly strong level of disagreement between the groups created in 1992, and the current reality of countries. The rise to power of the emerging nations, the oil-producing countries, and the appearance of countries in an intermediate situation has blurred the distinction between the developed and the developing countries. This has resulted in the emergence of new “sub-groups” of countries.

A new geopolitical framework has emerged since the period when the Rio Convention and the Kyoto Protocol were signed. It is now marked by financial, social and political crises. Globalisation has enabled new economic and political powers to develop, and the historical leaders have to adapt to working with these new actors. There is rivalry between increasingly powerful blocks, with nobody prepared to make concessions. No single country is now capable of leading the negotiations or of determining their path. The basis of the global architecture of the struggle against climate change needs to evolve, if we do not want the current insufficiencies to become insurmountable. Copenhagen demonstrated that certain countries could not take decisions on behalf of the entire planet.

Although the climate negotiations may have become more complex, the founding principles of the negotiation have remained the same. This is where the various interpretations including the contradictions of the principle of responsibility and the right to development lie. In Durban, this went as far as clearly undermining the categories, and positioning the basis for equity.

The world is changing at pace that is faster than that at which international agreements are drawn up and signed. And frequently it takes a major event to shake up and restructure international law. This is the process that was triggered in Copenhagen and consolidated in Durban. We shall need to both go beyond and especially add to the existing categories of countries that have existed since the Rio Declaration, and that were reiterated in the subsequent agreements. This would enable both a better sharing of funding and a fairer distribution of the effort to cut emissions.

These deep changes would have certain consequences on the alliances that have been built between States in the course of the negotiations.

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B. New alliances in the negotiations

Durban as well as the 2012 session were both marked by deep change within the groups of countries involved in the negotiation process, including deepening divergence and new alliances that have emerged.

1. The alliance between the EU and the developing countries.

The European Union was the long-standing leader of the climate negotiations. In Copenhagen and Cancún they were neutralised by the rise of the emerging nations and the strong-arm tactics of the United States.

They represent the leading regional carbon market, and growing investment in energy policies and the “3X20” Energy/Climate package for 2020. The European Union remains by far the most active pole in terms of emissions’ reductions. They are also the only group that is likely to meet their Kyoto commitments. They were nevertheless isolated during the Copenhagen conference. Thus marginalised, they were obliged to accept a compromise text that was far below their expectations, and that had been directly concluded between the United States and China.

In Durban however, they played the expected role of mediator. By recommitting to the second period of the Kyoto Protocol, they regained the trust of the African countries and that of the Small Island States. This subsequent convergence enabled a bloc to be built, and warded off the risk of total deadlock in the negotiations. This risk was founded in the disappointment of the most vulnerable countries.

2. The emerging countries

Since Copenhagen, the emerging countries, and China in particular, have imposed themselves as essential members of the negotiations. They have demonstrated their ability to impose their conditions on the industrialised countries, particularly the United States. The emerging countries played a major role in renewing the legitimacy of the multilateral process in Cancún, as well as in the fact that an agreement was reached. They now form the BRICS group, and are united by generally converging interests and similar phases of development; they constitute a strong alliance.

By accepting the idea of an agreement that would set their commitments as of 2020 in Durban, they took a genuine step forward in the negotiation process and thus clearly differentiated themselves from the United States. They also stated their refusal to play the role of scapegoats or to take responsibility for potential failure. Nevertheless, the 2012 sessions have identified difficulties. China in particular has no intention of making any commitments without a financial and technological counterpart. They are categorically refusing the idea of clear differentiation from other developing countries. India has been more reticent to the idea of legally binding commitments since Durban, and argues that the low level of development of the country and the huge social and economic disparities should be taken into consideration. It will be essential to solve the issue of equity for this country if it is to sign up to the next agreement.

The BRICS group

This group shares a number of characteristics (demographic weight, growth of their GDP, increase in national GHG emissions...). Brazil, India, China and South Africa created the BRICS group that negotiates according to their own interests. Although it is not possible to speak of an official strategic alliance, these States officially negotiate within the G77. The group has continued to grow stronger since the Copenhagen Conference.

In the negotiations they use the concept of the “carbon budget” – an indicator of the way in which emissions are equitably shared, and the principle of “common but differentiated responsibilities”. Although the 4 BRICS countries do not have the same theoretical foundation of the concept of equity, and the solutions they envisage are different, they all underline the historical responsibility of the developed countries and refuse to commit before 2020.

The alliances and strategies of convergence that could work between the emerging countries and other groups, particularly the developing countries show that the Africa group and the least developed countries are all essential in building the necessary trust to conclude a future climate agreement. The European Union has a potential role to play here in terms of mediation.

3. The isolation of the United States

The United States have a dramatically high level of per capita emissions (19.3 tonnes of CO₂ per person in 2006), with a big increase in emissions since 1990. They are now in a tricky position. The question of countries’ commitments and their legal form can only be re-discussed after a Federal law is passed on climate-energy. And this can not now take place before 2014 (it requires a 2-year preparatory period).

Only a dynamic initiative on the part of the federal States and companies would enable a correction of the current emissions’ reductions pathway to take place.

The country has been marginalised by their refusal to accept any legally binding framework. In Copenhagen they got involved in a strong-arm situation with their main rival, China, by trying to impose conditions concerning the verification of their actions. In Durban, they brought pressure to bear on the developing countries by advancing the possibility that they would not commit to any Green Fund and would not contribute to such a fund should the agreement not be accepted this year as it stands.

Their position encouraged a movement of withdrawal by those countries that had committed to the Kyoto Protocol, reduced the efforts made by other countries, weakened the potential commitments of emerging nations, and reduced the funding earmarked for the developing countries. Yet this attitude could ultimately be turned against them by:

- Proving to be favourable to China, their main competitor, who is putting their country’s national will to reduce GHG to the fore, given the lack of American commitment
- Exasperating animosity and the lack of trust of developing countries and instituting public disapproval in global public opinion
- Progressively compromising their possibility to sign up to an emissions’ pathway that corresponds to scientific needs and that is coherent with that

of other countries; ultimately it has become inevitable that they shall have to correct the emissions' pathway. The greater the gap, the more painful this will prove to be.

The strategy of the developing countries, the European Union and the emerging nations will be crucial in the negotiation phase of the Durban Platform as far as the United States are concerned: they will need to work as one to achieve an equitable climate agreement.

Their degree of commitment this year will also prove decisive for the negotiation process.

Focus on:

The impact of Sandy on the American electoral campaign

Until this dramatic event occurred, the issue of fighting climate change had not been present in the Presidential campaign debates. Yet the country is regularly being affected: there are temperature increases, exceptional droughts in the Mid West, fires and hurricanes.

Although Mitt Romney did not express any opinions on the subject, Obama recognised the importance of fighting climate change and the difficulties encountered by his government in progressing on this issue: "We have not progressed as fast as we should have. It is a problem that future generations are going to have to face, even more than the previous generation".

Although opinion polls show a very low level of awareness of public opinion on the issue of climate change (49% of the population considered that climate change is induced by man, one year after Katrina), public opinion now credits President Obama for his immediate involvement (78% of public opinion). Thus from Katrina to Sandy, there has been a marked change in American recognition and collective awareness.

Barak Obama was re-elected on November 6th for a second term of office. In spite of the forecasts of a very close result, and the risk of political deadlock on all issues where there is deep disagreement, irrespective of the winner, (with a divided Senate and the House of Representatives returning a Republican majority), the outgoing President was returned with a solid majority. The clear defeat of Mitt Romney will force Republicans to re-examine their ideological foundations, particularly on the issue of climate change. Michael Bloomberg, the Mayor of New York (an independent) supported the outgoing President, considering that he was most likely to take serious steps in the fight against climate change. All the States of the Great Lakes also voted for Obama.

"The increase in the number of extreme climate-related events that we have experienced in New York and elsewhere in the world may or may not be linked to climate change, but the probability is that this is the case (...) and this should suffice for all elected leaders to take immediate steps." [Michael Bloomberg](#)

Although Obama's first term of office was disappointing on climate issues, the change in public opinion on this subject, and the increasingly visible impacts of climate change have now changed the situation. The President made clear

reference in his victory speech, to the climate issue, as a threat to future generations. By thus doing, he posed the question of the fight against climate change as one of the major stakes for this mandate, as well as those of debt reduction and fighting inequalities.

In the first speech he made after his re-election Barak Obama declared:

“For our children’s sake, we want a country that is not weighed down by debt, that is not weakened by inequalities, that does not have to fear the weapon of destruction that climate change represents”.

The question that this poses is whether it will now be possible to have a majority in the House of Congress in favour of the climate-energy Bill that has been blocked since 2008. Mitt Romney, echoed the call by President Obama to Republicans to overcome their divisions, and emphasized the will to cooperate with the Democrats, which is something that would avoid political paralysis on key issues.

If there were to be an agreement to take up the climate issue in Congress, this would provide a major opening for international negotiations on the fight against climate change, as well as hope for the process of drafting and implementation of the future agreement...

4. Subdivisions within the negotiation groups.

The increasing gap in the situations between countries is leading to different strategies being deployed. A major axis was thus outlined in Durban: the European Union - emerging nations - the developing countries, the least developed countries and the particularly vulnerable ones.

Confirmation of a subdivision in the Annex 1 countries

This sub-division within the developed countries was already visible in Kyoto. There are two categories of countries whose emissions’ pathways are increasingly divergent: the “full” and the “empty” countries.

The full countries are those that have a high population density and that have used up their fossil fuel resources and other raw materials. They therefore suffered more from the oil crises of the 1970s and were obliged to make progress in terms of greater energy efficiency. This concerns mainly the European countries and Japan.

The empty countries are those developed countries that have only recently become more populated. They have important resources in combustible fossil fuel and other raw materials. As they have never had to confront the issues of access to resources, they have developed very invasive life-styles with very high levels of GHG. These countries include the United States, Canada, Russia and Australia.

In the course of the negotiations, the positions adopted by countries belonging to these two categories has varied, but all in all, the typology remains the same, and the gaps in the emissions’ pathways continue to grow. The typology of the developed countries explains the scale of the divergence that exists between Europe and the United States.

Subdivisions within the G77

The G77+China is less and less closely knit, pulled this way and that by diverging interests. Subgroups are making their presence felt on an increasingly frequent

basis: OPEC, the Africa Group, the so-called AOSIS/SIDS, the less developed countries, and especially the sub-group of the emerging nations (BRICS). These differences are caused by the increasing development gap between the emerging nations and the other developing countries. It is also due to the differences that stem from the energy resources of the countries and their degree of vulnerability to climate change.

The industrialised countries, with the United States in the lead, wish to see emerging nations obliged to accept an MRV system (Measurable, Reportable, Verifiable). But this would imply introducing a form of differentiation between those emerging and other developing countries. And this differentiation has until now been refused by the emerging countries, as it would imply their having to accept new obligations.

Their resistance to having different obligations from the less advanced developing countries is increasingly poorly perceived by the vulnerable countries and Island States, for whom China's, Brazil's and India's growing emissions represent a danger to climate. This is all the more true as the emerging nations are increasingly negotiating directly with the industrialised countries outside the framework of the G77, in the BRICS group. Thus, for the first time in Copenhagen Africa spoke in a single voice to defend their interests, representing the majority of LDCs and expressing themselves independently from the G77.

Parallel to this decision of the Durban Platform, technical decisions were also taken to enable the operational implementation of the Cancún Agreements.

Converting decisions taken in Durban into operational mechanisms

The other major parallel issue is the Durban Platform, and the commitments made in 2012 by countries to strengthen the operational framework.

The mandate given in Durban was to make the instruments that had been developed in previous years operational for adaptation to the effects of climate change, reducing deforestation and technology transfer. The conference ended with the Conference of the Parties adopting 19 decisions in the name of the Rio Convention, as well as 17 decisions by the Meeting of Parties, under the Kyoto Protocol, and by validating much of the work carried out by subsidiary bodies. The importance of the role of both public and private local operational actors was highlighted, as well as that of civil society as a whole. This opens the door to new forms of cooperation.

As well as the declarations concerning the ambitious level of emissions' reduction that is required, the Durban meeting also took decisions to implement some of the 2010 Agreements of Cancún, including the launching of a Green Climate Fund and the introduction of stricter requirements concerning measurement, reporting and evaluation of the mitigation efforts made by countries (MRV).

1 • The financial framework

The question of funding for developing countries was included in the Bali Action Plan as a sine qua non condition for action by these countries, and stemming from the historical responsibility of the industrialised countries to the most vulnerable who are affected by the impacts of climate change, for which they are least responsible. The developing countries see the effective transfer of this funding for mitigation and adaptation as proof of the goodwill and genuine commitment by the developed countries. This crucial point has been at the heart of discussion since Copenhagen.

Focus on:

Commitments to funding from now to 2020

A “Green Climate Fund” was planned in Copenhagen; it was effectively created in Cancún. The Green Fund aims to provide funding for mitigation as well as adaptation. It was not, however followed by any serious announcements of contributions whatsoever. In Cancún, the countries created a box, that for the moment has no contents; they put off taking decisions on the means of implementation until Durban.

The level of funding required to fight climate change is quite considerable, and is estimated as equivalent to the current level of all Public Development Aid (100 billion dollars a year by 2020). This is not an agreed sum. It is very difficult to calculate such an amount and separate out the additional costs of investments that would already have been made. The size will need to be re-evaluated in the face of facts. There is no genuine estimate of either the current contribution to the fight against climate change nor of that made by the international financial institutions to the developing countries, including that of the private sector, NGOs, and private foundations. This work is a necessary part of clarification and facilitation of access to funding.

Short and long-term financial commitment

The Cancún Conference confirmed the commitment made in Copenhagen that developed countries would mobilise:

- 30 billions US\$ between 2010 and 2012, sharing the funds equally between adaptation and mitigation and via “new and additional” funding. The determination to distribute funds for adaptation to the most vulnerable developing countries (LDCs, AOSIS, Africa) was confirmed.
- This sum is supposed to reach 100 billion US\$ per annum by 2020, in order to meet the developing countries’ needs. This commitment has now been directly and explicitly linked to implementing significant mitigation actions by the developing countries, and to transparency on these actions (MRV and ICA⁵). No new source of funding that would enable genuine fast implementation has however been identified in the various reports, including that of the High Level Consultative Group.

Early funding

Early funding is planned for the 2012-2020 period. The key role is to support developing countries in preparing projects and programmes as well as mitigation and adaptation for the post-2012 period. There were promises that the priority for early funding would be to channel it to developing, the least developed and most vulnerable countries.

The 2010-2012 period should be a period for preparing solid projects to enable the least developed countries to attract and use so called “long-term” funding in an optimal manner.

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⁵ (International Consultations and Analysis)

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Early funding aims to:

- Strengthen human, technical and institutional capacities of countries
- Identify priority projects
- Implement pilot projects, with quick evaluation and feedback
- Build mitigation and adaptation plans and implement them at national level and not just on an occasional basis
- Design projects that can be replicated and that make it easier to take a sectoral approach and gain better leverage.

However, in spite of the commitment announced by the industrialised countries, the period of early funding has not had the expected results:

- Few countries were genuinely transparent on their effective contributions
- Funding was often “recycled” development aid rather than genuinely new and additional funding
- The share between mitigation and adaptation was in no way balanced, always to the detriment of the latter
- Insufficient funding has been allocated to capacity building.

Long-term funding

The discussion on the allocation of long-term funding is completely open, but the debate in Cancún highlighted the following needs to:

- Estimate the needs by theme and by sector, including for capacity building and supporting the elaboration and implementation of public policies
- List the projects being drafted for each theme and their need for funding
- Estimate the long-term capacity of sectors to absorb financial flows
- Establish priorities that take the efficiency in reducing emissions of projects into account
- Evaluate projects’ capacity to raise other funding based on profitability of actions

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A. Making the Green Fund operational at Durban

In Durban, following very tough discussions and a deadlock involving the United States and Saudi Arabia, a decision was reached that the Green Climate fund would be an inclusive, balanced instrument falling under the auspices of and accountable to the Conference of the Parties. The Board of Administration will be made up of 24 members, with equal representation between developing and developed countries. The World Bank, in spite of the reticence expressed by many developing countries on this point, was designated as the authorised representative of the Fund for a period of 3 years, in order to enable the Fund to begin operating quickly. The interim secretariat will be in Bonn, with Germany as the host country for lack of any consensus on the subject.

Nevertheless, even if the rules of governance have been decided, the crucial issue of the source of funding - that should be both new and additional - has not been resolved. This strongly undermines the possibility to have a quick, effective start-up for this financial instrument. Only Denmark, South Korea and Germany have thus far announced the sums that they intend allocating to the Green Fund. As to the long-term funding that would enable the 100 billion dollars promised to become reality by 2020, things remain vague. The countries only managed to agree on establishing a working group for 2012, connected to the G20 on climate finance. Reports will be carried out on the possibility of implementing a tax scheme on international freight (concerning international air and sea freight).

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B. 2012 : The first steps of the Green Fund

This year has seen the effective establishment of the Green Fund, and the first meetings of the Board have taken place. This has all been five months delayed, due to the failure of Asian and Latin American countries to reach agreement on their choice of representatives to the committee. Nevertheless the first meeting took place in Geneva between the 23rd and the 25th of August. It dealt essentially with administrative and procedural issues.

- The election of the co-Chairs for a one-year period: Zaheer Fakir of South Africa (who is also co-Chair of the long-term funding programme) and the Australian, Ewen McDonald.
- The fund's host: Switzerland, Germany, South Korea, Mexico, Namibia and Poland all officially presented themselves as official candidates to become members of the Executive Council of the Green Fund. The last meeting of the Green Fund was held in South Korea from the 18th - 20th October. There was a consensual decision taken that the city of Songdo in South Korea would host the Green Fund secretariat. This decision is expected to be confirmed by all the Member States in Doha.

The most difficult issues have been set to one side for the moment. They are:

Contributions to the fund:

Over and above issues of logistics, the determining factor will be the way in which the Fund, which is currently empty, will bring together 100 billion dollars a year as of 2020. The developing countries insist that the most important source of funding be public, and contributed by the developed countries, whereas the latter favour important mobilisation by the private sector. Another contentious subject is the role of the big emerging nations, starting with China. The question is posed by certain developed countries, including the United States, of the participation of the emerging countries' contributions to the Fund. They in turn

refute this idea, claiming the historical responsibility of the developed countries. The Fund could be an instrument to enable different existing but often either under-utilised or scattered funds to converge. It aims above all to be an instrument of financial coordination. It is important to avoid it leading to centralisation of funding in a single fund that would be even more rigid than the existing international channels.

The participation of civil society

For the moment, the arrangements that were adopted in Durban do not provide any voting rights to observers. The formal, concrete regulations (voting rights, right to intervene, time allocated for speakers...) concerning civil society's participation in this Fund still need to be defined.

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C. Issues to be decided in Doha

In Bangkok, the developing countries insisted that the developed countries fill the gap in funding and restated their commitment of supplementary resources, particularly for adaptation. Thus the G77+ China adopted a joint position to move forward on the issue of the gap between the early funding (2010-2013) and the beginning of the long-term funding, based on the 2020 timeline.

Guidelines on the medium-term funding framework were written by the AWG-LCA group in Bangkok in late August. Three options emerged:

1. Reaffirm the commitment of the developed countries to meet the objective of mobilising 100 billion dollars a year by 2020 to meet the needs for mitigation and adaptation
2. Engage with the developed countries to commit fresh, supplementary resources
3. No text.

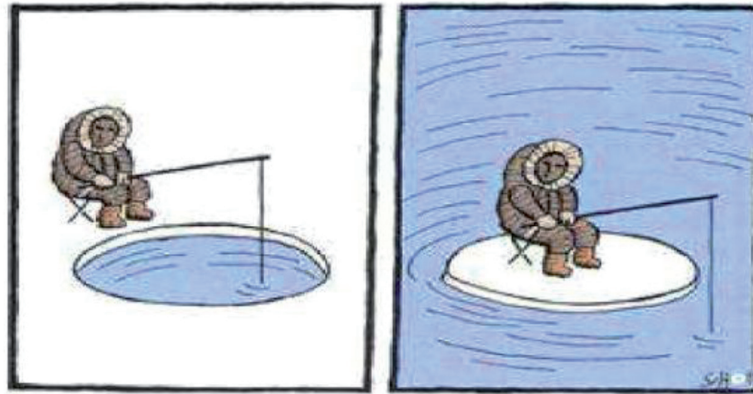
In order to avoid the Green Fund remaining an empty shell, Doha will need to progress on the issues that remained in suspense in Bangkok:

- Establish procedures that will guarantee the accessibility, transparency and inclusiveness of the Fund;
- Designate a director for the Fund's secretariat. This political choice will determine the orientation of the Green Fund
- Prepare a precise time-line and work programme
- Determine the links with other bodies and UNFCCC funds
- Define the precise role of the Fund in terms of complementary funding to the already existing funds as well as the way in which investments will be made and loans granted.

The way in which the Fund becomes operational as well as access to funding will be indispensable both for countries to implement their mitigation actions as well as to raising their level of ambition, but also to enable developing countries to adapt to the impacts of climate change. The issue of adaptation remains the priority for the most vulnerable countries.

2 • The adaptation framework

Savoir s'adapter



2008

2020 ?

Climate change knows no borders. It has multiple impacts that are as yet not well known: increase in the intensity and frequency of natural disasters, droughts, desertification, flooding, cyclones, modification of annual rainfall...the climate episodes have for several years been on the increase, with floods in Thailand, heat-waves in Australia, drought in Russia, cyclones in the United States, waves of bad weather in Europe...and they have all harmed local populations, particularly the most vulnerable, as well as impacting national economies.

Many countries are likely to see all or part of their land submerged by water, due to a phenomenon for which they are not responsible, and over which they have no control. Other countries will have to host the first “climate refugees”, who are victims of the rise in sea levels, or crop loss.

The 5th IPCC report, due in 2014 is expected to provide precious insight into these impacts, and will provide more localisation of the effects of climate change. The extreme weather events should not hide the “slower” changes that are affecting soil, biodiversity, water resources and that are impacting production in the developing countries.

Unanimous recognition of the importance of adaptation

Although the issue of adaptation was only broached in general terms before the adaptation Fund was created, the subject has since been the focus of increased attention in negotiations, due to the increase in serious climate-related events. The need for adaptation has been moved up the agenda by the most vulnerable countries (particularly the Small Island States, those countries with a low-lying coastline, and arid countries, particularly those of the Sahel), and is supported by the NGOs. The Bali Action Plan identified the need for “strengthening adaptation actions” as one of the four pillars required in the fight against climate change.

For these countries, adaptation is a key criteria of equity, and should be a priority in any new agreement in 2015. This demand leads to the need for genuinely operational financial capacity.

Unfortunately the issue of adaptation is of more interest to the beneficiary countries than to the donor States. The developed countries are more strongly mobilised to make financial contributions to mitigation policies in the developing countries than to those aimed at adaptation. This can be explained by the fact

that mitigation actions that have a direct influence on the future climate benefit all countries, and are often economically speaking more profitable. Adaptation is first and foremost a response to social issues of the countries requesting this support (at least for the moment).

Adaptation actions

After fifteen years of preparation, the developing countries are requesting agreement on their adaptation actions and are raising the following two questions: How do we define an adaptation action? What actions will be funded?

The actions that will be put in place will differ greatly from one country to another, which makes it all the more difficult to create any single uniform nomenclature for actions that are entitled to funding. Although some are of an organisational nature, easy to put in place and low in cost, on condition there is support in preparing and training, others will be very expensive, and have no foreseeable financial return in any meaningful economic time-frame. And although the organisational, regulatory and behavioural measures are not costly, they require a great deal of educational and democratic progress to be made, if they are to prove effective.

The difference in actions to be put in place does not only depend on the degree of risk to which countries are exposed, but also on their level of development, the geographical condition, and their type of economic activity. Adaptation covers very different aspects that include:

- Planning and implementation of short and long-term regional and national adaptation actions
- Evaluation, management and sharing of risks: prevention, rescue, reconstruction and planning
- Research and systematic observation of climate phenomena
- Capacity strengthening in planning, information gathering and implementation
- Education, training, awareness-raising
- Strengthening the institutional base: the coordination mechanisms, focal points, national and local institutional capacities
- Strengthening of ecological and social systems (economic diversification legislative and administrative actions, protection of natural resources...), such as changing agricultural practice, careful management of water resources, work to protect the coastline, adaptation of buildings
- Research-development, dissemination and transfer of adaptation technology
- Impact evaluation of vulnerability and cost-benefit analysis of adaptation
- Implementation of actions identified in NAPAs (National Adaptation Plans of Action), national communication, technological needs analysis (TNAs) and poverty reduction strategies.
- The importance of indigenous and ancestral know-how and greater gender equality also need to be taken into consideration in designing adaptation projects.

Countries disagree on the definition of vulnerability. This means a de facto disagreement on the field of definition and application of adaptation. Thus if Saudi Arabia wishes to see a broad definition of vulnerability (to climate change and adverse effects of mitigation measures), other countries (led by the EU) wish to limit the perimeter of adaptation to the impacts of climate change alone.

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A. The adaptation framework agreed in Cancún

Adaptation was again considered as a major challenge in Cancún, as one that all countries would have to face, as well as the financial and technological support that needs to be provided by the developed countries.

In order to structure these principles, “The Cancún Adaptation Framework” was created, under the auspices of the Convention. This framework created an Adaptation Committee, responsible for improving the definition, the implementation and the funding of actions and adaptation plans in countries, particularly by establishing international centres for cooperation. Durban enabled this framework to become operational.

Focus on:

The objectives of the Adaptation Framework

This framework aims to encourage, develop, improve and increase:

- Implementation of actions, programmes and plans identified in the NAPAs by the LDCs
- Carry out technical and economic evaluations on the different adaptation options available
- Coordination and cooperation, especially on migrations and relocalisation of people
- Technology transfers and capacity building for adaptation and resilience to climate change of all actors, at all levels, with synergy between international, national and local spheres
- The inclusion of all actors at all levels with synergy between the international, regional, national and local spheres.

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B. The process of supporting the Least Developed Countries (LDCs)

A second decision concerns the process that would enable the least Developed Countries to formulate and implement national adaptation plans, based on the experience of NAPAs (National Action Programmes of Adaptation), in order to identify the long-term adaptation needs. These NAPAs aim to strengthen resilience through the increased adaptation of capacities of the developing countries. The objective is to develop programmes that will enable improved risk evaluation and provide the most appropriate solutions to reducing vulnerability.

Countries are encouraged to develop regional centres to address this issue. Cancún also called for the creation of an International Centre, situated in a developing country, and aimed at increasing and improving research on adaptation and international coordination.

In order to encourage transparency, accountability and the dissemination of best practice, countries are encouraged to use the existing channels to provide information, particularly on support provided and received for adaptation actions, the progress made, lessons learnt as well as difficulties encountered.

These guidelines were defined in operational terms in Durban to support the drawing up and implementation of National Action Programmes of Adaptation (NAPAs) in the developing countries and in particular for the least developed countries (LDCs).

Nevertheless, the lack of visibility and of guarantees concerning the transfer of funds in favour of adaptation via the Green Fund is slowing down discussions. The lack of funding for the adaptation action plans over the last 8 years in the LDCs needs to be resolved.



C. The Adaptation Committee

As had been foreseen since Bali, an Adaptation Committee was created under the auspices of the Convention, to promote the implementation of adaptation actions. In Durban the composition of the Committee was validated. Its mission is to promote the implementation of actions, provide technical support and act at a financial level. The 16 members that are members of the steering committee include representatives of the five major regional groups of the world , as well as certain very vulnerable countries (Small Island States and least advanced countries in particular). The Committee will be open to observers, - researchers, NGOs, local governments - and will work with regional agencies and the different levels of institutions.

- Their work priorities will be multiple, and will include:
- Capitalisation of experience and understanding of vulnerabilities, particularly those that concern the impacts on the availability of water resources and approaches based on the preservation and restoration of ecosystems
- Evaluation of loss and damage suffered by countries: the question of an international insurance mechanism (currently under consideration by the SBI - Subsidiary Body of Implementation - is on the Doha agenda.

⁸ Au sens onusien, les 5 grands groupes sont : Etats d'Afrique; Etats d'Asie; Etats d'Europe de l'Est; Etats d'Amérique du Sud et des Caraïbes; et Etats d'Europe de l'Ouest et autres Etats.

Focus on:

Adaptation funding: sources and beneficiaries

It is essential that the developed countries provide long-term financial, technological and capacity building support. This needs to be on an increasing basis, additional, new and planned in a foreseeable way. The priority should be to channel this funding towards particularly vulnerable countries, and aim to meet the most urgent needs. Nevertheless no definition has as yet been provided for these terms and no precise figures have been announced. It is absolutely essential that the needs for funds be evaluated in order to define the means of funding them in accordance with the priorities and needs that are expressed. The possibility of supporting the funding via an auction of emissions' quotas allocated remains unresolved.

The Adaptation Fund

The Adaptation Fund established under the Kyoto Protocol became operational after having suffered from a lack of funding for many years (particularly to support the NAPAs). In 2010 two projects were accepted.

The first of these is an African project; it was conceived by Senegal, the first country to have had its National Implementation Entity (NIE) accredited. It emphasises the fight against coastal erosion and the rise in sea levels. This project insists on the importance of participatory management involving Local Authorities and vulnerable populations in the decision-making process.

The second project to have been approved is in the Honduras: it is aimed at reducing the vulnerability of the poorest households to climate change in the region of the capital, Tegucigalpa, by improving water management.

For the moment, only the UN organisations and the multilateral banks have access to the Fund's finance. Facilitation of access to the Adaptation Fund is included in the Kyoto Protocol, but has never been resolved. The possibility of levying sums for adaptation from the new market mechanisms that will be created, of an increased sum paid by the Clean Development Mechanism over and above the existing 2%, as well as enlarging the "share of proceeds" to other instruments, are all questions that remain unresolved. The introduction of a framework for adaptation will be a step in the right direction. It will also be necessary to focus attention on sharing the Green Climate Fund finance in a balanced manner between adaptation and mitigation; or run the risk that as only the latter provide a rapid return on investment, that the former not be funded.

The mechanism for fighting loss and damage

The work programme includes reference to an international mechanism to cope with loss and damage. It was initially proposed by the Small Island States (AOSIS). A work programme was established in 2010 to study the different approaches aimed at climate change-related loss and damage limitation to which the most vulnerable developing countries are subjected. The Parties had been invited to submit their opinions on the elements that should be included in this programme by February 2011. In the light of

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the elements submitted, a document and recommendations on loss and damage were presented at the 18th Conference of the Parties.

In Durban, the work programme had three orientations:

- Risk evaluation
- List the approaches and tools that exist at different levels, including the risk management linked to extreme weather events as well as the long term impacts
- Define the role that the climate Convention could play

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D. Work programmes on loss and damage

1. The Work programme on Loss and Damage

In Durban the countries decided to launch a work programme on loss and damage in the framework of the subsidiary body of the implementation of the Convention (SBI). The idea was that the most vulnerable countries would enjoy increased protection against loss and damage caused by extreme climate events.

This particularly involves experts evaluating the risks as well as the losses and damages linked to the impacts of climate change, and proposing remedial strategies.

This point will be on the agenda of the Doha Conference.

2. The Nairobi Work Programme

Focus on:

The Nairobi Work Programme

The UNFCCC established a work programme in 2006, aimed at supporting countries to:

- Gain better understanding of the impacts of climate change and vulnerability
- Strengthen their capacity to take informed decisions on adaptation.

This programme is implemented by the Parties, the intergovernmental and non-governmental organisations, the private sector, the communities and other actors.

It focuses on:

- Methods and tools
- Data and observations
- Modelling, scenarii and study of climate phenomena
- Climate and extreme phenomena-related risks
- Socio-economic information
- Adaptation planning and practice
- Research

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- Adaptation technologies
- Economic diversification

The work programme is connected to the other adaptation activities of the UNFCCC:

- NAPAs
- A database on local adaptation strategies that includes strategies and knowledge of communities that have adapted to risk or to specific climatic conditions.
- Other mechanisms for implementation and funding.

It was evaluated and extended in 2010, and is now evolving towards greater transparency and sharing of knowledge between regional, national and supranational actors. Two new themes are included in the agenda: the understanding of the impacts of climate change and the availability of water resources and approaches based on the preservation and restoration of ecosystems.

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E. Expectations for Doha

Progress needs to be made in Doha on:

- The means of implementing adaptation
- Losses and damage
- Funding for the 2013-2015 period
- Links with funding, national adaptation plans for countries other than the LDCs
- The role of the Convention.

The Bangkok session underlined the diverging points of view as to whether the AWG-LCA should continue with its mandate to examine these issues and whether additional decisions were required.

3 • The decision on the governance of the REDD+ mechanism

Consensus was reached on the need for all countries to participate in accordance with their respective capacities and national circumstances in fighting deforestation and degradation of forests and increasing stocks of forest carbon.

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A. The REDD+ mechanism

Focus on:

The mechanism for Reducing Emissions from Deforestation and Forest Degradation and the role of conservation, the sustainable management of forests and increase in forest carbon in developing countries (REDD+)

There is agreement among all countries on the importance of reducing deforestation, as this is responsible in its different forms, for almost 20% of total greenhouse gas emissions.

Papua and New guinea, supported by Costa Rica and eight other countries proposed the REDD mechanism at COP 11 in 2005. Since then, many submissions on this subject.

The Bali Action Plan recognised the need to include REDD in the post 2012 regime. This now appears to be one of the most advanced aspects of climate change negotiations, even if there are still diverging views on how it should be implemented. It is in the interest of all countries to reach a rapid agreement and begin a “transition phase” for the REDD+ mechanism. The REDD mechanism is mainly defined by four criteria:

- The field of application (the types of actions recognised and that can be supported and taken into account)
- The reference scenario of the evolution of forest cover
- The scale of application (national or sub-national)
- The nature of sources of funding.

The choice of these 4 criteria is the result of the conditions of implementation of the institutional programmes and transfer of funds allocated to the fight against deforestation and degradation of forests.

Several submissions also formulated the long-term objectives of the fight against deforestation, particularly concerning:

- Cutting tropical deforestation by 50% between now and 2020
- Stabilisation of global forest cover as of 2030

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Brazil and Indonesia announced their commitments just before Copenhagen, and respectively aim to achieve -80% and between -26% and -41% deforestation between now and 2020. The explicit mention of the REDD+ mechanism written into the Copenhagen Accord, as well as establishing of the “Paris-Oslo” partnership are very positive signals for the future.

Without waiting for a global agreement, it is necessary to push for the rapid implementation of REDD+ actions. Pilot actions should enable countries to move forward on a voluntary basis, and take advantage of early funding.

The developing countries are encouraged with technical and financial support from the industrialised countries to develop:

- An action plan or a national strategy
- A national reference level for forest emissions and/or level of forest reference with the possibility of establishing a reference at regional level as an intermediary measure
- A transparent, robust national monitoring system with the possibility of developing regional monitoring as an intermediary measure
- An information system on the way in which “safeguards” against forest “displacement” are managed

Focus on:

The level of reference

The level of reference translates the emissions and gross/net absorptions produced by a geographic area over a precise time frame, including the inherent change factors of deforestation, from the degradation of forests to the conservation and sustainable management of forests as well as the increase in carbon stocks.

This level of reference aims to make it possible to evaluate the emissions’ reductions of a country according to the following equation:

Emissions’ reductions = level of reference – verified level

This level tends to be close to the BAU level (Business As Usual).

Knowing the reference level enables the calculation of the compensation entitlement of countries to be determined, in the framework of the REDD+ mechanism.

Focus on:

Safeguards or guarantees

Social and environmental criteria as well as criteria for governance have been determined. They are called “safety measures” or guarantees, and are aimed at preventing pitfalls when REDD+ actions are put in place.

Countries will thus need to ensure that they are on their guard against:

- Non-permanent emissions’ reductions
- Displacement of emissions (i.e. the fact that there is a REDD+ action in one place leading, whether directly or not, to an increase in deforestation or forest degradation in another country).

They will need to guarantee:

- The implementation of transparent governance structures and accessible support mechanisms
- Coherence with national forestry programmes, conventions and international agreements
- Respect of indigenous peoples and local communities
- Participation of all relevant stakeholders
- Protection of biodiversity (including that forbidding the transformation of natural forests into monoculture)
- Improvement of social and environmental advantages, including environmental and ecosystem services.

A three-phase process was accepted, leaving countries to decide on where to start, according to their level of progress on the subject:

- National preparatory strategies and action plans, policies and measures and capacity strengthening
- Implementation of national policies, measures, and action plans requiring greater capacity building, technology transfer and development and implementation of pilot schemes that would validate the results
- The level of actions the results of which would then be calculated as a pro rata of the expected outcomes set or carbon absorption capacity based on experience gained through the pilot schemes in the previous phase (MRV means of these actions), by benefiting from proportionate international funding.

The developed countries should progressively support the implementation of these three phases, via multilateral or bilateral channels.

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B. The expectations for Doha

The major issue in Durban in the framework of the long-term working group was that of funding. Agreement was reached in spite of diverging positions, on the possibility of the complementary use of market mechanisms and on the fact that funding should be new, additional and foreseeable, even though the sources of the said funding were not stated. A working group will further examine this question; it will present its findings in the COP 18. The work of the subsidiary bodies enabled directives on the social and environmental guarantees decided in Cancún to be adopted.

Decisions to be taken in Doha concern:

- The main guidelines
- Establish the conditions for intensification and facilitation of funding
- Issues requiring more in-depth examination
- Conditions to encourage funding of the full implementation of REDD+
- Arrangements, including establishing a REDD+ steering committee, registers, an insurance mechanism pr reserve and bodies for examining cases and regulation.

4 • Technology Transfer

The Cancún Agreements recall the importance of large-scale technology transfer in the fight against climate change, particularly with a view to supporting developing countries in implementing mitigation and adaptation actions.

It was decided to establish a Technology Mechanism under the auspices of the Convention. It will include an executive committee for technology, a centre and a network of climate technologies. It will be accountable to the Convention, and aims to achieve better identification of countries' technological needs, encourage development of research programmes and international cooperation to achieve these transfers.

COP17 agreed on the means of making this technology transfer mechanism operational in 2012. The executive committee for technology, supported by the Network of regional and national centres that was created in Cancún was put in place. Their mission is to support research, development and dissemination of technology that encourages low-carbon development and meets the needs of adaptation. The network is supposed to be operational, and will support developing countries and encourage cooperation between public and private actors.

Focus on:

The executive committee for technology

This committee will play an advisory role and make recommendations. It will be the “technical arm” of the technology mechanism. Its mission will be to:

- Express opinions and information on countries’ technological needs
- Analyse technical and political solutions linked to development and technology transfer for adaptation and mitigation
- Make recommendations on appropriate technology and actions on policies for rolling out the technology
- Promote cooperation between governments and other actors
- Make recommendations aimed at overcoming obstacles to rolling out technology for mitigation and adaptation
- Encourage the implementation of technological “road maps” at different levels and develop guides of best practice...

With the creation of the Executive Committee for Technology, the mandate of the Expert Group on Technology Transfer (EGTT) ended in Cancún.

Focus on:

The climate technology centre and network

The objective is to facilitate the creation and coordination of networks, initiatives and organisations focused on technology at international, regional, local and sectoral levels, by encouraging genuine commitment of the different actors in this network. It should:

- Provide help and support in identifying technological needs and put technologies and green, ecological practice in place
- Facilitate information sharing
- Help countries to identify technology that is adapted to their needs
- Ensure capacity building in countries and provide technical assistance to countries requesting this support
- Facilitate dissemination of existing technology in developing countries
- Encourage and stimulate research and cooperation with the private sector, academic centres and institutes
- Support South-South and North-South transfers and triangular technological cooperation
- Facilitate the creation of centres at different levels
- Help countries to identify and disseminate best practice.



A. Priority areas

The following priorities have been defined:

- Develop and improve endogenous capacities and technologies of developing countries, including research, cooperation and implementation of pilot programmes
- Develop and disseminate green technologies and know-how in developing countries
- Increase public and private investment in development, dissemination and technology transfer
- Disseminate technology for the implementation of adaptation and mitigation actions
- Improve systems for observing climate and information management
- Strengthen national centres for technological innovation
- Develop and implement national technology plans for adaptation and mitigation.

The different parties have been in agreement since Copenhagen on the need for efficient dissemination of the best technologies that help to reduce greenhouse gas everywhere, and adapting to inevitable change. The objective of the programmes is not just to enable people to gain access to a catalogue of technologies; it is to remove obstacles met in the countries that are blocking access and dissemination of technology. It is first and foremost a question of access to expertise and professional training, often to technology that is widely accessible.



B. Taking the variety of countries' needs into account

All developing countries have asks and technological needs linked to their physical and climatic characteristics, their energy resources as well as to their socio-cultural practice etc. Not all countries have the same need for complex, expensive technologies: for example, many of the African countries need BRICS technology, such as how to build climate-adapted housing that will economise energy, or improve cooking facilities.

Strengthening capacities in the developing countries is obviously one of the conditions for implementing mitigation and adaptation actions; and access to international funding.

The situation of the emerging countries and other developing nations is very different. They often have a high level of education, with universities and engineering schools of a high level, and have no trouble accessing standard technology. China and India hardly need direct financial support to implement standard technology. Their expectations are in terms of more advanced technology.

5 • Designing low-Carbon development strategies

The cycle of negotiations that began in Montreal was marked by progress that has been confirmed since 2009 on two fundamental issues: the move forwards by all to take action, and the development of strategies for low-carbon, climate change-resilient development by both States and territorial actors.

The difficulties that are inherent to international negotiations on climate change have had the effect of reorienting discussion towards operational dynamics, and therefore towards the need to build national development strategies and fight against climate change for all countries, without any exception. Today's challenge for all is to progress towards a low-carbon development model through the implementation of actions based on a global, integrated approach that connects mitigation, adaptation, socio-economic development, protection of the environment and the fight against poverty.

The developing countries need financial and technological support to do this, firstly in the phase of identifying needs and building their climate-resilient, low-carbon development strategies, and subsequently in the progressive implementation phase. This entails preparatory work and important capacity building, particularly in African countries that often have an important deficit in project design and institutional organisation. The difficulties in designing and implementing national adaptation action plans have already highlighted this. This implies that the very methodology of designing these strategies will be at the heart of what is at stake in the years to come.

There is progress in reflection on these questions, but the few actions that have been designed still focus on the emerging countries and the methods that have thus far been proposed are not adapted to the least developed countries. Such strategies could provide the latter with an opportunity to work towards a new pathway towards development, one that will enable all people to have access to energy in a situation where current policies are unable to cope with the increase in energy prices.

Some countries, such as Gabon or Kenya, for whom climate did not appear to be a priority have now launched the preparations for national “climate and development” strategies. They are following in the footsteps of countries that have pioneered these strategies, such as Mexico, Indonesia and Mauritius. These initiatives are supported at both national and international levels and are opening the door to new development models.

These new perspectives are still very unequally spread across developing countries. Some developing countries that have no need to make commitments within the Kyoto Protocol are reticent to commit to mitigation actions, for fear of becoming involved in a process of making quantitative international commitments that could subsequently become binding. This point of view is accentuated by the delay of industrialised countries in respecting their commitments. Furthermore, for the less developed countries, their key focus is access to economic and social development. There is therefore some risk that building strictly “climate” strategies in these countries might run into serious difficulties. The climate problem has, however become a key preoccupation of countries of the South, given the major impacts that they are undergoing.

Countries are increasingly aware of the need - and the benefits - of building national strategies that are adapted to their capacities, by controlling their fossil fuel consumption and fighting against deforestation.

Parallel to the climate negotiations, countries, local authorities, the private sector and NGOs are making progress. This is illustrated by the many examples that would have been inconceivable even two years ago:

- Cities and different regions that are members of various networks such as ICLEI⁷, CGLU⁸, NRG4SD⁹ are progressively strengthening their exchange and sharing tools and joint development of actions. In 2010, before the Cancún conference, local governments adopted the Mexico Pact: they thereby committed to calculating and having the GHG reductions certified by their territories, using the UN methodology, and thus creating an international climate register. One year later, in Durban, the meeting in Africa placed adaptation at the heart of what is at stake: “United Cities and Local Governments” adopted an “Adaptation Charter”. This situates adaptation as a key element of crosscutting, long-term planning strategies for local authorities and sets priorities.
- Some examples: California and China are increasing their commitments to emissions’ reductions: 7 Chinese cities and provinces are experimenting the introduction of compulsory emissions’ reductions with a view to a national platform of emissions’ credit exchange; this platform includes a system of registration and supervision.
- The movement for the preservation of forests is now supported by large-scale initiatives: this includes big private bank funds and commitments by networks of hypermarket consumer produce...

Nevertheless these initiatives are often unequally spread across the world. Although major cities and metropolis that have a high degree of decision-making and influence (at both national and international levels) are leaders in this field, it is not true of all territories, particularly in the less developed countries. The involvement of socio-economic actors, and the implementation of democratic processes of decision-making that involve territorial consultation, are all indispensable conditions for the effective success of such initiatives.

This change is the proof of increased awareness both of local actors as to the absolute necessity to act now, rather than wait for the international negotiations to overcome their current deadlock (too late). Alternative forms of development are being developed, and taking various preoccupations into account, such as economic resilience, energy independence, prevention and management of risks, social cohesion, preservation and value of the environment, territorial, urban and local planning.

⁷ *International Council for Local Environmental Initiatives*

⁸ *United Cities and Local Governments*

⁹ *Network of Regional Governments for Sustainable Development*

A plausible outcome for the coming years could be the parallel evolution of a two-track scenario as follows:

- On one hand, the UN diplomatic negotiations, geopolitical stakes and the evolution of national policies
- On the other, the implementation of “climate and development” actions involving different actors in countries; the second path involves a bottom-up approach and could be based on inter-territorial cooperation that will require strengthening. This path will be progressively necessary for the international harmonisation of standards of actions, and will involve the reactivation of the first pathway, that of international negotiation, but from the practical, concrete angle that is not currently present.

Thus all actors who can move forward in the implementation and technology development and actions to reduce emissions as well as planning tools will be the main instigators of change.

The future of the climate negotiation does not only concern the diplomatic process; it will first and foremost be determined by the ability to coordinate the initiatives and international restrictions with regional and national strategies as well as with local actions. This is the connection that will determine the reality of countries’ emissions trajectories.

6 • Capacity building

The climate negotiations recognise the need to develop human, institutional, administrative, technical, scientific and financial capacities of countries. This capacity building is a major stake for developing countries, particularly the most vulnerable.

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A. The Durban Forum on capacity building

In Durban, the countries confirmed the creation of the “Durban Forum on Capacity Building”: this forum provides an institutional framework for States to

- Facilitate the exchange of experience
- Exchange information
- Determine the means of improving follow-up, evaluation and measurement of capacity-building activities.

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B. An examination of the framework for capacity building

The second in-depth examination of the implementation of the framework for capacity building in developing countries was also successfully completed. The SBI is in charge of certain aspects of capacity-building, and they underlined the need to take situations linked to gender issues, youth and disabled people’s needs into consideration in capacity building.

This capacity building will be an indispensable aspect to enable developing countries to determine and implement the NAMAs that are a part building low-carbon, climate-resilient development strategies.

7 • Support for implementing actions in developing countries

NAMAS, introduced during the Bali COP in 2007, by South Korea and China, are the cornerstone of the actions led by developing countries in favour of a low-carbon climate-resilient development model.

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A. The characteristics of national mitigation actions (NAMAS)

This tool, which aims to make sustainable and large-scale structural transformations to reduce greenhouse gas emissions. It is:

- A developing country initiative. The decision to implement a NAMA and its formulation are the complete responsibility of the host country. All developing countries are thus encouraged, in the context of climate negotiation, to take the initiative to submit NAMAs in the framework of the UNFCCC.
- Strategic and includes socio-economic development. NAMAs must be part of a medium or long-term policy that integrates the action of fighting climate change into economic and social development policies. In practice this will mean progressively implementing development policies thanks to successive NAMAs and/or a cluster of actions, whose combined benefits will lead to establishing a development model resilient to climate change.
- Varied. The terms for implementing NAMAs are exempt from conditions; the principle being to implement the actions that are most effective for the host country. Therefore a NAMA can concern all the sectors of the economy, be applied on a national or localised scale and concern an operational project with directly tangible benefits, or work towards launching a lasting strategic policy whose results will only be noticeable at a later date.
- Defined according to national context. NAMAs are designed to best respond to the needs of developing countries whilst implementing effective action to fight climate change. In order to achieve this, they must be designed in accordance with national circumstances: taking their particularities into account and taking the best part of their assets.
- Able to be supported by developed countries. When it is necessary and once the request has been made by the country with the NAMA initiative, the action can benefit from international support. Therefore, there are three kinds of NAMAs:
 - Autonomous NAMAs that are carried out unilaterally without external support
 - NAMAs receiving international technical, financial or capacity-building support
 - Credited NAMAs based on market mechanisms (carbon credits);



B. Current obstacles to designing and implementing NAMAs

On the eve of the Doha Conference, countries have begun proposing and designing NAMAs but very few have reached the operational stage¹⁰. However, it has now been understood that developing countries must commit themselves to implementing NAMAs in order to change their emissions paths by 2020. Nonetheless, in practice, the effective and large-scale implementation of these actions is slowed by several obstacles linked to:

- **The definition and understanding of the NAMA concept.** Discussions on giving an in-depth definition of the concept of NAMAs will be continued in Doha. It is a question of clarifying the complex and new approach to designing successful strategic and integrative (climate and development) actions for developing countries. This requires a detailed analysis of national circumstances, followed by a preparation stage that must be completed as a long-term effort by a sectoral approach.
- **Political mobilisation of players.** In order to succeed, such an approach must be led by sustainable political will. The effort to clarify the stakes and implementation of the process are vital for bringing together determination around a NAMA project. Political mobilisation must begin and be encouraged by a carefully planned process that provides incentive. The approach to development, broached as one of the main vehicles to fight against climate change, is a novel one for many developing countries; it needs to be explained to ensure it is integrated at a political level. Henceforth, implementing low-carbon development will no longer be considered as secondary and competing with more pressing priorities such as poverty eradication or the response to economic crises, but on the contrary will serve as a catalyst for solving them.
- **The ability to design projects with a sectoral approach.** Contrary to emerging or intermediate countries, very few LDCs (Lesser Developed Countries) have so far submitted proposals for NAMAs requiring international support¹¹. This fact demonstrates these countries' lack of institutional and organisational capacities, as they do not all master the issues or have the necessary resources to create a project by adopting a sectoral approach. Organising targeted support to meet the need to have these capacities in place before creating projects is one of the priorities that must be introduced to favour NAMA implementation. Methodological support in the form of practical guides or regional workshops, are being considered. The difficulty is in avoiding the standardisation of NAMAs as they would lose relevance and thus effectiveness.
- **Technical and financial support or capacity building.** The terms for requesting and granting technical or financial support are under discussion. The lack of a clear vision and certainties on this issue slows developing countries commitment. It has been agreed that international support will be conditional

¹⁰ In October 2012: 47 NAMAs are at the declaration of intent stage, 4 have reached the preparatory stage and only 3 are being implemented. Source: <http://www.nama-database.org> , non-official register that lists NAMAs seeking international support).

¹¹ In October 2012: Out of the LDCs, only Gambia, Ethiopia and Uganda were preparing NAMAs (source: <http://www.nama-database.org>)

to implementing MRV mechanisms, and will be available after the NAMA has been included on an official international register. This is in order to maintain transparency and consistency in the support granted. Implementing an official register should take place just before Doha¹³. In addition to requesting technical, financial and capacity building support to design and/or implement NAMAs, this register will grant official recognition to the implementation of NAMAs carried out independently and those that have received international funding.



C. NAMAs and the Green Fund

The Green Climate Fund should receive 100 billion dollars a year to support mitigation and adaptation (NAMAs, NAPAs, REDD+) in developing countries.. Funded by developed countries as well as being supplemented by funding from other public development banks and private players, it will constitute the main channel of multilateral funding to initiate and consolidate the fight against climate change in the most vulnerable countries. By coordinating the sources of funding, it will have access to a variety of financial tools (donations, loans, concessional loans...) and will mean tailor-made financial packages can be provided according to the specificities of the NAMA and the actor involved in the implementation (national and local government authorities, financial institutions, businesses, communities).



D. NAMAs and the Measurement, Reporting and Verification system (MRV)

The terms for granting these funds and the access criteria for support from the Green Fund have not as yet been fixed. However, it will be necessary to present a precise, detailed and clearly defined description not only of the project but also of the expected outcomes in terms of emissions' reductions, to maximize the chances of benefiting from international funding. Implementing an efficient MRV (measurement, reporting and verification) system responds to this requirement whilst:

- Building a climate of trust and cooperation in developed and developing countries
- Assessing progress made that contributes to the objective of not going above a 2°C increase by 2050
- Providing international recognition of each country's actions
- Allowing feedback on implementation, as well as dissemination of best practices.

Two different MRV levels are required:

- An MRV system for the UNFCCC that focuses on reducing GHG emissions, which must be taken stock of in national annual reports submitted to the secretariat of the UNFCCC.

¹³ Whilst waiting for the official register to be put online, early submissions can be made via a temporary procedure at the following address: http://unfccc.int/cooperation_support/nama/items/6945.php

- An MRV system for NAMAs receiving financial support. In other words a flexible approach to the way the MRV system is implemented for it to become a tool for incentive. Therefore, a well-designed MRV support system is:
 - Explicit and transparent so as to establish the action's legitimacy and credibility and encourage possible international support
 - An action facilitator by structuring implementation in a smooth manner rather than being an additional condition to be met, slowing down the process
 - Tailor-made in relation to the NAMA and national circumstances. For example, working on a stage-by-stage basis that corresponds to what is written in the funding plan.

Following the admission that all countries do need to act, a number of exchanges took place, based on the contribution of developing countries to the global effort to reduce emissions. The Cancún Agreements also point out the close correlation between enhancing mitigation actions and financial, technical and capacity-building support provided by developed countries.

On the other hand, it has now been recognised that restoring confidence will also depend on implementing concrete actions, with visible results, on the ground.

Added to this is the dynamism of local authorities. It is essential as the tangible reality of emissions reductions or adaptation actions, will not only be the result of initiatives that are concrete and provide structure, and are driven by citizens, businesses and local authorities. Moreover, the new configuration of decision-making centres in the world goes hand in hand with the process of decentralisation and metropolisation. In practice, local authorities (and the regions in particular) constitute the institutional level in a privileged position to prepare and implement actions and plans for emissions' reduction and adaptation in both developed and developing countries.

This sub-national and local-level role must be valued for three reasons:

- Unblocking climate negotiation requires proof that countries are taking action and implementing emissions' reduction and adaptation actions. Thus local authorities will then contribute to relaunching international negotiations. Building local authorities' capacity to act in developing countries will also enhance democratic ownership.
- This territorial level will be vital for developing countries. In fact, the development process in the less developed and most vulnerable countries depends much more on international negotiations for it to be put into practice than that of developed countries, who have the necessary financial resources themselves.
- Even if the institutional role of regional communities varies according to the country, NAMA projects should be designed together with players at a regional and local level. As adaptation actions result from where the impacts of climate change are felt, they are linked to the specificities of the area. Local authorities are at the centre of the stakes to fight climate change. If we concentrate on the highest emitting sectors, they are able to control flows and resulting emissions given their skills in town and country planning. They thus guide the investments that determine their ways of life.

8 • The action Measurement, Reporting and Verification system (MRV)

As soon as actions are undertaken as a result of commitments or financial support for developing countries, it is essential to implement a system to follow up and monitor these actions and funding. Only then will financial support be on-going.

Thus, following on from the Paris Declaration on the effectiveness of Official Development Assistance (ODA), it was decided that, in order to make them more effective and use them in an optimal manner, actions and international funding for fighting climate change needed to have a system for measurement, reporting and verification (MRV).

Focus on:

The Paris Declaration

The five principles of the Paris Declaration that serve as guidelines for the joint commitments made by donors and partner countries in terms of aid effectiveness are:

- Ownership by the partner countries
- Aligning donors behind national development strategies, institutions and procedures of partner countries
- Harmonisation of donor actions through limiting the procedures for granting and managing ODA
- Governance based on results
- Mutual accountability

In accordance with these principles, paragraph 38 of the Paris Declaration states that partner countries commit to “making progress in establishing their own institutions and governance structures to ensure good governance of public affairs and guarantee that the population shall be protected and secure and have fair access to BRICS social services”.

The Accra Agenda, based on the principles of the Paris Declarations, was adopted in 2008. It includes a set of principles: predictability, prioritising national systems, conditionality based on the beneficiary States own development objectives of and untying aid.

Ratified in the Bali Action Plan in 2007 (Article 1, paragraph 1 b(i) and (ii) and repeated in the Copenhagen Agreement, the principle of MRV rules has become a key issue of negotiation.

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A. The Measurement, Reporting and Verification system (MRV) in the Bali Action Plan

The Bali Action Plan, the negotiation roadmap adopted in 2007, specifies that the future agreement must include:

- Nationally appropriate mitigation commitments or initiatives which are measurable, reportable and verifiable, including quantified emissions reductions and limitations targets, by all developed countries, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances
- Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development, supported and enabled by technology, funding and capacity building, in a measurable, reportable and verifiable manner.

This wording means there would be at least three stages:

- COP decisions specifying what “measurable, reportable and verifiable” means, and in what way(s) countries’ actions should apply them (establishing rules, obligations, terms)
- Measures taken by the countries to ensure that their actions are well measured, reported and verified in accordance with the rules stipulated by the COP
- Establishing international bodies (committees, expert groups, registers...), under the authority of the COP to ensure its application.

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B. For developed countries

Developed countries must strengthen and improve the information delivered on their reduction objectives and on their financial, technical and capacity building support to developing countries. The Cancún Agreements request that developed countries be more transparent in their emissions reduction efforts.

Therefore, they must:

- Submit annual greenhouse gas inventories and inventories and biennial reports on the measures implemented to achieve their emissions reductions
- Provide additional information on their emissions reductions
- Improve their reporting of information on the provision of financial, technology and capacity building support given to developing countries
- Provide national estimates of emissions per source and removals per carbon sink
- Develop low-carbon development strategies or plans.

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C. For developing countries

Countries receiving international support for their NAMAs must implement an international MRV system, in accordance with the directives established in the framework of the Convention. Actions receiving national support must also be “MRV” but at a national level, in accordance to rules to be defined.

The conference decided to conduct a process for international consultations and analysis of biennial reports under the Subsidiary Body for Implementation

(SBI), in a manner that is non-intrusive, non-punitive and respectful of national sovereignty, so as to increase transparency of NAMAs and their effects. Analysis will be carried out by technical experts in consultation with the country concerned, and focusing on the sharing of views and resulting in a summary report.

This operational framework must favour the implementation of actions by developed and developing countries.

In Durban, the COP made progress on the mandate it was given in Cancún: to render the COP 16 mechanisms operational. In terms of implementation, this gradual progress means mitigation and adaptation actions can be multiplied, and their effectiveness strengthened. At the same time, through the establishment of a new negotiation channel and the decision to prepare a new agreement, Durban marked the beginning of a new negotiation path.

Embarking on a new negotiation cycle

The Durban Agreement opens a stage in international negotiations that is as important as the preparation of the Rio Conference in 1992 and the Kyoto Protocol.

It marks a radical change, with regard to previous agreements, on the following points:

- The fight against climate change concerns all countries, because everyone will be a victim of its effects
- The road to development that is being designed for the future is based on low-carbon development and resilient to the impacts of climate change
- Beyond the categories of Annex I and non-Annex I countries, a series of situations are emerging that involve all countries, respecting the principle according to which they contribute to the overall reduction of emissions in a way that is proportionate to their level of emissions, stage of development and their abilities.

1 • Decisions to be finalised in Doha

The launch of the current negotiation, to be finalised in Doha, began in Montreal in 2005. An agreement on the subjects to be broached was then reached in Bali in 2007, on shared vision, mitigation, adaptation, financing, and technology transfer.

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A. The negotiation track and key points to be resolved

This cycle was based on a certain number of values: common but differentiated responsibilities, historical responsibilities and differentiation between developed and developing countries.

Two parallel negotiation tracks began:

- The first based on decisions to be taken under the Kyoto Protocol or the AWG-KP (relative to developed countries' emissions reduction commitments) but without the United States who did not ratify the Protocol
- The second concerning long-term action plans on the basis of the BRICS text: the United Nations Framework Convention on Climate Change involving all countries (AWG-LCA), which aims to strengthen the Convention and set long-term targets and new actions based on the Bali Action Plan including the contribution of the United States.

As the 2012 deadline approaching for the commitments to be made by developed countries, signatories of the Kyoto Protocol and their commitments for the post-2012 period must be defined.

In addition, in 2005 in Montreal, the need to reduce deforestation was recognised, as was the need to support the adaptation of developing countries, recognised in 2006 in Nairobi. A consensus then emerged on strengthening the

Rio Convention on issues of emissions' reduction in developing countries, the transfer of technology. In practice, negotiation could only begin in earnest after the American presidential elections of 2008, with the hope that the United States would join the Protocol.

The expectations of the Copenhagen Conference in December 2009 (COP 15) were therefore very high. They focused on two major issues: a clear sign of industrialised countries' commitment and a long-term vision of the post-2012 climate regime. However, the negotiations in Copenhagen, presented as an overall package, did not achieve the expected results:

- Neither on emissions reduction commitments by industrialised countries in line with holding the rise in temperature at 2°C; although these are decisive for the involvement of emerging countries
- Nor on the legal framework, with one American actor rejecting all binding legal text, whether in a convention or protocol.

The Cancún Conference however, resulted in an agreement reached by consensus. Nonetheless, there was a heavy price to pay: an agreement based on the lowest common denominator. The “easy” points were resolved whereas the sticking points, such as the future of the Kyoto Protocol or the form a next agreement would take, were postponed to Durban.

1. An inability to agree on a common vision on emissions' reduction paths since Bali.

The “first” pillar of the Bali Action Plan (BAP) highlights the need for a “shared vision” of the long-term concerted action for achieving the Convention's ultimate objective.

The “Shared Vision” negotiating block defines the major principles and objectives of the fight against climate change for 2050:

- Long-term goal: 2°C or 1.5°C, as requested by AOSIS countries
- Overall emissions reductions: 50%, 85%, or -5% by 2050 in relation to the 1990 baseline
- An emissions' peak before 2020

The long-term goal is divided into several issues for negotiation:

- Limiting the rise in temperature
- The stabilisation level of GHG concentration in the atmosphere
- The terms for reviewing the long-term goal and progress made towards achieving this goal.

This shared vision is based on the principles under the Convention and the Bali Action Plan:

- The need to refer to scientific conclusions
- The principle of common but differentiated responsibilities (CBDR)
- Historical responsibility
- The link between mitigation and adaptation
- The overriding priority of poverty eradication
- Financial and technological support.

In order to address these issues, a special working group on this long-term concerted action was set up in Bali (AWG-LCA), with the aim of drawing up

a timetable for setting a cap on global emissions and introducing measures to assess the effectiveness of the action at global level. However, since Bali, countries have not managed to agree on these major issues. That is why there is a need to progress with two negotiation procedures, each with their own legal objectives and with difference scope.

2. A long term objective

Progress was made in Cancún with the inclusion of a long-term objective in the Agreements, aimed at limiting the rise in global average temperature to 2°C, in relation to pre-industrial levels.

Focus on:

The ambition of the Cancún Agreements

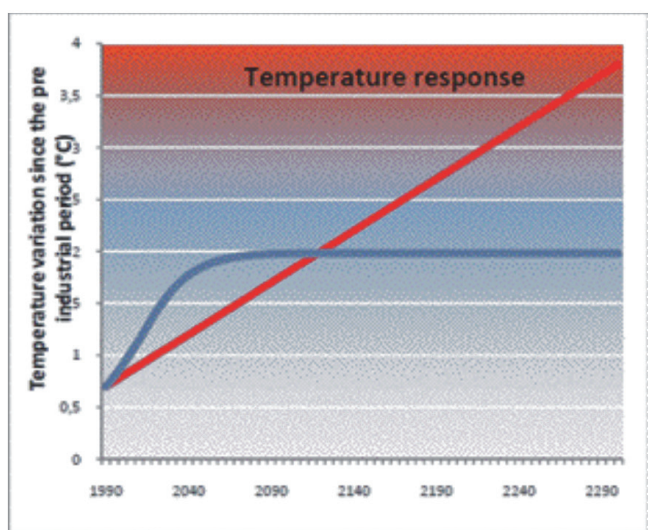
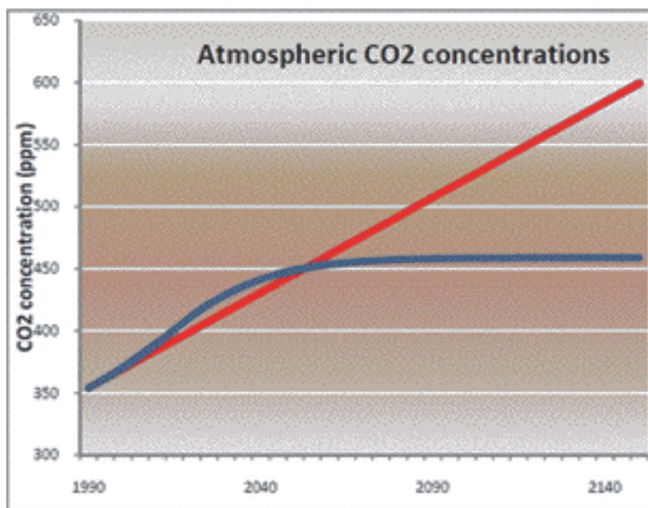
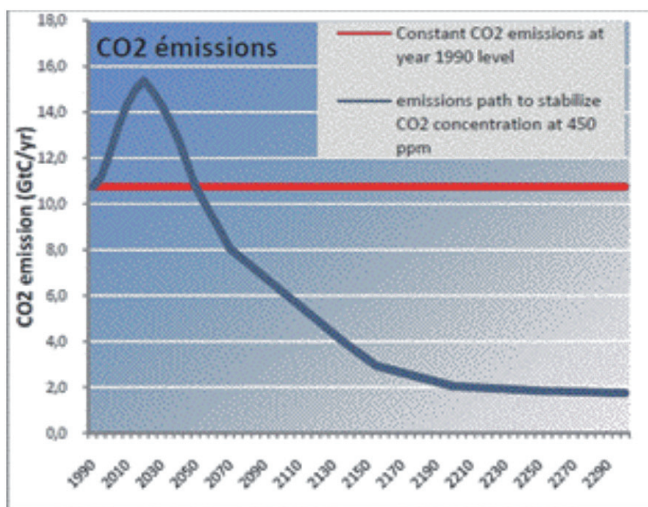
“Further recognizes that deep cuts in global greenhouse gas emissions are required according to science, and as documented in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, with a view to reducing global greenhouse gas emissions so as to hold the increase in global average temperature below 2 °C above pre-industrial levels, and that Parties should take urgent action to meet this long-term goal, consistent with science and on the basis of equity; also recognizes the need to consider, in the context of the first review, as referred to in paragraph 138 below, strengthening the long-term global goal on the basis of the best available scientific knowledge, including in relation to a global average temperature rise of 1.5 °C.”

However, this 2°C target was considered insufficient by the AOSIS countries who called for a stabilisation of the temperature at less than 1.5°C in relation to pre-industrial levels. The methods for reaching this target have not been specified, whereas the emissions are already failing to meet the initial objective.. Thus, current emissions' reduction targets only account for 60% of what is proven to be necessary to stabilise the average temperature rise at less than 2°C, are situated on a path for warming of between 3.5 and 4°C.

CO₂ emissions increased by 3% in 2011, totalling 34 billion tonnes in the atmosphere in one year only: a record¹³.

This increase was largely due to the United States (which is still the largest emitter in the world), China (the country's emissions increased by 9%, thus nearing the level of emissions per inhabitant of European countries) and India, but considerable increases were also seen in Saudi Arabia, Turkey, Russia, Poland and Kazakhstan. Most European countries experienced a moderate increase, but few countries have managed to reduce their emissions in 2011; these include Switzerland, Azerbaijan, Slovakia, Spain, New Zealand and Pakistan.

¹³ The European Commission's research unit and the Netherlands Environmental Assessment Agency.



Detailed illustration of 4th report by the IPCC

Detailed illustration of 4th report by the IPCC

The red curves show a simple trajectory. Let us use the future stability of emissions in the next century as a starting point. As developing countries do not emit much, and as the global population will increase by 50% by 2050, in order to achieve this stability in emissions levels, industrialised countries must reduce their emissions to compensate for these increases.

Despite the overall stability of these emissions, concentration of greenhouse gas emissions would double. The reason: CO2 remains in the atmosphere for around 120 years. Therefore, an annual dose of emissions creates increasing concentration in the atmosphere.

This is the point at which we lose control of earth's climate. This scenario is unacceptable.

We must therefore choose another option, that of the blue curves. In order to limit the rise to less than 2°C, we must maintain concentration in the atmosphere at 450ppmv.

The maximum emissions path is the following: Given that global emissions have increased by a third since 1990, emissions must peak between 2015 and 2020.

Global emissions will then have to be halved by 2050.

The trajectory to achieve this inevitably requires industrialised countries to reduce their greenhouse gas emissions by 20 to 40%.

In the long-term, emissions should no longer exceed what nature can absorb. This level has not currently been clearly identified.

3. The level of mitigation objectives for developed and developing countries

The Durban Decision recognises “the need for all countries to urgently deal with the immediate and potentially irreversible threat that climate change represents”. It underlines the need for greater multilateral cooperation, for mitigation action that is more ambitious, in order to close the very significant gaps between the current efforts made by countries, how global emissions profiles develop, and the targets to reach by 2020 according to scientific research¹⁴. However, the Durban decision does not set an overall reduction target for 2050, or a peaking year for global emissions. And countries have still not reached an agreement on all the common accounting rules for industrialised countries’ emissions. Nonetheless, a consensus has now been reached on the need to reduce the gap, based on the hope that all countries align their unilateral reductions’ commitments by 2020 to the reduction needed to limit the rise in the global average temperature to 2°C, in order to reach an agreement with a strong and shared objective. Thus a process was launched to identify, explore and share the ways of closing the gap.

The launch of this process was all the more urgent given that the conclusions of the next report by the Intergovernmental Panel on Climate Change (IPCC), which will be published in 2014, and will probably refer to a critical evolution, as it will be increasingly difficult to catch up.

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B. The future of the Kyoto Protocol

The Durban Platform’s level of ambition and the commitment of all countries to the process are linked, as they has been since the start, to the future of the Kyoto Protocol.

Despite the obvious shortfalls, its political significance remains strong, particularly for developing countries.

Until such time as a new, legally binding agreement is drafted, it constitutes the only agreement that allows market mechanisms to be implemented and that set the price for carbon trading. It is also in the context of the Kyoto Protocol that adaptation funding is planned for, via the Fund financed a percentage of the transactions of the Clean Development Mechanism.

The European Union, supported by the AOSIS, made the implementation of a new process resulting in a new legally binding agreement, including all countries, the condition of every country’s commitment to a second period of the Kyoto Protocol. The positions adopted by the countries in Durban were guided by their willingness to prevent the process failing in the AWG-KP for 2020.

However, the many remaining uncertainties regarding the future of the commitments made for the second period of the Protocol, and this will have repercussions on the smooth running of the Durban Platform. A few weeks before the opening of the Doha Conference, the situation remains very unclear. Canada has officially removed itself from the Kyoto Protocol, Japan and Russia do not wish to renew their commitment to the Kyoto Protocol and prefer that of the implementation of the Convention. Countries are delaying decisions concerning financial issues and

¹⁴ “Holding the increase in global average temperature below 2 °C or 1.5 °C above pre-industrial levels.”

the methods for measurement, reporting and verification (MRV). In light of this, the European Union has set conditions and refused to move from a 20% to a 30% emissions reduction target by 2020.

These tensions must be overcome at all costs, otherwise countries would be moving backwards rather than forwards towards the new agreement. Although the session in Bangkok in September focused on a consensus on the need to enhance the level of ambition of emissions' reductions, differing views remain on how and when this needs to be done.

1. The second commitment period deadline: 2017 or 2020?

AOSIS countries want 2017 to be the target for post-2012 commitments, so that the commitments can be reviewed more quickly if they proved to be too weak, and so that they do not have their hands tied to a process that is clearly not sufficiently ambitious for 8 years. The AOSIS countries have no control over their destiny, as they are irrevocably threatened by the impact of climate change, in particular of rising sea levels.

However, in this case the question is raised regarding the link to the starting period planned in the Durban Platform (ADP) that would start in 2020. In this case, decisions would need to be taken on new commitments for an intermediate period for 2017-2020. The option of a second period prior to 2020, put forward by the European Union, seems more likely. And this is because emerging countries and the United States refuse to join a framework that imposes emissions' reductions before this date.

2. Managing Assigned Amount Units (AAUs) from the Kyoto Protocol's first commitment period

The very lively debate on the surplus of reduction credits given to Russia and Eastern European countries - "hot air" during the first period (2008-2012) - was postponed until Durban. This issue was not resolved. Should this right to emit be postponed until after 2012 or should it be completely or partially removed?

This problem arises from the fact that as the start date for the Kyoto Protocol was 1990, it corresponded to the fall of communism in the former USSR and the countries of Eastern Europe. A serious economic downturn followed, which the Kyoto Protocol, negotiated in 1997, did not take into consideration. These countries were allocated an emissions' stabilisation target for the 1990-2012 period that was not in phase with their emissions that were reduced by 30 to 40%.

Focus on:

Authorised emissions' quotas

Carbon finance results from emission allowances or credits accounting for one tonne of GHG, expressed in equivalent CO₂. The transactions between these assets on carbon markets are recorded and can be subject of international exchange between States, or through voluntary targets. There are three types of carbon asset:

- Kyoto quotas, from the market mechanisms of the Protocol, allocated to States
- European quotas: the “European Union Emission Trading Scheme” (ETS), which concerns 11 000 industrial sites,
- Voluntary credits: Voluntary compensation allowing industrial organisations to buy carbon credits to offset their emissions. This market is growing rapidly, due to the use of labels.

In the framework of the Kyoto Protocol, quantified units were allocated in accordance with the States' targets, representing emission reduction obligations and a “right to pollute” (in the legal and not moral sense) which could not be exceeded, otherwise these AAUs would have to be bought from countries with a surplus.

Some countries, especially those of the former USSR, largely exceeded their targets, thus giving them the right of AAU surpluses. As the year of reference was 1990, the changes in these countries with very high emissions, caused by inefficient heavy industry, were not taken into account when calculating the units that were allocated to them. Today this has resulted in AAU surpluses equivalent to 13 billion teqCO_2 .

The Kyoto Protocol's current rules mean these AAUs can be transferred from the first to the second commitment period. Such transfers would destabilise the market and would not encourage ambitious reductions efforts. Certain countries could content themselves with making no effort by selling their surplus to other countries, who would prefer to buy them rather than reduce their emissions. It would be a question of “countable” reductions without actually reducing emissions released into the atmosphere.

Certain countries would like to limit the number of surplus AAUs allowed to be reused in the second period. The Africa Group and the AOSIS propose definitively eliminating 95% of this surplus. Other proposals require the use of surplus AAUs to be conditional to setting more ambitious targets and using 2008 as the year of reference rather than 1990.

3. Maintaining the flexibility mechanisms

Extending the Kyoto Protocol means the Clean Development Mechanism (CDM) and the Joint Implementation Mechanisms can be maintained. It must therefore be decided whether the Annex 1 countries who would not recommit for the second period of the Kyoto Protocol would still be able to use these mechanisms or not.

Focus on:

The flexibility mechanisms

The Kyoto flexibility mechanisms offer an answer to a key issue: How can the economy take the limits of the planet into account in the context of an open market, whether regarding greenhouse gas emissions or the existence of finite resources? The market economy cannot directly include a constraint which is both global and long term.

The flexibility mechanisms make it possible to accommodate two tracks:

- First of all, international negotiations between States are part of a system of constraints; they distribute emissions' reduction targets per country with a fixed deadline. The States then redistribute these reductions' quotas to their major national energy and industrial stakeholders, or they will be liable to fines. This is clearly a kind of economy governed by political responsibility.
- Economic players can then trade the emissions' quotas in accordance with whether they are ahead of or behind the fixed target. These transactions thus assign an economic value to carbon. They make it easier to apply the general constraint, whilst stimulating innovation and favouring the cheapest emissions' reductions in the different sectors. However, in this mechanism, transactions are not centralised through public budgets but take place directly between economic players through the keeping of a register. This is the "market" part of the system.

Thus far, these Kyoto mechanisms have been applied in two main ways:

- The European quota trade market, the only one of significant importance, means companies in the energy and industrial sectors can trade emissions' permits and credits from the flexibility mechanisms- Clean Development Mechanisms (aimed at developing countries) and Joint Implementation (aimed at countries in transition) - in order to respect the emissions' quotas that they have been allocated. This market has been operating since 2005, but the reductions' requirements are too weak, resulting in a low value for carbon and thus barely creating incentive.
- The CDM has been implemented progressively. It allows countries or businesses that want to reduce their emissions because of the commitments they must respect, to invest in developing countries whilst benefiting from the authorised transfer of emissions' reductions. Above all, this has concerned large industrial projects that have benefited emerging countries. Less developed countries, penalised by a weak capacity to set up projects, by the procedure's excessive administrative complexities and the small scale of their projects, have had hardly any access to it, although they should be the main beneficiaries.

Focus on:

Strengthening the European quota market

In September 2012, the European Parliament voted on a law strengthening the European Emissions Trading Scheme (ETS) by subjecting it to security rules and regulations. The aim is to breathe new life into the slowing European carbon market by limiting fraudulent practice that undermines its credibility and effectiveness in reducing greenhouse gas emissions.

This effort to redress one of the main tools available to developed countries for fighting against climate change has completed the agreement reached between in August 2012 by Australia and the European Union, to link Australian exchange markets to the European ones.).

For Australia, this means giving up the reserve price that should have been applied between 2015 and 2018, and giving quantified authorisation to buy emissions quotas. This measure allows Australian industrialists to buy low-cost quotas on the European carbon market as of now, that they will be able to use as of 2015. this agreement also strengthens the European carbon market whose prices are too low and are not creating enough of an incentive for investment. Australian demand for European permits should contribute to unblocking the currently unbalanced market (the supply side is too strong, and the demand too weak), and coupled with a European policy of reducing the number of permits issued, should mean that the price of a tonne of carbon would then increase.

The implementation of what will be a market between Europe and Australia as of 2018 will enhance the legitimacy of the European carbon trading mechanism that thus far had been sullied by malfunctions.

This example of intercontinental cooperation could encourage other countries to propose similar processes, thus paving the way for establishing a robust and global carbon market. Thus, whilst a link to the South Korean market planned to be launched in 2015 is being discussed, China, the largest emitter in the world, is developing its own quota trading plan with European technical and financial support, which will come into force in 2015 and which could eventually move closer to the ETS.

It will be necessary for the Conference of the Parties to adopt an amendment to the Kyoto Protocol in Doha, so that the Kyoto Protocol's second period of commitment can begin immediately as of the 1st of January 2013.

C. Finalising negotiation on Long-term Concerted Action (AWG-LCA)

The AWG-LCA mandate, established in Bali in 2007, was to "strengthen the implementation of the Convention" without applying the additional Kyoto Protocol. As well as the implicit intention of waiting two years until the next American presidential elections in November 2008, in the hope that the United States would then return to the process with the expected signing of the Kyoto Protocol or the implementation of a new protocol to the Convention, this time including all the States. The situation changed with the Cancún Agreements:

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the LCA approach became the main approach, into which a part of the Kyoto Protocol's content was gradually moved. As such, the major change was that two negotiation processes were aligned: AWG-LCA and AWG-KP.

1. Commitments for the 2012-2020 period

The commitments made for the 2012-2020 period had to take the different paths that were actually followed between 1990 and 2007 (last available statistics for the Copenhagen Conference) into consideration.

Three major problems emerged:

- The gaps between the recorded paths compared to the targets proved to be so large for many countries that it was impossible for them to catch up with the expected level by the set deadline
- Most developed countries had not made progress as they knew they had room to manoeuvre and thus in practice adopted a strategy based on making the least possible effort
- Finally, the period taken into consideration as of the Copenhagen Conference: 2010-2020 was too short to be able to significantly catch up.

The result was disastrous:

- The countries' commitments or promises were even more heterogeneous than during the Kyoto Protocol.
- Furthermore, these commitments are of a different nature: some are included in the framework of the Kyoto Protocol, and are therefore accepted as legally binding, whereas others are included, but are not of a similar nature, sometimes based a national parliament's vote and sometimes without any legal framework at all.
- The commitments are completely out of step with the emissions' paths expressed by the IPCC as being essential for stabilising the climate at below a rise of 2°C.
- Added to this was a discussion with emerging countries on bases that were just as vague as their ability to change their emissions' paths. Besides, the situations of emerging countries are very disparate (China's development is based on coal and Brazil essentially uses renewable energies for producing electricity and transport whereas it must reduce deforestation in the Amazon).

Cancún consolidated what, due to a lack of consensus, had been a text the plenary Assembly had only "taken note" of in Copenhagen. The Cancún Agreements committed to a "bottom-up" approach, a sum of all the efforts accepted by each country and can be subjected to iteration over the years on the basis of scientific recommendations.

Emission reduction By 2020		Base year	Reduction to 1990 levels
Australia	-5% up to -15/25%	2000	-3,89% à 24,1%
Belarus	- 5 -10%	1990	
Canada	- 17%	2005	
Croatia	- 5%	1990	
UE-27	- 20 -30%	1990	
Iceland	- 30%	1990	
Kazakhstan	- 15%	1992	
Japan	- 25%	1990	
Liechtenstein	- 20 - 30%	1990	
New Zealand	- 10 - 20 %	1990	
Norway	- 30 - 40%	1990	
Russian Fed	- 15 - 25%	1990	
United States	Around - 17%, the final target to be reported in light of enacted legislation the pathway in pending legislation is a -30% by 2025 and -42% by 2030, and -83% by 2050	2005	-3,67%

Emission targets pledged by selected Annex I countries in their submissions to the Copenhagen Accord as on 8th February 2009 (Source: The outcomes of Copenhagen: the negotiations and the Accord, Climate Policy Series by the UNDP Environment and Energy Group, February 2010).

It must be noted that after more than 2 years of negotiation, some commitments continue to be expressed as ranges. This confirms the fact the efforts made by countries are actually determined in proportion to one another.

Given the current state of disagreements noted in Durban, there is a risk that the final decision on the value that will be maintained in Doha will be adjusted to the lowest value.

2. A lack of consensus on how to continue work begun in the context of Long-term Concerted Action (LCA)

What needed to be avoided in Cancún was for the United States to leave the process. Their participation in multilateral negotiations, even if they reject any legal obligation, has meant that the collective process could continue. Thus Cancún had legitimised a bottom-up approach that began in Copenhagen, that favours the coordination of national approaches, so as to avoid splitting policies by bloc and withdrawing to other negotiation bodies, like the G20.

In 2012, the AWG-LCA continued to work on operational measures which would allow the specific mandates resulting from the Durban Conference. Contact groups' progress on each of the key issues: adaptation, financing REDD+, mitigation, technology transfer...

The Durban Decision confirmed the need to finish the Working Group's mandate on long-term action in Doha.

“Decides to extend the Ad Hoc Working Group on Long-term Cooperative Action under the Convention for one year in order for it to continue its work and reach the agreed outcome pursuant to decision 1/CP.13 (Bali Action Plan) through decisions adopted by the sixteenth, seventeenth and eighteenth sessions of the Conference of the Parties, at which time the Ad Hoc Working Group on Long-term Cooperative Action under the Convention shall be terminated.”

However, a lot of work remains unfinished and is subject to significant deadlock. Some countries want the LCA topics to be entirely moved to the Durban Platform that will serve as a framework for negotiation on post-2012 (ADP). Others argue that as the LCA should conclude its work at the end of 2012, this would be dangerous to reopen these topics, and that new discussions on outstanding topics should also be started. One of the issues is to know whether the Durban Platform will be responsible for taking over the AWG-LCA's topics.

If many developing countries emphasise the need to continue the work of the LCA, if its mandate has not been carried out, others fear that if the ADP inherits the unresolved issues of the LCA, it will be slowed down in doing its own work. Developed countries and the Secretariat of the Convention refuse to extend the LCA's mandate after 2013.

With regard to the ADP, the session in Bangkok revealed the extent of disagreements, with considerable disagreements even about the timetable: countries were unable to agree on the subject to be broached as a priority: the context or the figures for a global target and the time frame for an emission's peak.

Countries have still not dealt with the question as to which body will be responsible for this issue, once the AWG-LCA is closed. And there are even disagreements on whether there is a need to have recourse to a declaration to close the AWG-LCA. The United States believe a formal decision would only be necessary if the Working Group were to be extended.

Therefore the question is already being asked as to whether, conversely, additional technical or political work will be needed beyond the Doha Conference.

The other issue is that of non-binding commitments, made in the framework of the Copenhagen Accord and Cancún Agreement. Will the Platform take them over and will they become binding in the post 2020 agreement?

It is necessary to clarify the links between the three negotiation tracks in order for negotiations to progress.

D) The Durban Platform and converging two negotiation tracks towards a single agreement

The Durban Platform for Enhanced Action (ADP) constitutes the main result of the COP 17 in Durban. It is the fruit of several days of negotiation behind closed doors and 30 hours past their closing deadline.

The Durban Platform must carry out two concurrent processes, which in reality are intrinsically interdependent:

- The process aiming to adopt a legal agreement in 2015 for post-2020.
- The process aiming to increase the level of mitigation ambition by 2020 and beyond.

1. From Copenhagen to Durban: converging the LCA and KP tracks into one Platform?

The Durban Platform is actually the result of a process that already started in Cancún, that of merging the negotiation tracks.

The Cancún Agreements had begun shifting the Kyoto Protocol track towards the LCA track, postponing the establishment of a legally binding framework. In Durban, with the 2012 deadline approaching, the idea of a new agreement could no longer be pushed back: the decision was made to create a new central negotiation track which would have legal power (with a level of legal constraint that has yet to be determined) and which would bring together all countries for a long-term process, like the LCA, and would take over its key topics.

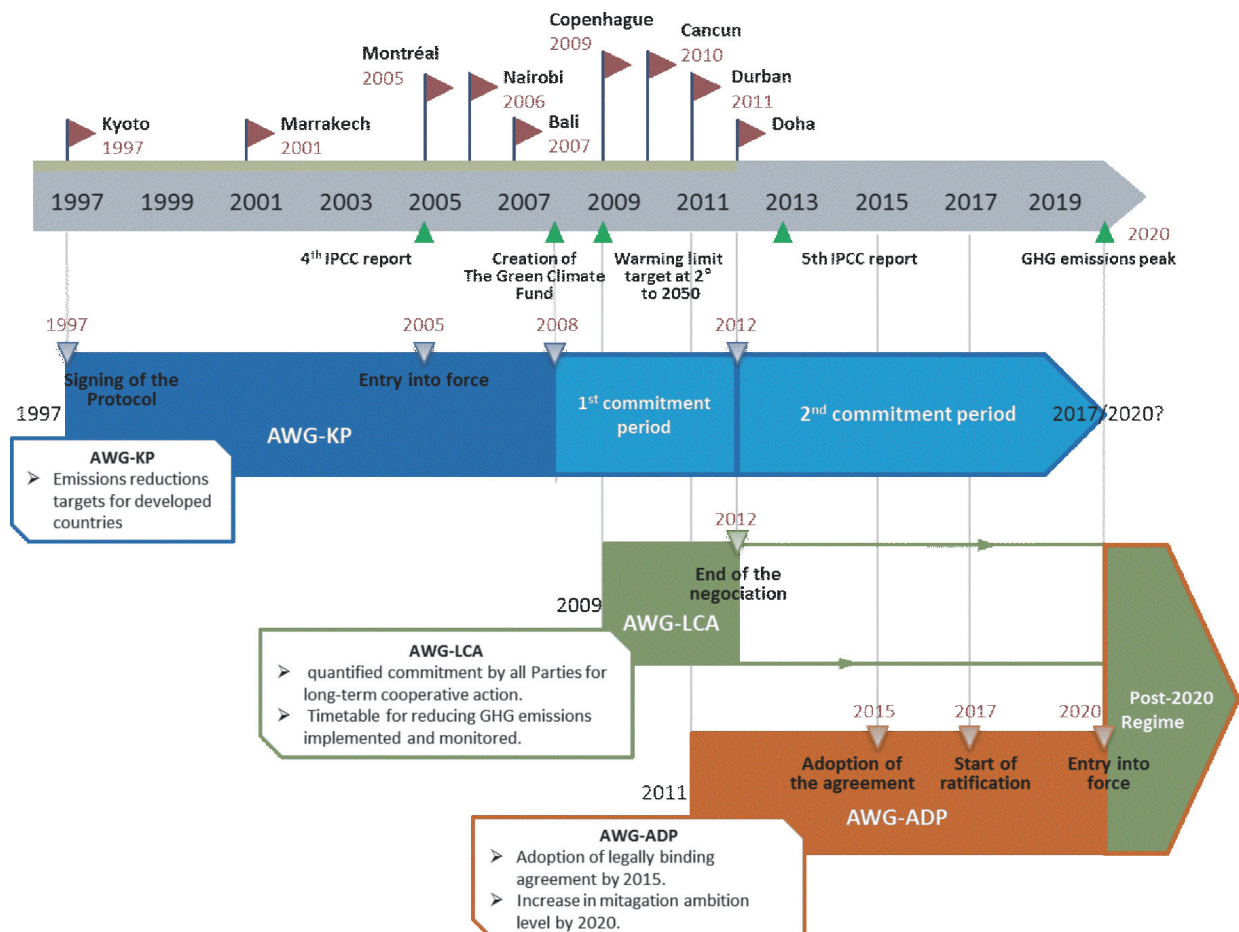
As such, the Durban Platform not only brings together all the problems from the two other negotiation tracks, but also the same conditions of success. This includes setting up the practical implementation of actions, thus ensuring that countries are making progress and that progress is possible.

2. Preparing a new single agreement

The aim is to manage to define, a single agreement that brings together all countries by 2015, in order to reach the global target. Committing to this track constitutes a profound change in the process and logic of negotiation. The ability to agree on a work plan by 2015 will therefore be decisive.

The timetable for negotiating a new agreement

The 3 negotiation tracks of the CCNUCC before Doha.



The European Union, bringing developing countries with it, has established a timetable running to 2020 and resulting in the promise of an agreement including all countries, a condition sine qua non of its commitments to the second period of the Kyoto Protocol. The Durban Platform will therefore have to submit its work by 2015 at the latest, so that the Conference of the Parties can adopt the Protocol, the legal tool or the agreed text with legal force in its 21st session, and so that it can come into force and be applied as of 2020.

The steps towards an agreement for 2020:

- 2012-2015: Process for building an agreement on political principles and drafting portions of text
- 2015: Adoption of the agreement and additional texts for its application
- 2017-2020: Launch of ratification process by national parliaments
- 2021: Entry into force of the new agreement.

It is vital to develop a timetable as soon as possible. The Platform will have to focus more on the processes and stages to follow so that an agreement can be adopted in 2015.

For the European Union, the process should follow the time schedule set out below:

- A call for submissions, in early 2013, on the priority issues or themes identified by the Parties.
- Open informal meetings held in parallel to formal negotiations to make progress on the chosen themes. These events will mean an environment that is favourable to the constructive discussions and thoughts needed to draw up a legally binding agreement for after 2020, can be created,.
- Consensus on the timetable and key milestones between now and the end of 2015.
- The emergence of a single consolidated text. This text should be drafted by the Co-Chairs and based on the Parties' contributions, by the beginning of 2015 at the latest, so as to allow subsequent negotiations to lead to an adoption at the COP 21.

The content and nature of the commitments of the new agreement

The idea that emerging countries can make commitments and thus differentiate themselves from developing countries constitutes a massive shift in relation to the Kyoto Protocol and the general concept of the climate regime. The question then has to be asked about the nature of each country's obligations and the distribution of these obligations. Countries do not all have the same conception of what this agreement would mean. Thus the United States want the obligations between developing and emerging countries to be symmetrical. Amongst the BRICS countries there are diverging views, in particular with China accepting the idea of legal commitments beyond 2020, and India, in the name of equity, opposing the idea of a legally binding instrument.

Focus on:

The different legal options for the next agreement

“Also decides to launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties.”

The wording of the Durban Decision leaves a number of options open concerning:

- **The legal form:** the wording “another legal instrument or an agreed outcome with legal force” is a novelty; it can cover both the idea of a legally binding treaty and a treaty made up of simple decisions formally adopted by the COP. As a result, this raises the question of whether it would be ratified by national parliaments.
- **The legal form of commitments written in the agreement:** if the agreement is not legally binding, the commitments it contains will not be so either. If the agreement is binding, the commitments would have to be solid and precise enough in order to be effective.
- **The normative nature and content of the planned commitments:** it is not specified whether the commitments will be based on an emissions’ limit or only on the provisions linked to the measure’s transparency. The mandate does not plan for commitments as such. Commitments can be binding for only certain Parties: the fact that the agreement is applicable to all Parties does not mean that this application is uniform and symmetrical.
- **Procedures and institutions established to ensure commitments are respected:** except for the reference to “transparency of measures” nothing has yet been determined with regard to the need for the Parties to report on implementing their actions.

Going beyond the principles of the Bali Action Plan

In this sense, the Durban Agreements mark a major turning point: no mention is made to the 2007 Bali Action Plan, which nonetheless is important to developing countries, guaranteeing the notions of equity, historic responsibility, or even common but differentiated responsibilities, and includes the two negotiation tracks LCA and PK. There is no explicit mention made of the different categories of Annex 1 and non-Annex 1 countries, the basis for distributing efforts since the climate regime was created.

Yet there are tensions on these issues, as developing and emerging countries refuse to see the principles that guarantee differences in treatment and effort distribution removed. AOSIS countries cannot agree on the concepts of “national circumstances” or even what the idea of an agreement “applicable to all” covers. Several countries emphasise that “universality of application” does not imply “uniformity of application” and many highlight the fact that the contributions countries make will depend on the constraints and situations of each country. The AOSIS argue there is a need for “differentiated participation”. Some countries consider that applicability includes taking national circumstances recognised in the principles of the Convention into consideration. Others, like Japan and the United States, highlight the need to review the principles of the

Convention and to develop them in terms of the new global geo-political and economic reality of the world. According to the United States, because these principles now constitute more a cause for division and inequality between the States than principles capable of ensuring greater equity and justice. Would universal participation iron out these differences? Less Developed Countries accept the idea of “broader participation”, on condition that developed countries show leadership. Clearly recognising a new situation will require guarantees and compensation.

Focus on:

The 11th BRICS ministerial meeting on climate change

The BRICS (Brazil, South Africa, India and China) met in Johannesburg, in South Africa on the 12th and 13th of July 2012. Representatives from other negotiating groups were also invited to the discussions. This “BRICS+” meeting dealt with the key issues for Doha and resulted in a joint Declaration reaffirming the need for the process and results of the Durban Platform to be written in the framework of the Convention in full conformity with its principles and provisions.

3. The Durban Agreement; the best possible compromise given the current positions present

It must be recognized that in the current state of international relations, no better agreement was possible; whether we like it or not. Seven years of intense negotiations could not produce anything better.

The situation is changing. Beyond the muffled international negotiations, what are and what will become the real emissions pathways of developed countries? If these actual paths, that are not only the responsibility of the States but also of households and businesses and different public authorities, do not mark an real emissions’ reductions in the years to come, then negotiation will be increasingly difficult.

If that were to prove the case, in such a context, how could we consider an ambitious agreement for the post-2020 period, involving more countries?

The major issue will be defining the way and the conditions for sharing and allocating reductions’ targets, which has always been the central issue of negotiations but which now appears more than ever as the condition for the next agreement’s success.

4. Harmonising obligations?

Until now, targets differed according to the countries: all developed countries had to implement actions, whether they were binding (in the framework of the Kyoto Protocol) or not (in the framework of the Convention). Until now, measures taken by developing countries were voluntary and depended on financial and technological support and capacity building provided by developed countries. Their support is written as an obligation in the BAP.

From these different obligations spring different measurement, reporting and verification systems and mitigation strategies. Although every country has

to produce a biennial report¹⁵ on their mitigation actions, two assessment procedures of a different nature have been drawn up:

- The international assessment and review process (IAR) for developing countries with a detailed description of their emissions' reductions targets and the accounting method used, with the reference year, gases concerned, the role of land-use and recourse to market-based mechanisms for achieving these objectives.
- The international consultation and analysis process (ICA) for developing countries. The Parties not included as Annex I are only "encouraged" to submit (unspecified) additional information concerning the mitigation measures that they have implemented.

The prospect of a new agreement must be placed within a more global context of "sustainable development". Many challenges must be faced: tackling poverty, curbing the loss of biodiversity, regulating the financial crises, easing social tensions... In short, finally making full use of all the capabilities allowing the largest number of people to live better, in harmony with each other and with our planet.

The Climate Change Convention, figurehead of these global issues, could play a vital role, by designing new institutional blueprints, by showing that progress is possible and by making equity and solidarity a reality.

¹⁵ Biennial reports must contain updates of national greenhouse gas inventories, including a national inventory report and information on mitigation actions, needs and support received.

The climate agreement: the first milestone towards a new international governance of sustainable development?

Twenty years after the 1992 Earth Summit that resulted in the Rio Convention, and a few months after the end of the Rio+20 Conference, the need to reform global governance is clear. We must manage to create a solid framework, bringing together every country based on the principles of solidarity, equity, responsibility and democracy. This will be the vital condition for achieving the metamorphosis towards a new development model - to be clear, new forms of civilisation.

Focus on:

The Rio+20 Conference

The United Nations Conference on Sustainable Development (UNCSD), or the Rio+20 Conference, took place from the 20th to the 22nd of June 2012 in Rio de Janeiro, in Brazil.

The negotiations were meant to result in a “draft zero” on the two themes of the Conference’s mandate:

- The green economy in the context of sustainable development and poverty eradication
- Reforming the institutional framework for sustainable development

The difficulty involved in negotiating led to informal negotiations led by the Brazilian government. The negotiators adopted a final declaration, meaning negotiations could be concluded by the heads of State and government.

The main outcome of the conference was that a process for preparing the Sustainable Development Goals (SDGs) for 2015 was launched.

Humanity has three appointments, most probably, for 2050: the end of humankind’s population growth, the need to halve greenhouse gas emissions on a global scale, and face the decline of certain resources.

A new vision of the world is emerging; one in which humanity will have to guarantee its development for centuries or even millennia by striking a balance with the planet, by protecting it, by resolving the serious development gaps between countries that have been inherited from the 20th century. Different countries’ futures have become inexorably linked. Humanity will have to live on finite resources, that need to be saved and recycled.

In addition, the financial and economic crisis highlights the need for global regulation that controls the economy, strengthens social rights and organises the collective management of the planet; these are things that the market

economy cannot achieve directly.

The task therefore is immense. It means using resources in the best way possible, favouring what is renewable, both in terms of natural wealth and energy and thus paving the way for sustainable development for all, an obvious condition for social cohesion and peace in the world.

1 • Building a successful future

It is therefore a question of building, henceforth, a shared vision of a new development model, of showing that other paths are possible and favourable for everyone. And thus achieving what the model from previous centuries was unable to do: allowing each of the planet's inhabitants to live, ensuring their fundamental needs are met, through better sharing and an optimal use of resources. In order to achieve this, all players need to be encouraged to act at every stage, and achieve behavioural change.

Progress on the negotiation process on climate change could be fundamental for the other negotiations. A figurehead of the stakes of sustainable development par excellence as it affects economic, social and environmental stakes, the fight against climate change could pave the way for new development models and show that other visions are possible. If we manage to rebuild trust and launch a winning scenario in this negotiation framework, solid foundations will thus be laid for negotiations on other vital global issues, as well as on the issues of international governance.

The next climate agreement could be the occasion for delivering a strong political message and a vision of a future that is possible and successful for everyone, able to mobilise people's support and look audaciously forward towards a clearly unknown world, bringing hope and well-being.

Focus on:

The issue of development in climate negotiations

The importance of the development model was only recognised very late in negotiations. Prior to Copenhagen, the reality of establishing a new development model had never been central to the subject. What technologies? What economic opportunities? What funding?

This lack of careful, pragmatic and operational, rather than just theoretical consideration, resulted in a very defensive attitude on the part of developing countries, crystallising in deadlocked negotiations. Supported by NGOs, they have ensured that access to development is a priority supported by financial and technological aid is the sine qua non condition to signing any agreement. It has become clear that an agreement on climate stabilisation will only be possible if a new development path, which is low-carbon and climate-resilient emerges and is accessible to all countries, responding to people's needs. This decisive issue, which was recognised for the first time during the COP 15 and confirmed in Cancún, thus underlines the importance of the link between social and economic development, environmental protection and poverty eradication.

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A. Global issues at stake

Managing to build trust will require addressing a group of challenges linked to development issues:

1. Poverty eradication and reducing inequalities

The priority of many countries, in particular developing ones, remains the fight against poverty. The very idea of having to make efforts to reduce their emissions whilst their development is far from complete and the BRICS needs of their population have not been met, scares them.

The process and terms of the agreement must provide an assurance to countries that their development will be sustained, particularly in connection with the Millennium Development Goals.

2. Guaranteeing access to water, energy and food for all

This will involve building an adequate regional, national and global framework that respects the principle of common but differentiated responsibility. It is essential for this framework to guarantee that the commitments to jointly adopted objectives by States are genuinely implemented.

3. Recognising universal responsibility

We can only resolve these global issues if there is unanimous prior recognition of the “universal responsibility” of all. This holds true for both that of the richest countries and the poorest, for all individuals to their fellow human beings, for one generation to the following, but also for humanity as a whole to our planet. This vital acceptance of the responsibility and duties that henceforth lie with the global community is a result of the imbalances that it has caused.

4. Modifying production and consumption methods

Countries will have to accept the idea of making profound changes to their economy, a sine qua non condition for respecting ecological balances, the good governance of resources as well as access to better living conditions for all, and thus to peace. This change concerns developed countries (who will have to aim for greater energy efficiency and less wasting of resources) and developing countries equally, who will benefit from production and consumption models that are different from the ones that have prevailed unto now.

5. Governing natural resources and stabilisation of the price of food, resources and raw materials

The issue of access to raw materials, whether food or energy, creates enormous tensions that impact the negotiation process. Finding a system that can guarantee access to essential goods and services for all is vital, so that everyone agrees to commit to the new paths to development.

6. Introducing an international regulatory plan for the different kinds of globalisation.

The impacts of the financial crisis on the negotiation process and on the involvement of the States are major: developing countries are waiting for funding so that they can both launch mitigation actions and adapt to the negative impacts of climate change. However, the financial difficulties faced by many developed countries are limiting contributions to the Green Fund.

Henceforth, progress will have to be made on this issue to unblock the situation and restore trust. Ending the current financial instability will require adopting

international regulations at different levels to oblige finance to become more moral and install the required barriers to curb speculation. This regulation needs to be agreed at local, regional, national and international levels.

7° Establishing democratic frameworks that provide everyone with the hope of a good quality life-style, freedom of expression, emancipation and happiness.

The need to bring about deep change in individual behaviour and collective choice can only be achieved if all people commit and become actively involved in policy building and its implementation. New communication technologies should contribute to this democratic progress.

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B. 2015: an historic date

2015 will be an historic date for three reasons:

- The next climate agreement will be presented, with the ratification process that enters into force by 2020 on the basis of the Durban Platform
- New Millennium Development Goals (adopted in 2000 with a 2015 deadline), which go beyond 2015, will be reconsolidated
- New Sustainable Development Goals, decided that were decided in Rio, will be launched, proposed by Colombia and Guatemala. These objectives concern all countries, and will need to be defined and quantified in order for them to be adopted by the United Nations General Assembly by 2015.

1. The Millennium Development Goals

At the end of the '90s the commitment and involvement of the international community in development issues slowed down considerably, with a distinct drop in funding for official development assistance. It was from the realisation of this fact that the idea of the Millennium Development Goals was born; it springs from the desire to re-start the dynamic of these crucial themes, and to make them a key item on the United Nations agenda. This enabled funding from the donor countries to support priority development actions to be forthcoming for some time.

“Eradicating extreme poverty continues to be one of the main challenges of our time, and is a major concern of the international community [...] The Millennium Development Goals set time-bound targets, by which progress in reducing income poverty, hunger, disease, lack of adequate shelter and exclusion — while promoting gender equality, health, education and environmental sustainability — can be measured [...] The Goals are ambitious but feasible and, together with the comprehensive United Nations development agenda, set the course for the world’s efforts to alleviate extreme poverty by 2015”.

M. Ban Ki-Moon, General Secretary of the United Nations

The Millennium Development Goals include quantified objectives in favour of developing countries in priority areas in terms of development for 2015.

Focus on:

The Millennium Development Goals



The eight Millennium Development Goals (MDGs) were adopted during the Millennium Summit held 6th-8th September 2000 at the United Nations Headquarters in New York. These challenges were laid out in the Millennium Report, published by the former Secretary General, Mr. Kofi Annan.

In 2010, a global Plan of Action was agreed at a Summit aimed at meeting the MDGs through a certain number of initiatives aimed at combating

poverty, hunger and diseases.

The 8 MDGs:

- Eradicate extreme poverty and hunger
- Achieve universal primary education
- Promote gender equality and empower women
- Reduce child mortality
- Improve maternal health
- Combat HIV/AIDS, malaria and other diseases
- Ensure environmental sustainability
- Develop a Global Partnership for Development

The difficulty in achieving the MDGs

Most of the objectives that have been set will not be reached by the 2015 deadline. Although real progress has been made in some areas (access to education, reduction of child mortality, improved maternal healthcare, fighting many fatal diseases...), yet the situation is continuing to deteriorate in other crucial fields (social equity, gender equality, human rights, eradication of poverty and hunger, reduction of inequalities...). This is particularly the case in the developing countries that have a high birth rate (where an increasing proportion of the population of these countries is affected by famine, or is living in slums). This undoubtedly compromises the credibility of both the countries and the United Nations.

One quarter of humankind is still deprived of everything: access to water, electricity, obliged to live on a daily hand-to-mouth basis of subsistence, and outside any economic network.

The High Level Summit on the MDGs that will be held at the end of 2013 will evaluate the MDGs and will provide the opportunity for negotiating a roadmap to ensure that the objectives are met. It is not so much the legitimacy of the MDGs that needs to be re-examined, but rather the low level of means committed to achieving them. The implementation of the objectives in some countries has taken place without any consultation and with no active participation of the population. Furthermore, the MDGs contain no mention of access to power supplies or the fight against climate change, both of which are essential to achieving the eight goals adopted.

Generally speaking, the actions to support development have been weak, and the promises of financial support made by most of the industrialised countries through Official Development Assistance (ODA), have not been kept. The actions undertaken under the local Agenda 21 and national development strategies in the economic and social fields have remained relatively modest. The principle of “the polluter pays” and the inclusion of the outside factors of an environmental and social nature have only been partially implemented. Harmonisation within the concept of sustainable development of the three pillars - the environmental the economic and social - has met with little success, and the concept has, for the most part, remained theoretical.

The post-2015 MDGs

A process to revise the MDGs was launched by the United Nations, with a High Level Group on the post-2015 programme introduced by Mr Ban Ki Moon.

The ties between MDG and environment

The existing ties between protecting the environment, fighting climate change and the MDGs have now been recognised by the entire international community:

- Eradicate hunger: guaranteeing good climate conditions is at least as important as increasing technical means. Adapting agriculture to new climate conditions and ensuring populations have access to sustainable farming practices are vital for meeting the food needs of all people.
- Guarantee access to and use of clean drinking water and sanitation. This determines sanitary conditions (spread of water-borne diseases due to the use of non-drinking water and lack of sanitation; they are also aggravated by insufficient access to fuel to boil water). This also translates into gender inequality (the time spent essentially by women and children fetching both water and firewood cuts down on time available for education and paid work).
- Solve many global environmental issues: climate change, loss of biodiversity, reduced marine resources. These issues can only be solved through partnerships between developed and developing countries.
- Improve the general level of training and social cohesion of any given population.

This increasingly obvious link resulted in the Rio+20 decision of setting Sustainable Development Goals (SDGs) in addition to the MDGs.

2. The Sustainable Development Goals

Un débat a émergé à l'automne 2011, dans le cadre de la préparation de la Conférence Rio+20, sur la fixation d'Objectifs de Développement Durable (ODD). Ceux-ci se situeraient dans la même logique d'engagements tangibles et de suivi des progrès accomplis dans le passage à l'action que les OMD. Le lancement d'un processus de travail sur ces ODD pour 2015, principale avancée de Rio, est couplée avec l'échéance des OMD en 2015. Alors que ceux-ci ne s'appliquent qu'aux pays en développement, les ODD tendent à élargir cette approche pour le développement durable à tous les pays, y compris les pays développés. Ils cibleraient plusieurs thèmes prioritaires quantifiés, auraient un caractère volontaire et universel, seraient soumis à un échéancier, et s'appuieraient sur des indicateurs à adopter au niveau national. Si le principe rallie de nombreux pays, leur contenu exact et leurs conditions de mise œuvre restent à préciser. L'accès aux énergies renouvelables pour tous est un thème fortement mis en avant comme l'un des ODD possibles.

The other specificity is the universal nature of these SDGs. The idea would be that all countries that set these goals are aware that quantifying these objectives will require taking the level of development and situation of each country into account.. These goals will require national sustainable development commitments that will need public and private investment.

Fixing the cap of quantified objectives to be reached, within a specific deadline that can serve as a guideline for all willing parties: countries, businesses, local authorities and citizens is real progress. This would allow a new generation of Agenda 21 to be created, which are more concrete, more operational and likely to progress towards sustainable development.

What is the relationship between the MDGs and SDGs?

The debate on the SDGs must not distract from nor weaken the importance of the MDGs. However, the relationship between the two packages still needs to be clarified. There are two main possibilities:

- The SDGs could be a new basis for redefining the MDG;
- The SDGS would be additional to the MDGs. Synergies with several existing initiatives would have to be created.

Whatever the nature of the goals (climate, sustainable development or development), it will be necessary, even crucial, for these goals to be designed and distributed according to objective and fair criteria, accepted by all.

Whether because of the MDGs, the SDGs or the climate agreement, 2015 will be an important deadline for defining quantifiable and measurable goals. These goals will have to be consistent and transmit the vision of a successful future for every country, and the common will to cooperate. The next climate agreement must be part of this process: It will therefore have to rise to the challenge of setting clear goals for everyone, in line with fair criteria, and define an adequate international regulation.

2 • Drawing up fair new post 2020 commitments.

The inconsistencies in terms of level of commitment agreed in Kyoto, and the serious disagreements noticed during negotiations for the second period of commitment demonstrate the growing importance of fairness and comparability when distributing actions as reductions' requirements increase, in light of scientific requirements. They show that there are an increasing number of different countries involved. Long-term work and analyses to identify the efforts expected of each country need to be carried out as of now. They will mean that the post-2015 system can be based on objective criteria and proportionate commitments. They will be part of a collaborative and iterative approach, aimed at enhancing ambition.

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A. Building a system based on objective criteria and thus proportionate commitments

1. Defining the criteria

The necessary criteria of comparability allowing for fair distribution could include the following:

- The specific assessment of different countries' capabilities, whilst taking their development needs into account: available natural resources and constraints/dependencies; structure of production systems and development opportunities
- Institutional organisation
- Conditions for reducing social inequality
- Their geographical and climate conditions
- Demographic changes
- Taking into account progress made (or not) by countries since 1990, in terms of per capita emissions levels and emissions levels per GDP unit
- The possible pace for catching up on the accumulated delay on the commitments pledged, compared to 1990 emissions
- Their industrial production structure, in particular emissions avoided through having recourse to imports, and those caused by activities that result in exports (extractive activities, producing manufactured goods...)
- The room for manoeuvre linked to energy supply, to potential energy savings and to the specificities of the transport sector
- The potential to develop renewable energies
- The characteristics of agriculture and forest management
- The possible changes to lifestyles
- The vulnerability and ability to adapt to climate change...

Defining these criteria should be one of the priorities in this new round of climate negotiation in 2012.

2. Defining the level of commitment

Even if the criteria have been clearly established and accepted, drawing emissions pathways for the countries and the levels of reduction or change will be difficult.

Taking the principles of equity, solidarity and comparability into account should be followed by carefully designing progressive commitment for different countries' commitments. This could result in the following approach:

Introducing an international preparation process based on the work of experts from a global network of universities and research centres

Making progress in defining fair criteria, which mean the situation of each country can be assessed, will need time: the nature of these criteria will have to be negotiated and trust will have to be built in terms of the ability to carry out impartial comparisons of the situations of different countries.

- The first condition consists of respecting a context of fairness, particularly in favour of developing countries. They might feel even more tied to the negotiation as they depend on international financial assistance.
- The second condition to be respected is carrying out a careful and impartial study for each country. Thus it must be checked by a panel of universities and research centres that are representative of all the situations in countries across the globe. Such work could probably not be completed in under two years. This approach must be based on emissions' reductions as well as the needs for adaptation assistance.
- The third condition is that of comparing the pace of progress. This cannot be the same for developed countries that have the technology and financial means, and for developing countries.
- The fourth condition is defining the rules for respecting the commitments, which could be chosen during negotiation by agreeing on additional financial contributions for developing countries provided by developed countries that do not achieve the progress expected on time.

Objectives defined for the entire 2020-2050 period with intermediate 10-year steps

Because countries' emissions pathways tend to differ, the last negotiation showed that it was impossible to bring about coherent convergence of emissions levels within a short period of time (in Copenhagen only for the period 2009 and 2010).

Therefore we must use a longer timeframe so that negotiation is now based on the distribution of commitments and the progress to be made to achieve the IPCC objectives by 2050. Of course, having a longer-term deadline should not in any case lead to delaying action. However the sequence of intermediate stages must be broken up in order for their progress to be measured and for countries' targets to be renegotiated if the progress made turns out to be insufficient.

A regular evaluation process written into the future agreement

In order for this process to be carried out in time, it will have to be launched during the COP 18, if it is to benefit from funding by industrialised countries and be finished by the end of 2014. This work could therefore take into account the lessons to be learned from the IPCC progress reports due to be published in 2013.

It would be best for this to be done outside the IPCC framework so as not to mix the scientific work with this exercise, which is both more applicable and political.

Ensuring this work is submitted in time for the COP 20 at the end of 2014 will therefore mean the central negotiation can start, which, according the Durban Platform's mandate should lead to developed countries' emissions targets, and the change to developing countries' emissions' paths by 2015 as well as decisions on the tools and financial resources needed to achieve them. This method should mean the decisive part of the negotiation is achieved by 2015, and that a new legally binding agreement is reached.

This process will also have to be included in the Rio Convention through an amendment and should plan for the legal conditions for reviewing the criteria and objectives in the new agreement.

Fulfilling the promises of funding

After two years of tough negotiations, the Green Climate Fund, announced in Copenhagen, is starting its operational stage. What is now at stake will be ensuring industrialised countries keep their promises¹⁶, despite the financial crisis, and contribute to this fund. Without this, trust will not be restored and the mitigation actions and programmes in developing countries will not be able to be designed or implemented. This funding will have to be "new and additional" and should be first aimed at vulnerable countries - Small Island States (AOSIS), Less Developed Countries (LDCs) and Africa.

Without creating trust and the understanding that everyone will benefit from committing themselves, countries will not want to create mechanisms that guarantee the respect of these commitments (and therefore an effective way of sanctioning). Without the assurance that countries will be forced to fulfil their commitments, trust, in light of the disappointments experienced in terms of financial promises in particular, will be beyond what is possible. On the one hand, we must build a process based on values and a common and shared vision of the stakes, and on the other hand we must build a legal framework for sanctions that are enough of a deterrent to ensure everyone's commitments are met. Accepting the idea of a monitoring and sanction mechanism goes hand in hand with the certainty that the objective is achievable and that efforts will be rewarding. These conditions will build the notion of hope, an optimistic perspective and conviction that we can still manage to stay within the 2°C temperature rise limits prescribed by scientific works.

¹⁶ The text of the Agreement stipulates a target of 100 billion dollars in additional North-South transfer funding for 2020.

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B. A collaborative and iterative approach as a tool for increasing ambition.

The negotiation technique itself, as a systemic logic and tool for reaching an agreement, has a role during the UNFCCC conferences, and determines their success or failure. As a means of drafting agendas and political texts, it plays a crucial role and determines whether an agreement is reached. The quality of this agreement, whether ambitious and fair or conversely, resulting in inequalities and not sufficiently assertive, depends on the closed process. The slow pace of the process, often mistakenly interpreted as a sign of its inefficiency, is a necessary consequence of the effort made to successfully carry out extremely complicated negotiations, which could not be properly undertaken in a short space of time.

The different interests that tend to prevent the conclusion of climate negotiation are two-tiered and interdependent. They are:

- Between the countries for defining the regime to fight climate change and its implementation;
- Within the scope of each stakeholder: the implementation of policies to fight climate change, requiring substantial and immediate investment to make a noticeable medium or long-term difference, often goes against short-term or managing other priorities (poverty eradication, economic development and other social needs...).

For the moment, the danger of the negotiation becoming deadlocked has been avoided, in spite of difficulties, by the choice of a collaborative approach to negotiation; it is vital to increase this approach both in Doha and beyond. It is a result of the profound attention of the specificities of the situation and, includes the principles and mechanisms that encourage increase the level of commitment made by countries.

Focus on:

The specificities of negotiations within the UNFCCC framework

- **A multi-party system:** The considerable number of actors taking part in the negotiations (in other words the 193 Member States of the United Nations Organisation), slows the drafting of an agreement due to the many interactions that it involves.
- **An inter-state system:** Added to the complexity caused by the number of actors, is the inter-state nature of negotiations. It must be remembered that decisions taken within the framework of the UNFCCC are not self-fulfilling: they must be translated into national policies by mobilising technical and financial support for their implementation, as well as monitoring systems. The social, economic and political context, the availability of resources and geographical configuration are different in each country. The heterogeneous nature of national circumstances considerably complicates decisions on the operational implementation the means for fighting climate change.

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In addition, countries' positions are determined in national policies as their results dictate the level of commitment declared by the countries, their more or less pro-active nature and the room for manoeuvre. As a result progress on international climate negotiation is subjected to the rhythm of the level of maturity at national level: the political actors, the economic branches, households... This limits the flexibility of positions adopted by the negotiators, who can only agree with decisions that are not in phase with their country's political line. This all leads to a very static international negotiation process that takes several years to include new ideas.

- **The new nature of what is at stake:** Although the goal to be reached has been clearly defined - avoiding the harmful consequences of climate change, defining the terms for its implementation within a globalized economy that has highly competitive spheres of influence - it is indeed extremely complex. In addition, the novel nature of the climate crisis (due to its nature and planetary scale, and the time frame involved) means working with timelines that are not the usual ones. It means new collaborative processes must be designed, and disrupts global governance that is used to operating in negotiations that lead to short-term outcomes as events take their course. Implementing collective agreements that apply to everyone cannot be done without conflict and will require successive adjustments; success can only be achieved if collaborative relationships are maintained.
- **Ambivalence on the ability to mobilise around the issue:** The consequences of failed negotiation (scientifically documented thanks to the IPCC reports) represent such a threat to global balance that climate negotiations mean that agreements are reached that are below those supported by the expression of civil society. Thus the climate negotiations always manage to reach agreement at each conference 'in extremis' that is unfortunately partial, but that does enable the fight against climate change to continue. Nonetheless, the negotiations focus on the long-term stakes conceals the urgent need for action and tends to seriously slow down the process.
- **The rule of consensus:** The decision-making process of the UNFCCC is based on the rule of consensus. By obliging all countries to reach an agreement on the regime to be adopted for implementation, this rule only authorises decisions that have been unanimously agreed, and therefore has the double advantage of reducing conflicts and encouraging collaborative attitudes. Nevertheless, it has the drawback of reducing the chances of reaching a significant agreement as countries that are forced to find a point of agreement tend to align their positions with those that are least proactive.

The most common approach consists of considering the object of negotiation as a whole that has to be shared between parties. Distribution is established thanks to a game of interactions that uses rational arguments, behaviours, positions and concessions. In this kind of negotiation, what is won by one of the parties is lost by another and vice versa.

The case of climate negotiation is completely different. Successful negotiation is translated into efforts made by all the parties who will permanently fight against climate change, with all the countries will be “winners”. Whereas failure will mean the current model is not sufficiently transformed, and will result in heavy negative impacts leaving only “losers”. It is therefore imperative that we abandon the classic pattern of distributive negotiation, so as to adopt and implement integrative negotiation, which makes the effort of turning a priori competing interests into common objectives. And as a result creates an agreement which is successful from everyone’s point of view.

When preparing negotiations, every party specifies its “reservations”, in other words a fixed position beyond which they believe they have lost more than they would have without an agreement. As a result, if the discussion leads to making commitments that go beyond their reservations, they will not make any concessions, preferring to withdraw from finding a negotiated solution. The theoretical area in which reservations overlap, is where discussion must be held as it is the only opportunity for concluding an agreement. But this is a complicated job, as all countries are not affected in like manner by the impacts of climate change.

However, in the case of climate negotiations there are two difficulties, which can overlap, preventing this “area for possible agreement” from being found:

- The lack of visibility concerning countries’ reservations (that is to say the GHG emissions reductions targets on which they are prepared to agree in terms of their national context and their technological and institutional capacity to invest), means it is not possible to clearly identify what could be a point for consensus. Most of the time, countries conceal their progress and do not reveal their reservations either as a strategy or because they have not managed to define them specifically due to a lack of institutional capacity.
- The incompatibility of the Parties’ positions, when they have reservations that do not overlap. This implies the areas of agreement cannot be so easily identified.

These stumbling blocks to defining a climate regime, can be overcome by planning negotiations wisely in terms of framing debates, and providing clear, transparent information. Carefully applying several guiding principles and combining them means the country lines can move, in terms of increasing their ambition.

Thus, in order for the implementation of negotiations to be a fully-fledged tool that helps countries to increase their level of commitment, it is necessary to:

- **Only concentrate on the interests:** The interests (or needs) are the underlying reasons on which the parties’ positions are based. In the case of climate negotiations, discussions must always be put back into the global context of an interest “common to humanity”, that of keeping the rise in temperature under the 2°C threshold by 2050 and cut down on energy expenditure, whilst ensuring the well-being of populations. The starting point for such an approach

is the participation of all countries, resulting from the tacit recognition that they will be better able to resolve the climate challenge collectively rather than individually.

- **Avoiding discussing positions head on** and preferring to focus the debate on understanding and defining interests that these positions aim to defend is the condition to unblocking negotiation. We must strive to express and explain the interests of each country and to make them our own, so as to allow:
 - The mutual understanding of the positions that will increase the level of trust between countries and as a result will create an atmosphere that is conducive to cooperation;
 - Discussion not to be focused on considering the positions but on respecting everyone's needs. This approach increases the scope of possible and legitimate decisions which a posteriori do not coincide with the countries' initial positions but which lead to consensus.
- **Dividing up negotiations.** and creating parallel processes. Establishing three negotiation tracks (AWG-KP, AWG-LCA and LWG-ADP), subsidiary bodies (SBI and SBSTA) and sub-processes (informal discussion, workshops, spin-off groups, discussion forums...) allows:
 - Progress to be made simultaneously on several issues
 - Sectoral interests to be highlighted and to take their interdependence into account
 - Specific agendas to be prepared to deal with the detail of each problem to be discussed, point by point.
- **Informing.** In order to reach an understanding on objective and verifiable criteria, expertise needs to be developed. The conclusions and lessons need to be updated and pooled in order to build a shared culture of the problem of climate change and the implementation methods. The entire issue of technology transfer and capacity building, or the role of the IPCC that provides scientific data.
- **Proposing alternatives.** Pooling understanding facilitates the emergence of innovative pathways that respect the interests of each stakeholder. This is the role played by informal discussion sessions and workshops that strive to find common ground between countries by interlinking their sectoral interests by generating new solutions. The establishment of flexibility mechanisms is the fruit of such an approach: these tools make it possible to find the level of commitment for Annex 1 countries to respect GHG emissions reductions targets without disrupting their economy, whilst favouring low-carbon development in developing countries.
- **Creating and maintaining trust.** The meticulous application of the aforementioned principles encourages the creation of a climate of trust so as to avoid at all costs a return to distributive tactics, that would lead to future conflicts. It is an issue of making it easier to draft an agreement in a spirit of cooperation, and of strengthening the credibility of the decisions and commitments that are made. Several key elements help to consolidate trust between States:
 - Ensuring the equitable participation of all countries, leaving aside socio-cultural bones of contention;
 - Making it easier to read the process through efforts to clarify and simplify as

well as setting clear deadlines and detailed objectives to guarantee all actors understand and are involved in each stage of the negotiation.

- Assigning intergovernmental organisations (with proven legitimate power) key tasks in the process means sticking points, which can arise when States interact directly, can be avoided.
- Guaranteeing that commitments made are met by providing prescriptive elements for them to be achieved, in order to avoid causing disappointments that could weaken cooperation.
- Organising a bottom-up approach that demonstrates the successful operational implementation so as to legitimise and give credibility to the climate process and to launch a positive impetus for ambition and cooperation.

Ensuring these precepts are carefully implemented and throughout the sequence, leads to increasing progress in terms of the countries' level of commitment. Therefore, the agreement on a first decision means it is possible to move beyond the status quo, allowing this decision is discussed again during the subsequent negotiation stages. Every time the process is repeated, these objectives can potentially be revised upwards and the scope of the process completed in light of new available elements and the development of its application context. The benefits of adopting the Kyoto Protocol (KP) demonstrate how this works. The Kyoto Protocol began a first sequence of commitments by developed countries as a result of an initial stage of collaboration. This agreement on the Kyoto Protocol's first period has already initiated an approach that aims to extend the scale and size of countries' future commitments. This is the aim of the AWG-LCA and the ADP. In addition, as the first period for implementing the commitments will finish at the end of this year, one of the stakes in Doha will be deciding the level of ambition of a second commitment period in order to increase it.

It is this long-term process, unavoidable due to the complexity of the stakes, that will continue to allow the level of ambition to be increased through successive steps until we manage to meet scientific demands.

ANNEXES

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Workshop to further the understanding of the diversity of nationally appropriate mitigation actions by developing country Parties, underlying assumptions and any support needed for implementation of these actions .

This workshop, organised in several sessions, allowed different crucial points to be discussed, in order to make progress on understanding certain stakes linked to the NAMAs, and in order for countries to present their actions, state of progress, implementation structure, support received and necessary support. The Parties submitted information on the NAMAs on the 12th of March, after which the workshops were organised. The last one will take place in Doha.

During the three presentation sessions organised throughout the year, reports by both developing and developed countries/groups of countries were presented. These highlighted:

- The diversity of NAMAs
- The possibilities/hypotheses taken into consideration
- The methodologies, sectors and gases covered
- The values used to measure the potential effects on climate change
- The support needed for the implementation of these actions
- The expected results, in terms of mitigation

During this workshop it emerged that many actions of a different nature and degree were implemented in the countries.

One of the major issues that emerged from the workshop was the increased demand, by all of the countries, to implement monitoring, verification and control systems. This would tackle the overestimation of emissions reductions (particularly in the forest sector) and would thus restore trust and transparency between the countries. Without directives on the MRV, methodologies developed within the CDM framework were used to ensure the environmental integrity of NAMAs. Countries highlighted the resulting advantages and benefits of implementing common accounting rules for reduction ambitions and for support to implement NAMAs. These rules must help developing countries calculate their GHG emissions and to draw up an inventory of and quantify the emissions reductions resulting from their NAMAs. Access to clear and precise information will make it easier to coordinate the register (between the actions and the necessary and provided support) and will shine a light on reductions achieved by different countries and will allow progress on these actions to be monitored.

Countries also want to develop low-carbon development strategies.

The context:

Most of the NAMAs were included in national development strategies and action plans. Institutional structures were implemented in the countries in order for NAMAs to be developed. These structures have different natures/ names according to the country but on the whole they have the same function:

facilitating the coordination and implementation of NAMAs. Countries also stressed the importance of implementing structures at a national level so as to ensure NAMAs were measured, reported and verified (national MRVs) even if until now few countries have really had the chance to develop such systems.

The players' participation

All States developing NAMAs stressed the importance of a participative and multi-stakeholder approach in developing action plans. This process would make it easier to agree on BAU emissions scenarios, and thus to identify, assess and validate the most efficient and viable NAMAs possible.

The diversity of NAMAs

The NAMAs are very variable in their nature, objective, scope, scale, in terms of the support they received and the way they are funded, and the expected co-benefits or those resulting from their implementation.

NAMAs presented by countries are at very different stages of implementation: the planning and design stage, the final development stage and ready to receive support for implementation, the operational implementation stage...

The sources of support are very varied: In some countries implementing the NAMAs depends on financial support, technology transfer and real capacity-building. Others use domestic resources but will need international support to extend the scope of their actions. Finally, some countries only have recourse to national funding.

The scope and sectors covered by the NAMAs vary: Some aim for reductions targets at a national level, including emissions' reductions in relation to the BAU scenario, reductions below the annual basis, and carbon intensity targets. Others focus on sectoral, programmatic actions, in terms of renewable energies or carbon efficiency targets. Some NAMAs are limited projects, particularly at a community level.

The estimated benefits of mitigation Implementation efforts hinge on different activities and actions that can reduce emissions. However, reductions are only noticeable once the NAMAs have been carried out, which complicates transactions with the donors. In addition many co-benefits result from implementing NAMAs; poverty reduction, access to renewable energies, energy security, increased food security, improved air quality, reduction of social conflicts, the conservation of biodiversity, capacity building, job creation...

Support needed for implementation. Developing countries emphasized that implementing NAMAs, on a voluntary-basis, depends on access to real financial and technological support and capacity building by developed countries. Financial and technical support must be increased in order to prepare and implement NAMAs for the 2012-2015 period.



Workshop “developed country Parties’ quantified economy-wide emission reduction targets”

This workshop dealt with many subjects linked to developed countries’ quantified emission reductions.

- The need for clarification on the nature and level of objectives announced by developed countries
- Disseminating the data and conditions linked to these targets
- The need to assess similarities and differences in approaches so as to measure progress made in achieving the targets
- The comparability of emissions reduction efforts in developed countries
- The options and ways which could increase the emissions reduction level of ambitions
- Reviewing policies and measures which make it possible to achieve these targets
- Reviewing experiences in terms of low-carbon development strategies and the ways to achieve this

The process for clarifying developed countries’ emissions targets will involve making decisions on:

- The base year
- The extent of global warming
- The gases covered
- The methodologies used for drawing up inventories of GHG emissions to calculate reductions’ targets
- The reductions targets expected
- The role of the LULUCF
- Carbon credits from market mechanisms
- The figures and conditions linked to promises of reduction
- Sharing experiences on low-carbon development strategies

The presentations show that a common understanding of the targets is progressively emerging. However, there are considerable differences with regard to certain figures, hypotheses and conditions linked to the targets, and the comparability of reduction efforts.

Clarification on the nature and level of quantified emissions reductions

The countries which had announced targets in the reports expected to be given by the 12th of March 2012, presented the policies and measures necessary for establishing targets. Countries highlighted a link between their objectives and their specific national circumstances.

All countries agree on the importance of pursuing a process to clarify developed countries’ targets, so as to ensure a better understanding of the options and paths which would allow the level of ambition to be increased.

Some countries, particularly developing ones, emphasize that this process needs to result in identifying unconditional and transparent emission reduction commitments, expressed as a unique number (and not within a range), calculated according to a common annual base and using common methodologies and compatibility rules.

Figures and conditions linked to the targets

This part includes common accounting rules.

Some countries link their target to conditionalities related to:

- Other countries' level of reduction ambition
- Global action
- Access to a larger number of carbon credits and recourse to the market
- Considerable recourse to LULUCF

Similarities and differences in the approaches to measure progress to reach the targets

It emerged that all countries use a 1990 bases, except for the United States (2005), Canada (2005) and Australia (2000). All the States, apart from the EU, have included, when calculating their targets, future gases covered, which should be reported on as from 2015. The EU's target covers fewer gases.

With regard to the sectors concerned, most States understand they have very broad cover with individualised targets, including the LULUCF sector. The EU will not include the LULUCF on its list of sectors covered by its targets. Countries are asking for greater clarity on the sectors covered, in particular on including emissions from fuel used by air and maritime transport.

Most developed countries have stated their intention to have recourse to carbon credits from market mechanisms to reach their targets. The importance of market mechanisms has been emphasized as they will mean the level of ambition can be increased. Countries are interested in both market mechanisms from the Kyoto Protocol and in new mechanisms under the Convention. The question of the environmental integrity of carbon credits from these mechanisms has been raised.

Some countries stressed the importance of having robust common accounting rules in order to adopt comparable and transparent targets and to measure progress towards these targets. Other countries highlighted that these rules influence the level of commitment and that there is a need for these rules to be consistent in order to avoid double counting and confidentiality clauses being established in order for a tonne of emissions reduction in one country to be equivalent to a tonne of reduction in another.

Some countries have underlined the need for carbon credits to be additional to domestic efforts, but that they should not replace them in any cases.

The Parties underlined the link with the first biennial report and the role the report plays in the context of MRV in ensuring the transparency of these targets and mitigation efforts made to reach these targets and create trust in the fact that countries will implement all measures necessary. One country highlighted the importance of national compliance and self-monitoring regimes in developed countries.

The comparability of reduction efforts in developed countries, of options and ways to increase the level of ambition promised.

The secretariat underlined the importance of clarifying developed countries' targets so as to provide information making it possible to compare efforts among developed countries.

Comparison is based on 3 criteria:

- Relative and absolute changes to GHG emission levels at different times in case there are different base years;
- Relative and absolute changes to per capita GDP and per capita GHG emissions at different times
- Relative and absolute changes to GHG emission intensity in relation to economic production measured by GDP

Some carbon accounting systems take specific national circumstances into account, which produces different results and blurs comparability between the countries. Countries recognised that the possibilities of moving forward in comparing efforts between countries is constrained by:

- The lack of comparable data and transparent information of mitigation efforts.
- Applying different rules for the LULUCF
- Using different types of carbon credits for different market-based mechanisms

Countries reaffirm the need to hold the rise in temperature below 2° (Cancun Agreement) and to increase mitigation efforts in order to achieve this.

Some countries (developing countries) have asked developed countries to increase the ambition level of their target by making more ambitious promises or by using the highest figure of the current reduction range. Other countries have stressed the importance of reductions, not only those of developed countries, whether individually or collectively, but of some developing countries too, with regard to their respective capacities.

One country proposed implementing a continued process to monitor the gap and identify options which increase the level of ambition through:

- Transparent and ambitious targets for developed and developing countries;
- Broad participation and ambitious quantified reduction and emission limitation targets in the second commitment period of the Kyoto Protocol.
- Effective actions to monitor AAUs that are transferred between the Kyoto Protocol's two commitment periods.

One country expressed its concern that the targets set by countries in transition will not lead to reductions in relation to the BAU level.

Relevant policies and measures to support the targets and experiences in terms of low-carbon strategies

Some countries have developed projected emissions scenarios for 2020, based on taking a range of measures and policies into account and analysing their impact on emissions levels.

This work was presented so as to understand their effects in general economic terms. Countries showed how effectively implementing policies and measures allowing these targets to be reached, will make it easier to uncouple GHG emissions growth and economic growth.

Many countries underlined the importance of implementing measures and policies in all economic and administrative sectors in order to reach the targets. Countries have developed national legislation and regulatory frameworks, at different levels - national, sub-national, regional, local - as well as international initiatives.

Canada presented its cross-border efforts to bring its climate change policy into line the United States sector-by-sector approach.

The EU and New Zealand presented their experiences in terms of emissions trading schemes in different sectors, as key elements of their strategies to fight climate change. Australia intends to implement a new multi-sectoral carbon pricing mechanism that will introduce a carbon price in 2012 and a cap-and-trade system by 2015.

Countries placed their measures and policies in a long-term development context and highlighted the links with implementing low-carbon development strategies.

Norway and the EU confirmed their intention of becoming low-carbon economies by 2050. Switzerland is developing an “Energy Strategy 2050” aimed at increasing its energy efficiency and the use of renewables.

Countries are pointing out the co-benefits generated by such strategies: job creation, increased competitiveness, green growth, technological innovation.

[The possible paths to go further](#)

Countries would like new workshops to be set up.

The technical paper will have to be completed and improved by strengthening the analysis of comparing reduction effort levels and by using the same counting systems.