



## From the “post-2012” regime to the “post-2020” climate regime: a long and winding road

Review of the 17<sup>th</sup> Conference of Parties to the United Nations  
Framework Convention on Climate Change,  
28<sup>th</sup> November-11<sup>th</sup> December 2011, Durban, South Africa

## Coordination SUD (Solidarity Relief Development)

The French platform for international solidarity NGOs, **Coordination SUD**, was established in 1994 and now brings together over 130 NGOs engaged in emergency humanitarian and development assistance activities. As part of its mission to support advocacy and international relations, it has set up various working committees to enable NGOs to harmonise their positions and work on collective advocacy.

**The Coordination SUD Climate and Development Commission** includes the following NGOs from Coordination SUD and Climate Action Network France (CAN-F): Action contre la faim (ACF), Agronomes et vétérinaires sans frontières (AVSF), Alofa Tuvalu, Amis de la Terre, Care, Centre d'actions et de réalisations internationales (Cari), CCFD-Terre Solidaire, Centre d'entraînement aux méthodes d'éducation active (Cemea), Crid, Dossiers et débats pour le développement durable (4D), Eau Vive, Greenpeace, Gret (leading the commission), Groupe de recherche et de réalisations pour le développement rural (GRDR), Groupe énergies renouvelables, environnement et solidarité (Geres), Handicap International, Helio International, Initiative Développement, Ingénieurs sans frontières (ISF), Médecins du Monde, Oxfam France, Planète Urgence, UCPA, WWF France. Several obs-

ervers also sit on the commission: Bolivia INTI, Centre national de la recherche scientifique (CNRS) – Centre Koyré, Fondation Nicolas Hulot (FNH), and the Groupe Urgence réhabilitation développement.

The commission was created in 2008 as part of the monitoring programme put in place under the French presidency of the European Union.

It has three objectives:

- to encourage members of the commission to exchange experiences and discuss their practices;
- to raise awareness of climate change-related issues among French international solidarity NGOs, and enhance their capacity to incorporate them into their projects;
- to build collective positions on the issues associated with tackling climate change in developing countries.

Most of the work focuses on monitoring international negotiations on implementation of the United Nations Convention on Climate Change and the Kyoto Protocol, and the adoption of a new, ambitious and equitable climate agreement.

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*The aim of this analytical report is to help explain the impact of climate negotiations on the development of developing countries, and their role in international climate governance.*

This report was produced by the following member organisations of Coordination SUD:



and Climate Action Network – France (RAC-F)



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## Abbreviations and acronyms

AGF	High Level Advisory Group on Climate Financing
ALBA	Bolivarian Alliance for the Peoples of Our America ( <i>Alianza Bolivariana para los Pueblos de Nuestra América - Tratado de Comercio de los Pueblos</i> )
ANAA	National Assembly of Environmentally Affected groups
AOSIS	Alliance of Small and Island States
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
AWG-LCA	Ad Hoc Working Group on Long-term Cooperative Action under the Convention
BASIC	Brazil, South Africa, India and China
CAN	Climate Action Network - International
RAC-F	<i>Réseau Action Climat - France</i> (Climate Action Network – France)
CCS	Carbon capture and storage
CDM	Clean development mechanism
Cifor	Centre for International Forestry Research
CITES	Convention on International Trade of Endangered Species
CO <sub>2</sub>	Carbon dioxide
COP	Conference of Parties to the UNFCCC
COP17	17 <sup>th</sup> Conference of Parties to the UNFCCC
COP18	18 <sup>th</sup> Conference of Parties to the UNFCCC
CSA	Climate-smart agriculture
DRR	Disaster Risk Reduction
G8	Group of Eight
G20	Group of Twenty
G77+China	Group of 77 developing countries plus China
GEF	Global Environment Facility
GHG	Greenhouse gas
GNI	Gross national income
HFCs	Hydrofluorocarbons
ICA	International Consultation and Analysis
ICJ	International Court of Justice
IMF	International Monetary Fund
IMO	International Maritime Organisation

IPCC	Intergovernmental Panel on Climate Change
LULUCF	Land Use, Land Use Change and Forestry
MDGs	Millennium Development Goals
MRV	Measuring, Reporting and Verifying
NAMA	Nationally Appropriate Mitigation Actions
NAP	National adaptation plan
NAPA	National adaptation programme of action
NGO	Non-governmental organisation
ODA	Official development assistance
OECD	Organisation for Economic Cooperation and Development
PNG	Papua New Guinea
ppm	Parts per million
QELROs	Quantified Emission Limitation and Reduction Objectives
REDD+	Reducing emissions from deforestation and forest degradation and enhancement of forest carbon stocks
REL	Reference emission levels
RL	Reference level
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
SBSTA	Subsidiary Body for Scientific and Technical Advice
UNFCCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organisation



## Introduction

The prospect of establishing a future global climate agreement that is ambitious, equitable and legally binding has seemed uncertain since the failure of Copenhagen in 2009. Belief that the international Conference would save the climate and change the world is a thing of the past. And political opposition to change has been aggravated by various factors – the economic and financial crisis, the election of a Republican majority in the American Congress, and the growing differentiation between emerging nations and other developing countries, to name but a few.

Experience has shown that UN negotiations on climate are a long but necessary process. This is the only way of ensuring that all states participate in a debate that is crucial for our shared future, as multilateralism provides the international cooperative framework needed to tackle climate change effectively and equitably. It was in this spirit that several thousand participants attended the 17<sup>th</sup> Conference of Parties (COP17) to the United Nations Framework Convention on Climate Change (UNFCCC), which was held in Durban from 28<sup>th</sup> November to 11<sup>th</sup> December 2011.

The first issue at COP17 was to **save the Kyoto Protocol**, which aims to reduce GHG emissions by developed countries. This was in danger of disappearing when its first implementation period finishes at the end of 2012. The Durban Conference was also expected to instigate a new cycle of negotiations, with a clear timetable to expedite the earliest possible conclusion of the much-vaunted global agreement uniting all emitting countries in the battle against climate change. In other words, it was supposed to lead to the **signing of a "Bali Action Plan B."**<sup>1</sup> The third expectation for Durban was progress on **implementation of the Cancun Agreements** adopted at COP16 in December 2010, which had led to the creation of a Green Climate Fund, an international framework on adaptation, and implementation of REDD+, the mechanism to reduce emissions from deforestation, forest degradation and enhance forest carbon stocks. These agreements had helped restore confidence in international negotiations with the adoption of pragmatic, staged decisions, and by building on the positive aspects of multilateralism. The Durban Conference was supposed to implement and strengthen the Cancun Agreements, and help mobilize new finance to feed the Green Climate Fund and meet medium- and long-term needs.

Most of the questions that needed to be addressed in Durban revolved around equity. The Kyoto Protocol applies the principle of equity and "shared but differentiated responsibilities", obliging developed countries to act and ensuring that the least developed countries receive

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<sup>1</sup> The current cycle of climate negotiations have been under way since 2005. Member countries agreed an Action Plan in Bali in 2007 in order to facilitate a global agreement bringing together all countries, thus officially opening negotiations on the "post 2012" regime. This set out a process of negotiations and a list (not exhaustive) of subjects to be addressed in the framework of these negotiations:

- **establishing a "shared vision of long-term cooperation"** in order to achieve the ultimate objective of the Climate Convention;
- **the legal form** of a future global climate agreement;
- **green house gas emission mitigation**: all developed countries are to make commitments to reduce emissions that will be measurable, reportable and verifiable; actions by developing countries will be facilitated by technical and financial support from developed countries; REDD+ and land use and change of land use, sectoral approaches;
- **adaptation to the impacts of climate change** to be accorded to same importance as reducing greenhouse gas emissions;
- **technology** to support emissions reduction and adaptation in developing countries;
- **finance** for emissions reduction and adaptation in developing countries.

support. Keeping this Protocol alive was particularly important for the poorest countries, which are hardest hit by and most vulnerable to climate change. The decisions taken in Cancun need to be implemented to ensure that the future climate regime is equitable, and to allow climate negotiations to move forward on technical questions such as adaptation, finance, technology transfer and REDD+, which are also central to international solidarity. Negotiating a global climate agreement that includes every country is undoubtedly the greatest collective challenge that countries face in terms of equity. How should global efforts to reduce greenhouse gas (GHG) emissions be shared between the different groups of countries?

After 16 days of intense and unusually protracted negotiations, delegates returned home with a "package" of decisions that fell somewhat short of these expectations. This package included four major decisions. The first was to establish a small special working group, **the Durban Platform for enhanced action**, which is charged with negotiating an agreement that includes all countries. This agreement should be concluded by 2015, and come into force by 2020 at the latest. This process should replace the **Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)**, which was established following the Bali Action Plan, as soon as possible. In parallel with this process, the **Kyoto Protocol** is to be renewed following an agreement on the principle of a second commitment period, whose duration has yet to be determined.

In practical terms, the Durban Package represents progress on several technical and operational aspects of **implementation of the Cancun Agreements**, especially in developing countries. The third major decision concerns the adoption of the governing instrument for the **Green Climate Fund**, which should become operational in 2013-2014. Finally, the key decision of the Durban package relates to long-term cooperative action. Notable advances were made on adaptation and agriculture, and technical decisions relating to REDD+. However, several questions left hanging after Cancun remained unresolved in Durban, such as funding sources for the Green Climate Fund, and the mechanisms and approaches for financing REDD+ actions on the ground.

The Durban Package has the merit of restarting a cycle of negotiations to revise climate architecture in accordance with national economic realities. This willingness to negotiate a global agreement could signal the return of a top-down approach. The Conference also marked a major shift in the centre of gravity towards emerging countries and away from the United States, which blocked several issues and was left isolated in the negotiations. For the first time, emerging countries—led by China—showed their desire to be actors in global efforts to combat climate change, and accepted the possibility of making international commitments to reduce their GHG emissions from 2020 onwards. The fact that no country seems to want to assume responsibility for failure at the international level could be a key element in multilateral negotiations. However, the Durban package is still far from delivering what scientists believe is necessary to avoid the disastrous consequences of global warming rising above 2°C.

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This document analyses the outcomes of the Durban Conference in terms of development and international solidarity issues. Its primary focus is **national ambitions for tackling climate change**, which can be assessed in relation to the process put in place to negotiate a future global agreement, the need to increase every country's emissions mitigation objectives, and continuing the Kyoto Protocol in the framework of a second commitment period.

The analysis then turns to the international negotiations on implementing the agreements reached in Cancun, highlighting points that still needed to be resolved in Durban. The second section deals with **financing efforts to tackle climate change** in developing countries. Following the creation of the **Green Climate Fund** in Cancun in 2010, countries were supposed to adopt arrangements in Durban to facilitate its implementation from 2012 onwards. COP17 was only partially successful in this respect, as several questions still need to be

resolved to ensure that finance for the Green Climate Fund is mobilized and utilised effectively and equitably. The most political aspects of finance were supposed to be discussed in Durban: in particular, member states were to debate **sources of finance** for the Green Climate Fund in order to meet the commitment that developed countries made in Copenhagen to mobilize 100 billion dollars a year between now and 2020.

The third section analyses the outcomes of COP17 with regard to **adaptation to climate change**. This has long been ignored in climate negotiations, but is becoming increasingly important at the international level and in national- and local-level actions in various countries. The technical advances made on adaptation in Cancun were supposed to be activated and strengthened in Durban.

The fourth section deals with **agriculture**, which has become a flagship issue in international negotiations in the last few years, but received no political recognition in any decision taken at COP17. Agriculture accounts for at least 14% of global GHG emissions (without taking account of deforestation), and is a key sector for adaptation to the impacts of climate change among the poorest and most vulnerable. Many saw Durban as the last chance for agriculture to be officially included in the framework of the Climate Convention.

The fifth and final section of this document looks at the **REDD+ mechanism**. Like adaptation, it is one component of international negotiations where decisive progress was made in Cancun. Durban was supposed to specify the technical modalities framing action on the ground, and resolve the key political question of which mechanisms and sources of funding will be used to finance the battle against deforestation and forest degradation in the long term. ●



PART 1

# Climate ambition: between "post 2012" and "post 2020"

**W**hen the Durban Conference first opened, it was expected that countries would send positive signals regarding their climate ambitions. The three key elements of these signals would be:

1. **adopting a mandate and clear timetable for negotiating a global agreement** that would coordinate and orient national actions within an ambitious and legally binding framework, and discussing whether the agreement would be legally binding or not (would it be a protocol or just a declaration of policy?);
2. **announcing more ambitious national objectives to mitigate GHG emissions**, following several announcements in Copenhagen that the international community reaffirmed in 2010, but which are now insufficient to achieve the objective of keeping global warming below 2°C at the end of the century. Countries were also supposed to set a date for global GHG emissions to reach their highest point. This peak emissions date is crucial in tackling climate change effectively, and needs to be set as soon as possible in order to have a chance of limiting GHG concentrations to 350 to 450 parts per million (ppm);
3. **continuing the Kyoto Protocol** in the framework of a second implementation period when the first period finishes in December 2012.

COP17 marked progress on several fronts in terms of climate ambition. It was decided to create a new process known as the "Durban Platform for enhanced action", which should make it possible to negotiate a new global agreement "with legal force" between now and 2015, to be adopted by 2020 at the very latest. This decision shows that countries are willing to work collectively at the multilateral level. However, there is no guarantee that this new road map will succeed where the Bali Action Plan failed, or even that the global agreement that could emerge from it will be legally binding, like the Kyoto Protocol.

In parallel with this process, which we know will take time, the Kyoto Protocol has been kept alive thanks to the role played by the European Union. Nevertheless, numerous safeguards need to be consolidated to facilitate effective reductions in GHG emissions.

Finally, despite noting that their efforts were insufficient to change their GHG emissions pathways and keep global warming below 2°C, countries made no commitment to review their emission mitigation targets.

## The Durban Platform: towards a new post-2020 agreement?

At the Bali Conference in 2007, all signatory countries to the UNFCCC, including the United States, decided to start another negotiating process to run parallel with implementation of the Kyoto Protocol.<sup>2</sup> This was supposed to lead to a global agreement in 2009, bringing all countries together in a concerted effort to reduce GHG emissions and adapt to the impacts of climate change. This agreement was supposed to come into force when the first Protocol commitment period ends on 1<sup>st</sup> January 2013, but the process foundered at the Copenhagen summit in 2009. Since then, it has become clear that this kind of global agreement will not be concluded in the immediate future, and that it needs to be negotiated over several years.

The Durban Conference had an important role to play in these discussions: after two years of international apathy it was supposed to get them back on track by restarting negotiations on an ambitious, equitable and *legally binding* global agreement that includes all emitting countries. In concrete terms, this meant adopting a new mandate for negotiation that included specific elements in terms of the timetable and legal form of the agreement, and also took into account a second commitment period for the Kyoto Protocol. This agreement would come into force as soon as possible before 2020, and in the best case, at the end of this second period.

### Our expectations: restarting a process to negotiate an effective, equitable and ambitious new agreement

The question of the “legal form”<sup>3</sup> of the future global climate agreement has been particularly sensitive since Copenhagen. In simple terms, opinion is divided over whether it should be a legally binding agreement such as a protocol, or a simple policy statement.

This is an important issue in the international negotiations, as we are highly unlikely to be able to tackle climate change effectively at the global level without a legally binding agreement.

Experience with the Kyoto Protocol has shown that it is not easy to obtain a global agreement that has the force of law. The great paradox for international law is that while the international community needs hierarchy and constraints in order to meet global challenges, the first rule of decision-making is consensus. States are the starting point and executors of new laws – and are thus self-restricting. It is sometimes assumed that systems for regulating disputes and meeting responsibilities will ensure that obligations are implemented effectively, but there are actually numerous obstacles to the execution of international environmental agreements, such as slowness, minimal consensus that translates into lack of ambition, weak systems of control and sanction, etc. (see Box 1 page 13).

In the framework of climate change, the legal form of the future agreement is a particularly sensitive question because climate is the perfect example of a global public good. If international climate action is to be effective, it must apply to every country’s GHG emissions. It is not enough for just a few nations to make an effort to reduce their emissions.

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<sup>2</sup> The Bali Action Plan initiated two parallel sets of negotiations:

- One led by the Ad-hoc Working Group on country commitments under the Kyoto Protocol (AWG-KP), which was supposed to make it possible to take new decisions regarding commitments by developed signatory countries (excluding the United States, which had not ratified the Protocol);
- One led by the Ad-hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), bringing together all signatory countries to the UNFCCC. This should help strengthen the objectives and implementation of the framework Convention in the long term. It is based on the five pillars of the Bali Action Plan: shared vision, reducing emissions, adaptation to climate change, finance to tackle climate change, and technology transfer.

<sup>3</sup> Organised with the Assembly of Environmentally Affected groups (ANAA) and the Mexican Electricians Union and National Liberation Movement.

**BOX 1****> Sanctions in international environmental law**

International-level sanctions do exist to ensure that the arrangements arising from environmental agreements are implemented, but they are rarely enforced:

- **Moral and/or psychological sanctions:** peer-led stigmatisation of a state (i.e. naming and shaming) by publishing reports at COPs plays an important role in international environmental agreements, as does criticism from NGOs that filters through to public opinion. NGOs have played this role in the framework of the Climate Convention since the Rio Summit - for example, Climate Action Network (CAN) hands out "Colossal Fossil" awards to the worst-performing member countries at COPs.
- **Economic sanctions:** often used as a last resort, by withdrawing the advantages associated with participation in the convention: withholding funding, suspending assistance missions, etc.
- **Trade sanctions:** these make it possible to rule out the trade of a product deemed non-compliant within a country, often as a last resort, as with sanctioning measures under the Convention on International Trade of Endangered Species (CITES).

- **Disciplinary sanctions,** generally based on the suspension of rights conferred by the status of Party to the Convention. For example, the Compliance Committee for the Kyoto Protocol can apply "consequential measures" to encourage countries to respect their commitments and ensure environmental integrity. These measures may take the form of sanctions: countries that fail to abide by their commitments during a given commitment period have to carry them over to the next period, averaging a surcharge of 30%. However, this kind of sanction applied over a future commitment period does little to encourage compliance. Japan and Canada, which will not have met their GHG emissions reduction objectives in the first period, have simply refused to renew their commitment under the Protocol for a second period.

In the arena of sustainable development, countries are often reluctant to put in place international-level legal mechanisms. There is no international environmental court of law, despite the proposals put forward by certain states in this respect (see for instance the Universal Declaration of the Rights of Mother Earth). Rather than calling for international judgement in the case of disputes between countries, states prefer to negotiate compensation agreements.

In this context, the European Union, most low-emitting developing countries (see Box 2 below) and numerous non-governmental organisations (NGOs) favour the definition of mandatory emissions reduction objectives for the main emitting countries. However, this position is not always acceptable to emitting countries outside the European Union. Emerging countries invoke their national sovereignty and the principle of "historic responsibility", arguing that developed countries' emissions reduction objectives are now too weak for them to make binding commitments. And the United States, which is now the second largest emitter in the world, refuses to commit unless emerging countries are involved in the effort.

**BOX 2****> Country positions on the legal form of a future global climate agreement**

- **The European Union** made its re-engagement with the framework of the Kyoto Protocol conditional upon the definition of a road map leading to the adoption of a legally binding global agreement that includes other emitting countries. It was particularly insistent that this

negotiation process should start in 2012 in order to end by 2015 at the latest. The EU position is explained by the fact that while the United States and emerging countries would not rejoin the Protocol, it could not abandon the process under the Convention and the Kyoto Protocol due to the demands of developing countries.

.../...

– **The most vulnerable developing countries (the Africa group, Group of Least Developed Countries and Alliance of small and island states - AOSIS):**

Like the European Union, countries in the Africa Group and AOSIS called for the earliest possible conclusion of a legally binding global agreement, with the negotiating process restarting in 2012. One of their key demands was for the continuation of the Kyoto Protocol, and definition of a second commitment period lasting a maximum of 5 years (2013-2017) to facilitate the early adoption of a global agreement. They believe this will ensure that developed countries continue with their efforts until a new agreement is concluded, and that it will ultimately be possible to agree on a mandatory regime.

– **The United States:** since 2009, the United States has repeatedly refused to rejoin the Kyoto Protocol or any other legally binding global agreement. In 2008 and 2009, many bet that the United States would stage a comeback as the driving force in climate negotiations following the election of Barack Obama. However, domestic political obstacles and the mid-term

election of a majority Republican Congress make this unlikely to happen before 2014 at the earliest. The unambitious unilateral US commitment of 2009 (to reduce emissions by 17% compared with 2005, and 3.7% compared with 1990) cannot pass into national legislation due to lack of support in Congress. The United States has shown no sign of willingness to cooperate since 2009, nor made any subsequent commitment that could have unblocked the negotiations.

– **Emerging countries:** since Copenhagen, and in light of the US position, emerging countries have emphasised the principles of equity and historical responsibility. At the moment they are refusing to make clear and binding commitments as they believe that certain developed countries, such as the United States, should act before them and are not doing so. However, emerging countries showed signs of becoming more open and willing to engage in dialogue in Durban. They took a lead position in the international negotiations, headed by China, which for the first time clearly stated its intention to engage in the process alongside developed countries.

The sensitive issue of the legal form of the agreement was deliberately avoided in 2010 in order to prevent the rest of the negotiations grinding to a halt. Countries were aware that this question could not be set aside in Durban, where it proved to be one of the main stumbling blocks of COP17.



*Maite Nkoana-Mashabane, South African Minister of International relations and Cooperation, chair of COP17.*

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## The outcome: the Durban Platform and considerable uncertainty



### **DURBAN DECISIONS ON: THE DURBAN PLATFORM FOR ENHANCED ACTION**

#### **A new working group**

*The Durban Package ratified the creation of a "Durban platform for enhanced action". This new working group should take over from the AWG-LCA under the Convention by the end of 2012. It is following a new timetable for negotiations, and has set itself the objective of reaching a global agreement between now and 2015 (at the latest), to come into force before 2020. This platform should primarily address the mitigation GHG emissions, adaptation to climate change, climate finance, developing and transferring technologies, mechanisms for transparency, and capacity building.*

#### **The legal form of the future agreement**

*Three options were retained for the legal form of the negotiated agreement:*

- a new protocol,*
- a new legal instrument,*
- an "agreed outcome with legal force". This third option is the result of a last-minute compromise agreed during the final stages of the Conference.*

#### **The functioning of the Durban Platform**

*The Durban Platform will deal with all the components of climate negotiations, including GHG emission mitigation, adaptation to the impacts of climate change, finance, developing and transferring technologies, and capacity building. Its work will be based on submissions from the Parties and expert information and reports, including the 5<sup>th</sup> report of the Intergovernmental Panel on Climate Change (IPCC), the global review of emissions between 2013 and 2015, and the work of the Convention's technical bodies.*

### **Return of the top-down approach?**

The Durban Platform was one of the most important decisions made at COP17. It will facilitate the start a new cycle and thus breathe some much-needed new life into the international negotiations after the failure of Copenhagen. This decision and the content of discussions during COP17 show that countries now accept the need to rethink the international climate architecture, and indicate that there is a less marked division between developed and developing countries. Durban confirmed the leadership of emerging countries, headed by China, which now accept the possibility of a binding agreement that includes all countries, and intend to negotiate its timetable and conditions with developed countries. The United States has been somewhat marginalised by the emerging countries' position. The agreement reached between the European Union, the AOSIS Group and the Group of least developed countries on increasing climate ambition was a deciding factor in the establishment of this platform.

Furthermore, the decision made at COP17 represents a step towards a global agreement to tackle climate change concluded through a top-down approach. This is the first challenge to the so-called *pledge and review* bottom-up, voluntary approach that came out of the Copenhagen Conference, whereby each country sets its own emissions reduction objective and puts its promised commitments on the table on a voluntary basis.<sup>4</sup> This bottom-up approach could

<sup>4</sup> Chetaille A., Gautier, C., "Gouvernance climatique internationale: le rôle des pays en développement en question", GRET-Coordination SUD, Collection *Débats et Controverses*, n° 6, January 2012.

**BOX 3**

**> The final negotiations on the Durban Platform**

The vague compromise reached on the legal form of the future agreement is the result of last-minute ministerial negotiations conducted in a corner of the plenary chamber. Key points of this compromise include:

- a date for the global agreement to come into force, in 2020 (demanded by emerging countries);
- start and finish dates for the agreement negotiation process, respectively set for 2012 and 2015 (at the request of the European Union and the most vulnerable countries);
- language referring to a possible protocol or other legally binding agreement (at the request of the European Union);
- language that also refers to an outcome "with legal force" (term proposed by the United States and accepted by emerging nations).

have limited the role of the United Nations to that of a simple checker, recording the voluntary actions undertaken by signatories to the Convention on climate change. The idea of an ultimate objective to reduce emissions defined at the global level and then set by each country is on the table once again.

## A long and winding road ahead

Despite this positive point, the likelihood of reaching a strong agreement, such as a protocol or other binding legal instrument that applies to all countries, is still uncertain. There is a long way to go before an ambitious, fair and legally binding global agreement on climate change can be reached, and the main obstacles to negotiations have yet to be resolved.

The decision made in Durban did not clarify the legal nature of the future agreement. The term "agreed outcome with legal force" is sufficiently broad to please all countries without satisfying any of them. It does not prejudice the tool that states will eventually choose. In the worst case, it could come down to a simple political decision by one or all of the countries, which is not binding and does not need to be ratified. If this did happen, the Kyoto Protocol could be renewed in parallel with this political agreement. In the best case, the Durban Platform could lead to a legally binding global agreement that includes all emitting countries, which would take the form of a protocol (possibly amalgamating with the Kyoto Protocol), an amendment to the UNFCCC, or a new Convention.

The timetable set for negotiations within the framework of the Durban Platform is another cause for concern. According to this timetable, the global climate agreement should come into force no later than 2020, which leaves very little chance of keeping the average increase in global warming below 2°C. What will happen in the period 2012-2020, before the future agreement is adopted? Every country needs to increase its ambitions immediately, but no action has been planned to reduce emissions between 2012 and 2020. The GHG emission reduction objectives currently on the table will only be revised for the period after 2020. Yet we already know that these objectives set us on course for global warming to increase by at least 3.5°C by the end of the century.<sup>5</sup> The IPCC indicates that the global level of GHG emissions will need to peak as soon as possible if there is to be any chance of keeping global warming below 2°C.<sup>6</sup>

In this context, it is essential that countries start setting robust and effective outlines for the Durban Platform in 2012, with a programme of work that is both ambitious and realistic.

<sup>5</sup> *Climate Action Tracker*, an independent study based on scientific findings, which evaluates the implications of national actions and commitments to reduce greenhouse gas emissions [<http://www.climateactiontracker.org/>]. UNEP, *Bridging the Emissions Gap. A UNEP Synthesis Report*, 2011 [[http://www.unep.org/pdf/UNEP\\_bridging\\_gap.pdf](http://www.unep.org/pdf/UNEP_bridging_gap.pdf)].

<sup>6</sup> IPCC, *4th evaluation report*, 2007 [[http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf)].

However, in order to be more effective, time will need to be taken to reorganise the discussion so that issues are addressed in a more integrated and crosscutting manner. The immediate objective is not to repeat past errors by spreading the discussion across too many different climate negotiation themes and sub-themes, which is what happened with the Working Group on Long-term Cooperative Action under the Convention (shared vision, legal form, emissions reduction, agriculture, REDD+, finance, adaptation to climate change, technology transfer, capacity building). For example, land use, which is responsible for a third of global GHG emissions, was addressed under several headings in the international negotiations (REDD+, agriculture, mitigation in developing countries and adaptation), which did not facilitate greater overall understanding of the issue. Bridges and links need to be created between these themes.

In addition to this, the Durban Package is not helpful in moving forward on key elements of the future global agreement that are based on notions of equity, such as **the distribution of effort between countries and national ambitions to reduce GHG emissions**.

#### POINTS TO REMEMBER... The Durban Platform agreement

##### *The positives +*

- Start of a new negotiation process aimed at reaching a global agreement that includes all countries.
- A step towards a top-down approach.
- Signs that emerging countries are becoming more open.
- Possibility of a “fresh start” to negotiations, and linked themes.

##### *The negatives –*

- Comes into force in 2020, with no assurance of increased commitments to reduce GHG emissions in 2012-2020.
- Uncertain prospect of obtaining a legally binding agreement.
- The key question of the level of national ambitions remains unresolved.

## The BASIC’s view of equity

### A recurrent question in international climate negotiations

Equity has been a recurrent question in international climate change negotiations since the Climate Convention was signed in 1992. The objective of negotiations since 2005 has been to establish a new climate regime that is adapted to the new geopolitical situation, and which makes it possible to rapidly limit global GHG emissions while taking account of the development needs of countries in the Southern hemisphere. In this context, equity is the key to determining how the cost of climate change should be spread between countries.

While thinking on equity is not new, it took an unexpected turn in Durban as emerging nations agreed to commit to a global agreement “with legal force” from 2020 onwards, and to start negotiations on this in 2012. This position, which was not ensured before Durban, has restarted discussions on equity and shared effort at the global level.

### Emerging countries, a heterogeneous but powerful group

The so-called group of the BASICs (Brazil, South Africa, India and China) played a much greater role in the international negotiations in Durban than in Cancun and Copenhagen—where the alliance was formally established. The Conferences in Copenhagen and Cancun

had already shown that developing countries have different needs and expectations, but strategic and geographical alliances within the enlarged group of developing countries, the "Group of 77 developing countries plus China"<sup>7</sup> significantly increased their role in the international negotiations in Durban, and their capacity to take a collective position within the framework of these alliances.

The main emerging countries do not base their analyses on identical parameters, and are at very different stages of development, but they do have a shared vision and common interest in insisting on the historic responsibility of developed countries, and will certainly have a major say in future climate negotiations.

In Durban, China adopted a progressive position and showed a clear willingness to contribute to the global effort to reduce emissions. While this was primarily for reasons of national interest, the underlying motivation was to influence the position of the United States – and doubtless extended beyond purely climatic concerns, as trade is also an important issue for China. This progressive stance could undermine the cohesion of the BASICs, leaving China to assume sole leadership and risk premature exposure.

Brazil's position in Durban was somewhat ambiguous. It once again benefited from having negotiators with a keen eye for anything that could reduce the country's comparative advantages in terms of trade and sovereignty over its natural wealth.

India is now convinced of the need to move forward, but nonetheless continued to press hard on the need to respect the principles of equity and "shared but differentiated responsibilities" until the final hours of the Conference.

The question now is how to formally differentiate these nations – both from other developing countries and within the group of emerging countries – within the framework of collective efforts. China and India both play an increasingly important role in international policy on tackling climate change, but are at different stages of development. The majority of the Indian population is still poor, and the country is primarily concerned with its right to development, so a distinction should probably be made between India and China.

### **Development, a central element of the debate on equity**

It would be prudent not to downplay the longstanding claims for recognition and dignity made by entire populations of developing countries. Their hunger for development is only equalled by their frustration at not being able to live dignified lives or attain a level of development that they sometimes feel has been commandeered by others – whose daily excesses are relayed to them through the modern media. The dominant modes of production and consumption in developed countries are now being questioned collectively in light of concerns about the general interest, so it should be expected that developing countries will make demands – and even issue orders – in climate negotiations. Developed countries would do well to prepare for this.

In this context, it is hardly surprising that the BASIC countries gathered in Delhi in February 2012 to debate the outcomes of Durban were critical of Canada's decision to withdraw from the Kyoto Protocol. Nor is it surprising that these countries question the sincerity of developed countries that are calling for a new negotiation process to adopt a global agreement, but which struggle to increase their own emissions reduction objectives. The BASICs also reminded Delhi that their future commitment would be conditional upon "equity, trade and intellectual property rights to technologies", areas where they feel that they are currently treated unfairly.

Developed countries certainly need to get used to the idea that, while they are essential, their emission mitigation targets only constitute an "entry ticket" to climate negotiations. They will

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<sup>7</sup> Known as the G77+China, which consists of the Africa Group, Basic countries, AOSIS and the Group of least developed countries.

be expected to make many other commitments to facilitate sustainable, low-carbon development actions in developing countries, and especially in emerging countries, through technical and financial support, greater technology transfers, etc.

The period between now and 2015 will be the crucible for a new global climate architecture, and will probably see a shift in the power lines between countries.

## Reducing global emissions: everything remains to be done!

Since 2007, all signatory countries to the Climate Convention have negotiated on their actions and new GHG emission reduction targets in parallel with the Kyoto Protocol, within the framework of the Working Group on Long-term Cooperative Action under the Convention. This process made it possible for countries that had not ratified the Protocol (the United States) to be included in the negotiations, along with those that had left it (Canada, since January 2012) and developing countries, which are not bound by any obligations under the Protocol.

Several developed countries made unilateral announcements of voluntary, non-binding objectives to reduce their emissions at Copenhagen in 2009. These objectives were ratified within the framework of the United Nations through the Cancun Agreements in 2010, and NGOs expected that they would be supplemented and increased in Durban.

## Our expectations: closing the gap between current national commitments and scientific projections

Various international reports, including the "Emissions gap report" by the United Nations Environment Programme (UNEP),<sup>8</sup> were published in 2010 and 2011 in order to alert the international community to the situation. These reports show that the national GHG emission reduction targets for 2020 will not be sufficient to keep global warming below 2°C,<sup>9</sup> as the countries' current objectives will lead to a increase in temperatures of 3°C or 4°C, or even more. In other words, a level that is unacceptable for most of the vulnerable populations on our planet. This is despite reminders from scientists that keeping global warming below 2°C is the only course that offers a one in two chance of avoiding the devastating impacts of climate change.

Therefore, the need to bridge the gap between current national GHG emission reduction commitments and scientific conclusions should have been a priority in Durban, along with setting a long-term objective to cut every country's GHG emissions. Scientists predict that global GHG emissions will need to fall to at least 80% of 1990 levels by 2050.

Finally, member states needed to set a peak date for global emissions at COP17. This "peak" of global emissions should make it possible to start a transition to low-carbon development in every country as soon as possible. Most scenarios that would keep global warming below 2°C show a peak in emissions between 2010 and 2020.<sup>10</sup> NGOs called for this peak in global emissions to occur in 2015.

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<sup>8</sup> UNEP, *Emissions Gap Report*, 2010 [<http://www.unep.org/publications/ebooks/emissionsgapreport/>]. Updated report, *Bridging the Emissions Gap. A Synthesis Report*, 2011 [[http://www.unep.org/pdf/UNEP\\_bridging\\_gap.pdf](http://www.unep.org/pdf/UNEP_bridging_gap.pdf)].

<sup>9</sup> See also: *Climate Action Tracker* [<http://www.climateactiontracker.org/>].

<sup>10</sup> IPCC, *Fourth assessment report*, 2007 [[http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf)].

## The outcome: a failure of ambition in Durban



### DURBAN DECISIONS ON: GLOBAL EMISSION MITIGATION EFFORTS

- **COP acknowledged the gap** between recommended emissions trajectories and current emissions reduction objectives.
- **Invited countries to submit** information on the conditions and hypotheses for their stated emissions reduction objectives (reference year, reduction in relation to reference year, GHG concerned, sectors covered, etc.) by 5<sup>th</sup> March 2012.
- **Planned workshops** to better understand the Parties' commitments and means of increasing them, based on data provided by the countries concerned. The first workshop will be held at the first parliamentary recess in Bonn in 2012.

We are now all aware that we need to be much more ambitious in our efforts to stop the growth of global GHG emissions, and Durban recognised the existence of this gap between scientific trajectories and current national objectives. This is a positive point, but it is not enough. The Durban Conference did not lead to any concrete action to reduce emissions; the only action that did take place was on the margins, where discussion workshops were planned to improve understanding of the Parties' commitments and ways of increasing them.

This is further evidence of the countries' lack of ambition in emissions reduction, and their inability to heed the warnings of the scientific community. In developed countries, this is due to a lack of political courage and a refusal to admit that taking ambitious climate action today would cost a lot less than inaction. It would also help create jobs, save on energy bills and health costs, and promote innovation and competitiveness, etc.

### Don't put off until 2020 what needs to be done now

In future, the question of reducing global emissions will be negotiated within the framework of the Durban Platform. The Working Group on Long-term Cooperative Action should wind up at the end of December 2012, but the timetable could slip: there is a risk that countries will put off increasing their efforts to reduce emissions until 2020 or even later, depending on the timetable set by the Platform. We should not under-estimate the risks of this tendency to continually defer any concrete decision on objectives to reduce GHG emissions. With the cost of inaction rising every year, it is crucial that there is no delay in adopting more ambitious national commitments to mitigate GHG emissions.

This is why negotiators and policy-makers need to focus on the question of reducing emissions from 2012 onwards. The European Union could lead the way here, by immediately adopting the objective to cut its GHG emissions to at least 30% of 1990 levels by 2020. As researchers in civil society have pointed out, this objective would actually serve the economic, social and environmental interests of the Union, rather than work against them.<sup>11</sup>

### Increase climate ambitions in international negotiations

In 2012, countries also need to recognise that international negotiations, like the decisions that come out of them, have a direct impact on the gap between national commitments and

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<sup>11</sup> See, for example, the document produced by Climate Action Network France (CAN-F) on the socio-economic benefits of switching from an objective to reduce greenhouse gas emissions by 30% of 1990 levels by 2020 (instead of the current target of 20%): CAN-F, *Objectif climat -30% : Le choix gagnant pour la France !*, 2011 [<http://www.rac-f.org/IMG/pdf/30-BAT-BD.pdf>].

the trajectories predicted by scientists. UNEP has shown that several aspects of the international debate on emissions reduction will have a direct impact on climate ambitions<sup>12</sup> :

- national mitigation commitments;
- the measures that countries use to achieve their objectives;
- the accounting rules adopted for land use, land use change and forestry (LULUCF);
- the rules on carrying over and utilising surplus national emissions quotas from one period to another;
- accounting for emissions credits from flexibility mechanisms (including the CDM);
- monitoring carbon leakage;
- international finance in the short, medium and long term.

Countries need to increase their ambitions in all these respects.

#### POINTS TO REMEMBER... Emissions reduction in Durban

##### *The positives +*

- Recognition of the gap between recommended emissions trajectories and current national objectives.
- Workshops to improve understanding of the Parties' commitments.

##### *The negatives –*

- Failure to set a peak date for global GHG emissions.
- No concrete, ambitious action to close the gap between emissions trajectories and current objectives.
- Little likelihood of revising reduction objectives before 2020.

## Maintaining the Kyoto Protocol as an interim agreement

The Kyoto Protocol was adopted in 1997, and came into force in 2005. Developed countries then committed to a first, seven-year implementation period known in climate negotiations jargon as a "commitment period". As this ends on 31<sup>st</sup> December 2012, Parties to the Protocol had to decide whether or not to commit to a new period, whose duration would need to be determined at COP17. This commitment was essential in order to revive the Kyoto Protocol, which otherwise ran the risk of disappearing.

### Our expectations: keep the Protocol alive!

In Durban, it was important to maintain the benefits of the Kyoto Protocol in order to provide the foundations for the future "post-2020" climate agreement, by strengthening and extending these advantages to all emitting countries. NGOs and developing countries regularly insist on the need to retain the *binding* legal framework created by the Kyoto Protocol, which is the basis of the most sophisticated international legal regime of any multilateral environmen-

<sup>12</sup> UNEP submission to the IPCC, based on its *Emission Gap Report* from 2010 and the revised version of 2011.



tal agreement. Although it only covers a very small part of global GHG emissions (less than 20%), it does maintain a certain level of confidence in international negotiations. Developing countries see the Kyoto Protocol as a **strong symbol**, and abandoning it would have sent them very negative signals. Apart from being mandatory and binding for the countries that ratified it, the Protocol facilitates the provision of long-term, predictable finance for adaptive actions in the developing countries most vulnerable to climate change. The Kyoto Protocol Adaptation Fund for developing countries is fed by an automatic levy on revenues from the sale of carbon credits from the Clean Development Mechanism (CDM). Finally, maintaining the Protocol should strengthen the European Union in its role as leader, given its historic role in the adoption and implementation of the Protocol.

The debates on the Kyoto Protocol at COP17 were supposed to facilitate agreement on the **new GHG emissions mitigation targets set by developed countries** in the framework of a second commitment period. They also needed to determine the operational rules for this second commitment period, to ensure that *environmental integrity* is respected.<sup>13</sup>

In order to be fully effective, the second commitment period under the Kyoto Protocol should proceed with the adoption of a set of amendments to the Protocol and modification of "Annex B" to the protocol, which contains developed countries' stated objectives for emission mitigation. It should note the modifications agreed between the Parties with regard to member countries, each country's stated objectives, and the duration of their commitments. Each amendment will need to be ratified by the signatory countries.

The European Union was supposed to play a central role in Durban, having been the driving force behind the Kyoto Protocol since its inception. However, at the Council of European Union Ministers for the Environment in October 2011, the block of 27 countries made its re-commitment conditional upon starting a broader process of negotiation that includes all emitting countries, to run parallel to the Kyoto Protocol.

Canada withdrew from the Kyoto Protocol at the beginning of 2012, having announced its intention to do so in 2011. Japan and Russia had also let it be known before the Durban summit that they did not wish to commit to a second period of implementation because of an imbalance with the other nations, both industrialised (United States) and emerging (especially China, India and Brazil). In reality, the decisions taken by Canada, Japan and Russia were largely determined their inability to respect their commitments during the first period of the Kyoto Protocol.

## The outcome: Kyoto Protocol on life support



### DURBAN DECISIONS ON: THE FUTURE OF THE KYOTO PROTOCOL

#### ***A second commitment period for the Kyoto Protocol***

- *The second commitment period should start on 1<sup>st</sup> January 2013 in order to avoid any break with the first commitment period, which ends on 31<sup>st</sup> December 2012.*
- *The duration of this second period has yet to be decided. It will be 5 or 8 years. This decision will be need to be taken at the next session of intermediate negotiations, which will be held in Bonn in 2012.*
- *Outlines of the amendments to Annex B of the Kyoto Protocol were proposed at Durban, and "noted" in the final decision. These amendments contain options that have not been settled, and which must be concluded in 2012. Countries hoping to .../...*

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<sup>13</sup> "Environmental integrity" refers to the fact that the stated emissions reduction objectives set by Parties to the Protocol correspond to real reductions in GHG emissions in the atmosphere, and are not accounting tricks or other fictional reductions.



*recommit must submit their reduction objectives for the second period before 28<sup>th</sup> February 2012, and then in the form of Quantified Emission Limitation and Reduction Objectives (QELROs) before the 1<sup>st</sup> May 2012.*

**Maintaining the Protocol's mechanisms for flexibility**

- *The flexibility mechanisms of the Kyoto protocol will be retained. This will allow developed countries to continue to make some of their GG emission reductions in developing countries and thus respect their binding national objectives, even if their objectives have still not been met.*

**A new GHG in the Kyoto "basket"**

- *The "basket" of GHG emissions taken into account in the framework of the Kyoto Protocol has been enlarged to include NF<sub>3</sub> (nitrogen trifluoride), which has a global warming effect 17,000 times greater than CO<sub>2</sub>.*

Despite the progress made in Durban, there are still many concerns and much uncertainty regarding the continuation of the Kyoto Protocol, particularly about how it will be reinforced. The decisions made in Durban leave many questions hanging. At COP18 in Doha (Qatar) in 2012, we need to be certain that the second commitment period will not just be a declaration of intent. It is essential that it has legal force and is ratified by the national legislative bodies of the countries that renew their commitment.

Regarding the rules for the functioning of the Kyoto Protocol, the main decision in Durban relates to GHG emissions associated with land use and forestry (LULUCF).<sup>14</sup> Obtaining a decision on this topic made it possible to move the whole negotiating process forward and adopt the second commitment period under the Kyoto Protocol. However, the rules that were defined undermine the environmental integrity of the Protocol, as developed countries will be able to choose positive or negative emissions (sequestration) to be taken into account when calculating GHG emissions in this sector (apart from forestry) compared with a trend scenario – which means that they will actually only count the emissions that will enable them to meet their objectives.

No decision was taken regarding the carrying over and use of surplus emission quotas from the first Protocol commitment period to the second period. Certain countries have not used all their emissions quotas, because they have made considerable efforts to reduce their emissions, because of the economic crisis that began in developed countries in 2008, or (more often) because their quotas were over-valued from the outset – a practice known as "hot air" in negotiations jargon. This is the case with transitional Eastern European countries whose de-industrialisation after the fall of the Eastern Bloc caused their emissions to drop, but whose reference year is still 1990. This apparently technical question of carrying over and utilising surplus emissions quotas is actually crucial in climate protection. It is estimated that this emissions surplus lies between 9 and 13 gigatonnes of CO<sub>2</sub> equivalent (GtCO<sub>2</sub>e). Given that the emissions reduction objective for all developed countries between now and 2020 is 18 GtCO<sub>2</sub>, it is imperative to limit the carrying over and use of this surplus as much as possible in order to ensure that there are real reductions in GHG emissions during the second commitment period of the Kyoto Protocol. ●

<sup>14</sup> LULUCF (*Land Use, Land Use Change and Forestry*) is equivalent to the REDD+ mechanism in developed countries that signed the Kyoto Protocol. It consists of a set of rules that enable parties to the Protocol to account for their emissions from the forestry sector and land use. Through LULUCF, countries can obtain carbon credits that are taken into account in meeting their obligations to reduce emissions. For example, if Norway replaces more forest than it removes, it will get a surplus balance on its emissions quota for this sector, which it can use in its overall calculations to compensate for its industrial emissions.

> **FIGURE 1. Countries participating in the second commitment period under the Kyoto Protocol**

Have shown willingness to re-engage	May re-engage, but have not given firm assurances that they will do so	Have announced that they will not re-engage
<ul style="list-style-type: none"> <li>• European Union (-20%/-30%)</li> <li>• Norway (-30%/-40%)</li> <li>• Iceland (-15%/-30%)</li> <li>• Liechtenstein (-20%/-30%)</li> <li>• Ukraine (-20%)</li> <li>• Kazakhstan (-15% in relation to 1992)</li> <li>• Croatia (-5%)</li> <li>• Belarus (-5%/-10%)</li> <li>• Monaco (-30%)</li> <li>• Switzerland (-20%/-30%)</li> </ul>	<ul style="list-style-type: none"> <li>• Australia</li> <li>• New-Zealand</li> </ul>	<ul style="list-style-type: none"> <li>• Japan</li> <li>• Russia</li> <li>• Canada</li> <li>• United States</li> </ul>

**BOX 4**

> **Progress on the Clean Development Mechanism in Durban**

Extending the Kyoto Protocol to a second commitment period makes it possible to maintain its flexibility mechanisms, which include the Clean Development Mechanism (CDM), and to raise the profile of actors on the carbon market.

The decision made in Durban revised the modalities for implementing the mechanism and encourages countries to improve the structure, equity and effectiveness of the CDM. It aims to increase the number of projects in least developed countries, particularly in Africa, which have been under-represented in the development of CDM projects.

The Durban Package also intends to develop *Programmes of Activities (PoA)* within the framework of the CDM. This branch of the mechanism, which is also known as "Programmatic CDM", allows micro-projects to be aggregated within the framework of a low-CO<sub>2</sub> development programme. The Durban decision requires the Executive Board of the CDM to improve and facilitate procedures and standards for access to the Programmatic CDM. This is a positive decision as the Programmatic CDM is currently forging ahead and could help more CDM projects be implemented in least developed countries, thereby encouraging low-carbon development in these countries. Some claim that Programmatic

CDM has greater potential for sustainable development than traditional CDM projects.

However, some of the other decisions on CDM taken in Durban are problematic:

- COP17 adopted lax procedures (especially for monitoring) regarding the deployment of Carbon Capture and Storage (CCS) technology in developing countries, which is still experimental. This technology was included in the CDM at COP16 in Cancun;
- new hydrofluorocarbon (HFC)<sup>15</sup> projects are no longer eligible for the CDM, but existing projects are authorised to generate carbon credits again. However, these projects are excluded from the European and Australian quota exchange markets.

Finally, international solidarity NGOs and civil society groups were particularly focused on a number of points on the Durban agenda, which were not approved:

- NGOs had hoped that members of civil society would be able to follow an appeal procedure once a CDM project had been registered if they thought that it violated human rights, for example. COP17 did not accept this arrangement;
- COP17 did not decide to improve the consultation procedure for communities affected by CDM projects.

<sup>15</sup> Most of the first wave of CDM projects in developing and emerging countries (mainly China) dealt with this type of gas and technologies, making them highly accessible and financially and carbon viable.

## POINTS TO REMEMBER... The Kyoto Protocol in Durban

### *The positives +*

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- A second commitment period was agreed.
- The European Union progressively reaffirmed its role as leader.
- Flexible mechanisms will be maintained, particularly the CDM and programmes of activities.
- The Protocol regulated a new gas.

### *The negatives –*

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- Very disappointing performance by Canada, Russia, Japan (and the United States).
- Countries were unable to agree on amendments to the Protocol regarding their emissions reduction objectives.
- Failure to agree on the duration of the 2<sup>nd</sup> commitment period.
- Operational modalities for the 2<sup>nd</sup> period were left vague.



## PART 2

# Climate finance: A Green Climate Fund running on empty

The Cancun Conference marked an important stage in the debate on climate finance with the adoption of guiding principles for the Green Climate Fund. This fund was created at the Cancun Summit in 2010, to receive some of the 100 billion dollars that developed countries are supposed to mobilise each year between now and 2020 to meet the financial needs of developing countries.

However, the modalities for allocating funds, the financial instruments to be used by the Fund, and even its governance were left undecided in 2010. A transitional committee was charged with submitting proposals for these matters so that a decision could be made at COP17 in Durban.

The worst was avoided and governments adopted the Committee's report, which constituted one of the four major decisions of the Durban package. But while they moved forward with the institutionalisation of the Green Climate Fund, it will not become operational before 2013 or 2014, and concrete questions regarding permanent, predictable sources of finance to feed this Fund in the long term still need to be addressed. Once again, the Conference failed to settle this vital question.

## Green Climate Fund: start it up!

Following the adoption of the Green Climate Fund in Cancun, a 40-country "**Transitional Committee**" was established to draw up proposals for the architecture and governance of the Fund for COP17. This was a huge task for the Committee to complete by the end of 2011, as it had less than a year to lay the foundations for the Green Climate Fund and ensure that it became operational in 2012.

The Committee met four times in 2011 to collectively determine the principles for governance of the Green Climate Fund and answer key questions about the link between the Green Climate Fund and the Conference of Parties (the Convention's decision-making body), modes of access to funding, the types of action that would be funded (projects, programmes, policies), the role of the private sector, and how actions would be monitored and evaluated.

After a turbulent process, the Transitional Committee finally submitted its report with the aim of getting it adopted in Durban so that the Green Climate Fund would become operational in 2012. In the event, it was hotly disputed but not re-opened.

## Our expectations: ensuring innovative, effective and equitable governance of the Green Climate Fund

Although the Transitional Committee spent 2011 working on a consensual text to be submitted to the COP for possible adoption, differences between the countries emerged during the committee's final meeting in Cape Town (South Africa) a few weeks before the Conference in Durban (see *Box 5 below*).

Saudi Arabia was opposed to sending the text to the COP for tactical reasons, and maintained that the document did not sufficiently reflect its oil-related national economic interests. The United States expected the text to fulfil two major demands: first, it did not want the Green Climate Fund to be linked and answerable to the UNFCCC; second, it wanted the private sector to play a pivotal role in the Fund and have easy access to finance. In view of the US demands, a compromise text was put on the table in which developing countries gave way on the role of the private sector. Despite this compromise, the United States did not accept the Transitional Committee report produced at the meeting in Cape Town, and the text was sent to COP17 noting a "lack of agreement" on the final submission. The question in Durban was thus whether the countries would restart their negotiations on this text, or adopt it as it stood.

For Coordination SUD, the key issue was to propose an innovative, effective and equitable system of governance for the Green Climate Fund, drawing on the lessons learned over several decades of experience with development finance. More specifically, it was essential that this governance system:

- puts donors and beneficiaries on an equal footing;
- encourages national appropriation of funding and actions to tackle climate change in developing countries;
- is based on multi-actor and participatory processes;
- allocates national envelopes according to the priorities and strategies established by the countries concerned;
- involves civil society in decision-making processes;
- makes it possible to build on, reproduce and amplify good practices and traditional and local knowledge.

### BOX 5

#### > **National expectations of the Green Climate Fund in Durban**

– **National expectations of the Green Climate Fund in Durban**, want the Green Climate Fund to remedy the injustices and imbalances of existing climate change funds by targeting the adaptation needs of the poorest countries. It should prioritise funding in the form of grants and public funds, and more democratic, direct and simplified access to finance for the least developed countries, which wanted the Fund to be attached to the UNFCCC to ensure democratic governance for 192 countries.

– **Developed countries and donors** want the Green Climate Fund to complement and harmonise with existing funds but not overlap with them. In other words, it should fit into the existing financial landscape, and possibly be attached to an existing institution within it. The objective is to increase the effectiveness and leverage of private sector investments. These countries argue that a large part of the available public funding would be used to attract private finance, thereby maximising the leverage effect.

## The outcome: an innovative fund on paper

The Green Climate Fund attracted a lot of attention during the negotiations in Durban as a result of the disagreements over the transitional Committee report. There were particularly protracted debates over how to proceed, and whether the report should be ratified or re-opened. The European Union and majority of developing countries called for the report to be adopted as it stood, however imperfect it might be, and for outstanding questions to be settled by the Fund's future board of directors. For various reasons, other blocks of countries, such as the Bolivarian Alliance for the Peoples of Our America (ALBA<sup>16</sup>) and the United States, felt that the report was unacceptable and should be re-opened. ALBA countries saw the Fund's lack of legal status as the main problem, since this made it impossible to put in place a procedure for direct access to funding.<sup>17</sup> They also felt that the link between the Climate Convention's decision-making body (COP) and the Green Climate Fund was too weak, and lobbied for the Fund to be more accountable to COP (see Box 5 above) – unlike the United States, which felt that the Fund was too closely tied to COP. All in all, a good deal of ink was expended on the question of the role of the private sector and the place of private finance over the course of 2011 and COP17.

In the end, the version of the Transitional Committee report produced at the meeting in Cape Town was adopted in the closing stages of the negotiations. This close-run decision to institutionalise the Green Climate Fund was not so much due to widespread support for it, but to intense political pressure on the countries that were blocking it. South Africa, which hosted the Conference, was very keen for the transitional Committee report to be adopted in Durban to ensure that COP17 was at least a symbolic success.



### DURBAN DECISIONS ON: THE GREEN CLIMATE FUND

#### **Adoption of the Transitional Committee report**

- *Objectives and guiding principles: the Green Climate Fund will follow an approach based on national needs and the involvement of stakeholders and relevant institutions. It should operate in a transparent manner and ensure that it acts in an accountable, effective and efficient way.*
- *Governance and institutional mechanisms: the Green Climate Fund will officially report to the UNFCCC, although it is still not entirely clear how the two will be linked. NGOs and the private sector will act as observers on the Board of Directors. The Board will mainly be responsible for approving funding in accordance with the principles, criteria and operational modalities of the Fund, and developing environmental and social safeguard clauses and criteria for accrediting national entities to implement the Fund. It will also have a secretariat and a fiduciary body.*
- *Operational modalities: the Green Climate Fund should develop procedures to ensure that its activities complement those of other funding mechanisms and bilateral, regional and multilateral finance institutions. Two thematic funding windows have been identified so far; one for adaptation and the other for mitigation, but other windows could be created if necessary (such as a REDD+ window). The Fund will support projects and programmes in association with national climate strategies and plans (national mitigation measures, programmes of action on adaptation, etc.). Funding could be .../...*

<sup>16</sup> Bolivia, Venezuela, Ecuador, Nicaragua, Cuba, Saint Vincent and Grenadine, Dominica, Antigua and Barbados.

<sup>17</sup> The Fund's legal status ensures its capacity to conclude agreements and conventions with international, regional and national organisations, and sign contracts with national implementing entities, which is essential in the framework of direct access, and with its fiduciary organ. Its legal status also has an impact on the types of financial instruments used. Having legal status means that it is able to lend and borrow money or offer guarantees, and also impacts on its administration, as its legal status confers the capacity to employ staff, acquire movable and immovable property, and pursue legal proceedings when necessary.

*accessed through national, regional and international implementing agencies. The Fund will also offer a "facility" to attract private sector finance. In terms of adaptation, the Board should take account of the needs of developing countries that are particularly vulnerable to the effects of climate change, including small developing island states, the least developed countries and Africa, which should be granted minimum envelopes. Simplified financing procedures will be planned for small-scale actions.*

- *Financial instruments: funding could be given in the form of grants and loans; and facilities put in place to raise new sources of finance (such as loan guarantees).*
- *Monitoring and evaluation: projects and programmes financed by the Fund will be monitored on a regular basis (effectiveness, efficiency, impacts). Stakeholder involvement in monitoring will be encouraged. The Fund's performance will be independently evaluated so that lessons from funding actions can be learned and disseminated.*

#### **Interim stages and arrangements to be completed by COP19 in 2013**

- *Establish a Board of Directors.*
- *Create an interim secretariat supported by the secretariat of the Global Environment Facility (GEF) and the UNFCCC.*
- *Get the Fund up and running in 2014.*
- *Between now and 2014, the Board of Directors should call for tenders to identify the permanent fiduciary body to take over from the World Bank.*

The Board of Directors will be responsible for elaborating on the governance and operating principles for the Green Climate Fund, which are set out in the Transitional Committee report adopted in Durban. This document responded to the concerns expressed by developing countries with proposals for highly innovative governing principles, such as countries having direct access to funding without needing to go through multilateral implementing agencies (UNEP, the United Nations Development Programme, etc.). Other encouraging points worth noting include the promotion of stakeholder participation in the Fund (with the Board open to observers), the most vulnerable countries being given national envelopes for adaptation actions, and simplified procedures for small projects. All constitute a step towards greater appropriation of funding by beneficiary countries.

The Board of the Green Climate Fund will be able to start work, particularly on a tendering process to select a country to host the fund and a fiduciary body. It should also establish the necessary policies and procedure to ensure that the Fund can be swiftly and adequately re-constituted. An interim secretariat, which will function as an autonomous entity, should be put in place by the Secretariat for the Convention and the GEF so that the demands of developed and developing countries can be taken into account.

## The sole priority: to start mobilizing funding in 2013!

Once these main principles are in place, the Board will need to move forward on more operational matters associated with the criteria for allocating resources, selecting projects and programmes, monitoring and evaluation procedures, etc. It is worth noting that the Board is composed of 24 members, 12 of whom are from developing countries. However, this equal composition is less balanced than that of the transitional Committee, where developing countries have more representatives than developed countries. Several questions still need to be resolved, such as the role of the private sector in climate finance that passes through the Fund; private sector access to finance through the facility for raising additional resources; the balance between loans and grants; and the sources of finance to which the Fund will have access, which are not specified in the text. At the moment the Fund's coffers are empty, apart



from small contributions pledged by certain countries (Germany, Denmark, and possibly Great Britain and South Korea) to finance provisional arrangements.

Although certain donor countries, led by the United States, are still uncertain about the Green Climate Fund's added value in the architecture of international finance, it does have much to offer in terms of making existing funds clearer and more coherent. These countries could make their financial contributions conditional upon developing countries renouncing their demand for equitable governance of the Fund, with the attendant risk of influencing the Board's decisions, and thus implementation of the Fund. Some countries have been clear about the key role of so-called "innovative" finance in the Green Climate Fund replacing traditional budgetary contributions, while others see the Fund purely as an instrument for raising private finance.

Coordination SUD believes that the private sector cannot and should not replace the public sector, and cannot respond to the challenges that the least developed countries face in adapting to climate change. Without public funding, the Green Climate Fund will remain an empty shell, and its innovative principles of governance will exist only on paper. Responding to the scale of expressed needs and meeting developed countries' commitments in providing 100 billion dollars per year between now and 2020 will entail mobilizing traditional budgetary contributions – in both the short and medium term – and finding new sources of funding for 2020 and beyond.

This issue was raised in talks on funding sources held in Durban by the Special Working Group on Long-term Cooperative Action. Developing countries and civil society groups tried hard to reconnect this discussion on funding sources to the negotiations on the Green Climate Fund, since they are clearly linked, but did not succeed in doing so.

#### POINTS TO REMEMBER... The Green Climate Fund in Durban

##### *The positives +*

- Innovative governing principles: the Green Climate Fund is accountable to the COP, NGOs to act as observers.
- Funding oriented towards programmes and strategies formulated at the national level.
- Recognition of the principle of direct access to funding.
- Minimum national allocation for adaptation in least developed countries.

##### *The negatives –*

- Role of the private sector unclear.
- Lack of criteria for the balance between loans and grants.
- Lack of REDD+ window.
- Problems surrounding the uncertainty about sources of finance to replenish the Green Climate Fund.

## Long-term sources of finance: keep the Fund topped up!

In the current economic and financial crisis it is imperative to identify new sources of long-term funding that are unaffected by the health of national budgets in developed countries, in addition to official development assistance (ODA). These sources should supplement State budgetary contributions from 2013 onwards, in order to take over from so-called "fast-start" funding,

which finishes at the end of 2012.<sup>18</sup> In Copenhagen, developed countries promised to mobilize 100 billion dollars per year between now and 2020, and several international discussion forums were put in place to move forward on possible sources of funding to combat climate change. These discussions often take place within limited frameworks outside the United Nations, such as the Group of 8 (G8) and Group of 20 (G20). To ensure that the process is equitable, that developing countries outside the G20 have a voice, and that the principle of "shared but differentiated responsibility" is applied,<sup>19</sup> it is essential that these negotiations also take place within the UNFCCC. Therefore, it was important for COP17 to put in place a programme of work to ensure greater coherence between these different forums for discussion.

## Our expectations: determine long-term, predictable sources of funding to combat climate change

Several proposals for innovative funding mechanisms are currently on the table:

- an equitable tax on international maritime freight;
- a tax on international financial transactions;
- redirecting international subsidies for fossil energies;
- issuing receipts for emissions permits auctioned on the European market.

Several advances were made on the question of innovative funding at the G20 summit in Cannes in November 2011, especially on the question of taxing financial transactions (see Box 6 page 33). In view of the current impediments to international negotiations under the Climate Convention, the G20 helped advance discussions by mobilizing major developed countries, donors and emerging countries.

The objective in Durban was to build on the progress made during the G20 summit and move forward on getting the funding mechanism up and running in 2013. The Group of small island states and various NGOs supported a proposal to create a programme of work on funding sources in 2012, in order to obtain a road map for commitments from 2013 onwards.

<sup>18</sup> "Fast-start" funding is money that developed countries pledged to pay developing countries between 2010 and 2012. This commitment, made in Copenhagen, is intended to support the implementation of urgent actions to combat climate change and preparatory actions (public policy formulation, capacity building, pilot projects, etc.) in developing countries. It should total 30 billion dollars over the period (including 7.2 billion in the European Union and 1.26 billion in France).

<sup>19</sup> A key element of the Framework Convention on Climate Change.



COP17.  
Citizens march in  
the streets of Durban.

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**BOX 6****> The role of the G20 on sources of finance**

The last G20 summit, which was held in Cannes in November 2011, used several reports to move forward on the question of innovative funding sources:

- the report by the High-Level Advisory Group on Climate Change Financing (AGF);<sup>20</sup>
- the report by Bill Gates: “Innovation with Impact: Financing 21<sup>st</sup> Century Development”;<sup>21</sup>
- the report coordinated by the World Bank for the G20, in conjunction with the International Monetary Fund (IMF), the Organisation for Economic Cooperation and Development (OECD) and regional development banks: “Mobilizing Climate Finance: A Paper prepared at the request of G20 Finance Ministers”.<sup>22</sup>

The conclusions of these reports suggest that there are three feasible sources of finance whose potential revenues could meet the growing demand for climate finance:

- taxation on maritime and aviation bunker fuels;
- taxation on financial transactions;
- redirecting subsidies for fossil energies.

During the G20 summit in Cannes, progress was made on the tax on financial transactions, which was supported by a coalition of countries including France, Germany, South Africa, Ethiopia, Brazil, Argentina and Spain. Rapid progress is being made on this front in France and the European Union, although there is still some way to go in order to ensure that a significant proportion of the revenues from this future tax is redirected towards climate change, and not simply used to plug the public deficit.

## The result: a programme of work with very unclear objectives

Negotiations at the Durban Conference soon ran into trouble over the question of finance and sources of funding, and the contentious issue of how to balance public and private finance, traditional budgetary contributions and innovative funding mechanisms. Many countries questioned the objective and even the content of a programme of work in 2012 on sources of finance, which was supported by the AOSIS Group and NGOs (see Box 7 below).

**BOX 7****> Country positions on long-term finance**

- **Least developed countries** believe that most of the future 100 billion dollars should come from public funds and budgets. Many are suspicious of innovative funding mechanisms that do not yet exist; fearing, for example, that a tax on emissions from maritime transport would have a negative impact on their exports.
- **The United States** does not believe that the question of funding sources can be negoti-

ated between 192 countries. In its view, this is primarily a matter for those countries that will be mobilizing the money; therefore, it is not a question of identifying specific sources at this stage, or of getting commitments from these sources.

- **More broadly, developed countries** have long refused to negotiate on the subject of international climate finance before being able to negotiate on other commitments, especially efforts to reduce emissions by developing countries.

<sup>20</sup> The AGF, a group set up by UN Secretary-General Ban Ki Moon, published a baseline report in 2011 on potential sources to be mobilized in order to achieve the objective of raising hundreds of millions of dollars per year between now and 2020 [[http://www.un.org/wcm/webdav/site/climatechange/shared/Documents/AGF\\_reports/AGF%20Report.pdf](http://www.un.org/wcm/webdav/site/climatechange/shared/Documents/AGF_reports/AGF%20Report.pdf)].

<sup>21</sup> Bill Gates, *Innovation with Impact: Financing 21<sup>st</sup> Century Development*, Bill and Melinda Gates Foundation, 2011. [<http://www.thegatesnotes.com/Topics/Development/G20-Report-Innovation-with-Impact/>].

<sup>22</sup> World Bank, International Monetary Fund, OECD, Regional Development Banks, *Mobilizing Climate Finance. A Paper prepared at the request of G20 Finance Ministers*, 6 October 2011 [<http://www.imf.org/external/np/g20/pdf/110411c.pdf>].



#### **DURBAN DECISIONS ON: SOURCES OF LONG-TERM FINANCE**

##### ***Creating a programme of work on funding sources***

*This programme of work will include identifying possible sources of finance, with a series of workshops held over the year to help mobilize finance after 2012.*

##### ***Fast-start climate finance***

*The decision underlines the importance of transparency in fast-start climate finance, one of the major demands made by countries within the Africa Group.*

However, an agreement on this programme was finally reached, with the European Union playing a key role in wringing consent out of the United States.

It is still unclear how this Programme of work will be implemented, as the decision does not specify which possible sources should be prioritised, and makes no reference to the various reports published on the subject since Copenhagen. Nor does it establish any official link between the debate on funding sources and that on the Green Climate Fund, despite repeated efforts to do so by developing countries. And even though developed countries had made this a key condition for accepting the possible results of this Programme, it does not have the objective of reaching a decision at COP18.

Given the budgetary constraints currently experienced by developed countries, especially in Europe, the prospect of mobilizing sufficient finance to take over from fast-start funding in 2013 looks uncertain. Nevertheless, the economic and financial crisis can no longer be used as an excuse. It is possible to find innovative funding mechanisms that could generate substantial revenues to enable developing countries to combat climate change without being a drain on the national budgets of developed countries. It is high time that both developed and developing nations mobilized to make these innovative mechanisms possible.

The UNFCCC should remain the principle space for deciding on possible innovative funding mechanisms, as it alone is capable of safeguarding the principle of "shared but differentiated responsibilities". Every other possible arena, such as the European Union, Rio+20 and the G20, should also be mobilized to speed up negotiations on long-term climate finance, as our governments still have some way to go before they can agree on the effective implementation of innovative funding mechanisms. ●

#### **POINTS TO REMEMBER... Durban on long-term funding and sources of finance**

##### ***The positives +***

- A programme of work on sources of long-term finance has started.
- The importance of good governance and transparency in fast-start funding has been underlined.

##### ***The negatives –***

- The Durban decision makes no reference to priority funding sources to be studied under the programme of work.
- The Durban decision makes no link between the work on funding sources and the Green Climate Fund.

PART 3

# Adaptation to climate change: moving beyond technical negotiations

While the Cancun Agreements marked an important stage in recognising adaptation as a priority, with the creation of the Framework for Adaptation, COP17, which was held on African soil, was supposed to send a strong signal in favour of climate justice.

Civil society groups were looking for Durban to produce a package of technical decisions that would maintain and strengthen the Cancun Agreements, and thus encourage cooperation and implementation at the territorial level, particularly for the most vulnerable populations. More specifically, the central body of the Framework for Adaptation, the Committee for Adaptation, was expected to be given a technical and coordinating role, with moves to establish an equitable governance system and more active observers to ensure that this Committee reflects the diverse geographic zones and multiple fields of expertise concerned. The UNFCCC’s flagship adaptation tool, the Nairobi Work Programme, would continue to promote greater transparency and more knowledge sharing; while on the operational front, Durban was supposed to define guidelines for formulating national adaptation plans for developing countries, especially the most vulnerable among them.

Another key aspect of adaptation is preventing and managing the risks associated with the adverse effects of climate change. The programme launched in 2010 to deal with loss and damage caused by climate change is due to end in 2012.

Although the Durban Conference went a long way towards meeting expectations in this respect, certain operational and financial matters still need to be clarified to ensure that the decisions made at COP17 are acted upon. Furthermore, with the creation of the Durban Platform, adaptation now needs to be reconsidered in light of future global agreements.

## Our expectations: implementing and strengthening the Cancun Agreements on adaptation

Any delay in implementing international emission mitigation policy increases the risk that global warming will exceed 2°C. This in turn increases the risks associated with the impacts of climate change, especially in the poorest countries, which will be hit hardest. The IPCC has established that there is a link between climate change and natural disasters: floods in Asia, heatwaves and other events are evidence that the climate is changing, and that the international community needs to act swiftly to instigate joint actions to address this.<sup>23</sup>

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<sup>23</sup> Intergovernmental Panel on Climate Change, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX)*, 2011 [<http://ipcc-wg2.gov/SREX/>].

In order to adapt, societies need to have the capacity to make organisational and technical changes and adjust their modes of settlement to limit the negative impacts of climate change and maximise its beneficial effects. International action is needed to coordinate regional, national and local responses to the new risks associated with climate change, and facilitate the changes needed at every level.

### Ensuring equitable governance of the Framework for adaptation

In 2010, the Cancun Conference took an important step in creating the **Framework for Adaptation** and its central body, the **Adaptation Committee**, whose mission is to provide technical support to promote the implementation of adaptation actions. Straddling science and politics, this committee stands at the heart of a broad, multi-thematic mechanism, the International Framework for Adaptation.

COP17 was supposed to follow up on Cancun by sending a strong signal supporting climate justice and proposing new forms of international cooperation to deal with the impacts of climate change. More specifically, it was supposed to ensure equitable and effective governance of adaptation at the global level by giving the Adaptation Committee a technical and coordinating role, and determining an equitable form of governance for this committee, with fair representation of the diverse geographic zones and areas of expertise concerned, and a strong role for observers.

International solidarity organisations within Coordination SUD are lobbying for multi-actor governance that gives those involved on the ground a say in adaptation, and for stronger democratic processes and financial and technical support for adaptation. They argue that the Adaptation Committee should play an important role in the process and be able to rule on funding allocations by the Green Climate Fund.

### The programme of work on loss and damage: prevention rather than cure

Discussions about a “mechanism for loss and damage” caused by climate change were supposed to move forward in Durban. One of the issues that came to the fore, in response to the increasing uncertainty and multi-sectoral risks associated with the impacts of climate change, was the role of the Climate Convention in managing these risks and the need for shared thinking on the matter.

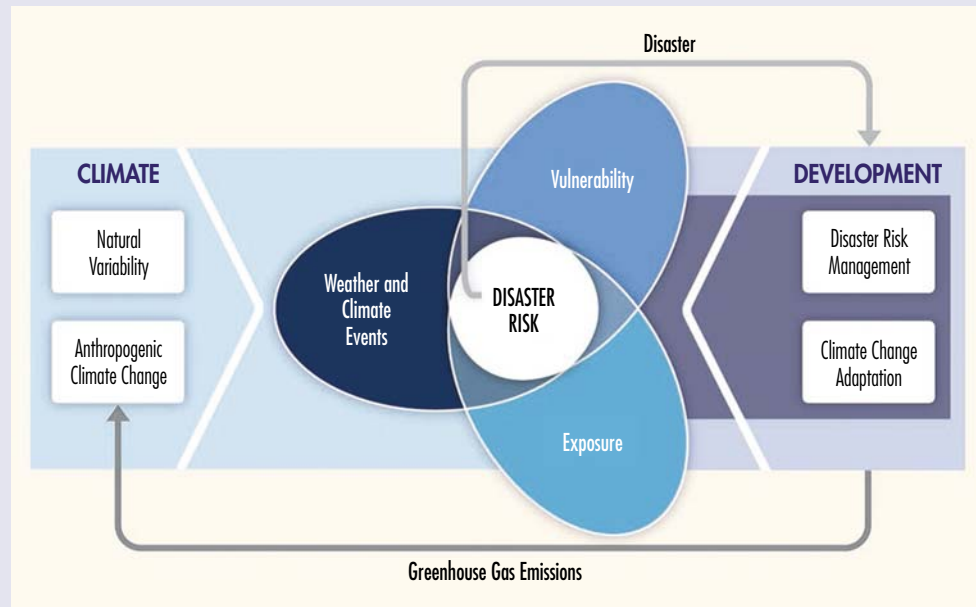
The possibility of establishing an international mechanism to deal with loss and damage caused by climate change has been discussed within the framework of the UNFCCC since 2007, when governments agreed on the need to take account of Disaster Risk Reduction (DRR) strategies in their adaptation actions as part of the Bali Action Plan. A future global agreement on climate change could include putting in place DRR strategies and mechanisms to transfer risks (including insurance mechanisms).

At COP16 in Cancun it was decided to initiate a **Programme of work on measures to deal with loss and damage** caused by climate change in the most vulnerable developing countries. One of the Climate Convention’s technical bodies was tasked with considering submissions from the Parties and determining the programme content in 2011 and 2012, so that it could be proposed for adoption at COP18 in 2012. Discussions needed to move forward in Durban, particularly on the three thematic components of the Programme:

- **Evaluating the risks of loss and damage:** estimating the potential damage caused by climate change and the resulting economic, human and social losses. This is no easy task. It will involve giving a precise definition of a climatic disaster or extreme climatic hazard – a key concern in an increasingly uncertain and variable climatic context – and determining which impacts are specifically ascribable to climate change. In addition to determining the impacts of climate change, losses in terms of human life, economic costs and social wellbeing also have to be evaluated, along with vulnerability to disasters and



> **FIGURE 2. Reducing risk and integrating climate and development**



The IPCC confirmed the link between climate change and increased risk of extreme events in a report published in November 2011,<sup>24</sup> which proposes greater convergence between approaches to risk management, development and adaptation to the impacts of climate change.

Source: Intergovernmental Panel on Climate Change, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX)*, 2011 [<http://ipcc-wg2.gov/SREX/>].

extreme hazards at every level and in every sector (tourism, health, industry, agriculture, etc.). It will also be necessary to define the thresholds for action on certain types of loss and damage associated with slow processes (such as rising sea levels).

- **Possible approaches and measures** to deal with loss and damage associated with climate change at every level. These approaches could include:
  - developing an insurance fund for climatic risks to deal with the impacts of extreme climatic hazards;
  - tools for managing and reducing risk (especially mechanisms for risk sharing and transfer, such as insurance and micro-insurance, or measures to strengthen resilience, such as economic diversification);
  - rehabilitation interventions, for example in contexts of slow-starting climatic hazards (such as droughts in the Horn of Africa).
- **Defining the role of the Framework Convention** in implementing these approaches and dealing with loss and damage.

<sup>24</sup> Intergovernmental Panel on Climate Change, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX)*, 2011 [<http://ipcc-wg2.gov/SREX/>].



Plenary session at  
COP17.

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International solidarity organisations within Coordination SUD work in emergency and development situations. They reminded conference-goers that prevention is better than cure, and that the first priority in limiting loss and damage is to implement adaptation actions on the ground, at every level and in every domain (social risks linked with education, and economic, physical and environmental risks). These adaptation actions should be incorporated into development and disaster risk reduction (DRR) actions, which would also help overcome some of the problems associated with international negotiations.

### Moving forward on operational questions

International solidarity organisations attending the Durban Conference also emphasised the need to make **National Adaptation Plans (NAPs)** more **effective** by adapting them to national realities, fostering the emergence of democratic processes and guaranteeing reliable, permanent sources of funding disbursed in the form of grants.

Decisions needed to be taken in Durban to clarify how adaptation fits into the Green Climate Fund and address the historic lack of funding to implement **National Action Plans for Adaptation (NAPA)**.<sup>25</sup> Coordination SUD believes that this technical and financial support is required to eradicate global poverty, and is a priority investment for present and future generations.

Therefore, the link between the Committee and the Green Climate Fund needed to be established in Durban so that the Committee could comment on allocations by the Fund. Given the pitfalls of comparing the levels and types of vulnerability in different countries, these negotiations needed to define and set priorities according to open and transparent procedures. In this context, unity among developing countries is essential.

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<sup>25</sup> NAPAs are a process that has enabled the majority of least-developed countries to identify priority activities to be implemented in order to respond to their urgent and immediate need to adapt to climate change. Lack of action on these needs would further increase their vulnerability and the costs of delayed action.



## The outcome: time for action on equitable governance!



### DURBAN DECISIONS ON: ADAPTATION TO CLIMATE CHANGE

#### ***The Committee for Adaptation,<sup>26</sup> central organ of the Framework for Adaptation***

- *The Composition of the Committee for Adaptation was decided at COP17. Its 16 members will be appointed by the COP, to represent the five major global regional groups<sup>27</sup> and certain countries that are considered particularly vulnerable (mainly small developing island states and least developed countries).*
- *The Committee will be open to observers, including NGOs, research centres, local governments, etc. It will work with regional agencies and institutions at different levels.*
- *A three-year Programme of Work for the Committee for Adaptation should be defined in 2012.*

#### ***The Nairobi Work Programme (mandate extended in 2010)***

- *Two new themes are on the Nairobi Work Programme agenda (i) understanding the impacts of climate change on the availability of water resources, (ii) approaches based on protecting and restoring ecosystems.*
- *Improving the functioning of the Nairobi Work Programme: Improving the functioning of the Nairobi Work Programme.<sup>28</sup>*

#### ***New prospects have opened up, but have yet to be acted on and/or funded***

- *Continue the Programme of Work on loss and damage by the subsidiary body for implementation of the Convention: in 2012 this programme will focus on evaluating the risks of loss and damage and various possible approaches and mechanisms for dealing with these risks. Meetings of experts are planned to discuss this. They should specifically address the links between risk reduction and instruments such as mechanisms for transferring risk (insurance mechanisms) at the international level. The feasibility of this type of mechanism will be on the agenda for COP18.<sup>29</sup>*
- *At the operational level, guidelines were defined to help formulate and implement NAPs and NAPAs in developing countries, especially the least developed countries (LDCs).<sup>30</sup>*

## Equitable governance of the Committee, to be defined

The progress made in Cancun on the Committee for Adaptation was endorsed in Durban with a decision on its **composition** that respects the desire for equitable governance and balanced geographic representation, especially of the most vulnerable countries. The fact that the Committee for Adaptation has been opened up to observers, including NGOs, is another step forward, although their role and capacity to act as more than mere observers and make proposals have yet to be defined.

<sup>26</sup> COP17 decision regarding the Committee for Adaptation, Chapter 3, page 17: [http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_lcaoutcome.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_lcaoutcome.pdf)

<sup>27</sup> In United Nations terms, the five major groups are African states, Asian states, Eastern European states, South American and Caribbean states, and Western European and other states.

<sup>28</sup> COP17 decision regarding the Nairobi Work Programme: [http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_nairobi.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_nairobi.pdf)

<sup>29</sup> COP17 decision regarding loss and damage: [http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_loss\\_damage.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_loss_damage.pdf)

<sup>30</sup> COP17 decision regarding national adaptation plans: [http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_nap.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_nap.pdf)

More broadly, the role and conditions for dialogue between the Committee and representatives of major groups need to be defined and strengthened. In operational terms, the Committee for Adaptation will need to connect with other relevant institutions in this domain and link international issues to the realities on the ground. It should allow the Framework for Adaptation to take account of the diversity and complexity of local realities, and articulate the different levels of governance from the local to the international. In order to do so, representatives of major groups (women, NGOs, employees and unions, local authorities, scientific and technical communities, children and youth, farmers, indigenous peoples and communities, business and industry) should play an important role in the Committee for Adaptation and hold organised dialogue with their members.

Coordination SUD believes that NGOs and accredited civil society organisations should be able to contribute to debates within the Committee for Adaptation, through official submissions or proposals for its activities and priorities. Many NGOs have direct experience of the impacts of climate change on populations at the local, national and regional levels, especially organisations involved in development and risk reduction. The knowledge and expertise gleaned from their innovations in the field should be developed and replicated in order to increase adaptive capacities at every level.

**The Nairobi Work Programme** (see Box 8 page 41) could also be a useful tool for the Committee for Adaptation, provided it is made more transparent and accessible. Durban did make progress with the addition of two thematic approaches to the Work Programme agenda (water resource management and ecosystems-based approaches), which could feed into thinking on the Framework for Adaptation. A specific focus on agriculture within the Nairobi Work programme would also have been useful and pertinent, given the importance of this sector for the development and adaptation of most humankind, but this was precluded by parallel discussions on a possible Programme of Work on Agriculture (see Part 4).

## Prioritising risk reduction and anticipation at every level

States and territories should view risk reduction as a national priority so that they can prepare their populations and instil a "culture" of resilience at every level of governance. This can be done through better information, sensitisation tools and training.

Risk management also calls for more research and development and stronger monitoring and early warning systems, which will require new forms of technical cooperation supplemented by institutional and financial support at the international level. It would also be useful to adapt the **Hyogo Framework for Action on disaster risk reduction**.<sup>31</sup> It should be noted that the question of risk and concern about reducing vulnerability to extreme events, particularly in urban areas, is mentioned in the January 2012 sacrificial draft for the forthcoming Rio+20 Earth Summit in June 2012.<sup>32</sup>

While some form of cooperation between the public and private sectors (especially insurance) will doubtless be needed to deal with climate change, Coordination SUD would like to point out that insurance mechanisms will have a limited impact in the framework of adaptation. They will not help prevent loss and damage in the most vulnerable countries, mainly because such private insurance mechanisms will not be able to function unless measures are taken to limit the risks associated with climate change at source – and thus to limit demand for compensation and payment.

International action to compensate for losses associated with the impacts of climate change could be one component of a legally binding international regime to tackle climate change.

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<sup>31</sup> The Hyogo Framework for Action is the main UN instrument for reducing the risk of disasters. It is intended to make States and communities more resilient to disasters, and thus reduce losses caused by disasters between now and 2015. These losses are measured in terms of human life and national social, economic and environmental capital.

<sup>32</sup> United Nations Conference on Sustainable Development, The future we want. Zero draft, 10th January 2012 [<http://www.uncsd2012.org/rio20/content/documents/370The%20Future%20We%20Want%2010Jan%20clean.pdf>].

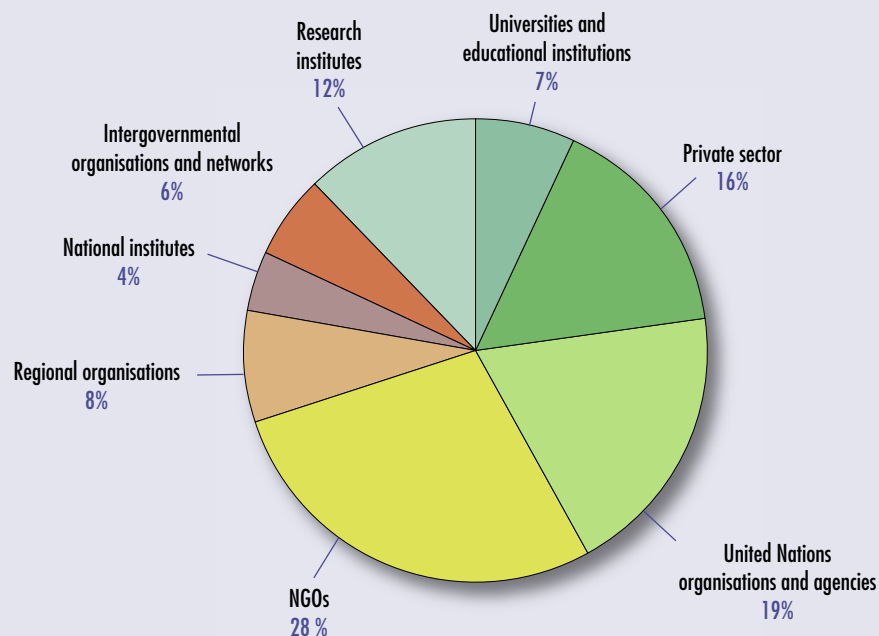
**BOX 8****> The Nairobi Work Programme**

The Nairobi Work Programme is a tool to aid decision-making on the impacts and vulnerabilities associated with climate change within the framework of the Climate Convention. International solidarity organisations can join the Programme and propose a focal point that they then help develop, proposing concrete activities for adaptation to climate change and helping countries implement their adaptation strategies and actions.

The Programme was extended in Cancun after being in operation for five years (2005-2010). The success of the second phase of implementation will largely depend upon the active participation and support of organisations at every level (public institutions, NGOs, experts, research centres, local communities and the private sector).

The assessment of the Nairobi Work Programme produced by its partners in 2010 was somewhat mixed. They were willing to renew its mandate, but noted several problems that need to be rectified in the next implementation period by:

- facilitating greater collaboration and coordination between partner organisations and countries;
- catalysing targeted adaptation actions in the field, and activities to share and disseminate knowledge;
- increasing the transmission and dissemination of knowledge generated by the Programme and its partners, which is currently very limited, often highly technical and inaccessible to the majority of partners;
- increasing actors' and stakeholders' commitment to the Programme and strengthening their capacities.

**> FIGURE 3. Categories of actor partnering the Nairobi Work Programme (in 2010)**

Source: Note by the Secretariat to the United Nations Framework Convention on Climate Change, Progress made in implementing activities under the Nairobi work programme on impacts, vulnerability and adaptation to climate change, 2010 [<http://unfccc.int/resource/docs/2010/sbsta/eng/inf07.pdf>]

This action should be shaped by two guiding principles: first, that of shared but differentiated responsibilities, and second, that the polluter pays.

The Programme of work on loss and damage should be based on past experience, good practice in adaptation and improving resilience, pilot activities in vulnerable developing countries, and lessons learned from the Nairobi Work Programme. The Work programme on loss and damage should also promote action on development and poverty reduction strategies, policies and plans. In this respect, financing adaptation to the impacts of climate change is a priority investment for current and future generations and a condition for poverty eradication. This funding should be sufficient to meet needs and take effect in 2013, when fast-start funding ends.

### **Making adaptation a priority for territorial action and international solidarity actors**

Although adaptation to climate change needs to be discussed at the international level, it is primarily a territorial and local issue as the impacts of climate change are mainly felt at the local level. There needs to be articulation between the local, national, regional and international levels to encourage adaptation to climate change, which also raises major planning issues in terms of land use, risk management, urban development, and strengthening democratic processes and governance. Cities are central to these concerns in our increasingly urban and densely populated world, as they are particularly vulnerable to the impacts of climate change and need sustainable land development strategies that include adaptation to these impacts.

In this context, it is essential to involve all kinds of actor at every level (local authorities, socio-economic actors, international solidarity actors). The international Framework for adaptation should accordingly aim to coordinate regional, national and territorial approaches that take account of the following points:

- **NAPs should be formulated according to democratic processes** and should never be imposed upon socio-economic actors or populations. It is therefore essential to involve these actors, including the private sector, and take account of indigenous and traditional knowledge.
- **Local governments adopted the "Adaptation Charter" in Durban**<sup>33</sup>. Adaptation is a key element in future, locally-centred green economies that will make ecosystems a "natural infrastructure". This Charter treats adaptation as a key element of crosscutting long-term local government planning strategies. Sectoral public policies on land use, urban development, social affairs, environment, etc. need to become low-carbon and increase resilience to the impacts of climate change. This charter could be a valuable tool for adaptation to the impacts of climate change, if only in terms of its commitment value, when used to guide and support actions at both local government and state level. Its international scope could also make it useful in strengthening international cooperation between nations and governments (especially on decentralised cooperation).
- **International solidarity actors** are taking more account of the future impacts of climate change in their development projects. While they are aware that not every development project is an adaptation project, they also understand that they possess knowledge and expertise that is vital for adaptation to climate change, and are using numerous methodologies and tools developed in recent years (especially by Anglo-Saxon operators) to incorporate climate issues into their development projects. In addition to these essential intervention methodologies, NGO expertise in networking, exchanging experiences and lobbying will also be vital for adaptation.

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<sup>33</sup> Durban Adaptation Charter for Local Governments [[www.iclei.org/fileadmin/user\\_upload/documents/Africa/News\\_and\\_Events/EVENTS/2011/Sept-Dec/Durban\\_LG\\_Convention/Durban\\_Adaptation\\_Charter.pdf](http://www.iclei.org/fileadmin/user_upload/documents/Africa/News_and_Events/EVENTS/2011/Sept-Dec/Durban_LG_Convention/Durban_Adaptation_Charter.pdf)].

## The remaining stumbling blocks

The “countermeasures”<sup>34</sup> supported by oil-producing countries (led by Saudi Arabia) crop up repeatedly in various elements of international climate change negotiations. This question centres on two complex issues: defining vulnerability at the international level, and the principle of equity.

Like many international solidarity and environmental NGOs, Coordination SUD believes that international discussions on adaptation should not focus on compensation for loss of revenue due to falling sales in oil products. On the one hand, this matter has already been addressed in discussions on national emissions mitigation targets; and on the other, the real priority for negotiations on adaptation is supporting the most vulnerable countries and populations so that they can make the necessary adaptations to the adverse effects of climate change.

Focusing attention on discussions about countermeasures undermines confidence in international negotiations and hinders the implementation of an effective and equitable Framework for adaptation. ●

<sup>34</sup> Countermeasures are measures that oil-producing countries want put in place to deal with the effects on their economy of actions to reduce greenhouse gas emissions in all countries, and thus to reduce fossil energy consumption.

### POINTS TO REMEMBER ON... Adaptation to climate change in Durban

#### *The positives +*

- The Committee for adaptation is open to observers, including NGOs.
- The Nairobi Programme is becoming more transparent.

#### *The negatives –*

- The observers’ role still needs to be defined.
- Continued vagueness about the links between the Committee for Adaptation and the Green Climate Fund.
- Little attention given to the contribution from cities.



## PART 4

# Agriculture: the door is open

**A**griculture is a key sector in the fight against climate change, both in terms of GHG emissions mitigation and in adapting to the harmful impacts of climate change. After a series of ups and downs since Copenhagen, agriculture finally made it into the field of international negotiations in Durban. Most protagonists are delighted to see such progress, but it has to be said that this is only the very first step in the process, and it remains to be seen what the Climate Convention will make of so-called "climate-smart agriculture" at COP18 in 2012.

For Coordination SUD, the main priority is to focus on resilient, low-carbon development by helping **small-scale family farmers adapt** to the impacts of climate change.

## Our expectations: Durban, the last-chance conference for agriculture

Agriculture was notably absent from the final agreement negotiated by the Parties at COP16, despite the best efforts of certain developed countries. The primary focus of the relatively short text initially under discussion was the key principles determining how agriculture should be taken into account within the framework of the Climate Convention. The main proposal consisted of formulating a Programme of work on agriculture by the Subsidiary Body for Scientific and Technological Advice (SBSTA), based on submissions made by Parties to the Convention.

Certain negotiators saw COP17 as the "last-chance conference" after a series of fruitless attempts to make real progress on this theme in the Convention. The diplomatic obstacles to getting the text adopted remained the same:

- lack of agreement on the preamble to the chapter that deals with agriculture, entitled "Sectoral approaches to reducing emissions", particularly on mentioning the principle of countries' "shared but differentiated responsibilities";
- a number of stumbling blocks in the text on agriculture, especially the question of barriers to international trade.

A group of actors had spent 2011 lobbying intensively for agriculture to feature on the agenda of various intermediate negotiating sessions before Durban and COP17. New Zealand, the United States, Australia and Canada had tried, with the support of multilateral institutions such as the World Bank, to mobilize and sensitize negotiators and ministers of Agriculture from other countries on this topic, with the main objective of enlisting their support in adopting a Programme of work on agriculture.

Small-scale farmers in developing countries are the first victims of climate change. They account for 1.5 billion economically active people, 98% of agricultural producers and 70% of people living below the poverty line, and are responsible for a very small proportion of past

and present GHG emissions. For Coordination SUD, it was therefore imperative that the decision made in Durban took account of family farming in developing countries. International action to tackle climate change in the agricultural sector should follow six general principles. It should:

- recognise countries' differentiated responsibilities and agricultural models in terms of agricultural emissions;
- regard adaptation as a priority for family farming in developing countries;
- recognise the multiple functions of family farming in developing countries;
- respect the food sovereignty of rural households in developing countries;
- study, develop and disseminate local actors' knowledge;
- actively involve local farmer representatives in negotiations on "agriculture and climate".

NGOs within Coordination SUD view these principles as a core condition for formulating a Programme of work on agriculture in the framework of the Climate Convention.

## The outcome: agriculture gets in through the back door at Durban

Two main options were on table during negotiations in Durban:

- **the negotiating text as discussed in Cancun**, amended by the Parties (additions to the text shown in inverted commas as they were not accepted by everyone);
- **a new, much shorter text** submitted by New Zealand and supported by several other countries, centred on launching a Programme of work on agriculture;
- **a new proposal from India**, supported by other BASIC countries and about ten developing countries, to insert an introductory paragraph presenting their vision, especially on the principle of "shared but differentiated responsibilities".

The facilitator of the agricultural negotiations favoured the New Zealand and US strategy of removing all non-consensual points from the negotiating text and focusing on the creation of a Programme of work, in order to help international discussions move forward on this theme.



### POINTS TO REMEMBER: DURBAN DECISIONS ON AGRICULTURE

**A leading role for the SBSTA:** COP17 gave the Subsidiary Body for Scientific and Technical Advice to the Climate Convention a mandate to prepare a proposal for a Programme of Work on agriculture for submission at COP18 in Qatar.

**Country submissions:** countries have until March 2012 to make submissions to feed into the formulation of this first proposal.

The strategy led by New Zealand and the United States paid off, and after years of bargaining a shortened, 15-line text on agriculture was finally adopted in Durban. As ever, the decision came in the final hours of the Conference, following intensive bilateral ministerial consultations steered by the French Minister for Ecology, Nathalie Kosciusko-Morizet – who had been landed with agriculture after volunteering to facilitate consultations on one of the conference themes. Durban safeguarded the key issue for those countries that had proposed and supported this text: obtaining an official mandate from the Conference of Parties (COP) to start work on the theme of agriculture.



This decision takes agriculture out of the international negotiations on long-term collaborative action, and gives the Technical and Scientific Advisory Body to the Climate Convention a mandate to prepare a **proposal for a Programme of work** for submission at COP18 in Qatar. Countries have until 5<sup>th</sup> March 2012 to make their submissions, which should feed into the formulation of this initial proposal. However, this process will not necessarily lead to the launch of a Programme of work on agriculture at COP18, since the formulation of the Durban decision is ambiguous and leaves the door open for countries to use their submissions to refute the very principle of a programme of work on agriculture, should they wish to do so.

### The importance of a collaborative process that puts development issues at the heart of the debate

Durban opened the door to thinking on agriculture. It is now important to allow all Parties, especially African states, to get up to date on the topic and organise completely independent national and international consultations so that they can formulate submissions that reflect their concrete and urgent agricultural issues.

This raises a number of questions about participation at the international level. Agriculture is still a new topic in international negotiations, and has yet to be fully grasped by most delegations from the least developed countries (see Box 9 below). As it is a key sector for their development, these countries and their civil societies need to mobilize in order to carry some weight in the discussions, but the three months set aside to prepare submissions on the modalities of the work is a very tight timeframe, and it will be hard for countries in Africa and elsewhere to organise national consultations or get together to make regional submissions.

#### BOX 9

##### > The Africa Group in negotiations on agriculture

Africa was the host continent for COP17, and is directly affected by agricultural issues. Yet it was surprisingly passive in the international negotiations on agriculture – with the exception of several East and South African countries that export primary agricultural materials, which supported New Zealand's proposal.

Negotiators from the other countries did not seem to have a good grasp of this topic. This

is doubtless due to the fact that it is a new theme in negotiations, that few negotiators were trained in this topic, and a lack of collaboration at the national and/or regional level. Collaboration at the national level is limited to ministries for the Environment and Forestry, which have a longer-standing involvement in climate negotiations; and ministries of Agriculture, which necessarily have greater legitimacy on this subject but little training on climate negotiations. The language barrier also made it very hard for francophone African countries to participate, as translators were not available at every session.

Over the course of 2011 the Meridian Institute facilitated a parallel process to the Climate Convention, bringing together researchers, experts and negotiators from developed and developing countries to drive forward the negotiations on agriculture. It could continue this work in 2012, with training for African delegates.<sup>35</sup> African producers need stronger independent platforms on climate issues so that they can participate in the debate in their own countries and at the international level.

Operators in the field, international organisations and researchers are now considering the question of climate-smart agriculture, which attracted a good deal of attention at the parallel workshops in Durban. It seems that everyone has their own interpretation of the concept, but

<sup>35</sup> Source: Meridian Institute website [[www.climate-agriculture.org](http://www.climate-agriculture.org)].

since this "box" exists, stakeholders need to ensure that it is filled with tools and practices that will facilitate appropriate responses to agricultural problems in developing countries, especially the least developed countries. Research on food sovereignty and increasing resilience to the impacts of climate change should come high on its list of priorities. Massive investment in the agricultural sector is needed to achieve these objectives, so the next step should be to create a window of opportunity to make this investment possible. ●

#### BOX 10

##### > What is "climate-smart agriculture"?

The concept of climate-smart agriculture was developed by the FAO in 2009 as a "response to the triple challenge of food security, adaptation and mitigation in agriculture". It has since proved relevant in various contexts, particularly in developing countries, and is now promoted by numerous multilateral research and finance organisations, including the Consultative Group on International Agricultural Research (CGIAR) and the World Bank. "Climate-smart

agriculture" became something of a buzzword among participants at COP17.

Since its technical content is still fairly vague – ranging from agro-forestry practices to seed improvement technologies – the question is whether climate-smart agriculture is a genuine, universally applicable innovation. Certain NGOs and farmer organisations regard the concept as a clever smokescreen designed to camouflage the extension of the carbon market into the agricultural sector of developing countries.

#### POINTS TO REMEMBER... Agriculture in Durban

##### *The positives +*

- Agriculture was finally discussed within the framework of the Convention.

##### *The negatives –*

- Uncertainty as to how to deal with the issue.
- Uncertainty regarding the content of discussions.
- Very short timeframe for least developed countries to prepare their joint submissions.

PART 5

# REDD+: time for some policy decisions

The REDD+ mechanism is one area where the negotiations framed by the Working Group on Long-term Cooperative Action have made considerable progress. After several years of negotiation, COP16 adopted a decision formalising REDD+, its objectives, scope, main operating principles and environmental and social safeguard clauses in beneficiary countries. The Durban Conference was supposed to help determine certain technical implementation issues, such as how to establish reference levels and/or levels of forest-related emissions, and report on REDD+ safeguards to protect people and the environment. It was also supposed to resolve questions that had deliberately been left hanging in Cancun, especially regarding medium- and short-term funding mechanisms for REDD+.

The Durban Conference did result in decisions on REDD+, but they were sadly lacking in ambition, and the agreement on monitoring compliance with REDD+ social and environmental safeguard clauses is particularly weak. Negotiating is a gradual process, and the REDD+ mechanism is a work in progress largely based on pilot experiences in the field. Nevertheless, it is high time the Parties understood that this mechanism represents an opportunity for developing forested countries to make combating deforestation a central plank of their economic and social development.

## Our expectations: ensuring compliance with REDD+ safeguards, funding and environmental effectiveness

Tackling deforestation and forest degradation remains a huge task despite the progress made on the REDD+ mechanism in 2010. The situation in countries such as Brazil, Indonesia (see *Box 11 page 50*) and Papua New Guinea is still a cause for concern, and forest degradation is also accelerating in countries with low rates of deforestation in the Congo Basin.

It was agreed at COP16 in Cancun that the REDD+ mechanism should be implemented in three phases, with countries receiving performance-related payments in the final phase.<sup>36</sup> The Parties adopted a set of safeguards to limit the negative impacts of REDD+ on biodiversity and the socio-economic development and rights of local populations. COP16 finally confirmed the need for countries to put in place systems of measuring, reporting and verification (MRV) to monitor the emissions avoided through REDD+, as well as information systems on compliance with social and environmental safeguards.

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<sup>36</sup> To recap, the Cancun Agreements ratified the REDD+ mechanism, to be implemented in three phases: (i) formulating sectoral and crosscutting public policies and putting in place capacity-building activities and pilot REDD+ projects; (ii) implementing public policies, feeding back information from pilot actions and complementary capacity-building activities; (iii) generalising implementation of the mechanism, with performance-related payments.

**BOX 11**

> **Deforestation and forest degradation: a worrying situation**

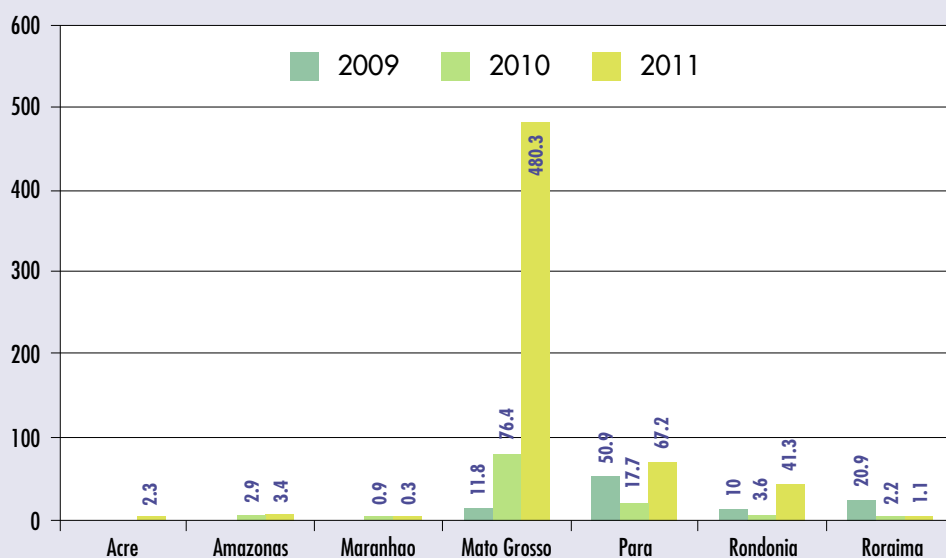
**Brazil** is one of the countries that has made the most progress in terms of combating deforestation. In 2009, its government made a clear and ambitious commitment to reduce deforestation by 80% and GHG emissions by 39% between now and 2020, in accordance with a projected scenario. However, federal policy to combat deforestation has slackened off since then, and 473% more land was deforested between March and April 2011 than in the same period in 2010!<sup>37</sup> This accelerated rate of deforestation is probably due to proposals to soften the Forestry Code, which are undermining REDD+ policy in Brazil and jeopardising the

achievement of its 2009 emissions reduction objective.

In **Indonesia**, the two-year moratorium on palm-oil concessions set in May 2011 (thanks to a \$1 billion agreement with Norway) has failed to curb the risks of deforestation in certain areas.

The *Centre for International Forestry Research* (Cifor) conducted an analysis of the political and economic conditions for forest allocation in Indonesia, and their implications for the implementation of REDD+ in the country.<sup>38</sup> It shows that many challenges have yet to be resolved to make these conditions coherent with the requirements of REDD+, especially in terms of governance, and lack of clear land rights leading to increasing conflicts between forest enterprises and local communities, etc.<sup>39</sup>

> **FIGURE 4. Deforestation in states in the Brazilian Amazon between 2009 and 2011 (in km<sup>2</sup>)**



Source: INPE.

Note: The states of Amapa and Tocantins are not shown.

<sup>37</sup> Source: Brazilian Institute for Applied Economic Research (IPEA), 2011.

<sup>38</sup> Source: Christopher Barr, Ahmad Dermawan, Herry Purnomo, Heru Komarudin, *Financial governance and Indonesia's Reforestation Fund during the Soeharto and post-Soeharto periods, 1989–2009. A political economic analysis of lessons for REDD+*, Cifor, 2010 [<http://pod-208.positive-internet.com/uploads/OP52.pdf>].

<sup>39</sup> See in particular: Yasmi, Y.; Schanz, H, *Managing conflict escalation in forestry, Logging versus local community interests in Baru Pelepat village, Sumatra, Indonesia*, Cifor, 2010 [<http://www.cifor.org/nc/online-library/browse/view-publication/publication/3292.html>].

At the Durban Conference it was expected that countries would make several types of decision on the REDD+ mechanism, some relating to implementation of the Cancun Agreements, and others regarding questions left unresolved in 2010.

## Implementing the Cancun Agreements

### ● *Modes of establishing reference levels and/or levels of forest-related emissions, and REDD+MRV systems*

Problems with the modalities for calculating the reference levels that countries will use as a baseline for measuring avoided emissions persisted throughout 2011. These reference levels are important, as they are the basis on which performance-based payments are determined under the Cancun Agreements,<sup>40</sup> and must also reflect reality in order to maintain the environmental integrity of REDD+ at the global level. The criteria for calculating and monitoring (MRV) avoided emissions were also supposed to be established in Durban.

Coordination SUD felt that it was essential for COP17 to establish common criteria for calculating the baselines, based on public participation, transparency and coherence, and with the possibility of making adjustments according to national circumstances. This should have made it possible to ensure a minimum level of comparability between the baseline and national accounting and monitoring systems while maintaining the effectiveness of REDD+ at the global level, through genuine baselines and widespread national participation in the REDD+ mechanism.

### ● *Modes of reporting REDD+ social and environmental safeguards*

The safeguards adopted in Cancun will play a key role in making REDD+ a useful development tool. However, their effectiveness will depend upon how countries deploy and respect them on the ground. Durban was supposed to produce an agreement on the way that compliance with these safeguards will be monitored and reported at the international level – the basis on which this reporting will be conducted, and the incentives put in place to ensure that countries comply with the safeguards. Coordination SUD supported common criteria for transparency, coherence and comparability that countries would have to apply in their communications regarding compliance with the REDD+ social and environmental safeguards. These criteria were supposed to help improve public comparison of national compliance with the safeguards.

## The sensitive issue of funding for REDD+

On more political questions, Durban was supposed to deal with the sensitive issue of the mechanisms that will be used to fund REDD+ in the long term. Three options were hotly debated: a market for negotiable permits, public funding from national governments, and a hybrid mechanism. Discussions at COP17 were also supposed to determine exactly what the REDD+ “performance-related payment” entailed.

Coordination SUD expected Durban to raise the profile of finance for REDD+ through long-term, predictable public funding after 2013. It therefore supported the creation of a publicly financed window for REDD+ within the Green Climate Fund, largely fed through innovative mechanisms.

<sup>40</sup> REDD+ aims to remunerate countries according to the greenhouse gas emissions that they have avoided, in other words, which were not produced. To do this, each country needs to establish a reference level or baseline that can be used to measure these avoided emissions. The first way of calculating the baseline is to include all GG emissions associated with deforestation and forest degradation, without taking account of carbon captured by trees. The second method consists of calculating the difference between actual emissions and the CO<sub>2</sub> that forests are in the process of absorbing. The method of calculation chosen has a major impact on the accounting systems that countries should put in place, and ultimately, on their performance-related pay.

## The outcome: diminished safeguards and continued uncertainty over funding

In the end, two decisions were made – one technical and one political – amounting to a weak compromise that reduces the possibilities of making the REDD+ mechanism a useful development tool. The question of which funding mechanisms will be used to support REDD+ actions in the long term provoked further disagreements, especially over the role of the carbon market and compensation.



### DURBAN DECISIONS ON: REDD+

#### **A technical decision on implementation of the Durban Agreements**

- *Reporting on compliance with environmental and social safeguards: countries will have to provide transparent information on compliance with safeguards within their territory. This information will be accessible to all actors, summarised in a report and regularly updated. Reporting will be based on existing information systems, using a flexible approach so that it can be improved over time.*<sup>41</sup>
- *The future process: in 2012 the Scientific and Technical Body to the Convention should study the schedule and frequency of reporting and make relevant proposals for adoption at COP18. It could also continue to examine the modalities for reporting and monitoring, and propose new ones at COP18.*
- *Modes of establishing reference levels (RL) and reference emissions levels (REL):*
  - It was decided that countries could choose one of two methods.
  - A progressive approach with successive improvements was favoured.
  - RLs and RELs could be infranational during an interim period.

#### **A text on policy issues and/or questions left unresolved in Durban (in the decision on long-term cooperative action under the Convention)<sup>42</sup>**

- *Funding mechanisms for REDD+: the compromise obtained anticipates the possibility of using market mechanisms and integrated, non-market based approaches (emissions reduction and adaptation to climate change). No specific source of funding was identified: these sources could be public or private, bilateral or multilateral, or "alternative".*
- *The future process: the Secretariat of the Convention will prepare a technical report (and, resources permitting, a discussion workshop) on possible different sources of funding, and their role and implications. Countries and observers are invited to submit their vision of performance-based funding to the Secretariat of the Convention by 5<sup>th</sup> March 2012 to feed into this report. The objective is to reach conclusions between now and COP18.*

## Diminished safeguards

The REDD+ safeguards were adopted in 2010 after an intense battle led by certain countries, NGOs and indigenous groups. Barely a year later, the decision made in Durban undermined these safeguards by not creating any incentives or constraints to ensure that biodiversity is protected, local people's rights are promoted and development aspirations respected. This decision, adopted in the framework of the Subsidiary Body for Scientific and Technical

<sup>41</sup> Decision made at COP17: "Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels" [[http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_safeguards.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_safeguards.pdf)].

<sup>42</sup> Report by the Ad hoc Working Group on long-term cooperative action under the Convention, COP17 [[http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_lcaoutcome.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_lcaoutcome.pdf)].



*J. Zuma, President of South Africa.*

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Advice under the Convention, simply asks developing countries to provide qualitative information on their implementation of the safeguards. It will not make it possible to evaluate compliance with the safeguards because it sets standards for *reporting* rather than for *results*; nor does it clarify which sanctions should be applied for failure to respect the safeguards. Furthermore, it is dotted with terms that weaken the decision by giving governments plenty of room to manoeuvre in terms of how they report on the safeguard clauses ("if appropriate", "national circumstances", "national sovereignty" and so on).

This lame language was no doubt defended by developing countries that hoped it would ease their access to possible international funding for REDD+. The complex and varied procedures imposed by donors for both climate and ODA also caused a certain amount of frustration, which was heightened by the fact that no money has actually been allocated for REDD+ actions yet. While it is important to facilitate access to REDD+ funding for all forested countries, including those with the weakest capacities, this should not be detrimental to local people's wellbeing or development. At the moment, REDD+ does not provide any safeguards that would prevent possible negative impacts on local people.

It is essential that countries define more precise performance and reporting criteria in 2012 to ensure that the safeguards are respected. It is not a matter of imposing prescriptive and restrictive criteria on developing countries, but of ensuring coherence and international comparability while ensuring that REDD+ is a useful tool for development. The question of measures to sanction countries that do not observe these safeguards also needs to be addressed.

### **Threats to the integrity and environmental effectiveness of REDD+**

As in 2010, the decision made in Durban states that the reference levels for REDD+ could be infranational during an interim period, but does not clearly define the "infranational" level or the duration of the "interim period". Coordination SUD had already expressed its preference for the national level in 2010, in order to avoid carbon leaking from one territory into another – although an infranational approach could be adopted if national data and institutional capacities preclude the use of a national approach.

As the guidelines for establishing reference levels were not established in Durban, negotiations on this topic will recommence in May 2012 under the Subsidiary Body for Scientific and Technical Advice. Countries need to understand the importance of defining guidelines that are coherent, comparable, true to reality, and flexible enough to be used by developing countries with little technical and institutional capacity. It is often these countries that have retained a significant proportion of their forests, but whose rate of forest degradation is accelerating. Without these guidelines, climate funding runs the risk of rewarding fictitious emissions reductions based on deliberately inflated reference levels.



## Continued uncertainty over funding

National delegates attending COP17 stressed the need to adopt "adequate" sources and modes of funding that would also be flexible enough to allow each country to decide which mechanism to use. The main bone of contention was whether these mechanisms should be market-centred or non-market-centred. In order to try to overcome this sticking point, Brazil proposed that the term "adequate" be explained in a footnote that would exclude compensation for GHG emissions and use of the carbon market as sources and modes of funding for REDD+. This proposal was supported by Tuvalu, Tanzania, Bolivia and Ecuador, but rejected by other countries. Brazil and Papua New Guinea then suggested a compromise that led to the adoption of a text in the final hours of COP17, despite a last-minute bid by Australia, supported by Japan, Norway and the United States, to reintroduce the possibility for developed countries to use REDD+ to meet their commitments to reduce emissions. This proposal was withdrawn under pressure from other countries and civil society groups, finally allowing a text to be adopted.

The compromise hammered out in Durban certainly includes a heading on the sources and modes of finance for REDD+ in the framework of long-term cooperative action, but does nothing to clarify the funding opportunities and mechanisms for REDD+.

This question of funding for REDD+ is closely linked to other elements of the international negotiations, especially the Green Climate Fund and sources of finance. Some countries have been pushing since 2009 for REDD+ to be linked to the carbon market during the final phase of implementation, when the performance-related payments are made. REDD+ could open the door to market-based approaches while not actually creating a forest carbon market. The debate between those who wish to incorporate REDD+ into the carbon market and those who support non-market-based approaches will certainly continue in 2012.

Other countries argued that REDD+ should be publicly funded through innovative finance mechanisms and the creation of a "REDD+" window within the Green Climate Fund. However, negotiations on the Green Climate Fund did not lead to the creation of such a window. This option was envisaged in early talks by the Transitional Committee in 2011, but had to be removed from the report submitted to COP17 as a "casualty" to compromise. Still, this does not necessarily mean that the Board of the Green Climate Fund will not decide to create such a window in the future; and even if the Fund does not have a window dedicated to forests, it could finance REDD+ actions through its "GHG Emissions Mitigation" window. In the end, other countries proposed a hybrid form of finance based on a combination of the carbon market and public funding.

Coordination SUD supports national-level funding for REDD+, mainly from public funds. It does not support finance based on the carbon market or compensation, as these are not relevant funding mechanisms for REDD+. There are various reasons for this:

- **the future of the carbon market remains uncertain.** Although a second commitment period for the Kyoto Protocol was agreed in Durban, as it stands, national emissions reduction objectives are too low and will not help maintain a carbon price signal that encourages the necessary investment in low-carbon development. The arrival of cheap REDD+ credits on the carbon market would only weaken this price signal;
- **the REDD+ mechanism will not facilitate a reduction in global emissions if it is part of the carbon market,** as it will serve to offset emissions from countries in the Northern hemisphere in the Southern hemisphere;
- **it is still very difficult to measure and quantify forest carbon.** This raises certain methodological and scientific problems, and questions about exchanging fossil carbon for organic carbon, especially in terms of environmental integrity.<sup>43</sup> However, pressure from

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<sup>43</sup> The international carbon market allows businesses to generate credits when they invest in emissions reduction projects in developing countries (mainly through the CDM). One credit is equivalent to one tonne of reduced (or avoided) carbon, regardless of the origin of this reduction. Until now, forest CO<sub>2</sub> credits were not considered equivalent to credits for industrial emissions reductions because CO<sub>2</sub> is not stored permanently in forests and soils (forests may burn or die). For these and other reasons, forest credits cannot be exchanged on the European quota exchange market.



certain countries and lobby groups to include REDD+ in the carbon market could precipitate its entry into the market when these problems are still far from resolved;

- **the market is not concerned with questions of equity**, apart from being regulated by the public authorities. The current weakness of the REDD+ safeguards raises questions about developing countries' capacity to anticipate the knock-on effects of using the international carbon market. Recourse to carbon finance presents risks for humankind and biodiversity, and could lead to greater competition over access to land, which is an additional factor in exclusion and food insecurity for those who depend on forest ecosystems. ●

#### POINTS TO REMEMBER ON... The REDD+ mechanism in Durban

##### *The positives +*

- Countries have moved forward on putting the REDD+ mechanism into practice.
- Different modes of funding for REDD+ will continue to be debated in 2012, with a process of submission and discussion under the auspices of the Subsidiary Body for Scientific and Technical Advice.

##### *The negatives –*

- The criteria for monitoring safeguards are broad and not conducive to compliance.
- Uncertainty over how REDD+ will be funded in the long term: having made progress on the technical front, it is now time to move on to policy decisions.



# Conclusion and future prospects

The international climate negotiations are progressing at a slow, gradual pace, with conferences alternately acting as staging posts and restarting points. The process reached a turning point in Durban, having taken two years for the international community to recover from the failure of Copenhagen. The Copenhagen Agreement was never likely to generate an ambitious response to the problems that climate change presents for humankind, as it was a club agreement – for the world, but without the world on board. The Cancun Conference was a more technical and operational affair, getting the international negotiations back on track, quietly laying the foundations for a set of mechanisms and institutions to tackle climate change, and building on past achievements. Durban was supposed to make these mechanisms operational and initiate a new cycle of negotiations.

## Climate ambition: the growing gap

The Durban Conference did help start a new cycle of negotiations. Debates on a "post-2012" climate regime will now focus on the "post-2020" period within the framework of the Durban Platform. The outcome of the Conference raises questions about the voluntary, bottom-up "pledge and review" approach that has been in place since Copenhagen. Countries are certainly willing to cooperate, but will this new process fulfil its promise? It seems unlikely that the timetable set in Durban will help achieve the objective of keeping global warming below 2°C.

In parallel with this process, the **Kyoto Protocol was saved** from extinction. However, it is still on life support, and is therefore unlikely to provide a springboard for ambitious actions by developed countries before 2020.

Overall, the results of the Durban Conference did not measure up to the issues at stake. COP17 merely put off until 2020 what countries need to do now to avoid the disastrous consequences of global warming averaging in excess of 2°C. At the moment we are on course to fall well short of this objective, heading for an average increase of 3° to 4°C or even more, which could represent increases of up to 6°C in sub-Saharan Africa!

Each year, the gap increases between national commitments to mitigate GHG emissions and the actions that need to be taken to have a chance of avoiding the catastrophic impacts of climate change. No negotiating process is going to help tackle climate change effectively unless climate ambition increases.

This question of climate ambition is crucial. Countries need to take their climate responsibilities seriously and give a clear and ambitious response that accords with the scientific findings on this issue.

## Technical advances limited by a lack of policy decisions

The technical negotiations on the Green Climate Fund, adaptation, agriculture and REDD+ advanced relatively quickly in comparison to the discussions on climate ambition. The Durban Package of decisions centres around the **agreement on the Green Climate Fund**. Its innovative governance was confirmed, but no policy decisions were made and no agreement reached on the highly political question of sources of finance to keep the Green Climate Fund topped up. This Fund will never be operational without permanent, predictable sources of finance. Yet solutions do exist, such as innovative funding mechanisms. A programme of work should explore these solutions and pave the way for concrete decisions.

On the question of **adaptation to the impacts of climate change**, the progress made in 2010 continued in 2011 as various bodies such as the Framework and the Committee for Adaptation became operational. The ultimate goal of these institutions is to encourage adaptation on the ground, but this will not be possible without adequate financial and technical support from developed countries. Funding for adaptation will need to be found in 2013 and beyond, when fast-start climate funding comes to an end (after being in place for the period 2010-2012). It will also need to be found in increasing amounts, as a very small proportion of this fast-start funding was allocated for adaptation. Governments should not forget that the first adaptation measure is mitigating GHG emissions. The longer they delay in acting to reduce their emissions, the greater the impact on the most vulnerable populations and the costlier adaptation actions will become.

Durban made very little progress on **agriculture** beyond giving the sector a brief mention in the final agreement on long-term cooperative action. While this might lead some to conclude that COP17 was "a lot of noise about nothing", the fact that agriculture is officially included in the Climate Convention for the first time does constitute a step forward. Countries now need to seize this opportunity, and make a concrete decision at COP18 that takes account of the diverse forms of agriculture and prioritises adaptation to climate change for family farming. Failure to make an ambitious decision on this sector in 2012 will raise questions about the future of international discussions on agriculture and climate in the framework of the Climate Convention.

Finally, Durban did facilitate progress on the technical front with regard to the **REDD+ mechanism**. However, this does not make up for the lack of policy decisions relating to safeguards and how REDD+ will be funded. Making REDD+ a useful development tool will entail learning lessons from the past and incorporating efforts to combat deforestation into crosscutting strategies and development actions at every level. This will require sound financial support and solid safeguards to facilitate and guide implementation in different countries. Governments can negotiate for as long as they like over the technical modalities of this mechanism, but REDD+ will not go anywhere without fuel or a roadmap!

With such mixed outcomes, Nature magazine's editorial analysis of the Durban Conference seems particularly fitting: "The Durban deal may mark a success in the political process to tackle climate change, but for the climate itself, it is an unqualified disaster. It is clear that the science of climate change and the politics of climate change, which claims to represent it, now inhabit parallel worlds."<sup>44</sup>

## 2011 – a watershed year?

2011 may well go down in history as a watershed year when predictions about a changing world order were brutally realised, as developed countries succumbed again to an economic and financial crisis that is creating new relationships between nation-states. This global crisis

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<sup>44</sup> "The Mask Slips", *Nature*, 480, 292 (15 December 2011) [<http://www.nature.com/nature/journal/v480/n7377/full/480292a.html>].



has triggered a process in which States are the subjects rather than the drivers of change, and national sovereignty is diminishing if not disappearing. Governments have woken up to the fact that a global crisis requires a global response.

In some ways, the financial crisis is analogous to the climate crisis. The two are certainly linked. The old order that was in place until the Copenhagen Conference now faces a harsh reality that highlights both new divisions and new global alliances. Climate change is a global issue that raises questions about the role and place of every actor in the international game. Thus, “outsiders” such as the AOSIS group have had an increasing influence on international negotiations since Copenhagen, reflecting changes in their economic and/or political weight; while the united front presented by the G77+China masks an increasingly visible process of fragmentation. Alliances of emerging countries like the BASICs (or, depending on the circumstances, the BRICs—Brazil, Russia, India and China) now stand as direct interlocutors to developed countries; while Africa, led by an increasingly active Africa Group, is making a single, hitherto inaudible voice heard, strengthened by support from the Group of least developed countries.

The **geopolitical landscape shifted** during the fifteen days of negotiations in Durban, not least because emerging countries were open to the possibility of legally binding emissions mitigation objectives from 2020 onwards. The European Union showed some political willingness in re-committing to a second period under the Kyoto Protocol, although developing countries had let it be known that this was a minimum requirement for them. Some went so far as to dismiss the EU commitments and proposals as insignificant in light of its “historic responsibilities”, even though they represented some of the most far-reaching contributions from developed countries. In reality, the European Union acted as a facilitator rather than a leader, which is positive. The United States, hamstrung by Congress on the domestic front, only seemed able to make itself heard by obstructing progress. Its theatrical attempt to intimidate Venezuela (firmly anchored in the ALBA group) during the final plenary sessions provoked much mockery and further diminished American credibility; and US marginalisation was compounded by the non-obstructive, even progressive, attitude of its main challenger, China.

The individual and joint initiatives that generated most movement in the international negotiations, right up to the final hours of COP17, came from **the BASIC countries**. China’s present, more progressive position is motivated by its increasing unwillingness to be a follower, and its desire to carry more weight in international negotiations. The BASICs now intends to ensure that developed countries recognise their “historic responsibilities” and settle up accordingly; using the implicit (and occasionally explicit) threat of its potential for collective nuisance if member countries were to continue with their carbon-hungry development. The emerging coun-

tries' growing weight was probably one of the major turning points of Durban. It led to a final agreement formulated as a "yes but", whose first act was to restart the cycle of negotiations to secure a global climate agreement that will include emerging countries.

This raises the extremely complex question of a **division of effort based on principles of equity and "shared but differentiated responsibilities"**. The causes and consequences of climate change are an integral element of development choices, and the decisions made in Durban have the merit of putting development questions back at the heart of the climate negotiation process, from where they had been temporarily dislodged. Discussions between developing and developed countries on this topic started in the first quarter of 2012.

There needs to be collaboration between all countries, including developing countries, for us to have a hope of offering future generations a viable climate. An agreement by a small club is no longer an option: every nation needs to be involved in the negotiating and decision-making process. The question is, can the Durban Platform lead to a new, ambitious and equitable international agreement that includes *all* countries? The start of a new cycle of negotiations in 2012 certainly seems promising – but it could end in disappointment. ●



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