

# Background analysis

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United Nations Framework Convention  
on Climate Change



**COP19/CMP9**  
**UNITED NATIONS**  
CLIMATE CHANGE CONFERENCE  
**WARSAW 2013**

Warsaw, Poland  
11th - 22nd November 2013

# Background Analysis

For the Climate Negotiations on the eve of the Warsaw Conference

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## Funded by:

Agence De l'Environnement et de la Maîtrise de l'Energie (ADEME),  
and the Walloon Region

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This background analysis aims **to facilitate the understanding of the current state of the climate negotiations.**

It is written with three objectives in mind:

- Help as broad a public as possible to understand the stakes of the negotiations, while trying to avoid overly technical jargon as far as this is possible
- Describe the process, the state of play, the subjects under discussion, the difficulties and deadlocks
- Clarify the areas of potential agreement and the options that could help the process to move forwards.

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*The background analysis includes a glossary of acronyms and jargon of the climate negotiations  
This document exists in English and French.*



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The 19<sup>th</sup> Conference of the Parties of the United Nations Framework Agreement on Climate Change - UNFCCC - will be held in Warsaw in Poland from the 11th to 22nd November 2013. It is a step towards reaching a successful agreement in 2015 that will include all countries. Such an agreement cannot be negotiated at the last minute, and needs to be the fruit of a two-year process.

The main subjects that are up for discussion at the Warsaw Conference are:

- The follow-up of the implementation of decisions already taken for the 2013-2020 period
- Prepare for the future negotiations that are supposed to lead to an agreement in 2015 for the post-2020 period
- Make progress on the implementation of concrete actions and funding.

The IPCC report is clear: it is still feasible to remain below the 2° warming compared with the preindustrial period if we act now. At Warsaw the issue will be to provide a clear roadmap for 2014, and establish a timeline that sets out the steps in the period leading up to the 2015 Conference, and especially to reach an agreement on the nature and degree of countries’ commitments that lies at the heart of the future agreement for the post-2020 period. (I). This will imply gaining people’s support, showcasing existing initiatives, and providing the proof that a successful future is possible (II), as well as building trust.



# Preparing a new agreement for the post-2020 period

The Durban agreement of 2011 opened a new phase of the international negotiations that was just as important as that of the 1992 Rio Conference and the Kyoto Protocol. Last year's Conference in Doha allowed the finalisation of the means of implementation for the second period of commitment in the framework of the Kyoto Protocol for the 2013-2020 period.

The negotiations are nevertheless currently suffering from the heavy legacy of unresolved issues and subjects that have been endlessly put off. This has fed the frustration, particularly in the developing countries, and has made it increasingly difficult to meet the objective of 2°. These difficulties will need to be overcome in the future, if we are to move forward.

## 1 / THE LEGACY OF THE « MONTREAL-CANCÚN CYCLE »

The cycle that is drawing to a close began in Montreal in 2005. The need to reduce deforestation was recognised at that Conference. It was followed in 2006, in Nairobi, by that of supporting adaptation to climate change in developing countries. Consensus then emerged around the strengthening of the Rio Convention on questions of mitigation of emission in the developing countries and technology transfer.

The other key stage of this negotiation cycle was the Bali Conference in 2007 that involved:

1 • **The Bali Action Plan** launched the post-2012 negotiations. The non-exhaustive list of subjects to be dealt with in this process was:

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#### The Bali Action Plan (BAP)

The "pillars" defined by the BAP are:

- **The introduction of a "shared vision of long-term cooperation"** that will enable the ultimate objective of the Convention to be reached.
- **Mitigation:**
  - The introduction of global commitments and concrete measurable, reportable and verifiable (MRV) actions by all developed countries that ensure comparable efforts by these countries. This means being able to adjust the efforts made by each country, irrespective of their nature (global figures, commitment in terms of energy or sectorial efficiency).
  - Sustained actions by developing countries that are made possible by technology and funding and that can be measured, reported and verified (these qualifications refer to both the actions and the technology/funding duo).
  - The introduction of actions on land use, change of use and forestry (LULUCF), including discussions on deforestation, degradation and sustainable management and increase of forest stock.
  - Cooperative sectorial approaches and sector-specific actions.
- **Adaptation** to support countries in preventing and risks and risk management as well as that of negative impacts due to climate change.
- **Technology** to support mitigation and adaptation. This involves establishing mechanisms for technology transfer to developing countries and cooperation for research and development.
- **Funding** to support mitigation and adaptation to increase and improve access to financial resources to allow developing countries to implement mitigation and get help with their adaptation. This involves mobilising both public and private funds.

2 • **establishing two working groups, the AWG-LCA** (Special working group on concerted long-term action on the Convention), and the **AWG-KP** (special working group on the new commitments for the Parties that fall under Annex 1 of the Kyoto Protocol).

**The expectations for the 2009 Copenhagen Conference (COP 15)** were high. They dealt with two major concerns: giving a clear signal of industrial countries' commitments and providing a long-term vision of the post-2012 climate regime. Yet the Copenhagen negotiations that were presented as a package deal, failed to meet these expectations:

- Either on the commitments of reducing industrialised countries' emissions sufficiently to contain global warming below the 2° level; yet this is a decisive factor for making progress in involving the emerging countries;
- Or on the legal framework, with the United States rejecting the adoption of all legally binding texts.

The **Cancún Conference in 2010** enabled trust to be rebuilt after the traumas of Copenhagen, with the Cancún Accords achieving consensus. But the price to pay for this was a heavy one, as the Accord was based on the lowest common denominator. The “easy” points were covered, whereas issues on which there is disagreement, such as the future of the Kyoto Protocol or the form the next agreement should take, were put off until the Durban meeting.

## A / THE INABILITY SINCE BALI TO AGREE ON A SHARED VISION

The “heading” of the Bali Action Plan underlined the need for a shared vision of concerted long-term action in order to reach the objectives laid out in the Rio Convention.

The negotiation section entitled “**Shared Vision**” was supposed to define the major principles and objectives of the fight against climate change for 2050. They were split into various negotiation issues:

- Limiting the long-term temperature increase of the earth to less than 2°C (or even 1.5°C)
- Stabilising the concentration of GHG in the atmosphere to remain below the agreed temperature levels
- The global objective of emissions’ reductions with specific objectives for the developed countries and possible paths for others, so that the overall reduction of global emissions by 2050 would be 50% below the 1990 baseline, and 85% or 95% below for industrialised countries.
- A peak of global annual emissions before 2020
- The means of revising the long-term objectives and follow-up of progress that has been effectively made in meeting this objective.

This shared vision is based on the principles included in the Rio Convention:

- The need to use scientific conclusions for establishing each country’s objectives
- Countries shared but differentiated responsibilities
- Taking the historical responsibility of countries at global level for the current concentration of greenhouse gas into account
- The need to act as one to mitigate greenhouse gas emissions, and to adapt to existing climate change in coherence with the priority objective of countries fighting against poverty
- Access to funding and technologies for developing countries.

achieving a shared vision meant agreeing on a calendar for target levels of global emissions, and adopting an approach that would enable the global efficiency of the actions to be followed. But in Copenhagen the countries failed to agree on a long-term objective. This was achieved in the Cancún Agreements, by including the need to limit the rise in average global temperature to below 2°C.

## The ambition of the Cancún Agreements

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

However, this 2°C target was considered insufficient by the SIDS countries (group of Small Island States that are particularly under threat from rising sea levels), who called for a stabilisation of the temperature at less than 1.5°C in relation to pre-industrial levels. The methods for reaching this target have not been specified, whereas the emissions are already failing to meet the initial objective. Thus, current emissions’ reduction targets only account for 60% of what is proven to be necessary to stabilise the average temperature rise at less than 2°C, and are situated on a warming path of between 3.5 and 4°C in 2100.

## B / TENSIONS AROUND THE KYOTO PROTOCOL

In spite of the initial good intentions of President Obama, the United States did not make the expected return in Copenhagen to break the deadlocked situation. In 2009, the United States again refused to sign up to the Kyoto Protocol or any other legally binding agreement. After the disappointment of Copenhagen, the American mid-term elections in November 2010 also made it impossible to adopt a climate-energy law before 2014, given the Republican majority of the House of Representatives, who refused to accept the debate on climate policy. The American commitment to cutting their emissions by 17% (in the period from 2005-2020), which is included in the Copenhagen Accord should have been implemented by a law voted in Congress. Although this 17% emissions’ cut compared with the 2005 level only represented a 3.7% cut compared with the 1990 baseline, it would nevertheless have marked a change to current policy. By virtue of being written into a law, this objective of reductions would have become legally binding at Federal level. The law would also have enabled a Federal market of exchange of quotas to be introduced.

The impact of this would have been to:

- Strengthen the will those States already actively involved
- Encourage emerging countries to further commit
- Give fresh confidence to developing countries
- Strengthen the efficiency of the flexibility mechanisms and support the value of carbon
- Thereby re-launching the overall process.

The result of the elections however dashed these hopes. At Cancún, the United States made no national commitment that could compensate for their refusal to sign the Protocol. Given this situation, the emerging countries refused to make any commitments and any differentiation in the reduction of emissions compared with other developing countries, arguing the principle of historical responsibility and the fact that the United States were attempting to impose conditions that they themselves were not respecting, which is contrary to the concept of equity. This therefore deeply shook the climate regime. With the approach of the end of the first period of commitment (December 2012), no other solution was found to maintain the strength of the Protocol. 2011 was thus marked by a hardening of positions:

- Most of the developed countries were so far behind meeting their objectives that they did not wish to take on new commitments that they would be unable to meet at this stage. They therefore refused to accept a binding framework that failed to include all the major GHG-producing countries; this included the United States and emerging countries.
- Japan, Russia, New Zealand and Canada expressed their firm refusal to recommit for a second period of the Kyoto Protocol on the grounds that it included few of the GHG-emitting countries. The protocol did indeed include fewer of the GHG-emitting countries than the Copenhagen Accord that was confirmed at Cancún; and even if the latter is not of a binding nature it did receive the official support of 139 States, and represent 87% of global emissions.
- Given the state of break-down of the negotiations, the European Union and other Annex 1 countries of the Kyoto Protocol refused to recommit, in spite of being convinced of the need for such an agreement, as the only instrument of solidarity in the process. They linked their commitment to that of the other countries, thus allowing doubt to reign as to the risk of the end of the Kyoto Protocol.
- The emerging countries refused to accept any amendments to the Kyoto Protocol that forced them to accept commitments to mitigate their emissions and all systems of verification of their emissions, as long as the United States failed to commit.
- In the face of all this; the developing countries, particularly the African ones and the Small Island States (SIDS) hardened their position and demanded the continuation of the Kyoto Protocol as the only solid climate framework regime that could guarantee them with financial support and linked it to demands to respect commitments.

## C / ENLARGING COMMITMENT BEYOND THE CATEGORIES OF COUNTRIES INVOLVED AT RIO 92

The Rio Convention established two categories of countries:

- The Annex 1 countries, i.e. members of OECD (on the basis of 1990), the Eastern European ex-Communist countries, and the ex-USSR. It is worth noting that the list left out some countries with a high per capita emissions' level such as the oil-producing States of the Persian Gulf.
- Non-Annex 1 countries, i.e. developing countries. This categorisation of countries corresponds to a date (1990) when countries now qualified as emerging had not yet

started to take off in economic terms. It was taken up as such in the Kyoto Protocol for the entire 1990-2012 period. The same classification was retained in the course of the negotiations for the 2012-2020 period. Annex 1 countries' request to see new commitments applied to the emerging countries met with a refusal. This new distinction is all the more risky as there has never been any statement on how to distinguish emerging countries for developing countries.

The feeling of injustice that stemmed from an inequitable way of defining commitments implies restructuring the basis of the negotiation in order to adapt the legal framework to on-going change. In order to achieve this, all the existing categories of countries of the Framework Convention of the fight against climate change would need to be reviewed, and taken up in new agreements. This would also imply improved sharing of funding (that has mainly benefitted emerging countries through the flexibility mechanism, rather than the least advanced who should have been the main beneficiaries).

It has become essential to reconsider the historical bipolar structure of 1992, without undermining the principle of shared differentiated responsibility and achieving consensus on the application of the right to development. This would enable a more equitable sharing of efforts made to reduce emissions, as well as a commitment to mitigation of emissions by emerging countries and a more equitable sharing of funds.

A legally binding climate regime with an enlarged scope applicable to all countries should have come into force on January 1st 2013. The failure of the Copenhagen Conference in 2009 led to the deadline being pushed back for this global agreement.

**Since then, the Durban Conference set the date for implementation of the future agreement at 2020.**

*It is therefore essential to ensure that for the intermediate period of 2013-2020 the continuity of the process of the United Nations fight against climate change, and to strengthen and consolidate trust between developed and developing countries; this is the sine qua non condition for launching the phase of building the global agreement for 2020 in a climate of cooperation and goodwill.*

## 2 / ESTABLISHING A NEW NEGOTIATION CYCLE: FEEDBACK ON THE DURBAN AND DOHA CONFERENCES

Stepping back from the framework agreed in Montreal was a major challenge, particularly for the developing countries who were very attached to the Bali Action Plan, as it guaranteed a certain number of values that are dear to them: shared differentiated responsibilities, historical responsibility, differentiation between developed and developing countries.

Nevertheless with the Durban Decision, the countries accepted the idea of reaching an ambitious agreement in 2015, one that would bring together all countries around the same objective: a low-carbon, resilient development model that would enable global warming to be kept below 2°C and avoid/compensate for the inevitable impacts linked to climate change.

## A / THE BEGINNING OF A NEW NEGOTIATION CYCLE IN DURBAN

The 17<sup>th</sup> Conference of the Parties of the United Nations Framework Convention on Climate Change ended in 2011 on a decision that was difficult to reach, on the way to manage the post-2012 process.

*The objective is to succeed in defining a single agreement for 2015 that includes all countries able to achieve the overall objective. Committing to this path constitutes a deep change in the process and negotiation logic. It is therefore paramount to be able to reach a work plan by 2015.*

The “Durban Decision” allowed agreement to be reached on the process of the coming years, but did not define the precise means or solve the most contentious problems: the level of commitment for the 2<sup>nd</sup> period of Kyoto and the amendments to be made to the Kyoto Protocol.

### The Durban Agreement thus led to:

- Recognition of the need that **all countries urgently need to confront** the serious, often violent and potentially irreversible threat of climate change.
- Launching a process **to prepare for a post-2020 agreement** that should include all countries and be legally binding. This was a major breakthrough.
- **The need to increase the level of action to reduce countries’ emissions as of 2013** in order to bridge the very big differences between the commitments made by the developed countries’ commitments made in Cancún, the evolution profile of global emissions, and the objectives that need to be reached on the basis of the recommendations of the scientific report of the IPCC.

### The Durban platform for reinforced action

With the approaching of the 2012 deadline in Durban, the idea of a new agreement could no longer be put off: the decision was taken to create a new negotiation stream that would be legally binding (the level of the legally binding dimension is still to be decided); it would include all countries in a long-term process like the AWG-LCA and would take up its key themes.

**The “Durban Platform for reinforced action”** has succeeded in reconciling different interests by proposing a legally flexible, modular agreement: all countries participate, but some of them (particularly the emerging ones) can start their commitment to

the new agreement after 2020, others (the developed countries) start as of now (in the framework of the Rio Convention or the second Kyoto Protocol period), and the less advanced countries are developing other actions, depending on the funding they receive.

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The Durban platform’s mandate is to hold two intrinsically interdependent negotiation processes:

- One process aimed at adopting a legally binding agreement in 2015 for the post-2020 period
- The second aimed at increasing the level of ambition of mitigation to 2020 and beyond;

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Parallel to this, a second period of commitment to the framework of the Kyoto Protocol was made.

### The second period of commitment to the Kyoto Protocol

The Durban Conference validated launching a second period of commitment to start on January 1st 2013. At this date, the Annex B countries of the Kyoto Protocol of the first period of commitment announced whether or not they intended participating in the second period:

- The European Union, Australian Belorussia, Croatia, Iceland, Kazakhstan, Norway, Switzerland and the Ukraine confirmed their participation in a second period of commitment.
- Japan, Russia and New Zealand remain Parties of the Kyoto Protocol, but refuse to recommit in a legally binding manner for a second period.
- Canada joined the United States by definitively leaving the Protocol, having failed to respect their commitments for the first period.

### The negotiation timeline for the new agreement

The European Union, with the developing countries following in its wake has established a timeline that runs up to 2020, and leads to the promise of an agreement that would include all countries, which is the sine qua non condition of their commitment to a second period for the Kyoto Protocol. The Durban Platform will therefore need to conclude its work by 2015 at the latest, so that the Conference of the Parties can adopt the Protocol, which is the legal instrument, or the agreed legally binding text at its 21st session, and which will come into force and be applied as of 2020.

### Stages in the process towards an agreement in 2020:

- **2012-2015** : Process of building an agreement of political principles and writing of sections of text
  - **2015-2017** : Adopt the agreement and additional text to be applied
  - **2017-2020** : Launch the ratification process in national parliaments
  - **2021** : the new agreement enters into force.
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It is crucial that a calendar be drafted quickly. It will need to focus on the process and the steps to be followed to enable an agreement to be reached in 2015.

### The contents and the nature of the new agreement

The idea that the emerging countries could make fresh commitments and thus differentiate themselves from the developing countries, is a complete u-turn compared with the Kyoto Protocol and the general concept of the general regime of climate change. This quickly led to the question of the nature of each country's obligations, and the way they should be shared. For countries do not all have the same idea of what such an agreement should imply. The United States would like to see symmetrical obligations between developed countries and emerging countries. There are diverging positions within the BASIC group (a negotiation group that includes Brazil, South Africa, India and China), with China in particular accepting the idea of legally binding commitments beyond 2020, and India who, on the grounds of equity is resisting the idea of a legally binding instrument.

#### The BASIC group

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These countries share a number of characteristics (demographic weight, growth and GDP, increase in national GHG emissions...). Brazil, South Africa, India and China founded the BASIC group. Although we cannot talk about an official strategic alliance, these States officially negotiate within the G77. The group has continued to gain strength since the Copenhagen Conference.

In negotiations they play on the concept of "carbon credits" – as an indicator of sharing the greenhouse gas emissions of each country – and support sharing on the basis of equity and the principle of "common differentiated responsibilities". Although the 4 BASIC countries do not share the same concept of equity, and diverge on the envisaged solution, they all agree on the historical responsibility of the developed countries, and refuse to commit before 2020.

Nevertheless given that the decision is not specific as to either the contents or the nature of this new agreement that would follow the commitments for the 2013-2020 period, be it in the framework of the Kyoto Protocol (with a legally binding framework), or in that of the Rio Convention (but outside the Kyoto Protocol and in a voluntary regime that is not legally binding).

#### The various legal options of the new agreement in the Durban Decision

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"Also decides to launch a process with a view to drafting another legal instrument or jointly agreed legally binding text of protocol within the Convention, that would be applicable to all the Parties".

The way in which the Durban Decision is formulated leaves many different options open as to the:

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- **The legal form:** The wording "another legal instrument or jointly agreed legally binding text" is something new. It can equally include the idea of a legally binding treaty or simple decisions formally adopted by the COP. This therefore poses the question of whether or not this is ratified by national parliaments.
- **The legal form of commitments included on the agreement:** If the agreement is not legally binding, the commitments it enshrines will not be so either. In the case of a legally binding agreement, the commitments would have to be sufficiently solid and precise to be effective.
- **The normative nature and the contents of the proposed commitments:** It has not been specified whether the commitments will include limiting emissions or whether they will be limited to measures linked to the transparency of the measures. The mandate does not foresee commitments as such. Commitments may be binding for some Parties only. The fact that the agreement will be applicable to all the Parties does not imply that it will be uniform or symmetrical.
- **Procedures and institutions established to guarantee the respect of commitments:** Apart from the reference to the "transparent nature of the commitments", nothing has thus far been decided on the need for the Parties to report on the implementation of their actions.

### Taking agriculture into account in the Durban climate negotiation

COP 17 enabled things to move forward in terms of the opposition between developed and developing countries on the question of agriculture. The text establishes a dialogue via a working group within the SBSTA framework. A workshop on this question will be held in Warsaw. It will first be necessary to evaluate existing scientific and technical knowledge. Both emissions and absorption of greenhouse gas by agriculture are less well known than in other sectors. They concern not only carbon gas emissions but also N<sub>2</sub>O (nitrous oxide) and especially methane. The contents of these greenhouse gases vary a great deal from one region to another, and therefore require a highly regionalised approach. The main stakes are:

- The adaptation to climate change due to water shortages and other impacts
- The increase in carbon capture by soil that require a significant modification to agricultural practice
- The reduction of methane emissions in the atmosphere caused by agricultural waste and ranching.

Taking agriculture into account is linked to the issue of food security and poverty eradication. It will be necessary to link this to the Rio Convention on desertification.

### Strengthening the operational framework

The other major stake parallel to the Durban Platform and countries' commitments in 2012 was that of the strengthening of the operational framework.

Durban, in accordance with the mandate conferred, worked towards the operational implementation of the instruments developed in previous years in favour of adaptation to the impacts of climate change, reducing deforestation, and transfer of climate change technology. The conference concluded by adopting 19 decisions by the COP in the framework of the Rio Convention, and 17 decisions of the Meeting of the Parties on behalf of the Kyoto Protocol (MTP), as well as the validation of a considerable amount of the work of the subsidiary bodies.

The text highlights the importance of local operational actors, both public and private, as well as that of civil society. Although climate change is a global issue, the solutions can be provided at territorial level. Involving all levels implies developing tools for implementation and new forms of cooperation.

In Durban a decision was taken to implement the 2010 Cancún Accords on the following issues:

- Launch a Green Climate Fund
- Establish more precise demands in terms of measurement, reporting and verification of mitigation efforts made by countries (MRV)
- Support mitigation efforts of developing countries with international funding.

*The Durban Conference enabled the negotiation process to be launched on a fresh basis. Nevertheless there are still many aspects that remain unclear.*

*The Doha Conference in 2013 was tasked with completing and defining the various aspects of these different decisions.*

### B / DOHA, THE START OF A FRESH NEGOTIATION PROCESS

The Doha Conference that took place in Qatar in December 2012 enabled the changes that were initiated in Durban the previous year to be confirmed, and also to take the first steps towards outlining a new post-2020 agreement.

- The mandate of the previous working groups (AWG-LA and KP), in spite of tensions in all the 2012 sessions came to a close in Doha, with the Durban Platform becoming the sole framework for negotiation.
- Confirmation of the ADP's dual mandate includes:
  - Drafting a new global climate agreement with all countries for the post-2020 period
  - Ensuring a more ambitious reduction in global emissions by 2020 in order to bridge the gap between current commitments to reduction and what would be necessary to limit global warming to below 2°C.

- **A schedule** establishing a timeline that states the themes to be included in these two streams has been drawn up.
- **The second period of the Kyoto Protocol** has officially been launched (the first came to an end on the 31st of December 2012). The modalities have been laid out.
- **The subsidiary bodies (SBSTA and SBI)** have been renewed, and have taken up fresh issues.

*The main stake of the Doha conference was therefore to ensure the transition between two negotiation phases of the international fight against climate change. The new one should cover universal implementation, be legally binding and ambitious in its fight against climate change.*

### Closing the AWG-LCA

The mandate of the AWG-LCA came to an end in Doha, after having been extended in Copenhagen. The subjects that are still open were shared between the two permanent subsidiary bodies of the Convention: the SBSTA (Subsidiary Body of the Scientific and Technological Council), and SBI (Subsidiary Body of Implementation).

FOCUS ON	Carry over of unfinished AWG-LCA issues	
	Negotiation situation of the mandate of the AWG-LCA unfinished business at the close of COP18	Entity responsible as of 2013
	Mitigation actions of the developed countries	SBSTA
	Mitigation actions of developing countries (NAMAs)	SBSTA / SBI (for the register)
	Emissions reductions linked to deforestation and degradation of forests and management of carbon stocks in developing countries (REDD)	SBSTA
	Various approaches to improvement and promotion of mitigation actions	SBSTA
	Socio-economic consequences and counter measures	SBSTA / SBI
	Reinforced adaptation measures	SBSTA / SBI
	Funding	Standing finance committee / Green Climate Fund
	Capacity strengthening	SBI
	Review of the Convention	SBI / SBSTA

### Funding the fight against climate change

At Doha the issue was to make progress on:

- Sources of funding for the 2013-2020 period
- Long-term funding that could be mobilised (post-2020) as foreseen in the Copenhagen Accords
- Making the Green Climate Fund that was created in 2010 in Cancun, operational.

### Medium term funding 2013-2020

The Copenhagen Accord foresaw the mobilisation of funds for the 2010-2012 and for the 2020 period, specifying only that for the period in the run up to 2020, that there should be a substantial increase in funding. It did not specify any amounts or instrument that would be used. Developing countries are demanding the mobilisation of 60 billion US\$ as of 2015.

Pledges of funds by the European Commission, Germany and the United Kingdom for the coming years would generate 6 billion euros. Australia, France and Canada expressed their intention to participate, but have not specified any given sum. Japan and the United States have remained silent.

*The Doha decision does not specify any amounts, but invites the Parties to renew their pledge of the amounts donated for the "Fast Start" period 2010-2012.*

### Funding the post-2020 regime

The long-term plan to fund the fight against climate change in developing countries foresees the mobilisation of 100 billion US\$ a year as of 2020. However the means to mobilise such a sum and the way in which such funds would be shared between the public and private sectors has not been specified. It was decided in Doha that the work programme on long-term funding would be extended for a year. ongement pour une année du programme de travail sur le financement à long terme.

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### The long-term funding programme

This programme aims to support the developing countries to define the means of mobilising funds from now until 2020, based on public, private and other sources. It covers mitigation actions and the transparent implementation by developing countries, highlighting the technical work of the G20 and the United Nations High Level Consultative Group on funding for climate change, under the banner of the UNFCCC.

Furthermore the developing countries have been invited to submit their strategies for mobilising funds to collectively reach 100 billion US\$ by 2020 before the Conference of the Parties in Warsaw.

### Making the Green Climate Fund operational

The decision to create the Green Climate Fund (GCF) was taken in Copenhagen in late 2009, it was officially created by the Cancún Accords in 2010, to fund the transition to a resilient, carbon-sober model of climate change in developing countries.

In October 2012 the Green Climate Fund decided that the secretariat for the Green Fund would be domiciled in Songdo, in South Korea. The choice of this country is important, as in less than fifty years it has moved from being a poor country to that of the fifteenth economic power of the world. This decision that symbolises the link between development and developing countries that the Green Fund is tasked with establishing, was agreed in Doha by all the member countries.

In spite of this decision, the Green Fund is still far from being operational, and the funding that is supposed to feed into it, is slow to materialise. The developing countries believe that only the industrialised countries that should pay into this fund, whereas the developed countries are making their contributions conditional to those of the emerging countries.

The fifth meeting of the Green Fund's Board of Administration that marked the end of the pilot phase jointly under the World Bank, the UNFCCC and the Global Environmental Fund, was held in early October in Paris. This led to adopting a roadmap to ensure the GCF, that had thus far been blocked by the issue of the participation of emerging countries' and private sector participation in funding the fight against climate change by the developed countries, would be implemented. The modalities of the funding are still to be determined, as is how it will be secured, the allocation of funds and their transparency.

The roadmap that was validated in Paris foresees agreement on the way in which contributions will be made in the first semester of 2014, with an operational implementation at the end of 2014. The Fund has to date received a total contribution of less than 1 billion dollars, for a stated objective of 100 billion by 2020. It could fund the first projects based on a thematic approach and operational practice. This would guarantee the balance between funding adaptation and mitigation. This much-awaited operational implementation represents a priority to catalyse the definition of a new climate regime that would lead to an agreement in 2015.

### The new market mechanism

An agreement was reached in Durban on the need to create a new market mechanism as a complement to the development mechanisms as such, and on joint implementation. This new instrument planned to be effectively implemented before 2020, would provide additional means to those countries that commit to the second period of the Kyoto Protocol to help them to meet their objectives.

### Support for the implementation of mitigation actions in developing countries

Since the Bali COP in 2007, the NAMAs (Nationally appropriate Mitigation Actions) at national level have been the corner stone of the actions in developing countries for promoting a low-carbon development model that is resilient to climate change. This tool helps to identify strategic projects that are being implemented or planned in developing countries in the fight against climate change, to recognise them in the

framework of the Convention, and provide them with technical or financial support or provide help from developed countries to strengthen institutional capacities. The implementation of such a tool has, however, been slowed, particularly in the less advanced countries<sup>1</sup> by several factors:

- Understanding of the NAMA concept remains vague in the framework of the UNFCCC. The issue is to clarify the approach whereby the developing countries design strategic actions that jointly include the issues of development and climate.
- Less developed countries often do not have the requisite institutional and organisational capacities required to successfully design projects to fight climate change.
- Implementation of both financial and technical support on the part of developed countries is often slow to materialise. This slows developing countries' commitments.

The decision has not had the hoped-for results, but it has launched the work process of:

- The elaboration of the guidelines for determining a process for following projects according to the MRV regulations (Measures, Reporting and Verification)
- Understanding the diversity of the NAMAs in order to facilitate the preparation of their implementation. The launch of the planned work programme for the 2013-2014-period is a continuity of the workshops that took place in 2011 and 2012 on this subject. A progress report on the first part of the work programme will be made during the Warsaw COP in 2013.
- The launch of an official register of NAMA projects in the form of a dynamic Internet platform.

Parallel to these official multilateral processes, North/South cooperation initiatives are also taking place.

### The "Europe-Africa" energy partnership

FOCUS ON

The Europe-Africa energy Partnership (EAEP) was launched in Lisbon in December 2007, by the African and European Heads of State and their governments. The EAEP is part of the eight partnerships that make up the joint EU-Africa Strategy. The framework of this partnership aims to be egalitarian, so the two continents have decided to share their know-how, harmonise their complementary interests and closely link their policies in order to jointly confront their energy challenges. The first High Level Conference of the EAEP was held in Geneva in 2010. It brought together the leaders of the European Commission, and those of the commission of the African Union, together with national ministers in charge of energy and cooperation, the representatives of the regional economic communities and energy pools, delegates from other

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<sup>1</sup> In January 2013, Ethiopia and Mali were the only Less Developed Countries to have submitted NAMAs to the UNFCCC secretariat.

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specialised agencies and international organisations and representatives of the private sector, research and civil society. This Conference enabled a ten-year action plan to be launched. It will have a European contribution of 5 million euros over the first three years.

A set of objectives, laid out in a joint Declaration was established:

- **Access to energy:** The objective is to guarantee access to at least an additional 100 million Africans by 2020 by emphasizing the provision of basic services (healthcare, education, water, communications), economic activities and household access to reliable, sustainable energy services.
- **Energy security:** Africa and the EU will take joint measures to improve energy security by doubling the capacity of the electrical interconnections between countries in Africa and between Africa and Europe.
- **Renewable energy and energy efficiency:** Africa and the EU will take joint steps to use renewable energy in Africa by building a total hydroelectric capacity of 10,000 MW, environmental installations, wind parks of at least 5,000 MW, solar energy installations of all kinds of a capacity of 500 MW, tripling the capacity of production of other kinds of renewable energy such as geothermal energy, and supporting sustainable biomass use. They will improve energy efficiency in all sectors in Africa.

The European Union has developed an initiative on access to energy in Africa (improved productivity of existing equipment, strengthening of network infrastructure, rural electrification, energy efficiency projects and development of renewable energies). These programmes are set up with considerable support from Germany and Austria.

### Technology transfer

At Doha, UNEP was designated to host an executive centre for technology for a 5-year period, and the composition of the consultative committee for the centre and the technology network for climate was established. This committee is in charge of defining the operational methods of working for the centre and network of technologies, making strategic recommendations and approving decisions.

### The REDD+ mechanism

The discussion on the REDD+ mechanism now appears to be one of the main aspects of progress in the climate change negotiations, even if the differences on the how it should be implemented remain. This aspect is now included in the more general process of negotiations between developed and developing countries. In effect, the limitation of its use in the forestry sector could hinder economic growth of some developed countries, whereas the implementation of the REDD+ mechanism is indirectly linked to the discussions on market instruments, and is highly dependent

on funding from developed countries. This means that it was highly unlikely that any significant progress could have been made in Doha.

Norway has spent almost 1 billion US\$ in supporting the development of the REDD+ mechanism, and was in favour of implementing an independent, international process to ensure the verification of emissions' reductions linked to non-deforestation. Brazil expressed its reticence to creating any such entity, and prefers introducing national verification processes.

The Doha Decision did not take any decision on the question of verification of emissions' reduction linked to REDD+, which was put off until the next COP.

The launch of a work programme linked to the regime for funding climate was however launched. This programme will include two workshops and should reach its conclusions before COP 19 in Warsaw. The objective is to contribute to improving how international funding is mobilised for REDD+. Three entry points have been identified:

- The means of allocating funds on the basis of actions that have been taken
- Ways to encourage countries to implement actions that present other advantages than just cutting emissions (such as the protection of biodiversity)
- Ways to improve coordination with decisions on funding.

#### "Paris-Oslo" Norwegian REDD+ initiative

#### FOCUS ON

The "Paris-Oslo" process grew from the desire to establish a pilot partnership on REDD+ mechanisms. It included the main forest-growing countries and States that are involved in funding the fight against deforestation and degradation of forests. Norway was followed by other developed countries including France, Australia, the United States... This initiative, added that of the World Bank (The Forest Carbon Partnership Facility – FCPF), enabled the start-up of REDD+ actions to take place with concrete implementation, without having to wait for all the technical aspects to be resolved in the framework of the international negotiations. Some difficulties still remain, linked to the differing situations of various countries. For indeed there is no one-size-fits-all, and in the case of countries where massive deforestation has already occurred, those whose forests have been just degraded, and those where much of the land under forestation has not yet been affected by deforestation.

This partnership in no way pretends to be a substitute for the United Nations framework; it is complementary to it. It should facilitate the coordination and the transparency of the implementation of actions (FCPF, UN-REDD, FIP...) and enable experimentation of innovative projects. France, via the French Development Agency (Agence Française de Développement) together with Australia, established the first REDD+ voluntary database. It is accessible to the public and includes the funding, the actions and results of REDD+. This



is aimed at improving transparency and coordinating actions and support. In spite of all the efforts that have been made, REDD+ is having difficulty in establishing a timeline for its work, budget and the participation of NGOs. The movement for the preservation of forests is now widely supported: big private banking funds, commitments by the big distribution networks of consumer goods...

#### The work programme on agriculture

Doha should have determined the structure and the objectives of this work programme that was launched in Durban. Deep divergence – particularly on the priorities that need to be distinguished between adaptation and mitigation, between developing and developed countries as well as between emerging and developing countries, did not allow any progress at all to be made on this theme:

- The developing countries are concerned that they might be restricted in the management of their agriculture, and that the pressure on family farmers could further increase, are focusing on adaptation.
- The developed countries are concentrating their position on mitigation in this sector that produces a high level of emissions.

#### A work programme on education

In 2002 the Parties adopted a 5-year work Programme in New Delhi on education, training and public awareness raising. In 2007, in Bali, this was extended by a further five years, and amended to highlight the importance of the role of communication with the public; a new work programme was established in Doha to run until 2020 on education, training and public awareness raising. The Doha programme includes studies on the following issues:

- Education, particularly of youth and women
- Training experts (scientists, journalists, teachers, public opinion leaders...)
- Access to information for all
- Public participation
- International and regional cooperation that helps to build synergies between the three Rio Conventions (on climate change, biological diversity and the fight against desertification).

#### A mechanism to compensate for loss and damage incurred

The idea of establishing a mechanism to manage "compensation" to be paid by developed countries to the developing countries for "loss and damage incurred" related to climate change was introduced into the negotiations by the SIDS (Alliance of Small Island Developing States); it has been the object of a programme since 2010. These stakes were highlighted in Doha with disagreement expressed between the poorest countries and the United States, who are afraid of legal actions that

could result from a mechanism of this kind.

The very nature of such a framework – the aspects that should be included in the existing adaptation mechanism (Adaptation Fund and Adaptation Committee), or an additional mechanism, remain vague.

### The second period of commitment to the Kyoto Protocol

The Doha amendment to the Kyoto Protocol allows there to be no break between the two periods of commitment, was agreed.

Legal continuity of the second period of commitment

The amendment to the protocol was presented to the Parties of the Kyoto Protocol on 21st December.

#### The amendment under international law

FOCUS ON

The term “amendment” designates official modifications made to a treaty, and concerns some or all of the treaty in question. These modifications are made following the same procedures as those that have governed the drawing up of the treaty. Many multilateral treaties specify the conditions that should be met for amendments to be made. In the absence of such specified conditions, all amendments require the consent of all the parties.

*[Art. 9, Convention of Vienna 1969 on the right of treaties]*

The Doha amendment should come into force 90 days after having been accepted by at least three quarters of the Parties of the Kyoto Protocol, i.e. 144 countries. To date, only three countries (Barbados, the United Arab Emirates and Mauritius) have officially accepted the amendment.

#### Accepting an amendment under international law

FOCUS ON

The instruments for accepting or approving a treaty have the same legal impact as the ratification and therefore constitute the expression of agreement by a State to be linked to this treaty. In practice, some States merely accept and approve rather than ratify a treaty, if at national level their constitutional law does not oblige them to include ratification by the Head of State.

*[Art. 2, par. 1, al. b) and art. 14, par. 2, 1969 Convention of Vienna on the law on Treaties]*

The final text leaves countries totally free to decide whether or not they will choose to implement actions in the framework of the second period of the Kyoto Protocol immediately or not (as of January 1st 2013 and on condition that the UNFCCC is notified), whereas others may fulfil their obligations according to their national procedures.

### Duration of the second period

The final text covers a second period of commitment of 8 years, from January 1<sup>st</sup> 2013 to the end of 2020.

### Levels of commitment

#### Objectives for reduction in GHG for the second period of commitment to the Kyoto Protocol (CP2)

FOCUS ON

Country	Baseline reference for CP2	Commitment to CP2 compared with the baseline reference
Australia	2000	-0,005
Belorussia	1990	-0,12
Croatia <sup>1</sup>	1990	-0,2
Iceland <sup>1</sup>	1990	-0,2
Kazakhstan	1990	-0,05
Liechtenstein	1990	-0,16
Monaco	1990	-0,22
Norway	1990	-0,16
Switzerland	1990	-0,158
European Union	1990	-0,2
Ukraine	1990	-0,24
Total		-0,18

<sup>1</sup> These countries intend to reach their objectives together with the European Union

Levels of commitment that were adopted by countries in Doha, represent a global reduction of 18% of emissions compared with the baseline reference (mainly 1990, c.f. table 1 below). This is the equivalent in real terms to an additional reduction of 2% for the Annex B countries, compared with recent statistics<sup>2</sup>. The difference between amounts specified in the objectives and the real effort required to implement them in the second period, can be explained by the choice of the baseline year of reference. 1990 is the basis for calculating selected by Annex B countries (with the exception of Australia, c.f. table 2), and for their reductions. But ever since that date, most of the countries have already begun to cut their emissions, particularly by meeting and even exceeding their commitments for the first period. It is therefore necessary to review the emissions reductions made in

<sup>2</sup> Emissions for the 2008-2010 period validated by the UNFCCC

the first period to evaluate what needs to be accomplished by these countries in the second period.

The European Union's situation is a case apart. In effect, the European objectives for the first period were based on a 15 Member State-Europe, whereas the commitment to the second period was made by the 27 Member State-Europe. Therefore in addition to the phenomenon described above, the EU has achieved and even exceeded its objective of -8% for the first period. This is compounded by the effect produced by the Eastern European States joining the Union in 1997. The emissions' count for these countries including for GHG, has drastically fallen since 1990, and the figures are now aggregated with those of the rest of Europe for the second period, which contributes to greatly improving the overall percentage reduction already achieved by the EU. Thus Europe that adopted a -29% objective will effectively need to achieve only a 2% reduction for the 2013-2020-period.

### Increase in the level of ambition of commitments

A decision to increase ambition is all the more important for countries, given that they finally announced the minimum commitments to previously expressed levels was made on the eve of the Conference.

*Revised figures for objectives to be submitted before the deadline of April 30th 2014 were included in the final agreement, based on the European Union's proposal, and were restricted to a reduction in GHG emissions. The Doha decision invites countries that set a new objective for 2020 linked to the reduction in greenhouse gas emissions for 2020 at a figure of 25-40% below the baseline figure for 1990, in conformity with the needs expressed by the IPCC.*

Several countries among those that made commitments for a second period explicitly expressed their desire to make higher mitigation efforts than the objectives that had been set. Thus the European Union will probably increase its level of commitment from 20 to 30% in 2014, thanks to the revision procedure that was adopted in Doha. It will thus encourage other countries to follow suit.

### The use of flexibility measures

#### Flexibility measures

There are three flexibility mechanisms:

- The Mechanism for Tradable Emission permits (or carbon markets)
- The Clean Development Mechanism (CDM)
- The Joint Implementation Mechanism

Countries can use these mechanisms in conjunction with other measures taken at national level, enable them to facilitate and reduce the cost of meeting their objectives pledged under the Kyoto Protocol; they also stimulate investment in developing countries (via the CDM) or emerging countries (via the JIM)

Most of the developing countries were clearly in favour of limiting the use to those countries that had committed to binding agreements for the second period. This would exclude those developed countries who have not committed to a second period, but who nevertheless remain members of the Kyoto Protocol. (Japan, Russia, New Zealand), and who wished to gain access to them. The latter including the European Union put forward the way in which this would strengthen carbon markets. In effect, broader use of these mechanisms would increase demand for emissions' quotas that are negotiated on the carbon market and would therefore push up the price that is currently very low.

The developing countries finally won the day on this issue. Only countries that have adopted specified objectives for the second period of the Kyoto Protocol will qualify to use the flexibility measures.

### Managing excess quotas

The question of managing excess quotas<sup>3</sup> accumulated by certain countries caused severe tensions, as they are liable to undermine the environmental integrity of the second period.

The possibility to trade these excess Kyoto permits would have enabled countries to buy them to more easily meet their commitments to reducing emissions in "accounting" terms, i.e. in terms of their effective emissions' reductions.

The position of the European Union was decisive for the continuity of the regime in which it will be the key player. Nevertheless the European countries did not manage to reach consensus until the last minute, as Poland, against the opinion of the other Member States, expressed their wish to be freely able to use their own surplus during the second period.

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The text that was adopted at Doha authorises the use of excess quotas during the second period of commitment, but linked to highly restrictive rules. The Annex B countries of the Protocol that have committed to a second period can only buy a maximum of 2% of the AAUs that they had received for the initial period.

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Following the adoption of the text, many countries (Australia, the European Union, Japan, Lichtenstein, Monaco, Norway and Switzerland) gave up on the idea of using their emissions' quotas from the first period of commitment, which left very little leeway for selling excess quotas to countries that are not participating in the second period.

<sup>3</sup> This excess quota represents a total of 13 billion quotas as of the end of 2012.

#### Tensions around the question of hot air

An accounting clause (Amendment G of article 3, paragraph 7ter) means that countries may not increase their emissions compared with those for the 2008-2010 period. Belorussia and Kazakhstan and Ukraine, however were

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counting on objectives that would enable them to increase their emissions, in order to not limit their current economic development. These countries are now opposed to this amendment that was added at the last minute, in spite of Russia's immediate protests that were not taken into account by the Qatar presidency. Following the Conference, this clause was evoked as providing a potential motive for countries that disagreed to withdraw from the Protocol. In effect, even if Ukraine is planning to use its "hot air" to stop its emissions from increasing during the second period, Belorussia and Kazakhstan will not be able to do this, as they have none. They could therefore find themselves obliged to buy quotas to compensate for the foreseeable emissions' increases.

### An evaluation of the Doha amendment

FOCUS ON

The second period of commitment as defined in Doha is not very ambitious, but it does enable there to be continuity in the climate negotiations within the United Nations:

- It preserves the legal and operational continuity of the Protocol
- Countries that have not set objectives for the second period that have already made commitments within the framework of their national legislation
- Countries that have adopted a low level of commitment within the "spread" of objectives that they announced in Copenhagen
- Countries' emissions with specified figures in their objectives for the second period count for 14% of global emissions
- The real effort made in terms of mitigation that will be made by the countries that commit to the 2013-2020 period are not very ambitious, as these objectives were defined by the 1990 levels. If converted to the most recently known emissions levels, they represent a global reduction of 2%
- Even if the emissions' reduction commitment made by the European Union for the second period of the Kyoto Protocol represents very little real effort, it does send out a strong signal: countries are endorsing figures in the fight against climate change in spite of a very difficult and uncertain economic situation
- Management of the "hot air" for the 2013-2020 period is covered; the massive use of excess quotas for the initial period and the creation of new "hot air" are impossible
- On the other hand, no decision has yet been made on how to deal with any post-2020 surplus, making it possible to carry over such surpluses to the post-2020 regime
- A solution that would make it possible to increase ambitions during the second period (2014) has been agreed. Some countries have explicitly stated their intention to increase their commitments.

### The Durban Platform for reinforced action

The Doha decision confirmed:

- The dual mandate of the ADP:
  - Develop a new global agreement on climate with all countries in 2015
  - Define the means to achieve a more ambitious reduction in global emissions before 2020 in order to bridge the gap between the current level of commitment to cutting emissions and what would be necessary to limit global warming to below 2°C.
- A work plan that defines a timeline and indicates the themes to be covered in the two work streams.

### C / PROGRESS MADE IN 2013

#### The Bonn session April 2013

Throughout 2013, the Parties worked on two parallel subjects:

- Increasing the cuts to emissions before 2020
- The outlines of an agreement to be signed in 2015, and ratified by 2020

The session on ADP was organised in workshops and round tables on issues related to two working sub-groups. This was a new format of discussion that enabled people to discuss many issues more freely and in smaller groups. These workshops enable people to exchange on progress already being made on the ground, on pilot schemes being implemented and on potential strategies envisaged. Countries were able to work together to build a deeper mutual understanding of their perspectives and priorities. This encouraged consensus building and convergence on key concepts. But all this occurred outside any formal framework. Following this "exploratory" period of exchange of available options that has been underway since the beginning of the ADP, some countries have now expressed their desire to move forward to a more official mode of negotiation.

### The mandate of the working sub-groups of ADP

FOCUS ON

#### Sub-group 1 on the definition and scope of the future agreement:

- How will the principles of the Convention be applicable in the new agreement?
- How will national circumstances and the evolution be taken into account?
- How will the new agreement be applicable to all on the basis of differentiated commitments?
- What measures will be used to encourage and guarantee everyone participates to the highest possible level of ambition?

#### Sub-group 2 on increasing the level of ambition by 2020:

- How to encourage international action that is additional to the promised emissions cuts already made by countries?
- What means of implementation can be used to increase the ambition of the commitments?
- How is it possible to encourage actions and initiatives that have the greatest potential mitigation?

### Sub-group 1 on the 2015 agreement

The States presented proposals with a 2015 agreement in mind, particularly on the timeline, the systems of measures and the means of integrating these figures in COP decisions.

- **The Americans and New Zealanders** proposed that these figures be included in a separate document to the main agreement, with political commitments that would later be confirmed. This option does not appear to be very acceptable to developing countries.
- **The United States** also proposed that countries submit the objectives in emissions' cuts by mid-2015, so that they can be evaluated 4 months before COP21.
- **The European Union** supported by the NGOs requested:
  - The creation of a process in 2013 to clarify what is expected of the Parties in 2014
  - A process to evaluate and strengthen objectives for the developed countries as of 2014
  - Include the objectives in an agreement in 2015
  - A mechanism that will enable the regular revision/strengthening of objectives according to evolution of the situation and countries' capacities.
- **Switzerland** proposed a hybrid approach:
  - A consultative phase that includes compiling the commitments, comparing them to the objective of 2°C, cooperation to deal with gaps
  - A joint MRV system
  - Shared rules
- **Australia** also proposed a hybrid approach with a range of commitments established at national level with agreed rules at international level.
- **The Less Developed Countries (LDCs)** emphasize a hybrid approach that takes both metric and non metric criteria into account such as:
  - Historical responsibility
  - Sustainable future needs
  - Vulnerabilities.
- **The group of Small Island Developing States (SIDS)** put a proposal on the table that aimed to bring all countries together around a global initiative aimed at strengthening action on energy efficiency and renewable energies. This text highlights a process with specific stages and the organisation of a ministerial meeting in Warsaw.
- **Brazil** with the support of several countries, presented a proposal that had already been submitted in 1997 around the idea of historical responsibility not only in terms of emissions, but also on relative historical contributions to the increase in temperature.

A workshop was also organised on the issue of adaptation and its inclusion in the 2015 agreement, aimed at achieving a balanced result between adaptation and mitigation.

### Working sub-group II

The countries discussed possible options with a view to improving their ambition on agreements by 2020. The existing initiatives were presented during this session.

Discussion was on how to improve existing initiatives, intensification of efforts in the fields that appear to have a lot of potential for mitigation, and encouraging new commitments to be made. Areas of convergence and divergence that require more work were identified for examination at COP19.

### Le SBSTA

SBSTA progressed during this session, particularly on the REDD+ mechanism. (with three recommended draft decisions to be made at COP19), agriculture (organisation of a workshop and preparation of a technical document as well as consideration of the possible joint advantages for adaptation in agriculture) and on technology.

### Le SBI

The SBI was deadlocked from the outset by a disagreement on the agenda, following a proposal by Russia, Belorussia and Ukraine on the decision-making procedure of COPs.

### FOCUS ON

#### Focus on: The SBI deadlock at the Bonn session in June 2013

At Doha a final agreement was reached by the Chair, by overriding Russia's objections to the 2nd period of the Kyoto Protocol (Russia has not committed to the framework of the second period of Kyoto, but to that of the LCA, in reference to the Rio Convention). The disagreement was on the method used to set countries' objectives for the former USSR countries (Kazakhstan, Ukraine and Belorussia). The issue of "hot air" was at the centre of this discussion, as well as how it could be used by countries in the second period to acquire emissions' cuts from these countries that had a surplus. As a reprisal, the Russian negotiators blocked the negotiations within the SBI. This attitude is essentially political and was supported by Belorussia and Ukraine but not by Kazakhstan or the G77.

The situation of Kazakhstan is complicated: their objective is hard to meet; it is an oil-producing country with a growth rate of 3% per annum. The current objective that has been imposed would oblige the country to change its course. This is obviously the aim – but politically speaking they are afraid of finding themselves in the position where they would not be able to meet their commitments, and therefore obliged to leave the KP. If this were to be the case, it would have a direct impact on the climate legislation that they are trying to adopt at the moment. They want the support of the Convention to facilitate the adoption of their national legislation and this requires greater flexibility on their objectives (that have not yet been included in the COP decision for lack of knowing how to apply the rules established in Doha to countries that did not belong to the 1st period of commitment, as the countries did not exist in 1990).

### Submissions on the 2015 agreement in the run-up to Warsaw

Countries were invited to submit their proposals on their vision of a future agreement to the Secretariat. These submissions show many disagreements that reach beyond the dichotomy of developing/developed countries, as well as within the emerging countries and developing countries. They cover:

- The deadline for informing on commitments
- The role of international evaluation of these commitments
- Whether or not there should be differentiation between emerging countries and developing countries
- The nature and level of rules for respecting commitments made and therefore of the legally binding nature of the agreement.

**South Africa** proposed a legally binding framework for all with absolute objectives for the “industrialised” countries and relative ones for developing countries. These figures should be made known in 2014 in order to have a full evaluation available in Paris in 2015. The readjustment would be based on science and equity. These objectives could be updated and possibly strengthened in 2017.

**India** is firmly opposed to the idea of a new protocol in 2015 and wants to see the Annex 1/non-Annex 1 categories maintained. They propose a reform of the Kyoto Protocol that would be obligatory for the industrialised countries and would propose incentives to developing and emerging countries to respect their commitments

**Brazil** is proposing to make a legal distinction between the commitments of Annex 1 and non-Annex 1 countries, and therefore does not question these categories. They propose that “cumulative” or “relative” historical responsibility be used as of 1850. Countries would be requested to quantify their cumulative emissions at the summit on the invitation of Ban Ki Moon in autumn 2014. National consultations would then enable national objectives to be set for each country; these would be presented in 2015.

**China** has made no proposal

**The Africa Group** proposed overall objectives for emissions cuts as well as adaptation, technology transfer and funding. They also request that national consultations be held in 2014 and 2015 with a revision of objectives in the framework of reference based on science and equity. Finally they also propose an observance mechanism that would oblige the developed countries to respect their objectives.

**The Less Developed Countries (LDCs)** propose a legally binding agreement in 2015 whose objective would be of maximum warming of 1.5°C. They request a mechanism to sanction/respect of commitments for developing countries be flexible and evolutionary, with sectorial policies and relative objectives, NAMAs...

The two points on which there is consensus in the developing countries are maintaining the existing categories and differentiated commitments. The non-Annex 1 countries would make commitments in the form of NAMAs, with the financial support of the developed countries. And also the end to intellectual property rights.

The outcomes of this year of negotiation have marked some progress – but especially the avoidance of controversial issues. They are the reflection of the way in which the process is in danger of falling asleep. The past periods of tension and tumultuous discussion have given way to heaviness. The lack of visibility on the way in which to move the process forwards, the fear of falling back into the Copenhagen scenario have all led to an overcautious approach that is every bit as dangerous, to seeking the lowest common denominator rather than the indispensable ambition that all countries need to address. Everyone is waiting for someone else to make the first move. It is essential that these negotiations take on new life, and that everyone become motivated to commit and open up new perspectives of success for the negotiations and also especially for the living conditions of all humankind.

### 3 / THE IPCC REPORT AS THE BASIS FOR A NEW AGREEMENT

The Intergovernmental Panel of Experts on Climate Change (IPCC) published a report in September on the first Work Group of its fifth Assessment Report (AR5). The full report for Work Groups 2 and 3 will be published in April 2014. It presents the governments with the most recent scientific facts on physics and the consequences of climate change, and proposes different scenarii with mechanisms for action.

**FOCUS ON**

**The Intergovernmental Panel of Experts on Climate Change (IPCC)**

This panel was jointly created in 1988 by the World Meteorological Organisation (WMO) and the United Nations Environmental Programme (UNEP), the IPCC’s mandate is to evaluate in a methodical and objective manner all scientific, technical and socio-economic information that is available on the question of climate change. This information is drawn from studies that are carried out by multidisciplinary international bodies, and published in scientific reviews. By clearly drawing on aspects on which the scientific community agrees, the IPCC’s work aims to identify the causes and consequences of climate change and to envisage by laying out various scenarii the strategies that are possible in terms of both adaptation and mitigation.

### A / THE PUBLICATION OF IPCC REPORT: A SCIENTIFIC UPDATE WITH A POLITICAL GROUNDING AS THE BASIS FOR NEGOTIATION

On September 27<sup>th</sup> 2013, volume 1 of “Climate Change 2013: the scientific elements” of the fifth IPCC report was published. This document evaluates scientific progress on the evolution of climate since the previous report, published in 2007. Other reports are due to follow in 2014: volume 2 on impacts, vulnerabilities and adaptation to climate change (March 2014), and volume 3 on mitigation of climate change (April

2014). The synthesis of these reports will be published in October 2014. The IPCC produces a report every 6 years. The last report was written by a network of 833 experts, and was based on 9200 case studies carried out in recent years in research centres all over the world (in 130 countries). Collaboration of this kind, with crosscutting results and revisions guarantees the compilation of the most rigorous, complete and objective scientific work possible on climate change. All reports are summarised in an “Executive Summary” that aims to make the information accessible to the greatest possible number of people, especially political decision-makers. Following the summary, the plenary assembly of the IPCC meets in presence of the United Nations’ countries to negotiate and finalise the document. After it has been unanimously adopted by the governmental delegations, and approved by the authors, it provides a joint basis of knowledge for the climate negotiations. The active participation of political actors of the United Nations in drafting this summary enables the work of the IPCC to be considered as the definitive basis and reference document that is accepted by everyone in the negotiation process.

### Confirmation of the anthropogenic origins of climate change

The last IPCC report confirms with greater certainty (qualified as “highly probable”) the role of humankind in climate change, and lists the manifestations that have been observed in terms of climate change:

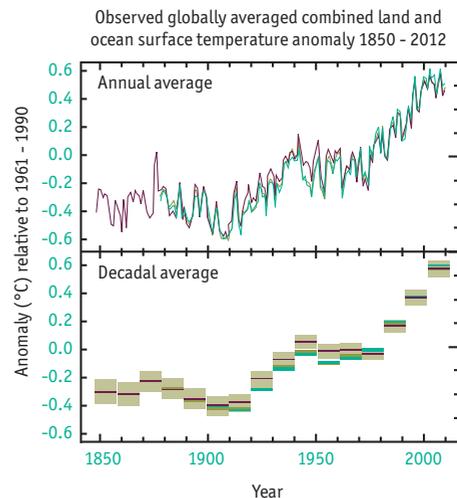
The average global temperature (of both land and the oceans) rose by 0.85°C between 1880 and 2012.

Although the rate of global warming between 1998 and 2012 is slower than between 1951 and 2012, the first decade of the 21st century was the warmest ever recorded. Warming of the oceans between 1971 and 2012 occurred to a depth of 700m. The temperature of the initial 75 meters rose by 0.11°C on average for this decade. The saline content shows that the evaporation and precipitation of oceans have been modified, similar to that of the continents.

The average level of the sea rose by 0.19 metres over the period from 1901-2010.

Figure 1.

Average surface temperature.  
Upper level: annual average; lower level: average for the decade  
(Source : IPCC AR5, 2013)



Given these alarming observations, the 5th IPCC report introduces a more efficient method for predicting future climate, and makes it easier to define possible actions to contain global warming.

### A new method of prediction to help define perspectives for actions for humankind

The scenarios of the 4th IPCC report define the potential evolutions of socio-economic factors taking energy choices and the evolutionary path of globalisation into account. These led, in a second time to levels of GHG emissions that were themselves used as entry data in the models used to simulate climate change. This sequential approach was based on scenarios defined at the end of the 1990s, and did not take the substantial changes that have since occurred into account (especially that of the rapid growth of the emerging countries). In the 5th report, new scenarios have thus been developed to take these evolutions of the global context into account, as well as the method that has also been redesigned.

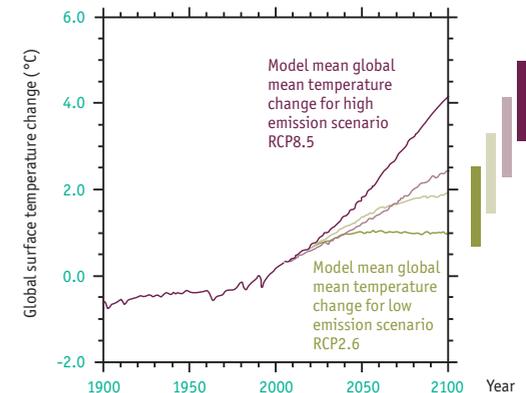
Climate change is caused by substances and natural and anthropogenic processes that modify the Earth’s energy balance. In other words, it is the result of the total energy contained in the earth’s system (that of the planet and its atmosphere). This variation in the energy is called radiative forcing, and is expressed in Watts per m<sup>2</sup>. It constitutes a basis around which the each of the new IPCC scenarios can be defined. Thus rather than being based on the possible future definitions that depend on countless parameters to predict climate change reactions, these scenarios define four profiles for the evolution of the concentration of GHG, called the Representative Concentration Pathways, RCPs:

- For the so-called RCP2.6 (radiative forcing of 2,6 W/m<sup>2</sup>), the concentration of GHG reaches a peak (at 490 ppm), and then falls off before 2100
- For the so-called RCP4.5 (radiative forcing of 4,5 W/m<sup>2</sup>), the concentration of GHG stabilises after 2100 (at 660 ppm);
- For the so-called RCP6 (radiative forcing of 6,0 W/m<sup>2</sup>), stabilisation occurs after 2100 (at 850 ppm) ;
- For the so-called RCP8.5 (radiative forcing of 8,5 W/m<sup>2</sup>), there is an increasing emissions pathway (over 1370 ppm in 2100);

The impact on climate of these different evolutionary pathways of GHG concentration have been evaluated by the IPCC, and provides the following results in terms of average temperature of the earth’s surface temperature.

Figure 2.

Evolution of average global temperature for the four RCP steep increase for the 2081-2100 period  
(Source : IPCC AR5, 2013).



- For the 2081–2100 period, the lowest pathway (RCP2.6) gives a rise in temperature of between 0.3 and 1.7 °C (average 1°C);
- The 4,5 W/m<sup>2</sup> scenario ranges from 1.1 to 2.6 °C (average 1.8°C);
- That of 6,0 W/m<sup>2</sup> gives an increase of between 1.4 and 3.1°C (average of 2.2°C);
- The highest (RCP8.5) gives an increase of between 2.6°C and 4.8 °C (average of 3.7°C).

At this stage several remarks need to be made:

- To compare these results with the global average temperature of before the industrial era, we need to add 0.61°C to the above temperature intervals; as this corresponds to the observed rise in temperature for warming observed for the reference period of 1986–2005 compared with that of 1850–1900.
- It is worth noting that only the scenario RCP 2.6 is compatible with the objective of limiting global warming to 2°C above the preindustrial level. It requires extremely determined actions to be taken on cutting emissions far below current policies.
- In each scenario, the given range of temperatures corresponds to the margin of scientific uncertainty that is caused by the difficulty to predict climate and the overall complex interdependent process it involves. This spread in scientific appreciation is in the interval of 1.4°C (for RCP2.6) and 2.2°C for RCP8.5. Nevertheless the gap in increase in average temperature between the most optimistic and the most pessimistic is of 2.7°C. To grasp the scope of the upheavals that lie behind these figures, we need to bear in mind the fact that the average difference in temperature between the last ice age and the current average temperature is of only 6°C.

Parallel to this, and independent to the climatologists' work and their scenarios of radiative forcing, the IPCC sociologists and economists worked on socio-economic scenarios of the evolution of society. These scenarios are called SSPs, and they present different levels of actions of mitigation and adaptation; to fight climate change; they describe a large range of possibilities for the future of humankind, based on different factors (demography, urbanisation, economic growth...). Previously socio-economic parameters and the effects of climate policies were considered an integral part of IPCC's climate forecasts, the new approach that was adopted in the 5th report enables us to differentiate between evolution due to climate per se and the effects of policies. These 5 socio-economic scenarios will be presented in volumes 2 and 3 that are due to be published in 2014. Their growth, taken together with the warming profiles defined in volume 1 will highlight the paths for concrete actions for humankind, that are compatible with assuming responsibility for warming. The challenge facing society is to conform to a pathway of GHG concentration that will lead to an acceptable level of increase in global temperature, and limit the negative impacts of climate change. To help reach this objective, the SSP scenarios will lay out several possible axes for actions that would implement the different levels of adaptation and mitigation.

Given the increasingly serious consequences and impacts of climate change, and the insufficient progress being made in the negotiations, the IPCC's 5th report provides a fresh basis for the negotiations, by specifying the margins for action for humankind. To speed up the drafting of a new agreement, this 5th report by the IPCC should resonate for civil society and lead to operational initiatives and practice.

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Various analyses that have been published in recent months concur with the IPCC's observations:

The World Bank's "Temperature Reduction" analysis draws attention to the fact that although the current emissions' cut objectives would lead to the critical level of both planet and people, with a 4°C rise in temperature.

UNEP published a report on the gap between the needs and the perspectives in terms of emissions' cuts that clearly shows how by reacting now, it is still possible to close the existing gap between the objectives and the commitments made by 2020.

The Global Risk 2013 report of the World Economic Forum shows that the increase in greenhouse gas emissions is one of the five main risks confronting the global economy, and considers climate change as a factor that multiplies and aggravates all other risks.

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All these upheavals call for a new way of managing the planet and the relationships between States, citizens, humankind and the planet. This obviously marks a deep change of civilisation.

# Perspectives of success : Rebuilding trust

The next agreement will not succeed in achieving an ambitious result in harmony with the IPCC's recommendations unless trust is first rebuilt, both between States and with the perspective of a successful future for humankind throughout the world.

It will be necessary to take both the difficulties that have been highlighted in the previous stage of negotiations into account and ground the process in reality taking the current global upheavals into account. Only then will it be possible to lay down strong principles that will provide the basis for a new agreement and win people's acceptance and get overall public support.

The most recent phase of the negotiations have identified the difficulties that will need to be taken into account in the new cycle of negotiations.

## 1 / THE IMPORTANCE OF THE PREPARATORY PHASE OF A NEW AGREEMENT

The degree of commitment of countries to a new agreement strongly depends on the ability to rebuild trust, build consensus on the greatest number of stakes possible and providing the proof that all countries can win by jointly committing to this struggle in the two years running up to the Paris Conference.

### Preparing a new agreement

In Cancún, the period of exchange and rebuilding dialogue after the traumatic experience of Copenhagen was decisive to continuing the process. In the current context of tensions and hesitant approach to the negotiations, and the way in which the Qatari Presidency forced certain issues, it is essential to take the time for countries to reconnect and try to build mutual understanding on the path that needs to be taken, and on everyone's positions.

#### • Rebuilding dialogue

Periods for listening, exchanging and dialogue that have begun to appear through the workshops since establishing the ADP, need to be strengthened and worked on outside the formal framework of the negotiations in order to create an area of agreement before the conferences even take place.

#### • The range of possible commitments

All countries need to be encouraged to communicate the nature and the degree to which they can commit, to discuss this and reflect on the best options. Prior knowledge of the list of actions and commitments planned by the different countries will give fresh credibility to the process and rebuild trust between those concerned.

#### • Establishing an inclusive process

The process of dialogue during the preparatory phase of the agreement needs to include all countries and take different positions into account in order to progress together in a constructive way.

#### • Universal participation and individual commitment

The new agreement will need to determine a range of commitments for each country, with variable means of application, so that they respect the equity and respective abilities of all.

#### • The discussion on acceptability

Accepting the agreement will also involve acquiring sufficient knowledge and understanding of what each country can do according to their individual capacities, what they are prepared to do, as well as what they believe is legitimate and acceptable given their specific situation. Agreement will need to be reached on the concept of acceptability, based on that of equity.

It also needs to take the importance of acceptability of public opinion and the population at large into account. This requires making an effort in terms of communicating with civil society if the agreement is to be legitimately carried forward by politicians with a clear mandate and support of public opinion.

#### • The parliamentary vote

The commitments made that lie at the heart of the new agreement will obviously need to be voted through parliament for the process to be considered legitimate and ensure that commitments are respected.

### Rules governing commitments

It will be crucial to progress on rules that enable comparison and follow-up on the commitments to be made before the Paris Conference takes place. If countries are convinced that they are not acting alone, and the commitments are transparent and adhered to, they will be less reticent to commit in an ambitious way to the new agreement.

#### • Transparency

Countries will need to clearly state the actions they intend to undertake, the nature of their commitments, and the means of implementation that are planned as well as the follow-up.

#### • Comparison

To create a dialogue, people need to speak the same language. Countries will need to be able to compare their actions, revise their commitments on the basis of regular, shared deadlines. Until now countries have been using different concepts and instruments of measure and verification. This has made it impossible to evaluate anyone's efforts. This in turn has meant that people have been doing as little as

possible, given the incomprehension of what others have been doing. Starting on a level playing field, with accounting rules that are understood and accepted by all will be essential. These rules also need to be clearly laid out before any commitments are made, in order to ensure that they all conform to the rules.

- **Building commitments**

It will likewise be necessary to build consensus on the hypotheses and basic criteria for defining the commitments of each country and explaining the choices that they have made. There needs to be a wide array of commitments possible, if the Convention is to respect equity and encourage all countries to sign up. They also need to be flexible and evolutionary. Countries' commitments will be different, depending on whether they are made by developing countries, emerging countries or developed countries; they will differ in their legal nature and in their degree of intensity: commitment in absolute terms, relative terms, actions in the form of NAMAs with measurable objectives, descriptions of policies, combinations of different solutions...

It will therefore be necessary in the years to come to detail what could be included in a global legally binding agreement for all countries, even if the degree and the nature of the legal commitments differs from one country to the next. Countries will need to commit to revising their commitments at regular, planned intervals.

- **Revision clauses**

The flexibility included in the nature of the commitments will need to be justified and efficient and include revision and adjustment to the commitments made in terms of both each country's evolution (especially the economic evolution) and in terms of the evolution of climate.

The constraints of all commitments will need to be defined.

### A positive agenda for all, moving forward together towards action

Parallel to this and totally correlated to these negotiation processes on defining commitments, it is important to move forward as fast as possible on the question of ambition before 2020, particularly by concrete action on the ground. It is necessary to start the process of energy transition right away, to make life-style changes that will not only help close the gaps and show how important it is to act, will also make the process appear credible, by proving that States are taking actions, that it is indeed possible to find solutions and that everyone is ready to commit in an ambitious way to the next agreement. This will send out positive signals to everyone.

- **A positive agenda**

Countries need to exchange on existing initiatives and on those that they plan to implement. The thing is to jointly agree a "positive agenda" for managing the climate question, that it linked to deadlines and scenarios proposed by the IPCC: in other words, to demonstrate that by moving forward and jointly progressing that everyone will be encouraged to act, and comforted in their desire to move towards general action in favour of the fight against climate change.

- **Progressing in the energy transition**

One decisive step would be to move forward on the question of energy transition in the

industrialised countries. This is all the more important as the current infrastructure in these countries is obsolete. Investing in new energy models would not only prove beneficial in terms of the environment, it would also be an economic benefit. Parallel to this it would be necessary to provide financial and technological support to developing countries to establish low-carbon energy models based on renewable energy and infrastructure that requires little energy and is less dependent on oil.

- **A double movement, "top down" and bottom up"**

These transitions in our ways of producing and consuming can only be established if there is a strong territorial grounding and if they are appropriated and accepted by people. A double movement that is top-down (this is essential for creating laws and ensuring that inter-State policy is coherent), and bottom-up are required. The latter needs to be based on practice; but both approaches mutually feed and strengthen one another.

- **An appealing framework for investments**

Successfully moving towards a general shift to action will require a flow of investments: both in developed countries (particularly for the energy transition and for urban transport policies), as well as in developing countries and between developed countries and developing one.

### Political deadlines

There are a certain number of decisive political deadlines that will also need to be taken into consideration during the negotiation process:

- The European Council meeting next March will certainly not be conclusive and will probably fail to take any decisions given the renewal of the European Parliament in May 2014, and the Conference that will be held by Ban Ki Moon in autumn 2014
- The American elections of Congress in November 2014.

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Over and above the intrinsic issues of the negotiations, we therefore need to take parallel political processes into account as well as changes that are occurring to the world, if we are to rebuild trust. We need to include them and remain close to the realities of countries and people. Without this grounding and recognition of the current deep upheavals, the negotiation process of climate will be out of synch and totally unable to propose life-styles and coherent development pathways that are both accessible and of value.

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## 2 / A FRACTURED WORLD

If there is one thing that on which everyone is in agreement, it is that the world is undergoing profound change that is affecting the inhabitants and the ecosystems of our planet.

The entry into the 21st century has been marked by major upheavals and widening gaps. New, powerful actors are emerging, and there is increased competition on deregulated markets. These phenomena breed a sense of injustice, create strong tensions and the rise of nationalism and protectionism in a context of very fast flowing information. Added to this, the correlated phenomena of climate change are creating lesser access to water in certain countries, tensions on the agricultural markets, increased droughts causing famine and migration of populations. In addition, the financial crisis that is affecting the developed countries is weighing heavily on development aid policies.

### An economic model running out of steam

This century is marked by the global acceleration of the exchange of goods and services. This globalisation has been made possible by the progressive lifting of trade barriers by the WTO in the GATT framework since 1995 and is the result of two processes:

- The fall in costs of international transport in the 20th century firstly favours the industrialised countries access to raw materials and also that of emerging countries by allowing market access to cheaper manufactured goods.
- Companies' interest, stimulated by the supremacy that has been conferred by the right to be competitive and by the internationalisation of financial and trade flows, to establish themselves in developing countries that have the lowest overheads in wages, often without any social protection.

This leads to a multifaceted result:

- Globalisation, by the industrial development of major countries such as China or India, that provide favourable conditions in terms of economies of scale, has contributed to improving the living conditions of hundreds of millions of people, by providing them with access to education, health and goods to which they previously had no access. It has thus contributed to reducing global poverty.
- But this globalisation of the economy is not sufficiently well regulated, and prioritises competitiveness without any framework of general interest. It has destabilised States and production systems, caused the existing social protection systems to become fragile, and led to crises of all sorts that inevitably impact all the ecological, social, economic and political dimensions.
- The economic take-off of some developing countries that are rich in raw materials or fossil fuels or that have succeeded in establishing industrial capacities due to their low labour costs, has left other, that have fewer natural resources and that are less developed, standing. 3 billion inhabitants of our planet still remain marginalised, and are leading a daily struggle for survival..

### Financial deregulation

Technological progress in communications has enabled considerable advances to be made, removing borders and allowing people who live thousands of miles apart to receive information at the same time and tune in to the same events. Yet the very fluidity of this flow of information and dematerialisation of many financial exchanges has also led to pernicious situations that are less and less under control, with financial exchange that plays of tax systems, regulations and the parity of currency exchange. This new fluidity of financial transactions creates speculative opportunities and flows between partners, and is extremely volatile; interactions occur in just a few fractions of a second and at global level. This source of financial destabilisation has made global finance even more uncontrollable since 2008 (bank crises, aggravation of indebtedness of States, serious economic recession).

### The transformation of ecosystems

The singular nature of our times is that we are both witnessing the economic globalisation of the world and confronting the limits of our planet in terms of resources and the ability of ecosystems to absorb our waste.

Over the last two centuries, humanity has profoundly changed our planet. Until recently, the change generated by humankind did not fundamentally endanger the major balance of ecosystems. But we have now entered a new era: the anthropogenic. It is a time when humankind has become the main force of change on our planet. That is to say that human actions – the exploitation of energy and natural resources, emissions from pollution and greenhouse gas, industrial agriculture, deforestation etc. – have become such that they are capable of deeply changing our planet. This is happening to such an extent that it is fast becoming unliveable: collapse of fish stocks, deforestation, dissemination of lasting pollutants, the end of available fossil fuel reserves and other resources...

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There are various way of tackling these issues. The one that should be undertaken by Humankind is that of creativity, imagination in the search to invent new ways to develop. We need to jointly create a future that is both desirable and accessible to all. We need to take advantage of the progress that has been made, and reduce the factors that cause imbalance and instability. But this entails making progress on the ground of values of solidarity, equity and security. And this provides people with the desire to jointly undertake in an adventure of a post 2020 period that we still have to invent.

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### 3 / THE THREE ETHICAL PILLARS OF A FUTURE AGREEMENT

If we are to achieve an ambitious agreement that unites all countries and is accepted by all for post 2020 this will only be possible on the basis of shared values.

- **Solidarity** is the only way to resolve this global challenge of the fight against climate change, as well as providing access to development
- **Equity** of both sharing mitigation efforts and funding will play an essential role in gaining acceptance by all countries' commitment to a single agreement.
- And the **guarantee** for all that their efforts will be neither alone nor in vain, and that all countries will engage **in respecting their commitments**.

*Reaching an agreement that is equal to what is at stake implies:*

- *First building a solid climate of trust between countries*
- *Involving civil society and all people.*

### A / THE FIGHT AGAINST CLIMATE CHANGE, THE FIRST ISSUE IN THE HISTORY OF HUMANKIND THAT CALLS FOR COMPULSORY SOLIDARITY

Until now all the stakes of planetary scope – hunger, social protection, major epidemics...- have been challenges that countries attempted to resolve on their own in their national frameworks, sometimes with the support of international cooperation funding. A big lesson can be learnt from past experience of the last few decades: the sum of national interests does not add up to the general interest of Humankind as a whole.

The challenge of climate change can only be resolved if it is managed at planetary level with solidarity and joint consultation. In effect, before greenhouse gas began to accumulate in the atmosphere in the middle of the 19th century, climate was quite stable, regulated by natural cycles. Now that it is changing, as a result of human activity, its evolution in all countries is not so much the result of any policies – however efficient they may be – as of the choice and practice of all countries around the world. Therefore the policy of any given country to stabilise their climate can not be guaranteed to be effective, unless there is a simultaneous proportionate commitment made by all other countries. A chain of solidarity therefore needs to be applied to each patch of territory. Climate change is the first question that requires compulsory solidarity in human history. This solidarity needs to be conceived as a fundamental principle at both international level and within each country.

*Over a period of time, solidarity between territories that takes social inequalities into account requires a radical change to the concept of national sovereignty and the prerogatives of State. Fair access to the Commons, such as climate, biodiversity and mineral resources for example is the prerequisite of peace on earth, and implies the need to establish regulatory systems that reach beyond States. And especially that of a framework that obliges countries to respect their commitments.*

### B / EQUITY AS A CRITERIA FOR SHARING

The Convention states that the Parties should act on an equitable basis.

Although not clearly defined as such, it is grounded in a certain number of principles:

- Common but differentiated responsibility according to each country
- Developed countries should provide leadership
- Give full consideration to the needs and circumstances of developing countries, particularly the most vulnerable to the impacts of climate change
- The principle of precaution
- Take economic contexts into account
- The right to sustainable development

The question of equity lies at the heart of the negotiation of the next agreement. India has explicitly mentioned this principle as the basis of the next agreement, and has made it a condition for accepting an agreement that includes all countries for 2020. Since then, many other countries have insisted on the absolute need for equity in determining the nature and level of efforts to be made.

#### The different approaches to equity

FOCUS ON

##### • An historical approach to equity

This approach is strongly defended by India and Brazil, and underlines the fact that the industrialised countries have greatly contributed to the increase in concentration of greenhouse gas in the atmosphere. They have therefore contracted a sort of “carbon debt” that comes with a counterpart of strong obligations to cut their greenhouse gas emissions; the developing countries on the other hand, should benefit in a symmetrical way from the right to future emissions to successfully develop. This concept overlooks the fact that CO2 emissions were not considered to be in any way harmful until a few decades ago, as they were not linked to any scientific knowledge at the time, or any tangible threat. Compensating for the past now seems both financially impossible and secondary compared with what most urgently needs to be done: support the successful development of all countries.

##### • A “visual” approach to equity

This empirical approach was used in the final negotiation of Kyoto. It established objectives that at first sight appeared to be close for industrialised countries. Setting emissions cut commitments of between 6-8% for the main industrialised countries gave the impression of equivalent efforts being made. But this is short-cut used by the press that the equity of efforts be perceived on the basis of the figures quoted, without going into any detail of their contents (level of development, density of population, nature of national resources, electrical

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production, rigour of the climate...). Therefore assigning an identical level of emission cuts to any two countries where one country has a per capita level of emissions that is twice as high as another, does not constitute an equitable distribution. The way commitments to cut emissions are shared out within the European Union was drawn up in a very transparent manner in 1997, on the basis of criteria that aimed to achieve equity, and that therefore translated into different rates for cutting emissions from one country to another of the Member States.

This difficulty is further amplified in the 2013-2020 negotiations:

- Countries that have allowed their emissions to slip are trying to catch up by proposing to cut emissions by 2020 and changing the baseline year of reference. This is contrary to the principle of equity
- Because the gap in the levels of per capita emissions has continued to grow, for countries that already have a low level of emissions, making further cuts is even more difficult than for those that have not yet done very much.

It is therefore quite worrying that no rational approach has been taken to equity, be it by mandating the Secretariat of the Convention or by cooperating with research bodies between countries.

#### • **A technical approach to equity**

This approach consists of identifying technical criteria of comparison. Ever since Rio, many research centres have been working on this question.

A technical approach to equity implies mixing various other criteria:

- Per capita emissions
- Emissions relative to the level of development based on the carbon intensity per unit of wealth (measure via GDP)
- Ratios per unit of production (kWh of electricity, tons of steel and cement...)
- Geographical and climatic constraints (heating needs, density...).

To date, this work has not led to any agreement. It is however necessary to find a solution that would enable binding commitments for reductions to be set that take the situation of emerging economies into account.

Some Annex 1 countries like Japan are suggesting calculating objectives for reduction of carbon intensity per production unit or per unit of goods produced on the basis of "intensity targets". This country therefore is positioning itself in the perspective of more equitable sharing that reaches beyond the current classification of countries. (Annex1/non-Annex 1), and that would involve the emerging countries ("countries that have the means to act and contribute to the increase in GHG") in mitigation policies. They are proposing sectorial objectives for reducing the carbon content of industrial production: for example tCO<sub>2</sub> per unit of GDP or energy consumption per production unit.

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#### • **An approach in terms of means of implementation**

Compared with the above approaches that are based on obtaining results, another approach that is proposed is that of a vision of equity via the level of means of implementation. This was first mooted during the preparation of the Kyoto Protocol. It failed, for lack of any agreement between the countries to collectively agree on policies and measures. An approach of this nature is complementary to those outlined above, could include the commitment to undertake joint research programmes, establish a tax system for energy or air transport. The proposal of Nationally Appropriate Mitigation Actions (NAMAs), i.e. establishing generalised mitigation actions that allow countries the choice of what is appropriate to their situation, is a move in this direction that encourages concrete operational progress to be made.

#### • **Kyoto Equity in the framework of the Kyoto Protocol**

Although the notion of equity has been at the heart of the negotiations from the outset, the only concrete application has been in the framework of the Kyoto Protocol. The Protocol effectively establishes differentiated treatment for different categories of countries, by setting obligations for emissions reductions for the thirty or so States listed in Annex 1. This is a unique legal situation. This "legal distinction", aimed at correcting the historical, social and economic inequalities in terms of development and the particularly exposed situations to vulnerability, all justifies the approach that is based on equity. Although the industrialised countries are historically the greatest emitters of GHG, it is the developing countries, especially the poorest, that will be exposed to the most violent impacts. It is therefore more equitable that the industrialised countries should make the greatest efforts. In the Annex 1 countries there is also a distinction based on the national levels of emissions.

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#### **"Common differentiated responsibilities" Article 4.7 of the Convention :**

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

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#### • **A concept with no shared definition**

Even if these principles guarantee an ambitious approach to equity, they also create some contradictions, such as the right to development and the need to reduce emissions; until now, discussions have not been sufficiently structured to elaborate the criteria for sharing commitments, actions to reduce emissions and access to funding

in a fair and acceptable manner for all countries. So although all the countries are conscious of the need to have a shared vision of equity, the sessions that were held in Bonn and Bangkok in 2012 revealed that deep divergence still persists.

Without any shared vision of equity and no indicators or precise rules to define it, the negotiations have until now been based on the balance of power, and the real margins for manoeuvre of all the participants and the efforts they can make have been dealt with in a totally arbitrary manner. We therefore need to face the facts: if the same negotiation method continues to be used in the future, it will lead to even greater failure, given the increasingly amplified emissions' pathways and the diversity of countries' situations.

### C / CREATING A FRAMEWORK TO GUARANTEE COMMITMENTS ARE RESPECTED

If there is no guarantee of respect of mutual commitments, no trust can be created, and countries will continue to slide into inward-looking positions, defiance and the temptation to pursue the priorities of the national interests above all else. Countries are now aware that building a framework of trust involves mechanisms that guarantee that efforts will be comparable and linked to the need for equity between countries, and that the verification that the countries are respecting their commitments, particularly at a financial level and implementing measures to mitigate their emissions is essential.

*Countries will only accept the idea of creating mechanisms that guarantee the respect of their commitment if there is a climate of trust and if they are convinced that everyone will benefit by investing (and therefore if there is also an effective means of sanctions). Without this guarantee of countries respecting their commitments, trust, given the past difficulties of promised funding, can not be achieved. On one hand it is necessary to build a process grounded in values, a shared, common vision of what is at stake, and on the other construct a legal framework of sanctions that incites countries strongly enough to ensure they respect their commitments. Accepting a control and sanctions mechanism is linked to the certainty that targets can be met and that efforts will pay off.*

## 4 / THE KEYS TO A NEW NEGOTIATION

Reaching an ambitious agreement in 2015 that would be implemented in 2020 following its ratification by national parliaments, will first require rebuilding trust between countries. It is necessary to prove that all countries are ready to commit and that the political outcomes will be sufficiently significant to encourage their generalisation. This is all the more essential as progressing towards a post-2020 agreement will encourage the Parties to meet their commitments in whatever form they may have been made, for the 2013-2020 period. And the success of this period is essential to achieving the scientific recommendations and gaining acceptance of the legitimacy of a new agreement.

## A / TAKING CURRENT CHANGE ON BOARD

Since the signature of the Rio Convention and the Kyoto Protocol, the geopolitical situation has profoundly changed. This difficulty is expressed in various crises that are financial, social and political, and requires major progress to be made in terms of global governance.

### Taking a new balance of power into account

Old leaders have to take new actors on board. There is increasing rivalry between powerful blocs, with nobody prepared to give in. No country is currently in a strong enough situation of leadership to be able to lead the negotiations and determine the path it will take. The basis for global architecture and the fight against climate change need to move forward, if the current failures are to be overcome. Copenhagen demonstrated that it was no longer possible for some countries to decide for the entire planet.

Although the climate negotiations have become far more complex, the founding principles of the negotiation remain the same. This is the source of the various interpretations and contradictions of the principle of responsibility and the right to development; they go as far as undermining the very creation of categories, as was the case in Durban, and undermine the basic issue of equity.

### The need for legislation to evolve

The world is changing faster than the writing and signing of international agreements. And all too often, an important event has to happen to succeed in restructuring international law. This process began in Copenhagen, and has become more structured in subsequent conferences. In the years to come, it will involve reaching a representative agreement that reflects this new state of the world, including all countries, reaching beyond and completing existing categories and achieving an equitable sharing of the reduction of emissions. This agreement will need to take a fairer vision of the world into account, and to promote development models that are supported by people all over the world. This will in turn enable better access to funding and a fairer distribution of efforts made to cut emissions.

## B / GAINING BETTER UNDERSTANDING OF THE POSITIVE MARGINS FOR MANOEUVRE IN NEGOTIATIONS.

### Challenges and aspects that still need to be improved:

The negotiations are suffering from a kind of political paralysis that is the result of indifference fed by the lack of any visibility on the margins of manoeuvre and benefits to countries be it from their own actions or those of the other Parties. Negotiations are successfully concluded when all actors can evaluate the real margins of manoeuvre of others. During previous annual conferences, countries came to the table without any idea of whether what they were bringing to the table was adequate or not. There was not enough time to describe the possible pathways for taking climate change into account, or establish socially acceptable

rhythms for actions for each country or group of countries (developed countries, emerging countries, less advanced countries, most vulnerable countries...). The invention of new pathways leading to low-carbon development that is resilient to climate change is essential in reducing conflict and leading to solidarity-based management of resources.

### Providing the proof that new development pathways will benefit all

The issue here is to build a shared vision of a new development model that is adapted to each country's needs and meets the challenges of the 21st century and reduces inequalities. We need to be able to prove to all people in all countries that there are alternative paths that can benefit them. The idea is gaining ground, but the strategies are still focusing on the emerging countries and the methods proposed are thus far not very adapted to African countries. The latter could use such strategies as a new path towards development, given that the existing one is increasingly closed, given the rising energy costs.

This new perspective is not equally shared by the developing countries. As some countries are not required to make Kyoto Protocol commitments, they hesitate to commit to mitigation actions, for fear of getting caught up in a quantitative framework of international commitments that could later become binding. This point of view is strengthened by the delay of certain industrialised countries in meeting their commitments. Furthermore, for the less advanced countries, the urgent thing is to first gain access to economic and social development. There is therefore a risk that building strictly "climate" strategies in developing countries could run into serious difficulties. Even if climate has now become a major preoccupation for countries of the South, with their major impacts it is having. Countries are becoming increasingly aware of the need – and the benefits to them – of introducing adapted national strategies to gain control over their fossil fuel consumption and fight deforestation. The objective in coming years will therefore be to determine resilient low-carbon strategies, particularly in African countries, to open the door to a new development model, irrespective of their starting point. Using countries' development plans as a starting point, this strategy should enable the priority sectors to be identified, and to prepare an institutional framework that is favourable to local development and the economic and social development of the country. Actions of resilient low-carbon development strategies aim to cut emissions of different economic sectors (energy efficiency, reducing the consumption of firewood, urban architecture and quality of transport and construction...) and limiting the anthropomorphic impacts on the environment while providing opportunities to people to develop. Many initiatives at various levels already exist. They need to be showcased, the progress and the proof of their efficiency and impacts on both people and policies as well as the interest of these new development models needs to be emphasized.

## C / MOVING FORWARD TOWARDS A NEW ENERGY TRANSITION

The current development model is based on the use of fossil fuels. As well as producing GHG they will not enable the poorest countries to gain access to a sustainable form of development and access to energy for all, given the increasing cost of these energies. To commit to low-carbon development models that are resilient to climate change implies moving away from fossil fuels and switching to alternative energy. The Fukushima disaster also underlines that importance of a transition that emphasizes efficient energy use and the development of renewable energies. Developing countries have considerable resources in renewable energy. This is particularly true for Latin America and Africa.

The difficulties of raising funding, highlights the need to take the cost of energy into account. In spite of the financial and economic crises (with the global slowing of growth that they entail), the price of the barrel of crude oil is still around 100\$. It is indeed paradoxical that very little importance has been attached in the negotiations to how much money could be saved by economising energy and developing renewable energies. For this is by far and away the key source to fund the fight against climate change.

### Nuclear power and the reduction of greenhouse gas emissions

The development of nuclear power has been perceived by many countries as an essential path for reducing greenhouse gas emission by China, India, France, South Korea and Great Britain as well as potentially the United States. But there is now some doubt, and this doubt has been strengthened by the Fukushima disaster.

#### FOCUS ON

### The Fukushima disaster and the extent of the nuclear risk

The earthquake and the tsunami that followed destroyed the electrical cables leading to the reactors of the Fukushima power station on March 11th 2011. Left without any cooling system, three of the nuclear reactors underwent partial fusion of their core. This accidental sequence highlighted the flaws on the overall conception of nuclear sites: there is no protection for the storage pools of fuel that they contain, with the fuel being stored in two cores, the vulnerability of the emergency generators and insufficient protection of the water circuits and electricity. There is no reactor on earth that could have stood up to such a sequence of accidents.

### The accident has had three consequences:

- Countries that were already reticent to nuclear power disengaged more quickly (Germany, Switzerland). Others that were thinking of introducing it gave up, given the hostility of public opinion (Italy).
- The cost per kWh of nuclear power has significantly increased due to the investments that are required to protect nuclear sites from dysfunctions of all kinds: industrial accidents, plane crashes, attacks...but also due to the chronic

underestimating of maintenance costs as well as treating the spent fuel. This is all occurring at a time when the world's nuclear power stations are approaching their thirtieth year of operation, with a lifespan originally estimated at 40 years. The lifespan could be increased if a lot of money were to be invested in renewing components. The extent of the costs could compromise the economic interest of running aging nuclear power stations, given what we know about their secure lifespan.

- The development of nuclear power has now seriously slowed down. There are few industrial orders being placed, which contributes to increasing the costs of an industry that needs to work on big series for it to be profitable to build reactors.

## D / MOBILISING INTERNATIONAL FUNDING AND TAKING ACTION

### Realising promised funding

After two years of tough negotiations, the Green Climate Fund is now entering its operational phase. The issue now will be to ensure that the industrialised countries respect their promises of 100 billion dollars additional North-South transfer of funds made in the Copenhagen Accord in spite of the financial crises. This figure is supposed to be achieved by 2020, and is to be paid into the Green Fund. Without this money it will not be possible to design and to implement the actions and mitigation and adaptation programmes in the developing countries. This funding should be “fresh and additional” and aimed as a priority to supporting vulnerable States, Small Island States (SIDS) and the less developed countries (LDCs) in Africa.

### Aid for implementing mitigation in developing countries

The most recent round of negotiations showed progress on two fundamental issues: the general move by all to taking action, and the design of low-carbon, development strategies that are resilient to climate change. The inherent difficulties of the international negotiations on climate change tend to redirect the discussion towards operational dynamics. And thus to building national development strategies and the fight against climate change for all with no exceptions. The developing countries require financial and technological support to do this, initially to identify and draw up these strategies, and then to progressively implement them. This requires preparation and important strengthening of capacities, particularly for African countries where the ability to design projects is often lacking at institutional level. Therefore the methodology of designing these strategies is at the very heart of what is at stake in the years to come. More and more developing countries are moving forward and defining their national “climate, energy and development” strategies. This is the case of Gabon, and Kenya, and also of pioneers such as Mexico, Indonesia or Mauritius. These initiatives are supported both nationally and internationally, and lead the way for other countries.

## E / DETERMINING COUNTRIES' COMMITMENTS

Inconsistencies in the levels of commitment agreed at Kyoto and the serious disagreements during the negotiations for the second period of commitment have demonstrated the growing importance of equity and the comparable nature of sharing efforts linked to the increasing need to make cuts, in view of the scientific need, and that countries are increasingly numerous and varied in their commitments.

Work and prospective analyses that determine the expected efforts that need to be made by each country upon commitment are needed to build a post-2015 system on objective criteria and proportionate commitments.

### Drafting models that include precise economic approaches

The impact of the Stern report was too isolated, and did not enable representations of change that coping with climate change entail to make much progress. For most people, including some negotiators, they still picture it as a source of additional costs and loss of economic competitiveness. The economic benefits of improved energy efficiency through mitigation have never been sufficiently perceived as an advantage. Obviously the economic crisis and the erratic oil prices have confused the issues. But as long as the fight against climate change continues to be perceived as a handicap more than as an opportunity, it will remain difficult to get people to change their attitudes. It is therefore very important to carry out precise prospective studies that can quantify and give a concrete representation of an economic and social point of view of transformation. Evaluating the costs of the energy transition is an essential aspect to show how committing to a low-carbon development model can be advantageous. Especially the developed countries need to rapidly commit to this transition, as their energy infrastructure dates back to the first oil crises, is aging, and needs to be replaced.

### Evaluating the real evolution of emissions pathways

An analysis of the real emissions pathways over the last 20 years shows impressive contrast. Some countries have more or less succeeded in achieving the emissions cuts (mainly by substituting gas for massive coal-based electricity production as well as progress made in energy efficiency), whereas other countries have had no effective policies for cutting their greenhouse gas emissions, with the result that these have increased. Furthermore, in various countries, the public has not been sufficiently informed on the levels of greenhouse gas that need to be reduced, or of the choices that need to be made to achieve this.

This has had two effects:

- Firstly, the progressive disinterest of the media and the public at large in the negotiations, especially following the disappointment that resulted from the failure of the Copenhagen Conference. The feeling that no major progress is possible has led to mistrust of the United Nations framework of negotiations; and worse still to serious lack of interest in the stakes of climate change. This is witnessed by the increasingly small presence of the media attending

international conferences, as well as that of civil society, economic actors, academic institutions, with work centred on the core of ministerial civil servants and diplomats. This still true, although the UNFCCC Secretariat has been pushing for opening the sessions as much as possible to “observers”. It is not at all certain that the publication of the new IPCC report will change this.

- Secondly, the rise of “climate scepticism”; and even more serious, of “climate pessimism”. These attitudes are strongly grounded in the predicted failure of the negotiations and the supposed inability to stick to the level of emissions cuts recommended by the IPCC. This pessimism is all the more dangerous as it kills action stone dead and causes people to believe that it is too late to act to save the situation, no matter what. And the more time that is lost, the more human and environmental damage will become intolerable and irreversible.

Yet it will only be possible to succeed in the challenge of transitioning to new development models in developing countries if society as a whole supports this move. There is not enough public debate to give a clear mandate to political leaders. This means that it is hard for them to take clear positions on energy and climate issues, for fear of being rejected by public opinion.

## F / REQUIRED PROGRESS

### Equity in methods used to create inventories

At present there are many disparities that are harmful to equity: between energy-producing countries and those that consume without having to produce it, and therefore the emissions this entails; between heavy industry and countries that have become essentially consumers of these goods and that have mainly tertiary sector activities... Thus delocalising activities is assimilated in inventories with efforts made to cut emissions, whereas all it is doing is shifting the emissions elsewhere. This means that national tables would need to be corrected to take these movements and exchanges into account: exports and imports of fossil fuel, raw materials, agricultural produce, wood, manufactured goods. And thus ultimately establish an accounting system that attribute the emissions to the end-consumer; this idea is based on the logic of carbon footprints and therefore includes the full chain of emissions for the primary sector (extraction, agricultural production, forestry, industry, logistics), through to the end-consumer. This would require deep homogenous change to the statistics’ methods that are used.

### Equity in sharing commitments

A new typology is now emerging with developed countries that have increasing gaps between their objectives in greenhouse gas emissions cuts and the developing countries whose situations are increasingly diverse. Dividing them into just two categories is no longer a valid concept. The rapid rise to power of the emerging countries, the oil-producing countries or middle-income countries has changed the situation. This implies establishing differentiated objectives within these developing countries to lead to technological and financial support that target

the most vulnerable and poorest countries. We therefore need to shift to a system where all countries are on one and the same list, while obviously using different criteria that are linked to their level of development. Once these criteria have been established, commitments would become comparable. This concept of equity should not be transient, as it needs to be perceived in the perspective of sustainable development for all countries. This is the political condition that is needed to gain sustained support. Evolution of this kind can only take place in a long-term perspective, where all kinds of development converge; it is an issue that reaches beyond the issue of climate negotiations. It is nonetheless clear that we need to aim for access to good living conditions for humankind, with a timeline of the end of this century, a time when demographic growth is expected to have stabilised.

### The need to take the diversity of social situations of various countries into account

The same commitments can not be applied to developed countries, emerging countries and developing countries. The progressive fight against climate change needs to take social differences into account, as well as those between States and territories. This is why countries are increasingly talking about “CBDRRC” that take not only differentiated responsibilities but also different capacities into account. The next negotiation will need to ensure that efforts are shared in an equitable manner, and that they take demographic, economic, and social conditions into account, as well as development, availability of natural resources and the levels of GHG emissions of each country. This equitable sharing of objectives is a socio-economic and major democratic challenge will need to be regularly updated on the basis of evolution of countries’ situations.

### The European Union’s proposal

FOCUS ON

The European Union is proposing to develop a flexible and evolutionary approach to equity that will take changes in responsibilities and capacities of countries into account. They reject the idea of a strict definitive mathematical application of sharing of responsibilities. The method of sharing should take evolutions into account if it is to avoid a binary situation that will soon be outdated.

Recognition of the need for equity and the importance of reconciling environment and development – the two aspects that mutually reinforce one another – will be the condition for social and democratic acceptance of the progressing towards a new path of development.

### Showcasing local initiatives

Conversely to the climate negotiations, the country initiatives, those of Local Government, the private sector and NGOs are making progress. These projects are the living proof that countries and people are in fact committed, and that change is not only possible, it is real. Concrete examples of implementation allow people

to see how things can actually be done, and anchor them in the daily reality of the negotiations that are all too often disconnected from people's reality. These initiatives need to be showcased both so that they can be duplicated and disseminated, as well as to prove that it is indeed possible to change our lifestyles and behaviour. The difficulties that are inherent to international negotiations on climate change have had the effect of refocusing the discussion on the dynamics of what is happening on the ground. And thus on the need for all States without exception to build national development strategies and fight against climate change in a way that links mitigation, adaptation, socio-economic development, protection of the environment and the fight against poverty.

The cities and regions that come together in networks (especially ICLEI<sup>1</sup>, CULG<sup>2</sup>, NRG4SD<sup>3</sup>), are progressively strengthening their exchange and pooling their tools and developing joint lines of action. In 2010, just before the Cancún Conference, the Local Governments adopted the Mexico Pact: they thereby committed to calculating and ensuring the certification of GHG reductions of their territories, according to the methodologies adopted by the United Nations, and to creating an international climate register. One year later, in Durban, the African meeting placed the question of adaptation at the heart of the discussion. The "Cities and United Local Governments" adopted a Charter for adaptation". It includes adaptation as a crosscutting strategic key to long-term planning for Local Governments and establishes priorities. In September 2013 the representatives of cities and local governments of the whole world signed the Declaration of Nantes in which they commit to reducing their greenhouse gas emission to fight climate change.

### The Declaration of Nantes

FOCUS ON

The representatives of over twenty global networks that bring together "almost all" the cities and local governments of all five continents committed on September 28th to "mobilising" in their "local budget the relevant funding to implement low-carbon actions". The Declaration of Nantes provides a roadmap for Local Governments for the 2013-2015 period.

California and China are increasing their commitments to cut emissions: 7 Chinese cities and provinces have introduced obligations to cut emissions with a view to the creation of a national platform that will trade emissions credits; it has a system for registration and supervision.

These changes are the proof of the rising awareness of the absolute need to act without waiting for the international negotiations to overcome their deadlock. Alternative development models are being built that combine all sorts of concerns: economic resilience, energy independence, risk prevention and management, social cohesion, environmental preservation and protection, territorial and urban planning.

Nevertheless these dynamics are still unevenly spread around the world. Although big cities and metropolis that have strong decision-making powers and levels of

influence (at national and international level) are leading the path, this is not the case of all territories, particularly in the less advanced countries. The involvement of the socio-economic actors and implementation of democratic consultative decision-making processes are essential to the success of such initiatives.

One scenario for coming years could see the parallel evolution of two tracks with:

- On one hand, the United Nations diplomatic negotiations advancing to the geopolitical rhythm and evolution of national policies
- And on the other, the implementation by various actors of "climate and development" in countries' actions. This second approach is "bottom-up" and could well be based on the increasing cooperation between territories. This pathway would make international harmonisation of standards for actions progressively necessary, with a shift occurring that would reactivate the first approach, that of international negotiation, but in a practical, concrete manner. Thus all the actors can move forward in implementing technologies and actions to reduce emissions, and tools for planning will be the main instigators of change.

The international institutions need to take the capacity of civil society's ability to contribute to decision-making as well as their role as a relay at all levels, an their contribution to effective territorial implementation, into account; this is true at company level as well as in terms of personal behaviour. This is the key to moving forward to a higher level of culture, solidarity and civilisation.

Establishing a strengthened power at international level requires symmetrical consolidation of the counter-powers. Creating spaces for public dialogue and discussion should meet this democratic need/ We need to play out conflicts, use them to make collective choices and protect ourselves from the risk of being dominated by any one interest group. Improved recognition of the non-State actor's role helps us to move towards greater transparency and democratisation of international organisations. Civil society's independence from national interest gives it greater legitimacy in cross-border issues, as well as hands-on expertise. The shift from "observer" status to one of "partner" is the proof of the potential role it can play. This articulation between territory and multi-actor forum could be the cornerstone for a new framework for global governance.

*The global citizenship that links the global to the local, needs to lead to the shared concept of human rights as an extension of the Universal Declaration of Human Rights, that was adopted when the United Nations was founded. This citizenship now needs to include collective obligations of a planetary nature, particularly to the Earth and the protection of the ecosystems. It is this desire to see solidarity and justice that will feed the emergence of a new collective ability to act.*

These behavioural changes and individual decisions must perforce be accompanied and supported at international level by a strong framework of governance. Yet we can but observe that all too often the world changes faster than the international agreements are drawn up and signed.

<sup>1</sup> International Council for Local Environmental Initiatives

<sup>2</sup> United Cities and Local Governments

<sup>3</sup> Network of Regional Governments for Sustainable Development

## 5 / THE ESSENTIAL NATURE OF CITIZENS' AND CIVIL SOCIETY'S INVOLVEMENT AS A WHOLE

The concrete involvement of Local Governments, companies, associations, people and all citizens of the world will be every bit as important as the process and commitments of States. It will probably even be a factor that will stimulate the negotiations. The impetus needs to come from below if it is to resonate in the decision-making sphere that will then support the changes that are occurring. Understanding what is at stake, the training, the capacity strengthening particularly for civil society in the developing countries are all decisive factors. The next agreement is bound to be proportionate to the number of people who are involved.

There are many alternative experiences in the world that pragmatically outline possible ways forward to an ecological and social transition. Citizens will only become involved if they share the joint vision of the future that should be played out. We all therefore need the means of grasping the actual stakes, of having the means to respond to the challenges each at his or her own level, and becoming involved in this change, thanks to effective participation in decision-making. To achieve this kind of involvement of all people implies drawing up promises that all people will be able to share a vision of what successful life could be like in this new context. Failing this, the concept of sustainable development will continue to be seen as intellectual and cold and will not raise much enthusiasm, even if it is currently at the heart of political discourse. Public interest and media coverage has dropped off considerably since the Copenhagen Conference. What is needed is to reverse this trend and encourage people to act when there are solutions that are backed-up by practice.

### A / UNDERSTANDING WHAT IS AT STAKE VIA PUBLIC OPINION AND SUPPORTING LIFE-STYLE CHANGES

Thus far the question of climate has been beyond the grasp of most people, with the climate negotiations remaining non-transparent and unintelligible for the uninitiated. It has also been perceived as an additional constraint for households in an already difficult context in the developed countries that have been affected by the crisis, as well as in the developing countries. How can people be encouraged in a context of this kind to support the idea?

#### Getting people to support climate issues

Getting people to appropriate the question of climate change remains a challenge. With some small variations between countries, we can see the following:

- Identifying climate change, be it on the basis of personal observations or media reporting, especially when there are television pictures to tell the tale
- Gaining a less emotional and more precise understanding of the climate change process that has now been widely included on educational curricula
- There is a very uneven level of knowledge of possible solutions for reducing

greenhouse gas and adapting to climate change at technical level, with this being even truer of the economic and operational aspects of implementation.

- The lack of visibility of future evolution of our life-styles that characterise different countries with the hypothesis of an effective fall by 2050 of global greenhouse gas that is compatible with what the IPCC describes as necessary.

The final and most important aspect of the situation is caused by the following attitudes:

- An inability to adjust consumer behaviour in terms of how we choose what we buy in terms of climate change
- A lack of any mandate being expressed to political leaders to prioritise the issue, with expectations being essentially linked to improving living conditions, access to employment, education and
- The failure to express any clear demands impacts the climate negotiations in terms of the fear that making any high commitments, however necessary they are deemed to be, will lead to public opinion rejecting the implementation of such policies.

Climate negotiations will therefore not succeed in gaining massive public support or heavy commitment by political leaders as long as the citizens have no proof that that they will provide a satisfactory life-style for them and their children in a world where heavy cuts in greenhouse gas are being requested.

#### Presenting possible solutions: telling stories

This means we need to progress by:

- Providing precise descriptions of technical solutions, energy approaches and collective organisation as well as individual behavioural guidelines that are part of the pathways to reducing global emissions
- These descriptions should be based as closely as possible on the concrete conditions of family life, be it on food, domestic comfort, transport, health everyday consumption and leisure activities...(including the consumption of industrial goods, agricultural production, services and transport...)
- It should also be validated by quantifying energy and food consumption as well as the related greenhouse gas emissions and impacts on household income
- The description of life-style choices should cover all countries, be as close as possible to the realities, be it for country or city life.

Although the question of climate change has not been sufficiently appropriated, it is largely because the aspects that could generate actions remain too vague.

For the negotiations on climate change to move forward requires not only an effort in education and information to be made; this has never been undertaken at the level required. It also requires the concrete transposal into family life around the world so that everyone can identify with it, and have the proof that a satisfactory future life is possible, within the limits of possible progress in all countries around the world. This also avoids the damage and conflicts that would further aggravate climate change.

If people are to rebuild their trust that a successful future can exist beyond 2050, they need to be able to project their lives to that date, and imagine life not just in terms of figures and constraints, but in terms of the impact of what they consume, their choice of travel, leisure and their relationships with others on a daily basis.

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The issue is to make people want to discover what a different model of development could be like, especially to make them want to get involved in its implementation; to bring the negotiations back to the heart of peoples' lives and place the issue at the centre of the daily concerns.

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### Promising a successful future for all

It is now time to go out and meet with people, to jointly build the stories of the lives they desire and take the things they hold to heart into account.

Doing this implies having a vision of personal satisfaction, of individually successful futures, with access to goods and services of which many are still deprived. Individual responsibility in favour of the common good will only prove acceptable if it is linked to a promise to each person that they can lead a successful, more enriching life than the one they leave behind. If we fail to do this, the democratic victories of the past will inevitably be undermined. This is the new component that is essential to sustainable development.

Sustainable development therefore needs to clearly state and support the opportunity that exists for humankind to grow in a way that is compatible with identified constraints. We all now have the ability to access more people, knowledge and cultural expression than any previous generation has had, thanks to information and communication technologies. A new horizon is opening. Communication,, cultural creativity, access to others are all infinite goods on which we can build collective dynamics and individually satisfying lives.

We need to build a new imaginary world, far from the exuberant dreams foisted upon us by consumer advertising (conveyed mainly via the media), that often also set out catastrophic visions of the future.

*Sustainable development of the 21st century consists of moving from a consumer society that is against the interests of our planet, to a society based more on relationships, that is lighter, that opens up perspectives of personal enrichment through human relationships, knowledge and personal expression.*

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## Conclusion

### the emergence of a new vision of the world

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These observations are at the root of a new vision of the world. The nature of these future changes is still not known, and it is therefore difficult to commit to something vague. But the current model is no longer tenable or sustainable. We need to take advantage of these upheavals to commit to a new model of civilisation that can succeed where the last has failed: open the door to more perspectives of successful lives, wherever people may be born on earth, whatever their community, or country. We should all have the opportunity in this life to imagine a future we want that respects both the rest of humankind and the world's ecosystems. This is a huge challenge. But the perspectives can only be better than those confronting humankind should we fail to take action.

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*The stakes in coming years will be to ensure equity and access for all to a development path that we still need to invent; one that can reconcile the respect of each human's needs with that of future generations and the protection of the planet and its resources. Building trust between countries and within all societies is an essential part of activating these major changes that humankind needs to undertake.*

# Annex

## Alliances between countries

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### 1 / ALLIANCES BETWEEN THE EU AND DEVELOPING COUNTRIES

The European Union was for quite some time the leader in the climate negotiations. In Copenhagen and Cancún however, they were neutralised by internal divisions and the fast rise of the emerging countries and the showdown with the United States.

With the first regional carbon market, growing investments in energy policies and the Climate/Energy “3X20” package, the European Union is by far the most active centre for cutting emissions. It is the only group that is likely to meet their Kyoto commitments. The EU was however isolated at the Copenhagen Conference. Thus marginalised, it was obliged to accept the compromise text that was concluded directly between the United States and China, and well below its expectations.

The EU did play an important role as mediator in Durban, as expected. By recommitting to a second period of the Kyoto Protocol, they rebuilt the trust of African countries and the Small island States. Convergence appeared that enabled them to create a block and counter the risk of total deadlock of the negotiations that could have resulted from the disappointment of the most vulnerable countries.

### 2 / THE EMERGING COUNTRIES

Since Copenhagen the emerging countries, and China in particular have imposed their presence as key participants. They have shown their ability to impose their conditions on the industrialised countries, particularly the United States. The emerging countries played a major part in making the multilateral process legitimate again in Cancún, and in reaching an agreement. They have created the BASIC group, and with shared, converging interests and similar development paths, they make up a powerful alliance.

By accepting the idea of an agreement in Durban that sets their commitments as of 2020, they took a significant step forward in the negotiation process and

have thus clearly distinguished themselves from the United States by clearly stating that they refuse to play the role of scapegoat and take responsibility for any potential failure. Nevertheless the 2012 sessions put their finger on certain difficulties. China in particular has not intention of making commitments without any financial or technological counterpart. They categorically refuse to the idea of clear differentiation from other developing countries. India has become more reticent since Durban about legally binding commitments, arguing the low level of development of the country and the huge social and economic disparities that exist. It will be essential to solve the issue of equity to bring these countries into the next agreement.

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### the BASIC group

These countries share a number of characteristics (demographic weight, growth and GDP, increase in the national GHG emissions...). Brazil, South Africa, India and China founded the BASIC group. Although we cannot talk about an official strategic alliance, these States officially negotiate within the G77. The group has continually been gaining strength since the Copenhagen Conference.

In negotiations, they play on the concept of "carbon credits" – as an indicator of sharing the greenhouse gas emissions of each country – and support sharing on the basis of equity and the principle of "common differentiated responsibilities". Although the 4 BASIC countries do not share the same concept of equity, and diverge on the envisaged solution, they all agree as to the historical responsibility of the developed countries and refuse to commit before 2020.

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Alliances and strategies of convergence that will be possible between emerging countries and other groups, especially the developing countries, the Africa group and the less advanced countries will be decisive in confirming the trust that is required to conclude a future climate agreement. The European Union has a potentially important role to play here as mediator.

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## 3 / THE ISOLATION OF THE UNITED STATES

The level of emissions in the United States is dramatically high (19.3 tonnes of CO<sub>2</sub> per capita in 2006), as well as emissions that have greatly increased since 1990. They are now in a difficult situation. The question of countries' commitments and the legal form that these should take can only be discussed after a Federal climate-energy law has been passed, which could now only happen after 2014, as it requires a 2-year preparation period;

Any change to the current pathway can only come from initiatives taken by States and companies.

The USA has been marginalised by their refusal of any legally binding framework. In Copenhagen they had a showdown with their main trade rival, China, by trying to impose conditions of verification on their actions. In Durban they brought pressure to bear on the developing countries by putting forward the possibility of not committing to the Green Fund and not paying into it should there fail to reach an agreement this year of the agreement as such.

Their position has fed a movement in which most of the countries that had committed to the Kyoto Protocol have stepped back, and are trying to minimise the efforts made by other countries that is weakening the potential commitments of the emerging countries and reducing the funding earmarked for developing countries. But this attitude could end up being to their disadvantage by:

- becoming favourable to their main competitor, China that is highlighting their voluntary national policy of reductions, given the American failure to engage
- exacerbating animosity and lack of trust between developing countries and accepting the disapproval of global public opinion
- progressively compromising their possibility of accepting an emissions' pathway that is in line with scientific requirements and that is coherent with that of other countries. Ultimately, it is inevitable that they will need to correct their emissions pathway, and this will be all the more painful if the gap has become greater.

The strategy of the developing countries and the European Union and emerging countries on the case of the United States will be crucial to achieving consensus on a future agreement. They will need to work together to draw them into an equitable climate agreement.

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## 4 / SUBDIVISIONS WITHIN THE NEGOTIATING GROUPS

Increasing gaps between situations are leading to differences in strategy. For the first time in Durban a new major line appeared: the European Union together with the emerging countries, the developing countries and the least developed and most vulnerable.

### Confirmation of a subdivision in Annex 1 countries

A subdivision in Annex 1 countries had already appeared in Kyoto. There are two categories of countries in the developed countries whose paths are increasingly different: the densely populated and the sparsely populated ones.

The densely populated ones have used up their reserves of fossil fuel and other raw mineral materials. They therefore suffered the impact of the oil crises of the 1970s

and have needed to move forward to greater energy efficiency. This is mainly the case of European countries and Japan.

The sparsely populated ones are the developed countries where the population has recently grown and that still have ample reserves of fuel and other raw materials. As they have never been confronted with difficulty gaining access to resources, they have developed very invasive lifestyles with a very high level of greenhouse gas emissions. The United States, Canada, Russia and Australia fall into this category.

As the negotiations progress, the way in which these two categories of countries have taken position has varied, by all in all, the typology remains valid and the gap in emissions pathways remains. This typology of developed country explains the extent of the disagreement that exists between Europe and the United States.

### **Subdivisions within the G77**

The G77+China has been driven by diverging interests, with less and less consensus. There are subgroups that are increasingly vocal: OPEC, the Africa Group, the Small Island States (SIDS), the less advanced countries and especially the group of emerging countries (BASIC). These differences spring from the increasing development gap between the emerging countries and the other developing countries. But there are also differences that stem from the energy resources of these countries and their degree of vulnerability to climate change.

The industrialised countries, led by the United States would like to see emerging countries constrained by a system of MRV (measurement, reporting and verification). But this could require differentiating between these emerging countries and the other developing countries. This differentiation has thus far been refused by the emerging countries, as it would imply fresh obligations on their part.

The resistance by these countries to be made liable to obligations that differ from the other less developed countries is increasingly badly perceived by the vulnerable countries and the Small Island States, for whom China's, Brazil's and India's growing emissions represent a danger to their climates. This is all the more true as the emerging countries are increasingly negotiating directly with the industrialised countries, outside the G77, within the BASIC framework. In Copenhagen, Africa for the first time spoke as a single voice to defend its interests, representing the majority of LDCs and expressing itself independently of the G77.