

G77 frustrated at refusal of developed countries to negotiate key issues

Paris, 4 December (Chee Yoke Ling and Meena Raman) – The Group of 77 and China are deeply frustrated over the refusal of some developed countries to engage in negotiations of the Paris agreement on the issues of importance for developing countries. They also complained that negotiations on several key issues were being conducted in bad faith.

These concerns were expressed at a press conference on afternoon of Thursday (3 December) convened by the Group and at the contact group meeting of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) held in evening of the same day.

At the press conference, Ambassador Nozipho Mxakato-Diseko of South Africa, speaking as Chairperson of the Group provided her impressions on the status of on-going negotiations of a legal agreement and key decisions in Paris.

“It is impossible for our Group to understand why certain countries are refusing to engage in the negotiations on some of the most important issues that would empower developing countries to cope with climate change and to put forward their best effort to contribute to the global response.”

She pointed to the fact that the text that is currently being discussed is littered with “no text options” on precisely the areas that are most relevant to empowering action by developing countries, namely means of implementation support for developing countries (financial resources, technology transfer and capacity building), adaptation, loss and damage and response measures.

She informed the media gathering that the G77 and China has therefore decided “to convene urgent bilateral meetings with the Parties concerned to convey our concerns and to impress upon them the need to enter the negotiations on these issues and to remove all their ‘no text’ proposals.”

Meanwhile, at the Thursday evening ADP contact group stocktake session, the continued refusal of some developed countries to engage on crucial issues of vital importance to developing countries was brought to the open. created a crisis in the negotiations as regards adaptation.

Juan Hoffmaister (Bolivia) who is the **G77 and China coordinator for adaptation and loss and damage**, expressed profound disappointment over what he saw as “bad faith negotiating”. He explained that in the spin-off group, despite working very hard to bridge proposals between developed and developing countries, the G77 and China “was misled”. “Every paragraph of our proposals was rejected and in some instances, old text from the ADP session in June were being reinserted.

On adaptation finance and support, Hoffmaister lamented that texts were put in brackets and the G77 was told that the issue will be dealt with elsewhere. When Parties were negotiating the section on adaptation finance, the option of having ‘no-text’ on the issue was inserted by a developed country.

(According to several sources, the United States and Australia were responsible for bracketing ‘support’ in the draft article on adaptation.)

Hoffmaister expressed frustration that this stance was most “discouraging” and made conditions hard for engagement and amounted to “bad faith”. He said it appeared that that there was little desire for developed countries to address the concerns of the poorest and most vulnerable in the process and that this was not right.

Tuvalu, speaking for the **Least Developed Countries** at the ADP session said that Parties had yet to discuss the issue of loss and damage and expressed fear that what was happening in the negotiations on adaptation showed that adaptation was being held “hostage” to the issue of loss and damage.

Malaysia, for the **Like-Minded Developing Countries (LMDC)**, echoed the concerns raised and said that on all issues of importance to developing countries, there are options by developed countries for no texts. On issues of importance to developed countries such as in mitigation, there has been engagement. The LMDC said that “we will not allow the early harvesting of matters” and urged the ADP Co-chairs and the COP Presidency to ensure “parity in the pace of negotiations and for a stepwise approach.”

The **European Union**, in response to concerns raised by developing countries at the ADP contact group said that it had shown flexibility and had made a large number of bridging proposals which represented compromises. It also expressed concerns that developing countries had also presented ‘no text’ options on issues of importance to the EU and there was no issue about early harvests. It urged Parties not to get into “tit-for tat” negotiations.

(An examination of the text shows that the ‘no text’ options of developing countries have been on the table from the beginning, and it is several developed countries that are at this late stage inserting their ‘no text’ option.)

At the conclusion of the ADP contact group meeting, the ADP Co-chairs proposed that the compilation and streamlined text (of the work by Parties which were agreed to in the spin-offs) will be provided to Parties in morning of Friday, 4 December and the co-facilitators will also present proposals for clear options that will be reflected in a separate document.

G77 and China press conference

At the press conference earlier in the day, Ambassador Nozipho Mxakato-Diseko sounded the alarm that some developed countries are attacking the core principles of the United Nations Framework Convention on Climate Change (UNFCCC), such as equity, historical responsibility and differentiation of action and support.

Stressing that failure in Paris is not an option for the members of the Group, she expressed strong concerns that the Durban mandate for the negotiations “is not being respected by all Parties and we are witnessing repeated attempts by some developed countries to rewrite or reinterpret the Convention”.

Mxakato-Diseko said that “We have now entered the last few days of a four-year long negotiation process that began at the Durban COP in 2011,” stressing that “The purpose of this negotiation process ... is to enhance action under the existing Convention.”

She expressed confidence in achieving this objective, underscoring that, “This confidence in a successful outcome to the Paris Climate Change conference is based on the reality that failure is not an option for our members for whom climate change is an issue of vital importance, or in the case of our low-lying islands a matter of national survival. It is also firmly based on the encouraging and inspiring messages we heard from the unprecedented gathering of world leaders on the opening day of this meeting.”

“However,” said Mxakato-Diseko, “I also need to convey to you that members of the Group of 77 and China are well aware of the challenges we face and that there are concerns over both the process and the substance in these negotiations. We have intervened as a Group on many occasions this year and at this conference to try to adjust the process and to speed up the negotiations. We have taken a leadership role in the hopes of securing the shared objectives of all Parties.”

She went on to explain that the basis of the concern of the G77 and China is that “the Durban mandate is not being respected by all Parties and we are witnessing repeated attempts by some developed countries to rewrite or reinterpret the Convention. They are attacking the Convention’s core principles, such as equity, historical responsibility and differentiation of action and support.”

Mxakato-Diseko said further that, “The climate change regime is based on the need for developed countries to lead and all developing countries to undertake actions with empowering support. This basic tenant is as relevant today as it was when the Convention was adopted in 1992. This is because even after all these years all our members face pressing socio-economic challenges and acute vulnerability to climate change.

“Despite the considerable development gains we have made in the short time since decolonisation, none of us can truly say that we have achieved the status of being fully developed – a privilege our negotiating partners have enjoyed for a considerable period of time.”

She emphasised that “It was in recognition of this unchanged reality, as well as the equally important need to unlock the mitigation potential of developing countries, that the Durban agreement was premised on three equally important and mutually dependent pillars, namely: 1) developed countries should honour their existing commitments under the Convention; 2) a second commitment period to the Kyoto Protocol should enter into force; and 3) a new legal instrument would be adopted under the Convention that is applicable to all Parties.”

According to Mxakato-Diseko, “the Durban agreement was historic because it unblocked an impasse that had hampered action on climate change for many years. It offered a consensus on the way forward that would balance the interests of developed and developing countries and achieve the objective of the Convention to stabilise greenhouse gas concentrations in order to limit dangerous climate change within a timeframe to allow ecosystems to adapt.”

Moving on to the context of the current negotiations as these reach their final stage, she said that, “with only a few exceptions, developed countries have neither honoured their existing commitments, nor even provided a clear roadmap on how they intend to do so in the remaining years before 2020. They are silent on the support they will provide post 2020.”

(The ADP has 2 workstreams: workstream 1 is tasked to produce ‘a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties’ to apply post-2020; while workstream 2 is tasked to produce decisions to enhance pre-2020 actions, especially raising the level of ambition of developed countries.)

“The leadership we were all counting on has not been translated into action on the ground and the second commitment period of the Kyoto Protocol has also not yet entered into force,” said Mxakato-Diseko.

She further stressed that, “This is not a mere political statement, it is a reflection of a harsh reality that many developing countries have not received the support they require and are entitled to receive under a legal agreement (the UNFCCC) to help them cope with the calamities caused by a rapidly changing climate that are occurring with increased frequency and severity. All

too often we have had to respond to crises without the assistance of developed countries by using our own scarce domestic resources or with voluntary help from fellow developing countries through South-South solidarity.”

Mxakato-Diseko also said that, “There are direct implications of non-compliance with climate change commitments for basic human rights and environmental integrity. Climate finance and other means of implementation are therefore not regarded by the international community as voluntary charity or ODA (overseas development assistance), but as a legal requirement as they are vital tools for climate action and survival.”

“For its part,” Mxakato-Diseko said, “the G77 and China remains fully committed to addressing climate change under the UNFCCC. The impressive number of ambitious Intended Nationally Determined Contributions (INDCs) that have been submitted by developing countries to date further testifies to the commitment of developing countries to contribute their fair share. Most of our members have submitted INDCs that include both mitigation and adaptation components and have announced very ambitious pledges, even though no guarantees of support have been forthcoming.”

She concluded by saying that, “The Group has demonstrated unprecedented unity and has shown leadership in these negotiations, both on process and on substance, as the generator of most of the proposals and negotiating text that are currently under consideration for the Paris Agreement and supporting COP decisions. We intend to continue this constructive role until we secure our shared objectives.”