

Dining in Advance of Durban: Leftovers in Panama and some new food for thought

Melissa Harris and Jessica Boyle

The most recent meeting of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) and the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA) took place from Saturday, October 1 through Friday, October 7 in Panama City, Panama.

As the last negotiating session before COP 17 in Durban, the importance of this meeting was not lost on Parties. There was a sense of urgency in the negotiations with United Nations Framework Convention on Climate Change (UNFCCC) Executive Secretary Christiana Figueres calling on Parties to “bridge remaining differences in Panama to facilitate agreement in Durban.” Intercessional progress had been made on the design of the Green Climate Fund (GCF) and Technology Executive Committee, which set the scene for constructive discussions in Panama.

Though negotiations got underway early in the week, with Parties continuing work on “filling out” various elements of the Cancun Agreements to forward to Durban, by mid-week talks had slowed to a near standstill as discussions on finance in many closed meetings deteriorated. Representatives from developing countries warned that “without finance, there would be no mitigation, adaptation and nothing for MRV [measuring, reporting and verification].” Submissions on long-term finance from developed country Parties including the EU, Canada, Japan and Australia brought countries back to the negotiating table but did not result in any major breakthroughs with respect to the sources of sustained financing. Many country comments simply reiterated positions from previous negotiating sessions.

As anticipated, Panama resulted in little additional clarity as to the legal form of a post-2012 agreement, and the potential merging of the Kyoto Protocol (KP) and Long-Term Cooperative Action (LCA) tracks. Similarly, there were no major breakthroughs on the perennial issues of mitigation and financing. There is increasing concern that a post-2012 gap (following the first commitment period, and before a new agreement) is becoming more and more of a reality.

The Panama session was successful in moving discussions forward on a number of issues, including technology, adaptation, reducing emissions from deforestation and forest degradation (REDD+) and nationally appropriate mitigation actions (NAMAs). On these

issues, Parties continued to build on the frameworks agreed to through the Cancun Agreements of COP 16, and it is possible that a series of decisions could come out of COP 17. While it is not a part of the Cancun Agreements, agriculture remains a key priority area for developed and developing countries alike. Movement on the issue at Durban could be helped by an initiative spearheaded by Kofi Annan. In Panama, Christiana Figueres noted that Parties were interested in moving forward on agriculture in Durban; and that Kofi Annan would work to facilitate discussion. The aim would then be to leave Durban with an agreement to develop a work programme on agriculture in 2012.

Panama also saw the COP 17 Presidency moving to a facilitative role in the overarching process rather than advocating for a particular outcome for Durban. This is likely a very explicit decision by South Africa, as they recognize the continued fragility of the situation; some Parties see a “transition” period coming out of Durban, while other Parties are still pushing for a comprehensive, legally binding agreement.

In short, prospects for Durban remain low in the big picture, with little hope for an outcome on a large-scale agreement (legally binding or not). That said, there remains hope that specific issue-areas (such as REDD+, NAMAs and agriculture) will continue to move towards implementation, despite the overarching question of what form (if any) a future agreement will take. The key challenge for Durban remains finding a common ground on which Parties can move forward in shaping the post-2012 international climate change regime. The form and substance of a future agreement remains to be seen, but it is clear that it will only be successful if designed in a way that avoids a legal vacuum while remaining flexible enough to cover all major emitters. COP 17 this December will mark a seminal point in this discussion, and the Panama session has certainly provided some additional food for thought.

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International Institute for Sustainable Development

Head Office

161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba, Canada R3B 0Y4

Tel: +1 (204) 958-7700 | Fax: +1 (204) 958-7710 | Web site: www.iisd.org

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