

JOINT STATEMENT ON THE CLOSING PLENARY SESSION OF THE AD-HOC
WORKING GROUP ON THE DURBAN PLATFORM ON ENHANCED ACTION
Delivered by the Philippines, Bonn, 25 May 2012

I have the honor to speak on behalf of:

Algeria, Argentina, Bahrain, Bolivia, Comoros, China, Cuba, Democratic Republic of Congo, Dominica, Djibouti, Ecuador, Egypt, El Salvador, India, Iran, Iraq, Jordan, Kuwait, Libya, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Palestine, Pakistan, Paraguay, Saudi Arabia, Somalia, Sri Lanka, Sudan, Syria, Thailand, Tunisia, Venezuela, Yemen, and the Philippines

Messieurs Co-Chairs,

We would like to welcome you to our AWG-DP. We look forward to benefiting from your collective guidance and wisdom with respect to the process and the objectives of our work under the Convention, particularly during this crucial starting phase of our work in the AWG-DP.

The Parties associated with this statement have, over the past two weeks, worked diligently and constructively with Ms. Sandea de Wet of South Africa as our AWG-DP Interim Presiding Officer and with other Parties in order to further our work in the AWG-DP. We would like to thank her for her perseverance, patience, and able stewardship of our work during this session and for helping us to move forward.

Messieurs Co-Chairs,

The dire urgency of the situation facing our countries due to climate change compels us to do so. We have been fully conscious of the decisions taken in Durban at COP17 and the context in which those decisions were made, including particularly the fact that our work in the AWG-DP is under the Convention, and therefore, must adhere to the provisions and principles of the Convention, in particular the principles of equity and common but differentiated responsibilities. Hence, any outcome under the AWG-DP under the Convention applicable to all Parties must be equitable such that universality of application is not uniformity of application and the prospects for achieving the first and overriding priorities of economic and social development and poverty eradication on the part of developing countries are ensured.

As we had stressed before, the decision establishing the AWG-Durban Platform was part of a delicate overall package in Durban that includes a meaningful second commitment period of Kyoto Protocol, and the understanding that developed countries will undertake commitments for deep emission reductions and successfully completing the work at LCA particularly the comparability of efforts amongst the Annex-1 Parties up to 2020. Therefore the negotiations and progress in the AWG-DP are intrinsically connected to the developments and conclusion of the KP and the LCA tracks.

We have continuously expressed our willingness to substantively discuss the post 2020 mitigation framework going forward. However, we stress that the context for enhancing mitigation ambition is provided by the Kyoto Protocol's second commitment period and that those parties who are not party to the Kyoto Protocol or would not abide by that treaty also have a responsibility to ensure the comparability of their targets and actions under the AWG-LCA.

The AWG-LCA is a depository of several actions in terms of adaptation, technology, finance and capacity building, and not just of mitigation actions. Disaggregating the discussion entirely from the KP and LCA context would jeopardize the fundamental principles of equity and of common but differentiated responsibilities and the differentiation between Annex-I and non-Annex-I countries under the Convention, in addition to weakening the legally binding nature of commitments and converting it to a voluntary scheme of actions for developed parties. It will impose an inequitable burden on developing countries transferring them unfairly the obligations of developed countries quantified mitigation commitments. Ensuring that the AWG-DP outcome result in, for example, strong mitigation ambition requires jumping off from a high base of commitments by developed countries that should be built up first under the AWG-KP and the AWG-LCA.

Unfortunately, from these past two weeks, the signs are not encouraging, as the level of Annex I ambition is not what we expected. There is no doubt left that the level of ambition in developing country pledges is now in fact higher than those of Annex I Parties.

Notwithstanding this situation, we are still convinced that the outcome of the work of the AWG-DP can be an effective instrument in the struggle to combat climate change through the strengthening of the multilateral regime under the Convention in accordance with its principles and provisions, and covering all relevant and interlinked issues, notably the building blocks of mitigation, adaptation, finance, technology and capacity building. In this context, the AWG-DP will need to address the needs of developing countries that are particularly vulnerable to the adverse effects of climate change through enhanced ambition on adaptation and the provision of support and means of implementation, including finance and technology, under the Convention

Messieurs Co-Chairs,

We had assured you, and will continue to assure you and our partners, of our keenness to expeditiously move forward with the substantive work of the AWG-DP, and we have therefore engaged with great flexibility. Our negotiations on the AWG-DP agenda highlighted this spirit. The group of countries associated with this statement has exhibited high degree of flexibility during your informal consultations on the agenda because we are committed to make progress in combating climate change.

The debate on the AWG-DP agenda was not simply one of procedure but also one of substance that will guide our work in the AWG-DP as we move forward. With the agenda now adopted, we look forward to pursuing our work on the crucial substantive issues that we must tackle in this AWG, in the understanding that the implementation of Decision 1/CP.17 should be examined on the basis of its compliance with International Law, in accordance with the principle of Pacta Sunt Servanda and, in particular, with the exception on non-performance related to the full respect and

compliance with the UNFCCC and its Kyoto Protocol, for the Parties that are Parties of those instruments.

Messieurs Co-Chairs,

We would like to reiterate that as we move forward in implementing our agreed agenda for the AWG-DP, the plan of work of the AWG-DP must be based on an agreement and clear understanding on guiding principles building on the principles and provisions of the Convention, the work done in the AWG-KP and AWG-LCA, and relevant COP decisions including decision 1/CP.17 under the Convention. The AWG-DP will have to reflect and apply these principles as the context and framing as we move into future substantive discussions in the AWG-DP.

The design of the work-plan on enhancing mitigation ambition must recognize the differentiation of the nature and level of obligations of developed and developing countries, and of Annex I and non-Annex I countries, in accordance with the principles of equity and CBDR and with relevant provisions of the Convention.

We would also like to reaffirm that all elements of decision 1/CP.17 forms part of the work of the AWG-DP, and the organization of the work of the AWG-DP must therefore reflect this as well as the principles and provisions of the Convention, and that the voluntary mitigation efforts by developing countries are related to the extent of obtaining of finance, technology transfer and capacity building, what has been long recognised in the history of the Convention and remains valid and relevant.

The legal form of the outcome should not be decided on up-front, nor should discussions on this be an immediate priority, but such discussion should be phased in at an appropriate time, when the negotiations on substantive issues evolve and mature.

Finally, Messieurs Co-Chairs,

We would like to stress once again that it would be important to pursue our work in an open-ended, participatory, inclusive and transparent manner, including in any informal setting, and we would like to continue with this modality. In the same light, we must, therefore, avoid resorting to modalities that would further exacerbate the polarization among Parties in this already difficult process. The process for this must remain Party-driven and in accordance with the long-standing practice in the Convention of consensus decision-making.

Once again, Messieurs Co-Chairs, we look forward to your guidance and to working with you and other Parties in progressing our work in the AWG-DP in order for us to be able to implement the Convention and achieve its objective.

Thank you, Messieurs Co-Chairs.