One of the key emerging stumbling blocks for an outcome in Durban is the unrepentant blocking of progress by some countries on long-term sources of finance. ECO is not amused by the strong arm tactics of the US, Japan, and Canada. As part of the balanced package in Cancun, countries agreed to meaningful progress on finance, which didn’t just include creating institutions. After all, why create bank accounts if you don’t fill them with some money?

These few countries are either confident they can get the money they have committed mobilized all on their own, and don’t need to talk about how to do that here, or they weren’t serious in the first place.

Giving these countries the benefit of the doubt and assuming they’re serious about keeping their long-term finance commitments, it’s not unreasonable for others to ask them what their plan to deliver on those commitments looks like. Surely discussing the plan with others will also be mutually beneficial - after all, many heads are better than one.

A new process to discuss the mobilization of long-term finance would enable countries to bring their best ideas into the mix. It would enable all countries to start talking about how to implement a certain finance option or set of options. Instead of talking about the “many, many” reasons why they can’t do something, Parties could discuss how to find solutions. Last we checked, saying “no, no, no” doesn’t qualify as problem solving.

ECO is disappointed that these countries – with so much finance expertise – wouldn’t see an opportunity to help mobilize the kinds of resources needed to address climate change.

Opportunities exist that can help the US, Canada, Japan and others to raise the resources they have committed, if they work with partners in this process, not on their own outside it. Spurring a process to price emissions from international shipping under the International Maritime Organization is just one example.

So stop blocking and instead help to create a process to bring to bear your expertise in finding solutions. You are claiming that you are doing a lot to scale up climate finance, there will be no gap between 2013-2020 and that you are fully committed to deliver on your long term finance commitments. So why resist moving forward via having text as basis for negotiations?

We know that there are red lines on finance, which didn’t just include shipping under the International Maritime Organization. While we recognize the often repeated line that form should follow function, we echo Colombia’s point that negotiators need some sense of where they are headed - a political declaration is very different from a long-term binding regime. ECO is appreciative that the meetings of the group are open to observers. We note however, that some confusion remains concerning the degree of “bindingness” of different legal options. We offer the brief table below to clarify.

<table>
<thead>
<tr>
<th>Highly Binding</th>
<th>COP Decision with Explicit Authority in Treaty</th>
<th>COP Decision with Implicit Authority from Treaty</th>
<th>COP Decision with no Apparent Treaty Authority</th>
<th>Political Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form of Agreement</td>
<td>Treaty or Protocol</td>
<td>Treaty or Protocol</td>
<td>Treaty or Protocol</td>
<td>Treaty or Protocol</td>
</tr>
</tbody>
</table>

Informing Legal Form

Judging by the number of delegates and observers crowding the room over the last two days, there is certainly a keen interest in the legal form of the LCA outcome. ECO welcomes these discussions and urges the Parties to build on the bare bones outline of legal form options presented yesterday, by adding specific content that can inform deliberations in Durban. ECO is impressed by the surprisingly constructive tone and substantive content of the discussions. We can only imagine what would happen if a second commitment period under the KP were adopted!

While we recognize the often repeated line that form should follow function, we echo Colombia’s point that negotiators need some sense of where they are headed - a political declaration is very different from a long-term binding regime. ECO is appreciative that the meetings of the group are open to observers. We note however, that some confusion remains concerning the degree of “bindingness” of different legal options. We offer the brief table below to clarify.
Canada Exposed!

Under Stephen Harper the Canadian Government has become a seasoned veteran when it comes to dealing with criticism for their lack of action on climate change and reckless approach to tar sands expansion. This week in Canada, there has been a triple blow to the Government’s climate and energy policy from some prominent sources:

- **National Round Table on the Environment and the Economy** – this para-governmental institute with close ties to the conservative government released a report that estimates climate change impacts and adaptation costs in Canada have been seriously underestimated. The report finds that these costs could reach between 21 and 43 billion dollars per year by 2050.

- **Canada’s Environment Commissioner** – the Government’s own watchdog, issued a report saying he could find no evidence that the government had any plan that would come close to reaching even its own weak GHG reduction targets. He went on to berate the government for basing tar sands projects on “incomplete, poor, or non-existent environmental information.”

- **European Commission** – despite years of aggressive lobbying by the Canadian and Albertan Governments, the European Commission is sticking to the science and insisting that their Fuel Quality Directive reflect the high GHG content of the tar sands. This precedent-setting decision, sends a clear signal reinforcing the truth that the tar sands are one of the world’s dirtiest fuels.

Responding to questions in Parliament on these reports Environment Minister Peter Kent tried to reassure his colleagues that, “our government has definitely not given up on the environment.” One could almost hear the proverbial ice melting from under his feet. Oh Canada!

Getting Shared Vision Out of Deadlock

As delegates flock into Panama’s final meeting on Shared Vision, ECO has few hopes that the world will be much closer by the end of this week to agreeing on a peak year and a long term reduction goal for global emissions. But delegates need to remember that their heads of state have already laid out a common vision: keeping global temperature below 2°C! The science is clear – meeting this goal requires dramatically scaling up the current collective level of ambition. The best lawyers in the world can’t negotiate with the atmosphere!

In addition, ECO agrees with many Parties that focusing on the numbers without any notion of equity in achieving them will fail to deliver emission pathways that will allow the world to stay below 2°C, let alone, 1.5°C.

ECO proposes the following step-wise approach to achieving a shared vision in Durban:

**Step 1:** Parties agree to collectively aim for an emissions pathway that not only keeps us below 2°C, but also keeps the possibility of limiting warming to 1.5°C within reach. Parties agree to peak global emissions by 2015 and cut them by 80% by 2050.

**Step 2:** Parties commit to launch a process to look at countries’ “fair shares” to get the world onto the desired emissions pathway, based on the following principles of the UNFCCC: historical responsibility for past and present emissions, capability for reducing such emissions, and the right to sustainable development.

**Step 3:** Parties agree to inject the outputs of this exercise into the negotiations over a comprehensive legally binding long-term climate regime (see Monday’s ECO for more on the mandate for these negotiations).

While much work will be required after Durban to turn this vision into reality, setting the goal is the first step on the road to collective survival. Make it so!

Scientific Reality Check Desperately Needed

Lack of ambition? Actions don’t meet the urgency? There is help for that: the Review agreed in Cancun is a key tool to re-inject ambition and a sense of urgency as well as collective responsibility into the climate regime – all of which seems to have been lost in recent years. It is the scientific reality check on our political debate.

That is why ECO insists that the terms of reference for the Review be finalized at Durban! This means that Parties will have to decide on a suitable body to conduct the Review and its further modalities as soon as possible. Getting the timing right is also critical: the Review must be completed in good time to provide action-oriented recommendations to COP 21 in 2015. The IPCC’s Fifth Assessment Report will be one crucial input to the review; its Synthesis Report needs to be finalized before COP 20 in 2014 so that it, together with the reports from the individual IPCC working groups, can fully inform deliberations on the Review.

ECO reminds Parties that the Review is not a technical paper, but a report on the adequacy of the 2°C limit and the evidence base for possibly strengthening it to a 1.5°C limit. Moreover, there is already little doubt that the Review will illuminate the unconscionable inadequacy of the current pledges.

Of course, the Review will not be the only input available to Parties as they consider options for building a more comprehensive and ambitious climate regime. National communications and biennial reports, along with updated mitigation pledges from both developed and developing countries, will illuminate both the progress being made, as well as the remaining gap that must be closed if we are to keep global temperature increases below the 2°C agreed by leaders in Copenhagen, much less the 1.5°C limit called for by over 100 countries.