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American Rights Fund • Oxfam America • Physicians for Social
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Sierra Club • Union of Concerned Scientists • The Wilderness Society •
World Wildlife Fund**

November 29, 2011

The Honorable Hillary Rodham Clinton
Secretary of State
State Department
2201 C Street NW
Washington, DC 20520

Dear Secretary Clinton:

We are writing to express our concerns about the negotiating positions and strategy of the United States going into the 17th meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change, which starts this week in Durban, South Africa. These are concerns our organizations have previously raised with your negotiators in meetings and conversations over the past year, and that at the outset of the Durban meeting, we feel compelled to bring to your attention directly.

This is a critical meeting, as we are rapidly running out of time to avert the worst impacts of climate change. The IPCC special report on extreme events released just last week makes clear that climate change is already seriously affecting people, communities and ecosystems around the world. And the International Energy Agency recently reaffirmed that without more ambitious commitments to limit emissions of heat-trapping gases over the next decade, we are extremely unlikely to meet the goal set by President Obama and other leaders in Copenhagen of keeping global temperatures from increasing more than 2 degrees Celsius above pre-industrial levels. In addition, without substantial new funding, many developing countries will not be able to confront the profound challenges climate change will pose, especially to their poorest citizens.

The Durban Climate Change Conference must build on the progress made last year in Cancun by advancing mitigation, adaptation, technology, and finance, and by increasing the transparency of mitigation actions taken by both developed and developing countries. Durban must also establish a clear roadmap towards negotiating a legally-binding climate regime that is both more comprehensive and more ambitious than the Kyoto Protocol alone, building on the experience gained and the architecture developed over the last decade.

Progress on these fronts is well within reach in Durban, but is by no means guaranteed.

In November, 2008, President-elect Obama gave an inspiring video address to the Bi-Partisan Governors Global Climate Summit in Los Angeles, California. He said that "Few challenges facing America - and the world - are more urgent than combating climate change," and pledged that "once I take office, you can be sure that the United States will once again engage vigorously in these negotiations, and help lead the world toward a new era of global cooperation on climate change."

Three years later, America risks being viewed not as a global leader on climate change, but as a major obstacle to progress. U.S. positions on two major issues - the mandate for future negotiations and climate finance - threaten to impede in Durban the global cooperation so desperately needed to address the threat of climate change.

On the mandate issue, the U.S. has laid down a set of stringent pre-conditions that would have to be met for the U.S. to support a mandate for negotiations on a comprehensive long-term climate regime. These include legal symmetry, a clear process for developing countries to graduate to commitments similar to those of developed countries, and making commitments by major developing countries unconditional, rather than conditioned on financial or technological support. It will clearly not be possible to reach consensus on these issues in Durban; insisting on their inclusion in a mandate sends the signal that the U.S. does not support such a mandate. This is a lost opportunity. If China and other developing countries were to sign up to a mandate to negotiate legally binding commitments, it would be a major win for the United States, creating a level playing field in the future with other major economies.

The U.S. should be working with the EU, China and others to make this type of a mandate possible, not rejecting it out of hand because it doesn't guarantee all of the U.S. negotiating objectives. Developing country positions on this issue have evolved significantly in recent years, and will continue to evolve over the course of any negotiating process launched in Durban, which would likely take three or four years to conclude. The U.S. shouldn't require countries to agree to the specific parameters of the final agreement before negotiations even begin.

We urge you to instruct U.S. negotiators to show much greater flexibility on this issue and to work towards creating a Durban mandate, not blocking one. A framework of voluntary pledges, with no pathway to a binding agreement, would be a major step back from stated U.S. positions on climate change. On a variety of international fronts, the U.S. stands for strong rule of law, international norms, and real progress on major challenges. We should carry that vision forward in the climate change negotiations and insist that all countries, including the U.S., actively negotiate towards a strong legally binding system. The challenge of climate change requires that we utilize the strongest tools available.

With respect to climate finance, we are troubled that the US may block the important steps forward that can be taken in Durban. In 2009 you helped move the negotiations forward in Copenhagen by joining other developed countries in pledging substantial

new financing – \$100 billion per year by 2020 – to help developing countries address global warming. Since then, the Secretary General’s High-level Advisory Group on Climate Change Financing, the World Bank and International Monetary Fund, prominent individuals such as Bill Gates, and many others have put forward credible proposals for innovative sources of public financing that can help reach this goal. One such proposal that deserves US support in Durban is pricing carbon pollution in the international shipping and aviation sectors, which can reduce global emissions while raising climate finance. US support for this concept should be part of a broader reform of the US position on international aviation pollution, including ending current US opposition to incorporating such pollution within the European Union Emission Trading System.

We recognize that detailed agreements on how to generate finance from specific sources may take some time. Yet as with the legal mandate, the current refusal of your negotiators to even allow a discussion to take place about the relative strengths and weaknesses of various proposals, and the technical issues related to implementing them, risks fostering the perception of bad faith. Notably, this is not a common position among key contributing countries, such as the European Union which has proposed a work program to identify sources of long-term finance that can help meet the \$100 billion goal. For the US, such a discussion would provide a platform to bring forward its own best ideas for mobilizing capital at scale, and to help build the necessary coalitions of like-minded countries to more effectively implement the best alternatives. We strongly urge you to instruct your negotiators to allow these proposals to be discussed in Durban.

In addition, the US risks upending the critical step of launching the Green Climate Fund. Agreement to establish the Fund was among the most important achievements of the Cancun Agreements last year, and concrete steps towards getting the Fund up and running – particularly agreement on the Fund’s governing instrument, board, and transitional arrangements – are essential to the overall success of Durban and to progress on international climate action. Last month the US, joined only by Saudi Arabia, blocked consensus on the recommendations of the Transitional Committee for the design of the Green Climate Fund. We are deeply concerned that opening up these recommendations to renegotiation in Durban risks unraveling balanced compromises already made, and could foreclose agreement on a workable governing instrument. We urge you to instruct the U.S. negotiating team to work with the South African presidency, the co-chairs of the Transitional Committee, and others to resolve issues involving the Green Climate Fund early on in Durban, so as to build the confidence and trust needed to achieve an ambitious overall outcome at the end of the conference.

At the Copenhagen climate conference two years ago, you quoted a Chinese proverb which says that “when you are in a common boat, you have to cross the river peacefully together.” You challenged countries to rise above their differences, saying “all of us have an obligation to engage constructively and creatively toward a workable solution. We need to avoid negotiating approaches that undermine rather than advance progress toward our objective.”

Progress is possible in Durban, but only if the U.S. meets the standard you laid down in Copenhagen. We hope and trust that it will.

Sincerely,

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cc: Lael Brainerd, Under Secretary of Treasury for International Affairs
Michael Froman, Deputy National Security Advisor for International Economic
Affairs
Todd Stern, Special Envoy for Climate Change
Heather Zichal, Deputy Assistant to the President for Energy and
Climate Change