

ADP: Parties continue exchange of views on 2015 agreement

Bonn, June 6 (Meena Raman and Hilary Chiew) – Parties at the climate talks under the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the UNFCCC continued to exchange views on the 2015 agreement.

A roundtable discussion under workstream 1 (on the 2015 agreement) was held on Tuesday, June 4 on the theme ‘Variety of Actions’. The roundtable was chaired by Mr Harald Dovland (Norway).

Dovland invited Parties to deliberate on the variety of enhanced actions, the types of commitments and targets for the 2015 agreement, taking into account how to manage ambition according to science and equity. As regards the latter, he said it was not a choice between top down and bottom up approaches but combination of both and wanted Parties views. To lead off the roundtable, he invited Bangladesh, Australia, Brazil, Ecuador, United Arab Emirates and the European Union to give their views.

Bangladesh said the agreement has to be rules-based, predictable, robust and legally-binding and Parties have to take into account the scientific findings of the Inter-governmental Panel on Climate Change (IPCC) and other research findings. The principles of equity, common but differentiated responsibilities and respective capabilities (CBDRRC) and historical responsibility must be clearly laid out within the agreement. It noted that ‘national circumstances’ in terms of access to natural resources, markets and vulnerabilities of countries had to be considered and those who are highly vulnerable need to be given special emphasis.

It said countries at the forefront of climate change impacts cannot wait for mitigation to happen as adaptation is more urgent but also noted that they cannot be expected to continue to adapt, underscoring the need for bold commitments (in terms of emission cuts) from Parties. There should be delivery of finance, technology transfer and other commitments particularly loss and damage. The sequencing and timing of actions needed to be specified with effective and robust review mechanisms. Bangladesh said serious political engagement is needed sooner rather than later.

Australia said that on how a variety of enhanced actions can allow global participation, this could be a spectrum of commitments. It is important to recognise the need to examine the place for adaptation in the new agreement and how the means of implementation can promote mitigation and adaptation. The focus on mitigation is central to the 2015 agreement.

As regards a ‘hybrid approach’, it said mitigation commitments are nationally determined through a bottom-up approach but rules are determined internationally and is top-down for all Parties. Thus, commitments are nationally determined within a robust set of internationally agreed rules. All Parties come forward with their commitments and the design of the agreement should allow them to account for ambition over time in line with a global goal. We could create a ‘platform’ for every Party to post their 2020 commitments which are nationally determined and they will have a final say on how this commitment is locked in. This is bottom-up. Then, there should be a simple set of international rules on how commitments are defined to promote predictability and transparency. This could include commitments

which are quantifiable, with standardisation across commitment types; it should cover all sectors and gases; provide upfront information to fully understand the attributes and impacts of those commitments. International transparency and accounting frameworks are needed which could have flexibilities for national election of approaches according to capacities.

On ambition and fairness, top-down generated rules can ensure overall progress to reaching a global goal consistent with climate science. A hybrid approach is consistent with the principles of the Convention as well as equity and CDBRRC. It is also a dynamic approach.

Australia said that each country can judge its fair-share, taking into account its national circumstance. There is also diversity among developing countries where the diversities are obscured under current approach. By agreeing to rules for all Parties to take efforts, we create floors and encourage further ambition, with the continued developed country leadership. With a design that is dynamic, there are internationally agreed rules and for scope to update the commitments. This can be done through national schedules which record the national details in the schedules, which can be updated without renegotiations over time. We can consider how timing of the international rules fit with commitments.

Dovland then requested Brazil to present its 'Brazilian proposal' (which relates to 'historical responsibility').

Brazil said that its proposal was tabled in 1997 during the Berlin Mandate process which led to the Kyoto Protocol. This proposal was important for the principle of CBDR. It explained that responsibility for the impacts of emissions cannot be based on current emissions, unlike that of other pollutants. It is different in the case of greenhouse gases (GHGs) as there is a time difference between the emissions, the increase in concentration, the temperature increase and the impacts. CO₂ stays in the atmosphere for 2,000 years and does not decay at all. Hence, some countries would therefore have more responsibilities than others and a focus on current emissions does not tell the whole story. It explained further that the proposal was introduced to reach agreement on what is a fair contribution by Parties to global warming. It is now refreshing and revisiting the proposal and will have proper presentation later on.

Ecuador stressed that the principles of the Convention are the basis for negotiations under the DP. The ADP needs to concentrate its work on the benefit of present and future generations, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Specific needs and special circumstances of developing countries need to be taken into account. Precautionary measures to anticipate, prevent or minimize the causes of climate change and to prevent its adverse effects should be considered. Policies and measures have to apply according to the different socio-economic contexts to ensure sustainability and must be integrated into national development programmes.

Developed countries should recognise their historical responsibility and respect the right of developing countries to achieve their economic development. However, we need ambitious results to face climate change to assure the right to life, food, water, health; the rights of indigenous peoples, human security, among others. In this context, it is essential to promote, in the heart of the international community, the Universal Declaration on the Rights of Nature as instrument to protect the Earth and its ecosystems, and enhance and strengthen the Universal Declaration on Human Rights. To respect those rights, we suggest the creation of an International Court of Climate Justice, which all Parties States are members.

Additionally, the ADP needs to take into account a new consideration regarding mitigation, in that way it needs to achieve a net balance reduction and avoidance of emissions, at the national and global levels. It is necessary to strengthen the multilateral regime under the Convention and cover all interrelated issues: adaptation, mitigation, finance, technology transfer and capacity building, under a shared vision that recognizes the needs of present and future generations, and the rights of nature. However, any agreement for enhanced ambition made under the ADP, shall mandate the provision of financial support for developing countries.

In that sense, the measurement, reporting and verification (MRV) of financial support needs to be considered. By measurement, it referred to funds exclusively aimed at supporting enhanced action on mitigation, adaptation, technology development and transfer, report drafting, and capacity-building for non-Annex I Parties, from

public, private, bilateral, multilateral and alternative sources. It said that administrative costs indirectly related to the provision of climate change funds for developing countries will not be considered as climate finance.

Regarding reporting, it proposed the establishment of a Financial Support Registry, which will be open and transparent, accessible to all Parties. For verification, it suggested that the source and character of funds should be able to be traced on the part of non-Annex I Parties.

Ecuador said developed countries must assume their historical responsibility, raise their level of ambition and agree on legally binding commitments, based on what the planet requires, not what each country considers for itself. This required a top-down approach.

Experiences from the past have shown the important requirement to develop robust mechanisms for compliance, accountability and transparency so that the ADP is not a new instrument that will once again not be fulfilled. It underlined that measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

The **European Union** said that rationale for the post 2015 agreement is to ensure highest possible mitigation from all Parties. It cannot be a pledge and review approach; it must be rules based and needs to be ambitious, fully transparent and quantifiable. It needs to be underpinned by clear accounting rules and framework; subject to a credible process of assessment informed by science; it should be fair, consistent with the Convention and is collectively enough to raise the level of ambition which is adequate.

It proposed the following steps in relation to the commitments needed by all Parties. (i) Identification of the types of commitments that Parties might take; what commit types exist and what kind of information exists for ex ante clarity; and what accounting rules would underpin them which has to be considered in parallel; (ii) what commitments Parties would take; and (iii) Parties assess if they have ex ante information; it is comparable with each other; is fair and equitable with each other and if it is ambitious enough for the 2 degree goal.

The EU said that assessment period is vital and there is need for sufficient time for this. It called for initial offers (on mitigation) by the end of 2014. To summarise, the EU reiterated the steps: (i) agree on the various commitment types; (ii) all Parties come with commitments in 2014; and (iii) there be a period to assess and raise ambition if it is not adequate and (iv) Parties inscribe them in the 2015 agreement.

The **United Arab Emirates** said the 2015 agreement must ensure adequate solution to the climate crisis in a fair manner with support for developing countries to play their part. It preferred flexibility for countries to decide over the prescriptive approach. On mutual scrutiny, it said each country should provide their own explanation, using a yardstick considered to be appropriate and applying the CBDR principle.

Dovland then invited others to also provide their views.

Gambia speaking on behalf of **LDCs** stressed that Article 2 of the Convention provides the overarching objective to stabilise GHG and to prevent dangerous climate change. With the survival of so many nations at stake, only a high ambition by all Parties is acceptable. It expressed concern with some Parties calling for a bottom-up approach, as this means self-defined actions according to national circumstances by Parties with conditionality. It recalled that the experience during the negotiation for the second commitment period (CP2) of the Kyoto Protocol which demonstrated that this approach will deliver (emission cuts) well below the expectation of science.

It said Parties need to look at a top-down approach as it is legally-binding and nations are more likely to act if the commitment is submitted to their Parliament, while a bottom-up approach is just a political commitment. It explained that a top-down approach can be differentiated among Parties and would like to approach the discussion in the ADP looking at both the merits and demerits of top-down and bottom-up approach.

In response, Dovland said that a bottom up approach is well established based on submissions and national circumstances and asked Parties to consider what is top down. He assumed it had to do with using scientific information on how to limit the 2°C temperature rise.

Representing the **African Group, Swaziland** said actions taken need to have a reference level and timeframe as a 2°C temperature increase means different impact for different continents. It raised the need to understand enhanced actions by all and how do we take care of the different circumstances of countries. It wanted to know how Parties can ensure political will especially from developed countries, to help and guide the process not only in terms of mitigation but means of implementation and adaptation.

Nauru said the 2015 agreement must be legally-binding based on science and subjected to international MRV. It must address loss and damage to ensure survival of small island development states. It said the annexes (in the Co-chairs 'reflections note') referring to areas of 'perceived common ground' are useful in capturing a set of issues but further discussion is needed to find out if we do indeed have common ground.

Dovland asserted that the annexes have no formal status.

Nepal for the **LDCs** expressed concerns that the current roundtable will lock Parties in low ambition as there is no assurance that any of these approaches are consistent with ensuring keeping temperature below 2°C and even less likely for 1.5°C. It believed that Parties will bring various contributions to the various efforts according to their capabilities but there is a need to establish clear rules. Who has to do what and when needs to be clear in line with the global objective. Parties with high level of responsibilities and capabilities cannot pick and choose between options that do not support deep cuts. It stressed that the new regime should be rules-based mechanism and most importantly designed to meet the need of LDCs.

Norway said there must be collective effort through international rules. On adaptation, the new agreement needs to have relevant measures for stronger actions. On mitigation, this is guided by limiting the temperature limit to well below 2 degree C. There is need to explore the framing of commitments, reflecting different capabilities and responsibilities with common elements. Commitments needed to be quantified or are quantifiable and should include all GHGs not in Montreal Protocol and global warming potential values should be based on most recent times. It agreed with the EU that the commitments have to be defined over a period of time based on a

single year. It also stressed the use of carbon markets and to ensure flexibility in addressing national circumstances.

Mexico said that a bottom up approach alone is not enough but has to be informed by science. A hybrid approach could be considered. It also stressed the need for a process for sound review of the mitigation commitments

Switzerland said that a top down approach means developing guidance centrally which Parties develop together. This approach gives stability, robustness, and builds trust in the regime. A bottom up process allows to reach highest possible contributions and a hybrid approach brings both together. It referred to four phases - formulating rules; formulate expectations; there is a consultative period and commitments are then formally adopted; there is also an MRV and a compliance system.

There is need for rules according to different commitments which should be quantified or quantifiable and are accompanied by ex ante information. Parties should follow common accounting rules including related to land use. Nationally determined commitments should be un-conditional. On the formulation of expectations, Switzerland said there should be an understanding of evolving the principle of CBDRRRC. Those with high income range and have significant share of GHG emissions per capita, should strive to be most ambitious.

Japan said that on adaptation and finance, this should be based on existing arrangements. Mitigation has some core elements to be considered: ex ante consultation; common accounting rules; have an MRV system which is facilitative to increase the level of ambition of Parties which is efficient and effective. On ex ante consultation, it supported the EU and US proposal. The length of consultation needed to be considered.

Philippines referred to objective of the Convention and the need for enhanced action within that context of stabilisation of GHG concentration and also the parameters related to adaptation, food production and sustainable development. It said there is need to also address consumption patterns. It called for enhanced actions on all the pillars of the Convention including adaptation, mitigation, finance and technology transfer. It said there is a gap in the MRV of finance and this needs to be addressed.

On the top down approach, it stressed that this is guided by science and the bottom up approach has not been working. It also stressed differentiated obligations for developed and developing countries which are reflected in the annexes of the Convention.

Ethiopia said a hybrid approach is the way forward. On the top down approach, it referred to the setting of a global target to limiting temperature rise to 1.5 degree C. On the bottom up, this is about understanding what the national target is to meet the global challenge as presented by individual countries.

Parties needed to decide what comes first. The top down approach needs to be finalised first and has to be agreed to. This gives guidance to countries to come up with their target to meet global target. It said that time has come to depart from qualitative expressions or objectives. The targets have to be set according to science and there needs to be a quantitative method to calculate and quantify the global target. This same methodology is applied for the national target. Delivering the mitigation target and the financial target is key.

The **United States** said that the approach in 2015 agreement is to be applicable to all and

must attract participation. There needs to be a structure that is transparent and inclusive.

All Parties take nationally defined commitments defined by national circumstances with sufficient ex ante information on how contributions relate to the ambition. There is a consultative period to examine ambition and fairness. This approach offers flexibility, transparency and incentives for Parties to put forward their best foot. Any rules will need to be simple for a broad range of national circumstances. There is need for a transparency and accounting framework. Parties' contributions reflect a diversity of national circumstances and capability. Those who are most developed would play a leadership role. A consultation period is a new step under the Convention and is distinct from the past. Ex ante clarity of commitments encourages certainty and confidence on how Parties will contribute, with proposals for updating and improving them.