

Parties exchange views on 2015 agreement

Bonn, 1 May (Meena Raman) - Parties at the Bonn 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.

Parties had agreed in Durban, South Africa, at the UNFCCC's 17th meeting of the Conference of Parties (COP 17) to adopt a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties in December 2015, and for it to come into effect and be implemented from 2020.

A first roundtable discussion under workstream 1 (on the 2015 agreement) was held on Tuesday, 30 April on the theme 'setting the scene'. The session was chaired by Mr. Jayant Mauskar (India). Mauskar referred to a workshop held on Monday, 29 April on the 'scope, structure and design of the 2015 agreement' which was conducted in two parts – part 1 was on 'design aspects for an ambitious, durable and effective 2015 agreement that mobilises national action' and part 2 on 'applying the principles of the Convention in the 2015 agreement'.

Mauskar referred to several points raised during the workshop as conveyed to him by its facilitator, Mr. Kishan Kumarsingh (Trinidad and Tobago), which were as follows - the 2015 agreement needed to provide for certainty, predictability and clarity to generate and instil trust and confidence; there should be enough flexibility to respond to changes in various national circumstances and science over time; some raised elements such as a top-down, bottom-up or a combination of approaches (in relation to mitigation efforts); it was necessary to look at aggregate efforts and environmental

effectiveness and take into account national circumstances; some referred to self-determination or national determination (of mitigation efforts) to be reviewed before being anchored.

On the application of the principles of the Convention, Mauskar conveyed that one presenter had referred to various forms of differentiation in legal nature, content of obligations, implementation and assistance or a combination of them; the agreement would have common and differentiated elements; some referred to a spectrum of commitments/actions; some said the Convention operationalises the principles through its provisions and structure. Almost everybody said that it is not about rewriting or reinterpreting the Convention; and some said the principles need to be seen with a changing timeframe, he added.

For the roundtable discussion, the Chair asked Parties what they saw as main and central elements of the 2015 agreement.

Ecuador speaking for the **Bolivarian Alliance for the People of our Americas (ALBA)** said the agreement must be consistent with the Convention and its principles. It reminded Parties that Article 2 of the Convention establishes the objective to be achieved encompassing the past, present and the future context of the negotiations. It is of critical importance that any new agreement reaffirms the principles and the differentiation of Parties. In this context, it is important to recall that developed countries are principally responsible for the historical emissions in the atmosphere, said Ecuador, emphasising that the low ambition in the second period of the Kyoto Protocol (KP) and the refusal of some developed countries to be part of it, reflects their unwillingness to fulfil this historical

responsibility and debt, setting a negative example of the leadership needed.

It added further that the new agreement cannot be an outcome which incentivises ambition through weak targets for developed countries which are self-determined, self-identified, and which are inconsistent with science and equity, such as the pledge-and-review approach advocated by many developed countries. Ecuador stressed that any activity to combat climate change must include upgrading the quality of life, the good living, and life expectancy, as well as increasing the capabilities and potential of the population within the framework of the principles and rights just described.

In the case of durability and flexibility to respond to changes in national circumstances and evolving scientific knowledge over time, it said that the outcome of the ADP must ensure that universality of application is not uniformity of application. It should achieve ambitious results to fight the climate change, in which economic and commercial interests shall not overlap with the collective interests and welfare of people. To ensure effective implementation and compliance arrangements, developed countries will have to take the lead, assume their historical responsibility, raise their level of ambition and agree on legally binding commitments, based on what the planet requires, and not on what each country considers for itself, therefore this requires a top-down approach. Comparability of mitigation efforts and mitigation commitments by developed countries shall be ensured, said Ecuador.

It also wanted robust mechanisms for compliance, accountability and transparency. In the case of finance, it called for accurate accounting of the provision of funds from developed country Parties to developing countries. There is a need for a measurement, reporting and verification (MRV) system of support to assess the compliance with financial obligations for mitigation, adaptation, transfer of technology and capacity building.

Ecuador said that the only form of differentiation that can exist is on the basis of developed and developing countries or Annex I-non-Annex I

distinction. Any effort at advancing a so-called dynamic approach different from the above and which is based on some other criteria would amount to a rewriting or renegotiation of the CBDR principle. This, it added, would lead to long, difficult and protracted negotiations, which unfortunately may not lead to any agreement at all.

The **EU** said that all Parties must take ambitious action to achieve the well-below 2 degree C goal. The commitments have to be fair and reflect the CBDR principle and sustainable development; means of implementation should be addressed; commitments have to be comparable and have ex-ante transparency; there is a need for a process of review; there is a need to balance between nationally determined commitments and ambition; indicators are not negotiated but are useful to help the level of ambition; adaptation is important. The EU wanted a legally binding agreement and advanced a step-wise approach: (i) to define a menu of possible commitments with associated MRV without prejudging what Parties would do; (ii) define what steps Parties would take and (iii) discuss the collective effort. The third step could involve indicators and would reconcile the top-down and bottom-up approach and ensure what is fair and ambitious.

Bangladesh stressed the importance of urgency and the need to achieve the ultimate objective of the Convention. There has to be a multilateral-rule-based regime, which is climate effective and ensures environmental integrity. Equity is based on a spectrum of commitments with a hybrid top-down and bottom-up approach. Actions are determined nationally and internationally. Compliance has to be addressed. The agreement has to be predictable and enforceable. Mitigation and adaptation has to be treated in a balanced manner with clear means of implementation on finance and technology transfer.

Ethiopia said that the Annex I Parties must have a top-down-based approach (in determining mitigation commitments) while developing countries take a bottom-up approach and all join in. It said there is data on the emissions of sovereign countries from 1751 to 2009. This

should be the basis for the determination of the top-down commitments for emission reductions for Annex I countries. As for the commitments for finance, the GDP per capita of countries should be the basis. (Ethiopia in its submission under the ADP wanted a review of Annex I, based on per capita emissions of each Party which is in excess of its fair share, looking at the cumulative GHG of each country in 2020 from 1751. It wanted emission rights or atmospheric space to be computed by using a formula and for recognition of inter-generational debt accumulation.)

Tuvalu, speaking for the **LDCs**, wanted a new protocol applicable to all, which is based on the latest science. It should be inclusive and applicable to all and provide strong commitments and deadlines to deliver. It wanted the scale of adaptation to be matched with the agreed mitigation pathways. It wanted institutional approaches to address loss and damage. The new agreement should provide for short, medium and long-term frames and there should be a regular review process so that the goal is compatible with the latest science. It also called for a robust compliance scheme to ensure commitments are met.

Singapore referred to principles, actions, rules and ambition. On principles, it said that they were designed to facilitate enhanced action. The Convention in its current form is able to enhance action and is not in any way a pretext for inaction. The principles set the context and it did not want a set of indicators “plucked from wherever”. It said that the principles and provisions of the Convention enable enhanced action and the way to do that is to allow for the national determination of actions (for emission reductions), taking into account national circumstances, which relate to the context and contributions of Parties. It agreed that national actions will not be sufficient and there is a need for ground rules, which are top-down rules determined in a multilateral way and promote the reciprocal honouring of actions. There is a need for balance between nationally determined actions and internationally determined rules, where all have the same legally binding character. On transparency of implementation, Singapore said that the set of

multilateral rules should apply to all Parties so that the legal character is similar to all and transparency is applicable to all. On ambition (levels) which is linked to science, there is a need to have a discussion on a process or mechanism for periodic review in order to raise the level of ambition.

The Philippines said that the Convention sets the scene for the discussions. It has universal participation and the conditions to move forward. Developed countries continue to have resources and the technology to deal with climate change and should take the lead. Developing countries on the other hand have to deal with poverty eradication and sustainable development in a carbon and resource-constrained world. The cost of reducing carbon in a rich country is not the same as that in a poor one, said the Philippines. Many developing countries have taken actions including in developing national legislation and seek to do more but structural changes in the economies to shift to a low-emissions pathway will be costly. It said that the problem is not in the design but in the implementation gap of the Convention.

Russia called for a legally binding agreement that needs to be forward-looking and is universal in nature. The commitments may be different in form depending on national circumstances and capacities but they will have to be locked in legally. There is a need to deal with mitigation, MRV and compliance. There cannot be a one-sided interpretation of the CBDR principle, it added.

China said that the Convention and the decisions from Durban and Doha of the ADP set the scene for the discussions. The ADP process and outcome are under the Convention and shall be guided by the principles particularly of equity and CBDR. It is not about changing or re-designing the architecture of the Convention but is to strengthen its principles and provisions. The Durban decision sets out the content for enhanced actions in mitigation, adaptation, financial support, technology transfer, and capacity building. These would be the elements of the new agreement. Its purpose is to implement the provisions and focus on specific actions that can be enhanced.

Chile, speaking for the **Independent Alliance of Latin America and the Caribbean (AILAC)**, said that there needs to be an adequate differentiation structure to operationalise the CDBRRC principle and does not imply a rewriting of the Convention. It should allow for universality of action without uniformity of effort. There needs to be a mechanism to enable commitments to be more ambitious over time. It should deliver on equity with each doing their fair share based on different capacities and historical responsibility. There should be a periodic review based on science and a common rules framework to make efforts comparable and to verify them. The application of rules can be differentiated over time and there should be a robust support structure for countries to do both mitigation and adaptation. On the practical application of the equity principle, the result of the application should not be unfair to countries to ensure sustainability and well-being. On the principle of CDBRRC, it should mean that all take commitments to MRV their actions according to different levels of commitments and capacities. There is a need for support for those who have less capacity.

South Africa said that the new legal instrument should realise the full scope of the Convention and its ultimate objective. The ADP outcome is under the Convention and its principles and it is not useful to renegotiate the principles and the annexes. All Parties will have obligations and commitments, which are common and differentiated. Science is a driving force of the agreement. Parties should commit to a temperature rise goal of well below 2 degrees C and ensure broad participation to make sure it allows for flexibility and benefits. There need to be clear commitments on finance. The world is changing and there needs to be a dynamic system to adjust to circumstances and to review to see if Parties are on track. There need to be absolute emission reductions for developed countries and deviation from the baseline for developing countries. There can be a hybrid of top-down and bottom-up pledges with multilateral rules, tools and mechanisms to accommodate national circumstances. There must be robust review and

compliance and transparency as well as an ambitious review process.

New Zealand said that the core value add of the new agreement is the mitigation framework which is applicable to all. The scope needs to be broad but Parties must ask what arrangements are fit for the purpose for the post-2020 agreement. The core elements are mitigation aspects, whether hybrid through bottom-up and top-down approaches. It could be bottom-up in relation to targets and commitments and top-down as regards the rules. The targets/commitments have to be determined by Parties as it is not politically feasible for others to impose them. It should take a variety of forms. The package must reflect national circumstances. It supported the EU idea of a menu of options.

It said there is a need for upfront information about the commitments, with quantification and comparability of efforts. There should be an accounting framework of selected coverage of aspects such as land-use and land use change and forestry, international emissions trading and market mechanisms backed by an MRV system. New Zealand proposed a schedule of commitments which clearly shows national circumstances. It advanced a 'negative list approach' referring to the WTO, on transparency information and allowing for quantification.

(In some free trade agreements, in a 'negative list' schedule, a party states those sectors or measures that are *not* subject to the relevant rules. If a sector, activity or measure is not listed, then it is automatically covered.)

Norway said the principles of the Convention need to be applied to current realities. It is not about rewriting the principles. Differentiation must take into account national circumstances. There needs to be agreement on how a spectrum of commitments can be designed and for common elements for the framework and differentiation. The common framework needs to address transparency, common rules and process for review. There has to be the same degree of legal binding-ness for all. Differentiation cannot extend to the legal form. The agreement should also address climate resilience.

Japan said that the agreement must be applicable to all and the design must attract universal participation. National circumstances could be an incentive for all Parties and there should be flexibility and appropriate differentiation. On the sense of fairness, it said that this is a value-based judgement. There is a need for peer pressure and peer review with the contributions by Parties being transparent and comparable. The MRV system should be robust and through this review system comparability of contributions is ensured. On securing climate effectiveness and ambition, it said peer review will work. The core elements should be self-determination of contributions, a peer review mechanism and transparency.

The **United States** said that ambition has two components – broad participation and ambitious objectives and effective implementation. There is a need to anchor durability. The specific contributions of Parties need to be updated regularly in line with science. The agreement has to be concise and focus on core elements and it has to be a stand-alone agreement with a ‘hub and spokes’ model. (In its submission to the ADP, the US states that the “hub” agreement has the core elements and associated “spoke” decisions contain much of the detail.) On the principles of the Convention, it said there were many understandings. Some key elements of mitigation must accommodate the different national circumstances with a range of emphasis and

providing for transparency and ambition. The agreement must build on the on-going institutions and architecture including adaptation. Financing should reflect evolving realities.

Nauru for **AOSIS** said that a legally binding agreement that ensures the survival of SIDs is needed which is based on science and is applicable to all. It should apply the principles of the Convention, protect the climate system, ensure equity and CBDRRC and include historical responsibility. The annexes to the Convention are integral and not to be renegotiated. The special needs of developing countries including SIDs should be taken into account.

The Marshall Islands said that one area to be looked at is how to address the adequacy commitments in the context of national circumstances. Having a process does not ensure the level of ambition.

Uganda said that there is a need for a top-down approach (in mitigation) as the bottom-up has failed. For the top-down, there is a need for a political vision to get the apportioning of various countries’ contributions, which needs to be fair.

Saudi Arabia said that the ADP is not to renegotiate the Convention, its articles and provisions. The new agreement is about enhancing action in line with the principles. It has to be comprehensive and the CBDR principle is key. It has to be a conduit for sustainable development.