

ADP: Developing countries stress need to address “differentiation” issue in Lima

Geneva, 20 June (Meena Raman) – Several developing countries at the recently concluded climate talks in Bonn stressed the need to address upfront the issue of “differentiation” under the new agreement to be concluded in Paris in 2015.

China stressed that the issue of re-categorising countries away from the current approach under the UNFCCC is “very sensitive” and needs to be discussed at the 2014 December talks in Lima, Peru, and not wait till the last moment in Paris.

China expressed its view at the contact group meeting of the Ad Hoc Working Group under the Durban Platform for Enhanced Action (ADP), which had a focused discussion on Saturday, 14 June, on the ‘structure of the agreement’ which is to be concluded in 2015 and to come into effect post-2020.

It said that the most crucial cross-cutting issue as regards the new agreement is on how to reflect and implement the principle of common but differentiated responsibilities (CBDR) under the Convention. China’s view was shared by the Like-minded Developing Countries (LMDC).

The LMDC was concerned that some countries, led especially by the developed countries, are proposing to create new categories of countries, and some are supporting a dynamic interpretation, including “self-differentiation”. The LMDC view is that differentiation should be kept and reflected between developed and developing countries in accordance with the existing structure, and the annexes of the Convention should continue apply after 2020.

China also said that “differentiation between developed and developing countries does not mean that developing countries will do nothing and lower their level of ambition after 2020.” It

said that the differentiation issue is “very crucial and sensitive” and should be addressed in Lima by reaffirming this principle in the ADP outcomes, and not wait till the last moment in Paris.

Developed countries on the other hand, including Japan, the European Union, the United States, Australia and Switzerland were opposed to the binary approach (between developed and developing countries) being adopted in the new agreement and were supportive of the “self-differentiation” approach by Parties according to the type of mitigation commitments they would undertake according to their “national circumstances”. The EU stressed the need for the “major and emerging economies” to put forward their mitigation contributions in advance of Paris. (There is currently no clarity in the discussions on what is an “emerging economy”.) The developed countries are of the view that the 1992 categorisation of countries into developed and developing countries in the Convention is not relevant for the “political and economic” realities of the post-2020 agreement.

The ADP Co-chairs Kishan Kumarsingh (Trinidad and Tobago) and Artur Runge-Metzger (the EU) posed some questions for Parties to respond to in this regard:

- Issues relating to inter-relationships and cross-linkages between elements (viz. mitigation, adaptation [including loss and damage], finance, technology transfer, capacity-building, transparency of action and support);
- Issues that are cross-cutting across elements;
- Issues relating to placement – which issues are best addressed in the agreement and which issues are more suitable for COP

(meeting of the Conference of Parties of the UNFCCC) decisions;

- Issues relating to timing – whether issues need to be addressed in Lima (2014 COP), in Paris (2015 COP) or later.

Tuvalu speaking for the **Least Developed Countries (LDCs)** said that agreement must be holistic and embrace all the elements with each element having a distinct set of provisions. Appropriate legal and institutional weight should be given to all the elements. The key aspect that sets the condition for all the elements is the overall goal to limit temperature rise to well below 1.5 degree C within this century. The agreement has to be applicable to all based on differentiated responsibilities and capabilities and has to be reflected in relation to all the elements. It said that Parties need to move to higher levels of commitments to raise their efforts based on their respective capabilities. The efforts have to be adjusted in response to science consistent with the 1.5 degree C limit. It wanted an effective review of the efforts every 5 years consecutively with the periodic reviews of the Intergovernmental Panel on Climate Change (IPCC). The regular reviews leading to Parties raising their ambition levels could be in an annex to the agreement which can be amended by COP decisions rather than by ratification to give flexibility to Parties. The mitigation ambition level must be closely linked to commensurate support for the means of implementation.

Tuvalu also said that the commitments and modalities should be legally binding to give the necessary legal certainty that actions will be carried out. It said that the commitments to mitigation and finance could be included in an annex to the agreement with adjustments being done via COP decisions. There should be no backsliding on the commitments. The technical work can be elaborated by means of COP decisions, added Tuvalu.

On the issue of timing in relation to the decisions for Lima, the first relates to the intended nationally determined contributions (INDCs); agreement on what Parties understand by the INDCs and a speedy process for the submission and review of the INDCs. The second is agreement on the elements for the draft negotiating text with Lima being the starting point for commencing negotiations on the legally binding agreement. There has to be a

mandate in Lima for a legally binding agreement, Tuvalu said.

In response to the issues posed by the Co-chairs, **Argentina** for the **Like-minded Developing Countries (LMDC)**, on the linkage issue, said that the key linkage should be between enhanced action by developing countries and the provision of finance, technology and capacity building by developed countries. Another is the linkage between the pre-2020 ambition and the post-2020 ambition, because pre-2020 ambition is the base for enhancing post-2020 ambition. As regards the cross-cutting issues, it said that most crucial is the principle of CBDR and on how to reflect and implement this in the agreement. It stressed that under the Convention, there is no place for a “dynamic” interpretation of CBDR, including “self-differentiation”. It added that differentiation in the 2015 agreement between developed and developing countries should be in accordance with the existing structure of the Convention. This is the only approach that is consistent with the ADP mandate.

On the issue of placement, it said that the new agreement should follow an ‘action oriented approach’. This means that the provisions of the 2015 agreement should focus on enhanced action under the Convention; all the six core elements should be on equal footing and have the same legal nature in the agreement; the agreement should not be merely on mitigation. It added that the institutional arrangements should be built on the existing arrangements coming from previous decisions and should be further strengthened.

On the issue of process, Argentina said the Lima COP session of the ADP should focus on the task agreed in Warsaw in accordance with decision 1/CP.19, paragraph 2(a) on ‘elements’, and paragraph 2(c) on the ‘identification of information’ in relation to the INDCs. The Lima ADP session should not be overburdened, it stressed.

From Lima to Paris, Argentina said Parties should focus on the implementation of paragraph 2(b) of the Warsaw decision (on their domestic preparations of their INDCs and for communicating them by Parties in a position to do so) and on building up the elements of the 2015 agreement. The Paris COP should then focus on concluding the negotiations concerning the 2015 agreement. On the process, it called for a Party-driven, transparent, and inclusive

process. It said that various members of the LMDC had made suggestions on a possible approach towards a collective construction of the ADP draft negotiation text in a way that fully respects all Parties' right to participate.

On the structure of the agreement, Argentina said that the agreement should follow the principles and provisions of the Convention and respect its structure. It believed that this is the best way in which equity and ambition on climate action can be achieved. It proposed the following main elements: a preamble which provides the explanatory context and should contain paragraphs that highlight the objective of the Convention; the protection of the climate system on the basis of equity and CBDR; the historical responsibility of developed countries for historical global emissions etc.

It wanted the first section of the agreement to contain the guiding principles that reflect: the objective of the 2015 outcome as being to further enhance the full, effective and sustained implementation of the Convention and strengthen the multilateral rule-based regime; a commitment by developed countries to take the lead in implementing the Convention; filling in of Annex I and Annex II Convention implementation gaps; enhanced developing country action to be accompanied by increased financing, including the transfer of technology from developed countries; CBDR; protection of the integrity of Mother Earth; comprehensive and balanced treatment of the six elements and for all elements to have the same legal nature.

Argentina said that the second section should refer to enhanced action on mitigation with substantive provisions on equity and CBDR; support to developing countries to address impacts from the implementation of response measures; prohibition of unilateral measures; mitigation and adaptation to achieve net decrease of emission levels; and strengthening the measurement, reporting and verification (MRV) of the provision of means of implementation.

The third section on adaptation should contain provisions that Article 4.4 as the basis for adaptation action of developing countries; developing country adaptation plans and actions shall be supported by Annex II Parties; strengthening of adaptation-related mechanisms, including the creation of an adaptation registry; and Annex II Parties to provide financing for enhanced adaptation, including economic

diversification to build resilience; incorporation of the Warsaw Loss and Damage Mechanism into the 2015 agreed outcome with provision of financing from developed countries.

It wanted the fourth section on finance to contain: provision of financing, including the full operationalization of the Green Climate Fund (GCF), with quantified financial commitments from developed country Parties reflected in an increasing pathway of financial commitments up to and beyond 2020; financing under the Convention from developed countries to support developing countries and approaches to international cooperation to be channelled through the GCF; enhancing MRV of the provision of financing by developed countries.

The fifth section on technology transfer should contain provisions on: enhancing action on technology development and transfer through the removal of barriers and the provision by Annex II Parties of financing for technology transfer; strengthening of the existing Convention technology-related mechanisms and modalities to enhance support by developed country Parties for technology development in developing countries.

Argentina said that the sixth section on capacity building should provide for: enhanced capacity building action to be demand-driven by developing country Parties and supported by developed country Parties; establishment of a mechanism for capacity building funded by the GCF and linked to the work of the technology and adaptation institutions, and with an evaluation mechanism to assess the effectiveness of the delivery of capacity building to developing countries.

The seventh section on transparency and support should provide for transparency arrangements to be differentiated according to the Convention. Annex I Parties should be subject to enhanced MRV for comparability while non-Annex I Parties should use the MRV procedures set up in Cancun and Durban and the MRV of support provided by developed countries to be further enhanced.

China, India, Bolivia, Vietnam, Jordan, Iran, Saudi Arabia, Malaysia and Ecuador echoed the views in the LMDC statement.

Nauru for the **Alliance of Small Island States (AOSIS)** said that a legally binding protocol should be the core product of the ADP. Once

such a protocol is signed, it will provide for national ownership.

Belize for the **Caribbean Community (CARICOM)** also wanted a legally binding agreement that has universal participation with flexibility taking into account the national circumstances of countries. It must cover all elements including loss and damage and a mechanism for reducing emissions from deforestation and forest degradation (REDD-plus). It also called for a methodology for differentiated responsibilities and respective capabilities based on national circumstances. It wanted a 5-year commitment period, a section on compliance and access to carbon markets. It said the Kyoto Protocol lessons could be drawn on.

Sudan for the **African Group** stressed the relationship between workstream 1 (post-2020 agreement) and workstream 2 (pre-2020 ambition). Delivering on the promise on pre-2020 ambition requires developed countries to take the lead in emissions reductions and in the provision of support to limit temperature rise to 2 degree C. A full assessment of the required global effort cannot overlook aspects of all the elements in isolation. Hence the need for an aggregate assessment of the adequacy and fairness in understanding the required effort along all elements, said Sudan.

On the cross-cutting elements, it stressed the importance of the principles in particular equity and CBDR-RC (respective capabilities) and their application as regards the types of contribution, *ex ante* and *ex post* assessments, transparency and compliance. Transparency applies to all contributions and accounting rules, while providing for differentiation between developed and developing countries, respecting national sovereignty and in not being punitive. It also emphasised that the agreement is not just for mitigation but must cover all elements. It also called for the integration of gender considerations in promoting gender balance and improving the participation of women in the process.

The agreement should address the rules, compliance, and an assessment process. Decisions can be used for further elaboration. The agreement needs to address how the INDCs will be accounted for and recognised under the Convention to maintain environmental integrity; provision for the roles of the established

UNFCCC institutions including a permanent response measures forum and the NAMA (nationally appropriate mitigation actions of developing countries) registry. It said that the 2013-2015 Review should provide further guidance to these structures.

On what to focus in Lima, Sudan said it should be on the elements for the negotiating text; information Parties will provide for their INDCs; and a definition of the process for the consideration of the INDCs. It also stressed the need for a decision under workstream 2.

As for the Paris COP, it said there is need to ensure a continuous communication by Parties of their contributions. Beyond Paris, Parties could go into accounting rules. The contributions need to be adjusted prior to 2020 similar to the process adopted under the Marrakech Accords. (The Marrakech Accords is a set of agreements concluded at COP 7, held in 2001, on the rules of meeting the targets set out in the [Kyoto Protocol](#).)

Colombia for the **Independent Association for Latin America and the Caribbean (AILAC)** called for a protocol with an ultimate objective; with long-term global goals expressed differently for each element; it has to catalyse action at the domestic level with a robust structure as a tool to help Parties. It wanted flexibility and diversity for different types of commitments which are ratcheted over time. There is no need for a complicated ratification process, but an instrument which is flexible. It said there is need for a commitment period that is long enough for planning and short enough not to lock in low ambition. It called for a structure with a preamble that includes intergenerational equity and gender.

On the mitigation section, it called for a global mitigation goal with universal action and differentiation among Parties taking into account equity and the special national circumstances of countries. All Parties need to implement INDCs and anchor them in the agreement. It wanted a rules-based system for accounting that allows for the aggregation of efforts. On adaptation, it said the section should anchor the contributions. On the means of implementation, there needs to be a global goal and an anchoring of the contributions towards this. Provision should also be made for transparency of action and support. It wanted a separate item on loss and damage. It also wanted compliance to be embedded in the

instrument, adding that compliance is not about MRV.

China supported the views of the LMDC as well as the African Group. Since Parties are not building a new regime or rewriting the Convention, the structure of the 2015 agreement should be in full accordance with the principles, provisions and structure of the Convention, in particular Articles 4 and 12 of the Convention as per its annexes. The main headings of the agreement should be the six core elements and should follow the 'action oriented approach', which means that the provisions of the 2015 agreement should focus on post-2020 enhanced action to be undertaken under the six elements by developed and developing countries respectively, and should not focus on 'new ideas' or 'new rules' deviating from principles and provisions of the Convention.

For China, the most crucial cross-cutting issue is how to reflect and implement the CBDR principle in the agreement. Some Parties are proposing to create new categories of countries, and some are supporting a dynamic interpretation, including 'self-differentiation'. Its view is that, the differentiation should be kept and reflected between developed and developing countries in accordance with the existing structure, and the annexes of the Convention should continue apply after 2020. This differentiation should be reflected and implemented in all the six core elements and relevant rules, procedures and institutional arrangements. It stressed that this was in line with the consensus achieved in the ADP process that the agreement is under the Convention and guided by the principles and there is no rewriting of the Convention. Differentiation between developed and developing countries does not mean that developing countries will do nothing and lower their level of ambition after 2020. China said that the differentiation issue is very crucial and sensitive and should be addressed in Lima by reaffirming this principle in the outcomes on elements and information, not waiting for the last moment in Paris.

All the six core elements should be on equal footing and have the same legal nature in the agreement. The 2015 agreement should not be merely on mitigation, and while adaptation, finance, technology and capacity building are put into COP decisions. The length of the provisions under each element should also be balanced. On

how to reflect the enhanced action, it proposed four attachments to the agreement. The first is for the emission reduction commitments by developed countries in the common format. The second is for the enhanced mitigation action by developing countries. The third is for the post-2020 finance targets and clear finance roadmap by developed countries. The fourth is for the post-2020 policies and measures on technology and capacity building support by developed countries. China said the arrangements related to raising the level of ambition could be discussed under the task of elaborating the elements for a draft negotiating text. At this stage, it called for focus on the substance and content of the agreement. The legal form is determined by the substantial content of the agreement. It was open to discussing the legal form and compliance issue later.

The most key 'linkage' issue in the 2015 agreement is the linkage between enhanced action by developing countries and provision of finance, technology and capacity building by developed countries, said China. Therefore, Article 4.7 of the Convention should be reiterated in the agreement and fully implemented after 2020. The second linkage in the 2015 agreement is the linkage between support from developed countries and transparency of action by developing countries. There should be a provision in the agreement that developed countries should provide adequate finance, technology and capacity building support to help developing countries to increase their transparency of the action. The third is the linkage among finance, technology and capacity building. Finance is the most crucial element. Developed countries should enhance their finance support based on the starting point of US\$100 billion by 2020. Adequate finance from developed countries will lay a solid foundation for the enhanced support on technology transfer and capacity building, especially for removing the barriers such as IPRs.

The fourth is the linkage between pre-2020 ambition and post-2020 ambition. All developed country Parties should increase their mitigation commitments in 2014 at least 40% below 1990 by 2020, in order to lay a necessary reference level for their post-2020 mitigation ambition. In order to address the level of ambition after 2020 and establish an equitable arrangement, Parties

should prevent the pre-2020 gap in mitigation, adaptation, finance and technology being transferred to the post-2020 period, said China. The fifth is the linkage between the post-2020 arrangement and the existing institutions and rules. The detailed rules and institutional arrangements related to the 2015 agreement should be built on the existing rules and arrangements coming from the Bali process and the previous decisions. The institutional arrangements should be further strengthened in the 2015 agreement as needed, it added.

In Lima, Parties should accomplish the tasks agreed in Warsaw in accordance with the Durban mandate. China said Parties should not overburden the tasks in Lima or reopen the debate on the interpretation of what was agreed in Warsaw. In Paris, Parties should achieve the agreement and determine its final legal form in time. They could also identify the further detailed tasks that need to be dealt with after Paris.

Bolivia said that one of the most important challenges in climate change is related to the urgent need to create effective links between mitigation, adaptation, and sustainable development and poverty eradication. Climate resilience must be at the center of climate change actions in the future according to the IPCC in the context of the sustainable development and poverty eradication framework. The IPCC reports have established that significant co-benefits, synergies, and tradeoffs exist between mitigation and adaptation and among different adaptation responses. It stressed the need to enhance mitigation, adaptation, and sustainable development in a more holistic, comprehensive and integrated way in the context of climate change, and in the context of strengthening the principles and provisions of the Convention in the context of equity and CBDR.

Bolivia said it has proposed to create two specific mechanisms in order to foster this: the Joint Mitigation and Adaptation Mechanism for the Integral and the Sustainable Management of Forests as alternative to results-based payments in the context of the REDD-plus; and the Mechanism for Climate Resilience and Sustainable Development as a non-market-based approach. These are instruments based on the international cooperation of Parties, according to Article 4.7 of the Convention that establishes the provision of finance, transference of technology and capacity building by developed countries to

developing countries for the achievement of the sustainable management of forests considering jointly mitigation and adaptation. It also emphasized the need to address the relationship between indigenous, local and traditional knowledge systems and practices with respect to the implementation of mitigation and adaptation actions.

Bolivia identified the protection of the integrity of Mother Earth as a cross-cutting issue. It said that all the elements in a comprehensive way must take into account the protection of integrity of Mother Earth. This means considering fully the recognition of the rights of Mother Earth in the implementation of all the elements of the agreed outcome. It also stressed that all elements must be framed and implemented under the principles of the Convention in particular we must take into account that the work must be guided by the principle of CBDR, taking into account the lead of developed country Parties and their fulfillment of commitments under the convention. Also, equity is a central element of the mandate for the ADP. It also stressed the importance of the commitments in the context of the Convention, especially that of Article 4.

For Bolivia markets are not a sustainable solution to climate change and environmental problems. Bolivia has proposed to establish at the 2015 agreed outcome a clause with a moratorium on the establishment of the new market-based mechanisms for climate change following a precautionary principle. The Convention is inherently non-market-based. It is necessary to strengthen the means of implementation of the Convention related to non-market-based approaches oriented to respect the integrity of Mother Earth.

India said the goal of the ADP outcome is to enhance action under the Convention and not to create a new agreement. It said the same legal status has to be accorded to all elements. It did not foresee a core agreement with peripheral COP decisions, adding that all the Bali Action Plan pillars are all core elements. It said there could however be a variation in the details as regards each element. By Lima, there has to be agreement on the broad structure on the elements and to work on detailed texts after that and before Paris. Details on processes may be considered post-Paris. Finance, technology transfer and capacity building cannot be treated differently. Mitigation and adaptation cannot be

achieved without support; otherwise, it would be a travesty of the decision reached in Durban. India said that equity and CBDR are cross-cutting issues which should be addressed. It also stressed that there should be no backsliding in the commitments of developed countries in the implementation of the Convention. It said the INDCs are for all elements. It also wanted a clear roadmap for the ADP's work from October meeting in Bonn to the Lima COP with Party-based formal textual negotiations.

South Africa said there is a linkage to the ultimate objective of the Convention and on the need for adaptation and mitigation to be treated in a balanced and complementary manner. The link between the required action needed and the means of implementation has to be addressed. A global goal on adaptation is needed to join the dots between the mitigation ambition level, adaptation and support for loss and damage. It added that equity and transparency cuts across the elements, and are necessary keys to unlock the full participation of all countries. There is need to also assess what Parties will communicate *ex ante* in relation to their contributions. In Lima, it stressed the need for a decision on the link between the information and what Parties will be putting forward in the INDCs; for an *ex ante* assessment of the adequacy and fairness of the contributions and on information as to why the contribution is adequate. It said defining finance pathways as also being necessary. On the institutional linkages, it said that new agreement must build on the impressive architecture of the existing bodies including those in the Kyoto Protocol. It also supported market mechanisms and REDD-plus for enhancing action.

The **Dominican Republic** said that differentiation could be on the basis of the type of commitments made, allowing for flexibility to change in time. It said this was consistent with the Convention. Equity means an *ex ante* review of the commitments, it added, saying that equity must include the delivery of outcomes. An agreement which is equitable in the present but not the future is a travesty to intergenerational equity.

Australia said that the overarching objective of the new agreement is for real measurable results, with universal participation. It has to be durable, and complement countries' domestic policies and provide a signal for future investments. It is

necessary to look at what will enable countries to participate in the agreement and to address the potential disincentives. In relation to mitigation which it stressed is central to the agreement, there needs to be commitments by all countries that are transparent and quantifiable. The agreement will cover all elements in a way to deliver outcomes.

On the structure of the agreement, the core is a legal instrument, with INDCs in national schedules. The legal instrument should reflect the highest level of commitments which are durable. The national schedules will capture the national efforts; the schedules will be anchored in the new agreement and provide for a process for updating and modification. The schedules are not part of the ratifiable instrument. There would also be implementing decisions needed for formalising and renewing contributions; for accounting rules; the sharing of information on adaptation etc. The core instrument needs to have a simple functional approach, said Australia. The context is the Convention's objectives reflecting the current political and economic context. The new agreement should be based on collective and national commitments, with a global mitigation goal which is quantifiable, with cooperative support for implementing climate action. It has to be rules-based in relation to the transparency of commitments and will also involve decisions to elaborate different areas. The existing institutions and infrastructure needs to be leveraged and there needs to be arrangements for the review of the contributions. Australia said that the mandate of the ADP is to develop an agreement which is applicable to all. The differentiation of countries has to be sensitive to the national circumstances and must evolve over time and has a direction of travel (in terms of meeting the objective).

The **European Union** was of the view that the new agreement should be a protocol. Its key feature is durability. There needs to be a careful consideration of what is in the core agreement and what needs to be in accompanying decisions. A best structure is one that is simple and concise. It should cover all the elements. It should have the essential obligations for ratification. The governance system should be in the agreement and allow for details to be elaborated through COP decisions. On mitigation, there needs to be the long-term global goal with the aggregate emissions pathway to limit temperature rise to 2

degree C. There should be legally binding mitigation commitments and for no backsliding of commitments; it should also strive towards economy-wide targets. The INDCs should be transformed from 'intended' to binding commitments before COP 21 (Paris).

For the EU, the agreement should be informed by science taking into account evolving capacities and capabilities. It also wanted provision for joint-fulfilment of the commitments as well as carbon markets. In relation to the INDCs, a decision is needed with urgency for all major and emerging economies to come forward with their contributions, added the EU. It stressed the need for upfront information for the INDCs that are quantifiable and comparable. The EU wanted an assessment of the INDCs to see the aggregated level of mitigation ambition and if they are fair, so as to raise the ambition before Paris.

It also stressed the need for clear rules for MRV and accounting, including for the land use sector and for markets. Differentiation should be based on the type of commitments according to national circumstances. Further elaboration of the rules and details could be through accompanying decisions. It did not agree that rules have to be agreed to before finalising mitigation commitments. It said that the land sector should recognise the link to food security, biodiversity, adaptation and synergies within. The EU said that adaptation needs to be achieved through climate resilient sustainable development. There should be a reinforcement of commitment for actions by all. The Cancun Adaptation Framework needs to apply to all Parties. The agreement should anchor the purpose of the provision of finance to limiting temperature rise to below 2 degree C. It should send a clear signal to the private sector. There could be COP decisions on finance, the EU added.

Japan said that the means of implementation are tools that serve mitigation and adaptation actions. Transparency is a cross-cutting issue. The universality of application is also a cross cutting issue, including the operationalization of CBDR-RC. It stressed that a binary approach (of developed and developing countries) could not be continue. The agreement must fit the text of durability. Mitigation commitments can be inscribed in national schedules which can be of an evolving nature. The schedules should not be

at the core of the agreement as they should not be subject to ratification.

The United States said that the core agreement has to be concise so that it is much easier to negotiate; is easier to implement at home; is durable and appropriate for the long-term. It should help to move Parties to a focused mode on implementation and to understand of each other's actions, looking and learning from each other's experiences. Keeping the core agreement short means it should contain the basic provisions with details elaborated in decision texts, as in the case of accounting provisions.

The details are part of the broader outcome after Paris, said the US. Each Party is required to have initial legal obligations to do certain things, like maintaining a mitigation contribution. This could be reflected in a schedule of contributions, which can be updated without amendments to the core agreement. Another is for upfront information on the INDCs in the first cycle to be part of the agreement. There needs to be obligations to report and to follow rules that are agreed to and countries need to review this against their implementation. There needs to be an important place for adaptation and to elevate its priority.

On timing, Parties could take a decision in Paris (in 2015) on the timeline for further work between 2016 and 2020 on decisions on accounting rules, elaborating the post-2020 MRV framework, additional guidance on adaptation actions. It need not elaborate on every detail. On the structure of the text, it has to contain individual and collective aspects,

It said further discussion is needed on differentiation and how that is treated. On whether mitigation is conditioned on finance, the US said this needed more exploration.

Switzerland in response to the LMDC position said it would not support differentiation of countries along the lines of Annex 1 and non-Annex 1 categories. On the questions posed by the Co-chairs, it said that finance, technology transfer and capacity building are tools to enable the upward spiral for most ambitious actions. Cross-cutting issues will include an updating of the Annexes, MRV and processes for updating. It said that it had made a submission in March on which elements should be considered for Lima, which should be in COP decisions, and which are for the annexes. It said that on

commitments for adaptation, this could also be in an annex.

On the timing, it said a decision needs to be adopted in Lima clarifying what is the minimum upfront information needed for the INDCs, with a clarifying process for the consideration of the INDCs. It said the Paris agreement has to be

durable, concise and cover the different elements. COP decisions could be adopted for further details on the rules, MRV, markets. If the contributions are not finalised, a decision would be needed on how they would be compiled, and compared.