

AOSIS
ADP CONTACT GROUP - 19 OCTOBER 2015

TEXTUAL INSERTIONS

Preamble

Pp4 *Emphasizing* the need for universal and sustained action by all to respond to the urgent threat of climate change based on the best available scientific knowledge, [including the findings of the IPCC in its Fifth Assessment Report](#).

[New Pp5bis](#) *Recognizing* the outcomes of the 2013–2015 Review, including the Report of the SED, which [recognizes that “significant climate impacts are already occurring at the current level of global warming and additional magnitudes of warming will only increase the risk of severe, pervasive and irreversible impacts.”¹](#)

Pp6 *Taking account* of the particular vulnerabilities and specific needs of [developing country](#) Parties, especially the [small island developing states \(SIDS\) and](#) least developed country (LDC) Parties,

Art 2 - Purpose

1. The purpose of this Agreement is to enhance the implementation of ~~the objective of~~ the Convention and strengthen ~~and support~~ the global response to the urgent threat of climate change by [ensuring deep cuts in global greenhouse gas emissions so as to hold the increase in the global average temperature to below 1.5°C above pre-industrial levels and providing support to developing countries Parties, particularly the most vulnerable, to assist them in addressing and responding to further addressing its causes and by further increasing resilience and the ability to adapt to its](#) ~~the~~ adverse impacts of climate change. [Implementation of this Agreement will promote](#) the global transformation to low-emission and climate-resilient societies and economies. ~~It reflects common but differentiated responsibilities and respective capabilities, in light of different national circumstances.~~
2. ~~Parties recognize that deep cuts in global greenhouse gas emissions are urgently required, with a view to reducing such emissions so as to hold the increase in the global average temperature [below 2 °C][below 2 or 1.5 °C] above pre-industrial levels, without prejudice to adjusting the global long-term temperature goal on the basis of the best available scientific knowledge.~~

¹ [FCCC/SB/2015/INF.1: Message 4](#)

Art 3 – MITIGATION

3.3 Each Party, ~~when shall~~ communicate to the secretariat a [proposed] [intended] nationally determined mitigation [contribution][commitment][other] [shall][should][other] at least 12 to 18 months prior to the session of the CMA at which nationally determined mitigation commitments will be updated. In communicating their [proposed] [intended] nationally determined mitigation [commitments][contributions], Parties shall provide the information necessary for clarity, transparency and understanding, in accordance with decision 1/CP.21 and any subsequent decisions by the CMA.

New 3.4bis. In the 12 months prior to the collective updating of nationally determined mitigation commitments, the CMA shall conduct a preparatory process to facilitate the clarity, transparency and understanding of the [proposed] [intended] nationally determined mitigation [commitments][contributions] and their aggregate effect in the light of the long-term temperature goal in Article 2 of this Agreement. The preparatory process shall be conducted in accordance with modalities and procedures to be adopted by the CMA at its first session. Thereafter, each Party shall submit a nationally determined mitigation commitment at least three months prior to the session of the CMA at which nationally determined mitigation commitments will be collectively updated.

New 3.4ter. A Party may, at any time, submit an update to its nationally determined mitigation commitment that represents a progression in ambition beyond its previous efforts, in accordance with the simplified adjustment procedure referred to in Article X.

3.5: Make changes to reflect that each Party shall apply accounting principles currently in Decision text, para 30

New Art 3.5bis: clear language providing for use of markets, subject to rules that avoid double counting and ensure environmental integrity.

Replace current Art 3.12

“Developing country Parties shall provide support to developing country Parties in the implementation of this Article, including through the provision of financial resources in accordance with Article 6 of this Agreement, are eligible for support in the implementation of this Article.”

Art 10 – GLOBAL STOCKTAKE

1. The CMA shall take stock of the implementation of this Agreement to assess aggregate progress towards achieving the objective of the Convention in its Article 2 and the purpose of this Agreement in a comprehensive and facilitative manner. The stocktaking shall consider the

aggregate effect of the efforts by Parties in the light of the long-term temperature goal, taking into account information of the implementation of individual and collective efforts under the Agreement, as well as assessments of the best available science , including reports of the IPCC, with a view to enhancing the implementation of the Agreement.

2. The CMA shall undertake its first global stocktake in [2023][2024] on the basis of the modalities to be adopted by the CMA at its first session, and shall conduct a global stocktake every five years thereafter, or at other regular intervals to be if so decided by the CMA.

DECISION TEXT

17. *Invites* all Parties to consider enhancing the ambition of their mitigation efforts before they submit their nationally determined mitigation [contribution][commitment][other] [in accordance with the provisions of Article [17] of the Agreement on the preconditions for joining the Agreement], and requests Parties to ensure that there is no backsliding from the level of mitigation effort in a Party's intended nationally determined contributions when submitting their nationally determined mitigation commitment.

New 18bis. Further requests the IPCC to provide a special report on the impacts of warming of global warming of 1.5C above pre-industrial levels, and global greenhouse gas emissions pathways required to achieve the long-term temperature goal.

24. *Acknowledges* that Parties may adjust the submission of their first nationally determined mitigation [contribution][commitment][other] to make them consistent with the rules and guidance for accounting for anthropogenic greenhouse gas emissions and removals pursuant to Article 3, paragraph 5, of the Agreement, subject to the requirement that Parties will ensure that there is no backsliding in the level of mitigation effort.

EXPLANATION OF KEY INSERTIONS

Preamble

- The end of PP5 must include a reference to the most recent findings of the IPCC.
 - After “best available scientific knowledge”, the paragraph should read “including the findings of the IPCC in its Fifth Assessment Report”.
- Given the Durban mandate refers to the 2013-2015 Review as one of the specific inputs to be taken into account in the work of the ADP, we need to see a new PP5bis to recognize the outcomes of the 2013-2015 Review. We suggest:
 - “Recognizing the outcomes of the 2013-2015 Review, including the report of the Structured Expert Dialogue, which found that “significant climate impacts are already occurring at the current level of global warming and additional magnitudes of warming will only increase the risk of severe, pervasive and irreversible impacts”.
- PP6 must refer to taking into account the particular vulnerabilities and specific needs of SIDS (not only LDCs), consistent with the Convention. The paragraph should read:
 - *“Taking account of the particular vulnerabilities and specific needs of developing country Parties, especially the least developed countries (LDC) and small island developing states (SIDS)”.*

Purpose

- Over recent sessions, in particular the September session, we have heard much convergence that the long-term temperature goal should be at the heart of the overall purpose of the Agreement.
- As currently drafted, the temperature goal is expressed in Article 2.2 as part of a factual statement about the need for deep cuts in emissions. It instead needs to be expressed as part of Article 2.1 so that limiting warming to safe temperatures and avoiding the worst impacts is the actual objective of the action we take pursuant to this Agreement. This would do away with the need for a separate paragraph 2.2.
- There also needs to be a clear and clean option in the purpose of a long-term temperature goal of ‘below 1.5 degrees’, particularly given the wide support and the recent findings of the Structured Expert Dialogue as part of the 2013-2015 Review.
- Our textual proposal to capture all of these points would read:

“The purpose of this Agreement is to enhance the implementation of the Convention and strengthen the global response to the urgent threat of climate change by ensuring deep cuts in global greenhouse gas emissions so as to hold the increase in the global average temperature to below 1.5°C above pre-industrial levels...”, and then continue as in the current draft of this para.

Mitigation

- On Article 3, we feel the draft provisions we have are completely inadequate to drive the necessary mitigation outcomes consistent with our long-term temperature goal. The article must establish a clear and logical sequence of provisions for the regular checking of progress and updating of commitments on a common timeframe, which it clearly does not currently do.
- The critical element missing is the obligation on Parties to communicate their proposed or intended nationally determined commitments / contributions 12 to 18 months prior to their inscription, which then allows for a 12-month preparatory process to facilitate the clarity, transparency and understanding of the commitments / contributions and their aggregate effect. The very broad and open-ended reference in the current para 3.10 to the CMA facilitating clarity, transparency and understanding at an unspecified time and in an unspecified manner is entirely inadequate. It would represent a backsliding even on the understanding we had in Lima. We would therefore propose a series of three short paragraphs to step out this process.
- First, it should start with a version of the current Article 3.6 that would establish common timeframes for updating commitments at a session of the CMA.
- Second, we would need a revised version of the current Article 3.4, which would read as follows:

“Each Party shall communicate to the secretariat a [proposed] [intended] nationally determined mitigation [commitment][contribution] at least 12 to 18 months prior to the session of the CMA at which the nationally determined mitigation commitment will be updated. In communicating their [proposed] [intended] nationally determined mitigation [commitment][contribution], Parties shall provide the information necessary for clarity, transparency and understanding, in accordance with decision 1/CP.21 and any subsequent decisions by the CMA.”
- Third, we would have a new Article 3.4bis to establish the preparatory process, reading:

“In the 12 months prior to the collective updating of nationally determined mitigation commitments, the CMA shall conduct a preparatory process to facilitate the clarity, transparency and understanding of the [proposed] [intended] nationally determined mitigation [commitments][contribution] and their aggregate effect in the light of the long-term temperature goal in Article 2 of this Agreement. The preparatory process shall be conducted in accordance with modalities and procedures to be adopted by the CMA at its first session. Thereafter, each Party shall submit a nationally determined mitigation commitment at least three months prior to the session of the CMA at which nationally determined mitigation commitments will be collectively updated.”
- As was largely agreed by Parties at our last Bonn session, we need a provision in our legal agreement allowing a Party to upgrade ambition at any time. It could be inserted as Article 4ter, and would read:

“A Party may, at any time, submit an update to its nationally determined mitigation commitment that represents a progression in ambition beyond its previous efforts, in accordance with the simplified adjustment procedure referred to in Article X.

- In relation to accounting principles referenced in Article 3.5, we believe that the principles currently set out in the decision text at paragraph 30 could be of some use in fleshing out this draft Article.
- In addition, we would also see value in a more precise reference to the use of markets in the draft agreement. We have submitted proposed text to you previously in an effort to show what a clearer formulation could look like to avoid double counting and ensure environmental integrity, and will submit this again for your consideration.
- Finally, we need to rewrite the very weak and Convention-undermining provision we currently see in Article 3.12 on support for mitigation by developing countries. We need something here that gives us the assurance that our new and ambitious mitigation efforts will be supported. We would suggest the following:

“Developed country Parties shall provide support to developing country Parties in the implementation of this Article, including through the provision of financial resources in accordance with Article 6 of this Agreement.”

Stocktake – Article 10

- On the stocktake, we feel the need for some more specificity on the timeline and inputs for this critical part of our new Agreement. We feel the first sentence of Article 10.1 must include a reference to the purpose of this Agreement, followed by a second sentence that reads as follows:

“The stocktaking shall consider the aggregate effect of the efforts by Parties in the light of the long-term temperature goal, taking into account information of the implementation of individual and collective efforts under the Agreement, as well as assessments of the best available science, including reports of the IPCC, with a view to enhancing the implementation of the Agreement.”

- And Article 10.2 must include a reference to doing a stocktake every five years, as was widely agreed during the last session. We would propose the following text:

“The CMA shall undertake its first global stocktake in [2023][2024] on the basis of the modalities to be adopted by the CMA at its first session, and shall conduct a global stocktake every five years thereafter, or at other regular intervals if so decided by the CMA.”

DECISION

- We have wide agreement on the principle of “no backsliding”, and so would want some language to provide reassurances of no backsliding from the level of ambition in INDCs before submitting a commitment under the Agreement. At the end of para 17, we would add the following words:

“...and requests Parties to ensure that there is no backsliding from the level of mitigation effort in a Parties’ intended nationally determined contributions when submitting their nationally determined mitigation commitment.”

- In this vein, we would also like to express support for the notion of a stocktake of progress in 2018 or 2019, but consider that it would be important to have a report from the IPCC to help inform it. The language for a para 18bis would read:

“Further requests the IPCC to provide a special report on the impacts of warming of global warming of 1.5C above pre-industrial levels, and global greenhouse gas emissions pathways required to achieve the long-term temperature goal.”

- Finally, we would like to strongly suggest the inclusion of additional language at the end of para 24 to prevent any abuse of the “adjust for rules” provision by expressly outruling any backsliding. At the end of that paragraph, it would read:

“...subject to the requirement that Parties will ensure that there is no backsliding in the level of mitigation effort”