Proposal by Cuba on ADP Draft Decision Text: “Advancing the Durban Platform for Enhanced Action” (Pars. 1-22)

General comments (all comments on italic and bold)

Cuba shares the concern of those Parties who have expressed this draft decision should exclusively deal with information related to INDC. Attempts to use the draft as a proxy to bring issues that are to be negotiated under the agreement will only delay the process and will not be acceptable.

The draft decision should be kept as simple and short as possible addressing only the issues under the Warsaw mandate.

The whole Draft is very “mitigation centered”, and a more balanced focus is required, to consider adaptation and MoI. These comments apply to several preambular and substantives paragraphs.

MRV for MOI are insufficiently developed compared to MRV for mitigation. Wider participation of developing countries in mitigation efforts is contingent upon increase support. Thus, balance is required in the treatment of the MRV system for the MOI’s.

Differentiation between developed and developing countries becoming blurred in many parts of the draft. There is not enough clarity in the different responsibilities, including on MoI. Differentiation have to be also clear regarding the review process (ex post and ex ante review modalities), in order to avoid creating new burdens and obligations on over vulnerable developing countries.

Cuba strongly opposes the views advanced by some Parties indicating that no place for differentiation should be given in the text. Differentiation is fundamental to finalize an agreement that is acceptable to all. Furthermore, we have great concern with proposals aim at changing the structure of the Convention and its annexes.

Specific comments.

1. Welcomes the elaboration and consideration of elements for a draft negotiating text undertaken by the Ad Hoc Working Group on the Durban Platform for Enhanced Action in response to decision 2/CP.18, paragraph 9, and decision 1/CP.19, paragraph 2(a);

2. Decides that the Ad Hoc Working Group on the Durban Platform for Enhanced Action shall conclude its work as early as possible by making a recommendation for a protocol, putting forward the elements for a draft negotiating text another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties and any accompanying draft decisions for adoption by the Conference of the Parties at its twenty-first session (November–December 2015).
The language with respect to “recommendation” should be changed to something that is consistent with the mandate from Doha to “consider elements for a draft negotiating text”.

The reference to a “protocol, … and any accompanying draft decisions …” opens the way for a core mitigation-only agreement with legal force and accompanying (less legal force) COP decisions on the other elements. It is important to guarantee that the main, legally binding agreement, encompass all the elements of the Durban Decision, and that any further decision is only complementary to that.

3. Requests the Ad Hoc Working Group on the Durban Platform for Enhanced Action to further intensify the process of negotiation on the draft negotiating text towards the achievement of the recommendation referred to in paragraph 2 above;

**Comments**

See comments to par.2

4. Affirms that the draft negotiating text recommendation referred to in paragraph 2 above shall address include all the elements referred to in decision 1/CP.17, paragraph 5, including, inter alia, mitigation, adaptation, finance, technology development and transfer, capacity-building and transparency of action and support;

**Comments**

See comments to par.2

5. Affirms its determination to achieve political parity between mitigation and adaptation in the protocol, another legal instrument or agreed outcome with legal force referred to in paragraph 2 above;

**Comments**

Replace “political” with “legal”. The reference to “political parity” does not ensure equal and balanced treatment in the legally binding agreement.

6. Affirms that transparent demonstration of the full and effective implementation of existing actions and commitments under the Convention is essential for providing a solid foundation for enhanced action and for building trust and confidence;

7. Welcomes both the progress made by Parties in domestic preparations for their intended nationally determined contributions in response to decision 1/CP.19, paragraph 2(b), and notes the support being provided to developing countries for the preparation of their intended nationally determined contributions in response to decision 1/CP.19, paragraph 2(d).
8. Notes that the scope of contributions is to be nationally determined, in the context of Article 2 of the Convention.

9. Stresses that all Parties should include a mitigation component in their intended nationally determined contributions;

Comments

Propose to delete the par. because unbalance. Other alternative is to refer to all the elements to be included in the INDC, particularly MoI, and put it in a differentiated manner between developed and developing countries.

10. Agrees that achievement of the aggregate level of ambition indicated as necessary by the scientific findings assessed in the Fifth Assessment Report of the Intergovernmental Panel on Climate Change requires:

(a) Implementation of contributions by each Party beyond any commitment or action currently undertaken by it under the Convention or its Kyoto Protocol

a) nationally determined contributions on mitigation, adaptation, and means of implementation, consistent with Parties' commitments under the Convention

(b) Mobilization and provision by Parties included in Annex II of the Convention increasing levels of financial, technological and capacity-building support for developing country Parties, in particular those most vulnerable to the adverse effects of climate change;

Comments

Current a) fails to distinguish between developed and developing countries and we propose to delete and replace.

On b) new language proposed to define who is responsible for providing MoI.

11. Recognizes that the intended nationally determined contributions from developing countries that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States, will reflect their efforts in the context of their specific needs and special situations;

12. Notes that intended nationally determined contributions associated with the different elements referred to in paragraph 5 of decision 1/CP.17 have unique characteristics and time frames;

Comments

To be deleted. No clear what it means

13. Invites Parties, pursuant to decision 1/CP.19, paragraph 2(b), to communicate to the secretariat their intended nationally determined contributions by providing information
on the type of contribution, time frames and periods, scope and coverage, expected outcomes and, if relevant, any references, methodologies and accounting approaches used, taking into consideration, as appropriate, the complementary information identified in the annex, in accordance with their national circumstances;

14. Notes that the arrangements specified in this decision in relation to intended nationally determined contributions are without prejudice to the legal nature of the contributions of Parties or to the content of the protocol, another legal instrument or agreed outcome with legal force referred to in paragraph 2 above;

15. Also notes that having to provide information when putting forward intended nationally determined contributions will facilitate domestic preparations, as well as the clarity, transparency and understanding of those contributions, without prejudice to the legal nature of the contributions of Parties and to the protocol, another legal instrument or agreed outcome with legal force under the Convention applicable to all Parties, to be adopted by the twenty-first session of the Conference of the Parties;

Comments

*We see this paragraph as redundant, so it can be deleted.*

16. Further notes that the information communicated by Parties on their intended nationally determined contributions, including the provision of the means of implementation by Annex II Parties to developing country Parties, should enhance the understanding of whether the aggregate effect of the efforts of all Parties brings global emissions on a pathway consistent with achieving the objective of the Convention, set out in its Article 2, and in light of the goal of holding the increase in global average temperature below 2 °C or 1.5 °C above pre-industrial levels, consistent with the scientific findings assessed in the Fifth Assessment Report of the Intergovernmental Panel on Climate Change;

17. Decides, in order to enhance understanding among Parties of the intended nationally determined contributions, to provide opportunities for seeking and providing clarification to Parties and admitted observer organizations via electronic means, noting that future arrangements will be determined by the provisions of the protocol, another legal instrument or agreed outcome with legal force under the Convention applicable to all Parties, to be adopted by the Conference of the Parties at its twenty-first session, and any decisions that will give effect to these provisions.

18. Encourages each Party to provide, through the electronic means referred to in paragraph 17 above, written responses through the secretariat to questions for clarification within one month of the questions being made available;

19. Requests the secretariat to:

(a) Publish the intended nationally determined contributions as communicated by Parties and a compilation of the information provided by Parties referred to in paragraph 13 above on the UNFCCC website;
(b) Create the electronic means referred to in paragraph 17 above and publish the questions and responses referred to in paragraph 18 above on the UNFCCC website;

20. Also requests the secretariat to organize workshops in conjunction with the session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action to be held in June 2015 and its subsequent session with the objectives of:

(a) Enhancing the clarity, transparency and understanding of the aggregate effect of communicated intended nationally determined contributions;

(b) Facilitating efforts by Parties that have not communicated their intended nationally determined contributions up to that point;

Comments

Pars 17 to 20 refer to the ex ante process. In this regards, the whole process shall be designed in a non intrusive manner and with due differentiation of developing/developed countries responsibilities and capabilities, with more flexibility provided to developing countries in the timeline and in the content. Compilation of commitment by developed countries and contributions by developing countries to be made separately in two documents.

21. Urges developed country Parties and other Parties in a position to do so, the operating entities of the Financial Mechanism of the Convention and any other organizations in a position to do so to continue to provide support to developing country Parties for the preparation and implementation of their intended nationally determined contributions.

22. Requests developed country Parties and other Parties in a position to do so, the operating entities of the Financial Mechanism of the Convention and any other organizations in a position to do so to submit to the secretariat no later than 31 January 2015, information on the support provided to developing country Parties for the preparation of their intended nationally determined contributions, and on lessons learned from this collaboration, and requests the secretariat to make this information available on the UNFCCC website;