

Submission of the United States of America

Mitigation and its Associated Means of Implementation Ad Hoc Working Group on Long-term Cooperative Action under the Convention September 30, 2008

The United States is committed to achieving an agreed outcome in Copenhagen that puts us on a path to effective global action on climate change. These actions should be nationally appropriate, meaning that the type and level of actions will span a broad range, as countries' circumstances are very different. Actions should respect the development imperative of developing countries, just as all of our actions should increase the welfare of current and future generations.

In Accra, we were encouraged by Parties' interest in reducing emissions from deforestation—and reporting these actions in a measurable and verifiable manner. We anticipate this may constitute, for some countries, an important component of their nationally appropriate mitigation actions.

The United States has made several submissions and interventions on the subject of mitigation. We have set forth certain desirable characteristics of an agreed outcome (such as being simple, environmentally effective, and likely to attract participation). We have also commented on other aspects of the mitigation aspects of the agreed outcome, such as the ways in which the world has changed since 1992 and the need for the Convention to remain relevant. Please refer to those statements for an elaboration of our views.

As we look forward, we would like to focus on a few other aspects of mitigation, specifically noting issues/questions that call for further discussion in the coming months.

We believe the consideration of the following issues/questions would be illuminating:

What is common? Much attention has been paid by Parties to the word “differentiation” in the principle of common but differentiated responsibilities and respective capabilities (“CBDR”). Less time has been spent on the word “common” and how it should be applied in the mitigation context of the agreed outcome. We propose that time be spent setting forth views on which elements of the agreed outcome on mitigation will be “common” for all Parties.

What are Parties' existing mitigation commitments under the Convention? Some have commented that developing countries do not have any mitigation commitments under the Convention. In fact, Article 4.1 does contain mitigation commitments for all Parties. While the chapeau of that Article makes clear that not every Party is expected to implement such commitments identically, there nonetheless clearly are mitigation commitments for all.

What are “developed” and “developing” countries? Another issue for further consideration, picking up on the idea that the Convention needs to remain relevant not just in terms of scientific advances but in terms of economic and emissions trends, is how best to apply the concepts of “developed” and “developing” countries in subparagraphs 1(b)(i) and 1(b)(ii) of the Bali Action Plan.

How do we make nationally appropriate mitigation actions “measurable,” “reportable,” and “verifiable”? In the U.S. view, these are among the areas where the “common” in CBDR would be very relevant. We currently lack basic information on greenhouse gas emissions. For the Convention to be effective, it will be essential that Parties, whether developed or developing, have a common basis for understanding the nature of Party contributions and gauging progress toward achieving them. This will require more frequent reporting. We should look at the experience under the Convention with measurement, reporting and verification as relates to specific mitigation actions, and consider how it might be strengthened so as to provide accurate and timely information.

How do we reflect “national actions” in an agreed outcome? The concept of “nationally appropriate” national actions has a clear linkage with countries’ respective capabilities. We tend to agree with those who believe that the UNFCCC should provide a means of recognizing the actions they are taking or will take pursuant to the Bali Action Plan and encouraging more such action in a manner that will enable Parties to meet the Convention’s ultimate objective. We believe that all countries should put forward their nationally appropriate mitigation actions in a manner that is measurable, reportable, and internationally verifiable. We would expect that extent and stringency of these actions would be consistent with the circumstances and capability of each country.

The Bali Action Plan leaves open the legal character of mitigation efforts. Countries have taken differing positions on whether efforts should be reflected in legally-binding form, whether the binding aspect of efforts should relate to substantive content or to more procedural elements, whether all Parties’ efforts should be reflected in the same manner, etc. It is difficult to assess whether the discussion of “character” should precede the question of “content” or vice versa. In either event, the U.S. considers that, while the content of various countries’ efforts may differ, the character needs to be the same.

What are countries’ views on comparability? The issue of “comparability” in subparagraph 1(b)(i) of the Bali Action Plan—to be taken into account by developed Parties when assessing each other’s efforts—will involve a variety of relevant factors. They will involve questions of:

- Who? — e.g., which are “all developed country Parties;” the fact that each and every developed country Party is to be individually evaluated in terms of its efforts;
- What? — one would presumably need to consider a variety of aspects, e.g., which actions are relevant; how efforts are to be assessed; what the domestic character/status of the efforts is; what the national circumstances are; what the purpose of efforts are and have been; actual implementation;

- Where? — it will need to be considered whether “efforts” include domestic actions, actions abroad, efforts undertaken by another country where Parties have been operating jointly, assistance to developing countries to mitigate climate change, etc.
- When? – there will be issues of the relevant time period(s), the question whether efforts need to be evaluated based on actual implementation vs. ex ante promises; etc.

What is the role of sectoral approaches? How do we strengthen the catalytic role of the Convention? There are a range of sectoral actions being undertaken, and many suggestions on how to broaden and deepen these actions through sectoral approaches. Sectoral approaches can help analyze countries’ mitigation potential in key sectors. The Convention should catalyze and encourage sectoral cooperation. It should also provide a means of recognizing the benefits of these actions.