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UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Ad Hoc Working Group on the Durban Platform for Enhanced Action

First session

Bonn, 17–24 May 2012

Item 3 of the provisional agenda

Planning of work in accordance with decision 1/CP.17

Views on a workplan for the Ad Hoc Working Group on the Durban Platform for Enhanced Action

Submissions from Parties

1. The Conference of the Parties, at its seventeenth session, decided that the Ad Hoc Working Group on the Durban Platform for Enhanced Action shall plan its work in the first half of 2012, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building, drawing upon submissions from Parties and relevant technical, social and economic information and expertise (decision 1/CP.17, para. 5).

2. The secretariat has received 12 such submissions from Parties.¹ In accordance with the procedure for miscellaneous documents, these submissions are attached and reproduced* in the languages in which they were received and without formal editing. The secretariat will continue to post any submissions received after the issuance of the present document on the UNFCCC website.

¹ Also available at <<http://unfccc.int/6656.php>>.

* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

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* This submission is supported by Bosnia and Herzegovina, Croatia, Serbia and the former Yugoslav Republic of Macedonia.

Paper no. 1: Argentina

Visión de la República Argentina respecto de la labor del Grupo de Trabajo Ad-Hoc para la Plataforma de Durban para Acción Mejorada.

Abril de 2012

1.- Introducción:

El cambio climático es uno de los problemas más desafiantes que enfrenta la humanidad y requiere la más amplia cooperación de todos los países y su participación en una respuesta internacional efectiva y apropiada, conforme los principios establecidos por la Convención Marco de las Naciones Unidas sobre Cambio Climático.

En ese espíritu, la República Argentina apoya el lanzamiento de la Plataforma de Durban para Acción Mejorada, convencida de que su resultado puede constituir un instrumento eficaz en la lucha para superar este fenómeno, a través del fortalecimiento del régimen multilateral bajo la Convención y de la mejora en su implementación plena, efectiva y sostenida.

En adición, se considera que la Plataforma de Durban debe apoyar los procesos de desarrollo sustentable, inclusión social y erradicación de la pobreza que con enormes esfuerzos y sacrificios llevan adelante los países en desarrollo.

Para que el resultado de la Plataforma de Durban sea satisfactorio, la República Argentina estima que tanto el plan de trabajo del Grupo de Trabajo Especial de esa Plataforma, como el instrumento que eventualmente se adopte bajo la Convención deberán necesariamente respetar el objetivo, los principios y disposiciones establecidos por esta última y tomar plenamente en consideración las necesidades específicas y las circunstancias especiales de los países en desarrollo.

Teniendo ello en cuenta, la República Argentina expresa las siguientes consideraciones:

2.- Bases para un resultado justo:

La República Argentina considera que la Convención contiene un conjunto equilibrado de principios y disposiciones que debe ser respetado y mantenido en su totalidad, debiendo ser la Plataforma de Durban el punto de partida para el logro de una mejora en la implementación de la Convención.

2.1.- Principios que orientarán las negociaciones:

Entre los primeros, el principio de responsabilidades comunes pero diferenciadas, complementado con el principio de equidad, incluidos en el párrafo preambular 6 y el artículo 3.1 de la Convención, deberán orientar las discusiones que se inician en este foro.

En base al principio de responsabilidades comunes pero diferenciadas, la Convención establece categorías de países en base a las cuales se han distribuido diferentes compromisos. De esta manera, los Anexos I y II incluyen aquellas naciones que a partir de la Revolución Industrial han alcanzado importantes niveles de desarrollo, al costo de graves alteraciones del espacio atmosférico, generando así una deuda ambiental histórica hacia los países en desarrollo.

En ese contexto, el principio de responsabilidades comunes pero diferenciadas y la deuda histórica imponen compromisos jurídicamente vinculantes a las Partes incluidas en el Anexo I de la Convención. En este espíritu, los países desarrollados deberán retomar el liderazgo en la lucha contra el cambio climático y sus efectos adversos (art. 3.1), más aún teniendo en cuenta que conforme el art. 4.2(a) esos países deberán adoptar las políticas nacionales y medidas correspondientes de mitigación, limitando sus emisiones de gases de efecto invernadero.

La República Argentina también considera que los países en desarrollo vienen demostrando sus esfuerzos en la lucha para superar el cambio climático a través de la implementación de acciones voluntarias de mitigación que no pueden ser soslayadas. Lamentablemente, mientras sucede esto, la mayoría de los países desarrollados se muestran renuentes a ejercer el liderazgo que la Convención les asigna en el combate al cambio climático, a su vez que no han llevado efectivamente a la práctica sus compromisos relativos a la transferencia de recursos financieros y de tecnología hacia los países en desarrollo.

Este contraste se manifestó en la pasada Conferencia de Durban, cuando ciertos países desarrollados anunciaron su intención de no comprometerse en un segundo período de reducción de emisiones en el marco del Protocolo de Kyoto al tiempo que la totalidad de los países en desarrollo demostraron sus grandes esfuerzos en la materia, incluso sin contar con los medios necesarios para su implementación, los cuales deberían ser provistos por los países desarrollados.

La vigencia del principio de responsabilidades históricas, contenido en el párrafo preambular 3, será firmemente sostenida por la República Argentina como una de las formas de asegurar que los países en desarrollo puedan continuar sus procesos de desarrollo, en especial, en lo que se refiere a erradicación de la pobreza y promoción de la inclusión social.

En este espíritu, también se deberá asegurar que el resultado de la Plataforma de Durban permita mejorar la implementación efectiva, sostenida y plena del artículo 3.5 de la Convención, de tal manera que las Partes Anexo I y II no recurran, en base a argumentos de orden ambiental, a medidas unilaterales que afecten el comercio de los países en desarrollo, de forma inconsistente con el principio de responsabilidades comunes pero diferenciadas.

En esa línea, la Convención establece, en su artículo 4.8, que se deberán atender a las necesidades y preocupaciones específicas de los países en desarrollo derivadas del impacto de la aplicación de medidas de respuesta. De acuerdo con los artículos 2.3 y 3.14 del Protocolo de Kyoto, las Partes Anexo I deberán aplicar las políticas y medidas de tal manera que se reduzcan al mínimo los efectos adversos, incluyendo los efectos adversos del cambio climático, efectos en el comercio internacional y repercusiones sociales, ambientales y económicas, para los países en desarrollo.

Ello también resulta aplicable a la cuestión del transporte aéreo y marítimo internacional, sector en que, tal como lo establece el artículo 2.2 del Protocolo de Kioto, las Partes Anexo I deberán continuar limitando sus emisiones no controladas por el Protocolo de Montreal provenientes del transporte aéreo y marítimo internacional trabajando por conducto de la OACI y la OMI respectivamente.

En materia de vulnerabilidad y adaptación al cambio climático, la República Argentina reitera la obligación de los países desarrollados de asistir a los países en desarrollo que son particularmente vulnerables a los efectos adversos del cambio climático, en hacer frente a los costos de adaptación conforme el art. 4.4.

En materia de recursos financieros y tecnológicos, y sin perjuicio de los importantes aportes de algunos países, los países desarrollados deberán redoblar sus esfuerzos tendientes a cumplir con lo ordenado en los

arts. 4.3, 4.5 y 4.7 de la Convención. Conviene señalar que los compromisos anunciados en Copenhague, Cancún y Durban resultan insuficientes e imprecisos.

En lo que respecta a los países en desarrollo, la Argentina reitera su intención de continuar desarrollando acciones de mitigación conforme lo establece la Convención. Sin perjuicio de ello reitera una vez más el carácter voluntario de las mismas, y que estarán sujetas a recibir el correspondiente apoyo por parte de los países desarrollados en materia de recursos financieros, transferencia de tecnología y creación de capacidades (art. 4.7). También reitera que estas acciones deberán ajustarse a las necesidades y circunstancias específicas de los países en desarrollo, teniendo plenamente en cuenta que el desarrollo económico y social y la erradicación de la pobreza son las prioridades primeras y esenciales de esos países.

3.- Relaciones con el Grupo de Trabajo Ad-Hoc sobre Acción Cooperativa en el marco de la Convención (AWG-LCA) y el Grupo de Trabajo Ad-Hoc sobre Nuevos Compromisos de los Países Anexo I bajo el Protocolo de Kyoto (AWG-KP):

Es relevante señalar la necesidad que en los trabajos en curso en ambos grupos se desarrollen principios y ópticas que luego sirvan de insumos a la Plataforma de Durban. De ese modo, los desarrollos en la Plataforma de Durban deberían reflejar los desarrollos y progresos realizados en las negociaciones, en un marco de respeto a los principios y disposiciones de la Convención, y en que se logre su implementación efectiva y plena.

ARGENTINA

Views of Argentina on the works of the Ad-Hoc Working Group on the Durban Platform for Enhanced Action

April 2012

1.- Introduction:

Climate change is one of the most challenging problems facing humanity and requires the widest cooperation by all countries and their participation in an effective and appropriate international response, under the principles established by the United Nations Framework Convention on Climate Change (UNFCCC).

In that spirit, Argentina supports the launching of the Durban Platform for Enhanced Action, convinced that its outcome can be an effective instrument in the struggle to overcome this phenomenon, through the strengthening of the multilateral regime under the Convention and the enhancement of its full, effective and sustained implementation.

In addition, Argentina considers that the Durban platform must support the processes of sustainable development, social inclusion and poverty eradication that developing countries undertake with great efforts and sacrifices.

In order to have a satisfactory outcome in the Durban Platform, Argentina considers that both the work plan of the Ad Hoc Working Group, as well as the instrument to be adopted under the Convention, must necessarily meet the objectives, principles and provisions established by the latter and take fully into account the specific needs and special circumstances of developing countries.

With this in mind, Argentina expresses the following considerations:

2.- Basis for a fair outcome:

Argentina considers that the Convention contains a balanced set of principles and provisions that must be respected and preserved in its entirety, and that the Durban Platform must be the starting point for achieving improvements in the implementation of the Convention.

2.1- Principles to guide the negotiations:

The discussions that are to be initiated in this forum must be guided by the principle of common but differentiated responsibilities, supplemented by the principle of equity, included in preambular paragraph 6 and Article 3.1 of the Convention.

Based on the principle of common but differentiated responsibilities, the Convention establishes categories of countries based on which various commitments have been distributed. Thus, Annexes I and II include those countries that since the Industrial Revolution have reached significant levels of development at the cost of serious disturbance of atmospheric space, thus generating a historical environmental debt towards developing countries.

In this context, the principle of common but differentiated responsibilities and historical debt imposes legally binding commitments on Parties included in Annex I of the Convention. In this spirit, developed countries must resume leadership in combating climate change and its adverse effects (section 3.1), especially considering that according to art. 4.2 (a) those countries shall adopt national policies and take corresponding measures on mitigation, by limiting their emissions of greenhouse gases.

Argentina also considers that developing countries have undoubtedly demonstrated their efforts in combating climate change through the implementation of voluntary mitigation actions. Unfortunately, while this happens, most developed countries are reluctant to exercise the leadership assigned to them by the Convention in combating climate change. At the same time, they have not implementing effectively their commitments regarding the transfer of financial and technological resources to developing countries.

This contrast was reflected in the past Durban Conference, when some developed countries announced their intention not to engage in a second commitment period of emission reductions under the Kyoto Protocol, while all developing countries have made great efforts, even without the necessary means of implementation that should be provided by developed countries.

The principle of historical responsibility, contained in preambular paragraph 3 shall be firmly sustained by Argentina as one of the ways to ensure that developing countries can continue their development processes, especially in regard to the eradication of poverty and promotion of social inclusion.

In this spirit, it should also be ensured that the outcome of the Durban Platform should improve the full, effective and sustained implementation of article 3.5 of the Convention, so that the Annex I and II Parties do not resort to, based on environmental arguments, unilateral measures affecting trade in developing countries, in a manner inconsistent with the principle of common but differentiated responsibilities.

In that respect, the Convention provides in Article 4.8 that the needs and concerns of developing countries arising from the impact of the implementation of response measures should be given full consideration. In accordance with Articles 2.3 and 3.14 of the Kyoto Protocol, Annex I Parties should strive to implement policies and measures in such a way as to minimize adverse effects, including adverse effects of climate change, effects on international trade and social, environmental and economic impacts, to developing countries.

This also applies to the issue of aviation and international maritime sector in which, as stated in Article 2.2 of the Kyoto Protocol, Annex I Parties should continue to limit their emissions not controlled by the Montreal Protocol from air and maritime international transport working through ICAO and IMO respectively.

On vulnerability and adaptation to climate change, Argentina reiterates the obligation of developed countries to assist developing countries that are particularly vulnerable to the adverse effects of climate change, in meeting costs of adaptation to those adverse effects as per art. 4.4.

In terms of financial and technological resources, and without prejudice to the important contributions of some countries, developed countries should redouble their efforts to comply with arts. 4.3, 4.5 and 4.7 of the Convention. It should be noted that the commitments announced in Copenhagen, Cancún and Durban are insufficient and imprecise.

With respect to developing countries, Argentina reiterates its intention to continue to develop mitigation actions as established by the Convention notwithstanding their voluntary nature, and that they shall be subject to receiving the appropriate support from developed countries in terms of financial resources, technology transfer and capacity building (section 4.7). It also reiterates that these actions must conform to

the needs and circumstances of developing countries, taking fully into account that economic and social development and poverty eradication are the first and overriding priorities for developing countries.

3.- Links with the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) and the Ad Hoc Working Group on Further Commitments for Annex 1 Parties under the Kyoto Protocol (AWG-KP):

It is relevant to point out that there is a need for the work under way in both groups to develop principles and views that serve as inputs to the Durban Platform. Thus, developments in the Durban Platform should reflect the progress and developments made in negotiations, in a framework of respect for the principles and provisions of the Convention, in which its effective and full implementation is achieved.

**VISION DEL ESTADO PLURINACIONAL DE BOLIVIA PARA LA
CONSTRUCCION DEL PLAN DE TRABAJO DEL AD HOC - GRUPO DE TRABAJO
DE LA PLATAFORMA DE DURBAN PARA LAS ACCIONES MEJORADAS**

El Estado Plurinacional de Bolivia, en cumplimiento del requerimiento realizado por la Secretaría General de la Convención marco de Naciones Unidas sobre Cambio Climático en el documento ODES/COP17/11, ítem 18, respecto al Plan de Trabajo del Grupo de Trabajo Ad Hoc de la Plataforma de Durban para las acciones mejoradas (GT-PD), tiene a bien presentar su visión mediante el presente documento. Así también indicar que en lo posterior y de considerar pertinente conforme el avance del programa de trabajo, Bolivia presentará sus aportes y complementaciones el los ítems que se consideren pertinentes.

1. Aspectos Generales:

Consideramos esencial que cualquier actividad o trabajo que vaya a desarrollarse por la Comunidad Internacional en la lucha contra el cambio climático debe reforzar el actual régimen legal expresado en la Convención Marco de Naciones Unidas sobre Cambio Climático (CMNUCC), toda vez que los principios y compromisos alcanzados desde 1992, son derechos adquiridos por la humanidad en su conjunto a través de la comunidad internacional organizada en el régimen multilateral, los mismos que merecen respeto y cumplimiento.

Es por ello que cualquier actividad que este nuevo GT emprenda deberá estar enmarcada en la Convención de Naciones Unidas sobre Cambio Climático, sujetándose a los principios que ella establece. En este sentido será esencial para el inicio del trabajo, se respete el principio de responsabilidades comunes pero diferenciadas y respectivas capacidades. Asimismo, la obligación de los países desarrollados de proveer financiamiento y tecnología a los países en vías de desarrollo para que los países en desarrollo puedan realizar acciones de adaptación y mitigación.

También consideramos fundamental que se recojan y consoliden de manera mejorada, como bases metodológicas, el sistema de cumplimiento, contabilidad, monitoreo, revisión y verificación de las reducciones y limitaciones cuantificadas de gases de efecto invernadero, que el Protocolo de Kioto contempla.

Los países desarrollados deberán tomar el liderazgo y emprender los esfuerzos significativos de alta ambición en la reducción de emisiones de gases de efecto invernadero considerando su responsabilidad histórica y la deuda climática que han contraído con el Planeta y la humanidad, y dejando libre el espacio que se requiere para el crecimiento de los países en desarrollo, conforme y en el marco del respeto al Principio de la equidad acorde con el mandato establecido en el artículo 3.1 de la CMNUCC.

Asimismo, las acciones y resultados del GT-PD, deberá enmarcarse con el principal objetivo del régimen climático determinado en el artículo 2 de la CMNUCC, que establece **“...lograr la estabilización de las concentraciones de gases de efecto invernadero en la atmosfera a un nivel que impida interferencias antropógenas peligrosas en el sistema climático. Ese nivel deberá lograrse en un plazo suficiente para permitir que los ecosistemas se adapten**

naturalmente al cambio climático, asegurar que la producción de alimentos no se vea amenazada y permitir que el desarrollo económico prosiga de manera sostenible”.

Por otro lado, somos conscientes de que las concentraciones de gases de efecto invernadero en la atmosfera muy por el contrario de lo que se esperaba con el Protocolo de Kioto han incrementado con mayor intensidad y, los reportes del IPCC nos llevan a la inevitable conclusión de que siguiendo los patrones de comportamiento actuales, el aumento de la temperatura será de más de 5 °C para este siglo. Por ello, el trabajo que realice GT-PD debe resguardar esta premisa de evitar el aumento de la temperatura a más de 1°C o 1.5°C, para lo cual se deben establecer las bases y el rango que debe alcanzarse en las obligaciones de las reducciones de las emisiones cuantificadas, las mismas que deben propiciar este límite de temperatura.

Una base congruente entre lo que el sistema climático necesita para su equilibrio y lo que la ciencia indica, es una reducción por lo menos del 50% para el año 2017, (conforme los umbrales del tiempo que permitirá un aumento de temperatura en el rango establecido anteriormente). Resultara inaceptable el inicio del trabajo del GT-PD si previamente no existe un compromiso base de las Partes para que el resultado del GT-PD esté acorde con el logro del equilibrio del sistema climático para este siglo, por cuanto es indefectible marcar acciones de reducción suficientes para llegar al rango entre 1°C o 1.5°C para este siglo.

El trabajo que se requiere y el compromiso vinculante de las Partes previo al inicio del trabajo del GT debe indicar que no se producirá ninguna brecha en los compromisos de reducción de gases de efecto invernadero, a partir del 2013. Por ello, también, se requiere que los resultados del GT-PD bajo una visión y en resguardo a la estabilidad de sistema climático inicie antes del 2020. Consideramos fundamental y urgente que los resultados del grupo estén vigentes y en funcionamiento a más tardar el 2015. (se deberá coordinar estrechamente con el segundo periodo de compromisos adoptado en la COP 18 bajo el Protocolo de Kioto)

2. Interrelación con otros Grupos de Trabajo

Es menester referirse al trabajo que actualmente se desarrolla en los otros dos Grupos Ad Hoc, es decir el Grupo de Trabajo sobre el Protocolo de Kioto (GT-PK) y la enmienda al artículo 3.9 y, el Grupo de Trabajo sobre las acciones cooperativas a largo plazo (GT-LCA)

Toda vez que los ítems planteado en la Decisión CP.17, inter alia se menciona los sectores de la mitigación, adaptación, transferencia de tecnología, creación de capacidades y transparencia de acciones, se requiere delinear el trabajo que debe realizar el GT-DP con la finalidad de no entorpecer los resultados que se esperan sean logrados por los otros Grupos de Trabajo, es decir no se pueden aceptar duplicidad ni interrupción en el trabajo que se efectúa tanto en el GT-KP como GT-LCA.

Consideramos que por respeto al mandato establecido en las Decisiones asumidas y legalmente vinculantes, particularmente la *Decisión 1/CP.13, Plan de Acción de Bali* y *Decisión 1/CMP.1 sobre la consideración de los compromisos para los periodos subsecuentes de las Partes incluidas en el Anexo I de la Convención bajo el artículo 3, parágrafo 9 del Protocolo de Kioto* se debe ordenar el trabajo, de manera tal que se cumpla el segundo periodo de compromisos bajo el

Protocolo de Kioto y se cumplan a su vez los resultados que deben emanar del Plan de Acción de Bali.

Si bien el GT-PD puede significar un nuevo avance en las distintas temáticas mencionadas pero no exclusivas que se mencionan en la Decisión CP.17, es primordial que se respete el trabajo y avances que la comunidad internacional ha desarrollado, especialmente con el Plan de Acción de Bali y desde el mandato que constituye el GT-PK. No puede ni debe desecharse el trabajo realizado por los países hasta la fecha, de lo contrario se perderá absoluta credibilidad en la capacidad del sistema multilateral para resolver el problema de cambio climático porque no estaríamos respetando los años de trabajo en los distintos sectores que hasta el momento se ha logrado, peor aún, si como Comunidad permitimos el incumplimiento de compromisos internacionalmente suscritos y adoptados como por ejemplo en la Decisión1/CMP.1, que obliga a las partes a velar por la suscripción del segundo periodo de compromisos por parte de los países desarrollados en el marco de un acuerdo legalmente vinculante como es el Protocolo de Kioto a ser aplicable a partir del 2013.

No deben existir sesiones paralelas de los 3 Grupos de Trabajo, consideramos este mecanismo altamente contrario a las capacidades de las delegaciones pequeñas que no podemos atender la diversidad de grupos y sesiones de trabajo. **Este grupo se debe caracterizar por operar de manera transparente, amplia, inclusiva y participativa.**

Con la finalidad de definir el programa de trabajo del GT-PD se propone por lo menos 1 sesión conjunta de trabajo entre los 3 grupos (GTs – LCA – KP – DP) con la finalidad de evitar superponer temas y de duplicar trabajo. No se considera que podrá iniciar el trabajo del GT-PD, hasta asegurar y garantizar el normal desenvolvimiento de los otros dos grupos así como sus resultados.

2. Principios rectores del AWG- PD

Los principios que se enuncian a continuación son sólo una primera aproximación de la guía que debe seguir este Grupo:

- a. Protección a la Madre Tierra, en el marco del reconocimiento y pleno respeto de los límites biofísicos y los ciclos vitales de la naturaleza, y su autocapacidad regenerativa.
- b. Armonía con la naturaleza
- c. Respeto del principio de las responsabilidades comunes pero diferenciadas y sus respectivas capacidades.
- d. Respeto del principio de equidad en el marco del respeto del artículo 2 de la CMNUCC
- e. Protección del sistema climático en beneficio de las generaciones presentes y futuras
- f. Respeto y cumplimiento del principio precautorio
- g. Respeto por el presupuesto de carbono

- h. Permitir y respetar el desarrollo económico, social y ambiental de los países en desarrollo, en el marco del respeto del artículo 3 de la CMNUCC.
- i. Respeto al derecho de los países en vías de desarrollo y los particularmente vulnerables, al uso de sus energías para garantizar su desarrollo y superación de la pobreza en el marco de la Convención
- j. Garantizar efectiva provisión de recursos financieros en el marco del artículo 4.7 de la Convención.
- k. Creación de un sistema de control de cumplimiento en el marco de la justicia climática.
- l. Efectiva transferencia de tecnología de manera eficaz y expedita a los países en vías de desarrollo, eliminando barreras que pudieran limitar o restringir el acceso a dicha tecnología
- m. No mercantilización de las funciones ambientales de la Madre Tierra y sus diferentes componentes naturales.
- n. Conservación de la Madre Tierra en el marco del manejo integral y sustentable de los sistemas de vida.
- o. Efectivo cumplimiento y respeto de los Derechos de los Pueblos Indígenas.

3. Consideraciones básicas que deben guiar el trabajo del Grupo

Entendiendo que el GT-PD ha sido creado efectivamente para el mejoramiento de las acciones que permitan combatir de manera positiva el cambio climático, es fundamental que su trabajo pueda superar las actuales barreras que impiden que esta lucha se pueda consolidar tanto por parte de los países desarrollados como lo países en desarrollo. Es por ello que se considera fundamental que este GT pueda en una primera fase identificar los obstáculos políticos y técnicos que no permiten llegar a los consensos que se necesitan para la estabilización del sistema climático y por otro lado la propuesta de soluciones reales y efectivas que puedan ser adoptadas por las Partes y de manera inmediata colocadas en acción.

Sin embargo, si el GT-PD simplemente repite los errores de los GTs tanto del PK como del LCA, se evidenciará que esta nueva instancia es únicamente una pantalla creada por quienes quieren evadir sus responsabilidades legales determinadas tanto en la Convención como en el Protocolo y que sólo es una vía cuyo objetivo es traspasar las responsabilidades de los países desarrollados a los países en desarrollo, y peor aún posponer acciones efectivas hasta después del 2020, cuando la humanidad no tenga ningún chance de una estabilización real del sistema climático.

Debe existir evidencia en el mejoramiento de acciones para combatir el cambio climático a través de este nuevo Grupo, respetando a su vez el trabajo que realizan y que deben concluir los otros dos Grupos, para ello se considera que mínimamente se debe tomar en cuenta:

- Las necesidades específicas y las circunstancias especiales de las Partes que son países en desarrollo, especialmente de los países en desarrollo, que tendrían que soportar una carga anormal o desproporcionada en virtud de las acciones que se determinen en lucha contra el cambio climático.
- El acceso equitativo a la atmosfera
- La transparencia y comparabilidad de esfuerzos
- Los últimos avances científicos sobre todo para definir las acciones de mitigación a ser acordadas
- La parte de las emisiones globales que requieren los países en desarrollo para satisfacer sus prioridades primeras de desarrollo social y económico y de erradicación de la pobreza.
- El trabajo a ser realizado debe estar en concordancia con el mantenimiento de la temperatura en el rango entre 1 o 1.5 C.
- Definición de acciones en el marco de la efectiva implementación del cambio de patrones de producción y consumo.
- Las acciones domesticas son base esencial de los compromisos de reducciones que las partes deben efectuar.
- Las acciones domesticas deben constituir el porcentaje más alto de cualquier tipo de acción de reducción a ser realizada.
- En caso de continuar con los mecanismos de flexibilidad ya existentes urge y se debe determinar el máximo porcentaje de su uso.
- La creación de nuevos mecanismos de flexibilidad solo implican desmedros para la estabilización climática, por cuanto no debe proseguir la instauración de otros mecanismos de mercado.
- Debe existir un análisis minucioso del aporte o de las desventajas que existen a consecuencia del uso de los mercados de carbono, en el contexto de la integridad ambiental y la lucha efectiva contra el cambio climático.
- No permitir doble contabilidad
- No permitir loopholes
- Establecer el año pico de emisiones máximo hasta el 2020
- Los compromisos de reducción deben ser cuantificados sobre la base de una metodología clara, objetiva y efectiva.
- El presupuesto de carbono deberá ser la base esencial para determinar las acciones de mitigación que corresponden ser asumidas por los países conforme a la distribución de la carga de mitigación.
- Mantener y el uso oficial del año base de 1990
- No generar más incentivos perversos para la reducción de gases de efecto invernadero.
- Reducir el uso del mercado de carbono con una proyección tendiente a su desaparición, con la finalidad de que las acciones de mitigación sean reales y efectivas conforme el país responsable.
- Tomar en cuenta y desarrollar variables que incluyan el grado de incertidumbre de los diferentes escenarios climáticos del IPCC y de otra información científica.
- Fortalecimiento de enfoques alternativos al mercado basados en la nomenclatura de las funciones ambientales de la Madre Tierra y componentes de la naturaleza.

4. Objetivos del GT – PD

En el marco de la potestad que otorga la Decisión CP.17 en cuanto a la definición de sectores que tratara el GT-PD, el Estado Plurinacional de Bolivia, propone sumar los ítems que se refieren a:

- La creación de un sistema de control de cumplimiento, en el marco del reconocimiento que la naturaleza mundial del cambio climático requiere una efectiva cooperación de los países y su participación y compromiso pleno en una respuesta internacional efectiva y apropiada, de conformidad con sus responsabilidades comunes pero diferenciadas, sus capacidades respectivas y sus condiciones sociales y económicas.

- Armonía con la Madre Tierra y Cambio Climático”, consideramos también que en esta nueva realidad cuando lo países miembros de las Naciones Unidas han reconocido que la Madre Tierra y sus ecosistemas son nuestro hogar, y convencidos de que para alcanzar un justo equilibrio entre las necesidades económicas, sociales y ambientales de las generaciones presentes y futuras, es necesario promover su armonía¹.

La experiencia práctica que se evidencia a lo largo de los años de vigencia tanto de la CMNUCC y del Protocolo de Kioto, demuestran que las obligaciones contraídas en el marco de estos dos acuerdos internacionales, no han podido ser cumplidas en estrictu sensu y que por el contrario es muy posible que se hayan vulnerado las distintas disposiciones de estos Tratados.

Estamos enfrentado en la actualidad el incumplimiento de compromisos por parte de los países del Anexo 1 en el marco del Protocolo de Kioto quienes debieron ya comprometer sus emisiones cuantificadas de reducción para un segundo periodo de acuerdo con el artículo 3.9 del Protocolo y de las Decisiones que a lo largo de estos años ha negociado la Comunidad Internacional que atiende la temática, no significando nada estas resoluciones tan difícilmente acordadas puesto que su incumplimiento está operando y estamos siendo testigos de ello.

Por demás está decir que la mitigación no es el único compromiso que no está siendo respetado y cumplido, más allá de éste existen los compromisos de transferencia de tecnología, financiamiento, entre otros, que no son practicados por los países obligados.

En este sentido, se requiere de mayor efectividad y respeto de los compromisos asumidos y de los que vayan a asumirse, es por ello que es imperativo poder contar con un mecanismo de control del cumplimiento de las obligaciones previstas en el régimen legal vigente sobre cambio climático que pueda otorgar mayor seguridad jurídica.

El objetivo del mecanismo propuesto deberá ser la provisión de un sistema de eficacia-control de las obligaciones que resultan de la CMNUCC y sus instrumentos derivados.

¹ A/RES/63/278, Resolución aprobada por la Asamblea General, 63/278. Día Internacional de la Madre Tierra
A/RES/64/196, Resolución aprobada por la Asamblea General, 64/196. Armonía con la Naturaleza
A/RES/65/164, Resolución aprobada por la Asamblea General, 65/164. Armonía con la naturaleza

La naturaleza jurídica de este mecanismo podrá permitir cumplir con el desafío de la norma internacional que se crea a partir tanto de la CMNUCC así como de los instrumentos derivados y de sus Decisiones.

Las características del mecanismo de control del cumplimiento entre otras podrá centrarse en:

- Control continuo, es decir no operará un control caso por caso, por cuanto no se limitara a hechos, situaciones o momentos determinados.
- Este control deberá incumbir a todos los Estados Partes, es decir deberá ser multilateral, de él se encargarán órganos creados convencionalmente.
- Las medidas aplicables en el caso de que se constate un incumplimiento o se tienda indefectiblemente a él, deberán comprender desde la prestación de asistencia hasta sanciones sensu stricto. Por cuanto no se trata solo de un mecanismo sancionatorio, sino también de uno que prevea colaborar con los Estados, que se hallaría en una situación de incumplimiento de sus obligaciones.
- Los procedimientos del mecanismo deberán ser de carácter verosímil, equitativo, coherente, exhaustivo, unificado, eficaz, previsible, transparente y sencillo.
- Los procedimientos relativos al cumplimiento deberán aplicarse a todos los compromisos establecidos y contraídos en la CMNUCC y sus instrumentos derivados.
- Se deberán crear instancia propias dedicadas exclusivamente a esta labor.
- Se deberá desarrollar el marco normativo del control completo, incluyendo los procedimientos para facilitar el cumplimiento de los compromisos así como las sanciones ante el incumplimiento.

El Estado Plurinacional de Bolivia reconoce que la lucha contra el cambio climático no puede reducirse exclusivamente a la buena voluntad de los países, es por ello que apoyamos la adopción de un marco normativo de orden jurídico que se encargue del control y eficacia de los compromisos asumidos en cambio climático en orden a cumplir con el objetivo último de la CMNUCC.

El país se guarda el derecho de poder enviar en lo posterior y conforme se delinee el trabajo del GT-PD contribuciones para que sean puestas en el marco del programa de trabajo que debe seguir este Grupo.

Paper no. 3: Brazil

SUBMISSION OF BRAZIL ON THE ON THE WORK PLAN OF THE AD HOC WORKING GROUP ON THE DURBAN PLATFORM FOR ENHANCED ACTION

1. The Government of Brazil, in response to paragraph 5 of decision 1/CP.17, welcomes the opportunity to submit views regarding the work plan for the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).¹
2. Decision 1/CP.17, which established the ADP, states that the Working Group shall plan its work in the first half of 2012, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action, and support and capacity-building². The Government of Brazil emphasizes that the process under the ADP and its outcome shall be in full accordance with the principles and provisions of the Convention, as agreed in Durban, in particular the principles of equity and common but differentiated responsibilities and respective capabilities.
3. The full and final definition of the mandate for the ADP will only be possible after the conclusion of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), which are to complete their tasks at the eighteenth session of the Conference of the Parties and the eighth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, respectively.
4. Decisions reached under AWG-LCA and the AWG-KP should not be revisited by the ADP, while acknowledging that the legal form of the final outcome of the ADP could have implications on the legal form of issues concluded in other subsidiary bodies. It is important to note that aspects of the ADP negotiation related to legal form would benefit from progress in discussions regarding substantive issues. It is also clear that many issues under the AWG-LCA and AWG-KP, such as transparency of action under the AWG-LCA, have already been essentially decided and now should move to an implementation phase, using, as appropriate, the SBI and SBSTA.
5. In 2012, Parties should focus on defining the work plan and, if possible, starting general, exploratory discussions on the selected issues. Initial discussions should concentrate on topics with greater potential for convergence, thus generating the necessary confidence that will allow Parties to map out and engage constructively in more specific discussions in the following year.
6. Decision 1/CP17 states that the process under the ADP shall raise the level of ambition. This process shall be undertaken in a context of continued and full implementation of the Convention, with the respective contributions of Annex I and non-Annex I Parties, and of the entry into force, on 1 January 2013, of the second commitment period of the Kyoto Protocol. Ambition should be raised in all areas, in a manner that is balanced and equitable.
7. Equity and common but differentiated responsibilities and respective capabilities are UNFCCC principles and must be the basis for the negotiation of all aspects of the Durban Platform, which must aim to strengthen the regime by enhancing both effectiveness and fairness. Equitable obligations must characterize all aspects of the Durban Platform's final outcome.

¹ Decision 1/CP.17 (Establishment of an Ad Hoc Working Group on the Durban Platform for enhanced action), paragraph 2.

² Decision 1/CP.17 (Establishment of an Ad Hoc Working Group on the Durban Platform for enhanced action), paragraph 5.

China's Submission on the Work Plan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action

In accordance with paragraph 5 of Decision 1/CP.17, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) shall plan its work in the first half of 2012, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building. The UNFCCC Secretariat invited the Parties to submit their views by 16 April 2012. China welcomes this opportunity and would like to submit the following views:

A. The objective and principles of the ADP

1. The objective of the ADP negotiations is to further strengthen the multilateral rule-based regime under the Convention through further cooperative actions by the Parties for the period beginning 2020 to ensure the full, effective and sustained implementation of the Convention in order to achieve the ultimate objective of the Convention. The ADP process is by no means to renegotiate or rewrite the Convention.
2. The UNFCCC and its Kyoto Protocol are the legal basis and fundamental framework for the international cooperation to combat climate change. The ADP process will be conducted under the Convention and in full accordance with all its principles and provisions, in particular the principles of equity and common but differentiated responsibilities and its outcome forms an integrated part of the Convention.
3. The ADP negotiations shall remain to be an open, transparent, inclusive and party-driven process. The Parties should cooperate constructively in these negotiations, fully respecting their respective sovereignty, country-specific circumstances and sustainable development aspirations. The climate solution can only be achieved in the context of sustainable development by well coordinating climate actions and socio-economic development in a holistic and comprehensive manner, which is in the best interest of the humankind.

B. The scope of the work of the ADP

4. The ADP is a comprehensive process, covering mitigation, adaptation, finance, technology and capacity building and including issues related to equity, trade and technology-related IPRs. All those elements should be equally treated and be addressed in a holistic, balanced and coordinated manner.
5. The outcome of the ADP process should fully reflect the historical responsibility of developed country Parties and the real needs of developing country Parties for sustainable development. Developed country Parties shall rise up to their responsibility for both historical emissions and current high per capita emissions. They should change their unsustainable way of life; undertake ambitious economy-wide emission reductions and provide finance, technology transfer and capacity building support to developing country Parties to enable the latter to make their contribution to combating climate change.
6. Social and economic development and poverty eradication remain to be the first and overriding priority for developing countries. While mitigation is a long-lasting endeavour, adaptation requires urgent action. Developing countries will, in the context of sustainable development, take enhanced mitigation and adaptation actions supported and enabled by the provision of finance and technology transfer by developed countries.

C. The launch of the ADP negotiations and work arrangements

7. The decisions on the ADP, the second commitment period under the Kyoto Protocol and the Green

Climate Fund are components of the balanced Durban outcome. A ratifiable second commitment period under the Kyoto Protocol with legally binding emission reduction targets by developed country Parties and the developed country Parties fulfilling their commitment to provide finance, technology transfer and capacity building support to developing country Parties are essential to build the necessary political trust among the Parties in the process and constitute the fundamental basis for the ADP negotiations to make any progress.

8. The ADP process should begin with adequate discussions on such key issues like its objective and principles, in particular on how the principles of equity and common but differentiated responsibilities be reflected in both the negotiation process and the agreed outcome. The ADP negotiations would be better informed by the adequate evaluation on the progress made in the fulfillment of the emission reduction targets for the first commitment period under Kyoto Protocol and in the implementation by developed country Parties of their commitments to provide finance and technology transfer support.
9. The terms of reference of the ADP process need to be further defined to reflect the scope of its work and the basic elements. There is also the need to have a smooth and gap-free transition from the outcome of the two existing AWGs (AWG-LCA and AWG-KP) to the work of the ADP and any unresolved issues from Bali Roadmap process should be further addressed at the appropriate fora, including the ADP.
10. As agreed in Durban, the ADP negotiations shall be informed by the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, the outcomes of the 2013-2015 review and the work of the subsidiary bodies. Therefore, the planning of work for the ADP should allow adequate time for Parties to reflect on the above-mentioned information.

China will further provide its views on the ADP process and any related issues in due course and is willing to work constructively with all other Parties to move the ADP process forward.

SUBMISSION BY DENMARK AND THE EUROPEAN COMMISSION ON BEHALF OF THE EUROPEAN UNION AND ITS MEMBER STATES

This submission is supported by Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia.

Copenhagen, 17 April 2012

**Subject: Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action
Views on the work plan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action, and support and capacity-building**

OVERALL OBJECTIVES

1. The Durban Platform for Enhanced Action (**DPEA**) builds on recent progress made in the UNFCCC negotiations, further implements the Cancún Agreements, paves the way for immediate actions, and is a decisive commitment **towards a single, fair and comprehensive legally binding agreement under the Convention that is applicable to all Parties**. The agreement must be adopted by 2015 at the latest, and ratified by Parties so as to come into effect as soon as possible but no later than the beginning of 2020, to ensure convergence and continuity after the second commitment period of the Kyoto Protocol (**CP2**) ends. A **new Protocol** would be the most efficient form of that agreement. The DPEA also articulates the recognition by all Parties of the gap in mitigation effort needed to achieve the long term objective of keeping the global mean temperature increase below 2°C compared to preindustrial levels and the commitment to address that gap in the immediate term.
2. The **DPEA is part of a wider coherent package** including an agreement to a CP2, which would, however, at most cover only 14% of global emissions. As such the Ad Hoc Working Group on the DPEA (**ADP**) should agree its work plan at its first session - progress on substance needs to commence in 2012. COP18 should signal the next steps of this package: how raising ambition will be taken forward; the adoption of CP2 and resultant closure of the AWG KP; as well as closure of the AWG LCA.
3. A **science based approach to mitigation where all Parties take action**, in order to achieve the 2°C objective, must be central to all aspects of the work of ADP. Global greenhouse gas **emissions need to peak by 2020 at the latest** and need to be **reduced by at least 50% by 2050 compared to 1990** and continue to decline thereafter. In the long term, gradual convergence of per capita emissions will be necessary, taking into account national circumstances. The ADP should be informed by the work of the IPCC and its 5th Assessment Report, as its' reports become available, as well as the 2013-2015 review.
4. **All Parties have committed to raising the level of mitigation ambition** and also launched a work plan to ensure the highest possible mitigation efforts. This is vital now to address the current mitigation gap.

Looking beyond this to the new Protocol, **all Parties must have legally binding mitigation obligations** that are formulated in accordance with Convention principles including common but differentiated responsibilities and respective capabilities, recognising that responsibilities and capabilities evolve over time. The ADP will need to work towards providing for a **spectrum of commitments that will ensure the highest possible mitigation efforts** in a way that is cost-effective, dynamic, fair and reflects a country's particular economic realities and development opportunities. **Actions must be transparent and reliable** to allow for comparability of effort and to ensure that we are on track to meet our common 2°C objective, making it essential to develop a **common set of accounting and MRV rules and tools**.

5. The work of the ADP should be consistent with enabling all Parties to achieve sustainable development, poverty eradication and climate-resilient growth, taking into account vulnerability to climate change. Furthermore, the work of the ADP should acknowledge the intrinsic link between mitigation ambition and adaptation needs. Both **mitigation and adaptation need to be facilitated by appropriate and transparent means of implementation**.

6. The work done under the Convention, the Kyoto Protocol and the subsidiary bodies provides a basis to build upon. The ADP should also draw on relevant work, initiatives and experiences from outside the UNFCCC ensuring complementarity and avoiding **duplication of efforts or institutions**.

ADP PROCESS & ORGANISATION

7. **The work plan of the ADP will need to be organised around key milestones**, namely: (i) confirm Chair and agree an agenda, work plan and organisation of work at the first session of the ADP which will advance work on both raising mitigation ambition in the immediate term as well as negotiating the new Protocol; (ii) at COP 18 decide on an initial set of mitigation initiatives to close the ambition gap and agree how the work to address the mitigation ambition gap will be continued in the years ahead; (iii) produce a consolidated text based on the inputs of Parties that identifies key options and outstanding issues sufficiently far in advance of COP 21 to allow for informed high level political discussion and decision making; (iv) adopt new Protocol as soon as possible, 2015 at the latest.

8. It is essential that there is an opportunity to discuss early in Bonn options for making the ADP as efficient and robust as possible, as well as capable of addressing the challenges ahead.

9. The DPEA sets out a number of substantive issues that need to be taken up in its work plan. It is important that in the organisation of its work the ADP maximises opportunities to look at the synergies between these issues by adopting a cross cutting approach. Particularly important will be to allow time for an early and open exchange of views between Parties and stakeholders.

10. The DPEA makes a clear distinction between two work streams: enhancing mitigation ambition and negotiating a new Protocol. These are addressed below.

ENHANCING MITIGATION AMBITION

11. The **scale and cost of the global mitigation that will be required in the new Protocol in order to achieve the 2°C objective will be strongly dependent on preceding action** and the ability to transform investment patterns within the next few years. The EU has submitted detailed views on options and ways to further increase the level of ambition in accordance with decision 1/CP.17¹.

12. **Enhancing ambition and closing the mitigation gap requires an iterative process** of assessing the gap, identifying options for all Parties to increase ambition through pledges and **complementary initiatives**, and **appropriate action** to ensure implementation. **Those Parties that have not come forward with pledges must be encouraged to do so.** It is vital that the ADP allocates sufficient time to address mitigation ambition, including strengthening the multilateral framework both in the transition pending implementation of the new Protocol and beyond.

13. We will need to draw on the work of the AWG LCA and AWG KP before they close in Doha, as well as the work of the COP, the CMP and its SBs. In order to further enhance current tools and measures to leverage greater global mitigation action essential elements should underpin our work, in particular:

(i) securing **ambitious emissions reductions and full implementation of the 2020 pledges** under the Convention using **robust, common and transparent accounting tools** which need to be elaborated and are fundamental to achieving the necessary pre 2020 emission reductions;

(ii) **continuation of the KP framework:** we expect CP2 to run until 2020 ensuring the continuation of a strong accounting system and of market based mechanisms. Ambitious CP2 targets will be needed as part of the global effort to address the gap and to avoid locking in insufficient ambition. The ADP will need to ensure that experience gained under the KP contributes to a rigorous and effective multilateral rules-based system in the new Protocol that provides the incentives for actions in line with the 2°C objective;

(iii) **implementation of new market mechanisms**, through a common set of rules that enables real, permanent, additional, sustainable and verified outcomes, and avoids double-counting, building on existing processes;

(iv) **A strong MRV system:** the Durban decisions relating to the setting up of the MRV system are an important step forward. However challenges remain and need to be addressed. Efforts should focus on settling and supporting the IAR and ICA processes, as they are key tools to understand what other Parties are doing. This understanding is critical to creating confidence in countries' efforts and making the case for greater global ambition.

14. Furthermore the work plan to enhance ambition should be in parallel to and should inform the negotiations on ambition of mitigation efforts in the new Protocol, consideration of which will become increasingly relevant as the work of the ADP progresses.

15. As mandated by the DPEA, the **process on ambition should start without delay this year with a clear initial focus on addressing the pre 2020 ambition gap.** The ADP should identify and harness opportunities to bridge the gap and agree clear steps to implement increased ambition through an initial set of concrete initiatives at COP 18. Moreover, this process should deliver further tangible results.

¹ ADP submission by Denmark and The European Commission on behalf of the European Union and its Member States on *Options and ways for further increasing the level of ambition*, 1 March 2012

THE NEW PROTOCOL

16. In addition to the important focus of raising mitigation ambition, the ADP will need to negotiate and adopt the new Protocol by 2015 at the latest. In doing so we should build on our collective experience of the Convention and its Kyoto Protocol.

17. In order to give a context to our deliberations it is important to have a collective vision regarding what we are working towards. **The new Protocol could contain the following main elements:**

- Overall objectives • Mitigation and accounting (including market mechanisms) • Compliance • Adaptation • Means of implementation (finance, technology transfer, capacity building) • Transparency of action and support • Mitigation review & simplified ways to raise ambition •

Mitigation

18. **Ambitious mitigation commitments by all Parties must be the core of the new Protocol. Its rules and tools should allow collective ambition to be transparently tested against progress towards the 2°C objective.** Market mechanisms will be essential to deliver the required ambition in a cost effective way. These requirements both require **robust international common accounting rules.**

19. We will need to explore ways to build upon and elaborate the global approach to mitigation established by the DPEA which has moved us beyond a binary distinction between Parties. **It will be important for us to consider, and to collectively answer well before 2015, a number of key questions** that will be important for delivering effective and appropriate global mitigation action through the new Protocol:

- (i) What are the best ways to define the aggregate emission pathways and milestones so as to achieve an appropriate level of collective global ambition in a way that is consistent with the latest science and the 2°C objective? How can low emission development strategies be used to ensure we don't lock in high emission production patterns and to effectively encourage decoupling of emissions and growth? How can we ensure that emissions are not simply moved between Parties?
- (ii) Whilst the new Protocol must have legally binding mitigation obligations for all Parties, those obligations could vary in substance. Those countries with the greatest responsibilities and capabilities would be expected to make the most ambitious contributions towards the 2°C objective in the form of absolute, economy-wide reduction targets. Further to that, what are the spectrum of obligations available to encourage and ensure the highest possible mitigation efforts by all Parties, so we are on the path to achieve the 2°C objective in a way that is fair, efficient, transparent and takes into account evolving responsibilities, capabilities and circumstances? Are there options in addition to absolute targets, intensity targets, economy wide or sector specific approaches? How can we ensure that all relevant greenhouse gases and sectors are considered and covered in the agreement?
- (iii) How can the new Protocol be designed to create incentives for effective participation and high ambition by all Parties and facilitate them to easily ratchet up mitigation ambition and strengthen the nature of their commitments as their responsibilities, capabilities and circumstances change?
- (iv) What is the best way to ensure mitigation efforts are cost effective globally and provide opportunities for sustainable green growth? Market mechanisms will be essential to facilitate ambitious mitigation and

wider global action at a larger scale, both of which are needed to achieve the 2°C goal. How can we most effectively use the different options and instruments available?

(v) What are the options for a compliance system that facilitates and ensures that all Parties meet their obligations, and is sensitive to and appropriate to particular circumstances?

(vi) What lessons can be drawn from experience of international, regional and domestic regimes in reducing emissions of greenhouse gases while at the same time contributing to fostering economic and social welfare, and reducing poverty?

20. **Common accounting rules for all** - a clear definition of commitments and the related rules and tools are important in order to track progress towards our 2°C goal. Such rules should promote transparency, contribute to better understanding obligations, facilitate comparability of efforts, ensure environmental integrity and enable the implementation of market-based instruments. How to best design an accounting system in the new Protocol that meets these objectives will therefore be a crucial question that needs to be addressed.

Adaptation

21. Adaptation to the adverse impacts of climate change is necessary for countries to minimise negative impacts and make full use of the opportunities for climate resilient growth and sustainable development. Successful mitigation implies a higher likelihood for ecosystems, societies and economies to adapt in a timely manner, while failure to mitigate would make adaptation efforts extremely costly or even unfeasible. How can the ADP work plan acknowledge the intrinsic link between mitigation ambition and adaptation needs?

22. How can we reap the benefits of the significant progress that has been made in consolidating adaptation work under the Convention, as well as draw on the work of existing institutions and the adaptation architecture being implemented, in order to facilitate action by Parties?

23. Should the ADP work plan address enhanced reporting on vulnerability and adaptation? Should the ADP also look at how to follow up on observed impacts of climate change and measures undertaken to facilitate adequate adaptation, drawing on the ongoing work under the Convention? How can systematic collection and exchange of information on adaptation actions best support cost effective actions, and favour the exchange of knowledge e.g. about appropriate technologies?

Means of implementation

24. The ADP will need to discuss **how to mobilise the most appropriate and efficient tools and resources to enable the implementation and delivery of ambitious mitigation efforts, as well as to provide support for adaptation**, in a way that is a catalyst for positive and sustainable change. This will raise a number of issues that will need to be addressed:

(i) How can we mobilise the investments required to ensure a smooth transition to low carbon economies and climate resilient societies?

(ii) How can international climate finance, post 2020, incentivise or adequately support the actions needed to keep on track to the 2° goal? In particular, how can post 2020 international climate finance incentivise or support developing countries' enhanced action on climate change mitigation and adaptation?

(iii) While the EU will continue to support climate action in developing countries, how can we ensure that a broader range of Parties contribute to climate finance, reflecting evolving economic realities? Private finance will have to play a larger role. How can market mechanisms and other regulatory approaches best be used to mobilise finance, in particular for mitigation?

(iv) The outcomes of the Copenhagen, Cancun and Durban conferences expanded and defined the international institutional structures, including MRV of support. The effectiveness and leverage factor of international climate finance will also depend on domestic policies, ambition and regulatory framework in developing countries. How can the ADP support the continued work to strengthen the overall governance and investment frameworks, as well as effective carbon price signals, and incentives for climate resilient investments?

(v) How can we ensure that the architecture for cooperation on **technology development & transfer**, currently being implemented, facilitates actions by Parties in the context of the ADP? Existing sustainable low carbon technologies to support action on mitigation and adaptation should continue to be our key technology transfer cooperation goal. However, how can we learn from existing cooperation for innovation, particularly in the context of long term ambitious mitigation action and the 2°C objective? How can we benefit from the work of the TEC and from the best practice of other multilateral mechanisms and partnerships in order to invest in the most sustainable solutions?

(ix) How to effectively address **capacity building** for adaptation, mitigation, reporting obligations and GHG inventories, technology transfer and market mechanisms in an integrated way?

Transparency of action and support

25. The process to track progress towards achieving mitigation ambition and to develop a new Protocol will depend on reliable data on global GHG emissions and removals from all Parties. How can we build on, enhance and complement the current MRV provisions under the Convention including the new procedures agreed in Durban?

26. Improving the flow of information about the means of implementation was also at the core of the Cancun agreements and the Durban decisions. Are there further opportunities to improve the flow of information in this area?

Elementos para la Plataforma de Durban

El Gobierno de Honduras respondiendo a la invitación de la Conferencia de las Partes en su decimoséptima sesión (FCCC/CP/2011/L.10, párrafo 5), tiene el placer de presentar propuestas e ideas acerca del Plan de Trabajo para el Grupo de Trabajo Especial (GTE) de la Plataforma de Durban para Mejorar la Acción (Plataforma de Durban). Esta presentación tiene consideraciones generales y del alcance del trabajo, elementos para los objetivos específicos para el trabajo del DPA, elementos para los pilares del DPA y consideraciones para el proceso.

Resaltamos la importancia de fortalecer el estado de derecho para la implementación del objetivo de la Convención, por medio de la implementación plena y efectiva de la Convención. Por tanto, la participación en la Plataforma de Durban debe darse en 'buena fe', respetando los compromisos adquiridos anteriormente, respetando los principios y compromisos de la Convención, y buscando mejorar la implementación de los mismos sin erosionarlos. Asimismo, la región destaca la importancia de sostener el principio de equidad y honrar responsabilidades históricas de las Partes y otros compromisos para el alcanzar el objetivo último de la Convención.

Reiteramos que el desarrollo sostenible y la erradicación de la pobreza son objetivos prioritarios para los países en desarrollo. El trabajo a llevarse bajo la Plataforma no debe llevar a dichos países en desarrollo a obligaciones que menoscaben el logro de estos objetivos prioritarios, en cambio la reducción de emisiones deberá generar oportunidades que contribuyan al desarrollo sostenible y la erradicación de la pobreza de manera integral.

En este contexto, es necesario que el trabajo reconozca la necesidad de un resultado equitativo y por esto, reiteramos la importancia de observar el principio de responsabilidades comunes pero diferenciadas y respectivas capacidades (Art 3.1 de la Convención) en la implementación del trabajo bajo esta plataforma y que éste sea base de la misma. En el contexto de los resultados que deben emanar de este grupo, expresamos que las políticas y medidas para proteger el sistema climático contra el cambio inducido por el ser humano deben respetar y ser apropiadas a las condiciones específicas de cada una de las Partes. Además, la región llamar a igual importancia y un apoyo equitativo entre la mitigación y la adaptación, considerando que la última es vital para regiones particularmente vulnerables, como la región de América Central.

En base a lo antes descrito, Honduras realiza las siguientes propuestas a ser tomada en cuenta bajo el Grupo de Trabajo Especial para Mejorar la Acción, basado en la Convención y otras decisiones de relevancia.

Objetivos Específicos

Los objetivos específicos deben incluir

- ▲ Fomentar la cooperación mas amplia posible para alcanzar el objetivo de la Convención de forma equitativa y justa, considerando responsabilidades históricas y en base al principio de responsabilidades comunes pero diferenciadas y respectivas capacidades.
- ▲ Incrementar el nivel de ambición, de acuerdo con las responsabilidades comunes pero diferenciadas y respectivas capacidades, para alcanzar la estabilización del sistema climático por debajo de 1.5C y tomar las medidas necesarias para apoyar la adaptación que permita a los ecosistemas adaptarse naturalmente al cambio climático, asegurando que la producción de alimentos no se vea amenazada y permita que el desarrollo económico prosiga de manera sostenible.

- △ Fortalecer procesos existentes bajo la Convención y el Protocolo, incluyendo procesos relacionados a la adaptación a los efectos adversos del cambio climático y el trabajo relacionado a la respuesta ante daños y pérdidas
- △ Llegar a un acuerdo legalmente vinculante consistente con la Convención, que incluya todos los pilares considerados en la Hoja de Ruta de Bali y que no comprometa ni debilite el Protocolo de Kioto

Elementos para el Plan de Trabajo

El plan de trabajo debe incluir los siguientes pilares y sus elementos asociados a la:

Adaptación

- a) Fortalecimiento de las diversas plataformas de cooperación relacionada a la implementación del trabajo en adaptación actualmente fuera del marco de la CMUNCC , incluyendo el financiamiento bilateral y multilateral;
- b) Incrementar el financiamiento para la adaptación de acuerdo con los impactos observados y las proyecciones de impactos, incluyendo las del IPCC;
- c) Fortalecimiento del sistema institucional, incluyendo los centros y redes regionales y los arreglos institucionales;
- d) Inclusión del trabajo relacionado a los daños y pérdidas asociados a los impactos del cambio climático dentro de la Plataforma, incluyendo un mecanismo para responder ante éstos;
- e) Incorporación dentro del trabajo relativo a la adaptación un espacio adecuado para la consideración de pérdidas culturales y sociales, especialmente entre comunidades indígenas, locales, mujeres y niños;
- f) Fortalecimiento de Capacidades nacionales para evaluar y responder a la vulnerabilidad ante el cambio climático;
- g) Consideración conocimiento relacionado al Programa de Trabajo de Nairobi, incluyendo temas sectoriales, como agua, bosques y agricultura;

Mitigación

- a) Definir compromisos mas ambiciosos de cuantificación de reducción para los países desarrollados, de acuerdo lo requerido bajo la CMNUCC;
- b) Fortalecimiento del mecanismo bajo el CMNUCC para apoyar los NAMAs de partes no incluidas en el anexo I, incluyendo la identificación de NAMAs, fuentes de financiamiento y la transferencia de tecnología para lograr su completa implementación por parte de estos países;
- c) Diseño de mecanismos de mitigación para países en desarrollo de forma que promuevan Medidas y Políticas de Desarrollo Sostenible (SDPAMs) integrados en los programas nacionales de desarrollo, tomando en cuenta que el crecimiento económico es esencial para la adopción de medidas encaminadas a hacer frente al cambio climático y que es derecho soberano de los países priorizar actividades;
- d) Fortalecimiento de mecanismos que apoyen las sinergias y complementariedad de la Adaptación y Mitigación de manera que incentiven actividades de que generen co-beneficios, como aquellas relacionadas al uso de la tierra, incluyendo REDD;
- e) Identificación los mecanismos adecuados para tratar temas de importancia, como los temas relacionados al comercio, las barreras para la transferencia de tecnología, y otros que emerjan durante las discusiones;

Financiamiento

- a) Incrementar y asegurar la disponibilidad, adicionalidad y distribución de los recursos financieros de acuerdo con la escala de acción necesaria para cumplir los objetivos específicos y de acuerdo con los principios y compromisos de la Convención, manteniendo

el compromiso de una distribución equitativa entre fondos para mitigación y adaptación, considerando que la última es de vital importancia para regiones particularmente vulnerables, como la región de América Central;

- b) Iniciar la función efectiva del Green Climate Fund, incluyendo compromisos detallados para financiamiento a la largo plazo de acuerdo a los compromisos y principios de la Convención;
- c) Iniciar la función efectiva del Comité Permanente de Financiamiento, incluyendo traer recomendaciones identificadas por el comité bajo la plataforma de Durban. Estas deben incluir financiamiento disponible de acuerdo al Art. 11.4 de la convención, como el financiamiento bilateral.

Tecnología

- a) Facilitar la transferencia de tecnología, incluyendo la eliminación de barreras para la difusión y transferencia;
- b) Apoyo y financiamiento para el desarrollo de tecnologías endógenas para mitigación y adaptación;
- c) Fortalecimiento de redes de tecnología e investigación.

Educación y desarrollo de capacidades

- a) Implementación de actividades bajo el Art 6 de la convención;
- b) Apoyo y financiamiento para educación y desarrollo de capacidades.

Cumplimiento

- a) Mecanismos para verificar el cumplimiento de compromisos de mitigación de países del Anexo I;
- b) Mecanismos para verificar el cumplimiento de compromisos de financiamiento para apoyar a los Países No Anexo I;
- c) Mecanismos para verificar el cumplimiento de acciones de mitigación de países del Anexo I que permitan verificar que las acciones de mitigación de países desarrollados se completarán en los periodos acordados.

Proceso hacia el 2015

Se sugiere un programa de trabajo en esta presentación (Cuadro 1)

- ^ El trabajo debe iniciar inmediatamente con el objetivo de completar la labor del GTE antes de finalizar el 2015 para que el resultado del mismo entre en vigencia como paquete inmediatamente después de COP21;
- ^ El proceso debe completarse de forma eficiente, participativa y transparente, con una frecuencia de reuniones establecidas que permitan a las Partes prepararse efectivamente;
- ^ Las sesiones de la COP deben considerar el trabajo de la GTE y generar recomendaciones para mejorar el rendimiento del trabajo con miras a una conclusión satisfactoria en el 2015 y de acuerdo a los objetivos acordados.

Insumos al proceso

El proceso debe estar sustentado por la mejor información científica disponible y la evaluación de esta. Debe considerar toda la información socioeconómica relevante y las experiencias de implementación hasta la fecha de la Convención y su protocolo de Kioto. Se podrá, según aplique, utilizar las siguientes modalidades:

- ^ Presentaciones de insumos escritos (*submissions*) con enfoques claros;
- ^ Talleres para considerar los resultados de la evaluación del IPCC del 2015;
- ^ Talleres para considerar el reporte especial de eventos extremos (SREX) del IPCC y como reflejarlos en la Plataforma;
- ^ Consideración adecuada de los resultados de la revisión acordada en Cancún, incluyendo del nivel disponible de medios de implementación;
- ^ Trabajo de los órganos subsidiarios, incluyendo el Comité de Adaptación, etc;

- △ Trabajo relevante realizado por otras organizaciones intergubernamentales, tales como el OIT, FAO, Comisiones regionales, etc;
- △ Fomento de sinergias con otros grupos bajo la CMNUCC;
- △ Ideas y estudios de la sociedad civil y el sector privado por medio de distintas modalidades, incluyendo talleres.

Cuadro 1 – Programa de trabajo

2012	
Mayo	Discusiones en plenaria de los elementos a considerarse dentro de la Plataforma, incluyendo los objetivos generales, el alcance del trabajo, la relación con otros procesos, incluyendo la revisión del 2015.
Agosto	División en grupos de trabajo informales y talleres para exponer ideas
Diciembre	Elaboración de reportes para la COP18 y consideración de los resultados hasta la fecha por parte de la COP para el trabajo a realizarse en el 2013
2013	
Junio	Elaboración de texto de negociación
Octubre	Continuación del trabajo
Sesión paralela a COP19	Elaboración de reportes para la COP, incluyendo presentación de un texto de negociación
2014	Continuación de negociaciones sobre texto acordado como base
2-3 sesiones, incluyendo sesión paralela a COP20	
2015	
2-3 sesiones, incluyendo sesión paralela a COP21	<ul style="list-style-type: none"> • Continuación de negociaciones sobre texto de negociación • Organización de talleres para actualización del texto de acuerdo al proceso de revisión acordado en COP16 • Adopción de los resultados del GTE

Submission: Elements for the Durban Platform

The Government of Honduras at the invitation of the Conference of the Parties at its seventeenth session (FCCC/CP/2011/L. 10, paragraph 5), is pleased to present proposals and ideas about the Work Plan for the AWG of the Platform for Action to Improve Durban (Durban Platform). This presentation contains general considerations on the scope of work, elements for the specific objectives for the work of the DPA, element for the pillars of the DPA and considerations for the process.

We highlight the importance of strengthening the rule of law to implement the objective of the Convention, through its full and effective implementation. Thus, participation in the Durban platform should be in "good faith", respecting previously agreed commitments, respecting the principles and commitments of the Convention, and seeking to improve the implementation of the same without eroding it. The region also emphasizes the importance of upholding the principle of fairness and honouring historical responsibilities of the Parties and other commitments to achieve the ultimate objective of the Convention.

We reiterate that sustainable development and poverty eradication are priorities for developing countries. The work to be under the platform should not lead to obligations for developing countries that undermine the achievement of these priorities. Instead, the need to achieve emission reductions should generate opportunities that contribute to sustainable development and eradication of poverty holistically.

In this context, the work of the group must recognize the need to work for an equitable result, and to this end, we reiterate the importance of observing the principle of common but differentiated responsibilities and respective capabilities (Art 3.1 of the Convention) in the implementation of work under this platform and that is be based on the same. In the context of the results must come from this group, we express that policies and measures to protect the climate system against the change induced by human beings should respect and be appropriate to the specific conditions of each Party. The region also highlights the importance of giving equal The region also calls for giving equal importance and equal support between mitigation and adaptation, considering that the latter is of vital to particularly vulnerable regions such as Central American region.

Based on the above described, Honduras makes the following proposals to be taken into account under the AWG-DPA based on the Convention and other relevant decisions.

Specific Objectives

The specific objectives should include

- Encourage the widest possible cooperation to achieve the objective of the Convention in a just and equitable manner, considering historical responsibilities and the principle of common but differentiated responsibilities and respective capabilities.
- Increase the level of ambition, according to the common but differentiated responsibilities and respective capabilities, to achieve stabilization of the climate system below 1.5C and take the necessary measures to support adaptation to allow ecosystems to adapt naturally to climate change ensuring that food production is not threatened and enable economic development to proceed in a sustainable manner.
- Strengthen existing processes under the Convention and the Protocol, including processes related to adaptation to the adverse effects of climate change and work related to the response to damage and loss

- To reach a legally binding agreement consistent with the Convention, including all pillars considered in the Bali Roadmap and does not jeopardize or undermine the Kyoto Protocol

Items for the Work Plan

The work plan should include the following principles and associated elements with:

Adaptation

- a) Strengthening of the various platforms of cooperation related to implementation of adaptation work currently outside the framework of the UNFCCC, including bilateral and multilateral financing;
- b) Increase funding for adaptation in accordance with the observed and projected impacts, including in IPCC studies;
- c) Strengthen the institutional system, including regional centers and networks and institutional arrangements;
- d) Inclusion of the work related to damages and losses associated with climate change impacts within the Platform, including a mechanism to respond to these;
- e) Incorporation in the work on the adaptation with adequate space for the consideration of cultural and social losses, especially among indigenous, local, women and children;
- f) Strengthening national capacities to assess and respond to vulnerability to climate change;
- g) Consideration of knowledge related to the Nairobi Work Programme, including sectoral issues such as water, forests and agriculture;

Mitigation

- a) To define more ambitious QLROs for developed countries, according to commitments under the UNFCCC;
- b) Strengthening of the mechanism under the UNFCCC to support NAMAs for Parties not included in Annex I, including identification of NAMAs, funding sources and transfer of technology to achieve their full implementation by those countries;
- c) Design of mitigation mechanisms for developing countries in ways that promote and Sustainable Development Policies and Measures (SDPAMs) integrated into national development programs, taking into account that economic growth is essential for adopting measures to address climate change and that is the sovereign right of countries to prioritize activities;
- d) Identification of appropriate mechanisms to address emerging, such as issues related to trade, barriers to technology transfer, and others that emerge during the discussions;
- e) Strengthening of mechanism that support synergies and complementarity of adaptation and mitigation in a manner that incentivizes activities that generate co-benefits, such as those related to land use, including REDD.

Funding

- a) Increase and ensure the availability, additionality and distribution of financial resources in accordance with the scale of action needed to meet the specific objectives and in accordance with the principles and commitments of the Convention, maintaining the commitment for a equitable distribution of resources for mitigation and adaptation, considering that that the latter is vital for particularly vulnerable regions, such as Central America;
- b) Start the actual function of the Green Climate Fund, including detailed commitments for long-term finance according to the commitments and principles of the Convention;
- c) Start the operations of the Standing Committee on Finance, including by bringing recommendations identified by the committee to work under the platform of Durban. These should include funding available pursuant to Article 11.4 of the convention, and bilateral funding.

Technology

- a) Facilitate the transfer of technology, including removing barriers to the dissemination and transfer;
- b) Support and finance for the development of endogenous technologies for mitigation and adaptation;
- c) Strengthening of research and technology networks.

Education and capacity building

- a) Implementation of activities under Art 6 of the convention;
- b) Support and funding for education and capacity building.

Compliance

- a) Mechanisms for monitoring compliance with mitigation commitments of Annex I countries;
- b) Mechanisms for monitoring compliance with funding commitments to support the Non-Annex I;
- c) Mechanisms for monitoring compliance with mitigation actions by Annex I countries to monitor that mitigation actions in developed countries will be completed in the agreed periods.

Process for 2015

We suggest a program of work in this presentation (Table 1)

- The work must begin immediately in order to complete the work of the AWG before the end of 2015 AND for the same result as a package to take effect immediately after COP21;
- The process must be completed in an efficient, participatory and transparent manner, with a frequency of meetings set to enable the parties prepare effectively;
- The meetings of the COP to consider the work of the AWG and generate recommendations to improve the performance of work towards a successful conclusion in 2015 and according to agreed targets.

Inputs to the process

The process must be supported by the best available scientific information and assessment. It must consider all relevant economic information and experiences to date in the implementation of the Convention and its Kyoto Protocol. It may, as applicable, use the following forms:

- Presentation of submissions with a clear focus;
- Workshops to consider the results of the IPCC assessment of 2015;
- Workshops to consider the special report of extreme events (SREX) of the IPCC and how to reflect them in the Platform;
- Adequate consideration of the results of the review agreed at Cancun, including the level of means of implementation available;
- Work of the subsidiary bodies, including the Committee of Adjustment, etc.;
- Work done by other relevant intergovernmental organizations such as ILO, FAO, regional commissions, etc.;
- Development of synergies with other groups under the UNFCCC;
- Ideas and studies of civil society and the private sector through various forms, including workshops.

Table 1 - Work Programme

2012	
May	Discussions in plenary of the elements to be considered within the Platform, including the general objectives, the scope of work, relationship with other processes, including the revision of 2015.
August	Division in informal working groups and workshops to present ideas
December	Preparing reports for COP18 and consideration of the results of work to the date by the COP and work to be performed in 2013
2013	
June	Elaboration of negotiating text
October	Continuation of the work
Session parallel to COP19	Elaboration of reports to the COP, including of a negotiation text
2014	
2-3 sessions	Continuation of negotiations on the basis of agreed negotiation text
2015	
2-3 sessions, including session parallel to COP21	<ul style="list-style-type: none"> • Continuation of negotiations on the negotiating text • Organization of workshops to update the text according to the review process agreed at COP16 • Adoption of the results of the AWG

INDIA'S SUBMISSION ON WORK PLAN OF THE AD HOC WORKING GROUP ON THE DURBAN PLATFORM FOR ENHANCED ACTION INCLUDING, INTER ALIA, MITIGATION, ADAPTATION, FINANCE, TECHNOLOGY DEVELOPMENT AND TRANSFER, TRANSPARENCY OF ACTIONS, SUPPORT AND CAPACITY BUILDING

1. India welcomes the opportunity provided by the updated communication from the UNFCCC Secretariat vide ODES/CoP 17/11 of January 20, 2012 to express its views on the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).
2. India notes that the CoP 17 decision on **DURBAN PLATFORM FOR ENHANCED ACTION** did not mandate submission of specific views of parties on this matter at this stage. However, taking cognizance of item no 19 of Secretariat communication, India would like to submit the following views on the Work Plan for Enhanced Action under the Durban Platform, which may be read together with its first submission concerning the Durban Platform process, made on 28.2.2012 (and annexed as Annexure I of this submission for convenience) :-

BACKGROUND OF THE DURBAN PLATFORM DECISION, 2011

3. India is fully committed to strengthening the multilateral rules-based regime under the Convention, and believes that such strengthening must be directed towards achieving the ultimate objective of the Convention, contained in Article 2 and be anchored in the principles of the Convention.
4. It was in this context that India agreed to the CoP decision to launch a process of negotiations under the Durban Platform. The decision was a result of mutual reassurance exchanged between parties with a view to raise their ambition for implementation of their commitments and actions under the Convention. Successful and ambitious outcomes in the LCA and KP tracks of negotiations are part of these mutual reassurances.
5. Accordingly, India is committed to addressing the challenge of climate change through enhanced international cooperative actions of all parties under the DP in accordance with the principles of the UNFCCC and in light of the outcomes/results of the negotiations in the LCA and KP tracks.

Form of outcome under the Durban Platform

6. Paragraph 2 of the Durban Platform, 2011 makes it clear that there are at least three distinct options for the legal form of the Durban outcome i.e. a protocol, another legal instrument or an agreed outcome with legal force. Because all the three forms of outcomes are *under the Convention*, they need fully to comply with the principles of the Convention.
7. 'A protocol' and 'another legal instrument', (reminiscent of the Berlin Mandate language) concern legally binding instruments under the Convention. A protocol or legal instrument refers to an instrument or agreement that has to be ratified by the Parties. On the other hand, 'an agreed outcome with legal force' need not have the legal form of a protocol or a legal instrument; it could be an outcome that derives legal force from municipal or international law. In view of this, an agreed outcome of ADP may include aspirational CoP decisions, binding CoP decisions, setting up of institutions and bodies covering various

aspects of Bali Action Plan and Cancun Agreements with differing degrees of binding-ness under the provisions of domestic and international law under the UNFCCC.

8. The legal shape of post 2020 arrangements cannot be pre-judged. India is open to exploring any and all options, including a combination of these options, at the appropriate juncture in the negotiations, when the substantive content of the arrangements have been agreed.

Principles of Durban Platform

9. Whatever be the eventual legal form of the Durban outcome, the Durban Platform clearly envisages that such an outcome must be 'under the Convention.' This phrase finds expression both in paragraph 2 as well as in the third pre-ambular recital to the Durban Platform. The phrase 'under the Convention' includes not just the text of the Convention, but also all COP decisions that are taken to form the 'acqui' of the climate change regime.
10. The Convention is built on the principles of equity and common but differentiated responsibility. Hence, the phrase 'under the Convention' implicitly recognizes all the principles and provisions of the Convention, including, in particular the principles of 'equity' and 'common but differentiated responsibilities'.
11. India firmly believes that the principles of equity and common but differentiated responsibilities form the bedrock of parties' efforts to address climate change. These principles have guided these efforts since the inception of the climate negotiations. The fact that CoP 17 decisions regarding the LCA matters recognize the principles of equity and CBDR in various sections, particularly, in the sections relating to the 'shared vision' (Para 4 of LCA outcome) and 'review' (Para 160 of LCA outcome) corroborates this view.
12. The term 'applicable to all Parties' that follows the phrase 'under the Convention' in the decision relating to the DP merely restates the obvious – that any outcome that emerges from the ADP process must be one that is applicable to all parties, as the Convention and the Kyoto protocol are applicable to all Parties.
13. The term 'applicable to all Parties' does not signal, therefore, as some have suggested, a dilution of differentiation, or a move away from the balance of responsibilities as established in the Convention. Both the Convention and the Kyoto Protocol that are applicable to all Parties authorize and indeed require differentiation between Parties. Universality of application does not translate into uniformity of application.
14. India is willing to engage in a discussion on how the principles of equity and common but differentiated responsibilities are to be operationalized and how the precise nature of differentiation is to be articulated in the arrangements to be evolved. However, in the ADP process, there can be no departure from the current Schema of the Convention. A successful outcome on Durban Platform must be built on equity and duly incorporate requirements of common but differentiated responsibilities. This is necessary not only to raise the level of ambition of parties to the common goal of climate stabilization but also to ensure that the goal of social and economic development and poverty eradication in developing countries is not compromised.

Goal of Ad Hoc Working Group on Durban Platform

15. Paragraph 6 identifies the goal of the ADP process as raising the 'level of ambition.' India is fully committed to an ambitious and equitable climate regime.

16. The 'range of actions' that can close the ambition gap, in India's view, is not limited to mitigation actions alone. Closing the ambition gap, therefore, requires not just actions on mitigation but also on enablement and support in terms of finance, technology and capacity building. It is only when such a wide range of actions are initiated, in particular those supporting and enabling developing countries to maximize their mitigation potential, that all Parties can engage in the highest possible mitigation efforts.
17. Similarly, it is also India's view that the 'ambition gap' refers not just to the shortfall in ambition relating to mitigation but also refers to the shortfall relating to enablement and support regarding finance, technology and capacity building. Again, it is only when ambition is construed in this expansive and holistic fashion that developing country Parties will be enabled to engage in the highest possible mitigation efforts.
18. As mentioned earlier, India has already submitted its views on this issue on paragraphs 7 and 8 of the decision on Durban Platform which launch a work plan on enhancing mitigation ambition.
19. India would also like to note that the work plan is directed at closing the ambition gap 'with a view to' ensuring the highest possible 'mitigation efforts.' The choice of the word 'efforts' implicitly incorporates an understanding that the benchmarks for assessing compliance or non-compliance in contributions to closing the mitigation gap will vary across Parties. These will be dependent on national circumstances, priorities and potential, and most importantly, will depend on the ability of developed countries to close the ambition gap on finance, technology and capacity-building. This is not to suggest that India will not take progressively ambitious mitigation actions domestically, but rather that the scale and effectiveness of these mitigation efforts will depend on the ability of the international community to enable India, among other developing countries, to take these mitigation actions. India will shortly be submitting its second National Communication and first Biennial Update Report in pursuance of these voluntary ambitious efforts.
20. India shares the concern that there is a significant gap between the aggregate effect of Parties' mitigation pledges in terms of global annual emissions of greenhouse gases by 2020 and the aggregate emissions reductions suggested by the Fourth Assessment Report of the IPCC. This issue should, therefore, be given the most urgent consideration by parties while trying to raise ambition of the Parties. The second commitment period of the Kyoto Protocol is a key determinant, and progress in this regard must be factored into any discussions on ambition (or lack thereof) in the pre-2020 timeframe.
21. As regards the perceived gap between the pledges made till 2020 and the required long term pathways consistent with having a likely chance of holding the average increase in global average temperature below 2°C or 1.5°C above pre-industrial levels', it is notable that this emissions gap is a cumulative one, and that the origins of the gap can be sourced to insufficiently ambitious actions and inadequate leadership from developed countries.
22. Equally importantly, raising ambition level should not be a political process. It should be based on robust scientific inputs and the review of actions taken by parties in accordance with their commitments. Ambition should be decided in the light of the results of ICA and IAR of biennial reports/updates that will be due in 2014, and the findings of IPCC in AR5 will help us in conducting the Review of global goal and action in 2015.

Outcome under the Durban Platform

23. India would like the post 2020 arrangements to resemble Kyoto type arrangements. Under the Kyoto Protocol, developed countries have binding emission cuts in absolute terms which have to be fulfilled at economy wide level and there is a compliance regime for verifying and enforcing the achievement of targets. A comparable basis of verification and compliance with such targets through a common accounting system for all developed countries needs to be negotiated under the DP.
24. The responsibilities/obligations of developing countries in a post 2020 arrangement will clearly need to be built on the principles of equity and CBDR. Irrespective of the legal form of the final arrangements, the developing country targets under such arrangements cannot be binding until the principle of differentiation based on equity is defined and the conditions implicit in such definition of equity are met. The principle of equity will need to be elaborated through negotiations.
25. Developing country targets under these arrangements will be determined on the basis of voluntary choice and with a guarantee that there will be no punitive consequences of shortfall in these domestic targets even if they are inscribed in an international document. There will be mutually agreed arrangements for verification (international consultation and analysis) of the domestic goals but the objective of such arrangements will be only to increase transparency and build confidence in mutual actions. The post-2020 arrangements must include not only binding emission reduction commitments for developed countries but also a mandate that there will be no unilateral measures taken by any country in the name of climate change.
26. Besides above, the post 2020 arrangements must include commitments of developed countries in quantified and specific terms to provide financing and technology enablement and support to developing countries. Further, the arrangements should provide for a facilitative regime that ensures access to IPRs and transfer of climate friendly technologies. These arrangements could take the shape of a protocol or legal instrument, provided the above imperatives are met.

Scope of Durban Platform

27. As indicated earlier, ambition under the Durban Platform is related not just to mitigation but to other pillars of climate action decided upon in the Bali Action Plan and Cancun Agreements. Paragraph 5 of the Durban Platform prescribes broad thematic areas that the ADP must cover. These include 'mitigation, adaptation, finance, technology development and transfer, transparency of action, and support and capacity building.'
28. Post 2020 arrangements to be evolved under the Durban Platform must, inter alia, address the issues of equity, unilateral measures and technology related IPRs sufficiently and adequately.
29. As regards mitigation, it is India's view that distinction enshrined in the Convention between Annex I and non-Annex I Parties must be maintained in accordance with the principles of the Convention. Any other approach would involve re-interpretation of the Convention and will necessarily mandate a revisit of all categorization and classification of Parties under the Convention.
30. In Cancun, developed and developing countries had indicated their pledges for mitigation targets and actions. For effective and ambitious mitigation, Annex I Parties must continue

to take quantified emission limitation and reduction objectives, while non-Annex I Parties will take nationally appropriate mitigation actions enabled by finance and technology transfer. The work under the mitigation pillar must address adequately and with due priority the issue of response measures, inter alia, discouraging Parties from taking unilateral trade and other measures in the garb of climate protection.

31. Work under the adaptation pillar must draw upon work already done in the AWG-LCA. There must be predictable and adequate Annex II funding for adaptation, and the means must be put in place to ensure this. The Cancun Adaptation Framework, including the work program on 'loss and damage', must be carried forward and implemented.
32. Work under the finance pillar must build on existing promises and institutions. In particular it must ensure that the agreed full incremental costs of meeting enhanced non-Annex I reporting obligations is met through additional funding. Overall, there is a need for an increase in the quantum of financing provided by Annex II Parties. The ADP process must encourage and generate such increased levels of financing by the developed countries.
33. Work under the technology development and transfer pillar must extend existing institutions and commitments. In particular it must operationalize technology transfer to developing countries, ensure Annex II financing for technology development, remove obstacles to and provide financing and incentives for transfer of technology, and facilitate R & D cooperation in climate technology. This pillar must also address the issue of intellectual property rights (IPRs). Many of the technologies that can help India and other developing countries to move towards a lower emissions path are out of their reach due to IPRs and their costs. India strongly supports a facilitative IPRs regime that balances rewards for the innovators with the common good of humankind and thereby enables developing countries to take early and effective mitigation and adaptation actions at the national level. In the absence of such a facilitative IPRs regime, the objective of advancing nationally appropriate mitigation and adaptation actions at the scale and speed warranted by the Convention will not be achievable.
34. Work under the transparency of action pillar must extend the Cancun Agreements, in particular by further fleshing out measurement, reporting and verification (MRV) requirements in relation to Annex I mitigation, Annex II provision of finance and technology, and non-Annex I mitigation. In Durban, the Cancun decisions on transparency were further supplemented by agreed guidelines for transparency.
35. For such arrangements to be effective and inspire confidence, it is important to have common accounting rules for MRV of developed country mitigation targets. MRV of the flow of finance as per Convention obligations should also be an important part of the IAR.
36. In addition, India supports the creation of a compliance system as part of the ADP outcome. This system must build on the existing Kyoto compliance system, one of the most evolved and sophisticated compliance systems among multilateral environmental agreements. In particular this compliance system must contain a differentiated structure for Annex I and non-Annex I Parties, such that the former are subject to compliance and consequences for the breach of their obligations, and the latter are encouraged to remain in compliance through a set of incentives.

Process under Durban Platform

37. Paragraphs 3 and 4 of the Durban Platform, 2011, prescribe a timeline for the work of the ADP process. The ADP process is expected to complete its work by 2015, so that the agreed arrangements emerging from this process are implemented from 2020. At the same time, paragraph 6 lists in an illustrative manner the inputs which are needed to complete the ADP process.
38. India would like to clarify that the ADP process, and the paragraphs that indicate its timeline, coverage and input, are to be treated parts of a composite whole. While the work plan on mitigation ambition must be carried out in parallel, it must not be allowed to detract from the existing work in the process, including that in the ADP and AWG-LCA.

Inputs to Ad Hoc Working Group on Durban Platform

39. The work under the Durban Platform should draw upon the work done under the Ad Hoc Working Group on Long term Cooperative Action (AWG-LCA) and should have a synergistic relationship with the implementation of its mandate. In its five years of operation, AWG-LCA has made significant progress in enhancing actions of parties under the Bali Action Plan. While some items on the AWG-LCA's agenda have been addressed, several items/issues on its agenda have remained unresolved.
40. It was in recognition of this fact that the CoP 17 decided that the AWG-LCA will complete its work satisfactorily before it is terminated. If the work of the AWG-LCA remains unfinished, and, if there are particular items, in particular, from the agreed mandate of the AWG-LCA that have not been satisfactorily addressed, the substantive unresolved issues relating to the mandate must be transferred seamlessly to the ADP. In this way, the work of the ADP should be seen to be a logical evolution of the work of the AWG-LCA.
41. It is clear from the text of paragraph 6 that increasing the level of ambition through the ADP process has to follow the availability of final inputs to this process, namely, the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, the outcomes of the 2013-2015 review and the work of the subsidiary bodies. India is of the view that the ambition in the pre-2020 period and its legal form can be discussed and finalized only after these inputs are integrated into the process through deliberation and a final decision in the relevant subsidiary bodies of the Convention. Further, as pointed out earlier, this work of increasing the level of ambition must include in its scope not only mitigation but all other aspects of adaptation, finance, technology development and transfer and capacity building.
42. India would like to underscore that the work of the subsidiary bodies includes the work of *all* subsidiary bodies. This includes in particular the work of the AWG-LCA, Subsidiary Body for Implementation and the Subsidiary Body for Scientific and Technological Advice. This will also include, for instance, the work conducted in workshops under these Subsidiary Bodies. India views the ADP process as forming a complementary part of the whole, rather than it's working in isolation, or as constituting in any respect a break from the rest.
43. India would also like to note that although the list of inputs is an illustrative rather than exhaustive one, as suggested by the use of the term 'inter alia,' it is only those inputs recognized and mandated by Parties that must be taken into account. Reports by international or other organizations may have persuasive value, but as their objectivity and also veracity, could be in doubt, these must not feed directly into the ADP process to determine its outcomes.

Contextualizing the Work of ADP

44. India firmly believes that the work of ADP must be viewed synergistically with the work of all the subsidiary bodies, including the AWG-LCA and AWG-KP. The first order of business of the ADP must be to determine collectively how the ADP can build on rather than replace, replicate or modify the work already done in the AWG-LCA and AWG-KP. India believes that no issue currently covered by the AWG-LCA and AWG-KP should fall between the cracks if and when these processes are brought to an end. The ADP is the logical home for most of the remaining substantive issues on their respective agendas.
45. India believes that there must be a seamless transition from the work of the AWG-LCA to the work of the ADP. There is nothing in the text of the Durban Platform to justify a reading that the ADP constitutes a departure from the premises of the Convention and of the Bali Action Plan. On the contrary, the use of the phrase 'under the Convention' implicitly engages the Convention and all COP decisions under it. Therefore issues that are not satisfactorily resolved by the AWG-LCA must be parceled forward to the ADP. This may include, for instance, the long-term global goal, equitable access to sustainable development, and issues that feature in FCCC/AWGLCA/2011/CRP.39. Unresolved issues of purely technical nature may, after due deliberations, be sent to the relevant Subsidiary Bodies.
46. There must also, in India's view, be strong linkage between the work of the AWG-KP and that of the ADP. The work of the ADP hinges on the fulfillment of the Durban promise of a second commitment period under the Kyoto Protocol.
47. India is of the view that the presentation by May 2012 of QELROs by Kyoto Parties is an 'important and necessary first step for the success of the process agreed to at Durban. In addition, India believes that Parties must determine how the Kyoto Protocol, the extensive rules negotiated under it, and the work of the AWG-KP is to be preserved and extended. Although COP-17 did offer the Kyoto Protocol a fresh lease of life, it did not address its future post-2018 or post-2020. Parties need to address this, as well as ensure that if indeed there is to be a single overarching framework post-2020, that the agenda of the ADP is designed to ensure that key elements of the Kyoto Protocol are built into this new framework. In the meantime, however, the work of the AWG-KP must continue. The life of the AWG-KP, in India's view, is tied to the life of the ADP process. Both processes must conclude on a positive, ambitious and equitable note.
48. Last but not the least, India is of the view that, in the year 2012, the work of parties should focus on brainstorming on the principles, content and scope of the Durban Platform. Other consequential issues such as legal form, time-lines and milestones relating to the completion of the process should be addressed only after these substantive issues are decided.

Annexure I to India's submission on ADP (Submission made by India on February 28, 2012)

Increasing Ambition Level under Durban Platform for Enhanced Actions

Note by the secretariat:

The complete text of this annex can be found in document FCCC/ADP/2012/MISC.1, page 36.

Paper no. 8: Japan

Future framework and work plan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action
(16 April, 2012)

Japan welcomes the opportunity to submit its views on future framework and work plan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action as follows, as requested by paragraph 5 of the decision 1/CP.17 “Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action”. Japan has produced this submission taking into account the discussions at the Tenth Informal Meeting on Further Actions against Climate Change (Japan-Brazil Dialogue) held in Tokyo on March 1 and 2, 2012, the 1st Ministerial Meeting on the East Asia Low Carbon Growth Partnership Dialogue also held in Tokyo on April 15, 2012 and the 13th Meeting of the Leaders’ Representatives of the Major Economies Forum on Energy and Climate.

1. Basic ideas for the future climate change framework

Japan considers the Durban Platform is the most important achievement of the Durban Conference and welcomes the establishment of this new process. The discussion of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) is expected to lead to creation of a future framework that is fair and effective, and applicable to all Parties. In particular, Japan puts importance to “applicable to all Parties”. To that end, Japan is ready to actively contribute to the discussion to explore what kind of framework will be acceptable for all Parties. Japan also considers that the future framework should have a flexible and dynamic structure which is durable over time, so that it maximizes each country's efforts, giving consideration to its specific circumstances. Japan notes that the principles of the UNFCCC are dynamic concepts and their interpretation can evolve along with changes of the international community.

Regarding mitigation, it is important to explore the most pragmatic and effective way to maximize each country's mitigation effort, by utilizing various kinds of approaches including technological innovation and transfer, low-carbon growth strategies, sectoral approaches and market mechanisms in an integrated manner. In order to facilitate mitigation actions and raise all countries' level of ambition in the post-2020 regime, it is also important to secure transparency of mitigation actions in the most effective and efficient manner.

Finance, technology transfer and capacity building are important elements to promote actions in developing countries. Adaptation is also a significant part in the future framework, as negative impacts of climate change grow increasingly apparent.

Based on the lessons and experiences gained in the existing regimes such as the Kyoto Protocol and the Cancun Agreements, some useful elements of these regimes should be considered to be utilized in the future framework with some necessary improvements.

2. Modalities of the ADP

(1) Meeting agenda

One of the most important tasks of this year is to start and put the work of the ADP on the right track. To do so, we should avoid wasting too much time at the beginning of the process, such as agenda setting. To that end, the agenda of this year's ADP meetings should be simple and generic.

(2) Work plan

This year, our discussion should be focused on the consideration of truly effective international framework that is achievable and acceptable to all countries. From this viewpoint, it would be beneficial to start from brainstorming. While advancing discussions in the official UN meetings, it would be useful to convene workshops outside the UNFCCC, inviting interested stakeholders such as international organizations, industries, think tanks and civil societies. Japan proposes to hold a series of workshops on a future framework, where some consecutive sessions are devoted to focused brainstorming discussion in order to conceptualize some major elements of the future framework. The results of the discussion will be reported to the ADP.

In order to make the discussion well focused, the work plan of the ADP should concentrate on major elements of the future framework. More specifically, discussions should be focused for the time being on key substance of the future framework including the structure of mitigation scheme, rather than legal form of the framework.

With regard to adaptation, finance, technology development and transfer, transparency and capacity-building, steady implementation of on-going works based on agreements at Cancun and Durban, especially on institutional arrangements including the Green Climate Fund and the Climate Technology Centre and Network, should be continued in appropriate fora for the time being. Useful elements of these current institutional arrangements should be utilized in the future framework and the way to utilize them should be discussed in the ADP.

(3) Work schedule

Up to COP18

- Continue and accelerate on-going works in the AWG-KP/LCA bearing in mind that these AWGs will be terminated at COP18.
- In the negotiation process, assess the overall progress of the negotiation by conducting a touch-base process that overarches the three AWGs.
- Deepen understanding on and conceptualize main elements of the future framework through broad exchange of views in brainstorming workshops inside and outside of the UNFCCC.

COP18

- Agree on a guidance which is clear enough to initiate concrete discussion in 2013 (e.g. rough structure of the work plan, work schedule for following years)
- Decide to invite Parties to submit their views on the final product of the ADP.

2013 and after

- Accelerate discussion on the future framework based on the Parties' submissions in order to complete its work as soon as possible.
- Discuss the way to utilize some parts of outcomes of the AWG-KP/LCA in the future framework, while SBs continue follow-up works of these two AWGs if necessary.

(4) Officers

It is important to ensure the continuity of the works of Chair and Vice-Chair in order to efficiently and smoothly conduct our discussion towards the final outcome. Assuming their term is one-year, the Vice-chair shall serve as Chair of the following year.

Предложения Российской Федерации к Плану работы Специальной Рабочей группы по Дурбанской платформе действий

План работы Специальной рабочей группы по Дурбанской платформе действий (СРГ-ДП) должен быть сфокусирован на своевременном и полном выполнении мандата СРГ-ДП – разработке всеобъемлющего по сути и универсального по составу участников международно-правового инструмента, ориентированного на укрепление многостороннего режима под эгидой Рамочной конвенции ООН об изменении климата (РКИК) и осуществление эффективных мер реагирования на глобальное изменение климата в целях реализации конечной цели РКИК.

Работа СРГ-ДП должна выстраиваться с опорой на безусловное соблюдение всех принципов РКИК и подходов, закрепленных в решении об учреждении СРГ-ДП, принятом на 17-й сессии Конференции Сторон РКИК.

План работы СРГ-ДП следует формировать с учетом таких критериев, как комплексность в сочетании с максимальной конкретностью, выполнимость, учет итогов переговорного процесса под эгидой РКИК и устранение излишней детализации, имея в виду задачу согласования и своевременного принятия Плана согласно установкам решения об учреждении СРГ-ДП (в первом полугодии 2012 года).

План должен обеспечивать сбалансированное рассмотрение климатической проблематики в контексте разработки проекта международно-правового инструмента и в интересах целостности международно-правового режима, а также эффективности мер реагирования на глобальное изменение климата включать следующие тематические блоки, с учетом уровня их социально-экономического развития и других соответствующих факторов:

- Обсуждение и выработка форматов и возможных метрик будущих обязательств и их взаимосвязка в контексте вклада Сторон в достижение глобальной цели сотрудничества по защите климатической системы.
- ограничение и снижение эмиссий парниковых газов (митигация), включая разделяемую всеми Сторонами долгосрочную цель снижения глобальных выбросов и конкретные международно-правовые обязательства Сторон;
- адаптация;
- вопросы финансирования;
- разработка и передача технологий;
- оказание финансово-технологического содействия Сторонам и укрепление их потенциала реагирования на глобальное изменение климата;
- использование рыночных механизмов и секторальный подход;

- обзор и оценка хода выполнения международно-правового инструмента и отчетность о мерах реагирования на глобальное изменение климата, осуществляемых Сторонами;
- режим соблюдения обязательств;
- учет роли землепользования, изменений в землепользовании и лесного хозяйства (ЗИЗЛХ) при осуществлении обязательств Сторон по смягчению воздействия на климатическую систему;
- наблюдения и научные исследования в области климата и его изменений, смягчения и предотвращения негативных воздействий на климатическую систему, социально-экономических и экологических рисков и последствий изменения климата;
- укрепление потенциала Сторон и оказание мер содействия по выполнению обязательств.

Работа СРГ-ДП должна быть надлежащим образом спланирована. Необходимо предусматривать количество переговорных сессий, достаточное для полного и своевременного выполнения мандата СРГ-ДП – 2-3 сессии в год до 2015 года.

Следует предусмотреть адекватное финансирование для обеспечения работы СРГ-ДП.

С учетом итогов первой сессии следует также определиться с календарем сессий на текущий год, учитывая необходимость заблаговременного принятия решений о сроках и местах проведения переговорных сессий.

**The Russian Federation suggestions to the Workplan
of the Ad Hoc Working Group on the Durban Platform for Enhanced
Action – AWG-DP**

The Workplan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (AWG-DP) shall be focused on timely and full implementation of the ADP's mandate – development of a legal instrument, comprehensive by its core and universal by its composition, aimed at the strengthening of the multilateral regime under the United Nations Framework Convention on Climate Change (UNFCCC) and implementation of effective measures of response to the global climate change for the achievement of the ultimate objective of the UNFCCC.

Work of the ADP shall be build upon absolute observance of all of the UNFCCC's principles and approaches as agreed in the Decision on the ADP establishment adopted at the CP17/CMP7.

The AWG-DP's Workplan shall be formed taking into account such criteria as comprehensiveness and concreteness, realistic approach in terms of its implementation, due account of the outcomes of the negotiations under the UNFCCC, avoidance of excessive level of details with a view of the task of the adoption of the Workplan as a matter of urgency as provided in the Decision on the AWG-DP establishment (first half of 2012).

The Workplan shall ensure balanced consideration of the climate issue while elaborating the draft legal instrument for the benefit of integrity of the international legal regime, as well as efficiency of response measures to the global climate change including following thematic building blocks (taking into account their level of socio-economic development and other relevant factors):

- discussion and development of formats and possible metrics for future obligations and their reconciliation in the context of contribution of the Parties to the global goal – protection of the climate system.
- mitigation and reduction of greenhouse gas emissions, including a long-term objective shared by all Parties, to reduce global emissions and concrete international legal commitments of the Parties;
- adaptation;
- finance;
- technology development and transfer;
- financial and technology transfer assistance to Parties as well capacity-building to enhance their potential to respond to the global climate change;
- use of market mechanism and sectoral approach;

- review and assessment of the progress of implementation of the legal instrument and reporting on response measures implemented by Parties;
- compliance regime;
- taking into account the role of land-use, land-use change and forestry in implementing the commitments of the Parties to mitigate the impact on the climate system;
- observation and research in the field of climate and climate change, mitigation and prevention of adverse impacts on the climate system, socio-economic and environmental risks and impacts of climate change;
- strengthening the capacity of the Parties and provision of measures to facilitate the implementation of commitments.

The AWG-DP's work shall be properly planned. It is necessary to foresee the number of negotiating sessions that might be needed for complete and timely accomplishment of the AWG-DP's mandate – 2-3 sessions per year until 2015.

Adequate financing of the AWG-DP's work should be foreseen.

Taking into account the outcomes of the 1st session of the AWG-DP it will also be necessary to agree on the calendar of meeting for the current year, with a view to take early decision on dates and places of the negotiating sessions.

Paper no. 10: Switzerland on behalf of the Environmental Integrity Group

**Workplan of the Ad Hoc Working Group on the Durban Platform
for Enhanced Action (ADP)**

First session of the Durban Platform for Enhanced Action (ADP 1)

On behalf of the Environmental Integrity Group (EIG, composed of Liechtenstein, Mexico, Monaco, the Republic of Korea and Switzerland), Switzerland is pleased to submit our views on the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).

1. The ADP includes **two distinct elements**: a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, and a workplan on enhancing mitigation ambition;

The workplan on mitigation ambition

2. The **workplan on enhancing mitigation ambition** shall identify and explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties. It is our view that the timeframe of this workplan should initially focus on the period up to 2020 and then include the period post-2020. As it is broadly recognized, the current global level of ambition, as reflected in pledges by 2020, is insufficient in view of the ultimate objective of the Convention. An ambition level that meets recommendations from science must be achieved as soon as possible to keep the global temperature rise below 2 degrees Celsius. To this aim, the workplan should identify concrete options to increase mitigation action, deepen the technical understanding of these options and bring the adequate political attention to the issue, taking into account CBDR/RC and equity. It should commence with the in-session workshop at the first negotiating session in 2012 and further activities should be conducted in parallel to the negotiations under the ADP. The workplan on enhancing mitigation ambition should be informed by the outcomes of efforts carried out in any other relevant fora.

Process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties

3. The ADP also includes a process to develop a **protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties** (referred to hereafter as the “*future legal instrument*”) which is to come into effect **from 2020**. Consequently, the process on the *future legal instrument* should focus on the period from 2020, without prejudice of the obligation not to defeat the object and purpose of the instrument prior to its entry into force. Meanwhile, in 2012, the AWG-LCA and AWG-KP are tasked to finalise their work and further strengthen the work under the Convention from 2012. Any unresolved issues from these two Ad Hoc Working Groups for the period before 2020 should then be addressed by the permanent SBs or newly established bodies under the Convention.
4. The work on the *future legal instrument* must **start with no delay in 2012** as a matter of urgency. It must complete its work as early as possible but no later than 2015 in order to adopt the *future legal instrument* at COP21 (2015). An efficient, structured and smooth organisation of work is necessary for this to be achieved (*outlined below*).

5. In its work on the *future legal instrument*, the ADP should **build on the Convention, their relevant Decisions and the experiences gained in the course of their implementation**. Consequently, the organisation of work under the ADP should allow to draw from the experience gained by the evolving Cancun institutions (*outlined below*). Further, the ADP should be informed on the work under the AWG-LCA, the SBs, and the other relevant bodies and decisions under the Convention. To this aim, the EIG encourages periodic stock-taking sessions for the ADP by the Chairs of the respective bodies.
6. Furthermore, in its work on the *future legal instrument*, the ADP should **benefit from the experience gained under the Kyoto Protocol**. One strength of the Kyoto Protocol is its rigorous and robust ruled based system, including ex ante reporting and accounting rules. Such rules allow for transparency, functioning of market mechanism and for environmental and social standards. The EIG strongly supports the progressive establishment of a common, transparent accounting system under the Convention, that would take into account national circumstances. Such a common accounting system may be built in an incremental way in the period up to 2020. The ADP should build on the work of the AWG-LCA and other subsidiary bodies in view of a full common accounting system from 2020.

Organisation of work 2012-2015

7. The ADP is mandated to develop the *future legal instrument* in order for its adoption at COP21 (2015). Time must be used wisely in order to deliver by 2015 or earlier. It may be advisable to phase the negotiations over the four years regarding the mode of work and thematic focus (*outlined in following paragraphs and figure 1*). Consequently, it is important that the process for the development of the *future legal instrument* is organised as **one process** 2012-2015 rather on an annual basis. To this aim, a broad **plan 2012-2015 for the work** under the ADP needs to be agreed at its first session (May 2012, Bonn). Further guidance on the organisation of work under the ADP could be provided through decisions at COP18, COP19 and COP20, taking into account the progress achieved, if necessary.
8. Further, **continuity between chairs and vice-chairs** of the ADP must be ensured over the period 2012-2015. The COP18 should consider the various possibilities such as a rotation between the same chair and the vice-chair(s), taking into account the organisation of the work under the ADP over the four years.
9. The development of the *future legal instrument* may be facilitated through a **phasing of work** (*figure 1*). In a first phase in 2012 conceptual work may be undertaken ("**phase on concepts**") and a common understanding of the principles, the broad architecture and broad content of the *future legal instrument* may be elaborated. In a second phase 2013-2014, the negotiations may deepen in substance and be conducted on a textual basis ("**phase on content**"). As a third phase 2014-2015, the form of the future legal instrument may be finalised ("**phase on form**").
10. **"Phase focusing on concepts" 2012:** Conceptual work may be undertaken on the principles, the broad architecture and broad content of the *future legal instrument* including at negotiation sessions, through workshops and submissions of Parties and relevant technical, social and economic information and expertise.

Regarding the principles, particularly a common understanding on **CBDR/RC and equity**, and their operationalisation in the *future legal instrument* is needed, reflecting social and economic realities and national circumstances of the Parties. Thereby, the relevant work undertaken under the Convention (such as the workshop on equity) should be taken into consideration. On this basis, the work under the ADP should address the operationalisation of the principles in the context of the broad architecture of and specific commitments to be taken under the *future legal instrument*.

Regarding the **broad architecture**, a common understanding of the common bindingness with differentiation of commitments needs to be achieved.

Regarding the **broad content**, a common understanding of the elements of the *future legal instrument* is necessary.

11. **“Phase focusing on content” 2013-2014:** The substance of the major elements of and respective commitments under the *future legal instrument* will be elaborated and draft negotiating texts prepared. The *future legal instrument* should build on the Convention including on the elements of the outcome of the Bali Action Plan agreed in decisions 1/CP.16, 1/CP.17 and X/CP.18, and any further strengthening in the period up to 2020. It should also consider the experiences gained from the operationalisation of the institutional arrangements and activities under the Convention. Also, the process should be informed on the experience gained under the Kyoto Protocol.
12. **“Phase focusing on form” 2014-2015:** The Durban package includes the development of the *future legal instrument*, the final form of which still is to be agreed. The EIG envisages a legally binding instrument under the Convention, and with a common bindingness on and the participation of all Parties, according to the differentiated responsibilities and capacities. In this context, the final form of the *future legal instrument* may crystallize along with the elaboration of its content and architecture. Therefore, negotiations on the form of the *future legal instrument* may be conducted in a third phase 2014-2015, when a common vision of the content and architecture of the *future legal instrument* have evolved and finalisation thereof will on the other side need a common vision of the form of the *future legal instrument*.

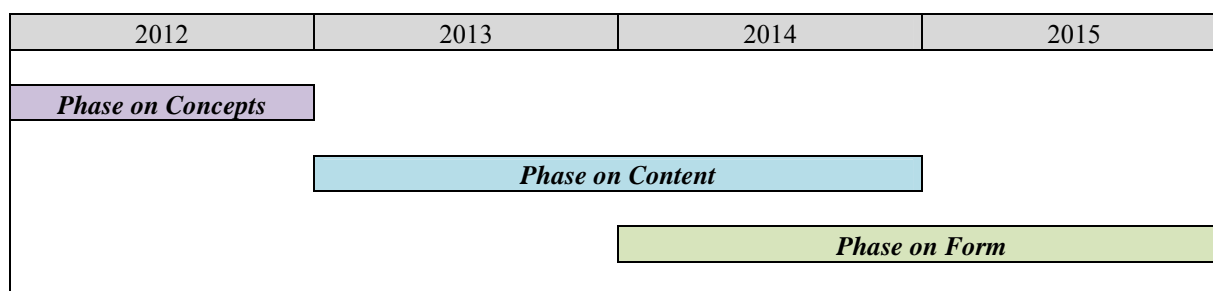


Figure 1. Phasing of the work under the ADP 2012-2015 may facilitate the development of the *future legal instrument*.

Paper no. 11: United States of America

The Durban Platform Plan of Work Submission of the United States

- The United States welcomes the opportunity to present its views on the plan of work concerning the Durban Platform (DP).
- The United States considers the DP a significant breakthrough in the development of the climate change regime under the Framework Convention.
- In particular, in making clear that the new agreement will have legal force with respect to all Parties, developed and developing countries alike.
- It also acknowledges economic realities and emissions trends and lays the groundwork for an environmentally sustainable approach.
- The Durban Platform, we hope, will point the way to a future of greater participation, greater ambition, and more progress toward the goal we all share of avoiding dangerous climate change
- Over the course of the next four years, we have the unique challenge of constructing a new paradigm that will suit the needs of all Parties and reach our common goal. How will we construct a regime that reflects the world we will see in the 2020s and beyond? How do we ensure that we establish a structure that reflects changed circumstances, and that remains up to date throughout its life, that can adapt to new innovations and global dynamics?
- This is our common challenge. But it is also an opportunity to design a regime that works for the world.
- The United States looks forward to actively engage in the design of this next step.

Chairmanship

- We are beginning what is essentially a four-year process.
- In our view, having new chairs start from scratch every year would not lend the desirable continuity for the development of an agreement of a legal nature.
- At the same time, it would seem to unduly burden one or two individuals were there to be the same chair or co-chairs for the entire four years.
- As such, we would consider two two-year shifts to be a reasonable approach.
- For each shift, we should consider either co-chairs or a chair/vice-chair model.
- In addition, another idea to consider is the “friends of the chair” model that the COP 3 President used as a representative sounding board to assist him in his work.

Plan of Work

- The work of the ADP should be carried out, at least for the first year, in a single group.
- This will allow issues to be treated holistically, which is essential when developing an agreement of a legal nature.
- Further, treating issues together will not prejudice which elements will and will not be part of the ultimate agreement (or ultimate package, even if some are not literally part of the agreement).

- There does not need to be ex ante agreement on the issues that need to be discussed or included in an agreement/package; in fact, such an approach would take up valuable time and likely be counter-productive.
- We would not see any issues automatically taken up by the ADP. While Parties should be free to raise whatever issues they think should be addressed, Durban contained no provision for the rollover of issues that cannot gain agreement under the LCA.
- While formal subgroups would not be established, the chair(s) should have the latitude to ask groups, whether open-ended or smaller, to take up certain issues during a particular session and report back to the ADP.
- At an appropriate time, a legal experts group should be established to address legal issues and drafting matters that arise in the course of developing a protocol, legal instrument, or agreed outcome with legal force.
- In the U.S. view, the first phase of the process should be a conceptual phase, largely devoted to thinking through collectively how best to achieve the DP’s various objectives.
- Such “brainstorming” is necessary and desirable for a number of reasons.
 - First, under the DP, the agreement’s legal force will be applicable to all Parties.
 - A key challenge for the process will be identifying a legal form and overall approach that attracts the participation of Parties in widely varying situations.
 - Second, the agreement will apply from 2020 and must therefore be appropriate for the economic and emissions realities of that time period. While all Parties cannot be expected to undertake the same type/level of mitigation action, much more commonality will be necessary not only for actions themselves but also for measurement, reporting, review, and other forms of accountability. An “Annex I/non-Annex I” approach will not be sustainable.
 - Third, the agreement will need to promote the necessary ambition in light of the global temperature goal. Therefore, the agreement must be designed so that legal form does not become the enemy of the desired ambition.
 - Fourth, given the DP’s requirement that the next step reflect legal parallelism among all Parties, it cannot be the case that some Parties’ commitments will depend upon external financing and others’ will not. Further consideration will be needed to explore ways in which Parties that can act to a certain extent without external assistance and to a greater extent with assistance can reflect their unconditional commitments, as well as room for additional action.
 - Finally, we do not have to build the next step from scratch. Certain elements that have already been launched in the Cancun agreements, particularly various institutional arrangements, may lend themselves to carrying over into 2020 and beyond.
- So how do we make the best of this opportunity in 2012 to think outside the box and come up with new, creative ideas?
- Our plan of work should focus on providing Parties and observers with a setting for real discussion of the options before us, and allow all to raise questions and test ideas, without being wedded to a specific position or approach at the outset. In this conceptual phase,

we should resist the inclination to move toward text until we have more convergence on ideas.

- In 2012, this conceptual phase could be facilitated by a series of workshops or round tables that bring together Parties and relevant experts to explore several key questions that will guide our process over the course of the next 3 years.
- Such round tables could address specific questions, with a day or half-day workshop allowed for each. We suggest workshops begin at the Bonn session and continue in future sessions of the ADP. The specific questions taken up at each workshop could include:
 - What approaches (within the Convention and in other multilateral agreements) have worked in attracting ambitious engagement from a wide range of countries with different national circumstances in a single agreement? Which haven't? Which elements are best suited to the Durban Platform requirements of "applicable to all" and which will remain relevant in a post-2020 world?
 - How can we best adapt the existing institutions and frameworks implemented under Cancun and Durban into a future post-2020 agreement applicable to all? What would this transition entail?
 - How do we ensure that a future system evolves with changing circumstances (e.g. changes in development, socio-economic status, emissions profiles, etc...)? How can we build in such changes, both anticipated and unanticipated, out almost a decade from now when the system will take effect?
 - Which options best tackle the drivers of GHG emissions and address the need for scaled-up private finance?

**View of Republic of Uzbekistan
on work plan of an AD Hoc Working Group
on the Durban Platform for Enhanced Actions,
including on mitigation, adaptation, finance,
development and technology development and transfer,
transparence of action, support and capacity-building**

The Republic of Uzbekistan acknowledges the importance of establishment of the AD Hoc Working Group on the Durban Platform for Enhanced Actions, which begins its work in the first half of 2012 and completes it no later than 2015 with the aim of development and adoption of the Protocol, different legal agreement or legal resulting document according to Convention with is applicable to all Parties at the Twenty-first Session of the Conference of the Parties in order to come into force and put into effect from 2020.

In the context of the necessity of working out the work plan of AD Hoc Working Group on the Durban Platform for Enhanced Actions in the first half of 2012 Uzbekistan wishes to present its opinion and wishes which, to its opinion will facilitate the enhancement of actions including the ones on mitigation of climate change, adaptation, finance, development and technology development and transfer, transparence of action, support and capacity building:

On mitigation and adaptation:

For the development and further realization of NAMA and NAPA in the developing countries and countries with economy in transition which are Not-Annex I Parties it is needed to establish the additional institutional structures including training of experts, mastering of methods and instruments of economical analysis of adaptation and mitigation.

Uzbekistan supports the enhancement of introduction of MRV system for the comparison of actions of countries (developed and developing) both in the reduction of emissions and financial support of developing countries.

Adaptation is a process which should be included to the national plans of development and strategy. Adaptation to climate change can not be considered separately from the other problems related to the economy and sustainable development.

We think that the following tasks have priority in the field of systematic observations: support of national and local networks on climate observations in developing countries within GCOS; working out of standards for collection of data needed for the assessment of impacts and analysis of measures for adaptation to climate change (“non-climatic data”); facilitating the access to the archived data of systematic observations and monitoring as well as to results of the global climate models.

Uzbekistan supports the establishment of regional centres and institutional mechanisms in the Convention framework, in particular, the centres on adaptation which will enhance the national efforts and provide for the methodical, technological and financial support to the developing countries, including development of NAPA, elimination of barriers and facilitating the access to the new adaptation technologies, in the development and introduction of technologies. More attention should be paid to the best practice in the area of the non-market technologies.

On financing:

Uzbekistan thinks that financial support in all areas related to UN FCCC guarantees the implementation of Convention for many developing countries. That is why Uzbekistan welcomes the positions of the shared vision regarding that the developed countries present the new and additional financing mechanisms directed to the solution of measures on the prevention of climate change and adaptation as well as on the technology transfer, capacity building, calls for the enhancement of the existing financial mechanism of Convention as well as to continue the financing from the developed countries to the developing countries and countries with the economy in transfer for the preparation of their national communications, elaboration and implementation of the regional and national action plans on mitigation and adaptation of NAMA and NAPA.

The combined efforts of the developed countries to support the further actions on adaptation for the most vulnerable countries subjected to the floods, drought and desertification are of the drastic importance. In the allocation of funds it is needed to take the differences in the national circumstances of the developing countries and countries with the economy in transfer via the use of the objective vulnerability criteria into account.

On the development and transfer of technologies

Uzbekistan thinks that it is required to include the mechanisms of stimulation related to three different stages of the life cycle of technologies:

- a) advancement of the dissemination of the existing low-carbon technologies;
- b) advancement of the development of technologies which are close to the phase of commercial application;
- c) increase of financing of scientific-research works in the area of new technologies, etc.

Development of capacity, education and public awareness:

Development of capacity is an important condition for the efficient implementation of the Convention and should be conducted in all directions.

The main limitations for the national actions are: absence of the specialized institutes and programs; lack of the relevant expert capacity and limited financial resources for supporting the work on implementation of UN FCCC. The support to the development of institutional and legal conditions for the efficient implementation of Convention in the countries should be strengthened at the national and regional levels.

For the expert capacity building the regular education process is needed. That is why is needed to continue the practice of the technical and financial support for participation of the national experts from the different sectors as well as of journalists in the international training workshops and courses.
