



CAN Submission: Workplan for the Durban Platform for Enhanced Action

13 April 2012

Climate Action Network International is the world's largest network of civil society organizations working together to promote government action to address the climate crisis, with more than 700 members in over 90 countries. www.climatenetwork.org

Introduction

CAN welcomes the establishment of the Ad Hoc Working group on the Durban Platform for Enhanced Action. Now that Parties have agreed to negotiate a legally binding instrument to be adopted no later than 2015, it is time to negotiate the substance.

CAN sees two distinct timeframes within the Durban Platform – the work to increase ambition in the short term, as identified in paragraphs 7 and 8 of the Durban Platform, must occur in parallel with negotiations for reaching an ambitious comprehensive global climate change agreement by 2015 at the latest. CAN has detailed the actions necessary to increase ambition before 2020 in an earlier submission¹. Evading near term responsibility will undermine the chances of a successful 2015 agreement and have a catastrophic impact on the climate.

Parties must learn from the disaster at Copenhagen and ensure that in 2012 they agree on a clear workplan towards 2015 including a timeline for achieving key issues, marked by clear milestones and deadlines. Parties must commit to meeting these milestones and deadlines and honour this commitment. Parties will need to conclude a number of agenda items in 2012, 2013 and 2014. Parties must build into the workplan a balanced package of decisions to be agreed annually.

Equity, including common but differentiated responsibilities and respective capabilities (CBDRRC), needs to be at the very heart of the Durban Platform for Enhanced Action for it to be able to deliver adequately for the climate.

The internationally legally binding protocol now under negotiation must include common and accurate accounting, MRV, strong compliance and enforcement, all respecting the principles of equity, including CBDRRC. It must have fair targets and actions that are consistent with a 1.5°C global carbon budget. It should build on, develop and improve the rules already agreed under the Kyoto Protocol and the Convention.

After the disaster of Copenhagen, leaders do not have another 'trick up their sleeve'. Countries must deliver this comprehensive deal by 2015 at the latest, putting in place the first steps in the pre 2020 ambition workplan, ensuring that warming stays below 1.5°C, hence preventing catastrophic climate change. There is no atmospheric nor political space for a second failure.

¹ CAN submission - views on options and ways to further increase the level of ambition - February 2012, available <http://climatenetwork.org/publication/can-ambition-submission-february-2012>

Equity, Effort sharing, equitable access to sustainable development (EASD)

The lack of an effort sharing agreement – an equitable approach to sharing the costs of mitigation and adaptation amongst countries – has been a stumbling block to agreeing sufficient mitigation. Countries are concerned that they will be asked to do more than is their fair share, and conversely that other countries will ‘free ride’ off their effort. A common understanding of fair shares – even if it is only approximate – can help overcome this trust barrier and lead to higher levels of ambition from all. Countries must urgently start a work program to increase understanding of, and further agreement on, ways and options for the allocation of fair shares of the global effort.

The current lack of agreement should not stand in the way of an immediate and necessary increase in mitigation ambition from all countries and an immediate and necessary increase in finance from developed countries. We already know, for example, that developed countries’ mitigation pledges fall well short of their fair share under any reasonable approach to effort sharing. And developed countries are far from providing the financing necessary to actually meet the adaptation and mitigation needs of developing countries. Increased 2020 mitigation targets, nationally appropriate mitigation actions (NAMAs) and financial and other support must be agreed at COP18/CMP8.

However, it is necessary for Parties to come to an improved shared understanding on equity before negotiation on the allocation of post 2020 mitigation targets and finance can begin in earnest. CAN envisages a number of relevant phases within these negotiations:

Phase 1: Discussions should begin at a “first principles” level with countries taking the time to understand each others’ views – and not simply shout existing positions at each other. External expert input is essential during this phase. The LCA shared vision workshop at the May LCA session on equitable access to sustainable development should be the first step in progressing a shared understanding of equity and developing a common vision that reconciles historical responsibility, capacity, sustainable development needs, scientifically driven mitigation imperatives and the right for nations to survive. Other opportunities must be created during the Bangkok session in September, and at the Qatar COP, which might include country submissions, Secretariat analyses, and further workshops in Bangkok and Qatar. The ADP should encourage broad discussions by various organisations, including civil society, in their own workshops requesting them to bring their findings into in-session workshops.

Phase 2: In 2013 Parties should begin negotiations with the aim to reach agreement on equity principles and broad criteria appropriate to those principles by COP19.

Phase 3: In 2014 Parties should begin negotiations on the application of the principles and criteria to the issues under negotiation – level of collective ambition in light of the global goal, differentiated post-2020 commitments on both mitigation and finance, loss and damage issues, etc. This phase would necessarily require discussion on the interaction between finance, mitigation and adaptation. This phase should include a milestone of an indicative set of commitments by COP 20, in order to allow 2015 as a period to assess the adequacy of the commitments.

The overarching principle of the UNFCCC is that Parties act “on the basis of equity” (Article 3.1). CAN has undertaken a detailed assessment of the principles of equity contained within the Convention and invites Parties to peruse our [Effort Sharing Principles Paper](#)² which offers an assessment of the equity principles of the Convention. Common but differentiated responsibilities and respective capabilities (CBDRRC) remains a key and underlying principle of the Convention and, along with the other equity principles of the Convention including the precautionary approach to avoiding the adverse impacts of climate change, should form the basis of discussions.

² The CAN Fair Effort Sharing Principles Position Paper: <http://www.climatenetwork.org/publication/can-position-effort-sharing-principles-nov-2011> identifies the equity principles within the Convention, and gives some ideas as to how these could be measured and operationalised. The CAN Discussion Paper – Fair Effort Sharing: <http://www.climatenetwork.org/publication/can-discussion-paper-fair-effort-sharing-jul-2011> analyses how various models meet equity parameters, including GDRs, the Oxfam approach, equal per capita approaches, the Indian carbon budget approach, the South/North Dialogue approach and the European Commission proposal.

The Durban Platform offers the opportunity to progress understanding of how the CBDRRC principle can be implemented and what an equitable climate change solution looks like – including the right of all countries to continue to exist and how to ensure the costs and opportunities are shared fairly amongst countries. CAN’s [Fair Effort Sharing Discussion Paper](#) assesses various approaches for operationalising the equity principles.

This work should be enhanced by the Review under the LCA and also supplemented by the work of SBSTA and SBI.

Elements of the Durban Platform Workplan relevant to an increased understanding of Equity

	Equity / Effort sharing	
2012 Q2	Workshop: Discussion, sharing ideas on equity Workplan and process agreed, including milestones	LCA/ADP
2012 Q3	Technical paper on equity principles and possible criteria to judge or measure equity principles, including CBDRRC Submissions on principles and criteria to judge or measure equity principles Discussions continue within Bangkok workshop on principles and criteria, based on technical paper & submissions	LCA
2012 Q4 COP18	Durban provides sufficient space, at a workshop or other, for discussions to continue on principles and criteria, based on technical paper & submissions. Workplan for next 3 years agreed under the Durban Platform, identifying milestones.	LCA /ADP COP Decision
2013 Q1	Negotiations begin with the aim to reach agreement on equity principles and broad criteria appropriate to those principles. UNFCCC Secretariat Technical Paper on equity principles and appropriate criteria.	ADP
2013 Q2	Submissions and negotiations on ways to operationalise equity principles including CBDRRC	ADP
2013 Q3	Equity negotiations	ADP
2013 Q4 COP19	Agreement on equity principles and broad, appropriate criteria	COP Decision
2014 Q1	Negotiations on how to operationalise equity principles, including how to apply principles and criteria to level of collective ambition, differentiated post-2020 commitments on mitigation, finance, technology and capacity building etc.	ADP
2014 Q2	Negotiations on how to operationalise equity principles, including how to apply principles and criteria to level of collective ambition, differentiated post-2020 commitments on mitigation, finance, technology and capacity building etc.	ADP
2014 Q3	Negotiations on how to operationalise equity principles, including how to apply principles and criteria to level of collective ambition, differentiated post-2020 commitments on mitigation, finance, technology and capacity building etc.	ADP
2014 Q4 COP20	Operationalisation of equity principles and criteria agreed. As well as the interaction between mitigation, finance, technology and capacity building etc. This might include a series of Annexes with graduation criteria or a responsibility and capacity index approach.	ADP agreed text and COP Decision
2015 Q1	Within the mitigation, finance, technology and capacity building streams assess commitments on the table to ensure they are adequate to reach the global goal and in line with the equity principles and criteria agreed.	

Long term global goal and peak year

Parties are long overdue in agreeing a global goal and a peak year. The current emissions pathway places the world on a catastrophic path toward 3.5°C of warming³. In order to turn this around and put global emissions on a pathway to keep warming well below 2°C, and to keep 1.5°C within reach, global emissions must peak by 2015. This means that Parties cannot wait until the completion of the Durban Platform for Enhanced Action negotiations in 2015 and must instead agree a peak year in the LCA at COP18, this should inform negotiations under the ADP. Even Parties and Observers who consider that global emissions must peak by 2020, should acknowledge that waiting for the conclusion of the ADP negotiations in 2015, and the implementation of the agreed deal in 2020, will foreclose on a safe peaking date.

Review

All elements of the Durban Platform workplan should be informed by the 2013-2015 review, whilst ensuring that the Review is not used as an excuse to delay action.

The review should translate intelligence from the latest science, notably the IPCC's Fifth Assessment Report (AR5) to UNFCCC negotiations by inspecting what is required for emissions to keep warming below 1.5°C. The review should provide additional clarity on the scale of the ambition gap as well as on progress towards achieving agreed temperature goals. It provides the opportunity for scientific findings to re-enter the political negotiations.

In order to achieve an efficient review, Parties should at COP18 decide about a limited and workable scope of the review and a strong body to conduct the review. Furthermore, the workshops that will feed in the scientific results compiled by the IPCC must be constructive and well adjusted to the needs of the UNFCCC review. Therefore input must be provided from the IPCC once working group reports reach draft form – if not beforehand. It will be too late to be of use for the Durban Platform negotiations if Parties wait for the entire AR5 to be finalized and compiled before considering this input. The review will only be of help to raise the overall ambition if the other inputs are collected according to a tight timeline (inputs from the biannual reports under MRV, etc.).

The 2013-2015 review must inform the ambition of mitigation targets in line with science and equity. Thus, the results of this 2013-2015 review must be a crucial input into the ADP negotiations in 2015 and form the basis for post-2020 emission reduction commitments. In order to play this role, the Review must provide initial findings in 2013 and report at COP20, and these should be established as milestones in the ADP workplan.

Even after 2020, scientific reviews of the action undertaken need to be conducted. CAN therefore welcomes the Durban LCA Decision on the Review that periodic reviews will be scheduled after 2015 as future IPCC reports become available to assess the adequacy of the collective steps taken by Parties and the long-term goal.

Mitigation

There are two elements to mitigation that the UNFCCC process, including the Durban Platform, must deal with: the urgent need to increase ambition in the short term (the 2020 targets and commitments from individual parties as well as other complementary actions) and mitigation in the medium term to be agreed no later than 2015 that will come into effect and be implemented from 2020.

In 2012 all developed countries must increase their ambition, and inscribe targets in line with more than 40% reductions by 2020⁴ in the Kyoto Protocol and in COP decisions. Developing countries must clarify their existing pledges, increase their ambition and indicate what actions they will take unilaterally and what actions will require support. This increase in short term ambition is urgent, and cannot wait for other elements to be agreed. CAN has

³ According to the Climate Action Tracker <http://climateactiontracker.org/news/116/Durban-Agreements-a-step-towards-a-global-agreement-but-risk-of-exceeding-3C-warming-remains-scientists.html>

⁴ Environmental Defense Fund, Natural Resources Defense Council and The Nature Conservancy do not endorse this position.

submitted views on the short term ambition work program for the Durban Platform which can be found here: <http://climatenetwork.org/publication/can-submission-views-options-and-ways-further-increase-level-ambition-february-2012>.

Additional elements of the workplan that must be undertaken in 2012 include long term low carbon development strategies. Countries with a high level of development should map out a pathway to near complete decarbonisation by 2050. This should be science based and identify transformative pathways, incorporating intermediate rolling 5-year legally binding quantified emission reduction commitments (QERCs) through 2025, 2030, 2035, 2040, 2045 and 2050. This will provide certainty to governments for policy making, certainty to businesses for decision making and allow flexibility for targets to be increased to stay in line with changing climate science. Progress must also be made on long term low emission development strategies for countries with lower levels of development, allowing for linkages of NAMAs, based on national circumstances and based on the necessary financial, technological and capacity building support.

The Durban Platform workplan must include a technical paper produced by the UNFCCC assessing the overall level of ambition implied by mitigation commitments and long term low carbon development strategies and identify any subsequent gap between this collective ambition and keeping warming below 1.5°C. This technical paper should be the first step in negotiations beginning in earnest no later than mid 2013.

The level of overall post 2020 ambition must be informed by science and be in line with that necessary to keep warming below 1.5°C. To this end, the work undertaken in the 2013-2015 Review must be taken into account in establishing overall mitigation ambition. It is crucial that this is provided in a timely basis – with initial findings in 2013.

Parties must agree on a process on equity, as part of the Durban Platform workplan, to increase their common understanding on how to operationalise equity and identify appropriate criteria. An equity workplan is outlined earlier in this submission.

Once a sufficient level of joint understanding is reached on how to operationalise equity and CDRRC, Parties must begin to seriously negotiate aggregate and individual levels of ambition. Including what form that ambition should take for countries at various stages of development. The provision of sufficient finance, technology and capacity building support will need to be part of the overall Durban Platform package to support, where appropriate, mitigation commitments and actions.

Parties must set themselves a deadline of having quantified emission reduction commitments (QERCs), quantified emission limitation and reduction objectives (QELROs) and nationally appropriate mitigation actions (NAMA) commitments agreed by 2014, a year before the deadline for the new international agreement to be adopted under the Durban Platform. This will allow the year 2015 to be focused on an assessment of how these commitments compare to adequacy and equity principles and criteria agreed by Parties as part of an increased effort sharing understanding. So that Parties can negotiate a way to bridge a gap if necessary before they adopt the new agreement no later than 2015.

Elements related to agreeing sufficiently ambitious mitigation action

	Short term Mitigation	Post 2020 Mitigation	
2012 COP18	Higher pre2020 targets agreed for developed countries NAMA Registry in operation and all developing countries have registered NAMAs ⁵	Agree 2015 as the peak year Developed countries submit low carbon development strategies. Developing countries with sufficient institutional capacity produce low carbon development strategies.	LCA / COP Decisions

⁵ See CAN's submission on short term mitigation ambition: <http://climatenetwork.org/publication/can-submission-views-options-and-ways-further-increase-level-ambition-february-2012>, which includes country by country targets and actions that should be agreed at COP18.

2013 Q1			Technical paper assessing long term pathway, taking into account 2020 targets, low carbon development strategies, NAMAs, mitigation financing and other input, and include an assessment of the gap between planned action and global goal.	ADP
2013 COP19			Developing countries (with the exception of LDCs and other low-income, low-institutional-capacity countries) should submit low carbon development strategies and plans.	ADP
2014 Q1			Updated gap technical paper Negotiations on collective and differentiated post-2020 individual country ambition based on equity principles	ADP
2014 Q2			Negotiations on collective and differentiated post-2020 individual country ambition based on equity principles	ADP
2014 Q3			Negotiations on collective and differentiated post-2020 individual country ambition based on equity principles	ADP
2014 COP20			Mitigation actions for each country	ADP
2015 Q1			Technical paper assessing each countries mitigation actions against agreed equity principles and criteria and calculating any gap between global ambition and country level ambition.	ADP
2015 Q2			Negotiations to check and finalise collective and differentiated post-2020 individual country ambition based on equity principles	ADP
2015 Q3			Negotiations to check and finalise collective and differentiated post-2020 individual country ambition based on equity principles	ADP
2015 COP21			Final mitigation actions for 2025 locked in. Indicative rolling forecasts for mitigation action at aggregate level agreed	ADP

REDD

REDD+ has the potential to make a major contribution to global climate mitigation, and a framework for doing so was agreed in Cancun. A number of technical issues remain to be resolved this year in SBSTA, whilst the LCA is to further address the question of finance. It is, however, unlikely that all matters associated with REDD+ will be resolved this year. REDD+ should thus be folded into the Durban Platform process, with input from SBSTA and the SBI on technical issues, where requested.

Flexible mechanisms

Maintaining a reasonable likelihood of limiting temperature increases to within 1.5°C, or even 2°C, will require commitments in the next few years to considerably higher levels of ambition by all nations. Without higher ambition levels, demand for credits from market-based mechanisms will be too low to enable any significant emissions reductions through existing or new market-based mechanisms

The Durban Decision of the AWG-LCA⁶ defines a *New Market-based Mechanism* (NMM) and establishes a work program to consider a *Framework for Various Approaches* (Framework) that would establish common rules for regional trading mechanisms. The decision stipulates that market approaches must meet standards that deliver real, permanent, additional and verified mitigation outcomes, avoid double counting of effort, and achieve a net decrease of GHG emissions. However, market-based mechanisms alone will not suffice to finance adequate emissions reduction activities. Public finance is vital to enable mitigation activities by building capacity and governance infrastructures and by fostering mitigation to enable sufficient private finance for global low-carbon development.

International market-based mechanisms must not compete with domestic action in developing countries. Developing countries must be able to utilize lowest cost mitigation actions towards meeting their own mitigation targets. Furthermore, the use of international credits must remain supplemental to domestic action in developed countries.

It is possible that the discussion about the Framework will move to the Durban Platform after LCA comes to a close. It may also be possible that the LCA negotiations for the NMM will be moved to the Durban Platform. To ensure that the Durban Platform ensures that flexible mechanisms meet standards that deliver real, permanent, additional and verified mitigation outcomes, CAN recommends that:

- All NMMs, including the regional ones that would be covered under a Framework, must uphold the following principles:
 - Secure net atmospheric benefits
 - Deliver real, measurable, verifiable and additional emissions reduction
 - Avoid double-counting
 - Uphold human rights
 - Deliver sustainable development benefits
 - Do not undermine the goals of other international environmental treaties
 - Ensure complementarity
- Further guidance in 2013 on specific issues such as definition of sector scope, methods for baseline setting, crediting thresholds or targets for broad segments of economy, reporting formats, etc must also build on these principles;
- The Durban Platform must make clear that only Parties with binding mitigation commitments are allowed to use carbon credits from market mechanisms for compliance;
- International oversight must be a key principle throughout the discussions on modalities & procedures as well as decisions about the institutional set-up. This is particularly important to prevent double counting among NAMAs, offsets and financial support and to establish crediting baselines and MRV in developing countries;
- International oversight is also needed to review proposed crediting baselines and must be accompanied with associated MRV requirements in the developing countries;
- In general, all decisions on NMM must be guided by negotiations related to finance, accounting, MRV, NAMAs as well as the overall compliance regime;
- The prospect of pledges by developing countries for legally binding emission reductions by 2020 must be taken into account in the development of modalities and procedures for NMMs. Particularly, developing countries should be supported to set-up baselines for estimating emissions reductions from unilateral and supported NAMAs. Development of policy-based unilateral and supported NAMAs is critical before moving to NMM that generate international offset credits;
- For accurate projections, a pilot phase is needed where developing countries can build capacity of relative costs of various emissions reduction options;
- Pilot phases would facilitate policy design that makes lower cost options available to the domestic market and higher cost options for the international carbon market.

⁶ http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_lcaoutcome.pdf

Finance

The Durban Platform must mobilize finance for developing country adaptation and mitigation actions, through an equitable global effort-sharing arrangement. Critically, it must identify how the global community can urgently mobilize finance at the scale required to keep the global temperature rise below 2°C and keep open the pathway to stay below 1.5°C, and help developing countries adapt to the impacts of a changing climate. This will require substantial new and additional government budget allocations, new sources linked to carbon pricing mechanisms, and innovative sources of public finance.

The Work Programme on long term finance under the LCA will begin this task in 2012. It will produce a report on potential sources of long term finance at COP18, which will serve as input to the ADP's consideration of the issue. A large part of the ADP's task with regard to the period up to 2020 will be ensuring delivery of the \$100 billion annual commitment by developed countries. It must also consider how to deliver these resources most effectively, and whether this commitment is sufficient to meet developing countries' needs.

Decisions on the mobilization of funds through 2020 should be made as soon as possible (no later than CoP 19) to provide developing countries with the certainty required to plan for actions through 2020, and to begin consideration of financing for the post-2020 period.

For the period after 2020, in light of the work program on equity referred to earlier in this submission, the ADP should review the range of countries contributing to international climate in the context of equity principles, including CBDRRC, and recognising the changing global distribution of capacities and responsibilities.

The commitment by developed countries to mobilize \$100 billion annually by 2020 to support actions in developing countries would make a substantial contribution toward their financing needs. However, most credible assessments show that the requirements for new and additional financing for developing countries are actually on the order of several hundred billion dollars.⁷ While much of the financing for the shift to low-carbon, climate resilient development pathways will come from the private sector, the \$100 billion will need to be predominantly new and additional public finance to support critical adaptation and mitigation actions that cannot attract private-sector investments, and to leverage and incentivize much larger shifts in private-sector investments. A properly designed Green Climate Fund should be the central channel for scaled-up international public finance.

To ensure the success of the Durban Platform in scaling up ambition between now and 2020, CAN recommends:

- Developed country Parties must meet or exceed their commitments to provide \$30 billion in new and additional fast-start finance by the end of 2012;
- Developed country Parties must commit to scaling up public finance from fast-start levels by at least \$10 billion per year starting in 2013 to ensure early and rapid progress towards the \$100 billion goal;
- Parties should agree on a process to reassesses the adequacy of financial pledges in light of estimates of developing country needs, the best available climate science, and the degree of emissions reductions achieved. The first assessment should be completed by 2015.
- Parties should agree on a common process to measure, report and verify financial contributions. The reporting format should ensure comparable, consistent, accurate, and transparent reporting of financial contributions.
- As inputs to its work on scaling up near and mid-term ambition, the Durban Platform should consider the work and outputs of the Work Programme on mobilizing long term finance, as well as other relevant analysis by bodies of the UNFCCC, the AGF, World Bank and IMF, G20, and others.
- Parties should ensure the rapid operationalization of the Green Climate Fund, the Standing Committee, the registry, the Adaptation Committee, and the Technology Executive Committees, and ensure mechanisms are put in place to capture lessons learned from these entities.

⁷ IEA, 2009. *World Energy Outlook 2009*, at 9 ("On an annual basis, global additional [energy infrastructure] investment needs reach \$430 billion (0.5% of GDP) in 2020 and \$1.2 trillion (1.1% of GDP) in 2030."); World Bank, 2010. *World Development Report 2010: Development and Climate Change*, at 6.1 ("Over the next 20 years, mitigation in developing countries could cost \$240-600 billion a year, and adaptation \$10-90 billion a year.")

- Parties should ensure the GCF applies appropriate principles for the disbursement of funds and implements effective mechanisms to assess the utilization of funds.
- The Standing Committee should conduct a comprehensive assessment of existing financial flows, including their geographic and thematic allocations and institutional channels, as a matter of urgency.

For the longer term, and to contribute towards achieving a balanced and ambitious agreement by 2015 at the latest, CAN recommends that the ADP should:

- Consider how to continue to scale-up financing after 2020, and the optimal sources, composition and allocation of this finance;
- Consider rationalising and consolidating the financial mechanism and other existing funds, ensuring that appropriate instruments are in place to address adaptation needs.
- In conjunction with the work program on equity consider responsibilities for mobilizing finance in the context of changing global patterns of development and distribution of wealth in the post-2020 period, in accordance with the Convention principle of common but differentiated responsibilities and respective capabilities (CBDRRC);
- Agree on alternative sources of financing that can contribute to raising finance on the scale required, including carbon pricing in the international transport sector, and other potential sources such as FTTs, and SDRs.

Technology

An agreement on technology transfer is crucial for the Durban Platform – Parties must ensure as much work as possible is finished within the LCA, and ensure that the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN) work that is incomplete should be taken up by the Durban Platform for Enhanced Action in 2013.

Technology goals, with plans to implement them, must be agreed by the end of 2015.

- CAN calls for a global goal on technology diffusion to be established under the Durban Platform. ADP should request the TEC suggest priority technologies and goals by COP19 for consideration by ADP. In doing so TEC should take into account Technology Needs Assessments (TNAs), National Adaptation Programs of Action (NAPAs), National Communications submitted by the Parties as well as other submissions on this issue made by Parties and observers. The Parties should submit their TNAs and Technology Action Plans as matter of priority
- The technology goals must be supported with new and innovative sources of funding through public-private cooperation and identify ways and means to upscale funding. Such support should be provided through a window in the GCF
- In the Interim period, Parties must agree to provide 5 billion USD per year for technology research and development which will increase in the latter years through use of innovative sources. The estimated 5 Billion USD must be allocated to the developing countries in public investments so as to incentivize the private investments to flow in development of climate friendly technologies specific to the needs. Identify the priority areas in the technology goals by COP 2013

Dealing with the Intellectual Property Rights (IPR) issues in the diffusion and development of climate friendly technologies:

- ADP should request the TEC to prioritize within its work on the barriers to diffusion, the role of IPR in technology diffusion and transfer and possible solutions to address the issue. The TEC should be supported in this endeavour by establishing a High Level body of experts to study the role of IPR in climate friendly technologies and their diffusion. TEC shall provide ADP inputs by end of 2013.

- The recommendation from the TEC shall be considered for developing guidelines to deal with technology and IPR issues by 2014 and subsequently decided by the COP at 2015.

Technical:

Final Products by the end of COP 18:

- Durban Platform must agree on common criteria for the technology registry for support framework under the Durban Platform by the end of 2013, and it should be made operational by 2015 under the Registry Mechanism.

Elements to be carried over:

- The Durban platform must establish a technology window under the GCF for finance in technology support and agree upon the capitalisation of the technology support for long term in line with the requirements of the Global Technology Goals.
- Create a redress mechanism to address the potential bottlenecks in the diffusion of technology.

Capacity Building

Capacity and capability are so closely related that in many circumstances, they almost amount to the same thing. Parties must appreciate that capacity building is absolutely essential to effectively operationalising the "respective capability" element of the CBD/RR principle. In terms of ensuring equitable access to sustainable development, initial capacity to access, optimise and operationalise the tools of sustainable development is an important pre-condition for ultimate success.

In the 2012-2015 period, Parties need to concentrate on an intensive effort at designing and delivering an operational framework for much enhanced capacity building and capacity development through a series of COP/CMP decisions supervised by a dedicated and specific workstream on capacity, capacity building, and capacity development as a basic component of the overall ADP workplan.

Following a consultation phase in 2012, the ADP should facilitate and supervise a 2-year programme of work on capacity, capacity development and capacity building primarily negotiated in the SBI, COP and CMP, resulting in the full establishment by COP-20/CMP-10 (2014) of a new capacity coordination and supervision structure capable of being fully operational by the end of 2014, and working seamlessly with new or enhanced structures for finance, technology, adaptation, forests, MRV, mechanisms, the registry and the development and oversight of low-carbon development strategies (LEDS).

The right of developing countries to be able to access capacity for sustainable development, and the obligation of more developed countries to support it, should be part of the 2015 agreed outcome.

Timeline:

- 2012 – Bonn: Durban Forum in-depth discussion on CB outcome for the ADP, elements of ADP CB workplan; SBI initial text for Doha CB conclusions.
- 2012 – Bangkok: Continued discussion of CB architecture to be delivered by ADP, finalisation of CB elements of ADP workplan
- 2012 – Doha, COP-18/CMP-8 decision to initiate 2-year Doha Capacity Action Plan to deliver fully integrated capacity co-ordination function by end of 2014. Call for submission of views from Parties, IGOs and Observers on architecture(s) for capacity co-ordination, delivery and implementation
- 2013 – SBI/ADP/COP/CMP: Consultation and design phase for fully integrated capacity co-ordination function – Durban Forum and subsequent workshops to consider views from Parties, IGO's, and Observers. Consolidation of options for architecture(s), including linkages inside ADP with finance, technology, adaptation, forests, MRV, mechanisms, the registry and the development

and oversight of low-carbon development strategies (LEDS). Elements of text for legal expression of right of developing countries to access capacity for sustainable development and obligation of more developed countries to support it.

(2013) - COP-19/CMP-9 decision on basic elements for governance, authority and resourcing of fully integrated capacity co-ordination function to be established by end of 2014, including outline legal relationships with other UNFCCC constituted bodies.

2014 – SBI/ADP/COP/CMP: Finalisation of full elements of governance, authority and resourcing for fully integrated capacity co-ordination function. Further development of text for the legal expression of the right of developing countries to access capacity for sustainable development and the obligation of more developed countries to support it. Text for other capacity and capacity development elements required for effective post-2020 ADP agreement.

(2014) - COP-20/CMP-10: Establishment of fully integrated capacity co-ordination function.

2015 – SBI/ADP/COP/CMP: Final negotiation of text for legal expression of right of developing countries to access capacity for sustainable development and obligation of more developed countries to support it, including new capacity and capacity development elements required for an effective post-2020 agreement.

Adaptation

Adaptation to the adverse impacts of climate change is more urgent than ever. While increasing ambition in mitigation remains crucial to avoid dangerous climate change, it is clear that climate change has started causing catastrophic disasters and that impacts for the next few decades are unavoidable due to past emissions.

The adaptation agenda under UNFCCC has made significant progress in the last years, with the Cancun Adaptation Framework an important milestone and initiation of important processes such as the National Adaptation Plans, the Loss and Damage Work Programme and the Adaptation Committee.

It will be crucial that the ADP makes a significant contribution in delivering an adaptation approach which adequately responds to the immediate needs and future threats for particularly the vulnerable countries and communities. Adaptation must be treated with the same priority as mitigation. It is important that the ADP strengthens the existing international adaptation regime and structures, to advance implementation of the Cancun Adaptation Framework at the earliest, including through specific COP decisions in the road to the 2015 agreement.

A stepwise approach to adaptation within the ADP must be implemented incorporating "unfinished business" from the past years' of negotiations as well as the identification of adaptation needs post-2020. Unfinished business includes the lack of recognition in past agreements that lack of mitigation ambition directly increases the threats as well as adaptation needs of the poorest and most vulnerable people in the world. Strengthening such principles in future agreements is therefore important to take into account the growing risks from climate change inherent in the gap in mitigation ambition.

The ADP workplan should include a process to identify the post-2020 adaptation needs, building on the inputs, in particular, from the Adaptation Committee, the IPCC AR5, the Loss and Damage work programme and the National Adaptation Plan (NAP) process. The workplan must include progress in the operationalisation of adaptation decisions and must strengthen and build in continuous feedback and learning systems, so that present and future needs can be met.

- **In terms of financing**, adaptation should be treated with equal priority as mitigation. Instruments to raise funds for adaptation should be from public sources and also incentivise mitigation, where possible. The principles agreed in the Cancun Adaptation Framework should be applied and further strengthened for adaptation funding.

- Developing countries must be actively supported in making progress on preparing **NAPs** in the next two years. The process must include coming up with better estimates of the adaptation costs as well as the potential loss and damage from climate change, which will occur due to the lack of adaptation and mitigation. Full implementation of NAPs should be a key element for the post-2020 agreement and substantive progress must be made well before 2020. The learning from the development and implementation of NAPs will also provide valuable inputs on the post-2020 adaptation needs. The process must not only be limited to the LDCs and other developing countries should also be supported.
- The **Adaptation Committee**, which will focus on developing its work plan in 2012, must engage with ADP to develop medium and long term plans through assessments and information sharing. Linkages with other bodies under the UNFCCC, as well as outside, to be established in order to advance the effective implementation of Cancun Adaptation Framework.
- **Loss and damage** from the adverse effects of climate change cuts across mitigation and adaptation. Given the continued lack of ambition in mitigation actions and inadequate resources to implement adaptation actions, poor and vulnerable communities and countries will face the risk of significant loss and damage from climate change impacts. Increasing mitigation ambition and rapid scaling up of adaptation action must happen simultaneously to reduce loss and damage. COP18 at Qatar, based on the inputs from the ongoing work programme, must result into an international mechanism that will bring a paradigm shift to deal with the problem of loss and damage. A second phase of a work programme could be established at COP18 to advance and elaborate the international mechanism, which must be included in the 2015 agreement to decisively address the issue.

The ADP must take forward steps and should not repeat the debates (such as on response measures) that don't belong to adaptation issue.

The existing bodies and institutions should invite inputs from civil society into contact groups and workshops and create conditions for their meaningful participation at the ADP meeting in the upcoming COPs and intersessions. Such interaction will help in taking stock of the progress made and identifying issues and actions to be covered by the 2015 agreement.

Measurement, Reporting & Verification (MRV)

Parties made the MRV system operational in Durban: Parties developed guidelines for reporting and review including: biennial reports by developed countries; biennial update reports (BUR) by developing countries; international assessment and review (IAR) for developed countries, and international consultation and analysis (ICA) for developing countries. However, the outcome fell significantly short of what is needed for a robust regime to account for mitigation actions and finance. Further work is critical to help ensure the environmental integrity of the regime. Thus, the LCA should continue working on the following issues, and request that the COP delegate outstanding issues to relevant subsidiary bodies to carry forward into the ADP.

On clarification of pledges, a common template for A1 Parties was agreed, but not for NA1 Parties, and this is needed. More clarity and detail is critical for tracking progress toward national goals and progress toward the agreed aggregate global goal of limiting warming to less than 2°C, and ensuring that the option to limit warming to less than 1.5°C remains viable.

Significant work is needed to agree to common, consistent, complete, comparable, transparent and accurate accounting rules for all developed countries to help ensure comparability and compliance. Respecting CBDRRC, a work program should be established to assess mitigation reductions from developing countries in a facilitative manner to help gauge aggregate global emission reductions and keep track of progress against the 2 degree / 1.5 degree goal. At present, developing countries have varying, often limited, capacities to participate in a common accounting framework. Over time, this capacity will need to be built up and, while respecting CBDRRC, common accounting rules will have to apply to an ever growing set of Parties.

With respect to review, the current IAR and ICA processes do not provide the authority for the expert review team (ERT) or the Subsidiary Body for Implementation to make recommendations to the Party under review. Thus, in addition agreeing on the modalities for the composition of ERTs for ICA and IAR, Parties should agree at COP 18 to allow recommendations by ERTs and the SBI to Parties under review. Furthermore, the IAR process must have compliance consequences attached to the review.

Moving beyond existing processes and in the context of a post-2015 regime, the ADP text must include a mandate to elaborate future compliance mechanisms with both facilitative and enforcement aspects, while respecting CBDR.

Robust MRV rules will be particularly important in the design of the new market-based mechanism called for ¶ 83 of the Durban LCA text. Parties must develop strong rules to ensure commitments are being achieved and that double counting of emission reductions is avoided. Such rules must apply to all Parties who participate in international market-based mechanisms, for both pre-2020 and post-2020 commitments.

Parties should also agree on a common process to measure, report and verify financial contributions. The common reporting format should ensure comparable, consistent, accurate, and transparent reporting of financial contributions.

The Durban Platform must agree on common criteria for the technology registry for support framework under the Durban Platform by the end of 2013, which should be made operational by 2015 under the MRV system

It is also critical to ensure that important opportunities for public participation in MRV processes that were stripped from the final decision are brought back into MRV rules and agreed at COP18.

Legal

The internationally legally binding protocol⁸ now under negotiation should build on, develop and improve the rules already agreed under the Kyoto Protocol and the Convention.

Relevant milestones and deadlines include:

- | | |
|--|---|
| 2013 | Creation of a legal group to draft the ‘final clauses’ of the agreement (i.e. provisions for signature, ratification, entry into force, withdrawal, depositary, etc) and address or advise on any other legal matters that may arise from other issue-specific negotiating groups. Analytical work to be done by UNFCCC secretariat to clarify legal issues re: adoption/entry into force of legally binding instrument(s). |
| Early 2014 | Submission by all issue groups of draft legal text for synthesis and circulation by the Chair. Any remaining clarifications of the 3 legal options set out in the ADP text (advancing discussions of what will be adopted, who will adopt it and how it will enter into force and a prompt start be affected). |
| Mid 2014 (no later than COP 20) | Circulation by the Secretariat of a Chair’s negotiating text to Parties to fulfil the requirements of relevant Articles of the Convention and to allow for political guidance and early adoption of the agreement |
| No later than 2015 | Adoption of a legal instrument(s) |

⁸ Greenovation Hub and Institute of Environment and Development (IED) do not endorse this position.

Process

Parties must learn the lessons of Copenhagen, and agree a workplan in 2012, with milestones and progression on issues, to ensure that not everything is left until the last moment to agree. This workplan must have sufficient flexibility to insert more workshops, technical papers etc so that stepwise progress is able to be made. This must be balanced with Parties not wasting valuable negotiating time arguing over agendas each year. In this regard Parties should seek and take input from the UNFCCC Secretariat on the design of the workplan.

The ADP workplan should take into account work that is undertaken in other negotiating tracks, the LCA, KP and SBs, and ensure that it does not build in duplication of work. As the LCA and KP conclude in 2012, any remaining issues from these work streams should be allocated to the SBs or ADP. There should be clarity on scope and institutional linkages (AWG-LCAs/KP and SBI/SBSTA, GCF, Adaptation Committee, new work on Loss and damage, MRV/compliance).

Parties should consider appointing a Chair and Co-Chair, with a set of Co-Chairs of spinoff issues, to ensure continuity for the period of the ADP. Parties should consider a permanent ‘friends of the Chair’ group established with representation across all regional groupings that is tasked with assisting the Chair to ensure a good outcome in 2015. Individuals should be asked to nominate if they feel confident in being able to provide continuity through to 2015.

Parties must agree a budget for adequate numbers of meetings, including support for at least three delegates from LDCs and low income countries with substantial climate impacts eg: AOSIS and Africa Group to attend UNFCCC meetings, and ensure sufficient budget for positive LDC and AOSIS representation at negotiation meetings hosted by Parties designed to inform the UNFCCC negotiations.

Parties must ensure that there is greater civil society access to the ADP discussions and negotiations, including ensuring that experts from civil society are called upon to provide input into workshops etc, that submissions from civil society are included in summaries and technical papers that the UNFCCC prepare for Parties, that civil society has access to the vast majority of negotiations (an appropriate standard would be 80% of negotiation sessions should be open to civil society), that civil society has exposure to coordination discussions of the ‘friends of the Chair’ group and that negotiation meetings hosted by Parties designed to inform the UNFCCC negotiations are open to civil society.

Parties must build in a deliberate Leaders track to provide input into negotiations. This track should begin in 2012, providing high level input on the crucial political decisions into the ADP negotiations. The ad hoc process at Copenhagen illustrates how not to undertake high level political engagement – a case of too little too late. Instead there should be a clear set of objectives and political guidance sought from leaders on relevant topics, with negotiations undertaken at a technical level to support this high level guidance.

Parties must commit to having a draft final agreement at COP20-CMP10 in 2014, in order to have a year to cross check various elements of these complicated negotiations – particularly to ensure that sufficient ambition and equity is incorporated.

- 2012:** Agree a clear work plan with clarity on scope and institutional linkages (AWG-LCAs/KP and SBI/SBSTA, GCF, Adaptation, Committee, new work on Loss and damage, MRV/compliance). Clarity on terms of officers, and Parties must agree a budget for an adequate numbers of meetings with adequate representation from vulnerable countries and civil society.
- 2013:** As per the workplan a series of Parties’ submissions, workshops. By end of 2013 at COP 19, Chair(s) of ADP put forward a compilation text of the main elements based on Parties submissions
- 2014:** Parties should refine their work plan with all key analytical gaps met through new work, papers done by UNFCCC secretariat. By COP 20 at the latest, ADP Chair(s) put forward a negotiating text identifying agreement, divergent options and areas where high level political input is

needed. If these can be resolved then adoption of the new legally binding protocol can be at COP-20 itself.

2015:

Intensive political and technical negotiations must take place from Jan- May with finalization of text by May 2015 to meet the “six month rule” for advance circulation of legal texts to all Parties and to ensure delegations come to COP-21 with legal and political authority to adopt a treaty complete with ambition mitigation and finance numbers. As was done for Kyoto, the political homework to effect a “prompt start” of the new LBA must have been done prior to COP 21 so that it can take effect immediately and not await entry into force procedures.