



**SUBMISSION TO THE AD HOC WORKING GROUP ON THE DURBAN PLATFORM FOR
ENHANCED ACTION REGARDING INFORMATION, VIEWS AND PROPOSALS ON
ACTIONS, INITIATIVES, AND OPTIONS TO ENHANCE AMBITION UNDER WORKSTREAM 2**

1 SEPTEMBER 2013

Pursuant to paragraph 31 of FCCC/ADP/2012/3 and paragraphs 5 and 6 of FCCC/ADP/2013/L.2, the Center for International Environmental Law (CIEL) respectfully makes the following submission on information, views and proposals on actions, initiatives and options to enhance ambition.¹

As recognized by the UN General Assembly², UN Human Rights Council³, World Bank⁴ and others, the failure to take necessary action to mitigate climate change will significantly impact the rights of vulnerable peoples and communities. To minimize future losses and damages, in Doha, the Parties to the UNFCCC decided to “work urgently” toward deep cuts in emissions to limit the average global temperature increase to no more than 2 degrees Celsius. However, despite the international community’s obligations to take collective action to reach this goal, such action has failed to materialize. In its absence, countries have made national commitments to reduce emissions that – even if met – are inadequate to prevent “dangerous” climate change.

The scientific evidence is clear: if global greenhouse gas emissions continue on their current trajectory, then global temperatures will rise by 3.6 to 5.3 degrees Celsius by the end of this century.⁵ According to a recent World Bank report, a 4 degree increase would result in “unprecedented heat waves, severe drought, and major floods in many regions, with serious impacts on human systems, ecosystems, and associated services.”⁶ Even more concerning, a growing body of scientific evidence indicates that even warming of 2 degrees would lead to catastrophic impacts on human society and on biodiversity, and that aggregate anthropogenic warming must be limited to at most 1.5 degrees or perhaps less.

Workstream 2 of the Durban Platform presents a critical opportunity for Parties to show much-needed leadership, and fulfill their obligations to protect those most vulnerable to but least responsible for climate change. As proposed by AOSIS, countries must take immediate and practical steps to address short-term mitigation, and we urge Parties to develop a structured workplan that will promote the implementation of progressive mitigation policies and technologies. We further call on Parties and the Secretariat to

¹ This submission is largely based on CIEL’s analysis of COP18 and the Human Rights & Climate Change Working Group et al. submission to the ADP under Workstream 1. CIEL, *Human Rights Analysis of the Doha Gateway* (May 2013), available at http://ciel.org/Publications/Analysis_Doha_10Apr2013.pdf; HR&CCWG et al., *Submission to the ADP regarding information, views and proposals related to the Durban Platform Work Plan under Workstream 1* (Mar. 1, 2013), available at <http://unfccc.int/resource/docs/2013/smsn/ngo/303.pdf>.

² See e.g. Climate change and its possible security implications: Report of the Secretary-General, U.N. Doc. A/64/350 (Sept. 11, 2009).

³ See e.g. Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009).

⁴ See e.g. World Bank, *TURN DOWN THE HEAT: WHY A 4° C WARMER WORLD MUST BE AVOIDED* (2012).

⁵ International Energy Agency, *REDRAWING THE ENERGY CLIMATE MAP: WORLD ENERGY OUTLOOK SPECIAL REPORT 9* (2013), available at http://www.iea.org/publications/freepublications/publication/RedrawingEnergyClimateMap_2506.pdf.

⁶ World Bank at ix.

prioritize and promote intensive engagement on Workstream 2 in the lead up to Warsaw, and to ensure that there is an equal (or greater) number of negotiating sessions under Workstream 2 as under Workstream 1.

GUIDING PRINCIPLES

The following principles should guide the negotiations and outcomes on means to enhance mitigation ambition under Workstream 2:

- *Respect for Human Rights*

As recognized in the Cancun Agreements, the Parties to the UNFCCC are bound by human rights obligations, and must fully respect human rights in all climate change-related actions including mitigation. In the context of Workstream 2, applying a human rights approach is critical not only in driving Parties to take urgent action to avoid further human and environmental harms caused by climate change, but also in working to ensure that mitigation measures do not cause further suffering. It also promotes the full and effective participation of affected individuals and peoples in decision-making processes (see discussion below).

Put simply, Parties must ensure that any actions to enhance ambition under Workstream 2 do not themselves violate human rights. For this reason, mitigation actions must be designed, implemented and monitored in such a way that respects the full and effective enjoyment of human rights.

- *Participation*

Civil society participation is critical to the successful development and implementation of mitigation actions/initiatives. The UNFCCC Secretariat has acknowledged the critical role of public participation in decision-making, stating that vibrant public participation “allows vital experience, expertise, information and perspectives from civil society to be brought into the process to generate new insights and approaches [, and] promotes transparency in this increasingly complex universal problem.”⁷ This is particularly relevant in the context of discussions under Workstream 2 because urgent action is needed, and civil society – including academia, technical experts, and community activists – have considerable knowledge of and experience with innovative solutions to mitigating climate change.

Further, broad public participation in the negotiations and outcomes reached under Workstream 2 is consistent with international law and norms. For example, the Rio Declaration, Agenda 21, and the Aarhus Convention all affirm that the best environmental decisions are made when civil society participates. In Warsaw, the Parties should emphasize the need for effective mechanisms for civil society participation at the local, national and international levels.

- *Equity*

As decided in Doha, the efforts to enhance short-term ambition “should be undertaken on the basis of equity and common but differentiated responsibilities and respective capabilities ... and take into account ... equitable access to sustainable development, the survival of countries and protecting the integrity of Mother Earth.”⁸ While it is clear that increased ambition from all

⁷ Arrangements for intergovernmental meetings: Draft Conclusions proposed by Chairs, U.N. Doc. FCCC/SBI/2010/L.21 (June 9, 2010), para. 18.

⁸ *Id.* at para. 2.

countries is needed, developed countries bear the primary responsibility for reducing emissions within their borders and supporting efforts of developing countries to mitigate climate change through finance and technology transfer. Therefore, Parties should identify ways in which developed countries can enhance their mitigation potential, and explore practical solutions for increasing mitigation in developing countries.

AOSIS PROPOSAL

We welcome the proposal by AOSIS as a concrete option for structuring discussions within Workstream 2. It is essential, however, that such discussions are structured as a complement to an overarching legally binding regime with concrete targets for developed countries and nationally appropriate actions for developing countries. A practical, expert-driven and solutions-oriented approach will add value to the discussion on enhanced mitigation action by creating a space to drive effective mitigation policies and overcome implementation barriers. The approach also creates opportunities for countries to address (in a non-threatening dialogue) important energy issues, such as energy efficiency, incentives needed to support renewable energy, and means to increase energy access for the poor. As noted above, this effort must begin by identifying ways or best practices for developed countries to increase their mitigation potential and then by addressing solutions for developing countries.

The options generated in Workstream 2 should be implemented by countries immediately and, in the case of developing countries, with requisite financial, technological, and capacity support. Workstream 2 must continue independently for as long as there is an ambition gap, so that there is an ongoing space for exploring progressive mitigation policies. This work could also contribute to raising the ambition of targets and pledges for all Parties, including the process envisioned for increasing developed country targets under the Kyoto Protocol. Parties should also consider creating a separate process for increasing mitigation action under the Convention, particularly for developed countries that are not participating in the second Kyoto commitment period.

An important issue in this context is what criteria to use when legitimizing a particular technology or best practice. For instance, Workstream 2 should focus on truly innovative and climate-friendly solutions, avoid locking in fossil fuel-dependent economies, and ensure that policies do not violate human rights. In addition, participation of civil society experts from the outset (as AOSIS suggests) will be particularly useful. Civil society has significant experience with a range of climate and development policies, and plays an important role in holding actors accountable if policies are not implemented effectively.