

WORKSHOP ON SCOPE, STRUCTURE AND DESIGN OF THE 2015 AGREEMENT  
Monday, 29 April 2013, 3–6 p.m.

Take home points from the Facilitator  
Mr. Kishan Kumarsingh (Trinidad and Tobago)

Participants engaged constructively in a very rich discussion. They expressed wide ranging views, made suggestions and reflected on the presentations and the first three questions of the informal note on the session<sup>1</sup>, namely on how to incentivize ambitious action; how to ensure durability, and how the principles will be applied in the agreement. I would like to highlight some of the points made:

1. A recognition of the global challenge and the need for a strong response, the need for concerted domestic action and the importance of national legislation and international framework reinforcing and complementing each other.
2. The need for the 2015 agreement to provide:
  - certainty, predictability and clarity, in order to build mutual trust and confidence; and
  - enough flexibility to be able to respond to changes in national circumstances and science over time.
3. The agreement must exhibit durability and have built-in flexibility. Some concrete suggestions on how this can be done were made, for example, through robust rules, ex ante information, consultative processes, common accounting, as well as ideas on some form of dynamic mechanism for adjustments at regular intervals.
4. Implementation of existing obligations today is essential to build trust and confidence for the future.
5. The agreement should include top-down elements, bottom-up elements, or a combination of both. There is a need to look at the aggregate and ensure environmental effectiveness, as well as a need to take national circumstances into account (e.g. by way of nationally determined actions).
6. On the principles:
  - Various forms of differentiation occur in agreements, in terms of legal nature, content of obligations, implementation and assistance. These forms may be combined.
  - The agreement could include both common and differentiated elements. Suggestions included the idea of a spectrum of efforts.
  - The Convention already operationalizes the principles through its provisions and its structure. The agreement is not about rewriting or reinterpreting these.
  - Principles viewed as dynamic.
7. Equity is a prerequisite for a fair and just agreement. It enables action.
8. Equity embraces, amongst others:
  - Equity for future generations.
  - Solidarity with the most vulnerable.
  - Effectiveness – an agreement which does not lead to a path of GHG stabilization below 2 degrees cannot be fair and equitable.
  - The idea of sharing carbon budget.
9. While some acknowledged that it may be difficult to judge objectively what exactly is fair and equitable, it was noted that equity needs to cover a range of actions—embracing adaptation, finance and technology support. All efforts should count.
10. The right to development and the priority to eradicate poverty are central for the developing countries. The agreement should acknowledge the past—including historical responsibility—when looking into the future. Those who contributed the most to the problem and those whose capacities are greatest must contribute the most to the solution and lead the way.

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<sup>1</sup> ADP.2013.1.InformalNote (4 April 2013), annex, available at <<http://unfccc.int/7387>>.