

## **Submission by the Nepal on behalf of the Least Developed Countries Group: Views and proposals on the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)**

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In response to the invitation contained in the conclusion of the third part of the second session of the ADP, the Least Developed Countries Group (LDC Group) would like to present their views regarding the work of the ADP. These views include a reflection on the ADP outcome from Warsaw, views on the next steps, priorities for 2014, as well as LDC Group's positions on key elements and modalities needed for the ADP to achieve successfully its objective to adopt a 2015 Agreement in Paris.

### ***1) Reflection from the Warsaw outcome on matters related to the 2015 Agreement***

In Warsaw the LDCs expressed a keen desire to adopt a new legally-binding Agreement at COP 21 in 2015. LDCs also continuously expressed our determination to engage in strategies to increase mitigation ambition. Although the meeting in Warsaw addressed some of these issues, the LDCs are concerned about the slow progress in the negotiating process on a number of important issues that need to be resolved for a fruitful adoption of an Agreement in Paris in 2015. One of the most crucial is the seeming lack of enthusiasm from many Parties to increase short-term ambition, a prerequisite to effectively tackle climate change. It is absolutely vital that mitigation action is increased in the pre-2020 period under the ADP's workstream 2, to enable the commitments and actions of Parties in the new Agreement to be consistent with the goal of keeping global average temperatures below 1.5<sup>0</sup> C above pre-industrial levels.

The LDCs are concerned about the time remaining to come to agreement in Paris and challenges that have been clearly felt during the ADP discussion in Warsaw. There are key reasons for the LDCs' concerns. Firstly, the deadline and the process for delivering pledges agreed in Warsaw is too late and does not allow sufficient time for review. Secondly, no formal process for such a review of pledges has been agreed on.

A main challenge and constraint within the negotiating process is a lack of strong political will to tackle climate change in a collaborative manner. Moreover, the negotiations continue to be dominated by a mood of mistrust based on historically unfulfilled promises. Furthermore, the ADP decision-making process continues to struggle to find balance between inclusiveness and transparency on one hand and efficiency and effectiveness, on the other. Above all, another challenge is the increased complexity of the process due to emergent initiatives, of which some are happening inside and others outside of the formal negotiating process, and the call for their integration.

The LDCs remain committed to a strong outcome in Paris, which will ensure the protection of more than 1 billion vulnerable people that are projected to live in LDCs by 2020. However, LDCs also believe that success cannot be achieved without what is currently lacking the most: leadership and proactive engagement by all countries and groups of countries.

As stated earlier, the LDCs believe that key elements of the Warsaw outcome on ADP work stream 1 provide a basis for clear actions in 2014. These include:

- The urgent call for the acceleration of the development of the 2015 Agreement, in particular for further elaboration of the elements for a draft negotiating text to be adopted in Lima;
- The call for a collective initiation or intensification of national preparations;
- The decision to initiate discussion on information that Parties need to put forward to enable all parties to understand what they intend to contribute as their future commitments under the 2015 Agreement, and possibilities such modality offers for upfront analysis of the Parties' future commitments;
- The reference to Article 2 of the Convention in accordance with the LDC appeal for a comprehensive Agreement.

We believe we should build on these key outcomes to move forward in an expeditious manner.

Despite these useful outcomes in Warsaw, LDCs believe that there are a number of challenges that require urgent attention:

- We need to build a clear common understanding of the term “intended nationally determined contributions”;
- We need to ensure that intended nationally determined contributions are subject to a review process to ensure adequacy of global effort to achieve the ultimate objective of the Convention and to ensure that we reach a temperature increase below 1.5<sup>0</sup> C;
- We need to establish clear milestones to ensure our work leads to a comprehensive outcome in Paris

These processes must be resolved quickly. We sacrifice the survival of our countries and our people through continued stalling and lack of decisive action. For the LDCs the question at hand is their direct survival as the most vulnerable countries. Furthermore, there is today, significant evidence that global warming is worsening and will disrupt both the natural world and human society.

## **2) *Priorities for 2014***

The Priority for the LDCs is to quickly move forward as agreed so that by the first quarter of 2015 all countries will have put forward their nationally determined contributions as decided in Warsaw.

The LDCs believe that intended nationally determined contributions should form the first step toward the mitigation component of the 2015 Agreement for the enhancement of the implementation of the Convention. The development of nationally determined contributions should guide us in inscribing mitigation commitments in the 2015 Agreement. Therefore, Parties need to urgently come to a common understanding around the new concepts lately introduced into the ADP without it adding to the time constraints already faced.

In order to adapt to the increasing impacts of climate change, urgent and ambitious climate mitigation is crucial in order to secure the survival of all LDCs. With survival of some nations at stake, only the highest level of commitment from all Parties is acceptable. There is a clear need for developed country parties to make far more substantial efforts to reduce greenhouse gas emissions. Overall, enhanced financial and mitigation commitments and actions are crucial. The future regime needs to be able to ensure that global climate action is taken to a level that stabilizes the average global temperature in a way that prevents dangerous climate change.

Moreover, the LDCs cannot subscribe to any option that does not provide a guarantee that their stated legitimate quest for respect of their sovereignty and right to assess whether their contribution under the 2015 Agreement is acceptable to them, meets their associated moral and legal obligations to respect the right of the most vulnerable groups of countries to defend their survival under acceptable warming levels. As such, the process in 2014 must:

### **Provide incentives for ambitious contributions**

All necessary incentives should be provided to developing country parties, particularly LDCs to ensure they are all engaged in their national exercise to assess what could be their efforts toward achievement of the objective of the Convention and to provide their contributions in a quantifiable and comparable manner as soon as possible, no later than the first quarter of 2015 and preferably by the end of 2014. Incentives for actions could be provided through information and material that supports a changing narrative around global climate action. Least developed countries and Small Islands States should receive particular attention and consideration for provision of support for domestic preparations. All efforts should be made to ensure effective outcomes of the political engagements scheduled throughout the year.

### **Clarify language on “intended nationally determined contributions”**

Considering the fact that the Durban Platform negotiations are primarily governed by the terms of the Durban Platform decision, LDCs believe that calling for an outcome *with legal force* reinforces the need for a new legally binding instrument. As such, the LDC Group strongly believes *the* final contributions of Parties should be nationally determined. They should help us define legally binding commitments under the 2015 Agreement. The form of this inscription will be a key point of our ongoing negotiations.

### **Key elements towards the Lima negotiation text**

There is a need to further identify and advance particular issues that still need substantial progress before conclusion of the agreement in Paris. These elements to be part of the key elements of the Lima draft negotiation text should include:

- The variety of types and the scope of Parties' commitments and actions for the 2015 Agreement
- Further clarity on how best all Parties commitments could be determined in a manner that is fair, not only to the relative view of this particular Party, but mainly from the collective perception of fairness
- How to progress the discussion on the role of markets and non market mechanisms
- How to incorporate the forestry sector without sacrificing national sovereignty over those forests
- How to progress discussion on elements other than mitigation under the 2015 Agreement, post 2020 finance including transparency of support, and transparency and accountability of mitigation actions
- The inclusion of loss and damage in the 2015 Agreement
- A compliance mechanism for cases where Parties do not meet their obligations
- A review process to assess the adequacy of the aggregate proposals

Clarity is also needed on approaches and urgency to formulate Parties' intended contributions, the process to inscribe them in the 2015 Agreement and their associated reviews over time.

### **3) Features of the 2015 Agreement,: the key LDC positions**

There are a number of key features that the LDCs view as being important for the 2015 Agreement. These are as follows:

#### **Science to be the basis to assign a cap on the level of temperature rise**

The LDCs are of the view that the 2015 Agreement, which encompasses all Parties, be based on the science of climate change as its foundation. Furthermore, climate impacts on LDCs, SIDS, and Africa should form the benchmark for setting emission reduction levels and for building the architecture and modalities for adaptation and finance in the 2015 Agreement. Commitments should be made for only five years (2020-2024), with a clear process to define the subsequent five-year periods built into the 2015 Agreement and linked to IPCC assessments, which will also be placed on five-year cycle. Furthermore, as agreed under the Cancun Agreements, a periodic review should be undertaken to feed into the five-year commitment cycle. This should flow on from the 2013-2015 review and be firmly embedded in the scientific assessment of the adequacy of commitments in meeting the long-term global goal.

#### **Legal form**

Seeking to establish a strong 2015 Agreement that will provide confidence and political momentum for an effective post-2020 regime, which will co-exist with the Kyoto Protocol. All the elements of the Durban Platform should be incorporated within the 2015 Agreement. This includes adaptation, mitigation, loss and damage, finance, technology, MRV and compliance, and capacity building. There may be additional elements still to be considered.

#### **Types of commitments**

Of particular importance to the LDC Group is a provision to deal with the special circumstances of SIDS and LDCs. Indeed, for some countries, the future climate regime should require nothing less than targets for economy-wide emissions reductions, while for the most vulnerable countries it should allow options for other approaches. These approaches should be voluntary and be determined by countries themselves and could include climate resilient low emission policy development, sector-wide emissions reduction, and adopting specific policy measures. However, there should not be backsliding by any Party compared to the current regime, including comparable commitments from those developed countries that chose not to participate in the Kyoto Protocol.

The LDCs believe that developing country Parties have an important mitigation role, while respecting their common but differentiated responsibilities and respective capabilities. Possible types of targets that developing country Parties might propose include both result-based commitments focusing on different target dimensions and activity-based commitments, including:

GHG emission reduction targets

- *For developed countries:* Absolute economy-wide emission targets
- *Options for developing countries:*
  - Relative economy-wide emission targets
  - Absolute or relative sectoral targets

- Other quantifiable intermediate targets
  - Energy intensity targets
  - Renewable energy targets (e.g., capacity or share of electricity generation)
  - Area to be afforested
  - Other technology targets
- Commitment to implement policies, such as emission price commitments
- Technology-oriented agreements and
- Commitment to implement individual actions, projects or programmes, policies and strategies

Such a range of targets could accommodate different capabilities and allow for adjustments over time.–Developing country parties could also choose multiple types of targets, as for example already done by China. Regular review processes would be needed to provide durability for the future system to accommodate changing circumstances.

### **Equity**

The LDC Group continuously reaffirms its full support to all the principles of UNFCCC to guide Parties toward achievement of its objective. Equity and common but differentiated responsibilities and respective capability are the fundamental principles of the Convention. As such, all principles of the Convention are key for the LDC Group and should contribute to strengthen the regime.

The emission of GHGs was unevenly distributed during the past and currently remains uneven among Parties. Parties also possess different levels of capacities and resources to address the cause and effects of climate change. However, considering the enormous threats and future risks that climate change is posing, particularly to the LDCs, bold actions are required from all Parties based on their CBDR-RC. It is fundamental to consider the principles of equity and CBDR-RC referred to in Article 3.1 of the Convention in the context of the ADP and the 2015 Agreement that starts in 2020 in a manner that will strengthen the regime and not undermine it.

The 2015 Agreement should ensure comparability of efforts among developed country Parties and include provisions to ensure that these Parties will undertake their commitments in a measureable, reportable and verifiable manner, so that such contributions can be assessed by international review processes. An effective compliance system should be incorporated within the 2015 Agreement.

The approaches toward defining what is equitable should generate a range of methodologies that express the criteria all Parties find most appropriate: including, but not limited to historical responsibility, current capabilities, future sustainable needs, vulnerabilities, and potentialities.

### **Balance between adaptation and mitigation**

From the LDC perspective, every deliberation on mitigation under the 2015 Agreement should be guided by the latest scientific data to ensure progress towards the achievement of the Convention's ultimate objective. Science should guide efforts to identify the common global goal; identify the adequate contribution for all Parties; and assess Parties' adequacy of actions. The 2015 Agreement must be designed to hold warming to below 1.5°C above pre-industrial levels by the end of this century. The level of national mitigation commitments should ensure that the sum of actions

by all Parties meet the requirements defined by science, allowing for some degree of differentiation for developed countries, emerging economies, middle-income countries, the most vulnerable and the least developed countries based on agreed criteria. Adaptation should be supported in an effective manner taking into account the level of emissions reduction expected to be achieved through the implementation of the 2015 Agreement and associated level of temperature rise projected.

### **Loss and Damage**

Loss and damage associated with the adverse effects of climate change should be part of the 2015 Agreement. The 2015 Agreement should provide for corresponding costs, including investment needs for risk assessment, risk management, insurance and compensation, including the associated overall costs and impacts of the residual damages (occurring in the form of loss and damage).

### **A robust MRV system**

The mechanisms put in place need to be designed and made operational in such a way that they produce real, verifiable, and additional emission reductions, ensure environmental integrity and are subject to international verification and oversight. Such mechanisms should generate new and additional revenue streams to support adaptation actions, low carbon development, and support regulatory frameworks in developing countries. Therefore, a robust measuring, reporting, and verification system that includes a compliance mechanism is needed to ensure this can be delivered. International oversight is essential to better track implementation of commitments, including support provided and received through transparent, consistent, comparable, complete and accurate accounting. A compliance regime is essential to enable all Parties, as well as the global community, the means to assess if the future regime will meet its obligations. Furthermore, the regime should not undermine or lower the MRV provisions of the Kyoto Protocol.

### **Means of implementation are crucial for mitigation and adaptation**

The 2015 Agreement will not succeed without adequately addressing the needed means of implementation to be able to address mitigation and adaptation obligations of all parties. Means of implementation should, include finance, technology development and transfer, and capacity building to support effective and strong global climate actions while allowing developing countries to engage in climate resilient development. Clear rules should be put in place to ensure timely reporting and effective accounting of both actions and support provided.