

Ethiopia’s Submission on Increasing the Level of Ambition at the Negotiations of the Ad Hoc Working Group on the Durban Platform for Enhanced Action towards Producing a new International Law under the Convention

1. Introduction

Paragraph 2 of 1/CP.17, the decision of the 17th Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), requires that an Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) be established “to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention”. Paragraph 8 instructs the ADP “to hold an in-session workshop at the first negotiating session in 2012 to consider options and ways for increasing ambition and possible further actions.” The ADP has been established and it had two sessions in 2012 (in Bangkok and Bonn) to start fulfilling its mandate. At the 18th Conference of the Parties, which took place in Doha, Qatar, from 26 November to 8 December 2012, the ADP reported on its work accomplished so far and presented its plan of future work. It has divided its work into 2 parts. Workstream 1 is on progressing towards an international law under the Convention, which will finish being negotiated in 2015 and come into force in 2020. Workstream 2 is on enhancing mitigation ambition during 2013-2020. Undertaking emission reduction commitments under the Kyoto Protocol is, therefore, expected to continue only up to 2020.

Paragraph 13 of the “Planning of work” part of the ADP’s report to COP 18 states, “The ADP invited Parties and accredited observer organizations to submit to the secretariat, by 1 March 2013, information, views and proposals on matters related to the work of the ADP, including, *inter alia*, mitigation, adaptation, finance, technology development and transfer, capacity-building, and transparency of action and support, addressing aspects such as: (a) Application of the principles of the Convention to the ADP;...” The Federal Democratic Republic of Ethiopia submits the following ideas to help enhance the level of ambition of the work of the ADP in negotiating the new international law. To this end, we are suggesting how the 1st principle of the Convention can be implemented to become the basis of the new international law under the Convention.

2. Why the Level of Ambition Must Be Raised

Climate is changing much faster than was realized when the UNFCCC was adopted in New York in May 1992. At that time, it looked sufficient to curb climate change if the industrialized countries and the countries in transition to market economies, as then listed in Annex I to the Convention, undertook their respective economy-wide emission reductions of greenhouse gases consistent with Paragraph 2(a) of Article 4 of the Convention. It also seemed that developing countries, as allowed them by Paragraph 1(b) of Article 2 of the Convention, needed to do only what they felt they could without being legally obligated. The legal obligation of the Annex I Parties specified in Paragraph 2(a) of Article 4 of the Convention was detailed further in the Kyoto Protocol. The United States of America failed to ratify the Kyoto Protocol. Canada ratified it and then withdrew from the Kyoto Protocol. Emissions from some non-Annex I Parties have recently become substantial. Consequently, the Earth's climate is now changing much faster than was the case in 1992 and it is thus obvious that all countries have to work harder on mitigation actions.

Paragraph 3 of Article 4 of the UNFCCC also requires the industrialized countries excluding those that are in transition to market economies, as listed in Annex II, to provide new and additional financial support for enabling developing countries to implement the mitigation actions that they are willing to undertake as well as to enable them to adapt now that climate change is set to continue taking place at least for decades irrespective of whatever mitigation actions are taken. The new and additional financial resources are envisaged by Article 4 of the Convention to also pay for the capacity building and technology generation and transfer required by developing countries to both mitigate and adapt to climate change.

It is not only the greenhouse gas emissions of some developing countries that have dramatically increased since 1992. Their economies have also grown substantively. For these reasons, it will no longer be sufficient to leave mitigation requirements to the Annex I Parties identified 1992, and it may even no longer be sufficient to assign financial support requirements to the Annex II Parties identified as rich in 1992. Therefore, there is a global need to raise ambition for countering climate change more collectively than was seen as necessary in 1992.

3. Raising the level of ambition

It is to this end that we feel motivated to suggest the following proposal. Our proposal is that the world needs to start rigorously implementing the 1st principle of the Convention, which is specified in its Paragraph 1 of Article 3, including by revising the 2 Annexes of the Convention. Therefore, both Annex I and Annex II of the UNFCCC need to be reviewed at 5-year intervals by Conferences of the Parties and revised according to Article 6 of the Convention as facts at the time dictate. In our view, the following needs to be done both to implement the 1st principle and to revise the 2 Annexes of the Convention.

3.1 Cumulative Greenhouse Gas Emissions of Parties to the Convention

In 1992, the world was absolutely clearly divided into two categories of countries. One category consisted of the rich industrialized sovereign countries that had hitherto burnt much fossil fuel and flared much gas and thus released most of the increase in greenhouse gases in the atmosphere. Some of these rich countries had or have had colonies. Obviously, the responsibility for the emissions from the colonies is on their respective colonizing country. These industrialized sovereign countries that had obviously polluted the atmosphere were listed in Annex I of the Convention. The second category of countries consisted of poor unindustrialized ones, virtually all of which had been decolonized for only a few decades before 1992, and had hitherto burnt little fossil fuel or flared little gas as sovereign states and had thus released only a small portion of the increase in atmospheric greenhouse gases in the atmosphere. Therefore, they were not listed in Annex I of the Convention.

In addition to the burning of fossil fuels, the Annex I Parties had by 1992 also released much carbon dioxide into the atmosphere from their domestic cement factories and those that had or have had colonies also from those in their colonies. In contrast, non-Annex I Parties had released only small amounts of greenhouse gases from the cement factories that had been under their sovereign rule before 1992.

The Carbon Dioxide Information Analysis Center, Oak Ridge National Laboratory of the U.S. Department of Energy, Oak Ridge, Tennessee, U.S.A, has compiled the carbon equivalents of the carbon dioxide emissions of each country in the world from fossil fuel burning, gas flaring and cement production (see http://cdiac.coml.gov/ftp/ndp030/nation.1751_2009.ems) starting from 1751 for the United Kingdom of Great Britain and Northern Ireland to 2009 for all countries in the world. The data for most countries start from

years which are more recent than 1751, presumably because their use of fossil fuels and/or cement manufacturing started more recently. These emissions of each country are given for each year both as a total for the whole country and on a per capita basis. The SBSTA can both attribute the emissions to the respective sovereign state that is responsible for their release and also update the information up to 2020 and beyond as the time comes.

Greenhouse gas emissions occur from domestic animals, especially from ruminants, from deforestation and forest degradation, from the use of chemical fertilizers for crop cultivation, from the rotting away of wastes, even from human breathing and from many other life processes. Except for the use of chemical fertilizers in agriculture, which date mostly from the middle of the 20th century, all these processes have been going on since or even before the agricultural revolution, which started about 10,000 years ago. The “Fourth Assessment Report of the Intergovernmental Panel on Climate Change”, in its “Climate Change 2007, The Physical Science Basis”, on page 25, states: “Atmospheric CO₂ concentration increased by only 20 ppm [parts per million] over the 8000 years prior to industrialisation;...” The same report states, “Since 1750, it is estimated that about $\frac{2}{3}$ of anthropogenic CO₂ emissions have come from fossil fuel burning [including cement production] and about $\frac{1}{3}$ from land use change”. Therefore, any climate change that these ancient activities might have induced must have more or less stabilized thousands of years ago. It is true that the human population of our Earth has increased in the last few centuries, thus adding to the net content of greenhouse gases in the atmosphere arising from many of these ancient activities; but it would have been comparatively only a little. This fact makes the net increase of greenhouse gases from these ancient sources relatively insignificant compared to the cumulative increase of greenhouse gases from the burning of fossil fuels, from the flaring of gases dug out of the Earth and from the manufacture of cement. More importantly, there are no records of the amounts of greenhouse gas emissions from sources other than fossil fuel use and cement manufacturing that go back to the 18th century and we have thus to accept the impossibility of estimating the cumulative emissions since 1750 of Parties attributable to these ancient activities in other sectors.

3.2 A Ceiling to Average Global Temperature Rise

The position of Africa is that the average global warming should not be allowed to exceed a maximum of 1.5⁰C. The amount of greenhouse gases in gigatonnes of CO₂ equivalent that can be released into the atmosphere without making the global temperature go above this

ceiling can be determined by the SBSTA. Let us call this amount X gigatonnes. Let us also represent the global population in 2020, when we expect the new international law under the Convention to come into force, by Y. The global per capita emission share in 2020 will then be X/Y gigatonnes. Let us call this r. For convenience, r can be expressed in tonnes instead of gigatonnes.

4. Revision of Annex I of the Convention

The review and revision of Annex I by the Conference of the Parties every 5 years should be based on the per capita emission of each Party which is in excess of its fair share.

The cumulative greenhouse gas emission of each sovereign country in 2020 can be determined by the SBSTA based on the record of that country's yearly emissions from 1751, from the date it started burning fossil fuels, flaring gas, and/or manufacturing cement or from its date of independence, as the case may be, to 2009. The records of these emissions have been kept by the U.S.A. Carbon Dioxide Information Analysis Center. These data can be disaggregated to the sovereign state and to its previous colonizer, as well as extrapolated to 2020. Let us represent the thus obtained quantity of emission of a sovereign state by U. The SBSTA can then derive the per capita emissions, u_1 to u_{194} , of each of all the Parties to the UNFCCC, P_1 to P_{194} , by dividing U for each Party by the total population of that Party in 2020, i.e.:

$$u_1 = \frac{U_1}{P_1\text{'s population in 2020}} \quad , \dots \quad u_{194} = \frac{U_{194}}{P_{194}\text{'s population in 2020}}$$

Following this, the SBSTA can compute the emission rights (or atmospheric spaces) of each of all the Parties, which we can refer to as $R_1 \dots R_{194}$, using the following formula:

$$R_1 = P_1\text{'s population} \times (r - u_1); \dots R_{194} = P_{194}\text{'s population} \times (r - u_{194}).$$

It is the principle of equity that makes us use the per capita emission rather than simply the total per country emission in computing an emission right for a Party.

Since the accumulated emission of a Party is mostly going to be from several generations, it may seem to some that a given Party's population in 2020 should not be held responsible for all of it. But that very generation in 2020 will be benefiting from the development that was brought about by its previous generations while they accumulated these emissions in the

atmosphere. It should also be pointed out that the 3rd preambular paragraph of the Convention recognizes this inter-generational debt accumulation. For these reasons, responsibility for the cumulative sum of intergenerational emission must be accepted as an inheritance of every succeeding generation. Therefore, if R_1 is zero or negative, then P_1 has run out of its share of atmospheric space. P_1 should thus be inscribed in Annex I of the Convention to force it to mitigate sufficiently so as not to continue using more than its share of atmospheric space. If R_1 is positive, P_1 need not be inscribed in Annex I of the Convention. This process of categorization should be carried out successively to cover all the 194 Parties.

Consistent with Paragraph 7 of Article 4 of the Convention, those Parties that are not in Annex I should also be encouraged and assisted to mitigate so that they might contribute towards making up for the part of the atmospheric space used up by Annex I Parties in excess of their fair shares.

5. Revision of Annex II of the Convention

The 5-yearly review and revision process of Annex II by the Conference of the Parties to the Convention should start by ranking Parties to the UNFCCC in a descending order both according to GDP and according to per capita GDP. The mid-point of each list, which we can refer to as the median GDP and median per capita GDP, should then be identified. All Parties that are ranked as being above the median value in both the 2 GDP and per capita GDP lists should be included in Annex II of the UNFCCC. All Parties that are at and below the median value in either the GDP list or the per capita GDP list, which will necessarily be poor developing or possibly tiny but richer countries, should become non-Annex II Parties and thus be exempted from the legal obligations that are currently assigned to Annex II Parties by the UNFCCC.

6. Allocation of Obligations to Provide Financial Contributions

Every five years, the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the new international law, assisted by the Subsidiary Body for Implementation (SBI) and the Secretariat, should determine the total new and additional amount of financial support that the Parties in Annex II of the UNFCCC shall collectively provide to the non-Annex II Parties that are below both the median GDP and median per capita GDP values to enable those poor non-Annex II Parties take the actions needed in both mitigating and adapting to climate change, in technology development and transfer, and in capacity-building.

It is not financial but technological and capacity-building supports that the non-Annex II Parties that have total GDP below the median value but per capita GDP above the median value need.

Even non-Annex II Parties that can afford to should voluntarily provide other non-Annex II Parties with finance, technology generation and transfer or capacity building for countering climate change.

The amount of financial support that each Party in Annex II to the UNFCCC must provide during the 5- year period should also be determined based on proposals provided by the SBI supported by the Secretariat. In preparing the proposed breakdown of the financial support that each Party in Annex II of the UNFCCC must provide, the SBI with the help of the Secretariat can use the following formula:

$$\text{An Annex II Party's contribution} = \frac{\text{The Party's GDP -Median Global GDP}}{\Sigma (\text{GDP of Annex II Party-Median Global GDP})} \times \text{Finance required.}$$

7. Allocation Obligations to Mitigate Climate Change

Every five years, the Conference of the Parties to the UNFCCC serving as the meeting of the Parties to the new international law, helped by the SBI and/or the SBSTA as required, should use the latest scientific knowledge to determine the amount of greenhouse gas emission that must be reduced or sequestered during the next 5 years. It should then divide that amount among the Annex I Parties in direct proportion to their respective excess of GDP above the median global GDP, i.e.

$$\text{An Annex I Party's mitigation} = \frac{\text{The Party's GDP for the year-Median Global GDP}}{\Sigma (\text{GDP of Annex I Party-Median Global GDP})} \times \text{Required emission reduction}$$

If the financial capacity of all Annex I Parties were more or less equal, the fairer indicator of the amount of emission to reduce would have been in inverse proportion to the amount that their respective atmospheric space has been used in excess of their fair share, as defined in Section 4. This can be computed as follows, where AIP stands for an Annex I Party:

$$\text{AIP}_1\text{'s mitigation} = \frac{(u_{\text{AIP1}} - r_{\text{AIP1}})}{\Sigma ((u-r) \text{ of each AIP})} \times \text{Required emission reduction}$$

But climate change requires the collaboration of all Parties, and we feel that it is financial capacity that indicates the ability to take mitigation actions. Hence the possible use of the first formula in this Section, which gives more emphasis to financial capacity. If Parties feel that,

irrespective of financial prowess, the second formula in this section, which would give a historically more just allocation of mitigation obligation, is more appropriate, Ethiopia's delegation would happily accept the choice.

8. Measuring, Reporting and Verification

The economy-wide climate mitigation actions of Annex I Parties as well as the financial contributions of Annex II Parties and the mitigation actions taken by non-Annex I Parties that are fully funded by finance from Annex II Parties should be subjected to international measurement, reporting and verification. Otherwise, the measuring, reporting and verifying of actions voluntarily undertaken by non-Annex I Parties to counter climate change, though to be encouraged and helped, should be carried out at their own discretion.

9. Grace Period of a New Annex I or Annex II Party

When the Conference of the Parties to the UNFCCC decides that a non-Annex I Party become an Annex I Party, or a non-Annex II Party become an Annex II Party, the new Annex I or Annex II Party should have a grace period of 2 years of preparation before it fully undertakes its new or changed legally binding obligations.