

Submission by Nepal on behalf of the Least Developed Countries Group on implementation of all the elements of decision 1/CP.17 (a) matters related to paragraphs 2 to 6 (ADP)

On behalf of the Least Developed Countries Group (LDC Group), Nepal welcomes the invitation to submit views on the implementation of decision 1/CP.17 (a) matters related to paragraphs 2 to 6.

The LDC Group believes that the outcome of the ADP should be a new Protocol under the UNFCCC applicable to all Parties. The Group has demonstrated a strong commitment to the work of Workstream 1. With the view of ensuring the delivery of results of its work on time and as a risk-averse strategy, the LDC Group had called upon the Parties, through its submission of 30 April 2012 (FCCC/ADP/2012/MISC.3/Add.1), to submit to the COP, a negotiation text a full year rather than six months before COP21. The LDC Group expects that this would ensure sufficient time for Parties to engage in domestic stakeholder consultation, gain domestic political will as well as to ensure high level inputs early enough to adopt the new Protocol in 2015.

The LDC Group had proposed a timeline to develop the key elements of the new Protocol in the latter half of 2012. However, despite this proposal, many Parties highlighted the need for 2012 to be a conceptual phase of ADP, and the group showed flexibility on this matter. The roundtable format of discussions in Doha was useful in allowing Parties to express their views on a number of issues. However, because of the little time spent in the roundtable format due to time constraint, many Parties were unable to express their views. The LDC Group, therefore, stresses the importance of focused discussions to work towards convergence on important elements thereby making substantial progress at the upcoming meetings in the first half of 2013. Of particular importance are the approaches to commitments and the ways to deal with special circumstances.

With regard to the specific issues to be addressed, the LDC Group presents the following ideas and proposals for consideration.

(a) Application of the principles of the Convention

The principles of the Convention should guide the actions of all Parties, and should not be used as an excuse for inaction or for delaying actions. In the negotiations under ADP, all the principles of the Convention, particularly the following, should be applied:

- The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration;
- Equity;
- Adequacy principle;
- Common but differentiated responsibilities and respective capabilities;

- Intergenerational equity in order to ensure the right to development and to equitably meet development and environmental needs of present and future generations;
- Precautionary principle;
- Polluter pays principle;
- Cost-effectiveness;
- The right to promote sustainable development of the LDCs;
- The need to integrate policies and measures to protect the climate system in national development programmes and their appropriateness for the specific conditions of each Party, taking into account that economic development is essential for adopting measures to address climate change;
- The principle of free trade, calling on the Parties to promote a “supportive and open international economic system that would lead to sustainable economic growth and sustainable development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change”; and
- The need to avoid measures that “constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade”.

However, these principles should not lead to weakening of the future regime, but must contribute to meeting the objective of the Convention to stabilize greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system and enhance the effectiveness of its implementation.

Furthermore, as agreed as a part of the shared vision decision on the agreed outcome pursuant to the Bali Action Plan, the survival of countries is essential in the context of taking action on climate change. This is an important recognition of the needs of vulnerable countries such as LDCs and SIDS, and must also be considered in the context of implementing the new Protocol.

Taking into consideration the objective of the Convention, it is fundamental to consider the principles of equity and common but differentiated responsibilities referred to in Article 3.1, in the context of ADP. The emission of the GHGs are uneven in distribution during the past and present among the Parties, and have different levels of capacities and resources to address the causes and effects of climate change. However, considering the enormous threats and future risks that climate change is posing, particularly to the LDCs, including other most vulnerable countries, bold actions are required from all Parties based on their respective capabilities.

(b) Building on the experiences and lessons learned from other processes under the Convention and from other multilateral processes, as appropriate

As learning from the past experience, the LDCs support a robust, multilateral, and rule-based regime that includes inventories, reporting systems, transparent actions, and international review system combined with a strong compliance mechanism. Unlike the Kyoto Protocol (KP), the future Protocol must lead to a higher and more increased ambition from the developed country parties. The key elements to ensure the required level of ambition include:

- Latest science should be the basis of the new Protocol;
- Inclusiveness and universal participation;

- Stronger commitments with deadlines to deliver;
- A guardrail to dissuade ship jumping such as eligibility criteria for access to new market-based mechanisms or to other flexible mechanisms, as well as provision of adequate incentives.

Commitments of the Parties for increasing emission gap should be assessed following a top-down approach, and the negotiation for setting the target must be driven by the latest scientific information on climate change. However, the future Protocol should be flexible enough to accommodate elements to support voluntary actions, based on capacity, financial support and national circumstances from the most vulnerable countries, especially LDCs and SIDS.

The process for developing the new Protocol under the ADP must include concrete processes to take account of the output of the 2013–2015 review elements as agreed in Doha. In particular, the emission pathway consistent with limiting the global warming to below 1.5°C for the time periods covered by the agreement should be drawn from the best available science, including the IPCC fifth assessment report and the outputs of the 2013-2015 review process.

The future climate regime should ensure comparability of efforts among developed country Parties, include more players in reducing emissions, and include a provision of assurance and confidence that Parties will undertake their commitments.

(c) Scope, structure and design of the 2015 agreement

As mentioned above, the LDC Group believes that the legal form of the final outcome of the ADP should be a new Protocol to the UNFCCC and it should build on and enhance the commitments set out in the Kyoto Protocol particularly for Annex I Parties.

The decision on the Durban Platform aims to produce a global agreement that is applicable to all Parties. Several parties have already indicated that this reflects the universality of the future regime. However, as different commitments will be applied among different categories of Parties, the issues of differentiation is of extreme importance.

For some categories of countries, the future climate regime should require targets for economy-wide emissions reductions, while for the most vulnerable countries it should allow options for other approaches such as low emission policy development, sector-wide emission reduction, and adopting specific measures. The effectiveness of implementation and environmental integrity are key elements in this regard. However, recognition of voluntary schemes and actions outside the Convention are likely to undermine its effectiveness as there is no international oversight mechanism to ensure that the reductions are occurring.

The future regime should not be designed to address mitigation only. Rather, it should address both adaptation and mitigation in a balanced manner. The future regime should also focus on how to address loss and damage in vulnerable developing countries due to climate change. Furthermore, the future regime should provide clear assurance on the provision of means of implementation: finance, capacity building and technology development and transfer.

The transparency component should allow for international oversight to better track the progress of implementation of commitments, including supports provided and received through transparent, consistent, comparable, complete and accurate accounting. It should enhance the provisions under the Kyoto Protocol and should include common accounting rules and a compliance mechanism to enable all Parties to meet their obligations. The new regime should not undermine or lower the standards that have been set by the Kyoto Protocol.

(d) Ways of defining and reflecting enhanced action

For the LDC Group, enhanced 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. If emission goals for the legal regime being implemented from 2020 are to be achievable and consistent with the goal of keeping global average temperatures below 1.5°C above pre-industrial levels, it is absolutely vital that there is increased mitigation action pre-2020 under Workstream 2 of ADP. Enhanced action also refers to the provision of means to cope with current and future impacts of climate change for the most vulnerable countries.

To achieve this pressing goal, the LDC Group supports a top-down negotiated Protocol, legally binding in nature with individual commitments that fulfill the needs of science-based emission reductions required to tackle climate change without compromising the urgency for reducing poverty and promoting sustainable development in LDCs. To provide assurance that these commitments are met, the LDC Group is of the view that the new legal regime should define robust ways such as periodic review to assess whether these commitments are being implemented to meet the overall and ultimate objective.

LDC Group remains committed for negotiations under ADP. We look forward to productive deliberations in Bonn leading towards strong outcomes at COP19 and beyond.

1 March 2013.