

The Durban Platform Negotiations: Work Stream One

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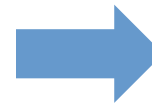
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- **Climate effectiveness =**
 - Emission reductions sufficient to prevent dangerous climate change (no more than 2° C)
- **Climate effectiveness a function of three factors:**
 - Ambition
 - Participation
 - Compliance
- **Factors interdependent:**
 - Strengthening ambition doesn't help if leads to less participation and/or compliance
 - The goal is to maximize the combined outcome of all three variables.

$$EE: f(A, P, C)$$

Contractual model:

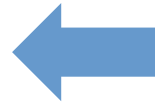
- Agreement based on reciprocity: states accept commitments in exchange for commitments by others.
- Each state has an interest in agreeing because the benefit it receives from commitments by others outweighs the cost of its own commitments > agreement leaves it better off.
- For negotiations to succeed, there must be a contract zone, i.e., a set of agreements that leave all participants better off and are acceptable domestically.



Kyoto
Protocol



Cancun
Agreements



Facilitative Model:

- States are willing to take action on their own.
- What states are willing to do is less dependent on what other states do.
- International law catalyzes, encourages, and reinforces national action.

Durban Platform

- Protocol, another legal instrument, agreed outcome with legal force
- Applicable to all
- Under the Convention
- To be completed by 2015
- Applies from 2020



UNFCCC

- Art. 2 objective
- Art. 3 principles
 - CBDRRC
 - Precaution
 - Cost-effectiveness

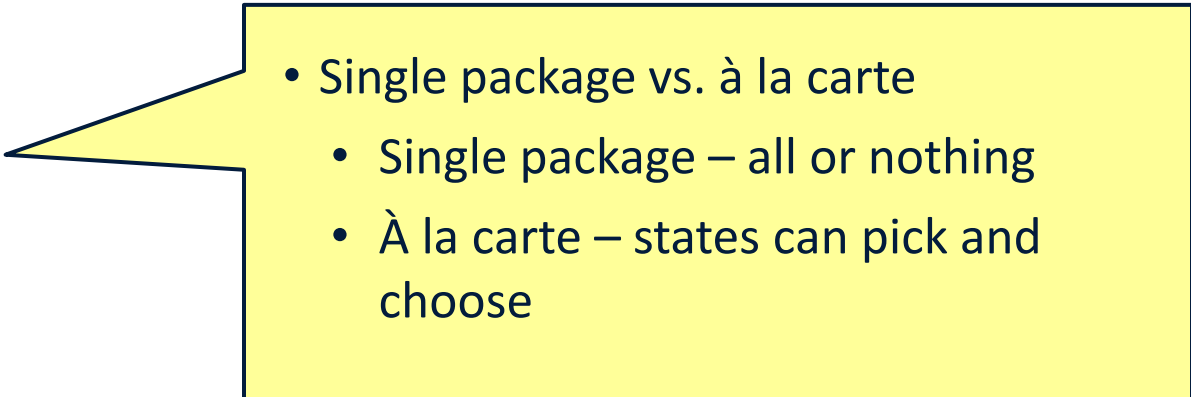
International Law

- **Form**
- **Structure**
- **Content**
- **Process**

- Legal agreement > binding under international law
- COP decisions > in general, not legally-binding?
- ~~Political agreement~~

Durban Platform: “protocol, another legal instrument, or agreed outcome with legal force”

- **Form**
- **Structure**
- **Content**
- **Process**

- 
- A yellow callout box with a black border and a pointer pointing to the 'Structure' item in the list on the left. It contains a bulleted list of two items.
- Single package vs. à la carte
 - Single package – all or nothing
 - À la carte – states can pick and choose

- **Form**
- **Structure**
- **Content**
- **Process**

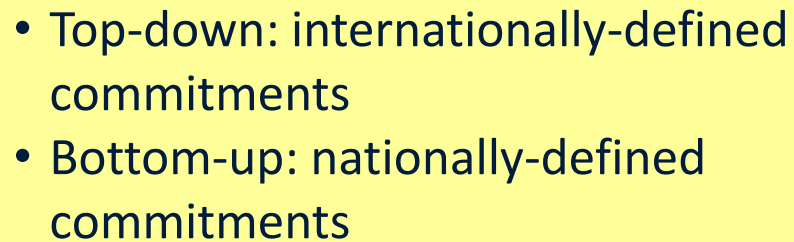
- Commitments
 - Type
 - Obligations of result – e.g., targets, finance
 - Obligations of conduct – e.g., PAMs
 - Ambition
 - Differentiation
- Markets

Durban Platform:

- **Outcome “applicable to all”**
- **Outcome “under the Convention” > UNFCCC articles 2 and 3 apply**

- **Can be reflected in many ways**
- **Who is differentiated?**
 - Categories of countries defined through either:
 - Lists (Annex I and II)
 - Objective criteria (Montreal Protocol: per capita consumption of ozone-depleting substances)
 - Individualized commitments/actions (Cancun INF documents)
- **What is differentiated?**
 - Types of obligations (UNFCCC art. 4)
 - Timing of obligations (Montreal Protocol: 10 year grace period)
 - Stringency/ambition of obligations (KP Annex B)

- **Form**
- **Structure**
- **Content**
- **Process**

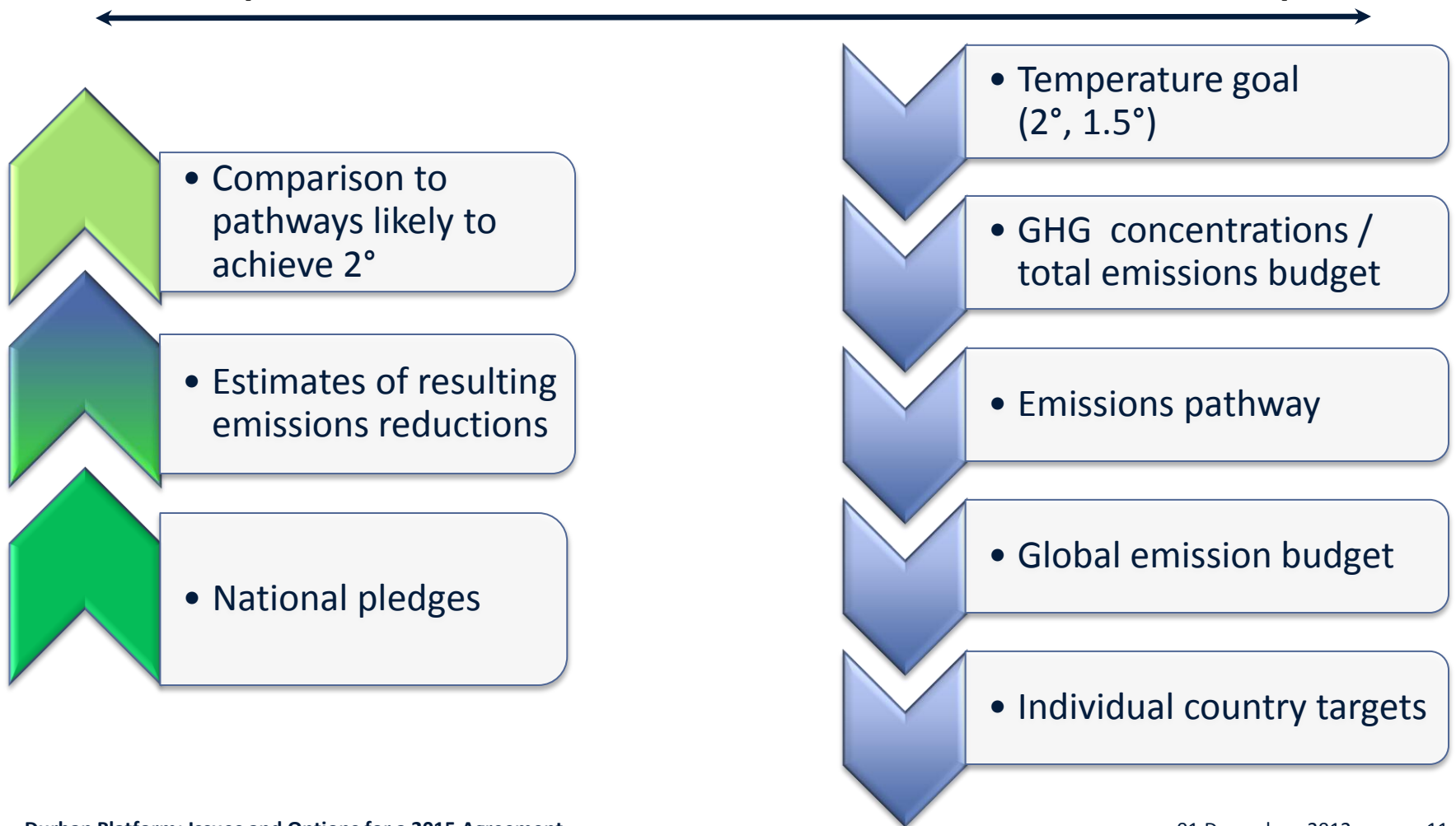
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- A yellow callout box with a black border and a pointer pointing to the 'Process' item in the list above. It contains two bullet points.
- Top-down: internationally-defined commitments
 - Bottom-up: nationally-defined commitments

Example of top-down vs. bottom-up



Bottom-up

Top-down



- **Expanded Kyoto**
- **Legalization of Cancún architecture**
- **Multi-track**

- **Retain basic architecture of Kyoto Protocol**
 - Legally-binding emission targets specified through international negotiations
 - Market mechanisms
 - International accounting and expert review
 - International compliance system
- **Issues**
 - Which countries would need to take targets?
 - How much flexibility in choice of target types, coverage and gases?
 - How would targets be differentiated?

- **Legally-binding agreement with annex/schedule listing national commitments and pledges**
- **Legally-binding elements might include:**
 - Commitment by states to inscribe something on schedule (e.g., domestically-binding national legislation/regulation)
 - Reporting and review requirements
 - Institutional arrangements
- **Content of annex/schedule determined through bottom-up process of national decision-making**
- **To promote flexibility, states could be allowed to change their schedule if changes estimated to achieve comparable emission reductions**
- **Issues**
 - Legal status of schedule: legally-binding? political commitments?
 - Timing of inscription on schedule: before or after conclusion of agreement?

- **Core agreement with different tracks**
 - Core agreement would provide elements of integration: institutions, transparency, market mechanisms
 - Annexes would define different tracks: (e.g., Kyoto track, domestically-binding track, bottom-up track)
- **Issue**
 - Would agreement prescribe which states fit within which track?
 - Or would states have flexibility to choose among tracks (and possibly also to switch tracks)?
 - How would trading be allowed within and across tracks?

Summary of Options



	Form	Structure	Substance	Process
Expanded Kyoto	Legally-binding agreement	Unitary	National emissions targets	Moderately top-down: Negotiated target or target formula
Legalization of Cancún Architecture	COP decision or legal agreement that is partly or fully binding	Unitary or variegated	National targets and actions / National legislation	Bottom-up
Integrated Multi-track	Legal agreement: some parts binding, others not	Variegated	Multiple types of commitments	Some tracks top-down, others bottom-up



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