

Summary of the roundtable under workstream 1 ADP 1, part 2 Doha, Qatar, November-December 2012

Note by the Co-Chairs

7 February 2013

I. Introduction

1. Decision 1/CP.17 launched a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties (hereinafter known as the 2015 agreement).
2. At the first part of its first session, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) adopted its agenda¹ and initiated two workstreams, one on addressing matters related to paragraphs 2–6 of decision 1/CP.17 (the 2015 agreement) and another addressing matters related to paragraphs 7 and 8 of the same decision (pre-2020 ambition).
3. At the informal additional session of the ADP, held in Bangkok, Thailand, from 30 August to 5 September 2012, the ADP held a series of roundtable discussions under workstream 1 on the vision and aspirations for the ADP. Following the session, we prepared summaries of the roundtable discussions and issued a note reflecting upon the session.² In this reflections note, we identified upcoming challenges and a number of issues where we saw an interest among Parties to discuss further.
4. In Doha, Qatar, Parties agreed to hold further roundtables based on these issues. Consequently, three sessions of the roundtable on workstream 1 were held, which focused on the first four issues identified in our reflections note, namely the following:
 - (a) How the principles of the Convention will be applied in the new agreement;
 - (b) How national circumstances and changes thereof should be taken into account;
 - (c) How the new agreement will be “applicable to all” in practice, including approaches to defining differentiated commitments;
 - (d) Ways to incentivize full and ambitious participation and ensure effective implementation and compliance arrangements.
5. During the discussions, Parties also provided their views on various related aspects of work on workstream 1. This note summarizes the discussion of the roundtable under workstream 1 in Doha, addressing matters related to paragraphs

¹ FCCC/ADP/2012/2, paragraphs 9–13.

² <http://unfccc.int/meetings/bangkok_aug_2012/session/6956.php>.

2–6 of decision 1/CP.17, and has been prepared under our own responsibility. Its primary focus is on the issues set out in paragraph 4(a) and (d) above, but also includes views raised by Parties on related aspects.

II. How principles of the Convention will be applied in the new agreement

6. Many Parties shared the general understanding that, as the 2015 agreement was being developed under the Convention, the principles of the Convention would apply to it. Some Parties noted that the principles would apply to both the process and outcome of the ADP. In this context, there was a productive discussion on what principles should be applied and how they should be applied.

7. Parties identified the various principles and provisions of the Convention that should apply in the 2015 agreement. Many Parties stated that all the principles as set out in Article 3 of the Convention were applicable. In this context, Parties highlighted the principles of equity, common but differentiated responsibilities and respective capabilities, special circumstances of developing countries and historical responsibility (and associated ecological debt). Parties also highlighted the precautionary principle, right to development, cost-effectiveness, fairness and special consideration of the most vulnerable. A number of Parties drew attention to the outcome of the Rio+20 Conference, which referred to the principles of the Convention. It was also stated that the work of the ADP needs to be guided by the ultimate objective of the Convention, the long-term global goal of holding the increase in global average temperature below 2 °C above pre-industrial levels and the need for climate effectiveness.

8. A number of Parties also stated that the provisions of the Convention should apply. In this context, a number of Parties highlighted the importance of maintaining the structure of the annexes of the Convention. Other Parties noted that the current binary structure would not be consistent with the changing nature of circumstances, responsibilities and capabilities. However, a number of Parties emphasized that the ADP should not renegotiate the Convention or negotiate a new regime.

9. Parties were also interested in discussing, in specific terms, how the principles would apply. In this context, many Parties emphasized that the principles should not be discussed in abstract or in a formulaic way but applied pragmatically and to specific issues or aspects of the 2015 agreement. Some Parties noted that the principles should be applied to all the elements of the 2015 agreement. The view was also expressed that there is no one specific interpretation of the principles.

10. Some Parties highlighted that the principles are a tool to implement the Convention, not an objective in themselves. It was emphasized that the principles should not be used as excuses for inaction. It was also noted that the principles should be discussed in a holistic manner, in a way that brings Parties together, guides Parties in meeting the ultimate objective of the Convention and in strengthening the multilateral regime. Many Parties highlighted the central role of the principles for confidence-building and incentivizing action.

11. It was stated that the principles should be applied in a manner that enables Parties to design an effective, ambitious, equitable and fair 2015 agreement. In this context, many Parties observed that the principles are not rigid, and should be

applied in a dynamic and evolving manner taking into account national circumstances, changing economic realities and levels of development. A number of Parties pointed out that the discussion on principles needs to be forward-looking and take into account what the world might look like in 2020.

12. While noting that the Convention should not be rewritten, some Parties stated that its application should be adapted in order to improve its vitality and relevance in the modern world and in order to enable it to become a modern instrument to address climate change. It was pointed out that the Convention has evolved, and will continue to evolve over time, and thus the manner in which the principles apply also needs to evolve. It was stressed that the principles are not static. However, some Parties also noted that the Convention already provides the flexibility needed to accommodate changing economic realities.

13. One practical aspect of the discussion was the relationship between the principles and enhanced action in the future. Some Parties expressed the view that the principles should be given practical expression in Parties' commitments. A number of Parties suggested that commitments should be defined and differentiated on the basis of equity, the principle of common but differentiated responsibilities and respective capacities, and historical responsibility. Other Parties noted that the principles should be applied through a spectrum of commitments, which, as some Parties suggested, would better reflect the principle of common but differentiated responsibilities.

14. Some Parties expressed the view that the developed country Parties should take the lead in combatting climate change, in accordance with their historical responsibilities. In this context, there was a call for consideration of how to give practical expression and quantification to this leading role. It was also suggested that developing country Parties that wished to take a leading role should be encouraged and enabled to do so. It was also noted that that the principle of common but differentiated responsibilities was defined on the basis of historical responsibility, and that developing countries must address their differentiated responsibilities of poverty eradication, adaptation, sustainable development and coping with loss and damage. It was also noted that while common responsibilities need to be differentiated, the level of responsibilities should also be kept consistent with meeting the goal of having a likely chance of holding the increase in global average temperature below 2 °C or 1.5 °C above pre-industrial levels.

III. How national circumstances and changes thereof should be taken into account

15. Many Parties agreed that the 2015 agreement would need to accommodate differences in national circumstances. However, it was noted that national circumstances is not a new concept but is already reflected in the principles, in particular common but differentiated responsibilities and respective capacities, as well as in the provisions and structure of the Convention. There was a broad discussion on what constituted national circumstances, how they evolve over time and how national circumstances, and changes thereto, can be accommodated in the 2015 agreement. In this context many Parties highlighted the challenge of taking into account national circumstances, and changes thereto, while ensuring ambition and environmental effectiveness.

16. A range of views were expressed on what was understood by national circumstances, with a number of suggestions on how to categorize or define them. A number of examples of differing national circumstances were given, including the following:

- (a) Structure of an economy, including the degree and nature of any specialization;
- (b) Status of development and need for sustainable development;
- (c) Environment and natural resources;
- (d) Historical responsibility;
- (e) Per capita emissions;
- (f) Population;
- (g) Energy mix;
- (h) Geography;
- (i) Renewable energy potential;
- (j) Trade structures.

17. Many Parties highlighted the importance of sustainable development and poverty eradication in defining national circumstances for developing country Parties. The importance of food security was also highlighted. Some Parties noted that each Party must decide for itself what aspects of its national circumstances are relevant in the context of the UNFCCC process. It was noted that there are aspects of national circumstances that change constantly (e.g. socioeconomic conditions), that change slowly (e.g. economic structures) and that do not change (e.g. geography).

18. Parties explored how national circumstances could be taken into account in the 2015 agreement. It was suggested that national circumstances comprise context, constraints and contributions of a country, and that these components could provide a template for taking action and making commitments. In this context, other Parties emphasized that focus should not be on constraints but on potential.

19. Many Parties noted that a holistic and Party-driven approach would be needed, with each Party identifying its national circumstances and defining actions or commitments nationally on the basis of those circumstances. Other Parties highlighted that actions must be nationally determined and not internationally imposed. However, it was stated that national circumstances should not be an excuse for inaction nor should national circumstances be abused to avoid commitments or to categorize developing countries. Some Parties also noted that the consideration of national circumstances should not translate into a pledge-and-review system.

20. Many Parties stated that national circumstances must be accommodated when defining enhanced action in the 2015 agreement. Many Parties also stated that national circumstances change and evolve and that the 2015 agreement must be adaptable in order to accommodate those changes in the long term to ensure its longevity and durability. In terms of concrete steps, it was suggested that national circumstances could be expressed through different mitigation actions. In this context, some Parties stated that the countries with the greatest capacity should

take on economy-wide quantified emission reduction targets, while other countries should contribute in accordance with their national circumstances and on the basis of equity.

21. Some Parties stated that a binary structure would not reflect changing relative economic circumstances and that Parties should explore how to differentiate commitments and to respond to changing national circumstances. It was also noted that Parties cannot keep “pigeonholing” countries into fixed categories. However, other Parties stated that national circumstances should not be a basis for renegotiating categories of countries or changing the structure of the Convention, noting that the Convention already provides the flexibility needed to accommodate changing economic realities.

22. A number of Parties noted that national schedules, or possibly a number of schedules accommodating Parties with different circumstances, could be an appropriate vehicle for reflecting national circumstances and changes to them. It was also highlighted that Parties should be able to enhance their action as their circumstances evolve, and that Parties could present their domestic contexts to the ADP.

IV. How the new agreement will be “applicable to all” in practice, including approaches to defining differentiated commitments

23. Many Parties agreed that all Parties should contribute to combatting climate change through the 2015 agreement, although various views were expressed on how this would be achieved in practice. In addition, some Parties questioned the usefulness of the term “applicability” and proposed discussing “full participation” instead.

24. In their wide-ranging discussions, Parties explored how the 2015 agreement could be “applicable to all” in practice and encourage broad participation. A number of Parties suggested that “applicability to all” and/or broad participation should be reached through fairness, as well as the attractiveness and political acceptability of the 2015 agreement. Some Parties emphasized that no Party should be forced to do something it is not capable of. The 2015 agreement should achieve this through consideration of national circumstances, incentives and flexibility.

25. Many Parties spoke of a common legal platform that would allow for Parties to take on different commitments; that is, that the legal “bindingness” of the agreement should be the same for all Parties, but the commitments would be different to reflect national circumstances and/or common but differentiated responsibilities and respective capabilities. In this context, some Parties noted that all Parties should take on some form of “common responsibility” under a legally binding agreement (e.g. Parties demonstrate a common commitment to act), with some suggesting that the common legal obligation to take some form of commitment is the foundation of the 2015 agreement. However, some Parties stated that “applicability to all” does not translate to a binding obligation to take a commitment under the 2015 agreement.

26. Many Parties emphasized that the commitments under the 2015 agreement would not be identical, with a number of Parties emphasizing that “applicability to all” must not translate to uniformity of commitments. In this context, Parties, while

noting a common legal platform, indicated ways in which commitments could be differentiated, for example through the:

- (a) Nature of commitments;
- (b) Stringency of any commitments;
- (c) Time frame; that is, Parties gradually take on commitments compatible with changing national circumstances.

27. Many Parties stressed that differentiation would be on the basis of, inter alia, national circumstances, common but differentiated responsibilities and respective capacities, and historical responsibility (with developed country Parties taking the lead). It was also suggested that the concept of ecological debt could be employed to differentiate commitments. It was noted that differentiation could be for individual Parties (e.g. through national schedules) or groups of Parties (e.g. through one or more annexes), although it was noted that Parties should be able to self-select their group. Many Parties also spoke of a spectrum of commitments being available to Parties and the need for fluidity or flexibility in the system to allow it to respond to changes over time. It was also suggested that the ADP should assess the cumulative efforts of Parties and find a way to sum up the impacts of those efforts with the aim of ensuring climate effectiveness. Other Parties also suggested that the concept of “applicability to all” is not new and that the 2015 agreement will be applicable to all, similarly as the Convention and its Kyoto Protocol are applicable to all.

V. Ways to incentivize full and ambitious participation and ensure effective implementation and compliance arrangements

28. Parties recognized the importance of broad participation in the 2015 agreement and the need to incentivize full and ambitious participation, as well as ensuring effective implementation and compliance arrangements.

29. Many Parties emphasized that taking into account national circumstances is essential for full and ambitious participation. Some proposed that full and ambitious participation should encompass subnational entities such as regions and cities, and include the private sector and other entities, and suggested creating structures that enhance their participation. It was also noted that ambition and full participation are not to be at variance; in this regard there should be no race to the bottom of climate effectiveness or ambition.

30. In general terms, many Parties noted that the 2015 agreement should be attractive to all, fair and build confidence. Parties made a range of concrete proposals to incentivize participation, including the following:

- (a) Exchanging information and experience, including sharing best practices, demonstrating and reinforcing the economic benefits of mitigation;
- (b) Fairness, better understanding of the principles, equitable and fair application of rules and procedures;
- (c) Clear lead role of developed countries;
- (d) Encouraging and supporting other Parties that wished to take a leading role;

- (e) Promoting confidence and trust;
- (f) Provision of means of implementation and predictability of access to technology and finance;
- (g) Integrating and strengthening capacity-building in the framework of the 2015 agreement;
- (h) Instruments such as carbon markets and the nationally appropriate mitigation action registry;
- (i) Accommodating national circumstances and changes to them;
- (j) Complementing domestic drivers and building on domestic action;
- (k) Strengthening multilateralism;
- (l) Avoiding unilateral measures;
- (m) Peer pressure and positive competition;
- (n) Means and ways to compare commitments in order, inter alia, that all do their fair share;
- (o) A common verification platform that is robust and interactive;
- (p) Transparency and review of enhanced actions by other countries;
- (q) A robust compliance mechanism;
- (r) Incentives and disincentives for participation instead of punitive consequences.

31. Some Parties indicated that a bottom-up approach would incentivize action, while other Parties stated that a top-down approach was required. Another Party observed that incentives could be different for developed and developed country Parties. Some Parties suggested that further discussions on incentives would be useful and suggested a call for submissions on this topic.

VI. Further aspects of the work towards a 2015 agreement

32. In their interventions, Parties also discussed how other aspects of the 2015 agreement could be taken into account, including the general vision and architecture of the 2015 agreement, and the elements it could cover, lessons learned from the UNFCCC process and other relevant multilateral processes.

33. With respect to the general vision and architecture of the 2015 agreement, Parties began to identify concrete elements of the agreement. Some Parties proposed that the 2015 agreement should contain the long-term global goal as well as global goals for adaptation, finance and technology. A number of Parties identified mitigation as a key aspect, but many Parties emphasized the importance of the new agreement including both adaptation and the means of implementation. Some Parties suggested that the 2015 agreement should accommodate a range or spectrum of commitments. It was also suggested that the 2015 agreement could comprise both top-down and bottom-up approaches that encompass enhanced action and processes to review and assess actions. Other aspects highlighted by Parties included transparent measurement, reporting and verification procedures, a robust compliance mechanism, which includes appropriate consequences for non-

compliance, the need for a burden-sharing framework, carbon markets and market-based mechanisms, and the importance of addressing intellectual property rights. It was highlighted that the 2015 agreement should help to decouple growth from emissions and thus incentivize Parties to come on board. A number of Parties see the ADP as a broader platform for action under and outside the Convention, which would complement domestic actions. Other Parties emphasised the need to respect multilateral rules and avoid taking unilateral action.

34. Many Parties emphasized that the ADP should not “reinvent the wheel” when preparing the 2015 agreement and should take into account the work undertaken under the Convention and its Kyoto Protocol, as well as other processes and institutions. A number of Parties proposed drawing on lessons learned from, and/or building upon, the existing rules-based system under the Kyoto Protocol and the Convention, including the new bodies and processes developed under the work of the other ad hoc working groups. In this regard, the registries for nationally appropriate mitigation actions and market-based mechanisms were identified as important elements. It was also noted that the ADP could invite the chairs of other Convention bodies to report and provide updates on their work. Some Parties also suggested it would be useful to consider how to learn from other Conventions, such as the Montreal Protocol.

35. Regarding the approach to work, a number of Parties highlighted the need for high-level and/or ministerial engagement and support for the ADP, although some raised issues around the timing of such engagement. Some Parties also indicated that the ADP should focus on specific themes, such as how to apply the principles of the Convention and on concrete proposals for incentives for full and ambitious participation. A number of Parties highlighted the continued usefulness of roundtables and focused questions in the future discussions.
