

15 May 2012

English only

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Ad Hoc Working Group on the Durban Platform for Enhanced Action

First session

Bonn, 17–24 May 2012

Item 3 of the provisional agenda

Planning of work in accordance with decision 1/CP.17

Views on a workplan for the Ad Hoc Working Group on the Durban Platform for Enhanced Action

Submissions from Parties

Addendum

1. In addition to the 12 submissions contained in document FCCC/ADP/2012/MISC.3, six further submissions have been received.
2. In accordance with the procedure for miscellaneous documents, these submissions are attached and reproduced* in the language in which they were received and without formal editing. The secretariat will continue to post any submissions received after the issuance of the present document on the UNFCCC website.¹

* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

¹ Available at <<http://unfccc.int/6656.php>>.

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Submission under the Durban Platform for Enhanced Action | May 2012
Work of the Ad-Hoc Working Group on the Durban Platform for Enhanced Action | ADP

I. Overview

This submission contains Australia's views on how the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) should progress its work on developing a protocol, another legal instrument or an agreed outcome with legal force under the Convention, pursuant to paragraph 5 of Decision 1/CP.17. Australia has made a separate submission on the ADP's work plan on enhancing ambition.

In overview, Australia considers that:

- The agenda, mode of work and chairing arrangements of the ADP should enable a prompt start to ADP negotiations in 2012 and structured progress to conclude the new legal agreement by 2015;
- Thematic workshops in 2012 will allow Parties to share and develop an understanding of views on what the new agreement should cover. Negotiations from 2013 can build upon this creatively to develop the structure and form of the new agreement and move towards an agreed text;
- COP 18 should capture the work done in 2012 and provide further guidance on the work of the ADP in 2013 and beyond.

I. Objectives for the ADP

The new legal agreement to be negotiated under the ADP will be the basis for taking forward international efforts on climate change in this decade and beyond. To meet the environmental and economic challenge of addressing climate change in the 21st century, we will need a new agreement that is both effective and durable. Our guiding objectives are to ensure that the new agreement promotes a global response to climate change under a single legal framework that:

- fosters mitigation actions by all countries, and in particular efforts by major economies, to reduce greenhouse gas emissions and meet the global goal of holding temperature rise below 2 degrees;
- builds understanding of, and confidence in, the actions countries are taking, by ensuring commitments are supported by effective transparency provisions and basic accounting rules that would be common to all Parties;

- gives Parties flexibility to pursue credible emission reductions in the manner best suited to their national circumstances, including through the use of market mechanisms that can help countries achieve abatement efficiently, and through abatement opportunities in the land sector;
- provides a framework that helps countries, in particular the most vulnerable developing countries, to adapt to the adverse effects of climate change;
- is built to respond to economic conditions, technological advancements and improvements in scientific knowledge as these evolve, providing a durable basis for international action.

II. The ADP's agenda and mode of work in 2012 and beyond

In 2012, the ADP should provide Parties space to think creatively about how to bring the new agreement to life. Australia considers that the following principles and proposals for the work plan of the ADP will provide a structured process for conclusion of the new legal agreement by 2015.

- The ADP's **agenda should be non-prescriptive** and allow Parties latitude to determine how negotiations on the new agreement should be formatted as they progress, with the workplan on enhancing mitigation ambition being maintained as a separate agenda item. The provisional agenda for ADP 1 (FCCC/ADP/2012/1) is a sound model.
- The **opening stages of the ADP's work should encourage an open exchange of views** on what the new agreement should contain, its objectives and principles. Discussions should be inclusive and permit flexible participation by Parties, with a view to developing an understanding of shared positions and areas of divergence.
 - All Parties should have opportunity at the opening ADP plenary in Bonn to outline their visions for the new agreement and the ADP's work;
 - The ADP's work in 2012 could be conducted principally through thematic workshops corresponding broadly with the issues listed in Decision 1/CP.17, paragraph 5, including a workshop devoted to additional issues which Parties may wish to include in the ADP's work. These could commence in Bonn and continue at any further negotiating session or intersessional workshops scheduled for 2012. Parties would ask the Secretariat to prepare a report on the thematic workshops for consideration by the COP.
 - Discussions on the options for structuring the new legal agreement should be guided by, and follow from, discussions on the content of the agreement. This would enable creative consideration of what model the new agreement could follow to best meet Parties' interests.

- **COP 18 in Doha should provide guidance for the work of the ADP in 2013 and beyond.** Parties should agree COP Decisions that:
 - acknowledge the work of the ADP as captured in the report on thematic workshops held in 2012;
 - mandate the formation of any negotiating streams in the ADP;
 - mandate the commencement of text-based negotiations in 2013.
- **The ADP should be representative, yet benefit from continuity among its presiding officers.** Chairing for the ADP remains an open question and Australia looks forward to considering proposals that Parties put forward in Bonn. One possibility is for the Chair to be supported by a standing Bureau or leadership group elected from among the regional groups.

III. The new agreement: key elements

In Australia's view, there are several elements that will be fundamental if the agreement is to be an effective and durable foundation for taking international efforts on climate change forward in and beyond this decade.

- **Mitigation** must be at the heart of the new agreement. The new legal agreement must provide a basis to achieve emissions reductions on the necessary scale to avert dangerous climate change, while fostering economic growth and development. The new agreement should encourage efforts by all countries to reduce their greenhouse gas emissions, but to be effective it must include efforts by major economies.

All major economies should make legally binding mitigation commitments under a common legal framework, while allowing for diversity in the type and scale of actions taken on by different Parties, in line with their respective national circumstances and capacity to act. National schedules attached to the new legal agreement, and setting out the detail of Parties' respective undertakings, could provide a common framework allowing recognition of a spectrum of different kinds of effort.¹

Transparency is also vital. Undertakings should be supported by effective transparency provisions and basic accounting rules that would be common to all Parties. This is necessary to maintain the environmental integrity of the international framework, and allow countries to build understanding of and confidence in the actions other countries are undertaking: an essential underpinning for scaling up global efforts.

- The new agreement should **give countries a strong incentive to pursue domestic policies and measures to reduce greenhouse gas emissions**, building on the action many countries are already taking. It should allow countries to maximise the abatement opportunities appropriate to their respective national circumstances, and flexibility to

¹ Australia has previously laid out the concept of schedules in detail: see submission to the AWG-LCA of 24 April 2009, FCCC/AWGLCA/2009/MISC.4 (Part I).

pursue emission reductions through a range of policies and measures. This includes the use of market mechanisms, which can help countries reduce emissions efficiently and generate incentives for low-carbon development. Financial, technology and capacity-building support should be available for countries that need it.

- The agreement should also assist efforts by all countries, and in particular the most vulnerable developing countries, to **adapt to the adverse effects of climate change**. The Cancun Adaptation Framework created a number of institutions and processes that foster adaptation with a long-term, strategic outlook. The new agreement should build off and improve this framework whilst maintaining the flexibility and creativity to continue to address the local and immediate adaptation needs of developing countries. Financial, technology and capacity-building arrangements should support adaptation efforts in tandem with mitigation efforts
- We should also ensure that the new agreement **builds on existing processes and institutions developed under the Convention**, establishing an efficient and streamlined international climate change regime, and avoiding unnecessary duplication of functions or effort.

SUBMISSION BY COLOMBIA, COSTA RICA, DOMINICAN REPUBLIC AND PERU

Views on the work plan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action.

In accordance to decision 1/CP.17, a process was launched to develop “*a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties*”, through a subsidiary body under the Convention known as the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP). This submission is presented by the Governments of Colombia, Costa Rica and Peru, according with the aforementioned decision.

Our countries strongly support the multilateral vision inherent in the Durban Platform as applicable to all Parties as the best and only way to reach our global goal for preventing a 2°C temperature increase and avoid irreversible damage to our climate system. The Durban Platform is a historical opportunity we must seize to ensure the international climate regime will evolve according to the different realities of a changing world.

In our view, the legally binding nature of the outcome of the Durban Platform should take the form of a Protocol under the Framework Convention. This will provide long term certainty to governments, private sector and civil society in the planning and execution of development decisions that take into account climate change.

We have come a long way towards creating the institutional architecture of the international climate regime. This new protocol must include, adapt and improve ongoing institutional and organizational work on adaptation, finance, technology, REDD+, market mechanisms, mitigation and MRV.

At the centre of this new protocol must be the principle of common but differentiated responsibilities and respective capabilities, acknowledged in its literal meaning. That is: we all have a common responsibility. We do have different capabilities. We must act accordingly.

The world can no longer be seen as classified in fixed pigeon holes. Countries' circumstances are not fixed. A new long-term Protocol must incorporate the evolution of national circumstances stepping away from inflexible paradigms.

In this context, we propose that the mitigation component of the new protocol be determined on the basis of a gradient in which the evolving capabilities and contributions to global greenhouse emissions of each country are reflected. The gradient could include, *inter alia*, criteria such as GDP per capita, GDP growth trends, GHG emissions and population.

In the new protocol all Parties will include legally binding commitments for the period 2020 to 2050 in accordance with their emission contribution and to their national capabilities and circumstances.

If we are to meet the imperative for ambition set in the Durban Platform and below 2°C trajectories, then commitments in the new protocol must go far beyond existing actions.

Currently, the climate regime does not provide enough incentives for climate leadership. Therefore, the emerging regime encompassed in the new protocol should address this systemic gap by incentivizing countries that commit to substantial further action and engage in climate resilient low carbon trajectories. The new Protocol must also have means of support that help economies with less capacity to do so.

In early 2014, all Parties shall present their proposed mitigation pledges for the 2020 period and do so in terms of absolute emission reductions within carbon budgets. By then we should have a gradient in place to ensure pledges are consistent with such differentiation system and science calls.

We suggest that an apolitical, neutral and independent group of experts working on their personal capacities assess the adequacy of these pledges against AR4 IPCC emission reduction ranges and the forthcoming numbers of the AR5 to be presented in 2014 as part of the gradient tool.

By the end of 2014, the group of experts will present their final assessment and recommendation to each country with the view to maintain or increase their emission pledges. On this basis and subject to further negotiation by Parties in 2015, final numbers will be reflected that same year as specific commitments in the new protocol.

Our countries are designing and, in some cases implementing, low carbon development strategies and plans to maintain and increase our current mitigation efforts in forestry, transportation, industry, energy, agriculture, waste, tourism and construction, among other sectors.

As ambition of climate action increases, financial support will play a critical role. Consistent with the principle of common but differentiated responsibilities and respective capabilities and with the call of the Durban Platform to include commitments by all Parties, we also propose to transit to a regime with universal contributions to the financing body of this new Protocol (the Green Climate Fund), according to countries' particular financial capacities.

Finally, for our countries it is indispensable that mitigation and adaptation are not seen in isolation of each other and thus we request for both areas to be considered as interrelated processes in domestic and global climate action.

We stand ready to continue to discuss these ideas and constructively contribute towards the development of a long term, equitable and sustainable new protocol that enhances global efforts within the United Nations climate regime.

Submission by the Gambia on behalf of the Least Developed Countries (LDC) group on Ad hoc Working Group on the Durban Platform for Enhanced Action

Introduction

The Least Developed Countries (LDCs) group welcomes the establishment of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) and the invitation to submit their views from Parties on the work plan of the ADP, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building.

▲ The setting up of the ADP represents an overdue acknowledgement by all Parties that the Convention and the Kyoto Protocol alone are insufficient to drive action consistent with the ultimate objective of the Convention and that urgent action is needed by all Parties to prevent dangerous interference with the climate system, and in particular to stay below 2°C and keep open the possibility of limiting warming to 1.5°C above preindustrial in the long-term as called for by the most vulnerable countries. The LDC group looks forward to working with all Parties to strengthen the multilateral, legally binding and rules-based regime we currently have under the UNFCCC and the Kyoto Protocol through the adoption of a new legally binding agreement.¹ At the same time the LDC group wishes to underline that negotiations under the ADP must not detract from:

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- Completion of the work needed to adopt amendments to the second commitment period of the Kyoto Protocol at Doha in 2012
- The urgent priority of rapidly raising pre-2020 mitigation actions to close the emissions gap and to get the emissions started on a pathway that can safely meet both the 2°C and a 1.5°C goal by 2020
- Scaling-up mobilization and provision of financial resources to fulfil the USD 100bn by 2020 commitment made by developed countries back in Copenhagen.

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▲ The ADP's work must be focused centrally on two key issues:

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- Addressing the fact that current mitigation pledges for 2020 put us on a pathway to warming of around 3.5°C and will exacerbate the adverse impacts of climate change for

¹ The term “legally binding agreement” is used in this submission as a short hand phrase to refer to “a protocol, another legal instrument or an agreed outcome with legal force” as set out in the Decision 1/CP.17.

LDCs which are already beginning to cause irreversible damage to our fragile environments, our people and our economies.

- Shaping the post 2020 climate change regime that is to be built on enhanced mitigation and adaptation, and on adequate means of implementation, including scaling up of climate finance both pre-and post-2020

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▲ Our submission on the ADP work plan on mitigation ambition in February this year provides details of how LDCs believe all Parties can now work together to deal with the significant gap (6 to 11 GtCO₂e) between the aggregated effect of Parties' mitigation pledges in terms of global annual emissions of GHG by 2020 and aggregate emissions pathways consistent with having a likely chance of holding warming below 2°C and in the longer term limiting warming below 1.5°C above pre-industrial levels. Limiting warming below 1.5°C is critical to the long-term survival and sustainable development of the most vulnerable countries, including the LDCs

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▲ Apart from the decision to prioritize the work on mitigation ambition, the later than expected finish of the Durban conference meant that Parties had insufficient opportunities to consider how to deal with the wide range of issues set out in Decision 1/CP.17. The LDC group makes this submission to advance discussions of the work plan for ADP and its governance structure at the May meetings in Bonn. We also identify possible elements for inclusion in a new legally binding agreement, which the LDC group believes should take the form of a new Protocol under the Convention. This is put forward to advance discussion of which elements might form possible "work streams" for the ADP for 2012-2015.

ADP work plan for 2012 – 2015: sequencing, scope and milestones

The decision on ADP stipulates that it should complete its work as early as possible and not later than 2015 for adoption of a legally binding agreement. Decision 1/CP.17 gives Parties a unique opportunity in the history of the climate regime to plan holistically on a much longer time frame than the annual COP cycle normally allows.² This longer than usual deadline however, may lull Parties to postpone decisions from one year to the next leaving insufficient time at the end of the four year period to agree a legally binding agreement. This must be avoided at all costs.

The workplan should also be explicitly designed to accommodate the six-month rule for circulation of legal texts. This means a single negotiating text must be submitted by the officers elected to serve on the ADP by May 2015 at the very latest if the final legal agreement

² The two most significant AWGs established under the Convention (the Ad Hoc Group on the Berlin Mandate (AGBM) and the Ad Hoc Working Group on Long-term Cooperative Action (AWGLCA)) have been set approximately two years time frame for completion of their work rather than the four set out by Decision 1/CP.17.

is to be adopted by COP 21 in 2015. The LDCs suggest a more risk averse strategy should be agreed by submitting a negotiation text for the full year, rather than six months, ahead of COP-21. This would ensure sufficient time for Parties to engage in domestic stakeholder processes as well as to ensure high level input early enough in 2015 to enable negotiations at COP 21 itself to reach agreement.

The comprehensive nature, and complexity of finalizing a legally binding agreement applicable to all Parties, means that more negotiating sessions might be needed than was the case for the AGBM and the AWG-LCA. The number and duration of future session needs to be agreed now to ensure adequate consideration of all issues. The LDCs suggest a 4-year programme of work be elaborated so that there are distinct work streams for specific issues and these are allocated clear slots of time across the four years. A broad framework might be something as follows:

- Mid-2012: organisation and definition of a four-year workplan
- Latter half of 2012: initiation of content work on highest priority work streams
- 2013 to mid-2014: deepening of content work on all work streams focused on clarifying commonly agreed options.
 - At the end of 2013 the ADP should plan to receive the output of IPCC AR5 Working Group I on the science of climate change.
 - During 2014 the ADP should plan to receive the outputs of IPCC AR5 Working Groups II (Impacts vulnerability and adaptation) and III (economics of climate change including mitigation), as well as the AR 5 Synthesis Report, which would be available for COP 20
- Last half of 2014: prepare formal negotiating text to be communicated to all parties at COP 20. The negotiating text, among others, should include the relevant initial input from 2013 to 2015 1.5°C review on emission paths consistent with 1.5 and 2° C warming goals
- Early 2015: receive input from 1.5°C review on agreed global goal and emission paths consistent with limiting warming in the long term below 1.5°C increase above preindustrial level

- 2015: full negotiating mode ensuring that agreed levels of emission action and obligations are consistent with emission paths required climate warming below 1.5°C in the long-term. Adoption of the agreement at COP21.

The ADP will take decisions that will affect the immediate prospects for the survival and sustainable development of many LDCs and the livelihoods of vulnerable communities and ecosystems. Yet LDCs and many other smaller delegations have very limited negotiating capacities to participate effectively in global decision making. Delegates are already stretched with the existing workload of negotiations as well as domestic implementation. Their situation must be addressed with sufficient additional resources and careful attention to planning and scheduling of negotiating sessions and related workshops, both formal and informal, to ensure the full participation of LDC negotiators. Sound planning by the ADP will be fundamental to ensuring the full and fair participation of all for the most vulnerable countries. For example, the work plan could specify that an issue could be subject to a sequence of steps such as the following: (i) initial submissions from Parties to decide issues relating to scope and linkages (ii) identification of analytical work and knowledge gaps (iii) identification of points of convergence/divergence (iv) elaboration of textual options by officers elected to serve on the ADP (v) identification of which issues require further technical work and under which bodies, agenda items and where high level political input may be needed.

This explicit sequencing and allocation of time to particular issues would avoid the problems of all issues having to be addressed in all meetings, a lesson we have learned from the LCA experience, and help ensure the ADP Officers are able to produce texts and materials that are party driven but also moves the ADP process forward, including helping to identify what Parties must do at each point of the process. More focused sessions and knowing that all issues will be addressed in a specific sequence will enable all Parties, especially those with limited capacities, to elaborate their submissions and views in a timely manner. It would also allow the officers of the ADP (see election of officers below) to specialize on a topic based on their expertise. At the May session, the LDC group calls for Parties to consider giving officers of the ADP explicit authority upfront to present a consolidated text at certain key “milestones” e.g. before each COP as part of the report of the ADP to the COP. For example, a compilation text/ synthesis document of Parties submissions, views expressed and inputs could be agreed for presentation to COP-18; an options text by COP 19 and a final negotiating text on which final negotiations will be based must be submitted at COP 20 itself to allow Parties to have sufficient international and domestic consultations. Other input requested and agreed from officers could include summaries and analysis of information learnt from various workshops to be held under the auspices of the ADP.

A useful output for the May meeting of the ADP might be an overview schedule for the four years with issues identified and sequenced, and milestones set for the negotiations process. Doing so will mean that all Parties are reassured that no important issue is being left “behind” or given uneven treatment and all Parties are reassured that negotiations will make even and balanced progress across the four years towards the adoption of a new legally binding agreement rather than everything being left to the latest possible meetings in 2015.

Prioritization

Parties have been invited to submit views on the work plan of the ADP, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action and support and capacity-building. As set out above, these are large issues and the May meeting might usefully break them down into more discrete topics and work streams.

In terms of mitigation, the negotiations and text of the ADP make clear that early priority be given by the ADP to the process for raising the level of mitigation ambition pre-2020. The Durban package of outcomes anticipates that *all* Parties will accelerate the process of implementation, including higher levels of mitigation action now, up to and beyond 2015, and should not wait for finalization and entry into force of the new legal instrument. Unless emissions are reduced from a present upwards trajectory there was a risk that emissions in 2020 will be too high to be scientifically consistent with limiting warming to either of the global warming goals under discussion. Hence, if emission goals to be agreed under the ADP for 2020 and beyond are to be realistically achievable and consistent with 1.5°C, it is absolutely vital that there is increased mitigation action prior to 2020. Raising mitigation action prior to 2020 needs to be seen as the *sine qua non* of a successful outcome to the ADP negotiations, and hence must be a prioritized “track” within the ADP and the workplan should reflect this prioritization in terms of timing and resources. Under this track, Parties will need to express their commitments in the form of a carbon budget using the common accounting rules based on the Measurement, Reporting and Verification (MRV) provisions of the Kyoto Protocol³ (i.e. converting commitments into units similar to Assigned Amount Units). The strength of mitigation ambition and action is closely tied to the quality and strength of MRV and this linkage should be the basis for a discussion on transparency rules in the ADP. So far in the LCA, we have seen weaker rules on MRV than in the KP.

The discussions of what to include in the new legally binding agreement will also need to take into account that new institutions launched as a result of COP-16 and COP-17 relating to finance, technology and adaptation that are starting their work. These include the Green Climate Fund, the Standing Committee, the Adaptation Committee and the Technology Executive Committee and Climate Technology Center and Networks. Also work undertaken

³ The MRV provisions of the Kyoto Protocol include Articles 5, 7, 8 and 18 and their related decisions.

under the SBI and SBSTA should be fed into the ADP continuously. Furthermore, the LDCs believe that the work programme on Loss and Damages⁴ should result in an international Loss and Damages mechanism that should also be a key architectural element of the new regime.

An early discussion is needed on which issues/topics and which existing and new institutions need to be further elaborated or anchored in the new legally binding agreement and which do not. For LDCs, mitigation, and finance elements must be at the heart of the new agreement. In particular, commitments by developed countries to deliver finance in the medium and long-term and transparency of action and of support must be locked into the new legal agreement to ensure accountability, transparency, predictability of funding and to ensure the effective operation of the new institutions and avoid them becoming “empty shells.” In this context the ADB needs to build upon outcomes from the LCA on the work programme on Long-Term Finance.

The use of the terminology transparency – however should not be taken to mean a weaker MRV system than currently exists under the Kyoto Protocol, which ensures transparent, consistent, comparable, complete and accurate accounting. Furthermore, strong MRV is essential to ensure Parties meet their commitments and is therefore part of a compliance system in the new agreement. The Transparency component (MRV) should build on the Convention and enhance the provisions under the Kyoto Protocol and should include common accounting rules and a compliance mechanism.

⁴ Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity.

Election of officers: terms of office and co-chairing possibilities

Rule 27, paragraph 5 of the rules of procedure of the Convention stipulate that in the absence of a COP decision to the contrary, a new subsidiary body should have a Chair, a Vice-Chair and a Rapporteur with each serving not more than two consecutive terms of one year, unless otherwise decided by the COP.⁵ Prior to the election of such officers, the LDC group calls for Parties to discuss whether more “fit for purpose” rules for the bureau of new ADP might be needed so that the ADP can rise to the challenge of delivering a work plan that is highly complex, comprises a wide variety of topics/issues that must be dealt with in an integrated manner over a four-year period. In the view of the LDCs, these considerations speak for continuity of officers longer than the two years currently envisaged. Parties need to discuss what lessons can be learnt from the experience of previous ad hoc subsidiary bodies established under the Convention as well as the emergent operations of new bodies established by Cancun and Durban.⁶ Collectively, these experiences suggest shorter terms of one year (extendable to a maximum of two) may be suited to the completion of discrete tasks that can be undertaken within 1-2 year time horizon but may not be suited for delivering complex, integrated packages of the kind implied by the ADP’s work. Longer terms of office such as for 2 years extendable for another two may be more appropriate.

The LDC group also invites Parties to consider options for how a more even balance of responsibilities among the ADP officers can be assured for the 4 year span of the ADP’s work than envisaged by Rule 27 which sets up a small three person bureau. Options include consideration of co-chairing arrangements that are now emerging in other bodies of the Convention for the ADP.⁷

Extending the size of the bureau of the ADP

Many of the issues/topics that will be part of the ADP’s work are also part of the work plans of the SBI and SBSTA and/or may over time require input from these bodies before the ADP can finalize negotiations on particular issues. The LDC group calls for Parties to consider whether an expanded bureau for the ADP might be appropriate given the wide range of topics/work streams. A larger bureau would ensure a wider pool of expertise is able to guide the ADP process than the three-person bureau envisaged for new subsidiary bodies. The experience of AGBM could be a useful model/alternative to the models of AWG-LCA and AWG KP. The formula used in AGBM was Chair, Vice-Chair, Chairs of SBSTA and SBI and six other advisers

⁵ FCCC/CP/1996/2

⁶ Members of the new Adaptation Committee and the Technology Executive Committee (TEC) can serve a total of four years (2 terms of 2 years); Members of the Standing Committee on Finance are elected for a minimum of a two year term extendable for a further an unspecified number of additional terms; Members of the Board of the **Green Climate** Fund (GCF) are elected for a three year terms extendable for an unspecified number of additional terms.

⁷ For example, the Board of the GCF is subject to a co-chairing arrangement. Paragraphs 9 – 24 of the rules of procedure of the TEC aim to secure continuity and a shared set of responsibilities between the Chair and the Vice-Chair over a four year period which might be well suited to the ADP.

plus the President of the COP making a total of 11 persons to which the existing COP bureau formulation was applied (2 per region plus a SIDS). The bureau of the ADP should be devised on similar lines but needs to have added to it a least developed country representative. A formal coordination process between the ADP bureau and the SBI/SBSTA chairs should be established. The officers who are Chairs of the AWG-LCA and AWG-KP could also be included in this formulation until these bodies are terminated at the end of 2012.

Rules of procedures

It is good practice for new bodies to consider whether they need more specific rules of procedure to guide the conduct of their work. In addition to the current rules of procedure for the COP which apply, *mutatis mutandis*, the LDC group calls for Parties to agree to rules of procedures upfront for adoption of the protocol by a three-quarters majority as part of the design of the process of ADP work plan. Additional rules could include clarity around the roles and responsibilities of officers as well as submissions of texts at certain pre-defined milestones.

Discussion of additional rules, and changes to the composition and terms of office of the ADP, may require a decision by COP 18. However, this can be done in ways that do not compromise the first meeting of the ADP from being an effective session as it need not preclude a Chair or acting Chair from being agreed in Bonn itself.

Timeline

^ Negotiations in fulfilment of the ADP mandate should begin without delay and be conducted as a matter of urgency. The LDC group wants the May session to consider what can be decided by each COP between now and 2015 and help helps accelerate action (on mitigation, adaptation and related means of support). For example, COP-18 could focus on raising ambition by all Parties, especially developed country Parties, as well as encouraging countries that have not yet put forward nationally appropriate mitigation actions (NAMAs) to put these forward so that mitigation efforts under the Convention have the widest possible coverage of global emissions as quickly as possible.

Elements of the final outcome

This section of the LDC submission sets out a framework of key elements that would need to be included in the final outcome of ADP.

Legal form: protocol

The ADP text was agreed on the basis that the end outcome would be a legally binding agreement applicable to all Parties. The LDC group believes the legal form of the final outcome of the ADP should be a new Protocol to the UNFCCC. Furthermore, the legal form of a new

Protocol under the UNFCCC should build and enhance the commitments set out in the Kyoto Protocol particularly for Annex I Parties.

Principles

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▲ The new Protocol should apply to all Parties as set out in the ADP text and should take into account all of the principles of the Convention, in particular the principle of Common but Differentiated Responsibilities and Respective Capabilities.

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▲ The ADP needs to explore how to achieve universal participation and the broadest possible coverage of the new agreement but in ways that take various national circumstances into account. The aim must be to find solutions so that all countries can be encouraged to take on the highest possible levels of mitigation ambition and action commensurate with some degree of differentiation for emerging economies, middle-income countries, the most vulnerable and least developed countries based on agreed criteria. Consideration could be given to informal processes under the ADP in its early stage to bring experts together from all the different regions and countries to explore different options for finding solutions to this question, which is at the heart of finding an equitable and fair outcome.

Mitigation

As set out above, raising ambition now and up to 2015 and 2020, as well as beyond that period, for all Parties is a major pillar of the ADP's work. The submission made by the LDC group on raising the level of mitigation ambition elaborates what needs to be done. The new agreement will need to elaborate mitigation related mechanisms and incentives needed to support implementation by developing countries.

Adaptation

Additional commitments and actions relating to adaptation, including means of implementation and a new international mechanism for loss and damage, should be included in the new Protocol. These will need to be decided and elaborated based on the work and inputs of other technical bodies under the Convention, such as the completion of the work of the AWG-LCA, the work that will be done by the technical bodies under the Convention (Adaptation Committee, Standing Committee, Technology Executive Committee), and adaptation-related issues under SBI and SBSTA. Of particular importance for LDCs is the National Adaptation Plans process. Significant progress in the elaboration and delivery of these plans can inform the ADP, e.g. regarding post-2020 finance needs. Full implementation of NAPs should be a key objective for the new Protocol. Furthermore, the work programme on loss and damage should elaborate beyond COP18 options to address loss and damage,

including, an international mechanism, to feed into the ADP. Rationalising and improving the financial mechanism from an adaptation point of view should also be considered, ensuring full consideration of LDC's particular needs and vulnerabilities.

Finance and Technology

These issues have been subject to extensive institutional and rule development as a result of decisions adopted at Cancun and Durban. Some of these need to be anchored and/or further elaborated in the new Protocol to ensure they can function effectively to support the implementation of new commitments of all Parties. The commitment to longer-term financing and establishing a firm legal basis of this within a legally binding framework should be a major issue for the ADP.

Transparency of Actions and Support

Decisions adopted by Cancun and Durban have made progress on transparency and reporting for both mitigation and for related support under the Convention. The new Protocol will need to further elaborate these provisions with the aim of ensuring there are robust systems for reporting, review and common accounting rules to ensure the COP is able to track the implementation progress made by Parties, individually and collectively, towards achieving the ultimate objective of the Convention. The body of rules and experiences under the Kyoto Protocol should be taken as a model or benchmark and the MRV provisions under the ADP should build upon these. Early warning systems may be needed under the Convention to alert the COP to lack of progress and a framework of rules and mechanisms needs to be in place to incentivize compliance.

Capacity Building

All developing countries require more capacity building support. The new Protocol should include provisions to this end based on experiences and recommendations from existing and new bodies.

Institutions and mechanisms

The new Protocol will need a coherent institutional framework. The COP may need to provide specific instructions, adjustments, elaborations to the mandates and working modalities of existing and new institutions and mechanisms to ensure they can work smoothly to support the implementation of the new Protocol. The institutions of the Kyoto Protocol will also need to be addressed in a coherent manner to capture very important synergies between protocols, instruments and mechanisms. Such synergies include in relation to funding of adaptation activities (e.g. such as the Kyoto Protocol Adaptation Fund) based on market mechanisms, relationship between different kinds of market mechanisms that may be established or

agreed, and between MRV systems which may have a common scientific and/or accounting basis.

Linkages with the Kyoto Protocol and other treaties

The ADP was agreed on the basis that amendments in respect of the second commitment period of the Kyoto Protocol would be agreed and adopted at Doha. The new Protocol would need to clarify the relationship and/or linkages between the Doha amendments and the new legal instrument.

Additionally, many mitigation, adaptation and financing issues are covered by treaties and bodies outside the UNFCCC. It would be important to examine the role of the Convention in supporting the work of others bodies as well as potentially requesting or inviting them to contribute to mutually beneficial tasks. An initial mapping report of such bodies and efforts might help scope the work of the ADP.

Ratification and Entry into Force

The “trigger” for entry into force needs to be designed taking into account lessons from the Kyoto Protocol and other international treaties including the fact that some domestic ratification processes may create uncertainty and delays. Early consideration should be given provisional entry into force and prompt start provisions to ensure the new framework can take legal effect as quickly as possible. Procedures to allow countries to declare they will apply the provisions of the new Protocol pending ratification and/or entry into force could also be included to enhance universal application.

Treatment of non- Parties

Thought may need to be given to mechanisms and rules to enhance universal participation and to discourage free-riding based on other multilateral agreements, consistent with international trade rules and agreements.

Final clauses

These include standard clauses relating to signature, withdrawal, depositary and authentic texts etc. and can be elaborated at an appropriate time, perhaps as part of a legal contact group.

Paper no. 4: Nauru on behalf of the Alliance of Small Island States

**Ad-hoc Working Group on the Durban Platform for Enhanced Action
Submission by the Republic of Nauru on behalf of the
Alliance of Small Island States (AOSIS)
Plan of Work for the Ad-hoc Working Group on the Durban Platform for Enhanced Action
1 May 2012**

1. The work of the Ad-hoc Working Group on the Durban Platform for Enhanced Action (ADP) toward the development of a new protocol under the United Nations Framework Convention on Climate Change (the Convention) should be conducted in a transparent, inclusive, efficient and effective manner.
2. The latest understanding of the science should guide the work of the ADP. The ADP should provide regular opportunities for input from relevant scientific and technical bodies, both inside and outside the formal negotiating process.
3. The ADP should incorporate lessons from the design and working methods of previous negotiating processes, including other working groups and subsidiary bodies, both within the UNFCCC and elsewhere.

Governance and methods of work

4. The ADP should avoid the mistakes made in the AWG-LCA, in particular its pattern of considering all issues at all sessions.
5. The ADP should utilize the positive elements of the governance of the Ad Hoc Group on the Berlin Mandate (AGBM), in particular its time-bound deadline on producing and circulating a negotiating text, and its model of working groups with a continuous existence convened as the need arose.
6. The ADP should have a Chair and a Vice Chair, with one coming from a developing country and the other from a developed country.
7. The ADP should employ a variety of working methods, including negotiating sessions, workshops, and regular high-level events as appropriate.
8. The ADP should have strong links and exchange information with external actors, including international forums capable of delivering mitigation action outside the UNFCCC process (e.g., IMO, ICAO, Montreal Protocol, etc.), and other stakeholders, in particular civil society and the private sector.
9. The ADP Chair and Vice Chair should create 'workstreams' on various subject matters, and then consult on activating and deactivating these workstreams to take account of, and respond to, progress in the negotiations.

Work in 2012

10. The work of the ADP should initially be divided into two workstreams:
 - Enhancing action on mitigation pre-2020 to close the ambition gap; and
 - Organization of other work.
11. At its first meeting, the ADP should urgently begin its work on enhancing pre-2020 mitigation action to close the ambition gap under the workplan on enhancing mitigation ambition described in paragraph 7 of decision 1/CP.17. AOSIS provided its views on how the workplan should be conducted in a submission dated 28 February 2012.
12. A separate workstream should be activated to discuss the organization of other work of the ADP, including setting deadlines and milestones to ensure the adoption of a new protocol by no later than 2015.

13. No other workstream or substantive discussions should be initiated until the workplan on enhancing mitigation ambition is well underway and significant progress towards closing the ambition gap has been made.

Elements of a new protocol

14. The new protocol should give balanced treatment to the areas identified in decision 1/CP.17, namely mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building.
15. Enhancing action on post-2020 mitigation should be considered in the context of the global temperature goal and the scale of action required to achieve it. Initial discussions on post-2020 mitigation should focus on:
 - Post-2020 scenarios for stabilizing atmospheric concentrations of greenhouse gases at levels consistent with what is required for having a likely chance of limiting the rise in average global temperature of below 2°C and well below 1.5°C;
 - A fair and equitable approach for sharing the mitigation effort necessary to achieve these goals taking into the account the principles and provisions of the UN Framework Convention on Climate Change; and
 - The scale of the means of implementation required to achieve post-2020 mitigation commitments, including financial resources, technology transfer and development, and capacity building.
16. Enhancing action on adaptation should also be considered in the context of the global temperature goal. Initial discussions on adaptation should focus on:
 - The climate change impacts at various temperature rise scenarios;
 - The economic and social costs of those impacts;
 - The scale of the means of implementation required to adapt to those impacts, including the scale of financial resources, technology transfer and development, and capacity building; and
 - Transparency of action, particularly the provision of the means of implementation.
17. Enhancing action on finance is necessary for developing countries to achieve post-2020 mitigation obligations, as well as to adapt to the negative impacts of climate change. Discussions should focus on ways to dramatically scale up the provision of new and additional financial resources to ensure adequate and predictable flows of climate finance to enable the implementation of mitigation and adaptation actions in developing countries. This should include the identification of sources of climate finance.
18. Transparency of action is a vital element of the future protocol and should include MRV of mitigation action, MRV of the delivery of the means of implementation for both mitigation and adaptation actions, common accounting rules and a common reporting format for both mitigation action and the provision of the means of implementation, and a robust compliance system.
19. The new protocol should also include an international mechanism on loss and damage, which builds on the work programme on loss and damage under the SBI. The international mechanism should include a risk management facility, an insurance facility, and a “solidarity fund” to address slow onset and unavoidable impacts of climate change.

Schedule of work

20. The ADP should agree to a timeline as soon as possible, specifying dates by which key milestones should be achieved and various stages of negotiating texts must be produced. In particular, this schedule should stress that the text of a proposed protocol must be circulated to Parties by the Chair at least six months before COP20.

New Zealand submission to the Ad Hoc Working Group on the Durban Platform for Enhanced Action

Views on the work plan for the Ad Hoc Working Group on the Durban Platform for Enhanced Action

May 2012

Context

1. Paragraph 5 of decision 1/CP.17 decided that “the Ad Hoc Working Group on the Durban Platform for Enhanced Action shall plan its work in the first half of 2012” ... “drawing upon submissions from Parties and relevant technical, social and economic information and expertise.” This submission responds to that invitation.

2. New Zealand welcomes the decision “to launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties.” An inclusive agreement that requires action from all Parties, especially major emitters, is essential if we are to meet our collective global goal of holding the increase in global temperature below 2°C.

Foundations of the Durban Platform

3. The fundamental objective of the Durban Platform should be to ensure there is a post-2020 international climate change regime that maximises full participation on an equal legal footing and encourages high levels of ambition.

4. New Zealand’s aim is for a global agreement that is rules-based, but dynamic and flexible enough to cover the great diversity of national circumstances and changing global economic and environmental realities. The agreement needs to provide incentives for mitigation, incorporate new and innovative approaches, and facilitate partnerships between governments and the private sector.

5. New Zealand believes that the Durban Platform should lead to an agreement with the following characteristics:

- a. **Maximum participation.** The new climate change agreement should, in both substance and form, accommodate Parties with diverse legal and economic structures. It should in particular enable and encourage the active participation of all major developed and emerging economies;
- b. **Applicable to all** on an equal legal footing, with a common rule-set as its foundation, but also taking into account Parties’ different national circumstances and capabilities;
- c. **Future-focussed** and durable. The agreement in its application must be dynamic and evolve over time in accordance with changing global – and national – economic and environmental realities;

- d. **Focussed on key elements.** The Durban Platform negotiations should not re-negotiate issues where relevant bodies or processes have already been put in place. We see mitigation, enhanced by a fully functioning international carbon market and supported by effective monitoring, reporting and verification (MRV), as the core of the new agreement. The agreement should determine effective working arrangements with the existing or new structures addressing other fundamental elements of the international climate regime, such as adaptation, finance, technology, and capacity building;
- e. **Maximises mitigation ambition.** The agreement needs to ensure Parties have confidence in global action on climate change, in order to facilitate domestic political support and to enable effective engagement with the private sector. An agreement that is framed in positive terms, provides incentives for action and looks to realise opportunities, will foster greater ambition;
- f. Has **transparency at its core.** Transparency, including through MRV, builds confidence that Parties are taking appropriate and effective action against climate change and are doing their share;
- g. An **effective global carbon market** that places a global price on carbon and other greenhouse gases, and is enabled by a common framework of rules or standards. A fully functioning carbon market will help decouple economic growth from increases in emissions. Links into the global economic and trading system need to be done in a way that lowers barriers and influences investment decisions, including by reducing or eliminating inefficient subsidies.

Organisation of Work

6. New Zealand supports a phased approach to the work of the Durban Platform. This could consist of an initial "concept" phase in 2012, two years discussing and agreeing "content" (2013-2014), followed by negotiations on the "form" and drafting of the agreement in 2015. New Zealand sees this work structured in a flexible way that allows for some overlap between the phases where this would help advance work in a constructive manner.

7. New Zealand sees value in first conceptualising the new agreement and, as an initial step, suggests that Parties be invited to provide further submissions on what should underpin the Durban Platform. New Zealand also suggests that the Secretariat be requested to produce a compilation and synthesis of these submissions, together with the submissions made by Parties in April 2012. The compilation and synthesis document should be made available in time for the next meeting of the ADP and would then form the basis of dialogue amongst Parties in 2012.

8. Discussions during the ‘concept’ phase need to be kept coherent and involve all Parties so that Parties can build a shared understanding of what the new agreement should include before discussing the detail of the substance. Entering into a detailed work programme or multiple work streams at this early stage would discourage the innovation and fresh thinking that New Zealand sees as crucial in constructing a new agreement that is effective and increases ambition.

9. In addition to discussion in the UNFCCC, New Zealand encourages Parties to take advantage of other forums to which they are members to discuss how we can build a new climate change regime that is inclusive and comprehensive, but does not duplicate work that is being done, or can be better done, elsewhere.

10. With the conclusion of both the ad hoc Working Group on Long-term Cooperative Action and the ad hoc Working Group on the Kyoto Protocol in 2012 it is vital that some issues find “homes” under the permanent subsidiary bodies. In developing the Durban Platform work programme Parties should clarify the relationship between the many bodies and processes that have been created under successive COP decisions. Parties would then be better informed when taking decisions on where to address these issues.

11. New Zealand looks forward to engaging with other Parties on the Durban Platform.

Views on the workplan for the Ad hoc working group on the Durban Platform

Norway

May 2012

Overarching views on the Durban Platform

1. Norway welcomes the decision in Durban to establish the Durban Platform. It represents an important step forward in ensuring an effective global response to the issue of preventing dangerous anthropogenic climate change.
2. We recognize that the Durban Platform consists of two elements: the work plan on enhanced ambition and the negotiations on a new legal agreement, to be finalized by 2015 and in force by 2020, and to be applicable to all. We here refer to the views previously submitted by Norway on the workplan on enhanced ambition, including that the work plan must address additional mitigation efforts both before and after 2020.
3. The Durban Platform recognizes the emission gap relative to the global emission pathways that have a likely chance of securing the two degree target, and calls for urgent action. Our understanding is thus that mitigation is at the core of the Durban platform.
4. While the workplan on enhanced ambition should address the opportunities for increased mitigation action also before 2020, the new agreement clearly addresses action for the period beyond 2020. Progress under the work plan on ambition will be important for the content of the new agreement, and so the two elements are linked. However, we believe it is important that the work on enhanced ambition starts immediately to address possible options for enhanced mitigation actions.

Main perspectives for the new agreement

1. The international response to the issue of climate change should continue to be informed by science. The new agreement should be based on the most recent scientific knowledge, and should give an effective and relevant response to the climate change.
2. The new agreement should be the instrument to deliver the necessary mitigation efforts that can ensure that global warming stays below two degrees Celsius. This is only possible by having an agreement that covers all or nearly all of global emissions. It should include mid-term and long-term goals to achieve this level of ambition.
3. It must be applicable to all, while respecting the principles of the Convention. In our view, we need to move from the present situation where the principle of common, but differentiated responsibilities and respective capabilities is interpreted as a binary distinction of countries according to who is listed in Annex I. Countries are not equal, but the differences cover many perspectives and circumstances.
4. We need a dynamic approach to differentiation. Responsibilities and capabilities change over time. They have changed since the Convention was adopted in 1992. There is no single indicator that can adequately reflect what would be a fair share of effort, where countries' respective capabilities as well as responsibility, are taken into account. The Least Developed Countries should be exempted from expectations of taking on firm commitments to limit or reduce emissions, but for all other countries, we must find an approach that enables countries to contribute in a predictable and consistent manner.
5. The new agreement should be designed in a way that allows countries to commit at an appropriate level according to their past, current and future emissions, and that promotes transition to low emission development. The content of commitments could vary according to circumstances and capabilities. Looking at emissions pathways for countries could be a starting point. This can include both absolute emission reduction

targets, stable emission pathways and emission pathways that allow for a growth in emissions. Other forms of mitigation commitments, for instance at sectoral level, could be suitable for the Least Developed Countries as a step towards low emission development. In this way, an agreement can both cover global emissions almost in full, while allowing different levels of effort. The structure should include mechanisms for cost effective implementation through the use of carbon markets.

6. The new agreement must build on the structures and decisions already made. In particular, the future mitigation potential from reduced deforestation must be captured. It is important to continue to develop an international REDD+ mechanism in a way that allows it to be integrated in the new agreement.
7. With an agreement that has a variety of mitigation commitments, there is a need for a common framework that ensures an overview of global emissions development. Furthermore, in order to include different levels of mitigation effort and still give an adequate response to the need for global mitigation efforts, we need an accounting framework that includes all Parties' obligations.
8. A common framework for assessing and accounting for emission reductions is also necessary for well-functioning carbon markets that deliver real climate benefits. Carbon markets will be crucial in order to deliver the necessary ambition levels. Consistent and long term signals to markets will stimulate innovation, development of climate friendly technologies and the transition to low emission societies.
9. Furthermore, the relationship between the different elements that should be included - mitigation, finance, adaptation, technology transference, transparency of action, capacity building - must be such that they mutually reinforce low emission development.
10. The new agreement should be a protocol to the Convention. The negotiation process must ensure that the overall design of the agreement and its elements are developed in a coherent manner, within the understanding that this will be a legally binding agreement.

Views on the negotiation process

11. It is crucial to develop a common understanding of the overall structure of the agreement early on. The process up to COP-18 should include discussions on how to establish incentives at the international level, while promoting national level policies for low emission development.
 12. In order to develop a fair, reliable and robust regime that brings countries on to low emission pathways, the negotiations should be informed by analysis, technical and scientific input. There is a need for more knowledge about countries' national circumstances with respect to emissions profile and expected emissions development, as well as mitigation potentials and their costs. This could include information about, inter alia, expected economic growth and population growth, resource endowments and low emission opportunities, and development challenges such as poverty reduction, food security and energy access. The negotiation process should include a period with opportunities for presentations on scientific and technical knowledge.
 13. The first meeting of the Ad Hoc Working Group should start with a plenary format to discuss the overall approaches to the new agreement, including how to ensure that it is applicable to all and at the same time takes due account of national circumstances and change over time. Organisation into sub groups should only start when there is a sufficiently clear picture of what needs to be covered in the agreement and what the overall structure should look like. Spin off groups could then be organized to look more closely at different elements.
 14. The process up to 2015 should be planned as a longer term process, with predictable leadership and a main outline of which steps need to be taken in order to conclude in time to adopt a new agreement at COP21. Terms for chairs should be at least two years. .
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