



Climate Action Network

Submission on 2015 Agreement and Post-2020 Actions

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Climate Action Network International (CAN-I) is the world's largest network of civil society organizations working together to promote government action to address the climate crisis, with more than 900 members in over 100 countries. www.climatenetwork.org

While pre-2020 actions will determine a strong platform and foundation for the 2015 agreement, Governments are also deliberating on the shape, composition and ambition of the new agreement under work stream 1 of the ADP to come into action in 2020. Below are some of the issues CAN would like to see resolved by Governments at COP 20, in Lima.

KEY DECISIONS TO BE TAKEN AT COP 20 -

DEFINING THE SCOPE AND CONTENT OF THE 2015 AGREEMENT

Decision text on Intended Nationally Determined Contributions (INDC) should include:

- **A process to assess the adequacy and equitability of proposed INDCs** in an ex-ante ambition assessment and equity review prior to COP 21.
- **Finance within the scope of INDCs.**
- **Adaptation within INDCs, which could be voluntary** though countries should be encouraged to put forward their adaptation contribution. **Vulnerable developing countries should be supported in their preparation** towards developing their contributions.
- **A greater role for civil society**, local civil society and other stakeholders should be encouraged and empowered to assist in **development of a nations' INDC** and **countries should be encouraged to hold national consultations while preparing their INDCs.**
- A stipulation for countries to explain why the submitting country considers its contribution to be both adequate and equitable and therefore **all countries should include information on equity indicators** (adequacy, responsibility, capabilities, development need, adaptation need).

Decision text on elements of the 2015 agreement should include:

- **Long term global goals of phasing out all fossil fuel emissions and to phase in a 100% renewable energy future** with sustainable energy access for all, as **early as possible, but not later than 2050.**
- A collective commitment to shift public support (finance and policy) away from fossil fuels towards climate resilience and universal and fair access to sustainable energy.
- Establishment of **global goals for public finance.**
- An agreement to **consider and establish/deploy new instruments and channels to mobilize additional international climate finance** from new sources.
- An agreement to **adopt a robust and honest Measuring, Reporting and Verification (MRV) system for climate finance.**
- A **decision to have an ambitious global adaptation goal** within the 2015 agreement. The COP should also **encourage and promote national adaptation planning and action** in developing countries.

- COP should adopt a **strong 2-year work plan for the Loss and Damage mechanism**.
- A decision to **establish a Capacity Building coordinating Body (CBCB)** at COP-21 in Paris.
- An **enhanced role for civil society within all mechanisms established** under the convention and in the agreements' implementation and enforcement. Local **civil society** and other stakeholders **should be able to participate actively in compliance and MRV processes within the new agreement**.
- **Technology** - The COP should recommend to the Advisory Board of the Climate Technology Centre and Network, to take into account the following activities: Providing advice, support and capacity building to developing country, conducting assessments of new and emerging technologies.

Long-term goal consistent with 1.5-degree limit

The 'significant gap' that exists between current aggregate efforts to cut emissions and emission pathways consistent with a likelihood of holding global average temperature increase below 1.5 degrees Celsius, or even 2 degrees Celsius, have been acknowledged at successive COPs as well as in a wealth of scientific literature.

The IPCC AR5 concluded that in order to have greater than 66% likelihood of not exceeding the 2degree threshold, a cumulative CO₂ eq. carbon budget of less than 2900 GtCO₂eq must be respected¹. By 2011, 189GtCO₂eq has already been emitted, and remaining budget for 2015 onwards is 860GtCO₂eq.

If emissions continue to grow at the current pace, the carbon budget to limit warming to less than 2 degree Celsius will be exhausted in less than 20 years. To respect the position of many vulnerable countries and parts of civil society, including CAN, that we cannot afford more than 1.5 degrees Celsius warming, the available carbon budget is even smaller, and much deeper emission reductions will be necessary. For this reason, CAN has adopted a long term goal that calls for governments to **phase out all fossil fuel emissions and to phase in a 100% renewable energy future with sustainable energy access for all, as early as possible, but not later than 2050**.

How quickly emissions must be phased out and how much climate change related risk society is willing to take without necessarily affecting the development targets is the main issue to be addressed. As per the findings in AR5, it is clear that we need to eliminate fossil fuels use as soon as possible, **and no later than 2050**, to retain a reasonable possibility of limiting warming to 1.5 degree C above pre-industrial levels. In order to transform our global energy systems to a sustainable renewable base, we need to phase in Renewable Energy aggressively. Experts have proved beyond doubt the potential of Renewable Energy technologies, and how they are technologically mature and address sustainable development objectives much better than fossil fuel alternatives. IPCC AR5 findings make clear that a RE future is less costly, economically and socially, than a future with fossil fuels.

All countries must take ambitious mitigation action, but developed countries have to take the lead in reducing emissions and providing the necessary support including finance, technology and capacity building.

Finally, though long-term goals are important, there is a danger that on their own they can postpone action to future generations. Therefore CAN believes that the long-term goal must be underpinned by the following objectives for 2030:

- Universal access to sustainable, affordable, safe and reliable energy for households, communities and productive services.

¹ IPCC AR5 WGIII SPM page 17

- Tripling (compared to 2010 levels) the share of renewables in primary energy use and energy infrastructure globally, to at least 45%.
- Substantially improve annual global energy intensity improvement to 4.5 %.

Long-term goals related to mitigation in the 2015 agreement must reflect the above considerations and must signal the end of the fossil fuel era and an accelerated transition to a 100% renewable energy future for all by 2050.

Key Decision in Lima

- The COP should adopt and agree on long-term goals of phasing out all fossil fuel emissions and to phase in a 100% renewable energy future with sustainable energy access for all, as early as possible, but not later than 2050.

Reducing emissions from deforestation and forest degradation

Emissions from tropical deforestation and forest degradation remain large, amounting to more than those from the EU. Tropical forests are also home to about three quarters of all terrestrial plants and animals, and about 1.6 billion people depend upon forests for their livelihoods. Rapid and widespread implementation of REDD+ thus has many major benefits and should be done as a matter of urgency. It should be embedded in the 2015 agreement and should play a vital part in increasing pre-2020 ambition.

A key to the successful implementation of REDD+ is its system for providing information on how its biodiversity, social and governance safeguards are being addressed and respected. Yet there is currently minimal guidance on the system. Without further guidance there is a real risk that the system for information safeguards (SIS) will fail to demonstrate that safeguards are being addressed and respected resulting in significant negative social and environmental impacts and jeopardizing the ability for REDD+ to mitigate climate change. **Fortunately, if Parties agree to further guidance on the SIS at COP 20, there is opportunity to reduce the risk of negative impacts from REDD+ as well as produce positive outcomes, including adaptation outcomes.**

Accounting for emissions from agriculture, forestry and other land use

About one quarter of all human induced emissions come from agriculture, forestry and other land use (AFOLU), for example, from deforestation and peat land degradation. It is therefore vital for all countries both to report on and account for emissions and removals from AFOLU in a comparable and transparent way. This is especially the case for those countries that include emission reductions or increased removals from the sector as part of their emission reduction target.

At the same time, conservation of biodiversity and ecosystems, securing sustainable livelihoods, good governance and a rights-based approach, along with other important development goals,² are essential for achieving and sustaining AFOLU mitigation, adaptation and food security. Therefore, these goals need to be fully incorporated to maximize positive outcomes and safeguard against negative trade-offs. Special allowances should continue to be made for countries with the least capacity, notably least developed countries (LDCs) and Small Island Developing States (SIDS).

To ensure a good foundation for a full set of AFOLU accounting rules, Parties should prioritize reaching agreement on principles that will govern any rules. The 2015 agreement will be under the Convention and so its rules should apply, including the employment of a land-based system of reporting, which should also be

² Some additional principles include: rural people's gender-equitable access to natural resources; the right to food; the rights of indigenous peoples and local populations; poverty reduction; farm animals' health and ability to express natural behavior; and the rights of vulnerable groups.

used for accounting. Parties should employ the methodologies provided in the 2006 IPCC Guidelines for AFOLU that employ a land-based approach, or methodologies consistent with them.

AFOLU principles should include comprehensive accounting, in which parties account for what the atmosphere sees in terms of emissions and removals. Parties' reporting and accounting should be complete, meaning that they cover all significant sources and sinks, as well as all significant pools and gases for which methodologies are provided in the 2006 IPCC Guidelines or for which supplementary methodologies have been agreed by the COP. Completeness also means the full geographical coverage of the sources and sinks of a country.

AFOLU principles should also include the need for transparency, consistency and accuracy. The base year or period used for reporting and accounting for AFOLU should be consistent with a Party's overall post-2020 contributions to facilitate comparability within a contribution, i.e., baseline years or periods should be the same for the AFOLU sector as others and be historical and not projected ones, as in REDD+.

Finance within INDCs

Intended Nationally Determined Contributions (INDCs) are the first step to a much broader discussion on elements of the finance package to be agreed in Paris. In order to fully understand a country's contribution to the global effort, all developed countries (and others with equivalent responsibility and capability) within their INDCs must provide information on their planned climate finance provisions to support actions in other countries. This information can then feed into a collective discussion on the financial provisions that should feature in the 2015 agreement. Provision of such information would be extremely helpful to raise ambition in developing countries in relation to their INDCs. As developed countries (and countries with equivalent levels of responsibility and capability) put this information forward, it would help demonstrate the country's sincerity about tackling climate change and helping vulnerable countries to adapt to impacts.

Key Decision in Lima

The COP in Lima must adopt a decision on the up-front information requirements that includes finance in the scope of INDCs and proposes the following elements to be included in the INDCs:

I. The financial component of INDCs from developed countries (and countries with equivalent levels of responsibility and capability) should include:

- Detailed information on levels, types, instruments and channels of climate finance that countries intend to provide as part of their nationally determined contribution;
- Intended deployment of alternative sources, available at the national level, to generate additional public climate finance.
- Efforts to mobilize additional finance including shifting investment patterns, e.g. through setting policy frameworks or deploying public finance and stopping fossil fuel subsidies.
- Commitments to mobilize additional finance to contribute to the global effort/goals/targets, including actions that assist developing countries in putting their economies onto a low carbon path by shifting investment patterns.

II. For developing countries who are in a position to do so and wish to, specify the levels of south-south cooperation on climate change on a voluntary basis

III. For those countries seeking international financial support to enhance their proposed contribution, in their INDCs they could specifically make clear:

- Mitigation potential that requires international support to enhance mitigation action, beyond what could be considered their equitable share of the global effort. This could involve mitigation actions and targets, including policies to shift investment patterns towards low-carbon and climate-resilient

pathways that would be dependent on the provision of support, and would become part of countries' contributions on a rolling basis, if and when support becomes available.

- Efforts planned to mobilize additional finance - including shifting domestic investment patterns - e.g. through setting policy frameworks or deploying public finance and reforming fossil fuel subsidies (eg. Information on domestic public expenditure, allocation frameworks, scale of domestic finance addressing climate change).

The post -2020 Finance Package

Climate finance, in particular public finance, will remain vital also for the post 2020 period to allow vulnerable countries to engage in urgently needed mitigation and adaptation efforts. The UNFCCC process should play a catalytic role in mobilizing the political will, policy and investment shifts, and financial transfers necessary to put the world on a low carbon, climate-resilient development path, staying well below a 2°C while keeping the 1.5°C objective within reach. The COP in Lima must start to define the elements that should be included 2015 finance package and will help the UNFCCC play this catalytic role.

The COP in Lima should agree that the following elements will be part of the finance package for the 2015 agreement

I. Agree to establish global goals for public finance for meeting adaptation needs, addressing loss and damages, and covering the incremental mitigation costs in particular in less developed markets.

- The global goals for public finance should include a **target level for annual (net) contributions to the Green Climate Fund**, realised through regular replenishment processes, before and after 2020.
- These global goals should be met through **regular pledges from developed countries** and countries in a position to do. At every COP, countries should make **annual quantified pledges** for the following two years.

II. Agree to consider and establish/deploy new instruments and channels to mobilise additional and international climate finance from new sources (eg. Bunkers levy, Carbon Majors levy, Financial Transaction Tax), as part of the post-2020 agreement, ensuring no negative incidence on the poorest populations and ensure all countries contribute and receive their fair share, in line with their evolving responsibility and capacity.

III. Agree to a collective commitment to shift public support (finance and policy) away from fossil fuels towards climate resilience and universal and fair access to sustainable energy, based on renewable energy and energy efficiency.

IV. Agree to a “code of conduct” on the scope and delivery of climate finance. This code should define strict transparency, additionality, public participation in decision-making, effectiveness and evaluation principles to guide and safeguard delivery of climate finance, both public and private, disbursed, leveraged or received through all climate finance channels and intermediaries.

V. Agree to adopt a robust and honest MRV system that is common and comparable to assess the delivery of finance, including net value of transfers, additionality of the finance provided to existing ODA commitments, climate relevance and effectiveness and impact on the ground.

VI. Agree to build upon existing financial architecture. Strengthening and clarifying the role of existing institutions under the UNFCCC, such as the GCF and the SCF, to be the centre pieces to allow for operationalization of the finance package. Thus reducing fragmentation of the financial architecture and enhancing access and delivery of finance under the “code of conduct” and MRV system.

Adaptation and Loss & Damage within the 2015 Agreement

Adaptation should be treated as the same priority level as mitigation and form an integral part of the 2015 agreement, including through a global adaptation goal. Adaptation would need to be paid adequate attention within the 2015 agreement. CAN would like to highlight some of the key issues within adaptation and loss & damage that need to be addressed immediately in Lima.

Scaling-up adequate public climate finance for adaptation up to and beyond 2020: Climate finance, in particular public finance, will remain vital also for the period post-2020 to allow vulnerable countries to engage in urgently needed mitigation and adaptation efforts. The UNFCCC process should play a catalytic role in mobilizing the political will, policy and investment shifts, and financial transfers necessary to put the world on a low carbon, climate-resilient development path, staying well below a 2°C while keeping the 1.5°C objective within reach. Increasing international public finance for adaptation has to be a crucial outcome of the ADP negotiations. At least \$50 billion of public finance, or half, out of the \$100 billion commitment is needed, and estimates of adaptation finance needs suggests even this amount will not be enough. Finance for adaptation and loss and damage should be new and additional to existing ODA commitments.

National Adaptation Plans: Full development and implementation of NAPs in developing countries should be a key element for the 2015 agreement. Substantive progress must be made well before 2020 in developing effective NAPs based on the key principles contained in the Cancun Adaptation Framework. Along with this effective implementation of NAPAs (National Adaptation Plan of Actions) and provision of financial and technical support required for implementation in LDCs is crucial in order to address existing adaptation deficits immediately. What can be learned from the development and implementation of NAPAs and NAPs will also provide valuable input on the post-2020 adaptation needs.

Adaptation in the INDCs: Adaptation component of the INDC is different from the mitigation component and so there is no need to apply the same parameter to both such as timing, ambition, and comparability. Also, efforts to prepare adaptation contributions should not delay the delivery of mitigation contributions by the first quarter of 2015. Governments may consider an explicitly longer timeline for adaptation INDCs (e.g. into 2016 or 2017), which could allow governments to include national adaptation plans, take into account the aggregate expected outcome from mitigation contributions, undertake technical work (e.g. through the Adaptation Committee) to identify what might be suitable types of contributions, and how they could differentiate between supported and unsupported actions. CAN also suggests that the NAPs process could for many developing countries provide the framework through which they could identify the adaptation component within their INDCs.

Ensuring strong attention on the poorest and most vulnerable with adherence to key principles, including human rights: From an equity perspective, it is important that those people, communities and in particular ecosystems most vulnerable to climate change receive special attention when it comes to adaptation planning, implementation and finance. Governments must adhere to key principles and human rights approach, building on previous agreements in particular from COP16. While this issue has been absent from the ADP non-paper on a 2015 agreement, it has gained ground recently through the new ADP submission by LDCs endorsing the principles agreed in the Cancun Adaptation Framework³, and the Open Letter to the UNFCCC Parties, dated 17 October, by a number of Special Procedures mandate-holders of the Human Rights

³ "All actions to adapt to the impacts of climate change shall be based on the following principles: be country-driven, gender-sensitive, participatory and fully transparent, take into consideration vulnerable groups, communities and ecosystems, be based on and guided by sound science and traditional and indigenous knowledge, be integrated into relevant social, economic and environmental policies and actions", see

Council.⁴ Furthermore, compared to the draft Sustainable Development Goals and the post-2015 DRR framework, the text negotiated under the ADP is currently the weakest with regard to aspects of human rights. Therefore, this aspect should be strengthened at COP20.

Further operationalize the Loss & Damage mechanism and address L&D in the 2015 agreement: CAN welcomes the establishment of the Warsaw International Mechanism on Loss and Damage (WIM) as an important outcome of COP19, although the decision fell short of clearly recognizing the “beyond adaptation” elements of loss and damage. COP20 must now take the next steps to quickly operationalize the mechanism, and ensure that loss and damage also has its appropriately place in the 2015 agreement. The 5th Assessment Report of IPCC warned that the limits to adaptation are already being reached. It will be of particular importance to ensure that additional resources are made available to addressing loss and damage including for compensating those who suffer, without undermining poor communities’ and countries’ ability to scale-up their adaptation efforts, which can help reduce loss and damage. Again, such resources should be provided that take into account responsibilities for the causes of climate change.

Further aspects on adaptation in the 2015 agreement: An important task within the 2015 agreement would be to correct omission within past agreements on the link between lack of mitigation ambition directly increasing the risks to, as well as adaptation needs of, the poorest and most vulnerable people and ecosystems in the developing world. Clearer/stronger articulation/recognition of the mitigation-adaptation-loss and damage continuum in future agreements is important not only from an equity, justice and fairness perspective which has been emphasized by IPCC 5th AR but also to take into account the growing risks from climate change inherent in the mitigation ambition gap.

Key decisions in Lima

- COP 20 should promote **national adaptation planning and action in developing countries** by making progress with regard to support and guidelines for non-LDCs to prepare NAPs. Along with strengthening financial support for developing countries by giving a strong mandate to GCF for considering NAPs as an important basis for financing adaptation
- COP 20 within its decisions on INDCs should
 - Ensure adaptation within INDCs is voluntary though countries should be encouraged to put forward their adaptation contribution and vulnerable developing countries be supported in their preparation.
 - Parties should be encouraged to submit information consistent with NAP guidelines and their own NAP development, including with a more flexible timeline than for the mitigation INDCs.
 - Governments may also consider mandating the Adaptation Committee to provide simple guidance that could facilitate the understanding of what might be regarded as adaptation contributions, including those actions that vulnerable countries only plan to implement with external support.
- COP 20 within the draft negotiating text should include guiding principles for adaptation (based on Cancun Adaptation Framework) and language that provides that Parties shall, in all climate change related actions, respect, protect, promote, and fulfil human rights for all. Strengthening of these aspects in **guidance for national adaptation planning and to climate finance institutions** (GEF, GCF, AF) and by endorsing **key recommendations** that emerged from the NWP/AC UNFCCC expert meeting on indigenous and traditional knowledge, and gender-sensitive approaches
- COP 20 in relation to loss and damage mechanism should –
 - **Adopt a strong 2 year work plan**, based on the proposal elaborated by the initial Executive Committee, and additionally provide further guidance on the importance of strengthening finance and the link to mitigation

⁴ http://www.ohchr.org/Documents/HRBodies/SP/SP_To_UNFCCC.pdf

- **Agree the composition of the ExCom** (including a call for urgent nominations for ExCom members) and **modalities of the WIM** which ensure that it can rapidly build up capacity to provide technical and financial support to vulnerable developing countries and vulnerable segments of their population
- Include in the elements for the **ADP draft negotiating text** a specific section on loss and damage linking it with the 5th AR of IPCC highlighting the limits to adaptation. The provisions related to the fact that it involves cases beyond which mitigation and adaptation can avoid. And that the past emissions are causing loss and damage, and additional finance based on historical responsibilities is required to address L&D
- Overall adaptation within the 2015 should:
 - Include adaptation as a central and integral element of the 2015 agreement, incl. through the elements suggested above and the need to build on, and further increase the impact of, existing institutions in the UNFCCC.
 - **Contain an ambitious global adaptation goal based on individual and collective responsibilities for achieving it.** It should include a link between the level of warming expected based on collective mitigation ambition and the support provided to poor countries and communities, and a review framework assessing the collective progress towards it.
 - Strengthen and promote knowledge generation and sharing, including through improved monitoring and reporting frameworks, strengthened regional and national institutions; Parties should consider how to build on the Nairobi Work Programme in a manner that really scales up the generation and exchange of knowledge.

Differentiation within the INDCs

The level of development within countries varies widely, and also varies dynamically over time. When preparing INDCs, different countries are at different starting points. This is of particular relevance for mitigation and financial support to be provided as well as for adaptation. CAN recognizes that the nature of INDCs must vary depending on national realities but believes that this variation cannot leave some countries without responsibilities towards solving the global problem of climate change.

The Equity Review proposed by CAN would allow a dynamic differentiation based on the defined principles of equity (adequacy, CBDR+RC and equitable access to sustainable development). Thus, as country capabilities and responsibilities evolve so shall their commitments. **The suggested dynamic differentiation based on the CAN science-based Equity Review implies different types of commitments for different countries with suggested commitments describing the minimum expected in accordance with countries equitable share of adequate global mitigation goal.** Countries may choose to take on greater commitments than the minimum suggested. This flexibility acts as an elevator for ambition and does not allow backsliding.

CAN expects the communicated INDC by different countries to fall into the following structure:

- **Developed Countries and those with equivalent responsibility and capability** – All developed countries and those with equivalent responsibility and capability, i.e. countries with high levels of economic capability and historical responsibility are expected to take at least multi year economy wide reduction targets, and to reference those targets to 1990 levels. All these countries should in addition to their mitigation targets should also provide international climate finance support.
- **Developing countries with higher capacities and large responsibility** – Other countries, whose capabilities and responsibilities are not equivalent to developed countries, i.e. countries with higher capabilities and larger responsibility among developing countries are expected to take at least economy wide targets – either compared to business as usual emissions or economy wide emission intensity levels. These countries should have two components to their INDCs. One would enumerate

the contribution they are likely to make with their own resources and the other would be any additional action that they want to premise on provision of means of implementation. They could also voluntarily provide climate finance if they are in a position to do so.

- **All other developing countries (excluding LDCs)** – All other developing countries, i.e. countries with less responsibility and less capability that are not part of the least developed country group should at least provide policy and/or sectoral goals as part of their mitigation component within the INDC. They should also indicate the estimated level of financial support required to carry out these plans.
- **Least Developed Countries** – LDCs should at least provide indicative plan to develop their contributions. They should be given priority in receiving support for planning as well as executing their contribution. They are also expected to communicate their estimated needs.

Assessment, Review and Up scaling of INDCs: Pre and post COP 21

CAN views the initial submissions from countries on their INDCs to be a preliminary exercise that should be finalized by inscribing NDCs only after adequate review and assessment. This would ensure that low ambition is not locked within the new agreement in 2015. It would also curtail the possibility of a gap between the aggregate ambition of the INDCs and what science requires.

In Lima, Parties must decide on a process to assess the adequacy and equitability of the INDCs in an ex-ante ambition assessment and Equity Review. Parties will need to decide the modalities of this assessment phase within the UNFCCC process and clarify how to formally review and assess the INDCs before their inscription in the new agreement. An ex-ante review will also provide an opportunity for governments to better understand other country's contributions and would open a space for discussion to provide feedback and inputs. The information requirements of the INDCs must also explain why the submitting Party considers it to be both adequate and equitable and must therefore include information on EQUITY INDICATORS (adequacy, responsibility, capabilities, and development need, adaptation need).

At the core of this decision must be a science-based process facilitated by the Secretariat. For assessing the adequacy of the communicated INDC in an aggregate manner, the UNFCCC Secretariat would develop a compilation paper by May 2015 to overview how much contributions add up to in relation to the well below 2 degree pathway. The compilation paper should be available at the UNFCCC website. This compilation requires the provided information within INDCs to be presented in a common information matrix clearly articulating different contribution by countries. The Secretariat's compilation paper should inform a discussion on INDCs in an in-session workshop series at the June SB42 2015 Bonn session.

For the equity assessment of INDCs submitted by all countries, the discussions at the in-session workshop series at the June SB42 2015 Bonn session, facilitated by the Secretariat, should

- Give governments the opportunity to clarify their INDCs by responding to questions from other Parties and non-state observers;
- Present the outcome of the assessment of collective adequacy to verify if we are on track towards a well below 2 degree pathway collectively;
- Facilitate the Equity Review of the received INDCs (possibly assisted by or under SBSTA). This should also provide space for non-state actors and intergovernmental bodies to present their own equity assessments.
- Create a space that opens doors and enables positive outcomes and political opportunities; ideally, it would create momentum towards more substantive and on-going review and ratcheting processes.

Thus, the workshops should host an external technical review of the equitability of the contributions by an expert group. The workshop should provide a formal space to allow for experts from Parties, think tanks,

international organizations and other observer including civil society to present their equity reviews of the INDCs as presented by the governments as well as allow them to ask questions on the INDCs. The Secretariat is expected to produce a synthesis report of the reviews and make it available on the UNFCCC website.

The modalities of the official assessment phase should also clarify that governments would need to up-scale their INDCs where necessary prior COP21 in Paris, after having completed the assessment phase. Instead of a finger-pointing exercise the assessment phase should lead to an up scaling of the INDCs by Parties before they are inscribed as NDCs as part of the new agreement. Parties have different options to up-scale their INDCs, *inter alia*:

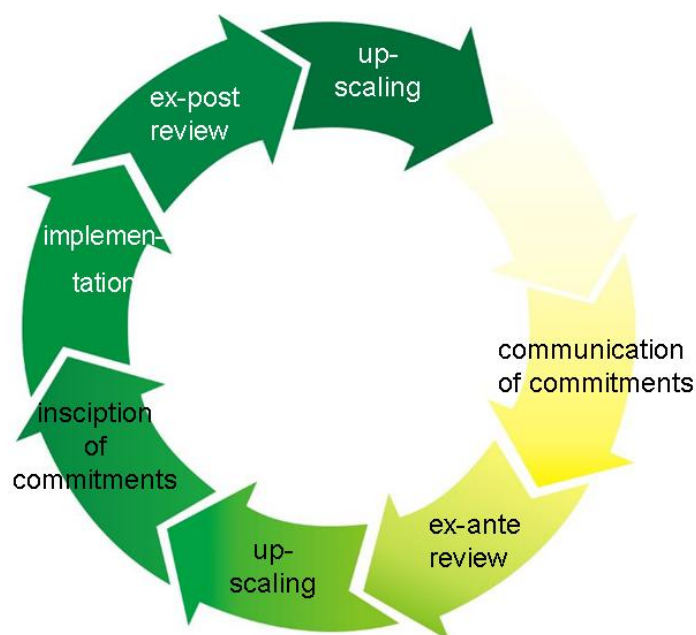
- Developed countries might want to increase their emission reduction target, or increase the proposed RE target or EE target. Additionally, they could increase their finance or other MOI support for developing countries' mitigation actions.
- Developing countries, on the other hand, could scale up their INDCs by tabling additional proposed mitigation actions that are contingent on reception of international support; this is not a minor point, because the “socialization” of the concept of “contingent mitigation action” by developing countries can be considered key aspect for future ratcheting mechanisms.
- Additionally, developing countries whose unsupported mitigation actions are in need of scaling up could strengthen their unsupported contribution, complement it with additional RE or EE targets or propose other measures.

Parties should decide in COP 21 in Paris to establish a ratchet-up mechanism, the modalities for which could be decided post COP21. The above described ex ante adequacy assessment and Equity Review should be part of the ratcheting-up mechanism as well as an ex-post assessment of the mitigation and finance contributions. The mechanism should allow to up-scale contributions from countries on regular basis in line with regular scientific Equity Reviews connected to the cycle of contribution. The equity indicators (adequacy, responsibility, capability, adaptation need and development need) as well as other principles such as no backsliding should be the underlying criteria of this mechanism. In addition, the ratcheting-up mechanism should reflect the above-mentioned differentiation. The ex post reviews will assess different types of contributions in a different way.

Key Decisions in Lima

- COP 20 should decide on a process to assess the adequacy and equitability of proposed INDCs in an ex-ante ambition assessment and equity review prior to COP 21.
- The decision on upfront information requirement should also contain a stipulation for countries to explain why the submitting country considers its contribution to be both adequate and equitable and must therefore include information on equity indicators (adequacy, responsibility, capabilities, and development need, adaptation need).
- COP 20 should decide to hold an in-session workshop at SB42 to assess and review the proposed INDCs.

5 year cycle of a Ratcheting-up Mechanism



Timeline and Cycle of Contributions

CAN would like to highlight that the INDCs put forward by countries should continue with the frequency of 5-year period in order to review ambition of the contribution periodically. This would mean that the length for the 1st round of INDCs should be 2020-2025. Short period of commitment ensure that the risk of low ambition being locked in for a long time is mitigated as well as the fact that action being undertaken can be reviewed periodically.

CAN suggests six steps for preparing, submitting, reviewing, up-scaling, inscribing and ratcheting-up the INDCs from pre-Lima until post-Paris.

Activity	Timing
1. Participative domestic preparation of INDC by countries	Ongoing until March/ June 2015
2. Submission of INDCs:	
2.1 Submission of INDC by developed countries (and countries with equivalent responsibility and capability)	March 2015
2.2 Submission of INDC by developing countries with higher capacity larger responsibility	March 2015
2.3 Submission of INDC by all other developing countries	June 2015

3. Formal UNFCCC ex-ante review process / assessment phase:	
3.1 UNFCCC Secretariat to compile a paper capturing all submitted and evaluating the adequacy of the common efforts	March - May 2015
3.2 UNFCCC facilitates an in-session workshop on adequacy and equity review of the INDC at SB42, inviting experts from Parties, and observers including civil society to ask questions and share their equity review	June 2015
4. Up-scaling of INDCs where required prior COP21, Paris	June 2015 to December 2015 (prior to 21)
5. Paris decision on ratchet up mechanism with modalities to be worked out later	COP21, December 2015
6. Ratchet-up mechanism to continuously further up-scale the ambition within country's contributions.	After COP21 and continuing through the 2015 to 2020 period and beyond.

Public Participation in the 2015 agreement

A key element of any 2015 agreement must be a durable structure that facilitates and encourages early and sustained implementation (with clear short and longer-term goals), compliance and enforcement of commitments, and that regularly updates Parties in a transparent manner, so nations have confidence in each other's actions. Civil society can play a contributing role in the development and successful implementation of each of these provisions.

The ADP should use as many elements as possible, relevant to the above, from the Kyoto Protocol (KP), as elements for the legally binding agreement to be completed by Paris. The agreement should further build upon the strong elements of the KP, including its system of economy-wide reduction commitments, MRV (measuring, reporting and verification) procedures, and compliance mechanisms.

Strengthened role for NGOs in the development and the implementation of the 2015 Agreement

Meaningful and effective participation plays a critical role in the UNFCCC and related processes. Under the Convention, Parties committed both to encourage the widest participation of the public to the negotiation process as well as to promote and facilitate access to information and public participation in domestic climate policies (article 4.1(i) and article 6).

Broad public participation in the development and implementation of climate policy is consistent with international law and norms. For example, the Rio Declaration, Agenda 21, and the Aarhus Convention all affirm that the best environmental decisions are made when civil society participates.

Because public participation is fundamental to the success of the climate regime, Lima COP decisions and the Paris agreement should emphasize the need for diverse civil society participation across all mechanisms established under the convention and in the agreement's implementation and enforcement.

Specifically, the Lima COP outcome should encourage and empower local civil society and other stakeholders to assist in development of a nation's INDC, to be presented in 2015. The 2015 agreement itself should also include stand-alone references to the importance of access to information, public participation and access to remedies in all stages of climate policy making.

The draft elements text for the Paris 2015 agreement released by the co-chairs before the ADP2-6 session and the SICA (+others) submission on education in the Paris 2015 agreement, offers a starting point for further elaboration.

Key Decisions in Lima

- COP 20 should encourage the need for diverse civil society participation across all mechanisms established under the convention and in the agreements' implementation and enforcement
- COP 20 should encourage and empower local civil society and other stakeholders to assist in development of a nations' INDC and encourage countries to hold national consultations while preparing their INDCs.

Compliance Regime for the 2015 Agreement

The compliance regime of the 2015 agreement should build on, and strengthen, the facilitative and enforcement approaches of the Kyoto Protocol's Compliance Committee as well as the peer-review structure currently being developed under the Convention. The process and timing for proposing successive 5-year commitments, as well as the review of their implementation, must enhance and facilitate effective enforcement of the agreement. Learning lessons from the KP's compliance regime, commitments for a subsequent period must be set by the beginning of the previous period, with clear provisions facilitating rapid adjustment of these commitments as indicated by the latest climate science.

Parties should present options on how the 2015 agreement's provisions can empower local civil society and other stakeholders to participate actively in the domestic and international compliance and MRV processes established under the UNFCCC and the Paris agreement. Many other international agreements have benefitted from such participation by non-governmental organizations.⁵ It was a missed opportunity that the ability of civil society to engage with the IAR and ICA processes was deleted in Durban; this should be rectified in the new agreement.

Additionally, Parties should strengthen the right of access to justice both in relation to domestic and international climate policy, including consideration of options to ensure that communities affected by projects implemented through the mechanisms established by the Convention do have an international remedy.

Key decisions in Lima

- Draft elements text of 2015 agreement includes references to the need to ensure effective access to information, public participation and access to remedy across all mechanisms implemented under the Convention and options that empower local civil society and other stakeholders to participate actively in compliance and MRV processes.

⁵ See Kal Raustiala, The "Participatory Revolution" in International Environmental Law, 21 HARV. ENVTL. L. REV. 537 (1997). See also Abram Chayes & Antonia H. Chayes, The New Sovereignty, at Chap. 11 (1995).

Implications of Legal Form for the 2015 Agreement

Parties should begin discussions of legal structures for the 2015 agreement, as further exploration and more focused work on legal options is needed to address constraints to full participation and ambition in a new legally binding agreement. Parties should consider multiple legal architectures while the nature of commitments and their ambition is being considered on a parallel track. This process should build upon prior agreements under the UNFCCC but significantly raise the level of ambition and accountability.

Provisions to address Non-Parties

While all countries must contribute to reducing GHG emissions, not all may yet be able to immediately ratify a new legally binding agreement. To ensure early implementation and that there is no free riding when it comes to climate protection, the agreement should include provisions to address non-party participation. Non-party provisions in several existing MEA's are designed to encourage the widest effective participation of non-Parties in internationally binding agreements. Non-party provisions have proven useful in the past not only as a way to foster participation of those that cannot immediately join an internationally binding agreement, but also for encouraging rapid participation and compliance with later amendments to the agreement even before those amendments are ratified. That being said, non-party provisions should not be viewed as a "Plan A, but as a "Plan B" to avoid another drop to the lowest common denominator of a politically-binding-only (Copenhagen) agreement.

Key decisions in Lima

- Governments elaborate options for legal structures for the 2015 agreement and transparently address interrelationships with ambition and participation

Addressing Capacity Building within the 2015 Agreement

Capacity Building, including enabling environments and readiness, should be recognized and understood as an integral and highly important component within the 2015 agreement, and that adequate and predictable support for CB should be recognized as crucial to the success of the agreement and to enable effective participation from developing countries.

To ensure that countries have initial capacity to plan and execute their contributions, it is important to have a fully resourced and adequate capacity building mechanism within the 2015 agreement.

Capacity Building needs could be addressed within the 2015 agreement with the establishment of a Capacity Building Coordinating Body (CBCB). The CBCB would be the anchor point and clearing house for coordinating, streamlining and integrating all CB activities and programmes falling under the adaptation, mitigation, finance, technology, REDD and MRV headings.

Currently, a wide range of capacity building activities supported to a greater or lesser extent by Annex-1 parties are scattered without any great design across these headings and also within them. For instance, support for capacity for inventories, national communications and biennial reports under Article 12 is often sourced and implemented entirely separately from support for very similar capacities required for the preparation of NAMA's and/or future MRV of mitigation and/or REDD.

The CBCB is needed to provide an anchor point for upstream co-ordination at the very earliest stage of planning for the wide range of programmes and activities likely to be mandated by/through the AF, GCF, TEC and CTCN.

As new institutions scale up their activities, there is a clear danger that capacity building activities will be run and implemented completely separately from each other, and will in no way be aligned with the overwhelming and immediate need in developing countries.

There is a particular need for a light-touch CB supervision and co-ordination structure to be rapidly established at Lima, including a mandate and timescale for rapid and effective integration with the major new institutions, namely the GCF, TEC and CTCN.

Key Decisions in Lima

- SBI-41 at Lima prepares a COP/CMP decision to be adopted at Lima that undertakes to establish a Capacity Building Co-ordinating Body (CBCB) at COP-21 in Paris.
- COP/CMP decision at Lima to task the SBI throughout 2015 with preparatory arrangements for the CBCB. Lima decision on CB contains full details, timeline and work schedule for a preparatory process for the establishment of the CBCB at Paris, to be effected by the SBI throughout 2015, including development of the mandate and composition of the CBCB, nomination process, and initial working arrangements for the CBCB with other UNFCCC bodies and institutions.
- The elements of the draft negotiating text to contain an autonomous section for CB. The draft text recognises two distinct but highly related phases/tasks for underwriting CB, enabling environments and readiness within the Paris agreement:

Technology assessment, development and collaboration within the 2015 agreement

Technology has been addressed through establishment of Technology Executive Committee (TEC) and Climate Technology Centre and Network (CTCN) but there are still some gaps that need to be addressed through the discussions within the 2015 agreement.

Technology Assessment

CAN would like to see that a technology assessment tool is developed for nationally designated entities (NDEs) under the CTCN. There is some overlap with and lessons to be learned from the sustainable development indicators discussion around the role of Nationally Designated Authorities (NDAs) in the CDM and its lack of success. In order to avoid the problems related to the ways NDAs dealt with sustainable development criteria under the CDM, the entirely nationally determined use and outcome of the assessment would be subject to the following:

- A stakeholder reporting mechanism, to supplement any national reporting of technology action in the developing country that would point to any negative technology impacts, economic, environmental or social. This would occur for all technology projects including those that are nationally funded.
- For projects funded bilaterally, or multilaterally outside the GCF framework, any crediting or recognition of developed country support ex post (in whatever pledge and review or other process would be developed) would be subject to compliance with the use of technology impact assessment and avoidance of negative technology impacts.
- For projects funded through the GCF or other UNFCCC financial mechanisms, we would work to influence the MDBs to implement an ex ante technology assessment to be carried out for continued support of technology assessment and avoidance of negative impacts through stakeholder reporting.

We believe that for the UNFCCC and ex-post assessment for crediting, the Technology Executive Committee is best placed to do a literature assessment of technology categories and their potential negative impacts in

order to provide guidance and perhaps some kind of color-coded flagging framework per category and/or technology (much like the IPCC does in reflecting levels of consensus of the literature in a particular field).

The link to other safeguard mechanisms of course is in the social and economic impact of technologies, not just the environmental harms. But there are specific technology issues, such as for example, geo engineering, especially solar radiation management, which cry out for assessment and for an evaluation of potential environmental and socio-economic impacts. Evaluation of such technologies that pose serious risks should not be limited to whether the use and application should be funded and encouraged by the UNFCCC mechanisms, but should extend to possible banning of their use.

Intellectual Property Rights (IPR)

The question of whether IPR can be a barrier to tech transfer has slowed progress at the TEC since its inception. Progress on the issue should be promoted, as a first step, by identifying existing programs and policies, especially in developed countries, on reducing intellectual property barriers, increasing access to, and reducing cost of, intellectual property protected knowledge and goods, enabling near term incremental innovation in developing countries and facilitating licensing, especially in developed countries. The focus should be on identifying, assessing and expanding the best of those programs and policies by enabling their participation in the CTCN and use to assist developed country NDEs in adopting those best practices and policies. The TEC should play the primary role in identifying and examining these programs and policies in developed countries and recommending their participation in the CTCN.

Key Decisions in Lima

- COP 20 to revisit, strengthen and implement existing decisions on tech assessment including: 1/CP.16 and paragraph 128 e); also 123 (a) (i) 2/CP.17 paragraph 135 a), FCCC/CP/2011/9/Add.1 paragraph 61 a) and b) 1/CP.18 paragraph 61(a)
- Recommends the Advisory Board of the Climate Technology Centre and Network, in considering the programme of work of the Climate Technology Centre and Network, to take into account the following activities:
 - Providing advice and support to developing country Parties, including capacity-building, in relation to conducting assessments of new and emerging technologies, in accordance with decision 1/CP.16, paragraphs 123(a)(i) and 128(e);
- COP20 decides on the inclusion measures and metrics at a minimum outlined in a set of high-level goals (e.g. doubling the participation of developing country researcher institutions in funding grants for climate technologies) and included within the contributions or final commitments in Paris. The measures and metrics should address, developed country goals on developing country access to, and participation in:
 - Capacity building to strengthen the technology adopting countries' National Systems of Innovation
 - Actual primary R&D
 - Secondary R&D for product adaptation
 - Dissemination of climate technology goods and knowledge

Improving the existing Market Mechanisms and New Market and Non Market Mechanisms within the 2015 Agreement

There is a need to improve the environmental and social integrity of carbon markets, the existing KP mechanisms and the new mechanisms (Framework for Various Approaches and New Market Mechanism). All existing carbon mechanisms have suffered from a severe lack on environmental integrity. At COP 20 Parties will negotiate the following carbon market related issues:

- Revision of the rules for the Clean Development Mechanism (CDM): The revisions necessary to enhance the integrity of the CDM must include substantial changes to the current rules and practice, e.g. the exclusion of project types that are clearly non-additional and the shortening of the crediting period.
- Inclusion of additional LULUCF activities under the CDM: In June 2014 at the SBSTA 40, discussions narrowed down the consideration of the following possible additional activities in the CDM: re-vegetation, cropland management and grazing land management, wetland drainage and rewetting. COP 20 in Lima will add to this discussion and consider how agricultural activities fit in the mitigation of climate change by reducing GHGs emissions in the atmosphere or decreasing emissions by sources leading to an accumulation of carbon stocks.
- Reform of the rules for Joint Implementation (JI): Joint Implementation has been marred by a late influx of millions of credits issued by Russia and Ukraine with very limited integrity. The revisions necessary to enhance the integrity of the JI must include the exclusion of all currently registered projects that are clearly non-additional or that no longer depend on revenue from the JI.
- Scope and aim for the Framework for Various Approaches (FVA) including the role of UNFCCC mechanisms in a future agreement: At the Bonn Sessions in June 2014 the discussion on SBSTA agenda items on various approaches (including FVA, NMM and Non Market Approaches) was steered for the first time more explicitly towards post 2020. The EU in particular noted the relevance of these items to the ADP. Some parties now see the FVA as the place where accounting rules for market mechanisms of post 2020 should be spelled out. The main problem with that is, that it would not ensure the quality of units that would be traded. It would only ensure that emission reductions are not double claimed by both the seller and the buyer country. We will keep pushing for quality standards for all types of units. At the same time, the FVA discussion are also expected to address the issue of co-existence of various UNFCCC mechanisms and how they will be treated, e.g. whether provisions needed to allow the CDM to be “recognized/used” by Parties under the new agreement.
- More detailed rules (modalities and procedures) for the New Market Mechanism (NMM): Parties have not been able to agree on the rules for such an NMM because of diverging views. The EU would like to see the NMM as a follow up mechanism to the CDM with larger scope. Since demand for market units are currently very low, there has been little enthusiasm for such a mechanism.
- Accounting requirements for markets used under ADP climate deal (ADP): The discussions under ADP have not yet focused on the role of markets in the future international agreement. Some Parties, e.g. the EU are now explicitly asking for the inclusion of a provision on markets.

The papers from the CO-chairs both include a short reference references appear to use of markets in both papers from the Co-Chairs. To date the EU has focused on elaborating its ask in SBSTA sessions on various approaches, and latterly in the review of the CDM under the KP.

Ambition before markets

CAN has been arguing that countries that it is premature to discuss markets given the uncertainty around the level of ambition and the nature of the commitments to be adopted.

The argument on the other side goes that the availability of markets would enable more ambitious commitments. This argument has been made for decades but it has not been backed up by evidence. There

is no indication that countries took more ambitious targets under the KP because they had access to the CDM.

But given that there is already language about the use of market units in the draft text of the co-chairs, it may be necessary that additional language on the use of markets and the necessary eligibility criteria and accounting rules be mentioned in the ADP text.

In that case, we would ask for both: clear accounting rules that prohibit double claiming and eligibility rules that would only allow countries with ambitious targets to participate in markets (no hot air).