

Ad Hoc Working Group on the Durban Platform for Enhanced Action
Second session, part three
Warsaw, 12–21 November 2013

Agenda item 3

Implementation of all the elements of decision1/CP.17

Submissions from the Like-minded Developing Countries

1. On 18 November 2013, the secretariat received two submissions from the Like-minded Developing Countries. The secretariat was requested to issue a conference room paper containing these submissions.
2. These submissions are attached and reproduced¹ in the language in which they were received and without formal editing. The submissions have also been posted on the UNFCCC website.²

¹ The 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.

² < <http://unfccc.int/bodies/awg/items/7398.php> >.

Submissions from LMDC

LMDC VIEWS ON IDENTIFICATION OF ELEMENTS IN ADP WORKSTREAM 1

1. The LMDC have some preliminary comments on the identification of the elements for the 2015 outcome on post-2020 enhanced action. These elements include the following:
2. Firstly, we have agreed that the 2015 outcome for the post-2020 period should be guided by the Principles and Provisions of the Convention, on the basis of Equity and in accordance with Common but Differentiated Responsibilities since we have agreed that the post-2020 outcome should be “under the Convention”. In this context, we recall Article 3.1 of the Convention where, inter alia, it is also incumbent that "developed country Parties should take the lead in combating climate change and the adverse effects thereof."
3. Secondly, we would like to underline that it is equally important that post-2020 outcome is built on the principles, provisions and structure of the Convention. We see this exercise as preserving and reinforcing various aspects of the Convention, where enhanced actions are required to meet the ultimate objective of the Convention. Any legal instrument that the COP may adopt should be coherent and consistent with the convention. This is an important provision to be kept in mind by all Conference of Parties. We are not here to rewrite, restructure, replace, or reinterpret the Convention or its principles or adopt something outside it.
4. In addition, we see the need to focus on making progress on enhanced action on all the elements identified in para 5 of decision 1.CP 17 of the Durban COP through a more formal, organized, structured, open and transparent, inclusive, party-driven and consensus-building process.
5. We see progress in enhancing the implementation of the elements as a balanced and comprehensive one. By this, we mean that the progress should be on all the elements, including under para. 5 of decision 1.CP 17, and the progress should be symmetrical. It would not be appropriate to have progress only on one or two elements to the exclusion of the others.
6. We would like to underline that whatever legal form we adopt, all elements of the post-2020 outcome should have the same legal nature. We cannot have a situation where different elements in the so-called package are treated differently under any agreement.
7. We also believe that the Annexes in the Convention are based on scientific assessments of historical responsibilities. To abolish the Annexes or to make them irrelevant would be to obfuscate the historical responsibilities of developed countries. This is clearly against the provisions of the Convention and is untenable. We insist on retaining the Annexes as in the Convention. Differentiation between developed and developing countries has to be reflected as in the Annexes in the post-2020 outcome. These will determine the respective obligation of the Parties in accordance with the principles and provisions of the Convention. This differentiation between developed and developing countries is at the core of CBDR and how equity can be reflected.

Enhanced Action on Mitigation

8. Mitigation by developed countries must be central to the post-2020 period. Developed countries, in accordance with Art. 3.1, should take the lead through emission reductions undertaken domestically so that it would not result in developing countries doing mitigation on behalf of developed countries. There must be comparability of efforts among all Annex I Parties with respect to their mitigation commitments.

9. Mitigation contributions should be determined nationally for Non-Annex I Parties. It is inevitable that there would be a variety in the nature, type and content of actions or contributions (e.g. enhanced NAMAs) by Non-Annex I Parties. Consequently, actions of Non-Annex I Parties should be nationally determined in accordance with their specific needs and special circumstances as set out in Article 3.2 of the Convention.

10. We have put in place IAR to assess and review the QELROs of Annex I and ICA to analysis and understand the diversity of NAMAs of non-Annex I made for the pre-2020 and post-2020 period. Much work has been done on the transparency regime and we need to use it to bring greater clarity to the process.

11. Furthermore, in addition to differentiation, there must appropriate sequencing in terms of mitigation under the Convention. Developed countries should take the lead on mitigation (as well as other pillar elements) under the Convention. Developing countries may follow with enhanced actions to implement the Convention on the basis of support from developed countries under Article 4.7.

12. We do not see any role for a two-step process in the ex-ante process for review of efforts of developing countries. Any framework which seeks to determine for developing countries what they should contribute in any future regime is ab initio not acceptable and goes against the principle of equity and common but differentiated responsibilities based on historical responsibility. As Article 3.1 states, equity lies in developed countries taking "the lead in combating climate change and the adverse effects thereof". So where is equity if developing countries are being asked to contribute more over and above what they have done or contributed according to their specific needs, special circumstances and differentiated responsibilities? Non-Annex I Parties cannot be on the same or common template as the Annex I Parties. As mentioned earlier, we have already agreed to a transparency regime and we will abide by what we have agreed to clarify our contributions or NAMAs.

13. Then what happens to the so-called mitigation gap, if indeed it arises? We are convinced that any enhancement should be done in accordance with article 3.1 and the Annex I Parties should take the lead to meet it. Applicability to all does not mean uniformity in application but differentiation in application according to the provisions and principles of the convention. Universality does not mean uniformity. Applicability of the outcome to all Parties does not mean uniformity of application or the adoption of a one-size-fits-all approach. It simply means that, as with the Convention and the Kyoto Protocol – both of which are treaty instruments that are applicable to all Parties – the ADP outcome as a multilateral instrument would be applicable to all Parties but that there can be differentiation in both its content and its application by Parties on the basis of the differentiation already established by the Convention between developed and developing countries.

14. We also recall, Articles 12.1 and 12.2 of the Convention on reporting obligations. We have had separate tracks on reporting and accounting rules as per the nature of the responsibility we have, as reflected in the two Annexes. It is not conceivable that the onerousness of the responsibility of Non-Annex I should be the same as Annex I.

15. Common Accounting Rules cannot be for all Parties without any regard for the two Annexes and the nature of their reporting obligations. Common Accounting rules are for the Annex I parties, for both KP and non-KP Parties.

16. As regards the timing of putting forward QELROs for Annex I and of contributions (enhanced NAMAs) for non-Annex I for the post-2020 period, we need to keep in mind the ambition levels of the pre-2020 period and Work Stream 2. What we have agreed in Doha is to revisit and review commitments under the second commitment period of the Kyoto Protocol and enhance the ambition of the Annex I parties under KP. We need to know as a first step what is it that is being committed to by all Annex I Parties in the pre-2020 period to address the requirements of climate change and by how much the ambition levels are being increased. Consequently, we call for the 2014 Revisit and review on commitments being undertaken first by Annex I before we move to the post-2020 period. If not, then there is a real danger of ambition level of the pre-2020 period being transferred to the post-2020 period and undermining the efforts in workstream 2.

17. We recall Articles 4.7 and 4.8 in the context of actions on mitigation. This means that the extent to which developing countries implement the Convention and enhance their actions depends on the extent to which developed countries fulfill their obligations under Art. 4.3, 4.4 and 4.5. Enhanced action on mitigation will require enhanced action on means of implementation.

18. We also need to respond to the economic and social consequences of response measures as set out under paragraph 1(b)(vi) of the Bali Action Plan.

Enhanced Action on Adaptation

19. Adaptation is a key priority for us. Art. 4.4 defines the basis for international cooperation in this regard, under which Annex II Parties commit to support the costs in developing countries to address the adverse effects of climate change, including on loss and damage. However, adaptation has not received adequate attention as opposed to mitigation despite the large number of decisions by the COP on adaptation. This situation has to change and we need enhanced action.

20. The Loss and Damage mechanism established in Doha must be made operational and robust.

21. Adaptation institutions under the Convention must be strengthened and fully financed. Quantitative increases in the ability of adaptation financing institutions to deliver and support funding for adaptation in developing countries must be made. In this regard, the NAPs of all developing countries must be fully supported.

22. We also need to operationalise enhanced action on adaptation relating to economic diversification to build resilience as set out in paragraph 1(c)(iv) of the Bali Action Plan.

Enhanced Action on Finance

23. The fulcrum of the balance in the Convention lies in Art. 4.7, under which the extent to which developing countries implement their commitments under the Convention depends on the extent to which developed countries implement their commitments to provide finance and technology under Art. 4.3, 4.4 and 4.5. The financing obligation under the Convention is for Annex II Parties, not for their private sector.

24. As such, public finance from developed countries must be the primary source of financing to developing countries under the Convention. Public financing could leverage private finance and other sources but should remain the primary vehicle. We should not try to renegotiate financing requirements to mean creating enabling environments to facilitate investments by the private sector of developed countries by requiring developing countries to provide greater market access to their economies.

25. The \$100 billion to be provided by developed countries at Cancun is only the starting point for the post-2020 period and not the ending point. This needs to be scaled up to meet the necessary levels of the real financing needs of developing countries in the context of the actions that they need to undertake in order to cope with the adverse effects of global warming up to and beyond the 2C temperature goal.

26. The Convention's financial mechanism must be made more robust, with new, additional, adequate, sustained and predictable funding going towards its operating entities such as the GCF. In this regard, Annex II parties must provide a clear roadmap for public climate financing from developed countries with specific targets, timelines, and sources. Any burden sharing for the provision of climate finance, under the Convention, must be done among developed countries. We need as much transparency in the means of implementation as in clarifying mitigation pledges and commitments. We need to reinforce non-market approaches and mechanisms.

27. We look at financing under the Convention as the commitment of Annex II only and not the role of South-South cooperation. South-South cooperation has evolved as a voluntary effort over time and completely differs from the obligatory and responsibility framework which motivates the North-South template.

Enhanced Action on Technology Development and Transfer

28. Another important aspect on which enhanced action is required in the context of technology development and transfer are removal of barriers, especially issues related to IPRs, and enhanced financial support for technology development and transfer for developing countries. Article 4.5 of the Convention is far from realising the potential for which it was inserted, especially since it is linked to building capacity in developing countries to develop and produce endogenous technologies. Such enhanced action should apply to both mitigation and adaptation related technologies. We call on specific windows for technology development and transfer in the Convention financial mechanism entities and funds e.g GCF, GEF, AF, LDCF, SCCF etc.

29. Annex I countries should put in place the enabling environment in their own countries that will remove the barriers (such as cost and IPRs) to technology development and transfer and enable them to effectively implement their technology development and transfer obligations to developing countries.

Enhanced Action on Transparency of Action and Support

30. Transparency of the action and support will be a key element in the ADP outcome. Under the Convention, Art. 12.1 and 12.2 provide the basis for transparency in a manner that is differentiated between developed and developing countries. A transparency regime with respect to mitigation commitments has been built up under the Convention, including the system for national communications as well as BRs and IAR for developed countries aiming to enhance the comparability and implementation of their commitments and BURs and ICA for developing countries in a manner that is non-intrusive, non-punitive and respectful of national sovereignty (under paragraph 63 of Cancun Decision).

31. However, enhancements are needed with respect to the transparency regime for the provision of support to developing countries, including financing and technology transfer. An MRV system for enhancing transparency in financing and technology from Annex II parties must be established, including identification of specific amounts, timelines, and sources must be created that strengthens the current system of reporting. Such an MRV system for the provision of support is a key element in ensuring that finance and technology commitments are being fulfilled by Annex II parties and that there is a comparability of efforts between themselves. Such reporting should also encompass the economic and social consequences of response measures.

Enhanced Action on Capacity Building

32. Under the UNFCCC, enhancing capacity building means that it must be effective and sustained over the long-term until developing countries have acquired the capacity to fully implement climate change actions under the Convention. It should not be focused only on mitigation or enhancing MRV of mitigation. Capacity-building to enable absorption and development of technologies must be enhanced. Special focus for these kinds of capacity building activities must be provided to LDCs and Africa.

Other Elements

33. Climate change requires global solutions arrived at through a robust multilateral process. Strengthening the implementation of the Convention allows us to do so. In this regard, unilateral measures that adversely affect the interests of developing countries would be inconsistent with the Convention and harm global efforts to work together on climate change.

34. We would like to underline that efforts of Parties should take into account the protection of the integrity of Mother Earth.

DECISION X/CP.19**Enhanced Action under the Convention: ADP Workstream 2**

The Conference of the Parties at its nineteenth session

Recalling Article 3.1 of the Convention which states that "the developed country Parties should take the lead in combating climate change and the adverse effects thereof"

Reaffirming the principles and provisions of the Convention, in particular the principle of CBDR

Recalling the Durban Decision 1.CP.17 and its paras 5 to 8

Recalling also para 7 of the above decision for launching "a work plan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties"

Noting with grave concern the commitment and implementation gaps by developed countries in their mitigation, adaptation and provision of finance, technology and capacity building support

Underlining that the Pre-2020 ambition must be addressed in a comprehensive manner, covering mitigation, adaptation, finance and technology development and transfer since mitigation ambition cannot be achieved in isolation of the other elements of the Durban mandate

Stressing that enhancing ambition in a comprehensive manner will be best achieved by, first and foremost, ensuring the full implementation of the decisions, primarily through the implementation of the 2nd commitment period of the Kyoto Protocol and the outcome of the Bali Action Plan

Stressing further that urgent and immediate ambitious action in the pre-2020 period must not be delayed by developed countries, especially to address the ambition gap

Underlining that higher ambition in the post-2020 period can be achieved only by fulfilment of commitments and enhancement of commitments in the pre-2020 period

Appreciating that developing countries have already shown their willingness and leadership by putting forward NAMAs that show more mitigation ambition in aggregate than the combined mitigation commitments of Annex I Parties under Cancun in the pre-2020 period

Affirming that the policies and measures undertaken by Annex-I parties to deal with climate change should be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and comprise all sectors

Underlining the importance of Article 4.7 and the need for providing financing and ensuring technology development and transfer for developing countries to enhance their mitigation action in the pre-2020 period

Also taking note of some actions and activities outside the Convention which, if it has to be accounted, should be undertaken in accordance with the principles and provision of the Convention, in particular the principles of equity and common but differentiated responsibilities, as well as based on the differentiation between developed and developing countries

1. Decides on a work plan on enhancing pre-2020 mitigation ambition in 2014 which would, inter alia, include:

(a) The immediate and early ratification of the Kyoto Protocol amendment for its second commitment period by the Parties listed in Annex B of the Kyoto Protocol as well as other Parties, with the status of ratification to be reported by the Secretariat to COP20 and CMP10;

(b) Increase in 2014 by Annex I Parties under the Kyoto Protocol of their mitigation targets, together with comparable increases in 2014 of the mitigation targets without conditionalities of those Annex I Parties who are not under the Kyoto Protocol, to at least 40% below 1990 levels by 2020;

(c) Implementing NAMAs by non-Annex I Parties in the context of sustainable development, enabled and supported by the provision of finance, technology and capacity building from developed countries;

(d) Addressing the economic and social consequences of the implementation of response measures on developing countries including under Article 4.1 (g) and 4.1(h) of the Convention;

(e) Clear commitments from Annex II Parties in 2014 for the provision of new, additional, predictable, and adequate financing in the pre-2020 period through the Convention's financial mechanism and adaptation institutions to support national adaptation actions in developing countries, including NAP and NAPAs, with such commitments to be submitted to the SBI no later than SBI 40 and compiled by the Secretariat for the consideration of Parties at COP20;

(f) Enhancing the resilience and promoting economic diversification

(g) Unambiguous commitments from Annex II Parties in 2014 with an agreed pathway identifying the source, the amounts, the timelines, and the financing pathway for the provision of new, additional, and adequate public climate finance during the period 2014 to 2020, including for technology development and transfer, through the Convention's financial mechanism, particularly the Green Climate Fund, in order to meet the target of US\$70 billion per year by 2016 and the agreed goal of providing at least US\$100 billion per year by 2020, with such commitments to be submitted to the SBI no later than SBI 40 and compiled by the Secretariat for the consideration of Parties at COP20;

2. Directs the SBI to, inter alia:

(a) Develop the needed arrangements no later than SBI 40 for the modalities, timelines and organization of the work for revisiting and increasing in 2014 such mitigation targets by Annex- I Parties under paragraph 1(b) above;

(b) Undertake a 2014-2020 work programme on the review of the adequacy of the commitments on financial support by developed countries as well as the implementation of these commitments, to be launched in 2014 and informed by the MRV of finance support and the work under the existing Financial Mechanism, with the SBI to report at each COP, beginning with COP20, on the progress of such work programme;

(c) Review the implementation of paragraphs 1 and 2(a) and (b) above at SBI 40, and provide a report thereon for the consideration of the Parties at COP20 in the context of the ADP;

3. Directs the SBSTA to, inter alia:

(a) Develop guidance and operational modalities no later than SBSTA 40 for implementation by the TEC and the CTCN to ensure accelerated technology transfer to developing countries, including addressing the issue of intellectual property rights and enhancing the provision and MRV of financial support on technology development and transfer in developing countries through dedicated work programmes for these issues to be launched in 2014.

(b) Address the economic and social consequences of the implementation of response measures on developing countries through the conduct of research and the production of technical papers to identify such consequences to be provided to SBSTA 40 with a view towards the SBSTA providing recommendations on this issue no later than COP20 on measures to be taken under the Convention to address such consequences.

(c) Review the implementation of paragraph 3(a) a
