

BRIEFING PAPER

DURBAN PLATFORM FOR ENHANCED ACTION

BACKGROUND

In December 2011, the COP17 in Durban decided to establish the Ad-hoc Working Group on the Durban Platform for Enhanced Action (ADP). Paragraphs 2-8 of Decision 1/CP.17¹ are summarized as follows:

- (art.2) a process is launched to develop **a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties** (through the ADP);
- (art. 3&4) the ADP is to start its work in the first half of 2012 and complete its work no later than **2015** in order to adopt this protocol, another legal instrument or an agreed outcome with legal force at **COP21** and for it to come into effect and be implemented from **2020**;
- (art.5) ADP's work in the first half of 2012 should include, inter alia, **mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building**, drawing upon submissions from Parties and relevant technical, social and economic information and expertise;
- (art.6) the process shall **raise the level of ambition** and shall be informed, inter alia, by the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (AR5), the outcomes of the 2013–2015 review (Periodic Review) and the work of the subsidiary bodies
- (art.7&8) a workplan is launched 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. Parties were therefore requested to provide their views on this topic.

STATUS OF NEGOTIATION

Two sessions of negotiation have been held in 2012, one in Bonn (Germany) in May and one in Bangkok (Thailand) in September. The ADP is to report on the progress of its work at the COP18 in Doha (Qatar) in December 2012.

During the Bonn session, negotiators reached an agreement concerning the election of officers of the ADP Bureau with a balanced representation between developed and developing countries. The two co-Chairs and the rapporteur will hold one-year terms of office.

The Bureau membership follows a rotational principle between Annex I and Non-Annex I Parties.

In Bonn, the ADP also adopted its agenda and initiated two Workstreams:

- **Workstream I (“Vision”)** addresses matters related to paragraphs 2-6 of decision 1/CP.17. Under Workstream I, Parties should outline their *“broad visions and aspirations”* for the ADP and discussing key characteristics and features of the new agreement to be adopted by 2015.

¹ FCCC/CP/2011/9/Add.1

- **Workstream II (“Ambition”)** addresses matters related to paragraphs 7-8 of decision 1/CP.17. It deals with “*broad measure and specific actions to enhance ambitions*” in order to close the emissions gap. This includes issues linked with adaptation and the means for implementation including finance, technology and capacity building.

The discussions under the two Workstreams started in Bangkok in September 2012.

KEY ISSUES ON ADP

The mandates given to the ADP include two key components: the development of a new instrument and the raising of levels of mitigation ambition.

The following analysis is based on the co-chairs reports for Workstreams I and II. All quotes come from these reports unless otherwise indicated.

Workstream I (“Vision”)

Vision on principles underlying the future commitments

Parties have been discussing their interpretation of the ADP’s mandate (paragraph 2 of decision 1/CP.17). If many Parties have expressed different interpretations of the terms “under the Convention” and “applicable to all”, the principles of equity and of common but differentiated responsibilities and respective capabilities (CBDRRC) remain central to discussions.

Some Parties indicated that the CBDRRC principles should not be static and should take into account current and future economic contexts. On the one hand, some Parties have stated that the principles of equity should be based on historical responsibility. Therefore, the current structure of the Convention (Annex I/Non-Annex I) would remain central. On the other hand, other Parties have stated that the Annex I/Non-Annex I distinction is not able to capture the changing nature of circumstances, responsibilities and capabilities.

The need for accurate and detailed scientific information was underlined to ensure that accurate data feeds the flexible approach for determining a list of Annex I/non Annex I countries.

Forms of commitments

The ADP was established to develop one of the following three outcomes:

- a protocol (defined under Article 17 of the Convention);
- another legal instrument (defined under the Convention by Article 15 -by way of an amendment of the Convention- or Article 16 -a new or amended annex to the Convention);
- or an agreed outcome with legal force under the Convention applicable to all Parties (not yet defined, but possibly interpreted as softer than a legal instrument requiring ratification).

Further, the outcome must be agreed to “*under the Convention*”.

Since May 2012, different reports dealt with the legal form that the new agreement could take. One of the main results is that the formulation of decision 2/CP.17 opens the door to legally-binding national commitments. The new agreement could also be seen as a cluster of instruments.

During the discussions, different views were stated. While some Parties would like nationally-established commitments, other stressed out that this would not be enough to reach the level of ambition necessary to meet the 2°C objective. A consensus was reached concerning the fact that the ADP would imply different kinds of commitments. Many Parties reminded that the ADP must be sufficiently attractive and balanced to encourage broad participation. Also, some countries reiterated that the necessary level of ambition must address not only emission reductions, but also adaptation and the support of finance, technology and capacity building.

These reflections have led to calls from some countries to draw on the experience gained from the Kyoto Protocol. These lessons learnt could help to elaborate adequate structure to support countries that have taken early actions, incentivize higher targets and make larger contributions.

However, some Parties stated that different types of commitments would not necessarily mean different legal forms. In practice no legal framework has been discussed to date for Parties' commitment, nor for the compliance procedure that should be put in place to ensure Parties are accountable for implementing their commitments.

Workstream II ("Ambition")

Parties agreed under Workstream II that the workplan should "focus on pre-2020 implementation of the Convention".

Defining commitment targets

As in Workstream I, some Parties underlined the need to implement a dynamic interpretation of the CBDRRC principle. Different approaches have been suggested, such as the use of "a discrete number of lists that are dynamic and fluid enabling graduation of increased action or the use of national schedules." A consensus has been reached on the fact that "universality of application does not mean uniformity of application."

Increasing the level of ambition

Many Parties drawn attention to the urgency of taking significant action to ensure that global average temperature would not increase by more than 1,5°C to 2°C. Three general approaches to increasing ambition of emissions reduction commitments were identified:

- **Increasing the scope of countries with an emission reduction pledge:** Annex I countries with no commitment by 2020 could be asked to do so while developing countries would be encourage to identify new NAMAs.
- **Heightening the ambition of existing pledges:** by keeping the most ambitious pledges among the range published by some Annex I countries; by encouraging the use of carbon markets in developed countries to undertake more ambitious targets; by assisting developing countries to implement low-carbon development strategies (including REDD+ initiatives).
- **Recognizing other actions and initiatives at sub-national, national and international levels.** Actions fostering increases in energy efficiency, reduction in production and use of HFCs, emissions reductions in the aviation sector, removal of fossil fuel subsidies and the treatment of short-lived climate pollutants can help close the gap in ambition and should be

closely followed by the Convention. Nevertheless “additional supplementary initiatives,” whether within or outside of the Convention, should not be seen as replacing the international action on climate change. Thus their interaction with pledges and emissions targets under the Convention should be assessed. Furthermore, the UNFCCC could serve as a support platform for initiatives, without taking control of them, and seek to associate the whole range of stakeholders from private sector to academia, cities and civil society.

Bridging the gaps

The emphasis was put on the need for the evaluation of the impact of national, regional and multilateral initiatives on bridging the emissions gap that are not recognized under the UNFCCC.

Pre-2020 financing and bridging the ambition gap were raised as two issues to tackle rapidly. The needs for a common accounting framework, robust measurement, verification and review system and a strong compliance system were equally identified.

Cross-workstream organisational issues

Interaction with AWG-KP and AWG-LCA

Different opinions were expressed on the links between ADP, AWG-KP² and AWG-LCA³. Some Parties stated that the Bali Action Plan should be the basis of the ADP. Under Workstream II, many Parties agreed on the fact that ADP could build on the work of the AWG-KP and AWG-LCA but that it should not obstruct nor duplicate them.

Negotiation approach and process

In terms of the negotiation process, Parties expressed that the roundtable discussion format was very useful and that such a format should be continued. Many Parties expressed the need to consider and evaluate lessons learnt from previous discussions and agreements. It was equally noted that the process should be informed by inputs from the fifth assessment of the Intergovernmental Panel on Climate Change (IPCC) and the 2013-2015 periodic review.

IMPLICATIONS FOR DEVELOPING COUNTRIES

The text on a new instrument under the ADP process has some significant implications for the developing countries: i) for the first time developing countries might be legally bound by the new climate instrument and ii) whilst the outcome would be agreed under the Convention, the CBDR principle which gives the distinction between developed and developing countries might be subject to re-interpretation.

Further, as the Durban Platform also addresses enhanced mitigation action, NAMAs by developing countries are highly relevant in this context. Please refer to our briefing paper on NAMAs for further discussion.

² The AWG-KP was established by CMP1 (Montreal, 2005) to discuss future commitments for industrialized countries under the Kyoto Protocol. In 2011, CMP7 asked the AWG-KP to complete its work by CMP8 in Doha.

³ The AWG-LCA is based on the Bali Action Plan and should end in Doha in December 2012. It addresses long-term action and has four main pillars: mitigation, adaptation, finance and technology transfer.

NEXT STEPS

Discussions under Workstreams I and II will be presented in more detail at COP18 in Doha. The ADP co-chairs have already published their views concerning the main issues to be discussed under each Workstream.

Workstream I. Discussions will need to go further about how the new agreement will:

- Apply the principles of the Convention and define the modalities of the “Apply to all” ADP principle, including the issues of differentiated commitments, national circumstances and their evolution.
- Give incentives for full and ambitious participation and guarantee effective implementation and compliance arrangements.
- Strengthen the multilateral, rules-based regime under the Convention and be coordinated by the ADP with relevant work undertaken by other institutions and processes under the Convention.
- Include lessons learned from the implementation of the Convention and its Kyoto Protocol and other multilateral agreements.

Workstream II. Discussions are likely to focus on how to:

- Increase the ambition of existing pledges and encourage those who have not yet submitted their pledges to do so. Also strengthen and support additional international and national actions (supplementary to existing pledges).
- Catalyze actions and initiatives with the largest mitigation potential, and to showcase ongoing initiatives and share best practices.
- Incentivize mitigation actions and ensure effective implementation as well as define the role of means of implementation in increasing ambition.
- Undertake more in-depth work, including technical and quantitative analysis of options to increase ambition.
- Ensure high-level engagement and stakeholder involvement.
- Apply the principles of the Convention in the context of enhancing ambition.

It is expected that following Parties’ wish expressed in roundtables, COP18 will launch a work program for 2013 which could include technical analysis from the secretariat and the organization of further roundtables to continue the discussion undertaken.

Discussions in Doha may be focussed on “specific international cooperative initiatives which are seen as having the largest mitigation potential.” This aims to help COP18 be more results-oriented.

REFERENCES

Reports of the ADP Co-Chairs:

- workstream 1 (“Vision”):

http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_rt_workstream1_26092012.pdf

- Workstream II (“Ambition”):

http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_rt_workstream2_26092012.pdf

Note by the Co-Chairs of the ADP on the Bangkok session with a view to Doha and beyond

http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_reflections_note_05102012.pdf

Durban decision on ADP:

http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_durbanplatform.pdf