

BRIEFING PAPER

DURBAN PLATFORM FOR ENHANCED ACTION

BACKGROUND

In December 2011, the COP17 in Durban decided – in paragraphs 2-8 of Decision 1/CP.17¹ – to establish the Ad-hoc Working Group on the Durban Platform for Enhanced Action (ADP), with a view to develop “a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”, to be adopted “no later than 2015 (...) at COP21 and (...) to come into effect and be implemented from 2020”.

Also, the ADP process was explicitly made responsible for addressing the issue of raising the level of ambition, in coherence with the latest scientific evidence – in particular by the Intergovernmental Panel on Climate Change (AR5) – and technical works – e.g.: 2013-2015 Periodic Review and subsidiary bodies. To bridge the gap in mitigation ambition, ADP is then expected “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”.

2012 saw the organization of two sessions of negotiations which led to the agreement on the governance of the ADP process and the adoption of ADP’s agenda:

- Officers of the ADP Bureau are elected with a balanced representation between developed and developing countries. The two co-Chairs and the rapporteur hold one-year terms of office.
- ADP’s work is organized under two Workstreams reflecting the two dimensions of the ADP process:
 - o **Workstream I** addresses matters related to paragraphs 2-6 of decision 1/CP.17 (**the 2015 agreement**). 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.
 - o **Workstream II** addresses matters related to paragraphs 7-8 of decision 1/CP.17 (**pre-2020 ambition**). 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.

In December 2012, at COP18 in Doha, the ADP held its first session which concluded on:

- **A detailed work program for 2013:**
 - o Workstream I negotiations will focus more specifically on the scope, structure and design of the 2015 agreement, under the principles of the Convention, by building

¹ FCCC/CP/2011/9/Add.1

on the experiences and lessons learned from other processes under the Convention and from other multilateral processes; also the Doha-launched *Work programme for recognizing non-UNFCCC initiatives* is expected to help increasing the ambition by providing incentives to the implementation of non-UNFCCC initiatives and mobilizing the participation of a wide range of stakeholders.

- Workstream II discussions will be organized around mitigation and adaptation benefits, including resilience to the impacts of climate change; Barriers and ways to overcome them, and incentives for action; Finance, technology and capacity-building to support implementation.
- **A roadmap to 2015:** a first draft of the negotiation text is to be made ready by late 2014, a more advanced version by mid-2015. To ensure regular high-level political engagement and catalyse actions and initiatives, the UN Secretary-General Ban Ki-Moon also announced a World Leaders Convention in 2014.

Also, the first session of ADP was the occasion for Parties to start outlining their visions, discussing key features of the new agreement and identifying issues for further discussion in both workstreams².

STATUS OF NEGOTIATION

The ADP working group gathered for its second session (2.1) in Bonn, Germany, from 29 April to 3 May 2013. As proposed by the two co-chairs, the work was again organized into the two workstreams implemented in 2012, and took the form of various workshops and round-tables to facilitate the exchange of ideas and discussions.

Under Workstream I (2015 agreement), workshops and round table included:

- Workshop on scope, structure and design of the 2015 agreement
- Six round-tables addressing the questions set out by the Co-Chairs in their pre-session informal note: mitigation needs, adaptation, means of implementation, and transparency of action and support.

Under Workstream II (pre-2020 ambition), workshops and round-tables covered:

- Workshop on low-emission development opportunities
- Workshop on opportunities for mitigation and adaptation related to land use
- Two round-table discussions on 1) how the ADP can catalyze action and 2) how it can build a practical and results-orientated approach to increase pre-2020 ambition.

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.

² See Doha's report for more information

Workstream I (“2015 agreement”)

Workstream I is expected to provide answers as to 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.

The work of ADP-Workstream I is more broadly to strengthen the multilateral, rules-based regime under the Convention and to be coordinated with relevant work undertaken by other institutions and processes under the Convention.

Vision on principles underlying the future commitments

As in the first session of ADP, Parties have expressed different views about the interpretation of the ADP mandate and the link between the Convention and the future agreement. A number of Parties, including the G77, China and the African Group, stressed the fact that the next climate agreement should be built on the existing Convention and that the Convention should not be re-interpreted or re-written. Thus the application of the Convention’s principles for the 2015 agreement was concluded by the co-chairs as a common ground.

Nevertheless the “applicable to all” feature of the new climate regime to be negotiated under the ADP mandate has continued to raise different interpretations, with the key underlying issue of equity. It was concluded that all Parties would be expected to contribute, while considering at the same time their national circumstances. Some Parties like Chile indicated that the CBDRRC principles should be dynamic and take into account current and future economic contexts, while others wanted to maintain strictly the Annex I/non-Annex I differentiation. The Bolivarian Alliance for the Peoples of Our America³ (ALBA), opposed this dynamic vision and stated that the differentiation between countries should be kept as it is in the Convention.

Finally, many Parties reckoned the importance of basing the 2015 agreement on the latest available scientific results. Also, some countries, particularly AOSIS and Like-minded Developing Countries⁴, 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. Specifically, the round-table on adaptation concluded on the need to:

- Include adaptation in the 2015 agreement,
- Ensure a balance between mitigation and adaptation,
- Use existing institutions, as supported by AOSIS, Australia, Norway, Japan, AILAC, the EU, Singapore and Mexico,

³ The Group includes Antigua and Barbuda, Bolivia, Cuba, Dominica, Ecuador, Nicaragua, Saint Vincent and the Grenadines and Venezuela.

⁴ The Group includes Bolivia, China, Cuba, Dominica, Ecuador, Egypt, El Salvador, India, Iran, Iraq, Malaysia, Mali, Nicaragua, Pakistan, Philippines, Saudi Arabia, Sri Lanka, Sudan, Thailand and Venezuela.

- Develop means of implementation, including the fulfillment of finance pledges from developed countries, and
- Mainstream adaptation at the national level, as called by China and Switzerland in particular.

Forms of commitments

It was reminded that the ADP must be sufficiently attractive and balanced to encourage broad participation. Different views on the forms of commitments were expressed, which included (from the least to the most supported option):

- *Top-down commitments for all* raised the question of how they would be calculated – e.g. if differentiation should be considered and if yes, as many developing Parties saw it, how it could be implemented - and how they would integrate the issue of equity, as efforts need to be perceived as “fair” by Parties, as Singapore recalled it.
- *Bottom-up commitments for some countries* (e.g. developing countries), *paired with top-down commitment by others* (e.g. developed countries). This position was supported by South Africa and Ethiopia. As proposed by New Zealand, such a diversity of commitments could nevertheless be included in the same legal framework.
- *Bottom-up commitments for all*, which raises the issue of ensuring the ambition needed globally. The United States proposed to include an *ex-ante* scrutiny by other Parties after the publication of a national pledge; but it is still unclear how comments by the international community would then be taken into account, if ever. Another proposal was that developing countries should be able to commit to relative targets while developed countries would have to engage to absolute reductions in their emissions levels. To make sure the overall ambition of nationally-determined targets is sufficient, some Parties such as the European Union proposed to implement an international coordination mechanism.

Discussions around the definition of equity in commitments showed disparities. Historical responsibilities and national capabilities for adaptation and mitigation were broadly quoted as fundamental, as well as access by developing countries to financial support and technology transfer.

Parties also raised the need for transparency of commitments, many of them such as LDCs calling for periodic reviews and implementation of a comprehensive MRV system for both emissions and financial pledges. Some also called for building on the existing MRV requirements and for providing an easy-to-understand and easy-to-implement system. The need for capacity building was also stressed by developing countries.

If some Parties reiterated their call for legally-binding commitments, the issue of the form of the legal framework was not discussed as such, nor the compliance procedure that should be put in place to ensure Parties fulfill their commitments.

Means of implementation

Proposals for means to implement the commitments agreed under the 2015 agreements vary among Parties. Developing countries reminded the importance for developed countries to deliver their commitments on finance, and also on technology and capacity building. They also insisted on

the need for transparency of actions, some of them highlighting the crucial role the GCF could play in that regard.

The role of market mechanisms was also put forward by some Parties, as well as the creation of policy frameworks at the national levels and the issue of tackling subsidies. Meanwhile, other Parties stressed the need to take stock of current means of implementation to draw lessons from their results.

Workstream II (“pre-2020 ambition”)

Discussions under Workstream II seek to “focus on pre-2020 implementation of the Convention”. For that purpose, a number of issues are covered:

- Means to catalyze actions and initiatives with the largest mitigation potential, and to showcase ongoing initiatives and share best practices.
- Incentives for mitigation actions and their effective implementation as well as defining their role in increasing ambition.

Catalyzing action

Workstream II first priority is to discuss how actions can be enhanced both nationally and internationally to bridge the ambition gap between now and 2020.

Many developing countries stressed the leadership role that developed countries are expected to play, including by accelerating the implementation of the GCF to provide funding to developing countries mitigation policies. International cooperation was underlined by Norway, Marshall Islands and Singapore as key to succeed, including through information sharing, the organization of political and technical dialogues and better interaction with other international initiatives.

Many suggestions made during ADP-1 were recalled, including the ratification of the Kyoto Protocol amendment, the removal of conditionalities of current pledges, the encouragement of market and non-market-based measures. Developing countries which have not done so are also encouraged to submit NAMAs.

Some Parties declared a high interest in undertaking sectoral discussions, especially on renewable energy and energy efficiency policies. Many of them also indicated action would be necessary regarding international bunkers (aviation and maritime sectors), the agriculture and forestry sector, including REDD+ initiatives, HFCs and fossil fuel subsidies⁵. Nevertheless some Parties like Saudi Arabia, the Philippines and South Africa opposed to single out sectors and called for an economy-wide framework of actions

To conclude, a number of fields of action were identified by the co-Chair and noted for further discussion at the June session: renewable energy and energy efficiency, land-use opportunities, climate financing and promotion of climate-friendly investment, role of international cooperative initiatives in enhancing national action, and enhancement of access to means of implementation.

⁵ Eliminating fossil fuel subsidies raise the question of response measures from fossil-fuels-producing countries.

Implementing the adequate tools

Some Parties underscored the needs to provide incentives to increase the ambition, including incentives for low-emission investments by the private sector as no structural change has been acknowledged on the field. Policies and measures to be implemented could focus on exploring the cost-effective mitigation actions and increasing the ambition in some areas that among these are REDD+, agriculture, renewable energies, energy efficiency, phasing out of fossil fuel subsidies and HFCs.

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.

The ADP process in 2013 is expected to remain very open to discussions and operational suggestions. As Christiana Figueres put it in her introduction to the session, stakeholders are invited to provide “water” on the “sponge” of the negotiation. Proposals are expected to be concrete to make the 2015 deadline. The constructive dialogue experienced in Bonn during ADP-2 is a good sign negotiations are heading in the right direction and that it is the good time in particular for developing countries to increase their commitment and share their ideas and preoccupations.

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.

Another important implication is that after the closure of both AWG-LCA and AWG-KP negotiations tracks in Doha, the ADP process has become de facto the platform to discuss a number of outstanding issues of climate negotiations including those which were felt by some parties as not adequately addressed before like adaptation, finance, comparative efforts, etc.

NEXT STEPS

The resuming of ADP 2 in June will see the continuation of the discussions under both Workstreams.

Workstream I will focus on:

- A variety of enhanced actions and types of commitments; how to combine top-down and bottom-up elements in an effective way;
- How to strengthen the multilateral rules-based regime to ensure ambition.

Other topics will also be on the agenda: enhanced action and support for adaptation; how mitigation efforts can have an impact on adaptation needs; and how the 2015 agreement can add value to existing institutional arrangements.

Workstream II discussions will address:

- The role of renewable energy and energy efficiency in moving to low-emission development;
- Climate financing and attracting climate investment;
- Scaling up mitigation and adaptation opportunities in land use;
- International cooperative initiatives;
- How relevant institutions under the Convention can increase access to means of implementation;
- How political engagement can facilitate work on enhancing mitigation ambition.

The June session will see the election of ADP officers. It may be the last meeting before the second sessional period from 11 November to 22 November 2013 as no funding has been provided yet for an intersessional meeting in September.

The Co-chairs already asked countries to prepare deliverables for COP19. Guidance will be provided in the informal note for ADP-2.2, to be published on the UNFCCC website before the meeting. Expected contributions as outlined by the UNFCCC after the Doha Conference include:

- Views and recommendations from Parties on the elements to be taken into account in the development of annual guidance for the operating entities of the financial mechanism of the Convention. (FCCC/CP/2012/L.7, paragraph 7 and FCCC/CP/2012/L.17, paragraph 16): 10 weeks before the COP.
- *Voluntary information by developing country Parties of their intention to implement NAMAs (SBSTA/SBI) (FCCC/CP/2012/L.14/Rev.1, paragraph 16)
- *Further information from Parties concerned and other Parties on actions and plans in pursuit of economic diversification that have co-benefits in the form of emission reductions, adaptation to the impacts of climate change and response measures. (FCCC/CP/2012/L.11, paragraph 2)*Information from developing country Parties in a position to do so on progress made in enhancing capacity to address climate change, including on the use of the support received. (Decision 1/CP.16, paragraph 135)
- *Information from developing country Parties, as appropriate, on further individual nationally appropriate mitigation actions seeking international support in accordance with decision 2/CP.17, paragraph 46. (FCCC/SBI/2012/L.39, paragraph 3)
- *Submission by developing country Parties of their other individual nationally appropriate mitigation actions, for their recognition, in accordance with decision 2/CP.17, paragraph 47. (FCCC/SBI/2012/L.39, paragraph 4)

* Open call for 2013; if Parties already sent the contribution, no other submission is required.

REFERENCES

Material published by the UNFCCC on ADP-2.1 session on its website.

http://unfccc.int/meetings/bonn_apr_2013/session/7387.php

Earth Negotiation Bulletin, *Summary of the Bonn Climate Change Conference: 29 April – 3 May 2013.*

<http://www.iisd.ca/download/pdf/enb12568e.pdf>