

Differentiated mitigation commitments in a new climate agreement

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In 2011, at the 17th Conference of Parties (COP 17) to the UN Framework Convention on Climate Change (UNFCCC) in Durban, South Africa, the international community agreed to negotiate a new climate agreement, to enter into force in 2020. Negotiations for this new agreement are taking place under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), and are to be finalised in 2015. The structure and the content of the “2015 agreement” is still open, but mitigation will play an essential role.

Current emission reduction pledges for 2020 under the Copenhagen Accord are not sufficient to be in line with the 2°C limit, let alone the 1.5°C limit which could prevent drastic climate change impacts, especially affecting Least Developed Countries (LDCs).¹ It is therefore the aim of the LDC Group to assure a significantly higher level of global ambition for the new agreement. In its submission to the ADP, Nepal on behalf of the LDCs “reaffirms its demand that the commitments to be made under the ADP result in an emission pathway that can limit warming below 1.5°C, and in particular result in the closing of the emissions gap by 2020”.² This brief analyses some points for consideration by the LDC Group in their effort to raise global ambition for climate mitigation.

Types of commitments

Commitments can be **result-based** (focusing on outcome) or **activity-based** (focusing on behaviour). UNFCCC negotiations include result-based emission reduction targets under the Kyoto Protocol and activity-based commitments for some Nationally Appropriate Mitigation Actions (NAMAs).

Countries may choose to make “**conditional**” commitments completely or partially dependent on activities of other Parties or on international support. Such commitments decrease the risk for individual countries to have to tackle potential disadvantages of going first or implementing activities alone, and reflect the need of developing countries to receive finance, technologies or capacity building to be able to effectively implement mitigation measures. On the other hand, conditional commitments raise the risk of countries remaining at an ambition level that is below their potential.

Several Parties have provided suggestions on how to design commitments under the 2015 Agreement. The EU would like all Parties to take on legally binding mitigation commitments, with ex ante quantification of emission reductions that the commitment will imply.³ The US calls for a flexible approach, proposing that each country can define the nature of its targets itself, consistent with national circumstances.⁴ Other Parties suggest that depending on the development of the countries, some of them should adopt absolute emission reductions targets, while others are allowed to choose more flexible commitments.⁵

This discussion is closely related to the discussion on the **differentiation of countries in Annex I and non-Annex I Parties**, or developed and developing countries. Canada writes in its submission that “it is essential to acknowledge that the world of today is very different from that of 1992, when the Convention was first established”.⁶ This view is supported by the US⁷ – but also by Ethiopia, which suggests revising Annexes in five-year periods according to countries’ GDP and per capita GDP.⁸ Others, including the EU, Independent Alliance of Latin America and the Caribbean (AILAC)



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and Belarus, call for a more flexible approach. In contrast, the like-minded developing countries group is strictly against renegotiating Annexes, arguing that those reflect historic responsibility and thus indicate respective obligations of Parties.⁹

Equity considerations

The aim to distribute climate change mitigation efforts across countries in an equitable manner is deeply anchored in the UNFCCC Article 3.1 as the principle of “common but differentiated responsibilities and respective capabilities” (CBDR/RC). While Parties have agreed that a fair approach is necessary, the definition of equity has been the subject of ongoing discussion and no agreement has been found so far.

The four main dimensions that can be found repeatedly in the discussions on how to share the burden of reducing emissions between countries include: **responsibility** (the historical contribution to global emissions or warming)¹⁰; **capability** (the ability to pay for mitigation)¹¹; **equality** (equal emission allowances allocation per person in the world), and **cost effectiveness** (controversial as a dimension of equity, and seen more as another input to effort sharing calculations, rather than an equity principle.)

Besides the question of how to distribute emission reductions among countries, **participation** is another criteria for differentiation, determining who should be regarded when distributing efforts and to what extent. Although the 2015 agreement is supposed to be “applicable to all Parties”,¹² participation should not be seen as inclusion or exclusion in the agreement, but rather that the Agreement should accommodate contributions of all Parties based on differentiation of type, ambition and timing of commitments. A certain threshold of capability or responsibility levels could be used, whereby countries with currently low capabilities, or countries with little responsibility could be excluded.¹³

An “**Equity Reference Framework**” (ERF) can allow for quantitative and qualitative interpretation of the UNFCCC equity and CBDR/RC principles. It can guide Parties on the range their emission reductions should be in, in order to distribute efforts equitably and to remain within globally agreed temperature limits;¹⁴ help independent stakeholders to evaluate Parties’ proposals; form the basis for all countries’ commitments in a rule-based agreement; and provide a reliable system for future commitments.

The key challenge with an ERF, however, is that it will be highly political, and difficult to negotiate. While all Parties of the UNFCCC acknowledge CBDR/RC in general, most do not state how the principle should be quantified or otherwise converted into mitigation commitments. Some countries, such as Japan and the US suggest that the commitments should not be determined using any of the principles, but be put forward by the countries themselves, independently of a global dimension to evaluate equity.¹⁵ The group of like-minded developing countries sees the CBDR/RC principle as the basis for a clear differentiation between current Annex I

and non-Annex I countries, and says that developing Parties’ contributions should not be measured against any principle.¹⁶

At the climate conference in Warsaw in 2013, Brazil reiterated its past proposal that historic responsibility should be the main criterion to determine future targets under the 2015 Agreement. It suggests 1850 as a starting year, and consideration of the accumulative effects of emissions on global temperature increase.¹⁷ Brazil has suggested that the Intergovernmental Panel on Climate Change should develop a reference methodology to quantify targets based on responsibility.¹⁸

Ethiopia states that the definition of Annex I Parties should be dependent on cumulative per capita emissions.¹⁹ The submission assumes that Annex I countries will keep having stronger responsibilities in the future. The LDC Group opts for “allowing for some degree of differentiation for developed countries, emerging economies, middle-income countries, the most vulnerable and the least developed countries based on agreed criteria”.²⁰

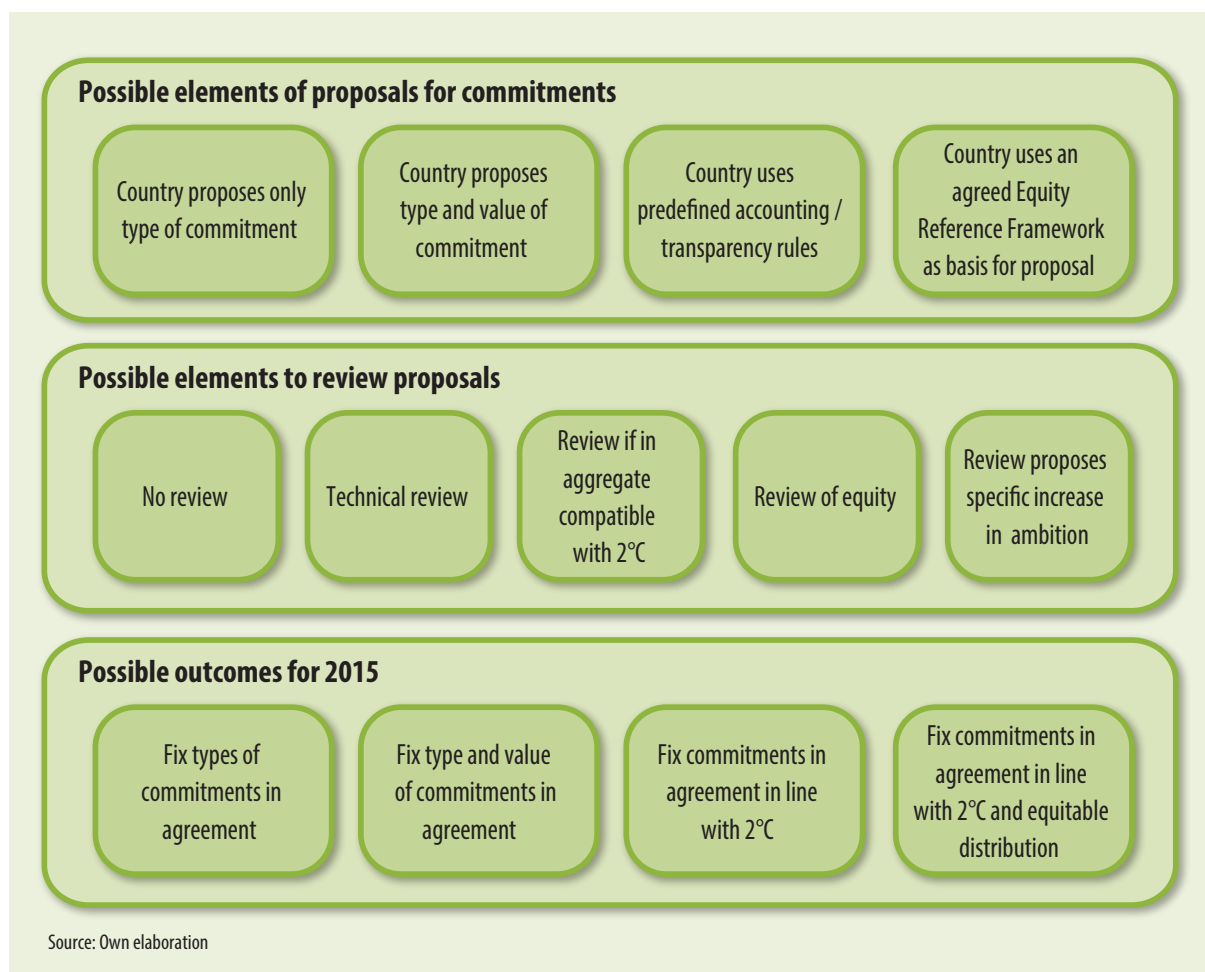
Process to determine and revise mitigation commitments

Various elements can be used and combined to get to an agreement in 2015, as illustrated in **Figure 1**. Possible processes to agree on emission reduction commitments could include the following:

- A **pre-agreed ERF**, to define the necessary range of emissions reduction for each country in line with the agreed global temperature limit. As mentioned earlier, this approach has several advantages, but could be difficult to negotiate within the specified time period.
- **Self-explained equitable commitments**, where countries put forward a proposal, together with an explanation of why it is equitable. An equitable distribution of efforts or coherence with agreed temperature limits is not necessarily a given under this approach.
- A **two-stage approach**, such as the one used to negotiate the Kyoto Protocol. In Stage 1, Parties propose types of commitments, including accounting / transparency rules and equity parameters. Based on the proposed equity parameters, fair target ranges are elaborated informally (outside the UNFCCC process) for different temperature scenarios to guide Parties in proposing their initial stringency figures. In Stage 2, Parties submit their stringency figure proposals against the background of the fair target ranges.²¹

At the 2013 Warsaw conference, a decision was taken to request the ADP to identify the information that Parties should provide together with their contributions by the climate conference in December 2014. The decision “invites all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions” and requires Parties to provide their national proposals well in advance of the COP 21.²²

Figure 1: Possible elements of the process regarding mitigation commitments in the 2015 agreement



There is currently no official process planned to influence national submissions – no input related to the type or stringency of commitments the Parties should take on is foreseen, nor is there a review process anchored in the decisions.

While this pathway may be feasible politically and time-wise, it runs the risk of agreeing on commitments with too little ambition in 2015. A mechanism to increase ambition afterwards therefore becomes much more important, and will have to be included in the 2015 agreement.

Actions through which the LDC Group can influence the negotiations

1. Work towards an LDC endorsed Equity Reference Framework

- Base the ERF on the climate policy goals of LDCs, including the 1.5°C / 2°C target and eventual phase out of greenhouse gas emissions
- Establish the boundaries for equitable mitigation policy according to LDCs
- Use it as a reference to check proposals individually

and cumulatively

- Motivate other Parties and groups to endorse the LDC ERF

2. Join with like-minded Parties to increase influence

- Current and previous LDC alliance with groups such as EU, AOSIS, AILAC could be strengthened
- Align and coordinate on overall vision and key issue topics
- Bring together and thereby multiply the ability to influence outcomes

3. Focus on key issues and partners for pre-2020 action

- Quick mitigation action through more rapid renewable energy deployment, the phase-out of fossil fuel subsidies, and leveraging of energy efficiency potential
- Motivate Parties which can most easily achieve their 2020 pledges as first-movers
- Create UNFCCC process to ask Parties for regular progress reports on defined short-term actions

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