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Policy pointers

Current negotiations for a new global agreement offer parties a historic opportunity to strengthen the multilateral rules-based system and follow an action-oriented approach for catalysing domestic action for stronger international cooperation.

The new agreement must address the general concerns of all parties to ensure wide participation and durability, and it should make use of existing procedures and institutions where possible.

Parties should aim for the highest legal rigour while ensuring the greatest levels of participation and effectiveness.

Five-year rolling commitment periods will allow quicker and more ambitious progress towards achieving a collective global goal. A review mechanism offering regular assessment and revision of parties' contributions should be a key component.

Seven elements and seven steps for an effective climate agreement

This year, the United Nations Framework Convention on Climate Change (UNFCCC) celebrates 20 years of negotiations and more than 500 decisions. Many decisions have been effective, but none have been sufficient. A significant gap remains between the current mitigation pledges to control global greenhouse gas emissions and the aggregate emission pathway that is needed to hold the global average temperature increase below 2°C above pre-industrial levels and keep the options open for a 1.5 degree target as most vulnerable countries have called for. At the same time, climate impacts are rising beyond a manageable magnitude worldwide. Current negotiations for a new global climate agreement offer a historic opportunity to strengthen the multilateral rules-based system and follow an action-oriented approach for catalysing domestic action while taking into account countries' impacts, vulnerabilities and sustainable development imperatives. This briefing suggests seven elements and seven steps that would facilitate this approach.

In December 2011, parties to the UNFCCC noted a significant gap between the aggregate effects of the current mitigation pledges to control global annual greenhouse gas emissions and aggregate emission pathways consistent with holding the global average temperature increase below 2°C above pre-industrial levels — the temperature goal globally agreed by all UNFCCC parties.¹ Recognising that all countries have to raise their mitigation ambition and scale up relevant action, they decided to adopt a new multilateral agreement no later than 2015 and established the Ad hoc Working Group on the Durban Platform for Enhanced Action for this purpose.

According to the Durban Platform mandate,² the new agreement — which aims to strengthen the multilateral rules-based regime under the UNFCCC — would be legal in nature, applicable to all parties and implemented from 2020. Parties now have only 15 months to define and agree on the provisions of this agreement. They

need to focus on strengthening their cooperative efforts to effectively and adequately address the concerns of all parties — including the most vulnerable countries. This briefing sets out the seven elements that parties should consider over the coming months, and seven steps to follow during the commitment period to ensure an effective, dynamic and durable agreement.

Seven elements to consider for an effective agreement

1. Addressing all key concerns of all parties.

An international agreement needs to be concise yet have the necessary provisions to make it effective, dynamic and durable. It should include a common global vision and goal, agreed by all parties, which will direct countries towards achieving the UNFCCC's ultimate objective of stabilising greenhouse gas levels.³

The countries that are most vulnerable to climate change — Least Developed Countries (LDCs),

Parties need to strengthen their cooperative efforts to effectively address all concerns

Small Island Developing States (SIDS) and African countries — argue that the long-term global goal should be to limit the temperature rise to 1.5°C by 2100, as a 2°C temperature increase carries an unacceptably high risk of devastating climate change impacts.

Parties have also noted a number of other options, such as a phase-out goal, a total decarbonisation goal and a carbon neutrality goal. Whatever goal the parties agree upon, it should go beyond general signals and provide clarity and predictability on how to achieve that goal.

For the 2015 Agreement to be effective and durable, it must:

- Consider and address the general concerns of all parties
- Effectively consider evolving scientific and technological breakthroughs, promoting greater ambition, transparency and accountability of climate actions
- Define the relationship between mitigation, adaptation, loss and damage, and the needs for support to most vulnerable and less capable developing countries
- Agree on effective provisions, actions and means for addressing climate impacts and associated needs for adaptation, losses and damages, and means of implementation for most vulnerable and less capable developing countries
- Agree on a continuing and robust action-oriented approach for addressing the imperatives of sustainable development in developing countries.

These linkages can be emphasised in the context of the agreed long-term temperature goal in accordance with the UNFCCC's ultimate objective.

2. Legal rigour and increased participation.

The legal rigour of an international agreement can be determined by its form. More than 100 countries — including LDCs, African countries, SIDS, progressive Latin American countries and the European Union — have called for the 2015 Agreement to be a protocol. A protocol has the highest legal rigour under international law and creates international obligations for the states that join it. All parties need to ratify protocols under their domestic law, which requires a vigorous national process. As a result, parties are bound by the protocol despite any governmental and other changes, thus ensuring durability. However, this may also mean that the ratification process takes longer and the new agreements entering into force

get delayed. Therefore the requirements for ratification can intentionally be made less rigid, with fewer countries needing to ratify the agreement for it to come into force than those used for the Kyoto Protocol. The Kyoto Protocol required at least 55 Parties to the convention, including developed countries' parties who were accountable for at least 55 per cent of the total carbon dioxide emissions for 1990. A provisional application could also allow the agreement to be implemented before it is formally ratified.

The form and language of the 2015 Agreement needs to be chosen carefully to encourage participation by all parties while also ensuring its effectiveness. Provisions of the agreement can be broad and overarching in nature, with prescriptive activities. Also, effectiveness can be ensured through provisions on assessments, revisions and compliance.

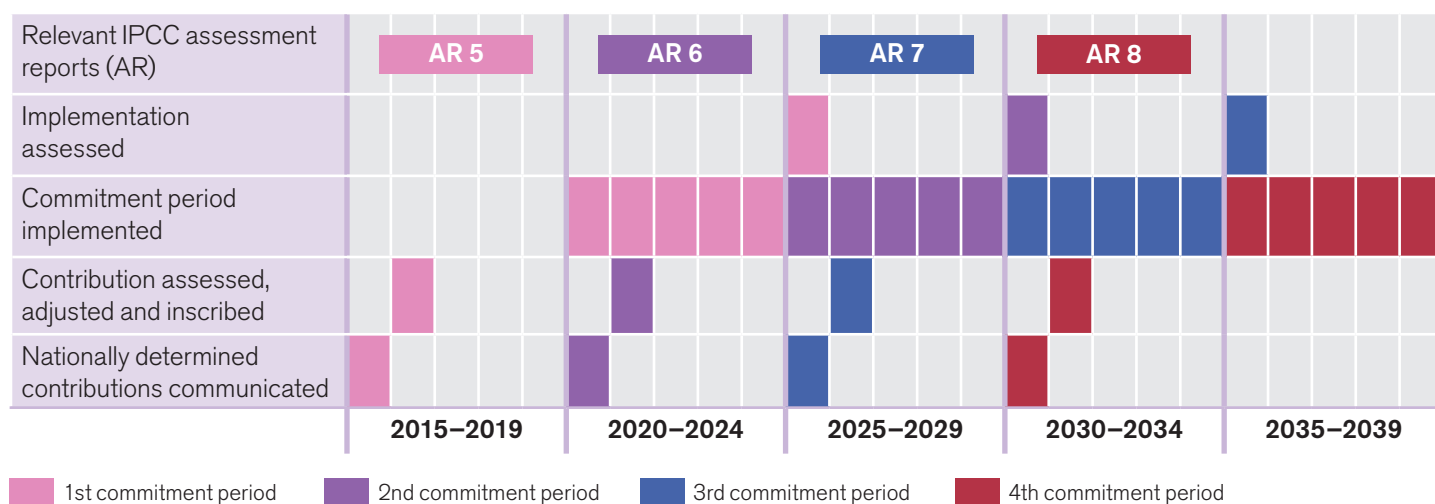
The agreement should benefit from past experience and make effective use of existing procedures and already negotiated institutions — such as the current financial mechanism including the Green Climate Fund and LDC Fund, the LDC Expert Group, and the Cancun Adaptation Framework and Technology Mechanism — that can be linked to the new agreement without any need to re-open negotiations. Elaborating reporting provisions and accounting rules already inscribed in the Kyoto Protocol and applying these in the new agreement will enable international oversight of mitigation commitments. A robust, corrective and facilitative compliance system should be introduced in order to ensure effective enforcement of parties' commitments and to help them to meet their commitments if they have problems doing so.

3. Minimum information requirements for assessing nationally determined contributions.

A decision adopted at COP 19 in Warsaw last year called for parties to submit their nationally determined contributions to the 2015 Agreement. Those parties ready to do so are to present their 'intended' contributions in the first quarter of 2015, using information to be decided at COP 20, in December 2014. The Warsaw decision, however, says very little about how the contributions will be assessed and inscribed and how progress will be reviewed. The decision also does not say how to ensure that the contributions are ambitious, initially and/or over time. Nor does it address the legal nature or scope of the contributions.

Allowing parties to decide what they can do for the 2015 Agreement respects the principle of state sovereignty. But while this allows flexibility and respects national circumstances, it does not guarantee that contributions will meet a long-term global goal of stabilising greenhouse gas

Figure 1. Five-year rolling commitment periods.



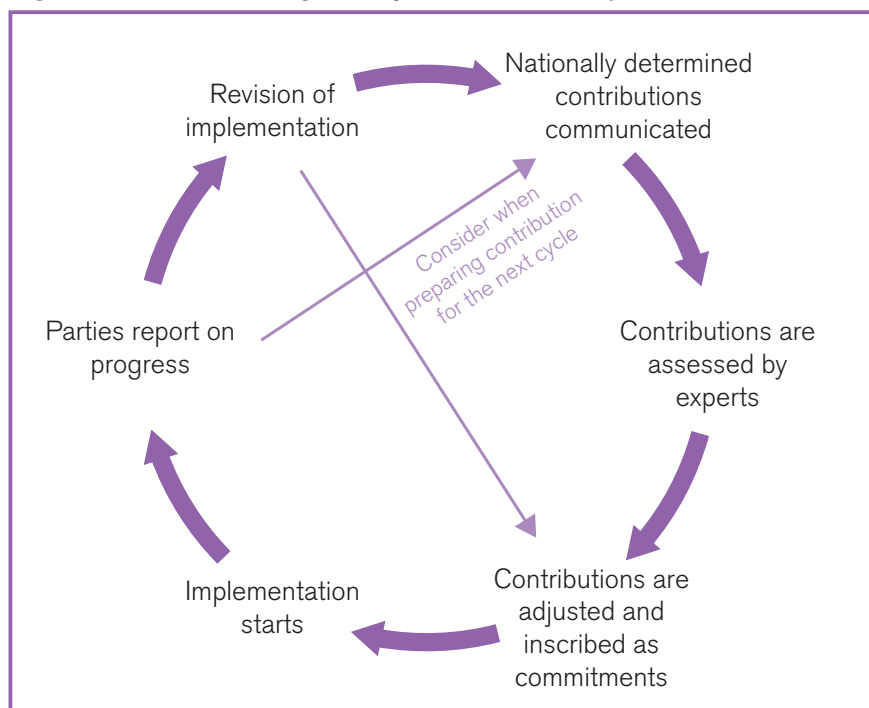
emissions, the ultimate objective of the convention. To avoid the process turning into a race to the bottom and running to a lowest common denominator, parties must agree to a clear assessment process for all contributions to ensure they are in line with the convention's ultimate objective.

In Lima, COP 20 will decide the minimum information that parties should submit with their contributions. Such information will help parties provide transparent and comparable contributions, allowing the UNFCCC to aggregate them at the global level and thus decide whether they are adequate for achieving the agreed global goal. It will also facilitate negotiations on means of implementation and deciding the level of support developing countries would need to implement their commitments.

The minimum required information will outline the type of admissible contributions and could include baseline information, the scope of contributions, gases covered, expected emissions reductions and/or removals, accounting methodologies, and how far each party thinks they will contribute to achieving the global goal. Developing countries can specify which activities they can do unconditionally and which require international support — including finance, capacity building or technology.

4. Assessment and revision of contributions by parties. After the parties submit their contributions, these should be objectively assessed by experts prior to their inscription in the new agreement. A platform under the UNFCCC where parties can register their contributions would allow expert objective assessments to evaluate their adequacy and ensure that all information is systematically captured and transparent. The expert analysis could be done through a working group of the Intergovernmental Panel for Climate Change (IPCC) or another

Figure 2. Activities during a five-year commitment period.



expert group under the UNFCCC. This group would evaluate the adequacy of total aggregate mitigation efforts towards the agreed global goal and whether each contribution is fair and equitable in light of national circumstances and other country contributions. Following initial assessment, the experts could facilitate a process for country contributions to be revised and possibly upwardly adjusted to meet the agreed global goal as necessary.

5. A register to inscribe national commitments. Approved party contributions could be inscribed in an annex anchored in the 2015 Agreement as commitments. For developed countries and others with higher capabilities, commitments can be economy-wide, using common metrics or a standard format within a bound timeframe of five years. LDCs and other

vulnerable countries should be given the option of contributing to the new agreement based on voluntary targets or other flexible arrangements such as a grace period with full financial, technological and other necessary support.

A similar assessment and revision process can be followed for subsequent commitment periods. Subsequent country commitments should be higher and more ambitious than the preceding period to ensure the long-term global goal is achieved within the agreed timeline. Parties can agree to an adjustment procedure similar to the one used for the Kyoto Protocol's second commitment period. Amending and adjusting contributions through a simplified procedure such as a COP decision would make it more accessible than a formal ratification process.

6. Shorter and rolling commitment periods.

Currently, there are different views on the ideal length of the commitment period. Some argue for ten years while others prefer five. If parties agree to a ten-year commitment period, the national contributions they submit at the end of 2014 come into effect in 2020 and end in 2030. This means that parties will not be able to adjust their commitments for the next 15 years, running the risk of locking in insufficient ambition. This would lead to delayed action, and thus increase the cost of responding to climate change. Even if parties introduce a mid-term review, this would not guarantee the ability to adjust commitments as necessary. On the other hand, shorter, five-year commitment periods would allow parties to be more ambitious in their contributions and enable them to capture the latest available scientific findings — such as the IPCC's ongoing assessment findings — ensuring adequacy of commitments.

A five-year commitment period will also allow quick action to refine domestic policies and start the necessary political processes, which in turn would allow a more speedy response to increasing climate impacts. Contributions for each five-year commitment period should be communicated, assessed and adjusted during the previous five-year period.

Once the agreement is in force, there will be rolling commitment periods (see Figure 1), with each new set of commitments inscribed through a COP decision without requiring further ratification of the amendment. Rolling commitment periods over a

longer timeframe will provide more clarity for national decision makers, businesses, industries and other stakeholders, and allow them to agree on national and business plans that would inform further national contributions.

7. Capturing progress. Once a commitment period is being implemented, parties should report regularly to the UNFCCC through biennial reports and biennial updates. Every cycle should include an assessment of implementation to date, including information on how far the parties have managed to close the emissions gap. These assessments should be taken into consideration when adjusting party commitments for the next commitment cycle.

Seven steps to follow in each commitment period

The following seven steps are shown in Figure 2.

Step 1: Parties communicate their nationally determined contributions with relevant information as agreed by the COP

Step 2: Contributions are objectively expertly assessed on aggregate levels of proposed contributions

Step 3: Parties agree to adjust their contributions upwards

Step 4: Parties inscribe adjusted contributions in an annex of the agreement as commitments

Step 5: Implementation of commitment period starts

Step 6: Parties report progress of implementation

Step 7: Revision process takes place, which will inform adjustments for the next commitment period.

Conclusion

The proposed seven elements and seven steps will make the new global climate agreement effective, dynamic and durable. It will also allow all parties to plan and decide beyond the annual COP decisions and aim at a long-term goal with an appropriate timeline in which to achieve it.

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Notes

¹ Decision 1/CP.17 / ² Decision 1/CP.17 / ³ The ultimate objective of the UNFCCC and any related legal instruments that the COP may adopt is to achieve "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. The UNFCCC emphasises that such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner." / ⁴ Mathema, P et al. (2014) Understanding key positions of the Least Developed Countries in climate change negotiations. IIED, London