

## **U.S. Submission -- September 2014**

### **Introduction**

- The United States is pleased to provide further views on the ADP.
- While some areas of convergence have emerged this year, it is critically important that we re-double our collective efforts to identify areas where further discussion would be productive at this stage and to come up with creative approaches to resolving differences.
- This submission will address issues related to the pre-Paris period (including the INDC decision to be adopted in Lima); the October ADP session; and issues related to the Paris agreement (including the co-chairs' non-paper).
- To put us on a path to conclude the agreement next year, Parties should also be taking the necessary steps to prepare their intended nationally determined contributions, per the Warsaw decision.

### **PRE-PARIS PERIOD**

#### **Timing of INDC Submissions**

- We need to work backwards from the premise of having nationally determined contributions on the table in Paris. In the absence of contributions in Paris, it would not be possible to adopt an agreement with confidence regarding other Parties' contributions and the collective level of effort .
- To achieve this outcome, there needs to be adequate time between the submission of "intended" contributions and Paris.
- For this reason, the Warsaw decision invited such intended contributions well in advance of Paris and, for those Parties "ready to do so," by the first quarter of 2015.
- The United States will put forward its intended contribution by the first quarter of 2015 and encourages contributions in the same timeframe from others in a position to make them.

- For those that are not able to submit by March 31st, we would hope that as many submissions as possible could be made before the June ADP session. This would enable time at that session to consult on such contributions.
- As we have stated previously, we understand that contributions will vary according to individual Parties' circumstances and capabilities.

### **End Date for INDCs**

- We believe that there should be a common end date for both initial and subsequent contributions. Ambition will be enhanced if all Parties update at the same time -- that way, we all know that we will be under scrutiny and compared with others, so we will do our best.
- A common cycle will also focus leader-level attention on both individual and collective emissions reduction efforts at the same time, which will help drive ambitious contributions and provide assurances to each Party that others are also taking strong action.
- In terms of initial contributions, we hope that there can be a convergence on 2025 as the common end date.
- We think 2025 is advantageous because of ambition. If the end date were 2030, which some have suggested, Parties might be unsure about how ambitious they could be -- and we might end up locking in ambition at a lower level than would have been possible had we first chosen 2025 and then made new contributions for 2030. Political will to take ambitious action is generally increasing over time, technology is advancing, and the costs of action are decreasing. We should design the system to capture as much increasing ambition as possible.

### **Consultative Period**

- Sufficient time should be dedicated at each UNFCCC session for Parties to present their contributions and respond to questions, including those seeking clarification. We do not see a need to develop a highly structured or

engineered process. We would also see presentations by least developed countries as optional.

- Important consultative work would likely take place outside the FCCC as well. We would expect that Parties, civil society, and independent analytic entities would analyze and publicly comment on intended contributions.

### **INDC Decision**

- The Warsaw decision addressed several issues related to INDCs, such as:
  - the timing of submissions, which allows for a consultative period between submissions and Paris;
  - the need to communicate INDCs in a manner that facilitates clarity, transparency, and understanding; and
  - support for the preparation of INDCs.
- In the U.S. view, the Lima decision will be an important step on the way to Paris, but it does not need to be extensive.
- First, it would be useful for the decision to be more explicit about what types of information would in fact facilitate clarity, transparency, and understanding. In our view, the types of information are rather straightforward and would include:
  - time frame or period;
  - base year or period and baseline emissions;
  - coverage in terms of sectors and greenhouse gases;
  - percentage of total/national emissions covered;
  - methodologies and assumptions for BAU or intensity target (e.g., emission projections for the end year, projection methodology)
  - expected use of market mechanisms, if any, including a description of how double-counting will be avoided;
  - intended accounting approaches for the land sector, including how significant sinks and sources will be counted, if applicable;
  - existing and/or anticipated domestic measures, including those with legal force, that support implementation of the mitigation contribution; and
  - any additional information.

- A notional example of how a Party might set out its contribution, along with clarifying information, is attached to this submission. The precise types of information included will obviously depend upon what is agreed in Lima. However, because many Parties have asked how the contribution and accompanying information might be conveyed, we thought it would be useful to share our notion -- recognizing that the types of information are not yet agreed.
- The attachment represents what a Party could put forward. In fact, there are many ways for a Party to submit its contribution and accompanying clarifying information, and more detailed information may be needed to understand a Party's contribution in certain instances.
- Second, it would be useful for the decision to request the secretariat to compile INDCs into a miscellaneous document that is made available on the UNFCCC website.
- Third, the decision could request the secretariat to set aside time during the June ADP session to give Parties the opportunity to present on, and answer clarifying questions about, their respective INDCs.
- Some have raised the question of how broadly we should understand the scope of INDCs. In our view, the Warsaw decision was clearly intended to apply to mitigation; the terms "NDC" and "INDC" referred to in the Warsaw decision related to the particular nature of mitigation. (In this regard, we take issue with the co-chairs' reflection note's statement that Parties have clarified that the concept of INDCs includes, "but is not limited to," mitigation.) In addition, the purpose of an early submission of a mitigation contribution is quite clear in terms of the need to understand individual and aggregate contributions, along with their clarifying information, in light of the 2 degree goal.
- However, this focused scope of INDCs/NDCs was not at all intended to diminish the importance of other areas. Indeed, while INDCs and NDCs are one way of addressing an element, they are not, as some have put it, "the only game in town." On the contrary, there is no question that adaptation and finance will be key elements of the Paris agreement. The elements paper coming out of Lima will invariably reflect this, given the number of proposals

(including from us) that have been made for inclusion of these topics in the Paris agreement.

- Some have suggested that Annex I Parties and non-Annex I Parties accompany their INDCs with different types of clarifying information. While we support differentiation, as exemplified by our support for the self-differentiation inherent in nationally determined contributions, we do not think that it makes any sense for certain Parties to be clearer than others about their contributions. By virtue of contributions being nationally determined, there will be differentiation in terms of contributions themselves. But the *clarity* with which contributions are presented should be the same, i.e., the information should enable other Parties and the international community to understand the contribution in a transparent manner.
- Further, as we have said on several occasions, we would not support a post-2020 agreement based on a 1992-era bifurcated approach. The only case in which we would be able to consider a bifurcated approach would be on the basis of categories that are updated, in line with evolving realities, not categories fixed in a time that will be nearly 30 years old when the new agreement comes into effect.

### **OCTOBER ADP SESSION**

- We agree that many of the issues identified in the co-chairs' reflections note would be useful to consider at the October session, including enabling environments and the scope, nature, and sources of finance.
- We are less supportive of certain other issues identified:
  - In our view, the transparency discussion should focus on how to create a unified, single system with appropriate flexibility.
  - The framing of the question regarding adaptation signals that the most urgent question is in regards to a global adaptation goal, rather than the more basic question of how adaptation should be reflected in the agreement, which in our view, has not received adequate attention.
- The issue of setting forth new mitigation contributions over time is vitally important in relation to our long-term environmental objective. As noted

above, the agreement should be built for the long term, with regular updating of mitigation contributions on a common cycle.

- We do think a chart is a useful visual aid for thinking through what happens when. We have concerns with the particular draft attached to the reflections paper, including suggested perpetuation of a bifurcated transparency system post-2020 and linkage between such a system before 2020 and development of post-2020 contributions.
- Two additional issues in need of consideration, particularly in order to better inform the Lima "elements" text, are those of:
  - "where" (i.e., which provisions should appear in the core agreement vs. in decisions or other instruments, and on the basis of which criteria); and
  - "when" (i.e., which issues need to be resolved in Paris and which ones can be appropriately decided thereafter).

## **PARIS AGREEMENT**

- The Paris Agreement should be designed to promote ambition, gain widespread participation, and be durable in the long term.
- In this section, we would like to lay out U.S. views on:
  - various substantive elements of the agreement;
  - criteria that should guide us in deciding which provisions go where in the package;
  - criteria that should guide us in deciding what needs to be resolved in Paris versus thereafter; and
  - the co-chairs' non-paper on elements for drafting a negotiating text.

## **Substantive Elements**

- U.S. views on mitigation, principles/CBDR/differentiation, adaptation, and other issues were extensively covered in the earlier U.S. submission this year and will not be repeated here.
- Here we would like to expand on how adaptation might be further enhanced through the Paris agreement, as well as make some additional comments with respect to mitigation.

- In terms of **adaptation**, the United States has discussed with many other Parties the importance of adaptation and how it can best be advanced through the agreement and beyond.
- We understand that there is a need to go beyond traditional adaptation projects, which, for example, help farmers plant crops more suitable to changing rainfall patterns, or help communities and governments develop early warning flood systems. Actions like these are critical and must continue, but they need to be complemented with national adaptation planning (NAP) processes that advance wider-scale, longer-term climate resilience.
- The 2015 agreement offers us an important opportunity to underscore the importance of all Parties enhancing their NAP processes. In so doing, we should build on the systematic progress already made on the NAP process under the Convention as well as with the Green Climate Fund.
- For example, per guidance from the COP:
  - The Least Developed Countries Fund (LDCF) and the Special Climate Change Fund (SCCF) Council has approved guidelines to make funding available for the preparation of the NAP process through LDCF and SCCF;
  - The GEF has established a Global Support Program for LDCs, which will provide one-on-one technical assistance to initiate the NAP process, deliver tools and training, and facilitate the exchange of lessons and knowledge;
  - The GEF also plans to establish a similar global support program through the SCCF for non-LDCs; and
  - The Adaptation Committee and the Least Developed Countries Expert Group are providing technical support and leadership on the NAP process to the Parties.
- We have also made significant headway in the GCF:
  - The governing instrument of the GCF clearly states that the Fund will support countries in pursuing approaches in accordance with their national adaptation plans; and
  - The GCF Board has agreed to aim for 50:50 balance between mitigation and adaptation, on a grant equivalent basis, as well as to establish a floor of 50% of the adaptation allocation for particularly vulnerable

countries, including least developed countries (LDCs), small island developing States (SIDS), and African States.

- In addition, bilateral agencies have taken concrete steps to help advance the NAP process in many countries. USAID, for example, has supported efforts by countries to integrate climate resilience into development plans in ways that share responsibilities for addressing climate risks across the government, rather than just assigning them to environment ministries, and prioritizes climate-related risks across the economy in a longer-term timeframe.
- The work done to date has been extensive. Nevertheless, the United States sees a clear need to politically elevate and give further momentum to this progress on national adaptation planning and action.
- Including adaptation as a core element of the agreement can focus national and international attention on the NAP process.
- The agreement should provide an anchor for the existing adaptation framework, making it clear that the good work done to date is only the beginning and that Parties will build upon it going forward. It should affirm the critical importance of global cooperation and coordination on NAP processes and highlight the importance of all Parties:
  - assessing climate change impacts, vulnerability and adaptation options;
  - strengthening governance and enabling environments for adaptation;
  - and
  - enhancing reporting, including through the National Communications, on what is being done, and whether it is working.
- Finally, the agreement should call upon Parties to integrate climate resilience into national and development planning and action. Managing climate risks and advancing long-term climate resilience requires deliberate preparation and coordinated planning by national governments and across ministries. Together with the elements outlined above, this will serve to raise the profile of adaptation action at all levels of government, giving additional impetus to the good work already underway.
- In terms of **mitigation**, the Durban mandate called for a legal agreement of some sort but left open the legal nature of the individual provisions of such agreement. That leaves it to us to figure out the best combination of features

to promote ambition, participation, and implementation. In our view, New Zealand has put forward an interesting approach -- one that would appear to promote ambition and participation, while also promoting accountability with respect to implementation. Accountability could be further bolstered:

- by adding to the list of upfront clarifying information "existing and/or anticipated domestic measures, including those with legal force, that support implementation of the mitigation contribution;" and
- by requiring that at least some part of each contribution must be unconditional, without prejudice to the ability of a Party to supplement the unconditional part with a conditional part (whether that second part is dependent upon the Party receiving external financial support or upon other Parties' taking particular action);
- by supplementing the new, unified transparency system with the ability to review implementation, including through consideration of the Multilateral Consultative Process that was adopted by the COP (with the exception of its provisions on membership) under Article 13 of the Convention; and
- through rules/norms addressing both clarity (up front information regarding contributions) and substance (e.g., regarding land use accounting).

### **Criteria for Deciding "Where"**

- The Paris outcome will involve several documents, including, at a minimum:
  - a core agreement;
  - related COP decisions; and
  - a compilation of nationally determined contributions received.
- The core agreement should be built to last. That means that, in addition to providing for regular updating of mitigation contributions, it should be careful to include provisions that make sense for the long term. Detailed provisions, provisions that will likely require modification/refinement over time, and contributions for specific time periods should be part of the larger agreement but not the core.
- Taking mitigation as an example:

- the core agreement would provide for each Party to submit, upon joining the agreement, and to maintain thereafter, a schedule reflecting its mitigation contribution;
- the schedules themselves would be reflected in a document maintained by the secretariat and updated over time as additional Parties joined the agreement and as new contributions were added for subsequent time periods; and
- the core agreement would provide for mitigation contributions to be accompanied by certain upfront clarifying information, the details of which would be in a COP decision.

### **Criteria for Deciding "When"**

- An appropriate balance will need to be struck between what is resolved in Paris and what can be left to a later date.
- In the U.S. view, issues of material importance to a Party, i.e., ones that it reasonably needs to know before joining the agreement, should be resolved in Paris. We would not support an approach where, for example, binding rules applicable to a Party's contribution were left to the future.
- On the other hand, it may be possible to leave more minor technical details until after Paris.

### **Co-Chairs' Non-Paper/Elements of a Draft Negotiating Text**

- We would like to make several comments on the co-chairs' non-paper on elements of the draft negotiating text.
- We greatly appreciate the work that went into the difficult task of summarizing a broad spectrum of proposals and reflecting them in a manageably-sized paper. The non-paper gives a flavor of many of the proposals on the table, as well as some of the issues before us. Having said that and for the purpose of aiding the co-chairs in developing their next iteration, we have a number of comments on the methodology and content.
- Regarding the methodology, we think it would be useful to adopt a more consistent approach to reflecting positions/approaches/options. For example, the first iteration contains several different types of bullets: some are a

particular Party's proposal that is not agreed; some reflect areas of potential convergence; some are accompanied by a reflection of certain options, while others are not; and some Party proposals are not reflected. If we are to make progress towards a draft negotiating text, we think there needs to be greater consistency and clarity in terms of treatment.

- Further, while we appreciate the inclusion of headings in the first iteration in order to orient the reader, we would urge their exclusion in the next version. We would not want their continued inclusion to be taken as a sign of convergence that elements will be included under each such heading.
- We would also urge more balanced treatment of the content. For example, at the moment, references to an approach based on the existing Annexes, as well as an emphasis on means of implementation (including individual financial commitments), tend to overwhelm the document. If the option of Annex-based bifurcation is included, then the non-paper must also include the option to update the Annexes based on evolving economic realities and circumstances.
- In addition:
  - certain options should be added, e.g., updating the Annexes as mentioned earlier;
  - in certain instances, the non-paper introduces concepts in a way that prejudices the inclusion of issues that haven't yet been agreed (e.g., with respect to the adaptation global goal). This skips the necessary first step of discussing "whether" the concept should be addressed, and instead jumps to "how" it should be dealt with;
  - it should be made clear that one option with respect to any given element/option is not to include that element/option at all;
  - certain pervasive issues/options might be noted once up front rather than repeated throughout the paper , e.g., options regarding legal nature and differentiation;
  - certain clarifications should be made in the next version. For example, page 1 (box) suggests that the Convention refers to "historic responsibility," which it does not. Thus, inclusion of "historic

responsibility" would be an approach that re-writes or re-interprets the Convention, rather than one that does not.

**Annex**  
**Notional Contribution Format**

**Party:**

**Contribution**

<b>Description of contribution</b> , including, as applicable, base year/s	
<b>Methodologies and assumptions</b> for BAU projection or intensity targets (e.g., emission projections for the end year, projection methodology)	

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**Clarifying Information**

<b>Existing and anticipated laws, regulations, etc.</b> in support of the contribution	
<b>Gases Covered:</b> (indicate all gases that are covered, and/or provide explanation if gases are different for different parts of contribution)	
<b>Sectors Covered:</b> (indicate all IPCC sectors that are covered, and/or provide explanation if sectors are different for different parts of contribution)	
<b>Approach to Land Sector</b> , if included in contribution (e.g., lands/activities included, accounting approach)	
<b>Role of International Units</b> (e.g., Markets or Offsets)	
<b>Additional information</b> (as needed to further understand any elements of the contribution)	