

REPUBLIC OF THE MARSHALL ISLANDS
Submission to the Ad-hoc Working Group on the Durban Platform for Enhanced Action (ADP)
October 2014

AMBITION IN THE ADP AND THE 2015 AGREEMENT

1. This submission responds to the invitation from the ADP, at the fifth part of its second session held in Bonn from 4 to 15 June 2014, to make submissions on the work of the ADP (FCCC/ADP/2012/3 paragraph 22).

2. At COP17 in Durban, Parties agreed to launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention, and applicable to all Parties, to adopted no later than COP21 (December 2015) and for it to come into effect and be implemented from 2020. Parties also agreed that the process “shall raise the level of ambition”, and launched a “Workplan on Enhanced 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.”

3. In the view of the Marshall Islands, which aligns with the position of the Alliance of Small Island States (AOSIS), the 2015 Agreement to be adopted at COP21 in Paris will take the form of a new protocol under the Convention pursuant to its Article 17 (Paris Protocol), and will likely be supplemented by a set of supporting and implementing COP decisions. Despite some recent positive progress on defining the broad architecture of the 2015 Agreement, there has been insufficient attention paid to creating the necessary design elements, mechanisms, and institutional structures to ensure that the Paris Protocol is environmentally effective, i.e. it must put the world on an aggregate emissions pathway consistent with the ultimate objective of the Convention set out in its Article 2, and the agreed goal to limit the increase in global average temperature to below 1.5 °C or 2 °C above pre-industrial levels. It must also do so within the context of the varied political and technological challenges and realities facing Parties, both individually and collectively.

4. This submission addresses the issue of ambition both as a general consideration, but also introduces the following specific concepts and proposals under the heading “Creating an upward spiral of ambition”:

- A. “No backsliding”**
- B. Cycle of Commitments: “Sitting down at the table together, every five years”**
- C. Ex-ante (2015) assessment of ambition in INDCs: “Doing as much as you can”**
- D. MRV of post-2020 commitments and interactive demonstration to address full national potential - “Showing you are doing as much as you can” (Post-Paris)**
- F. Going Beyond Current National Potential: Expressing “Aspirational Ambition”, and outlining the challenges in getting there**
- G. Meaningful political engagement**

Context

5. ADP discussions on the preparatory process for bringing forward Intended Nationally Determined Contributions (INDCs) and the structure and draft elements for the 2015 Protocol present an opportunity to refocus attention and seek to address the difficult political question of ambition. While a common understanding on the scope and structure of the Agreement will help to build trust and mutual confidence between Parties, this will not, in and of itself, deliver an environmentally effective agreement that meets the public demand and moral imperative to best ensure a safe climate future for all and future generations. The question of ambition is one we can no longer afford to ignore.

6. Mr. Achim Steiner, the UNEP Executive Director, said recently that Parties “must rediscover their ambition on climate change.” We know from recent IPCC findings that greenhouse gas emissions are rising at unprecedented levels, and that deep cuts are required urgently.

7. According to the IPCC, reductions in greenhouse gas emissions of between 41% to 72% of 2010 levels are required by 2050 in order to have a likely chance of achieving the long-term goal of limiting global warming to ‘below 2°C’ above pre-industrial levels. Even deeper emission reductions would be required to achieve the ‘below 1.5°C’ long-term goal called for by the Alliance of Small Island States (AOSIS), the Group of Least Developed Countries and other countries most vulnerable to the impacts of climate change. Indeed, many Parties, including the Marshall Islands, have called for deep decarbonization towards “carbon neutrality” by the middle of the Century. In this regard, we welcome the UN Secretary-General’s acknowledgment in his summary of the recent UN Climate Summit of the need for “a peak in greenhouse gas emissions before 2020, dramatically reduced emissions thereafter, and climate neutrality in the second half of the century”.

8. While pursuing rapid reductions in greenhouse gas emissions will require significant investment, the cost of that investment would be much less than the cost of inaction. As noted in the ‘New Climate Economy’ report (Global Commission on the Economy & Climate, September 2014), “the next 15 years of investment will determine the future of the world’s climate system”, and that without strong climate action in the next 10 to 15 years, “it is near certain that global average warming will exceed 2°C. On current trends, warming could exceed 4°C by the end of the Century, with extreme and potentially irreversible impacts.” In short, this “ambition gap” is a serious and growing threat to prospects for economic development, poverty reduction and international peace and security.

9. Despite the overwhelming evidence in favor of an urgent and dramatic transformation to the clean energy and low-carbon economy, we recognize that there are significant domestic and international challenges to “doing more.” The recent “Pathways to Deep Decarbonization” report (SDSN / IDDRI, September 2014) analyzed the potential upsides and obstacles faced by 15 major-emitting nations, representing 70% of global greenhouse gas emissions, and drew two particularly important conclusions:

- ⤴ The technical feasibility of deep decarbonization rests of the large-scale deployment of several low-carbon technologies, some of which are not yet fully commercialized or affordable – and major research, development, demonstration and diffusion efforts are needed.
- ⤴ Long-term “backcasting” over a much longer horizon is needed to focus beyond precise targets in a more immediate timeframe. The current incremental approach will not likely consider “deep systematic changes” and key technologies that are not yet ripe, and such longer-term visioning may be needed.

10. Ongoing efforts within the ADP's Workstream 2 focused on pre-2020 ambition, in particular the Workplan for Enhancing Mitigation Ambition, have demonstrated the value of a technical, collaborative and solutions-focused platform to accelerate mitigation action. This is further detailed in the 18 September 2014 Submission by the Republic of Nauru on behalf of AOSIS, entitled "Implementation of all the elements of decision 1/CP.17 Matters related to paragraph 7", and to which the Marshall Islands fully aligns itself and strongly supports. Technical Expert Meetings (TEMs) dedicated to specific thematic areas have played an important role in identifying policy options, initiatives and ways to overcome challenges to greater ambition in the near term, and further work is required to ensure that the political level, sub-national actors and the private sector are engaged to drive real action 'on the ground'. However, in many instances, policy choices made now will have impacts far beyond 2020. Workstream 2 might therefore have a role in supporting higher ambition under the 2015 Agreement.

Creating an upward spiral of ambition

11. The Marshall Islands suggests several key principles and design elements in the context of the ADP process and the 2015 Agreement with a view to enhancing ambition and ensuring environmental effectiveness:

A. "No backsliding"

12. As part of a COP decision in Lima on INDCs, Parties should confirm that proposed commitments brought forward in 2015 for eventual inscription into the Paris Protocol must no less ambitious in type, scope or scale than those commitments implemented previously under the Convention and its Kyoto Protocol. The process of bringing forward INDCs and their ex-ante assessment (see point C below) is the preparatory phase for the eventual inscription of legally-binding commitments in the new Protocol at COP21 in Paris, and the fact that they are "nationally determined" cannot not be regarded as an invitation to Parties to bring proposed commitments that are less robust or ambitious than those committed to previously - INDCs and eventual commitments also need to be globally responsible.

13. To take one example, developed countries must continue to bring forward and implement quantified and absolute economy-wide emission reduction commitments over a commitment period. For developing countries, proposed commitments must be at least as robust as those they have committed to previously, with an understanding that those with most responsibility and capacity will do more than that, for example by moving from business-as-usual targets to intensity targets and then absolute targets, or expanding coverage, over time.

B. Cycle of Commitments: "Sitting down at the table together, every five years"

14. The COP decision in Lima on INDCs should also indicate that Parties' proposed commitments will cover an initial 'commitment period' with a common end date to ensure that Parties are better able to compare their respective INDCs along the same timeline, and to calculate aggregate effort against trajectories consistent with achieving the long-term goal of limiting warming to below 1.5 °C or 2 °C above pre-industrial levels. Common end dates are also important to create a dynamic whereby Parties expect to propose and inscribe new rounds of more ambitious commitments together and at the same time, taking into account updated scientific information (e.g. the most recent IPCC findings, UNEP Gap reports, etc) and emerging developments in technology, research, innovation and economic trends, which will tend to support higher ambition.

15. Past experience shows that regular political moments driven by new science are the best way to deliver the most ambitious possible commitments to reduce emissions. The Marshall Islands proposes that the first commitment period under the 2015 Agreement should end in 2025, with further five-year commitment periods going forward. In light of the urgency conveyed by the most recent science and worsening climate impacts globally, it would be irresponsible in 2015 to lock in commitments ending in 2030, some 15 years away. Doing so would run the risk of locking in insufficient ambition such that trajectories consistent with the ‘below 1.5 °C or 2 °C’ long-term goal go beyond reach, bringing a level of risk that is plainly unacceptable to a particularly vulnerable atoll-island nation.

16. More regular commitment cycles allow Parties to update their level of ambition taking into account new technological and market-driven developments, for example the 80% decrease in the cost of solar cells over recent years. Shorter commitment cycles also obviate the need for so-called ‘mid-term’ reviews (e.g. ‘revisiting’ ambition’ five years into a ten-year commitment period) which, based on the experience from the Kyoto Protocol second commitment period, will be very unlikely to deliver more ambitious mitigation commitments over time.

17. Going forward beyond 2025, RMI proposes that mitigation commitments should be inscribed in the Paris Protocol one year after the arrival of the most recent IPCC Assessment Report in order to take best advantage of the information and the public attention and political momentum they create. For example, in 2015 Parties will inscribe new commitments in the 2015 Agreement for the five years ending in 2025 on the basis of information in the Fifth Assessment Report, completed in 2014. For this to work best over time, Parties should urgently consider returning the IPCC back to its original mandate of producing assessment reports once every five years, with the Sixth Assessment Report due to be completed in 2019. The Assessment Reports are of course very significant and labor-intensive processes - one option might be to require a full IPCC assessment report every ten years, with more streamlined technical or working group reports every five years.

18. Some Parties have voiced concerns that five-year commitment periods would provide insufficient long-term signals for investor certainty and time for economic adjustments to achieve targets, and would also require perpetual negotiation of commitments, amendments and ratifications to bring new commitment periods into force. However, inscribing five-year commitments some ten years in advance of the commitment end date provides the same lead time as between the 2010 Cancun Agreements and the end date for almost all Parties’ targets and actions for the pre-2020 period. To avoid the complication of perpetual amendment and ratification for subsequent commitment periods going forward, the Marshall Islands proposes the use of a simplified adjustment procedure, similar to the ‘ambition mechanism’ utilized for the Kyoto Protocol second commitment period, whereby each new five-year commitment would be inscribed by the Party concerned and adopted by the Parties to the new Protocol as a whole without requiring a further ratification process. The same mechanism could be used to allow Parties to inscribe a commitment with increased ambition during a commitment period.

19. In addition to regular, five-year cycles for commitment periods, the Marshall Islands would strongly encourage Parties to bring forward longer-term decarbonization goals, for example for 2030 and 2050, to signal to the private sector and the general public that we are embarking on a transformation to a new low-carbon economy. These longer-term goals should also be captured in our new Protocol, and should be open to adjustment in the light of the latest science. We note in particular the responsibility of developed countries, pursuant to Article 4.2(a) of the Convention, to take the lead in “modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention” but also emphasize the critical importance of all countries taking strong action.

C. Ex-ante (2015) assessment of ambition in INDCs: “Doing as much as you can”

20. The urgency of the climate change challenge demands that Parties capture the full extent of their national mitigation potential when bringing forward their INDCs as early as possible in 2015. To encourage this dynamic, the Marshall Islands expects all major emitters to bring forward INDCs by March, and others before the June session in Bonn. It is important in this regard to consider carefully how best to support developing countries with lower capacity to ensure they are in a position to participate to the fullest extent of their capacity and potential – some workshops and bilateral opportunities have emerged, but a much more focused and concerted effort is required. The Marshall Islands looks forward to the scheduled presentation on available support at the upcoming October session in Bonn. The Marshall Islands is presently preparing its own INDC anticipated early next year, and emphasizes many other small island developing states and other vulnerable Parties are also preparing INDCs or have expressed a strong desire to do so.

21. The Lima COP decision on INDCs should set out a process or the elements of a platform next year within the ADP for receiving, clarifying, understanding and comparing INDCs, and it should also enable some space for political engagement on them. As others have noted, an ‘assessment’ or ‘consideration phase’ need not be excessively complicated, nor does it need to be carried out entirely by the UNFCCC. Parties should be encouraged to provide information regarding their views on how their own INDC is at their full national potential (e.g. to explain, in detail, how they are doing as much as possible), as well as to explain the fairness and adequacy of their own INDC towards the Convention's ultimate objective. Moreover, this is also an opportunity for Parties to communicate and clarify with others regarding their INDCs, and also to raise for consideration various indicative frameworks or yardsticks by which to clarify and address ambition. Further, Parties should also express aspirations above and beyond their intended contributions (see Section E below). The Marshall Islands expects that this is inherently part of the “assessment phase” before Paris.

22. A critical part of the ‘assessment phase’ or clarification period must be that Parties make clear when presenting their INDCs why it is credibly ambitious and reflects the full extent of their national mitigation potential, why it is fair in light of their responsibility and capability, and why it is globally responsible as a step towards our ‘below 1.5°C or 2°C’ long-term goal. The process could include in-session presentations, Q&A sessions, workshops and informal interactions among Parties, in particular those with an interest in each other’s INDCs. The process should also include a request to the Secretariat to maintain a running total (a synthesis) of the mitigation effect of presented INDCs throughout 2015, which will allow Parties to demonstrate and compare proposed aggregate efforts, in particular to capture respective explanations of full national potential, as well as in the context of ‘deep decarbonization’ and the agreed long-term global goal. The Marshall Islands notes, in this context, the finding in the 2013 UNEP Gap Report that global emissions need to be at about 40 GtCO₂ by 2025 in order to be on track to keeping warming to below 2°C above pre-industrial levels.

23. Finally, the assessment process should allow for political engagement by Ministers on the INDCs individually and in aggregate at key moments in 2015. For example, it will be important for Ministers to attend the June session in Bonn next year to understand and assess INDCs brought forward, which will in turn provide the impetus for the most ambitious possible commitments to be inscribed in the 2015 Paris Protocol.

24. As an extremely vulnerable atoll-island nation, RMI finds it very difficult to accept interpretations of Warsaw Decision 1/CP.19 that there is no need for Parties to collectively consider or address individual or aggregate ambition of the proposed mitigation effort contained in INDCs. Our

view is that such an interpretation ignores the clear direction from Warsaw that INDCs be seen in the light of the Convention's ultimate objective to avoid dangerous climate change. We are also very concerned with suggestions that this interactive process might be delayed until after Paris. Politically, it is critical that the Protocol adopted in Paris include binding mitigation commitments (rather than notional or informal suggestions of action), as well as commitments in other areas, including adaptation and means of implementation – and that these be given the robust architecture necessary to provide and build strong mutual confidence. Only then will Parties have the political confidence to move ahead domestically in 2016 with plans to implement the new agreement from 2020, as Parties agreed to do in Durban (Decision 1/CP.17). Bedding the commitments down in Paris will also help to address concerns that there is sufficient lead time to prepare for implementation.

D. MRV of post-2020 commitments and interactive demonstration to address full national potential - “Showing you are doing as much as you can” (post-Paris)

25. The 2015 Paris Protocol should include a specific and facilitative process that builds upon the current biennial MRV framework to review Parties' implementation of post-2020 commitments, and provides the clearest possible understanding of Parties' aggregate emissions relative to global emissions trajectories consistent with our 'below 1.5°C or 2°C' long-term goal. This will require progressive improvement of Parties' reporting and inventories, with no backsliding in scope, timeframe, or detail.

The post-2020 MRV framework should integrate considerations of ambition by mandating Parties to provide information and participate in an interactive process, assessment or dialogue regarding the full extent of their national potential, and where new mitigation potential can be found. This will allow Parties to develop progressively more ambitious commitments.

26. For example, within the existing MRV process (as presently achieved in the pre-2020 timeframe), Parties can include information on “mitigation potential” alongside other technical information provided in biennial reporting, both of which are then taken through a facilitative multilateral process, assessment or dialogue, and then finalized in a Party Record. This would provide reasonably specific information on the extent and nature of a Party's full national potential at the time, and encourage interaction with peers and partners. One would understand full potential as those pathways which are currently able to be implemented – in plain terms, to show in a detailed manner that a Party is doing as much as is possible and is searching, investigating and pursuing new areas of potential, and as an opportunity to share this with the international community. As Parties build up the post-2020 MRV regime, further consideration should be given to the structure and content of an interactive process to consider information relating to full mitigation potential, including consideration of appropriate flexibilities for Parties with low capacity and smaller emissions profiles (e.g. SIDS and LDCs).

27. While the principles and specific areas of work would be established by the Paris Protocol, the precise details and the relationship to existing MRV processes could be developed in implementing COP decisions after Paris, but should of course be completed in advance and in anticipation of scheduled implementation of the Paris Protocol and related decisions from 2020, as agreed in Durban.

28. Further work is also needed to explore how best to take into account the potential that lies in participation in cooperative/multilateral or regional initiatives, as well as direct, meaningful and appropriate participation from the private sector, research bodies and other actors. Finally (as has already been done in Workstream 2), meaningful consideration should be given to treatment of addressing co-benefits and overlaps with other key thematic pillars, including adaptation, capacity and

finance.

E. Going Beyond Current National Potential: Expressing “Aspirational Ambition”, and outline the challenges in getting there

29. While Parties are likely to present INDCs and inscribe commitments to reflect their understanding of national mitigation potential and what more might be achieved with international cooperation and support, Parties should give consideration to a more informal platform (attached, or bearing some appropriate relationship to the Paris Protocol) for statements or expressions of ambition above and beyond existing commitments (“aspirational ambition”), as well as for describing specific challenges or obstacles to their achievement.

30. Statements as to “aspirational ambition” should not be used or viewed as a substitute for commitments reflecting the full extent of a country’s currently-understood potential, but would send the very necessary public signal that while current global efforts may be falling short, Parties have the ambition to do more once specific pathways become more commercially and technologically viable, or other relevant obstacles are overcome. In plain terms, these statements may reflect deeper systemic changes and longer-term transformational aspirations with higher degrees of uncertainty that could be reflected in longer term trajectories, for example out to 2050.

31. Further consideration should be given to the structure and content of an “aspirational ambition” platform, as well as to the timing of its introduction and the cycles for updating it, including possible synchronization with other cycles described herein, i.e. mitigation commitment cycles, ex ante assessment and MRV processes. In doing so, Parties should also explore synergies and avoid duplication with existing reporting processes, in particular national communications and biennial reporting. Finally, focused consideration should be given to the appropriate and effective role of non-Party actors, including the private sector, sub-national authorities, research bodies and civil society.

F. Meaningful political engagement

32. Past experience demonstrates that “reviews” and the compilation and synthesis of technical information on mitigation potential does not, by itself, yield transformational outcomes. Parties should consider new modes of political engagement in the context of the proposed ‘ambition elements’ outlined above, including the timely use of the good offices and convening power of the Secretary-General of the United Nations. Political will for more ambitious climate action is a function of public pressure and diplomatic interaction, and needs to be built through a range of formal and informal events and opportunities, including regular scientific updates, bilateral discussions between peer nations and/or economic partners, relevant regional platforms and fora, as well as cross-regional and multilateral discussions or diplomatic fora. These should be carefully structured and choreographed with the cycle of commitments and with key political moments firmly in mind.

Conclusion

33. Ambition must be at the heart of the 2015 Paris Protocol. Its design, its mechanisms and its institutions must serve to create an upwards spiral of ambition through the interaction of national priorities, circumstances and processes with forums for multilateral engagement, including the UNFCCC, all with a view to achieving the ultimate objective of the Convention. We must recognize collectively that the foundations for this “upward spiral of ambition” do not yet fully exist, and must be forged and reinforced over time.