

**ADP Workstream 1: 2015 Agreement
Submission of the United States**

- The United States is pleased to have this opportunity to submit further views on the 2015 agreement.
- As a preliminary matter, we note that both President Obama and new Secretary of State Kerry have recently stressed the importance they attach to the climate challenge and measures to address it.
- Turning to the 2015 agreement, we view last year's conceptual discussions as having been extremely worthwhile. It appears that there was quite a bit of convergence on what the attributes of the agreement should be. For example, many considered that it should be "ambitious," "conducive to widespread participation," and "flexible." We think this year should be used to move from such descriptors to concrete ideas for the structure and other features of the agreement to match the descriptors.
- We also need further discussion of what it means for the agreement to be "under the Convention," where views were more mixed. In the U.S. view, the primary implication of being "under the Convention" is that the agreement should further the Convention's objective. Consistent with the Convention, in their actions to achieve the objective, the Parties should be guided by, among other things, the principles set forth in Article 3. Because the principles are therefore means to an end, not an end in themselves, we need to apply them in such a way that they promote ambition towards the Convention's objective in the post-2020 period.
- Noting that we can expect the 2015 package to include pieces devoted to all the well-known elements of the climate regime (e.g., mitigation, reporting/review, adaptation, finance, and technology), in this paper, we focus on the approach to mitigation. It is the main issue that needs updating, as the Cancun mitigation commitments (and Kyoto commitments for those that undertook them) generally do not extend beyond 2020.
- In the U.S. view, a critical lens through which mitigation ideas should be considered is whether they will promote real-world ambition, with reference to the agreed goal of keeping global temperature below a two-degree increase. If the agreement reflects ambition on paper but countries do not join it, or they join it but do not implement it, then it will not be effective in the real world and will not advance the FCCC's objective. If, on the other hand, the agreement attracts countries to join and implement but the level of action is substantially inadequate, then the agreement will also not meet real-world ambition.
- We consider that the agreement should provide for Parties to define their own mitigation contributions, taking into account national circumstances, capacity, and other factors that they consider relevant. A template might be drawn up to reflect a variety of contributions.
- Some might consider it counter-intuitive to say that having Parties determine their own contributions will promote ambition -- because Parties might, left to their own devices, choose low levels of ambition. However, we reach a different conclusion:
 - First, given that Parties are in a unique position to judge their respective situations, they are much more likely to participate in the agreement if they have designed their own

- contributions. Such an approach, in other words, promotes an agreement that is "applicable to all Parties."
- Second, for the same reason, Parties are also more likely to implement their contributions if they have designed them. As noted above, perfect contributions on paper are meaningless if they are not implemented.
 - Third, there are ways to promote ambition even where Parties are designing their own contributions (see below).
 - Finally, we have **not seen a better alternative**. An approach that imposes contributions from without is neither realistic nor likely to result in wide participation/implementation. It is hard to imagine agreement on any formula or criteria for imposition of contributions, as this would get into the most controversial issues; it is also **hard to imagine that Parties would be willing to have other Parties dictate their contributions**, even if not based on a formula/criteria, given national sensitivities.
- In terms of encouraging Parties to strive for greater ambition when determining their contributions, the agreement could approach this in a number of ways that are not mutually exclusive:
 - It could encourage ambition by including a **consultative period** after "draft" contributions were put forward. This would allow each Party to analyze other Parties' measures in light of both comparative effort (allowing consideration of national circumstances and capabilities and other relevant factors) and the overall level of ambition in light of the global temperature goal. The broader public would also have the opportunity to consider draft contributions and offer comment. The timing of such a period and its length would need to be further considered. While there would be no requirement for a Party to iterate its draft contribution in light of the review, the process would likely have the effect of encouraging meaningful contributions in the first instance and might in fact result in more ambitious contributions as a result of reactions from the international community.
 - It could also encourage ambition by including a **clarity component**. While Parties would have flexibility in designing their mitigation contributions, there will need to be ex ante clarity with respect to the various aspects of such contributions, e.g., scope/timing/stringency/assumptions, etc. Such clarity would both promote understanding of individual contributions and facilitate an analysis of aggregate efforts. As such, mitigation contributions should be put forward in combination with certain types of necessary information.
 - Ambition has to be consistent with the **key interests of Parties**; at the same time, Parties need to expand the boundaries of their own thinking about what is and is not consistent with such interests. We will not get to where we need to go if countries see climate change as an afterthought.
 - As Parties may not have in place the full range of their post-2020 measures by 2015, and assuming we want to design a structure that can live on beyond whatever initial time period it covers, Parties will need to have the flexibility to update their contributions.
 - By definition, the approach laid out above would reflect differentiation. Mitigation contributions would be expected from all Parties (with the possible exception of the least developed countries), because one cannot otherwise achieve the necessary level of ambition to address climate change.

At the same time, contributions identified by Parties would naturally fall along a spectrum or continuum. Thus, while there would be a common commitment to come forward with mitigation contributions, self-identification of measures would result in self-differentiation consistent with national circumstances, capabilities, etc.

- Ambition also demands transparency in terms of implementation. Parties, as well as the international community, have an interest in knowing whether other Parties are delivering on their mitigation contributions. It helps build the trust necessary for all Parties to continue their mitigation efforts. It also helps the Parties know whether, in the aggregate, they are on track relative to the global temperature goal. For the post-2020 period, we envision a common system of reporting and review that builds on existing tools like the GHG inventory and biennial reports, incorporating necessary degrees of flexibility while ensuring adequate information to understand and measure progress toward the range of mitigation contributions.
- Finally, we are open-minded on the name/international legal form of the instrument, for example, whether it is a "protocol," "agreement," or "implementing agreement." In any event, we consider that the package will likely consist of a hub and spokes, with the "hub" agreement containing core elements and associated "spoke" decisions containing much of the detail. Not only are there existing decisions on many subjects that could be cross-referenced (adjusted as necessary), but it will be easier to update detailed provisions by amending decisions than by amending the agreement per se. This will help keep the agreement operative for a longer time period.