

## **A Staged Approach: The sequencing of mitigation commitments in the post-2020 ADP negotiations**

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### **Introduction**

Sequencing – the division of tasks to be carried out in a temporal order – can be absolutely key to the success of negotiations. We are proposing a three-stage approach, based on the successful sequencing used in the [Kyoto Protocol](#) negotiations. The fact is: whatever one may think of the outcome, there can be no doubt that the process used in these negotiations was a success. The process involved two-stages: an architectural design stage that led to the adoption of the [Berlin Mandate](#), and the subsequent commitment level negotiations under the *Ad-hoc Group under the Berlin Mandate* (see, for example, “The Berlin Mandate and the AGBM Process” in S. Oberthür, H. E. Ott, *The Kyoto Protocol*, Springer, 1999: 43-58).

*In the Berlin Mandate, the COP agreed to begin a process to enable it to take appropriate action for the period beyond 2000, ... through the adoption of a protocol or another legal instrument: The process shall [cover] all greenhouse gases, their emissions by sources and removals by sinks and all relevant sectors. Annex I Parties were meant to elaborate policies and measures, as well as to set quantified limitation and reduction objectives within specified time-frames, such as 2005, 2010 and 2020, for their anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol. The process was also not [to] introduce any new commitments for Parties not included in Annex I, but reaffirm existing commitments in Article 4.1.*

The Berlin Mandate thus did not merely tell Parties to start negotiating ‘something’. It contained the main architectural building blocks of the envisaged outcome: the legal form and the form of commitments (including the coverage of gases, the type of new commitments for Annex I Parties, and the exemption of non-Annex I ones). While the type of commitments was agreed, the actual (Annex B) levels and accounting rules were fixed only in the subsequent negotiations under the AGBM.

The current negotiations under the Durban Platform ([ADP](#)) are still completely open on the types of commitments, the level of the commitments and the accounting rules. In the worst case, proposals for all these elements will only be put forward at a very late stage with decisions on *all* relegated to the last moment at the COP in 2015. Experience from the [COP in Copenhagen](#) shows that this may fail.

### **The Three-Stage Proposal**

We propose a three-stage approach, separating two kinds of decisions: one on the types of commitments and one on the commitment (target) levels.

#### **Stage I. Completing the architectural design (Nov 2013 to Dec 2014)**

- *Warsaw*, Nov 2013: Call for submissions of Parties (by the June 2014 Bonn intersessionals) to specify appropriate type(s) of commitments for themselves and others, with details on scope (e.g. gases, sectors), legal nature, MRV, etc. Parties would not be expected to submit a commitment level, but they would be

expected to submit appropriate equity principles/parameters for information purposes.

- *Lima*, Dec 2014: Drafting and possibly coming to a decision on the (main elements of the) architectural design of the agreement, based on these submissions. *Nota bene*: the submitted equity principles are not part of this design, they are only to inform Stage II of the proposed approach (i.e. no ‘decision on equity principles’).

### **Stage II.** *Informal assessment of commitment level ranges (June 2014 to Dec 2014)*

Civil society, NGOs, and academia informally assess the variety of submitted options in light of the proposed equity principles/parameters. This is to inform/guide the internal deliberations of Parties by indicating the equitable range which their commitment level is expected to be in to achieve the desired overall ambition level. This assessment will also reveal whether more clarity is required in Parties’ submissions on the type of commitment and the equity principles/parameters, in order to calculate such equitable commitment level ranges.

### **Stage III.** *Commitment level negotiations (Dec 2014 to Dec 2015)*

- *Lima*, Dec 2014: Call for submissions on commitment levels by the June 2015 Bonn intersessionals.
- *Bonn*, June 2015: Finalisation of the architectural design and assessment of adequacy of the **aggregate** level of commitment implied by the Party submissions.
- *Paris*, Dec 2015: Fine-tuning of the commitment levels and a final agreement

## **Why?**

### *(a) To reduce the potential for gaming and to avoid unambitious lock-in*

One of the most popular ideas on sequencing circulating at present is that Parties should submit initial commitment level ‘offers’ as early as possible, for them to be subjected to a (formal) review process, with regards to equity and to their aggregate adequacy, which is then meant to lead to (upwardly) revised offers by Parties.

The potential problems with this idea are (at least) three-fold. For one, it is questionable whether, in the absence of a world government, Parties would subject themselves to a formal review of their initial offers. Second, even if they did, it stands to reason that these initial offers would be treated as initial gambits and, as such, would likely not represent Parties’ greatest possible ambition. Moreover, given the internal procedures that many countries are facing to come up with any figures to be officially submitted (such as the ones that led to the Japanese Kyoto Protocol target offer, see “Japan” in [Müller 2001](#)), chances of a *de facto* lock-in at the initial gambit level are considerable. In short, the idea of an initial offer to be reviewed and rectified has a considerable risk of locking us in at an artificially low ambition level, something the proposed three-stage approach is meant to avoid.

This danger is well-illustrated by the (non-) developments of national offers under the [Copenhagen Accord](#). No single large emitter has changed its 2020 pledge to be more ambitious after it was initially made in 2009. International assessments have been very clear since 2010 with the [UNEP gap report](#), that the aggregate level of ambition is not sufficient to limit temperature increase to 2°C. The initial pledges are effectively locked in and alternative ways are now sought to raise the overall ambition, e.g. international cooperative initiatives. Even countries, whose 2020 offers are likely to be overachieved, are not changing their pledge, e.g. EU, Russia and Ukraine.

### *(b) To increase manageability and ex ante clarity*

Apart from avoiding these pitfalls, the proposed three-stage approach also allows for decision making to be more 'bite-sized' by separating the issue of architectural design (type of commitment) from the issue of individual target-level setting, and thus to carry out the latter with greater clarity.

In October 2000, Hiroshi Matsumura – on secondment from the Japanese External Trade Organization (JETRO) – published a detailed account of how the Japanese Kyoto target was arrived at, looking both at domestic and international deliberations which demonstrates the importance of ex ante clarity on types of commitments in setting target levels (see summary in [Müller 2001](#)). Indeed, Matsumura's account is a cautionary tale that should be compulsory reading for anyone interested in how to take the ADP negotiations forward to a successful conclusion in Paris in 2015.

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