

Paper no. 11: United States of America

**The Durban Platform Plan of Work
Submission of the United States**

- The United States welcomes the opportunity to present its views on the plan of work concerning the Durban Platform (DP).
- The United States considers the DP a significant breakthrough in the development of the climate change regime under the Framework Convention.
- In particular, in making clear that the new agreement will have legal force with respect to all Parties, developed and developing countries alike.
- It also acknowledges economic realities and emissions trends and lays the groundwork for an environmentally sustainable approach.
- The Durban Platform, we hope, will point the way to a future of greater participation, greater ambition, and more progress toward the goal we all share of avoiding dangerous climate change
- Over the course of the next four years, we have the unique challenge of constructing a new paradigm that will suit the needs of all Parties and reach our common goal. How will we construct a regime that reflects the world we will see in the 2020s and beyond? How do we ensure that we establish a structure that reflects changed circumstances, and that remains up to date throughout its life, that can adapt to new innovations and global dynamics?
- This is our common challenge. But it is also an opportunity to design a regime that works for the world.
- The United States looks forward to actively engage in the design of this next step.

Chairmanship

- We are beginning what is essentially a four-year process.
- In our view, having new chairs start from scratch every year would not lend the desirable continuity for the development of an agreement of a legal nature.
- At the same time, it would seem to unduly burden one or two individuals were there to be the same chair or co-chairs for the entire four years.
- As such, we would consider two two-year shifts to be a reasonable approach.
- For each shift, we should consider either co-chairs or a chair/vice-chair model.
- In addition, another idea to consider is the “friends of the chair” model that the COP 3 President used as a representative sounding board to assist him in his work.

Plan of Work

- The work of the ADP should be carried out, at least for the first year, in a single group.
- This will allow issues to be treated holistically, which is essential when developing an agreement of a legal nature.
- Further, treating issues together will not prejudice which elements will and will not be part of the ultimate agreement (or ultimate package, even if some are not literally part of the agreement).

- There does not need to be ex ante agreement on the issues that need to be discussed or included in an agreement/package; in fact, such an approach would take up valuable time and likely be counter-productive.
- We would not see any issues automatically taken up by the ADP. While Parties should be free to raise whatever issues they think should be addressed, Durban contained no provision for the rollover of issues that cannot gain agreement under the LCA.
- While formal subgroups would not be established, the chair(s) should have the latitude to ask groups, whether open-ended or smaller, to take up certain issues during a particular session and report back to the ADP.
- At an appropriate time, a legal experts group should be established to address legal issues and drafting matters that arise in the course of developing a protocol, legal instrument, or agreed outcome with legal force.
- In the U.S. view, the first phase of the process should be a conceptual phase, largely devoted to thinking through collectively how best to achieve the DP’s various objectives.
- Such “brainstorming” is necessary and desirable for a number of reasons.
 - First, under the DP, the agreement’s legal force will be applicable to all Parties.
 - A key challenge for the process will be identifying a legal form and overall approach that attracts the participation of Parties in widely varying situations.
 - Second, the agreement will apply from 2020 and must therefore be appropriate for the economic and emissions realities of that time period. While all Parties cannot be expected to undertake the same type/level of mitigation action, much more commonality will be necessary not only for actions themselves but also for measurement, reporting, review, and other forms of accountability. An “Annex I/non-Annex I” approach will not be sustainable.
 - Third, the agreement will need to promote the necessary ambition in light of the global temperature goal. Therefore, the agreement must be designed so that legal form does not become the enemy of the desired ambition.
 - Fourth, given the DP’s requirement that the next step reflect legal parallelism among all Parties, it cannot be the case that some Parties’ commitments will depend upon external financing and others’ will not. Further consideration will be needed to explore ways in which Parties that can act to a certain extent without external assistance and to a greater extent with assistance can reflect their unconditional commitments, as well as room for additional action.
 - Finally, we do not have to build the next step from scratch. Certain elements that have already been launched in the Cancun agreements, particularly various institutional arrangements, may lend themselves to carrying over into 2020 and beyond.
- So how do we make the best of this opportunity in 2012 to think outside the box and come up with new, creative ideas?
- Our plan of work should focus on providing Parties and observers with a setting for real discussion of the options before us, and allow all to raise questions and test ideas, without being wedded to a specific position or approach at the outset. In this conceptual phase,

- we should resist the inclination to move toward text until we have more convergence on ideas.
- In 2012, this conceptual phase could be facilitated by a series of workshops or round tables that bring together Parties and relevant experts to explore several key questions that will guide our process over the course of the next 3 years.
 - Such round tables could address specific questions, with a day or half-day workshop allowed for each. We suggest workshops begin at the Bonn session and continue in future sessions of the ADP. The specific questions taken up at each workshop could include:
 - What approaches (within the Convention and in other multilateral agreements) have worked in attracting ambitious engagement from a wide range of countries with different national circumstances in a single agreement? Which haven't? Which elements are best suited to the Durban Platform requirements of "applicable to all" and which will remain relevant in a post-2020 world?
 - How can we best adapt the existing institutions and frameworks implemented under Cancun and Durban into a future post-2020 agreement applicable to all? What would this transition entail?
 - How do we ensure that a future system evolves with changing circumstances (e.g. changes in development, socio-economic status, emissions profiles, etc...)? How can we build in such changes, both anticipated and unanticipated, out almost a decade from now when the system will take effect?
 - Which options best tackle the drivers of GHG emissions and address the need for scaled-up private finance?