

CANCUN BUILDING BLOCKS

**ESSENTIAL STEPS ON THE ROAD TO A FAIR,
AMBITIOUS AND BINDING DEAL**

“Climate change is not going away. The risks – and costs – of inaction grow each year. The more we delay, the more we will have to pay – in lost opportunities, resources and lives.”

– Ban Ki-moon, Secretary-General of the United Nations, July 2010

Climate Action Network – International is a coalition of roughly 500 environmental and development non-governmental organizations worldwide committed to limiting human-induced climate change to ecologically sustainable levels.

For further information on Climate Action Network International, including more detail on policy positions, please see our website: www.climatenetwork.org

Or contact:

David Turnbull

Director

Email: dturnbull@climatenetwork.org

Julie-Anne Richards

International Policy Coordinator

Email: jrichards@climatenetwork.org

This document was prepared by Julie-Anne Richards, with input from Climate Action Network International's members. We thank all of them for their input, in particular we would like to thank CAN's policy working group coordinators who played a large role in putting this document together: Sven Harmeling, Germanwatch; Rachel Berger, Practical Action; Raju Pandit Chhetri, United Mission to Nepal (UMN); Sara Shaw, Tearfund; Wael Hmaidan, IndyAct; Nina Jamal, IndyAct; Raman Mehta, ActionAid; Steve Herz, Greenpeace; Gaines Campbell, Vitae Civilis; John Lanchbery, RSPB; Chris Henschel, Canadian Parks and Wilderness Society; Melanie Coath, RSPB; Dalindyabo Shabalala; Tirthankar Mandal, WWF India; Victor Menotti, International Forum on Globalization; Stephen Porter, Centre for International Environmental Law; Srinivas Krishnaswamy; Eva Filzmoser, CDM Watch; Naoyuki Yamagishi, WWF Japan; Pat Finnegan, Grian.

October 2010

SUMMARY

COP16 at Cancun must be a significant stepping stone to a full fair, ambitious and binding deal at COP17 in South Africa. Parties at COP16 must take decisions on important policy areas, establish a clear vision for COP17, and agree a process for reaching a full fair, ambitious & binding deal, including the following benchmarks¹:

A global understanding of ambition and shared effort

- COP16 should commission a technical paper on the scientific, technical and socio-economic issues relating to temperature increase of 1.5°C to inform COP17 decisions.
- COP16 should establish a mandate to agree an equitable effort sharing approach between developed and developing countries by COP17, consistent with the equity principles of the UNFCCC, the historical responsibility of developed countries, and the right to sustainable development of developing countries.

Developed country emission reductions

- At COP16 developed countries should agree an aggregate reduction target of more than 40% below 1990 by 2020. Should they fail to commit to this target, they must acknowledge the gigatonne gap between current pledges and science based targets, and agree a mandate to negotiate by COP17 the needed aggregate reduction target of more than 40% below 1990 levels by 2020.
 - Developed countries should commit to a mandate to negotiate by COP17 individual legally binding quantified emission reduction commitments (QERCs) reflecting comparable effort and summing to the needed aggregate target of more than 40%.
 - Agree at COP16 that each developed country will produce a Zero Carbon Action Plan by 2012.
 - At COP16 developed countries should clearly state that their emission reduction commitments will be subject to an effective measurement, reporting and verification (MRV) and compliance system within the Kyoto Protocol, whilst ensuring comparable MRV and compliance for the United States. COP 17 should codify these stringent MRV and compliance rules.

- COP16 should agree robust rules to ensure developed countries honestly meet their emission reduction targets by minimising loopholes, including:
 - Land use, land use change and forestry rules that increase accountability and strengthen the level of ambition of developed countries such that forestry and land use sectors deliver emissions reductions.
 - Market mechanism rules that improve environmental integrity, prevent double counting, and strengthen the ability to transform economies.
 - Rules that minimise damage from hot air (surplus AAUs).

Developing country mitigation actions

- At COP16 developing countries should agree to produce climate resilient Low Carbon Action Plans, optional for least developed countries and small island developing states, contingent upon support from developed countries.
 - COP16 should establish a mechanism to enable developing country nationally appropriate mitigation actions (NAMAs) to be matched with support. Guidelines including MRV, should be adopted by COP17.
 - At COP17 developing countries as a group should commit to developing NAMAs amounting to the deviation from business as usual identified in the effort sharing approach, whose implementation would be contingent on the necessary support being provided by developed countries.
 - At COP17 a science-based review process should be established to identify the total mitigation forecast from developing country LCAPs and NAMAs, and assess whether this is in line with the mitigation needed in developing countries to contribute to keeping warming below 1.5°C, as identified in the effort sharing approach. A process should be established to address any gap (or shortfall) in mitigation occurring in developing countries. This is likely to involve an increase in funding from developed countries.

¹ CAN recognises a diversity of views within its 500 members on the views expressed in this summary. Detailed references are provided throughout.

- At COP16 all Parties shall collectively aim to stop deforestation and degradation of natural forests and related emissions completely, by 2020. A commitment to sufficient finance is required to meet this goal. Studies indicate that halving emissions by 2020 would cost between \$15 and 35 billion annually in 2020.

Supporting global efforts to address climate change and adapt to its effects

- COP16 should establish a Climate Fund to receive the vast majority of long-term finance.
 - COP16 should establish a governance structure for the new fund that is transparent, regionally balanced and ensures the COP decides policies, programme priorities and eligibility criteria. It should enable direct access to funds.
 - COP 16 should initiate a process to secure innovative sources of public funding by COP 17. COP17 must agree to implement specific innovative sources of public finance and to a formula of contributions from each developed country.
 - COP 16 must build on the \$100 billion commitment made in Copenhagen, by agreeing that developed countries will scale up their support to new and additional public finance by 2020 and establish a review process to periodically reassess the adequacy of financial support, the first assessment being completed in 2015.
 - COP 16 should establish common measurement and reporting formats, on financial support by developed countries, including annual 'climate finance inventories', to make comparisons and verification possible.
- COP 16 should immediately establish a Capacity Building Technical Panel, with sufficient resources to begin funding fast-start capacity building for national proposals on adaptation, technology, REDD and mitigation-action programmes and priorities.
- COP 16 should establish a Technology Executive Committee (TEC) to develop, by COP17, a Global Technology Objective and Global Technology Action Plans or Roadmaps to guide Climate Technology Centres (and regional centres and members of the Climate Technology Network).
- COP 16 must agree an Adaptation Framework to urgently and significantly scale up action at the local, national, regional and international levels and ensure focus on the needs of the poorest and most vulnerable people and ecosystems.
 - COP16 should establish an Adaptation Committee to coordinate adaptation efforts; support developing countries to obtain information, build capacity to adapt to the impacts of climate change; and ensure that sufficient technology and financial support is provided in light of updated science and impacts.
 - COP 16 should establish a mandate to address loss and damage caused by extreme and slow-onset climate change beyond the limits of adaptation, eg severe flooding or sea level rise, desertification. COP17 must create a mechanism to address loss and damage, especially for the poorest and most vulnerable.

Clarity on the legal framework and path forward

COP 16 should establish a mandate to provide clarity on the legal form of the outcome to be agreed at COP17. As a minimum the legal mandate should include a second commitment period of the Kyoto Protocol, and a complementary agreement under the LCA track including: comparable mitigation commitments by the United States, financial commitments by developed countries, and developing country action. Both tracks should produce a legally binding and enforceable outcome in accordance with the principle of common but differentiated responsibilities.

COP16 must also outline a timeline, workplan, number of meetings, and the format of negotiations in order to provide certainty to the negotiations.

Additionally COP16 must begin to plan for the negotiation of commitments beyond the next commitment period, foreshadowing a process informed by the latest science, including the 1.5° Technical Paper and the IPCC 5th Assessment Report, ending in 2015 at the latest.

THE POST-COPENHAGEN ROAD

A fair, ambitious and binding deal is needed more urgently than ever. Climate science is more compelling by the day. Impacts are coming harder and faster. Disastrous flooding in Pakistan, heat waves and forest fires in Russia and hottest recorded temperatures around the globe, amongst other devastating climate-related events, all point to the need for urgent action. Levels of warming once thought to be safe, may well not be, 1.5°C is the new 2°C.

Negotiations Post-Copenhagen

Copenhagen was a watershed moment for public interest and support for climate action – and people have not lost interest. More people in more countries than ever have put their governments on notice that they expect a fair, ambitious and binding global deal to be agreed urgently.

Trust-building is essential after the disappointment of Copenhagen. Developed country leadership must be at the core of trust building efforts. Countries must show their commitment to the UNFCCC process by driving it forward with political will and flexible positions, rather than endless rounds of repetitive negotiations. Many countries are troublingly pessimistic for Cancun, and are working to lower expectations. While others, including countries most vulnerable to climate change, maintain high expectations.

Challenges ahead of Cancun

There are many challenges to getting a full fair, ambitious and binding deal at Cancun, including:

- Lack of a shared vision for the ultimate objective of the agreement, and the equitable allocation of the remaining carbon budget and emissions reduction/limitation commitments;
- Sharp divisions on the legal form of an eventual outcome;
- Failure of the US Senate to pass comprehensive legislation this year; and
- Current economic difficulties facing many countries, which make it difficult to mobilize the substantial commitments to long-term climate finance needed as part of any ambitious agreement.

Positive moves afoot

However, more and more countries, both developing and developed, are stepping up their efforts to pursue low-carbon development and adaptation, despite the absence of an international agreement. This can be seen in a variety of ways:

- Investments in renewable energies have continued their exponential growth, increasing to 19% of global energy consumed;

- Progressive countries are working to move the negotiations forward;
- There is a growing perception that low-carbon and climate-resilient development is the only option to sustainably ensure the right to development and progress in poverty reduction.

So, what does a pathway forward look like?

Firstly we must learn the lessons of Copenhagen. The “nothing’s agreed until everything’s agreed” dynamic from Copenhagen could mean that nothing would be agreed in Cancun. An agreement in Cancun should instead be a balanced and significant step toward reaching a full fair, ambitious & binding deal at COP 17 in South Africa. This will require parties to work together in good faith to create sufficient gains at Cancun, and a clear roadmap to South Africa. This paper outlines how that could be achieved.

MITIGATION

Level of ambition

- Global emissions must peak in the next 5 year commitment period (around 2015).
- COP16 should commission a technical paper for release well before June 2011 on the scientific, technical and socio-economic issues relating to temperature increase of 1.5°C above pre-industrial levels. The 1.5°C Technical Paper should inform, inter alia, emissions reductions and equitable effort sharing deliberations.

Effort sharing

- COP16 must establish a mandate for an equitable effort sharing approach between developed and developing countries to be agreed by COP17. This must be consistent with the equity principles of the UNFCCC including common but differentiated responsibilities and respective capabilities. All countries must play a part in the global effort, but developed countries must fairly and equitably take the lead. The effort sharing approach could establish the level of action to be taken by developed countries, take into account the level of autonomous action planned in developing countries, and calculate the level of supported emissions reductions required in developing countries, and the corresponding funding that needs to be provided by developed countries to enable mitigation activities in developing countries.

COP16 developed countries

- Developed countries should agree an aggregate reduction target of more than 40% below 1990 by 2020².
- Should developed countries fail to commit to the needed aggregate target, they must acknowledge the significant gigatonne gap between current pledges and what science demands. Parties should then agree a mandate to negotiate by COP17 the needed aggregate reduction target, that is, more than 40% below 1990 levels by 2020³.
- All developed countries should commit to a mandate to negotiate by COP17 individual legally binding quantified emission reduction commitments (QERCs), summing to the needed aggregate target and reflecting comparable effort⁴.

- Developed countries should agree that their emission reduction commitments will be subject to a comprehensive and effective MRV and compliance system building on the provisions in the Kyoto Protocol, and ensuring comparable MRV and compliance for the United States.
- Guidelines should be agreed for production of Zero Carbon Action Plans (ZCAPs) by each developed country, to be completed initially by 2012, providing a long term trajectory to 2050.
- Robust rules should be agreed to improve environmental integrity and minimise loopholes, including:
 - Accounting for emissions and removals from Land Use, Land Use Change and Forestry (LULUCF) must be based on actual changes in anthropogenic emissions seen by the atmosphere. The level of ambition of developed countries must be strengthened by LULUCF rules that have accounting integrity and provide incentives for the protection and enhancement of sinks and reservoirs and the delivery of emission reductions from this sector.
 - Developed countries must account for any increases in emissions from forest management (mandatory).
 - COP16 should establish an ambitious work programme to resolve data quality issues in LULUCF that leads to the eventual introduction of comprehensive accounting. Accounting for emissions/removals from cropland management, grazing land management and revegetation should become mandatory using a hotspots approach as soon as data quality issues can be resolved. A new activity should also be added for the accounting of emissions from wetland management.
 - Emissions resulting from bioenergy production must be accounted for either in the energy or LULUCF sector.
 - Market mechanism rules that improve environmental integrity and strengthen the ability to make the transformational change needed to solve climate change. These rules must prevent double counting. In other words developed countries should not count the purchase of offsets or generation of offsets

² Environmental Defense Fund, Natural Resources Defense Council and The Nature Conservancy do not endorse this position.

³ Environmental Defense Fund, Natural Resources Defense Council and The Nature Conservancy do not endorse this position.

⁴ One possible way forward would be to have a common space discussion under 1bi of the LCA, which would allow all developed countries to discuss their future commitments together, so that effort can indeed be compared and effort divided equitably. Outputs from this discussion could then be brought back in to the KP discussions.

for their own compliance as meeting their obligation to provide substantial, secure, predictable MRV public finance for mitigation and adaptation in developing countries. Nor should the emissions reductions achieved via offsets be counted towards both developed countries' emission reduction commitments and the deviation from BAU in developing countries.

- Rules must be agreed to minimise damage from hot air / surplus AAUS in the second commitment period. These could include setting a discount factor and/or adjustments of aggregate emission reduction targets for all developed countries to compensate.

COP 16 Developing Countries

- A timetable, guidelines and necessary support for developing countries to produce climate resilient Low Carbon Action Plans (LCAP) should be agreed. Where possible LCAPS should be delivered by 2012, with a later date agreed for developing countries with low capacity. LCAPS should be optional for LDCs and SIDS.
- A facility/mechanism for developing country NAMAs for which support is sought should be established. A mandate must be given to SBSTA and SBI to develop relevant NAMA guidelines and technical issues, including MRV, for adoption by COP17.
- The scientific review and MRV at large must serve a facilitative, rather than an enforcement or compliance function, for developing countries.

COP 17 Developed Countries

- Developed countries as a group must commit to an aggregate reduction target of more than 40% below 1990 levels by 2020⁵.
- Developed countries should commit to individual legally binding QERCs, summing to the needed aggregate target and reflecting comparable effort.
- A robust MRV and compliance mechanism must be established, at least as strong as that currently in the Kyoto Protocol and ensuring comparable MRV and compliance for the United States, to ensure cuts take place.
- The use of offsets must be limited. As long as developed country targets fall short of ensuring that domestic emissions are reduced by at least 30%

below 1990 levels by 2020, there is no room – or indeed need – for offsets⁶.

- Developed countries should have established an accounting system for emissions and removals from LULUCF that strengthens developed country ambition and is based on changes in anthropogenic emissions seen by the atmosphere.
- Developed countries should submit preliminary information about their Zero Carbon Action Plans (ZCAPs) which should be confirmed as being due in 2012.

COP17 Developing Countries

- Developing countries as a group should commit to developing NAMAs amounting to the quantified substantial deviation from business as usual identified in the equitable effort sharing approach, whose implementation would be contingent on the necessary support, technology and capacity building being provided by developed countries.
- NAMAs should form part of Low Carbon Action Plans (LCAPS), with the necessary support from developed countries. LCAPS should be optional for LDCs and SIDS. A climate fund must be fully established to ensure developed countries meet their finance obligations and developing countries implement their actions.
- A science based review process should be established to identify the total mitigation forecast from developing country LCAPs and NAMAs, and assess whether this is in line with the mitigation in developing countries needed, in the effort sharing approach agreed, to keep warming below 1.5oC. A process should be established to address any gap (or shortfall) in mitigation occurring in developing countries. This is likely to involve an increase in funding from developed countries to fund the emissions reductions required in developing countries.

REDD

Reduced Emissions from Deforestation and Degradation

An agreement on REDD at COP 16 in Cancun should include the following:

- A goal along the following lines for reducing emissions:
 - All Parties shall collectively aim to reduce greenhouse gas emissions from deforestation

5 Environmental Defense Fund, Natural Resources Defense Council and The Nature Conservancy do not endorse this position.

6 Conservation International, Environmental Defense Fund, Natural Resources Defense Council, The Nature Conservancy, The Woods Hole Research Center, and IPAM (Amazon Environmental Research Institute) do not endorse this position.

and forest degradation of natural forests in developing countries, with the objective of stopping deforestation and degradation of natural forests and related emissions completely, by 2020.

- For the conservation of existing carbon stocks, enhancement of carbon stocks and sustainable management of forests a second objective could be:
 - All Parties shall collectively aim to conserve existing natural and modified natural forests by 2020, ceasing conversion and instead restoring degraded natural forest. In addition, all parties should undertake the sustainable management of forests and enhance forest carbon stocks.
- These goals should be contingent upon adequate, predictable and sustainable finance provided in a transparent manner. This could be in terms of a quantified commitment; for example, a number of studies have indicated that to halve emissions by 2020 would cost between \$15 and 35 billion in 2020. Alternatively, there could be a commitment simply to supply sufficient finance to allow the carbon-related goals to be met.
- Interim REDD finance should prioritise capacity building.
- Social, environmental and governance safeguards should be adopted and operationalised; they should also be made subject to independent and verifiable monitoring and reporting (along with the carbon and finance provisions).
- All Parties should address drivers of deforestation and degradation, rather than just developing country parties as proposed at present.
- A Decision tasking SBSTA to address outstanding REDD+ technical issues is essential if the consideration of these issues is to be concluded in South Africa.

FINANCE

With respect to international financing for climate actions, COP16 should address the following:

- Establish a Climate Fund under the COP as an operating entity of the financial mechanism of the Convention and designate it to receive the vast majority of long-term finance.
- Establish a governance structure for the new Fund that (1) is transparent and accountable; (2) gives the COP the authority to decide on its policies,

programme priorities and eligibility criteria; and (3) is governed by a Board whose membership is equitably balanced among the 5 UN regions, and has additional designated seats for most vulnerable countries and civil society/affected community members, and is approved by the COP.

- Establish procedures for creating funding “windows” for e.g. adaptation, mitigation, technology transfer, REDD and capacity building.
- Establish a secretariat for the Fund, independent of the trustee, and directs the board, in consultation with relevant experts, to administer a competitive bidding process for a trustee.
- Enable direct access to funds by national implementing and funding entities that ensure access by subnational governments and non-governmental entities.
- Establish a new body under the authority of the COP to oversee the new climate fund and other operating entities of the financial mechanism, coordinate with other delivery channels of climate finance, and execute other functions delegated by the COP.
- **Regarding sources:**
 - Initiate a process under the UNFCCC to secure innovative sources of public funding in accordance with principles of the Convention by COP17. This process should be informed, where appropriate, by the findings of other initiatives such as the High Level Advisory Group on Climate Finance and the Leading Group on Innovative Financing for Development.
- **Regarding scale:**
 - Build on the commitments made in Copenhagen, by agreeing that by 2020, developed countries will provide at least \$100 billion in public finance that is new and additional to existing aid targets, as a significant milestone towards achieving the public funding actually required.
 - Establish a review process to periodically reassess the adequacy of financial pledges in light of the best available climate science, the degree of emissions reductions achieved, and estimates of developing country needs. The first assessment should be completed in 2015.
 - Establish financing targets for the 2013-2020 time period.
- **Regarding Finance MRV:**
 - Establish a process to adopt common measurement and reporting formats for finance contributions to ensure consistency of reporting and make verification and comparisons possible.

- Agree to include annual 'climate finance inventories' as part of annual reporting.

By COP17:

- Approve the rules, procedures, and guidelines of the fund including policies to ensure that funded proposals: 1) prioritize the needs of women and other vulnerable populations; 2) respect rights, livelihoods, ecosystems and national plans and are 3) developed through procedures that are participatory, transparent and accountable.
- Agree to implement specific innovative sources of public finance and to a formula of contributions of each developed country to ensure an adequate level of resources are generated.
- Adopt a common measurement and reporting framework and verification procedures for financial assistance.

CAPACITY BUILDING

COP 16 should achieve the following to bolster capacity building efforts:

- Immediately establish an adequately resourced and properly mandated Technical Panel on Capacity Building (CBTP).
- Mandate the CBTP (under the authority and subject to the guidance of the COP) to oversee the design of a dedicated 'fast start' capacity-building financing window.
- Decide that a dedicated share of the fast start (2010-12) money should resource the CBTP in making a fast start to design and construction of the post-2012 capacity-building window.
- Task the CBTP to begin collating, streamlining and focusing national proposals for adaptation, technology, REDD and mitigation-action programmes and priorities with a view to enabling direct access to resources for agreed capacity-building as quickly as possible.
- Decide that the final agreement should require that full, adequate and predictable capacity building support should be a legally-binding obligation of developed country Parties, with consequences for non-compliance.

COP17 should further:

- Finalise the institutional, administrative and legal arrangements for a dedicated capacity-building

window within the post-2012 architecture. Ensure the window is cross-cutting, aimed at efficient delivery of resources, capable of rapidly focusing and building in-country capacity to manage and deliver national adaptation, technology, REDD and mitigation resources and actions, aligned with developing countries' own sustainable development objectives.

- Operationally, much of the capacity-building window will have been constructed by COP16 decisions. COP17 must decide on the exact nature of a legally-binding commitment to capacity-building as well as precise modalities for MRV.

TECHNOLOGY

COP16 should achieve the following technology-related milestones:

- Establish a Technology Executive Committee (TEC) under the authority and guidance of the COP.
 - The TEC should be linked to the Finance Fund to determine, or make recommendations on, what projects and programmes should be funded.
 - The TEC should have a mandate to develop criteria for funding of projects and programmes by COP17.
 - The TEC should have a mandate to develop a Global Technology Objective by COP17.
 - The TEC should have a mandate to develop Global Technology Action Plans or Roadmaps to guide Climate Technology Centre (and regional centres and members of the Climate Technology Network).
 - The TEC should have a mandate to develop, by COP 17, criteria for MRV of:
 - Regulatory actions supporting technology cooperation and sharing;
 - Financial support for technology cooperation and sharing.
- Establish a Climate Technology Centre and Regional Climate Innovation Centres as part of the Climate Technology Network – with funding to establish them.
- Create a one year High Level Commission on Climate Change, Technology Cooperation and Intellectual Property Rights. The Commission should:
 - Be mandated to examine if, when and how, specific intellectual property standards and

tools may be a barrier or enabler of technology innovation and access;

- Report back to COP 17.

By COP17 we must further have in place:

- A dedicated Technology Cooperation Mechanism under the authority of the COP that would:
 - Establish a Global Technology Objective, including a commitment to scale up public funding to at least US\$5bn per year for global technology efforts (including RD&D, diffusion and capacity building); and to increase renewable energy penetration globally. This should entail a sustained increase in public R&D to at least double and then increase to **five** times spending by 2020.
 - Global Technology Roadmaps that outline a strategy for Research Development, Demonstration and Diffusion for a key set of technologies drawing on National Technology Needs Assessments.
 - Establish a Technology Executive Committee that would: oversee the Technology Roadmaps, the work of regional and sub-regional climate technology centres of excellence; and establish criteria to ensure projects and support are measurable, reportable and verifiable.
 - Adopt a decision on a Declaration on Intellectual Property, Climate Change and Technology Cooperation and Sharing.
 - Establish a mechanism to address patents and related intellectual property issues to ensure both increased innovation and increased access for technologies for mitigation and adaptation. The body should be able to propose a variety of options to address barriers, including: funding for buy-down of license fees; using all the flexibilities in TRIPS; and patent sharing arrangements.

ADAPTATION

Regarding adaptation, COP 16 should:

- Agree an Adaptation Framework, with principles that focus on the particular needs of the poorest and most vulnerable people (including women, children, elderly people, minority ethnic groups) and ecosystems, ensuring transparency and participatory decision-making at all stages.

- Agree to establish an Adaptation Committee. The Committee should report directly to the COP on the adequacy of technical and financial support and also ensure overall coordination of adaptation efforts. It should support developing countries to obtain information and build capacity to adapt to the impacts of climate change, and have an oversight role of the various adaptation activities and elements under the UNFCCC to ensure their adequacy and to highlight gaps, separate from funding decisions. It must be comprised of experts on adaptation able to provide technical and financial guidance.
- Decide on measures to promote risk management strategies, and to address loss and damage caused by climate change, both extreme events (eg. Extreme flooding) and slow-onset risks that go beyond the limits of adaptation (eg. sea level rise, glacial retreat or desertification). This should include requesting the SBI/Adaptation Committee to consider and assess proposals for international institutional options at its 34th session, and a mandate to explore compensation for loss and damage caused by climate change, within the UN system.
- Make clear linkages between plans and implementation, institutions and finance so that there is a legal commitment to fund comprehensive and integrated adaptation plans and programmes that are in accordance with the principles in the adaptation framework.
- Establish and/or enhance regional centres in developing countries.
- Establish coherence between technology support and pragmatic need for adaptation. Any technology support for adaptation must be backed by both finance and capacity building for deployment.
- Create a clear link between the adaptation and the finance section (Climate Fund) that guarantees long term funding for adaptation.
- Remove all references to response measures from the adaptation text and move to the mitigation section.

COP17 should:

- Establish a regular and systematic process to review the adequacy on the scale and provision of funding and associated impacts, safeguard measures and vulnerability assessments in light of updated climate change science and impacts:
 - MRV on the provision of adequate financial support from Annex 1 parties;
 - Local level independent monitoring and evaluation of adaptation actions;

- A comprehensive and integrated approach to building resilience of poor communities and countries, focusing on principles to ensure implementation and commitment to a risk reduction approach.
- Establish an international mechanism to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change providing support in particular for the poorest and most vulnerable people and ecosystems.
- Operationalise an adaptation committee and regional centres.
- A continuation of the Kyoto Protocol with a second commitment period;
- 1990 base year for developed countries mitigation commitments;
- Enhanced national reporting and review requirements for both mitigation and finance obligations for all industrialized countries which build on the framework established by Kyoto;
- Enhanced national reporting and review requirements for developing countries with greater frequency of reporting;
- A regime for measurement, reporting and verification for developing country mitigation action that is supported by finance from developed countries;
- A strengthened compliance regime for all developed countries building and improving on the Kyoto compliance system incorporating both facilitative and enforcement branches with oversight of inventory and reporting obligations and the dual commitments of mitigation targets and financing for developing country action;
- Inclusion of early warning triggers for those countries at risk of non-compliance – the system cannot rely on other countries providing referrals, but must be more proactive and robust; and
- Establishment of a facilitative mechanism for developing countries experiencing difficulties in implementing their mitigation actions and which incorporate the key elements of capacity building for developing country actions, both in preparation of their actions plans as well as in mitigation.

LEGAL ARCHITECTURE

A long-term legal architecture that is coherent, durable, flexible, effective, and legally binding is a fundamental prerequisite to the concerted international effort necessary to avoid dangerous climate change.

Just as the Berlin Mandate provided clarity on legal form to the negotiating process that resulted in the Kyoto Protocol, parties should agree a mandate at Cancun that provides clarity to the legal form of the outcome to be agreed at South Africa.

As a minimum the legal mandate should include a second commitment period of the Kyoto Protocol, and a complementary agreement under the LCA track including: comparable mitigation commitments by the United States, financial commitments by developed countries, and developing country action. Both tracks should produce a legally binding and enforceable outcome in accordance with the principle of common but differentiated responsibilities.

In addition to securing a mandate providing clarity as to the overall aimed for outcome of the negotiations, it will be necessary that the Cancun package outlines a timeline, workplan, number of meetings, and how the negotiations are to be conducted and in what format. The post-Copenhagen uncertainty that has plagued the negotiations in 2010 cannot be continued, if governments are serious about the UNFCCC negotiation process.

COP16 must also begin to put in place plans and a pathway for a review and negotiation process in order to determine the future framework and commitments beyond the next commitment period. This must begin in 2013, informed by the latest science (including the 1.5° Technical Paper and the IPCC 5th Assessment Report to be published in 2014) and end in 2015 at the latest.

The core legal elements essential to an effective architecture include:

CLIMATE ACTION NETWORK: REGIONAL/NATIONAL NODE CONTACT POINTS

North Africa

Salah Sahabi, RAC-Maghreb
salah_sahabi@yahoo.com

East Africa / Uganda

Geoffrey Kamese, NAPE
kameseus@yahoo.com

West Africa

Emmanuel Seck, ENDA
ssombel@yahoo.fr

Southern Africa

Rajen Awotar, MAUDESCO (SARCAN)
maudesco@intnet.mu

South Africa

Dorah Lebelo, Greenhouse Project
dorahl@ghouse.org.za

Europe

Matthias Duwe, CAN-Europe
matthias@climnet.org

France

Morgane Creach
morgane@rac-f.org

Eastern Europe, Caucasus & Central Asia

Irina Stavchuk, National Ecological Centre, Ukraine
irina.stavchuk@necu.org.ua

Pacific

David Ngatae – Cook Islands CAN
cookscan@gmail.com

Marstella E. Jack – Federated States of Micronesia CAN
johsna@gmail.com

Tafue Lusama – Tuvalu CAN
vaitupumalie@yahoo.com

Australia

Georgina Woods, CANA
g.woods@cana.net.au

Japan

Kimiko Hirata, Kiko Network
khirata@kikonet.org

South Asia

Sanjay Vashist, CANSA
sanjayvashist@gmail.com

Southeast Asia

Gurmit Singh
cetdem@po.jaring.my

China

Fei Xiaojing, IED
xiaojing.fe@ied.cn

Latin America

Victor Manuel Campos Cubas, Centro Humboldt
vmanuelcampos@humboldt.org.ni

Brazil

Rubens Born, Vitae Civilis
rborn@vitaecivilis.org.br

United States

Peter Bahouth, USCAN
peterb@climatenetwork.org

Canada

Graham Saul, CAN-RAC Canada
gsaul@climateactionnetwork.ca