

New text for Paris outcome to be released

9 Dec, Paris (Hilary Chiew and Meena Raman)—With just less than three days left to conclude the Paris agreement under the UNFCCC, a new version of the outcome document will be issued by 1pm today, 9 December.

Outlining the next steps of the open-ended *Comité de Paris* or the Paris Committee at its second meeting, the COP21 President, French Foreign Minister Laurent Fabius proposed to reconvene at 5pm on Wednesday, 9 December to gather Parties' initial reactions.

(On Saturday, 5 December, Parties had agreed that one single open-ended body would be established called the '*Comité de Paris*' to carry out the consultations among Parties to make progress on the text for the Paris agreement [which was transmitted from the Ad Hoc Working Group on the Durban Platform on Enhanced Action] and to help facilitate compromise).

"After the first exchange, we will immediately organise the necessary consultations, to be held in the evening and until the next day, on pending issues. The objective is to present a final text within the set deadlines for a formal adoption by the COP on Friday 11 Dec at 6pm," he told a packed plenary convened at 7pm on Tuesday, 8 December.

He said the new version will allow Parties to take a board view of the balance that needs to be found across all elements and hoped that a significant number of brackets will be removed, noting that a number of political issues will require broader discussions to ensure a coherent result.

Report backs from the ministerial led conclusions clearly revealed that divergences continued to remain on the issues of 'differentiation' (on whether and how obligations between developed and developing countries would be differentiated under the new agreement), 'loss and damage' (as to

whether there should be any reference to liability and compensation) and pre-2020 actions (related to the accelerated implementation of current commitments of developed countries under the Convention and Kyoto Protocol). [See below for further details].

The COP 21 President said that he "will ensure that this cleaner version of the text, to be provided to you at 1pm tomorrow, is indeed based on the Ad hoc Working Group of the Durban Platform for Enhanced Actions (ADP) text and respects the balance sought by all Parties."

"It is on this basis that we will collectively negotiate the final version of the text of the agreement and the decision. It will be an important step in the process, I hope, but of course not yet the final result of the negotiations," he added.

Minister Fabius further informed that the notification on the open-ended group of legal and linguistic experts has been issued and the secretariat is in the process of receiving nominations from the regional groups for the eleven representatives who will be ready to get to work once the Paris Committee passes the text onto them for their examination.

The group will be jointly chaired by Jimena Nieto Carrasco (Colombia) and Peter Horne (Australia), he said, adding that the mandate of the group is technical and under the authority of the Paris Committee.

"It is not to renegotiate substantive aspects of the text," he assured.

The proposal was accepted by several negotiating groups and individual Parties which expressed that they looked forward to the cleaner version of the text and the opportunity to assess it.

South Africa speaking for the Group of 77 and China said it looked forward to the text and is of

the view that it should be based on the Draft Paris Outcome and the ministerial consultations conducted since Sunday.

“It is important that this text be Party-owned and therefore Parties need to have the opportunity to assess the text. In this regard, we request that ample time be allowed for regional and negotiating groups to consult on the text before the text can be considered by the Paris Committee.

“We recognise that time is very limited, but we believe that allowing time for proper consultation will in fact save time and facilitate reaching agreement,” stressed Edna Molewa, the South African Minister of Environmental Affairs.

Malaysia representing the Like-minded Developing Countries (LMDC) drew attention to the report of the ministerial consultation on ‘acceleration of pre-2020 action (workstream 2) which showed divergence of position and the inclusion of ‘no provision’.

Its spokesperson, Prof Gurdial Singh Nijar warned that the G77-China has participated in this pre-2020 discussion and has put forward provisions that are constructive, hence, the ‘no provision’ inclusion would have serious implications.

He said workstream 1 outcome will depend on workstream 2 which is a process that could clearly show what developed countries are doing in meeting their pre-2020 commitment.

“Given the significance, we feel confident that under your leadership ... with a nudge or two, you will relax tis ‘no provision’ position. We trust and rely on you to conclude workstream 2 that will spell completeness for the Paris Agreement,” he stressed.

He expressed its appreciation of the COP Presidency efficient responses to the Group’s concerns on ‘process issues’ raised at the 7 Dec Paris Committee meeting, noting that the consultations are ‘largely more transparent and effective and allow more groups to participate effectively’.

Prof Gurdial also pointed out that the clear criteria of transparency, inclusiveness and no surprise set by the COP President were being realised but cautioned that the test of this criteria is at the final critical hours.

“How we carry through these elements for a successful conclusion of the Paris Agreement is the real test. As they say, the test of pudding, lies in the

eating’, said Prof Gurdial, adding that that is the Group’s unequivocal expectation of the process.

Representing the Alliance of Small Island States (AOSIS), Maldives said the time is ripe to produce a new version of the text based on the ADP draft Paris Outcome. In doing so, it urged the COP Presidency to take into account the special circumstances and special needs of the small island developing states.

It also stressed the importance to give Parties the opportunity to reflect on the new text and allowed for sufficient time so that everyone is confident with the final outcome, noting that it is also confident that transparency and inclusiveness will be maintained in the final days.

Angola speaking for the Least Developed Countries (LDCs) highlighted ‘the need to keep in mind expression temperature goal that is responding to what science recommend’, adding that ‘it is heartening to know that there is emerging consensus on that target’.

It expressed its full support for a cleaner version of the text and looked forward to align it further to achieve an outcome in Paris.

China said it will study the cleaner text (when it is made available) and would table its constructive proposals for a successful conclusion and agreement.

The European Union supported the process forward presented by the COP Presidency, noting that the informal consultations were conducted in transparent and inclusive fashion and that Parties must maximise use of remaining time for an ambitious agreement.

Australia speaking for the Umbrella Group supported and endorsed the plan for the new text and it looked forward to deliver an ambitious, clear and implementable agreement.

Report-back on minister-led informals

In the report back from the ministerial-led consultations on the issue of ‘differentiation’ led by Izabella Monica Vieira Teixeira, Minister of the Environment of Brazil and Vivian Balakrishnan, Minister of Foreign Affairs of Singapore, Balakrishnan said that “differentiation is a key political issue that pervades the entire structure of the proposed agreement. We have been having a series of bilateral consultations throughout the day and it is very clear that the fault lines remain. We will be working with Presidency and secretariat tonight to crystalise in the text that will be

presented tomorrow the fault lines and leave the choice to the Parties,” he said. He added that “Parties are not yet ready to place their final positions on the table.”

In their report back on ‘adaptation and loss and damage, Swedish Minister of Climate and Environment, Åsa Romson, and René Orellana, Minister for Planning for Development, Bolivia reported that in terms of ‘loss and damage’ (Article 5 of the agreement), “there is no clear landing ground yet, as liability and compensation are red lines for Parties. How to strengthen institutional arrangements for addressing loss and damage is also being deliberated.”

They also said that there are “a number of cross-cutting outstanding issues where we believe resolution in other parts of the agreement could facilitate finding consensus, including for example, references to a temperature goal, vulnerability, or

to common but differentiated responsibilities and respective capabilities.”

On pre-2020 actions, Amber Rudd, Secretary of State for Energy and Climate Change, Department of Energy and Climate Change of United Kingdom and Pa Ousman Jarju, Minister of Environment, Climate Change, Water, Forestry and Wildlife of the Gambia reported that on the issue of accelerated implementation, “Parties engaged further on this question, however there remains a divergence of positions, and some Parties noted that their position was to have no provision on this matter.”

The reports from the minister-led consultations are available on the UNFCCC’s website: http://unfccc.int/meetings/paris_nov_2015/in-session/items/9320.php