

New revised text for Paris outcome to be issued

Paris, 10 December (Meena Raman and Hilary) – A new revised text on the Paris agreement will be released for the consideration of Parties sometime late afternoon of Thursday, 10 December.

This was made known to Parties by the President of the 21st meeting of the Conference of Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC).

COP 21 President, French Foreign Minister Laurent Fabius, announced his intention to issue a new revised text at the close of open-ended informal consultations that started at midnight on Wednesday and went on till 5 am. The consultations were closed to observers.

As of the time of writing, the new text is yet to be out. Parties are waiting anxiously to see how the divergent positions over very key issues such as differentiation, ambition (on the long-term global goal), mitigation, finance and loss and damage are going to be reflected in the new text.

With just a little more than a day left before COP 21 is expected to conclude, there is a race against time. Thus far, the French Presidency has been getting kudos from all Parties about the transparency in the process with a Party-driven approach.

However, concerns are mounting if this will remain so, as the clock ticks and the French have to deliver a successful outcome on Friday, 11 December.

Earlier in the day, hard copies of an initial revised version of the draft Paris Outcome was distributed to Parties in the plenary hall following a short meeting of the Paris Committee at 3 pm (two hours after the scheduled time of 1pm). Participants of the COP 21 swarmed the document centre to obtain copies of the 3 pm text.

Fabius said the text strived to reach compromises, which are emerging but is not to prejudge the remaining options in the text. “It is to enable us to have an overview of progress made and to help us focus now on the open questions that still need to be settled at the political level,” he stressed.

He said the shortened text which now stands at 29 pages with a three-quarter reduction of brackets showed progress were made (14-page draft agreement and 15-page accompanying draft decision). He adjourned the meeting for Parties to study the new text and consult among themselves and announced that the Paris Committee will reconvene at 8 pm for Parties to give feedback and he would propose a way forward.

The Paris Committee meeting reconvened at 8 pm on Wednesday to take stock of the ministerial-led consultations, which were conducted throughout the day.

A lengthy session ensued, where numerous Parties took to the floor to express their initial reactions where Parties generally accepted that the new text is a good basis to proceed with negotiations (see reaction of Parties below).

Following the interventions, Fabius said that although progress was made in many areas, more work needed to be done and he urged Parties to work through the night to make swift progress. He then proposed the ‘indaba-type’ consultations (referring to a round table format that was introduced in South Africa in 2011 at COP17) and the parallel open-ended informal consultations.

He urged Parties not to reopen the compromises found so as not to go backward but to look at issues where political decisions are needed as he aimed to issue a new iteration and improved text of the Paris Outcome, which he described as the

penultimate text, later in the afternoon of Thursday, 10 December.

As of midnight of Wednesday, there were open-ended ‘indaba-type’ consultations on differentiation, support and ambition, chaired by Minister Fabius.

In parallel, open-ended informal consultations on loss and damage, cooperative approaches and mechanisms, forests, and the preamble, were held, involving the corresponding facilitating ministers and was coordinated by Minister Manuel Pulgar Vidal, the Peruvian COP 20 President.

According to several sources who were in these meetings, negotiations were not happening, in terms of what Parties could give and take. Most Parties were reciting their positions and speeches. Very few Parties suggested bridging proposals, which came mainly from developing countries. It seems that no one was seen taking notes and concerns were abound as to how Parties’ views were being reflected and taken into account for the new text.

The sources informed TWN that Fabius had said that the text has to be good and that Parties must not only look at red lines but also the green lines, and that this is how the French Presidency intends to proceed.

Reactions of Parties to text released on Wednesday (9 December)

Following are the highlights of the intervention by groupings and selected individual Parties.

Speaking for the Group of 77 and China, South Africa said the Group studied the text carefully and consulted with its members and wished to highlight some initial observations, which are not to be regarded as an exclusive list of the concerns of the Group.

South Africa Minister of Environmental Affairs Edna Molewa said the Group is concerned about the steady delinking of the text from the Convention and a dilution of its principles.

“In this regard, the framing of Parties’ commitments in many places in the text is not properly differentiated. There are also numerous inconsistencies in the text between the Convention’s language and the new draft text,” she noted.

Regarding adaptation, she said “we are concerned that key adaptation proposals from the Group do

not appear in the new text. We trust that we will be able to engage further on this critical issue for developing countries.”

In the paragraphs dealing with the provision of the means of implementation, the Group does not see adequate reassurances that its actions on mitigation and adaptation will be sufficiently supported in the post-2020 period.

“In particular, we are concerned that there does not appear to be a long-term vision on the provision of support, nor strong legal commitments for developed country Parties to provide finance, technology transfer and capacity-building. There is no assurance that there will be predictability and scalable funds.

“It is not clear how the institutional mechanisms will be linked in order to deliver the necessary level of support. We also need to find a way to provide for the continued operation of and delivery by the Adaptation Fund, the Least Developed Country Fund and the Special Climate Change Fund,” she stressed.

On capacity-building, Minister Molewa said the Group is concerned about the lack of differentiation in the new text.

On loss and damage, while acknowledging that there will be further consultations to advance on this issue, she said the Group reiterates its position that the issue should be a separate article in the agreement. The article must be clearly bounded by the principles of the Convention, particularly common but differentiated responsibilities and respective capabilities (CBDR & RC) that addresses the permanent and irreversible impacts of climate change and a permanent institution is needed to deal with loss and damage arising from the adverse effects of climate change.

The Group is also concerned that the issue of unilateral measures have been omitted from the text when it is a principle of the Convention and stand ready to work on language for this matter.

Despite these concerns, Minister Molewa said the Group is of the view that the text is a good basis on which to continue our negotiations and on which a new iteration can be issued tomorrow.

She said the Group believes that addressing the key political and cross-cutting issues of differentiation, ambition and finance will unlock progress and enable many other issues to be resolved and brackets to be removed.

On issues where consensus is within reach, the Group is of the view that further informal consultations would be helpful to resolve outstanding matters, and she reiterated that it remains important that the process of negotiations be open, transparent and Party-driven.

Representing the **Like-minded Developing Countries (LMDC)**, **Malaysia** said the new text “must seem to be balanced” as Parties across the divide also have concerns, noting that the LMDC is concerned that issue of unilateral measures “has been cleaned-out” and items like carbon pricing had remained.

Prof. Gurdial Nijar urged the COP President to be proactive and to capture the essence of the Parties’ various positions but be mindful of the fact that they were human beings who are prone to misjudgement and wrong interpretation and hoped that there would be some mechanism to capture accurately and faithfully the gist of the presentations by the Parties.

Nijar stressed that “CBDR is the bedrock of the Convention ... we are not here to embowel the principle but to enhance the implementation of the Convention.”

“We have to remind our partners that developing countries, poor as we are, we been dealing with climate change in these past many years in our own way and unfunded, despite the existence of the Convention, because the promised funding under Article 4.7 of the Convention never came or came in such paltry dribbles,” he said.

Nijar further warned that if there is no progress in workstream 2 (on pre-2020 action), there will be no progress in workstream 1 (on the post-2020 agreement).

“They are interlinked. If you want us to do away with the fundamental construct ... if you try in any way, directly, indirectly, obliquely (to do so), we will have no choice but to resist because we need our policy space to eradicate poverty and ensure food security.

“We cannot accept subterfuge of (the narrative of) a changing world when the world still remains the same,” he stressed.

On long-term temperature goal, **India** said it is deeply sensitive to the demands for higher climate ambition. “I understand fully the demand for mentioning 1.5 degree C as we also have over 1,300 islands. However, a 1.5 degree C goal would require developed countries to massively reduce

their emissions and massively scale up their financial support to developing countries. This is not happening,” stressed its Minister of Environment, Forests and Climate Change Shri Prakash Javadekar.

He said India is not suggesting that Parties remain stuck to the past but must look forward and move steadily. But, he said a durable agreement cannot be crafted by diluting historical responsibilities or by putting the polluters and the victims at the same level.

Towards this, he underscored that the agreement being crafted must carefully balance climate ambition and the principle of differentiation. “Both are equally important. We cannot have one without the other. It needs to be reaffirmed upfront in the agreement that it is under the Convention and in accordance with its principles.

“Its objective is to enhance the implementation of the Convention across all its pillars. This is crucial. The principles of the Convention must be stated correctly without any unnecessary additions,” he said, adding that the agreement must also meaningfully operationalise differentiation across all its elements, which is not clear in the current draft.

Minister Javadekar further said that India is in favour of a robust transparency mechanism that applies not just to mitigation but all other elements, in particular finance.

The transparency mechanism, he stressed, should cover all countries, in a differentiated manner. Implementing the current system, which has not yet been made operational, he added, is an essential component to build capacity and experience in developing countries. A transition period is therefore needed before changes could be made.

On finance, Minister Javadekar said it is deeply disappointing that on the one hand developed countries are not fulfilling their obligations and on the other hand, they are trying to shift their responsibilities to developing countries themselves where there is no indication of scaling up of finance nor a clear roadmap.

Maldives speaking for the Alliance of Small Island States (AOSIS) in offering its initial reflections said temperature goal of below 1.5 degree C should be reflected clearly in an operational manner under Article 2.

Regarding adaptation, it would like to see the link with the CBDR principle and not to create undue

reporting burdens; that loss and damage should be maintained as a separate article and the special circumstances of small island developing states (SIDS) should be reflected in relation to financial provisions.

Representing the Caribbean Community, Barbados said holding temperature rise to 2 degree C is not acceptable and preferred 1.5 degree C. It also urged that already agreed COP decisions on forests be recognised and anchored in the agreement as an accepted mechanism.

Angola speaking for the Least Developed Countries (LDCs) considered the new text to be a very good basis to conclude the work in Paris with areas that needs improvement. It trusted the COP President to engage Parties in a transparent and open manner on the outstanding issues and guide them towards a balanced agreement. It looked forward to continue engagement in a time-bound manner for a new iteration of the text by 10 December.

Representing the African Group, Egypt believed that the indaba process will be useful to unlock key political issues and would benefit from an inclusive drafting process. On adaptation, it said the key element for a global goal for adaptation is missing and cautioned against the missing reference to the special circumstances of LDCs and SIDS.

Guatemala speaking for the Independence Alliance of the Latin America and Caribbean said the new text is adequate to move towards the final stage. It believed that adaptation is a strategic area of climate actions for developing countries and to bear in mind the need of developing countries that are particularly vulnerable.

Saudi Arabia representing the Arab Group said it cannot accept any goal that threatens the sustainable development, or ability to eradicate poverty and ensure food security for its people.

Australia speaking for the Umbrella Group said the text is a step forward but significant work remains. It has serious concern about balance as choices made do not reflect consensus and would not lead to agreement in a range of issues. It said the Group has assured developing countries that the developed country Parties will continue to lead and the agreement must incentivise all Parties to do their best. It said Parties must set clear direction of travel and not bound to a static category.

The European Union said many options crossed the Group's redlines while some were lost from the new text. It said failure to address the issue of an ambitious mechanism of a five-year revisit signals low ambition for a Paris Agreement.

It saw bifurcation language throughout the text which is not consistent with this Paris Agreement noting that developed countries will have obligations up to 2020 but in post-2020 'parties in position to do so' should also join (in assuming obligations).

It said the text is not suitable for a line-by-line negotiation and it is time to resolve in a package and it looked forward to resolving the outstanding issues in the process proposed by the COP President.

Representing the Environmental Integrity Group, Switzerland said the text as a whole is not balanced especially in the article on finance. It said several developed countries and groupings had worked hard to find solution and made compromised proposals to show utmost flexibility to identify common landing zones.

China speaking for BASIC (Brazil, South Africa, India and China) said the current text is an open and balanced text as would serve as basis for further negotiation to find a common ground to reach an agreement.