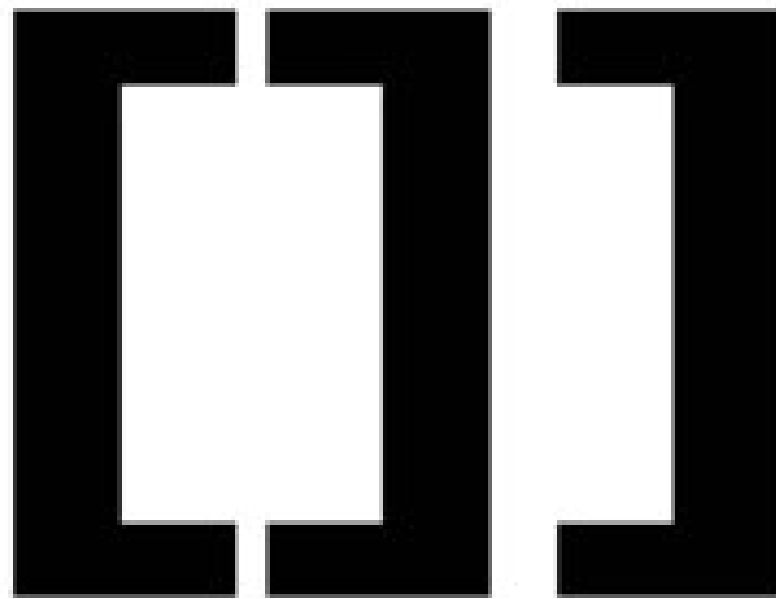


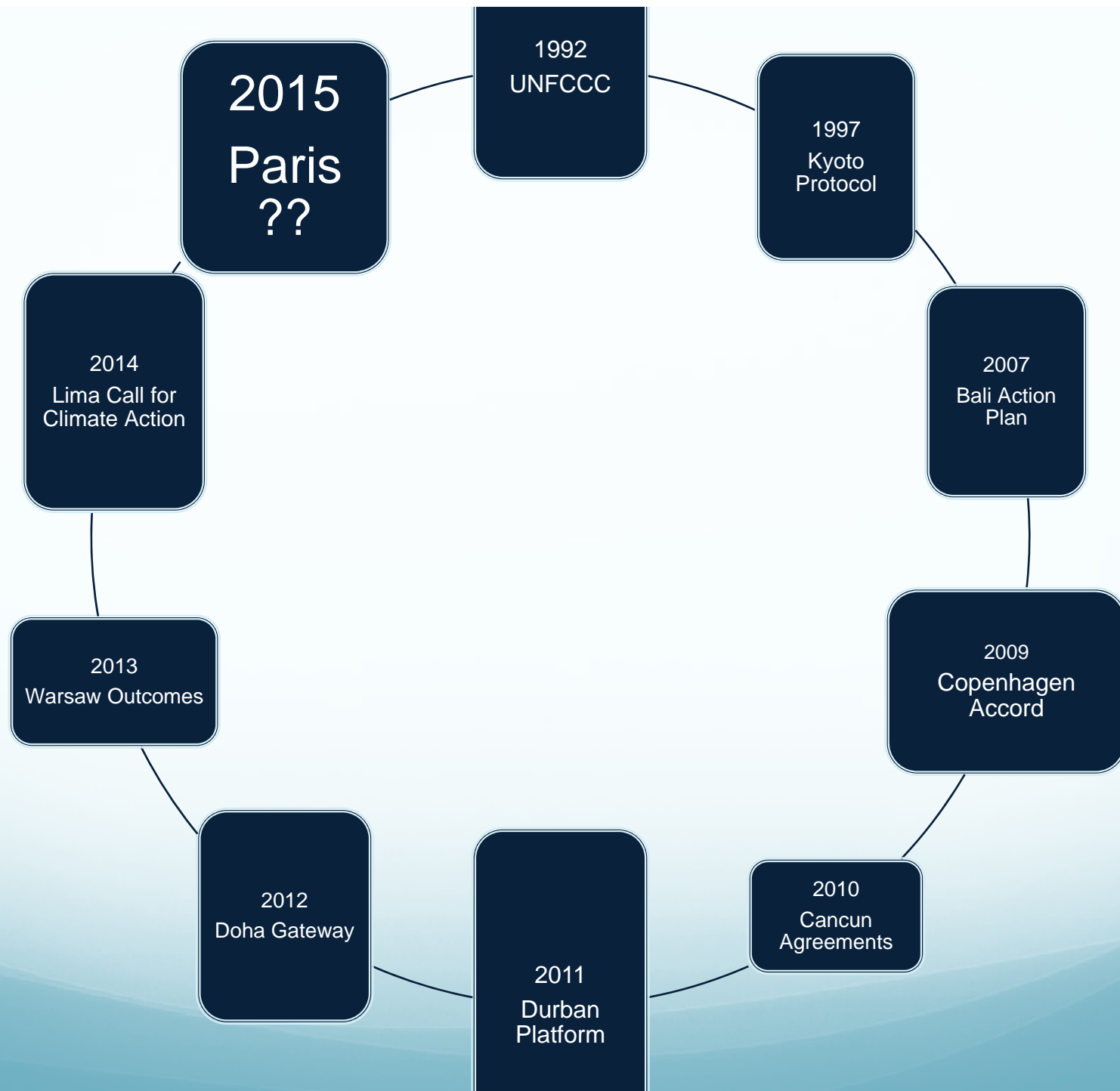
Negotiating the



Indrajit Bose

In this presentation

- Milestones
- Elements of Paris Agreement
- Sample the negotiations text
- Potential areas of conflict
- Legal Form





United Nations Framework Convention on Climate Change

- Article 2, Objective
- Article 3, Principles
- Article 4, Commitments

Kyoto Protocol: Annex I Parties to reduce overall emissions by **at least 5 per cent below 1990 levels between 2008 and 2012**;
Emissions Trading Scheme; Clean Development Mechanism

Bali Action Plan: Shared vision; Mitigation; Adaptation;
Technology; Financing; **Two-year time table set up** under Ad
Hoc Working Group on Long-Term Cooperative Action

Copenhagen Accord: **Dirty politicking; Lack of consensus**;
Fast-start finance committed

Cancun Agreement: Limit temperature rise to 2°C; Economy-
wide targets for Annex I; Nationally Appropriate Mitigation Actions
for developing countries; Fast-start finance and long-term finance

Durban Platform: **Develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention** applicable to all Parties

Doha Gateway: Second commitment period of the Kyoto Protocol from 2013 – 2020

Warsaw outcome: Warsaw mechanism on **loss and damage**; **Intended Nationally Determined Contributions (INDCs)**

Lima Call for Climate Action: Language on **differentiation**; **INDCs**, **Scope of the Paris agreement**; Inclusion of **loss and damage** in the decision

Geneva session 2015: Negotiations Text

Elements of the Paris Agreement

Mitigation

Adaptation

Finance

Technology

**Capacity
Building**

**Transparency
of Action and
Support**

**Loss
and
Damage**

**Work-
stream 2
(pre-2020)**

Negotiations Text

- 90 pages
- 12 Sections
- 224 paragraphs
- LOTS of options!

Sample an option: Long-term goal on mitigation

Carbon neutrality/Net zero emissions/Full decarbonization by 2050

Consistent with science/IPCC, historical responsibilities, capabilities, state of development, addressing vulnerabilities

Reduction of GHGs of at least 50 per cent compared with the levels in 1990 and continued decline in emissions thereafter

Near-zero emissions of carbon dioxide and other long-lived GHGs

Peaking of emissions

Reduction of at least 70-95 per cent below 2010 levels by 2050 and zero emissions by 2080

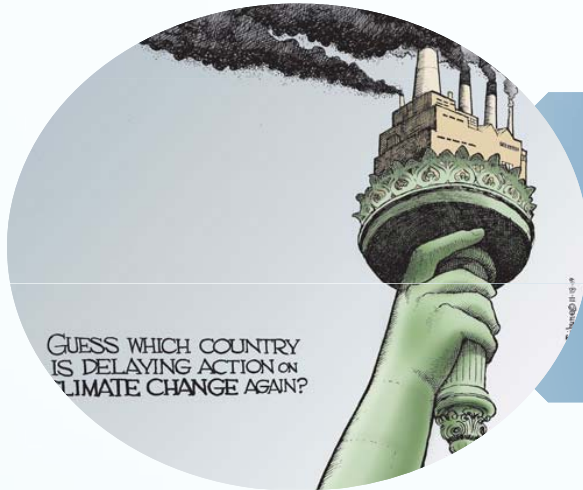
Full decarbonization by 2050 for developed countries and a sustainable development pathway for developing countries consistent with peaking as soon as possible, with timeframe for peaking longer for developing countries

Global emission budget to limit global warming to below 1.5°C. The distribution of the global emission budget should be undertaken in accordance with historical responsibilities, ecological footprint, capabilities, and state of development

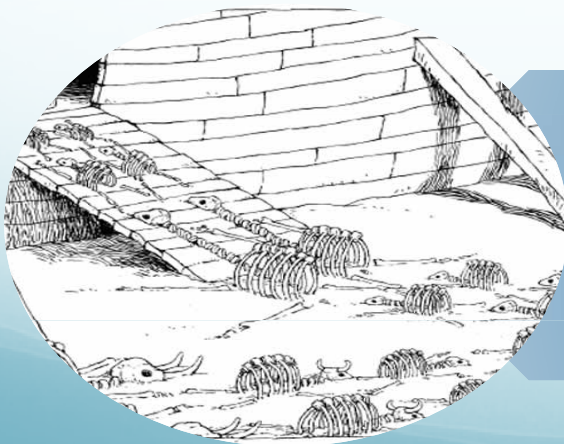
Global emission budget informed by national estimates

Stabilizing GHG concentrations at or below 350ppm

RED=Differentiation



Annex I, Non Annex I, Annex 2; Annex X, Parties not in Annex X; Annex Y; Common but differentiated responsibilities and respective capabilities, in light of different national circumstances



Particularly vulnerable countries; Countries in a position to do so; Major economies; Evolving common but differentiated responsibilities

Mitigation

- How to get to the long-term objective
- Developed countries not enhancing their level of ambition
- Whether differentiated mitigation Nationally Determined Contributions (NDCs) or no
- No long-term trajectory on mitigation by developing countries without indication on means of implementation in the long-term
- Markets or no markets in the agreement
- Response measures or no in the agreement

Adaptation and Loss and Damage

- Goal/unified vision on adaptation
- Means of Implementation: Finance, technology transfer, technical support, capacity building
- MRV (Measurement, Reporting, Verification) of support and action
- Institutional arrangements: Stronger links to GCF, institutions of the Convention, adaptation registry
- Whether separate pillar for loss and damage: Having references which only address the concerns of LDCs, SIDs and countries in Africa is counter to the interests of other developing countries who are also vulnerable

Finance

- All Parties to mobilise finance or Developed Parties to provide finance?
- New, additional, adequate and predictable, grant-based (for adaptation) or no?
- On anchoring institutions: Climate Resilience and Sustainable Development mechanism; Standing Committee on Finance; Green Climate Fund (GCF); Adaptation Fund
- Quantified or not: Developed country Parties to provide at least 1 per cent of gross domestic product per year from 2020 and additional funds during the pre-2020 period to the GCF
- Short-term quantified goal?
- Financial contributions in the NDCs?

Technology Development and Transfer

- Global goal on tech transfer to meet 2°C
- Developed countries to promote and enhance access to environmentally sound technologies
- Developed countries to facilitate removal of barriers, Promote access to public sector technology
- Developed countries to provide financial resources to address barriers caused by intellectual property rights (IPRs)
- Funds from the GCF will be utilized to meet the full costs of IPRs of environmentally sound technologies and know-how and such technologies will be provided to developing country Parties free of cost
- IPRs are not to be addressed in this agreement
- No commitments on technology in the agreement

Capacity building

- Responding to national needs and fostering country ownership, including at the national, subnational and local levels
- Establishing the INDC preparation and MRV of capacity-building support against needs identified by Parties, such that capacity is not a barrier to implementation beyond 2020
- To develop national capacity with regard to international MRV requirements
- Developing countries will enhance their climate change actions subject to the means of implementation provided by developed country Parties under the Convention
- No commitments on capacity building
- International capacity building mechanism

Transparency of Action and Support

- Whether single or common transparency framework or a framework only for developed countries or an evolving framework
- MRV of support
- Technical expert review of the submitted biennial communications
- Developed countries—information—subject to international assessment and review; developing countries, depending on capabilities and level of support received, to provide information, which will be subject to international consultation and analysis
- Several proposals on international markets in the guise of safeguarding environmental integrity, which allow for market mechanisms. But these have to be agreed first before embarking on rules to regulate them

Legal Form

- To choose from: **Protocol, Another legal instrument, Agreed outcome with legal force**
- Protocol: legally binding, will not work for the US.
- Another legal instrument: No clarity on what it might be, a hybrid instrument perhaps?
- US thinking of a legal instrument with some legally binding elements in it. Could this be done by Presidential Executive Agreement and without going to the Senate?
- Agreed outcome with legal force: Interpretation that the legal would mean domestic law, not international law
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