



PARIS HIGHLIGHTS: WEDNESDAY, 9 DECEMBER 2015

On Wednesday, 9 December, negotiations advanced under the COP Presidency on the draft Paris outcome. At 3:00pm the Comité de Paris convened for the presentation of a revised version of the draft Paris outcome. The session was then immediately closed to allow for parties to review and consult on the text. At 8:00pm the Comité reconvened to hear parties' first impressions on the text.

Consultations continued throughout the night in an *indaba* and a consultation, the first on differentiation, finance and ambition, facilitated by COP 21 President Laurent Fabius, and the second on other issues still requiring work, such as loss and damage, response measures, cooperative approaches and mechanisms, and preamble, facilitated by COP 20 President Manuel Pulgar-Vidal (Peru).

Contact groups and informal consultations continued throughout the day under the COP and CMP to finalize decisions on their agenda items.

COMITÉ DE PARIS

In the afternoon, COP 21 President Laurent Fabius informed parties that, as agreed on Tuesday, 8 December, the Secretariat would distribute a new version of the draft Paris outcome, saying the text: is "inspired" by the ADP draft Paris outcome from Saturday, 5 December; incorporates ministerial facilitators' recommendations; and draws from ADP co-facilitators' suggestions and experience. He explained the 29-page text, which contains three-fourths fewer brackets than the previous draft, aims to provide an overview of progress made and identify clear options on three cross-cutting issues still to be settled at the political level.

On progress made, he said compromise or significant progress had been made on capacity building, adaptation, transparency, and technology development and transfer. He noted initial progress had been made on forests, cooperative approaches and mechanisms, and preamble, and that progress on adaptation would enable parties to focus on loss and damage.

On the remaining political issues, COP 21 President Fabius identified differentiation, financing and the level of ambition of the agreement. He encouraged parties to scale up consultations on these. After requesting the Secretariat to distribute the new text, he proposed, and parties agreed, that the Comité de Paris reconvene at 8:00pm.

In the evening, COP 21 President Laurent Fabius outlined the purpose of the meeting as agreeing on the method of work for the evening and Thursday, 10 December, and allowing parties to express initial reactions on the new text.

On organization of work, he proposed that he would facilitate an *indaba* focusing on the cross-cutting issues of differentiation, finance and ambition. He identified loss and damage, response measures, cooperative approaches and mechanisms, and preamble as issues still requiring work, proposing that COP 20 President Pulgar-Vidal facilitate a single consultation on these issues, meeting in parallel with the *indaba*.

COP 21 President Fabius proposed a new version of the text be prepared by early afternoon on Thursday, 10 December.

Noting time pressure relating to legal and linguistic review, he proposed that parties agree to submit already clean text in the final agreement clauses to the open-ended group of legal and linguistic experts.

He called on parties not to reopen compromises that had already been reached and instead focus on issues where work still remains.

Parties supported using the text as the basis for work. However, some noted the text remains unbalanced and many outlined their areas of concern.

South Africa, for the G-77/CHINA, and Egypt, for the AFRICAN GROUP, expressed concern on "delinking" textual language from the Convention and dilution of Convention principles, particularly on differentiation.

On differentiation, INDIA called for balance between ambition and differentiation, correctly reflecting the principles of the Convention, and operationalizing differentiation in all the elements. Malaysia, for the LMDCs, with BOLIVIA and NICARAGUA, emphasized capturing CBDR.

VIET NAM described CDBR and differentiation as gateways to greater ambition. BOLIVIA called for including historical responsibility and the right to development. VENEZUELA called for a package deal that addresses differentiation.

GEORGIA emphasized "equal treatment of transparency among parties" and clear accounting rules as important for building trust. Australia, for the UMBRELLA GROUP, noted the text leaves differentiation to be resolved.

On support, the G-77/CHINA lamented a lack of adequate reassurances on MOI. Angola, for the LDCs, highlighted the need to ensure access to finance. The AFRICAN GROUP noted concern on the reflection of individual commitments without references to support.

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The EU underlined that after 2020, countries in a position to do so should join in increasing financial flows to countries in need. Saudi Arabia, for the ARAB GROUP, further expressed concern with references to “those in a position to do so.”

The PHILIPPINES called for ensuring pre- and post-2020 adaptation finance through quantitative goals. BELARUS welcomed the reflection of the interests of countries that need support, including those with economies in transition.

TIMOR LESTE said developed countries should commit to provision of MOI to LDCs. SOUTH SUDAN emphasized the need for developed countries to provide new, additional, predictable, sustainable and verifiable finances.

The DEMOCRATIC REPUBLIC OF THE CONGO suggested that financing to address deforestation and degradation of humid tropical forests be at levels equivalent to their share of global GHG emissions. BANGLADESH asked for special consideration of LDCs and SIDS to be reintroduced in Article 6 (finance).

On ambition, Maldives, for AOSIS, with Barbados, for the CARIBBEAN COMMUNITY (CARICOM), COSTA RICA, MALI, SAMOA, ECUADOR, the PHILIPPINES, BOLIVIA and SAINT LUCIA, stressed a below 1.5°C goal as critical. PALAU said the agreement must send a quantitative signal to the world on “where we need to be mid-century.”

The EU expressed concern that the mechanism to raise ambition over time had been significantly weakened. INDONESIA expressed preference for a 2°C limit, but said it was willing to work on another realistic and implementable threshold.

MOROCCO supported holding the global average temperature below 2°C above pre-industrial levels, while scaling up efforts to limit temperature increase to below 1.5°C.

On preamble, general and objective, Guatemala, for AILAC, with NORWAY, said the agreement should include references to gender issues, intergenerational matters and, with CHILE, the PHILIPPINES and MEXICO, human rights. NORWAY also suggested reference to health, just transition and, with CANADA, indigenous peoples’ rights.

NIGERIA called for including the Sustainable Development Goals alongside the reference to sustainable development. The PHILIPPINES called for ensuring integrity of a variety of ecosystems. INDONESIA called for equal recognition of the rights of local communities.

VIET NAM and MEXICO called for including gender equality. TANZANIA cautioned against referencing human rights “which could be used as barrier to access support.”

On mitigation, AILAC supported a quantified or quantifiable unilateral component in “features” under the mitigation article. The ARAB GROUP, called for the reinstatement of adaptation co-benefits coming in the “form” of mitigation.

The ARAB GROUP underscored that any goal that threatens their sustainable development, or ability to eradicate poverty and ensure food security will not be acceptable. The LMDCs expressed concern on language on NDMCs. The PHILIPPINES called for a mitigation goal that ensures full decarbonization by 2050.

On unilateral measures, the G-77/CHINA and the LMDCs expressed concern on the lack of text on this issue. The ARAB GROUP and the LMDCs opposed reference to carbon pricing.

On REDD+, CARICOM supported anchoring agreed COP decisions on REDD+ in the agreement. Panama, for the COALITION FOR RAINFOREST NATIONS, with CAMEROON, underscored the importance to “launch” a REDD+ mechanism in the Paris agreement.

PAKISTAN called for sending a strong signal that REDD+ is complete and ready to be implemented.

On adaptation, the G-77/CHINA lamented that many proposals were missing from the text. The AFRICAN GROUP noted key elements to operationalize the global goal on adaptation were missing. AILAC and CHILE called for a registry of adaptation actions.

On loss and damage, the G-77/CHINA, with VIET NAM and HAITI, emphasized the need for a distinct article on loss and damage. AILAC called for progress on loss and damage.

Maldives, for AOSIS, underscored that ongoing work among parties would result in new language on loss and damage. The EU stressed that the formulation on loss and damage is “deeply problematic.” TIMOR LESTE called for a standalone mechanism for loss and damage.

On circumstances of the most vulnerable, CARICOM, TRINIDAD AND TOBAGO, BELIZE and SAINT LUCIA highlighted the special circumstances of SIDS, noting this “reality is not negotiable,” and said that arrangements for loss and damage are crucial.

EL SALVADOR and NICARAGUA called for the agreement to recognize the Central American isthmus as a particularly vulnerable area. BHUTAN, with NEPAL, regretted the specific needs of the LDCs had been diminished in the operative articles of the text and called for including countries with fragile mountainous ecosystems in any listing of vulnerable countries. NIGERIA called for inclusion of Africa. GUINEA stressed referencing “other vulnerable countries and regions.”

On cycles, the UMBRELLA GROUP and PALAU emphasized five-year cycles for reporting and review. COLOMBIA supported a mechanism to increase ambition through periodic presentation of commitments starting in 2021.

On entry into force, the EU, JAPAN and the ARAB GROUP noted that entry into force lacks a double threshold.

On decision text, AOSIS said a bracketed decision paragraph on a facilitative dialogue among parties to take stock of collective efforts in 2018 or 2019 must be included in the final decision to ensure the 1.5°C temperature goal stays within reach.

Parties also highlighted areas for further work, with Switzerland, for the EIG, identifying, *inter alia*, a mandatory provision for nationally determined mitigation contributions (NMDCs) and internationally transferred mitigation outcomes. The LDCs said further work is needed on compliance to ensure implementation.

The UMBRELLA GROUP stressed developed countries’ continued assurances to continue to lead in the context of a universal agreement in which all parties do their best.

China, for BASIC, welcomed the text as open and balanced, and indicated willingness to work towards an outcome that reflects fairness and ambition.

The LMDCs underscored progress under workstream 2 as fundamental for progress under workstream 1.

The EU lamented that some key parts of the agreement had been moved to decisions.

Special Envoy with Observer Organizations Manuel Pulgar-Vidal reported on issues of high importance for observers, including: differentiation; market mechanisms; access of observers and transparency; long-term goals; long-term finance; and raising ambition of developed countries.

Parties agreed to the mode of work proposed at the beginning of the session. COP 21 President Fabius asked parties to begin work on compromises, anticipating that the “penultimate” draft text should be ready in the afternoon on Thursday, 10 December.

COP 21

CONTACT GROUP: Climate Finance Items (a-b): In the morning, on the issue of long-term finance, contact group Co-Chair Andrés Mogro (Ecuador) noted time constraints prevented parties from tackling political issues that required further consideration, such as MRV of finance, biennial updates and private sector climate finance, and highlighted the draft decision's minimalist structure. Co-Chair Mogro proposed, and parties agreed, to forward the draft decision to the COP for consideration.

On the report of the SCF, contact group Co-Chair Mark Storey (Sweden) presented a draft decision for adoption, based on consultations carried out by the Co-Chairs. Parties then agreed on the need to approve the SCF's work plan and continue work on reviewing the functions of the SCF.

Co-Chair Storey proposed reflecting issues that had not been discussed due to time limitations in the report of the COP. Parties agreed to refer to recommendations of the SCF based on the conclusions of the SCF forum. Parties agreed to send the draft decision, as amended, to the COP for consideration.

Climate Finance Items (c-d): In the afternoon, parties considered draft decision texts proposed by Co-Chairs Stefan Schwager (Switzerland) and Nauman Bashir Bhatti (Pakistan).

On the report of the GEF to the COP and guidance to the GEF, parties developed compromise language welcoming the investments by the GEF in sustainable forest management and other activities referred to, harnessing multiple benefits from forests, and tackling deforestation and forest degradation. Parties debated whether to delete a proposal by ARGENTINA, URUGUAY and COLOMBIA on "tackling the drivers of deforestation and forest degradation."

On support for the NAP process through contributions to the LDCF and the Special Climate Change Fund, CHINA, supported by INDIA and MALAYSIA, proposed deleting language inviting "parties that may make voluntary financial contributions" to provide such support. The EU, with JAPAN and the US, suggested deletion of the whole paragraph if it lacks agreement. Zambia, for the LDCs, opposed.

On the report of the GCF to the COP and guidance to the GCF, JAPAN said it is premature to discuss replenishment and suggested deleting a request to the GCF Board to agree on replenishment arrangements. South Africa, for the AFRICAN GROUP, Bolivia, for the G-77/CHINA, and Antigua and Barbuda, for AOSIS, opposed.

On a paragraph noting that funding decisions by the GCF projects will contribute to "low-emission and climate-resilient" development, ARGENTINA, opposed by the EU, suggested referencing "sustainable" development instead. Parties continued consultations informally.

CMP 11

CONTACT GROUP: Issues Relating to the CDM: In the morning, a contact group co-chaired by Jeffery Spooner (Jamaica) focused on draft text produced on Tuesday evening, 8 December. Parties discussed six paragraphs that still remained bracketed.

On a paragraph on encouraging the CDM Executive Board (EB) to explore opportunities for financing through international climate financing institutions to foster the use of the CDM, parties agreed to keep a reference to the GCF while removing "to foster the use of the CDM."

On a paragraph inviting the CDM EB to host a workshop, back to back with SB 44, with international climate financing institutions, after consulting informally, parties agreed to an alternative proposal inviting the CDM EB to consider hosting an in-session workshop at SB 44, taking into account a request for the CDM EB to ensure transparent and prudent management of the resources of the CDM.

Parties then agreed to forward the draft decision to the CMP.

IN THE CORRIDORS

On Wednesday afternoon, plenary La Seine filled with anticipation and excitement as parties waited for COP 21 President Laurent Fabius to reveal the new "clean" text. Immediately after receiving their copies, delegates poured over the text. As some optimists had expected, the positive spirit prevailed throughout the afternoon Comité de Paris meeting, surprising some observers accustomed to drama as a regular feature of climate COPs.

Most delegates remained in full praise of the Presidency, commending their work with the facilitators and Secretariat to finish the text lasting into the wee hours of Wednesday morning. One negotiator explained the positive mood was a result of the Presidency "involving the ministers early and often in the process, which built relationships and facilitated constructive conversations on sticking points."

Pointing out that the three remaining political issues, differentiation, finance and ambition, are more than "small details," one long-time observer noted that "some brackets are more stubborn than others." Others' eyes initially spotted phrases that raised eyebrows, either negatively or positively depending on their perspective, like *per capita* emissions and respect for indigenous peoples' rights.

Still, some close to the ministerial process seemed confident, saying that the "agreement should be quite agreeable" to parties if they manage to "zoom out to see the bigger picture." Speculating on the evening, one delegate hoped the good mood would not be ephemeral, calling Wednesday evening the "defining moment" of the second week.

To witness that defining moment, delegates again flowed into La Seine in the evening. Many offered cautious optimism, with one saying that "all the elements are here, and relatively well balanced." Another cited the "quite clean" text on workstream 2.

The first round of applause was for the G-77/China's statement that the text formed an acceptable basis for negotiations. While there seemed to be a never-ending stream of groups' and parties' concerns with the text, their overwhelming general acceptance of the text as the basis for further work represented to some a collective sigh of relief.

However, one delegate cautioned against assuming that if "everyone expresses concerns, that the text is indeed balanced." Some also worried parties were regressing to stated positions.

Leaving La Seine for the two midnight sessions announced by COP 21 President Fabius, many looked ahead to some political deals occurring in the coming hours. As they entered into the midnight consultations, one group of delegates hoped Friday would be a day of rest, while the legal and linguistic group reviews the text.

However, with COP 21 President Fabius describing the next iteration of the text, expected for Thursday afternoon, as the "penultimate text," many delegates wondered if their hopes of Paris being an exceptional COP in terms of timeliness could still materialize.

