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A first reading of the Co-Chair’s negotiation tool

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There are now just 10 days of negotiation time left before the opening of COP21 (2 negotiations sessions planned in Bonn in August and October), at which a new climate change agreement should be sealed. Time to reach agreement is running through our fingers at an alarming rate. In light of this, Parties gave the co-chairs of the negotiation a mandate to prepare a new streamlined text as a basis for negotiation when talks resume in Bonn at the end of August.

Let us consider what this new text does and does not do.

Firstly, the text does not take options off the table. It was never intended to do so; nor to substitute for negotiation among Parties. It will be up to Parties, and their ministers back home to start to find compromise positions. At the recent informal ministerial consultation, participants highlighted the need for negotiators to be given clear instructions to seek convergence on the crunch issues.

Secondly, however, the text does do a great job in highlighting where convergence exists, and where lie the handful of crucial divergences. It does so notably through its structure, which provides important organisational clues as to how the negotiation and ultimately the agreement could be structured. Part one contains elements that are appropriate for inclusion in the legally binding agreement to be adopted in Paris. Here we find, first of all, provisions that are crucial to the agreement and have attracted a reasonable level of consensus, at least in their basic expression. This includes basic provisions on the objective of the agreement, Parties' contributions to that objective, and so on. Within this text, however, we also find areas where there are crucial divergences on core issues. Such issues include differentiation between developed and developing countries on transparency and accountability, and the contours of the package on finance, for example.

Regarding transparency the solution could lie in a single, flexible framework, allowing all Parties to participate and self-differentiate based on their circumstances and the type of contribution they take on. The financial package could consist of a collective commitment to an investment shift, and specific targets for the provision of financing, in particular to the poorest and most vulnerable countries.

It is notable that part 1 of the text is only 14 pages long—about the length that the final core agreement could have.

Part 3 of the text includes substantive provisions proposed by Parties, which elaborate further the basic provisions included in part 1. An example would be a specific global emissions target based on the objective to limit warming to 2 degrees. On these provisions there is a wider spread of proposals and more divergence. Clearly, some of these issues will need to be incorporated in the core agreement – some Parties may be concerned about a lack of balance on adaptation in part 1 of the co-chairs' text and advocate the need to include elements currently in Part 3 of the text firmly in the framework of the core agreement.

The text thus does three crucial things:

1. It starts to solidify the basic, reasonably consensual provisions that need to be in the agreement. It thus already provides an overview of the potential agreement.
2. It highlights the handful of areas of divergence on the central provisions that need to be included in the legally binding agreement. These are the areas that may require political guidance, including through the ongoing ministerial consultations being convened by the French presidency, first in July and next in September
3. It provides Parties with a structured 'menu' of more detailed and divergent elements of the agreement, which – through negotiation – could be used to flesh-out a bit further the basic contours of the agreement that is emerging in part 1 of the co-chairs' text.

A final important thing to note is that this text was a collective exercise, developed by the co-chairs together with the 11 co-facilitators of the various thematic negotiation groups. This is in line with the current strategy of the Peruvian and French presidencies, namely to have an open and participatory process with shared ownership between Parties, facilitators, and the presidencies. In this, a key lesson of Copenhagen has been learnt namely the need to maintain a transparent, collective process.

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