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October negotiation session: all hope for Paris is not lost

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In an attempt to help accelerate the lagging negotiation process at only a few weeks away from COP21, the co-chairs produced a text that was clear and concise, yet went too fast and too far, misjudging the balance between developed and developing country views. It is thus only normal that Parties sought to amend and rebalance it, to make it truly their own.

Less than ideal progress, but still on track to deliver Paris Agreement.

Climate delegates left Bonn late last Friday with a consensus document, from the basis of which they will start negotiations at COP21. The process to sign in December 2015 the first universal and legally binding agreement to reduce greenhouse gas emissions and prevent dangerous levels of climate change is thus still on track.

This final week of negotiations before Paris started with a harsh diatribe from developing countries toward the synthesis text drafted by the process' two co-chairs for use as a basis for negotiations (and prepared in fulfillment of the mandate countries collectively gave them at the closure of the previous negotiation session). Decrying its bias toward developed countries positions, and insufficient inclusion of their own demands, developing countries called for it to be reopened.

Despite calls by the co-chairs and a number of parties for restraint and focus, by Tuesday evening hundreds of additions had been made throughout the text.

Pandora's box was open. Or rather re-opened, for those who remember the similar ballooning that occurred at the Geneva negotiating session earlier this year.

Parties' subsequent attempts to streamline and clarify options did not culminate in much progress: the consensus document compiled at the end of the week from their collective work spun over 50 pages—double the length of the co-chairs' text—and included over 1500 brackets, indicating areas where Parties still disagree on precise wording.

While it is positive that Parties were able to leave the session with a document containing all their views, it is quite unfortunate is that at this late stage in the process they were unable to remain disciplined and start making needed concessions. Building and reaching consensus on 'easier' areas, and clarifying options on the most contentious issues would have facilitated and accelerated the work in Paris. And especially that of ministers, upon whom the task of settling the most political of issues will ultimately fall.

'Conceptual convergence?'

Much talk has been had this past year on the growing 'conceptual convergence' in the negotiations. Encompassing a variety of countries, this convergence is notably illustrated in the joint US-China climate declarations of this year and last.

These two declarations show how far the two superpowers have come together over the past few years, from Copenhagen where their mutual trust was at an all-time low. They demonstrate Obama's and Xi Jinping's great efforts to build a middle ground aiming to bridge their two nations' inherently diverging positions—one an industrialized country recently taking tough steps to act on climate change, the other an emerging economy looking to still prioritize its own economic development all while starting to seriously confront the massive environmental challenges it faces.

The 2014 joint announcement played a no less than critical role in Lima last year, when the phrase 'common but differentiated responsibility and respective capabilities, in light of national circumstances' it coined was taken up by the COP20 INDCs decision, in this way sending a signal for how differentiation might be treated in the Paris Agreement.

In turn, the September 2015 joint statement further elucidated possible 'landing zones', or elements of convergence, across the various areas of the negotiations. On differentiation, it notably showed an acquiescence on moving past the UNFCCC's strict 'developed' and 'developing' country division to a more nuanced differentiation.

Yet last week's reaction to the co-chairs' text demonstrates the difficulty of not pre-judging convergence at the political level, and of integrating this convergence at the technical level, among all countries. It further shows how too great a focus on convergence among some of the largest emitters and blocks of countries resulted in an obscuring of the demands of sometimes less audible voices.

Ways forward on the contentious issues of differentiation and finance?

Developed countries have been extremely clear they want to see an evolution away from the rigid bifurcated differentiation currently present in the UNFCCC between developed and developing countries, which results in putting the same responsibilities on countries as different as China—the world's largest emitter, responsible for 25% of global GHG emissions, and a growing economic superpower—and Lesotho or countries that are least developed and highly vulnerable to the impacts of climate change.

Rather, the durable international climate regime Paris is set to inaugurate should be universal, with all countries participating in one same system, within which their responsibilities are differentiated in line with their diverse and evolving national circumstances.

Developing countries have shown reluctance toward accepting this shift. Some because it makes them feel as though they are signing a blank check which asks them to further contribute and curb their emissions—to an unspecified extent—either today or in the near future, and others out of fear this gives developed countries a chance to 'backslide' on their commitments.

A tiered system that places countries into immutable categories favors the status-quo and overall stymies progress towards raising aggregate climate ambition. It is thus inappropriate for a climate regime that is meant to last over several decades. Nuanced self-differentiation, already acquiesced in the development of INDCs, appears to be the most fair and effective way forward.

To this end, the Paris Agreement should send signals that there will be space for (self)-differentiation, while at the same time creating obligations that are general enough to be universal. This means it must institute principles such as 'no-backsliding' and 'continuous improvement' that ensure that there is not a general race to the bottom, but rather a rise in collective ambition. It must also include specific language about how flexibility could be given to self-differentiate, especially in areas where differentiation is particularly contentions such as the transparency system (in which countries report, and are reviewed, on progress they are making to their commitments), the global long-term goal, and the 'cycles of contributions' (or regular updating of contributions).

The other remaining area of contention is finance. Here, developing countries are demanding that developed countries show them they are set to meet their current promise to deliver 100 Billion USD by 2020, and also that they step up their funding after that year. In turn, developed countries notably emphasize the need for mainstreaming climate considerations across all investments, and emphasize the role of the private sector

Developed countries should provide assurances that they will indeed keep their goal. The **recent OECD report** commissioned by the incoming French Presidency and the UNFCCC Secretariat to assess the amount of climate finance that is currently being disbursed is a good, but insufficient, first step. They must also concretely indicate in the Paris Agreement text a continued willingness to provide funding to developing countries. For example, by committing to indicative, aggregate, non-binding quantitative goals for the post-2020 period, that do not backslide on the 100 billion commitment. There should be particular emphasis on public finance for adaptation, which currently receives only 17% of all climate finance (with the rest going to mitigation).

Conclusion: 33 critical days up to Paris

The situation countries put themselves at the end of the Bonn session is rather challenging and highly risky. With no more formal negotiating days left between now and Paris, it is now time for ministers to step up the game and use the two high-level political moments in November (i.e. the 'Pre-COP' organized by the French Presidency and the G20 summit) to build real convergence on critical issues, so that COP21 can go smoothly and culminate in the ambitious legal agreement our world desperately needs.

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