

EVENT REPORT

Konrad-Adenauer-Stiftung e.V.

MULTINATIONAL
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Paris Agreement: the robust deal we needed?

First-hand impressions from COP21

The 21st Conference of the Parties (COP21) was scheduled to take place in Paris from 31 November to 11 December 2015. After the failure to reach an agreement in Copenhagen in 2009 the stakes were extremely high as a sense of urgency was shared among stakeholders that the window of opportunity for holding to the 2°C target was quickly closing. The scenario ahead of Copenhagen was different though. In the last six years the international community has become more aware of the concrete impacts of climate change. Key-players in the negotiation like the US and China have been showing signs that they are conscious of these threats and that climate-friendlier domestic legislation is needed as well as some sort of robust agreement at the international level.

In the last years, the scientific community, civil society and some governments have made important efforts to raise awareness of global climate challenges and the importance of new legal instruments to address them. However, the road to Paris was rocky as the two previous COPs in Warsaw and Lima did not do enough to solve the most basic contentious issues in the negotiations, i.e. differentiation, ambition and financing. The negotiation teams arrived in Paris with the certainty that the 2°C target was still technically possible. However, experts were aware that many deadlocks existed regarding the most basic elements in the draft text and that whatever agreement reached, it would not be perfect. Nevertheless, it was also true that in the months prior to Paris some hope started to emerge regarding the feasibility of a "robust deal".

The two weeks of negotiations in Paris were full of ups and downs. The first days of declarations of heads of state and government gave the feeling that time was passing by and technical negotiations were not moving ahead. It was only on Saturday, 5 December, that some optimism started to build up. COP21 President Laurent Fabius presented a first working draft. At this point the text was still pretty rough and contained many open articles. However, at this moment the French Minister of Foreign Affairs began to show how serious his commitment to an agreement was and that he would use all the tools available to guarantee a positive outcome. Mr. Fabius announced the creation of the Paris Committee as an open-ended single-setting group to conduct informal consultations among the parties. He also established four informal consultation groups to coordinate negotiations on means of implementation (finance, technology, capacity-building), differentiation (in particular with regards to mitigation, finance and transparency), ambition (including long-term goals and periodic reviews) and acceleration of pre-2020 action (Workstream 2 excluding pre-2020 finance). Unlike Copenhagen, the Presidency of COP 21 chose not to invite heads of state and government to the second week of negotiations. The final days of negotiations in Paris involved technical staff and ministers only. It was the correct decision, since engaging in discussions at a more political level would have probably led to a no-deal scenario.

As the Paris Committee met on Monday and Tuesday of the second week, it was not completely clear if a deal would be reached. On the one hand there was a consensus

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among the Parties that the drafts offered by the Presidency presented good grounds for further discussions. It was also clear that Laurent Fabius had the support of the negotiators and was seen as the right man in charge, steering the process with both responsibility and sensibility. On the other hand, it was also evident the basic cross-cutting issues of differentiation, ambition and financing were still creating substantial divergence.

In the evening of Wednesday, 9 December, negotiations reached the point of highest tension. As the Committee of Paris convened it became clear that all the groups were trying to hold their ground and make a last effort to defend its interests as much as they could. The Alliance of Small Island States (AOSIS) insisted that the agreement should state the ambition to hold global mean temperature below 1.5°C with reference to pre-industrial levels. G-77+China pointed out inconsistencies between language in the Convention and in the draft Agreement, criticising the draft on topics related to adaptation, financing, loss and damage, etc. On the other side, the Umbrella Group, the Environmental Integrity Group and the EU opposed the lack of balance in the draft and claimed for a higher level of ambition. At this point some doubts started to be raised about the possible outcomes of the negotiations.

Despite the tensions, the following day brought some good surprises and revealed the diplomatic skills of the Presidency. The new draft announced by Mr. Fabius reduced significantly the number of open elements in the Agreement. The US joined the High Ambition Coalition, in a step that raised hopes that the negotiations were turning into the right direction. Although the final version of the Paris Agreement was not ready on Friday and the COP 21 had to be extended to Saturday, the air suddenly became much lighter in the pavilions of Le Bourget. As the parties finally started to come to terms optimism began to build up. On Saturday, 12 December, the Plenary erupted in a standing ovation as Laurent Fabius announced the approval of the Paris Agreement.

When asked about how they evaluated the outcome of Paris, representatives of the US, China and the EU stated that the Paris Agreement was indeed not perfect. In fact, all the parties in the negotiation had to make important concessions for an agreement to be reached. The EU and the US had to accept that differentiation between developed and developing countries would remain a constitutive element of the agreement. China had to recognize the necessity of more transparency in the reporting of emissions and agree upon a periodical review process. Developing countries had to accept very weak language regarding loss and damage.

Failure in Paris would not have meant that the world was doomed, but the international community needed to show unity in face of a challenge of global proportions. After Copenhagen and five more COPs that did not deliver what was expected, the Paris Agreement not only gives a boost of confidence to the UNFCCC process, it also establishes a very good point of departure to handle the complex challenges ahead. The agreement reached in Paris is not yet the deal the world needs to hold to the 2°C goal, but it is a step ahead that might pave the way for success in the future.

The Paris Agreement misses some important marks. It does not define when the global peaking of emissions should be reached. It also fails to quantify global emission cuts in the coming decades. Moreover, it does not turn the intended nationally determined contributions (INDCs) of the Parties mandatory.

Activists have the right to criticize the lack of legally binding mitigation commitments of the Parties in the agreement. But this provision that turns emission targets voluntary was essential for the approval of the text. It is not as bad as it sounds either. Legally binding commitments would have been a great step ahead and will be necessary at some point in the future. But the agreement establishes the obligation for all the Parties to present INDCs and update them periodically. The flexibility of the agreement and the fact that a reassessment of ambitions

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every five years is prescribed in the text allows the international community to keep track of the process and put pressure on the Parties to raise the level of ambition in the coming years.

The great merit of the deal is that it addresses differentiation, ambition and financing. The Paris Agreement consolidates the principle of common but differentiated responsibilities and respective capabilities. It reaffirms the leading role of developed countries in mitigation. But it brings more balance to climate action by stressing the necessity of all the Parties to make a contribution. The goal to hold global average temperature well below 2°C and pursue efforts to limit global warming to 1.5°C is very important as well. Even if it is doubtful that the 1.5°C might be technically feasible, it is an important victory for most vulnerable nations, especially for small island states. With regards to financing, the agreement stresses the responsibility of developed countries to provide the necessary resources and assist developing countries in the implementation of their mitigation and adaptation strategies. It follows Copenhagen by setting the floor of USD 100 billion per year from 2020 with the provision of scaling-up financial commitments in the future. There are other important elements in the text too. The Paris Agreement stresses the concept of climate justice, recognizes the importance of gender equality within the framework of climate action, and touches upon very sensitive issues like loss and damage.

It could be argued that the Paris Agreement is the robust deal that was needed. The world certainly still needs much more to achieve full decarbonisation and implementation remains a huge question mark. The years ahead will be challenging and the future is uncertain. But the deal could have been worse. For those who have been following the process up close, it was not clear if any deal would be reached whatsoever. The Agreement represents a good compromise. It makes possible not only for the Parties, but also for the scientific community, subnational actors, private sector and civil society to envisage the goals and de-

velop concrete strategies to reach them in the coming decades.

Summing up, these are some key-impressions from the negotiations in Paris:

- The format of the negotiations proposed by the Presidency of COP 21 characterized by the absence of heads of state and government in the second week proved helpful for reaching a deal in Paris;
- By the half of the second week the Parties remained committed to their agendas and unwilling to compromise on cross-cutting issues related to differentiation, ambition and financing;
- The Paris Agreement is a compromise deal that misses important marks: it does not define when global peaking of emissions should be reached, it fails to quantify global emissions cuts, and it does not establish binding emission commitments.
- However, the Agreement tackles differentiation, ambition and financing, laying the ground for the work ahead. It is a robust deal in the sense that it shows some degree of unity within the international community to address global climate challenges.
- Implementation remains uncertain but the Agreement provides the Parties and other stakeholders with some guidance on how to develop strategies to limit global warming and address its consequences.