

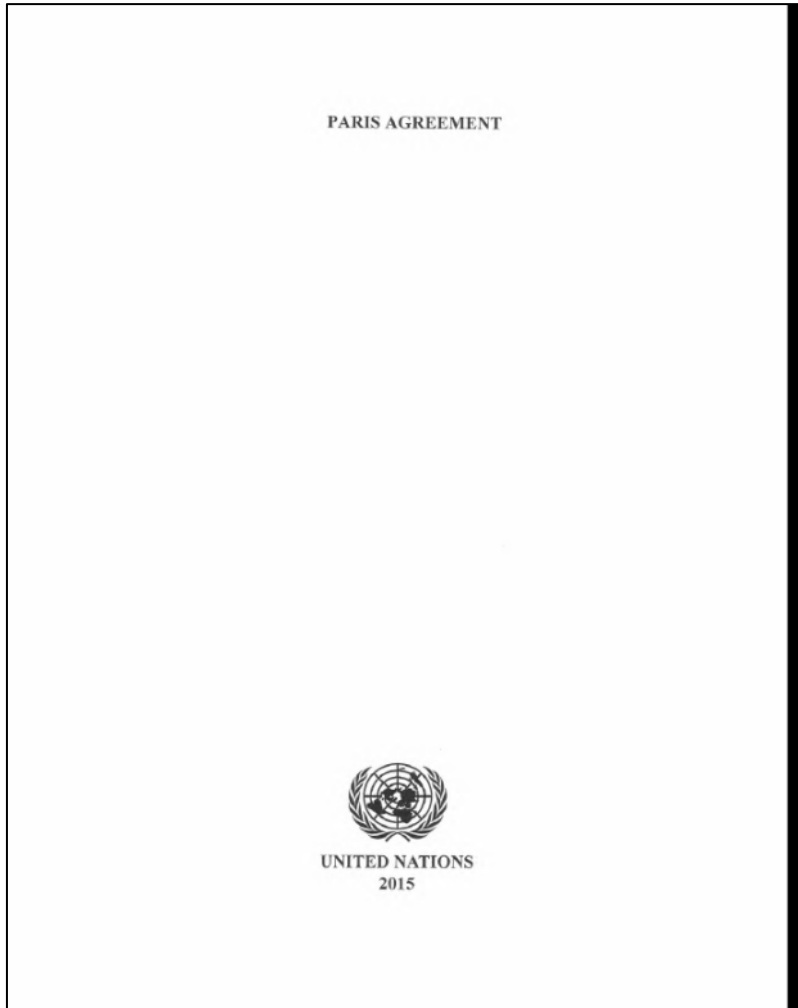
From eligibility criteria to self-evident and self-explanatory participation

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Oct. 18, 2018

ICTSD Article 6 Informal Dialogue meeting
Glion, Switzerland

There are no words such as “eligibility criteria” nor “Requirement” in the Paris Agreement.



Searched words:

- Eligibility > None
- Criteria > None
- Requirement > None
- Participation > Yes

Paris Agreement mentions “participation” in the context of facilitation and enhancement

Affirming the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement,

Article 6.4 (b)

(b) To incentivize and facilitate participation in the mitigation of greenhouse gas emissions by public and private entities authorized by a Party;

Article 6.8 (b)

(b) Enhance public and private sector participation in the implementation of nationally determined contributions; and

Article 12

Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

“Participation” to the discussion of Paris Agreement should be encouraged

Article 16.8

8. The United Nations and its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Agreement and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Agreement as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure referred to in paragraph 5 of this Article.

Paris Agreement Negotiation Text started from Geneva



United Nations

FCCC/ADP/2015/1

Framework Convention on
Climate Change

Distr.: General
25 February 2015

Original: English

Ad Hoc Working Group on the Durban Platform for Enhanced Action

Second session, part eight
Geneva, 8-13 February 2015

Agenda item 3
Implementation of all the elements of decision 1/CP.17

Negotiating text

A. [[Preamble]]

Option 1: (Placeholder for preamble)

Option 2:

[The Parties to this agreement,]

[Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention".]

[In pursuit of the [ultimate] objective of the Convention as stated in its Article 2,]

[All Parties to enhance action and cooperate on the basis of equity and common but differentiated responsibilities and respective capabilities to further implement the Convention in order to achieve its objective as stated in its Article 2, so as to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner that ensures resilience and adaptive capacity to the adverse effects of climate change, while recognizing the local, national, and global dimensions of adaptation in accordance with the principles and provisions of Articles 3 and 4 of the Convention,]

[Option (a): Being guided by the principles of the Convention as set out in its Article 3, including that Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with historical responsibility, common but differentiated responsibilities, and the provisions of Article 4 of the Convention / evolving common but differentiated responsibilities and respective capabilities / evolving economic and emission trends which will continue post-2020, in order to progressively enhance the levels of ambition,

¹ [Headings and subheadings used throughout these elements for a draft negotiating text are provisional and intended only to orient the reader.] [This negotiating text reflects work in progress, and does not prejudice whether the outcome will be a protocol, another legal instrument, or an agreed outcome with legal force, nor does it prejudice the legal nature of any particular provision. Inclusion of headings and subheadings are intended to orient the reader; further, they do not indicate agreement as to the structure or organization of the agreement, or as to which provisions should appear in the agreement as opposed to in decisions adopted in Paris or thereafter.]

GE.15-03585 (E)



Please recycle



FCCC/ADP/2015/1

Ad Hoc Working Group
on the Durban Platform
for Enhanced Action

Second Session, part
eight

Geneva, 8-13 February
2015

90 pages

Geneva text had the option of “eligibility and participation requirement”

D. [[Mitigation]

[Long-term and global aspects of mitigation]

Option 2: Parties may claim mitigation outcomes achieved in other Parties towards their commitment subject to specific rules and requirements designed to ensure that the environmental integrity and the integrity of commitments are maintained and that double counting is avoided.

39.1. The UNFCCC certification and use of mitigation outcomes by countries on a voluntary basis should be subject to specific rules and requirements designed to provide for a scaling-up of effort and entailing a net contribution to global mitigation efforts and contributing to sustainable development;

39.2. Those rules and requirements will be defined by 2016, and include eligibility and participation requirements.

Draft Paris Outcome at COP21

DRAFT TEXT
on
COP 21 agenda item 4 (b)
Durban Platform for Enhanced Action (decision 1/CP.17)
Adoption of a protocol, another legal instrument, or an agreed outcome with
legal force under the Convention applicable to all Parties

Version 1 of 9 December 2015 at 15:00

DRAFT PARIS OUTCOME¹

Proposal by the President

A. DRAFT AGREEMENT

[The Parties to this Agreement,

⁷⁹¹ *Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention",*

⁷⁹² *In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,²*

⁷⁹³ *Pursuant to the Durban Platform for Enhanced Action established by decision 1/CP.17 of the Conference of the Parties to the Convention at its seventeenth session,*

⁷⁹⁴ *Recognizing the intrinsic relationship between climate change, poverty eradication and equitable access to sustainable development, and reaffirming that responses to climate change should aim to meet the specific needs and concerns arising from the adverse impacts of response measures,*

⁷⁹⁵ *Taking account of the specific needs of developing country Parties, and especially those that are particularly vulnerable to climate-related events,*

⁷⁹⁶ *Also taking account of the specific needs and special situations of the least developed country (LDC) Parties as set out in Article 4, paragraph 9, of the Convention, and the specific circumstances of small island developing States (SIDS),*

⁷⁹⁷ *Emphasizing the need to respond to the urgent threat of climate change on the basis of the best available scientific knowledge, in particular, the assessment reports of the Intergovernmental Panel on Climate Change,*

⁷⁹⁸ *[Noting that the largest share of historical global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,]*

⁷⁹⁹ *[Recognizing that Parties should take action to address climate change in accordance with evolving economic and emission trends, which will continue to evolve post-2020,]*

⁸⁰⁰ *[Emphasizing the importance of Parties promoting, protecting and respecting all human rights, the right to health, and the rights of indigenous peoples, migrants, children, persons with disabilities and people in vulnerable situations and under occupation, and the right to development, in accordance with their obligations, as well as promoting gender equality and the empowerment of women, when taking action to address climate change.]*

⁸⁰¹ *Noting the needs and integrity of terrestrial ecosystems, oceans and Mother Earth.*

¹ The Article numbers and the paragraph numbering as well as the cross-references contained in this version will need to be updated.

² There is a need to explore coherence between presubstantive paragraphs 2, 4, 7, 8, 9, 10, and 14 and issues being discussed under other parts of the text of the draft Agreement.

- DRAFT TEXT on COP21 agenda item 4 (b) Durban Platform for Enhanced Action (decision 1/CP.17)
- Version 1 of 9 December 2015 at 15:00
- DRAFT PARIS OUTCOME
- Proposal by the President
- 29 pages

“Eligibility” and “Participation requirement” was not in the Draft Paris Outcome at COP21

Article 3 (Mitigation)

{Cooperative approaches}

20. [Parties shall, where engaging on a voluntary basis in cooperative approaches that involve the use of internationally transferred mitigation outcomes towards ###, promote sustainable development and environmental integrity and apply robust accounting to ensure, inter alia, the avoidance of double counting, in accordance with guidance adopted by the CMA.]

Article 3 ter (Mechanism to support sustainable development)

[Article 3 ter] *{MECHANISM TO SUPPORT SUSTAINABLE DEVELOPMENT}*

{Proposed Mechanism 1}

1. [A mechanism to support sustainable development [in developing country Parties] is hereby established under the authority and guidance of the CMA, shall be supervised by a body designated by the CMA, and shall aim to:
 - (a) Promote sustainable development [in developing country Parties];
 - (b) Incentivise and facilitate participation in mitigation action by public and private entities under the responsibility of a Party;
 - (c) Enhance mitigation ambition by [developing country] Parties [, by incentivising supplementary voluntary climate action, beyond their ###];
 - (d) Deliver, where desired by participating Parties, a net decrease in, or avoidance of, emissions;
 - (e) Assist Parties [with a ### reflecting an absolute target in relation to a base year] to fulfil their ###, through the use of mitigation outcomes from mitigation activities [in developing country Parties];
 - (f) Ensure environmental integrity, including by ensuring that such mitigation shall not be claimed more than once, in accordance with guidance adopted by the CMA pursuant to Article [3, paragraph 14].]
2. [The CMA shall ensure that a share of the proceeds from activities under the mechanism are used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.]
3. [The CMA shall adopt modalities and procedures for this mechanism at its first session.]

“Eligibility” and “Participation requirement” was not in the Draft Paris Outcome at COP21

Article 3 ter (Mechanism to support sustainable development)

{Proposed Mechanism 2}

1. [A mechanism is hereby established to support holistic and integrated approaches to sustainable development in harmony with nature, to be available to assist [developing country] Parties in fulfilling their ###, including, in a

balanced manner, mitigation, adaptation, provision of finance, technology transfer and capacity building. This mechanism shall be under the authority and guidance of the CMA, shall be supervised by a body designated by the CMA, and shall aim to:

- (a) Enhance mitigation and adaptation ambition and the provision or mobilization of public financing, technology transfer and capacity building, in an integrated manner for climate action;
- (b) Enhance non-market-based approaches and enable participation in joint cost-effective mitigation and adaptation actions by public and private entities acting under the responsibility of a Party;
- (c) Support the implementation of the joint mitigation and adaptation approach for the integral and sustainable management of forests as an alternative policy approach to results-based payments;
- (d) Fully respect mitigation contributions of participating Parties to ensure that the global mitigation effort is not undermined.

From Geneva to Paris and from Paris to Katowice

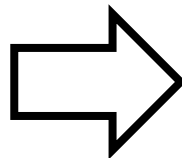
- There are no words such as “eligibility” nor “requirement” in the Paris Agreement.
- On the way to Paris, those words were NOT remained in the Agreement. Many arguments can be made, but this is the fact.
- “Participation” is important as such word is mentioned in many Articles of the Paris Agreement, but in the context of “incentivize”, “facilitate”, and “enhancement”.

For the Katowice Outcome

- For the purpose of robust accounting and reporting, we should consider self-evident and self-explanatory reporting such as being a Party to the Paris Agreement, communicating quantitative NDC, having authorization arrangements, submissions of inventory or GHG emissions covered by its NDC, having a tracking and recording system for ITMOs etc., without envisaging approval process.

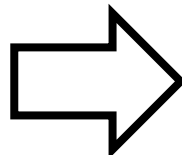
Relevant Quantitative and Qualitative Information reported under the Enhanced Transparency Framework

Accounting



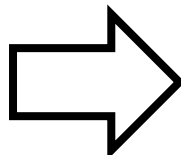
- Amount of credits first transferred
- Amount of credits used to achieve NDC
- Vintage of credits

Sustainable Development



- Description of how cooperative approaches promote the SD of host country

Environmental Integrity



- Description of how cooperative approaches does not result in an increase in global emissions
- Transparency of approach
- Governance of approach