

BRINGING DIPLOMACY INTO THE CLASSROOM: STIMULATING STUDENT ENGAGEMENT THROUGH A SIMULATED TREATY NEGOTIATION

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ANNEX A – CONVENTION MATERIALS

1) NATIONALLY DETERMINED CONTRIBUTIONS (NDCs)

Issues here relate to proposals to make NDCs binding. Currently NDCs are non-binding. In making these arguments delegations will draw upon equity arguments, with many developing countries arguing that making NDC's binding would breach the principle of common but differentiated responsibility.

PARIS AGREEMENT ARTICLE 4

...2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.

3. Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

4. Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.

Common but differentiated responsibilities

UNFCCC EXTRACT

'Article 3 of the UNFCCC is headed 'Principles' and provides as follows:

'In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

- 1) *The 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 their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.*
- 2) *The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.*
- 3) *The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.*
- 4) *The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.*
- 5) *The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade'.*

PARIS AGREEMENT EXTRACT

The Parties to this Agreement,...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, (Preamble (3rd para)).

2) ESTABLISHMENT OF A COMMISSIONER FOR FUTURE GENERATIONS

Imagine also that one month ago the UN General Assembly has passed unanimously Resolution 3006 according to which countries:

UNGA FICTITIOUS RES 3306

Request the parties negotiating modalities to operate under the Paris climate agreement when it comes into force, incorporate within this mandate the establishment of a Commissioner for Future Generations to ensure that the interests of future generations are adequately taken into account in the framing of nationally determined contributions. The Commissioner is to be established by 1 January 2020. The details of the mandate and funding of the Commissioner are to be determined Ad Hoc Working Group on the Paris Agreement (APA) to: prepare for the entry into force of the Agreement and for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).

PARIS AGREEMENT, PREAMBLE (PARA 11):

Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity, (underlining added).

See also UNFCCC art 3 para 1 above reference to “future generations”.

RULES OF PROCEDURE

Rule 1:

Decisions of the Ad Hoc Working Group on the Paris Agreement (APA) are to be made on the basis of consensus, or in the absence of

consensus, and where a vote is called by a member of the APA, decisions are to be taken by two thirds majority of members of the APA present and voting.

Rule 2:

Accredited non-government organisations may take part in plenary sessions of the APA but may not take part in subsidiary drafting or working groups established by the APA.

3) FUNDING

PARIS AGREEMENT, PREAMBLE (PARAS 5, 6, 8)

Also recognizing the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention,

Taking full account of the specific needs and special situations of the least developed countries with regard to funding and transfer of technology, ...

Emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty,

PARIS AGREEMENT ARTICLE 9

1. Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.

2. Other Parties are encouraged to provide or continue to provide such support voluntarily.

3. As part of a global effort, developed country Parties should continue to take the lead in mobilizing climate finance from a wide variety of sources, instruments and channels, noting the significant role of public funds, through a variety of actions, including supporting country-driven strategies, and taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a progression beyond previous efforts.

4. The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island

developing States, considering the need for public and grant-based resources for adaptation.

ANNEX B – COUNTRY POSITIONS

EU (LUXEMBOURG/ GERMANY /FRANCE), AUSTRALIA & NEW ZEALAND, UK

Position

NDCs

Support NDCs to be made legally binding for all industrialised countries plus Singapore, Bahrain and South Korea, with this to be achieved by an agreed interpretation of the Paris Convention by a COP decision.

Funding

Support contributions to the existing UNFCCC Green Climate Fund to become mandatory for industrialised countries, with the terms of reference for the fund to be amended so that the fund meets the full incremental costs incurred by developing countries in meeting their NDCs. But you are only willing to support this if China and India adopt NDCs requiring a 30% reduction in total greenhouse gas emissions by 2030 against a 1990 baseline.

You can announce the willingness to contribute a further 2 billion euros per year to the Green climate Fund (GCF) to be additional to any assessed mandatory contribution.

Commissioner for future generations

Support the establishment of a UN Commissioner for Future Generations by parties to the UNFCCC as per UNGA resolution 3006 with a mandate to make concrete proposals on individual country's NDCs. Indicate that your additional support for the Green Climate Fund is contingent on the creation of a Commissioner for Future Generations with a strong mandate.

You can announce a willingness to contribute a further 10 million euros in order to assist in funding the creation of this position.

Interests

My country is a world leader in renewable energy technology and already has in place a mandatory target of 60% renewables as a total share of the energy supplied by 2030.

There will be an election in my country in six weeks and it will be essential to demonstrate my government's 'green credentials' on the international stage. Recent opinion polls have shown that voters consider climate change the highest priority issue, just ahead of security issues. A European wide 'Youth Climate Coalition' has

expanded massively in its membership in recent years and its political clout. It is demanding creation of a Commissioner for Future Generations with a focus on climate change mitigation issues.

USA/JAPAN/NORWAY

Position

- 1) *Opposed to NDCs being made legally binding.*
- 2) *Opposed to contributions to Green Climate Fund being mandatory and the EU proposal that the full compliance costs of implementation of this commitment be met by the Green Climate Fund on the grounds that this will be too expensive and that industrialised countries cannot be made responsible for emissions which occurred prior to knowledge of the problem (i.e. prior to 1990).*
- 3) *Can only accept creation of a commissioner for future generations on the basis that the mandate for the Commissioner does not include advice on what specific targets be included in NDCs which should remain within the sovereign authority of countries to determine.*

Interests

Concerned that the EU proposed target combined with a fund will give EU countries a competitive advantage in renewable energy markets and also give large developing countries such as China and India a competitive trade advantage.

Strongly opposed to introduction of 'equity' principles as these have been used as a reason for developing countries escaping emission reduction commitments. Moreover, industrialised countries cannot be made culpable for emissions which occurred during a period when it was unknown that damage from GHG emissions was occurring (roughly 1990-publication of the first Intergovernmental Panel on Climate Change report).

Concerned that any fund for paying the full incremental costs for developing countries could be extremely expensive. You can argue that there is a need for the secretariat to prepare a detailed study on this issue.

Concerned that a 'Commissioner for Future Generations' with a broad mandate could complicate the negotiation process.

CHINA

Position

- 1) *Opposes the making of NDCs legally binding, arguing that these should remain within the sovereign discretion of countries, and that developing countries battling with fighting poverty need to be able to formulate their NDCs in the light of their national circumstances.*
- 2) *Can accept contributions to the Green climate fund being mandatory for industrialised countries but opposes such contributions being made mandatory for any other countries.*
- 3) *Opposes the creation of a Commissioner for Future Generations as this may be used to place pressure unfairly on developing countries in taking action to address climate change-a problem caused by the industrialised north.*

Interests

Concerned that making NDCs binding - even for industrialised countries - could be the thin edge of the wedge and lead to a push to make NDCs binding for larger developing countries. This could hold back economic development by increasing energy costs and interfere with existing programs to increase energy output involving fossil fuel sources.

Concerned that there could be a domestic political backlash if a proposal pushed by rich industrialised countries involving greater costs for developing countries were accepted.

Concerned that per capita emissions in most developing countries remain far lower than in industrialised countries (e.g. in China per capita emissions are 1/8th of those in the United States).

Concerned that if contributions to the Green climate fund are made mandatory, pressure could increase on China to also make mandatory contributions.

INDIA

Position

- 1) *Opposes the making of NDCs legally binding, arguing that these should remain within the sovereign discretion of countries, and that developing countries battling with fighting poverty need to be able to formulate their NDCs in the light of their national circumstances.*
- 2) *Opposes contributions to the Green Climate Fund being made compulsory.*
- 3) *Opposes the creation of a Commission for Future Generations as this may be used to place pressure unfairly on developing countries in taking action to address climate change-a problem caused by the industrialised north.*

Interests

Concerned that making NDCs binding - even for industrialised countries - could be the thin edge of the wedge and lead to a push to make NDCs binding for larger developing countries. While India is aggressively pursuing a rapid expansion of renewable energy, concerned that making NDCs binding could tie India's hands in deciding on its energy policy and hold back economic development by increasing energy costs and interfere with existing programs to increase energy output involving fossil fuel sources.

Concerned that there could be a domestic political backlash if a proposal pushed by rich industrialised countries involving greater costs for developing countries were accepted.

Concerned that per capita emissions in most developing countries remain far lower than in industrialised countries (e.g. in India per capita emissions are 1/8th of those in the United States).

Concerned that if contributions to the Green Climate Fund are made mandatory in pressure could increase on India to also make mandatory contributions.

AOSIS (ASSOCIATION OF SMALL ISLAND STATES)

Position

NDCs

Support NDCs to be made legally binding for all countries with this to be achieved by an agreed interpretation of the Paris Convention by a COP decision.

Funding

Support contributions to the existing UNFCCC Green Climate Fund to become mandatory for industrialised countries plus China, with the terms of reference for the fund to be amended so that the fund meets the full incremental costs incurred by developing countries in meeting their NDCs.

Commissioner for future generations

Support the establishment of a UN Commissioner for Future Generations by parties to the UNFCCC as per UNGA resolution 3006 with a mandate to make concrete proposals on individual NDCs.

Interests

A number of members of this association comprise small island states threatened with inundation from sea-level rise caused by climate change.

Possibly add some content

GENERATION Z: COALITION FOR FUTURE GENERATIONS

Position

NDCs

Support NDCs to be made legally binding for all countries with this to be achieved by an agreed interpretation of the Paris Convention by a COP decision.

Funding

Support contributions to the existing UNFCCC Green Climate Fund to become mandatory for all industrialised countries plus Singapore, South Korea, Bahrain and China, with the terms of reference for the fund to be amended so that the fund meets the full incremental costs incurred by developing countries in meeting their NDCs.

Commissioner for future generations

Support the establishment of a UN Commissioner for Future Generations by parties to the UNFCCC as per UNGA resolution 3006 with a mandate to make concrete proposals on individual NDCs.

GREENPEACE

Position

NDCs

Support NDCs to be made legally binding for all industrialised countries plus China, Singapore, Bahrain and South Korea, with this to be achieved by an agreed interpretation of the Paris Convention by a COP decision.

Funding

Support contributions to the existing UNFCCC Green Climate Fund to become mandatory and with the terms of reference for the fund to be amended so that the fund meets the full incremental costs incurred by developing countries in meeting their NDCs.

Commissioner for future generations

Support the establishment of a UN Commissioner for Future Generations by parties to the UNFCCC as per UNGA resolution 3006 with a mandate to make concrete proposals on individual NDCs.

FOSSIL FUEL ALLIANCE

Position

- 1) *Opposes making NDCs binding.*
- 2) *Opposes contributions to the Green climate fund being made compulsory.*
- 3) *Opposes the creation of a Commission for Future Generations as this may be used to place pressure unfairly on developing countries in taking action to address climate change-a problem caused by the industrialised north.*

Interests

Members are deeply concerned that a stronger Paris agreement will take away their market share.

ANNEX C – CHAIRPERSON'S OPTIONS TEXT

NDCs

OPTION 1

NDCs to be made legally binding for all industrialised countries plus Singapore, Bahrain and South Korea, with this to be achieved by an agreed interpretation of the Paris Convention by a COP decision.

OPTION 2

NDCs to be made legally binding but only for those countries who voluntarily decide to sign up to a Declaration outside the UNFCCC/APA process.

FUNDING

OPTION 1

- a) *Contributions to the existing Green Climate Fund to become mandatory for industrialised countries plus China, South Korea, Singapore and Bahrain, with the terms of reference for the fund to be amended so that the fund meets the full incremental costs incurred by developing countries in meeting their NDCs.*
- b) *China and India to incorporate a 30% reduction goal by 2030 against a 1990 baseline in their NDCs.*

OPTION 2

- a) *Contributions to the green Climate Fund to remain voluntary.*
- b) *At the first meeting of parties to the Paris Agreement, consideration shall be given to detailed criteria for the disbursement of funds including whether the Green Climate Fund shall meet the full incremental costs of all developing parties in meeting the targets contained in their NDCs.*

Commissioner for future generations

OPTION 1

Parties agree to establish by a COP decision a Commissioner for Future Generations with a mandate to make:

a) general proposals about the required cumulative NDCs which are required to make the Paris agreement effective in terms of protecting the interests of future generations.

OPTION 2

b) concrete proposals on individual country NDCs.

ANNEX D – SECRET INSTRUCTIONS

EU (LUXEMBOURG/ GERMANY /FRANCE), AUSTRALIA & NEW ZEALAND, UK

Fallback position

NDCs only be made binding for countries willing to agree to this in the form of a declaration. The declaration would be made outside the UNFCCC/APA process, and therefore in no way creating obligations on parties to the Paris agreement.

Could accept mandatory funding to Green Climate Fund for industrialised countries with contributions meeting the full incremental costs for developing countries and an increased EU contribution of 10 billion per year, PROVIDED:

China and India take on voluntary 30% economy-wide reduction targets to be met by 2030 against a 1990 baseline.

As part of this package could accept a Commissioner for Future generations with a mandate limited to making recommendations on NDCs as a whole (not individual targets in NDCs).

US, JAPAN, NORWAY

Fallback position

NDCs only be made binding for countries willing to agree to this in the form of a declaration.

Could accept mandatory funding to Green Climate Fund for industrialised countries with contributions meeting the full incremental costs for developing countries and an increased combined US, Japan, Norway contribution of 10 billion per year, PROVIDED:

China and India take on voluntary 30% economy wide reduction targets to be met by 2030 against a 1990 baseline.

Could accept creation of a commissioner for future generations with a limited mandate viz not including advice on individual country NDCs.

CHINA

Fallback position

Could accept a package which involved:

- i) NDCs compulsory for those who are willing to accept this through a declaration outside the UNFCCC/APA process,*
- ii) accept mandatory funding to the Green Climate Fund for industrialised countries **but no other countries** with contributions meeting the full incremental costs for developing countries and

adopt a **voluntary** 30% economy wide reduction target in China's NDC to be met by 2030 against a 1990 baseline, **PROVIDED** EU and US, Japan and Norway increase their funding per year to the Green Climate Fund to US \$20 billion.*
- iii) could accept creation of a commissioner for future generations with a limited mandate viz focusing on combined NDCs not including advice on individual NDCs.*

INDIA

Fallback position

Could accept a package which involved:

- i) NDCs compulsory for those who are willing to accept this through a declaration outside the UNFCCC/APA process,*
- ii) Could accept mandatory funding to Green Climate Fund for industrialised countries **but no other countries** with contributions meeting the full incremental costs for developing countries and

take on a voluntary 30% economy wide reduction target in India's NDC to be met by 2030 against a 1990 baseline, PROVIDED EU and US, Japan and Norway increase their funding per year to the Green Climate Fund to US \$20 billion.*
- iii) could accept creation of a commissioner for future generations with a limited mandate viz not including advice on NDCs.*

AOSIS (ASSOCIATION OF SMALL ISLAND STATES)

Fallback position

Could accept a package which involved:

- i) NDCs compulsory for those who are willing to accept this through a declaration outside the UNFCCC/APA process,*
- ii) Could accept mandatory funding to Green Climate Fund for industrialised countries (without inclusion of China) with contributions meeting the full incremental costs for developing countries provided the proposed increased financial contribution to the Green Climate Fund (rumoured to amount to US \$20 billion from EU, US Japan and Norway) is to have at least 50% **earmarked for adaptation** costs.*
- iii) could accept creation of a commissioner for future generations with a limited mandate viz not including advice on NDCs.*