



Women and Gender Constituency

Response to Draft Paris Outcome - 11 December 2015

<http://unfccc.int/resource/docs/2015/cop21/eng/da02.pdf>

Summary

The capacity for the Paris Agreement to deliver a **binding, ambitious, fair and gender-just outcome** that will limit global warming to below 1.5 degrees and transform polluting and inequitable economies continues to be at risk.

The most recent draft, issued by the French Presidency on the anniversary of the Universal Declaration on Human Rights, adopted here in Paris on December 10, 1948, represents a disappointing step away from the promised commitment to human rights and at the same time, it suggests a move to pressure developing countries into accepting a weaker outcome in the final hours of negotiations.

Fundamentally, this agreement does not address the needs of the most vulnerable countries, communities and people of the world. It fails to address the structures of injustice and inequality which have caused the climate crisis.

Our key concerns includes:

- Weak goal on limiting global temperature rise to 1.5 degrees, with total failure to address or mandate actions needed from developed countries to attain this goal;
- Failure to enshrine human rights, including the rights of indigenous peoples, gender equality, a just transition of the workforce that creates decent work and quality jobs, food security, intergenerational equity, and ecosystem integrity in the core of the agreement;
- Total shift away from implementation in line with the principles of the Convention, namely common but differentiated responsibilities;
- Off-setting as mitigation measures;
- Failure to ensure compensation for loss and damage;
- Dilutes the responsibilities of developed countries to provide climate finance; with weak provisions for public finance and grants over loans;
- No provisions to ensure that technology development and transfer are safe, socially and environmentally sound.

Analysis

Preamble/Article 2.2

- **Article 2.1:** The current purpose of holding global temperature increases to “well below 2 degrees” and “pursuing efforts to limit the temperature rise to 1.5 degrees” is ambiguous and does not reflect a strong enough commitment to 1.5 degrees, which would be necessary to prevent catastrophic climate change.
- **Article 2.2:**
 - **Rights language has been lost:** as recently as this week, Article 2.2 of the draft agreement included strong language on human rights and gender equality. Despite the urging of many Parties to ensure these cross-cutting principles are returned, a reference to gender equality was not restored and “human rights” was removed. This must be re-inserted within the operative text of the Agreement. We maintain our support for the inclusion of the rights of Indigenous Peoples and ensuring a just transition and decent work for all. We reiterate our support for the ‘interconsistency’ paragraph that includes all the following elements: human rights, the rights of indigenous peoples, gender equality and the full and equal participation of women, a just transition of the workforce that creates decent work and quality jobs, food security, intergenerational equity, and ecosystems integrity.
 - **CBDR:** the commitment to implementing the Agreement on the basis of equity and common but differentiated responsibilities has been weakened by the addition of brackets. The alternative “reflecting” CBRD serves to undermine the fairness and integrity of the agreement.

Mitigation

Long term goal: In order to achieve the global temperature goal of 2°C, or even 1.5°C as is now mentioned in the latest version of the draft agreement, we need strong climate ambition and action, as well as immediate structural lifestyle changes -primarily by developed countries - and a transformation of our development model.

This is not reflected in the current wording of Article 3: the long term goal has been become very vague and far from transformative, which allows developed countries to continue and strengthen their unsustainable development model: ‘peaking of the GHG emissions’ for developed countries should have had happened already according to science, and not ‘as soon as possible’ as it is currently proposed in the text. There is no quantitative target for emission reductions but a mention of ‘rapid reductions’ towards reaching greenhouse gas emissions neutrality in the second half of the century’. We have already highlighted the negative impacts of ‘carbon neutrality’ or ‘net-zero’, that encourage the development of large scale plantations for bioenergy and “sinks” for carbon, that threaten both food security and land rights, crucial for women. These concepts also open the door to use of unsafe and unknown technologies such

as geoengineering through Carbon Capture and Storage (CCS). Furthermore, instead of putting a specific timeline to curb GHG emissions, the text only refers to ‘the second half of the century’, which leaves room for interpretation right up until 2100.

The **carbon budget proposal** that was included in the latest version of the text has now disappeared. This reference was critical to protect the right to development for developing countries while ensuring deep and urgent action is taken to keep temperatures below 1.5C.

There is **no reference to CBDR in the mitigation section**. Despite the call made by developed countries, the world has not changed. The inequalities of wealth, resources and power between countries still remain. 72% of the historical emissions come from the US, EU, Japan, Russia and Canada whereas they represent less than 1/5th of the world’s population (about 19%). To ensure a fair and equitable agreement, mitigation commitments should be differentiated and based on the principle of CBDR. Developed countries must vacate some space by owning their historic responsibilities and support developing countries to develop sustainably.

Paragraphs 20 and 21 are very concerning. We reject off-setting and the use of market mechanisms as a right to pollute for big corporations and rich countries that have enough money to buy such a right.

Loss and Damage

Despite references to Climate Justice in opening speeches, developed countries have obstructed the inclusion of a Loss and Damage paragraph that address the issues of liability and compensation that would be meaningful for the most affected. **There can be no climate justice without reparations and a lasting solution for the most affected, including for displaced populations and those living in uninhabitable, perilous environments.**

Both financial and non-monetarized loss and damage must feature in the agreement. We need a mechanism that will address compensation and liability for those who are currently experiencing and who will in future experience loss and damage due to climate change. Option 2 paragraph 3 clearly states that the loss and damage mechanism should be developed “in a manner that does not involve or provide a basis for liability or compensation”. Besides, Option 1 has a footnote that states “Without prejudice to the final placement of provisions for loss and damage within the Agreement”, as if a separate section for loss and damage was not a question of survival for the most vulnerable countries. The two options put forward in the draft agreement are unacceptable. Furthermore there is currently no reference to ensuring a gender responsive approach to loss and damage whereas it is very well documented that women are more vulnerable to the impacts of climate change.

Finance

The new text version in the agreement text misses important references from earlier versions, including importantly a target for the amount for adaptation financing, the reference to alternative sources of financing and to phasing out support for fossil fuel technologies. Instead only weakened references to the look into alternative sources of financing (without a time-frame) and to reduce international support for high-emission investments (para.62) are found in the draft decision.

A key reference to a gender-sensitive approach in climate financing, as part of the effort to scale up and quantify climate finance post-2020 was dropped. This needs to be urgently addressed in the negotiations by adding the reference **“and taken a gender-sensitive approach”** to para. 5 of the current text version, which clarifies that scaled-up climate financing should serve the needs of priorities of developing countries, in a balance between mitigation and adaptation. Referencing a gender approach here is crucial to highlight the need for acknowledging and addressing the needs of men and women equitably within recipient countries.

We are worried about the text of para.3 which significantly dilutes the finance obligation of developed countries under the Convention under Art. 4.3. by suggestion that they only “take the lead” but by not creating a commensurate commitment instead speaking of a “shared effort of all parties”. This must be rejected. The language is in dilution of the convention art 4.3 “where it states countries should take the lead (prefer shall). This places obligation on developing countries to also make efforts in mobilising resources (there is insertion of shared efforts).

The new text, in para.3, also places conditionalities on the provision of finance and refers only to short-term collective quantified goals for mobilization, but not for the provision of climate finance to developing countries. Further clarification is needed. This language is consistent with prior language used in COP16 under the Copenhagen Accord.

We are also worried the finance text over all makes only very weak references to public funds and the provision of finance as grants and concessional loans; public financing must be the core with alternative finance acting as complements only, not substitutes. Likewise prior reference to direct access and enhanced direct access, in which national entities implement funding provided directly (and which the Adaptation Fund and the Green Climate Fund already allow for) as preferred financing modality for the post-2020 time-frame is missing.

In Para 5- it is not clear when the starting point for scaled up efforts.

At end of para there needs to be addition of gender sensitive approach; this expression is already approved language in the GCF.

Technology

Our call for the quality of technology, namely 'gender responsive, safe, socially, and environmentally sound' was not taken up. The suggestion of parties to insert "environmentally and socially sound" in 7.2 was not taken up. We lost the reference in 7.b. : "safe, appropriate and environmentally and socially sound."

The agreement does not have any reference in article 7 on safe, sustainable socially and environmentally sound. The article seven is now unbracketed. But a framework on technology has been decided and has to be developed.

In the draft Decision, the mention to "socially and environmentally sound technologies, as well as to technology assessment are included, as elements to define the framework.

To summarize: Special important to keep 77. c) reference on technology assessment and 77. d) environmentally and socially sound technologies