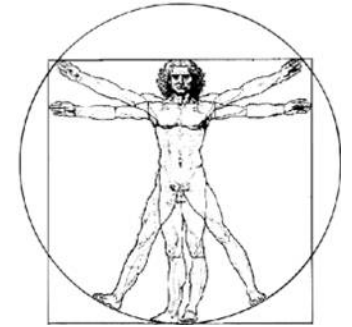


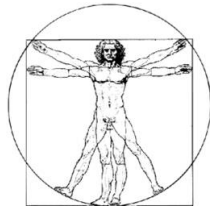
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# Paris Rulebook: Expectations (& Strategizing) for Katowice

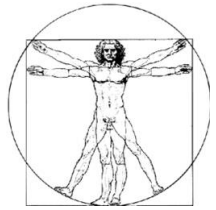
Lavanya Rajamani  
Centre for Policy Research, New Delhi

for sustained capacity building in support of international climate change negotiations  
pour un renforcement durable des capacités en appui aux négociations internationales  
sur les changements climatiques



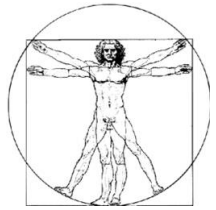
# Outline

- the **structure** of the overall package
- the level of **detail/precision** in the rules
- the extent of **bindingness** of particular rules
- the application of **differentiation** in the rules
- the **timing** of adoption and application of the rules
- **Key questions**



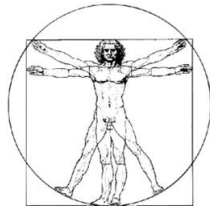
## Structure - Overall Package

- **Single comprehensive CMA decision** with different sections addressing various parts of the Paris Agreement, and Annexes on particular issues (eg: Cancun Agreements)
- One overarching decision tying together **individual decisions** for each part of the Paris Agreement (eg: Marrakech Accords)
- **Separate decisions for individual issues** within broader provisions (eg: separate decisions on NDC features, information and accounting)



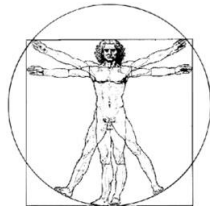
# Prescriptiveness

- Prescribe **detailed substantive** rules
- Prescribe **minimum substantive** rules, and allow parties to nationally determine any additional rules
- Prescribe **procedural** rather than substantive rules (eg: elaborate on national rules and implementation)
- A **combination** of these (eg: prescribe minimum substantive + complementary procedural rules)



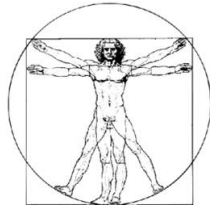
# Bindingness

- Individual elements of the Paris rulebook could vary in legal character
- CMA can only adopt binding rules where the Paris Agreement authorizes it to do so
- CMA could choose to calibrate a rule's bindingness by:
  - Making a rule legally **binding**, where authority exists (Parties 'shall')
  - Making a rule **recommendatory** (Parties 'should')
  - Identifying a rule but making it **optional** (Parties 'may')
  - Identifying a rule and generating **expectations** of Parties (Parties 'will')
  - Using contextual and **discretionary** language ('as appropriate', 'to the extent resources permit' etc)



# Differentiation

- Differentiation based on **type of NDCs**
- Differentiation based on **differences** between Parties
  - categories of Parties - developed and developing countries, or LDCs/SIDS – could be exempted from a rule
  - measures of capacity such as GDP per capita
  - other criteria such as percentage of global emissions
- Differentiation in relation to **support**
- Differentiation in relation to **timing**
- Differentiation that is **implicit or self determined** (‘to the extent possible’, ‘as appropriate’ etc)

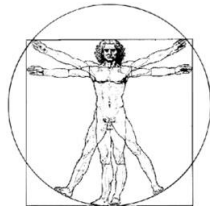


# Relationships among the issues

prescriptiveness  $\leftrightarrow$  bindingness  $\leftrightarrow$  differentiation

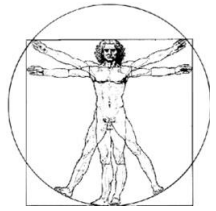
- Independent variables, but interlinked in practice
- More prescriptive the rules, the less likely Parties will agree to render them binding
- More binding and prescriptive the rules, the greater the pressure some Parties will exert for differentiation

# Timing



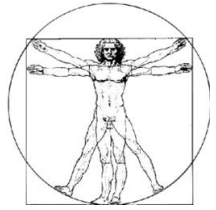
- Distinction between
  - when decisions and rules are **adopted**
  - when they **apply**
- Decisions and rules can be
  - set to **apply at different times** (eg: for different categories of Parties or based on different NDCs)
  - synchronized to **apply at the same time** (eg: information on transparency and accounting feeding into the global stock take)
  - set to apply at different times in relation to some rules (eg: NDCs) and synchronized to apply at the same time in relation to others (eg: fairness and ambition)
  - set to apply at different times in relation to some rules, synchronized to apply at the same time in relation to some others, and left up to national determination in relation to the rest





# Key Questions

- Within the context of the mandates, minimal or maximal approach to the rules in Katowice?
- Which rules, and at what level of prescriptiveness, are **critical and must be adopted** at Katowice?
  - in relation to long term goals
  - in relation to ‘gap filling’ (ex-ante information, support, etc)
  - in relation to process
- Which rules can be left for **subsequent evolution**?
  - not sufficiently mature
  - not politically feasible (focus on ‘common interest’ issues only?)
- Which rules, if overly prescriptive at this point in time, could exclude participation of certain key parties?



# Thank You

Source: Daniel Bodansky and Lavanya Rajamani, *General Issues in Elaborating the Paris Rulebook*, C2ES, April 2018