Decoding UNFCCC Language

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Ice Breaker - Slido

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UNFCCC Language: Terms used in negotiation

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Mitigation and Adaptation

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Mitigation means avoiding and reducing emissions greenhouse gases into the atmosphere to prevent the planet from warming.

Definition taken from the WWF

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Adaptation means altering our behavior, systems, and ways of life to protect our families, our economies, and the environment from the impacts of climate change.

Definition taken from the WWF

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Loss and Damage

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Loss and damage refers to the negative effects of climate change that occur despite mitigation and adaptation efforts. It is concerned with the unavoidable and irreversible impacts of the climate crisis.

Definition taken from the UNEP

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Just Transition

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A just transition seeks to ensure that the substantial benefits of a green economy transition are shared widely, while also supporting those who stand to lose economically.

Definition taken from the EBRD

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UNFCCC Language: Verbs used in agreements

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Exercise

Scan the QR Code on the right to open the First Global Stocktake (final decision document of COP28).

Now find the following words:

- Recalling
- (Also / Further) Recognizes
- Decides
- Calls on / calls upon

SCAN ME

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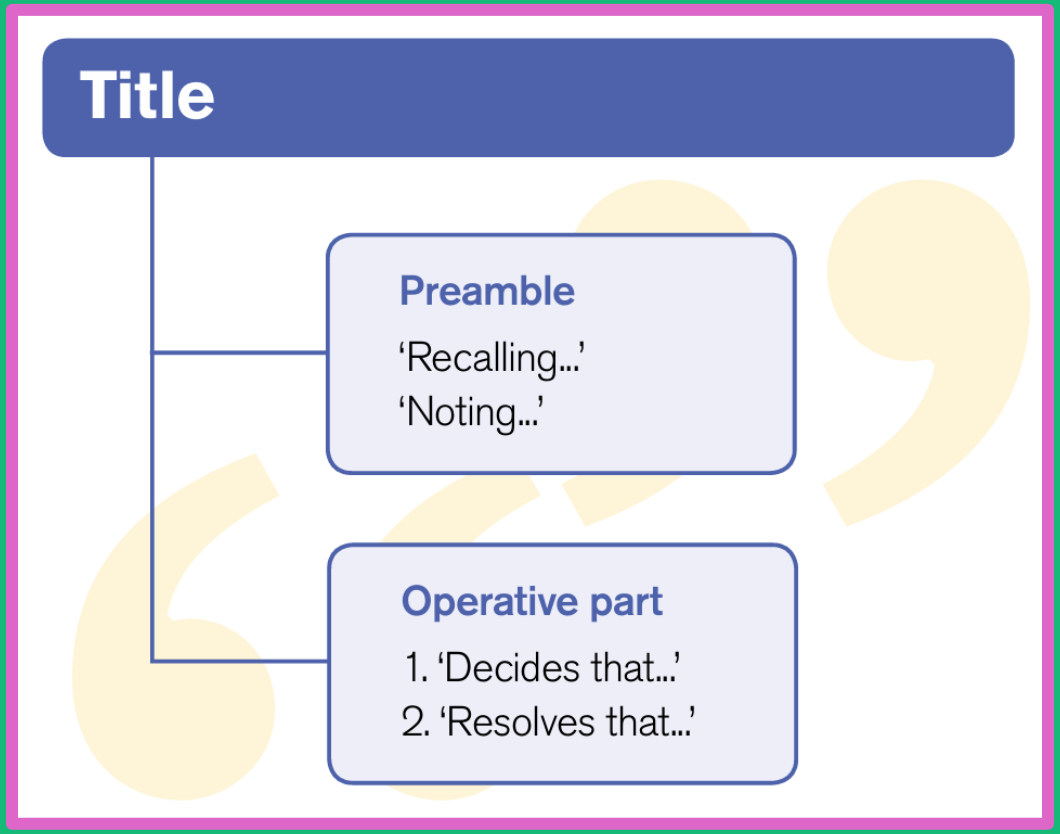
Structure



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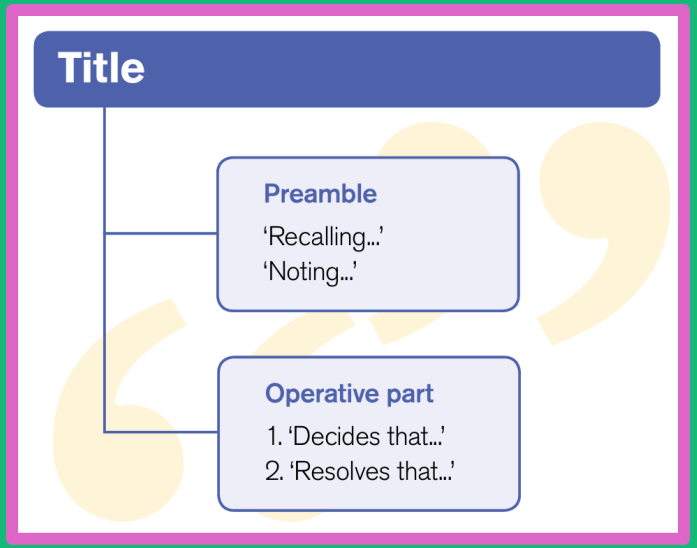
What is the difference between the preamble and the operative?



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Preamble vs Operative Part

Preamble language

Paragraphs in the preamble of an agreement or decision:

- provide the background and the context of the agreement or decision that follows
- guide the interpretation of the agreement or decision
- have no binding legal value on its own
- may be used strategically to accommodate any particular language claimed by the parties, without creating binding obligations.

→ When the language of the agreement or decision text appears to be ambiguous, preamble language is used to **interpret the intentions of the decision makers.**

Operative language

Paragraphs in the operative section of an agreement or decision:

- constitute the core of the agreement or decision
- represent what parties have actually agreed to
- focus on the actions to be adopted by parties
- may also call for the creation of new institutions or the undertaking of certain studies.

→ Where there is a direct conflict between the preamble and the operational text, **the operative text prevails.**

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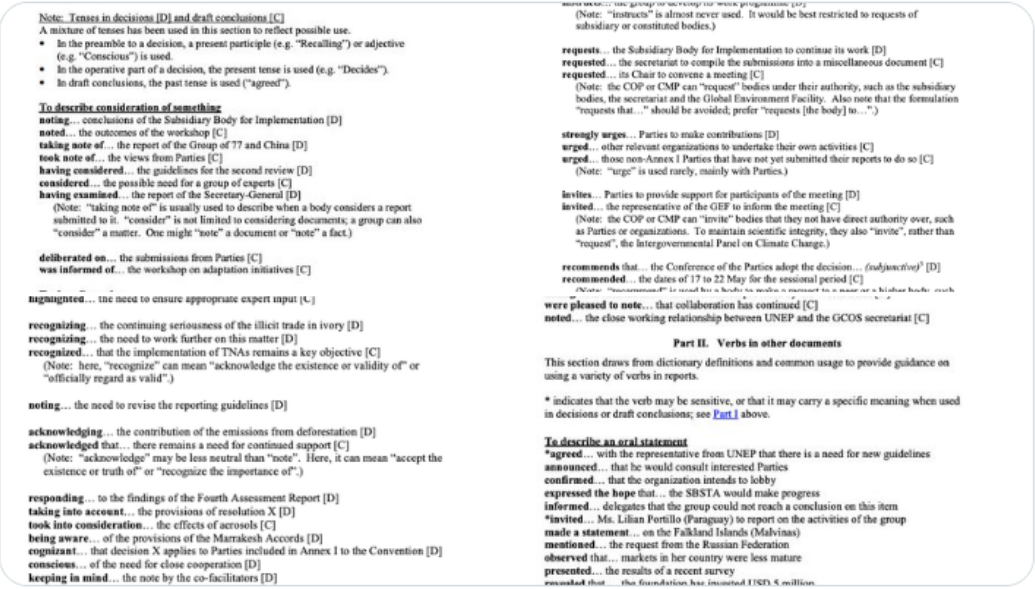
Simon Evans
@DrSimEvans

After all the #COP26 debate about whether "requests" is stronger UN-speak than "urges" (it is), here's a fuller version of the @UNFCCC style guide on how to choose verbs in legal text

eg "encourage" is at the weaker end of the spectrum, which runs from "instructs" to "calls"



Note: Tenses in decisions [D] and draft conclusions [C]
A mixture of tenses has been used in this section to reflect possible use.

- In the preamble to a decision, a present participle (e.g. "Recalling") or adjective (e.g. "Conscious") is used.
- In the operative part of a decision, the present tense is used (e.g. "Decides").
- In draft conclusions, the past tense is used ("agreed").

To describe consideration of something

noting… conclusions of the Subsidiary Body for Implementation [D]
noted… the outcomes of the workshop [C]
taking note of… the report of the Group of 77 and China [D]
took note of… the views from Parties [C]
having considered… the guidelines for the second review [D]
considered… the possible need for a group of experts [C]
having examined… the report of the Secretary-General [D]
(Note: "taking note of" is usually used to describe when a body considers a report submitted to it. "consider" is not limited to considering documents; a group can also "consider" a matter. One might "note" a document or "note" a fact.)

deliberated on… the submissions from Parties [C]
was informed of… the workshop on adaptation initiatives [C]

nagnugnted… the need to ensure appropriate expert input [C]

recognizing… the continuing seriousness of the illicit trade in ivory [D]
recognizing… the need to work further on this matter [D]
recognized… that the implementation of TNAs remains a key objective [C]
(Note: here, "recognize" can mean "acknowledge the existence or validity of" or "officially regard as valid".)

noting… the need to revise the reporting guidelines [D]

acknowledging… the contribution of the emissions from deforestation [D]
acknowledged that… there remains a need for continued support [C]
(Note: "acknowledge" may be less neutral than "note". Here, it can mean "accept the existence or truth of" or "recognize the importance of".)

responding… to the findings of the Fourth Assessment Report [D]
taking into account… the provisions of resolution X [D]
took into consideration… the effects of aerosols [C]
being aware… of the provisions of the Marrakesh Accords [D]
cognizant… that decision X applies to Parties included in Annex I to the Convention [D]
conscious… of the need for close cooperation [D]
keeping in mind… the note by the co-facilitators [D]

(Note: "instructs" is almost never used. It would be best restricted to requests of subsidiary or constituted bodies.)

requests… the Subsidiary Body for Implementation to continue its work [D]
requested… the secretariat to compile the submissions into a miscellaneous document [C]
requested… its Chair to convene a meeting [C]
(Note: the COP or CMP can "request" bodies under their authority, such as the subsidiary bodies, the secretariat and the Global Environment Facility. Also note that the formulation "requests that…" should be avoided; prefer "requests [the body] to…".)

strongly urges… Parties to make contributions [D]
urged… other relevant organizations to undertake their own activities [C]
urged… those non-Annex I Parties that have not yet submitted their reports to do so [C]
(Note: "urge" is used rarely, mainly with Parties.)

invites… Parties to provide support for participants of the meeting [D]
invited… the representative of the GEF to inform the meeting [C]
(Note: the COP or CMP can "invite" bodies that they not have direct authority over, such as Parties or organizations. To maintain scientific integrity, they also "invite", rather than "request", the Intergovernmental Panel on Climate Change.)

recommends that… the Conference of the Parties adopt the decision… *(subjunctive)*[3] [D]
recommended… the dates of 17 to 22 May for the sessional period [C]

were pleased to note… that collaboration has continued [C]
noted… the close working relationship between UNEP and the GCOS secretariat [C]

Part II. Verbs in other documents

This section draws from dictionary definitions and common usage to provide guidance on using a variety of verbs in reports.

* indicates that the verb may be sensitive, or that it may carry a specific meaning when used in decisions or draft conclusions; see Part I above.

To describe an oral statement

***agreed**… with the representative from UNEP that there is a need for new guidelines
announced… that he would consult interested Parties
confirmed… that the organization intends to lobby
expressed the hope that… the SBSTA would make progress
informed… delegates that the group could not reach a conclusion on this item
***invited**… Ms. Lilian Portillo (Paraguay) to report on the activities of the group
made a statement… on the Falkland Islands (Malvinas)
mentioned… the request from the Russian Federation
observed that… markets in her country were less mature
presented… the results of a recent survey

2:27 PM · Nov 14, 2021

There exists a spectrum of verbs that all have slightly different meanings.

Learn more here:

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Case Study: Paris Agreement Article 4.4

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Article 4.4

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.

What do you think is the key word here?

Discuss

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Should vs. Shall

Should/ Ought to

Means an action is not required, but advised. Generally used in principles.

Examples: *'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'*

– Climate Change Convention, Article 3.1

Shall

Means that an action is required.

1. ***'Shall'*** is typically used in the context of agreements, to indicate that the following action is obligatory or binding.

Example: *'The Parties included in Annex I **shall,** individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts'*

– Kyoto Protocol, Article 3.1

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How a 'typo' nearly derailed the Paris climate deal

A debate over the words 'should' or 'shall' in the final draft was passed off as an undetected error thanks to some timely French diplomacy

Todd Stern: It's a "very interesting mystery" why 'should' changed to 'shall'. "It doesn't happen on auto-correct"

— Edward King (@edking_CH) December 15, 2015

Tosi Mpanu Mpanu, the DR of Congo's lead envoy, told ClimateHome, a news site which closely follows the UN negotiation: "It's a typo we will refer to many times because frankly speaking, nobody's buying that."

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The last-minute crisis of the Paris Agreement

But when, at 1.30pm local time, the French presidency presented its final "take it or leave it" Paris agreement text , adoption of the text should have been a formality.

It soon became clear that something had gone very wrong in the text. Rumours swirled, and it was later confirmed by US secretary of state, John Kerry, that the US had objected to Article 4.4 on page 21 of the 31-page final agreement. US government lawyers had found, it was said to their horror, that they had unwittingly approved a vital word which could make the difference between rich countries being legally obliged to cut emissions rather than just having to try to: "shall" rather than "should".

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Professor Gurdial Singh Nijar, the Malaysian spokesman for the Like Minded Developing Countries (Lmdc) group, which includes India, China and Indonesia, told leading southern NGO Third World Network that he was present throughout the crisis and saw what happened after the final text was shown to them by the French.

> *We [the LMDC] found the text a little convoluted, but we felt we could consider it. We agreed with it and so did the Group of 77 and China. We felt there was balance and our red lines were somewhat preserved. Then when we went to the hall, we were shocked to find that the US was objecting to Article 4.4. They came up with this incredulous thing that it was a mistake.*

The EU approached us and said that there is a problem and asked us if we could change the 'shall' to 'should'. When we asked them why, they responded that the Americans had told them that if the word 'shall' was introduced, the Congress would not pass it. We said that we have done so many things to get the US on board and they were diluting everything. In this case they were diluting something which was our super-red line.

Just before 7.30pm, the shall/should fiasco was passed off as undetected error in the text, and the meeting moved to adopt the Paris agreement.

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The G77 and other developing countries were then consulted about the dilemma, and told the presidency that this was a red line that they could not cross either because it diluted the whole UN climate convention. [In a nutshell, they said "shall should not become should. Should shall become should, all should think again".]

At the very last minute, the French came up with a diplomatic solution. It was agreed that there had been a "typographical error" which was put down to an anonymous sleep-deprived negotiating team transferring lines from one draft text to another. The embarrassed French presidency, it seems, agreed that the amendment change of "shall" to "should" could be dealt with as a "technical error".

Case Study: Language on Fossils Fuels

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Glasgow Climate Pact – Article 36

36. *Calls upon* Parties to accelerate the development, deployment and dissemination of technologies, and the adoption of policies, to transition towards low-emission energy systems, including by rapidly scaling up the deployment of clean power generation and energy efficiency measures, including accelerating efforts towards the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies, while providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition;

Can you imagine *(or remember)* which countries advocated for this phrasing at COP26?

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This article is more than **2 years old**

Cop26 ends in climate agreement despite India watering down coal resolution

Glasgow climate pact adopted despite last-minute intervention by India to water down language on phasing out dirtiest fossil fuel

Cop26: the goal of 1.5C of climate heating is alive, but only just

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COP26: Did India betray vulnerable nations?

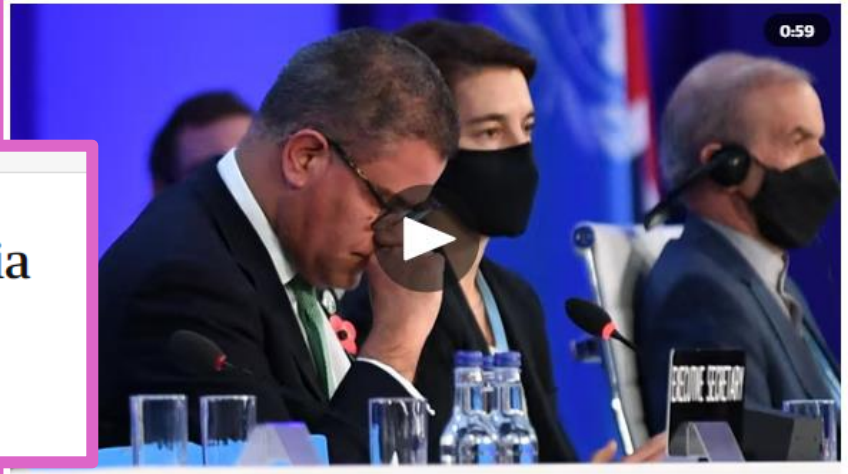
16 November 2021

COP26

This article is more than **2 years old**

Alok Sharma 'deeply frustrated' by India and China over coal

Cop26 president says nations will have to 'explain to climate-vulnerable countries why they did what they did'



'I am deeply sorry': Alok Sharma fights back tears as watered-down Cop26 deal agreed – video

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COP28

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Article 28 – Version of 5th December 2023

Global stocktake	2023/12/05, 04:25	24	0	96	"building blocks"; few bullets but 193 pars and many options inc on "carbon space", FF phaseout, 3x RE and 2X EE etc etc	Draft negotiating texts	PDF

(c)

Option 1: An orderly and just phase out of fossil fuels;

Option 2: Accelerating efforts towards phasing out unabated fossil fuels and to rapidly reducing their use so as to achieve net-zero CO_2 in energy systems by or around mid-century;

Option 3: no text

(d)

Option 1: A rapid phase out of unabated coal power this decade and an immediate cessation of the permitting of new unabated coal power generation, recognizing that the IPCC suggests a pathway involving a reduction of unabated coal use by 75 per cent from 2019 levels by 2030;

Option 2: no text;

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Article 28 – Version of 8th December 2023

Global stocktake	2023/12/08, 16:56	27	0	159	"refined building blocks" but not "agreed text"; now 27pp and 206 pars; 5x options on fossil fuel phaseout (inc "no text")	Draft negotiating texts	PDF

(c)

Option 1: A phase out of fossil fuels in line with best available science;

Option 2: Phasing out of fossil fuels in line with best available science, the IPCC's 1.5 pathways and the principles and provisions of the Paris Agreement;

Option 3: A phase-out of unabated fossil fuels recognizing the need for a peak in their consumption in this decade and underlining the importance for the energy sector to be predominantly free of fossil fuels well ahead of 2050;

Option 4: Phasing out unabated fossil fuels and to rapidly reducing their use so as to achieve net-zero CO_2 in energy systems by or around mid-century;

Option 4: no text

(d)

Option 1: A rapid phase out of unabated coal power this decade and an immediate cessation of the permitting of new unabated coal power generation, recognizing that the IPCC suggests a pathway involving a reduction of unabated coal use by 75 per cent from 2019 levels by 2030;

Option 2: no text

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Article 28 – Version of 11th December 2023

Global stocktake	2023/12/11, 17:10	21	1	0	fossil fuel phaseout is gone; entire par 39 on energy is framed by weak "actions that could include"; no specific methane target, specific renewable numbers or timeline for coal phase down; most verbs lack call to action ("notes", "recalls" etc); weak "encourages language on next NDCs; "invites...activities" by COP28/29/30 presidencies "with a view to enhancing action"	Draft negotiating texts	PDF

39. *Also* recognizes the need for deep, rapid and sustained reductions in GHG emissions and calls upon Parties to take actions that could include, inter alia:

(a) Tripling renewable energy capacity globally and doubling the global average annual rate of energy efficiency improvements by 2030;

(b) Rapidly phasing down unabated coal and limitations on permitting new and unabated coal power generation;

(c) Accelerating efforts globally towards net zero emissions energy systems, utilizing zero and low carbon fuels well before or by around mid-century;

(d) Accelerating zero and low emissions technologies, including, *inter alia*, renewables, nuclear, abatement and removal technologies, including such as carbon capture and utilization and storage, and low carbon hydrogen production, so as to enhance efforts towards substitution of unabated fossil fuels in energy systems.

(e) Reducing both consumption and production of fossil fuels, in a just, orderly and equitable manner so as to achieve net zero by, before, or around 2050 in keeping with the science;

(f) Accelerating and substantially reducing non-CO2 emissions, including, in particular, methane emissions globally by 2030;

(g) Accelerating emissions reductions from road transport through a range of pathways, including development of infrastructure and rapid deployment of zero and low emission vehicles;

(h) Phasing out of inefficient fossil fuel subsidies that encourage wasteful consumption and do not address energy poverty or just transitions, as soon as possible;

What is the difference between abated and unabated?

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“Unabated” refers to the burning of fossil fuels where resulting carbon dioxide (CO2) or other greenhouse gas emissions are released directly into the atmosphere, adding to global warming.

Conversely, “abated” refers to the burning of coal, oil and gas combined with the capture and permanent storage of some proportion of the resulting greenhouse gases. This proportion is a key detail as there is no agreed definition of what “abated” means.

In addition to the fight over “unabated”, evidence from the Intergovernmental Panel on Climate Change (IPCC), the International Energy Agency (IEA) and others can be used to inform fossil-fuel discussions at COP28. Key conclusions from their work include:

> - The ongoing use of fossil fuels with carbon capture and storage (CCS) features in almost all 1.5C pathways, but only to a very limited extent.
> - Today, CCS barely exists and relying on a major scale-up is considered “risky”. If CCS is limited to plausible levels, then fossil fuel use would have to fall even faster.
> - While there is disagreement over the difference between “phase down” and “phase out”, the production and use of fossil fuels drops dramatically in all 1.5C pathways.

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Article 28 – Version of 13th December 2023 - final

28. *Further recognizes* the need for deep, rapid and sustained reductions in greenhouse gas emissions in line with 1.5 °C pathways and *calls on* Parties to contribute to the following global efforts, in a nationally determined manner, taking into account the Paris Agreement and their different national circumstances, pathways and approaches:

Leo Hickman
@LeoHickman

"calls on..."

This is the crucial term here.

In UNFCCC legal jargon, this is known to mean an "invitation" or "request"

And, even more crucially, it is the *weakest* of all the various terms used for such exhortations

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(a) Tripling renewable energy capacity globally and doubling the global average annual rate of energy efficiency improvements by 2030;

(b) Accelerating efforts towards the phase-down of unabated coal power;

(c) Accelerating efforts globally towards net zero emission energy systems, utilizing zero- and low-carbon fuels, well before or by around mid-century;

(d) Transitioning away from fossil fuels in energy systems, in a just, orderly and equitable manner, accelerating action in this critical decade, so as to achieve net zero by 2050 in keeping with the science;

(e) Accelerating zero- and low-emission technologies, including, inter alia, renewables, nuclear, abatement and removal technologies such as carbon capture and utilization and storage, particularly in hard-to-abate sectors, and low-carbon hydrogen production;

(f) Accelerating the substantial reduction of non-carbon-dioxide emissions globally, in particular methane emissions by 2030;

(g) Accelerating the reduction of emissions from road transport on a range of pathways, including through development of infrastructure and rapid deployment of zero- and low-emission vehicles;

(h) Phasing out inefficient fossil fuel subsidies that do not address energy poverty or just transitions, as soon as possible;

First Global Stocktake – Article 29

29. *Recognizes* that transitional fuels can play a role in facilitating the energy transition while ensuring energy security;

What are transitional fuels? Who might have advocated for their inclusion in the document? *Discuss!*

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How Russia won a 'dangerous loophole' for fossil gas at Cop28

Published on 15/12/2023, 5:03pm

With the EU ambivalent and small island states absent, Russia's call for "transitional fuels" – read gas – made it into the Cop28 agreement

Russia's climate envoy Ruslan Edelgeriev meets UN Secretary General Antonio Guterres (Photo: Flickr/Cop28/Kiara Worth)

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COP28 Climate Summit: Historic Deal | Why COP28 Matters | Key Terms

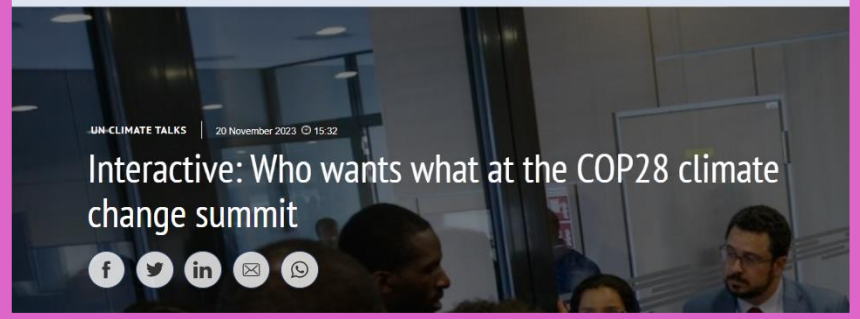
Green

COP28's Historic Deal Cements a Role for Big Oil's Priorities

- Need for transitional fuels, CO2 capture cited in final text
- Big Oil has long promoted natural gas as bridge to renewables

CarbonBrief

CHINA POLICY | EU POLICY | INTERNATIONAL POLICY | REST OF WORLD POLICY | UK POLICY | UN CLIMATE TALKS | US POLICY



Russia	Global Stocktake	Gas as a mitigation option	High priority

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Intergenerational Climate Justice

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11 MON	DECODING UNFCCC LANGUAGE	1500-1630 SPECIAL EVENT ROOM 5 NASIMI, AREA B
19 TUE	EMPOWERING YOU(TH) FOR SYNERGISTIC RIO CONVENTIONS ACTION	1515-1615 SPECIAL EVENT ROOM 4 SHIRVAN, AREA B
20 WED	HOW TO SUSTAIN AND SCALE FUNDING FOR CLIMATE SOLUTIONS	1445-1545 SPECIAL EVENT ROOM 4 SHIRVAN, AREA B
21 THU	TOOLS4YOUTH MARKETPLACE	1600-1715 SPECIAL EVENT ROOM 4 SHIRVAN, AREA B