

MAKING REVIEWS RELEVANT

A discussion paper
Tom Athanasiou, Christian Holz, and Sivan Kartha
Climate Equity Reference Project
Draft 2, May 9, 2016[†]

Comments to toma@ecoequity.org

“[R]ather than negotiated targets and timetables, we support a structure of nationally determined mitigation commitments, which allow countries to “self-differentiate” by determining the right kind and level of commitment, consistent with their own circumstances and capabilities. We would complement that structure with ideas meant to promote ambition – a consultative or assessment period between an initial and final commitment in which all Parties as well as civil society and analytic bodies would have an opportunity to review and comment on proposed commitments. . . This nationally determined structure will only work if countries understand that all have to do their part; that strong action is a favor we do ourselves because we are all profoundly vulnerable to climate change; **and that the world will be watching how we measure up.**”

Todd Stern at Chatham House, 2013

Paris was a breakthrough, but is not yet a success. It could yield success though, and (together with the climate movement, and the solar revolution) help to bring the 1.5°C goal within reach. But only if the still unfinished negotiations yield a solid global ambition ratcheting mechanism.

Some people believe that we’ve already won such a mechanism. This paper argues that we’re still missing at least two fundamental building blocks of a robust ambition ratchet: a public-finance breakthrough and a “real review” mechanism.

The second of these is the topic of this paper. It argues that 1) real review by definition includes the science-based, ex-ante equity assessment of individual pledges, 2) such assessments were in Paris beyond the will of the Parties, 3) they can nevertheless be done well, and can positively influence the formal negotiations, and 4) civil society should (on top of everything else it has to do) take the lead in demonstrating that this is so.

This paper is a call to civil society – and to the Parties – to support such an effort, and to do so quickly. The effort should culminate in or before the 2018 political moment, which must be a big one.

[†] Any updates to this document will be posted at: <https://climateequityreference.org/making-reviews-relevant>

AFTER PARIS

The Paris Agreement institutionalized a bottom-up climate regime. It does contain significant top-down elements, but these are neither strong nor robust. As for the world “watching how we measure up” (Todd Stern, as above), that is the subject of this paper. Nor, as Michael Oppenheimer and many others have argued, does such watching come down to transparency alone. We need windows, yes, but we also need measuring sticks. Benchmarks. Real “Pledge and Review.”

Paris also adopted an overarching, science-based mitigation goal – “aggregate emission pathways consistent with holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels” – that is universally agreed to be extremely, even fantastically challenging. What it has not done is demonstrate that the international finance and technology cooperation necessary to meet even the weakest edge of this goal will actually materialize.

Much more work is needed, particularly on equitable differentiation, and on a public finance roadmap that is scaled to the global challenge. This discussion paper, however, does not dwell on these issues. It focuses rather on the most obvious approach to the problem of review, the one that begins with the challenge of “ambition ratcheting mechanisms.”

Paris made substantive progress on this front. It left us with many, though not all, of the building blocks we need to construct meaningful ambition mechanisms. These include:

- The NDC process -- and the national planning processes they imply, and the low-carbon development plans these are intended to eventually produce (Article 4.19).
- The dynamic review cycle -- that is to say the formalized periodic process itself, which anchors and integrates a variety of iterative processes.²
- The progression clause -- by which the Parties have agreed to avoid backsliding (Article 3).
- The transparency agreement -- there is much to be determined here, but progress has been made, necessity is agreed, and hope is possible. See Article 13 and related decisions.
- The global stocktake -- comprehensive collective review, and before it, two (less comprehensive) facilitative dialogues. (See Article 14 and related decisions, and, on the dialogues, decisions 19 through 24, and 115).

Obviously, a lot of work is needed to specify and institutionalize these building blocks. But a high-level question also arises. Does this list contain all the bits that we need to build a robust ambition mechanism? The obvious answer is no, because it says nothing about public finance, and absent breakthroughs on this front, the climate regime will fail to effectively play its appointed role in the coming global transition.

But what if we ask a different question -- aside from meaningful amounts of public finance, do we have everything we need to build proper ambition mechanisms? Many people would answer yes, but we argue that a “real review” is still missing, and that in its absence there is no reason (other than, perhaps, technological optimism) to believe that the ambition ratchet will turn fast enough to deliver on the Paris temperature limitation goals. We argue, in fact, that Paris cannot honestly be said to have delivered an ambition mechanism that is adequate to its own temperature limitation objectives.

Notably, we define a “real review” process expansively -- to include science-based, ethically normative, ex-ante assessment process (not just ex-post reviews) at the national (not just the aggregate) level, with a scope that

2 For a nice primer on the cycle, see *From Contribution Framework to Ambition Mechanism: How to enhance mitigation ambition under the Paris Agreement*, http://www.eurocapacity.org/downloads/Dynamic_Ambition_Mechanism_published.pdf, Benito Muller, April 2016.

includes both direct domestic action and provision of support for cooperative international action, and not only on the mitigation front. This expansive scope, combined with the collective inability of Parties to include anything like it in the Paris outcome, suggests that such assessment processes are unlikely to materialize within the climate regime's formal institutions in the pre-2020 period. For this reason, we believe that civil society organizations – including campaign or advocacy organizations, think tanks, social movements, and independent research organizations – must work to develop solutions-oriented approaches to the problem of equity benchmarking.

EQUITY ASSESSMENT AS A TOOL OF AMBITION

It's necessary to justify the challenging definition of review that we take in this paper, one that explicitly posits a future in which the justice, or injustice, of specific national pledges can be productively debated. The immediate point of such a review, after all, is only to drive the ambition mechanism.

But consider that such a mechanism must drive a fantastically ambitious transition to a net-zero-emissions world. This won't be easy, and the current focus on immediately achievable mitigation actions is not a license to pretend otherwise. Two points should be stressed. The first is that climate is a global commons problem. The second is that the successful path forward will maximize the efficacy of both technology- and cooperation-based transition mechanisms.

This paper doesn't discuss commons problems in any detail, but it does accept, and build upon, a bottom line conclusion of commons research – cooperative solutions to complex commons problems like climate change can be found, but only if all key players are seen to be striving to do their fair share of the required effort. Here, if only to demonstrate that this is not a marginalist view, we will cite Joseph Aldy from the Kennedy School of Government at Harvard University, who will himself do us the favor of citing Elinor Ostrom. To wit:

“Producing a common understanding of how disparate pledges that national governments have contributed to the current international process compare to one another can build confidence among countries. Similar efforts among similar countries would be perceived by many as constituting a “fair” deal. Countries are much more likely to deliver on their current pledges and increase future ambition if they believe they are participating in a fair deal (Ostrom 1998; Barrett 2003; Cazorla and Toman 2001).”³

The IPCC also notes all this, in its understated way, by saying that an agreement that is “seen as equitable can lead to more effective cooperation.” Which raises the second point – neither the technology revolution nor the co-benefits of climate action will save us, but both are real, and both could help us to save ourselves. The danger here is thinking that they will do so on their own. We also need cooperation, robust cooperation between peoples and countries that are starkly divide by nation-based and class-based communities of injustice.

In this context, it's worth repeating the old slogan that “equity is the pathway to ambition.” The challenge now is getting to the point where the Parties are actually able – and willing – to take that pathway.

Think about this in terms of Plan A, Plan B, and Plan C.

Plan A, the top-down, legally-binding, equity-based allocation of the scientifically-defined global effort, is at this point only a dream that, since Copenhagen, has been impossible to imagine being soon realized. Plan B would be something that we might honestly be able to call Pledge and Review, and would be defined by a formal cycle that includes, in cases where the ex-ante assessment of a pledge's adequacy and fairness finds it to be sorely lacking, an expectation that the submitting Party would “revise and re-pledge”.

3 Joseph E. Aldy, “Evaluating Mitigation Effort: Tools and Institutions for Assessing Nationally Determined Contributions,” (<https://www.hks.harvard.edu/fs/jaldy/img/Aldy%20Evaluating%20Mitigation%20Effort%202015.pdf>), Harvard Project on Climate Agreements, November 2015.

Plan B, alas, was also revealed, in Lima and Paris, to be beyond the appetites of the Parties, who were ready to – at most – accept the ex-post review of individual pledges, and of course a long-distant (2023) global stocktake that, while in many ways promising, is limited to collective review. Any formal, ex-ante, normatively informed (equity) assessment of individual pledges was ruled out.

Unfortunately, such assessment is needed to deliver a robust ambition mechanism. As Aldy noted just before Paris, “While the current voluntary pledging regime is inconsistent with a top-down, equity-rule or formulaic approach to setting targets, some may use such analyses as a benchmark for evaluating the fairness of the voluntary pledges. *When most large emitters perceive the climate-change regime as fair, there is at least the possibility of countries and groups of countries increasing their mitigation contributions over time.*” (emphasis added)

“At least the possibility.” That’s the point. And this leaves us with Plan C, in which civil society – even while pushing to expand the depth and seriousness of formal review processes – launches independent initiatives to pioneer the type of comprehensive assessment that is needed. And if this means taking steps (individual / equity assessment) that the Parties couldn’t agree to in Paris, so be it. The Parties, after all, are here to act, and to have their actions judged. Climate equity and ambition watch dogs are needed, fulfilling the sort of broadly accepted (even by governments!) functions that organizations like Human Rights Watch and Transparency International carry out in their respective fields. And while equity assessment may be impossible for the Parties, it should not be beyond civil society.

Of course it has to be done right.

THE PARIS LANGUAGE ON STOCKTAKE AND REVIEW

The pre-Paris opposition to the ex-ante assessment of individual pledges was not confined to the wealthy countries, not by any means. The LMDCs in particular strongly opposed any substantive review process, until, according to the Wuppertal Institute,

“Agreement was made possible by broadening the scope of the cycle to include not only mitigation but also adaptation and provision of support. This provision meets the demand of in particular the LMDCs that mitigation ambition and the provision of support need to be considered in tandem.”⁴

There’s a lot to say about this, but the key points are that 1) this “broadening of scope” was a decisive step, that 2) the almost universal rejection of ex-ante assessment by large emitters, both wealthy and developing, closed off the prospects of a the climate regime being grounded in real Pledge and Review, and 3) despite this rejection, and despite widespread apprehension and distrust, the review, revision and stocktake provisions in the Paris Agreement are not without their possibilities. In fact, these provisions are fundamental to the Paris agreement, and key reasons why it was in fact a meaningful breakthrough.

The global stocktake provisions (Article 14) are in particular the best formal language that we have to work with. So, to be clear, they’re not bad, but at the same time they’re not everything they could be. In particular, the scope of the global stocktake is explicitly limited to “the collective progress towards achieving the purpose of this Agreement and its long-term goals.” Far from calling for the equity benchmarking of individual national efforts – or any individual assessment – the stocktake seeks only to clarify the collective position, and to “inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this Agreement.”

4 *Phoenix from the Ashes: An Analysis of the Paris Agreement to the United Nations Framework Convention on Climate Change*, Wolfgang Obergassel (né Sterk) et al. Section 2.9.1, wupperinst.org/uploads/tx_wupperinst/Paris_Results.pdf

On the other hand, the global stocktake will consider “mitigation, adaptation and the means of implementation and support” (see also the accompanying paragraph 100 of the Paris decision 1/CP.21), and will be conducted “in the light of equity and the best available science.” This is a major win, and could even be a decisive one – *if the stocktake were scheduled to take place before 2020 rather than after it.*

Almost everything about the global stocktake – outside its overall terms of reference – remains to be specified. And here, critically, global civil society is given to play a major role. Civil society must press to ensure that the terms of the stocktake remain comprehensive, that these comprehensive terms are clearly anticipated in the facilitative dialogues that precedes it, and that countries are at every point encouraged and empowered to strengthen their NDCs, in line with the requirements of equity and ambition. Transparency is part of the picture here, but there is much more.

Lavanya Rajamani, a respected and extremely well-informed analyst, stresses the comprehensive aspects of the stocktake⁵, and notes that it is “expressively silent on whether the stocktake extends only to the implementation of Parties’ current contributions or also to the ambition of proposed contributions; arguably it covers both.” She adds that:

“The inclusion of ‘equity’ was a negotiating coup for several developing countries, in particular the Africa Group, that had long championed the need to consider Parties’ historical responsibilities, current capabilities and development needs in setting expectations for nationally determined contributions. *It is unclear at this point how equity, yet to be defined in the climate regime, will be understood and incorporated in the global stocktake process. Nevertheless, the inclusion of equity in the global stocktake leaves the door open for a dialogue on equitable burden sharing.*” (Emphasis is ours)

Such a dialogue is inevitable, and hopefully we’ll see all actors – Parties, Observers, and active citizens of all types – approach it in expansive and productive ways. Meanwhile, we won’t have to wait until 2023 to see how things pan out. The 2023 stocktake is widely taken as part of a five-year review cycle that begins in 2018 (*though the mitigation-focused terms of reference of the 2018 dialog are an extremely serious problem*) and in any case it’s obvious that events are pressing hard, that the current INDCs are radically inadequate, that our options are narrowing, that there is no time to lose. So while the 2018 facilitative dialogue has restrictive terms of reference, compared to the global stocktake itself, it is widely and correctly seen as a dress rehearsal that can be leveraged into a major “political moment.”

It’s already time to move. Countries must use the opportunities presented by the 2018 dialogue – and indeed every opportunity – to indicate exactly how, and under what circumstances, they are most likely to increase their ambition. As for civil society, it must push hard to *spotlight the comprehensive nature of the assessments that the Parties clearly recognized as necessary when they agreed to Article 14*. Even more ambitiously, civil society must also do everything in its power to demonstrate that equity assessment of individual national pledges are possible, and can be helpful.

A word here about the pre-Paris *Civil Society Review of the INDCs*.⁶ The authors of this paper provided analytical support for that *Review*, and while we found it to be an extremely valuable civil society collaboration, we do not consider it to be in any way the last word. The *Civil Society Review* won a great deal of support among civil society and among the developing countries⁷, but the challenge now, especially given that Article 14 explicitly invites

5 Lavanya Rajamani, “Ambition and differentiation in the 2015 Paris agreement: Interpretative possibilities and underlying politics,” *International and Comparative Law Quarterly*, 2016, <http://dx.doi.org/10.1017/S0020589316000130>

6 See <http://civilsocietyreview.org/>

7 See for example South Africa Ambassador (and G77 Chair) Nozipho Mxakato-Diseko’s press release at the end of the Oct 2015 meeting in Bonn: <http://www.dfa.gov.za/docs/speeches/2015/dise1021.htm>

equity analysis, is a greater one. What is needed is an approach to equity benchmarking that is accepted as being fair, or at least legitimate, by campaigners and policy activists around the world.

Civil society organizations are not limited by the calendar, the rules, the terms of reference, or the agenda that was formally agreed in Paris. They are not Parties. They can attend, and should attend, to the aspirations behind the negotiations, as well as to their formal outcomes. And to the actual structure of the climate problem. Indeed, there are reasons to believe that many Parties would welcome a serious effort by civil society to set broader agendas for both the facilitative dialogues and the global stocktakes themselves.

SCIENCE-BASED EQUITY ASSESSMENT

It's helpful to ask what "equitable effort sharing" (Rajamani, above, called it "equitable burden sharing") can actually mean in the context of the bottom-up Paris architecture. The short-term answer can't be "allocation" or "obligation" or anything like it. Such terms imply top-down and even binding approaches that are clearly beyond the immediate will of the Parties, (i.e., the discarded Plan A). Rather, the goal should be to approach equity by way of negotiated outcomes informed by well-designed benchmarks that are useful in the assessment of national pledges of action. Such assessment can never be definitive (that's why the term "benchmark" is useful) but they must be helpful, which is why they must be comprehensive.

In particular, equity assessment must consider *both* domestic actions and international support when evaluating the fairness of individual efforts. After all, the majority of the world's mitigation will have to occur in the poorer countries, while the majority of the world's obligation to act – or, if you prefer, the world's capacity to act – is in the wealthier countries. The only way to square this circle is through international support, within the context of a comprehensive regime that includes both domestic action and support for cooperative international action, and not only on the mitigation front.

The goal here is not to solve all the problems in the world, but rather to establish a basis for trust and expansive cooperation. We're going to need them. We now have a "regime applicable to all," but this, of course, is only a first step. The challenge now is to make further progress toward dynamic, principle-based differentiation within that regime. What's ultimately needed is a broad understanding that encompasses stages of development, mitigation and adaptation need, and of course equitable access to sustainable development.⁸ In the short term, it's probably the finance issue (expanding the circle of contributors, and, no less importantly, defining who deserves support, and how much⁹) that will again force the differentiation issue, but this doesn't mean that the debate can or will be put off until after 2020. Not if the global mitigation goal¹⁰, and *the ambitious conditional mitigation pledge and support process* that it requires, are to be taken seriously.

Meanwhile, the equity problem is greater than mitigation alone, and far greater than the self-funded mitigation that countries can be expected to pursue within their own borders. International support provision by wealthy countries and cooperative action are equally fundamental, and must be given equal attention. The ultimate challenge is normative benchmarking, which must necessarily take account of both mitigation potential *and* capability (ability to pay), in the context of CBDRRC and relevant national circumstances, and with respect to adaptation and loss & damage, as well as mitigation.

8 See CAN's *Core Convention-based Equity Indicators*, September 2013. <http://www.climatenetwork.org/publication/can-view-core-convention-based-equity-indicators-september-2013>. More work is needed on this front.

9 Even in the case of the GCF, this issue remains entirely unclarified. The initial guidance states only that "all developing country Parties to the Convention are eligible to receive resources from the Green Climate Fund." See <http://unfccc.int/resource/docs/2013/cop19/eng/l12.pdf>

10 To be precise, see not just Article 4.1 but also paragraph 17.

To be precise:

- Equity assessment must be explicitly framed by the scope of the required global mitigation effort, as defined by the global carbon budget associated with the Paris goal of “well below 2°C,” which is the same global carbon budget that will be evaluated by the IPCC’s Special Report on 1.5°C, which is the same global carbon budget that will be used in the collective review mandated by the global stocktake.
- Such assessment must explicitly encompass not only the (deep decarbonization) mitigation actions that nations take, or propose to take, within their own borders, but also the cooperative actions by which they help to support actions outside their borders, and also their contributions to meet the global adaptation and loss & damage needs.

The equity agenda has long been associated with the challenge of CBDRRC, but this is not the whole of the equity challenge. The just transitions challenge, the fair carbon-pricing challenge, the challenge of equitable access to sustainable development – these are all fundamental. As far as CBDRRC goes, it is necessary to see it in dynamic terms, relative to “stages of development.” This will be essential to achieving a working compromise on the differentiation problem, which, actually, is not impossible to imagine. If we achieve such a compromise, it will almost certainly be in terms of national capacity to act, for it is national capability that most precisely defines stages of development. The challenge of establishing a more meaningful and helpful debate on capacity indicators is therefore a big part of the challenge.

THE CHALLENGE TO CIVIL SOCIETY

Civil society in the broadest sense – advocacy organizations, think tanks, social movements, and independent research organizations – has a critical, agenda-setting role to play in making the Paris assessment and review processes both helpful and relevant, and thus in bringing an adequately robust ambition mechanism into existence. As noted above, this role includes venturing into territories that the Parties have not shown themselves willing to explore, most particularly the ex-ante equity assessment of individual pledges.

It’s quite a challenge, but it’s a tractable one. Moreover, it’s not avoidable, because Paris institutionalized a nationally-driven global regime in which action can simply no longer be seen as domestic action alone. Moreover, the climate challenge itself – the biogeochemical one – is fundamentally global. National actors must face the challenges of international cooperation, which is critical to the powerful ambition mechanism that we need to succeed.

The pivots here are possible, but only if researchers and activists (and funders) come to see the strategic advantages of linking the international “fair shares” challenge to more the local equity challenges that are already surrounding us on every side. Which is to say that, ultimately, equity assessment should be seen as one member of a set of difficult, even profound equity challenges, the neglect of which empowers incumbent interests that seek, by any means necessary, to block or delay the climate transition.

Some of these challenges:

- A radical investment shift can and will disrupt the livelihoods of millions. This is the classic “just transitions” problem, and it nowhere been resolved, neither for lignite miners in Germany nor oil workers in Nigeria.
- Meaningful carbon pricing could push energy services further beyond the reach of the poor, an unacceptable prospect in a world where, for example, over nearly three billion people still lack adequate access to clean cooking fuels.
- The rapid abandonment of “cheap” fossil fuels is often feared in poor countries, and for good reason – in the absence of robust international support for energy-sector leapfrogging, highly-ambitious mitigation pathways are widely seen as a danger to poverty eradication and industrial development.

- The loss of fossil revenues, and more generally the catastrophic devaluation of fossil capital (the stranded assets problem) could deeply shock or cripple many economies, and not just fossil exporting economies.
- And all of this is not to mention the problems of adaptation and loss & damage.

A determined effort to recognize and address these profound equity challenges would not only disempower blocking coalitions within the negotiations, it would do the same for blocking coalitions within nations. In particular, it would reframe the climate challenge in a manner that radically empowers national campaigners, who are simply not going to win any narrowly-defined confrontation in which “climate” is seen as a mere environmental issue. Also, given the bottom-up nature of the new regime, the challenge of building strong nationally-based movements may be the really critical one.

All these issues are moving onto national agendas. Paris cemented the point by way of its Article 4.19, which invites Parties “to formulate and communicate long-term low greenhouse gas emission development strategies.” This extremely important invitation must not be allowed to drop between the cracks in the negotiations. In particular, the Parties need to provide an enabling environment that empowers ambitious low-carbon planners not only in the wealthy world, but in the developing world as well.

It won’t be easy. As matters now stand, such planners confront a chicken and egg problem that makes it extremely difficult for them to embrace the challenge of meaningful low-carbon development planning. Simply put, Article 4.19 invites them to develop extremely ambitious plans which they cannot hope to implement without significant amounts of international support, and yet this support is not flowing. To a certain extent they can finesse this problem by dividing their low-carbon development plans into *unconditional* fractions, which they define and commit to by their own sovereign processes, and more ambitious *conditional* fractions. But such a finesse will not suffice, not if we seriously intend to maximize ambition.

The problem, bluntly stated, is that many developing countries still see it as dangerous to make strong conditional pledges, and are not motivated to take the risk because, without a solution to the public finance problem, there’s no real possibility their conditional pledges will find international support. (This is the old “What’s the point of taking your NAMA to a dry watering hole?” problem.¹¹) Paris has hardly resolved the issues here. And note that the deeper solution – an appropriately-scaled public finance roadmap, one that expands the circle of contributors in a way that is accepted on all sides – demands the same kind of differentiation breakthrough as does equity assessment itself, one that can only come by foregrounding nationally specific levels of capability and development need.

Meanwhile, it’s essential to make as much progress as possible in the formal process. The key is the short-term challenge of increasing pre-2020 ambition. If there’s real momentum on this front, we may yet see the will to establish an ambition mechanism that’s robust enough to actually succeed.

Three points, then, on the 2018 moment, and on exactly how they provide openings for civil society to provide decisive inputs into the formal negotiations. Including its own increasingly sophisticated and hopefully converging assessments of the pledges that the Parties have so far offered, and the plans that they will be rolling out in the years just ahead.

- Equity is clearly inscribed in the terms of the 2023 stocktake, though less clearly in those of the mitigation-focused 2018 dialogue. But even here the links to equity and science are established by reference to Article 4.1. One key point is that while the final dialogue decision text (Para 20) contains no explicit mention to the update and resubmission of 2020-25 or 2020-30 pledges, that link was quite clearly intended in the early

¹¹ This lovely pre-Copenhagen quip was made by Yvo de Boer, who was at the time the UNFCCC Executive Secretary. <http://www.deccanherald.com/content/29392/time-copenhagen-deal-running-un.html>

drafts of the Paris Agreement, which referred to various INDC submission points, including both "first communications" and "subsequent communications," and also the "adjustment" of the level of ambition.

- Some observers (e.g. the Wuppertal Institute) believe that the 2018 dialog was explicitly intended to start the five-year review and ratchet cycle, and this seems like a reasonable interpretation, despite the bleached-out final version of its terms of reference. In any case, there was certainly a widespread intention to make 2018 into something real and relevant, and this can still be made to happen, particularly if early entry into force creates another burst of momentum. And given the urgency, which will be all too evident in the IPCC's special report, the effort could well pay off.
- Finally, if we do get entry into force by 2018, it would be logical to push immediately forward to have the first global stocktake in 2018 instead of 2023. After all, the 2023 date was chosen back when entry into force before 2020 wasn't being widely anticipated, and already circumstances have changed. In the context of early entry into force, there would at least be an opening for a "real" Article 14 stocktake in 2018, in place of the planned facilitative dialog. Or, at the very least, to expand the terms of reference of that dialog. This is the fight we have to plan for.

The point is that civil society needs to look ahead, before 2018, to the comprehensive terms of reference (including adaptation, loss & damage, and means of implementation) of the global stocktake, and even beyond them. Because, again, the stocktake is the best "hook" we have to work with, but it's still not good enough. More precisely, the global stocktake refers to equity, but this really has no meaning without the ex-ante assessment of individual pledges, which it does not countenance. Rajamani, as above, argues that ex-ante equity assessment is consistent with Article 14, as drafted, but such an interpretation is not going to win the day by its own accord. And even if it does, the Parties will surely only agree to an ex-ante equity assessment of the collective position, not of individual national pledges.

The opening is clear, and so is the necessity. Which is to say that if we want an expansive approach to the stocktake, civil society has to take the lead in driving it forward, in the first place by showing that equity benchmarking can in fact be done, properly and in a solutions-oriented manner.