



First informal ministerial consultations to prepare COP21 Paris, 20-21 July 2015

Aide-mémoire produced by France and Peru

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Introduction

The incoming French Presidency of the COP21 and the current Peruvian Presidency of the COP20 organised an informal ministerial meeting in Paris on 20-21 July 2015 to help prepare the COP21. Some 46 parties to the United Nations Framework Convention on Climate Change took part in the meeting, of which 31 were represented at ministerial level. In addition, the Special Envoy of the UN Secretary General, Mary Robinson, the UN Assistant Secretary General on Climate Change, Janos Pasztor, and the Executive Secretary of the UNFCCC Secretariat, Christiana Figueres, were present as were also the co-chairs of the Ad Hoc Group on the Durban Platform, Ahmed Djoghlaif and Dan Reifsnyder. This first ministerial meeting followed two earlier consultations organised by the French and the Peruvian governments at the level of lead negotiators (Lima on 20-22 March 2015, Paris on 6-8 May 2015).

Both presidencies sought to ensure that participation was balanced and representative of the different regions and negotiating groups within the UNFCCC. In addition to the parties that had been invited, a number of others requested to take part and were able to do so. It was an informal, political meeting, a complementary space to enable ministers to clarify positions and, where possible, to expand their understanding of potential areas of convergence on a number of key issues, as well as on areas that require further consultations. The meeting was not a negotiation, and it did not produce any agreed conclusions.

The presidencies prepared a background paper to inform the discussion by highlighting some key political issues on which ministers might like to give political guidance to their negotiators. The discussion on 20-21 July focused only on the first three sections: the general characteristics of the Paris agreement, differentiation and ambition. Hence, following a first, general debate on the characteristics and the balance of the Paris agreement, ministers were divided into two smaller groups which allowed each to have a more in-depth discussion on the topics of differentiation and ambition before reporting back to the main plenary. The two presidencies would like to thank Ministers Rene Orellana (Bolivia), Izabella Teixeira (Brazil), Vivian Balakrishnan (Singapore) and State Secretary Jochen Flasbarth (Germany) for their great assistance in moderating the two break-out groups.

In order to ensure transparency, the two presidencies have prepared under their own authority this "*aide-mémoire*" reflecting the broad lines of the discussion. They will report on its content at the forthcoming meeting of the ADP at the end of August. Ministers also agreed to report back on the discussion to their negotiators and to their respective negotiating groups to help inform the next sessions of the ADP and identify potential compromises.

Future informal meetings will provide the opportunity for ministers to address the remaining topics set out in the background paper, beginning with means of implementation and adaptation and loss and damage in the meeting to be held on 6-7 September.

1. General characteristics of the Paris agreement

An opening debate on the general characteristics and the balance of the Paris agreement highlighted considerable common ground on the following:

- The world is no longer one where only some parties are acting. Today, all parties are implementing meaningful measures and policies on both mitigation and adaptation. The concept of nationally-determined contributions is a game-changer that will enable universal participation to be fully reflected in the new agreement.
- The Paris agreement will be the start of a new phase of implementation of the Convention. The key test of success of the agreement will be its ability to ensure the necessary action, through the mechanisms and processes it will establish, to keep global warming under 2°C or 1.5°C in the long term.
- To this end, the agreement should, in particular:
 - o be universal, ambitious, durable, dynamic, equitable and rules-based,
 - o cover, in a balanced manner, both mitigation and adaptation, the means of implementation (finance, technologies, capacity building), and transparency of both action and support,
 - o be long-lasting and provide a credible process to enable ambition in all of these areas to be improved over time, with periodic stock-taking of aggregate efforts (every five years) and updates of nationally-determined contributions (every five or ten years),
 - o capture the 2°C or 1.5°C temperature limit goal (although there are differences on how much further precision might be provided through more operational goals on mitigation, adaptation and means of implementation),
 - o provide a “direction of travel” by ensuring that there is no backsliding or backtracking and that strengthening action by some parties should not result in weakening action by others,
 - o reflect the principle of common but differentiated responsibilities and respective capabilities in light of different national circumstances, with differentiation applied in each operational areas of the agreement,
 - o mobilise the necessary means of implementation to assist developing countries in their sustainable development towards low greenhouse gas emitting and resilient economies and societies and in meeting their reporting obligations, with clarity on fulfilling the 100 billion USD goal from public and private sources by 2020, and the mobilization of increased finance, from public and private sources post-2020 and reorientation of wider investment flows.
- The Paris agreement should encourage accelerated climate action before and after 2020, building on the ADP Workstream 2 and acknowledging the Lima Paris Action Agenda.
- Whilst certain aspects of the legal form of the agreement remain to be resolved, it is clear that the Paris agreement should consist of at least a core legally-binding agreement (“a protocol, another legal instrument or an outcome with legal force”) to implement the Convention, a number of COP decisions to be adopted in Paris, and a more detailed work plan on operational arrangements to be further developed after COP21.

2. Differentiation

Discussion in the moderated break-out groups, and subsequently in the plenary, brought out a number of areas of broad common understandings among ministers:

- Differentiation is a central aspect of the Paris agreement.
- The practical application of differentiation will vary depending on the element of the agreement (mitigation, adaptation, support, transparency).
- The new agreement should be facilitative, non-punitive, and incentivise progression and ambition.
- The concept of NDC provides the vehicle for self-differentiation, using existing provisions, since it allows each country to translate its national circumstances and development priorities into its contribution over time. There is, however, need for further agreed parameters to guide and frame the NDC process in the future, for example by ensuring no-backtracking.
- There is no need to redefine categories in the Paris agreement.
- Support is key for developing countries to undertake action, as well as to acquire the human and institutional capacity to fully implement the future transparency system.

Parties will need to agree on how to operationalise differentiation in each pillar of the agreement. In the context of the transparency and accountability arrangements:

- There was a clear sense that all Parties would report on the implementation of their contributions.
- Ministers also concurred that transparency is needed for both action (mitigation and adaptation) and support and that key elements of the transparency and accounting system should figure in the core agreement.
- Many argued for a transparency system with common rules and flexibility after 2020, perhaps with a transition period, flexible provisions for developing countries (for example on frequency and content of reporting) or a tiered approach to structure the different levels of reporting. Some argued that this could be achieved by taking the current system as the starting point to define the different transparency rules. There was also discussion on whether the transition towards a unified system with flexibility could be decided in Paris or rather at a later time.
- There was a broad understanding that the notion of no-backtracking should apply to the transparency system. Those who currently report and are verified on the most rigorous grounds should continue to do so in the future.
- The full implementation of a transparency system will also depend on building the capacity of those countries that do not yet have the means to effectively fulfil their reporting tasks.

3. Ambition

Discussion in the moderated break-out groups, and subsequently in the plenary, brought out a number of areas of broad common understandings among ministers:

- Collective and long-term ambition is key to assess the success or failure of the Paris agreement, which should proactively and constructively enhance ambition over time for mitigation, adaptation, and means of implementation (finance, technology and capacity building).

- Raising ambition concerns both the pre-2020 and post-2020 periods.
- Parties should not have to negotiate a new agreement every five or ten years, but the Paris agreement will rather be durable, be under and form the basis for the full, enhanced and sustained implementation of all aspects of the UNFCCC (mitigation, adaptation, means of implementation).
- The agreement could include a collective and forward-looking review process or stock-take to track progress towards the achievement of the long-term goal(s), and hence encourage Parties to do more, although there are diverse views on the ways to express progression. This review process should be collective, facilitative and non-punitive and should be distinguished from an individual ex post assessment of performance (MRV).
- A dynamic agreement could include provisions for new rounds of contributions and their periodic update while ensuring non-backtracking. The periodicity for the presentation of new contributions could be every 5 or 10 years. Even in cases of a 10 year NDC, they could be revisited every 5 years, with an option – but not an obligation – to upgrade them.
- For ambition, it is essential that the agreement prevents backtracking and stimulates progress, with commitments for support and for the sharing of information on planning and implementation.
- The agreement could establish a clear long term global goal(s) to maintain ambition over time, including the reaffirmation of the 2/1.5°C temperature limit.
- It is clear that developing countries will be able to do more with more resources, technology, the promotion of innovation, and collective learning.
- Some suggested that Parties could be encouraged to prepare and communicate voluntary national long-term low-emissions development strategies or trajectories consistent with a long-term global goal.

Ministers had an exchange on some issues which may be further addressed in the next informal meeting:

- Adaptation should get equal importance as mitigation in the agreement. There is considerable support for formulating a qualitative long-term goal for adaptation, along the lines of enhancing/furthering/building global resilience. There were also suggestions to further develop possible quantitative aspects of such a long-term goal.
- Operational aspects of adaptation action could include: the integration of climate adaptation in national planning processes; a regular reporting and assessment of progress; the strengthening of existing mechanisms; the exchange of best practices; the enhancement of collaborative action; the scaling up of adaptation finance (cf. the decision of the GCF Board to allocate 50% of its resources to adaptation).
- It is also important to identify constructive solutions to deal with loss and damage, including initiatives related to insurance and migration.
- The fulfilment of existing climate finance commitments is of utmost importance to create trust. Contributors must show a clear path towards delivering on the commitment of mobilizing 100 billion USD a year by 2020. The GCF should also take its first concrete decisions on programmes before Paris.

Next steps – the road to Paris

With little over four months to the opening of COP21, much remains to be done. Ministers expressed their concern with the slow pace of negotiations and the need for a clear and concise negotiating text that reflects the options on the outstanding issues. They welcomed the work undertaken by the ADP co-chairs, looked forward to the text to be issued later in July, and urged them to accelerate the preparation of such a text to ensure that the remaining ADP sessions before Paris be used as efficiently and effectively as possible, recalling that COP21 will be asked to adopt a legal instrument.

Ministers called for a step-change in the negotiations and agreed to give clear instructions to their negotiators and to work within their negotiating groups to speed up the negotiating process and to move into a pragmatic mode to seek solutions and compromises in the forthcoming ADP sessions and in other informal consultations.

The French incoming Presidency outlined the broad calendar for the coming months:

- The ADP co-chairs publish their tool on 24 July.
- The ADP resumes its session from 31 August to 4 September to make progress on the substance.
- The presidencies organise a second informal meeting at ministerial level in Paris on 6-7 September.
- A further opportunity to take forward discussions is provided in the margins of the General Assembly of the United Nations in late September.
- A meeting of finance ministers on financing issues takes place in Lima on 9 October in the margins of the 2015 Annual Meetings of the IMF and World Bank.
- The ADP resumes its session from 19-23 October.
- Further ministerial consultations are organised before the opening of the COP21.
- COP21 opens on 30 November and closes on 11 December.

The next informal ministerial meeting on 6-7 September will focus on the next two sections of the background paper: the means of implementation (finance, technologies, capacity building) and the issues of loss and damage and adaptation.

At the end of the meeting, the Peruvian Presidency called for compromise, pragmatism and accelerated negotiations and reiterated its full support to the success of COP21.
