

French COP Presidency sets out political process for climate talks

Kuala Lumpur, 30 Oct (Hilary Chiew) – In a departure from normal practice, Heads of State and Government have been invited to be present on the first day of the 21st meeting of the Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris.

COP21 is scheduled to run from 30 November to 11 December.

In previous COP meetings ministers or heads of state/governments (HoS) began arriving in the second week of the usual two-week-long climate talks to speak at the ‘high level segment’.

(This segment is usually a presentation of formal statements except for the high profile 2009 COP meeting in Copenhagen where a handful of political leaders were taken off to closed room negotiations led by the United States, outside the UN process, triggering the anger of delegations in the final plenary and the mere “noting” of the ‘Copenhagen Accord’ rather than an endorsement.)

Addressing Parties and observers at the second informative dialogue on Presidential activities on 22 October, French COP21 Ambassador Laurence Tubiana said President Francois Hollande has invited all HoS for the first day, and which many had requested anyway, to participate in this historical event to give it the necessary political momentum.

She said there would be no joint declaration but (to provide) an opportunity for leaders to express their views.

Tubiana announced this at the second special event on Presidential activities by the Presidency (Peru – the host of COP20 in Lima last year) and in-coming Presidency (France – the host of COP21 from year-end) during the recently

concluded 11th meeting of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) that took place on 19-23 October in Bonn, Germany.

The HoS session will start in the morning (30 November) after the official opening and leaders would be invited to deliver short statements, she said adding that specific arrangements will be provided in an informal note that will follow soon after the Bonn meeting.

On the pre-COP ministerial meeting, Tubiana said France will organise the informal meeting together with the Peruvian Presidency and it will take place on 8 – 10 November at the conference centre of the Foreign Affairs Ministry.

“It will resemble the informal ministerial consultations which we organised with Peru in July and September,” she said, and for the sake of transparency, she outlined three key points on participation, agenda and transparency.

On participation, Ambassador Tubiana said Minister of Foreign Affairs Laurent Fabius had invited 75 countries, the highest number of ministers for such an informal meeting. He is careful in ensuring that every region and negotiating groups are represented, she stressed.

“There is space constraint but to ensure inclusiveness and transparency, this meeting will be opened to any additional country that wishes to attend. Countries that want to attend need to send a note through their embassies and then we will extend an invitation,” adding that support will be provided for developing countries in need of it.

(On 26 October invitations were sent to representatives of the UNFCCC observers to attend “a high-level dialogue with the ministers chairing the negotiating groups and the ADP Co-Chairs” from 10.30 am to 12 noon on 8

November. The following constituencies have been invited to send 2 representatives each: environmental organizations, research organisations, indigenous peoples' organizations, youth organizations, gender organizations, trade unions, farmers and local governments associations.)

On the agenda, Tubiana said the meeting is informal and is not a place to negotiate text which is evident but would like to reaffirm it. The goal, she noted, is for ministers to capture the entire scope of discussion in Paris and to explore convergence on key political issues that they need to close in Paris.

“Certainly, they will discuss the legal form of the agreement,” she said, adding that the content of the meeting will be reported to the ADP on the understanding that it is the sole responsibilities of the Presidencies.

In Paris, she said, discussion under the ADP and the work of the Subsidiary Body for Implementation (SBI) and Subsidiary Body for Scientific and Technological Advice (SBSTA) will begin on Tuesday (1 December).

She said further Parties must be prepared for crucial and challenging weeks ahead where the SBI and SBSTA will close their work on Friday (4 December) and the ADP on Saturday (5 December).

A high-level segment will ensue on the following Monday and Tuesday (7 - 8 December). Matters that have been reported to the COP by the SBI, SBSTA and ADP will have to be negotiated and finalised by Wednesday (9 December) “if we want to close the conference on Friday (11 December) in a timely and orderly manner”.

“It is not just a matter of principle in order to adopt a legal agreement ... but will have to respect a number of procedural steps that will require some time,” Tubiana said.

“It goes without saying that each delegation is free to determine at which level it will be represented through the weeks until 9 December. The impossibility of Parties to participate at the ministerial level will in no way (affect) its capacity to participate actively in the discussion,” she stressed, highlighting that while it is evident, she would like to emphasise this as she had heard some concerns and anxieties (on this matter). But these are unfounded, she assured the audience.

On other events at the COP, Tubiana said major announcements under the Lima-Paris Action

Agenda (LPAA) will be presented. An ‘action day’ on 5 December will have leaders from many economic sectors and civil society organisations presenting climate actions juxtaposed by thematic focus from 1 to 8 December with high-level participation expected.

The LPAA is a joint undertaking of the Peruvian and French Presidencies, the office of the Secretary-General of the United Nations and the UNFCCC Secretariat aimed at demonstrating the commitment of non-state actors to reach a new and ambitious legal agreement in Paris and beyond.

On the sentiment of negotiations under the ADP thus far, she acknowledged the strong spirit of engagement, reiterating that there is no ‘Plan B’ in Paris and urged Parties to produce the text collectively reflecting their views to ensure a good start in Paris.

(At the closing plenary of the ADP meeting on 23 October in Bonn, Tubiana noted that the texts which were produced after the latest session represented progress and contained many interesting bridging proposals. However, she also expressed concerns that the structure remained incoherent and needed further work. Two documents – the draft agreement and draft decision dated 23October@15:30 which contained ‘surgical insertions’ from Parties during the spin-off groups and informal meetings were circulated prior to the closing plenary. A version as of 23October@23:30 with some changes from the plenary session is the basis for the Paris negotiations.)

Noting the intense informal discussions in the recent Bonn session, Peruvian Ambassador Jorge Votto Bernales said broad convergences in key issues of adaptation, differentiation and means of implementation had emerged and he expects to see them appear soon in the formal negotiations.

He underscored that finance is an overarching concern and that this issue had been clearly articulated by South African Ambassador Nozipho Mxakato-Diseko (as Chair of the Group of 77 and China) where she noted that 80% of Parties to the UNFCCC belonged to the developing world and that they need support for mitigation action.

Bernales added that mitigation action from the developing world is essential to reach our goal and therefore it is obvious that the Paris agreement must include significant efforts in finance from developed countries that has to be assured and agreed upon in terms of predictability and scaling

up for developing countries to take on complementary public policies and regulatory measures. He also stressed the importance for developing countries to know in advance that there would be timely support in finance both for the direct mitigation actions as well as technology transfer and capacity-building that are necessary to carry out these actions.

Bernales further said if the conceptual views on how these ‘keystones’ or ‘4 or 5 pillars’ can be manifested appropriately in the agreement and can be wrapped up properly, “the rest of the text will flow naturally”.

India said it was reassuring that there is no Plan B in Paris, and that the explanation on the mode of work of the second week in Paris would allay some perceived concerns (in reference to inclusiveness of all Parties regardless of the status/level of delegations’ representation).

“If no Plan B then we have to be very serious about Plan A (referring to the ADP’s Party-driven negotiations). It seems to be that we would need more time for negotiation ... maybe in the form of an additional session or in combination with the pre-COP,” it noted.

India also raised concern over the perceived ‘disconnect’ between what ministers said at the informal ministerial meetings and what negotiators said at the formal negotiation.

“... each country is taking its position as a sovereign country ... whether it was a minister, a senior or junior negotiator, (they are) following a particular line of country position. Many things will be decided at the end and not necessarily with ministerial attendance,” India said.

On an additional session, Tubiana replied that the Presidency will not take any initiative that is not supported and conceived collectively.

On the ‘disconnect’, noting the urgency for convergence, she said it is the difficulties to translate concept to draft and negotiators tend to hold their cards longer.

“Many times we think we have time ... (need) to let go and compromise. The problem here (in the formal negotiation) is that we need to draft a legal text and cannot just wait for political guidance in the night of 11 December. You do not want to let it go before the end but when is the end ... and I think the end is very, very close,” she added.

Speaking for the Like-minded Developing Countries (LMDC), Malaysia alluding to Bernales’ point on the ‘4 or 5 pillars’, said so far Parties were engaged in a process of crystallising options and had not embarked on the critical areas of bridging proposals.

One area of concern, it noted, is the parity in negotiating the different pillars where some pillars which are of more interest to some Parties are being accelerated at the expense of areas that are of interest to developing countries such as the means of implementation, particularly finance.

Malaysia said it is important that we proceed at the same pace, and urged the Presidencies to consult the ADP Co-Chairs to provide input and direction on this matter.

Concurring with India, it said most developing countries came with clear mandates from their political masters and it is time for technical work to translate political direction into concept and text.

“There seems to be some magic attribution to ministerial consultation ... we feel a bit uneasy about this because there is a question of parity in this ministerial consultation,” Malaysia pointed out.

On the exclusion of civil society participation, Malaysia for the LMDC stressed that the decision (taken by the Co-Chairs at the insistence of Japan at the beginning of the meeting despite a plea from the G77-China to keep spin off groups open) would affect the good image of France “with your slogan of liberty and fraternity” and asked that the French Presidency weigh in on that decision.

To this, Tubiana said there is close consultation with the civil society representatives in the preparation for COP21 and that they will be given a space close to the negotiation space (referring to the venue).

On the pre-COP ministerial, she reiterated that countries that are not invited should feel free to express their intention to be invited. As noted above, on 26 October the Minister of Foreign Affairs sent invitations inviting two representatives from each of 8 public interest constituencies to a half-day high level dialogue on 8 November during the pre-COP ministerial.

(Edited by Chee Yoke Ling)