

Lima: paving the way to success in Paris

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## Policy pointers

**In Lima, parties must** decide what upfront information should be provided with their intended nationally determined contributions (INDCs), ensuring that agreed deadlines are respected in order to reach a successful conclusion in Paris next year.

**Progress must be made** to advance all elements of the draft negotiating text in order to ensure political parity between mitigation, adaptation, means of implementation and transparency of action and support in the Paris agreement.

**Parties must urgently** agree on the legal form of the Paris agreement in order to develop an appropriate draft negotiating text and meet the UN six-month rule.

**Parties must double** efforts to enhance mitigation ambition in the pre-2020 period, before the Paris agreement enters into force. Closing the ambition gap is a prerequisite for the new agreement to be effective.

## Lima: paving the way to success in Paris

At the end of 2015, in Paris, parties to the United Nations Framework Convention on Climate Change (UNFCCC) will lay the foundation for climate action in a post-2020 world by adopting a new, universal and legally binding agreement. But the event that will be a key determinant of success in Paris takes place one year before: the twentieth session of the Conference of the Parties (COP 20) in Lima, Peru. There, parties will need to make significant progress on four issues to keep negotiations on track to meet agreed deadlines: to determine how each party should contribute to the new agreement; to advance on all core elements of the agreement; to agree on its legal form; and to double efforts to reduce greenhouse gas emissions in 2015–2020.

The Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), a subsidiary body of the UNFCCC, is tasked with developing a new, universal and legally binding agreement on climate change. It must complete its work by the December 2015 Conference of the Parties in Paris (COP 21), so that the agreement can be implemented from 2020 onwards. As the deadline swiftly approaches, the penultimate COP in Lima must pave the way to a successful conclusion in Paris. This briefing outlines four areas where significant progress must be made.

### Intended Nationally Determined Contributions (INDCs)

At last year's COP in Warsaw, parties agreed to embark on a domestic exercise to determine how they would each contribute towards enhanced global climate action under the new agreement.<sup>1</sup> They are to communicate these 'intended nationally determined contributions' (INDCs) well

in advance of COP 21, and no later than March 2015 for those parties able to do so. A major challenge in the negotiations has been determining what type of information parties are to provide when putting forward INDCs, so as to facilitate clarity, transparency and understanding of their intended contributions.

**Should INDCs have a wider scope than just mitigation?** While it is generally agreed that they should set out each party's proposed mitigation efforts, there is debate over whether the INDC exercise should also extend to other essential elements of the 2015 agreement. Some parties warn that including adaptation and means of implementation in the INDCs risks weakening the ambition to make significant cuts in greenhouse gas emissions. But others argue that INDCs are an essential vehicle for vulnerable countries to present their adaptation needs, and for industrialised countries to set out their contributions towards providing necessary support in the future climate regime.

## *Parties need to make significant progress in Lima to keep negotiations on track*

### **Are mitigation INDCs fair and on course?**

Though it has been suggested that an INDC on adaptation need not necessarily be presented in time for COP 21 (as long as it is communicated well in advance of 2020), most parties underline that mitigation INDCs should respect agreed deadlines.

Moreover, the type of information provided should follow a common set of minimum

requirements, so enabling comparability of contributions and greater understanding of what each party considers its 'fair share' of mitigation effort — in accordance with the UNFCCC principles of equity and common but differentiated responsibilities and respective capabilities. This would include information such as timeframe (there is divergence as to whether this should be five or ten years), base year or baseline emissions, sectors and greenhouse gases covered, and expected emissions reductions or removals.

But some disagreement exists over whether the provision of such upfront information should also allow for differentiation according to countries' capacities, where those with fewer capabilities may be permitted to submit qualitative, rather than quantitative INDCs. Some parties support differentiation according to type of contribution put forward, but not based on a bifurcated categorisation of countries (for example, developed/developing, or Annex I/non-Annex I).

Respecting deadlines and ensuring comparability of contributions (in particular those of the major emitters) are critical for assessing the adequacy of parties' aggregate proposed mitigation efforts. For the most vulnerable parties (such as the Least Developed Countries (LDCs), Small Island Developing States (SIDS) and countries in Africa), this means that parties' contributions must aim to limit global average temperature increases to below 1.5°C compared with pre-industrial levels by 2100. If they do not, an ex-ante assessment and review of the first iteration of INDCs could allow parties to increase their proposed contributions to a level consistent with the demands of science before inscription into the agreement. Alternatively, the review could launch a complementary process based on top-down rules and obligations for all parties to take mitigation actions (similar to the Kyoto Protocol).

**What is the future for INDCs?** In addition, it is still unclear what will ultimately happen to the INDCs — will the 'intended contributions' turn simply into 'contributions', or will the 'contributions' also eventually become 'commitments'? And will these contributions/commitments be part of the 2015 agreement, inscribed in the annex or a public repository? It also hasn't been agreed whether the INDC exercise will be a one-off process rather than repeated prior to each new contribution/commitment cycle. Resolving these divergences in Lima is crucial for ensuring that ADP negotiations are on track to reach a successful conclusion in Paris.

### **Elements of the 2015 agreement**

Actions on adaptation and provisions for finance, technology and capacity building are a dominant concern for developing countries, particularly the most vulnerable, whose carbon emissions also happen to be negligible. But with much of this year's discussion focusing on INDCs, and given the lack of clarity over whether the scope of INDCs should go beyond mitigation, vulnerable countries are wary of losing momentum in these key areas of concern.

For many parties, the 2015 agreement therefore constitutes a unique opportunity to instil political parity between these aspects of international climate action and the global effort to reduce greenhouse gas emissions. Indeed, the Durban decision that launched the ADP process mandated parties to address not only mitigation, but also adaptation, finance, technology development and transfer, transparency of action and support, and capacity building.<sup>2</sup>

There is general agreement that all six elements should be at the core of the Paris outcome, so urgent progress should be made in Lima towards advancing these key elements within the draft negotiating text.

**Adaptation.** A number of proposals are in favour of an aspirational global goal on adaptation towards which countries would contribute through individual and collective actions. Many also suggest building on existing UNFCCC provisions and integrating climate change into present and future development processes. Parties could, for example, set out how adaptation needs are, or could be, addressed through elaborating National Adaptation Plans.

But vulnerable countries are adamant that the agreement should not add to an already heavy burden to report on adaptation action, and

instead should effectively implement commitments to support adaptation in their countries. Moreover, they ask that existing institutions and mechanisms (such as the Least Developed Countries Expert Group and the Warsaw International Mechanism on Loss and Damage) be anchored into the new agreement, granting them permanence and avoiding an ongoing need to justify their existence. Other parties worry that this risks freezing institutions in time, rendering them unable to adjust to evolving realities.

**Means of implementation.** Climate finance as an essential aspect of the means of implementation is an equally critical but contentious topic for discussion. Many parties do not agree to the inclusion of quantified finance commitments or national finance targets in the new agreement, though they are more amenable to including a collective goal in an accompanying political declaration.

Moreover, as with mitigation commitments, there is much debate over which parties should take the lead in delivering climate finance. Should it only be developed country parties, given their historical responsibility for climate change, or should it also include major emitters and those with higher capabilities among developing country parties? But there is some convergence on the idea that allocation of climate finance should be balanced between mitigation and adaptation actions, as per the recent decision of the Green Climate Fund (GCF) Board.

Though little time has been spent discussing capacity building and technology development and transfer, these also are seen as essential means to implementation, and vulnerable countries expect concrete commitments to these to be delivered under the new agreement. Similarly discussions on transparency of action and support, including through monitoring, reviewing and reporting, have only just begun.

**Agreeing on a commitment cycle.** A primary aspect of the negotiations so far has been around an appropriate cycle for commitments and review. Some parties argue for a five-year commitment cycle to guarantee regular progress review and ratcheting up of commitments against scientific demands, and to ensure that parties are not locked into an extended period of low ambition. Others are of the view that a ten-year cycle would send a more positive signal to investors and encourage parties to set more ambitious targets.

## Legal nature of the 2015 agreement

When negotiations on the post-2020 climate regime were launched, parties agreed that they would develop a “Protocol, another legal instrument or an agreed outcome with legal force”.<sup>3</sup> Since then there has been very little discussion on the legal architecture of the 2015 agreement.

Many of the most vulnerable country parties have called for the adoption of a protocol, as the strongest legal option, as well as equal legal rigour for all elements of the agreement. But a major challenge is how to ensure strong legal rigour without weakening participation, ambition and effective implementation of commitments. Indeed, some parties have argued that maximum participation and effective implementation are more likely to be achieved if the core agreement is simple, leaving detailed provisions to be elaborated in accompanying COP decisions, which can be easily modified over time.

Nonetheless, the discussion on legal form can no longer be postponed. According to the UNFCCC Rules of Procedure, the text of any proposed amendment, annex or protocol to the convention must be communicated to parties at least six months before the session at which it is proposed for adoption.<sup>4</sup> Because they must also allow enough time for translation into all six official UN languages, parties should strive to have the negotiating text ready by April 2015. To meet these deadlines, parties must first agree on the legal form the agreement is to take.

## Enhancing pre-2020 mitigation ambition

Finally, it is too often overlooked that parties were given a second mandate in Durban, in addition to developing a new agreement by 2015 — to launch a workplan on enhancing mitigation ambition in the period between 2015 and 2020 before the new agreement enters into force and is implemented.<sup>5</sup> This aims to respond to the significant gap between the aggregate effort of parties’ current mitigation pledges and emission pathways consistent with the 1.5°C/2°C goal.

LDCs, SIDS and African country parties are particularly concerned over the slow progress of these discussions. Even a 2°C average temperature increase will have disastrous effects

in these countries, yet without additional mitigation efforts, projections signal we are on course to a 3.7–4.8°C warming world.<sup>6</sup> It is crucial that parties take advantage of the momentum created at the United Nations Climate Summit in September and accelerate the delivery and scaling up of mitigation commitments in the near term.

Such actions would include ratifying the second commitment of the Kyoto Protocol, among others. Concrete action and commitment in Lima towards closing the ambition gap will furthermore engender much-needed trust in the negotiations, both for the pre- and post-2020 periods.

### Delivering in Lima

Overcoming divergences is always an onerous task for negotiators, but making progress on these four aspects of the negotiations in Lima is essential in paving the way to success in Paris.

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### Notes

<sup>1</sup> Decision 1/CP.13, paragraph 2(a) and 2(b). / <sup>2</sup> Decision 1/CP.17, paragraph 5. / <sup>3</sup> Decision 1/CP.17, paragraph 2. / <sup>4</sup> UNFCCC (1996) Organisational Matters: Adoption of the Rules of Procedure, Rule 37. / <sup>5</sup> Decision 1/CP.17, paragraph 7. / <sup>6</sup> IPCC (2014) AR-5 WG-III, Summary for Policymakers.

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