

STATUS OF ONGOING NEGOTIATIONS ON CLIMATE CHANGE POST 2012 REGIME

Global Process Of Climate Change Negotiations And The Position Of Countries And Major Groups And Blocks

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**Sub-regional consultative meeting on the on-going negotiations on climate change and the management of climate change concerns in ECOWAS Region
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Was Copenhagen a failure or success ?

- Depends on whom you talk to.
- Some developed country Parties (EU ,USA ,Umbrella Group, Russia and Japan) saw Copenhagen as a success because of the Accord. So far about 120 Parties have associated with the Accord.
- It pledges an amount of 10 billion dollars a year between 2010 to 2012 to support developing countries mitigation efforts and 100 billion dollars a year by 2020
- Accepts the need to reduce global temperatures to 2 degrees centigrade.

G77 and China: Developing countries

- That Copenhagen was a failure-Process not transparent
- Accord was taken note of and not adopted as a COP decision.
- No mention of individual or aggregate emission reduction targets for developed country Parties- just voluntary pledges
- Amount pledged inadequate. Not sure whether amount proposed would be new and additional.
- Africa wants global temperatures to be reduced to 1.5 degrees centigrade
- Developing countries want developed countries to reduce emissions in accordance with science- IPCC 4th Assessment Report - 40-45% reduction at 1990 levels by 2020 and 80% emissions reduction by at 1990 levels by 2050

Current unfccc process

- Two parallel negotiations
 - Ad hoc Working Group on Further commitments of Annex I Parties pursuant to Article 3, paragraph 9 of the Kyoto Protocol (Established at COP/MOP1 in Montreal 2005)
 - Ad hoc Working Group on the Long Range Cooperative Action under the Convention (AWGLCA). Bali, Indonesia, COP 13)

AD HOC WORKING GROUP ON THE LONG-TERM COOPERATIVE ACTION UNDER THE CONVENTION

- The Conference of the Parties to the United Nations Framework Convention on Climate Change(UNFCCC) at its thirteenth session held in Bali, Indonesia in December 2008 , launched a process to negotiate a global concerted action on climate change up to and beyond 2012. “The Bali Road Map” initiated a negotiating process , with a view to concluding its work by the 15th session of the Conference of the Parties to be held in Copenhagen in December 2009 . The Ad Hoc Working Group on the Long Term Cooperative Action under the Convention (AWGLCA) established at the Bali Conference has since held eleven sessions, the latest being the 11th Bonn session that was held from 2-6 August 2010.**

AD HOC WORKING GROUP ON LONG-TERM COOPERATIVE ACTION UNDER THE CONVENTION (AWG-LCA)

- July-August session focussed on the Chair's text.
- Issues considered:
 - Shared vision
 - Emission cuts and Global temperatures
 - Reduction of global emissions
 - Mitigation: Developed and Developing countries
 - REDD Plus
 - Sectoral approaches, Aviation and Maritime effects
 - Flexible mechanisms
 - Adaptation
 - Finance
 - Response measures
 - Technology transfer
 - Capacity Building

STATUS OF NEGOTIATIONS UNDER THE AWG-LCA PROCESS

Shared vision and Mitigation

- . Not clear whether there is shared vision on the way forward.
- Mitigation commitments of Annex I Parties
- No proposals on specific individual or aggregate emission reduction targets. Still insisting on voluntary pledges.
- Some developed country Parties , notably Japan, USA and Australia want the so called emerging developing countries such as China, India, South Africa ,Brazil and South Africa to take on specific emission reduction commitments.

Financial Resources

- Developed country using figures mentioned in the Copenhagen Accord as the basis for funding to developing countries(\$10 billion a year for 2010 to 2012 and \$100 billion by 2020)
- US demands that all Parties except LDCs should make financial contributions.
- Financial resources should not come from public sources only but also from the private sector.
- Existing Multilateral Financial Institutions should continue to be used as the operators of the financial mechanism and no new institutions should be created.

Financial Resources-G77 and China

- Financial contribution of developed countries should amount to 1.5% of their GNP.
- \$100 billion proposed in Copenhagen Accord inadequate
- Finance Board should be established by the COP and function under its authority.
- Sources of funds should be public and supplemented from the private sector
- Funding should be adequate, new and additional.

Desirable outcomes of AWG-LCA process

- Legally binding outcome needed. (COP decisions are not legally binding)
- A new protocol under the Convention that addresses the question of comparability and strengthens commitments of Annex I Parties.
- A new protocol supported with COP and COP/MOP decisions.

AWG-KP mandate

- At the first session of the Conference of the Parties serving as the Meeting of the Parties in 2005 in Montreal , Canada, the Parties to the Kyoto Protocol by their decision 1/CMP.1, decided “to initiate a process to consider further commitments for Parties included in Annex I for the period beyond 2012 in accordance with Article 3, paragraph 9, of the Protocol” and to establish an open-ended *ad hoc* working group of Parties to the Kyoto Protocol (AWG-KP) to undertake this work.

AWG-KP

- The AWG-KP is expected to complete its work and have its results adopted by the CMP as early as possible and in time to ensure that there is no gap between the first and second commitment periods.
- The AWG-KP has met in 14 sessions between May 2006 and August 2010, the most recent being the 14th session held in Bonn , Germany from 2- 6 August 2010

AD HOC WORKING GROUP ON FURTHER COMMITMENTS FOR ANNEX I PARTIES UNDER THE KYOTO PROTOCOL

Issues considered at August session:

- Amendments to Annex of the Kyoto Protocol
- Annex I emission reductions
- Aggregate level of ambition
- Length and number of commitment period
- Flexible mechanisms, eg Clean Development Mechanism (CDM), Joint Implementation and Emissions Trading
- Land Use, Land Use Change and Forestry
- Effect of a possible gap between first and second commitment periods

Desirable outcomes of the KP process for Africa

- Amendment to Annex B of the KP as requested under Article 3.9 of the Protocol.
- Second commitment period to be specified from 2013-2017.
- Annex I Parties to accept aggregate emission reduction target.
- Mitigation efforts of Annex I Parties should be determined by science and lead to a reduction of 40-45% by 2020 using 1990 as the base year.
- Temperature rise should not be more than 1.5 degrees.

Possibility of a gap between first and second commitment periods real

- If no agreement is reached at Cancun, there is every possibility that there will be a gap between the first and second commitment periods.
- If a gap is to be avoided, there has to be agreement on the amendments to Annex B at Cancun and it should enter into force at the latest 31 December 2012
- At the August meeting in Bonn, many developing countries preferred keeping the focus on the agreement for a second commitment period under the Kyoto Protocol and finishing the AWG-KP's work in a timely manner.
- Australia and the EU are however of the view that all efforts should be made to avoid the gap.

Legal options for addressing the gap between commitment periods

- Changing the existing lengthy amendment procedures contained in Article 21,para.7 and provided for in Article 3,para 9 to allow for expedited entry into force;
- Provisional application of amendments as provided for in the Vienna Convention on the Law of Treaties;
- Possible extension of the first commitment period.
- New Zealand, the EU and Australia expressed concerns on the provisional application of amendments.
- The African Group on its part declared that “the Kyoto Protocol without an Annex B is of no effect” and urged adoption of provisions considering the provisional application of an amendment.
- Japan wants a legal framework that is fairer and more effective is the best way to address the gap issue.

The implications of a possible gap

- If the mechanisms or institutions are characterized as assisting parties in meeting their obligations under Article 3.1, then it is “doubtful” they would continue to exist without a second commitment period.
- Australia stated that a gap would not prevent the continuation of key elements of the Protocol, such as the CDM and JI.
- The EU was of the view that it is up to parties to decide and believes the CDM will continue.

Possible form of the outcome of COP16 at Cancun, Mexico

- A legally-binding outcome (i.e., a treaty-Protocol or Convention)
- COP decisions
- Or a combination of both.
- Many Parties of the view that the goal should be a binding treaty.
- Others preferred a combination of binding elements and (non-binding) COP decisions.
- The EU prefers a single, legally-binding agreement, but added that it could be flexible on the form of the outcome, as long as it is legally binding.
- Developing countries want a legally-binding agreement respecting the two-track approach. Many developing countries of the view that a legally-binding agreement would resolve issues of permanence and provide greater leverage to nations to achieve domestic action and implementation.
- Japan and the US want a legally-binding agreement that includes all major emitters i.e (China, Brazil, India, South Africa).

Expectations for Cancun

- Bold decisions and outcomes needed if a gap is to be avoided.
- Already expectations are being lowered
- Only decisions expected in Cancun and no legally binding outcomes.
- Focus being shifted to Johannesburg in 2011