

COP 17, AN OVERVIEW

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OVERVIEW

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1. LEGAL BASIS OF THE NEGOTIATIONS^[1]

- The **international regime for climate change** is guided by the 1992 United Nations Framework Convention on Climate Change (UNFCCC)
- The UNFCCC obliges **all nations in Art 4.1** to undertake emission reductions and adaptation activities, recognising in **Art 3.1 that developed countries should take lead**
- The Kyoto Protocol of 1998 is an **instrument for emission reduction commitments by Annex 1 Parties** with a compliance mechanism bringing to effect the Art 3.1 provisions

1. LEGAL BASIS OF THE NEGOTIATIONS [2]

- The Convention established **two Subsidiary Bodies**, Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA)
- Annually the **Conference of Parties** to the UNFCCC (CoP) ,and the **Meeting of Parties** to the Kyoto Protocol (CMP) convene , and the subsidiary bodies report to the CoP/CMP on specific issues of mandate
- South Africa supports a binding, **multilateral international regime that is inclusive, fair and effective, balancing the priority between adaptation and mitigation responses**; with an appropriate **development - climate response balance** recognising development needs of developing countries

2. BALI ACTION PLAN [1]

- As an Annex 1 Party the USA signed but did **not ratify the Kyoto Protocol**, creating and **imbalance in the global climate change system** , and from a trade and competitiveness perspective
- In 2007 the Bali Roadmap was agreed to, to negotiate a **2nd Commitment Period** for Kyoto Protocol Parties (AWG-KP), and **comparable commitments for non-KP Annex 1 Parties**, **mitigation actions for developing countries with MRV** (AWG-LCA), concluding the work AWGs at CoP15/CMP5
- The **global shift in global power and economics**, has led to a challenge of the Convention and Kyoto **Protocol architecture**, **driven by the rise of some** emerging economies

2. BALI ACTION PLAN [2]

- CoP15/CMP5 in Copenhagen **did not conclude the Bali Roadmap**, rather the Copenhagen Accord was noted, and two competing paradigms emerged strongly
- The first paradigm is that of a **comprehensive regime** where developed countries commit to a top-down legally binding emission reduction targets, based on a multilateral rules based system, i.e. Current Kyoto architecture
- The second paradigm is that of **incremental progress** regime with a bottom-up approach to emission reductions, based on national circumstances with a potentially weaker multilateral obligation.

3. CANCUN OUTCOMES [1]

- CoP16/CMP6 in Cancun managed to put back on track the multilateral negotiation platform, **with three types of decisions**:
- **Areas of convergence**, especially institutional architecture such as the Green Climate Fund, Technology Mechanism and Adaptation Framework
- Areas of agreement **setting a process** to elaborate the governance and operational procedures of these institutions by Durban
- Areas with **no full agreement**, such as IPR, legal form out of AWG-LCA, 2nd Commitment Period under Kyoto Protocol, LULUCF, etc were transferred to CoP17/CMP7

3. CANCUN OUTCOMES [2]

- The operationalisation of Cancun started with the election of GCF **Transitional Committee members**, Minister Manuel elected to co-Chair with Mexico and Norway.
- 1st meeting of **Tech Exec Committee** took place 3-4 Sep in Bonn
- UNFCCC negotiations resumed in **Bangkok in April**, & explored a question on whether Cancun set a **new mandate for negotiations**
- The meeting reached a compromise by setting an agenda that **covers both the Cancun elements and the Bali Action Plan**

3. CANCUN OUTCOMES [3]

- The 2nd & 3rd meetings in Bonn 7 Panama saw the discussions making **slow progress on technical issues** while the more central and difficult aspects of the Cancun or Bali decisions did not progress as well
- DEA hosted 3 Africa Group of Negotiators' meetings to chart **Africa Common Negotiating Position**
- Organised funds, agendas & discussion documents for Mali to host **The African Ministerial Conference on the Environment (AMCEN)**- adopt the Africa common position
- In-coming **COP Presidency Informal Consultations** (Berlin, New Zealand, NY, SA)

4. ISSUES FACING DURBAN [1]

- The key issues facing Durban pertain to how the multilateral regime should reflect fairness for all Parties,
 - Effective **limitation of global temperature rise** particularly for survival of SIDS and Africa
 - **Harnessing the non-KP** Parties to ensure a fair regime amongst developed countries
 - **Space and time for development** by developing countries especially middle income countries
 - Economic and social consequences of **response measures** to fossil fuel dependant economies
 - Prioritisation of adaptation particularly for **natural resource dependant economies** especially in Africa

4. ISSUES FACING DURBAN [2]

- Addressing in a balanced manner the Bali Roadmap and the Cancun Outcomes by,
 - Maintaining the integrity of the **multilateral process**;
 - **Operationalising the Cancun Institutions**
 - Determination on the **second commitment period** of the Kyoto Protocol and,
 - Arriving at a **comparable emission reduction** regime for non-Kyoto Parties;
 - Affording a central place to **adaptation**; and
 - Progress on **finance discussions**, particularly the design of the Green Climate Fund.

THANK YOU