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25 Degrees in Africa - Climate Change

Post COP15: What have we achieved?

130 heads of state and government attended the 15th annual Conference of the Parties (COP) to the framework Convention on Climate Change (UNFCCC), in Copenhagen from 7 – 18 December 2009.

A global plan was needed to combat climate change and although everybody was hoping for a legally binding agreement, the conference ended with a nonbinding Accord. This political agreement was signed by 28 countries, including South Africa, the U.S., China, India, Brazil and several others.



COP Accord gets frowned upon

Along with major global media, South Africa's environment minister, Buyelwa Sonjica, said that they were

disappointed that they only came out of the process with the Political Accord instead of a legally binding agreement. South Africa had pushed for a two-track agreement at COP15 – amendments to the Kyoto Protocol setting up a second commitment period in terms of which developed countries would be obliged to undertake greenhouse gas emissions reduction (the first commitment period is 2008 – 2012), and a legally binding agreement under the Convention to bring in the US, provide for finance for adaptation and mitigation and include the commitment of some developing countries to actions on mitigation, with the support of the developed world.

After Sonjica and her two top climate change negotiators (Joanne Yawitch and Alf Wills) returned from the Danish capital, a media briefing was held in Pretoria on the 22nd of December, where Sonjica told the press that Copenhagen was not the breakthrough that the world expected and the climate needed.

Sonjica said that the Copenhagen Accord is weak in that it's partial, and political, rather than legally binding. The relevant COP decision records merely that the COP "takes note" of the Accord. Legally-speaking the term "take(s) note" is not imbued with either positive or negative connotations, rather indicating a neutral position in respect of the Accord. Although Sonjica said that she was worried about COP15's outcome, she was also "cautiously optimistic" because the Accord did resolve some key issues amongst the countries that subscribed to the Accord and should help discussion on the issue of climate change "move forward".

About the Copenhagen Accord

Although the signatories agreed that climate change is one of the greatest challenges of our time and that global temperatures should not rise above 2°C, the Accord does not commit any nation to greenhouse gas emissions cuts.

Why the Accord was only 'noted' by the COP

Bolivia, Cuba, Nicaragua, Sudan, Tuvalu, and Venezuela opposed the Accord, which led the Conference to 'note' it rather than adopt it. These countries rejected the Accord on procedural grounds as well as on substance. According to these countries, the process undertaken in devising the Accord is 'undemocratic'.

Even though the Accord is far from perfect, many developing nations pleaded with opposing parties to drop their opposition so that it could be adopted. Mohamed Nasheed, President of the Maldives, begged them to drop their opposition and many appeals by negotiators from other countries and bodies such as the African Union and the Least Developed Countries led to the same outcome – these six countries were not going to adopt the Accord.

Was the process undemocratic?

Opposing nations felt that the Accord, which came out of the convening of the Friends of the Chair meeting, wasn't reached by using a democratic process. The Friends of the Chair meeting took place outside of the UNFCCC process due to the fact that COP15 was in deadlock (according to negotiators).

The President of the COP and Danish Prime Minister, Lars Løkke Rasmussen, then invited the 28 heads of state in order to break through the deadlock. These heads of state represented major emitters, major economies, diverse economies and the major UN negotiating groups (according to UN Secretary General Ban Ki-moon). The only way the process would've been undemocratic is if the Accord was adopted by the COP, even though there were opposing nations.

At a press conference on the final day of the COP, Yvo de Boer, UNFCCC Executive Secretary, said that 50% global emissions reductions by 2050 and 80% by 2050 from industrialised countries was very much on the table with plenty of willingness from the heads of state to make it happen, but that there simply wasn't enough time to get it into the Accord in a politically "responsible way".

Too many chefs in the kitchen

The UNFCCC Draft Rules of Procedure require consensus for almost all decisions. 130 states were present in the plenary session that discussed the Accord. Only six nations voted against the Accord – the rest were all willing to adopt it.

During a statement at the high-level segment, Yvo de Boer said: "The aim here is not to celebrate the victory of one nation over another, of one group over another. The aim is to find solutions instead of letting problems continue". Could it be possible that there are just too many countries involved in a decision-making process where everybody has something to lose?

International analysis of MRV

The Bali Action Plan of 2007 indicates, as an ambition for a future climate change legal regime, that developed and developing countries, respectively undertake mitigation commitments and actions that are “measurable, reportable and verifiable”.

International agreement on how mitigation actions are measured is a huge point of conflict between nations. Some developing countries refused intrusive monitoring of their internal efforts to reduce emissions, but developed countries wanted a verifiable reporting system that would reassure them that other countries are acting on their commitments.

“The central focus of tension around MRV was the problem that many developing countries, not least China, had with international verification, in particular of Nationally Appropriate Mitigation Actions (NAMAs) that do not receive international support. China had a particular objection to the international review. Developed countries, not least the USA, insisted on some form of transparency and accountability,” says Associate Professor at the Energy Research Centre of the University of Cape Town, Harald Winkler.

According to a statement released by the environment minister, a key dispute over how countries would prove their progress in cutting greenhouse gas emissions was solved at COP15.

The COP15 Accord determined that emission reductions for developed countries (Annex 1 parties) will be measured, reported and verified according to guidelines yet to be established. Mitigation actions taken by developing countries (non-Annex 1 parties) will be subject to domestic measurement, reporting and verification (MRV) reported through national communications, with “international consultation and analysis”. Developing countries need to report the results of their monitoring to the UN every two years.

Winkler believes that the compromise between countries regarding MRV is resolved politically by the Accord, but that the legal detail into which this will be translated will be all-important.

“The Copenhagen Accord found a political compromise between these differing perspectives. By its nature – of being a political deal and not a legal treaty – the language is ambiguous. How this might be turned into legally binding language remains to be seen, and the detail would matter,” said Winkler.

Although MRV process guidelines, which are going to be technically challenging and politically sensitive, are “yet to be established”, President of the United States, Barack Obama, was quoted saying that “MRV will not be a problem, a more legitimate concern is that goals aren’t legally binding”.

“ . . . it is the first time that this scale of money is on the table ”

The Accord states that wealthy nations will raise \$100-billion a year by 2020 to help poorer nations cope with the effects of climate change, such as droughts and floods. This is contingent on a broader agreement, including some kind of oversight to verify China’s emissions of greenhouse gases. Also, short-term funding of roughly \$30-billion over three years beginning in 2010 has been agreed upon to help developing countries adapt to climate change and shift to clean energy.

“The long term finance is still beset by conditionalities but it is the first time that this scale of money is on the table,” Sonjica told the press.

Imbewu Sustainability Legal Specialists Director and head of the climate change legal unit, Andrew Gilder , believes that although the reference to the amount of money in the Accord is something to be positive about, the fact that the Accord is not legally binding can cause problems. “There are particular figures for financial support in that document. This is a huge step forward because it means that the US is now involved in a system from which they have been absent for eight years. The pitfall is the status of the agreement,” Gilder continues.

“The only way all that money will actually become available is if the countries that promised the money, now go ahead and put processes in place to make it available. In light of the expectations around the outcome of the COP and general disappointment about the actual result, developed countries that have, noted the Accord, even though they aren’t legally obliged to comply with its terms, now have a huge moral imperative on them to take relevant action.”

A first step, a breakthrough or a failure?

Even though the Accord isn’t legally binding and the COP itself didn’t adopt the Accord, world leaders have been quoted as calling COP15 “a positive step” (Chinese Foreign Minister Yang Jiechi), a first step (German Chancellor

Angela Merkel), “a good first step” (UK Prime Minister Gordon Brown) and a “breakthrough” (US President Barack Obama).

Richard Worthington, Manager of the Climate Change Programme at WWF-SA, says that the Accord is not an acceptable basis for negotiations post Copenhagen.

“The Accord does not deliver the needed fair, ambitious and binding deal millions globally have been calling for to avoid dangerous climate change. However, if governments build on the good aspects of the Accord and commence further meaningful negotiations, it could be one of the stepping stones toward a fair, ambitious and binding deal,” said Worthington. “In terms of finance, we’re still way short of where we should be. We need more transparency – nothing was specified about how much of the money is private, where it will be coming from or where it is going.”

Gilder says that he isn’t surprised that COP15 didn’t reach a legally binding agreement. “The Bali Action Plan doesn’t say anything about a legally binding outcome, it says that an ‘agreed outcome’ needs to be reached, so the fact that COP15 didn’t lead to a legally binding agreement isn’t surprising at all,” says Gilder.

Gilder also warns that people shouldn’t be placing such a huge focus on expectations and demands made to the President of the US. “Barack Obama is not the saviour of the planet and a large proportion of Americans don’t believe they have anything to do with the climate change problem. We’ve made some steps and we’re going to have to see what happens at COP16 in Mexico. The Accord exists – so now what?” says Gilder.

“Moving forward, with the Copenhagen Accord hopefully starting a process of transparency about ambitions and real implementation that will break through some political deadlocks, countries should focus on maximising results from each of these negotiating forums, while investing a renewed authority to the UNFCCC to complete a real deal,” says Worthington on behalf of the WWF.

“There is still much work to be done to deliver a fair and effective post-2012 agreement, but the mandate of the two working groups has been extended, so we could have a new treaty adopted at the next Conference of the Parties in Mexico, as well as agreement on a second commitment period of the Kyoto Protocol. The two-track process is intact and the new Accord could be used as a stepping stone without subverting the Bali Mandate,” concludes Worthington.

Sources: www.wri.org , www.deat.gov.za , www.guardian.co.uk , www.unfccc.int , www.wwf.org.