

COP 22 Africa Pavilion Concept Note

Theme: Implementing the Paris Agreement for sustainable development in Africa

Introduction

COP 21 culminated in what has in many quarters been termed an historic climate agreement. At the same time many questions have been raised about the quality of agreement and its potential to undergird a robust global climate response. However, its significance lies in the fact that there was any agreement at all, following the Copenhagen debacle. That notwithstanding, there is a common recognition that much remains to be done in order to turn the framework into an effective agreement. The negotiations in Paris, and indeed the agreement itself, deferred many important decisions to COP 22, scheduled for Morocco in 2016. Thus COP 22 will represent a significant opportunity for Africa to take a lead on exploring and specifying the options for the implementation of the Paris agreement.

The Paris agreement acknowledges the need for further negotiation and refinement. Consequently, COP 22 is significant as the place where the Paris framework will be further refined, and gaps in the existing agreement filled in order to ensure a safe future climate. Already, the SABSTA meetings in Bonn have started to discuss the provisions of the Paris agreement that require further elaboration. This on-going negotiation is particularly important for Africa, given that the continent continues to bear the brunt of climate change while contributing the least to the phenomenon. It is thus in Africa's interest to ensure that the Paris framework is consolidated into a binding and enforceable agreement which addresses the issues that concern the continent. In the lead up to Paris, these issues included the need to ensure balanced focus on adaptation and mitigation, limiting global warming to below 1.5°C, ensuring adequate means of implementation, as well as maintaining the CBDR principle. The Paris framework does not conclusively address most of the continent's concerns, and it is recognized that COP 22 represents an opportunity to advance the development of the Paris framework.

Key Issues for Africa at COP 22

The key issues that were not resolved in Paris and that will need to be addressed in COP 22 include the 2 degrees threshold, the mechanisms put in place to achieve that threshold, and the questions of means of implementation. Also outstanding are issues surrounding compensation for loss and damage from already occurring climate change.

It is common knowledge that the Paris framework commits to limiting global warming to well below 2°C, and to strive to lower that target to less than 1.5°C. It is also trite that Africa's position

in the lead up to Paris was to set a threshold of not more than 1.5⁰C, as any warming beyond that could potentially represent irreversible impacts on the continent. The Paris framework is also based on individual nations committing to reduce their own emissions as a way to achieve the 2⁰C threshold.

Achieving the 2⁰C warming threshold

Global climate governance is shifting from the cap and trade that characterized the Kyoto Protocol, to a new pledge and review process characterized by bottom up national actions. The Kyoto Protocol (KP) of the UNFCCC was designed as a framework for a collective global climate response. It allocated roles and responsibilities for the climate response based on the principles of equity and common but differentiated responsibility. Based on the Berlin Mandate, the KP sought to “elaborate policies and measures” for Annex I Parties, as well as “set quantified emission limitation and reduction objectives.” The approach entailed allocating Parties into categories (annexes) with different responsibilities, imposing caps on carbon emissions, putting in place institutional and financial mechanisms to support adaptation to climate change, and creating opportunities for trading in carbon credits. The KP ‘cap-and-trade’ approach has been described by some as a ‘top-down’.

The Paris approach, emanating in the Warsaw COP, is based on a ‘pledge and review’ process in which parties will announce ‘Intended Nationally Determined Contributions’ (pledges). The party will then allow a review of these pledges, after which they are written into a universal agreement as individual commitments. There are concerns that the logic of pledge and review is flawed. Pledges are unilateral declarations of intention, and the extent to which these can collectively constitute a level of ambition sufficient to control global warming within the 2⁰C limit is doubtful. The expectation in the design of the process is that commitments will be renewed in a cycle intended to ‘enable an upward spiral of ambition over time’, on the basis of what has been termed by some as ‘enlightened self-interest’.

It has been demonstrated that the INDCs submitted to the UNFCCC for review prior to the Paris conference are inadequate to achieve the 2⁰C target of the agreement, let alone the 1.5⁰C target demanded by Africa. It is also generally agreed that there needs to be a mechanism, beyond the review process, which would compel parties, especially developed country parties, to increase their levels of ambition beyond the current intentions. It is further agreed that the period 2016 to the coming into effect of the Paris agreement in 2020 will provide an opportunity to explore feasible instruments for increasing ambition and ensuring compliance. COP 22 will be an opportunity to launch a robust discussion of ways by which the climate ambition can be amplified. Given the implications of warming greater than 1.5⁰C for Africa, it is fundamental that Africa takes leadership over the exploration and implementation of relevant mechanisms aimed at increasing the ambition of the Paris agreement.

Transparency and Accounting Mechanisms

The Paris agreement creates a transparency and accounting framework which will provide clarity on countries’ efforts to implement their NDCs, with flexibility for countries’ differing capabilities.

The framework will provide clarity on countries' mitigation and adaptation actions, as well as the provision of support. At the same time, it recognizes that Least Developed Countries and Small Island Developing States have special circumstances.

Article 15 of the agreement proposes a “mechanism to facilitate implementation and promote compliance,” but this takes the form of an internationally representative “expert-based” committee that is to be “transparent, non-adversarial and non-punitive.” This compliance “mechanism” created by the Paris agreement does not however amount to legally binding provisions that could be used to ensure compliance by countries or corporations. The agreement further puts in place a compliance mechanism which will be overseen by a committee of experts operating in a non-punitive way. The agreement includes a global stock-take starting in 2023 to assess the collective progress towards the goals of the agreement. The stock-take will be done every five years. The key question for Africa at COP 22 then will be the extent to which the continent can demand a legally binding transparency mechanism capable of upping the level of ambition to ensure the achievement of the 1.50C target.

Achieving balance between mitigation and adaptation

African countries were concerned about the need to balance mitigation and adaptation in the Paris agreement. The agreement itself seeks to achieve this balance, although with significant gaps regarding the financing of adaptation actions. All countries will submit adaptation communications, in which they may detail their adaptation priorities, support needs and plans. Developing countries will receive increased support for adaptation actions and the adequacy of this support will be assessed.

The Paris agreement acknowledges the significance of forests as carbon sinks and encourages parties to implement existing forest governance mechanisms such as REDD+ as well as develop other policy approaches and positive incentives for activities relating to reducing emissions from deforestation and forest degradation. It further encourages alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing, as appropriate, non-carbon benefits associated with such approaches.

The Paris agreement also makes provision for support for adaptation to the impacts of climate change. The adaptation discussion is itself based on certain perceptions of vulnerabilities to climate change and the ways in which these vulnerabilities are to be addressed. It remains critical in African contexts to continue to unpack the relationship between climate change and existing vulnerabilities, and to link the climate response to contextualized social and economic processes and dynamics on the context. Hence understanding vulnerabilities and linking them with resilience and adaptation is an essential discussion in the lead up to COP 22.

Climate Finance

A pressing challenge for developing country policy makers is how to balance between the imperative to develop green economies with the shortage of financing for green solutions. Developing countries need to achieve a balance between their right to development and the extent to which they can deploy their carbon resources to achieve such development. In the Paris negotiations African countries quite clearly chose to seek support for greener development paths, in recognition of the common destiny of our planet. However the Paris agreement does not make any progress regarding financing.

The hotly contested issue of how climate mitigations in the global South will be financed was postponed to next COP 22. The Paris agreement “strongly urges” developed countries to fulfill the 2009 Copenhagen promise of \$100 billion per year in climate-related financing by 2020. However, there has been insufficient discussion regarding the \$100 billion. It has been proven to be a grossly inadequate estimate of the requirements for adaptation and mitigation, and yet continues to be the accepted floor for financing the climate response. The Paris Agreement only commits to ‘mobilizing’ \$100 billion per year by 2020, to cover not just emission cuts but also adaptation, with no firm commitment to increase this figure, merely an aspiration to review it by 2025. This is inadequate, especially given that governments spend an estimated \$5,300 billion per year on direct and indirect subsidies to fossil fuels. Climate finance will continue to be an important discussion at COP 22.

Loss and Damage

Many countries, particularly the vulnerable, are already experiencing the negative impacts of climate change. Many poor countries are already affected by frequent floods, storms and droughts. Even if the Paris agreement and other measures succeed in keeping temperature rises below 1.5 degrees, these impacts will continue and even worsen for several decades to come. Consequently, countries suffering losses and damages from climate change, particularly the vulnerable which also contributed the least to global warming, deserve compensation and financial support to deal with the loss and damage caused by rich countries’ pollution. But the Paris Agreement introduces a clause which provides that the deal provides ‘no basis for any liability or compensation’.

The agreement states that the existing Warsaw International Mechanism on Loss and Damage will be significantly strengthened, but does not clarify how this will be achieved. The language on “loss and damage,” in the final text proposes to “recognize the importance of averting and minimizing loss and damage from climate change,” but only “on a cooperative basis that does not involve or provide a basis for any liability or compensation.” This clause effectively recognizes losses and damages from climate change, but effectively absolves developed countries of the legal, moral and political responsibility for the carbon pollution that they have created. Given the inability of African countries to pay for losses and damages from climate change, the responsibility for atmospheric emissions, and the under-capitalization of the several existing climate funds, it will be important for African parties to re-visit the Paris provisions on loss and damage.

Pre-2020 Ambition

In terms of the Paris agreement, which comes into force in 2020, in the period before 2020 countries will continue to explore expanded mitigation opportunities and will put added focus on adaptation opportunities. Additionally, they will work to define a clear roadmap on ratcheting up climate finance to USD 100 billion by 2020. Africa will need to take leadership on the discussions on both these questions at COP 22.

Technology Transfer

The Paris agreement seeks to strengthen international cooperation on climate-safe technologies and building capacity in the developing world to address climate change. Technology transfer to facilitate the transition to low carbon intensive production technologies was a key demand of developing countries at the negotiations. However, the Paris agreement mentions renewable energy just once, in relation to Africa. More needs to be done in order to provide for appropriate mechanisms, legal and financial, to promote technology transfer particularly for clean energy technologies, but also for other mitigation technologies.

The deal aims to 'achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century'. This could mean anytime between 2050 and 2100. However, according to most estimates, a 1.5 degree target would require a definitive end to fossil fuel use by 2050. Moreover, the vague language allows for the possibility of continued fossil-fuel burning 'offset' by 'removals' via carbon capture, geoengineering or forestry schemes which are highly contested especially by civil society and whose efficacy remains largely unproven.

Growth and Industrialization

Most African economies (34 out of 54) are classified as LDC. This means that most of the continent is at the early stage of the development trajectory. In order to meet any of the SDGs, African economies will need to achieve 2 digit GDP growth in the next decade or so. Several African economies have achieved spectacular growth rates over the past decade and half. However, this growth has been based largely on exports of commodities. In order to transform its economies away from reliance on agriculture and on primary commodities and to achieve sustainable growth rates, Africa will need to industrialize. To be sure, industrialization will be driven by agriculture and commodities. Climate friendly agriculture offers opportunities for development and technology transfer. But there is little clarity on how the Paris agreement will promote such investments and transfers.

A second opportunity for specifying implementation options for the Paris agreement obtains in the energy sector. Many countries may have to mortgage natural resources, or become more indebted in order to raise capital for infrastructure investment, particularly for energy. However, there is potential for the Paris agreement to create the conditions for the mobilization of finance for the implementation of those aspects of African countries' INDCs which cannot be financed from domestic resources. For such potential to be realized. The Paris agreement should develop a

mechanism for quantifying the MOI requirements of LDC INDCs and building these into the capitalization of the Green Climate Fund. In the absence of any measures compelling developed countries to support adaptation in developing countries, this may be the only viable mechanism to ensure that the implementation of INDCs in LDCs will actually enable them to embark on low carbon climate resilient development pathways.

Mitigation

The question of industrialization and emissions also raises questions about the mitigation provisions of the Paris agreement. Broadly speaking, the objective of the INDC is to enable countries to chart a pathway towards achieving energy efficiency, decarbonization of transport, buildings performances and reduction of emissions from agriculture, while maintaining economic and social development. The mitigation objectives of the agreement are to be achieved through the implementation of Intended Nationally Determined Contributions which governments drew up individually before the Paris negotiations. These national mitigation targets, although following broad guidelines, are based on what the individual governments were prepared to deliver, not what science or equity demanded.

A further challenge facing the Paris agreement on mitigation is that it is not based on the principle of Common but Differentiated Responsibility (CBDR), which was the cornerstone of the KP. As a consequence, the Paris framework gives developed countries as much responsibility for emissions reduction as developing nations. However, analysis of the INDCs has demonstrated that in fact developing countries intend to cut emissions more than the developed countries. The development of low-carbon technologies, particularly renewables, in Africa provides a significant global potential to reduce long term emissions. The continent is proceeding from a low base characterized by abundance of all forms of renewable energy resources – hydropower, solar, wind, bioenergy, geothermal, as well as potential marine energy resources such as ocean thermal and salinity gradients. However, tapping these potentials would require trillions of dollars. The Paris agreement does not specify how African countries can be supported to attract the required investments. Moreover, the agreement is not totally inclusive of all emissions. Aviation and shipping emissions are not mentioned in the Paris text, although together emissions from these two sources are estimated to be as large as the emissions of Britain and Germany combined.

The Africa Pavilion at COP 22

Many aspects of the Paris agreement will require that African governments take leadership to ensure effective implementation in order to create the conditions for African economies to continue to grow and thrive in a changing climate. Those aspects of the agreement that call for African leadership include, *inter alia*, the development of mechanisms to ensure controlling global warming to no more than 1.5 degrees; the development of appropriate mechanisms for the effective implementation of the Nationally Determined Commitments, including raising the level of ambition particularly of developed countries' NDCs; the provision of adequate means of implementation, including necessary mechanisms for technology transfer; the capitalization of

existing climate funds and compensation for loss and damage; and the integration of compliance mechanisms capable of holding countries accountable for their NDCs in the transparency and accounting framework.

The Africa pavilion has developed into an important space for the discussion of key issues facing the continent in the COP. It has also come to constitute an important emotional and social space for networking, knowledge and information sharing, as well as capacity building among the different African delegations at the COP. Given that COP 22 is in Africa, and given also the importance of specifying implementation arrangements for the Paris agreement, it will be crucial for the pavilion to be convened at COP 22, with a focus on discussing the key issues pertaining to the implementation of the agreement as specified in the foregoing sections.