Ambition in adaptation

The African Group of Negotiators is calling for greater ambition in adaptation, mitigation and climate finance. It should be borne in mind that the proposals on adaptation and a global renewable energy support programme are complementary but distinct. The adaptation goal is part of the broader position on adaptation in the context of the post-2020 agreement. It recognises that all countries must be responsible for securing global outcomes regarding adaptation, and that the level of adaptation must be calibrated to the level of warming (and associated mitigation ambition).

The renewable energy proposal is a means by which parties can cooperate to get down the costs of renewable energy, and to increase deployment, which has the multiple benefits of displacing fossil fuels, addressing energy poverty, improving community ownership of energy systems, creating jobs and employment and cutting greenhouse gas emissions. There is substantial interest in the latter proposal at the UNFCCC and it is hoped that Lima can give it a boost.

Dealing with the China-US factor

Lima is going to be different (at least superficially) from previous COPs at which most Parties often arrive with an opposition mindset pitting the developed against developing countries. Within the last two months, President Obama has made three announcements which could alter the mood at COP20. Last October he urged the UN at a conference on climate change in New York to forge a new climate agreement that is “ambitious, inclusive and flexible before it’s too late.” This November, he announced with China that China and the United States (the largest and the United States the second largest emitter of GHGs, together accounting for approximately 36% of global emissions) now intend to limit their greenhouse-gas (GHG) emissions. Following on that, he made a USD 3 billion pledge to the Green Climate Fund.

The United States and China intend their pledges to become part of the major new multilateral agreement on climate change to be completed in Paris in late 2015. Pundits predict that given the example they have set, it is likely that their bilateral agreement will spur more ambitious mitigation contributions to the Paris agreement by other countries than would otherwise have been the case. The move by China and the US has to be carefully analysed. For example, if other countries followed the US and China’s pledges (developed countries following the US, and developing countries following China, with the EU staying with their 40% cut by 2030), the prospects of limiting warming to below 2°C by 2100 would be just over 1%. Is that good for Africa?
Lima is the last phase of a series of negotiations expected to culminate in the adoption of a new agreement in Paris in 2015 to replace the landmark climate change Kyoto Protocol of 1997. The expectation is that Lima 2014 will deliver the first draft for the Paris 2015 climate deal, an agreement that is open, transparent and inclusive; so that confidence could be restored to a process that many in Africa and elsewhere now see as little more than occasions for endless testing of creative ambiguities.

The Durban Platform

Decision 1/CP.19 requests the Ad Hoc Working Group on the Durban Platform to further elaborate, in accordance with its terms of reference, a draft negotiating text on mitigation, adaptation, technology transfer, capacity building, finance and transparency of action and support and “to identify, by the twentieth session of the Conference of the Parties, the information that Parties will provide when formulating their contributions, without prejudice to the legal nature of the contributions.”

The questions is to know how many African countries will be ready to identify information that they will provide at the time of putting forward their contributions. It should be noted that Decision 1/CP.19 also “urges and requests developed countries to make preparations to provide systematic financial, technology development and transfer, capacity-building and transparency of action and support to African countries. It should be noted that Decision 1/CP.19 requests the Ad Hoc Working Group on the Durban Platform to prepare a non-binding Co-Chair’s text in December 2014, elaborated through COP decisions in the pre-Durban period, which should be channeled through African institutions such as ClimDev-Africa.”

To support developing countries, the developed countries, under the Convention, are required to cover the full incremental costs to developing countries of reporting information under the Convention (see Article 4.3 and 10). Therefore, by Lima, developed countries should be making preparations to provide systematic financial, technology and capacity-building to African countries to assist in the preparation of their intended nationally determined contributions (INDCs). African countries, in turn, should initiate their domestic processes to begin identifying their INDCs in Lima for the Paris COP. How this happens in practice, is a question that African ministers present in Lima should strive to address.

Principles of the Convention

On the principles of the convention, especially with regards to equity and historical responsibility (common but differentiated responsibilities) CBDR which has been a painful battle, Africa insists on their respective capabilities as a pre-requisite to Paris. For example, the African Group has emphasised the need to “intend“ and “consider“ in the “context of adopting the post-2020 agreement” and shall strengthen the “multilateral rules-based regime” in the context of adopting the post-2020 agreement. African countries are not asking for anything that is a significant undertaking as they should cover mitigation, adaptation as well as needs relating to finance, technology transfer and capacity building.

There is concern however that some parties, principally from the Annex-I (Annexes I and II) Countries, are seeking to reinterpret these principles and apply them in a manner that would fundamentally alter the current balance of rights and obligations under the Convention – for example, by dispensing with the Convention’s annexes defining developed and developing countries, or by imposing new obligations on developing countries to finance themselves or other developing countries. Maintaining the principles of the Convention, and strengthening the multilateral rules-based system, is therefore a priority for Paris, from the African perspective.

Intended Nationally Determined Contributions (INDCs)

Again, Decision 1/CP.19 states that “in the context of its development of a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties at its twenty-first session (December 2015) and for it to come into effect and be implemented from 2020,” Africa has to read carefully because this reference means that INDCs are intended as contributions to the new legal agreement in Paris – contributions. In other words, they are likely to form the basis of the new legal agreement. Developing countries must therefore understand that the development of their INDCs is a political as well as a technical exercise. They must understand fully the principles of the Convention, including equity and CBDR, must be respected and implemented.

Ad hoc Working Group on the Durban Platform

Africa should bear in mind that there is a need to have a draft, as defined in December 2014. The legal obligation is to table a negotiating text in May 2015 at the latest, 6 months prior to CPS:1, because, under the Convention, a legal text must be circulated to all parties at least six months before a proposed amendment (Article 15.3) or protocol to the Convention (Article 12.3) is adopted. At the COP 19 Decision 1/CP.19 also states that “the Ad Hoc Working Group on the Durban Platform (ADP) should “consider all elements of the post-2020 negotiating text no later than its session” in Lima.

It is interesting to note that despite this mandate that the ADP (noting Co-Chair’s “non-paper” – an ninformation provided to facilitat negotiations – while seeking to advance discussions around INDCs, the indor, in turn, seems to focus heav on mitigation and would leave inclusion of other elements, adaptation, action and capacity which are key priorities for Africa at the discretion of parties. It is observed that this will lead to an unbalanced, mitigation-centric post-2020 agreement that ignores or downplays many of Africa’s key concerns. The Lima COP must adddress this by ensuring that all parties re-commit to the Durban Platform’s agreement that all issues will be covered in the post-2020 agreement.

Decision 1/CP.19 also “invites all Parties to initiate their domestic processes to begin identifying their intended nationally determined contributions and, also, to ensure that, by the first quarter of 2015 by those Parties ready to do so in a manner that facilitates the clarity, transparency and understanding of the intended contributions.”

Despite this provision, it is unlikely that many African countries will be in a position to communicate INDCs by the first quarter of 2015. As agreed in Warsaw, support is required for many countries and developed countries have been urged to provide financial resources to developing countries. Lima could help to deliver this financial support for the preparation of INDCs, which should be channelled through African institutions to ensure the process of preparing INDCs is nationally determined with support of African institutions such as ClimDev-Africa.

It is absolutely necessary for Africa to prioritize which elements and issues to include in any future post-2020 agreement. The option between global rules and mechanisms to enabling fair and adequate contributions, (ii) Specific commitments to unilateral, national and multilateral rules and mechanisms to enabling fair and adequate contributions; (iii) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (iv) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (v) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (vi) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (vii) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions.

Kyoto, Marrakech in view

It is absolutely important for Africa that some aspects of the Kyoto Protocol of 1997 and Copenhagen Accord of 2009 feature in the final agreement of the post-2020 agreement. Even though the scope of the post-2020 agreement is still unclear, the African Group has said it should cover at least 7 areas, including (i) Definitions, to minimise ambiguity; (ii) Preambles, covering context and legal basis; (iii) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (iv) Specific commitments to unilateral, national and multilateral rules and mechanisms to enabling fair and adequate contributions; (v) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (vi) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions; (vii) General aggregate commitments, including global objectives and mechanisms to enabling fair and adequate contributions. Africa ought to be aware that if parties (for example, developed countries) are given discretion to determine the scope of their INDCs and they determine not to offer any on adaptation, Africa will be at a disadvantage, and the process will be difficult to achieve a comprehensive and balanced post-2020 agreement.

Provisions on accountability, compliance and enforcement; (vii) Other matters including adaption, entry into force, reservations and option. There is a strong tandemly, however, to narrow the focus of the agreement to mitigation which would mean a more limited range of features. This outcome may be secured in Lima through an “early harvest” on mitigation pre-figure by the current Co-Chair’s text, with parties given discretion whether to include other aspects.