



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 U.S 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 2C by 2100 would be just over 1%. Is that good for Africa?



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Lima is the last phase of a series of negotiations expected to culminate in the adoption of a new agreement in Paris 2015 to replace the landmark climate change Kyoto Protocol of 1997. The expectation is that Lima2014 should deliver the first draft for the Paris2015 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, beginning at its first session in 2014, elements for a draft negotiating text“(mitigation, adaptation, finance, technology development and transfer, capacity-building 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 putting forward 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 country Parties, the operating entities of the financial mechanism and any other organizations in a position to do so to provide support for the preparation” of countries’ contributions. Also, in Warsaw, parties agreed to initiate or intensify preparations of their “intended nationally determined contributions” in the context of adopting the post-2020 agreement in Paris. Preparing these contributions is a significant undertaking as they should cover mitigation, adaptation as well as needs relating to finance, technology transfer and capacity building.

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 (per Article 4.3 and 12.1). Therefore, by Lima developed countries should be making preparations to provide systematic financial support 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 time 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 position, Africa insists on respective capabilities as a pre-requisite to Paris. For example, the African Group has emphasised that any post-2020 climate agreement is “under the Convention” and shall strengthen the “multilateral rules-based regime” and consequently, the principles of the Convention, including equity and CBDR, must be respected and implemented.

There is concern however that some parties, principally from the Annex I 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 determination to adopt 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, are likely to form the basis of new legally binding commitments. African countries must therefore understand that the development of their INDCs is a political as well as a technical task and must be undertaken with a full understanding of the negotiations, other experts agree.

Ad hoc Working Group on the Durban Platform

Africa should bear in mind that there is a need to have a draft text in December 2015. The legal obligation is to table a negotiating text in May 2015 at the latest, 6 months prior to CP21 because, under the Convention a legal text must be circulated to all parties at least six months before a proposed amendment (Article 15.2) or protocol to the Convention (Article 172) is adopted. At the COP in Doha parties agreed that the Ad hoc Working Group on the Durban Platform (ADP) should “consider elements of a draft negotiating text no later than its session” in Lima.

It is interesting to note that despite this mandate the Co-Chairs have determined to keep discussions about the elements of the post-2020 agreement in a non-binding Co-Chair’s “non-paper” – an in-session document issued informally to facilitate negotiations – while seeking to advance discussions around INDCs. The INDC text, in turn, seems to focus heavily on mitigation and would leave inclusion of other elements (adaptation, finance, technology and capacity) which are key priorities for Africa at the discretion of parties. There is concern 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 address 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 or intensify domestic preparations for their intended nationally determined contributions ... and to communicate them well in advance of COP21 (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 channeled 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 conclude in any future Paris Agreement and which ones to finalize afterwards. It should also ensure that all elements agreed in the Durban Platform are reflected in the legally binding agreement adopted in Paris. This means ensuring parity for adaptation, finance, technology and capacity building and ensuring the agreement is not narrowly focused on mitigation to the exclusion of these other issues. All elements must be part of the legally binding agreement.

Once this is agreed, then certain technical issues such as rules relating to Measurable, Reportable and Verifiable, accounting etc. can be further elaborated through COP decisions in the pre-2020 period. Parties will also need to continue negotiating regarding the INDCs (which initially will be inadequate to limit warming to below 2C or 1.5C) both to scale up mitigation ambition, and to ensure effective “matching” of mitigation actions in developing countries, and financial, technological and capacity resources from developed countries. A WTO-style “request and offer” process will likely be necessary to help to “close the gap” before the post-2020 agreement enters into force.

Kyoto, Marrakech in view

It is absolutely important for Africa that some aspects of the Kyoto Protocol of 1997 and Marrakech Accords of 2001 feature in the post-2015 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) Preamble, covering context and legal basis; (iii) General aggregate commitments, including global objectives and mechanisms to enable fair and adequate contributions; (iv) Specific commitments by Parties, in line with their Convention obligations on mitigation, adaptation, finance, technology, capacity and transparency; (v) Operational mechanisms’ contribution to delivering on general and specific commitments; (vi) Provisions on accountability, compliance and review; and (vii) Other matters including adoption, entry into force, reservations and option.

There is a strong tendency, 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 prefigured by the current Co-Chair’s text, with parties given discretion whether to include other aspects.

Africa ought to be wear 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, finance, technology or capacity building, then it will be difficult to achieve a comprehensive and balanced post-2020 agreement.