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**Ministerial policy dialogue: preparations for the eighteenth
Conference of the Parties to the United Nations
Framework Convention on Climate Change****Brief on the outcome of the 2011 United Nations climate change
conference in Durban, South Africa, and considerations for
negotiations during 2012 and beyond****Executive summary¹**

1. Climate change continues to be a global threat to sustainable economic development as the countries of the world converged in Durban, South Africa, for the 2011 United Nations conference on climate change. In preparation for the meeting, African leaders and institutions undertook careful efforts to craft decisions enabling them to speak with one voice in advancing the African Common Position. Underpinning this preparation was a growing recognition that climate change represented an existential threat to African countries and people, while the underlying challenges of food security and poverty remained real.
2. Scientists confirm that the world is on a path to warming of over 6°C, that current pledges risk warming of 2.5 to 5°C and that dangerous warming could be “locked in” as soon as 2017. The International Energy Assessment estimates that by 2017 the building of infrastructure will “lock in” the whole remaining carbon budget for 2°C – making it impossible to build another factory, or power plant or road unless it is carbon neutral.
3. In preparation for the Durban conference, African ministers confirmed that “such temperature increases will have catastrophic impacts worldwide, and particularly for Africa due to its high vulnerability to the impacts of climate change and low adaptive capacity.” African experts participating in the Durban conference presented the challenge to ministers even more starkly:

“Clearly this places the African continent in a very difficult position – on one hand we may be burned by increased warming and on the other hand we may be trapped into no industrial development and growth.

We are caught in between two rocks. We must avoid warming that will destroy our environment, farmers, factories and communities. This means we must peak and curb global emissions very soon, possibly as soon as 2015. At the same time, we need a fair share of the remaining atmospheric space for the emissions as we provide energy, build infrastructure, develop and supply basic services to our people.”

* AMCEN/14/1.

1 The present summary is based on documents presented at the United Nations climate change conference in Durban, the outcomes of the Durban conference and further work required for a successful outcome of the United Nations climate change conference to be held in Doha in November 2012.

4. To lay the foundation for success in Durban, African and other developing countries participated in good faith and offered considerable leadership. Developing countries offered over five gigatonnes (Gt) of emission reductions by 2020, enabled by financing, technology transfer and capacity-building, and have agreed to discuss new requirements such as nationally appropriate mitigation actions, measurement, reporting and verification, biennial update reports and international consultation and analysis.
5. Developed countries, by contrast, have pledged less in terms of mitigation than developing countries – under four Gt by 2020. They could avoid domestic action through carbon markets (around one Gt) and accounting loopholes (around four Gt), which could result in them offering no net contribution from their own economies by 2020. Analysis of the pledged \$30 billion fast-start finance for 2010–2012 demonstrates that less than one tenth is genuinely new and additional, and there remains no financing pledged for 2013.
6. Rather than implement their commitments, developed countries apparently seek to transition out of their legally binding obligations under the Kyoto Protocol to the United Nations Framework Convention on Climate Change, with some having done so already (Canada) or expressing an intention to do so before (Japan, the Russian Federation and others) or after (other parties listed in annex I to the Convention, or “Annex I parties”) a second commitment period, and with annex I parties intending ultimately to replace the Kyoto Protocol altogether with a new mitigation-focused protocol under the Convention. The United States has expressed a preference for a new system of “symmetrical” obligations for developed and developing countries with developing country commitments becoming “non-conditional” on finance, and has recently confirmed that it supports a “flexible” approach that “cannot guarantee that we meet a 2 degree goal”.
7. If adopted, the approach proposed by developed countries risks weakening their commitments, creating new or stronger commitments for developing countries, undermining the principles of equity and common but differentiated responsibilities, and shifting the climate regime away from a science-based architecture towards one that is pledge-based and that could lock in the current dangerously low levels of ambition without adequate and legally binding commitments for developed countries.
8. Such an approach would enable developed countries to annex a major part of the remaining atmospheric space (which their economists have valued in the trillions of dollars) through weak pledges and carbon markets, while risking dangerous levels of warming, catastrophic damage to developing countries and inadequate means of implementation – financing, technology transfer and capacity-building – for developing countries to develop under the two-fold burden of intensifying climate impacts and more costly low-carbon development.
9. For a fairer, more principled and science-based outcome, unprecedented unity is required among developing countries to maintain the Kyoto Protocol as a central pillar of the climate regime and to build around it a stronger architecture founded on the Convention and building on the outcomes of the Durban conference.
10. The Durban conference realized a number of important outcomes under the Convention and its Kyoto Protocol. They include agreement on a second commitment period of the Kyoto Protocol, extension of the Ad Hoc Working Group on Long-Term Cooperative Action (AWG-LCA), operationalization of the Green Climate Fund and the Durban Platform for Enhanced Action to negotiate a new protocol, legal instrument or agreed outcome with legal force under the Convention. In preparing for the United Nations climate change conference to be held in Doha in November 2012, a number of challenges remain in relation to each of the mandated negotiations.
11. Under the Kyoto Protocol negotiations (AWG-KP) Parties in Durban agreed to commence a second commitment period on 1 January 2013. Remaining issues to be addressed include:
 - (a) Annex I parties’ pledges for emission reductions remain profoundly inadequate in the light of the scale of the emissions gap, their historical responsibilities and respective capabilities and the Convention’s requirement that they undertake “equitable and appropriate” contributions to the objective of the Convention;
 - (b) The decision does not ensure agreement on an adequate aggregate reduction for annex I parties, but rather seems to support a bottom up approach rather than the multilaterally agreed approach of negotiating aggregate commitments first and then individual contributions to those commitments (a top down or science-based approach);
 - (c) The decision includes no clear mechanism for the multilateral negotiation of annex I parties’ individual contributions (i.e., their commitments or “quantified emission limitation or

reduction objectives” (QELROs)) to the aggregate amount but instead merely calls on annex I parties to “submit information on their QELROs”;

(d) The decision does not establish a clear multilateral process for the calculation of QELROs, risking that the dangerously inadequate pledges of developed countries will be locked into commitments under the Kyoto Protocol. This in turn will grant them “assigned amounts” of pollution well in excess of what is scientifically or ethically appropriate;

(e) The decision requests the AWG-KP to assess the implications of the carryover of assigned amount units to the second commitment period and to recommend appropriate actions to be taken at the eighth session of the Conference of the Parties serving as the meeting of the Parties. To ensure the integrity of the Kyoto Protocol, all loopholes (not merely carryover units) must be addressed, and offsetting through carbon markets must be limited, to ensure an equitable and adequate contribution by annex I parties;

(f) There is as yet no agreement on an end date for the second commitment period of 2017, reflecting the interests of some large emitters and the inclusion by the Chair of the AWG-LCA, under his own responsibility, of an alternative end date of 2020.

12. Addressing these issues during 2012 will be important in preparing for the Doha conference. Further reflection on the nature and quality of the second commitment period as defined by Durban and its relation to other mitigation negotiations (e.g., negotiations under the AWG-LCA and the Durban Platform) is required to ensure that a science-based and equity-based approach to the negotiation of annex I parties’ mitigation commitments is retained under all tracks going forward, including the Kyoto Protocol.

13. In the negotiations in Durban on the implementation of the Convention under the aegis of the AWG-LCA, the outcome was expressed in one omnibus decision, along with separate decisions relating to the Green Climate Fund, the Technical Executive Committee and national adaptation plans. The outcome as expressed in those decisions included the following elements:

(a) On a shared vision for long-term cooperative action, parties agreed to continue work to identify, for consideration at the Doha conference, a global goal for substantially reducing global emissions by 2050 and a timeframe for the global peaking of greenhouse-gas emissions based on the best available scientific knowledge and equitable access to sustainable development. Among other things, further work is required under shared vision to understand the implications for Africa of a long-term global goal and peaking year, as well as various scenarios for the level of mitigation effort by developed countries on equitable sharing of atmospheric space and sustainable development

(b) In relation to mitigation, parties agreed on outcomes in relation to developed countries on, first, matters relating to paragraphs 36–38 of the Cancun Agreements (clarifying annex I parties’ pledged targets); second, biennial reporting guidelines; and third, modalities and procedures for international assessment and review (IAR). Outcomes were secured in relation to developing countries on, first, matters relating to paragraphs 48–51 of the Cancun Agreements (non-annex I parties’ nationally appropriate mitigation actions and means of implementation); second, biennial update reporting guidelines; third, the registry; and, fourth, modalities and guidelines for international consultation and analysis. Outcomes were also agreed on forests, sectoral approaches, various approaches (market and non-market) and response measures. Further elaboration in these areas must ensure that developing countries are not subjected to burdensome new requirements while developed countries secure commitments that are merely equivalent to or weaker than their existing Kyoto Protocol commitments;

(c) In relation to adaptation, parties recalled the Cancun Adaptation Framework and Committee, established the modalities and composition of the Adaptation Committee and called for elaboration of a three-year work programme. They also established a process to enable least developed countries to implement national adaptation plans. Unfortunately, despite the efforts of African countries a “comprehensive work programme on agriculture in non-annex I parties” under the Adaptation Framework was not established in Durban, despite the recommendation of African Ministers.

(d) In relation to finance, parties operationalized the Green Climate Fund, refined the functioning of the Standing Committee and agreed on a set of workshops to discuss long-term finance. Finance will remain a major priority during 2012, given the absence in Durban of agreement on any specific level of financing for developing countries after 2013, or on levels of public finance for the long-term (e.g. 2020), while also committing developing countries to new negotiations and to new requirements (e.g., those relating to measurement, reporting and verification and international consultation and analysis);

(e) In relation to technology, the parties addressed the Technology Executive Committee, the Climate Technology Centre and Network and linkages between these and the Conference of the Parties. The Centre and Network will be hosted within an existing institution. An annex to the decision has criteria for evaluating and selecting the host institution. The question of intellectual property rights was not addressed despite calls by African ministers regarding the “urgent need to address the issue of technology transfer, including the identification and removal of all barriers preventing access to climate-related technologies and the appropriate treatment of intellectual property rights, including the removal of patents on climate related technologies for non-Annex I Parties”;

(f) In relation to capacity-building, there was no decision to strengthen institutional arrangements for decision-making. Instead the relevant bodies under the Convention are encouraged ‘to continue to elaborate and carry out work on capacity-building in an integrated manner, as appropriate, within their respective mandates’;

(g) On the review, the outcome calls for parties to establish a review expert group. The first review will start in 2013 and will be based on various sources of information, including reports from United Nations bodies.

14. Under the new Durban Platform for Enhanced Action the parties agreed to a decision to start negotiating a protocol or a legal instrument or an agreed outcome with legal force under the Convention. These negotiations are to take place in a new “Ad Hoc Working Group on the Durban Platform for Enhanced Action”, which is to start work in 2012 and finish as early as possible but no later than 2015. The new agreement is supposed to come into effect and be implemented from 2020.

15. Importantly, the parties also agreed to a work plan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all parties.

16. The mandate, however, explicitly includes few of the protections of the Bali Roadmap, which distinguishes clearly between annex I and non-annex I parties. Rather it calls for “the highest possible mitigation efforts by all Parties”. A clear effort will therefore be required to integrate all elements of the Convention and the Bali Action Plan into the new mandate including, in particular, the principles of equity and common but differentiated responsibilities. Work must be sequenced carefully within the Durban Platform, and with other negotiations under the Convention and the Kyoto Protocol, to ensure there is no further weakening of these other mandates.

17. Building on the outcomes of the Durban conference, success in Doha could deliver ambitious outcomes that advance Africa’s key demands. The Doha outcomes must reflect the urgency of the current situation, including the prospect that average global warming of over 2°C (translating into over 3°C on the African continent) may be locked in as soon as 2017, with catastrophic impacts for Africa.

18. The Doha outcomes must also reflect the politics of the climate negotiations, including the apparent tendency towards weakening developed countries’ commitments, creating new or stronger commitments for developing countries, and shifting the climate regime away from a science-based architecture towards a pledge-based architecture that could lock in the current dangerously low levels of ambition, in turn risking the prospects of run-away climate change and an irreversible and catastrophic threat to human societies and the planet.

19. In summary, for the Doha conference:

(a) There must be agreement on a second and subsequent commitment periods of the Kyoto Protocol, with an ambitious and science-based aggregate commitment for developed country Kyoto parties, multilaterally agreed individual commitments (QELROS), limitations on loopholes and markets, provisional application to avoid a gap in the legally binding regime and an end date of 2017 for the second commitment period;

(b) There must be comparable efforts by developed country non-Kyoto parties (the United States and Canada) under the Convention including ambitious, legally binding, economy-wide emissions reduction commitments;

(c) There must be agreement on long-term sources and scale of finance commencing in 2013 and a process for determining in a predictable and identifiable manner the level of financing necessary for implementation of the Convention;

(d) There must be full and effective operationalization of outcomes and institutions agreed in Cancun, including the Green Climate Fund and Standing Committee, Adaptation Framework and Committee, and the Technology Mechanism, Committee, Centers and Network with dedicated financing, time-bound deliverables and work programmes (no “empty shells”);

- (e) There must be agreement on a work programme on agriculture under the Adaptation Framework and demonstrable progress on the work programme to establish an international mechanism on loss and damage from climate change for developing countries;
- (f) There must be agreement to a clear sequencing of work under the negotiating bodies, enabling balanced progress in all forums, with an outcome under the Kyoto Protocol, fulfilment of the Bali Action Plan and discussions of ambition under the Durban Platform proceeding step-wise and before negotiations on a new framework under the Durban Platform;
- (g) Any agreed outcome with legal force to be negotiated under the Durban Platform must reflect all principles and provisions of the Convention, including equity and common but differentiated responsibilities and respective capabilities, cover in a balanced manner all elements of the Bali Action Plan.
20. The window to avoid extremely dangerous warming is closing and with it prospects for safeguarding the continent's future. Currently, the international climate change negotiations remain well off track to avert irreversible and catastrophic damage to human societies and the planet. Africa, as a world leader on climate change, can and must continue to demand ambitious outcomes and work seriously with all partners who are interested in preserving and strengthening the global climate architecture that the international community has built over the last two decades. Africa must redouble its efforts both within and outside the negotiations if warming is to be held to levels that are consistent with the continued wellbeing of Africa. The role of African leaders, ministers and of the African group of negotiators has never been more important.

Annex

Brief on the outcome of the 2011 United Nations climate change conference in Durban, South Africa, and considerations for negotiations during 2012 and beyond

I. Introduction

1. Climate change continues to be a global threat to sustainable economic development as the countries of the world converged in Durban, South Africa, for the seventeenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the seventh session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol and related meetings of the various subsidiary bodies and ad hoc working group of the Convention and its Kyoto Protocol. This follows efforts to restore the multilateral rule-based system in Cancun, Mexico during COP16, following the near collapse of the system at the 2009 climate change conference in Copenhagen, Denmark.
2. The global effort to address the impact of climate change was realized at COP1, in Berlin, Germany, where Parties to the United Nations Framework Convention on Climate Change (UNFCCC) made a decision to further enhance the reduction of green house gases by developed countries through the Berlin Mandate. Three years later a decision was made in Kyoto, Japan, to fulfil the Berlin Mandate through the adoption of a legally binding instrument, the Kyoto Protocol to the United Nations Framework Convention on Climate Change. The Kyoto Protocol established a commitment period, 2008–2012, aggregate and individual levels for emission reduction targets and market mechanisms to achieve its objective.
3. A series of meetings thereafter, the Kyoto Protocol came into force, and parties took up the matter of its operationalization. At the first session of the Conference of the Parties serving as the meeting of the Parties, in 2005, the parties established the AWG-KP. During the thirteenth session of the Conference of the Parties, in 2007, the parties established the AWG-LCA, with a two-track system under the Bali Roadmap leading to Copenhagen, Denmark, for legally binding amendment to the Kyoto Protocol (under the AWG-KP) and an agreed outcome to implement the Convention (under the AWG-LCA).
4. COP15/CMP5 in Copenhagen could not conclude the work of the Bali mandate and decided to extend it to COP16/CMP6, in Cancun, Mexico. The Cancun Conference helped to restore the multilateral rule-based system and the principles of the Convention, in particular the common but differentiated responsibilities and respective capabilities, through a set of decisions grouped under the title “Cancun Agreement”, for a further set of decisions to be taken at the Durban conference in 2011.
5. The Durban conference was seen as a defining moment for African leaders to chart a course towards outcomes that could curb the growing greenhouse gas emissions to the climate system giving rise to the threat posed by climate change to the African continent, to implement the Convention and the Protocol, and to fully protect the interests and aspirations of all African countries and peoples in the negotiation process while respecting the principles and provisions of the Convention.
6. The parties at the Durban conference adopted a set of decisions designed to achieve the objectives of the Convention and the Protocol, some of which were based on the Cancun outcomes, resulting in a “Durban package”. In the Durban package, the conference agreed on the second commitment period of the Kyoto Protocol, extended the work of the AWG-LCA by one year, operationalized the Green Climate Change Fund and established the Durban Platform for Enhanced Action to Implement the Convention. The Durban Platform simply launches a new process to negotiate a new protocol or other outcome with legal force under the Convention applicable to all parties.
7. The present document briefly summarizes the developments at the Durban conference and provides an initial assessment of the outcomes of the negotiations at the conference under the Kyoto Protocol and the Convention, pointing out areas for further work and items for consideration by African experts and ministers. The report is structured along the lines of the Bali Roadmap that comprises negotiations under the two tracks.

Namely:

(a) The Ad Hoc Working Group on Further commitments by Annex1 Parties under the Kyoto Protocol (AWG-KP), which was established at COP11/CMP1 and has been negotiating future commitment periods and emission targets for Annex 1 Parties. The AWG-KP was to agree on new targets for a second and subsequent commitment period after 2012, as well as the associated common accounting rules for economy wide emissions reduction targets.

8. The Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), which has been negotiating on the Bali Action Plan that covers a shared vision, mitigation, adaptation, finance, technology and capacity building with a view to ensuring the “full, effective and sustained implementation of the Convention”. The report also covers issues arising for the newly established Ad hoc Working Group on the Durban Platform for Enhanced Action (AWG-DP) which will advance the work on the Durban Platform.

II. Context and background of the Durban conference

9. The Durban conference was rightly identified as a major opportunity for developing countries and for Africa in particular to ensure that their interests were fully protected while upholding the principles and provisions of the Framework Convention on Climate Change. In preparation for the conference, African leaders and institutions undertook careful efforts to craft decisions that would allow them to speak with one voice in advancing the African Common Position reflected in the AMCEN Bamako Declaration, Key Messages and African Climate Platform.

10. Underpinning this preparation was a growing recognition that climate change represented an existential threat to African countries and people, while the underlying challenges of food security and poverty levels remained real. African ministers confirmed that projected temperature increases would “have catastrophic impacts worldwide, and particularly for Africa due to its high vulnerability to the impacts of climate change and low adaptive capacity.”

11. Despite a show of good faith by developing countries in the climate negotiations – including acceptance of new obligations such as “nationally appropriate mitigation actions”, “measurement, reporting and verification”, “biannual update reports” and “international consultation and analysis” – concerns were raised before and during the Durban conference about the intentions of some developed countries that could erode the trust between developed and developing countries in emerging negotiation platform. The ministerial background note prepared by the African Ministerial Conference on the Environment for ministers attending the Durban conference said the following:

“(a) Developed countries pledges are under 4Gt of abatement by 2020 – less than developing countries’ – and they could avoid domestic action through carbon markets (around 1Gt) and ‘accounting loopholes’ (around 4Gt), which could result in them offering no net contribution by 2020. Analysis of the pledged \$30 billion fast-start finance for 2010-2012 demonstrates less than one-tenth is genuinely “new and additional” and there remains no finance pledges for 2013.

(b) Rather than achieving their quantified emission limited reduction commitments under the Kyoto Protocol, developed countries now seek to transition out of the Kyoto Protocol either immediately (Canada, Japan, Russia) or after a second commitment period (other Annex I Parties), with intention to replace the Kyoto Protocol altogether with a new mitigation-focused protocol under the Convention. The United States seeks a new system of ‘symmetrical’ obligations for developed and developing countries with developing country commitments becoming ‘non-conditional’ on finance.

(c) If adopted, the approach proposed by developed countries risk weakening their commitments, creating new or stronger commitments for developing countries, undermining the principles of equity and common but differentiated responsibilities, and shifting the climate regime away from a ‘science-based’ towards a ‘pledge-based’ architecture that could lock in the current dangerously low levels of ambition.”

12. African experts participating in the African Group of Negotiators’ Strategy Group presented the challenge even more starkly:

(a) Scientists tell us we are on path to 6°C of warming. The current pledges are dangerously inadequate, and would take us from 2.5 to 5°C of

warming. And we recently heard from the International Energy Assessment (IEA) that by 2017 the building of infrastructure will 'lock in' the whole remaining carbon budget for 2°C – making it impossible to build another factory, or power plant or road unless it is carbon neutral.

Clearly this places African continent in a very difficult position – on one hand we may be burned by increased warming and on the other hand we may be trapped into no industrial development and growth.

We are caught in between two rocks. We must avoid warming that will destroy our environment, farming, factories and communities. This means we must peak and curb global emissions very soon, possibly as soon as 2015. At the same time, we need a fair share of the remaining atmospheric space for the emissions as we provide energy, build infrastructure, develop and supply basic services to our people.”

13. The challenge for Africa in Durban was therefore to move the negotiations forward in the light of the current political context and constraints. At the same time, Africa recognized that the ultimate yardstick for success or failure must be whether action within and outside the United Nations process addressed climate change in practice, as that is what is required to protect the African continent and its people.

III. Outcomes under the Protocol

14. A pivotal point for developing countries in Durban was ensuring that the Kyoto Protocol “did not die on African soil”. Ensuring that developed countries – which are largely responsible for causing climate change – undertook a fair and adequate contribution to solving it remained at the top of the priority list for developing countries and an essential obligation under the Convention and the Protocol.

15. Wealthy annex I parties, however, have so far failed to reduce their levels of emissions. While emissions have fallen in eastern European countries (due to economic collapse) “emissions rose between 1990 and 2008 by 8% in the wealthy developed countries (non-economy in transition), indicating that wealthy developed countries have not fulfilled their commitment to take the lead in modifying long-term trends in anthropogenic emissions.”

16. Concerns have also been raised in Africa about the role and availability of carbon markets:

Africa has not benefited proportionately from the Protocol’s Clean Development Mechanism. Projects in Africa are expected to generate less than 3 per cent of the carbon credits generated by the Mechanism, with the majority accruing to other countries. Moreover, rather than assisting developing countries with clean development, offsets principally assist developed countries to meet emissions reductions in a cost-effective manner. They also shift emissions reductions from developed to developing countries, which increases the burden of reducing emissions to developing countries. At least 40 per cent of Clean Development Mechanism projects have not resulted in real emission reductions owing to flaws in current offsetting mechanisms.

17. The African common position in Durban called for:

(a) Ambitious aggregate/individual numbers of at least 40 per cent by 2017, with a base year of 1990 and a five-year second commitment period;

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