



environmental affairs

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STAKEHOLDER CONSULTATION ON SOUTH AFRICA'S POSITION TOWARDS COP21, IN PARIS, FRANCE

Discussion Document

Draft for Stakeholder Consultation

DISCUSSION DOCUMENT FOR THE 21ST SESSION OF THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) CONFERENCE OF THE PARTIES (COP21) AND THE 11TH SESSION OF THE COP SERVING AS THE MEETING OF THE PARTIES TO THE KYOTO PROTOCOL (CMP 11) TO BE HELD FROM 30TH NOVEMBER TO 11TH DECEMBER 2015 IN PARIS, FRANCE.

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1. CONTEXT

The year 2015 is crucial in the Climate Change policy discourse, as the international negotiations of a new legal agreement under the United Nations Framework Convention on Climate Change (UNFCCC) that is applicable to all for the period from 2020 onwards, is scheduled to be completed in December 2015 at COP 21 in Paris. This document presents the South African position for the 21st Conference of the Parties (COP 21) of the United Nations Convention on Climate Change (UNFCCC) and the 11th Conference of the Parties serving as the Meeting of the Parties (CMP 11) to the Kyoto Protocol.

2. BACKGROUND

Climate change is one of the major global challenges of the 21st century that require global response. The adverse impacts of climate change are affecting all countries, especially developing countries, in the form of persistent drought and extreme weather events, rising sea levels, coastal erosion and ocean acidification, further threatening food security, water, energy and health, and more broadly efforts to eradicate poverty and achieving sustainable development. Combating climate change would require substantial and sustained reductions in greenhouse gas emissions (GHGs), which, together with adaptation, can limit climate change risks. The convention responsible for dealing with climate change is called United Nations Framework Convention on Climate Change (UNFCCC).

The UNFCCC was adopted in 1992 and entered into force in 1994. It provides the overall global policy framework for addressing the climate change issue and marks the first international political response to climate change. The UNFCCC sets out a framework for action aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid dangerous anthropogenic interference with the climate system.

3. OVERSIGHT AND DECISION-MAKING IN THE UNFCCC

The Convention has established a variety of arrangements to govern, coordinate and provide for oversight of the arrangements described in this document. The oversight bodies take decisions, provide regular guidance, and keep the arrangements under regular review in order to enhance and ensure their effectiveness and efficiency. Arrangements for oversight and decision-making in the UNFCCC are as follows:

3.1 Conference of Parties:

The COP, established by Article 7 of the Convention, is the supreme body and highest decision-making organ of the Convention. It reviews the implementation of the Convention and any related legal instruments, and takes decisions to promote the effective implementation of the Convention. A total of

195 Parties, as well as observer States and observer organizations are represented at sessions of the COP. The work is presided over by the President of the COP and guided by its Bureau. The COP meets once each year, unless it decides otherwise.

Decisions to promote the implementation of the Convention include the adoption of new protocols, for example the adoption of the Kyoto Protocol at COP 3, as well as the provision of guidance, requests, invitations and recommendations to Parties. The COP may also request the subsidiary and other bodies, and invite observer organizations to undertake work on specific topics, establish new arrangements and establish processes to conduct negotiations. Apart from decisions, the COP can also adopt conclusions, resolutions and declarations.

3.2 Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol:

The CMP, established by Article 13, paragraph 1, of the Kyoto Protocol, is the supreme body and highest decision-making organ of the Kyoto Protocol. It is responsible for reviewing the implementation of the Kyoto Protocol, and takes decisions to promote the effective implementation of the Protocol. A total of 192 Parties to the Kyoto Protocol, observer States and observer organizations participate in sessions of the CMP, which meets annually in conjunction with the COP. The President and Bureau of the CMP guide its work, and the in-session *modus operandi* is similar to that of the COP.

Decisions by the CMP to promote the effective implementation of the Kyoto Protocol can include the adoption of amendments, such as the recent Doha Amendment on the second commitment period of the Kyoto Protocol adopted at CMP 8. Similar to the COP, the CMP can produce decisions, conclusions, resolutions, and declarations.

3.3 Subsidiary Bodies for Implementation:

The SBI was established by Article 10 of the Convention to advise and assist the COP and, in accordance with Article 15 of the Kyoto Protocol, to advise and assist the CMP, in the assessment and review of the effective implementation of the Convention and its Kyoto Protocol. The SBI reports to the COP and CMP on its work. Its modalities for participation, chairing, meetings, reporting and review are similar to those of the SBSTA.

The tasks of the SBI include, for example: (a) the consideration of Parties' national communications, in order to assess the overall aggregated effect of the steps taken in the light of the latest scientific assessments of climate change; (b) consideration of the Annex I Parties' national communications, in accordance with Article 12, paragraph 2, of the Convention, in order to assist the COP in carrying out the review of the adequacy of commitments as required by Article 4, paragraph 2(d), of the Convention; (c) the provision of assistance to the COP in preparing and implementing its decisions, in particular

reviewing the financial mechanism of the Convention, proposing recommendations on the arrangements for the intergovernmental process, and advising on budgetary and administrative matters.

3.4 Subsidiary Body for Scientific and Technological Advice:

The SBSTA was established by Article 9 of the Convention as one of the two permanent subsidiary bodies under the Convention. It provides information and advice to the COP and its other subsidiary bodies on scientific and technological matters relating to the Convention and, in accordance with Article 15 of the Kyoto Protocol, information and advice to the CMP relating to the Kyoto Protocol.

The SBSTA meets twice annually, in May/June and in conjunction with the annual sessions of the COP and the CMP at the end of the year. The SBSTA meets in a plenary setting, with contact and informal groups established to conduct work. All Parties, as well as observer States and observer organizations, participate in sessions of the SBSTA. The Chair of the SBSTA presides over the sessions, supported by the Vice-Chair and the Rapporteur. The SBSTA reports to the COP and the CMP on its work.

The tasks of the SBSTA include, for example: (a) assessment of the state of scientific knowledge on climate change and its effects; (b) the scientific assessment of the effects of measures taken in implementing the Convention; (c) the identification of technologies and know-how and advice on how to promote their development and/or transfer; (d) the provision of advice on scientific programmes, international cooperation in research and development and supporting capacity-building in developing countries; and (e) responding to scientific, technological and methodological questions that the COP and the SBI may put to it (see Article 9, paragraph 2, of the Convention).

4. CURRENT STATE OF PLAY

The current system under the UNFCCC divide Parties into developed and developing countries. Furthermore, the developed countries also formed part of Annex I countries under the Kyoto Protocol which put forward specific measures to mitigate climate change. Notably, the United States of America never ratified the Kyoto Protocol. This led to the renegotiations of a better deal that can capture the USA under the Bali Action Plan. The Bali Action Plan was a two year negotiation from 2007 to 2009.

In 2009 the COP 15 Copenhagen Conference hoped to “seal the deal” and result in a fair, ambitious and equitable agreement, setting the world towards a path to avoid dangerous climate change. During the high-level segment, informal negotiations took place in a group consisting of major economies and representatives of regional groups, resulting in political agreement entitled the “Copenhagen Accord”. In this Conference, South Africa pledged to take nationally appropriate mitigation action to enable a 34% deviation below the "business as usual" emissions growth trajectory by 2020, and a 42% deviation below the "business as usual" emissions growth trajectory by 2025. South Africa further clarified that: in accordance



with article 4.7 of the UNFCCC, the extent to which this action will be implemented depends on the provision of financial resources, technology and capacity building support by developed countries. With financial, technology and capacity building support from the international community, this level of effort will enable South Africa's greenhouse gas emissions to peak between 2020 and 2025, plateau for approximately a decade and decline in absolute terms thereafter. The Copenhagen Conference was however embroiled in controversy over transparency of the process that led to the Copenhagen Accord and as such trust was lost in the climate change negotiations.

The Durban Conference (COP 17) held in South Africa had to restore trust lost in Copenhagen. Durban decided to launch a new negotiation under the Ad Hoc Working group for Durban platform for Enhanced Action (ADP). The process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties takes place under workstream I of the ADP. It was agreed that the process shall be adopted at the twenty-first session of the COP, in 2015, for it to come into effect and be implemented from 2020. COP 17 further noted with grave concern the significant gap between the aggregate effect of Parties' mitigation pledges in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with having a likely chance of holding the increase in global average temperature below 2 °C or 1.5 °C above pre-industrial levels. To address the ambition gap, the COP therefore decided to launch a workplan (workstream II) on enhancing mitigation ambition to identify and 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.

The Doha conference (COP 18) was able to meet South Africa's priorities of (i) agreement on a 2nd commitment period of the Kyoto Protocol with no legal gaps, with a process to attain ratification, (ii) putting in a place a process under the UNFCCC permanent subsidiary body on implementation to further clarify comparable mitigation commitments for developed countries that are not participating in the 2nd commitment period of the Kyoto Protocol, (iii) agreement to further clarify the accounting rules of supplementary actions under the ambition work plan of the ADP, and (iv) agreement on a plan of work for the negotiation of a future agreement.

Negotiations in Warsaw conference (COP 19) focused on the implementation of agreements reached at previous meetings, including pursuing the work of the *Ad Hoc* Working Group on the Durban Platform for Enhanced Action. To reinforce the Durban ADP decision, the meeting adopted an Intended Nationally Determined Contributions (INDCs) decision that invited all parties in a position to do so to initiate or intensify domestic preparations for their INDCs.

The Lima COP 20 had a task to develop a draft negotiation text to lay a foundation for a successful COP 21. Following lengthy negotiations on a draft decision for advancing the Durban Platform for Enhanced Action, COP 20 adopted the 'Lima Call for Climate Action,' which sets in motion the negotiations in the coming year

towards a 2015 agreement, clarifying the process for submitting and reviewing INDCs, and enhancing pre-2020 ambition. The Lima Climate Change Conference was indeed able to lay the groundwork for Paris in 2015, by capturing progress made in elaborating the elements of a draft negotiating text for the 2015 agreement and adopting a decision on INDCs, including their scope, upfront information, and steps to be taken by the Secretariat after their submission.

South Africa as a global responsible citizen is committed to making a fair contribution to addressing the challenge of climate change based on science and equity and its national response considers both development space and environmental integrity. To this end, South Africa has initiated the process of researching and preparing its nationally determined contribution, to be communicated to the secretariat by the 1st of October 2015 in order to be included in the synthesis report on the aggregate effect of the INDCs communicated by Parties. South Africa submission on intended nationally determined contribution (INDC) includes adaptation, mitigation and means of implementation for both.

5. EXPECTED KEY OUTCOMES

5.1 Reflection on Negotiations to date:

Subsidiary Bodies

The agenda for the recently concluded negotiation in June 2015 in Bonn, Germany under the Subsidiary Body for Implementation and Subsidiary Body for Scientific and Technological Advice was limited to only mandated items for consideration, as the focus was on the draft negotiating text for adoption in Paris under the Ad Hoc Working Group on the Durban Platform for Enhanced Action. However, progress was made by the form of draft conclusions under Agriculture; REDD+ decision on non-carbon benefits which had been tabled by the African Group; and Response measures which was previously contested. The outcomes of the technical outcomes of the 2013-15 Review, which considered whether to revise the global temperature goal from 2 degrees C to 1.5 degrees C was held in abeyance until Paris.

ADP

The main purpose for the Bonn discussion was to streamline the 90 page negotiation text. However, developed country Parties were not willing to engage in any substantial discussion that could lead to streamlining of the text. For South Africa the main purpose was to ensure that G77 & China to come up with its own streamlined position. The mode of work in workstream I shifted to thematic work on specific elements of the Agreement through appointed co-facilitators, with overview in the single contact group.



There was progress and goodwill on workstream II and transparency of actions and support, primarily because the USA and European Union foresee an agreement that is primarily premise on transparency.

On finance progress was made in streamlining the G77+China position. However limited progress was made on adaptation in the agreement, including G77+China progress on National Adaptation Plans, as the Alliance of Independent Latin American Countries avoided tactically slowed down progress. Their rationale is avoiding adaptation being addressed through decisions rather than in the core agreement if too much progress is made too early.

Overall the Bonn June 2015 session produced guidance towards a better organised text with clear sections and options than was the case in the previous text. The ADP Co-Chairs were mandated to produce a 'consolidated and streamlined' version of the text by 24 July, and further identify aspects of the text that could form part of the legal agreement, and those elements that would be captured in decisions. Such documents will be made available on the 24 July 2015, just over a month before the next ADP session (31 Aug - 4 Sep).

South Africa is of the view that streamlining and negotiation still needs to happen in the next sessions in August and October, and has emphasised the need of the outputs of the negotiation text being recorded as revisions of the Geneva text, as the latter is the only legal basis for negotiation, and if the text does not get formally updated as revisions of the legal, the risk of a text emerging from non-party driven process is more likely should there be deadlocks in Paris.

5.2 South Africa's socio-economic and political interests that inform Country position

South Africa's position in the international negotiations and the overall framing of the INDCs is informed by the underlying principles, namely:

- (i) to ensure that environmental and development imperatives are balanced;
- (ii) to ensure that global emission reduction efforts are adequate to avert dangerous climate change while respecting developing countries' priorities for development and eradicating poverty; South Africa would therefore contribute its fair share to the global effort;
- (iii) that, in accordance with the principle of common but differentiated responsibility, and respective capability, developed countries have an obligation to provide sufficient means of implementation to support both adaptation and mitigation actions by developing countries; and

- (iv) that adaptation and mitigation must receive equal priority, in accordance with South Africa's National Policy Framework and the National Development Plan, and further, that adaptation is recognised as a global priority.

5.3 South Africa's expectation of the 2015 agreement in general

SA expects the 2015 agreement to:

- (i) Reinforce **multilateral rules** based system of the UN;
- (ii) Implement and contribute to the fulfillment of the **objective of the Convention** as set out in Article 2;
- (iii) Be **inclusive** (applicable to all Parties); **fair** (give effect to the principles of equity and common but differentiated responsibilities and respective capabilities); **effective** (be based on sound science);
- (iv) Be **adequate** (to keep temperature increase below 2°C);
- (v) Enable and enhance the transition to a low emissions and climate resilient sustainable development pathway; and
- (vi) Give **equal priority to adaptation** and mitigation with balanced provision of means of implementation.

5.4 SUMMARY OF SA POSITION FOR PARIS COP21

Ad Hoc Working Group under the Durban Platform for Enhanced Action

The 2015 Agreement to be adopted at CoP 21/CMP11 in Paris, France, should be under the Convention, and in accordance with its principles and provisions in particular the principles of common but differentiated responsibilities and respective capabilities and equity. The agreement must be consistent with science and equity, and further enhance a multilateral rules based system in a balanced and ambitious manner.

The agreement should provide legal parity between mitigation and adaptation. The UNEP second Adaptation Gap Report clearly points out at the increased burden for adaptation in developing countries from inadequate aggregate mitigation efforts. Therefore, the agreement should ensure mitigation ambition keeps the world on track for global temperature increase that is well below 2 degrees Celsius from pre-industrial levels by the end of the century.

Adaptation

South Africa will insist on the operationalization of the global responsibility for adaptation, through a global goal for adaptation that enhances the implementation of adaptation commitments, which takes into account adaptation investments by developing countries, adaptation needs and costs including support.

Mitigation

South Africa calls for enhancement of mitigation ambition, in accordance with the provisions and principles of the Convention with a view to achieving the 1.5 or 2 degree Celsius target. In this regard, the developed country Parties and other Parties included in Annex II to provide climate finance as a means to enhancing action towards achieving the objectives of the Convention.

Response measures

South Africa's position is that we should maintain the forum on response measures and also calls for the establishment of a mechanism to avoid and minimize the negative economic and social consequences of response measures taken by developed country Parties on developing country Parties, and in particular to address policy issues of concern, such as unilateral measures.

Finance

South Africa support Africa's call that the 2015 agreement should also spell out the support from developed countries to the developing countries as stipulated in the Convention.

It is also important that the capitalization of the Green Climate Fund be continued in the pre-2020 period to fill the finance gap that currently exists. The GCF is supposed to mobilise \$100 billion per annum from 2020 onwards. It is important to advocate the yearly targets for the capitalization of the GCF.

The COP also has to resolve the issue of sources and scale of finance for the post 2020 period.

Capacity building

South Africa has called for the establishment of the international capacity-building mechanism that can ensure coherence of this cross-cutting issue, whilst facilitating implementation of adaptation and mitigation in developing countries. Capacity building is still a necessity for many developing countries.

The international capacity-building mechanism under this agreement should be supported through the Financial and Technology mechanisms under the Convention and be linked to adaptation-related institutions.

Pre-2020 or Workstream II position under ADP

Workstream II is part of the Durban mandate and should therefore receive equal priority.

South Africa's position is that Parties to UNFCCC should urgently ratify the second commitment period under the Kyoto Protocol (KP 2). Developed countries not participating in KP 2 needs to fulfil their obligation under the Convention.

The Technical Expert Process under needs to do more, faster through identification of ambitious actions.

Provision of means of implementation is essential for implementation.

Workstream II could be more useful is it could design some form of the implementation mechanism that makes international collaboration possible. If the proposed Accelerated Implementation Mechanism could do this we will be fine with that.

5.5 Intended Nationally Determined Contributions (INDCs), elements and legal form and elements of the 2015 agreement:

5.5.1 Definition of the INDC

While the term INDC is not defined by any COP decision, the language "intended nationally determined contribution" provides some indications of the anticipated process that can inform Parties' preparation of their contributions which might well be Parties commitments after Paris. The term "intended" reflects the fact that the legal status of the contributions and their final form under the 2015 agreement are yet to be decided. Contributions may also be subject to adjustment, for example, if future rules change the assumptions (e.g., about land-use accounting) that Parties made when preparing their INDCs. The language "nationally determined" underscores that contributions will be developed by countries in accordance with their national circumstances rather than collectively determined. INDCs were defined at COP 19 as contributions "towards achieving the objective of the Convention as set out in its Article 2."

That objective is "to achieve the stabilization of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner" (UNFCCC 1992). INDCs may also contribute to numerous domestic objectives associated with the shift to a low-carbon economy, including gains in energy efficiency, reduced deforestation, and improved air quality, among others as further described below. The term "contribution" is used without prejudice to the legal nature of the contribution or type of contribution.

5.5.2 Benefits of developing and submitting an INDC

The INDCs will be crucial to the success of the UN's climate deal, both in 2015 and in the future. It is the first time that all countries, whether rich or poor, have been obliged to come forward with pledges to manage their greenhouse gas emissions. INDCs act as a barometer of where the world stands on tackling climate change. This could be seen as median between bottom-up and top-down, where countries proposes their own targets, while the UN tracks whether they are enough. The success of the UN's new climate agreement will, to a significant degree, depend on the ambition of these pledges, which will determine the rate of action to tackle climate change after 2020, and limit global temperature below 2 degrees relative to pre-industrial levels.

Putting forward an INDC demonstrates a political commitment to limiting warming and, in turn, to limiting future risks posed by higher temperatures. The Durban decision to launch a process to develop the 2015 Agreement noted its applicability to all Parties. Climate change is a problem of the global commons, and, therefore, every country should participate in its solution. And given the significant risks posed by higher temperatures, the costs of inaction are too high for global community to accept.

INDCs can be an opportunity to design policies that can make economic growth and climate objectives mutually reinforcing. For example, policies that lower emissions not only reduce vulnerability to energy price volatility and supply disruptions, but they also produce significant benefits for human health and ecosystems by curbing air pollution. Climate action can also advance rural development as a result of better land management practices.

Furthermore, the process to develop an INDC can enable climate change to be linked to other national priorities such as sustainable development and poverty reduction. INDC preparation and implementation could also strengthen the institutional and technical capacity, enhance policy integration, and inform key stakeholders.

The draft INDC for South Africa is available online at

https://www.environment.gov.za/event/deptactivity/cop21_indc_stakeholderconsultations for public comment.