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## 15<sup>TH</sup> CONFERENCE OF THE PARTIES TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) AND THE 5<sup>TH</sup> CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES (CMP-5) TO THE KYOTO PROTOCOL

### SA POSITION PAPER

30 NOVEMBER 2009

#### 1. CONTENTS

This document presents the South African position for the 15<sup>th</sup> Conference of the Parties (COP-15) of the United Nations Convention on Climate Change (UNFCCC) and the 5<sup>th</sup> Conference of the Parties serving as the Meeting of the Parties (CMP-5) to the Kyoto Protocol. This document is STRICTLY CONFIDENTIAL.

### PART 1: BACKGROUND INFORMATION AND OVERVIEW OF THE STRUCTURE OF THE NEGOTIATION

Part 1 provides brief background information, and presents an overview of the negotiation streams, namely:

- Conference of the Parties (COP)
- Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP)
- Adhoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWGKP)
- Adhoc Working Group on Long-term Co-operative Action under the Convention (AWG LCA)
- Subsidiary Body for Implementation (SBI)
- Subsidiary Body for Scientific and Technological Advice (SBSTA)

The agendas for each of these sessions are included as Annexures to this document.

The Conference of the Parties (COP) will meet on Monday 7 December, for the opening of the session, adoption of the agenda and organization of work. There will also be statements by regional groups. The COP will refer items to the subsidiary bodies as appropriate and will then adjourn. Key agenda items include:

- Reports of the Subsidiary Bodies

# CONFIDENTIAL

- Report of the Adhoc Working Group on Longterm Co-operative Action
- Consideration of proposals by Parties under Article 17 of the Convention
- Consideration of a proposal by Malta for an amendment to Annex I to the Convention
- Review of implementation of commitments and of other provisions of the Convention

The Conference of the Parties serving as the meeting of the Parties (COPMOP) to the Kyoto Protocol will hold its opening session after the COP. It will adopt the agenda, address procedural matters and refer agenda items to the subsidiary bodies as appropriate. Key agenda items include:

- Reports of the Subsidiary Bodies
- Report of the Adhoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
- Consideration of proposals by Parties for amendments to the Kyoto Protocol
- Issues relating to the CDM
- Issues relating to joint implementation
- Report of the Compliance Committee
- Adaptation Fund
- Amendment to the Kyoto Protocol iro procedures and mechanisms relating to compliance
- Review of implementation of commitments and of other provisions of the Kyoto Protocol

The high-level segment will take place from 16 - 18 December. The joint COP and CMP meetings will be attended by Ministers and heads of delegation, and will hear national statements. Separate meetings of the COP and CMP will be held on Friday 18 Dec, to adopt decisions and conclusions.

The opening sessions of the AWG LCA and the AWG KP will take place in the afternoon of 7 December. The agenda of the AWG LCA addresses the 5 elements of the Bali Action Plan (shared vision, mitigation, adaptation, technology, finance). The agenda of the AWG KP includes the following:

- Analysis of means to reach emission reduction targets and identification of ways to enhance their effectiveness and contribution to sustainable development
- Consideration of relevant methodological issues
- Consideration of information on potential environmental, economic and social consequences, including spillover effects, of tools, policies, measures and methodologies available to annex I Parties.
- Consideration of further commitments by Annex I Parties.

The Subsidiary Body for Implementation (SBI), and the Subsidiary Body for Scientific and Technological Advice (SBSTA), open on Tuesday 8 December, and close on Saturday 12 December. They have extensive agendas but will have very limited meeting time. Conclusions are therefore expected to be of a procedural nature in most cases.

# CONFIDENTIAL

## PART 2: KEY MESSAGES FOR THE SOUTH AFRICAN DELEGATION

Part 2 sets out South Africa's key messages for Copenhagen. These will be refined and revised as the negotiations progress during the course of the 2 week period. The key messages cover:

### 2.1 South Africa's socio-economic and political interests that inform our country position

South Africa's expectations for the outcome of Copenhagen are informed by our national interests:

- South Africa needs a strengthened international climate regime that ensures global reductions in GHG emissions, in accordance with what is required by science, to ensure that the impacts of climate change do not undermine development in our own country as well as in the rest of the African continent, through drought, floods, water scarcity, health impacts, job losses, sea level rise etc.
- Severe impacts of climate change are already being experienced, and will continue, and South Africa must therefore be in a position to undertake bold and extensive adaptation measures, to reduce vulnerability and build resilience.
- As a developing country with an energy intensive economy and huge developmental challenges, South Africa needs (i) carbon space, (ii) time as well as (iii) financial and technological resources to transition our economic growth path to a lower carbon economy, whilst also meeting our developmental needs.

### 2.2 South Africa's position on what is needed to strengthen the international climate change regime

In the context of a future carbon constrained world together with South Africa's developmental, poverty eradication and security priorities, our national interest is the development of a future international and multilateral climate change regime which:

- Resolves the current challenge and potential future crisis of the devastating climate change impacts on the Continent;
- AND simultaneously supports the building of future sustainable economic, development, competitiveness and growth in a way that enhances social and environmental development in South Africa and in the African continent.

South Africa's position is that a 2 track approach is needed: (i) 1 track for the outcome of negotiations under the Kyoto Protocol on further commitments by Annex I Parties for the 2nd and subsequent commitment periods - namely an amendment of Annex B of the Kyoto Protocol; and (ii) a separate instrument, interpreted with the Convention and Kyoto protocol, for the outcome of the negotiations under the Convention.

Under each of the building blocks of the Bali Roadmap, our expectations are:

- **Adaptation:** The socio-economic impacts of climate change are predicted to be severe for South Africa and disastrous for Africa, and will require extensive action to adjust and adapt to a changing climate. Copenhagen must therefore deliver a comprehensive international programme on adaptation that provides access to significantly up-scaled finance (at least USD 100 billion per

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annum by 2020), technology and capacity building for all developing countries, recognising the particular vulnerability of countries in Africa.

- Mitigation by developed countries: South Africa seeks an outcome that would restrict the global temperature increase to a maximum of 2 degrees Celsius, thereby limiting the impacts of climate change. This requires that, in accordance with the science and in line with their historical responsibility for emissions, all developed countries (as listed in Annex I of the Convention) must commit to ambitious, economy-wide legally binding emission reduction targets, of at least 40% reduction below 1990 levels by 2020. Annex 1 Parties to the Kyoto Protocol must take these commitments for the 2<sup>nd</sup> and subsequent commitment periods under the Kyoto track. Annex 1 Parties that have not ratified the Kyoto Protocol (particularly the USA) must be brought into a framework of comparable legally binding emission reduction targets under the Convention track.
- Mitigation by developing countries: South Africa recognises that the 2°C goal can NOT be achieved by one part of the world on its own. The IPCC scientific assessment requires both deep absolute cuts in Annex I countries (consistent with their historical responsibility) and a decline in emissions relative to business as usual in some developing regions by 2020 and in all regions by 2050 (consistent with responsibility for the future). South Africa, along with other developing countries, is already taking leadership to reduce its emissions using its' own limited resources, but in order to undertake increased levels of mitigation effort it must be supported and enabled, through technology, finance and capacity building. Copenhagen must therefore deliver a framework for nationally appropriate mitigation action by developing countries, supported and enabled by finance, technology and capacity building, all of which are measured, reported and verified.
- Finance, technology and capacity building: Climate change threatens to undermine many of the development objectives of countries in Africa and in the rest of the developing world, in particular in the areas of water, energy, health and agriculture. In order to enable lower carbon and resource efficient sustainable development in the developing world, an agreement in Copenhagen requires developed countries to comply with their obligations under article 4 of the Convention, on provision of finance, as well as development, transfer and diffusion of technology. Therefore, Copenhagen must deliver a significantly up-scaled package of new and additional finance and technology (0.5% to 1% of the GDP of developed countries per annum, by 2020), as well as the necessary transparent, efficient, effective and geographically balanced institutional arrangements for delivery.

## 2.3 Current status of the international climate change negotiations

The core focus of the current negotiations is on the future structure and content of an international climate change solution which details “who does what” and “who pays for what”. The key challenge of the negotiation is how to ensure a fair and equitable outcome, and how to give expression and content to the key principle of the UN Framework Convention on Climate Change, namely the principle of “common but differentiated responsibilities and respective capabilities”, given that:

- Developed countries are historically responsible for most of the current emissions in the atmosphere
- Developing economies, of which some will increasingly be responsible for future emissions, lack financial and technological resources to respond adequately and will be severely affected by the impacts of climate change. In addition, Least Developed Countries, African countries and Small Island

# CONFIDENTIAL

Developing States are, and will continue to be least responsible, will be impacted most, and have least capability to adapt.

The current negotiations are taking place under the 2-track mandate agreed in Montreal in 2005 and reinforced through the Bali Roadmap in 2007. This mandate gives expression to the principle of “common but differentiated responsibilities and respective capabilities” by setting up a structurally balanced negotiation in 2 tracks: 1 track under the Convention and another under its’ Kyoto Protocol, to reach agreement on:

- Developed countries internationally legally binding commitments to emissions reductions, specifically: (i) quantified emission reduction commitments for developed countries that are Party to the Kyoto Protocol (the Kyoto Track); (ii) comparable binding quantified emission reduction commitments under the UNFCCC for developed countries that have not joined the Kyoto Protocol, specifically for the USA (a part of the Convention track);
- Developing countries contribution through enhanced implementation of adaptation (with financial and technological support), and measurable, reportable and verifiable mitigation action by developing countries, conditional on technology, finance and capacity building from developed countries, also measurable, reportable and verifiable (Convention Track).

This 2-track balance in the negotiations has been severely weakened by developed countries insisting on collapsing the Convention and Kyoto Protocol negotiation tracks into a single track outcome, thereby undermining the principle of “common but differentiated responsibilities and respective capabilities”. Key areas of divergence in the negotiations relate to how to reflect this principle in the Copenhagen outcome.

South Africa’s position is that, in line with the mandate for these negotiations, agreed in Montreal in 2005 and re-inforced in Bali in 2007, a 2 track approach is needed as described above. These negotiations are fundamentally about how to reflect the principle of common but differentiated responsibility, in a strengthened international climate change regime. For South Africa this means that:

- On mitigation, ALL developed countries must, in line with their historic responsibility for past emissions, and in accordance with the science, commit to ambitious, economy-wide legally binding emission reduction targets. Developing countries, as agreed in Bali, will commit to nationally appropriate mitigation action, to achieve a decline in their emissions relative to business as usual, conditional on finance, technology and capacity building support from developed countries. *South Africa can NOT accept an outcome in which mitigation commitments of developed countries, and mitigation actions of developing countries are reflected in a common format with common legal status, and with a common system of measuring, reporting and verifying mitigation efforts. This would undermine the principle of common but differentiated responsibility.*
- On finance and technology, developed countries must comply with their obligations under the Convention, to provide financial resources and transfer of technology to enable developing country Parties to enable developing country action on mitigation AND adaptation. South Africa is calling for 0.5% of the GDP of developed country Parties, per annum, by 2020, of new and additional resources. This translates to 100 billion USD per annum by 2020 for adaptation, and a further 100 billion USD per annum by 2020 for mitigation. South Africa can NOT accept an outcome in which: (i) there is no new and additional public finance from developed countries, for mitigation and adaptation in developing countries; (ii) financing is left to the carbon market; or (iii) developing

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countries are expected to pay their own way. This would undermine the principle of common but differentiated responsibility.

- On a shared vision and long-term global goal, South Africa recognises that goal of keeping global warming below 2 °C more than pre-industrial levels, can NOT be achieved by one part of the world on its own. The IPCC scientific assessment requires both deep absolute cuts in Annex I countries (consistent with their historical responsibility) and a decline in emissions relative to business as usual by developing countries. However, In accordance with developed countries historical responsibility and the principle of common but differentiated responsibilities, developed countries must take on highly ambitious mid-term and long-term legally binding targets, in line with the science (at least 25 to 40% emission reduction below 1990 levels by 2020 and 80 to 95% emission reduction below 1990 levels by 2050). South Africa can NOT accept an outcome in which the current “pledge and review” system, in which developed country contributions add up to only between 11 and 17% reduction by 2020, shifts the burden and responsibility onto developing countries, and fails to deliver the necessary financial and technological support. This is a contradiction of the principle of common but differentiated responsibility.