

NATIONAL CLIMATE CHANGE DIALOGUE

13 NOVEMBER 2014

Status of Negotiations and the Road Ahead

Advocate JGS de Wet

Chief State Law Advisor: International Law



international relations
& cooperation

Department:
International Relations and Cooperation
REPUBLIC OF SOUTH AFRICA

Overview

- At COP17/CMP7 in 2011 in Durban the Parties to the UNFCCC decided on two work streams under the mandate of the Durban Platform on Enhanced Action
- In Warsaw in November 2013 the Parties decided that at the Lima COP in December 2014 they would produce the elements of the new agreement and agree on the information to be included in their Intended Nationally Determined Contributions (INDCs)
- The Lima COP is therefore an important step in the negotiation process as its outcomes, or lack thereof, will largely shape or pre-determine the outcome of the Paris COP



UNFCCC Negotiation Environment

- Climate change is part of a much broader debate about development and burden sharing
- Climate change debate is framed by governments and the private sector in economic rather than environmental terms
- The UNFCCC negotiations are highly politicised and political expediencies rather than science form the basis for action



UNFCCC Negotiation Environment cnt

- Negotiations should be premised on trust and mutual confidence that economic competitors will honour their commitments
- There have been setbacks that undermine this trust, such as the failure of some Parties to honour their Copenhagen pledges, to ratify the second commitment period under the Kyoto Protocol and to honour their existing commitments
- Developing countries require space to develop, as well as assurances that the developed partners will honour their legal commitments to address their historical and current responsibility for climate change



UNFCCC Negotiation Environment cnt

- The central fault line continues to be between developed and developing countries
- However, the negotiating environment and political landscape is becoming increasingly complex and fluid
- New platforms emerging and divisions within key groupings largely because of ever-shifting levels of development
- A proliferation of groupings and sub-groupings within the UNFCCC. Africa is one of the more cohesive groups and has a key role
- Some developed and emerging countries seem reluctant to commit to ambitious emissions reduction targets or to work towards a rules-based regime in 2015. They would prefer an agreement that is more political than legal in nature
- Proliferation of processes and initiatives outside the UNFCCC



Status of Negotiations

- ADP sessions have been useful in further developing and better understanding positions of Parties
- Solid partnerships and areas of convergence are emerging
- There are fundamental differences concerning the purpose, scope, and time periods of INDCs process, assessment, reflection of differentiation and relationship with the 2015 agreement
- Key areas of difference as far as the agreement are:
 - legal form
 - balance between core elements
 - differentiation and equity
 - level of multilateral oversight and compliance



South Africa's Key messages

- Only a multilateral rules-based system will build confidence
- Parties have committed to limiting temperature rise to 2 degrees Celsius. This will require full participation of all countries and a science-based and equitable global agreement
- Urgent action is critical
- Adaptation is a global responsibility. An adaptation goal can give expression to such a global commitment
- Developing countries must be provided with the necessary finance, technology and capacity-building to enable them to transition to low carbon economies and build climate resilient societies
- Multilateral *ex ante* assessment process is necessary for the INDCs



Way Forward

- All Parties need assurances in Lima that their priority issues will be adequately addressed in the Paris agreement
- Continued dialogue with all groups required
- Constructive engagement, solution orientated action – less procedural debates
- Groups that share a common agenda in support of a rules-based regime should work together
- SA also has a key role to play in facilitating a strong voice by developing countries in 2015 as Chair of the G77&China

