

COPENHAGEN CLIMATE CHANGE CONFERENCE: 7-18 DECEMBER 2009

The United Nations Climate Change Conference in Copenhagen, Denmark, begins today and is scheduled to conclude on 18 December 2009. The conference will include the fifteenth Conference of the Parties (COP 15) to the United Nations Framework Convention on Climate Change (UNFCCC) and the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 5).

The conference marks the culmination of a two-year negotiating process to enhance international climate change cooperation under the Bali Roadmap, adopted by COP 13 in December 2007. At the UN Secretary-General's Climate Change Summit in New York in September 2009, over 100 world leaders called for a comprehensive, ambitious and fair international climate change deal to be agreed in Copenhagen. More than one hundred world leaders are also expected to attend the joint COP and COP/MOP high-level segment from 16-18 December.

COP 15 and COP/MOP 5 will be held in conjunction with the thirty-first sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA 31) and the Subsidiary Body for Implementation (SBI 31), the tenth session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 10) and the eighth session of the *Ad Hoc* Working Group on Long-term Cooperative Action under the UNFCCC (AWG-LCA 8).

A BRIEF HISTORY OF THE UNFCCC AND THE KYOTO PROTOCOL

The international political response to climate change began with the adoption of the UNFCCC in 1992, setting out a framework for action aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid "dangerous anthropogenic interference" with the climate system. The UNFCCC entered into force on 21 March 1994 and now has 194 parties.

In December 1997, delegates at COP 3 in Kyoto, Japan, agreed to a Protocol to the UNFCCC committing industrialized countries and countries in transition to a market economy to achieve emission reduction targets. These countries, known under the UNFCCC as Annex I parties, agreed to reduce their overall emissions of six greenhouse gases by an average of 5.2% below 1990 levels between 2008-2012 (the first commitment period), with specific targets varying from country to country. The Kyoto Protocol entered into force on 16 February 2005 and currently has 190 parties.

In 2005, at COP/MOP 1 in Montreal, Canada, parties established the AWG-KP on the basis of Protocol Article 3.9, which mandates consideration of Annex I parties' further commitments at least seven years before the end of the first commitment period. In addition, COP 11 agreed in Montreal to consider long-term cooperation under the Convention through a series of four workshops known as "the Convention Dialogue," which continued until COP 13.

BALI ROADMAP: COP 13 and COP/MOP 3 took place in December 2007, in Bali, Indonesia. The focus was on long-term issues and the negotiations resulted in the adoption of the Bali Action Plan (BAP), establishing the AWG-LCA with a mandate to focus on key elements of long-term cooperation identified during the Convention Dialogue, namely: mitigation; adaptation; finance; and technology and capacity building. The BAP also called for articulating a "shared vision for long-term cooperative action, including a long-term global goal for emission reductions."

Parties agreed on a two-year negotiating process, the Bali Roadmap, which included "tracks" under the Convention and the Protocol and set a deadline for concluding the negotiations in Copenhagen. The two key bodies under the Bali Roadmap are the AWG-LCA and the AWG-KP, which held four negotiation sessions in 2008: April in Bangkok, Thailand; June in Bonn, Germany; August in Accra, Ghana; and December in Poznań, Poland.

AWG-LCA 5 & AWG-KP 7: From 29 March to 8 April 2009, AWG-LCA 5 and AWG-KP 7 convened in Bonn, Germany. The main objective of the session was to work towards negotiating text under both AWGs. Based on a note (FCCC/AWG/LCA/2009/4, Parts I and II), prepared by Chair Michael Zammit Cutajar (Malta), discussions at AWG-LCA 5 focused on elaborating elements for a draft negotiating text to be prepared by the Chair for AWG-LCA 6.

AWG-KP 7 focused on emission reductions by Annex I parties under the Kyoto Protocol beyond 2012 and on legal issues, including possible Protocol amendments. The AWG-KP also considered potential consequences of response measures and the other issues in its work programme (FCCC/KP/AWG/2008/8), namely: flexibility mechanisms; land use, land-use change and forestry (LULUCF); and methodological issues. The AWG-KP requested its Chair John Ashe (Antigua and Barbuda) to prepare two documents for its next session: a proposal for Protocol amendments under Article 3.9 (Annex I parties' further commitments); and a text on other issues.

AWG-LCA 6 & AWG-KP 8: From 1-12 June 2009, AWG-LCA 6 and AWG-KP 8 convened in Bonn, Germany, in conjunction with the 30th sessions of the SBI and SBSTA. AWG-LCA 6 concentrated on developing negotiating text, using

a Chair's draft (FCCC/AWGLCA/2009/8) as the starting point. Parties clarified and developed their proposals and the main outcome was a revised negotiating text (FCCC/AWGLCA/2009/INF.1), which was nearly 200 pages long and covered all the main elements of the BAP. AWG-KP 8 focused on Annex I parties' aggregate and individual emission reduction targets. It agreed to continue discussions on these as well as on the other issues based on documentation prepared by the AWG-KP Chair.

By the end of the June session, the Secretariat had also received five proposals for a new protocol under the Convention and twelve submissions concerning amendments to the Kyoto Protocol, proposed for adoption in Copenhagen.

INFORMAL AWGs: From 10-14 August 2009, the AWG-LCA and AWG-KP held informal intersessional consultations in Bonn, Germany. For the AWG-LCA, the focus was on how to proceed with the revised negotiating text (FCCC/AWGLCA/2009/INF.1). It began producing reading guides, tables, matrices and non-papers (FCCC/AWGLCA/2009/INF.2) aimed at making the negotiating text more manageable. Under the AWG-KP, discussions continued on Annex I parties' emission reductions, potential consequences and other issues. The results were reflected in revised documentation prepared by the Chair for Bangkok.

AWG-LCA 7 AND AWG-KP 9: From 28 September to 9 October 2009, the first part of AWG-LCA 7 and first part of AWG-KP 9 convened in Bangkok, Thailand. Both AWGs resumed their sessions from 2-6 November 2009 in Barcelona, Spain.

AWG-LCA 7 continued streamlining and consolidating the negotiating text. The outcome was a series of non-papers, forwarded to Copenhagen as an annex to the meeting report (FCCC/AWGLCA/2009/14). While progress on issues such as adaptation, technology and capacity building was commonly described as satisfactory, many felt that "deep divides" persisted on mitigation and certain aspects of finance.

During AWG-KP 9, discussions continued on all issues in the AWG-KP's work programme. Most felt, however, that no significant progress was made on Annex I parties' aggregate and individual targets, and differences also surfaced between developed and developing countries concerning whether the outcome from Copenhagen should be an amendment to the Kyoto Protocol or a single new agreement. AWG-KP 9 did not conclude the consideration of any of the issues in its work programme.

INTERSESSIONAL HIGHLIGHTS

CLIMATE VULNERABLE FORUM: The Maldives hosted a high-level forum from 9-10 November 2009, with a view to drawing attention to the specific challenges and needs of countries that are most vulnerable to climate change. The meeting developed a declaration to be presented in Copenhagen, signed by Bangladesh, Barbados, Bhutan, Ethiopia, Ghana, Kenya, Kiribati, Maldives, Nepal, Rwanda, Tanzania and Viet Nam.

ASIA-PACIFIC ECONOMIC COOPERATION (APEC) LEADERS' MEETING: Key leaders met from 14-15 November 2009, in Singapore, at the 17th APEC Economic Leaders' Meeting. The leaders of the US, China, Japan, the Russian Federation, Canada, Australia and Mexico were among 19 member states' leaders present. In their declaration, the leaders, *inter alia*, reaffirmed their commitment to work towards an ambitious outcome in Copenhagen, within the objective, provisions and principles of the UNFCCC.

ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AND THE US LEADERS' MEETING: ASEAN and the US held their first Leaders' Meeting on 15 November 2009, in Singapore, also addressing climate change and energy. In their joint declaration, the leaders agreed to work closely to ensure that the outcome in Copenhagen incorporates long-term cooperative actions to address climate change. Recognizing

the critical importance of adaptation, they also agreed to strengthen collaboration in research on climate impacts and in the development and implementation of appropriate policies and measures.

PRE-COP 15: Forty ministers responsible for the environment and climate met in Copenhagen, Denmark, from 16-17 November 2009, to prepare for COP 15. After the meeting Connie Hedegaard, the incoming COP President from Denmark, highlighted the meeting as "very constructive." She said Copenhagen must "with credibility" set the world on a path to limiting global average temperature increase to no more than 2°C; deliver on all building blocks of the BAP; and develop a mandate and a near-term deadline to turn the outcome into a legally-binding instrument.

COMMONWEALTH HEADS OF GOVERNMENT MEETING: Leaders of Commonwealth countries convened from 27-29 November in Port of Spain, Trinidad and Tobago, for the biannual Commonwealth Heads of Government Meeting. They were joined by UN Secretary-General Ban Ki-moon, French President Nicolas Sarkozy and Danish Prime Minister Lars Lokke Rasmussen. Focusing on climate change, they issued a declaration stating that only a "few short years" remain to address the climate threat and that an "internationally legally-binding agreement is essential." They also, *inter alia*, welcomed the initiative to establish a Copenhagen Launch Fund for developing countries, to start in 2010 and build to US\$10 billion per year by 2012.

NEGOTIATIONS IN COPENHAGEN

AWG-LCA AND AWG-KP: The focus in Copenhagen will be on the AWG-LCA and AWG-KP, which are the main bodies under the Bali Roadmap.

AWG-LCA 8 has agreed to work through one contact group. It is expected to draft texts on all the elements of the BAP for consideration by the COP. It is also expected to discuss the legal nature of the "agreed outcome" on which parties have expressed differing views throughout 2009.

AWG-KP 10 is expected to continue working through four contact groups on Annex I emission reductions, other matters, potential consequences and legal matters. The emphasis of the AWG-KP's work is expected to be on Annex I emission reductions. All groups are expected to focus on preparing draft COP/MOP decisions or Protocol amendments.

Both AWGs are scheduled to conclude their work on 15 December and their Chairs will report the results to COP 15 and COP/MOP 5 respectively on 16 December.

COP AND COP/MOP: One of the main issues before the COP is the AWG-LCA's report. The COP's provisional agenda also includes items such as: five proposals for new protocols submitted by parties under Convention Article 17 (protocols); a proposal by Malta to amend Annex I of the Convention; financial mechanism; national communications; technology; and capacity building.

The COP/MOP agenda includes the AWG-KP's report and consideration of proposals by parties to amend the Kyoto Protocol. The COP/MOP will also consider issues such as the Clean Development Mechanism (CDM), joint implementation (JI), the Adaptation Fund and compliance.

SBI AND SBSTA: The SBI and SBSTA are scheduled to work from 8-12 December. The SBI will take up such issues as capacity building, national communications and the review of progress on the implementation of the Buenos Aires programme of work on adaptation and response measures (decision 1/CP.10). The SBSTA will consider, *inter alia*, reducing emissions from deforestation and forest degradation in developing countries (REDD), the Nairobi work programme on impacts, vulnerability and adaptation, and various methodological issues. Both bodies will consider technology transfer.