

UN CLIMATE CHANGE CONFERENCE IN CANCUN: 29 NOVEMBER - 10 DECEMBER 2010

The UN Climate Change Conference in Cancun begins today and is scheduled to conclude on 10 December 2010. The conference will include the sixteenth session of the Conference of the Parties (COP 16) to the United Nations Framework Convention on Climate Change (UNFCCC) and the sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 6).

The conference also comprises the 33rd sessions of the Subsidiary Bodies, the fifteenth session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 15) and the thirteenth session of the *Ad Hoc* Working Group on Long-term Cooperative Action under the UNFCCC (AWG-LCA 13).

The focus of the conference is on a two-track negotiating process aiming to enhance long-term international climate change cooperation under the Convention and the Protocol. The original deadline for completing these negotiations was the UN Climate Change Conference in Copenhagen, held in December 2009, but as many issues remained outstanding, the mandates of the two AWGs were extended until Cancun where they are expected to report their respective outcomes to COP 16 and COP/MOP 6.

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, which sets 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 to COP 3 in Kyoto, Japan, agreed to a Protocol to the UNFCCC that commits industrialized countries and countries in transition to a market economy to achieve emission reduction targets. These countries, known as Annex I parties under the UNFCCC, 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 now has 192 parties.

In 2005, COP/MOP 1, held in Montreal, Canada, established the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol 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. Negotiations resulted in the adoption of the Bali Action Plan (BAP), which established the *Ad Hoc* Working Group on Long-term Cooperative Action under the Convention with a mandate to focus on key elements of long-term cooperation identified during the Convention Dialogue: mitigation, adaptation, finance and technology transfer. The Bali conference also resulted in agreement on a two-year process, the Bali Roadmap, which established two negotiating “tracks” under the Convention and the Protocol, and set a deadline for concluding the negotiations at COP 15 and COP/MOP 5 in Copenhagen in December 2009.

FROM BALI TO COPENHAGEN: In 2008, the two AWGs held four parallel negotiating sessions in: April in Bangkok, Thailand; June in Bonn, Germany; August in Accra, Ghana; and December in Poznań, Poland. In 2009, the AWGs met in: April, June and August in Bonn, Germany; October in Bangkok, Thailand; November in Barcelona, Spain; and December in Copenhagen, Denmark.

AWG-LCA: For the AWG-LCA, the first part of 2009 focused on developing draft negotiating text. This process resulted in a text that was nearly 200 pages long and covered all the main elements of the BAP. Because of the length of the text, delegates began producing non-papers, reading guides, tables and matrices aimed at making the negotiating text more manageable. The outcome was a series of non-papers, forwarded to Copenhagen as an annex to the meeting report. Heading into Copenhagen, many felt the AWG-LCA had made satisfactory progress on adaptation, technology and capacity building, but that “deep divides” remained on mitigation and certain aspects of finance.

AWG-KP: For the AWG-KP, the focus in 2009 was on the “numbers,” namely Annex I parties’ aggregate and individual emission reductions beyond 2012, when the Protocol’s first commitment period expires. Parties also discussed other issues in the AWG-KP’s work programme, including the flexibility

mechanisms, land use, land-use change and forestry (LULUCF) and potential consequences of response measures. The discussions were based on documentation divided into proposals for amendments to the Protocol under Article 3.9 and text on other issues, such as LULUCF and the flexibility mechanisms. Ahead of Copenhagen, many felt that insufficient progress had been made on Annex I parties' aggregate and individual emission reductions, 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 bringing together the work done by the two AWGs.

COPENHAGEN CLIMATE CHANGE CONFERENCE:

The UN Climate Change Conference in Copenhagen, Denmark, took place from 7-19 December 2009, and included COP 15 and COP/MOP 5, the 31st sessions of the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA), as well as AWG-KP 10 and AWG-LCA 8. Over 110 world leaders attended the joint COP and COP/MOP high-level segment from 16-18 December.

The conference was marked by disputes over transparency and process. During the high-level segment, informal negotiations took place in a group consisting of major economies and representatives of regional and other negotiating groups. Late in the evening of 18 December, these talks resulted in a political agreement: the "Copenhagen Accord," which was then brought to the COP plenary. Over the next 13 hours, delegates debated the Accord. Many supported adopting it in the form of a COP decision as a step towards securing a "better" future agreement. However, some developing countries opposed the Accord, which they felt had been reached through an "untransparent" and "undemocratic" process. Ultimately, the COP agreed to "take note" of the Copenhagen Accord. They also established a process for parties to indicate their support for the Accord and, to date, 140 countries have indicated their support. More than 80 countries have also provided information on their emission reduction targets and other mitigation actions.

On the last day of the Copenhagen Climate Change Conference, the COP and COP/MOP also agreed to extend the mandates of the AWG-LCA and AWG-KP, requesting them to present their respective outcomes to COP 16 and COP/MOP 6 in Cancun, Mexico.

BONN CLIMATE CHANGE TALKS (APRIL AND JUNE 2010): Negotiations resumed in 2010 with AWG-LCA 9 and AWG-KP 11, which took place from 9-11 April. Their focus was on the organization and methods of work in 2010. In the AWG-LCA, delegates mandated the Chair to prepare text for the June session. The AWG-KP agreed to continue considering Annex I parties' aggregate and individual emission reductions, as well as the other issues.

Discussions continued in Bonn from 31 May to 11 June. AWG-LCA 10 focused on the Chair's new draft text. Towards the end of the meeting, AWG-LCA Chair Margaret Mukahanana-Sangarwe (Zimbabwe) circulated the advance draft of a revised text. Some developing countries felt that the advance draft was "unbalanced" and should not be used as the basis for negotiations in August unless their views were reflected more fully. A revised version of the Chair's draft text was circulated in July.

AWG-KP 12 focused on Annex I emission reductions and other issues, including the flexibility mechanisms and LULUCF. It also addressed ways to avoid a gap between the first and subsequent commitment periods, and requested the Secretariat to prepare a paper on legal options for achieving this.

BONN CLIMATE CHANGE TALKS (AUGUST 2010):

AWG-LCA 11 considered the Chair's draft text circulated in July 2010 (FCCC/AWGLCA/2010/8). The AWG-KP continued

consideration of the scale of Annex I emission reductions under the Protocol and other issues. It also discussed legal matters, including a possible gap between the Protocol's first commitment period (2008-2012) and subsequent commitment periods. The AWG-KP agreed to forward a Chair's draft proposal (FCCC/KP/AWG/2010/CRP.2) for further discussion in Tianjin.

TIANJIN CLIMATE CHANGE TALKS: The last round of negotiations before Cancun took place from 4-9 October 2010 in Tianjin, China. The AWG-LCA discussed a negotiating text (FCCC/AWGLCA/2010/14), which encompasses the main elements of the BAP. The meeting sought to focus on issues that lend themselves to resolution in the time available before COP 16, bearing in mind the need to achieve balance. Parties agreed to reflect their work in an information document prepared by the Secretariat and that the AWG-LCA negotiating text would remain the basis for negotiations in Cancun.

The AWG-KP considered the Chair's draft proposal presented at AWG-KP 13. The document contains several draft decisions on, *inter alia*, Protocol amendments under Article 3.9, flexibility mechanisms and LULUCF. Parties focused on narrowing down options and attempted to make progress on substantial issues. A revised Chair's proposal (FCCC/KP/AWG/2010/CRP.3) will be considered in Cancun.

INTERSESSIONAL HIGHLIGHTS

THIRD CARTAGENA DIALOGUE FOR

PROGRESSIVE ACTION: The third Cartagena Dialogue, an informal space open to countries working towards an ambitious, comprehensive and legally-binding regime under the UNFCCC, took place from 31 October – 2 November 2010 in San Jose, Costa Rica. It was attended by 29 parties from the Alliance of Small Island States, Latin America, Europe, Oceania, South East Asia and Africa. Participants reaffirmed their desire for an integrated and ratifiable post-2012 legal regime. They identified the need for substantial progress at COP 16, in the form of balanced decisions, to provide a foundation for this overarching objective. Participants also exchanged views on textual proposals.

DELHI MINISTERIAL DIALOGUE ON CLIMATE

CHANGE: TECHNOLOGY MECHANISM: From 9-10 November 2010, ministers and representatives from 35 countries met in New Delhi, India, for a dialogue "Climate Change: Technology Mechanism." The meeting was hosted jointly by India and Mexico. According to the Chair's summary, participants called for agreement in Cancun on a technology mechanism that would consist of a technology executive committee and climate technology centers and networks.

GROUP OF 20 (G-20): The G-20 Summit took place from 11-12 November 2010 in Seoul, Republic of Korea. The Summit Document stresses commitment by G-20 countries to achieving a successful, balanced result in Cancun that includes the core issues of mitigation, transparency, finance, technology, adaptation, and forest preservation.

MAJOR ECONOMIES FORUM ON ENERGY AND

CLIMATE CHANGE (MEF): The MEF took place at the leaders' representatives' level in Crystal City, Virginia, US, from 17-18 November 2010. It was attended by ministers and officials from seventeen major economies as well as the UN, Barbados, Colombia, Democratic Republic of the Congo, Denmark, New Zealand, Singapore and Spain. Participants expressed support for concluding a package of decisions in Cancun, including on adaptation, mitigation, transparency, finance and technology. Many participants also identified the need for agreement on future commitments under the Kyoto Protocol.