

CLIMATE CHANGE – KEY ELEMENTS OF KEY DOCUMENTS AND IMPORTANT CONFERENCES OF PARTIES

Framework Convention on Climate Change – Concluded 1992, entered into force 1994.

- Vague commitments on stabilization of emissions of greenhouse gases for industrialized countries at 1990 by 2000, no rules on compliance.
- Principle of “common but differentiated responsibilities”
- Financial and technical support for developing countries recognized.
- Institutional and process rules established, including an annual Conference of Parties.
- Most important results on substance: (1) adoption of an “ultimate objective”: “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”, and (2) among the principles the language on “common but differentiated responsibilities and respective capabilities”, highlighting equity and the north-south divide.

Kyoto Protocol – Concluded 1997, entered into force 2005.

- Precise, differentiated, quantitative commitments for industrialized countries covering the period 1990-2008/12, (EU -8%, US -7%, Japan -6%, Russia 0 etc.), on average calculated at -5.2%.
- Provisions for accounting for the removal of carbon through sinks (forests and soils).
- Establishment of a crediting system through mechanisms such as emissions trading, joint implementation and/or Clean Development Mechanism.
- Establishment of a compliance system.
- A separate Meeting of the Parties of the Protocol.
- Rules on sinks, mechanisms, and compliance were not complete in the Kyoto text.

Marrakech Accords – Agreed in 2001.

- Agreement on details concerning outstanding issues in Kyoto Protocol such as sinks, market mechanisms, and compliance.
- Formalisation of funding offer from a group of developed countries and agreement on structure of support funds, concerning i.a. adaptation and least developed countries.

Montreal Decisions – (COP 11 - COP/MOP 1) – 2005.¹

- Formal adoption of Marrakech Accords.
- Improvement of operation of Clean Development Mechanism.
- Review of Annex I commitments after 2012.
- Establishment of dialogue on post-2012 general climate regime.

¹ COP = Conference of Parties to the Convention; COP/MOP = Conference of Parties serving as Meeting of the Parties to the Kyoto Protocol. In practice, this has meant that USA was only an observer in COP/MOP.

Bali Plan of Action – (COP 13 – COP/MOP 3) – 2007.

- Agreement on “Road Map” for negotiation of the post-2012 regime, to be concluded by 2009 at COP 15 – COP/MOP 5 in Copenhagen. Agreement on main components of this regime: Mitigation, adaptation, technology, and financial resources.
- Announcement of ratification of Kyoto Protocol by Australia. USA is now only major country which has not accepted the Protocol. Nevertheless, USA agrees to participate in forthcoming negotiations for a post-2012 regime.
- Developing countries, including China and India, agree in principle to consider reduction of emissions, supported by technology and finance transfers, in a measurable, reportable and verifiable manner.
- Agreement on negotiations to elaborate approaches to reducing emissions from deforestation in developing countries.

Copenhagen Accord - COP 15 – COP/MOP 5 (Copenhagen December 2009).

- Failure to reach agreed outcome on a second commitment period of Kyoto Protocol, but majority of countries accepted – after negotiations at the level of Heads of State and Government and without reaching a formal decision by the COP - a political document called the “Copenhagen Accord”, which would form a background for further negotiations on the long-term climate regime.
- The Accord mentioned the 2 degree Celsius objective, and called on all Parties to table national pledges already by February 1, 2010. Furthermore, it called for more action on adaptation, forestry, the establishment of a Green Climate Fund and the transfer of 100 billion dollars annually to developing countries by 2020. A technology mechanism was to be established and there was agreement on an assessment of the Accord by 2015.
- However, the overall result was seen as disappointing and Copenhagen was considered a missed opportunity and even a disaster by most observers.

COP 16 – COP/MOP 6 (Cancún, December 2010).

- Decisions in principle were taken on a number of points including a confirmation of the 2 degree Celsius objective; and some other issues, related to financing, adaptation, forestry, and technology.
- This meant formalizing the Copenhagen Accord through a COP decision. However, there were still limited prospects for a global agreement on the future of the Kyoto Protocol or on a new legally binding instrument on action by the international community.

COP 17 – COP/MOP 7 (Durban, December 2011).

- After difficult negotiations a reasonably satisfactory result with the following main components:
 - Agreement on a transitional regime, to be agreed by 2015, aiming at “a protocol, another legal instrument, or an agreed outcome with legal force under the Convention applicable to all Parties” to cover the period beyond 2020;
 - Acceptance of a second commitment period of the Kyoto Protocol by the EU and possibly other developed countries;
 - Firm decisions on Cancún deal, particularly on the Green Fund, a framework for adaptation, and a technological mechanism;
 - Continued attention on voluntary national reduction objectives as foreseen in Copenhagen.
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COP 18 – COP/MOP 8 (Doha, December 2012).

This COP turned out to be a complicated affair, but finally managed to confirm the results of Durban. The most important points were:

- A formal decision to have a second commitment period under the Kyoto Protocol (2013-2020), amounting to an average Annex I reduction of -18% between 1990 and 2020. However, this only represents 15% of world emissions. But it is also important that a number of specific processes and rules under the Kyoto Protocol continue to apply.
- Confirmation of the continued process to negotiate by 2015 a new instrument applicable to all countries, covering the period beyond 2020. This process was also supported by the IPCC fifth assessment report, which was published in 2014, sharpening the statements on the consequences of continued emissions of greenhouse gases, and underlining the relevance of the 2-degree objective.
- Confirmation of institutional arrangements related to adaptation, technology, financing, and issues related to compensation for countries suffering from “loss and damage”, as a consequence of climate change.
- Reinforced statements by developed countries on climate financing over the next seven years with the aim of reaching the annual target of 100 billion dollars by 2020.

COP 19 – COP/MOP 9 (Warsaw, December 2013)

COP 20 – COP/MOP 10 (Lima, December 2014)

- During these two Conferences of Parties, the preparation for COP 21 in Paris 2015 took centre stage, with the Ad hoc Group on the Durban Platform (ADP) becoming the central negotiating body.
- The decision to invite all Parties to table Intended Nationally Determined Contributions (INDCs) as the basis for a Paris agreement on emission reductions signified de facto the end of the central element of the Kyoto system, based on precise numerical targets, legally binding for Annex I Parties only.
- Agreement on the Lima-Paris Action Agenda, which created a platform for a decision at the Paris COP 21 on enhanced action on climate change by non-state entities, such as NGOs, sub-regional institutions, cities, and the corporate sector.

COP 21–COP/MOP 11 (Paris, December 2015)

- After skilful diplomacy by France and efficient work by the ADP the numerous problems facing negotiators could be solved in a week-long negotiation at political level. The result was a detailed decision by the COP on future action, and the Paris Agreement, a legally binding international instrument, which will be opened for signature at the UN Headquarters from April 22, 2016 and will require ratification by 55 Parties representing at least 55 percent of estimated global emissions to enter into force.
- Participation through INDC’s was impressive in the sense that 187 Parties had tabled their contributions before the end of COP 21. The INDC’s are not legally binding international law, but the procedural rules on submissions, periodicity and review, are. The INDC’s cover different aspects of mitigation and are not fully comparable, but it is expected that the process, involving revisions every 5 years, starting in 2020, will lead to more unified contents. A facilitative dialogue among Parties will be held in 2018 to take stock of the collective efforts of Parties in relation to the long-term goal and to inform the preparations of NDCs.
- Other central elements of the Paris Agreement are:
 - Adoption of the overall goal of “holding the increase in the global average temperature to well below 2 degrees C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change”. Furthermore, “Parties aim to reach global peaking of greenhouse gas

emissions as soon as possible, recognizing that peaking will take longer for developing country Parties”.

- The Agreement will be implemented “to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances”.
- Establishment of a global goal on adaptation, enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change.
- Recognition of the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme events and slow onset events.
- On financing, “developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing contributions under the Convention. Other Parties are encouraged to provide or to continue to provide such support voluntarily”. The annual 100 billion dollar target is not mentioned in the Paris Agreement but in the COP decision as a floor which should be reviewed in 2025.
- A technology framework is established to provide overarching for the work of the Technology Mechanism of the Convention.
- Enhanced transparency framework, “including national communications, biennial reports and biennial update reports, international assessment and review, and international consultation and assessment..”.
- A first global stocktake of the implementation of the Agreement shall take place in 2023 and every five years thereafter.

COP 22/CMA 1² (Marrakech, November 2016)

- The ratification process of the Paris Agreement was surprisingly fast, and the PA could enter into force in time for the COP in Marrakech. This was rightly held as a success, boding well for the future implementation of the Agreement. However, the election of Donald Trump as US President during the COP came as a bad surprise for negotiators, and new doubts about the process ahead surfaced. Nevertheless, some progress was made on various more technical issues related to implementation, and a Marrakech Action Proclamation was issued. All states continue to stand behind the PA, and even if Marrakech was not a breakthrough, it maintained the momentum of Paris. The next big meeting on climate will be in Bonn in May 2017, followed by COP 23 in Bonn in November. By May we will have a better view of what the Trump election really means in terms of US policy on climate, and the prospects do not look promising. However, the rest of the world is behind the PA, and technical negotiations in subsidiary bodies, such as the APA (Ad hoc group on the Paris Agreement), will hopefully proceed constructively.

COP 23/CMP 13/CMA 1 Resumed (Bonn November 2017)³

- The Conference will be presided over by Fiji and focus on implementation of the Paris Agreement, including the important Ad Hoc Working Group on the Paris Agreement. A number of other subsidiary bodies will also meet during the Conference. Details are given at the UNFCCC (United Nations Framework Convention on Climate Change) website. The Conference can be followed in detail on the website of Earth Negotiations Bulletin <[http:// enb.iisd.org](http://enb.iisd.org)>

² CMA – Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement

³ COP – Conference of the Parties to the UNFCCC; CMP – Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol