

Post Kyoto Negotiations: The Road to Paris

Introduction:

The Kyoto protocol has since its inception taken center stage discussions on its effectiveness as an international mechanism on climate change since its inception-the effectiveness of each of the flexibility provisions must be reviewed after the first commitment period and a report sent to the COP. The report should cover issues and problems identified in relation to the operation of any general market in emission credits that emerges or is mandated under the Kyoto Protocol. Problems identified in the report must then be rectified.

On the other hand, effective monitoring and verification of emissions and of transfers of assigned amounts were key as the basis of the Kyoto Protocol. Without this there was and can be no guarantee that the Protocol was delivering real emissions reductions and environmental benefits, or a real basis on which to assess Parties' compliance with their commitments. Monitoring and verification are thus central to any internationally credible agreement as well as to its long-term success.

On the contrary, greenhouse gas emissions from developing countries are allegedly rising rapidly. On a per capita basis, they will still remain far below those of the developed countries well into the future. However, total emissions from developing countries are projected to surpass those of the developed countries within a decade or two. This therefore stresses the need to fully engage developing countries in negotiations while at the same time secure their right to develop sustainably.

Any effort to more fully engage developing countries in the international climate regime or to steer investment and technology flows towards climate friendly development, must take account of circumstances and trends that shape present development patterns and condition possibilities for the future. The current phase of climate negotiations should adapt and strengthen strategies that will secure the face of humanity in environmental sustainability.

This will require mitigation commitments stronger than what the Kyoto Protocol provided by all parties in accordance to the principle of common but differentiated responsibilities under the Convention. The new agreement should also address the needs of those who, despite such efforts will and continue to bear the consequences of a changing climate.

On 2015 Negotiations,

In assessing the options that are workable and present at the moment there is need to redefine the approach that negotiators then take if targeting a legally binding agreement that will encompass all sovereign states to take responsibility of the problem of climate change aside national interests and assume a global community. Previous efforts at the United Nations Framework Convention on Climate Change have bore minimal results compared to the expectations from the global community. Its failure to come up with one due to wrangles within parties with regard to their various national interests probably calls for a shift in ideology in tackling environmental issues internationally.

Post Kyoto negotiations have evolved with geopolitics around the world becoming more and more dynamic. Perhaps the most prominent is capitalizing in ensuring that mechanisms in Kyoto's successor take a hybrid approach. Bodansky and Diring agree that "The functionality of the hybrid approach is pegged mediating between competing dynamics in the climate change debate. this is by giving states the flexibility in defining and/or modifying their commitments . But, on the other hand , seeking to bind national flexibility through internationally agreed rules, which promote greater ambitions. "^[1]

The negotiations have in the recent past bore fruit of such outcomes in decisions on national processes like Internally Nationally Determined Contributions (INDCs), National Adaptation Plans (NAPs) and Nationally Appropriate Mitigation Actions (NAMAs). In these decisions,

More Info: *Decision 1/CP.19 on INDCs, to further advancing the Durban*

Platform. http://unfccc.int/documentation/documents/advanced_search/items/6911.php?pri_ref=600007788

Decision 1/CP.20 on how to make the

communications.http://unfccc.int/files/meetings/lima_dec_2014/application/pdf/auv_cop20_lima_call_for_climate_action.pdf

This process must be guided by principles in the convention and guidelines agreed upon by states to the submission of these elements. There is however questions on whether such efforts to ensure hybridity in the forth-coming international mechanism to address climate

change would help in gaining trust from countries. This however has garnered criticism on the basis that there is a thin line between ensuring hybridity and at the same time working within the limits of principles under the convention of common but differentiated responsibilities.

This at the time of instituting the convention were drawn on the basis of ensuring sustainable development and collective responsibility and in accordance to Art 3, 1 of the Convention That parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.

See http://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

The process as noted has been marred by non-committal tendencies by states in the past. Paris is expected to deliver to the expectations of many citizens of the earth whose survival is solely based on the existence and management of the environment and climate for sustainable development. The Negotiating text as it is commonly referred to has all options common to parties as they were negotiated in February 2015 in Geneva. This laid a foundation into future ADP negotiations to follow beginning with the Bonn intercessions in June, 2015 in Bonn, Germany.

Even with this, Bonn is expected to provide an outcome as good as an agreement for adoption in Paris at COP 21 meetings. For Africa, going into the negotiations and following up on national processes especially on the Intended Nationally Determined Contributions requires a lot of strategy and unity as a negotiating block within the negotiations. As Africa and the global South engages, it is important to ensure that the Intended Nationally Determined Contributions related texts in the African position make explicit reference to local and indigenous knowledge in alignment with the Cancun Adaptation Framework and the decisions relative to Nairobi Work Program out of Warsaw.

There is an urgent need in Africa to address safeguards of the rights of forest peoples and other natural resource dependent communities in government and private adaptation and mitigation measures. More attention needs to be given to participation, consensus building, rights-based approaches as well as conserving natural ecosystems as the front-line of climate defense.

African should emphasize the need to reference past negotiation outcomes in current negotiations and outcomes. Also, reference and emphasis should be made to ensure that all this is done in accordance to the principles under the Convention. Hence Africa should emphasize this for general purposes of all elements in the agreement in the preamble. Also key for the African position in the negotiations is to ensure that our position recognizes the efforts of the Intergovernmental Panel on Climate Change as well as other credible scientific platforms as basis to act on climate.

On Mitigation, the position should indicate that all parties shall make individual effort and cooperate on enhancing mitigation ambition to ensure that the aggregate level of mitigation commitments and contribution is increased over time to achieve long term emission reduction targets in the context of Article 2 of the Convention. Africa should also emphasize sustainable development pathways to mitigation more so as communicated in the Intended Nationally Determined Contributions.

All these should be accompanied by information aimed at enhancing clarity, transparency and understanding of commitments and contribution and actions that are quantifiable including an appropriate base year, time frames and periods of implementation, scope and coverage, planning processes, assumptions and methodological approaches especially on estimation and accounting. This consideration especially because the Kyoto Protocol had these as it's loopholes hence mistrust among Parties in implementation.

On adaptation and loss and damage, All Parties in accordance with principles and provisions of the Convention, Article 4 and there common but differentiated responsibilities and previous decisions of the COP to commit to cooperate to adapt to adverse effects of climate change, ensure resilience and protect citizens and ecosystems in the context of long term temperature limits and achievement of Sustainable development goal.

There is need for the position to be clear on funding, insurance, and technology transfer to meet the needs of developing countries arising from impact of implementation of response measures, in accordance with the principles and provisions of the Convention and taking into recognition poverty reduction, human rights and human insecurity as priorities in developing countries.

Conclusion

Considering unemployment rates in Africa, the negotiations should consider economic issues including just transition of workforce and creation of decent work and quality decent jobs, in

accordance with nationally defined development priorities. Considering the damage and strain of adapting to the effects of climate change, loss and damage should be considered as a separate element from adaptation in the negotiations.

There is need to recognize that inadequate mitigation and insufficient adaptation leads to more loss and damage and that financial and technical support should be made available to vulnerable countries and communities to address loss and damage. With these considerations, reference should be made to the Warsaw International Mechanism for Loss and Damage associated with impacts of climate change. The negotiations should define the purpose of the Warsaw International Mechanism on Loss and Damage and its functionality in light with the agreement either as embedded in the agreement or defined separately.

^[1] *Daniel Bodansky & Diringer, Building Flexibility and Ambition into a 2015 Climate Agreement, Center for Climate and Energy Solutions, June 2014.*

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