

The UNFCCC and its Kyoto Protocol: Institutions and Processes

**Lima Climate Negotiation Training Workshop
for**

COP20 Presidency Team

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Dr. Roberto Acosta Moreno
Libelula Associate Consultant

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United Nations Framework Convention on Climate Change (UNFCCC) (1)

1992-2014

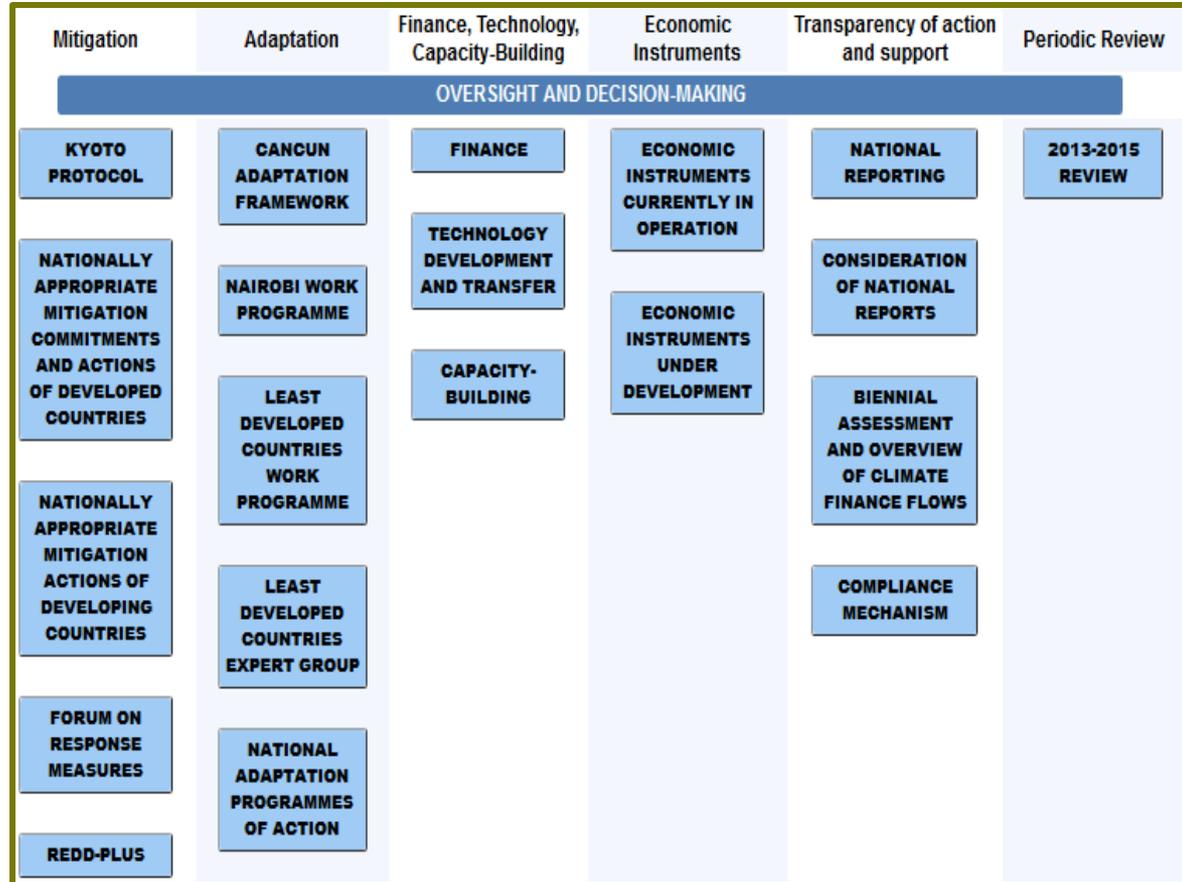
It was signed in Rio, 1992 (**195 Parties**). 20 years since its entry in force. The COP is the supreme decision-making body of the Convention. Its quasi-universal membership underscores its possibility to multilaterally deal with the global problem of climate change

Text

The Convention means its text with 26 Articles and 2 Annexes, which provides definitions, objective, commitments, defines its bodies and the proceedings that rule its work.

United Nations Framework Convention on Climate Change (UNFCCC) (2)

The Convention also means its institutions, mechanisms and arrangements, currently:



Source: <https://unfccc.int/focus/overview/items/7756.php>

The Kyoto Protocol (KP)

What is?

It is an international agreement linked to the UNFCCC, which **commits** its developed countries Parties by setting internationally binding emission reduction targets, on the basis of the principle of "CBDR".

When?

It was adopted in Kyoto, in 1997 through Decision 1/CP.3 (**193 Parties**). The detailed rules for its implementation of the Protocol (the "Marrakesh Accords") were adopted 2001. Entered into force in 2005.

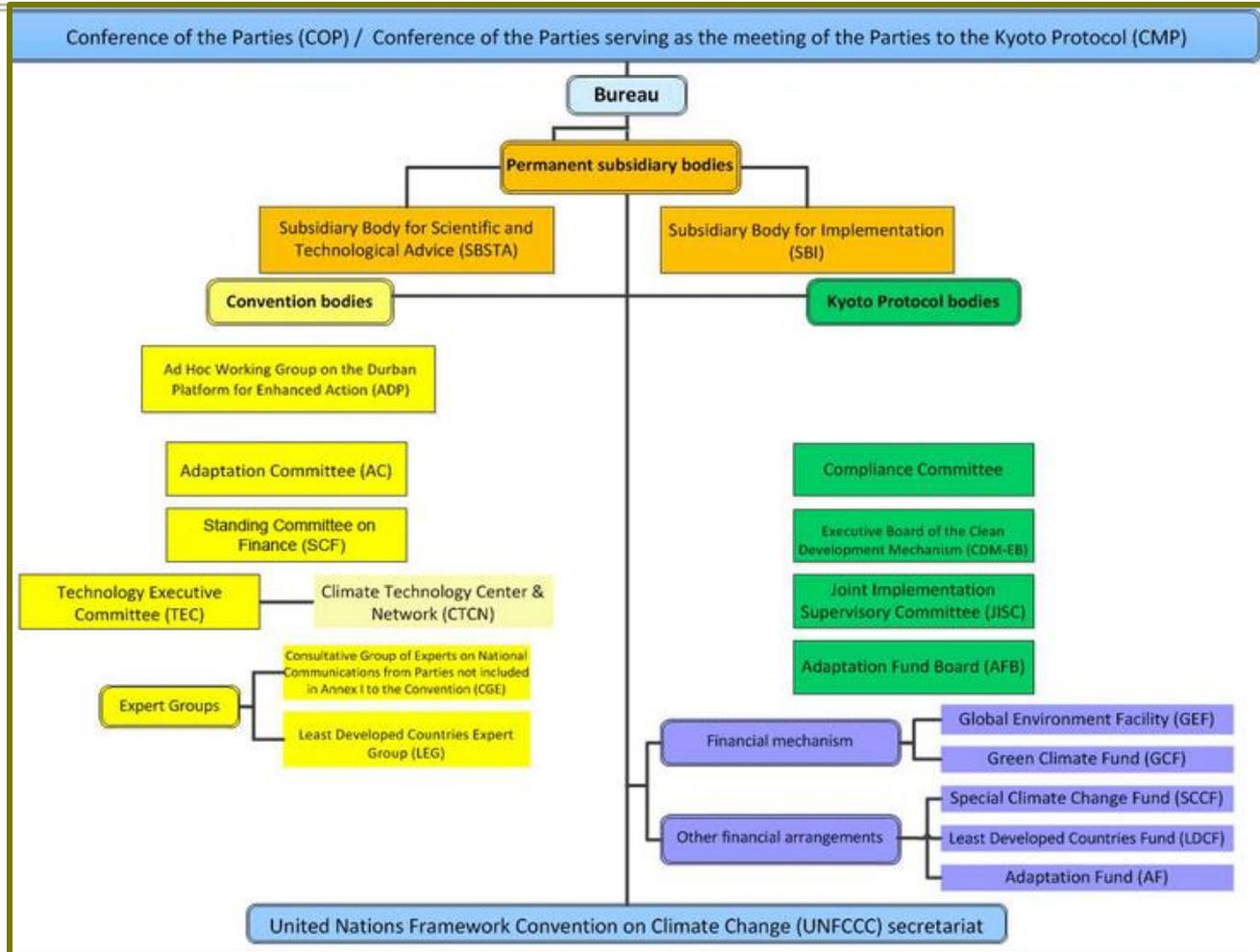
Its 1st commitment period: 2008-2012

Extension

In Doha COP, 2012, it was extended for a 2nd commitment period (2013-2020), but the Parties with commitments only emit 15% of the global GHG emissions.

Its QELROs has not been decided yet and it is still pending of ratification.

The Convention Bodies



Source: <https://unfccc.int/bodies/items/6241.php>

Conference of the Parties (COP) (1)

What is?

The COP is the supreme decision-making body of the Convention to promote its effective implementation. The COP serves as the Meeting of the Parties to the KP (CMP) to promote the effective implementation of the KP.

How?

Article 9 of the Convention rules its work, which shall, keep under regular review the implementation of the Convention and its related legal instruments and make, within its mandate, the decisions necessary to promote its effective implementation.

Conference of the Parties (COP) (2)

The COP shall, *inter alia* (1):

- Periodically examine the obligations of the Parties and the institutional arrangements under the Convention
- Promote and guide the development/refinement of comparable methodologies for evaluating measures to limit GHG emission
- Asses the implementation of the Convention, the overall effects of the measures taken and the extent to which progress towards its objective is being achieved
- Consider, adopt and publish reports on the implementation of the Convention

Conference of the Parties (COP) (2)

The COP shall, *inter alia* (2) :

- Seek to mobilize financial resources in accordance to Convention's provisions
- Review the reports submitted by the bodies and provide guidance to them.
- Agree upon and adopt, by consensus, rules of procedure for itself and for any subsidiary bodies
- Establish subsidiary bodies as are deemed necessary to implement the Convention

Subsidiary Body for Scientific and Technological advice (SBSTA)

Its task

The SBSTA supports the work of the COP and the CMP through the provision of relevant information and advice on scientific and technological matters.

How?

Article 10 rules its work, which shall under the guidance of the COP, *inter alia*, prepare assessments on the effects of the Convention's measures and respond to scientific, technological and methodological questions that the COP may put to the body.

Decision 13/CP.3 further elaborated on the division of labor between SBSTA and SBI

Subsidiary Body for Implementation (SBI)

Its task

The SBI supports the work of the COP and the CMP through the assessment and review of the effective implementation of the Convention and its KP.

How?

Article 10 rules its work, which shall under the guidance of the Convention, *inter alia*, consider the information communicated under Article 12 and assists the COP, in the preparation and implementation of its decisions.

Bureau

What?

The Bureau supports the COP and CMP through the provision of advice and guidance regarding process management, such as the organization of their sessions. The secretariat often seeks its advice.

Who?

The Bureau is elected from Parties representatives by each of the 5 UN regional groups and SIDS. The Bureau has 11 members: President, 6 Vice-presidents, the SBSTA and SBI Chairs, a representative of the host country of the next COP and a rapporteur.

This practice is followed in other bodies

When?

Meetings of the Bureau are convened by the President and are usually held on a regular basis during COPs; once during the sessions of the SBs, and between sessional periods as needed (typically once or twice/year).

President

The president's main duties are to provide political leadership, to consult on issues and to chair meetings of the Bureau and the COP Plenary. The President exercises such powers conferred by the rules of procedure.

(Rule 23)

The President shall declare the opening and closing of the session, preside at the meeting, accord the right to speak, put questions to the vote and announce decision, rule on points of order, have complete control of the proceedings and over the maintenance of order thereat.

↕ SBs Chairs have the same prerogatives ↕

He/she may propose to the COP the closure of the list of speakers, time limit to be allowed to speakers, the opening or the closure of the debate and of a meeting.

Other bodies (1)

AWG-LCA

The Ad-hoc Working Group on Long-term Cooperative Action under the Convention it was established in 2009 by decision 1/CP.13 (the Bali Action Plan) to conduct a process to enable the implementation of the Convention through long-term cooperative action in order to reach an agreed outcome to be presented to the COP.

Its outcome is constituted by the COP decisions of Cancun, Durban and Doha (2012), where the AWG-LCA ended.

AWG-KP

The Ad-hoc Working Group on Further Commitments for All Parties was established in 2005 to consider future commitments under the KP. The CMP by adopting the Doha Amendment to the Kyoto Protocol, extended the KP and decided that its work was concluded.

Other bodies (2)

ADP

The Ad Hoc Working Group on the Durban Platform for Enhanced Action was established by decision 1/CP.17 in 2011. Its mandate is to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties to be adopted at the 25th COP (Paris) and to come into effect and be implemented from 2020.

The ADP develops its work under two work streams:

Work stream 1

The WS 1 task is to develop the 2015 agreement. The ADP is to consider elements for a draft negotiating text no later than COP 20 (Lima), with a view to making available a negotiating text before May 2015.

Work stream 2

The WS2 task is to enhance mitigation ambition, to identify and explore options for a range of actions that can close the ambition gap, with a view to ensuring the highest possible mitigation efforts by all Parties

Other bodies (3)

**Under
Convention**

Expert Groups (CGE and LEG)
Committees (AC, TC, SCF and Ex.Com WIM L&D)

Interaction with their regional representatives: key for implementation and negotiations!

**Under
KP**

Compliance committee, EB-CDM, JISC and AFB.

How?

Committees and boards develop their specific tasks following WPs adopted by the COP or CMP, and responds directly to them.

The UNFCCC secretariat acts as their secretariats (except for the AFB)

UNFCCC secretariat

Its task

It provides organizational support and technical expertise to the UNFCCC negotiations, bodies and other institutions and activities and facilitates the flow of authoritative information on the implementation of the Convention and its KP.

How?

Article 8 rules its work, which functions shall be, *inter alia*: to make arrangements for sessions of the COP and SBs and to provide the services to them, compile and transmit reports; and perform other secretariat functions specified by the Convention and its protocols.

How?

It should serve Parties in a neutral and professional manner in Party-driven negotiations and implementation processes. It has developed technical expertise, experience and institutional memory.

Its staff comes over 100 countries, with a blend of diverse cultures, gender and professional backgrounds that enrich its work

UNFCCC rules of procedure

The proceedings of the COP are governed by written rules of procedure that has not yet formally approved them, due to differences over the voting rule. As all other rules are agreed, draft rules of procedure (FCCC/CP/1996/2) are applied except the rule on voting. Some rules are:

- **Ordinary sessions of the COP shall be held once every year.**
- **In agreement with the President, the secretariat shall draft the provisional agenda of each session**
- **Roles of the President; Vice-chair, rapporteurs and the secretariat**
- **General rules for debating and negotiating: delegates may only speak when the President gives them the floor; point of orders, authority of the President.**
- **Official documents should be translated to 6 UN languages.**
- **Voting rules for electing bodies' officers**
- **Rules for the participation of observers (states, NGO and IGO).**
- **These rules shall apply mutatis mutandis to the proceedings of the subsidiary bodies.**

UNFCCC rules of procedure: decision making (1)

Consensus

A quorum of 2/3 of Parties must be present for a decision to be taken. As there is no agreed voting rule, **decisions must be adopted by consensus**. It is interpreted to mean that there is no stated objection to a decision, and is not quite the same as unanimity.

Parties may object decisions in the report.

Amendments Convention

The Convention text, may be amended by a 3/4th majority vote if it proves impossible to reach consensus. Once an amendment has been adopted, it must be ratified by 3/4 of the Parties before it enters into force.

Protocols Adoption

The procedure is similar for the amendments of annexes to the Convention. There is no stated rule in the Convention for the adoption of protocols. Therefore, in the absence of an agreed voting rule, these must be adopted by consensus. .

UNFCCC rules of procedure: decision making (2)

There are under the UNFCCC two initiatives that address decision making:

- **Papua New Guinea-Mexico.** Amendment of Articles 7 and 18 of the Convention that aims to allow that the rules of procedure of the Convention could be agreed when consensus is not reached, as a last resort, with the vote of $\frac{3}{4}$ of its Parties.
- **Russia.** Aims to recall the urgent need to address the issue of voting within the framework of the UNFCCC decision making, and to request legal opinion of UN with regard to the meaning of consensus in the UNFCCC to inform its decision making.

Regional groups

Who?

Based in the United Nations practice, Parties are grouped into five regional groups: African States, Asian States, Eastern European States, Latin American and the Caribbean States, and the Western European and Other States that includes Australia, Canada, Iceland, New Zealand, Norway, Switzerland and the USA

How?

Most of these groups do not participate in the negotiations, including the provision of substantive views, and meet only for the purpose of electing the Bureau and officers of other bodies. However, the African states regional group also acts as African Group in the negotiations.

Negotiation groups (1)

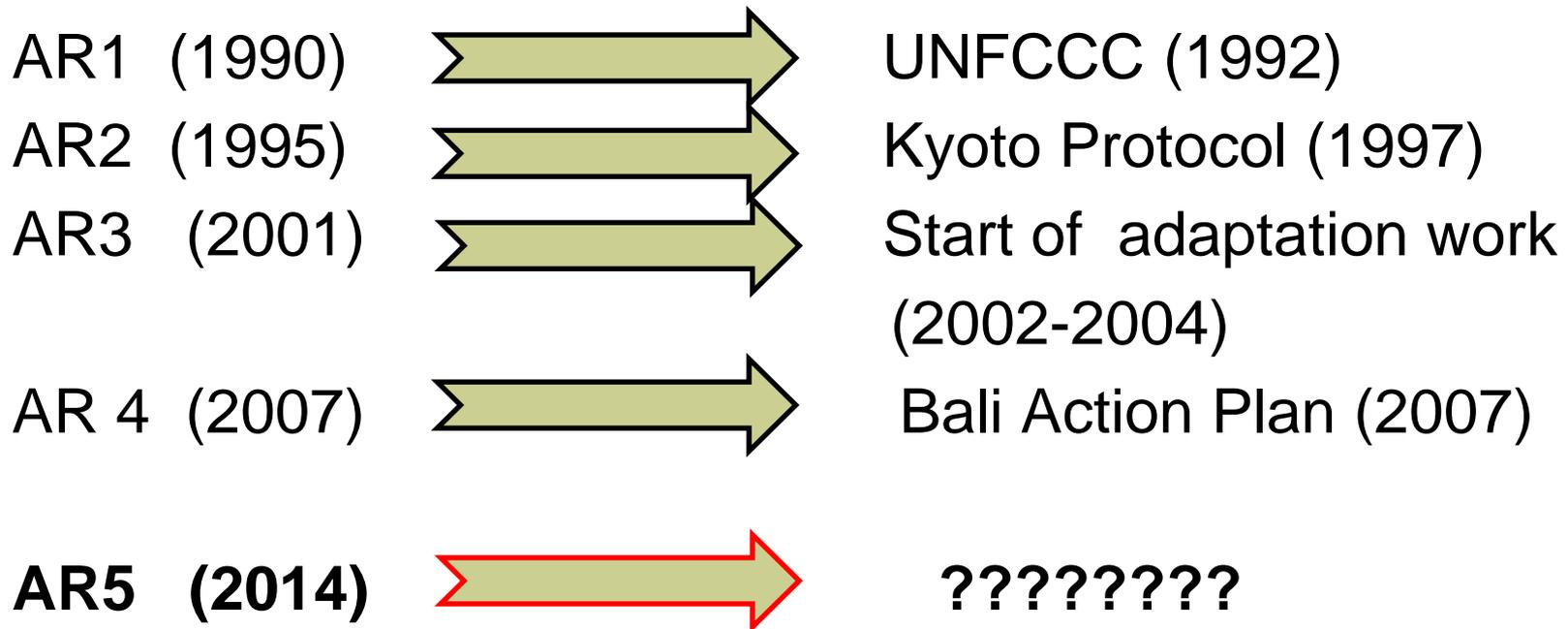
Groups	Number of Parties	What Parties/Comments
G-77 and China	Over 130	It includes most developing countries Parties. Due to different interests and views many of their members constitute other negotiation groups.
EU	29	28 members states + EU. Other Europeans countries often support its views.
Umbrella	10	It is a loose coalition of non EU developed countries. Usually Australia, Canada, Iceland, Japan, Kazakhstan, New Zealand, Norway, the Russian Federation, Ukraine and the USA
EIG	4	It comprises Mexico, Liechtenstein, Monaco, the Republic of Korea and Switzerland (Mixed group: AIPs and NAIPs)

Negotiation groups within the G77 and China

Groups	Number of Parties	What Parties/Comments
African Group	53	Almost all African countries
AILAC	6	Colombia, Costa Rica, Chile, Guatemala, Panamá, Perú
ALBA		In the context of the UNFCCC mainly: Bolivia, Cuba, Ecuador, Nicaragua y Venezuela
AOSIS	43	Small islands developing states and low lying countries
BASIC	4	Brazil, South Africa, India and China.
LDC	50	Least Developed Countries s
LMDC	23	Algeria, Argentina, China, Democratic Republic of the Congo, Dominica, Egypt, El Salvador, India, Iran, Iraq, Kuwait, Libya, Malaysia, Mali, Pakistan, Philippines, Qatar, Saudi Arabia, Sri Lanka, Sudan, Syria and referred ALBA countries
SICA	6	Costa Rica, El Salvador, Honduras, Guatemala, Nicaragua and Panamá
Rainforest coalition	41	14 Africans, 6 Asian, 5 from Oceania, 7 South American, 7 Central American and 2 Caribbean countries
Other groups		Such as, Organization of Petroleum Exporting Countries (OPEC), a group of countries of Central Asia and the Caucasus, Albania and Moldova (CACAM).

Other actors: Intergovernmental Panel on Climate Change

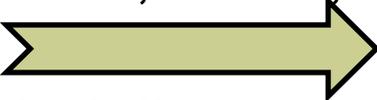
The influence of the IPCC on the UNFCCC work and results has been very important as the Convention is based on science and the IPCC is the leading international body for the assessment of climate change.



Other actors: International Governmental Organizations

A broad range of IGOs provide substantive and vital support to the implementation of the Convention at local, national and international level and provide inputs to negotiations through submissions. Examples:

WB, regional banks, GEF  financing activities

IPCC, UNDP, UNEP, WMO, WHO, FAO, UNITAR, ECLAC, IEA, OECD and others  supporting implementation, assessments, capacity building, etc.

Currently are registered 99 IGOs as observers in the UNFCCC, many of them from UN organizations, bodies and agencies.

Other actors: Non Governmental Organizations

How?

Civil society engages with the climate change process through NGOs. They play an important role in the climate change process making awareness, providing relevant information and influencing the negotiation process through activities, reports, meetings with national representatives and submissions of views.

Constituencies

NGOs have formed themselves into loose groups with diverse, but broadly clustered interests or perspectives. Currently, there are the 9 constituencies: **ENGO**; **BINGO** (*the first two constituencies in the process*); **LGMA**; **RINGO**; **TUNGO**; **Farmers**; **Women and Gender** and **YOUNGO**.

Currently are registered 1598 NGOs as observers in the UNFCCC.

Formal and informal negotiations settings

FORMAL

Plenaries, contact groups

INFORMAL

Stock-taking plenaries, informal consultations, friends of the Chair

No negotiation settings (*not decision making*), *BUT may strongly facilitate negotiations!!*

Within UNFCCC

Bilaterals among Parties, High level ministerial meetings, workshops

Outside UNFCCC climate change oriented

Summits convened by the SG, Pre-COP meetings organized by the President or other Parties; the Petersberg dialogue, bilateral meetings among Parties

Outside UNFCCC general character

Occasionally, but may have substantive deliberations on climate change, as did happen, such as with meetings of G8 and of G20, regional summits and ministerial meetings, etc

¡Muchas gracias!

Dr. Roberto Acosta Moreno

E-Mail: racosta.moreno@gmail.com