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3 August 2005

Climate Change: The 11th Conference of the Parties to the United Nations Framework Convention

INTRODUCTION

On 16 February 2005, Prime Minister Martin announced that Canada would host the 11th Conference of the Parties (COP-11) to the United Nations Framework Convention on Climate Change (UNFCCC) in Montréal. The announcement was made on the date that the Kyoto Protocol – the binding treaty created under the UNFCCC – came into force for Canada and all other countries that had ratified it.⁽¹⁾ This Conference will therefore also act as the first Meeting of the Parties (COP/MOP-1) to the Protocol.

The following paper describes what occurs at a COP and some of the issues likely to be discussed at COP-11.

WHAT IS A COP?

The UNFCCC, as its name suggests, is a framework for action to reduce greenhouse gas (GHG) emissions and, to a certain extent, to adapt to climate change. The Kyoto Protocol can also be seen as a framework document that established general principles aimed at reducing GHG emissions, such as binding targets, but did not set out the “rules of the game” to be followed in reaching the targets. These rules were to be formed through further negotiations.

The intergovernmental negotiation process consists basically of the COP, meetings of the subsidiary bodies (see below), and a series of workshops.

The COP is the highest decision-making authority of the Convention. It is an association of all the countries that are Parties to the Convention. The COP meets every year, unless the Parties decide otherwise.

The Convention established two permanent subsidiary bodies: the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). These bodies give advice to the COP, and each has a specific mandate. The SBSTA and the SBI traditionally meet in parallel, at least twice a year.⁽²⁾

Many significant negotiations occur during the lead-up to the COP. The COP itself usually consists of meetings of the two subsidiary bodies, followed by informal meetings, and concludes with “high-level” meetings of ministers and senior officials from the various governments. It is during the high-level meetings that final decisions are made, often after long and arduous negotiations.

Significant decisions finalized at some of the COPs include:

- COP-3, 1997: The Kyoto Protocol
- COP-4, 1998: The “Buenos Aires Action Plan,” which established deadlines for finalizing work on the Kyoto mechanisms, compliance issues, and policies and measures.
- COP-7, 2001: The Marrakesh Accords, a series of decisions governing compliance, use of sinks and the implementation of the Kyoto mechanisms.

A. Side Events

The UNFCCC has a mechanism for accrediting non-governmental organizations “qualified in matters covered by the Convention” to participate as observers. These organizations have many different points of view regarding action on climate change. As well as being observers, these groups may also

organize side events where they can express their points of view and showcase their efforts to address climate change. In some cases, these side events may be considered by some conference participants as more important than the COP itself.⁽³⁾

B. COP/MOP-1

The COP/MOP-1 is a legally distinct meeting from the COP-11. Until the Protocol came into force, decisions pertaining to the Protocol were taken at COPs. Now such decisions will take place at the COP/MOPs. This change is significant, because certain Parties to the Convention, such as the United States and Australia, are not Parties to the Protocol and therefore will have a diminished role in the decision-making process. Similar topics for the COP-11 and COP/MOP-1 will be discussed at joint high-level meetings. Actual decisions, however, will be made subsequently, when respective participants in the COP and the COP/MOP meet separately.

ISSUES AT COP-11

Among other issues, the following are likely to be discussed at COP-11 and, more particularly, at COP/MOP-1:

- guidelines for the trading of emissions reduction units (units related to sinks);
- guidelines for the inclusion of sinks in national inventories;
- procedures and mechanisms relating to compliance under the Kyoto Protocol, including the election of the members of the Compliance Committee;
- implementation of mitigation policies that minimize adverse effects; and
- discussion of commitments for periods after 2012.

CANADA AT COP-11

As host country, Canada will be the president of the COP secretariat. Provisional agendas for both COP-11 and COP/MOP-1 will be arranged by the secretariat with the approval of the president. Canada will therefore have a greater role in setting the agenda than at previous COPs.

In preparing for COP-11, the Prime Minister asked the National Round Table on the Environment and the Economy (NRTEE) to provide advice on:

- examining the issue of a long-term GHG reduction target;
- improving the Clean Development Mechanism; and
- engaging the United States and key developing countries.

The NRTEE has a timeline for delivery of this advice of October 2005.

COMMENTARY

Without question, the issue of greatest importance at COP-11 is what happens after the first Kyoto commitment period ends in 2012. Currently, a country's main penalty for missing its Kyoto target is that the amount missed, plus 30%, is added to that country's target for the second commitment period. Without a second commitment period, there are essentially no penalties and the Kyoto Protocol would lose credibility.

Attempts to arrange for discussions of the post-Kyoto period were restricted at COP-10 by those not Party to the Protocol to an informal seminar that took place in Bonn, Germany (the site of the secretariat) on 16-17 May 2005.⁽⁴⁾ Apparently, because of the informal setting, points of view were articulated more openly, though no negotiations occurred and therefore no decisions were taken. Meanwhile, clear differences remain.

In July 2005, the United States, Australia, China, India, Japan and South Korea announced the creation of a new Asia-Pacific partnership on clean development, energy security and climate change. The deal "will focus on voluntary practical measures taken by these six countries in the Asia-Pacific region to create new investment opportunities, build local capacity, and remove barriers to the introduction of clean, more efficient technologies."⁽⁵⁾ U.S. officials described the partnership as a complement to Kyoto, while Australia's Environment Minister described the need for the deal by saying: "We know that the Kyoto Protocol is a failure in terms of saving the climate. We have to do better."⁽⁶⁾ The Prime Minister of Australia called it "superior to the Kyoto Protocol."⁽⁷⁾

The question of the intent of this deal is of paramount importance. If it is a complement to Kyoto, then it is one of the first acknowledgments from the United States that human activity must change in order to try to reduce emissions, albeit on a voluntary basis. This may open the door to further international cooperation.

On the other hand, if the deal is designed to satisfy the developing world's need to be perceived as acting on climate change, then it could act as a distraction from negotiations toward bringing developing nations into a second Kyoto commitment period. Without clear outcomes from negotiations toward a second commitment period, the Kyoto Protocol in its entirety will lose considerable credibility.

Canada has withheld any detailed comment on the deal until it obtains more information. This information is unlikely to appear until the parties to the deal meet in November, just prior to the COP-11 meeting in Montréal.

- (7) Alec Russell, "Global warming accord builds on Kyoto, U.S. insists: India, China signed: Critics point to lack of targets, timetable," *National Post*, 29 July 2005.

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- (1) For more on the UNFCCC and the Kyoto Protocol, please see Tim Williams and Michel Charron, *The Climate Change Convention and the Kyoto Protocol*, TIPS 113E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 26 May 2005.
- (2) UNFCCC, Meetings, <http://unfccc.int/meetings/items/2654.php>, accessed 28 July 2005.
- (3) Mr. Elliot Diring (Director, International Strategies, Pew Center on Global Climate Change), *Evidence*, House of Commons Standing Committee on Environment and Sustainable Development, 31 May 2005.
- (4) See the UNFCCC seminar site at <http://unfccc.int/meetings/seminar/items/3410.php>, as well as the International Institute for Sustainable Development, Summary of the Seminar of Government Experts, <http://www.iisd.ca/vol12/enb12261e.html>.
- (5) U.S. Embassy Ottawa, "Current Issues – Environment," <http://www.usembassycanada.gov/content/content.asp?section=issues&document=environment>, accessed 28 July 2005.
- (6) Jeff Sallot, "U.S. to sign climate pact with Asia-Pacific bloc," *Globe and Mail* [Toronto], 28 July 2005.