



**Copenhagen UNFCCC Negotiations (COP15, CMP5)
7 – 19 December 2009**

SUMMARY

Governments convened in Copenhagen for the 15th Conference of the Parties of the UN Framework Convention on Climate Change (UNFCCC), as well as the 5th Meeting of the Parties under the Kyoto Protocol (KP), and 31st Meeting of the Subsidiary Bodies on Implementation and Science and Technology Advice. This meeting was the culmination of the Bali Road Map that was agreed two years ago. Over 40,000 participants attended the meeting, representing governments, intergovernmental and non-governmental organizations, academia, the private sector, and media. Heads of State from over 100 countries as well as leaders from UN organizations, including Helen Clark, attended the meeting. UNDP played a particularly active role, participating in side events, distributing publications, conducting outreach, holding bilateral meetings, providing media interviews, and hosting roundtable discussions with countries.

The Copenhagen Accord

After two weeks of intense negotiations, the “Conference of the Parties” (COP) and the “Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol” (CMP) plenary sessions resolved to “take note” of a document prepared during the High-Level Segment of the conference – the Copenhagen Accord (CA). This document is a political declaration on climate change, covering most of the major areas that have been under negotiation in UNFCCC sessions since 2005. The Accord provides political guidance and direction to the negotiations under the UNFCCC and Kyoto Protocol, and contains some operational elements that are effectively immediately.

The main features are:

1. An agreement to limit climate change to not more than 2°C above pre-industrial levels in the context of equity and sustainable development, with a view to strengthening this goal to 1.5°C after a review by 2015;
2. Recognition of the need for a global peaking year for emissions, including that this year will be longer in developing countries;
3. A reaffirmation of the developmental aspects of climate change, including low-emissions development strategies;
4. Creation a registry in which climate mitigation, technology, and capacity building measures seeking international support will be recorded. These supported actions will be subject to international measuring, reporting, and

verification (MRV). Unsupported actions will be subject to domestic MRV and not included in the registry.

5. Developing countries will communicate both supported, as well as unsupported mitigation actions, through National Communications every two years.
6. Declaration that approaching US\$30 billion of additional “fast start” money from a variety of sources will be delivered to developing countries over 2010 - 2012, including forestry financing. The funding will flow through international institutions.
7. New adaptation funding will flow through effective and efficient fund arrangements, with equal representation in its governance system.
8. The goal of providing US\$100 billion annually by 2020. This and fast start funding will be subject to MRV;
9. Establishment of a Copenhagen Green Climate Fund (CGCF) as an operating entity of the Convention in all major areas. A significant portion of new funding will flow through the CGCF.
10. Establishment of a High Level Panel accountable to the COP to assess sources of funding.
11. Technology Mechanism that is country-driven to accelerate technology transfer
12. Forestry mechanism, including REDD+, to mobilize finance from developed countries.

The Copenhagen Accord also contains two annexes: emission reduction pledges from developed countries for the year 2020, and emission reduction actions from developing countries (both supported and autonomous). Currently, these annexes remain empty, with parties required to submit the relevant information by 31 January 2010.

The Accord in Context

The Accord represents unprecedented political commitment and involvement on the part of Heads of State and Government. During the final days of Copenhagen, leaders themselves engaged in the drafting process, highlighting their commitment to finding a common outcome on climate change.

However, a number of issues remain unclear that need to be resolved in coming months. First, as part of the adoption of the CA, it was agreed that parties would “subscribe” to the accord, thus indicating their association with its contents and provisions. Parties are required to do this by February 2010. It is not yet clear what implications, if any, not subscribing to the Accord would have on parties. Second, the CA is not legally binding; Secretary-General Ban Ki-Moon stated that the Accord must to be transformed into a legally binding instrument during 2010. The process for making this transformation – and so “taking note” of the accord and its operational elements in a larger agreement – is not yet clear. On finance, for example, many details remain to be elaborated.

Bali Road Map Negotiating Texts

Significant progress was made on the negotiating texts in both the main negotiating tracks – that under the Convention (AWG-LCA) and that specifically for parties to the Kyoto Protocol (AWG-KP). These texts (which address the thematic areas under the process, including *mitigation, adaptation, technology, capacity building, REDD+, and finance*) had been refined throughout 2009, but still contained some bracketed areas of disagreement by the final days of Copenhagen. As a result, the COP and CMP resolved to extend the work of both AWGs to COP 16. Through 2010, parties will continue to negotiate in all of these areas (either with existing or new text), with a view to adopting firm outcomes at COP 16/CMP 6, while taking note of the Copenhagen Accord.

At the conclusion of Copenhagen, convergence emerged in many areas:

- **Mitigation:** The larger amount of space in the CA dedicated to detailing mitigation arrangements to some extent reflects the lack of convergence that remains in the relevant negotiating texts. On developed countries' actions, many Annex I parties continued to favor a bottom-up approach of making individual pledges that are then combined to a global aggregate, rather than a top-down number that is then divided (as reflected in Annex I of the CA). On developing country actions, two main issues caused disagreement: first, the question of whether unsupported Nationally Appropriate Mitigation Actions (NAMAs) should be subject to international MRV, thus making them more formal; and, second, how NAMAs should be recorded internationally within this system. On both, the CA has provided some much needed clarity, although the question of whether all countries will subscribe to the Accord does raise some uncertainty here.
- **Adaptation:** Coming out of Copenhagen, the adaptation text now includes links to capacity building and the need to further national development priorities. Three major areas remain bracketed in the text: 1) Who should receive adaptation finance (all/all with priority access for LDCs/only the most vulnerable); 2) Whether finance should be within a new mechanism or use existing institutions; and 3) The role of regional centres. On the second point, the CA suggests that adaptation finance may now flow through the CGCF for subscribers. On the long question of whether to include compensation for countries negatively affected by international mitigation action within adaptation funding, there was general consensus that a separate system would be put in place.
- **Finance:** Quantities of funds to be delivered to developing countries have been clearly articulated in the CA – both in the immediate and longer terms. The Accord has also brought some resolution to the question of architecture through the creation of the CGCF. However, in both these areas divisions do remain, as reflected in the negotiating text from the AWG-LCA forwarded to 2010. On the first, countries still differ over whether developing countries (e.g. LDCs) should contribute, and on what basis. On the second, the CA gives significant flexibility with respect to the institutional channelling of new climate finance, referring to “international institutions” only. It also indicates that not all funding will flow through the CGCF.

- **Capacity Building:** The CA contains very little guidance on this area. The central question remains over whether to establish a specific capacity building mechanism with specialised funding or spread capacity work across other funding areas. In general, developed country parties have argued against a specific mechanism, instead suggesting that capacity should be built into the financing being discussed more generally. Developing countries, in contrast, continue to push for a specific mechanism to ensure funds are indeed allocated to the issue.
- **Technology:** Parties converged around the proposal for a new Technology Mechanism – as discussed in the CA. The existing negotiating text outside the Accord also contains consensus on the need for a technology Executive Board to replace the Expert Group on Technology Transfer, although the latter will continue until the AWG-LCA process concludes with a more detailed technology conclusion. There is still deep disagreement over linking technology transfer to Intellectual Property Rights.
- **REDD+:** Forestry and land discussions were arguably some of the most successful at this conference. Brackets were almost all removed from the text, except for three issues: 1) The decision to include REDD+ as part of NAMA support; 2) Whether to have national or sub-national emissions reference scenarios; and 3) Whether funding should be public or private, and thus how it links to the carbon market. The Copenhagen Accord establishes a forestry mechanism that includes REDD+, potentially operationalizing this area in the near future if clarity is achieved.
- **Market Mechanisms:** By the close of Copenhagen, there was still little clarity on whether parties would be able to agree on regional incentives/regulation to ensure a more even distribution of projects under the Clean Development Mechanism (CDM). However, there was language under the AWG-LCA and in the Accord on use of market mechanisms more generally.

Other Major Decisions

In addition to the work of the AWGs and Bali Road Map process, there were a number of other important decisions taken by the COP and CMP in Copenhagen relating to work undertaken in 2009 by the Subsidiary Body for Implementation (SBI) and Subsidiary Body for Scientific and Technological Advice (SBSTA). Under the SBI's work, decisions focused on extending the work of existing operational arrangements under the Convention and KP. SBI agreed that the Global Environment Facility (GEF) would continue its work as an operating entity of the Convention, although decisions on specific areas for increased direct access were deferred. SBI also decided that the Consultative Group of Experts would resume its review of non-Annex I National Communications, now being made up of experts from those countries. On the Adaptation Fund Board under the Kyoto Protocol, it was agreed that the Board will now have legal status conferred by Germany, which will host the Board. Under SBSTA, the major progress was the acceptance of a package of technical issues on REDD+, which closed discussion on a four-year

programme of work. The decision on including carbon capture and storage (CCS) in CDM was deferred to 2010.

The UNFCCC Process in 2010

While providing a political statement of purpose, the Copenhagen Accord does not conclude the negotiating process under the UNFCCC. In 2010, negotiations will continue under the AWG-LCA and AWG-KP, furthering work on the negotiating texts on each area of the Bali Action Plan forwarded from Copenhagen.

Tentatively, two sessions have been scheduled for 2010: the first held during 31 May - 11 June and then COP16/CMP6 in Mexico City between 29 November – 10 December.

UNDP at Copenhagen

UNDP had a major presence in Copenhagen. The organization participated in many side events that featured UNDP's climate work under the One-UN umbrella. These were extremely well attended, often with upwards of 250 people. The UNDP Administrator, Miss Helen Clark, took part in two of the conference's major side events organized by the Chief Executive Board (CEB), including providing opening remarks at the "Delivering as One" event hosted by the Secretary-General and presenting the Adaptation Policy Brief on behalf of all UN agencies at the One-UN event on adaptation.

During her time in Copenhagen, the Administrator also held three full days of meetings and events with delegations involved in the negotiations. These included two one-hour roundtable consultations with heads of delegations of small-island developing states (SIDS) and least developed countries (LDCs) – the former of which was attended by President Nasheed of the Maldives.

In addition, UNDP hosted side events on a variety of climate policy areas, including gender, the territorial approach, UN-REDD, and climate finance. Moreover, as part of its gender outreach, UNDP/GGCA supported 21 women government delegates to attend COP 15. The delegates were from 19 countries, the majority of which are either LDCs or SIDS.

UNDP also featured prominently in the media during the conference. Both the Administrator and senior staff gave a variety of interviews and comments on the negotiations and UNDP's key development messages on them. Interviews, quotes, and comments were covered on many of the major broadcasters and newspapers.

Attachments:

1. *UNFCCC press release on COP15/CMP5*
2. *Copenhagen Accord*