



THE MAKING OF GLOBAL CLIMATE CHANGE POLICY

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INTRODUCTION

Climate Change is a **Global Problem requiring global response by all**

- It is difficult to agree globally on the details of the **common problem**
 - Its causes and impacts
 - appropriate responses [*“tragedy of the commons”*]
- Countries have diverse interests in tackling the **common** global problem
 - ✓ Economic interests (fossil fuel based economies; devt vs developing countries)
 - ✓ Socio-cultural interests (naturalists vs capitalists)
 - ✓ Political interests (e.g democrats vs republicans)
 - ✓ Sovereignty of parties (“laisse faire”)

BUILDING CONSENSUS

Global climate change policy is driven by two bodies:

1. The **Intergovernmental Panel on Climate Change (IPCC)** provides policymakers with regular scientific assessments on the current state of knowledge about climate change.
2. The **United Nations Framework Convention on Climate Change (UNFCCC)** The UNFCCC objective is *to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system"*
 - **IPCC** – neutrally presents credible facts and figures
 - **UNFCCC** – agree on collective interests (commonalities, politics)

The Intergovernmental Panel on Climate Change (IPCC)

- The **Intergovernmental Panel on Climate Change (IPCC)** is an intergovernmental body of the United Nations, dedicated to providing the world with an *objective, scientific view* of climate change, its natural, political and economic *impacts and risks*, and *possible response options*
- The IPCC was established in 1988 by the **World Meteorological Organization (WMO)** and the **United Nations Environment Programme (UNEP)** and was later **endorsed by the United Nations General Assembly**.
- Membership is open to all members of the WMO and UN.

The IPCC Reports and UNFCCC milestones

- The IPCC **produces reports** that contribute to the work of the United Nations Framework Convention on Climate Change (UNFCCC).
- In 1990, the **First** IPCC Assessment Report (FAR) underlined the importance *of climate change as a challenge with global consequences and requiring international cooperation*.
 - ✓ It played a decisive role in the creation of the **UNFCCC**, the key international treaty to reduce global warming and cope with the consequences of climate change.

The IPCC Reports and UNFCCC milestones

- The **Second** Assessment Report (SAR) (**1995**) provided important material for governments to draw from in the run-up to adoption of the *Kyoto Protocol* in 1997.
- The **Third** Assessment Report (TAR) (**2001**) focused attention on the *impacts of climate change and the need for adaptation*.
- The **Fourth** Assessment Report (AR4) (2007) laid the ground work for *a post-Kyoto agreement*, focusing on **limiting warming to 2°C**.
- The **Fifth** Assessment Report (**AR5**) was finalized in 2014. It provided the **scientific input into the Paris Agreement**.
- Currently the **Sixth** Assessment Cycle is ongoing – Govt review of WGIII second order draft closed on 14th March 2021

Special Report on Global Warming of 1.5°C (SR15)

- When the Paris Agreement was adopted, the UNFCCC invited the Intergovernmental Panel on Climate Change to write a special report on "*How can humanity prevent the global temperature rise more than 1.5 degrees above pre-industrial level*".
 - Led to decisions on **UPDATING OF NDCs** and enhancement of **AMBITION** in the updated NDC to avoid an imminent **global climate crisis** in the near future

Special Report on Global Warming of 1.5°C (SR1.5)

- The SR1.5 report summarizes the findings of scientists, showing that:
 - ✓ Maintaining a temperature rise to below 1.5°C *remains possible*, but only through "*rapid and far-reaching* transitions in energy, land, urban and infrastructure..., and industrial systems".
 - ✓ Meeting the Paris target of 1.5°C is *possible* but would require "*deep emissions reductions*", "rapid", "far-reaching and unprecedented changes in *all aspects of society*".
 - ✓ In order to achieve the 1.5°C target, *CO2 emissions must decline by 45%* (relative to 2010 levels) *by 2030*, reaching net *zero by around 2050*.
 - ✓ Deep reductions in non-CO2 emissions (such as nitrous oxide and methane) will also be required to limit warming to 1.5 °C.

Special Report on Global Warming of 1.5°C (SR1.5)

- Under the initial pledges (NDCs) of the countries entering the Paris Agreement, a sharp rise of 3.1 to 3.7 °C is still expected to occur by 2100.
 - Holding this rise to 1.5°C avoids the worst effects of a rise by even 2°C.
 - However, a warming of even 1.5°C will still result in large-scale drought, famine, heat stress, species die-off, loss of entire ecosystems, and loss of habitable land, throwing more than 100 Million into poverty.
 - Effects will be most drastic in arid regions including the Middle East and the Sahel in Africa, where fresh water will remain in some areas following a 1.5 °C rise in temperatures but are expected to dry up completely if the rise reaches 2 °C
- ***SR 1.5 Provided the rationale behind revision of NDCs to more ambitious targets – to avoid catastrophic impacts globally***

THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

Adopted in 1992 entered into force in 1994:

- ✓ the **First** IPCC Assessment Report (FAR) underlined the importance *of climate change as a challenge with global consequences and requiring international cooperation.*
- ✓ an Intergovernmental Negotiating Committee (INC) produced the text of the Framework Convention during its meeting in New York in May 1992.
- ✓ The framework sets **non-binding limits** on greenhouse gas emissions for individual countries and contains **no enforcement mechanisms.**
- ✓ It **outlines how** specific international treaties (called "**protocols**" or "**Agreements**") may be negotiated to specify further action towards the objective of the UNFCCC

GOAL: “*stabilize greenhouse concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.*”

THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

- Conference of Parties (COP) is the supreme decision making organ
- Works under constituted bodies - Technical:
 - ✓ Subsidiary Body for Scientific and Technological Advice (SBSTA)
 - ✓ Subsidiary Body for Implementation (SBI)
 - ✓ Ad Hoc Working Groups
- ✓ Has a Secretariat, Headquartered in Bonn, Germany
- ✓ Has committees to handle special areas (Adaptation Committee, Technology Committee, etc)
- ✓ Two Conferences annually to deliberate on the climate change matters – Mid year (purely technical) and end year (policy)
- ✓ Kenya ratified the Convention in 1994

Implementation of climate action

- Financial Mechanism under the UNFCCC
 - ✓ Global Environment Fund
 - ✓ Green Climate Fund
 - ✓ Adaptation Fund
- Technology Framework
 - ✓ Technology Executive Committee
 - ✓ Climate Technology Centre and Network (CTCN)
- Capacity Building
 - ✓ CB for reporting
 - ✓ CB under Convention, KP, PA
- Enhanced Transparency Framework
 - ✓ Biennial Transparency Reports
 - ✓ Technical Expert Review
 - ✓ Global Stock take
- “Article 6” (SD) Mechanism for Carbon trading

THE KYOTO PROTOCOL

- **Was adopted in 1997 entered into force in 2007:**
 - ✓ An implementation Protocol under the Convention that establishes “*legally binding obligations for developed countries to reduce their greenhouse gas emissions*”
 - ✓ *first commitment period was 2008-2012 and*
 - ✓ *Second commitment period 2013-2020 (the Doha Amendments)*
 - ✓ *Third Commitment Period???* (Loading.. CMP item at COP26)
 - ✓ Target was **developed (Annex I) Countries**
 - ✓ Responsible for historical emissions that cause current climate change
 - ✓ Focus was mitigation

Challenges to the Kyoto Protocol

United States signed the KP on 12 November 1998 but was not ratified because:

- ✓ Condition outlined by the US Senate Resolution 98, the 1997 resolution indicating **disapproval of any treaty that did not include** “legally binding commitments for developing countries*”. (*esp **China**)
- ✓ In 2001, President Bush rejected the KP and therefore the US disengaged completely from the KP.
- ✓ Most key Annex I (Developed Country Parties) also withdrew from the KP
- ✓ **China** was among the non Annex I (developing) countries
- **Negotiations for the second commitment of the KP:**
 - ✓ In 2005, the COP serving as the meeting of the Parties to the KP (CMP) established the Ad Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG KP).

Towards the Paris Agreement

- Following the release of the **Fourth Assessment Report by the IPCC (AR4)** in 2007, highlighted the urgency to address climate change
 - ✓ Need for a new agreement to address the Climate Change
 - ✓ In 2011, COP17 established the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP):
 - ✓ Mandate of the ADP was to:
 - ✓ “develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, which is to be completed no later than 2015 for it to be adopted at the **COP21** and for it to come into effect and be **implemented from 2020**.”
 - ✓ ADP worked through COP18, COP 19, COP 20 → agreement on **INDCs**
 - ✓ Parties were required to submit their INDCs at least 3 months before COP21

THE NATIONALLY DETERMINED CONTRIBUTIONS

- Leading to the PA, Parties submitted actions/measures they intended to put into place to curb the increase of greenhouse gas emissions (GHGs) – *Intended Nationally Determined Contributions (INDCs)*.
- **I**ntended **N**ationally **D**etermined **C**ontributions (**INDCs**) is a term used under the UNFCCC for reductions in greenhouse gas emissions that all countries that signed the UNFCCC were asked to publish in the lead up to the 2015 United Nations Climate Change Conference in Paris, France
 - ✓ These intended contributions were **determined without prejudice** to the legal nature of the contributions.
 - ✓ Under the Paris Agreement, the INDC became the **first Nationally Determined Contribution** when a country ratified the agreement, unless they decided to submit a new NDC at the same time.
 - ✓ Once the Paris Agreement was ratified, the NDC became the first greenhouse gas targets under the UNFCCC that *applied equally to both developed and developing countries*.
- NDCs are the tools for implementation of the Paris Agreement, and is legally binding

THE PARIS AGREEMENT

Was adopted in Dec 2015 entered into force in Dec 2016

- ✓ *Aims at holding the increase in the global average temperature **to well below 2^o C** above pre-industrial levels **and pursuing efforts to limit the temperature increase to 1.5^oC** above pre-industrial levels*
- ✓ *Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that **does not threaten food production**; and*
- ✓ *Making finance flows consistent with a **pathway towards low greenhouse gas emissions and climate-resilient development.***
 - ✓ Kenya signed the Paris Agreement – **12th December, 2015**
 - ✓ Kenya ratified the Paris Agreement – **28th December, 2016**

The UNFCCC Negotiation Process

- Is a PARTY driven process (Parties = Governments)
 - ✓ Technical issues are addressed under SBSTA and SBI
 - ✓ Decisions (Policy/political) are made under COP, CMP and CMA
 - ✓ All parties are sovereign, and can decide what they do without external interference
- Parties have to collectively agree on how to tackle the global problem
- Some decisions require sacrifices – political, economic, cultural
- Decisions have to be based on science
- To bridge extreme positions/viewpoints, party (technical and policy) experts have to exchange views and “give and take” certain positions
- NOTHING IS AGREED UNTILL ALL IS AGREED (slow and tiring)

The UNFCCC Negotiation Process

- Negotiations is done in Regional Blocks
- Kenya belongs to the AGN and G77 and China
- We must have a clear position on each item of importance to Kenya
- Be available to articulate the Kenyan position in AGN, then G77&China, then defend (articulate) it in the bodies
- AGN sometimes organises thematic preparatory meetings before the Conferences to agree on general positions on difficult thematic issues
- Before the Conferences, the UNFCCC Secretariat gives room for each negotiating blocks to meet to make the process easy
- AGN and G77&China Meetings are Party only meetings – unless otherwise

The UNFCCC Negotiation Process

- Prior to the Conferences, the UNFCCC Secretariat, together with the Chairs of the Constituted Bodies come up with Provisional Agenda Items, with their annotations – and communicates to Parties
 - COP26/CMP16/CMA3 as well as SBSTA 53-55 and SBI 53-55 have a total of 211 items, with some being joint or feeding into the other.
- Parties then prepare appropriately to engage in the Conferences (depending on their national circumstances)
- The UNFCCC Secretariat may also call for:
 - Submissions by Parties or observer organisations on thematic issues
 - Expert workshops for Parties on thematic issues
 - The Secretariat then prepares workshop reports or synthesis reports for workshops

Role of the Civil Society in the UNFCCC Process

- CSOs play an important OBSERVER role in the negotiations
- Some UNFCCC Negotiation meetings are OPEN (meaning non-party delegates are allowed in the room)
- Some (most) of the UNFCCC Negotiation meetings are CLOSED (meaning only those with PARTY BADGES) are allowed in
- CSOs help to PUT PRESSURE on Parties who are unwilling to “give and take” and thereby hinder progress in negotiations
 - Through STATEMENTS on the floor and PRESS CONFERENCES
 - Through DEMONSTRATIONS in designated areas around the venue
- They are supposed to ensure FAIRNESS and EQUITY in the “give and take” process

Kenya's engagement in the UNFCCC Processes

- The CCD convenes/coordinates multi-institutional multi-stakeholder technical expert workshops to craft country positions or submissions on all thematic issues
- Ensures appropriate mix of experts – from both State and Non-State actors
- The selection of experts is based on:
 - Their expertise, experience and understanding of the issues at stake
 - Their understanding of the government policy, priorities and country legislations relating to the issue at stake
 - The resources available
- From the Country position developed, NATIONAL STATEMENTS by the Head of State as well as Ministers is drawn

Kenya's engagement in the UNFCCC Processes

- Delegates are then selected from among the experts in each thematic area
 - Supported by their institutions and Accredited as PARTY delegates
- The experts should then prepare to attend:
 - Attend regional group preparatory meetings – AGN and G77&China (a total of about 5 days before the actual conference)
 - Articulate the Kenyan position in the regional group preparatory meetings to ensure it is well embedded
 - Articulate the Kenyan position as embedded in the regional group position during the negotiations
- NOTE: Party Delegates from CSOs must realise that they have to forego their CSO “rights” when wearing the PARTY badge
 - Party processes are DIPLOMATIC and devoid of ACTIVISM

Kenya's Updated NDC (2020)

- **MITIGATION GOAL:** Kenya seeks to undertake an ambitious mitigation contribution towards the Paris Agreement. Kenya therefore seeks to abate her GHG emissions by **32%** by 2030 relative to the BAU scenario of 143 MtCO₂eq; and in line with her sustainable development agenda. Subject to national circumstances, Kenya intends to bear **21% of the mitigation cost from domestic sources, while 79% of this is subject to international support in the form of finance, technology development and transfer, and capacity building.**

- **32%** ghg emissions reduction relative to BAU in 2030
 - ✓ From projected **143** MtCO₂ eq in 2030 to **97** MtCO₂ eq in 2030 (32% reduction)
- In line with sustainable development agenda [Vision 2030]
- Partly **CONDITIONAL** on SUPPORT, **subject to national circumstances**
 - ✓ 21% pledge from domestic resources
 - ✓ 79% from international support

KEY HIGHLIGHTS

- Gender responsive implementation
- From 30% to 32% emission reduction
- Finance NDC total cost from 0% to 13%
 - ✓ Mitigation cost from 0% to 21% domestic contribution
 - ✓ Adaptation cost from 0% to 10% domestic contribution
 - ✓ ALL CF LOANS = Local contribution

Kenya's Updated NDC (2020)

- **ADAPTATION GOAL:** Kenya aims to ensure a climate resilient society. This is to be achieved through mainstreaming climate change adaptation into the Medium-Term Plans (MTPs) and County Integrated Development Plans (CIDPs) and implementing adaptation actions. Subject to national circumstances, Kenya intends to mobilize domestic resources to cater for 10% of the adaptation cost, while 90% of the adaptation cost will require international support in form of finance, technology development and transfer, and capacity building.
 - Climate resilient development
 - ✓ Mainstreaming CC adaptation in PLANNING (MTP and CIDPs)
 - ✓ Implementing adaptation actions
 - Partly **CONDITIONAL** on SUPPORT, *subject to national circumstances*
 - ✓ 10% pledge from domestic resources
 - ✓ 90% from international support
 - ✓ LOANS = Local contribution

Kenya's Updated NDC (2020)

- Total Implementation cost of Kenya's NDC is over USD 62 Billion up to 2030
 - *13% from domestic sources, 87% from international support*
- The resource requirements for **mitigation activities** for the period 2020 to 2030 are estimated at USD 17, 725 Million.
 - *USD 3,725 Million (21%) of the mitigation cost from **domestic** sources*
 - *USD 14,000 Million (79%) is subject to **international** support*
- The total **cost of adaptation actions** up to 2030 is estimated at USD 43,927 Million
 - *USD 4,392.5 Million (10%) of the adaptation cost from **domestic** sources*
 - *USD 39,534 Million (90%) is subject to **international** support*
- **Kenya will consider any climate finance in terms of loans as part of her domestic contribution.**

Kenya's Demonstration of Leadership in Climate Action

- Kenya is a leader in global climate action:
 - Ratified the Convention in 1994
 - Ratified the Kyoto Protocol in 2005
 - Ratified the Doha Amendment to the Kyoto Protocol in 2014
 - Ratified the Paris Agreement in December 2016
 - Submitted INDC in July 2015; became NDC in December 2016
 - Updated to a **more ambitious** NDC in Dec 2020
- Kenya has a robust legal and policy architecture to address Climate Change:
 - ✓ National Climate Change Response Strategy (NCCRS, 2010)
 - ✓ National Climate Change Action Plans (NCCAP, 2013; 2018)
 - ✓ National Adaptation Plan (NAP 2015);
 - ✓ National Climate Change Framework Policy (NCCFP , 2016)
 - ✓ Climate Change Act, 2016 → CCC, CCD, CCF
 - ✓ Sectoral Strategies, Plans and Regulations
 - ✓ County Climate Change Policies, Plans and regulations

Conclusion

Kenya is ready and keen to tap available global opportunities – current and future

- ✓ Good legislative and policy frameworks
- ✓ Relevant structures for effective and efficient climate action

The Civil Society – a catalyst for justice, equity and fairness in climate negotiations

- ✓ Pressure on developed countries to lead in emission reduction and provision of support to developing countries



KONGOI MISING!
ASHE OLENG!
ARIGATO!