



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

EXPLANATORY MEMORANDUM: ACCEPTANCE OF THE AMENDMENT OF ANNEX B TO THE KYOTO PROTOCOL

1. DRAFT RESOLUTION

That, in terms of section 231 of the Constitution, Parliament approves that an Instrument of Acceptance be deposited indicating South Africa's acceptance of the Amendment of Annex B of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, which was adopted by the Conference of the Parties, serving as the Meeting of the Parties of the Kyoto Protocol, in Decision 10 COP/MOP 2. The full decision is contained in **Annexure 2**.

2. BACKGROUND INFORMATION

In an effort to reduce its greenhouse gas emissions and to comply with the provisions of the Kyoto Protocol, the Republic of Belarus proposed to amend Annex B to the Kyoto Protocol and to assume a quantified emission reduction commitment. In accordance with the provisions of the Kyoto Protocol, Belarus, in a letter dated 9 February 2006 (**Annexure 1**), thus proposed an Amendment to Annex B to the Kyoto Protocol.

In terms of Article 21.7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change: "*Amendments to Annexes A and B to this Protocol shall be adopted and enter into force in accordance with the procedure set out in Article 20,...*", Decision 10 of COP/MOP 2 adopted the Amendment to Annex B of the Kyoto Protocol, which merely requires the insertion of the word "Belarus" in the Annex. In order for this Amendment to enter into force, Instruments of Acceptance must be deposited and the Amendment shall enter into force for those Parties having accepted it on the 90th day after the date of receipt by the Depository of an Instrument of Acceptance by at least three fourths of the Parties to this Protocol.

2.1 Benefits of Acceptance

The Republic of Belarus will comply with the provisions of the Kyoto Protocol and will assume a quantified emission reduction commitment which is expected to result in the reduction in greenhouse gas emissions, if the Amendment comes into force.

3. PROCESS OF ACCEPTANCE

The Offices of the Chief State Law Adviser in the Department of International Relations and Cooperation and in the Department of Justice and Constitutional Development were approached for legal opinions on the implications of acceptance.

4. LEGAL AND CONSTITUTIONAL IMPLICATIONS

The Office of the Chief State Law Adviser in the Department of International Relations and Cooperation advised on the procedure to be followed in order to obtain Parliamentary approval for an Instrument of Acceptance to be deposited as set out in section 231 of the Constitution.

5. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

None

7. COMMUNICATION IMPLICATIONS

None

8. DEPARTMENTS/INSTITUTIONS CONSULTED

8.1 National departments (through the National Climate Change Committee)

- Department of International Relations and Cooperation
- Department of Justice
- Department of Trade and Industry
- Department of Agriculture, Forestry and Fisheries
- Department of Labour
- Department of Health
- Department of Minerals Resources
- Department of Energy
- Department of Transport

- Department of Environmental Affairs (other branches)

8.2 Non-governmental and international organisations

WWF

SACAN

8.3 Business

BUSA

9. RECOMMENDATIONS

The Department of Environmental Affairs recommends that:

Parliament ratifies the Belarus Amendment to Annex B to the Kyoto Protocol.