



**REPUBLIC OF KENYA
MINISTRY OF ENVIRONMENT AND MINERAL RESOURCES**

REPORT OF

UNFCCC COP16/CMP6

held at Cancun, Mexico

29 November - 10 December 2010

Report compiled by:

1. Richard Mwendandu (Director, MEAS/MEMR)
2. Stephen M. King'uyu (CCS/MEMR)
3. Charles Mutai (CCS/MEMR)

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1. Preamble

The UNFCCC COP16/CMP6 was held at Cancun, Mexico, between 29 November and 10 December 2010. The COP was preceded by group consultative meetings held between 23 and 28 November 2010, of which Kenya participated in the African Group (25-26 November) and G77/China (27-28 November) meetings.

The country's preparation for the Cancun talks spanned the whole of 2010. Initially (between January and April 2010), the preparations were focussed on a review of COP15 and the Copenhagen Accord documents, in relation to the country's contribution to the UNFCCC climate change negotiation process, the country's interests, and strategic development partner interests.

During the remaining period of the year, the country prepared specifically on how to engage in COP16. In this respect, the country actively participated in the preparatory negotiation processes in Bonn, Germany (June) and Tianjin, China (October/ November) and prepared negotiating text in line with the African Group and G77/China positions.

In addition, the country participated in preparatory forums under the auspices of the African Union (AU) and the Committee of the African Heads of States on Climate Change (CAHOSCC).

Nationally, the Ministry of Environment and Mineral Resources (MEMR) coordinated and facilitated three national preparatory workshops to prepare the country position paper and intervention statements (copy attached for ease of reference). The last such meeting was held in Machakos between 19 and 21 November 2010. A major objective of these meetings was to compare notes amongst the technical delegates, carryout capacity-building and prepare the country's position on the talks.

MEMR drafted the official statement for the High Level Segment for the Minister's consideration, which was reviewed and duly signed by the Honourable Minister for Environment and Mineral Resources (copy attached for ease of reference).

2. COP16/CMP6 negotiations

2.1 Technical sessions

The Kenyan delegation included representation from different government ministries, departments, institutions including Parliament, and NGOs/private sector (list attached for ease of reference). The Government delegation was led by the Right Honourable Prime Minister Raila Amolo Odinga, EGH, MP; who was accompanied by several high-level officials from his office.

From the onset, the Permanent Secretary, Ministry of Environment and Mineral Resources, Mr Ali Mohamed (CBS), initiated a process for all Kenyan delegates to be meeting on a regular basis to share information, updates, challenges and lay strategies for the various sessions. This included the official government delegation, NGOs' and other stakeholders based in Kenya. The first such meeting was held on 01 December 2010 (minutes attached for ease of reference).

The technical negotiation process between 29 November and 06 December was very elusive and frustrating, not just for Kenya as a party, but for all negotiation groups and parties. This was due to the grand positions that each party and negotiating group had taken without being ready to cede ground, making it hard to make progress.

The Kenyan position on the UNFCC Climate Change negotiations was guided by national interests and in addition aligned to the key elements of the African Group position as informed by the AU/CAHOSCC position. In this respect, Kenya, the African Group, CAHOSCC, and G77/China position was that the two-track process of negotiation must be maintained, while the Annex I countries were reluctant to make commitments under KP and were pushing for most of the significant commitments to be shifted to the LCA.

During the technical sessions (29 November – 06 December 2010), the following key issues were discussed under the two-track process:

2.1.1. Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP)

Under AWG-KP, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol made the following decisions:

- 1) To extend the term of the AWG-KP so as to complete its task and have its results adopted by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol as early as possible and in time to ensure that there is no gap between the first and second commitment periods;

- 2) Took note of quantified economy-wide emission reduction targets to be implemented by Annex I Parties as communicated by them;
- 3) Urged Annex I Parties to raise the level of ambition of the emission reductions to be achieved by them individually or jointly, with a view to reducing their aggregate level of emissions of greenhouse gases in accordance with the range indicated by Working Group III to the Fourth Assessment Report (AR4) of the Intergovernmental Panel on Climate Change (IPCC);
- 4) Agreed that further work was needed to convert emission reduction targets to quantified economy-wide limitation or reduction commitments.
- 5) It was further agreed that:
 - a) In the second commitment period the base year shall be 1990, or the base year or period determined in accordance with Article 3, paragraph 5, of the Kyoto Protocol, for the purpose of calculating assigned amounts; in addition, a reference year may be used by a Party on an optional basis for its own purposes to express its quantified emission limitations and reduction objectives as a percentage of emissions of that year, that is not internationally binding under the Kyoto Protocol, in addition to the listing of its quantified emission limitations and reduction objectives in relation to the base year;
 - b) Emissions trading and the project-based mechanisms under the Kyoto Protocol shall continue to be available to Annex I Parties as a means to meet their quantified emission limitation and reduction objectives in accordance with relevant decisions of the CMP as may be further improved through decisions to be adopted based on the draft text contained in Chapter III of document FCCC/KP/AWG/2010/CRP.4/Rev.4;
 - c) Measures to reduce greenhouse gas emissions and to enhance removals resulting from anthropogenic land use, land-use change and forestry activities shall continue to be available to Annex I Parties as a means to reach their quantified emission limitation and reduction objectives, in accordance with draft decision x/CMP.6;
 - d) The global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex A for the second commitment period shall be those provided by the IPCC and agreed upon by the COP serving as the meeting of the Parties to the Kyoto Protocol together with other methodological issues based on the draft text contained in chapter IV of document FCCC/KP/AWG/2010/CRP.4/Rev.4;
 - e) Further work on the consideration of information on potential environmental, economic and social consequences, including spill-over effects, of tools, policies,

measures and methodologies available to Annex I Parties shall continue on the basis of proposals contained in Chapter V of document FCCC/KP/AWG/2010/CRP.4/Rev.4.

2.1.2. Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)

Under AWG-LCA, COP made the following decisions:

2.1.2.1. A shared vision for long-term cooperative action

The COP Affirmed that climate change is one of the greatest challenges of our time and that all Parties share a vision for long-term cooperative action in order to achieve the objective of the Convention under its Article 2, including through achievement of a global goal, on the basis of equity and in accordance with common but differentiated responsibilities and respective capabilities. This vision is to guide the policies and actions of all Parties, while taking into full consideration the different circumstances of Parties in accordance with the principles and provisions of the Convention. COP further affirmed that adaptation must be addressed with the same priority as mitigation and requires appropriate institutional arrangements to enhance adaptation action and support.

2.1.2.2. Enhanced action on adaptation

The COP agreed:

- a) That adaptation is a challenge faced by all Parties, and that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable;
- b) That enhanced action on adaptation should be undertaken in accordance with the Convention; follow a country-driven, gender-sensitive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems; and be based on and guided by the best available science and, as appropriate, traditional and indigenous knowledge; with a view to integrating adaptation into relevant social, economic and environmental policies and actions, where appropriate;
- c) To establish the Cancun Adaptation, with the objective of enhancing action on adaptation, including through international cooperation and coherent consideration of matters relating to adaptation under the Convention, taking cognisance of their common but differentiated responsibilities and respective capabilities, and specific national and regional development priorities, objectives and circumstances;

- d) To establish a process to enable least developed country Parties to formulate and implement national adaptation plans, building upon their experience in preparing and implementing national adaptation programmes of action (NAPAs), as a means of identifying medium and long-term adaptation needs and developing and implementing strategies and programmes to address those needs;
- e) To request developed country Parties to provide developing country Parties, taking into account the needs of those that are particularly vulnerable, with long-term, scaled-up, predictable, new and additional finance, technology, and capacity-building, consistent with relevant provisions, to implement urgent, short, medium and long-term adaptation actions, plans, programmes and projects;
- f) That there is need to strengthen, enhance and better utilize existing institutional arrangements and expertise under the Convention;
- g) To establish an Adaptation Committee to promote the implementation of enhanced action on adaptation in a coherent manner under the Convention; and that **Parties should submit to the Secretariat, by 21 February 2011, views on the composition of, and modalities and procedures for, the Adaptation Committee**, including on proposed linkages with other relevant institutional arrangements;
- h) That the secretariat should compile these submissions into a miscellaneous document to be made available by the fourteenth session of the AWG-LCA, and to prepare a synthesis report based on those submissions by the fourteenth session of the AWG-LCA;
- i) To establish a work programme in order to consider, including through workshops and expert meetings, as appropriate, approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change; **Parties and relevant organisations were invited to submit to the Secretariat by 21 February 2011, views and information on the elements to be included in the work programme;**
- j) Parties should strengthen and, where necessary, establish regional centres and networks, in particular in developing countries, with support from developed country Parties and relevant organizations, as appropriate; and to facilitate and enhance national and regional adaptation actions, in a manner that is country-driven, encourages cooperation and coordination between regional stakeholders and improves the flow of information between the Convention process and national and regional activities;

2.1.2.3. Enhanced action on mitigation

The COP acknowledged that the largest share of historical global emissions of greenhouse gases originated in developed countries and that, owing to this historical responsibility, developed country Parties must take the lead in combating climate change and the adverse effects thereof; and urged developed country Parties to increase the ambition of their economy-wide emission reduction targets, with a view to reducing their aggregate

anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol to a level consistent with that recommended by the Fourth Assessment Report of the Intergovernmental Panel on Climate Change; and that developed countries should:

- 1) Submit annual greenhouse gas inventories and inventory reports and biennial reports on their progress in achieving emission reductions, including information on mitigation actions to achieve their quantified economy-wide emissions targets and emission reductions achieved, projected emissions and on the provision of financial, technology and capacity-building support to developing country Parties;
- 2) Submit supplementary information on the achievement of quantified economy-wide emission reductions;
- 3) Improve the reporting of information on the provision of financial, technology and capacity-building support to developing country Parties;

2.1.2.3.1 Nationally appropriate mitigation actions (NAMAs) by developing country Parties

Parties agreed that:

1. Developing country Parties will:
 - a. Take nationally appropriate mitigation actions in the context of sustainable development, supported and enabled by technology, financing and capacity-building, aimed at achieving a deviation in emissions relative to business as usual emissions in 2020;
 - b. Voluntarily inform the Conference of the Parties of their intention to implement nationally appropriate mitigation actions (NAMAs) in association with this decision to submit information on those actions to the secretariat;
 - c. Submit to the secretariat information on nationally appropriate mitigation actions for which they are seeking support, along with estimated costs and emission reductions, and the anticipated time frame for implementation.
2. That Developed country Parties shall:
 - a. Provide enhanced financial, technological and capacity-building support for the preparation and implementation of nationally appropriate mitigation actions of developing country Parties and for enhanced reporting by these Parties;
 - b. Submit to the secretariat information on support available and provided for nationally appropriate mitigation action.
3. To set up a registry to record nationally appropriate mitigation actions seeking international support and to facilitate matching of finance, technology and capacity-building support to these actions;
4. To record and regularly update in the registry the information provided by Parties on NAMAs seeking international support; Support available from developed country Parties for these actions; Support provided for nationally appropriate mitigation actions;

5. To enhance reporting in national communications, including inventories, from Parties not included in Annex I to the Convention (non-Annex I Parties) on mitigation actions and their effects, and support received; with additional flexibility to be given to the least developed country Parties and small island developing states:
6. That internationally supported mitigation actions will be measured, reported and verified domestically and will be subject to international measurement, reporting and verification (MRVs) in accordance with guidelines to be developed under the Convention;

2.1.2.3.2 Policy approaches and positive incentives on issues relating to REDD in developing countries

The COP encouraged developing country Parties to contribute to mitigation actions in the forest sector by undertaking activities under REDD, including conservation and enhancement of forest carbon stocks; and sustainable management of forest. Developing country Parties were further encouraged, in accordance with national circumstances and respective capabilities, to develop a national strategy or action plan; a national forest reference emission level and/or forest reference level; and a robust and transparent national forest monitoring system for the monitoring and reporting. Parties were also encouraged to address drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards, when developing and implementing their national strategies or action plans, ensuring the full and effective participation of relevant stakeholders, including indigenous peoples and local communities.

2.1.2.3.3 Suggested approaches and opportunities

The COP decided to consider the establishment, at its seventeenth session, of one or more market-based and one or more non-market-based mechanisms to enhance the cost-effectiveness of, and to promote, mitigation actions. AWG-LCA was in this respect requested to elaborate the necessary mechanism or mechanisms, with a view to recommending a draft decision or decisions to the Conference of the Parties for consideration at its seventeenth session. **Parties and accredited observer organizations were consequently invited to submit to the secretariat, by 21 February 2011, their views on the issue.**

2.1.2.3.4 Economic and social consequences of response measures

The COP urged Parties, in the implementation of measures to mitigate climate change, to take into consideration the economic and social impacts of response measures and the needs of Parties, in particular developing country Parties, impacted by response measures, consistent with relevant provisions of the Convention. The COP further decided:

- 1) That Parties should cooperate fully to enhance understanding of economic and social consequences of response measures, taking into account the need for information from

those affected, and evidence of actual impacts, and of both positive and negative effects.

- 2) To consider how existing channels, such as national communications, including the possible submission of supplementary information, as considered by the Subsidiary Body for Implementation, could be improved and be built upon.
- 3) To provide a forum on the impact of the implementation of response measures, and requested the Chairs of the SBSTA and the SBI to convene such a forum at the thirty-fourth and thirty-fifth sessions of these bodies, with the objective of developing a work programme under the subsidiary bodies to address these impacts. **Parties and relevant intergovernmental organizations are to submit to the secretariat, by 28 March 2011, their views on the issue.**

2.1.2.4. Finance, technology and capacity-building

2.1.2.4.1 Finance

Fast-start finance: the COP took note of the collective commitment by developed countries to provide new and additional resources, including forestry and investments through international institutions, approaching USD 30 billion for the period 2010-2012, with a balanced allocation between adaptation and mitigation; funding for adaptation will be prioritized for the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa.

Long-term finance: in accordance with the relevant provisions of the Convention, scaled-up, new and additional, predictable and adequate funding shall be provided to developing country Parties, taking into account the urgent and immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change. In this respect, developed country Parties committed, in the context of meaningful mitigation actions and transparency on implementation, to a goal of mobilizing jointly USD 100 billion per year by 2020 to address the needs of developing countries.

Green Climate Fund: Parties decided to establish a Green Climate Fund, to be designated as an operating entity of the financial mechanism of the Convention under Article 11, with arrangements to be concluded between the Conference of the Parties and the Green Climate Fund to ensure that it is accountable to and functions under the guidance of the Conference of the Parties, to support projects, programmes, policies and other activities in developing country Parties using thematic funding windows. The Fund shall be governed by a board of 24 members comprising an equal number of members from developing and developed country Parties, including representatives from relevant United Nations, regional groupings and representatives from Small Island developing states and the least developed countries.

Standing Committee: COP decided to establish a Standing Committee under the Conference of the Parties to assist the Conference of the Parties in exercising its functions with respect to the financial mechanism of the Convention.

2.1.2.4.2 Technology development and transfer

The COP decided to establish a Mechanism for Technology development and transfer under the guidance of and accountable to the Conference of the Parties.

2.1.2.4.3 Capacity-building

Parties acknowledged that capacity-building is cross-cutting in nature and an integral part of enhanced action on mitigation, adaptation, technology development and transfer, and access to financial resources; and there may be specific capacity-building activities that require support to enable developing countries to undertake the enhanced implementation of the Convention.

The COP consequently decided that:

- Capacity-building support to developing country Parties should be enhanced with a view to strengthening endogenous capacities at the subnational, national or regional levels, as appropriate, taking into account gender aspects, to contribute to the achievement of the full, effective and sustained implementation of the Convention.
- Financial resources for enhanced action on capacity-building in developing country Parties should be provided by Parties included in Annex II to the Convention and other Parties in a position to do so through the current and any future operating entities of the financial mechanism, as well as through various bilateral, regional and other multilateral channels, as appropriate.

The technical decisions under the two-track process could not realise a comprehensive agreement due to the entrenched grand positions of the different parties, groupings and regions. The COP was hence headed for an impasse.

2.2 High level segment

The turning point came about as a result of informal consultations during the High Level Segment at which point parties agreed to shift from their grand positions, build new trust so as to move the process ahead. This resulted in the Cancun Agreements (attached). Kenya was ably represented in the High Level Segment by the Right Honourable Prime Minister Raila Amolo Odinga (EGH, MP) as leader of delegation; Hon. Dr Noah Wekesa (EGH, MP), Minister for Forestry and Wildlife as alternate Head of Delegation; Hon. Prof. Margaret Kamar, MP and Assistant Minister (representing the Minister for Environment and Mineral Resources).

The Prime Minister delivered a keynote statement on the 07 December 2010 at 16h00 (Mexico time) that laid emphasis on the need for a global commitment to adequately address climate change (copy attached). The UN Secretary General, Ban Ki-Moon, also addressed the session on the same day where he implored parties to agree on a new deal on climate change in Cancun, given that nature will not wait while negotiations take place. He further underlined the fact that each country had a role to play and that each country should be part of the solution.

As the Kenyan delegation engaged in the technical negotiations, they also participated in several bilateral processes and side events that are of benefit to the country, namely:

1. **'REDD without Boundaries'** organised by SADCC member countries on 02 December 2010. On behalf of the country, Alfred Ngichu and Esther Magambo presented a paper on the country's experience on REDD and conservative agriculture.
2. Kenya participated in a tree-planting side event titled **'Stop talking; Start planting'** organised by the **"Children of the World"** as an outcry that there was too much talk and negotiation at UNFCCC and very little action to respond to the ravaging impacts of climate change. To publicise this outcry, the Children group invited Heads of State and Government, Environmental Ministers, and Delegates to **plant one tree per country**, each one a symbol of climate justice. Kenya was represented by Hon. Prof. Margaret Kamar, MP and Assistant Minister for Environment and Mineral Resources; assisted by Mr. Ali D. Mohamed, CBS, PS (Ministry of Environment and Mineral Resources).
3. The Right Honourable Prime Minister Organized and Chaired **roundtable discussions with Africa and EU** on 07 December 2011. Parties present were:-
 - Kenya, Ghana, Tanzania and DRC for Africa; and
 - Denmark (EU Chair), France, and Sweden, among others for EU.

The Right Hon. Prime Minister started the discussions, by highlighting the need for Africa and EU to strengthen areas where they have common positions in the negotiations. In addition, he pointed out that it was imperative for the developed nations to live up to their promises in order to build trust on the negotiations. He pointed out that even after most members of the developing nations had associated with the Copenhagen Accord, the promised U\$30 Billion Fast Track financing had not flowed as expected. A large proportion of the little of this fund that had been disbursed had gone to mitigation. There was therefore a glaring disregard for adaptation which the developing nations considered a priority.

In response, France pointed out that Africa and Europe had been partners for centuries and that this partnership needed to be strengthened. EU was willing to

take up a Second Commitment Period subject to other emitting nations following suit and in addition, emerging emitting nations agreeing to some commitments. EU concurred that the Fast Track funding did not live to the expectation.

DRC supported Kenya's initiative for this meeting but registered their disappointment that finance for adaptation and REDD+ was not flowing as expected. Other African countries, including Tanzania and Ghana, supported Kenya and DRC on the need for commitment from EU for a process of reducing emissions through tree planting programmes in Africa.

In conclusion, the Right Hon. Prime Minister expressed the need for clear and concise decisions by the COP. He emphasized the need for a balanced set of decisions which all parties would be able to implement and live with.

4. **Consultative meeting with the COMESA** Secretariat led by the Assistant Secretary General, Stephen Karangizi accompanied by the Climate Change Advisor, Dr. Mclay Kanyangarara. The Kenyan delegation was led by Hon. Dr. Noah Wekesa, EGH, MP; and Hon. Prof. Margaret Kamar, MP. In this meeting, COMESA expressed the wish to support a tripartite meeting (SADCC, COMESA, East African Community) to consult and develop climate change projects, particularly on REDD and sustainable land management. They also wished to draw and learn from the Kenyan experience in the development of the National Climate Change Response Strategy and conservation agriculture framework. In this respect, the COMESA Secretariat has already written to the Honourable Minister Dr. Noah Wekesa, expressing their intention to send a technical team to the country to discuss and formalise actions to be undertaken (copy of letter attached).
5. Kenya was also represented in the **Adaptation Fund Board** meeting which was held back-to-back with COP16 (13-16 December 2010) by the Director of Multilateral Environmental Agreements, Mr Richard Mwendandu, who is also a Board member representing Africa (report attached).

3. Highlights of the Cancun Agreement

The highlights of the Cancun Agreements include:

- a) Industrialised country targets are officially recognised under the multilateral process and these countries are to develop low-carbon development plans and strategies and assess how best to meet them, including through market mechanisms, and to report their inventories annually;
- b) Developing country actions to reduce emissions are officially recognised under the multilateral process. A registry is to be set up to record and match developing

country mitigation actions to finance and technology support from by industrialised countries. Developing countries are to publish progress reports every two years;

- c) Parties meeting under the Kyoto Protocol agree to continue negotiations with the aim of completing their work and ensuring there is no gap between the first and second commitment periods of the treaty;
- d) The Kyoto Protocol's Clean Development Mechanism (CDM) has been strengthened to drive more major investments and technology into environmentally sound and sustainable emission reduction projects in the developing world;
- e) Parties launched a set of initiatives and institutions to protect the vulnerable from climate change and to deploy the money and technology that developing countries need to plan and build their own sustainable futures;
- f) A total of US\$30 billion in fast start finance from industrialised countries to support climate action in the developing world up to 2012 and the intention to raise US\$100 billion in long-term funds by 2020 is included in the decisions;
- g) In the field of climate finance, a process to design a Green Climate Fund under the Conference of the Parties, with a board with equal representation from developed and developing countries, is established;
- h) A new "Cancun Adaptation Framework" is established to allow better planning and implementation of adaptation projects in developing countries through increased financial and technical support, including a clear process for continuing work on loss and damage;
- i) Governments agree to boost action to curb emissions from deforestation and forest degradation in developing countries with technological and financial support;
- j) Parties have established a technology mechanism with a Technology Executive Committee and Climate Technology Centre and Network to increase technology cooperation to support action on adaptation and mitigation.

4. Conclusion and way forward

In conclusion, the country fully participated in the whole COP16/CMP6 process till the closing ceremony on the morning of Saturday, 11th December 2010. Indeed, Kenya took the floor at 04.00hrs (Mexico time) and congratulated the incoming COP16 President, Dr Patricia Espinosa of Mexico for her able leadership and expressed confidence in her stewardship of the process. The country also expressed unwavering support for the Cancun agreement as a sober way towards an agreeable solution on all the negotiation blocks, especially on

mitigation and adaptation, and expressed optimism that Durban (COP17) would be able to deliver a comprehensive agreement. An outcome that is balanced and implementable by all the parties. As a follow up by to cop16:-

1. The ministry should hold a press conference to brief the Nation on the Cancun outcome and the challenges posed by climate change on National Development and livelihoods.
2. The Ministry should coordinate and organise a National workshop to discuss the Cancun agreement and chart the way forward on the road to Durban (cop17).
3. The country should continue with active participation at regional and international negotiation processes, including political consultations on climate change so as not to lose track of articulating the country's interests.
4. The country must prepare adequately for Durban (COP17) through national and regional consultations, and participation in international dialogue.
5. Kenya, through the MEMR, which is the focal government institution on climate change, should study the Cancun Accord/Agreements to fully understand the implications to the country's interests and position with a view to articulating the same during regional/international negotiations/dialogue, and raising resources to address the extra challenges presented by climate change.
6. The Kenya technical delegation wishes to express sincere gratitude to the Government for the support and trust bestowed on them to represent the country in this important event.
7. Finally, the road to Durban starts now.