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4 February 2010

Dear Mr de Boer

Your letter Ref: YdB/DBO/JBU/eps/log 230-10 dated 3 February 2010 refers.

Your observation that our communication of 29 January 2010 communicates nationally appropriate mitigation action without direct reference to the Copenhagen Accord is incorrect. In fact the communication was a direct response to the Accord.

I draw your attention to the explicit statement in the said communication: "In response to your notification Ref. YBD/DBO/drl of 18 January 2010" and in particular with reference to our nationally appropriate mitigation action "South Africa notes that paragraph 5 of the Copenhagen Accord calls for Non-Annex 1 Parties to submit to the UNFCCC secretariat, by 31 January 2010, the nationally appropriate mitigation action that they will implement, for compilation in an INF document." We also note that the heading of the above referenced notification from you reads "Communication of information relating to the Copenhagen Accord".

Our communication explicitly stated that "While the Copenhagen Accord was not adopted by the COP, we acknowledge that it captures political agreement on some contentious elements among those Parties that participated in its' development and those other Parties that may wish to associate themselves with it". In this regard, as a participant in its development South Africa is already associated with the Accord. We are of the view that the request for association was directed at those that were not part of the discussions that led to the formulation of the Copenhagen Accord. South Africa therefore has no objection to be reflected by name in the chapeau.

The secretariat has the duty to capture all actions reported conditional on support in terms of the provisions of the Accord, while it would have to find an appropriate way to take note of other conditionalities that are clearly outside the terms of the Accord.

Sincerely.

Alf Wills
Deputy Director General: International Cooperation
Department of Environmental Affairs
For the South African National Focal Point