

Kyoto Protocol talks inch forward, despite some developed countries

Bonn, 12 June (Lim Li Lin and Chee Yoke Ling) – Negotiations for the next set of greenhouse gas emission reduction targets beyond 2012 made a little progress after more than four years of feet dragging by developed countries.

The fortnight of talks (1-11 June) saw developing countries pushing to accelerate the process to ensure that developed countries party to the Kyoto Protocol will commit to deep emission cuts in accordance with the requirements of science.

Developing countries did not agree with the view of developed countries that there was no balance between the pace of work of the AWG-KP (Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol) and the AWG-LCA (Ad hoc Working Group on Long-term Cooperative Action under the Convention).

At the start of the closing plenary, **Japan** had been insisting on the “balance” between the work of the two working groups, saying that until the AWG-LCA’s outcome was clear, it could not see the possibility of much progress in the AWG-KP. It wanted to have a broader discussion of mitigation targets and actions, including those of other Parties besides Annex I Parties to the Kyoto Protocol.

This view was also raised by the **European Union**, which said that the AWG-KP had made progress on the numbers, rules and legal outcome, while the AWG-LCA had not made the same progress. It said that it could not accept an unbalanced outcome at the UN climate change conference to be held in December 2010 in Cancun, Mexico.

Developing countries including **Brazil speaking for the G77 and China**, and **Tuvalu**, expressed the opposite sentiment, pointing out that the AWG-KP has been working for four years, but that the AWG-LCA’s work was more advanced after two years.

China said that progress in the AWG-KP is the only way to ensure real balance of the Bali

Roadmap, and this was key to the success of the negotiations and at Cancun, Mexico (where the next UN climate change conference will be held in December 2010).

[The AWG-KP was established in December 2005 to negotiate commitments for Annex 1 Parties (developed countries and countries with economies in transition) under the Protocol beyond the first commitment period of 2008 to 2012. It was supposed to complete its work in setting aggregate and individual/joint emission reduction targets for Annex 1 Parties and to have these adopted in December 2009. That deadline was missed and the AWG-KP is now to deliver its results to the meeting of Parties for adoption in December 2010.

The AWG-LCA was set up in December 2007 by UNFCCC Parties to “enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision” in December 2009. It is mandated to continue its work and to present the outcome to the Parties for adoption in December 2010.

These are two distinct processes with different legal mandates.]

The twelfth session of the AWG-KP in Bonn ended late on Friday, 11 June as the talks were held “hostage” by Russia that wanted to prevent any reference to a second commitment period of the Kyoto Protocol, and to increasing or enhancing the greenhouse gas (GHG) emission reductions of Annex I Parties.

Developing countries expressed outrage at attempts to kill the Kyoto Protocol.

Late on Friday night, it seemed that the negotiations were on the verge of collapsing, thus producing no outcome, as Russia, supported initially by Japan, held up the conclusion of the talks by six hours. The final plenary was suspended twice while Parties engaged in closed informal consultations, conducted by the Vice-Chair of the AWG-KP, Adrian Macey from New Zealand. At the final plenary that resumed after 9 pm, Russia said that it “did not have any appetite” for a substantive discussion in the absence of interpretation. Exasperation in the plenary hall was palpable.

(Interpretation to all six UN languages, including Russian, ends at 6 pm unless otherwise arranged.)

During an earlier resumed plenary session, **China** said that, “Some want to hold this process hostage and demand a ransom from the work that is taking place in the other group (AWG-LCA). This is a practice that we cannot accept.”

China did not see the point of further closed informal consultations, but rather that the issues being raised by Russia and Japan should be discussed at plenary, and be open and transparent to the media and observers. Sources reported that China had left the closed informal consultations, insisting that it could not be part of such closed discussions, which amounted to discussions about the future of the Kyoto Protocol.

Bolivia also supported further discussions in the open plenary setting rather than in closed informal consultations.

Many developing countries including **Egypt, Nicaragua, Venezuela and Gambia speaking for the African Group** deplored the attempts by to kill the Kyoto Protocol.

The conclusions proposed by the AWG-KP Chair John Ashe (Antigua and Barbuda) were finally adopted by consensus at around 10 pm, and these focused on the further work of the AWG-KP over the next few months.

An in-session workshop under the guidance of the Chair will be organized at the next session of the AWG-KP in August on the scale of emission reductions to be achieved by Annex I Parties in aggregate and the contribution of Annex I Parties to this scale. The workshop “should allow a focused technical discussion on the quantitative implications of the proposals and issues identified by Parties in their submissions ..., and for further exploring a possible enhanced scale of emission reductions to be achieved by Annex I Parties, emphasizing that

consensus on their overall level of ambition is deemed important”.

Parties are invited to submit, if possible by 2 July 2010, to the Secretariat their views on the topics to be covered and the organizations/experts to be invited to this workshop.

Previous versions of the text had stated “... and explore possible ways to increase the level of ambition of Annex I Parties”. Russia had refused to accept this, as well as the proposal of the Chair John Ashe, under his sole responsibility and authority that reads: “... and for further exploring an enhanced scale of emission reductions to be achieved by Annex I Parties, emphasizing that consensus on their overall level of ambition is deemed important”. This proposal was derived from a proposal by South Africa in the informal consultations.

Russia had wanted “enhanced” to be deleted, and refused to accept compromises of “improved” or “progressive” subsequently proposed by Ashe or simply just “scales of emission reductions” as proposed by Switzerland. It finally accepted “a possible enhanced scale” proposed by the EU that finally allowed the conclusions to be adopted.

A pre-session workshop on forest management accounting may also be held before the next session of the AWG-KP, subject to the availability of resources. This workshop would include “new available information, taking into account progress made during its twelfth session regarding the use of reference levels”.

At this session of the AWG-KP, the issue of land use, land use change and forestry (LULUCF) accounting had been raised by many developing countries, warning that the LULUCF rules as being currently negotiated are weak could lead to an increase in emissions by Annex I Parties.

The Secretariat is asked to update its note ‘Compilation of pledges for emission reductions and related assumption provided by Parties to date and the associated emission reduction’ using data and information from Parties’ submissions.

It is also to update its technical paper ‘Issues relating to the transformation of pledges for emission reductions into quantified emission limitation and reduction objectives (QELROs)’ on the basis of information provided by the Parties and work undertaken by the AWG-KP at the June session in Bonn.

[During this session of the AWG-KP, the Secretariat had presented its paper on transformation of pledges

into QELROs. It further produced a table illustrating what the QELRO for each Annex I Party would be, based on their pledges for emission reductions for the next commitment period. This was estimated from QELROs for the first commitment period (2008 to 2012), and from current levels of emissions in a 5- and 8-year commitment period (2013-2017 and 2013-2020, respectively).

Parties were divided as to whether the table should be made public when the document was presented for discussion by the AWG-KP on 9 June.

Russia referred to it as a “nice but useless exercise”. **Japan** said that the table was not for wide distribution, and was just an exercise in the working group. In the end, the technical paper will be updated on the basis of “information provided by the Parties and work undertaken”, implying that the table will be incorporated into the technical paper, and be made available.

Bolivia asked for the information to be provided in absolute values i.e. presented in gigatonnes, in addition to percentages. It also asked for three approaches to be used – firstly, the top-down approach to arriving at the aggregate figure for Annex I Parties’ emission reductions. Secondly, the approach of science to determine what the aggregate figure should be. Thirdly, the approach of equity and historical responsibility, to see how the atmospheric space has been shared and how it is going to be shared until 2017.

Bolivia also presented an analysis based on the data and information used by the Secretariat in its table. It based its analysis on a 5-year commitment period and on current levels of emissions, to examine where present emissions are and where the QELROs based on Annex I pledges will lead us, mapped against 40, 45 and 50% emission reductions scenarios on 1990 levels that are being proposed by developing countries.

According to the analysis presented by Bolivia, developed country emission reductions pledges in total could be 10-14% below 1990 levels by 2017, without current rules and loopholes, and may increase to 4-8% above 1990 levels if loopholes are not closed.

Initially, the draft conclusions of the AWG-KP had included a request to the Secretariat to “make available on the UNFCCC website presentations delivered by Parties during the twelfth session of the AWG-KP”. This was not included in the end.]

Another key issue that was debated at the AWG-KP was the legal gap that now appears inevitable,

between the first and second commitment periods for emission reductions under the Kyoto Protocol.

The conclusions adopted on 11 June request the Secretariat to prepare a paper for the next AWG-KP session that “identifies and explores all the legal options available, including proposals by Parties, ... aiming at ensuring that there is no gap between the first and subsequent commitment periods” and that “identifies the legal consequences and implications of a possible gap between the first and subsequent commitment periods”.

The legal contact group had been set up during this session of the AWG-KP, as a result of the question posed by Ethiopia to explore innovative mechanisms for provisional entry into force of the amendment to the Kyoto Protocol for Annex I Parties’ second commitment period, starting in 2013. (The first commitment period is from 2008-2012.)

Russia had adamantly refused any mention of “second commitment period”, finally agreeing to the term “subsequent commitment period”. It argued that the mandate for the AWG-KP did not specifically refer to “second” and in the legal contact group discussion on 10 June declared emphatically that “mentioning second commitment period is politically unpalatable to us”.

[The UNFCCC Secretariat’s legal service told the contact group that for an amendment to enter into force, at least $\frac{3}{4}$ of the number of Parties to the Protocol must deposit instruments of acceptance, and this translates to 143 instruments. Amendments must enter into force on or before 1 January 2013 to avoid a gap. The time it takes for this depends on the political will of Parties. It is estimated that it would about three years after agreement is reached to make the necessary Kyoto Protocol amendments before they enter into force.

The legal matters group was asked to provide an analysis on the legal aspects of the entry into force of the proposed amendments to the Kyoto Protocol to avoid a gap between the end of the first commitment period and the beginning of the second commitment period. The group was to exchange ideas and on the basis of its discussions, to propose a way forward.]

The AWG-KP conclusions further invite Annex I Parties “in a position to do so” to submit to the Secretariat by 2 July “available new data and information on their expected use in the next commitment period of land use, land use change and forestry (LULUCF) and emissions trading and the project-based mechanisms, including expected carry-over of units from the first commitment period to the

next commitment period, as well as related assumptions made when presenting their pledges for emission reduction targets". This information will be considered at the next session of the AWG-KP.

[During this Bonn session of the AWG-KP, developing countries had called for transparency in the pledges by Annex I Parties, asking for clarity on the inclusion of LULUCF, the expected use and quantity of carry over of surplus units, and the expected use and proportion of the flexible market mechanisms of the Kyoto Protocol towards meeting Annex I targets in the second commitment period. A number of developing countries had asked for

information on the share of domestic reductions that Annex I Parties intend to undertake in the next commitment period.]

Parties are also invited to submit to the Secretariat their views on the draft decision text on options for amendments to the Kyoto Protocol pursuant to Article 3.9 for consideration by the AWG-KP at its next session in August, with a view to facilitating the updating of the document before the subsequent session. (Article 3.9 provides for the amendment to incorporate the second and subsequent commitment periods.)