

Kyoto Protocol's future still uncertain

Tianjin, 11 October (Lim Li Lin) - The working group of the Kyoto Protocol closed on Saturday (9 October) in Tianjin, China with the Protocol's future still hanging by a thread. Deep divisions between developed and developing countries over its survival and the further emission reduction commitments of Annex I (developed country) Parties under the Kyoto Protocol remain unresolved despite the legal mandate to conclude discussions at the 6th Conference of the Parties serving as the meeting of the Parties (CMP) in Cancun, Mexico later this year.

This session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) was the last before Cancun. Developing countries all insisted that the amendment to Annex B of the Kyoto Protocol must be adopted in Cancun, while developed countries all clearly have no intention of doing so.

(Annex B of the Kyoto Protocol lists the emission reduction targets of Annex 1 Parties for the first commitment period from 2008 to 2012.)

At the Tianjin session, four contact groups were set up: on the scale of Annex I Parties' emission reductions ("numbers") in the second commitment period of the Kyoto Protocol; on "other issues" including land use, land use change and forestry (LULUCF), emissions trading and the market mechanisms, and the baskets of methodological issues; potential consequences of response measures; and legal matters.

The legal contact group was deadlocked over the issue of the mandate of the AWG-KP (*see TWN Tianjin News Updates #4 and #7*). Developed countries would like to discuss amendments to the Kyoto Protocol that do not fall within the mandate of the group, but insist that they are "clarifying" the rules and that this is necessary for them to take further emission reduction commitments. At the same time, they are not putting on the table the

necessary mitigation commitments as needed by science, nor committing to the continuation of the Kyoto Protocol.

Yemen, speaking on behalf of the G77 and China, said that the discussion on the scale of emission reductions of Annex I Parties was delayed through the inability to resolve an array of technical issues. It appealed that now is the time to translate discussions into specific quantified emission reduction commitments for Annex I Parties in the second commitment period, rather than further delaying by setting preconditions or discussing subjects far from the mandate and work programme of the AWG-KP.

Yemen said that the continuity of the Kyoto Protocol is an essential and basic element for the future of the climate change regime, and that we need to avoid a gap between the commitment periods as it would have extremely serious consequences for Mother Earth and humanity. Defining new quantified emission reduction commitments for Annex I Parties under the Kyoto Protocol is a legal obligation that must be met and the Kyoto Protocol must lead the way, and is the cornerstone of the Cancun outcome as a whole, it said.

The Group insists and will not compromise on the second commitment period for Annex I Parties, which must be from 2013 to 2017 and be measured against 1990 levels. To strengthen the global effort to address climate change, it is essential to have balance between the two negotiating tracks [the other being the Ad hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)], with all Annex I Parties showing leadership through ambitious emission reduction commitments, as the current level of Annex I mitigation pledges is insufficient and is an obstacle that must be overcome. The AWG-KP must deliver the result of its work pursuant to Decision 1/CMP.1 for adoption at CMP 6, Yemen said.

Belgium, speaking for the European Union, said that it is “fully engaged in the Kyoto Protocol track, and that we aim to make all the progress necessary for a balanced pack that would allow for a step towards a global comprehensive legally binding framework in line with the 2 degrees Celsius objective.”

It said that it is “open regarding the legal form of the outcome as long as it is binding. Ultimately we would still prefer a single legally binding instrument that would include the essential elements of the Kyoto Protocol. However, we are open to consider a second commitment period under the Kyoto Protocol, as part of a wider more rigorous and ambitious framework and provided that certain conditions, founded on the urgent need for environmental integrity and effectiveness of international action, are met.”

The EU would like to have a series of CMP decisions from the AWG-KP process in Cancun and to pursue further work thereafter. Capturing progress in both negotiating tracks will be a vital step towards a legally binding result, it said. Its goal for Cancun is to achieve results on: further commitments of Annex I Parties, the continuation of the Kyoto Protocol architecture, and deciding on next steps with a view to a legally binding outcome.

Its position is that emission reductions by developed countries in aggregate by 2020 should be in the order of 30% below 1990, and that it is necessary for developed countries to enhance their pledges. Its own commitment is a 30% emission reduction, “if other developed countries commit themselves to comparable emission reductions and if advanced developing countries contribute adequately and according to their responsibilities and respective capabilities.”

Belgium said that current pledges in the negotiations should be reflected, but this is not a suggestion to consolidate the current unsatisfactory level of ambition. Cancun needs to send a strong message that we want to preserve and enhance the architecture of the Kyoto Protocol. We should confirm the use of common and robust accounting rules, the continued use of the flexibility mechanisms and their improvement, and the continuation of Kyoto Protocol institutions.

It emphasized ensuring the environmental integrity of the Kyoto Protocol and the necessity for improvements to the Kyoto Protocol rules, especially with regard to LULUCF and the

flexibility mechanisms. The use of surplus assigned amount units (AAUs) should be addressed in Cancun, it said, and we should set a basis for new market mechanisms. The scope of the Kyoto Protocol should be extended to other sectors and gases. All this will avoid unnecessary uncertainties for policy makers, stakeholders, markets and citizens, in line with the ambition to avoid a gap between the first and second commitment periods.

It said that it relies on the Chair of the AWG-KP and the incoming Presidency of CMP 6 (Mexico) to prepare the documentation and to actively consult Parties in the run up to Cancun. In Cancun, political options on outstanding issues should be addressed. It emphasized that progress is needed towards a legally binding and balanced outcome in both negotiating tracks, with broad participation from Parties.

The Democratic Republic of Congo, on behalf of the African Group, said that a long-term solution to the climate crisis is a global effort. Agreement to a second commitment period is absolutely essential to facilitate agreement under the AWG-KP. The African Groups’ expectations for Cancun are for the adoption of the amendment to Annex B for Annex I Parties’ emission reductions in the second commitment period. Emission reduction commitments should be strengthened to be consistent with the goal of limiting temperature increase to below 2 degrees Celsius from pre-industrial levels.

It emphasized that the rules should be resolved in a manner does that does not delay the work on the numbers and lead to a gap between the first and second commitment periods. It re-affirmed the two track approach of the negotiations and said that reaching agree on the second commitment period is crucial for reaching agreeing in the AWG-LCA.

Australia, on behalf of the Umbrella Group, said that clarity on the rules is necessary to consider what emission reductions are possible. It said that the legal discussion on the rules should be a priority early at the next session of the AWG-KP in Cancun. It emphasized the need for a balanced, fair and effective legally binding outcome that includes all major emitters, and that the Kyoto Protocol is part of the comprehensive outcome in Cancun. All developed countries have put forward quantified emission limitation and reduction objectives in the context of a comprehensive climate framework, and these are contained in Appendix 1 of the Copenhagen Accord, it said.

Grenada, on behalf of the Alliance of Small Island States (AOSIS), said that the longer the delay on ambitious emission reductions by Annex I Parties, the more difficult and costly it is to guarantee the survival of small island developing states and other vulnerable countries. Annex I Parties must take the lead in committing to binding economy wide emission reductions that are sufficiently ambitious in scale in the Kyoto Protocol's second commitment period.

It expressed satisfaction that AOSIS' proposals for amendment of the Kyoto Protocol with regard to market mechanisms, carry over of surplus AAUs and new gases are reflected clearly in the Chair's draft proposed text, and are for maintaining environmental integrity. The proposals aims to reduce uncertainty and increase the scale of Annex I Parties' emission reductions as a number of proposed options are likely to undermine the environmental effectiveness of pledges on table, it said.

Grenada said that far more ambitious targets are needed as current pledges are consistent with a temperature increase of 3.5 degrees Celsius or more. AOSIS' position is that Annex I Parties should reduce their emissions by 45% below 1990 levels by 2020, according to the best available science. CMP 6 must adopt the amendment to the Kyoto Protocol for Annex I Parties' emission reductions in the second commitment period, in accordance with Decision1/CMP.1.

Switzerland, on behalf of the Environmental Integrity Group said that some progress had been made on key elements for Cancun, with a view toward a balanced package of decisions. It said that the Kyoto Protocol was still important but alone, would not solve the global climate change challenge. Further improvements to the valuable features of the Kyoto Protocol in Cancun are needed, including progress on LULUCF and market mechanisms. The package under the AWG-KP must be balanced with the AWG-LCA, and there should be balance within the decision of the AWG-KP. The Kyoto regime should be strengthened and its mandate fulfilled.

Lesotho, on behalf of the least developed countries (LDCs), said that it was disappointed with the AWG-KP outcome in Tianjin. An ambitious post-2012 regime that is backed by the best available science is needed, and political will to limit temperature increase to 1.5 degrees Celsius, it said. It welcomed the statements of some

developed countries for a two track legally binding outcome and expressed hope that it would also be the position of all developed countries. It said that the amendment of the Kyoto Protocol for the second commitment period of Annex I Parties' emission reductions is of paramount importance, and that it must enter into force by 1 January 2013.

Egypt, on behalf of the Arab Group of 22 countries, said that it was concerned about the results of the negotiations in the AWG-KP. Delays continue to prevail in the numbers group, and there were no serious discussions on loopholes (that allow Annex I Parties to avoid taking real emission reductions). It said that some Parties insisted on discussing controversial issues on legal matters, when the mandate of the group is to determine Annex I Parties' emission reductions for the second commitment period according to Article 3.9 of the Kyoto Protocol and Decision 1/CMP.1.

The Arab Group will not accept terminating the Kyoto Protocol, and refuses any such attempt by the major players that do not have any intention of committing to a second commitment period, which is the real key to unlocking the impasse in the negotiating process. Egypt said that we should agree as early as possible in Cancun on the second commitment period, which must be ambitious and in line with environmental integrity.

Bolivia, on behalf of the Bolivarian Alternative for the Americas (ALBA), said that the second commitment period is absolutely necessary, and that Annex I Parties are obliged to commit to quantified emission reductions. The proposals on market mechanisms would enable them to hand over their responsibility to developing countries. Developed countries should not condition their commitments on rules which give greater flexibility to them, it said.

It said that proposals for emission reductions by Annex I Parties are not consistent with science, the need for development by developing countries, or fair and equitable sharing of the atmospheric space. It supported the existing climate change regime, and that temperature rise must be limited to 1 to 1.5 degrees Celsius.

It asked the Chair of the AWG-KP to outline an effective schedule, so that the group can debate and agree results for Annex I Parties' emission reductions in the second commitment period. It said that the international negotiating process must be respected. The Chair's scenario note was

accepted, but it was not a blank cheque to change the mandate of the group. The group's mandate derives from Article 3.9 of the Kyoto Protocol and Decision 1/CMP.1, it said.

Norway said that it supported the Kyoto Protocol and would like to have a second commitment period as part of a broader framework. The Kyoto Protocol has quality elements and is a strong environmental agreement because of the form of its emission reductions commitment, with compliance, etc. and flexibility for governments in fulfilling their commitments.

However, its second commitment period is not enough, it said, and all major emitters must do their

fair share, to be environmentally meaningful. It said that it is necessary to keep warming to below 2 degrees Celsius, and it is important to ensure transparency by all Parties to reduce emissions. The level of ambition for emission reductions must be raised, and substantive discussion on the rules, legal issues, and numbers are necessary for a second commitment period, it said.

The work done in Tianjin this week has been reflected in a new text – “Draft proposal by the Chair to facilitate preparations for negotiations”. This document will be forwarded to Cancun. The Chair invited Parties to submit their views on the text by 31 October.