

## **Kyoto Protocol's future hangs in the balance**

Bonn, 21 June (Lim Li Lin) – The future of the Kyoto Protocol hangs in the balance after the latest round of talks, and political guidance is suggested to be sought from ministers prior to and at the meeting of the Protocol Parties in Durban in December.

Following the slow progress made in the Bonn talks that ended on 17 June, it is expected that the fate of the treaty will now be in the hands of ministers.

In the closing plenary of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), Chair Adrian Macey (New Zealand) summarized his views by concluding that most of the political issues remain unresolved and would benefit from political attention by Ministers before and during the Durban meeting. He identified the aggregate emission reductions figure, the nature, content and applicability of the rules for the second commitment period (for emissions reduction after 2012), and the relationship with the Ad Hoc Working Group on Long-term Cooperative Action under the UN Framework Convention on Climate Change (AWG-LCA) as outstanding issues.

(The AWG-LCA is a separate track with its distinct mandate to implement the Convention more effectively.)

In their closing plenary statement in Bonn, developing countries under the Group of 77 and China acknowledged the need to continue political discussions to “ensure an environment of trust and a sense of common purpose”, but said that still more work is needed to reach a common understanding on technical issues, and more balance with the political debate.

Developing countries continued to be united in their insistence that developed countries must

honour their legally binding obligation to commit to the next period of greenhouse gases emission reduction in Durban so as to avoid a gap when the first commitment period ends in 2012.

However, little progress was made to conclude the next commitment period for developed countries. Instead, Canada declared at the Bonn session that it was not going to undertake further emission cuts under the Kyoto Protocol.

Talks at the start of the session were at an impasse until agreement was reached mid-way to discuss political issues and continue technical negotiations in parallel, within the mandate of the working group which is for further commitments for Annex I (developed country) Parties under the Kyoto Protocol.

At the last session in Bangkok in April 2011, developing countries had refused to work in small “spin-off” groups discussing technical issues on accounting rules until there is clarity about the political issues around the future of the Kyoto Protocol. This is because a number of developed countries - Canada, Russia and Japan - have openly declared that they will not take further emission reduction commitments under the Kyoto Protocol.

Canada made this announcement in Bonn, joining Russia and Japan who had already declared their “defection” last year. Instead, they want a new agreement to replace the Kyoto Protocol. Other developed countries like Australia, New Zealand and the European Union have placed conditionalities on their further commitments, and prefer a new agreement to replace the Kyoto Protocol.

As such, while developing countries are working towards completing the technical work in the AWG-KP for the second commitment period, most developed countries are working to

complete its work in order to transfer the results into a new agreement that they seek as the outcome of the other track of negotiations, the AWG-LCA (Ad hoc Working Group on Long-term Cooperative Action under the Convention).

This led developing countries to insist on having a discussion in the larger contact group to clarify the context of the work in the AWG-KP. Developed countries and the Chair of the AWG-KP, gave assurances that the work of the AWG-KP is within the context of its mandate.

Developing countries are united on their demand for the Kyoto Protocol's second commitment period to be adopted in Durban. It is the last meeting that offers any chance, however slim, for the next round of emission cuts to enter into force in time to avoid a gap in legally binding international emission reduction commitments. The first commitment period of the Kyoto Protocol ends in 2012. There is still no agreement on concluding a treaty as the outcome of the AWG-LCA, and the negotiations on the substantive issues are nowhere near completion.

In addition, the new agreement that is being promoted by developed countries is based on a "pledge and review" system, where countries decide what to do domestically, with weak or no international compliance measures. In contrast, the Kyoto Protocol sets legally binding international targets, and has already agreed rules on accounting, reporting, review and compliance. The negotiations for the next round of emission reduction commitments under the Kyoto Protocol are intended to be science based, reflecting the necessary emission cuts required.

The technical spin-off groups made some progress in terms of "streamlining" the Chair's proposed text, and a revised version was issued at the end of the session. It was also agreed that the next session (later announced to be in September/October) would be a resumed session of the AWG-KP meeting in Bonn.

AWG-KP Chair Adrian Macey's summary concluded that most of the political issues remain unresolved and pointed to ministerial involvement before and during the Durban meeting. He identified the aggregate emission reductions figure, the nature, content and applicability of the rules for the second commitment period, and the relationship with the AWG-LCA as outstanding issues.

He also said that in the proposed text for amendments to the Kyoto Protocol for the second commitment period, option B has largely not been discussed. (Option B contains proposals for amending the Kyoto Protocol that are not strictly within the mandate for further commitments.)

**Argentina**, speaking on behalf of **the Group of 77 and China**, reiterated that the adoption of the second commitment period of the Kyoto Protocol in time to ensure there is no gap between the commitment periods is its overriding priority, and will be a key element for a successful, balanced and comprehensive outcome in Durban. It emphasized the need to continue political discussions to "ensure an environment of trust and a sense of common purpose", but said that still more work is needed to reach a common understanding on technical issues, and more balance with the political debate.

Argentina stressed that the AWG-KP's mandate for further commitments for Annex I Parties is a legal obligation, not only a political imperative. It said that the Kyoto Protocol is the cornerstone of the multilateral climate change regime, and that there is a need to preserve the Kyoto Protocol and its stringent rules for monitoring, reporting and verification, its flexibility mechanisms, and its compliance regime. The Kyoto Protocol is the only legally binding instrument to tackle emission reductions in an effective way, it said.

It emphasized increasing the level of ambition of current Annex I Parties' pledges, noting that the largest share of historical global emissions of greenhouse gases has originated in developed countries. Annex I Parties must show leadership in modifying the longer-term trends in anthropogenic emissions, and "bridge the gap between the ambition of the current pledges and the requirements of science", it said.

**Hungary**, speaking for the **European Union**, said that it was eager to continue and speed up discussions on land use, land use change and forestry (LULUCF) and methodological issues. It said that there are elements of the Kyoto Protocol to improve, and this would be the best basis for a common rules-based framework for all "major emitters". It said that a balanced outcome for Durban would cover both negotiating tracks and capture progress. It was necessary to link the outcomes of the two tracks, as progress wider

than the Kyoto Protocol is essential to limiting temperature increase to 2 degrees Celsius, it said.

**Australia**, on behalf of the **Umbrella Group**, said that the Kyoto Protocol negotiating track is an important part of the work for a comprehensive climate regime that includes all "major economies". It said that LULUCF accounting rules are central, and that land sector rules must be finalized in Durban. Deeper and broader access to the carbon markets is essential, it said. Its aim is for a new global climate regime, where all Annex I countries will continue to implement policies and measures after the first commitment period, and includes all major emitters.

**Grenada**, speaking for the **Alliance of Small Island States (AOSIS)** emphasized that there had been agreement to complete the work of the AWG-KP as early as possible to ensure that there is no gap between the commitment periods. Its goal of limiting temperature increase to 1.5 degrees Celsius is already at risk if decisive action is not taken now.

It said that many Annex I Parties see value and necessity to continue to build on the Kyoto Protocol through the second commitment period, and that it has worked hard to explore the conditionalities of some Parties, most of which are political. It said that there is only so much that small island states can do to address the political conditionalities, and asked all Parties to exhibit the flexibility needed to engage in technical, legal and political issues to enable willing Annex I Parties to engage on the second commitment period. Parties' constraints and concerns must be addressed, it said.

**Papua New Guinea**, speaking for the **Coalition for Rainforest Nations** said that the second commitment period under the Kyoto Protocol must be a central part of the Durban outcome. The new regime must be built on the stringent system of rules under the Kyoto Protocol, it said, and clarity on them is needed. It supported solid accounting, and MRV (measurement, reporting and verification) at the national level. It said that LULUCF must cover all emissions and removals. The time has come to engage with all Parties to scale up the level of ambition for developed countries, and to ensure that the second commitment period guarantees environmental integrity, it said. It advocated introducing REDD (reducing emissions from deforestation and forest

degradation in developing countries) plus under the Kyoto Protocol, and welcomed the proposal by South Africa on the intensification of work and direct engagement of Ministers to move the work forward.

**Democratic Republic of Congo**, speaking on behalf of the **African Group**, said that agreement on the second commitment under the Kyoto Protocol is absolutely essential, and must be concluded as soon as possible. The climate regime must ensure ambitious emission reductions to ensure that the impacts of climate change do not undermine our development goals. It expressed its deep concern that several Annex I Parties are not committed to the second commitment period, and that there is a lack of political will by Annex I Parties to meet their legal obligations under Kyoto Protocol. Without the second commitment period, there is no legally binding instrument for emission reductions of Annex I Parties, and this is unacceptable to the multilateral process, it said. It insisted on the full separation between the two negotiating tracks, and said that any efforts to use the AWG-LCA to delay the negotiations on the second commitment period must be avoided. It emphasized its priority for a detailed work programme for adapting the second commitment period in Durban, which would be a turning point in the multilateral negotiations.

**Gambia**, on behalf of the **Least Developed Countries (LDCs)** expressed its concern that Parties who do not support the second commitment period are stalling progress on the discussion of the level of ambition of Annex I Parties, while eagerly participating in the flexible mechanisms. It said that the flexible mechanisms are an integral part of the Kyoto Protocol.

**Ecuador**, speaking on behalf of the **Bolivarian Alliance for the Peoples of Our America (ALBA)** highlighted the goal of making real commitments to stabilize concentrations of greenhouse gases in the atmosphere to a level that would prevent dangerous anthropogenic interference with the climate system. It said that the world is facing a legal gap between the commitment periods, which would weaken the setting of ambitious emission reduction targets. As such, ALBA countries intend to organize a high-level meeting before Durban to promote an increased level of ambition for developed countries' emission reduction commitments.

It said that some Parties have emphatically refused

the second commitment period but continue to undermine ambition in the AWG-KP, and clearly intend that rules developed by the AWG-KP are transferred elsewhere. Other discussions that do not increase the level of ambition but generate more flexibility for developed countries to fulfill their commitments move away from the mandate and the key elements of the AWG-KP. In relation to LULUCF, it said that it is important to further develop the definition of forests, which are part of complex ecosystems, and are not just trees.

Statements were also made by China, India, Bangladesh, Solomon Islands and Brazil.

**China** emphasized that Durban will be a litmus test on political will and political wisdom on dealing with climate change. Developed countries must accept their historical and present responsibility, it said.

**India** suggested that new facilitators should be provided a basic training module to help them act as disinterested facilitators rather than as Party negotiators. It said that negotiations need to be conducted on the basis of submissions made by Parties and these should be the documents carried forward to future sessions.

**Bangladesh** said that we must concentrate of the second commitment period with an increased level of ambition by Annex I Parties in Durban without prejudging what will happen after the second commitment period. It supported using the flexible mechanisms beyond 2012, and a fair, balanced, effective and binding global agreement in the future.

**Solomon Islands** said that at the end of 2011, we are returning to the birth place of humanity, and the last thing we want to see is humanity killed in its birth place. Killing the Kyoto Protocol will kill humanity, it said. It is a set back that will kill developing countries, and humanity from planet Earth. It said that there is no alternative to the second commitment period of the Kyoto Protocol, and Durban must deliver to save humanity.

**Brazil** said that we have a regime, the Kyoto Protocol is one instrument and the AWG-LCA is one process. Both tracks are in the regime, and we do not need a new regime but instead need to work together to strengthen the regime, it said.