

Doha must adopt 2nd commitment period under the Kyoto Protocol

Bonn, 16 May (Fauwaz Abdul Aziz) – The 17th Session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) opened on 15 May with developing countries demanding that developed nations embark on the necessary level of mitigation ambition and other meaningful actions so that the second commitment period for emissions reductions under the Protocol can be adopted in Doha, Qatar this December.

(The first commitment period for greenhouse gases emission reductions by Annex 1 Parties ends in December 2012.)

Several of the representatives of the groups of developing countries made eloquent and forceful statements that underscored their dismay with the failure of the Annex 1 Parties (developed countries and countries with economies in transition) to own up to their share of responsibility and undertake emissions reductions to the extent commensurate with the crisis of climate change.

Developed countries have neither taken the steps to take meaningful second commitment period of emission reductions nor submitted unconditional quantified emission limitation or reduction objectives (QELROs). The submissions so far, said the developing countries, have not inspired the confidence of the developing countries nor of the people of both developed and developing worlds.

The AWG-KP chairperson Madeleine Diouf Sarr laid out the work of the Working Group that, despite the large number of issues either resolved in Durban or forwarded to the SBSTA and the SBI for further consideration, still remained to be completed in accordance with its mandate of the Durban decision. These are: (a) QELROs for the second commitment period to be delivered to Doha for adoption; (b) assessment of the implications of carry-over of

assigned amount units (AAUs) on the scale of emission reductions in the second commitment period and recommendation of appropriate actions for consideration in Doha; and (c) proposed amendments to the KP including the length of the second commitment period.

Speaking on behalf of the G77 and China, Algeria's ambassador Latifa Benazza said the second commitment period for the Kyoto Protocol (KP) starting 1 January 2013, "is central for a successful outcome of the 18th Meeting of the Parties in Doha."

Benazza pointed out that according to the Durban decision made at the 7th COP serving as the Meeting of the Parties to the Kyoto Protocol (CMP), Annex 1 Parties to the KP were invited to submit information on their QELROs for the second commitment period under the Protocol by 1 May, 2012 for consideration of amendments to Annex B of the Protocol at CMP8.

"We are concerned by the fact that this process is voluntary and not mandatory, especially with regard to conditionalities imposed by some countries to increase the level of ambition and event to submit their QELROs."

Considering the raising of level of ambitions of the Annex 1 Parties in reducing their greenhouse gasses as a priority, the Group call upon the Parties to intensify their efforts in reducing their GHG emissions in accordance with the principles and provisions and the Convention.

Algeria also said the Parties should prevent the creation of a gap between the first commitment period and the second commitment period.

India, speaking on behalf of the BASIC countries (Brazil, South Africa, India and China) said: "Doha is the last opportunity before the end of the first commitment period on December 31, 2012 to

adopt the amendments to Annex B of the KP. Therefore, we stress that KP should be the central deliverable of Doha COP and we are of the firm view that Doha should be seen as KP-2 COP.”

It added that, “The failure in reaching a satisfactory resolution and completion of work of AWG-KP at COP 18 without any further conditions would gravely affect the full scope of negotiations and implementation under the climate change regime.”

As India noted, it and many other countries acquiesced to the “delicately balanced” set of decisions making up the ‘package’ in Durban last December 2012, after being assured that all the necessary steps would be taken to ensure that a meaningful second commitment period will enter into force with a seamless transition between the first and second commitment period, and unconditional QELROS “based on deep and ambitious cuts.”

It also expressed “serious concern” of the instance of ‘ship-jumping’, including the renunciation of commitments upon the conclusion of the COP in Durban.

Nauru, speaking on the same issue on behalf of the Alliance of Small Island States (AOSIS), said the task at hand must be to respond to the accelerating impacts of climate change with the appropriate level of mitigation ambition.

“We must conclude the work of the AWG-KP with the adoption of the Doha amendments that establish a five-year second commitment period under the Kyoto Protocol to run from 2013 to 2017. These amendments must express ambitious, unconditional emission reductions, and they must be legally binding on Parties from 1 January 2013 forward, through the provisional application of these amendments pending their entry into force. This is necessary to ensure that there is no legal gap in the implementation of the Protocol, and no question about the implications of a gap for the operation of the Protocol’s framework of accounting rules, institutions and flexibility mechanisms,” said Nauru.

“The adoption of a second set of legally-binding commitments for Annex 1 Parties under the Kyoto Protocol is an essential part of the Durban package and we must deliver on this package.”

The Nauru representative then laid out several reasons why AOSIS had consistently called for Annex 1 countries to undertake a second commitment period of five years, rather than the eight years, as several developed countries had announced they would undertake:

Firstly, the eight-year ambition brought forward by Annex 1 countries is said to be “plainly inconsistent” with the emission reductions trajectory needed to be in line with the limitation of temperature increases to below 1.5 degrees. “A five-year commitment period is needed to avoid locking-in for eight years a level of ambition that all parties in this room already know to be inconsistent with our long-term goals.”

Secondly, a five-year commitment period also preserves the flexibility to respond to the rapidly evolving science surrounding climate change. “A five-year commitment period will enable the reflection of the IPCC (Intergovernmental Panel on Climate Change) AR5 (Fifth Assessment Report) outcomes that are due in 2014 at the soonest time possible.”

The five-year commitment period will also allow the flexibility to respond to the falling costs of mitigation technology now making emission reductions economically and technically more feasible, while anticipating the structure of the Kyoto Protocol. A five-year commitment would also enable the identification of non-complying countries thereby allowing the necessary policy adjustments as soon as possible.

Lastly, all Annex 1 Parties had acknowledged that they can present five-year QELROS and that period of commitment is essentially an issue of preference rather than of necessity.

Nauru then set out the five issues that it believed most urgently required the attention of the AWGKP:

- to work on raising the ambition of proposed QELROS and commitments of all Annex 1 countries
- to work on rules for the translation of pledges to QELROS that move parties to higher levels of ambition and preserve the environmental integrity of the Kyoto Protocol
- to develop a solution to the issue of surplus assigned amount units (AAUs)
- to revisit the form of proposed Annex B and other proposed amendment text
- to confirm a process and agree text to ensure the provisional application of adopted amendments pending their entry into force under the normal ratification process.

“The KP is not an appropriate place to lodge conditional commitments. The KP is also not the place to endorse ranges of possible ambition to provide political cover to individual parties that may not have the courage to admit to small island states, LDC and other vulnerable countries that are unwilling

to commit to a level of ambition consistent with long-term survival. No, the Kyoto Protocol is the place to adopt clear, unambiguous, unconditional emission reduction commitments that the public can readily understand and on which the international carbon market can rely. We have further work to do to achieve this clarity.”

Speaking on behalf of the African Group, Swaziland highlighted the efforts by certain quarters to “re-interpret” the concessions that had already been made in Durban, a possible reference to the emphasis of some negotiators, such as those from the United States, to place different meanings to the previously understood terms “equity”, “common but differentiated responsibilities” and “applicable to all Parties”.

Echoing the statements of Nauru, Swaziland also expressed disappointment in the apparent lack of commitment by Annex 1 parties to raise their level of greenhouse gas ambition.

While the COP in Durban recognises the need to ensure aggregate emissions of greenhouse gases by parties included in Annex 1 by between 25 to 40 percent below 1990 levels by 2020, this was not reflected in the pledges made by the same Parties, said Swaziland. Referring to declarations by some Annex 1 Parties for an eight-year second commitment period, Swaziland said it has been the position of the African Group that “significantly increased levels of ambition from Annex 1 countries over the period to 2020 is vital to save our continent from serious impacts due to climate change.”

“The Africa group cannot consider locking such low levels of ambition in for such a long commitment period, which will result in disastrous consequences, especially on Africans, LDCs and small island states.”

Swaziland also noted the failure of some Annex 1 Parties, on the one hand, to submit their QELROS by the deadline of 1 May 2012, and the failure of others to even attempt to move towards the “higher end of their pledges.”

Speaking on behalf of the Least Developed Countries, Gambia also said it is “absolutely crucial” that all outstanding issues relating to the KP be resolved “with the highest possible ambition” so that all the necessary decisions on the Protocol can be adopted for a second commitment period covering the widest cope of emissions possible in Doha.

Agreements on three issues, in particular, needs to be reached in order to make Doha a success:

(i) the adoption of all proposed amendments, including the agreement to convert pledges into QELROs; (ii) the length of the commitment period; and (iii) the carry over of surplus AAUs.

Saudi Arabia on behalf of the Arab group, said that the KP is one of the main pillars of the international climate regime, and the sole legal instrument within the UNFCCC. It is also the real guarantee for a continued carbon market. It also said that the KP contains the sole financing mechanism for adaptation efforts of developing countries.

The group said that Durban reached agreement on the second commitment period but neither the length nor emissions reduction rates are agreed. It is important to agree in Doha on ambitious rates of Annex I Parties for future commitment periods.

It stressed the importance of working on avoiding a gap between the first and second commitment periods.

The Arab group said the KP has effectively contributed to establishment of the international climate regime and has achieved positive results while keeping the main principles. It looked forward to the day when developed countries assume responsibilities, reduce their emissions, while containing the binding framework within the UNFCCC.

It emphasised the importance of ratifying the second commitment period and its entry into force in 2013 to avoid a gap with the first commitment period.

Bolivia, on behalf of the ALBA group of countries, said that the Durban results did not provide the response needed due to lack of political will, and showed a trend it is concerned about, i.e. a move away from commitments without having fulfilled the first stage.

It called for concrete commitment at the highest levels, noting that for the EU only 11% of emissions need to be reduced. Some Parties have not even taken on commitments and others are drawing back.

ALBA cautioned against the unbridled use of flexible mechanisms and said that Parties cannot claim rights without making any commitments, adding that we would increase even more the emissions gap created by carbon markets. It stressed the need to establish environmental integrity control measures and a cap on the use of these mechanisms.

It also said that Doha will have no meaning without QELROs of developed countries, and that it is urgent for the second commitment to be ratified in

December. It is the results of the two Workings Groups (KP and LCA) that are the pillars and the fundamental input of the beginning of discussions of the Ad Hoc Working Group on the Durban Platform. Bolivia also said that there should be respect for the rights of pachamama (Mother Earth).

South Africa said that since CMP 7 in Durban, we have met informally to consider the outcomes of Durban. It said that it has a responsibility, working with Qatar (the next COP and CMP host) to ensure gains made in Durban are not rolled back. "What we accomplished in Durban allowed us to regain confidence in the UNFCCC structure," it said and expressed hope that Parties will manage that with care.

(The South African minister of foreign affairs held informal ministerial consultations on 4-5 May.)

South Africa said Parties must urgently address the level of ambition from now to 2020, adding that by agreeing to the package of decisions, it proved we can work together and move the process forward. It called for a clear direction on what needs to happen until the end of the year and the adoption of the KP amendment at CMP8 and agreement of outstanding issues – the length of the second commitment period, change pledges to QELROs and AAUs.

It said that during the informal ministerial consultations prior to this meeting, Parties had assured South Africa that they were willing to work together. The focus of the meeting was to look specifically at what needs to be done here in Bonn, what science says, and what actions Parties can take now. The Ministers present at the meeting discussed equity and common but differentiated responsibilities, where Parties could not agree on a perfect definition. South Africa said this should be discussed in a manner that is not a zero-sum game.

South Africa also said that the Durban outcomes are still very fragile, and there is a tendency to draw back and disown decisions. "We cannot afford that to happen."

Australia, speaking on behalf of the Umbrella Group (Canada, Japan, Kazakhstan, New Zealand, Norway, the Russian Federation, Ukraine), said it was committed to building an international climate change regime that is comprehensive, fair and effective.

"Last December in Durban, Parties set a clear path forward for the international regime. We recognized that a universal platform – a new agreement to come into effect from 2020 and covering all Parties – is

needed to meet the environmental and economic challenge of addressing climate change."

The decision to establish a second commitment period alongside emission reduction pledges recorded under the Convention will ensure "we continue to advance the global response to climate change as we build the new agreement."

"All Umbrella Group countries have put forward economy-wide targets. We are taking action to meet these. Many of us have established targets in national law, and have implemented concrete measures to limit and reduce emissions. We are committed to meeting our targets irrespective of where these are written down." (Canada has announced its withdrawal from the KP, while Japan and the Russian Federation will not undertake a second commitment period.)

"We know that action by all major economies is essential if we are to meet the global 'below 2 degree' goal. We also acknowledge and applaud the action being taken by some of the least developed and most vulnerable developing countries in contributing to the global response," Australia said.

It said the AWG-KP should fulfill its mandate at CMP 8 in Doha by adopting amendments to implement a second commitment period from 1 January, 2013. At this time, the AWG-KP will be concluded and the group should be closed.

"This year, we will need to conclude the remaining rules for a second commitment period. We must also ensure that the infrastructure of the Kyoto Protocol, including its market mechanisms, continues to operate smoothly beyond the first commitment period. This will give confidence to the Parties and non-Parties that are making substantial investments in reducing emissions under the Protocol and its mechanisms."

The second commitment period, however, is only one pillar of the global response and cannot by itself help to avoid dangerous climate change, said Australia.

"We must work equally under the LCA track and through the subsidiary bodies to build a robust implementation framework for action under the Convention. We must make strong headway on developing the new agreement under the Durban Platform. The practices, processes and mechanisms we have built and tested under the Kyoto Protocol will continue to inform us in these efforts."

Switzerland, speaking on behalf of the Environmental Integrity Group (Monaco, Mexico, Lichtenstein, the Republic of Korea), said the continuation of the KP for a second commitment

period after 2012 was secured as part of the whole package of decisions taken there. “By Doha, we will have to take decisions on the remaining parameters of the second commitment period.”

Switzerland also said the EIG supports a length of eight years for the second commitment period, during which the group is of the view that the overall level of ambition should aim at following the IPCC recommendations.

There are also the legal issues to be operationalized, and the secretariat is invited to inform the EIG as soon as possible about those that are to be resolved in order to have a seamless continuation of the KP beyond 2012. Switzerland asked that the AWG-KP chair coordinate regularly with the chairs of the other bodies under the Convention as the implementation of the second commitment period would require enhanced support.

“Finally, to end today on an optimistic note, the EIG is convinced that with the necessary political willingness, we will be ready to operationalize the KP at Doha. Therefore, we would invite the incoming COP presidency to make all the necessary arrangements allowing for the signature of the amended KP at Doha.”

Denmark, on behalf of the European Union, said “significant and balanced progress” was made in Durban across all tracks and showed that the negotiations can deliver important steps towards the common objective of keeping global average temperature increases to below 2 degrees compared to pre-industrial levels.

“A clear example is the establishment of the Durban Platform for Enhanced Action that paves the way for immediate action, and is a decisive commitment towards a single, fair and comprehensive legally binding agreement under the Convention that is applicable to all Parties.”

Denmark also said the EU welcomes the progress made in Durban towards the adoption of amendments to the KP at Doha, which would ensure the continuity of an effective multilateral rules-based system and enable a second commitment period to start on 1 January 2013. “We also welcome the agreements achieved on key aspects of a second commitment period, including on Land Use, Land-Use Change and Forestry, establishing robust accounting rules for this sector in the second commitment period as well as the continuation of the flexible mechanisms.”

The second commitment period is an integral part of a wider coherent package and a key element of the

transition towards a single global and comprehensive legally binding agreement to be negotiated under the Durban Platform, said Denmark.

However, it is known that a second commitment period alone would not be sufficient to deliver on the common objective of keeping global average temperature increases to below 2 degrees.

“A second commitment period of the Kyoto Protocol comprising the EU and a few other countries will at most cover only 14% of current global emissions. This testifies to the need to make progress across all tracks of the negotiations this year,” said Denmark.

The EU signaled its commitment to a second commitment period with the objective of coming out of Doha with a ratifiable agreement on a second commitment period including the inscription of QELROs in Annex B of the KP.

“An important task this year will be to ensure a high level of ambition of the QELROs in the second commitment period. In line with the agreement in Durban, the EU has already provided information on its QELROs, and we are looking forward to other Annex B parties doing the same.”

The EU urged all Annex B Parties that have signaled they will not be part of the second commitment period to reconsider, in light of the progress in Durban.

Among the outstanding issues to be resolved so as to permit the adoption of amendments to Annex B is the carry-over of surplus AAUs and the length of the commitment period, which EU said should be for eight years “as was implicit in the Durban package” and which will provide for convergence with the new single agreement that should enter into force no later than the beginning of 2020.

“The Kyoto targets are part of the global context, and we should be careful not to lock in insufficient overall ambition levels. This is why the EU has proposed a KP review and a simplified process for Parties wishing to increase their ambition level during the second commitment period ... Before closing the AWG-KP in Doha, we must ensure continuity between the first and the second commitment period.”

In proceeding with constructing the new legally binding agreement, work should not start, but rather build on essential elements of the Kyoto Protocol, such as its strong accounting and reporting framework and flexible mechanisms.

The EU said that Kyoto Parties that do not intend to be bound by a second commitment period under the

Kyoto Protocol should explain how they will stick to the robust accounting and reporting framework under the Kyoto Protocol in the coming years.

“If we continue in the constructive spirit of Durban, we will be able to take further steps toward the second commitment period here in Bonn, as part of the progress across all tracks on the road to a single global and comprehensive legally binding agreement.”

Norway, in associating with the Umbrella group of countries, said its own country has always been a firm supporter of the KP, and shown its willingness to move into a second commitment period as part of a balanced outcome.

“We would like to see the broadest possible participation in the second commitment period, and encourage Parties who are still considering it to participate in the second commitment period. Norway is fully committed to delivering this part of the Durban package in 2012.”

The submissions by countries will constitute the basis for further discussions on QELROs for the new commitment period. On its part, Norway’s target of 30% reduction of emissions by 2020, compared to 1990, is consistent with a QELRO of 81-84 for an eight-year commitment period. An eight-year commitment period is preferable so as to ensure that there is no gap between the second commitment period under the Kyoto Protocol and the new comprehensive agreement under the Convention, that shall enter into force no later than 2020.

“We will deliver one single number in time for adoption of a new commitment under the Protocol in Doha,” said Norway adding that there is a need to agree on outstanding rules and questions as soon as possible so as to conclude the work of the AWG-KP in time, in line with the Durban decisions.

“As regards a possible legal gap between the first and second commitment period, we recognize that it takes time to bring amendments to the Protocol and its Annexes into force. Regardless, we will work to ensure that Norway’s commitment in effect will start on January 2013, in order to secure continuity between the first and the second commitment period under the Protocol.”

On surplus AAUs, Norway said it is important to ensure the environmental integrity of the new commitment period, and it will engage in further discussions on a satisfactory solution on the issue. It said that it has developed policies and measures, compatible with the present rules of the KP. “Any

solution to the AAU issue different to the present rules, needs to be compatible with the effective operation of our domestic trading scheme.”

Norway also said all Parties should work together to deliver on the KP as “a key element of the Durban package and formally approve the second commitment period under the Kyoto Protocol.”

Following the AWG-KP plenary, Diouf Sarr in the late afternoon of Tuesday chaired a Contact group on the Durban outcome which deliberated on the holding of a spin-off group on Wednesday in which presentations will be made over the matter of QELROs based on the submissions made by Parties.

The matter was triggered, on the one hand, by assertions from a representative of **the European Union** who claimed that there had been many assertions during the plenary of the AWG-KP that belied “zillions of misunderstandings” over issues that were, for the most part, technical and which serve as obstacles to higher mitigation ambition levels. As such, the EU representative suggested, it may be beneficial for there to be presentations so that all Parties can act to raise or clarify matters of concern.

Bolivia, on the other hand, queried the utility of such presentations given the many presentations that had been given, including submissions on QELROs, but without further enlightenment on the actual obstacles that stood in the way of, for instance, higher levels of mitigation ambitions. “It’s not the technical aspects that are the issue, it’s the lack of political will.”

Bolivia and other Parties such as Saudi Arabia also requested that Parties address penalties and procedures to be applied to those countries that will not be part of the second commitment period.

Diouf Sarr then concluded with the decision to hold the Wednesday spin-off group in which presentations would be made based on requests for clarification as to what obstacles Parties are facing over the submission of information on their QELROs for the parties’ second commitment period, why there were different approaches on the matter of QELROs, and what the difficulties were in increasing their level of ambition.

In addition to Wednesday, a second AWG-KP spin-off group has been scheduled on Friday to discuss legal aspects of the second commitment period.+

(With inputs from Doreen Stabinsky.)