

Developed countries have not moved on Kyoto Protocol commitments

Bangkok, 2 September (Fauwaz Abdul Aziz) – Even as developing countries continue to express strong concern over the low levels of ambition of Annex 1 (developed countries) Parties to reduce the emission of greenhouse gases under the second commitment period under the Kyoto Protocol, the European Union made it clear that it is unlikely to see changes in the pledges of developed countries to reflect a higher level of ambition this year.

This was explicitly stated by the EU at a roundtable discussion held in Bangkok under the Ad Hoc Working Group on the Durban Platform (ADP) on 31 August on the issue of ambition of emissions cuts. This and the unchanged positions of developed countries since the Durban meeting of the Parties to the Protocol prompted the Gambia on behalf of Least Developed Countries to state at the 1 September ADP roundtable that, without a meaningful second commitment period there can be no movement in the Durban Platform process.

Failure to conclude the second commitment period package in Durban resulted in further extension of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) for another year. However, the situation has not changed since the Durban climate conference. The low pledges remain and there are still various ‘conditionalities’ that some Parties have attached to their quantified emission limitation and reduction objectives (QELROS).

At the 30 August opening plenary of the AWG-KP’s additional informal meeting the lack of progress was evident. The Philippines on behalf of a group of 21 developing countries said that in Durban, we strongly proclaimed that Africa will not be the graveyard of the Kyoto Protocol (KP).

In Doha, neither will we allow the KP to be buried in the sands of Asia.

Algeria, speaking on behalf of the Group of G77 and China said raising the ambition of Annex B (developed country Parties to the Kyoto Protocol) commitment is a “priority issue”. It also stressed that the transition between the two (commitment) periods to commit emission reductions should be addressed at this session in a manner that maintains the legally binding character of the commitments. It emphasised the Kyoto Protocol as being the central element of Parties’ international responsibility to deal with the challenge of climate change and that it is essential that there be a strong and legally binding outcome ensuring continuity between the first and second commitment periods.

It further made reference to those countries that had yet to bring forward binding QELROS to the second commitment period but had an interest in accessing the flexible mechanisms provided for in the KP.

The Philippines on behalf of a group of developing countries (Algeria, Argentina, Bolivia, China, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, India, Iran, Kuwait, Malaysia, Mali, Nicaragua, the Philippines, Saudi Arabia, Sri Lanka, Sudan, Thailand, and Venezuela) echoed the statement of the G77/China and underscored the character of the Kyoto Protocol as the only legally-binding, rules-based instrument with quantitative emissions reduction targets (for Annex I Parties) that must be preserved.

Obtaining a substantial and effective second commitment period under the Kyoto Protocol is a key element in the global community’s efforts to address climate change and its adverse effects under the Convention that reflects sufficient

mitigation ambition on the part of the Parties to it, said the Philippines, without which global climate change mitigation efforts will be severely hampered with resultant increased adverse impacts on developing countries.

It said that a meaningful second commitment period is the centerpiece and should be the focus of our work towards Doha. 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 Kyoto Protocol. Therefore, we stress that Kyoto Protocol (KP) should be the central deliverable at Doha and we are of the firm view that Doha should be the KP2 COP.

A meaningful second commitment period and the preservation of KP is the key element of the Durban 'balanced package', the Philippines said further, for which a satisfactory resolution and completion of work of the AWG-KP at COP 18/CMP8 without any further conditions is necessary.

It stressed that failure to do so would gravely affect the full scope of negotiations and implementation under the climate regime.

Noting that the Heads of States in the outcome document of the Rio+20 conference in June had urged Parties to the Kyoto Protocol to fully implement their commitments and decisions adopted under those agreements, Parties should demonstrate their commitment to ensuring results in science-based, equitable and adequate contributions by Annex I Parties to the objective of the Convention.

Contrary to such aims, the Philippines said, it had emerged that some Parties were intending to depart from the decisions made under the Kyoto Protocol to determine an aggregate amount of emission reductions and to base on this individual contributions to this aggregate and instead pursue a pledge-based approach in which weak individual pledges are aggregated "bottom up" into an aggregate target.

Mitigation commitments of Annex I Parties must be established as QELROs through a multilaterally agreed methodology to ensure common accounting and comparability of efforts within the Kyoto Protocol and to ensure all Annex I Parties offer an equitable and adequate contribution, said the Philippines.

It further said that an ad-hoc approach to defining QELROs in which each Annex I country defines and communicates their own QELRO cannot assure the delivery of real and ambitious emission reductions. QELROs should not be treated as merely a political arrangement, or an "empty shell". Endless discussion regarding assumptions and conditions of numbers need to come to an end. An ambitious aggregate emission reduction targets for Annex I collectively, in accordance with their historical responsibilities, must be achieved together with high quality QELROs by Annex I Parties.

The Philippines also said that all "loopholes", including those relating to surplus allowances, should be closed to ensure the integrity of Annex I emission reductions and to prevent resulting in Annex I Parties making no net contribution to the global mitigation effort.

It noted the failure to resolve the issue of the provisional application of the second commitment period before the entry into force of the amendment to Annex B of the Kyoto Protocol, and said that to ensure there is no gap between the first and second periods, such provisional application must, and can, be legally done by Annex I Parties.

It expressed regret and concern with the decision of some Parties to withdraw from and refusal to join in, the second commitment period of Kyoto Protocol, describing it as a "betrayal of the Durban package". It said that these issues relating to the current state of the Kyoto Protocol negotiations, particularly the prospect that there might not be a second commitment period under the Protocol or, at best, a second commitment period with weak targets from Annex I Parties, create the potential for unraveling the Durban package, and could therefore endanger any progress that we might make on other parts of such package, such as with respect to the work under the Durban Platform. Departing from one's commitments under the Kyoto Protocol must have consequences because it shows a clear lack of commitment to helping solve the global climate change problem.

In this regard, the Philippines said Annex I Parties who are not Parties to the Kyoto Protocol or are not going to commit to a second commitment period under that Protocol should not be allowed to use its flexibility mechanisms, nor should there be any new market mechanisms further developed

or concluded under the AWG-LCA for the use of Annex I Parties.

Solid KP commitments from Annex I Parties provide not only political assurance on the use of the flexible mechanisms but are also indispensable preconditions for their continued availability and use, it emphasised.

While it was agreed in Durban that the second commitment period shall commence on 1 January 2013, there is important work to continue in the AWG-KP, said the Philippines, including negotiations on raising the ambition of Annex I Parties contributions to levels consistent with science and equity. Considering that there are so many issues that still need to be resolved with respect to the AWG-KP, we therefore face the prospect that we might need to extend the life of the AWG-KP in order for us to have a second commitment period that is commensurate to the challenge that faces us and which reflects the strong and firm commitment of Annex I Parties to the Kyoto Protocol take the lead in undertaking mitigation targets that reflect their historical responsibility for cumulative global GHG emissions.

The Philippines added that in Durban, we strongly proclaimed that Africa will not be the graveyard of KP. In Doha, neither will we allow KP to be buried in the sands of Asia.

Swaziland on behalf of the African Group likewise urged those Annex I Parties still debating over their commitment to tackle climate change to contribute towards protecting the most vulnerable countries by taking legally-binding commitments under the second commitment period.

Expressing deep concern also about the low level of developed countries' pledges, including the pledges under the Kyoto Protocol and what seems to be an attempt to lock low level of ambitions into a longer second commitment period of eight years, Swaziland said it indicates a lack of commitment to solving this global crisis of climate change.

Given the low levels of ambition, Swaziland said the Group stresses the importance of closing any loopholes which would further weaken the environmental outcome of the second commitment period. Issues such as the carry-over of surplus assigned amounts need to be resolved swiftly and with an outcome which has the most environmental integrity, it said.

The Group further stressed the use of Kyoto Protocol flexible market mechanisms should be restricted only to Kyoto Protocol Parties that enter into the second commitment period. We want to make it clear that the KP flexible mechanism are designed for KP Parties to fulfil their commitments under a sophisticated set of rules with clear accounting systems and compliance systems in a defined commitment period. Those who are outside the second commitment period will not be subject to these rules, and so their use of these mechanisms will endanger the environmental integrity of the UNFCCC. It is upon this basis that we emphasize that those outside the second commitment period should not have access to KP flexible mechanism.

As for the entry into force of the second commitment period, Swaziland said everything possible should be done to ensure that there is no delay and that there is an immediate start to the second commitment period. A gap is clearly avoidable through provisional application of the CP2. If Parties are seriously committed to an immediate start of the second commitment period on the 1st of January 2013, then solutions to any domestic obstacles will be found. The international negotiations process should not be held ransom to individual Parties' domestic political problems.

Among the outstanding issues that remain as obstacles to the start of the second commitment period are the length of the commitment period, the mid-term review, carry-over of assigned amounts, and the level of ambition, and these can only be dealt with successfully together, said Swaziland.

The Group appealed to the AWG-KP chair to take a holistic approach in dealing with these issues, so that by the end of this session, we can have as few options as possible for consideration and decision in Doha. To achieve this, we need to develop draft decisions on the basis of currently available negotiating text, and Party submissions.

Nauru on behalf of the Alliance of Small Island States (AOSIS) said when 2012 ends, every Annex B Party to the Kyoto Protocol must hold clear, unequivocal and ambitious commitments, and the international community must be convinced that these commitments will be delivered. In Doha, Nauru said, a 5-year commitment period to run from 2013-2017 must be established and amendments put in place provisionally pending entry into force that express

ambitious, single-number unconditional QELROS that are legally-binding on Parties from 1 January 2013 forward.

It emphasised that there must be no legal gap in the implementation of the Protocol. The AWG-KP began its work in 2005. Almost 7 years later, and in just 3 months' time, we will deliver the results of this work to the world. These results must be ambitious. They must be credible. They must inspire the confidence of the international community in our multilateral process ... what the KP outcomes absolutely cannot be is window dressing. We cannot have a second commitment period that ignores reality of climate change by enforcing a low ambition or by papering over a lack of ambition with accounting tricks or conditionalities. We also cannot support a second commitment period that promises an increase in ambition at some unspecified future point in time through an empty review process that cannot and will not deliver the necessary ambition.

Nauru said that at the Bangkok meeting the AWG-KP must address such critical unresolved issues as the low levels of ambition as reflected in the QELROS that Parties have brought forward. It pointed out that the European Union's own internal studies indicate that for the EU, an increase of ambition to 30% is both cost-effective and desirable, while Belarus, the Ukraine and Kazakhstan can take much deeper reductions of their holding of surplus units.

It said further that AOSIS is waiting for New Zealand and Australia to present information on their QELROS at the earliest time possible, and look forward to assurances of these countries' unequivocal commitments to taking meaningful second commitment period targets here in Bangkok.

On the implications of the five and eight-year options, Nauru said that an eight-year commitment period would, as a practical matter, lock in a level of ambition that is inconsistent with emission trajectories needed to be in line with the limitation of temperature increases to below 1.5 degrees or even below 2 degrees. It is also inconsistent with the timetable agreed under the ADP to begin a new agreement applicable to all.

On surplus Kyoto units, Nauru said these are of such an enormous scale that it could negate the intended results of a second commitment period of emission reduction. Some Parties refuse to let go of surplus, even though they appear to have no

intention of participating in a second commitment period even when it's clear that these Parties will not need this surplus to achieve a second commitment period goals.

On the related issue of eligibility to participate in the flexible mechanism, Nauru said AOSIS is of the firm view that there can be no access to the benefits of the Protocol's flexible mechanisms for any Kyoto Protocol party that does not take binding second commitment QELROS and does not establish second commitment period assigned amounts.

The Gambia on behalf of the 48 Least Developed Countries (LDC) reiterated the need to discuss the issues of individual aggregate ambition for second commitment period, the length of the second commitment period, the approach of the carry-over assigned amount units, the eligibility of emission trading of the flexible mechanisms, particularly for non-Kyoto Protocol second commitment period parties.

It said that resolving these issues would determine whether we are in a position to adopt a second commitment period of the Kyoto Protocol and expressed concern at the slow pace with which these issues are being addressed.

The Group reaffirmed its position on the length of the commitment period, which is 5 years, because we want to avoid locking low ambition for an 8-year commitment period when we all know that peaking in global emissions is needed as soon as possible, likely immediately after 2015, or before 2020, for consistency with the 2-degrees temperature rise. The provisional application to avoid a gap is important for us to enter into force the second commitment period of the KP.

It noted that some Parties have argued that their domestic constitutions do not permit provisional application to international treaties, while others have argued that they should be allowed to make unilateral declarations of their intent to apply their adoption of a second commitment period. However, we are not convinced that these arguments on the provisional applications are based on actual legal or technical impediments. We believe they arise primarily from domestic political concerns.

Venezuela on behalf of the ALBA group comprised of the Bolivia, Dominica, Cuba, Ecuador, Nicaragua and Venezuela similarly emphasised the importance of reaching a second commitment period. Notably, every treaty in force

is binding upon the Parties to it and must be performed by them in good faith, since new treaties are a promise, not a fact. It said that a “pledge and review system” has already proven that it is not the way to raise the level of ambition, said Venezuela, as it is known how woefully below the pledges are from the so called “Copenhagen agreement”.

South Africa on behalf of the BASIC (Brazil, China, India and South Africa), stressed the importance of the upcoming Doha conference in prioritising the full implementation of the Durban outcome.

These developing countries also underscore our understanding of the departure point on the matter of the adoption of fully ratified amendments to Annex B of the Kyoto Protocol, the adoption of the agreed outcome pursuant to decision 1CP13 and commencement of the work of the Durban Platform. We remain concerned with the level of ambition reflected in the QELROS information submitted by Annex 1 countries that are Parties to the Kyoto Protocol, which is far below what is required by science, and they have the historical responsibility to reduce emissions by at least 25-40% by 2020 from their 1990 levels.

Therefore BASIC call for the adoption of the ratifiable second commitment period under the Kyoto Protocol, with clear entry into force provisions and its immediate implementation in 2013. This is the cornerstone element in successfully concluding the AWG-KP in Doha.

Dominica on behalf of the Coalition of Rainforest Nations called for the creation of a link between the AWG-LCA and the AWG-KP, since the usage of units generated from the new market-based mechanism, REDD-Plus would help to raise the level of ambition of Annex 1 Parties. But actions should be subjected to robust and transparent measurable, reportable and verifiable (MRV) rules at the national level and based on modalities and procedures as agreed at previous Conference of Parties to ensure environmental integrity, including safeguards.

St Lucia commented on the organization of work, and said the AWG-KP Chair’s note has

references to informal meetings and informal consultations, but the distinction between the two is not a clear one. Missing from the note are references to many of the central issues that require resolution. On “high level issues”, it said that the Chair’s note provides that these are to be taken up in the opening plenary and then revisited in informal consultation “if necessary”. St Lucia stressed that it will not be acceptable to AOSIS to call all difficult issues “high level” or “political” and hide them in informal consultations. We need to set aside time slots to address all central issues in an open and transparent manner so that all Parties can participate. We need to set aside formal time slots to address each of our critical issues and the implications and consequences of different approaches through open and inclusive dialogues.

Nicaragua on behalf of Central American Integration System (SICA) composed of Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, lamented the failure to advance towards the ultimate goal of the Convention, contained in its Article 2, which is to achieve the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”. It said that it is clear that instead of moving toward the achievement of that objective, we have moved away from it, because that dangerous interference in the climate system is already a reality, as we are reminded by the growing number of climate-related disasters that are happening around the world. It said that in this context, the ratification of the second commitment period under the Kyoto Protocol, which is supposed to start on the first day of the year 2013 has to have goals consistent with the preservation of the integrity of the climate regime as indicated by science.

Nicaragua called on the Kyoto Protocol developed country Parties to contribute substantially in reducing their GHG emissions, increasing their level of ambition, in order to achieve stabilization of the climate system well below 1.5C. It supports a five-year time frame for the second commitment period.