

Kyoto Protocol “system” key for mitigation ambition, say developing countries

Bangkok, 3 September (Meena Raman) – Developing countries stressed the importance of the Kyoto Protocol’s “system” which is a top-down science and rules-based mitigation regime for enabling ambitious emission reductions in developed countries, instead of a “pledge and review” system advocated by the United States.

Responding to remarks by developed countries such as the US that the Kyoto Protocol (KP) “model” is not “attractive” for the “engagement” of Parties, several developing countries led by Bolivia and Brazil stressed the importance of the KP system.

These remarks were made during a roundtable discussion on “ambition” under the Ad Hoc Working Group on the Durban Platform (ADP).

The US has advocated the need for a new agreement that would be “flexible, dynamic, takes account of national circumstances and individual capacities of countries” in what is viewed as a pledge-based system through a bottom-up approach which is not science based. It also criticised the KP as “working for some and not for all” and as a model whose costs outweighed its value.

Brazil emphasized that no developed country leaves the KP to do more – but to do less.

The European Union supported its commitment for a top-down rules-based system and expressed support for the views of Bolivia and Brazil.

Many developing countries including Small Island States and Least Developing Countries also expressed very serious concerns over the slow pace of progress in the KP negotiations as well as the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), with developed countries not

committing to increasing their emission reduction targets to close the gap in “mitigation ambition”.

The Gambia, speaking for the LDCs said that if there was no second commitment period under the KP (2CP), there would be no outcome in Doha at the forthcoming meeting of the Parties.

In addition, several developing countries including the Alliance of Small Island States (AOSIS), India, China, Brazil, Philippines and South Africa have also stressed the importance of successful outcomes for both the KP and AWG-LCA in Doha to address the gap in ambition in the implementation of the Convention and the KP, as pre-conditions for movement in the ADP. A number of them emphasized the importance of honouring the “mutual reassurances” arrived at in Durban last December.

The Bangkok session of the ADP has been conducted in roundtable discussions for the two agreed workstreams – workstream 1 to address matters related to paragraphs 2 to 6 of the Durban Platform decision (decision 1/CP.17) and workstream 2 to address matters related to paragraphs 7 to 8 of that same decision. (Paragraphs 2 to 6 relate to the agreed outcome envisaged for the post-2020 climate regime while paragraphs 7 to 8 relate to enhancing the mitigation ambition in the pre-2020 time frame.)

Under workstream 1 (on ‘vision’), three sessions have been held from 30 August to 1 September and a further session will be held under workstream 1 on Monday, 3 September. (See ‘TWN Update #5 on developed countries’ ‘vision’ for the new post-2020 agreement). In the case of workstream 2 (on ambition), three sessions have been held between 31 August and 1 September.

Below are highlights from the discussions held under workstream 2.

The Gambia, speaking for the LDCs said that if Parties wanted real progress under the ADP, then they must engage in the KP negotiations for the adoption of the 2CP. Those who are waiting with “numbers in their pockets” will not be entertained in Doha. If there is no 2CP, there will be no outcome in Doha, stressed Gambia.

Bolivia also expressed concerns with the KP negotiations. It said it heard some Parties say that the KP does not work (in an obvious reference to comments by the US at an earlier session). It asked if Parties wanted to build a regime that includes clear commitments for mitigation reductions instead of a pledge and review system that does not give confidence to verify compliance. Referring to technical data from workshops under the UNFCCC, the EU had decreased emissions in 2009 by 22.9 % (compared to 1990 levels), Norway, Japan and Russia had also decreased emissions. This showed that the KP system works. The US (not a Party to the KP but committed to reduce emissions under the UNFCCC) increased its emissions by 5.6%. The world needs “a system” that includes clear metrics and models for accounting rules, comparability of efforts, a high level of ambition and a system of control, clear institutions and a commitments to quantified targets (for Annex 1 developed country Parties and) efforts by all Parties within the context of CBDR (common but differentiated responsibilities). Parties who are outside the 2nd commitment period account for 64% of the emissions of Annex 1 Parties. Hence, it asked how we can be sure of compliance (if they are outside “the system”).

On the issue of mitigation gap (in relation to the ambition question), Bolivia pointed to technical data from the UNEP gap report and the Technical Paper of the UNFCCC: to limit temperature rise to no more than 2 degree C, the carbon budget would be 44 GtCO₂ equivalent for 2020. If the mitigation ambition of Annex 1 Parties is low and with loopholes, together with the use of carry over, double counting in the context of bilateral agreements as a trading system that non-2CP parties are developing (bilateral offset schemes), 50% of the budget in 2020 would be used by developed countries and the remaining 50% of the budget will be for developing countries with 83% of the population of the world. One billion people suffer from hunger in the developing world and there is a terrible situation of poverty. This raises the issue of equity and how to share in an equitable manner the

remaining atmospheric space for the right to develop in developing countries. These are the different realities between developed and developing countries which underscore the need to recognize the principle of CBDR, said Bolivia.

Brazil stressed that it was important to regard equity and ambition as being mutually supportive. At times, ambition and equity are portrayed as if equity is an argument (used by developing countries) not to act. A regime which is fair stimulates ambition. Equity means having the means of implementation to allow developing countries to do more. It recalled the “mutual reassurances” given by Parties to enable the Durban outcome. For enhanced global efforts, Brazil said that the current Annex 1 mitigation targets are insufficient. Meeting targets which actually generate higher aggregate emissions reductions from Annex 1 (Parties) is needed which is also the assessment of the IPCC’s Fourth Assessment Report. It referred to Bolivia’s intervention which it said had strong arguments for why the Kyoto Protocol represents an example of a rules- based system which is a key factor for ensuring ambition.

Brazil said that no Annex 1 Party leaves the Kyoto Protocol to do more but to only to do less! It commended those who join the 2CP.

Referring to the US remarks that agreements must be “attractive” for the engagement of Parties, Brazil said that it appeared that many countries seem to want to join the World Trade Organization (WTO) as it seemed to be advantageous for key economic interests. It was however important to distinguish those agreements which “increase the power of countries” and those that “restrict their powers” such as the treaty on ‘disarmament’. The logic of the KP, like the disarmament treaty, enables countries to agree to be restrained only if others also do so. No one joins to get in but this is needed for a larger ideal. Many think that climate change, like nuclear war, needs to be avoided.

Brazil said that developing countries have come forward with ambitious nationally appropriate mitigation actions (NAMAs) but this is not always recognized. It is essential for NAMAs to be supported for capacity building to formulate them. It said that there was a financing gap with no quantified support for NAMAs by developed countries.

India said that the ambition question covers not only the question of mitigation but all other pillars of the Convention in terms of support for adaptation, finance and technology. Unless ambition addresses the question of means of implementation to sustain adaptation, survival, and flows of finance and technology, it is incomplete and ineffective. And, these questions need to be handled in this workstream in coordination with other AWGs to be able to correlate them with the ambition issue.

India said that as regards mitigation ambition, it would be useful to recall that this is currently also a part of the KP work and the work under paragraph 1b(i) of the Bali Action Plan (on mitigation commitments or actions by developed country Parties). At Durban, a delicate balance was achieved in the outcomes envisaged for the post-2020 period on the presumption that we will achieve full and agreed outcomes in the two working groups of KP and LCA. Its (pre-2020 mitigation) inclusion in the ADP work was a result of the mutual assurances exchanged at Durban. It is time, therefore, to recall those assurances and do not go back on them.

India said that nothing should be done that detracts from the ongoing work on the ambition question in the KP track. Delivery of ambition in the KP track is absolutely central to the proposed work in ADP and we must do everything to complete the work in that track to be able to make progress here (at the ADP).

There are a 'range of actions' at the national and international level that can close the ambition gap, but, we need not be preoccupied with the notion of one size fits all in this matter. There are several ways in which this can be attempted, it added further. One is to drop the various conditions which countries have attached to their Cancun pledges. We may not be able achieve much by changing the status of the pledges which are already captured in a document compiled by the UNFCCC Secretariat. All Parties have said that they will implement them, and we need to believe them. The pledges recognize diversity of approaches. Hence, removal of conditions will liberate national ambitions and increase them globally without compromising national circumstances and priorities. It will also introduce greater certainty in the pledges.

India said that the other way is to introduce certainty in the provision of means of implementation. For this to happen, we do not

have to wait for the outcomes under the ADP, nor do we need a legal form. This can and should be ensured under the LCA arrangements that are under discussion. The regime should ensure access to credible finance and provide access to technologies that can help us address the problem in the near term. Technology is going to be key to all actions that will be taken in future on a sustainable basis. We should therefore be willing to create a regime that address the IPR (intellectual property rights) question and help developing countries access these technologies in a quicker time span in the pre-2020 period. This should be a deliverable for Doha.

India said that ambition needs to be raised in light of the scientific evidence. In the Durban Platform decision, there is a reference to the gap between the mitigation pledges until 2020 and emissions pathways consistent with achieving the 2°C goal. This requires that we should seriously look at the conclusions of the 4th Assessment Report of the IPCC where emissions reduction by Annex I Parties should be at least 25-40% of their 1990 levels in the short term by 2020. As the current pledges made by Annex I Parties fall short of the required emission reduction levels, they should raise their ambition, in the minimum, to this level. This is again something that Doha can achieve. This may be considered and reviewed further in the light of the results of ICA (international consultations and analysis related to developing countries' NAMAs) and IAR (international assessment and review of mitigation actions of developed countries) of biennial reports/updates that will be due in 2014, and of the findings of IPCC in the 5th Assessment Report in 2015.

It also stressed that the principles of the Convention must apply equally to this workstream. All actions clearly need to be built on the principles of equity and CBDR. Moreover, we need to build greater confidence in the multilateral process. We can raise countries' ambition if we can secure an assurance that there will be no unilateral measure taken by any country in the name of climate change. Our objective in launching the new process under the Durban Platform was to enhance confidence in the multilateral rule based system, not to detract from it. Some recent actions taken by some countries have caused this confidence to falter. We need to recreate and re-instill this confidence, India added further.

Solomon Islands, referring to what the EU said (see below), that it was unlikely to expect higher end pledges (from Annex 1 Parties under the 2CP), and to the US proposing actions in a non-binding manner, emphasized that Parties needed to be more serious. It hoped to see progress in the other two working groups (KP and LCA) for commitments by developed countries to increase their emission reduction targets and to close the mitigation gap. It was concerned with the very slow progress in the KP. It was important for those who have not yet presented their 2CP do so and to close the gap.

Nauru speaking for AOSIS said that the work plan on enhancing mitigation ambition must be prioritized to close the pre-2020 gap. The workplan should not detract from the work of the AWG-LCA and AWG-KP so that there can be a successful completion of work. The workplan should be in accordance with the principles of the Convention including equity and CBDR and respective capabilities. It also stressed the importance of the 2CP and for comparable efforts for Annex 1 Parties not in the KP, and called for emissions reductions of more than 45% below 1990 levels by 2020. Any conditionalities should be removed and there must be a ramp up for new and additional resources for financing NAMAs (of developing countries).

Saudi Arabia said there was also need to have ambition regarding adaptation and not just mitigation alone as not limiting temperature rise to 2 degree C is an unacceptable risk. There needs to be clear commitments for adaptation. On the issue of the 'mitigation ambition', it recalled the UNFCCC and the Kyoto Protocol and asked how much Parties have done since these were agreed to. The ambition gap had to be addressed.

China said that there was need to see where the gaps in implementation are and to address them and that the 1992 UNFCCC was for all Parties. Article 4.1 calls on all countries to formulate measures to mitigate climate change while Article 4.2 requires Annex 1 Parties to stabilize emissions with the aim of returning individually or jointly to their 1990 levels. There is a big gap in implementation in this regard which can be addressed by the raising of the ambition level.

There is also a commitment gap which is being addressed in the work under way in working groups under the KP and long-term cooperative process (LCA). There has not been much progress to secure a meaningful 2nd commitment period

(2CP) for emissions reductions under the KP and for comparable efforts under the Bali Action Plan, for those who are not joining the 2CP. Then, there is the equity gap. The concentration of GHG emissions in the atmosphere over the past 200 years from Annex 1 Parties is most responsible for causing the climate change problem. Developing countries need to develop their economy to meet the basic needs of their people and will involve the growth of emissions. This needed to be addressed. The workshop in Bonn (in May) on equitable access to sustainable development covered this.

China said there needs to a holistic and balanced approach to reach the level of ambition and this is not just about addressing the mitigation ambition but also the means of implementation.

On the issue of supplementary actions or initiatives referred to by several developed countries which are taking place outside of the Convention, China said that this cannot be an excuse by developed country Parties (to not to meet their obligations under the UNFCCC) and called for caution in this regard. It stressed that the work of the ADP workstreams is under the Convention.

The Philippines said that the barrier to 'ambition' was the forgetting (by developed countries) to go back to the Convention and the KP to implement the commitments. Referring to Article 4.7 of the Convention that states the extent to which developing countries are able to effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments related to financial resources and transfer of technology, there must be a serious enabling of the means of implementation. The ADP should not be an excuse to escape the current and existing obligations of the KP and the Bali Action Plan.

Ecuador said that there needs to be legally binding rules and penalties for non-compliance, and that the principle of CBDR must be respected. Addressing the ambition gap is a political issue that must be based on sound science. Since Copenhagen (referring to the 'Copenhagen Accord') developed countries have been pursuing a bottom-up approach that shows a lack of political will to do more. More doubts have emerged if developed countries will fulfill their legally binding commitments. Referring to discussions about the future regime post-2020, it

asked what guarantees there would be that a new instrument will be effectively respected. It said that the time had come for a compliance regime that is linked to international dispute settlement under the International Court of Justice.

Barbados said that emphasis must be based on scientific imperative for necessary emissions reductions needed for meeting the long term goal (to limit temperature rise). Some Parties have suggested that emissions reductions are impossible. This may be challenging but it can be achieved. In an obvious reference to developed countries who say that there is a “participation gap” (in meeting emissions reductions), Barbados said that it was an “ambition gap”.

Nigeria said that climate change is already happening and that after 20 years, Parties are still struggling to implement the Convention. It said that there is no atmospheric space left for the development of developing countries and urged developed countries to increase their level of ambition aggressively so as to allow developing countries to develop and to be provided with the means of implementation.

South Africa said ambition prior to the future agreement is in the Bali Roadmap (comprising the KP second commitment period and the Bali Action Plan) and there can be no substitute for this. It said that there has been reference to supplementary actions which are not all under the Convention and there needs to be a methodology for accounting for those. The supplementary actions must make use of the mechanisms under the Convention to build confidence in the multilateral system.

The **European Union** underlined the urgency to limit temperature rise to below 2 degrees. Its commitment is to a top-down rules-based system for mitigation and expressed support for the views of Bolivia and Brazil. It said that complementary to this is the need to deliver on the pledges made. There is need for common accounting rules to build trust for top ranges of the pledges for emissions reductions and to move forward on market mechanisms. It asked countries who have not yet made their pledges to do so. There could

be complementary initiatives but cautioned against making a long list which are just lists.

At an earlier discussion, the EU said that strong leadership from industrialized countries is needed in mitigation ambition through domestic action and to also encourage developing countries to cooperate in partnerships to deliver NAMAs to close the gap. However, the EU said that it was unlikely to see changes for the higher end of the pledges this year both in the EU and in other parts of the world. It said that there is need to see how there could be complementary actions as in addressing bunker fuels, fossil fuel subsidies etc.

The **US** said that it was important to debate about who takes action in ambition. The UNEP gap report assumes actions by all actors. Responding to Brazil on looking at other agreements, it said that it was important to see who the players are, who the actors are and what incentives there are. In reference to the disarmament treaty model, it said that there was no relevant differentiation (as exists in the UNFCCC). It said that work could be done on short lived pollutants such as black carbon and methane.

In an earlier session, the US said that the Convention called for groups of interested Parties to undertake actions. There is need to be “nimble and flexible” and “voluntary in nature which is not binding”.

In response to the US, **Brazil** said that “attractiveness” is not a condition for success of an agreement and stressed that the work of the ADP is under the Convention.

Switzerland said that reviewing the KP commitments is to be done in the KP process. Its understanding of the work in the ‘ambition’ workstream is to consider additional approaches.

Norway also stressed the need for additional actions and for developed countries to move to the upper end of their pledges. Clarity in accounting rules is important. It also proposed other areas of global action as in phasing out of HFCs, reduction of black carbon, phasing out fossil fuel subsidies etc.