

Meeting on Kyoto Protocol amendments suspended due to disagreements

Copenhagen, 11 December 2009 (Meena Raman) - The fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) was suspended yesterday over an agenda item relating to the consideration of proposals by Parties for amendments to the Kyoto Protocol (KP).

The CMP was presided over by Denmark's Minister of Climate and Energy, Connie Hedegaard.

The UNFCCC secretariat informed Parties at the meeting that by 17 June 2009, 12 proposals to amend the KP had been submitted. The Parties who had submitted proposals were the European Union, Tuvalu (which submitted 2 proposals), Philippines, Australia, New Zealand, China and 36 others in a joint submission, Colombia, Belarus, Japan, Bolivia on behalf of Malaysia, Paraguay and Venezuela, and Papua New Guinea.

(The proposals by developing countries were mainly for amendments to Annex B of the Kyoto Protocol according to the mandate of Article 3.9, which relate to the emission reduction targets of Annex 1 Parties in the second commitment period of the KP, while the proposals of Japan and Australia in particular, are for new protocols that would change the nature of the KP, and seek to merge the outcomes of the two-track processes of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) and the Ad hoc Working Group on Long-term Cooperative Action (AWG-LCA).

In presenting its proposal, Tuvalu said that it attributes great importance to the KP as an important legal instrument for addressing climate change. It had provided amendments to the Protocol and included elements relating to emission reduction targets for Annex 1 Parties under the second commitment period from 2013-2017 of 45% emission reductions below 1990 levels. It also made proposals for amendments to procedures relating to maritime and

aviation. Based on its submission, it asked for the establishment of a contact group to consider its proposal.

The Tuvalu proposal was supported by several small island state countries, including the Alliance of Small Island States (AOSIS).

In supporting the proposal by Tuvalu, Barbados said that any perceived failure of the KP represents a failure of political will. Hence, there was need for the KP to continue for the second commitment period.

Australia said that its proposal was for a unified Protocol (that merges the two tracks under the Convention and the KP) that would provide for all developed country Parties to register in their national schedules, an economy-wide quantified emission limitation or reduction commitment with a robust system for measurement, reporting and verification. For developing countries whose national circumstances reflect greater responsibility or capability, nationally appropriate mitigation commitments and/or actions aimed at achieving substantial deviation from baselines would be reflected in their national schedules. It also proposed that the flexibility mechanisms must be continued. It said that a unified Protocol has an advantage of being comprehensive and ambitious and would facilitate comparability. It would avoid interpretation difficulties with two protocols. (The Australia proposal is therefore not mere amendments to the KP but a new Protocol altogether that replaces the KP).

The European Union said that it had always been for a stronger KP system, with new commitments for developed countries and to ensure comparability of efforts. It said that its proposed amendments were to flexibility mechanisms under the KP and on land-use and land-use change and forestry. Its proposal for amendments also took into account the negotiations which were on-going under the AWG-KP. Decisions

must be taken in the context of a post-2012 situation. (The first commitment period of the KP that sets emission reduction targets for Annex 1 Parties is from 2008-2012). It said that safeguarding the essential elements of the KP is key. It did not see the need for a separate contact group for the consideration of its proposal.

Japan's submission for amendments to the KP was for the whole of the Protocol to be replaced by a new text. It said that the KP was a good vehicle which had brought Parties to considerable heights but its intention was to deal with the deficiencies of the KP, as it only covered the emission reductions of Annex 1 Parties. It said that non-Annex 1 Parties were responsible for half of the global emissions and hence, there was a need to rectify this institutional flaw. A simple extension of the KP would not lead to the reduction of global emissions and hence, a post-2012 regime needed the efforts of both developed and developing countries within a new single protocol. It said that there should be the participation of all major economies. Japan said that its intention was not to bury the KP or to ignore it and create something new, but was to expand its scope for both developed and developing countries.

Ethiopia for the LDCs said that the issue under discussion was controversial. It said that there were two types of documents prepared to determine the post-2012 period of the KP. One was being discussed under the AWG-KP which is in a multilateral setting, and another is submissions by individual Parties. There had been no effective involvement of the developing countries in the latter process. In this connection, it called for the establishment of the contact group to consider the proposals.

Brazil said that it, together with 36 other countries had proposed amendments to Annex B of the KP in accordance with Article 3.9. The proposal establishes a solid base for addressing the second commitment period under the KP, which was crucial for the climate regime. The proposal was for Annex 1 Parties to reduce emissions by at least 40% by 2020, compared to 1990 levels. This was consistent with the high end range mentioned by the IPCC. It also maximizes the level of ambition needed and reflects the historical responsibility of Annex 1 Parties for causing global warming. It helps stimulate strong domestic action by Annex 1 Parties and ensures sustainable development for developing countries, said Brazil.

China said that it was among the countries involved in the submission referred to by Brazil. It said that

Parties were here to fulfill the Bali Roadmap and an important task of the AWG-KP was to address the amendment to Annex B of the KP for setting the emission reduction targets for the second commitment period by Annex 1 Parties. China said that it was ready to discuss this under the AWG-KP. China also expressed strong opposition to proposals that contradicted the mandate of the KP and that related to efforts to change the KP and make it redundant and unable to exist. There was need for the continuation of the KP, without which there could be no agreement in Copenhagen.

New Zealand referred to its proposal for amendments to the KP, which it said must lead to a single post-2012 treaty instrument that was comprehensive and addresses the two tracks (AWG-LCA and AWG-KP). It said that the advantages of a unified instrument included enhanced coherence and avoidance of duplication of efforts. Without prejudice to its position on the legal form of the Copenhagen outcome, New Zealand said that the KP should be extended for a second commitment period in substantially its current form with a separate but fully integrated agreement adopted under the AWG-LCA.

Bolivia said that it had submitted its proposal for amendment to the KP pursuant to Article 3.9, which was jointly endorsed by Bolivia, Cuba, Malaysia, Micronesia, Paraguay, Sri Lanka and Venezuela. Bolivia said that developed countries have appropriated much more than their fair share of a limited resource. With less than twenty percent of the world's population, they are responsible for around three quarters of historical emissions; they have appropriated a disproportionate share of the Earth's environmental space and therefore have an emissions debt. The same rich countries now seek to appropriate a disproportionate share of the Earth's remaining environmental space.

By basing their future emission allowances on their past excessive levels of emissions, they seek an entitlement to continue emitting at 70% or more of their 1990 levels through until 2020 (i.e. consistent with reductions of 30% or less). At the same time, they propose limiting developing countries – which most need environmental space for poverty eradication, and sustainable development.

Bolivia, in explaining its proposal said that it had three main concepts. First, it establishes the total emission reductions required of Annex I Parties (and the associated "assigned amount" of emissions). This amount is calculated to include the full extent of the historical responsibility of developed countries and

the rights/needs of developing countries to a fair share of remaining atmospheric space to achieve their right to development, and is referred to as the total “assigned amount”.

Second, it establishes the minimum emission reductions that Annex I Parties are to achieve domestically (and the associated maximum “assigned domestic amount” of emissions). It proposed that they must reduce their emissions by more than 49% on 1990 levels in the commitment period 2013 -2017. This amount reflects the actual emission reductions that are necessary and technically possible in developed countries – through technology, lifestyle changes and other means. It is referred to as the “assigned domestic amount”.

And third, the difference between these total and domestic amounts (i.e. between what developed countries must do and what they actually can/will do) provides the basis for dedicated and assured funding for adaptation and mitigation in developing countries, which can be provided to developing countries within the framework of the UNFCCC.

Nigeria said that a two-track approach was important, rather than the weakening or killing the KP.

Egypt supported maintaining the KP, as it was the only reliable basis for emission reductions. Referring to the amendment proposals, it said that some of the proposals lead to the destruction of the KP and that this was not acceptable. The elements of the amendments presented coincided with proposals for protocols that were presented at the meeting of the COP under the Convention on Wednesday. They are also the same kind of proposals being made in the AWG-LCA. This was a triplication of work. It asked the CMP President to address this issue.

South Africa said that a second commitment period under the KP for post-2012 was the basis of comparable efforts of Annex 1 Parties. It opposed all attempts by developed countries that result in the KP being superseded or made redundant.

Gambia said that it could not support the “ditching” of the KP and wanted a two track approach.

Malaysia also said that it could not envisage success that does away with the KP and merges the two tracks of the AWG-LCA and AWG-KP.

Following comments by Parties, the President of the CMP, Hedegaard, said that it appeared that some Parties preferred for the work of the AWG-KP to continue while others favoured the formation of a contact group. She said that there was no chance of agreement on the next steps and therefore suggested that the Chair of the AWG-KP, John Ashe, consult with Parties and report to the CMP on Friday, 11 December.

Tuvalu did not agree with the procedure proposed and insisted on the establishment of a contact group. It said there was need for substantive discussion of the proposals so that it could be considered by leaders next week.

China, in response said that while it was sympathetic to the Tuvalu concerns, there were also proposals which contradict the mandate of the KP and do not enhance the implementation of the Protocol. Therefore, only proposals that seek to enhance the implementation of the KP can be considered by a CMP contact group and there was need to define the scope of the discussion. Proposals relating to the amendments of Annex B according to the Article 3.9 mandate are being considered by the AWG-KP.

Several developing countries supported China’s suggestion.

Sweden, speaking for the EU said that it did not want to start an exercise that would limit the consideration of amendments to the KP but that it should reflect all comprehensive proposals.

Hedegaard suspended the meeting for consultations but after not being able to reach consensus, the meeting was adjourned.