

AWG-KP: Outcome document forwarded with brackets to CMP 8

Doha, 7 December (Fauwaz Abdul Aziz) – The Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) at its closing plenary held on December 6, agreed to forward the proposal by its Chair to facilitate negotiations, to the 8th Conference of Parties meeting as the Parties to the Kyoto Protocol (CMP 8) for its consideration.

The AWG-KP agreed that the proposal by the Chair, Madeleine Rose Diouf-Sarr (Senegal), be forwarded to the CMP for its consideration (with amendments as proposed by the Alliance of Small Island States) and issued as the "Outcome of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol".

Under the authority of the CMP 8 President (Qatar), Ambassador Luiz Machado (Brazil) and Bard Vegar Solhjell (Norway) are to consult Parties to identify solutions for the outstanding issues forwarded to the CMP.

The outcome document forwarded to the CMP contains many brackets on the key unresolved issues that have plagued the KP negotiations and these include the ambition mechanism (proposed by the G77 and China for increasing mitigation ambition of Annex 1 Parties in the KP); carry-over of surplus Assigned Amount Units (AAUs); eligibility to the flexibility mechanisms under the Protocol for those not making a commitment to a second period (CP2); provisional application of the amendments to Annex B (containing the emission reductions to be made); the numbers for the emission reduction targets and the length of CP2.

The 20-page outcome document contains the preamble and six sections (containing the various options proposed by the Parties) relating to the adoption of the amendments to Annex B and the length of the commitment period (Section I), on the

legal continuity of the KP between the first and second commitment periods (Section II), modalities for review of the mitigation ambition and Quantified Emission Limitation Reduction Objectives (QELRO) targets (Section III), Parties' eligibility to and use of flexible mechanisms and AAUs (IV), share of proceeds (Section V) and references to the measures needed to facilitate the implementation of decisions and the fulfilment of the KP mandate (Section VI).

The meeting of the CMP is scheduled to take place Friday, December 7, which is the final day of the Doha talks.

The closing session on Thursday of the AWG-KP (which was the last meeting of the working group since it was launched in 2005) was fraught with emotion – not out of nostalgic reminiscence on the part of negotiators for any purported success capping the long journey since it was set up – but out of grief, ominousness and foreboding.

In a plenary full of strong statements and assertions, it was by far **the Philippines** that gave the most powerful indictment of the work of the AWG-KP when it measured the "progress" made on paper to push negotiations forward against the needs of developing countries struggling with poverty and other social and economic challenges, the challenges posed to developing countries in the other tracks in the UNFCCC, and the reality of the disastrous adverse effects of climate change.

In an impassioned and emotive speech amidst grief, the Philippines delegate, Naradev Sano, said he spoke "not as a negotiator, not as a leader of my delegation, but as a Filipino" on behalf of 100 million Filipinos who face a crisis and tragedy of historic proportions with the onslaught of the Bopha hurricane and the untold loss and destruction of lives and property.

Sano urged Parties to reflect whether there had indeed been progress in substance when the text to

be forwarded to the CMP reflects disunity and the multitude of interests rather than a coherent response to the actual horrors and dangers of climate change.

Developing countries have put forward concrete proposals, and have painstakingly worked on arriving at a common ground on many issues, said the Philippines, including the ambition mechanism, carry-over of surplus AAUs, eligibility, provisional application, and numbers, in the earnest endeavour to make the 2CP a meaningful one, a 2CP that can provide the crucial basis for further enhancing global ambition.

How do we move progress in the work under the various negotiating fronts? How do we ensure that we pursue high level of ambition for the 2CP, and ensure means of implementation to enhance global ambition, both for mitigation and adaptation? He asked.

Have we done enough? Have we managed to give justice to what the world demands of us? Have we honoured the package we got out of Durban? Do we see a glass half full? A glass half empty? Or an empty glass altogether? he challenged delegates further.

Warning the group that the day marks a very crucial moment in the history of the UNFCCC in which, while 25 days away from the end of the first commitment period of the KP, there were only a few precious hours left to ensure that the world was on the right trajectory to address the climate crisis, Sano said the KP is the linchpin of real success in Doha and the cornerstone of ambition, if not the whole multilateral regime.

As we sit here, said Sano, every single hour, even as we vacillate and procrastinate here, we are suffering. There is massive and widespread devastation. Hundreds of thousands of people have been rendered without homes. And the ordeal is far from over. We have never had a typhoon like Bopha, which has wreaked havoc in a part of the country that has never seen a storm like this in half a century. And heart-breaking tragedies like this is not unique to the Philippines, because the whole world, especially developing countries struggling to address poverty and achieve social and human development, confront these same realities.

In a final appeal to the leaders of the world and climate officials of the various governments currently gathered at the UNFCCC in Doha, Sano pleaded that they open their eyes to the stark reality that the world faces and see their work not as consisting of what the “political masters” want, but about what is demanded of them by 7 billion people around the planet.

“I appeal to all, please, no more delays, no more excuses. Please, let Doha be remembered as the place where we found the political will to turn things around and let 2012 be remembered as the year the world found the courage to find the will to take responsibility for the future we want. I ask of all of us here, if not us, then who? If not now, then when? If not here, then where?” he asked.

His speech drew loud applause from all those present in the hall. Negotiators, official observers, climate activists and numerous others later gathered around Sano in droves to embrace him, shake his hand, extend their condolences over the tragedy unfolding in the Philippines and to offer words of encouragement and appreciation for the heartfelt plea he made in the plenary that day.

The AWG-KP Chair’s proposal to forward the outcome document to the CMP did not, however, go unchallenged when **St Lucia – speaking on behalf of the Alliance of Small Island States (AOSIS)** – noted that a proposal by the G77 and China on ‘ambition mechanism’ was missing from the Chair’s text despite the proposal having been a coherent set of paragraphs ready for adoption that had not been rejected by the Parties. St Lucia pointed that it was a big compromise by AOSIS members to even engage in the discussions on the concept of mechanism, but now is of the position that the mechanism bear fruit by 2014 at the latest, which is consistent with a broader step-up of ambition that AOSIS had proposed in a mitigation workplan under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).

St Lucia also pointed out that under the heading ‘Article 1: Amendment’ Section A’ (containing tables of the QELROs to replace those in Annex B to the Protocol) of the Chair’s text, there were only two options, whereas a third option – ‘Option 2’ in the previous text – was missing. For this reason, as well as because of concerns that the numbers reflected in the table are not consistent with the level of ambition AOSIS seeks, it said there is a need for further engagement and that it wanted to insert brackets around Section A in its entirety.

Similarly, St Lucia also requested that Section 4 be bracketed, as well as around Paragraph 36, which is the paragraph that “decides that the AWG-KP has fulfilled the mandate set out in 1/CMP.1 and that its work is hereby concluded.

(The amendments proposed by AOSIS to the outcome document were agreed to by Parties).

In its statement, St Lucia said: “We have now spent close to seven years negotiating commitment periods

of the Annex 1 Parties under the KP. This session is our last opportunity to satisfy our mandate. Yet, Madam Chair, AOSIS has concerns the progress we have made thus far. In our view, we have not yet completed the mandate. We have not yet agreed on a way to avoid a legal gap. We have not yet agreed on further commitments for Annex 1 Parties consistent with the overall objective of the Convention, which is to prevent dangerous climate change. We have not addressed the surplus problem and resolved it.” It had a series of concerns with the text that has been presented, and looked to an opportunity to engage in that text, so that our concerns can be reflected.

St Lucia reiterated AOSIS’ position in calling for a five-year commitment period for a level of ambition that moves Annex 1 Parties to the top of their pledge emission reduction ranges and beyond; for commitments that are not conditional; and for commitments that are consistent with the shared global goal of limiting temperature increases to below at least 2 degrees. It also reiterated the need for the provisional application of amendments to be adopted pending their entry into force to ensure no legal gap between commitment periods.

With respect to the issue of eligibility, St Lucia said AOSIS holds the view that Annex 1 Parties must have a CP2 commitment in Annex B to be able to participate in the flexible mechanisms.

Algeria, speaking for the Group of 77 and China, also said that much remained to be done for a successful outcome in Doha, and said it is an issue of priority for the AWG-KP to realise the need for the CP2 of Annex 1 Parties to be ambitious and to begin with effect from 1 January 2013 before the AWG-KP’s mandate can be considered fulfilled. Algeria also said Annex 1 Parties must commit to ambitious QELROs to make the CP2 meaningful and reflect the urgent need to stabilise the global greenhouse gas concentration in the atmosphere. Access to the flexibility mechanisms should be available only to those Annex 1 Parties that adopt commitments under CP2, and due consideration should be given to G77 and China’s proposal on ambition. The completion of the AWG-KP’s mandate and the continuity of the KP are conditional upon the resolution of the above matters, said Algeria, who expressed hope that the ministers gathered would adopt the appropriate decision regarding this issues.

Making remarks similar to those of AOSIS and G77 and China was **Gambia for the group of Least Developed Countries (LDCs) and Swaziland for the African Group**.

Speaking of the huge sacrifice and delicate balancing that had been expected of all groupings at the outset

of the meeting in Doha to “carefully lay the building blocks while guaranteeing the outcomes”, Swaziland said “the objective was known and the outcome visible,” but even as the AWG-KP was holding its closing plenary, neither the objective nor the outcome had been obtained. In particular, said Swaziland, there remain concerns over the perpetuation of ‘hot air’ in the second and subsequent commitment period; that Parties with QELROs have immediate access to flexible mechanisms of the KP; and that the CP2 lacks a clear ambitious mechanism that guarantees increase in ambition as early as next two years.

Bolivia criticised the text as one that was filled with many options but with no clear solutions. The KP is aimed at achieving the ultimate goal of stabilising the concentration of GHGs within clear deadlines while ensuring that countries can adapt and yet be able to develop sustainably, but nothing in the texts shows that this can be done along these lines currently. What the text does indicate are options that appear to aim at giving more room for developed countries to manoeuvre around their commitments, said Bolivia.

Bolivia also criticised those countries that invoked ‘national legislation’ as being the reason that their obligations related to a CP2 cannot be ratified. Some options do not talk of the commitment of developed countries to a CP2 and make it legally binding. Given the issue had been discussed for the past seven years, Bolivia said they’ve had a great deal of hope that Parties would be able to reach a certain level of commitment and had time to make the necessary political decisions. “But today, all we are seeing is empty promises, with low level of ambition that does not correspond to the conclusions of science,” said Bolivia.

On the contrary, the text contains a number of options for countries who do not subscribe to a CP2 to access flexible mechanisms, whereas the flexible mechanisms are meant to help Annex 1 countries in terms of their emission reductions. Bolivia also noted that while there have been much talk about the legal consequences of committing to a CP2, there seemed little space accorded to the legal consequences of A1 countries leaving the commitment period or not keeping to their commitments.

Bolivia was extremely concerned and did not agree with text as it involves an amendment to the KP that will only lead to ‘losing’ the only legally binding agreement we have. It urged Parties to be responsible and agree on an effective solution and fulfil our commitment to Mother Earth.

The **European Union** reiterated its commitment to the mandate of the AWG-KP and to close the AWG-KP in Doha. It spoke of seven years of hard work and for the balanced outcome it seeks to achieve at this climate conference. It was prepared to inscribe a QELROs of 80% for an 8-year period (which is a 20% emissions reduction target by 2020 compared to 1990 levels) and that its QELRO “is the floor, not the ceiling” of its ambition, but that each country will need to respect each other’s national constitutions.

The EU also expressed regret that some Annex B Parties to the KP had chosen not to participate in a CP2, resulting in the remaining parties covering only 14% of global emissions. Sadly, this also means that the contribution to achieving the overall objectives of the Convention can only be very limited. This underlines the importance of complementing the actions of 2CP Parties with meaningful and comparable of other Parties under the Convention. It recognised the ambition gap in the pre-2020 commitments leading us towards a 3-5 degrees world of dangerous climate change instead of keeping warming to below 2 degrees. Each of us will have to do our fair bit to narrow this gap no matter whether inside 2CP or outside (the Convention and the KP), it added.

Australia, speaking for Umbrella group countries Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Ukraine and Australia, said the Group is unanimous in supporting an 8-year period commitment period as all those Parties taking commitments under the period; and in expanding, rather than limiting, participation in the market mechanisms. As we enter the last critical days of this negotiation, we should maintain a view to the bigger picture and ensure our progress in the KP is complemented by advancement in other areas of the Doha package. From this point forward, the KP must be seen for what it is, which is part of a much-broader shared endeavour to put global mitigation efforts on a sustainable footing that can bring the emission reductions within reach.

Switzerland, speaking for the Environmental Integrity Group, spoke of the multiple benefits and protection to be had from the clean development mechanisms if these were allowed access even by Parties that had not signed onto a 2CP. It also gave the assurance that its QELROs commitments are floor, not the ceiling, of its ambition, and that when ratification does take place it will all act.