

Kyoto Protocol: CP2 implementation rules adopted, 'revisit mechanism' deferred

Kuala Lumpur, 28 Dec (Hilary Chiew) – The 11th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP11) adopted a major set of decisions pertaining to the rules for the implementation of the Doha Amendment to the Kyoto Protocol on 11 December.

The Doha Amendment deals with the second commitment period (CP2) of greenhouse gas emissions reduction under the Kyoto Protocol.

While the work at the 43rd session of the Subsidiary Body on Scientific and Technological Advice (SBSTA 43) successfully concluded on three issues under agenda item 11 on the *'Methodological issues under the Kyoto Protocol'*, efforts to get developed countries to increase their CP2 emissions reduction ambition through a 'revisit mechanism' did not yield results. The latter has been deferred to CMP12 in 2016 when developed countries refused to have a contact group set up for this purpose, as they did at CMP10 in 2014.

SBSTA 43 was held in Paris, France in conjunction with the 21st session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21) and the 11th session of the COP serving as the meeting of the Parties to the Kyoto Protocol (CMP11) between 30 November and 11 December, 2015. (Negotiations over the Paris Agreement stretched the conference till 12 December.)

During the first week, Parties reached agreement on the outstanding issues since SBSTA 39 and COP19 at Warsaw in 2013 that would determine the set of rules for the implementation of the CP2.

The three sub-agenda items are:

(a) Implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous

decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol;

(b) Accounting, reporting and review requirements for Parties included in Annex I (developed countries and countries with economies in transition) without quantified emission limitation and reduction commitments for the second commitment period;

(c) Clarification of the text in section G (Article 3, paragraph 7 *ter*) of the Doha Amendment to the Kyoto Protocol, in particular the information to be used to determine the "average annual emissions for the first three years of the preceding commitment period";

Presenting the SBSTA 43 report to the CMP, **SBSTA chair Lidia Wojtal (Poland)** described the achievement as of special interest to the CMP.

She said the outcome represented the tireless work of Parties and co-chairs who were engaged in highly technical discussion with immense dedication and decisiveness.

"These agreements are extremely important for the further operation of the entire reporting and review process of the Convention and the Kyoto Protocol. The year 2015 marked the first time that the annual reporting and review of the Kyoto Protocol did not take place. (But) we can say with certainty now that the reporting and review process can restart including those submissions by Annex 1 Parties to facilitate calculation of the assigned amount for the CP2.

(The Doha Amendment to the Kyoto Protocol has not received enough ratifications especially from Annex I Parties and thus CP2 has not begun yet.)

"With the agreement of the matters relating to Article 5, 7 and 8 of the Kyoto Protocol, the full implementation of the CP2 has been enabled ...

Parties are able to implement the agreement back home to the best of their capacities,” said Wojtal noting that the success was due to the transparent and open process despite the time constraint.

At the closing plenary of SBSTA 43 on 4 December, the **Group of 77 and China** was pleased that Parties worked constructively to generate clarity of the rules of implementation in a manner that maintain the environmental integrity of the system.

The **European Union** praised the flexibility and spirit of compromise and hard work of all Parties, the co-chairs and the secretariat in reaching the package agreement of the three sub-agenda items for full implementation of the CP2.

St Lucia appreciated the work of the co-facilitators in delivery of the set of rules ‘despite the complexity of this daunting task’.

“With this rule now agreed, we can look forward to the ratification of the Kyoto Protocol for all Parties,” it said, adding that the Kyoto Protocol has been a cornerstone of international efforts to address climate change.

“We have now completed a lengthy process of updating our rules. Our motivation has been to secure the environmental integrity of the emission reduction committed in Doha (2012). As we come to Paris to establish an ambitious agreement, we need to build on these robust rules,” it stressed.

The draft conclusion for sub-item 11(a) reads:

1. At the request of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), the Subsidiary Body for Scientific and Technological Advice (SBSTA) continued its work on assessing and addressing the implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol.

2. The SBSTA concluded its work on the matters referred to in paragraph 1 above and agreed to forward to the CMP the draft decision texts on the implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol, for consideration and adoption by the CMP at its eleventh session (for the text of the decisions,

see document FCCC/SBSTA/2015/L.27/Add.1 and 2).

3. The SBSTA at its forty-second session agreed to forward to the CMP a draft decision on the training programme for members of expert review teams participating in annual reviews under Article 8 of the Kyoto Protocol for consideration and adoption by the CMP at its eleventh session (for the text of the decision, see document FCCC/SBSTA/2015/2/Add.2).

The draft conclusion for sub-item 11(b) reads:

1. The Subsidiary Body for Scientific and Technological Advice (SBSTA) continued its consideration of the accounting, reporting and review requirements for Parties included in Annex I without quantified emission limitation and reduction commitments for the second commitment period of the Kyoto Protocol, as agreed at SBSTA 41.1

2. The SBSTA, noting that draft decisions -/CMP.11 and -/CMP.11 address these matters sufficiently, agreed that its work under this agenda item has been completed.

Draft decision -/CMP.11 has two components. The [first component](#) refers to “Implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol, **part I: implications related to accounting and reporting and other related issues**” proposed for adoption under agenda item 11(a) of the SBSTA. (Emphasis added.)

The [second component](#) of Draft decision -/CMP.11 refers to “Implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol including those relating to Articles 5, 7 and 8 of the Kyoto Protocol, **part II: implications related to review and adjustments and other related issues**” proposed for adoption under agenda item 11(a) of the SBSTA. (Emphasis added.)

The draft conclusion of [sub-item 11 \(c\)](#) reads:

1. In response to the request made by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) at its tenth session, the Subsidiary Body for Scientific and Technological Advice (SBSTA) continued its consideration of the issues related to the clarification of the text in section G (Article 3, paragraph 7 ter) of the Doha Amendment to

the Kyoto Protocol, in particular the information to be used to determine the “average annual emissions for the first three years of the preceding commitment period”.

2. The SBSTA concluded its work on this agenda sub-item. It recommended a draft decision on this matter for consideration and adoption at CMP 11 (for the text of the draft decision, see document FCCC/SBSTA/2015/L.29/Add.1).

(Section G of the Doha Amendment, Article 3, paragraph 7 *ter* reads:

The following paragraph shall be inserted after paragraph 7 bis of Article 3 of the Protocol:

7 ter. Any positive difference between the assigned amounts of the second commitment period for a Party included in the Annex I and average annual emissions for the first three years of the preceding commitment period multiplied by eight shall be transferred to the cancellation account of that Party.)

‘Revisit mechanism’ for Kyoto Protocol CP2 deferred again

However, another outstanding issue of the CMP again failed to deliver results.

Item 8 of CMP11 titled ***Report on the high-level ministerial round table on increased ambition of Kyoto Protocol commitments*** was again deferred to the next session of the CMP in 2016.

At the plenary in the afternoon of 11 December, Parties were told that although consultations were facilitated by Paul Watkinson (France), there was still no consensus on the way forward. Therefore, pursuant to rule 10 (c) and rule 16 of the draft rules of procedure being applied, this item will be included in the provisional agenda for CMP12. Parties were also informed that as the matter been postponed over many meetings, the COP Presidency hoped to find a solution at the inter-sessional (May 2016) on way forward.

At the 3rd meeting of CMP11 on 2 December, **China** called for the setting up of a contact group to deal with the matter that was deferred from CMP10 in Lima last year. However, the proposal was rejected by Annex I Parties and the informal consultation

process was consequently established.

The incident was similar to CMP10 in Lima where Annex I Parties had blocked the setting up of a contact group proposed by Bolivia, then chair of G77 and China. The COP20 President Manuel Pulgar-Vidal of Peru led the informal consultation but failed to find a way forward.

In its intervention, Bolivia reminded that the Doha amendment for the CP2 of the Kyoto Protocol was a political compromise and Annex I Parties must take it seriously to close the mitigation gap and it was disappointed that none of the Annex I Parties had declared their intention to increase their commitment in the pre-2020 period (as committed to at CMP8.)

Decision 1/CMP.8 paragraphs 9 and 10 read:

- *Requests each Party with a quantified emission limitation and reduction commitment inscribed in the third column of Annex B as contained in annex I to this decision to submit to the secretariat, by 30 April 2014, information relating to its intention to increase the ambition of its commitment, including progress made towards achieving its quantified emission limitation and reduction commitment, the most recently updated projections for greenhouse gas emissions until the end of the second commitment period, and the potential for increasing ambition;*
- *Decides further that the information submitted by Parties included in Annex I in accordance with paragraph 9 above shall be considered by Parties at a high level ministerial round table to be held during the first sessional period in 2014, and requests the secretariat to prepare a report on the round table for consideration by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its tenth session; ...*

Generally referred to as the ‘revisit mechanism’, Annex I Parties are supposed to report to the CMP on whether they will increase their emission reduction targets following the June 2014 ministerial meeting. However, nothing has been forthcoming. (See also TWN [Paris Update 24](#): COP21 decision on enhanced action prior to 2020.)