

Divergent views remain over Kyoto Protocol second commitment period

Tianjin, 9 October (Hilary Chiew) – There is still no agreement among developed countries on the post 2012 commitment period of greenhouse gases emission reductions under the Kyoto Protocol.

On Friday afternoon (8 October) an informal plenary of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) that met to take stock of progress in the four contact groups set up on 4 October showed this lack of consensus.

Although the European Union and Norway expressed their willingness to adopt a second commitment period of the Kyoto Protocol, other Annex I Parties, notably Japan and the Russian Federation, were firmly opposing the move.

The EU however reiterated its preference for a single legally binding instrument that would include the essential elements of the Kyoto Protocol.

Others maintained that their emission reduction pledges were conditional upon 'other major emitters' also take on binding emission reductions.

Developing countries reiterated their position as expressed at the beginning of the Tianjin meeting that they would not compromise on the requirement of a second commitment period as this is fundamental to a balanced outcome in Cancun by year's end.

[The 16th Conference of Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) and the 6th COP serving as the Meeting of Parties to the Kyoto Protocol (CMP) will be held Cancun, Mexico.]

Some non-Annex I Parties (developing countries) also openly spoke out against Annex I Parties for stalling negotiations and using the excuse of the absence of rules to justify their reluctance to commit to a second commitment period.

Chair John Ashe from Antigua and Barbuda said the stock-taking meeting offers an opportunity for Parties to express what would constitute a balanced outcome in Cancun.

Yemen, speaking on behalf of G77 and China said it has serious concern with the extremely slow pace of progress in the AWG-KP and that it is lagging behind in completing the central task of its work programme.

It urged Annex I Parties to show leadership by accelerating its emission reduction targets in light of historical responsibilities and equity and in accordance with science. It is essential that the Kyoto Protocol continues (into a second commitment period) and the elements of the Kyoto Protocol are very important for the future of a climate change regime.

In that connection, it said, any gap in the commitment period would have serious implications. It reminded Parties that a new quantified emission reduction target is a legal obligation that must be met and is fundamental to the success of Cancun.

It emphasised that the Group will not compromise with the requirement of the second commitment period, the historical responsibilities principle and interests of developing countries. Therefore, it said, the focus should be an amendment to Annex B and definition of Annex I (Parties') commitment.

Failure to do so will send a negative signal of Annex I Parties to take forward their legal obligation and their readiness to forge a strong climate change regime.

Australia said that Parties should capture progress so far and settle the forward agenda for the year ahead. In terms of capturing progress, it said it is important to seek decision on a number of matters related to rules: those that cover the metrics under the Kyoto Protocol to create synergy for target setting; accounting rules for Land use, Land use Change and Forestry (LULUCF) and a decision on emission trading which would help Parties in establishing quantified emission reduction targets.

It said it intends to commit to quantified emission reductions but would like it to be based on sound rules. The sooner Parties settled it, the better would the progress be, it added.

Belgium, representing the European Union said it has repeatedly expressed its commitment to the work of the AWG-KP and that it sees progress in this group as an essential part of joint efforts under both tracks of the Bali Roadmap to deliver a successful outcome in Cancun.

It said while the EU continues to have a preference for a single legally binding instrument that would include the essential elements of the Kyoto Protocol, it is flexible about the legal form as long as it is binding.

It said a positive and successful outcome in Cancun that captures progress in both the AWG-KP and the AWG-LCA (Ad hoc Working Group on Long-term Cooperative Action under the Convention) is an interim step towards reaching a legally binding outcome as soon as possible.

Achieving such a success in Cancun, it said, would require balance both within the proposals on the table in the AWG-KP as well as balance across negotiating tracks and that it is important to capture progress on the following three elements of the negotiation text in Cancun: reduction commitments; a confirmation of the continuation of the Kyoto Protocol architecture; and a characterisation of further work.

On further commitments of Annex I Parties (referring to scale of emission reductions), Parties should aim to consolidate the progress made so far by clarifying the underlying assumptions and conditionalities of those pledges.

From the EU perspective, it would not be an endorsement of the current level of ambition implied by those pledges as those pledges are not yet sufficiently ambitious and neither would it be a stepping stone for a pledge and review approach.

(A pledge and review approach would be contrary to the system envisaged for the second commitment period of the Kyoto Protocol where an aggregate target is first set from which individual or joint targets of Annex 1 Parties are determined, backed by the compliance regime of the Kyoto Protocol.)

It further said that the EU would continue efforts to inscribe further emission reduction commitments by Annex I Parties into a legal instrument and further step up those commitments to a level that constitutes a fair and ambitious contribution towards the common goal of

staying below 2 degree Celsius (in temperature increase from pre-industrial levels).

On the continuation of the Kyoto Protocol architecture, the EU said it is important in Cancun to send a strong message to the world that Parties want to preserve and enhance the architecture of the Protocol. To do so, it is essential to confirm the use of common and robust accounting rules, confirm the continued use of the flexible mechanisms and their improvement to enhance their environmental effectiveness, geographical distribution and contribution to sustainable development.

It also wanted to see the continuation of various Kyoto Protocol institutions like the Adaptation Fund, Clean Development Mechanism and Compliance Committee.

On further work, it said it is essential that Parties agree in Cancun on a way forward to a legally binding outcome. It said that the outlined package would ensure the preservation of the institutional architecture of the Kyoto Protocol with a view to avoiding unnecessary uncertainties for policy makers, stakeholders, markets and citizens in general.

It urged Parties to work constructively and turn to a full discussion based on the text and identify the political options with a view to agreeing on an overall package in Cancun, but concluded that ambitious commitments of Annex I Parties in isolation would not be enough and a legally binding outcome in both tracks is needed.

Norway said it is worried about the slow pace in the AWG-KP and that it is a friend of the Kyoto Protocol and would commit itself to a second commitment period where it pledges a 30% nationwide emission cut.

It added that it has no hidden agenda and is confident that a good solution under the AWG-KP is possible and essential to the final outcome. It supported the EU statement on the essential elements for AWG-KP in establishing a new and stronger framework for the future.

Switzerland said having a balance package is important and acknowledged that the current pledges are insufficient. It said it considers a legally binding and quantified emission reduction after 2012 as part of a broader and comprehensive package defining the future climate change regime but it is flexible on two legally binding instruments.

Japan said it participated in the AWG-KP negotiation with the expectation of achieving clarity on rules in LULUCF, mechanisms and the methodological issues.

It said all the pledges by Annex I Parties are premised on the establishment of a fair and effective global deal which would include all major emitters and market mechanisms as the main outcome.

It also said Japan inscribed the 25% target premised on a fair framework. Hence, it said it would not support a second commitment period as it does not constitute a fair and effective framework, and implies an imbalance of a legal nature.

New Zealand said it is not engaging in tit-for tat negotiation tactics as talked about by one group of Parties (referring to some developing countries). It said it is reasonable that Annex I Parties know the rules before setting targets and sign a legally binding commitment. It is concerned that some Parties are pursuing an all or nothing approach which would not lead to a final decision in this negotiation track. It said refusal by some Parties to address legitimate concerns would not drive Annex I Parties to take on targets and that it would not support an outcome that is not fair. *(Please see TWN Tianjin News Update No. 7 on the debate and deadlock in the legal contact group on the issues of the AWG-KP's mandate.)*

Micronesia speaking for the Alliance of Small Island States (AOSIS) said it is time to confirm and consolidate the Kyoto Protocol foundation as it is designed for emissions reductions but current pledges only add up to a 12 and 18% reduction from 1990 levels and there is no effort to get closer to a 45% reduction to limit temperature rise to well below 1.5 degree Celsius from pre-industrial levels.

Rather than scoring political points, it said Annex I Parties need to commit and follow through with the amendment of Annex B (to the Kyoto Protocol that sets out the reduction targets). Any further ambiguities would prolong the deadlock.

It said many developing countries have expressed with absolute clarity for AWG-LCA to produce a legally binding agreement so it needs to achieve symmetry with AWG-KP. These two instruments will form the global architecture which is the AOSIS architecture vision as well.

Tuvalu expressed its frustration on one particular LULUCF issue and urged the Chair to seek some sanity in the process. It said the endless computations, permutations and delays by key Parties negotiating LULUCF should not create a procedural blockage to the entry into force of the second commitment period of the Kyoto Protocol nor should it undermine meaningful emission reductions.

It said a joint proposal by the G77, the EU and others relating to accounting for forest management will make it difficult to conclude the accounting rules for LULUCF by CMP7 (7th meeting of Parties to the Kyoto Protocol) or even beyond.

In effect the G77, the EU and others are creating a gap in the commitment periods of the Kyoto Protocol, it added. It said it is unacceptable that on the verge of CMP6 it is being told that there will be no conclusion in Cancun and even at South Africa (that will host CMP7).

South Africa said Parties should develop an overarching decision that outlines the elements of a complete package for the AWG-KP and AWG-LCA. In Cancun, it said, Parties should capture progress as building blocks to a legally binding two-track agreement.

In doing so, it will give comfort to Parties that they are working towards a two-track outcome, which allows them to capture progress and that areas with less progress will develop as the process unfolds.

It urged the Chair to consult with Parties in terms of adopting decisions in Cancun and facilitate the work going forward.

The Russian Federation said it is highly unlikely that it would go ahead with the Kyoto Protocol track without a clear vision of the global climate architecture for a post-2012 regime. It said to date the Copenhagen Accord is the only blueprint that might provide a basis for moving forward.

China said even though Parties talked about a balanced outcome there are those who want to kill the Kyoto Protocol especially one that has the Protocol named after one of its cities, in clear reference to Japan. It said any balanced outcome must include the two tracks, a second commitment period, finance and technology transfer and stressed that China will not compromise on these key elements.

It said “legally binding” extends beyond historical responsibilities but also legal responsibilities as Parties cannot throw out a legal instrument like the Kyoto Protocol but must comply with obligations under the treaty.

It said to rebuild trust and confidence, Annex I Parties must take the lead in producing a fair, balanced and legally binding outcome.

India said the Kyoto Protocol is the heart of the challenge in the global cooperation for climate change mitigation. It said Parties should remain committed to the tasks before them and in the absence of success in

Tianjin, Parties will fail to create legally binding obligations in Cancun.

Venezuela said commitment under the Kyoto Protocol should not be bargained against other positions in the AWG-LCA track. As the Kyoto Protocol is a legally binding agreement, so are its principles. As such, (Non-Annex I) Parties cannot accept the line of thought that some countries will fulfill their obligations in exchange for something else.

It said a new, legally binding obligation in the AWG-LCA track is not the way for Parties to get out of the Kyoto Protocol but they should use Article 27 under the Protocol to do so if they so wish (referring to withdrawal provision of the Protocol). It urged Parties to work towards two protocols – the continuation of the Kyoto Protocol and the one to be born (under the AWG-LCA track).

Saudi Arabia said the primary objective of the AWG-KP is adhering to the legal mandate of Article 3.9 which is the amendment of Annex B. In this context, it said, it noted with great concern that many Annex I Parties have not yet made concrete proposals.

It said without concrete actions and balance, Parties would fail to reach an equitable outcome. It hoped Annex I Parties will show leadership and allow AWG-KP to achieve concrete results in completing its work programme in Cancun to avoid any gaps between the commitment periods.

Brazil praised Norway which clearly spoke about its commitment and that it (Norway) is a lonely voice amidst other Annex I Parties which seemed to have the utmost difficulty in uttering words referring to a second commitment period of the Kyoto Protocol.

It said other Annex I Parties spoke of rules, norms, architecture and markets but all of them seemed void of linkage to a true second commitment period.

It stressed that Brazil does not belittle the importance of strong rules but to say that without rules one cannot commit is far from the truth. It said in reality, (some Parties) used that as a guise in wanting to renegotiate the whole Kyoto Protocol.

It said leadership is needed and that Brazil has committed to a set of actions that are much more ambitious than the pledges of many Annex I Parties without asking for knowing the rules in advance. Leadership and actions are lacking from those Annex I Parties that still refuse to adopt the second commitment period.

It said discussion about rules must be clearly linked to an unequivocal second commitment period otherwise it will not make any sense. It urged Parties to work together towards adopting a balanced set of decisions that includes a clear commitment to the second commitment period.

Third World Network speaking as a member of civil society stressed that the Kyoto Protocol is the lynchpin of the whole climate negotiations and reminded Parties that the AWG-KP started long before the AWG-LCA. There must be continuation of the Protocol as it is the only legally binding treaty. If it fails, it warned, everything else is in danger of collapse.

It said the worst scenario would be if the legally binding Kyoto Protocol regime were to be replaced by a new regime in which Annex I Parties only make national pledges without them having to be adequate and there is no aggregate Annex I targets. Even if this new voluntary regime becomes legally binding, it would be a disaster because it would be a climb down from comparable and adequate efforts into a regime of mere voluntary efforts which may only yield a 13% target by 2020 compared to 1990 levels and with loopholes it may even be zero.

Thus, it called on all Kyoto Protocol Parties to complete the negotiations for a second commitment period by Cancun, adding that this important result would unlock everything else in the LCA track.

Chair John Ashe said the diverse views from the stocktake showed that there is general recognition that there ought to be a balanced package in Cancun, but no consensus on what it should be. But there is some still some time until Cancun (to work out the problems).