

# Third World Network Barcelona News Updates and Climate Briefings

(November 2009)



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**BARCELONA NEWS UPDATES**  
AND  
**CLIMATE BRIEFINGS**  
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## **NOTE**

This is a collection of the 16 News Updates and two Briefing Papers prepared by the Third World Network for and during the United Nations Climate Change Talks in Barcelona, Spain, from 2 to 6 November 2009.

# **Barcelona News Updates**



# TWN

## Barcelona News Update 1

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2 November 2009

### Crunch Time in Barcelona: Some Key Issues

Barcelona, 2 November (Martin Khor) – This week in Barcelona will see the global climate talks having its last five negotiating days before Copenhagen. It will have to deal with several intractable issues.

Barcelona is a city famed for its exciting culture and food. There will be little time for sight-seeing or feasting this time around. For Barcelona represents perhaps the last chance for the countries to go for a deal.

“Seal the deal” is the United Nations Secretary General Ban Ki-Moon’s famous slogan. The message is that if there is no deal in Copenhagen, the world is doomed to a future of global warming that leads to sea rise, glacial melting, floods and agricultural productivity loss.

Despite all the attention given to this crisis the last couple of years, it appears that a “deal” is far from being on the table. The following are some of the knots to be resolved.

First, the developed countries have to commit to deep emission cuts, at least by 25 to 40 per cent by 2020 compared to 1990. But this is just not happening. The individual offers only add up to 11-18 per cent, if the United States is included.

And it is at precisely this moment that almost all the developed countries made clear they intend to jump from the Kyoto Protocol (which has internationally legally binding emission reduction targets) for a new agreement that seems to merely involve national pledges and a peer review process.

The developing countries have cried “Foul”, and are expected to insist that unless the rich countries re-commit themselves to bind their emission-reduction targets for the period 2013-2020 at an ambitious level and within Kyoto, there can be no deal in Copenhagen.

Second, the developing countries have agreed they will also take mitigation actions, but they will not bind these inside an international treaty because

they were not responsible for the climate crisis, their emission levels are still low, and they are still at an early development stage.

Moreover, the developing countries agree their mitigation actions will for the first time be monitored, reported on and verified (known as MRV). But it was also agreed that these actions will be enabled and supported by transfers of finance and technology, which will also be subjected to MRV procedures.

However there are now disagreements on what the developing countries are to do. Some developed countries like the United States want the developing countries, or at least the “advanced” ones, to also have targets to reduce their emissions or at least to deviate from “business as usual” growth levels. And to be subject to reporting and review processes quite similar to developed countries.

The developing countries are objecting to this blurring of the lines between paras 1b(i) and 1b(ii) of the Bali Action Plan. They are of the view that the demands impose new obligations that were never agreed to, and that they cannot commit in a global treaty to cut emissions, although they will do their best in their own national climate plans.

Third, the developed countries are pushing for a “global goal” to cut global emissions by 50% by 2050 (compared to 1990). But they have also mentioned a target of an 80% cut for themselves.

The developing countries will, in this scenario, have to cut by 20% in absolute terms, and by 60% in per capita terms (since population will double in that period). This is a big challenge whose nature and enormity they have yet to understand, let alone accept.

As the developed countries will have to undertake roughly an 80% per capita cut, not much more than the 60% per capita cut of developing countries, this type of global goal that is envisaged by developed countries is hardly equitable.



Thus a “global goal”, though it appears simple, is fraught with many complex and serious issues, including that of equity and the prospect or otherwise of future development.

Fourth is the finance issue. Developing countries are fighting for a new climate fund to be set up inside the UN climate convention, with equitable representation by all regions. They have asked that developed countries contribute 1% of their GNP (or about US\$400 billion) annually into this fund. Recently some groupings and countries called for 2 to 5 percent of GNP.

So far the developed countries have balked at these requests. Europe wants to use “existing institutions” (code for the World Bank or Global Environment Facility) and not a new fund. The EC has proposed only 25-40 billion euros in public funds by 2020, of which the EU would contribute 2-15 billion euros.

This is a far cry from the requested amount, and also from the US\$500-600 billion a year that the United Nations has estimated is needed by developing countries to fight climate change.

Fifth is the technology issue. Developing countries have decried the fact that there has been little if any transfer of climate-friendly technologies ever since the Climate Convention’s birth in 1992. They want a new technology body inside the Convention that can draw up and implement a Technology Action Plan.

This body will also identify barriers to technology transfer, including intellectual property, and facilitate the developing countries’ access to technologies at affordable prices. It will promote cooperation in research and development, build networks of technology centres, and help developing countries develop, make and design their own technologies.

But the developed countries are objecting even to a new technology body with decision-making authority on policies inside the Convention, and they are adamant that intellectual property issues be not included in a global deal. The suspicion is that they want to maintain and expand their technological dominance and use climate change as a new area to develop economic competitiveness.

This is against the spirit of international cooperation for the common battle against climate change. Unfortunately, the climate talks over the past year have shifted from being one on cooperation for the environment to one on gaining positions for future battles for economic and trade competitiveness.

Sixth is the issue of adaptation, or the capacity of developing countries to cope with the effects of climate change. This involves activities like the building of sea walls to cope with sea level rise, flood prevention, and adapting to the agriculture and health impacts. Developing countries want a new adaptation framework, and more funds to enable this range of activities.

On top of the above are many other issues, including how to deal with forests and the funding to slow down or stop deforestation and to re-grow the forests, how to treat “market mechanisms” such as the regulation and growth of the carbon market, and how to handle “offsets”, or the process by which developed countries pay developing countries to undertake mitigation actions on their behalf, so that the former can meet their emission reduction targets.

If the above issues cannot be resolved in Copenhagen, the conference will not sign onto full decisions or agreements. There is already a plan to have a “Political Declaration” instead, which may presumably lay down the principles and some decisions and direct the negotiators to continue the climate talks next year.

# TWN

## Barcelona News Update 2

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3 November 2009

### Keep Kyoto Alive, Say Developing Countries

Barcelona, 3 November (Hira Jhamtani) – The fate of the Kyoto Protocol that developed countries want to relegate to history captured centre stage on the first day of the resumed ninth session of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP).

Developing countries strongly rejected the “killing” of the Kyoto Protocol. The African Group called for a suspension of all other contact group meetings, until the contact group that is to decide on the aggregate and individual emission reductions by Annex I Parties (known as the “numbers group”) has finished its work. The mandate of the AWG-KP is to determine the emission reductions of Annex I Parties beyond 2012, and the African Group insisted that Parties focus on this core mandate. It recalled that April and June 2009 were the deadlines for the conclusion of this work and through its firm interventions at the Barcelona plenary and subsequent contact group meetings on Monday a sense of urgency surged through the negotiations. Only the numbers group continued to work on Monday.

Developing countries have been increasingly frustrated at the reluctance of Annex I Parties to come up with figures for emission reductions, at the negotiations of the AWG-KP that began more than three years ago. They were alarmed when almost all Annex I Parties explicitly stated at the AWG-KP’s ninth session in Bangkok (28 September to 9 October) that they intended to replace the Kyoto Protocol. There was widespread media coverage across the world on how this could jeopardize good results from the UN Climate Change Conference in Copenhagen, Denmark in December 2009.

[Annex I Parties refer to the developed countries under the UN Framework Convention on Climate Change (UNFCCC) which have obligations to reduce greenhouse gas emissions by at least 5%

based on 1990 levels under the Kyoto Protocol’s first commitment period (2008-2012). The AWG-KP is to come to an agreement on the second commitment period. The AWG-KP is meeting in Barcelona, Spain from 2-6 November, in the last negotiation session before Copenhagen.]

During the opening plenary of the Barcelona session, **Gambia on behalf of the African Group** said that the Group will not accept any other contact group sessions until the contact group that deals with the aggregate and individual Annex I Parties’ emission reductions completes its work. The AWG-KP has been working since 2006 to determine the second commitment period of Annex I Parties in terms of greenhouse gas emission reductions.

Developing countries have expressed frustration and disappointment over the lack of progress and even over the intention to “kill” the Kyoto Protocol in favour of a new agreement on climate change, to be initiated at Copenhagen. Gambia said, according to the work programme agreed to in Poznan, Poland in 2008, the AWG-KP was supposed to conclude work on the aggregate figures for emission reductions by Annex I Parties by April 2009, and on the individual figures by June 2009. Thus the AWG-KP should focus more on its core mandate and work on the numbers.

There are three other contact groups under the AWG-KP: on “other issues”; on potential consequences; and on legal matters. But the core of the AWG-KP is the contact group on numbers whose sessions are intense and marked with deep differences between developed and developing countries, with many developed countries saying they want a new comprehensive and legally binding agreement at Copenhagen.

It has become increasingly clear that attempts to replace the Kyoto Protocol will not only dilute the legal obligations of Annex I Parties to reduce

greenhouse gas emissions, but also fundamentally restructure the international climate architecture by shifting more burden onto developing countries, and negating the principle of common but differentiated responsibilities embedded in the UNFCCC and Kyoto Protocol.

At the opening plenary of the AWG-KP, **Sudan speaking for G77 and China** reiterated grave concerns about the implication of the call by Annex I Parties to end the life of the Kyoto Protocol (KP) in favour of a single legal outcome in Copenhagen under the Ad hoc Working Group on Long-term Cooperative Action (AWG-LCA), which is another negotiation track under the UNFCCC. The killing of the KP would have the effect of undermining the foundational principles of equity, common but differentiated responsibilities and respective capabilities and ultimately puts at risk any ambitious outcome to aggressively address climate change in Copenhagen.

It said the attempt to make the KP redundant and inoperable for the second commitment period goes back on the agreement reached in Bali (COP 13) to have a 2-track outcome in Copenhagen, with the continuation of the KP for legally binding mitigation commitments of developed countries, on the one hand, and on the other hand an agreed outcome that enhances the full, effective and sustained implementation of the UNFCCC.

The Group restated its strong position and made it known to the world that the KP must continue to form the legal basis for Annex I emission reduction commitments beyond 2012 and is ready to stand against all attempts by developed countries to dismantle the KP, which is the only instrument for developed countries to take the lead in reducing their increasing emissions.

The Group reiterated its concern that Annex I Parties have not yet made any progress defining their quantified emission reduction targets, individually and in aggregate. It appealed to Annex I countries to take ambitious emission reductions for the second commitment period in line with the principle of equity and their historical responsibility in causing climate change and its devastating impacts on the developing countries and limiting their prospects for sustainable development.

It said that “we need to see the leadership that the entire world has expected to see since the establishment of this process since 2005, and we need it in order to make real progress and complete the clear mandate in Copenhagen, and for the benefit of all humankind”.

The Group appealed to all Parties, particularly Annex I Parties, to build a strong KP as the basis for

a fair, just and equitable outcome in Copenhagen.

**Grenada speaking for the Alliance of Small Island States (AOSIS)** said that this session of the AWG-KP is a very important one, following the Bangkok session where many Parties and observers were left with the distinct perception that some Parties were trying to “kill” the KP.

It said that this session has the task of restoring credibility and confidence in the will of the international community to tackle climate change at source i.e. tackle the growing emissions of greenhouse gases that are causing climate change and jeopardising the future of our planet, our regions, our countries, our communities and our individual livelihoods. It is also an opportunity to restore commitment to a strong KP.

It further said “we can restore this confidence and commitment by bringing the work of AWG-KP back in line with its work programme. We should be in the final stages of formalizing the recommendations on the new quantified emission reduction objectives for Annex I Parties. But the AWG-KP is far from doing so”.

When the work of the AWG-KP started, we all agreed that we should complete our work to ensure there is no gap between the first and second commitment periods. If the work is not completed in Copenhagen, we will be in serious danger of not achieving this objective, it said.

It added that “if we can successfully address the outstanding issues, we will be sending a clear message that the KP is not ‘dead’ and restore the confidence that is needed in the carbon and financial markets, that we are seriously tackling the climate change problem”.

**Sweden speaking for the European Union** said it is committed to reaching a global, ambitious and comprehensive agreement in Copenhagen which is in line with staying well below 2 degrees Celsius of warming and which encompasses all nations of the world. “We need a comprehensive agreement,” it said.

It said that the EU is firmly committed to the Kyoto Protocol and takes its obligations seriously and will meet its targets for the first commitment period. It has already implemented legislation that will allow it to go further and fulfill its commitment to reduce emissions by 20% by 2020. This means that the efforts to reduce EU emissions and develop the carbon market will continue.

The EU is committed to moving to 30% reductions by 2020 compared to 1990 levels as part of a global and comprehensive agreement for the period beyond 2012, provided that other developed countries commit themselves to comparable

emission reductions and that developing countries contribute adequately to their responsibilities and respective capabilities, it said.

Sweden said the leaders of the EU had also declared that in the context of the necessary reductions according to the IPCC (Intergovernmental Panel on Climate Change) by developed countries as a group, it supports an EU objective for 2050 of 80-95% reductions compared to 1990.

The EU called upon all Parties to embrace the 2-degree objective and underlined that all Parties listed in Annex I to the UNFCCC should commit to internationally binding quantified emission limitation and reduction commitments. It urged developed countries to step up their current pledges for mid-term goals in line with science and which should in aggregate be in the order of 30 percent below 1990 by 2020. As part of a global agreement, it further urged developed countries to agree to aggregate emission reductions of at least 80-95% by 2050 compared to 1990 levels.

The EU said that it believed that there is a need to focus the discussion on substance, on the core elements of a new agreement that builds upon the KP and incorporates all its essentials.

**Australia speaking for the Umbrella Group** said it recognizes the imperative progress before Copenhagen. The world demands a strong outcome. The Umbrella Group recognizes the link between the work at the AWG-KP and the AWG-LCA and thus coherence will be important in a post-2012 outcome.

Monday's opening plenary closed without further discussion on the urgent and strong statement made by the African Group to suspend other contact groups in favour of focusing and completing the work of the numbers group. However, only the numbers group proceeded to work on Monday.

The first contact group convened after the plenary was the numbers contact group (on Annex I Parties' emission reductions for subsequent commitment periods). The secretariat produced a revised version of its informal note that compiles and calculates information on the pledges made by Annex I Parties on emission reductions for the second commitment period, which now stands at 16-23% below 1990 levels by 2020.

The second contact group was on potential consequences arising from mitigation action by Annex I Parties, where the African Group repeated its position on its objection to convening contact groups on various other issues under the AWG-KP, unless and until the contact group on numbers finishes its work. Bolivia and Venezuela supported the Group's statement.

The EU appealed for the continuation of the contact group, but the African Group insisted that the session be suspended. The Co-chairs of the contact group, Mama Konate from Mali and Andrew Ure from Australia, decided to suspend the session saying that they will consult the chair of the AWG-KP, John Ashe from Antigua and Barbuda.

The third contact group on other issues was suspended even before it started. Chair Harald Dovland from Norway decided to suspend the meeting by announcing it through the CCTV in the conference centre. He announced at the meeting room, where some delegates were present, that the meeting was suspended until perhaps the next day.

A developing country delegate said it was high time that developing countries showed strong objection as developed countries had not shown progress in determining their individual and aggregate emission reduction targets and have even shown unwillingness to save the integrity of the KP.

# TWN

## Barcelona News Update 3

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### G77 and China Rejects Undermining of Existing Climate Regime

Barcelona, 3 November (Meena Raman and Josie Lee) – Attempts to undermine and weaken the two legally binding instruments to address climate change viz. the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol were rejected firmly by the G77 and China, at the opening plenary session in Barcelona of the resumed seventh session of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA).

The Barcelona talks (2-6 November) are a continuation of the session in Bangkok (28 September – 9 October).

**Sudan on behalf of the G77 and China** reaffirmed that they want to engage fully to arrive at an equitable outcome and to fulfill the mandate of the Bali Action Plan to enable the full, effective, sustained implementation of the Convention. It reiterated the Group's strong call to have a party-driven process where all voices are heard, including that of small countries, and it denounced all means that could allow determination of an agreed outcome in the hands of a few countries.

The Group rejected attempts to undermine and weaken the two legally binding instruments dealing with climate change, viz the UNFCCC and the Kyoto Protocol. It deplored all efforts to shirk the responsibility of developed countries to fulfill the legal mandate for agreement on a second commitment period for the Kyoto Protocol with deep emission reduction targets as called for by science and to shift those responsibilities to the developing countries, by altering the balance of common but differentiated responsibilities under the Convention.

[The next commitment period for emission reduction targets under the Kyoto Protocol is being negotiated under a separate and distinct track.]

**Sudan** called on developed countries to fulfill their moral, ethical, political and legally binding

commitments under the Convention, particularly those on provision of new, adequate and predictable financial resources, technology development and transfer, and capacity building to developing countries.

It underlined that for an equitable agreed outcome in Copenhagen, it was essential to include adequate provisions for the establishment of mechanisms under the Convention for the operationalisation of the financial mechanism under the authority of the Conference of Parties (COP), for meeting full costs of concrete adaptation actions of developing countries, and for effective development and transfer of technology.

**Grenada on behalf of the Alliance for Small Island Developing States** associated itself with the statement of Sudan on behalf of the G77 and China. It emphasised the group's strong concerns over deviation from the mandate to reach agreement in 2009 as laid out in the Bali Action Plan. It stated that this mandate is based on the science and that delay beyond this point would create multiple risks. Yet it sees systematic attempts to ignore the expectations of this mandate, explaining that some are suggesting interim agreements for the process. The group stated that the aim should be to advance work, not reduce it. It reiterated that an agreement must be legally binding, equitable and representative of all Parties.

**Australia on behalf of the Umbrella Group** stated they are committed to a new, strong global agreement and to a strong global target.

**Sweden on behalf of the European Union** reiterated that it is committed to reaching a comprehensive global agreement that is in line with staying below 2 degrees C. of warming and which encompasses all nations of the world. It stated that an international legally binding agreement is needed that builds on the Kyoto Protocol and includes all

its essentials, for example the common accounting framework for quantified emission reduction targets for developed countries.

It called for global emission reductions of at least 50%, as well as developed country reductions of 80-95% by 2050 compared to 1990 levels. It urged developed countries to step up their pledges in the order of 30% reductions below 1990 by 2020. It also asserted that developing countries as a group should deviate below their current predicted emissions growth rate, in the order of 15-30% by 2020.

The **European Union** stated that all sectors need to be part of the future regime if Parties are to reach an ambitious agreement. This includes the aviation and maritime sectors, which should have global targets of minus 10% and minus 20% below 2005 levels by 2020, respectively.

The EU believed that net incremental costs of mitigation and adaptation in developing countries could amount to EUR 100 billion annually by 2020. This means public support would need to be in the order of EUR 22 to 50 billion per year by 2020. Pre-2013 financing will also be required of around EUR 5-7 billion per year in the first three years following the Copenhagen agreement. It explained that adequate, predictable and timely financial support of a Copenhagen agreement is crucial and the European Union is prepared to take on its fair share.

**Switzerland on behalf of the Environmental Integrity Group** stated that a strong outcome at Copenhagen is needed and that this requires stronger guidance from political leaders.

In the opening ceremony of the Barcelona talks

on Monday morning, Connie Hedegaard, Minister of Environment of Denmark, who is hosting the 15<sup>th</sup> meeting of the Conference of Parties, said that last weekend 32 countries met in what was called the 'Greenland Dialogue'. Ministers participated in the meeting. She said that a binding agreement based on all the key elements of the Bali Action Plan was important. There was a need to oversee progress in the two tracks of the AWG-LCA and AWG-KP to ensure successful outcomes.

On adaptation, she said there was a need for further work to narrow down the options relating to the institutional arrangements. On technology, there was a need for a concrete technology transfer mechanism. On mitigation, there was a need to get the numbers right. Developed countries must deliver on deep cuts. For developing countries, there needs to be transparency and accountability in the way to internationalise actions. There was a need to determine how to match the actions with support. She said that it was necessary to create clear options for ministers to decide in Copenhagen.

Yvo De Boer, the Executive Secretary of the UNFCCC, said that a successful agreed outcome needs to capture a level of ambition that is commensurate with the scale of the problem. This means ambitious Annex 1 (Parties) targets on an individual basis and urgent progress on the negotiations under the Kyoto Protocol. It includes the need for clarity on nationally appropriate mitigation actions by developing countries. It also means clarity on long-term finance and prompt start-up finance at Copenhagen to unleash urgent action in developing countries.

# TWN

## Barcelona News Update 4

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### Focus on Mandate of Bali Action Plan, Say Developing Countries

Barcelona, 3 November (Meena Raman) – Developing countries stressed the need for focus on the mandate of the Bali Action Plan under the United Nations Framework Convention on Climate Change (UNFCCC) if progress is to be made at the ongoing climate negotiations in Barcelona.

The Group of 77 and China disagreed with the approach suggested by the Chair of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) on 2 November in the mitigation contact group on how to proceed with negotiations in relation to issues of mitigation under the Bali Action Plan (BAP) at the resumed seventh session in Barcelona.

The Group said that it had difficulties with the approach suggested by the Chair which it saw as being selective, and which does not respect the balance between developing and developed countries' obligations. It expressed deep concerns that the suggested approach also does not respect the distinction between the two sub-paragraphs of the BAP dealing with mitigation commitments of developed countries and the actions by developing countries which are enabled and supported by developed countries.

There was major disagreement in the consideration of 'framework proposals' which were contained in non-paper #28 dealing with general aspects of mitigation.

The Chair of the AWG-LCA, Michael Zammit Cutajar of Malta (who also chaired the mitigation contact group), proposed the continuation of the following sub-groups under the mitigation element as set out in paragraph 1(b) of the BAP: (i) mitigation commitments of developed countries; (ii) mitigation actions of developing countries; (iii) reducing emissions from deforestation and forest degradation in developing countries; (iv) cooperative sectoral approaches; (v) opportunities for using markets; and (vi) economic and social consequences of response measures.

The purpose of the first meeting of the contact group was to discuss how work would progress in Barcelona on the mitigation element.

Following from the Bangkok talks last month (28 September to 9 October) non-papers were produced from all the sub-groups including a further non-paper called non-paper #28, which deals with what the Chair of the AWG-LCA called "the general aspects of mitigation". The non-paper deals with three main headings: (a) enhanced mitigation - what is common and what is different; (b) mitigation goals (including those relating to emissions, greenhouse gas concentrations and temperature rise; and (c) frameworks for mitigation.

(It is the issue of the "frameworks for mitigation" that is most controversial as it covers proposals primarily from the United States, Australia and Japan that are intended to lead to new agreements or protocols with new obligations for developing countries.)

In the contact group, the Chair asked Parties to look at the question of frameworks. In giving his impressions of the proposals, Cutajar said that it was a search for credible transparency of information in relation to Parties' mitigation commitments, plans, programmes, actions and outcomes. The information was to be *ex ante* and *ex post*. He said that the Convention provided the framework for information, which is a commitment by all Parties. He referred Parties to the Convention's sub-paragraphs in Article 4(1) and its chapeau that related to inventories of emissions, current accounting, programmes to mitigate etc which is *ex ante* information to be provided. In Article 4(1)(b), Parties are to formulate, publish and regularly update programmes containing measures to mitigate climate change. Cutajar said that Parties have not looked at these carefully.

On Article 12, which relates to the communication of information related to implementation, he said that the idea of communicating on the steps envisaged is both *ex ante*

and *ex post* and is useful. He said there were legitimate concerns about the enhancement of implementation and there was a need to deal with the motivation for these ideas. He asked Parties to take a step back from the details and look at the basis of the Convention. The Convention was a framework and is built through a series of decisions.

In response to the Chair, **Brazil** (represented by Andre Odenbreit), speaking for the **G77 and China**, said that the material contained in non-paper #28 was perhaps the hardest issue the Group faced in Bangkok. It expressed the two concerns that the Group had. First, was the idea of the compatibility of the material with the climate change regime with its two instruments, the Convention and the Kyoto Protocol as well as compatibility with the Bali Action Plan. The Group noted the comments by Parties who say that the material in non-paper #28 is compatible with the UNFCCC, Kyoto Protocol and BAP but that was not the view of the Group.

Brazil said that it was clear that the proposals deal with mitigation by all Parties and is put forward in a way that does not respect the balance between developing and developed countries' obligations and the distinction between paragraph 1(b)(i) and 1(b)(ii) of the BAP. (The former deals with the commitments of developed countries and the latter with the actions by developing countries which are enabled and supported by developed countries).

Second, was the separation of some elements of the Convention and other elements which are part of the balance. Brazil had difficulty with the selection of issues on mitigation or on communication of information or review, which seek to identify and define commonalities. While the general obligations under Article 4(1) were looked at, there was no consideration of the specific commitments of developed country Parties which are in Article 4(2) of the Convention. The commitments of developed country Parties under the Convention and the Kyoto Protocol were being given a lower consideration while higher obligations are being imposed on developing countries.

The Group's difficulty was exactly in the selection of paragraphs and sub-articles which look at one part of the definition without looking at the other parts which specifically define the commitments of developed country Parties. The Group had difficulties in the approach suggested by the Chair which it saw as being selective.

It also stressed the crucial distinction and differences between paragraphs 1(b)(i) and 1(b)(ii) of the BAP. It said that the measuring, reporting and verification (MRV) of commitments of developed

countries is different from that of the MRV of developing countries.

In response to the US which said that it was seeking to enhance the implementation of the Convention, Brazil said that the US elaboration is one of selection and isolation in such a way that was not about the sustained and effective implementation of the Convention.

In highlighting the differences between the G77 and China and the developed countries, it said that the issue was not how or where the issues are addressed (in the non-papers) but about the mandate of the Bali Action Plan. The Group was of the view that the material which was being presented in the non-paper was outside the mandate and that is holding progress from being made in several areas.

**China** (represented by Su Wei) also expressed concerns with the approach of the Chair in relation to the general issues of mitigation. It said that in Bangkok, it was made clear that the focus should be on the clear words of the BAP and not on extraneous issues. The Articles to which the Chair referred should not be discussed separately but under paragraphs 1(b)(i) and 1(b)(ii). When focusing on the specifics of these paragraphs, the general aspects can be discussed. It was not agreeable to the approach suggested by the Chair.

The **US** (represented by Jonathan Pershing) commented that Parties were reading the Convention and the BAP in different ways. It was the enhancement of the Convention that the US was seeking. It suggested that one way to proceed was to find the areas where Parties could agree on and articulate for the Ministers in Copenhagen areas that there was no agreement on. The US said that there were overlaps between paragraphs 1(b)(i) and 1(b)(ii). The heart of the problem was on the issue of placement. While there is distinction between actions of developed and developing countries, there was a need to also consider where there was commonality.

In response to the US, **Brazil** said that it was the substance that was the problem and not the placement.

In response to Brazil, the **US** said that if placement could help, then Parties should seize the opportunity to discuss. It said that there was no time to have immutable positions and it did want to have discussions on this and it was not hearing this so far.

**India** (represented by Rajni Ranjan Rashmi) said that the framework on mitigation actions does away with distinctions between developed and developing countries. The frameworks as presented in the non-paper impose new commitments on



developing countries. On the US suggestion that areas of disagreement be sent to Ministers to decide, India said that the issue was not about divergences but rather about whether the proposals are consistent with the Convention. It said that the proposals were inconsistent with the Convention and must therefore be removed.

**Canada** said that Parties who say that the framework proposals are consistent with the BAP and the Convention must be able to discuss the matter.

**Egypt** expressed its concern over the atmosphere of bringing the issues from the Kyoto Protocol to be discussed under the mitigation element of the AWG-LCA and there appear to be attempts to

get rid of the Protocol. What is pertinent to the Protocol should be thrown back to the AWG-KP (Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol) and not dealt with under mitigation.

In response to Egypt, Cutajar said that he had a meeting with the Chair of the AWG-KP, John Ashe from Antigua and Barbuda, and said that there was a need to avoid dealing with the subjects twice. There was a need for both tracks to move forward and he will come back to Parties regarding this.

In conclusion, Cutajar proposed that the contact group on mitigation and the sub-groups be dispensed with and that meetings go into informal consultations (closed to observers). This was accepted by the Parties.

# TWN

## Barcelona News Update 5

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### Kyoto Protocol Talks Resume, After Stalling

Barcelona, 4 November (Hira Jhamtani) – Deep frustrations on the part of developing countries were heightened during the second day of the Barcelona climate change talks because developed countries are dragging their feet in concluding work on their emission reduction commitments beyond 2012. Developed countries are obligated by the Kyoto Protocol to agree on a second commitment period.

The frustrations were expressed when the African Group called for the suspension of all other contact group meetings related to the Kyoto Protocol negotiations track, until the group discussing the emission reduction commitments of developed countries (called the “numbers group”) concluded its work on the aggregate and individual numbers. This request was made during the opening plenary of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) on Monday, 2 November, and reiterated during one of the contact groups on the same day (*please see TWN Barcelona News Update #2*). The position of Africa was widely supported by developing countries and also by civil society groups who called for solidarity with the African Group.

Only the numbers contact group worked on Monday. The work of the AWG-KP was suspended on Tuesday even though the request of the Africa Group had been for the work on numbers to continue and be accelerated. The issue for the Africa Group was the sequencing of the work of the AWG-KP - for the work on numbers to be completed before time is spent on other issues. The AWG-KP Chair, John Ashe from Antigua and Barbuda, held consultations on the issue throughout Monday and Tuesday.

At a press conference held on Tuesday, the African Group clarified that they are not blocking the outcome of Copenhagen; rather they want to ensure that something tangible comes out of Copenhagen.

Grace Ukamu of Kenya said the Group was calling on developed countries to take the lead and put numbers on the table. If there is no number, negotiation becomes difficult. “When we ask why they are not willing to put numbers on the table, they said it is economically and politically difficult. But for us it is a question of life and death, due to the climate change impact brought about by the actions and the lifestyles in the North,” she said.

Osman Jarju from Gambia (coordinator for Africa in the AWG-KP) said the position is taken to ensure that the Annex I Parties come up with tangible numbers, particularly those that reflect their domestic efforts for the second and subsequent commitment periods. “We are not ready to give them a blank check on mechanisms and other flexibilities until they put forward their individual and aggregate figures,” he stressed.

According to the AWG-KP work program, the aggregate number for emission reduction should have been agreed to at a session in March/April 2009 and the individual numbers in June. “It is now November and there are no figures. We are being taken for a ride. That is why we want to suspend meetings on all other issues until we see tangible numbers that reflect a bigger proportion of domestic efforts,” he explained.

Kamel Djemouai from Algeria (coordinator of the African Group), in response to a question during the press conference, said that developed countries are pledging some figures, but the African Group is asking them to come up with figures as demanded by the science. The emission reduction figures put forward by Annex I Parties are not ambitious enough, and they are estimated by the (UNFCCC) Secretariat to total 16-23% of 1990 emission levels, by 2020. The lowest figure as contained in the IPCC (Intergovernmental Panel on Climate Change) report is 25% below 1990 levels, by 2020. In addition, the

African Group wants to know how much domestic effort is being made to achieve the emission reduction targets (as opposed to offsets from carbon credits generated by developing countries).

In a separate press conference held by the G77 and China, Ambassador Lumumba Di-Aping of Sudan said that very little progress has been made in the negotiations (at the AWG-KP and the Ad hoc Working Group on Long-term Cooperation under the UNFCCC).

“This is not the best preparatory process for a successful negotiation in Copenhagen. The life of the Kyoto Protocol is at risk. Many developed countries are intent on killing the Protocol. They want to walk away and discard the Protocol. They are walking away from their historical responsibility, from finance and technology obligations and from adaptation (support for developing countries),” he emphasised.

The Group also read a statement that it had issued at the last meeting in Bangkok. It said that the Kyoto Protocol is an international and binding treaty that provides figures on emission reduction commitments for Annex I (developed) Parties as a group and individually. It said that the Kyoto Protocol will not expire in 2012. Only the first commitment period is ending in 2012. There shall be subsequent commitment periods. It is a legal obligation of the Kyoto Protocol Parties to enter into a second commitment period. The Copenhagen meeting must come up with figures for the second commitment period. This would be the important outcome from Copenhagen. Failure to do so would signal a failure of commitment by Annex I Parties.

It said that the negotiations on this are very slow and there has been no progress. This is a clear signal that Annex I Parties do not want to negotiate on the second commitment period. Their statements indicate that they want to abandon the Kyoto Protocol altogether and to set up a new agreement.

Such a position has blocked the negotiations, created an atmosphere of distrust and frustration thus leading to the suspension of the contact groups, Ambassador Lumumba said.

[The “expiry” or “end” of the Kyoto Protocol continues even at this stage to be touted. In an interview with Reuters on 2 November Danish Prime Minister Lars Lokke Rasmussen was quoted to have said: “Our end goal is an internationally legally binding treaty for when the Kyoto treaty comes to an end in 2012.” See: <http://www.reuters.com/article/environmentNews/idUSTRE5A14LZ20091102>]

A plenary of the AWG-KP was convened at 6.30 pm on Tuesday to discuss the issue. The Chair

of the AWG-KP, John Ashe, said that he held consultations with Parties, in response to the request of the African Group. He said a solution has been arrived at i.e. to allocate 60% of the available slots to the numbers group. Parties agreed to this.

However, developing country Parties reiterated their fears and distrust, while the developed countries were conspicuously silent during this plenary.

**Gambia, on behalf of the African Group**, said it wanted to reaffirm its position on an agreed legally binding outcome on the Kyoto Protocol process in Copenhagen. Its position is in no way intended to block the process, but to have ambitious numbers for emission reductions in accordance with science. It said that Africa considers the current level of ambition unacceptable, and is of the opinion that Annex I Parties (as a group) should reduce emissions by a minimum of 40%.

After consultations, it has agreed to the devotion of 60% of the available time to the contact group on numbers. In addition, all Annex I Parties that have made pledges must indicate what percentage is from domestic efforts, how much through offsets and how much from land use, land use change and forestry (LULUCF). It warned that failure to achieve results in the discussion tomorrow (i.e. 4 November) will give the Group no option but to request suspension of all other contact groups.

**Sudan speaking on behalf of the G77 and China** said that the solution should not be understood as allocation of 60% of time but to concentrate on real issues in order to go forward. The Group encouraged partners to look deeply into the issues. “The idea that we cannot arrive at numbers until Copenhagen is dodging the issue,” it said.

**China** said it shared the legitimate concerns of the African Group. “We are in the final stages of negotiations under the Kyoto Protocol. So it is time to focus on the real core issues of the AWG-KP, i.e. to determine the emission reduction target for after 2012,” it said.

It further said the AWG-KP has a very good solution to this issue but hoped that the focus is not only on nominal allocation of slots or timing but to have a substantive discussion and real negotiations and deliberations of quality. It appealed to the negotiating partners to come forward with specific, ambitious numbers, and an ambitious, meaningful and legally binding document from the (contact) group.

**Saudi Arabia** also expressed solidarity with the African Group position. It said that Africa announced a concern that is shared by developing

countries. The 60% time allocation does not mean anything without real progress as far as the number issues are concerned. It hoped that the negotiating partners show their intent to move ahead. Given experience, Saudi Arabia said it is still worried. "Tomorrow (4 November) is the test. At the end of the day, the situation will be reevaluated accordingly," it added.

**Bolivia** expressed solidarity with the African Group and said the negotiating partners have heard in the past two days the frustration of developing countries that feel that developed countries do not take this issue seriously. There is the frustration about the business as usual situation that does not recognize the need for numbers, frustration on the clarity of numbers, and over the fact that everything will be offsetted and left to the markets. There is no recognition of the historical responsibilities of developed countries. "We need real numbers on the table as soon as possible so we can leave Barcelona with success. There is no excuse for delay, as the discussion on the second commitment period started even before the Bali Action Plan was conceived," it stressed.

Bolivia said it will be monitoring and looking closely at how serious the Annex I Parties are and to see if they bring in commitment on the numbers.

**India** expressed its solidarity with the Africa Group and said that unless there is a heightened level of ambition on the numbers, consistent with the

science, it is afraid that "we have a very bleak future ahead in Copenhagen".

**Brazil** said that it shared the concerns of the Africa Group and said it will see the progress tomorrow (4 November). It said that it sees this issue as a benchmark for the negotiation as a whole.

**Grenada speaking on behalf of AOSIS** said it supported the call of the G77 and China for a focused, urgent and meaningful response to the issues in the Kyoto Protocol agenda, particularly on the numbers issue.

**Indonesia** said that the number issues will be the ones determining success in Barcelona and Copenhagen, and the progress ahead.

In the corridors, developing country Parties continue to express frustrations. They said the African Group has shown a very great flexibility by agreeing to the 60% time slot for the contact group in numbers, as they had originally called for the suspension of all other contact groups until the numbers group completed its work.

Another developing country delegate said there is distrust as Annex I Parties have not provided the necessary data to determine how much of offsets and how much LULUCF will determine the figures for the second commitment period.

The remaining three days will see how the issue of numbers will unfold and affect the negotiations in Barcelona and Copenhagen.

# TWN

## Barcelona News Update 6

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### Shared Vision Must Reflect a Set of Goals, Say Developing Countries

Barcelona, 4 November (Josie Lee and Meena Raman) – Developing countries stress the need for a shared vision to address climate change to reflect a set of global goals and not just a global goal on emission reductions at the ongoing Barcelona climate talks.

At the Tuesday contact group on shared vision under the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) under the United Nations Framework Convention on Climate Change (UNFCCC), developing countries said that the shared vision must also reflect what Parties must achieve as results in adaptation to climate change, finance and technology transfer. They emphasised the need for a set of specific commitments such as quantum of finance that will enable developing countries to achieve a global goal.

While developing countries stressed an integrated approach in constructing the shared vision, the European Union emphasised the need to focus on the long-term global goal for emission reductions in the shared vision.

(Sudan on behalf of the G77 and China had expressed explicit concerns in the Bangkok session that a global goal per se would require developing countries to bear a highly disproportionate share of the burden of emissions cuts, while the legal responsibility to reduce emissions is primarily with developed countries.)

The contact group today discussed what the core of that vision should be as it worked on non-paper #33 on a shared vision for long-term cooperative action prepared by the facilitator, Sandea de Wet of South Africa at the Bangkok talks (28 September – 9 October).

Discussions proceeded paragraph by paragraph as proposed by the facilitator starting with paragraph 15 of the non-paper. This paragraph includes six alternative proposals that aim to define what the shared vision should encompass. The facilitator asked Parties to try to develop action wording for the six alternative paragraphs that currently appear as being more directional in nature.

Parties also discussed paragraphs 16 and 17 of the non-paper. Paragraph 16 is a placeholder for text reflecting the essential elements of long-term cooperative action on adaptation, mitigation, technology and financing, while paragraph 17 deals with a long-term global goal for emission reductions.

**Sudan** on behalf of the **G77 and China** said that in order to accelerate work, the articles of the UNFCCC, particularly the principles and objectives of Article 2, must first be clearly brought to the centre of the discussion. On the long-term global goal, Articles 4.2, 4.3, 4.4 and 4.7 of the UNFCCC have to be the centre of discussion. (These Articles deal with the commitments of developed countries in relation to emission reductions, provision of finance and transfer of technology).

Finally, on the goals to be achieved at Copenhagen, there is the mitigation goal by developed countries (Annex I Parties under the UNFCCC) which is comparable to that done by Parties under the Kyoto Protocol (this refers specifically to the United States that is a Party to the UNFCCC but not to the Kyoto Protocol), finance goal, a technology transfer goal and an adaptation goal with concrete figures. A shared vision cannot be without these constituents. A shared vision that is outside the Articles that are fundamental and foundational in the UNFCCC is not a useful use of our time.

**Bolivia** said that with respect to paragraph 17 on the construction of the global goal, there must be results on the targets for emissions reduction in the mid-term by Annex I Parties under the Ad Hoc Working Group on the Kyoto Protocol. There is need first for an ambitious result in the Kyoto Protocol negotiations in this regard. It said there should be a set of global goals and not just a global goal on emission reductions. It is a reflection of what Parties must achieve as results in adaptation, finance and technology transfer. Parties must come up with a different set of numbers that will enable developing countries to achieve a global goal. Just talking about numbers not based on agreement in these areas will

not get us far enough. Hence, the need for concrete results in these other parts too.

**India** said that the shared vision for long-term cooperative action is not just a number for climate stabilisation. It must encompass all the four elements of the Bali Action Plan (adopted by the UNFCCC Conference of Parties in 2007). The enabling means to achieving the long-term cooperative action and the long-term global goal was critical. In relation to the long-term global goal for emission reductions, without mentioning the per capita accumulative emission convergence between all Parties and their fair shares in global atmospheric resources, a cap on temperature rise would not be feasible and is against the developing countries' interests.

With respect to the peaking year (for emissions), India asserted that social and economic development is the overriding concern of developing countries, and that therefore an artificial year of peaking global emissions cannot be included unless there is very specific funding for developing countries.

**Saudi Arabia** said that with respect to the discussions on temperature and emission stabilisation, there was also a need to agree on sub-goals on technology, finance and how much finance will be provided for adaptation. There was a clear need for goals on all the four pillars of the Bali Action Plan (mitigation, adaptation, technology transfer and financing) and how much they will be provided for in the short, medium and long term.

There was also a need for precaution in attempts by Parties to refrain from using protectionism and unilateral actions or proposals that may cause economic hardships to developing countries. Saudi Arabia said that it preferred Option 3 of paragraph 15 as that was comprehensive and covered all the four building blocks of the Bali Action Plan. (Option 3 is the proposal by the G77 and China in the non-paper).

It also said that it appears that developed country Parties want to now burden developing countries by imposing carbon tariffs on their products, in renegotiating the UNFCCC and in contributing to the killing of the Kyoto Protocol. It said that Parties cannot write the conclusion (of what is the shared vision) without knowing the content as all elements are needed to get the shared vision and not by picking and choosing some elements over others.

**China** stated that the essence of the long-term cooperative action in the shared vision is action and that this should be based on the principles of the UNFCCC and the Bali Action Plan, with a focus on the four building blocks of the Bali Action Plan.

**Antigua on behalf of the Alliance of Small Island States (AOSIS)** said their position on long-term goal is that it should be based on best science and urgency, and that the context should be in terms of avoiding impacts on Least Developed Countries. Actions by non-Annex I Parties should be enabled and financed by developed countries. It indicated support for peaking times of global emissions and reviewing targets for emission reductions.

**South Africa** supported the comments of China, India and Saudi Arabia and some aspects of the AOSIS intervention. It said that paragraph 16 is an interesting placeholder as it provides a place to reflect crucial elements in the four building blocks of the Bali Action Plan. On how to operationalise the text, South Africa said they need to make a linkage between a new instrument under the Convention and the Kyoto Protocol in order to include those who are not signatory to the Kyoto Protocol (i.e. the United States).

**Sweden on behalf of the European Union** said the core issue for them is the long-term goal and associated notions. It said that the long-term goal had 4 key elements which are (1) reference to limit temperature rise to the 2°C goal; (2) number and target in terms of the emission reductions based on science for 2020 based on 1990 levels; (3) the notion of peaking emissions; and (4) commitment to regular review of the long-term goal as the science develops. It said there was a need not to just talk about collective reduction, but the contribution of developed countries to that goal, which should be a 80-95% emissions reduction by 2050 on 1990 levels.

**The United States** said that the elements that it sees in the basic text are the recognition of the urgency of the issue, of the need for a truly global approach, of the need for comprehensive strategies at national levels, and recognition of the place of countries in the global economy and of the respective capacity of different countries. It said that getting core elements of the four building blocks of the Bali Action Plan in there is useful.

**Australia** said that a shared vision is a vision shared by all Parties and a focus on long-term cooperative action.

**Japan** said a shared vision should be a strong message to show the successful outcome from the Conference of the Parties to the world. It should contain strong political words. It needs to address core elements of the necessity of actions of all countries, necessity for the organisation of a low-carbon society and of development of innovative technology.

**Norway** said that the long-term emissions reduction goal is the core of the shared vision.

# TWN

## Barcelona News Update 7

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### Frustration Over Slow Progress on Capacity Building

Barcelona, 4 November (Josie Lee) – Tensions rose in discussions on enhanced action on capacity-building in the contact group under the Ad Hoc Working Group on Long-term Cooperative Action under the United Nations Framework Convention on Climate Change as developing countries were frustrated by the lack of progress at the climate talks in Barcelona.

Co-chaired by Mr. Georg Børsting of Norway, the discussions on Tuesday moved at a slow pace for the first hour with the Co-chair detailing his proposed approach and posing a series of broader questions to the group, followed by questions and statements from the United States and others.

This delayed movement in reviewing the non-paper #24 produced to advance work on capacity building.

(Under the Bali Action Plan, Parties agreed that developing countries would, in the context of sustainable development, supported and enabled by technology, financing and capacity building, undertake nationally appropriate mitigation actions and adaptation efforts.)

The Co-chair began the Barcelona talks on capacity building by stating that he believed that Parties had made good progress in Bangkok and that there had been convergence on the scope and principles. He said that he wanted to move from the non-paper to a negotiating text.

The **United States** said that it needed to know what ‘enhanced implementation of the Convention’ (proposed in the text by G77 and China) actually is before it can discuss implementation.

**Japan** furthered this sentiment by asking what kind of capacity building actions will be required for implementation.

In response to these questions **Tanzania on behalf of the G77 and China** said that this issue had already been raised and that if they wanted to

understand what ‘enhanced implementation’ is, they should refer to the Bali Action Plan which launched the process for full, effective and sustained implementation of the Convention. Tanzania stressed that discussions need to focus on key aspects of the document.

**South Africa** exclaimed that it was getting very disturbed by the lack of progress in the meeting. It said that developing countries are explaining why they included proposals, “when we have already done this in previous discussions”. It said that they had been there over an hour and got nowhere.

South Africa said that it was struggling to participate in those meetings as there are many clashes. It is trying to finish the work of capacity building so it can focus on other things. It said that it was very frustrating to have things repeated in discussions when Parties missed a session (referring to Japan and the United States who were absent from some discussions in Bangkok).

**Ghana** echoed the sentiments of South Africa, saying they had had long question times on these things in previous sessions and that they were dealing with the same questions. It questioned how the group can move forward.

**Tanzania on behalf of the G77 and China** said it had refrained from the question and answer session as it thought the discussions had gone beyond that point. It said that the Group’s frustration is about how the session was being chaired. It thinks questions and answers will never end. The G77 and China are unhappy with this approach. It said that “we know the issues; the issues have been explained many times. Capacity building is very important for us, so we want to move onto the text”.

**Co-chair Børsting** said he did not invite a question and answer session, but rather some discussion of new proposals and reactions to those. He thinks the discussion has raised issues that Parties

should reflect on and discuss amongst themselves before the informal meeting. He said he will try and move into more detailed discussion of the text.

**South Africa** asked how the Co-chair intended to move forward in the informal in the afternoon as understanding this will help inform it about participation in the afternoon.

**Co-Chair Børsting** said he would like to proceed section by section, highlighting areas where there is need for clarity and to identify where options are not captured. So a question and answer discussion is not needed as Parties can talk amongst themselves, but noted that questions do come up in the course of discussions.



# TWN

## Barcelona News Update 8

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### Report of Press Conferences by G77 and China and the EU

Barcelona, 5 November (Josie Lee and Hira Jhamtani) – Developing countries continue to call on developed countries to live up to the challenge and provide the leadership that is asked for in dealing with climate change.

Ambassador Lumumba Di-Aping from Sudan, Chair of the G77 and China, reiterated this call during a press conference on Wednesday, when almost all negotiating groups went into informal mode at the Barcelona climate change talks.

He said developed countries have the moral and legal responsibility to live up to the real challenges. He stressed that British Prime Minister Gordon Brown said: ‘Damages caused by inaction on climate change will not be reparable’.

“The difference between developed and developing countries is that we feel the damage already,” said Ambassador Lumumba. However, he said, the Group absolutely believes that it is still possible to get a successful outcome at Copenhagen and that they are working very hard for that.

After the Tuesday agreement by Parties to the Kyoto Protocol to devote 60% of the time left in Barcelona to discuss developed country emission reduction commitments in a contact group commonly known as the ‘numbers group’ under the Ad-hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), the G77 and China stated that after the morning’s closed informal meetings it was ‘guardedly optimistic’.

On 3 November the African Group called for the contact group on the emission reduction commitments of developed countries to conclude its work on aggregate and individual emission reduction numbers, and until this is done, it did not want any other contact group meetings related to the Kyoto Protocol negotiation track to be scheduled. These numbers are months overdue according to the agreed schedule of progress and are core to an agreement at Copenhagen. After consultations held by Mr John

Ashe, chair of the AWG-KP, Parties agreed to resume contact group meetings the following day (4 November) (*please see TWN Barcelona News Update #5*).

During the Wednesday press conference, Ambassador Lumumba said that while he welcomed the response to Africa’s actions on Tuesday, he was ‘guardedly optimistic’ at the degree of focus they had started to witness. He said he believes that all G77 and China states think that it is vital that “we focus on the critical building blocks of our mandates and work”.

In response to a question from the floor on whether the African Group was asking for too high an emission reduction target from developed countries of at least 40% by 2020 on 1990 levels, Ambassador Lumumba stressed that the critical issue is that the climate change impact is catastrophic. “You cannot solve it by tinkering around or taking measures that cannot address the issue. For example, if you take the EU 20% or even 30% potential target, the result of that is to condemn developing countries to total destruction of livelihoods, economies, land, forests and human lives,” he emphasised.

Ambassador Lumumba also questioned whether this could be considered heavy lifting in respect to the historical legacy, or in terms of the cost. He contrasted the costs needed to respond to climate change to other issues, questioning how much developed countries have spent on defence annually. Taking the example of solving the financial crisis, he said that in a few months, 1.1 trillion dollars were made available from public spending. Over a longer period the EU and US have put forward more than 20 trillion dollars to solve the global financial crisis. Ambassador Lumumba questioned: “Why do you say the right to develop and the right of existence of developing countries are less important? Unless developing countries are considered as not equal to others”. He added that, “we cannot accept total

destruction for developing countries in order to appease some political leaders in the West”.

Ambassador Lumumba said that a politically binding agreement is worth very little. He said: “tell me of any politician who has delivered their political manifesto. There is only a legally binding agreement and that is why we call for a legally binding decision”.

Developing countries have been calling for a Copenhagen outcome that includes ambitious, quantified, legally binding and economy-wide greenhouse gas emission reduction commitments for all developed country Parties, while developed countries have been dragging their feet. For instance, the African Group has adopted key messages on climate change that are the basis of their position in the negotiations under the UN Framework Convention on Climate Change (UNFCCC). The African Group has called for emission reduction targets for developed countries of at least 40% below 1990 levels by 2020. It also calls for a firewall to be maintained between mitigation commitments by *all* developed countries and the nationally appropriate mitigation actions by developing countries supported and enabled by finance and technology from developed countries.

Further, Africa calls for a financial commitment of 1.5% of the global GDP of developed countries to support and enable adaptation and mitigation action in developing countries. It emphasised that funding must be new, additional, sustainable, accessible and predictable.

On adaptation, the African Group calls for the provision of financial, technological and capacity building support by developed countries for adaptation in developing countries which is an obligation under the UNFCCC that must be urgently fulfilled, recognising that climate change is an additional burden to sustainable development and a threat to achieving the Millennium Development Goals.

On technology, it calls for an agreement on technology deployment, diffusion and transfer that must ensure access by developing countries to affordable, appropriate and adaptable technologies for enhanced action on mitigation and adaptation.

On institutional arrangements, it calls for equitable and transparent arrangements that must facilitate access by developing countries to the “means of implementation” in a coherent and enabling manner.

The group also insists on developed countries’ historical responsibilities on climate change.

Finally, the African Group’s position is that Copenhagen must produce a 2-track outcome: (1) one track on the amendment of Annex B of the Kyoto Protocol (the second and subsequent commitment periods of emission reductions by developed countries); and (2) a separate legal instrument for the outcome of the negotiations under the UNFCCC. It also insisted that Parties must stick to the mandate of the Bali Action Plan under the UNFCCC and the mandate of Article 3.9 of the Kyoto Protocol.

Following the G77 and China press conference, the European Commission, Sweden (presidency of the EU) and Spain also held a press conference featuring Alicia Montalvo (chief negotiator of Spain), Ambassador Anders Turesson (chief negotiator of Sweden), and Ambassador Arthur Runde-Metzger (chief negotiator of the European Commission).

Ambassador Turesson said that they understand some of the issues that were presented by Africa, but that they cannot afford to lose any more time.

Ambassador Runde-Metzger said that today they had started to address Africa’s call as they had devoted more time to numbers and heard from Australia and other Parties on the proportion of emission reductions they planned to achieve domestically, through offsets and through land use, land use change and forestry (LULUCF). He noted that groups have been working to make up for lost time yesterday and that they will see what resonance they get from the African Group in response to this.

In response to the African Group’s call for at least 40% emission reductions by 2020, Ambassador Turesson reiterated that the EU is prepared to reduce its emissions by 30% and that this is in line with the figures mentioned in the Intergovernmental Panel on Climate Change (IPCC) Report of 25% to 40% by 2020 on 1990 levels. He said that they are very keen to talk further about this with Africa, but want figures from other developed countries to be compatible with their target and to the science.

In response to a question from the floor about whether they think that developing countries are being unreasonable in their demand for at least 40% emission reductions by 2020, Ambassador Turesson said no, it is not unreasonable. He said that some could argue that less than 40% is inadequate. According to their view, a 30% emission reduction is in the band that will meet the IPCC figures. But he recognised that a 2-degree Celsius warming of global temperatures will cause very significant consequences in some parts of the world. That is why adaptation and adaptation funding is extremely important, he explained.

Ambassador Turesson reiterated that the EU had agreed that the total sum needed for mitigation and adaptation in developing countries is 100 billion Euros per year. This is according to the estimated costs by the EU and the UNFCCC secretariat, he said.

Ambassador Runde-Metzger said that they take into account the concerns of Africa, and that in their financial package a significant amount of money is for adaptation for vulnerable countries and needs to be spent as soon as possible so that no one will have to die as a result of climate change.

In response to a question from the press that the EU be very explicit about the figures for public

funding by 2020 proposed by them, Ambassador Runde-Metzger said that the EU is committed to providing their fair share. He said that on the basis of emissions (the EU produces about 10% of global greenhouse gas emissions) it could be about 5 billion Euros. But on the basis of GDP, their share would be about 15 billion Euros. He explained that those are the 'ball park' figures and the final figures would depend on the approach taken.

Ambassador Turesson said that the numbers on emission reductions and finances are the hardest part of the deal, "so you can't expect that it will come at Barcelona or even early days at Copenhagen. It will probably involve political leaders stepping in at the end".

# TWN

## Barcelona News Update 9

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### New Report: Reliance on Carbon Trading is a False Solution to Climate Change

Barcelona, 5 November (Josie Lee) – Amidst the backdrop of discussions closed to observers at the Barcelona climate talks, Friends of the Earth today released the research report: *'A Dangerous Obsession - Evidence against carbon trading and for real solutions to avoid a climate crunch'*.

This report addresses the strong focus on carbon trading by developed countries in the intergovernmental discussions and at home, to the detriment of other effective and efficient means to reduce carbon emissions. It also takes a critical look at important issues such as “sectoral crediting”.

The **Friends of the Earth England, Wales and Northern Island** (FoE EWNI) research report evaluates whether carbon trading can deliver the necessary emission reductions to avoid dangerous climate change quickly, strategically, and in a just and equitable way. It also looks at what alternative tools are available to governments. It was developed in the context of increasing talk by developed countries, particularly the European Union (EU), about forming a global carbon trading system.

According to the report, evidence suggests that carbon markets are ineffective at driving emission reductions. For example, results from Phase I of the EU Emissions Trading Scheme (ETS) indicated a 1% increase in greenhouse gas emissions per year. Phase II of the EU ETS has already allocated 400 million tonnes of excess permits, so again there is little incentive to make carbon emission reductions.

The report argues that trading also fails to drive technological innovation; leads to lock-in of high-carbon infrastructure; allows for, and relies on, offsetting; creates a risk of subprime carbon; and provides a smokescreen for lack of action on climate finance by the developed world. The report highlights the role of powerful interest groups from Western industry and finance behind the drive to extend carbon trading globally, and calls for an immediate halt to this expansion. It argues firmly that there is

no substitute for strong domestic action in developed countries.

The report also highlights how the increased use of trading mechanisms is being pushed by the EU in the negotiations under the UN Framework Convention on Climate Change (UNFCCC), including proposals on market finance for Nationally Appropriate Mitigation Actions (NAMAs), sectoral trading, sectoral crediting, Reducing Emissions from Deforestation and forest Degradation (REDD) and Clean Development Mechanism (CDM) expansion.

Many hours of negotiating time in the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) are being spent on these proposals, which would rapidly and dramatically expand offsetting globally and further extend carbon trading to developing countries. While they are portrayed as tools for achieving mitigation, they are in fact entirely unproven with many fundamental underlying problems, many of which are examined in detail in the Friends of the Earth's report.

Furthermore, these are being misleadingly put forward as the means of fulfilling UNFCCC Parties' financial obligations to finance NAMAs when in actual fact the intention of many Annex I countries is to double count this action against their mitigation obligations.

In summary, it appears that key negotiating time which should be spent agreeing on the second commitment period for further and deeper emission reductions for Annex I countries under the Kyoto Protocol and on the many good proposals under the AWG-LCA to deliver finance and technology for mitigation and adaptation in developing countries, is instead being taken up on proposals for mechanisms which are at best unreliable for mitigation purposes, and at worst highly damaging as they do not constitute real fulfillment of Annex I obligations on finance and technology.

The Friends of the Earth report explains how some of these new mechanisms would work in practice. Proposals for sectoral trading would see the extension of national-level emission reduction targets to particular economic sectors in developing countries. Under a sectoral trading scheme, a target would be set lower than the 'business as usual' emissions trajectory for the economic sector in question, for example the power sector. Emission allowances would then be allocated to the government of the country up to the level of the target. At the end of a given period of time, if the government had reduced emissions in the economic sector more than the set target, it would be able to sell any surplus allowances on the carbon market. Failure to achieve a target would require the government to purchase additional allowances from the market. It would be up to the government itself to decide how to implement the target domestically, i.e. whether to achieve the emission reductions in the sector in question through emissions trading, taxation, subsidies or regulation.

Under sectoral crediting proposals, a 'baseline' level of emissions for a particular sector in a country would be set below the 'business as usual' emissions trajectory for that sector. Reductions of emissions below the business-as-usual level but above the baseline would be referred to as 'own action' and the government would not receive finance from the carbon market for this. However, reductions achieved below the baseline would be rewarded with credits which could then be traded on the carbon market. These credits would be issued at the end of a defined period. There would be no obligation for governments to purchase carbon credits from elsewhere if they did not achieve their target. For this reason this mechanism is sometimes referred to as 'sector no lose targets'.

The research report was launched at a side event at the Barcelona climate talks.

Speaker **Oscar Reyes, Carbon Market Analyst, Transnational Institute**, said that there are a number of problems with the idea of sectoral trading. The first is that what is driving these mechanisms is the generation of offsets. It is the ability to avoid responsibilities at home. The Friends of the Earth Report highlights that offsetting is fundamentally flawed and unjust as it counts action in developing countries as part of cuts in developed countries, although science is clear that action is need in both developed and developing countries. It also indicates that evidence suggests that often, offsetting is not additional to what would have happened without the offset finance and thus the net effect is

that greenhouse gas emissions are increasing as it lets developed countries continue to pollute. Offsets delay necessary infrastructure changes in developed countries and are not delivering benefits for developing countries.

Reyes indicated that another problem is that sectoral approaches are being used to overcome the distinction between the developed and developing countries and their different responsibilities and capabilities. He said that while the idea of emission intensity targets (or baseline levels) in industries can be useful, when they are used to generate offsets, they can result in shifting the burden from the North to the South.

He said that when generating baselines instead of looking at local knowledge they are using blanket assumptions about economic development to generate standardized baselines for carbon emissions, then generating credits if emissions are below this and selling them back to developed countries. But they can overestimate the baseline for emissions, so credits are generated with no emission reduction. "The idea that you can standardise to account for something without looking at the local situation is a huge problem", he stressed.

Speaker **Tom Goldtooth, Executive Director of the Indigenous Environment Network**, said the adoption of mechanisms that allow for carbon pollution trading and offsets has turned the potential threat of climate change into an opportunity for profit. He stated, "The trading of carbon and greenhouse gases is a new form of colonialism".

He explained that carbon offsets enable corporations and governments to avoid reducing greenhouse gas emissions by purchasing carbon credits. These carbon credits can come from carbon offsetting projects like tree plantations, which are established under the guise of "development" in poor countries.

Goldtooth said the carbon reductions claimed through the CDM are not real. They rely upon hypothetical baselines that can be manipulated to produce credits for imaginary reductions. CDM projects routinely fail to demonstrate that they are not giving credit for projects that would have occurred anyway. There is no methodology that can truly show that the projects are additional.

Using the CDM, timber plantations, for example, are being planted under the guise of sustainable development. These projects are neither 'clean' nor 'sustainable' nor a means of 'development'. The CDM shifts the responsibility to act from those who have contributed most to the climate problem to those who have contributed least, he emphasised.

Goldtooth closed by saying that carbon offsets will not contribute to achieving protection of the Earth's climate. It is a false solution which entrenches and magnifies social inequalities.

Speaker **Marcial Arias of the International Alliance of Indigenous and Tribal Peoples of Tropical Forests** said that, "if we put a price on carbon, it is like putting a price on genes, forests, biodiversity, clean rivers and thus life". The Alliance is against the privatization of the air. He said that when creating carbon trading they are not

considering the spiritual and cultural part, they are just considering the economic interests.

The event also featured **Miguel Lovera** (delegate of the Government of Paraguay), Payal Parekh (climate scientist for International Rivers), **Sarah-Jayne Clifton** (Friends of the Earth), and was facilitated by **Meena Raman** (Friends of the Earth Malaysia and Third World Network).

This report is available online at: [www.foe.co.uk/resource/reports/dangerous\\_obsession.pdf](http://www.foe.co.uk/resource/reports/dangerous_obsession.pdf)

# TWN

## Barcelona News Update 10

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### Numbers for Effective Emission Reductions by Developed Countries Remain Elusive

Barcelona, 6 November (Hira Jhamtani) – Tangible progress on the emission reduction commitments for developed countries under the Kyoto Protocol (KP) remained elusive despite the resumption of the contact group session on Thursday, 5 November.

Parties to the Kyoto Protocol entered into an exchange on the base year for calculating emission reduction targets beyond 2012 (when the first and current period ends in that year), the number and duration of the commitment periods, as well as increasing the level of ambition for future reductions.

The discussion took place in the contact group on the scale of emission reductions by Annex I Parties, under the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) during the ongoing Barcelona climate change talks. The contact group, also known as the “numbers group”, had gone into informal mode (closed to observers) on Wednesday. Its task is to work on the aggregate and individual emission reduction targets for Annex I Parties (developed countries) beyond 2012 under the KP.

According to some sources, the slow progress of the closed-door negotiations had triggered developing countries to insist on the sessions becoming an open contact group again. Earlier in the week, the African Group had insisted on the suspension of all other contact groups under the AWG-KP, except the numbers group in the hope that they can come to a conclusion. They had also asked developed countries who have put forward initial emission reduction numbers to clarify how much of the reduction will be through domestic efforts, offsets and through land use, land use change and forestry (LULUCF).

The open contact group discussed issues related to the emission reduction numbers such as the base year, and number and length of the commitment period; how to increase the level of ambition for emission reductions and how to put developed

countries’ pledges into an aggregate Annex I Parties’ emission reduction commitment.

The co-chair of the contact group Leon Charles of Grenada began the discussion on the length of commitment period, saying that the many options have been limited to the following options: (1) one commitment period of 5 years or 8 years; (2) two commitment periods of five years each. On the base year, many Parties prefer using one base year i.e. 1990 (the base year in the current commitment period 2008-2012), while some Parties want another base year or multiple base years.

**Australia**, for instance, said that the length of commitment periods and base year may be a combination of a legally binding base year but also flexibility in using another base year to allow for domestic approaches and circumstances.

**Japan** said it is crucial to express quantified emission limitations and reduction objectives (Qelros) as part of the whole framework where developing countries also make their commitment. Japan shares the idea of using KP type of commitment for developed countries combined with schedules for mitigation commitment. Thus, it said, it is not appropriate to present Qelros using one base year.

Japan has announced a mid-term target comparing to the 1990 level, saying it is not a problem, but enabling other Parties might be a problem. Japan has used 1990 as the base year, but for the sake of engaging other Parties, it wants to see different base years.

**Canada** is interested in the approach where there is a table that would require Party targets articulated in multiple base years. The base year 1990 is important and Canada is not trying to do away with it. Using recent base years (after 1990) would give more understanding to the level of effort within a given time period. The level may depend on the country circumstances, economy and the speed with

which new capital stock and technology can be developed. It will also create a political imperative for countries that is more meaningful for domestic politics. Also, Canada said, the United States (US) has chosen 2005 as the base year and we are working towards an outcome that would include the US.

Canada hopes that not just the US, but also many other countries would take on targets in future, perhaps not in Copenhagen, not in 5 or ten years, perhaps in the next 20 years. So we must design a process that countries can use later on. Some developing countries that want to take targets, would find it hard to commit based on 1990, and realistically may want to use a more recent base year.

**China** responded by expressing its disappointment that Japan has said the targets are not announced in the context of the current AWG-KP. It reminded the Parties of the mandate of this working group, based on Decision 1/CMP.1 (adopted by the first Meeting of the Parties to the Kyoto Protocol in 2005 hosted by Canada), Paragraphs 1-3 of which say that the Conference of Parties:

1. *Decides* to initiate a process to consider further commitments for Parties included in Annex I for the period beyond 2012 in accordance with Article 3, Paragraph 9, of the Protocol;

2. *Decides further* that the process shall begin without delay and shall be conducted in an open-ended ad hoc working group of the Parties to the Kyoto Protocol, hereby established, which will report to each session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol on the status of the process;

3. *Agrees* that the group shall aim to complete its work and have its results adopted by the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol as early as possible and in time to ensure that there is no gap between the first and the subsequent commitment periods.

The mandate of the AWG-KP is very clear. Further commitments are to be made based on Article 3.9 of the Protocol, by amending Annex B of the Protocol.

Thus, China said, it is totally unacceptable that Parties say their pledges are not part of this working group. It made a plea for Parties to make commitments in this context and not other contexts. China also made a suggestion to revise the Secretariat's informal note (that calculates the pledges of Annex I Parties for emission reductions) by changing the title of Table 1, which should just say "pledges made by Annex I Parties in the context of this working group". For Parties who do not make pledges in this context, the information can be taken

out of the table. It said that, "otherwise we are not making progress". China said it is shocked to hear that pledges are not made in this context and that it is totally not acceptable.

(Note: Pledges not made in the context of the AWG-KP would be interpreted to be not subject to the legally binding nature and compliance system of the Kyoto Protocol.)

**South Africa on behalf of the Group of 77 and China** said it is important to use a consistent base year for legal obligation. But each Party's right to use another base year for domestic purposes is also not a problem. A way forward may be using a footnote that would enable individual parties to use different base years. And the Kyoto Protocol does provide flexibility for countries in transition to choose the base years. "But here we talk about the second commitment period and therefore should focus on that," it stressed.

**Ethiopia, speaking for Least Developed Countries** said it follows a strict interpretation of the Kyoto Protocol itself and that has given 1990 as the legally acceptable single base year. There is a possibility of accepting multiple base years, if countries not listed now come in after 20 years. But for countries listed under the Protocol, 1990 is already listed. Article 3.9 of the Protocol requires that "we define the second commitment period without changing the 1990 base year", it said.

**Gambia, speaking for the African Group** reiterated that the group is not linking (what is happening in the AWG-KP) with what is happening in the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) (the other distinct negotiation track, under the UN Framework Convention on Climate Change). This working group is to discuss amendments to Annex B (of the Kyoto Protocol), so Parties need to ensure a single base year.

**Micronesia on behalf of the Alliance of Small Island States** said it is absolutely necessary to have a single base year to ensure transparency among Parties and for the public. It is also important for compliance. What is important is what the atmosphere needs, the options for other years can be reflected for instance through a footnote. The most important thing is not to confuse the public.

Many other countries expressed support for the option to have a single base year and that would be 1990 as provided for in the Kyoto Protocol. These countries included **Bangladesh, Brazil, Egypt and Norway**.

The co-chair suggested establishing an informal group to be chaired by Australia and South Africa to discuss the issue of base year and then report back the next day (Friday, 6 November).



South Africa said it does not have time to do so and in any case needed to consult the members of G77 and China. It said the Group has shown flexibility and we all know the arguments, so his sense is that Parties are not going to get there. The co-chair said that the informal group would be held in abeyance to see if that would be agreed on tomorrow (Friday) and then to start work early in Copenhagen.

### **Number and duration of further commitment period(s)**

The co-chair then opened the discussion on the number and length of commitment periods. The proposals are: one period of 5 years; one period of 8 years; and 2 periods of 5 years each.

The members of G77 and China have different positions on this, but their proposal is a single commitment period of 5 years. The rationale is that it synchronizes well with the fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), in 2014. This was echoed by the AOSIS.

**Australia** said it preferred one period but is open minded about 5 or 8 years.

The **European Union** said it has no problem with a single commitment period, but preferred a duration of 8 years. It said a short commitment period would require another amendment and then have to prepare a new policy and thus the time table does not look feasible. It would like to compare the time table with the G77 and China.

**Japan** also wanted a single commitment period of 8 years.

The co-chair then said the options have been narrowed to one commitment period but whether of 5 or 8 years. To this **South Africa for G77 and China** said that in the event partners cannot come to an agreement of 5 years, the Group will have to withdraw its position, as members of the Group previously had different positions but on the understanding of 5 years.

Norway said it has no fixed position, and that it would be linked to how the final agreement is put together. It is essential that the final agreement include targets for 2020, so 8 years is the preference. It is important to see the timetable in order to put in a mid-term review.

**Gambia for the Africa Group** said its original position was for 8 years, but in the spirit of flexibility it had agreed to the 5-year duration. It hoped there is common agreement, otherwise it would reconsider its position.

The **EU** then said it was disappointed being portrayed as being inflexible. The difference of

views is about seeing the timetable. It needs to go through the entire parliamentary cycle for legislation and needs to prepare companies.

**Ethiopia for the LDCs** said it has a rationale on how to determine the length of the commitment period. It would be dependent upon the targets. If the targets are really ambitious, it is flexible to go for a long commitment period of 8 years. "If we see the current pledge, for such an insignificant target, a short commitment period is sufficient," it said.

The co-chair closed this part of the discussion saying it will consult Parties and get back to the issue early in Copenhagen.

### **Increasing level of ambition and allocating individual emission reductions**

The third item was how to increase the level of ambition and how to allocate individual emission reduction figures from the aggregate reduction figure. When the co-chair asked parties to share thoughts on how to adjust the level of ambition for emission reduction, there was silence in the room for a few minutes.

**Micronesia on behalf of AOSIS** broke the silence, by saying it may be useful to first acknowledge the level of ambition as shown in the tables and then compare it with the science. The latest UNFCCC secretariat paper showed 16-23% emission reduction (without the US) based on the announcement of countries. The latest compilation by AOSIS (dated 5 November 2009) shows 12-19% emission reduction (including the US). "Then we can look at the corresponding goal of 2 degree C. warming (AOSIS demands 1.5 degree C. warming). Then we can see that there is an enormous gap between the pledges and what is required by science," it said.

There was silence again, and the co-chair rephrased his question, i.e. what are the constraints to increase the level of ambition.

**Japan** said its country's target of 25% was announced as part of its political will. "The previous target was based on model analysis. So the nature is different now, as this is a top-down target. On the question if we can increase the target, we just did one half month ago. We are in no position to go further. We ask other developed countries to upward their targets, so we can achieve a higher collective Annex I Party target," it said.

The **EU** said its target of 20% is enshrined in legislation and it has a possibility to go up to 30%.

"When we put a cap to emission on the economy, we put additional constraint and burden on our companies. It can only work if a similar

constraint exists in other countries, otherwise companies would relocate. That is why there is a need to have comparable effort from other industrialised countries, in order to ensure environmental integrity. That is why we are here, to negotiate with partners, to ensure fair sharing of the burden,” it said.

It added, “Some countries demand a 40% cut and what is preventing us from that? The question is what will it do to the economy. The easiest way is to switch off your entire industry and that would upset the entire global economy. When we discuss targets for 2050, with a longer period of transformation, it may be possible to have a deeper cut”.

**New Zealand** said there is a range of conditions in terms of target. With a target of 10% reduction, and assuming the price of carbon at US\$10 per ton, the cost is about 6% of GDP. “It is rather difficult to take on higher targets, as it will constrain the economy. Certainty is important about the implications of targets for the country, we need to have certainty in the LULUCF rules, in markets,” it said.

In response, **Ethiopia** said “the thinking is skewed because we are talking about international obligations. The question is what about the economy and life of people in the other parts of the world. They also want to sustain their population. We also want the damage to lives and property to stop in our part of the world. Can the benefit analysis include that as well?”

The **EU** said, “Even if we go the 2 degree C. warming target, we have to adapt. And we want to assist adaptation to climate change. We will fight climate change in the EU and assist developing countries, to ensure lives are not lost. We are seeking a deal in Copenhagen”.

**China** asked, “Are we to assume this is the level of ambition so far and the most we can go? Then we need to report back to the plenary that is the best we can do”.

**Bangladesh** said “citizens are looking at us, and the failure to act will mean disaster for the planet. It would be the collective failure of Annex I Parties and the Kyoto Protocol Parties”.

In response **Japan** said that it has increased its target to 25% and is not in a position to be criticized. The share of Annex I Parties emission is only 30%. All Parties should adopt ambitious mitigation actions, both developing and developed countries.

**Ethiopia for the LDCs** said the whole blame should go to those who are polluting the atmosphere, i.e. the Annex I Parties. “We have heard some

countries increasing their emission reduction target, but when it comes to aggregate figure, it is far below what is necessary,” it said.

**Gambia for the Africa Group** suggested making an analysis of the gaps, how much is offset, how much is contribution by LULUCF and domestic efforts. “We have seen some Parties willing to move forward, we see some are still lying low, due to national circumstances. Once we see the data on these, we can distinguish political will and the other reasons for not going upward,” it said.

**China** said, “what we see now is pledges, when added up, they are low ambitions. This is contradictory to the statements of Annex I Parties. They say they have ambitious and long-term perspectives. It is like seeing a picture of a beautiful skyscraper. But there are no building blocks. So the offer is enough for building a shabby hut. Who will provide the building blocks for the skyscraper?”

**South Africa for the G77 and China** said it seems at the global level the fundamental challenge is how to achieve real and meaningful reduction from Annex I Parties in the context of what the atmosphere needs. If the constraint is domestic circumstances, if there is a way to uplift the target by paying others, the Kyoto Protocol provides for flexibility mechanisms. To a large extent it relies on mitigation potential. If having fully used the potentials, can the flexibility mechanisms be used in a supplementary way? “But we are in a scenario where we have completely inadequate domestic effort on the table. So we need to lift that up,” it said.

**New Zealand** said, “We simply do not know our domestic pathway. There are uncertainties about emission, the climate, milk and dairy products prices, exchange rates. We have not done modelling work. The Kyoto Protocol does not direct modelling and this is a bit late. If you take a commitment you need to be able to deliver. We are trying to achieve global public good, and by taking mitigation action at the cheapest”.

In response, **Bangladesh** said there are many uncertainties, “but now it is uncertain to reach agreement in Copenhagen”.

**China** said from the statement of New Zealand, “we are under the impression that we are never going to get our target, so we live in an uncertain world. Responsibility is not based on action but on the cause of the problem”.

The co-chair closed the meeting by reminding that Annex I Parties need to provide data on the breakdown of the figures, based on domestic efforts, LULUCF and mechanisms. This should be in writing, given to the secretariat which will then compile them on Friday.

# TWN

## Barcelona News Update 11

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### Developed Countries Undermine Successful Copenhagen Outcome, Say Developing Countries

Barcelona, 9 November (Meena Raman) – At the conclusion of the Barcelona talks under the United Nations Framework Convention on Climate Change (UNFCCC), the G77 and China said that it saw very little engagement on the part of developed countries to move forward in the negotiations.

Instead, the Group found developed countries in very active engagement *outside* the process, undermining the negotiations under the UNFCCC, and in dampening expectations for the outcome in Copenhagen.

These remarks were made at the closing session of the seventh session of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) on 6 November, which was chaired by Michael Zammit Cutajar of Malta. The next session of the AWG-LCA will be held in Copenhagen, in conjunction with the 15<sup>th</sup> meeting of the Conference of Parties (COP 15) from 7-18 December. The AWG-LCA was mandated in Bali in 2007 to reach an agreed outcome and adopt a decision at COP 15.

Ambassador Ibrahim Mirghani Ibrahim of **Sudan**, speaking for the **G77 and China**, said that at this critical stage, the Group reaffirmed its strong position that the UNFCCC process is the sole legitimate forum of these negotiations and denounced all means that would place the determination of the agreed outcome in Copenhagen in the hands of a few countries, be this at the highest political level. It called upon those developed countries to stop such attempts that will only obstruct the efforts to reach a balanced, ambitious and comprehensive outcome. It also expressed serious concerns over efforts to take the negotiations outside of the ambit of the Convention, and to prejudice and undermine the process undertaken under the only legally-binding Convention to address climate change.

The G77 and China also expressed concern over attempts to diminish the level of ambition of the outcome of Copenhagen. It deplored the slow

progress made at this session in Barcelona, despite the continued efforts of the Group to engage fully and constructively in good faith, in substantive negotiations leading to an equitable, fair, just and ambitious outcome in Copenhagen. It confirmed its understanding that the work done in Barcelona will be carried as it stands to the AWG-LCA's eighth session in Copenhagen.

The Group remained firm on its position on the two parallel tracks of negotiations (of the AWG-LCA and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol) in this process without exporting vital parts of one, the Kyoto Protocol, into the other, the Convention, weakening the principle of common but differentiated responsibilities, and in the process, denying historical responsibilities. The Group sees an outcome that should include a strong agreement on ambitious reduction targets by developed countries that are not Parties to the Kyoto Protocol and on the delivery of means of implementation (of the UNFCCC). The Group sees an effective financial mechanism under the authority of the Conference of Parties to implement commitments related to the provision of financial resources; an effective mechanism for development and transfer of technology; and an institutional arrangement to deliver finance for the implementation of adaptation actions.

**China's** head of delegation, Mr. Su Wei, in an apparent reference to the United States, called on developed countries who were waiting for developing countries to act, to look ahead. "Developing countries have already left you behind, and we cannot be used as an excuse any more for your inaction," said Su Wei. "Please wake up and to see that Copenhagen is just miles away, you have to get running in order to catch up. Otherwise, you will fail in the race to Copenhagen and beyond," he added.

China said that it takes the threat of climate change very seriously and has already integrated climate change responses into the social and economic development of the country. Fighting climate change has become an integral part of its national sustainable development strategy. Out of a high sense of responsibility for the survival and development of mankind and the future of Mother Earth, China will continue its proactive and constructive role in the negotiations and to make its utmost effort to contribute to the success in Copenhagen.

It reiterated its strong belief and firm determination to ensure the full, effective and sustained implementation of the UNFCCC in accordance with the mandate of the Bali Action Plan. Its resolve remained in order to achieve an ambitious, strong, meaningful and binding outcome in Copenhagen and its actions will never become loose.

It said that to be or not to be is no longer the question. The Copenhagen conference must be a success. And the key to such a success lies in the firm commitment of Parties to the Convention, its Kyoto Protocol, the Bali Roadmap, and the principle of common but differentiated responsibilities and the principle of equity. It's high time to focus on the plain and clear words of the mandate of the Bali Action Plan, to focus on the essentials regarding mitigation, adaptation, finance and technology transfer. Developed countries shall undertake the legally binding commitment to reduce their emissions of greenhouse gases with an ambitious target by 2020. Parties need to agree on setting up effective mechanisms for adaptation, financing, technology transfer and capacity building support. Such support would enable developing countries, in the context of sustainable development, to take nationally appropriate mitigation and adaptation actions.

Mr. Shyam Saran, Special Envoy of Prime Minister of **India** on Climate Change, said that it categorically rejected attempts that are being made to already declare failure at Barcelona and downgrade expectations from Copenhagen. To talk about a political agreement instead of a legally binding outcome, to suggest that Parties may be able to achieve some result only by the end of 2010, these are prophecies which must be dismissed.

He emphasized that India is not prepared to give up at this stage and retained the audacity to hope to deliver on an international legally binding outcome that is equal to meeting the urgent and compelling challenge of global climate change. While it was disappointed by the lack of progress in the

deliberations, this reinforced determination to work even harder at Copenhagen to achieve a comprehensive, balanced and above all an equitable outcome.

India said that if those who have promised to take the lead, wish instead to fall behind, as a developing country, it will not slacken efforts. In many ways, developing countries are already doing much more on climate change than their developed country partners. They were doing so despite the severe limitation of modest resources. These significant activities are being taken, despite there being no legal obligation to do so and without making these conditional upon what others are prepared to do, something it saw as a constant refrain in the debate on developed country targets. They are going round in circles: "I will show you my targets, when you show me yours," said Mr. Saran (referring to the developed countries' "refrain").

For a substantive outcome in Copenhagen, India said that a key component remained the willingness of the Annex I Parties to come up with significant emission reduction targets, both for the medium term and the long term. Kyoto Protocol Parties must do so as part of their legal obligations. They need to commit to specific, legally binding targets for the second commitment period commencing 2013. Those who are not Parties to the Kyoto Protocol must commit themselves to comparable commitments, as they are obliged to do under Bali Action Plan. This order cannot be reversed, i.e., it is not that Kyoto Protocol Parties have the option to reduce the level of commitments to that which may be set by non-Kyoto Protocol Parties. Rather non-Kyoto Protocol Parties must come up with targets which are comparable to what Annex I Parties are legally obliged to commit to, under the Protocol. The Bali Action Plan is quite clear on this.

Whatever outcome is possible at Copenhagen, India said that Parties must ensure that post-Copenhagen, the UNFCCC continues to remain the foundation of our climate change action. The Bali Action Plan equally will continue to provide the mandate of subsequent work and Parties must guard against a weak, declaratory outcome, which then becomes the template for future work that would be a setback.

Mr. Mootaz Ahmadein of **Egypt** said that if Parties evaluate the work done in Barcelona, it can be acknowledged that some progress was achieved, maybe not on all fronts, but on a number of important ones. Yet, there were serious differences on many fundamental aspects, especially the nature and scope of expectations from developed and developing

countries; the differentiation of responsibilities between developed and developing countries; the sources and amount of financing requirements to face the consequences of climate change; the scope and role of markets and the private sector in financing adaptation and mitigation actions in developing countries, and whether these are an adequate vehicle to deliver the financial and technology transfer obligations of developed countries under the Convention, among other issues. The outcome of Copenhagen should reflect the delicate balance between these considerations, while rising to the level of expectations.

Before agreeing on a shared vision on long-term cooperative action, in order to achieve success in Copenhagen, Parties must share a common vision on the elements of the outcome of Copenhagen. This vision should reflect the outcome of the work of the AWG-LCA to be completely consistent with the Convention; it should aim to enable the full, effective and sustained implementation of the Convention in accordance with the Bali Action Plan; it should address all the components of the Bali Action Plan; it should build upon the existing mechanisms of the Convention; it should not aim to replace the Kyoto Protocol, or collapse it into some other hybrid agreement that blurs the differentiation between developed and developing countries.

Egypt said that it was apparent that some Parties do not share the same understanding. Some Annex I Parties are asking for a single ratifiable instrument, with legally binding commitments. Some others are asking for an implementing agreement. Developing countries are asking for a legally binding outcome. Some of them are looking for a legally binding treaty. It seems there is indeed consensus on a strong and binding outcome.

But in reality, both groups have different expectations from that legally binding outcome: Annex I countries would expect mitigation commitments from all Parties. They would also like to see participation from developing countries in the financing efforts. Egypt and other developing countries on the other hand are expecting legal commitments and compliance from developed countries, on financing and the transfer of technologies for mitigation and adaptation actions. “We are looking for a strong and serious commitment for medium and long term emissions reduction targets from Annex I Parties,” it stressed.

Egypt emphasised that conceptual differences should be addressed. It is now time to understand that changing the Convention, or moving the goal posts, has come to an end. “Our partners have to understand that before asking others to undertake

new commitments, one should start to implement his own in order to set the right example. In this context, it might be useful to start thinking on streamlining the text objectively by taking out those controversial concepts that do not belong to the Bali Action Plan, or the Convention, and transfer the issues which relate to the Kyoto Protocol to the AWG-KP. Parties should understand that the success of Copenhagen will depend on the political will of those who possess the financial and technological means to address the challenges of climate change,” it said.

**South Africa** expressed disappointment that developed country Parties lacked political will. Instead of showing leadership, they are leaving finance to the markets and want developing countries to pay their way. Technology is simply left to cooperation. Adaptation is to be funded by developing countries. There has been a lack of progress in the negotiations in Barcelona. There is a need for a strengthened climate regime that resolves the climate crisis and supports sustainable development. South Africa rejects a weak outcome in the form of a political declaration. It wants a legally binding two-track outcome, for the amendment to Annex B of the Kyoto Protocol (for aggregate and individual emission cuts for developed countries in the second commitment period) and a separate legally binding outcome in the Convention track.

**Grenada**, speaking for the **Aliance of Small Island States (AOSIS)**, said that the Group would not go to Copenhagen to reaffirm the status quo. There was a need to work with an increased sense of urgency for an ambitious and comprehensive outcome that preserves the legal nature of commitments under the UNFCCC and the Kyoto Protocol. For 15 years, it said that there was reliance on the decisions of the Conference of Parties. It wanted a legal outcome and not just COP (Conference of Parties) decisions. It expressed deep concern over some quarters that wanted to lower the collective expectations in the legal form and in the content of the outcome. It said that weak political declarations are not the solution but finalising a legally binding outcome that responds to the scale and seriousness of climate change. It called for the sealing of a legal deal.

**Algeria**, speaking for the **Africa Group**, stressed the need for new and additional financing which is to be 1.5% of the global GDP to support mitigation and reduce climate vulnerability and build resilience. It emphasised the two-track process outcome under the AWG-KP and the AWG-LCA in Copenhagen. One was for the amendment of Annex B to the KP (emission reductions of Annex I Parties

for the second commitment period) and a separate legally binding outcome under the Convention track. If there is no outcome in the Kyoto Protocol process, there would be no legally binding outcome in the AWG-LCA. There was a need for significant political will and movement in the negotiations.

**Bolivia** expressed mixed feelings and frustration over the negotiations. It said that developed countries must fulfil their historical debt owed to developing countries for their emissions and hence, they must commit to deep emission cuts for the second commitment period under the Kyoto Protocol and fulfil the mandate of the Bali Action Plan. It rejected efforts by developed countries to get developing countries to trust the carbon markets to deliver on finance, when such trust in markets led to the devastation in the lives of millions following the financial crisis.

**Norway** said that following from Bali, it felt a strong sense that there would be a ratifiable treaty as an outcome but this was now not realistic. A political decision must specify that a final outcome must be ratifiable. Lack of trust was an obstacle. There was a need for industrial countries to take the lead, with all developing countries except the LDCs participating. There is a need for new and additional mechanisms to widen the markets.

**Australia**, speaking for the **Umbrella Group**, said that it was pleased with the progress made in Barcelona. Its objective in Copenhagen was to ensure a robust and comprehensive legally binding outcome that reduces emissions substantially. There was a need for significant emission reductions to be undertaken by developed countries and capture as much as possible the future growth of emissions in developing countries. It welcomed major developing countries to internationalise their pledges.

The **USA** also said that substantial progress was made in Barcelona. It said that the issues were complicated, that required nothing less than a transformation of the energy system. There is a need for the contribution of all countries as it wants to see an effective and equitable agreement.

The **European Union** said that it wants a globally ambitious agreement which keeps temperatures below 2 degrees C. There was a need to build on the Kyoto Protocol and take all that is essential into an internationally legally binding agreement. This can include quantified emission reduction objectives; robust reporting; flexibility mechanisms, land-use and land use change; compliance mechanism and a framework for enhanced actions for developing countries. Parties should agree to a global cut of 50% in emissions by

2050 with developed countries doing 80-95% cuts based on 1990 levels. As regards the 2020 target, developed countries need to urgently reduce emissions by 30%, while developing countries undertake substantial deviation from baseline of their emissions from 15-30%. In finance, the EU said both public and private financing were important. It also said a fast start to financing was needed from about 5-7 billion Euros for the first three years of the Copenhagen agreement.

**Japan** said that a fair and effective single new legal instrument for a post-2012 framework was needed. All countries must take mitigation actions to enhance the implementation of the Convention. It wanted all Parties to clarify their mitigation actions to be reflected in an international instrument.

The AWG-LCA also adopted the following conclusions proposed by the Chair in a document L5:

1. The AWG-LCA requested the secretariat to compile the texts contained in the latest available non-papers produced by the chairs, co-chairs and facilitators of the groups during the seventh session of the AWG-LCA into an annex to the report on its seventh session for facilitating negotiations of the AWG-LCA at its eighth session in order to enable the Conference of the Parties to reach an agreed outcome at its fifteenth session. The report shall be made available in a timely manner, preferably two weeks in advance of the eighth session of the AWG-LCA (this will be in Copenhagen itself).

2. The AWG-LCA reiterated its understanding that all texts and submissions from Parties, including those contained in documents INF.1 and INF.2, remain before the AWG-LCA and that the documentary form does not prejudice the form and legal nature of the agreed outcome envisaged under the Bali Action Plan.

(INF 1 refers to the revised negotiating text which was produced on 22 June 2009, while INF2 refers to the reordered and consolidated revised negotiating text dated 15 September 2009.)

3. The AWG-LCA agreed to carry out its work under agenda item 3 at its eighth session through one contact group in order to conclude its work on all of the elements of the Bali Action Plan in a comprehensive and balanced manner.

In relation to the above conclusions by the Chair (as contained in document L5), South Africa made an interpretative statement that the annexes to the report will not be a basis of negotiations but as documentation to facilitate work. It also said that there was a need to agree on how the single contact group that will work in Copenhagen is to be organised.

# TWN

## Barcelona News Update 12

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### Delay Tactics on Emission Reduction Numbers

Barcelona, 9 November (Hira Jhamtani) – Just about four weeks away from the Copenhagen Conference on Climate Change, no figures on emission reduction by Annex I Parties (developed countries) for post-2012 commitments are in sight.

So far the announcements for emission reduction targets by developed countries in aggregate range between 13-26% below 1990 levels by 2020 as calculated by the Secretariat of the UN Framework Convention on Climate Change (UNFCCC), and 12-19% by the Alliance of Small Island States (AOSIS) if the US (non-Kyoto Protocol Party) is included. This is far below what the science requires. The prospects of developed countries coming up with ambitious targets in Copenhagen are not good, as indicated in the final contact group session on this issue in Barcelona on 6 November.

The discussion has taken place in the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) since 2006, and should have been finalized by April and June 2009 so that the necessary Protocol amendment to incorporate the next commitment period and targets could be adopted at the fifth Meeting of Parties in Copenhagen.

Annex I Parties have delayed putting their commitments on the table citing various reasons, among others the need for clear rules for Land use, Land Use Change and Forestry (LULUCF) and the flexibility mechanisms (Clean Development Mechanism, Joint Implementation and Emissions Trading) under the Kyoto Protocol.

(Activities in the LULUCF sector provide a way of offsetting emissions, either by increasing the removals of greenhouse gases from the atmosphere (e.g. by planting trees or managing forests), or by reducing emissions (e.g. by curbing deforestation). Under Article 3.3 of the Kyoto Protocol, Parties decided that greenhouse gas removals and emissions through certain activities – namely, *afforestation* and

*reforestation* since 1990 – are accounted for in meeting the Kyoto Protocol's emission targets. Conversely, emissions from *deforestation* activities will be subtracted from the amount of emissions that an Annex I Party may emit over its commitment period. Under Article 3.4 of the Kyoto Protocol, Parties could elect additional human-induced activities related to LULUCF, specifically, forest management, cropland management, grazing land management and re-vegetation, to be included in its accounting for the first commitment period.)

In response to this, several developing countries, notably the African Group, requested Annex I Parties to make a written submission on the break-down of the figures they have announced, indicating how much of the target would be achieved through domestic efforts, how much through LULUCF and the flexibility mechanisms. The secretariat then compiled these figures in a new informal note dated 6 November 2009, that was distributed at the last contact group session that morning. Of the Annex I Parties, Australia, Belarus, Canada, the EU, Iceland, Liechtenstein, New Zealand, Norway and Switzerland provided information in the paper. Japan said it had also provided information, but had not been incorporated into the secretariat paper due to some technical error.

Based on the information, the range of figures did not change as compared to the previous Secretariat paper distributed on 2 November, i.e. 16-23% reduction in aggregate below 1990 levels by 2020. The emission reduction in aggregate was based on the inventory data that were available on the UNFCCC website, which contains emission estimates up to 2007. Annex 2 of the paper provides information from Annex I Parties about the break-down of their emission reduction pledges in terms of domestic efforts, LULUCF and the use of flexibility mechanisms.

The core of the AWG-KP process is the contact group on numbers, and this is the group that has found most difficulties to reach agreement and where Annex I Parties have shown their low ambition level regarding their emission reductions. Besides this, two contentious issues are the commitments of the US, which is not a party to the Kyoto Protocol, and the insistence of developed countries to get “major developing countries” to also take on obligations.

**South Africa, speaking on behalf of the G77 and China**, said it wants to reflect on key questions and provide an honest assessment of the progress. It said the AWG-KP had made good progress on LULUCF issues and potential consequences. However, in the core area (numbers for emission reduction), there is fundamental division between the Group and Annex I Parties. The G77 and China is operating from a common framework, that is the Convention (UNFCCC) and the Kyoto Protocol (KP). The group believes that the overall outcome in Copenhagen needs to be inclusive, fair and effective. The UNFCCC provides a strong foundation to address climate change, while taking into account the imperative of developing countries to develop, address poverty and food security issues. It includes the principle of equity where the Annex I Parties, as the most responsible for GHG emissions, must take the lead. There is also the principle of common but differentiated responsibility (CBDR), where countries are to act according to their responsibility and respective capabilities.

The KP was designed where Annex I Parties take the lead. Its implementation has proved to be and continues to be able to reduce GHG emission, some of it through the flexibility mechanisms. It is our task to build on those success by developing the continuation of the process through the second and subsequent commitment periods, and informed by the science as contained in the IPCC fourth Assessment Report.

In the Contact Group on Numbers, there is a large gap between pledges made by Annex I Parties and what the world demands. Therefore, “we are stuck, at the place where we are not able to bridge the gap between what is required by the world and what the Annex I Parties are willing to do”, said South Africa. Technical aspects such as base year and length of commitment period are important but will move us no closer to agreement.

**South Africa** said we are in a two-track process. The question is, if we are not moving in the KP track, how then can we move in the LCA track? (It was referring to the Ad hoc Working Group on Long-term Cooperative Action, which deals with the Bali Action Plan). It is important to honestly reflect

between what the world demands and what Annex I Parties are putting on the table.

**Micronesia, speaking for AOSIS**, said Parties have been engaged in the KP group since late 2005 and agreed to be guided by the latest available science. The Alliance is deeply concerned by the slow pace and disappointed by the lack of commitment by Annex I Parties. We must remember what is at stake, that is the territorial integrity and survival of small islands. The 11-18% level of ambition (shown by Annex I Parties so far) is consistent with a 3-degree temperature rise or worse and the impacts will be well beyond what the IPCC’s 4th report presented.

The best-available science shows that GHG emission must be below 350 ppm and temperature increase be limited to 1.5 degrees Celsius as soon as possible. To achieve this, AOSIS again emphasized the need for emission reduction of more than 45% below 1990 by 2020, and more than 95% by 2050, to reduce the impacts of climate change in developing countries. Some countries still say the aim is to limit temperature increase to 2 degrees Celsius. Science says this can submerge the islands in the Caribbean and South Pacific. There is a gap between what sciences tells us and what the Annex I Parties are willing to do. The aggregate pledges (including the US) of Annex I Parties are a reduction of 11-18% below the 1990 level by 2020, but with conditionalities. This speaks for itself.

Some progress has been made. Many of the proposals in other groups would undo even the 11-18% figure. AOSIS urges the chair to urge the Annex I Parties to come up with figures as demanded by science. On the issue of the two tracks, AOSIS said the discussion at the AWG-KP is a continuation of the KP, it will move well beyond the (lifespan of) the AWG-LCA and beyond the second commitment period.

**China** said that a few weeks before the Copenhagen conference, it is important that we take stock of the situation. Regrettably we hardly have any stock to take in stock-taking. We need to have a broader stock-taking, by considering the situation before the Bali Action Plan (BAP). In 1992, the UNFCCC was adopted, and it formed the foundation for international cooperation to fight climate change. The UNFCCC established the CBDR principle. Developing countries kept our side of the bargain. Some pursued policies and measures that would contribute in the fight against climate change, within the sustainable development framework as required by the UNFCCC, despite the fact that finance and technology transfer support, as required by UNFCCC, were hardly forthcoming.



But on the other hand, the Annex I Parties did not meet their side of the bargain. Their emissions collectively should return to the 1990 level by 2000. This is now 2009 and we all know what happened and did not happen in 2000. In the KP, we set a commitment for Annex I Parties, and two years into the implementation, we see some Annex I Parties moving in an opposite direction. Two years ago, we started the Bali Road Map that has two tracks. As soon as we sat down and started to negotiate, we witnessed efforts by some partners to sabotage the very mandate of this AWG-KP. We have seen little willingness to interact and to engage on the core issues in the mandate of the working group. What we see are efforts to evade undertaking meaningful mitigation and conditions being put forward.

What is more worrying, we witness a concerted effort to undermine, challenge, and destroy the principle of CBDR, that is the foundation for international cooperation on climate change.

What we see here is a clear pattern. As soon as an agreement is reached, or an instrument adopted, efforts are made to move away from historical responsibility and CBDR and their commitments, and to shift the burden to developing countries.

Stock-taking is important, but what is more important is to do deep soul-searching. Do we have the political will? Are we prepared to match our words to our actions? These are critical questions. China believes that two issues are important in what needs to happen in the next days. First is political will. If we do not have political will and intention, no amount of talking or negotiation would be able to move the work ahead. Second is the mandate of the working group, which must be kept clearly in mind.

**Pakistan** said that the heart of this working group is the agreement of Annex I Parties to come up with figures. At this stage, "it is like we are sitting in a car and the driver is constantly putting holes in a tyre to flatten it and asking the passengers like me to plug the holes." This is not the way to move forward. We can fix it, but we need political will. An agreement on numbers can only be agreed multilaterally under the AWG-KP and not through coming up with unilateral numbers.

**Bolivia** said that its delegation has been given a mandate by their indigenous people to defend Mother Earth. However Bolivia is disappointed by the lack of seriousness and leadership of the developed countries in the KP process. Bolivia, speaking also for El Salvador, Paraguay and Venezuela, criticised the lack of willingness shown by Annex I Parties in the negotiations to amend the KP for the second commitment period according to

the mandate in Article 3.9. Climate change is not a cause but an effect of a development model that is linked to excessive accumulation of wealth and capital, producing imbalance and inequity, by taking away the atmospheric space that developing countries require.

We see developed countries trying to delay, despite the proposals on the table. They should use Bangkok to show leadership on emission reduction, instead of pushing developing countries to take on more obligations. Developed countries should reduce consumption and tackle the sources giving rise to climate change.

For **Bolivia**, there is no doubt about the sustainability of the KP. It urged the Chair to maintain the specific mandate of the group, which is to amend the KP according to the mandate in Article 3.9. There is no justification to combine the AWG-KP work with the LCA.

**Gabon** said that after the Poznan conference (2008), we were told we had 11 months to the Copenhagen conference. Today we have 65 days to Copenhagen but only 11 days left for negotiation. In the recent UN Climate Summit in New York, strong statements were made by world leaders. Yet today hearing the delegates making these statements, what happened to the statements in New York? This situation does not hold good prospects for Copenhagen.

**Guyana** said it was dismayed with the disregard for principles. Annex I countries are the leaders but their figures (for emission reduction) are meager and come with conditionalities that shift the burden to non-Annex I Parties, contrary to the provisions in the UNFCCC. It called on Annex I to play its role and to "get real."

**Tuvalu** said it is deeply dismayed that the numbers put on the table fall short of addressing climate change. This is extremely troubling. In the discussion on LULUCF, there is a trend of parties presenting individual rules to suit their individual interests. We need to change that to having aggregate rules.

It added we are in a very strange process, with some developed countries indicating that the KP will not survive. Are we now writing an obituary for the KP, or breathing new life into it? Tuvalu had asked a legal question in one of the contact groups and asked the chair to facilitate a discussion on this issue. (The question Tuvalu had asked was: If the KP is incorporated within a new legally binding agreement, how would the existing decisions, rules and modalities for the operation of the KP have legal continuity in the new agreement, when such decisions have been made by the COP-MOP, an

entity that would no longer exist, and parties to the new agreement may be different?)

**Tuvalu** said this should be a legal discussion. It should not prejudice the view of developing countries that the KP must continue into the next commitment period and beyond.

**Indonesia** said that the KP has been able to deliver emission reduction, but that another big leap is required. Four years ago Parties agreed no gaps should be allowed between the commitment periods. But the AWG-KP is still far from agreeing on figures. Time is limited. There is an urgent need to make progress.

**Bangladesh** said that the AWG-KP has made progress in some matters but not in the one that matters. And this is at the cost of the many poor people in the world. It asked whether this should be allowed by humanity and it hoped not. Many developing countries, including LDCs, have done something on their own. Even Bangladesh, which is an LDC and one of the most vulnerable countries, has set up its own funding to tackle climate change. 'We do it, should not the other countries in the world do it?'

**Sweden speaking for the EU** said that the most difficult of the AWG-KP work is on numbers. Some parties want to separate the number issue from other issues and that is difficult for the EU. The EU wants to see a 30% collective emission reduction by developed countries, in the context of the Copenhagen outcome. Politically this is a difficult discussion because the AWG-KP is part of a bigger group. Therefore there is a need for coherence with the AWG-LCA.

**Switzerland** said it has decided on an emission reduction of at least 20% below the 1990 level. Depending on the outcome of COP 15 (Copenhagen), it is prepared to increase this to 30% only if all major emitter countries, ie. all industrialised and major emerging developing countries, work together. In the AWG-KP it is important to work on issues that help to achieve the target, such as in LULUCF and in other aspects, in order to arrive at Quantified Emission Reduction Objectives (QELROs). These are important in the post-2012 commitments, to amend the KP or for any new instrument.

**Japan** said that with two more months to Copenhagen and but only 11 days of formal negotiations, all have to refresh the resolution to move bravely. Japan hoped to make contribution to progress, through the new pledges for mitigation and financial contribution for developing countries. Japan wants countries to move toward a fair and effective international framework in which all major emitting

countries participate. Coordination of the two tracks is getting even more important.

**Norway** said the pledges of Annex I Parties are not sufficient to reach the two-degree target. Norway proposed an aggregate emission reduction of 30% by 2020, which is the same as its own unconditional pledge. It is difficult when not all Annex I Parties take part in the KP. Thus there is a need to move forward on this issue in the AWG-LCA. When there is more discussion there, it can move back to the AWG-KP.

**Australia** said a successful Copenhagen result is a single outcome coming from both tracks.

**New Zealand** said that at the moment the group cannot make substantial progress on the core question of number and level of ambition. The decisions must be made at the political level. On conditionalities for the 2020 pledges, it said that these are needed to ensure an environmentally effective agreement that can set the world to a global warming of no more than two degrees. This cannot be ensured in this negotiation, and must be worked out with the AWG-LCA.

In his closing statement the Chair of the AWG-KP, John Ashe from Antigua and Barbuda, asked to reflect if there is a gap between the pledges of Annex I Parties and what we commonly accept as the science wisdom, i.e. the IPCC figure. According to him, yes there is a gap. The group faces a serious problem. The gap should be closed otherwise we will become a laughing stock on December 18 ( the last day of COP 15). Those who have to make the commitments need to reflect on the question and provide the world with a fair and concise answer. How do Annex I Parties intend to close the gap between the pledges and what the IPCC recommended?

To avoid the "ostrich syndrome", can they meet their commitments without offsets? The chair said he does not think so. So the group cannot ignore the fact that there is a need to make progress on issues related to offsets. Another question is, are offsets the answer? According to the chair, the answer is No. There have to be real reductions at home, otherwise we will not be seen to be serious.

The chair said we must make serious progress in Bangkok and not leave the issues to be "settled in Barcelona, and heaven forbid in Copenhagen."

Parties must make that happen and make efforts on how to bring what was being said outside into the real negotiations. "Reality has not yet set in," said Ashe. "Are we being real or are we just playing a shell game?"

Mr Ashe concluded by saying he will work closely with the co-chairs of the numbers group and see how to address the gap.

# TWN

## Barcelona News Update 13

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### Conflict Deepens Before Copenhagen

Geneva, 9 Nov (Martin Khor) – The United Nations climate talks in Barcelona last week ended disappointingly as there was little progress on the key political issues, and a few dramatic events showed the depth of the impasse.

It was the last negotiation session before the Copenhagen conference in December, and it lost the last chance to close the gaps on the many issues still outstanding.

But it was not all doom and gloom. There was some advance in clarifying some issues, for example, some new texts were discussed in finance and technology issues.

The Parties to the UN Framework Convention on Climate Change (UNFCCC) did not bridge the differences, but the Barcelona meeting helped countries to better clarify their positions and thus enabled decisions on key issues to be made in Copenhagen. These include the setting up of a Fund directly under the UNFCCC, and whether to set up a new executive body to decide on technology transfer issues also within the UNFCCC.

However, differences on some key issues remained and in some cases deepened, which is not a positive sign for Copenhagen.

First is the future of the Kyoto Protocol, a treaty under the UNFCCC that spells out the legally binding greenhouse gas emission reduction targets for developed country Parties. What was signaled in Bangkok in early October was confirmed in Barcelona, that almost all the developed countries have decided to abandon the Protocol.

They apparently want to establish a new agreement, which is likely to be a climb-down from the internationally legally binding regime of the Kyoto Protocol, to a collection of national efforts and peer review of performance, in the new agreement.

The developing countries made clear in Barcelona that they would not accept this climb-down and that the developed countries have to make clear they will remain in the KP and seriously negotiate in Copenhagen a second commitment period (that starts in 2013) for further emission reduction.

Second is the very low level of ambition of developed countries in emission reduction. Developing countries have called for an aggregate cut of at least 40% by 2020 compared to 1990.

The latest figures revealed at Barcelona showed that the national announcements amount to only 16-23% (excluding the US, UNFCCC Secretariat data) and 11-17% (including the US, according to an estimate of the Alliance of Small Island States). The developing countries are aghast at such low levels of commitments, which do not form a basis for an environmentally ambitious outcome in Copenhagen, as required by scientific assessments.

Third is the continued attempt to shift the burden of responsibility to developing countries, in violation of the principles and provisions of the UNFCCC and the Bali Action Plan adopted by the Parties in 2007.

Developed countries at the Barcelona session proposed to blur the distinction between the differentiated responsibilities of developed countries (mitigation commitments that are legally binding) and developing countries (mitigation actions enabled and supported by finance and technology).

The attempt included getting developing countries to adhere to new and broad reporting and verification procedures similar to developed countries, to get some “advanced developing countries” to adhere to emission reduction targets, and to get developing countries in general to have emissions subject to “deviation from business as

usual by 15 to 30 percent". These were not agreed to in Bali nor are they in the UNFCCC provisions. What is "business as usual" is also not determined.

Fourth, the adequate means to enable developing countries to take actions are still not forthcoming. On finance, the developed countries have yet as a group to respond to the finance proposals of the developing countries that range from 1 to 5 percent of GNP. The European Union's recent announcement of a willingness to consider Euro 22 to 50 billion by 2020 of international public finance is inadequate, and more details are needed on this as well as Europe's own share.

On technology transfer, there is a reluctance of developed countries to agree to setting up an executive body under the UNFCCC to decide on technology issues and to effect technology transfer. An advisory group as they propose is not good enough, especially since there has been very little tech-transfer achieved under the UNFCCC for the past decade and half.

Fifth, there is a difference over the "shared vision" and a long-term global goal for emissions reduction. Some developed countries confirmed their proposal for a global 50% emissions cut by 2050 compared to 1990, and a 80% cut for themselves. However what was unstated is that this requires developing countries to also cut by 20% in absolute terms and 60% in per capita terms. Some developing countries would have to cut by significantly more than 60% from the 2009 level.

Thus the "burden" in percentage terms for both developed and developing countries is almost the same. Yet the massive finance and technology transfer that may enable developing countries to take on a part of this challenge is not forthcoming. The figures have to be discussed more, the developed countries have to undertake "negative emissions" (achieve net emissions reduction, below zero,

considering that they have used more than their fair share of the atmospheric space for their own growth), and the finance and technology issues have to be resolved beforehand.

The above are some of the issues that have to be resolved if Copenhagen is to be a success. Whatever is the nature or form of the outcome (whether a full deal or a framework of a deal, or a decision to continue the talks), the aspects of environment, equity and North-South balance have to be taken care of.

At the closing plenary in Barcelona, China's delegation chief, Su Wei, gave a direct message. "To those developed countries who are standing there waiting for developing countries to act, please look ahead," he said. "We, the developing countries, have already left you behind, you cannot use developing countries as an excuse for your inaction any more.

"Please wake up and to see that Copenhagen is just miles away, you have to get running in order to catch up. Otherwise, you will fail in the race to Copenhagen and beyond."

India's special envoy on climate change, Shyam Saran, rejected attempts to already declare failure at Barcelona and downgrade expectations from Copenhagen.

"To talk about a political agreement instead of a legally binding outcome, to suggest that we may be able to achieve some result only by the end of 2010, these are prophecies which we must dismiss," he said.

The warnings from the two largest developing countries indicate that the Copenhagen conference will see a major battle, unless informal meetings and talks among some countries help to bridge the gaps.+

(Martin Khor is Executive Director of the South Centre, which is based in Geneva).

# TWN

## Barcelona News Update 14

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### “Progress in Making No Progress” in Kyoto Protocol Talks, Say Developing Countries

Barcelona, 9 November (Lim Li Lin) –The closing session of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) heard many developing countries express their deep frustration at the slow progress of its work, especially in arriving at the scale of Annex I (developed country) Parties’ greenhouse gas emission reductions for the second commitment period under the Protocol.

Developing countries on Friday also expressed their firm opposition to the termination of the Kyoto Protocol in the face of developed country attempts to dissolve the Kyoto Protocol after the end of the first commitment period in 2012.

The week-long negotiations in Barcelona from 2-6 November was the last negotiating session before the UN climate change conference in Copenhagen in December. The Copenhagen meeting is scheduled to agree on further emission reduction commitments for Annex I Parties under the Kyoto Protocol, which need to enter into force by 2013. This is the work of the AWG-KP. A parallel negotiating track, the Ad hoc Working Group on Long-term Cooperative Action (AWG-LCA), is negotiating the enhanced implementation of the UN Framework Convention on Climate Change (UNFCCC) under the Bali Action Plan that was agreed to in 2007.

However, many developed countries want some developing countries to also take on emission reduction commitments, or are themselves trying to avoid taking on further commitments. In order to do this, they are attempting to merge the two negotiating tracks and conclude an agreement for a single outcome in Copenhagen. Developed countries and the UN are also playing down the outcome in Copenhagen, speaking about a “political”, and not a “legally-binding” outcome.

The week was marked with high drama. At the opening session of the AWG-KP on Monday (2 November), the Africa Group informed the Chair of

the AWG-KP, John Ashe from Antigua and Barbuda, that they would not agree to the scheduling of contact groups on other issues until the work on “numbers” – the scale of Annex I Parties’ further emission reduction commitments – is concluded. This work is at the heart of the AWG-KP mandate, and deadlines for its conclusion have already been missed many months ago. The AWG-KP Chair suspended all contact groups while he conducted informal consultations with Parties on how to resolve this issue.

On Tuesday (3 November), this issue was resolved when the Africa Group agreed to accept that 60% of the remaining time would be allocated to the work on “numbers”, even though this was already the agreement from previous sessions of the AWG-KP. However, developing countries insisted that the substantive discussion on adequate emission reduction numbers by Annex I Parties is paramount, and emphasised that they would monitor the discussions closely. They reserved their right to ask for the suspension of other contact groups if discussions in the contact group on “numbers” were inadequate.

At the final plenary of the AWG-KP on Friday afternoon, **Sudan** on behalf of the **G77 and China** reaffirmed that a second commitment period under the Kyoto Protocol must be established for the period beyond 2012 as the legal basis for comparable Annex I emission reduction commitments. It said that the Group would stand strongly against any attempts by developed countries to reach an agreement which could in any way result in the Kyoto Protocol being superseded or made redundant. Killing the Kyoto Protocol would undermine the foundational principles of equity, common but differentiated responsibilities and respective capabilities, and ultimately puts at risk any ambitious outcome to aggressively address climate change and its devastating impacts, it said.

Sudan expressed the Group's serious concern and dismay that the AWG-KP session in Barcelona had made little progress in concluding on Annex I Parties' quantified emission reduction targets. It noted that the continuation of this trend to delay the conclusion of negotiations of Annex I Parties' targets in Copenhagen would make the prospect of reaching agreement in Copenhagen impossible for the Group. It said that this would be a violation of agreements reached in Bali and amounts to negotiation in bad faith, and warned that the G77 and China would not participate in this.

It appealed to all Parties, particularly Annex I Parties, to engage faithfully in the negotiations to complete the mandate of the AWG-KP and build a strong Kyoto Protocol which is the foundation and basis for a fair, just, effective and equitable outcome in Copenhagen.

**Algeria** on behalf of the **Africa Group** said that the AWG-KP did not conclude its work on "numbers". The current pledges by Annex I Parties are about a quarter to a third of what is needed. It said that its position is for Annex I Parties to reduce their emissions by a minimum of 40% compared to 1990 levels by 2020, with strict limitations on the use of offsets and land use, land use change and forestry (LULUCF).

**Grenada** on behalf of the **Alliance of Small Island States (AOSIS)** lamented that the slow pace of negotiations is intolerable. It said that it wanted to have an international legally binding outcome from this agreement. Many vulnerable countries are calling for less than 1.5 degrees Celsius of temperature increase, and stabilization at well below 350 parts per million. We are already at 0.8 degrees Celsius of temperature increase and the impacts are being felt. 2 degrees Celsius of temperature rise is unacceptable. We are duty bound to deliver on this mandate in Copenhagen, and political will is the necessary missing ingredient, it said.

**Lesotho** on behalf of the **Least Developed Countries (LDCs)** said that Barcelona has failed to deliver on the mandate of the AWG-KP. The desired momentum is getting lost with the passing of every day. Considerable amounts of resources have been invested in the Kyoto Protocol architecture, and attempts by some Parties to undermine the architecture and the Kyoto Protocol itself are most worrying because their survival is at stake. It appealed to Annex I Parties to engage faithfully in the negotiations process and come up with more ambitious emission reduction targets consistent with what the science requires. It said that the current

pledges by Annex I Parties only come up to between 8-12% after accounting for forestry credits. It insisted on preserving and building upon the existing legal architecture of the UNFCCC and the Kyoto Protocol.

**Zambia** expressed its disappointment with the slow progress of the AWG-KP, which has a clear and specific mandate. It said that the pledges currently on the table are far from what is required. The minimum should be not less than 45% on 1990 levels by 2020.

**China** reminded that the AWG-KP process was launched almost four years ago but has still not reached conclusions on Annex I Parties' emission reduction targets for the second commitment period even though this is the centerpiece of its task. It said that the Kyoto Protocol is not fiction, it is an international law treaty, with 190 contracting Parties. Legally binding commitments are now being changed to political pledges. If there are aggregate targets, they will be very small, without taking into account historical responsibility and the objectives of the UNFCCC.

It said that developing countries are being asked for a blank cheque without knowing how their partners are going to spend it. The same is happening in the AWG-LCA. The aim is to supersede and make the Kyoto Protocol redundant. The AWG-KP has a very bad habit of reaching conclusions of "no conclusions" and in making progress on not making progress, it said.

Developed countries' problems are political and economic. But for developing countries, it is a matter of life and death. The "great escape" from the Kyoto Protocol is going to happen, it said, but it is too early to discuss who is to blame. Maybe magic will save the Kyoto Protocol, Copenhagen, the planet and our common future, it added.

**Benin** said that the AWG-KP needs to fulfil its mandate, and complete its work as quickly as possible. Given the time required for the work of the AWG-KP to enter into force, it expressed its fear there is a risk that it cannot be fulfilled in the time frame. The pledges by developed countries amount to less than 25% emission reductions, and it asked how to bridge the gap between the pledges and the figures mentioned in the Intergovernmental Panel on Climate Change (IPCC)'s Fourth Assessment Report of 25-40%. It said that a good deal needs to be done to attain agreement, and not reaching a broad agreement would be morally inadmissible. It called upon all Parties not to cause a failure in Copenhagen. The longer the discussions continue without reaching agreement, the more climate change becomes dangerous for the vulnerable countries, it said.

**Saudi Arabia** expressed frustration about the AWG-KP's lack of progress. It said that developing countries are not only going to be impacted by climate change, but will also suffer as a result of consequences of policies that are being adopted in order to counter climate change. All these issues are crucial and must be addressed in a serious manner, it said.

Saudi Arabia objected to the orientation emerging lately from developed countries to do away with the Kyoto Protocol. It said that the Kyoto Protocol was negotiated over many years, has made a number of achievements, and there are many mechanisms, funds and articles in the Kyoto Protocol that cannot easily be done away with. The decision by the African Group to ask for the work on "numbers" to be concluded before work on other issues is scheduled was the correct decision to send a clear message that the lack of progress is unacceptable. This is not just an African sense of frustration, but a frustration felt by all developing countries, it explained. It warned that this scenario could be repeated in Copenhagen if developing countries see that there is no desire to make progress on this issue.

It said that developed countries are taking what they want out of the Kyoto Protocol and inserting them in the AWG-LCA negotiations. This is not acceptable, and will completely change the balance in terms of common but differentiated responsibilities. The level of confidence among the Parties has reached its lowest ever, and there are repeated attempts to alter the UNFCCC and kill the Kyoto Protocol. It warned that developing countries are now much stronger, and it is no longer possible for developed countries to exert pressure, and expect developing countries to give in.

It gave the example of the WTO where there is a delay in attaining progress because industrialised countries thought that they could twist the arm of developing countries. Developing countries are willing to accept a complete agreement that will obtain the objectives of the UNFCCC if it is balanced, equitable and based on the principle of common but differentiated responsibilities, it said.

**Solomon Islands** lamented that developed countries are now indicating that a deal will only happen next year. Developed country Parties are scaling back from a fair, ambitious and legally binding outcome claiming that is not possible because Copenhagen is just 30 days away. Two years have passed, and now they are saying that we do not have time these four weeks to put the language together. The cost of inaction will be more, it warned.

It asked whether the survival of people in small developing countries is really not as important compared to Annex I Parties' coordination. Coordination is raising more questions than answers. It is delaying actions particularly by Annex I Parties, it said. It wondered how many people will be displaced, lose identities and die of hunger because of inaction. All victims will come from the small island developing states and the LDCs. With each passing day, we are losing a fraction of our land. With each passing day, we face water shortages. We are victims of your coordination and time, it said.

**Gambia** expressed its disappointment at the lack of willingness by some Annex I Parties to clarify their pledges, as was agreed on Tuesday (3 November). There is a gap between the pledges by Annex I Parties and what is really required, especially with LULUCF and offsetting, and this will be far less than 25 – 40 %. It said that it is urgent that Annex I Parties increase their level of ambition in Copenhagen.

**Turkey** reaffirmed the principles of equity, historical responsibility, common but differentiated responsibilities and respective capabilities and sustainable development in accordance with national circumstances.

**Bangladesh** said that the Annex I pledges are insufficient for global mitigation based on what is needed according to the science, and are also not clear, as they are waiting for non-Kyoto Protocol Parties to do comparable efforts. It said that political will and solidarity will be required in Copenhagen. It insisted on the Kyoto Protocol which is the only legally binding instrument with a compliance regime, and that partners should join the international platform.

**Qatar** expressed its concern and disappointment about the management of the AWG-KP negotiations which did not deliver the desired result. It said that it could not accept for the Kyoto Protocol to be killed. Its achievements so far and the principle of equity had to be taken into account, it said.

**Liberia** said that the situation was like Nero fiddling while Rome burns - while some Parties fiddle with their numbers for the second commitment period, our nations are burning from rising temperatures, it said. All this is in addition to already stressed conditions, floods, tsunamis, decreasing agriculture yields, etc. It called upon all Parties to cooperate for the good of mankind and our common planet.

**Cape Verde** said that developing countries and the most vulnerable countries have the right to expect

convincing actions, creative thinking and political will. It expressed its frustration as entire nations have placed their hopes on the negotiations. Today we speak about disappearing animal species but tomorrow we may be speaking of disappearing states, it said. Copenhagen may be a missed opportunity. It said that developing countries have worked in good faith, but there is filibustering at this critical time in the negotiations, and we are running short of time to meet the challenge.

**Peru** stressed the need for a second commitment period under the Kyoto Protocol. It was concerned by the limited progress in the work of the AWG-KP, and remained convinced that in Copenhagen, we need to reach agreement based on the UNFCCC and the Kyoto Protocol as set out in the ‘Bali Road Map’. Future generations will judge us by this, it said.

The Chair of the AWG-KP concluded the session by saying that enough time will be allocated in Copenhagen so that the substantive discussion will come to an end. Time and tools are needed to come to an agreement, and time is scarce. In Copenhagen, the different contact groups will continue their work according to the same time allocation, and this work will be finished during the first week. The AWG-KP will then work in a single group and report to the plenary of the meeting of the Parties to the Kyoto Protocol on 16 December.

**Sweden** on behalf of the **European Union** said that it stands firmly behind the Kyoto Protocol and would meet its emission reduction targets for the first commitment period. It said that its target of 20% is in its binding legislation, and it would increase its target to 30% provided that other developed countries take on comparable efforts and developing countries contribute adequately. It said this is a short and long term cooperative effort, which should be multilateral, and it is determined to reach such a deal in Copenhagen. Most Annex I countries have tabled proposals for emission reductions, but these are still insufficient. Clearly, some countries should do more and commit to 30% by 2020. It said that global emissions must peak no later than 2020, and that developing countries should deviate substantially from “business as usual” by 15-30%.

**Switzerland** speaking for the **Environmental Integrity Group** said that a lot of work remains to be done in order to reach agreement on emission reductions at the 5th meeting of the Parties to the Kyoto Protocol in Copenhagen. It said that this was of the utmost importance in order to avoid any gap between the first and second commitment periods, and uncertainty in the carbon market. A timely agreement on the framework for LULUCF and the flexible mechanisms needs to be reached. Developed countries’ commitments is only the first part it said, as substantial efforts by all countries based on common but differentiated responsibilities is needed.

(Switzerland’s statement was interrupted when two local activists raised their voices in the meeting room to denounce capitalism and the carbon markets. They carried a placard saying “End CO2lonialism”, and walked slowly from the front to the back of the room. They were immediately apprehended and dragged out of the room by many security guards.)

**Australia** on behalf of the **Umbrella Group** said that it was committed to a strong post-2012 outcome in Copenhagen. It welcomed the fact that 41 Parties have announced their mitigation ambition for 2020, and welcomed its AWG-LCA partners to indicate their individual commitments to be reflected in the Copenhagen outcome. It said that a successful outcome in Copenhagen would be a single outcome, ratifiable under the UNFCCC with individual commitments and nationally appropriate mitigation actions. Clear rules for the carbon market are also essential, it said.

**Japan** said that it is fully committed to the Kyoto Protocol until the day it achieves its set target. (So far, a target of at least 5% has been set as the emission reduction target for Annex I Parties for the period 2008-2012). It said that a fair and effective post-2012 framework should be created. It invited “major emitting” countries from developed and developing countries to join in. It said that a simple amendment of Annex B of the Kyoto Protocol is not the solution, and advocated for a new single legal framework retaining a number of elements and useful mechanism of the Kyoto Protocol to address climate change.



# TWN

## Barcelona News Update 15

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### Developing Countries Call for Foundation of Shared Vision Not to be Damaged

Barcelona, 11 November (Josie Lee) – At the recent Barcelona climate talks under the United Nations Framework on Climate Change, an attempt by the facilitator and the secretariat in the contact group on shared vision to use a non-paper that no one had discussed to be the basis of negotiations in Copenhagen, was rejected by the G77 and China.

Some quarters are speculating that if there is no concrete outcome in the climate talks in Copenhagen in December at the fifteenth meeting of the Conference of Parties, the non-paper on shared vision would be the basis of a text for Ministers to consider.

Hence, the meeting of the contact group on shared vision on the final day of the Barcelona talks on 6 November under the Ad hoc-Working Group on Long-term Cooperative Action (AWG-LCA) was seen as one of the most important sessions, where developing countries surfaced concern that their view of the shared vision was not being properly represented in the non-paper.

China also made a detailed and strong critique of how the entire negotiations on shared vision had been conducted, and warned that the “tower” of the shared vision may be damaged because the foundation was wrongly set.

The late release of the non-paper on shared vision (# 43), without time to look over it, resulted in Sudan on behalf of the G77 and China calling for it, along with the previous non-papers, #37 and #38, to be annexed to non-paper #33 going into Copenhagen. They did this in response to significant deletions in the text and interpretation of the text by the Facilitator without discussion by the Parties.

(Non-paper #33 was produced following the Bangkok climate talks that ended last month, while non-papers # 37, 38 and 43 were produced during the talks in Barcelona.)

The issue that arose in the final meeting of the contact group on shared vision in Barcelona was the status of non-paper #43.

Facilitator Sandea de Wet of South Africa said that this non-paper superseded non-papers #33, 37 and 38. Parties did not have an opportunity to discuss non-papers #37 or 38 before non-paper #43 was produced. Non-paper #43 had a footnote that said “This non-paper supersedes non-papers #33, 37 and 38.”

De Wet said that the Secretariat had consolidated the text and reordered it to make it more logical and to avoid duplication. She said that she recognised that this topic of shared vision was not as mature in its consideration, as the topics in other contact groups.

**Sudan on behalf of the G77 and China** examined the text and noted that the facilitator had migrated the concepts in previous non-papers into new areas in Non-paper 43, and not the exact text. Ambassador Lumumba Di Aping asked if this constituted an interpretation of the proposals by Parties.

Facilitator de Wet said yes to the question and that she had interpreted in the sense that if she found duplications she had removed them. She said she had the courage to do that because the group asked the facilitator to remove duplications and to ensure that no one would get bored reading the document. She assured the G77 and China that nothing underhanded was going on.

Ambassador Lumumba said that the facilitator should perish the thought that the Group thought the facilitator was playing games. He said that he understood that the Facilitator was doing things to try and help. He said that there was a need to understand what had been done, and that there had been chopping of various paragraphs.

After the G77 and China group caucused to discuss briefly their response to the non-paper #43, the session resumed. **Sudan on behalf of the G77 and China** requested that the footnote be deleted and that these non-papers become appendixes to non-paper # 33, so that going into Copenhagen all four non-papers have equal consideration. It requested that all four non-papers are translated for consideration by Parties. It explained that there had been no chance for them to look at non-paper #43 and make any substantive comments, having only seen it on the final day.

Sudan said the Group desired a very successful outcome, an equitable and just deal at Copenhagen. It said that one page of the non-paper that reflects only the ideas of one group or Europe is not a shared vision. A deal at the expense of developing countries is not acceptable.

The statement of G77 and China was supported by China, India, Brazil, Uganda on behalf of the Least Developed Countries, South Africa on behalf of Africa Group, Bolivia, Saudi Arabia, Bangladesh, Peru, Qatar, United Arab Emirates, Indonesia, Antigua and Barbuda on behalf of the Alliance of Small Island Developing States (AOSIS), and the Marshall Islands who added that shared vision had been swept under the carpet since Poznan, so they had made little progress in these discussions.

**China** also called for the deletion of the footnote in non-paper #43. It also asked for its proposal that “developed country Parties shall not resort to any form of unilateral measures, including countervailing border measures, against goods and services imported from developing countries on the grounds of protection and stabilization of climate” be included, as it had been removed in non-paper #43.

Referring to a traditional game of “castellers” played in Barcelona, involving the building of human towers where there was a need to lay down a solid foundation and to keep balance, **China** said that this also applied to the building of the tower of a shared vision. The mandate of the BAP and the principles and provisions of the Convention are the foundation for a shared vision and the balance must be kept, through insisting on the principle of common but differentiated responsibilities, the principle of equity and reflecting developed countries’ historical responsibilities and developing countries’ right to development.

The core of the shared vision is cooperative action that enhances the full, effective and sustained implementation of the Convention. Unfortunately, every time when Parties build the tower of a shared

vision since Bali, there has been a sustained attempt from developed country partners to go beyond the mandate of the Bali Action Plan and a sustained attempt to destroy the Convention. There were proposals for a new treaty, new protocol or new climate agreement; proposals for the reclassification of developing countries and for differentiation among them, by creating new terms such as “advanced developing countries”.

China reiterated that a shared vision is for long term cooperative action under the Convention, through which to enhance the full, effective and sustained implementation of the Convention. A shared vision definitely is not an opportunity for re-writing the Convention. It urged developed country partners to stop destroying the foundation of the tower for a shared vision. In order to address the gaps in implementing the Convention, there was a need to focus on the four building blocks of the BAP.

On mitigation, it referred to the commitments of developed countries under Article 4.2 (a) of the Convention to reduce GHG emissions. Citing data from UNFCCC, China said that between 2007 and 1990, GHG emissions from developed countries increased 11.2% excluding land-use, and land use change and forestry (LULUCF), and increased by 12.8% including LULUCF. It said that many developed countries that have realized their industrialization more than half a century ago, have yet to peak in their emissions. There is a huge gap in developed countries’ leadership in modifying the longer-term trends in anthropogenic emissions as required by the Convention. On the contrary, developing countries are now being required to take the leadership in cutting emissions while developed countries are continuously increasing their emissions.

On adaptation, finance and technology transfer, what has been provided to developing countries has been disappointing time after time. Developing countries are now being requested to undertake adaptation using their own financial resources. Developed countries are advocating the mainstreaming or integrating of adaptation efforts into development planning of developing countries, which means the use of national budget resources. International cooperation is limited to assessments and planning, instead of concrete adaptation actions. On technology transfer, it is now the fourteenth year since the entry into force of the Convention in 1994, technology transfer has hardly happened.

China said that the discussions on a long-term global goal of emission reductions under the shared vision should focus on how to ensure and enable the

implementation of mitigation and adaptation actions. The most urgent requirement at present is to set the mid-term emission reduction target for developed country Parties. Only with such mid-term targets being clearly determined, is it meaningful to talk about any long-term goals for emission reductions. Annex I countries shall commit to reduce their GHG emissions by at least 40% below 1990 levels by 2020 and at least 95% below 1990 levels by 2050. Developed country Parties should have deeper cuts on their GHG emissions so as to ensure adequate atmospheric space for developing countries to achieve their goals of substantive development and eradication of poverty.

It was also the view of China that the long-term global goal for emission reductions should be based on the provision of new, adequate and predictable financial support to developing countries; the long-term global goal for emission reductions should also be enabled by large scale technology transfer to developing countries, through the use of compulsory licenses over climate-friendly technologies that are patented from developed country Parties.

**Uganda** on behalf of the **Least Developed Countries (LDCs)** said that it was very important to move forward, but not at all costs. LDCs cannot bear that cost. It explained that a non-paper can be superseded if it is a product of exhaustive discussions. But this is not the case with the non-papers being superseded here; hence, it wanted the four papers on the table at Copenhagen as they did not have the time to discuss the key issues.

**Australia** said that they were happy to proceed with this text to Copenhagen, and that they had made good progress. The genesis of the ideas in discussions was in non-paper #43. The collection of 4 documents would create confusion and not create progress. They said we have all the texts. They

remain open. Parties can bring ideas that have been lost into non-paper #43. However, it did support the G77 and China's request for translation of the older versions of the text.

**Sweden** on behalf of the **European Union** said that they have had very constructive discussions in the group. It also saw the non-paper not reflecting its views, but agreed that overall, it was a good representation of discussions. It urged parties to take non-paper 43 to Copenhagen.

It also noted that in paragraph 20 of non-paper #43, which proposes the numbers for emission reductions proposed by developed countries, the figures they proposed (30% carbon emission reduction by 2020 on 1990 levels, and at least 80-95% emission reduction by 2050 on 1990 levels) were absent and that it wanted them back in before the end of Barcelona.

**Japan** stated that non-paper #43 was much more concise and logical and was happy to proceed with this paper. On the long-term goal, it wanted clarification on how to achieve it. It also requested that the baseline year for emission reductions of 1990 in paragraph 19 be bracketed.

**The United States** stated that it could work with non-paper #43. It said it does not seem that adding text is the right way to go, but could talk about this further. It was of the view that the non-paper needed further streamlining. It wanted the shared vision text to be high-level and brief, regarding the level of ambition. The principles in the text could be removed. It agreed with Japan that the base year 1990 for emission reductions should be bracketed.

Upon conclusion of the discussion, the facilitator proposed that Parties follow the recommendation of the G77 and China to proceed with non-papers #37, 38 and 43 as annexes to Non-paper 33, as this process had occurred in other groups and was considered acceptable.

# TWN

## Barcelona News Update 16

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### South Opposed to North's Proposals for New Treaty in Copenhagen

Geneva, 12 November 2009 (Meena Raman) – A key controversial issue for the Copenhagen climate talks next month will be on whether the December negotiations will lead to a mandate for an agreement under the United Nations Framework Convention for a new treaty or protocol that would lead to new obligations for developing countries in relation to mitigation actions for emission reductions, thus undermining the current balance of rights and obligations between the developed and developing countries.

Developing countries have been expressing their firm opposition to efforts by developed countries which they perceive as attempts to re-write the Convention and the Bali Action Plan. This opposition was most apparent at the Barcelona climate talks in the contact group on mitigation under the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA).

On the final day of the Barcelona talks on 6 November 2009, the contact group on mitigation met to consider what will be the material that will be used for the negotiations at the eighth session of the AWG-LCA in Copenhagen in December.

Brazil, speaking for the G77 and China, said that Parties had agreed to the Bali Action Plan and as long as ideas of Parties are within this agreement, there is a good chance of success in Copenhagen.

Brazil said that it was difficult for the G77 and China to engage and consider non-paper #28 (on general aspects of mitigation) that focuses Parties to drift apart as it relates to issues that the developing countries did not agree to negotiate. Quoting from Shakespeare's *Hamlet*, on the question "to be or not to be", Brazil said that non-paper #28 is "not to be".

(Non-paper #28 deals with the general aspects of mitigation and has three main headings viz. (a) enhanced mitigation - what is common and what is different; (b) mitigation goals (including those relating to emissions, GHG concentrations and

temperature rise; and (c) frameworks for mitigation.)

It is the issue of the "frameworks for mitigation" that is most controversial as it covers proposals primarily from USA, Australia and Japan that are intended to lead to new agreements or protocols with new obligations for developing countries.

Developed countries on the other hand insisted that the non-paper was crucial and was the heart of the matter.

The contact group was chaired by the Chair of the AWG-LCA, Michael Zammit Cutajar of Malta, who said in conclusion that he hoped Parties would find a way forward in relation to the substance of the discussions so that they are consistent with the Bali Action Plan (BAP) and the Convention.

China had expressed strong concerns in the way the Chair was leading Parties in the process as the non-paper produced by the Chair contained issues that were beyond the mandate of the BAP.

Following the first meeting of the contact group on mitigation on 2<sup>nd</sup> November 2009, the contact group and its six sub-groups were dispensed with and Parties had informal meetings (which were closed to observers).

The six sub-groups under the mitigation element as set out in paragraph 1(b) of the Bali Action Plan, were (i) mitigation commitments of developed countries (ii) mitigation actions of developing countries (iii) reducing emissions from deforestation and forest degradation in developing countries (iv) cooperative sectoral approaches (v) opportunities for using markets and (vi) economic and social consequences of response measures.

When the Parties reconvened on the final day, major disagreements surfaced once again, as was the case at the start of the talks on 2<sup>nd</sup> November, (see TWN Barcelona News Update #4, 3 November 2009) in the consideration of 'framework proposals', which were contained in non-paper # 28.

Cutajar, in continuing the discussions from the informal meetings, said that views had been expressed differently on how to go forward in relation to paragraph 1(b)(i) of the BAP (dealing with emission reduction commitments of developed countries) and paragraph 1(b)(ii) (that dealt with the mitigation actions of developing countries). Also at issue was if it was necessary for overarching ideas to be identified for consideration above paragraph 1(b)(i).

Andre Odenbreit of **Brazil**, speaking for the **G77 and China**, said that the position of the Group was clear. Progress in the negotiations is made possible by keeping the distinction between paragraphs 1(b)(i) and 1(b)(ii).

The issue here was the focus on non-paper #28 on the frameworks of actions by all Parties. There are ideas in the non-paper that are clearly not consistent with the mandate of the BAP. There are several examples of this, as in the case of Japan's proposal for a new protocol. These are proposals for a change in the existing climate regime. Developing countries are speaking about the enhancing of implementation within the present regime.

Brazil said that in the US proposals, there is no indication of economy-wide quantified emission reductions for all developed country Parties. There are also proposals for the graduation of developing country Parties as well as ideas about emission pathways, which are not within the BAP. There are also proposals presented by Australia which are not clear if they fall within paragraphs 1(b)(i) or (ii) of the BAP, such as the idea of national schedules which are negotiated internationally. How is that compatible with paragraph 1(b)(ii) of the BAP (that deals with nationally appropriate mitigation actions by developing countries), Brazil asked.

Su Wei of **China** said that it was clear that non-paper #28 which was produced by the Chair was totally out of the mandate of the BAP. There is a clear structure in the BAP and Parties are supposed to develop and elaborate on the four building blocks (mitigation, adaptation, finance, technology) and the shared vision around that. There is no place for the contents of non-paper#28.

China expressed concerns over how the Chair was leading Parties in the process. It said that it was hesitant to say that the Chair was misleading Parties. It asked what the basis of work was for Copenhagen. Parties are to make progress on the mandate of the BAP and not confront issues that are not provided for. It was not a matter of different interpretations, as Parties must resort to the plain meaning of the BAP. It doubted if there will be a good outcome in

Copenhagen if other issues outside the BAP are taken up.

On the agreement reached in Bali, the comparability of efforts by developed country Parties who are not party to the Kyoto Protocol (the US) under paragraph 1(b)(i) was important, with those who undertake emission reduction targets in the second commitment period of the Kyoto Protocol. Those Parties who are not party to KP must take emission reduction targets in the mid-term that are comparable with that of the KP Parties. It has to be comparable in terms of the nature and magnitude including that of procedures for monitoring compliance and review. Parties need to ensure that there are some comparability criteria and focus on the clear mandate of the BAP.

**Saudi Arabia** said that non-paper #28 was attempting to change the rights and obligations between developed and developing countries and to re-write the BAP. This was unacceptable as it violates the Convention. Now was not the time to change the obligations of developing countries.

**India** said that there was a need to see how mitigation commitments and actions are enhanced. In response to the US, India said that the provision of information appears to have no relation to the issue of emission reductions. If there is no movement on the substantive issues, it was difficult to see how the provision of information would help. Improving the frequency of reporting does not mean that developed countries do not have any commitments in advancing their commitments on mitigation reduction which are legal obligations. There is also no need for re-interpreting the Convention.

**United States** represented by Jonathan Pershing said that all the discussions have been about procedures and not about substance. Referring to the intent of the US proposal, it was clear as to what items are to be differentiated. For developed countries, it is about commitments for emission reductions that are quantified and bound to have an outcome and a consequence. Acknowledgement by the US alone is not enough. For developing countries it is about mitigation actions which are nationally appropriate. The US does not want to change that.

However, there are obligations regarding degree of information. In the context of the Convention, the US has elaborated how that might be done. The details are not in the Convention. It was asking for updating of that information on what kind of actions countries are doing. Some have suggested that the information can be in the national communications. At the moment, frequency of the information is a problem. That can be provided for.

Reporting has to be prompt and aggressive. On the kind of information, there is a need for more details, more planning and more robust programmes. It had concerns about what each other is doing. This is not yet reflected. It is not unrealistic to have guidelines on how to report on actions and as regards comparable efforts, where the consequences of one are relevant to the other. There is a need for templates and standards so that there is ability to know that reports are meeting the minimum threshold of credibility. Reports can have similar standards and reviewing them is sensible. The US said that in the current approach, there is no information on an *ex ante* basis, as national communications by Parties are *ex post*.

Citing Article 12(1)(a) of the Convention, it said that the need for (GHG) inventories is common to all Parties. While there is legitimate differentiation between developed and developing countries, there is also legitimate commonality. In the principle of common but differentiated responsibility and respective capability, it speaks to responsibility that accrues to all; more so to those with more emissions.

In response to the US, the Chair, Cutajar said that Article 12(1)(b) of the Convention deals with the *ex ante* issue as it refers to a Party communicating “a general description of steps taken or envisaged by the Party to implement the Convention”.

**Brazil** speaking for the **G77 and China** in response to the US, said that frequency of the communication of a Party’s action is dealt with under Article 12(5) of the Convention and there are existing rules on reporting which must be respected. On the issue of reporting, there are spaces within the existing work stream as in the Subsidiary Body on Implementation where such issues are dealt with.

**Australia** said that non-paper #28 was crucial and was the heart of the matter. It provided the foundation for mitigation in all countries. Australia was encouraged by the willingness of Parties to

internationalise domestic actions in a transparent way. It said that the schedules approach that it was proposing was to provide for a broad spectrum of efforts. For developed countries, it was the inscribing of quantified emission reduction commitments in the national schedules, while for developing countries, it was the nationally appropriate mitigation actions to be inscribed in the national schedule. It said that it was consistent with the BAP.

**Japan** said that non-paper #28 has value and echoed the views of the US that there was commonality in the Convention as regards the mitigation actions of all Parties and in ensuring effective implementation by all. There was a need for a robust and transparent measuring, reporting and verification.

**Canada** said that it was not seeking to change the rights and obligations of Parties but to enhance implementation of the Convention by enhancing how Parties manage the sharing of information. There was a need for good decision-making to meet the ultimate objective of the Convention.

Another issue that arose in the contact group was the question posed by Egypt to the Chair on how he proposed to deal with proposals by Parties that arise both in the AWG-LCA and the Ad-hoc Working Group on the Kyoto Protocol as in some cases, it raised the question of the mandate of the respective working Groups.

In response to this, Cutajar said that both he and the Chair of the AWG-KP, John Ashe of Antigua and Barbuda, are preparing an indicative list of subjects that will be made available to Parties.

Egypt in response asked that the indicative list be prepared well before Copenhagen to influence the discussions there.

Copenhagen will once again witness a major clash of views over treatment of the ‘framework proposals’ between developed and developing countries.



# **Climate Briefings for Barcelona**





## Why We Need to Save the Kyoto Protocol

*Lim Li Lin, Third World Network*

### The plot

Some developed countries are plotting the death of the Kyoto Protocol. The stage has been set. Misinformation has been circulated to the media and public that the Kyoto Protocol expires in 2012. The December 2009 UN climate change conference in Copenhagen, so the story goes, is to agree or lay the foundations of a new treaty to replace the Kyoto Protocol – the so-called “post-Kyoto” agreement.

### The truth

Nothing could be further from the truth. As one senior negotiator put it, “The Kyoto Protocol is not yoghurt, it does not have an expiry date”. Only the first commitment period of Annex I (developed countries) Parties’ greenhouse gas emission reductions, which began in 2008, ends in 2012. All other provisions and elements of the Kyoto Protocol remain in force. This is the way the Kyoto Protocol is structured. Second and subsequent commitment periods for Annex I Parties are to be negotiated on an ongoing basis.

The truth should come as no surprise. For three years already (since 2006), the international community has been negotiating the next commitment period for Annex I Parties under the Kyoto Protocol in a working group known, quite fittingly, as the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP). These negotiations are scheduled for completion in 2009, so that the second commitment period can enter into force by 2013, thereby ensuring there is no gap between the two commitment periods. The negotiations are not about ending the Kyoto Protocol, but implementing it.

In Bali (December 2007), the international community launched a second track of negotiations in parallel under the ‘Bali Action Plan’ – The Ad hoc Working Group on Long-term Cooperative Action (AWG-LCA). This working group aims to enhance the implementation of the UN Framework Convention on Climate Change (the framework agreement, under which the Kyoto Protocol sets out specifically how much Annex I countries should reduce their emissions by, and how). The AWG-LCA’s work is to be concluded in 2009, and the agreed action will be for “now, up to and beyond 2012”.

### *Two tracks, two outcomes*

The AWG-KP is a negotiating track under the Kyoto Protocol. The AWG-LCA is a negotiating track under the Convention. There are to be two outcomes in Copenhagen, and they are to be legally and substantively distinct.

For the AWG-KP, the legal outcome is clear – an amendment of the Kyoto Protocol according to the mandate clearly set out in its Article 3.9 for the amount of emission reductions by Annex I Parties in their subsequent commitment period. Twelve proposals for amending the Kyoto Protocol have been submitted by Parties. These will be discussed in Copenhagen, where an agreed amendment should be adopted at the meeting of the Parties to the Kyoto Protocol.

For the AWG-LCA, the legal outcome is less certain. It is still a matter that is being discussed. The Bali Action Plan only specifies that an “agreed outcome” should be reached and a decision should be adopted in Copenhagen. There are a number of options ranging from a decision of the Conference of the Parties (COP) to the Convention or a set of COP decisions, to another international treaty or Protocol under the Convention. (Note: The term “ratifiable outcome”, sometimes used by the UNFCCC Secretariat and some countries, implies a new international treaty).

### **The plan**

Some developed countries want to have one single agreement (or lay the foundations for it) in Copenhagen, merging the two negotiating tracks and outcomes. This will mean the termination of the Kyoto Protocol after 2012.

This position has been advocated by a number of developed countries including Japan and Australia. The United States has said it will not become a Party to the Kyoto Protocol.

The Conclusions of the European Union Council on its position for Copenhagen refers to a “single legally binding instrument” and emphasizes the need for “a legally binding agreement for the period starting 1 January 2013 that builds on the Kyoto Protocol and incorporates all its essentials, as an outcome from Copenhagen in December 2009”. In effect, the EU is calling for the end of the Kyoto Protocol after the first commitment period.

### **The reason**

Initially, it seemed that the main motivation for this position by some developed countries is to force “major economies/emitters” or “advanced developing countries” – i.e. China, India, Brazil, South Africa etc – to also take on internationally binding commitments to reduce greenhouse gas emissions, by dismantling the distinction between Annex I and non-Annex I countries and lifting some developing countries to (or towards) the level of commitments taken on by the developed countries. (The Kyoto Protocol only sets quantified targets for Annex I countries, and the category of Annex I countries is established under the Convention.)

However, it now seems that the motivation may also be for some developed countries to lower the level of their commitments or avoid taking on internationally binding emission reduction commitments altogether. This mirrors the position of the US, which has recently been insisting on taking on emission reduction commitments/actions on a unilateral or domestic basis. By this, it means that it will only bind itself domestically through national legislation to reduce its emissions, and will not commit internationally (as all other countries have) to a multilateral system of emission reductions. It also means that its national target will only be what it determines itself, and is not subject to negotiation with the international community.

The US famously withdrew from the Kyoto Protocol, but it remains a Party to the Convention. Under the Bali Action Plan, which the US agreed to, it is required to take on comparable efforts to other Annex I countries under the Kyoto Protocol. (The details are being worked out in the AWG-LCA negotiations.) This is the concession the international community has already granted to the US, which should really just join the rest of the world in becoming a Party to the Kyoto Protocol, not least because it was the biggest historical emitter of greenhouse gases and continues to be among the most polluting on an absolute and per-capita basis.

It may be that the US position has spurred a race to the bottom—instead of drawing in the US to join the rest of the Annex I countries through the “comparability of efforts” provision in paragraph 1b(i) of the Bali Action Plan, the special treatment of the US may be instigating a “great escape” from the Kyoto Protocol by the other developed countries.

### **The implications**

This has very serious implications. The Kyoto Protocol is the only legally binding international law that sets quantified commitment targets for each Annex I Party to reduce its greenhouse gas emissions. There is an aggregate target, which all Annex I Parties must collectively meet in a given commitment period, and an individual (or joint, in the case of the European Community) target for each country.

These specific targets must be met within a specified time period, and there are international compliance measures if the Parties do not meet their targets according to the timetable.

The Kyoto Protocol has many flaws, but the prospect of losing the only international treaty that requires specific amounts of emission reductions by Annex I Parties, with a binding timetable and compliance measures is very dangerous, especially since there is no better alternative in place and the prospects of achieving this seem increasingly slim.

A failure to agree on subsequent commitment periods is a violation of international law. Under the Kyoto Protocol, Parties are clearly bound to establish second and subsequent commitment periods for Annex I Parties. Article 3.9 provides that,

“Commitments for subsequent periods for Parties included in Annex I *shall be established* in amendments to Annex B to this Protocol, which *shall be adopted* in accordance with the provisions of Article 21, paragraph 7” (emphasis added).

These are existing treaty obligations. Failure to comply with these provisions by failing to agree to a second commitment period would be a breach by all Parties to the Kyoto Protocol - not merely Annex I Parties - of their legally binding obligations.

Under the single new agreement that some developed countries are proposing, the nature of the commitments may be different – nationally binding targets, as opposed to internationally binding targets. This would be a drastic downgrading of international disciplines, and would take the international climate change regime many steps backwards.

In addition, the new regime being proposed appears set to lock in very low levels of ambition. In the AWG-KP, Annex I Parties are promoting so-called “bottom-up” pledges that add up to aggregate targets that are far below what science and equity require. Developing countries on the other hand are insisting on principled and scientific approaches to determining the level of aggregate emission reductions required. This aggregate figure should then be apportioned among the Annex I Parties. A system of national targets may mean that countries only do what they are politically prepared to do, instead of what science and equity require, and this would not even be legally binding internationally.

If the Kyoto Protocol is abandoned and a single new agreement negotiated, this will mean risking that the new international climate change treaty may take many years to enter into force or may never enter into force, if insufficient countries ratify it. The negotiations will be more complicated and controversial, and could also likely take a very long time. This is something that the planet and the poor cannot afford.

The international compliance regime under the Kyoto Protocol also faces an uncertain future. While it can always be further improved, the risk is now the possibility of no longer having a system of international compliance.

### **The process**

Legally, it is difficult to terminate the Kyoto Protocol because all Parties have to agree by consensus to end it. So what are the other options available to those who are plotting the Kyoto Protocol’s untimely demise?

Procedurally, developed countries are trying to merge the two working groups. They push for this in a step-by-step manner, asking for closer cooperation, coordination and collaboration, and for coherence and comprehensiveness. Rather than advance discussions under the AWG-KP they seem to be stalling them, while accelerating discussion under the AWG-LCA. At the same time, they are systematically transferring issues of interest to them from the Kyoto Protocol and the AWG-KP into the AWG-LCA.

For developed countries, there are a number of possible scenarios (which are not mutually exclusive). One is to formally collapse the AWG-KP into the AWG-LCA track, thereby effectively ending the negotiations for a second commitment period for Annex I Parties under the Kyoto Protocol and continuing with negotiations under the AWG-LCA track.

A second scenario is to fail to agree to a further commitment period under the Kyoto Protocol. This would be a breach by all Parties of their obligations under Article 3.9 of the Kyoto Protocol to establish subsequent commitments periods for Annex I Parties. In this case, the Kyoto Protocol remains on the books but risks becoming an “empty shell”.

A third scenario is to seek a legally binding outcome under the AWG-LCA with the goal of superseding the Kyoto Protocol. If the elements of the Kyoto Protocol are moved into the AWG-LCA, and are discussed and concluded as part of a legally binding instrument under the Bali Action Plan process, then the Kyoto Protocol may effectively be rendered dead or meaningless. The developed countries would have effectively cherry-picked the elements of the Kyoto Protocol that they like, such as the market mechanisms, and transposed them into a new legal instrument.

On ‘Termination or suspension of the operation of a treaty implied by conclusion of a later treaty’, Article 59 of the Vienna Convention on the Law of Treaties (1969) states that -

“1. A treaty shall be considered as terminated if all the parties to it conclude a later treaty relating to the same subject matter and:

(a) it appears from the later treaty or is otherwise established that the parties intended that the matter should be governed by that treaty;”

This means that a later treaty on the same subject matter could have the effect of terminating the earlier treaty.

### **The US?**

The vexing question of the US, which is not a Party to the Kyoto Protocol, and which does not therefore have a quantified emission reduction commitment, is addressed in the Bali Action Plan in paragraph 1b(i) – there should be “comparability of efforts” between what it does under the Convention, and what other Annex I countries do under the Kyoto Protocol.

Developing countries have been insisting that the quantified Annex I Parties’ emission reduction commitments must be determined in the AWG-KP, as this is an issue under the Kyoto Protocol. The AWG-LCA should only then discuss comparable efforts by the US to the commitments determined in the AWG-KP for Annex I Parties.

### **The conclusion**

The continued survival of the Kyoto Protocol is of the utmost importance, especially since there is no better alternative in place. In this regard, Copenhagen must deliver a legally binding outcome in the form of an amendment to the Kyoto Protocol for the second commitment period for Annex I Parties. This is the single most important component of the Copenhagen outcome.

Failure by Annex I Parties to agree to deep and binding targets under the Kyoto Protocol signals a departure by them from its legally binding provisions, from the agreed negotiating mandate, and from the legitimate expectation of all countries that have participated in good faith. It risks a “race to the bottom” towards a climate regime that lacks a scientifically sound aggregate target for Annex I Parties, internationally binding individual targets, and an international compliance system. All indications are that a far less robust climate regime is being drawn up by the developed countries.

At a time when the world needs and demands a fair and effective response to climate change, developed countries are walking away from the Kyoto Protocol, the only legally binding international law that sets quantified commitment targets to reduce greenhouse gas emissions in aggregate and for each Annex I Party. At the same time, they are passing the burden of mitigation and adaptation onto developing countries, denying their historical and current responsibilities. This is neither effective nor fair.

The Climate Convention calls on developed countries to exercise leadership in tackling climate change. For success in Copenhagen, developed countries must do so by honoring their legally binding commitment for

a second commitment period under the Kyoto Protocol, and by honoring their other commitments under the Convention relating to adaptation, finance and technology. They must implement their existing commitments, not shy away from them.

Success in Copenhagen and beyond requires an effort to bridge the implementation gaps that have undermined effective action and left a legacy of mistrust among the Parties. Nothing less than full implementation by developed countries will be required to secure success in Copenhagen and to provide the foundation for a genuine partnership among all countries to curb climate change and to achieve the ultimate objectives of the Convention.

### What Kind of Agriculture Do We Need in an Era of Climate Change?

Climate change will adversely affect agricultural productivity and human well-being. Overall, it is projected that crop productivity will decline, particularly at lower latitudes, especially in the seasonally dry and tropical regions. This would increase the risk of hunger. Moreover, it is the majority of the world's rural poor who live in areas that are resource-poor, highly heterogeneous and risk-prone, who will be hardest hit by climate change.

On the other hand, agriculture releases a significant amount of carbon dioxide, methane and nitrous oxide into the atmosphere, amounting to around 10-12 percent of global anthropogenic greenhouse gas emissions annually. If indirect contributions (e.g. land conversion, fertilizer production and distribution and farm operations) are factored in, the contribution of agriculture could be as high as 17-32 percent of global anthropogenic emissions.

**The challenge is therefore to design an agriculture that adapts and responds to the changes in climate experienced, as well as reduces greenhouse gas emissions. This challenge could be met through biodiverse, agroecologically-based farming.**

This was acknowledged by the International Assessment on Agricultural Knowledge, Science and Technology for Development (IAASTD), which is the most comprehensive assessment of agriculture to date<sup>1</sup>. Some key findings of the IAASTD were that:

- The future of agriculture lies in biodiverse, agroecologically based farming (including organic agriculture) that can meet social, economic and environmental goals
- Reliance on resource-extractive industrial agriculture is unsustainable, particularly in the face of worsening climate, energy and water crises
- Short-term technical fixes, including genetically engineered crops, cannot adequately address the complex challenges facing agriculture, and often exacerbate social and environmental harms
- Achieving food security and sustainable livelihoods requires ensuring access to and control of resources by small-scale farmers, especially women
- Indigenous knowledge and community-based innovations are an invaluable part of the solution

#### Why agroecology<sup>2</sup> is climate friendly

By increasing resilience within the agroecosystem, agroecology increases its ability to continue functioning when faced with unexpected events such as climate change. Resiliency to climate disasters is closely linked to farm biodiversity; practices that enhance biodiversity allow farms to mimic natural ecological processes, enabling them to better respond to change and reduce risk. Thus, farmers who increase interspecific diversity

<sup>1</sup> The IAASTD was a multi-stakeholder assessment involving more than 400 experts over a period of four years, and was co-sponsored by the World Bank, FAO, UNEP, UNDP, WHO, UNESCO and GEF.

<sup>2</sup> Agroecology is the science behind ecological/sustainable agriculture.

suffer less damage compared to conventional farmers planting monocultures. Moreover, the use of intraspecific diversity (different cultivars of the same crop) is insurance against future environmental change.

Agroecological practices that preserve soil fertility and maintain or increase organic matter can reduce the negative effects of drought while increasing productivity. Water holding capacity of soil is enhanced by practices that build organic matter, helping farmers withstand drought. In addition, water-harvesting practices allow farmers to rely on stored water during droughts. Other practices such as crop residue retention, mulching, and agroforestry, conserve soil moisture and protect crops against microclimate extremes. Conversely, organic matter also enhances water capture in soils, significantly reducing the risk of floods.

Indigenous and traditional knowledge are a key source of information on adaptive capacity, centred on the selective, experimental and resilient capabilities of farmers. Many farmers cope with climate change, in different ways: by minimising crop failure through increased use of drought-tolerant local varieties, water-harvesting, extensive planting, mixed cropping, agroforestry, opportunistic weeding and wild plant gathering. Traditional knowledge, coupled with the right investments in plant breeding, could yield new varieties with climate adaptation potential.

On the other hand, agriculture has the potential to change from being one of the largest greenhouse gas emitters to a much smaller emitter and even a net carbon sink, while offering options for mitigation by reducing emissions and by sequestering carbon dioxide from the atmosphere in the soil. The solutions call for a shift to more sustainable farming practices that build up carbon in the soil and use less chemical fertilizers and pesticides.

There are a variety of practices that can reduce agriculture's contribution to climate change. These include crop rotations and improved farming system design, improved cropland management, improved nutrient and manure management, improved grazing-land and livestock management, maintaining fertile soils and restoration of degraded land, improved water and rice management, fertilizer management, land use change and agroforestry.

It has been estimated that a conversion to organic agriculture would considerably enhance the sequestration of carbon dioxide through the use of techniques that build up soil organic matter, as well as diminish nitrous oxide emissions by two-thirds due to no external mineral nitrogen input and more efficient nitrogen use. Organic systems have been found to sequester more carbon dioxide than conventional farms, while techniques that reduce soil erosion convert carbon losses into gains. Organic agriculture is also self-sufficient in nitrogen due to recycling of manures from livestock and crop residues via composting, as well as planting of leguminous crops.

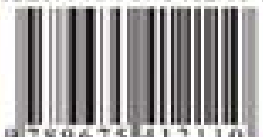
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