

## Developing countries demand political commitment to the Kyoto Protocol

Bangkok, 7 April (Lim Li Lin) – Developing countries reiterated their strong united challenge to developed countries to confirm the latter's legal commitment to the Kyoto Protocol and to agree, as a matter of priority, to a second commitment period to reduce greenhouse gases emission reduction beyond 2012.

At the opening session of the negotiations in the Ad Hoc Working Group on Further Commitments of Annex 1 Parties under the Kyoto Protocol (AWG-KP) on Tuesday evening (5 April), an intense discussion on the future of the Kyoto Protocol and its second commitment period was initiated by Tuvalu. This led to strong views expressed by developing countries over the importance of the continuation of the Kyoto Protocol, in the face of the clear intention of some developed countries to terminate the Kyoto Protocol. As Saudi Arabia put it, "To KP or not to KP? That is not the question".

The discussion emerged over the agenda of the AWG-KP for this session in Bangkok, which contains only one substantive issue "Consideration of further commitments for Annex I Parties under the Kyoto Protocol". Tuvalu proposed instead that it should be "Ensuring that there is no gap between the first and second commitment period".

Since the first commitment period ends at the end of 2012, the meeting of the Parties to the Protocol (CMP 7) in December 2011 in Durban is the last CMP that offers any chance for the AWG-KP to fulfill its mandate, and ensure that there is no gap between the first and second commitment period.

The mandate of the AWG-KP adopted in Decision 1/CMP.1 specifies that the AWG-KP "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 second commitment periods".

Even so, just one year for the amendment to be ratified by Parties and enter into force is unlikely to be sufficient, and provision will have to be made for other measures such as provisional entry into force requirements.

**Tuvalu** said that there has been extensive discussion under the AWG-KP since it was established, considering items in small break out groups. It said that the discussion has been going round in circles and not making progress. There is no guarantee that the Kyoto Protocol will continue, and the process should be reconsidered to ensure a proper outcome. It suggested re-thinking agenda item 3 'Consideration of further commitments for Annex I Parties under the Kyoto Protocol'. The crucial aspect is to ensure that there is no gap between the commitment periods, it said, and the group (AWG-KP) should focus its efforts on this.

Tuvalu suggested that those Parties who wish the Kyoto Protocol to continue should make that commitment at this meeting, and stand up and say "yes". Those Parties that do not wish the Kyoto Protocol to continue should be quietly and politely asked to leave the room so that the group can have a focused discussion, it said.

Tuvalu said that it may be perceived to be trying to block progress, but it is trying to precipitate progress urgently. We want commitment, we want Parties to commit, and we do not want to go off into little rooms (for technical negotiations) without certainty that the Kyoto Protocol will continue, it said. We need that assurance, many in the private sector need that assurance, and citizens of the world need that assurance, it said.

Gambia on behalf of the **least developed countries (LDCs)** and **Bolivia** spoke up to support Tuvalu.

However, the Chair, Adrian Macey from New Zealand, gavelled through the adoption of the agenda, and the organization of work.

The need for a political decision on the future of the Kyoto Protocol was also supported by many developing countries including the **Alliance of Small Island States (AOSIS)**, the **Arab Group**, the **African Group**, the **Bolivarian Alliance for the Peoples of Our America (ALBA)**, the **Philippines**, **China**, and **Saudi Arabia**.

Tuvalu later spoke to say that it had requested the floor before the agenda was adopted, and could not support the agenda as it stands. It requested that this be reflected in the record of the meeting. It said that it had also requested the floor before the organisation of work was adopted.

It said that many groups including the Arab Group, LDCs, ALBA had expressed support for the view that the way the work of the group is proceeding is not appropriate. It reiterated that firm political commitment to the Kyoto Protocol is required before the technical discussion, and that there should be just one substantive agenda item – ‘Ensuring that there is no gap between the first and second commitment period’.

Tuvalu said that one group (of Parties) is saying that the outcome of the AWG-KP is contingent on the outcome of the AWG-LCA. It is too polite to say that this is being held hostage. The mandate of the AWG-KP was agreed well ahead of the AWG-LCA’s. The two groups have separate legal mandates and legal outcomes, and the outcome of the AWG-KP cannot be held contingent on the outcome of the AWG-LCA, it said. The final outcome of the AWG-KP must be adopted in Durban, and it wants to work towards that end. It asked for reconsideration of the agenda and the organization of work to only consider the political commitment to the second commitment period.

The Chair said that there will be opportunity to address these issues when the time comes to discuss how agenda item 3 will be taken up. **Saudi Arabia**, **India**, the **Philippines**, **China** and **Palestine** spoke up to support the importance of agreeing the second commitment period in Durban, and on the need for a political decision on the future of the Kyoto Protocol.

The Chair then proposed the establishment of a contact group on item 3 of the agenda. He said that the logic is to create the opportunity to address in one place and at the appropriate level, the issues that are holding up negotiations. He was suggesting an innovation in the usual practice, in the hope that it

goes some way in responding to concerns by Parties, as it has been clear that major political issues that the AWG-KP has to deal with cannot be left aside this year. Political decisions are needed to unlock the technical details, and we are grappling with a considerable amount of detail, he said.

The Chair suggested taking into account the Cancun decisions, to see what implications they have for the AWG-KP and to see how they help us achieve progress. He had listed a few such issues in his scenario note. He said that spin-off groups can be formed, and their work will benefit from the contact group discussion.

On legal issues, he said that he will make a proposal in the contact group as to how to proceed on that question.

Tuvalu responded to say that it supported the Chair’s proposal to form a contact group, but had a different perspective on its content. It referred to the Chair’s statement about “unlock(ing) the technical details”. Tuvalu said that we must unlock the political commitment to the second commitment period, and there is little point in technical work in spin-off groups without political commitment. Some say that technical work in the AWG-KP will aid the work in the AWG-LCA, it said, but that it did not agree as we are here in the AWG-KP with a distinct mandate. There is only one issue - unlocking the political commitment, not the technical issues that we have discussed ad infinitum since the mandate of the AWG-KP was agreed to in Montreal in 2005, Tuvalu said.

With that, it was agreed that the contact group was established, and the Chair announced that he would issue a list of questions to facilitate discussions.

The opening session of the AWG-KP also heard opening statements by countries and country groupings including from the G77 and China, Africa Group, European Union, LDCs, Umbrella Group, Environmental Integrity Group, Coalition for Rainforest Nations, ALBA, Arab Group, central American countries, Mexico and Japan.

Argentina, speaking for the **G77 and China**, said that the Group expects a high level of ambition from developed countries which means defining ambitious quantified emission reductions in the second commitment period of the Kyoto Protocol that will provide for deep cuts in global greenhouse gas emissions that are required according to science. Historic(al) responsibilities cannot be disregarded, it added.

A gap between the first and second commitment periods would cause adverse impacts to developing countries, creating several practical and legal problems and place us on a very dangerous path that surpasses tipping points. It said that a second commitment period is the key cornerstone outcome for success in Durban, and it is not only a political but a legal imperative that must be met.

Democratic Republic of Congo, speaking on behalf of the **African Group**, said that

Africa believes that agreement to a second commitment period under the Kyoto Protocol is the cornerstone of global action on climate change, and confirmed that reaching such agreement is crucial to reaching agreement in the AWG-LCA. It said that the African Group's expectations for Durban are the adoption of an amendment to Annex B of the Kyoto Protocol for the second commitment period and strengthening of Annex I Party commitments in a manner consistent with keeping global temperature rises to below 2 degrees Celsius above pre-industrial levels.

It said that the Kyoto Protocol is a legally binding international agreement that is binding on its Parties, unless they officially withdraw from it. In this regard, it stressed the importance of legally binding mitigation commitments, a top down approach to aggregate emission reductions, a mechanism to ensure compliance, and second and subsequent commitment periods.

Grenada, on behalf of the **Alliance of Small Island States (AOSIS)** said that there needs to be clarity on the second commitment period once and for all, and that the frame of our work must be confirmed as it is not possible to discuss accounting rules in vacuum. Over 20 years ago, developed countries agreed to take the lead, and the Kyoto Protocol was agreed as a reflection of this leadership. If developed countries do not take clear unambiguous commitments, it is not a matter that just affects the life of the Kyoto Protocol, it is a matter that affects the UN system and what it means to be the international community. Developed countries should not call for comparable efforts by developing countries in response to their own insufficient efforts, and this is shameful it said.

The urgency of the climate challenge means that we must ratchet up ambition and in a most transparent way possible. Commitments must be internationally binding, at the scale consistent with what the best available science demands – 350 ppm, and well below 1.5 degrees Celsius below pre industrial levels, it said. The Kyoto Protocol contains all the necessary tools

to address the global challenge, as its basic architecture is sound. It said that the range of legal issues raised by the impending end of the first commitment needs to be addressed.

Hungary, on behalf of the **European Union**, maintained its position that emission reductions by developed countries should be in the range of 25-40% by 2020 below 1990 levels, and reiterated that its own unconditional commitment is 20% and 30% in an international agreement where other developed countries commit comparably and advanced developing countries contribute adequately.

It said that it preferred a single legally binding instrument, but re-confirmed its willingness to consider a second commitment period under the Kyoto Protocol, as part of a wider outcome including the perspective of a global and comprehensive framework, engaging all major economies. There was significant progress in Cancun and momentum must be maintained to advance robust outcomes under the Kyoto Protocol and the Convention tracks this year. It said that working in isolation under the AWG-KP will not help us achieve the robust and balanced outcomes needed for Durban, and that space for discussing overarching policy questions should be provided.

Gambia, on behalf of the **LDCs**, said that the core mandate of the AWG-KP is to define the second and subsequent commitment periods. It referred to the UNEP Emissions Gap report that states that developed countries' pledges are estimated to result in emission increases of 6% in the worst case, and emission reductions of 16 % in the best case, and which also states that the Copenhagen Accord pledges imply a temperature increase of between 2.5 to 5 degrees Celsius before the end of the century. It said that it was necessary to allow the Kyoto Protocol to continue without any gap, and that strong political commitment that the Kyoto Protocol will continue is needed now.

Australia, on behalf of the **Umbrella Group**, reiterated its position for a balanced, comprehensive, global deal and that the Kyoto Protocol discussion takes place in a broader context. Discussion under the AWG-LCA has direct implications, and the work is sequential, it said.

Switzerland, speaking for the **Environmental Integrity Group**, said we should work efficiently to ensure that there is no gap between the commitment periods and that we must focus on the implementation of Cancun agreements and work towards solving political issues, some of which are

under Kyoto Protocol. It said that we should not shy away from political issues under the Kyoto Protocol. Reductions under the Kyoto Protocol will not be sufficient for reaching the ultimate objective of the Convention, and individual and global collective efforts need to be increased, it said.

Venezuela, on behalf of **ALBA**, said that Cancun set a dangerous precedent. Rules should be applied in the same way to all Parties, and all countries have the same rights. These illegal practices today affect Bolivia, but tomorrow they may affect any of the countries here. Respect for procedures that have been implemented in the UNFCCC is an issue that must be defended by all, it said. We do not consider the results of Cancun as a step forward for the AWG-KP, but rather a step backwards. It is wrong that while developed countries do not make substantive commitments to reduce emissions of greenhouse gases, they continue to enjoy the flexibilities of the Kyoto Protocol and carbon markets that allow them to disguise the breach of their obligations.

It said that we cannot allow moving forward into a weaker structure and less demanding regime, and temperature should be stabilized at between 1 to 1.5 degrees Celsius. Durban should not be the grave of the Kyoto Protocol, it said.

Egypt, on behalf of the **Arab Group**, said that agreeing to a second commitment period under the Kyoto Protocol is a pre-requisite to agreeing to issues under the AWG-LCA. It said that attempts by Annex I Parties to avoid a second commitment period are a breach of their legal obligations. Durban is contingent on dealing with unresolved political issues, and the Kyoto Protocol is the only legal tool available in the global institutions of climate change. It said that saying that the Kyoto Protocol covers only small percentage of emission is misleading, as we should be strengthening it. Egypt pointed out that the only

Annex I Parties that have spoken about the second commitment period is the EU.

**Saudi Arabia** said that we did not apply the consensus rule as we have done in the previous 15 COPs (meetings of the UNFCCC Conference of the Parties). This is a serious issue that cannot be overlooked. At COP 13 and COP 11, similar situations occurred and plenary was suspended to accommodate Parties, and hold them off from making official objections. The consensus rule cannot be applied selectively, it said. It feared that only G77 and China countries would remain in the room if those that cannot commit to the Kyoto Protocol leave the room. It said that the time for political decisions came twice already, in Copenhagen and Cancun and Durban is the last chance. The future of the multilateral regime is at stake. "To KP or not KP? That is not the question", it concluded.

The **Philippines** said that along the corridors, there are talks of the Kyoto Protocol being in the intensive care unit, and that instead of being given life-giving oxygen, its respirators are connected to a tank of CO<sub>2</sub>. It said that some say that we saved the UNFCCC process last year. This year, it is time to save the Kyoto Protocol, and save the climate. This starts with securing the second commitment period for the Kyoto Protocol. We must ensure that there is no gap between the first and the second commitment period. We must ensure that there is a second commitment period by Durban, and thus successful completion of the work of this working group, it said.

At the suggestion of the G77 and China, it was agreed that the AWG-KP would request the report of the co-facilitators from the workshop on developed country mitigation under the AWG-LCA as an additional input to the AWG-KP.

The subsequent AWG-KP contact group discussion on Wednesday, 6 April is reported in TWN Bangkok News Update #6.