

Kyoto Protocol work still unresolved

Durban, 8 Dec (Lim Li Lin) – A contact group of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) was held on Wednesday, 7 December to hear reports from the spin-off groups and informal consultations that have been convened over the week.

Three smaller groups have been meeting – a spin-off group on amendments to the Kyoto Protocol for the second commitment period (the “numbers” group), a spin-off group on land use, land use change and forestry (LULUCF), and an informal consultation on emissions trading and the project-based mechanisms. The Chair also reported on other consultations, and outlined the process moving forward.

The Chair of the AWG-KP, Adrian Macey from New Zealand, reported that at the ‘Indaba’ consultations by the Presidency (South Africa), he had outlined the issues in the Kyoto Protocol negotiations for Ministers. He said that the work should concentrate on quantified emission limitation and reduction objectives (QELROs), the form and length of the second commitment period, and ratification for entry into force of the second commitment period. Some Parties said that the decision cannot be made within the Kyoto Protocol negotiations alone, and has to be considered in a broader context.

Macey said that the President had requested for the issues to be resolved by Ministers with creativity. He was requested by the President to assist Parties to help develop possible options to reach consensus. Technical work can still be advanced, and would be greatly facilitated by political guidance, and there are major political choices to be made, which are in the domain of Ministers, he said.

The co-facilitator of the “numbers” group, Jurgen Lefevere from the European Union, reported that work was focused on two issues where further technical work can take place – the conversion of emission reduction pledges by Annex I (developed

country) pledges into QELROs and the issue of the carry-over of surplus assigned amount units (AAUs).

On the issue of converting pledges into QELROs, some Parties consider that this is a political decision, not a technical exercise. In addition, in terms of strengthening the pledges, some Parties have raised the issue of a review during the second commitment period.

According to Lefevere, in terms of facilitating the raising of the level of ambition of Parties during the second commitment period, revising QELROs or canceling Kyoto units (these include the different reduction and removal units that contribute to meeting Annex I targets) would also address this issue. In terms of the manner in which the second commitment period numbers are to be inscribed, there could be a possible reflection of pledges for 2020 in an additional column in Annex B to the Protocol. Some Annex I Parties do not intend to take on QELROs under the second commitment period, and there is a proposal to discuss this further, said Lefevere.

On the carry-over of surplus AAUs, the spin-off group has been working around Option 2 (limiting the carry-over of surplus AAUs) in the Chair’s proposed text with text proposals by Parties. A key issue is how to separate over achievement in the first commitment period from surplus AAUs. Lefevere said that it may not be possible to revise Chapter 1 (on amendments to the Kyoto Protocol for the second commitment period) of the Chair’s proposed text, but that the group is working to streamline text, and will forward a streamlined version shortly.

Macey concluded that there are limits to how far the spin-off group can progress without political signals.

The co-facilitator of the spin-off group on LULUCF, Marcelo Rocha from Brazil, reported that the group had met seven times, and had produced a non-paper that has already been revised once. They are working on cleaning up the text, and hope that only political issues will be left. Rocha expressed hope that

LULUCF will not stand in the way of a positive outcome in Durban.

Macey again concluded that there was a need for political signals, and that clean text options would make political decisions easier.

On emissions trading and the project-based mechanisms, there have been informal consultations. The co-facilitator from Senegal reported that most positions remain unchanged, and that most Parties feel that options for the remaining issues have been finalized at the technical level and are ready to be presented to Ministers, possibly with minor streamlining.

Macey concluded once again that there is a need to elevate some issues up to the political level.

Saint Lucia, speaking for the Alliance of Small Island States (AOSIS), said that the promise of the second commitment period carries with it the hope of vulnerable countries, and urged Annex I Parties to show leadership in a credible way, especially those that have shown leadership in the past. QELROs are within reach, and single legally binding QELROs can be adopted at this session. The negotiating text should be updated. It is only political will, not the rules that stand in the way, it said.

Saint Lucia reiterated the AOSIS position that: (i) a decision that establishes a 5 year second commitment period under the Kyoto Protocol with a single legally binding base year of 1990 as part of two track outcome must be adopted; (ii) there should be a mandate to negotiate a legally binding instrument under the Ad hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) by 2012, to ensure legally binding commitments and actions by all major emitters by 2013; (iii) there has to be provisional application of the second commitment period in order for the new set of internationally legally binding commitments for Annex I Parties to take effect from 2013; (iv) the commitment must take the form of QELROs, in order to enable comparison to the first commitment period; (v) loopholes in LULUCF, AAUs, additional gases, and extending share of proceeds must be closed; and (vi) mitigation ambition must be increased, and mitigation opportunities identified.

South Africa, speaking for the African Group, said that on the issue of LULUCF, the African Group had introduced an option for accounting for forest management. The reference levels approach cannot guarantee that net emissions are decreasing. After the technical assessment that was conducted on reference levels, it was clear that Annex I Parties have pursued a diversity of approaches, to increase their emissions

overall, it said. But there is no way to determine the environmental integrity of the reference levels, as the review was only technical, and there was no assessment of whether their choice of conditions fulfilled environmental integrity, as they could chose their own models and data.

South Africa said that net emissions are actually increasing. Africa, which is most vulnerable to climate change impacts cannot sit back and allow this to happen. We are seeking safeguards, and a neutral approach with regards to reference levels, it said. If met, Annex I Parties will not be penalized. It said that the proposal by the African Group is already a significant concession and compromise for the second commitment period. There should be real reductions in greenhouse gas emissions, and a common base year for comparability. This issue should not be used to delay the completion of the rules discussion, it said.

Bolivia said that the core issue is the amendment for the second commitment period, and at its heart is the issue of emission reductions ambition. There has to be clear political will for this, and it is not about agreeing on the rules first. It said that there must be QELROs for a five-year commitment period, and a definition of forests.

The **European Union** highlighted how QELROs are to be inscribed, and raising the level of ambition. It said that one of its key issues is to not lock in the level of ambition and to put it in the right political context. On the form of the second commitment period, middle ground solutions should be explored. A common understanding is needed, and should materialize in the text. It said that the EU is offering a second commitment period that is ratifiable, within a broader context.

Algeria, speaking for the African Group, said that a clear indication from Annex I Parties is needed regarding their political will, and this is the only thing that can break the deadlock. The Kyoto Protocol is an integrated package and linkages should be made in a way that will transform the process, it said. On the issue of the legal form, it requested the secretariat's help to understand why some options, e.g. provisional application, were not possible (according to some Parties).

Papua New Guinea said that the package of amendments for the second commitment period should also include AAUs, LULUCF and new flexible mechanisms.

The Chair confirmed that there is no impediment to continuing work on technical issues in spin-off groups, in response to a question by Saint Lucia.