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*Commission de l'environnement, de l'agriculture et des questions territoriales*

## **Stop the Clock – Save our Planet**

**A proposal from the Parliamentary Assembly of the Council of Europe  
to COP 17/MOP 7 to suspend the expiry of the Kyoto Protocol  
in order to allow negotiations for a successor regime to continue beyond 2012**



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## **STOP THE CLOCK – SAVE OUR PLANET**

The Parliamentary Assembly of the Council of Europe (PACE), which unites parliamentarians from 47 European countries, has been at the heart of an initiative to recognise the right to a healthy environment as a basic human right, a step which would make governments face up legally to their responsibilities. Alan Meale and John Prescott, have been at the forefront of the Assembly's efforts to ensure a better environment for everyone, efforts which they are now pursuing with this commendable initiative.



**Mevlüt Çavusoglu**, Turkey, *President of the Parliamentary Assembly of the Council of Europe*

Climate change raises important questions about social justice, equity and human rights across countries and across generations. Renegotiating the global agreement on climate change for the post-Kyoto period represents a major political challenge. A fair balance must be reached between the interests of the rich countries that carry the overwhelming responsibility for the past GHG emissions; the interests of the developing countries with fast growing economies and populations, holding an increasing share of current GHG emissions; and the interests of the world's poorest

countries that are most affected by climate change and that have the least capacity and resources to adapt to such life-threatening changes.

The battle against climate change can and must be won with sufficient political will to do so in Durban. The world lacks neither the financial resources nor the technological ability to act.



**Sir Alan Meale, MP**, United Kingdom, *former Chair of the Committee on the Environment, Agriculture and Local and Regional Affairs of the Parliamentary Assembly of the Council of Europe*

The Council of Europe urges nations throughout the world to act collectively for the good of mankind, by taking every necessary action to continue the delivery mechanism contained within the Kyoto Protocol and to maintain its momentum towards combating the effects of climate change, until such time as an improved international agreement is

reached by world leaders.



**Lord Prescott**, United Kingdom, *former Deputy Prime Minister, former Secretary of State for the Environment, First Vice-Chair of the Committee on the Environment, Agriculture and Local and Regional Affairs of the Parliamentary Assembly of the Council of Europe*

Clear evidence exists which proves beyond doubt that manmade elements are now risking the continuation of humankind on planet Earth. However, I firmly believe that it is still possible to reverse this direction if world leaders abandon selfish endeavours and instead take the necessary bold steps towards repairing atmospheric conditions and ceasing practices which harm any chance for the future. Continuation of the Kyoto Protocol, until it is replaced by stronger measures, is vital if we are to have any chance in achieving this objective.



## 1. Summary

The clock is ticking on the Kyoto Protocol. Unless agreement is reached at the Durban climate conference in December 2011, the global agreement on targets and actions to reduce greenhouse gas emissions negotiated at the Kyoto conference in 1997 will almost certainly expire without any binding targets or actions agreed for the period 2012-20.

The Kyoto Protocol was agreed by the world's leaders in 1997 and ratified in 2002, setting specific emissions reductions targets for industrialised countries for the period 2008-2012 to tackle the threat of climate change identified by the Intergovernmental Panel on Climate Change (IPCC) in its report in 1990.<sup>1</sup>

In its report the IPCC found that as a result of anthropogenic emissions, atmospheric concentrations of CO<sub>2</sub> now far exceed the natural range over the last 650,000 years. Without a serious global commitment to reduce greenhouse gases, climate change will, in the long term, be likely to exceed the capacity of natural, managed and human systems to adapt.

Since the Kyoto Protocol was signed and ratified, more recent scientific evidence by the IPCC shows that global warming is occurring faster than was originally understood.<sup>2</sup>

According to the IPCC, the average global temperature has increased by 0.8°C over the past 100 years and is now rising by around 0.2°C per decade. Setting the limit to the global average temperature rise to less than 2°C above the pre-industrial level is considered by the scientific community as a threshold beyond which climate change would become far more dangerous, with the risk of irreversible and potentially catastrophic environmental changes, with attendant economic and social consequences, especially for the world's poorest people in developing countries. It is estimated that the poorest 40% of the world's population – 2.6 billion people – will suffer the most from the effects of climate change.

Given the significant time delay between the release of greenhouse gas emissions and temperature rise the window of opportunity to remain below the 2°C temperature ceiling is closing very fast. The IPCC estimates that a reduction of global greenhouse gas emissions of the order of 50-85% is necessary by 2050.

Today there is a clear recognition by the scientific community and by the world's policymakers that global action is vital. But there is little political consensus on how to share the burden between developed, industrialising and developing nations to achieve the necessary 50-85% reduction by 2050, and even less consensus on how to set mid-term economy-wide quantitative targets for 2020 – the successor regime to Kyoto.

Discussions about a post-2012 regime began in 2004 at the Buenos Aires Conference of the Parties and resumed in earnest in 2007. As 2011 nears its end, not only is there no agreement on "Kyoto II", but during the last two years some leading Parties have pushed the focus of negotiations away from securing legally-binding and enforced emissions targets to a voluntary system that is strong on transparency and weak on enforcement.

The 2009 Copenhagen conference was the crucial meeting when negotiations over the new regime were supposed to be finalised. Instead, the future of Kyoto after 2012 was thrown into turmoil when the United States, China, Brazil, India and South Africa presented a non-binding 'accord' to the conference. A year later, the Cancun conference also made no progress towards a binding agreement and postponed discussions to the Durban conference in November/December 2011.

On the eve of the Durban conference we are therefore faced with a choice: whether to allow Kyoto to expire without an agreed, binding successor regime for reducing damaging greenhouse gas emissions – or to save the process at the last hour and buy the critical time that policymakers need to secure agreement.

The Parliamentary Assembly of the Council of Europe urges the world's policymakers to save the process. If no successor regime can be agreed in Durban for binding 2012-2020 emissions reduction commitments for industrialised and developing nations, **we propose that they stop the clock on Kyoto's expiry.**

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<sup>1</sup> Intergovernmental Panel on Climate Change First Assessment Report, Overview, 1990:  
[http://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC\\_1990\\_and\\_1992\\_Assessments/English/ipcc\\_90\\_92\\_assessments\\_far\\_overview.pdf](http://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC_1990_and_1992_Assessments/English/ipcc_90_92_assessments_far_overview.pdf)

<sup>2</sup> Intergovernmental Panel on Climate Change Fourth Assessment Report, 2007  
[http://www.ipcc.ch/publications\\_and\\_data/ar4/syr/en/spms1.html](http://www.ipcc.ch/publications_and_data/ar4/syr/en/spms1.html)

We propose that by stopping the clock the Kyoto mechanisms, core principles, organisational structures and expertise will not expire and Parties could continue to act as if Kyoto were still in force while time is allowed for negotiations for a successor regime. This would encourage Parties to continue to work to reduce their own greenhouse gas emissions with confidence that a new global regime of binding targets will be delivered, while any emissions reductions in the meantime would still count, rather than to postpone domestic actions pending a new global agreement.

We propose that a decision to stop the clock be reviewed in 2015, unless a successor regime is agreed before this time, at which point Kyoto will automatically expire and the new regime come into force.

We urge all world leaders to support this proposal, which we believe is the only way at this late stage that the achievements of Kyoto can be saved and the hope of a successor regime is kept alive.

## 2. Chronology of Kyoto

### Early years

In 1972 a United Nations Conference on the Human Environment was held in Stockholm, Sweden, primarily to consider the use, depletion and conservation of the Earth's natural resources. The Stockholm Conference (also known as the First Earth Summit) adopted a declaration that set out principles and an action plan for the preservation and enhancement of the human environment, and it also raised the issue of climate change for the first time, warning governments to be mindful of activities that could lead to climate change.

The Stockholm Conference also proposed the establishment of stations, under the co-ordination of the World Meteorological Organisation (WMO), to monitor long-term trends in the atmospheric constituents and properties, to help the world community to better understand the atmosphere and the causes of climatic changes, whether natural or man-made.

Over the next 20 years, concern for the atmosphere and global climate slowly gained international attention and action. In 1979, the United Nations Environment Programme (UNEP) Governing Council asked its Executive Director, under the Earth Watch programme, to monitor and evaluate the long-range transport of air pollutants, and the first international instrument on climate – the Convention on Long-Range Transboundary Air Pollution – was then adopted. In 1980, UNEP expressed concern at the damage to the ozone layer and recommended measures to limit the production and use of chlorofluorocarbons, leading to the negotiation and adoption in 1985 of the Vienna Convention for the Protection of the Ozone Layer.

In 1988, global warming and the depletion of the ozone layer became increasingly prominent in the international public debate and political agenda. UNEP organised an internal seminar in January to identify environmental sectors that might be sensitive to climate change. The Intergovernmental Panel on Climate Change (IPCC)<sup>3</sup>, a forum for the investigation of the potential causes and scale of climate change, was established and met for the first time in November. In their first report, published in 1990, this body of international scientists concluded that action might be needed to reduce greenhouse gas emissions, even in the absence of final proof.<sup>4</sup>

This first IPCC report brought the issue of climate change to the attention of the world's leaders and policy-makers, roused environmental groups to more active campaigning and awakened the public as to the potential dangers of global warming.

In the 23 years since this first IPCC report was published, there have been three more assessment reports (in 1995, 2001 and 2007), two Earth Summits, beginning with Rio in 2002 and 17 annual Conferences of the Parties to the UN Framework Convention that was agreed at Rio.

The 23 years have been characterised by three distinct periods in climate change policy:

1. the development of a cohesive approach to climate change policy, culminating in the Kyoto Protocol in 1997
2. the consolidation, ratification and implementation of Kyoto, between 1997 and 2005
3. the failure of negotiations for a successor regime after 2005.

This section summarises the chronology of climate change talks and action, from the Rio Earth Summit in 1992 to the present preparations for the Durban Conference in December 2011.

### **1. A cohesive approach: from Rio to Kyoto**

#### **1992 Rio**

At the United Nations Conference on Environment and Development in Rio de Janeiro (the Rio Earth Summit) in June 1992, 154 nations signed the UN Framework Convention on Climate Change (UNFCCC)<sup>5</sup>.

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<sup>3</sup> <http://www.ipcc.ch/>

<sup>4</sup> Intergovernmental Panel on Climate Change First Assessment Report, Overview, 1990:  
[http://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC\\_1990\\_and\\_1992\\_Assessments/English/ipcc\\_90\\_92\\_assessments\\_far\\_overview.pdf](http://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC_1990_and_1992_Assessments/English/ipcc_90_92_assessments_far_overview.pdf)

<sup>5</sup> <http://unfccc.int/2860.php>

The objective of the UNFCCC – a non-binding treaty with no mandatory limits of greenhouse gases and no enforcement mechanisms – was to commit signatory nations to voluntary actions to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent “dangerous anthropogenic interference with the Earth’s climate system”. These actions were aimed primarily at developed, industrialised countries, with the intention of stabilising their emissions of greenhouse gases at 1990 levels by the year 2000. These countries were listed in Annex I of the UNFCCC, and thereafter referred to as “Annex I” countries.<sup>6</sup>

The UNFCCC entered into force in March 1994 with 165 signatories. The UNFCCC currently has 195 parties.<sup>7</sup> Under Article 7 of the UNFCCC, a Conference of the Parties (COP) was established to hold regular meetings, in order to promote the effective implementation of the Convention, and to examine periodically the obligations of the Parties in the light of emerging scientific evidence of climate change. The first two were held in Berlin (COP 1, 1995), at which it was agreed to limit the first round of emissions reductions only to industrialised countries and Geneva (COP 2, 1996).

### **1995 IPCC Second Assessment Report**

The IPCC’s second assessment report in 1995 computed a range of climate scenarios, based on projections of greenhouse gas emissions, and concluded:

“Given current trends of increasing emissions of most greenhouse gases, atmospheric concentrations of these gases will increase through the next century and beyond. With the growth in atmospheric concentrations of greenhouse gases, interference with the climate system will grow in magnitude and the likelihood of adverse impacts from climate change that could be judged dangerous will become greater.”<sup>8</sup>

The IPCC’s projections showed that at 1995 emissions trends, greenhouse gas concentrations would be around twice pre-industrial levels and that even if global emissions were stabilised, concentrations would continue to increase slowly for several hundred years. Associated with these projections, the IPCC highlighted the range of potential impacts on the planet that were likely to result from an increase in global temperatures.

### **1997 Kyoto: COP 3**

This IPCC assessment provided the scientific backdrop against which the third Conference of the Parties (COP 3) to the UNFCCC took place in Kyoto, Japan, in December 1997. Kyoto was a crucial stage in the global strategy for dealing with climate change, since it represented an explicit acceptance by the Parties that climate change was caused by human activity and that cuts in greenhouse gases were necessary.

The Parties agreed a principle of “common but differentiated responsibilities,” accepting that:

- the largest share of historical and current global emissions of greenhouse gases originated in developed countries
- per capita emissions in developing countries were still relatively low
- the share of global emissions originating in developing countries would grow to meet their social and development needs.

After intensive negotiations, the Parties adopted the Kyoto Protocol, which outlined the specific greenhouse gas<sup>9</sup> emissions reduction obligations for Annex I (industrialised) countries. (These reductions in emissions were listed in Annex B to the Kyoto Protocol; therefore, Annex I countries were also referred to as Annex B Parties with reference to Kyoto commitments.) It was agreed that developing countries would not be subject to emissions reduction commitments in the first Kyoto commitment period; although the general assumption was that they would face quantitative commitments in later commitment periods.

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<sup>6</sup> There are 41 Annex I countries, plus the European Union. These countries are classified as industrialised countries and countries in transition: Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America

<sup>7</sup> [http://unfccc.int/essential\\_background/convention/status\\_of\\_ratification/items/2631.php](http://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php)

<sup>8</sup> <http://www.ipcc.ch/pdf/climate-changes-1995/ipcc-2nd-assessment/2nd-assessment-en.pdf>

<sup>9</sup> Four gases (carbon dioxide, methane, nitrous oxide, sulphur hexafluoride) and two groups of gases (hydrofluorocarbons and perfluorocarbons) are specified in the Kyoto Protocol

The Annex B Parties agreed to legally-binding reductions in greenhouse gas emissions of an average of 6-8% below 1990 levels between 2008 and 2012, defined as the first emission reduction period. The specific targets<sup>10</sup> were:

Country	Target (1990-2008/12) <sup>11</sup>
EU-15 Bubble <sup>12</sup> , Bulgaria, Czech Republic, Estonia, Latvia, Liechtenstein, Lithuania, Monaco, Romania, Slovakia, Slovenia, Switzerland	-8%
United States	-7%
Canada, Hungary, Japan, Poland	-6%
Croatia	-5%
New Zealand, Russian Federation, Ukraine	0
Norway	+1%
Australia	+8%
Iceland	+10%

The aim of the Kyoto agreement was for an overall reduction of 5.2% in emissions by Annex I countries over 1990 levels by 2010. This target fell significantly short of some countries' ambitions: the EU had argued for 15% reductions, Japan for cuts of 2.5% and the United States argued for no reduction at all.

The Kyoto Protocol was underpinned by five key concepts:

1. **Commitments by the Annex I countries:** legally-binding targets for the reduction of greenhouse gases
2. **Implementation:** Annex I countries were required to prepare policies and measures for the reduction of greenhouse gases in their respective countries. In addition, they were required to increase the absorption of these gases and utilise all mechanisms available (such as joint implementation, the clean development mechanism and emissions trading – see below), in order to be rewarded with credits that would allow more greenhouse gas emissions at home
3. **Minimising impacts on developing countries:** by establishing an adaptation fund for climate change to finance concrete adaptation projects and programmes in developing countries that are Parties to the Kyoto Protocol
4. **Accounting, reporting and review:** transparency, in order to ensure the integrity of the Protocol
5. **Compliance:** establishing a Compliance Committee to enforce compliance with the commitments under the Protocol.

The Kyoto Protocol also adopted what came to be known as “flexible mechanisms”, to assist in delivering emissions reductions. These are:

- **emissions trading** – whereby countries that have emissions units to spare – emissions permitted them but not “used” – to sell this excess capacity to countries that are over their targets
- **the Clean Development Mechanism (CDM)** – whereby Annex B Parties with a commitment to reducing emissions under Kyoto could implement emissions-reduction projects in developing countries (e.g. build a lower-emissions power station). Such projects can earn saleable certified emission reduction (CER) credits, which can be counted towards the Annex B Parties' Kyoto targets
- **Joint Implementation (JI)** – whereby Annex B Parties could earn emission reduction units (ERUs) from an emissions-reduction or emissions removal project in another Annex B Party, which can be counted towards meeting its Kyoto target.

<sup>10</sup> A full table showing both Kyoto targets and each country's share of 1990 Annex I total emissions is appended to this report as Appendix 1

<sup>11</sup> Some Economies in Transition have a baseline other than 1990

<sup>12</sup> The 15 EU Member States in 1997 when the Kyoto Protocol was adopted took on the 8% target, but agreed to redistribute the target among themselves, with a range of +27% (Portugal) to -28% (Luxembourg). This was known as the EU ‘Bubble’

The Kyoto Protocol was opened to signatures for 12 months from March 1998, and it received 84 signatures during this time. In order for the Kyoto Protocol to be ratified, it required the formal ratification or accession by at least 55 Parties to the UNFCCC (incorporating Parties included in Annex I accounting for at least 55% of the total 1990 carbon dioxide emissions of the Parties included in Annex I). It was eventually ratified in May 2002 (see below).

Following Kyoto, the Conferences of the Parties would work to implement and ratify Kyoto, monitor progress towards achieving Kyoto targets and negotiate a successor regime (known informally as “Kyoto II”). By the end of the first commitment period of the Kyoto Protocol in 2012, a new international framework must be negotiated and ratified.

## **2. Consolidation and implementation: from Kyoto to ratification**

### **1998-2001: COP 4-7**

The next four years were taken up in resolving detailed issues that were not completed in Kyoto and planning for the implementation and ratification of the Kyoto Protocol. COP 4 (1998, Buenos Aires), COP 5 (1999, Bonn), COP 6 (2000, The Hague and 2001, Bonn) and COP 7 (2001, Marrakech) were characterised by two things: expert technical and practical discussions about Kyoto mechanisms and a “Plan of Action” for ratification; and by the withdrawal from active participation in the Kyoto process in 2001 by the United States, under a new administration, a momentous event that threatened the entire Kyoto process, given that the USA was by far the largest greenhouse gas emitter among Annex I countries (and in the world, equalled by China in 2011), in terms of both total and per capita emissions – and these emissions were still growing.

### **2000 The Hague and Bonn: COP 6**

This critical meeting tackled some major political issues, but finally produced four key agreements:

1. **Flexible Mechanisms:** including emissions trading, the Clean Development Mechanism and Joint Implementation. A key element of this agreement was that there would be no quantitative limit on the credit a country could claim from use of these mechanisms, provided domestic action constituted a significant element of the efforts of each Annex B country to meet their targets
2. **Carbon sinks:** it was agreed that credit would be granted for broad activities that absorb carbon from the atmosphere or store it, including forest and cropland management, and re-vegetation, with no overall cap on the amount of credit that a country could claim for sinks activities. In the case of forest management, an Appendix Z establishes country-specific caps for each Annex I country. For cropland management, countries could receive credit only for carbon sequestration increases above 1990 levels
3. **Compliance:** final action on compliance procedures and mechanisms that would address non-compliance with Protocol provisions was deferred to COP 7, but included broad outlines of consequences for failing to meet emissions targets that would include a requirement to “make up” shortfalls at 1.3 tons to 1, the suspension of the right to sell credits for surplus emissions reductions and a required compliance action plan for those not meeting their targets
4. **Financing:** There was agreement on the establishment of three new funds, to provide assistance for needs associated with climate change:
  - i. a fund for climate change that supports a series of climate measures
  - ii. a least-developed-country fund to support National Adaptation Programmes of Action
  - iii. a Kyoto Protocol adaptation fund supported by a CDM levy and voluntary contributions.

### **2000 UN Millennium Declaration**

In September 2000, 189 world leaders joined together in adopting a United Nations “Millennium Declaration”, incorporating eight “Millennium Goals”. Within the fourth goal of “protecting our common environment” was a renewed commitment to the Kyoto Protocol:

“To make every effort to ensure the entry into force of the Kyoto Protocol, preferably by the tenth anniversary of the United Nations Conference on Environment and Development in 2002, and to embark on the required reduction in emissions of greenhouse gases.”<sup>13</sup>

<sup>13</sup> <http://www.un.org/millennium/declaration/ares552e.htm>

## **2001 Marrakech: COP 7**

One of the key outcomes of COP 7 in Marrakech was the establishment of the Adaptation Fund, to finance concrete adaptation projects and programmes to reduce the adverse effects of climate change in developing countries, although this was not officially launched until 2007. Marrakech also agreed the details of the compliance regime for Parties to the Kyoto Protocol. This reiterated the consequences for failure to meet emissions targets (a shortfalls penalty of 1.3:1, as set out in COP 6), but deferred to the Parties to the Protocol, once it came into force, the decision on whether those consequences would be legally binding.

## **2002 Johannesburg: Rio+10**

In 2002, a decade after the Rio Earth Summit, world leaders and leaders from non-governmental organisations and business met at a second World Summit on Sustainable Development in Johannesburg, organised by the United Nations Commission on Sustainable Development. The Earth Summit ("Rio+10") aimed, among other things, to fulfil the Kyoto objective set in the fourth Millennium Goal.

While Kyoto ratification was not achievable by the Johannesburg Summit, world leaders agreed a declaration that reaffirmed their commitment to the United Nations Framework Convention on Climate Change, and which further asserted that:

"States that have ratified the Kyoto Protocol strongly urge States that have not already done so to ratify it in a timely manner".

The declaration also called for action to:

- provide technical and financial assistance and capacity-building to developing countries and countries with economies in transition
- build and enhance scientific and technological capabilities for the exchange of scientific data and information, especially in developing countries
- develop and transfer technological solutions
- develop and disseminate innovative technologies in regard to key sectors of development, particularly energy, and of such investment, including through private sector involvement, market-oriented approaches and supportive public policies and international cooperation.

## **2002-05 Kyoto ratification**

In May 2002, the EU and its Member States formally ratified the Kyoto Protocol, and the "55 Parties" clause was met when Iceland also ratified. With the United States and Australia refusing to ratify, Kyoto required Russia's ratification to meet the "55% clause" – that ratifying Parties accounted for at least 55% of Annex I country emissions. Russia duly ratified in November 2004, and the Kyoto Treaty came into force 90 days later, in February 2005.

## **2004 Buenos Aires: COP 10**

The Buenos Aires conference took place shortly after Russia ratified the Protocol. It was significant for two things: planning for the first Meeting of the Parties (MOP) to the Kyoto Protocol since their initial meeting in 1997; and for beginning discussions on the post-Kyoto mechanism, on how to allocate the emission reduction obligation following 2012, when the first commitment period ends.

## **3. Failure to negotiate a successor regime: from Montreal to Cancun**

### **2005 Montreal: COP11/MOP 1**

The Montreal Conference was significant as the first Meeting of the Parties since Kyoto and the first conference since the Kyoto Protocol entered into force a few months earlier. Importantly, the conference initiated discussions of the commitments for industrialised countries in the period beyond 2012.

### **2007 Washington Declaration**

In the non-binding 'Washington Declaration' agreed in February 2007, heads of governments from the Group of Eight nations, plus Brazil, China, India, Mexico and South Africa, agreed in principle on the outline of a

successor to the Kyoto Protocol. They envisaged a global cap-and-trade system that would apply to both industrialised nations and developing countries, and said they hoped that this would be in place by 2009. The inclusion of Brazil, China and India in this declaration was important, given that collectively in 2005 they accounted for some 26% of global greenhouse emissions – as much as the combined emissions of the EU-27, Russia, Japan and Canada, as the table below shows:

**The world's top ten emitters of greenhouse gases, 2005**<sup>14</sup>

Rank	Country	% of global GHG emissions	Per capita GHG emissions (tons)
1	China <sup>15</sup>	17	5.8
2	United States	16	24.1
3	EU-27	16	10.6
4	Indonesia <sup>16</sup>	6	12.9
5	India	5	2.1
6	Russia	5	14.9
7	Brazil	4	10.0
8	Japan	3	10.6
9	Canada	2	23.2
10	Mexico	2	6.4

**2007 IPCC Fourth Assessment Report**

In the starkest warning to policymakers and world leaders yet, the IPCC's Fourth Assessment Report, published in February 2007, stated:

“Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level.”<sup>17</sup>

The IPCC produced a new range of projections of what the future increases in global temperatures might be, concluding that the “likely” range in 2090-2099 would be an increase of between 1.4°C and 6.4°C.

Among the other key findings of the report were:

- 11 of the previous 12 years (1995-2006) ranked among the 12 warmest years since 1850, when the instrumental record of global surface temperature began
- there was a higher 100-year linear trend (1906-2005) of 0.74°C than the corresponding trend of 0.6°C (1901-2000) given in the Third Assessment Report and this temperature increase is widespread over the globe and greater at higher northern latitudes, with land regions warming faster than the oceans
- global average sea level has risen since 1961 at an average rate of 1.8mm per year and since 1993 at 3.1mm per year, with contributions from thermal expansion, melting glaciers and ice caps, and the polar ice sheets
- satellite data since 1978 show that annual average Arctic sea ice extent has shrunk by 2.7% per decade, with larger decreases in summer of 7.4% per decade. Mountain glaciers and snow cover on average have declined in both hemispheres
- from 1900 to 2005, precipitation increased significantly in eastern parts of North and South America, northern Europe and northern and central Asia but declined in the Sahel, the Mediterranean,

<sup>14</sup> MNP (2007), "[Greenhouse gas emissions of countries in 2005 and ranking of their per capita emissions](#)", Netherlands Environment Agency website.

<sup>15</sup> Excluding underground fires

<sup>16</sup> including an estimate of 2,000 million tones of CO<sub>2</sub> from peat fires and decomposition of peat soils after draining

<sup>17</sup> [http://www.ipcc.ch/publications\\_and\\_data/ar4/syr/en/spms1.html](http://www.ipcc.ch/publications_and_data/ar4/syr/en/spms1.html)

southern Africa and parts of southern Asia. Globally, the area affected by drought has likely increased since the 1970s

- it is very likely that over the past 50 years cold days, cold nights and frosts have become less frequent over most land areas, and hot days and hot nights have become more frequent
- it is likely that heat waves have become more frequent over most land areas, the frequency of heavy precipitation events has increased over most areas, and since 1975 the incidence of extreme high sea level has increased worldwide
- there is observational evidence of an increase in intense tropical cyclone activity in the North Atlantic since about 1970, with limited evidence of increases elsewhere. There is no clear trend in the annual numbers of tropical cyclones. It is difficult to ascertain longer-term trends in cyclone activity, particularly prior to 1970
- average Northern Hemisphere temperatures during the second half of the 20th century were very likely higher than during any other 50-year period in the last 500 years and likely the highest in at least the past 1,300 years.

The IPCC warned policymakers that the pace of climate change was faster than previously believed and that its effects on the planet and its ecosystems and populations were worse than previously thought. The report further estimated that to keep warming at 2°C, greenhouse gas emissions would need to be cut from their 2000 levels by 25-40% by 2020 and 50-85% by 2050.

### **2007 Bali: COP 13/MOP 3**

A few months later, the Bali conference secured an agreement on a timeline and structured negotiation on the post-2012 framework – the Bali Action Plan.<sup>18</sup> The Bali Action Plan, known as the “Kyoto II Road Map”, highlighted:

- a shared vision of long-term cooperative action and global goal of emissions reductions
- enhanced action on mitigation of climate change
- enhanced action on adaptation to climate change
- enhanced action on technology development and transfer
- enhanced action on the provision of financial resources for mitigation and adaptation as the key areas of preparation and negotiations for a new climate change agreement.

In addition, an Ad Hoc Working Group on Long-Term Co-operative Action under the Convention (AWG-LCA) was established as a new subsidiary body to conduct the negotiations aimed at urgently enhancing the implementation of the Convention up to and beyond 2012.

Bali was also notable for Australia’s ratification of the Protocol on the first day of the conference.

### **2009: G8 commit to 2°C target**

In June 2009, the G8 nations, which include the United States, Canada, Japan and Russia, as well as Germany, France, Italy and the United Kingdom, met in Italy and declared their commitment to securing a successor regime to Kyoto:

“We reconfirm our strong commitment to the UNFCCC negotiations and to the successful conclusion of a global, wide-ranging and ambitious post-2012 agreement in Copenhagen, involving all countries, consistent with the principle of common but differentiated responsibilities and respective capabilities.”<sup>19</sup>

Significantly, the G8 also followed the lead of the European Union in recognising that global warming should be limited to an increase of no more than 2°C:

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<sup>18</sup> [http://unfccc.int/files/meetings/cop\\_13/application/pdf/cop\\_bali\\_action.pdf](http://unfccc.int/files/meetings/cop_13/application/pdf/cop_bali_action.pdf)

<sup>19</sup> [http://www.g8italia2009.it/static/G8\\_Allegato/G8\\_Declaration\\_08\\_07\\_09\\_final,0.pdf](http://www.g8italia2009.it/static/G8_Allegato/G8_Declaration_08_07_09_final,0.pdf)

“We reaffirm the importance of the work of the Intergovernmental Panel on Climate Change (IPCC) and notably of its Fourth Assessment Report, which constitutes the most comprehensive assessment of the science. We recognise the broad scientific view that the increase in global average temperature above pre-industrial levels ought not to exceed 2°C.”

With such unequivocal commitment by the G8, the scene was apparently set for a successful negotiation of Kyoto II in Copenhagen in December 2009.

### **2009 Copenhagen: COP 15/MOP 5**

The overall goal for the COP 15/MOP 5 Conference in Copenhagen was to establish an ambitious global climate agreement for the period from 2012, when the first Kyoto commitment period expires. However, shortly before the conference took place, expectations of a new agreement were downgraded, following suggestions that world leaders would be seeking instead to reach a less specific “politically binding” agreement.

What emerged was the dichotomy that while there was a clear recognition that global action is vital, there was little political consensus on how to share the burden to achieve the necessary 50-85% reduction of greenhouse gas emissions by 2050 and even less consensus on how to set mid-term economy-wide quantitative emissions targets for 2020.

Renegotiating the global agreement represents a challenge to reach a fair balance between: the interests of the rich industrialised countries that carry the overwhelming responsibility for the past greenhouse gas emissions; the interests of the developing countries with fast-growing economies and populations and which will hold an increasing share of current greenhouse emissions; and the interests of the world’s poorest countries that are most affected by climate change and that have the least capacity and resources to adapt to life-threatening changes.

The United States was clear about its unwillingness to commit to any reductions unless there were the same commitments from the big emitters in developing countries, such as China, for their voluntary reductions to be measurable, reportable and verifiable. On top of this, most developing nations were unwilling to make commitments without details of how and where the promise would be met to provide \$100 billion a year by 2020 to fund mitigation and adaptation in developing countries – and whether it would be in the form of loans or grants.

Subsequently, the Parties demonstrated that they were not up to the challenge: no binding agreement for long-term action was secured. Instead, a modest 13-paragraph non-binding ‘political accord’<sup>20</sup> was negotiated outside the COP framework by around 25 Parties, and drafted by a group of five: the United States, China, India, South Africa and Brazil – the world’s biggest greenhouse gas emitters and the fast-growing emerging economies with most to gain from avoiding being brought into a successor regime.

The key features of the accord were as follows:

- it failed to produce a binding successor to the Kyoto Protocol, or a deliverable commitment to securing one by 2012
- it set no specific mid-term emissions targets to 2020, instead relying on Parties declaring and reporting on their voluntary targets
- in providing for a six-year assessment period to 2015 (three years after the expiry of Kyoto) it appeared to provide a voluntary alternative to a binding successor regime
- while it provided for the establishment of a \$100 billion Green Climate Fund – a collective commitment by developed countries for new and additional resources, including forestry and investments through international institutions – it did not provide clarity on where these funds would come from.

Thus those Parties fully and actively committed to the Kyoto Protocol and wishing to negotiate a binding successor regime were thoroughly disillusioned by the accord. Consequently, COP 15 only ‘noted’ the contents of the accord, rather than adopt it. The accord therefore has no formal status under UNFCCC.

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<sup>20</sup> [http://unfccc.int/files/meetings/cop\\_15/application/pdf/cop15\\_cph\\_auv.pdf](http://unfccc.int/files/meetings/cop_15/application/pdf/cop15_cph_auv.pdf)

## **2010 Cancun: COP 16/MOP 6**

The Cancun Conference made no progress towards negotiating a successor to Kyoto. It acknowledged that the Ad Hoc Working Group on Long-term Cooperative Action established at Bali had not completed its work and postponed further discussions on the post-2012 regime until COP 17/MOP 7 in December 2011, in Durban, South Africa – just months before Kyoto is due to expire.

Although little progress was achieved in negotiating a successor to the Kyoto protocol, advances were made on several issues, including that emissions reductions by developing nations (including India) would be governed by some form of monitoring and verification. This was supported by all nations except Bolivia. Other progress recognised by the International Institute for Sustainable development included provisions on adaptation, technology, mitigation and finance.



### **3. What Kyoto has achieved: performance and progress**

#### **Status of the Kyoto Protocol**

Currently, there are 193 Parties (192 States, plus the European Union) to the Kyoto Protocol. The Protocol came into force in February 2005, when more than 55 new signatories formally ratified it. As at August 2011, 191 states had signed and ratified the protocol, including 38 of the 40 Annex I countries, plus the EU.<sup>21</sup> The only remaining signatory, and Annex I country, not to have ratified the protocol is the United States – the world's second biggest emitter of greenhouse gases. Other states yet to ratify Kyoto include Afghanistan, Andorra and South Sudan. The full list of signatories and their status is produced in Appendix 2.

#### **Performance against Kyoto targets**

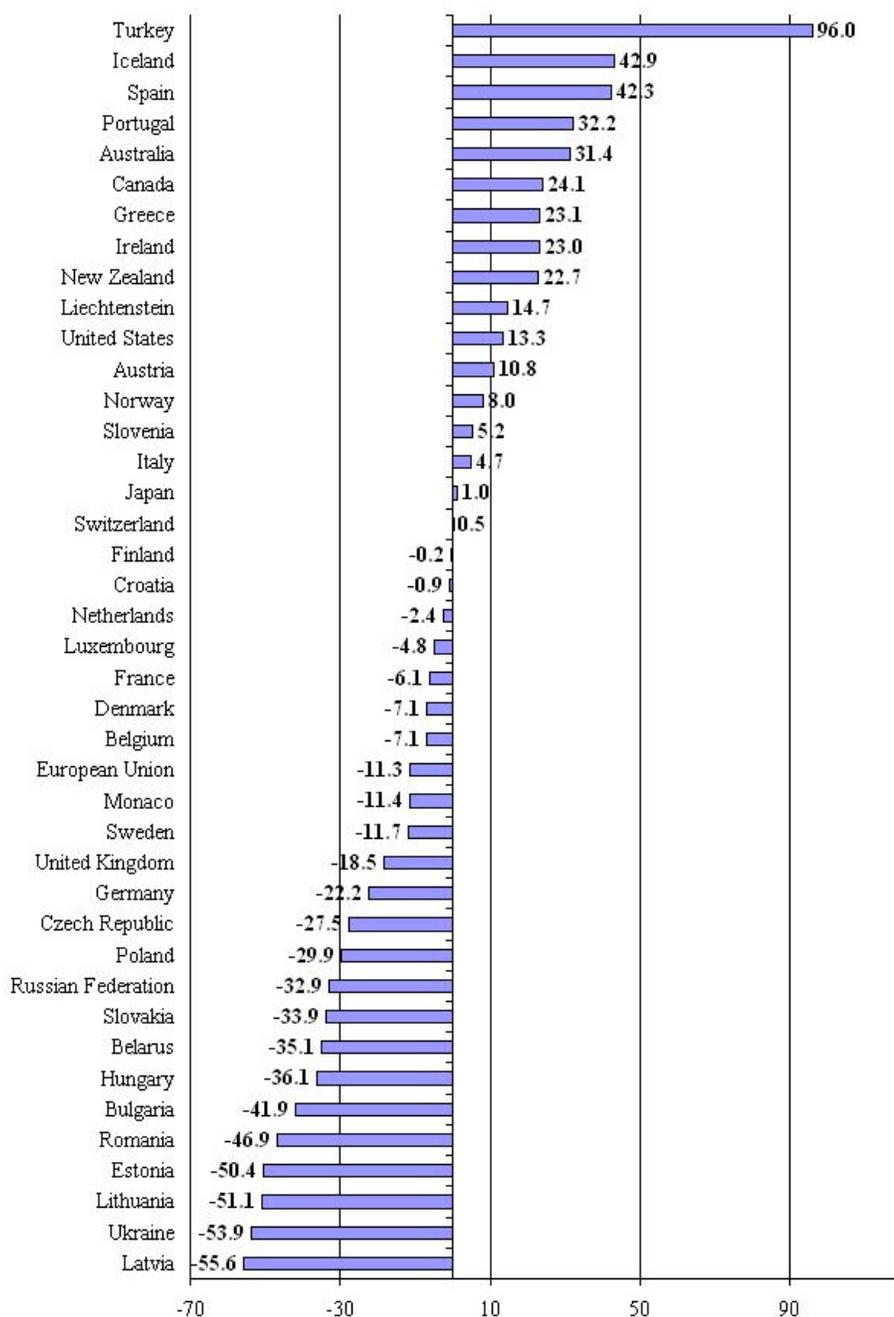
The current commitments under the Kyoto Protocol amount to only 5.2% of the overall reduction of greenhouse emissions from developed countries (Annex I countries) over a five-year period from 2008 to 2012. Moreover, only a few parties to the Kyoto Protocol are in a position to meet their current emissions reduction targets and some developed countries will considerably exceed those targets.

The chart below shows the UNFCCC's latest summary of national Annex I country inventories, covering the period 1990 to 2008.

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<sup>21</sup> [http://unfccc.int/kyoto\\_protocol/status\\_of\\_ratification/items/2613.php](http://unfccc.int/kyoto_protocol/status_of_ratification/items/2613.php)

**Changes in aggregate greenhouse gas emissions for Annex I Parties, 1990-2008, excluding LULUCF (%)**<sup>22</sup>



Of the Annex I Parties to Kyoto, six of the EU-15 (Germany, the UK, Finland, France, Sweden and Greece) are currently meeting or bettering their Kyoto targets, as is the EU-15 as a group, and nine other countries of the EU-27: Poland, Romania, Czech Republic, Bulgaria, Hungary, Slovak Republic, Lithuania, Latvia and Estonia. Outside the EU-27, only the Russian Federation and Ukraine are running ahead of their Kyoto targets. Critically, the United States, Canada and Australia are currently falling significantly short, with significant increases in their emissions.

As it currently stands, the Kyoto Protocol cannot generate the level of cuts in greenhouse emissions required to maintain a stable climate system. This is for several reasons:

<sup>22</sup> [http://unfccc.int/ghg\\_data/ghg\\_data\\_unfccc/items/4146.php](http://unfccc.int/ghg_data/ghg_data_unfccc/items/4146.php)

- only a small number of countries have emissions reduction commitments under the Protocol
- some countries with large greenhouse gas emissions are not parties to it – especially China, Indonesia, India, Brazil and Mexico
- the adopted 5.2% emissions reduction commitments are too low
- the failure by many Parties to meet the commitments to which they have agreed
- the United States (the world's second-biggest emitter) refused to ratify the Protocol and take on the emissions reduction target that it agreed to in 1997
- the Protocol does not cover all sources of greenhouse gases.

A new, more ambitious and comprehensive set of commitments is clearly needed.

### **Beyond Kyoto (1): enhanced national targets by Annex I Parties**

Spurred by Kyoto, a number of countries have set higher targets for greenhouse gas emissions reductions than are actually required by the Kyoto Protocol.

In 2008, for instance, the UK passed a Climate Change Act committing to an 80% reduction in emissions below 1990 levels by 2050. And in 2009, against an EU-15 Kyoto commitment of an 8% reduction on 1990 emissions levels by 2008-2012, the European Union voluntarily agreed a higher target of a 20% reduction in greenhouse gases by the EU-27 by 2020. A European Commission attempt in early 2011 to secure agreement by Member States to increase the EU-27's 2020 target from 20% cuts to 30% foundered when the Copenhagen talks failed to secure a commitment to progress beyond 2012. Nevertheless, in 2011 the European Commission adopted a *Roadmap for Moving to a Competitive Low Carbon Economy in 2050*, proposing an 80% to 95% reduction of greenhouse emissions by 2050 from a 1990 baseline, with interim emissions reduction targets of 40% by 2030 and 60% by 2040.<sup>23</sup>

Other higher national targets for 2020 (some of which are conditional on global agreement or, in the case of the USA and Canada, also on passing national legislation) include:

<b>Norway:</b>	30-40% cut on 1990 base
<b>Iceland:</b>	30% cut on 1990 base
<b>Switzerland:</b>	30% cut on 1990 base
<b>Japan:</b>	25% cut on 1990 base
<b>Australia:</b>	up to 25% cut on 2000 base
<b>Russian Federation:</b>	15-25% cut on 1990 base
<b>Ukraine:</b>	20% cut on 1990 base
<b>New Zealand:</b>	10-20% cut on 1990 base
<b>Canada:</b>	17% cut on 2005 base
<b>USA:</b>	17% cut on 2005 base

However, it should be noted that of the countries listed above, only Ukraine and Russia are currently reducing their emissions below their base years: in the absence of a legally-binding regime, it could be argued that some of the remaining countries are merely expressing aspirations against which they are not being held legally accountable as their emissions have grown.

### **Beyond Kyoto (2): actions by non-Annex I Parties**

While the Kyoto Protocol targets apply only to the 39 industrialised countries, plus the EU, non-Annex I Parties in the industrialising and developing worlds have begun to prepare for a regime in which they are specifically included.

To some extent, many non-Annex I countries are already participating in Kyoto through the Clean Development Mechanism, via the emissions-reduction investments in their countries by Annex I countries. Since the beginning of 2006, when the CDM became operational, it has already registered some 3,359 projects in South and Central America, Africa, India, China and Asia and is anticipated to produce Certified Emissions Reductions amounting to more than 2.7 billion tonnes of CO<sub>2</sub> equivalent in the first commitment period of the Kyoto Protocol, 2008-2012.<sup>24</sup>

<sup>23</sup> [http://ec.europa.eu/clima/documentation/roadmap/docs/com\\_2011\\_112\\_en.pdf](http://ec.europa.eu/clima/documentation/roadmap/docs/com_2011_112_en.pdf)

<sup>24</sup> <http://cdm.unfccc.int/Statistics/index.html>

The leading industrialising countries with significant emissions are China, Indonesia, India, Brazil and Mexico, who together accounted for 34% of global emission in 2005.<sup>25</sup> China, India, South Africa, and Brazil have already formulated national mitigation strategies in the context of development.

China, for instance, in 2008 adopted a short-term objective to reduce the energy intensity of its GDP unit by 20% from 2005 to 2010, and to increase the role of renewable sources of energy to 10% by 2010. In June 2009, China also announced its commitment to increase the role of renewable energy, particularly of wind and solar energy, in its energy portfolio to 20% by 2020. China has also set up targets for the reduction of nitrous oxide emissions and for a substantial increase in reforestation of land.

China has made it clear that it is fully supportive of developing an agreement that falls within the Kyoto Protocol. It has also made clear that it still defends the principle of common, but differentiated, responsibility, with developed countries taking responsibility for historic emissions. Indeed, Huang Huikang, the Chinese Foreign Ministry's Special Representative for Climate Change, recently said: "The key to success in climate negotiations was advanced economies leading with big emissions cuts and ensuring more aid and clean technology to help poorer nations." He went on to add: "These are unconditional and should not be linked to anything else."

A recent study by GLOBE International<sup>26</sup> identified a wide range of climate-related flagship legislation among 16 Annex I and non-Annex I countries and regions. A summary is reproduced at the end of this report in Annex 3.

### **Compliance and enforcement**

Compliance with the terms of the Kyoto Protocol was a critical element of the agreement. The Protocol established a Compliance Committee to enforce compliance among the Parties to their Kyoto commitments, but the details of the compliance mechanism were only proposed in Bonn (2001, COP 6) and formally agreed in Marrakech (2001, COP 7).

The Compliance Committee has two branches: the facilitative branch, which advises and supports Parties in order to promote compliance; and an enforcement branch, which is responsible for determining consequences for Parties not meeting their commitments. Under the agreed mechanism, if the enforcement branch of the Compliance Committee determines that an Annex I country is not in compliance with its emissions limitation, then that country is required to make up the shortfall, plus an additional 30%. In addition, that country will be suspended from making transfers under an emissions trading program.<sup>27</sup>

But in practice the agreed legal sanctions under the compliance mechanism are weak, since to issue an enforcement order requires a three-quarters majority among the ten enforcement branch members, including a majority among both Annex I and non-Annex I Party members.

However, while the Kyoto compliance mechanism is largely ineffective, some Parties have adopted more stringent and enforceable compliance mechanisms and penalties within their own domestic legal systems. For example, the Climate Change Act 2008 in the UK provides both a statutory duty on the Government to deliver and 80% reduction in greenhouse gas emissions by 2050 (on 1990 levels) and wide-ranging enforcement powers, including schemes for the levying of penalties.<sup>28</sup>

Also, the EU has adopted the Climate and Energy Package (CARE), which entered into force in June 2009 and covers all 27 Member States. The package illustrates the integrated approach of the EU and proposes binding legislation to implement what are known as "20-20-20 targets": 20% emission reduction; 20% EU energy consumption from renewable energies; and 20% reduction in primary energy use compared with projected level through energy efficiency improvement.

Hence, while compliance under the Kyoto Protocol itself is not sufficiently stringent, it could be argued that Kyoto has spurred individual nations to greater action than would have occurred without the Protocol.

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<sup>25</sup> MNP (2007), "[Greenhouse gas emissions of countries in 2005 and ranking of their per capita emissions](#)", Netherlands Environment Agency website.

<sup>26</sup> *GLOBE Climate Legislation Study*, GLOBE International, April 2011

<sup>27</sup> [http://unfccc.int/kyoto\\_protocol/compliance/items/3024.php](http://unfccc.int/kyoto_protocol/compliance/items/3024.php)

<sup>28</sup> <http://www.legislation.gov.uk/ukpga/2008/27/contents>

## Transparency

The transparency of performance of Annex I Parties against their Kyoto commitments is critical to holding them to account. Under Kyoto, countries' actual emissions have to be monitored and precise records kept of the trades carried out. Registry systems track and record transactions by Parties under the mechanisms.<sup>29</sup> The UN Climate Change Secretariat, based in Bonn, Germany, keeps an international transaction log to verify that transactions are consistent with the rules of the Protocol.

Among Annex I countries, Kyoto has brought about transparent accounting of greenhouse gas emissions, allowing policymakers, NGOs and the public to see clearly how industrialised countries are performing. However, this transparency only applied to Annex I countries, and one complaint (especially by the United States) has been that there has been no transparency in the emissions of developing and industrialising countries.

The 'Copenhagen Accord' sought to address this point by including emissions reduction pledges and transparency provisions for all major economies, not just industrialised countries. This will be an important element of any successor regime.

## Summary of negotiations between Parties since Copenhagen

Since the Copenhagen Conference, progress has been made on some issues, including:

### Objectives

The peak emissions level and an overall 2°C limit to temperature rises have been agreed.

### Emissions

Bringing details of what developed and developing countries are doing to tackle climate change, promised in Copenhagen, into the UN system, so that they can be assessed.

### Measurable, Reportable and Verifiable

A system has been agreed so that we know how countries are living up to their promises to take action on emissions.

### Long-term Finance

The Green Climate Fund has been established and is being made ready to help developing countries to adopt a low-carbon path and adapt to climate impacts.

### Deforestation

It has been agreed to slow, halt and reverse destruction of trees and to agree to rules for delivering this and for monitoring progress.

### Technology/Adaptation

The mechanisms have been set up to help developing countries to access low-carbon technology and adapt to climate change.

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<sup>29</sup> [http://unfccc.int/kyoto\\_protocol/registry\\_systems/items/2723.php](http://unfccc.int/kyoto_protocol/registry_systems/items/2723.php)



#### 4. Stop the Clock: an agenda for Durban

While policymakers and world leaders have failed to reach agreement on a successor regime to Kyoto from 2012, greenhouse gas emissions and the climate change impacts caused by them have continued to grow. As the IPCC's Fourth Assessment Report found in 2007, climate change is accelerating and its consequences – such as in terms of extreme weather events, glacial melting, rising sea levels, heat waves, heavy rain and flooding and cyclones – are worse and happening faster than previously thought.

More recently, the Arctic Council's latest *Snow, Water, Ice and Permafrost in the Arctic*<sup>30</sup> (SWIPA) assessment report found that Arctic sea ice is melting faster than was anticipated just five years ago, a finding supported by researchers from the Massachusetts Institute of Technology, who have claimed that Arctic sea ice is melting at four times the rate found by the IPCC report in 2007. In November 2011, the IPCC will also release a Special Report on *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*. By the time that policymakers reconvene in Durban, therefore, the body of evidence on climate change will be even more compelling.

##### Issues to be resolved for a new climate change agreement

If the Durban Conference is to make a serious effort to secure a global agreement on a post-2012 regime, then the issues it faces are broadly those that faced world leaders and policymakers in the run-up to Copenhagen in 2009. These are:

- **The scale of agreed greenhouse gas emissions reductions by 2020 and 2050:** ambitious targets are needed to mitigate climate change. If international emissions trading will be a key policy instrument for the next commitment period, the level of agreed greenhouse emission reductions will influence the potential benefit of large developing countries from the agreement – more ambitious targets will translate to more CDM projects and larger export volumes for green energy investments. Thus, ambitious commitments may increase the willingness of large developing countries to accept a mitigation role or commitments for themselves.
- **Burden sharing of mitigation:** developed countries will need to adopt the main burden of mitigating climate change and agree on burden sharing among them. The stronger the agreement on greenhouse gas emissions cuts, the more likely it is that some of the developing countries will agree on sharing the burden of mitigation.
- **Comprehensiveness and instrument choice:** deep cuts in greenhouse gas emissions demand broad coverage of emissions sources and moving to bunker fuels, international aviation, land use and land use change. But these new issues will demand new management strategies that will be difficult to agree on. Instrument choices will be important across issues, for example choices over explicit targets and trading versus regulatory, tax or softer approaches.
- **The length of agreed-upon commitment periods:** shorter periods may be politically easier to agree on but they do not create a basis for credible longer-term expectations. These would in turn be needed to stimulate technological change and investment in decarbonisation of economies, as well as to make carbon trading systems work appropriately.
- **Agreement on adaptation to climate change:** this is likely to be a key issue for an agreement on mitigation as well. All developing countries are going to be at the receiving end of climate change impacts and they – particularly the least-developed countries – are both vulnerable to climate change impacts and have limited capacity to adapt. They are likely to tie their participation in mitigation efforts and indeed possibly their agreement to any mitigation proposals to an agreement on governance and financing of adaptation.

But negotiators are very far from resolving these issues, and the “voluntarism with transparency” approach of the Copenhagen Accord cobbled together by the United States, China, India, Brazil and South Africa in order to forestall the securing of a binding agreement cannot be easily unravelled.

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<sup>30</sup> <http://amap.no/swipa/>

## **A post-2012 regime for the planet**

International co-operation has a critical role to play in any new climate change regime, post-2012. Co-operation must be boosted to provide the necessary capacity, technology and finance for developing countries, assisting them to adopt and implement low-carbon development strategies within an agreed timeframe.

These strategies should define a credible pathway to limit emissions through nationally-appropriate mitigation actions that cover all key emitting sectors, especially the power sector, transport, major energy-intensive industries, coal and nuclear sectors and, where significant, forests and agriculture.

The global effort to reduce greenhouse gas emissions would be considerably improved if a post-2012 Kyoto framework incorporated efficient mechanisms for finance and technology transfers.

A future agreement will follow the principles of the Kyoto Protocol, but will need to be essentially different in that it must apply universally, not just to the richer developed countries, with carbon emission targets specified for each country. An equitable and differentiated approach should give due recognition to a country's population, industrial development and poverty, with equality and social justice at the heart of a new global climate change agreement.

The credibility of the future global agreement will hinge on strong participation of major greenhouse gas emitters in the developing world, including China, India, Brazil and Mexico. To meet the 2°C objective, the IPCC reports indicate that developing countries will need to limit the rise in GHG emissions to 15-30% below baseline by 2020.

However, developing countries ought to have sufficient flexibility to make the transition to low-carbon growth at a rate consistent with their capabilities. The great diversity of situations, vulnerabilities and mitigation potentials among developing countries has to be recognised and taken into account in a new global agreement.

In summary, the key elements of a new climate change agreement should include the following elements:

- reduce world emissions by at least 50% by 2050 compared to 1990, which should be reflected in targets and in emissions trading
- set binding targets of 20% to 40% by 2020 and commit to a reduction of at least 80% by 2050 for all developed countries, which have to lead by example
- ensure transparency among industrialised and developing nations in national emissions inventories and trades
- reinforce the role of local and regional authorities in national action plans, setting strong partnership and empowering them with capacities and resources
- convincingly demonstrate that low-carbon growth is possible and affordable in developed countries, including sharing technologies and creating trading and other financing mechanisms with developing countries
- undertake nationally appropriate mitigation actions (NAMAs) in developing countries and commit to take on targets at the latest by 2020
- adopt national emission reductions and carbon trading schemes in developed countries, that are designed to integrate trading mechanisms with other countries, including with developing countries both before and after they adopt targets
- devise an effective international carbon trading regime with adequate incentives
- commit to research and development, demonstration and sharing of new technologies and disseminate existing technologies – for example developing and scaling up near-commercial technologies for wind power; solar water heating, biomass and biogas; carbon sequestration; creating breakthrough technologies, including advanced solar technologies and energy recovery from waste; making a financial commitment to feed-in tariffs for carbon capture and storage (CCS) for coal
- combat deforestation and include “avoided deforestation” in carbon trading

- conserve natural terrestrial, freshwater and marine ecosystems and restore degraded ecosystems, according to the overall goals of the UNFCCC
- apply ecosystem-based adaptation, which integrates the use of biodiversity and ecosystem services into an overall adaptation strategy and which can generate social, economic and cultural co-benefits and contribute to the conservation of biodiversity
- allocate overseas assistance to support development goals in a more hostile climate as a basic requirement of equity. Those new development goals need to break away from the current development model, which is based on the intensive use of hydrocarbons.

## Stop the Clock

Few people believe that the Durban Conference can resolve the many issues required to and reverse the voluntarism approach pushed by the United States and others at Copenhagen and secure a new climate change agreement with binding targets for developed and developing nations from 2012 onwards.

Without a new agreement, Kyoto will expire and with it the mechanisms, organisational structures and expertise that underpin the global effort towards emissions reductions.

The Parliamentary Assembly of the Council of Europe believes that Kyoto should not be allowed to expire without a new regime to replace it. If a new regime cannot be agreed, then Kyoto must continue until this occurs.

The Assembly believes that the only option that will keep the principles and spirit of Kyoto alive, provide a breathing space for negotiators to hammer out an agreement and give Parties the confidence to press ahead with their national emissions reduction efforts in the meantime is to **stop the clock on Kyoto**.

We propose that by stopping the clock, the Kyoto mechanisms, core principles and structures will not only not expire, but Parties will be able to continue to act as if Kyoto were still in force, with time being allowed for negotiations for a successor regime. This will encourage Parties to continue to work to reduce their own greenhouse gas emissions with the confidence that a new global regime of binding targets will be delivered against which their reductions will count, rather than to postpone domestic actions pending a new global agreement.

We also propose that a decision to stop the clock be reviewed in 2015, unless a successor regime is agreed before this time, at which point Kyoto will automatically expire and the new regime come into force.

We thus urge all world leaders to support this proposal, which we believe is the only way at this late stage that the achievements of Kyoto can be saved and the hope of a successor regime kept alive.



## Appendix 1

### Kyoto Protocol 2008-12 commitments by Annex I countries and their 1990 emissions levels

Country	Target (% of 1990)	(% of all Annex I country emissions)
Australia	108.0	2.1
Austria	87.0	0.4
Belarus	95.0	
Belgium	92.5	0.8
Bulgaria	92.0	0.6
Canada	94.0	3.33
Croatia	95.0	
Czech Republic	92.0	1.24
Denmark	79.0	0.4
Estonia	92.0	0.28
Finland	100.0	0.4
France	100.0	2.7
Germany	79.0	7.4
Greece	125.0	0.6
Hungary	94.0	0.52
Iceland	110.0	0.02
Ireland	113.0	0.2
Italy	93.5	3.1
Japan	94.0	8.55
Latvia	92.0	0.17
Lichtenstein	92.0	0.0015
Lithuania	92.0	
Luxemburg	72.0	0.1
Monaco	92.0	0.0015
Netherlands	94.0	1.2
New Zealand	100.0	0.19
Norway	101.0	0.26
Poland	94.0	3.02
Portugal	127.0	0.3
Romania	92.0	1.24
Russian Federation	100	17.4
Slovakia	92.0	0.42
Slovenia	92.0	
Spain	115.0	1.9
Sweden	104.0	0.4
Switzerland	92.0	0.32
Turkey	no target	
Ukraine	100.0	
United Kingdom	87.5	4.3
United States	94.0	36.1



## Appendix 2

### Status of the Kyoto Protocol to the United Nations Framework Convention on Climate Change in different countries

#### 1. List of the countries that have signed and ratified, with targets

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, EU-15 countries, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Switzerland, Sweden, Ukraine, United Kingdom

#### 2. List of the countries that have signed and ratified, with no targets

Antigua, Argentina, Bolivia, Brazil, Chile, China, Cook Islands, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Fiji, Guatemala, Honduras, Indonesia, Israel, Kazakhstan, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia, Nicaragua, Niger, Niue, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Republic of Korea, Saint Lucia, Saint Vincent & Grenadines, Samoa, Seychelles, Solomon Islands, Thailand, Trinidad & Tobago, Turkmenistan, Tuvalu, Uruguay, Uzbekistan, Vietnam, Zambia

#### 3. List of the countries that have signed but not ratified

United States of America.



## Appendix 3

### Flagship legislation on climate change identified in GLOBE International Study <sup>31</sup>

Country	Name of law	Main Purpose	Date Passed
Brazil	<i>National Policy on Climate Change (NPCC)</i>	The NPCC is based on Brazil's international commitment with the UNFCCC and incorporates all previous related government instruments (i.e. the National Plan on Climate Change, the National Fund on Climate Change and others).	2009
Canada	<i>Kyoto Protocol Implementation Act</i>	The purpose of the Act is to ensure that Canada takes effective and timely action to meet its obligations under the Kyoto Protocol.	2007
China	<i>National Climate Change Programme 2007</i>	<p>This programme focuses on five key areas:</p> <ul style="list-style-type: none"> <li>i) greenhouse gas mitigation;</li> <li>ii) adaptation;</li> <li>iii) science and technology;</li> <li>iv) public awareness; and</li> <li>v) institutions and mechanisms.</li> </ul> <p>Measures include strengthening the existing energy legal system, improving the national energy programme, implementing <i>the Renewable Energy Law</i>, promoting favourable conditions for renewable energy development and GHG mitigation, stimulating energy price reform, optimising the energy mix, and promoting innovation and efficiency improvements in various power generating technologies (renewable and non-renewable), including nuclear power.</p>	2007 (revised in 2008 and 2009)
European Union	<i>Climate and Energy Package (CARE)</i>	The core of the package comprises four pieces of complementary legislation: <ul style="list-style-type: none"> <li>i) revision and strengthening of the EU Emissions Trading Scheme (ETS);</li> <li>ii) effort sharing: reducing GHG emissions fairly, taking into account the relative wealth of the EU Member States;</li> <li>iii) a common framework for the production and promotion of energy from renewable sources; and</li> <li>iv) a legal framework for the environmentally safe geological storage of CO<sub>2</sub>.</li> </ul>	2008

<sup>31</sup> *GLOBE Climate Legislation Study*, GLOBE International, April 2011  
<http://www.globeinternational.info/wp-content/uploads/2011/04/GLOBE-CLIMATE-LEGISLATION-STUDY.pdf>

Country	Name of law	Main Purpose	Date Passed
France	<i>Grenelle I and II</i>	Grenelle laws include comprehensive policies on emissions targets, renewable energy, energy efficiency and research and development.	2009 and 2010
Germany	<i>Integrated Climate and Energy Programme</i>	This programme aims to cut greenhouse gas emissions by 40% from 1990 levels by 2020. The package focuses strongly on the building sector. The German Government approved a new climate package of measures in June 2008 that focuses on the transport and construction sectors.	2007 (updated 2008)
India	<i>National Action Plan on Climate Change (NAPCC)</i>	India's NAPCC outlines existing and future policies and programmes directed at climate change mitigation and adaptation. The plan sets out eight 'national missions' running up to 2017.	2008
Indonesia	<i>Presidential Regulation on the National Council for Climate Change (NCCC)</i>	The council coordinates climate change policy-making. It is composed of 17 Ministers and chaired by the President. The NCCC is assisted by the following working units: adaptation; mitigation; transfer-of-technology; funding; post-2012; and forestry and land use conversion.	2008
Italy	<i>Climate Change Action Plan (CCAP)</i>	Italy's CCAP is a comprehensive action plan to help Italy comply with GHG reduction targets under the Kyoto Protocol.	2007
Japan	<i>Law Concerning the Promotion of Measures to Cope with Global Warming</i>	This law establishes the Council of Ministers for Global Environmental Conservation; develops the Kyoto Achievement Plan; and stipulates the establishment and implementation of countermeasures by local governments.	1998 (amended 2005)
Mexico	<i>Inter-Secretariat Commission on Climate Change; Law for the Use of Renewable Energies and for the Finance of the Energy Transition (LUREFET)</i>	The commission is responsible for coordinating national policies for climate change mitigation and adaptation. LUREFET seeks to reduce Mexico's dependence on hydrocarbons by promoting renewable energy sources and clean technology for electricity generation. It also establishes the National Strategy for the Energy Transition and Sustainable Energy Use and the Energy Transition Fund.	2005 and 2008

Country	Name of law	Main Purpose	Date Passed
Russia	<i>Climate Doctrine</i>	The doctrine sets strategic guidelines for the development and implementation of future climate policy, covering issues related to climate change and its impacts. It focuses on the following areas: improving research to better understand the climate system and assess future impacts and risks; developing and implementing short- and long-term measures for mitigation and adaptation; and engagement with the international community.	2009
South Africa	<i>Vision, Strategic Direction and Framework for Climate Policy</i>	The policy is the basis of the draft 'Zero' <i>Climate Change Policy</i> , to be converted into law by 2012. The document results from a public consultation process with civil society and business and is based on the findings of the Long-Term Mitigation Scenario Process (LTMS) on Climate Change.  The policy proposes action in the following areas: (i) GHG emission reductions; (ii) Intensification of current initiatives; (iii) 'Business Unusual' call for action; (iv) Preparing for the future; (v) Vulnerability and adaptation; (vi) Alignment, coordination and cooperation among stakeholders.	2008
South Korea	<i>Framework Act on Low Carbon Green Growth</i>	This law creates the legislative framework for mid and long-term emissions reduction targets, cap-and-trade, carbon tax, carbon labelling, carbon disclosure, and the expansion of new and renewable energy.	2009
United Kingdom	<i>Climate Change Act</i>	The <i>Climate Change Act</i> provides a long-term framework for improving carbon management, promoting the transition to a low carbon economy, and encourages investment in low carbon goods. It includes specific emissions reduction targets (at least 80 per cent reduction from 1990 levels by 2050) and creates five-yearly carbon budgets.	2008

Country	Name of law	Main Purpose	Date Passed
United States of America	<u>No integrative federal climate change legislation.</u>  Most meaningful measures so far: <i>Executive Order 13514: Federal Leadership in Environmental, Energy and Economic Performance;</i> <i>American Recovery and Reinvestment Act.</i>	<i>Executive Order 13514</i> makes GHG emission management a priority for federal agencies and establishes reporting requirements with detailed targets and deadlines. The focus is on transportation, overall energy use and procurement policies. All federal agencies are required to develop, implement, and annually update a 'Strategic Sustainability Performance Plan' that prioritises agency actions based on life-cycle return on investment.  The <i>American Recovery and Reinvestment Act</i> authorises a stimulus package that supports new and existing renewable energy and energy efficiency programmes to the value of USD 18.6 billion.	2009

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<sup>32</sup> GLOBE International was founded in 1989 by legislators from the US Congress, European Parliament, Japanese Diet and the Russian State Duma with the mission to respond to urgent environmental challenges by coordinating national policy measures and through advancement of complimentary legislation.

