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UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

**AD HOC WORKING GROUP ON FURTHER COMMITMENTS
FOR ANNEX I PARTIES UNDER THE KYOTO PROTOCOL**

Eighth session

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Item 3 (a) and (b) of the provisional agenda

Consideration of further commitments for Annex I Parties under the Kyoto Protocol

Proposal for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9

**Proposals by Parties on issues outlined in the work programme of the Ad Hoc Working Group on
Further Commitments for Annex I Parties under the Kyoto Protocol**

**Further views and proposals relating to a proposal for amendments to the
Kyoto Protocol pursuant to its Article 3, paragraph 9, and a text on other
issues outlined in document FCCC/KP/AWG/2008/8**

Submissions from Parties

1. The Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), at its seventh session (FCCC/KP/AWG/2009/5, chapter V G), invited Parties to submit to the secretariat, by 24 April 2009, further views and proposals on matters relating to a request to its Chair to prepare for its eighth session:
 - (a) A proposal for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9;
 - (b) A text on other issues outlined in the report on its resumed sixth session.
2. The secretariat has received 17 such submissions. In accordance with the procedure for miscellaneous documents, these submissions are attached and reproduced* in the language in which they were received and without formal editing.

* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

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* This submission is supported by Serbia, the former Yugoslav Republic of Macedonia, and Turkey.

PAPER NO. 1: ARGENTINA

**Submission for the AWG-KP
April 2009**

At its seventh session held in Bonn, 29 March to 8 April 2009, the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) invited Parties to submit further views and proposals on matters relating to the request referred to in paragraph 4 (a) and (b) contained in document FCCC/KP/AWG/2009/L.5, for compilation into a miscellaneous document.

The Government of Argentina hereby submits its views to the AWG-KP.

Possible elements for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9.

Argentina considers that discussions regarding the amendment of Annex B of the Kyoto Protocol, which contains the quantified emissions reduction commitments for individual Annex I Parties, should be given high priority within the work being done by the Group. As contained in Article 3 paragraph 9 of Kyoto Protocol, commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex B to the Protocol. Therefore, we stress the AWG-KP's mandate based on article 3.9 and the need to focus on Annex I Parties' further commitments.

In this regard, and taking into account all scientific findings, in particular the IPCC's Fourth Assessment Report, we believe that Annex I Parties should collectively reduce their emissions by 45% from 1990 levels by 2020, and by more than 95% by 2050.

Possible improvements to emissions trading and the project-based mechanisms under the Kyoto Protocol

I. Clean development mechanism

Include co-benefits as criteria for the registration of project activities

Co-benefits as criteria for the registration of project activities should be introduced in the CDM, thus allowing the improvement of financial schemes needed to overcome the incremental costs involved in the development and implementation of project activities, enhancing technology transfer, strengthening human and institutional capacity, and enhancing aspects related to sustainable development, such as energy efficiency, biodiversity conservation, water management, and air pollution control.

The evaluation of the co-benefits requires the determination of indicators that should be as simple-to-calculate as possible to define fulfilment of the requirement; however, we consider essential that these indicators be determined and agreed by designated national authorities.

Co-benefits will also contribute to improve regional and sub-regional distribution of project activities by establishing common ground in the consideration of sustainable development criteria.

Introduce sectoral crediting of emission reductions below a previously established no-lose target

The programmatic CDM is a step forward to tackle issues that currently limit CDM potential for further growth. Much level of effort is required to define issues that are present under the existing project-by-project approach, inter alia, to define individual baselines, demonstrate additionality case-by-case, and to monitor and verify each individual project. Nevertheless, the effectiveness of the programmatic CDM remains to be proved.

Argentina believes that the goals of the Convention could be further served with the creation of a new carbon market mechanism, based on measurable, reportable and verifiable GHG reductions generated through national actions by developing countries in a no-lose target fashion (as described in FCCC/KP/AWG/2009/L.2, Section D), allowing these actions to be part of the nationally appropriate mitigation actions (NAMAs) previously elaborated or to be elaborated in the future.

For the new approach the AWG-KP should further develop: a) baselines established, in a country by country basis, for the economic sectors or sub-sectors to be incorporated in the mechanism; b) additionality criteria based on common practices also defined for the economic sectors or sub-sectors in a country by country basis; and c) statistically-based monitoring and verification plans together with monitoring based on GHG inventories of the sectors or sub-sectors involved. Both baselines and additionality criteria should be periodically reviewed and updated according to the evolution of national circumstances.

Argentina believes that such an approach that is tailored to national sector-specific needs and priorities as well as GHG mitigation contribution provides the appropriate platform to scale up private sector funding and investment in developing countries, thus promoting climate solutions in the context of sustainable development. This approach can, in concert with public sector financing from developed countries, further assist in achieving the massive levels of financing and technology transfer necessary to address climate change in a measurable, reportable and verifiable manner.

Introduce multiplication factors to increase or decrease the certified emission reductions issued for specific project activity types

Argentina highlights the need to establish a mechanism within the new market mechanism to improve the project activity distribution in terms of type of GHG and technology employed. This mechanism should be established to avoid market biases, such as those that have arisen in the current CDM in relation to activities that mitigate gases different from carbon dioxide.

We support the proposed use of multiplication factors to increase or decrease the certified emission reductions issued for specific project activity types, in particular we favour the Option B2 given in document FCCC/KP/AWG/2009/L.2, paragraph 48, although much discussion is needed to define the criteria to determine the multiplication factors.

Extend the share of proceeds

We believe that the funds available in the Adaptation Fund should aim to cover all financial needs for developing countries to adapt to the adverse impacts of climate change. In this context, Argentina strongly supports to extend the share of proceeds to the JI and ETS mechanisms, as additional funding to the funds available as share of proceeds of the CDM. We believe that this will result in a rapid and effective way to increase the funds that are urgently needed. The flexible mechanisms are one financial instrument that we can agree to now, which will enable building trust among Parties and can help with immediate adaptation activities, especially those related to observation systems, information collection, capacity building and institutional capacity that prepare countries for the greater adaptation work ahead.

Argentina proposes to review extending the share of proceeds to JI and ETS mechanisms and explore additional and innovative mechanisms to drive developed countries to greatly increase their contribution to the Adaptation Fund according to their historic and current responsibilities and national capabilities.

Introduce a different supervisory structure and institutional arrangement in case of modification of the scope of the clean development mechanism

For the new approach proposed for the carbon market mechanism, Argentina deems necessary a supervisory structure different from the current CDM Executive Board. We believe that it is necessary to strengthen what was agreed in Poznan, Decision -/CMP.4 Further guidance relating to the clean development mechanism, Section II. Governance.

In our view, it is necessary that the new market mechanism be regulated by a high-level body that deals with strategic issues such as:

- establishing guidelines to ensure equitable regional distribution of the mitigation activities and associated financial flows,
- developing and proposing indicators necessary to measure development and transfer of technology as well as other co-benefits that may contribute to sustainable development of mitigation actions,
- avoiding market biases that favour certain activities,
- addressing environmental integrity issues with global impacts

This high-level body could also solve disputes and controversies that may arise regarding eligibility of mitigation actions, among other issues. This body should have a regional representation as other similar bodies under the UNFCCC.

The high-level body should be supported by technical panels integrated by full-time experts from different fields to deal with issues such as country specific sectoral baselines, common practices and benchmarks, GHG inventories, monitoring and verification plans, registration of mitigation activities and actions, issuance of credits, etc.

Economical and social consequences, including spillover effects of tools, policies, measures and methodologies available to Annex I Parties.

Recalling article 4, paragraphs 8 and 10, of the Convention and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol, which provide a legal basis for the discussion on ways to minimize adverse social, environmental and economic impacts on developing country Parties, Argentina considers that possible economical and social consequences for developing countries that arise from the application of mitigation policies and measures implemented by Annex I Parties should be thoroughly assessed. In particular, measures that are classified as domestic measures by developed countries and have distorting effects on international trade should be avoided.

In this context, to evaluate possible negative consequences, we should highlight the concept of sustainable development as well as those factors that are particular from each developing country. The classification of categories of measures should be based on negative consequences, to identify then measures that cause those consequences, and finally the treatment of negative consequences.

Legal matters arising from the mandate of the AWG-KP

Submission to the AWG-KP

April 2009

This submission responds to the invitation to Parties to submit further views and proposals on legal matters arising from the mandate of the AWG-KP. It presents Australia's views on some legal aspects of a second commitment period in the context of the Kyoto Protocol.

This submission process under the AWG-KP is an important step in the Parties' development of the post-2012 outcome. A comprehensive and effective post-2012 outcome will represent the combined output of both AWGs. To this end, this submission should be read in conjunction with Australia's submission to the AWG-LCA on schedules in a post-2012 treaty.

In accordance with the AWG-KP's invitation to Parties, Australia's submission is framed in the context of possible amendments to the Kyoto Protocol and related decision text. This does not necessarily reflect Australia's final preference with regard to the legal form of the post-2012 outcome.¹

As illustrated by Australia's earlier legal submission, a single new protocol that unifies action under the Convention and builds on the relevant provisions of the Kyoto Protocol has practical advantages in terms of operational efficiency, legal certainty and simplicity. Australia therefore intends to revisit this, and other possible legal forms, as a means of providing the most effective legal structure for the post-2012 outcome.

Consideration of amendments to the Kyoto Protocol and its Annexes pursuant to Article 3, paragraph 9 and the issues outlined under document FCCC/KP/AWG/2008/8, paragraph 49 are not divisible and must be considered as a package. As such, this submission presents Australia's views across the two elements.

The text of the AWG-KP Chair, based on the submissions of Australia and other Parties, will be an important input into the AWG-KP's work, noting that any amendment for a second commitment period must accord with Articles 20 and 21 of the Kyoto Protocol.

In addition, there are a number of other areas where Australia may seek amendment to the Protocol. These include, but are not limited to:

- amendments to reflect the outcome of the shared vision negotiations under the AWG-LCA track;
- provisions to address the possible provisional application of elements of the amendments prior to their entry into force; and
- means for ensuring that commitments of individual Parties that have agreed to fulfil their commitments jointly under Article 3 are adequately captured in the revised Annex B.

¹ Recalling Australia's submission on two possible legal options for a post-2012 outcome in FCCC/AWGLCA/2008/Misc.5/Add.2 (Part I) / FCCC/KP/AWG/2009/MISC.6.Add.2

Australia will make further submissions and proposals on these issues, and others during the course of the negotiations.

Views on possible elements for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9

Annex B

Encapsulating commitments for a second commitment period within the current Annex B, is preferable to establishing a new Annex. Retaining those QELROs applicable to the first commitment period will be important both for compliance purposes, and for enabling an easy comparison of effort across commitment periods. We note the difficulties associated with establishing a new Annex, given the Article 21(1) limitations relating to the nature of Annexes that can be adopted.

The new column or columns, as required, in Annex B could express commitments in absolute terms, as well as in the established percentage of a base year form. For transparency, and to assist comparability, there is value in reflecting commitments in the form of percentage reductions against a series of base years. We do not yet have a position on the particular base years that could be captured in the Annex. There may also be value in adding a column comparing second commitment period QELROs with those under the first commitment period.

There should not be additional columns defining commitments for multiple future commitment periods. While the negotiation of a second commitment period can be enhanced by consideration of mid-term and long-term emissions pathways and goals, it is not appropriate to specify these pathways and goals in the form of legally-binding commitments. Future commitments will need to be informed, inter alia, by scientific developments and broader evolution of the UNFCCC system. Seeking agreement to multiple commitment periods now would weaken the flexibility required to address these issues.

The possibility for both emissions "limitations" and "reductions" under the second commitment period should be retained. While most Parties, including Australia, will undertake commitments that amount to reductions rather than growth targets, there may be the need to consider positive growth targets for new Parties that elect to take on commitments.

Article 3, paragraph 1

Given the linkages to discussions in the AWG-LCA, the possible scope of the aggregate emissions reduction target should not, at this point, be limited. In addition, discussions relating to the length of the commitment period will depend on outcomes in the AWG-LCA. We would therefore support an Article 3(1) bis which included the following text:

"The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in the [appropriate column] of the table included in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least [X] per cent below [Y] levels in the commitment period 2013 to [V]."

There should not be criteria for establishing commitments in the context of Article 3(1). While the use of various indicators provides guidance in relation to the negotiation of individual QELROs, and is useful to assess and promote comparability of effort between Parties, it would not be possible to capture the full scope of potential indicators in the legal text. In addition, it would not reflect the suitability of their application according to differing national circumstances. As is currently the case, substantive legal obligations should attach only to the commitments (i.e. the numbers themselves), not the variety of indicators that inform negotiations on these targets.

The proposed new Article 3(1) ter of the Kyoto Protocol is welcome, given the need to limit the entry into force of individual QELROs until certain conditions have been met. In addition to the proposed consideration of a trigger relating to a percentage of carbon emissions covered, additional triggers may also need to be considered, including ratification by a minimum number of Annex I Parties and linkages with the AWG-LCA outcome. As outlined in our “treaty outline” submission², the outcomes of the AWG-KP and AWG-LCA must be considered as a package.

We therefore suggest inclusion of the following language:

“The quantified emission limitation or reduction commitments and [...] for the period [...] inscribed in [...] shall only apply once [*specified conditions have been met, e.g. a percentage of certain CO₂ emissions are covered, a **minimum number of Annex I Parties have accepted the amendment, and links to the entry into force of the LCA outcome have been satisfied***].”

Treatment of the land sector

To more fully realise the mitigation potential of the land sector, changes to the existing treatment of the sector under the Kyoto Protocol are necessary.

As the Convention pursues its objective of mitigating climate change by addressing all anthropogenic emissions by sources and removals by sinks, the first element of the revised treatment of the land sector would focus accounting exclusively on anthropogenic emissions and removals of greenhouse gases. This would involve CMP decisions implementing solutions to the issues of natural disturbance and inter-annual variability. Australia’s March 2009 LULUCF submission to the AWG-KP and AWG-LCA provides possible decision text on these issues, using decision 16/CMP.1 as a basis³.

The second element of the revised treatment of the land sector would be to remove unnecessary disparity in approaches to accounting for land sector activities. Irrespective of whether activities are accounted on a voluntary or mandatory basis, a consistent approach should be taken to how emissions and removals from these activities are incorporated into Parties’ QELROs.

This element of the revised treatment could be captured in an Article 3(4) bis that consolidated all activities currently contained in Articles 3(3) and 3(4), and/or through revisions to Annex A. Article 3(3) and 3(4) would need to be retained in their existing form for the purposes of assessing compliance in the first commitment period, with the exception of the amendment

² FCCC/AWGLCA/2008/Misc.5/Add.2 (Part I) / FCCC/KP/AWG/2009/MISC.6.Add.2

³ <http://unfccc.int/resource/docs/2009/awg7/eng/misc05.pdf>

proposed to Article 3(4) below. The text contained in decision 16/CMP/1 concerning the approach to accounting for emissions and removals from Article 3(4) elected activities would also need to be revised for the purposes of the second commitment period.

The third element of the revised treatment would be to agree on the categories for land sector reporting post-2012. Australia's preference is that Parties would transition from the existing Article 3(3) and 3(4) activity-triggered approach to an approach based on the Convention's land-use categories. An approach based on the Convention's land-use categories would significantly improve the Parties' ability to effectively address the land sector, providing a comprehensive framework and enhanced capacity for comparing the land use accounts of all Parties that undertake mitigation commitments.

Without prejudice to discussions on the length of the second commitment period, the transition to accounting on the basis of the Convention's land-use categories should be achieved as soon as possible, ideally in time for the commencement of the third commitment period. A CMP decision would be required to determine the modalities and procedures for Parties' transition to that approach.

The revised treatment of the land sector should also include further CMP decisions to consider new elements such as an improved treatment for harvested wood products.

As mentioned above, Article 3(4) will require amendment for the purposes of the second commitment period. Specifically, for the second commitment period, the third sentence of Article 3(4) will need to be amended to provide a clear basis for the application of the CMP decisions proposed in this section. The amendment would make provision for the preservation of the decision on modalities, rules and guidelines referred to in that paragraph, to the extent agreed by the Parties. It would also make provision for the adoption of an additional decision or set of decisions to guide treatment of the land sector in the second commitment period.

As indicated in the section below under "Estimation methodologies", the methodologies applicable to the second commitment period must support the policy framework agreed by the Parties for the reporting of emissions and removals in that commitment period. Consequently, the 2006 IPCC Guidelines will need to be reviewed in light of the post-2012 accounting framework agreed by the Parties for the land sector. In particular, Parties will need to review and update the construct of 'managed lands' in LULUCF accounting to ensure consistency with the treatment of non-anthropogenic emissions and removals. Revision of the 2003 IPCC Good Practice Guidance for LULUCF would also be required to address that document's reference to the construct.

Article 3, paragraph 7

There may be practical barriers to using an absolute target (expressed in Gg CO₂ equivalent) as their legally-binding obligation. While there is benefit in including this for comparative purposes, there may be difficulties calculating an absolute target at the time of conclusion of the post-2012 outcome. For example new gases might be added for which verified baseline data may not yet be available.

Similarly, Parties that have not previously had commitments under Annex B might not be in a position to have baselines verified at the time commitments are inscribed. For this reason, it will be important to retain the current framework for calculating assigned amounts on the basis of percentage reductions from a base year.

The second sentence in Article 3(7), pertaining to the treatment of deforestation, should be retained.

Article 3, paragraph 8 bis

As indicated in the next section under the heading “The coverage of greenhouse gases, sector and source categories”, Australia proposes broadening the Protocol’s coverage of greenhouse gases to include nitrogen trifluoride (NF₃) and each of the hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) contained in table 2.14 of the errata of the IPCC Fourth Assessment Report of Working Group I⁴. Article 3 will therefore need to specify the base year for those gases that Parties may use to calculate their mitigation commitment. The text could either be added to the existing text of Article 3(8), or form a new Article 3(8) bis.

Article 3, paragraph 9

Given that the commitments of Annex I Parties are inextricably linked to the outcomes under the AWG-LCA, amendments to Article 3(9) will need to avoid prejudging the form of subsequent commitment periods. Nonetheless there is benefit in retaining a trigger time point for consideration of further commitments. We therefore propose the following language to replace the whole of Article 3(9):

“The Conference of the Parties serving as the Meeting of the Parties to this Protocol shall initiate the consideration of a subsequent commitment period at least [x] years before the end of the current commitment period”.

Article 3, paragraph 10 and 11

Discussions on mitigation commitments and actions for developing countries and non-Kyoto Parties are occurring in the AWG-LCA. Without prejudice to the outcome of these discussions, any units assigned to Parties under the AWG-LCA should be available to Annex I Parties to meet their commitments. Amendments to Article 3 paragraphs 10 and 11 may be necessary to enable the addition or subtraction of such units to the assigned amount of an acquiring or transferring Annex I Party.

Article 3, paragraph 12 bis

The emerging policy discussion in the AWG-LCA on a new REDD market mechanism is welcome. Further proposals from Parties on this issue are also welcome. Without prejudice to these discussions, should the AWG-LCA outcome include establishment of such a mechanism, whereby credits from that mechanism could be acquired by Parties to fulfil their mitigation commitments under the Kyoto Protocol, the following additional paragraph 12 bis may be required in Article 3:

“Any [name of REDD market mechanism credit] which a Party acquires from another Party in accordance with the provisions of Article 17 shall be added to the assigned amount for the acquiring Party.”

In the following section of this submission (“Sectoral crediting of emission reductions below a previously established no-lose target”), Australia proposes the establishment of a sectoral crediting mechanism. Parties could acquire credits generated by this mechanism to fulfil their

⁴ <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-errata.pdf>

mitigation commitments under Article 3. To operationalise this facility, the following additional paragraph 12 ter may be required in Article 3:

“Any [name of credits generated under Article XX] which a Party acquires from another Party in accordance with the provisions of Article [XX] shall be added to the assigned amount for the acquiring Party.”

Article 7, paragraph 4 and 4 bis

Should the AWG-KP and AWG-LCA outcomes establish new mechanisms that generate credits that could be acquired by Parties to fulfil their mitigation commitments under the Kyoto Protocol, guidance would be required on the accounting of these credits vis a vis Parties' assigned amounts.

The existing CMP decision on modalities for the accounting of assigned amounts is adopted pursuant to Article 7, paragraph 4, of the Protocol⁵. This approach could be followed to provide for the adoption of additional modalities to accommodate the credits generated under the new mechanisms in the second commitment period.

For clarity, the last sentence of Article 7(4) should be amended to add the words “for that commitment period”, such that the paragraph would read:

“The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the preparation of the information required under this Article, taking into account guidelines for the preparation of national communications by Parties included in Annex I adopted by the Conference of the Parties. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall also, prior to the first commitment period, decide upon modalities for the accounting of assigned amounts for that commitment period.”

In addition, a paragraph 4 bis to Article 7 should be added as follows:

“The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, prior to the second commitment period, decide upon modalities for the accounting of assigned amounts for that commitment period.”

Article 21, paragraph [5][7bis]

As noted under the heading “Annex B” above, encapsulating the second commitment period mitigation commitments within the current Annex B, is preferable to establishing a new Annex C. There are difficulties associated with establishing a new Annex of such a substantive nature, given the Article 21(1) limitations relating to the nature of Annexes that can be adopted.

With regard to the procedure for amending Annex B, the existing procedure under Article 21(7) as it relates to inscribing commitments arising out of the Article 3(9) process should be retained. Amendment of this procedure, as it relates to situations where a Party seeks inscription of a mitigation commitment in Annex B with respect to itself during a commitment period, is discussed below under the heading “Simplification of procedures for inscribing commitments in Annex B”.

⁵ Decision 13/CMP.1

Entry into force

Amendments to the Kyoto Protocol and its Annexes must be made in accordance with Articles 20 and 21(7) respectively. In particular, amendments to Annex B must not be made without the written consent of the Party concerned.

Views on possible elements of a text relating to issues outlined in document FCCC/KP/AWG/2008/8, paragraph 49

As already noted, consideration of amendments to the Kyoto Protocol and its Annexes pursuant to Article 3(9) is intrinsically linked to discussions on the elements outlined in paragraph 49 of document FCCC/KP/AWG/2008/8. Several of these have been addressed in the context of the above; further views are submitted below.

Improvements to emissions trading and the project-based mechanisms⁶

Land use, land-use change and forestry (LULUCF) activities

Modalities and procedures for including a broader range of LULUCF activities in the Clean Development Mechanism (CDM) should be developed through CMP decisions. These decisions will affect the ability of Annex I Parties to meet their Kyoto Protocol commitments and should therefore be taken in conjunction with the adoption of amendments to the Kyoto Protocol.

Carbon dioxide capture and storage (CCS)

Carbon dioxide capture and storage is not currently excluded from the CDM. It should remain the prerogative of host Parties to determine which projects/technologies are appropriate for areas within their jurisdiction. Provisions (both treaty text and CMP decisions) should therefore be technology-neutral and not prescribe or proscribe particular technologies.

Parameters for modalities and procedures to govern CCS activities in the CDM should be developed through CMP decisions. As this decision could have significant implications for the ability of Annex I Parties to meet their Kyoto Protocol obligations, it should be taken in conjunction with the adoption of amendments to the Kyoto Protocol.

Sectoral crediting of emission reductions below a previously established no-lose target

The development of a sectoral crediting mechanism, which credits emission reductions below a previously established no-lose target, has the potential to increase the scope of the market to finance mitigation activities in developing countries.

Mitigation commitments and actions for developing country Parties are being discussed in the AWG-LCA. Without prejudice to these discussions, should developing country Parties choose

⁶ Discussion of mitigation commitments and actions for non-Annex I Parties and non-Kyoto Parties is taking place in the AWG-LCA. Access to market mechanisms will be an important means of supporting these commitments and actions, regardless of the forum in which the mechanisms are developed. Given the inter-linkages between mitigation commitments and mechanisms, mechanisms should also be discussed in the AWG-LCA.

to adopt sectoral no-lose targets as part of their suite of mitigation commitments and actions, they should be able to support such commitments and actions through access to a sectoral crediting mechanism. Provisions will be required to give eligible developing country Parties access to a sectoral crediting mechanism.

Provisions will need to be made for the governance of a sectoral crediting mechanism and decision text may be needed to specify eligibility criteria for participation in the mechanism, including specific MRV requirements.

Provisions would be required to avoid double-counting CERs generated from CDM activities and credits generated by a sectoral crediting mechanism. This should include specifying that the quantity of CERs issued on the basis of the existing CDM activities (ie. approved prior to the establishment of a sectoral no-lose target) in a sector covered by a no-lose target shall be deducted from the quantity of credits to be generated by a sectoral crediting mechanism. An amendment to Article 12 may also be required to specify that new project-by-project CDM activities are not eligible in sectors covered by a no-lose target or sectoral target (see below "Emissions trading").

Crediting on the basis of nationally appropriate mitigation actions

In cases where the emissions reductions generated from nationally appropriate mitigation actions (NAMAs) can be accurately quantified, crediting may provide a means of financing mitigation commitments and actions by developing countries. In cases where the emissions reductions flowing from a NAMA cannot be accurately quantified, crediting risks undermining the environmental integrity of the carbon market. In such cases, other financing tools should be used in preference to crediting. Should Parties adopt crediting on the basis of NAMAs that can be accurately quantified, new provisions additional to those discussed above in relation to a sectoral crediting mechanism would be required.

Emissions trading

Mitigation commitments and actions for developing country Parties are being discussed in the AWG-LCA. Without prejudice to these discussions, developing country Parties that chose to adopt a strict sectoral target as part of their suite of mitigation commitments and actions should be granted support and flexibility in meeting these commitments through access to emissions trading.

An amendment to Article 17 would be required to enable emissions trading based on strict sectoral targets. The CMP may also need to adopt decisions on the modalities and guidelines to support sectoral emissions trading.

The following paragraph could be added to an amended Article 17:

“The Parties not included in Annex B may participate in emissions trading for the purpose of fulfilling their sectoral obligations inscribed in [X]. Any such trading shall be supplemental to domestic actions for the purpose of meeting sectoral obligations under [X].”

As noted above, the emerging policy discussion in the AWG-LCA on a new REDD market mechanism is welcome. Further proposals from Parties on this issue are also welcome. Without prejudice to these discussions, should the AWG-LCA outcome include establishment of such a mechanism, whereby credits from the mechanism could be acquired by Parties to fulfil

their mitigation commitments under the Kyoto Protocol, the CMP may need to adopt decisions on the modalities and guidelines for the trade of such credits under Article 17.

The coverage of greenhouse gases, sector and source categories

Greenhouse gases

As noted above, the Protocol's coverage of greenhouse gases should be broadened to include nitrogen trifluoride and each of the HFCs and PFCs contained in table 2.14 of the errata of the IPCC Fourth Assessment Report of Working Group I⁷. To promote clarity, each of the gases should be listed individually, along with their common name and chemical formula.

These changes could be captured through amendment of Annex A, distinguishing the new gases applicable to the second commitment period in footnotes. The amended Annex A would read as contained in Attachment A.

Gases additional to those mentioned above could be considered, should new information warranting their inclusion be made available to Parties sufficiently prior to the conclusion of negotiations.

Sectors/source categories

The Protocol's coverage of sectors/source categories, as contained in Annex A, may need to be changed to reflect the outcome of negotiations on the treatment of the land sector. As indicated above, these changes could be reflected through amendment of Annex A, indicating the commitment period to which each sector/source category is applicable in footnotes.

A decision of the CMP would also be required to request the revision of guidelines for reporting under the Convention and the Kyoto Protocol to incorporate the new greenhouse gases and, if necessary, the revised list of sector/source categories.

Common metrics

Global Warming Potentials (GWP) should be used to calculate the carbon dioxide equivalence of anthropogenic emissions and removals of the gases covered by the Protocol in the second commitment period (listed in the amended Annex A – see above). The GWP of each gas would be that accepted by the Intergovernmental Panel on Climate Change (IPCC), based on the effects of greenhouse gases over a 100-year time horizon, and agreed by the Parties. Those GWP so agreed would be used to determine fulfilment of mitigation commitments for the second commitment period.

The GWPs applicable to mitigation commitments in the second commitment period should be those provided in table 2.14 of the errata of the IPCC Fourth Assessment Report of Working Group I based on the effects of the greenhouse gases listed in the amended Annex A over a 100-year time horizon.

Article 5(3), of the Protocol should be retained in its existing form, applying mutatis mutandis to the new gases. In order to apply the above mentioned GWPs to the second commitment period, Article 5(3), requires a decision of the CMP prior to the adoption of the mitigation commitments for the second commitment period. That decision could also allow Parties, for

⁷ <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-errata.pdf>

information purposes only, to use another time horizon, as provided in the Fourth Assessment Report.

A decision of the CMP would also be required to request the revision of guidelines for reporting under the Convention and the Kyoto Protocol to incorporate the new GWPs.

Article 2, paragraph 2, of the Kyoto Protocol

Given the global and integrated nature of the international aviation and maritime sectors, Australia strongly supports a sectoral approach that is effective, equitable and non-discriminatory to address emissions from these sectors. We do not support the proposed amendments to Article 2(2) and Annex A which would include aviation and marine bunker fuels as part of Article 3 commitments. In the context of the UNFCCC, international aviation and maritime emissions should be addressed under the AWG-LCA.

Estimation methodologies

The methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol should be agreed by the CMP, based on the work of the IPCC and the advice of the SBSTA. The methodologies applicable to the second commitment period must support the policy framework agreed by the Parties for the reporting of emissions and removals in that commitment period. Consequently, the Parties' deliberations on the post-2012 accounting framework must be concluded before the CMP can agree the methodologies applicable to the second commitment period.

In the event that there is sufficient time to conclude guidelines appropriate to the Parties' agreement on the post-2012 accounting framework, no change to Article 5(2) of the Protocol would be required.

Given the time required to finalise appropriate guidelines in light of the post-2012 accounting framework, the Parties may wish to agree the methodologies applicable to the second commitment period after the conclusion of the post-2012 outcome. This could be accommodated through amendments to the Protocol. The amendments would specify the CMP session at which the CMP must adopt a decision on the methodologies applicable to the second commitment period, bearing in mind the time required to complete an effective review of the Guidelines.

Article 5(2), would be amended to replace the last sentence of that paragraph as follows:

“Any revision to methodologies or adjustments shall not be used for the purposes of ascertaining compliance with commitments under Article 3 in respect of the first commitment period, but may be used by Parties on a voluntary basis, for the purpose of reporting in the first commitment period.”

The following paragraph would be inserted after paragraph 2 of Article 5:

“For the second commitment period, methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol shall be those agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its [XX] session, based on the work of, inter alia, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice. Where such methodologies are not used, appropriate

adjustments shall be applied according to methodologies agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its [XX] session. Based on the work of, inter alia, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise such methodologies and adjustments, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to methodologies or adjustments shall be used only for the purposes of ascertaining compliance with commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.”

A CMP decision would be required to request the revision of guidelines for reporting under the Convention and the Kyoto Protocol to incorporate the new methodologies. A further CMP decision may be required to revisit the CMP’s existing approach to the adjustment of Parties’ inventory data, and the methodologies for such adjustments.

Simplification of procedures for inscribing commitments in Annex B

The experience of Belarus illustrates that the existing procedure under the Protocol for inscribing commitments for Parties in Annex B can result in serious delay when the procedure is applied during the course of a commitment period, rather than in relation to future commitment periods pursuant to Article 3(9). Such delay has the potential to discourage countries willing to take on mitigation commitments and thereby reduce mitigation action. A better balance between reducing the time for the entry into force of an amendment to Annex B, and accommodating Parties’ different domestic treaty action arrangements should be sought.

Such an outcome could be achieved by amending the existing procedure under Article 21(7). The amendment would establish an additional procedure for the inscription of a QELRO in Annex B. The new procedure would only apply to situations where a Party seeks inscription of a mitigation commitment in Annex B with respect to itself in the commitment period in which the amendment is proposed for adoption. The proposal would not apply to the amendment of Annex A, or amendments relating to future commitment periods pursuant to Article 3(9).

Privileges and immunities for persons serving on bodies constituted under the Kyoto Protocol

The Subsidiary Body for Implementation will consider at its thirtieth session views submitted by Parties on this issue, with a view to elaborating draft treaty arrangements. Australia’s preliminary views are outlined below.

Australia shares other Parties’ concerns with the limited immunities accessible to persons serving on Kyoto Protocol bodies, particularly immunity from legal action. The threat of legal action can undermine the Protocol’s operation by hindering qualified participation and the ability of persons on the constituted bodies to properly discharge their duties. Grounds to warrant conferral of privileges on persons serving on constituted bodies have not been identified to date.

The Protocol should be amended to accommodate provisions that would assert the objective of securing participation by the most qualified persons and the ability of such persons to discharge their official duties in a professional and conscientious manner.

The provisions should confer immunities on persons serving as members and alternates of bodies constituted under the Kyoto Protocol (“constituted bodies”). “Constituted bodies” would mean the Executive Board of the Clean Development Mechanism, the Joint Implementation

Supervisory Committee, the Compliance Committee, the Adaptation Fund Board, and Expert Review Teams established under Article 8 of the Protocol. This list may need to be expanded to accommodate new bodies agreed as part of the AWG-KP outcome.

The provisions should confer on persons serving on constituted bodies immunity from suit and from other legal process in respect of acts and things done in serving on the bodies, participating in their work or performing missions for the bodies. The immunity should continue to be accorded notwithstanding that the persons are no longer members or alternate members of the constituted bodies. The provisions should also confer the immunity of the inviolability of the persons' papers and documents.

Furthermore, provisions should confer on the Executive Secretary of the Secretariat to the Protocol the right and the duty to waive the immunity of any person serving on a constituted body in any case where, in his/her opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of the Protocol.

ANNEX A

Greenhouse gases

Common name	Chemical formula
Carbon dioxide	CO ₂
Methane	CH ₄
Nitrous Oxide	N ₂ O
<i>Hydrofluorocarbons</i>	
HFC-23	CHF ₃
HFC-32	CH ₂ F ₂
HFC-41	CH ₃ F
HFC-125	CHF ₂ CF ₃
HFC-134	CHF ₂ CHF ₂
HFC-134a	CH ₂ FCF ₃
HFC-143	CH ₂ FCHF ₂
HFC-143a	CH ₃ CF ₃
HFC-152 ¹	CH ₂ FCH ₂ F
HFC-152a	CH ₃ CHF ₂
HFC-161 ¹	CH ₃ CH ₂ F
HFC-227ea	CF ₃ CHFCF ₃
HFC-236cb ¹	CH ₂ FCF ₂ CF ₃
HFC-236ea ¹	CHF ₂ CHFCF ₃
HFC-236fa	CF ₃ CH ₂ CF ₃
HFC-245ca	CH ₂ FCF ₂ CHF ₂
HFC-245fa ¹	CHF ₂ CH ₂ CF ₃
HFC-365mfc ¹	CH ₃ CF ₂ CH ₂ CF ₃
HFC-43-10mee	CF ₃ CHFCHFCF ₂ CF ₃
Nitrogen trifluoride ¹	NF ₃
<i>Perfluorocarbons</i>	
PFC-14	CF ₄
PFC-116	C ₂ F ₆
PFC-218	C ₃ F ₈
PFC-318	c-C ₄ F ₈
PFC-3-1-10	C ₄ F ₁₀
PFC-4-1-12	C ₅ F ₁₂
PFC-5-1-14	C ₆ F ₁₄
PFC-9-1-18 ¹	C ₁₀ F ₁₈
Sulphur hexafluoride	SF ₆

¹ Footnote indicating those additional gases to be covered by the Protocol in the second commitment period.

PAPER NO. 3: AUSTRALIA, BELARUS, CANADA, EUROPEAN COMMUNITY AND ITS MEMBER STATES, ICELAND, JAPAN, NEW ZEALAND, NORWAY, RUSSIAN FEDERATION, SWITZERLAND AND UKRAINE

Information relating to possible quantified emissions limitation and reduction objectives as submitted by Parties

Submission to the AWG-LCA and AWG-KP

This paper contains information provided by Annex I Parties relating to their possible quantified emission limitation and reduction objectives (QELROs). It contains values or ranges of these pledges, the base year to which they refer, and information on their status.

This submission serves information purposes only and does not entail any collective political endorsement or acceptance by the submitting Parties of the information provided in the table below.

Party	Information relating to possible QELROs		Inclusion of LULUCF	Status
	Range or single value by 2020, percentage	Reference year		
Australia	-5% to -15%; or -25%	2000	Y	Officially announced
Belarus	-5% to -10%	1990	TBD	Under consideration
Canada	-20%	2006	TBD	Officially announced
European Union	-20 to -30%	1990	N for -20% Y for -30%	Adopted by legislation
Norway	-30%	1990	Y ¹	Officially announced
Switzerland	-20 to -30%	1990	Y	Consultations in progress
Ukraine	-20%	1990	TBD	Under consideration

*Abbreviations: N = no; TBD = to be determined; Y = yes

Some Annex I Parties clarified the following matters in the context of possible QELROs and pledges:

¹ LULUCF is included in light of the present rules. If the rules are changed Norway's national goal will be changed accordingly.

Australia

On 4 May, Prime Minister Kevin Rudd committed the Australian Government to reduce Australia's emissions by 25 per cent on 2000 levels by 2020 if the world agrees to an ambitious global deal capable of stabilising levels of greenhouse gases in the atmosphere at 450 ppm CO₂-eq or lower. The Australian Government retains its previous policy commitment to unconditionally reduce Australia's emissions by 5 per cent on 2000 levels by 2020, and to reduce emissions by up to 15 per cent by 2020 if there is a global agreement which falls short of securing atmospheric stabilisation at 450 ppm CO₂-eq, and under which major developing economies commit to substantially restrain emissions and advanced economies take on commitments comparable to Australia's.

Belarus

Belarus informs that if the amendment adopted via decision 10/CMP.2 comes into effect before the end of the first commitment period, for the period after 2012 the Republic of Belarus will consider an option of assuming the commitment to meet the target of 90-95 per cent of 1990 emission level; and if the aforementioned amendment does not take effect, the Republic of Belarus will refrain from voluntary commitments for the post-Kyoto period that would establish the target lower than 100 per cent of 1990 emission level (FCCC/KP/AWG/2008/ MISC.4, page11).

Canada

In the medium-term, the Government of Canada is committed to reducing Canada's total GHG emissions by 20 per cent by 2020 relative to 2006 levels. This equals a reduction in annual emissions of approximately 145 Mt by 2020. This commitment has been developed as a domestic goal on Canada's long-term emission reduction pathway. It does not assume or provide for significant use of the Kyoto mechanisms, in particular emission trading under Article 17. In the long-term, the government is committed to reducing Canada's GHG emissions by 60-70 per cent below 2006 levels by 2050 (FCCC/KP/AWG/2007/MISC.4/Add.1, page 5 and further elaboration by Canada).

The European Community and its Member States

The European Union agreed in 2008 its "Energy and climate package". The package includes a unilateral commitment to reduce EU-27 GHG emissions by at least 20 per cent by 2020 compared to 1990 levels and by 30 per cent provided that other developed countries commit themselves to comparable emission reductions and that economically more advanced developing countries contribute adequately according to their responsibilities and respective capabilities consistent with staying below 2°C (FCCC/KP/AWG/2009/MISC.1, page 20).

Iceland

Iceland is undertaking consultations at the national level on a mid-term ambition. In terms of long-term ambition, Iceland has set the target of 50-75 per cent emissions cuts as an aspirational goal for 2050.

Japan

Japan's mid-term target is now being considered with reference to the six options presented by the Mid-term Target Committee, established under the Council on Global Warming Issue chaired by the Prime Minister (FCCC/KP/AWG/2009/MISC.1/Add.2).

New Zealand

New Zealand is developing a range of possible medium-term targets consistent with a global goal of stabilisation at 450 ppm CO₂-eq and with New Zealand's long-term target of a 50 per cent reduction in net emissions from 1990 levels by 2050.

Norway

In the context of an ambitious global agreement, Norway intends to cut global emissions equivalent to 100 per cent of its own greenhouse gas emissions, becoming a carbon neutral nation within 2030. Norway will undertake to reduce total greenhouse gas emissions by 30 per cent by 2020 relative to 1990 levels. The aim is to reduce two thirds of emissions domestically bringing Norway on the path to become a low carbon society (FCCC/KP/AWG/2009/MISC.1, page 39).

Russia

Russia is currently considering establishing a national mid-term target.

Ukraine

Ukraine is ready to commit to the greenhouse gas emissions reduction by 20 per cent by 2020 and by 50 per cent by 2050. Imposing stricter obligations on Ukraine will not only render impossible the economy growth, but will also prevent social and economic recovery of the country (FCCC/KP/AWG/2009/MISC.1, page 48 and further elaboration by Ukraine).

PAPER NO. 4: BANGLADESH

**Amendment to the Kyoto Protocol pursuant to its Article 3,
paragraph 9**

In its Seventh Session (29 March-8 April 2009), the AWG-KP recognized the urgency of its work and reiterated in line with the iterative nature of its work program that in 2009 the key focus would be agreeing on further commitments for Annex I Parties under the Kyoto Protocol. The AWG-KP also recalled that it would maintain a coherent approach between the Convention and the Kyoto Protocol in relation to the commitments of Annex I Parties.

In the Seventh Session of AWG-KP, Parties moved into in-depth consideration of amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9. In accordance with Article 20, paragraph 2 the text for any proposed amendments to the protocol is to be communicated by the Secretariat to Parties no later than six months prior to the proposed adoption of the amendments, and pursuant to decision 1/CMP.1, it will be forwarded to the Conference of Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session (CMP 5) for adoption. Since CMP 5 is scheduled to take place from 7 to 18 December 2009, text of amendments would be communicated to Parties at the latest on 17 June 2009 for adoption at the last plenary meeting of the CMP 5 on 18 December 2009.

Annex I parties were invited to submit further information on quantified emission limitation and reduction objectives (QELROs) by 24 April in order to prepare by the Chair of AWG-KP a proposal for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9. It is expected that concrete QELROs of Annex I Parties (including individual scale of emission reductions) for second commitment period (to be agreed upon) would be furnished in the Chair's text and that will be reflected in the amendment of Annex B to the Protocol.

Against this backdrop, Bangladesh would like to propose the following amendments of Annex B and consequential amendments to the Protocol for second commitment period. Third column of the table in Annex B will be filled-in on the basis of the targets to be agreed upon by Annex I Parties. We would also place an additional proposal as Annex C for third commitment period.

The Proposed Amendments

The following table shall replace the table in Annex B to the Protocol:

Annex B

Party	Quantified emission limitation or reduction commitment (2008-2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment (2013-2018) (percentage of base year or period)
Australia	108	
Austria	92	
Belarus ^a	92	
Belgium	92	
Bulgaria*	92	
Canada	94	
Croatia*	95	
Czech Republic*	92	
Denmark	92	
Estonia*	92	
European Community	92	
Finland	92	
France	92	
Germany	92	
Greece	92	
Hungary*	94	
Iceland	110	
Ireland	92	
Italy	92	
Japan	92	
Latvia*	94	
Liechtenstein	92	
Lithuania*	92	
Luxembourg	92	
Monaco	92	
Netherlands	92	
New Zealand	92	
Norway	100	
Poland*	101	
Portugal	94	
Romania*	92	
Russian Federation*	100	
Slovakia*	92	
Slovenia*	92	
Spain	92	
Party	Quantified emission limitation or reduction commitment (2008-2012)	Quantified emission limitation or reduction commitment (2013-2018)

	(percentage of base year or period)	(percentage of base year or period)
Sweden	92	
Switzerland	92	
Ukraine*	100	
United Kingdom of Great Britain and Northern Ireland	92	
United States of America ⁿ	93	

^a Added to Annex B by an amendment adopted pursuant to decision 10/CMP.2. This amendment has not yet entered into force.

* Countries that are undergoing the process of transition to a market economy.

ⁿ Countries that have not yet ratified the Kyoto Protocol.

Consequential amendments

Article 3, paragraph 1 bis

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

1 bis. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in the third column of the table contained in Annex B and in accordance with the provisions of this Article with a view to reducing their overall emissions of such gases by at least 40 per cent below 1990 levels in the second commitment period 2013 to 2018 with the provision of annual compliance assessment set out in Article 7.

Article 3, paragraph 7 bis

The following paragraph shall be inserted after paragraph 7 of Article 3 of the Protocol:

7 bis. In the second quantified emission limitation and reduction commitment period, from 2013 to 2018, the assigned amount for each Party included in Annex I shall be equal or more to the percentage inscribed for it in the third column of the table contained in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five.

Article 3, paragraph 9

In paragraph 9 of Article 3 of the Protocol,

the words: "the consideration of such commitments" shall be substituted as under:

"the consideration of commitments for the subsequent commitment periods"

PAPER NO. 5: BELARUS

Министерство природных ресурсов и охраны окружающей среды
Республики Беларусь

**Сообщение по правовым последствиям, возникающим в связи с
работой Специальной рабочей группы по дальнейшим
обязательствам для Сторон, включенных в Приложение I, согласно
Киотскому протоколу**

в соответствии с документом FCCC/KP/AWG/2009/L.5
Специальной рабочей группы по дальнейшим обязательствам для Сторон,
включенных в Приложение I, согласно Киотскому протоколу

Введение

Республика Беларусь приветствует предложение Специальной рабочей группы по дальнейшим обязательствам для Сторон, включенных в Приложение I, согласно Киотскому протоколу (СРГ-КП) предоставить свое мнение и предложения по поправкам к Киотскому протоколу во исполнение пункта 9 статьи 3 Киотского протокола и в отношении других вопросов, очерченных в документе FCCC/KP/AWG/2008/8.

В отношении поправок к приложению В к Киотскому протоколу

Республика Беларусь считает, что поправки к Приложению В к Киотскому протоколу должны иметь форму определенных количественных обязательств по ограничению или сокращению выбросов (ОКООСВ) на следующий период обязательств, выраженные в процентах от базового года (или базового периода). В этой связи мы поддерживаем 2-ой вариант формулировки первого параграфа статьи 3, который предлагается в следующем виде:

1-bis *The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 30 per cent below 1990 levels in the commitment period 2013 to 2020.*

Любая Сторона, включенная в Приложение 1 к РКИК ООН и не бравшая на себя количественных обязательств в первый период, может быть включена в Приложение В, если она берет на себя ОКООСВ на следующий период обязательств. Поэтому Республика Беларусь поддерживает вариант поправки, когда

новые ОКООСВ включаются в таблицу Приложения В в виде дополнительной колонки.

В первой колонке таблицы Приложения В должны быть упомянуты обязательства Сторон, включенных в Приложение 1 к РКИК ООН, которые приняли на себя ОКООСВ в первый период. Республика Беларусь при этом подчеркивает, что в этой же колонке должны быть представлены количественные обязательства Республики Беларусь, которые она приняла на себя в соответствии с решением 10/СМР.2, ссылка на которое может быть указана в сносках к таблице в Приложении В. Таким образом, в новой поправке к Приложению В к Киотскому протоколу будет учтена прежняя поправка согласно решению 10/СМР.2. В результате Приложение В к Киотскому протоколу с учетом поправки будет иметь следующий вид:

Annex B^a

Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment (2013–2020) (percentage of base year or period)
Australia	108	
Austria	92	
Belarus ^{d*}	92	
Belgium	92	
Bulgaria*	92	
Canada	94	
Croatia*	95	
Czech Republic*	92	
Denmark	92	
Estonia*	92	
European Community	92	
Finland	92	
France	92	
Germany	92	
Greece	92	
Hungary*	94	
Iceland	110	
Ireland	92	
Italy	92	
Japan	94	
Latvia*	92	
Liechtenstein	92	

Lithuania*	92	
Luxembourg	92	
Monaco	92	
Netherlands	92	
New Zealand	100	
Norway	101	
Poland*	94	
Portugal	92	
Romania*	92	
Russian Federation*	100	
Slovakia*	92	
Slovenia*	92	
Spain	92	
Sweden	92	
Switzerland	92	
Turkey ^c		
Ukraine*	100	
United Kingdom of Great Britain and Northern Ireland	92	
United States of America ^c	93	

^a As at 25 April 2009.

^c Countries that are not yet Parties of the Kyoto Protocol.

^d As per decision 10/CMP.2 enabling the ongoing ratification process

* Countries that are undergoing the process of transition to a market economy.

В связи с поправками к Приложению В к Киотскому протоколу потребуются поправки в параграфы 1, 7 и 9 статьи 3. Республика Беларусь согласна с предложениями по вторым вариантам для поправок к этим параграфам.

В отношении вступления в силу поправок к Киотскому протоколу

Республика Беларусь считает, что необходимо предусмотреть упрощенные процедуры и механизм принятия ОКООСВ для каждой Стороны, включенной в приложение 1 к РКИК ООН, пожелавшей принять таковые после пятой сессии КС/СС или в случае дальнейших корректировок ОКООСВ, уже принятых Стороной. Для этой цели мы предлагаем внести соответствующую поправку в статью 21 Киотского протокола. Мы поддерживаем упрощение процедуры принятия таких корректировок ОКООСВ в Приложении В к Киотскому протоколу, которые основаны на варианте «opt-out», не требующем ратификации поправки.

Республика Беларусь обращает внимание, что аналогичная процедура для внесения поправки и для ее вступления в силу должна применяться и для Приложения 1 к РКИК ООН.

Заключение

В рамках реализации пункта 9 статьи 3 Киотского протокола, необходимо создать более совершенные процедуру и механизм внесения поправок в Приложение В к Киотскому протоколу.

The Ministry of Natural Resources and Environmental Protection
of the Republic of Belarus

**Submission on legal implications arising from the work of
the Ad Hoc Working Group on Further Commitments
for Annex I Parties under the Kyoto Protocol**

in accordance with document FCCC/KP/AWG/2009/L.5
of the Ad Hoc Working Group on Further Commitments
for Annex I Parties under the Kyoto Protocol

Introduction

The Republic of Belarus welcomes the proposal of Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) to provide its views and proposals for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9, and for a text on other issues outlined in document FCCC/KP/AWG/2008/8.

In relation to amendments to Annex B to the Kyoto Protocol

The Republic of Belarus considers that the amendment to Annex B to the Kyoto Protocol should be in a form of quantified emission limitation or reduction commitments (QELRCs) expressed in percentage of actual emission level of a basis year (or basis period). In this regard, we support the second option of the content of Article 3 para 1, which is proposed in the following format:

1-bis *The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 30 per cent below 1990 levels in the commitment period 2013 to 2020.*

Any Annex I Party, which did not assume any quantified commitments in the first commitment period may be included in Annex B if the country takes on QELRCs for the second commitment period. Therefore, the Republic of Belarus supports the option of amendment when new QELRCs are included into the table of Annex B under additional third column.

In the second column of the Table of Annex B, the commitments of the Annex I Parties, which take their QELRCs for the first period should be listed. The Republic of Belarus underlines herewith that in this very column the quantified commitments of the Republic of Belarus should be also presented, which have been taken by the country pursuant to decision 10/CMP.2 that can be referred to in a footnote to the Table. Thus, in the new amendments to the Kyoto Protocol the former amendment as per decision 10/CMP.2 would be taken into account. As a result, with due regard of amendment, Annex B to the Kyoto Protocol would have the following content:

Annex B ^a

Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment (2013–2020) (percentage of base year or period)
Australia	108	
Austria	92	
Belgium	92	
Belarus ^{b*}	92	
Bulgaria*	92	
Canada	94	
Croatia*	95	
Czech Republic*	92	
Denmark	92	
Estonia*	92	
European Community	92	
Finland	92	
France	92	
Germany	92	
Greece	92	
Hungary*	94	
Iceland	110	
Ireland	92	
Italy	92	
Japan	94	
Latvia*	92	
Liechtenstein	92	
Lithuania*	92	
Luxembourg	92	
Monaco	92	
Netherlands	92	

New Zealand	100	
Norway	101	
Poland*	94	
Portugal	92	
Romania*	92	
Russian Federation*	100	
Slovakia*	92	
Slovenia*	92	
Spain	92	
Sweden	92	
Switzerland	92	
Turkey ^c		
Ukraine*	100	
United Kingdom of Great Britain and Northern Ireland	92	
United States of America ^c	93	

^a As at 25 April 2009.

^b As per decision 10/CMP.2 enabling the ongoing ratification process

^c Countries that are not yet Parties of the Kyoto Protocol.

* Countries that are undergoing the process of transition to a market economy.

In connection to the amendments to Annex B to the Kyoto Protocol, the consequential amendments to paragraphs 1, 7, and 9 of Article 3 are deemed required. The Republic of Belarus agrees to the proposals containing the second options for the amendments to these paragraphs.

In relation to entry into force amendments to the Kyoto Protocol

The Republic of Belarus deems necessary to envisage a simplified procedures and mechanisms of adoption of QELRCs for every Annex I Party that may wish to take the commitments after the fifth CP/MP session or in case of further corrections of already taken QELRCs by the Party. For this purposes we suggest to introduce a relevant amendment to Article 21 of the Kyoto Protocol. For adoption of such corrections of QELRCs in Annex B to the Kyoto Protocol we support the simplified procedures based on the “opt-out” option that does not require ratification of the amendment.

The Republic of Belarus draws one’s attention that the similar procedure for submission of an amendment and its entry into force should be also applied to Annex 1 to the UNFCCC.

Conclusion

In the frame of realization of Article 3, paragraph 9, of the Kyoto Protocol, it is necessary to establish the more thorough procedure and mechanism of introduction of amendments into Annex B to the Kyoto Protocol.

PAPER NO. 6: BOLIVIA

Compromisos adicionales para las Partes Anexo I bajo el Protocolo de Kyoto: Evaluando la deuda climática histórica de los países desarrollados
Implicaciones legales bajo el GTE-KP sobre los compromisos futuros para las Partes del Anexo I bajo el Protocolo de Kyoto

Propuesta por la República de Bolivia al GTE-PK

Introducción

Hacemos un llamado a los países desarrollados para que se comprometan a llevar a cabo reducciones profundas de sus emisiones, conforme al contexto de las enmiendas a realizarse de acuerdo con el Artículo 3.9 del Protocolo de Kyoto, a fin de lograr el objetivo último de la Convención. Estos nuevos compromisos deben reflejar, por una parte, su responsabilidad histórica como causantes del cambio climático y por otra parte, respetar los principios de equidad y responsabilidades comunes pero diferenciadas de acuerdo con la CMNUCC.

Compromisos adicionales para las Partes Anexo I

De acuerdo con el Artículo 3.9, se deberán establecer compromisos adicionales de mitigación para las Partes Anexo I a través de enmiendas al Anexo B del Protocolo de Kyoto. Los mismos que deben ser suficientes para impedir interferencias antropógenas peligrosas en el sistema climático así como lograr niveles efectivos y equitativos de reducciones de emisión, de acuerdo con, por un lado, las responsabilidades históricas de los países desarrollados como causantes del cambio climático y por otro lado, por su masiva contribución asociada a las consecuencias producidas por el mismo.

De acuerdo con la Decisión 1/CP.1, que estableció el GTE-PK, el proceso debe completar su trabajo tan pronto como sea posible y tener los resultados suficientes que sean adoptados por las Partes, garantizando de esta manera, la inexistencia de vacíos legales entre el primer y segundo período de compromiso en cuanto a las obligaciones que deben ser efectuadas.

Por consiguiente, en el marco del mandato del trabajo del GTE - PK, su labor debe centrarse en la adopción de los compromisos de las Partes Anexo I, según el artículo 3.9 del Protocolo de Kyoto, puesto que no existe mandato alguno que habilite a este grupo de trabajo para tratar aspectos distintos que diluyan el foco su atención.

En consecuencia, el calendario de trabajo del GTE-PK, establece que el año 2009, se adoptarán las respectivas conclusiones sobre los debidos nuevos compromisos a ser asumidos por las Partes del Anexo I, por cuanto este ítem es el único que debe ser puesto en conocimiento y consideración en diciembre de 2009 en Copenhague, para su respectiva adopción. Asumiendo entonces, que las propuestas de enmiendas para su aprobación tendrán lugar en la última sesión plenaria prevista para el 18 de diciembre de 2009, lo que obliga que el texto propositivo, deberá ser comunicado a las Partes a más tardar el 17 de junio de 2009, conforme indica el artículo 20.2.

Cuantificación de los nuevos compromisos de reducción de emisiones de las Partes Anexo I para el segundo periodo

En el contexto del mandato establecido en el artículo 3.9 del Protocolo de Kyoto, los nuevos compromisos de las Partes Anexo I deben representar toda su contribución a las causas y consecuencias del cambio climático. En este sentido, estos compromisos deben:

- Establecerse para el segundo período, del 2013 al 2017;
- Estar contenidos en una columna adicional en el anexo B, y
- Ser cuantificados sobre la base de una metodología clara y objetiva.

En particular, la cuantificación de los nuevos compromisos debe llevarse a cabo sobre la base de una metodología que refleje los objetivos, disposiciones y principios de la CMNUCC. Los criterios pertinentes incluyen, entre otros:

- La responsabilidad histórica de los países desarrollados sobre las concentraciones atmosféricas actuales;
- Las emisiones per cápita históricas y actuales de los países desarrollados, y
- La proporción de las emisiones globales que requieren los países en desarrollo para satisfacer sus prioridades primeras de desarrollo social y económico y de erradicación de la pobreza.

La escala y el calendario para las reducciones de emisiones por parte de los países del Anexo I deberán ser suficientes para garantizar que la deuda histórica de los países desarrollados por el consumo excesivo pasado y actual del espacio atmosférico, así como su continua emisión excesiva de emisiones per cápita sea reembolsado en su totalidad a los países en desarrollo, y esta devolución debe comenzar con los resultados que se acuerden en la 5ª CMP para un segundo período de compromisos en el Protocolo de Kyoto (véanse aspectos relevantes del Apéndice para la elaboración del concepto de la deuda climática de los países desarrollados)

Con el fin de abordar eficazmente las cuestiones relacionadas con el cumplimiento de los compromisos, se debe insertar en el Anexo B, una segunda columna entre el primer y segundo período de compromiso, que exprese -en los casos de incumplimiento de un país Parte Anexo I con respecto a sus obligaciones legales en el primer período de compromiso- el incremento en porcentaje de las emisiones de dicha Parte Anexo I.

La consideración de compromisos para el tercero y períodos subsiguientes de compromisos debe ser iniciada por lo menos siete años antes que finalice el período de compromiso que preceda inmediatamente el período de compromiso bajo consideración.

APÉNDICE

Evaluación de la deuda histórica climática de los países desarrollados para los países en desarrollo

Introducción

Hacemos un llamado a los países desarrollados a comprometerse a realizar reducciones de emisiones profundas a fin de avanzar en el objetivo de impedir interferencias antropógenas peligrosas en el sistema climático y sus consecuencias, las cuales deberán reflejar su responsabilidad histórica en las causas del cambio climático, respetar los principios de equidad y responsabilidades comunes pero diferenciadas de acuerdo con la CMNUCC.

Las causas y las consecuencias del cambio climático

Desde 1750 las emisiones de gases de efecto invernadero han aumentado de manera significativa como resultado de las actividades humanas. Estas emisiones han sido acumuladas en la atmósfera llevando a que las concentraciones atmosféricas actuales superen con creces los niveles de hace cientos de miles de años. Sucesivamente, estas concentraciones han calentado la Tierra con efectos significativos y catastróficos.

Los actuales niveles del calentamiento ya están dañando bosques, montañas y otros ecosistemas, fundiendo la nieve y los glaciares, adelgazando capas de hielo, causando que el nivel de los océanos aumente al igual que estos se acidifiquen, amenazando los arrecifes de corales e intensificando sequías e inundaciones, incendios y eventos climáticos extremos. Estos efectos negativos amenazan con empeorar los efectos adversos que ya han sido producidos por el calentamiento global en los sistemas de la Tierra.

Los países más vulnerables a los efectos negativos del cambio climático son los países en desarrollo. Los desastres causados por el clima, la falta de agua, los impactos adversos en la agricultura, las amenazas a las costas, los ecosistemas y la infraestructura, y portadores de enfermedades alterados ya están imponiendo costos considerables y en aumento, daños y reverses en el desarrollo, socavando los derechos y aspiraciones al desarrollo de los países en desarrollo.

Deuda histórica de emisiones acumuladas de los países desarrollados

La responsabilidad por la mayoría de las emisiones históricas que contribuyen a las concentraciones atmosféricas actuales y al calentamiento actual y futuro ya comprometido radica con los países desarrollados. Los países desarrollados con menos del 20% de la población mundial son responsables de cerca de tres cuartas partes de las emisiones históricas, e inclusive sus emisiones actuales por persona continúan superando las de los países en desarrollo cuatro veces. Sus emisiones históricas acumuladas por persona exceden las de los países en desarrollo once veces.

Los países desarrollados, que han contribuido desproporcionadamente a las causas del cambio climático, ahora buscan apropiarse de una parte desproporcionada de lo que queda del espacio atmosférico de la Tierra. Al basar sus emisiones en el futuro en sus excesivos niveles de emisión previos, tratan de continuar emitiendo el 70% o más de sus niveles de 1990 y esto hasta el 2020 (esto consistente con las reducciones propuestas de 30% o menos). Al mismo tiempo, proponen limitar a los países en desarrollo- que más necesitan espacio atmosférico durante su desarrollo- a niveles de emisión por persona mucho más bajos que los que ellos utilizaron.

Las emisiones excesivas previas, actuales y propuestas para el futuro de los países desarrollados están y continuarán privando a los países en desarrollo de una parte equitativa del tan reducido espacio atmosférico que tanto necesitan para su desarrollo y al que tienen derecho. Con el sobreconsumo de la capacidad limitada que tiene la Tierra para absorber los gases de efecto invernadero, los países

desarrollados han acumulado una “deuda de emisiones” que debe pagarse a los países en desarrollo compensándolos por el espacio atmosférico perdido, estabilizando las temperaturas y dejando espacio libre para el crecimiento que requieren los países en desarrollo en el futuro.

La cuantificación de los compromisos de mitigación de los países desarrollados

Los compromisos de los países desarrollados para reducir las emisiones debería ser suficiente para abordar la deuda histórica de emisiones, minimizar su contribución para empeorar los impactos negativos en el clima y los países en desarrollo, y proporcionar suficiente espacio atmosférico para dar lugar al desarrollo de estos países así como para cumplir con el objetivo último de la convención. .

La escala y el calendario de estos compromisos deberían reflejar la información científica más avanzada y deberían estar fundados en el objetivo, los principios y las disposiciones de la CMNUCC y su Protocolo de Kyoto. Dichas reducciones deberían estar cuantificadas en base a una metodología clara y objetiva que refleje, entre otros factores:

- La responsabilidad histórica de los países desarrollados por las concentraciones atmosféricas actuales
- Las emisiones per cápita históricas y actuales de los países desarrollados; y
- La parte de las emisiones globales que requieren los países en desarrollo para satisfacer sus prioridades primeras de desarrollo social y económico y de erradicación de la pobreza.

El establecer montos de emisiones asignadas para los países desarrollados es un asunto que tiene que ver con la política al igual que la ciencia y debe abordar los temas de la equidad y eficacia. Asimismo, el nivel de los montos asignados está estrechamente relacionado al nivel de sus obligaciones. Tomando en cuenta estas consideraciones, el Anexo del presente documento ofrece posibles elementos para una metodología a fin de evaluar la deuda de las emisiones de los países desarrollados y los mayores compromisos asociados sobre la mitigación.

Las deudas de emisiones y adaptación son componentes de la deuda climática y ecológica

A pesar de no ser responsables por el problema del calentamiento global, los países en desarrollo están entre los más afectados por el impacto negativo de dicho problema. Las emisiones históricas de países desarrollados, al igual que al negar a los países en desarrollo el espacio atmosférico que necesitan para desarrollarse, está haciendo daño a los países y pueblos pobres que viven el día a día con costos cada vez mayores, daños y oportunidades perdidas para el desarrollo.

Estos impactos son el resultado directo de las concentraciones atmosféricas actuales, que ha sido causadas mayormente por las emisiones provenientes de los países desarrollados. Por lo tanto, los países desarrollados son responsables de compensar a los países en desarrollo por su contribución a los efectos adversos del cambio climático como parte de la “deuda de adaptación” que deben los países desarrollados a los países en desarrollo.

La “deuda climática” de los países desarrollados, definida como la suma de sus deudas de emisiones y adaptación, forma parte de una deuda ecológica más amplia en la que se refleja su huella ecológica, el consumo excesivo de los recursos, los materiales y la energía, y la contribución al deterioro de la biodiversidad y los servicios de los ecosistemas.

El pago de su deuda histórica de emisiones

La deuda histórica de emisiones de los países desarrollados debe pagarse, y este pago debe comenzar a ser realizado a través de los resultados a ser acordados en Copenhague

Los países en desarrollo no están pidiendo limosnas financieras para resolver un problema que no causamos. Lo que pedimos es los países desarrollados paguen en su totalidad la deuda que nos deben por amenazar la integridad del sistema climático de la Tierra, sobreconsumir los recursos compartidos que pertenecen a todos los pueblos de manera justa y equitativa, y por mantener estilos de vida que continúan amenazando las vidas y los medios de vida de la mayoría de la población del planeta y en particular de la población por debajo de los límites de la pobreza.

No existe una solución factible al cambio climático que sea eficaz sin que sea equitativa. Una condición necesaria para estabilizar el clima de la Tierra son las profundas reducciones de emisión de Gases de Efecto Invernadero que los países desarrollados deberán llevar a cabo. Asimismo, será necesario contar con transferencias de tecnologías y recursos financieros adicionales considerables de parte de los países desarrollados a los países en desarrollo, comparado con lo que inicialmente están considerado, si el crecimiento en las emisiones de Gases de Efecto Invernadero de los países en desarrollo va a ser disminuido, sin afectar su derecho al desarrollo y sus objetivos de reducción de la pobreza. Cualquier solución que no garantice una distribución equitativa de la capacidad limitada que tiene la Tierra para absorber los gases de efecto invernadero, y que no garantice la responsabilidad integral de los costos para mitigar y adaptarse a los cambios climáticos de los países desarrollados, está destinada a fracasar.

Por lo tanto los países desarrollados deben asumir sus responsabilidades a través de compromisos más profundos de reducción de emisiones de los que están previstos en la actualidad, siendo los mismos realizados principalmente a nivel doméstico. Estos compromisos de reducción de emisiones deberán generar las oportunidades desarrollo que los países No-Anexo I necesitan para alcanzar su desarrollo.

Los países en desarrollo están dispuestos a desempeñar su parte para abordar este desafío común. No obstante, toda participación puede y debe estar fundamentada en las disposiciones de la Convención, en el entendimiento claro de las causas del cambio climático y sus consecuencias, y en un enfoque equitativo para estabilizar el sistema climático de la Tierra y asegurar un futuro sostenible.

Anexo

Elementos de una metodología para evaluar la deuda de emisiones y los compromisos relacionados con la mitigación de los países del Anexo I

La cuantificación del nivel de la deuda de emisiones y los compromisos futuros relacionados con la mitigación debería tomar en consideración, entre otros factores, las emisiones históricas y emisiones propuestas por los países del Anexo I al igual que las necesidades de los países en desarrollo para obtener el espacio atmosférico adecuado para alcanzar sus derechos al desarrollo.

Las emisiones históricas y propuestas por los países del Anexo I

Se puede ilustrar hasta qué punto los países desarrollados han usado de manera excesiva el espacio atmosférico al analizar las emisiones del Anexo I (emisiones históricas más una proyección de las emisiones futuras hasta 2050), y al compararlas con un asignación en base a las emisiones equitativas por persona.

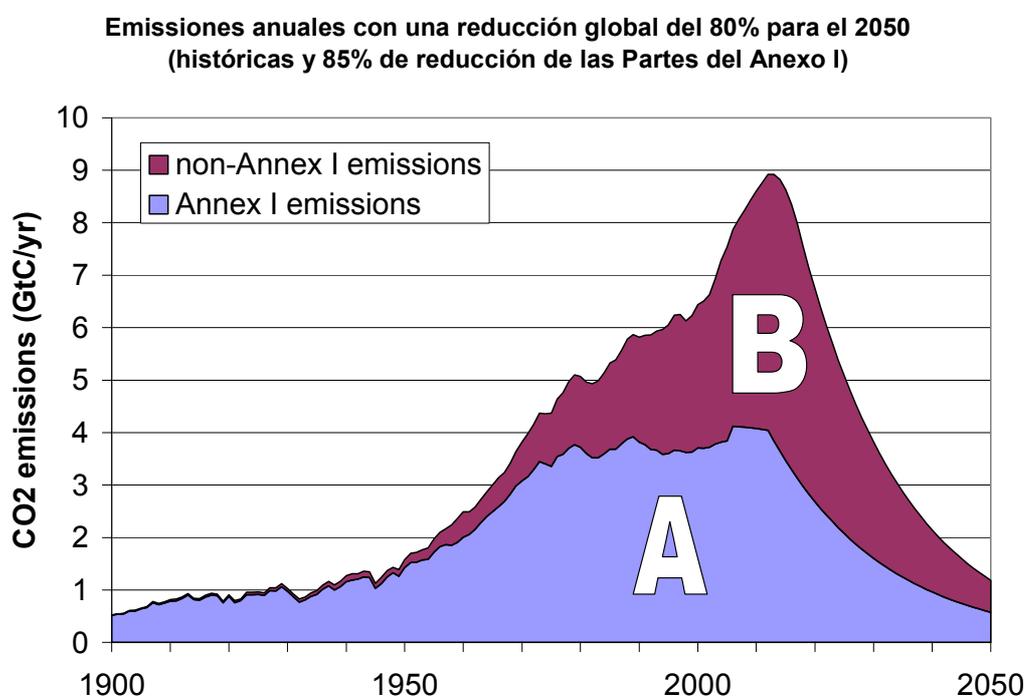


Figura 1

El total de las emisiones de los países del Anexo I (Área A) superará con creces las emisiones de los países que no están en el Anexo I (Área B), aun suponiendo que las futuras metas para la reducción de emisiones propuestas por algunos países del Anexo I fuesen adoptadas. En particular, estas cifras asumen la reducción del 30% por los países del Anexo I de sus niveles de 1990 hasta el año 2020, y una reducción del 85% para 2050 (véase figura 1).

Por otra parte, si las emisiones globales de cada año se comparten de manera equitativa, evaluando por persona desde el pasado hasta el 2050, las emisiones de los países del Anexo I (Área C) y los países que

no están en el Anexo I (Área D) serían significativamente distintas, respectivamente, suponiendo una reducción global de emisiones del 80%.

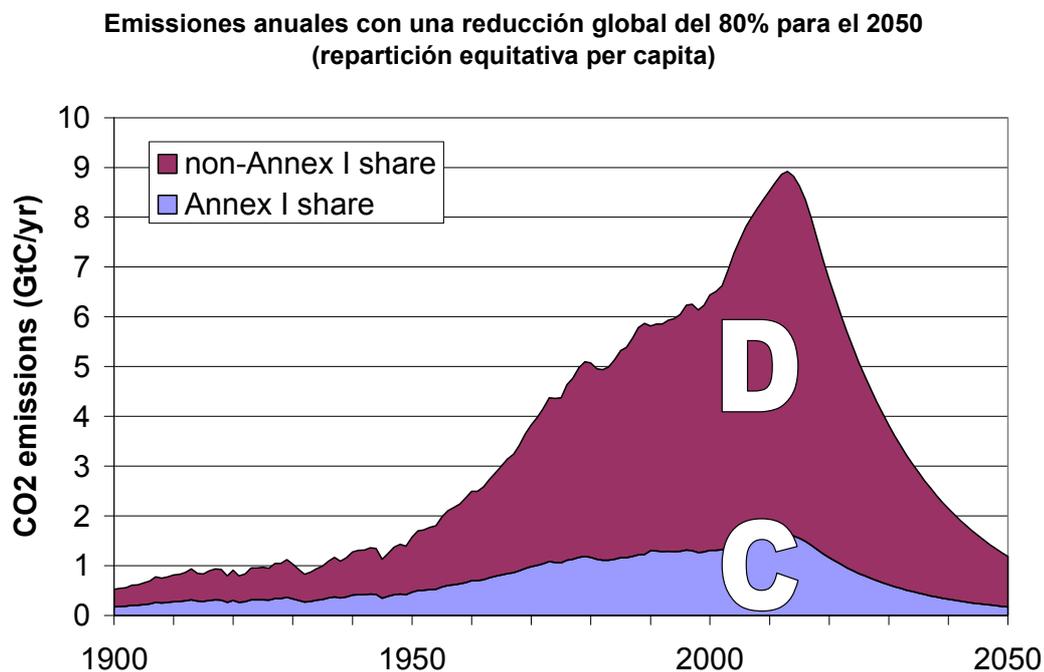


Figura 2

Tenga en cuenta que esta opción para las emisiones globales todavía representaría un riesgo considerable de sobrepasar 2°C, e impactos climáticos de gran importancia así como una necesidades relacionadas para adaptarse (Véase figura 2).

Además, una asignación per cápita para los países desarrollados de todas maneras representaría una ventaja para estos en la medida que sus niveles más altos de la intensidad de las emisiones, su capacidad tecnológica y financiera les permita asegurar mayores niveles de bienestar por cada unidad de carbón emitida.

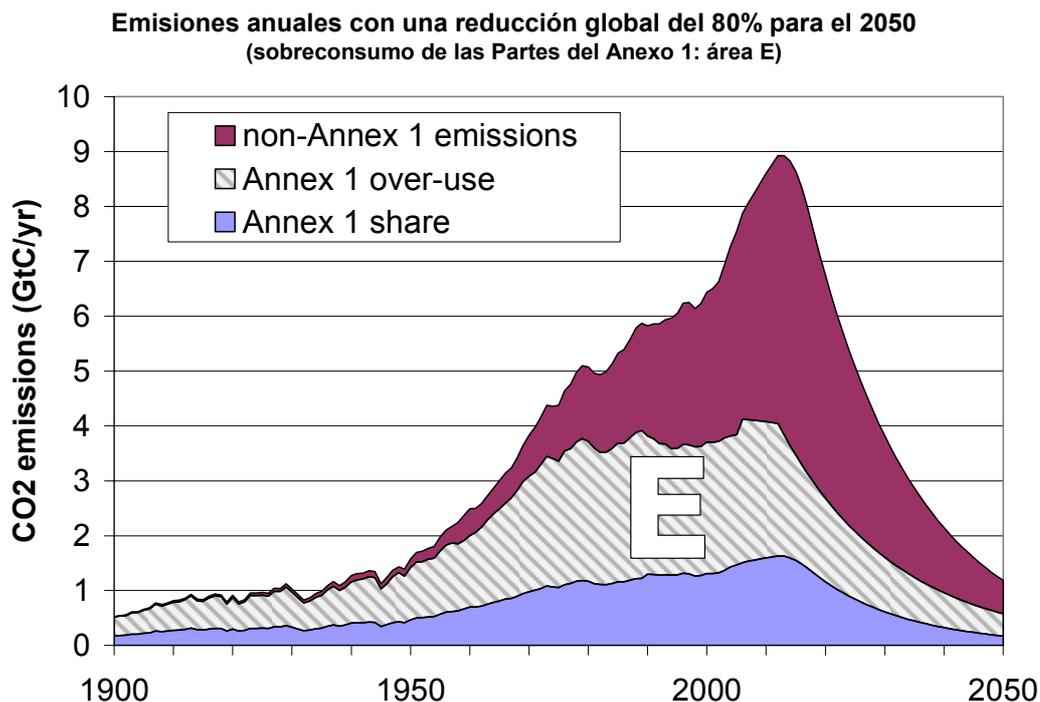


Figura 3

La diferencia entre las emisiones actuales/previstas y la asignación justa ilustra el uso excesivo del espacio atmosférico de la Tierra por parte de los países del Anexo (véase figura 3). En particular, demuestra que una minoría acaudalada ya ha sobreconsumido una cantidad considerable del espacio atmosférico para el año 2050 (Área E), negándole éste espacio a la mayoría más pobre que lo necesita durante su desarrolloⁱⁱ.

Las necesidades de los países en desarrollo

Así como las propuestas de los países del Anexo I no abordaron su responsabilidad por las emisiones históricas, tampoco evaluaron el espacio atmosférico que necesitarán en el futuro los países en desarrollo.

Emisiones anuales con una reducción global del 80% para el 2050

Anexo 1: 85% de reducción para el 2050 (relativo a sus emisiones de 1990)

non-Anexo 1: 85% de reducción para el 2050 (relativo a sus emisiones de 2005)

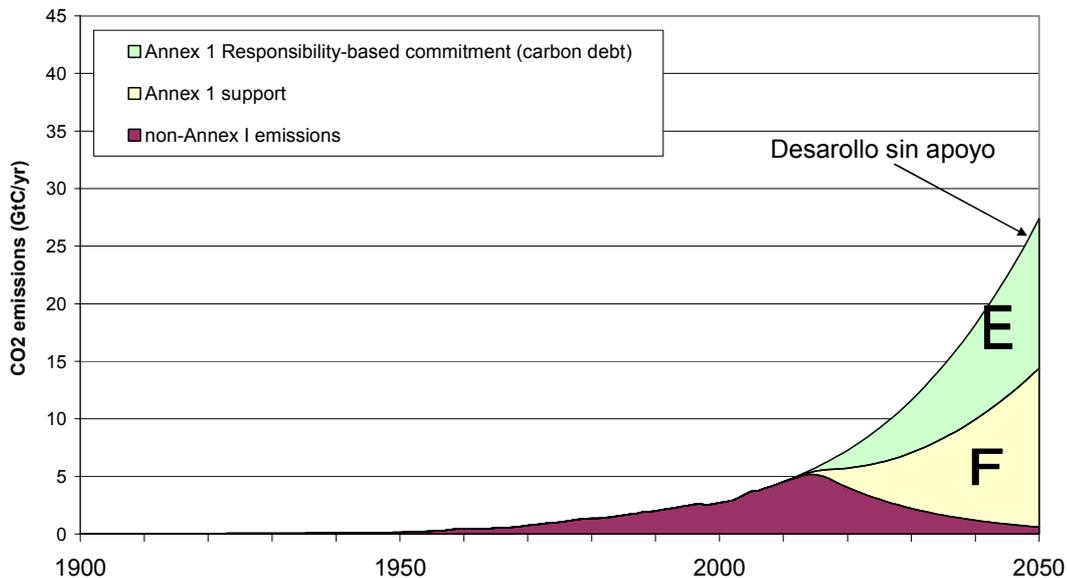


Figura 4

Al evaluar esta necesidad, se puede considerar las proyecciones para las emisiones de los países en desarrollo relacionadas con sus opciones sobre crecimiento económico y desarrollo. A falta de apoyo tecnológico y financiero, la opción de emisiones se ve como un “desarrollo sin apoyo” (Véase figura 4). El respeto por el derecho al desarrollo daría a entender que los países en desarrollo deberían recibir la asignación del espacio atmosférico necesario para satisfacer sus necesidades en cuanto al desarrollo y la erradicación de la pobreza, dado el monto de apoyo financiero y tecnológico que será disponible.

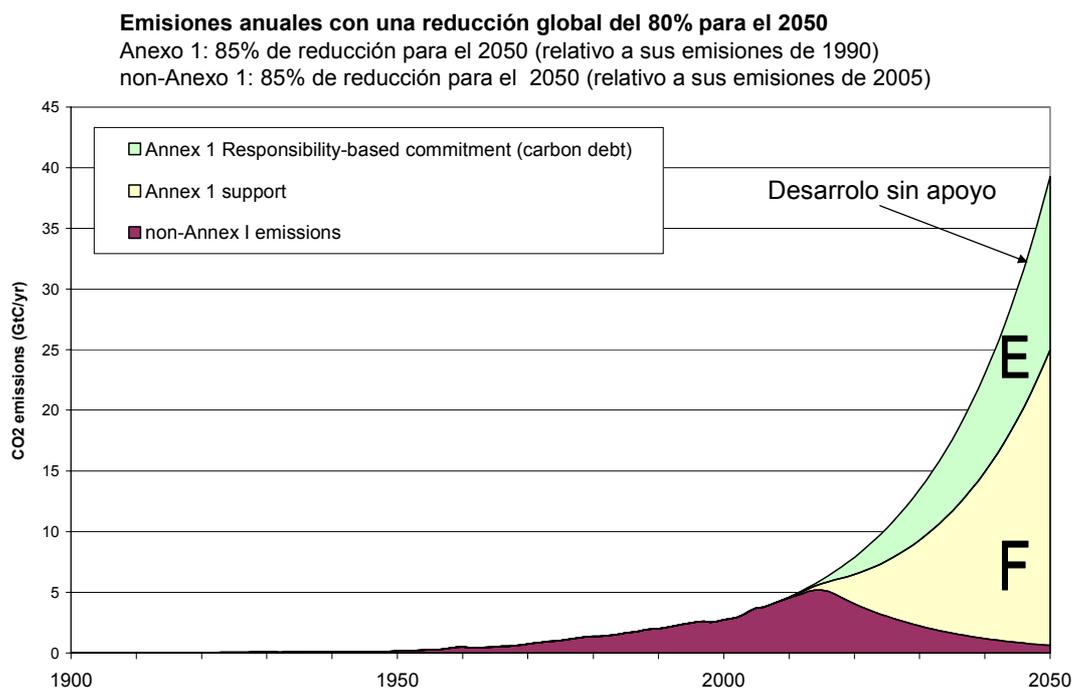


Figura 5

Las distintas suposiciones sobre la opción de desarrollo para los países en desarrollo afectarán el nivel de apoyo requerido para que se puedan mitigar las emisiones adecuadamente sin pérdidas en el bienestar de los países en desarrollo. **La opción de un desarrollo moderado requerirá un apoyo para permitir reducciones considerables para 2050 (Véase figura 4)iii. Una opción de crecimiento más alta (por ejemplo, el 5,5% de crecimiento por año) requeriría un apoyo para permitir una nivel más alto de reducciones para 2050 (Véase figura 5).**

En base a estas opciones, y a la necesidad del espacio atmosférico que ellos suponen, se requiere un ambicioso paquete de transferencias financieras y tecnológicas de los países del Anexo I para ayudar a los países en desarrollo a reducir sus emisiones sin tener que socavar su desarrollo y permitiendo así seguir la opción de trayectoria de menores emisiones globales como lo exige la ciencia.

La cuantificación de los compromisos para los países del Anexo I

Los compromisos de mitigación para los países del Anexo I deben, como mínimo, reflejar su responsabilidad histórica por las causas de cambio climático y las necesidades que los países en desarrollo tienen de un espacio atmosférico en el futuro. El pago de los países desarrollados a los países en desarrollo debe ser el espacio atmosférico que requieren para el desarrollo al reducir las emisiones lo más que sea posible a nivel técnico. Entre más paguen ahora; menos pagarán más adelante.

Hasta donde no sea técnicamente posible pagar esta deuda en cuanto al espacio atmosférico, los países del Anexo 1 pueden pagar alguna parte con financiamiento y tecnología (Área E) (por ejemplo, en reconocimiento a la gran responsabilidad de los países del Anexo I por el problema del cambio climático). Lo restante está justificado por la mayor capacidad financiera y tecnológica de los países del Anexo I. Juntos, estos reflejan los principios de la CMNUCC de países que actúan “sobre la base de la equidad y de conformidad con sus responsabilidades comunes pero diferenciadas y sus respectivas capacidades”.

De acuerdo con enfoques como estos, los compromisos futuros bajo el Protocolo de Kyoto y la implementación completa, eficaz y sostenida de sus compromisos bajo el CMNUCC, deben estar

fundamentados en una evaluación más completa de su deuda histórica de emisiones y la participación apropiada del espacio atmosférico que queda entre los países del Anexo I y aquellos que no están en el mismo, tomando en cuenta estas emisiones acumuladas y las necesidades de los países en desarrollo de un espacio atmosférico adecuado.

Asimismo, debe estar basado en el cumplimiento por parte de los países del Anexo I de sus compromisos para proporcionar todo para satisfacer la totalidad de los gastos adicionales convenidos resultantes de la aplicación de las medidas establecidas en el Artículo 4.1 de la Convención. Estos incluyen la totalidad de los gastos adicionales convenidos con “formular, aplicar, publicar, incluida la transferencia, de tecnologías, prácticas y procesos que controlen gases de efecto invernadero” y la formulación e implementación de “programas nacionales y, según proceda, regionales, que contengan medidas orientadas a mitigar el cambio climático”.

Referencias: Cálculos basados en los datos principales de “*National CO2 Emissions from Fossil-Fuel Burning, Cement Manufacture, and Gas Flaring: 1751-2005*”, agosto 27, 2008, Gregg Marland, Tom Boden, Robert J. Andres. Carbon Dioxide Information Analysis Center, Oak Ridge National Laboratory, <http://cdiac.ornl.gov>

ⁱ Este escenario global establece un presupuesto de emisiones basado en emisiones históricas y suponiendo una reducción global de emisiones del 80% de los niveles de 1990 para el 2050, lo que corresponde a una reducción baja y moderada que todavía resultaría en un riesgo significativo de exceder 2°C (así como impactos relacionados a la adaptación y las necesidades de los países en desarrollo). Tenga en cuenta que este escenario está basado en las propuestas de la Unión Europea para la reducción de emisiones; Bolivia y otros países en desarrollo proponen que periodo del primer compromiso finalice en 2017 y reducciones correspondientes sean mucho mas pronunciadas.

ⁱⁱ Esto constituye parte de la deuda de emisiones que se le debe a los países en desarrollo, que será mayor cuando se hagan los ajustes para los distintos niveles de tecnología y capacidad. Los países desarrollados, con niveles históricos y actuales más altos de la capacidad y la tecnología pueden asegurar mayores niveles de bienestar por cada unidad de emisiones que se les asigna.

ⁱⁱⁱ Esta opción de “desarrollo sin apoyo” está basada en Sheehan (2008) como la cita Elzen y Hohne (2008).

**Further commitments for Annex I Parties under the Kyoto Protocol:
Evaluating developed countries' historical climate debt to developing countries**

**Legal implications under the AWG-KP about further commitments for Annex I Parties under the
Kyoto Protocol**

Introduction

In the context of amendments pursuant to Article 3.9 of the Kyoto Protocol, we call on developed countries to commit to deep emission reductions that are consistent with the ultimate objective of the Convention, reflect their historical responsibility for the causes of climate change, and respect the principles of equity and common but differentiated responsibilities in accordance with the UNFCCC.

Further commitments for Annex I Parties

In accordance with Article 3.9, further mitigation commitments for Annex I Parties shall be established in amendments to Annex B of the Kyoto Protocol. They must be sufficient to deliver effective and equitable levels of emission reductions, in line with developed countries' historical responsibilities for the causes of climate change and for their associated contribution to its consequences.

In accordance with Decision 1/CP.1, which established the AWG-KP, the process shall aim to complete its work and have the results adopted as early as possible and in time to ensure that there is no legal gap between the first and second commitment periods.

Consequently, in accordance with its mandate, the work of the AWG-KP must focus on the adoption of further commitments for Annex I Parties according to Article 3.9 of the Kyoto Protocol. There is no mandate for work on other issues, which dilute the focus of its attention.

The AWG-KP timetable makes it clear that in 2009 this working group should adopt conclusions regarding the further commitments for Annex I Parties. This is the only text to be communicated to the Parties for their consideration at the 5th CMP in December 2009 for its adoption. Assuming that the amendment will be adopted at the final plenary of this session on 18 December 2009 the text should be communicated to the Parties at the latest by 17 June 2009, in accordance with Article 20.2.

Quantifying further commitments for Annex I Parties

In the context of the mandate established in Article 3.9 of the Kyoto Protocol, we call for further commitments for Annex I Parties that reflect their full contribution to the causes and consequences of climate change. These commitments must be:

- Established for a second period from 2013 to 2017;
- Inscribed in an additional column in Annex B; and
- Quantified on the basis of clear and objective methodology.

In particular, the quantification of further commitment must be undertaken on the basis of a methodology that reflects the objectives, provisions and principles of the UNFCCC. Relevant criteria include, inter alia:

- The historic responsibilities of developed countries for current atmospheric concentrations;
- The historic and current per-capita emissions of developed countries; and
- The share of global emissions required by developing countries in order to meet their first and overriding priorities, which are economic and social development and poverty eradication.

The scale and timing of emission reductions by Annex I countries must be sufficient to ensure that developed countries' historical debt for their excessive past consumption of environmental space, and their continuing excessive per-capita emissions is fully repaid to developing countries, and this repayment must begin with the outcome to be agreed at the 5th CMP for a second commitment period under the Kyoto Protocol (see relevant aspects of the Appendix for elaboration of the concept of developed countries' climate debt).

In order to effectively address compliance matters, a second column should be inserted between the first and second commitment periods in Annex B for enumeration of the percentage increase in emissions by an Annex I Party, in cases of non-compliance by an Annex I Party with its legal obligations in the first commitment period.

The consideration of commitments for the third and subsequent commitment periods must be initiated at least seven years before the end of the commitment period that immediately proceeds the commitment period under consideration.

APPENDIX

Evaluating developed countries' historical climate debt to developing countries

Introduction

We call on developed countries to commit to deep emission reductions in order to advance the objective of avoiding dangerous anthropogenic interference with the climate system and its consequences, to reflect their historical responsibility for the causes of climate change, and to respect the principles of equity and common but differentiated responsibilities in accordance with the UNFCCC.

The causes and consequence of climate change

Since 1750 the emission of greenhouse gases has increased significantly as the result of human activities. These emissions have accumulated in the atmosphere leading to current atmospheric concentrations, which now far exceed levels dating back hundreds of thousands of years. These concentrations, in turn, are warming the Earth with significant and catastrophic effects.

Current levels of warming are already damaging forest, mountain and other ecosystems, melting snow and glaciers, thinning ice sheets, causing the oceans to rise and acidify, threatening coral reefs and intensifying droughts and floods, fires and extreme weather events. These adverse effects threaten to worsen as the warming already committed in the Earth's systems takes effect.

The countries most vulnerable to the adverse effects of climate change are developing countries. Climate-induced disasters, water stress, adverse impacts on agriculture, threats to coastlines, ecosystems and infrastructure, and altered disease vectors are already imposing substantial and rising costs, damages and setbacks in development – undermining developing countries' rights and aspirations to development.

The historical cumulative emissions debt of developed countries

Responsibility for the majority of the historical emissions contributing to current atmospheric concentrations and to current and committed future warming lies with developed countries. Developed countries with less than twenty percent of the world's population are responsible for around three quarters of historical emissions. Their current per person emissions continue to exceed those of developing countries by a factor of four. Their accumulated historic emissions on a per person basis exceed those of developing countries by a factor of eleven.

Developed countries – which have contributed disproportionately to the causes of climate change – now seek to appropriate a disproportionate share of the Earth's remaining environmental space. By basing their future emission allowances on their past excessive level of emissions, they seek an entitlement to continue emitting at 70% or more of their 1990 levels through until 2020 (i.e. consistent with reductions of 30% or less). At the same time, they propose limiting developing countries – which most need environmental space in the course of their development – to much lower levels of per person emissions.

The excessive past, current and proposed future emissions of developed countries are depriving and will further deprive developing countries of an equitable share of the much diminished environmental space they require for their development and to which they have a right. By over-consuming the Earth's limited capacity to absorb greenhouse gases, developed countries have run up an "emissions debt" which must be repaid to developing countries by compensating them for lost environmental space, stabilizing temperature and by freeing up space for the growth required by developing countries in the future.

Quantifying developed countries' mitigation commitments

Developed countries' commitments to reduce emissions should be sufficient to address their historical emission debt, minimize their contribution to further adverse impacts on the climate and developing countries, provide sufficient environmental space for developing countries to develop, and conform with the ultimate objective of the Convention.

The scale and timing of these commitments should reflect the latest scientific information and be rooted in the objective, principles and provisions of the UNFCCC and its Kyoto Protocol. They should be quantified on the basis of a clear and objective methodology that reflects, among other factors:

- The historic responsibility of developed countries for current atmospheric concentrations;
- The historic and current per-capita emissions of developed countries; and
- The share of global emissions required by developing countries in order to meet their overriding priority of poverty eradication and social and economic development.

The establishment of assigned amounts of emissions for developed countries is a question of policy as well as science and must address issues of equity as well as effectiveness. The level of their assigned amounts also bears a close relationship to the extent of their obligations to provide compensation for the effects of climate change. Bearing in mind these considerations, the Annex to this document offers some possible elements of a methodology for evaluating developed countries' emission debt and associated further mitigation commitments.

Emissions and adaptation debts are components of climate and ecological debt

Despite not being responsible for the problem of global warming, developing countries are among the worst affected by its adverse impacts. The historical emissions of developed countries, as well as denying developing countries the atmospheric space they need for development, are harming poor countries and people who live daily with rising costs, damages and lost opportunities for development.

These impacts are the direct result of current atmospheric concentrations, which have been caused predominantly by emissions from developed countries. Developed countries are thus responsible for compensating developing countries for their contribution to the adverse effects of climate change as part of an "adaptation debt" owed by developed countries to developing countries.

Developed countries "climate debt" – the sum of their emissions debt and adaptation debt – are part of a broader ecological debt reflecting their heavy environmental footprint, excessive consumption of resources, materials and energy and contribution to declining biodiversity and ecosystem services.

Repaying their historical emissions debt

The historical emissions debt of developed countries must be repaid, and this payment must begin with the outcomes to be agreed in Copenhagen.

Developing countries are not seeking economic handouts to solve a problem we did not cause. What we call for is full payment of the debt owed to us by developed countries for threatening the integrity of the Earth's climate system, for over-consuming a shared resource that belongs fairly and equally to all people, and for maintaining lifestyles that continue to threaten the lives and livelihoods of the poor majority of the planet's population. This debt must be repaid by freeing up environmental space for developing countries and particularly the poorest communities.

There is no viable solution to climate change that is effective without being equitable. Deep emission reductions by developed countries are a necessary condition for stabilizing the Earth's climate. So too are profoundly larger transfers of technologies and financial resources than so far considered, if emissions are to be curbed in developing countries and they are also to realize their right to development and achieve their overriding priorities of poverty eradication and economic and social development. Any solution that does not ensure an equitable distribution of the Earth's limited capacity to absorb greenhouse gases, as well as the costs of mitigating and adapting to climate change, is destined to fail.

Developed countries must therefore fulfill their responsibilities through deeper domestic emission reduction commitments than so far considered in the current negotiations, and through all available means generate the opportunities required for developing countries to achieve their development.

Developing countries are willing to play their part in addressing this common challenge. But any such participation can and must be based on the provisions of the Convention, on a clear understanding of the causes of climate change and its consequences, and on an equitable approach to stabilizing the Earth's climate system and to ensuring a sustainable future.

Annex

Elements of a methodology for evaluating Annex I countries' emission debt and associated mitigation commitments

Quantifying the extent of developed countries' emission debt and their associated future mitigation commitments should take into consideration, among other factors, the historical and proposed emissions by Annex I countries as well as the needs of developing countries for sufficient environmental space to achieve their rights to development.

Historical and proposed emissions by Annex I countries

The extent of developed countries excessive use of the Earth's limited environmental space can be illustrated by examining Annex I emissions (actual historical emissions plus a projection of future emissions through 2050), and by comparing it with an allocation based on equal per person emissions.

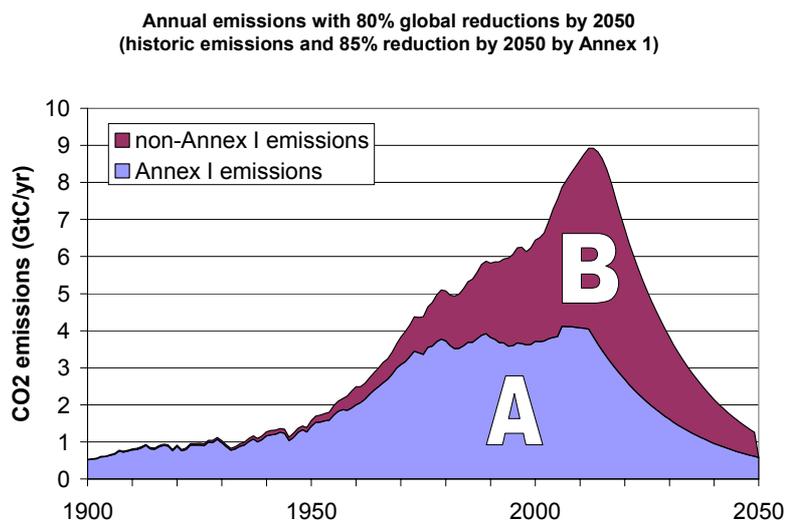


Figure 1

The total emissions of Annex I countries (Area A) will greatly exceed emissions of non-Annex I countries (Area B), even assuming that future emission reduction targets proposed by some Annex I countries are adopted. In particular, these figures assume a 30% reduction by Annex I countries from 1990 levels by 2020, and an 85% reduction by 2050 (see figure 1)¹.

In contrast, if the global emissions in each year were shared equally on a per person basis in the past through to 2050, the emissions of Annex I countries (Area C) and non-Annex I countries (Area D) would be significantly different, respectively, assuming a global emission reduction of 80%.

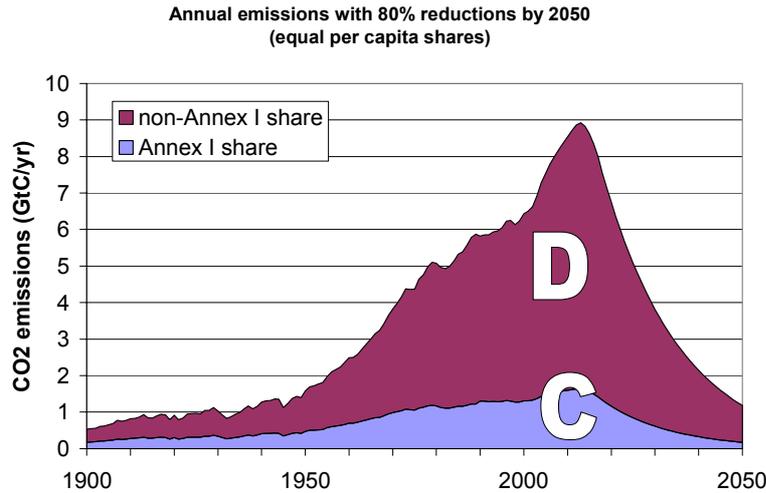


Figure 2

Note that this global emission pathway would still entail a considerable risk of exceeding 2°C, and major climate impacts and associated need for adaptation) (see figure 2).

Note also that a per-capita allocation to developed countries would still be advantageous to them as their higher levels of emission intensity, technology and financial capacity allow them to secure greater levels of welfare for each unit of carbon emitted.

Annual emissions with 80% global reductions by 2050 (showing Annex 1 over-use)

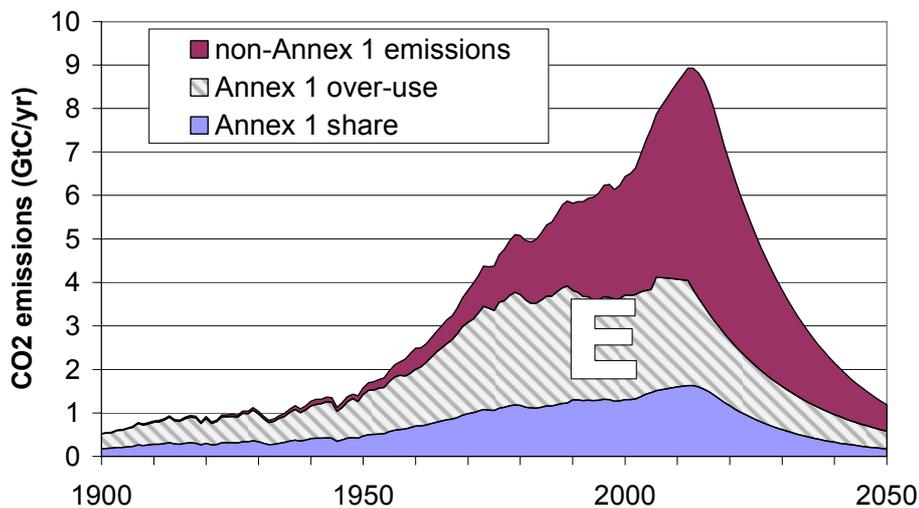


Figure 3

The difference between actual/projected emissions and a fair allocation illustrates Annex I countries' excessive use of the Earth's limited environmental space (see figure 3). Specifically, it demonstrates that a wealthy minority has already over-consumed a considerable amount of environmental space by 2050 (Area E), denying it to the poorer majority who needs it in the course of their development.ⁱⁱ

Just as proposals by Annex I countries fail to address their responsibility for historical emissions, they also fail to evaluate the environmental space needed by developing countries in the future.

The needs of developing countries

In evaluating this need, projections of emissions of developing countries associated with their economic growth and development pathways can be considered. In the absence of technological and financial support, the emissions pathway is shown as “development without support” (see figure 4). Respecting a right to development would imply that the developing countries should be allocated the environmental space necessary to satisfy their development and poverty eradication needs, given the amount of financial and technological support that is made available.

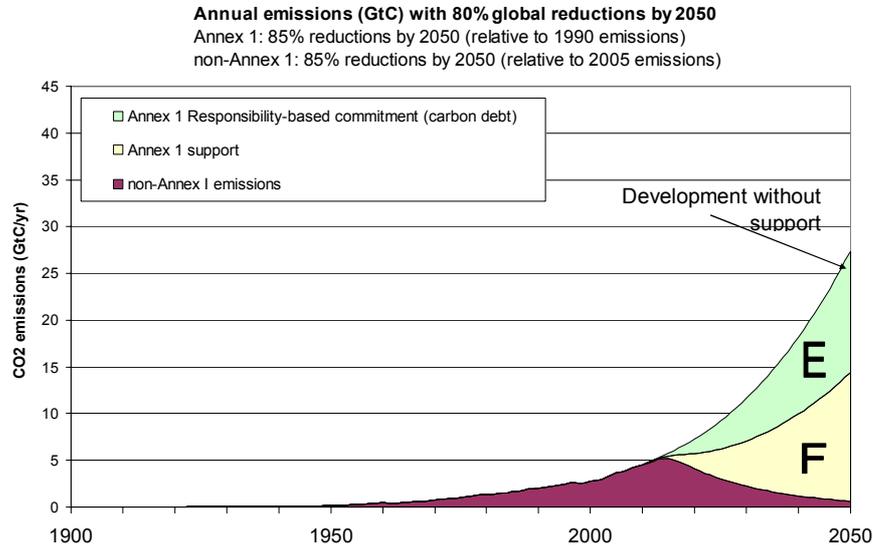


Figure 4

Different assumptions about the development pathway for developing countries will affect the level of support required to enable emissions to be adequately mitigated without losses of welfare in developing countries. A moderate development pathway would require support to enable considerable reductions by 2050 (see figure 4).ⁱⁱⁱ A higher growth pathway (e.g. 5.5% growth per year) would require support to enable reductions of a higher level by 2050 (see figure 5).

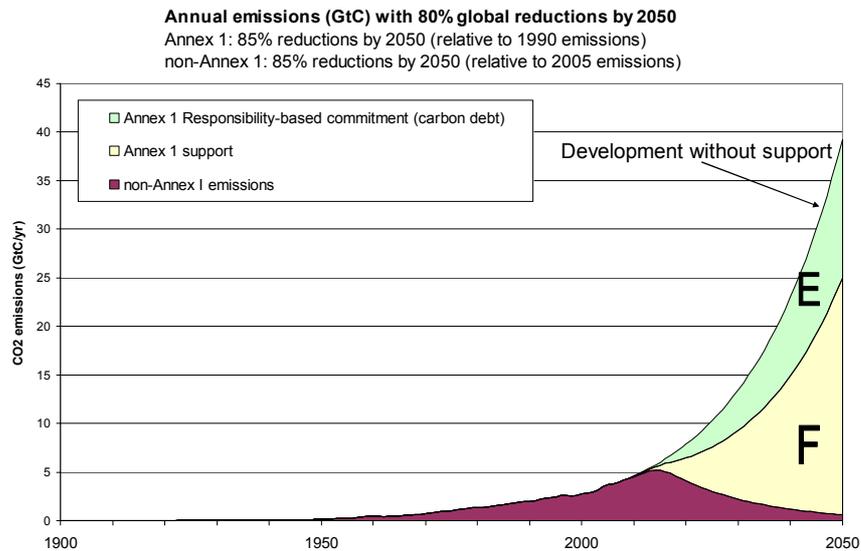


Figure 5

Based on such pathways, and the need for environmental space they imply, an ambitious package of financial and

technological transfers is clearly required from Annex I Countries to help developing countries reduce their emissions without undermining development. The necessary lower global emissions path demanded by the science would thereby be enabled.

Quantifying commitments for Annex I countries

Mitigation commitments for Annex I countries must, at a minimum, reflect their historical responsibility for the causes of climate change and the needs of developing countries for adequate environmental space in future. Developed countries must repay developing countries in the environmental space required for their development by making emission reductions as deep as technically possible. The more the repay now; the less they repay later.

To the extent it is not technically possible to repay the full measure of debt in terms of environmental space, some part of may need to be repaid by Annex I countries in the form of financing and technology (Area E) (i.e., as recognition of the greatly responsibility of Annex I for the problem of climate change). The remainder is justified by the greater financial and technological capability of Annex I countries (Area F). Together, these reflect the UNFCCC principles of countries acting “on the basis of equity and in accordance with their common but differentiated responsibilities”.

In line with approaches such as these, Annex I countries’ further commitments under the Kyoto Protocol, as well as the full, effective and sustained implementation of their commitments under the UNFCCC, must be based on a fuller evaluation of their historical emissions debt and an appropriate sharing of the remaining available environmental space among Annex I and non-Annex I countries, taking into account their accumulated emissions and the needs of developing countries for adequate environmental space.

It must also be based on fulfillment by Annex I countries of their commitments to provide the full incremental costs of implementing measures covered by Article 4.1 of the Convention. These include full incremental costs associated with the “development, application and diffusion, including transfer, of technologies, practices and processes to control greenhouse gas emissions” and the formulation and implementation of “national and, where appropriate, regional programs containing measures to mitigate climate change”.

Reference: Calculations based on dataset “National CO₂ Emissions from Fossil-Fuel Burning, Cement Manufacture, and Gas Flaring: 1751-2005”, August 27, 2008, Gregg Marland, Tom Boden, Robert J. Andres. Carbon Dioxide Information Analysis Center, Oak Ridge National Laboratory, <http://cdiac.ornl.gov>

ⁱ This global scenario establishes a emission budget based on historic emissions and assuming a global emission reduction of 80% from 1990 levels by 2050, corresponding to a low-moderate reduction which still results in a significant risk of exceeding 2°C (and associated adaptation impacts and needs in developing countries). We note that this scenario is based on proposals by the European Union for emission reductions by ; Bolivia has proposed a first commitment period ending in 2017.

ⁱⁱ This constitutes part of the emissions debt owed to developing countries, which would be larger when adjusted for differing levels of technology and capacity. Developed countries, with higher historical and current levels of capacity and technology are able to secure greater levels of welfare for each unit of emissions allocated to them.

ⁱⁱⁱ This “development without support” emissions pathway is based on Sheehan (2008) as cited in den Elzen and Hohne (2008)

PAPER NO. 7: BRAZIL

Agenda item 5 (g)

Other issues arising from the implementation of the work programme of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol

Legal matters arising from the mandate of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol

1. Brazil welcomes the opportunity to provide proposals for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9, as indicated in paragraph 5 of document FCCC/KP/AWG/2009/L.5.

2. Brazil reaffirms its willingness to continue to work with other Parties to set ambitious new emission reduction targets for Annex I Parties for subsequent commitment periods of the Kyoto Protocol, with a view to timely fulfilling the mandate of AWG-KP pursuant to its Article 3, paragraph 9.

Amendment to the Kyoto Protocol pursuant to its Article 3, paragraph 9

Proposal by Brazil

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At the fifth Conference of the Parties serving as Meeting of the Parties to the above Protocol, held in Copenhagen from 7 to 18 December 2009, the Parties adopted, in accordance with the procedure laid down in article 21 paragraph 7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change the Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, including its Annex B, as set out in Annex V to the report of the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

The text of the above Amendment, in the six official languages of its adoption is attached as an Annex to this notification.

In accordance with article 20, paragraph 4 of the Protocol, the amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

The Parties agreed that pending the entry into force of this amendment, the provisions of the amendment shall provisionally apply. The provisional application shall be effective until the amendments enter into force in accordance with article 20, paragraph 4 of this Protocol.

January 2010

Article 1: Amendment to Article 3

The following paragraph shall be added to Article 3 of the Protocol after paragraph 1:

- 1 bis: *The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 20 per cent below 1990 levels in the second commitment period 2013 to 2017 and at least 45 per cent below 1990 levels in the third commitment period 2018 to 2022.*

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 7:

- 7 bis: *In the second quantified emission reduction commitment period, from 2013 to 2017, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five.*
- 7 ter: *In the third quantified emission reduction commitment period, from 2018 to 2022, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated quantified anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five.*

The second sentence of Article 3 paragraph 9 shall be deleted, and the following shall be added to Article 3 of the Protocol after paragraph 9:

- 9 bis: *The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration.*

Article 2: Amendment of Annex B

For Annex B to the Protocol there shall be inserted two new columns next to the existing column, as follows:

Annex B

<i>Party</i>	<i>Quantified emission limitation or reduction commitment (2008-2012) (percentage of base year or period)</i>	<i>Quantified emission reduction commitment (2013-2017) (percentage of base year or period)</i>	<i>Quantified emission reduction commitment (2018-2022) (percentage of base year or period)</i>
Australia	108		
Austria	92		
Belarus*			
Belgium	92		
Bulgaria*	92		
Canada	94		
Croatia*	95		
Czech Republic*	92		
Denmark	92		
Estonia*	92		
European Community	92		
Finland	92		
France	92		
Germany	92		
Greece	92		
Hungary*	94		
Iceland	110		
Ireland	92		
Italy	92		
Japan	94		
Latvia*	92		
Liechtenstein	92		
Lithuania*	92		
Luxembourg	92		
Monaco	92		
Netherlands	92		
New Zealand	100		
Norway	101		
Poland*	94		
Portugal	92		
Romania*	92		
Russian Federation*	100		
Slovakia*	92		
Slovenia*	92		
Spain	92		
Sweden	92		
Switzerland	92		
Turkey**			
Ukraine*	100		

United Kingdom of Great Britain and Northern Ireland	92		
United States of America **	93		

* Countries that are undergoing the process of transition to a market economy.

** Countries that have not yet ratified the Kyoto Protocol

Article 3: Entry into force

1. The Amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depository of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

2. For the purpose of paragraph 1 above, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

**SUBMISSION BY CHINA ON LEGAL MATTERS ARISING FROM THE MANDATE
OF THE AWG-KP PURSUANT TO ARTICLE 3, PARAGRAPH 9 OF THE KYOTO
PROTOCOL**

1. The Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) at its seventh session held in Bonn invited Parties to submit on the legal matters arising from the mandate of AWG-KP pursuant to Article 3, Paragraph 9 of the Kyoto Protocol by 24th April 2009. China welcomes this opportunity and would like to submit the following views.
2. The mandate of the AWG-KP, as clearly defined in decision 1/CMP.1, is to establish further commitments for Parties included in Annex I for the period beyond 2012 in accordance with Article 3, paragraph 9 of the Protocol. This is a simple and focused mandate which shall be completed by the adoption of an amendment text which consists of an amended Annex B to the Kyoto Protocol and its consequential amendments.
3. This amendment text shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption, pursuant to Article 20, Paragraph 2 of the Kyoto Protocol. In order for its adoption at the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session, this amendment text shall be communicated to the Parties by the secretariat by 17th June at the latest.
4. The content of this amendment text is as follows:

A. Amendment to Article 3 of the Kyoto Protocol

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 1:

1 bis

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 40 per cent below 1990 levels in the second commitment period from 2013 to 2020.

The following paragraph shall be added to Article 3 of the Protocol after paragraph 7:

7 bis

In the second quantified emission limitation and reduction commitment period, from 2013 to 2020, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for in Annex B of its aggregated anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by eight.

The following paragraph shall be added to Article 3 of the Protocol after paragraph 9:

9 bis

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of further commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration.

B. Amendment to Article 4 of the Kyoto Protocol

In paragraph 3 of Article 4 of the Protocol, for the words: “the commitment period specified in Article 3, paragraph 7” there shall be substituted:

“any commitment period established by the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol”.

C. Amendment to Annex B to the Kyoto Protocol

For Annex B to the Protocol there shall be inserted a new column next to the existing column:

Annex B

Party	QELRC (2008-2012) (percentage of base year or period)	QELRC (2013-2020) (percentage of base year or period)
Australia	108	X
Austria	92	X
Belgium	92	X
Bulgaria*	92	X
Canada	94	X
Croatia*	95	X
Czech Republic*	92	X
Denmark	92	X
Estonia*	92	X
European Community	92	X
Finland	92	X
France	92	X
Germany	92	X
Greece	92	X
Hungary*	94	X
Iceland	110	X
Ireland	92	X
Italy	92	X
Japan	94	X
Latvia*	92	X
Liechtenstein	92	X
Lithuania*	92	X
Luxembourg	92	X
Monaco	92	X
Netherlands	92	X

New Zealand	100	X
Norway	101	X
Poland*	94	X
Portugal	92	X
Romania*	92	X
Russian Federation*	100	X
Slovakia*	92	X
Slovenia*	92	X
Spain	92	X
Sweden	92	X
Switzerland	92	X
Ukraine*	100	X
United Kingdom of Great Britain and Northern Ireland	92	X
United States of America	93	X

* Countries that are undergoing the process of transition to a market economy.

PAPER NO. 9: COLOMBIA

**AMENDMENTS TO THE KYOTO PROTOCOL PURSUANT TO ITS ARTICLE 3.
PARAGRAPH 9.**

Submission by Colombia

The AWG-KP at its seventh session invited Parties to submit to the secretariat, by 24 April 2009, further views and proposals on matters relating to the request referred to in paragraph 4 (a) and (b) of paragraph 4 in document FCCC/KP/AWG/2009/L.5, for compilation into a miscellaneous document.

Article 3

1 bis

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex X in accordance to the provisions of this article, with the view to reducing their overall emissions of such gases by [at least 45% below 1990 levels by 2020, and at least 95% below 1990 by 2050],[at least 40% below 1990 levels by 2017 and at least 95% below 1990 by 2050] [40% below 1990 levels by 2020 and at least 95% below 1990 by 2050].

1 ter

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex X in accordance to the provisions of this article, with the view to reducing their overall emissions of such gases by at least [45% below 1990 levels in the commitment period from 2013 to 2020, and at least 56% by 2027], [18 per cent below 1990 levels in the commitment period 2013 to 2017 and at least 40 per cent below 1990 levels in the third commitment period 2018 to 2022].

3 bis

The net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human-induced land-use change and forestry activities, limited to afforestation, reforestation and deforestation since 1990, measurable as verifiable changes in carbon stocks in each commitment period, shall be used to meet the commitments under this article of each Party included in Annex I, but shall not exceed 2% of the accountable reductions for compliance purposes of each Party. The greenhouse gas emissions by sources and removals by sinks associated with those activities shall be reported in a transparent and verifiable manner and reviewed in accordance with Articles 7 and 8.

3bis Commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex X to this Protocol, which shall be adopted in accordance with the provisions of Article 21 paragraph 7. The Conference of the Parties serving as the meeting of the parties to this Protocol shall initiate the consideration of such commitments at the mid-term review as established in article 3.15 below.

Article 3. 15 (or a new article to be included) Midterm Review of commitments and compliance (to be included in Art 3.1)

Commitments set out in Article 3.1 shall be subject to a mid-term review on the basis of best available scientific information and compliance of commitments from Parties included in Annex X, this review shall occur at the middle of each commitment period (i.e. 2017 for the second commitment period).

Annex X

Party	Quantified emission limitation or reduction commitment (2008 – 2012)	Quantified emission reduction commitment (2013 – 2020)	Quantified emission reduction commitment (2020 – 2027)

Article 12. 8 bis

The Conference of The Parties serving as the Meeting of the Parties to this Protocol shall ensure that a share of the proceeds from certified project activities, as defined in article 12 paragraph 1 above (Clean Development Mechanism) and Article 6 of this Protocol (Joint Implementation); as well as those activities defined in Article 17 (emissions trading), is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.

Article 18 bis.

The Conference of The Parties serving as the meeting of the Parties to this protocol shall, at the 16th session, ensure the consideration by the compliance body of new procedures and mechanisms, for review of reduction commitments from Annex I Parties in the following commitment periods. In particular, at the same session, the Conference of the Parties serving as the meeting of the Parties to this protocol, shall initiate consideration of appropriate and effective procedures and mechanisms: to determine and to address cases of non-compliance with the provisions of this Protocol, in accordance to article 3.15, including financial penalties to be determined on the basis of cause, type, degree and frequency of non-compliance. Those resources should assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.

Immunities for individuals serving on constituted bodies. (to be included)

Article [Y]

1. Individuals serving as members or alternate members of bodies constituted under this Protocol shall be accorded such immunities as are necessary for the independent exercise of their functions. These immunities shall only apply to activities in connection with the exercise of their official functions. They shall be accorded:

- (a) in respect of words spoken or written and acts done by them in the course of the performance of their function, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer members or alternate members of bodies constituted under this Protocol;
- (b) inviolability for all papers and documents.

PAPER NO. 10: CZECH REPUBLIC ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS
MEMBER STATES

This submission is supported by the Former Yugoslav Republic of Macedonia, Serbia and Turkey

Prague, 28 April 2009

Subject: Legal matters arising from the mandate of Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP). Further views and proposals for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9, and, for a text on other issues outlined in document FCCC/KP/AWG/2008/8.

Before commenting on the text of possible amendments the EU would like to stress that the AWG-KP agreed to take into account developments under the AWG-LCA and other bodies and processes under the Convention and its Kyoto Protocol. This is of particular importance with regard to the legal form of the Copenhagen agreed outcome, which could have implications for the final form and content of amendments to the Kyoto Protocol. The AWG-KP should seek coherence and maximise synergies in the work of different bodies and processes.

ARTICLE 1¹

Section A:

Annex B

The EU would favour option 2 but is open to explore other parties proposals.

In case more than one commitment period is defined this would imply the need to add additional columns to Annex B.

Section B: Article 3 paragraph 1.

The EU would favour option two with the following changes:

Add in 1bis overall emission reduction should be 30% below 1990 levels by 2020.

The expression of this figure would depend on the choice of commitment periods (e.g. length and number of commitment periods.)

The EU would like to provide for further consideration the idea of annual compliance assessment. The Annex contains text proposals to this effect.

Section C

The EU would favour option 2.

If we were to define more than one commitment period additional paragraphs would be needed.

Section D:

The EU believes that it is generally useful to include a provision for when to commence negotiations on subsequent commitments. As pointed out in Bonn (29 March-8 April 2009), the EU would prefer such a provision to relate to all commitments contained in the agreed outcome of Copenhagen. Thus, the final

¹ On the basis of document FCCC/KP/AWG/2009/3.

text of such a provision should be subject to the work and results achieved in other processes under the Convention.

In addition, the EU believes it is useful to consider the idea of holding reviews of the adequacy of the commitments during the commitment periods.

ARTICLE 2:

Entry into force

The EU suggests that new commitments should also be made conditional on a certain percentage of GHG emissions being covered. This could be achieved by making the application of any new commitments contingent on coverage of a certain percentage of emissions.

Such an additional requirement for the application of new commitments would require an amendment of the KP.

The EU believes that provisions on entry into force and application of any new commitments need to be coordinated with the approach under the AWG-LCA to ensure the legal effectiveness of the overall agreed outcome of Copenhagen.

Simplification of certain procedure (e.g. amendments to Annex B)

The EU is willing to discuss several options for simplifying the procedures. In the Annex, text proposals are included for amendments to Article 21 of the KP that reflect two options for simplifying the procedures: the adjustment procedure and the opt-out procedure.

Immunities

A specific article on immunities for individuals serving on bodies constituted under the KP should be included, keeping in mind the ongoing process on this issue under the SBI. See text proposals in Annex.

In addition to these proposals, there may be a need for other changes to improve clarity and avoid ambiguity.

ADDITIONAL ISSUES (including issues relating to FCCC/KP/AWG/2009/4)

Review of adequacy of commitments.

The EU believes that a review of the adequacy of commitments incribed in Annex B should be carried out in the light of the IPCC Assessment Report in the context of a periodic review of overall progress towards the ultimate objective of the Convention and actions related to mitigation, adaptation and means of implementation.

Improvements to Emissions trading and the project based mechanisms.

The EU believes that a number of proposals under consideration in the Contact Group on Project-based mechanisms could require amendments to the KP and or the Marrakech Accords. For example:

- **Sectoral crediting** on the basis of no-lose targets would need an amendment of the Kyoto Protocol. This mechanism would deviate from the current framework under Article 12 as for example "sectoral activities" and "tradable units" would need to be introduced.
- Also, any sectoral crediting approach would need to be guided by a subsidiary body under the overall guidance of the CMP or COP. In addition to a legal article, CMP/COP decisions would be needed to further define the modalities of the mechanism.
- **Sectoral emissions trading:** Integrating sectoral emissions trading in developing countries into the global carbon market in order to enable emission units issued towards sectoral targets in these countries to be sold and used for compliance, would require changes to Article 17 (or a respective new article) of the Kyoto Protocol pursuant to which only "Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3".
- Thus Article 17 (or a respective new article) would need to be opened up to Parties outside the scope of Annex B that have committed themselves to adopt sectoral targets. The post-2012 regime would also need to enable these units to be used for compliance purposes. In addition, CMP or COP decisions would be needed to further define the modalities of sectoral emissions trading.

LULUCF:

- A number of interesting proposals and options on the table under this agenda item. Several of these may require amendments to the Kyoto Protocol and/or the Marrakech Accords.

Coverage of sectors and sources:

- EU has proposed to include new gases would in some cases require amendments to Annex A and in some cases to the UNFCCC reporting guidelines.

Common metrics:

- EU proposals to continue to apply the current metrics of GWPs with 100 years' time horizon beyond 2012 and agree to use updated GWPs as presented in IPCC AR4.

Approaches to limit or reduce bunker fuel emissions:

- May lead to changes to the KP, e.g. Art 2.2. This needs to be discussed in coherence with AWG-LCA work on mitigation, e.g. if we would inscribe global sectoral targets for these sectors into the Copenhagen agreed outcome.

Analysis of efforts and achievements during the first commitment period, including analysis of possible surplus in AAUs

- Subject to the result of the consideration of this issue, there may be a need for changes to the Kyoto Protocol or the Marrakech Accords

Annex

Text proposals

1. Article 2

1. Article 2, paragraphs 1, 3 and 4 of the Kyoto Protocol shall apply.

2. Parties shall take the necessary action to achieve a reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from international aviation and maritime transport.

3. Global reduction targets for the emissions from international aviation shall be set equal to [X per cent] below 2005 levels in the commitment period [20XX to 20XX].

Supplemental to action on international aviation Parties may allow units from the mechanisms defined in Articles 6 and 12 [placeholder for new mechanisms] for the purposes of achieving the aforementioned targets.

4. Global reduction targets for the emissions from international maritime transport shall be set equal to [Y per cent] below XXXX levels in the commitment period [20XX to 20XX].

Supplemental to action on maritime transport Parties may allow units from the mechanisms defined in Articles 6, 12, and 17 [placeholder for new mechanisms] for the purposes of achieving the aforementioned targets.

5. Parties shall work through the International Civil Aviation Organization and the International Maritime Organization, to enable an effective international agreement to achieve international targets that do not lead to competitive distortions or carbon leakage to be approved by 2011 [or after 2 years from the entry into force of this Protocol]². The Conference of the Parties serving as the meeting of the Parties to this Protocol shall assess progress of the implementation of this paragraph, and shall take action to advance the implementation, as appropriate

² It would be alternatively necessary either to adopt a decision at COP/MOP5 (in Copenhagen, with immediate entry into force) to mirror the timeframe of 2011 or to provide for a flexibility option in case the Copenhagen agreement is not entered into force before 2011.

2. Additional qualification, similar to the double requirement for entry into force in Article 25. 1, for the application of any new commitments and other obligations (to be inserted at an appropriate place in article 3, e.g. para 1):

“The quantified emission limitation or reduction commitments and [...] for the period [...] inscribed in [...] shall only apply once [*specified conditions have been met, e.g. a certain percentage of GHG emissions are covered*].

3. Annual compliance assessment

The rationale for the additional text within square brackets is that it allows for the further consideration of the idea of annual compliance assessments.

“1 bis. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in the third column of Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by 30 per cent below 1990 levels [by the end of] [in] the commitment period 2013 to 2020, [and in accordance with the annual compliance assessment set out in article ...].”

This needs to be complemented by a new article on the annual compliance assessment to be inserted at the appropriate place into the KP.

4. Consideration of commitments

“9 bis The Conference of the Parties serving as the Meeting of the Parties to this Protocol shall initiate the consideration of the adequacy of commitments and actions under articles [...] and commitments for the third and subsequent commitment periods at least Z years before the end of the second and subsequent commitment periods.”

5. Immunities for individuals serving on constituted bodies. Text taken from the EU submission (March 2009):

(to be inserted in the appropriate place)

“Article [...]

1. Individuals serving as members or alternate members of bodies constituted under this Protocol shall be accorded such immunities as are necessary for the independent exercise of their functions. These immunities shall only apply to activities in connection with the exercise of their official functions. They shall be accorded:

(a) In respect of words spoken or written and acts done by them in the course of the performance of their function, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer members or alternate members of bodies constituted under this Protocol;

(b) Inviolability for all papers and documents.

2. Immunities are granted to members and alternate members for the efficient performance of their official functions and not for the personal benefit of the individuals themselves. The Executive Secretary

to the United Nations Framework Convention on Climate Change shall have the right and the duty to waive the immunity of any member or alternate member in any case where, in his or her opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the operation of this Protocol.

3. Constituted bodies referred to in paragraph 1 above are the Executive Board of the Clean Development Mechanism, the Joint Implementation Supervisory Committee, the compliance committee and the expert review teams established under Article 8 of the Kyoto Protocol.³”

6. Simplifying the procedures for inscribing commitments in Annex B:

The EU is willing to discuss several options for simplifying the procedures. Below are text proposals for amendments to Article 21 of the KP that reflect two options: the adjustment procedure and the opt-out procedure.

Option A - the adjustment procedure:

“Article 21 (Annexes and Amendments to Annexes)

...

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex other than Annex A, B [or ...] shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. Amendments to Annex A, B [and...] shall be adopted by consensus and in relation to Annex B [and ...] only with the written consent of the Party concerned. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex other than Annex A, B [or...], that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

...

7. Amendments to Annexes A, B [or...] to this Protocol shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex.”

Option B - the opt-out procedure:

³ The EU is continuing its analysis on the issue of privileges and immunities and may provide additional views on the treaty arrangements at a later stage.

“Article 21 (Annexes and Amendments to Annexes)

...

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex other than Annex A, B [or ...] shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. Amendments to Annexes A, B [or...] to this Protocol shall be adopted by consensus only. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex, that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.”

Submissions
to
the Ad Hoc Working Group
on further commitments for Annex I Parties under the Kyoto Protocol
(AWG-KP)

Further views and proposals on matters relating to the request referred to in paragraph 4 (b), text on other issues outlined in the report on its resumed sixth session, of the Draft conclusions proposed by the Chair contained in document FCCC/KP/AWG/2009/L.5

Submission I

With reference to paragraph 4 (b) in document FCCC/KP/AWG/2009/L.5 (Draft conclusions proposed by the Chair on Legal matters), Iceland proposes to extend the provisions of decision 14/CP.7 so they apply to the second commitment period. The proposal is formulated as a decision to be adopted by the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (a CMP-decision).

Decision 14/CP.7 was taken by the Conference of the Parties to the Convention (COP-decision) but its provisions apply to the first commitment period of the Kyoto Protocol. Decision 14/CP.7 was concluded as part of the Marrakesh accords but to enable Iceland to ratify the Kyoto Protocol the decision was taken as a COP-decision and not deferred to the first session of the Conference of the Parties serving as the Meeting of Parties to the Kyoto Protocol. This link between decision 14/CP.7 and the Marrakesh accords was confirmed by two CMP-decisions in Bali, decisions 7/CMP.3 and 8/CMP.3, both of which include a reference to Decision 14/CP.7 acknowledging its effect in relation to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

Extending decision 14/CP.7 as a COP-decision to the second commitment period, now that the Kyoto Protocol has entered into force, would not have the legal effect required because according to international law, the Conference of the Parties of each of the bodies, the Convention and the Protocol, has no legal capacity over the other; one is independent of the other.

It is clear that part of the climate change negotiations will be devoted to discussions of the Marrakesh accords, including the relevance of the decisions contained therein for the second and subsequent commitment periods. Decision 14/CP.7 is to be part of that discussion.

Proposal

Decision XX/CMP.5

The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,

Recalling decisions 1/CP.3, paragraph 5 (d), and 14/CP.7 on Impact of single projects on emissions in the commitment period,

Recalling also its decisions 7/CMP.3 og 8/CMP.3,

Recognizing the importance of renewable energy in meeting the objective of the Convention,

1. *Decides* that, the provisions of decision 14/CP.7, adopted by the Conference of the Parties at its seventh session, shall continue to apply for the second commitment period with the conditions detailed therein.

Agenda item 3: Consideration of the scale of emission reductions to be achieved by Annex I Parties in aggregate

Agenda item 4: Contribution of Annex I Parties, individually or jointly, to the scale of emission reductions to be achieved by Annex I Parties in aggregate

AMENDMENT TO THE KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At the fifth Conference of the Parties serving as Meeting of the Parties to the above Protocol, held in Copenhagen from 7 to 18 December 2009, the Parties adopted, in accordance with the procedure laid down in article 21 paragraph 7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change the Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, including its Annex B, as set out in Annex V to the report of the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

The text of the above Amendment, in the six official languages of its adoption is attached as an Annex to this notification.

In accordance with article 20, paragraph 4 of the Protocol, the amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

The Parties agreed that pending the entry into force of this amendment, the provisions of the amendment shall provisionally apply. The provisional application shall be effective until the amendments enter into force in accordance with article 20, paragraph 4 of this Protocol.

January 2010

**AMENDMENT TO THE KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK
CONVENTION ON CLIMATE CHANGE**

Article 1: Amendment

A. Article 3

The following paragraph shall be added to Article 3 of the Protocol after paragraph 1:

1 bis

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least XX per cent below 1990 levels by 2050. This shall be achieved during subsequent commitment periods by the end of 2050.

1 ter

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least YY per cent below 1990 levels by 2016 and at least ZZ per cent below 1990 levels in the second quantified emissions reduction commitment period ending 2018 - 2022.

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 7:

7 bis In the second quantified emission reduction commitment period, ending 2018-2022, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated quantified anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five.

7 ter For the subsequent commitment periods up to 2050, the assigned amount for each Party included in Annex I shall be equal to the percentage to be inscribed in Annex B of its aggregated anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by the length in years of the duration of the said commitment period, taking into account the need to ensure that Parties included in Annex B meet their aggregate emission reduction commitments as specified in article 3 paragraph 1, sub-paragraphs *1 bis* and *1 ter* above.

The second sentence of paragraph 9 shall be deleted and the following shall be added to Article 3 of the Protocol after paragraph 9:

9 bis

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration.

B. Annex B

For Annex B to the Protocol there shall be inserted two new columns next to the existing column :

Annex B^a

Party	Quantified emission limitation or reduction commitment (2008-2012) (percentage of base year or period)	Quantified emission reduction (2013-2016) (percentage of base year or period)	Quantified emission reduction commitment (ending 2018-2022) (percentage of base year or period)
Australia			
Austria			
Belarus			
Belgium			
Bulgaria*			
Canada			
Croatia*			
Czech Republic*			
Denmark			
Estonia*			
European Community			
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
Sweden
Switzerland
Turkey
Ukraine*
United Kingdom of Great Britain and Northern Ireland
United States of America ^c

* Countries that are undergoing the process of transition to a market economy.

^a As at January 2010

^c Countries that have not yet ratified the Kyoto Protocol

Article 2: Entry into force

The Amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depository of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

For the purpose of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

PAPER NO. 13: JAPAN

For preparation of the Chair's proposal and text for consideration at the AWG-KP8

Japan hereby submits the Draft Protocol to the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) as its inputs for the Chair's proposal and text for consideration at the AWG-KP8 to be prepared in accordance with the conclusions adopted at the AWG-KP7. Japan has also sent the Draft Protocol to the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) as its inputs for the AWG-LCA Chair's negotiating text for consideration at the AWG-LCA6. Japan once again highlights the importance of ensuring coherence and consistency between the AWG-KP and the AWG-LCA.

Note by the secretariat:

The complete submission by Japan can be found in document FCCC/CP/2009/3.

PAPER NO. 14: NEW ZEALAND

**Submission to the Ad-Hoc Working Group on Further Commitments for Annex I Parties
under the Kyoto Protocol (AWG-KP)**

Long-term Global Goal

24 April 2009

Responding to the Chair's request for draft legal text, New Zealand proposes the following COP decision to encapsulate the long-term global goal for emission reductions that guides implementation of the Convention and its related legal instruments.

<i>The Conference of the Parties</i>
Reaffirming the importance of the ultimate objective of the Convention as set out in its Article 2,
<i>Decides</i> that the global goal guiding the commitments and actions of all Parties under the Convention towards the achievement of its ultimate objective shall be the stabilisation of greenhouse gas concentrations in the atmosphere at not more than 450 parts per million of carbon dioxide equivalent;
<i>Decides</i> that this level should be kept under review in the light of intergovernmental scientific assessments.

PAPER NO. 15: SAUDI ARABIA

April 24, 2009

Legal matters arising from the mandate of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP)

Saudi Arabia welcomes the opportunity to submit its views and Proposal on the amendments to the Kyoto Protocol Pursuant to its Article 3, Paragraph 9 and for a text on other issues outlined in the below documents by 24 April, 2009:

1. FCCC/KP/AWG/2008/8
2. FCCC/KP/AWG/2009/L.5, Paragraph 5

Saudi Arabia believes that in relation to this Article, Parties should implement the legal mandate given by Article 3.9 of the Kyoto Protocol. This would mean the following:

1. We can only amend Annex B in accordance with provisions Article 21 Paragraph 7 with regards to targets and time tables. This could include a text on a revised Article 3.1.
2. Any further elaborations with regards to all the outcomes of the Ad-hoc Working Group on Article 3.9 of AWG- KP should be elaborated in a decision by the COP/ MOP. This includes agreements on the means; consequences, other GHG's, methodologies, etc... should part of this decision.

PAPER NO. 16: SOUTH AFRICA

Ad Hoc Working Group on Further Commitments
for Annex I Parties under the Kyoto Protocol (AWG-KP)

Agenda item 3: Consideration of the scale of emission reductions to be achieved by Annex I
Parties in aggregate

Agenda item 4: Contribution of Annex I Parties, individually or jointly, to the scale of emission
reductions to be achieved by Annex I Parties in aggregate

3 April 2009

AMENDMENT TO THE KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK
CONVENTION ON CLIMATE CHANGE

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At the fifth Conference of the Parties serving as Meeting of the Parties to the above Protocol, held in Copenhagen from 7 to 18 December 2009, the Parties adopted, in accordance with the procedure laid down in article 21 paragraph 7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change the Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, including its Annex B, as set out in Annex V to the report of the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

The text of the above Amendment, in the six official languages of its adoption is attached as an Annex to this notification.

In accordance with article 20, paragraph 4 of the Protocol, the amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

The Parties agreed that pending the entry into force of this amendment, the provisions of the amendment shall provisionally apply. The provisional application shall be effective until the amendments enter into force in accordance with article 20, paragraph 4 of this Protocol.

January 2010

AMENDMENT TO THE KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK
CONVENTION ON CLIMATE CHANGE

Article 1: Amendment

A. Article 3

The following paragraph shall be added to Article 3 of the Protocol after paragraph 1:

1 bis

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 95 per cent below 1990 levels by 2050. This shall be achieved during subsequent commitment periods by the end of 2050.

1 ter

The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 18 per cent below 1990 levels in the commitment period 2013 to 2017 and at least 40 per cent below 1990 levels in the third commitment period 2018 to 2022.

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 7:

7 bis In the second quantified emission reduction commitment period, from 2013 to 2017, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five.

7 ter In the third quantified emission reduction commitment period, from 2018 to 2022, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated quantified anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five.

7 quad For the subsequent commitment periods up to 2050, the assigned amount for each Party included in Annex I shall be equal to the percentage to be inscribed in Annex B of its aggregated anthropogenic carbon dioxide equivalent emissions of

the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by the length of the duration of the said commitment period, taking into account the need to ensure that Parties included in Annex B meet their aggregate emission reduction commitments as specified in article 3 paragraph 1, sub-paragraphs 1 *bis* and 1 *ter* above.

The second sentence of paragraph 9 shall be deleted and the following shall be added to Article 3 of the Protocol after paragraph 9:

9 bis

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration.

B. Annex B

For Annex B to the Protocol there shall be inserted two new columns next to the existing column :

Annex B^a

Party	Quantified emission limitation or reduction commitment (2008-2012) (percentage of base year or period)	Quantified emission reduction commitment (2013-2017) (percentage of base year or period)	Quantified emission reduction commitment (2018-2022) (percentage of base year or period)
Australia	108	82	61
Austria	92	69	32
Belarus		97	93
Belgium	92	70	34
Bulgaria*	92	96	92
Canada	94	79	53
Croatia*	95	92	83
Czech Republic*	92	87	72
Denmark	92	75	45
Estonia*	92	94	87
European Community	92	78	51
Finland	92	80	56
France	92	69	31
Germany	92	76	46
Greece	92	82	60
Hungary*	94	89	75
Iceland	110	77	48
Ireland	92	79	53
Italy	92	79	53
Japan	94	77	49
Latvia*	92	93	85
Liechtenstein	92	78	51
Lithuania*	92	93	85
Luxembourg	92	73	40
Monaco	92	78	51
Netherlands	92	77	49
New Zealand	100	84	64
Norway	101	67	27
Poland*	94	90	78
Portugal	92	84	64
Romania*	92	96	91
Russian Federation*	100	96	91

Slovakia*	92	91	79
Slovenia*	92	83	62
Spain	92	75	44
Sweden	92	65	23
Switzerland	92	69	31
Turkey		95	89
Ukraine*	100	99	98
United Kingdom of Great Britain and Northern Ireland	92	66	25
United States of America ^c	93	76	48

* Countries that are undergoing the process of transition to a market economy.

^a As at January 2010

^c Countries that have not yet ratified the Kyoto Protocol

Article 2: Entry into force

The Amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

For the purpose of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

ZAMBIA'S SUBMISSION OF VIEWS ON THE PROPOSAL FOR AMENDMENTS TO THE KYOTO PROTOCOL PURSUANT TO ITS ARTICLE 3 PARAGRAPH 9 (FCCC/KP/AWG/2009/L.5)

General View

It is Zambia's view that the review of the Kyoto Protocol pursuant to its **article 3 paragraph 9** should focus on the emission reduction targets for targets for annex 1 countries for the second and subsequent commitment periods. The only other matters that should be addressed are those which are strictly consequential to the above amendment such as harmonizing the other article provisions that refer to the targets.

Article 3 paragraph 1

The aggregate emission reduction targets for annex 1 Parties in this paragraph should now refer to a reduction of not less than **45% below their 1990 levels by the year 2020** and not less than **95% below their 1990 levels by the year 2050**.

Other Issues

The other issues including matters relating to the means of achieving these emission reduction targets by annex 1 parties need not be addressed through Article 3.9 amendments but can be dealt with through other channels including COP decisions.
