Has Japan Killed the Kyoto Protocol?
Even If It Has There is Still Hope for a Climate Agreement

SOURCE: AP/Eduardo Verdugo
A woman hands out names of countries to participants at the United Nations Climate Change Conference in Cancun, Mexico, on December 2, 2010. Japan announced at one of the opening plenary sessions of the talks that they would not renew their emission reduction pledges under the Kyoto Protocol once the first round of required carbon cuts expire in 2012.

http://www.americanprogress.org/issues/2010/12/japan_kyoto_announcement.html

By Andrew Light | December 8, 2010

The U.N. climate summit here in Cancun, Mexico, has been consumed this past week over Japan’s announcement at one of the opening plenary sessions that they would not renew their emission reduction pledges under the Kyoto Protocol once the first round of required carbon cuts expire in 2012. This could mean the potential demise of the world’s only climate treaty with binding emission cuts, but the reasoning of the Japanese leadership on this issue is practically unassailable.

What’s more, by taking this position, Japan may also help to settle an issue that has been haunting these talks for a decade: the standoff between those who want to hold onto the protocol’s crude division of the world between developed and developing countries and those who want to move to a framework that may be more in line with the reality of solving the problem.

Japan’s announcement was made in the halls at the Moon Palace in Cancun, where negotiators from 194 countries have gathered for the 16th meeting of the “Conference of the Parties” of the U.N. Framework Convention on Climate Change. The buzz started shortly after a plenary session on Monday and it continues to reverberate in press conferences and side events.

The announcement originated in a ministerial-level meeting in Tokyo. In it, Japanese negotiators reiterated a position they have been making for a year now: They will not sign onto a second commitment period of the Kyoto Protocol unless the biggest carbon polluters do as well. A new commitment period would set
new and more ambitious targets for binding emission reductions among the parties of that treaty beyond 2012.

The first commitment period of the protocol started when it went into force in 2005. Most parties had started on cuts consistent with the protocol prior to that. It binds 37 developed nations and the European Union to cut emissions from 1990 levels by a collective 5.2 percent by 2012. The understanding reached in Kyoto was that this first commitment period would be temporary, and it would only begin the process of reducing emissions under a legally binding agreement. It would also implement various programs that could make a global system of emission reductions workable, such as the Clean Development Mechanism, or CDM, which allows for a system of carbon offsets.

The expectation has been that the protocol’s parties would eventually agree on a second commitment period after 2012 that would set more ambitious targets for reducing emissions consistent with the goals outlined by the Intergovernmental Panel on Climate Change and other scientific bodies for achieving some measure of climate safety. These bodies generally agree that the most feasible target would be stabilizing temperature increase caused by greenhouse gas emissions at 2 degrees Celsius over pre-industrial levels. There is, however, a question of whether the protocol alone can ever assure climate safety. This is due primarily to the fact that the world’s second-largest emitter and largest per-capita emitter, the United States, never ratified the Kyoto Protocol—the very idea of the protocol was rejected by the U.S. Senate in 1997 by a vote of 95-0. The protocol also does not require emission reductions from developing countries including the biggest emitters such as China and India.

Japan’s decision not to renew their commitment is based on these key problems with the protocol. Why should they sign onto a second period of binding reductions for an agreement that can never hope to achieve meaningful carbon reductions because it does not include the United States and China? A press release circulated by the Japanese government added up the cold but convincing numbers: “...the total emissions of energy-related CO2 from the countries undertaking obligations to reduce emissions under the Protocol account for only about 27 percent of the global emissions in 2008, which dropped down from 42 percent in 1990. Thus, it is not effective as regards to emission reduction obligation or the scale of emissions to be reduced.”

Hideki Minamikawa, vice minister for global environment in the Japanese environment ministry, noted that the parties that signed the Copenhagen Accord—the nonbinding political agreement delivered in the 11th hour at the U.N. climate summit last year in Denmark—represent 80 percent of global emissions. Some have suggested that the Kyoto Protocol should continue to a second commitment period and be tied to a new agreement based on the Copenhagen Accord. But Minamikawa made it clear in an interview with The Guardian that his government did not support such a potentially cumbersome architecture: “We want a single binding treaty,” he said.

Some will conclude that Japan’s decision on the protocol is simply a ploy to shirk their responsibilities on carbon mitigation and helping poorer countries adapt to climate change. But Japan’s pledges and actions to date point to a different conclusion.

Japan’s commitment under the Copenhagen Accord is to cut emissions 25 percent below 1990 levels by 2020. That target is more stringent than the European Union’s current goal, and it is regarded as the global leader in carbon mitigation. Of the fast-start financing announced in Copenhagen last year—for developed countries to provide $30 billion to developing countries by 2012 for adaptation and mitigation—Japan has pledged $15 billion and already implemented $7.23 billion as of the end of September. The United States, by contrast, delivered $1.7 billion in 2010, and it is scheduled to deliver approximately $4 billion by the end of the fast-start period.

Other Kyoto signatories’ reactions to Japan’s announcement have been mixed. Not surprisingly, the Canadians, who have long since given up on meeting their reductions under the Kyoto Protocol, have endorsed this move. Bill Rodgers, a spokesman for Canadian Environment Minister John Baird, concurred on Saturday that the protocol was indeed ineffective because it does not include the top two carbon polluters. Peter Witthoeck, a spokesperson for the European Union, made it clear that while the European
Union was resolutely undecided on extending the protocol for a second commitment period with a new set of emission reduction targets, the Japanese calculations were correct: “If it is only the EU that is under such a commitment without the rest of the world … [then] that would not be a solution for the global climate problem.”

In contrast, Bernardita Muller of the Philippines, a spokesman for the G77, the group of more than 100 developing countries that often negotiate as a block in these talks, condemned Japan’s announcement: “We don’t want to kill the Kyoto Protocol, so we’re not very happy about it.” China and the United States are in some respects the real targets of ire in this development as neither will ever consent to being bound by the Kyoto Protocol. They predictably divided on the issue, but they were worried about the same thing: the impact that Japan’s decision could have on achieving some kind of successful outcome at the Cancun summit.

Su Wei, China’s chief negotiator, joined the G77 in criticizing Japan’s pointed announcement, suggesting that a failure to extend the Kyoto Protocol "is one of the crucial issues concerning the success of the Cancun conference." U.S. climate envoy Todd Stern was worried about a fallout effect of Japan’s decision as well, pointing to its potential impact on the parallel track of negotiations in this process known as the Ad-hoc Working Group on Long Term Cooperative Action, or LCA, which has been struggling for three years to create text for a new climate agreement that could either complement or replace the protocol.

The LCA track is currently the only official place in the negotiations where elements of the Copenhagen Accord could be enshrined in a legally binding agreement. According to Stern it would be “very unfortunate to lose the progress” that could be reached on that track due to this debate. Reactions from NGOs and the environmental community were almost universally critical. But their predictions of dire consequences are based largely on exaggerated assessments of the protocol’s effectiveness.

Mohamed Adow, senior climate change advisor at Christian Aid, was reported as claiming that Japan’s decision "puts the global climate architecture at risk ... and violates Japan's legally binding commitment, turns its back on science, and disrespects the people most vulnerable to climate change." Sivan Kartha, a senior scientist at the Stockholm Environment Institute, argued that Japan’s actions risk the collapse of the Kyoto Protocol and “would leave us with no guarantee that emissions will be reduced.”

As a point of fact neither Japan nor any other signatory party of this agreement are bound to sign on to a second commitment period under the protocol beyond 2012. They only need to meet their reduction commitments in the first period. The Japanese are also being consistent with the hard physics of the matter. The basis of their decision is that the current parties in the protocol cannot hope to set a target for emission reductions in the second commitment period high enough to compensate for the lack of a similar commitment from the world’s two largest emitters. The present group of parties bound by the Kyoto Protocol can never guarantee that emissions are reduced sufficiently to protect anyone, including the most vulnerable, because they simply do not account for enough global emissions.

The reasonable worry about Japan’s actions, however, is that moving away from a second commitment period for the protocol would signal developed countries abandoning a system of binding emissions cuts for one of voluntary measures only or make it more difficult to build a binding agreement requiring sufficient carbon cuts. After all, the worry many have is that if Japan does not renew the protocol, other parties will follow, and given the implementation rules of the treaty, without a sufficient number of parties it would not continue as a vehicle for binding emission cuts in the future.

This could leave the world without any binding treaty to cut emissions. Reacting to Japan’s decision, Martin Khor, director of South Centre, put it this way: "Some developed countries want a voluntary system of pledges, which are not legally binding. We are at a major crossroads, with the future of the climate negotiations at stake."

The specter here is the emergence of a framework of mere “pledge and review” or “shame and blame” where parties are not bound to emission reductions nor potentially penalized if they fail to meet them but
only committed to the national actions they are willing to take without any international oversight. It is noteworthy that this is also the mistaken fear that many had after the Copenhagen climate summit last year ended in the creation of a political accord that does not bind parties to reducing emissions but only asks them to pledge voluntary measures under the accord.

What many fail to recognize is that from the beginning the Copenhagen Accord was designed to be the first step in a two-step process that would conclude with a legally binding treaty to finish the skeletal political agreement that was achieved last year.

Similarly, what critics of the Japanese position fail to acknowledge, or simply do not believe, is Japan’s insistence that they are not opposed to a second commitment period of the protocol because they have some problem with binding emission cuts. Instead, they simply do not see the current agreement as either fair or effective.

The Japanese instead claim that they also want to see a more ambitious agreement like the Copenhagen Accord as a next step—ambitious in terms of the number of parties willing to make commitments to it of some sort. And they want it to be legally binding. Again, from the government’s official press release: “The ultimate aim is early adoption of a new single legally-binding instrument that establishes a fair and effective international framework with the participation of all major emitters based on the Copenhagen Accord.”

Should we take Japan’s claim of support for a legally binding treaty at their word? Their track record so far argues for a sympathetic hearing. Japan has delivered to date on its emission reductions under the protocol, and it has shown leadership in taking on fully half of the $30 billion fast-start financing pledge from Copenhagen. Therefore the real basis of the complaints against them may not be their commitment to a legally binding treaty but rather the kind of legally binding treaty the Japanese are signaling they want with this decision. In this regard the Japanese may now be siding with a view promulgated by the United States for many years, which is unpopular with many countries in this forum.

The United States rejected the Kyoto Protocol because it divided the world between developed countries, who were required to make mandatory emission cuts, and developing countries, who were not required to reduce their emissions regardless of their emission profile. Ever since then various parties have been sharply divided over whether it was possible to forge a new climate agreement that did not rely on the same division of effort.

On the one hand were countries such as the United States, who insisted that the Kyoto architecture was unfair to their economic interests given that their biggest competitors such as China and India were not bound by such an agreement to bear any costs associated with emission reductions. On the other hand were the bulk of developing countries, who argued that they should not be required to reduce their emissions given that the current accumulation of greenhouse gases in the atmosphere causing this problem was emitted by developed countries and that their development needs outweighed emission reductions for the present time.

But in between these two positions is the physical reality that the Japanese have now publicly recognized: We cannot hope to achieve any measure of climate safety without emission reductions from the largest polluters from both developed and developing countries. This doesn’t mean that small and impoverished nations ought to be bound to emission reductions. It means that the problem cannot be solved without cuts from major emerging economies such as China, India, Indonesia, South Africa, Mexico, and Brazil. In this light one of the positive developments at Copenhagen was the emergence of an alliance of these parties (the so-called “BASIC” group) with the United States, the European Union, and other developed nations that produced the Copenhagen Accord. This new division between major carbon polluters and everyone else is the type of alignment needed to solve the problem, but it is not one that the rest of the developing world feels comfortable with because they fear that it could lead to increased expectations for emission reduction from developing countries.
This week we can see this in the strident and threatening pronouncements of the ALBA countries, or the Bolivarian Alliance for the Peoples of Our America, which joins together Bolivia, Cuba, Venezuela, and others in an anticapitalist alliance. According to The Hindu, they are “demanding a firm commitment from developed nations to the second phase of the Kyoto protocol, putting pressure on the main polluters.”

In the consensus process that governs these meetings all 194 parties have a veto on any political or legal agreement. The ALBA countries’ demand could spell trouble for the only possible progress expected from these meetings: a “balanced package,” as it is now referred to, of decisions on the building blocks of a climate agreement such as forestry, technology transfer, black carbon, and climate finance infrastructure.

According to Claudia Salerno, the Venezuelan negotiator, "If there is no second period of commitment, it would be very difficult to have a balanced package in these negotiations.” We could thus see a repeat of the Copenhagen outcome where the ALBA countries blocked the final passage of the Copenhagen Accord as an official action of the conference.

Negotiators are working without rest to ensure that we do not see the same outcome at this meeting. Various proposals are being vetted to keep the Kyoto Protocol on life support of some kind for the next few years until a new agreement can be forged that would pull in the United States, China, and other major carbon polluters not currently bound by the protocol.

We can only hope that cooler heads prevail. Still, there is a hopeful conclusion even if these efforts fail. If the Japanese decision does effectively end the Kyoto Protocol as a mechanism for reducing emissions it does not mean that we are on a slippery slope to seeing rich countries demanding emission cuts from poor countries. What the Japanese decision may instead mean is that we will finally be free to stop talking about the Kyoto Protocol’s future and move on to discussing an agreement that might actually get the job done.

Andrew Light is a Senior Fellow and Director of International Climate Policy at the Center for American Progress.