Overview of the Results of UNFCCC COP18/CMP8

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I. INTRODUCTION

This overview outlines in summary form the main results of the negotiations during the 18th Conference of the Parties (COP18) and the 8th COP Meeting of the Parties to the Kyoto Protocol (CMP8) that took place in Doha, Qatar, from 27 November to 8 December 2012.

II. KYOTO PROTOCOL NEGOTIATIONS

A. Main Results of CMP8

The main result of CMP8 was the decision to have a 2nd commitment period under the Kyoto Protocol that would be reflected through a legally-binding, ratifiable amendment of Annex B of the Kyoto Protocol. This Annex B contains the numerical targets for emissions reductions of the Annex I Parties who will be part of the 2nd commitment period.

The main results of the decision are as follows:

- A weak 8-year 2nd commitment period amounting to an aggregate emissions target of 18% below 1990 levels by 2020 for the Annex I Parties to the Kyoto Protocol, to start on 1 January 2013, and with a mechanism to increase mitigation ambition by 2014
- An opt-in provision application mechanism
- No eligibility for Annex I Parties who are not part of the 2nd commitment to participate in Kyoto Protocol flexibility mechanisms
- Limited carry-over (maximum of 2.5%) of surplus emissions units from the 1st to the 2nd commitment period, and a cap of 2% on the ability to purchase such surplus units
- There is a limited cancellation mechanism for such surplus units from the 1st commitment period
- Political declarations from Annex I Parties to the Kyoto Protocol not to purchase any surplus emissions units carried over from the 1st commitment period
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A summary of the main points of the decision adopting the amendments to Annex B leading to a 2nd commitment period under the Kyoto Protocol as follows:

- Para 1 - Adoption of the amendment to Annex B of the Kyoto Protocol, listing the numerical targets of Annex I Parties intending to be part of the 2nd commitment period. These numbers are generally based on the “bottom-up” voluntary pledges submitted by these Annex I Parties pursuant to COP decision 1/CP.16 (the Cancun Agreements) which reflect political (rather than scientific) considerations and conditionalities, and hence are not top-down nor science-based. The aggregate emissions reduction target for Annex I Parties to the Kyoto Protocol under the 2nd commitment period is at least 18% below 1990 levels.
- Para 4 - The 2nd commitment period will begin on 1 January 2013 and end on 31 December 2020 – i.e. an 8-year commitment period
- Para 5-6 - An opt-in provision application mechanism with a provision for immediate application pursuant to COP decision 1/CP.16 (the Cancun Agreements) which reflect political (rather than scientific) considerations and conditionalities, and hence are not top-down nor science-based. The aggregate emissions reduction target for Annex I Parties to the Kyoto Protocol under the 2nd commitment period is at least 18% below 1990 levels.
- Para 7-10 - Annex I Parties to the Kyoto Protocol to review and possibly increase their 2nd commitment QELROs at the latest by 2014, in line with at least 24-40% below 1990 levels by 2020
- Para 12 - Developing countries may continue to host/participate in CDM projects during the 2nd commitment period
- Para 13-14 - Annex I Parties to the Kyoto Protocol (including those without 2nd commitment period targets) may participate in CDM projects but only Annex I Parties with 2nd commitment
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Parties are not part of the Kyoto Protocol, while two of the largest emitting Annex I – period targets may sell or buy certified emission reduction (CER) credits from CDM and to use such purchased CERs to fulfill part of their QELROs

- Para 15 – Only Annex I Parties with a 2nd commitment period QELRO are eligible to sell or buy CERs, assigned amount units (AAUs), etc.
- Paras 20–22 – The Adaptation Fund will continue to receive 2% of the CERs issued for CDM projects (except CDM projects in least developed country Parties) and an additional 2% from the sale of AAUs or issuance of ERUs
- Para 24 – Only a maximum of 2.5% of the surplus ERUs or CERs from the 1st commitment period may be carried over to the 2nd commitment period
- Para 26 – Only a maximum of 2% of the 1st commitment period assigned amount may be purchased by an Annex I Party from another Annex I Party's surplus reserve accounts
- Annex I, Article I:G – Insertion of new paragraph 7 ter to Article 3 of the Kyoto Protocol provides a cancellation mechanism for surplus assigned amount units from the 1st commitment period
- Annex II – Political declarations were made by the Annex I Parties to the Kyoto Protocol not to purchase AAUs carried over from the 1st commitment period. This would mean that there would be no buyers from any surplus AAUs, thereby limiting the use of such surplus AAUs in meeting Annex I Parties’ 2nd commitment period targets.

Assessment of CMP8 Results

The adopted amendment reflects a 2nd commitment period that is relatively weak in mitigation ambition on the part of Annex I Parties that have indicated that they would be party to the 2nd commitment period. The aggregate target amounts to only 18% below 1990 levels by 2020, still far below a target of 25-40% below 1990 levels by 2020 that was indicated as an emissions pathway for Annex I Parties that would help achieve a likely possibility of keeping global warming to not more than 2°C by 2050. This is also far below what developing countries had pushed for in the negotiations, which had ranged from 40-50% below 1990 levels by 2020.

Furthermore, some Annex I Parties have declared that they will not be part of the 2nd commitment period – Japan, New Zealand, and Russian Federation – even as they continue to be Parties to the Kyoto Protocol, while two of the largest emitting Annex I Parties are not part of the Kyoto Protocol – Canada and the United States.

However, it should be noted that there continues to be the possibility of raising Kyoto Protocol Annex I Parties’ 2nd commitment mitigation ambition by 2014, which gives developing countries the opportunity to push Kyoto Protocol Annex I Parties to shift their mitigation targets for the 2nd commitment period to the higher end or even beyond their Cancun pledges/Annex B 2nd commitment targets.

It is also noteworthy that the Kyoto Protocol’s flexibility mechanisms will be of limited or no use to those Annex I Parties who are not part of the 2nd commitment period. Furthermore, virtually all of the surplus “hot air” from the 1st commitment period (around 98% in aggregate) is not allowed to be carried over to the 2nd commitment period for use by Annex I Parties. These were issues that developing countries had pushed hard to get in order to ensure that the 2nd commitment period has environmental integrity that would result in actual emissions reductions from Annex I Parties to the Kyoto Protocol.

III. NEGOTIATIONS IN THE AWG-LCA

A. Main Results of AWG-LCA as Adopted by COP18

The COP decision which adopted the results of the AWG-LCA can be found on the UNFCCC website at http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop18_agreed_outcome.pdf

The main results of the AWG-LCA agreed outcome were:

- A qualitative definition of the long-term global goal for emission reductions and timeframe for global peaking integrated with their contextual elements relating to equity, common but differentiated responsibilities, support, and other elements
- No increased emissions reduction ambition from developed countries, with no comparability of efforts among them, while common accounting framework for comparability will still need to be worked on
- The definition of non-market-based approaches to mitigation is less developed than the definition of a new market-based mechanism for mitigation
- No resolution on the issue of unilateral measures, including trade measures, but only to continue discussions on the issue in the Forum on Response Measures
- No concrete funding for adaptation
- Deferred establishment of international loss and damage mechanism to 2013
- No resolution on intellectual property rights and technology transfer issues, with discussion deferred to the Technology Executive Committee
- No concrete commitments from developed countries on climate finance post-2012
- No concrete and operational capacity building mechanism
- Review includes a consideration of the implementation of the commitments under the Convention and is under SBI/SBSTA

A summary of the main points for the AWG-LCA decision is as follows:

- **Shared vision**
  - Paras 1-2 - Qualitative definition of the long-term global goal for emissions reduction in relation to the 2 degrees Celsius global temperature goal agreed in Cancun in that Parties will urgently work towards deep GHG emission reductions, with the global peaking timeframe to be as soon as possible (with developing countries to take longer to peak),\(^5\) and that Parties’ efforts will be on the basis of the following contextual elements: “equity and common but differentiated responsibilities and respective capabilities, and the provision of finance, technology transfer and capacity-building to developing countries in order to support their mitigation and adaptation actions under the Convention, and take into account the imperatives of equitable access to sustainable development, the survival of countries and protecting the integrity of Mother Earth.”

- **Mitigation**
  - **Developed country mitigation**
    - Paras 4 and 7 - No increase established in the level of emission reduction ambition among Annex I Parties; any increase to be voluntary
    - Para 8 – Established a SBSTA work programme in 2013 and 2014 to continue discussions on the development of common accounting rules to measure Annex I Parties’ mitigation efforts and the comparability of mitigation efforts among Annex I Parties
  - **Developing country mitigation**
    - Para 14 – No increase established in NAMAs by developing countries
    - Para 19 – Established an SBI work programme for the preparation and implementation of NAMAs
    - Para 23 – UNFCCC Secretariat to organize regional workshops and technical material to build capacity in preparation, submission and implementation of NAMAs and formulation of low emission development strategies

- **Reducing emissions from deforestation and forest degradation in developing countries (REDD)**
  - Paras 25-33, 40 – Work programme on results-based finance for REDD in 2013 to include methodological issues related to non-carbon benefits (not just focus on carbon benefits), and to find ways to transfer payments for results-based actions and incentivize non-carbon benefits
  - Para 35 – SBSTA and SBI to jointly initiate a process in relation to improving coordination and provision of support to developing countries for REDD implementation
  - Para 39 – SBSTA to consider non-market-based approaches in relation to REDD and forests

- **Various approaches, including opportunities for using markets, to enhance cost-effectiveness of mitigation actions**
  - Paras 41-46 – SBSTA to do a work programme to develop a framework applicable to both market and non-market approaches to enhance cost-effectiveness of and to promote mitigation
  - Para 47 – SBSTA to do a work programme to elaborate non-market-based approaches to mitigation, to recommend a draft decision to COP19
  - Paras 50-51 – SBSTA to do a work programme to elaborate modalities and procedures for a new market-based mechanism on mitigation. This new market-based mechanism could consider elements such as standards or sector-based mitigation, etc.

- **Economic and social consequences of response measures**
  - 3rd preamble for this section – Reaffirmation of the text contained in Article 3.5 of the UNFCCC, including on unilateral measures not to constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade
  - 4th preamble for this section – Reaffirming importance of promoting a just transition of the workforce and creation of jobs
  - Para 54 – Invites Parties to participate in the Durban Forum on Response Measures to share views on policy issues of concern, such as unilateral measures
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- **Adaptation**
  - Para 56 – Give consideration to issues on coherence of adaptation actions of developing countries and the support provided to them, but does not provide any clear guidance or decision on the links between adaptation and the provision of finance and other support for adaptation
  - Para 57 – Adaptation Committee to consider establishment of annual adaptation forum
  - Adaptation Committee’s activities, rules of procedure, and terms of office of the officers of the Adaptation Committee were endorsed
  - No concrete funding commitments established to support National Adaptation Plans
  - Parties invited to enhance action on loss and damage due to adverse effects of climate change, and to establish at COP19 an international mechanism on loss and damage

- **Technology development and transfer**
  - Para 59 – Agreement to initiate at COP19 to further clarify (elaborate and consider) the relationship between the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN)
  - Para 60 – Request the Technology Executive Committee (TEC) to explore issues relating to enabling environment and barriers to technology transfer, indirectly including reference to intellectual property rights issues through a reference to para. 35 of document FCCC/SB/2012/2
  - Para 61 – Recommendation to CTCN to take into account technology assessments including on new and emerging technologies and identification of currently available climate friendly technologies
  - Para 62 – Agreement to elaborate at COP20 the linkages between the Technology Mechanism with the UNFCCC’s financial mechanism

- **Finance**
  - Para 63 – Only urges more developed countries to announce climate finance pledges “when their financial circumstances permit”
  - Para 66 – Only urges developed countries to scale up climate finance from various sources
  - Paras 67, 69 – Only invites developed countries to provide information on their strategies and approaches to scale up climate finance to US$100 billion by 2020; and extends the work programme on long-term finance for 1 year to the end of 2013 to identify pathways to scale up climate finance
  - Para 68 – Encouragement to developed countries to further increase efforts to provide resources in the period 2013-2015 at least to the average annual level of fast-start finance
  - Para 71 – The Standing Committee on Finance, in its first biennial assessment of climate finance, to take into account work on the measurement, reporting and verification of support
  - Para 73 – Have at COP19 a high-level ministerial dialogue on climate finance on efforts being undertaken by developed countries to scale up climate finance after 2012

- **Capacity-building**
  - Para 77 – SBI to take account views of Parties and to explore potential ways to further enhance the implementation of capacity building at the national level, including through the Durban Forum, but did not explicitly establish a work programme on defining indicators and modalities for enhanced effectiveness of capacity building activities

- **Review**
  - Para 79 - The scope of the review that will take place from 2013 to 2015 explicitly includes: (a) adequacy of the long-term global goal in light of the ultimate objective of the Convention; and (b) overall progress made towards achieving such goal, including a consideration of the implementation of the commitments under the Convention
  - Para 80 – SBSTA and SBI to establish a joint contact group for the review
  - Para 85 – The SBSTA/SBI joint contact group to be supported by a structured expert dialogue
B. Assessment of AWG-LCA Results

- Shared vision
  - The majority of developing countries succeeded in getting their concerns reflected in the outcome text. The key concern was to ensure that there would be an integrated treatment of the issue of the long-term global goal for emissions reduction and the timeframe for peaking in relation to the context in which these would be achieved. Most developing countries pushed to ensure that there would be explicit linked references to equity, CBDR, the means of implementation (finance, technology, capacity building) for mitigation and adaptation, equitable access to sustainable development, Mother Earth, and survival of countries, as contextual goals and elements for the long-term global goal for emissions reduction and the timeframe for global peaking.

- Mitigation
  - Developed country mitigation
    - Annex I Parties continue to show weak mitigation ambition on the basis of a bottom-up, pledge and review approach, despite strong pressure from developing countries for them to show higher mitigation ambition.
    - Common accounting rules to measure Annex I Parties’ mitigation efforts and the comparability of mitigation efforts among Annex I Parties were not agreed to, despite developing countries’ push for these. Instead a work programme was established for this.

  - Developing country mitigation
    - Developing countries succeeded in blocking efforts from Annex I Parties to tighten the guidelines and modalities for non-Annex I reporting on their NAMAs.

  - Reducing emissions from deforestation and forest degradation in developing countries (REDD)
    - Developing countries succeeded in ensuring that non-carbon benefits would be treated in the same manner as carbon benefits for purposes of identifying the benefits that would be obtained from REDD activities. Developing countries also succeeded in obtaining text that established a work programme to find ways to transfer payments for results-based actions and incentivize non-carbon benefits. Developing countries also succeeded in obtaining text that would ensure that non-market-based approaches to REDD will also be developed.

- Various approaches, including opportunities for using markets, to enhance cost-effectiveness of mitigation actions
  - Developing countries succeeded in achieving their redline to have SBSTA do a work programme to develop a framework applicable to both market and non-market approaches to enhance cost-effectiveness of and to promote mitigation, and to elaborate non-market-based approaches to mitigation to be adopted at COP19.
  - On the other hand, the work programme of SBSTA to elaborate modalities and procedures for a new market-based mechanism on mitigation is much more developed and detailed as compared to the non-market-based mechanism. In the text relating to a new market-based mechanism, the SBSTA could consider elements such as standards or sector-based mitigation, etc., which are elements or issues that developing countries have been consistently opposed to.

- Economic and social consequences of response measures
  - Developing countries succeeded in obtaining preambular texts on unilateral measures not to constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, and on the importance of promoting a just transition of the workforce and creation of jobs. In the operative part of this section, developing countries continue to have an opening to discuss unilateral measures as part of the work of the Durban Forum on Response Measures.

- Adaptation
  - Developing countries did not succeed in getting what they had pushed for in the adaptation negotiations because while the text gives consideration to issues on coherence of adaptation actions of developing countries and the support provided to them, it does not provide any clear guidance or decision on the links between adaptation and the provision of finance and other support for adaptation. Furthermore, no concrete funding commitments established to support National Adaptation Plans.
  - Developing countries succeeded in establishing a work programme on loss and damage that could lead to the establishment at COP19 of an international mechanism on loss and damage.
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- Technology development and transfer
  - Developing countries succeeded in getting part of what they had sought in the technology transfer negotiations
  - They succeeded in getting agreement for the initiation at COP19 of a process to further clarify (elaborate and consider) the relationship between the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN)
  - Developing countries succeeded in keeping the issue of the relationship between technology transfer and intellectual property rights alive by having text that requests the Technology Executive Committee (TEC) to explore issues relating to enabling environment and barriers to technology transfer, indirectly including reference to intellectual property rights issues through a reference to para. 35 of document FCCC/SB/2012/2
  - Developing countries also succeeded in putting the issue of technology assessments squarely on the table by having text that recommends to CTCN to take into account technology assessments including on new and emerging technologies and identification of currently available climate friendly technologies
  - Finally, there is also text that keeps the window open for a further discussion to take place, at COP20, on the linkages between the Technology Mechanism with the UNFCCC’s financial mechanism

- Finance
  - Developing countries did not succeed in getting developed countries to commit to specific amounts (minimum of US$60 billion per year in mid-term financing up to 2020). Rather, the texts on scaling up of financing are voluntary in nature, which could be read as being inconsistent with developed countries’ UNFCCC commitments under Art. 4.
  - Developing countries succeeded in getting a mandate for the Standing Committee, in its first biennial assessment of climate finance, to take into account work on the measurement, reporting and verification of support
  - Developing countries did not succeed in getting the COP to define the arrangements between the COP and the GCF, but managed to get part of this objective by securing agreement that such arrangements would be developed by the COP’s subsidiary body - the Standing Committee - and the Board of the Green Climate Fund (GCF), subject to the agreement by the Board and COP19 in relation to such arrangements. This language secures the subsidiary status (relative to the COP) of these two entities and highlights the supremacy of the COP in relation to the final establishment of the GCF-COP arrangements, an issue that developing countries have been pushing for.
  - Developing countries also succeeded in getting text that refers to the establishment of a fund replenishment process for the GCF, and for the GCF to initiate a process to collaborate with the Adaptation Committee and the Technology Executive Committee, as well as other relevant thematic bodies under the Convention, to define linkages between the Fund and these bodies.<sup>44</sup>

- Capacity-building
  - Despite the common G77 position on capacity building that called for the establishment of a work programme on capacity building that would work on defining indicators and modalities for enhanced effectiveness of capacity building activities, such proposal did not succeed. Instead, what was agreed was for SBI to take account views of Parties and to explore potential ways to further enhance the implementation of capacity building at the national level, including through the Durban Forum. This could still be seen as leaving an opening for the issue of capacity building MRV modalities to be raised in the context of the SBI’s work on capacity building.

- Review
  - Most developing countries succeeded in getting language in which the scope of the review that will take place from 2013 to 2015 explicitly includes: (a) adequacy of the long-term global goal in light of the ultimate objective of the Convention; and (b) overall progress made towards achieving such goal, including a consideration of the implementation of the commitments under the Convention. This is an objective that they have been pushing for since Cancun.
  - Most developing countries also succeeded in ensuring that the review would be conducted under the auspices of the SBSTA and SBI through a joint contact group, supported by a structured expert dialogue that would be co-facilitated by an Annex I and non-Annex I co-facilitators
  - Developing countries also succeeded in get-
IV. NEGOTIATIONS ON THE DURBAN PLATFORM

A. Main Results of AWG-Durban Platform as Adopted by COP18

The COP decision which adopted the results of the ADP can be found on the UNFCCC website at http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop_advanc_durban.pdf

The main results in the decision are as follows:

- 7th preamble paragraph – Acknowledges that the work of the AWG-Durban Platform “shall be guided by the principles of the Convention” 15
- Para 5 – Decided to explore in 2013 options for a range of actions that can close the pre-2020 ambition gap
- Para 6 – Welcomed the planning of work that includes issues relating to mitigation, adaptation, finance, technology, capacity-building, and transparency of action and support
- Para 9 – Draft negotiating text elements to be considered by COP20 in 2014, with a view to making a negotiating text available before May 2015  

B. Assessment of AWG-Durban Platform Results

Developing countries succeeded in getting a text that makes a reference to the principles of the Convention as guiding the AWG-DP’s work (which would therefore bring in an implicit reference to equity and CBDR), but did not succeed in getting explicit reference to equity and common but differentiated responsibilities.

End Notes

1 See http://unfccc.int/resource/docs/2012/cmp8/eng/199.pdf
2 This is contained in the Annex to the decision in http://unfccc.int/resource/docs/2012/cmp8/eng/109.pdf, The Annex I Parties who will be part of the 2nd commitment period include the European Union and its 27 member States, Croatia, Iceland, Kazakhstan, Liechtenstein, Norway, Switzerland, and Ukraine. Four Annex I Parties who were part of the 1st commitment period (running from 2008-2012) have announced that they will not participate in the 2nd commitment period - these are Canada (which renounced from the Kyoto Protocol in December 2011), Japan, New Zealand, and the Russian Federation. Furthermore, one Annex I Party – the United States – is not a Party to the Kyoto Protocol and therefore is not bound by any climate change emission targets under the Kyoto Protocol under either the 1st or 2nd commitment period.
4 See amendment inserting new paragraph 1bis to Article 3 of the Kyoto Protocol, contained in Annex I, Article I.C, of the decision in http://unfccc.int/resource/docs/2012/cmp8/eng/199.pdf
5 Having a qualitative rather than a quantitative definition of the long-term global goal for emissions reduction and for the timeframe for global peaking is important in order to avoid developing countries being locked in to a limited emissions budget between 2013-2050 that would require them to undertake steep steep emissions reductions in the next 40 years. Emissions reductions could require major resource reallocations and significant infrastructure changes, all of which would need to be supported and financed and could also mean accepting implicit limitations to economic growth. This is because historically, in developing countries such as the Philippines, emissions growth is closely linked to economic growth. Delinking emissions from economic growth will require massive investments in retrofitting or adapting infrastructure, technology innovation, and human resource training, all of which, unless additional resources are made available from external sources, could divert scarce resources away from other equally important political, social, or economic objectives. So any discussion on the basis of any numbers with respect to long-term global goal for emission reductions and global peaking has to be predicated upon and linked to the context of ensuring that adequate resources, flexibilities, and other social and economic factors are taken into account in order to ensure that the economic development of developing countries and their efforts at eradicating poverty would not be adversely affected. Not providing such resources or not taking into account social and economic factors when undertaking mitigation actions could compound the adverse effects of climate change for developing countries.
6 See http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop18_adapt_committee.pdf for this decision.
8 See http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop18_lossanddamage.pdf for this decision, in particular paras. 6 and 9.
10 The average annual level of fast-start finance covering the period 2010-2012 was around US$10 billion.
12 See http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop18_cop_gcf.pdf for the COP18 decision for this.
13 See http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop18_report_gcf.pdf for the COP18 decision with respect to the report of the GCF Board to COP18, which contains these important requests for the GCF Board to consider.
14 See http://unfccc.int/files/meetings/doha_nov_2012/decisions/application/pdf/cop18_report_gcf.pdf for the COP18 decision with respect to the report of the GCF Board to COP18, which contains these important requests for the GCF Board to consider.
15 This would constitute an indirect reference to the principles of equity and common but differentiated responsibilities that lie at the foundation of the UNFCCC under its Article 3, as well as to the other principles that are reflected in this provision of the Convention.