

NEGOTIATIONS: Diplomats ponder the approaching end of the Kyoto Protocol *(Monday, April 4, 2011)*

Lisa Friedman, E&E reporter

Climate analysts are searching for ways around an international impasse looming this year over the future of the Kyoto Protocol.

With negotiators from 192 countries arriving in Bangkok today for the year's first round of U.N. treaty talks, countries face a host of process-oriented but critical tasks. Charged with bringing to life the promises consummated in Cancun, Mexico, last year, negotiators must establish a multibillion-dollar climate fund and also develop guidelines to review mitigation efforts of countries like China and India.

But many experts say they fear a long-unresolved fight over Kyoto's fate -- which the Cancun Agreements postponed -- will suck the energy out of the talks and possibly upend the annual climate summit slated for Durban, South Africa.

"You can push the Kyoto discussion back one more year only so many times, and I think there is some sense you may have to have a culmination of that discussion in Durban," said Jake Schmidt, international climate change policy director for the Natural Resources Defense Council.

"I don't think the issue of legal form will go away," agreed Jennifer Morgan, director of the climate and energy program at the World Resources Institute, a Washington, D.C.-based think tank.

"In some ways, it's a rulemaking year. If you look at the Cancun Agreements, there was progress made on a number of issues, but there's a lot of details to be worked out," Morgan said. Still, she acknowledged, "I don't think you can just be focusing on implementation of the Cancun Agreements without looking at the future of the Kyoto Protocol."

The 1997 Kyoto treaty required industrialized nations to slash greenhouse gas emissions over a five-year period that ends in 2012. That means there isn't much time left for countries to decide whether they will submit targets for a second commitment period -- as the treaty demands -- or abandon it in favor of a new and still undefined system.

Developing nations want Kyoto pact to continue

Developing countries insist that the Kyoto Protocol must live -- and they want it to continue in its current form, obligating only industrialized nations and making emission cuts voluntary for all others.

Indian Environment Minister Jairam Ramesh, after a meeting in his country of leading emerging economies, told the Press Trust of India that ensuring a second commitment period will be one of the "most critical issues" for Durban.

But some wealthy countries, led last year by Japan, aren't willing to dive into Kyoto part two unless emerging economic powerhouses like China and India are held to the same legal standards. Europe has expressed "willingness" to enter into a second commitment period under certain conditions.

"Of central importance to building any meaningful agreement will be whether the European Union finally commits to a second commitment period of the Kyoto Protocol despite its concerns," wrote Alex Rafalowicz, an Australian political analyst.

"Within the EU there are several countries that do support its continuation, realizing it is the only international agreement that has binding targets. Whether these countries will prevail, or will have the opportunity to show leadership later this year will depend on how the future of Kyoto is reconciled in Bangkok, and whether any time is given to discussing the binding nature of countries' pledges," Rafalowicz said in a post-Cancun analysis.

Yet others -- particularly U.S. analysts -- see the Kyoto question as a legal stumbling block in the way of real progress cutting emissions and delivering dollars to poor nations. With countries at a potentially ugly impasse, some U.S. experts say a another rhetorical finesse may be the only way to keep the U.N. process on track.

A need to acknowledge common goals

Elliot Diringer, vice president for international strategies at the Pew Center on Global Climate Change, has advocated general language in whatever document Durban produces that at least unequivocally acknowledges the common ultimate goal is a legally binding agreement. While right now countries might have vastly different viewpoints about how that agreement should look, Diringer argued, language setting out the goal might be the only option.

"That's the only path that I can see as possible," Diringer said recently at the Johns Hopkins School of Advanced International Studies. Arguing that international regimes grow incrementally over time, Diringer said developed and developing countries alike need some space to mobilize resources and deliver on the mitigation promises more than 80 countries have already made.

"It will help build confidence among parties, confidence in themselves, confidence in one another and confidence in the regime itself," he said.

Ned Helme, president of the Center for Clean Air Policy, agreed. Just back from Costa Rica, where he helped lead Latin American countries in developing U.N.-mandated strategies for mitigating emissions, Helme said he's seeing major projects in the works, from an integrated bus rapid transit system in Bogota, Colombia, to an auction in Brazil for renewable energy. The partnership will be focusing next on Asia and hopes in the next three years to develop broad low-carbon strategies for

developing nations.

"I think what the negotiations need are some real concrete ideas," Helme said. "As long as we don't get diverted into this issue of what happens to the Kyoto Protocol, we can make some headway. Everybody knows that the U.S. is not going to do anything, so you really can't force that issue much. Given that, you need some kind of strategy that finesses the issue a little bit. It comes back to: Can we make concrete progress?"

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122 C St., Ste. 722, NW, Wash., D.C. 20001.
Phone: 202-628-6500. Fax: 202-737-5299.
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