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STATEMENT

DELIVERED BY
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INTRODUCING

A DRAFT PROTOCOL TO THE UNITED NATIONS
FRAMEWORK CONVENTION ON CLIMATE
CHANGE ON GREENHOUSE GAS
EMISSIONS REDUCTION

SUBMITTED BY

THE ALLIANCE OF SMALL ISLAND STATES

PLENARY OF THE INC/FCCC
WEDNESDAY 8 FEBRUARY, 1995
NEW YORK

Mr. Chairman,

I wish to thank you and members of the Committee for this opportunity to introduce the Draft Protocol to the United Nations Framework Convention on Climate Change on Greenhouse Gas Emissions Reduction, which was submitted by Trinidad and Tobago on behalf of the Alliance of Small Island States in September 1994 in accordance with Article 17 of the Framework Convention on Climate Change.

Mr. Chairman, this initiative on the part of AOSIS for a Protocol to the Framework Convention on climate Change will have come as no surprise to members of this Committee. From the inception AOSIS has been at the forefront of the negotiations on climate change for the simple reason that for many small island developing states these negotiations relate to their very survival. In other instances, for small island states, the effects of climate change can lead to disasters of national proportions. And all small island states face the constant threat of the loss of low-lying coastal areas and wetlands, the reduction of available ground water due to salt water intrusion and potential social disruption due to the possible need for relocation of coastal populations.

AOSIS has always been of the view that the response of the international community to the climate change problem should be practical, effective and realistic. Accordingly we have advocated the need for a firm commitment to reduce the emission of greenhouse gases based on pre-determined targets and timetables. Our vision has also always been that in this approach we should not hinder the process of development, and indeed that action should be taken to support the development of developing countries.

Mr. Chairman, five years after the IPCC adopted its First Assessment Report, and a year after the Convention has entered into force, the international scientific consensus on the likely dangers of global warming remains fundamentally unchanged. The consultations at the level of Working Group 1 of this Committee have demonstrated that the majority of States Parties, and of the international community as a whole are now convinced that the general commitments in the Framework Convention on Climate Change are inadequate to address effectively the consequences of the greenhouse effect.

In this context, members of AOSIS wish to take this opportunity to welcome the lead taken by a number of developed country Parties by publicly pledging to reduce their emissions of carbon dioxide in support of the Convention's objective. AOSIS is also of the view that it is timely to consider the enhancement of the general commitments through a Protocol adopted in accordance with Article 17 of the Convention. Such a protocol would help to strengthen and broaden the early pledges by providing a legal framework covering all Annex 1 Parties.

The primary aim of the Draft Protocol, which has been tabled by AOSIS, is to build upon the 1992 United Nations Framework Convention on Climate Change by strengthening the specific commitments of developed country Parties to reduce their emissions of carbon dioxide; by requiring developed country Parties to adopt specific targets and timetables for other greenhouse gases; and by providing a mechanism for the coordination of specific measures designed to reduce greenhouse gas emissions.

The Draft Protocol does not impose any obligations on developing country Parties

additional to those already contained in the Convention, It is designed to encourage the participation of developing countries in the progressive development of climate change policy through the Draft Protocol's mechanism for coordination of measures, and through the provisions relating to the transfer of technology

Let me also stress a cardinal point in relation to the Draft Protocol which is that it is intended to complement and not supplant the Convention. The Convention is a very carefully negotiated document, especially as it relates to the common but differentiated responsibilities of Parties to the Convention, and it is not our intention to disturb the integrity of the agreements that were so painstakingly reached in the negotiation of the Convention.

Mr. Chairman, I also wish to state at the outset that it is not the intention of AOSIS to allow the submission of the Draft Protocol to divert attention from the need to implement existing commitments under the Convention. While we believe that there is a need to look ahead and indeed to move forward, we also believe that there is an even more pressing need to promote and ensure current implementation of the Convention.

Mr. Chairman, I wish to turn now to the specific provisions of the Draft Protocol.

THE PREAMBLE restates a number of elements contained in the Convention, including its Objective, and clearly emphasises that the burden of achieving this Objective rests with the developed states, who have undertaken in Article 3 of the Convention to take the lead in combatting climate change.

Preambular Paragraph 4 highlights the intended focus of the Protocol by recognising the "need for developed country Parties to adopt specific targets and time frames for reducing emissions of greenhouse gases to achieve the Objective of the Convention."

The final paragraph of the Preamble acknowledges the need for a long term perspective and a regime that is responsive to changing circumstances in accordance with the principle of common but differentiated responsibility.

ARTICLE 1: DEFINITIONS clarifies that certain terms used in the Protocol have the same meaning as in the Convention, or as explicitly defined in Article 1 of the Convention.

Sections (1), (7) and (8) of Article 1 differentiate between "Parties to the Protocol" and "Parties to the Convention". This distinction is important given the fact that while all Parties to the Protocol must first be parties to the Convention, not all the Parties to the Convention will necessarily become Parties to the Protocol.

ARTICLE 2 ON BASIC COMMITMENT applies to all Parties to the Protocol and restates, verbatim, the core of the general commitment contained in Article 4 (1)(b) of the Convention, that all of its Parties undertake to implement programmes containing measures to mitigate climate change. As such, Article 2 of the Protocol cannot be said to create any additional commitments for any category of Party. It is included to signal the close relationship of the Protocol to the convention and the far more specific focus of the Protocol on greenhouse gas emissions.

ARTICLE 3 ON TARGETS FOR GREENHOUSE GAS REDUCTIONS is the heart of the Protocol. It requires developed country Parties to the Protocol who are included in Annex 1 of the Convention to reduce their emissions of carbon dioxide (CO₂) by the year 2005 to a level at least 20 percent below that attained in 1990; and to establish timetables for controlling emissions of other greenhouse gases.

The CO₂ target and timetable proposed in the Protocol is the "Toronto Target" - part of the recommendations of the World Conference on the Changing Atmosphere held in Toronto in June 1988. It will be recalled that the Toronto Statement declared that stabilising atmospheric concentrations of carbon dioxide is an imperative goal and estimated that this would require reductions of more than 50% from present emission levels. It recommended a 20% reduction from 1988 levels by the year 2005 as an initial global goal⁴.

The commitment would represent a significant but modest response to the implications of the findings of the Intergovernmental Panel on Climate Change. The Toronto Target has been used in the Draft Protocol because it has received considerable political support.

Rather than adopting the collective approach to emissions limitation, where all sources of greenhouse gases and sinks are considered collectively, the Protocol deals with greenhouse gases other than carbon dioxide separately. Because of the scientific and political uncertainty currently surrounding appropriate targets for other greenhouse gases, Article 3(1)(b) does not introduce immediate emissions reductions targets, but requires that Annex 1 parties, at the first Meeting of the Parties, adopt specific targets and timetables to limit or reduce other greenhouse

gases.

The list of gases provided under Article 3(1)(b) is not intended to exclude or set priorities among any particular greenhouse gases, except those controlled by the Montreal Protocol.

ARTICLE 3 (2) ON THE REVIEW AND REVISION OF TARGETS authorizes the Meeting of the Parties (as established by Article 8) to "review and revise" both the CO₂ targets and timetables, established in Article 3(1)(a), and the controls for other greenhouse gases that are to be adopted under Article 3(1)(b). This empowers the Meeting of the Parties to analyze the adequacy of the existing measures and to adopt further emissions reductions if required and agreed to.

Any revision will be undertaken in accordance with the precautionary principle and the best available scientific information and assessment of climate change". This is intended to ensure that while the future development of the protocol should be science driven, lack of full scientific certainty should not be used as a reason for postponing measures designed to prevent climate change.

ARTICLE 3(3) DEALS WITH ACCESSION OF NON-ANNEX 1 PARTIES TO THE SPECIFIC COMMITMENTS. As mentioned previously, the commitments in Article 3 are binding only on the developed country parties who are listed in Annex 1 of the Convention, and do not apply to developing states. However, in the same manner as Article 4(2)(g) of the Convention allows developing states or other non-Annex 1 countries to consent to be bound by the commitments that apply only to Annex 1 parties, so Article 3(3) of the Protocol creates the identical mechanism in relation to the specific obligations in Articles 3,4 and 5 of the

Protocol.

ARTICLE 4 PROVIDES FOR A COORDINATION MECHANISM. This Mechanism is intended to create a subsidiary body that will provide advice to the Meeting of the Parties and a forum for the negotiation of specific economic, administrative and other instruments that may assist Parties in meeting the Protocol's Objective.

Article 4(2)(c)(i) of the Convention requires that Annex 1 Parties "coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention." This article recognises that regulation of the economically integral activities that emit greenhouse gases will require a coordinated approach.

The measures undertaken by Annex 1 Parties to the Protocol, especially those that may have an impact on trade, will affect the interests of developing countries. Accordingly, the coordination Mechanism is open to the participation of all parties. It is expected that the Mechanism activities will be closely coordinated with the work of the Convention's subsidiary Bodies on Scientific and Technical Advice and on Implementation.

ARTICLE 5 STIPULATES THE REPORTING REQUIREMENTS. Annex 1 Parties are required to submit a detailed description of their policies, programmes and measures taken to implement their commitments under Articles 2 to 4, and provide an estimate of the resulting effects on emissions and removals by their sources and sinks.

Although this language is virtually identical to that contained in Articles 4 and 12 of the Convention, the reporting under the Protocol will have to reflect the strengthened emissions reductions commitments it requires. The more concrete nature of the obligations under the Protocol will require more detailed and precise reports from Annex 1 Parties.

Part of this detail is a new reporting requirement introduced by Article 5(2) - the requirement that Annex 1 parties provide a cost/benefit analysis of the measures that they have undertaken. This is intended to assist the Parties in assessing the Convention.

The Protocol imposes no additional reporting requirements upon developing country Parties.

ARTICLE 6 ON INSTITUTIONAL ARRANGEMENTS reflects the desire to ensure that the Protocol makes use of the institutions established under the Convention without unfairly imposing costs on those countries that may be Parties to the Convention, but not Parties to the Protocol.

ARTICLE 7 ON TECHNOLOGY TRANSFER enhances the provisions of the Convention by requiring that the "best available technologies...are expeditiously transferred to developing countries" under "fair and most favourable conditions". It is intended to provide an incentive for developing countries to participate in reaching the Objective shared by the Convention and the Protocol and to ensure that advanced, environment friendly technologies will be transferred expeditiously to the South.

AT ARTICLE 8 the Protocol establishes a Meeting of the Parties with powers to review the implementation of the Protocol, adopt new targets and timetables, and assess the effectiveness of the steps taken by developed countries.

ARTICLE 9 ON DISPUTE SETTLEMENT states that any disputes are to be settled in accordance with the terms of the Convention. It leaves open the possibility that the Parties to the Protocol may decide, in cooperation with the Parties to the Convention, to make use of whatever Multilateral Consultative Process may be established under Article 13 of the Convention.

ARTICLE 10 establishes the same procedure for the proposal, adoption and entry into force of amendments to the Protocol as apply in relation to amendments to the Convention. However one notable difference is that the Convention provides for the adoption of amendments by a 3/4 majority when consensus cannot be reached, whereas the Protocol specifies a smaller majority at only 2/3.

OTHER PROVISIONS dealing with annexes, right to vote, the depositary, signature, ratification, entry into force, reservations, withdrawals and authentic texts are the same as in the Convention.

Mr. Chairman, in Berlin the Parties to the Convention will be both bound and empowered to review the adequacy of the commitments of Annex 1 Parties. This will be done in the light of the best available scientific information and assessment on climate change and its impacts. The information available to the Conference of the Parties is not likely to be essentially different from the information currently available to Working Group 1 of this Committee and therefore it is expected that the Conference will endorse the majority finding of

Working Group 1 on the adequacy of commitments. The Conference of the Parties must then take appropriate action. In this context it is proposed that INC/FCCC-11 transmit the Draft Protocol to the Conference of the Parties for consideration.

Mr. Chairman in conclusion permit me to revert to some of the principal points made at the beginning of this introduction. The AOSIS Draft Protocol is not intended to disturb the integrity of the agreements reached in the existing Framework Convention. The strengthening of commitments to reduce greenhouse gas emissions is addressed to Annex 1 Parties. And finally, Mr. Chairman, while we believe that it is imperative to look ahead and to move forward, we believe that it is equally important to fulfill existing obligations under the Framework Convention.

I thank you, Mr. Chairman.