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Making sense of climate agreements: a Kyoto Protocol

primer ~ Elizabeth May, MP

A few people have asked me to provide a basic primer on the climate agreements that Canada has ratified. Four years ago, I co-authored *Global Warming for Dummies*, so this could be seen as an update, but no one who reads *Island Tides* is a 'dummy.' So this is a 'Kyoto Primer for smarties.'

1992—The UN Framework Convention on Climate Change

The story starts 20 years ago with the over-arching climate treaty. The United Nations Framework Convention on Climate Change (UNFCCC) was negotiated between 1990 and 1992, and was signed at the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil (the 'Earth Summit').

Canada was the first industrialized country to both sign and ratify the UNFCCC, doing so in 1992. Signing is the easy part, usually done at a conference. Ratification is necessary for an international instrument to have legal force. It is typically conducted by a vote in a nation's legislature.

In Canada, ratification can take place by a decision of the Privy Council (Cabinet). The UNFCCC ratification in 1992 was by Cabinet.

In the United States, ratification of treaties requires not only a vote in the Senate, but that it pass by a two-thirds vote. This additional Constitutional hurdle is why even when the US Senate has a Democratic majority, the Administration has not submitted Kyoto for ratification. However, the US did sign on to the UNFCCC under the Bush Administration, and the US Senate ratified it.

The Climate Change Threat— Assessment and Action

The UNFCCC confirms that climate change is a real threat. Its objective is 'the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.'

The difficulty, of course, is the word 'dangerous.' When does the additional loading of greenhouse gases from human activity (an amount far smaller than the beneficial natural levels) cease to be beneficial and become dangerous?

The answer to that comes through the guidance of another UN agency, one established for this purpose back in 1988. The UN Intergovernmental Panel on Climate Change (IPCC) is comprised of scientists appointed by governments. Their summary reports, *Advice to Policy Makers*, tackle this question. Whereas the danger level was once thought to be twice the pre-Industrial Revolution concentration of carbon dioxide (going from 275 parts per million to 550 ppm), the IPCC has constantly revised downward as evidence of danger comes into sharper relief.

The head of the IPCC has confirmed we should work to halt the global rise in GHG emissions such that by 2015, global emissions stop growing and begin to fall. The growing consensus is that emissions need to stabilize at 350 ppm, even though we are now at 390 ppm.

As well, the UNFCCC established the 'precautionary principle' which sets out:

'Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost.'

There are many other provisions within the UNFCCC, including calling on governments to both reduce emissions ('mitigation' in convention-speak) and adapt to those levels of climate change which are no longer avoidable ('adaptation').

What's Missing

What the UNFCCC did not do was assign timelines and deadlines to the general promise to reduce emissions. Prior to the Rio Earth Summit, former US President George HW Bush said that if the UNFCCC included deadlines and timetables he would refuse to attend the event, declaring, 'The American lifestyle is not on trial.'

All countries have signed and ratified the UNFCCC, making them 'parties' to the agreement. Once enough countries had ratified to make the treaty enter into force, annual meetings called the Conference of the Parties (COP) began.

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1997—The Kyoto Protocol

The third Conference of the Parties, COP3, under the UNFCCC was negotiated in Kyoto, Japan. Its goal was to bring forward the timeline and deadlines that had not been possible in Rio.

There was optimism it would be possible to come to agreement. Optimism came from two events: the replacement of Bush with Clinton, and the success of a protocol to protect the ozone layer.

The Montreal Protocol on the Ozone Layer had been concluded in 1987, dealing with the Reagan Administration. (I was part of the Canadian team in Montreal. That's another story, but I recall US Interior Secretary Don Hodel trying to block progress by saying we didn't need to get rid of ozone-depleters. We only needed sunscreen and broad-brimmed hats!)

As early as 1995, at the first COP in Bonn, Germany, the model of the Montreal Protocol was mandated for the climate protocol. The Montreal Protocol had gotten all countries on Earth, rich and poor, to sign on.

The core principle was called 'common but differentiated responsibilities.'

All countries agreed that as the problem had been caused by the wealthy industrialized countries, those countries would face specific time-limited commitments while the developing countries could actually increase their use of ozone depleters in the short term.

Once the industrialized world has demonstrated it's bona fide (and developed the alternatives), the developing world takes on firm cuts as the agreement moves forward. The protocol also committed that parties would be influenced by the scientific advice as it changed.

The only significant difference between the Montreal Protocol and the Kyoto Protocol was that the ozone agreement had effective enforcement mechanisms. If any party violated the protocol, other parties could bring trade sanctions against them.

With the creation of the World Trade Organization in 1995, and the mere questioning of whether environmental treaties might impede trade, Canada announced we would not sign any agreement in Kyoto that included trade sanctions. And we were not alone.

That failure is why there are no financial penalties should Canada stay in Kyoto and fail to meet targets.

Kyoto set out a combined set of firm emissions reductions that should have taken the industrialized world to 5.2% below 1990 levels by the end of this year. In fact, of those countries that made serious efforts, they collectively did reach the 5% goal. The EU, having committed to 8% reductions, actually hit a goal closer to 20% below.

But the United States under George W Bush reneged and never ratified. And, as we all know, the economies of China, India and Brazil grew enormously. Today, China is the world's biggest polluter, but it is still a relatively small contributor to our existing problem. It only overtook the US as largest polluter recently.

Looking at the atmosphere as though it were a garbage dump (which is how we treat it), the overflowing mess from the last 100 years is still there. The mess from the last few years is certainly serious, but the industrialized world's 'historic' pollution is not history. It operates every day to disrupt the climate we used to know.

As you know from the Durban updates in the past two editions of Island Tides, there is now a second commitment period under Kyoto. Without that commitment, China, India and Brazil made it clear they would not take on any hard and fast cuts down the road.

We need Kyoto. And we need to keep Canada in Kyoto. Under Article 27 (2) of the Kyoto Protocol, a party can file a legal intention to withdraw. It takes effect one year from the date it was received.

Canada is in Kyoto until December 2012. And we need public pressure to keep us there. 