

# Flaws in the Kyoto Protocol

There was already much scepticism before the Kyoto Summit as to whether the meeting would result in the tough decisions necessary to avert climate chaos. The flawed Protocol that emerged from the Summit has done little to dispel such cynicism.

THE much touted Kyoto Protocol on climate change almost did not materialise. Negotiators worked overnight and extended the meeting by a day to eventually put it together.

But they needn't have bothered. For the document agreed upon in Kyoto, Japan, on 11 December is a flawed one: it has none of the drastic emissions curbs scientists say are essential in averting climate chaos.

Yes, the agreement is historically important as it will, for the first time, legally bind developed countries to rein in emissions of heat-trapping gases. But in practical terms the Kyoto Protocol is an empty vessel which is unlikely to turn down the heat.

At Kyoto, major environmental groups decided that the final agreement will be judged on three points: whether it has the most stringent reduction targets possible; whether it is completely free from loopholes which allow emissions to increase; and whether it has automatic and real penalties for cheating.

The protocol fails on all points.

It is a compromise, acknowledges Malaysia's climate treaty negotiator Chow Kok Kee, a Meteorological Services director.

'We are not happy with the outcome. The protocol does not address core issues such as setting adequate targets. But in such international negotiations, there is always some compromise.'

Environmentalists are less

Tan Cheng Li

## Key features

### Target cutbacks

Developed countries must cut their 1990-level emissions of six gases by 5.2% between 2008 and 2012.

Japan has the most modest goal, a cut of 6%, compared with 7% for the United States and 8% for the European Union. Coal-exporting Australia, however, will increase its emissions by 8%.

### Emissions trading

Countries that overshot their emissions-reduction targets can 'buy' emissions rights from nations which have excess.

### Joint implementation

Emissions cuts need not be confined to within the country. They can be implemented elsewhere, with the financing country claiming credit for the resulting emissions savings.

### Carbon sinks

To tabulate its total emissions, a country can subtract the amount of gases absorbed by carbon sinks such as forests within its borders.

### Emissions banking

A country that emits less than its assigned target can keep the excess for the subsequent period.

charitable.

'The protocol is unlikely to make any difference. It gives the false impression that a breakthrough has been achieved but there are too many loopholes,' says Gurmit Singh, regional co-ordinator of Climate Action Network South-East Asia, an organisation of public interest groups working on the climate issue.

The holes in the protocol essentially mean business as usual for the large greenhouse gas emitters, as long as they pay poorer nations to do the dirty job of cutting emissions.

## Modest targets

It was glaringly evident in Kyoto that most developed countries were reluctant to make the deep and early cuts of greenhouse gases needed to mitigate global-warming effects. A reduction of 5.2% from 1990 levels, to be achieved between 2008 and 2012, is way below earlier proposals – green groups and developing countries had demanded at least a 7.5% cut by 2005.

Environment group Greenpeace says the Kyoto targets will produce an

actual overall reduction of gases by 1% or 2% only. We need a 60% reduction

to make a dent on the gaseous 'glass' dome which now envelops the globe, says the Intergovernmental Panel on Climate Change (the advisory scientific body to the climate treaty).

Why has this figure been completely ignored? Again, it's down to compromise.

Eager to have something at the

end of the day, countries relented and reduced targets to break through deadlocks. A case in point is the European Union (EU), which abandoned its ambitious 15% slash proposal for a low of 8%.

'The Union was not willing to sign if the United States (which wanted no cuts at all) did not sign, so the EU bowed down,' explains Gurmit.

To make matters worse, reduction targets can be changed only with the consent of the concerned party. In other words, 'it gives the country a veto mechanism. So you cannot raise the emission target as long as the country disagrees. This makes future target changes difficult,' Gurmit points out.

## Loophole 1: Trading hot air

Topping a long list of loopholes in the Kyoto Protocol is 'emissions trading'. This enables a country which has exceeded its emissions quota to 'buy' another country's unused quota.

So why should the United States – the world's biggest emitter of greenhouse gases – bother with replacing

fossil fuel with solar energy since it can purchase rights to more emissions from, say, the former Soviet Union?

Since trading is now a done deal in the protocol, Chow says the next best thing is to draw up strict rules and procedures, such as limiting traded amounts. This will be the focus of next year's climate meeting in Buenos Aires, Argentina.

**Loophole 2: Emissions banking**

Critics also cry foul over 'emissions banking', whereby a country that emits less than it's supposed to can 'carry forward' the surplus to the subsequent period.

For instance, if a country has to reduce emissions by 5% but actually reduces by 8% the extra 3% can be added to next year's target of 5%, thus lowering the reduction rate to 2% in that year.

Green groups say this restricts overall emission-reduction efforts.

Chow, however, views emissions banking optimistically, saying that it can be an incentive to meet targets early as 'any extra emissions can be kept for next year and will not be wasted.'

There was also a proposal to introduce 'emissions borrowing' which would allow a country which exceeds its target to 'borrow' on future emissions rights. This proposal was not accepted – and rightly so as 'borrowing basically defers commitment,' says Chow.

**Loophole 3: Carbon for sale**

Equally controversial is the concept of joint implementation, where a country which invests in climate-friendly projects, such as reforestation or clean energy facilities, elsewhere can claim credits to offset its own emissions.

Like emissions trading, such joint projects essentially allow the richer country to continue fouling the atmosphere while transferring cutback efforts to the country receiving its 'aid.'

Officially, carbon offset projects are restricted to developed countries. Yet, the protocol actually provides for

such schemes among developing countries in the form of the clean development mechanism. This process will finance emission-reduction projects in cash- and technology-starved developing countries.

The saved emissions will then be sold as 'carbon credits' to developed countries in need of these credits to meet their cutback targets. Again, this mechanism allows climate polluters to purchase rights to keep polluting.

For Chow, the clean development mechanism is basically joint implementation in disguise, while Gurmit reckons it permits emissions trading between developed and developing countries.

To prevent exploitation of this scheme, Chow asserts that strict rules and procedures, like those to be drawn up for emissions trading, will be required. He says the amount of carbon credits that can be sold must be restricted and, 'as much as possible, reductions must be made domestically.'

Despite the controversies and claims of 'carbon colonisation', carbon offset projects are being conducted worldwide, including in Malaysia.

For instance, coal plants in the Netherlands and the United States are financing forestry projects in Sabah with hopes of claiming credits to offset their emissions under the protocol.

**Loophole 4: Counting carbon sinks**

Yet another flaw in the protocol is the inclusion of carbon sinks (natural entities such as forests and soil which can absorb carbon dioxide) in emissions accounting.

So a country can subtract the amount of greenhouse gases supposedly absorbed by sinks from its total emissions. However, the case against this is the fact that there is much scientific uncertainty about exactly how much carbon the sinks can remove from the atmosphere.

**Forecast: Cloudy**

The future of the Kyoto Protocol is cloudy, to say the least. For the agreement to take effect, at least 55 nations must ratify it – and this must

include developed nations with current combined emissions of at least 55% of 1990 levels. However, the math does not work out: there are only 38 countries in Annex I, the list of countries subjected to emission curbs.

'If they cannot get 55 parties, they will insist that developing countries make commitments in order for the protocol to be implemented,' says Gurmit. He also fears that this provision will be exploited to include key developing countries under Annex 1, when the list is reviewed next year.

Both Chow and Gurmit agree, however, that the 55% minimum emission is a good contingency move – just in case some countries decide not to ratify.

'With the earlier proposal of a specific tonnage (before the protocol takes effect), the fear was that as long as the big emitters did not sign, they would hold the protocol to ransom. But now, countries will still make up the 55% even if the largest emitter refuses to participate,' says Chow.

Ultimately, though, you have to ask the question: what use is a treaty if there are no penalties for non-compliance?

This issue was pushed aside at Kyoto, and will only be sorted out sometime in the future.

Given the long list of caveats, it is no wonder that Greenpeace's Bill Hare labels the Kyoto outcome a 'tragedy and a farce'.

Though some quarters are attempting to retain some degree of optimism, stating that the protocol is a legally binding document and a first step, there is no denying one fact: the Kyoto Protocol provides scant protection against increasing environmental and economic damage that the continuous burning of coal and oil will unleash on the world.

It is no wonder, then, that environmentalists and journalists watching the summit closing ceremony on screens put up at the media centre, unanimously scoffed when one delegate stood up and announced jubilantly, 'Today there are no losers and only one winner – the environment.'

Nothing could be further from the truth. ♦

*Tan Cheng Li is on the staff of the Malaysian daily, The Star in which the above article first appeared. (23 December, 1997).*