

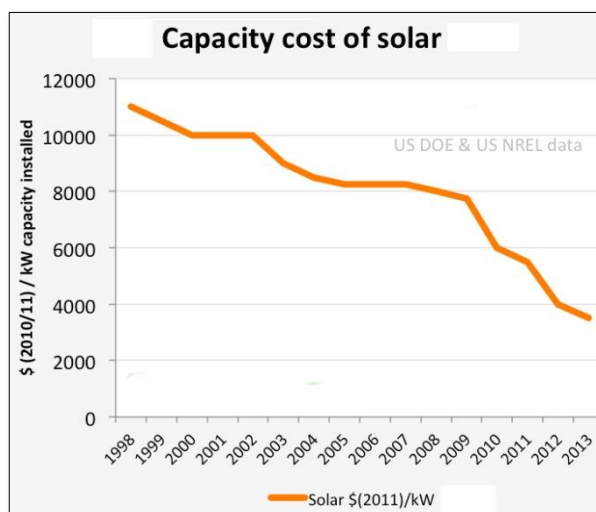
# The need for 5 year Commitment Periods in the Paris Protocol: *Why a “review” is inadequate*

## Introduction

The Paris climate conference hopes to reach a new global agreement that will help to address anthropogenic climatic change. It has already been decided that this anticipated agreement will enter into effect in 2020. One of the most important issues for Paris will be the periodicity of Parties’ mitigation commitments, ie the length of the commitment periods.

The decision on commitment period length will define how responsive the new global climate regime is to new findings in climate science. Such findings could be more than marginal new discoveries, such as evidence of major changes in the climate system, including activation of positive feedback loops that could require an emergency mitigation response by the global community.

It will also define how responsive the new global climate regime is to technological and economic changes. For example, the rapid fall in the cost of solar PV technology in recent years was unanticipated by most analysts, with capacity cost having roughly halved in 4 years to 2013. Such rapid maturation of other sustainable technologies could spur increased willingness for climate action being expressed as stronger commitments under the UNFCCC. The length of the commitment period would therefore be a powerful determinant as to whether new technologies and new economic realities are adequately reflected in the global response to climate change. Some businesses, have spoken out in favor of shorter commitment periods for this reason. In Bonn, launching IKEA’s commitment to spend \$1 billion on climate action, the company’s Chief Sustainability Officer Steve Howard noted that a 10 year cycle would result in missed opportunities because “the low hanging fruit grows back”.



## The importance of common 5-year commitment periods

There are two timelines for mitigation cycles under consideration in the UNFCCC, 5 or 10 years. Also on the table are combination proposals such as ‘10 years with a mid-term review’, or ‘5 years legally binding with an indicative 10-year target’<sup>1</sup>. There appears to be general agreement that the cycles should be common for all Parties, but it is essential that this issue be reflected in the treaty part of the Paris Agreement, rather than in the COP decisions, given by some options in the Chairs’ new text.

A ten year commitment period is simply too long. In such a case, targets agreed in 2015 will lock in low levels of ambition until 2030 and provide disincentives for ratcheting up ambition.

<sup>1</sup> This option is risky: examples of a government setting an indicative target and then increasing it subsequently are hard to think of. Indicative targets tend to be a ceiling, rather than a floor. For this reason, an indicative target for 2030 is only appropriate if it has been defined through setting a national trajectory to achieve near-total decarbonization by 2050, in the context of a national roadmap - a zero carbon development strategy.

Assessment of the INDCs suggest that we are currently on course for a 3.0-3.5°C global average temperature increase - far from the 2°C limit agreed in Cancun, even further from the 1.5°C highly vulnerable countries demand. To lock this low level of ambition in until 2030 would be a gross failure to avoid dangerous anthropogenic interference with the climate system. Having a legally-required round of negotiations for new mitigation commitments provides a clear international focus to increase ambition and avoid lock-in to low targets.

Having 5 year commitment periods is an imperative for the environmental integrity of the Paris Protocol, in order to:

- **Avoid locking in low levels of ambition:** agreement in 2015 for a 10 year commitment period locks down ambition until 2030
- **Incentivize early action:** not allowing climate action to be put off until the end of a long commitment period
- **Allow political responsiveness:** to falling prices of low-carbon technologies and other 'real world' events
- **Maintain political accountability:** makes governments more clearly responsible for achieving targets

## Why a ten year commitment period with mid-term review will not increase ambition

The history of the UNFCCC process demonstrates the dangers of relying on a mere review to create change or increase ambition. Most past reviews in the UNFCCC have been little more than rubber stamping exercises:

- The Convention Article 4.2f review of information related to what countries should be in the Annexes took place at COP4 in 1998. The mandate was fulfilled to the letter in that the review took place, but because the Convention did not define the action that shall be taken and allowed for "the approval of the Party concerned", no changes to the Annexes resulted
- Convention Article 11.3d on the periodic review of the "amount of funding necessary and available for the implementation of the Convention" has not served to mobilized new and additional financial resources, because that outcome was not a mandated outcome of the review
- The 2006 Kyoto Protocol Article 9 review originally had some Parties hoping that this could be the way to open the Kyoto Protocol to achieve global coverage with differentiated commitments. In the end, the review concluded only that adaptation could be further elaborated, the second review would take place in 2008 and be informed by the IPCC AR4, the review shall lead to no new commitments for any party, and some additional procedural decisions. Again a lack of clear mandate on the intended outcome allowed a weak review that failed to achieve what was needed.
- The 2008 KP Article 9 review had 5 items on the agenda. The Earth Negotiations Bulletin reported the outcome as follows: "In the early hours of Saturday, 13 December, the COP/MOP agreed to conclude the review without any substantive outcome or document". There has not been an Article 9 review since.

- The 2013-15 review on whether to change the agreed temperature limitation goal from 2°C to 1.5°C looks likely to lead to no change, because a number of Parties continue to block scientific updates to the level of global ambition required

There have been two mandated reviews in the UNFCCC's history where increases in ambition through new commitments have been achieved. The 1995 COP1 review of adequacy of commitments mandated by the Convention's article 4.2d provided the impetus for the agreement of the Berlin Mandate, which led to the agreement of the Kyoto Protocol. In 2005, negotiations for commitments for the second commitment period of the Kyoto Protocol were successfully launched under the mandate of KP Article 3.9. Their successes occurred because of very specific circumstances. The two successful reviews were:



- Mandated by a treaty
- Used 'shall' language throughout, rather than 'may' or 'should'
- Defined unequivocally the date that the review process "shall" begin
- Defined what the review was to achieve
- Proposed changes to the treaty or its annexes to capture new legally binding mitigation commitments
- Specified relevant modalities, including inputs or procedures

The failed reviews lack one or more of these elements. The Copenhagen and Paris pledges were in anticipation of new treaties: it is to be hoped that the Paris Agreement will prove durable, which makes including 5-year commitment periods in its core treaty text imperative.

## Conclusion

The Paris Agreement needs to establish a common system of 5 year commitment period cycles for mitigation, to allow for new scientific knowledge to inform policy and to be responsive to real world changes. A ten year cycle is too long and would lock in low ambition for another fifteen years; reviews have not led to increased ambition.

Based on the experience of UNFCCC to date, to achieve increasing ambition in countries' commitments, the Paris Protocol will need to include a clear mandate for 5 year commitments periods, defined in 'shall' language, mandating when the negotiations for the next commitment period shall begin, and what should result and in what form.

### A possible text for the Paris Protocol could therefore read:

1. **Commitments, for all Parties, for each 5---year commitment period, shall be established in amendments to their Nationally Determined Commitment listed in [[[Annex] / [Schedule]] [X] to this Protocol]], and shall be adopted in accordance with the provisions of Article [Y], Paragraph [Z].**

2. The Conference of the Parties serving as the Meeting of the Parties to this Protocol shall initiate the consideration of commitments for [the second commitment period at its [first session] / [session coinciding with the twenty---seventh session of the Conference of the Parties to the UNFCCC] and for] subsequent commitment periods of this Protocol four years before the beginning of each subsequent 5---year commitment period.
  
3. Commitments by all Parties shall be based on and consistent with the requirements of the best available science, informed by the most recent Assessment Report of the Intergovernmental Panel on Climate Change and in accordance with the principles and ultimate objective of the Convention.



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