

eco

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DECEMBER

ARTICLE 9
ISSUE

ECO has been published by Non-Governmental Environmental Organisations at major international conferences since the Stockholm Environment Conference in 1972. This issue is published cooperatively by Climate Action Network (CAN) groups attending COP11 and COP/MOP1 in Montreal in November/December 2005. ECO email: ecopaper@hotmail.com - ECO website: <http://www.climateactionnetwork.org/eco> - Editorial/Production: Nithiyananthan Nesadurai/ Sander Wijisman

Using Article 9 to Chart the Path Forward

Article 9 of the Kyoto Protocol requires that COP/MOP2 "shall" undertake the first review of all of its provisions and based on this review the COP/MOP "shall" undertake appropriate action. In legal terms this review is an inevitability. The only question is whether it will be done thoughtfully and in a way that bolsters the effectiveness of the Protocol, or without adequate preparation, in which case it could actually frustrate the objective of building consensus among Parties on the way forward.

COP/MOP1 here in Montreal must adopt a decision laying out a clear process to prepare for this review.

Preparations for the Article 9 review in

2006 would provide a major opportunity for developing countries to register their concerns at a high political level on the shortcomings of the Kyoto Protocol and the Convention to date, as part of setting the agenda for the post-2012 period. These include not only the need to advance the environmental effectiveness of the Protocol through deeper reductions in Annex B emissions, but the questions of adaptation and its funding, technology transfer and the advancement of sustainable development goals.

As a first step, Parties should be asked for submissions addressing the scope and possible content of the Article 9 review, allowing them to highlight their priorities for a post-2012 negotiation process.

The Secretariat could be asked to compile the relevant scientific, technical, social and economic information, and to prepare a compilation of Party submissions as an input for discussion. The Secretariat could then provide a synthesis document to help guide the Article 9 review at COP/MOP2. That review should be structured so as to identify key areas for additional analysis, discussion and eventual

– continued back page, column 3

Impose the Adaptation Levy on All Flexible Mechanisms

The Adaptation Fund is currently under discussion, and for good reason. A crucial mechanism, the fund will be used to assist developing countries at risk. Special emphasis will be given to countries that are particularly vulnerable to the adverse effects of climate change.

The issue at hand is who will control the fund – the Parties, or the World Bank and the Annex 1 countries? It is essential that the fund and its operational modalities and guidance come from the COP/MOP and not from the Global Environment Facility (GEF) Council where the Annex 1 Parties have more control.

The adaptation levy is currently on the Clean Development Mechanism (CDM) only, and account for two per cent of the proceeds from Certified Emissions Reductions (CER) transactions. This situation simultaneously hobbles the CDM and limits the size of the fund. Developing countries, consequently, cannot benefit from either Joint Implementation or the Emissions Trading Scheme proper, both Annex B flexibility mechanisms with much bigger transactions. As this is both unfair and short sighted, Parties here in Montreal should extend the adaptation levy to apply to all the flexible mechanisms under the Kyoto Protocol.

And while Parties have reached agreement on the operational modalities for funding adaptation under the Least Developed Countries Fund (LDCF) and Special Climate

– continued back page, column 3



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Health – the Missing Dimension in the Climate Negotiations

Within the negotiations, as in the world, human health is a universal concern. And as we learn more about the risks and impacts of climate change, we learn as well that its impacts on health will be severe. Without effective planning, these will extend beyond direct health impacts (increased incidence of illness, injury, disease and death), and cascade into major institutional and social costs. These, indeed, could far outweigh the costs of mitigation. Obviously, public health must come into the negotiations.

Around the world, worsening air quality and high temperature days are already having tragic impacts on human health. Add to these the widening geographic ranges and frequent outbreaks of infectious diseases, such as malaria and dengue fever, and extreme weather events. Add, again, the public health consequences of rising sea levels and their consequent population displacement, the disruption of international food production patterns, the destabilisation of electricity and energy systems, and the alteration of trade patterns in oil, food and pharmaceuticals. Small-island states are already facing land erosion by the sea, and concerns are growing over coastal area inundation elsewhere. None of these is winning sufficient attention or international aid, in part because recent natural disasters are already straining the international media and public policy makers. Climate change is challenging aid agencies, member states and UN aid workers to respond with accurate and effective coordination.

A deeper, more forward-looking response is needed, and it must begin here, in Montreal, with National Assessments and Reports.

In consideration of Article 4, Paragraph 1 of the Convention, all parties should develop climate change impact assessments designed to help planners minimise adverse effects on human health and health systems. Additional policies and measures are needed at the international, national and local levels to reduce the health risks of the changing climate. Assessments should be driven by national and regional development priorities, and determine which impacts are of greatest concern. Adaptation measures should be based on scientific knowledge and on the precautionary principle.

The improvements of the public health infrastructure may well be the most important, cost-effective and urgently needed adaptation strategy. This includes public health training, more effective surveillance and emergency response systems, and improved prevention and disease control programmes. And because weather-related disasters and related health risks are difficult to accurately predict, adaptive measures should include both early warning systems and national and local disaster risk reduction plans. Finally, and crucially – the most vulnerable populations are those with poor public health infrastructure, high levels of poverty and low levels of education – adaptive measures must focus on development, education, poverty alleviation and improving long-term health infrastructure.

In summary, the health impacts of climate change require the immediate attention of the international community. Research and adaptation should not be forestalled by either scientific uncertainty or lack of consensus on international adaptation measures. However, when these are finally defined, they will have to treat public health risks as intrinsic to the adaptation measures for ecosystems (including managed food production systems), cities and infrastructure, water and food scarcity. Indeed, human health must become a priority in CDM projects that aim to reduce greenhouse gas emissions. It is, after all, one earth – one lung. When you cannot breathe, nothing else matters!

– Using Article 9, from front page –
negotiation going forward.

With such a thoughtful process, the Article 9 review could significantly contribute to the maturing of the Kyoto Protocol and the entire climate treaty regime. It could also be a milestone in building long-term partnership between North and South that is so essential to truly meeting the challenge of climate change.

– *Impose the Adaptation, from front page* –
Change Fund (SCCF), there is still far too little money in the funds to implement priority adaptation activities. It is essential that Annex 1 Parties provide sufficient inputs to these funds to support urgently-needed adaptation activities, as identified by the LDCs through their National Adaptation Programmes of Action.

“Fossil of the Day” Award

The first place for the Fossil of the Day awards yesterday went to the EU and Japan for their reluctance to put an end date on the process to discuss new targets for developed countries under Article 3.9. Only a concrete timeline can provide the required certainty about when new targets will be adopted to send a strong signal that the Kyoto approach is being continued in a second commitment period and that the emerging carbon markets will continue.

The EU has been divided internally on the need for an ambitious timeline as part of the Article 3.9 process on discussing deeper emissions cuts for Annex-I countries. The more progressive parts of the EU need to remind their conservative colleagues about agreement by all EU’s political leaders on the two degree Celsius target and developed country reductions of 30 per cent by 2020.

The second award went to Australia, for its Environment Minister who said that “the trouble with Kyoto is that the majority of the world’s countries, particularly the developing countries with rapidly growing emissions profiles, are not covered by the Kyoto protocol”, and that “most countries (in Annex 1) will in fact blow their targets.”

THANKS

The Climate Action Network (CAN) would like to thank CAN Canada, Équiterre, the Swedish NGO Secretariat on Acid Rain, David Suzuki Foundation, Greenpeace International, HELIO International, National Environmental Trust, National Resources Defense Council, RAC France and WWF International for their support to ECO.

