

The Kyoto Protocol and the Asia Pacific Partnership on Clean Development and Climate

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Introduction

The Asia Pacific Partnership on Clean Development and Climate (hereafter 'the AP6') was initiated by the United States early in 2005.¹ It is a voluntary, non-binding framework for cooperation to promote the development and diffusion of new 'clean' technologies to reduce pollution and greenhouse gas (GHG) emissions and to promote economic development, poverty alleviation and energy security among its six partners: the United States, Australia, Japan, China, South Korea and India. According to the AP6 website:

The six partner countries represent about half of the world's economy, population and energy use, and they produce about 65 percent of the world's coal, 48 percent of the world's steel, 37 percent of world's aluminium, and 61 percent of the world's cement.²

The AP6 partners are also collectively responsible for around 50 per cent of the world's greenhouse gas emissions, which is more than the aggregate emissions of the 36 Annex 1 countries that have taken on mandatory emissions reductions under the Kyoto Protocol.³

Both Australia and the United States have signed and ratified the 1992 United Nations Framework Convention on Climate Change (UNFCCC)⁴ but they are the only two Annex 1 countries to the UNFCCC that have refused to ratify the Kyoto Protocol 1997. It is therefore no coincidence that Australia and the United States are also the two most enthusiastic defenders of this new 'environmental coalition of the willing'. Both have promoted the AP6 as the centrepiece of their international commitment to addressing the climate change challenge. They have defended the AP6 as more realistic and fairer than the Kyoto Protocol because it engages directly with key developing countries and the private sector, focuses on practical

This is a preview. Not all pages are shown.

building assistance, aid for climate mitigation and adaptation, and intensified investment under Kyoto's Clean Development Mechanism, which would benefit the developing country partners. It would also help all concerned by increasing their collective 'environmental security', and assist Australia and New Zealand to meet significant emissions reduction targets. For such an arrangement to be valid and meaningful, however, it is necessary to 'bring the law back in'. The new regional pact must respect the underlying requirements of the UNFCCC and the Kyoto Protocol for national target setting and compliance, the meaningful and timely reduction of emissions, and for effective developed country-led assistance with mitigation and adaptation – all of which are absent from the AP6 as it stands at present.

Notes

- 1 Alexander Downer is reported to have revealed that the AP6 was initiated by the US in discussions in 2005. See Connie Levett, Louise Dodson and Cynthia Banham, 'Pact halves emissions by the next century', *Sydney Morning Herald*, 29 July 2005, <<http://www.smh.com.au/news/national/pact-halves-emissions-by-the-next-century/2005/07/28/11221439666688.html?oneclick=true>>.
- 2 AP6, Asia Pacific Partnership on Clean Development and Climate, 2006, <www.asiapacificpartnership.org/>.
- 3 For relevant emissions data, see UNFCCC, National Greenhouse Gas Inventory Data 1990-2004 and status of reporting, FCCC/SBI/2006/26, <<http://unfccc.int/resource/docs/2006/sbi/eng/26.pdf>>.
- 4 United Nations Framework Convention on Climate Change 1992 (UNFCCC), <<http://unfccc.int/resource/docs/convkp/conveng.pdf>>.
- 5 Ian Campbell, 'Climate change negotiations with Asia-Pacific', Transcript of Press conference with Senator the Hon Ian Campbell, Australian Minister for the Environment and Heritage at Yaluma Primary School, Perth, Wednesday, 27 July 2005, <<http://www.environment.gov.au/minister/env/2005/tr27jul05.html>>; John Howard, Interview Transcript of Press Conference on Asia Pacific Partnership on Clean Development and Climate; Australian troops in Iraq, Sydney, 28 July 2005, <<http://www.pm.gov.au/media/interview/2005/Interview1483.cfm>>; US Department of State, 'Briefing: US Participation in the Asia Pacific Partnership on Clean Development and Climate', 6 January 2006, <<http://www.state.gov/g/rls/rm/58780.htm>>. In a press conference in 2005, the former Minister for Environment and Heritage, Senator Campbell argued: 'It's imperative that Australia is part of engaging countries that fall outside the Kyoto targets. The Kyoto problem is that it engages very few countries, most of the countries in it won't reach their targets, and it ignores the big looming problem – that's the rapidly developing countries. So Australia needs to be engaged. We need to be engaged to help save our climate and help save Australia ... The question is, how can you possibly say Kyoto is the answer when greenhouse gases under Kyoto will actually rise by 40 per cent, when the scientists tell us that during this century, to save our climate, you have to reduce them by around 50 per cent. We need to engage the big emitters, we need to engage the countries that have no commitments inside Kyoto, we need to ensure that we develop technologies that will see energy expand – because we need more energy' (Above).
- 6 See, for example, Chinese Ambassador Liu Yongxing, Transcript of Press Conference ITECC, Vientiane Laos, 28 July 2005, <www.foreignminister.gov.au/transcripts/2005/050728_vientiane.html>.

- 7 Charter for the Asia Pacific Partnership on Clean Development and Climate, 2006, <<http://www.asiapacificpartnership.org/charter.pdf>>.
- 8 A more recent international initiative is the Howard government's Global Initiative on Forests and Climate Change 2007, which pledges \$200 million towards the protection and sustainable management of the world's forests, and the prevention of illegal logging, particularly in tropical regions of the world: Australian Government, Global Initiative on Forests and Climate Change 2007, <www.greenhouse.gov.au/international/forests/index.html>.
- 9 Alexander Downer, Transcript of Press Conference ITECC, Vientiane Laos, 28 July 2005, <http://www.foreignminister.gov.au/transcripts/2005/050728_vientiane.html>; Howard, above n 5. For a more detailed analysis of conflicting press statements, see Jeffrey McGee and Ros Taplin, 'The Asia-Pacific Partnership on Clean Development and Climate: A Complement or Competitor to the Kyoto Protocol?' *Global Change, Peace and Security*, vol 18, no 3, pp 173-192.
- 10 US Department of State, above n 5, p 5.
- 11 The US delegation was headed by Energy Secretary Samuel Bodman following Condoleezza Rice's last minute withdrawal. Australia's Minister for Industry, Ian Macfarlane, chaired the meeting. Macfarlane earned notoriety for his hostility towards renewable energy following the leaking of the records of a meeting held with the mining and energy industries in 2004 where he revealed his intention to slow down investment in renewables. See Tim Flannery, 'The Ominous New Pact', *The New York Review of Books*, vol 53, no 3, 23 February 2006.
- 12 Department of Foreign Affairs and Trade (DFAT), 'Asia Pacific Partnership on Clean Development and Climate Communiqué' 2006 <www.dfat.gov.au/environment/climate/ap6/communique.html>.
- 13 Above.
- 14 Australia has given 'in-principle' funding support for a range of projects covered in each of the taskforces, but the biggest outlay goes to the Cleaner Fossil Energy Taskforce (\$19.32 million), the Renewable Energy and Distribution Generation Task Force (\$17.56 million), and the Coal Mining Taskforce (\$10.90 million). See Australian Government, *Asia Pacific Partnership on Clean Development and Climate – Partnership for Action 2006*, <<http://www.dfat.gov.au/environment/climate/ap6/appcdc-booklet-06.pdf>>, pp 26-28.
- 15 These include 'ultra-supercritical pulverised fuel, new cleaner coal-based fuels, poly-generation, hydrogen production, coal-bed methane and coal and gas liquefaction. See Australian Government, above n 14, p 4. The Australian government has selected nine projects for financial support in this category.
- 16 Tora Skodvin and Steinar Andresen, 'The Asia Pacific Partnership on Clean Development and Climate: Supplement or Alternative to the Kyoto Protocol?' Paper presented at the 48th Annual Convention of the International Studies Association, Chicago, 28 February to 3 March 2007, p 5.
- 17 Australian Government, above n 14, p 22.
- 18 DFAT, above n 12, p 1.
- 19 Above.
- 20 The Climate Institute, 'Climate Partnership a Fizzer', Media Release, Friday 13 January 2006, <www.climateinstitute.org.au/cia1/downloads/Climate_Partnership_a_Fizzer_13Jan06.pdf>.
- 21 Brian Fisher et al, *Technological Development and Economic Growth: Inaugural Meeting of the Asia Pacific Partnership on Clean Development*, ABARE Research Report 06.1, Australian Bureau of Agricultural and Resource Economics, Canberra, January 2006, <<http://abareonlineshop.com/product.asp?prodid=13334>>, p 34.
- 22 James Connaughton, Chairman of the US Council on Environmental Quality, quoted by James Regan, 'US says Industry key to six-nation climate pact', *The Washington Post*, 10 January 2006, quoted by The Climate Institute, *First Progress Report on the Asia Pacific Partnership on Clean Development and Climate*, April

- 2006, <http://www.climateinstitute.org.au/cia1/downloads/AP6_Report.pdf>, pp 10 (n 16), 17.
- 23 The Climate Institute, above n 22, p 14.
- 24 Australian Conservation Foundation (ACF), 'Asia Pacific Partnership: A Missed Opportunity to Deliver CO2 Cuts', 12 January 2006, <http://www.acfonline.org.au/articles/news.asp?news_id=690>.
- 25 McGee and Taplin, above n 9, p 188.
- 26 Above.
- 27 Howard, above n 5.
- 28 Peter Christoff, 'Some Like it Hot: Climate Policy under the Howard Government – Policy Autism or Double-edged Dismissiveness?' *Global Change, Peace and Security* vol 17, no 1, 2005, pp 29-44.
- 29 Article 2 defines the 'ultimate objective' of the Convention as 'the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner': UNFCCC, above n 4.
- 30 Nicholas Stern, *The Economics of Climate Change: The Stern Review*, Cambridge University Press, Cambridge, 2007.
- 31 World Resources Institute (WRI) (2001) CO2 Emission Per Capita, <http://earthtrends.wri.org/searchable_db/index.php?theme=3&variable_ID=666&action=select_countries>.
- 32 Robyn Eckersley, 'Ambushed: The Kyoto Protocol, the Bush Administration and the Erosion of Legitimacy', *International Politics*, vol 44, no 2, 2007, pp 306-324.
- 33 Stephen Krasner (ed), *International Regimes*, Cornell University Press, Ithaca, NY, 1983, p 2.
- 34 See, for example, Peter M Haas, Robert O Keohane, and Marc A Levy (eds), *Institutions for the Earth: Sources of Effective International Environmental Protection*, MIT Press, Cambridge, Mass, 1993.
- 35 McGee and Ros Taplin, above n 9, p 178.
- 36 John Vogler, 'Taking Institutions Seriously: How Regime Analysis can be Relevant to Multilevel Environmental Governance' *Global Environmental Politics*, vol 3, no 2, 2003, pp 25-39.
- 37 Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, vol 52, no 4, 1998, pp 887-917.
- 38 US Department of State, above n 5, p 5.
- 39 Asia Pacific Partnership on Clean Development and Climate, <www.asiapacificpartnership.org>.
- 40 Skodvin and Andresen, above n 16.
- 41 EU Commission, 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Limiting Global Climate Change to 2 Degrees Celsius: the Way Ahead for 2020 and Beyond', COM(2007) 2 Final, 10 January 2007.
- 42 The EU also proposes to launch an international action plan for energy efficiency, and is extending its green diplomacy network to enhance dealings with developing countries. See <http://ec.europa.eu/comm/external_relations/env/gdn/index.htm>.