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### Is the Kyoto Protocol Dead?

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Is the Kyoto Protocol, the global warming treaty negotiated in December 1997, any closer to being ratified by the world's industrial nations today than it was a year ago? Not really, despite a fortnight of diplomatic palaver at the recent UN climate conference in Buenos Aires, Argentina. Still, reports of the treaty's demise are exaggerated. Kyoto foes have yet to define and occupy the moral high ground.

**Background.** From November 2 to 14, 1998, delegates from 160 nations gathered at the Fourth Conference of the Parties (COP-4) in Buenos Aires to debate the operational rules for implementing the Kyoto Protocol. The Protocol would require the United States to reduce its energy-related emissions 30-40 percent below levels otherwise projected for the years 2008-2012. Almost everything about the treaty is controversial including its scientific underpinnings, estimated costs, and political feasibility.

To enter into force, at least 55 nations representing 55 percent of the industrial world's 1990 emissions must ratify the agreement. The United States is the pivotal actor. If the U.S. does not ratify, neither Japan nor the European Union will do so. In July 1997, the U.S. Senate passed, 95-0, a resolution sponsored by Senators Robert Byrd (D-WV) and Chuck Hagel (R-NE), opposing any agreement that exempts developing countries from emission limits. The Protocol does so exempt such countries. To rescue the treaty, Clinton-Gore negotiators have been urging developing countries to make "voluntary commitments" to limit their emissions. At COP-4, Argentina and Kazakhstan pledged to limit their emissions, but all of the "key" developing countries (China, India, Brazil, Mexico, and South Korea) refused to do so.

On November 12, the Clinton Administration signed the Kyoto Protocol, in clear defiance of Byrd-Hagel. Simultaneously, and despite recent legislation prohibiting regulatory implementation of the non-ratified treaty, the Administration announced plans to launch new Kyoto-friendly federal energy procurement and transportation initiatives.

**Dead or Alive?** According to some commentators, Kyoto is already dead. The Senate won't ratify the Protocol until it is amended to include developing countries, the treaty can't be amended until it enters into force, but it can't enter into force until the Senate ratifies it. Therefore, they conclude, COP-4 was a gigantic exercise in futility.

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This assessment is legally accurate but ultimately unpersuasive. The Byrd-Hagel resolution, which requires emission limits for developing countries, expresses the “sense” of the Senate. That sense could change, just as foreign aid bribes or the prospect of selling emission credits may induce other developing countries to make “voluntary commitments.” Moreover, several major corporations, including General Motors, Monsanto, and American Electric Power, have joined the global warming bandwagon, preaching the virtues of emissions reduction. If corporate America waffles, can the U.S. Senate be far behind?

A more fundamental problem: Most Kyoto foes rest their case on a demoralizing argument. Kyoto is said to be “flawed” and “unfair” because it exempts developing countries from emission controls. As the slogan has it, “A global problem requires a global solution.” But such criticism concedes the main points at issue. It implies that global warming is a real problem, and that suppressing fossil energy is the solution.

Furthermore, to demand a “global” solution is tantamount to asking poor countries to commit economic suicide. Such rhetoric reinforces the perception, tirelessly promoted by greenhouse lobbyists, that Kyoto foes are motivated solely by greed. Worse, those who attack Kyoto as a trade bonanza for developing countries can only encourage such nations to make whatever symbolic or token “commitments” it takes to keep Kyoto alive.

**What Is To Be Done?** Instead of arguing as though energy suppression would be a good policy if it were imposed on the entire world, Kyoto foes should oppose the Protocol as an inherently bad idea – the painful cure for an imaginary disease. There is no empirical evidence that man-made CO<sub>2</sub> is likely to cause a climate catastrophe, but there is ample evidence that Kyoto would be an economic disaster.

Above all, opponents should spotlight how Kyoto endangers poor countries. To begin with, the U.S. is the single largest market for developing country products. Any Kyoto-induced economic downturn here would wipe out billions of dollars in developing country revenues. If the U.S. economy catches a cold, developing countries will catch pneumonia.

In addition, stabilizing atmospheric CO<sub>2</sub> concentrations – Kyoto’s ultimate goal – is impossible without constraining energy use in developing countries. China’s energy emissions alone will surpass those of the U.S. by 2020. Kyoto is, thus, the proverbial camel’s nose under the tent. If it is ever ratified, developing countries will come under unrelenting pressure – via foreign aid bribes or cutoffs, trade preferences or sanctions – to implement energy policies far more restrictive than any currently under discussion. The time to head off that threat is now.

If energy-poor nations are serious about safeguarding their future development, they should reject “voluntary commitments” and not give faint-hearted Kyoto foes in the U.S. any excuse to switch sides. By the same token, congressional and business opponents of Kyoto should stress the vital importance of energy abundance to human welfare, and applaud, or at least refrain from criticizing, developing countries that correctly view poverty (not climate change) as the greatest threat to their people’s safety and survival.