



Strengthening capacity for inclusive negotiations



THE INTERNATIONAL CLIMATE CHANGE REGIME

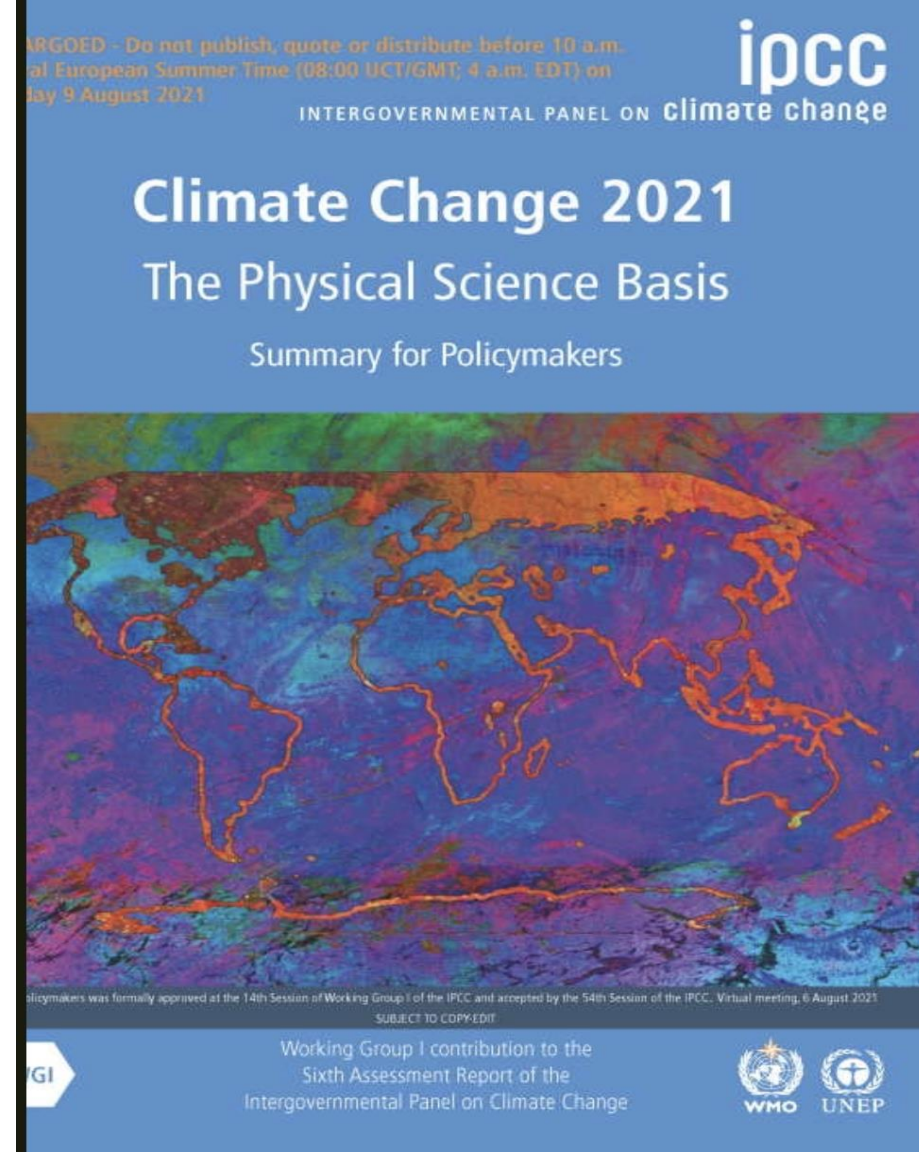
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OVERVIEW

- The context
 - The international framework
 - UNFCCC, Kyoto Protocol, Paris Agreement
 - Gaps in the Paris architecture
 - UNFCCC bodies
 - Types of meetings
 - Outcomes
- 

The context

- IPCC AR6, 2021
- “unequivocal” that humans have warmed the planet. “widespread and rapid” changes to Earth’s oceans, ice and land surface
- Scale of recent changes are unprecedented over many centuries to many thousand years
- Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO₂) and other greenhouse gas emissions occur in the coming decades



Climate change engages all aspects of a state's domestic policies

Mismatch between short term electoral cycles and long-term vision and impacts

States have different interests, priorities, capacities, and vulnerabilities



Photo: POLITICO (Matt Wuerker)

UN climate negotiations – key milestones

2015

Paris Agreement - Bottom up

Aims to strengthen the global response to the threat of climate change, 3 goals (temperature, adaptation and finance flows), all Parties must submit nationally determined contributions (NDCs)

Kyoto Protocol - Top down

established legally binding obligations for developed countries to reduce GHG emissions

UNFCCC - Framework

objective: stabilise GHG concentrations at a level that prevents dangerous anthropogenic interference with the climate system

1992



UNFCCC



Guiding Principles:

- Equity
- Common but differentiated responsibilities and respective capabilities (CBDR-RC)
- Specific needs and special circumstances of developing country Parties
- Precautionary Principle
- Sustainable Development
- Principle of Cooperation



Key commitments

- All Parties:
 - Publish national inventories of greenhouse gas emissions
- Developed Country Parties:
 - Adopt national mitigation policies
 - Provide new and additional financial resources for developing countries
 - Assist developing country Parties particularly vulnerable to climate change in meeting the costs of adaptation

Kyoto Protocol

- Shares the UNFCCC objective: agreement that commits industrialized countries to stabilise greenhouse gas emissions. Adopted in 1997, entered into force in 2005.
- CMP is the main decision-making body.
- Mitigation policies and measures
- Legally binding targets for GHG emissions and timetables for developed countries
- Market-based mechanisms – Emissions Trading, Joint Implementation, Clean Development Mechanism – Compliance system – Enforcement branch, penalties for non-compliance

Paris Agreement

- Framework agreement adopted in 2015
- Entry into force in 2016
- International (formally binding) treaty building on Copenhagen Accord
- Near universal participation: ratified by 195 countries
- 2018 – adoption of the Rulebook



Key elements



- **Temperature goal** (1.5°C /2°C) and Net Zero
- ‘Bottom up’ **National determined contributions** (NDCs)
- **Ambition cycle**: dynamic process for reviewing and increasing ambition of contributions
 - Expectation of progression, highest possible ambition
 - Enhanced Transparency Framework
 - Global Stocktake
 - Facilitating compliance

Key provisions

Long-term goals (Article 2.1 a) – c)):

- **Temperature goal**: ‘well below 2C above pre-industrial levels and pursuing efforts to limit temperature increase to 1.5C
- **Adaptation goal**: increase ability to adapt to adverse impacts of climate change and foster climate resilience and low GHG development
- **Finance goal**: making finance flows consistent with a pathway towards low GHG emissions and climate-resilient development

Key provisions – Mitigation (Article 4)

- every country shall submit increasingly ambitious NDCs every 5 years.
- Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions (Art.4.2)
- Developed countries should continue taking the lead through economy-wide absolute emission reduction targets (Art.4.4)
- Support for developing country Parties (Art.4.5) but not a precondition of action
- All Parties are encouraged to formulate long term low GHG emission development strategies (Art.4.19)

Key provisions – Mitigation (Articles 5 and 6)

Gas sinks/reservoirs and REDD+ (Art.5)

- Conserve and enhance emission sinks and reservoirs
- Reduce emissions from deforestation and forest degradation in developing countries through existing REDD+ framework

Voluntary cooperation (Art.6)

- Cooperative approaches to transfer mitigation outcomes
- Mechanism to mitigate GHG emissions and support sustainable development (CDM+)
- Framework for non-market approaches to sustainable development

Key provisions – Adaptation and Loss and Damage

Adaptation (Article 7)

- Global goal to enhance adaptive capacity, strengthen resilience and reduce vulnerability (7.1)
- Adaptation efforts of developing countries shall be recognised (7.3)
- Shall, as appropriate, engage in adaptation planning processes and the implementation of actions (7.9)
- Should, as appropriate, submit and periodically update an adaptation communication on needs, plans and actions (7.10) as part of e.g. NAPs, NDCs or national communications (7.11)

Loss and Damage (Article 8)

- Recognise the importance of averting, minimizing L&D



Enhance understanding, action and support



Key provisions - “Means of implementation”

Finance (Art.9)

Developed countries shall provide financial resources in continuation of existing obligations (Art.9.1) from a wide variety of sources and through a variety of actions (9.3)

Technology (Art.10)

Parties shall strengthen cooperation on technology development and transfer (Art.10.2), Technology framework to guide the (existing) Technology Mechanism is established (Art.10.4)

Capacity building (Art.11)

strengthening the capacity of developing countries to address climate change and deal with its adverse effects

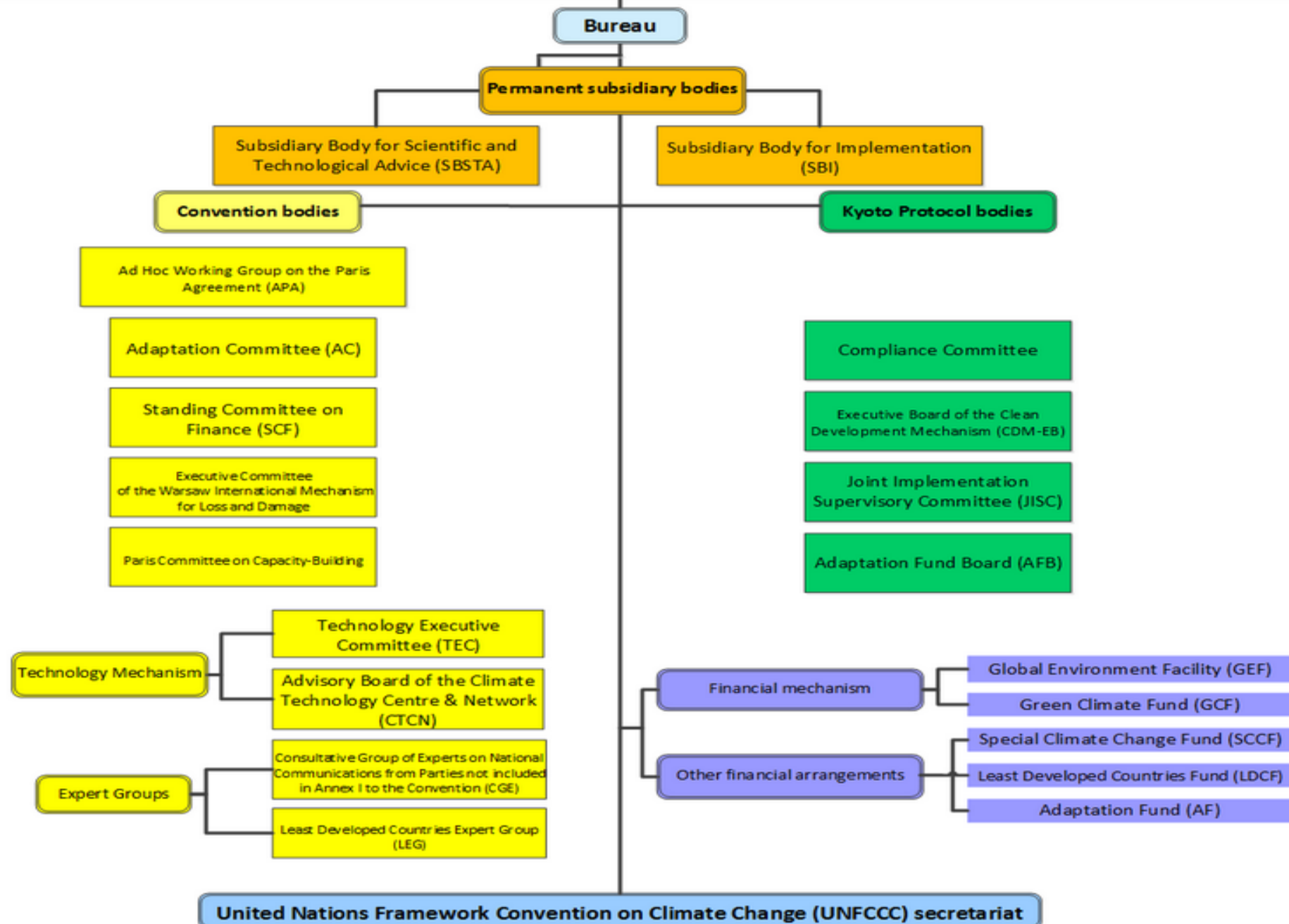
Key provisions – Accountability mechanisms

- **Transparency** (Article 13): a framework to guide reporting and review of Parties' action and support
- **Global stocktake** (Article 14): a stocktake of collective progress in achieving purpose and long-term goals of the Paris Agreement, every 5 years from 2023
- **Compliance** (Article 15): a compliance mechanism to facilitate implementation and promote compliance

It's not all perfect ...

- **No obligation to fulfill NDC targets**
- **No burden sharing agreement or other binding arrangements on finance**
- **No mechanism to ensure countries are delivering, except transparency, no review**
- **Compliance mechanism has no “teeth”**
- **Equity/fairness gap: few avenues (information accompanying NDCs, GST)**

Conference of the Parties (COP) / Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP)
/ Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA)



Main negotiating groups

- **G77+China**
- Africa Group of Negotiators (**AGN**)
- Alliance of Small Island States (**AOSIS**)
- Least Developed Countries (**LDC**)
- **EU**
- **Umbrella Group** - Australia, Canada, Iceland, Japan, New Zealand, Norway, the Russian Federation, Ukraine and the United States
- Environmental Integrity Group (**EIG**) - Switzerland, Mexico, South Korea, Monaco and Liechtenstein
- Arab Group, Like Minded Developing Countries, AILAC ..





Types of meetings

- At the negotiations:
 - Formal meetings: opening and closing plenaries, stocktakes, contact groups
 - Informal meetings: informal consultations, informal informals, huddles
 - Other meetings: coordination meetings, bilaterals
- Alongside the negotiations:
 - Mandated events, workshops, side events, etc.



What outcomes ?

Decision

Agreement

Conclusions



Language

The legal character of a provision depends on several factors incl. location in the text, language/terminology, precision, normative content, etc.

To consider

- Degree of commitment – *may, should, shall/must, shall endeavour...*
- Conditional/qualifying wording – *as/if appropriate, as/if necessary...*
- Future actions – *towards, with a view to, where sufficient information is available...*



Play store **Android**



App store **iPhone**



Paris Agreement A to Z app

Other resources

- Guide to the Paris Agreement
bit.ly/PAGuideEN
- Domestic implementation of the Paris Agreement by developing countries
bit.ly/DomChecklist
- Institutional climate change frameworks in developing countries
bit.ly/InstFworks
- Legislating the Paris Agreement in Africa bit.ly/LegislatingPAAfrica
- Climate framework laws in Latin America and their alignment with the Paris Agreement – a comparative analysis
bit.ly/FworkLawsLatAm/



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THANK YOU !

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