Ecologic Institute supports negotiators at climate negotiations

Dr. Camilla Bausch and Dr. Ralph Czarnecki of Ecologic Legal will continue to support the German delegation and EU negotiation team at the UN Climate Conference in Copenhagen.

According to the Bali roadmap of 2007, negotiations were supposed to result in a comprehensive climate regime for the period post 2012 to be agreed at Copenhagen. After the conference of the parties in Poznan, Poland, in December 2008, the parties entered “full negotiating mode” during 2009 and began discussing specific issues and proposals for legal text. However, the negotiations in Bonn, Bangkok and Barcelona in the summer and autumn revealed an impasse over key issues. As the parties were unable to overcome mistrust, the building blocks for the new regime agreed in Bali became road blocks.

Unresolved key issues comprise more than just quantified emissions targets, and negotiations on substantive issues are strongly linked to questions of legal form. The future of the Kyoto Protocol and how to include the US in the future climate regime are questions that go beyond mere legal architecture. While some states prefer to define the new regime post 2012 by only amending the existing Kyoto Protocol, there are proposals for a new legal instrument supplementing or replacing it. The EU has stated a preference for an instrument that builds on the Kyoto Protocol and includes all of its essentials. However, this triggered strong reactions from some states, who claimed that developed states were seeking to abandon their obligations under the Kyoto Protocol and the distinction between developed and developing countries.

Other issues that became stumbling blocks during the negotiations are how to reflect efforts by developing countries in the new regime and to ensure the financial support required for this. With regard to finance, several proposals have been made for new funds, governance arrangements, directing financial support to actions by
developing countries and regular overviews of financial flows. Again, substantive issues are linked to questions of legal form and institutional design.

It seems unlikely under the current conditions that a treaty will be finalized and signed at Copenhagen. Many key players now aim at reaching a political agreement on key issues and a clear mandate for finalizing a legal text in 2010. Besides the substantive issues relating to the climate regime post 2012 as a whole, specific legal issues will need to be resolved relating to the Copenhagen outcome. In case a legally binding instrument is out of reach, the challenge will be to define a strong and credible political agreement that includes core elements without hampering continued efforts to finalize a legally binding regime.

As in the past years, the Ecologic Institute will continue to support the negotiations which aim at a strong and robust international climate regime adequate to face the challenge to contain global warming to 2 degrees Celsius.

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