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INTERNATIONAL INSTRUMENTS IN THE FIELD OF CLIMATE CHANGE

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One of the important international treaties in the field of climate change is the United Nations Framework Convention on Climate Change (UNFCCC). Main objective of the UNFCCC is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. At present 165 countries joined to UNFCCC and get good experience in climate change issue and signed a lot of agreements as a Kyoto Protocol, Paris Agreement, Bali Action Plan, etc. The parties to the convention have met annually from 1995 in Conferences of the Parties (COP) to assess progress in dealing with climate change. In 1997, the Kyoto Protocol was concluded and established legally binding obligations for developed countries to reduce their greenhouse gas emissions in the period 2008–2012. The 2010 United Nations Climate Change Conference produced an agreement stating that future global warming should be limited to below 2.0°C (3.6°F) relative to the pre-industrial level. The Protocol was amended in 2012 to encompass the period 2013–2020 in the Doha Amendment, which as of December 2015 had not entered into force. In 2015 the Paris Agreement was adopted, governing emission reductions from 2020 on through commitments of countries in ambitious Nationally Determined Contributions. The Paris Agreement entered into force on 4 November 2016. The aim of the current work is to give a brief review of agreements signed by the UNFCCC.

Keywords: convention, agreement, climate, change, countries, greenhouse gas.

Introduction

United Nations Framework Convention on Climate Change (UNFCCC) is one of the important international treaties in the field of climate change. This international treaty is adopted on 9 May 1992 and opened for signature at the Earth Summit in Rio de Janeiro from 3 to 14 June 1992. Main objective of the UNFCCC is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system [1]. The framework sets non-binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. Instead, the framework outlines how specific international treaties called “protocols” or “agreements” may be negotiated to specify further action towards the objective of the UNFCCC. At present, 165 countries joined to UNFCCC and get good experience in climate change issue and signed a lot of agreements as a Kyoto Protocol, Paris Agreement, Bali Action Plan, etc. The aim of the current work is to give a brief review of conferences of the parties and agreements signed by the UNFCCC.

Conferences of the Parties and Agreements signed

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In 1997, the Kyoto Protocol was concluded and established legally binding obligations for developed countries to reduce their greenhouse gas emissions in the period 2008–2012 [24]. The 2010 United Nations Climate Change Conference produced an agreement stating that future global warming should be limited to below 2.0°C (3.6°F) relative to the pre-industrial level [14]. The Protocol was amended in 2012 to encompass the period 2013–2020 in the Doha Amendment, which as of December 2015 had not entered into force. In 2015 the Paris Agreement was adopted, governing emission reductions from 2020 on through commitments of countries in ambitious Nationally Determined Contributions. The Paris Agreement entered into force on 4 November 2016.

One of the first tasks set by the UNFCCC was for signatory nations to establish national greenhouse gas inventories of greenhouse gas (GHG) emissions and removals, which were used to create the 1990 benchmark levels for accession of Annex I countries to the Kyoto Protocol and for the commitment of those countries to GHG reductions. Updated inventories must be submitted annually by Annex I countries.

According to the Article 3(1) of the Convention [16] states that Parties should act to protect the climate system on the basis of “common but differentiated responsibilities”, and that developed country

Parties should “take the lead” in addressing climate change. Under Article 4, all Parties make general commitments to address climate change through, for example, climate change through, and for example, climate change mitigation and adapting to the eventual impacts of climate change [17]. Article 4(7): the extent to which developing country Parties will effectively their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

The Framework Convention specifies the aim of developed (Annex 1) Parties stabilizing their greenhouse gas emissions (carbon dioxide and other anthropogenic greenhouse gases not regulated under the Montreal Protocol) at 1990 levels, by the year 2000.

After the signing of the UNFCCC treaty, Parties to the UNFCCC have met at conferences (“Conferences of the Parties” – COPs) to discuss how to achieve the treaty's aims. At the 1st Conference of the Parties (COP-1), Parties decided that the aim of Annex I Parties stabilizing their emissions at 1990 levels by the year 2000 was “not adequate” [10] and further discussions at later conferences led to the Kyoto Protocol. The Kyoto Protocol sets emissions targets for developed countries which are binding under international law.

The Kyoto Protocol has had two commitment periods, the first of which lasted from 2008–2012. The second one runs from 2013–2020 and is based on the Doha Amendment to the Protocol, which has not entered into force.

Kyoto Protocol was not ratified by the US and Canada denounced it in 2012. All the other Annex I Parties ratified the Kyoto Protocol. All Annex I Parties, excluding the US, have participated in the 1st Kyoto commitment period. 37 Annex I countries and the EU have agreed to second-round Kyoto targets. These countries are Australia, all members of the European Union, Belarus, Croatia, Iceland, Kazakhstan, Norway, Switzerland, and Ukraine [13]. Belarus, Kazakhstan and Ukraine have stated that they may withdraw from the Protocol or not put into legal force the Amendment with second round targets [2]. Japan, New Zealand, and Russia have participated in Kyoto's first-round but have not taken on new targets in the second commitment period. Other developed countries without second-round targets are Canada

(which withdrew from the Kyoto Protocol in 2012) [15] and the United States.

In 2011, parties adopted the “Durban Platform for Enhanced Action” [9]. As part of the Durban Platform, parties have agreed to “develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”. At Durban [3] and Doha [4], parties noted “with grave concern” that current efforts to hold global warming to below 2 or 1.5°C relative to the pre-industrial level appear inadequate.

In 2015, all parties to the convention came together for the UN Climate Change Conference in Paris 30 November – 12 December and adopted by consensus the Paris Agreement, aimed at limiting global warming to less than two degrees Celsius, and pursue efforts to limit the rise to 1.5 degrees Celsius [5]. The Paris Agreement entered into force on November 4, 2016.

In addition to the Kyoto Protocol (and its amendment) and the Paris Agreement, parties to the Convention have agreed to further commitments during UNFCCC Conferences of the Parties. These include the Bali Action Plan [6], the Copenhagen Accord [7], the Cancún agreements [8], and the Durban Platform for Enhanced Action [2009].

Bali Action Plan. As part of the Bali Action Plan, adopted in 2007, all developed country Parties have agreed to “quantified emission limitation and reduction objectives, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances” [11]. Developing country Parties agreed to “(nationally) appropriate mitigation actions (NAMAs) context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner” [12]. 42 developed countries have submitted mitigation targets to the UNFCCC secretariat, as have 57 developing countries and the African Group (a group of countries within the UN).

Copenhagen Accord and Cancún agreements. As a part of the 2009 Copenhagen negotiations, a number of countries produced the Copenhagen Accord. The Accord states that global warming should be limited to below 2.0°C (3.6°F). This may be strengthened in 2015 with a target to limit warming to below 1.5°C. The Accord does not specify what the baseline is for these temperature targets (e.g., relative to pre-industrial or 1990 temperatures). According to the UNFCCC, these targets are relative to pre-industrial temperatures [18].

114 countries agreed to the Accord. The UNFCCC secretariat notes that “Some Parties stated in their communications to the secretariat specific understandings on the nature of the Accord and related matters, based on which they have agreed to (the Accord)”. The Accord was not formally adopted by the Conference of the Parties. Instead, the COP “took note of the Copenhagen Accord”.

As part of the Accord, 17 developed country Parties and the EU-27 have submitted mitigation targets [19], as have 45 developing country Parties [20]. Some developing country Parties have noted the need for international support in their plans. As a part of the Cancún agreements, developed and developing countries have submitted mitigation plans to the UNFCCC [21, 22]. These plans are compiled with those made as part of the Bali Action Plan. UNFCCC’s meetings and conferences are organized regularly, recently, Bonn Climate Change Conference was held on April 2018.

Conclusion

Climate change is the defining challenge of our time, yet it is still accelerating faster than our efforts to address it. Atmospheric level of carbon dioxide is higher than it has been for 800,000 years, and it is increasing. So, too, are the catastrophic effects of our warming planet – extreme storms, droughts, fires, floods, melting ice and rising sea levels.

In 2015, the world’s nations recognized the urgency and magnitude of the challenge when they adopted the historic Paris Agreement on climate change with a goal of limiting global average temperature rise to well below 2°C while aiming for a safe 1.5°C target. The unity forged in Paris was laudable – and overdue. But, for all its significance, Paris was a beginning, not an end. The world is currently not on track to achieve the Paris targets. We need urgent climate action and greatly increased ambition – in emissions reductions and in promoting adaptation to current and future impacts of climate change.

Success demands broad-based concerted action from all levels of society, public and private, action coalitions across all sectors and the engagement of all key actors. There is no time, nor reason, to delay. The dogma that pollution and high emissions are the unavoidable cost of progress is dead. Investing in climate action makes sense for the global environment, improved public health, new markets, new jobs and new opportunities for sustainable prosperity. Failing to act will simply consign all of humanity to ever-worsening climate calamity.

There is much to do in 2018. We need to support Parties to increase pre-2020 action. Those Parties that have not yet done so should ratify the Doha

Amendment to the Kyoto Protocol. Parties should use the Talanoa Dialogue as an opportunity to engage with one another and increase ambition under the Paris Agreement. In 2018, it is critical that the outcomes of the Paris Agreement work programme are adopted at COP 24 in Katowice to ensure we are ready for the implementation of the Agreement [23].

REFERENCES:

1. Article 2. The United Nations Framework Convention on Climate Change. 4 June, 1992.
2. Allan A., Kruppa M (10 December 2012) Belarus negotiator hints at Kyoto exit, says others could follow. REUTERS, Reuters, retrieved 2012: 12–18.
3. COP (15 March 2012) FCCC/CP/2011/9/Add.1: Report of the Conference of the Parties on its seventeenth session, held in Durban from 28 November to 11 December 2011. Addendum. Part two: Action taken by the Conference of the Parties at its seventeenth session, Geneva, Switzerland: UN Office.
4. COP (28 February 2013) FCCC/CP/2012/8/Add.1: Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012. Addendum. Part two: Action taken by the Conference of the Parties at its eighteenth session, Geneva, Switzerland: UN Office.
5. www.cop21.gouv.fr. Archived from the original on 10 December 2015. Retrieved 7 December 2015.
6. COP (28 February 2013) FCCC/CP/2012/8/Add.1: Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012. Addendum. Part two: Action taken by the Conference of the Parties at its eighteenth session, Geneva, Switzerland: UN Office.
7. COP (30 March 2010) FCCC/CP/2009/11/Add.1: Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009. Addendum. Part Two: Action taken by the Conference of the Parties at its fifteenth session, Geneva, Switzerland: UN Office.
8. COP (15 March 2011) FCCC/CP/2010/7/Add.1: Report of the Conference of the Parties (COP) on its sixteenth session, held in Cancun from 29 November to 10 December 2010. Addendum. Part two: Action taken by the Conference of the Parties at its sixteenth session, Geneva, Switzerland: UN Office.
9. COP (15 March 2012) FCCC/CP/2011/9/Add.1: Report of the Conference of the Parties on its sev-

- enteenth session, held in Durban from 28 November to 11 December 2011. Addendum. Part two: Action taken by the Conference of the Parties at its seventeenth session, Geneva, Switzerland: UN Office. Paragraphs 2-4, in COP 2012, p. 2.
10. Depledge J (25 November 2000) United Nations Framework Convention on Climate Change (UNFCCC) Technical paper: Tracing the Origins of the Kyoto Protocol: An Article-by-Article Textual History, UNFCCC, p. 6.
 11. Decision 1/CP.13, in COP 2008, p.3, Report of the Conference of the Parties (COP) on its thirteenth session, held in Bali from 3 to 15 December 2007. Addendum. Part Two: Action taken by the Conference of the Parties at its thirteenth session, Geneva, Switzerland: United Nations Office.
 12. Decision 1/CP.13, in COP 2008, p.3 Report of the Conference of the Parties (COP) on its thirteenth session, held in Bali from 3 to 15 December 2007. Addendum. Part Two: Action taken by the Conference of the Parties at its thirteenth session, Geneva, Switzerland: United Nations Office.
 13. Figueres C (15 December 2012) Environmental issues: Time to abandon blame-games and become proactive – Economic Times. The Economic Times / Indiatimes.com, Times Internet, retrieved 2012: 12–18.
 14. King D, Richards K, Tyldesley S (2011) International climate change negotiations: Key lessons and next steps. Oxford, UK: Smith School of Enterprise and the Environment, University of Oxford, 50. http://www.smithschool.ox.ac.uk/publications/reports/climate-negotiations-report_Fina2011.pdf.
 15. Status of Ratification of the Kyoto Protocol: (withdrawal of Canada), UNFCCC, 18 January 2012.
 16. UNFCCC Article 3: Principles, in United Nations 1992.
 17. UNFCCC Article 4: Commitments, archived from the original on 24 January 2011, in United Nations 1992.
 18. UNFCCC (16 May 2012) Meetings: Copenhagen Climate Change Conference – December 2009, UNFCCC.
 19. UNFCCC (25 February 2011) Information provided by Annex I Parties relating to Appendix I of the Copenhagen Accord (quantified economy-wide emissions targets for 2020), UNFCCC.
 20. UNFCCC (21 May 2012) Information provided by non-Annex I Parties relating to Appendix II of the Copenhagen Accord (nationally appropriate mitigation actions of developing country Parties), UNFCCC.
 21. UNFCCC (7 June 2011) FCCC/SB/2011/INF.1/Rev.1: Compilation of economy-wide emission reduction targets to be implemented by Parties included in Annex I to the Convention. Revised note by the secretariat, Geneva, Switzerland: UN Office.
 22. UNFCCC (18 March 2011) FCCC/AW-GLCA/2011/INF.1: Compilation of information on nationally appropriate mitigation actions to be implemented by Parties not included in Annex I to the Convention, Geneva, Switzerland: UN Office.
 23. UN Climate Change Annual Report 2017.
 24. What is the UNFCCC & the COP. Climate Leaders. Lead India. 2009. Retrieved 5 December 2009.