The Journal of Environment & Development

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The Journal of Environment Development 2012 21: 52

DOI: 10.1177/1070496512436425

The online version of this article can be found at:

http://jed.sagepub.com/content/21/1/52

Published by:

SAGE

http://www.sagepublications.com

The Journal of Environment & Development
21(1) 52–56

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DOI: 10.1177/1070496512436425
http://jed.sagepub.com

Struggling With Expectations and Changing Realities: International Climate Negotiations

Charlotte Streck[1]

Abstract

Although the UNFCCC sets a direction and defines a number of tools and mechanisms, it does not provide any clear strategy on how to solve the climate crisis. International climate negotiations do not formulate policies. Instead, they leave the international process up to national governments to decide on how to reduce emissions. International goals and pledges may provide policy makers with a direction, but they do not formulate recipes on how to generate energy and feed an increasing world population while protecting the global climate. The challenge is formidable, and time is running out. By the same token, climate finance and the institutional arrangements underpinning it are likely to remain decentralized and diverse. Although fragmentation poses the risk of inefficiencies and duplication of efforts, recent developments under the UNFCCC carry the promise that climate negotiations are able to adapt to changing realities and may provide a framework for country-driven and multistakeholder-driven climate policies.

Keywords

climate change, climate policy, international law, MRV, UNFCCC

The Formidable Challenge of Climate Negotiations

Negotiating an international framework to tackle climate change in a collaborative effort constitutes one of the most complicated, possibly the single most complicated, international law challenge the international community faces today. Per definition,

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***Sustainable Development from Rio 1992 to Rio 2012 and Beyond: Taking stock and moving forward.** This article was written by invitation as a contribution to the 20th anniversary issue of the *Journal of Environment and Development,* March 2012

negotiations fall short of expectations. International negotiations cannot go beyond the ambition of the participating nations, and an international process cannot camouflage the frustrating low level of commitment among governments to take serious action to address climate change.

All things considered, progress in international climate negotiations is not so bad. Negotiations are moving and they are moving in the right direction. Compared to the time when the Kyoto Protocol was negotiated 1997, there is by now a widespread recognition of the threat that global climate change poses for humankind and the need for deep emission cuts to avoid disastrous negative consequences for our climate. Climate negotiations are also in the process of creating an increasingly differentiated toolbox of mechanisms that should create incentives for climate change mitigation and adaptation.

But things remain complicated. The challenges inherent to climate negotiations relate to politics, economy, culture, equity, and process. The distance of cause and effect leads to a significant intra- and inter-generational disparity between those that benefit from greenhouse gas emissions and those that suffer from the impact. Negotiations are complicated by the fact that the system of the UNFCCC (and even more the logic of the Kyoto Protocol) is based on a divide between developing and developed countries. This divide should reflect the ability to pay and support action ("common-but-differentiated responsibilities"), but, as global geopolitics and emission profiles have evolved, this simplistic divide has become a barrier for an effective climate policy. Finally, the welcome elevation of climate change on the priority list of national and international agendas went along with a proliferation of issues, concerns, and special interests. Today there is no single individual who can follow, or even fully grasp, all agenda items negotiated under the UNFCCC.

But even if the climate regime succeeds in overcoming all these challenges, international negotiations will not provide recipes for emission reductions and adaptation measures. It will be up to the national governments to formulate sectoral policies, negotiate consensus among stakeholders and affected parties at the national level, and build, with the support of a strong civil society, concern that leads to climate change action.

The Pillars of the UNFCCC

The UNFCCC, with its Kyoto Protocol and countless decisions summarizing agreements and formulating standards, guidelines, and modalities, stands on three main pillars: the formulation of ambition and goals, definition of frameworks that account for greenhouse gas emissions and reductions, and the organization of international transfer of finance supporting developing countries in their mitigation and adaptation efforts.

The first pillar, the pillar of the shared vision, finds its origin in Article 2 of the UNFCCC that defines the stabilization of greenhouse gas concentrations at a level that prevent dangerous anthropogenic interference with the climate system as the ultimate goal of the convention. The Kyoto Protocol breaks that commitment down and formulates, for a small group of countries, quantified emission reduction commitments. At the occasion of the latest climate conference held in Durban in December 2011, parties committed to negotiate a treaty that would enter into force in 2020, that would include all countries in a mitigation framework, and that would bridge the remaining gap in emissions to achieve the goal to limit emissions to an increase of 2 degrees centigrade compared to preindustrial levels.[1]

The second pillar, the accounting pillar, aims at ensuring comparability, transparency, consistency, accuracy, and completeness in the monitoring and reporting of greenhouse gas emissions. Although in itself procedural rather than substantial, the establishment of a common accounting framework is essential for the legitimacy of an international climate regime. Transparency in data builds trusts among parties and enables nonstate stakeholders to hold parties accountable toward national and international commitments. In Durban, parties decided to establish a process for the international assessment and review of emissions related to developed country parties' emission reduction targets and a process of international consultation and analysis related to developing country parties' mitigation actions.

The third and final pillar defines how developed countries would assist developing countries in combating climate change. Many developing countries make parts or all of their climate change actions conditional on the availability of new and additional resources for global environmental action from developed counties. Thus, a key ingredient in a successful international climate agreement is a robust institutional architecture through which to source, allocate, and disburse finance for climate change mitigation and adaptation actions to developing countries. In Cancun in December 2010, parties agreed to establish a Green Climate Fund that is accountable to and operates under the guidance of the UNFCCC conference of the parties.[2] In Durban, parties adopted the final governance structure of the fund that can start operating in 2012.[3]

Promising Developments

The UNFCCC with its aspirational approach, with its emphasis on accounting and equity-driven financial transfers, is not equipped to solve the climate crisis. It can contribute to the solution, but it provides not more than a small piece to a much broader puzzle. Nevertheless, recognizing its limitations, the international process has evolved in the past years to become more inclusive and solution oriented. It has replaced the approach of the Kyoto Protocol with a more complex set of incentives and incentives that are built on the following ideas:

- National ownership and policy integration: Rather than formulating top-down targets, the process supporting emission reductions in developing countries seeks to integrate sustainability in longer-term policies.
- Partnership and joint learning: There are no tested models on how to achieve energy and food security and wealth and prosperity while reducing greenhouse

gas emissions. It is essential that sustainable development models are developed and that these efforts are supported by the combined knowledge and resources from developed and developing countries in a fair partnership.

- Broad financial support from multiple sources: International incentive mechanisms for mitigation and for adaptation will most likely consist of a mix of market and nonmarket support mechanisms that complement domestic finance. Given the limitations of public (international and domestic) finance, leveraging private investment will be essential.
- Subnational and nonstate participation: It is crucial that mitigation and adaptation policies are supported by all levels of governance and all sectors of society, including subnational public agencies, civil society, and the private sector. To achieve such support, policy prioritization and formulation will have to be built on a broad and inclusive process.

Conclusions

Although the UNFCCC sets a direction and defines a number of tools and mechanisms, it does not provide any clear strategy on how to solve the climate crisis. International climate negotiations do not formulate policies. Instead, they leave the international process up to national governments to decide on how to reduce emissions. International goals and pledges may provide policy makers with a direction, but they not formulate recipes on how to generate energy and feed an increasing world population while protecting the global climate. National governments and multilateral institutions will be challenged to put in place regulations and incentive frameworks for reducing emissions as they adapt to a changing climate. The challenge is formidable, and time is running out. By the same token, climate finance and the institutional arrangements underpinning it are likely to remain decentralized and diverse. Although fragmentation poses the risk of inefficiencies and duplication of efforts, recent developments under the UNFCCC carry the promise that climate negotiations are able to adapt to changing realities and may provide a framework for country-driven and multistakeholder-driven climate policies.

Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author received no financial support for the research, authorship, and/or publication of this article.

Notes

1. UNFCCC, Decision 1/CP.17 (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action).

2. Decision 1/CP.16, paragraph 102.
3. UNFCCC, Decision1/CP.17 (Green Climate Fund—Report of the Transitional Committee).

Bio

Charlotte Streck is Director of Climate Focus and a former Senior Counsel with the World Bank in Washington, DC. Charlotte serves a advisor to numerous governments, private companies, foundations, and non for profit organizations and is actively involved in the debate around the development of new carbon finance mechanisms in the area of reducing emissions from deforestation, climate resilient agriculture, national and international climate frameworks, and a reform of the current Kyoto Mechanisms. She is a prolific writer and editor, serves on the Board of the Rainforest Partnership, is associated editor of Climate Policy, and acted until 2011 as lead counsel for climate change with the Center for International Sustainable Development Law with McGill University.