



A Critical Review on Global Climate Conferences and Results of the Negotiations

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Short summary

The United Nations Framework Convention on Climate Change (UNFCCC) opened for signature in 1992 and it did not set emissions of Green-House Gases (GHGs) reduction targets. The Kyoto Protocol to the UNFCCC was intended as a first step towards implementing the UNFCCC. To that end, it sets quantitative emission reduction targets for the high income countries. The Protocol's goal was to reduce each party's emissions by at least 5% below 1990 levels by 2012. Although the US signed the Protocol in 1998, it did not submit the Protocol to the Senate but it would not pursue U.S. accession to the Protocol. The Obama Administration has followed similar policy. In 2007, the UN Climate Change Conference in Bali adopted a framework for negotiations over the post-2012 climate regime. However, consensus wasn't reached. Then, the outcome of the Copenhagen was considered a non-binding political agreement. Instead, countries must identify and commit to undertaking nationally appropriate mitigation actions. Under international law, an agreement is considered binding only if it conveys the intention of its parties to create legally binding relationships and has entered into force. Nonetheless, in some states, international agreement should be legally binding if it is approved 2/3 of the law making body. For instance, under U.S. law, a legally binding international agreement must be approved by a two-thirds majority of the Senate and subsequently be ratified by the President. Of the agreements discussed below, only the UNFCCC and the Kyoto Protocol are considered legally binding agreements under international law, but the US is bound only by the former. The US has, however, specified its intent to associate with the Copenhagen Accord to reduce U.S. emissions by 17% below 2005 levels by 2020. However, the Accord does not appear to empower the Executive to implement it solely by agency actions.

Key Words: Climate Change, UNFCCC, Conventions, Kyoto Protocol

1. Introduction

“...we can waste the planet’s resources for a few decades more...we must realize that one day the storm will break on the heads of future generations. For them it will be too late!”

(UN Secretary General Boutros-Ghali, UNCED, 1992)

The second half of the 18th century was marked by industrial revolution. Ever since this time, economic growth and population pressure have resulted in increasing the concentrations of GHGs in the earth’s atmosphere. The Intergovernmental Panel for Climate Change (IPCC) reports indicate that the anthropogenic substances are just overriding the natural ecosystem, affecting the human health and would potentially lead to irreversible climate change. Cognizant to the danger of climate change, the United Nations Framework Convention on Climate Change (UNFCCC) was established in 1992 to coordinate the intergovernmental efforts to address threats of climate changes and ultimately bring solutions through continues negotiations among parties. Starting 1995, more than 20 negotiations were conducted on climate change but none of them were successful. Therefore, the overall objective of this term paper is to discuss on the major global negotiations on climate change that have been taken place so far. Hence, the first part of the paper describes the meanings and concepts related to global negotiations. Secondly, it explains the Conferences of the Parties (COP) and how the conferences have been arranged. Thirdly, it discusses on the major global negotiations and the results achieved from each negotiation. Finally, the paper summarizes on the major issues discussed in the paper. Have a nice reading!

2. The Need to Deal with Climate Change

Our Planet’s climate has been changing drastically due to human induced substances and natural episode to atmospheric emissions. These dangerous gases stored in the atmosphere known are as Green House Gases (GHGs) because they trap heat and raise temperatures.¹ The effects of global climate change are becoming more evident today ever before. Scientists have been alarming that climate change is really resulting in severe disasters such as drought, flooding, food insecurity, irregularity of weather condition, increased incidents of hurricanes and forest fires reduction and wide spreading epidemic diseases.² Among the long-term impacts climate change that scientist reporting include raising sea levels, increasing temperature, loss of biodiversity and this further

¹ United Nations Framework Convention on Climate Change: Handbook. Bonn, Germany: Climate Change Secretariat.2006.

² IPCC (Intergovernmental Panel Report on Climate Change, 1995). Climate Change 1995: The Physical Science Basis. IPCC Working Group I Contribution to AR5. <http://www.climatechange2013.org/> [accessed on December,20, 2015]

lead to the question of survival on the planet. Many less developing countries in African, Asia and Latin America are among the most vulnerable continents to the impacts of climate change.³

There are several reasons for global warming due to excessive heat-trapping gases and the most factors which aggravating climate change include carbon dioxide, CFC, methane, nitrous oxides, sulfur dioxide and others. These dangerous gases mainly resulted from the burning of fossil fuels, agriculture, waste dumps and the like.⁴

3. Meanings and Concepts of International Agreements.

There are a range of terms related to international agreements. Some of these include: international treaties, conventions, protocols, agreement and the likes. These terms are not exactly identical although they are under the international legal framework. Hence, each of them can have their own relative meaning. For the purpose of this term paper, we have described the meanings of the terms below.⁵

3.1. International Treaties

Today, treaties are the major mechanism employed by states in the conduct of their relations with each other. They provide the framework for modern international relations and the main source of international law. A treaty is an agreement in written form between or among nation-states that is intended to establish a relationship governed by International Law.⁶ A treaty may be terminated in accordance with specifications in the treaty or by consent of the parties.⁷

3.2. International Agreements

The term international agreement in its generic meaning embraces the widest range of international instruments. In the practice of certain countries, the term agreement invariably signifies a treaty. An agreement as a particular term usually signifies an instrument less formal than a treaty and deals with a narrower range of subject matter. Agreement is employed especially for instruments of administrative in nature which are signed by the representatives of government departments and are not subject to ratification. International agreements are also used to describe broad multilateral

³ The UNFCCC (2012). *An introduction to the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol*

⁴ Hecht, A.D., and Tirpak, D.1995. 'Framework Agreement on Climate Change: A Scientific and Policy History,' *Climatic Change* 29, 371-402.

⁵ UNEP (2003). *Handbook for the International Treaties for the Protection of the Ozone Layer. Sixth edition (2003)*

⁶ UNEP (2003),pp.4.

⁷ *Handbook for the International Treaties on the Vienna convention on the law of treaties. 1969. Austria.*

agreements and majority of international environmental instruments are designated as agreements.⁸

3.3. International Conventions

The term convention has both generic and specific meanings. A convention as a generic term refers to international conventions whether general or particular as a source of law. The generic use of the term convention embraces all international agreements and hence, the generic term convention is synonymous with the generic term treaty.⁹ On the other hand, as a specific term, a convention is used for formal multilateral treaties with a broad number of parties in the contemporary world. Specific conventions are normally open for participation by the international community as a whole to be signed by many states. Usually, the instruments negotiated under the sponsorship of the United Nations are entitled conventions. The United Nations Framework Convention on Climate Change (UNFCCC) can be considered as an example of specific convention.¹⁰

3.4. Protocol

A protocol signifies an instrument that creates legally binding obligations at international law. There are various types of protocols. An optional protocol to a treaty is an instrument that establishes additional rights and obligations with regard to a treaty but parties to the main treaty are not obliged to become party to an optional protocol. Such protocols enable certain parties of the treaty to establish among themselves a framework of obligations which reach further than the main treaty. A protocol can be a supplementary treaty and in this case, it is an instrument which contains supplementary provisions to a previous treaty. A protocol can further elaborate a framework convention. The framework convention usually contains general rules of a both procedural and substantive. These objectives are subsequently elaborated by a protocol, with specific substantive obligations, consistent with the rules agreed upon in the framework treaty.¹¹

4. Prelude Towards Global Climate Conferences

⁸ UNEP (2005). *Register of International Treaties and other Agreements in the Field of the Environment*. Nairobi, Kenya.

⁹ *The Vienna convention on the law of treaties*. 1969.

¹⁰ UNFCCC: *Some of the conventions of the unfccc include The 1992 UN Convention on Biological Diversity, the 1994 UN Conventions to combat Desertification, and the 1966 UN Convention on Civil and Political Rights*.

¹¹ *Conventions, Protocols and Accords: United Nations Center for international multilateral agreements*. November 20, 2005. New York. www.unfccc.org. Accessed on Jan, 12, 2016

In 1972, the first United Nations Conference on the Human Environment (UNCHE) held in Stockholm, Sweden. The main objective of the conference was paving a platform for the establishment of the United Nations Environment Program (UNEP). The key agendas of the conference were: relating development with environment and calling countries of the world to be united to face environmental degradation.¹² Since Stockholm conference, many global environmental agreements have been conducted even though most of them were difficult to be implemented.¹³

Since 1980s, many scientific evidences have been reported concerning ecological degradation due to human induced interference and this situation begun to push the issue of climate change onto global political agenda. In according with the scientific evidences, the IPCC was established by the World Meteorological Organization (WMO) and United Nations Environment Program (UNEP) in 1988.¹⁴ Fundamentally, the IPCC focused on assessing scientific information related to the various aspects of climate change; evaluating the environmental and socio-economic impacts of climate change and formulating response strategies for managing the global climate change.¹⁵

In 1990, UN General Assembly (UNGA) adopted a resolution that establishes the Intergovernmental Negotiating Committee (INC) with the mandate to prepare an effective framework convention on climate change. The INC held five sessions between February 1991 and May 1992 in dealing with contentious issues on binding commitments on the reduction GHG emissions, setting targets, financial mechanisms, technology transfer, and common but differentiated responsibilities of developed and developing countries. The INC framed the UNFCCC draft for further ratification.¹⁶

5. The UN Framework Convention on Climate Change (UNFCCC).

The UNFCCC was the first formal international agreement to address human induced climate change established in Rio Earth summit from 3-14 June 1992. Therefore, the purpose of the convention was to stabilize the concentration of heat-trapping greenhouse gases at a level that prevents dangerous interference with the climate system. Moreover, the conference sought

¹² Stockholm conference (1972), "United Nations Conference on the Human Environment," 1972. Sweden. www.unfccc.org Accessed on DEC, 2015.

¹³ "In Our Hands," Earth Summits, U.N. Publication DPI/111 8-40437-May 1991-50M. www.unfccc.org .Retrieved on dec, 25, 2015.

¹⁴ Emily C. Barbour (2010). International Agreements on Climate Change: Selected Legal Question. www.unfccc.org Retrieved on dec, 28, 2015.

¹⁵ Earth Negotiating Bulletin. Vol. 12 No.12 Published by the International Institute for Sustainable Development (IISD) Tuesday, 28 March 1999. www.unfccc.org Retrieved on dec, 25, 2015.

¹⁶ INC (Washington, 1991) – Report, 1991. Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the Work of its First Session, Held at Washington, DC, from 4 to 14 of February 1991. UN General Assembly. www.unfccc.int. Downloaded: on Dec, 29, 2015.

agreement on concrete measures to reconcile economic activities while protecting the planet to ensure a sustainable for the current and future generations. Eventually, the UNFCCC was ratified in 1992 and entered into force in 1994. As a framework convention, it provides a structure for international consideration of climate change.¹⁷

In the process of tackling the problem of climate change, developed countries were expected to take the lead by reducing GHG emissions and providing technology, finance and capacity building for developing countries.¹⁸ Nevertheless, the UNFCCC document did not contain specific obligations to be achieved by each party but it recognizes that climate change is a common concern to humankind. Hence, parties to this framework shall obtain scientific evidence and share best practices on GHG emissions and launch national strategies for addressing GHG emissions.¹⁹

The IPCC has been playing vital role in reporting the Scientific and technical assessments on climate change and the reports have been used in addressing these challenges. The IPCC summarizes the degree of climate change and explains the vulnerabilities of ecosystems and livelihood to climate changes on agriculture and food production, health and the impact on biodiversity. The first assessment of IPCC was published in 1990 which provided a scientific and technical base for the establishment of the UNFCCC which was open for signature in Rio Earth Summit in 1992.²⁰ The ultimate objective of the UNFCCC, as expressed in Article 2 is:

*“...the ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a timeframe sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner”.*²¹

Moreover, Article 3 of the UNFCCC identifies major of principles that shall guide decision-making with respect to the ultimate objectives of the Convention. This article provides guidance on decision-making where there is lack of full scientific certainty.

¹⁷ Mathias Friman (2011). *Historical Responsibility in the UNFCCC*. Centre for Climate Science and Policy Research

¹⁸ *Climate protection between hope and despair 20 years of the UNFCCC*. June, 2012.

¹⁹ Press Release, UNFCCC, *UNFCCC Publishes Reports Summing Up Results of 2009 UN Climate Change Conference in Copenhagen (March 31, 2010)*, available at http://unfccc.int/files/press/news_room/press_releases_and_advisories/application/pdf/20100331_pr_cop_report_v2.pdf.

²⁰ IPCC (1995). *A Report of the Intergovernmental Panel on Climate Change*. UNEP. Downloaded on Dec, 28, 2015.

²¹ Intergovernmental Panel on Climate Change Response Strategies Working Group (IPCC RSWG): 1990, *Climate Change: The IPCC Response Strategies*, Island Press. Intergovernmental Panel on Climate Change: 1994, *Proceedings*.

“...the parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. The specific needs and special circumstances of developing country Parties... should be given full consideration. They should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development program, taking into account that economic development is essential for adopting measures to address climate change. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties”²²

These major principles believed to provide paramount importance in setting the guiding the UNFCCC whenever needed. These principles are helpful in fulfilling the major objectives of the Convention and upcoming conferences.

6. The Negotiation Processes of the UNFCCC

The UNFCCC negotiation process is complex enough with variety of ideas and interests of parties. There are many issues to be discussed by participants and groups with little censuses. During the meeting, there may be uncoordinated interests and ideas from different directions. Other stakeholders such as NGOs try to influence the negotiations using various techniques during the conferences. Most developing countries formed the *Group of 77 and China*. Currently, this group consists of 130 countries their joint position on any issue has enormous influence. The country holding the Chair of the G-77 in New York, which rotates every year, often speaks for the G-77 and China as a whole. Then *regional groups* have great influence in the conferences. These include Africa, Asia, Latin America, Eastern Europe, and other powers such as USA, Japan, Australia, New Zealand, and Western Europe. Each group is proposing candidates for official functions in UNFCCC on a rotational basis and coordinate positions.²³

²² United Nations Framework Convention on Climate Change (UNFCCC): Discussion on Article 3.1992, text available at <http://www.unfccc.int>

²³ UNFCCC: A hand book on the process of negotiating in conference of parties in the earth summits.2001.

7. The Conference of Parties (COP).

The Conference of the Parties (COP) is the supreme body of the UNFCCC and it is the highest decision-making authority in every climate change negotiations. It is a collection of all the countries which are Parties to the UNFCCC. The COP is responsible for initiating global efforts in addressing the issues of climate change. It reviews the implementation of the UNFCCC and examines the commitments of Parties in accordance with its objectives. The COP usually assesses the effects of the measures taken by Parties and the progress made in achieving the ultimate objective of the UNFCCC.²⁴ The COP meets every year, unless the Parties decide otherwise. The COP Presidency usually rotates among the UN recognized regions such as Africa, Asia, Latin America and the Caribbean, Central and Eastern Europe and Western Europe and so on.²⁵

The UNFCCC established two permanent subsidiary bodies, namely, the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). These bodies advise the COP and each has its own specific mandate. The SBSTA was established to advice on scientific, technological and methodological matters for COP. It works on developing and transferring of environment friendly technologies, and conducting technical work to improve the guidelines for preparing national communications and emission inventories. The SBSTA also plays a vital role in linking scientific information and the policy-oriented needed by the COPs.²⁶

The SBI, on the other hand, advises to the COP on all matters concerning the implementation of the UNFCCC. Its main task is to examine the information in the national emission inventories and assesses the overall effectiveness of the UNFCCC. Besides, it reviews the financial assistance given to Parties of developing countries to help them implement their commitments and advices to the COP in guiding the financial mechanism.²⁷

8. The Conferences of Parties (COPs) and Their Major Outcomes.

²⁴ UNFCCC: *The function of side events at the Conference of the Parties to the United Nations Framework Convention on Climate Change.* www.unfccc.org. Retrieved 28, December 2015.

²⁵ *Conference of the Parties (COP): Establishment, Function and organizational structure of the Conference of the Parties.* www.unfccc.org, retrieved 26, 2015.

²⁶ *Conference of the Parties 1 (Berlin, 1995) Report: Actions Taken, 1995. Report of the Conference of the Parties on its First Session, Held at Berlin from 28 March to 7 April 1995 – Part Two: Actions Taken by the Conference of the Parties at its First Session.* UNFCCC. Downloaded: Dec.28, 2015. www.unfccc.int.

²⁷ *Subsidiary Body for Implementation (Berlin Mandate, 1995) the establishment of Subsidiary Body in the COP1 in Berlin 1995.* UNFCCC. Retrieved on 28, 2015, www.unfccc.int.

Since the UNFCCC entered into force in 1994, the parties have been meeting annually in the Conferences of Parties (COP) to assess progress in dealing with climate change. In 1997, the COP ratified the Kyoto Protocol to establish legally binding obligations for developed countries to reduce their greenhouse gas emissions. Starting from 2005, the COP met in combination with Meetings of Parties of the Kyoto Protocol (MOP) and parties to UNFCCC that are not parties to the Protocol can participate in the meeting as observers.²⁸

8.1. The Berlin Mandate of 1995 (COP₁)

Following the UNFCCC entered into force in 1994, the first Conference of Parties (COP) took place on March 28-7 April, 1995 in Berlin, Germany and it was known as the *Berlin Mandate*. The Mandate had two major objectives. Firstly, the conference discussed on the inadequacy of commitments in the UNFCCC. Hence, the Berlin Mandate established an Ad Hoc Group on the Berlin Mandate (AGBM) to begin a process that would define appropriate action. Thus, the commitments undertaken by Annex I countries would be strengthened by the adoption of a protocol or other legal instruments. Secondly, the Berlin Mandate established the Subsidiary Body on Scientific and Technical Advice (SBSTA) to link the scientific, technical and technological assessments, the information provided by competent international bodies, and the policy-oriented needs of the COP. The Subsidiary Body for Implementation SBI was also created to develop recommendations to assist the COP in reviewing and assessing implementation of the Convention and in preparing and implementing its decisions. The SBSTA and SBI usually meet twice each year, at the same time and venue. One of these two yearly meetings generally takes place in parallel with the COP.²⁹

8.2. The Geneva, Switzerland Summit (COP₂)

The COP₂ took place in July 1996 in Geneva, Switzerland. It was the second conference of parties to UNFCCC. Ministers and head of states were gathered to discuss various issues of climate change. A scientific finding on climate change was also reported to the participants by IPCC in its second assessment. Moreover, U.S position was also reflected by the representative of Global

²⁸ Conference of the Parties 3 (Kyoto, 1997) Report: Proceedings, 1998. Report of the Conference of the Parties on its Third Session, Held at Kyoto from 1 to 11 November 1997 – Part One: Proceedings. UNFCCC. Accessed: 28 December, 2015, www.unfccc.int.

²⁹ UNFCCC (Berlin Mandate, 1995): Report of the Conference of the Parties on its First Session, Held at Berlin from 28 March to 7 April 1995. <http://unfccc.int/resource/docs/cop1/07a01.pdf#page=4> [accessed on December 20, 2015]

Affairs for the U.S. State Department at that meeting. Finally, the participants in COP₂ rejected uniform harmonized policies in favor of flexibility. Called for legally binding mid-term targets.³⁰ Generally, in this conference, there were no concrete decisions made by the parties as the COP₂ was in its infant stage.

8.3. The Kyoto Protocol (COP₃).

As it has been described previously, the UNFCCC was adopted in June 1992 in Rio Earth Summit and entered in force on 21 March 1994. The purpose of the convention was stabilizing atmospheric concentrations of greenhouse gases to avoid dangerous anthropogenic interference with the climate system.³¹ In light of increasing scientific evidence about the risks of climate change, it became evident that further negotiations on climate change were mandatory.³² Hence, Parties to the UNFCCC continue to meet regularly to implement their duties under the treaty, and to consider further actions to be taken to address the problems of climate change. Supported by this notion, the UNFCCC divided countries into “*Annex I countries*” which include high income countries and “*Non-Annex I*” parties which are relatively low income countries and emerging markets but the UNFCCC didn’t set binding targets for greenhouse gas GHG emissions.³³

Cognizant the need of legally binding commitments to reduce GHG emissions, representatives of COP₃ were negotiating in Kyoto Protocol, Japan on climate change in 1997. The COP₃ was the first step towards implementing legal restrictions via top-down governance of the UNFCCC. The major decisions of the Kyoto protocol were:³⁴

- *Establishing quantitative emission reduction targets for the high income countries (Annex I) and market-based mechanisms, including emissions trading, for achieving those targets. It also established an elaborated compliance system.*
- *Annex I parties agreed to reduce their overall emissions of six greenhouse gases (Carbon dioxide, Methane, Nitrous oxide, Hydro-fluorocarbons, Chlorofluorocarbons; and Sulfur hexafluoride by an average of 5% below 1990 levels between 2008-2012, the first commitment period, with specific targets varying from country to country.*
- *The Protocol also established three flexible mechanisms to assist Annex I parties in meeting their national targets cost-effectively: an emissions trading system; joint implementation (JI)*

³⁰UNFCCC (1997): Kyoto protocol to the United Nations framework convention on climate change.. <https://unfccc.int/resource/docs/convkp/conveng.pdf> [accessed on December 20, 2015]

³¹ Pieter P. et al (2014). A State-of-the-Art Review of the Notion of Common but Differentiated Responsibilities in International Negotiations

³² UNFCCC (1992): United Nations Framework Convention on Climate Change. <https://unfccc.int/resource/docs/convkp/conveng.pdf> [accessed on Dec.20, 2015]

³³ Among the countries listed in Annex I of the UNFCCC: Australia, Japan, New Zealand, Russia, the United States, the United Kingdom, and most European countries. Countries that are, therefore, considered non-Annex I parties include Brazil, China, India, South Africa, and all least-developed countries. Annex I can be found at the end of the UNFCCC [accessed at <http://unfccc.int/resource/docs/convkp/conveng.pdf> December 20, 2015.

³⁴ Conference of the Parties 3 (Kyoto, 1997) Report: Proceedings, 1998. Report of the Conference of the Parties on its Third Session, Held at Kyoto from 1 to 11 November 1997 – Part One: Proceedings. UNFCCC. Downloaded: 28 2015, www.unfccc.int.

*of emission reduction projects between Annex I parties; and the Clean Development Mechanism (CDM) which allows emission reduction projects to be implemented in non-Annex I parties.*³⁵

Even though USA was the world's largest emitter of greenhouse gases, it rejected the Kyoto protocol in 2001 but a majority of other Annex I Parties, including Canada, Japan, and many members of the European Union ratified the treaty. In November 2004, the Russian ratified the Protocol, thus reaching the 55 percent threshold. The Protocol finally entered into force as a legally-binding document on 16 February 2005. By December 2007, the protocol had been ratified by 177 countries, including Annex I parties representing 60 percent of Annex I greenhouse gas emissions.³⁶ Following the COP₃, parties to UNFCCC began negotiating many of the rules and operational details governing how countries will implement and measure their emission reductions.³⁷

8.3.1. The USA and the Kyoto Protocol

Initially, the U.S delegates had a positive role in the Kyoto protocol negotiation in December 1997 and hence, the negotiators were accommodating on the reduction targets for GHG emissions.³⁸ However, the U.S Congress passed anti-Kyoto protocol decision in July 1997 where the US Senate had adopted the so-called '*Byrd-Hagel*' resolution with a 95–0 vote, saying that the '*USA should only be part of a Kyoto Protocol if the US economy would not be harmed and, more importantly, also developing countries would take on emissions reduction commitments.*'³⁹

Consequently, the Kyoto Protocol was refused by the US Congress and according to the US Constitution; international treaties must be approved by a two-third majority in the Senate. Neither B. Clinton nor G.W. Bush attempted to convince the Congress about the need for and the value of the Kyoto Protocol. Hence, the withdrawal shocked the international community and disrupted the ongoing negotiations of parties on climate change. Eventually, the USA has responded to UNFCCC that it would follow its own policies to tackle the problems of climate change.⁴⁰

³⁵UNFCCC (1998): *Kyoto Protocol to the United Nations Framework Convention on Climate Change*. <http://unfccc.int/resource/docs/convkp/kpeng.pdf> [accessed on December 20, 2015]

³⁶ UNFCCC (1997): *Kyoto Protocol*. http://unfccc.int/kyoto_protocol/items/2830.php [accessed on Dec. 28, 2015]

³⁷ Ibid. http://unfccc.int/kyoto_protocol/items/2830.php [accessed on Dec. 28, 2015]

³⁸ <http://unfccc.int/resource/docs/convkp/conveng.pdf> [accessed on Dec. 28, 2015]

³⁹ <http://www.nationalcenter.org/KyotoSenate.html>, [accessed on Dec. 28, 2015]

⁴⁰ The IPCC Working Group III Report of 2001 estimated the economic cost of implementing the Kyoto Protocol for the USA at a GDP reduction of less than 0.5% by 2010 in a system of global emissions trading, compared to what it otherwise would have been; in other words the economy would not grow by say 25% over the period

8.4.The Buenos Aires Plan of Action (COP4).

The City of Buenos Aires hosted the COP₄ in November 1998, Argentina. The conference aimed at winding up the remaining issues unresolved in Kyoto protocol meeting. However, the complexity and difficulty of agreement on these Kyoto issues proved inflexible. As a result, the parties adopted a two year *Plan of Action* to advance efforts and to devise mechanisms for implementing the Kyoto Protocol, to be completed by 2000. During COP₄, some non-annex I countries such as Kazakhstan and Argentina expressed their commitment to take on the greenhouse gas emissions reduction obligation, the first two non-Annex countries to formally accepted GHGs reduction obligation.⁴¹

The COP₄ also manifests the Parties' resolution to demonstrate substantial progress in specific areas, namely the financial mechanism, development and transfer of technologies. In addition, it establishes deadlines for finalizing outstanding details of the Kyoto Protocol and addresses work on compliance issues, and policies and measures. The Plan of Action gives priority to the establishment of the CDM, which will provide credits for financing emissions-avoiding projects in developing countries.⁴²

8.5.The Bonn Conference(COP5)

A year after the Buenos Aires conference, the COP₅ took place between October 25 and November 5, 1999, in Bonn, Germany. It was primarily a technical meeting, and did not reach major conclusions on the issues in the discussion. Hence, the conference was postponed to July 17-27, 2001. In the Bonn conference, parties were discussing on various technical issues, listening reports of the IPCC on the previous decision of 1998. However, the COP₅ didn't reach at major decisions and the conference was transferred in to 2001.⁴³

8.6.The Hague Conference (COP6)

The 6th Conference of Parties (COP₆) was taken place between November 13-25, 2000, in The Hague, Netherlands. It should be remembered that in Buenos Aires, the COP₄ delegates agreed on

⁴¹ UNFCCC (1998): *Buenos Aires Plan of Action to the United Nations Framework Convention on Climate Change*. <http://unfccc.int/resource/docs/convkp/kpeng.pdf> [accessed on December, 2015]

⁴² UN Framework Convention on Climate Chang(1998): *COP-4, Buenos Aires*

⁴³ The 5th conference of parties (COP5): *Bonn earth summit, 1999*.www.unfccc.org.int.Downloaded. Dec,28,2015.

the process for finalizing the rules and operational details of the Protocol in a document known as the Buenos Aires Plan of Action (BAPA). As a result, the Plan of Action set at COP₆ as the deadline for finalizing these details and strengthening the implementation of UNFCCC. In November 2000, Parties to UNFCCC gathered in The Hague, Netherlands to complete the negotiations of the Kyoto Protocol. However, as usual the COP₆ was not successful and was suspended until July 2001 to be reconvened in Bonn, Germany. After further negotiations of the parties, they adopted the Bonn Agreement which provided a high-level of political direction on the implementation of the Kyoto Protocol. However, the parties failed to finalize the text. Eventually, they agreed to postpone all the draft decisions to the next COP.⁴⁴

Moreover, in the COP₆ proposed some agendas how developing countries could obtain financial assistance to deal with adverse effects of climate change and meet their obligations to plan for measuring and possibly reducing greenhouse gas emissions. Nevertheless, in the final hours of COP₆, the US, UK, and some the EU countries such as Denmark and Germany rejected such proposals and the talks in The Hague collapsed. Hence, the COP₆ didn't reach an agreement and the negotiation was announced that the COP₆ meetings would be resumed in Bonn, Germany, in the second half of July 2001.⁴⁵

The COP₆ negotiation resumed from July 17–27, 2001, in Bonn, Germany. However, little progress was observed in resolving the differences that had produced a deadlock in The Hague. Nonetheless, eventually, the parties agreed on most of the major political issues. These agreements reached in Bonn in 2001 include:⁴⁶

- *Flexible Mechanisms shall be incorporate in emission trading,*
- *Joint Implementations and*
- *The CDM which allow industrialized countries to fund emissions reduction activities in developing countries as an alternative to domestic emission reductions such as carbon sinks, compliance and financing.*

8.7. The Marrakech Conference (COP₇)

The Marrakech Conference (COP₇) was held from 29-10, 2001 in Morocco. The purpose of COP₇ was to discuss on work of Buenos Aires Plan of Action to finalize most of the operational details

⁴⁴UNFCCC (2000): *United Nations Framework Convention on Climate Change. The Hague, Netherlands (COP6)*. <https://unfccc.int/resource/docs/convkp/conveng.pdf> [accessed on December 20, 2015].

⁴⁵UNFCCC (2001). *Conference of parties (COP6). Some controversies among on the consequence of climate change and financial sources for the adverse effect of climate change in developing countries.*

⁴⁶ *Conference of the Parties 5 (Bonn, 1999) – Report: Proceedings, 1999. Report of the Conference of the Parties on its Fifth Session, Held at Bonn from 25 October to 5 November 1999 – Part One: Proceedings. UNFCCC. Accessed: Dec.26, 2015, www.unfccc.int.*

and setting the stage for nations to ratify the Kyoto Protocol. The completed package of decisions was known as the Marrakech Accords. The main decisions at COP₇ included:⁴⁷

- *Finalizing the operational rules for international emissions trading among parties to the Protocol and for the CDM and JI;*
- *A compliance regime that outlined consequences for failure to meet emissions targets. Once the accord came into force, the decision on whether those consequences would be legally binding;*
- *Accounting procedures for the flexibility mechanisms, a decision to consider at COP₈ how to achieve a review of the adequacy of commitments that might lead to discussions on future commitments by developing countries.*

8.8.The New Delhi Conference (COP₈)

The COP₈ took place from October 23 to November 1, 2002 in New Delhi, India. Parties to the conference were adopted the Delhi Ministerial Declaration that calls for efforts by developed countries to transfer technology and minimize the impact of climate change on developing countries. The conference focused on article 6 of the UNFCCC which demands the Annex I countries to support developing countries financial and technological that enables them to cope up with the changing climatic condition. However, in the COP₈ negotiation, some countries were under dilemma situation. For instance, the meeting was marked by Russia's hesitation on the negotiation stating that the government of Russia needs more time to think it over. Moreover, Australia and other parties were also hesitant about points raised in the negotiations and the New Delhi negotiation didn't show concrete decisions by the parties to UNFCCC.⁴⁸

8.9.The Milan Conference (COP₉)

The Milan conference was held from December 1 to 12, 2003 in Milan, Italy. The parties to the conference negotiated to use the *Adaptation Fund* established at COP₇ in 2001, primarily in supporting developing countries better adapt to climate change. The fund would also be used for capacity-building through technology transfer. In the COP₉, the Parties also agreed to review the first national reports submitted by 110 non-Annex I countries.⁴⁹

⁴⁷ *The Marrakech Accords (2001): Major decisions of the Conference of parties in its the 7th meetings of <https://unfccc.int/resource/docs/convkp/conveng.pdf> [accessed on December 26, 2015].*

⁴⁸ *The New Delhi Summit (2002): Report of the Subsidiary Body for Scientific and Technological Advice on its Seventeenth Session in Held at New Delhi, from 23 to 29 October, 2002. UNFCCC. Accessed: Dec, 28, 2015, www.unfccc.int.*

⁴⁹ *The 9th Conference of the Parties (COP₉) at Milan, Italy. December 1-12, 2003. Report: Proceedings, 2004. Accessed. at www.unfccc.int on January 11, 2016.*

8.10. The Buenos Aires Conference (COP₁₀)

Argentina was selected to host the COP₁₀ for the second time. Accordingly, the COP₁₀ was held in Buenos Aires from December 6 to 17, 2004. The major objectives of the conference were to discuss the progress made since the first Conference of the Parties ten years ago and its future challenges, with special emphasis on climate change *mitigation and adaptation*. The negotiation focused on how developing countries better adapt to climate change. To achieve the intended objectives, the COP₁₀ adopted Plan of Action in the Buenos Aires, Argentina. The parties also began discussing the post Kyoto mechanism on how to allocate emission reduction obligation following the expiry period of the first commitment of the Kyoto protocol (2008-2012).⁵⁰

8.11. The Montreal Conference (COP₁₁)

The Montreal Conference of Parties (COP₁₁) took place between November 28 to December 9, 2005, in Montreal, Canada. It was one of the largest intergovernmental conferences on climate change ever before. The conference was marked by the *entry into force of the Kyoto Protocol*. The conference was hosting more than ten thousand delegates and it was one of Canada's largest international events ever and the largest gathering in Montreal. The conference adopted the *Montreal Action Plan* to extend the life of the Kyoto Protocol beyond its 2012. That is, the negotiation gave emphasis to the second commitment of the Kyoto Protocol with deeper cuts in GHG emissions. Therefore, Montreal Conference of Parties (COP₁₁) provided a map for the future implementation of the Kyoto protocol, i.e., laid a foundation for the second commitment of the protocol.⁵¹

8.12. The Nairobi Conference (COP₁₂)

The Nairobi Conference of Parties (COP₁₂) was held in East Africa from November 6 to 17, 2006 in Nairobi, Kenya. Although there were no 'landmark' decisions in Nairobi, the meeting nevertheless marks an important step in the international co-operative effort to address the problem of climate change. Important decisions reached at the Nairobi conference include:⁵²

⁵⁰ *The Buenos Aires Plan of Action. December 6-17, 2004. Report: Proceedings, 2005. Report of the Conference of the Parties on its 11th Session, Held at Buenos Aires from December 6-17, 2004. UNFCCC. Accessed on 28 Dec, 2015. www.unfccc.int.*

⁵¹ *Stephane Dion (2005). The Montreal Action Plan Speaking Notes for the Honorable Stephane Dion, UN conference in Environment Canada. Retrieved Dec. 25, 2015.*

⁵² *Chukwumerije, O. et al (2007): Assessment of key negotiating issues at Nairobi climate COP/MOP and what it means for the future of the climate regime*

- *Adopted the five year work program on adaptation and the establishment of the Adaptation Fund which is different from the existing funds in significant ways.*
- *Decided on transfer of technology, capacity building, financial mechanism and avoided deforestation are bound to prove important in the future efforts to respond to the threat of climate change within the context of the existing international regime.*
- *Identified vital issues to be addressed such as energy, sustainable development and land use; balancing between adaptation and mitigation; increase trust among negotiating parties; promoting justice and equity both within and between the negotiating blocs; promoting equity and justice and so on.*

8.13. The Bali Conference (COP13)

In 2007, the parties to the UNFCCC adopted the Bali Action Plan (BAP) in Indonesia. This conference opened a new negotiation track under the UNFCCC in an effort to bring the United States into line with other developed nations. Parties discussed on the Kyoto track by negotiating targets for the Protocol's second commitment period, which would start in 2013.⁵³ Under the Bali Action Plan, parties agreed in the five main areas by the end of COP15:

- *a shared vision of what parties to the Convention aim to achieve, including a long-term goal for emissions reductions;*
- *mitigation of climate change by reducing GHGs emissions, including quantified commitments from developed nations and Nationally Appropriate Mitigation Actions (NAMAs) from developing nations, including the reduction of deforestation;*
- *adaptation to impacts such as changing rainfall patterns, extreme weather events, rising sea levels and shifting patterns of disease;*
- *technology transfer and development to support both adaptation and mitigation; and*
- *Meaningful financial assistance to help poor countries reduce emissions and adapt to existing and future changes in the earth's climate.*⁵⁴

8.14. The Poznan Conference (COP14)

From December 1 to 12, 2008, the COP14 took place in Poznan, Poland. The purpose of this conference was to agree on the principles for the financing of a fund to help the poorest nations cope up with the impacts of climate change and they approved a mechanism to incorporate forest protection into the efforts of the international community to combat climate change.⁵⁵ In the Poznan meeting, the parties to UNFCCC decided of the following major points:

⁵³ United Nations Climate Change Talks in Bali—A New Climate Deal? Retrieved Dec. 27, 2015., www.unfccc.int.

⁵⁴ UNFCCC (2007): *Report of the Conference of the Parties on its thirteenth session, held in Bali from 3 to 15 December 2007.* <http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=3> [accessed on d Dec.25,2015]

⁵⁵ The 14th conference of Parties (COP₁₄): *Discussions on the financial support for developing countries to enable them tackle the climate change.* Accessed at: www.unfccc.org.int on January,6,2015.

- *The Adaptation Fund is now legal. The Kyoto Protocol established a CDM that credits Annex I countries with offsets for investments in mitigation in non-Annex I countries. The Adaptation Fund was discussed in Poznan meeting. However, there had no status in international law for the non-annex I countries to benefit from the fund directly.*
- *Poznan Strategic Program on Technology Transfer. The agreement allows the Global Environment Facility to leverage private sector funds to scale up adaptation and mitigation investments.*
- *The major success of the negotiations in Poznan was a clear commitment from governments to shift into full negotiating mode in the next conference.*
- *Finally, in order to move to the next level of negotiations, it requires the involvement of parties in crafting a concrete negotiating text for the agreed outcome. This first draft of negotiating text will be thoroughly discussed in June 2009, five months before COP 15 convenes in Copenhagen, Denmark.⁵⁶*

8.15. The Copenhagen Conference(COP₁₅)

Two years after the Bali Action plan, the city of Copenhagen hosted the COP₁₅ Conference in Denmark, in 2009. About 192 countries and a large number of civil society organizations participated in the conference.⁵⁷ The overall objective of the conference was to establish a global climate agreement for the second commitment to reduce GHG emissions (2012-2020) when the first commitment expires. In COP₁₅, Parties were expected to agree at least on three major issues, namely, ambitious mid-term emission reductions by developed countries; clarity on mitigation actions by developing countries; and short- and long-term finance; and governance structures.⁵⁸ However, the whole process of conference was cumbersome to achieve the intended objectives. The meeting was so difficult and awkward to influence the developed states to meet the intended objectives. Due to the fragmentations observed between the negotiating blocs in the meeting, the draft of Copenhagen Accord was finalized in the Cancun conference in Mexico.⁵⁹ Accordingly, the following Copenhagen Accord finalized in the Cancun conference include:

- *Recognition of the target of limiting the average increase in global temperatures to a maximum of 2°C relative to pre-industrial levels;*
- *The establishment of a 'Green Climate Fund' that will channel most of the USD 100 billion per year at least most of the money destined for adaptation measures that developed countries promised to mobilize by 2020 under the Copenhagen Accord;*
- *Recognition of the promise by developed countries to mobilize USD 30 billion for the period 2010-2012 as fast-track finance giving priority to least developed countries, Africa and small island developing states when funding for adaptation;*

⁵⁶ United Nations Climate Change Conference - Poznań, Poland Lays Foundation for Copenhagen Deal. Assessed: www.unfccc.org/int. on 11,2016.

⁵⁷ UNFCCC (United Nations Framework Convention on Climate Change). 2009a. Decision -/CP15, Copenhagen Accord. Copenhagen, Denmark. December 18.

⁵⁸ The Earth Negotiations Bulletin analysis of COP 15/CMP 5, excerpted from Volume 12 Number 459 of the Earth Negotiations Bulletin.

⁵⁹ Peterson Institute for International Economics. The Copenhagen, the Accord, and the way forward. A policy review(2009),

- *Recognition of the recommendations made by the High-Level Advisory Group on Climate Change Financing, which includes recommendations on new sources of public finance as well ways of using public finance to leverage private finance.*

Nonetheless, the COP₁₅ was criticized for a number of reasons. Firstly, it produced a non-binding document which describes the 2°C target on the reduction of GHGs emissions.⁶⁰ Secondly, there were collided interests during the meeting between the developed and developing countries which the later demanded to keep the strict division in Annex I and non-Annex I countries while the former is obliged to assist financially the later to mitigate climate change.⁶¹ Thirdly, the Copenhagen Accord didn't contain any quantified emission reduction target that could be taken by developing countries. Instead, the document simply elaborates the measurement, reporting and verification procedures of these countries. Fourthly, although the U.S and China leaders agreed to reduce the GHG emissions during this Accord but they didn't specify the process and the way to implement the agreement.⁶²

The most successful part of the Accord related to short- and long-term financing. Developed countries came to Copenhagen with clear promises to fund mitigation and adaptation actions in developing countries. As per the Accord, US\$30 billion for the period 2010-2012 will be provided and long-term finance US\$100 billion by 2020 will be mobilized from a variety of sources. It also established four new bodies: a mechanism on REDD-plus and a High-Level Panel under the COP to study the implementation of financing provisions, the Copenhagen Green Climate Fund (GCF) and a Technology Mechanism.⁶³ On February 12 the United Nations established such a panel called the Advisory Group on Climate Change Financing (AGCCF), co-chaired by British Prime Minister Gordon Brown and Ethiopian Prime Minister Meles Zenawi.⁶⁴ However, there has not been clear information whether the proposed US\$ 30 billion is practically allocated or not.

8.16. The Cancun Agreement (COP₁₆).

The Cancun Conference was held in 2010, in Cancun Mexico. The meeting took two weeks negotiations and it had shown a robust success out of the meeting. Despite the colliding interest of

⁶⁰ UNFCCC (2014): Copenhagen Accord. http://unfccc.int/meetings/copenhagen_dec_2009/items/5262.php [retrieved on 25Dec., 2015]

⁶¹ Grubb, Michael (2015): From Lima to Paris, Part 1: <http://www.tandfonline.com/doi/abs/10.1080/14693062.2015.1029767?journalCode=tcpo20> [Retrieved on Dec.28, 2015]

⁶² UNFCCC (United Nations Framework Convention on Climate Change). 2009. Ad Hoc Working Group on Long-Term Cooperative Action under the Convention. Seventh Session, Bangkok and Barcelona. (September 28–October 9 and November 2–6). UN Doc: FCCC/AWGLCA/2009/14.

⁶³ UNFCCC (United Nations Framework Convention on Climate Change). 2009c. Ad Hoc Working Group on Long-Term Cooperative Action under the Convention. Sixth Session, Bonn. (June 1–12). UN Doc: FCCC/AWGLCA/2009/MISC.4 (Part II).

⁶⁴ Gronewold, Nathaniel. 2010. U.N. Gets Rolling on Copenhagen Accord, Forms Finance Panel. *New York Times*. (February 12). Available at www.nytimes.com.

the negotiating parties in Copenhagen, most of the issues were postponed to the coming Cancun conference on climate change.⁶⁵ The major agreements reached at the Cancun conference include:⁶⁶

- *Initiating a Cancun Adaptation Framework to engage developing nations in adaptation-related activities and seek support from developed nations to enable them formulate and implement national adaptation plans;*
- *Urging developed countries to increase emission reduction commitments and provision of financial resources, technologies and capacity building to developing countries;*
- *Agreeing on developing countries to show progress on the issue of emission reduction efforts. Hence, the Cancun Agreements created a centralized registry aimed at compiling NAMA proposals that seek international support that fits their proposals with financial, technological and capacity building support of developed countries. Besides, the conference reached agreement on the issue of MRV;*
- *Achieving partial success on the issue of REDD plus. Notably agreement was found on the issue of how emission reductions from REDD activities should be measured;*
- *Agreeing on the development of new market mechanisms. The use of standardized baselines for new CDM projects, establish a loan scheme to help projects in poorest countries;*
- *Establishing a formal Technology to deploy and diffuse of climate-resilient technologies in developing countries consists of Technology Executive Committee and Climate Technology Centre and;*
- *Determining to avoid the emergence of a gap between the first and second commitment period of the Kyoto Protocol.*

Nonetheless, the Cancun conference established a robust framework within which the real negotiations can focus on key issues over the next COP₁₇ in Durban, South Africa. Even though the gaps in every conference were large but the most contentious issues should be precisely identified using the following questions.

- *Who will agree to what level of emissions reduction commitments within a second commitment period of the Kyoto Protocol and beyond?*
- *What will be the fundamental role of markets?*
- *(Where will the money for developing countries come from?)*
- *How will it be disbursed?*
- *How will developing countries breakdown it?*

These and other issues of UNFCCC were postponed to COP₁₇, the next Durban Earth summit in South Africa. The Durban summit was expected to clearly identify the conflicting issues particularly issues related to the Kyoto protocol. Hence, it could provide by far modified platform for the coming negotiations which would embrace all parties to the UNFCCC.

⁶⁵ UNEP (2010). *Climate Change Working Group Briefing on COP16 and the Cancun Agreements, Mexico.*

⁶⁶ UNEP (2010).pp.2 &3.

8.17. The Durban Platform for Enhanced Action (COP17).

In 2011, the COP₁₇ was held in Durban, South Africa. The Durban Platform for Enhanced Action (DPEA) represented an important milestone in the history of climate negotiations. The DPEA departed from the long-standing and problematic dichotomous division of the world's countries into those with serious emissions-reduction responsibilities and the others with no such responsibilities but this distinction has abandoned, has prevented meaningful progress for decades.⁶⁷ The DPEA has been recognized by a number of climate experts and scholars as a fundamental change in the guiding principle for further negotiations. It has been based on complete departure from the Berlin Mandate where developed and developing countries presumably on a more equal footing to reduce GHG emissions.⁶⁸

The decision of COP₁₇ for Enhanced Action eliminates the Annex I/Non-Annex I distinction. Phrases such as Annex I, common but differentiated responsibilities, distributional equity, historical responsibility, etc had been applied exclusively to the developed nations in setting targets of GHG emissions. Instead, the DPEA focuses on the admittedly non-binding promise to create a system of GHG reductions including all parties by 2015 that will be entered in to force in 2020.⁶⁹ The UN sponsored Climate Change negotiations have been conducting for more than seventeen years with little consensus between developed and developing nations but the COP₁₇ turned away the dichotomy of Annex I/Non-Annex I which had been the centerpiece of climate change negotiations since COP₁ in Berlin in 1995.⁷⁰

Depending on the outcome of the negotiations, the DPEA could initiate a new stage in the evolution of the multilateral climate framework. Since the adoption of UNFCCC, parties have been debating to choose between two competing models, namely, the top-down approach favoring binding targets with strict time table. On the other hand, the bottom-up approach favoring voluntary actions defined unilaterally. Nevertheless, till the recent time, parties have shown on

⁶⁷ Joseph E. Aldy and Robert N. Stavins (2012). *Harvard Project on Climate Agreements CLIMATE NEGOTIATIONS OPEN A WINDOW: Key Implications of the Durban Platform for Enhanced Action*

⁶⁸ The Bali Roadmap was adopted at COP-13 in December 2007 and attempted to build upon "common but differentiated responsibilities."

⁶⁹ *Ibid.*, pp.8.

⁷⁰ Diringere, Elliot. 2011. "Durban — How Big a Deal?" *Center for Climate and Energy Solutions blog*. Accessed retrieved on 28, Dec. 2015 <http://www.c2es.org/blog/diringere/durban-how-big-a-deal>.

both the binding Kyoto Protocol and the parallel voluntary framework that emerged at the 2009 Copenhagen summit and was formally adopted a year later in Cancun conference in Mexico.⁷¹

Nonetheless, in practice, none of the approaches are proved entirely effective as each model has its own merits and demerits. Hence, the DPEA presents an opportunity to forge an alternative approach that believes to be the best of both by considering the elements to the effectiveness of an international agreement. Therefore, the DPEA analyzes the key variables of climate agreement and the specific parameters framing the negotiations for the coming conferences.⁷²

8.18. The Doha Conference of Parties (COP18).

The UN Climate Change Conference in Doha/Qatar took place from 26 November to 8 December 2012. The conference resulted in a package of decisions, referred to as the *Doha Climate Gateway*. In Doha conference, parties to UNFCCC decided on the following points:⁷³

- *Amendments to the Kyoto Protocol to establish its second commitment period (2013-2020).*
- *Agreement to terminate the Ad hoc Working Group under the Kyoto protocol (AWG-KP's) and the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) under UNFCCC and the negotiations under the Bali Action Plan.*
- *A number of issues requiring further consideration were transferred to the SBI and SBSTA, such as mitigation of developed and developing countries; the Kyoto Protocol's flexibility mechanisms; national adaptation plans (NAPs); MRV; market and non-market mechanisms; and REDD+.*
- *The Doha outcome also included agreement to consider loss and damage such as an institutional mechanism to address loss and damage in developing countries that are particularly vulnerable to the adverse effects of climate change. However, the Doha Amendment has not yet entered into force.*

8.19. The Warsaw Conference (COP19).

The Warsaw Conference (COP 19) to the UNFCCC was took place in Warsaw, Poland from November 11 to 23, 2013, was seen as a stepping-stone towards a new legally binding agreement in Paris in 2015. The conference did not deliver substantive progress on fundamental issues like

⁷¹ UNFCCC (2015a): Draft agreement and draft decision on work streams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action <https://unfccc.int/files/bodies/application/pdf/ws1and2330.pdf> [retrieved on 25, Dec. 25, 2015]

⁷² Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, UNFCCC Decision.

⁷³ Earth Negotiations Bulletin. Vol. 12 No. 594 Published by the International Institute for Sustainable Development (IISD) Tuesday, 26 November 2013. A Reporting Service for Environment and Development Negotiations. [Online at http://www.iisd.ca/climate/cop19/enb/](http://www.iisd.ca/climate/cop19/enb/): Accessed on 20 Dec. 2015.

finance and mitigation but it did lead to several concrete conclusions in implementing previous agreements, and provided critical guidance to the negotiations in the coming Paris conference.⁷⁴

The major decision of the Warsaw conference provided only limited guidance for the process of negotiating a new international agreement on climate change by 2015, agreeing on a soft timetable; other areas of incremental progress include the institutional arrangements for climate finance; the Warsaw International Mechanism for Loss and Damage; the Warsaw Framework for REDD+; the renewal of the Nairobi Work Program for five years; and guidelines for the MRV of emissions. In all these areas, key challenges over the next two years, in addition to crafting the 2015 agreement, include climate finance, pre 2020 mitigation ambition, adaptation, and the setting up and functioning of institutions and mechanisms on finance, technology, Loss and Damage, the LDC Group should prioritize issues, strategies and forums to create political momentum over the next two years for an effective 2015 agreement, within limited time and resources.⁷⁵

Incremental progress was made at the Warsaw conference where a soft road map for activities until 2015 was defined. Under this road map, parties were requested to provide further elaborated elements for a draft negotiation text on mitigation, adaptation, finance, technology development and transfer, capacity building and transparency of action and support by end of 2014. In addition, further meetings were agreed in 2014 and at COP 20 in December 2014, in Lima.⁷⁶ The Warsaw decision invited all Parties to initiate domestic preparations for their intended nationally determined contributions, to communicate them well in advance of the COP₂₁ and facilitates the clarity, transparency and understanding of the intended contributions. It also requests the ADP to identify the information that Parties should provide with their intended contributions to the coming COP₂₀ Lima conference.⁷⁷

8.20. The Lima Conference (COP₂₀).

The COP₂₀ was held in December, 2014 in Lima city, Peru. The Conference concluded with the adoption of the *Lima Call for Climate Action*. The document inviting all Parties to communicate

⁷⁴ Mersmann, F., & Wehnert, T. (2013). *Warsaw Groundhog Days: Old Friends, Positions and Impasses Revisited All Over Again at the 2013 Warsaw Climate Conference*. Online at: <http://wupperinst.org/en/info/details/wi/a/s/ad/2447/>

⁷⁵ Stolle, F. & Alisjahbana, A. (2013). *Warsaw Climate Meeting Makes Progress on Forests, REDD+*. World Resources Institute blog.: online at : <http://www.wri.org/blog/warsaw-climate-meeting-makes-progress-forests-redd>

⁷⁶ At the ADP session in March 2014, it was decided to establish a single Contact Group for both Workstream 1 and Workstream 2 of ADP. It will start functioning from the ADP session in June 2013.

⁷⁷ Boyle, J. (2013). *Gathering in the Gloom of Warsaw: Assessing the outcomes of COP19*. International Institute for Sustainable Development Commentary, http://www.iisd.org/pdf/2013/gathering_in_the_gloom.pdf

their intended contributions for the post 2020 climate action as well as adaptation to climate change. The annex of to the *Lima Call for Climate Change* contains elements of a draft negotiating text for the Paris Agreement. The text contains many options reflecting the divergent negotiating positions of the various countries and group of countries. A new negotiating text for the Paris Agreement should be made available by May 2015.⁷⁸

The Lima agreement reached at the following decisions:⁷⁹

- *Parties to UNFCCC should address mitigation, adaptation, finance, technology development and transfer, capacity-building, and transparency in a balanced manner;*
- *each Party's INDC will represent a progression beyond its current undertaking; adaptation efforts can also be included in INDCs;*
- *no strict deadline is fixed for communicating INDCs; they should be communicated well in advance of COP21;*
- *as to the contents of INDCs, there are no mandatory requirements;*
- *INDCs will be published on the UNFCCC website, and a summary report of the INDCs communicated by October 2015 will be prepared in November 2015.*

The Lima call urges developed countries to provide and mobilize financial support to developing countries. However, there were no clear mechanisms and detailed techniques how to reach such financial support developing countries. It makes reference to some points considered important by developing countries. However, in the Lima Conference, there were unresolved issues. Firstly, the nature of contributions in reduction of GHG emission from developed and developing nations was not clearly specified except the emissions reductions required to keep global warming below 2°C. The second unresolved issue was the Agreement's legal form. While some negotiators favor a strong, legally binding agreement, others prefer a bottom-up approach based on voluntary contributions. Thirdly, issues of fairness and equity were not addressed recognizing that developed countries have a greater historical responsibility for climate change and stronger capabilities for taking action. Finally, they were expected to make a larger contribution to emissions reductions as well as to provide financial support for developing countries' climate action but the size and extent of these contributions is far from being agreed.⁸⁰

8.21. The Paris Agreement (COP₂₁).

⁷⁸ *Negotiating a new UN climate agreement: A document on the Challenges on the road to Paris. March, 2015. The purpose of this document is to give an overview of the ongoing negotiations aiming to conclude a new international legally binding agreement on climate change by December 2015. The document describes the current climate change agreements and summarizes the state of negotiations.*

⁷⁹ *UNFCCC (2014). Lima conference of parties. www.unfccc.org/int, accessed on 28 December 2015.*

⁸⁰ *The development of climate negotiations in view of Lima (COP 20), European Parliament, Policy Department A, November 2014.*

The UNFCCC formed in 1992 by 196 parties setting the ultimate objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.⁸¹ The UNFCCC has come through ups and downs concerning the global agreements on climate change. In 2009, the Copenhagen accord on climate change was marked by collided interests of the negotiating parties and formally adopted in 2010, at the Cancun Agreements, in Mexico where dozens of countries including the United States, China, European Union, and India committed to reducing their emissions by 2020. In 2011, climate negotiations in Durban, South Africa proposed the year 2015 as the deadline for a new international agreement that will be applicable to all. The Paris agreement has fulfilled this mandate to establish a post 2020 agreement.⁸²

The 21st conference of Parties (COP₂₁) was held in Paris, France from 30 November to 12 December 2015. Representatives of 196 parties were attending the conference. Parties have negotiated on the reduction of climate change and reached at consensus. However, the agreement could be legally binding if joined by at least 55 countries which together represent at least 55% of GHG emissions.⁸³ Hence, parties will need to sign the agreement in New York between 22 April 2016 and 21 April 2017 and also adopt it within their own legal systems through ratification, acceptance, approval, or accession.⁸⁴

Parties to the UNFCCC reached a landmark agreement on December 12 in Paris, France. Culminating many years negotiating at various conferences of parties, the Paris agreement ends the strict dichotomy between developed and developing countries and replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead. These include, for the first time, requirements that all parties report regularly on their emissions, implementation efforts, and undergo international review.⁸⁵

⁸¹ UNFCCC, "United Nations, 1992, <https://unfccc.int/resource/docs/convkp/conveng.pdf>.

⁸² The 2015 Paris Agreement on climate change. <https://www.climateinteractive.org/wp-content/uploads/2015/12/Ratchet-Success-14-December-2015.pdf>. Retrieved on Dec. 28, 2015.

⁸³ Sutter, John D.; Berlinger, Joshua (12 December 2015). Final draft of climate deal formally accepted in Paris. CNN. Cable News Network, Turner Broadcasting System, Inc. Retrieved 28 December 2015.

⁸⁴ Adoption of the Paris agreement. Proposal by the President. Draft decision -/CP.21. UNFCCC. Archived from the original. Retrieved on 28, December, 2015.

⁸⁵ UNFCCC (2015): Historic Paris climate deal adopted. www.unfccc.org. Retrieved 15 January, 2016.

In the 2015 Paris agreement, Parties to UNFCCC have reached at the following major decision and outcomes.⁸⁶

- *Reaffirm the goal of limiting global temperature increase well below 2 degrees Celsius, while urging efforts to limit the increase to 1.5 degrees;*
- *Establish binding commitments by all parties to make “Nationally Determined Contributions” (NDCs), and to pursue domestic measures aimed at achieving them;*
- *Commit all countries to report regularly on their emissions and “progress made in implementing and achieving” their NDCs, and to undergo international review;*
- *Commit all countries to submit new NDCs every five years, with the clear expectation that they will “represent a progression” beyond previous ones;*
- *Reaffirm the binding obligations of developed countries under the UNFCCC to support the efforts of developing countries, while for the first time encouraging voluntary contributions by developing countries too;*
- *Extend the current goal of mobilizing \$100 billion a year in support by 2020 through 2025, with a new, higher goal to be set for the period after 2025;*
- *Extend a mechanism to address “loss and damage” resulting from climate change, which explicitly will not “involve or provide a basis for any liability or compensation;”*
- *Require parties engaging in international emissions trading to avoid “double counting;” and*
- *Call for a new mechanism, similar to the Clean Development Mechanism under the Kyoto Protocol, enabling emission reductions in one country to be counted toward another country’s NDC.*

With these major decisions made by the Parties, the Paris conference restarted the international climate negotiations in a hybrid manner and to lay the foundations for further climate talks that eventually be adequate to reach emission reductions that are consistent with a 2°C target.

9. Summary

Since the early 1980s, scientific evidence show that anthropogenic factors have been causing severe climate change and this reason reinforced countries to limit carbon dioxide emissions which culminated for the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992) ratified by 195 countries in 1994. The UNFCCC had defined its target as: stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

⁸⁶ *Major decisions of the 2015 United Nations Climate Change Conference, COP 21. Paris, France, from 30 November to 12 December 2015. "Event: UNFCCC COP 21 | Climate Change Policy & Practice | IISD Reporting Services". Climate-1.iisd.org. Retrieved 28 December 2015.*

At the beginning of the international climate negotiations, a strict distinction between developing and developed countries has been made. The UNFCCC groups developed countries as Annex I countries that are obliged to reduce greenhouse gas (GHG) emissions, while non-Annex I countries, the developing countries, are only invoked to mitigate climate change and are entitled to financial assistance by developed countries for efforts in mitigation and adaptation. This is commonly referred to as the common but differentiated responsibilities principle.

This principle is also the basis of the first legally binding global climate treaty, the Kyoto Protocol. The Kyoto Protocol was agreed on in 1997, setting emission reduction targets for all participating developed countries to be reached until 2012 at the latest. However, U.S.A didn't ratify and the protocol entered into force in 2005. Even though the protocol was obliging only those developed countries, but it did not succeed in curbing global GHG emissions. by included in most global negotiation , little successes have been observed. Particularly, in the Copenhagen Accord in 2009, there were explicit conflicting interests collided between the developing and developed countries in that most developing countries demanded to keep the strict division in Annex I and non-Annex I countries, which only obliges the former to mitigate climate change, whereas developed countries aimed at committing emerging economies, such as China, that account for an increasing share in global emissions.

Hence, history shows that it is difficult to reach an international agreement that is successful in reducing global GHG emissions. There are two reasons why climate negotiations are quite problematic. First, abatement of GHG emissions is a public good. Hence, avoiding severe climate change can only be achieved through a global commitment and achieving global commitment is quite difficult. The second reason why climate negotiations are special is that there exists no enforcement of climate mitigation by third parties such as a supranational institution.

In more than 20 years, the core difference on climate governance between Annex I and non-annex I countries was the top-down approach such as the Kyoto Protocol. On the other hand, the bottoms up approach where every country decides on its individual contribution to climate change mitigation on a voluntary basis, represented by the so called Intended Nationally Determined Contributions (INDCs). With this bottom-up approach, each country itself evaluates to what extent it is willing and capable to contribute to the reduction of GHG emissions. The Paris Agreement

can best be characterized as a hybrid of top-down and bottom-up approaches. However, long-term targets such as reducing the temperature to less than 2°C and common rules are decided on together by the COP. Markedly, the climate talks in Paris focused on mitigation, equally concern measures of adaptation, the loss and damage due to climate change, and financial assistance for developing countries and institutions for financial assistance is the Green Climate Fund should be given special attention.

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