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0521840899 - The International Climate Change Regime: A Guide to Rules, Institutions and Procedures

Farhana Yamin and Joanna Depledge

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The International Climate Change Regime

This book presents a comprehensive, authoritative and independent account of the rules, institutions and procedures governing the international climate change regime. Its detailed yet user-friendly description and analysis covers the UN Framework Convention on Climate Change, the Kyoto Protocol, and all decisions taken by the Conference of the Parties up to 2003, including the landmark Marrakesh Accords. Mitigation commitments, adaptation, the flexibility mechanisms, reporting and review, compliance, education and public awareness, technology transfer, financial assistance and climate research are just some of the areas that are reviewed. The book also explains how the regime works, including a discussion of its political coalitions, institutional structure, negotiation process, administrative base, and linkages with other international regimes. In short, this book is the only current work that covers all areas of the climate change regime in such depth, yet in such a uniquely accessible and objective way.

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A Guide to Rules,
Institutions and
Procedures

FARHANA YAMIN AND
JOANNA DEPLEDGE



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Foreword

Addressing growing concerns about climate change requires a broad understanding of its social, economic, developmental, scientific, political and environmental aspects. Increases in temperature as a result of increasing emissions of greenhouse gases will have serious impacts on our economic well-being and on the ecosystems on which the health of our planet depends. With the expected increase in the intensity and frequency of extreme weather events such as floods and droughts, and their devastating effects, climate change needs continued urgent attention. Governments worldwide are engaged in constructive dialogue aimed at finding and implementing practical and efficient solutions to address the global problem of climate change. This includes mitigation measures for the reduction of GHGs, as well as identifying ways to reduce countries' vulnerabilities to the effects of climate change.

The United Nations Framework Convention on Climate Change was adopted in 1992 and entered into force two years later. Today, it enjoys almost universal membership, with 188 countries joining together in a unique example of multilateralism to confront the global challenge of climate change.

An intergovernmental process facilitates and supports the implementation of the Convention. In this process countries discuss and agree on action needed to stabilise our global climate. As part of this ongoing dialogue, in 1997 governments adopted the Kyoto Protocol to the Convention, which contains more specific, binding commitments and concrete reduction targets, with specific deadlines for industrialised countries.

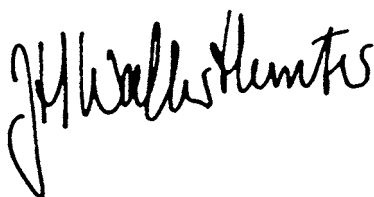
Each year, countries meet to discuss and agree on further action. At the Conference of the Parties, nine sessions of which have been held so far, all countries that are Parties to the Convention are represented, as well as the private sector, civil societies, the scientific community, the media, international and national organisations. These annual meetings serve as a forum for participants to share ideas and experiences, and discuss strategies, policies and the rulebook for action. This has

xxii Foreword by Joke Waller Hunter

resulted, over the years, in a comprehensive framework of decisions containing rules, procedures and other guidelines designed to assist countries in their efforts to implement the Convention and its Protocol.

This Guide is therefore timely. It explains in clear, simple and succinct words the intergovernmental process – the institutions and procedures of the climate change negotiations, as well as the myriad rules, guidelines, actions plans and other decisions adopted by the Parties since the adoption of the Convention. It should serve as an objective and comprehensive reference guide to the ‘rulebook’ agreed by Parties, which I am confident will assist governments, researchers, policy-makers, civil societies and the public to learn more about and to implement activities designed to address climate change. Action against human-induced climate change must take place at every level of society.

I trust that this Guide will serve as a vital resource tool in the coming years and help to deepen the knowledge and understanding of all who are interested in and committed to global action against the destabilising effects of climate change.



JOKE WALLER HUNTER
Executive Secretary, FCCC

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Preface and acknowledgements

The aim of this book is simple: to provide a comprehensive, authoritative, objective and accessible guide to the climate change regime. The book thus describes and analyses the rules set out in the Convention, Kyoto Protocol and COP Decisions, together with the institutions and procedures that govern the climate change negotiations.

This book responds to two trends in the climate change process: first, its growing complexity, which makes it difficult for newcomers, and even for negotiators familiar with the regime, to make sense of all the rules, institutions, procedures and practices that have developed over the past decade; secondly, the regime's increasing specialisation, which produces experts on individual topics (e.g. emissions trading, compliance), but few who have an overall picture of how the climate change process works. This guide is therefore targeted at newcomers to the negotiations, specialists wishing to broaden their understanding of the regime, and all those involved in the intergovernmental response to climate change, as negotiators, policy-makers, stakeholders, researchers or other interested professionals.

The book is based on an exhaustive review and analysis of primary materials, principally the Convention, Kyoto Protocol, COP Decisions and supporting documentation. We have also examined secondary materials to the extent these assist analysis and provide commentary on the rules, institutions and procedures of the climate change regime. Our work has benefited from discussions with experts in the climate change process, including FCCC Secretariat staff, negotiators, NGOs and IGOs, who have provided supplementary insights and information to help make this book comprehensive, authoritative and practically useful.

One result of these discussions is that producing this book has involved many partners. The authors wish to express their deep gratitude to the UK Department for International Development, the main financial sponsor of the book, along with the Governments of Australia and Switzerland. Without their financial support, this book could never have been written. The authors would also like to thank

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Farhana Yamin and Joanna Depledge

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Abbreviations

4AR	Fourth Assessment Report
A6SC	Article 6 Supervisory Committee
AAU	Assigned amount unit
ADB	Asian Development Bank
AE	Applicant entity
AG13	Ad Hoc Group on Article 13
AGBM	Ad Hoc Group on the Berlin Mandate
AHTEG	Ad hoc technical expert group
AIJ	Activities implemented jointly
AIXG	Annex I Experts Group of the OECD/IEA
AOSIS	Alliance of Small Island States
ARD	Afforestation, reforestation and deforestation
ASEAN	Association of South East Asian Nations
BAPA	Buenos Aires Plan of Action (Decision 1/CP.4)
BCSE	Business Council for Sustainable Energy
BINGO	Business and industry non-governmental organisation
CACAM	Central Asia, Caucasus, Albania and Moldova
CAEP	Committee on Aviation Environmental Protection
CAN	Climate Action Network
CARICOM	Caribbean Community
CBD	Convention on Biological Diversity
CC	Compliance Committee
CDI	Capacity Development Initiative
CDIAC	Carbon Dioxide Information Analysis Centre
CDM	Clean Development Mechanism
CDR	Common but differentiated responsibilities
CEB	UN System Chief Executives Board for Coordination
CEE	Central and Eastern Europe

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CEO	Chief Executive Officer
CER, ICER and tCER	Certified emission reduction, long-term CER and temporary CER
CERES	Coalition for environmentally responsible economies
CFC	Chlorofluorocarbon
CG	Central Group
CG-11	Central Group 11
CGE	Consultative Group of Experts on National Communications from Non-Annex I Parties
CH ₄	Methane
CHF	Swiss francs
CITES	Convention on International Trade in Endangered Species
CO	Carbon monoxide
CO ₂	Carbon dioxide
CO ₂ e	Carbon dioxide equivalent
COP	Conference of the Parties
COP/MOP	Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol
CPR	Commitment period reserve
CRF	Common reporting format
CSD	Commission on Sustainable Development
CST	Committee on Science and Technology
CTE	Committee on Trade and Environment
CTI	Climate Technology Initiative
DC	Developing Country
DNA	Designated national authority
DoD	Department of Defense
DSA	Daily subsistence allowance
e5	European Business Council for a Sustainable Energy Future
EAE0	Executing Agency with Expanded Opportunities
EB/CDM	Executive Board of the Clean Development Mechanism
EC	European Community
ECOSOC	Economic and Social Council of the United Nations
EDF	Environmental Defence
EGTT	Expert Group on Technology Transfer
EIA	Environmental Impact Assessment
EIG	Environmental Integrity Group
EIT	Economy in transition
EMA	Emissions Marketing Association
EMG	Environmental Management Group
ENB	Earth Negotiations Bulletin

ENGO	Environmental non-governmental organisation
ERT	Expert Review Team
ERU	Emission reduction unit
EST	Environmentally sound technology
ET	Emissions trading
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FAR	First Assessment Report
FB	Facilitative Branch
FCCC	Framework Convention on Climate Change
FIELD	Foundation for International Environmental Law and Development
FSP	Full-sized project
FSU	Former Soviet Union
G-77	Group of 77
GATT	General Agreement on Tariffs and Trade
GBF	Global Biodiversity Forum
GCC	Global Climate Coalition
GCOS	Global Climate Observing System
GDP	Gross domestic product
GEB	Global environmental benefit
GEF	Global Environment Facility
GHG	Greenhouse gas
GLOBE	Global Legislators for a Balanced Environment
GMEF	Global Ministerial Environment Forum
GRULAC	Group of Latin America and the Caribbean
GWP	Global warming potential
HCFC	Hydrochlorofluorocarbon
HFC	Hydrofluorocarbon
HWP	Harvested wood product
IA	Implementing agency
IBRD	International Bank for Reconstruction and Development
ICAO	International Civil Aviation Organization
ICC	International Chamber of Commerce
ICFTU	International Confederation of Free Trade Unions
ICLEI	International Council for Local Environmental Initiatives
ICSU	International Council for Science
IDA	International Development Association
IDR	In-depth review
IE	Independent entity; included elsewhere
IEA	International Energy Agency

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IEG	International Environmental Governance
IETA	International Emissions Trading Association
IFC	International Finance Corporation
IGO	Intergovernmental organisation
IMO	International Maritime Organization
INC	Intergovernmental Negotiating Committee for the FCCC (1990–1995)
IOC	Intergovernmental Oceanographic Commission
IPCC	Intergovernmental Panel on Climate Change
IPE	Indicative Planning Figure
IPO	Indigenous peoples organisation
IPR	Intellectual property right
ITAP	Intergovernmental Technical Advisory Panel
IUCN	World Conservation Union
JI	Joint Implementation
JLG	Joint Liaison Group
JUSSCANNZ	Japan, US, Switzerland, Canada, Australia, Norway, New Zealand
JWG	Joint Working Group
KP	Kyoto Protocol
LCCP	Lifecycle climate performance
LDC	Least developed country
LEG	Least developed country expert group
LGMA	Local government and municipal authorities
LNG	Liquefied natural gas
LUCF	Land-use change and forestry
LULUCF	Land use, land-use change and forestry
M & E	Monitoring and evaluation
M & P	Modalities and procedures
MCC	Multilateral Consultative Committee
MCP	Multilateral Consultative Process
MDG	Millennium Development Goal
MEA	Multilateral Environmental Agreement
MEPC	Marine Environment Protection Committee
MOP	Meeting of the Parties
MOU	Memorandum of Understanding
MSP	Medium-sized project
N ₂ O	Nitrous oxide
NAPA	National Adaptation Programme of Action
NC3	Third national communication
NCSA	National self-assessment of capacity-building needs
NCSP	National Communication Support Programme

NCSU	National Communication Support Unit
NGGIP	National Greenhouse Gas Inventories Programme
NGO	Non-governmental organisation
NIR	National inventory report
NMVOCs	Non-methane volatile organic compounds
NO	Not occurring
NOx	Nitrogen oxides
OBG	Open Balkan Group
ODA	Official Development Assistance
ODS	Ozone-depleting substance
OECD	Organization for Economic Cooperation and Development
OOPC	Ocean Observing Panel for Climate
OP	Operational Programme
OPEC	Organization of Petroleum Exporting Countries
OPS	Overall Performance Study
OS	Operational Strategy
PAMs	Policies and measures
PCF	Prototype Carbon Fund
PDF	Preparation and Development Facility
PFC	Perfluorocarbon
PIR	Project Implementation Review
POP	Persistent organic pollutant
PPP	Purchasing power parity
PPR	Project Performance Report
Preps	Poverty reduction strategy papers
PRINCE	Programme for Measuring Incremental Costs for the Environment
QELRC	Quantified emission limitation and reduction commitment
QELROs	Quantified emission limitation and reduction objectives
R & D	Research and development
REIO	Regional economic integration organisation
RINGO	Research and independent non-governmental organisation
RIVM	Dutch National Institute for Public Health and the Environment
RMU	Removal unit
SAR	Second Assessment Report
SB	Subsidiary body
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
SBSTTA	Subsidiary Body for Scientific, Technical and Technological Advice
SCC	Small-scale CDM projects
SCCF	Special Climate Change Fund

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SDR	Special Drawing Right
SF ₆	Sulphur hexafluoride
SGP	Small Grants Programme
SIDS	Small Island Developing States
SME	Small and medium enterprise
SO _x	Sulphur oxides
SPM	Summary for policy-makers of an IPCC Assessment Report
SPREP	South Pacific Regional Environment Programme
STAP	Scientific and Technical Advisory Panel
STO	Specific trade-related obligation
STRP	Scientific and Technical Review Panel
TAR	Third Assessment Report
TEAP	Technology and Economic Assessment Panel
TFI	Task Force on Inventories
TT: CLEAR	Technology information clearing house
UNCCD	UN Convention to Combat Desertification
UNCED	UN Conference on Environment and Development
UNCHE	UN Conference on the Human Environment
UNCLOS	UN Convention on the Law of the Sea
UNCTAD	UN Conference on Trade and Development
UNDP	UN Development Programme
UNEP	UN Environment Programme
UNGA	UN General Assembly
UNIDO	UN Industrial Development Organization
UNITAR	UN Institute for Training and Research
UNOG	UN Office at Geneva
UNOLA	UN Office of Legal Affairs
URF	Uniform reporting format
UV	Ultraviolet radiation
WBCSD	World Business Council for Sustainable Development
WEHAB	Water, energy, health, agriculture and biodiversity
WEOG	Western Europe and Others Group
WGGA	Working Group of the General Assembly
WHO	World Health Organization
WMO	World Meteorological Organization
WRI	World Resources Institute
WSSD	World Summit for Sustainable Development
WTO	World Trade Organization
WWF	Worldwide Fund for Nature