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CLIMATE CHANGE: MITIGATION AND ADAPTATION

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Type:	Legal Guide
Published:	June 2012
Last Updated:	June 2012
Keywords:	Climate change, Mitigation, Adaptation

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Introduction

The International Panel on Climate Change (IPCC) has set a target to reduce global greenhouse gas emissions so that the global mean average temperature¹ does not increase by more than 2°C above pre-industrial levels. Vulnerable areas such as parts of Africa, Asia, and the Pacific and Caribbean small island states are already facing the impacts of climate change, and so adaptation and mitigation measures are important.

This guide provides an overview of international climate change initiatives, and provides a framework for those seeking to assist and encourage developing countries to reduce carbon emissions and adapt to the impacts of climate change.

Examination of Legislation / Guidance

Aims

The trans-boundary implications of environmental issues makes climate change a global problem requiring a global solution. International legal solutions have therefore been developing to address the impacts of climate change with the long-term aim of establishing a legally binding international agreement.

Many principles on climate change mitigation and adaptation are set out in non-binding declarations, some of which are reflected in treaties primarily through the United Nations Framework Convention of Climate Change and further developed over the years in Conference of the Parties (COP) meetings. While many of the principles are not legally binding, they are internationally recognised principles and to a certain extent, place a moral obligation for states to adhere to.

Further these principles create a legal framework within which the issues of climate change (including of adaptation and mitigation) is analysed and developed. In the process of developing this legal framework, issues that would need to be considered as part of creating binding agreements are being assessed and a knowledge base of addressing such issues, as well as a process for implementing changes, is being formulated.

Some of the legal principles and opportunities that developing countries (and agencies working alongside them) can draw on to mitigate and adapt to climate change are outlined below. This includes the fiscal support measures, including

¹ This is thought to imply a higher warming over land than over oceans and the least warming in the tropical regions.

those under the Kyoto Protocol, which aim to incentivise the development of new technologies and mitigation measures to reduce the effects of climate change.

Key legislation / guidance

United Nations Framework Convention of Climate Change (Convention)

The Convention² is an international environmental treaty with the ultimate objective of achieving the *“stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system (Article 2)³”*.

The Convention took effect on 21 March 1994 and to date it has been ratified by 195 countries. Whilst non-binding, the Convention has continued to provide an overall framework for intergovernmental efforts. Through annual Conferences of the Parties (COP) the Convention has established measures to address issues of climate change, and has developed further details to advance the aim of the Convention.

All signatories to the Convention (the “Parties⁴”), including developing countries, are committed to formulate, implement, publish and update adaptation measures (Article 4(1)(b)). The Convention provides for a variety of support mechanisms for adaptation implementation in developing countries including the provision of funding, insurance and technology transfers and scientific and technical assistance.

Article 4(1)(e) specifically commits all Parties to cooperate with each other to aid adaptation to climate change in areas affected by drought, desertification and flood. It calls upon developed countries to help address the consequences of climate change in developing countries that lack the resources to do so on their own.

The Convention also recognises the “precautionary principle” which obliges states to act in the interests of human safety when making decisions about potentially dangerous, irreversible, or catastrophic events even where these effects are uncertain.

² <http://unfccc.int/2860.php>

³ <http://unfccc.int/resource/docs/convkp/conveng.pdf>

⁴ http://unfccc.int/parties_and_observers/items/2704.php

The Kyoto Protocol to the United Nations Framework Convention on Climate Change

The Kyoto Protocol⁵ was adopted in 1997 pursuant to the Berlin mandate⁶. It entered into force in 2005 and was heralded as the world's first legally binding agreement on climate change.

The Kyoto Protocol introduced is a complex regime addressing both mitigation and adaptation, and gave effect to the principle in the Convention that developed countries, who are the source of most past and current greenhouse gas emissions, should lead the reduction in emissions. This is articulated through the "common but differentiated responsibility" principle (CBDR) that stems from the Rio Earth Summit of 1992. Accordingly, the Kyoto Protocol places different obligations for developed countries (known as Annex 1 countries) and developing countries (known as Non-Annex countries). The emission reduction targets apply only to the 37 industrialized countries and the European community, in the first commitment period. Overall, these targets add up to an average five per cent emissions reduction compared to 1990 levels over the five-year period 2008 to 2012.

The first commitment period ends in 2012. At the COP in Durban 2011 it was decided that a second commitment period shall begin on 1 January 2013 with the end date yet to be agreed.

The Kyoto Protocol also introduced three flexible market mechanisms, based on the trade of emissions permits: international emissions trading (Article 17), joint implementation (Article 6) and the most successful of the three, the Clean Development Mechanism (CDM) (Article 12).

The CDM has two main goals:

- to assist developing countries in developing sustainably; and
- to help developed countries to comply with their emission reduction targets.

These trading mechanisms allow the Annex I countries to meet their greenhouse gas emission limitations by buying Certified Emission Reductions (CERs) credits through financial exchanges or through developing CDM-accredited projects.

⁵ http://unfccc.int/key_documents/kyoto_protocol/items/6445.php

⁶ The Berlin Mandate (<http://unfccc.int/resource/docs/cop1/07a01.pdf>) was produced at the Conference of the Parties in Berlin in 1995. This was the first after the Climate Change Convention went into force.

The Adaptation Fund

The Adaptation Fund was set up under the Kyoto Protocol and officially launched in 2007. It aims to address the unequal positions between the developed and the developing countries by supporting adaptation projects and programmes in developing countries that are Parties to the Kyoto Protocol.

Most of the financing for the Adaptation Fund comes from the sales of CERs to developed countries. The other sources of financing are primarily through donations from Annex 1 countries. Projects can be small-sized (grants up to \$1 million) or regular (more than \$1 million). The Adaptation Fund is therefore a key instrument in tackling the fiscal problems of climate change adaptation and mitigation in developing countries.

Access to funds by developing countries can be made through accredited National Implementing Entities which includes multinationals such as the African Development Bank, the World Bank and the United Nations Development Programme.

Cancun Adaptation Framework

The Cancun Adaptation Framework was adopted as part of the Cancun Agreements at COP 16 in 2010 to promote the implementation of coherent adaptation measures by providing technical support and guidance to Parties. Developing countries were identified as being most vulnerable to the effects of climate change and needing to be prioritised for adaptation measures.

The Adaptation Framework's invites Parties to consider a number of key goals in respect of adaptation such as:

- planning, prioritising and implementing adaptation plans: building on developing countries experience with national adaptation programmes of action (NAPAs);
- strengthening institutional capacities at the global, regional and national level;
- building resilience of socio-economic and ecological systems in developing countries;
- enhancing climate change related disaster risk reduction strategies;
- research and development of technologies;
- strengthening data, information and knowledge systems, education and public awareness; and
- improving climate related research.

In respect of mitigation, the COP in Cancun agreed that developed countries would submit annual greenhouse gas inventories and progress reports and that

developing countries would take mitigation actions set at national level that support sustainable development.

The Green Climate Fund (GCF)

The GCF was established at Cancun COP 16 in 2010 and was made operational at COP 17 in Durban in 2011. The GCF provides a financing mechanism by which the developed countries can support projects, programmes, policies and other activities in developing countries in relation to adaptation and mitigation measures.

It is hoped that the GCF will catalyse climate finance both nationally and internationally on both a public and private levels. The GCF is to pursue a country-driven approach and to promote engagement through the involvement of relevant institutions and stakeholders. It operates alongside other bodies established under the Convention to develop financial mechanisms policies, programme priorities and eligibility criteria for funding of programmes aimed at addressing effect of climate change, such as:

- the AF (discussed above)
- the Global Environmental Facility (GEF) Trust Fund;
- the GEF managed Least Developed Countries Fund (LDCF);
- the GEF managed Special Climate Change Fund (SCCF).

National Level Frameworks

A willingness to adapt and mitigate climate change at the national level is also important. States may choose to reflect international measures at national levels, for example by setting up national institutions, gathering environmental data and know-how or applying for and setting priorities to which sources of international funding may be applied. The following two national level frameworks are highlighted because of their application to developing countries.

National Adaptation Programmes of Action

The concept of National Adaptation Programmes of Action (NAPAs) was introduced at COP 13 in Bali in 2007 and taken up at COP 15 in Copenhagen in 2009. NAPAs provide a process for developing countries to assess their urgent adaptation needs and communicate these to the Convention Parties. The main content of the NAPAs is a list of ranked priority adaptation activities and projects with short profiles of each. This list is used to inform the state in its decision making on the allocation of resources for adaptation programmes.

The Nairobi Work Programme

The Nairobi Work Programme recognises that successful adaptation to climate change depends on the active and sustained engagement of both stakeholders and governments. Its objective is to *“assist all Parties, in particular developing countries to improve their understanding and assessment of impacts, vulnerability and adaptation and to assist all Parties to make informed decisions on practical adaptation actions”*.

The Nairobi Work Programme is structured around nine work areas:

- *Methods and tools* - development and dissemination of methodologies and tools for impact and vulnerability assessments, for improvement of adaptation planning and integration with sustainable development;
- *Data and observations* – promotion of collection, management, exchange, access to and use of observational data and other relevant information on current and historical climate, including monitoring of climate variability;
- *Climate modelling, scenarios and downscaling* - development of, access to, and use of information and data on projected climate change;
- *Climate related risks and extreme events* - increasing understanding of the impacts of climate change and the implications for sustainable development;
- *Socio-economic information* – assesses the socio-economic aspects of climate change and improving the integration of socio-economic information into impact and vulnerability assessments;
- *Adaptation planning and practices* – analysis of information on past and current practical adaptation actions;
- *Research* - on adaptation options and the development of technologies and practices for adaptation;
- *Technologies for adaptation* – following on from research stages, considers ways in which technology may be used for adaptation; and
- *Economic diversification* - aimed at increasing economic resilience and reducing reliance on vulnerable economic sectors.

Next Steps

At the COP in Durban in December 2011, the Parties agreed to adopt a universal legal agreement on climate change by 2015 which would come force in 2020. *“Addressing climate change in developing countries requires a paradigm shift towards building a low-carbon society that is able to offer substantial opportunities and continued high growth and sustainable development, based on innovative technologies”*. A legally binding agreement building on the knowledge and existing framework principles may help create this shift.

⁷ Paragraph 10 of the Cancun Agreement