

**Figure 2. Historical and future emission of industrialized countries (Annex I countries) and developing countries (Non-Annex I countries) under the IPCC SRES A1B scenario**

This introductory chapter first provides an overview of the international response to climate change under the United Nations until now and the status of the negotiation process (section 2), then turns to the issues that are discussed in relation to international climate policy after 2012 (section 3). Finally, it describes the research question and outline of this book (section 4).

## 2 THE INTERNATIONAL RESPONSE TO CLIMATE CHANGE UNDER THE UNITED NATIONS

The international community accepted global climate change as a major threat to society with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC). This treaty was agreed at the Rio Earth summit in 1992 and is to date supported unanimously by 189 countries (Parties to the Convention).

In the following sections, the system under the UNFCCC, its history and country positions are described. The description is based on the author's observations and full overviews as provided in Depledge (2000), Oberthür and Ott (1999) and Yamin and Depledge (2004).

### 2.1 NEGOTIATION RULES UNDER THE UNFCCC

Before we describe the outcome of the international negotiations on climate change, it is important to note that countries negotiate further steps on climate change as sovereign states under the UNFCCC. The system is based on voluntary cooperation. No enforcement mechanism other than political pressure can convince a country to start negotiating or to be bound

by an agreement and consequently comply with its commitments. Thus, a country will only take on a commitment that it considers reasonable.

Any decision under the UNFCCC is taken by the “Conference of the Parties” (COP) by consensus, meaning none of the 189 Parties objects. Attempts to change this voting rule have failed in the past, because any voting rules would also have to be agreed upon by consensus.

Consequently, the text that is agreed is sometimes formulated vaguely to accommodate everyone. Such “constructive ambiguity” needs clarification at a later date. Hence, more and more different topics are being discussed and a complicated structure of topics evolves.

Reaching a substantive agreement is only possible if a) all countries are willing to reach a decision and b) the chairman proposes a balanced package of decisions on the most important topics. If the package is accepted, its content cannot be changed, since changing one item would lead to requests to change other items as well.

Considering these conditions, it is already a huge success that detailed rules for the UNFCCC and the Kyoto Protocol could be agreed. The cumbersome decision-making process has to be kept in mind when considering future commitments and decisions thereon.

## 2.2 CURRENT COMMITMENTS UNDER THE UNFCCC AND THE KYOTO PROTOCOL

The UNFCCC has the ultimate objective to stabilize greenhouse gas concentration at a level that would prevent dangerous anthropogenic interference with the climate system (see Box 1).

To reach this goal, the UNFCCC builds upon the principle of common but differentiated responsibilities and capabilities of Parties. Accordingly, countries are divided into three groups for the purpose of differentiating the obligations or commitments under the Conventions and later the Kyoto Protocol (see also Table 1 and Figure 3):

“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 time-frame 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.”

### Box 1. Article 2 of the UNFCCC

- *Parties included in Annex II to the Convention* encompass the countries that were members of the Organization for Economic Co-operation and Development (OECD) in 1992.
- *Parties included in Annex I to the Convention (Annex I Parties)* encompass both the countries that were members of the Organization for Economic Co-operation and Development (OECD) in 1992 and countries with “economies in transition” (EITs), that are the Russian Federation and several other Central and Eastern European countries.
- *Parties not included in Annex I to the Convention (Non-Annex I Parties)* encompass those countries that are not member of Annex I, including all newly industrialized countries and developing countries.

**Table 1. Members of Annex I and their commitment under the Kyoto Protocol (Annex B)**

Country	Member of Annex I	Member of Annex II	Economy in transition	Commitment inscribed in Annex B (within parenthesis the outcome of the EU burden sharing agreement)
Australia	X	X		108
Austria	X	X		92 (87)
Belarus	X		X	****
Belgium	X	X		92 (92.5)
Bulgaria	X		X	92
Canada	X	X		94
Croatia	X*		X	95
Czech Republic	X*		X	92
Denmark	X	X		92 (79)
Estonia	X		X	92
European Community	X	X		92
Finland	X	X		92 (100)
France	X	X		92 (100)
Germany	X	X		92 (79)
Greece	X	X		92 (125)
Hungary	X		X	94
Iceland	X	X		110
Ireland	X	X		92 (113)
Italy	X	X		92 (93.5)
Japan	X	X		94
Kazakhstan	X**		X	To be negotiated
Latvia	X		X	92
Liechtenstein	X*			92
Lithuania	X		X	92
Luxembourg	X	X		92 (72)
Monaco	X*			92
Netherlands	X	X		92 (94)
New Zealand	X	X		100
Norway	X	X		101
Poland	X		X	94
Portugal	X	X		92 (127)
Romania	X		X	92
Russian Federation	X		X	100
Slovakia	X*		X	92
Slovenia	X*		X	92
Spain	X	X		92 (115)
Sweden	X	X		92 (104)
Switzerland	X	X		92
Turkey	X	***		****
Ukraine	X		X	100
United Kingdom	X	X		92 (87.5)
United States of America	X	X		93

\* Added to Annex I at the third Conference of the Parties in Kyoto 1997 (COP 3)

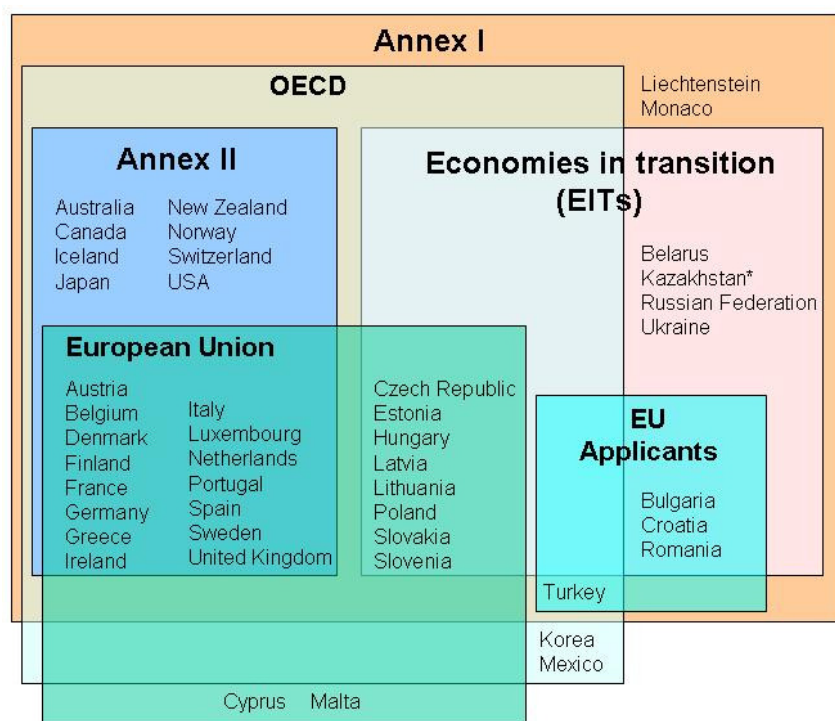
\*\* Added at COP7 only for the purpose of the Kyoto Protocol (see FCCC/CP/2001/13/Add.4, section V.C)

\*\*\* Deleted from Annex II by decision 26/CP.7

\*\*\*\* No limit specified. Country had not ratified the Convention when Kyoto Protocol was adopted

Under the Convention, *all* Parties have certain general commitments (Article 4.1, UNFCCC):

- To prepare national inventories of greenhouse gas emissions
- To implement measures to mitigate climate change
- To promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that reduce greenhouse gas emissions
- To preserve sinks and reservoirs of greenhouse gases
- To cooperate in preparing for adaptation to the impacts of climate change
- To promote and cooperate in research on climate change
- To exchange information related to climate change
- To promote and cooperate in education, training and public awareness related to climate change
- To report information related to the above in “national communications”



\* Added to Annex I only for the purpose of the Kyoto Protocol at COP7

**Figure 3. Country groups**

In addition to those general commitments, certain groups of countries have additional obligations or rights under the UNFCCC:

- Annex I Parties are to take the lead in modifying longer-term trends in emissions by adopting national policies and measures with the (not legally binding) aim of returning their greenhouse gas emissions individually or jointly to 1990 levels by the year 2000 (Article 4.2, UNFCCC).
- The Parties included in Annex II have the further commitment to provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations (Article 4.3, 4.4, 4.5, UNFCCC).

- Economies in transition are allowed a certain degree of flexibility in implementing their commitments (Article 4.6, UNFCCC), for example, several of those countries have chosen a base year other than 1990.
- Parties not included in Annex I are eligible for funding for the implementation of their general commitments (Article 11, UNFCCC). The general commitments as described above are interpreted weaker than for Annex I Parties, for example, the requirements of the regular reports (“national communications”) are lower and the submission is less frequent. The guidelines for the preparation of national communications for Non-Annex I Parties do not speak of ‘policies and measures’ but of ‘steps taken or envisaged to implement the Convention’.

The Kyoto Protocol, adopted in 1997, adds new commitments for Annex I Parties and confirms the general commitments from the Convention for Non-Annex I Parties without modifying them.

With the Kyoto Protocol, Annex I Parties agreed to reduce aggregated emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>) together by at least 5% in the period 2008 to 2012 relative to 1990 levels. Individual developed nations have individual limitation or reduction targets as provided in Table 1.

To a certain extent, countries can reach their targets by trading emission allowances with other countries or by implementing emission reduction projects in other Annex I countries (Joint Implementation) or in developing countries, which do not have quantified targets themselves (Clean Development Mechanism).

Countries may also choose to implement the commitments jointly as a group. The European Union has chosen to do so and has internally negotiated other national targets that will be the basis for the assessment of their individual compliance with the Kyoto Protocol (see also Table 1).

Since the text of the Kyoto Protocol left some questions unanswered, the COP agreed on a substantive package further clarifying the conditions of the implementation of the Kyoto Protocol in Marrakech in 2001, the “Marrakech Accords” (UNFCCC 2001a).

The Kyoto Protocol long awaited its entry into force, which would only take place once 55 Parties would ratify it and only if the ratifying Annex I countries would be responsible for 55 % of the Annex I CO<sub>2</sub> emissions of 1990. As the USA (responsible for 36%) rejected the Kyoto Protocol in 2001, it was the Russian Federation (responsible for 17%), which had the decisive vote.<sup>4</sup> In October 2004, Russia ratified, which made the Kyoto Protocol enter into force on 16 February 2005.

While the “Annex I” was used in the Convention as a vehicle to differentiate the commitments related to only one of its Articles, the division between Annex I and Non-Annex I Parties has developed since into a very rigid divide. The UNFCCC allows movement of countries into Annex I but it requires a decision by the Conference of the Parties. Kazakhstan applied to be included in Annex I and Turkey applied to be excluded from Annex I. Including Kazakhstan was seen as a precedent putting pressure on other developing countries to join Annex I and to take on further commitments. Since the COP has to agree the amendment by consensus, those opposing countries successfully blocked the formal inclusion of Kazakhstan in Annex I and the exclusion of Turkey.

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<sup>4</sup> For an analysis on the voting power of countries to bring the Protocol into force see Wagner and Höhne (2001).