

Climate justice – concepts, principles

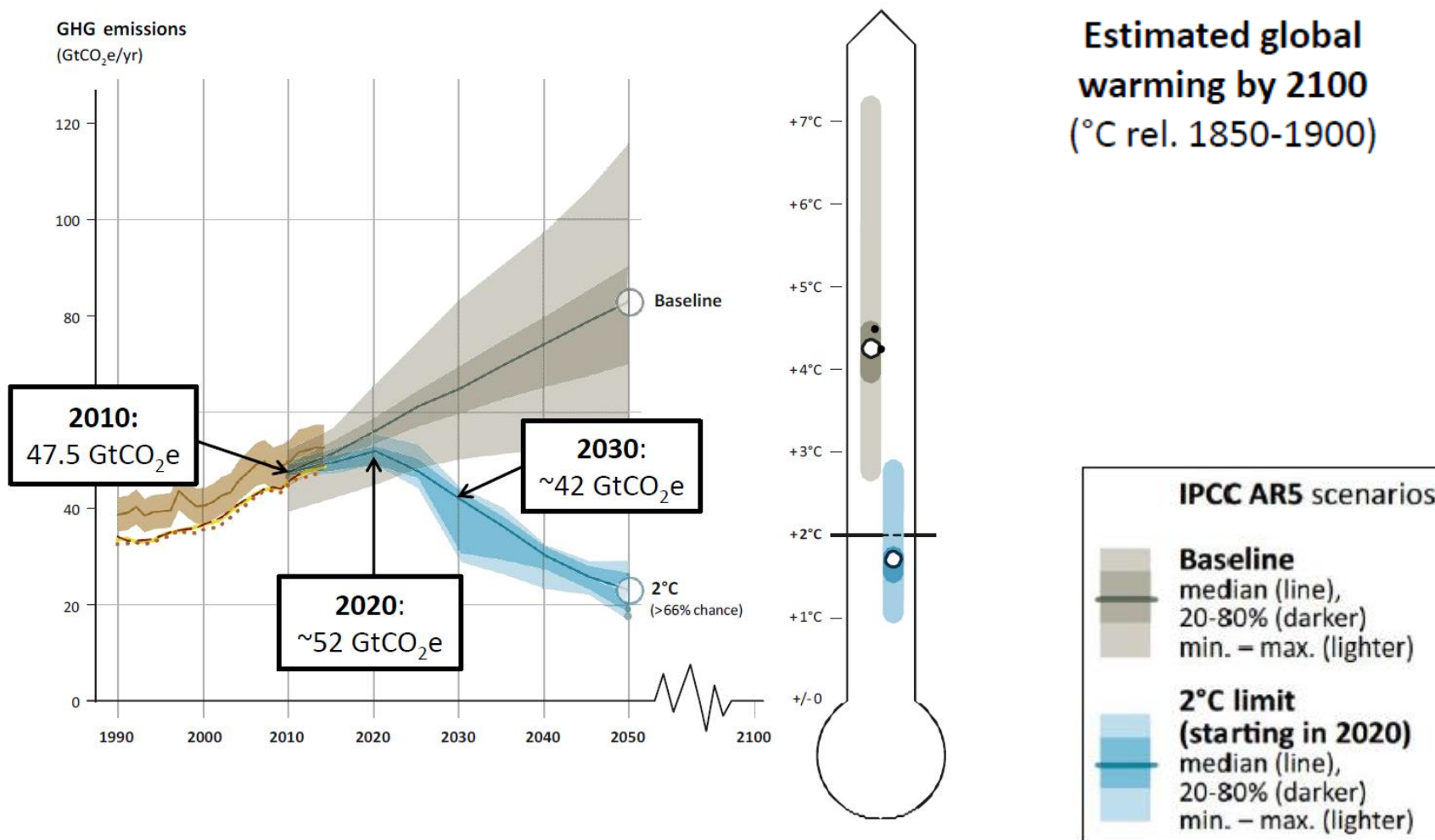
“How can we build strong and innovative partnerships to implement the sustainable development goals?”

International Conference organised by Caritas Luxemburg /
Cercle de Coopération des ONGs du développement

Dr. Imme Scholz

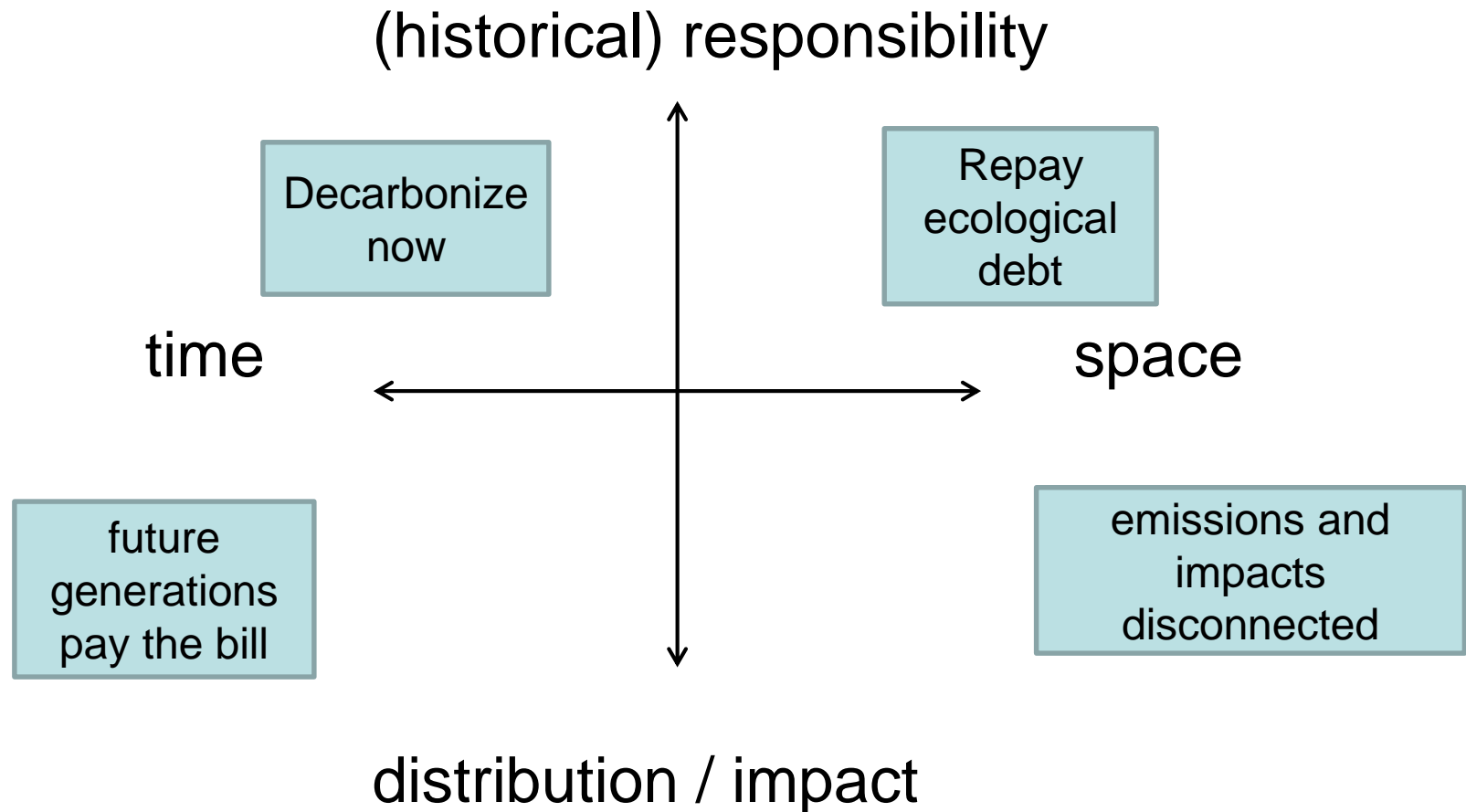
8 December 2015

How to limit global warming to $< 2^{\circ}\text{C}$?



Source: UNEP Emission Gap Report 2015

Five dimensions of climate justice



Linkages with political participation, inequality, biodiversity, soils, oceans ...

Common But Differentiated Responsibilities



... And Respective Capabilities





Defined in different ways by the Parties, our view:

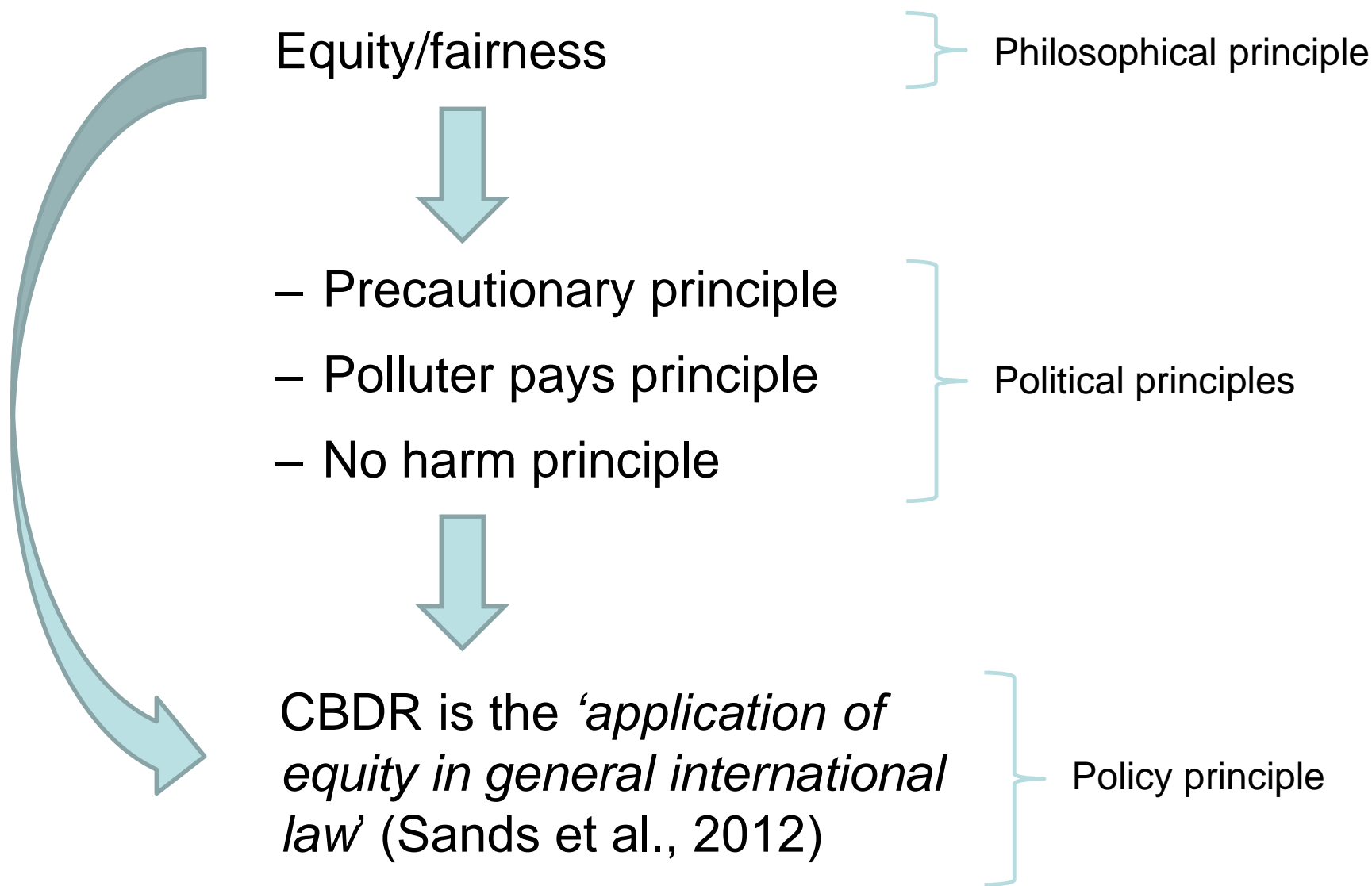
It applies to responsibilities and solutions

Common: 1) widest possible cooperation by all countries
 2) all countries act accordingly to their common responsibility.

Differentiated: Adoption and implementation of differing commitments

- 1) Diverse circumstances and capacities
- 2) Historical contributions to global problems
- 3) Development needs

Principles behind CBDR

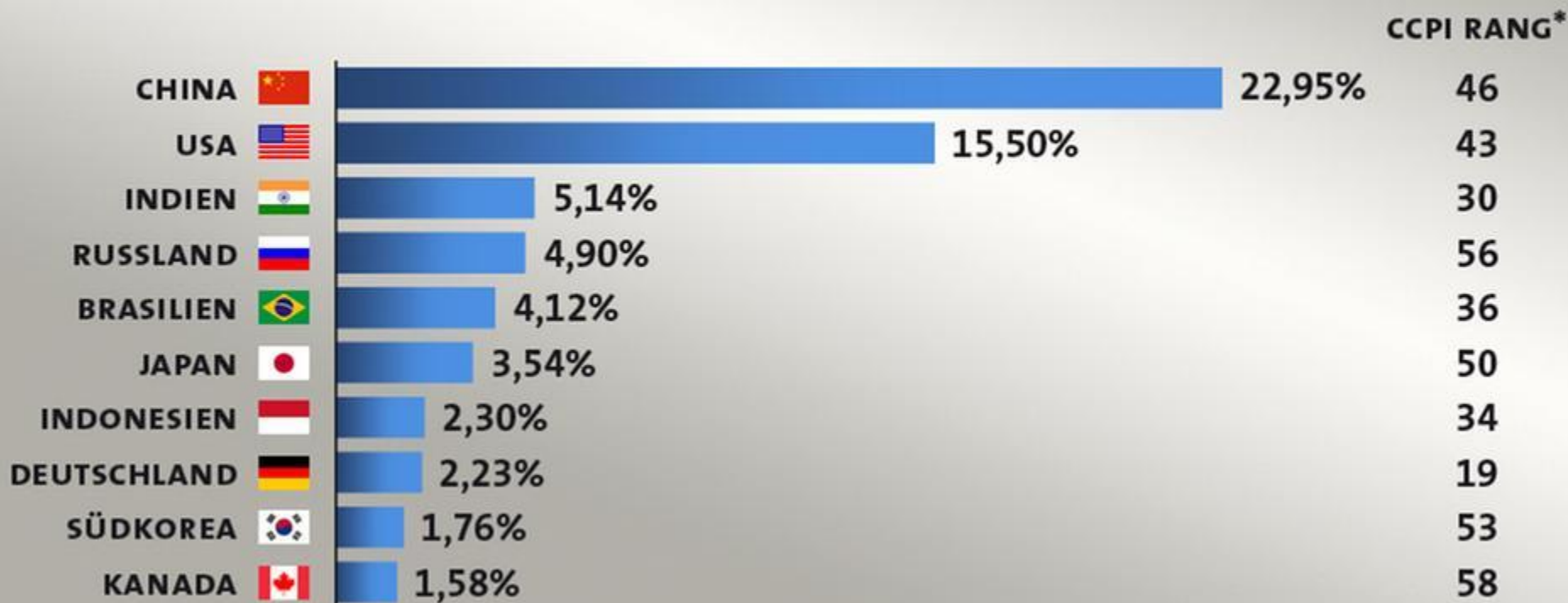




➤ **2015:** history never stops

Die 10 größten CO₂-Produzenten

ANTEIL AN DEN WELTWEITEN CO₂-EMISSIONEN VERSUS ABSCHNEIDEN IM CCPI*





Define principles with a view to solutions:

- leave fossil fuels in the ground, shift to renewables
- radically reduce wasteful consumption (North, Southern elites)
- North repays ecological debt to the South to cover their costs of adaptation and mitigation
- indigenous land rights, people's sovereignty over energy, forests, land, water
- sustainable family farming and people's food sovereignty

What COP21 should deliver



- CBDR is fundamental principle in international environmental negotiations and is there to stay
- Not just a challenge of mitigation. CBDR touches upon:
 - Development needs, poverty, social equality
 - Energy production and - intensity
 - Transfer of financial resources and technology, capacity building/readiness, etc.
 - If CBDR is played as an amount-of-emissions game only, it is a dead end.
- Flexibility required: reflect historical responsibility AND diversification of emission pathways

Thank you for your attention!

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Approach 1 – attribution of emissions



- Research identified a variety of possibilities:
 - change attribution of emissions from states to consumers or producers?
 - Politically unlikely
 - exceptions – e.g. bunker fuel from shipping, aviation
 - ‘food for thought’

Blue tables in Discussion Paper

Table 18: Approaches towards the attribution of GHG emissions

Mechanism*	Explanation
Attribute emissions to consumers, not producers	It is customary to attribute emissions to the source. However, it may make sense to attribute emissions to consumers. For instance, a large proportion of China’s emissions relate to the production of goods that are imported by and consumed in OECD countries. There is, however, no political experience with this approach (e.g. examples 1, 2 and 4); and it is also not considered in the bunker fuel emission control scenarios for shipping (example 5).
Responsible actor	Which actor should be held responsible: states, businesses or individual citizens? States, as such, are not emitters of greenhouse gases, but they may have the power to regulate emissions and have taken on international legal obligations to do so. Holding businesses or even individuals responsible might prove much more complicated, although IMO is designing a revenue scheme that could work through ships or companies (example 5).
Budget approach	Rather than calculating reduction obligations based on current levels of emissions, the “emission rights” approach looks at how much GHG can still be emitted before global warming probably exceeds 2°C. Each country would then be allotted a national emissions budget. Existing proposals from India and the WBGU include tradable rights, which makes the budget approach more flexible and target-based than earlier proposals. Although there is some experience with caps (limiting emissions, such as the EU ETS and potentially example 5), there is no experience with approaches that include limited “budgets”; cf. examples 1, 2 and 4 do not include “budgets”.

Approach 2 - criteria for differentiation



- Include graduation (and relapse) mechanism
- Exclusion: special rights only if indicators stay below threshold
- No voluntary undertakings vs mandatory commitments
- Sectoral-based differentiation

- Based on 'basket of criteria'
- further differentiation of state groups

Green tables in Discussion Paper

Table 19: Criteria and means to allow for differentiation of responsibilities under the UNFCCC

Category	Mechanism*	Explanation
Define criteria for differentiation of responsibilities	More country categories, include graduation	The Annex I / Non-Annex I dichotomy could be replaced by a more comprehensive and larger number of groups, including provisions that allow for graduation from one category to another. The WTO (example 3) and CBD (example 1) already include several country categories. Alternatively, the Montreal Protocol only includes developed and developing countries, but countries under the latter category only have special rights (e.g. grace period, financial support) if their emissions are below a certain threshold (making them "Article 5, paragraph 1 parties"). A corresponding threshold could also be developed under the UNFCCC.
	More country categories, include exclusion	The Montreal Protocol (example 4) has an exclusion criteria: developing countries only have special rights (e.g. grace period, financial support) if their emissions are below a certain threshold. Exclusion criteria could enhance graduation criteria in designing a flexible regime of multiple groups.
	Include criteria other than economic development and emissions	Apart from economic development and current and future emissions, other elements could be considered in setting the differentiated mitigation obligations (with or without inclusion of historical responsibility): <ul style="list-style-type: none"> • mitigation potential • costs of mitigation • emissions per unit of GDP
	Indicator basket	A basket of indicators necessary to reflect CBDR (e.g. Honkonen 2009; Karousakis / Guay / Philibert 2008; CAN 2013b). Based on the convention's core equity principles, CAN proposes: adequacy, responsibility, capability, adaptation need and development need. Each of these would be measured with a chosen (set of) indicator(s).
	Sectoral-based differentiation	Sectoral approaches can determine politically acceptable national targets and domestic allowance allocations based on reduction potentials from technological perspectives, including in developing countries. In the EU, for instance, this approach shifted the attention from comparing contributions and fairness among member states towards comparing contributions and fairness across sectors
	No voluntary undertakings vs. mandatory commitments	In the Montreal Protocol, there was no distinction between some countries' undertakings being voluntary and others having mandatory commitments. This has minimised the tensions between developing and developed countries.
	Same obligations, differentiated stringency or commitments	All countries would be submitted to the responsibility to limit or reduce GHG emissions, with some having more stringent obligations than others. Obligations could be adopted with different types of commitments, with some countries taking on QELROs, and others adopting renewable energy targets or energy-efficiency targets. In its preparations for the ADP, the EU also considers differentiated commitments, such as intensity targets (emissions per unit of GDP or per capita) and deviation from BAU emissions.

Approach 3 - incentivize participation



- compliance assistance: found in all analysed agreements - essential to bring developing countries on board, e.g.:
 - Technology transfer
 - (conditional) financial support
 - Information exchange /research promotion

Mechanism*	Explanation
Financial compensation	All countries would have similar responsibilities towards mitigation, but developing countries would be entitled to financial compensation for environmental restraint while pursuing their humanitarian and development goals.
Technology transfer	All countries would have similar responsibilities towards mitigation, but developing countries would be entitled to technology transfer. Privileged market access, as mentioned under example 3, could contribute to technology transfer.
Critical use exemptions	This participation mechanism could be used for particular countries and for shipping of e.g. food or medicine under the IMO MBM proposals. It might apply for certain types of emission reductions, too.
Joint fulfilment of commitments	Allowing parties for joint fulfilment of commitments could enable aggregate calculated levels of greenhouse gas reductions to surpass the agreed levels, while reducing the burden for some of the countries involved. It could help a country to accept a higher emission limitation or reduction target, as it is partly forwarded to the group that takes on the joint fulfilment, rather than the country itself.
Information exchange, research promotion, capacity-building	Although these mechanisms are different, all three of them can stimulate compliance if they help developing countries to participate more actively in climate change mitigation.

Red tables in Discussion Paper