

Post-Paris Agreement global climate equity dialogue

Pursuant to Article 3 para.1 of the UN Framework Convention on Climate Change (UNFCCC), countries should protect the climate system “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities” (CBDRRC). What is equitable has to a large extent been defined by reference to, CBDRRC, historic responsibilities and the formal binary differentiation between developed and developing countries (as defined by the annexes to the UNFCCC and the Kyoto Protocol).

The Paris Agreement still uses the terms “developed” and “developing country parties” (without defining them) but allows parties to largely self-select and differentiate their efforts to combat climate change. It moves away from the formal distinction between parties and, as a result, it appears that historic responsibility for GHG emissions has become less relevant (in comparison to respective capabilities) to determine parties’ responsibilities.

But there are different interpretations, and in the post-Paris negotiations, many developing countries have already emphasised that the annexes and provisions of the UNFCCC remain in place and govern the interpretation of the Agreement. The Agreement only outlines a broad framework for further substantive decisions and did not resolve fundamental disagreements amongst parties related to equity and historic responsibility. These will continue to haunt the climate negotiations in the years to come!

To address this shortcoming, it is, therefore, important to ask: How can parties and other stakeholders address the question of equity and historic responsibilities in an efficient and successful manner? Could, for example, the framework for non-market approaches (Art.6 para.8 and 9 Paris Agreement) be used to discuss new charges, public funding or payments by the industry based on contributions to climate change? Or would it be more adequate and productive to instigate a structured, historic dialogue outside the UNFCCC? And if so who should be involved (young people, political leaders)?

To examine possible ways forward initial research could seek to gage the views of UNFCCC delegates, other government representatives, negotiation experts or secretariat officials. Further stakeholders who could be consulted are members of the “climate justice community”, the fossil fuel industry, different religions and other groups that seek to address ethical questions (including lawyers :-). This could lead to the mapping of concrete options for a future dialogue and its outcomes. Ideas and suggestions could feed into the UNFCCC post-Paris discussions (including the “Paris rule book”).

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