

International Environmental Law Climate Change – UNFCCC & Kyoto Protocol

I. Climate Change: Scientific Basis and Effects

Definitions: climate, climate change, global warming, greenhouse effect

Risks: causes and predicted effects/impacts

Regulating risk/uncertainty: basic questions

Possible Responses

II: The Global Climate Regime: Background

Legal Status of the Atmosphere:

- *res communis*
- Shared Natural resource
- Common Heritage of Mankind
- Common Concern of Mankind

Protection of Global Atmosphere: obligation *erga omnes*?

General Principles: no harm, precaution

III. 1992 UN Framework Convention on Climate Change

Objective

Principles

- Common but Differentiated Responsibilities
- Intra- and Intergenerational Equity
- Precautionary Principle
- Sustainable Development

Commitments: general and specific

IV. 1997 Kyoto Protocol

- General: History and Status Quo
- Commitments
- Measures
- Basket-Approach
- “Hot-Air”

V. Flexibility Mechanisms

1. General

- Mechanisms
- ‘Supplementary’, cap
- Eligibility Requirements
- Environmental Integrity

2. Joint Fulfilment of Commitments (Art. 4 KP)

“EU-Bubble”: EU Burden Sharing Agreement 1998

3. Emissions Trading (Art. 17 KP)

- Aim
- Requirements
- Tradable units
- National allocation plans
- European Emissions Trading System (EU ETS) Directive, 2003/87/EC
- EU Linking Directive
- Norway

4. Joint Implementation (Art. 6 KP)

- Project-based Mechanism
- Emission reduction Units
- Participants
- Responsibility/Liability?

5. Clean Development Mechanism (Art. 12 KP)

- Aims
- Rules
- Scope
- Outcome of COP 9: leakage, permanence, sinks in CDM
- Institutional Arrangements (see hand-out II)
- Challenges

VI. Special Issues

Cost-effectiveness

Sustainability

Relation to trade, development and investment issues

Technology transfer

Developing countries