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Events convened on Friday, 12 December 2003

## South-North Dialogue: Equity in the greenhouse

Presented by the Wuppertal Institute for Climate, Environment and Energy



Hermann Ott, Wuppertal Institute, suggests a special meeting of the friends of the Kyoto Protocol.

Holger Liptow, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), said the South-North Dialogue is a process that aims to explore alternatives for negotiations of future commitments, and noted that a report will be published in 2004.

Bernd Brouns, Wuppertal Institute, said the South-North Dialogue project brings together researchers from developing and developed countries to exchange views on the further development of the climate change regime, and build trust among developing and developed countries. He announced a workshop on the issue that will be held in Cape Town, South Africa, in January 2004 to finalize the report and policy recommendations.

Hermann Ott, Wuppertal Institute, observed that the EU has exercised structural, instrumental and directional leadership in the climate change negotiations so far. He highlighted the importance of coalitions between key developed and developing countries to move the issue of future commitments forward. He suggested a special meeting of the friends of the Kyoto Protocol to reaffirm countries' commitments and ensure the Protocol's ratification.

Harald Winkler, University of Cape Town, highlighted the need to differentiate among developing countries in order to identify those countries that should make commitments due to their responsibility and capability. He noted that the Cape Town workshop will attempt to develop a matrix grouping countries according to their different characteristics.

Atiq Rahman, Bangladesh Centre for Advanced Studies, said that the climate change regime must be based on equity. He highlighted the need to translate policy into action, and increase stakeholder participation at all levels. Rahman noted the need to evolve from data to information, knowledge and hopefully wisdom.

M. J. Mace, Foundation for International Environmental Law and Development, underscored the importance of linking mitigation to adaptation commitments, and noted that developed countries must take the lead not only on mitigating climate change but also on addressing adaptation activities in developing countries.

Yasuko Kameyama, National Institute for Environmental Studies, noted that Japan is collaborating with other Asia-Pacific countries on climate change issues, and highlighted the importance of discussing equity issues in order to progress in the climate change negotiations.

Sivan Kartha, Equity and Diversity Resource Center, noted that equity and sustainable development can be seen as co-benefits of addressing climate change, including pollution reduction and economic benefits, or as preconditions for addressing climate change, including political acceptability.

Agus Sari, Pelangi, noted that the South-North Dialogue focuses its discussions on principles, processes, institutions and markets to assist countries in negotiating their future commitments. He underscored the need to engage stakeholders to discuss alternatives for moving forward in the climate change negotiations.

### More information:

<http://www.wupperinst.org/Projekte/Klima/1085-e.html>

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# Linking Article 2 and Article 6 of the Convention: Experiments in Belgium using the Java Climate Model

Presented by the Delegation of Belgium



Jean-Pascal van Ypersele, UCL, demonstrates the role-play of future climate negotiations with the participation of six UCL students representing different delegations.

#### More information:

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Jean-Pascal van Ypersele, Université catholique de Louvain (UCL), presented experiences from a role-play of future climate change negotiations with students from UCL using the interactive Java Climate Model. He noted that 60 university students were grouped into 17 delegations and had the task of agreeing by consensus to a quantitative interpretation of UNFCCC Article 2 and an equitable formula for funding adaptation. Van Ypersele explained that such experiments can help to implement Article 6 on education, training and public awareness, and highlight science and policy questions for future negotiations.

Ben Matthews, UCL, explained that in preparing for the role-play, the students used the Java Climate Model to explore options and uncertainties. He noted that by selecting parameters and indicators, the model can clarify diverse positions. Matthews noted that the model is interactive and demonstrates cause and effect links from greenhouse gas emissions to impacts. He underscored that the model allows for parameters to be adjusted to explore uncertainties, and illustrates flexible scenarios and regional distributions of both historical responsibility and climate change. Explaining that the model is available on the Internet, Matthews noted that it operates with an open-source code and has extensive documentation with a graphical interface that is translated into 10 languages.

# Dispute resolution in the climate change regime

Presented by the Permanent Court of Arbitration (PCA)

Noting that the PCA is the longest-running intergovernmental organization for the peaceful settlement of disputes, Dane Ratliff, PCA, explains that the PCA offers procedures for, and facilitates, fact-finding, conciliation, and arbitration. He noted that the PCA's environmental rules provide a "unified forum" for dispute resolution relating to environmental and natural resources, and are especially important in the context of the UNFCCC and the Kyoto Protocol, as there may be multiple claimant and respondent Parties to a dispute.

Regarding the applicability of the PCA rules to the climate change regime, Ratliff said PCA rules could serve as the arbitration procedures contemplated under UNFCCC Article 14(2), or by agreement of Parties under 14(1), on dispute settlement. In particular, he said the PCA could administer arbitration, conciliation or fact-finding in cases of disputes between UNFCCC or Kyoto Protocol Parties, and the PCA could be called on to address disputes between Parties and non-State entities, or two or more non-State entities involved in the Kyoto Protocol's flexible mechanisms.

Ratliff identified potential areas of dispute under the Kyoto Protocol, highlighting those related to emissions trading, the clean development mechanism (CDM) and joint implementation, including: host-country agreements; lack of procedures for apportioning risk and assigning liability; project design; bilateral agreements; non-State actors involved in CDM brokering; private contracts requiring enforcement where estimated reductions are not actually attained by the project; and delivery issues. Underscoring the benefits of arbitration, he noted that the mere existence of an arbitration clause in agreements can often serve to prevent disputes before they arise, and that an arbitral tribunal composed of Party-appointed neutrals offers assurance of impartiality.



Dane Ratliff, PCA, explains that the Court is available to States and non-State entities.

#### More information:

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