



I Climate Justice Dialogue 2015 global climate change agreement: legal principles

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The Doha Climate Gateway 2015 global climate change agreement (GCCA)

Work toward a universal climate change agreement

- covering all countries from 2020, to be adopted by 2015.
- stay below an agreed maximum 2 degrees Celsius temperature rise.

Principles

- ‘Designed to direct behavior’, principles ‘have a legal significance’ – ‘they have a normative quality’
- ‘Decision-makers must take into account’
- ‘They can set limits, or provide guidance, or determine how conflicts between other rules and principles will be resolved’

ILA – 2012, Legal Principles related to Climate Change – rapporteur Lavanya Rajamani

Association of Independent Latin American and Caribbean states (AILAC)

- “The Principles of the Convention should be applied in a contemporary context, evolving over time along with changing national circumstances. While the Principles are enduring, they are also dynamic, allowing for a broad spectrum of differentiated commitments for all. In addition, they should safeguard and promote sustainable development opportunities, enabling poverty eradication and climate resilient growth”.

I -Climate change principles

- 1) Common but Differentiated Responsibilities and Respective Capabilities
- 2) Special Circumstances and Vulnerability
- 3) Sustainable Development
- 4) Prevention and Precaution
- 5) Good Faith

(ILA – 2012, Legal Principles related to Climate Change –
rapporteur Lavanya Rajamani)

1) Common but Differentiated Responsibilities and Respective Capabilities - CBDRRC

- Two views
 - level of economic development
 - contributions to global environmental degradation

Responsibility of all parts

(ILA – 2012, Legal Principles related to Climate Change – rapporteur Lavanya Rajamani)



1) Common but Differentiated Responsibilities and Respective Capabilities - CBDRRC

- Differential treatment – implementation and assistance
 - Varying forms: economies en transition, least developed states

Differential treatment should be subject to review and time-bound (resistance to this idea)

(ILA – 2012, Legal Principles related to Climate Change – rapporteur Lavanya Rajamani)

1) CBDRRC

Equity

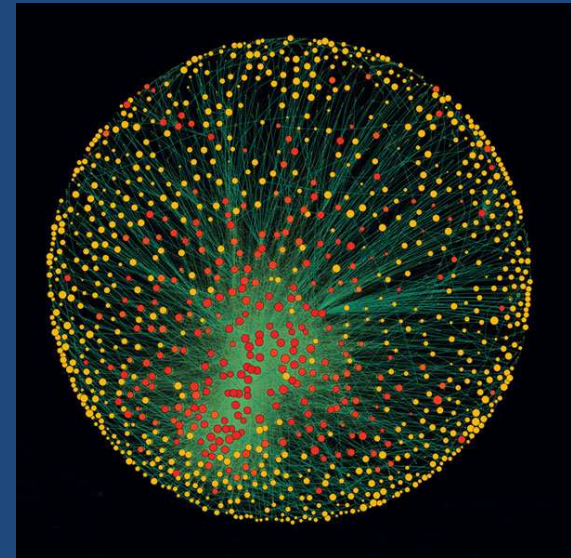
Pollueur-Payeur
(Benefit Pays
Principle)

Mitigation
and
Adaptation

(ILA – 2012, Legal Principles related to Climate Change –
rapporteur Lavanya Rajamani)

We need all
actors participating
in this process...but....

We need to take
Into account – **economic
power architecture**



New Scientist

Corporate Power Map

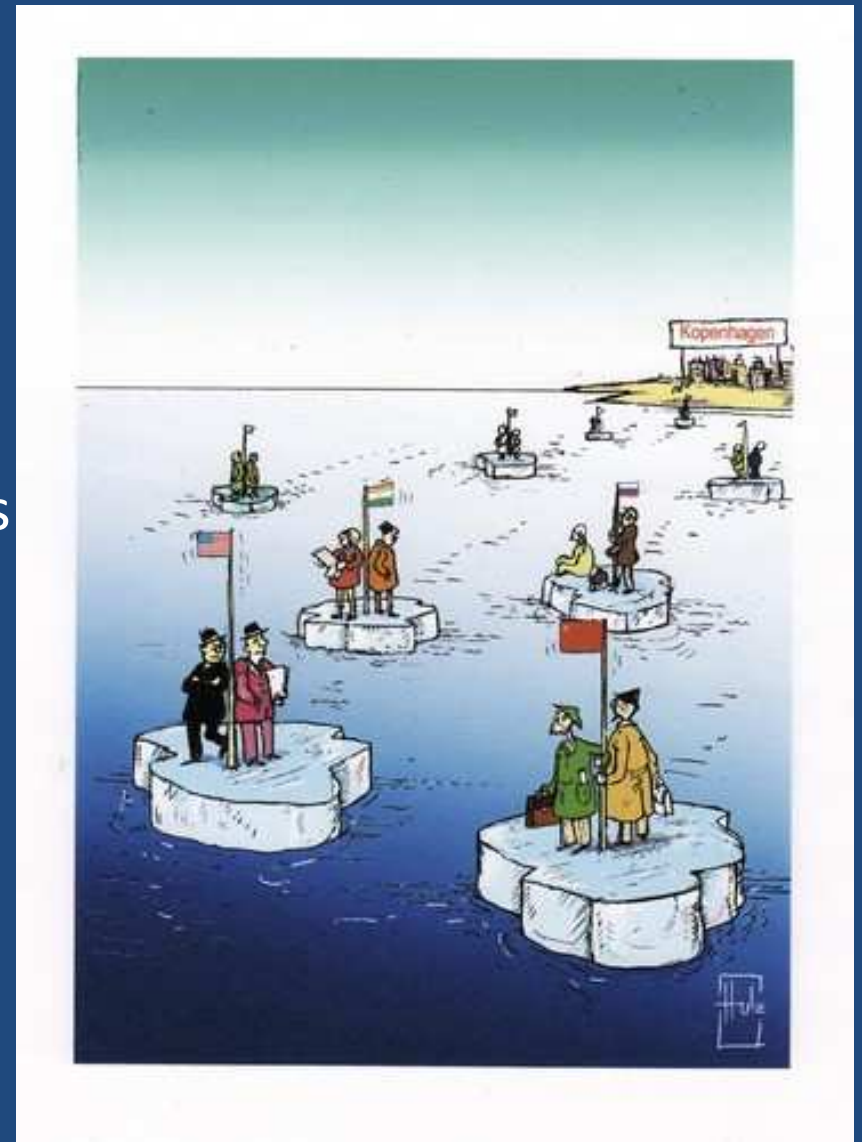
737 groups control 80% of the universe of transnational corporations, and there is a hard core of 147 corporations that control 40%, almost all financial corporations
(Federal Swiss Technology Institute of Zurich)

[Revealed – the capitalist network that runs the world – physics-math – 19 October 2011 – New Scientist.](#)

2) Special Circumstances and Vulnerability

- Notion = informs the application of the principle CDRRC
 - Least developed countries
 - Small Island Developing States (SIDS)
 - Africa

(ILA – 2012, Legal Principles related to Climate Change – rapporteur Lavanya Rajamani)



3) Sustainable Development

- “The duty of States to ensure sustainability and eliminate unsustainable patterns of production and consumption”
- States’ Sovereign Rights
Relationg to Natural
Ressources
- Integration
(ILA – 2012, Legal Principles
related to Climate Change –
rapporteur Lavanya Rajamani)



4) Prevention and Precaution

- Prevention, principle of customary international environmental law
- Precaution, scientific uncertainties

(ILA – 2012, Legal Principles
related to Climate Change – rapporteur
Lavanya Rajamani)



2010 – AMAZONIA
(<http://especiais.ig.com.br/zoom/estiagem-na-amazonia>)

(<http://especiais.ig.com.br/zoom/estiagem-na-amazonia/>)

5) Good Faith

- ‘This is the obligation incumbent upon a member of a regime ‘to co-operate in good faith to promote (its) objectives and purposes” (ICJ)

(ILA – 2012, Legal Principles related to Climate Change – rapporteur Lavanya Rajamani)



II – “Emerging” Principles and Concepts related to Climate Change or Contemporary Context ?

- 1) Human Rights (!? Emerging, New?)
- 2) Principle of Non-Regression of Environmental Law (Rio+20)
- 3) Climate Justice Principle (human dimension of climate change !)

Muchas gracias Thank you Obrigada



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