EQUITY LESSONS FROM MULTILATERAL REGIMES FOR THE NEW CLIMATE AGREEMENT
• **Equity**: Equity was defined broadly as any of a variety of modes used to achieve collective global objectives in ways that are fair

• Differentiation under the UNFCC
The Regimes

1. International trade regime and the WTO
2. The European Union’s 1997-1998
3. The Vienna Convention on the protection of the Ozone layer and its Montreal Protocol and various amendments
4. The convention on Long-Range Trans boundary Air Pollution and its many protocols
5. The Stockholm Convention on POPS
6. The Minamata Convention on Mercury (Mercury)
7. International aid and the process surrounding the Paris Declaration on Aid Effectiveness (Aid)
8. The human right Regime, including the International Covenant on Economic, social and Cultural Rights
Equity in WTO/international trade regime

• **Approach to equity**: Tokyo round (1973-79); freedom of choice, principle of special and differential treatment

• **WTO 1995**: long phase in period, less tariff reductions, exemption from prohibition on export subsidies, dispute settlement system, trade policy review mechanism

• **Lessons**: Flexible forward movement, facilitative compliance using a peer review mechanism
European Union Climate Policies

• EU, an example of countries with differentiated obligations that have evolved from soft law approach to a binding approach

• 1997 agreement on burden sharing based on differentiation in emission reduction

• The Triptych approach

• 2009 different EU climate and energy package

• **Lessons:** Differentiation through objective criteria and negotiations

• Equity is important in building and maintaining consensus on effort sharing over time
Montreal Protocol 1987

- **Approach to equity:** Ten year delay for developing countries, funds through the multilateral fund, effective compliance system
- **Lessons** - Differentiation based on same commitments but different timing
- Compliance mechanisms is facilitative
- Provision of funds
Long-Range Transboundary Air Pollution and its many protocols (LRTAP)

• Equity Approach: Commitment based on level of emission
• Transfer of technology by providing technical assistance
• Lessons: Differentiation based on emission level and capability
The Stockholm Convention on Persistent Organic Pollutants (POPS)

- Equity approach: Parties can elect to use an opt in procedure
- Financial support to developing countries and economies in transition
- Technology transfer and capacity building
- Lessons: funds for capacity building helps developing countries to perform better in data collection and assessment
- Equity facilitated through financial support
Minamata Convention on Mercury

• Provisions of financial assistance
• **Lessons**: Focus on vulnerable populations reminds negotiators of the need to take action
International Aid

- Equitable distribution of decision-making power on which aid is provided ensures procedural and institutional equity.
- Equity Approach: Ownership by developing countries, alignment with recipient country priorities, harmonization among donors working in the same country, managing results and mutual accounting.
- Lessons: Effectiveness through Developing countries ownership of development plans.
International Covenant on Economic, Social & Cultural Rights (CESCR) 1966

• **Equity approach:** Progressive realization and periodic review

• **Lessons:** The framework for progressive realization is effective for differentiation
Overall lessons for UNFCCC

Means to achieve equity:

1. **Commitments differentiation**: Consideration on differentiation for timing of commitments achieved through negotiation. (EU process to determine effort sharing emission)

   - Agreement on specific sectors to encourage movement beyond basic commitments.
   - WTO- A Cautionary tale
2. Institution, supports and procedures to facilitate participation

- Finance and other forms of support to enhance access to technology, improve know how and build capacity
- Attention to equity in establishing procedures and institutions
- Effective monitoring and reviews (frequency of Reviews)
- Sanctions fair and credible
- Country ownership of strategies and plan
- Progressive realization and monitoring against goals
Thanks for your attention!