



## CHAPTER FOUR

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### CLIMATE CONFERENCES: PROGRESS AND FAILURES

44. For several decades now, representatives of more than 190 countries have met periodically to address the issue of climate change. The 1992 Rio de Janeiro Conference led to the adoption of the United Nations Framework Convention on Climate Change (UNFCCC), a treaty that took effect when the necessary ratification on the part of the signatories concluded in 1994. These States meet annually in the Conference of the Parties (COP), the highest decision-making body. Some of these Conferences were failures, like that of Copenhagen (2009), while others made it possible to take important steps forward, like COP3 in Kyoto (1997). Its significant Protocol set the goal of reducing overall greenhouse gas emissions by 5% with respect to 1990. The deadline was the year 2012, but this, clearly, was not achieved.

45. All parties also committed themselves to implementing programs of adaptation in order to reduce the effects of climate change now taking place. Provisions were also made for aid to cover the costs of the measures in developing countries. The Protocol actually took effect in 2005.

46. Afterwards, it was proposed to create a mechanism regarding the loss and damage caused by climate change, which recognizes as those chiefly responsible the richer countries and seeks to compensate for the loss and damage that climate change produces in the more vulnerable countries. It was not yet a matter of financing the “adaptation” of those countries, but of compensating them for damage already incurred. This question was the subject of important discussions at various Conferences.

47. COP21 in Paris (2015) represented another significant moment, since it generated an agreement that involved everyone. It can be considered as a new beginning, given the failure to meet the goals previously set. The agreement took effect on 4 November 2016. albeit a binding agreement, not all its dispositions are obligations in the strict sense, and some of them leave ample room for discretion. In any case, properly speaking, there are no provisions for sanctions in the case of unfulfilled commitments, nor effective instruments to ensure their fulfillment. It also provides for a certain flexibility in the case of developing countries.

48. The Paris Agreement presents a broad and ambitious objective: to keep the increase of average global temperatures to under 2° C with respect to preindustrial levels, and with the aim of decreasing them to 1.5° C. Work is still under way to consolidate concrete procedures for monitoring and to facilitate general criteria for comparing the objectives of the different countries. This makes it difficult to achieve a more objective (quantitative) evaluation of the real results.

49. Following several Conferences with scarce results, and the disappointment of COP25 in Madrid (2019), it was hoped that this inertia would be reversed at COP26 in Glasgow (2021). In effect, its result was to relaunch the Paris Agreement, put on hold by the overall effects of the pandemic. Furthermore, there was an abundance of “recommendations” whose actual effect was hardly foreseeable. Proposals tending to ensure a rapid and effective transition to alternative and less polluting forms of energy made no progress.

50. COP27 in Sharm El Sheikh (2022) was from the outset threatened by the situation created by the invasion of Ukraine, which caused a significant economic and energy crisis. Carbon use increased and everyone sought to have sufficient supplies. Developing countries regarded access to energy and prospects for development as an urgent priority. There was an evident openness to recognizing the fact that combustible fuels still provide 80% of the world’s energy, and that their use continues to increase.

51. This Conference in Egypt was one more example of the difficulty of negotiations. It could be said that at least it marked a step forward in consolidating a system for financing “loss and damage” in countries most affected by climate disasters. This would seem to give a new voice and a greater role to developing countries. Yet here too, many points remained imprecise, above all the concrete responsibility of the countries that have to contribute.

52. Today we can continue to state that, “the accords have been poorly implemented, due to lack of suitable mechanisms

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for oversight, periodic review and penalties in cases of noncompliance. The principles which they proclaimed still await an efficient and flexible means of practical implementation.<sup>32</sup> Also, that "international negotiations cannot make significant progress due to positions taken by countries which place their national interests above the global common good. Those who will have to suffer the consequences of what we are trying to hide will not forget this failure of conscience and responsibility."<sup>33</sup>