



Queen Mary

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Policy Brief 3
Global Evolution of the Climate
Change Regime: The Paris
Agreement and the Road to COP26
(2011-2019)

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Executive Summary

This Third Brief focuses on the global climate deal, the steps taken after the Paris Agreement, including the Katowice Rule Book and the lead up to COP26 and beyond. During the Second Commitment Period of the Kyoto Protocol (2013-2020), issues including the ambition gap, requirement for comprehensive adaptation and the urgency to keep global warming under 2 degrees Celsius (2°C), there was a need for decisive action.

The Paris Agreement, 2015 signalled a new era in Climate Change governance as 196 countries agreed to keep global warming below 2°C of pre-industrial levels. All parties were to self-assess and make reduction commitments.

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The Paris Agreement



Based on the developments during Kyoto 1 (Bali Roadmap, Copenhagen Accord and Cancun Adaptation Framework), UNFCCC parties continued working towards global consensus. The fact that the Kyoto Protocol only covered 18% of global emissions warranted the need for a comprehensive agreement that would make an impact on climate change.

This section shall review the last two COPs that paved the way for the Paris Agreement and then provide an overview of the Agreement.

The Final Push to Paris (Warsaw Outcomes and Lima Call for Climate Action)

The Warsaw Outcomes

The November 2013 Warsaw Outcomes at the 19th COP were essential to reach a final agreement in 2015. The Outcomes paved the way for practical agreements during the 2015 Paris COP. The Warsaw outcomes brought to fore issues of Loss and Damage attributed to Climate Change. This was pivotal, especially for small island states and least developed countries who often struggle to recover from extreme weather incidents. The conference was lauded as a success, and the following agreements and accomplishments 'Warsaw Outcomes' were reached:

- i. Decisions towards a universal agreement in December 2015, to enter into force in 2020.
- ii. Closing the pre-2020 ambition gap- the gap between what has been pledged to date and what is required to keep the world below a maximum average 2°C temperature rise - before the new Agreement enters into force in 2020.
- iii. The urgency to support peoples affected by climate change impacts through the Warsaw International Mechanism for Loss and Damage.
- iv. Strengthening efforts to mobilise USD 100 billion by 2020 through Long Term Finance
- v. Cutting emissions from deforestation - "the Warsaw Framework for REDD+".
- vi. Progress on driving adaptation as all 48 Least Developed Countries finalised a comprehensive set of plans to deal with climate change impacts.
- vii. Establishing the Climate Technology Centre and Network (CTCN), tasked with stimulating technology cooperation and transfer to developing countries.

Lima Climate Conference

Following the 2013 Warsaw Outcomes, the Lima Climate Conference of 2014 (COP20) allowed parties to finalise decisions and actions taken in previous COPs building up to the 2015 COP and the Paris Agreement. During the conference, parties launched the first climate action portal, and the first review of quantified emissions target was conducted. The Lima conference enabled parties to set up

transparency systems, test-drive a monitoring and verification process for targets and for the first time consider gender issues in light of climate change policies.

Below are the main achievements at the Lima conference:

- i. Lima Adaptation Knowledge Network: National Adaptation Plans were recognised as necessary in building resilience;
- ii. Climate Change Financing was increased, and pledges to the Green Climate Fund at the conference amounted to approximately USD 10.2 billion;
- iii. The Nazca Climate Action Portal was launched as part of the Lima Climate Action Agenda;
- iv. The first Multilateral Assessment (MA) was undertaken in Lima. This was a milestone in the implementation of the Measurement, Reporting and Verification of emission reductions under the UNFCCC. During the conference, 17 developed countries' quantified economy-wide emission reduction targets were assessed;
- v. Forests and the Lima Information Hub for REDD +: The information hub was launched to increase transparency on actions undertaken to safeguard forest communities and payments made as part of the REDD+ mechanism;
- vi. Providing technology to developing countries by strengthening the UNFCCC's Technology Mechanism by considering a link to the Green Climate Fund and the UNFCCC Finance mechanism;
- vii. Lima Work Programme on Gender to advance gender balance and to promote gender sensitivity in developing and implementing climate policy;
- viii. The Lima Ministerial Declaration on Education and Awareness-raising;
- ix. Lima-Paris Action Agenda to catalyse climate change action to further increase ambition before 2020 and support the 2015 agreement.

The Paris Agreement

In December at COP21, 196 countries agreed to limit global warming to a maximum of 2°C of pre industrialisation levels.

The Paris Agreement recognised the steps taken in Climate Change governance from the 1992 UNFCCC to the Kyoto Protocol and its first implementation period. During this conference, parties negotiated to address outstanding issues, including the ambition gap and noted the need to limit global warming to below 2°C of pre-industrialisation temperatures. The Agreement still recognised the common but differentiated responsibilities between developed and developing countries but still requires all countries to submit NDCs every five years and work towards progressive commitments.

In addition to the Paris Agreement, the following agendas and frameworks that shape global development were adopted in 2015:

Sendai Framework on Disaster Risk Reduction

- The March 2015 Framework recognises Climate Change as one of the drivers of disaster risk and requires parties to make emergency preparedness plans and set aside finances for these responses.

Addis Ababa Action Agenda

- At the Third International Conference on Financing for Development in July 2015 Agenda reaffirmed the importance of funding climate change responses and the positive impact this has on global development;

Sustainable Development Goals (SDGs)

- In September 2015, the UN General Assembly adopted the 2030 Agenda for Sustainable Development.
- The 2015 SDGs signalled a change in the global development approach, which prioritised People, Planet and Prosperity; it calls for development in all three aspects to ensure actual global and local progress. SDG 13 calls for urgent action to address the impacts of climate change.
- All 17 goals recognise the impacts that climate change has on different aspects of life, including in economic, health, biodiversity and gender impacts;

The 2015 Paris Agreement to the UNFCCC

- World leaders agreed to work towards limiting global warming to at most 2°C of pre-industrialisation levels

Key Aspects of the Paris Agreement

What is required of parties to the Agreement

• Long-term temperature goal

- The parties agreed to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.
- Additionally, parties will increase adaptation, build resilience and increase financial flows towards lower GHG and climate resilience (Art 2);

• Nationally Determined Contributions (NDCs)

- Parties required to make progressive NDC commitments (Art3);

• Global emissions

- All countries should aim to reach global peaking of GHGs as soon as possible.
- Least developed countries and small island states must communicate development plans on low GHG emissions development reflecting their special circumstances.
- Developed countries are expected to assist developing countries in climate response strategies (Art. 4);

• Sinks and reservoirs

- Work to conserve and enhance sinks and GHG reservoirs through the conservation, management and enhancement of forest carbon reservoirs (Art. 5);

• Mitigation

- Countries to cooperate in their implementation of NDCs and apply robust accounting measures to ensure proper tracking of progress.
- The Agreement requires the establishment of a mitigation mechanism and the use of non-market-based approaches for climate change response (Art. 6);

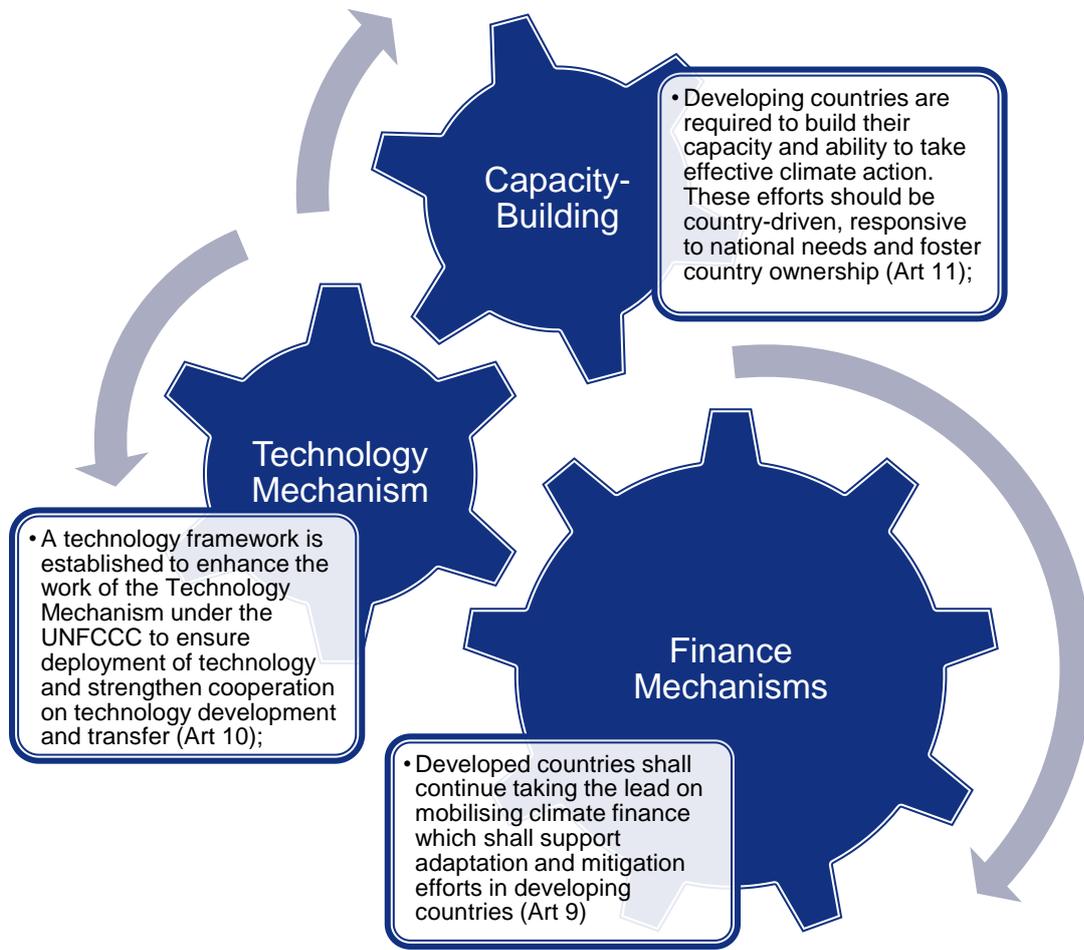
• Adaptation

- Adaptation measures must be enhanced, and cooperation should be strengthened considering the Cancun Adaptation Framework. Parties are required to engage in adaptation planning processes (Art. 7);

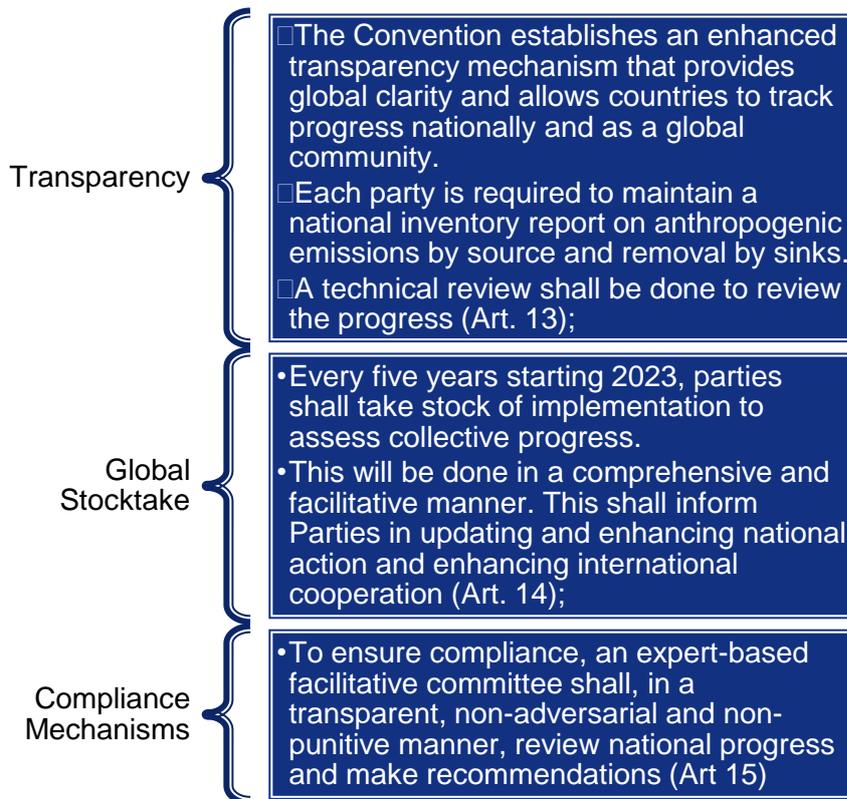
• Loss and damage

- Countries recognised the importance of averting, minimising, and addressing damage associated with adverse climate change events.
- The Warsaw International Mechanism for Loss and Damage shall be used by parties to prepare for adverse impacts through risk insurance facilities and building community resilience and other measures. (Art 8)

How Countries Support Each Other



Tracking Progress



Implementing the Paris Agreement: The Katowice Climate Package

Following the Paris Agreement's adoption, countries worked towards setting up the mechanisms and structures under the Agreement. An essential step was adopting the Paris Rule Book, which happened in 2018 at COP24 in Katowice, Poland. This decision was the culmination of work done and decisions taken in the meetings between January 2016 and December 2018.

The Rule Paris Rule Book/ Katowice Climate Package contains guidelines and regulations that address various aspects of the Agreement. Below are the most notable contents of the Rule Book:

- Guidance on adaptation and mitigation measures and communication, including updated guidelines on development and communication of DC ;
- Rules for the functioning of the Transparency Framework;
- Establishment of a committee to facilitate implementation and monitor compliance;
- Rules on the Global Stocktake;
- Guidance on assessment of technology transfer and development;
- Guidelines on providing advance information on financial support to developing countries and establishing new finance targets from 2025 onwards.

The Road to COP26: Gearing Up to the 1st Implementation Period under the Paris Agreement

The 2015 Paris Agreement signalled a seismic shift in the global approach to Climate Change. The Agreement was a culmination of global efforts, lessons and advancements that changed global attitudes to Climate Change. Countries moved from an opt-in Protocol approach where primarily developed countries were required to voluntarily pledge to reduce GHG emissions to a regime where all countries were to put forward NDCs, which would be progressively stringent. This new approach can be traced back to the 2013 Doha amendment to the Kyoto Protocol, but the Paris Agreement makes this a global requirement for all 192 parties. In recognition of the principle of Common But Differentiated Responsibility, developing countries are not subject to as stringent mitigation requirements compared to advanced economies. Still, they must submit plans and show progress in adaptation measures, collaboration on capacity building, science and technology and appropriate use of climate finance.

Additionally, developing and least developed countries are required to assess their economic growth and plan for peak emissions before the middle of the century. This signals the requirement for countries to ramp up economic development before working towards a carbon net-zero world. The Agreement introduces the Global Stocktake - which will allow the world to review progress starting from 2023 - it is hoped that this will act as a compliance and peer-pressure mechanism to ensure major emitters reduce emissions. In this section, we shall briefly review the process that led up to the Paris Agreement, a more in-depth exposition can be found in Brief 1 and Brief 2 in this series. Finally, we shall briefly discuss the upcoming COP26 and world events that will shape its outcome.

Lessons from the UNFCCC 1992-2020

The three biggest takeaways from the developments between 1992 and 2020 and specifically the first implementation period of the Kyoto Protocol (2008-2012) were negotiating and implementing a global commitment system, monitoring and evaluating progress and pooling climate finance. Below is a brief discussion on the three aspects.

A Global Commitment System (The Kyoto 1 2008-2021)

The Protocol required parties to negotiate and work towards reducing GHG emissions, managing and conserving GHG sinks, and using market-based tools to incentivise mitigation. In 1997 during the negotiation, it was agreed that parties would work to reduce emissions of GHGs by at least 5% of 1990 levels in the 2008-2012 commitment period. This target was met. For instance, the EU exceed this target by reducing emissions by at least 11%; however, Kyoto 1 only covered 18% of global emissions. In the second commitment period, parties were required to reduce emissions by at least 25%-40% below 1990 levels by 2020. The 2012 Doha Amendment that paved the way for Kyoto 2 (2013-2020) saw more countries voluntarily pledge to reduce emissions - making the Protocol cover 80% of global emissions. The Protocol's operation shows that countries can work towards a unified goal of emission reduction.

Carbon Sinks

During the Protocol's implementation, the conservation and management of carbon sinks through land use, land-use change and forestry (LULUCF) activities. Emission reductions from LULUCFs are factored in when accounting for emission reduction. However, the question of carbon sink conservation, especially in developing countries like Brazil and many parts of Africa, is sometimes at odds with national development projects. Perhaps developing countries can be incentivised during COP26 and beyond to actively conserve and can be compensated for the opportunity cost of conserving ancient sinks?

Market-Based Tools

The Kyoto Protocol introduced the usage of Market-Based tools in dealing with climate change. The European Union Emissions Trading System (EU ETS) is one of the largest emission markets, allowing countries to trade carbon credits, which ultimately contributes to the region meeting its international commitments. Many countries have now introduced Carbon Taxes on carbon-intensive activities on a national level and consequently introduced national reporting requirements. Market-based tools are vital as they incentivise a greener economy, allow for joint multinational action, and ensure that actors report correctly on emissions. This allows for national and international data collection over and above the UNFCCC requirements, which ultimately will ensure that countries consider their carbon footprints.

Transparency, Monitoring and Evaluation:

The UNFCCC and the Kyoto Protocol contain provisions on reporting by states and expert review so as to measure progress. It is important to note that there is no system of penalties under the UNFCCC regime, but by encouraging transparency, Governments and private actors are incentivised to make progress. The expert review process enables scientists and climate experts to make recommendations to the different Parties and the UNFCCC.

In 2013 at COP 20 in Lima, Countries made progress on transparency and reporting practice through the launching of two portals and conducting the first multilateral assessment:



Finance

In the years following the 1992 UNFCCC commencement, developed countries have steadily contributed to the global Climate finance coffers. This stems from the requirement to assist developing countries in strengthening adaptation and mitigation measures and incentivise investors to focus on climate-friendly initiatives. Below is a brief overview of the different funds set up:

<p>Global Environment Facility (GEF)</p>	<p>The GEF funding allows developing countries to meet the international environmental obligations under various international conventions. GEF served as the operating entity for the financial mechanism under the UNFCCC until 2010, when the GCF was established. Given its experience and technical capacity, it holds the following funds in trust</p>
<p><i>a. Special Climate Change Fund (SCCF)</i></p>	<p><i>a. This 2001 fund supports adaptation and technology transfer and is held by the GEF;</i></p>
<p><i>a. The Least Developed Countries Fund (LDCF)</i></p>	<p>This fund, established in 2001, addresses the special needs of LDCs by working to reduce climate vulnerability in selected sectors, including agriculture and is managed by GEF;</p>
<p><i>a. Capacity-building Initiative for Transparency (CBIT)</i></p>	<p>This is established under the 2015 Paris Agreement and strengthens the institutional and technical capacities of developing countries to meet the Agreement's transparency requirements.</p>
<p><i>i. Green Climate Fund (GCF)</i></p>	<p>This was established under the 2010 Cancun Agreements and serves as the financial mechanism under the UNFCCC. It receives funding from various parties and, currently in its first programming period, has pledges amounting to 9.8 Billion US Dollars.</p>
<p><i>i. Adaptation Fund (AF)</i></p>	<p>The AF was established in 2001 to finance adaptation and resilience projects under the UNFCCC. It is financed by governments, donors and a 2% share of certified emission reductions (CERs) issued for a CDM project activity.</p>
<p><i>i. Climate Investment Funds</i></p>	<p><i>i. In 2008, Japan, the United Kingdom and the USA announced plans to set up a global investment fund supporting emerging economies to shift to low carbon and climate-resilient economies. In May 2008, 40 developed countries agreed to form the CIF, and the World Bank formally approved the CIF in 2008. The CIF consists of the following:</i></p>
<p><i>i. Clean Technology Fund</i></p>	<p>This promotes low carbon energy technologies, including renewable energy, energy efficiency and clean transport. The CTF has a sunset clause so as not to prejudice UNFCCC negotiations in the future. It is part of the CIF;</p>
<p><i>a. Strategic Climate Fund:</i></p>	<p>This is a bigger fund aimed at encouraging resilience initiatives in developing countries. The fund consists of 3 programs (i) Forest Investment Program; (ii) Pilot Program for Climate Resilience; and (iii) Scaling Up Renewable Energy in Low-Income Countries Program.</p>
<p><i>i. Pilot Auction Facility for Methane and Climate Change Mitigation (PAF)</i></p>	<p>This is a bigger fund aimed at encouraging resilience initiatives in developing countries. The fund consists of 3 programs (i) Forest Investment Program; (ii) Pilot Program for Climate Resilience; and (iii) Scaling Up Renewable Energy in Low-Income Countries Program.</p>
<p><i>i. Climate Risk and Early Warning Systems (CREWS)</i></p>	<p><i>i. CREWS was launched at COP21 in 2015 as part of the solutions approach. Under the auspices of the Sendai Framework on Disaster Risk Reduction, developed countries set up CREWS to fund early warning systems in Least Developed Countries and Small Island Developing States.</i></p>

The World Bank holds all the funds above in trust as Financial Intermediary funds with updated information on fund balances and pledges.

In the years between 1992 and 2020, climate finance has increased tremendously. During COP 26, Countries will be required to make additional funding commitments, mostly due to the need to build resilience in light of the increasing GHG concentration and the need to take decisive action faster than initially anticipated.

Global Developments

As the UNFCCC regime evolved, developments on the global scene and the shift in power balance have shaped the discussion on climate changes. This section shall review four of the major developments and their impact on COP26 and the UNFCCC.

Comprehensive Global Mitigation Strategies – Net Zero by 2050



In 2018, the IPCC released the Special report noting the importance of limiting the global temperature increase to below 1.5°C of pre-industrial levels. The 2018 Report, coupled with extreme events such as the February 2021 Texas Deep Freeze, floods, droughts and other extreme events, is pushing countries to take more decisive action. The 2018 report came at an opportune time especially given the emergence of newly industrialised nations, which in 1992 were not considered developed economies. Fast developing economies such as China and Brazil have resulted in these new entrants accounting for a bigger

percentage of global GHG emissions. Additionally, many developing countries, especially in Africa, are undertaking massive industrial projects often backed by funding from the Chinese Government and other international investors. The reality is that GHG emission rose even during the Kyoto 1, as only 37 developed countries were required to reduce emissions; the rest of the world went on with industrial progress powered majorly by fossil fuel hence compounding the Climate Change problem. On this backdrop, the UNFCCC's approach now requires all countries, regardless of development status, to assess their economies and make NDCs, in addition to building adaptation resilience and contributing to the global climate change work.

Covid-19

The Covid-19 pandemic, which commenced in 2019, has slowed down global economic growth. By the end of 2019, many African countries were going through a period of sustained growth characterised by the largescale infrastructural projects, the ramping up of the extractives sector supported by the commodity prices and the development of oil and gas resources in frontier countries. This progress and wider economic growth was slowed by the pandemic, specifically the public health requirement to put countries in lockdown for a few months to flatten the infection curve. In 2021 the world is rebuilding, and this will result in a spike in energy demand in Africa and other parts of the world. At COP26, parties must conclude deliberations on how to ensure access to clean and affordable energy; and advanced economies should identify how to support developing countries to meet energy demand. It is helpful that major financial institutions, including the World Bank Group, the African Development Bank, among others, have committed to no longer funding fossil fuels projects, specifically coal, oil and gas. Additionally, governments, including the United Kingdom and the USA, are now planning to redirect funds away from fossil fuels and towards cleaner energy both in-country and abroad. However, additional global finance should be directed towards actively encouraging renewable energy projects and making them economically viable.

Political Shifts Parties leaving and re-joining the UNFCCC:

Since the inception of the UNFCCC, two major countries left and later re-joined the UNFCCC. During the Kyoto Protocol negotiations, Canada was a key party and even pledged to reduce emissions by 6% of 1990 levels in the 2008-2012 commitment period. However, Canada's emissions increased by 24% during this period, and in 2011, the country withdrew from the Kyoto Protocol effective on December 15 2012. Canada remained a party to the UNFCCC and continued with mitigation and adaptation work on a national level. This issue, however, is the lack of political goodwill to reduce emissions and the weakening of the Kyoto Protocol that resulted from Canada's exit. Canada is now a party to the Paris Agreement and plans on submitting its NDCs by 2021.

The second major party to leave the UNFCCC was the USA under the Presidency of Donald Trump, which withdrew from the Paris Agreement in 2017. The Trump presidency was characterised by the proliferation of oil, gas and coal, including the licensing of oil exploitation in the Arctic region. However, in January 2021, under President Joe Biden's administration, the USA joined the Paris Agreement. The USA is now building back its climate leadership- the March 2021 American Jobs Plan prioritises clean energy, building climate resilience and making the USA a leader in climate science, technology and research. The Biden Administration in March 2021 also announced that it plans to Jumpstart Offshore Wind Energy Projects in response to climate concerns and create jobs in the sector.

Additionally, the USA will host the Leaders Climate Summit, which brings together 40 world leaders, including China and other major emitters, to galvanise efforts to tackle climate change. The Leaders Climate Summit aims to build consensus and act as a key milestone to COP26, where world leaders are expected to take decisive action in response to the climate emergency. These political shifts have illustrated that all parties must cooperate in the global climate response.

Despite the turnaround from Canada and the USA, the damage to the climate response is evident. The fact that the USA is taking on climate leadership greatly increases the chances of decisive progress at COP26 and assisting the world in attaining the 2°C target.

Conclusion

In this Brief, we discussed the Paris Agreement and the legal architecture set up to ensure its implementation. The Paris Agreement, coupled with the increased scientific knowledge that signalled a climate emergency, has been vital in pushing countries, businesses and other non-state actors to take decisive action. The Global political actions, specifically the USA leaving and re-joining the UNFCCC, have negatively and positively impacted the climate response; however, it is now evident that climate response is a responsibility for all governments and stakeholders. Countries including China and other non-Annex 1 parties, who are now major CO₂ emitters, are now cooperative in the climate response and are set to announce their NDCs and show progress towards working to a carbon net-zero economy by 2050. The active role of developing countries in the climate response is recognised in the Paris Agreement, and developed countries are expected to provide technical and financial support to the former. Developed countries are required to lead the transition to clean and affordable energy for their internal use and power development in less developed economies; this is expected to reduce global GHG emissions and stimulate technology development.

The Covid-19 Pandemic has tested global public health systems and shown the vulnerabilities that humanity faces, and highlights the risks posed by climate change, including food insecurity, among other risks. While the Pandemic brought the global economy to a halt, the rebuilding phase that will follow allows for countries to reevaluate development priorities and plan sustainably. COP26 is vital as it offers a chance for the world to integrate climate response in its post-pandemic development plans.

In the next Brief, we will delve into COP26. We will discuss the importance of COP26, the unique approach in responding to the climate emergency and expected outcomes.

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