

# The Nature of Law

Environmental, Social and International Law Practice

December 2011



## Report on Conference of the Parties to the United Nations Framework Convention on Climate Change

Charles Di Leva

The 17th Meeting of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) took place in Durban from 28 November until 11 December. It was also the 7th meeting of the Conference of the Parties serving as the Meeting of the Parties (CMP) of the Kyoto Protocol (KP). It was well understood going to Durban, that the success of these meetings would be critical to the future of the UN climate regime. Failure to agree on a path forward could have meant that negotiations would be at an impasse for the foreseeable future.

The success of the meetings hinged on resolution of three mutually dependent issues. Due to political positions among key negotiating blocs of countries, resolution of any one of the issues could not take place unless the other two issues were also resolved. Specifically, the three issues were 1) agreement on the continuation of the KP, 2) agreement on a long-term cooperative and shared vision to address climate change, and 3) the provision of an eventual \$100 billion in finance to address climate change, both for adaptation and mitigation, specifically in the form of a "Green Climate Fund". The split of the US from the KP eventually led to a dual track negotiation - one under the Kyoto Protocol and its evolution, (the Ad-hoc Working Group on the KP), and the other on Long-term Cooperative Action (Ad-hoc working group on "LCA"). The LCA was launched with participation of the US and a vision to develop a new legal instrument that would include the US and other major emitters in some form of binding agreement, though it was well understood that this agreement would not be positioned to enter into force for at least several years, thus leaving a gap in which there would be no legally binding obligations on any developed country if the KP collapsed. In addition, it was understood that there could be no progress toward addressing needs of developing countries to address both adaptation to climate, and mitigation of climate change causing emissions with substantial new finance - finance that had been promised to developing countries in Copenhagen, 2009. [More](#)

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## Haiti after the Earthquake: Ensuring the Link between Reconstruction and Sustainable Development

Julius Thaler

On January 12, 2010 Haiti was hit by a devastating earthquake which significantly worsened poverty levels and living conditions of the Haitian population and exacerbated the country's development challenges. Widespread loss of life and massive destruction are estimated to have wiped out a decade of development gains. Over 220,000 people were killed and 300,000 wounded. The disaster struck very close to Port au Prince, the capital, where an estimated 65% of GDP and 85% of government revenues were generated. The earthquake's monumental impact also weakened the Haitian administration's already limited capacity as one out of three civil servants died. In addition, a lengthy and protracted presidential and parliamentary election process lasting from November 2010 to May 2011 resulted in an untimely detraction from reconstruction efforts. [More](#)



## Building Up for “Rio+20”: An Overview of the European Union's Position

Sofia de Abreu Ferreira

The United Nations Conference on Sustainable Development (Rio+20), which will be held on June 20-22, 2012 in Rio de Janeiro, Brazil to mark the twentieth anniversary of the Rio Earth Summit, aims to secure renewed political commitment for sustainable development and to address related existing gaps as well as emerging challenges. In order to advance sustainable development, Rio+20 will focus on two major themes: (i) “a green economy in the context of sustainable development and poverty eradication”; and, (ii) “the institutional framework for sustainable development”. This Conference is a follow-up of a series of global environmental summits that include the 1972 United Nations Conference on Human Development (Stockholm), the 1992 United Nations Conference on Environment and Development (UNCED, also known as the “Rio Earth Summit”) and the 2002 World Summit on Sustainable Development (WSSD). [More](#)



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## Addressing Environmental Justice and Asset Recovery: the Minas Gerais' Public Ministry

Beth Anne Hoffman

A delegation from the Public Ministry of the Brazilian State of Minas Gerais participated in the 2011 Law, Justice and Development Week in Washington, DC. The Attorney General of the State of Minas Gerais presented the Public Ministry's experience in combating tax evasion and recovering assets throughout the state in the panel on Innovation in Asset Recovery and International Legal Cooperation. During his address, the Attorney General noted that within a six year period, the Public Ministry was able to recover the equivalent of almost US\$2.0 million in funds with a staff of six prosecutors. [More](#)



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