UNFCCC における公平かつ公正な合意のための
行動と約束を求めて

アジア太平洋地域の各国政府に向けた
Friends of the Earth Asia Pacific からの要請書

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アジア太平洋地域で活動する Friends of the Earth のメンバー団体一同から、新政権の誕生に心よりお祝い申し上げます。私たちは、政権交代直後に、日本の温室効果ガス排出削減目標を大幅に高めたことを歓迎しております。これは、日本が気候変動に対して本格的に取り組むために重要な一歩を踏み出したことを意味すると期待しております。

私たちアジア太平洋地域の Friends of the Earth のメンバー団体は、近年、地域および国レベルで起こる環境破壊が及ぼす影響に焦点をあて、気候変動問題を始め、公平性や公正性に欠ける開発問題、住民移転や生計手段の損失を伴う問題、人権問題等の解決に取り組んできました。この期間、私たちは気候変動に著しく脆弱、また、すでに影響を被っている多くの地域コミュニティや草の根団体との協力関係を築いてきました。さらに、世界最大の草の根環境活動のネットワークである Friends of the Earth インターナショナルのメンバーとして、国連気候変動交渉に焦点をあてて、国際キャンペーンを展開しています。以上の活動を通し、国連気候変動交渉における日本政府の姿勢に関しての見解を持っております。

現在、国連気候変動交渉は極めて重要な段階に入りました。気候変動枠組条約の長期的協力行動のための特別作業部会と、京都議定書の第二約束期間における附属書 I 国の更なる約束を決める特別作業部会の下で進められる二つの交渉トラックの議論は、2009 年 12 月のコペンハーゲン締約国会議で合意される予定です。真に公平で公正な国際気候変動枠組を構築するためには、日本を含めた附属書 I 国の協力が欠かせません。

2007 年のバリ会合以来、私たちは次期枠組交渉の状況に深い懸念を持ち続けてきました。先進国の京都議定書を尊重しない態度と、自らの大幅削減義務および途上国の気候変動対策のための十分かつ確実な支援を約束しようとしない姿勢により、交渉は常に妨げられてきました。気候変動による影響が、太平洋島嶼国やアジアのメガデルタ地域を含む世界中の脆弱なコミュニティや生態系に及ぼす危険性を考慮した日本の交渉姿勢の見直しが求められます。

次の会合は、11 月にバルセロナで開催されます。日本政府は、危険な気候変動を避けるた

めの国際的な責任を認識し、以下にあげる項目に関しての十分な検討を求めます。

１．海外でのオフセットに頼らない、国内における十分な排出削減目標

これからの 5～10 年は、破壊的で取り返しのつかない気候の変化を防ぐために行動できる残されたわずかな時間となります。壊滅的なレベルの地球温暖化を防ぐためには、産業、交通、農業セクターにおける本質的な排出削減が必要です。これは京都議定書 3 条 9 項に定められている法的拘束力のある排出削減の義務の必要性を意味し、日本のような経済的に裕福な先進国の国内削減を優先し、さらに発展途上国の削減を先進国が支援することにより達成されます。

Friends of the Earth インターナショナルは、日本を含む附属書Ⅰ国は 2020 年までに、海外からの炭素クレジットを用いることなく 1990 年比で少なくとも 40%削減[1]すべきであると考えます。さらに、京都議定書は必ず守られなければならず、日本は議定書の下の法的義務を果たさなければなりません。

2．気候変動枠組条約(UNFCCC)の管理下に、十分かつ信頼性のある確実な気候変動資金を供給する新規の機関を設立することへの同意

私たちは、日本政府が提案している「鳩山イニシアティブ」が、途上国の適応策と緩和策を支援するための法的義務を果たす有効な手段となることを期待しています。この義務は政府開発援助(ODA)を通しての既存の拠出義務に追加的なものです。UNFCCC の資金拠出義務は、“共通だが差異ある責任の原則”の下に記されているように、先進国の歴史的排出責任の認識という点において ODA とは基本的に性質が異なります。

UNFCCC の下で、十分かつ確実な資金源、資金の意思決定・運営機関の公平かつ公正なガバナンス、そして効果的かつ環境社会に配慮された実施の確保のために日本が貢献できなければ、途上国へ気候変動対策支援の義務を果たすことができず、日本は国際的な評価を下げかねません。

日本が、ＵＮＦＣＣＣの管理下で、気候変動資金メカニズムのための新規の機関を設立することに合意することと、途上国の気候変動対策のための十分で確実な資金源の調達および公平かつ公正なガバナンスを持つ気候変動メカニズムの構築に貢献するようお願い申し上げます。

3．途上国の森林減少対策のための“権利”や“基金”ベースのメカニズムの構築

森林減少を防止するための国際的な努力において、先住民の権利に関する国連宣言（UNDRIP）等の国際的な法律の履行を目指しており、UNFCCC の下の森林減少対策においても、先住民族や地域コミュニティの利益と権利を尊重しなければなりません。森林減少対策のために設定されるルールやインセンティブ構造は、十分かつ明確に先住民族や地域コミュニティの利益や権利に沿ったものでなければなりません。

化石燃料からの排出量と森林減少を防止したことで排出されなかった量をリンクさせる"オフセット"市場は、最終的に削減に貢献できない可能性があります。裕福な先進国が排出し続けることと、途上国の森林減少対策による一時的な排出削減の間の間違った交換であること、また、途上国のエネルギー効率の改善や再生可能エネルギーへの必要な投資が遠ざけられてしまうということも懸念されます。

日本が、森林減少対策の資金メカニズムに排出量取引を利用することを拒否すること、また、森林減少対策のための国際制度の中で保障される先住民族の権利をＵＮＦＣＣＣの下で保障することに合意するようお願い申し上げます。

[1] 国連気候変動に関する政府間パネル(IPCC)第四次評価報告書は、2020 年までに先進国全体で温室効果ガス排出を 1990 年比 25-40%削減する必要性を示している。

4. 共通だが差異ある責任と能力に基づいた法的構造

“共通だが差異ある責任”の原則は、公平性と公正性の原則の下、国際環境法の中で確立されています。UNFCCC と京都議定書にて具体化されている気候変動対策のための既存の法的構造は、尊重され守られなければなりません。これにより、経済的に裕福な先進国は、法的拘束力を持つ温室効果ガス排出の削減義務と、途上国の低炭素社会の実現、さらに先進国の歴史的排出が引き起こした気候変動影響から人々と生態系を守るための適応対策に貢献する義務を受け入れなければなりません。

日本が、法的義務として排出削減を真っ先に受け入れることと、途上国への十分な支援を保障した上で途上国の削減可能性を定めるための働きかけを行うようお願い申し上げます。

最後に、世界でも温室効果ガスの一人当たりの排出が最も多い国のひとつである日本は、この地球の豊かな生物多様性に対してのみならず、現在および将来世代に対しても、危険な気候変動を防止するための責任を負っています。コペンハーゲンまで残された国際交渉を通し、これまでの日本政府の後ろ向きな姿勢を改め、新生日本として、世界の気温上昇を 1.5 度以下に押さえるための合意に貢献することと、公平かつ公正な気候変動資金へのアクセスと運用を実現するための貢献を期待しております。

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参考資料 - Friends of the Earth Asia Pacific **の主張の背景**

1. Sufficient emissions reduction target, without international offsets

The next 5-10 years present us with a small window of opportunity in which to act to prevent catastrophic and irreversible changes to the Earth's climate. While a temperature increase of no more that two degrees has commonly been deemed the upper limit to avert "dangerous" climate change, the ice melt witnessed in the Arctic in the summer of 2007 serves as a stark warning that climate change is already dangerous, and greenhouse gas concentrations in the atmosphere are already too high. The Arctic's ice cover is retreating more rapidly than estimated by any of the 18 computer models used by the 2007 Intergovernmental Panel on Climate Change (IPCC) assessments, and 30 years ahead of the mean model forecast[2]. Warming trends in a third of the world's large ocean regions are two to four times greater than the previously reported averages in the recent IPCC report.

These impacts are occurring at temperature increases of only 0.74°C.

The fact that such changes are happening at much lower temperatures than predicted highlights the urgency of action and the importance of adopting stabilisation targets at a much lower level. At 450ppm CO2 equivalent, the IPCC's best guess of temperature rise is 2.1°C; likely in the range of 1.4 to 3.1°C. Baer and Mastrandrea[3] predict that at 450ppm CO2 equivalent,, the risk of overshooting 2°C is 46 – 85%. This is an unacceptably high level of risk and the impacts that are currently being observed mean that current concentrations of greenhouse gases are already too high. Hansen et al (2008) show in a recent scientific paper that climate sensitivity (global average temperature caused by a doubling of greenhouse gases over pre-industrial levels) could be as great as 6 degrees. Therefore in the coming decades initial stabilisation of greenhouse gases concentration should be no greater than 350ppm[4]CO2 equivalent.

Fundamentally, emissions from the industrial, transport and agriculture sectors must be reduced substantially to keep the earth from warming to catastrophic levels. This means the adoption of legally binding emissions reduction obligations, primarily fulfilled by domestic action in wealthy industrialised countries, *in addition* to supporting developing countries' actions.

2. Commit to sufficient, reliable, consistent funding for adaptation, technology transfer and mitigation actions under the governance of the UNFCCC

Wealthy Industrialised countries listed as Annex II parties to the United Nations Framework Convention on Climate Change have legal obligations to fund mitigation and adaptation measures in developing countries. This obligation is additional to existing financial responsibilities through overseas development assistance (ODA), as UNFCCC

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2 Stroeve, J., M. M. Holland, W. Meier, T. Scambos, and M. Serreze (2007), Arctic sea ice decline: Faster than forecast, *Geophysical Research Letters*, 34, L09501, doi:10.1029/2007GL029703.

3 Baer, P. and Mastrandrea, M., 2006, High Stakes: Designing emissions pathways to reduce the risk of danderous climate change. Institute for Public Policy Research, London.

4 Hansen, J. Sato, M. et al., 2008 'Target Atmospheric CO2: Where Should Humanity Aim?' http://www.columbia.edu/~jeh1/2008/TargetCO2_20080407.pdf

funding obligations are fundamentally different from ODA in recognition and acceptance of the high historical carbon emissions from these parties as enshrined under the principles of “common but differentiated responsibilities”.

Critiques of the World Bank's Climate Investment Funds are well documented[5]. Annex II country allocation of ODA to the World Bank's Climate Investment Funds does not address the climate debt and does not provide 'new and additional financial resources' as stipulated in the UNFCCC. Given the long experience of lack of funding for adaptation for Least Developed Countries under the World Bank and Global Environment Facility, it is far from certain that the Climate Investment Funds will not support the adaptation or mitigation needs of the most vulnerable communities. Funding the World Bank rather than committing to financial mechanisms under the UNFCCC undermines established international frameworks for the transfer of finance and technology to developing countries.

To ensure accountability, transparency and adequacy of climate-related funding, it must be administered through the internationally recognised mechanisms of the UNFCCC. Annex II countries must pledge its commitment to financing adaptation, technology transfer and mitigation actions of developing countries *before* developing countries' actions are debated. The UNFCCC was agreed in 1992 – over 16 years ago. Wealthy industrialised countries has failedthis obligation to provide adequate financing and technology transfer since the inception of the UNFCCC and must rapidly address this to foster political trust and confidence in the international climate change negotiations. To not do so, fails to realise Annex II financial and technological commitments to developing countries, and erodes their reputation within the wider international community.

3. Rights and fund based mechanism for reducing deforestation in developing countries

The rights of Indigenous Peoples and local communities is enshrined in a number of international declarations including the United Nations Declaration of the Rights of Indigenous Peoples (2008), the ILO Convention No 169 (1989), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic Social and Cultural Rights (1966), the Convention of Biological Diversity (1992), and the Rio Declaration on Environment and Development (1992).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) dictates that collective rights are legally and normatively distinct from individual rights, which is indicative of the rules of social, custodial and kinship obligations of Indigenous Peoples. The UNDRIP also clearly articulates the right to 'free, prior and informed consent' of Indigenous Peoples to actions on their nations or territories. This exact wording of 'free, prior and informed consent' must be included in methodological issues relating to reducing deforestation in developing countries. The UNDRIP also refers to a number of other key rights, including the right to effective redress for actions which dispossess them of their lands (Article 8); the right to conservation and protection of indigenous lands and territories (Article 29) and the right to protect cultural heritage.

5 For detailed critiques see: The Third World Network's No additionality, new conditionality: A critique of the World Bank's Climate Investment Funds (2008), Available online at www.twnside.org.sg

In the spirit of striving for compliance between deforestation mechanisms and these international instruments, any deforestation mechanism under the UNFCCC must be built on and respect the rights and interests of Indigenous Peoples and local communities. However, as experience from the Clean Development Mechanism has shown, such synergies are not guaranteed. Therefore, the rules and incentive structures set up for reducing deforestation must be fully and explicitly in line with the rights and interests of Indigenous Peoples and local communities. Failure to do so risks institutionalising human rights abuses and environmental racism.

Insofar as funding is required for reducing deforestation and other forest protection measures, a fund-based mechanism is the only suitable approach to supporting countries in the design and implementation of the legal, institutional and governance reforms needed to address the underlying causes of deforestation and forest degradation. Furthermore, public funds are generally more easily tracked, managed and regulated than dispersed, highly opaque and complex markets. The inherent unpredictability and potential volatility of market instruments compromises the reliable provision of funds needed.

A market which links emissions from fossil fuels to the purchase of reduced deforestation "offset" credits could ultimately undermine efforts to combat climate change - by creating a false exchange between continued emissions in wealthy industrialised countries and temporary prevention of emissions from deforestation and degradation in developing countries, and by diverting funds from much-needed investment in energy efficiency and renewable energy sources in industrialised countries.

4. Legal architecture based on common but differentiated responsibilities and capacities

The principle of 'common but differentiated responsibility' is an established principle in international environmental law. It is rooted in principles of equity and fairness and the recognition that the special needs of developing countries must be taken into account in international environmental law. It has two key aspects:

1. Common responsibility. This identifies the responsibility of all states to protect a particular shared environmental resource; in the present case, the climate.

2. Differentiated responsibility. This brings in concerns of equity- unequal socio-economic conditions across states; different historical responsibilities for environmental problems; and different technological and financial capabilities to deal with them.

This makes it clear that, whilst there is common responsibility for global environmental problems, developed countries have a particular responsibility due to past actions and present capabilities. The term "respective capabilities" emphasises the need to consider the individual economic social and development conditions across countries and is complimentary to the obligation of developed countries to take the lead in addressing the global environmental problems for which they are largely responsible.

The assertion that the Convention, being written in 1992, is outdated and fails to consider the changed political and economic dynamic of the 21st century, is extremely short-sighted, opportunistic and unhelpful. Such a position wilfully ignores the fact that industrialised countries have benefited from 200 years of fossil fuels exploitation,

and exponentially so in the past 50 years. To continue to engage in the international climate negotiations on a false assumption that a 'deal' between developing and developed countries can be reached through bargaining and horse trading will only produce an inadequate, unjust and inequitable global climate change agreement, if one is produced at all.

The legal architecture of the post 2012 agreement must be founded in international principles of environmental law, and most importantly, common but differentiated responsibilities and capacities. This continues to mean that wealthy industrialised countries must accept legally binding emissions reductions obligations in addition to supporting developing countries to move to a low carbon development path and protect citizens and ecosystems from the inevitable negative effects of climate change as a result of historical emissions.

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