

The Global Climate Change Discourse **The Timeline to the UNFCCC**



Photo:©TRYFONOV – STOCK.ADOBE.COM

1. Introduction

Though it is debatable whether enough has so far been done to stem greenhouse gas emissions accounting for the present global warming, it is apparent that the adoption of the United Nations Framework Convention on Climate Change (“UNFCCC”) in 1992 at the Rio Earth Summit in Brazil set the stage for an unprecedented political response that shifted global attention and focus towards climate change.

While perspectives differ on how to reconcile the different and often competing human needs with the protection of the environment consistent with the notion of sustainable development, there is wide acceptance that climate change is real and the world is working collaboratively towards finding solutions. Egypt recently hosted the 27th Conference of Parties to the UNFCCC in November 2022, where over 90 heads of state and 30,000 delegates from around 190 countries gathered to deliberate further the mitigation and adaptation measures to deal with climate change.

There is so much awareness today about climate change that is a testament to the hard work spanning several generations put in to get to this point. This publication highlights this journey up to the point of adoption of the UNFCCC, the aspirational framework, for curtailing human-induced climate change.

2. What is climate change?

The Intergovernmental Panel on Climate Change, a leading intergovernmental body of the United Nations tasked with advancing scientific knowledge about climate change caused by human activities, defines climate change as a change in the state of the climate identified by changes in the mean or variability of its properties that persists for an extended period of time, typically decades or longer.

A marked rise in the earth’s temperatures over the last century triggered global concern over climate change. While still contestable amongst scientists over when the warming of the earth actually conspicuously began, it is the agreement among scientists that global temperatures have been rising since the industrial revolution but even more rapidly after 1980. The planet has never been hotter, and the warmest years on record have all occurred since 2015.

Consequently, just as droughts are becoming longer

and more extreme around the world, so are tropical storms. Snow in mountain ranges and polar areas is melting faster just as the sea levels are rising, which is threatening coastal communities and estuarine ecosystems.

3. What causes climate change?

Both natural and human activities cause climate change, but according to scientists led by the IPCC, human influence explains the present global warming to the greatest extent.

a) *Human influence*

Since the industrial revolution era, a large concentration of greenhouse gases, namely carbon dioxide, methane, and nitrous oxide, that have grown to record levels constant with the level of economic growth and development have been emitted into the atmosphere. At moderate levels, greenhouse gases are crucial to keeping the planet at a suitable temperature for human life and activities. Without the natural greenhouse effect, the heat emitted by the earth would simply escape into space and the earth would be very cold in fact uninhabitable.

Significant levels of greenhouse gases, as is the case today, make the earth too warm, caused by the absorption of sunlight and solar radiation bouncing off the earth’s surface. Normally this radiation would escape into space, but because of the greenhouse gases that can endure for years in the atmosphere, it traps the heat and causes the planet to get hotter.

Activities such as agriculture, road construction, and deforestation also change the reflectivity of the earth’s surface, leading to local warming or cooling. More populated and busier places are warmer because buildings, pavements, and roofs tend to reflect less sunlight than natural surfaces.

b) *Natural activities*

Though natural activities can also influence the earth’s climate, they have little to do with the present global warming.

Changes in the sun’s energy output affect the intensity of the sunlight that reaches the earth’s surface, but these solar variations have played little role in the climate change observed in recent decades.

Volcanic eruptions released large quantities of carbon dioxide in the distant past as well as small particles in the atmosphere but their impact on climate change is of shorter-term span compared to human activity induced greenhouse gas emissions.

4. Time to act

It was time to act following several works of scientists that pieced together a record of unparalleled warming of the earth.

In 1979, the World Meteorological Organization (“WMO”) organized the first World Climate Conference in Geneva, Switzerland. Mainly attended by scientists from various disciplines, following a review of climate data, integrated impact studies, and research on climate variability and change at this conference, it was concluded that climate change was an urgent world problem.

To embark on proactively mobilizing all the relevant stakeholders to get involved in remedial activism to combat climate change, the first World Climate Conference established the World Climate Programme (“WCP”), which was steered by the World Meteorological Organization (“WMO”), the United Nations Environmental Programme (“UNEP”), and the International Council of Scientific Unions (“ICSU”).

Amongst other considerations, the WCP placed particular focus on research on the role of increasing atmospheric greenhouse gases in causing global warming. In follow up to this, the Villach conference was organised in October 1985 in Austria for an international assessment of the role of greenhouse gases in climate variations and associated impact.

The 10th WMO conference in Geneva in 1987 reiterated the recommendation at the 1985 Villach conference for the need for the WMO to provide periodic information on the state of knowledge of human-induced climate change under the overall guidance of governments rather than solely scientists that served in their own personal capacity.

The IPCC was consequently formed in 1988 by the United Nations Environment Programme (UNEP) and WMO to provide the world with a clear scientific view on the current state of knowledge about climate change and its potential environmental and socio-economic impacts. Despite its criticism, the IPCC has been widely

accepted as the authoritative source of information on the science and impact of climate change.

The second World Climate Conference was held in 1990, again in Geneva. The declaration from this conference was a call for international partnership and action on climate change and marked an important step towards a global climate treaty.

5. The UNFCCC

On the basis of the scientific evidence in the first assessment report of the IPCC and the guidance of the second World Climate Conference, the Intergovernmental Negotiating Committee (“INC”) for a framework convention on climate change was established in 1990 at the 45th session of the United Nations General Assembly with the specific mandate of negotiating a convention containing appropriate measures for combating climate change.

The INC met six (6) times between February 1991 and May 1992 and adopted the UNFCCC that was opened for signature on May 9th, 1992, at the Rio Earth Summit in Brazil. Though opinion was split at the time as to whether this convention went deep enough to address the crux of the problem, by and large, the adoption of this convention was a monumental step. It must be recalled that the negotiations were complex, involving over 140 states, each with varied interests and ideologies. The UNFCCC provided an effective framework against which future international environmental interventions have been based.

6. Conclusion

Though some climate change deniers dispute the scientific consensus on human-caused climate change, there is near-universal acceptance that climate change is real. There is however a wide gulf in perspectives on how to go about addressing climate change because of the complex underlying science, moral, political and economic considerations. A centrist view however is that both mitigation and adaptation measures should concurrently be explored. While emissions of greenhouse gases ought to be reduced and stabilized, we also need to cope to deal with, manage and minimize the impact of the climate change we are living with.

Cristal Advocates accepts no responsibility for any loss occasioned to any person acting or refraining from acting as a result of material contained in this publication. Further advice should be taken before relying on the contents of this publication.

Contacts for this Publication



Denis Yakoyasi Kakembo

dkakembo@crystaladvocates.com
+256 751 834 168

Denis is the Managing Partner at Cristal Advocates where he also leads the energy and tax practice. He is qualified both as a Lawyer and Chartered Accountant with vast experience serving various industries in Sub Saharan Africa. Before joining Cristal Advocates, he had worked for close to 10 years with Deloitte and Touche where he started his career and rose to senior managerial positions.

At Deloitte, he lived and worked in Uganda, Kenya, Tanzania and the United Kingdom for over 6 years and subsequently became the firm's chief of staff for the Energy and Resources Industry Group seeing him play a lead advisory role in Uganda, Kenya, Tanzania, Mozambique, South Sudan, Somalia and Ethiopia.

Denis is widely published and a regular commentator in the local, regional and international media and speaker at various forums regarding the taxation and financing of energy projects as well as the protection of large capital projects within the framework of international investment law.

He holds a Master of Laws degree in Petroleum Taxation and Finance from the University of Dundee in the United Kingdom, a Post Graduate Diploma in Legal Practice and a Bachelor of Laws degree from Makerere University. ■



Bill Page

bpape@crystaladvocates.com

Bill is a Senior Advisor with Cristal Advocates. He has concentrated on working with energy companies with a particular focus on cross border transactions and M&A since 1989 and is a leading global energy and tax practitioner with wide international experience. Between 1986 and 1998, he worked in London with the UK tax authorities and Big Four accounting firms. From 1998 to 2004, he was based in Kazakhstan working across the Caspian region with Deloitte. He was in the region at the time it was developing its infrastructure for crude oil production with international investment following the collapse of the Soviet Union.

From 2004 to 2008, he worked in Russia where he led Deloitte's oil and gas industry group and established Deloitte's office in Sakhalin. He moved to East Africa in 2009 leading Deloitte's energy and resources industry group in Uganda, Kenya, Tanzania, Rwanda, Ethiopia and Mozambique. He was initially based in Kampala, Uganda later relocating to Dar es Salaam, Tanzania. Bill returned to the UK in 2014 supporting Deloitte UK teams working on outbound projects investing in Africa and was a key member of Deloitte UK's energy and resource practice until his retirement from the firm in September, 2018.

Bill is a graduate of Oxford University and completed his inspectors' training with the UK Inland Revenue in 1989. ■



John Teira

jteira@crystaladvocates.com
+256 704 493 997

John leads the public policy and advocacy practice at the firm and combines unique public and private sector experience.

Prior to joining Cristal Advocates, he had worked as a Private Secretary to the President of the Republic of Uganda. During this time, he participated in several public and private sector engagements that included advising and coordinating activities relating to oil and gas as well as infrastructural projects of national significance. John had earlier worked with the Post Bank Uganda Limited and Shonubi Musoke and Co. Advocates.

He holds a Bachelor of Laws degree from Makerere University and a Post Graduate Diploma in Legal Practice from the Law Development Centre and various other qualifications. ■



Dickens Asiimwe Katta

dasiimwe@crystaladvocates.com
+256 772 370 021

Dickens leads the oil and gas practice at Cristal Advocates. He has an in depth appreciation of Uganda's oil and gas sector having served as the maiden Company Secretary of the Uganda National Oil Company (UNOC) and the Uganda Refinery Holding Company Limited (URHC). UNOC represents the Government of Uganda commercial interests in the oil and gas sector while URHC represents government interests in the refinery project as well as managing the petrol based industrial park.

Dickens was instrumental in UNOC's formation and initial period of operation and also served as its head of Contracts, Negotiations and Advisory until May 2018. Prior to joining UNOC, Dickens was Legal Counsel at the Petroleum Directorate of the Ministry of Energy playing key legal advisory roles on the negotiation and implementation of PSAs, Joint venture and other oil and gas agreements. He was also part of the team that shepherded the process of enacting the current Ugandan oil and gas Legislations and Regulations including the local content requirements.

He is a certified project control specialist (IFP) and holds a Master of Laws Degree in Petroleum Law and Policy from the University of Dundee in the United Kingdom, a Post Graduate Diploma in Legal Practice and a Bachelor of Laws degree from Makerere University. ■



Francis Tumwesige Ateenyi

ftumwesige@crystaladvocates.com
+256 702 540 936

Francis leads the litigation and dispute resolution practice at the firm. He is an Advocate of the High Court of Uganda with expertise in oil and gas, infrastructure and dispute resolution. He has been part of teams advising on projects in Uganda, Tanzania, Mozambique and South Africa. He specializes in regulatory compliance, national content, health and safety and dispute resolution.

He joined Cristal Advocates from Kizza, Tumwesige, and Ssemambo Advocates. He previously worked with the Advocates Coalition for Development and Environment (ACODE). He also undertook a traineeship with the oil and gas division of Webber Wetzel in Johannesburg, South Africa.

He holds a Master of Laws degree in Petroleum Law and Policy from the University of Dundee in the United Kingdom and various other qualifications. ■



- Energy & Infrastructure
- Business support
- Employment
- Banking & Finance
- School of Professional Excellence
- Tax
- Company Secretarial & Trustee Services
- Public Law & Policy Advocacy
- Dispute Resolution
- Corporate and Commercial

Contact us

Cristal Advocates
32 Lumumba Avenue
4th Floor, Padre Pio House
Lumumba Avenue

P.O. Box 1769 Kampala, Uganda
Tel: +256 (414) 671 274
Email; admin@cristaladvocates.com
www.cristaladvocates.com