

IWB at the ENS conference 'None of Europe's Children should be Stateless'

On the 2nd and 3rd June, IWB was in Budapest to attend a conference organized by the European Network on Statelessness (ENS). The conference represented an important step of the campaign 'None of Europe's Children should be Stateless'. 100 participants from over 30 countries got together with the goal of ending childhood statelessness in Europe. (more about the campaign here:

<http://www.statelessness.eu/communications/campaigns/none-europes-children-should-be-stateless>).

Lawyers, academics, government officials, journalists, NGOs, UN representatives as well as representatives from other agencies engaged in a passionate and fruitful debate on the subject. Each panel and each individual speaker gave us a different angle from which to analyse the complex and challenging issue of childhood statelessness, with one common assumption: having a nationality is a fundamental right of every child.

No child chooses to be stateless. Children always have a connection with at least one country, the one where they were born and grew up, and the one where their parents are from. Each country has its own rules to confer nationality, but as long as European states will not ensure the right to acquire citizenship to every child born in Europe or to European parents there will continue to be stateless children in Europe. Lacking a nationality has many consequences on the lives of children, like limited or no access to basic rights like education, housing or health care, as well as vulnerability to poverty, detention or exploitation.

It was pointed out during the conference that preventing children from becoming stateless is not an impossible goal to achieve. This could be done by introducing safeguards in nationality laws, granting the nationality of a certain country to all children born there and that would otherwise be stateless. Unfortunately, little attention has been given to the subject

until now, and it is necessary to raise the political will to properly address the issue in Europe. MEP Jean Lambert claimed that the moment has come to push the agenda forward – and I felt this purpose has strongly and positively lead the whole event.

There were two things I particularly appreciated about this conference, other than learning more about stateless children and the many sides to this issue. Firstly, the attention dedicated to concrete actions, and the possible next steps to take in order to tackle the many issues raised during various discussions. Each panel did not just present a problem, but encouraged an active debate on how to find answers and durable solutions. Secondly, being surrounded by experts whose intention was not to keep the discussion behind closed doors, but also to bring it outside of the room and into practice. Many speakers have indeed plead the importance of engaging the public, mobilising young people and minors themselves, as well as creating the political space to raise awareness and address childhood statelessness in more effective ways.

The analysis of countries' case studies proved that together with good practices – that need more solid and wide implementation, many challenges to end childhood statelessness in Europe lie ahead. The participation and the commitment so many people have shown for this 2-days conference is the proof that there is a strong will to face these challenges together.

You can read the conference Action Statement here:

<http://www.statelessness.eu/news-events/news/conference-action-statement-none-europes-children-should-be-stateless>

Check out some photos from the conference here:

<http://allanleas.wix.com/ens-budapest-2015>

Global Warming and Climate Change – The International Approach

Abstract:

This article shows the efforts and the results of the international community for mitigation and adaptation to climate change but it also emphasizes that international cooperation must improve.

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1. Introduction

Due to the scientists' pessimistic outcomes, the international community decided to take a stand and keep global warming below 2°C (compared to the temperature in pre-industrial times = no more than 1.2°C above today's level). But this was not a decision taken without any efforts, on the contrary, for a long period of time, many of the international "players" have denied the phenomenon, its effects and have struggled against taking any actions. This was the moment when the European Union (the main character analysed in my paper) faced the reality and turn itself into a driving force in fighting Global warming and Climate change (GW & CC), by negotiating at international level, developing the UN Framework Convention on Climate Change and the Kyoto Protocol, and making the world aware of the gravity of these issues.

2. History of the International Approach – until the United Nations Framework Convention on Climate Change (UNFCCC)

For a long period of time, there had been a big gap between the scientific reality, public opinion and political decisions, not only at national level, but especially at international scale. It takes time at least to uniform the opinions, if not harmonize the decisions for choosing a single path to go on. But, as history had clearly shown, the best driving force in reaching (if not also implementing) an international agreement is almost never a positive one, but a common danger – hardly to admit, especially by huge egos.

Not all the environmental changes come only with disadvantages, at least in a short term perspective. It is easy to acknowledge that big financial powers have the instruments to “harvest” for their benefit the results of warmer climate in some parts of the world. For example, anyone could ignore the big picture and focus only in enjoying the fact that on his territory, where decades ago no plants could grow because of the cold climate, now, the agriculture is blossoming. More than this, a big power may use all its strength in order to control also the resources remained in the hands of the weak ones. But no one, no matter the hierarchies, should act so irresponsible, without regard for the future generations. History means that I learn about someone’s past and the next generation will learn about my present. Therefore, a basic conclusion arises: There has to be a next generation, in order for someone to learn about my present. But I wonder how aware are the big powers about this simple logical issue? No matter how selfish one can be, at one point, the idea of destroying the only opportunity – which is this planet – of making the history that someone could one day read, strikes the man, and pushes him act with precautions.

This is how, on 16 June 1972, the first UN conference regarding environmental issues took place at Stockholm and 113 countries adopted the Declaration of the United Nations Conference on the Human Environment. The outcome of this conference was a statement in itself. A set of principles were established, through which the UN admitted the common need for actions in preserving a clean environment and adopted a complex approach on this issue, having as starting point the legal liability with regard to the environmental damages. The core of this decision was the idea that economical and social development must take place only within the environmental protection frame. 1 (Radulescu,

Catalina – *The Open Society Reports. Policies and Environmental Rights. Soros Foundation*, Ed.Dobrogea, Contanta, 2011, www.soros.ro, p.22-23) This conference had a worldwide impact also at a institutional level: not only that the countries agreed to promote nationally the outcome of this decision, but, the UN created UNEP, a body in charge with implementing the international principles regarding the environmental protection.

As the time went by and the nations were more and more aware of the damages created by humanity to this planet, more international agreements were issued with the purpose to set frames for protection, such as the Vienna Convention for Protection of the Ozone Layer (1985) and the Montreal Protocol on substances that Deplete the Ozone Layer (1987), amended and adjusted in 1990

At the UN Conference on Environment and Development in 1989, the General Assembly issued several resolutions with concerned the following aspects:

- the protection of global climate for present and future generations of mankind
- the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas
- the implementation of the Plan of Action to Combat Desertification.

Through one of the resolutions (44/228), the members emphasized the necessity for a global reunion on environment and development, reunion known as The Earth Summit, which took place in Rio de Janeiro in 1992 – event considered the strongest promoter of the international environmental law. The outcome of this Summit was the United Nations Framework Convention on Climate Change (UNFCCC), adopted with the purpose of achieving *“the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.”* 2 (**United Nations Framework Convention on Climate Change. 1992** <http://unfccc.int/resource/docs/convkp/conveng.pdf>, Art.2)

Through this Convention, as provided by Art.7, was established the Conference of the Parties (COP), with the scope of observing the implementation of the agreed provisions of the UNFCCC to promote them (at the national and, as appropriate, sub regional and regional levels, and in accordance with national laws and regulations, and within their respective capacities), but also to issue any other necessary instrument for achieving this purpose. The COP had as mission also to mobilize financial resources and to cooperate with competent international organizations and intergovernmental and non-governmental bodies, in order to achieve its goals. Interesting enough, the UNFCCC drew a line between the input expected from the parties, *taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention.* (Art.7.2b)) On top of this, as a purpose in itself, the Convention provided the following: *The developed country Parties [...] shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations [...]. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures [...]*

All the provisions looked astonishing on paper and taking into consideration the magnitude of the event and the parties involved, this Conference gave huge hopes to the entire world. We were finally one body and mind, aiming and fighting shoulder to shoulder, rich and poor, for the same goal.

But, as history had shown us on too many occasions, there is a huge gap between words and facts, between making a decision and its implementation, and that when it comes to financial costs, our so famous United Nations splits in a second.

3.The Kyoto Protocol – a Starting Point of a Worldwide Long-Lasting Debate: the Conference of the Parties (COP)

In 1997, the third Conference of the Parties (COP 3) took place in Kyoto, Japan. The main purpose of this round of meetings was cutting off the

emissions of greenhouse gas. The IPCC Report-1990 showed there was a need of 60% reduction. While the EU agreed on a 15% reduction, the US proposed not to cut at all, but just to stabilize them. A disappointing consensus was reached: a reduction of 5.2% for the period between 2008-2012.

In 1998, The Buenos Aires Conference took place, followed in 2000 by the Hague Climate Conference, where US demanded a special treatment, wishing to be excluded as subject of the provisions regarding the carbon sinks and the nuclear energy. The EU opposed this demand, and a collapse was imminent. The World split into two groups: on one side there were US, Japan, Russia, Canada, Australia, New Zealand and, on the other side, the EU and the developing countries.

Later on, in 2001, US, the World's biggest polluter (20-25% of the total emissions), opposed to the Kyoto Protocol, on the grounds that China and India were not subjects to the agreement. It is important to mention that Global Climate Coalition came alive, and, on the contrary of what might seem, it was formed by a group of large business. They forced a huge propaganda and lobby, determining US not to sign the protocol. It is true that over time, important companies from this group realized how this move had affected their image, therefore, they turned the page and shifted it towards the opposite direction (at least at the surface), creating another group – the Business Environmental Leadership Council.

In 2001, a restless year regarding the Big Powers' policy on climate change, included an agreement reached in Bonn and the Marrakesh Climate Conference (US being absent at this last one), both with too low echoes.

In 2002 took place the New Delhi Climate Conference (COP 8). by that time, Japan, Brazil, China and India had ratified the protocol. But disputes between developed and developing countries arose on how much input each developing country should bring to reaching the targets (a little bit contrary to the UNFCCC provisions).

The Buenos Aires COP 10, 2004 had as main point on its agenda the entry into force of the Kyoto Protocol. This happened at the beginning of the next year

(February 16, 2005) with the support of more than 30 industrialised countries which had chose to be bound by its provisions. But what is the Kyoto Protocol – a legal instrument for cutting off the emissions of greenhouse gas – without the World’s main polluter – the US?!

At the Bali COP 13, in 2007, the parties reached an agreement (the “Bali Roadmap”) with regard to creating an Adaption Fund, which led once more to disputes between the two big groups (the rich and the poor), the developed countries demanded from the others similar contributions to their own, if not almost equal. The discussions regarding a post-Kyoto international agreement taking effect in 2013 were divided to be covered during three COPs: in 2007, 2008 and 2009.

The next year, at Poznan, the Adaption Fund for the developing countries was created and was allocated the disappointing amount of \$60 millions. At the same time, a parallel EU Summit took place in Brussels and the Member States decided to cut off the greenhouse emissions to a 20% by 2020. 3 (***The EU Explained. Climate Action***

http://europa.eu/pol/pdf/flipbook/en/climate_action_en.pdf, p.10)

The outcome of the Copenhagen COP 15 (Denmark, 2009), not far from the previous ones, may be drawn up in a single phrase: the developing countries demanded from the main polluters to cut off emissions, while the latter resist to significant efforts as well as written and signed commitments.

The press release from COP 16 (Cancun, 2010) pointed out the raise at \$30 billions in funds, the increase of technology cooperation and the design of a Green Climate Fund (operating entity provided to support projects, programmes, policies and other activities in developing countries related to mitigation. 4 (***Climate Change. Key terms in 23 Languages*** – EU Council – 2011 http://ec.europa.eu/clima/publications/docs/terms_en.pdf)). The formal structure of this latter fund was included in the “Durban Platform” – a continuation of the Kyoto protocol, created at the COP 17 (Durban, 2011).

Another opportunity to reach the same old conclusion, according to which reaching a common agreement of the Parties is neighbour to utopia, was

provided by the Doha COP 18 (Qatar, 2012).

The purpose of the COP 19 (Warsaw, 2013) was to create a loss and damage pillar, as a normal consequence of the other two previous pillars which COP focused upon by then – mitigation (emissions reduction) and adaptation. At least this decision seemed a realistic one. When wasting so much time on fighting amongst each other, instead of fighting global warming, when failing to agree upon a proper adaptation, the most reasonable step to take is to calculate the costs of the expected effects and be prepared to bare them. But, unfortunately, not all costs may be covered financially.

The most surprising and welcome outcome of the most recent COP (Lima, 2014) is “The Lima Ministerial Declaration on Education and Awareness-raising”, which calls on governments to put climate change into school curricula and climate awareness into national development plans. 5

(<http://newsroom.unfccc.int/lima/lima-call-for-climate-action-puts-world-on-track-to-paris-2015/>)

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