



# Compliance-Management im Klima-Regime (German Edition)

*Daniel Pentzlin*

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Studienarbeit aus dem Jahr 2003 im Fachbereich Politik - Internationale Politik - Klima- und Umweltpolitik, Note: 1,3, Freie Universität Berlin (Otto-Suhr-Institut für Politikwissenschaft), Veranstaltung: Proseminar: Weltumweltpolitik, Sprache: Deutsch, Abstract: Nach jahrelangem Tauziehen ist das Kyoto-Protokoll in Kraft. Rechts- und Politikwissenschaftler sowie Nichtregierungsorganisationen bezeichnen dessen System der Rechtsdurchsetzung als das bislang weitestgehende und innovativste im Umweltvölkerrecht.

Die Arbeit analysiert die politischen und juristischen Innovationen des Kyoto-Protokolls zur Vorbeugung gegen Verstöße. Aus einer regime-theoretischen Betrachtung der Klima-Abkommen wird die Notwendigkeit neuer, kooperativer Methoden der Rechtsdurchsetzung theoretisch begründet und deren Umsetzung im Kyoto-Protokoll untersucht. Traditionelle repressive Methoden und Streitschlichtungsmechanismen sind für das Klima-Regime nicht geeignet. Ursachen für einen Verstoß gegen das Kyoto-Protokoll werden nicht machiavellianischer Unwille, sondern Unwissen, fehlendes Know-how und fehlende finanzielle Ressourcen sein. Eine effektive Problemlösung funktioniert daher nur durch Konsultations-, Analyse- und Überzeugungsprozesse mittels eines aktiven Vertragsmanagements. Es bedarf einer formalisierten und institutionalisierten Kontrolle der Staaten bei der Erfüllung ihrer Vertragspflichten und der Unterstützung bedürftiger Staaten.

Durch das Fehlen einer technischen Lösung zur Substitution klimaschädlicher Energieproduktion unterscheidet sich das Klima-Regime vom Ozon-Regime, dessen Erfolg in erster Linie auf Positionsänderungen ökonomischer Akteure zurückzuführen ist. Aus konstruktivistischer Sicht besteht aber durchaus die Möglichkeit, dass das Institutionengefüge und die starken Mechanismen des Kyoto-Protokolls ihrerseits neue Ideen und Akteursinteressen entstehen lassen und so eine Eigendynamik im Klima-Regime entsteht.

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