

REVIEW ESSAY

The 2015 Paris Climate Agreement: outcomes and their impacts on small island states.

Darren Hoad

Bath Spa University, U.K.

d.hoad@bathspa.ac.uk

ABSTRACT: This update reflects upon the outcomes of the UNFCCC (United Nations Framework Convention on Climate Change) negotiations held in Paris in December 2015 (COP21). As the dust settles, this update explores the temperature targets, loss and damage, climate justice and what the agreement might mean for small island states.

Keywords: climate finance, climate justice, COP21, global temperature, loss and damage, small island developing states (SIDS)

© 2016 – Institute of Island Studies, University of Prince Edward Island, Canada

Introduction

In the November 2015 issue of *Island Studies Journal*, I wrote about the hopes, expectations and background to the UNFCCC (United Nations Framework Convention on Climate Change) negotiations to be held in Paris in December 2015 (COP21). In summary, I suggested that the negotiations marked a last chance, perhaps a make or break moment, for many small island states vulnerable to the effects of climate change (Hoad, 2015). This update reflects upon the outcomes of the Paris negotiations and, as the dust settles, explores the temperature targets, loss and damage, climate justice and what the agreement might mean for small island states.

The outcomes of the so-called Paris Agreement (COP21) have been described in various political quarters as ‘historic’, a ‘landmark’, a ‘turning point’ and ‘pivotal’. At a meeting of the Pacific Island Development Forum (PIDF) in February 2016, Prime Minister Sopoaga of Tuvalu suggested it was a *sipikana* (beautiful) Agreement and that it would save Tuvalu and the world (PIDF.org, 2016). However, for a range of NGOs and environmental groups, it has been described as ‘too weak’, a ‘mixed bag’, ‘clearly not strong enough’ and a ‘huge disappointment’ (Guardian, 2015).

When the ceremonial gavel fell on the agreement on December 12, 2015, it was in sharp contrast to the failure and rancour of COP15 in Copenhagen back in 2009. Considering where international climate negotiations were, it is hardly surprising that *any* agreement might be thought of as an achievement. To a degree, this relief coloured much of the post-agreement analysis. As one commentator noted “The relief and self-congratulation with which the final text was greeted, acknowledges the failure at Copenhagen six years ago” (Monbiot, 2015).

The Paris Agreement: key principles

Relief aside, the Paris agreement was notable for creating a unanimous, legally binding accord in some key areas of climate change. In spite of the complexity and difficulties of international negotiation and the differing needs and aspirations of developed, developing countries and

vulnerable communities, the agreement and its outcomes was considered a significant achievement.

The negotiations produced a settlement on limiting temperature increases, regular carbon stocktaking, mechanisms for monitoring and the periodic review of emissions reduction pledges. Significantly for vulnerable communities, including many Small Island Developing States (SIDS), the agreement also sets finance baselines for reinvigorated global climate funding institutions (fundamental to the support of adaptation and mitigation plans), and a mechanism for dealing with loss and damage related to climate change. An updating of the clean development mechanism offers an opportunity to mobilize additional resources for the implementation of projects in SIDS that will help mitigate climate change impacts and at the same time advance sustainable development. The agreement also reiterates the importance of guiding principles such as *climate justice*, *vulnerable communities* and *equality*, as well as respecting the specific needs of developing countries and their limited, historical contribution to the climate problem (*differentiated responsibilities*).

SIDS are referenced three times in the agreement. The first (Art. 9) recognizes their need to access adaptation and mitigation funding as expediently as possible through simplified and efficient application and approval procedures; the second (Art. 13) relates to transparency and the development of a facilitative, non-intrusive, non-punitive, respectful process; whilst the third (Art. 15) mentions small island states in the facilitation and implementation committee process (UNFCC.int, 2015).

2°C: too little ... too late?

It has become clear that climate change, increasing temperatures and the future of many SIDS are inextricably linked. A commitment to limiting global temperature increase is one of the defining features of the Paris agreement. In the final text, it was agreed that through nationally determined reductions of emissions, global temperature increase would be limited to well below 2°C above preindustrial levels, whilst pursuing efforts to limit the increase to 1.5°C.

In an agreement framed in preliminary discussions by talk of ambitious aims one might ask if this is ambitious enough. The 2°C target aside, it is clear from the agreement that moves to a non-fossil fuel future will be a slow process and unlikely to derail the current, short and medium term climate trajectories. The agreement aims at a post 2050 net-zero emissions target based upon emissions reduction, the development of carbon capture mechanisms and expansion of the capacity of carbon sinks; however, any actual diminution of climate change impacts appears to be a distant prospect. As estimates suggest, the planet is on target for at least a 2.7°C increase, the commitments enshrined in the agreement appear to fall short of the declared targets and higher ambitions. As national efforts to reduce emissions unfold, it remains to be seen if the periodic review mechanism and a subsequent ratcheting up of commitments will have the desired effect and save small island communities from predicted escalating impacts.

There is significant doubt about the efficacy of the targets that have been set. Based on previous demands, island states might see the agreement as a clear failure of ambition. Back in November 2015, the Alliance of Small Island States (AOSIS) had called for nothing less than a ceiling of 1.5°C temperature increase, suggesting that anything other than this target was insufficient (AOSIS, 2015). Similarly, in the Suva Declaration, the Pacific Island Development Forum suggested that efforts to stabilize global temperature increase below

1.5°C through INDCs (individual countries' emission reduction pledges) submitted prior to the negotiations in Paris, were 'grossly inadequate' (PIDF, 2015). They remain so. According to some commentators, an agreement restricting temperature increase to 2°C is too little too late, an inefficient way of measuring climate impacts; while any 1.5°C aspiration is a distant ambition far beyond our reach (Victor & Kemmel, 2014; Geden, 2015).

Moreover, despite the range of carbon reduction pledges, aggregate reductions continue to add up to more than the global carbon budget allows for. This was clear before the Paris negotiations took place (Boyd, Cranston-Turner & Ward, 2015). Such an awkward reality is acknowledged in the agreement which,

... notes with concern that the estimated aggregate greenhouse gas emission levels in 2025 and 2030 resulting from the intended nationally determined contributions do not fall within least-cost 2°C scenarios (UNFCCC.int, 2015).

On the 2°C scenario, Monbiot (2015) cynically suggests,

... a combination of acidifying seas, coral death and Arctic melting means that the entire marine food chains could collapse. On land, rainforests may retreat, rivers fail and deserts spread ... This is what success, as defined by the cheering delegates, will look like.

Finance, funding and access

One of the most promising outcomes of the negotiations was the agreement to establish a finance mechanism to alleviate climate change impacts. In essence, financial aspects of the agreement are dealt with in two parts. First, the Paris Agreement sets out plans for a global climate fund for adaptation and mitigation. It states,

... the Paris Agreement shall set a new collective quantified goal from a floor of USD 100 billion per year, taking into account the needs and priorities of developing countries (UNFCCC.int, 2015).

A cornerstone of the agreement, this objective underscores many of the unfinanced emissions reduction pledges and plans made by SIDS prior to the negotiations. As noted in the agreement,

The least developed countries and small island developing states may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances (UNFCCC.int, 2015).

The ability of SIDS to adapt to climate change, fulfill their commitments and build technical capacity was predicated upon easier and simplified access to international funding. It is hoped that this clause will pave the way for many small island developing states to plan and initiate their mitigation and adaptation strategies. Given the exponential impacts of slow onset events, temperature increase and sea level rises (and its impact on territory, biodiversity and community), a comprehensive commitment to funding for adaptation and remediation is the

achievement of a fundamental objective for vulnerable small island states. Through global funding bodies such as the Green Climate Fund and the Global Environment Facility, small island developing states will hopefully find themselves able to engage with environmental management mechanisms such as early warning systems, risk assessment, projects in capacity building and the remodeling of infrastructure.

However, though the funding resource and the ability to access it might be considered a victory for SIDS, there is still a lack of clarity regarding the form the funds will take. The Suva Declaration (2015) had already expressed concerns that adaptation funding might be provided as reimbursable grants or loans rather than simple grants. The fear for many is the extent to which dependency on international funding would increase the burden of international debt or lead to the diversion of funds from other vital community / government projects (PIDF, 2015). This issue remains to be clarified and the worry is that it may become more complicated by the emergence of private sector involvement and the demands of returns on investment being incorporated within any loan mechanisms and subsequent funding calculations.

Loss, damage and climate justice

The second part of the finance package is the inclusion of an article relating to environmental loss and damage caused by climate change and its impacts. This issue addresses a concern pursued by vulnerable communities for some time. Article 8 of the agreement refers to,

... the importance of averting, minimizing and addressing loss and damage... Parties should enhance understanding, action and support, including through the Warsaw International Mechanism, as appropriate, on a cooperative and facilitative basis with respect to loss and damage associated with the adverse effects of climate change” (UNFCCC.org, 2015).

However, the inclusion of this statement and the enhanced prominence of the Warsaw International Mechanism for loss and damage come with a caveat. The agreement states quite firmly in the preamble that pursuing claims for loss and damage “... does not involve or provide a basis for any liability or compensation” (UNFCCC.org, 2015). Clearly, this is intended to close the door on the ability of climate victims such as SIDS to pursue claims against those nations that have been the biggest emitters and who are responsible for many of the climate related challenges that they face today. The issue of responsibility has dogged previous climate negotiations but it was clear from the outset that developed countries would not sanction any agreement that would open up the issue of compensation or reparation and perhaps underscores their enthusiasm to a US\$100 billion trade off.

In general, developing countries and small island developing states, both at the sharp end of emissions repercussions, appear to have accepted that the issue of responsibility was addressed through the commitment to funding and the inclusion of concepts such as ‘differentiated responsibilities’ running through the agreement. Vulnerable communities such as these living in small island states are in many ways victims of climate change often associated with the industrial development of wealthier, developed nations. The loss and damage mechanisms covering issues such as the slow onset impacts and extreme weather events, may be no more than post-hoc, partial solutions applied to the loss of tangible assets: it remains to be seen if this mechanism is able to provide solutions to the loss of non-tangible

assets such as statehood, ecosystems and livelihoods. Furthermore, the Warsaw International Mechanism will not start before 2020 and thus creates a vacuum in the meantime.

Though climate justice is mentioned throughout the agreement, there appears to have been little attempt to deal with the legal repercussions of the loss of non-economic assets and some form of justice for such losses. Though it might be suggested that liability and compensation have pejorative, rather retrogressive connotations, they are inextricably linked to justice. That being said, the failure to address the liability and compensation question raises issues often at the heart of debates concerning reconciliation, redress, fairness and justice. The absence of this element in loss and damage outcomes raises many concerns pertinent to SIDS and their futures. The potential loss of territory poses a problem of displacement, cultural loss and links to land as well as loss of rights and the ability to engage in the global political community. Beyond loss and damage, it remains to be seen how climate justice enshrined in the text will address these issues and how it might impact on areas of international law. It is worth noting that climate justice in the practice of international law does not yet recognize the right to alternative settlement of environmental refugees. In contrast, the United Nations International Court of Justice has addressed issues of rights, responsibilities and liability in trans-boundary pollution, the use of nuclear weapons and the impact of environmental modification. It is also worth mentioning that, in terms of the distribution of rights and justice, multinational businesses now have the ability (through trade agreements such as the Transatlantic Trade and Investment Partnership) to sue Governments for losses (European Union, 2015). One might ask: why are developed nations not prepared to have the same principle applied to others (e.g. SIDS) in climate change liability and compensation claims? One wonders if the narrow interpretation of loss and damage without liability and compensation sets the tone for rights discussions in other fields, such as the need to extend the Geneva Refugee Convention (United Nations, 1951) to environmental refugees and the legal status of deterritorialized states and their citizens.

Conclusion

The 2015 Paris Agreement is a positive outcome in a world without a climate change agreement. It appears to give small island states easier access to funding and to newly invigorated clean development mechanisms, and acknowledges the need for global funding to support the adaptation and mitigation plans outlined in their INDCs. But as the start of a process it also leaves many questions unanswered. What form will funding take? How will climate justice for vulnerable islands unfold? Will more concrete timelines for action emerge? How will loss and damage be dealt with before the Warsaw International Mechanism starts in 2020? Is a 1.5°C target no more than a distant aspiration?

As sea levels continue to rise and impacting low lying, vulnerable island states so dramatically, these questions continue to require urgent answers. Like many accords, the Paris Agreement is not a perfect document or without its shortcomings. Whatever the details of this agreement, the short and medium term trajectories of vulnerable communities and small island states are unlikely to change. Impacts are locked in and for many small islands their immediate futures are predicated upon their abilities to adapt to the vagaries of change, watch the loss of territory caused by rising sea levels and support the relocation of their communities and livelihoods. Significantly for some communities, as President Tong of Kiribati, a SIDS, has noted "... it is too late for us" (President.gov.ki, 2014).

References

- AOSIS.org (2015, December 7). AOSIS ministers lay out priorities ahead of week two. Retrieved from <http://aosis.org/press-release-aosis-ministers-lay-out-priorities-ahead-of-week-two/>
- Boyd, R., Cranston-Turner, J., Ward, B. (2015). Tracking intended nationally determined contributions: what are the implications for greenhouse gas emissions in 2030? Retrieved from <http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2015/08/Boyd-et-al-policy-paper-August-2015.pdf>
- European Union (2015). Transatlantic Trade and Investment Partnership. Retrieved from http://trade.ec.europa.eu/doclib/docs/2015/september/tradoc_153807.pdf
- The Guardian (2015 December 14). Paris climate change deal too weak to help poor, critics warn. Retrieved from <http://www.theguardian.com/environment/2015/dec/14/paris-climate-change-deal-cop21-oxfam-actionaid>
- Geden, O. (2015). Climate advisers must maintain integrity. *Nature*, 521(7550), 27-28.
- Hoad, D. (2015). Reflections on small island states and the international climate change negotiations (COP21, Paris, 2015) *Island Studies Journal*, 10(2), 259-262.
- Monbiot, G. (2015, December 15). *Cop Out*. Retrieved from <http://www.monbiot.com/2015/12/15/cop-out/>
- PIDF (2016, February 18). Climate Change Forum: Post COP21 Paris Agreement. Retrieved from <http://pacificidf.org/climate-change-forum-post-cop21-paris-agreement/>
- PIDF (2015). The Suva Declaration. Retrieved from <http://pacificidf.org/wp-content/uploads/2013/06/PACIFIC-ISLAND-DEVELOPMENT-FORUM-SUVA-DECLARATION-ON-CLIMATE-CHANGE.v2.pdf>
- President.gov.ki (2014). Abbott dodging the real issue with climate change. Retrieved from <http://www.president.gov.ki/2014/06/23/abbott-dodging-the-real-issue-with-climate-change-tong/>
- UNFCCC.int (2015). *COP21: Adoption of the Agreement*. Retrieved from <https://unfccc.int/resourcedocs/2015/cop21/eng/109.pdf>
- United Nations (1951) *Text of the 1951 Convention Relating to the Status of Refugees*. Retrieved from <http://www.unhcr.org/3b66c2aa10.html>
- Victor, D., & Kennel, C. (2014). Climate policy: ditch the 2 °C warming goal. *Nature*, 514(7520), 30-31.