

An insider perspective on the Paris Agreement: what does it deliver for vulnerable countries?

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Overview

- Perspectives from within the negotiations
- The road to Paris and the Paris Outcome
- Significance of Paris Outcome and reactions
- Paris Agreement: case for optimism?
- Paris Agreement: causes for concern?

Particularly vulnerable countries...





Paris, France

Nations Unies
Conférence sur les Changements Climatiques 2015
COP21/CMP11
Paris, France



“Ambition” negotiation stream









COAL
KILLS

Free Our
Power

Justice
Causes

Climate Guardians

Climate Guardians

The road to Paris: a long time in the making

- Culmination of over 20 years of an extremely challenging intergovernmental process
- Last attempt in 2009: if Copenhagen was overestimated, Paris was underestimated due to the highly political nature of the key divergences among countries and categories of parties
- Significant diplomatic and political efforts to overcome some of these challenges ahead of Paris: numerous political declarations and bilateral agreements

The road to Paris: ADP mandate

- Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)
- By Decision 1/CP.17 in 2011, Parties to Convention decided to launch process:
 - to develop ***“a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”***
 - *“shall complete its work...no later than 2015 in order...for it to come into effect and be implemented from 2020”*

The road to Paris: 2015 negotiation schedule

- 2012-2014 – groundwork laid
- 2015 – heavy negotiating schedule
 - February Geneva ADP 2-8
 - June Bonn ADP 2-9 SBI42/
SBSTA42
 - Aug–Sept Bonn ADP 2-10
 - October Bonn ADP 2-11
 - Nov–Dec Paris ADP2-12/COP 21/CMP11/
SBI43/SBSTA43
- Various Ministerial and other high-level consultations through the year

The road to Paris: negotiating groups

- AG African Group
- AILAC Association of Latin American Countries
- AOSIS Alliance of Small Island States
- BASIC China, India, Brazil, South Africa
- CRN Coalition for Rainforest Nations
- EIG Environmental Integrity Group
- EU European Union (27) plus European Commission
- G77 Group of 77 & China
- LDCs Least Developed Countries Group
- LMDCs Like Minded Developing Country Group
- SICA Central American Integration System
- UG Umbrella Group

What is in the Paris package?

- The Agreement, structured around its 29 articles
- The accompanying decision, adopting the agreement, giving effect to it and making provision for its further development of modalities and work programme to ensure entry into effect, application and implementation
- Decision to raise ambition enhanced pre 2020
- Initiatives from the Lima Paris Action Agenda
- Other COP 21 and CMP 11 decisions

Legal strength?

- Several considerations provided the legal force associated to the Paris Agreement
 - An international treaty under the Vienna Convention
 - Subject to national ratification processes
- Mix of legally binding and non-legally binding provisions
 - Clear legal requirement regarding the long term goals, individual obligations of Parties, the national reporting and reviews etc.
- Assessing the relevance of the legal nature in the broader context of the other requirements for effectiveness
 - Effectiveness of an agreement as factor of participation, legal stringency and ambition
 - Difficult combination or equilibrium of these three parameters



Significance of the Paris outcome?

- A new international legal framework that provides foundation for more ambitious and sustained global climate action
- Much needed victory for multilateralism, that provides renewed political momentum and expectation of broad participation
- Potentially provides last chance to hold climate change at manageable levels – surprisingly strong ambition mechanism can provide basis for rapid scaling up of efforts
- Embedding of science in the structure of the Paris outcome can be critical for climate politics and implementation post-Paris
- Paris Agreement will need to be supported by a broader regime of action beyond the UNFCCC (civil society, institutional investors, renewable energy sector, corporates etc.)

The Paris Agreement is bigger than the Paris Agreement

- The climate “regime” is bigger than the Paris Agreement itself and this became much more visible
- Industries, stakeholders and others taking an active part in the regime
- The ambition of the Paris Agreement is a driver for the direction of travel of the rest of the regime –
 - And potentially the other way too!
- Paris Agreement will need to be supported by a broader regime of action beyond the UNFCCC (civil society, institutional investors, renewable energy sector, corporates etc.)

Reactions after Paris

- “A monumental success for the planet and its people ... we have solid results on all key points... The current level of ambition is the floor and not the ceiling. Markets now have the clear signal they need to unleash the full force of human ingenuity and scale up their investments.”
– *Ban Ki-moon, Secretary General, UN*
- “We have made history today. Emissions targets are still way off track, but this agreement has the tools to ramp up ambition, and brings a spirit of hope that we can rise to this challenge. I can go back home to my people and say we now have a pathway to survival.”
– *Tony de Brum, Minister of Foreign Affairs, Marshall Islands*

Reactions after Paris

- “The consequences of this agreement go far beyond the actions of governments. They will be felt in banks, stock exchanges, board rooms and research centres as the world absorbs the fact that we are embarking on an unprecedented project to decarbonise the global economy. This realisation will unlock trillions of dollars and the immense creativity and innovation of the private sector who will rise to the challenge in a way that will avert the worst effects of climate change.”

– *Paul Polman, CEO, Unilever*

- “The Paris deal gets us part of the way and ups the ante for climate action with a 1.5 °C goal. The race to stabilise the climate is now on in earnest. The industrial transformation required is bigger and more rapid than at any time in our history: it must be a just transition and it will take all of us.”

– *Sharan Burrow, General Secretary, International Trade Union Confederation and leader, B Team*

...And some other reactions...

- **Coal lobby chief: COP21 means “we will be hated like slave traders”**
 - The landmark deal to cap global warming at the UN Climate Change Conference (COP21) in Paris means the sector “will be hated and vilified, in the same way that slave traders were once hated and vilified”.
- **“Imagine yourself standing in the ocean and you are digging your toes into the sand, trying to keep your head above the water as each wave rolls past.”**
 - Michael Roche, Chief Executive of the Queensland Resource Council,
- <http://www.euractiv.com/sections/energy/coal-lobby-chief-cop21-means-we-will-be-hated-slave-traders-320424>

MIXED GLOBAL REACTION

SUPPORTERS

Focus on:

- the transformational potential of the Paris Agreement
- the long-term goal
- the five-year ratchet components
- the overall signal the Agreement sends to investors and business that the shift away from fossil fuels is inevitable and accelerating

DETRACTORS

Focus on:

- lack of specificity on finance
- non-legally binding nature of mitigation commitments
- the exclusion of liability and compensation from the loss and damage provisions, and
 - other elements of the Agreement to
 - argue that it is toothless, inadequate, and a sell-out to Northern and corporate interests

SIDS and LDC perspective on the key substantive outcomes of the Paris Agreement

- **Strategic Level**

- Long term goal
- Clear purpose to “... *pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels*”
- Recognition of special circumstances, special situation and particular vulnerability
- Principles of “no backsliding” and “progression over time”
- Ambition mechanism – dynamic, update and harmonized cycles, 5 year stocktake etc.
- Enhanced transparency framework for action and support
- Finance floor of US\$100B after 2020

SIDS and LDC perspective on the key substantive outcome of the Paris Agreement

- **Operational Level**

- NDC Implementation
- Loss and Damage
- Review of institutional framework for adaptation
- Capacity Building institutionalization
- Technology framework
- Provisions for early ratification and Entry Into Force

Paris Agreement: case for optimism?

Tools contained in the Paris Agreement

- **Legally-binding treaty**
- **Agreed direction of travel (Art. 2 and Article 4.1) with science basis for review**
 - to hold the increase in global average surface temperature to **well-below 2 degrees** above pre-industrial levels AND to **pursue efforts to limit to 1.5**
 - **Peak as soon as possible**
 - **Zero emissions (balance between emissions and removals) in second half of this century (timeframe)**
- **Global response (Art 3), Five yearly global stock take and common political moment**
 - All Parties to undertake and communicate ambitious efforts with a view to achieving purpose
 - Efforts of all Parties will represent a **progression** over time

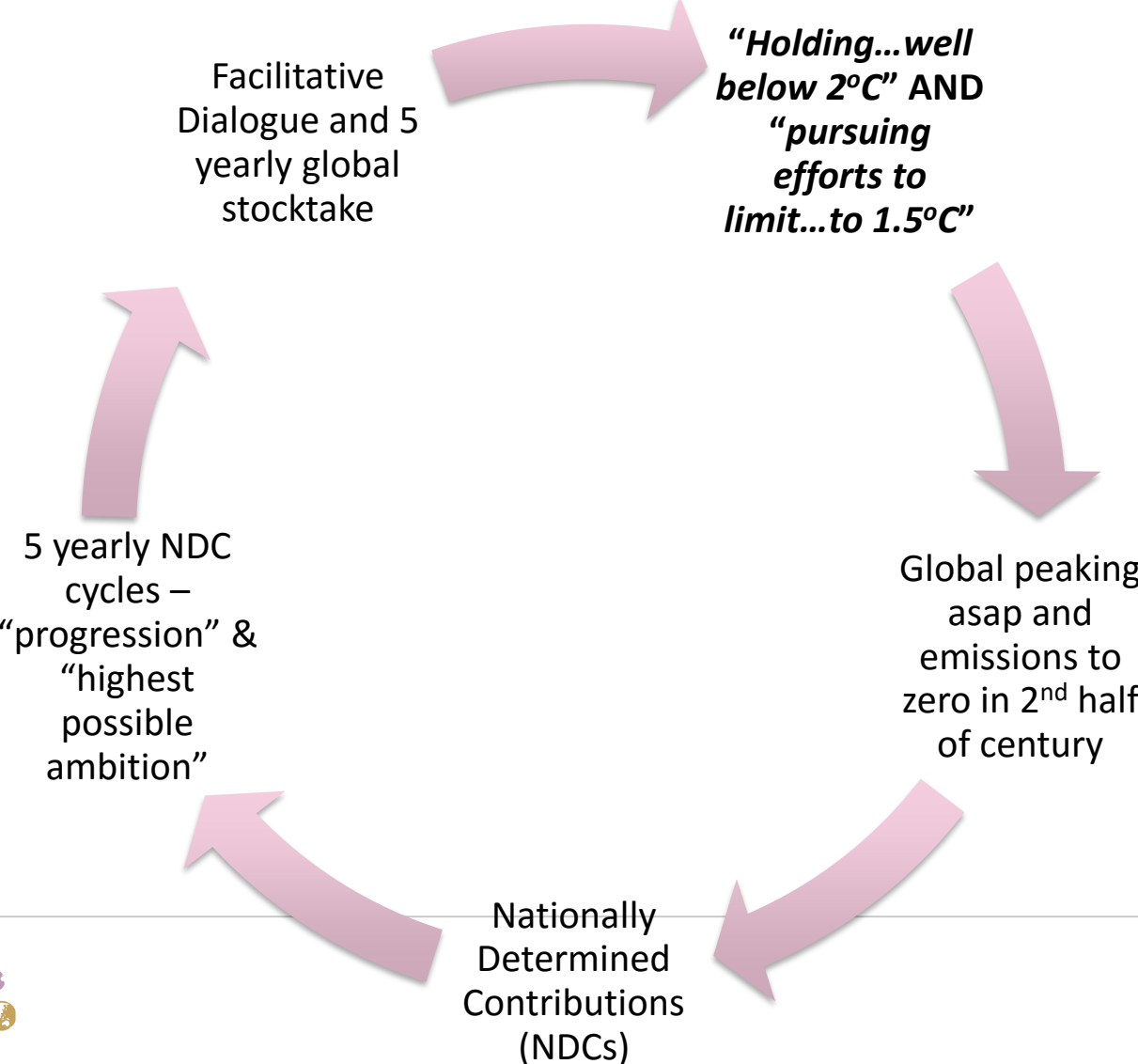
• **Mitigation efforts to be communicated and achieved**

- Each Party to **prepare, communicate and maintain successive nationally-determined contributions that it intends to achieve**.
- Absolute reduction targets for developed countries; movement toward economy-wide reduction or limitation targets by developing countries
- NDCs to be communicated **every 5 years**, informed by a **global stocktake**
- NDCs in **public registry**

• **Parties to be accountable for their communicated efforts**

- Parties to **account for NDCs**, promote environmental integrity, avoid double counting, apply **common methodologies**
- **Inventories every 2 years, subject to a technical review**
- Parties must supply information for **clarity, transparency**
- Each party to participate in **multilateral consideration of progress**
- **Compliance system** - to both facilitate implementation and promote compliance with provisions of the Agreement

Putting the “ambition mechanism” to the test



Five years to critical “political moment”

Work
Programmes
Early EIF

2018: IPCC
Special Report
and Facilitative
Dialogue

By 2020: New
and updated
NDCs

Supporting elements

- **Flexibility to be provided to SIDS**
- **Support to be provided**
- **Far greater transparency**
- **Markets (Art. 6)** - If transferring mitigation **outcomes** internationally, **robust accounting, avoid double counting**, authorized by Parties; **centralised mechanism** under Agreement, no double counting, deliver **net mitigation**
- **Compliance system** - mechanism to facilitate implementation and **promote** compliance with provisions of the Agreement (Art. 15)
- **Entry into force – low bar** – 55 Parties accounting for 55% of global emissions have deposited their instruments of ratification (Art. 21)

Agreement driven by science, transparency, peer pressure

- **Bigger role for scientific input**
 - 2018 – IPCC Special Report on impacts of global warming of 1.5 degrees and related GHG emission pathways
 - 2018 – Facilitative Dialogue to take stock
 - 2023 – Global Stocktake - periodic review, more closely aligned with IPCC reports, inform INDCs
- **Opportunities for peer pressure through transparency and comparability**
 - Synthesis reports, public registry – effect will depend on structure
 - By 2020, Parties with 2025 NDCs to communicate **new NDCs**, Parties with 2030 NDCs to **communicate or update** these contributions and every 5 years thereafter
 - NDCs to be brought forward 9-12 months in advance of relevant COPs
- **Political initiatives**
 - High level event in connection with each COP (2016 to 2020) to strengthen mitigation efforts, support voluntary initiatives
 - 2016 - Two high-level champions appointed and in place from 2016-2020 to act on behalf of Presidency

Large leaps

- Recognition of science
- 2 degree / 1.5 degree limit creates top down pressure
- Zero GHG emissions in second half of 21st century
- Erosion of firewall between Annex I and NAI major emitters
- Nationally determined contributions (NDCs) remove excuses
- Principles to avoid backsliding
- Common rule set, could become similar in detail or function to those under Kyoto Protocol
- Opportunities for peer pressure and more frequent political moments
- Engagement of broader grouping of stakeholders

Some of the priority areas of implementation for SIDS and LDCs



Loss and damage (L&D):
Strategy for L&D and influencing workplan of Warsaw International Mechanism (WIM)



Adaptation: improving coherence of institutional arrangements for adaptation



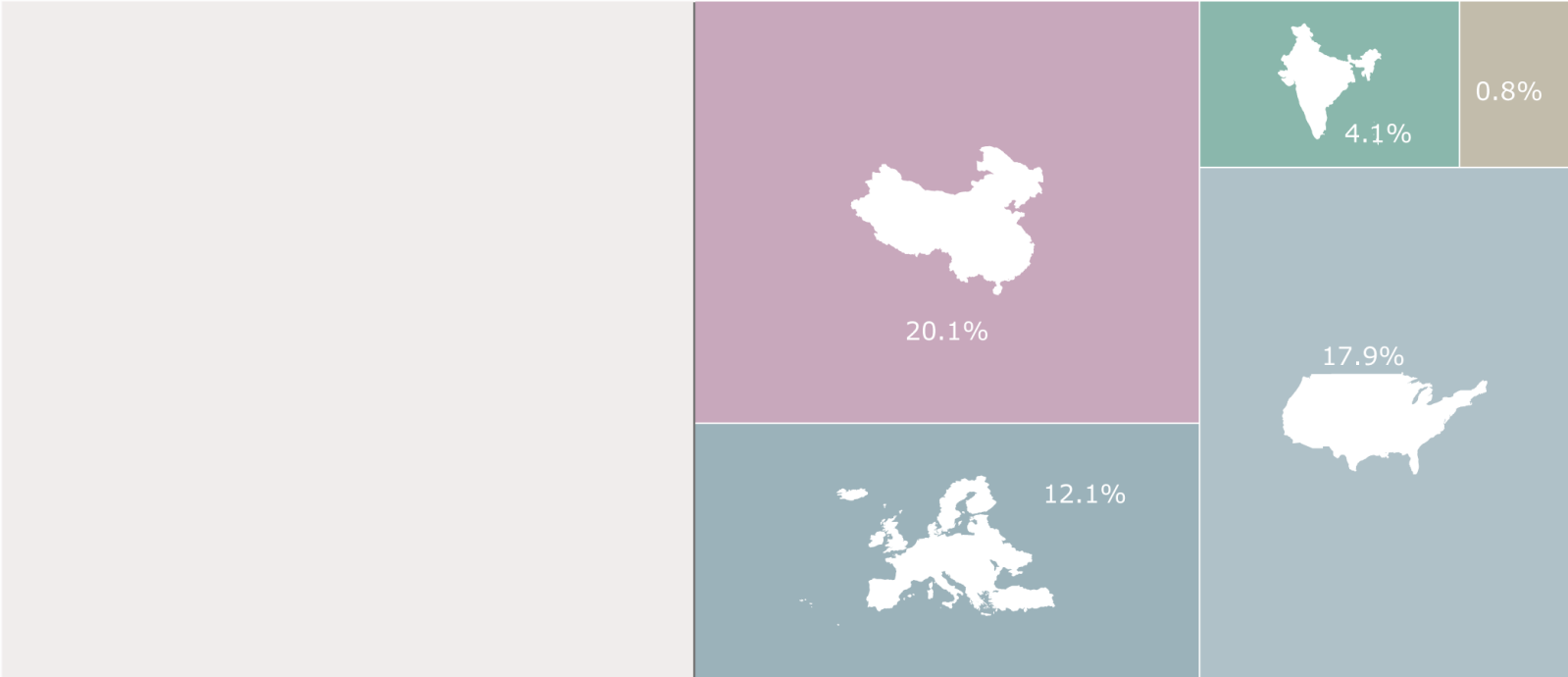
GREEN
CLIMATE
FUND

Finance: Securing improved access to finance for SIDS and LDCs



Transparency framework: adoption of common, flexible and robust transparency of action and support rule-set to ensure accountability

The Paris Agreement enters into force once at least 55 Parties representing 55% of total global GHG emissions have ratified



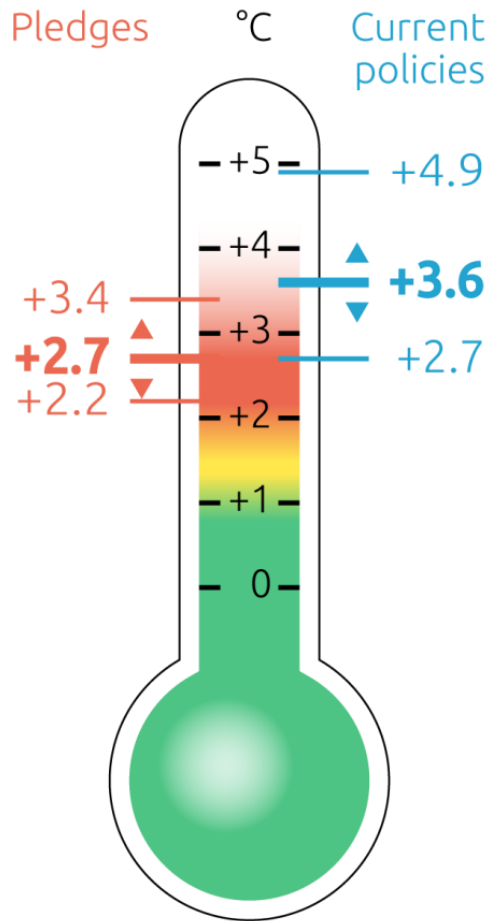
55% + 55

Paris Agreement: causes for concern?

Challenging issues raised

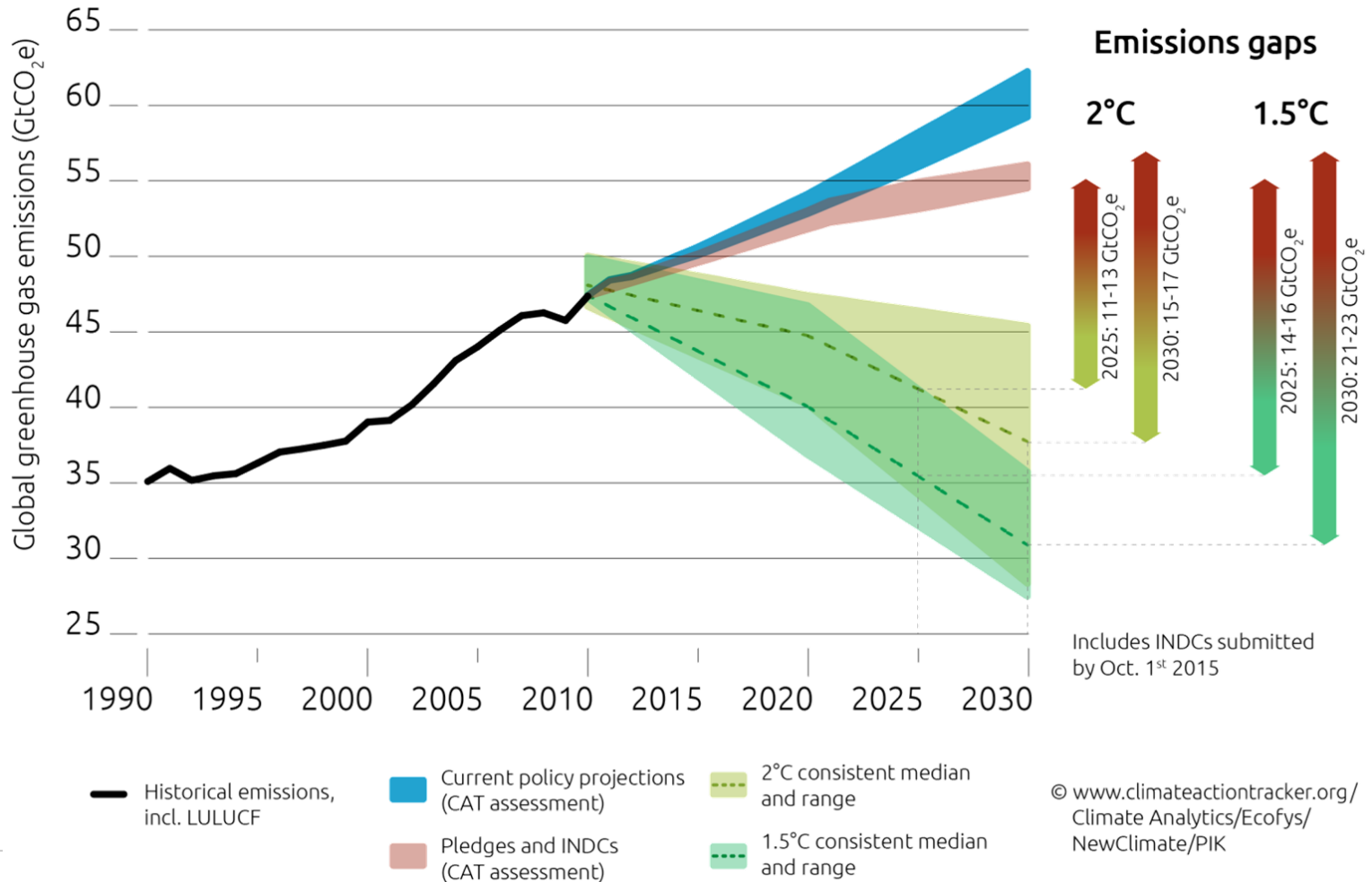
- Relationship between Convention objective and Paris goals
- Relationship between Paris Agreement and Kyoto Protocol
- Relationship between 1.5 and loss and damage
- Relationship between old climate funds and GCF/SCF
- Relationship between APA and COP
- Shift to greater national responsibility, Sendai, Addis Ababa, SDGs

Current INDCs deliver around 2.7 C° of warming if fulfilled (those in by Oct 1 2015)



- Current policies in place would **deliver 3.6 C° (median) of warming by 2100**, temperatures continue to increase afterwards
- If INDCs fully implemented, **2.7 C° (median) of warming would be delivered**
- chance of exceeding 3 degrees (2.2 to 3.4 degree range) remains
- **2 degrees already linked to devastating impacts** for SIDS, ecosystems, food security, water availability etc.
- Pledges themselves insufficient
- Policies lag behind well behind pledges
- Small timeframe to turn around the ship

INDCs, current policies vs. 1.5 and 2°C pathways



CAIT Climate Data Explorer

Support CAIT



Menu

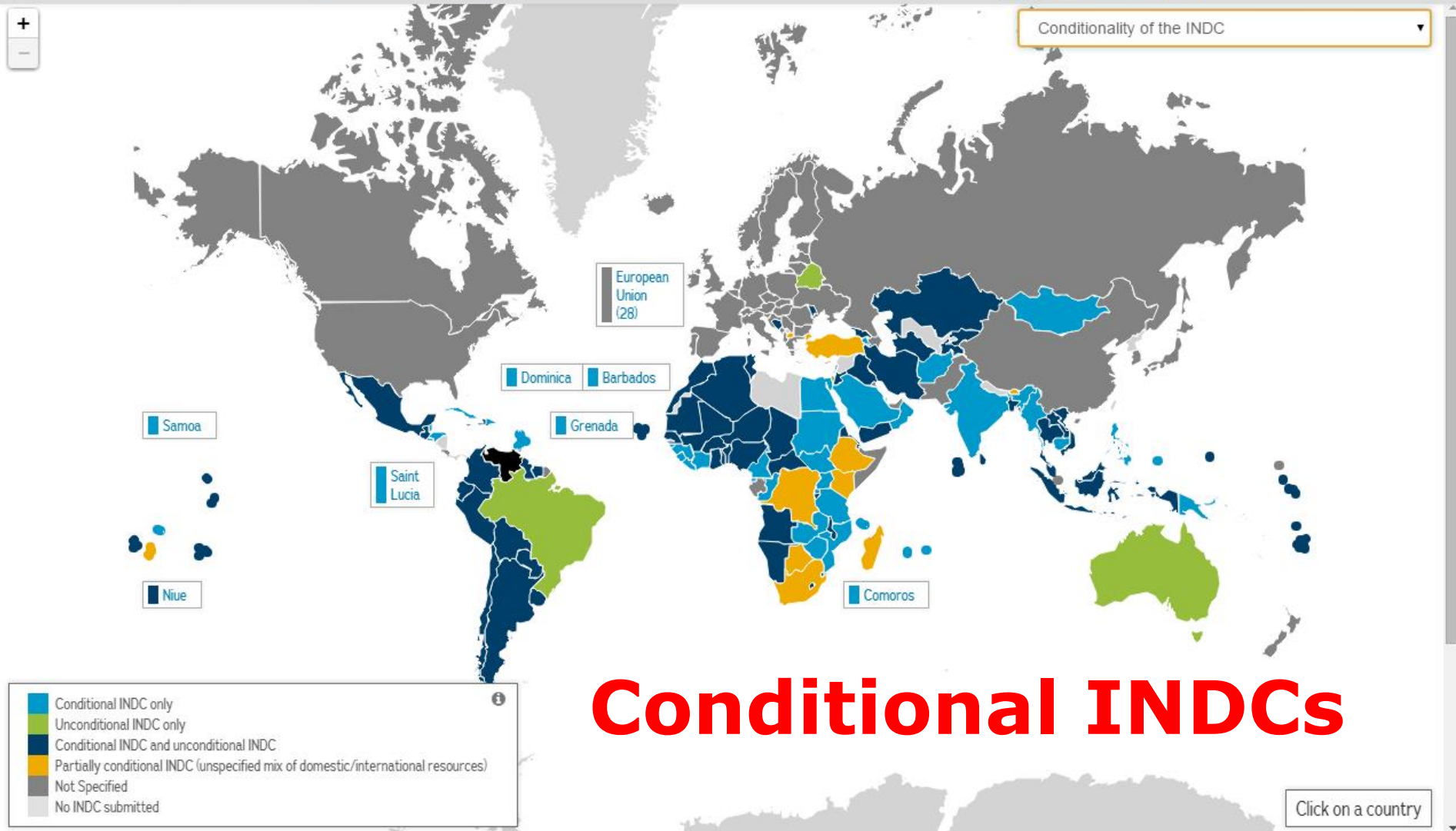
Paris Contributions Map

Dashboard | Map | Detailed View | **View Pre-2020 Map**



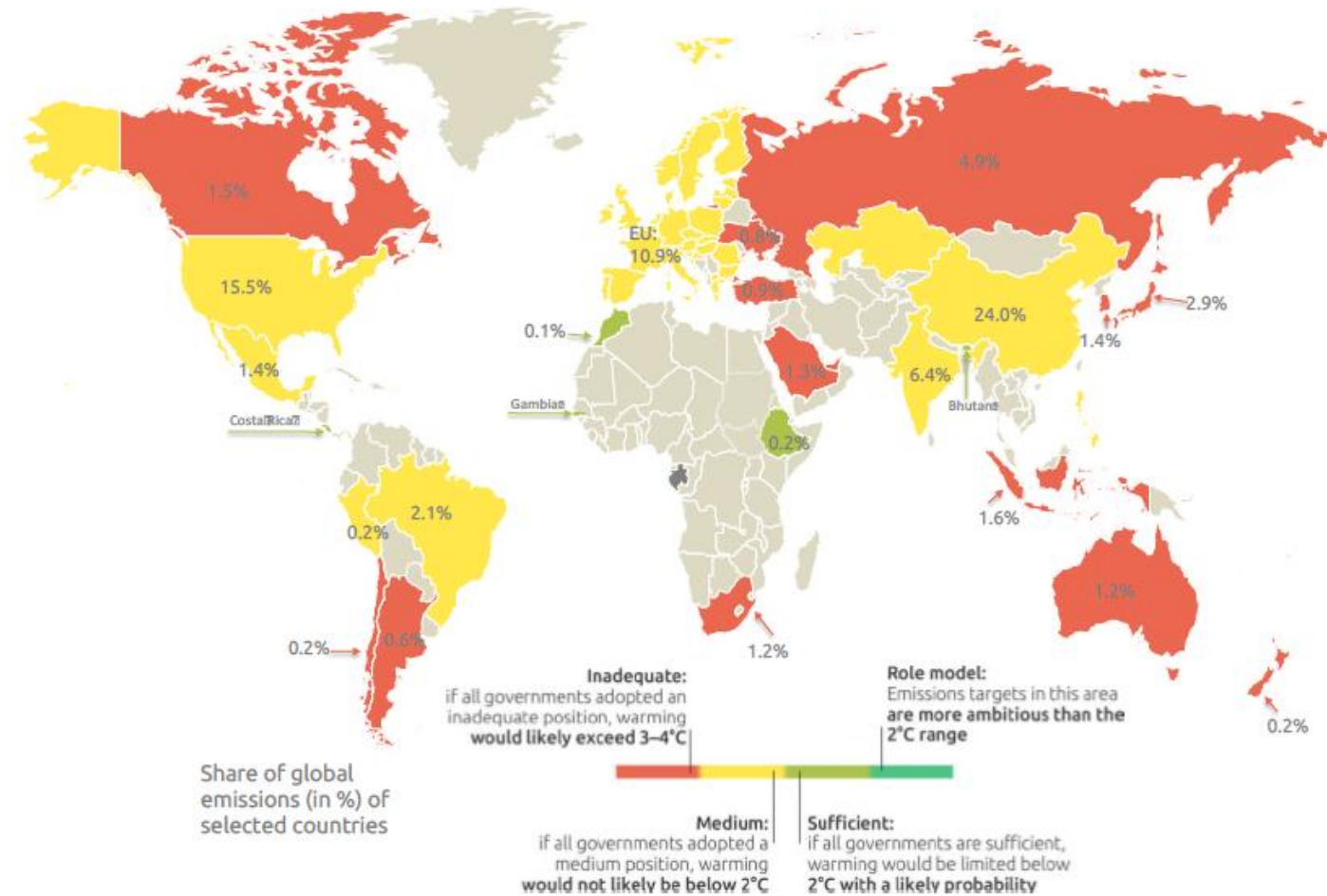
Search for a country...

Conditionality of the INDC



Click on a country

Whose NDCs are sufficient??



Source: "Climate Action Tracker Statement: *Paris Agreement: near-term actions do not match long term purpose – but stage is set to ramp up climate action*" 12 December 2015

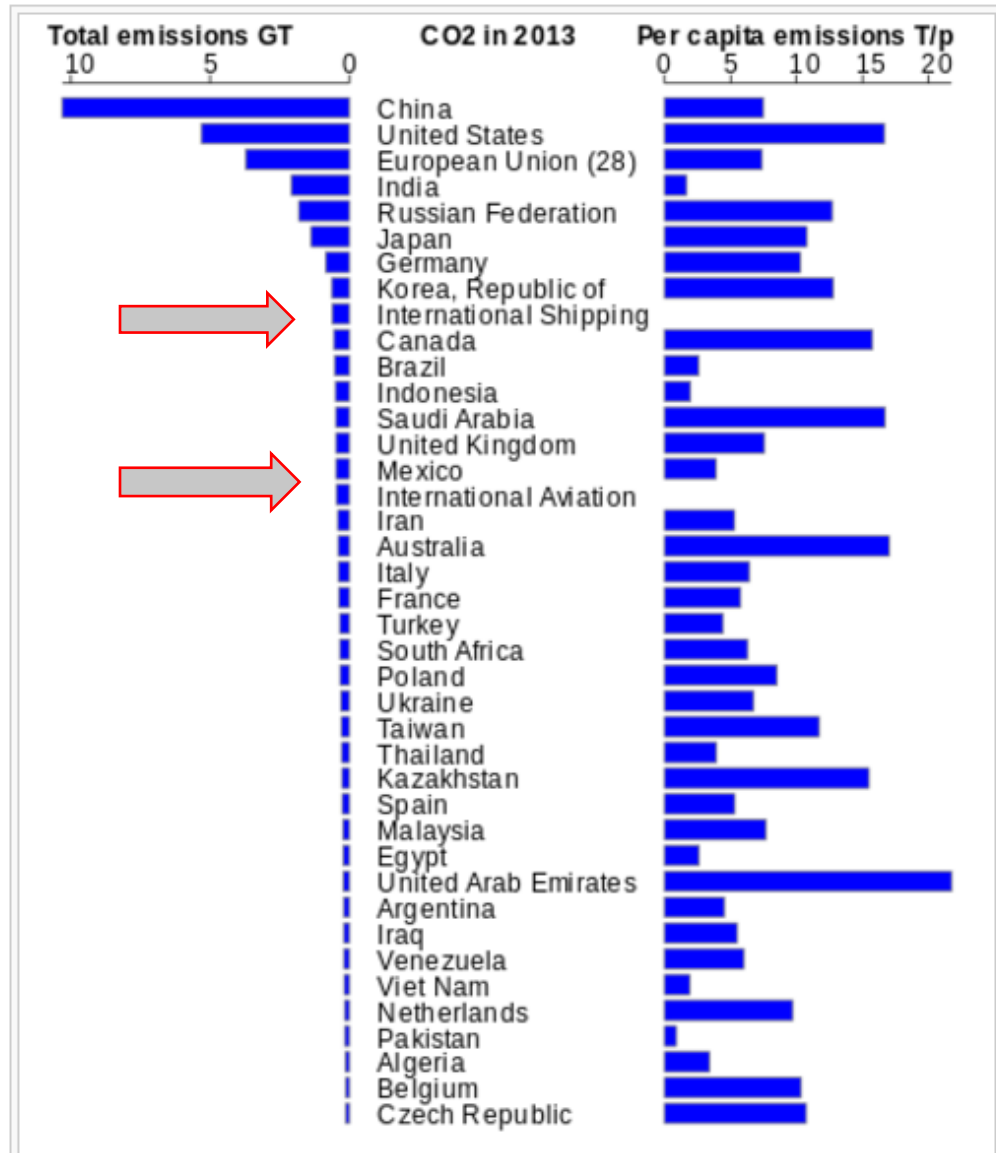
GT CO2 of top 40 emitters in 2013; per capita emissions

A small group of big emitters will determine whether the 1.5 degree limit is met

2013 emissions:

China 10GT
 US 5 GT
 India 3 GT

Note contribution of international shipping and aviation



Carbon dioxide emissions for the top 40 countries by total emissions in 2013, given as totals and per capita. Data from [EU Edgar database](#)

Risks related to top down element: 1.5

- Further slippage from Convention's "avoid dangerous climate change" objective?
- Some are referencing 2 degree goal out of Paris without recognizing 1.5, or recognizing 1.5 as only aspirational
- Some may treat 1.5 as political compromise to secure agreement without aim to achieve, hoping to rely on facilitated dialogue, stocktake to identify infeasibility
- 1.5 may be viewed as what developing countries have accepted as allowable risk / consequent damage
- Less leverage now for SIDS on this issue – with bottom up mitigation structure now firmly in place, with decision para 51 on liability and compensation taken out of Article 8 / WIM discussions; new leverage has to be created
- Timeframe for serious efforts is running out

Risks related to bottom up element: *ambition*

- Aggregate effort already not consistent with 1.5
- Potential for further underachievement where domestic efforts delayed (e.g., United States power rules delay); where conditional efforts go unfunded, where governments change
- No binding mechanism to force improvement
- Few signals of increased ambition in advance of ratification or before 2020
- No protection through loss and damage system for impacts at any level

Risks related to bottom up element: *ambition*

- No automatic system to drive transformational reductions through finance
- All Parties have agreed to be ambitious, but SIDS and LDC ambition can only accomplish so much...
- Scale of impacts will be driven by the decisions made by a small number of major emitters and by private sector over the next decade – US, China, EU
- SIDS and LDC leverage will have to be recreated post-Paris

Some unhelpful political signals for ambition increase in the near term

- Low oil prices alter playing field for renewables momentum, though successful in driving some oil-producers out of the market
- US not in a position to increase ambition
 - EPA Clean Power Plan rules challenged and delayed – centerpiece of emission reduction efforts; ongoing division between progressive and regressive forces
- Canada has insufficient plans in place to meet its own target
 - “After Paris, Canada on track to fail even Harper’s emissions target” (Feb 10, 2016)
 - Biennial report projects emissions increases



And more political signals . . .

- Japan going backwards
 - Japan's Environment Minister recently gave approval to construction of new coal-fired power plants, which it had rejected last year as jeopardizing Japan's 26% reduction target
- EU not yet in a position to increase ambition
 - France, Germany and Sweden positive
 - But Poland resisting more stringent EU ETS
 - EU trying to progress EE and RE rules before returning to targets

But also some very positive signals ...

- **Sweden** announces it will improve its target to achieve net zero emissions by 2045, negative emissions thereafter, potentially through emissions trading
- **Canada's** government has changed; Canada working on a pan-Canada approach to emissions
- **US** Executive Branch policies continue to be announced
- **China's** economy is slowing; peaking may happen more rapidly than INDC predicts
- **India-France** announce International Solar Alliance, will work together on nuclear
- **India** making massive RE investments
- **ICAO** has agreed on standards for new planes; discussions on market-based measures expected to be discussed and possibly agreed in September
- **High Ambition Coalition** plans to meet in margins of April signing ceremony

Political strength

- All Parties adopted Paris Agreement; something in it for everyone
- Attendance will be good at April signing ceremony
- Some Parties have already completed domestic ratification processes
- Entry into force could happen quickly as a result
- Recent US-China announcement provides political momentum, as well as a significant step toward satisfaction of entry into force trigger



US and China leaders pledge to join Paris Agreement this year

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The leaders of US and China on Thursday both vowed to put their name to the Paris Agreement at a signing ceremony later this month and formally join the pact later this year.

Chinese President Xi Jinping and US President Barack Obama made the pledge in a [joint statement](#) as they met in Washington on the sidelines of global nuclear security talks.

It marks a reaffirmation of intent from the world's two biggest emitters since the global climate pact was struck in December, and reinforces the US' commitment after its domestic climate strategy was dealt a blow in Feb. when the country's Supreme Court halted enforcement of its Clean Power Plan – the cornerstone of its emissions reduction strategy.

The two leaders “encourage other parties to the [UNFCCC](#) to do the same, with a view to bringing the Paris Agreement into force as early as possible” the statement said

UNITED STATES AND CHINA TOGETHER: CLOSE TO 40% OF GLOBAL EMISSIONS



Conclusion

- The Paris Agreement is just the beginning; implementation is the challenge.

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