



Climate Change Updates: Paris Agreement, Rulebook, and Recent Developments

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The 2015 Paris Agreement

- Goal → A truly multilateral instrument supported by both developed and developing countries
 - High entry-into-force threshold
 - No reservations allowed
 - By design, a text that conveys agreement on broad principles, a blueprint to the international response on climate change issues.

The 2015 Paris Agreement

- **Object and purpose:**

- Temperature Goal

- Hold the increase in the global average temperature to ‘well below 2°C’ above preindustrial levels, and
 - To pursue efforts to limit the temperature increase to 1.5°C. [Art. 2.1(a)]
 - ➔ NOTE: No quantitative targets; instead: “climate neutrality”

- Adaptation and Finance Goals

- Increasing the ability to adapt to the adverse impacts of climate change
 - Making finance flows consistent with climate-resilient development [Art. 2.1(b) and (c)]

- **Context:**

- “in the context of of sustainable development and efforts to eradicate poverty” [Art. 2(1) chapeau and Art. 4]

- “equity and common but differentiated responsibilities and respective capabilities in the light of different national circumstances” [Art. 2(2)]

The 2015 Paris Agreement: Hybrid Architecture

- **Bottom-up Elements:** Each party
 - (1) “shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve”
 - (2) “shall pursue domestic mitigation measures with the aim of achieving the objectives of such contributions”
 - ➔ For developed countries the duty is more specific: they “shall continue taking the lead by undertaking economy-wide absolute emission reduction targets” (Art 4.4).

The 2015 Paris Agreement: Hybrid Architecture

- **Top-down Elements:**

- (1) An enhanced transparency framework for action and support [Art. 13]
- (2) A global stocktake process [Art. 14]
- (3) A compliance mechanism [Art. 15]

The 2015 Paris Agreement: Adaptation

- More prominent in the Paris Agreement vis-à-vis other climate-related international instruments.
- Global goal on adaptation – enhancing adaptive capacity, strengthening resilience, and reducing vulnerability to climate change in the context of sustainable development and the temperature goal.
- Acknowledged the crucial link between mitigation and adaptation, i.e., greater levels of mitigation can reduce the need for additional adaptation efforts.

BUT: Language used is less peremptory (vis-a-vis mitigation)

The 2015 Paris Agreement: Loss and Damage

- No official definition of loss and damage in the context of climate change
- Article 8 of the Paris Agreement recognizes the importance of averting, minimizing, and addressing loss and damage associated with the adverse effects of climate change, and the role of sustainable development in reducing the risk of loss and damage.
 - BUT: Decision 1 of the Conference of Parties clarifies that Article 8 of the Agreement **does not involve or provide a basis for any liability or compensation.**
 - INSTEAD: Warsaw International Mechanism for Loss and Damage

The 2015 Paris Agreement: Rulebook

- Regulations governing, among others:
 - reporting,
 - formats,
 - tracking of NDCs,
 - review of progress made,
 - risks and vulnerabilities to climate impacts, and
 - transparency and accountability.
- Two outstanding issues:
 - (i) rules on transfer and accounting for emission reduction schemes, such as international market mechanisms, and
 - (ii) standardization of periods covered by NDCs, as some of these cover 2030 but other countries' contributions cover until 2025 only.

The 2015 Paris Agreement: Where are we now?

NDCs

13

countries have stated their intention to update an NDC by 2020, representing 2.6% of global emissions

67

countries have stated their intention to enhance ambition or action in an NDC by 2020, representing 8% of global emissions



- Not Applicable
- 2020 NDC Submitted
- Intends to Enhance Ambition or Action in 2020 NDC
- Intends to Update 2020 NDC
- ▨ Ambiguous Intent
- No Information

Source: <https://www.climatewatchdata.org/ndcs-enhancements>

The 2015 Paris Agreement: Where are we now?

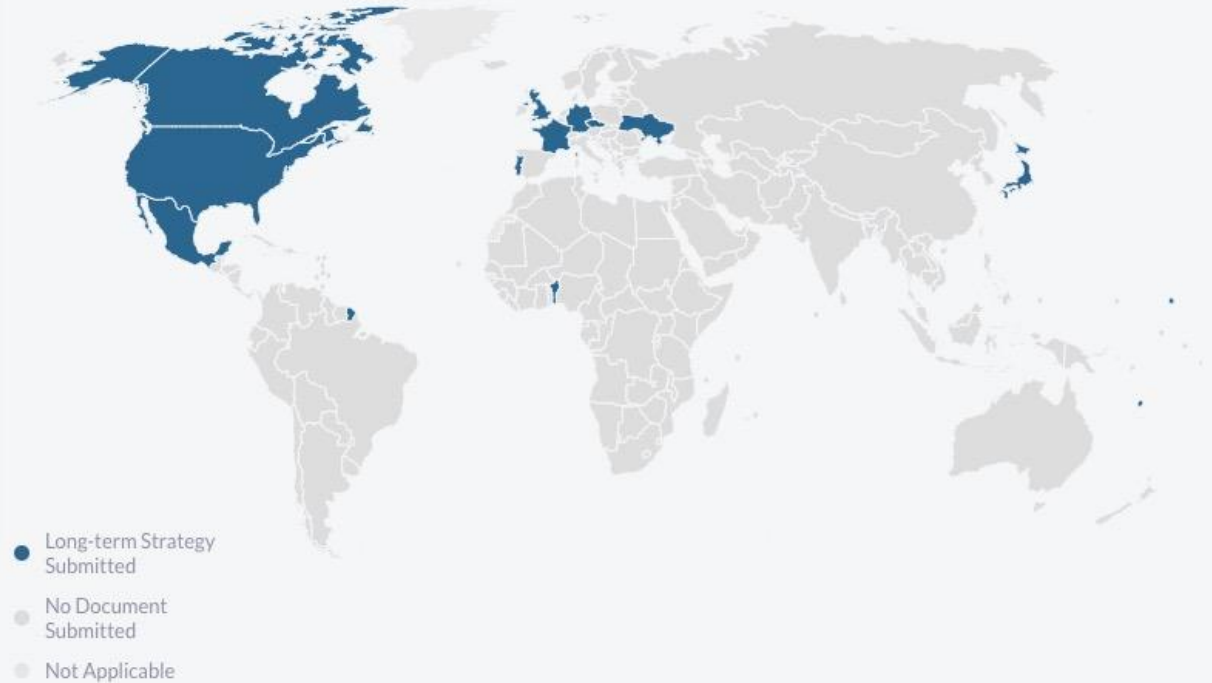
Long-term strategies

13

countries have submitted a long-term strategy document

23.3%

of global emissions represented by these countries (2014 emissions data)



13 countries: Japan, US, Canada, Germany, Mexico, UK, Ukraine, France, Czech Republic, Portugal, Benin, Marshall Islands, Fiji

Source: <https://www.climatewatchdata.org/ndcs-lts>

Results of the September 2019 UN Climate Summit

- “More than 70 countries committed to net zero carbon emissions by 2050, even if major emitters have not yet done so. More than 100 cities did the same, including several of the world’s largest.”
- “Small Island States together committed to achieve carbon neutrality and to move to 100% renewable energy by 2030.”
- “Countries from Pakistan to Guatemala, Colombia to Nigeria, New Zealand to Barbados vowed to plant more than 11bn trees.”
- “A group of the world’s largest asset-owners – responsible for directing more than \$2tn – pledged to move to carbon-neutral investment portfolios by 2050.”
- “This is in addition to a recent call by asset managers representing nearly half the world’s invested capital – some \$34tn – for global leaders to put a meaningful price on carbon and phase out fossil fuel subsidies and thermal coal power worldwide.”
- “The International Development Finance Club pledged to mobilize \$1tn in clean energy funding by 2025 in 20 least developed countries.”
- “One-third of the global banking sector signed up to align their businesses with the Paris agreement objectives and sustainable development goals.”

Transboundary Climate Litigation: Foot in the Door for Developing Country Citizens?

- Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights (February 2018)
 - Issue: Scope of state responsibility for transboundary environmental harm
 - Characterized a healthy environment as “a fundamental right for the existence of humankind”
 - Recognized ‘diagonal’ human rights obligations (obligations capable of being invoked by individual or groups against states other than their own)
- “People’s Climate Case” (European Court of Justice)
 - Issue: Whether the EU’s goal of 40% emissions cuts from 1990 levels by 2030 is inadequate and violate their fundamental rights (rights to life and physical and mental integrity, rights of children, right to pursue an occupation, property guarantee)
 - Applicants: 8 families from Europe, 1 Swedish organization, 1 family from Kenya, **and 1 family from Fiji**
 - Dismissed as inadmissible by the European General Court (May 2019)
→ “not sufficiently and directly affected”
 - Appeal filed before the European Court of Justice pending

Thank you!

