

21 Observations on COP21

By: LeA Internationalⁱ



At about 7:30pm local Paris time 12 December 2015 (7:30am, NZ time, 13 December 2015), French Foreign Affairs Minister and President of the Paris Climate Summit, Laurent Fabius spoke to the COP21 high level plenary for the last time: *“It is my deep conviction that we have come up with an ambitious and a balanced agreement. Today it is a moment of truth.”*

With some urging from the UNFCCC Secretariat Secretary General Christiana Figueres to strike his gavel and close the final session, Laurent referenced the final agreement as he stated: *“It is a small gavel but I trust it can do a great job.”* With a swing of the gavel, the world’s most widely anticipated international agreement to limit the causes of anthropogenic climate change was adopted. <http://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>

We were in Wellington following the process online as it unfolded on the other side of the world. We have previously experienced the climate negotiations and COP process – from 1990 until 2009. We participated first-hand in similar Paris-type negotiations – the adoption of the Berlin Mandate in 1995 (COP1), the Kyoto Protocol in 1997 (COP3), and the failure at Copenhagen (2009). In 2015 after twenty-one COP meetings, the largest ever climate gathering to finalize a new deal came to an end.

So what do we make of the Paris Agreement? Here are our top 21 observations and predictions for the post 2015 Paris era.

- 1) **Overall assessment:** Positive outcomes overall, but the attention to positive elements conceals critical deficits in the overall agreement. We would call it a **“perfectly imperfect”** agreement.
- 2) **Close to Perfection:** (1) For the first time in history, the international community has **pledged** to *“(a) Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate*

resilient development.” (Article 2.1). If **adopted** (on 22 April 2016?), it would mark a turning point in international efforts spanning over 20 years to address the climate crisis. (2) the highly contentious dichotomy of developed and developing countries was finally laid to rest during the Paris negotiations. (3) that more than 150 countries have submitted their Intended Nationally Determined Contributions (INDCs) prior to the Paris Summit. This ‘bottom up’ approach was a masterpiece tool in facilitating the negotiations in the lead up to and at Paris. INDCs are subjected to robust and transparent reviews between 2016 and 2020.

- 3) **Imperfection:** (i) INDCs are voluntary (non-legally binding); (ii) that the commitments for climate financing are also voluntary; and, (iii) that future negotiations, Rule 42 (consensus based) will make a comeback.
- 4) **The Paris agreement is a major victory for host France and the United Nations:** French diplomacy at its best– the use of the *indapa*, a management strategy tactic <http://qz.com/572623/this-simple-negotiation-tactic-brought-195-countries-to-consensus-in-the-paris-climate-talks/> combined with French cuisine and coffee, paved the way for securing the Paris agreement in the aftermath of extreme terrorism in the weeks prior to COP21 that threatened to cancel the meeting altogether (and which also instituted a global ‘climate of cooperation’ in response to the tragedy).
- 5) **AOSIS aspirational 1.5°C demand was a game changer.** It caught some close allies by surprise. The Pacific way was the moral choice for the greater good way in Paris.
- 6) **CBDRILONCWRC: Common But Differentiated Responsibilities In Light Of National Circumstances With Respective Capability** - an acronym coined by a New Zealand University Student attending the conference (unofficially) played a major role in resolving the INDCs negotiations deadlock (according to *The Atlantic* <http://www.theatlantic.com/science/archive/2015/12/the-most-stupendous-acronym-from-the-paris-climate-talks/419631>).
- 7) **Emergence of unilateral approaches** (e.g. climate clubs): The Paris negotiations marked the official recognition of unilateral alliances to assist with reaching consensus and placing efforts on non-state actors to implement policies and measures to reduce emissions and meet governments’ targets. The **HAC** (High Ambitious Coalition <http://www.theguardian.com/environment/2015/dec/08/coalition-paris-push-for-binding-ambitious-climate-change-deal>) led by the Republic of the Marshall Islands and the **Mission Innovation Accelerating the Clean Energy Revolution** <http://www.mission-innovation.net/> are examples.
- 8) **Governments have potentially signalled an end to investments in fossil fuels.** This potentially means more investment in global clean energy innovation.
- 9) **Holding States to Account:** The Paris agreement is an ambitious accord to hold States to account in targeting and reporting on their decreased emissions.

- 10) **Human rights - Gender and Indigenous People's rights:** these appeared in the earlier draft versions after extensive consultation and participation by these Major Groups in the UNFCCC process and remain referenced with climate justice in the Preamble of the final agreement, but are not incorporated into the operational aspects and monitoring considerations of the agreement.
- 11) **Funding for vulnerability and resilience:** At least US\$100 billion annually by 2020 in (promised) funding to assist the poor and vulnerable countries to mitigate and adapt to climate change effects (increasing climate resilience).
- 12) **Review Process for Implementation:** Establishment of a transparent of action and support mechanism (e.g. A *Capacity-building Initiative for Transparency* to build institutional and technical capacity, both pre- and post-2020). Parties promise to meet every 5 years to increase ambitious targets (ratcheting mechanism) and move the world to a low carbon economic system by the end of the century.
- 13) **Clear economic signal:** The Paris agreement sent a powerful signal to financial institutions that the hundreds of billions of dollars invested annually in clean energy today will become trillions, and much faster than most people ever suspected.
- 14) **Intended Nationally Determined Contributions (INDC)** – Establish voluntary (domestic and international) cooperation. Article 6 establishes a mechanism for use by Parties on a voluntary basis to contribute to the mitigation of GHG emissions and support sustainable development.
- 15) **Aviation and Bunker Fuels:** No reference to these in the Paris agreement, even though they are included in the Copenhagen Accord because these represent a significant contribution to the calculation of carbon.
- 16) **Loss and Damage:** Agrees that Article 8 of the Paris Agreement (on Loss and Damage) “does not involve or provide a basis for any liability or compensation.”
- 17) **Science and politics do not mix:** current INDCs would still overshoot the aspirational goal to keep global temperature below 1.5°C.
- 18) **Adaptation and Resilience drew less attention:** As national governments and regional organizations focused on Mitigation to 1.5°C Targets, the importance of Adaptation and Resilience were downplayed despite the scientific projections that by 2020 the countries will overshoot targets, and that will result in significant impacts for communities globally that adaptation and resilience planning would help to reduce.
- 19) **Legality** – The agreement includes both legally (Principles are legally-binding) and non-legally binding clauses (e.g. INDCs and Financial Mechanisms are non-legally binding). There is no enforcement for ensuring results.
- 20) **The Paris negotiations focused entirely on the consumption of fossil fuels** while ignoring their production – strange when considering that most global hazards negotiations seek to address both aspects of the problem.

21) Predictions post Paris 2015:

- i. *Adoption*: High level signature ceremony for the Paris Agreement on 22 April 2016 convened by the UN Secretary General will go ahead.
- ii. *INDCs*: Push for Parties to do more (greater emission reduction efforts) in view of the finding that the estimated aggregate GHG emission levels in 2025 and 2030 resulting from the INDCs do not fall within least-cost 2oC scenarios but rather lead to a projected level of 55 gigatonnes in 2030.
- iii. *Mitigation*: Increased investments in low greenhouse gas emissions initiatives.
- iv. *Adaptation*: Increased investments in developing countries on adaptation and climate resilient initiatives.
- v. *Finance*: Increased funding for low greenhouse gas emissions and climate resilient technologies and approaches.
- vi. *Science*: 2018 IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways revealed what we already know. Climate interventions may be considered.
- vii. *Climate clubs*: huge increase in the number of climate alliances /clubs between now and 2050
- viii. *Nobel Peace Prize nominations*: UNFCCC Secretariat Secretary General Christiana Figueres, Laurent Fabious and AOSIS (all or individually) nominated for Nobel Peace Prize.

ⁱ Penehuro F Lefale, International Climate Analyst/Director & Dr Cheryl L Anderson, Director, LeA International Consultants, Ltd., Wellington, New Zealand, www.ilea.co.nz.