



COP21 · CMP11
PARIS 2015
UN CLIMATE CHANGE CONFERENCE

COP 21: 2 Weeks and 10 Targets to Save the World

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Triple Whammy

- Climate change is set to pass the milestone of 1° C of warming since pre-industrial times
- 2015 is also set to be the hottest on record “by a country mile”
- 2016 will be the first year in which the concentration of carbon dioxide in the atmosphere exceeds 400ppm on average



International Environmental Law

- Transboundary, global environmental problems that require international regulation and solutions
- International agreements /treaties /conventions to establish standards
- International law not directly enforceable in the national legal system in the United Kingdom
- Treaties need to be ratified and given effect by Parliament

International Environmental Law

- **Hard Law:**
 - **Treaties – bind states in relations with other states**
 - **Customary International Law**
- **Soft Law:**
 - **Declarations -**
 - **Consolidate**
 - **Move principles towards customary status**
 - **Reflect agreed international political aspirations**
 - **Principles**
 - **Recommendations**
 - **Standards**

International Environmental Law

- 1987 World Commission on Environment and Development *Our Common Future* - Brundtland Report
 - Sustainable Development
- 1992 UN Conference on Environment and Development (Earth Summit) – 176 States attended
 - Rio Declaration
 - Convention on Biological Diversity
 - Framework Convention on Climate Change
- Rio+20 2012 (Green economy in the context of poverty reduction and sustainable development)

Twenty-One Years Old

- The UNFCCC has been negotiating since before most of you were born
- Kyoto Protocol 1997 (expired 2012)
- Agreement at COP 21 will not come into force before 2020

Environment/Earth

- Common resource?
- Shared resource?
- Common heritage of mankind?
- Common concern of humankind? - *“change in the Earth’s climate and its adverse effects are a common concern of humankind...”* (Preamble to UNFCCC)



UNFCCC



- Negotiated at the United Nations Conference on Environment and Development (UNCED) – Earth Summit in Rio in June 1992
- Objective: “stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”
- No binding GHG emissions limits and no enforcement mechanisms – it is not legally binding!
- Provides a framework for negotiating specific international treaties (called protocols) that may set binding GHG limits
- Entered into force on 21 March 1994; 194 parties + EU

UNFCCC Article 2



The ultimate objective of this Convention ... is to achieve ... *stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system*

Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, *to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner*

UNFCCC

Article 3, s. 3



Precautionary Principle

The Parties should take *precautionary measures* to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects

Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change *should be cost-effective so as to ensure global benefits at the lowest possible cost...*

Precautionary Principle

The precautionary principle or precautionary approach states that if an action or policy has a suspected risk of causing harm to the public or the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is ***not*** harmful falls on those taking an action

It is a statutory requirement in some areas of EU law

UNFCCC

Article 3, s. 4



Sustainable Development

The Parties have a right to, and should, promote *sustainable development*

Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be *integrated* with national development programmes, taking into account that *economic development is essential* for adopting measures to address climate change

UNFCCC

Article 4, s. 1



Common but Differentiated Responsibility

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with *their common but differentiated responsibilities and respective capabilities*

Accordingly, the developed country Parties should *take the lead* in combating climate change and [it's] adverse effects

Kyoto Protocol

- Entered into force 16 February 2005
- Members: 195 States and the EU
- Set quantified emissions limitation and reduction obligations for Annex-I Parties (37 States)
- Art. 3.1: overall emissions from Annex I Parties shall be reduced to at least 5% below 1990 levels within 2008-2012 (First Commitment Period)

State Commitments

Annex I Parties (OECD countries):

- provide financial resources to developing countries (Art.4.3)
- assist developing countries in meeting adaptation costs (Art. 4.4)
- technology transfer (Art. 4.5)
- allow degree of flexibility (Art 4.6)

Annex 1 Countries Emission Pledges

By 2020 compared to 1990:

- EU : 20% - 30%
- Japan: 25%
- Russia: 15% - 25%

Compared to 2000:

- Australia: 5% - 25%

Compared to 2005:

- Canada: 17%
- US: 17%

Developing Countries Emission Pledges

Compared to business as usual:

- Brazil: 36.1% - 38.9%
- Indonesia: 26%
- Mexico: 30%
- South Africa: 34%
- South Korea: 30%

Carbon intensity compared to 2005:

- China: 40% - 45% + increased share of non-fossil fuel to 15 % and increased forest coverage by 40 million hectares
- India: 20% - 25%

“Copenhagen Accord/Discord”

“One of the most successful failures in the history of multilateral diplomacy” – Nature magazine, January 2012



Climate Change Act 2008

Framework to achieve a mandatory 80% cut in the UK's emissions by 2050 (compared to 1990 levels)

Intermediate target of 34% by 2020 which would have risen if a deal had been reached in Copenhagen



EU Climate Change Legislation

Three 2020 targets:

- To reduce emissions by 20% from 1990 levels
- To provide 20% of its total energy from renewables
- To increase energy efficiency by 20% from 2007 levels

EU leaders have endorsed a target of 80-95% reduction in emissions by 2050



Market Failure



Stern Review (2006): “Climate change is the greatest and widest-ranging market failure ever seen”

Carbon taxes or carbon markets?

Climate Justice

- Who should do what
- and why?
 - Historical responsibility
 - Benefit from fossil fuelled industrialisation
 - Ability to pay
- Funding for adaptation and mitigation
- Technology transfer
- Binding commitments for all? (CBDR)



Where to Now?

- ***Emission Gap*** (unburnable carbon):
 - Implement pledges: 1 Gt
 - Business as usual: 10 Gt
- ***Legal Gap***:
 - When will KP CPII come into force?
 - Will it be legally binding?
- ***Equity Gap***:
 - Funding
 - Technology

A Binding Universal Agreement?

**An global agreement is essential to
address a global problem and
provide a framework for regional,
national and local action**

Country Commitments

60+ countries have unveiled their plans to cut emissions and strengthen resilience to climate change risks after 2020 — so-called Intended Nationally Determined Contributions - accounting for almost 70 per cent of global emissions

These commitments put us on a path towards the extremely dangerous number of 3 degrees

10 Targets for Climate Justice: 1

Keeping at least 80% of known fossil fuel reserves in the ground so that emissions peak in 2020 to enable us to completely decarbonise the global economy by 2050

10 Targets for Climate Justice: 6

A mechanism that correctly prices the social cost of carbon and enables people and companies to plan for the future

10 Targets for Climate Justice: 7

Protect the rights of people displaced by climate change and provide resources for the relocation and resettlement of the citizens of small island states

10 Targets for Climate Justice: 8

Extend action under the REDD framework in the UNFCCC to reduce emissions from deforestation and forest degradation

10 Targets for Climate Justice: 9

Adopt a declaration on human rights and climate change that acknowledges the impacts of anthropogenic global warming on the rights of human beings, non-human species and the Earth itself

10 Targets for Climate Justice: 10

Protects the rights of future generations through genuinely sustainable development

Nicholas Stern

“Whether we can live in our cities – breathe in them, move in them – all of this will be defined by the decisions we take. I don’t think the criticalness of these 20 years is sufficiently understood.”



Current Emissions Pledges

**INDCs projected to Reduce Emissions in
2030 by up to 6 Gt But Additional 12 Gt
Required to Close Gap**



Carbon Action Tracker

European Union: “medium” – pledged a binding, economy-wide target goal to reduce greenhouse gases emissions by at least 40% domestic below 1990 by 2030

China: “medium with inadequate carbon intensity target” - proposes to reduce carbon intensity by 60% to 65% by 2030 below 2005 levels, increase the share of non-fossil primary energy to 20%, increase the forest stock and peak by 2030 or earlier

USA: “medium” - put forward the unconditional target to reduce economy wide emissions by 26% to 28% below 2005 domestically

Carbon Action Tracker

Russia: “inadequate” – proposes a reduction of only 6–11% below 1990 given its intention of “making maximum use of [...] forests” and making this target conditional upon a legally binding commitment by all emitters

South Africa: “inadequate” - proposes to reduce its GHG emissions levels to between 398–614 MtCO₂e over 2025–2030. After accounting for LULUCF, this target is equivalent to emissions of 20–82% above 1990 levels excl. LULUCF

Japan: We rate Japan “inadequate”. Japan proposes to reduce emissions by 26% below 2013 emission levels by 2030. This corresponds to 18% below 1990 levels.

Where to Now?

**Too
stupid to
survive?**



Radio 4
Changing Climate
Monday, 16 November
8.00 pm