Paris Update: The Paris rulebook and Climate Migration

Rosemary Lyster
Professor of Climate and Environmental Law
Co-Director, Australian Centre for Climate and Environmental Law
The University of Sydney Law School
The Paris rulebook
Structure of the Paris Agreement

The Paris rulebook

The Paris rulebook is currently being negotiated by the Parties and includes provisions addressing:

- Transparency – biennial reporting
- Accounting
- Compliance – facilitative, non punitive, non-confrontational
- The use of market-based mechanisms
- Periodic assessment of collective progress

Will be finalised at COP 24 from 3-14 December 2018
Figure 2: Elements of the transparency framework for action and support

1. Reports
   - National Inventory Report (NIR)
   - Impacts and adaptation
     - Progress in NDC implementation

2. Technical expert review
   - National Inventory Report (NIR)
   - Progress in NDC implementation
     - Support provided

3. Facilitative, multilateral consideration of progress
   - Progress in NDC implementation
     - Financial support provided
     - Support provided

- Support needed and received
- Finance/Technology/Capacity-building

Periodic Assessment of Progress

PARIS AGREEMENT ADOPTED
In December 2015, Australia and all countries agreed to take action to limit long-term warming to 1.5-2°C, achieve net zero emissions and increase resilience to the emerging impacts of climate change.

Countries submitted first post-2020 emissions reduction targets (NDCs) to either 2025 or 2030.

BY 2020
Countries with 2025 targets submit their 2030 target and countries with 2030 targets update their target.
Countries are also asked to submit 2050 targets that are in line with the objectives of the Paris Agreements by 2020.

1st GLOBAL STOCKTAKE
Paris established a system whereby every five years countries collectively take stock on the world’s progress towards achieving the objectives of the Agreement.

2017 REVIEW OF CLIMATE POLICIES
This review of Australia’s climate policies and the post-2030 emissions pathway represents the first chance for a credible national policy conversation in five years.

PARIS AGREEMENT ENTERS INTO FORCE
On 4 November, the Paris Agreement will enter force within a year of being adopted. This is historic speed for an agreement of this scope. It took the Kyoto Protocol around eight years to come into force.

BY 2025
Countries put forward a post-2030 target stronger than their 2030 target and justify it against the objectives of the Paris Agreement.

2nd GLOBAL STOCKTAKE

BY 2030
Countries put forward a stronger target than their previous one. Every five years after this countries will need to advance even stronger targets until net zero emissions is achieved.

3rd GLOBAL STOCKTAKE

4th GLOBAL STOCKTAKE

NET ZERO EMISSIONS

The Climate Institute COP 22 – Getting to Zero 2016
What are the challenges?

– Structure
  – Single decision, individual decisions for each part

– Precision
  – Detailed substantive rules, minimum nationally determined substantive rules, procedural rules

– Bindingness
  – Does the Paris Agreement authorise binding rules?
  – If so will the language be mandatory, hortatory or optional?

– Differentiation
  – Some provisions explicitly contemplate differentiation but others require ‘flexibility’

– Linkages
  – Between technical expert review, multilateral consultative process, global stocktake, implementation and compliance

– Timing
  – Some rules necessary to operationalise the Paris Agreement but others are not

Bodansky, O’Connor, Rajamani (April 2018)
Climate migration
Climate Disasters and Poverty

Figure 3.2: Natural disasters are responsible for the extreme poverty of millions of people
Simulated impacts of natural disasters on poverty headcount in 2012, 89 countries

Panel a

- Earthquakes: 1,200
- Storm surge: 600
- Tsunami: 300
- Windstorm: 900

Panel b

- Floods: 45,000
- Drought: 18,000

Source: Rozenberg and Hallegatte, forthcoming.

World Bank *Unbreakable: Building the Resilience of the Poor* (2017)
Types of human mobility and climate change

**Human mobility**

**Displacement**
Situations where people are forced to leave their home or place of habitual residence. Displacement is usually associated with intensive risk, where the occurrence of a disaster event is the primary driver of movement. It can take place within or across national borders.

**Migration**
Movements which are, to some degree, voluntary. This is usually associated with extensive risk, and can take place within or across national borders. The decision to move is complex and often linked to multiple drivers, including but not limited to climate risk.

**Planned relocation**
An organised relocation, typically instigated, supervised and carried out by the state with the aim of reducing (usually extensive) weather and climate risks. Ideally, planned relocation should be undertaken transparently and with the informed consent of, or upon the request of the community. It should also be accompanied by resettlement (the restoration of communities and socio-economic conditions) (McAdam and Ferris, 2015).

*Source: Advisory Group on Climate Change and Human Mobility, 2014.*
Warsaw Mechanism Task Force on Displacement post-Paris

The Executive Committee & its technical arms

The Executive Committee (Excom) **guides the implementation of the functions** of the Warsaw International Mechanism through its workplan. The Excom comprises 20 members from Parties to the Convention.

### TECHNICAL ARMS OF THE EXECUTIVE COMMITTEE

<table>
<thead>
<tr>
<th>Expert Group on Non-Economic Losses</th>
<th>Task Force on Displacement</th>
<th>Technical Expert Group on Comprehensive Risk Management and Transformational Approaches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop inputs and recommendations to enhance data on and knowledge of reducing the risk of and addressing non-economic losses</td>
<td>Develop recommendations for integrated approaches to avert, minimize and address displacement associated with the adverse effects of climate change</td>
<td>Provide technical support and guidance on comprehensive risk management and transformational approaches</td>
</tr>
</tbody>
</table>
Action Area 6 of the initial 2-year workplan of the Excom:

‘Enhance the understanding of and expertise on how the impacts of climate change are affecting patterns of migration, displacement and human mobility; and the application of such understanding and expertise’.

69 sets of inputs from more than 30 experts and organizations on “knowledge, data and scientific information on internal and cross-border migration, displacement and other forms of human mobility”

Technical meeting on migration, displacement and human mobility, hosted by IOM in July 2016 in Casablanca, Morocco, produced 3 sets of synthesis information and recommendations
**Timeline**

- **Excom 4**
  - Sep 2016
  - ToRs adopted

- **COP 23**
  - Oct 2017
  - Excom 7
  - 2018

- **COP 24**
  - Nov 2018
  - COP considers recommendations

- **Excom approves workplan**

- **TFD 1**
  - May 2017
  - TFD develops a draft workplan

- **Excom 6**
  - Oct 2017
  - TFD reports on interim progress

- **TFD develops recommendations**
  - TFD reports regularly on progress

- **Excom 8**
  - 2018
  - Excom endorses recommendations
2018 UN Global compact for safe, orderly migration

– Builds on 2016 New York Declaration for Refugees and Migrants

– UN General Assembly global governance framework for international cooperation on migrants and human mobility including humanitarian, developmental, human-rights related and other aspects

– Preparatory process includes informal thematic sessions:
  – Phase I (consultations): April – November 2017 (Geneva)
  – Phase II (stocktaking): November 2017 – January 2018 (New York)
    • Including climate change as a driver of migration
    • Prepare a report and zero draft of the Global Compact
  – Phase III (intergovernmental negotiations): February 2018 – July 2018 (Vienna)
  – Adopted at Intergovernmental Meeting in December 2018
Key steps in 2018
– The ‘facilitative dialogue’ took place in May 2018 where Parties took stock of their efforts in relation to the long-term goal of the Paris Agreement – will report to COP 24

– Monday 8 October 2018 the IPCC will release Special Report Global Warming of 1.5°C

– The Paris rulebook will be finalised and adopted at COP 24

– Taskforce on Displacement will release recommendations at COP 24

– Global Compact on Safe, Orderly Migration adopted at summit in Morocco in December 2018
Talanoa ‘facilitative dialogue’ to concluded at COP24
Key uncertainties
Withdrawal of the United States from the Paris Agreement unless ‘suitable terms for re-engagement’

- US officials continue to participate
- Withdrawal will become effective on 4 December 2020, one day after US Presidential election
- Trumps threatens to cut funds to Green Climate Fund ($2 billion), IPCC (45% of funds in 2016), UNFCCC Secretariat – Senate Appropriation Committee US$10 million in 2018

Implications of Brexit

- Problems with regard to EU’s NDC, long-term low greenhouse gas development strategy, Effort Sharing Regulation 2021-2030, EU ETS, research institutes and business organisations
New publication
Thank you and questions