Briefing Note

What Role for the Arctic in the UN Paris Climate Conference (COP-21)?

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During the two first weeks of December 2015, the <u>UN Climate Conference in Paris</u> will put climate change back at the center of the agenda of the international community. Six years after the breakdown of the Copenhagen climate conference, the international community is once again aiming at finalizing and adopting a new legally-binding instrument to address climate change.

Just as the climate negotiations ramp up in the lead up to this event, climate change has also emerged as a <u>major theme of the ongoing US chairmanship of the Arctic Council</u>. The country has not only committed to work through the Council and its Working Groups towards better addressing climate impacts across the circumpolar world, but mindful of the upcoming Paris conference, President Obama also conveyed an <u>unprecedented intergovernmental conference in the Arctic</u> to highlight the regional implications of climate change and to raise awareness.

In the context of these parallel developments, we review the role that the Arctic plays in relation to these international climate negotiations. How have Arctic climate change been addressed so far by two decades of climate negotiations? Who is "speaking for" the Arctic in this process? Will the Paris climate agreement have an impact on policy and economic developments in the Arctic? Before addressing each of these questions, we will provide a short overview of what the Paris Climate Conference is expected to deliver.

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What can one expect from the Paris climate conference?

The Paris climate conference is the final step in a four-years long negotiating process that was initiated to address some of the policy gaps left by the failure of the Copenhagen conference.



The conference is expected to result in a package outcome building on four main elements that will define the response to climate change for the years to come (Boyd et al. 2015: 7). Firstly, governments are finalizing the drafting of a new agreement setting a new framework for climate cooperation. Contrary to its predecessor, the 1997 Kyoto Protocol, this new agreement is expected to involve actively all countries and to address both the reduction of greenhouse gases emissions as well as issues related to climate adaptation. Secondly, all governments are requested to provide a national contribution highlighting the domestic policies and targets in relation to low-carbon development and - for most countries - to climate resilience. Thirdly, the conference will offer an opportunity for developed countries to confirm how they intend to support financially developing countries struggling with climate impacts or intending to implement drastic cuts in their carbon emissions. Fourthly, local governments and private entities are invited to join the momentum for climate action by offering their own voluntary commitments to those of national governments.

By building on self-defined targets and voluntary commitments, this package approach constitutes a shift from the previous rounds of climate negotiations and from the model that underpinned the Kyoto Protocol. The current negotiations build from the premise that governments are not yet willing to take sufficient action to prevent a dangerous increase of temperatures but that a new agreement promoting transparency, financial and technological support and participation by all actors might help to increase incrementally this collective ambition.

How has the Arctic been addressed so far by two decades of climate negotiations?

The Paris conference will be another milestone in a process initiated in 1992 with the adoption of the <u>UN Framework Convention on Climate Change</u> (UNFCCC). Since then governments have continuously worked under the aegis of the United Nations to foster international cooperation on the issue. The Paris Conference is thus the 21st Conference of the Parties to the UNFCCC ("COP-21"), all previous conferences having resulted in their share of decisions – the

most significant being the adoption of the Kyoto Protocol in 1997 which set emissions target for a limited set of industrialized countries.



While the Arctic has become the most prominent icon of ongoing climate impacts, the region has not been directly addressed during these two decades of international negotiations (Doelle 2009; Duyck 2012). Indeed, the review of the legal instruments and political decisions adopted at each annual conference reveals a complete absence of reference to the region. Several elements contribute to explain why the UN negotiations have remained seemingly oblivious to the implications of climate change in the Arctic.

Firstly, the international nature of this process limits the opportunity to address regional specificities. The political decisions resulting from the annual climate conference do not refer to specific geographic regions. References to Africa constitute the only notable exception to this principle, the continent being referred to as "the region suffering the most from the combined impacts of climate change and poverty," a reference meant to highlight the need to channel specific resources to support the climate policies of African countries.

Secondly, the strong distinction established in the Climate Convention between industrialized and developing countries has limited the opportunity for the climate negotiations to address climate impacts in the Arctic. Building on these differentiated roles, the UN addresses the vulnerabilities and adaptation needs of developing countries, those of industrialized nations being primarily considered as a matter for domestic policies. As all circumpolar states fall under the second category, issues related to adaptation to climate impacts in the Arctic have fallen outside of the scope of discussions taking place under the UNFCCC.

Thirdly, the eight Arctic states (Canada, Denmark/Greenland, Finland, Iceland, Norway, Russia, Sweden and the United States) have established the Arctic Council as their own regional forum to address circumpolar issues. Since the adoption of the Arctic Environmental Protection Strategy in 1991, the role of climate change as a driver of regional changes has been at the core of circumpolar environmental cooperation (Koivurova & Hassanat 2010).

In particular, the Arctic Council contributed greatly to the understanding of the implications of climate change through its <u>2004 Arctic Climate Impact Assessment (ACIA)</u> – an unprecedented regional assessment of ongoing climate change impacts (Nilsson 2007). Since then, the Council continued to foster climate related research, with recent projects focused on the <u>impacts of</u>

climate change on the cryosphere and on ocean acidification. While it continues to play a critical role to foster regional cooperation on climate science, the Council struggled for a long time to initiate policy actions on the basis of these recommendations (French & Scott 2009: 654). The reduction of emissions of short-lived climate forcers could in particular provide an avenue for the Council to promote regional action mitigating climate change (Rosenthal & Watson 2011). Currently, the Arctic Council's Expert Group on Black Carbon and Methane is considering this issue and supports the implementation of the Council's Framework for Action on Enhanced Black Carbon and Methane Emissions Reductions adopted during the 2015 ministerial meeting.

Who "speaks for" the Arctic in the UN climate negotiations?

Three main groups of actors participating to this negotiation process could possibly highlight the nature of Arctic climate changes: the Arctic states, Arctic indigenous peoples and the research community. The number of Arctic-focused side events organized during the climate conferences provides an indication of the role played by different actors to ensure that Arctic climate changes do inform the negotiations. While these events do not provide formal input to the political process, these events offer a significant opportunity to highlight emerging issues (Hjerpe & Linnér 2010).

The limited role played by the Arctic states and their forum

In state-driven processes such as the UN climate talks, national governments have an almost exclusive role in relation to the definition of its scope. The eight Arctic states are therefore best positioned to potentially promote Arctic specific issues in the climate negotiations. Up to now, their governments have however played a relatively limited role to bring polar issues at the UNFCCC.

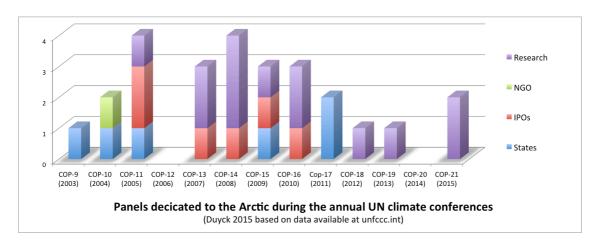


Table 1: Panels dedicated to the Arctic during the Annual UN climate conferences

In their periodic report on national circumstances and implementation, the Arctic states have increasingly provided information related to the vulnerability of their northernmost territories and to ongoing scientific research conducted in the region (Duyck 2015: 67). On the other hand, the eight states have seldom referred to the region in their negotiating positions and, when they did, these references related primarily to the need for further scientific research on regional climate processes.

Additionally, the visibility of the Arctic Council and its climate-related projects has been very limited in the climate talks. Firstly, the Arctic Council lacks observer status to the UNFCCC due to its peculiar legal nature and consequently has much more limited options to provide contributions to the process. Secondly, some of its members have explicitly requested in the past the Council not to become directly involved in the negotiations. During its recent chairmanship of the Council, Canada also discontinued the practice of delivering an oral ministerial statement on behalf of the Council during the annual conference. Thus, while the Arctic states have repeatedly emphasized the importance of tackling Arctic climate change in each ministerial declaration adopted by the Arctic Council, they have done relatively little to promote this specific agenda under the aegis of the UNFCCC.

Participation to the climate negotiations by Arctic indigenous peoples

Representatives from Arctic indigenous peoples constitute a second group of actors who could raise Arctic specific issues in the climate process. Arctic indigenous peoples have been recognized as key actors in relation to regional environmental governance and have secured a unique status at the Arctic Council (Koivurova 2011). Building on this experience, indigenous representatives have participated regularly at the climate talks, either as members of the governmental delegations or with an observer status. Arctic indigenous peoples' organization the Inuit Circumpolar Council (ICC) in particular participated in the negotiations between 2003 and 2005 to highlight the human rights implications of climate change and the need for stronger climate action. The ICC had previously been successful in triggering an international response to the issue of chemical pollution of the Arctic, resulting in the adoption of the UN Stockholm Convention on Persistent Organic Pollutant (Downie & Fenge 2003).

However, the messages carried by the ICC message faced much stronger resistance in the climate negotiations (Watt-Cloutier 2015). Even under the framework of the Arctic Council, Arctic indigenous peoples sometimes struggled to get their messages heard on par with those of scientists (Shadian 2014: 187). Consequently, Arctic indigenous peoples organisations have not been able to convey effectively their message among the multitude of voices and communities represented at UN annual climate conference. During the past years, the most prominent messages voiced by indigenous peoples in the UN climate talks have shifted to other themes more relevant to other regions of the world, such as the need to respect indigenous traditional knowledge and indigenous rights, in particular in relation to projects related to the reduction of deforestation in rainforest countries.



Contributions by the research community

Over recent years, the Arctic has actually been mainly mentioned in the negotiating halls of the UN climate talks through the presentations delivered by scientists. In particular, research institutions have repeatedly highlighted the most recent findings related to Arctic changes in side events organized during the conferences.

Additionally, the scientific dialogue initiated in 2013 to review the merits of long-term temperature goal provided the first forum to discuss more specifically Arctic climate impacts. This formal dialogue aims, among other objectives, at reviewing whether the target of 2°C adopted by governments during the Copenhagen conference is sufficient to prevent the most dangerous impacts of climate change. Considering the direct human rights implications of climate change in the Arctic, information related to Arctic impacts is indeed particularly relevant to inform any interpretation of the objective to avoid dangerous interference with the climate system (Crowley 2010).

Through this process, scientists have highlighted climate impacts observed in the region and warned that an increase of 2°C of global temperatures implied a much more severe warming of the region. In February 2015, a representative from the Arctic Council's Arctic Monitoring and Assessment Programme shared information with governmental delegates on the <u>ongoing and</u> projected impacts of climate change across the circumpolar world. This scientific dialogue offered the first concrete opportunity for Arctic scientific findings to inform the UN climate talks, playing the role of a bellwether so often described for the region. However, the impact of this process is limited by the fact that governments are already struggling to provide commitments that would add up to an emission pathway compatible with the initial 2°C target. The outcome of the review – which will be formally decided in Paris – is therefore unlikely to have more than a symbolic value.

Will the Paris climate agreement have an impact on environmental, policy and economic developments in the Arctic?

References to the Arctic in the UN climate talks have thus mainly remained focused on scientific evidences of ongoing impacts than on specific policy proposals. Consequently, the Arctic is not specifically addressed in the ongoing negotiations towards the Paris climate conference, the <u>formal negotiating text</u> serving as a basis for these negotiations containing no reference to the Polar Regions.

The Paris climate conference is also unlikely to trigger sufficient new commitments by governments in order to reduce emissions sufficiently to prevent irreversible climate impacts in the Arctic. Initial analysis of the national commitments submitted by governments ahead of the October 1st deadline indicated that the current level of commitment might limit the global increase of the temperatures by 3.5°C by the end of the century. While such an increase of temperatures would be lower than would otherwise occur in a business as usual scenario, it would still be far too high to prevent irreversible climate impacts in the Arctic, such as on the stability of the Greenlandic icesheet or on the summer sea ice (Lenton 2012).

Nevertheless, despite this absence of explicit reference and the failure to secure sufficient mitigation ambition, the future Paris climate agreement could possibly impact Arctic developments through two main channels. Firstly, the agreement could provide a new momentum for international cooperation on adaptation policies. Secondly it could send the strongest message adopted by the international community so far with regards to the commitment of countries to decarbonize the global economy.

Adaptation has always been a core policy area addressed under the UNFCCC (for instance with the establishment in 2001 of an Adaptation Fund or the adoption in 2005 of the Nairobi Work Programme on impacts, vulnerability and adaptation). Cooperation under the UNFCCC on adaptation has however remained focused on supporting developing countries deal with the impacts of climate change. As far as their own adaptation policies were concerned, developed countries are so far only required to implement actions and to provide regular reports on these policies.

However, the new Paris agreement could modify this approach as it is expected to build on a more universal approach, highlighting for instance the responsibility of all parties to implement domestic adaptation measures and to cooperate in the exchange of good practices. This development could foster cooperation and exchange of good practices between developed countries, including through regional forums. The Arctic Council's project "Adaptation Actions for a Changing Arctic" (AACA), perceived by some as the opportunity to restructure the work of the Arctic Council (Kankaanpää 2012: 105), could for instance benefit from this new momentum.

Secondly, the adoption in Paris of a long-term mitigation goal could affect the prospects for the fossil fuels industry seeking to operate in the Arctic. While governments agreed in Copenhagen to a quantified objective (limiting warming below 2°C), they have remained evasive as how they intend to meet this goal. In the lead up to the COP-21, a growing number of countries and institutional actors have increasingly called for the adoption in Paris of a new and more practical universal policy goal that would highlight the need for the long-term decarbonisation of the

global economy or the reduction to zero of emissions generated from the combustion of fossil fuels emissions.



This provision would mainly have, at this stage, an aspirational nature. Even if countries in Paris were to endorse the need to phase-out fossil fuels emissions before the end of the century, the governments of the five Arctic coastal states are unlikely to shift their current position and to renounce to exploit the oil and gas reserves trapped under their Arctic continental shelves. But such a statement could further emphasize the financial risks related to stranded assets (resources which are no longer able to earn the economic return originally expected due to a change of the regulatory or economic landscape). In a region where the scale of investments required to produce fossil fuels leads to particularly slow return on investment, a strong commitment by all governments to phase out fossil fuels emissions could further undermine the economic rationale of new oil and gas extraction projects.

Credit pictures (in order): Sébastien Duyck, UNEP/Grid-Arendal, Jay Preston, Krichevsky.

References

- Boyd, R., F. Green, F. & N. Stern. (2015). The Road to Paris and Beyond. *Policy Paper for the Grantham Research Institute on Climate Change and the Environment*. Available from http://www.lse.ac.uk/GranthamInstitute/publication/the-road-to-paris-and-beyond/.
- Crowley, P. (2011. Suppl. 1). Interpreting 'Dangerous' in the United Nations Framework Convention on Climate Change and the Human Rights of Inuit. *Regional Environmental Change* 11: S265-S274.
- Doelle, M. (2009). The Climate Change Regime and the Arctic Region. In T. Koivurova, E. C.H. Keskitalo, & N. Banks. (eds.). *Climate Governance in the Arctic.* Heidelberg: Springer.
- Downie, D.L. & T. Fenge. (2003), Northern Lights Against POPs. Combatting Toxic Threats in the Arctic. Montreal & Kingston: McGill-Queen's University Press.

- Duyck, S. (2012). Which Canary in the Coalmine? The Arctic in the International Climate Change Regime. In G. Alfredsson & T. Koivurova (eds.). The Yearbook of Polar Law, 4.
- Duyck, S. (2015). The Arctic Voice at the UN Climate Negotiations: Interplay Between Arctic & Climate Governance. Available from: <u>http://hdl.handle.net/1946/21031</u>.
- French, D. & K. Scott. (2009). International Legal Implications of Climate Change for the Polar Regions: Too Much, Too Little, Too Late? *Melbourne Journal of International Law.* 10(2): 631:654.
- Hjerpe, M. & B. Linnér. (2010). Functions of COP Side-events in Climate Change Governance. *Climate Policy*. 10: 167-180.
- Kankaanpää, P. (2012). Knowledge Structures of the Arctic Council: For sustainable Development. In T. S. Axworthy, T. Koivurova, & W. Hasanat (eds.). *The Arctic Council: Its Place in the Future of Arctic Governance*. Toronto: The Walter and Duncan Gordon Foundation.
- Koivurova, T. & W. Hasanat. (2009). Climate Policy of the Arctic Council. In T. Koivurova, E. C. H. & N. Banks (eds.). Climate Governance in the Arctic. Heidelberg: Springer.
- Koivurova, T. (2011). The Status and Role of Indigenous Peoples in Arctic International Governance. In *The Yearbook of Polar Law*, 3.
- Lenton, T. M. (2012). Arctic Climate Tipping Points. Ambio, 41: 10-22.
- Nilsson, A. E. (2007). A Changing Arctic Climate Science and Policy in the Arctic Climate Impact Assessment. Series: Linköping Studies in Arts and Science No. 386.
- Rosenthal, E. & R. Watson. (2011). Multilateral Efforts to Reduce Black Carbon Emissions: A Lifeline for the Warming Arctic? *Review of Economic Community and International Environmental Law*. 20(1): 3-10.
- Shadian, J. (2014). The Politics of Arctic Sovereignty: Oil, Ice and Inuit Governance. Oxon: Routledge.
- Watt-Cloutier, S. (2015). The Right to Be Cold: One Woman's Story of Protecting Her Culture, the Arctic and the Whole. London: Allen Lane.