



**Pacific Climate Treaty
Country Consultations**

January – March 2017



What next?

Road from PIDF Suva Declaration to the Paris Agreement

PIDF Suva Declaration

- During 2015 PIDF 3rd Leaders Summit the Suva Declaration listed out the priority areas for the Pacific in dealing with the region's climate change challenges.
- We used this to push the Pacific's agenda at the Paris COP21 climate negotiations.

COP21 Paris Agreement


- The COP21 Paris Agreement provided us with a plan to take action on climate change at the global level. It included the Pacific's top priorities from the Suva Declaration but not all of them.
- Which meant that there are still outstanding priority areas in the Suva Declaration that we need to address.

What Now Beyond Paris Agreement?

- The question before us after the Paris Agreement is, what now? How does the Pacific move implementation forward beyond Paris Agreement?




Process of Treaty Development thus far

- The Pacific Islands Climate Action Network (PICAN) – a regional network of 58 NGO/CSO organizations that work on climate change in the Pacific – explored the idea of a first ever regional Pacific Climate Treaty that would provide a platform to implement both the Suva Declaration and the Paris Agreement by setting a precedent through **supporting regional cooperation on mitigation, adaptation, loss and damage, finance, climate-induced migration and access to justice.**
 - PICAN then commissioned a report, authored by Dr. Margaretha Wewerinke of USP's Faculty of Law, to further explore in depth the outline and substance of what this treaty could look like.
 - PICAN and PIDF Secretariat partnered to refine the report, conducted extensive consultations on the draft with various Pacific Government officials, including the ambassadors, Pacific climate negotiators, the UN agencies, regional organizations and the civil society organizations.
 - The report, following the collaborative work between PIDF Secretariat and PICAN is presented to Your Excellency's for your consideration.
 - The Leaders asked us to consult widely on the proposed treaty and come back to the 2017 Leaders Summit with a report on these consultations.
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The Case for a Pacific Climate Treaty

- Build on the momentum of the Paris Agreement and help ensure achievement of its goals**
 - Provide a platform to implement both the Suva Declaration and the Paris Agreement**
 - Enhance regional cooperation across all elements of climate action and fill gaps in the protection of those most vulnerable**
 - Combine climate, development and human rights objectives**
 - Inspire similar regulatory action in other parts of the world**
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The vision behind the Climate Treaty

- The vision that underpins the initiative for a Pacific Climate Treaty is set out in the Preamble.
 - The Preamble starts by highlighting the devastating effects of climate change that are already being experienced in the Pacific and the existential threats posed by future climate change, while spelling out the consequences thereof for internationally protected human rights.
 - The Preamble proceeds to highlight that despite the near universally ratified UNFCCC, climate change has not been adequately addressed so far, and both action to limit global warming and funding for mitigation and adaptation remain grossly inadequate.
 - The Preamble clarifies that the Pacific vision for climate action is based on the principles of prevention, climate justice, non-discrimination and inclusiveness, drawing on the Suva Declaration on Climate Change and other regional statements.
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Article 2: Purpose of the Treaty

To achieve sustainable development while strengthening national, regional and global responses to the threat of climate change, including by:

- (a) Pursuing all possible efforts to hold the increase in the global average temperature to well below 1.5°C above pre-industrial levels;*
 - (b) Ensuring and maintaining universal access to sufficient amounts of clean and affordable energy for all Pacific islanders and for a growing productive sector;*
 - (c) Increasing our ability to adapt to the adverse effects of climate change and foster climate resilience and sustainable development, in a manner that does not threaten food production;*
 - (d) Preventing, minimising and addressing loss and damage associated with the adverse effects of climate change;*
 - (e) Protecting the sovereign rights of all Pacific Small Island Developing States in the face of threats posed by climate change;*
 - (f) Making finance flows consistent with a pathway towards sustainable and climate-resilient development, adaptation and compensation for loss and damage.*
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Article 3: Phasing out of Fossil Fuels

- **Promote:**
 - Global peaking of greenhouse gas emissions as soon as possible;
 - Rapid reductions of greenhouse gas emissions thereafter, in accordance with the best available science;
 - Zero global emissions no later than 2050.
 - **In order to achieve the long-term temperature goal:**
 - Not to take any action to assist or encourage the opening of new coal or fossil fuel mines in the region.
 - To encourage the closure of existing (if any) coal and fossil fuel mines in Pacific;
 - Not to provide any subsidies for fossil fuel production or consumption.
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Article 4: Sustainable Development

- The Parties shall take action, individually and jointly, to ensure universal access to sufficient amounts of clean and affordable energy for all Pacific islanders and for a growing productive sector by 2030, and to maintain such access thereafter.
 - A Pacific Framework for Renewable Energy is hereby established, with a view to achieving the objective set out in paragraph 1, in collaboration with development partners.
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Article 5: Adaptation

- Take action to strengthen resilience, reduce vulnerability and adapt to climate change in a country-driven, community based, gender-responsive, participatory and fully transparent manner, taking into account the best available science, traditional knowledge and human rights.
 - Strengthen cooperation on adaptation, including through sharing information, best practices, experiences and lessons learned in designing and implementing adaptation plans and accessing finance for adaptation.
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Article 6: Loss and Damage

- To establish a Pacific Framework for Climate Mobility to facilitate internal and cross-border movement in the context of climate change;
 - To ensure the protection of Pacific heritage, cultures and languages in the context of climate-induced migration;
 - To cooperate with other States on arrangements that will enable individuals and communities in Pacific Small Island Developing States to migrate with dignity, temporarily or permanently, to a location where all of their human rights are optimally protected.
 - Take all necessary measures to ensure that the human rights of those who are forced to flee from the adverse effects of climate change are protected at all times.
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Article 7: Sovereignty & P e o p l e ' s

- The territories of Pacific Small Island Developing States shall forever belong to present and future generations of the Pacific Island peoples.
 - In no case may a Pacific Small Island Developing State be deprived of any of its sovereign rights under international law as a direct or indirect result of climate change.
 - The Parties shall cooperate to ensure the protection and continuation of all legal rights related to sovereignty in the face of threats posed by climate change.
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Article 8: Access to Justice

- Take steps to eliminate obstacles to redress for loss and damage caused by climate change within their jurisdictions.
 - In addition, ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons which contravene provisions of national, regional or international law relating to the protection of the global climate.
 - Take steps, within the framework of its national legislation, to enable domestic courts to make an order for damages claimed on behalf of the public to be paid into the Pacific Islands Climate Compensation Fund.
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Article 9: Pacific Climate Compensation Fund

- Assistance and compensation for communities who have suffered climate change-related losses, including loss of food crops, fresh water sources, housing or land;
 - Other actions related to mitigation, sustainable development, adaptation, loss and damage or climate-induced migration taken.
 - Such other purposes related to compensation for climate change and climate damages as may be specified in further decisions of the Conference of the Parties.
 - The Fund shall be administered by the Secretariat of the Pacific Islands Development Forum on behalf of the Parties.
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Article 10. Conference of the Parties

- Keeps under regular review the implementation of the Treaty and makes the decisions necessary to promote the effective implementation of the Treaty.
 - The Conference of the Parties shall, at its first session, adopt its own rules of procedure.
 - Any external party with a formal status conferred upon it by the Pacific Islands Development Forum may attend, as an observer, the COP sessions.
 - PIDF shall provide secretariat services.
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Article 11: Pacific Islands Climate Commission

- The Commission will:
 - Promote Pacific values associated with the purpose of this Treaty;
 - Support the Parties in the implementation of all aspects of the Treaty;
 - Oversee the realization and implementation of the Pacific Framework for Renewable Energy;
 - Oversee the realization and implementation of the Pacific Framework for Climate Mobility, including a rights-based approach to ‘migration with dignity’;
 - Cooperate with other Pacific and international institutions on matters relevant to the purpose of this Treaty;
 - Perform any other tasks which may be entrusted to it by the Conference of the Parties.
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Article 13. Signature & Ratification

- The Treaty shall be open for signature by any State that is, or is eligible to be, a Member of the Pacific Island Development Forum.

Article 15. Entry into force

- The Treaty shall enter into force on the date of deposit of the fifth instrument of ratification.
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Group Exercise

- Please discuss among you the following:
 - Is there a need for a Pacific Climate Treaty?
 - Should it be restricted to those countries eligible to be PIDF members? Or open to all countries?
 - Which parts (2) of the treaty are most important to retain?
 - Which parts (2) are least important?
 - Which parts may be problematic and why?
 - How do you suggest its structures could be financed?
 - What would your advice to your government be: to pursue it or to drop it?





List of Treaty Articles

- Article 1: Usage of Terms
 - Article 2: Purpose of the Treaty
 - Article 3: Phasing out of Fossil Fuels
 - Article 4: Sustainable Development
 - Article 5: Adaptation
 - Article 6: Loss and Damage
 - Article 7: Sovereignty & People's Rights
 - Article 8: Access to Justice
 - Article 9: Pacific Climate Compensation Fund
 - Article 10: Conference of the Parties
 - Article 11: Pacific Islands Climate Commission
 - Article 12: Amendment
 - Article 13: Signature & Ratification
 - Article 14: Reservations
 - Article 15: Entry into force
 - Article 16: Depositary Functions
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