

LEADING THE WAY: PACIFIC ISLAND COUNTRIES AND THE UNITED NATIONS CLIMATE CHANGE NEGOTIATIONS

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This article discusses the United Nations Climate Change negotiations with a focus on Pacific island countries. The first part of the article explains climate change, the origins of global climate change negotiations and UN initiatives that discuss, and try to find solution to deal with, climate change. The second part explains why and how Pacific island countries have assumed a global climate change leadership role. Case studies discussed include the 23rd Conference of the Parties, (Pacific) Small Island Developing States, climate justice and the Pacific Islands Forum. The article concludes by explaining the importance of Pacific island countries' leadership for the global fight against climate change.

Cet article s'intéresse aux négociations engagées sous les auspices des Nations Unies sur le changement climatique et plus particulièrement celles qui concernent les pays insulaires du Pacifique.

Dans une première partie, l'auteur rappelle les raisons et les conséquences des changements climatiques, la genèse des négociations internationales sur le changement climatique et quelles ont été les propositions de solutions préconisées par l'ONU dans ce domaine. Dans une seconde partie, l'auteur prenant appui d'exemples tirés des travaux de la 23^e Conférence de l'ONU consacrée aux petits Etats insulaires en développement du Pacifique, expose les raisons qui ont conduit ces Etats et territoires à jouer un rôle de premier plan dans la lutte contre le changement climatique. L'article conclut en soulignant l'importance du leadership des pays insulaires du Pacifique dans la lutte mondiale contre le changement climatique.

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I UNITED NATIONS AND CLIMATE CHANGE

Climate change is "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods".¹ The effects of global climate change include melting of glaciers, breaking up of ice on rivers and lakes, more frequent and intense drought, cyclones, heat waves, rising sea levels, among others.

Climate change was firstly recognised as a serious problem by the First World Climate Conference (FWCC) in 1979. This conference was organised by a committee chaired by the United States and took place in Geneva from 12 to 23 February. The FWCC was convened by the World Meteorological Organization, in collaboration with the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Health Organization, the United Nations Environment Programme and other scientific partners. The conference was projected as a world conference of experts on climate and mankind, and was attended by specialists from 53 countries and 24 international organisations from different disciplines such as agriculture, fisheries, energy, environment, medicine, sociology and economics.² At the end of conference, the organisers issued a declaration calling on countries to:³

- (1) take full advantage of man's present knowledge of climate,
- (2) take steps to improve significantly that knowledge,
- (3) foresee and prevent potential man-made changes in climate that might be adverse to the well-being of humanity.

A year later, the Intergovernmental Panel on Climate Change (IPCC) was established. The IPCC is the United Nations' body for assessing the science related to climate change. The Panel provides policymakers with regular scientific assessments on climate change, its implications and potential future risks, as well as adaptation and mitigation options.⁴ The IPCC also provides comprehensive assessment reports such as the IPCC report on the impacts of global warming of 1.5

1 United Nations Framework Convention on Climate Change 1992, art 1(2).

2 RM White "The World Climate Conference: Report by the Conference Chairman" (1979) 28(3) WMO Bulletin 177-178.

3 J Zillman "A History of Climate Activities" (2009) 58(3) WMO Bulletin.

4 Intergovernmental Panel on Climate Change (2021) The Intergovernmental Panel on Climate Change. Available at <<https://www.ipcc.ch/>>.

degrees celsius above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.⁵

Climate change negotiations were reinforced in 1992 when the United Nations Framework Convention on Climate Change (UNFCCC) was developed. The UNFCCC entered into force on 21 March 1994 and is focused on the prevention of 'dangerous' human interference with the climate system.⁶ Its main objective is:⁷

To achieve, in accordance with the relevant provisions of the Convention, 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.

The implementation of the UNFCCC is monitored and reviewed by the Conference of Parties, also known as COP. States that are parties to the Convention are represented at COP, which is the main decision-making body of the Convention. COP has been organised since 1995. COP21, which was held in France in December 2015, was historic as it adopted the first international climate agreement after 21 years of negotiations. The Paris Agreement is a legally binding international treaty on climate change. It was signed on 22 April 2016, breaking a record for first-day signatures of support to an international agreement, and entered into force later that year.⁸

The Paris Agreement encourages parties to reduce their emissions of greenhouse gases as soon as possible because adhering to the current level of global emissions increases the global average temperatures by more than 2 degrees Celsius.⁹ The goal

5 Intergovernmental Panel on Climate Change (2018) Global Warming of 1.5 °C. Available at <<https://www.ipcc.ch/sr15/>>.

6 United Nations (2021) What is the United Nations Framework Convention on Climate Change? Available at <<https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change>>.

7 United Nations Framework Convention on Climate Change 1992, art 2.

8 United Nations (2016) Record support for advancing Paris Climate Agreement entry into force. Available at <<https://www.un.org/sustainabledevelopment/blog/2016/04/record-support-for-advancing-paris-climate-agreement-entry-into-force/>>.

9 Climate Action Tracker (2021) Global Update: Climate Summit Momentum. Available at <<https://climateactiontracker.org/publications/global-update-climate-summit-momentum/>>.

of the Agreement is to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels.¹⁰ This means that if Parties want to limit global warming to 1.5 degrees Celsius, they need to lower their emissions by about 45 per cent by 2030.¹¹ Under the Paris Agreement, parties have committed to develop national plans, known as Nationally Determined Contributions (NDCs), which set out how much they would reduce their emissions. They agreed that every five years they would present an updated plan that would reflect their highest possible ambition at that time.¹² The next plans need to be presented during COP26, which will take place in Glasgow on 31 October to 12 November 2021.

Parties anticipated that the Paris Agreement would be finalised during COP24, which took place in Katowice in 2018. A key focus of COP24 was the adoption of the Paris Agreement rulebook, which contains the operational details of the Paris Agreement. The rulebook, also known as the Katowice Climate Package, provides implementation guidelines for the Paris Agreement on climate change, including procedures and mechanisms that will operationalise the Agreement.¹³ Despite the Parties agreeing on most parts of the package, there were still outstanding issues such as guidance on voluntary cooperation and market-based mechanisms.¹⁴ As a result, the outstanding issues were pushed forward for discussion at COP25.¹⁵

II COP25

COP25 was initially to take place in Santiago, but the Chilean President announced on 30 October that he would cancel hosting COP because of protests over economic, justice and environmental issues which had caused a social crisis in Chile.

10 United Nations (2016) Record support for advancing Paris Climate Agreement entry into force. Available at <<https://www.un.org/sustainabledevelopment/blog/2016/04/record-support-for-advancing-paris-climate-agreement-entry-into-force/>>.

11 United Nations (2019) The Katowice climate package: Making The Paris Agreement Work For All. Available at <<https://unfccc.int/process-and-meetings/the-paris-agreement/katowice-climate-package#eq-10/>>.

12 Ibid; United Nations Framework Convention on Climate Change (2016) The Paris Agreement. Available at <<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>>.

13 United Nations Framework Convention on Climate Change (2019) The Katowice climate package: Making The Paris Agreement Work For All. Available at <<https://unfccc.int/process-and-meetings/the-paris-agreement/the-katowice-climate-package/katowice-climate-package>>.

14 United Nations (2019) The Katowice climate package: Making The Paris Agreement Work For All. Available at <<https://unfccc.int/process-and-meetings/the-paris-agreement/katowice-climate-package#eq-10/>>.

15 The author was an observer at COP25. Besides attending panels and meetings, the author conducted fieldwork for her research project on the ontological (in)security of Pacific island countries and the islanders in the context of climate change.

This was the first time that COP has been cancelled. A day after the cancellation of COP, Spain stepped in and agreed to host the conference instead. As a result, COP25 took place in Madrid on 2 to 13 December 2019 under the Presidency of Chile with logistical support from Spain.

COP25 took place at a critical time in the progress towards the full operationalisation of the Paris Agreement. Given the timing, it promised to be the launchpad for more climate ambition, as communicated through its logo '#TimeForAction Is Now'.¹⁶ Besides the proposal of new commitments, as the commitments made at COP21 were to expire in 2020, COP25 was to raise overall ambition by completing outstanding issues with respect to the full operationalisation of the Paris Agreement.¹⁷ One of the key objectives was to finalise the rules that would dictate how to implement the Paris Agreement. The Agreement sets out how countries should reduce their emissions, adapt to climate impacts and finance the low-carbon economy over the coming decades. One of the main issues to be discussed and resolved at COP25 was the implementation of art 6 of the Paris Agreement. Article 6 outlines ways that countries can voluntarily cooperate to fight climate change, generate investment and achieve sustainable development.¹⁸ The rules of art 6 were the last section of the Paris Agreement to be completed and have the power to make or break the Paris Agreement.

A bone of contention was the development of a new global carbon market system which can help countries to decarbonise their economies at lower costs. Many national climate plans include the use of carbon markets to achieve cheaper emissions reductions. This means that governments and the private sector can trade emissions reductions, including governments being able to buy carbon credits to develop green projects designed to cut emissions in another country or selling their overachievement of emission cuts to countries struggling to meet their goals. At COP25, parties sought to establish a common set of rules to govern these transactions and ensure they lead to global emissions cuts. However, this proved to be too difficult. Climate negotiations went into extra time - making it the longest COP so far - and eventually countries failed to reach a conclusion on the effective and

16 COP25 (2019) Team & Presidency COP. Available at <<https://cop25.mma.gob.cl/en/team-presidency-cop/>>.

17 United Nations (2019b) COP25 to Be the Launchpad for Significantly more Climate Ambition. Available at <<https://unfccc.int/news/cop25-to-be-the-launchpad-for-significantly-more-climate-ambition-0/>>.

18 United Nations (2015) Paris Agreement. Available at <https://unfccc.int/sites/default/files/english_paris_agreement.pdf/>.

transparent implementation of art 6.¹⁹ As a result, the issue will be discussed again at COP26.

Furthermore, COP25 was the last COP before countries had to submit new or updated NDCs in 2020. However, few parties updated or submitted their NDCs to reach the Paris Agreement's goals. This means that more ambitious emission cuts are needed if the Parties want to achieve the Paris pledge to limit global warming to no more than 2 degrees Celsius. In the words of the UNFCCC Executive Secretary Espinosa:²⁰

Current NDCs remain inadequate. If we stay on our current trajectory, it's estimated that global temperatures could more than double by the end of this century. This will have enormous negative consequences for humanity and threaten our existence on this planet.

This assessment was reinforced by the UN Secretary-General, António Guterres, who explained that "...we are on the verge of the abyss and, when we are on the verge of the abyss, we need to make sure that the next step is on the right direction".²¹

Notwithstanding these shortcomings, COP25 had some positive outcomes. For instance, Chile led the mitigation coalition during the UN Climate Action Summit 2019 and announced the Climate Ambition Alliance that commits Parties to be more ambitious in their NDCs.²² By joining the Climate Ambition Alliance, Parties renew their commitment to increase action by 2020 and achieve net-zero emissions by 2050. The Alliance is also the first initiative where Parties and non-state actors are working towards achieving net-zero emissions by 2050.²³

19 Climate Home News (2019) What is Article 6? The issue climate negotiators cannot agree. Available at <<https://www.climatechangenews.com/2019/12/02/article-6-issue-climate-negotiators-cannot-agree/>>; S Theys (2020) COP25 and Pacific islands states: 'we are keen to lead, not to be led'. Available at <<https://medium.com/international-affairs-blog/cop25-and-pacific-island-states-we-are-keen-to-lead-not-to-be-led-ced74ece0f4e/>>.

20 United Nations (2019) COP25 to Be the Launchpad for Significantly more Climate Ambition. Available at <<https://unfccc.int/news/cop25-to-be-the-launchpad-for-significantly-more-climate-ambition-0/>>.

21 United Nations (2021) Opening remarks at virtual press conference at the G7 Summit, UK. Available at <<https://www.un.org/sg/en/content/sg/speeches/2021-06-11/remarks-virtual-press-conference-the-g7-summit-uk/>>.

22 COP25 (2020) Climate Ambition Alliance. Available <<https://cop25.mma.gob.cl/en/climate-ambition-alliance/>>.

23 United Nations Framework Convention on Climate Change (2019) Climate Ambition Alliance: Nations Renew their Push to Upscale Action by 2020 and Achieve Net Zero CO2 Emissions by

In addition to this, Parties joined the Madrid Ambition Drive for Survival launched by the former President of the Marshall Islands, Hilda Heine, on behalf of the Leaders of the Climate Vulnerability Forum.²⁴ The Forum is an international partnership of countries highly vulnerable to a warming planet and serves as a South-South cooperation platform for Parties to act together to deal with global climate change.²⁵ The initiative challenged Parties with a NDC plan to join a social media campaign to communicate that they will strengthen their plan in 2020. Part of the campaign was to use the Twitter hashtag '#MAD4survival' to declare publicly that they will submit a new plan in 2020, and notify the UN of that commitment.²⁶

Heine highlighted the disastrous effects of climate change on the Pacific island countries when she tweeted in the "fight to the death, we refuse to die". Make a #MAD4Survival Stand with Vulnerables in the Madrid Ambition Drive for Survival' (quoted in Climate Vulnerable Forum 2019c). Kathy Jetnil-Kijiner, Climate Envoy of the Marshall Islands, explained the campaign as follows:²⁷

We are MAD! We are MAD at the situation we are in. We are MAD to become the sacrifice of rich and powerful countries. We are also MAD about our survival. So we launched the MAD campaign here at COP. Because there must be a Madrid Ambition Drive for Survival – if we are to have any chance. It's Time for Action because we are Out of Time.

COP25 also highlighted the importance of the ocean-climate nexus as it was called 'the Blue COP' to underscore the role the ocean plays as a climate regulator agent and the importance of its protection as it suffers from climate change.²⁸ The importance of the ocean-climate nexus was reiterated during an Oceans Action Day,

2050. Available at <<https://unfccc.int/news/climate-ambition-alliance-nations-renew-their-push-to-upscale-action-by-2020-and-achieve-net-zero/>>.

24 Climate Vulnerable Forum (2019) High Level Press Event: Madrid Ambition Drive for Survival #MAD4survival. Available at <<https://thevcf.org/events/high-level-press-event-madrid-ambition-drive-for-survival-mad4survival/>>.

25 Climate Vulnerable Forum (2019) About. Available at <<https://thevcf.org/about/>>.

26 M Rowling (2019) Marshall Islands kicks off twitter campaign urging 2020 climate ambition. Available at <<https://www.reuters.com/article/climate-change-accord-socialmedia-idUKL8N28H0HX/>>.

27 Quoted in the Climate Vulnerable Forum (2019) #MAD4survival: Paris Agreement Hinging on 2020 Ambition in Madrid. Available at <<https://thevcf.org/our-voice/mad4survival-paris-agreement-hinging-on-2020-ambition-in-madrid/>>.

28 Intergovernmental Panel on Climate Change (2020) Special Report on the Ocean and Cryosphere in a Changing Climate. Available at <<https://www.ipcc.ch/srocc/>>.

which assessed existing ocean and climate action and identified the gaps that need to be addressed. The aim of Ocean Days is to promote the ocean agenda at COPs and to develop cooperation and coherence in policies and programmes at multiple levels in order to implement a comprehensive strategy on the ocean and climate.²⁹ COP25 featured over a hundred events which discussed the ocean and the ocean-climate nexus and launched the Platform for Science-Based Ocean Solutions.³⁰

Another diplomatic triumph of COP25 was the Moana Blue Pacific Pavilion which showcased more than 65 events on Pacific climate and ocean action. At one such event, the Attorney-General and Minister of Economy of Fiji, Aiyaz Sayed-Khaiyum, officially launched Fiji's displacement guidelines which help vulnerable communities in Fiji relocate from the dire impacts of climate change in their villages.³¹ I witnessed a very strong interest in the Pavilion, which was reflected in high attendance rates and online discussions. This shows that the Pacific island countries have a lot to offer to the world in terms of climate and ocean action and that the world is listening.

III PACIFIC ISLAND COUNTRIES: "WE ARE KEEN TO LEAD, NOT TO BE LED"³²

Although Pacific island countries have the lowest level of emissions and contribute the least to global warming, they are at the frontline of climate change and live with the effects on a daily basis. The most substantial impacts of climate change include loss of coastal infrastructure and land, more intense cyclones and droughts, failure of subsistence crops and coastal fisheries, loss of coral reefs and mangroves,

29 International Institute for Sustainable Development (2019) Highlights and images of main proceedings for 7 December 2019. Available at <<https://enb.iisd.org/events/oceans-action-day-cop-25/highlights-and-images-main-proceedings-7-december-2019/>>. For more information on the ocean-climate nexus check the recent Ocean for Climate report, <https://www.becausetheocean.org/wp-content/uploads/2019/10/Ocean_for_Climate_Because_the_Ocean.pdf>, and the IPCC Special Report on the Ocean and Cryosphere in a Changing Climate, <<https://www.unep.org/resources/report/ipcc-special-report-ocean-and-cryosphere-changing-climate>>.

30 See Concept Note on the Platform of Science-based Ocean Solutions: <https://unfccc.int/sites/default/files/resource/Presidency_event_PSBOS_3Dec.pdf>.

31 SPREP (2019) Fiji's Displacement Guidelines Launched at the Moana Blue Pacific Pavilion. Available at <<https://www.sprep.org/news/fijis-displacement-guidelines-launched-at-the-moana-blue-pacific-pavilion/>>.

32 Statement made by Aliioaiga Feturi Elisaia, head of Samoa's delegation, at the High-Level Segment of COP25.

and the spread of certain diseases.³³ Not every Pacific island country experiences all these impacts or in a similar way. The effects of climate change are experienced differently in different parts of a country, region and the world. As such, some Pacific island countries are hit worse than others.

For instance, it was reported that the people of the Carteret Islands in Papua New Guinea were the first entire community to be displaced due to sea level rise³⁴ whilst another study highlighted that five islands of Solomon Islands have been swallowed by rising sea levels. A further six islands of Solomon Islands are experiencing severe shoreline recession, which has destroyed villages that have existed since at least 1935, leading to community relocation.³⁵ The Marshall Islands are also endangered, as explained by the former President:³⁶

we are a low-lying country, we are only 2 meters above sea level. By 2030 we are expected to be underwater. So, it is our livelihood. It is the very existence of the Marshall Islands that is at stake.

Tonga, on the other hand, is deemed to be the world's second most at risk country to all disasters. Tonga's Prime Minister, Dr Pohiva Tu'i'onetoa, explained that his country continues "to experience record rates of coastal erosion, overflow and flash flooding" which are:³⁷

further compounded by the rising sea-level, three times higher than the global average, and tropical cyclones that are increasing in intensity³⁸ and at a rate that undermines our capacity to respond to and recover from.

33 SPREP (2008) Factsheet. Pacific Climate Change. Available at <<https://www.sprep.org/attachments/Publications/FactSheet/pacificclimate.pdf>>.

34 J Connell "Last days in the Carteret Islands? Climate change, livelihoods and migration on coral atolls" (2016) 57(1) Asia Pacific Viewpoint 3-15; Boege, Volker "Climate Change and Planned Relocation in Oceania" (2016) 34 Sicherheit Und Frieden (S F) / Security and Peace 6-65.

35 S Albert, JX Leon, AR Grinham, JA Church, BR Gibbes and CD Woodroffe "Interactions between sea-level rise and wave exposure on reef island dynamics in the Solomon Islands" (2016) Environmental Research Letters 11 054011.

36 Heine quoted in Climate Reality (2019) Climate Change & Our Health with Al Gore and President Hilda Heine. Available at <<https://www.youtube.com/watch?v=eEUmsfXtaRo>>.

37 P Tu'i'onetoa (2019) Statement of Hon Dr Pohiva Tu'i'onetoa, at 3. Available at <<https://unfccc.int/documents/204071>>.

38 Tropical Cyclone Gita which hit Tonga in February 2018 is a strong testament to this increase.

Enele Sosene Sopoaga, Tuvalu's former Prime Minister, also recalled the terrifying damage of tropical cyclone Pam in 2015, which effected Tuvalu and Vanuatu:³⁹

We are confronted with waves, which are three to seven metres high. The highest point of our entire country is only four metres above sea level. You can only start to imagine the effects of such a storm and those surges on the livelihoods of our people.

These examples show how alarming the effects of climate change are for Pacific island countries. The academic literature supports these assessments and explains that the effects of climate change put the long-term ability of people to inhabit atolls at risk, undermines their sovereignty⁴⁰ and might lead to relocation or migration.⁴¹ However, most Pacific islanders do not want to migrate or relocate. This is, according to the former Prime Minister of the Cook Islands, Henry Puna, due to the deep connection that Pacific people have with their land: "there is a saying that blood and mud are mixed together to provide identity".⁴²

Given their experience with the effects of climate change, Pacific island countries have taken a lead role in the global fight against climate change. Their lead role becomes visible in different arenas, forms and issues such as hosting COP23, pushing the global agenda on climate change via the (Pacific) Small Island Developing States grouping and the Pacific Islands Forum, calling for climate justice and framing climate change as a human rights issue.

A COP23

COP23 was the first time that a small island developing state and Pacific island country hosted a Conference of the Parties. Fiji served as the President of COP23 whilst it was held in Bonn due to logistical and financial issues. In its role as

39 SBS News (2018) Climate change 'single greatest threat' says Pacific Island leader. Available at <<https://www.sbs.com.au/news/climate-change-single-greatest-threat-says-pacific-island-leader/d8eba366-ec4b-4931-8749-a67ce5fcb9de/>>.

40 J Barnett and WN Adger "Climate Dangers and Atoll Countries" (2003) 61 *Climate Change* 321-337; L Yamamoto and M Esteban "Vanishing Island States and sovereignty" (2010) 53 *Ocean & Coastal Management* 1-9; A Costi "Climate Change and the Legal Status of a Disappearing State in International Law" (2014) 12 *International Law Readings* 140-177.

41 JR Campbell "Climate-Change Migration in the Pacific" (2014) 26 *The Contemporary Pacific* 1-28; K Wyatt "Escaping a Rising Tide: Sea Level Rise and Migration in Kiribati" (2014) 1 *Asia & the Pacific Policy Studies* 171-185; AL Constable "Climate change and migration in the Pacific: options for Tuvalu and the Marshall Islands" (2017) 17(4) *Regional Environmental Change* 1029-1038.

42 SPREP (2015). "Forced Migration Not an Option" – Cook Islands Prime Minister. Available at <<https://www.sprep.org/news/forced-migration-not-option-cook-islands-prime-minister/>>.

President of COP23, Fiji guided progress on key aspects of the negotiations and oversaw the launch of new initiatives.⁴³ For instance, the Gender Action Plan and the Local Communities and Indigenous Peoples Platform were finalised. The former highlights the role of women in climate action and promotes gender equality in the process⁴⁴ whereas the latter gives greater voice to indigenous people in climate negotiations and allows them to share their traditional knowledge and best practices on mitigation and adaptation.⁴⁵

Other key outcomes⁴⁶ include the 2018 Talanoa Dialogue and the Ocean Pathway. The Talanoa Dialogue is an inclusive and participatory process that allows parties and non-state actors to share stories and showcase best practices in order to raise ambition in NDCs. Fiji introduced the concept of 'talanoa' to the world as a new tool for global climate diplomacy. Talanoa is an inclusive approach that helps building trust and search for common solutions.⁴⁷ The dialogue was structured around three general topics – Where are we? Where do we want to go? How do we get there? – and consisted of a preparatory and a political phase.⁴⁸ The Ocean Pathway Partnership encourages the climate negotiations process to address the relationship between climate change and the ocean. The partnership was co-chaired by Fiji and Sweden, and aims to forge a stronger link between oceans and climate, by both highlighting how climate change impacts marine ecosystems, as well as clarifying the critical role oceans can play in regulating climate. Fiji and Sweden also led the inaugural UN Ocean Conference in June 2017.⁴⁹

43 COP23 (2017) Presidency Outcomes Programmes. Available at <<https://cop23.com.fj/cop23-presidency-outcomes-programmes/>>.

44 United Nations (2017) Gender and climate change. Available at <<https://unfccc.int/resource/docs/2017/sbi/eng/l29.pdf>>.

45 United Nations (2017) Local communities and indigenous peoples platform: proposals on operationalization based on the open multi-stakeholder dialogue and submissions. Available at <<https://unfccc.int/resource/docs/2017/sbsta/eng/06.pdf>>.

46 An overview of all the outcomes can be found on this website: <<https://cop23.com.fj/cop23-presidency-outcomes-programmes/>>.

47 COP23 (2017) Talanoa Dialogue – Everything You Need to Know. Available at <<https://cop23.com.fj/talanoa-dialogue/>>.

48 United Nations (2017) Fiji Momentum for Implementation. Available at <<https://unfccc.int/resource/docs/2017/cop23/eng/l13.pdf>>.

49 COP23 (2017) Presidency Outcomes Programmes. Available at <<https://cop23.com.fj/cop23-presidency-outcomes-programmes/>>.

B Small Island Developing States

Small Island Developing States (SIDS)⁵⁰ is a distinct group of states that are located in three geographical regions: the Caribbean, the Pacific, and the Atlantic. AIS is for the Indian Ocean and the South China Sea. This category of states was developed at the UN Conference on Environment and Development, which took place in Rio de Janeiro in 1992. The rationale behind the development of this category of these states is the unique social, economic and environmental vulnerabilities that they experience. These include, among others, insularity, geographic remoteness, small economy and population, heavy import reliance, and vulnerability to environmental threats. However, SIDS have also extensive territorial waters and exclusive economic zones where they have jurisdiction over resources.⁵¹

SIDS located in the Pacific are also represented at the UN as a Pacific island only bloc known as the Pacific Small Island Developing States (PSIDS). PSIDS is a New York based UN specific grouping that counts 12 members who are also members of the UN: Federated States of Micronesia, Fiji, Kiribati, Nauru, Palau, Papua New Guinea, Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. The members pursue their national interests individually, so they are not a voting bloc.⁵² The grouping has taken on a diplomatic role for the Pacific island countries since 2009 and is a key diplomatic vehicle for Pacific participation at the UN and other global coalitions such as the G77 and the Alliance of Small Island States (AOSIS). Pacific positions on climate change mitigation in the UNFCCC are also determined by the PSIDS.⁵³ For instance, as the main spokesman for the PSIDS at COP15, the former Prime Minister of Tuvalu, Enele Sopoaga, proposed to limit global warming to 1.5 degrees Celsius.⁵⁴

50 A list of the SIDS can be found at: <<https://www.un.org/ohrlls/content/list-sids>>.

51 United Nations OHRLLS (2020) Small Island Developing States. Available at <<https://www.un.org/ohrlls/content/about-small-island-developing-states>>.

52 F Manoa "The New Pacific Diplomacy at the United Nations: The rise of the PSIDS" in G Fry and S Tarte (eds) *The New Pacific Diplomacy* (Australian National University Press, Canberra, 2015) 89-98.

53 G Fry and S Tarte (2015) "The 'New Pacific Diplomacy': An introduction" in *The New Pacific Diplomacy* (Australian National University Press, Canberra, 2015) 3-19.

54 K Lyons (2019) "'Save us, save the world': Pacific climate warriors taking the fight to the UN". Available at <<https://www.theguardian.com/global-development/2019/sep/21/save-us-save-the-world-pacific-climate-warriors-taking-the-fight-to-the-un>>.

IV CLIMATE JUSTICE

Pacific island countries are taking the fight against climate further by emphasising that climate change is a major human rights issue. For instance, the Marshall Islands, which is the smallest country ever to secure a seat on the UN Human Rights Council, is using the platform to fight for climate justice.⁵⁵ The former President of the Marshall Islands explained the link between climate change and human rights as follows:⁵⁶

The most vulnerable – atoll nations like my country – already face death row. Water covers much of our land at one or other point of the year as we fight rising tides. As we speak hundreds of people have evacuated their homes after large waves caused the Ocean to inundate parts of our capital, Majuro. It's a fight to the death for anyone not prepared to flee. As a nation, we refuse to flee. But we also refuse to die. So not to come forward with a new, improved NDC – with a stronger national effort – by next year. This is the same as a government deciding to pass sentence on our future. To force our country to die. That's an injustice if only because we know these governments **can act**. We know it is not impossible... It's quite the opposite. It's why climate change is a **major human rights issue**...Climate is the most serious human rights issue we have ever faced.

In addition to the Marshall Islands, Vanuatu is also taking a leading role in climate justice as it is pushing for an advisory opinion from the International Court of Justice (ICJ) on human rights and the obligation of governments to protect people from climate change impacts. Lorenzo Raplili, a Pacific Islands Climate Action Network (PICAN) Officer in Vanuatu, explained that Vanuatu is "campaigning on getting a decision from the ICJ on whether Pacific island countries...can hold developed countries accountable for not honouring their commitments made to the Paris Agreement on reducing emissions".⁵⁷

A key figure in Vanuatu's endeavour to hold governments accountable is Ralph Regenvanu, the current opposition leader and former Minister of Foreign Affairs,

55 Doreen de Brum (2019) Marshall Islands – High-level Segment Statement COP25. Available at <<https://unfccc.int/documents/204369>>.

56 H Heine (2019) President Heine Statement: CVF Leaders Event at COP25. Available at <<https://thecvf.org/our-voice/statements/president-heine-statement-to-the-cvf-partners-leaders-event-at-unfccc-cop25/>>.

57 Quoted in K Kalsakau and A Roberts (2021) Vanuatu leading Pacific on climate justice. Available at <https://dailypost.vu/news/vanuatu-leading-pacific-on-climate-justice/article_fd607b5e-eb30-11eb-a737-3be3e41d5f4e.html>.

International Cooperation and External Trade. Speaking at the Climate Vulnerable Forum virtual summit in 2018, Regevanu⁵⁸ announced that the government of Vanuatu is exploring legal action including under international law against the fossil fuel industry and the states that sponsor it, for climate change-related loss and damage Vanuatu has suffered. In an opinion piece published in December 2018, he further explained:⁵⁹

We will only stop climate change by making those who contribute to it pay for it...We need to end the mismatch between those who gain and those who lose. This is what an international community serious about halting climate change must do.

The need for legal action, as pursued by Vanuatu, is also recognised by the leaders of the Pacific Islands Forum. The Fiftieth Pacific Islands Forum Communique includes a direct reference to the International Court of Justice:⁶⁰

In recognising the need to formally secure the future of our people in the face of climate change and its impacts, Leaders noted the proposal for a UN General Assembly Resolution seeking an advisory opinion from the International Court of Justice on the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change.

V PACIFIC ISLANDS FORUM

The Pacific Islands Forum is the region's premier political and economic policy organisation. The Forum was founded in 1971 as the South Pacific Forum. Over time, countries of the north Pacific joined and in 1999, the name changed to the Pacific Islands Forum. The vision of the Pacific Islands Forum is "for a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives".⁶¹

Until recently, the Forum had 18 members: Australia, the Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa,

58 R Regenvanu (2018) Video Statement from Ralph Regenvanu at the CVF Virtual Summit, 2018. Available at <<https://www.youtube.com/watch?v=kst10ZfSKPc/>>.

59 R Regenvanu and A Persaud (2018) "It's time for those who caused climate change to pay for it" Available at <<https://news.trust.org/item/20181206165251-g7ixe/>>.

60 Pacific Islands Forum (2019) Fiftieth Pacific Islands Forum Funafuti, Tuvalu 13-16 August 2019, Forum Communique, at 4. Available at <<https://www.forumsec.org/wp-content/uploads/2019/08/50th-Pacific-Islands-Forum-Communique.pdf/>>.

61 Pacific Islands Forum (2021) The Pacific Islands Forum. Available at <<https://www.forumsec.org/who-we-arepacific-islands-forum/>>.

Solomon Islands, Tonga, Tuvalu and Vanuatu. The Forum's constituency changed in 2021 when the Micronesian countries (Palau, Federated States of Micronesia, Marshall Islands, Nauru and Kiribati) gave notice of leaving the Forum. The immediate reason for 'Micronexit' was the election of a non-Micronesian as the new Secretary-General of the Forum, Henry Puna, from the Cook Islands. Referring to the Gentlemen's Agreement,⁶² leaders of the Micronesian countries warned prior to the election that it was Micronesia's turn to hold the post of Secretary-General and that they would leave the Forum if their candidate was not elected.⁶³

Climate change is identified by the leaders of the Pacific Islands Forum as "the greatest threat to the livelihoods, security and well-being of the peoples of the Pacific".⁶⁴ They have highlighted the importance of amplifying the Pacific voice in the fight against climate change and emphasised the importance of immediate, significant and coordinated practical action to address climate change.⁶⁵ For instance, the theme of the Pacific Islands Forum in 2017 – The Blue Pacific: Our Sea of Islands, Our Security through Sustainable Development, Management and Conservation – built on earlier climate change commitments by its focus on the ocean which represents the dominant feature of the Pacific region and Pacific life.⁶⁶

Furthermore, Forum Leaders issued the Kainaki II Declaration for Urgent Climate Change Action Now in 2019 which outlines ten key calls to the international community for ambitious climate change action. A year earlier, Forum Leaders adopted the Boe Declaration which declares climate change is a regional security issue. In 2016, Forum Leaders endorsed the Framework for Resilient Development in the Pacific which is the first regional strategy in the world that advocates an

62 The claimed Gentlemen's Agreement was an informal agreement to rotate the leadership between the sub-regions of Melanesia, Micronesia and Polynesia.

63 B Carreon (2021) It's time for Micronesia to head Forum top job – Whipps. Available at <<https://islandtimes.org/its-time-for-micronesia-to-head-forum-top-job-whipps/>>.

64 Pacific Islands Forum (2013) Majuro Declaration for Climate Leadership. Available at <<https://www.forumsec.org/wp-content/uploads/2017/11/2013-Majuro-Declaration-for-Climate-Leadership.pdf>>; Pacific Islands Forum (2018) Boe Declaration on Regional Security. Available at <<https://www.forumsec.org/2018/09/05/boe-declaration-on-regional-security/>>.

65 Pacific Islands Forum (2016) Pohnpei Statement: Strengthening Pacific Resilience to Climate Change and Disaster Risk. Available at <<https://www.forumsec.org/2016/10/15/pohnpei-statement-strengthening-pacific-resilience-to-climate-change-and-disaster-risk/>>.

66 AH Angelo "Pacific Islands Forum 2017" (2017) 15 *New Zealand Yearbook of International Law* 139.

integrated approach to climate change and disaster risk management and low carbon development.⁶⁷

The Forum is instrumental in addressing climate change and represents the collective voice of the Pacific island countries. It remains to be seen what the effect of 'Micronexit' will be on national climate change issues as well as global climate change negotiations. For instance, leaving the Forum entails that Micronesian countries can no longer access the Pacific Resilience Facility (PRF) which aims to limit the vulnerability of the Pacific to climate change and can be used to better prepare for the impacts of climate change.⁶⁸ Positions on international climate change negotiations might also be affected as the Forum represents the Pacific island countries as one bloc in discussions with external bodies. For instance, the UN General Assembly adopted a resolution 'urging the United Nations and the Pacific Islands Forum to strengthen their joint pursuit of sustainable development outcomes, while also underlining the need for coherent approaches to build resilience to extreme weather in the region'.⁶⁹

However, not all climate change discussions are directed through the Pacific Islands Forum. A case in point is the PSIDS, as discussed earlier. A more recent example is the Pacific-UK High Level Climate Dialogue where Pacific leaders met COP26 President Alok Sharma to set out their priorities for COP26. The meeting was attended by 11 countries, including four Micronesian countries: Palau, Federated States of Micronesia, Marshall Islands and Nauru.⁷⁰ During the dialogue, Pacific island countries requested further ambitious action from developed countries to limit emissions and global warming to 1.5 degrees Celsius, a step-up in mitigation and adaptation finance for SIDS, and an emphasis of the ocean in climate negotiations.⁷¹

67 Pacific Islands Forum (2021) Climate Change and Resilience. Available at <<https://www.forumsec.org/resilientpacific/>>.

68 B Carreon (2021) Micronesia to lose access to Pacific-led resilience fund if it leaves PIF. Available at <<https://islandtimes.org/micronesia-to-lose-access-to-pacific-led-resilience-fund-if-it-leaves-pif/>>.

69 United Nations (2019) General Assembly Adopts Resolution on Enhancing United Nations Cooperation with Pacific Islands Forum. Available at <<https://www.un.org/press/en/2019/ga12168.doc.htm/>>.

70 Pacific Community (2021) Pacific leaders join forces ahead of landmark climate summit. Available at <<https://www.spc.int/updates/news/joint-release/2021/07/pacific-leaders-join-forces-ahead-of-landmark-climate-summit/>>.

71 SPREP (2021) Pacific Leaders Join Forces Ahead of Landmark Climate Summit. Available at <<https://www.sprep.org/news/pacific-leaders-join-forces-ahead-of-landmark-climate-summit/>>.

COP26 will be hosted by the United Kingdom and Italy in Glasgow on 31 October to 12 November 2021. The aim of this COP is to increase action towards the goals of the Paris Agreement and the UNFCCC.⁷² COPs have been organised every year since 1995, except for 2020 when COP26 was postponed by a year due to the acceleration of the Covid-19 pandemic. The postponement of COP26 is problematic in the sense that it delays the progress towards meeting the Paris Agreement goals. This year is called the 'Make-or-Break' year for climate change⁷³ and COP26 is seen as "the world's best last chance to get runaway climate change under control"⁷⁴ as parties have to update their NDCs in Glasgow.

Although the UK claims that COP26 will be inclusive, time will tell whether that will be the case. One element that might jeopardise the inclusiveness of COP26 is Covid-19. Whilst developed countries have started to vaccinate their population, many developing countries are behind as they depend on developed countries to provide vaccines. Further, quarantine costs and travel restrictions may limit the participation and attendance of some parties and observers. Climate change, however, does not differentiate between countries. It is inclusive as it will affect the majority of countries at some point.

VI CONCLUSION

Climate change is one of the biggest challenges that the world is facing. It is a global problem caused and shared by humans. The shared nature of the effects of climate change becomes visible within and between countries, and requires collective action in response. Pacific island countries are particularly well suited to guide and lead our response to climate change as they are dealing with its effects on a daily basis. It is therefore not surprising that Pacific island countries have taken a global visionary leadership role in the fight against climate change – a role that is characterised by their leadership by example.

Pacific island countries have influenced the behaviour of others through guiding the progress of global climate change negotiations during COP23 and by proposing a 1.5 degrees Celsius global warming limit. Pacific island countries have also taken a lead or the initiative to introduce a new tool for global climate change diplomacy

72 UK COP26 (2021) UK Presidency. Available at <<https://ukcop26.org/uk-presidency/>>; UK COP26 (2021) COP26 Goals. Available at <<https://ukcop26.org/cop26-goals/>>.

73 United Nations (2021) Make 2021 'Make-or-Break' Year for Climate, Energy, Other Critical Issues, Says Secretary-General in Meeting with Leading Mayors at C40 Cities Event. Available at <<https://www.un.org/press/en/2021/sgsm20683.doc.htm/>>.

74 UK COP26 (2021) UK Presidency. Available at <<https://ukcop26.org/uk-presidency/>>.

known as *talanoa*, declared climate change to be a major human rights issue, taken legal action against major climate change producers, addressed the link between climate change and the ocean, and pursued collective climate change leadership via regional groupings and institutions such as PSIDS and the Pacific Islands Forum.

The climate change leadership shown by Pacific island countries is acknowledged and applauded by others. For instance, COP26 President, Alok Sharma, stated during the recent Pacific-UK High Level Climate Dialogue:⁷⁵

Pacific islands are at the forefront of a crisis they did next to nothing to cause, with a temperature rise above 1.5°C presenting an existential threat to their future. Many are showing real leadership in tackling climate change. The G20 and other major emitters now have a moral responsibility to follow this example, and that of the G7, by taking urgent action to keep 1.5°C alive.

To reinforce the much needed moral responsibility and urgent action mentioned by Sharma, I end this article with the words of Samoa's former Permanent Representative to the UN:⁷⁶

What goes around, comes around. And while Samoa and Small Island Developing States are victims now of the impacts of climate change, as sure as the sun rises in the East and sets in the West, your turn will come, sooner rather than later.

75 SPREP (2021) Pacific Leaders Join Forces Ahead of Landmark Climate Summit. Available at <<https://www.sprep.org/news/pacific-leaders-join-forces-ahead-of-landmark-climate-summit/>>.

76 AF Elisaia (2019) Samoa – High-Level Segment Statement COP 25, at 1. Available at <<https://unfccc.int/documents/204445>>.