



Climate Policy in a Global Risk Society

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ISBN 978-5-907318-20-5



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Valdai Discussion Club, 2020

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Summary

1. The coronavirus pandemic has caused a spike in interest in the concept of a global risk society which boils down to the idea that as the complexity of the man-made and social ties in the human community and the imbalance of its system increase, so does the risk of various disasters (climatic, environmental, man-made, medical, or others). Moreover, problems and disasters in a risk society become the rule rather than the exception.
2. Initially, the concept of a global risk society largely applied to climatic and environmental challenges, since the interaction between human beings and nature was primarily distinguished by the above-mentioned systemic imbalance. Thus, the concept can promote the development of a global climate agenda in the post-coronavirus world.
3. Thinking about the current and future human community as a global risk society also leads to the formation of new values that can gain currency in the public mind. These include a lack of faith in progress and a pessimistic outlook on life (this feature is also typical of environmental catastrophism), lack of faith in global solidarity at a time when it is clearly necessary, the primacy of the state over global cohesion (both these values can limit the active promotion of the global climate agenda), and a drop in the importance of consumption (which is in line with many environmental ethics strategies).
4. The coronavirus vaccine-related discussion about the need for “open innovation” and access to free open patents for technology that represents a global public good has reached a high political level and could speed up corresponding green technology projects, including the ones included in the main global climate policy document, namely, the Paris Agreement.
5. On the one hand, the language of the Paris Agreement was originally more flexible than that of its predecessor, the Kyoto Protocol, in order to impart greater global consensus to the agreements. Just like the Kyoto Protocol, it included general phrases so that the key provisions could be discussed by the parties during later meetings. As we know from annual conferences and ongoing talks, the countries have failed to agree on almost the same issues as during the Kyoto period, namely, funding sources and flexibility mechanisms.
6. Another disagreement among the parties to the Paris Agreement relates to a debate about who should be responsible for emissions, producers or consumers. In fact, the countries and citizens of the developed world consume a considerable

quantity of goods produced by “dirty” industries in developing countries. If there were no demand, there would be no production. The polluters from the developing countries produce emissions not for their own sake, but for Western buyers. According to this logic, it would be fair to make the consumer liable for emissions. These disagreements are further fuelled – at another level – by all-too-well-known discussions about the North-South rift, environmental neo-colonialism, and denying poor countries the right to develop.

7. The vastly limited impact of sanctions on the violator states is among the key points concerning the implementation of the Paris Agreement, just as it was in the case of the Kyoto Protocol. Such cases should be reviewed by a special commission, but it could be created only with the consent of the violator state itself. Clearly, this scheme was adopted to ensure global consensus during the signing of the Paris Agreement and guarantee non-interference in the sovereignty of states. However, the detractors of this approach – both among the more advanced green countries and among civil society activists – are strongly against it.
8. In this regard, the supporters of tougher sanctions are stepping up the discussion of the concept of creating a special global climate justice system that exists independently from states, but is mandatory for them. In part, it would be built similarly to the already existing global sports justice system. This discussion received a boost in 2020 in the wake of deliberations on the priorities for channelling funds from the \$10 billion grant for the climate agenda announced by Amazon CEO Jeff Bezos.
9. The EU is one of the main supporters of the implementation of the Paris Agreement, as was the case with the Kyoto Protocol before that. The EU is posing more ambitious climate change goals for its member countries to achieve carbon neutrality by 2050 than the Paris Agreement’s general framework. This is demonstrated by the desire to consolidate these goals not just as political commitments, but to introduce them directly into the legislation of the EU and the EU member states thus making them legally binding, which has led to exacerbated disagreements within the EU, including on the part of the member states from Central and Eastern Europe. The discussion about a new climate law (also related to the sanctions on states and violator companies) is becoming an additional factor of internal divergence in the EU. However, the EU’s green agenda was made part of the general political and ideological discourse and became part of the EU’s regulatory force. Environmental leadership strengthens the EU’s role as a global leader. In the near future, this could allow the EU to impose environmentally-justified sanctions unilaterally.
10. The intensified focus on the climate agenda in international politics has given rise to special climate diplomacy. Currently, the states are at different stages of institutionalising it. Nevertheless, there’s clearly a trend that will contribute to further development of climate diplomacy in the future. A significant part of it,

primarily in terms of forming the ideas and concepts, as well as the boundaries of the negotiating space, is carried out via NGOs and civil activists rather than as part of the traditional state-to-state diplomacy. The example of Greta Thunberg is a case in point. Thus, it would not be an overstatement to conclude that states follow civilian actors in climate diplomacy, not vice versa.

11. Climate migration has become an increasingly important item on the real political agenda. It is primarily relevant for the countries that are most affected by climate change, such as small island atoll states and desertified areas in Africa. The recent UN-sponsored development of the Global Treaties on the Status of Refugees and Migrants creates a first-of-its-kind international legal framework that can be used for climate migration as well. The key problems here, in addition to legalising the process itself, include the economic burden of climate migrants on the host countries, the regulation of quotas and the parameters of climate migration at the international and national levels. As the above-mentioned experience of talks under the Paris Agreement shows, one cannot expect consensus and progress to come quickly.
12. A court ruling passed in early 2020 by the UN Human Rights Committee in the case of Ioane Teitiota, a migrant who moved from Kiribati to New Zealand, was a major turning point in regulating climate migration. He contested his deportation precisely as a climate migrant. For the first time in international legal practice, this case helped establish a *practical* list of criteria for legalising climate migration.

The Climate Agenda in the Post-Coronavirus Era

Why write about the climate when a pandemic is raging in the world and the key problems of the international community are related to sanitary measures, economic recovery, overcoming unemployment and many other, much more important matters? Any city resident who opened the window to breathe in some air during lockdown and found the air to be cleaner knows the answer to this question.

Perhaps, the only positive outcome of the coronavirus pandemic **was the rapid self-cleansing of the environment**. Emissions from factories ceased as they were shut down and there was lighter traffic, resulting in better air quality. This has been corroborated by satellite images and meteorological monitoring data in many countries. Then, river water got cleaner. A decrease in the physical anthropogenic footprint (when everyone stayed at home) also

led to an expansion of the wildlife habitat. Photos and videos of wild animals roaming the streets of deserted cities were not uncommon.

The pandemic showed that even a brief decrease in the human impact on nature produced fast and positive results for the environment and climate. Earlier, there were discussions about the impact of reduced emissions, green energy and other such measures on climate and the slowing of global warming. There was widespread denial and rejection of the global climate agenda. Now, climate naysayers have been given a clear answer based on a global full-scale experiment.

Unfortunately, the environment, which rapidly improved during the quarantine, will just as quickly become polluted again in the wake of the economic and social recovery. Most likely, the “clean world” will not stay with us for long and will be destroyed again. That is why self-cleansing of the environment due to removal of the anthropogenic load is, on the one hand, a fact of paramount environmental significance. On the other hand, its duration is limited by humanity.

In this context, in addition to other challenges, the “world after” may face a new environmental imperative. If, thanks to the quarantine, nature has shown its ability to quickly self-clean, then why can’t human beings make this happen? This clear example of the positive impact of the pandemic on nature could become a powerful argument for expanding the green movement (in its various forms) and environmental values in the “world after.” Therefore, focusing on the anthropogenic influence on the climate right now, while its effect still can be felt, seems particularly important.

Yet another impact of the coronavirus on the climate agenda is related to the fact that the concept of a **global risk society** stood out prominently during the pandemic. Although earlier it was applied specifically to climate change issues, the methodological base (the methodological alarmism, if you will) in relation to the climate agenda has become even more widespread among the general public and expert community.

What follows is a brief summary of the concept of a global risk society. An abrupt increase in human impact on nature, more sophisticated technology and the intensity of global social ties, as well as the explosive development of a consumer society and a system-wide imbalance in humanity/nature interaction combined lead to a situation where there is a much higher risk of disasters (both natural and man-made) and epidemics. This concept was first developed in academic social studies (including by Ulrich Beck and Anthony Giddens, and Sergei Kravchenko in Russia), and then became widespread in the wider information and cultural space and in global public opinion.

In part, these are the reverberations from the erstwhile catastrophism of the era of The Limits to Growth report to the Club of Rome, but related not only to the lack of resources, but a systemic imbalance at the global level. As a result, the risk and sense of impending danger have become part of human existence. According to this line of thinking, even after the coronavirus pandemic comes to an end, something else will surely befall the world (perhaps, something related to climate or environment). Clearly, catastrophism and pessimism are not too attractive, but, admittedly, they are quite popular when it comes to global public opinion, and not only under the influence of the current anxiety caused by the virus. This approach is equally important for its transformational potential, so that optimal reconfiguration of global society, the economy and politics after the coronavirus will be carried out in the best possible way with account taken of possible new risks and challenges of a non-geopolitical nature.

Notably, all this applies not only to pandemics. The virus (hopefully) will be defeated, but climatic challenges will remain, and their implementation mechanism within the global risk society is the same. The notorious “new normal” after the coronavirus should include environmental measures in addition to sanitary and be *climate-friendly*.

In fact, we are seeing that climate change, the pandemic and others challenges bring to the fore the concept of a global risk society not just as another theory, but as a real alternative to globalisation. Therefore, it is important to assess the possible effect of these new risks on the global political system and on the transformation of the world order. As a result, global strategic planning should be transformed into global risk management.

It's not just strategy that matters in this regard. The moral question is much more important. Do development and progress have a chance in a global risk society? After all, if the chains of disasters become the norm rather than an exception, then sustainable development becomes a non-issue. So, should we accept as a new and unbreakable rule the fact that the human community's future will only get worse? And should we go back to the pessimistic outlook on the world promoted by The Limits to Growth? If not, then a proactive climate policy must become the new imperative.

It is important to highlight the global risk society **values** in the context of these new moral imperatives. Even if we put aside the overly radical interpretation that the post-coronavirus world “will never be the same,” the far-reaching impact of the pandemic on the global public mind should not be denied, either. A new outlook on the world through the lens of permanent risk cannot but lead to fundamentally new global values, which are unlike anything that existed before. It is no longer a question of opposing liberalism to conservatism, or globalism to sovereignty.

If we postulate, as noted above, a pessimistic outlook on the world and catastrophism, then the key value of a global risk society is, alas, a **rejection of optimism and belief in progress**. If we follow this line of thinking, all efforts of humankind will now focus not on development, but rather on constant *damage management* and damage limitation. Why is this relevant to the climate agenda? On the one hand, such an approach will help mobilise society and politicians to address climate issues, but on the other hand, even the environmental eschatologism concepts have always included an alternative to “green progress” or at least “green utopia.” It would be a shame if it vanished from the prevailing public opinion.

Another value of this kind will certainly be associated with **global solidarity**. In a planetary risk society, this will be the key prerequisite for survival. At the same time, let’s face it, the first months of the pandemic showed, in addition to this kind of solidarity, many more examples of closedness and severed global social ties as well as, in some cases, sheer xenophobia. Clearly, global solidarity is paramount to the climate agenda. But if the instinctive opposition to it prevails, clearly, the overall social mood will not contribute to the implementation of ambitious climate programmes at the transboundary level.

The third value of the coronavirus world relates to the **dilemma between freedom and security**. The epidemic put this dilemma at the forefront of public consciousness fairly quickly and abruptly. The rapidly imposed quarantine measures have limited many human rights. A fairly broad public discussion about the limits of this approach and whether it should be allowed at all is underway in a number of countries. However, in a risk society, the freedom/security balance will likely shift. Despite the political provocativeness of this approach, the value of a conscious renunciation of freedom could indeed remain with global society even after the epidemic. Of course, it will be combined with nostalgia for the lost freedom and, in the extreme scenario, in the format of a dystopia similar to *The Matrix* movie. So, there’s the likelihood of a new paradox which will matter for the climate agenda. On the one hand, recognition of the existence of a risk society helps society and politicians to focus on resolving climate issues, but, on the other hand, the value of giving up freedom could become a major constraint to this, and also turn green (or any other) civic activism into a much more negatively perceived challenge to the stability of the risk society.

The fourth value, which grows out of the response to the pandemic, is also almost unthinkable in the context of existing globalism and its moral values. It’s about the value of state support and, more broadly, the **value of the state** as such. The pandemic has shown that private business collapses faster and sooner than the state amid a global disaster. Most social groups and sectors of the economy are forced to turn to the state for support.

If the value of state primacy in a global risk society catches on with the public mind, the globalist and transboundary nature of the climate agenda will clearly be subject to additional constraints.

The fifth value will be associated with **rethinking the current value of consumption** and the global consumer society as a status quo. The pandemic has shown that many consumption practices are redundant. Simple logic makes it possible to assume that there is no place in a global risk society for the consumption value or, basically, for consumption as the only goal of the existence of the middle class. This value, despite its contradictory nature, however, has an overall positive effect on the climate agenda. Many environmental behaviour models have long been placing an emphasis on long-terminism, i.e. a conscious rejection of the constant and quick change of cars, gadgets or clothes, which increases the overproduction of goods and leads to increased emissions and other negative environmental impacts.

Another way in which the public coronavirus discussions can influence the climate agenda is with regard to so-called **open innovation**, which relates to the global commons concept. The global commons concept started out with environmental aspects¹, but is now gradually spreading to social issues as well.² The idea behind open innovation is that in order to overcome inequality and to ensure universal access to the latest technology that is of key social importance at the global level, the innovation patent protection system must be changed. The “open free patent” system must apply to intellectual property that is of paramount importance for humanity. Accordingly, the worldwide free access to these open patents and innovations, including the deployment of one’s own production based on them, should become a mechanism to overcome global inequality in development.

Usually, the concept of global commons is used in a political context that is one way or another related to limiting the sovereignty of states on climate and other matters of global importance. Possibly, the arguments of this concept have already become the mainstream political discourse. With regard to the corporate dimension, the global commons concept is far from being so advanced, and “open innovation” has not yet gone beyond purely speculative constructs. Expanded charitable activities on the part of the companies were the best that could be achieved on a practical level.

¹ The Valdai Club has previously considered the global commons concept as it applies to climate and environment. See: Oleg Barabanov, Ekaterina Savorskaya. *Global environmental ideologies: Is it possible to resolve the conflict between humans and nature*. Moscow: Valdai Discussion Club, 2018. URL: <https://ru.valdaiclub.com/files/24422/>

² See Oleg Barabanov, Anton Bespalov, Xenia Ibragimova, Vasily Koltashov, Dmitry Poletayev, Ekaterina Savorskaya. *The Social Global Commons: Is Global Inequality Solvable?* Moscow: Valdai Discussion Club, 2020. URL: <https://valdaiclub.com/files/28536/>

However, open free patents remain, by and large, a utopia (with the exception of a number of start-ups operating on the *innovation sharing* or *knowledge sharing* principles).

This subject has received strong additional support due to the coronavirus pandemic. The point is that the coronavirus vaccine should be distributed according to the open innovation principle and an open free patent should be guaranteed to everyone. French President Emmanuel Macron was among the first to speak about this. In early May 2020, he said the vaccine should be recognised as a global public good. Then, the World Health Assembly resolution of May 19, 2020 on developing the coronavirus vaccines and medications explicitly mentioned the open innovation principle, albeit with remarks and reservations, but nonetheless.³ Then, there was a collective letter drafted by the Nobel laureates on the same issue. Thanks to the vaccine, the topic of open innovation and open patents has been put on the actual agenda. Accordingly, it creates a basis for more active promotion of the idea that key green technologies that are critical to fighting climate change should also be disseminated through open innovation and open patents. If this can be achieved, the possibility of containing the climate catastrophe as the “risk society curse” will become much more real.

As a result, the post-coronavirus world reality provides new opportunities for promoting the climate agenda and may impose additional constraints on it. Therefore, it is telling that even during the first months of the pandemic, conceptual texts on the **primacy of green approaches** in the very first days of the “world after” began to appear. The International Renewable Energy Agency’s (IRENA) report published in May 2020 was among such texts. It is titled “Global Renewables Outlook: Energy Transformation 2050.”

This report delivers a fairly straightforward message. The authors estimate that for the entire global economy to recover after the epidemic, the world will need \$95 trillion under the “business as usual” model, without focusing too much on the climate, and \$110 trillion under the Green Recovery model. That is, given the overall amount, the difference of \$15 trillion is not too big. However, the authors believe that green recovery and a focus on renewable energy will make it possible to reduce, through 2050, production costs and energy consumption (by between \$50 trillion and \$142 trillion), ensure an additional increase in global GDP of 2.4 percent, and create 42 million new jobs in green energy and related industries.

³ Para 7.12 of this resolution calls upon the WHO member states “to collaborate to promote both private sector and government-funded research and development, including open innovation, across all relevant domains, on measures necessary to contain and end the COVID-19 pandemic, in particular on vaccines, diagnostics, and therapeutics, and to share relevant information with WHO).”

The numbers are debatable, but the model itself is clear and appealing. Immediately after the pandemic, humanity needs to think not only about the present day, but about the future as well, and the green values and the new imperative of the climate agenda should become key considerations. To do so, humanity must spend “a little” more in the first most challenging months and years of the “world after”, but this will pay off handsomely in the future. And the environment will stay clean.

Global Climate Regime and Problems with Implementing the Paris Agreement

Addressing climate change, as well as other global environmental challenges, is in the zone of common responsibility of states, according to the Declaration of the UN Conference on the Human Environment. However, the two most important principles stipulated in this Declaration, while protecting the national interests of states, also complicate the process of finding a solution to the global environmental challenges of our time. The **first** principle seals a state’s sovereign right to exploit its natural resources, as well as to determine and implement its national environmental policy, but at the same time the state is responsible for ensuring that actions within its activity or control do not cause damage to the environment of other states or to areas beyond national jurisdiction or control. The **second** principle requires that cooperation in addressing environmental problems should rely on equality and multilateralism, but at the same time, the sovereign interests of all states must be upheld. In other words, no matter how important it is to deal with environmental problems, this policy cannot run counter to the national interests of a state. Given that these principles underlie international law, the vast majority of environmental agreements are either null and void or ineffective due to the parties’ inability or unwillingness to comply with them.

The global climate regime has travelled a thorny path from the signing of the UN Framework Convention on Climate Change in 1992 and the Kyoto Protocol in 1997 (which took effect only in 2004) to the Paris Agreement in 2015. With the many setbacks and difficulties behind, it seemed the Paris Agreement would finally resolve many of the problems that had plagued the global climate regime for more than 20 years.

The Paris Agreement is holistic in its thematic scope and contains legal provisions on mitigation and adaptation to climate change, climate finance and cooperation mechanisms, as well as accountability and transparency.

In terms of its legal status, the Paris Agreement can be regarded as a hybrid: it combines a top-down approach, meaning the obligations it imposes are binding on states, with bottom-up decision-making, where many issues are left up to national governments. At the same time, while some of the Paris Agreement's provisions are legally binding, others are either vaguely phrased or *laissez-faire*. This circumstance, **firstly**, has given room for a loose interpretation, and **secondly**, and more importantly, has entailed years of sluggish (albeit sometimes very dramatic) negotiations regarding the agreement's implementation and details of some of its mechanisms – something earlier observed with the flexibility mechanisms of the Kyoto Protocol. However, many of the clarifications regarding the functioning of the Paris Agreement were adopted in 2018 at a meeting in Katowice.

The Paris Agreement stipulates the so-called 2-degree temperature target but as a way of supporting the most vulnerable countries, the signatory states have agreed to strive for a more ambitious target of limiting temperature increases to 1.5 degrees above the pre-industrial period. The Paris Agreement abolished the division of the parties into developed and emerging economies, something for which the Kyoto Protocol was repeatedly criticised.

The Paris Agreement includes a legally binding mechanism of nationally determined contributions (NDCs), which should be regularly reviewed to include increasingly ambitious targets determined by a five-year stocktaking cycle. All parties agreed to submit their national reports on the level of greenhouse gas emissions and on the implementation of decisions concerning their practices and programmes aimed at reducing such emissions in their territories for international consideration.

The Paris Agreement does not establish any legally binding financial obligations for developing countries, and the climate finance chapter, although included in the agreement, does not contain any clarification as to how these funds would be accumulated and on what criteria they would be distributed.

One definite asset of the Paris Agreement is a compromise on the controversial flexibility mechanisms: Article 6 of the Agreement lists three different frameworks that have generally satisfied both proponents and opponents. The **first** mechanism implies voluntary cooperation towards climate goals and allows trading in emission quotas; the **second** “mechanism to contribute to the mitigation of greenhouse gas emissions and support

sustainable development” is likely to replace the Clean Development Mechanism of the Kyoto Protocol; the **third** provides a framework for non-market approaches “to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication.” However, their details are not described in the text of the agreement and have already caused a lot of controversy at subsequent meetings of the parties.

Four more Conferences of the Parties to the UN Framework Convention on Climate Change have been held since the adoption of the Paris Agreement in 2015: COP22 in Marrakech, Morocco, November 7–18, 2016; COP23 in Bonn, Germany, November –17, 2017; COP24 in Katowice, Poland, December 3–14, 2018; and COP25 in Madrid, Spain, December 2–13, 2019.

The results of the first two meetings were rather modest.

In Marrakech, the parties agreed to develop, by 2018, a “rulebook” to implement the agreement. A five-year action plan for the Warsaw International Mechanism for Loss and Damage was adopted. In the Marrakech Action Proclamation, parties to the UN Framework Convention on Climate Change (UNFCCC) affirmed their commitment to fulfil their obligations under the Paris Agreement, which included: reducing greenhouse gas emissions, transferring green technologies to developing countries, and providing financial and technological assistance to the most vulnerable of them. The financing issue remained suspended. While the parties generally agreed that adaptation to climate change was underfinanced, the issue was postponed until 2018.

The euphoria from the adoption of the Paris Agreement at the Morocco meeting gave way to concerns caused by news from the US on the presidential elections, so the conference took place in a rather depressing atmosphere amid expectations of another demarche on their part. And those fears proved justified.

By the time of the next Conference of the Parties in Bonn, all UN members had signed the Paris Agreement.⁴ However, the United States, the world’s second largest greenhouse gas emitter, announced it planned to withdraw from the Agreement in 2020. It is worth noting that at that conference, the United States was represented by two delegations – an official and an informal one including subnational representatives who tried to show that Donald Trump had opponents in the United States on climate issues.

⁴ Two countries, Syria and Nicaragua, acceded to the Paris Agreement in 2017 without formally signing it. By July 2020, the Paris Agreement came into effect for all UN member states except Angola, Eritrea, Iran, Iraq, Libya, South Sudan, Turkey, and Yemen. The USA under President Trump announced its withdrawal from the Paris Agreement. President-elect Biden announced his intention to return to the Agreement.

Work continued on the rules for the implementation of the Agreement, and so did disputes over what should be done before 2020 and battles over funding. One of the few advances on that track was the final agreement to use the Adaptation Fund established in 2001 under the Kyoto Protocol for the Paris Agreement. The Protocol's second commitment period had never been ratified.

The Katowice Conference of the Parties in 2018 was remarkable for two reasons: **firstly**, it adopted the “rulebook” for the Paris Agreement, and **secondly**, it took place in one of Europe's largest coal and steel centres. Even the slogan of the COP, “Katowice is changing the climate!”, sounded sardonic given how widely the hydrocarbon and coal industry lobby was represented there, something almost never seen at conferences of the parties to the UN Framework Convention on Climate Change.

Regarding the Katowice Rulebook, it gives a hands-on interpretation of the Agreement and adds top-down regulation to the bottom-up regulation of the NDCs. Debate was sparked on whether uniform rules should apply to all parties or the old approach should be kept, dividing states parties into developed and developing ones. The first option eventually prevailed – the rules obliged all parties, regardless of their socioeconomic status, to comply with the same reporting standards. However, there was a compromise allowing certain flexibility for those countries that needed it. In addition, developed countries were expected to set absolute targets for reducing greenhouse gas emissions across their economies.

The rules also provided guidance on the content and format of NDCs; they established a regime of transparency and accountability with common rules for measuring and reporting greenhouse gas emissions, as well as financing and adaptation; they set out the processes for the five-year global climate performance analysis, which included collection of information, technical assessment and analysis of results.

The Rulebook also established a committee to review non-compliance cases by parties (such as failure to provide the NDCs or reports), but only with the consent of the party concerned.

Traditionally, the most contentious issue was the functioning of voluntary carbon markets as set out in Article 6 of the Paris Agreement. The issue was actually held back by Brazil, which insisted on the possibility of double counting emission reductions: including both the figure for the country that achieved the reductions as well as the one for the country buying the credits for those emission reductions. As a result, the issue was postponed until the next conference of the parties.

However, in December 2019 in Madrid, the parties once again failed to close the issue and agree on a guide on voluntary cooperation and a carbon market system in accordance with Article 6 of the Paris Agreement, again because of Brazil, which insisted on double counting of mitigation outcomes and a mechanism allowing the use of Kyoto credits to enable countries to meet their Paris Agreement emission reduction commitments by selling them to third parties.

Apparently, the negotiation process at the Madrid conference again stalled because of a lack of political will on the part of countries that considered it an interim step before the Glasgow meeting (previously scheduled for 2020), where they also planned to discuss climate finance, an issue agreed a year earlier in Katowice. Some of the experts attending the conference also noted the weak position of the Chile chairmanship – Chile was unable to overcome the pressure from countries blocking the solutions. In addition to Brazil, these included Australia and Saudi Arabia and, finally, the United States. America sent only one representative to the talks, who nevertheless intervened in the negotiation process successfully enough.

Remarkably, the European Union, which in many respects justifiably presents itself as one of the leaders of the global climate change response effort, focused on bilateral agreements and domestic politics. For all the importance of the emissions markets to Europe, the EU's negotiating position at the Madrid meeting resembled Copenhagen in 2009, where all it could offer its partners was a greater reduction in its own emissions. As too few participants appeared interested in that, the negotiations on a new comprehensive agreement to replace the Kyoto Protocol got derailed. A similar situation developed in Madrid, where the EU announced its plans for a European Green Deal. However, the Green Deal was too green to have any weight or to influence the course of the talks. Besides, the long drawn-out Brexit cast an additional shadow on the EU.

Nonetheless, some negotiators argue that no agreement is better than adopted rules with loopholes, which would lack environmental integrity and do little to achieve the goals of the Agreement.

One of the main reasons for failure to reach agreement was the concern over the quality of the reduction units. If this issue remains unresolved, the emissions markets will not be able to achieve their purpose, namely, to ensure the reduction of greenhouse gas emissions or lower mitigation costs. The previous experience with carbon markets suggests this could be a daunting task. In particular, the Clean Development Mechanism under the Kyoto Protocol has been criticised for violations more than once, and a significant proportion of the projects, according to some studies, are actually unlikely to lead to

emission reductions. The dissimilar ambitions and scopes of NDCs potentially reduce incentives for assuring the quality of the reduction units. There is also a significant risk that some states will undertake less ambitious and narrow reduction targets in order to be able to sell more emission credits.

Meanwhile, the next meeting of the parties, which was to be held in Glasgow in 2020, has been postponed to November 2021 due to COVID-19; rules governing emission markets and climate finance remain suspended in limbo. According to former Governor of the Bank of England Mark Carney, the pandemic clearly showed how urgent the climate change problems were: “We have a situation with climate change which will involve every country in the world and from which we can’t self-isolate,” he said.⁵ Meanwhile, national governments are focusing on their own healthcare systems and economies, which have been hit hard by the infection. However, according to experts from the IMF and the International Energy Agency, governments have a once-in-a-lifetime opportunity to reboot their economies, making them more environmentally friendly, at least the energy sector. According to their estimates, a significant decline in emissions from the energy sector is expected around the world, but, depending on how we handle the crisis, we will either see a further reduction or a sharp rebound in emissions⁶.

The course of action to be taken in the coming months and years is extremely important given that we have seen a steady increase in greenhouse gas emissions in recent years (1.7% in 2017, 2.7% in 2018). Over the past five years, each year has broken the previous year’s temperature records. In addition, most of the pledges made by countries to reduce emissions by 2030 under the Paris Agreement may not be enough to limit the global temperature increase to 2 degrees. Some countries will fall short of their commitments, and some of the world’s largest carbon emitters will continue to increase their emissions, costing the global economy \$2 billion per day by 2030, according to *The Truth Behind the Paris Agreement Climate Pledges* report released by a climate research group.⁷

Worse still, the recent climate research conducted for the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, due out in 2021, indicates that scientists may have underestimated the climate’s

⁵ URL: <https://www.theguardian.com/environment/2020/jun/15/covid-19-pandemic-is-fire-drill-for-effects-of-climate-crisis-says-un-official>

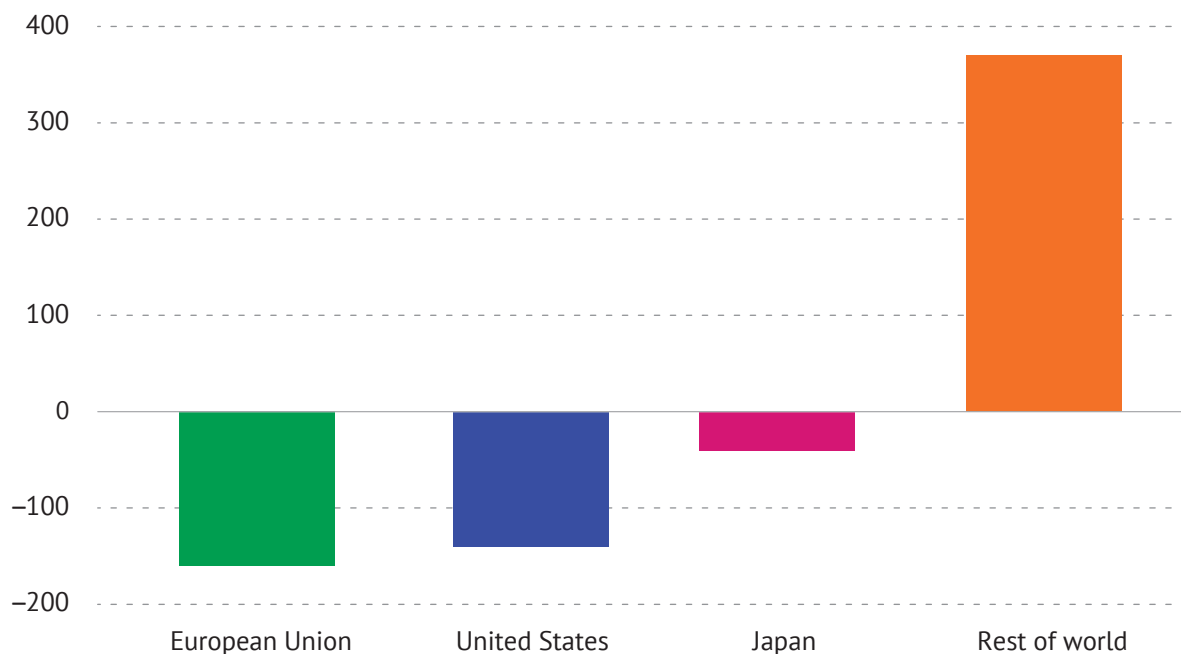
⁶ URL: https://www.iea.org/reports/sustainable-recovery?utm_content=bufferc17e1&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

⁷ Watson R., McCarthy H., Canziani P., Nakicenovic N., Hisas L., *The Truth Behind the Climate Pledges*. FEU-US, 2019. Watson R., McCarthy H., Canziani P., Nakicenovic N., Hisas L., *The Truth Behind the Climate Pledges*. FEU-US, 2019. URL: <https://bit.ly/2picXvQ>

sensitivity to carbon emissions. Although the findings still require verification, experts point out that refined predictions could be very alarming. Climate sensitivity has been estimated to be 3 degrees since the 1980s. About a quarter of recent studies show a dramatic shift from 3 to 5 degrees. This means that in the worst-case scenario, we may expect a much more serious increase in temperature, and our ability to contain it will be more limited than previously thought.

The agenda for further implementation of the Paris Agreement should also include the following. Global energy-related carbon dioxide emissions flattened in 2019 following two years of increases. According to the International Energy Agency⁸, this resulted mainly from a sharp decline in emissions from the power sector in the United States, Japan and the EU, thanks to the expanding role of renewable sources, and fuel switching from coal to natural gas (Picture 1). Those countries passed the peak of coal consumption in the second half of the 20th century, while Asian economies are now increasing coal production to meet their growing energy needs, which leads to higher emissions.

PICTURE 1
CHANGE IN ENERGY RELATED CO₂ EMISSIONS BY REGION, 2018–2019 (Mt)



Source: International Energy Agency.

⁸ Global CO₂ emissions in 2019 // IEA, 11.02.2020. URL: <https://www.iea.org/articles/global-co2-emissions-in-2019>

A different energy structure is not the only reason Western economies are more environmentally friendly. The fact is that they have moved many dirty and dangerous industries to other countries, primarily in Asia. Those countries welcome foreign investment that helps alleviate local unemployment and poverty, albeit to the detriment of the environment.

Modern climate agreements mainly state the need to reduce hydrocarbon emissions into the atmosphere at the national level. This approach puts developed and emerging economies on an uneven playing field and implementing it contributes to a widening of the gap between rich and poor.

One radical approach is to count emissions by country of consumption rather than production. Although Western countries have actually moved environmentally dirty production from their territory to developing countries, they still remain the main consumers of that production. As a result of this situation, developing countries are intensively polluting the air not only because of technological backwardness and the use of environmentally unfriendly cheap coal in their energy sector, but also because they host dirty industries working for export.

If we start calculating the level of emissions by consumption, that is, if we consider the amount of carbon discharged to make the goods consumed in a country, regardless of where they were produced, the picture will be almost mirrored (Picture 2).

Calculating emissions by country of consumption could provide a bigger and more finely tuned toolbox for regulating greenhouse gas emissions. It is also a good idea to create a progressive fiscal scale based on consumption of carbon-intensive goods. This would support the poorest social groups in stabilisation and reduction.

This approach raises the question of who is responsible for air pollution, manufacturers or consumers? Would manufacturers even make these goods if there were no consumer demand for them? Are consumers ready to change their habits, abandon their standard of living, and reduce consumption in order to protect the environment – something activist Greta Thunberg calls for? Or maybe they would agree to pay more for the usual goods, with an environmental fee added to the price? These are certainly rhetorical questions, at least for now.

PICTURE 2
CONSUMPTION-BASED ACCOUNTING OF CO₂ EMISSIONS (MTPY)



Source: <https://www.pnas.org/content/107/12/5687>

Towards Climate Law: The EU Green Agenda

The EU has assumed the role of global leader on the environment, and its policy in various fields is becoming increasingly climate neutral. After advancing the European Green Deal initiative in December 2019, the European Commission proposed adopting a **binding climate law** aimed at achieving net zero greenhouse gas emissions by 2050. It is officially referred to as **the first European Climate Law**.⁹ The goal is for the EU member states' economy and society to become climate neutral by 2050. The interim target for 2030 is to reduce greenhouse gas emissions by at least 50% compared to levels in 1990. In practice, this means that some countries (Austria, Denmark, Finland and Sweden) will move towards this goal faster than others, for example, the Visegrad Group (Poland, Hungary, the Czech Republic and Slovakia), which are reluctant to abandon the practices of their existing economic systems. The EU's authoritarian method of government, where each member state invents its own formula for achieving a common goal, will increase the divide between the centre and the periphery. However, the interim target can nevertheless be achieved by 2030 thanks to the priority development countries.

Greta Thunberg and other activists of the *Fridays for Future* global climate strike movement have denounced the EU climate law as surrender. They believe that the goal must be readjusted regularly. "We don't just need goals for 2030 or 2050. We, above all, need them for 2020 and every following month and year to come," they write in an open letter to EU leaders.¹⁰ The activists think that the EU is simply procrastinating, while measures to protect climate must be taken without delay. They conclude that "this climate law is surrender – because nature doesn't bargain and you cannot make 'deals' with physics."

The coronavirus pandemic could interfere with the EU's environmental strategies. An economic crisis is a suitable pretext for putting off the implementation of the European Green Deal. The current shocks in national economies have weakened support for the green deal and tough climate policies, especially in the countries whose energy sectors rely heavily on coal. Central and Eastern European countries have always feared that economic

⁹ *European Climate Law* // European Commission, 2020. URL: https://ec.europa.eu/clima/policies/eu-climate-action/law_en

¹⁰ *Climate strikers: Open letter to EU leaders on why their new climate law is 'surrender'* // Carbon Brief, 03.03.2020. URL: <https://www.carbonbrief.org/climate-strikers-open-letter-to-eu-leaders-on-why-their-new-climate-law-is-surrender>

modernisation would cost them dearly and would additionally increase unemployment and social unrest amid the economic downslide. Czech Prime Minister Andrej Babiš has already said that the European Union needs to focus on its fight to contain the coronavirus outbreak and “forget about” its Green Deal initiative for now.¹¹

Eastern European countries hope that the EU leadership will understand their problems, since they are entering the transition period at a different starting point compared to Old Europe. Poland, for example, uses coal to produce 75 percent of its energy. Changing the economic system will also mean changing the employment structure.

The Green Island of the EU

The EU does not always give serious consideration to the consequences of its environmental policy. However, it could attain its ambitious environmental targets through environmental deterioration in other parts of the world. A new sustainable food policy runs the risk of increasing the inconsistency of imports.

The new *Farm to Fork (F2F)* strategy, a cornerstone of the Green Deal, provides for creating a healthier and more sustainable EU food system by reducing the use of pesticides and antimicrobials, stepping up the fight against food waste, and adding food labels that allow consumers to choose healthy and sustainable diets. This strategy is based on the principle of conditionality: incentives for farms that follow the approved standards.

At the same time, the EU does not expect imports to comply with these requirements. It is actively negotiating the establishment of a free trade area (FTA) with Australia. The European Commission has prepared a special report¹² on the potential environmental and climate impact of the EU-Australia FTA, according to which the FTA is expected to affect climate change mostly through its impact on the volume of economic activity in the agricultural sector. Meat production in the EU will decrease by 1.4 percent, consequently reducing the environmental footprint. At the same time, Australia will increase its meat

¹¹ *Europe should forget about Green Deal, focus on coronavirus – Czech PM* // Reuters, 16.03.2020. URL: <https://www.reuters.com/article/health-coronavirus-czech-eu-idUSP7N29F01L>

¹² *Trade Sustainability Impact Assessment in support of FTA negotiations between the European Union and Australia* // European Commission, 2020. URL: https://trade.ec.europa.eu/doclib/docs/2020/january/tradoc_158550.pdf

output (mostly beef and lamb) by 4.6 percent to satisfy the EU's requirements, which will result in an increase in the emission of greenhouse gases and soil damage. After the 2019 and 2020 fires that destroyed millions of hectares of forest and killed animals, the problem of deforestation and loss of biodiversity has grown to catastrophic proportions in Australia. Increased agricultural production could make it even worse.

EU-Australia trade will increase the emission of pollutants due to transport. Another possible negative impact is trade diversion, where imports from Australia could replace similar, and cheaper, goods produced in nearby countries.

Growing meat consumption is being increasingly connected with environmental problems and climate change. The EU is actively discussing the introduction of the so-called sustainability tax on meat, which involves additional taxes on meat, dairy and egg producers.

On the one hand, it may look as if the EU is planning to use monetary methods to change its citizens' taste preferences. The proposed sustainability tax would increase meat prices in Europe by at least 20 percent. Calculations show that the consumption of beef would decrease by 67 percent by 2030, pork by 57 percent and chicken by 30 percent.¹³ But the EU is ready to satisfy its citizens' hunger with cultured meat: the number of biotech meat producers is growing in the EU and their products might hit the shelves as early as 2022.

On the other hand, the EU intends to increase food imports from Australia and South American countries (it has long been negotiating food deliveries with MERCOSUR), where environmental standards are much lower than in the EU. As a result, the EU will reduce the emission of greenhouse gases and improve its own environment, becoming a green island.

While leading the global green movement, the EU has been working towards sustainable production, especially in agriculture, by importing more agricultural products without increasing domestic production. This could upset the global environmental balance.

The EU's green agenda is becoming part of the general political and ideological discourse and of the EU's normative power. Environmental leadership is strengthening the EU as a global leader. In the near future, this could allow the EU to conduct environmentally justified interventions beyond its territory or to impose unilateral sanctions on other countries.

¹³ <https://tappcoalition.eu/reports>

Climate Diplomacy

It is fairly difficult to define climate diplomacy if we try to use the existing concepts. It can be viewed as one of the functional expressions of foreign and environmental policy. As a relatively new branch or a sprout at the junction of fields of theoretical knowledge and their practical embodiment, it needs further comprehensive interdisciplinary interpretation. Is it worth turning the notion of diplomacy into an annex that is added practically to all areas of human endeavour that are subject to international cooperation? That is a disputable issue. If we are guided by the principle of Occam's razor, we could probably do without such terms as "climate diplomacy" or "sports diplomacy," which are merely multiplying somewhat vague notions. That said, the desire to draw attention to such issues seems justified and potentially useful for developing both theory and practice.¹⁴

It should be noted in this context that on the one hand, international climate cooperation is a traditional and important item of the global agenda. On the other hand, at the institutional level, this area is relatively new and has not yet established itself the way, for example, economic or scientific diplomacy have. Many foreign policy departments, for instance, the Russian and German foreign ministries, do not have relevant units that would concentrate exclusively on this domain. The European External Action Service does not have them, either. Relevant objectives are being tackled by departments dealing with general issues of sustainable development; their functions partially overlap with the Russian Foreign Ministry's Department of New Challenges and Threats. Meanwhile, climate departments and working groups have functioned for over a decade in the US Department of State and foreign ministries of some European countries, for instance, France and Norway. Their organisational structure and current activities depend both on the specifics of the general architecture of government administration and national priorities. Thus, the US Department of State pays much attention to oceanology, whereas the homeland of the Paris Agreement concentrates on reducing carbon emissions and countering global warming. Scandinavian countries lay emphasis on cooperation in the field of renewable energy sources.

In Russia, an advisor/special representative of the President on climate change was appointed for the first time in 2009. The Department of International Cooperation works in parallel with the advisor at the Ministry of

¹⁴Roman Reinhardt. *The Handbook for Diplomacy Researchers in Mirovaya ekonomika i mezhdunarodnye otnosheniya*, 2017, vol. 61, No 4, pp. 119–122.

Natural Resources and Environment. On a more general plane, the section on international economic and *environmental* cooperation is part of the current Foreign Policy Concept of the Russian Federation endorsed by Vladimir Putin on November 30, 2016. For comparison, in the previous similar documents (1993, 2000, 2008, and 2013) the environmental aspects of foreign policy are not so thematically and structurally accentuated. Thus, it is still too early to speak about the evolution of the environmental theme in the domestic foreign policy doctrine. It has become part of it relatively recently and is at an early stage of development as a concept.

We can draw the following conclusions on the perception of climate diplomacy by decision-makers. **First**, climate diplomacy is multilateral by nature. Since it deals with global threats linked with the change of the environment under the impact of techno- and anthropogenic factors, the goal of countering them implies a concerted effort by the entire international community and the people of goodwill. Hence, bilateral contacts and classic diplomatic talks can hardly be productive. The UN and other multilateral forums, such as in Davos and St Petersburg, are the most suitable venues for this. Consequently, international organisations are the most important actors of climate diplomacy. **Second**, the artificial politicisation of this area presents a certain risk.

Furthermore, climate diplomacy may well be interpreted in terms of people's or public diplomacy. This explains its non-systemic character. It is expressed in the fact that the driving and consolidating role is primarily allocated to non-government actors. A climate diplomat is not an employee of the foreign ministry or any other government body but is sooner a representative of an NGO or a private individual (Greta Thunberg is a good example). The area of their activities seems anarchic by virtue of its nature. Any attempts by a state to get involved with its traditional arsenal, including foreign policy, encounter resistance. In simple terms, this rhetoric boils down to the following: it is the governments that put the world on the brink of an environmental disaster and they cannot take part in saving it for this reason. As a result, it transpires that environmental activism contradicts the very essence of diplomacy – its peacemaking nature. It does not matter how radical the climate activists may be. As a rule, they all place themselves in opposition to governments and are more prone to compete rather than cooperate with them.

On a cultural plane, the latent or overtly revolutionary character of climate diplomacy has deep historical roots regardless of its development mechanisms. They require a separate study. In the current context, it is enough

to say that the products of environmental Germinals fit in well with the “soft power” concept of American political scientist Joseph Nye. Its later derivatives include “smart,” “sharp” and “green” power.

What should states do in such conditions to at least alleviate the conflict, if not remove it altogether? We believe one of the goals of classic diplomacy as regards the climate agenda is in finding this *modus vivendi*. The following measures appear important.

First, it is necessary to recognise the relevant forces and develop a dialogue with them, as well as make certain concessions, in part, by involving functioning institutions in this work. The example of Greta Thunberg is also indicative in this respect. Several years ago, it would have been impossible to imagine a teenager proclaiming from the UN rostrum ideas that world leaders would comment on later. However, in the current conditions it is pointless to call this phenomenon absurd or ignore it. There is no choice. Confrontation is not productive.

Second, it is essential to search for a scientific foundation of climate diplomacy. In this respect, it is important not only to produce an interpretation of the relevant problems based on natural sciences in order to counter demagogues and hypemen but also to search for a place of climate diplomacy in the system of foreign policy coordinates. Categorisation with reliance on similar approaches of science diplomacy could be of substantial help in this respect. The latter works in three key areas: science in diplomacy (elaboration of recommendations on drafting foreign policy), diplomacy for science (simplification of international scientific cooperation), and science for diplomacy (use of research alliances for improving bilateral and multilateral relations between states).¹⁵ It seems that a more active involvement of scientists and experts in negotiations may be useful for preventing a further politicisation of the area. For the time being, this process is at its initial stage. For instance, the encyclopaedic publication “*The SAGE Handbook of Diplomacy*” pays practically no attention to climate diplomacy as distinct from numerous other aspects and dimensions of international cooperation.¹⁶ Let’s repeat that turning climate diplomacy into yet another artificial and opportunistic concept is unjustified. However,

¹⁵ Vladislav Panchenko and Anatoly Torkunov. *Scientist as a diplomat: Science influences settlement of international conflicts and problems*. URL: <https://rg.ru/2017/06/26/kak-nauchnoe-sotrudnichestvo-pomogaet-resheniiu-mezhdunarodnyh-problem.html>; Roman Reinhardt. *Science on diplomacy, for diplomacy and in diplomacy in Scientific and analytical magazine Observer*, № 5 (352), 2019. Pp. 58–72.

¹⁶ *The SAGE Handbook of Diplomacy*. Costas M. Constantinou, Pauline Kerr and Paul Sharp, eds. Thousand Oaks: SAGE Publications Inc., 2016. P. 684.

practice shows that such a subunit does have a right to exist, and hence, to be subjected to scientific development. The dialogue of diplomats and environmental experts, and a search for points of contact, a common language and definitions is very important in its framework.

Finally, **third**, it is necessary to gradually depart from foreign policy rhetoric that is focused on national interests. Needless to say, in current conditions and against the backdrop of “the renaissance of geopolitics”¹⁷ such a foundation of international relations as national sovereignty is not called into doubt. However, it is hardly justified to highlight it in the climate agenda context.

Climate and Green Civil Activism: Three Strategies

As it was mentioned before, climate diplomacy is largely a second track diplomacy where main concepts and ideas are often implemented and promoted in world politics not through traditional foreign policy channels but through NGOs and civil activists. There are two traditional symbols of the movement out of the entire diversity of climate, and, more broadly, green activists as regards their influence on world public opinion: *the World Wildlife Fund (WWF)* and *Greenpeace*. Greta Thunberg is a new global symbol of the climate agenda.

The world's largest non-profit environmental organisation – the *WWF* – was founded in 1961 by British biologist Julian Huxley soon after he visited East Africa as UNESCO director-general, and was stunned by the rate of destruction of the local flora and fauna. Owing to his efforts, on September 11, 1961 the *WWF* was established as a charity organisation with the head office in Switzerland. Now its mission is to prevent the mounting degradation of the planet's natural environment and achieve harmony between humans and nature. Its main goal is to preserve the biological diversity of the Earth. Out of the three afore-mentioned symbols of green activism, the *WWF* is the most moderate one.

¹⁷ Andrei Kortunov, *The Splendors and Miseries of Geopolitics in Russia in Global Politics*. 25.01.2015. URL: <https://globalaffairs.ru/articles/blesk-i-nishheta-geopolitiki/>

Green civil protests started in 1971. It was at that time that a small group of activists campaigning for the world without war and violence, sailed on a small fishing boat from Vancouver to the island of Amchitka in Alaska, where the US Government planned to conduct underground nuclear tests. They chose a tell-tale name for their team – “*Green Peace*” but it didn’t fit in on the side of the boat and they wrote it in one word: “*Greenpeace*.”

The protests compelled the US Government to stop tests in Amchitka by the end of 1971. The island became a bird reserve. The activists were inspired by their victory and decided to counter nuclear weapons tests throughout the world. The word “Greenpeace” entered the lexicon of practically all nations and became a synonym of the green movement.

In the 1970s, Greenpeace held many campaigns against commercial whaling. Its first expedition took place near Soviet whaleships. The activists on inflatable boats manoeuvred between the ships and the whales that were targeted by harpoons, literally protecting the animals with their bodies. They resorted to this defence of sea mammals more than once in cases involving Icelandic, Spanish and Japanese whaleships. In 1982, Greenpeace compelled the International Whaling Commission to consider a moratorium on commercial whaling. It entered into force in 1986. In 1994, the Antarctic seas were proclaimed a whale sanctuary.

In the 1990s, Greenpeace started drawing public attention to air pollution and ozone layer destruction. Its participants held a number of protests at the plants with high hydrocarbon emissions. They also staged protests against shelf oil production.

In the years since its establishment, Greenpeace turned from a small group of activists into a global international environmental organisation that has over 2.5 million supporters all over the world.

Greta Thunberg has become an environmental activist of a new format. In the past, coverage of environmental problems often focused on the consequences of environmental disasters, oil spills, rubbish dumps and dying animals. Environmental activists were depicted as reckless individuals who stormed whaleships, fettered themselves to oil platforms or actively opposed nuclear tests. Greta Thunberg is shaping a completely different image. She says there is no need to travel far and risk one’s life to protect the environment. Everyone can be involved in environmental protection. It is enough to come to parliament and sit on its steps.

This is how Thunberg started her career as an eco-activist. In August 2018, she held a one-person picket by the Swedish Parliament building. The girl demanded that the authorities of the Kingdom abide by the Paris Agreement. Her following campaign was *Fridays for Future*. On Fridays, Thunberg did not go to school. She devoted this day to the protection of nature. Later, owing to media interest and social media coverage this campaign developed into a movement of the same name and was supported by young people in many countries.

“Why should I be studying for a future that soon will be no more when no one is doing anything whatsoever to save that future” Thunberg asked in one of her speeches. “What is the point of learning facts in the school system when the most important facts given by the finest science of that same school system clearly mean nothing to our politicians and our society? Some people say that Sweden is just a small country and it doesn’t matter what we do. And if a few children can get headlines all over the world just by not going to school, then imagine what we could all do together if we really wanted to,” she said.

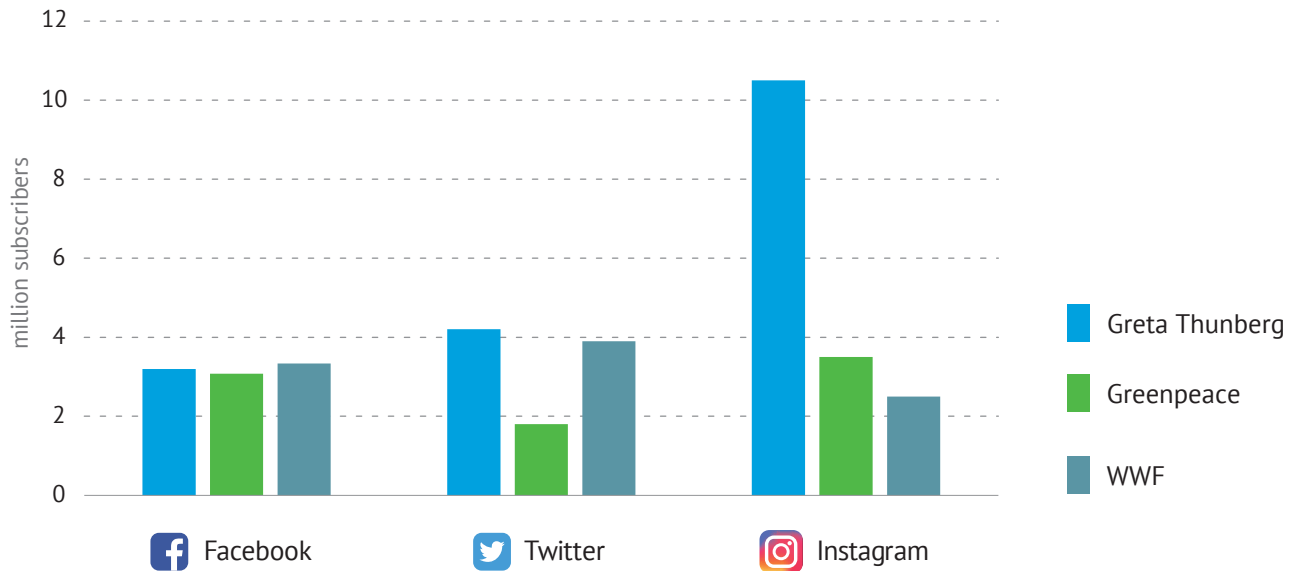
Her appeal was heard and the climate change issues resonated in a new way in 2019. At the UN General Assembly session on September 23, 2019 Greta lashed out at the world leaders, accusing them of lying and even stealing her childhood. She thinks politicians just engage in empty talk. “People are suffering. People are dying. Entire ecosystems are collapsing. We are in the beginning of a mass extinction, and all you can talk about is money and fairy tales of eternal economic growth. How dare you!” she said.

Her speech greatly impressed public opinion. The 16 year-old school student became one of the world’s main newsmakers and a leader of the environmental movement. The Time magazine included her in its list of 100 most influential people in the world (in the same category as Donald Trump and the Pope). As a result, Thunberg has drawn universal attention to global warming.

How can we compare and assess the effectiveness of these three strategies of the climate and green movement as represented by the *WWF*, Greenpeace and Greta Thunberg? In the post-modernist world of today, where everything is measured by likes in social media, the number of subscribers is the key indicator (no irony) (Picture 3). Now the number of Thunberg’s subscribers in social media is comparable to the numbers of such flagships of the green movement as Greenpeace and the *WWF*. In Instagram, where the young audience prevails, she has three times more subscribers. Is the answer obvious?

PICTURE 3
NUMBER OF SUBSCRIBERS IN SOCIAL MEDIA: GRETA THUNBERG, GREENPEACE AND WWF*

* As of October 30th 2020



Global Climate Justice? A Long-Term Challenge

On February 17, 2020, Amazon President Jeff Bezos announced his intention to allocate \$10 billion from his Bezos Earth Fund to countering climate change. This new initiative immediately triggered heated debate in environmental circles in the United States and the world in general. Apart from the huge sum sacrificed for combatting climate change, this initiative attracted special attention because of the US domestic political agenda. At a time when President Trump's critics blame him for ignoring the global climate agenda, it is private business initiatives that could replace apathy and even the efforts of the state to parry new climate challenges.

Since Bezos described the fields in which he intends to spend these billions only in a broad outline, the public debate that followed his announcement largely centered on how this money would be spent and what the priorities

would be. Climate justice was emphasized, a theme that is not new and is being discussed more openly in the US and the rest of the world. The US press has published several appeals to Bezos to concentrate on creating a network of institutes for climate justice both at the national and the international levels rather than on ordinary environmental measures.

The arguments of the supporters of this concept are clear enough. Since climate change is a high priority for humankind in general, sanctions for violating climate justice must be considered a priority rather than be allowed to sink into a quagmire of ordinary courts for general jurisdiction. It would be necessary in this context to seriously upgrade the skills of judges, prosecutors, investigators and attorneys on climatic and environmental issues with a view to forming a highly professional community of lawyers that are well versed not only in legal matters but also in environmental issues and disputes. Bezos's billions would be well used in the creation of a new community of climate-versed lawyers (university programs, upgrade courses, manuals with guidelines and case reviews). If this prospect is viewed on a global scale, expenses on creating climate chambers at existing international or commercial courts would be enormous. In addition, the implementation of the idea of specialized climate justice would likely require versatile lobbying both at home and abroad and the creation of the necessary public support globally. These goals would also call for substantial funds. Moreover, climate justice could only be effective if every contract, with even the smallest connection to the environment, contains a section on requiring the parties to refer any environmental issue to a specialized climate court. Efforts to encourage entrepreneurs to follow this (and probably to organize a boycott of those that do not follow these rules) would be quite a burden on lobby and PR resources.

The formation of climate justice could follow, for example, the model of sports justice that has established itself over the past two or three decades. Those who created it also worked to shape the needed public opinion and were involved in lobbying. Their goal was to legalize the provisions that sports is a specialized field of human endeavor which is different from common civil law and requires not only special regulations but also special justice at the global level (on the issues of sports contracts, doping, specificities of human rights in sports, etc.). As a result, the Court of Arbitration for Sport in Lausanne has recently become by default the only judicial authority for sports disputes. The overwhelming majority of participants and international sports competition organizers agree to take any dispute to the court in Lausanne rather than courts of general jurisdiction. The forming of a community of sports lawyers took place in parallel with the growing importance of this

court. Over the past few years, high-profile anti-doping cases have led to the development of special units in the World Anti-Doping Agency (WADA) and other sports organizations. These units investigate suspected violations. They are increasingly acquiring quasi-investigative functions and are to receive funding and opportunities for their own operational activity similar to that of the police and the prosecutor's office.

Incidentally, this experience in sports shows that a separate system of justice cannot be effective without its own investigating body. Ideally, it should have similar authority to the police. Therefore, climate justice would need a special climate investigation unit or climate police. In fact, many countries already have government environmental oversight bodies. Some countries also sanction the right to conduct operational activity. However, the supporters of climate justice believe that this is just the first step in creating a new system.

There is debate on a separate issue: should climate justice be related to the state or to arbitration? Of course, by virtue of its authority the state can provide more legitimate enforcement machinery to support climate justice. But if government bodies do not want to review environmental issues without bias and as a priority (everything again revolves around criticism of Trump in this context), it is risky to leave climate justice up to the state. Thus, it might be more effective to have an independent system of climate justice, courts of arbitration and independent investigation bodies for climate issues. The state would lose its monopoly on coercion and its sovereignty would be eroded. However, the bottom line is that global problems are more important than the erosion of sovereignty.

In international climate justice the concept of arbitration that is independent of intergovernmental organizations is playing a greater role. In another reference to sports justice, formally, the International Olympic Committee is an NGO with a system of sports justice that functions independently of a state.

Climate Migration

The term “environmental migration” originated long before it became popular. Back in 1889, British geographer Ernst Ravenstein, who introduced the laws and principles underlying migrations, noted that climate can be one of the reasons that induce people to relocate. A century later, in the

1980s, a separate area of research appeared which focused on forecasting environmental migration. In 1988, an Intergovernmental Panel on Climate Change was established at the World Meteorological Organisation. Held in 1992, a UN international conference on environmental migration became the first major international forum dedicated to migration and refugees in the context of the environmental agenda.

In 1995, British environmentalist Norman Myers conceptualised the “environmental refugee” notion as “persons who no longer gain a secure livelihood in their traditional homelands because of what are primarily environmental factors of unusual scope.” Such factors may include industrial or man-made disasters, as well as famine.

The 2008 Bonn Conference deepened the proposed definition by adding a variety of subcategories. Thus, we can distinguish “emergency refugees”, who flee from dangerous environmental impacts. As a rule, they do not have a choice and their lives are at stake (such as the Chernobyl or Fukushima-1 disasters). “Forced migrants” flee to avoid environmental degradation. They could stay at their habitual areas, but the state decides to evacuate or relocate them due to a natural disaster. This type includes coercion, that is, government control. Another category is “motivated migrants”. They leave an unfavourable neighbourhood because they want to live in a better environment.

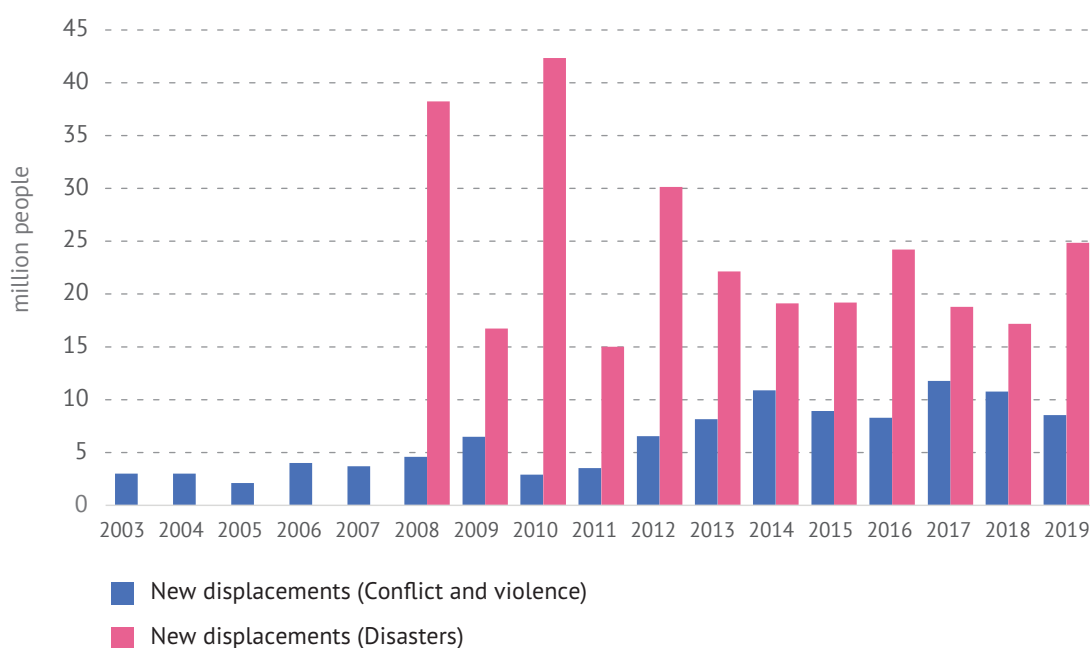
Accordingly, we can divide migration into several types. Permanent environmental migration is about changing the place of residence because it becomes impossible to stay in an area hit by an environmental disaster and impossible to return back home. There’s also temporary migration associated with a short-term (up to one year) or long-term (longer than a year) change of place of residence with the eventual return home. As mentioned above, environmental migration can be forced (that is, mandated by the state), involuntary, or voluntary.

Environmental migration can be found in almost any region, which makes this problem global and, therefore, makes the international community responsible for finding a solution. Residents of the Pacific island states are forced to move inland away from the coastline due to erosion. Storms in the densely populated Asian countries lead to migrations within the regions. Fishermen from coastal villages in West Africa are moving to urban areas due to depleted fish resources caused by carbon dioxide in the atmosphere

mixing into the water and oxidising it. Desertification in the Sahel and East Africa affected the routes used by traditional nomadic tribes, forcing them to find new ones. Droughts in Latin America stimulate migration to the region's more favourable areas (typical for residents of the worst-off regions) and the use of Mexico's buffer zone when moving to the United States, which increases pressure on the border area. In Central Asia, there has been an outflow from rural areas to urban areas over the past decades for economic and climatic reasons.

According to the Internal Displacement Monitoring Centre (IDMC¹⁸), 24.8 million people changed their place of residence in 2019 following natural phenomena or disasters (Picture 4). When viewed in a time continuum since 2008, the peak was in 2010 with 42.3 million people, and the lowest number – 15 million – was in 2011. It should be noted that more cases of forced environmental migration have been reported annually since 2008.

PICTURE 4
NEW DISPLACEMENTS CAUSED BY CONFLICTS AND NATURAL DISASTERS



Source: Internal Displacement Monitoring Center (IDMC), 2020.

¹⁸ <https://www.internal-displacement.org/>

The global community at the level of international organisations has long been addressing the issues of environmental migration. The United Nations Office for Disaster Risk Reduction was created in 1999. At the Third UN World Conference held in Sendai in 2015, the Sendai Framework for Disaster Risk Reduction 2015-2030 was adopted. It is based on the Hyogo Framework for Action 2005–2015, and some of its points are included in the Paris Agreement.

The programme's main points are as follows:

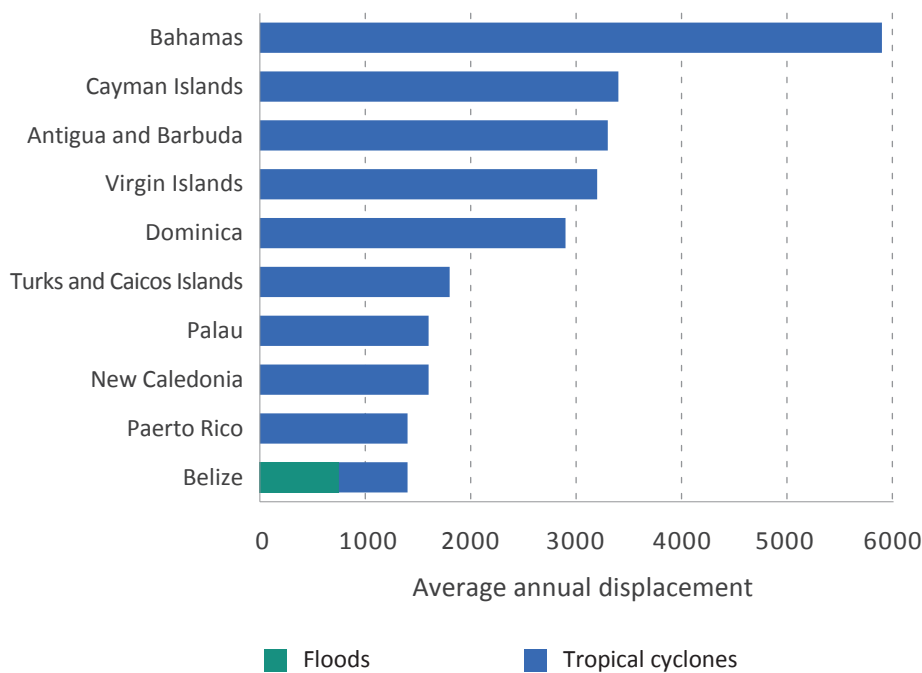
- 1) reducing mortality from disasters,
- 2) reducing the number of people living in risk areas,
- 3) reducing direct losses in the context of GDP,
- 4) mitigating risks for key infrastructure,
- 5) increasing the number of countries that have adopted national and local strategies for disaster risk mitigation,
- 6) promoting cooperation at the international level,
- 7) improving early warning systems' availability.

The second point is directly related to the issue of environmental migration, when the state needs to ensure resettlement from dangerous areas. In practice, not all countries have financial resources to do so.

In 2018, the Task Force on Displacement presented a report¹⁹ which contained a proposal to adjust national environmental and climate-related policies and legal frameworks governing people's mobility in coordination with climate and environment stakeholders and ministries of labour and employment. It also emphasises the need to reinforce national and international legislation in this area for more effective interaction between countries. This is also important in light of the fact that if you look at the population of individual countries/level of displacement risk ratio, it becomes clear that different states belong to different weight categories. Thus, a number of countries in Southeast Asia have high population density and high risk of tropical storms and floods (Picture 5).

¹⁹ See *Task Force on Displacement Report*: https://unfccc.int/sites/default/files/resource/2018_TFD_report_17_Sep.pdf

PICTURE 5
NATURAL DISASTER RISK ANALYSIS



Source: Task Force on Displacement report, 2018

The end of 2018 was marked by the adoption of the Global Compact for Safe, Orderly and Regular Migration²⁰, which outlines 23 goals. Let's go over the ones that are thematically related. The compact's first goal includes systematisation of information on migration, which provides for better data collection and improved interaction between government departments and national statistics offices. The second goal (which echoes the Sendai Framework) is to minimise the adverse effects of various forces and structural factors that force people to leave their homelands. The list of measures proposed to reduce the environmental migration flows includes the improvement of joint analysis and information sharing to identify and predict migration flows that may arise in the wake of rapid- or slow-onset natural disasters, adverse effects of climate change, environmental degradation and other unfavourable situations, and responding with due respect, protection and exercise of human rights of all refugees, investing in sustainable development at the local and national levels in all regions which will help people improve their living conditions. The compact also provides

²⁰ Global Compact for Safe, Orderly and Regular Migration // UN Refugees and Migrants, 2018. URL: https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf

for drafting adaptation and resilience strategies for natural disasters and the adverse effects of climate change and environmental degradation such as desertification, land degradation, drought and rising sea levels.

When considering country and regional specifics, one can refer to Chapter 9 of the World Migration Report 2020²¹, which focuses on mobility and ability to adapt to climate change. There are three risk areas: mountain ranges, desertification areas and coastal areas. Migration behaviour in each of them is different. With changes in mountainous areas (landslides or avalanches), migration is most often temporary, such as in Afghanistan, Nepal or Pakistan, where people move from less to more stable areas.

Desertification results in irreversible migration. The ramifications of human activities threaten food security and contribute to mass exodus (El Salvador or Honduras and transit migration across Mexico to the United States).

Migration in coastal areas (island nations in Southeast Asia and the Pacific Ocean basin) is due to forced displacement of the population to safer places. Some states cannot afford relocating local residents, such as the Republic of Kiribati or the Kingdom of Tonga), so younger people are leaving for other countries and supporting their families that are forced to move inland. However, this approach cannot provide a global solution to land conservation due to territorial specifics.

Nevertheless, there are positive examples in the environmental migration regulation. In Senegal, the international expat community is involved in fighting the desertification: labour migration and preservation of the clan-based system for maintaining contacts outside the homeland made it possible to form a financial resource in the form of deductions which were used to conduct research and extract water. The situation in Bangladesh was similar. The young and able-bodied population moved to the cities from the countryside, and the money they sent to their families was spent on purchasing water pumps.

Successful projects can be found at the state level as well. In particular, the Republic of Fiji, which implemented a state programme for relocating people from highly unsafe coastal areas, was mentioned in a report compiled by the International Organisation for Migration.

²¹ See World Migration Report 2020. URL: https://publications.iom.int/system/files/pdf/wmr_2020.pdf

Bilateral agreements on assistance in implementing programmes to support environmental refugees and to deal with the aftereffects of human impact on climate are used at the interstate level. For example, the South American countries have signed an agreement to protect the people who have been displaced outside their country in the wake of natural disasters, as well as to help refugees who were affected by environmental migration. The agreement is voluntary and non-binding, but it lays the foundation for state-to-state interaction.

Case Study: Ioane Teitiota v. New Zealand

On January 7, 2020, the UN Human Rights Committee, which, under the International Covenant on Civil and Political Rights (ICCPR), considers individual complaints against states that have ratified an optional protocol to the ICCPR, released a very indicative decision on the right to migration due to the effects of climate change.²²

The claimant, Ioane Teitiota of Kiribati, opposed the government of New Zealand. He migrated to New Zealand in 2007 and lived there illegally after 2010, when his residence permit expired. In 2013, he was brought before New Zealand's Immigration and Protection Tribunal, which ruled to deport him. This was done in 2015 after a number of appeals on his part.

What is indicative about this trial is that right from the start Mr. Teitiota's lawyer based his arguments on climate change rather than economic or human rights reasoning. In his logic, climate change leads to rising sea levels and therefore the low-lying Kiribati islands (most of them are atolls rising above the sea level by no more than 3 meters) are facing dramatic deterioration of fresh water quality in the wells. Its salt content is mounting, making the water increasingly unfit for drinking and causing outbreaks of illnesses. Thus, an increasing number of Kiribati residents (60 percent according to the court case) are issued with imported drinking water under a coupon system. To add to this, the growing salinity of the soil has reduced its

²² Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016 // UN Human Rights Committee, 23.09.2020. URL: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f127%2fD%2f2728%2f2016&Lang=en

fertility and accordingly the income of the locals. The sea is eroding dwellings and fields located in the vicinity of the seashore. All of this, along with a high density of the population on the main Kiribati isle, Atoll Tarawa, has led to increased communal violence, fistfights, and clashes not only for land and water, sometimes ending in fatalities. As a result, Mr. Teitiota's lawyer inferred that Kiribati was so greatly impacted by the effects of climate change that his client's right to life, under Article 6 of the ICCPR, would be violated if he were forced to return back there.

It must be noted that practically from the outset, the lawyer invoked the ICCPR rather than the domestic law of New Zealand. Presumably, he and his client were originally nurturing the idea to refer the case to the UN Human Rights Committee and make it public internationally. Similarly, lawyers in Russia handle certain first-time cases with an eye to internationalizing them through reference to the European Court of Human Rights. But these are mere details. The important thing is that the courts in New Zealand, though recognizing that climate change is a real threat to Kiribati, pointed out that the Kiribati government was fighting its consequences, with the international community helping it, and, secondly, Mr. Teitiota's problems were no different from those of all other Kiribati residents and therefore he lacked individual grounds for claiming that his right to life would be violated by deportation. The court's message was basically that if others managed to live there, you can do that too.

Almost immediately after Teitiota's deportation in September 2015, his lawyer lodged a complaint against New Zealand with the UN Human Rights Committee (something that, let me repeat, could point to their original desire to internationalize the case). After several years of deliberations, the UNHRC released a decision. On the one hand, it denied the validity of Teitiota's complaint and recognized that New Zealand was right to deport him. To my mind, what contributed to its decision were not only the legal arguments but also the realization of political consequences the case could entail. Were Mr. Teitiota recognized to be right, a large number of Kiribati residents and other island states could, based on this precedent, pack their belongings and migrate to New Zealand or other developed countries on clear-cut legal grounds. But, on the other hand, the UNHRC made a number of important general observations, primarily refusing to consider the right to life solely in a narrow and direct sense (you are deported to be immediately killed in your homeland). On the contrary, the UNHRC recognized the right to life in its broad interpretation, contained in the ICCPR, as the right to a life with dignity.

According to the decision made by the UNHRC, the right to a life with dignity is directly threatened by climate change. Under Clause 9.4., "environmental degradation, climate change and unsustainable development

constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”²³ But two UNHRC members disagreed with the verdict and came up with dissenting opinions. One of these said directly that it was wrong to wait for real deaths to identify if there was a threat to life and that the UNHRC’s mission consisted in preemption.

Thus, the UNHRC decision, despite its dismissal of the complaint, can become an important precedent for similar cases in the future. One of the motives for the dismissal was insufficiency of proof. Mr. Teitiota’s lawyer claimed, with reference to a number of environmental reports, that Kiribati would disappear from the face of the Earth in anywhere between 10 and 15 years and therefore the right to a life with dignity of his children in the first place would be directly violated. The UNHRC did not recognize this as 100 percent proven. But if the immediate task were just to collect evidence, it would be possible to record with greater precision all the relevant facts, including soil contamination with salt, diseases caused by poor quality of drinking water, inundation of dwellings, fistfights with neighbors, and so on. Additional environmental tests might be conducted and then the UNHRC decision is likely to open the way to a legally recognized new type of migration, climate migration.

Therefore, the decision taken by the UNHRC is putting the climate migration problem on the global agenda. This may call for the urgent drafting of a relevant international norms, accumulation of the necessary financial and logistic resources, establishment of new global funds to this effect, and a strategy to adapt public opinion in host countries to the need to receive and accommodate masses of climate migrants. This also poses a very important and delicate question about the limits of state sovereignty in the face of global climate migration.

Conclusion

The climate agenda is acquiring key importance for world politics in the framework of the global risk society. The new values of the post-coronavirus era are beginning to influence both the more active promotion of the climate imperative and its restraints. The annual conference of the parties to the Paris Agreement has been postponed until 2021 due to the

²³ Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016 // UN Human Rights Committee, 23.09.2020. URL: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx

pandemic. But it is uncertain whether the states will manage to come to terms on the key issues of the flexibility mechanisms, climate finance and responsibility of both producers and consumers. The US withdrawal from the Paris Agreement, scheduled for November 2020, will destroy the fragile global consensus that was only reached owing to the most general formulas. Against this background, the European Union is strengthening its positions as the global climate leader. At the same time, the mounting differences on climate legislation inside the EU may destroy its own consensus.

Under the circumstances, climate diplomacy will continue to develop more actively at the civil rather than interstate level. Radical civil initiatives, like climate sanctions and global climate justice will be perceived by certain countries as a challenge to their sovereignty. In turn, this will undermine even the attempts to reach consensus between the states and the green movement.

The progressing climate change is making climate migration a permanent factor in the global risk society. The first steps on its legalisation are launching a new trend that will lead to a serious transformation of both society and global politics. The future will show whether the world will turn into an environmental dystopia.

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