

Law & Ethics

Climate Change, Human Rights, and COP 21

One Step Forward and Two Steps Back or Vice Versa?

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December 12 was in many ways a historic day for climate negotiations. After months of anticipation, the president of the Twenty-First Conference of Parties (COP 21), Laurent Fabius, announced that the Paris Agreement on Climate Change had been adopted.¹ The reactions were generally positive; the French president applauded the ambitious agreement, the UN secretary general was of the view that it was a “resounding success for multilateralism,”² and the executive secretary of UN Framework Conference on Climate Change (UNFCCC) stated, “We have made history together.”³ However, although many were relieved that the meeting did not end with a debacle similar to that in Copenhagen in 2009, there is reason to be skeptical of the efficacy of a heavily diluted final agreement.

Much anticipation surrounded the Twenty-First Conference to the UNFCCC in Paris, as many thought that it was the last opportunity to address climate change in a meaningful manner. Scientists have spoken: the latest report of the Intergovernmental

Panel on Climate Change (IPCC)—the body of scientists appointed by the UN to synthesize research on climate change—endorsed unequivocally (beyond 95 percent certainty) that climate is changing, it is changing *now*, and that it is a man-made problem particularly due to our use of fossil fuels, ending years of debate surrounding the issue.⁴ While deniers will continue to question this conclusion for their own personal and political gains, scientific uncertainty no longer provides a viable excuse. The IPCC concluded that if the emissions of greenhouse gases resulted in an increase in the global temperature of more than 2 degrees Celsius, the consequences on people and the planet would be catastrophic.⁵ Furthermore, a World Bank report issued an urgent plea to reduce greenhouse gas emissions, noting that the commitments made by the international community are not sufficient to limit the temperature rise to not more than 2 degrees Celsius.⁶ Previous attempts at adopting a binding agreement as a successor to the Kyoto Protocol, which was set to expire in 2012, were unsuccessful, including the much publicized Copenhagen Accord.⁷ The parties finally extended the Kyoto Protocol to another commitment period but pledged to adopt an agreement that would become operational in 2020 by 2015.⁸ Thus, much was riding on the Paris Conference, which became the site of action and anticipation in many ways.

The Paris Agreement adopts an innovative legal architecture that is unprecedented in international law.

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