



SCELG DIALOGUE

No. 5, January 2018

Paris Agreement and the Sustainable Development Goals: The Need for Mutual Supportiveness

Francesco Sindico

The integrated and inter-disciplinary research conducted by the **Strathclyde Centre for Environmental Law and Governance (SCELG)** seeks to address real-world knowledge gaps in partnership with government institutions, NGOs, private institutions and local communities. Our researchers hold considerable expertise in the fields of comparative, EU and international environmental law, with regard to, among others, biodiversity, land, food and agriculture, climate change and energy, water and oceans, as well as corporate accountability, environmental justice, human rights and sustainable development.

For more information, visit:

<https://www.strath.ac.uk/research/strathclydecen-treenvironmentallawgovernance/>

Or contact: francesco.sindico@strath.ac.uk

Paris Agreement and the Sustainable Development Goals: The Need for Mutual Supportiveness

Francesco Sindico

Co-Director of the Strathclyde Centre for Environmental Law and Governance

This policy brief is based on a presentation delivered at the I Catalan Conference on Environmental Law, Tarragona, on 17 January 2018. The conference was organised by the Catalan Ministry of Territory and Sustainability and the Centre d'Estudis de Dret Ambiental de Tarragona (The Tarragona Centre for Environmental Law Studies) of Rovira i Virgili University.

Introduction

The much expected 1.5°C IPCC report appears to give us not more than sixteen years to get our act together when it comes to climate change mitigation. In other words, and putting it quite bluntly, the clock is ticking! Against this background, a number of questions should be asked:

- 1) Are we doing enough to mitigate climate change?
- 2) Is the current international legal and policy landscape conducive to ratcheting up our efforts to mitigate climate change?
- 3) In particular, are efforts undertaken under the framework of the Paris Agreement being supported or undermined by countries' efforts to implement the Sustainable Development Goals (SDGs)?

This policy brief will engage mainly with these last two questions by highlighting four key aspects of the relationship between the Paris Agreement and the SDGs, which pave the way for a mutually supportive implementation of the two legal instruments.

All roads do not lead to Paris

The first aspect that needs to be highlighted is that the international climate change legal and policy landscape does not end with Paris. In fact, if one focuses on the SDGs, practically all of the 17 Goals relate in one way or another to climate change, be it mitigation or adaptation. Furthermore, the SDGs have two specific goals, one on sustainable energy and one on climate change itself, which are clearly linked to the implementation of the Paris Agreement, although exclusively.

Looking further afield than the SDGs, many provisions of the Paris Agreement require interaction with other international legal and policy regimes. To name a few: the implementation of effective adaptation policies requires clear and strong links with biodiversity-related legal instruments; tackling loss and damage goes hand in hand with disaster risk management; and even regimes such as RAMSAR are relevant when one thinks of the climate change impacts of wetlands when it comes to mitigation and adaptation.

A little more conversation

Going back to the SDGs, the second aspect that this brief wishes to highlight is that there needs to be effective communication and coordination between the efforts to mitigate climate change under the Paris Agreement and the efforts to implement the SDGs. Here there have been some improvements. While during the negotiations of both the Paris Agreement and the SDGs, attention to the other instrument was, if not absent, minimal, things have changed in the past few years.

In 2018 the SDGs have matured and come of age. There are research projects focusing on the SDGs and their relationship with the Paris Agreement, business literature refers consistently to the SDGs in their operations, and regional governments (like Scotland and Catalonia) have embraced the SDG spirit and language. One would hope and expect that efforts to mitigate climate change under the Paris

Agreement capture this general trend towards a greater appreciation of the importance of the SDGs.

Not just a trend

However, this alignment between the Paris Agreement and the SDGs should not just be considered as a trend, but as a legal requirement. This is the third aspect that this brief wishes to stress. An analysis of the text of the Paris Agreement reveals that the latter needs to be implemented in the context of poverty eradication and sustainable development. The importance of the SDGs for the implementation of the Paris Agreement and efforts to mitigate climate change therein stems directly from such an observation, as clarified by the author of this brief in a short article published in the aftermath of the adoption of the Paris Agreement.

Not so different after all

A fourth point that needs to be made when analyzing the relationship between the Paris Agreement and the SDGs is that the alignment between them is not only dictated by a general trend and by a legal analysis of the Paris Agreement. It is also made easier by similarities between the two legal instruments.

These similarities refer to their legal nature and their monitoring, reporting and verification (MRV) systems. To argue that the Paris Agreement and the SDGs share a similar legal nature may be puzzling for some, since they constitute rather different formal legal instruments. The Paris Agreement is a treaty, while the SDGs can be found in a UN General Assembly resolution. However, if legal nature is judged not only by the formal document which frames the legal instrument, but also on what the provisions therein require States to do, then the similarities stand out more clearly. Both the Paris Agreement and the SDGs are, in fact, programmatic and bottom-up policy frameworks.

From an MRV perspective, both require States to gather information and present their best efforts in achieving their Nationally Determined Contributions (for the Paris Agreement) and in meeting their targets (for the SDGs). The difference here is that under the Paris Agreement States must undergo this process, which constitutes the transparency system provided for in the Paris Agreement, while for the SDGs the process is entirely voluntary. In 2018 we will have a facilitative dialogue at COP24 followed in 2023 by the Global stocktake. From the SDG side, countries meet every summer in New York before the High Level Political Forum on Sustainable Development.

Conclusion: Paving the way for mutual supportiveness

The fifth and final point in this brief builds on the four aspects that have been highlighted in the relationship between the implementation of the Paris Agreement and of the SDGs when it comes to climate change mitigation:

- 1) The Paris Agreement is just one of the international legal and policy landscapes (regimes) dealing with climate change mitigation;
- 2) A trend has emerged that clarifies that we cannot consider efforts under the Paris Agreement to mitigate climate change in isolation from similar efforts stemming from the SDGs and their implementation;
- 3) This trend (e.g., considering both regimes in a mutually supportive manner) actually reflects the language of the Paris Agreement, which calls for the latter to be implemented in the context of poverty eradication and sustainable development; and
- 4) A mutually supportive approach to the implementation of the Paris Agreement and the SDGs is facilitated by similarities between the two legal instruments when

it comes to their legal nature and their MRV systems.

Where does this leave us? The real question at this point becomes not so much whether efforts to implement the SDGs can promote or undermine efforts to mitigate climate change under the Paris Agreement. Rather, the question is how to make the wider international climate change legal and policy landscape (broadly considered and which includes the Paris Agreement and the SDGs) more conducive to the urgent efforts needed to mitigate climate change in light of the recent IPCC report. In other words, the four aspects highlighted in this paper stress the need and pave the way for a mutually supportive approach to the implementation of the Paris Agreement and of the SDGs when it comes to climate change mitigation. The question becomes how to move forward in this direction and put in place such mutual supportiveness. While this brief does not suggest any concrete option, for which more research and work is needed, it does plea in two directions:

- 1) It is paramount to grasp that the implementation of the SDGs and of the Paris Agreement requires coordination, and that the latter must carefully take into account efforts to mitigate climate change coming also from non-state actors, including regional governments grouped together in organisations such as nrg4SD (network of regional governments for Sustainable Development); and
- 2) It will be important to explore areas within the Paris rule book negotiations that could open a space for a more formal and structured debate on how to best co-ordinate mitigation efforts under the Paris Agreement and the SDGs.

Both will be small but important steps in promoting effective mutual supportiveness in the implementation of the Paris Agreement and of the SDGs. Mutual supportiveness, it is argued here,

will ultimately make the international climate legal and policy landscape more conducive to increasing our efforts to mitigate climate change.

Key resources:

Transforming our world: the 2030 Agenda for Sustainable Development (2015) A/RES/70/1 United Nations Sustainable Development Knowledge Platform, available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>

Information about the IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty is available at: <http://www.ipcc.ch/report/sr15/>

United Nations / Framework Convention on Climate Change (2015) *Adoption of the Paris Agreement*

21st Conference of the Parties, Paris: United Nations, available at: http://unfccc.int/paris_agreement/items/9485.php

F. Sindico, "Paris, Climate Change and Sustainable Development", 6.1-2 *Climate Law* (2016), pp. 130-141

**For further information,
please contact:**

Francesco Sindico
francesco.sindico@strath.ac.uk



Strathclyde Centre for Environmental Law & Governance
Latest outcomes from our work

We wish to share our research findings in a variety of ways to reach out to different audiences. We not only publish academic books and articles, but also distil our research in a shorter and more action-oriented way for stakeholders (e.g., policy-makers and advocates). Among the latest outcomes of our work are the following working papers, policy briefs and dialogues:

SCELG Working papers

C Wambua, Promoting Public Acceptance of Wind Energy Projects in Kenya: Towards a Wind-Wind Solution, SCELG Working Paper 10/2017

LS Lynes, Climate Change Law and Colonialism: Legal Standing of Three Rivers and a Hypothetical Case of Bison Personhood in Canada, SCELG Working Paper 9/2017

SCELG Policy Briefs

M Geelhoed, Response to the Public Consultation 'Environmental Principles and Governance in Scotland', SCELG Policy Brief 11/2019

M Geelhoed, Response to the Public Consultation 'Good Food Nation Proposals for Legislation', SCELG Policy Brief 10/2019

SCELG Dialogues

F Sindico and K McKenzie, Human Rights Thresholds in the Context of Climate Change: A Litigation Perspective in the Wake of the IPCC Special Report on 1.5 °C or the Week in which Everything Changed..., SCELG Dialogue 7/2018

F Sindico and S Switzer, The Transformation of Environmental Law and Governance: Risk, Innovation and Resilience, SCELG Dialogue 6/2018

Find out more at:

<https://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/ourwork/latestoutcomesfromourwork/>



UNIVERSITY of STRATHCLYDE
**CENTRE FOR
ENVIRONMENTAL LAW
AND GOVERNANCE**



Like us on Facebook - <http://bit.ly/2qt1G6U>



Join us on LinkedIn - <http://bit.ly/2oVRYsm>



Follow us on Twitter - <http://bit.ly/2pkxhKj>



Visit us on YouTube - <http://bit.ly/2oVlrl9>