



IMPLEMENTING THE PARIS
AGREEMENT IN SIDS

CROSS SECTORAL GOVERNANCE OF
CLIMATE CHANGE AT THE DOMESTIC LEVEL:

The Malta Experience

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1. Introduction

Transforming the
Multilateral Framework to
the Domestic Level.

Impacts caused by the Multilateral Agreements

The obligations under UNFCCC, left many States struggling when applying International obligations at the domestic level because UNFCCC:

- required only governments to act
- focused on mitigation and specifically on mitigating use of fossil fuels for power generation.
- Limited obligatory mitigation action to Annex I and Annex II Parties, so domestic law and policy for non Annex Parties on climate often remained unexplored
- Adaptation referred to but marginally

Impacts caused by the Multilateral Agreements

The KP improved upon this limited focus

- paved the way for public private partnerships, as a major investor of renewable energy generation and cleaner “energy efficient technology” for domestic and neighbouring markets.
- Encouraged investments in energy efficiency and low carbon technology
- Generated the first legal frameworks to reduce emissions via pre set targets at least at the regional level or domestic level
- But where does adaptation feature?

Pre Paris and Paris

- The Paris Agreement built upon the 2 to 1.5 increase objective and the financial package agreed upon in Copenhagen COP.
- Development of regional and domestic regimes identified the need for sectoral burden-sharing mitigation measures 2020 targets (Doha Amendments)
- Devastating effects of climate change highlighted importance of adaptation: First Adaptation Strategies
- Development of NDCs necessitated domestic policy and regulation

Post Paris: Malta's experience

- The aim was to increase technical capability to exploit available resources, to create finance mechanisms and to intensify collaboration in the field of grid interconnections.
- Establish strong, action-oriented national policies and measures to contribute to global efforts, tackle climate change through the multilateral and EU Energy Climate Package
- Ensure that adaptation measures and low-carbon development opportunities are explored at the inter/national level.

The Knowledge-Base Gap

- PA exposed the need of a local Knowledge Base.
- SIDS usually do not have the required data to understand the impacts of climate change on a **local** level.
- Intergovernmental Panel on Climate Change (IPCC) and the European Environmental Agency (EEA), have churned out numerous reports and assessments, some states lack the required research funding and infrastructure to formulate locally-oriented, interdisciplinary, impact studies that are vital to sustain political commitment on climate change.
- This situation clearly **influences the mainstreaming** climate issues in national law and policy.
- Data and information available is crucial. If lacking, states to postpone taking political and legal commitments to address climate change on a national level, miss out on best options/opportunities.

The Domestic Challenges:

- Diverse political interests and the different legal obligations under the UNFCCC and the KP, the PA are found even on a domestic level
- Aiming for growth and development
- Research budgets,
- Influencing political class to think and plan while fire fighting day to day issues
- Prioritising the building of a sound knowledge and infrastructural base for preparedness and adaptation.

The Domestic Opportunities:

Possible routes to develop a Policy and Legal framework that serves:

- to foster opportunities for cooperation,
- burden sharing,
- the promotion of research,
- socio-economic and environmental resilience in the face of the effects climate change in the region.

2. Convergence

Climate Change Governance across sectors and amongst actors at the domestic level

Establishing a Coherent Regulatory Framework

- As an EU MS Malta acquired a robust legal framework examples include laws on Emissions Trading, Renewable Energy, F gases etc..
- Rather piecemeal and sporadic falling within the competence of various Ministries
- EU mitigation obligations were already sectoral before the Paris Agreement so focus shifted from energy generation to address other sectors through policies, schemes, incentives etc..

The Climate Action Act

The decision to promulgate the CAA:

- to bring under its auspices all existing legislation related to Climate Change
- Establish by law the Low Carbon Development Strategy and the Adaptation Strategy which need to be revised regularly and submitted to Parliament
- Mainstream climate change mitigation, adaptation, governance
- Establish a Climate Action Board and a Climate Action Fund

Establishing a Watch Dog for Climate Action

Establishing regulatory measures involved an input from various Ministries to coordinate:

- at cabinet of Ministers level (highest level)
- Coordination at administrative level (inter Ministerial)

But this was not sufficient to monitor progress

- It did not involve private sector, business, academia, NGOs
- It did not offer parliamentary scrutiny
- So the need of establishing an independent body

The Climate Action Board

- **The Climate Action Board,**
- a chairperson and deputy independent from Govt;
- a member representing each of the Ministry responsible for finance, economic development and competitiveness, energy, transport, environment, education, national security and civil protection, tourism, social policy, European affairs, land use and development planning policy, health, waste policy, agricultural policy, consumer affairs and regional policy.

The Climate Action Board (CAB)

- The Chair and Deputy Chair and together with the Board secretary are independent and constitute the “executive arm” of the CAB.
- The list of entities that have a representative is not exclusive. Board to appoint any further expert or group of experts to assist it in the performance of its functions as may be necessary.
- CAB has also representatives of the Academia, NGOs/Civil Society, must report to constituted bodies all reps of employers, trade unions, special groups

CAB functions

- Supervise the implementation of this Act and, or any regulations made thereunder;
- Monitor that Malta is in fulfilment of its obligations
- Advise on the implementation of domestic legislation EU law and international obligations
- Facilitate Climate Governance across sectors
- Make recommendations to the Minister on any
- Annually report to the Minister on the progress being
- registered in the field of climate change;

The Establishment of a Financial Body for Climate Action

- The need to finance domestic Climate Action by independent financial instruments
- Financing climate action primarily from proceeds generated by auctioning emissions
- Mainstreaming climate action essential to avoid duplication and allow interlacing of various policies and measures that mitigate emissions and provide for adaptation eg waste management hierarchy can be used to mitigate emissions eg waste to energy or recycling of inert material for coastal protection

The Climate Action Fund (CAF)

- The Climate Action Fund has a legal personality independent and distinct from that of Government capable of entering into contracts and of acquiring and transferring property and doing all such things that are necessary for, or ancillary to its functions.
- Support the fulfilment of the obligations set out in this
- Act and regulations made thereunder;
- Support the fulfilment of the Government's obligations and commitments established by the UNFCCC and European Union law

CAF Composition and Proceeds

- Chair of Fund of Deputy Chair of CAB as delegated by Chair of CAB
- Co chaired by representative Ministry for Finance and an Independent Member
- Composition of a Board of Governors from financial institutions and socio economic expertise
- CAF to receive money from auctioning proceeds of Emissions Trading, donations from public and private sector

CAF

- Provides financial support facilitating and financing of the transfer of access to environmentally sound technologies and know-how or capacity for national requirements and to developing countries (6) The Climate Action Fund referred to in sub-article (2) may
- Supports research and development related to the
- climate system
- Supports education, training and public awareness related to the climate system or to finance such other
- activities including activities organized by NGOs

CAB-Some achievements: Focus on Adaptation

- Focus on Adaptation to Climate Change at national level more or less have the same/similar impacts.
- Adaptation opens new horizons even for investment by the private sector
- Renewable Energy sources are of interest to all
- Mitigation and Adaptation Links
- Ensuring burden sharing and level playing field

Agree on Scope and Methodology.

- It is first essential to make some proposals on the methodology that could be adopted and suggest what should be the scope of the policies and legal framework.
- **Mitigation is perhaps easier to target BUT shift to zero net emissions from reduction targets is still shady what will be given priority fossil fuel phase out or offsetting?**
- Adaptation wider and more complex: policy and legal measures, should mainly target the link between vulnerability and adaptation since the degree of adaptation required is directly related to the extent of vulnerability or risks a State is exposed to as a result of climate change.

Domestic Focus on Adaptation:

- Start off with key sectors that should form part of a adaptation strategy but also highlight the constraints and gaps of a regulatory and institutional nature that exist to ensure better implementation and compliance with any adaptation measures proposed.
- Addressing existing gaps and constraints in the policy and legal framework is symptomatic of good governance, which in itself depends upon optimum coordination between the various sectors that constitute society.

Domestic Focus on Adaptation:

- Gaps and constraints in the policy and legal framework need to be identified to eliminate those factors that are preventing and obstructing the implementation of adaptation measures to climate change and to assess logistical and practical difficulties that may also be hindering compliance.
- An adequate legal framework on adaptation must address gaps and constraints both from a **horizontal** and a **sectoral aspect**.

Some specific sectoral examples

Sustainable Water Management

- a comprehensive national/regional Water Policy, which mainstreams climate change adaptation obligations,
- a holistic approach to water management,
- an assessment of the relationship and risks between Climate Change/Water Resources' Security of Supply/Food Security/Public Hygiene/Tourism.

Some specific sectoral examples

Infrastructure, Land Use and the Built Environment.

- Mainstreaming climate change adaptation measures in development planning and land use policy is essential as this process will identify any specific legal requirements for the building industry as a means to adapt to climate change.
- Any adaptation measures that need to be implemented are likely to be closely related to mitigation measures such as energy conservation in buildings. Furthermore an adaptation measure could involve the revision of civil property rights to ensure that any measures adopted do not impinge on neighbouring properties

Some specific sectoral examples

Health Issues, Civil Protection and Immigration.

- Address the negative impacts envisaged as a result of climate change particularly upon vulnerable groups;
- Assess socio-economic implications, which increased insurance covers for risks resulting from the likely impacts of climate change;
- Identify financial guarantees and incentives amongst the various stakeholders in all sectors;

Some specific sectoral examples

Natural Ecosystems, Agriculture and Fisheries.

- Better management by the farming and fishing communities, who must also take preventive measures to counter the impact of alien species and disease regarding the species they harvest.
- Soil and water management must also feature in adaptation options for this sector.
- Soil conservation should identify action needed to ensure a high level of soil protection.

Conclusions and Observation Points

Learning by Doing

Some Points to Ponder

- Addressing Climate Change is a **testing ground** to demonstrate how to overcome political differences and lead by example when it comes to cooperation cross sectoral governance and an **opportunity** to rise to the occasion in implementing the SDGs
- A large board representing all stakeholders needs **active coordination** between executive arm (core group) on a one to one basis with stakeholders to facilitate dialogue.
- Definitely needed the support of financial institutions

Some Points to Ponder

The positive repercussions could be various.

- serves to strengthen the leadership role to maintain in climate change politics,
- demonstrate that it is possible for stakeholders to reach agreement on legal and policy instruments.
- **LAST BUT NOT LEAST GIVING UP IS NOT AN OPTION**