Vanuatu’s perspectives on Climate vulnerability, Assessing L&D, and Climate Justice at COP27 and beyond

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Climagte Diplomacy Manager
Republic of Vanuatu

2 November 2022
CSE Loss and Damage Webinar
The world has warmed >1.1 Celcius since the industrial revolution. Human greenhouse gases emissions are responsible, primarily due to the combustion of fossil fuels.
Barbuda - Hurricane Irma - 300 - no one living - Ronald Sanders - Gaston Browne
March 2022

“An Atlas of Human Suffering”

April 2022

“A Litany of Broken Promises”

Science Demands Climate Action
Failure in **MITIGATION**

**Why?**

Inadequate support in **ADAPTATION**

**AVERT**

**MINIMIZE**

*Soft and Hard Limits to Adaptation*

**CLIMATE EVENTS**

**LOSS & DAMAGE**

**ADDRESS**
Goal: to stabilise greenhouse gas emissions to prevent dangerous climate change, to allow ecosystems to adapt, to protect food production, and to enable sustainable economic development (Article 2)
PARIS AGREEMENT

Current trend: 3-4°C

2°C

1.5°C

1.5 TO STAY ALIVE
Inadequate
Nationally Determined Contributions
Failure in MITIGATION

Inadequate support for ADAPTATION

Soft and Hard Limits to Adaptation

Why?

AVERT

MINIMIZE

LOSS & DAMAGE

ADDRESS

CLIMATE EVENTS
This report adds aggregate figures for 2020 to the previously published 2013-19 providing an assessment against the initial target year of the USD 100 billion goal includes an overview of climate finance provided and mobilised by climate them financial instrument and regions for 2016-2020.

Key findings:

- **USD 83.3 billion** was provided and mobilised for climate in 2020, USD 16.7 billion the intended USD 100 billion level in the initial target year of the goal;

- **Mitigation finance** remained the main focus, although adaptation finance grew;

- **Loans** remained the main instrument used to provide public climate finance;

- **Climate finance** mainly targeted Asia and middle-income countries.
Failure in MITIGATION

Why?

Inadequate support

ADAPTATION

Failure in MITIGATION

Inadequate support

ADAPTATION

Why?

Inadequate support

ADAPTATION

Why?

Soft and Hard Limits to Adaptation

ADDRESS
ONE WORLD, TWO FUTURES

Profit

People
Front Line of Climate Change
“Climate Change is the single greatest threat to Vanuatu’s development.”

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Vanuatu</td>
<td>47.73</td>
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<tr>
<td>2.</td>
<td>Solomon Islands</td>
<td>31.16</td>
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<tr>
<td>3.</td>
<td>Tonga</td>
<td>30.51</td>
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<tr>
<td>4.</td>
<td>Dominica</td>
<td>27.42</td>
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<tr>
<td>5.</td>
<td>Antigua and Barbuda</td>
<td>27.28</td>
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<tr>
<td>6.</td>
<td>Brunei Darussalam</td>
<td>22.77</td>
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<td>7.</td>
<td>Guyana</td>
<td>21.83</td>
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<td>8.</td>
<td>Philippines</td>
<td>21.39</td>
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<tr>
<td>9.</td>
<td>Papua New Guinea</td>
<td>20.90</td>
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<td>10.</td>
<td>Guatemala</td>
<td>20.23</td>
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<td>11.</td>
<td>Cape Verde</td>
<td>17.72</td>
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<td>12.</td>
<td>Costa Rica</td>
<td>17.06</td>
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<td>13.</td>
<td>Bangladesh</td>
<td>16.23</td>
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<tr>
<td>14.</td>
<td>Fiji</td>
<td>16.06</td>
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</table>
Category Five
Tropical Cyclone Pam:
• 2015
• Loss 64% of GDP
• Affected 60% of the population
• Destroyed 96% of food crops
• USD $449 million in damages

Category Five
Tropical Cyclone Harold:
• 2020
• Exacerbated by COVID
• Lost 61% of GDP
• USD $617 million in damages

30+ years of Climate Failure
Failure of Humanitarian Systems to Address LnD

Cyclone Pam
- Economic LnD: 400
- Humanitarian Relief: 100

Cyclone Harold
- Economic LnD: 600
- Humanitarian Relief: 100
Failure of Humanitarian Systems to Address LnD

Cyclone Pam: Economic LnD
Cyclone Harold: Economic LnD
Non-Economic Loss and Damage?

- Biodiversity
- Ecosystem Goods and Services
- Health
- Culture and Tradition
- Sovereign Identity
- Mental Health
New LnD Assmnt Tools
New Methods
New Capacities

Environmental Goods and Services
Loss & Damage Needs Assessment

• 13 indigenous villages
• 39 million USD
Quantification of “Non-Economic” Loss & Damage

<table>
<thead>
<tr>
<th>Location</th>
<th>Forest Biodiversity Services</th>
<th>Trees Non Economic</th>
<th>Crops Non Economic</th>
<th>Water Security</th>
<th>Structure Non Economic</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerevinopu</td>
<td>USD 433,117</td>
<td>USD 388,923</td>
<td>USD 67,307</td>
<td>USD 70,591</td>
<td>USD 17,826</td>
<td>USD 977,765</td>
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<tr>
<td>TovoTovo</td>
<td>USD 433,117</td>
<td>USD 431,610</td>
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<td>Lalaola</td>
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<td>USD 542,348</td>
<td>USD 142,609</td>
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<td>Pareo/Salalope</td>
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<td>USD 3,046,509</td>
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<td>USD 202,304</td>
<td>USD 68,696</td>
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<td>USD 3,310,943</td>
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<td>USD 323,687</td>
<td>USD 91,304</td>
<td>USD 6,459,379</td>
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<td>Linduri</td>
<td>USD 1,470,730</td>
<td>USD 651,766</td>
<td>USD 35,641</td>
<td>USD 68,870</td>
<td>USD 11,304</td>
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<td>Wusi</td>
<td>USD 1,419,600</td>
<td>USD 1,181,326</td>
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<td>Elia</td>
<td>USD 289,572</td>
<td>USD 507,249</td>
<td>USD 28,370</td>
<td>USD 179,922</td>
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<td>Tasmate</td>
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<td>USD 368,908</td>
<td>USD 20,633</td>
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<td>Vasalea</td>
<td>USD 292,813</td>
<td>USD 208,724</td>
<td>USD 11,674</td>
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<td>USD 7,391</td>
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</table>

USD 13,711,646  USD 21,328,090  USD 1,162,063  USD 2,231,374  USD 583,913  USD 39,017,085
Climate Emergency Declaration
May 2022

PARLIAMENT OF THE REPUBLIC OF VANUATU
TWELFTH LEGISLATURE
First Ordinary Session of Parliament for 2022
Motion No. 3 of 2022

MOVER: Hon. Bob Loughman WIEBUR (MP) Prime Minister
SECONDER: Hon. Alaisi Ishmael Kalsakau MAANU*KORO (MP) Deputy Prime Minister

TITLE OF THE MOTION: Declaration of a Climate Emergency in Vanuatu

Purpose of the paper: The purpose of this motion is for Parliament to officially Declare a Climate Emergency in Vanuatu, as well as make a call to action to protect human rights from the impacts of climate change, as well as give a political mandate for an enhanced Nationally Determined Contribution with Mitigation, Adaptation and Loss and Damage Targets in the lead up to the COP27 UN Climate Conference.

PURSUANT TO:

1. The Constitution Article 21 sub article (5) which provides “Parliament shall make its own rules of procedure” and Article 21 sub article (3) which provides “Unless otherwise provided in the Constitution. Parliament shall make its decisions by public vote by a simple majority of members voting;

2. Standing Order 43 (1) of the Standing Orders of Parliament which provide for the rules governing Written Motions and Standing Order 42 of Parliament as applies to contents of any written motion;

AND WHEREAS:

3. The Constitution Article 21 sub article (5) provides “Parliament shall make its own rules of procedure” and that which is now materialized as Standing Orders of Parliament in the current form dated June 20, 2020.

NOW THEREFORE IT IS CONTENTED AS FOLLOWS:
Vanuatu Government
Budget Policy Statement 2022

Allocation of Fiscal Space to Priority Outcomes

DSPPAC and Treasury have been closely monitoring the trend of actual fiscal space allocation over the past years. After analysing these trends against the Government’s policy priorities, it is proposed that the overall fiscal space allocation for 2022 be as follows:

ALLOCATION OF FISCAL SPACE

- Infrastructure 25%
- Justice 15%
- Rural Development 15%
- Education 15%
- Health 15%
- Climate Resilience 15%

LONG GOD YUMI STANAP
Vanuatu’s Climate Crisis is a **Human Rights Crisis**

Now, therefore, *The General Assembly* proclaims

**this Universal Declaration of Human Rights**

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.
principle of prevention of significant harm to the environment

UNESCO

International Covenant on
Civil and Political Rights

International Covenant on
Economic Social and Cultural Rights

UNESCO

UNICEF

Convention on the Rights of the Child

CEDAW

Convention on the Elimination
of All Forms of Discrimination
against Women

Universal Declaration
of Human Rights

United Nations Framework
Convention on Climate Change

United Nations Convention
on the Law of the Sea

duty of due diligence

duty to protect and preserve the marine environment
Vanuatu’s Revised and Enhanced
1st Nationally Determined Contribution
2021–2030

148 People-Centered Climate Targets

MITIGATION
ADAPTATION
LOSS & DAMAGE
NDC is fully costed!!

To Achieve Mitigation, Adaptation and Loss & Damage commitments in our NDC Vanuatu needs by 2030

1.2 billion USD
What UN Tools are available to motivate climate actions of States to match this level of ambition
Climate Change must be addressed by all

Principal Organs of the United Nations

Vanuatu seeking legal clarity via Non-Contentious Advisory function of the UN’s International Court of Justice
The International Court of Justice

The Court may entertain two types of cases:

- Legal disputes between States submitted to it by them (contentious cases)
- Requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies (advisory proceedings)
Strategic Initiative

Advisory opinions of the International Court of the Justice are general statements by the main UN judicial body regarding what international law requires on a certain issue, and they command great legal and symbolic authority.

• An AO from the ICJ is NOT LITIGATION!
• Not legally binding
• No wins or losses
• No awards of damages
To request an advisory opinion from the World Court, the **UN General Assembly** must adopt a Resolution supported by a **simple** majority of UN member States.

Normally 97 UN members
But in practice 78 or 77 votes in favour may suffice
CARICOM Heads of Government indicated their support for Vanuatu in its pursuit of an Advisory Opinion from the International Court of Justice on the rights of present and future generations to be protected from Climate Change.
HEREBY DECIDES TO:

1. **Endorse** the initiative of Vanuatu to seek the adoption of a UN General Assembly Resolution requesting an Advisory Opinion from the International Court of Justice on the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change; and

2. **Call** on all Member States of the OACPS to give strong consideration to co-sponsor the proposed Resolution during the 77th Session of the UN General Assembly.

Done at Brussels, 9 June 2022
UN GENERAL ASSEMBLY RESOLUTION FOR AN ADVISORY OPINION ON CLIMATE CHANGE FROM THE INTERNATIONAL COURT OF JUSTICE

44. Leaders **commended** Vanuatu on its initiative on a pathway to secure a request from the UN General Assembly (UNGA) for an advisory opinion from the International Court of Justice (ICJ) to clarify legal consequences of climate change, noting the urgency of the climate change threat and the need for accelerated global climate action and implementation of the Paris Agreement.

45. Leaders **welcomed** progress since the initiative was reported to, and noted by, Forum Leaders at their 50th Meeting in Tuvalu in 2019, including progress on ongoing international and regional consultations on the initiative and related legal question(s) to be developed through the UNGA process, and **noted** that the initiative is consistent with, and complementary to, regional efforts and ambitious actions on climate change to safeguard our people against the adverse effects of climate change, and noting that an ICJ advisory opinion is non-binding but may change the course of current negotiations and boost commitments.

46. Leaders **called on** the UN General Assembly for a resolution requesting the International Court of Justice to provide an advisory opinion on the obligations of states under international law to protect the rights of present and future generations against the adverse impacts of climate change, and **looked forward** to close collaboration in the development of the specific question to ensure maximum impact in terms of limiting emissions to 1.5 degrees, including obligations of all major emitters past, present and future.
Welcome to The Alliance to seek an ICJAO

Youth and Civil Society Organizations from the Pacific have been championing the campaign to take the world’s biggest problem to the world’s highest court!

1500 NGO partners globally
Mitigation Ambition: 1.5C with no overshoot
Means of Implementation: Finance, inc. Loss & Damage
People First: Climate Justice and Human Rights
An ICJ Advisory Opinion may motivate states to take more ambitious action in their NDCs and to increase the means of implementation for the Paris Agreement.

www.VanuatuICJ.com
ICJ Resolution Calendar

- UNFCCC COP27 – 7-19 November (Egypt)
- Public Release of ICJ Resolution – 14 November (NY)
- UN Members consultations on draft (21 Nov-9 Dec 2022)
- Voting on Resolution UNGA December 22 – February 2023
The Republic of Vanuatu
Pursuing an Advisory Opinion on Climate Change from the International Court of Justice

The Republic of Vanuatu is building a growing coalition of States seeking an Advisory Opinion on Climate Change from the International Court of Justice (ICJ).

What is an ICJ AO?

Why Vanuatu?