

The Climate Show

This Podcast features leading experts insights on current climate change research.

[#10 Bryce Rudyk: Small Islands Developing States](#)

Transcript

00:00:03 Linnea Nordlander

Hi and welcome to the Climate Show, a podcast that explores the law and politics of climate change. This podcast is brought to you by the University of Copenhagen.

00:00:16 Beatriz Martinez

Hi, we are Beatriz Martinez and Linnea Nordlander

00:00:19 Alessandro Monti

And Alessandro Monti

00:00:20 Beatriz Martinez

And we are your host at the climate show.

00:00:29 Beatriz Martinez

Some of our previous episodes have delved into the relationship between vulnerability, human rights and climate change. For today's episode, we sat down with NYU professor Bryce Rudyk to talk about the concerns and needs of small island developing states in the face of climate change. Since he has been advising them in the climate change negotiations.

00:00:48 Linnea Nordlander

Over 50 territories across Africa, the Caribbean and the Indian and Pacific oceans are considered small island developing states, also known as SIDS at the negotiations. The alliance of Small Island States AOSIS voices the positions of most SIDS in addressing global warming.

00:01:05 Alessandro Monti

In November 2022, negotiators are meeting at the annual Climate Change Conference COP 27 in Sharm El Sheikh. There they will discuss and decide on key issues to align action with the Paris Agreement. Some of these issues are especially relevant for seats who are facing existential climate risks such as sea level rise as well as strategies related to adaptation and finance.

00:01:29 Beatriz Martinez

All that and more in today's episode. Enjoy the show.

00:01:42 Speaker 3

We are here today with Bryce Reddick, who is an expert on the governance of global environmental problems. He is an action professor of law at NYU School of Law, where he directs the International Environmental Law Program and the United Nations Diplomacy Clinic. Bryce is the legal advisor to the chair of the alliance of a small island state and he leads the related fellowship program. Bryce welcome to our broadcast thank you for meeting with us.

00:02:09 Bryce Rudyk

Thank you, Beatriz, thanks for having me.

00:02:11 Beatriz Martinez

We are devoting today's episode to small island, developing States and climate change. You have been working with the alliance of a small island state for the last decade, so we would like to get your expert insights today in this part of your work. Who are they and what does your work on advising them involved?

00:02:29 Bryce Rudyk

So the small island developing states are the 37 small island developing states that are members of the United Nations. And these are states that are both in the Pacific islands sorry, the Pacific Ocean, the Indian Ocean and the Atlantic Ocean, primarily in the Caribbean. They range in the smallest from Nauru, an island in the Pacific that has a population of about 12,000 and a total circumference of the island of 21 kilometres to Papua New Guinea, in the northern Pacific, to all of the Caribbean states they're all, of course. As name suggests, small, small economies, small populations, small land masses, and I think for climate change very importantly exposed to the effects of increasing natural disasters, but also sea level rise. My work and my work for the past decade has been assisting them primarily on legal issues in the

international negotiations, giving them advice on sort of what the international law is and how that can be used to further their negotiation priorities.

00:03:42 Beatriz Martinez

The small island developing states are some of the most vulnerable estates to the effects of climate change. What are the main challenges that they face.

00:03:51 Bryce Rudyk

So the primary challenge that they face is the effect of sea level rise on these states. The country of Maldives in the Indian Ocean has a highest point above sea level of about 1.7 meters. Although very recently they have fortified on island to increase. The elevation of that island. So of course we are expecting now about a meter of sea level rise, potentially in the next century. So for a country like Maldives, this means that many of their islands will become inundated. But even before these islands become inundated. There'll be a lack of fresh water, or there'll be a lack of variable land. The islands become inhabitable long before they actually sort of sink below. The seeds also increasing seas, increasing water temperature, has also meant increasing frequency and severity of tropical storms. Both hurricanes and cyclones and as the name suggests, small islands are small. And so as these hurricanes come through. They don't just sort of hit a portion of the island, although they do sometimes, but often they sort of wipe across the entire island, causing sort of destruction to entire countries entire economies.

00:05:14 Beatriz Martinez

And how are these challenges addressing the climate change regime? And what are the main priorities for the small island developing states in the climate negotiations?

00:05:22 Bryce Rudyk

Well, of course a large focus of the work of the unit will see and the climate regime is on reducing emissions, mitigating emissions and therefore trying to avoid the worst effects of climate change. They are being addressed of how well this is being addressed in the climate regime is a good question. Obviously emissions continue to rise. They continue to rise actually at levels come more than they have in the past, so they're being addressed? Are they being addressed particularly well? Well, not quite sure as well. Obviously these impacts are already happening for many small islands, there's a need to adapt to fortify coasts to fortify infrastructure on the. Silence and then of course we are already seeing some islands that are disappearing and with that loss of culture. Loss of populations and the negotiations are also dealing with these. These concepts of loss and damage, but in in all of these areas, they're they're not dealing with it enough, and certainly not dealing with it in a sufficient fashion to protect the small islands from the impacts of climate change.

00:06:40 Beatriz Martinez

There's been a little bit more on loss and damage. Small island developing states have taken center stage in advocating for remedies for climate change in the use of loss and damage, but it has been difficult to make progress in the negotiations on that. Can you reflect on why that is?

00:06:57 Bryce Rudyk

So I think this is it's a difficult question, but it's also a particularly difficult topic. This concept of loss and damage, while it is occurring in all states, I think it is particularly significant in the small islands. We are not concerned about Canada disappearing and well but we are for a number of small islands and so this is an issue that is in some sense well, not particularly small islands sort of incredibly important to small islands and so getting other countries to to recognize that is often quite difficult it's often also in many ways difficult to define well. Where does sort of our adaptation work and sort of responding to climate change? Adapting to climate change and where does loss and damage begin? Are there ways that we can adapt? Should there be ways for us to be able to adapt to the potential eventual loss of an island or a culture and because there's some sort of definitional or conceptual issues about this, it means that our responses to it are difficult to know exactly what they're going to be and quite frankly, are expensive. How do we compensate a country that has lost a portion of its territory? Maybe a large portion of its territory and states are well states are often allergic to providing more money and an idea like loss and damage? Like how do you compensate a country? How much is that going to cost? Uhm, this is This is why it's sort of such a difficult issue.

00:08:49 Beatriz Martinez

Moving back towards mitigation with the Paris Agreement, new conditions have been established under Article 6 for market based measures and market mechanisms. How would you assess the progress in designing such mechanisms in a way that is beneficial for small island developing states?

00:09:05 Bryce Rudyk

So I think it's important to remember that market mechanisms. Their goal is to reduce the cost of taking mitigation action. The mechanisms themselves do not reduce emissions, and indeed often the mechanisms shift emissions reductions from one place to another. In and of themselves, they are not necessarily helping the environmental problem. They are helping the economic problem in confronting the environmental problem. And so this means market mechanisms that are poorly designed may actually increase the environmental. Damage unless we are sure that the things that are being created. Sorry, the things that are being traded are the same or permanent. It may actually lead to an increase in emissions, and so for the small islands this is particularly problematic. In the same way that any increase. In emissions is problematic and so much of the work of aosis around market mechanisms was ensuring that there was environmental integrity in every single one of these trades. But of course, if the

purpose of the market mechanism is to decrease the cost of emissions reductions. Enforcing environmental integrity on these increases the transaction costs and so sort of cuts against the entire idea of having a market mechanism. Sims were certainly not as effective in getting what they wanted out of the market mechanisms as we were hoping. For them to be, but I think we'll see in the coming years, as these mechanisms develop. There is a point at which we can review how they're developed that maybe we can make these arguments again.

00:11:01 Beatriz Martinez

I'm going back to the negotiations themselves, and you've been involved in in these negotiations for many years. So what are some of the most challenging situations that you have experienced where the specific issues that is small island developing states face in these negotiations?

00:11:17 Bryce Rudyk

The negotiations are very intense and it's sort of well, the negotiations themselves are two weeks of your life in which you're spending. A large number of hours in often non sunlit negotiating room. With people that you may fundamentally disagree with and may fundamentally not understand the challenge that is being faced by your country and it can get really quite personal sometimes. If your country is potentially facing extinction and another state is like, well, we don't want to do anything about that, like how can you not take it personally? And so layered on not sleeping and sometimes bad food. And sometimes like Glasgow terrible weather. These are these are difficult situations, and for the small islands again, they're small and so delegations are relatively small. And when you have. 1015 parallel negotiations happening. It means that they can't be in every room at once. But what is happening in every room is important. Up to these states, and so it's often very difficult to ensure that the voice of small islands is heard in in all of these different places.

00:12:51 Beatriz Martinez

Taking a step back and looking outside the climate change regime, one of the big moves that one of the small island developing states has made in East van Waters moved to request an advisory opinion from the ICJ on climate change rights and responsibilities. How do you feel that that that can affect the advancement of small island developing states interest?

00:13:11 Bryce Rudyk

So the work by Vanuatu on the ICJ advisory opinion is. Uh, similar to the work actually by anti Gun Barbuda on a potential advisory opinion under ITLOS or the work by the Federated States of Micronesia. On getting the International Law Commission to consider the implications of sea level rise on law of the sea and statehood, and things like that. So the legal strategy of small islands is not limited to the work in the UNF Triple C. There of course is always a challenge. Lunch when we move to litigation in that we don't know what the outcome is going to be. We don't know what the ICJ or the ILC or ITLOS are going

to say about these issues, which are incredibly important to the small ends. And so it is entirely possible that the ICJ may come out and decline to make an opinion on this or have an opinion that is contrary to our interests. I think we have to remember that the international law has been developed over centuries and and even sort of more recent international law has been developed over the past 50 years. 1971 when we started the negotiation of the United Nations Convention on the Law of the Sea. There were 13 small islands that existed as states. By the end, another ten countries or 11 had become states, but the interests of small islands have not been reflected in the development of international law to date, and so we must be very careful that when we use litigation strategies. When we go to international law that we make sure that that international law actually affects our interests and that the arbitrators of this understand this historical context of international law and make sure that they interpret it. In ways that sort of reflect the interests of all states.

00:15:25 Beatriz Martinez

Thank you and before we let you go to beautiful Copenhagen, is there anything we haven't touched on today that you would like to draw attention to?

00:15:35 Bryce Rudyk

I think we can never understate the importance of this issue to small islands, and really the continued existence of these countries really as a result of actions of other states. Some small islands potentially face the loss of some or all of their land territory and small islands have done almost nothing. To contribute to this problem, and so we get into negotiations and the negotiations. People are sort of giving and taking, and some have more leverage and some have less leverage. But at the end of the day we are still. Talking about the potential extinction of of these States and in this sort of this, this give and take of negotiations, that is, that is often forgotten and and it is discouraging. To leave a cop and have not achieved for any state, it is discouraging to leave a cop and not have achieved what you want. But for the small islands to leave a cop and have not achieved what you want or to leave negotiation and not achieved what you want, has pretty significant impacts on the countries both in the short and very significantly in the long term.

00:17:13 Beatriz Martinez

Bryce, thank you very much for today's interview. It's been a total pleasure to have you here in Copenhagen and we are looking forward to continue our conversation and our collaboration with you and to our audience. We hope you enjoy this episode of the Climate Show. Stay tuned for more.

00:17:28 Bryce Rudyk

Thank you very much for having me.

00:17:40 Beatriz Martinez

Thank you for listening to this episode of the Climate Show. If you are interested in learning more about the work of Bryce Radek, check out link in the show notes. Stay tuned for our next episode.