



On the World Stage: Interview with Jorge E. Viñuales, PhD on the Paris Agreement

By Caitlin Sarpal

With the March 20, 2023, publication of the latest climate report by the Intergovernmental Panel on Climate Change, the pressing message is clear: we must keep tackling the climate crisis, and accelerate our efforts doing so. On behalf of the North Carolina Journal of International Law, I had the honor of interviewing Jorge Viñuales, a leading expert in international environmental law at the forefront of vital work in the climate space.

Interviewee: Professor Jorge Viñuales is a world-renowned expert in public international law, with specialties in environmental law, energy law, and foreign investment law. At the University of Cambridge, Professor Viñuales is the Harold Samuel Chair of Law and Environmental Policy; the founder and former Director of the Cambridge Centre for Environment, Energy and Natural Resource Governance; the General-Editor of the Cambridge Studies on Environment, Energy and Natural Resources Governance; and in addition to teaching in the Faculty of Law and directing research, he has also served as the director of the PhD programme, the director of several MPhil programmes, and more. Outside of Cambridge, Professor Viñuales is a Member (Associé) of the Institut de Droit International, the Chairman of the Compliance Committee of the UN-ECE/WHO-Europe Protocol on Water and Health, the co-General Editor of the ICSID Reports, a member of the Panel of Arbitrators of the Shanghai International Arbitration Centre, the Director-General of the Latin American Society of International Law, and an Adjunct Professor of Public International Law at the Graduate Institute, Geneva. In his spare time, Professor Viñuales frequently lectures around the world on cutting-edge topics and has authored several books on international law, environmental law, energy law, and foreign investment law topics.

Interviewer: Caitlin Sarpal had the honor of interviewing her former professor for this piece. Professor Viñuales inspired Caitlin's interest in environmental law and international law, teaching her courses for her Master's in Environmental Policy at the University of Cambridge. A current 2L at Carolina Law, Caitlin is a Staff Member of the North Carolina Journal of International Law, the President of both the International Law Club and the Environmental Law Project, and has focused her career on environmental law.

CS: Professor Viñuales, in 2015, mere days after the Paris Agreement was adopted at COP-21, you wrote an insightful initial examination articulating the architecture of the Paris Agreement. In doing so, you discussed the three main action areas of the Paris Agreement: (1) mitigation, (2) adaptation, and (3) loss and damage. In the years since, how do you think these action areas have been accomplished?

JV: The three areas have moved significantly. Mitigation, which was the central focus of the Paris Agreement, has seen some but overall limited progress. COP26, in Glasgow, was expected to relaunch the level of ambition, with countries revising their nationally-determined contributions. But we are still very far from the level of ambition needed and net zero strategies are only as good as their integrity is (i.e. their front loading of quick emissions reductions and limited reliance on offsets and speculative negative emissions technologies). Adaptation and loss and damage have moved more. COP27 was all about them and, interestingly, the loss and damage provision in the Paris Agreement (Article 8), which is drafted in a deliberately contained manner, is now extending its interconnections to other areas, most notably finance.

CS: Where in the world have you seen the most success for countries utilizing adaptation as a preventive strategy?

JV: Adaptation is a highly localised area of action. Although it can be supported globally – for example, through finance – local knowledge is essential to it. Running vulnerability assessments and designing response plans are an important dimension of what the

UNFCCC/Paris Agreement has catalysed. Most domestic laws on adaptation require these two things.

What I have found particularly intriguing is the reliance on traditional knowledge and community agricultural practices in adapting to certain climate change impacts. That is not yet fully captured by global processes, but research has shown that it can play a decisive role at the local level. It's the embodiment of the maxim 'one size does not fit all.'

CS: Where in the world must the focus shift more heavily to loss and damage, with more urgently needed responses, or even reparations?

JV: The loss and damage terminology is, as such, compromise language. But beyond the legal finesse or the political deadlocks, you have entire countries or at least populations within countries facing relocation as the only realistic response to what they face in the medium or even the short term. After how many typhoons or forest fires or deep heatwaves would one decide to move? For such countries and populations, which include small islands as well as low-lying developing States, such as Vanuatu or Bangladesh, there is a climate justice imperative, which includes of course the possibility of reparation.

CS: Looking ahead, if you were to make a list of the most urgent climate-change areas of focus that the international community should be concentrating law and policy efforts towards, what would the top items be?

JV: Right now, the single most important thing is to avoid triggering cascading tipping points, which may happen within this decade. For that, we need to eliminate subsidies to fossil fuels in a pretty drastic manner.

Another key area of immediate intervention is the reduction of methane emissions, in the fossil fuel sector, where they come not only from leaks but they are also operational (flaring).

Stopping deforestation is also essential, which is closely associated with also reducing emissions from cattle, as deforestation is typically driven by the extension first of cattle and then of agriculture.

Massive investment in green industrial policy is also key, as you are seeing in the Inflation Reduction Act in the United States. Merely putting a price on carbon and waiting until the market does its magic is not enough. We are now out of time and purposeful technology development is working in sectors such as solar PV, onshore and offshore wind, electrification of transport and thermal services, LED lightning, etc. These are just some areas.

CS: Lastly, you have had an amazing career at the cutting-edge of international environmental law and governance. What advice would you give to aspiring environmental lawyers and international lawyers who want to contribute to climate reduction efforts?

JV: My advice will come as no surprise to many U.S. students. One of the things I greatly appreciated during my studies in the U.S. was the great social value attached to entrepreneurship and perseverance. I think those two are essential in any undertaking, and especially to be an agent of positive change. Another key thing is to be surrounded by good people, not just smart but good – morally speaking. However energetic and focused you are, there are times it's just too much, and being surrounded by good people keeps you going.