

What is the Paris Agreement and How Will it be Implemented?

*A research paper about the details, goals, and non-punitive enforcement
of the international treaty the Paris Agreement*

Gabrielle R. Johnson

Note about the author: Gabrielle Johnson is an undergraduate at East Tennessee State University, and she is studying English in the honors-in-discipline program. She intends to graduate in May of 2020.

East Tennessee State University

English 1028, Composition II – Special Topic: Global Warming

December 1, 2016

Table of Contents

Introduction	3
History: 1992 to Present	5
Goals and Key Topics	7
Goals	7
Key Topics: Brief Overview	8
Qualities: Enforceability, Transparency, and Differentiation	9
Enforceability	9
Transparency	10
Differentiation	10
Implementation	11
Mitigation	11
Adaptation	12
Climate Finance	14
Technology Transfer	15
Capacity Building	15
Conclusion	16
References	17

Introduction

Over the past year, especially because of the recent U.S. Presidential election, the Paris Agreement has been a well-covered topic in the news. Sadly, however, the American public's general knowledge about the Agreement is still spotty at best.

In short, the Paris Agreement is an international treaty with the goals of reducing global warming by lowering carbon dioxide emissions, of combatting the effects of climate change, and of signaling countries and industries to invest in green energy. (“The Paris Agreement”). All of these goals build off of the United Nations Framework Convention on Climate Change – which is often referred to as the UNFCCC or the Convention – because it was under the Convention's climate framework that the Agreement came about (“Climate: Get the Big Picture”). Because of this, the Parties – which are countries that ratified the UNFCCC in 1992 and are now participating in the Paris Agreement – are working in unison in the fight against global warming.

In order to achieve the goals in the Paris Agreement, Parties must submit nationally determined contributions, or NDCs (“The Paris Agreement”). NDCs are goals that each Party intends to put in place in order to accomplish the over-all goals of the Agreement (NDC Registry). At the minimum, the Parties must update their NDCs and make them more progressive every five years, but Parties can update them more frequently if desired. All-in-all, NDCs represent the implementation of the Paris Agreement.

To help hold Parties accountable for attempting to accomplish their NDCs, the NDCs are recorded in a public registry (UNFCCC Secretariat). The registry is maintained by a non-Party-affiliated secretariat (Figueres). This allows for other Parties, as well as the citizens of the countries participating in the Agreement, to view all NDCs. Thus, improving the chances of full participation through peer pressure.

Even with NDCs being public information though, many debate the effectiveness of the Agreement. This is because the Paris Agreement relies primarily on voluntary action of the Parties and on peer pressure from other Parties. If a Party – like the United States under Trump, for example – decided not to fully participate, then what would prohibit them from doing so? If the Presidential election taught us one thing, it is that men like Trump do not worry about how their peers view them. Due to this, there is much debate concerning the effectiveness of the Agreement.

On the other hand, NDCs are useful because they allow each Party to decide their own game plan. This results in climate change being tackled from every possible angle since global warming effects geographical regions differently (Smith). Therefore, NDCs help to accomplish the goals of the Paris Agreement more than they help to enforce the treaty.

While the effectiveness of the Agreement is up for debate, its uniqueness and its intention to reduce global warming are not. It unites the Parties to fight together against climate change, which is an enemy to all. In addition, it does so in ways – which will be discussed later – that are not typical in climate treaties. All-in-all, the Paris Agreement remains a unique international treaty in the sense that it unites all the Parties of the Convention under shared goals, but it still allows individual flexibility for said Parties.

History: 1992 to Present

In 1992, the United Nations Framework Convention on Climate Change was adopted and has since become the “foundation for the global climate effort” (“Paris Climate Agreement Q&A”). The main goal of the UNFCCC was, and still is, to lower greenhouse gas emissions to a point that the emissions would not affect the weather or climate (“Climate: Get the Big Picture”). In addition, the UNFCCC prioritized achieving this goal in a timely manner so that nature would be able to naturally adapt to the rising temperatures (“Introduction to the Convention”). These goals are easier said than done, though.

In order to help tackle these lofty goals, the UNFCCC adopted the Kyoto Protocol in 1997. Because of political reasons though, specifically in the United States, the Protocol did not go into effect until 2005. One big aspect of the Kyoto Protocol is that developing nations and developed nations have different responsibilities and expectations. Because of the differing responsibilities, countries like the United States never signed, and this it difficult for the Protocol to accomplish its goal of lowering greenhouse gas emissions (Ritter). With this mind, the UNFCCC went to work on their next big project.

Eighteen years later in December of 2015, the Parties of the UNFCCC met for the twenty-first time in Paris, France (“About COP21”). This meeting is known as the twenty-first session of the Conference of the Parties, or COP 21 (“Outcomes of the U.N. Climate Change Conference in Paris”). During COP 21, over one-hundred countries signed the Paris Agreement, which was the Convention’s largest turn out for any agreement (Meyer).

At COP 21, it was decided that the Paris Agreement will take the place of the Kyoto Protocol after the year 2020 (“Paris Climate Agreement Q&A”). Like the Protocol, the Agreement builds off of the goals of the Convention. Unlike the Protocol however, it expects all

nations of the Convention, both developing and developed, to work to the best of their ability to slow global warming and to combat the effects of climate change. Thus, the Agreement has the same goal of the Protocol, but it goes about achieving this goal differently.

Over-all, the ratification of Agreement was extremely peaceful. French President Francois Hollande proudly stated that "in Paris, there have been many revolutions over the centuries. Today it is the most beautiful and the most peaceful revolution that has just been accomplished — a revolution for climate change" (Ritter). As of November 4th, 2016, not even a year after the initial meeting, the nations of the UNFCCC are now working together in order to achieve the Convention's goals of combatting climate change and building resilience to global warming through the Paris Agreement.

Goals and Key Topics

The UNFCCC lists three main goals it wishes to accomplish through the Paris Agreement. These goals are found in Article 2 of the Paris Agreement and they all build off of the goals of the Convention. In order to help the Parties accomplish these goals, the Agreement also outlines five topics that will assist the Parties with implementing their NDCs.

Goals

1. The first goal of the Paris Agreement is to limit the average global temperature to 2 degrees Celsius above what it was before the Industrial Revolution. In addition, the Agreement also adds that, although not necessary, Parties should strive to keep the global temperature closer to only 1.5 degrees Celsius above pre-industrial levels. This goal is important because studies have shown that many aspects of nature do not work the way they should when the average global temperature is more than 2 degrees Celsius above pre-industrial levels.

2. The second goal is to build resilience to the effects of climate change. The rising temperature and abnormal weather patterns are examples of effects that can be adapted to; however, there are some effects that cannot be adapted to and those will be discussed later¹. This goal is important because as the temperature of the world increases, more and more environmental abnormalities will affect human society. If the first goal is accomplished though, the need to accomplish this goal will diminish.

3. The third goal is for the Paris Agreement to signal industries to invest in green energy. If this were accomplished, there would be more carbon neutrality research, which would eventually result in less greenhouse gas emissions. This goal is extremely important since the

world must first change its views fossil fuels for any of these goals to be accomplished.

Key Topics: A Brief Overview

As previously mentioned, the Paris Agreement provides an outline that will help Parties implement their NDCs. This will then help to accomplish the goals of the Paris Agreement.

There are five key elements are included in this outline: mitigation, adaptation, climate finance, technology transfer, and capacity building. The following is a brief overview² of the five topics:

1. Mitigation is one of two most important topics outlined and it is the effort to reduce the global temperature. As a whole, the entire purpose of the Agreement is to mitigate climate change
2. Adaption is the second topic discussed, but it is on par with mitigation in terms of importance. This is because it relates directly to the second goal of the Paris Agreement, which is to build resilience to the effects of climate change.
3. The third topic is climate finance. This section describes where the Convention's money will go to and who it should come from. This is unique to the Paris Agreement because no other climate treaty has ever discussed this topic before.
4. Technology transfer is the fourth topic discussed. Technology transfer simply means that all Parties will build off of each other's work by sharing resources, information, technology, etc.
5. The last topic discussed is capacity building. Capacity building is to increase the Parties' ability to combat climate change.

¹ See page 14

² See pages 11-15 for full explanations

Qualities: Enforceability, Transparency, and Differentiation

The Paris Agreement “reflects a ‘hybrid’ approach, blending bottom-up flexibility, to achieve broad participation, with top-down rules, to promote accountability and ambition” (“Outcomes of the U.N. Climate Change Conference in Paris”). “Bottom-up flexibility” means that Parties can determine their own contributions, which is why countries like the United States and China are participating in the Agreement. On the other side, “top-down rules” means that Parties are still held accountable by an authoritative figure, which in this case, is the UNFCCC. Thus, the Agreement uses a “hybrid approach” in order to gain maximum participation.

Enforceability

Under international law, the Paris Agreement is considered a treaty. With that being said however, only certain aspects of the Agreement are legally binding (“Paris Change Agreement Q&A”). Legally, Parties must “prepare, communicate and maintain” nationally determined contributions (Paris Agreement). They also must legally report the status of their greenhouse gas emissions, the progress of their NDCs, and the progress of their adaptation strategies. In addition, Parties must do this at least every five years (“Paris Change Agreement Q&A”). What is not legally binding though, is the Party’s ability to achieve their nationally determined contributions. However, the Parties are expected to try their best to accomplish their goals. In short though, the Paris Agreement is only partially legally binding (“Paris Change Agreement Q&A”).

This aspect of the Agreement is why some people are hesitant to embrace the treaty. It allows for the Parties to have a lot of freedom, which potentially permits individual countries to slack off in the universal fight against global warming. Isn’t some action better than no action at all though? Still, many are worried about the effectiveness of the Paris Agreement since the completion of Parties’ NDCs are not legally binding.

Transparency

Since a Party's ability to achieve their NDCs is not legally binding, there is a transparency system in place and it is legally binding. This means that Parties must report both their greenhouse gas inventories and the progress of their NDCs (Dodwell). In addition, Parties must publish any other work that would help to interpret or understand their progress or data. This transparency allows for each Party to be held accountable for achieving their NDCs by the Convention, their peers, and their citizens.

This transparency framework also allows for a "global stock-take," which is a term that is referred to in many documents concerning the Paris Agreement. Global stock-take simply means that the state of the planet, in terms of climate change, is assessed. Since this will all be public knowledge, this allows for collective knowledge and more cooperative action taken against climate change. Thus, the goals of the Agreement are easier to accomplish because of the transparency.

Differentiation

This transparency framework, as well as the "top-down rules," also levels the playing field a bit. This causes both developed and developing nations to have the same end goal. While the extent of what developing and developed nations can do differs, all are expected to do their best to lower greenhouse gas emissions and to build resilience to the effects of climate change. This is different than any other climate deal, like the Kyoto Protocol for example, since there is no defined differentiation between the developed and developing world. Instead, the Paris Agreement places a "common framework that commits all countries" to do their best to limit global warming ("Outcomes of the U.N. Climate Change Conference in Paris").

Implementation

Since each Party has different NDCs, exact details about implementation of the Paris Agreement are not explicitly written out. However, there are five aspects that are listed in order to “assist in the implementation of their nationally determined contributions” (“Paris Agreement”). As mentioned earlier, the five topics are mitigation, adaptation, finance, technology transfer, and capacity-building. These topics provide an outline for the Parties to consider when setting up and attempting to achieve their personalized NDCs.

Mitigation

Mitigation is “the effort to reduce loss of life or property by lessening the impact of disaster” (“Mitigation”). In the context of the Paris Agreement, this refers to the effort to reduce carbon dioxide emissions so that global warming may come to a halt. If one thinks about it, the overall purpose of the Agreement is to mitigate global warming.

When it comes to mitigating climate change, there are two things that must happen: to peak emissions and to increase net greenhouse gas neutrality (“Outcomes of the U.N. Climate Change Conference in Paris”). This means that in 2050, the amount of greenhouse gas emissions released should hit an all-time high. Then after 2050, any greenhouse gas emissions released above that peaking point must be “cancelled out” by the removal of an equal amount of greenhouse gases that were already in the air (Wynn). This can be done through anything that naturally absorbs carbon, such as forests or the ocean, or through any future technology (Meyer). Theoretically, if these things happen and all emissions are cancelled out, there would be net greenhouse neutrality. Thus, both the peaking of emissions and carbon-neutrality would be accomplished. (Meyer).

In order to achieve carbon neutrality, each Party is expected to set up programs that reduce greenhouse gas emissions ("Climate: Get the Big Picture"). This can be done in many ways and differs based on every countries' needs. For example, reduction "can be economy-wide," or it can be done through private sectors like energy supply or waste management ("Climate: Get the Big Picture"). The reason for this is because each country is affected by climate change differently. Therefore, each Party decides on their own how to go about trapping greenhouse gas emissions.

Overall though, the only thing that matters is that the Parties attempt to mitigate global warming. If you take away the mitigation aspect of the Agreement, there is no Paris Agreement at all. Thus, mitigation is crucial to the Paris Agreement.

Adaptation

Since adaptation is one of the three goals of the Paris Agreement, it is considered equally as important as mitigation. This is a unique aspect of the Paris Agreement. Part of the reason for this is that the "top-down and bottom-up procedural approach," as mentioned earlier, tends to favor adaptation (Smith). This is because Parties get to determine strategies that are most applicable to their own situations and so adapting to the changing environment is naturally assumed. Therefore, adaptation is on par with mitigation because it goes hand-in-hand with mitigation.

If climate change is mitigated properly though, the need for adaptation will diminish over time. This is because as global warming is reduced, its effects will diminish as well. Until climate change is fully mitigated though, Parties must prioritize building resistance to climate change in areas such as agriculture, health, and water sectors (Mogelgaard).

Like mitigation, which is done through NDCs, efforts towards improving resilience must become more progressive over time. This progression is called cycles of actions. By making both the mitigation portion and the adaptation portion of the Agreement have these cycles of actions, they can parallel one another. This is useful because it allows for the adaptation process to respond directly to the needs of the mitigation portion. Thus, the mitigation phase and the adaptation phase work together through cycles of actions in order to build more resilience to the changing environment (Mogelgaard).

One unique aspect of the Agreement, when dealing with adaptation, is the explicit referral to loss and damage. Loss and damage refers to the fact that there are some consequences of climate change that nature simply cannot adapt to. Examples of this are ocean acidification and desertification (Smith). This is a major step towards building resilience to the effects of climate change because loss and damage has never been explicitly discussed in a climate treaty before the Paris Agreement.

However, there is no liability or compensation involved with loss and damage. This results in no financing for restoral after non-adaptable events. This is different from other adaptation programs. All-in-all, the fact that loss and damage was explicitly addressed at all is a huge step for climate efforts (Smith).

As a whole, adaptation is an important aspect of the Paris Agreement. This is because we must find a way to live with the minor effects of global warming until the situation is fully mitigated. Hopefully we accomplish mitigation relatively soon though because just as the loss and damage section recognizes, there are some effects that we simply cannot live with.

Climate Finance

In order to mitigate and adapt to climate change, finances are needed. The Agreement explicitly calls for finances to be shared equally between mitigation and adaptation since both are on par with each other. This specific referral to climate finance is another unique aspect of the Paris Agreement.

The main issue of climate finance discussed is the different financial responsibilities of the developed and the developing world. This is because developed and developing nations have drastically different economic situations. Since developed countries have more stable economies, they are expected to give more than developing nations. Therefore, developed nations are suggested to “lead the way” when it comes to climate finance (“Climate Finance in the Paris Agreement”). This expectation – although it is phrased as a suggestion – shows the different financial responsibilities of developed and developing nations.

Since this is the first treaty to put so much focus on the climate finance, the UNFCCC hopes that it will signal industries to shift money towards climate-change-related technology, such as green energy (Twaites). U.S. Secretary of State John Kerry has even said himself that “[the Paris Agreement sends] a critical message to the global marketplace” (John Kerry qtd. in Meyer). If the Paris Agreement does signal investments, it could possibly lead to more commitments and even more finances flowing into the Convention. So, it really does take money to make money in this situation.

As a whole, climate finance is an important and unique aspect of the Paris Agreement. It delineates where the finances should come from and where finances must go. In addition, it could possibly bring more money to the UNFCCC. Thus, climate finance is imperative to discuss when discussing the Paris Agreement.

Technology Transfer

Since technology plays a vital role in the effort against climate change, the Agreement calls for Parties to use their best efforts to create and use the most efficient tools available; however, not all Parties are equally equipped with proper tools or knowledge. This results in a need to transfer technologies, hence the name. Then through this technology transfer, a cooperative action is taken in the fight against global warming (Minas). Therefore, developed nations and developing nations will work together in order to combat climate change through shared knowledge of new technology (“Climate: Get the Big Picture”).

Capacity Building

In the Paris Agreement, capacity building means to increase a Party’s ability to tackle climate change. This includes knowledge, tools, public support, scientific expertise, and political know-how. This means that nations are supposed to help increase each other’s capacity to prevent and combat climate change. Since developing nations generally have less resources than developed nations, capacity building usually refers to developed nations assisting developing nations. However, capacity building is for all Parties (“Capacity-building for Climate Action: Paris Agreement, Article 11”).

Conclusion

In summary, the Paris Agreement is an international treaty that intends to combat climate change through the reduction of greenhouse gas emissions. While it does have good intentions, the Paris Agreement has taken some heat for the fact that it cannot hold the Parties accountable for the accomplishment of their NDCs. Suppose that the Agreement does its job and signals a shift towards green energy though. Even Donald Trump will not be able to stop that train from rolling. With this in mind, the Paris Agreement has the potential to do some damage in the fight against climate change, and even if it does not live up to its potential, it is still a step in the right direction. Overall, it is time for global action to take place because, regardless of the United States' acknowledgements and the issues at hand, the consequences of climate change will eventually have a catastrophic impact everyone.

References

"About COP21." *WAGGGS*. World Association of Girl Guides and Girl Scouts. 277 words long.

Accessed on 30 Nov. 2016. <<https://www.waggs.org/en/what-we-do/speak-out/cop21-united-nations-conference-climate-change/about-cop21/>>

"Capacity-building for Climate Action: Paris Agreement, Article 11." *Capacity-building: Home*.

United Nations Framework Convention on Climate Change. 302 words long. Updated in 2016. Accessed on 7 Nov. 2016.

<http://unfccc.int/cooperation_and_support/capacity_building/items/1033.php>

"Climate Finance in the Paris Agreement." United Nations Framework Convention on Climate

Change. 986 words long. Updated in 2016. Accessed on 7 Nov. 2016.

<https://www.unfccc.int/cooperation_and_support/financial_mechanism/items/2807.php>

"Climate: Get the Big Picture." *UNFCCC EHandbook*. United Nations Framework Convention

on Climate Change. Electronic handbook. 18 pages long. Published in 2016. Accessed on

5 Oct. 2016. <http://bigpicture.unfccc.int/#content-the-paris-agreemen>

Davenport, Coral. "Donald Trump Could Put Climate Change on Course for 'Danger Zone'."

The New York Times. 1,834 words long. Published on 10 Nov. 2016. Accessed on 21 Nov.

2016. <[http://www.nytimes.com/2016/11/11/us/politics/donald-trump-climate-](http://www.nytimes.com/2016/11/11/us/politics/donald-trump-climate-change.html)

[change.html](http://www.nytimes.com/2016/11/11/us/politics/donald-trump-climate-change.html)>

Dodwell, Chris. "Back to the Day Job: Implementing the Paris Climate Agreement: Turning

Action Plans into Achievement." *Ricardo Energy and Environment*. Ricardo Energy and

Environment. Blogpost. 969 words long. Published on 14 Dec. 2015. Accessed on 17 Oct.

2016. <[http://ee.ricardo.com/cms/Back-to-the-day-job-Implementing-the-Paris-Climate-](http://ee.ricardo.com/cms/Back-to-the-day-job-Implementing-the-Paris-Climate-Agreement/)

[Agreement/](http://ee.ricardo.com/cms/Back-to-the-day-job-Implementing-the-Paris-Climate-Agreement/)>

Figueres, Christiana. Recipients: Party members. "Message to Parties: Communication of First Nationally Determined Contributions under the Paris Agreement." *United Nations Framework Convention on Climate Change*. Letter. 5 pages long. Published on 9 Mar. 2016. Accessed on 5 Oct. 2016.

<http://unfccc.int/files/focus/indc_portal/application/pdf/first_ndc.pdf>

"Introduction to the Convention." United Nations Framework on Climate Change. 879 words long. Published in 2016. Accessed on 05 Nov. 2016.

Meyer, Robinson. "A Reader's Guide to the Paris Agreement." *The Atlantic*. Atlantic Media Company. News report. 2,372 words long. Published on 16 Dec. 2015. Accessed on 30 Oct. 2016. <<http://www.theatlantic.com/science/archive/2015/12/a-readers-guide-to-the-paris-agreement/>>

Minas, Stephen. "Keeping the Paris Agreement's Climate Technology Promise." *Eco-Business*. News article. 936 words long. Published on 22 Apr. 2016. Accessed on 08 Nov. 2016. <<http://www.eco-business.com/opinion/keeping-the-paris-agreements-climate-technology-promise/>>

"Mitigation." FEMA: Department of Homeland Security. 250 words long. Updated on 24 June 2016. Accessed on 05 Nov. 2016. <<https://www.fema.gov/what-mitigation>>

Mogelgard, Kathleen, Heather McGray, and Niranjali Manel Amerasinghe. "What Does the Paris Agreement Mean for Climate Resilience and Adaptation?" Blog post. *World Resources Institute*. Blogpost. 861 words long. Published on 23 Dec. 2015. Accessed on 7 Nov. 2016. <<http://www.wri.org/blog/2015/12/what-does-paris-agreement-mean-climate-resilience-and-adaptation>>

"NDC Registry." United Nations Framework Convention on Climate Change. About 400 words

long. Published in 2016. Accessed on 17 Oct. 2016.

<http://unfccc.int/focus/ndc_registry/items/9433.php>

"Outcomes of the U.N. Climate Change Conference in Paris: 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) - November 30 – December 12, 2015." *Center for Climate and Energy Solutions: Working Together for the Environment and the Economy*. Newsletter. 5 pages long. Published in Dec. 2015. Accessed on 5 Oct. 2016. <<http://www.c2es.org/docUploads/cop-21-paris-summary-02-2016-final.pdf>>

"The Paris Agreement." United Nations Framework Convention on Climate Change. About 385 words long. Published in 2016. Accessed on 5 Oct. 2016.

<http://unfccc.int/paris_agreement/items/9485.php>

Paris Agreement. United Nations Framework Convention on Climate Change. 25 pages long. Agreement signed on 22 April 2016. Accessed on 17 Oct. 2016.

<https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf>

"Paris Agreement Q&A." *Center for Climate and Energy Solutions: Working Together for the Environment and the Economy*. Newsletter. 4 pages long. Oct. 2016. Accessed on 5 Oct.

2016. <<http://www.c2es.org/docUploads/paris-q-a-fact-sheet-10-16.pdf>>

Ritter, Karl, Seth Borenstein, and Sylvie Corbet. "Historic Pact to Slow Global Warming Is Celebrated in Paris." *The Big Story. Associated Press News*. 1,326 words long. Published on 12 Dec. 2015. Accessed on 30 Nov. 2016. <<http://www.bigstory.ap.org/article>>

Smith, Bonnie. "Adapting the Paris Agreement." *Vermont Journal of Environmental Law*. Vermont Law School. 3,854 words. Accessed on 7 Nov. 2016

<<http://vjel.vermontlaw.edu/adapting-paris-agreement-2/>>

Twaites, Joe, Niranjali Manel Amerasinghe, and Athena Ballesteros. "What Does the Paris Agreement Do for Finance?" *World Resources Institute*. Blogpost. 871 words long. Published on 18 Dec. 2015. Accessed on 7 Nov. 2016.

<<http://www.wri.org/blog/2015/12/what-does-paris-agreement-do-finance>>

Wynn, Gerard. "Decoding the Paris Climate Deal: What Does It Mean?" *Climate Change News*. 1,659 words long. Published on 12 Dec. 2015. Accessed on 18 Nov. 2016.

<<http://www.climatechangenews.com/2015/12/12/decoding-the-paris-climate-deal-what-does-it-mean/>>