

PLATO Society

After Glasgow: Challenges Confronting the Paris Agreement and Multilateral Climate Action in the 2020's

February 25-April 1, 2022

Peter Krug

Today's Meeting

- 1. Course description; announcements**
- 2. The Paris climate system: introduction**
- 3. The Glasgow climate summit
(November, 2021): context, actions,
and significance**

Course Description

- This course will be about the international effort to address climate change.
- This effort started 30 years ago, when the world's governments met to recognize the threat of climate change and the need for international cooperation.
- Since 2015, has centered on the Paris Climate Agreement.
- Most recent event was the climate summit in Glasgow in Nov., 2021 (“COP26”)





Course Description (continuing)

- **The perspective will be governmental action on a global scale: thus, not much focus on individual countries or sub-national units.**
- **Not a repeat of the 2020 or 2021 Paris Agreement courses.**

Course Goal:

- Present a status report on the global climate change system in 2022.
 - For shorthand, I will call it the “Paris Climate System” or “Paris System”
- According to climate scientists, the 2020’s will be crucial if the world is to slow down the global warming that is the cause of climate change.
- Course outline is in the syllabus

My Interest in This Subject:

- Professor of international law, University of Oklahoma College of Law, 1991-2011
- Interested in the organization of multilateral efforts to address global problems.

Announcements

- Not necessary: background in course topics
- Primary format: lectures, with PowerPoint
 - Questions & comments welcome; please speak up, because I won't see you
 - When not speaking, please be muted
- Short break in middle of the meeting

Today's Outline

I. The Paris Climate System

A. Climate science

B. The Paris Agreement: Rules and Process

II. The Glasgow Climate Summit ("COP26"): November, 2021

A. What took place

B. What it tells us about the evolving nature
of the Paris Climate System

Climate Change: A Governance Dilemma

- The exercise of governmental functions in the world is divided among 193 sovereign nation-states.
- These countries have differing political systems and economic circumstances.
- But the global climate is a shared natural system. Doesn't operate according to national boundaries.
- The Paris System is the attempt to address this dilemma.

Paris Climate System: Underlying Precepts

- 1. Climate change is a global-scale problem. Individual countries cannot solve it.**
- 2. Governmental action is necessary to address this effectively: economics and technology by themselves are insufficient**
- 3. International coordination is essential: national governments are central players, but not in themselves sufficient.**
- 4. The system must evolve: a work in progress**

Climate Science

- **The reason the international system exists**
- **The conclusions of scientific organizations, including the Intergovernmental Panel on Climate Change (“IPCC”) (created in 1988)**
- **Scientific reports continue to inform policymaking -- -- ongoing, updated findings (e.g., 6th assessment report in 2021) are the basis for upgrades in the evolving Paris System**

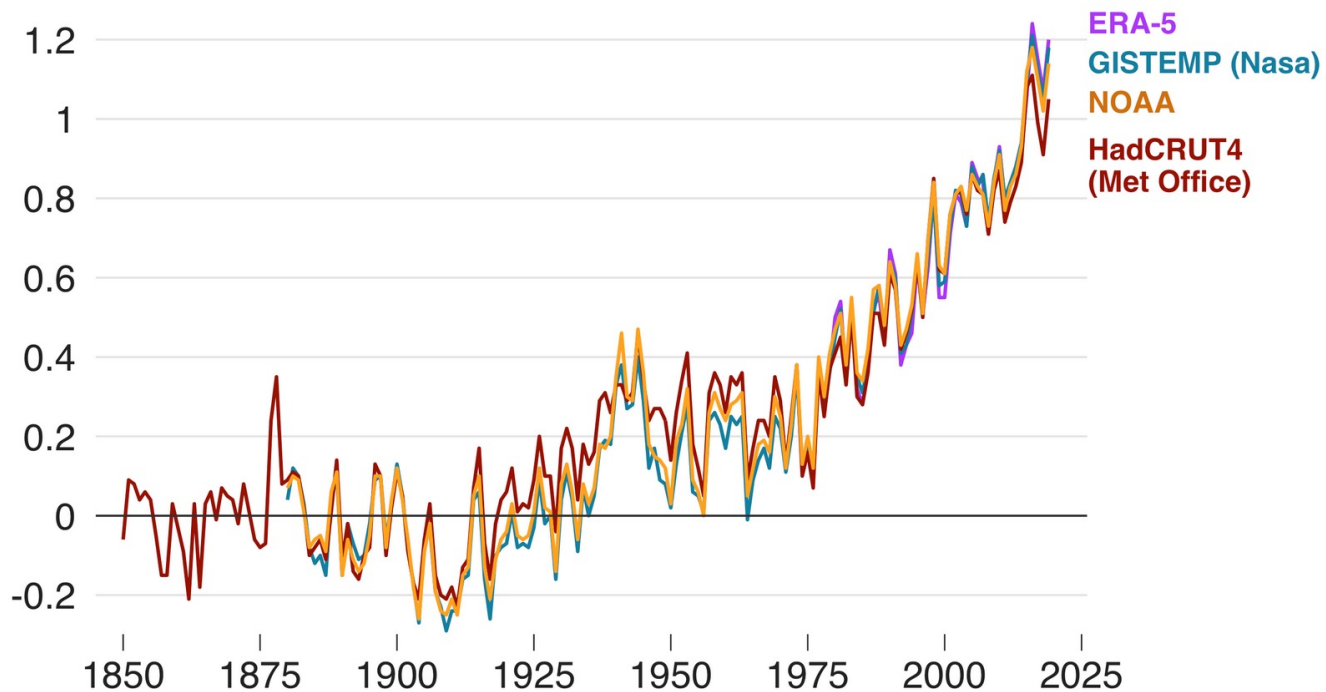
Climate Science: Key Tenets

- **Global warming is occurring and is intensifying**
 - **1.1° C (2.0° F) increase since mid-1800's**
 - **Past seven years were Earth's warmest on record**

Rising Temperatures

Temperature rise since 1850

Global mean temperature change from pre-industrial levels, °C



Source: Met Office

BBC

Climate Science: Key Tenets (cont.)

- **Climate change has dangerous impacts:**
 - **Changes in climate patterns**
 - **Immediate impacts: heat waves, wildfires, droughts, extreme storms, flooding**
 - **Long term, permanent impacts**
 - **Impacts on all life: food supply, disease, population displacements**

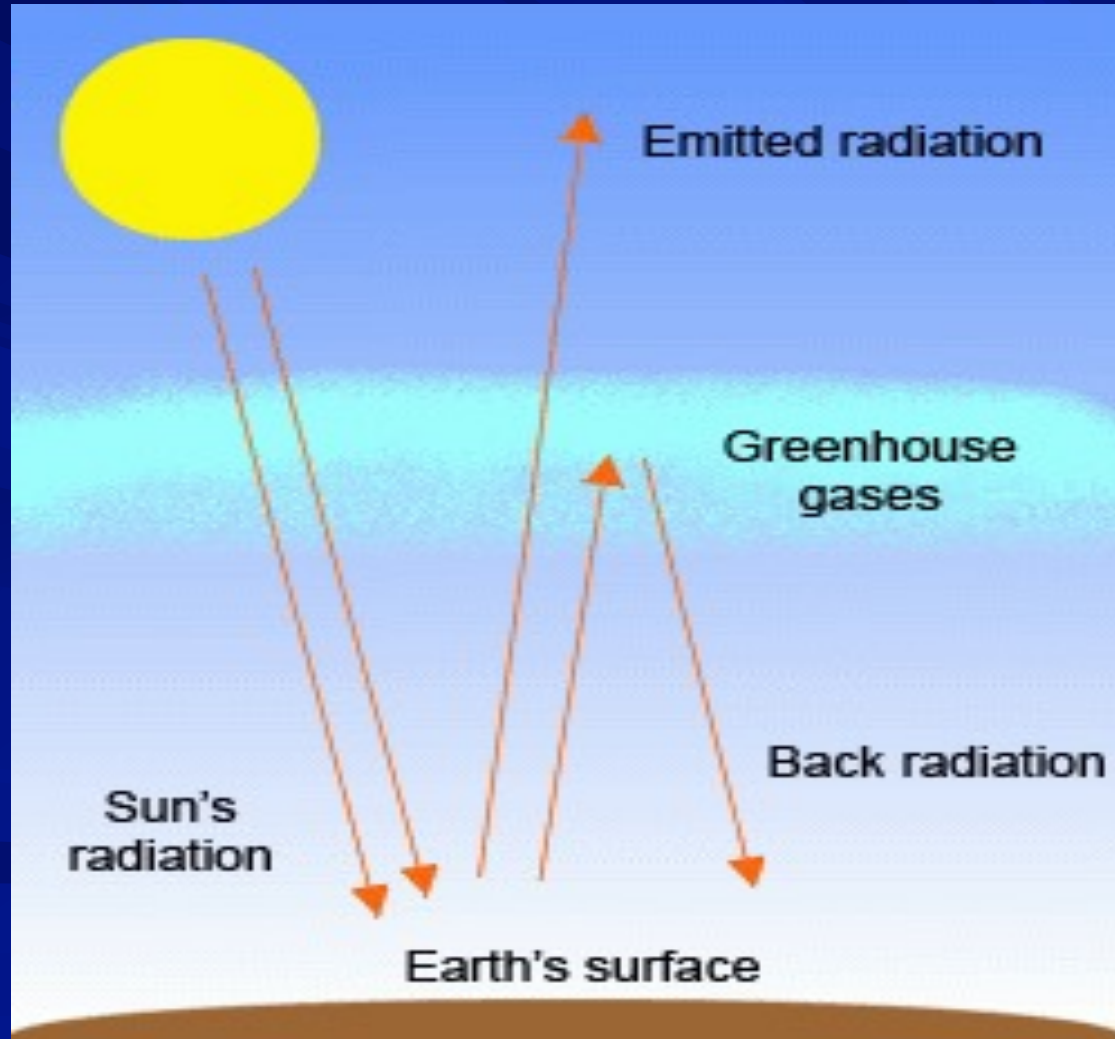
Costs of Climate Change

- **Swiss Re, one of the world's leading re-insurance providers: "Climate Change Could Cut World Economy by \$23 Trillion in 2050" (Nov., 2021)**

Climate Science: Key Tenets (cont.)

- **Why is climate change occurring?**
- **Excess greenhouse gases in the atmosphere**
- **Greenhouse gases (GHG's) are emitted from the earth. Leading GHG's: carbon dioxide (76%); methane (16%)**
- **GHG molecules in the atmosphere absorb heat energy coming from the earth.**
- **That heat energy is then re-transmitted back to the earth.**

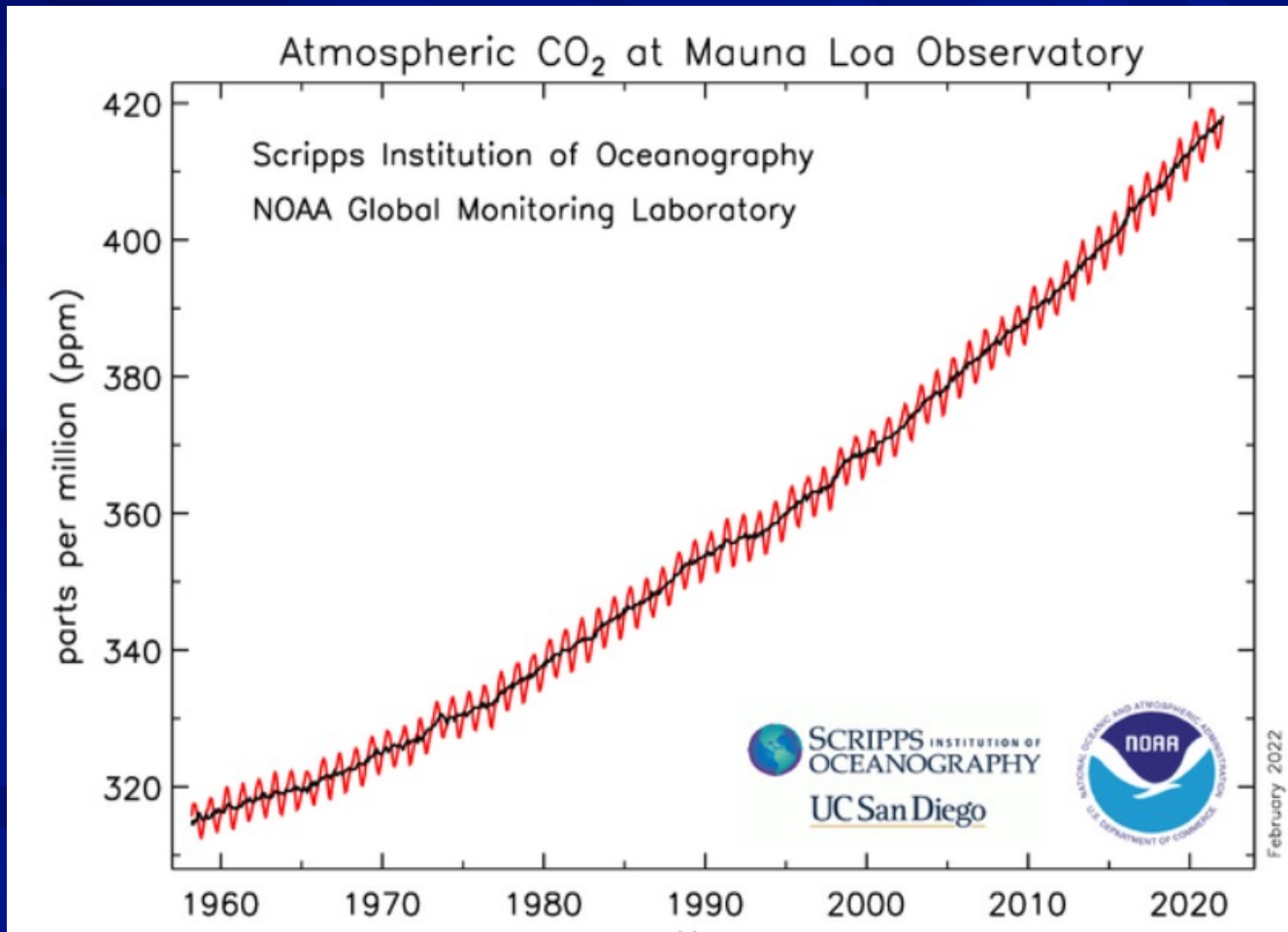
Greenhouse Gases



Climate Science: Excess GHG's in the Atmosphere

- GHG concentrations are rising, with the result that more and more heat energy is trapped in the atmosphere and returns to the earth.
- GHG atmospheric concentrations are measured in “parts per million”

CO₂ Parts Per Million, Late 1950s-2021



Recent CO₂ Parts per Million Readings

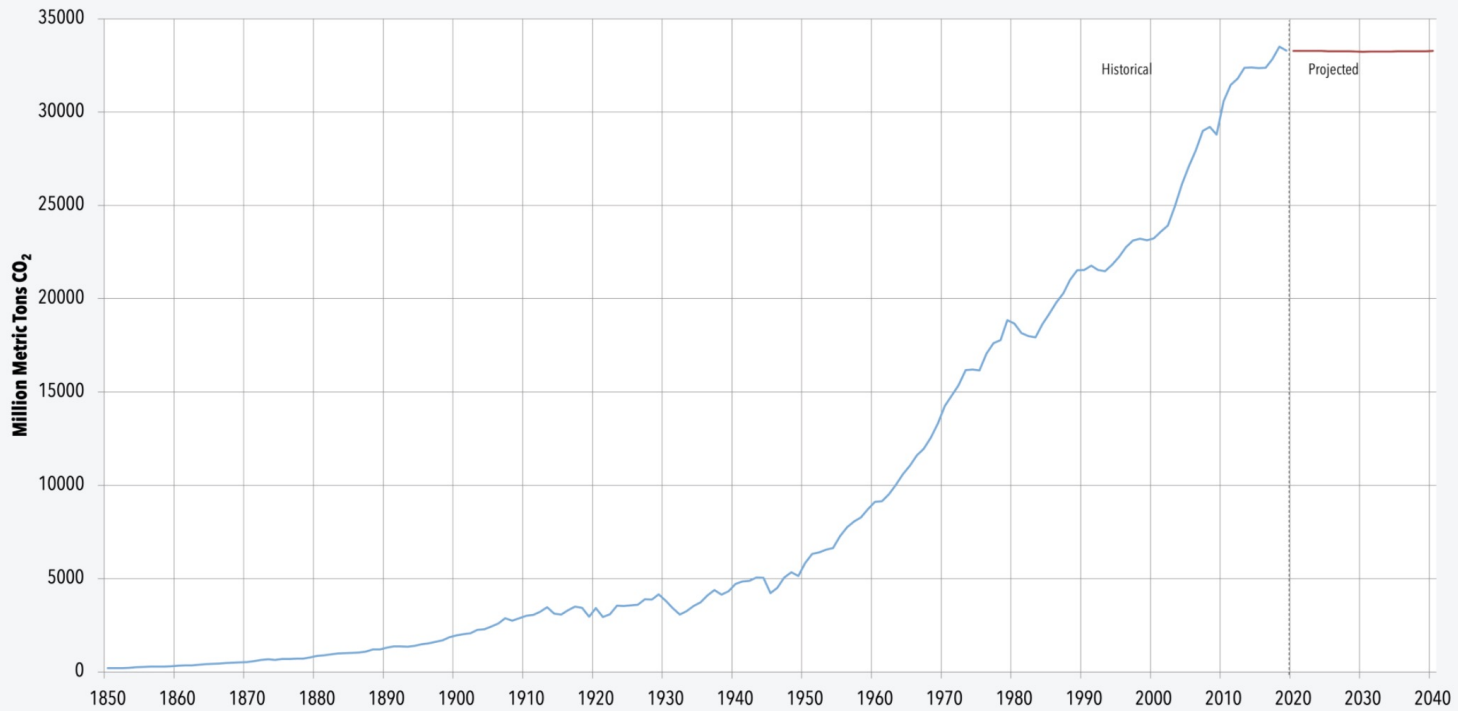
- 418.76: February 20, 2022
- 421.59: February 14, 2022 (highest-ever recorded in human history and millions of years before that, according to the U.S. National Oceanic and Atmospheric Administration)
- Readings from Mauna Loa Observatory, Hawaii

Climate Science: Why Rising GHG Concentrations?

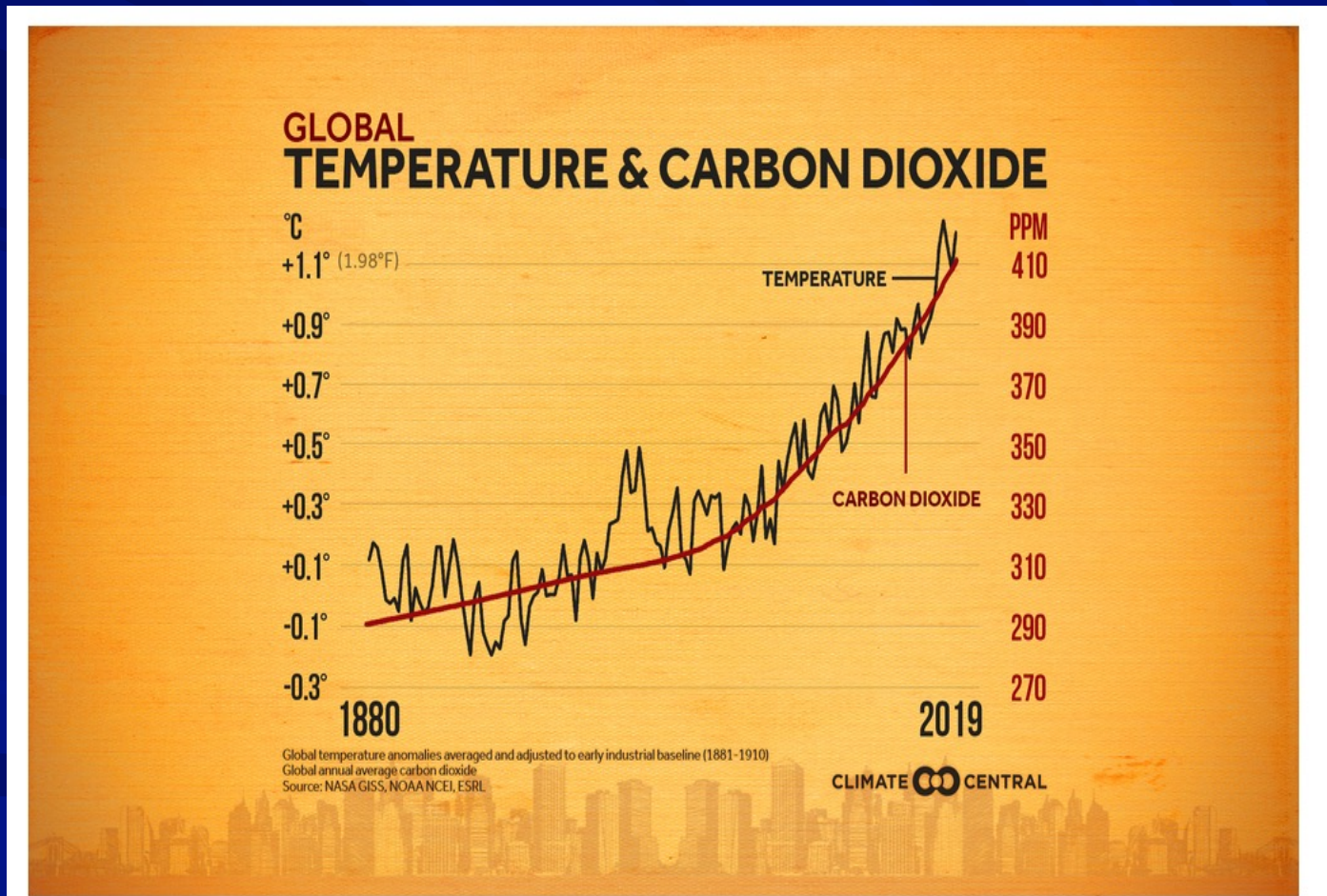
- Rising levels of GHG emissions

Global Carbon Dioxide Emissions, 1850-2040

Global Carbon Dioxide Emissions, 1850–2040



Higher concentrations; higher temperatures



Climate Science: Why Have GHG Emissions Increased?

- The result primarily of human activity (emissions)
- WMO report (Dec. 3, 2020): “Increasing levels of greenhouse gases in the atmosphere due to human activities are the major driver of climate change since the mid-20th century.”

Climate Science: Which Human Activities?

- Much of the increase is from the energy sector
- Consumption of energy makes up roughly 75% of global GHG emissions
- Much of this from combustion of fossil fuels: coal, gas (natural gas), crude oil

Climate Science: Implications for Governance

- Global coordination essential: GHG's do not know political boundaries
 - Even dramatic emissions reductions in any one country won't solve the problem.
- Urgency: GHG's, especially carbon dioxide, have long atmospheric residencies.
 - because they are cumulative, the situation is increasingly urgent.
 - Why the rising level of ppm's is such an important indicator

The Debate over Urgency

- The matter of urgency is where much of the gravity has shifted in the U.S. climate change debate

Global Governance: The Paris Climate System

- A system for coordinating climate governance on a global scale
- Based on three international treaties:
 1. The U.N. Framework Convention on Climate Change (“UNFCCC”): 1992
 2. The Kyoto Protocol (1997)
 3. The Paris Climate Agreement (2015)

Treaties, Generally

- **Agreements: two or more nation-states**
- **States write the rules**
- **Decide whether to join**
- **Those that have ratified are the
“Parties”**

The Enforcement Question in International Law

- Countries are very protective of their national sovereignty (exclusive control over territory within their borders)
- Therefore, generally very resistant to placing coercive enforcement measures in treaties
- In lieu of coercive enforcement: monitoring, peer pressure, persuasion, reciprocity (built on trust)

The UNFCCC (1992)

- **The “U.N. Framework Convention on Climate Change”**
 - **The Paris System’s foundation document (a constitution)**
 - **Currently, 197 Parties (including the U.S.)**
 - **Recognized the climate change threat**
 - **Institutional structure, including the annual “Conference of the Parties”**

The Paris Climate Agreement (2015)

- The rules in the Paris System
- 193 Parties, including the U.S. (re-joined in 2021).

Treaty Effectiveness: Depth or Breadth?

- A “deep” treaty will prioritize stringent rules over level of state participation
- A “broad” treaty will prioritize widespread state participation over stringency

The Paris Agreement: Three Prime Areas of Focus

- Mitigation
- Adaptation
- Finance

Mitigation in the Paris System

- **“Mitigation” = the stabilization and eventual reduction of greenhouse gas emissions.**
- **Important components in the PA:**
 - The PA temp goals (long-term goal and interim targets)
 - National ambition and action: NDC pledges

Long-term Temperature Goal

- Hold the increase in the earth's average temperature to “well below” 2.0⁰ Celsius (3.6⁰ Fahrenheit) above pre-industrial levels.
- Pursue efforts to limit the increase to 1.5⁰ Celsius (2.7⁰ Fahrenheit).
- Currently, earth's average temperature has risen 1.1⁰ Celsius (2.0⁰ Fahrenheit) since 1850.

Interim Temperature Targets (2050 and 2030)

- **Targets = signposts to maintain alignment with the long-term temperature goal**
- **Guide current planning by governments and businesses (e.g., whether to limit fossil fuels or to build new coal-fired power plants)**
- **The 2050 and 2030 dates are not intended as deadlines: Parties do not have until those years to initiate emission reduction policies**

The 2050 Interim Target

- **“Net zero” carbon dioxide emissions by 2050**
 - **“Net zero” = human-based emissions minus removal by “sinks”**
 - **“Sink” = any process, activity or mechanism that removes a GHG from the atmosphere (e.g., forests)**

The 2030 Interim Target

- **By 2030: 45% reduction of carbon dioxide emissions compared to 2010**
- **Adopted at last November's Glasgow climate conference**

National ambition and action: NDC's

- The Paris Agreement places the individual Parties in charge over GHG emissions within their borders
- Duties of planning and implementation
- “Nationally-determined contributions”
 - Pledges (targets, detailed policies)
 - Implementation steps (“actions”)

The Nature of the NDC Requirements

- **These steps are required, but each Party makes its own substantive decisions: no one size fits all. The purpose: encourage broad participation of all countries [breadth over depth]**
- **However, a progressivity requirement: NDC's required every five years, and each one must reflect "highest possible ambition" (upgrade from previous NDC) 2020 requirement postponed to Nov., 2021**

Adaptation

- **“Adaptation”:**
 - **Anticipation of adverse effects of climate change; and**
 - **Steps to prevent or minimize damage from those effects**
 - **For example, sea walls or development of drought-resistant crops.**
 - **Of great importance for developing countries**

Adaptation Requirements in the Paris Agreement

- **Each Party must adopt an adaptation plan**
- **Developed countries must provide support to developing countries: finance, capacity-building; technical assistance**

Finance: Two Aspects

- **Capital flows away from fossil fuels (for purposes of mitigation in all countries)**
 - Newly stated: money away from inefficient fossil fuel subsidies
- **Support for developing countries**
 - Includes capacity-building and technology transfer
 - “Loss and damage”
 - The promised \$100 billion

Other Perspectives

- Put another way: climate change as an environmental problem and an ethical problem
- Or: environmental goals and development goals

The Glasgow Climate Conference:

- **October 31-November 13, 2021: a major event**
- **Focused the world's attention on climate change (obviously, an issue of great interest)**

What is a “COP”?

- **Stands for “Conference of the Parties” to the 1992 UNFCCC**
- **Held annually (important element of the system’s evolutionary character)**
- **Purposes:**
 - **Review on-going implementation of the UNFCCC and the Paris Agreement; and**
 - **Make decisions necessary to promote their effective implementation**

What Happens at a COP?

- A negotiating forum
- The final action of a COP is a “Decision” (statement of conclusions)
- Also, consideration and possible adoption of measures for implementing the goals of the Paris System (“incremental measures”)
- Opportunities for exchange of information and ideas

COP “Decisions”

- Adopted by consensus at a session of all the Parties
 - Adoption preceded by negotiations in smaller thematic groups on topics to be addressed in the draft Decision.
 - Their results merged into a draft “Decision” text
- The COP26 Decision is the “Glasgow Climate Pact”

COP Incremental Measures

- To advance implementation of the Paris System
- Approval by all Parties, by consensus
 - Preceded by negotiations and adoption in thematic groups
- E.g., COP26 adopted rules for transparency of Party emissions reports and operation of carbon trading markets

Another Key Item on the COP26 Agenda

- **Submission by all Parties of updated pledges (NDC's)**
 - **Required every five years under the terms of the Paris Agreement**
 - **Postponed in 2020 for one year due to COVID**
- **Required to show increased ambition (targets, policies, concrete actions)**

COP26: Highly Anticipated

- **Pervasive sense of urgency**
 - Climate science projections for the 2020's
 - John Kerry: “last best chance” to avert climate catastrophe
 - Exhortations for enhanced ambition
- **Extreme weather events of 2021 and evidence of long-term impacts**
- **Huge throngs of people; widespread media coverage**

COP26: Two Faces to the World

1. The internal Conference; and
2. Public external events: (protests; street marches and demonstrations)
 - Extensive news media coverage of both (registered media representatives admitted to the Scottish Event Campus: 3,886)
 - The Conference dynamic: customary international negotiation proceedings and boisterous street demonstrations

The Internal Conference

- Took place at Scottish Event Campus, a complex of buildings with large and small meeting rooms

The Scottish Event Campus



The COP Not Open on a Walk-In Basis

- Entry to Scottish Event Campus was limited; advance registration required
- But thousands of registrants: representatives of NGO's, etc.

Going Through Security at the Scottish Event Campus



The Internal Conference: Participants

- **Delegates of the Parties**
- **Officials and staff of the U.N. Secretariat and Conference Presidency**
- **“Non-Party Stakeholders”**: Sub-national governments; non-governmental organizations (NGO’s); private companies; local communities; indigenous peoples

The Internal Events: Party Delegations

- **Members of Party delegations: 22,274**
- **But in voting, size of the delegation not important; each Party has one vote**
- **Categories of Parties:**
 - **Developed countries (e.g., G-7 or G-20 countries)**
 - **Emerging economies**
 - **Developing countries**
 - **Small island states**

Party Delegations (continuing)

- **Participation in negotiations: small thematic groups and full-Conferenced sessions**
- **One Party delegation: one vote**

Heads of Governments: Germany, Barbados, Bangladesh



Tuvalu: Government Minister Simon Kofe



Party Delegate from Ethiopia: Yared Abera (negotiator)



Non-Party Stakeholders

- Permitted to attend thematic group negotiating sessions and provide input. No votes in the adoption of texts for draft Decisions and incremental measures.

Two Non-Party Stakeholders

- **Eva Peace Mukayiranga (Rwanda):** representative of a Rwandan NGO
- **Saleemul Huq (Bangladesh):** a freelance observer at many COPs, often quoted in media reports

Eva Peace Mukayiranga (Rwanda)



Eva Peace Mukayiranga makes a point during a meeting at COP26

Saleemul Huq (Bangladesh)



The Public External Events

- **Marches, demonstrations**
- ***E.g.*, Global Day of Action for Climate Justice march ((at least 100,000 people: BBC called it “one of the city’s largest protests in living memory”**

Global Day of Action for Climate Justice: Nov. 6, 2021



Young People



5 SDGS

Greta Thunberg (Sweden)



Representatives of South American Indigenous Peoples



COP26: Results

- COP26 ended with mixed results and a public narrative that was largely negative and pessimistic
- The mixed outcome reflected in the text of the 11/13/22 Conference Decision (the “Glasgow Climate Pact”): many compromises
- Also: the closing statement of U.N. Secretary-General Antonio Guterres

U.N. Secretary-General Antonio Guterres: 11/13 Closing Statement

- **“The approved texts are a compromise. They reflect the interests, the conditions, the contradictions and the state of political will in the world today...They take important steps, but unfortunately the collective political will was not enough to overcome some deep contradictions.”**

Example of Compromise: Fossil Fuels, Subsidies

- **Par. 20: Parties called upon to accelerate efforts toward the “phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies”**
- **An earlier draft called for the “phase-out” of unabated coal power**

Actions Viewed Positively

- **Full Conference acts (consensus of all Parties):**
 - **Re-affirmation of climate science and the 1.5° temperature goal**
 - **45% CO₂ emissions reduction target**
 - **Fossil fuels and subsidies (first reference in a COP Decision)**
 - **Doubling adaptation finance to developing countries by 2025**

Full Conference: Incremental Acts

- **Enhanced Transparency Framework**
- **Rules governing operation of transnational carbon markets (Art. 6, Paris Agreement)**

Full Conference More Generally

- Numerous references to inclusivity and biodiversity

Side Agreements Among Certain Parties (COP26 as catalyst)

- Not official acts of the Conference
- Two types: “sectoral agreements” and climate diplomacy agreements.
- Their focus: “depth”, not “breadth”
- The Conference as catalyst: alignment with the Paris Agreement goals and targets, especially 2050 net-zero

Next Week's Meeting (March 4th)

- **Topics:**

- **Reducing GHG emissions:**

- -- The “emissions gap”
- -- Spurring national ambition
- -- Other pathways