

THE PARIS AGREEMENT ON CLIMATE CHANGE

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The impacts of climate change are further exacerbated due to increased frequency and intensity of extreme weather conditions, increase in sea level and acidification of the oceans. The Paris Agreement which lays down an ambitious action plan at limiting global warming to well below 2°C by the end of the century entered into force on 4 November 2016 after its ratification by 103 Parties of 197 Parties to the Convention. Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change. In COP-22, India raised the need to strengthen pre-2020 actions to close the emissions gap and lay down on a timeline for early ratification of the second commitment period of the Kyoto Protocol. India also stressed that climate justice, sustainable lifestyles and poverty eradication should be focused in future discussions.

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The global climate is changing due to emissions of greenhouse gases (GHGs). These changes are expected to result in higher average temperatures, changed rainfall patterns, and increased severity and frequency of floods, droughts and cyclones, which can severely impact livelihoods, especially of the poor in developing countries. The impacts of climate change are further exacerbated due to increased frequency and intensity of extreme weather conditions, increase in sea level and acidification of the oceans. Over the years, the climate change has accentuated large-scale shifts in vegetation that cause major losses of sensitive plant and animal species and significant shifts in the geographic ranges of diseases, their vectors and pathogens.

COP- 21 and the Paris Agreement

The 21st Conference of the Parties (COP-21) under the United Nations Framework

Convention on Climate Change (UNFCCC) was held in Paris, France in the year 2015. It discussed the diverse issues relating to climate change. It adopted the Paris Agreement operating under the framework of the Convention and will succeed the Kyoto Protocol (KP). The Paris Agreement which lays down a motivated action plan at limiting global warming to well below 2°C by the end of the century. It entered into force on 4 November 2016, after its ratification by 103 Parties of 197 Parties. India was the 62nd country to ratify the Agreement with the United Nations on 2 October 2016.

The aim of the Paris Convention is described as “enhancing the implementation” of the UNFCCC through:

- (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C above pre-industrial levels;

- (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions;
- (c) Making appropriate finance flows consistent towards low greenhouse gas emissions and climate-resilient development.

The Paris Agreement requires all parties to put forward their best efforts through *Nationally Determined Contributions* (NDCs). The Paris Agreement strengthens the global efforts in combating climate change. The agreement also provides for enhanced transparency of action. The agreement support through a more robust transparency framework.

The Preamble to the Agreement is significant. It lays emphasis on the principles of Convention including Common but Differentiated Responsibilities and Respective Capabilities (CBRD-RC) and Equity. Hence, safeguarding the interests of developing countries and maintaining differentiation in all pillars of the agreement are the emphasis. It further recognizes the importance of climate justice. It also recognises sustainable lifestyles, as advocated by India, with developed countries taking the lead in addressing the problems of climate change.

One of the important features of the Paris Agreement is that it is not mitigation centric. It covers all pillars of the Durban mandate¹, i.e., mitigation, adaptation, finance, technology development and transfer, and capacity-building, etc.

India's Expectations on the Outcomes of COP-21, Paris Agreement and Its Decisions

Ensuring fulfilment by developed countries of their existing commitments under the decisions of the UNFCCC and the Kyoto Protocol in the pre-2020 time period:

- (i) Many developed countries are yet to ratify the Doha Amendment², which establishes the second commitment period of the Kyoto Protocol (KP). As on date only 73 countries have ratified the Doha Amendment, majority among which are developing countries. Many developed countries, including the European Union, are yet to ratify and implement the Doha Amendment, which commits developed countries who are Parties to the Protocol, to undertake the second commitment period. In fact, the COP-21 decision on enhancing action prior to 2020 urges

¹The 2011 United Nations Climate Change Conference (COP-17) was held in Durban, South Africa, from 28 November to 11 December 2011 where Parties decided to adopt a universal and legally binding climate agreement by 2015, with work beginning under a new group called the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP). The agreement, referred to as the "Durban Platform for Enhanced Action", was notable in that for the first time it included developing countries such as China and India, as well as the US which had refused to ratify the Kyoto Protocol. This apart, Parties also agreed a second commitment period of the Kyoto Protocol from 1 January 2013. A significantly advanced framework for the reporting of emission reductions for both developed and developing countries was also agreed, taking into consideration the principle of common but differentiated responsibilities to establish a new treaty to limit carbon emissions.

²COP-18 held at Doha saw the launch of a second commitment period under the Kyoto Protocol, from 1 January 2013 to 31 December 2020, with the adoption of the Doha Amendment to the Kyoto Protocol on 8 December 2012. The amendment includes: New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from 1 January 2013 to 31 December 2020; A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

- all Parties to the Kyoto Protocol to ratify and implement the Doha Amendment.
- (ii) In relation to the support of financial resources from developed to developing countries, in Cancun in 2010, Parties had agreed that developed countries will mobilise US \$100 billion per year by 2020 for developing countries. However, developed countries have fallen short from fulfilling this commitment in totality with only US \$9.9 billion contributed to the Green Climate Fund. Through the COP-21 decision, it was agreed that developed countries will “enhance the provision of urgent and adequate finance, technology and capacity-building support in order to enhance the level of ambition pre-2020 actions by Parties” and developed countries were strongly urged “to scale up their level of financial support, with a concrete roadmap to achieve the goal of jointly providing US \$100 billion annually by 2020 for mitigation and adaptation while significantly increasing adaptation finance from the current levels and to further provide appropriate technology and capacity-building support.” Whether developed countries will provide a concrete roadmap on the provision of the US \$100 billion annually by 2020 will be an important indicator to gauge, if their commitments will be honoured.
- (iii) The Parties agreed that at COP-22 (in 2016), there will be a “facilitative dialogue” “to assess the progress” in implementing the decisions reached under the Convention. the KP (Bali Roadmap) and to identify relevant opportunities to enhance the provision of financial resources, including the technology development and transfer with a view to identifying ways to enhance the ambition of mitigation efforts. This facilitative dialogue presents insignificant chance to assess progress on whether the existing commitments of developed countries are being fulfilled, as agreed to under the Durban mandate. If there is reluctance on the part of the developed countries to honour their pre-2020 commitment, there will be considerable doubt as to whether they will meet their obligations under the Paris Agreement. In COP-22, our country raised the need to strengthen pre-2020 actions to close the emissions gap and lay down on a timeline for early ratification of the second commitment period of the Kyoto Protocol. India also stressed that climate justice, sustainable lifestyles and poverty eradication should be discussed in future.
- (iv) Green Climate Fund (GCF) is a vital mechanism for the developing countries to implement their climate action plans. It is critical for the countries to observe the fulfilment of the GCF’s approval of projects for funding this year. The approval of funding proposals is now on hold for completing the remaining policy discussions within the GCF Board in order to meet the goal of disbursements of US \$2.5 billion last year. There is a need to obtain clarity on the type of financing that will be available, the balance between

loans versus grants, the balance between funding for adaptation versus mitigation, as well as the process of replenishment of the GCF's funds. This was tentatively targeted to take place by June 2017. If this mechanism is not able to respond sufficiently to the needs of developing countries for the implementation of their current plans and actions, it will be even harder for many developing countries to implement their NDCs under the Agreement post-2020.

Tasks Pending in Preparation for the Paris Agreement

There are several critical tasks that are pending in preparation for the Paris Agreement. Some of the key issues that are critical for developing countries in advancing their commitments under the Paris Agreement are as set out below.

- (i) *Warsaw International Mechanism for Loss and Damage*³ : COP-21 decided that Warsaw International Mechanism for Loss and Damage (WIMLD) is to continue, following its review in 2016. It will be vital to review the working of the WIMLD, to take stock of whether the Loss and Damage Mechanism is able to respond to the needs of developing countries. If it is a token mechanism, then, it will be important to focus on the usefulness of the mechanism from the view point of the developing countries. If developed countries will

allow important outcomes on Loss and Damage under the Paris Agreement, including as to how developing countries can secure financial, technological and capacity-building support for this very significant element of the agreement.

- (ii) *Process for Identifying Information on Financial Support to be provided by Developed Country Parties*: Developed countries are “to biennially communicate indicative quantitative and qualitative information” on the provision of financial support and mobilisation of financial resources and “the projected levels of public financial resources” to be provided to developing countries. It will be critical to gauge how developed countries engage in relation to this in order to assess their commitments to developing countries.
- (iii) *Elaboration of the Technology Framework and Assessment of the Effectiveness of Technology Mechanism*: In Paris, developing countries fought hard to have commitments for developed countries to effectively transfer technology to developing countries. In the COP-21 decision, the Subsidiary Body for Scientific and Technological Advice (SBSTA) has been tasked to elaborate the technology framework under the Paris Agreement. Whether the technology framework will deliver meaningful outcomes for developing countries remains to be seen and will

³At the Conference of Parties 19 (COP-19, November 2013) held in Warsaw, Poland, the COP established the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (Loss and Damage Mechanism), to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change.

be a hard struggle for the developing countries, given the resistance of developed countries to be serious about effective and meaningful technology transfer. Further, at Paris, Parties agreed that the Subsidiary Body for Implementation (SBI) will initiate the elaboration of modalities for the periodic assessment of the effectiveness and adequacy of the support provided to the Technology Mechanism. This will be another measure of whether there will be any meaningful assessment of the Technology Mechanism.

- (iv) *The Paris Committee on Capacity-building:* COP-21 agreed for the establishment of the Paris Committee on Capacity-building (PCCB). This was a hard fight by developing countries to get an effective institution to address the various problems that the developing countries face in relation to their capacity needs. The PCCB's work plan for 2016-2020 is yet to be developed and much remains to be done to evolve this institution into one that works for developing countries.

Securing the Conditions for the Implementation of the Intended Nationally Determined Contributions (INDCs) under the Paris Agreement

Several developing countries have submitted their INDCs prior to the agreement reached in Paris. All parties under the Paris Agreement have agreed to undertake their INDCs. Most of the INDCs of developing countries are dependent on the provision of finance, technology transfer and capacity-building support. Significantly, if these 'enablers' of

actions in developing countries are not in place prior to the coming into effect of the Agreement as set out above, it will be very hard for the developing countries to keep to their commitments. Pressure would be brought to bear on developing countries for non-implementation of their actions. It is important for the developing countries to have confidence that they can implement their INDCs with the enabling factors put in place, before their signing of the Paris Agreement.

The UN Climate Change Conference (COP-22)

The UN Climate Change Conference (COP-22) held in Marrakesh from 7 to 18 November 2016, marked the crucial next step for the governments looking to operationalise the Paris Climate Change Agreement. With Paris Agreement already into force, the dialogue and decisions in Marrakesh gained incredible importance and held immense potential to accelerate and amplify the immediate response to the challenge recognised in the Paris Agreement.

COP-22 thus took over the reins from COP-21 during which important progress was made with the adoption of the Paris Agreement on Climate Change. COP-22 was more action-oriented focusing mainly on formalising the Rulebook for the Paris Agreement, especially related to adaptation, transparency, technology transfer, mitigation, capacity building, and loss and damages. At Marrakesh Climate Change Conference (COP-22), nations of the world continued their work on strengthening global response to the threat of climate change, with the central focus placed on enhancing ambition, promoting implementation, capacity building and, providing support— both technological

and financial to the developing countries. While the Paris Agreement gave clear pathways and a final destination in respect to decisive action on climate change, the relevant first step for many of the details regarding how to move forward as one global community in that common direction was initiated at Marrakesh.

First meeting of the Conference of the Parties serving as meeting of the Parties to the Paris Agreement: COP-22 also witnessed the first meeting of the CMA which in the parlance of the UN Climate Change process stands for the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement under the UNFCCC. The CMA has been tasked to take forward decisions on matters assigned to it.

Rule Book: Another key milestone of COP-22 is the initiation on the direction of negotiating the Paris Agreement's implementation rule book. It is the rule book that will make the agreement functional, setting out the detailed requirements under each section.

Enhanced Finance, Technology Transfer and Support for Capacity Building: Another key issue which found focus at COP-22 relates to ensuring the availability of finance committed by developed countries to the developing countries. Finance and technology transfer is key to enabling the developing countries to fulfil their commitments in line with their respective NDCs. COP-22, thus began working on the roadmap for ensuring enhanced finance and technology transfer which is vital to advance the Paris Agreement on Climate Change. India stressed that on both these aspects the basic principle of equity and common but differentiated

responsibilities laid down by the UN Framework Convention on Climate Change is upheld. The developing countries, including India demanded suitable high financial flows to both mitigate emissions and prepare communities to adapt to climate change. New and additional funds and technology will enable countries to integrate their national commitments into actual policies and investment plans. Further decisions were also taken to facilitate capacity building of the developing countries.

Managing Rise in Global Temperature: The fact that the average global temperature has already risen somewhere around one degree from pre-industrial times and global greenhouse gas emissions have not yet peaked, underlined the urgency of implementing the Paris Agreement in full and in this light the COP-22 stressed on the governments to take action to achieve the temperature goals enshrined in the Agreement – keeping the average global temperature rise below 2° C and pursuing efforts to limit it to 1.5 degrees.

India at COP-22

India Pavilion at COP-22: Showcasing India's theme 'Sustainable Lifestyle: Positive Climate Action' for COP-22 at Marrakesh, India Pavilion took India's message forward and played a defining role in sharing and disseminating information on India's approach towards combating the grave threat posed by climate change. A number of sessions, in the form of panel discussions, documentaries and presentations, were hosted by the India Pavilion from 8-18 November 2016, which showcased India's initiatives and actions and gave an opportunity to visitors and invited

experts to engage in discussion and think of new solutions and ideas.

Highlighting Impact of Climate Change on Disasters, Biodiversity and Agriculture: India at COP-22 highlighted the impact of climate change on disasters, biodiversity and agriculture. The Himalayas provide water to 1.3 billion people in Asia and though the Himalayan region is warming up faster than the global average, they have been inadequately represented over the past three decades in climate change discussions. Therefore for the emergent need to chart climate change mitigation plan for the region, India hosted a special side event at COP-22 highlighting the impact of climate change on its 12 Himalayan States.

*International Solar Alliance*⁴: The framework Agreement for International Solar Alliance was opened for signature from 15 November 2016 in Morocco. Twenty-four countries

have signed the Framework Agreement of ISA since it was opened for signature on 15 November 2016 in Marrakesh, Morocco on the side-lines of COP-22.

Conclusion

Developing countries are most vulnerable to climate change because they have the least capacity to adapt. On its part, India is strongly committed to engage constructively and productively with the international community in the global efforts to preserve and protect the environment. India firmly believes that any future agreement should take into account developing countries' concerns and their developmental requirements fully. Developing countries should have the discretion to fulfil their domestic goals in accordance with their national circumstances through a legally appropriate regime having binding force at the international level.

⁴The International Solar Alliance is a common platform for cooperation among sun-rich countries lying fully or partially between the Tropics of Cancer and Capricorn who are seeking to massively ramp up solar energy, thereby helping to bend the global greenhouse emissions curve whilst providing clean and cheap energy.

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