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From here to where? Life after entry into force of the Paris Agreement

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Rapid ratification and entry into force of the Paris Agreement makes a positive signal towards climate action. However, the agreement rests upon a tenuous legal framework which cannot be taken for granted, but has instead to be the foundation of a dynamic collective learning process and virtuous cycle of action.

European Union environment ministers met at an extraordinary Council meeting on Friday, September 30, in order to accelerate the EU's ratification of the Paris Agreement. Today the EU parliament added its ratification. This, together with October 2 ratification by India, makes it essentially certain that the Paris Agreement will enter into force before the [22nd Conference of the Parties](#) to the UNFCCC, due to be held in Marrakesh this November.

Let us step back a moment and underline the significance of this. Large multilateral treaties typically take years to enter into force, which can only happen after a threshold of ratifications is reached (this threshold is defined differently in each treaty). The Kyoto Protocol took eight years to enter into force; the Paris Agreement just over eight months. Typically ratification and hence entry into force is slow for a number of reasons.

1. Firstly, countries' parliamentary agendas are busy and complicated, and finding place for substantial debates before parliamentary ratification is not easy. Among the clash of priorities, environmental treaties often simply lose out.
2. Secondly, countries want to make sure that a sufficient majority of their peers will ratify, before they commit to doing so. This creates a kind of "prisoners' dilemma", where none will commit unless others do too.
3. Thirdly, difficulties in the ratification of major plays (traditionally, the US in particular) can torpedo the whole process. When such a crucial country does not ratify, as was the case of the Kyoto Protocol, the agreement loses its effectiveness and hence legitimacy.

Each of these barriers was overcome in the case of the Paris Agreement. Climate change, despite the sombre international economic and political context, has remained a salient issue. President Obama's administration successfully led an international diplomatic effort to get countries to ratify the Paris Agreement. When they saw that the snowball was rolling, Prime Minister Modi and the leaders of the European Union added their countries' critical weight by accelerating their own ratification processes. For both of these groups, this was a political heavy lift that can only be welcomed. Ultimately the story of the Paris Agreement's dramatically rapid entry into force tells us that it is widely seen as important and legitimate. Making the Agreement effective is the next step. Ratification is one thing, implementation another. It is with implementation that opportunities and barriers are revealed. Each country now party to the Paris Agreement has a concrete climate action plan, submitted under the Agreement, which it must now implement.

It will be crucial to orchestrate the same virtuous circle around implementation as emerged around ratification.

For this to happen, countries will need to share details of their implementation processes, progress, pitfalls and solutions. Currently, there is a lack of institutions where this detailed discussion on the nitty gritty of implementation can take place. Many will ask: well, so what? What changes now the agreement enters into force? Here we must be clear about the role of an international treaty like the Paris Agreement. In the absence of an international policeman or hegemonic power, the Paris Agreement can only facilitate, not sanction, domestic action by sovereign states. At the same time, the virtuous circle that emerged on ratification shows the power of an international dynamic driven reputation and leadership to motivate state action. Concretely, once the agreement enters into force, each country will have a legal obligation to implement policies to achieve its climate action plan. This is important because up until now not all countries had a concrete international commitment to act on climate change. Domestic actors, and international pressure, will be able to hold their governments to account, with all the potential and limitations that this entails. By 2018, an international system to track and facilitate the achievement of these climate action plans will be in place, but it will not have the power to sanction. Ultimately, the success of the Paris Agreement is based on a virtuous circle of learning, transparency and innovation, not on the circumscription of power. That virtuous circle emerged on ratification, it is starting to emerge on technological innovation; it is now up to policy in every party of the agreement to reinforce it.

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