

Politics as Road Blocks to the Implementation of 2015 Paris Climate Change Agreement

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ABSTRACT

This study is based on the comprehensive study and analysis of Paris Climate Change Agreement, Kyoto Protocol, Copenhagen Accord, the various United Nations Framework Conventions on Climate Change. The outcome of the analysis is that the 2015 Paris Climate Treaty may never achieve the main purpose which is ensuring that average global temperature in 2100 does not exceed 2°C of the pre-industrial level. This is arrived at because the 2015 Paris Climate Change Agreement is loaded with politics, national interests of parties, unbinding pledges and many proposals that will be very difficult or impossible to implement. For example, this study identifies protection of national interest as one serious road block for the full realization of the Paris Agreement. Though this is very normal in international affairs, it is an obvious weakness which is capable of derailing the Agreement. For instance, the United States of America, one of the highest emitters of greenhouse gases has pulled out from the Agreement citing the protection of national interests. This work has identified also many pledges in the Agreement that will be very difficult to implement. The developed countries pledged financial, technological and knowledge transfer to developing countries as necessary components of climate change mitigation and adaptation, but past pledges of funds including Official Development Assistance (ODA) on HIV/AIDS, poverty alleviation, etc were never kept. The pledge for technology transfer is froth with the issue of intellectual property rights which the Agreement did not address. The same goes for transfer of knowledge which may never happen because knowledge is the secret and source of the technological dominance and wealth of developed nations. The National Determined Contributions (NDCs) are non-binding pledges for the reduction of greenhouse gases by parties and any of the parties can withdraw or abandon their NDCs without any consequences. Based on the foregoing, the conclusion of this work is that the purposes of the 2015 Paris Climate Agreement will never be achieved because of inherent problems, road blocks, politics and non-binding nature of the Agreement.

Keywords: Paris Climate Change Agreement, Kyoto Protocol, Copenhagen Accord, United Nations Framework Conventions on Climate Change

INTRODUCTION

Climate Change is a serious developmental issue confronting the developed and developing world. The global community has been looking for ways of combating climate change challenges and felt that it was only a binding agreement that would perform the magic. Based on the successes recorded in the 1985 Vienna Convention for the Protection of the

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Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer which required specific abatement measures for Ozone depleting substances. The global community felt that only a similar binding agreement on climate change would ensure that catastrophic climate change is avoided. The first attempt to act collectively to reduce greenhouse gas was the promulgation of the United Nations Framework Convention on Climate Change (UNFCCC) during the Earth Summit in Brazil in 1992 (Sulphrey, 2013).

The UNFCCC came into force on 21st March, 1994. The main objective of the convention was to achieve stabilization of the greenhouse gases in the atmosphere in order to prevent dangerous anthropogenic interference with the climate system (Uchegbu, 2010) Framework Convention on Climate Change was followed by the Kyoto Protocol of 1997 but which came into force in 16th February, 2005. The Kyoto Protocol fortified the UNFCCC because it added legal binding emission reduction for all the countries that ratified the protocol but the United States of America the then highest emitter of greenhouse gases refused to ratify the protocol because of selfish national economic interest. One could describe Kyoto Protocol as having limited instrument for stabilizing global greenhouse gases. Moreover, the protocol had a very short life span as it was planned to terminate in 2012. Before, 2012, there were many attempts to replace the Kyoto Protocol with a more binding, longer lasting and more effective global agreement to control greenhouse gases. The best of all the attempts was the Copenhagen Accord which was negotiated during the 15th Conference of Parties (COP15) in December 2009, in Copenhagen, Denmark. But Copenhagen Accord was neither an agreement with emission reduction targets nor any financial commitments to member nations (Egenhofer and Georgiev, 2009).

Apart from Copenhagen Accord, the UNFCCC made other attempts at reaching agreement in Cancun, Mexico in 2010; Durban, South Africa in 2011; Doha, Qatar in 2012; Bonn, Germany in 2013, Warsaw, Poland in 2014 and Paris, France in 2015. But it was only during the Conference of Parties 21 (COP 21) held in Paris, France between 30th November and 11th December, 2015 that an agreement was reached. The Parties to the Convention agreed and adopted the various articles of the 2015 Paris Climate Change Agreement. The main aim of the agreement is enshrined in Article 2 (paragraphs one a, b and c) which is:

- (a) Hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit temperature increase to 1.5°C above pre-industrial levels.
- (b) Increasing the ability to adapt to adverse impacts of climate change.
- (c) Making finance flows consistent with a pathway towards low greenhouse emissions and climate-resilient development (Paris Climate Change Agreement, 2016).

The Paris Climate Change Agreement came into force on the 4th of November, 2016 after at least 55 parties deposited their instruments of ratification or acceptance or accession with the depository. Though the Climate Change Agreement has officially come into force, this work is out to show that it would still be truncated by non-binding nature, politics, road blocks inherent contradictions and bottle necks.



Fossil Fuels Are Still Dominate Global Energy Sources

The global energy sources are still dominated by fossil fuels especially coal, petroleum and natural gas. The truth is that there are yet no alternatives to fossil fuels for now and in the nearest future because fossil fuels are readily available, affordable, convenient to use and the world cannot easily give up fossil fuels without cheaper alternatives. According to Sulphey (2013) and Ajadike (2017) over 76 percent of global energy consumption still comes from fossil fuels.

Transiting to renewable energy in order to reduce greenhouse gases may still be difficult to attain because renewables are still very expensive to deploy and some of the renewables such as solar and winds are intermittent and hence not very efficient and reliable as fossil fuels. Biofuels have a lot of challenges including that some of the feed stocks such as maize and sugar cane are food crops and massive use of these food crops for biofuels will lead to scarcity and increase in the prices of the crops. Moreover, some of these crops are raised in large plantations by clearing large expanse of forests and forests once cleared, release their carbon emissions into the atmosphere and this increases instead of reducing the level of greenhouse gases in the atmosphere.

Politics of Climate Change and Economic Growth

Many developed countries including the United States feel that emission reduction which climate change agreement entails could reverse their economic dominance and even make their economies to be globally uncompetitive. For example, the United States failed to ratify the Kyoto Protocol that came into force in 2005 because it believed it could lead to economic disaster for their country. In fact, the United States Senate voted 95:0 to oppose the treaty if it would result in any serious economic harm to the United States (Richardson, 1998).

Clinton Presidency entered into the Kyoto treaty in 1997 but George W. Bush withdrew from the treaty in 2001 citing likely job losses and reversal of growth for the United States. Indeed in the words of George W. Bush in 2001 about the reasons for pulling out of Kyoto Protocol: Kyoto protocol would have required the United States to make deep and immediate cuts in our economy up to US \$400 billion and would have lost 4.9 million jobs (Brown, 2004). What happened to US in respect of Kyoto Protocol is repeated in 2015 Climate Change Agreement in Paris in which President Barrack Obama entered into and the United States ratified the agreement but Donald Trump, the incumbent president shocked the whole world when he announced on 1st June, 2017 that the United States was withdrawing from participating in all aspects of Paris Climate Change Agreement and rather called for the renegotiation. Trump also cited the huge economic cost burden of the agreement for his reason for ceasing to be part of the agreement. The withdrawal of United States one of the greatest emitters of greenhouse gases in the world signals the weakening of the agreement and who knows if other nations will also withdraw and if many nations do the main purpose of the agreement which is to limit global warming to less than 2°C by 2100 would be greatly jeopardized.

Economic Interest of Oil Producing and Exporting Countries

Most oil producing countries depend on petroleum export for their economic development and balance of trade and payment. For example, Indonesia, Saudi Arabia, Kuwait, Qatar, Venezuela, Nigeria, Iraq, Iran and others are yet to diversify their economies and any attempt to transit to low fossil fuel economy will not be approved by them and indeed some of the countries who a yet to ratify the 2015 Paris Climate Change Agreement which came officially into force on 4th November 2016 are major oil producing nations such as Saudi Arabia. For example, Argentina, Saudi Arabia and Turkey have not made greenhouse gas reduction pledges for 2020. All three countries submitted post-2020 pledges to the United Nations Framework Convention on Climate Change as part of their Intended Nationally Determined Contributions (INDC) (United Nations Emission Gap Reports, 2016). These countries are still dragging their feet because any change in the demand of oil which is their major trading and foreign exchange earning commodity will spell economic doom for them.

The Loss of Revenue and Jobs by Multinational Oil and Gas Companies

The multinational oil companies are perhaps the largest companies on earth because of their wealth, influence, coverage and millions of jobs which they create across the globe. Such oil companies include Royal Dutch/Shell, ExxonMobil, Eni, BP Amoco, Chevron, Texaco, Agip, etc. These oil giants that depend on fossil fuels for their wealth know that their influence would wane once fossil fuels cease to be dominant energy sources of the world and as expected, they did not fold their hands to be kicked out of business. In fact, Desombre (2002) has observed that some of the oil multinational companies formed an alliance called The Information Council on Environment principally to oppose any serious global action against global warming. The oil companies used their alliance to hire reputable public relations firms to help them discredit the science of the global warming by presenting global warming only as a theoretical issue that has no factual bearing at all. Many of the multinational oil companies still believe that oil will still dominate the global energy mix. For example, Shell and BP still insist that hydrocarbons will still account at least for 75 percent of world's energy for decades to come. Consequently, their response to global warming is to promote natural gas over coal, and eventually oil, renewable energy still remains a tiny share of their investments. The head of BP's British business remarked that rumours of the death of oil are still premature (The Economist, 2016).

Over Reliance on Nationally Determined Contributions as the Heart of Emission Reduction Strategy

One area that will make or mar the entire 2015 Paris Climate Change Agreement is that the Agreement relied so much on the good will of the parties to implement their submitted Intended National Determined Contributions (INDC) on emission reduction. On signing the Paris Agreement and on officially coming into force on 4th November, 2016, the (INDC) has become Nationally Determined Contributions (NDCs). Article 14 of the Climate Change Agreement captures (NDCs) in paragraph 13 where it states that parties



shall account for their (NDCs) in transparency, accurate, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement (Paris Climate Change Agreement, 2016).

The Parties to the Paris Climate Change Agreement made a lot of spurious assumptions. One of such is that all countries will act in the overall common public interest by adhering and implementing very strictly national determined contributions, and that the parties to the agreement will come close to emission reduction which will ensure that the global temperature by 2100 will not exceed 2°C of the global temperature of the pre-industrial time.

But the question is countries of the world always acting in the best interest of the global community or the global environment? The answer is no. Most countries of the world act to protect selfish and ego interests and this has been rightly captured by Brown (2004) when he rightly observed that America again has acted to protect self-interest and this is very normal in international politics where states act in their own self-interest and not for other reasons such as ethical motives, upholding international responsibilities or in the common interest of humankind. United States of America has pulled out by refusing to ratify the 2015 Paris Climate Change. It did the same in 2001 by not ratifying the 1997 Kyoto Protocol.

Problems of Finance toward Transiting to Low Carbon Economy and Climate Change Adaptation

Climate change mitigation and adaptation require a lot of funding. All the climate change agreements and protocols recognize the vital role of finance in achieving the goal of climate change mitigation and adaptation in the developing countries of the world. Consequently, the developed countries collectively agreed to mobilize funding from variety of sources. The most important of the funding will be from Green Climate Fund which was established by the Conference of Parties (COP16) of the UNFCCC held in Cancun, Mexico in 2010 and contained in the Cancun Agreement, 2011. One of the outstanding outcomes of COP 15 in Copenhagen was the Copenhagen Accord in which the developed countries jointly pledged to mobilize \$30 billion (US) annually between 2010 and 2012 and to increase to \$100 billion (US) annually as from 2020 for climate change mitigation and adaptation in developing countries (Egenhofer and Georgiev, 2009).

But mobilizing funds for other worthy global emergencies such as HIV/AIDs, disasters, war and terrorism- induced refuges and internally displaced persons (IDPs) and the achievement of the Millennium Development Goals (MDG) has not been successful because promises and pledges are not always fulfilled by the rich countries. For example, as noted by Sachs (2005) the donor developed nations could not even meet their Official Development Assistance (ODA) which is only 0.7 percent of rich world's Gross National Product (GNP). The rich world could only manage to honour between 0.44 to 0.54 percent of their ODA between 2005 and 2015.

Many of the rich nations are renegeing in their pledges to support global worthy causes because some of them are facing serious economic problems as a result of the 2008 economic recession and dwindling economic fortunes from their exports. Supporting this trend in not fulfilling pledged obligations by the developed countries, the \$450 million (US) pledged annual commitments by European Union and other developed countries for adaptation in developing countries at the 7th Conference of Parties in 2001 in Marrakech, Morocco is yet to be redeemed and to date, only about \$20million (US) has been provided (Meeting the Climate Challenge, 2005). So from the foregoings, it is very obvious that the flow of funds from the developed to developing countries for climate change causes can not be guaranteed.

Roadblocks on Transfer of Technology

Kyoto Protocol COP of 1997, the Copenhagen Accord (COP 15 of 2009), Cancun Agreements of 2010 and Paris Agreement of 2015 all recognize and emphasize technology transfer from the developed world to developing world in respect of both climate change mitigation and adaptation. Technology transfer was captured by the Cancun Agreement and outcome of the United Nations Conference of Parties (COP 16) of 2010 as Technology Development and Transfer and Paragraph 115 of this Agreement specifically states that consistent with international obligations at different stages of the technology cycle including research and development, demonstration, deployment, diffusion and transfer of technology in support of action on mitigation and adaptation (The Cancun Agreements, 2011). Though technology will play a strong role in mitigation and adaptation to climate change especially in the developing countries but in reality, this process has a lot of legal, ethical, economic and time implications. Technology does not easily diffuse from developed to developing countries. It must be planned and planted and this takes time, efforts, resources, patience, training and retraining before it can happen. For example, Green (2008) has observed that wholesale switch to low-carbon economy that drastically reduces reliance on fossil fuels would require a massive effort on a global scale, overriding intellectual property rules and short term commercial self-interests, and backed by appropriate funding.

Intellectual property rights and other legal issues hinder the diffusion of technology even within developed nations. Protection of intellectual property rights and patents played out in the assessment of antiretroviral drugs (ARV) needed for the treatment of HIV/AIDS. The companies that developed the ARVs enjoyed monopoly and the price of the drugs were very exorbitant and Sachs (2005) attributes this high cost to high patented – protected prices which are the incentives for the companies to engage in research and development in the first place. It is the belief of this study that what played out in respect of ARV drugs will be repeated in the transfer of technologies necessary for climate change adaptation in the developing countries of the world. Moreover, the issue of intellectual property right is not addressed in the 2015 Paris Agreement.

Problems Related to Knowledge Transfer and Capacity Building

Capacity building and transfer of knowledge from the developed to developing countries



featured very prominently in all the climate change negotiations. For example, under the Kyoto Protocol, capacity building is recognized as enhancing the ability of individuals, organizations and institutions in developing countries and in countries with economies in transition to identify plan and implement ways to mitigate and adapt to climate change. And according to Doha Work Programme on Article 6 of the Convention, concrete actions in relation to climate change education, training, public awareness public participation, and public access to information and international cooperation (Ad Hoc Working Group on Durban Platform, 2013) Article Eleven subsections 1,2,3,4 and 5 of 2015 Paris Climate Change Agreement comprehensively captures capacity building. Sub section 1 of the agreement says that capacity building under the Agreement should enhance the capacity and the ability of developing country parties in particular countries with least capacity to take effective climate change action including, *inter alia*, to implement adaptation and mitigation actions and facilitate technology development and dissemination and deployment (Paris Climate Change Agreement, 2016). But capacity building and knowledge transfer are not very easy tasks as they entail a lot of programmes and activities including introducing major changes in curriculums of schools at various levels, training and retraining of teachers and instructors as well as teaching new skills about climate change mitigation and adaptation to the schooling and non-schooling public. Transfer of climate change knowledge from developed to developing world will require a great deal of time, goodwill, efforts and resources before it can happen and time is of essence in ensuring that the world maintains climate change of not more than 2°C by 2100.

Pledges and Commitments by Parties to the 2015 Paris Climate Change Agreement Lack any Legal Backing

Parties to the negotiation of the 2015 Paris Climate Change Agreement did so without first obtaining necessary legal backing from their national assemblies. These nations made a lot of pledges and commitments for their respective countries. Many of the issues require spending huge sums of funds or fundamental changes in the structures of their economies. For example, transiting from current fossil fuel based economy to renewable economy requires fundamental restructuring of energy systems and this can cost millions of jobs and loss of revenues especially for countries whose economies are still strongly dependent on fossil fuels such as coal, petroleum and gas. Renewables such as solar and winds still require huge subsidies for them to be viable and sustainable. By not first obtaining approval of their national legislators, most of the parties to the Paris Climate Agreement, have exposed, delayed or even derailed the implementation of some of the important provisions and proposals of the Agreement.

CONCLUSION AND RECOMMENDATIONS

The Paris Climate Change Agreement is now a reality. The Agreement entered into force on 4th November, 2016. Though about 153 Parties of 197 Parties to the United Nations Framework Convention on Climate Change (UNFCCC) have ratified the Agreement, this

work has argued that this agreement will end up not realizing its principal purpose which is contained in Article 2 paragraph (1a) of the Paris Agreement which is to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.

This is so because of identified many road blocks, politics and problems capable of derailing the Agreement. The politics surrounding the Agreement is that nations most of the time act to protect selfish national interest as opposed to group or global interest. For example, America failed to ratify the Agreement and pulled out just to protect her national interest. Areas of road blocks in the Agreement include financial, technological and knowledge transfer from developed to developing countries for the purposes of mitigating and adapting to climate change.

Financial transfer may not happen as proposed because countries only make pledges but end up not honouring and redeeming their pledges. Technology transfer may also suffer a set back because of problems associated with transfer of intellectual property rights which most of the time are held by individuals and corporate bodies but not states was not addressed in the Agreement. Intellectual property rights are rewards for research and development and can be very difficult to transfer without involving heavy financial costs.

Capacity building is easily said than done because knowledge transfer takes a lot of time, efforts and resources before it can trickle down. Moreover the developed countries may be very reluctant to part with their knowledge because knowledge is power and if they do, they may lose their technological advantage over their developing countries counterparts. Difference in technology makes a country developed or developing, rich or poor, industrialized or not industrialized. Rich countries do not toy with their knowledge as it is the main secret of the global dominance.

Then the issue of Nationally Determined Contributions (NDCs) which are mere pledges made by parties to the Agreement to cut down on their greenhouse emissions, but the (NDCs) are not legally binding to the Parties to the Agreement as they can easily renege without any consequences or completely pull out from the Agreement as United States of America has done citing national economic interest.

This work, based on the foregoing, recommends that the areas of the Paris Agreement that have been identified as problematic and difficult to implement should be revisited for possible restructuring or recasting.

In conclusion, the 2015 Paris Agreement is a workable document which will aid the achievement of the overriding interests of climate change mitigation and adaptation but this can only happen if countries to the Agreement are willing to put global interest above selfish national interests.

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