

# *COP 26: The Paris Agreement & France's Challenges*

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The upcoming 26th Conference of the Parties (COP26), scheduled to take place in November 2021 in Glasgow, UK, puts many topics under the spotlight, including reducing greenhouse gas emissions. After the Covid-19 pandemic postponed the summit for a year, the negotiators involved are still chasing after this goal, which was set five years ago on the scope of the Paris Agreement. First written and adopted in 2015, the Convention then entered into force almost a year later by November 2016 through the signatures of 195 countries. Following the precaution principle of international law, those states agreed on a series of domestic restrictions and changes that created limits to their autonomy and sovereignty (VARELLA, 2012). Those limits would allow, in the foreseeable future, the world to maintain the increase in the average global temperature to well below 2°C in relation to pre-industrial levels, as well as joining forces to limit this increase in temperature to 1.5°C.

The Agreement also establishes some stakes that will lead to a zero-carbon economy in the future. In order to guarantee that those goals set in 2015 will be attained, the parties involved agreed to present their Nationally Determined Contributions (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC) secretariat. In other words, countries need to demonstrate what measures are being adopted to achieve the goals set by the Agreement. The scope of these measures is extensive and can be related to a wide range of areas including reducing gas emissions through industrial production, lowering the deforestation process in its territory, and diversifying the energy sector for sustainable and renewable sources. Besides the countries agreeing to their own NDCs, the European Union (EU) also has their own, in which France is included and shares common goals

with other countries (UNFCCC, 2016).

## **France's behaviour after the Paris agreement**

Even though the Agreement in question was signed in its capital, France stands nowadays in a controversial place when it comes to international cooperation. The Ministère de la Transition Écologique, which has existed under that title since 2017, celebrated in February the allegedly reached results in 2019 compared to the previous year. The country had managed to reduce 1.7% of their greenhouse gas emissions, which has exceeded their goal of a reduction of 1.5%. Nevertheless, it is important to remember that the original goal was to reduce the emissions by 2.3%, as the percentage has been lowered not long after it has been set (BAISSE..., 2021).

As stated by the EU in its text of the agreement,

The European Union declares that the commitment contained in its intended nationally determined contribution submitted on 6 March 2015 will be fulfilled through joint action by the Union and its Member States within the respective competence of each. The European Union will continue to provide information, on a regular basis, on any substantial modifications in the extent of its competence, in accordance with Article 20(3) of the Agreement (PARIS AGREEMENT, 2016).

In November 2020, France was forced to prove under three months that the efforts made were realistic and enough to attain the goals they had set. That decision was made by the Board of State (the highest administrative jurisdiction in the country), after environmental activists from the small town of Grande-Synthe were supported by the mayor and exposed the risks of submersion linked to global warming, since the city is located by the coast (MÉTAIRIE, 2020). That was a historical moment for those involved in the L'affaire du siècle, since it was an unprecedented

decision to legally accept an action with demands from activists against the country (GARRIC; MANDARD, 2020).

Amidst many domestic complaints from regional NGOs, giants such as Greenpeace also got involved and fiercely criticized France for the delay in presenting their results and their bottlenecks along the path to contain global warming. In this regard, behaviours by non-state organisations are essential to public international law since they end up pressuring, through media exposition and popular demand, that states are held accountable for their (lack of) actions. Owing to the absence of a supranational court or “police” capable of coercion, punishment, and enforcing accountability, it is pressure put forward by civil society and non-governmental organizations at the domestic level that lead to compliance (HATHAWAY, 2003).

## **Domestic efforts to achieve global results**

There are four significant sectors responsible for 85% of the country’s emissions. The first is the transport sector (33%), which is the only one that pollutes more right now than 30 years ago, followed by the agriculture, industry, and building sectors – each responsible for 18-19% of emissions (ACCORD..., 2020). The current public policies aren’t strictly related to these sectors, creating bottlenecks on each sector’s improvements and transitions to more sustainable productivity (RAPPORT..., 2020). In these circumstances, a recent study published by the Climate Accountability Institute states that a group of 20 enterprises is responsible for more than a third of the world’s greenhouse gas emissions – the 12th place being occupied by a French company. Therefore, it is clear that the private sector has a significant impact on the sought climate balance (FORSTER, 2021)

In November 2019, France approved the Loi énergie-climat, which would be a series of ambitious measures to guarantee that they could honour the Paris Agreement and even lower their emissions by 40% (upon the 30% predicted before). Among the goals set in the mentioned law, there was the MaPrimeRenov' project, which consisted of subsidizing the renovation of heating systems in French houses. The modernization of the air systems would save more energy than the old models. However, the government granted only 65,000 permissions until November 2020, when the prediction was to offer 200,000 permissions during that year (DELMAS, 2020). Furthermore, France's emissions declined 0,9% in 2019, close to the numbers observed in previous years and far from the 3% expected per year until 2025. On top of that, the country had already failed its carbon budget in the 2015-2018 cycle, established by law in 2015 (RAPPORT..., 2020).

In these circumstances, civil action cannot guarantee the States' effort, but it can influence future decisions and lead current negotiations and actions differently from what is regularly observed. In the Grande-Synthe case, which the advice of the Board should be heard around summer, it was argued that the public policies in action at the moment were not enough to guarantee that the 40% carbon emission reduction would be real. For those reasons, the political agreement set five years before in an international instance was brought to the domestic domain and enhanced by a complying administrative decision, with the aim to guarantee that the French state would either prove their actions were enough or would change its current behaviour for a new and more effective one.

## France isn't the only one

However, it is essential to acknowledge that France hasn't been the only country to raise questions about committing to the execution of their strategic plans. During the Trump presidency, the United States had a much more dramatic turnover when they requested to unsubscribe from the Agreement in June 2017. The process concluded in 2019 made the USA the first and only country to give up on the Treaty. At the time of the announcement, the US government stated that the required changes on the system would negatively affect the workers and therefore, the country's economy. With Biden's election and the change of governments in 2021, the country went back to the Agreement and committed to its goals once again. Hence, it is possible to say that in both cases, countries exhibit a certain level of non-commitment to international treaties through their behaviour by leaving the agreement or exhibiting a lack of transparency. In either case, there is evidence that the environmental agenda is not a priority for many decision makers.

In addition to the abovementioned weak spot of cooperation, the Covid-19 pandemic was an unforeseen phenomenon that changed every country's priority. From one perspective, the social-distancing and "stay home" measures adopted had a substantial impact on the environment since it reduced the speed of industrial productivity and enhanced a slowdown on transportation. This resulted in the reduction of greenhouse gas emissions. From another point of view, states are trying to overcome economic damages generated by the crises through assistance projects that create an unbalance on their budget – a part of which was dedicated to environmental issues (OBERGASSEL; HERMWILLE; OBERTHÜR, 2020). Nevertheless, the reduction of emissions that was observed in 2020 is the result of a

temporary phenomenon, not the outcome of the much-needed structural changes in the production, transportation, and electricity sectors (RAPPORT..., 2020).

Furthermore, Patricia Espinosa, UNFCCC executive secretary, stated that while Covid-19 is the most urgent threat the world faces at the moment, the subject of climate change is still the most significant threat in the long-term. That speech points out that there is a priority regarding the urgency of solving each problem, but none stays unaddressed or forgotten. In reality, it reinforces the idea that both subjects must be taken seriously, for they both generate great impacts on the world – either in the short or long term.

Nevertheless, it is crucial to remain realistic and observe the tendencies emerged and developed during those times trying to overcome the sanitary and economic crises. It is expected that countries are not going to commit to legally binding terms on programs that try to enhance international cooperation packages when they are still attempting to establish balance within their society (OBERGASSEL; HERMWILLE; OBERTHÜR, 2020).

### **Given the challenges and limitations, what to expect at COP26?**

According to the Secretary-General of the United Nations, even though countries have said they were committed to reducing CO<sub>2</sub> emissions until 2050, more needs to be done. Since the world is still shaken from a global pandemic that resulted in the displacement of resources, we now wait for a new series of government actions yet to be implemented. For now, the fact is that France is not close to what is expected to be achieved to prevent the rise of the global temperature. With reference to the next high-level meeting, Guterres suggested that “words were not enough” and

that all parts involved needed to show more ambitious and concrete propositions to face this global challenge by COP 26.

In this scenario, it is possible to say that even if the agreement was signed at its capital, France is at a controversial place on the path to achieving a more sustainable future, following the goals set at COP 21. Domestic measures were adopted aiming to achieve the goals set in 2015, but reports released over the years continue to indicate results are below what was expected, pointing to a lack of effort. In order to ensure significant changes are made by 2030 and 2050, there needs to be transparency in projects in development and a consistency in the goals that have been set.

Therefore, as observed in the Grande-Synthe case, it is clear that civil society has a crucial role in requiring proof of action through mediatic pressure and legal procedures so as to ensure that France is dedicated to construct and develop long-term measures to honour the Paris Agreement. On the other hand, even though activists, non-governmental organisations, and pressure groups combined can influence the country's decision-making, the government must offer subsidies to the private sector to allow a more sustainable transition to the ways of producing.

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