The Paris Agreement and Climate Intervention

Prof. Tracy Hester

Climate Intervention Law
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Review - UN Framework Convention on Climate Change (UNFCCC)

- Entered into force – 1994 (189 parties)

- Key concepts:
  - Goal of preventing dangerous anthropogenic climate change
  - Common but differentiate responsibility; precautionary principle
  - All have duties to track and report inventories (+ sinks)
  - Annex I: adopt national policies to return to 1990 emission levels, and assist other non-Annex I nations
Review – The Kyoto Protocol

• Adopted on Dec. 11, 1997, and ratified in February 2005

• Core concepts:
  – Targets and timetables for binding emission reduction commitments for Annex I parties (Annex B to Kyoto)
  – Flexibility mechanisms: joint implementation, emissions trading, Clean Development Mechanism

• Now expired, but helped define tools and concepts
Review – Clean Development Mechanism

• Clean Development Mechanism (CDM) – allows Annex I Parties to benefit from emission reductions projects in non-Annex I countries
  – Allowed participation by private parties

• Under Article 12, a CDM project must have: “additional”, voluntary and approved by each Kyoto Party involved

• More generally, CDM projects should have helped non-Annex I parties to “achieve sustainable development”
Paris Accords

- Preamble – human rights

- Article 2: 2 degree goal, 1.5 degree ambition

- Articles 3 through 5: Nationally Determined Contributions
  - Includes sinks (Article 5)
  - Progressive commitments with stock-taking and internationally determined rules (Article 14)

- Article 6: trades and market mechanisms (ITMOs)

- Article 7: Adaptation assistance

- Article 8: Loss and Damage Provisions
Climate Intervention and Paris Accords

• Preamble and goals:
  – Dangerous anthropogenic interference?
  – Two degrees C?
  – Human rights and equity impacts (BECC; SRM)

• NDC process and carbon dioxide removal and/or solar radiation management
  – Technologically achievable?
  – Commitment to progressive targets?
  – Sustainable development and human rights?

• Climate intervention as ITMO
Professor Tracy Hester
University of Houston Law Center

tdheste2@central.uh.edu
713-743-1152 (office)