Paris is Not Enough

Why The Paris Agreement Isn't Driving More Climate Action... And How it Could

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Abstract

The Paris Agreement provides an indispensable framework for expanding global collaboration on climate change. But since countries' initial pledges are not nearly sufficient to keep climate disruption within tolerable limits, its success depends on generating much stronger action over time. The conventional wisdom is that the Agreement will do this through its "ambition mechanism," which includes periodic stocktakes, coordinated pledging cycles, and enhanced transparency. But the ambition mechanism creates only weak incentives for countries to do more than they otherwise would to reduce their climate pollution. Despite the close scrutiny of the initial commitments, many high-emitting countries only pledged to do about what they would have done without an agreement. Moreover, the literature on solving collective action problems is clear that better reporting will not lead countries to make voluntary pledges that go much beyond their perceived interests. For the Agreement to generate much deeper emissions cuts, then, it must be supplemented with stronger incentives, largely from outside of the Agreement. This paper explores three ways that the international community can create those incentives. First, the international community should prioritize helping countries to capture "socially beneficial" mitigation opportunities that are in their interest, even before climate impacts are considered. Second, countries should establish "climate protection" norms that set global expectations for responsible behavior. Third, countries should treat climate change like other threats to their vital interests, and use diplomatic "sticks" and "carrots" to encourage others to cooperate. Because governments will not necessarily be inclined to pursue these strategies on their own, civil society must pressure them to do so.

Introduction

The Paris Agreement has reached a critical juncture in its short lifespan. As an exercise in treaty making and regime building, it has been an impressive diplomatic achievement. Widely acclaimed as a "major leap for mankind,"[2] it bridged long-standing political divisions, attracted near-universal participation and broad public support, and set ambitious, science-based goals. It has quickly entered into force, withstood the defection of the Trump administration with undiminished political buy-in, and been strengthened by the completion of most of the "rulebook" that will govern its implementation. It is, without question, the framework for global climate cooperation for the foreseeable future.

Yet for all these undeniable successes, the Agreement has done little to actually put the world on track to achieve its

goals of holding limiting temperature rise to "well-below 2°C," and preferably, below 1.5°C.[3] While the window for achieving these targets is rapidly slamming shut, countries' initial "nationally determined contributions" (NDCs) would cause temperatures to rise more like 3°C by the end of the century,[4] devastating ecosystems, displacing tens of millions of people and imperiling the security and well-being of hundreds of millions of others.[5] In short, the Agreement has hardly slowed the headlong rush towards an "uninhabitable Earth."[6] This paper explains why, and what should be done about it.

Section 1 considers the incentives the Agreement creates for countries to reduce their emissions. It finds that so far, the Agreement has not caused key countries to do much more than they would have done in the absence of an agreement. It argues that the Agreement's "ambition mechanism" is unlikely to generate substantially greater pledges in the next round, because it doesn't create strong enough incentives to induce countries to significantly increase their commitments. Section 2 then proposes three strategies for bolstering the incentives of the Agreement: (1) capturing socially beneficial mitigation opportunities; (2) promoting climate protection norms and (3) using diplomatic "sticks" and carrots" to encourage others to act. Finally, Section 3 explores the critical role that civil society must play to implement these strategies.

Section 1: Weak Incentives, Weak Pledges

The inadequacy of the current pledges lends urgency to the next round of pledges and updates, which are expected later this year.[7] Another round of feeble commitments could put the Agreement's goals permanently out of reach. The critical question, then, is "Can the Agreement can generate enough new action to meet its temperature targets, even as it affords countries nearly unfettered flexibility to define their own contributions?"

The conventional wisdom says that it can. In this view, pledges can be aligned with the long-term temperature goals through the Agreement's "ambition mechanism." Periodic "stocktakes,"[8] coordinated five-year pledging moments,[9] and the political commitment to strengthen pledges will create an institutional platform for increasing pledges. Finance, technology, and capacity support will help developing countries take additional actions that they could not accomplish on their own.[10] And, perhaps most importantly, the enhanced reporting framework of the "Paris rulebook" will facilitate the "naming and shaming" of laggards. The consensus is that these elements, taken together, will lead countries to make much more ambitious pledges than they otherwise would and to follow through on them.[11]

Whether this is so depends on if the mechanism actually creates adequate incentives for countries to sharply reduce their emissions. Because a stable climate is a global public good, climate change is generally understood to pose a particularly difficult collective action problem. Countries will be inclined to free ride on the efforts of others by committing to do only what they would have done anyway, without an agreement. Accordingly, the core challenge is to create reasons for countries to cooperate that can overcome their inclination to free ride. To resolve such problems, Scott Barrett has explained, a treaty "must do more than simply tell countries what to do," it must also "make it in the interest of countries to behave as every country would like them to behave."[12] That means it must offer positive incentives for countries to increase their actions and impose consequences on countries that refuse to do their part.

There are good reasons to doubt that the Agreement's pledging and transparency frameworks will induce countries to do much more than they otherwise would have done. First, the experience of the initial round of pledges causes concern. Despite the close public scrutiny of the initial commitments, a number of high emitting countries put forward pledges that just summarized the actions that they were already taking for other reasons. India,[13] Russia,[14] Indonesia,[15] Japan[16] and Brazil[17] submitted NDCs for 2030 that could be entirely or almost entirely achieved using only policies that were already in place. This is not to say that these countries are doing nothing to contain their emissions. Some, like India, are doing quite a lot. It is rather that even with the global spotlight on the Paris pledging moment, they were not inspired to commit to strengthen their existing policy regimes.

> ***A successful treaty "must offer positive incentives for countries to increase their actions and impose consequences on countries that refuse to do their part."***

Even where Parties made pledges that require new policies to achieve, the Agreement may not have directly caused those additional reductions. Europe's pledge, for example, was mostly a response to the domestic political demands of its broad, trans-partisan constituency for climate action and its self-identification as a global leader

in climate action, not to any new incentives in the Paris regime. Like Europe, the U.S.[18] and China[19] also put forward pledges that would likely need additional policies to achieve. But their pledges were facilitated, at least in part, by the incentives created by a side arrangement between the two climate rivals to jointly announce their pledges well in advance of the Paris conference, so as to help pave the way toward a successful outcome. The imperatives of global leadership and the dynamics of their bilateral relationship, more than the impending Agreement itself, created the incentives for them to pledge more than they were already doing.

Second, more rigorous reporting is unlikely to catalyze new ambition because countries already know a lot about each other's emissions and policies. While the rulebook will add some rigor, consistency and comprehensiveness, the existing regime—augmented by the work of journalists and independent analysts—already provides enough information for countries and the public to (1) understand the nature of each country's pledge,[20] (2) compare pledges on various metrics of equity;[21] (3) see if a country is on track towards meeting its pledge;[22] and (4) determine whether aggregate global actions are consistent with meeting the agreed temperature targets.[23] On the margins, countries may hide flaws in their plans behind sketchy reporting or inscrutable accounting in difficult-to-analyze sectors. But the real shortcomings are plain for all to see. Incremental advances in reporting, therefore, are unlikely to generate transformational advances in action. Nor will they deter the worst defectors. Big policy reversals, like the dismantling of previous policies by the Trump and Bolsonaro administrations, do not require innovative policy surveillance to uncover. In fact, far from hiding them, both leaders flaunted them to curry favor with their most extreme supporters.

"To make a meaningful contribution to the global effort to avert climate catastrophe, the Agreement must create, or be supplemented with, much stronger incentives for countries to do more"

Third, the academic literature on solving collective action problems is clear that reporting and peer review will not lead countries to make voluntary pledges that go much beyond their perceived interests, let alone to align their efforts with global goals.[24] Nor will earnest pleas to act ambitiously or "naming and shaming" do the trick. Some kind of enforcement, sanctions or tit-for-tat response to free riding or defection is needed to make it in countries' interest to cooperate.[25] Otherwise, Parties will tend to contribute little more than they would have done without an agreement.[26] Ultimately, transparency without real accountability reduces the Agreement to a registry that records and explains national pledges, but does little to actually influence them.

This has profound implications for the current push to persuade countries to enhance their existing NDCs and put forward strong new ones in 2020.[27] The enhancement campaign has been largely framed around the imperative to close the emissions gap and the Paris invocation that pledges reflect a country's "highest possible ambition." But, at the end of the day, that is just an appeal to altruism, and an effort to "tell countries what to do;" it does not make it in their interest to do more. The outcome is predictable: many countries may indeed submit "stronger" commitments in 2020, but those new pledges are likely to reflect only technology and market changes, ongoing actions and anticipated overcompliance with existing pledges. They are unlikely to include much new action that would not have happened anyway. This will produce yet another round of low-level coordination, in which aggregate pledges fall well short of global goals.

The key challenge in the next round of pledges is to avoid that outcome.

Section 2: Reframing incentives.

None of this is to say that the Paris Agreement is doomed to fail. Far from it. Rather, it is to say that if the Agreement is to make a meaningful contribution to the global effort to avert climate catastrophe, it must create, or be supplemented with, much stronger incentives for countries to do more. Three emerging developments provide promising avenues for creating the incentives needed to bring national interests into closer alignment with global climate goals. First, the improving economics of climate solutions have created a wealth of opportunities for countries to improve the welfare of their citizens while reducing their emissions. Much can be done within the framework of the Agreement to encourage countries to capture these opportunities. Second, climate protection norms are beginning to be developed that could create new incentives for climate action by creating expectations for responsible behavior and attaching a moral sanction to the failure to meet those expectations. Third, some countries are beginning to treat climate change like other threats

to their vital national interests, and use their diplomatic resources to create incentives for others to cooperate. Each of these options is addressed in turn.

(1) Avoiding the collective action trap by capturing socially beneficial opportunities.

The first strategy is to embrace the fact that so much of the current work to reduce emissions is being driven by national interests, and to try to encourage countries to capture more of their available opportunities. As innovation has raced forward, solution costs have plummeted, and supporting policies and financial instruments have been refined, climate-friendly approaches are now often cheaper and more effective than higher-carbon alternatives, and provide additional public benefits. As a result, many of the steps needed to contain climate pollution are "socially beneficial": they are in countries' interest to pursue, even before climate impacts are considered and regardless of what other countries do to control their emissions.[28] Mitigation actions such as reducing energy waste,[29] investing in cost-effective renewables,[30] restoring degraded forests,[31] and building better planned cities[32] are really just smart policies and sound investments. The climate benefits are an added bonus.

The availability of so many high-impact, socially beneficial options means that climate change is not really a pure collective action problem. It is rather only a partial collective action problem, as much of the needed response will come from countries taking self-interested actions. By helping countries seize these opportunities, the international community can sidestep at least some of the notoriously brutal dynamics of preserving the global commons.

Capturing these opportunities should be the prime focus of the effort to persuade countries to enhance their initial NDCs in 2020. Since 2014-15, when countries put forward their pledges, socially beneficial opportunities have expanded well beyond expectations in many high-impact sectors.[33] As a result, many NDCs are now out of date, and no longer reflect even the country's own understanding of its capabilities and national circumstances. Many countries could cut more emissions while generating additional local benefits, even if they hold expenditures constant at the levels envisioned in 2015.

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The international community can help in three ways. First, as countries work to reinvigorate their economies after the initial impacts of the Covid-19 pandemic, the immediate priority is to ensure that national recovery plans and international support packages are designed to seize these opportunities. The World Bank, for example, has developed a "Green Stimulus Framework" to ensure that its recovery assistance also helps countries capture the benefits of decarbonization.[34] Second, some countries lack the financial resources or technical expertise to overcome barriers such as upfront costs, market inefficiencies and transition costs. The scaled-up financing, technology support and capacity building for mitigation promised in the Agreement should be targeted toward helping those countries capture synergies with their development objectives. Third, although "co-benefits" have long been discussed in climate policy circles, the Agreement and rulebook do not prioritize them in any way. Greater attention to these opportunities in NDCs, progress reports, and global stocktakes could help countries learn from each other's experiences in reducing emissions. While countries are not required to report on the projected costs of their intended actions, they could promote "clarity, transparency and understanding" of their NDCs by voluntarily estimating the net social benefits or costs of their efforts.[35] Then, when reporting on their implementation, they could discuss whether costs and benefits were higher or lower than anticipated, and why they diverged from expectations. This would allow other Parties to learn from these experiences so they could better capture the socially beneficial opportunities available to them.[36]

This kind of reporting would also be a valuable input into the global stocktakes' five-year assessments of overall progress. The stocktake could draw on countries' experiences to address critical implementation questions such as the evolving state of implementation costs, the key barriers that countries face as they balance climate action with other national priorities, and how they have been successful in overcoming those barriers. This would help countries understand how the costs of solutions have fallen and socially beneficial opportunities have expanded since they adopted their last NDCs, and to determine which mitigation options may offer the highest social returns. They could update and enhance their NDCs accordingly.

(2) Changing incentives through climate protection norms.

Even as socially beneficial opportunities are plentiful

and growing rapidly, they will not be sufficient to avoid intolerable impacts. According to the IPCC, "there is no documented historic precedent" for the rates of system changes needed to limit warming to 1.5°C.[37] All available options must be pursued, including those that entail substantial net social costs or difficult transitions. This means that the climate crisis still has a significant collective action component to it, and additional incentives to spur cooperation and deter free riding are still needed.

Climate protection norms can help create these incentives. Norms are simply the standards of acceptable conduct that a community expects of its members. Because norms define appropriate behavior, they have an inherently ethical dimension, and violations elicit disapproval or stigma.[38] Norms can have powerful effects on countries' behavior, even when they are not integrated into international law. Other countries may exert pressure to comply with the norm, and the norm may be internalized into a country's domestic legal and political systems.[39] Norms can play a particularly important role in solving collective action problems by defining the acceptable uses of common resources, and attaching a moral sanction to overexploitation.[40]

International norms that define minimum standards of climate action could be an important lever for raising ambition. So far, however, the only climate norm that has gained broad acceptance is that countries should join the Paris Agreement and abide by its provisions. But the Agreement's requirements are mostly procedural, and do not set out concrete standards for how countries should control their emissions. And those provisions that begin to get at normative expectations—those related to ambition and equity—are vague and contradictory, and cannot be easily reduced to a clear benchmark for evaluating the adequacy of a country's efforts.[41] Worse, the Agreement subordinates ambition and equity to sovereignty concerns. Parties can decide for themselves what commitments to make and how to achieve them, and even to say why their efforts are fair and ambitious.[42] If climate norms are to emerge, then, they must come from somewhere else.

Finnemore and Sikkink have described a three-stage process by which new international norms arise.[43] First, a norm "emerges" when norm entrepreneurs persuade a critical mass of countries to embrace a new ethical standard. Then, it "cascades" toward broad acceptance as leading states convince others to respect it. Finally, a norm is "internalized" when it comes to be seen as integral to national interest and identity, and no longer a matter of public debate. Human rights are the classic example of norms that have successfully completed this life-cycle. As Finnemore and Sikkink point out, "few people today discuss whether women should be allowed to vote, whether slavery is useful, or whether medical personnel should be granted immunity during war."[44]

Some climate-protection principles have begun this process, but none have completed it to become widely-shared norms. Consider equity. By far the most important effort to set a minimum standard of climate action has been the work to give meaningful content to the Framework Convention's principle of "common but differentiated responsibilities and respective capabilities." (CBDR&RC). Despite exhaustive effort by norm entrepreneurs,[45] a shared understanding has remained elusive. Countries may accept the principle that they should act equitably, but they have vigorously contested its implications, including on threshold issues such as whether a prescriptive effort-sharing formula should (or even could) be agreed. Clear standards for determining whether a country is doing its "fair share" have not cascaded, let alone been widely internalized.

> ***"Norms that define minimum standards of climate action could be an important lever for raising ambition."***

Two promising new developments with regard to climate norms could help strengthen implementation of the Agreement. First, the E.U. has acted to solidify and enforce the norm of Paris participation and compliance by integrating it into its trade agenda. For some time, the E.U. has eschewed trade agreements with nations that violate Europe's core values, including human rights abusers and weapons proliferators.[46] The E.U. recently made clear that it also would not enter into trade agreements with countries that are not properly implementing the Paris Agreement.[47] Now, the E.U. treats the worst climate scofflaws, like the worst human rights abusers, as unworthy of privileged access to European markets. Obviously, this dramatically reframes economic incentives for countries that might be excluded (an issue that is explored in the next section). But setting aside these incentives, defining Paris compliance as a core value on par with human rights reinforces the notion that the Agreement carries normative weight.

Second, the idea that countries should enhance their NDCs in 2020 has made some tentative progress towards becoming a broadly accepted norm. While the Agreement does not require this, it is clearly needed to keep global temperature targets in reach, and norm entrepreneurs like the Climate Vulnerable Forum and U.N Secretary General Guterres have highlighted the urgent moral case for NDC enhancement.[48] It has now begun to "cascade," as additional countries join the early adopters.[49] If the need to enhance becomes more broadly accepted and internalized as a moral imperative, the political pressure on holdouts will increase.

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Like the Paris implementation norm, though, a new NDC enhancement norm would be largely procedural, and would not set new expectations about the content of a country's contribution. As such, it probably wouldn't generate much additional action. Instead, it may only induce countries to update their NDCs to reflect their ongoing actions, or to incorporate expected overcompliance with their original pledge. Much more is needed. To catalyze substantial new action, a norm must also provide clear benchmarks to assess the sufficiency of a country's efforts.

That would require a weakening of the sovereignty principle that countries enjoy unfettered discretion to define their own contributions. This may seem unlikely now, but sovereignty as an overriding principle is likely to break down as climate impacts become more intense and the need for urgent action becomes overwhelming. The origins of human rights norms show how. Not so long ago, it was equally accepted that the world community had little to say about how countries should treat their own citizens. But after World War II, that view gave way to the modern understanding that a country's respect for basic human rights is a legitimate matter of international concern, and even of binding international law.[50] Today, countries closely monitor each other's human rights records, and those that violate basic standards risk condemnation, sanction and even isolation. Just as the human rights revolution overturned the notion that countries could treat their own citizens as they saw fit, a similar blossoming of climate norms that upends the idea that countries can emit climate pollutants as they please is probably inevitable.[51]

In fact, international environmental law already makes clear that sovereignty does not entitle countries to degrade other countries' environments with impunity. The Stockholm and Rio Declarations provide that countries' sovereign authority to exploit their resources is limited by "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States...."[52] The International Court of Justice has concluded that this responsibility is a "general obligation of States" that is part of the corpus of international environmental law.[53] While this responsibility is "recalled" in the preamble to the Framework Convention, it has not had any real effect on the climate regime, and the Paris Agreement does not invoke it. Nevertheless, the duty to avoid transboundary harms remains in force. Thus, defining normative standards of climate action is ultimately just a matter of elaborating how the "general obligation" to avoid causing transboundary environmental harm should apply to the unique challenges of climate pollution.[54]

What might a norm that actually defines minimum standards of appropriate climate action look like? Three emerging possibilities are worth noting. First, a norm could define a long-term goal that all countries would be expected to meet. While the Agreement set a collective goal of achieving net-zero emissions by the second half of this century[55] and called on each country to develop "long-term low greenhouse gas emission development strategies," it did not specify precise time frames or outcomes for those strategies.[56] But there is a growing expectation that these strategies should outline a trajectory to net-zero CO2 by 2050, in line with the IPCC's 1.5°C model pathways.[57] This expectation is not yet normative because countries that do not adopt net-zero strategies do not risk moral sanction. But it has clearly passed the "emergence" stage and perhaps even begun to "cascade." Almost eighty countries have set out such plans or committed to do so.[58] And some, like the United Kingdom[59] and Sweden,[60] have "internalized" this commitment into domestic law. Eventually, "net zero by 2050" may gain broad acceptance as a benchmark of appropriate action. If so, governments that refused to promulgate plans would face both international and domestic reproach.

A second kind of climate norm would define a fair, implementable standard for determining the adequacy of each country's actions. Previous, largely unsuccessful, efforts

to articulate an equity norm based on CBDR&RC have assumed that low-carbon options are more expensive than high-emitting ones, and have sought to define criteria to fairly allocate the burden of taking action.[61] With socially beneficial opportunities so widely available, though, this seems anachronistic. In response, Constantino et. al. argue that it is fair to expect countries to take those steps that would enhance their own social welfare as part of their "common responsibility." High-carbon investments therefore should not be justified on equity or development grounds where low-carbon alternatives would provide greater net benefits. "Self-interest," they conclude, "is not a particularly onerous baseline for defining shared responsibilities."[62]

> ***"A blossoming of climate norms that upends the idea that countries can emit climate pollutants as they please is probably inevitable"***

A third approach would be to establish norms that proscribe the most destructive practices. Recognizing that most of the world's remaining fossil fuel reserves cannot be safely burned, norm entrepreneurs have argued that the unconstrained exploitation of fossil fuels is no longer ethically defensible,[63] and have proposed norms that would limit the extraction or combustion of fossil fuels.[64] For instance, Secretary General Guterres has called for a moratorium on new coal plants,[65] and the Powering Past Coal Alliance has sought to establish an expectation that countries will move quickly to close their existing coal power plants.[66] Others have proposed a "non-proliferation treaty" to phase out all fossil fuel infrastructure.[67] One prominent U.S. senator has sought to explicitly build on the experience with human rights norms by proposing sanctions on foreign officials who implement subcritical coal projects that mirror sanctions on those who perpetrate serious human rights abuses.[68]

These potential fossil fuel norms are still "emerging." But as climate impacts worsen and multiply, and as more countries begin to wean themselves from dependency on fossil fuels, the relatively few countries that continue to build new coal mines or tap new oil fields could come to be seen as rogue states, operating outside of the ethical bounds of the global community. Continued demand for fossil fuels may not insulate them from moral censure. Norms against tapping new reserves could take hold long before countries completely stop using these fuels, just as the transatlantic slave trade came to be seen as morally repugnant well before the practice of slavery was abolished.

By increasing reputational risks, heightening international pressure, and altering domestic political dynamics, a richer ecosystem of climate norms could create additional incentives for countries to take stronger action, or to abandon their most destructive practices. While a number of candidates have emerged, no such norms have been established. But as the need for aggressive action becomes more urgent, clearer expectations for how a minimally responsible member of the global community should behave in a climate-threatened world are sure to develop. As with human rights, these norms are likely to become more prescriptive and less deferential to sovereignty claims over time. Eventually, the coal producer, like the torturer or terrorist, may come to be seen as having forfeited their seat at the table of responsible nations and deserving of sanction.

(3) Changing incentives with carrots and sticks.

In most international agreements to protect common resources, the main threat is that countries will refuse to participate or fail to abide by its requirements. But here, because countries determine their own contributions, the real risk is that countries will continue to muddle along taking actions that in aggregate fall well short of what is needed. To address that risk, countries with the most at stake in the agreement—the most ambitious and the most vulnerable countries—must be willing to use their political and economic resources to create stronger incentives for others to make more ambitious pledges and to strengthen them over time. This includes offering positive inducements for countries to increase their actions, and, where necessary, imposing consequences on countries that refuse to do their part.[69] Sometimes, this will require them to confront countries that are not doing enough—a much trickier challenge than merely disciplining non-participants or the worst defectors.

Since countries are most likely to respond to incentives that implicate their core interests and political priorities, it will be necessary to find inducements and leverage points outside of climate-related policy spaces. That way, reluctant countries will see that their ability to achieve their primary diplomatic objectives is tied to their climate actions, and that they must consider more than just domestic politics in defining their contributions.

Linking climate action to trade and market access is the most obvious way to incentivize action or penalize free riders.[70] But countries interact across a wide range of issues beyond trade. Climate champions could link progress on climate change to cooperation on any issue of importance to a targeted country, including access to natural resources, public procurement decisions, support for diplomatic initiatives, and cooperation on international law enforcement efforts.

Positive incentives to cooperate.

There are already limited examples of countries using positive incentives to encourage other countries to increase their contributions. Two are noteworthy. First, countries have created incentives through reciprocal pledges. The U.S.-China joint announcement of their initial pledges in the runup to Paris is probably the best example. Both governments knew that the domestic opposition to a strong pledge would focus on whether the other country was taking similar steps. By coordinating their announcement, they both were able to put forward stronger pledges than they might have if they had pledged unilaterally. Each country used the prospect of incremental improvements in their own pledge as an incentive for similar improvement in the other's. This worked, in part, because each side saw significant advantages to be gained outside of the climate space, in terms of improving bilateral relations, enhancing their bona fides as global leaders and increasing the chances that Paris would succeed.

Given the power of reciprocity in solving collective action problems, this approach should be used more often. With U.S. climate diplomacy now in shambles, France and China have hinted that they may reprise this strategy of joint pledging,[71] and a broader dialogue between the E.U. and China is now underway.[72] In addition, countries could use "contingent pledges" to entice others to do more. As part of their pledges, countries could propose actions or targets that they will undertake if others make analogous commitments. The Paris COP decision sets the table for this kind of "I will if you will"[73] arrangement by asking countries to put forward their pledges at least nine months before the COP at which pledges are due.[74]

"Countries with the most at stake in the agreement must create stronger incentives for others to make more ambitious pledges and to strengthen them over time."

A second, perhaps less successful, example is the financial support provided to developing countries. Climate finance is generally understood as a moral[75] and treaty-based responsibility[76] of the more affluent countries. But it can also be an effective inducement for countries to do more than they otherwise would have done.[77] On this score, however, it has not fulfilled its potential. The amount of money that has been made available is plainly inadequate to create these incentives, and support too often has gone to ad hoc projects that will not do much to reduce a country's overall emissions. What's more, while many countries have put forward "conditional NDCs" that set out what they will do beyond their base NDC if international support is forthcoming, climate finance has not been targeted to help countries meet those additional goals. Climate financiers rarely even consider whether a proposed project falls under the base or the conditional NDC. Overall, climate finance has not been well deployed to encourage or enable countries to do more than they would do on their own.

Adverse consequences for free riding.

In other high-priority areas of international relations such as trade and national security, countries act assertively to counter threats to their core interests. They do what they can to change the objectionable behavior, including by exerting leverage in unrelated areas. Most countries recognize that climate disruption will imperil their security and prosperity at least as much as any other foreseeable global threat. But they have frequently conducted their foreign affairs as if climate change was just another pollution problem, and only a second- or third-tier concern. Rather than treating climate disruption as an absolute priority, they have tended to subordinate climate issues to relatively inconsequential concerns, such as gaining marginal trade advantages for powerful commercial interests. As a result, they have shown scant willingness to penalize countries that have impeded negotiations or have otherwise shirked their responsibilities.

One reason is that applying sanctions can be costly to the sanctioner.[78] Imposing consequences poses a collective action problem of its own, as the sanctioner may incur diplomatic costs, while those that do not will share the benefits of a more effective global effort.[79] This makes it hard for the international community to make credible threats and to follow through on them.[80] The challenge is heightened by the fact that high-emitting countries are more politically and economically powerful than vulnerable ones.[81] This power imbalance means that vulnerable

countries have little leverage to change incentives for high-emitters, and exposes them to risks of retribution.

While these barriers to a more muscular climate diplomacy are significant, they are not insuperable. Rather than relying on bilateral and *ad hoc* enforcement, the most ambitious and most vulnerable countries could form coalitions to punish the worst offenders.[82] Here, leadership from a proactive new U.S. administration would be invaluable. In any event, the disconnect between the core interests that are threatened by climate change and the relatively feeble tools that countries are using to protect those interests cannot continue indefinitely. Some countries will eventually lose patience with a voluntary pledging framework that seems capable only of slightly delaying impending calamities, and will try more assertive and coercive approaches to protect their interests.[83]

Emerging efforts to raise the cost of free riding have already yielded some promising results. The E.U. has created a powerful deterrent to backsliding by making clear that it will not join new trade agreements with countries that are not implementing the Agreement.[84] The prospect of losing preferential access to lucrative European markets caused new regressive governments in Australia[85] and Brazil[86] to quickly abandon their threats to withdraw. While this policy has garnered relatively little attention, it is probably the most successful piece of climate diplomacy since the conclusion of Agreement.

> ***"The disconnect between the core interests that are threatened by climate change and the relatively feeble tools that countries are using to protect those interests cannot continue indefinitely."***

Some countries have gone even further in using their trade leverage to advance climate objectives. France and Ireland threatened to block approval of the Mercosur trade agreement if Brazil's President Bolsonaro did not contain the fires that ravaged the Amazon after he stopped enforcing deforestation rules. Finland, the E.U. President, added that the E.U. should ban the import of Brazilian beef, a major driver of Amazonian deforestation. Importantly, unlike the E.U. ultimatum on Paris implementation, these threats did not turn on whether Brazil would meet its NDC. Instead, the core of their objection was that Brazil's reckless mismanagement of a globally critical resource was inherently unacceptable, regardless of what Brazil had pledged to do in Paris. Essentially, these countries were seeking to hold Brazil accountable to an expectation for how Brazil should conserve its forests, and were willing to enforce that expectation with onerous economic penalties. That is, they were defining and enforcing an anti-deforestation norm. And it worked. Although Bolsonaro complained bitterly of an illegitimate incursion on Brazilian sovereignty, he quickly relented and agreed to bring the fires under control.[87]

Viewed from the perspective of the Paris Agreement—in which pledges are nationally determined, international scrutiny is "non-punitive,"[88] and sovereignty is paramount—the hardball pressure exerted on Brazil seems almost transgressive. But from the perspective of conventional diplomacy—in which countries use whatever leverage they can muster to defend their core interests—it is all but inevitable. As climate impacts intensify, countries are bound to elevate climate-related issues in their diplomacy, and to turn to sharper-edged approaches than the Paris Agreement contemplates.[89] Admittedly, Brazil may be more vulnerable to this kind of pressure than other major emitters, as it is not a true global economic or military power.[90] But even great powers that act irresponsibly cannot expect to remain forever immune from political blowback. Diplomacy-as-usual simply is no longer sustainable.

Section 3. The critical role of international civil society

Each of these under-utilized strategies—capturing more socially beneficial opportunities, establishing climate protection norms, and using traditional diplomatic tools to create stronger incentives—offer ways out of the low-ambition collective action trap that currently inhibits countries from doing what is needed. Governments, however, may be reluctant to pursue them on their own, as competing concerns and vested interests push them to subordinate climate goals to other domestic and foreign policy considerations. Strong and sustained public pressure will be essential. While most of this pressure must be exerted at the domestic level, international civil society also has a key role to play in each of these areas.

Socially beneficial mitigation opportunities are the proverbial low-hanging fruit of the global climate challenge. Countries are far more likely to tackle climate pollution in ways that create jobs, improve public health and deliver development benefits than in ways that incur high social costs. Yet climate advocates have not focused attention

on how the Paris regime can better encourage countries to capture them. A strategic civil society effort to do so might include (1) emphasizing the nature and scale of these options and the enormous benefits that they offer; (2) prioritizing these opportunities in the urgent effort to persuade countries to enhance their initial NDCs in 2020; (3) incorporating them into analytical work, including assessments of individual countries actions, equity reviews and independent global stocktakes; (4) encouraging countries to address these issues in their national reporting and in the global stocktakes; (5) analyzing the real world impediments to seizing these opportunities, and showing how innovative jurisdictions have overcome those barriers; and (6) calling out countries that refuse to take actions that are in their own public interest.

Climate advocates also have an indispensable role to play in defining and establishing norms of responsible climate conduct. More often than not, norm entrepreneurs will come from civil society or social movements, particularly those that are tied into transnational advocacy networks.[91] And a proposed norm is only likely to take hold where civil society recruits progressive governments to champion it, lobbies other countries to embrace it, and then works to internalize the norm into domestic political and legal systems. This is a role that civil society has eagerly embraced. Advocates have frequently framed their demands for government action in moral terms. Civil society should focus its campaigning effort on potential norms that would have the greatest real-world impact and the best chance to cascade to broad acceptance and internalization. Stronger expectations that countries will enhance their NDCs and commit to "net zero by 2050" are immediate priorities. Norms that stigmatize continued investment in emissions-intensive technologies and practices are also urgently needed. Driven by concerted civil society pressure, a variant of this norm—the principle that public money should not be used to support such projects—is already gaining traction. The European Investment Bank, the world's largest public international bank, recently committed to phase out support for unabated fossil fuel projects.[92] Additional effort is needed to push other public financiers to adopt this principle, especially the institutions that are funding China's colossal, emissions-intensive Belt and Road Initiative.

Lastly, civil society has a critical role to play in changing how governments treat climate issues in their foreign relations. In the near term, countries are unlikely to elevate climate change to the top rank of diplomatic concerns unless the public forces them to do so. So far, however, civil society has not consistently demanded that countries use their diplomatic power to encourage ambitious action or to sanction laggards. Given the importance of incentives to the success of the Paris regime, this is a glaring omission. Climate advocates should demand that leaders treat climate change like other core national interests, and object when they subordinate climate concerns to more transient or parochial concerns. Misguided diplomacy, no less than say, misguided energy policy, should be vigorously contested.

Conclusion

While the Paris Agreement is the cornerstone of the global effort to contain climate disruption, it does not create adequate incentives for countries to act much beyond their perceived interests. It tells countries what to do, but it does not make it in their interest to behave as we need them to. Unless the Agreement is bolstered with external incentives, countries are likely to continue to do much less than is needed to avoid dire climate impacts. This paper has proposed three ways that the international community can begin to create those supporting incentives outside the confines of the Agreement: encouraging countries to capture more of their socially beneficial opportunities; establishing climate protection norms; and using the traditional tools of statecraft to create stronger incentives for countries to act.

Because the first strategy circumvents the collective action trap, it is easily the most promising and least contentious. But it is doubtful that the evolving understanding of self-interest—tempered by tenacious opposition of vested interests—can drive decarbonization at the necessary speed and scale. After all, if self-interest were enough, the Agreement would be largely superfluous. For this reason, new norms and harder-edged diplomacy will also be needed to induce countries to align their actions with global goals. So far, though, few countries have been willing absorb any real diplomatic costs to advance these strategies, even where it is plainly in their security and economic interests to do so. This paper offers both a prediction and a plea. The prediction is that as climate impacts multiply, more vulnerable and progressive countries will pursue these strategies more aggressively, notwithstanding laggards' efforts to seek refuge in the prerogatives of sovereignty. The plea is that they get on with it, while catastrophe can still be averted.

Endnotes

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