The Paris climate agreement comes into legal force today, just 11 months after it was concluded and 30 days after it met its ratification threshold of 55 parties accounting for at least 55% of global greenhouse gas emissions.

By contrast, the Kyoto Protocol, which this treaty now replaces, took more than 8 years to come into force, slowed by the United States' persistent and erosive opposition.

At the time of writing, the Agreement has been ratified by 94 parties, including the world's four largest emitters: China, the United States, the European Union and India. As Climate Analytics reports, these nations account for 66% of greenhouse emissions. Even if the United States were to withdraw its support under a Trump presidency, the Paris Agreement will remain in force.

The unprecedented speed with which this has been achieved reflects the acute realisation in the international community – following the debacle of the Copenhagen negotiations in 2009 – that a failure to land this treaty quickly would probably have led to the collapse of the United Nations climate regime.

It also reflects the flexibility of the Agreement itself. Its curious mixture of binding and voluntary elements was designed to be attractive and accommodating, to include both developed and developing states and, specifically, to enable President Barack Obama to sidestep an obstructive US Congress in providing his support.

The result is a legal hybrid that obliges parties to abide by processes, mechanisms and timetables for setting and reviewing their national climate targets, and providing climate finance to developing countries.

But the treaty doesn't compel those national efforts collectively to meet its core aims: to keep global warming well below 2℃ and as close as possible to 1.5℃ above pre-industrial levels; to peak global emissions as soon as possible; and to reach zero net global emissions in the second half of this century. Worse still, the currently pledged targets would deliver some 3℃ of overall warming by the end of this century.

Because the treaty relies on “intended” national climate targets rather than binding ones, much hinges on the success of the requirement for nations to review and toughen them every five years. The theory is that these global stocktakes of collective progress (beginning with a facilitative dialogue among parties in 2018) will generate enough pressure for individual nations to be encouraged to ratchet up their efforts as they go.

For these reasons – because of its emphasis on process and its lack of compliance mechanisms – the Agreement has been described as a promissory note , or prematurely critici sed as inadequate
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A work in progress

Euphoria greeted the successful conclusion of the Paris summit last year, and 175 countries rushed to sign the Agreement when it opened for signatures in April this year
(in all, 192 states have now done so). Nevertheless, given the Kyoto experience, few anticipated that this enthusiasm would carry the treaty across the ratification threshold so soon.

So while there will be more celebrations at this year’s UN climate summit , which begins in Marrakech on Monday, negotiators and UN bureaucrats have been caught out. In some senses, the Paris Agreement is a framework agreement within a Framework Agreement (the UN Framework Convention on Climate Change
, of which this is a subsidiary part). It’s a work in progress with lots of details yet to be filled in.

The newly formed Ad Hoc Working Group on the Paris Agreement will be scrambling to define key elements governing the new treaty’s implementation. Many of these elements are critical to the treaty’s long-term effectiveness. They include measures to ensure transparent and effective accounting of countries’ emissions reductions; to work out exactly how the ambition of “zero net emissions” will be met; and to transfer crucial economic measures used under the Kyoto Protocol over to the new framework.

The Agreement requests that this be done by the first session of the Conference of the Parties to the new treaty. As this now will occur in Marrakech, time is too short and such labour is likely to continue through 2017 and perhaps beyond.

From Paris to Australia

Australia is expected to ratify the Agreement later this year . When it does so, it will be committing itself to regularly increasing its efforts to reduce greenhouse gases, improve climate adaptation, and provide climate finance.

Like other nations, Australia will have to review and toughen its climate targets every five years, starting no later than 2020, and report back regularly on its efforts.

While Australia's 2020 and 2030 emissions targets are seen as weak by international standards, doubts have still been expressed about the federal government's ability to reach them.

Modelling suggests Australia's emissions are projected to rise to 21% above 2005 levels by 2030 – rather than fall by the 26-28% proclaimed in its official target .

Australia's Emissions Reduction Fund has been criticised as being underfunded and focused on the wrong projects. Recent analysis of the contracts awarded through the scheme's "reverse auctions" confirms that little real additional abatement has been achieved.

Moreover, likely future changes in land use and forestry (mainly reductions in land clearing) will be insufficient to achieve these goals in isolation or to contribute significantly to future ones. The current policy mix means that tougher – and perhaps even existing - national targets could only be met by buying international carbon credits.

In addition, Australia's reports to the UN will have to reflect "environmental integrity, transparency, accuracy, completeness, comparability and consistency in accordance to rules to be adopted by parties to the Agreement”. The transparency and accountability of Australia’s emissions reporting was recently questioned by the United Nations and by other parties to the Climate Convention. This too will have to improve.

Like other parties, by 2020 Australia will also be invited to provide the UN Climate Secretariat with a long-term low-carbon strategy to run until 2050. Designing an effective transition strategy will require extensive consultation with state and territory governments, industries, and other stakeholders. Such attention to detail, although essential for building wide and deep support for a future low-carbon economy, has so far been well beyond the ability of politicians stuck in Canberra’s toxic climate policy culture.

In all, the Paris Agreement, although voluntary, can be thought of as a global climate safety net held by all nations. This inclusiveness means that Australia will no longer be able to point to the absence of other states as an excuse for its recalcitrance. It will increasingly be held to account by other nations, and the need for meaningful action will become ever more irresistible, as the net gradually tightens.

Peter Christoff does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

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