

‘Chinese Dream’ in Paris: Legal and Policy Commitments in the New Climate Change Regime

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*The agreement is not perfect, however, this does not prevent us
from marching forward with this historic step.*

Xie Zhenhua (China’s Special Envoy on Climate Change)

1. Beginning: Paris Accord

The Paris climate change conference among the UNFCCC parties (COP 21) was a dramatic turning point of human struggle for an emission free world. On December 12, 2015, all of the 195 UNFCCC member States and the European Union unanimously adopted a historic accord by consensus to reduce greenhouse gas emissions.¹ It has been widely recognized that the earth’s atmosphere is growing warmer due to greenhouse gas emissions generated by fossil fuel use.² The conference aimed to respond to this global question by adopting a comprehensive agreement to curb such excessive emissions.³ This Paris Agreement will take over the role of the Kyoto Protocol after 2020 in a more comprehensive manner.

The Paris Agreement includes a long-term goal of “holding the increase in

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the global average temperature to ‘*well below*’ 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C”⁴ as an ideal stage.⁵ Article 4(1) of the Paris Agreement calls for controlling “global peaking of greenhouse gas emissions as soon as possible” and the “rapid reduction ... of greenhouse gas emissions in the second half of this century.”⁶ The Paris Agreement is the first universal climate accord that all the UNFCCC member States have signed. It should have a more fundamental influence on the global greenhouses gas control mechanism than the current Kyoto Protocol.

The greenhouse gas emissions will be first controlled by each member’s voluntary submission of contributions. This newly adopted bottom-up model is called the Intended Nationally Determined Contribution (“INDC”). By December 12, 2015, 186 countries had published their action plans.⁷ The collective progress towards achieving the purpose of this Agreement and its long-term goals (global stocktake) will be periodically assessed.⁸ The first global stocktake will be undertaken in 2023 and then every five years thereafter.⁹ The member States will not be able to lower their targets and are encouraged to raise them. In addition, the countries will aim to achieve carbon neutrality in the second half of the century.¹⁰ Fully respecting equity and the principle of “common but differentiated responsibilities,”¹¹ this Agreement requests developed country parties to assist developing country parties with financial support in order to achieve their commitments.¹² Developed countries agreed to provide USD 100 billion in Copenhagen (COP15) for developing countries by 2020. The Green Climate Fund was established in 2010.

China was a main actor in Paris. As the world’s top emitter of greenhouse gases (about 25 percent), she was charged with a leading role in this landmark deal towards a “truly universal agreement on climate change.”¹³ While setting up the new global climate change regime, China’s role was dominant. Her legal and policy commitment over the Paris accord should be carefully re-examined.

2. Roadmap: From Copenhagen to Paris

A. Copenhagen: Painstaking Footstep

The Copenhagen Conference of 2009 (COP15) was a painstaking process for