Climate Policy after Paris: Where Do We Go from Here?

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Abstract

In response to the repeated failures of the international climate regime to lead to adequate mitigation policies, three main options are worth pursuing: (1) repurposing, (2) supplementing, or (3) complementing the existing regime. In dialogue with Gardiner's article "We Never Had Paris", this article examines the merits and limitations of these three options. Although I used to support option (1), I now agree with Gardiner that it is no longer sufficient and that the severity of the situation calls for more radical measures. Gardiner supports option (2). Since time has become such a scarce resource due to the very small remaining global carbon budget, and since option (2) would very probably take a long time to be properly implemented, I support option (3). I conclude that while options (2) and (3) are not mutually exclusive, we need to get our priorities straight to make sure we make the right strategic choices while we still can.

Keywords

Climate Justice; Mitigation Policies; Paris Agreement; Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC); Multiscalar Justice

Introduction

The gap between the demands of climate justice and actual international climate policies is significant and is widening every year. While theories of climate justice continue to justify and specify the content of principles and duties of climate justice, international climate policies are still failing to bring global greenhouse gas (GHG) emissions under control. Not only are the mitigation pledges of many countries – and most developed countries – largely insufficient to comply with the norm of common but differentiated responsibilities and respective capabilities (CBDR-RC) (Bourban, 2021a; Holz et al., 2018); worse still, many

countries are not taking appropriate action to meet their (insufficient) mitigation pledges. For instance, most G20 members are not on track to achieve their nationally determined contribution (NDC) targets on the basis of current policies (UNEP, 2024).

We are in a dire situation. Global fossil CO_2 emissions have increased by 72.1% since 1990, when international negotiations on climate change began (European Commission & IEA, 2024). The average annual growth rate of GHG emissions was 2.1% between 2000 and 2009, and 1.3% between 2010 and 2019 (IPCC 2022). Global GHG emissions fell by 4.7% from 2019 to 2020 as a result of the lockdown measures taken to deal with the COVID-19 pandemic, but CO_2 emissions quickly returned to 2019 levels in 2021 (UNEP, 2022). This seemingly inevitable trend continued in the following years, with an annual growth rate in GHG emissions of 1.2% in 2022 and 1.3% in 2023, and an expected increase of 0.8% in global emissions of fossil CO_2 in 2024 (Friedlingstein et al., 2025; UNEP, 2023, 2024). As a result, the remaining global carbon budget is small and rapidly shrinking. According to the most recent estimates, continued emissions at current levels would lead to global warming of 1.5°C in about five years' time (Forster et al., 2025). If both conditional and unconditional NDCs are met, the world is on track to reach 2.8°C of global warming this century; if these (largely insufficient) pledges are not met and we continue with current policy, we are heading for 3.1°C (UNEP, 2024). The Earth system is currently on a "Hothouse Earth" trajectory, in which the living conditions of humans and countless other species are seriously threatened (Steffen et al., 2018).

It is therefore difficult not to agree with Stephen Gardiner's critical diagnosis of the political process that led to this situation (Gardiner, this volume). I will start by briefly summing up the two main components of this diagnosis, before discussing in more detail the political measures that could help to remedy the planetary predicament we find ourselves in.

1. The Diagnosis

In his article, Gardiner develops a radical critique of the Paris Agreement (PA) and the process on which it is based, the United Nations Framework Convention on Climate Change (UNFCCC).[1] His diagnosis is based on both the political and moral failures that led to this "deeply flawed" international agreement.

[1] Other climate ethics scholars have been highly critical of previous outcomes of international climate negotiations. For instance, Henry Shue (2014, 220–223) stressed that the Kyoto Protocol was mostly "a way for rich states to save money" and to ensure that "fossil fuel technology will continue to be used until all the fossil fuel is gone", thereby imposing "an unknown but quite possibly rather great risk of harm of significant and potentially unmanageable kinds upon future generations". Reacting to the Copenhagen Accord, Dale Jamieson (2014, 59) argues that "Climate diplomacy will increasingly become a zombie exercise. Bodies and mouths will move, but the real action will be

The *moral failure* is due mainly to the downplaying and neglect of the intergenerational dimension of the climate problem (the "intergenerational storm"). The PA is one of the most recent political manifestations of moral corruption, which misleadingly portrays ethically indefensible actions as morally successful outcomes. As a result, the tyranny of contemporary generations over future generations is maintained and reinforced through an agreement that is presented as a political instrument that will make our children and grandchildren proud of us.

The *political failure* is mainly due to the fact that the PA does not really represent progress compared to previous outcomes of international climate negotiations. According to Gardiner, it may even represent a step back: "Paris shares many of the flaws of Kyoto and in some ways makes matters worse." Previous divisions between developed and developing countries explain some key features of the agreement and help with understanding the phrasing of many NDCs. The voluntary approach was also a central characteristic of Rio, Kyoto, and Copenhagen; so is the lack of enforcement mechanisms such as sanctions for those who fail to meet their commitments. All these elements contribute to the "political fragility of the agreement". There are new elements, such as the reliance on carbon dioxide removal (CDR), but scenarios involving large-scale CDR rely on deeply problematic technological, economic, and political assumptions, and it is "ethically irresponsible to base climate policy on such questionable assumptions, especially since the fate of billions of people is at stake."

The hope was that the PA would represent a strong political instrument in the fight against climate change, securing effective international climate negotiations in the future. The reality is that "The dream of Paris is dead", that it was just a "dangerous illusion", and that "The situation is now desperate". The PA seems to be the "wrong vehicle" in a UNFCCC process that "might be part of the problem".

2. The Remedy

What can be done to address this moral and political failure? The *gradual approach*, favoured for instance by the Club of Rome, is to retain the UNFCCC structure and the Paris architecture and revise it to better articulate international negotiations with real climate action. As Gardiner stresses, this is not enough. Since both the political process and its major outcomes (Kyoto, Copenhagen, Paris) are deeply flawed, it is not enough to make "some minor tweaks" to the UNFCCC. This would just lead to new ethically and politically inadequate outcomes.

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elsewhere". He adds, "The Rio dream is over". Gardiner's diagnosis of the Paris Agreement can be seen as extending Shue's criticism of the Kyoto Protocol and Jamieson's assessment of the Copenhagen Accord.

This leaves us with a more *radical approach*, based on two options: the Paris architecture must be "either radically repurposed or (more likely) supplanted before it is too late". We can already see here that Gardiner favours the second option. He adds that the best "hope of success in limiting a global environmental catastrophe" is a "new regime" with "much stronger foundations". The UNFCCC and the PA are institutionally inadequate and need to be replaced by a new institutional framework.

In what follows, I will comment on these two options (*repurposing* and *supplanting*) and add a third (*complementing*) to the discussion.

2.1. Repurposing

There are different ways to reorient the climate regime towards more ambitious climate policies. One approach that has been discussed in the climate justice literature is to better align the current regime with key normative values. For instance, Robyn Eckersley (2012) proposed articulating the inclusive multilateralism of the current UNFCCC process with an exclusive multilateralism (or "minilateralism") to move forward in the climate negotiations. She suggested the establishment of a minilateral Climate Council, which would be constituted on the basis of common but differentiated representation (representation by the most responsible, capable, and vulnerable) and which would make recommendations on mitigation targets to the rest of the UNFCCC Parties, which could then accept or reject these recommendations. I also proposed a way to reform the climate regime by incorporating into it a normative framework for assessing the degree of equity of NDCs and comparing the degree of ambition of national mitigation pledges with each other, based on an equity calculator (Bourban, 2017, 2018, 2021a). The aim was to develop a flexible but robust framework with which NDCs must comply if they are to meet the demands of the norm of CBDR-RC. Both my proposal and Eckersley's therefore draw on the norm of CBDR-RC, the cornerstone of the climate regime that has been at the centre of most debates on equity within climate negotiations in order to make this regime more effective in achieving its core objective of avoiding dangerous anthropogenic interference with the climate system.

A first advantage of these proposals is that they go beyond the "minor tweaks" approach of the Club of Rome, which relies on "weak measures" such as increased transparency. They are based on more demanding values such as equity, responsibility, and capacity, and aim to translate these values into climate policies. A second advantage is that these proposals aim to put in place climate policies that are both just and feasible given the current content and structure of the climate regime. Now, one must be very careful when discussing "feasibility". First, feasibility statements can all too easily be used as an excuse for postponing more ambitious climate policies that would mitigate climate injustices:

"Judgments of (in)feasibility can reflect a lack of political willingness, rather than a lack of ability, to act more quickly and face climate injustices more radically" (Bourban, 2021a, 65).[2] Second, in contrast with equity, responsibility, and capacity, feasibility is not an ethical value. Feasibility considerations are however relevant in that they constrain the space within which we can pursue normative goals (Bell, 2013; Roser, 2015). Taking into account the feasible set defined by the current climate regime allows us to explore ways to increase the chances of a more appropriate application of the norm of CBDR-RC in the non-ideal circumstances of the real world.

Despite this, it is quite likely that Gardiner's radical critique would also dismiss this kind of approach. Even if the climate regime is reformed by integrating a minilateral Climate Council based on CBDR-RC and by incorporating an equity calculator that would operationalize CBDR-RC to assess the degree of (in)justice of NDCs, most of the problems of the PA in terms of ambition, universality, commitments, and compliance would probably remain. Other improvements to address these points could be possible, but if the PA is too flawed to remain at the centre of international climate policy, reforming it is not sufficient.

I agree that the repurposing strategy is no longer sufficient or the most promising approach. As Tom Regan (1987, 179) put it, "You don't change unjust institutions by tidying them up".[3] Back in 2017 (when I first started to develop my proposal), and even more so in 2012 (when Eckersley developed hers), there was still a prospect for the UNFCCC to deliver more ambitious mitigation policies. I based my analysis especially on the promising five-year cycle for the re-evaluation of NDCs set by the PA, which was based on the norm of CBDR-RC (UNFCCC, 2015, art. 4.3). However, after the first few years following the implementation of the PA, and to an even greater degree after the first round of NDC re-evaluation, it became clear that the global stocktake process was not delivering on its promises: "Progress in ambition and action since the initial NDCs plateaued and countries are still off track to deliver on the globally insufficient mitigation pledges for 2030" (UNEP, 2024, xiii). Gardiner explains that this situation could actually have been anticipated: although the global stocktake process was "genuinely novel", it still represented a "mysterious and untested process in a context where previous wagers have failed".

2.2. Supplanting

If repurposing the climate regime is no longer sufficient, what options remain? The most intuitive approach is to replace it with a more effective and just regime. This is the direction

[2] I follow here Gardiner's critical discussion of the notion of feasibility in his debate with David Weisbach (see Gardiner & Weisbach, 2016, 53–55).

[3] Regan refers here to industrial animal farming, which is strongly connected to climate change and should feature more prominently in climate ethics scholarship: see Bourban & Broussois (2020).

Gardiner suggests at the end of his article and which he has developed in previous publications: establishing a global constitutional convention (GCC) focused on future generations (see e.g., Gardiner, 2014, 2019). Given that the main problem with the UNFCCC and the PA is that they do not take the intergenerational storm seriously, it is logical to base the alternative climate regime on intergenerational ethics considerations. As "the intergenerational storm dominates the global in climate change" (Gardiner, 2011, 38), this aspect must be at the core of the new regime.

If we continue to focus on the international and global levels, then Gardiner's GCC model appears to be a promising solution for addressing our current planetary predicament. However, another approach is possible: shift the focus away from the international level and towards other levels of climate policy. Replacing the PA with a GCC would require considerable work and would probably take a long time; however, time has become a very scarce resource. The global carbon budget is so small that developing and strengthening climate policy at other levels should move to the centre of climate justice scholarship – or so I would like to argue.

2.3. Complementing

What would complementing international climate policies with policies at other levels look like?

Let us begin with the national level. Although national climate policies would be more unified and coherent under an effective international climate agreement, national governments can already achieve a great deal without such an overarching agreement. Focusing on the energy sector, which is responsible for 73.2% of global GHG emissions (Ritchie, 2020), I have been supporting a set of mitigation measures that would contribute to a just energy transition (Bourban, 2018, 2021b, 2022). It comprises four main steps: (1) rapidly and radically reducing government subsidies for fossil fuels, which amount to several trillion dollars each year; (2) increasing the price of GHG emissions through a hybrid market mechanism involving both a progressive carbon tax and a carbon market; (3) massively increasing subsidies for research, development, and deployment of renewable energy technologies, using funds collected through the carbon tax, the auctioning of emission rights, and the savings from phasing out fossil fuel subsidies; (4) implementing compensatory measures to ensure that climate justice aligns with social justice objectives to protect poor people and households from the potential harms of the energy transition. This kind of policy can be supported by existing regional climate policies, for instance in the EU through the European

Green Deal, which provides a just transition mechanism supporting steps (3) and (4) (European Commission, 2021).[4]

Given the urgency of the situation and the likelihood that many states will not implement sufficiently ambitious mitigation policies, it is also necessary to look at the sub-national level. In a context of non-compliance with the duties of climate justice at the international and national levels, sub-national climate justice has become a pressing topic. In this context, municipal mitigation policies are highly relevant. Just like states, municipal governments have a relatively high level of control over GHG emissions through their choices of energy supply and management, transport, land-use planning, and waste management. In many countries (especially developed ones), there is already far more climate action at the municipal level than at the national level (Forman et al., 2016). Multiple cities are promoting mitigation and adaptation policies, setting standards, and calling for action, both with and without the cooperation of states (Dietzel, 2018, 59–97). Transnational networks of cities are not focused on reaching a climate treaty but rather on individual, decentralized, and self-organized initiatives, such as information sharing, voluntary goal-setting, and experimental policies. Major cities such as Philadelphia, Toronto, and Quito have already integrated distributive and procedural justice considerations into their mitigation plans (Bulkeley et al., 2013). Chicago, Birmingham (UK), and Vancouver have made notable attempts to reduce GHG emissions by integrating climate justice and social justice considerations (McKendry, 2016).

Two related normative frameworks are useful for thinking about climate justice in this context (Bourban, 2023). The first is the *polycentric approach* to climate change (André, 2019; Ostrom, 2010). This approach stresses that in the absence of an international treaty that would effectively reduce global GHG emissions, many mitigation measures can be undertaken by multiple entities at diverse scales that, cumulatively, can make a difference. In a polycentric system, each unit enjoys a degree of independence that is sufficient for it to make norms and rules to mitigate GHG emissions. National governments, municipal governments, and other collective actors such as companies can all encourage polycentric efforts to reduce the risks associated with climate change, even in the absence of an effective concerted framework at the global level.

The second framework is that of *multiscalar justice* (André, 2019; Barrett, 2013; McKendry, 2016). This framework draws on the polycentric approach and the idea that independent collective actors can contribute to an effective governance of climate change, but it adds the key requirement that this polycentric governance should comply with principles of justice.

[4] This does not mean that the Green Deal and its instruments are beyond reproach; they can and should be improved to better reflect the demands of climate justice (see e.g., Laurent, 2020). However, even if imperfect, it can be used by states as a resource to implement this fourfold package or a variant of it.

To continue with the example of cities, the idea is that municipal governments should not only enhance innovation, cooperation, learning, and trustworthiness to achieve more effective and sustainable outcomes (Ostrom, 2010, 552); they should also design and implement policies that contribute as much as possible, and in a fair way, to the reduction of emissions at the municipal level (Bourban, 2023). The "in a fair way" proviso is especially important to avoid trade-offs between climate justice and social justice. Just as mitigation measures at the national level should avoid putting additional burdens onto poorer people at the domestic level, mitigation measures at the municipal level should avoid regressive effects on the most vulnerable members of the community.

Conclusion

As atmospheric concentrations of GHGs continue to rise every year, looking beyond the UNFCCC and the PA makes a lot of sense. According to Gardiner, the PA and the political process that led to it are morally and politically flawed. But where do we go from here? Once this diagnosis is given and we realize that we are currently heading for a climate catastrophe taking the form of a Hothouse Earth pathway, which remedy is the most promising?

Gardiner proposes replacing the PA and the UNFCCC with another climate regime (*supplanting*). The advantages of the GCC are numerous, and I have only touched on this topic very briefly. Whatever its merits, a major issue is that this proposal unfortunately risks taking too long to come to fruition. This does not mean that it should not be developed and advocated by climate justice scholars and activists; I may be (and hope I am) wrong, and the GCC could replace the current climate regime with a just one. But if we want to make the most of the little time we have left before the remaining carbon budget is exhausted, it is also important to explore other options.

A first one I presented – and have been supported for some years – is to improve the existing climate regime by focusing on its normative core, the CBDR-RC norm, and support just and feasible institutional reforms (*repurposing*). These reforms would need to be drastic to move from the current, deeply flawed regime to a minimally just one, and this is where Gardiner's criticism becomes challenging. It is true that reforms such as the incorporation of an equity calculator or the creation of a Climate Council focused on the values of responsibility and capacity are more demanding than minor procedural reforms based on transparency. However, such reforms will not address many of the flaws of the current climate regime and will only reduce climate injustices, rather than leading to a new regime aligned with the demands of climate justice, as would be the case under the GCC.

Is there a third way? The second option I explored above is to shift the focus from the international and the global levels to the national and sub-national levels (*complementing*).

Much more could be said – and has been said – on this topic, but the general idea is to show that national and sub-national climate justice become highly relevant in a context where international and global climate justice are not complied with.

I will finish with two remarks and two questions. The first remark is that in no way am I advocating abandoning the pursuit of global and international climate justice; they are essential for showing how climate policies could be improved at two levels that are crucial. The idea here is to complement the global and international levels with the national and the sub-national levels, not to supplant them. The second remark is that Gardiner is also in favour of the second option, especially when he writes, "climate progress requires a spectacular mobilization of genuine political will at multiple levels". But this raises two key questions: can we reconcile his option (*supplanting*) with the one I have supported here (*complementing*), and if so, how?

In an ideal world, we could have it both ways: implement a new global climate regime and strengthen existing national and sub-national mitigation policies. But in our non-ideal world, this is not at all straightforward. It is difficult to answer these two questions in a context of global carbon budget scarcity, where we are left with the daunting task of prioritizing different options, knowing that it might already be too late to implement the best ones, such as a GCC, and we may have no choice but to settle for second-best options, such as population policies (Bourban 2025). The future is neither fully open nor fully closed; it should rather be perceived as a *countdown*. The longer we wait to substantially reduce global emissions, the narrower the future becomes, with some intermediate pathways being lost on the way (such as 1.5°C pathways). We can either slow down or even stop the countdown by avoiding a carbon budget overshoot, or we can accelerate it and even reduce it to zero by missing the dwindling prospects of quickly and drastically reducing global emissions. We therefore find ourselves at a unique moment in the history of humankind, with unprecedented responsibility and very difficult strategic choices to make.

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