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# An Analysis of the Paris Agreement

**A study of the Agreement in the light of the theory of the eight design principles by  
Elinor Ostrom**

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# Abstract

This paper is a qualitative text analysis with a purpose of evaluating strengths and weaknesses of the Paris Agreement in the light of the eight design principles of Elinor Ostrom's theory on how to govern the common resources. The eight design principles are; clearly defined boundaries, congruence between appropriation and provision rules and local conditions, collective-choice arrangements, monitoring, graduated sanctions, conflict-resolution mechanisms, minimal recognition of rights to organize, nested enterprises. These principles then lay the ground for the chosen methodological framework. Processes of categorization and coding the Agreement into categories based upon the eight principles then allows for an understanding of strengths and weaknesses shown in the Agreement, in relation to the theory. The result is then also discussed in relation to further considerations that might be important factors to take into account when understanding the Paris Agreement.

The paper is based around the document on the Paris Agreement as well as the book by Ostrom named *Governing the Commons "The Evolution of Institutions for Collective Action"*. Further documents and articles are presented throughout the paper, especially in the analysis and discussion to provide for a wider picture on the subject and to avoid an all-biased paper.

# Table of Content

<b>1. Introduction</b>	<b>4</b>
1.1 Purpose and question	4
<b>2. List of abbreviations</b>	<b>4</b>
<b>3. Previous Research</b>	<b>4</b>
<b>4. Background</b>	<b>7</b>
<b>5. The Paris Agreement</b>	<b>9</b>
<b>6. Method and Material</b>	<b>12</b>
6.1 Method	12
6.2 Material	14
6.3 Validity and Reliability	15
<b>7. Theory</b>	<b>15</b>
7.1 Clearly defined boundaries	16
7.2 Congruence between appropriation and provision rules and local conditions	16
7.3 Collective-choice arrangements	17
7.4 Monitoring	17
7.5 Graduated sanctions	18
7.6 Conflict-resolution mechanisms	19
7.7 Minimal recognition of rights to organize	20
7.8 Nested enterprises	20
7.9 Elinor Ostrom's theory from a global perspective	20
<b>8. Result and Analysis</b>	<b>24</b>
8.1 Result of categorizing	24
8.2 Result of connections found	27
Principle 1	27
Principle 2	28
Principle 3	29
Principle 4 and 5	31
Principle 6	33
Principle 7	35
Principle 8	36
9. Conclusion and Further Research	38
<b>10. References</b>	<b>40</b>
<b>Annex 1</b>	<b>42</b>

# 1. Introduction

## 1.1 Purpose and question

Various articles, visible throughout this essay, regarding the Paris Agreement, is considering the likelihood of the Agreements potential success or failure. Due to this, I have chosen to apply an already established theory by Elinor Ostrom to the Agreement in order to shed light on its strengths and weaknesses from this point of view. Her theory is based on eight design principles that make up the foundation for cooperation in governing common-pool resources. The aim and purpose of this essay is therefore to, through the perspective of the theory by Elinor Ostrom, make an assessment of strengths and weaknesses within the Agreement. This is done to provide for a further understanding of the Agreement as well as to show how well the Agreement will function in regard to the given theoretical background.

My question is therefore; In the light of Elinor Ostroms theory on the eight design principles, what are the strengths and weaknesses of the Paris Agreement?

## 2. List of abbreviations

CPR - Common-pool resources

COP - Conference of the Parties

NDC - Nationally Determined Contribution

The Convention - United Nations Framework Convention on Climate Change

UNFCCC - United Nations Framework Convention on Climate Change

## 3. Previous Research

Elinor Ostroms theory on the eight design principles stems from research concerning finite natural resources. Issues of for example overfishing leading to a loss of resource is mentioned in her own research, as well as the central issue that is a lack of solutions to tackle the

problem of overexploitation. How to govern these common resources to achieve economical and environmental sustainability becomes present, in scales ranging from local communities to the whole of the planet.<sup>1</sup> Ostroms eight design principles have been carefully chosen after analysing several cases of long enduring common pool resource governing<sup>2</sup>, such as for example the irrigation communities in the Philippines<sup>3</sup> and communal tenure in high mountain meadows and forests<sup>4</sup>, to mention two of the examples she gives in her book ‘Governing the Commons’. These design principles are used to show valuable features of these long enduring common pool resources, which refers to resources used commonly by several individuals.<sup>5</sup>

Elinor Ostrom also mentions the work of Garrett Hardin named “The tragedy of the commons”.<sup>6</sup> This theory presents the perspective that environmental degradation will occur no matter how many individuals are involved in using the common resource. He uses the example of a pasture that is open and free to use by all. Hardin then sought to examine this situation when seeing it as a rational herder would. The example shows that the herder would be motivated to increase their number of cattle exploiting the pasture since it would come to direct benefits. The delayed costs of the overexploitation and deterioration of the common resource, the pasture, are then shared by those using the pasture making it more valuable to the herder to receive the most benefit before the resource becomes non profitable. This is then the tragedy of the commons, that the nature of the profit system is focused on increasing usage despite the deteriorating resource. This to secure one's profit in a system and a society<sup>7</sup> that “believes in the freedom of the commons”<sup>8</sup>.

This work towards limiting deterioration of finite resources continues on and have appeared in various forms. Previous to the Paris Agreement other agreements such as The Montreal Protocol, The Kyoto Protocol and The Copenhagen Accord have been in place and have

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<sup>1</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 1

<sup>2</sup> Ibid, 91 f

<sup>3</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 82 f

<sup>4</sup> Ibid, 61 f

<sup>5</sup> Ibid, 1

<sup>6</sup> Ibid, 2

<sup>7</sup> Ibid, 2

<sup>8</sup> Ibid, 2

varied in level of success and aims. Further explanation on these agreements are presented in the upcoming part, 'Background'.

The most recent attempt at cooperation towards this aim is the Paris Agreement, which focuses on reaching common understanding on how to tackle environmental changes, by for example controlling carbon emissions, reaching environmental and economical sustainability, involving the local aspects and keeping the increasing global temperature at a low level. This Agreement has been a topic of discussion in regard to how well it will succeed with the presented aims. Researchers such as David Campbell<sup>9</sup> and Oran R. Young<sup>10</sup> have presented articles discussing how well the Paris Agreement will work given various circumstances. These articles are concerning the current opportunities for the Paris Agreement to function properly. Other researchers such as David G. Victor, Robert O. Keohane and Michael Oppenheimer have also presented works on the Paris Agreement. Victor presents a view on how the Framework Convention on Climate Change educates the public on cooperation in regard to issues of climate change<sup>11</sup> and Keohane and Oppenheimer have for example discussed the Agreement in correlation to previous agreements that have been carried out, and lists differences and similarities.<sup>12</sup> These articles presents a greater understanding of what the Paris Agreement entails and its consequences as well as thoughts of the level of success it will achieve.

However, work on connecting the Paris Agreement to an existing theory on how to govern common pool resources is lacking, as to why I have chosen to contribute with this perspective. Since the theory provides for a theoretical framework involving eight design principles important to governing common pool resources, an interesting approach would be to analyse however these principles could potentially be found in an Agreement revolving around, implicitly, governing resources to limit the dangerous effects of the commonly used resource that is the climate.

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<sup>9</sup> Campbell, David, *What does the Paris Agreement actually do?*

<sup>10</sup> Young, Oran R., *The Paris Agreement: Destined to Succeed or Doomed to Fail?*

<sup>11</sup> Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*

<sup>12</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*

## 4. Background

Previous attempts to hinder and adapt to climate change has been made, such as for example by the Montreal Protocol in 1989. It was made to prevent the ozone layer from being destroyed by regulating the production of harmful substances that were believed to have an important part in the ozone depletion.<sup>13</sup> Another attempt was the Kyoto Protocol in 1997, which strived towards a reduction in emissions through binding targets.<sup>14</sup> The baseline of the protocol was the year 1990, and to reduce countries emissions in relation to the measurements of greenhouse gas emissions that had been done during this year.<sup>15</sup> It was stated that greater responsibility was to be placed on developed countries due to the industrial era<sup>16</sup>, where the developing countries were being exempted in terms of the obligations of emission reduction that the developed countries faced. This even when countries grew during this time and allowed for greater emissions, such as for example in China.<sup>17</sup>

The most recent was the Copenhagen Accord in 2009, in which no Agreement regarding practical measures was made, however, a careful and vast discussion was being held.<sup>18</sup> Within the document it is stated that an urge for a strong adaptation programme has been noted.<sup>19</sup> The target of emission reduction presented in the Kyoto Protocol was also to be strengthened additionally.<sup>20</sup> It is also stressed that a need for global cooperation in promoting adaptation actions in developing countries is important in order to gain further resilience and promote reduction of vulnerability.<sup>21</sup> Furthermore, it is stated in the document that support towards developing countries who is most vulnerable should be given in terms of funding. This funding entails support of technology, financials and capacity-building to help in the process of adaptation implementation.<sup>22</sup> The amount of funding that was to be provided for was 30 billion USD for the period of 2010-2012 and in the future 100 billion USD is to be

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<sup>13</sup> United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*

<sup>14</sup> Ibid

<sup>15</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 4

<sup>16</sup> United Nations Framework Convention on Climate Change (UNFCCC), *The Kyoto Protocol*

<sup>17</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 5

<sup>18</sup> United Nations Framework Convention on Climate Change (UNFCCC), *The Copenhagen Accord*

<sup>19</sup> United Nations, *Copenhagen Accord*, Paragraph 1, 1

<sup>20</sup> Ibid, Paragraph 4, 2

<sup>21</sup> Ibid, Paragraph 3, 2

<sup>22</sup> Ibid, Paragraph 3, 2

provided annually by 2020.<sup>23</sup> This was to be done in a transparent manner through reporting, measuring and verifying the support.<sup>24</sup>

The reason behind the “failure” of the various attempts and the uprising of the Paris Agreement stems from different causes. The Kyoto Protocol relied heavily on a top-down approach. Issues of centralized power was present, and small groups of countries could bring down key commitment action due to lack of rules regarding voting mechanisms in the decision-making processes. A segregated climate also emerged due to, as mentioned, the fact that developing countries were exempted from emissions reduction targets. Through the unequal burden-sharing trade position changed and it allowed for growing of developing countries to become stronger on the international market, causing for some to leave the Kyoto protocol behind, such as for example the United States.<sup>25</sup> This arrangement around the Kyoto Protocol was also binding to larger extents on mandatory emissions reduction targets, however, an element of flexibility was shown in the way that countries were allowed to themselves decide upon how to meet these targets.<sup>26</sup>

The Copenhagen Accord does not entail a practical agreement to follow, however the meeting itself serves as ground for the interpretation that it was deemed somewhat a failure. This is because opposition and issues regarding climate change took the upper hand on the meeting and led to an overall negative attitude towards getting involved in international climate cooperation.<sup>27</sup>

The Montreal Protocol worked out better than the other two and proved to be quite successful in its targets<sup>28</sup>, which is why I have chosen not to further discuss it in this paper as I will be focusing on what was learned and changed when creating the Paris Agreement.

The focus on the Paris Agreement and the want for it to succeed was thereby to learn from previous mistakes and create an Agreement that focused more on grassroot-movements, on

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<sup>23</sup> United Nations, *Copenhagen Accord*, Paragraph 8, 3

<sup>24</sup> Ibid, Paragraph 4, 2

<sup>25</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 3 f

<sup>26</sup> United Nations Framework Convention on Climate Change (UNFCCC), *A summary of the Kyoto Protocol*

<sup>27</sup> Center for Climate and Energy Solutions, *Summary: Copenhagen Climate Summit*

<sup>28</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 4



moving away from the mandatory binding targets and allowing for further flexibility and more of an equal burden-sharing, as well as a more optimistic approach towards reaching important targets of emission reduction.

## 5. The Paris Agreement

The Paris Agreement is an effort to reach joint actions in combating climate change and to adapt to future challenges as a one. The Agreement strives to make nations aware of, as well as try and prepare them for the threat of climate change and to strengthen the response towards it. It allows for cooperation on an international level with the help of financial and technology contributions, as well as capacity-building. As of now, 171 Parties have ratified the Agreement, out of the 197 Parties that are a part of the Convention.<sup>29</sup>

Apart from the already stated aims of the Agreement, further ones are presented within the document. One of these is the aim at keeping the increase of global temperature well below 2 degrees celsius, and to strive towards keeping it below 1.5 degrees Celsius.<sup>30</sup> As is stated in the Agreement, the response towards climate change is to be looked upon with “... the principle of common but differentiated responsibilities”<sup>31</sup>, meaning that nations different circumstances and capabilities are to be taken into account when striving towards a stable climate. This aim is presented through the NDCs (Nationally Determined Contributions), which are further discussed at the Conference of the Parties (COP).<sup>32</sup> The NDCs serve the purpose of flexibility<sup>33</sup>, in the sense that Parties that have ratified to the Agreement are able to nationally decide upon the level of contribution that they want to achieve. They should thereby follow up on domestic measures in order to make sure that the contributions are being met.<sup>34</sup> These NDCs are to be updated every five years<sup>35</sup>, to measure progress and aim towards greater changes. It is however allowed to adjust their current NDCs at any time since it is seen as a way to reaching higher ambition in the implementation process.<sup>36</sup> Countries are

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<sup>29</sup> United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*, 2014

<sup>30</sup> United Nations, *The Paris Agreement*, Article 2.1(a), 3

<sup>31</sup> Ibid, Article 4.3, 4

<sup>32</sup> Ibid, Article 4, 5

<sup>33</sup> Ibid, Article 13.1, 16

<sup>34</sup> Ibid, Article 4.2, 4

<sup>35</sup> Ibid, Article 4.9, 5

<sup>36</sup> Ibid, Article 4.11, 5

also allowed to work together with other countries, on a voluntary basis, to be able to reach more ambitious targets within their NDCS.<sup>37</sup>

The importance of non-market approaches to help in the implementations of the NDCs includes “..inter alia, mitigation, adaptation, finance, technology, transfer and capacity-building as appropriate”<sup>38</sup>, in order to promote further actions towards this cause as well as further participation on the private and public level.<sup>39</sup> The Parties are also to take responsibility for and report anthropogenic emissions as well as the clearance of sinks in regard to greenhouse gases<sup>40</sup>, in order to reach a balance between the two.<sup>41</sup> By doing this, “...Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting.”<sup>42</sup>

In cases when developing country Parties struggle with financial and technological measures, mostly least developed countries and small island states<sup>43</sup>, it is stated in the Agreement that developed country Parties are to support developing country Parties in various areas, not only financial, to promote cooperative actions.<sup>44</sup> Other Parties also have the availability to support, however on a voluntary basis.<sup>45</sup> Although this support is of importance, a joint understanding of reaching change on the various levels within the country as well as on the international arena is noted.<sup>46</sup>

The support is to further help in capacity-building, and to enhance the already ongoing climate change actions. This is by encouraging them to become more involved in effective actions towards climate change, enhance the implementation of adaptation and mitigation processes, provide support in terms of technology, finance, education and relevant information.<sup>47</sup> However, the process should be country-driven and should focus on the needs of the nation it concerns. It should also be a focus on lessons learned in previous similar situations, as well as a process that increases participation and involves all aspects of a

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<sup>37</sup> United Nations, *The Paris Agreement*, Article 6.1, 7

<sup>38</sup> Ibid, Article 6.8, 8

<sup>39</sup> Ibid, Article 6, 8 f

<sup>40</sup> Ibid, Article 13.7(a), 17

<sup>41</sup> Ibid, Article 4.1, 4

<sup>42</sup> Ibid, Article 4.13, 5

<sup>43</sup> Ibid, Article 11.1, 15

<sup>44</sup> Ibid, Article 10.6, 15

<sup>45</sup> Ibid, Article 9.2, 13

<sup>46</sup> Ibid, Article 7.2, 9

<sup>47</sup> Ibid, Article 11.1, 15

community.<sup>48</sup> This support is to be registered through a report, given by the supporters, and the supported are to update on improvements in the implementation of the capacity-building process.<sup>49</sup> Alongside the support, a joint focus of all Parties should be to enhance public awareness, participation and access to information as well as education on climate change.<sup>50</sup>

In regard to climate change, Parties are also to realize the importance of loss and damage associated, such as events of extreme weather as well as prepare for future events through reducing the underlying risk and to focus on a sustainable development within this field.<sup>51</sup> “The Warsaw International Mechanisms for Loss and Damage associated with Climate Change Impacts”<sup>52</sup> will act as a way of guidance as well as authority towards the aim of reducing loss and damage. This is with the help of other groups and organizations of expertise in this field both under the Agreement and outside of it.<sup>53</sup> Through this, the Parties are to create further action, support and understanding, in a cooperative manner, for climate changed induced loss and damage. Ways to do this might be through; “early warning systems, emergency preparedness, slow onset events, events that may involve irreversible and permanent loss and damage, comprehensive risk assessment and management, risk insurance facilities... .. non-economic losses and resilience of communities, livelihoods and ecosystems.”<sup>54</sup>

Alongside mentioned aims of the Agreement, transparency is one aspect that is also featured in the document of the Agreement. Transparency is mentioned as a foundation for confidence and trust, which in turn would help in the implementation process.<sup>55</sup> This transparency framework<sup>56</sup> is to help with support and action, as well as reaching flexibility, in regard to implementation of facilities to developing countries, in consideration to their needs and capabilities.<sup>57</sup> This framework should also take into account the transparency arrangements that is to be found under the Convention (United Nations Framework Convention on Climate

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<sup>48</sup> United Nations, *The Paris Agreement*, Article 11.2, 15

<sup>49</sup> Ibid, Article 11.4, 16

<sup>50</sup> Ibid, Article 12, 16

<sup>51</sup> Ibid, Article 8.1, 12

<sup>52</sup> Ibid, Article 8.2, 12

<sup>53</sup> Ibid, Article 8.5, 13

<sup>54</sup> Ibid, Article 8.4, 12

<sup>55</sup> Ibid, Article 13.1, 16

<sup>56</sup> Ibid, Article 13.1, 16

<sup>57</sup> Ibid, Article 13.1, 16

Change), and to take into consideration the different circumstances and capabilities of the least developed countries as well as small island developing States, and to implement this “in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties.”<sup>58</sup> “The purpose of the framework for transparency of action is to provide a clear understanding of climate change action in the light of the objective of the Convention... ... including clarity and tracking of progress towards achieving Parties’ individual nationally determined contribution...”<sup>59</sup> and “the purpose of the framework for transparency of support is to provide clarity on support provided and received by relevant individual Parties in the context of climate change action...”<sup>60</sup> For this framework to successfully show transparency, each Party is also responsible for providing information on a regularly basis, which are; “a national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases...”<sup>61</sup> and valid reports to track progress towards reaching the aims of implementation and a country’s NDCs.<sup>62</sup> This is to keep track on implementation processes that serves the goals of the Agreement and future targets, and will be referred to as ‘the global stocktake’.<sup>63</sup> The first global stocktake is to be taken on in 2023 and will be updated every five years.<sup>64</sup>

## 6. Method and Material

### 6.1 Method

The method for this essay is based upon a series of tables. The tables are inspired by the method used for qualitative content analysis made by Graneheim and Lundman in their study on nursing research<sup>65</sup>. Their table involves meaning units, condensed meaning units and code. These meaning units that are coded are placed in categories that represent the main themes of the material chosen for analysis.<sup>66</sup> As is shown in the presented table further down, I have

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<sup>58</sup> United Nations, *The Paris Agreement*, Article 13.3, 16

<sup>59</sup> Ibid, Article 13.5, 17

<sup>60</sup> Ibid, Article 13.6, 17

<sup>61</sup> Ibid, Article 13.7(a), 17

<sup>62</sup> Ibid, Article 13.7(b), 17

<sup>63</sup> Ibid, Article 14.1, 18

<sup>64</sup> Ibid, Article 14.2, 19

<sup>65</sup> Graneheim, U.H., Lundman, B, *Qualitative content analysis in nursing research: concepts, procedures and measures to achieve trustworthiness*

<sup>66</sup> Ibid

altered the headlines to make it easier to understand, however the main point is still the same. This method is used in this essay to create further understanding regarding the process of selecting key aspects of the main material, the Paris Agreement, for further analysis.

Since the essay is based on the eight design principles by Elinor Ostrom, the categories for the tables are precisely these eight design principles; clearly defined boundaries, congruence between appropriation and provision rules and local conditions, collective-choice arrangements, monitoring, graduated sanctions, conflict-resolution mechanisms, minimal recognition of rights to organize, nested enterprises (see annex 1. Table 1-8). The categorization is done in the way that the meaning units/sentences, which are quotes from the Paris Agreement, are placed under the category in which it fits. In some cases similar or identical sentences are placed under more than one category, this is due to its dual character, which implies that it show qualities found in various categories.

These sentences are condensed to allow for a better overview of the sentence chosen, by removing quotation mark and various other disruptions. Through this, a code is brought out, which gathers the most central part of the quote. These codes are the parts of the material, the Paris Agreement, that show tendencies of being applicable to the specific category, which is seen at the top of each table. Eight different tables are done, one for each of the eight principles, in order to create an easier overview of the chosen sentences for analysis.

This analysis is carried out in the sense that the codes of each category is discussed and analyzed in regard to the theoretical background and explanation of each category/principle. This is done to see whether or not the sentences brought from the material show tendencies found in the theory. The extent of similarities will then determine how to look at the Paris Agreement in regard to its potential strengths and weaknesses, according to the theory by Ostrom. Important to note is that the author is aware of the likelihood that the foundation of the Paris Agreement is not based upon any theoretical framework.

Throughout the material, recurrence of similar sentences is seen. This is handled by placing a note behind those sentences which are found in similar manners throughout the text. The note shows where in the text similar sentences are found. The selected sentences show the common features of the sentences in the best extent possible.

The parentheses in the tables is read in the following way;

The parentheses behind each sentence show where in the text the sentence is found. For example (4, 7) is read as Article 4, Paragraph 7.

Category \*

Sentence	Condensed	Coding

(Annex 1. Table 1-8)

Important to note is that not all sentences found in the material are chosen and placed into a category. This is due to the fact that not all sentences show similarities to either one of the principles.

## 6.2 Material

The material chosen for this paper is first and foremost the document on The Paris Agreement, which serves to be the main focus of the analysis and discussion. This is found at the website of the United Nations Framework Convention on Climate Change (UNFCCC), which would be seen as a reliable source since it serves as a site to provide information, by the United Nations, on decisions being made within the organization. Other documents that have been used in this paper that is also from this site is the document of The Copenhagen Accord as well as information on the Kyoto Protocol and the Montreal Protocol.

The information gathered to the section on theory is from Elinor Ostrom's own book, *Governing the Commons "The Evolution of Institutions for Collective Action"*, which would also serve as a reliable source and is suitable to use as a theoretical framework for this paper.

Other articles that have been used throughout the paper are all articles presented by scientists or researchers on this area, and a caution for biased articles have been made as well as a search for those that can rely on other work being done has been made. However, on a topic of interpretation and discussion, a totally unbiased view on the chosen assignment is sometimes difficult to achieve. Even so, particular caution has been taken.

## 6.3 Validity and Reliability

A systematic approach was taken when conducting the basis of analysis through the chosen methodological framework. A careful picking of relevant sentences from the Agreement was chosen and placed in the most fitting category/categories. The codes that was brought out from these sentences allowed for a further understanding on how the material is linked to the theoretical framework by the author. This then lays the basis of analysis, and also creates a relatively high level of validity.

Since the analysis is done by only one author, a reservation and allowance for other interpretations of the same material is important to recognize by as well the reader as the author. Since the paper does not aim at solely focusing on words being written, rather a deeper understanding of the Agreement this might affect the reliability and might be seen as relative. This is due to, as mentioned, different interpretation made by different authors/readers.

A particular reservation is also that it is hard to generalize this paper to other settings, since it is such an unique setup and it allows for other interpretations than the one presented in this paper. However, it is one way of seeing The Paris Agreement, and in this way, through the eight design principles.

## 7. Theory

The theory I have chosen is one by Elinor Ostrom, “Governing the commons”. More specifically, I have chosen to look at her eight design principles that lay the ground for keeping and governing common-pool resources. The design principles are described as, “an essential element or condition that helps to account for the success of these institutions in sustaining CPRs and gaining the compliance of generation after generation of appropriators to the rules in use.”<sup>67</sup> The eight design principles are;

1. Clearly defined boundaries
2. Congruence between appropriation and provision rules and local conditions
3. Collective-choice arrangements
4. Monitoring

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<sup>67</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 90

5. Graduated sanctions
6. Conflict-resolution mechanisms
7. Minimal recognition of rights to organize
8. Nested enterprises

## 7.1 Clearly defined boundaries

“Individuals or households who have rights to withdraw resource units from the CPR must be clearly defined, as must the boundaries of the CPR itself.”<sup>68</sup>

This principle could be one of the first steps in order to organize collective action. Defining who is authorized to use the CPRs (common-pool resources) is important in order to further establish that profit is being made. If no clear boundaries are to be made then the issue of “outsiders” reaping benefits that they have not contributed for or an uncertainty in regard to who is managing the CPR or what is being managed. If there is an underlying uncertainty of profits being made then the problem of overuse could become a prominent and urgent situation. Thus, the CPR would come to give less profit.<sup>69</sup>

However, only closing the boundaries is not enough. Overuse could still become a problem if entitled appropriators would increase their harvest of the resource at hand, other would profit less or at its worst, the resource would be destroyed.<sup>70</sup>

## 7.2 Congruence between appropriation and provision rules and local conditions

“Appropriation rules restricting time, place, technology, and/or quantity of resource units are related to local conditions and to provision rules requiring labor, materials, and/or money.”<sup>71</sup>

Although resources may seem as though they could be handled in the same way, there are specific features to them that counts for tailored systems of rules. It is important to take into account local conditions when tailoring these rules, as well as the resource that the rules apply to. Similarities may occur when managing resources, on various levels, however, particular problems cause for solutions in form of specific rules.

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<sup>68</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 91

<sup>69</sup> Ibid, 91

<sup>70</sup> Ibid, 92

<sup>71</sup> Ibid, 92



### 7.3 Collective-choice arrangements

“Most individuals affected by the operational rules can participate in modifying the operational rules.”<sup>72</sup>

“CPR institutions that use this principle are better able to tailor their rules to local circumstances, because the individuals who directly interact with one another with the physical world can modify the rules over time so as to better fit them to the specific characteristics of their setting.”<sup>73</sup> However, the presence of good rules alone cannot ensure that they are to be followed, not even if it is locally determined. This is because it could seem simply enough to agree to follow rules, to then attempt to follow them could prove to be more difficult.

External authorities as a support towards reaching compliance in regard to the rules could be seen as an option, however, there could be cases where the lack of presence by these external authorities could lead to a lower level of compliance than is aspired to reach.<sup>74</sup>

Even if it is, in some studies, shown that individuals that have joint strategies for cooperation will tend to do so as long as everyone else cooperate together with them. If one deviates from the strategy then others will most likely follow. In these cases no monitoring were available. However, even though shared norms and reputation are found in these types of settings, they would not be enough to reach strong cooperative behaviour over longer periods of time. If they were, then the following principles on monitoring and sanctioning would not become an option of interest.<sup>75</sup>

### 7.4 Monitoring

“Monitors, who actively audit CPR conditions and appropriator behavior, are accountable to the appropriators or are the appropriators.”<sup>76</sup>

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<sup>72</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 93

<sup>73</sup> Ibid, 93

<sup>74</sup> Ibid, 93

<sup>75</sup> Ibid, 93 f

<sup>76</sup> Ibid, 94

Monitoring will be explained further under the next headline ‘Graduated sanctions’ since, within this theory, they are closely interlinked.

## 7.5 Graduated sanctions

“Appropriators who violate operational rules are likely to be assessed graduated sanctions (depending on the seriousness and context of the offense) by other appropriators, by officials accountable to these appropriators, or by both.”<sup>77</sup>

In institutions regarding CPRs, sanctioning, as well as monitoring, are not done by external authorities, but by individuals themselves. It may be presumed that the individuals will not sanction and monitor others performances or lack thereof, however, it has been shown that they tend to do so.<sup>78</sup>

The term “quasi-voluntary compliance” is useful in discussing sanctions, since it relies on cooperation among individuals in regard to whether or not to punish non-cooperative behaviour. and is further explained in an example about taxpayers;<sup>79</sup>

“Paying taxes is voluntary in the sense that individuals chose to comply in many situations in which they are not being directly coerced. On the other hand, it is “*quasi*-voluntary because the noncompliant are subject to coercion - if they are caught”. ”<sup>80</sup>

Cooperation will hereby occur if the taxpayers can expect that others act in a cooperative manner as well, since no one wants to be the one losing out, or be the “sucker”.<sup>81</sup> Compliance over a set of rules would be easier to achieve if individuals perceived the collective goal to be met and if they perceived that other would comply to the rules as well.<sup>82</sup>

“CPR appropriators create their own internal reinforcement to (1) deter those who are tempted to break rules and thereby (2) assure quasi-voluntary compliers that others also

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<sup>77</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 94

<sup>78</sup> Ibid, 94

<sup>79</sup> Ibid, 94

<sup>80</sup> Ibid, 94

<sup>81</sup> Ibid, 94

<sup>82</sup> Ibid, 94 f

comply.”<sup>83</sup> However, due to factors like high individual cost for the one punishing as well as benefits being distributed amongst the members in a diffuse way, may lead to a lack in monitoring and sanctioning. Although this might become an issue, it has been shown that in long-enduring CPRs the costs are kept low, due to the rules present. An example of this is about an irrigations system, mentioned in the literature;

“The irrigator who nears the end of a rotation turn would like to extend the time of this turn (and thus the amount of water obtained). The next irrigator in the rotation system waits nearby for him to finish, and would even like to start early. The presence of the first irrigator deters the second from an early start, the presence of the second irrigator deters the first from a late ending.”<sup>84</sup>

In this case, no investment in further monitoring from the individuals was made, leading to lower personal costs, since monitoring becomes a by-product of their own motivations. However, guards or officials could be assigned monitoring and sanctioning duties, which could be fired if not proving to do their job.<sup>85</sup>

## 7.6 Conflict-resolution mechanisms

“Appropriators and their officials have rapid access to low-cost local arenas to resolve conflicts among appropriators or between appropriators and officials.”<sup>86</sup>

Interpretation of the rules in charge in one situation may cause for disagreement amongst the individuals, and by that, conflict-resolution mechanisms are highly important. An example from the literature says;

“... a simple rule as “each irrigator must send one individual for one day to help clean the irrigation canals before the rainy season begins” can be interpreted quite differently by different individuals. Who is or is not an “individual” according to this rule? Does sending a child below age 10 or an adult above age 70 to do heavy physical work meet this rule?”<sup>87</sup>

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<sup>83</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 95

<sup>84</sup> Ibid, 95

<sup>85</sup> Ibid, 96

<sup>86</sup> Ibid, 100

<sup>87</sup> Ibid, 100

In order for individuals to comply to the rules over a longer period of time, there is a need for some mechanism. Otherwise the problem of free-riding may occur, such as in the example above, where less able workers are sent by some, leading to those sending strong workers believing that they are the ones losing out in this situation.<sup>88</sup>

## 7.7 Minimal recognition of rights to organize

“The rights of appropriators to devise their own institutions are not challenged by external authorities.”<sup>89</sup>

External authorities are to recognize rules that are being made on the local level, also in cases when they lack in formal jurisdictions. If they were to assume that only they, the external authorities, could or should set the rules, it could become difficult for appropriators on the local level to uphold the rules regarding the CPR.<sup>90</sup>

## 7.8 Nested enterprises

“Appropriation, provision, monitoring, enforcement, conflict resolution and governance activities are organized in multiple layers of nested enterprises.”<sup>91</sup>

Organisation regarding rules and use of the CPR are to be done on multiple level and jurisdictions on local, regional and national levels should be present. The rules are connected in order to avoid an incomplete system where there is lack of rules in one of the levels, which in turn could lead to the system failing over time.<sup>92</sup>

## 7.9 Elinor Ostrom’s theory from a global perspective

Ostrom acknowledge the fact that her principles are questioned in the light of global problems and global common resources. She thereby goes on to argue that her eight design principles are in fact still relevant even in the light of a global perspective. This is presented

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<sup>88</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 100

<sup>89</sup> Ibid, 101

<sup>90</sup> Ibid, 101

<sup>91</sup> Ibid, 101

<sup>92</sup> Ibid, 102

through three main points of argument which are; analytical features of some global problems could share similar ones as those that are to be found within local CPRs, that analyzing local problems might speed up the work on creating models and theorizing on the global level, and that several global problems could be looked upon as incomplete solutions to common problems on a local level.<sup>93</sup> She claims that instead of being overwhelmed by the complexity of a global problem, an understanding of the simpler context and examples of the local level might shed light on lessons learned and an identification of key variables that are important for further understanding on the global level. However, she also acknowledges that no single set of rules will comply to every context, although she states that creating means of cooperation on the local level, even when there is absence from external actor of higher authorities is important. This is due to her claim that order in the political sense is somewhat self-enforcing by for example using the military as a mean to control and ensure some state of peace.<sup>94</sup> Another point of why understanding the local institutions is important is that some of them have been functioning for long periods of time, even before the state. These institutions have also worked without enforcement from external actors, however not saying that these institutions are free from free-riding, but which could contribute to the understanding functions institutions that are neither a market or a state.<sup>95</sup>

Ostrom then also goes on to address the issue of the vast number of different actors that are involved in global problems, not only individuals in a global world but also various governments and corporations. This is then linked to the aspect of incentive, in this case to provide for stable rules to try and prevent uncertainty in the future. An issue with this could then be how and to what extent this will affect the patterns of the two principles monitoring and sanctioning.<sup>96</sup>

Furthermore, she then carries on discussing each of the eight design principles to show they would be applied in a global contest. A shorter explanation of this will be presented here.

The first principle, which in short is boundaries being made regarding the use of the resource, are considering global problems presented as a challenging part, however not impossible. This is due to, as previously mentioned, the vast number of organizational actors

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<sup>93</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 9

<sup>94</sup> Ibid, 10 f

<sup>95</sup> Ibid, 11

<sup>96</sup> Ibid, 11 f

working in the global arena such as for example different types governments, corporations and organizations. Further on, she claims that creating actual physical boundaries regarding resources could be easier to make if the resource is truly global, however, some seas which cross national borders could be harder to restrict people from using.<sup>97</sup> Continuing to the second principle, focusing on congruence between rules and local conditions, it is raised that creating uniform rules might in fact become harmful to some local settings if not considered. A simplification of the problem as this would entail, could lead to missing key aspects of environmental effects on the local level. Another aspect of this principle is that the creation of rules to the distribution of costs as well as duties, regarding common pool resources, could in consideration to a global perspective become a major topic of discussion. This due to for example the diverse interests of developed and developing countries. Creating rules regarding this aspect could rely on various setups, however, reaching a uniform rule to this might be hard to achieve. This due to the variance in national and local conditions and capabilities.<sup>98</sup>

For the upcoming principles, it is presented in the article in the way that principles 2, 3 and 7 and unanimous discussion regarding principle 8, which will then also be the case here. First, principles eight stands for creating and enforcing multilevel systems, which entails, “appropriation, provision, monitoring, enforcement, conflict resolution, and governance were organized in multiple levels of nested systems”<sup>99</sup>. Principle two, which has already been discussed, are here related to principle eight in the sense that arrangements done on an institutional level needs to be linked to the actual environmental conditions on all levels. To create this robust regime regarding global climate a need for considering differentiated interest amongst groups as well as local circumstances is presented as important.<sup>100</sup> Principle three, concerning the concept of participants being able to design their own rules are discussed with the focus on reaching collective-choice arrangements within a multilevel system. Principle seven which is also discussed here is the recognition of these rights to organize.

It is made important that for the global regime to escape fragility, a need for local manifestations to show undertaking of the eight design principles, which then also entails

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<sup>97</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 12 ff

<sup>98</sup> Ibid, 15 ff

<sup>99</sup> Ibid, 19

<sup>100</sup> Ibid, 19 f

creating local arrangements involving participants of CPR institutions. In an international, ultimate agreement, it is important to not undermine those which have interests that are not included. This diversity in interest is also affected by the fact that the uncertainty regarding gains retrieved from the agreement to cooperate on a global climate regime in consideration to the fact that the policies and rules presented inflict costs that could create present implication. Furthermore, in a multilevel system, information is a key aspect, since common understanding is important for cooperation. This especially when considering where the information comes from. If the information is received from governments, an element of suspicion could be raised since the information could have been manipulated to escape some sort of punishment or the provider of the information could have been bribed to alter it.<sup>101</sup>

Furthermore, Ostrom discussed monitoring and sanctioning, principle 4 and 5, from a global perspective. It is not in all instances of functioning, long-enduring CPR institutions that an external actor is needed to enforce rules. Monitoring and sanctioning is shown to, in several cases, to be done by participants themselves. Connected to principle three is the claim that if participants are involved in making own rules they can thereby learn from experience and in turn create rules that are in fact enforceable. This is to some extent also upheld by creating benefits entailed in monitoring others. On a larger scale, monitoring and sanctioning are claimed to be an important aspect to further establish international cooperation. It is also recognized that the different types of actors involved in both monitoring and sanctioning could come to affect the various types of incentives as well as outcomes and rules being used.

<sup>102</sup>

Lastly, Ostrom mentioned principle 6 on conflict-resolution mechanisms. She states that negotiation is important in reaching cooperation, however continued participation could become something that is problematic on an international level. It is thereby important to create an arena for resolution of various problems that might occur and to perhaps change existing rules within a regime to reach joint understanding and cooperation on a topic. Other ways of viewing resolution mechanisms is by looking at governments reinforcement, however this might be problematic if they overrule locals and could make it difficult to sustain CPR institutions. However due to various political orders within national states or

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<sup>101</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 19 ff

<sup>102</sup> Ibid, 24 f

governments other issues might occur, such as difference in incentives and interests regarding rules that have been set up by the regime.<sup>103</sup>

For the layout of this paper, these extended definitions of the eight design principles will be discussed alongside the main descriptions of the principles. This is because Ostrom herself claims that they are still valid in the light of a global perspective due to their character.

## 8. Result and Analysis

### 8.1 Result of categorizing

Principle 1	Principle 2	Principle 3	Principle 4
Codes	Codes	Codes	Codes
<ul style="list-style-type: none"> <li>- Responsibility for own emission levels</li> <li>- Withdrawal from the Convention equals withdrawal from the Agreement</li> </ul>	<ul style="list-style-type: none"> <li>- Nationally determined contributions</li> <li>- Domestic mitigation measures</li> <li>- Differentiated responsibilities and capabilities</li> <li>- Developed countries taking lead in reduction targets</li> <li>- Support to developing countries</li> <li>- Other Parties can provide support voluntarily</li> <li>- Least developed countries prepare for low emissions development in regard to their special circumstances</li> </ul>	<ul style="list-style-type: none"> <li>- Parties shall communicate nationally determined contributions</li> <li>- Adjustments in existing nationally determined contributions can be done</li> <li>- Conference of the Parties</li> <li>- Parties are allowed to act jointly</li> <li>- Use of internationally transferred mitigation outcomes are voluntary and needs to be authorized by other Parties</li> <li>- Involvement of public and private sector</li> </ul>	<ul style="list-style-type: none"> <li>- Nationally determined contributions shall be recorded</li> <li>- Parties account for anthropogenic emissions</li> <li>- Parties should take into account existing methods</li> <li>- Parties who act jointly shall inform the secretariat</li> <li>- Parties should communicate long-term low emission strategies</li> <li>- Ensure environmental integrity, transparency and avoid double counting</li> <li>- Supervision on a mechanism for</li> </ul>

<sup>103</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 31 ff



		<ul style="list-style-type: none"> <li>- Engagement by Parties in implementation processes</li> <li>- Building trust, transparency and flexibility.</li> <li>- Stocktake is set out unless decided by Parties</li> <li>- Parties of the Convention not Parties to the Agreement may be observers to meetings</li> <li>- Decisions under the Agreement should only be done by Parties to the Agreement</li> <li>- Financial procedures through existing rules, unless otherwise decided by consensus of the Parties</li> <li>- Qualified bodies or agencies may be rejected as observer if a third of the Parties present object</li> </ul>	<ul style="list-style-type: none"> <li>mitigation of emissions and sustainable development</li> <li>- Parties should submit and update periodically an adaptation communication</li> <li>- Developed country Parties shall communicate information on financial resources, developing country Parties are encouraged to do so</li> <li>- Parties enhancing capacity on developing country Parties shall communicate actions. Developing country Parties should communicate progress made</li> <li>- National communications, biennial reports, international assessment and review</li> <li>- National report of anthropogenic emissions and removals of sinks of greenhouse gases</li> <li>- Periodically take stock of progress</li> <li>- A mechanism to promote compliance</li> <li>- Mechanism of implementation consists of a committee</li> </ul>
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Table 1: Principles 1-4

Principle 5	Principle 6	Principle 7	Principle 8
Codes	Codes	Codes	Codes
<p>- Mechanism of implementation shall consist of a committee that is non-punitive</p>	<ul style="list-style-type: none"> <li>- Conference of the Parties</li> <li>- Parties should take into account existing methods</li> <li>- A mechanism to contribute to mitigation of emissions and sustainable development</li> <li>- Global goal on adaptation, resilience and reducing vulnerability to climate change</li> <li>- Adaptation action should fully transparent</li> <li>- Aim to ensure access to financial resources through simplified approval procedures</li> <li>- Technology framework to guide the work of the Technology Mechanism</li> <li>- Transparency framework och flexibility to build trust</li> <li>- A mechanism of implementation to promote compliance</li> <li>- Each Party have one vote</li> </ul>	<ul style="list-style-type: none"> <li>- Adapt to adverse impacts of climate change that does not threaten food production</li> <li>- Nationally determined contributions</li> <li>- Common but differentiated responsibilities and capabilities</li> <li>- Ability to adjust existing nationally determined contributions</li> <li>- Taking in account needs of developing country Parties</li> <li>- Integrating adaptation with a consideration of vulnerable groups, knowledge of indigenous people and local knowledge systems</li> <li>- Organisations and agencies are encouraged to support implementation efforts of Parties</li> <li>- Capacity-building should be country-driven and respect national needs</li> <li>- Transparency arrangements shall be implemented in respect to the sovereignty of Parties</li> </ul>	<ul style="list-style-type: none"> <li>- Parties can act jointly</li> <li>- Participation of private and public implementation</li> <li>- Adaptation as a global goal with multi level dimensions</li> <li>- Importance of international cooperation</li> <li>- Institutional arrangements to provide information, knowledge, technical support and guidance</li> <li>- United Nations organisations provide support</li> <li>- Capacity-building include national, subnational and local levels</li> <li>- Regional, bilateral and multilateral approaches to enhancement of capacity</li> <li>- Parties shall cooperate to enhance education, awareness, participation and information on climate change</li> <li>- Establishing necessary subsidiary bodies for implementation</li> </ul>

		- Assistance in capacity-building is available for developing country Parties	
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Table 2: Principles 5-8

These two tables are the result of the categorization made, which shows parts of the material, The Paris Agreement, that relates to each for the principles. There is one column for each principle to provide for better understanding of the result.

## 8.2 Result of connections found

In this section a presentation of the result shown in the the tables will be discussed further and analyzed. At the end of each section previous research in terms of articles will be discussed in relation to the analysis made on The Paris Agreement trough Elinor Ostroms theory.

### Principle 1

As is shown in Annex 1, several connections were found in regard to the principles. However, as of this method it is shown that there was a disproportion between the connections found for each principle. For the first principle, clearly defined boundaries, little connections to the material was found. It was not explicitly mentioned in the in Agreement about boundaries regarding resources, however, as mentioned by Ostrom this might be difficult to establish in global agreement concerning several actors, however not impossible.

<sup>104</sup> Due to this absence of explicit statements in the Agreement, a view of finding boundaries within the implementation of the Agreement was applied instead, in order to implicitly try to interpret other boundaries that might be present within the Agreement. This is stated in the Annex, table 1, and is presented as responsibility for own emissions as well as arrangements regarding the withdrawal of the agreement. This is chosen as representative of what is shown in the Agreement that is possible to connect to the first principle. This due to factors such as is mentioned by Ostrom regarding a country as creating a boundary of own rules and laws

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<sup>104</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 12ff

regarding the political order<sup>105</sup>, which is then applied to each country's own responsibility of own emission levels.<sup>106</sup> This to create a boundary that uphold the sovereign states that is also mentioned in the Agreement as something to maintain.<sup>107</sup> The second aspect of withdrawal from the agreement regards the boundaries of the Agreements itself and its members, in order to create boundaries toward outsiders.<sup>108</sup> This is however questionable since the outcomes of the Agreement will likely have vast effects on more actors than are signed to the Agreement since its aim is to reach climate change and environmental sustainability.<sup>109</sup>

In the articles, not much is said about specific boundaries, which was not expected since it is not explicitly mentioned in the Agreement, which is the basis for discussion in the articles. However, it is mentioned that a sharing of emissions “left” to allocate before reaching critical points of overmitting regarding the temperature goal is discussed.<sup>110</sup> This is then also raised as something that is not discussed in the Agreement itself, which might lead to issues concerning boundaries on resources.

## Principle 2

Principle two, congruence between appropriation and provision rules and local conditions, did prove to be easier to connect to the Agreement. One of the main connections made between the Agreement and principle two was the mentioned nationally determined contributions. This is one of the aspects of the Agreement that is shown multiple times throughout the material and is shown in various contexts.<sup>111</sup> As the principle states, the importance of tailoring rules to local conditions, this aspect of the Agreement is valid to raise. This due to the reason that the nationally determined contributions reflects countries joint goal, however, in the light of different responsibilities and capabilities.<sup>112</sup> This is then why the Agreement allows for own tailoring of commitments being made within each country Party. By this, Ostroms claims of having uniform rules being harmful if not local conditions are considered and that only thinking in global terms could lead to missing important effects of

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<sup>105</sup> Ibid, 33

<sup>106</sup> United Nations, *The Paris Agreement*, Article 4.13

<sup>107</sup> Ibid, Article 13.1

<sup>108</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 12ff

<sup>109</sup> Ibid, 12ff

<sup>110</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 5

<sup>111</sup> United Nations, *The Paris Agreement*, Articles 4.2, 4.3, 7.11, 13.5, 13.11

<sup>112</sup> Ibid, Articles 2.2, 4.3, 4.19

environmental changes that occur on the local level<sup>113</sup>. It is some extent addressed in the Agreement when viewing the outlines of the NDCs presented. Further on, Ostrom's concern on varying interests and incentives of developed and developing countries in regard to costs and duties decided upon in an agreement is also addressed through the NDCs, due to them being tailored to and decided on through local circumstances and national needs.<sup>114</sup>

Furthermore, the Agreement states that funding to developing country Parties should be provided by developed country Parties in order to increase capacity and arrangements regarding actions towards environmental sustainability.<sup>115</sup> It is also said to be the developed country Parties who should take the lead in reaching this goal.<sup>116</sup> This aspect could show that support is provided for each Party to be able to engage in fighting climate change and take responsibility in the light of their local conditions. Ostrom also mentions that this is important to note in a global setting as well, since involving the local levels are key in making sustainable changes even on the higher levels.<sup>117</sup>

It is discussed that the NDCs presented by the Parties to some extent are good in terms of self-determination<sup>118</sup>, however some critics claim that they are too vague.<sup>119</sup> Furthermore, it is raised, which goes with Elinor Ostrom's claims, that there is no common solution for problems that concern several individuals and parties, and that the flexibility presented in the Agreement could help to encourage Parties to submit pledges as well as ratcheting up in the future.<sup>120</sup> It is also mentioned in other literature, that countries might set out lower pledges in order to make sure that they are reached and with the expectation set on them raised them over time, this might be an effective way to show progress made.<sup>121</sup>

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<sup>113</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 15 ff

<sup>114</sup> United Nations, *The Paris Agreement*, Articles 4.3, 11.2

<sup>115</sup> Ibid, Articles 7.6, 11.1

<sup>116</sup> Ibid, Article 4.4

<sup>117</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 19

<sup>118</sup> Brun, Aslak, *Conference Diplomacy: The Making of the Paris Agreement*, 116

<sup>119</sup> Young, Oran R., *The Paris Agreement: Destined to Succeed or Doomed to Fail?*, 124

<sup>120</sup> Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*, 134-136

<sup>121</sup> Brun, Aslak, *Conference Diplomacy: The Making of the Paris Agreement*, 118

### Principle 3

Considering the possibility of participants involved to modify rules to better suit their local settings, mentioned in the theory on principles three<sup>122</sup>, aligns with the part of the Agreement that states that adjustments in a Party's nationally determined contributions could be made at any time in accordance with the capacity of the Party.<sup>123</sup> Another aspect of this is the mentioned authorization to be made by Parties, as well as joint discussion regarding decisions being made, which then allows for participants involved in the process of implementing actions in line with the Agreement to have a say in what is being decided upon. Parties not signed to the Agreement are then also allowed to join the meetings as observers, however they are not allowed to inflict or take part in decision making, since this is to only be done by Parties to the Agreement.<sup>124</sup> This might be viewed as problematic in the sense that the outcomes of actions being implemented under the Agreement could come to affect other Parties, such as changes in for example environmental or marketal aspects. Ostrom also mentions that those with other interests in this context is not to be undermined, and also notes that some aspects that could cause for a diversity in interests could be costs and benefits received from joining the cooperation that is to be established.<sup>125</sup>

Furthermore, it is stated in the Agreement that transparency and trust<sup>126</sup>, as well as involving both the private and public sector in implementation processes<sup>127</sup>, is to be ensured. This shows awareness of the importance of reaching a well integrated process that creates active actions being taken on multiple levels. As is visible in the theory, the importance of this aspect is also shown, in such as in lack of an external actor the rules still needs to be upheld to ensure that the work of change did not put on hold.<sup>128</sup> This also provides for cooperation amongst Parties, to further reach their goals. It is presented in the Agreement that Parties are allowed to work jointly, on a voluntary basis, on matters that they themselves chose.<sup>129</sup> This could then enforce the want to comply with the rules, in order to ensure that the cooperation

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<sup>122</sup> Ostrom, Elinor, *Governing the Commons "The Evolution of Institutions for Collective Action"*, 93

<sup>123</sup> United Nations, *The Paris Agreement*, Article 4.11

<sup>124</sup> Ibid, Article 16.2

<sup>125</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 15ff

<sup>126</sup> United Nations, *The Paris Agreement*, Article 13.1

<sup>127</sup> Ibid, Article 6.8b

<sup>128</sup> Ostrom, Elinor, *Governing the Commons "The Evolution of Institutions for Collective Action"*, 93

<sup>129</sup> United Nations, *The Paris Agreement*, Articles 6.1, 6.2

remain stable as well as not losing out on taking part of the cooperation. However, if deviation occurs within the cooperation, both in that between a few Parties but also in that of the whole Agreement, might causes for more to follow.<sup>130</sup>

Cooperation is raised in parts of the literature as something that is critical for an Agreement of this sort, since deviation is damaging to the progress.<sup>131</sup> Upholding the status quo, as mentioned in one of the articles, is something that is sometimes done when waiting on decisions to be made, since uncertainty on benefits being made by cooperation is present.<sup>132</sup> Being able to, to some degree, estimate costs and benefits is also something that is raised as an important factor, alongside with the ability to enforce the Agreement. This in the sense of it being self-enforceable, due to the lack of a central actor or body in the global arena of politics.<sup>133</sup> This then correlates with the theoretical aspect of rules being upheld even in the absence of an external actor.

## Principle 4 and 5

These two principles are discussed jointly in the theory, which is also the case in this section.

Regarding principle four on monitoring, the Agreement states multiple actions taken to try and ensure a high level of monitoring, mainly in the aspects of progress being made through reports, some degree of supervision, transparency of information, external actors such as committees and sekretariat as well as assessments and reviews.<sup>134</sup> Through this, the Agreement show an awareness of the importance of monitoring to ensure that the goal of the Agreement is worked towards, and that actions that work towards the rules and guidelines set up by the Agreement is being followed. However, the question of what will happen when a rules or likewise is in fact broken or disobeyed is not addressed. In line with principle five on graduated sanctions, the Agreement does not show any clear actions on how to sanction Parties that show questionable or incorrect behaviour in regard to the framework of the

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<sup>130</sup> Ostrom, Elinor, *Governing the Commons "The Evolution of Institutions for Collective Action"*, 93f

<sup>131</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 2 and Brun, Aslak, *Conference Diplomacy: The Making of the Paris Agreement*, 115

<sup>132</sup> Young, Oran R., *The Paris Agreement: Destined to Succeed or Doomed to Fail*, 124-127

<sup>133</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 2f

<sup>134</sup> United Nations, *The Paris Agreement*, Articles 4.8, 4.12, 13.1, 13.4, 13.10, 13.11, 13.12

Agreement. This since it is stated in the Agreement that Parties are to “take into account existing methods”<sup>135</sup> on for example the aspect of emissions.

What was found in regard to principle five in the Agreement is a sentence mentioning that the committee that considers the mechanisms of implementation shall operate in a non-punitive manner.<sup>136</sup> This is however not showing anything regarding actual sanctions, rather it shows that the Agreement does not intend at this state to function in a punitive way towards Parties. However, reading into the theory of the aspects of monitoring and sanctioning shows that they are important components to ensure compliance.<sup>137</sup> The theory also presents various ways of reaching monitoring and then in turn sanctioning by both individuals as well as assigned guards/officials. In cases where the monitoring is done by the individuals themselves the punishing is done when a non-cooperative behaviour is shown by others. This is to ensure that everyone benefits from the cooperation that is present and that the possibility of losing out on the cooperation is limited.<sup>138</sup> In other aspects, the task of monitoring and detecting “wrong” behaviour is assigned to certain people such as guards or officials.

Seeing as though the Agreement is lacking in stated actions to take in the case of disobedient behaviour, there might become a climate where Parties sanctioning each other in occurrence of non-cooperative behaviour. This might be due to, as mentioned, the fear of losing out of the cooperation in place, which causes for it to be beneficial to sanction those who do not cooperate, through for example shaming them.<sup>139</sup> If this is not present perhaps the Parties themselves might operate as guards, sanctioning incorrectly behaviour within own national borders in order to reach goals of contributions set up.

In the event of no sanctioning actions being taken on, a difficulty to ensure compliance might become visible if non-compliance becomes more beneficial. This in such as temporing with reports or communicated information delivered from the Parties to reach personal interests rather than the collective goal and common targets.<sup>140</sup>

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<sup>135</sup> Ibid, Article 4.14

<sup>136</sup> United Nations, *The Paris Agreement*, Article 13.3

<sup>137</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”* 94f

<sup>138</sup> Ibid, 94

<sup>139</sup> Scheff, Thomas J., *Shame and the Social Bond: A Sociological Theory*, 95

<sup>140</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 23



In the literature regarding the Paris Agreement, the term “pledge and review” is often mentioned<sup>141</sup>, which is the assumed system of monitoring that seems to be visible in the Agreement, although not explicitly mentioned in the Agreement itself. This is then based on the assessments, reports and reviews that is to be done on what the Parties have pledged to do through their NDCs. By this, transparency in the processes of implementation should become easier to make, and also to show who is not complying to the Agreement or reaching its NDCs.<sup>142</sup> This could then be viewed through monitoring processes that are made by participants themselves.<sup>143</sup> By being pointed out as one that does not comply to and deviates from the corporations and joint rules you could be shamed into doing differently.<sup>144</sup> Through this, no direct external actors is needed to enforce compliance, since it is done through the processes of monitoring each other.<sup>145</sup> The sanction in this case could then be viewed as the shaming that occurs.<sup>146</sup>

## Principle 6

As is presented in the theory, principle six concerns conflict-resolution mechanisms. Regarding the Agreement, no such mechanism what found explicitly, however, mechanisms concerning guidelines for various types of implementation was found, such as for example mechanisms for mitigation and technology.<sup>147</sup> However, Parties are encouraged to use existing methods in their actions<sup>148</sup>, which in turn could cause for less conflict in methods used by Parties. The Conference of the Parties which is to serve the purpose of meeting of the Parties is an outlet where concerns of the Parties might be discussed and decisions could be made.<sup>149</sup> However, as stated in the theory, a need for low-cost local mechanisms for conflict<sup>150</sup> is not stated in the Agreement. This could however be seen as something that will occur within Parties own national borders. A vast framework that suit all Parties own national

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<sup>141</sup> Young, Oran R., *The Paris Agreement: Destined to Succeed or Doomed to Fail?*, 130, Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*, 135, Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 1

<sup>142</sup> Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*, 134

<sup>143</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 94

<sup>144</sup> Brun, Aslak, *Conference Diplomacy: The Making of the Paris Agreement*, 119

<sup>145</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 94

<sup>146</sup> Brun, Aslak, *Conference Diplomacy: The Making of the Paris Agreement*, 119

<sup>147</sup> United Nations, *The Paris Agreement*, Articles 6.4, 10.3

<sup>148</sup> Ibid, 4.14

<sup>149</sup> Ibid, 4.8, 4.9, 4.13

<sup>150</sup> Ostrom, Elinor, *Governing the Commons “The Evolution of Institutions for Collective Action”*, 100

societal climate might be hard to establish, which then could cause for the vagueness of this matter in the Agreement.<sup>151</sup> Using the conference of the Parties as an arena for resolutions to be made amongst Parties on a higher international level and allow parties to sort and tailor resolution mechanisms within own national border might be the case. Stating that transparency and flexibility is an important component in reaching trust<sup>152</sup>, could be seen as another way of creating for low-cost resolution mechanisms on all levels, by trying to ensure that no information regarding progress made in line with the Agreement is the cause for conflicts.

Since the Agreement to some extent relies on Parties own nationally determined contributions, the burden-sharing might vary amongst Parties. As is presented previously, developed country Parties are to take on a heavier burden in regard to reaching environmental stability, however, the burden-sharing amongst these Parties might vary, this due to each Party's possibility to present own contributions. It is to be understood through the Agreement that the Parties strive for a global goal<sup>153</sup>, however, the issue of free-riding might occur in the sense that some Parties take on less than others. Again, as previously mentioned, a fear of losing out by contributing heavily might become present.<sup>154</sup> Then presenting the possibility to adjust own national contributions<sup>155</sup> might be seen as a conflict-resolution mechanism within the Agreement. In a broader perspective, regarding the different layout of the Agreement in regard to previous agreements made, the Agreement itself could be viewed as a conflict-resolutions mechanism. This by changing the concept of the agreement by rearranging rules to reach some kind of internationally, joint understanding of for example costs, gains and distribution, to mention some aspects.

Pressing priorities other than climate change might come to create issues amongst Parties, since for example countries dependent on oil might oppose other energy sources.<sup>156</sup> Mentioned in the Agreement as well as one of the articles is also that poverty eradication

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<sup>151</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 16

<sup>152</sup> United Nations, *The Paris Agreement*, Article 13.1

<sup>153</sup> Ibid, Articles 7.1, 7.14d

<sup>154</sup> Ostrom, Elinor, *Governing the Commons "The Evolution of Institutions for Collective Action"*, 100

<sup>155</sup> United Nations, *The Paris Agreement*, Article 4.11

<sup>156</sup> Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*, 136

should be a concern, which could then also come to conflict with actions taken on climate change.<sup>157</sup> Another factor such as the state system, which has previously been mentioned in another context, might become a topic of discussion in this case as well as stated in one of the articles, authoritarian states that strive for gain might try to shift costs to reach maximum benefits.<sup>158</sup>

As was also previously mentioned, under section one, that the allocation of remaining emissions within the limit of not exceeding the temperature limit, might cause for conflict.<sup>159</sup> Self-interest may play an important role in this, due to some degree of competition between countries to strive for the most optimal outcomes.<sup>160</sup>

## Principle 7

In the light of principle seven, recognizing rights to organize, the Agreement is shown to have considered that Parties face different possibilities to create and sustain nationally determined contributions. It is noted that these contributions should be considered in the light of common, but with a consideration to, differentiated responsibilities.<sup>161</sup> This especially when considering developing country Parties which might struggle to provide financial and technological means<sup>162</sup> to make sustainable choices in line with the Agreement. It is then presented in the Agreement that a support for these Parties are to be made by developed country Parties, as well as by others on a voluntary basis, which then allows for these Parties to reach an extensive implementation process and allows for them to organize on local levels. Another aspect that is brought up in the Agreement is that implementation and capacity-building processes is to be made with consideration of Party's sovereignty<sup>163</sup> and with respect to national needs of a Party<sup>164</sup>, which then shows that the Agreement allows for organization in the light of a Party's own climate. However, criticism towards this connection might be done. Due to the varying political, social and economical climate of Parties signed to the Agreement, this aspect of the theory, principle seven, might vary in level of difficulty

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<sup>157</sup> United Nations, *The Paris Agreement*, Articles 2.1, 4.1, 6.8 and Campbell, David, *What does the Paris Agreement actually do?*, 888

<sup>158</sup> Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 4

<sup>159</sup> Ibid, 6

<sup>160</sup> Ibid, 7

<sup>161</sup> United Nations, *The Paris Agreement*, Article 2.2

<sup>162</sup> Ibid, Articles 9.1, 10.1, 10.6

<sup>163</sup> Ibid, Article 13.1

<sup>164</sup> Ibid, Article 11.2

to implement and ensure.<sup>165</sup> Depending on aspects such as for example regime, social stratification, transparency and economical means these principles might be prioritized differently. Different approaches to involving the locals in modification of rules might also be tailored not only the local conditions but also the national needs<sup>166</sup> and prioritization of the Party.<sup>167</sup> Then in regard to this, it is important to note that setting rules and agreeing to follow then might be easy enough, however to implement and comply to them could prove to be more difficult.<sup>168</sup> This is something that is raised in the literature as important to ensure through systems of reports to give the Agreement credibility and to ensure trust amongst Parties.<sup>169</sup>

## Principle 8

Ensuring that rules are incorporated on multiple levels to establish a network of rules that is upheld and to avoid that the system falls apart due to lack of enforcement as well as information on rules, concerns this principle.<sup>170</sup> Within the Agreement, several paragraphs concern this fact, and it seems as though an awareness of the importance to incorporate local, national and international levels is present. This in such as mentioning that implementation needs to involve private and public sector, that the Agreement concerns global goals which involves multilevel dimensions, that capacity is to be enhanced on different levels and that international cooperation on various matters is to be made.<sup>171</sup> Encouraging Parties to act jointly<sup>172</sup> and provide support for those that need it is other aspects that allows for actions being taken on more levels.<sup>173</sup> Stating that Parties are to take a common responsibility to provide for knowledge, information and education to further create awareness and participation on climate change<sup>174</sup>, again, allows for active actions being taken on various levels such as locally, regionally, nationally and internationally.<sup>175</sup>

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<sup>165</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 11, 23 and Keohane, Robert O., Oppenheimer, Michael, *Paris: Beyond the Climate Dead End through Pledge and Review?*, 4

<sup>166</sup> United Nations, *The Paris Agreement*, Article 11.2

<sup>167</sup> Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*, 136

<sup>168</sup> Ostrom, Elinor, *Governing the Commons "The Evolution of Institutions for Collective Action"*, 93

<sup>169</sup> Brun, Aslak, *Conference Diplomacy: The Making of the Paris Agreement*, 117

<sup>170</sup> United Nations, *The Paris Agreement*, Articles 6.8b, 7.1, 7.2, 7.7b, 7.11, 9.5, 12

<sup>171</sup> Ibid, Article 12

<sup>172</sup> Ibid, Article 12

<sup>173</sup> Ibid, Articles 11.5, 13.9

<sup>174</sup> Ibid, Articles 11.1, 12

<sup>175</sup> Ibid, Articles 7.2, 11.2

The decisions of implementation actions regarding the Agreement is made on national level, with respect for national sovereignty and needs<sup>176</sup>, which then creates for Parties to make own decisions on to what extent this is to be implemented on various levels of a society. As previously mentioned, the societal climate of a country might make this implementation easier or more difficult.<sup>177</sup> The theory states that lacking in rules in one of the levels in a system might cause for an incomplete system, which in this case could be seen if a country is lacking in enforcement capacity of rules on various level of the society.<sup>178</sup> On the other hand, given the varying characteristics of the Parties, other approaches might be applied successfully.

Since this principle is concerning enforcing the other principles on multiple levels it is appropriate to also discuss it in connection to other principles. Allowing for implementation to be available on various levels and by providing information and knowledge necessary, monitoring and transparency could become easier to establish, which in turn could make it easier to detect faulty behaviour and reduce the uprising of conflicts. This by minimizing the possibility of own interpretations being made on various levels of a system.

Since it is stated in all the articles discussed in this essay, the NDCs presented through the Paris Agreement will not be enough at its current state to reach the temperature goal set up. However the Agreement is also presented in an article as a way of strengthening global response on climate change, which is also brought up in the Agreement itself,<sup>179</sup> something that would then also imply that a shift in priorities might occur. The Agreement also adapt to the decentralized climate och world politics, which is to some extent shown through the NDCs, when distributing the implementation actions and decision on various levels in a society.<sup>180</sup> This allow for a more flexible system, that does not strictly rely on a top-down approach.<sup>181</sup>

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<sup>176</sup> Ibid, Articles 11.2, 13.3

<sup>177</sup> McGinnis, Michael, Ostrom, Elinor, *Design principles for local and global commons*, 33

<sup>178</sup> Ostrom, Elinor, *Governing the Commons "The Evolution of Institutions for Collective Action"*, 95

<sup>179</sup> Campbell, David, *What does the Paris Agreement actually do?*, 886, and United Nations, The Paris Agreement, Article 7.2

<sup>180</sup> Victor, David G., *What the Framework Convention on Climate Change Teaches Us About Cooperation on Climate Change*, 135

<sup>181</sup> Ibid, 136

## 9. Conclusion and Further Research

As is stated in the Paris agreement, joint operation and strengthening of the the response to climate change, as well as reaching commitments that actively works to prevent further climate change is presented. This is to be done by various factors, such as through the NDCs, review systems and reporting, inclusion of all levels, funding in various aspects as well as keeping different responsibilities and capabilities in mind. This in regard to Elinor Ostroms theory on governing the commons and collective actions problems, the eight principles on governing are here used as a way to look at the Paris Agreement from a theoretical perspective. These principles have been used as a way to categorize the Agreement and to be able to analyze it from this perspective. Strengths of the Agreement is based on how well the Agreement aligns with a principle and weakness is based on if they do not align with a principle. However, as is shown in the result and analysis, nuances of this is shown since part of the Agreement that align with the principles could be seen as having both positive and negative aspects. As is shown in the result and analysis, there is a disproportionate distribution of what was found in the Agreement that suits the various categories. Under principles 1 and 5, little of the Agreement seemed to apply, which could be viewed as something that might make the Agreement weaker. This due to the lack of boundaries, which could become a problem since the resources are found on global scales. Also, the lack of sanctions could prove to be something that weakens the Agreement, since it could lower compliance and incentives for transparency. However, this could also be something that is presented further on in the implementation of the Agreement. Principle 6 on conflict-resolution mechanisms is also one that was not found to a major extent in the Agreement. Rules to follow and mechanisms that show how actions are to, to some degree, be implemented is shown, however in the light of a conflict no resolution was presented. However, as is also stated in the litterature, no blueprint is possible to make, which could them imply that it is up to sovereign states to resolve issues that occur.

In regard to the other principles, the Agreement seems to state targets and goals that align with the theory. Principle 2 is one of the clearest example of this, since it is shown that much of the Agreement is relying on NDCs from each country signed to the Agreement. This

would then imply that local conditions are being taken in to consideration, which is stated as important in the theory. Principles 3 and 7, is also shown in the Agreement since adjustments of contributions are possible to make, that the Conference of the Parties are to be inclusive and that funding is provided to be able to involve more countries in the progress towards limiting climate change. Furthermore, the aspect of monitoring is widely discussed in the Agreement which aligns with principle 4. This shows an awareness of the importance of monitoring to keep track on progress made, which is something that is important for trust and transparency. The final principle discussed is principle 8, which is found in the Agreement in various ways. The NDCs is a way to reach decentralization and to try and ensure actions taken on various levels. Information is also stated as something that needs to reach all levels, and a recognition of local conditions and capabilities, as previously mentioned is also something that encourages multilevel cooperation. These aspects are then viewed to be strengths of the Agreement, since it shows aspects of important factors that is presented by Ostrom as important for collective action problems.

However, this analysis can not determine the level of success that the Agreement might achieve, since it does not set out to do so. Through this analysis of the Paris Agreement a series of strengths and weaknesses are found based on a theoretical framework, which then showed that the Agreement carries more strengths than weaknesses. in the light of this perspective. Although, as previously mentioned, there are nuances to these statements.

An option for further research being done based on this essay could possibly be to study other agreements of this kind in a similar manner, from a theoretical point of view. Theories on collective action problems and common resources could shed a light on what works and what does not in regard to these agreements.

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# Annex 1

Table 1.1

Category 1: Clearly defined boundaries

Sentence	Condensed	Coding
“Each party... .. shall be responsible for its own emission levels...” (4, 17) <sup>182</sup>	Each party is responsible for its own emissions level	Responsibility for own emission levels
“Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement.” (28, 3)	Withdrawal from the the Convention is also considered as withdrawing from the Agreement	Withdrawal from the Convention equals withdrawal from the Agreement

Table 1.2

Category 2: Congruence between appropriation and provision rules and local conditions

Sentence	Condensed	Coding
“... nationally determined contributions to the global response to climate change...” (3) <sup>183</sup>	Nationally determined contributions to address climate change	Nationally determined contributions
“Parties shall pursue domestic mitigation measures...” (4, 2)	Parties shall pursue domestic mitigation measures	Domestic mitigation measures
“...”common but differentiated responsibilities and respective capabilities...” (4, 3) <sup>184</sup>	Common but differentiated responsibilities and capabilities	Differentiated responsibilities and capabilities
“Developed countries should continue taking the lead by undertaking	Developed countries should take the lead in reduction targets	Developed countries taking lead in reduction targets

<sup>182</sup> (4, 18)

<sup>183</sup> (4, 2), (4, 3), (4, 11), (6, 2), (6, 3), 6, 8), (6, 8b), (7, 9c), (13, 5)

<sup>184</sup> (4, 19)

economy-wide... .. reduction targets.” (4, 4)		
“Support shall be provided to developing countries...” (4, 5) <sup>185</sup>	Support shall be provided to developing countries	Support to developing countries
“Other parties are encouraged to provide or continue to provide such support voluntarily.” (9, 2)	Other parties are encouraged to provide or continue to provide such support voluntarily	Other Parties can provide support voluntarily
“The least developed countries... .. may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances.” (4, 6) <sup>186</sup>	Least developed countries may prepare strategies, plans and actions for low emissions development reflecting their special circumstances	Least developed countries prepare for low emissions development in regard to their special circumstances
“... taking into consideration vulnerable groups, communities and ecosystems...” (7, 5) <sup>187</sup>	Taking into consideration vulnerable groups, communities and ecosystems	Considering vulnerable groups, communities and ecosystems
“...(adaptation action) should be based on... .. best available science... .. traditional knowledge, knowledge of indigenous people and local knowledge systems...” (7, 5) <sup>188</sup>	Adaptation action should be based on science, traditional knowledge, knowledge of indigenous people and local knowledge	Adaptation action based on knowledge of indigenous people and local knowledge
“Capacity-building should be country-driven, based on and responsive to national needs...” (11, 2)	Capacity-building should be country-driven and based on national needs	Country-driven capacity-building based on national needs

Table 1.3

Category 3: Collective-choice arrangements

<sup>185</sup> (6, 6), (7, 2), (7, 6), (7, 7d), (7, 13), (7, 14a), (9, 1), (9, 3), (9, 4), (9, 9), (10, 6), (11, 1), (11, 3), (13, 14), (13, 15)

<sup>186</sup> (4, 19), (9, 9), (11, 1)

<sup>187</sup> (7, 9c), (7, 9e), (8, 4h)

<sup>188</sup> (7, 7a)

Sentence	Condensed	Coding
“Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve.” (4, 2)	Each Party shall communicate nationally determined contributions that it intends to achieve	Parties shall communicate nationally determined contributions
“A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition...” (4, 11)	A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition	Adjustments in existing nationally determined contributions can be done
“Conference of the Parties serves as the meeting of the Parties...” (4, 11) <sup>189</sup>	Conference of the Parties serves as the meeting of the Parties	Conference of the Parties
“Parties... .. that have reached an agreement to act jointly... .. shall notify the secretariat of the terms of the agreement...” (4, 16) <sup>190</sup>	Parties that have reached an agreement to act jointly shall notify the terms of the agreement	Parties are allowed to act jointly
“The use of internationally transferred mitigation outcomes to achieve nationally determined contributions... .. shall be voluntary and authorized by participating Parties.” (6, 3)	The use of internationally transferred mitigation outcomes to achieve nationally determined contributions shall be voluntary and authorized by participating Parties	Use of internationally transferred mitigation outcomes are voluntary and needs to be authorized by other Parties
“Enhance public and private sector in participation in the implementation of nationally determined contributions...” (6, 8b) <sup>191</sup>	Enhance public and private sector in participation in the implementation of nationally determined contributions	Involvement of public and private sector
“Each Party shall, as appropriate, engage in adaptation planning processes and the implementation...” (7, 9)	Each Party shall, as appropriate, engage in adaptation planning processes and the implementation	Engagement by Parties in implementation processes

<sup>189</sup> (4, 9), (4, 13), (6, 2), (6, 4), (6, 6), (6, 7), (7, 3), (8, 2), (9, 7), (11, 5), (13, 13), (14, 1), (14, 2), (15, 3), (16, 1), (16, 2), (16, 3), (16, 4), (16, 5), (16, 8), (19, 1), (19, 2)

<sup>190</sup> (4, 18), (6, 1)

<sup>191</sup> (12)

“...build mutual trust and confidence and to promote effective implementation, an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties’ different capacities and builds upon collective experience...” (13, 1)	Building trust to promote effective implementation and a transparency framework with built-in flexibility for action and support, which takes into account different capacities and collective experience	Building trust, transparency and flexibility
“...first global stocktake in 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties...” (14, 2)	First stocktake in 2023 and every five years after unless otherwise decided by the Conference of the Parties	Stocktake is set out unless decided by Parties
“Parties to the Convention that are not Parties to the Agreement may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Agreement.” (16, 2) <sup>192</sup>	Parties to the Convention that are not Parties to the Agreement may participate as observers in the proceedings of any session of the Conference of the Parties	Parties of the Convention not Parties to the Agreement may be observers to meetings
...decisions under this Agreement shall be taken only by those that are Parties to this Agreement.” (16, 2)	Decisions under this Agreement shall be taken only by those that are Parties to this Agreement	Decisions under the Agreement should only be done by Parties to the Agreement
“... financial procedures under the Convention shall be applied mutatis mutandis under this Agreement, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Agreement.” (16, 5) <sup>193</sup>	Financial procedures under the Convention shall be applied mutatis mutandis under this Agreement, except as may be otherwise decided by consensus by the Conference of the Parties	Financial procedures shall be carried out through existing rules, unless otherwise decided by consensus of the Parties
“Any body or agency... .. which is qualified in matters	Any body or agency which is qualified in matters	Qualified bodies or agencies may be rejected as observer

<sup>192</sup> (16, 8), (18, 2)

<sup>193</sup> (16, 6), (16, 7)

covered by this Agreement and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Agreement as an observer, may be so admitted unless at least one third of the Parties present object.” (16, 8)	covered by this Agreement and wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object	if a third of the Parties present object
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Table 1.4

## Category 4: Monitoring

Sentence	Condensed	Coding
“Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by sekretariat.” (4, 12) <sup>194</sup>	Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by sekretariat	Nationally determined contributions shall be recorded
“Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions...” (4, 13)	Parties shall account for their nationally determined contributions and account for anthropogenic emissions and removals corresponding to their nationally determined contributions	Parties account for anthropogenic emissions
“...Parties should take into account, as appropriate, existing methods and guidance under the Convention...” (4, 14)	Parties should take into account, as appropriate, existing methods and guidance under the Convention	Parties should take into account existing methods
“Parties... .. that have reached an agreement to act jointly... .. shall notify the secretariat of the terms of	Parties that have reached an agreement to act jointly shall notify the secretariat of the terms of this agreement,	Parties who act jointly shall inform the secretariat

<sup>194</sup> (7, 12)

<p>this agreement, including emission level allocated to each Party within the relevant period... .. the sekretariat shall in turn inform the Parties... .. the terms of that agreement.” (4, 16)<sup>195</sup></p>	<p>including emission level allocated to each Party within the relevant period. The sekretariat shall in turn inform the Parties the terms of that agreement</p>	
<p>“All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies...” (4, 19)</p>	<p>All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies</p>	<p>Parties should communicate long-term low emission strategies</p>
<p>...”ensure environmental integrity and transparency, including in governance, and shall apply robust accounting, inter alia, the avoidance of double counting...” (6, 2)</p>	<p>Ensure environmental integrity and transparency, including in governance, and shall apply robust accounting, inter alia, the avoidance of double counting</p>	<p>Ensure environmental integrity, transparency and avoid double counting</p>
<p>“A mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development... .. for use by Parties on a voluntary basis. It shall be supervised by body designated to the Conference of the Parties serving as the meeting to this Agreement...” (6, 4)</p>	<p>A mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development for use by Parties on a voluntary basis. It shall be supervised by body designated to the Conference of the Parties serving as the meeting to this Agreement</p>	<p>Supervision on a mechanism for mitigation of emissions and sustainable development</p>
<p>“Each Party should, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation and support need, plans and actions, without creating any additional burden for developing country Parties.” (7, 10)<sup>196</sup></p>	<p>Each Party should submit and update periodically an adaptation communication, which may include its priorities, implementation and support need, plans and actions, without creating any additional burden for developing country Parties</p>	<p>Parties should submit and update periodically an adaptation communication</p>

<sup>195</sup> (5, 2)

<sup>196</sup> (7, 11), (7, 12), (7, 14c)

<p>“Developed country Parties shall biennially communicate... .. information related to (financial resources)... .. including, as available, projected levels of public financial resources to be provided by developing country Parties. Other Parties providing resources are encouraged to communicate biennial such information on voluntary basis.” (9, 5)<sup>197</sup></p>	<p>Developed country Parties shall biennially communicate information related to (financial resources) including, as available, projected levels of public financial resources to be provided by developing country Parties. Other Parties providing resources are encouraged to communicate biennial such information on voluntary basis</p>	<p>Developed country Parties shall communicate information on financial resources, developing country Parties are encouraged to do so</p>
<p>“All Parties enhancing the capacity of developing country Parties to implement this Agreement... .. shall regularly communicate on these actions or measures on capacity-building. Developing country Parties should regularly communicate progress made on implementing capacity-building...” (11, 4)<sup>198</sup></p>	<p>All Parties enhancing the capacity of developing country Parties to implement this Agreement shall regularly communicate on these actions or measures on capacity-building. Developing country Parties should regularly communicate progress made on implementing capacity-building</p>	<p>Parties enhancing capacity on developing country Parties shall communicate actions. Developing country Parties should communicate progress made</p>
<p>“...transparency arrangements under the Convention, including national communications, biennial reports and biennial update reports, international assessment and review and international consultations and analysis...” (13, 4)<sup>199</sup></p>	<p>Transparency arrangements under the Convention, including national communications, biennial reports and biennial update reports, international assessment and review and international consultations and analysis</p>	<p>National communications, biennial reports, international assessment and review</p>
<p>“A national report of anthropogenic emissions by sources and removals of sinks of greenhouse gases...” (13, 7a)</p>	<p>A national report of anthropogenic emissions by sources and removals of sinks of greenhouse gases</p>	<p>National report of anthropogenic emissions and removals of sinks of greenhouse gases</p>

<sup>197</sup> (9, 7), (11, 1), (13, 6), (13, 9), (13, 10)

<sup>198</sup> (13, 6), (13, 8), (13, 9), (13, 10)

<sup>199</sup> (13, 5), (13, 7b)



“The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement...” (14, 1)	The Conference of the Parties shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement	Periodically take stock of progress
“A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement...” (15, 1)	A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement	A mechanism to promote compliance
“The mechanism (of implementation)... ... shall consist of a committee that ... ... function in a manner that is transparent, non-adversarial and non-punitive...” (15, 2) <sup>200</sup>	The mechanism (of implementation) shall consist of a committee that function in a manner that is transparent, non-adversarial and non-punitive	Mechanism of implementation consists of a committee

Table 1.5

Category 5: Graduated sanctions

Sentence	Condensed	Coding
“The mechanism (of implementation)... ... shall consist of a committee that ... ... function in a manner that is transparent, non-adversarial and non-punitive...” (15, 2)	The mechanism (of implementation) shall consist of a committee that function in a manner that is transparent, non-adversarial and non-punitive	Mechanism of implementation shall consist of a committee that is non-punitive

Table 1.6

Category 6: Conflict resolution mechanisms

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<sup>200</sup> (15, 3)

Sentence	Condensed	Coding
“Conference of the Parties serves as the meeting of the Parties...” (4, 11) <sup>201</sup>	Conference of the Parties serves as the meeting of the Parties	Conference of the Parties
“...Parties should take into account, as appropriate, existing methods and guidance under the Convention...” (4, 14)	Parties should take into account, as appropriate, existing methods and guidance under the Convention	Parties should take into account existing methods
“A mechanisms to contribute to the mitigation of greenhouse gas emissions and support sustainable development is hereby established under the authority and guidance of the Conference of the Parties...” (6, 4) <sup>202</sup>	A mechanisms to contribute to the mitigation of greenhouse gas emissions and support sustainable development is hereby established under the authority and guidance of the Conference of the Parties	A mechanism to contribute to mitigation of emissions and sustainable development
“Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change...” (7, 1)	Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change	Global goal on adaptation, resilience and reducing vulnerability to climate change
“Parties acknowledge that adaptation action should... ... (be) fully transparent...” (7, 5)	Parties acknowledge that adaptation action should be fully transparent	Adaptation action should fully transparent
“The institutions serving this Agreement, including the operating entities of the Financial Mechanism of the Convention, shall aim to ensure efficient access to financial resources through simplified approval procedures...” (9, 9)	The institutions serving this Agreement, including the operating entities of the Financial Mechanism of the Convention, shall aim to ensure efficient access to financial resources through simplified approval procedures	Aim to ensure access to financial resources through simplified approval procedures
“A technology framework is hereby established to	A technology framework is hereby established to	Technology framework to guide the work of the

<sup>201</sup> (4, 9), (4, 13), (6, 2), (6, 4), (6, 6), (6, 7), (7, 3), (8, 2), (9, 7), (11, 5), (13, 13), (14, 1), (14, 2), (15, 3), (16, 1), (16, 2), (16, 3), (16, 4), (16, 5), (16, 8), (19, 1), (19, 2)

<sup>202</sup> (6, 5), (6, 6), (6, 7), (6, 8)

provide overarching guidance to the work of the Technology Mechanism...” (10, 4) <sup>203</sup>	provide overarching guidance to the work of the Technology Mechanism	Technology Mechanism
“In order to build mutual trust and confidence and to promote the effective implementation, an enhanced transparency framework for action and support, with built in flexibility... .. is hereby established.” (13, 1) <sup>204</sup>	To build mutual trust and confidence and to promote the effective implementation, an enhanced transparency framework for action and support, with built in flexibility is hereby established	Transparency framework och flexibility to build trust
“A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.” (15, 1) <sup>205</sup>	A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established	A mechanism of implementation to promote compliance
“Each Party shall have one vote, except as provided...” (25, 1) <sup>206</sup>	Each Party shall have one vote, except as provided	Each Party have one vote

Table 1.7

Category 7: Minimal recognition of rights to organize

Sentence	Condensed	Coding
“Increasing the ability to adapt to the adverse impacts of climate change and foster the climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production...” (2, 2b)	Increasing the ability to adapt to the adverse impacts of climate change and foster the climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production	Adapt to adverse impacts of climate change that does not threaten food production

<sup>203</sup> (10, 5)<sup>204</sup> (13, 2), (13, 3), (13, 4), (13, 5), (13, 6), (13, 12)<sup>205</sup> (15, 2)<sup>206</sup> (25, 2)

“...nationally determined contributions to the global response to climate change...” (3, 1)	Nationally determined contributions to the global response to climate change	Nationally determined contributions
“...common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.” (4, 3) <sup>207</sup>	Common but differentiated responsibilities and respective capabilities, in the light of different national circumstances	Common but differentiated responsibilities and capabilities
“A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition...” (4, 11)	A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition	Ability to adjust existing nationally determined contributions
“Parties recognize that adaptation is a global challenge faced by all... .. taking into account the urgent and immediate needs of those developing countries county Parties that are particularly vulnerable...” (7, 2) <sup>208</sup>	Parties recognize that adaptation is a global challenge faced by all, taking into account the needs of those developing countries county Parties that are particularly vulnerable	Taking in account needs of developing country Parties
“...taking into consideration vulnerable groups, communities... .. knowledge of indigenous people and local knowledge systems with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.” (7, 5)	Taking into consideration vulnerable groups, communities, knowledge of indigenous people and local knowledge systems with a view to integrating adaptation into relevant socio economic and environmental policies and actions, where appropriate	Integrating adaptation with a consideration of vulnerable groups, knowledge of indigenous people and local knowledge systems
“United Nations specialized organisations and agencies are encouraged to support efforts of Parties to implement the actions in paragraph 5” (7, 8)	United Nations specialized organisations and agencies are encouraged to support efforts of Parties to implement actions	Organisations and agencies are encouraged to support implementation efforts of Parties

<sup>207</sup> (4, 19)

<sup>208</sup> (9, 4)

“Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties...” (11, 2)	Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties	Capacity-building should be country-driven and respect national needs
“The transparency framework shall build on and enhance the transparency arrangements under the Convention... and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of the sovereignty, and avoid placing undue burden on Parties.” (13, 3)	The transparency framework shall build on and enhance the transparency arrangements under the Convention and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of the sovereignty, and avoid placing undue burden on Parties	Transparency arrangements shall be implemented in respect to the sovereignty of Parties
“For those developing country Parties that need it in the light of their capacities, the review process shall include assistance in identifying capacity-building needs.” (13, 11)	For those developing country Parties that need it in the light of their capacities, the review process shall include assistance in identifying capacity-building needs	Assistance in capacity-building is available for developing country Parties

Table 1.8

## Category 8: Nested enterprises

Sentence	Condensed	Coding
“Parties, including regional economic integration organizations and their members states, that have reached an agreement to act jointly... shall notify the secretariat of the terms of this agreement, including emission level allocated to each Party within the	Parties, including regional economic integration organizations and their members states, that have reached an agreement to act jointly shall notify the secretariat of the terms of this agreement, including emission level allocated to each Party. The secretariat	Parties can act jointly

relevant period... . The secretariat shall in turn inform the Parties... . the terms of that agreement.” (4, 16) <sup>209</sup>	shall in turn inform the Parties the terms of that agreement	
“Enhance public and private sector participation in the implementation of nationally determined contributions...” (6, 8b)	Enhance public and private sector participation in the implementation of nationally determined contributions	Participation of private and public implementation
“Parties recognize that adaptation is a global challenge faced by all with local subnational, national, regional and international dimensions...” (7, 2) <sup>210</sup>	Parties recognize that adaptation is a global challenge faced by all with local subnational, national, regional and international dimensions	Adaptation as a global goal with multi level dimensions
“Parties recognize the importance of support for and international cooperation on adaptation efforts and the importance of taking into consideration the developing country Parties...” (7, 6) <sup>211</sup>	Parties recognize the importance of support for and international cooperation on adaptation efforts and the importance of taking into consideration the developing country Parties	Importance of international cooperation
“Strengthening institutional arrangements, including those under the Convention that serve this Agreement, to support the synthesis of relevant information and knowledge, and the provision of technical support and guidance to Parties...” (7, 7b) <sup>212</sup>	Strengthening institutional arrangements, including those under the Convention that serve this Agreement, to support the synthesis of relevant information and knowledge, and the provision of technical support and guidance to Parties	Institutional arrangements to provide information, knowledge, technical support and guidance
“United Nations specialized organisations and agencies are encouraged to support the efforts of Parties...” (7, 8) <sup>213</sup>	United Nations specialized organisations and agencies are encouraged to support the efforts of Parties	United Nations organisations provide support

<sup>209</sup> (7, 9c)

<sup>210</sup> (8, 1), (8, 2), (8, 4), (8, 5)

<sup>211</sup> (7, 14a), (9, 1), (9, 4), (9, 9), (11, 1), (13, 14), (13, 15)

<sup>212</sup> (7, 7c), (10, 2), (10, 4), (10, 5)

<sup>213</sup> (7, 7)

“Capacity-building should be country-driven, based on responsive national needs, and foster country ownership of parties in particular, for developing country Parties, including at the national, subnational and local levels.” (11, 2) <sup>214</sup>	Capacity-building should be country-driven, based on responsive national needs, and foster country ownership of parties, including at the national, subnational and local levels	Capacity-building include national, subnational and local levels
“All Parties enhancing the capacity of developing country Parties to implement this Agreement, including through regional, bilateral and multilateral approaches...” (11, 4)	All Parties enhancing the capacity of developing country Parties to implement this Agreement, including through regional, bilateral and multilateral approaches	Regional, bilateral and multilateral approaches to enhancement of capacity
“Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information...” (12)	Parties shall cooperate in taking measures, to enhance climate change education, training, public awareness, public participation and public access to information	Parties shall cooperate to enhance education, awareness, participation and information on climate change
“Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement...” (16, 4a) <sup>215</sup>	Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement	Establishing necessary subsidiary bodies for implementation

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<sup>214</sup> (11, 3)

<sup>215</sup> (19, 1), (19, 2)