

“All Hands on Deck”: The Paris Agreement and Nonstate Climate Action

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Abstract

The 2015 Paris Climate summit consolidated the transition of the climate regime from a “regulatory” to a “catalytic and facilitative” model. A key component of this shift was the intergovernmental regime’s embrace of climate action by sub- and nonstate actors. Although a groundswell of transnational climate action has been growing over time, the Paris Agreement seeks to bring this phenomenon into the heart of the new climate regime. This forum article describes that transition and considers its implications.

The 21st Conference of the Parties (COP 21) of the United Nations Framework Convention on Climate Change (UNFCCC) marked a turning point for the climate regime. Following the Copenhagen summit of 2009, the regime has been shifting from a “regulatory” model of binding, negotiated emissions targets to a “catalytic and facilitative” model that seeks to create conditions under which actors progressively reduce their emissions through coordinated policy shifts. The December 2015 Paris Agreement and related decisions confirm this evolution.

This change represents a rare case of multilateral adaptation and innovation in the face of gridlock (Victor 2011; Hale et al. 2013). Though its effectiveness is by no means guaranteed—it will not be possible to judge outcomes fully until well after the agreement comes into effect—several features of the agreement mark a departure from the status quo ante. At the intergovernmental level, the shift from a “global deal” model to a “pledge and review” system of nationally determined “contributions” has for the first time brought every large emitter into the mitigation regime. At Paris, countries also recognized that greenhouse gas (GHG) neutrality will be required in this century to avert catastrophic changes in the climate. While the Paris pledges will need to be substantially increased to reach this ambitious long-term goal (UNFCCC 2015), the Paris Agreement requests countries to update their plans every five years in the hope of ratcheting up action.

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Alongside these changes in the intergovernmental process, and perhaps even more radically, the new catalytic regime aims to bring cities and sub-national governments, businesses, and other nonstate actors into its very core. A groundswell of action on climate change from these transnational actors has been building in recent decades, as cities, companies, and other actors increasingly take climate actions on their own, in cross-border networks with peers around the world, and, often, in partnership with states and international organizations (Bulkeley et al. 2014). The trend sharply accelerated and received enhanced attention around COP 21. A study released at Paris found climate commitments from “over 7,000 cities from more than 99 countries, with a combined population of 794 million (11 percent of the global population) and around 32 percent of global GDP,” as well as “close to 5,000 companies from over 88 countries representing over \$38 trillion USD in revenue” (Hsu et al. 2015a, 1). And a variety of studies released in the lead-up to COP 21, looking only at a handful of the initiatives that bring together cities, companies, and other such actors, found their mitigation potential to be in the range of 2.5–4 billion tons of CO₂ by 2020, more than India emits in a year, and similar in magnitude to the 4–6 billion tons the UN projects the national pledges adopted in Paris will cut by 2030, a decade later (for a summary, see GGCA 2015, 12–13). It is no surprise, then, that following the adoption of the Paris Agreement, UNFCCC Executive Secretary Christiana Figueres hailed the “tsunami” of bottom-up climate action from the podium as a driver of the successful outcome.

To be sure, cities, companies, and other actors have been engaged in climate governance for decades. The inflection point, however, is not just the growing size, scope, and prominence of climate action by sub/nonstate actors, but the role of these players in the new catalytic and facilitative climate regime. Whereas recent COPs have featured numerous side events at which such actors could convene alongside negotiators, over the last year these actors have become more central to the regime itself, in at least three ways.

First, governments and international organizations have actively sought to galvanize sub/nonstate climate action as a way to achieve their mitigation and adaptation goals, including as a strategy to increase the likelihood that countries would negotiate an ambitious treaty at COP 21 and ratchet up national action in subsequent years. In the lead-up to Paris, the governments of France and Peru (the hosts and “presidents” of COP 21 and COP 20, respectively), in partnership with the UNFCCC and the UN Secretary-General, sought to orchestrate and expand climate initiatives from sub/nonstate actors via a program called the Lima-Paris Action Agenda (LPAA), which eventually came to include over seventy initiatives containing over 10,000 commitments or actions by cities, companies, states, and others. They also created an online Nonstate Actor Zone for Climate Action (NAZCA) portal¹ to track climate actions and pledges from all sectors of society.

1. <http://climateaction.unfccc.int/>



Second, the French presidency declared the "Action Agenda" not another side event, but a fourth pillar of COP 21 alongside, and equal to, the national pledges, the financing package, and the negotiated agreement. This recognition was given substance through official events at COP 21 at which different transnational initiatives on themes like forests, cities, or energy efficiency were announced, and at a high-level Action Day at which further commitments and pledges were announced from all kinds of actors, alongside exhortations from political leaders and celebrities to do even more.

Third, the text negotiated at COP 21 sets out an even larger role for what it terms "non-Party stakeholders"² going forward. In the decision to adopt the Paris Agreement, countries:

1. Call upon cities, regions, businesses, and others to redouble their climate actions going forward;
2. Decide to hold annual high-level meetings for new commitments to be announced and existing ones to be followed up on;
3. Appoint two high-level "champions" to drive orchestration efforts going forward;
4. Link transnational initiatives directly to the development of concrete policy options for countries under the technical process of the UNFCCC.

In sum, the post-Paris climate regime sees sub/nonstate actors not as an alternative to the UNFCCC process, or as merely a helpful addition, but as a core element of its logic of spurring rising action on climate over time. As UN Secretary-General (UNSG) Ban Ki Moon stated on the last day of COP 21, urging the parties to adopt the Paris Agreement, "We need all hands on deck" (UNSG 2015).

The rise of transnational governance is of course a long-term trend in climate and other realms of world politics, but rarely does it occur at such a scale, and with such close linkage to intergovernmental institutions, as we now see in the climate regime. How did this radical transformation occur? And what does it mean for the future of the climate regime, and for world politics more broadly? This brief commentary sketches some initial answers to these questions.

Origins of the Transnational Turn on the Road to Paris

The evolution of the climate regime from Copenhagen to Paris will require careful study (involving especially interview and archival sources) to describe and explain the factors and choices that led the intergovernmental regime to embrace the groundswell of bottom-up climate action. Already, however, several key factors and moments can be identified.

2. The term arose at the request of the subnational government constituency, which felt the term "nonstate actor" did not accurately reflect their role.

First, and most importantly, increasing amounts of sub- and nonstate climate action have taken place over the past two decades (Bulkeley et al. 2014). As a growing area of governance, sub- and nonstate climate action was increasingly impossible to ignore, with some groups actively lobbying governments for greater inclusion and recognition in the UNFCCC process.

Second, the failure of the Copenhagen summit to negotiate a successor to the Kyoto Protocol proved to be a critical juncture, prompting new thinking from a range of actors on how to address climate change. Following Copenhagen, many observers placed more emphasis on policy tools outside the UNFCCC process, including smaller intergovernmental clubs (Victor 2011) and, significantly, cities, the private sector, and transnational coalitions. Academic interest in such “transnational climate governance” (TCG) also increased at this time (Andonova et al. 2009; Hoffmann 2011; Abbott 2012; Bulkeley et al. 2012), although it had already been a topic of study.

This conceptual shift was not lost on UN officials, who were understandably eager to cast the growing “regime complex” (Keohane and Victor 2011) as a boost to their efforts rather than as an alternative to the UNFCCC. For example, UNFCCC Executive Secretary Figueres was an early and strong advocate of enhanced climate action by all actors, even as she pushed countries to arrive at a negotiated deal. The Secretariat established the Momentum for Change initiative to spotlight inspiring examples of climate action from all areas of society, and it created a “groundswell” team, headed by a former director of CDP (a company that tracks climate and sustainability performance in the private sector), to engage with subnational governments and the private sector.

Other parts of the UN also saw an opportunity to inject the dynamism of sub/nonstate climate action into the multilateral process. UNSG Ban Ki Moon organized a unique Climate Summit in September 2014 that invited heads of state, but also CEOs, mayors, and other sub/nonstate leaders, to take on concrete commitments regarding climate mitigation, adaptation, and finance. Perhaps more importantly, a special team in the Secretary-General’s office worked full time in the months before the summit to solicit, orchestrate, and support dozens of concrete initiatives from all actors that would provide the basis for the declarations at the summit (Hsu et al. 2015b; Chan et al. 2015).

The September 2014 summit attracted an enormous amount of media attention and positive publicity around the climate effort. Symbolically, it brought the groundswell of climate action to the core of the climate effort. However, crucially, it was not part of the UNFCCC process, in which many countries remained committed to a state-driven regime.

The contrast between the new and old ways of structuring the climate regime was seen at COP 20 in Lima, Peru, in December 2014, just a few months after the New York Summit. The Peruvian presidency, and particularly the Environment Minister Manuel Pulgar-Vidal, was strongly committed to the idea of mobilizing cities, companies, and others to tackle the climate challenge. The host government organized a “High Level Action Day” that invited high-profile

mayors, CEOs, and others to make announcements and commitments, channeling the spirit of the New York Summit. And under the auspices of the Peruvian presidency, the UNFCCC launched the NAZCA platform, described above.

However, opposition and inertia in the negotiating process prevented a more official embrace of sub/nonstate climate action in Lima. The Peruvian presidency, working with the UNFCCC Secretariat, included numerous references to cities and the private sector in the draft text to be adopted in Lima. However, nearly all of these references were stripped from the text on the last night of negotiations. Negotiators confirmed to the author that opposition came from within the G77, with some countries like Sudan worried that such references could undermine their sovereignty, and more ideological regimes like Venezuela concerned about the prominence that would be given to multinational corporations.³

Despite this setback, the UNFCCC, UNSG, and Peruvian presidency were eager to continue the strategy of mobilizing climate action beyond the UNFCCC process and leveraging such action to push countries closer to a deal in Paris. Following Lima, they were joined in this effort by the incoming French COP presidency. France had not been significantly involved in TCG prior to this time (Roger et al. 2015), but the French government became an enthusiastic supporter of sub/nonstate climate action. It is likely that the appointment of Laurence Tubiana, an academic well-versed in the post-Copenhagen shift in thinking, as the special ambassador for the Paris summit helped bring these ideas to the highest level, along with significant influence by the UNFCCC Secretariat and the UNSG's office. In early 2015, the "quartet" (UNFCCC, UNSG, France, and Peru) came together under the LPAA with the idea of galvanizing new climate action from all sectors in the lead-up to COP 21, and then bringing them into the heart of the Paris conference.

The "Fourth Pillar" of COP 21

An unprecedented collaborative effort between governments and intergovernmental organizations to orchestrate and mobilize climate action, the LPAA was not without its difficulties. The quartet created twelve thematic areas, such as cities, forests, energy efficiency, and renewables, with a lead partner responsible for mobilization in each. The idea was to highlight and support not the entire groundswell of climate action, but only those initiatives with the highest potential impact, a criterion that was not always easy to operationalize. As can be expected with such a complex undertaking, bureaucratic competition between the quartet members, and even within the French government, sometimes made it difficult for the LPAA to establish a clear direction. Some transnational networks

3. Author interview with lead negotiator of Latin American country, Geneva, Switzerland, February 9, 2015.

were dissatisfied with what they saw as excessive centralization, with the French government attempting to take too much responsibility for organizing the initiatives and their announcement at COP 21, while other, more radical French NGOs criticized the inclusion of oil and gas companies in one of the LPAA initiatives. Although the events were given prominent billings and venues in the main negotiation fora, most diplomats were too occupied with the negotiations to attend the sessions.

These difficulties aside, the LPAA was able to deliver an impressive set of results at COP 21, through over seventy initiatives that included cities, sub-national regions, businesses, investors, trade unions, civil society groups, and investors from 198 countries—as well as 146 national governments themselves—taking more than 10,000 actions and commitments (GGCA 2015). It remains unclear to what extent these initiatives, and the broader groundswell of sub/nonstate climate action, are directly or indirectly attributable to the orchestrating efforts of the LPAA, and to what extent they would have happened anyway through the agency of cities, companies, and other actors. While teasing this apart remains an important question for further research, it is clear that the LPAA served the larger goal of linking the groundswell of climate action at all levels directly to the UNFCCC process.

In parallel, a similar shift was working through the draft text. Though references to sub/nonstate action had been cut out at Lima, they were brought back in subsequent versions of the COP 21 negotiating text, with the French and Peruvian governments, along with the UNFCCC Secretariat, making sure that successive drafts throughout 2015 included language recognizing and encouraging cities, companies, and other sub/nonstate actors' efforts. Separately, another group of states was pushing an even more explicit and active connection between the UNFCCC and the wider groundswell of climate action, in the context of "work stream 2," the part of the negotiations focused on pre-2020 action (the national pledges only come into effect in 2020). Led by the Alliance of Small Island States (AOSIS), the most vulnerable and "progressive" countries in the UNFCCC had pushed work stream 2 as a way to achieve as much mitigation as quickly as possible. Because work stream 2 focused on "action" as opposed to international legal commitments, it opened space for sub/nonstate actors without seeming to detract overly from the traditional negotiations under work stream 1. While a number of countries supported the inclusion of transnational actors in work stream 2, including especially the Alliance of Independent Latin American Countries, Mexico, the Nordic countries, and the Netherlands, the role of AOSIS was crucial. Because AOSIS listed work stream 2 as one of its key priorities within the G77, it was able to overcome opposition from states that espoused more traditional views of sovereignty. Even though a number of larger developing countries were not enthusiastic about opening the UNFCCC more to sub/nonstate actors, they were reluctant to thwart a key AOSIS priority within the G77.

The result was a section of the COP 21 decision on the role of "non-Party stakeholders" in driving climate action. The text moves beyond merely welcoming

and encouraging sub/nonstate action, to make it an explicit element of the inter-governmental regime. The decision provides a mandate for the continuation of the NAZCA platform (para. 118) and the Action Agenda (para. 117). It institutionalizes the chain of events that began with the Secretary-General's September 2014 summit, by creating an annual high-level event for sub/nonstate actors, alongside governments and IGOs, to announce and report progress on climate initiatives and commitments (para. 121). It also appoints two high-level "champions" to sustain and accelerate the orchestration work that the LPAA quartet performed in the lead-up to Paris (para. 122). Giving substance to these decisions, the Peruvian, French, and Moroccan governments (Morocco will host COP 22 in 2016) held a press conference at the end of COP 21 announcing that the Action Agenda will continue over the coming year.

Will the Increasing Institutionalization of Sub/Nonstate Action in the UNFCCC Prove Effective?

The UNFCCC's embrace of transnational actors at Paris is an integral part of its post-Copenhagen evolution to a catalytic and facilitative regime. Will this shift help solve the climate problem, and how can engagement between the UNFCCC and the groundswell of climate action be structured most productively going forward? The closest precedent in world politics is the range of "type II partnerships" that were incorporated into the World Summit on Sustainable Development in Johannesburg in 2002, and then again at the Rio+20 summit in 2012. However, their track record is decidedly mixed, with one study reporting that 38 percent of these partnerships were completely inactive (Pattberg et al. 2012).

Interestingly, the climate regime has explicitly attempted to improve on this experience. In the lead-up to Paris, a number of meetings and consultations brought together UN and government officials, transnational city and private-sector networks, civil society groups, and researchers to discuss key issues such as the design of the NAZCA platform, the work of the LPAA, and the institutionalization of the Action Agenda after COP 21.⁴ Summarizing much of this thinking, thirteen of the experts involved in these discussions published an article on the eve of COP 21 that outlined what they saw as the key principles the inter-governmental regime should—and should not—adopt vis-à-vis sub/nonstate actors (Chan et al. 2015). These included:

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1. A collaborative organizational structure that gave sub/nonstate actors a voice
2. Building on and supporting existing networks and institutions, instead of trying to reinvent, replicate, or centralize them within the UNFCCC
4. A number of these meetings were convened within a series of dialogues called Galvanizing the Groundswell of Climate Action. See the events list and summaries at www.climategroundswell.org.

3. Benchmarking and tracking to promote implementation and the diffusion of best practices, and to limit “blue-washing”
4. Actively seek to scale up initiatives or orchestrate new ones

Judged against these standards, COP 21 made substantial—though still incomplete—progress toward an effective framework for sub/nonstate climate action. Going forward, more work will be needed to ensure that the Action Agenda achieves common direction without becoming overregulated.

Implications for the Climate Regime and for World Politics: Three Sets of Research Questions

What are the implications of the transnational turn at Paris for the climate regime and for world politics more broadly? Whereas academic and civil society experts used to be ahead of policy-makers (at least those involved in the UNFCCC process) in their thinking on the role of sub/nonstate actors in the climate regime, the policy world has now leapfrogged ahead, opening important new questions. Three sets of research questions stand out.

First, what is the direct effect of sub/nonstate climate action on the climate problem? Regarding mitigation, where most attention has focused, we know that the potential of existing sub/nonstate climate initiatives is vast, in the range of several billion tons of CO₂. Under what conditions can that potential be realized and expanded? While the existing literature has created useful typologies of individual sub/nonstate actors’ motivations for climate action and explained the functional benefits of transnational networks in this realm, we lack a robust understanding of its further potential for diffusion. Under what conditions do more recalcitrant cities and companies join the shift? Where are the tipping points? Furthermore, what do we know about the conditions under which pledges and aspirations translate into actual emissions reductions?⁵ If such conditions can be identified, can they be expanded and re-created in other jurisdictions? Analogous questions also apply to climate adaptation and finance, which have received far less attention in the literature, but after Paris are now significant focus areas of the Action Agenda.

Second, what is the effect of sub/nonstate climate action on national policies? As nationally determined policies and sub/nonstate action become more prominent in the regime, how do they interact? Previous research suggested that TCG is more of a complement to national action than a substitute, finding that participation in TCG is higher in countries with strong national policies (Roger et al. 2015). However, can sub/nonstate action increase the likelihood that countries will “ratchet up” their Nationally Determined Contributions in the future? Detailed comparative political studies of national policy formation and its interaction with transnational dynamics will be required before we can

5. The literature on TCG has been weakest on assessing impacts, though Bulkeley (2015) provides a counterexample.

answer this question. Obviously, sub/nonstate climate initiatives overlap to some extent with the national pledges made in Paris, but exactly how much will require further study.⁶ In some ways, the overlap question is moot from the climate's perspective: To the extent they overlap, nonstate actions reinforce, implement, and give credibility to the national pledges; to the extent they do not overlap, they help close the emissions gap. Teasing apart this layering will be important for understanding the extent to which the world is meeting the mitigation challenge, and for any carbon-trading system, in which precise accounting of who mitigates what will be crucial.

More broadly, it is important to recognize that almost all GHGs fall under multiple overlapping "jurisdictions": the country in which they are created, the various subnational jurisdictions within that country, and the companies or individuals that create or use them, who may be in that country or another. Which of these various loci actually do the work of cutting emissions will likely vary enormously across different contexts, following differing distributions of capacities and interests. Moreover, actions taken in one locus will likely affect the strategies that actors pursue in another. Mapping and explaining these various patterns will be crucial for understanding the operation of the new, multi-layered regime.

Third, what is the effect of sub/nonstate climate action on climate politics? Scholars have grown used to explaining the politics of climate as a particularly vexing collective-action problem, plagued by powerful vested interests and North-South distributional conflict over the atmosphere's absorptive capacity. However, the embrace of sub/nonstate action, as part of the broader turn from a regulatory regime to a facilitative regime, somewhat complicates this picture. For example, we see a version of the traditional North-South divide replicated in sub/nonstate action, with more participation and more leadership from developed than from developing countries (GGCA 2015; Roger et al. 2015). Under what conditions does the turn to sub/nonstate action reinforce existing power relations in the climate regime, and when might it subvert them? More broadly, does the pragmatic, problem-solving approach that brings business and subnational jurisdictions into the regime risk detracting from questions of climate justice and an equitable distribution of the atmosphere's resources? Does it reify a neoliberal form of environmentalism that structurally privileges certain interests (Bernstein 2002)? Or will these crucial normative issues that have been core to the intergovernmental regime somehow be refracted in the politics of sub/nonstate action? For example, what is the historical responsibility of a city? What is an equitable contribution from a for-profit corporation?

These and other questions will provide rich material for students of world politics in the years to come. As UNFCCC Executive Secretary Figueres emphasized again and again at COP 21, Paris was more of a beginning than an end.

6. Initial estimates range from 30 to 70 percent globally, according to a recent study (Roelfsema et al. 2015), and up to 80 percent in Germany (Höhne et al. 2015).

The new prominence of cities, regions, companies, and other sub/nonstate actors in a transformed climate regime will certainly occupy both policy-makers and scholars into the foreseeable future.

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Q4

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