

Reinvigorating International Climate Policy: A Comprehensive Framework for Effective Nonstate Action

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Abstract

As countries negotiate a new climate agreement for the United Nations climate conference in December 2015, a groundswell of climate actions is emerging as cities, regions, businesses and civil society groups act on mitigation and adaptation, independently, with each other and with national governments and international organizations. The Paris conference provides a historic opportunity to establish a framework to catalyse, support, and steer these initiatives. Without such a framework, 'bottom-up' climate governance runs the risk of failing to deliver meaningful results. Social science research highlights the need for a comprehensive approach that promotes ambition, experimentation and accountability, and avoids unnecessary overlaps. This article specifies functions and design principles for a new, comprehensive framework for sub- and nonstate climate actions that could provide effective coordination.

A groundswell of climate action

Over 20 years of multilateral negotiations have yet to produce an international agreement sufficient to prevent

dangerous climate change. National pledges collectively still fall short of the accepted international goal to prevent a global average temperature rise above 2°C compared to pre-industrial levels (UNEP, 2014). Yet there has

been a simultaneous groundswell of actions on climate change mitigation and adaptation from cities, regions, businesses and civil society organizations.

This groundswell has considerable potential to mitigate climate change, to help affected communities adapt to its effects, and leverage financial and other resources (UNEP, 2015). For example, cities account for 70 per cent of global greenhouse gas emissions, and many have committed to reduce their carbon footprints, individually and through transnational networks. Commitments adopted by 238 leading cities could reduce emissions by 2.8Gt of CO₂-equivalent by 2020, and 13Gt by 2050, equivalent to the emissions of all Organisation for Economic Co-operation and Development (OECD) countries in 2010 (Arup, 2014).

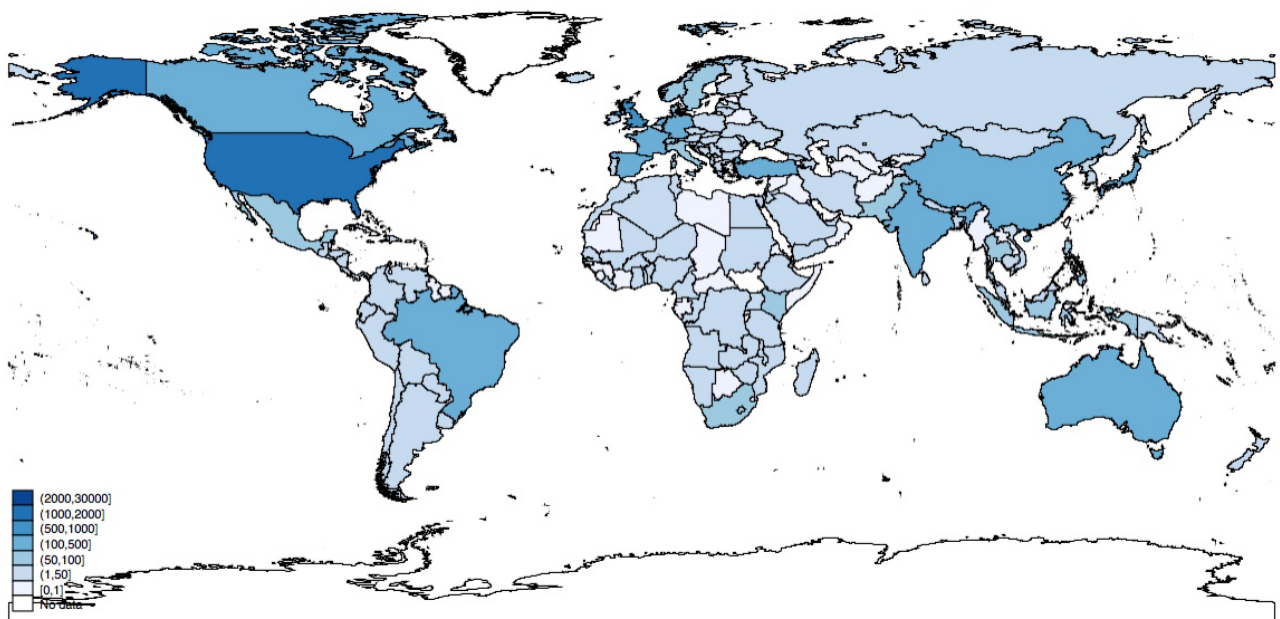
While the direct impacts of sub- and nonstate actions are potentially large, their indirect impacts may be even greater. These actions deliver policy innovation, experimentation, demonstration effects and best practices that can diffuse transnationally (Hoffmann, 2011). They can also build capacity, establish norms of ambitious climate action, and catalyse supportive political coalitions, facilitating international cooperation. As intergovernmental negotiations increasingly move towards a system in which countries determine their own national emissions targets – with governments expected to affirm their intended nationally determined contributions at the Paris conference – these functions become even more crucial.

Sub- and nonstate action can help states gain the technology, expertise and confidence to formulate and implement more ambitious contributions, and to build interest group support to pursue them.

There is no guarantee these benefits will be realized, however. The landscape of climate actions is diverse and difficult to track. The hundreds of sub- and nonstate initiatives in existence today emerged for different reasons and have varied scopes and goals (Hoffmann, 2011; Bulkeley et al., 2014); and relatively few set quantitative emission reduction goals or financial targets (Hsu et al., 2015). While clusters of activity and relationships among sub- and nonstate initiatives are evident, coordination among them remains limited and major imbalances exist. For instance, in some issue areas, such as renewable energy, multiple initiatives overlap, whereas in others – most strikingly, adaptation – few exist at all (Ecofys, CISL and WRI, 2015). Moreover, most of the cities, companies, and other sub- and nonstate actors that participate in these initiatives are located in the global North (Figure 1), even though emissions increasingly come from emerging economies and climate impacts are concentrated in poorer countries.

With a view to helping the groundswell of climate actions achieve its full potential, this article outlines functions and design principles for a comprehensive framework. It shows how such a framework can learn from earlier attempts to link multilateral and nonstate gover-

Figure 1. Total sub- and nonstate participants in transnational climate initiatives by country, 1990–2012 (Roger, Hale and Andonova, 2015).



nance, and presents ways forward for its institutional design.

Linking multilateral with sub- and nonstate climate governance

Our core argument is that linking the multilateral climate regime to the diverse realm of sub- and nonstate actions can – if done correctly – help maximize the benefits of both approaches (Betsill et al., 2015). Strategically linking the two spheres would combine the strengths of both – the flexibility, innovation, and diversity of sub- and nonstate actions, with the legitimacy and global scope of the United Nations (UN) climate process – and address the weaknesses of each – the lack of central direction of nonstate actions and the slow pace and rigidity of the UN process.

The two spheres of climate action have always been informally related. Major events in the multilateral climate process frequently stimulate the development of nonstate initiatives (Hoffmann, 2011; Bulkeley et al., 2014). For example, following the launch of the Kyoto Protocol's Clean Development Mechanism in the early 2000s, a wide range of private actors engaged in standard-setting, monitoring and other activities in the global market for carbon offsets (Bernstein et al., 2010; Green, 2014).

Multilateral institutions also often 'orchestrate' nonstate actions, strategically deploying a wide range of measures to steer nonstate and subnational initiatives towards public goals and to assist them in addressing the complex problems of mitigation and adaptation (Abbott and Snidal, 2009; Hale and Roger, 2014; Abbott et al., 2015). Through orchestration, multilateral institutions could catalyse new initiatives where needed, support weaker organizations, encourage ambition and scaling-up, and promote coordination to ensure higher overall nonstate effectiveness (Abbott, 2014).

Encouragingly, the UN Framework Convention on Climate Change (UNFCCC) process and the wider UN system are increasingly willing to deploy orchestration as a mode of governance. UN Secretary-General Ban Ki-moon brought together leaders from civil society and business along with heads of state and government at the 2014 Climate Summit in New York, to announce and encourage new climate commitments by a range of actors. At the 2014 UN climate conference in Lima, the Peruvian government, with the support of the UNFCCC secretariat, launched the Nonstate Actor Zone for Climate Action (NAZCA) portal, an online aggregator of data on climate actions at all levels, resulting in improved visibility of nonstate and sub-national initiatives. Similarly, through the Momentum for Change Initiative, the UNFCCC secretariat highlights specific nonstate actions addressing climate change mitigation and adaptation. And in advance

of COP21, the UNFCCC secretariat, the UN Secretary-General, and the Peruvian and French governments have come together under the 'Lima-Paris Action Agenda' to launch and scale-up even more initiatives at the December 2015 Paris conference. Governments are currently considering how these initiatives will develop and be institutionally supported in the post-Paris period (Galvanizing the Groundswell of Climate Actions, 2015b).

These are all important steps to link the multilateral and transnational spheres of climate action. However, on previous occasions multilateral institutions have failed to take full advantage of opportunities presented by sub- and nonstate actions. They have focused on the sheer number of nonstate commitments rather than their quality, or on showcasing inspiring examples rather than catalysing a diverse range of actions. To avoid such failures, orchestration should take place within a comprehensive framework that provides for support, coordination, steering and accountability.

Lessons learned from prior efforts

In designing a comprehensive framework to integrate and strengthen multilateral and transnational processes, it is important to capitalize on lessons learned from comparable processes in other issue areas. Most importantly, in the area of sustainable development, the UN has institutionalized cooperation with nonstate initiatives in the context of two major conferences.

First, over 200 nonstate and public-private partnerships were launched at the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg; more were formed thereafter, and many are still operational. Partnerships were intended to enhance the implementation of internationally agreed goals, yet eligibility criteria were not mandatory, screening was lax, and the UN sustainable development agencies provided little effective support, coordination or review – primarily hosting an online registry. Though some partnerships delivered innovative and effective results, most struggled to produce tangible, sustainable impacts (Beisheim and Liese, 2014). One study of 330 WSSD partnerships found that 38 per cent showed no measurable activity at all, while 26 per cent pursued activities not directly related to their stated goals (Pattberg et al., 2012). Scholars explaining these shortfalls have highlighted the UN's limited mandate and capacity for screening, monitoring, supporting or supervising partnerships. Notably, UN bodies were unable to implement meaningful reporting requirements. In many cases, this hampered transparency, evidence-based review and accountability. It also limited the partnerships' legitimacy and opportunities for capacity building (Bäckstrand and Kylsäter, 2014).

Second, the 2012 Rio+20 conference promoted voluntary commitments of all kinds, not merely partnerships.

Around 730 commitments were announced at Rio, with another 700 registered since. Here too, the UN operates an online registry, 'Sustainable Development in Action'. Nonbinding eligibility criteria urge that commitments be specific, measurable, achievable, resource-based, and time-bound (SMART). This time the UN also sought concrete deliverables. The UN helped organize many voluntary initiatives into 'action networks', such as Sustainable Energy for All, which has adopted some accountability mechanisms (UN Foundation, undated). In addition, UN member states mandated the new High-Level Political Forum for Sustainable Development to provide a platform for partnerships, yet it is still unclear what functionalities this platform will have.

The Rio+20 experience thus offers more positive lessons, but the system of voluntary commitments still faces major challenges, notably providing incentives for meaningful participation, ensuring balanced representation of stakeholders from across the world, keeping the registry up to date, and ensuring quality control of registered initiatives, all within severe legal and financial constraints (Abbott and Bernstein, 2015).

New political conditions create a window of opportunity

Changing political conditions in the run-up to the Paris climate conference have opened an unprecedented window of opportunity in which to build a constructive new relationship between interstate and nonstate initiatives. The UN climate regime is evolving from a 'global deal' model, in which countries negotiate emissions targets, to a 'pledge-and-review' model, in which each country defines its own goals, subject to some form of intergovernmental review. In this environment, governments' views on sub- and nonstate climate action are shifting. Instead of seeing such actions as alternatives to or substitutes for national and intergovernmental commitments, sub- and nonstate actions are increasingly seen as both complements to and 'means of implementation' for national pledges.

Several governmental measures demonstrate this shift. For example, the US Department of State, in its most recent quadrennial diplomacy and development review (US State Department, 2015), integrates transnational efforts with diplomatic measures on climate change. As noted above, the Peruvian and French presidencies of the UNFCCC Conference of the Parties (COP) have put the groundswell of climate actions centre stage through the NAZCA portal and the Lima–Paris Action Agenda. For the French government, nonstate actions are one of four key pillars of the deal to be struck in Paris – without diminishing the importance of the other three pillars: a new agreement with legal force, 'intended nationally determined contributions' put forward by parties, and a

roadmap for climate finance. This is a far cry from the WSSD and Rio+20, where nonstate actions were sometimes convenient excuses for governments to avoid new international commitments. In short, there is growing acknowledgement that nonstate actions complement and support the multilateral process, rather than compete with it.

Although some governments have raised concerns, emphasizing that any reference to nonstate actors in a new international climate agreement should not result in additional burdens for developing countries, governments have generally been supportive of an action-oriented agenda. A survey of national submissions to the UNFCCC, in which countries state their formal negotiating positions, confirms broad support for sub- and nonstate climate action (Galvanizing the Groundswell of Climate Actions, 2015c). Building on this growing political support among governments of both developing and developed countries there is scope for recognizing and mobilizing subnational and nonstate actions.

The key challenge is to translate this political opening into a meaningful outcome. The Paris conference should not simply create yet another commitment platform, but should launch a comprehensive framework that aligns nonstate and governmental actions over the long term, helping to meet the twin objectives of low-carbon and climate-resilient development. This will require governments to sustain political support beyond the Paris conference, and translate that support into (1) a sufficient mandate for the UNFCCC and other intergovernmental organizations to continue their orchestration efforts, and (2) adequate resources to ensure that the framework for nonstate actors can deliver on its potential.

Elements of an effective framework

Drawing on the lessons learned from earlier efforts, the social science research community has increasingly recognized the need for deeper and more comprehensive engagement of nonstate and subnational actions. An emerging body of literature proposes improved frameworks for engagement (Chan and Pauw, 2014; Hsu et al., 2015; Widerberg and Pattberg, 2015; Pattberg et al., 2012), and better ways to orchestrate transnational climate governance (Stewart et al., 2013; Abbott, 2014; Hale and Roger, 2014).

Building on this literature, we propose the following design principles for a comprehensive framework that can galvanize the groundswell of climate actions to reach its fullest potential:

First, a comprehensive framework should be *collaborative*: its design and maintenance must be jointly owned by the UNFCCC secretariat, COP presidencies, and participating nonstate actors and initiatives. This is an important difference from earlier frameworks, which were

administered by UN organizations alone. The UNFCCC secretariat on its own lacks the necessary resources, the mandate to ensure nonstate accountability, and the connections with nonstate actors to manage a comprehensive framework, hamstringing its operational effectiveness and experimental and catalytic abilities. At the same time, the secretariat has an important role to play. With universal membership, the UNFCCC provides the secretariat great legitimacy to convene and orchestrate nonstate initiatives in pursuit of public goals.

We therefore suggest a novel, collaborative effort including the UNFCCC secretariat and other relevant intergovernmental organizations, transnational initiatives, and research institutions. In this partnership, the collaborating institutions would complement one another's contributions. For example, the UNFCCC secretariat and COP presidencies could mobilize nonstate actions, while all partners could jointly manage a global data platform, and analysis and research organizations could build on extant efforts to assess the impacts of climate actions (Galvanizing the Groundswell of Climate Actions, 2015c). By pooling the resources and leveraging efforts of these diverse organizations, a comprehensive framework would require only a limited investment and a light institutional footprint, making it both politically and practically feasible.

Second, the framework should be *comprehensive*, bringing together existing sources of information and building upon existing registries of nonstate climate actions and commitments. The NAZCA portal already draws data from multiple registries (including the CDP and the carbonn Climate Registry for local and subnational climate actions), and can be developed further to provide an aggregated, navigable, continuously updated picture of the universe of climate action. This would go beyond the 'showcasing' function of some other frameworks. Rather than merely demonstrating – to governments, publics, and other actors – a few selected initiatives (Bernstein and Cashore, 2000; Selin and VanDeveer, 2005), a comprehensive registry would provide a systematic overview of the landscape of nonstate and subnational initiatives. This, in turn, would provide a better understanding of functional and participatory patterns, reveal where stronger connections with multilateral institutions would be valuable, and inform the ongoing orchestration of nonstate initiatives.

Third, the framework should be *evaluative*, incorporating benchmarking and review and follow-up procedures beyond mere passive registration. Such procedures are essential to promote the accountability of nonstate initiatives. Benchmarking and review procedures would help citizens, investors, researchers, funders, civil society and other groups to compare initiatives, identify the best performers and approaches, and regularly evaluate cumulative impacts (Chan and Pauw, 2014). This form of

accountability would be a major improvement on previous frameworks, which failed to systematically track performance and identify lessons learned.

However, it is also crucial not to overregulate the groundswell of climate actions, as that would risk diminishing the experimentation and innovation that are among the chief benefits of sub- and nonstate actions. In addition, an overly prescriptive accountability regime would be impractical, because climate actions are highly heterogeneous, and sometimes face resource constraints. Intergovernmental processes should instead aim to steer initiatives toward best practices and transparency, such as the SMART criteria (cf. Galvanizing the Groundswell of Climate Actions, 2015a), to build a flexible accountability regime that can accommodate diverse actions.

For example, evaluators could apply different assessment mechanisms to groups of initiatives that share common characteristics (cf. Hale and Chambers, 2014). Such groups could be defined by organizational characteristics (e.g. commitments by subnational governments), geographical scope (e.g. initiatives in Small Island Developing States), functions (e.g. awareness-raising, norm and standard setting, technical implementation, education), declared quantified targets (e.g. for emissions), or policy areas (e.g. renewable energy, buildings, land use). These shared characteristics should inform subsequent accountability procedures. For instance, the performance of climate initiatives that aim to change behaviour (e.g. through norm-setting and awareness raising) could be assessed through surveys, while initiatives that set explicit mitigation targets could be assessed through reports or measurements of greenhouse gas emissions (cf. Krabbe et al., 2015). To the extent adequate accountability mechanisms already exist for particular groups (e.g. cities' accountability to citizens, companies' accountability to shareholders and other stakeholders), however, a comprehensive framework should incorporate those arrangements, rather than create additional regulatory burdens that could stifle actions.

Fourth, the framework must be *catalytic*: instead of passively registering nonstate actions, it should help concerned actors to identify gaps and to fill them by brokering new relationships or scaling up existing initiatives. In other words, a comprehensive framework should enable effective orchestration and other strategic interventions. Establishing a learning facility for nonstate actors and initiatives could improve their capacities to make meaningful and equitable impacts by providing material and ideational support, helping actors to connect to initiatives that follow best practices, and developing and disseminating lessons learned from different approaches (Kern and Bulkeley, 2009). The high-level involvement of the UN or the UNFCCC secretariat and other prominent 'champions' will lend powerful convening authority to catalyse new initiatives in underserved areas and to

redress imbalances between the global North and South, particularly by equipping and encouraging actors from developing countries to participate (Abbott, 2014; Abbott and Bernstein, 2015). Expanding the current 'Technical Expert Meetings' under the UNFCCC, which are intended to diffuse knowledge on specific subjects like energy efficiency or land use, into more dynamic fora that can engage new actors and broker new partnerships would be a practical way to advance this key function.

We envision this comprehensive framework as supportive of national climate policies. Through technical consultations with national governments, the framework will drive national climate aspirations, and will demonstrate proven approaches that allow for more ambitious national mitigation and adaptation commitments, particularly in subsequent rounds of nationally determined contributions and national adaptation plans and strategies. In this way, the framework can help to integrate many levels of governance, uniting the multilateral, transnational and national spheres of climate governance (cf. Jordan et al., 2015).

Paris and beyond

By making subnational and nonstate action a centrepiece of the Paris climate conference, countries have already begun to move toward the framework outlined above. Confirming a continuation of the 'Action Agenda' under a detailed organizational framework and allocating adequate resources will be a crucial next step. To produce effective climate action over the long term, both in the multilateral regime and in the realm of nonstate climate actions, we must develop more systematic engagement among national governments, the UN system, and the groundswell of nonstate climate actions. In the past, some national governments have seen nonstate and subnational engagement in international processes as contrary to their national interests. However, a framework designed to orchestrate transnational initiatives that can contribute to achieving national climate change objectives could be of interest even to these governments. More broadly, a collaborative, comprehensive, evaluative, and catalytic framework can counteract the inefficiencies of a fragmented governance landscape. It would incentivize scalable solutions, and encourage transparency and accountability.

Merely registering climate actions will not produce strategic linkages between the intergovernmental UNFCCC process, national government actions, and the groundswell of nonstate and subnational climate actions. Likewise, ad hoc convening of climate leaders by the UN will not guarantee the implementation and expansion of climate initiatives over time. A jointly owned, comprehensive framework, like the one suggested here, can provide lasting and effective linkages with comparatively little effort and investment, as it would build on existing

registry and assessment initiatives. By leveraging the convening power of the UN, moreover, this framework would engage an even broader range of nonstate actors to contribute to effective and equitable mitigation and adaptation, while encouraging greater ambition by national governments.

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