AFTER PARIS: THE NEW GOVERNANCE ECOSYSTEM FOR CLIMATE ACTION AND THE ROLE OF THE EU

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Climate change is one of greatest challenges the world has ever faced. Its consequences, both human and environmental, are extraordinary (Houghton, 2015; Emanuel, 2018). Acting to limit its most harmful effects is at once essential and immensely difficult. States and other actors must confront a variety of tricky, overlapping cooperative and distributional issues (Bernstein and Hoffmann, 2019; Colgan et al., 2020). This can clearly be seen at the international level within the context of the United Nations (UN) negotiations, where states have sought to establish the mechanisms needed to reduce global emissions and adapt to the changes that are already imminent. For many years, these were singularly unsuccessful. The 1997 Kyoto Protocol, the first major agreement reached under the UN Framework Convention on Climate Change (UNFCCC), was harshly criticised. Its immediate successor – the Copenhagen Accord of 2009 – was even more widely lambasted. It was not until the Paris Agreement of 2015 that states agreed upon a response that is thought to hold greater promise for addressing the challenge of climate change (Held & Roger, 2018; Falkner, 2016). Yet, shortly after coming into force, its relevance was called into question by President Donald Trump, who announced that he was pulling the US out of the agreement (Macneil & Paterson, 2020).

The period after Paris is nevertheless significant because the global effort to address climate change has shifted into new territory. This has occurred through the establishment of what I refer to as the Paris "ecosystem" for climate action – a set of interlinked institutional arrangements, centred on the UNFCCC, aimed at pushing both state and non-state actors toward the common goal of mitigating and adapting to climate change. This is the context in which the European Union (EU) and European cities presently find themselves, and it will shape their activities moving forward. Understanding this new governance ecosystem – how it currently works, how it was made and how it must be re-made to work better – is therefore essential to properly thinking about their role and the place of the European Green Deal (EGD). With this aim in mind, I begin here with an overview of the governance ecosystem that has taken shape since 2015, explaining the key mechanisms that have been established. Second, I discuss how these mechanisms

were created. This is a complex and still-unfolding story, so I focus especially on highlighting some important themes relevant to the role of the EU, European cities and the EGD in this development. Finally, I discuss some of the broader implications of this new ecosystem and call attention to the challenges and opportunities Europe will confront in implementing and achieving its Green Deal.

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I. How the Paris ecosystem works

The Paris "ecosystem" refers the panoply of institutions and governance platforms established in Paris, as well as those that have subsequently evolved under the UNFCCC to facilitate the agreement's objectives. These formal mechanisms make up the "core" of the Paris ecosystem and they are mainly concerned with action by states. But a range of additional mechanisms have also been created either under the aegis of the UN or associated with it that involve a wider range of actors, such as regional governments, municipalities, businesses, civil society groups and even individuals. These hybrid mechanisms are a central innovation of this period and contrast sharply with earlier models of global climate governance (Rajamani, 2016; Hale, 2016). They constitute an interlocking web of international law and "soft law" that brings global climate action by a range of different actors – both public and private – together under one roof (Held and Roger, 2018).[1]

The overarching goal towards which all efforts in the Paris ecosystem aim is established by the Paris Agreement, which set a legally binding target for the world of limiting the global temperature rise to 2°C above pre-industrial levels, along with an aspirational goal of limiting it to 1.5°C (UNFCCC, 2015: Article 2.1a). This would be achieved by bending the global emissions trajectory downwards, ensuring greenhouse gas emissions peak as soon as possible, and achieving "a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of the century" (Ibid.: Article 4.1). The arrangements set up under the UNFCCC to advance these goals constitute a sophisticated mix of mechanisms that address states and so-called "non-party stakeholders". For states, the key arrangement is the iterated pledge-and-review framework under the Paris Agreement for setting, evaluating and revising national climate policies. For non-party stakeholders, the key arrangements are those set up under the Lima-Paris Action Agenda (LPAA), those called for by the UNFCCC decision adopting the Paris Agreement, and the Marrakech Partnership for Global Climate Action.

The pledge-and-review framework established for states centres on their nationally determined contributions (NDCs). NDCs are non-binding statements outlining the commitments they are willing to make to achieve the global targets set out in the Paris Agreement. Determined independently, these are designed to percolate up through state policymaking apparatuses and are not subject to negotiation within the UNFCCC context. However, they are set within a binding iterative "catalytic" framework designed to ratchet up climate action over time (Falkner, 2016; Held & Roger, 2018; Hale, 2020). Once states have set their initial NDCs, these are expected to be updated on a 5-year cycle. Biennial progress reports are to be published that track progress toward the objectives set out in states' NDCs. These will be subjected to technical review, and will collectively feed into a global stocktaking exercise, itself operating on an offset

1. The Paris ecosystem does not contain all governance initiatives. It may be thought of as the central subset of state and non-state climate governance initiatives within the broader "transnational" regime complex for climate change that are directly associated with the UN and UNFCCC and which are expressly aimed at facilitating the objectives of the Paris Agreement, see Keohane and Victor, 2011; Abbott, 2012.

5-year cycle, where the overall sufficiency of NDCs will be assessed. The information gathered from states' individual reports and reviews, along with the more comprehensive picture attained through the "global stocktake" will, in turn, feed back into and shape the formulation of states' subsequent pledges. The logic, overall, is that this process will offer numerous avenues where domestic and transnational political processes can play out, facilitating the making of more ambitious commitments and putting pressure on states to comply with their nationally determined goals (Dai, 2010; Falkner, 2016; Allan, 2018).

As mentioned above, though, the Paris ecosystem is about much more than states. In contrast with earlier models of climate governance, there is now widespread recognition of the contributions non-state and sub-state actors – cities, in particular – can make to global climate action (Hoffmann, 2011; Bulkeley et al., 2014; Lui et al., 2020). These actors have long been involved in shaping the negotiations. As far back as 1995, for instance, 150 local authorities formed the Local Governments and Municipal Authorities Constituency to coordinate their engagement (Medarake et al., 2019). And since then, numerous moves have been made to support these kinds of efforts under the UNFCCC. Much of this is quite recent. One of the first major attempts was the Momentum for Change Initiative started in 2011 by the UNFCCC Secretariat, which began to call attention to a range of so-called "Lighthouse Activities" and offered awards for particularly successful examples of climate action. This expanded in the lead-up to Paris – this time, with growing support from member states – especially through the LPAA launched in December 2014. The LPAA built directly on the work of the UN Secretariat, which organised the UN Climate Summit in September of that year and was aimed at "catalyzing action" through a variety of partnerships and initiatives (Widerberg, 2017; Chan et al., 2018). The LPAA was, in a sense, an extension of this one-time event into a more proactive, ongoing effort. The most immediate output of the LPAA was the Non-State Actor Zone for Climate Action (NAZCA), a platform hosted by the UNFCCC Secretariat that allows stakeholders to register their voluntary commitments, associate themselves with the UN and become important "members" of the Paris ecosystem. Of these, cities and regional governments constitute one of the largest groups, accounting for just over half of all the "actors" registered in the NAZCA database.

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These early initiatives were considerably expanded through the decision adopting the Paris Agreement. Two innovations were particularly important. The decision called, first, for the holding of a "high-level event" that would regularly bring state, non-state and sub-state actors together to announce, highlight, track and scale up transnational climate governance initiatives. Second, it called for the appointment of two high-level champions who would be responsible for coordinating the high-level event and leading efforts to raise the level of ambition by non-party stakeholders. In 2016, the first two high-level champions (from France and Morocco) then spearheaded the Marrakech Partnership for Global Climate Action, which aims to facilitate interactions between and contributions by party and non-party stakeholders. The non-party stakeholders involved are those specifically affiliated with the UN process through the NACZA platform, and the partnership itself encompasses a variety of mechanisms and activities intended to steer transnational governance arrangements toward the objectives of the Paris Agreement.[2]

2. The *Yearbook of Global Climate Action*, itself an initiative that emerged from the Marrakech Partnership, offers a fascinating overview of these new arrangements: see United Nations Climate Change Secretariat, 2019.

II. How the Paris ecosystem emerged

The advent of this governance ecosystem constitutes a notable innovation in the history of the global climate regime. By bringing both state parties and non-party stakeholders together within the context of a sprawling and more or less shared framework – largely operating in accordance with a single catalytic logic – it goes considerably beyond earlier "models", particularly the Kyoto Protocol (McGee & Steffek, 2016; Held & Roger, 2018). Its core components were conceived, for the most part, during the same period of time: in the run-up to, at and immediately after the twenty-first Conference of the Parties (COP) in Paris in 2015; although in important respects its structures are still taking shape. Naturally, therefore, their histories are intertwined and, European actors – states, the EU and cities – have played critical parts in each. A full account of the emergence of this new governance ecosystem is beyond the scope of this piece. A range of other accounts have pointed to important drivers of this shift, including the role of civil society groups, great power politics, coalition building, prior institutional legacies and the emergence of new policy ideas.[3] However, it is useful to highlight several key points that bear upon the main themes explored in this volume.

First, key elements of the new Paris ecosystem appeared in reaction to the failures associated with the first major model of climate governance embraced by the global community – Kyoto. The Kyoto Protocol was a highly ambitious, legally binding and innovative international agreement. European states were – and largely remain – its strongest supporters. But in the years after it was signed it encountered a range of major challenges, both technical and political in nature (Rosen, 2015; Harrison and Sundstrom, 2010). Almost from the start, states recognised that a successor agreement was needed. But negotiating an expanded agreement that could improve upon the same regulatory model proved difficult, largely due to opposition from both developing and emerging economies and the United States (Harrison et al., 2010; Held et al., 2013). In the end, the effort was futile. Failure in the UN negotiations initially led to the Copenhagen Accord, which operated according to a very different, voluntary, or "bottom-up" logic. At first, most viewed this as a failure. And in many respects it was. But by putting to rest the Kyoto model, this "failure" played a critical role in paving the way for the Paris Agreement.

The rapid growth of transnational governance initiatives paralleled these developments in an interesting way. In the period after the signing of the Kyoto Protocol, non-state and sub-state actors became much more directly involved in the governance of climate change. A range of new initiatives appeared that connected subnational governments, businesses and individuals across borders. These included innovative city-led initiatives like C40 Cities and corporate- and NGO-led ones like the Carbon Disclosure Project and the Greenhouse Gas Protocol. These constituted novel governance "experiments" that largely operated outside of the state system and their numbers exploded in the period between Kyoto and Copenhagen, as well as afterwards (Hoffmann, 2011). The story behind their rise is a complex one. Some were established through a process of delegation and were clearly the product of decisions by states and international organisations (Green, 2013; Green

3. For a comprehensive discussion, see Allan, 2019; Allan et al., 2019.

& Colgan 2013). Some of this was also a reaction to new policies at the national level (Andonova et al., 2017). But in many (and perhaps most) other instances the emergence of transnational initiatives was a reaction to perceived failures at the intergovernmental level. As state preferences conflicted over Kyoto and a "governance gap" appeared that widened as the negotiations wore on, space was created for non-state and sub-state actors to demonstrate leadership and experiment with new approaches (Hoffmann, 2011; Green, 2013). In the case of cities, this logic is clear: one of the operative mottos of their movement has been that while "nations talk, cities act".

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Second, while repeated governance failures may have put old models to rest and stimulated new approaches and initiatives involving a diverse array of actors, these were not considered sufficient on their own. States had to rethink both. The Copenhagen Accord and the groundswell of transnational arrangements that had appeared were innovative and certainly more feasible by comparison. Together, they constituted a politically viable path forward for the climate regime in a way that a Kyoto-style global deal clearly was not. At the same time, however, neither offered a perfect substitute on its own. Something like the Copenhagen Accord could be swiftly agreed upon, but state pledges did not "add up" and there was no mechanism in place to ensure that states followed through on their promises. Similarly, while transnational initiatives could involve many actors and make valuable contributions to climate action, they suffered from design flaws, inadequate scale and insufficient geographical scope (Michaelowa et al., 2017; Roger et al., 2018). State policymakers were therefore encouraged to search for ways of embracing the basic frameworks that were proving viable – politically – while correcting and compensating for these various problems. Non-state and sub-state actors, in turn, also increasingly reached up for assistance.

The Paris ecosystem is the product of this collective search and the EU and European cities have played a critical part in this effort. In the intergovernmental negotiations, the EU has been a leader. It has demonstrated a high level of commitment through its own climate policies, built progressive coalitions in the UNFCCC, and pushed hard for greater ambition at the global level. One of its most important contributions was, for instance, helping to form the critical coalition at the Durban COP in 2011. This grouping, which comprised the EU, the Least Developed Countries (LDC) Group and the Alliance of Small Island States (AOSIS), along with other states from Africa and Latin America, forged the key agreement in favour of a legally binding outcome that would eventually lead toward the Paris Agreement. Throughout the subsequent negotiations, the EU continued to build bridges with others across the North–South divide. The "Durban Alliance" it helped to form ended up being an essential stepping stone to the High Ambition Coalition, which proved decisive for finalising the Paris Agreement.

In this way, the EU played an essential role in settling the outlines of the intergovernmental layer of the Paris ecosystem. But Europe has also been critical for the transnational layer. European actors, especially cities, have been at the forefront of transnational climate governance, leading initiatives like the C40 (created in 2005), which was largely the brainchild of Ken Livingstone, then mayor of London. Even more crucially,

European governments and the EU have been at the forefront of efforts to "orchestrate" transnational climate governance. In the period after Kyoto, governments and international organisations began to realise both the potential and drawbacks of transnational arrangements. This increasingly led them to take on a much more ambitious role, engaging in efforts to broaden, deepen and strengthen the initiatives that were appearing (Hale and Roger, 2014). While this is not solely a European phenomenon, the EU, European states and European cities have been at the leading edge of such efforts. The EU was, for instance, instrumental in establishing the Covenant of Mayors initiative in 2008, which is today one of the largest and most successful examples of transnational climate governance (Bendlin, 2017; Kern, 2019; Ruiz Campillo, this volume). These activities have served as a model for the kind of orchestration now occurring under the UNFCCC, knitting together the efforts of transnational actors into a wider climate regime – with Paris at its core.

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Europe is now playing a key role in setting an example within this new system. As noted above, the Paris model is premised on voluntary contributions and the hope of stimulating an upward spiral of ambition. However, generating such an effect will heavily depend on actions taken right at the start. If ambition is lacking at this stage, especially among the big emitters, this would put little pressure on others to follow. The EGD is, however, an ambitious move in the right direction for three reasons. First, the targets being proposed for Europe are quite ambitious and should inspire others to act similarly. Second, by thinking about climate action as an encompassing growth strategy involving a wholesale transformation of economies, the EGD is poised to offer many lessons – some technical, others political – for those seeking to do the same elsewhere. Thus, while its targets may inspire greater commitments by others, its actual efforts to meet them can help with the implementation side of the equation. Third, various activities of the EU and its Green Deal can more directly push others in a more positive direction. Through its ambitious commitments to provide support for NDCs around the world, by putting climate action at the heart of its diplomacy and alliance-building, and by leveraging trade policy and the "Brussels effect" to scale-up standards throughout the world, it can lower implementation costs in critical partner states and increase the costs of inaction (Bradford, 2020). Europe's Green Deal can, therefore, offer a crucial stepping stone to greater ambition at the global level.

III. How to move forward: Challenges and opportunities

There are nevertheless a range of outstanding issues – for Europe, for European cities and for the world as a whole. The new governance ecosystem that has emerged after Paris is of considerable significance not only because of its novel design and the processes that underpinned its creation; it is also important because it has finally moved the international community from a negotiation "mode" to an implementation mode. Negotiations within the UNFCCC continue, of course, but are now mainly concerned with the task of improving a system that already exists. They are about remaking and fine-tuning international institutions, rather than fashioning them from whole cloth. In many ways, this is a no less challenging task. There will be vehement

disagreements over how to proceed, as was seen at COP 25 in Madrid, which largely foundered over the role that market mechanisms will play in this new arrangement. However, as Europe and the world move forward in this implementation phase through initiatives like the EGD, among many others at the domestic and international levels, negotiators inside the UN will have to think about global climate governance in new terms. The activities of those engaged in transnational governance and activism on climate change will have to shift as well. No doubt, a host of new challenges and opportunities will present themselves. I focus now on a few that are likely to be particularly relevant to Europe and European cities.

Perhaps the most important challenge for the immediate future will be getting the Paris rulebook right and ensuring that the pledge-and-review system is effective at scaling up the ambition of states over time. As we develop experience with this system, problems will surely become evident. It will be essential to focus on these as they appear and to make regular adjustments to the system to ensure that goals are being met. In doing so, those involved in analysing and (re)designing the system will have to give special consideration to the decentralised political dynamics that will make it work. The redesign of international arrangements should be done with an eye on providing maximum leverage and genuinely participatory opportunities for the non-state and subnational actors that can pressure states to upgrade and comply with their promises. An important aspect of this will involve understanding the different opportunity structures facing actors located in different national and regional systems. It should go without saying that not all states possess the kinds of open political systems that tend to prevail in Europe. In these places, therefore, national-level dynamics surrounding NDCs and the review process will be different, and negotiators should seek to ensure that the system is sensitive to this fact.

Another major area where work needs to be done involves refining the orchestration activities being undertaken by institutions within the Paris ecosystem. The degree to which these activities have been institutionalised at the international level is remarkable compared to earlier periods. However, significant work remains to ensure that initiatives are being scaled up and underpin genuine action. Non-state actors can have a big impact, but often fail to achieve it; greenwashing is also unfortunately prevalent. However, our understanding of what works has improved significantly, both in terms of what successful climate action looks like and what kinds of orchestration activities work best (van der Ven, 2015). International institutions need to take these lessons on board, while at the same time being sensitive to the diversity of initiatives that are needed. Within the Paris ecosystem, in fact, transnational arrangements can play a variety of useful roles, which is particularly true when we look across governance fields. While mitigation has received a great deal of attention, adaptation, for instance, has been less of a focus (Chan & Amling, 2019). In part, this is because they take different forms. The EGD can lead in this area by promoting experimentation with different regionally focused approaches that can then inform efforts at the international level.

Non-party stakeholders in Europe and beyond will also have to think further about activities within the Paris ecosystem. Thus far, these

actors have achieved some success in their advocacy efforts in international negotiations. This success has rested on the development of coalitions and strategies that are explicitly oriented toward the new UNFCCC arena. To succeed in the period after Paris, however, they will have to reorient much of their work toward the domestic level, or the domestic-international interface, as framed by the pledge-and-review mechanisms established by Paris. As Jen Iris Allan has explained, the new framework established by Paris entails a new opportunity structure (Allan, 2018). Older approaches, oriented primarily to negotiation, will no longer suffice. New approaches oriented toward implementation – that is, toward shaping domestic action and compliance within the context of the Paris ecosystem, as outlined above – will be necessary. For NGOs and other European actors, for instance, this will mean navigating regional governance structures and improving the implementation of and compliance with the EGD. This may require new varieties of expertise and coalitions to be developed that have different understandings of the system, can leverage action within it and offer new ideas about how to develop its foundations.

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Finally, another aspect of this involves the impact of transnational initiatives on states' commitments and on the UNFCCC itself. We know, of course, that these arrangements can play an important role in bridging the gap between what states are (or are not) doing through their NDCs and what is needed to meet the objectives of the Paris Agreement. This is a critical contribution, and the main one that coordinating efforts have been geared toward thus far. However, it is also possible that these initiatives could have other types of impacts. On the one hand, they may help to amplify the commitments states make by "reverberating" at the national level and encouraging greater ambition, perhaps through technical expertise and demonstration effects (Hermwille, 2018; Hermwille et al., 2017). On the other, it is possible that they might reverberate at the international level as well. New ways of approaching the problem of decarbonisation developed through experimentation within transnational initiatives can inform new programmes and activities being undertaken by the UNFCCC or other institutions. Cities in Europe can play a critical role here due to the autonomy they frequently possess. Hence, their initiatives may have an impact beyond their bridging role. Maximising these impacts may be more effectively accomplished, however, if they are recognised by non-state and subnational actors and if their activities are explicitly oriented toward generating them. This is something that the EU could also promote and prioritise within the context of its Green Deal.

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