

## How the UNFCCC Can Drive Climate Ambition in Advance of a Treaty: Record, Review, Reinforce, Recruit

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### **Ambitious action 2013–2020 is a pre-requisite for an effective climate treaty**

Despite two decades of negotiations, countries have yet to agree a treaty that is sufficiently ambitious to prevent a dangerous warming of the Earth's climate. The emission reduction pledges countries have made thus far, even if fully implemented, will still fall 8 to 13 gigatons CO<sub>2</sub>e short of the reductions needed to limit temperature changes to two degrees over the next century.<sup>1</sup>

### *How will the negotiations overcome this "ambition gap?"*

In December 2011, under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), countries agreed to negotiate a new, legally binding treaty by 2015 that would go into effect in 2020. But it is far from clear how countries will manage in the next two years to conclude the global deal that has eluded them for the last 20 years.

Fortunately, the Durban framework includes a second work stream on concrete, short- to medium-term mitigation activities that can raise ambition in the lead-up to 2020.<sup>2</sup> While this area, "work stream 2," has attracted less attention than the treaty negotiations, it is, in fact, crucial to their success.

### **Key points:**

1. The success of the next climate treaty requires a crescendo of advance mitigation activities by countries—but also cities, companies, and civil society groups—from 2013 onward.
2. Countries can galvanize such actions at COP19 in Warsaw in November 2013 by creating a system to:
  - **Record** the pledges of countries and, through linked initiatives, those of other intergovernmental fora, cities/regions, companies, and civil society groups
  - **Review** pledges to clarify and enhance ambition
  - **Reinforce** pledges through capacity-building, finance, and other tools
  - **Recruit** more countries, cities/regions, companies, and civil society groups to take advantage of unexploited mitigation opportunities

The reason is simple. An effective global deal will be reached only if political conditions allow countries to make far more ambitious commitments than they have in the past. By broadening and enhancing the pledge-and-review system initiated after the Copenhagen summit, work stream 2 has the potential to build such conditions.

To do so, the UNFCCC process must link work stream 2 to the most dynamic mitigation actions taking place today. Some nations have demonstrated significant leadership, but equally impressive is the range of actions being taken by cities and regions, private companies, civil society groups, and other international organizations, often linked together in transborder networks.

These initiatives have extraordinary mitigation potential. Globally, cities account for 70 percent of total emissions,<sup>3</sup> and many are taking action to reduce emissions. Even in countries like the United States, where national action has been blocked by Congress, city- and state-level commitments cover nearly half of US emissions.<sup>4</sup> The world's largest 500 companies produce 3.6 billion tons of GHG emissions.<sup>5</sup> And sectoral initiatives like limiting HFCs under the Montreal Protocol could reduce emissions by as much as 90 gigatons CO<sub>2</sub>e, twice the world's current annual emissions, by 2050.

The key challenge now is to design the UNFCCC process so that these actions become not substitutes or even complements to a global treaty, but stepping stones on the path to higher climate ambition that an effective treaty will require.

Thus far work stream 2 has largely consisted of thematic workshops at which countries exchanged ideas on key pieces of the migration puzzle, including renewable energy and land use.<sup>6</sup> In the lead up to COP 19, parties and other organizations have suggested ways to move beyond ad hoc information sharing.<sup>7</sup> These positions have been summarized and synthesized by the Secretariat.<sup>8</sup>

While these ideas remain preliminary, diverse support seems to exist for a more robust system open to a broader array of mitigation activities. At the time of writing, support for at least elements of the approached described below can be found in the submissions of AOISIS,<sup>9</sup> the African Group,<sup>10</sup> the Environmental Integrity Group,<sup>11</sup> Australia,<sup>12</sup>

Canada,<sup>13</sup> the European Union,<sup>14</sup> Japan,<sup>15</sup> the United States,<sup>16</sup> and Norway.<sup>17</sup>

This memo suggests specific ways negotiators can build on these ideas at COP19 in November 2013. A significant opportunity exists to turn the UNFCCC process into a powerful catalyst for ambition in countries, as well as in cities, companies, and civil society organizations via cooperative initiatives.

*To seize this opportunity, countries should build a system to **record, review, reinforce, and recruit** the ambitious mitigation activities that will pave the way to an effective 2020 treaty.*

## **Record ambition**

Since the 2009 Copenhagen Summit, countries have registered a variety of pledges to reduce emissions with the UNFCCC. These include legally binding commitments under the extension of the Kyoto Protocol as well as voluntary emissions targets or similar measures.<sup>18</sup> These national commitments have been registered with the UNFCCC, though no central, comparable registry exists. The pledges also vary significantly in ambition and detail.

At the same time, four types of commitments with vast mitigation potential have gone unrecorded:

1. Plurilateral agreements between countries in smaller intergovernmental fora (e.g. Major Economies Forum, Clean Energy Ministerial).
2. Sectoral mitigation activities in other multilateral fora (e.g. aviation emissions under the International Civil Aviation Organization; HFCs under the Montreal Protocol).
3. Actions by cities, regions, and companies to reduce emissions, either by directly setting reductions targets, or via related actions in transportation, supply chain management, land use, air quality, etc.
4. Cooperative initiatives, often catalyzed by civil society and intergovernmental organizations, that link sub- and non-state actions across borders.

The UNFCCC Secretariat has recently compiled a broad list of such measures including examples of 1,

2, and 4 from the list above, on its website,<sup>19</sup> though scholarly work<sup>20</sup> suggests the UNFCCC list is not yet comprehensive. For 3, no complete mapping of individual city and company programs exists, though various studies<sup>21</sup> indicate these are substantial.

Recording the vast scope of existing mitigation actions would provide a powerful demonstration effect. It shows that countries and other actors are taking real steps to avert climate change now, potentially inspiring others to follow suit. Equally important, it changes the public discourse from one of international gridlock to one of concrete, pragmatic progress. Such a framing is crucial to changing the political conditions that now impede a global deal.

**At Warsaw, countries can build a more effective system for recording ambition in four ways:**

1. *Create a central online clearinghouse of climate ambition:* The UNFCCC should accept pledges from parties, but also—on a voluntary basis—those of other intergovernmental fora, sub- and non-state actors, and cooperative initiatives. Mapping the total universe of pre-2020 ambition is a powerful tool to demonstrate the breadth and scale of current mitigation activities. This builds political momentum for more, and more ambitious, pledges in the future by
  - Showing policymakers that ambitious mitigation is happening now
  - Signaling to firms and investors the increasing benefits of low carbon business models
  - Building a pragmatic, results-oriented, and optimistic narrative around climate change
2. *“Common but differentiated” pledges.* Recording ambition serves different purposes for different types of actors and initiatives. Pledges by different types of actors therefore merit different status under the UNFCCC. In particular, it is crucial to maintain the distinctive nature of state pledges and the special role of the UNFCCC as a negotiating forum for state parties. Moreover, it is important to recall that while national pledges are additive, other types of pledges likely overlap with national pledges, and with each other. Such “double counting” means that only state pledges would be expected to satisfy post 2015 treaty obligations.

3. *Clarify and standardize measurement of national commitments:* Countries’ pre-2020 pledges need not take a standardized form, but their implications for mitigation must be measured in a compatible and mutually agreeable fashion in order to understand the scope of countries’ ambition. Enhanced coordination on measuring emissions and on monitoring and verification is therefore essential. An incremental strategy, in which countries converge on an agreed international standard over time, may secure greater support.
4. Record declarative and informational pledges from sub- and non-state actors, intergovernmental organizations, and cooperative initiatives: The purpose of non-state pledges is to record the scope of pre-2020 ambition and create informational resources for themselves, their peers, and their stakeholders. The recording mechanism should therefore be suitably flexible to incorporate the wide array of actions in this category. The website of the United Nations Global Compact<sup>22</sup> provides a useful model in this regard, providing a ready template to build upon. While no standard template should be imposed on non-party pledges, the clearinghouse should point sub- and non-state actors toward assessment and reporting tools (amongst other resources) through which they may choose to record pledges. This will allow an increasing number of sub- and non-state pledges to be assessed via common rubrics.

**Review ambition**

Recording the broad array of mitigation pledges in a central and comparable way allows UNFCCC parties and other actors to *review* the ambition they reflect. With the proper process, review provides an opportunity for peer-learning and stakeholder engagement that can enhance countries’ ability to achieve their goals under the Convention.

Indeed, peer review mechanisms are common in a variety of international fora, ranging from formal intergovernmental bodies like the UN Human Rights Council to less formal networks like the International Network for Environmental Compliance and Enforcement. Peer review is particularly appropriate for situations like climate mitigation, where countries share common goals but face starkly different domestic conditions.

Furthermore, states are not the only actors whose climate ambition can benefit from such processes. Cities, companies, and others can also gain much from structured interaction with peers and stakeholders. Indeed, many existing cooperative initiatives perform precisely this function.

*At Warsaw, countries can take four steps to make review mechanisms drive climate ambition under the UNFCCC:*

1. *Create an ongoing review process for national pledges under the UNFCCC.* States should be asked to submit and revise pledges on an ongoing basis.
  - National pledges should be reviewed, in the first instance, by a sub-committee of UNFCCC parties. Reviews could assess national efforts to meet pledges, identify barriers to progress, and suggest paths forward based on similar experiences.
  - Review meetings should also schedule time for other stakeholders to review and comment on national pledges. Stakeholders should be drawn from both international and domestic major groups, civil society organizations, legislators and local and regional governments, the private sector, etc.
2. *Support review processes for cities, companies, and other actors via cooperative initiatives.* While the UNFCCC itself should not seek to organize review sessions for the vast array of sub- and non-state pledges, it should recognize and support the ability of cooperative initiatives to do so. For example, it could accept reports from various cooperative initiatives that summarize the results of their own review processes.
3. *Invite cooperative initiatives to submit themselves for review.* Cooperative initiatives, including both other intergovernmental fora and networks of sub- and non-state actors, may also benefit from a UNFCCC-sponsored forum for peer review and learning. The UNFCCC could offer to host such review processes in parallel to the process for state parties. The shape and scope of such processes should be left to the cooperative initiatives themselves to organize, and include the participation of state parties on a voluntary basis.
4. *Create a constructive process:* Review processes should seek to identify and promote best practices

and concrete progress, not “name and shame.” A confrontational approach will lead parties and other actors to defensive behavior that will retard the ability of the review process to raise their ambition. Sufficient venues for “naming and shaming” exist in other fora. The comparative advantage of the review mechanism is, instead, constructive criticism. Review meeting agendas and reports should therefore be structured to focus attention on concrete paths toward enhanced mitigation ambition.

**Reinforce ambition**

With adequate systems to record and review pre-2020 commitments, the UNFCCC will be well positioned to *reinforce* pledges and therefore help parties and other actors to increase their ambition. Reinforcement builds capacity to implement mitigation measures, thereby making it easier for countries and sub- and non-state actors to realize mitigation objectives.

Numerous capacity building initiatives exist for state and sub- and non-state actors in the UNFCCC and other intergovernmental fora, in cooperative initiatives, and in bilateral programs. Instead of duplicating this work, the UNFCCC process should seek to use the recording and review mechanisms to steer existing programs toward coherence and best practices.

*Specifically, at Warsaw the members of the UNFCCC can reinforce ambition in several ways:*

1. *Identify and promote best practices for states and other actors:* A principal advantage of recording and reviewing pledges is to pool knowledge on how to design and implement effective mitigation measures at all levels. Relevant experience and models can be collected from the review process and cross-pollinated to other actors. This function should not be adopted by the UNFCCC Secretariat itself, however. Instead, the “raw material” of the record and review process can be used by those international organizations and other actors currently engaged in capacity building and the promulgation of best practices. For sub- and non-state actors, cooperative initiatives are likely the most effective venue for information sharing, though the UNFCCC can identify and recognize such efforts as appropriate.

2. *Connect ambition to funding:* Many countries' mitigation objectives face resource constraints. At the same time, substantial resources exist to fund mitigation activities, including public spending, carbon markets, and private investment. The recording and review process allows supply to meet demand more efficiently by increasing both sides' information. Again, existing organizations, not the UNFCCC Secretariat, are best positioned to play this role, drawing on record and review process. The newly created Green Climate Fund, for example, could play an active role in this regard.
3. *Identify operational synergies:* While the plurality of mitigation actions and initiatives now being undertaken is a strength, their complexity and diversity likely cause states and other actors to miss opportunities to work together. Recording and reviewing mitigation actions allows the UNFCCC and other actors to perform a matchmaking function, highlighting areas where states, sub- and non-state actors, and cooperative initiatives can benefit from closer collaboration.
4. *Develop new programs to support the most promising actions:* In some cases, existing capacity building programs and funding mechanism may be insufficient to reinforce promising mitigation activities. In such instances, the UNFCCC member states could catalyze new programs to plug gaps in the existing system. This could be done either via direct contributions from state parties, or by highlighting the areas of greatest need and convening others—e.g. sub- and non-state actors, intergovernmental organizations—to address them.

## Recruit ambition

Finally, in addition to reinforcing existing pledges, the UNFCCC process can *recruit* new ones, engaging states and other actors who have thus far remained outside the process.

As with the review process, a recruitment strategy that direct states and other actors to untapped mitigation opportunities will be more effective than one that shames them for lacking ambition.

1. *Identify missed opportunities:* the UNFCCC member states could create a facility to invite parties and other actors to suggest actions and

initiatives with substantial mitigation potential that have not been pledged by states or other actors. Such suggestions, when appropriate, could be brought into the review process or, indeed, derive from it. A committee of the UNFCCC would then be able to identify and endorse the most promising actions and bring these to the attention of the relevant state parties or other actors.

2. *Elicit participation through concrete benefits:* In addition to suggesting mitigation opportunities, the UNFCCC process could make them more attractive by inviting states and other actors to take advantage of the state-of-the-art knowledge and financial resources of the reinforcement process, described above.
3. *Use the rhetorical platform of the UNFCCC and its member states to galvanize new actions:* When the UNFCCC member states speak collectively, states—but also companies, cities, civil society groups, etc.—take notice. The individual state parties to the UNFCCC also wield enormous rhetorical power within their home jurisdictions. The UNFCCC member states, collectively and individually, can call upon all sectors of society to make concrete and immediate steps to reduce emissions.

## Guiding principles

As states build the UNFCCC into a driver for pre-2020 climate ambition through recording, reviewing, reinforcing, and recruiting, several guiding principles should be considered:

1. *Building blocks toward a treaty:* Work stream 2 is not an alternative to a global treaty but a path toward it. For too long, key parties have been reluctant to encourage partial steps toward climate mitigation or actions by sub- and non-state actors because they worried that these would distract from the ultimate objective of a comprehensive “global deal.” By building work stream 2 into a robust system to record, review, reinforce, and recruit climate ambition, and by linking it explicitly to work stream 1, countries can turn this concern on its head. Moreover, creating a vigorous set of procedures and institutions under work stream 2 will provide the eventual treaty with some of the basic institutional infrastructure it will eventually need to be effective.

2. *Emphasize carrots over sticks:* To succeed, work stream 2 will need to reduce the constraints that prevent countries and other actors from making more ambitious mitigation pledges. In over 20 years of climate negotiations, there are very few instances in which coercive external pressure has led countries to more ambitious mitigation policies. Instead, expectation setting and capacity-building provide the basis of most success.
3. *Minimize organizational burdens:* Building an effective system of recording, reviewing, reinforcing, and recruiting into the UNFCCC will require member states to invest additional institutional structures and resources. These can be managed by:
- Allowing the UNFCCC to directly implement programs related to state parties
  - Allowing various cooperative initiatives to manage programs related to sub- and non-state actors' commitments, but with increased interaction with the UNFCCC as described above. Co-locating cooperative initiatives and branches of the UNFCCC secretariat could facilitate such collaboration.
  - In no cases should the UNFCCC or member states seek to "micro-manage" cooperative initiatives. Instead, the UNFCCC should aim to recognize success and propose additional steps that may be taken.

## Implementation and process

As noted above, several countries have endorsed elements of the above program in their submissions to the ADP. This memo has built on those ideas to outline an enhanced system to drive pre-2020 ambition.

### *Time is short.*

At Warsaw, the key challenge for countries is to put in place an effective system to record, review, reinforce, and recruit climate ambition as soon as possible. With the 2015 deadline looming and 2020 not far behind, countries must act immediately to allow work stream 2 to build climate ambition in the lead up to a global treaty.

If the fundamental contours of the system can be agreed in Warsaw, it should be possible to finalize the details in advance of the climate summit the UN Secretary-General has scheduled for September 2014. An early commitment to such a program, including financial support, from key members states is crucial to its success.

The Secretariat and several parties have noted that 2014 must be a year of action on climate if negotiators are to reach an agreement at COP20.<sup>23</sup> This memo has outlined a system through which recording, reviewing, reinforcing, and recruiting pledges from countries and other actors can drive such ambition.

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## Notes

<sup>1</sup> UNEP, *The Emissions Gap Report 2012*. Available: <http://www.unep.org/pdf/2012gapreport.pdf>

<sup>2</sup> FCCC/CP/2011/9/Add.1

<sup>3</sup> UN HABITAT, "Hot Cities: Battleground for Climate Change," 2011. Available: <http://www.unhabitat.org/downloads/docs/GRHS2011/P1HotCities.pdf>

<sup>4</sup> Nicholas Lutsey and Daniel Sperling (2008). "America's Bottom-up Climate Change Mitigation Policy", *Energy Policy* 36, no. 2 (February 2008): pp. 673—685.

<sup>5</sup> CDP, "Global 500 Climate Change Report 2013." Available: <https://www.cdproject.net/CDPResults/CDP-Global-500-Climate-Change-Report-2013.pdf>

<sup>6</sup> Summaries are available at the ADP website: [http://unfccc.int/meetings/bonn\\_jun\\_2013/session/7470/php/view/documents.php](http://unfccc.int/meetings/bonn_jun_2013/session/7470/php/view/documents.php)

<sup>7</sup> Countries and observers' submissions are available on the UNFCCC website at <http://unfccc.int/bodies/awg/items/7398.php> and [http://unfccc.int/documentation/submissions\\_from\\_observers/items/7479.php](http://unfccc.int/documentation/submissions_from_observers/items/7479.php), respectively.

<sup>8</sup> FCCC/TP/2013/4. Available: <http://unfccc.int/resource/docs/2013/tp/04.pdf>

<sup>9</sup> AOSIS submission of May 2, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_workstream2\\_aosis\\_02052013\\_.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_workstream2_aosis_02052013_.pdf)

<sup>10</sup> African Group submission of September 19, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_african\\_group\\_workstream\\_2\\_20130919.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_african_group_workstream_2_20130919.pdf)

<sup>11</sup> Environmental Integrity Group submission of September 20, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_liechtenstein\\_mexico\\_monaco\\_and\\_switzerland\\_workstream\\_2\\_20130309.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_liechtenstein_mexico_monaco_and_switzerland_workstream_2_20130309.pdf)

<sup>12</sup> Australia submission of April 22, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_australia\\_workstream\\_2\\_20130422.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_australia_workstream_2_20130422.pdf)

<sup>13</sup> Canada submission of April 12, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_canada\\_workstream\\_1\\_and\\_2\\_en\\_20130412.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_canada_workstream_1_and_2_en_20130412.pdf)

<sup>14</sup> European Union submission of September 16, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_eu\\_workstream\\_2\\_20130916.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_eu_workstream_2_20130916.pdf)

<sup>15</sup> Japan submission of September 10, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_japan\\_workstream\\_2\\_20130312.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_japan_workstream_2_20130312.pdf)

<sup>16</sup> United States submission of March 11, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_usa\\_workstream\\_2\\_20130312.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_usa_workstream_2_20130312.pdf)

<sup>17</sup> Norway submission of March 8, 2013. Available:

[http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_norway\\_workstream\\_2\\_20130308.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_norway_workstream_2_20130308.pdf)

<sup>18</sup> Industrialized countries are asked to make economy-wide, quantifiable emissions reductions, while developing countries are asked to make more flexible "nationally appropriate mitigation actions." For a description see FCCC/TP/2013/4 pp. 8-9.

<sup>19</sup> See: [http://unfccc.int/meetings/bonn\\_jun\\_2013/items/7655.php](http://unfccc.int/meetings/bonn_jun_2013/items/7655.php)

<sup>20</sup> Falkner, R., Stephan, H. and Vogler, J. (2010), International Climate Policy after Copenhagen: Towards a 'Building Blocks' Approach. *Global Policy*, 1: 252–262. Robert O. Keohane and David G. Victor (2011). "The Regime Complex for Climate Change." *Perspectives on Politics*, pp 7–23. Matthew J. Hoffmann. 2011. *Climate Governance at the Crossroads: Experimenting with a Global Response after Kyoto* Oxford University Press. Thomas Hale and Charles Roger (2013). "Orchestration and Transnational Climate Governance," *Review of International Organizations*. · Richard B. Stewart, Michael Oppenheimer, and Bryce Rudyk (2013). "A new strategy for global climate protection." *Climatic Change*. September 2013, Volume 120, Issue 1–2, pp 1–12

Harriet Bulkeley et al. (2014). *Transnational Climate Governance* (Cambridge University Press,). Kenneth W. Abbott (forthcoming). "Strengthening the Transnational Regime Complex for Climate Change." *Transnational Environmental Law*.

<sup>21</sup> Nicholas Lutsey and Daniel Sperling (2008). "America's Bottom-up Climate Change Mitigation Policy", *Energy Policy* 36, no. 2 (February 2008): pp. 673—685. Castán Broto, V. & Bulkeley, H.A. (2012). "A survey of urban climate change experiments in 100 cities." *Global Environmental Change*.

<sup>22</sup> <http://www.unglobalcompact.org/>

<sup>23</sup> Statement of Halldór Thorgeirsson, Imperial College London, September 17, 2013. Available at:

[http://unfccc.int/files/press/statements/application/pdf/20131709\\_ht\\_imperial.pdf](http://unfccc.int/files/press/statements/application/pdf/20131709_ht_imperial.pdf)