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Making Initiatives Resonate: How Can Non-State Initiatives Help to Increase National Contributions under the UNFCCC?

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Making Initiatives Resonate: How Can Non-State Initiatives Help to Increase National Contributions under the UNFCCC?

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Abstract

The international governance landscape on climate change mitigation is increasingly complex across multiple governance levels. Climate change mitigation initiatives by non-state stakeholders can play an important role in governing global climate change and contribute to avoiding unmanageable climate change. It has been argued that the UNFCCC could and should play a stronger role in ‘orchestrating’ the efforts of these initiatives within the wider climate regime complex and thus inspire new and enhanced climate action. In fact, the Lima-Paris Action Agenda supporting cooperative climate action among state and non-state actors was supposed to be a major outcome of COP21.

There is little doubt that successful mitigation initiatives can create a momentum for climate protection. What is missing, is a systematic analysis of how this momentum can feed back into the UNFCCC negotiation process, inspiring also enhanced and more ambitious climate mitigation by states in future iterations of the cycle of nationally determined contributions under the Paris Agreement. This paper aims to close this gap: building on a structuralist regime model, the article [1] develops a theory of change of how and through which structuration channels non-state initiatives can contribute to changing the politics of international climate policy; [2] traces existing UNFCCC processes and the Paris Agreement with a view to identifying entry points for a more direct feedback from non-state initiatives; and [3] derives recommendations on how and under which agenda items positive experiences can resonate within the UNFCCC negotiation process.

Key words

Orchestration; Climate Governance; Mitigation Ambition; UNFCCC; Paris Agreement

1 Introduction

After the “diplomatic disaster” (Grubb 2010, 127) of the Copenhagen climate conference, the world has seen a shift towards an increasingly ‘polycentric climate governance regime’ (Okereke, Bulkeley, and Schroeder 2009; Ostrom 2010; Newell, Pattberg, and Schroeder 2012; Pattberg et al. 2014; Widerberg and Pattberg 2015; Jordan et al. 2015). A great diversity of transnational climate initiatives emerged that aim to govern climate change outside of the multilateral system. The approaches and tools of these initiatives vary greatly and so does their scope as well as the type of organisations in-

involved – private corporations, subnational authorities, and/or civil society organisations.

This trend was attributed in part to the absence of strong multilateral action (e.g. Bulkeley et al. 2014). Many transnational climate initiatives can be seen as attempts to compensate for this lack of state action. Hence, it has been proposed that the UNFCCC could and should play a stronger role in ‘orchestrating’ the emerging wider governance complex (Chan and Pauw 2014; Chan et al. 2015). Orchestration in the terms of Abbott et al. (2015) specifies a soft and indirect mode of governance as opposed to more hierarchical hard and direct modes. It builds on coexistence and complementarity of rather than competing forms of governance.

The adoption of the Paris Agreement restored some of the confidence that had been lost after Copenhagen (Obergassel et al. 2016). The Paris Agreement, while acknowledging the existence and value of the wider international climate governance complex, may redefine the configuration and interdependencies within it. In the absence of a long-term multilateral international legal framework orchestration was suggested as a means to “bypass the state” (Abbott et al. 2015, 6), to substitute or complement inadequate state action through targeting private and subnational entities. After Paris now, the challenge will be to integrate the wider governance complex, to take advantage of new approaches and experiences made in transnational climate initiatives in order to get states to take on more ambitious commitments.

The advent of the Paris Agreement clearly does not render transnational climate initiatives obsolete. Quite contrary, ambitious climate action beyond the level of nation states is more required than ever. The Paris Agreement imposes legal obligations on signatories to formulate and communicate climate policy objectives, the so-called Nationally Determined Contributions (NDCs). However, it does not obligate them to achieve those contributions.

The Paris Agreement aims to compensate this lack of legal compulsion by creating a reputational risk through the establishment of mandatory transparency framework and review provisions. These ‘global stocktakes’ will create moments of concentrated political attention every five years that may be used to foster the dynamic of the process (Hermwille 2016a).

It has been argued that environmental multilateralism cannot achieve results that substantially transcends what has been prepared on the national level. “Diplomacy does not happen in a vacuum. The positions countries take internationally are determined by their domestic political situations.” (Obergassel et al. 2016, 40). The Paris Agreement now deploys a pacemaker that stimulates and synchronizes the “heartbeat” of climate policy making on the national and international levels. It creates periodic political moments, each of which can move us closer to a sustainable, carbon-free future. Actors from all political levels are needed to create to breathe life into these political moments. Transnational

climate initiatives and non-state actors can and should play a central role in creating and managing the required momentum. The question this article addresses is how this outside dynamic can be fed back inside the negotiations.

Building on a structural regime model (section 2), this article sets out to theorize more explicitly how transnational climate initiatives can resonate within the UNFCCC negotiations (sections 3 and 4). Following a process tracing approach, it discusses the role of non-state actors and transnational climate initiatives had had before the Paris conference (section 5) and analyses the Paris Agreement and the accompanying COP decisions in this regard (section 6). Section 7 discusses the results and derives the following recommendations: the Technical Examination Processes (TEPs) that have become a forum for non-state actors and transnational climate initiatives within the negotiation process should be established permanently alongside the Paris Agreement; in order to create a more immediate feedback loop between transnational climate initiatives and the multilateral process, the TEPs should be linked to elements of the Paris Agreement, namely the global stocktake, the review of NDCs under the transparency framework, and the compliance mechanism. Section 8 concludes.

2 A Structural Regime Model

In order to describe the impact of transnational climate initiatives on the multilateral process, a theory of decision making is required that allows both to conceptualize agency with non-state actors as well as nation states; notably, most literature studying regime complexes still relies on state-centric ontologies (c.f. Jordan et al. 2015). Moreover, for the purpose of this paper a temporal perspective is required. The Paris Agreement is an open-ended legal framework. The question addressed in this paper is whether and how feedback from transnational climate initiatives can support increased ambition in subsequent NDC cycles. Last but not least, the model needs to balance structure and agency in a nuanced way. A deterministic structure-based ontology would exclude the possibility of successful bottom-up governance initiatives while a

strictly agency-focussed approach would most likely underrate the role of international law and environmental multilateralism in legitimizing and structuring climate action.

Structuration theory provides an ontological foundation that can accommodate all those requirements. Structuration theory has been developed precisely to bridge the structure-agency divide. It argues for a duality of agency and structure, “agents and structures are not kept apart but [...] are mutually constitutive of each other” (Stones 2005, 21). Individual behaviour is co-determined by the structures in which all agents operate and in turn actions change or reproduce structures. Giddens specifies three modes of structuration (Giddens 1984): *domination* as authoritative or allocative power/control over resources and *legitimation* (norms) and *signification* (collective meaning) as the rules or, as Sewell (2005) calls it, cognitive ‘schemas’. In acting, agents reproduce and thereby reinforce these structures of *domination*, *legitimation* and *signification* and hence close the cycle of structuration.

Structuration theory provides a nuanced conceptualization of structure and agency and the iterative, morphogenetic structuration cycle is inherently temporal (Sewell 2005). But can a regime theory based on structuration theory also accommodate the role of various relevant actors in international climate policy beyond the nation state?

Arts (2000) develops a structural regime model precisely for this purpose. Building on his model Hermwille et al. (2015) analyse the recent development of the UNFCCC negotiation process. This structural regime model will provide the basis for the subsequent analysis.

In a nutshell, the structural regime model argues that politics (in this case international climate policy) is a means to change (unsustainable) structures deliberately and through a formalized process. As Hermwille et al. (2015) argue, the UNFCCC and the associated policy processes fail to provide structure by the mode of domination (mainly due to the anarchic character of the concert of sovereign states), but do provide signification and legitimation.

The structural regime model applied by Hermwille et al. allows for a multiplicity of loci

of agency. They argue that the UNFCCC does not only provide signification and legitimation to those nation states that are parties to the Convention but also directly to actors on all governance levels including to transnational climate initiatives.

It is important to note, though, that the signification and legitimation provided by the UNFCCC are not unique. They intersect with a multiplicity of other structures, sometimes in a competing and sometimes in a complementary way (c.f. Sewell 2005). Also, the policy process is itself subject to structure and follows certain formal and informal rules. “The key actors in the negotiations, government officials, diplomats and ministers, but also participants from civil society, business organizations, international organizations, and academia, all draw on rules and resources embedded in their respective structures” (Hermwille et al. 2015, 4).

3 Structuration Channels from and within UNFCCC

Having introduced the ontological foundations of the analysis, we can now turn to the specific case and derive a simple structuration model of international climate policy which includes transnational climate initiatives as a locus of agency. The various channels of structuration and interdependencies are illustrated in figure 1 below.

Decisions at the UNFCCC are ultimately taken by negotiators. Negotiators are typically authorized by a negotiation mandate provided by their respective national government. Negotiation mandates vary in how widely or narrowly defined they are, but even in relatively narrowly defined mandates, i.e. mandates that feature numerous explicitly defined ‘red lines’, negotiators typically have some freedom to bargain and approve of compromises if necessary. Within their remaining room to manoeuvre, it is reasonable to assume that negotiators will take into account both dynamics and the rules of the game of the acute negotiations under the UNFCCC as well as structures emanating from their respective national discourses.

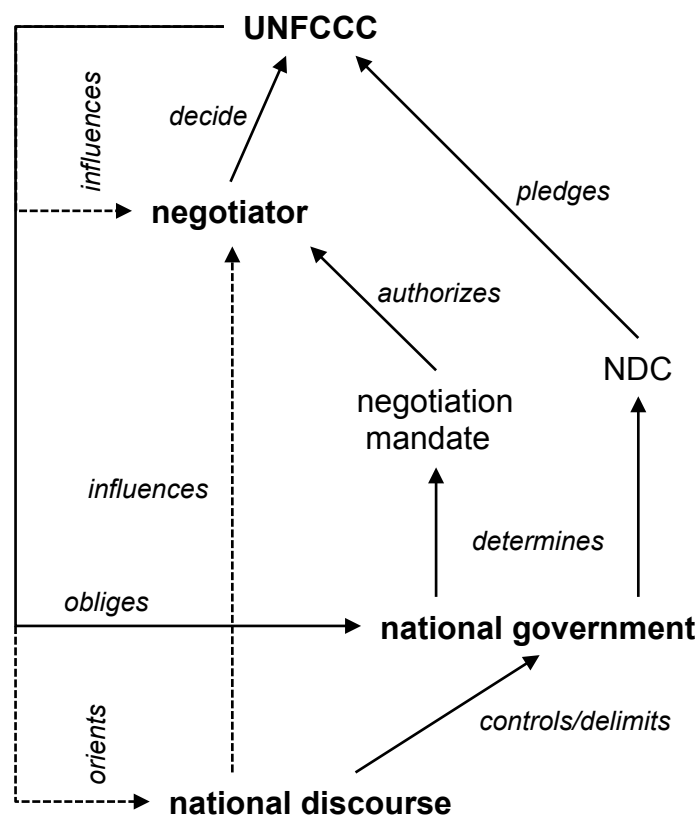


Figure 1: Schematic illustration of the channels and interdependencies of the structuration cycle in the context of the UNFCCC. *Own illustration.*

Alongside negotiators, national governments therefore remain a decisive factor and locus of agency in the proposed model. Under the Paris Agreement, Parties are obliged to “prepare, communicate and maintain successive nationally determined contributions [...and to] pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions” (UNFCCC 2016a, Art. 4.2). As the name indicates, these so-called nationally determined contributions (NDCs) are determined in sovereign capitals and not under international law and the immediate negotiation pressure of a UNFCCC conference of the parties. The article therefore conceptualizes them as a separate channel of structuration.

Both negotiators and the national government are influenced to some extent by their respective national discourse. The national discourse and dominant narratives therein delimit the scope of the ‘politically feasible’. Ultimately, politicians need to provide meaningful explanations for their decisions and these explanations need to resonate in the political discourse of their countries. If not, legitimation will erode and at least in a democratic system, political power will

hardly endure without legitimation (c.f. Hermwille 2016b).

National discourses are ultimately also not independent from structuration. As Hermwille et al. (2015) have shown, the UNFCCC and the associated processes deliver norms and collective meaning that provide a certain discursive structure also for wider political discourses. A key example here would be the 2 °C limit which has been strongly engrained by the UNFCCC as a widely shared norm (c.f. Hermwille et al. 2015).

4 Integrating Transnational Climate Initiatives

While it has been demonstrated that transnational climate initiatives can contribute to solve or at least remedy climate change. Not only by mitigating greenhouse gas emissions but also as originators or contributors of transformational change. The scope and diversity of transnational climate initiatives is tremendous (e.g. Bulkeley et al. 2014; Widerberg and Pattberg 2015; Jordan et al. 2015), but at least some initiatives may create socio-technical niches, protected spaces,

that allow to experiment with and further develop new and sustainable ideas, artefacts and practices (Smith 2007; Smith and Raven 2012). Growing evidence from the field of transition research suggests that innovations developed in niches are the essential “seeds of transition” (Geels and Schot 2010, 24), but without an appropriate socio-political environment they cannot sprout (Geels and Schot 2010).

The decisions accompanying the Paris Agreement explicitly welcome the efforts of non-Party stakeholders (UNFCCC 2016b, paras 117, 133). Parties decided even to launch a work programme on capacity building with the aim of “[f]ostering global, regional, national and subnational cooperation” (UNFCCC 2016b, para. 73d). This is evidence enough to conclude that the UNFCCC clearly recognizes the many complementary governance initiatives and hence to some extent the de facto emergence of an increasingly polycentric climate governance system (see also further analysis below). It is also quite clear that normative goals set out by UNFCCC such as the 2 °C limit, the call for achieving a balance between anthropogenic greenhouse gas emissions and removals by sinks in the se-

cond half of the century (UNFCCC 2016a, Art. 4), and the goal to make “finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development” (UNFCCC 2016a, Art 2.1c) legitimize the efforts of non-Party actors (c.f. Hermwille et al. 2015).

But how do successful transnational climate initiatives feed back into the multilateral process? The UNFCCC orchestrates, i.e. it “enlists and supports intermediary actors [...] in pursuit of [its] governance goals” (Abbott et al. 2015, 4, italics in the original), but the resulting actions echo primarily on the national level and therefore reproduce and reinforce structures only indirectly with regard to the UNFCCC (see figure 2).

At the national level, successful climate initiatives can create and reinforce epistemic communities (Haas 1992) or powerful instrumental constituencies (Voß and Simons 2014) that may help to shift the political economy in a desired direction. Depending on their scope, they can demonstrate the feasibility and economic viability of mitigation activities. This in turn can help to establish new narratives in the national politi-

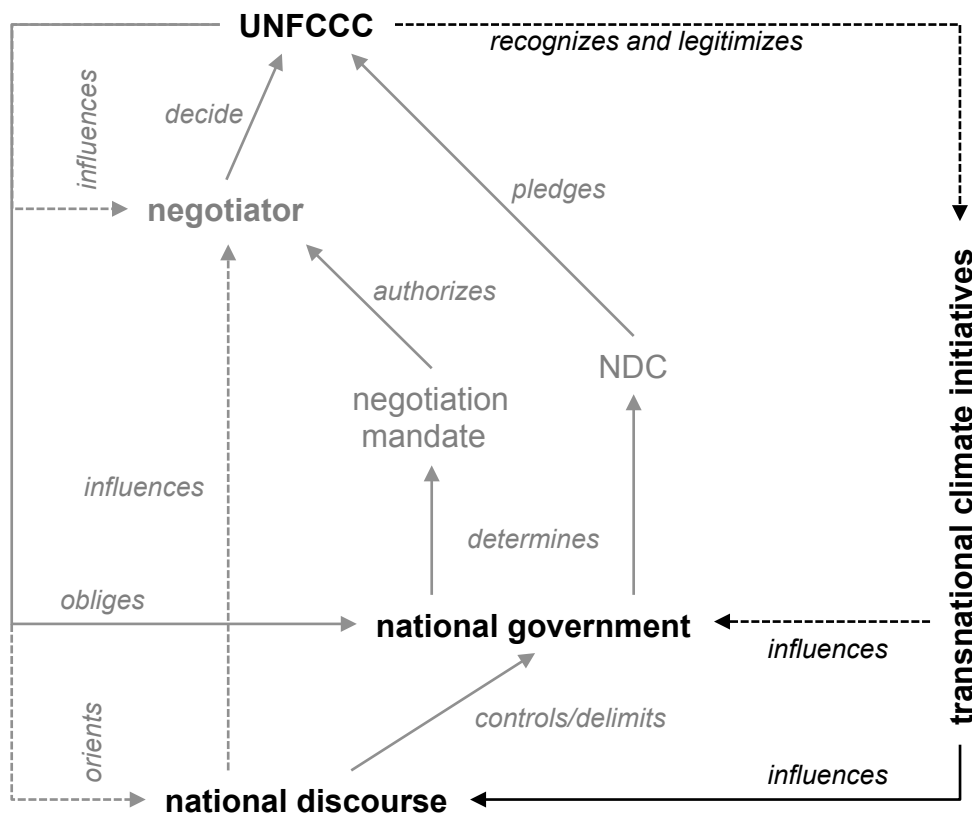


Figure 2: Structuration channels and interdependencies of transnational climate initiatives and the UNFCCC. Own illustration.

cal discourse and thus allow to reshape the room of the politically feasible (Hermwille 2016b). Last but not least, they can ease some of the distributive burden implied in some mitigation instruments such as, for example, emissions trading. If transnational climate initiatives are successful in abating greenhouse gas emission, this can reduce the required mitigation effort in other parts of the economy, making more ambitious overall mitigation goals more attainable.

5 Transnational Climate Initiatives within the UNFCCC

The recognition of trans- and subnational climate initiatives has hardly been institutionalized under the UNFCCC. Given the intergovernmental nature of the UNFCCC the status of non-state actors is originally limited to an observer role. In the past, there had not been many avenues for successful transnational climate initiatives to communicate their achievements into the UNFCCC process, apart from presentations at side events. One way of formal recognition would have been via the national communications of nation states. The template for national communications foresees a chapter on sub-national activities, but arguably, it would be rather difficult to adequately present border-crossing transnational initiatives as sub-national activities. What is more, national communications are typically filed and stored after the review process but have little resonance within the actual negotiations.

However, in recent years, there was growing attention and appreciation of transnational climate initiatives in one particular negotiation stream under the UNFCCC. At COP17 in Durban (2011) developing countries had agreed to negotiate a new comprehensive climate agreement under the Convention for the time after 2020, what has now become reality in the Paris Agreement (UNFCCC 2012). The Durban mandate was the result of a balanced compromise. Developing countries had originally objected to the term ‘comprehensive’ meaning that mitigation obligations would not apply only to industrialised countries but would entail contributions by all countries, varying only in their content but

not in their legal form. Developing countries only agreed to this formulation on the condition that industrialised countries agreed to negotiations on how to increase the ambition of their own mitigation commitments for the time before 2020 (Sterk et al. 2011).

The Ad-hoc Working Group on the Durban Platform (ADP) that carried out the negotiations was, hence, organized along two streams of work: Workstream 1 was tasked to negotiate what became the Paris Agreement and Workstream 2 started out as a process mainly to negotiate new and increased mitigation commitments for industrialized (Annex 1) countries.

Developing countries pressed their industrialized counterparts to rapidly ratify the Doha Amendments of the Kyoto Protocol (second commitment period) and to increase their mitigation goals, however, with limited success: not one developed country has increased its mitigation commitment as compared to what had been communicated in the Cancún Agreements back in 2010. Workstream 2 still should not be considered a failure. As a response to the lack of progress with respect to the increased national mitigation pledges it changed significantly and added some novel aspects to the UNFCCC negotiations. Workstream 2 created a room to explore the contributions of international and transnational climate initiatives in closing the ‘mitigation gap’ between the pledges of industrialized countries and the atmospheric needs to limit global warming to 1.5/2 °C above pre-industrial levels (Widerberg and Pattberg 2015; Ott et al. 2014).

Under Workstream 2 a series of technical expert meetings (TEMs) were convened, starting off with an in-session workshop on urbanisation and the role of sub-national governments in facilitating climate action in cities at COP19 held in Warsaw 2013 (Sterk et al. 2013). Building on this positive experience, parties agreed to continue this format also during the intersessional meetings in 2014 and at COP20 in Lima.

While the first TEMs were rather generic in nature, in Lima, Parties decided to advance from the exchange of information to a more action-oriented approach. Parties agreed to build on the results of earlier TEMs, to go into more detail

and to ‘focus on actionable policy options’ (UNFCCC 2015, para. 19).

Also in Lima, this technical process was complemented with a high-level political event to showcase good practices and provide a spotlight for policy makers to announce new initiatives and/or to increase the ambition of existing ones. Hosted by COP20 President Manuel Pulgar-Vidal, the event included contributions from a wide range of stakeholders exceptional for a formal UNFCCC high-level event. Alongside the Secretary General of the United Nations also civil society representatives, sub-national governments and business representatives had the opportunity to speak (Ott et al. 2014).

Under the joint auspices of Manuel Pulgar-Vidal and French Minister of the Environment, Ségolène Royal, this high-level process was continued under the banner of the Lima-Paris Action Agenda (LPAA). Under this “fourth pillar of the Paris Agreement” (Ségolène Royal cited in République Française 2015) meetings were held nearly every day including on issues such as forests and agriculture, resilience, transport, buildings, private finance, short-lived climate pollutants, renewable energy, energy efficiency, cities and subnational actors, innovation, and businesses.

And the idea of putting climate initiatives on the spotlight worked well. Several high-profile initiatives were announced at the LPAA. Most noteworthy probably is the *Africa Renewable Energy Initiative* (AREI) of 54 African States that aims to install 300 GW of new renewable energy generation capacity by 2030. France, the United Kingdom, the United States, Sweden, Canada, and the European Commission have pledged to contribute USD 10 billion by 2020 to support the initiative. Another prominent example is “Mission Innovation”, an initiative by 20 major economy countries to expedite research and development on low-carbon technologies, which is coupled with the private *Breakthrough Energy Coalition* of 28 billionaire investors initiated by Bill Gates. Gates himself had announced to invest USD 2 billion in research and development of low-carbon technologies. Finally, around 700 major cities, regions, companies and investors from all continents signed the Paris Pledge for Action (L’Appel de Paris), promising to do their part in implementing the Paris Agreement and

accelerating the required transformative change (UNFCCC Newsroom 2015; see also Obergassel et al. 2016). To conclude, the LPAA did provide an attractive setting in the public spotlight for non-party actors to communicate their contribution.

6 Transnational Climate Initiatives in the Paris Agreement

The mandate of the ADP which had housed the TEMs in the last two years terminated with the adoption of the Paris Agreement. The question in Paris, therefore, was, whether this process would continue, with what kind of mandate and where it should be housed under the UNFCCC architecture. In Paris Parties agreed to continue the series of TEMs, now dubbed “technical examination process” (TEP), under the joint auspices of SBI and SBSTA and to strengthen it by inter alia requesting the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN) to engage in the process and enhance their facilitative efforts. Also parties encouraged the Green Climate Fund (GCF) as operating entity of the Financial Mechanism to engage in the process and to provide information with respect to its contribution to the implementation of policies and measures identified in the TEP.

Paris provided also an extensive and very strong mandate for the Secretariat to organize the process and disseminate its results (UNFCCC 2016b, paras 109–13). The Secretariat shall:

- organize focussed technical expert meetings representing best practices that are replicable and scalable;
- maintain a technical paper on mitigation benefits and wider sustainable development co-benefits of the presented mitigation activities, as well as options to support their implementation;
- and prepare on an annual basis a summary for policy makers with information on specific policies and practices and options for support for implementation. The summary for policy makers is to be published two month ahead of each COP.

Also, parties have agreed to convene high-level events building on the Lima-Paris Action Agenda in conjunction with each COP between 2016–2020. This is supposed to strengthen high-level engagement in implementation of policy options, provide an opportunity to announcing new initiatives and coalitions, and taking stock of progress of non-party initiatives and processes. Moreover, parties agreed to appoint two high-level champions that shall facilitate high-level engagement in the process and provide guidance to the Secretariat on behalf of the COP Presidencies (UNFCCC 2016b, paras 120–23). The high-level champions serve overlapping two-year terms. Each year, one champion is to be appointed by the COP Presidency. France has nominated Laurence Tubiana, who had played a critical role in facilitating the Paris Agreement as lead of the French COP Presidency.

Owing to its origins in Workstream 2 of the ADP, the TEMs had almost exclusively focussed on mitigation. In Paris, though, developing countries demanded that a similar process should be established also for adaptation. Consequently, a complementary adaptation TEP was established, which, likewise, will be held under the joint auspices of SBI and SBSTA. It will focus on facilitating the sharing of good practice and lessons learned, identifying actions for enhanced implementation, promoting cooperative action on adaptation, as well as identifying opportunities to strengthen enabling environments. The Adaptation Committee has been mandated to explore ways to synergize with existing adaptation related work programmes (UNFCCC 2016b, paras 124–32).

7 Discussion

The analysis presented above clearly demonstrates that the recognition of transnational climate initiatives by the UNFCCC is not only a lip service, but various technical and political fora exist in which achievements of transnational climate initiatives have been highlighted. Still, from the observations of the LPAA in Paris, one gets the impression that this recognition is rather a means to amplify and publicise the initiatives to the media and the outside world than as an input for the negotiation process. In fact, the LPAA was still rather detached from the core

negotiations in Paris, not only in terms of content but also physically: the LPAA meetings were held at the official side event space in a building separate from the negotiation rooms. Busy negotiators rarely made it into this building. Instead, the floors were filled with observers of all constituencies including the press. This logistical incident clearly hints to who the target audience of the LPAA really was.

Nevertheless, the Paris decisions should be recognized as a significant step forward. Most importantly is the decision to continue the TEPs and to house them under the joint auspices of SBI and SBSTA. This promises to contribute to a further integration of non-party actors and initiatives with the UNFCCC formal negotiations.

The much more focused mandate for the TEPs will likely improve on the already successful format. The mandate to produce and maintain technical reports that synthesise the work of the TEP and summaries for policy makers will almost certainly contribute to making good practices and lessons learned as well as opportunities to implement successful policies and practices much more digestible for those interested in implementing similar measures. Ideally, the summary for policy makers would take the form of a ‘policy menu’ that integrates good practices, lessons learned and support opportunities (Höhne et al. 2014).

Also the explicit inclusion of UNFCCC bodies – GCF, TEC and CTCN – in the TEPs goes a long way to incorporate the technical infrastructure of the UNFCCC in the process. Still, the mandate is formulated in a way that suggests that UNFCCC bodies rather provide input than to receive it.

The continuation of the LPAA in the form of annual high-level meetings and the inclusion of high-level champions are also laudable developments, as they provide an opportunity to communicate at an appropriate level new initiatives and / or increased level of ambition of existing coalitions.

Originating from a negotiation stream exclusively focused to help increase the near-term level of mitigation ambition, the TEPs and the LPAA have become much more than that. This alone should provide sufficient reason to expand the mandate of the TEPs and the annual high-level events. Again, due to its origin in ADP

Workstream 2, the mandate only covers the period from 2016 till 2020. Given the increasing importance of non-party actors and the ever growing number of transnational climate initiatives, the COP should decide to establish the TEPs permanently alongside the Paris Agreement.

But despite all this progress, there still does not exist a direct channel to shortcut the structuration cycle sketched in sections 3 and 4: successful transnational climate initiatives still cannot feed back immediately, neither into the acute negotiations nor directly in the NDC process.

One way to improve on this would be to link the TEPs with provisions to be developed with respect to the matter of the global stocktake, the transparency framework, and possibly the facilitative compliance mechanism of the Paris Agreement Article 13 (UNFCCC 2016a, Art. 13-15). The Paris Agreement has established a 5-yearly cycle (starting in 2023) “to take stock of the implementation of this Agreement to assess the collective progress [...]. It shall do so in a comprehensive and facilitative manner” (UNFCCC 2016a, Art. 15). As current NDCs are widely out of line with the Paris Agreement long-term goal (UNFCCC 2016c), the first global stocktake will almost certainly identify a significant gap. Transnational climate initiatives not only can contribute to close this gap, insights and experiences from transnational climate initiatives, condensed and refined through the TEPs, may help to identify viable solutions that can then be taken up by nation states in their subsequent NDCs.

Linking the TEPs with the transparency framework of the Paris Agreement would create an even closer structuration channel. In Paris, Parties decided to launch a work programme on the transparency framework (UNFCCC 2016b, paras 91–98). The purpose of the transparency framework is *inter alia* to track progress towards achieving individual NDCs (UNFCCC 2016a, Art. 13.5). The framework specifies information requirements and mandates a technical expert review. Explicitly, the “review shall also identify areas of improvement for the Party” (UNFCCC 2016a, Art. 13.12). This task could also be facilitated by and through the TEPs. Reviewers should make specific recommendations for each country drawing on the ‘policy menu’, the portfolio

of good practices developed and maintained in the TEPs.

One step further even would be to link the TEPs to the compliance mechanism of the Paris Agreement. Article 15.2 establishes a compliance committee that is “facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive” (UNFCCC 2016a, Art. 15.2). Formulating recommendations or requirements based on experiences based on the results of the TEPs could strike a balance between the non-punitive and non-adversarial nature of the compliance committee yet maintain some form of compulsion. Arguably, this would on national sovereignty and may therefore difficult to agree on internationally, but formulating the recommendations in the form of a directive that leaves some leeway for the concerned Party with respect to the details of the implementation may reconcile these concerns.

8 Conclusions

The above analysis shows that, clearly, the UNFCCC has started to recognize transnational climate initiatives and the work of non-party actors in recent years. But to date, the institutional design still largely resembles a structural one-way street: the UNFCCC provides legitimation to transnational climate initiatives, but there is no way for such initiatives to immediately feed back some of the positive dynamics they have created. Linking the (permanent) TEPs with elements of the Paris Agreement – the global stocktake, the transparency framework and the compliance mechanism – could establish structuration channels that short-cut the indirect feedback that transnational climate initiatives can have through the national discourses of the countries they operate in.

Now is the time to foster the integration of transnational climate initiatives and non-party actors in the multilateral framework. Negotiations regarding the detailed provisions on those three elements have just started. This leaves ample opportunity to create spaces that help transnational climate initiatives resonate within the Paris Agreement’s architecture and thereby contribute more directly to increased ambition in subsequent NDCs.

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