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Karin Bäckstrand, Jonathan W. Kuyper, Björn-Ola Linnér & Eva Lövbrand

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EDITORIAL



Non-state actors in global climate governance: from Copenhagen to Paris and beyond

Introduction

‘Together now!’ was the slogan used in the invitation to *the Marrakesh Partnership for Global Climate Action* (GCA), an initiative launched on the second day of the 22nd Conference of the Parties (COP 22) to the United Nations Framework Convention on Climate Change (UNFCCC) in Marrakesh in November 2016. During this event, the two high-level champions nominated by COP as an outcome of the Paris Agreement – the French Ambassador in charge of climate negotiations Laurence Tubiana and the Moroccan Minister of Environment Hakima El Haité – called upon businesses, regions, cities, industries and NGOs to showcase their climate activities and partner with states in the transition to the low carbon society. The champions’ effort to mobilize non-state climate action pre-2020 coincides with the launch during the last week of COP 22 of the *2050 Pathway Platform*. Informed by the same cooperative spirit, this multi-stakeholder initiative rests upon a broad coalition among 15 cities, 22 states and 200 companies seeking to devise long-term, net zero, climate-resilient and sustainable development pathways.¹

These efforts to accelerate climate action by facilitating dialogue, knowledge exchange and cooperation among state and non-state actors intensify a trend in global climate politics: rapprochement of the realms of multi-lateral diplomacy and transnational climate action with the rationale to enhance the pre-2020 ambition. Officially, this process was set in motion during the ‘Action Day’ of COP 20 in Lima in 2014, when the Lima–Paris Action Agenda (LPAA) and the Non-State Actor Zone for Climate Action (NAZCA) were launched to ‘galvanize the groundswell of actions on climate change mitigation and adaptation from cities, regions, businesses and civil society organizations’ (Chan *et al.* 2015, p. 467). However, in practice, this “widened frame” for climate diplomacy’ (Christoff 2016, p. 770) has a much longer history and reflects the growth and impact of transnational private actors, NGOs, social movement and transnational advocacy networks in world politics (Hoffmann 2011). Ever since the UNFCCC was signed at the UN Conference on Environment and Development in Rio de Janeiro in 1992, it has formed a veritable center of gravity for a multiplicity

of non-state actors and social networks. The numbers of participants at the annual COPs have increased over the years, peaking in Paris with more than 28,000 accredited participants, of whom 8000 were registered as non-state observers (Lövbrand *et al.* 2017). With the adoption of the Paris Agreement, the observer groups present at the annual COPs are now invited to play a more integrated role in multilateral processes through, for instance, monitoring of national action and experimentation with local, regional and transnational mitigation and adaptation strategies.

Here, we advance the concept of ‘hybrid multilateralism’ as a heuristic to capture this intensified interplay between state and non-state actors in the new landscape of international climate cooperation. We take the term non-state actor to include not only civil society and social movements, but also economic actors (business and trade unions) and subnational or substate actors (regional local governments, cities and municipalities).² This definition is consistent with the United Nations Economic and Social Council recognition of observers who have received consultative status. We suggest that ‘hybrid multilateralism’ captures two major tendencies in global climate politics. First, it denotes a hybrid policy architecture that combines voluntary climate pledges by states with an international transparency framework for periodic review and ratcheting-up of ambition (Savaresi 2016, p. 5). Non-state actors are included in this hybrid arrangement, not just as observers of multilateral diplomacy, but also as actors overseeing the monitoring and implementation of states’ Nationally Determined Contributions (NDCs). In fact, the informal review and monitoring has already started outside the UNFCCC (see later).

Second, ‘hybrid multilateralism’ also denotes an intensified and increasingly dynamic interplay between multilateral and transnational climate action where the UNFCCC Secretariat has taken a role as facilitator (Hale 2016). The 2015 Paris Agreement refers to NAZCA, a platform established and hosted by the UNFCCC that to date has registered more than 12,000 individual or cooperative climate commitments by companies, investors, civil society and cities. The purpose of NAZCA is to mobilize the mitigation potential of transnational climate action and thereby help close the global emissions gap. While the Paris Agreement primarily rests upon national climate plans submitted by states, its accompanying COP decision formally recognizes that ‘non-Party stakeholders’ can contribute to the goal of limiting global warming well below 2°C, or even 1.5°C. As such the agreement spells out a new role for the UNFCCC as ‘orchestrator’ of transnational climate experiments and calls for analyses of the democratic legitimacy and reflexivity of this new role (Bäckstrand and Kuyper 2017, Dryzek 2017).

In the following, we trace the emergence and institutionalization of hybrid multilateralism from the infamous 2009 Copenhagen summit to the celebrated 2015 Paris conference. We explore the rapprochement of

multilateral and transnational climate action in terms of authority, legitimacy and effectiveness.

International climate cooperation after Copenhagen

The 2009 UN Climate Conference in Copenhagen has often been described as a turning point for global climate politics (Bäckstrand and Lövbrand 2015). Then, the top-down universal approach to global climate governance, epitomized by the Kyoto Protocol's legally binding targets and timetables for emission reductions, was replaced by a much more decentralized climate policy architecture (Victor 2011). Many analysts have suggested that Copenhagen marked the decline of the EU's global leadership, or even the defeat of the EU model of liberal multilateralism (Bodansky 2012, Parker *et al.* 2012). Instead of delivering a legally binding global climate treaty for the post-2012 era, the meeting paved the way for multipolarity and consolidated a new climate (dis)order defined by the fragmentation of G77 and the concomitant rise of the BASIC countries.

While the failures of the Copenhagen summit have been well documented, it is important to recognize how the much-criticized Copenhagen Accord also formed the ground for the 'hybrid multilateralism' now institutionalized through the 2015 Paris Agreement. Central elements of the Copenhagen Accord include the 2°C temperature target as the long-term goal for international climate cooperation; a review of the possibilities to aspire for a 1.5°C target; the pledge and review system for NDCs; a target of \$100 billion annually by 2020 in climate finance; and recognition that emission reductions are necessary from both developed and developing states. While this climate policy architecture was the result of intense bargaining between 'major emitters' and 'major economies' in the North and South, it also paved the way for myriad non-state and substate climate activities and novel forms of state/non-state interactions.

The Copenhagen summit gave birth to a climate regime that scholars have depicted as complex, dispersed, fragmented and polycentric (Cole 2015, Jordan *et al.* 2015). Of course, climate governance has never solely taken place in the hallways of interstate diplomacy or the formal rooms of international negotiations. In tandem with domestic and local efforts to develop mitigation and adaptation responses to climate change, alternative international arenas emerged long before COP 15. After former US President George W. Bush in 2001 declared that the United States would not ratify the Kyoto Protocol, we saw the rise of a number of bilateral or mini-lateral climate partnerships and clubs such as the Methane to Markets Partnership, the Asia-Pacific Partnership on Clean Development and Climate and the Major Economies Forum. While the lifespans of these initiatives varied, they have effectively challenged the UNFCCC as the

epicenter of climate governance. So has ‘the Cambrian explosion’ of transnational climate initiatives and experiments following the Copenhagen meeting (Abbott 2012, Abbott 2017, Zelli *et al.* 2017). Transnational climate experimentation takes many forms, ranging from private carbon reporting, labeling, offsetting and trading schemes to transnational city networks and local grassroots mobilization for low carbon lifestyles (Hoffmann 2011, Bulkeley *et al.* 2014). Rather than assuming that the innovative thrust of climate governance will spring from the UN-led climate regime, many of these voluntary pledges and initiatives have developed bottom-up and in direct response to inadequate multilateral action (Jordan *et al.* 2015).

Second, and directly related to the emergence of climate action ‘beyond the international regime’ (Okereke *et al.* 2009), we have seen an increasing involvement of non-state and substate actors in the UNFCCC system. Compared to policy areas of security, trade and finance, UN climate diplomacy has been pioneering in enhancing access, inclusion and representation of non-state actors through a range of deliberative and participatory mechanisms (Bernstein 2012). Ever since UN negotiations on the global climate were initiated in the early 1990s, NGOs, businesses and local governments have been present as activists, experts and diplomats (Newell 2000, Betsill and Corell 2001, Betsill 2015). Following Copenhagen, the range of roles available to non-state observers expanded, along with their ability to exercise authority in the international climate regime (Green 2014). However, different non-state actor groups play different roles in multilateral climate diplomacy. Treating ‘non-state actors’ as a homogeneous category can be useful for heuristic purposes, but in practice heterogeneity prevails (Nasiritousi *et al.* 2016).

The non-state actors involved in the UNFCCC system include environmental NGOs, activist groups, intergovernmental organizations, city networks, oil companies, consultancy and legal firms, carbon brokers, indigenous communities, trade unions, women’s groups, youth organizations and religious communities. Many of these are internally divided. While some businesses demand environment-friendly policies and technologies, others seek to greenwash their practices or roll back regulation (Nasiritousi 2017). Some NGOs seek insider status while others demand radical, systemic change. Through the rise of the climate justice movement, climate activism has gained new energy and involved new social groups and networks in global climate politics (Fisher 2010, Hadden 2015). The mobilization for climate justice was prominent during the Copenhagen meeting, and has since then resulted in numerous climate protests, demonstrations and marches across the global North and South in the lead up to Paris.

A third feature of post-Copenhagen climate governance is the increasingly close interplay between the UNFCCC system and non-state climate action (Betsill *et al.* 2015, Chan *et al.* 2016, Hale 2016). The rise of non-state

climate experimentation did not occur in a vacuum; many initiatives were explicitly galvanized by international organizations in the negotiation process after Copenhagen. In time for COP 17 in Durban in 2011, the UNFCCC Secretariat launched the *Momentum for Change* to highlight the ‘groundswell of climate action’ that can bring about low carbon transformative change not least in developing countries. This initiative was developed in tandem with the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP). As outlined in the decision text from COP 17, the aim of the ADP is to ‘develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties’ (UNFCCC 2011, para 2) to be concluded by 2015 to come into effect and be implemented from 2020. In the 4 years leading up to Paris, the ADP was broken into two work streams. Under work stream one, the ADP invited states and observer organizations to provide input to the development of a post-2020 climate agreement. Work stream two aimed at enhancing the ambition before 2020 and hereby set out to close the ‘mitigation gap’ between voluntary pledges submitted by states to the Copenhagen Accord and the ultimate goal to limit global warming to 2°C.

At COP 18 in Doha in 2012, governments decided to explore a wide range of actions that could help to limit the pre-2020 ambition gap. The importance of civil society and private sector contributions were particularly highlighted in relation to developing country activities, such as finance and Loss and Damage. At the following COP in Warsaw in 2013, the UNFCCC Secretariat launched a portal that presented information on ‘cooperative climate actions undertaken around the world at various levels by governments, international organizations, civil society and business’.³ This portal would a year later in Lima prove to be a symbolically vital instrument tightly coupled to the LPAA. The latter initiative was launched at COP 20 by a quartet of actors – the Peruvian COP presidency, the incoming French presidency of COP21, the UNFCCC Secretariat and United Nations Secretary-General’s Executive Office – to boost non-state action, increase pre-2020 ambition and harness the groundswell of climate initiatives in the post-Paris period (Widerberg 2017).

While all these initiatives and events laid the foundations for the ‘hybrid multilateralism’ now institutionalized through the Paris Agreement, intensified non-state involvement in UN climate diplomacy has also been subject to contestation and debate. Following the civic protest actions and organizational failures to effectively accommodate the many accredited observers in Copenhagen, many governments questioned the involvement of civil society in the UNFCCC process (Fisher 2010, Nasiritousi and Linnér 2016). Directly after Copenhagen, the Subsidiary Body of Implementation was therefore asked to review the future role of observer organizations at the annual COPs. Although the review concluded that the chairs of the

COPs should ‘make greater use of observer input’ (UNFCCC 2010, para. 178(a)ii) and ‘invite, time permitting, observer organizations to make presentations’ (UNFCCC 2010, para. 176), the space for observer participation has become more restricted after Copenhagen and all protest actions within formal UN spaces are now subject to strict institutional control by the UNFCCC Secretariat (Orr 2016).

Looking ahead to Paris and beyond: toward a new era of hybrid multilateralism

The UN Climate Conference in Paris in December 2015 was a carefully managed event, designed to lower expectations but maximize chances of success (Christoff 2016). It was preceded by intense diplomatic efforts to build the momentum and capacity necessary to deliver what Copenhagen could not: a new global climate treaty for the post-Kyoto period. Analyses of the Paris Agreement often point to the reinforced role of domestic climate action in the new climate regime (Bang *et al.* 2016, Falkner 2016). The NDCs submitted by states in 2015 represent the principal instrument of the Agreement and form the ground for international efforts to limit global mean warming well below 2°C. While this bottom-up pledge-and-review system formalizes and extends the bottom-up paradigm to which the Copenhagen Accord gave birth (Bodansky 2015), it is also structured within a legally binding transparency framework negotiated by states and coordinated by the UNFCCC. In order to monitor the implementation of NDCs and gradually increase states’ ambition, the Paris Agreement rests upon a 5-year cycle of global stocktaking and ratcheting up of ambition. As a consequence, the new climate regime offers a hybrid mix of bottom-up flexibility and top-down monitoring, reporting and review.

The other hybrid element of the Paris Agreement is the official linking of multilateral and transnational climate action. While the Lima Conference’s call for climate action omitted references to non-state and private actors from the last rounds of negotiations (Hale 2016, p. 16), the Paris Agreement officially recognizes ‘the importance of the engagements of all levels of government, and various actors’ (UNFCCC 2015a). The accompanying COP decision details the role of ‘non-Party stakeholders’, especially in enhancing action prior to 2020 (UNFCCC 2015b) and calls for the ‘scaling-up and introduction of new or strengthened voluntary efforts and initiatives’ (UNFCCC 2015b, para 122). Formally, the Paris Agreement opens up for engagement of non-state actors in three processes: the 5-year cycles of global stocktake of NDCs preceded by the ‘facilitative dialogue’ in 2018; the transparency framework reviewing mitigation and adaptation actions; and the implementation and compliance mechanism (van Asselt 2016, p. 7). However, in practice, the input by non-state actors is uncertain given that

the procedures for these mechanisms will be negotiated. Also, non-state actors are limited in their role as ‘technical experts’ as the review and stocktake is to be based on ‘best available science’ (van Asselt 2016). The role of non-state actors in the official review of the implementation by individual states is also likely to be limited. However, input from non-state actors at the national level is possible in the consultation and formulation of national climate plans.

In negotiations leading up to the Paris Agreement, in 2014, the parties undertook a technical examination process (TEP) with the aim to increase pre-2020 mitigation ambition and focus on ‘actionable policy options’ (Hermwille 2016). The TEP represents a venue for dialogues between governments, international organizations and partnership to develop best practice for decreasing the emission gap. However, the COP decision to the Paris Agreement extended TEP to include non-state experts and non-Party stakeholders and also launched TEPs on adaptation where the idea is that non-state actors should provide ‘scalable and replicable solutions’ (Chan *et al.* 2016, p. 242). In this respect, the COP decision provides a ‘rare and crucial interface between transnational and multilateral spheres of action’ (Chan *et al.* 2016). In sum, TEP is an expression of hybrid multilateralism as it deepens the interaction, or blurring between state and non-state actors in the UNFCCC in post-Paris period. In their proposed Roadmap for GCA, the High-Level Champions highlight TEMs as important mechanisms for involving non-state actors in mitigation and adaptation action.

However, non-state actors also play a role in reviewing voluntary pledges outside the UNFCCC. This is manifested in independent assessments by civil society and research organizations of NDCs. One instance of a science-based assessment that tracks, ranks and monitors individual pledges, commitments and NDCs by states is the Climate Action Tracker run by a consortium of research institutes including Ecofys and Climate Analytics.⁴ Similarly, a climate data explorer tool (CAIT) by the World Resource Institute (WRI) provides independent assessment of the INDCs adopted at Paris.⁵ These various tools will be an important complement to the state-driven global stocktaking. Beyond the level of ambition, criteria such as equity and fairness of NDCs are also calculated by the Climate Equity Reference Project, which is a consortium of civil society organizations, as well as Oil Change International.⁶ These tools for reviewing commitments and pledges by states are expected to play a significant role in the post-Paris landscape in holding states accountable for their (in)actions.

Overall, the Paris Agreement has led to a system that institutionalizes hybrid multilateralism: it strikes a middle position between bottom-up polycentricity and top-down targets-and-timetables by combining intergovernmental and transnational action. The Paris Agreement accepts that NDCs submitted by states are the backbone of mitigation, adaptation, and

finance, but also acknowledges that non-state actors are indispensable in these pursuits as governors, implementers, experts and watchdogs. Ultimately, this hybrid architecture cements the UNFCCC as the lynchpin between state and non-state and states by both formalizing as well as blurring (in some key regards) distinctions across several dimensions. In the following, we will discuss potential consequences of the hybrid multilateralism across three key issues for non-state involvement: authority, legitimacy and effectiveness.

Hybrid multilateralism and non-state actors: authority, legitimacy and effectiveness

Authority

Where does political authority reside in an era of hybrid multilateralism? This question has preoccupied scholars of climate governance in recent years. More than 12,000 contributions to the NAZCA database demonstrate that non-state actors are now deeply involved in the governance of climate change, indicating the rise of private authority (Hall and Biersteker 2002). Whereas some contributions to the database are directly linked to the regulatory activities of nation-states, many bear witness to the non-state experimentation with climate action that has grown since COP 15.

For Hoffmann (2011), the Copenhagen conference marked a turning point in global climate governance when cities, NGOs and corporations began to take climate change into their own hands, with the rise of urban engagement and transnational city networks in climate governance (Johnson and Gordon 2017). Numerous studies have also mapped the recent proliferation of private emission accounting standards, certification schemes, transnational city networks and public-private partnerships (Abbott 2012, Betsill *et al.* 2014). As cities, corporations and NGOs have begun to develop their own rules and standards that others chose to follow, they are no longer merely complying with the directives of nation-states or intergovernmental treaties. They have become governors in their own right and established 'private spheres of authority' dislodged from the sovereign state (Betsill 2015). In the period following the Copenhagen conference, some scholars interpreted this 'downloading of responsibility' from nation-states to private actors as a sign that the competence and authority of states in global climate governance is eroding (Hoffmann 2011, p. 67). The demonstrated inability of nation-states to deliver an effective multilateral response to climate change has reconfigured the political landscape in terms of both the entities of authority and the modes of legitimation (Hoffmann 2011).

However, in light of the 2015 Paris agreement, we need to revisit this conclusion. Rather than assuming that power and authority is drifting from sovereign states to non-state actors in an increasingly complex climate regime, the Paris Agreement institutionalizes an intricate interplay between state and non-state, multilateral and transnational climate action. In line with Green (2014), this volume suggests that public and private authority is deeply intertwined in the new landscape of international climate cooperation. States have delegated authority to private actors, for instance through the Kyoto Protocol's Clean Development Mechanism (Kuchler 2017). However, private actors also generate their own rules and standards. Green (2014) details how the expansion of carbon market governance was made possible through enrollment of private firms as auditors and monitors of carbon offsets, and scientists as experts of carbon removal methodologies. As Hale (2016, p. 14) argues, while transnational climate governance and experimentation has long thrived, the scale and linkages to intergovernmental regimes are unforeseen. Hence, rather than seeking to establish *the* locus of authority in an era of hybrid multilateralism, we need to explore in closer empirical detail *how* political authority is enacted in an increasingly institutionally complex climate governance architecture (Zelli *et al.* 2017).

This can be read as a return of the state, or the reassertion of state power, which is manifest in the debate on the legal status of the Paris Agreement (Bodansky 2016). Hickman (2016) argues that the effective operation of transnational climate governance hinges on intergovernmental frameworks developed by states. The basic architecture of the Paris Agreement comprises the states' voluntary NDC pledges, which are neither multilaterally negotiated nor legally binding. The agreement thus represents a new domestication of global climate politics, where an international agreement is aligned with domestic politics rather than the reverse (Falkner 2016).

This can be seen in several ways. First, the state reinforces sovereignty; the Paris Agreement does not contain any legally binding provisions with regard to domestic action (Clemenson 2016, p. 8). It is only the process of tracking progress in NDCs that is legally binding. Second, the Paris Agreement does not mandate any review of individual states, just the collective efforts and synthesis of all NDCs. In this sense, the Paris Agreement 'aims to compensate this lack of legal compulsion by creating reputational risk through the establishment of mandatory transparency framework' (Hermville 2016, p. 2). Third, while non-state actors are detailed in the COP decision, in the Paris Agreement itself they are given scant attention and have no explicit formal role in the periodic review. Through the bottom-up voluntary pledging logic of the Paris Agreement, authority has shifted to state power. 'At best, climate negotiations serve as focal points that allow countries to align their action for common purposes'

(Busby 2016, p. 9). Hence, the post-Paris period may bring renewed scholarly attention to the prospect of the green, ecological or environmental state as an engine of transformative change to low carbon societies in local, national and comparative perspectives (Bäckstrand and Kronsell 2015).

Legitimacy

The legitimacy of non-state actors inside and outside the UNFCCCC has received much attention in the time frame between Copenhagen and Paris (Bäckstrand 2008, Fisher 2010). This section focuses on input and throughput legitimacy offered to, and fostered by, non-state actors in the Paris Agreement (Schmidt 2013). On the surface, Paris looks like a breakthrough for input legitimacy in terms of both state and non-state participation and inclusion. The French COP presidency was heralded for its leadership in conference diplomacy and for shepherding an inclusive COP 21 entailing extensive consultation with all major countries and negotiation groups (Brun 2016).⁷ Input legitimacy was high compared to COP 15, where the Copenhagen Accord was hammered out in a 'Friends of the Chair' group of only 28 states. In Paris, by contrast, states came together and agreed – even under consensus decision-making – on a binding periodic review process for their voluntary NDCs. Small island states, though small in resources, were able to overturn major power differentials and spur the successful 'high ambition coalition', a loose grouping of more than 100 high-, low- and middle-income countries.

Input legitimacy was also high for non-state actors as the Paris Agreement entails the formal recognition of the more than 12,000 commitments tabled by businesses and other non-Party stakeholders which gave momentum to the Agreement. Furthermore, from the thematic sessions of LPAA to the participation of 6306 accredited non-state actors at le Bourget, COP 21 was regarded by many as truly inclusive (UNFCCC 2015). However, Chan *et al.* (2016) demonstrate that there is a wide participation gap for developing countries in climate action both in terms of inclusion and leadership. The bulk of the climate action measured in LPAA and NAZCA is not mobilized by or implemented for the poor and vulnerable. Of the 52 actions adopted at the UN Climate summit in New York not led by international organizations, 75% are coordinated by partners in North America. Moreover, praise for input legitimacy at COP 21 and in the Paris Agreement should be tempered by recognition that subsequent to Copenhagen, the UNFCCC has gradually increased institutional control of both 'insider' and 'outsider' climate movements. Just before the Paris meeting, this development was further reinforced as a response to the terror attacks in the city weeks before COP 21 (Orr 2016). For security reasons,

civil society action was restricted, which diminished the possibilities for civil society to hold UN and state parties accountable.

These matters of inclusion and participation will likely bring renewed interest in the legitimacy of non-state actors as we move into the post-Paris context where the LPAA, NAZCA and the GCA offer venues for interaction between state and non-state actors. Some of this work will focus on sociological legitimacy – what individual citizens and civil society groups think about the Paris Agreement and their national policies (for some experimental work in this vein, see Bernauer and McGrath 2016). But much analysis will focus instead on the throughput legitimacy of non-state action: that is to what extent non-state actors enhance the accountability, transparency and deliberative quality of the UNFCCC and the Paris Agreement. The Paris Agreement provides several avenues for non-state actors to demand accountability of states and other non-state actors for their actions and inactions. Article 15 of the Agreement calls for the establishment of a ‘mechanism to facilitate implementation and promote compliance’ of the Agreement (UNFCCC 2015a, article 15). This is supplemented by the 5-year global stocktake that will review the aggregate effect of NDCs in reaching the goals on mitigation, finance and adaptation embedded in the Agreement.

Both the compliance mechanism and the global stocktake have problems in terms of accountability. The former is a mechanism that will be ‘expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive’, thus lacking the teeth necessary for curtailing free riding.⁸ Moreover, the global stocktake will focus on the aggregate state contributions, and not on individual state NDCs. This will also limit the ability of non-state actors and states to hold each other to account for their failures. Nevertheless, it seems likely that in a system of hybrid multilateralism, much of the accountability and watchdog role of NDCs will fall to non-state actors both internationally and domestically. Non-state actors were invited to participate in the designing process of the Green Climate Fund’s monitoring and accountability framework, which is primarily a regular mandatory self-reporting and participatory monitoring approach by the National Designated Authority and local stakeholders.

Perhaps, the strongest element of the Paris Agreement is the transparency framework and Capacity-building Initiative for Transparency (article 13). While the measures for accountability (and mechanisms to achieve them) are weak, NDCs, biennial reports, international assessments, financial contributions and the global stocktakes all need to be as transparent as possible. In many ways, the transparency framework is key to generating compliance with the Paris Agreement by driving accuracy, completeness, comparability and consistency of efforts by states. But again, the role of

non-state actors in the hybrid architecture of the Paris Agreement is blurred. On the one hand, non-state actors are asked to cooperate with states to ensure best practice on monitoring emission reductions; on the other, non-state actors are themselves asked to reduce their emissions through voluntary commitments framed as complementary to state action and supportive of NDCs (UNFCCC 2016). Some non-state actors will play a watchdog function, while others need to be transparent themselves. While these different roles reflect diversity between non-state actors as a group, it also highlights the expanded roles of the international and the transnational (non-state actors) in the UNFCCC.

Finally, how decisions are made will also impact the throughput legitimacy of the Paris Agreement. At its core, deliberative quality is about decision-makers' justifications of their activities in terms acceptable to other parties. While states have not yet had to justify their NDCs in great depth, the more than 170 national pledges were sufficient to reach agreement in Paris. In 2018, states will go through a facilitative dialogue to defend their pledges in relation to the long-term goals of the Paris Agreement. Non-state actors, specifically through the TEP and TEM process, will be central in this. At the other intersection of hybrid multilateralism, the UNFCCC and non-state actors are increasingly engaging in dialogue surrounding non-state contributions in LPAA, NAZCA and the emergent GCA. These orchestration efforts have elements of a multi-stakeholder design as they invite states and non-state actors into the same process by creating space for showcasing and dialogue (see Bäckstrand and Kuypers 2017). However, it has become clear that the contributions by non-state actors in NAZCA and LPAA are often weak in terms of their justification (i.e. how they relate to the broader efforts of the Paris Agreement) and the UNFCCC Secretariat has not justified its decision to engage in orchestration in any substantial manner.

Effectiveness

The rise of transnational climate governance has spurred research on how the UN can orchestrate, mobilize and catalyze public and non-state action to curb climate change, limit global warming to 2°C or below and promote climate resilience and decarbonization (Hsu *et al.* 2015, Widerberg and Pattberg 2015). This research is closely tied to debates on the effectiveness of the international climate regime. Effectiveness of an international agreement is a function of the ambition and stringency of its commitments combined with the levels of state participation and compliance (Bodansky 2012, Bang *et al.* 2016). More stringent commitments may increase effectiveness only as long as they do not lower participation or compliance. Conversely, participation does not necessarily enhance effectiveness if

ambitions are watered down. Non-state actors are often perceived to spur implementation as well as monitoring and evaluating compliance. But they also stimulate ambition and participation by defining problems, setting agendas, shaping rules, principles, and norms provide information and capacity building, mobilize public engagement, evaluating and monitoring compliance (e.g. Börzel and Risse 2005, Nasiritousi 2016).

In the post-Paris era, effectiveness also revolves around how to align non-state and intergovernmental action in a comprehensive framework that can help achieve low carbon futures (Abbott 2017). Effectiveness and performance of non-state contributions concerns bolstering climate action outside the UNFCCC to close the emission gap (Chan 2015a, Hale 2016). In essence, how can the aggregate sum of voluntary non-state and substate commitments and actions complement NDCs in reducing greenhouse gases, furthering mitigation and adaptation goals, and spurring decarbonization? However, the UNFCCC is not only about climate change mitigation and adaptation. The Paris Agreement aims to ‘strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty’ (UNFCCC 2015a, article 2). In addition to the goal of limiting global temperature increase to below 2°C and increasing ability to adapt to unwanted impacts of climate change, it shall foster ‘low greenhouse gas emissions development, in a manner that does not threaten food production’ and make ‘finance flows consistent with these goals’ (UNFCCC 2015, article 2). Most likely, different non-state actors will contribute to different parts of the agreement and these efforts may very well be in conflict with one another. For example, cities’ adaptation can exacerbate poverty for marginalized groups (Sovacool *et al.* 2015), and bioenergy companies’ pursuits can threaten food security (Fuss *et al.* 2014).

Moreover, debates on the effectiveness of the Paris Agreement have focused on its weak legal status. The Paris Agreement is not legally binding with regard to states’ voluntary pledges, in contrast to the Kyoto protocol’s emissions reduction obligations. However, the reporting commitments in the Paris Agreement are binding, including mandatory commitments that each ‘Party shall prepare, communicate and maintain successive’ NDCs. While states ‘shall pursue domestic mitigation measures’, they do so with ‘the aim of achieving the objectives of such contributions’ (UNFCCC 2015a, article 4.2). The Paris Agreement nonetheless contains provisions that raise strong expectations of commitment and compliance and is not without consequences for failure. The many NDCs that are conditional on international support are to different extents subject to compliance mechanisms. For example, more than 50 of the NDCs are fully or partly conditional on international support (Day *et al.* 2016).

Effectiveness could be enhanced through coordination of activities that facilitates compliance and future willingness to ratchet up ambitions or participation from state actors and non-state actors alike. A key question is whether transparency, global stocktaking and finance will be effective. Most crucially, what role will non-state actors play in monitoring the effectiveness of NDCs? The Paris Agreement incorporates a mechanism for increasing Parties' ambition over time. Every 5 years, from 2020, the NDCs will be reviewed and open for new and upscaled contributions. The adoption of the Paris Agreement initiated a process for identifying ways to enhance the ambition of mitigation efforts, starting with a facilitative dialogue at COP in 2018, which shall explore opportunities to enhance the provision of support in terms of finance, technology development and transfer and capacity-building support, where non-state actors are expected to have important roles (UNFCCC 2015a).

Ultimately, effectiveness will hinge upon the transparency framework and review outside the UNFCCC with the different voluntary mechanisms for naming and shaming or the opposite, as it will be equally important to showcase best practices. Several of the submitted NDCs emphasize aspirations to show regional leadership. This can be supported by rankings by non-state actors' efforts to monitor the details of states' NDCs (such as Climate Action Tracker, the WRI's CAIT Paris Contributions Map and the INDC Content Explorer).

Conclusions

Non-state involvement has been a distinct feature of global climate governance during the past three decades. Compared to policy areas of security, trade and finance, UN climate diplomacy has in many ways been pioneering in continuously seeking to facilitate access and inclusion of a growing range of non-state actors. In the period following COP 15 in Copenhagen, the interplay between state and non-state actors was intensified. We have here advanced the concept of 'hybrid multilateralism' to capture the new landscape of international climate cooperation that gained ground after Copenhagen and that now is institutionalized through the Paris Agreement. First, hybrid multilateralism denotes a bottom-up climate policy architecture that combines voluntary pledging by states with an international transparency framework for periodic review and ratcheting-up of ambition, in which non-state actors play important roles as implementers, experts and watchdogs. Second, hybrid multilateralism refers to an increasingly dynamic interplay between multilateral and transnational climate action, where the UNFCCC Secretariat has taken a role as facilitator, or orchestrator, of a multitude of non-state climate initiatives and actions.

While hybrid multilateralism remains a heuristic, it leaves us with a gamut of questions of importance for the continued study of global climate governance. Will the hybrid policy architecture institutionalized through the Paris Agreement spur the ambition and participation necessary to limit global mean warming well below 2°C? Which powers will be held accountable for failure to comply with this global goal? Although the Paris Agreement accepts the NDCs submitted by states as the backbone of climate mitigation, adaptation and finance, this new climate treaty also acknowledges that non-state actors are indispensable in these pursuits. This hybrid arrangement raises questions about the critical capacity of non-state actors to hold states and intergovernmental actors to account for their (in)actions. Is global civil society being co-opted when asked to provide voluntary climate targets in the service of governments? What is the place of ideological critique and political dissent when NGOs take on the roles as intermediaries of international goals? As the roles of state and non-state actors continue to blur, these questions all warrant further critical scrutiny.

Notes

1. Announcement available at <http://newsroom.unfccc.int/unfccc-newsroom/high-level-climate-champions-launch-2050-pathways-platform/>
2. It is noteworthy that this definition also includes governmental actors such as local authorities. Climate commitments by local authorities (cities, municipalities, regional governments) dominate NAZCA with over 6000 actors.
3. <http://unfccc.int/focus/mitigation/items/7785.php>
4. <http://climateactiontracker.org/>
5. <http://cait.wri.org/indc/>
6. <http://climateequityreference.org/>. See also Oil Change International, 'The Sky's the Limit', http://priceofoil.org/content/uploads/2016/09/OCI_the_skys_limit_2016_FINAL_2.pdf.
7. A different account of COP 21 is provided by Dimitrov (2016) who argues that COP 21 was highly secretive, but as the summit delivered, it has generated praise from virtually all parties.
8. Interestingly, this mechanism shall be composed of expert-based members that will likely include non-state actors.

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Karin Bäckstrand

Department of Political Science, Stockholm University, Sweden
 karin.backstrand@statsvet.su.se

Jonathan W. Kuyper

Department of Political Science, University of Oslo, Norway
Department of Political Science, Stockholm University, Sweden

Björn-Ola Linnér

Department of Thematic Studies: Environmental Change, Centre for Climate Science and Policy Research, Linköping University, Sweden
Stockholm Environment Institute, Institute for Science, Innovation and Society, Oxford University, UK

Eva Lövbrand

Department of Thematic Studies: Environmental Change, Linköping University, Sweden