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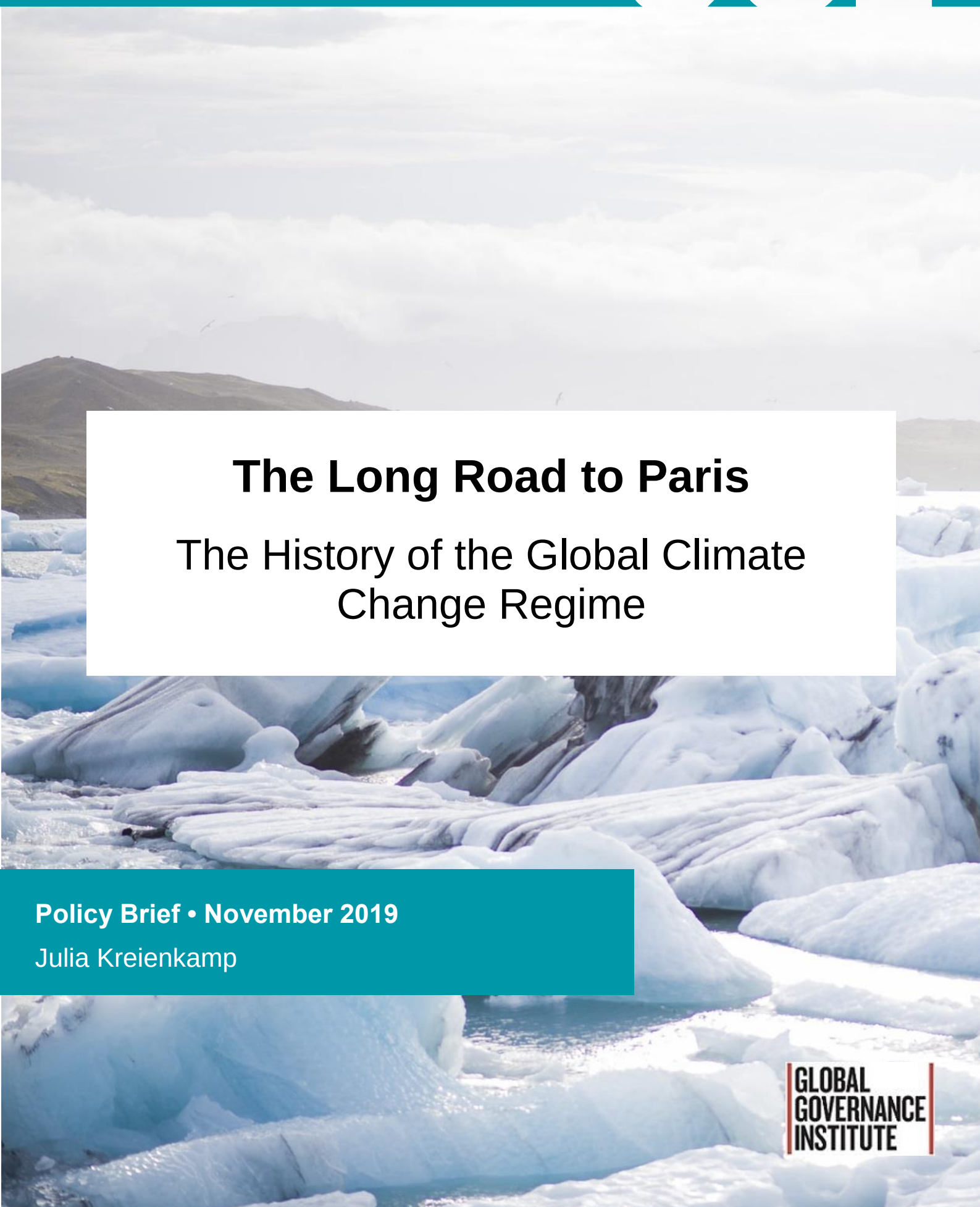

The Long Road to Paris

The History of the Global Climate Change Regime

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Abstract

The adoption of the 2015 Paris Agreement has been widely celebrated as a 'monumental triumph' (UN News 2015). It enshrines a 'new logic' of global cooperation, representing a decisive shift away from the top-down regulatory approach that had previously underpinned the international climate change regime (Falkner 2016). This shift can best be understood in light of the historical evolution of the legal and institutional framework for global collaborative climate action. This policy brief provides a comprehensive overview of the development of the global climate change regime. It documents how climate change – initially a purely scientific concern – gradually entered the wider international public and political debate, leading to the establishment of the 1992 United Nations Framework Convention on Climate Change (UNFCCC), the adoption of the 1997 Kyoto Protocol and, eventually, the Paris Agreement. It focuses primarily on multilateral negotiations under the UNFCCC while also highlighting the growing role of non-state actors in the post-Paris era of 'hybrid global climate governance' (Kuyper, Linnér and Schroeder 2018).

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The History of the Global Climate Change Regime

1957 – 1979: Climate change emerges as an internationally recognised scientific problem

As early as the 19th century, some scientists postulated that the emission of greenhouse gases (GHG) could impact the global climate. A wider international scientific debate on global warming took off in the late 1950s when better data on atmospheric CO2 concentrations became available. Initially driven by a relatively small network of scientists, international organisations and environmental advocacy groups, there was a growing interest in better understanding the effects of climate change.

July 1957- December 1958: **International Geophysical Year**

Sponsored by the World Meteorological Organization (WMO) and the non-governmental International Council for Science (ICSU), the International Geophysical Year (IGY) brought together more than 30,000 scientists from almost 70 countries. The IGY marked an unprecedented exercise in international scientific cooperation that stimulated the collection of crucial data to advance the study of the Earth, including the establishment of the first permanent CO2 monitoring station in Hawaii (Paterson 1996; Mengel 2008).

1960s: **Increased international collaboration on atmospheric science and weather forecasting**

In the early 1960s, two UN General Assembly Resolutions called for greater international cooperation on atmospheric science research and weather forecasting (UNGA 1961; UNGA 1962). This triggered the establishment of the World Weather Watch (WWW) programme by WMO in 1963 and the launch of the Global Atmospheric Research Programme (GARP) by WMO and ICSU in 1967. Both were primarily set up to improve global weather forecasting but they also played a crucial role in advancing the collection, processing, modelling and sharing of climate data (Prono 2008; Zillman 2009).

June 1972: **UN Conference on the Human Environment**

The 1972 UN Conference on the Human Environment (UNCHE) in Stockholm marked the first large-scale international summit on the environment and led to the creation of the United Nations Environment Programme (UNEP). The UNCHE Action Plan contained one of the first references to climate change in an internationally negotiated document, namely a recommendation that governments 'be mindful of activities in which there is an appreciable risk of effects on climate' (UN 1972, rec. 70). A number of subsequent UN conferences in the 1970s also addressed general climate issues, including the 1974 World Food Conference, the 1976 World Water Conference and the 1977 Desertification Conference (Paterson 1996).

February 1979: **First World Climate Conference**

The first World Climate Conference (WCC-1) was convened by WMO in collaboration with UNEP and other intergovernmental and scientific partners. The declaration that emerged from the conference recognised that the 'continued expansion of man's activities on Earth may cause significant extended regional and even global changes of climate' (WMO 1979, pp. 1-2). However, WCC-1 was still primarily a scientific gathering that did not garner widespread interest from policy-makers or offer any concrete policy recommendations. Even so, it helped foster subsequent international conferences on the issue and it led to the establishment of the World Climate Programme (WCP), the first international programme specifically aimed at enhancing the understanding of the climate system and the potential impacts of climate change (Bodansky 2001; Glover 2006; Zillman 2009).

1985-1990: **Climate change emerges as an issue that demands international political action**

In the second half of the 1980s, anthropogenic climate change gradually transformed from a scientific into a public and political concern. Governments were keen to reassert control over the issue, including through the establishment of the Intergovernmental Panel on Climate Change (IPCC). Calls for a global framework convention were eventually endorsed by the UN General Assembly.

October 1985: **Villach Conference**

Convened by UNEP, WMO and ICSU, the Villach Conference was a 'turning point', emphasising not just the need for more research on climate change but also the need for political action (Weart 2008, p. 146). Conference participants produced an influential statement, predicting an unprecedented rise of global mean temperatures in the first half of the 21st century and calling upon states to ensure periodic assessments of climate change and consider a global climate convention. A practical outcome of the Villach conference was the creation of a small expert body, the Advisory Group on Greenhouse Gases (AGGG) – a predecessor of the IPCC – to review studies on the impact of rising GHG levels and their policy implications (Paterson 1996; Zillman 2009).

September 1987: **Adoption of the Montreal Protocol**

The Montreal Protocol on Substances that Deplete the Ozone Layer was adopted in 1987 to address the thinning of the ozone layer. Widely considered one of the most successful international environmental agreements ever, it provided inspiration for the negotiation of a climate change convention and served as a model for the 1997 Kyoto Protocol (Held and Roger 2018).

October 1987: **Publication of the Brundtland Report**

The World Commission on Environment and Development (WCED), also known as the Brundtland Commission, had been set up in 1983 by the UN General Assembly to review global environmental trends, their implications for development and possible ways forward. The final report, which was published in 1987, laid the foundations for the 1992 Earth Summit in Rio de Janeiro. It demonstrated that global environmental and development problems 'are inexorably linked' (WCED 1987, p. 37) and drew heavily on the Villach findings in highlighting climate change as a major threat to development (Zillman 2009).

June 1988: **Toronto Conference**

The 'World Conference on the Changing Atmosphere: Implications for Global Security', commonly known as the Toronto Conference, was sponsored by UNEP and WMO and the government of Canada. While it was still primarily a scientific conference, it garnered substantial policy and media interest around the world (Bodansky 1993). The Toronto Conference was the first to call upon governments to negotiate an 'international framework convention' to protect the atmosphere and set an international target for reducing GHG emissions, suggesting an 'initial global goal' of cutting emissions by 20% by 2005 (WMO 1988, p. 296).

November 1988: **First meeting of the IPCC**

The Intergovernmental Panel on Climate Change (IPCC) was set up by WMO and UNEP in 1988 as with a mandate to 'provide internationally co-ordinated scientific assessments of the magnitude, timing and potential environmental and socio-economic impact of climate change and realistic response strategies' (UNGA 1988, art. 5). The establishment of the IPCC can be seen as a strategy of governments, in particular the US, to reassert control over the increasingly politicised climate change agenda (Bodansky 1993) and even as an attempt to put a 'complex and lengthy study process' in place 'to restrain any move to take concrete steps to limit emissions' (Weart 2008, p. 152).

December 1988: **First UN General Assembly resolution on climate change**

The first UN General Assembly resolution on climate change noted that the climate is the 'common concern of mankind' (UNGA 1988, art. 1), endorsed the establishment of the IPCC and urged governments, intergovernmental and non-governmental organisations and scientific institutions to give priority to the climate change issue. A year later, another UNGA resolution called for a framework convention on climate change, noting that it should take 'into account the specific development needs of developing countries' (UNGA 1989, art. 12).

March 1989: **Hague Declaration on the Environment**

In March 1989, the Netherlands, France and Norway jointly initiated a summit in The Hague on global environmental issues. The conference declaration called for a 'new institutional authority' to combat global warming (Hague Declaration 1989, p. 1309). Although a number of major states were not invited (including the US and the USSR) or did not attend (as in the case of the UK), the fact that 17 heads of state or government were present reflected the growing prominence of climate change as a political issue. In subsequent months, climate change was put firmly on the international political agenda. The issue was discussed, inter alia, at a summit of Francophone countries in Dakar, a meeting of Small Island Developing States in Malé, the G7 Summit in Paris, a summit of the US and the USSR in Malta, the Non-Aligned Movement summit in Belgrade, and the Commonwealth Heads of Government Meeting in Langkawi (Bodansky 1993; Gupta 2014; Afionis 2017).

November 1989: **Noordwijk Declaration on Atmospheric Pollution and Climate Change**

The Noordwijk Ministerial Conference on Atmospheric Pollution and Climate Change was perhaps the most important international meeting on climate change in 1989. Convened by the Netherlands, it brought together representatives of approximately 70 states. The conference declaration constituted a significant step towards developing a global framework convention on climate change. However, Noordwijk also exposed important rifts in the international community. While most industrialised countries favoured specific national GHG reduction targets, these were opposed by a few crucial veto players (notably the US, Japan and the USSR). As a result, the declaration called merely for a general aim of stabilising emissions by industrialised countries at levels to be established by the IPCC and the forthcoming Second World Climate Conference. The negotiations at Noordwijk also revolved around the need for differentiation of responsibilities and financial assistance to developing countries, thus hinting at the growing bifurcation between developed and developing countries that would characterise subsequent climate talks (Bodansky 1993; Glover 2006; Afionis 2017).

1990-1992: Towards a global framework convention on climate change

By the early 1990s, the global climate change agenda was largely driven by governments. The IPCC quickly established itself as the leading international expert body on climate change and the UN General Assembly set up a negotiating committee to prepare the text for a framework convention on climate change.

August 1990: **Release of the IPCC's First Assessment Report**

The IPCC's First Assessment Report was quickly accepted as the most authoritative consensus knowledge on climate change. It significantly shaped the agenda of the Second World Climate Conference and helped lay the groundwork for the negotiation of the UNFCCC (Bodansky 1993; Weart 2008). However, while the report confirmed that global warming was indeed happening it was not yet able to conclude with high confidence that this was a result of human activities (IPCC 1990).

October - November 1990: **Second World Climate Conference**

The Second World Climate Conference (WCC-2) called for the negotiation of a framework treaty on climate change in time for adoption by the UN Conference on Environment and Development (UNCED) in June 1992. However, hopes that WCC-2 would result in agreement on concrete targets or timetables were not fulfilled as the US and other countries remained firmly opposed (Glover 2006).

December 1990: **Establishment of a Negotiating Committee for a Framework Convention**

In 1990, UNGA established the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) to prepare 'an effective framework convention on climate change, containing appropriate commitments' in time for signature at UNCED in Rio de Janeiro (UNGA 1990, art. 1).

1990-1992: **Negotiation of the UNFCCC**

The INC held five sessions between February 1991 and May 1992. One of the most difficult issues to resolve was the question of whether or not to include specific legally binding mitigation targets for developed countries, something the US remained firmly opposed to. As a result, the final Convention text 'can be seen as an exercise in creative ambiguity to generate consensus' (Gupta 2014, p. 72). The Convention's stated aim is to stabilise GHG concentrations 'at a level that would prevent dangerous anthropogenic interference with the climate system' (UN 1992, art. 2) but it remains deliberately vague as to what exactly that means and how it would be achieved. It does, however, set out a number of principles that should guide action to achieve its main objective, including the principle of common but differentiated responsibilities and respective capabilities (CBDR–RC). The Convention also includes a number of provisions that would subsequently impede more ambitious climate action, in particular the static differentiation between developed and developing countries in the Convention's annexes and the consensus-based decision-making rules (Bodansky 1993; Gupta 2014).

June 1992: **Adoption of the UNFCCC at the Earth Summit in Rio de Janeiro**

At the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, commonly known as the 'Earth Summit', the UNFCCC was opened for signature along with its sister conventions, the UN Convention on Biological Diversity (UNCBD) and the UN Convention to Combat Desertification (UNCCD).

1994-1997: Negotiation of the first global climate treaty

Only three years after the UNFCCC entered into force, the Kyoto Protocol was adopted. For the first time, it established binding GHG emissions reduction targets – albeit only for industrialised countries and under a relatively short first commitment period.

March 1994: **The UNFCCC enters into force**

The Convention entered into force on 21 March 1994, 90 days after receiving its 50th ratification.

28 March to 7 April 1995: **COP-1 in Berlin**

The first Conference of the Parties (COP-1) resulted in the Berlin Mandate, which initiated a two-year process to negotiate a 'protocol or another legal instrument' in order to galvanise 'appropriate action for the period beyond 2000', (UNFCCC 1995, Decision 1/CP.1). To carry out this mandate, a special negotiating body – the Ad Hoc Group on the Berlin Mandate (AGBM) – was established.

June 1996: **Release of the IPCC's Second Assessment Report**

In June 1996, the IPCC released its Second Assessment Report which provided important input to the negotiations under the AGBM. Most notably, the report acknowledged for the first time that the 'balance of evidence suggests a discernible human influence on global climate' (IPCC 1995, p. 22).

8 -19 July 1996: **COP-2 in Geneva**

COP-2 saw an important shift in the US position, largely driven by changes in its domestic political context (Bailey 2015). The US was now willing to support a 'realistic, verifiable and binding medium-term emission target' as long as market-based flexible mechanisms would be included in the future climate treaty (Wirth, qtd. in Oberthür and Ott 1999, p. 52). The COP-2 outcome document, the Geneva Ministerial Declaration, endorsed the IPCC's Second Assessment Report and called upon Parties to accelerate negotiations for a legally binding treaty that would set GHG reduction targets and timetables for industrialised (Annex I) countries (UNFCCC 1996). However, with a number of oil-exporting countries dissenting, the Declaration was merely noted, not adopted.

1-12 December 1997: **Adoption of the Kyoto Protocol at COP-3 in Kyoto**

Although the AGBM managed to finalise its work in time for COP-3, some of the most contentious issues remained unresolved until the very end, including the so-called 'flexible mechanisms', the future role of developing countries under the protocol, and the scope, timing and nature of GHG reduction targets for developed countries. As 'the most proactive and ambitious actor among industrialized countries', the EU pushed for an overall target of bringing GHG emissions down to 15% below 1990 levels by 2010 (Van Schaik and Schunz 2012, p. 179). The US, on the other hand, was only willing to set a target to stabilise emissions at 1990 levels in the same period. It advocated for a market-based approach to achieving reductions and insisted that major developing countries should take on mitigation commitments as well. Eventually, agreement was reached with Annex I countries accepting differentiated emissions targets to reduce their overall emissions by an average of at least 5% below 1990 levels between 2008 and 2012. Non-Annex I countries remained exempt from any emission cuts. While the 5% reduction target was a far cry from the 15% initially proposed by the EU, the Kyoto Protocol has generally been seen as a diplomatic success for the EU (Gupta 2014). At the same time, the US 'got virtually everything it wanted in respect of flexibility for Annex I commitments' (Grubb, Vrolijk and Brack 1999, p. 112) and it left a considerable mark on the *design* of the new treaty, with the establishment of mechanisms such as emissions trading, the Joint Implementation (JI) scheme for collaborative emissions reduction projects between Annex I parties, and a Clean Development Mechanisms (CDM) for joint projects between Annex I and non-Annex I countries.

1998-2005: Towards entry into force of the Kyoto Protocol

After the adoption of the Kyoto Protocol its operational details still needed to be finalised. The failure of COP-6 in The Hague demonstrated just how contentious many of these details were. With the US withdrawing from the Kyoto Protocol in 2001, the treaty was 'repeatedly proclaimed dead' (Bäckstrand and Elgström 2013, p. 1376) – until Russia's ratification brought it into effect in 2005.

2-13 November 1998: **COP-4 in Buenos Aires**

After the adoption of the Kyoto Protocol, many issues remained unsolved, including the design of the flexible mechanisms, the compliance procedures, the role of 'carbon sinks' in meeting national targets and issues concerning technology transfers and financial assistance to developing countries (Fletcher 2005; Jacoby and Reiner 2005). These issues proved too complex to be resolved at COP-4, which instead adopted a two-year action plan, the Buenos Aires Action Plan, for advancing the operational framework of the Kyoto Protocol.

25 October – 5 November 1999: **COP-5 in Bonn**

COP-5 was primarily a technical meeting that reached few decisions on the more controversial issues outlined in the Buenos Aires Plan of Action.

13 - 25 November 2000: **COP-6 in The Hague**

At COP-6 in The Hague, Parties were meant to finalise decisions on the outstanding issues under the Buenos Aires Plan of Action. However, the negotiations were suspended amid disagreements, principally between the EU and the US-led Umbrella Group, over a number of controversial issues, in particular the US proposal to broaden the scope of acceptable carbon 'sinks' to meet GHG reductions obligations (Grubb and Yamin 2002; Jacoby and Reiner 2005).

March 2001: **US withdrawal from Kyoto**

In March 2001, the newly elected US President George W. Bush announced that the US would not ratify the Kyoto Protocol, calling it 'an unfair and ineffective means of addressing global climate change concerns' that 'exempts 80 percent of the world […] from compliance, and would cause serious harm to the U.S. economy' (Bush 2001, p. 391).

May 2001: **Release of the IPCC's Third Assessment Report**

In 2001, the IPCC released its Third Assessment Report, providing new and stronger evidence of a substantial human impact on global climate and concluding that future increases could be significantly larger than previously thought (IPCC 2001). Notably, it introduced five 'reasons for concern' to communicate the risks of climate change, a framework which became a cornerstone of subsequent IPCC assessments (O'Neill et al 2017).

16 to 27 July 2001: **COP-6 resumed in Bonn**

Despite the withdrawal of the US just months earlier, parties convened again for a continuation of COP-6 ('COP-6 bis') in Bonn in July 2001. To the surprise of many observers, agreement was reached on most outstanding political issues and the conference resulted in the adoption of the Bonn Agreements on the Implementation of the Buenos Aires Plan of Action. Work remained outstanding on a number of operational details which were referred to COP-7 for further negotiation (Fletcher 2005).

29 October to 10 November 2001: **Adoption of the Kyoto rulebook at COP-7 in Marrakech**

COP-7 wrapped up the work on the Buenos Aires Plan of Action by adopting the Marrakech Accords, which finalised the rules and procedures for meeting the emission reduction targets set in the Kyoto Protocol, including means to enforce compliance. The Accords also included decisions on capacity building and technology transfers to support developing countries and the creation of three new funds: the Adaptation Fund (under the Kyoto Protocol) as well as the Special Climate Change Fund and the Least Developed Countries Fund (under the Convention) (Boyd and Schipper 2002; Dessai and Schipper 2003). Agreement in Bonn and Marrakech was partly possible because the EU shifted its position to accommodate the demands of key ratification countries and previous allies of the US in the climate negotiations, namely Australia, Canada, Japan and Russia. As Jacoby and Reiner (2005, p. 280) note '[i]ronically, while the US sat on the sidelines, the Bonn-Marrakech agreement essentially incorporated most of the Clinton Administration demands that had caused The Hague negotiations to fail in the first place'. COP-6 bis and COP-7 thus created 'an institutionally strong, but complex regime' (Dessai and Schipper 2003, p. 152) whose environmental effectiveness was compromised in order to accommodate potential veto players.

May to December 2002: **The EU and other major industrialised countries ratify the Kyoto Protocol**

On 31 May 2002, the EU and Japan ratified the Kyoto Protocol. However, with the US out of the equation and other major industrialised states hesitant to ratify, the Protocol did not, as hoped, enter into force in time for the World Summit on Sustainable Development in Johannesburg in August 2002. Canada ratified the Kyoto Protocol later that year, making Russia the last big Annex I emitter whose ratification could fulfil the treaty's requirements for entry into force, namely ratification by no less than 55 countries representing at least 55% of the total carbon emissions of Annex I countries in 1990 (UNFCCC 1998, Art. 25.1).

23 October to 1 November 2002: **COP-8 in New Delhi**

COP 8 in New Delhi, took place shortly after the World Summit on Sustainable Development in Johannesburg and the resulting Delhi Ministerial Declaration focused on climate change *and* sustainable development. Among other things, it called for urgent action on adaptation and a strengthening of technology transfers to support sustainable development and minimise the impact of climate change on developing countries (UNFCCC 2002). Negotiations in New Delhi reflected the continued North-South divide: while many developing countries welcomed the Declaration's focus on the linkages between climate and development, many developed states were concerned over the lack of dialogue on the future of the Kyoto regime, including a more substantial role for fast-growing non-Annex I countries (French 2005; Ott 2003).

1 to 12 December 2003: **COP-9 in Milan**

The fact that Russia did not move on Kyoto ratification before COP-9, cast a shadow over the proceedings in Milan. Given the continued uncertainty over the future of Kyoto, 'COP-9 was very much business as usual' (Dessai et al 2005, p. 119). Nevertheless, some progress was made at the conference, and decisions were taken on a number of issues, including rules for the use of carbon sinks under the CDM and guidelines for the operation of funding mechanisms for developing countries under the Convention (ibid).

6 to 17 December 2004: **COP-10 in Buenos Aires**

COP-10 at Buenos Aires came just days after Russia ratified the Kyoto Protocol. Sometimes dubbed the 'Adaptation COP', the impacts of climate change in developing countries featured prominently on the agenda. Parties adopted the Buenos Aires Programme of Work on Adaptation and Response Measures, which called for the development of 'a structured five-year programme of work on the scientific, technical and socio-economic aspects of impacts, vulnerability and adaptation to climate change' (UNFCCC 2005, Decision 1/CP.10, Art. IV.23). Another issue that loomed large in informal discussion at the conference was the question of how to chart the way forward after the first commitment period of the Kyoto Protocol, including the design, scope and extent of future targets and the forum for their negotiations (Ott et al 2005).

February 2005: **The Kyoto Protocol enters into force**

The Kyoto Protocol entered into force on 16 February 2005, 90 days after Russia's ratification pushed the emissions of ratified Annex I countries over the required 55% mark. This can be seen as a 'major diplomatic victory' (Oberthür 2011, p. 669) for the EU which had made ratification of the Protocol a key prerequisite for supporting Russia's accession to the World Trade Organization (WTO).

2005-2009: **From Kyoto to Copenhagen**

After entry into force of the Kyoto Protocol, a key question was what the future of the international climate regime would look like. Negotiations proceeded in two parallel tracks: (1) the 'Kyoto track' to reach agreement on a second commitment period under the Kyoto Protocol and (2) the 'UNFCCC' track which focused on long-term cooperative action under the Convention. In 2007, the Bali Action Plan was adopted which launched a process to negotiate a new climate agreement in time for COP-15 in Copenhagen. However, COP-15 delivered merely a political declaration – the Copenhagen Accord – and not a climate treaty as many had hoped. In hindsight, the Copenhagen 'disaster' (Bell 2009) was a watershed moment, marking the rise of a more polycentric, bottom-up global climate regime (Bäckstrand and Lövbrand 2016).

28 November – 9 December 2005: **COP-11 in Montreal**

COP-11 in Montreal was also the first Meeting of the Parties to the Kyoto Protocol (CMP-1). With the adoption of the Montreal Action Plan, Parties launched a dual-track process for negotiations on the future of the international climate regime. First, the so-called 'Kyoto track' was set up to reach agreement on a second commitment period for industrialised countries, with negotiations to be supervised by an Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG–KP). Second, the so-called 'UNFCCC track' launched a broader, more informal dialogue on enhancing climate action under the Convention. This track would be open to all UNFCCC states parties, including non-Kyoto parties such as the US (Von Bassewitz 2013; Wittneben et al 2006).

6-17 December 2006: **COP-12 in Nairobi**

Dubbed the 'Africa COP', discussions at COP-12 centred on adaptation and development issues. The summit agreed on the principles and structure of the Adaptation Fund, which was put under the direct authority of the CMP.[1] COP-12 also launched the Nairobi Work Programme on Adaptation and the Nairobi Framework on Capacity-Building for the Clean Development Mechanism (Okereke et al 2007).

2007: **Release of the IPCC's Fourth Assessment Report**

The IPCC's Fourth Assessment Report provided the strongest evidence hitherto on the link between GHG emissions and climate change, 'putting to rest any left skepticism on whether climate change was real and happening' (UN Secretary General 2008). Other events in 2007 also contributed to a growing political momentum, including the award of the Nobel Peace Prize to the IPCC and climate advocate Al Gore and the first-ever special UN Security Council session on climate change which 'affirmed that climate change is the number one threat to mankind' (Garcia 2010, p. 286).

3-14 December 2007: **COP-13 in Bali**

COP-13 in Bali formally kicked off negotiations for a post-Kyoto treaty. The Bali Action Plan was adopted to chart the way to a new inclusive climate agreement, to be finalised at COP-15 in Copenhagen. It covered four key building blocks, namely mitigation, adaptation, technology and finance, and called for a 'shared vision for long-term cooperative action' (UNFCCC 2008a, Decision 1/CP.13, para 1a). An Ad-hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA) was established, thus transforming the more informal 'UNFCCC track' negotiations launched at COP-11 in Montreal into a formal negotiation process. Most politically contested was the issue of future mitigation responsibilities for all parties. After a dramatic eleventh hour plenary session, developing countries agreed to move beyond their existing commitments and take on nationally appropriate mitigation actions (NAMA), under the condition that developed countries would provide

[1] In contrast, the two Convention funds, the Special Climate Change Fund and the Least Developed Countries Fund, are managed by the Global Environment Facility (GEF).

support in the form of technology transfer, financing and capacity building. The US eventually agreed to negotiate 'measurable, reportable and verifiable nationally appropriate mitigation commitments or actions… by all developed country Parties' (UNFCCC 2008a, Decision 1/CP.13, para 1bi). Nevertheless, the US remained opposed to legally binding commitments and deeply concerned about the inadequacy of developing country engagement. At the same time, many developing countries felt that the Bali decisions had been watered down and worried that they did not provide a clear global target and timetables for emissions cuts (Jowit, Davies and Adam 2007; Müller 2008; Depledge 2008).

1 to 12 December 2008: **COP-14 in Poznan**

COP-14 in Poznan took place in the midst of the global financial crisis and expectations for a major political breakthrough were low (Allan et al 2017). However, Poznan was an important interim meeting and it outlined an intensive meeting schedule for 2009 to ensure conclusion of the negotiating process by COP-15 in Copenhagen. Parties authorised the AWG-LCA to enter into full negotiating mode and prepare a draft negotiating text by June 2009 although they stated that it had to be drafted in language 'that does not prejudge the form of the agreed outcome' (UNFCCC 2008b, para 3c; Rajamani 2009). In parallel, Kyoto track negotiations continued under the auspices of the AWG-KP.

7 to 18 December 2009: **COP-15 in Copenhagen**

Expectations were high for COP-15 to deliver a new, legally binding climate treaty. But dual-track negotiations in the months leading up to the conference, had made insufficient progress. Over the course of 2009, the AWG-LCA had produced the 'most complex document in the history of the UNFCCC' but positions remained entrenched on the key issues of mitigation, finance and the legal form of a future climate treaty (Allan et al 2017, p. 26). Negotiations under the AWG-KP had stalled as well. As a result, COP-15 ended in controversy and chaos. As negotiators failed to reach a compromise, a small group of heads of governments led by the US instead hammered out a political agreement – the Copenhagen Accord – that was not based on the official negotiation text and would merely be noted, not adopted by the COP plenary (Falkner, Stephan and Vogler 2010). While COP-15 did not deliver what many had hoped, the Copenhagen Accords signalled an important turning point in climate governance. By introducing a more flexible, bottom-up architecture based on voluntary pledges, it planted the seeds for what would ultimately become the Paris Agreement (Bodansky 2016). Copenhagen also began to dilute the sharp differentiation between developed and developing countries as major emerging economies put forward mitigation pledges, and it marked the first time that a large group of countries agreed on a global target to hold mean temperature increases below 2°C. Finally, Copenhagen saw the emergence of new political dynamics in the international climate regime. The Copenhagen Accord was largely brokered by the US and the so-called BASIC group of major emerging economies (Brazil, South Africa, India, and China). In contrast, the EU, which had traditionally played an important leadership role in international climate negotiations, remained sidelined during the final hours of COP-15 (Groen and Niemann 2013; Schunz 2014).

2010-2015: **From Copenhagen to Paris**

After Copenhagen, the international climate regime witnessed a gradual paradigm shift, away from the top-down, prescriptive logic of the Kyoto Protocol towards a more flexible bottom-up approach. At the same time, the long-standing 'firewall' between developed and developing countries began to crumble. Dual track negotiations under the AWG–KP and the AWG-LCA came to an end, after a second commitment period for the Kyoto Protocol was agreed and a new unified negotiation track was launched through the Durban Platform for Enhanced Action. Negotiations under this new track eventually resulted in the adoption of a new climate treaty at COP-21 in Paris. The Paris Agreement introduced a new hybrid approach to global climate governance, combining bottom-up national target-setting with a rigorous top-down oversight system.

29 November to 10 December 2010: **COP-16 in Cancun**

The Cancun Agreements, adopted at COP-16, effectively formalised many elements of the Copenhagen Accord. The aim to limit temperature rises to 2°C became officially enshrined into international climate policy for the first time, with a view to strengthening this goal and to consider a 1.5˚C limit in the future. The Cancun Agreements also delivered on a number of operational elements of the Copenhagen Accord. National mitigation pledges from industrialised and developing countries put forward in Copenhagen were formally incorporated into the UNFCCC process and a measurement, reporting and verification (MRV) system was established to ensure greater transparency of emissions reporting by all countries. The Cancun Agreements also established a new Green Climate Fund to support developing countries, a new Technology Mechanism to facilitate clean technology knowledge sharing, an Adaptation Committee to promote the implementation of enhanced action on adaptation, and a framework for slowing, halting, and reversing forest loss and related emissions (REDD+) (Morgan et al 2010). The mandate of the AWG-KP was extended for another year, however, the decision of key countries – Japan, Russia and Canada – not to participate in a second commitment period of the Kyoto Protocol delivered a decisive blow to the proceedings (Sterk et al 2011).

28 November to 11 December 2011: **COP-17 adopts the Durban Platform for Enhanced Action**

COP-17 adopted the Durban Platform for Enhanced Action, a set of decisions that launched new negotiations under the Convention for a treaty to address climate change in the post-2020 period. For this purpose, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) was set up with the goal of reaching agreement by 2015. With this new negotiation process in place, it was decided that the AWG-LCA would terminate its work at the end of 2012. The EU, in alliance with the Alliance of Small Island States (AOSIS) and the Least Developed Countries (LDC) group, insisted that the outcome of the ADP negotiations should be legally binding – something that was strongly rejected by India. By making negotiations of a legally binding universal agreement a precondition for entering into a second commitment period of the Kyoto Protocol, the EU eventually managed to secure a compromise formulation calling for the development of ‘a protocol, another legal instrument or an agreed outcome with legal force’ (UNFCCC 2012, Decision 1/CP.17, para 2; Van Schaik 2012). Importantly, the Durban Platform presented a significant shift away from the long-standing ‘firewall’ between developed and developing countries. The decisions provided that the negotiations outcome would be ‘applicable to all parties’ (UNFCCC 2012, Decision 1/CP.17, para 2) and they contained no reference to categories such as developing/developed, Annex I/non-Annex I or the CBDR–RC principle (Aldy and Stavins 2012; Bodansky 2012). The Durban Platform also described the range of issues or ‘pillars’ to be covered by the future agreement – mitigation, adaptation, finance, capacity building, technology and transparency (Rajamani 2016a).

26 November to 7 December 2012: **COP-18 in Doha**

COP-18 in Doha was not expected to deliver high-level political drama but rather to focus on implementing the agreements reached in Durban (Von Bassewitz 2013). Parties adopted a number of decisions, collectively known as the Doha Climate Gateway. Most importantly, parties formally adopted a second commitment period (2013 to 2020) for the Kyoto Protocol, albeit with limited participation and low ambition targets. It was agreed that the AWG-KP had fulfilled its mandate and negotiations under the Kyoto track were concluded. Parties also decided to terminate the AWG-LCA and negotiations under the Bali Action Plan. The Doha Gateway thus ended the long-standing dual-track negotiations and agreed on a work plan for the new unified track, the ADP, which would become the main arena for negotiations starting in 2013. Other key outcomes of the conference included renewed commitments of developed countries to scale up long-term climate finance as well as the decision to establish, at the upcoming COP, institutional arrangements for loss and damage, an issue that had emerged as a key concern for developing countries (Morgan 2012; Hultman and Langley 2012).

January 2013: **Start of the second Kyoto commitment period**

The second commitment period of the Kyoto Protocol began on 1 January 2013 and is set to end in 2020. However, with major industrialised countries having either withdrawn from Kyoto (as in the case of Canada) or chosen not to participate in the second commitment period (as in the case of Japan, Russia and New Zealand), only the EU, some other European countries and Australia took on legally binding commitments to make further emissions cuts.

September 2013 to November 2014: **Release of the IPCC's Fifth Assessment Report**

The IPCC's Fifths Assessment Report was published in four stages between September 2013 and November 2014. It was the first report to include a carbon budget, calculating how much carbon the world has left to burn before exceeding the 2°C limit (Pidcock 2013).

11 to 22 November 2013: **COP-19 in Warsaw**

A key focus of COP-19 in Warsaw was to advance the negotiations under the Durban Platform for Enhanced Action of a new climate agreement to be agreed in 2015. Progress was largely procedural in nature. Most notably, it was agreed that parties should submit intended nationally determined contributions (or INDCs) well in advance of the 2015 conference in Paris. The ADP was requested to identify the information that states should provide in order to enhance 'the clarity, transparency and understanding' of their intended contributions (UNFCCC 2014, Decision 1/CP.19, para 2b). These decisions sent important signals about the architecture of the future climate agreement, favouring a bottom-up approach with some top-down elements over a prescriptive Kyoto-style treaty. At the same time, Warsaw highlighted continued disagreement over what the top-down elements of this new architecture should entail, what the legal nature of the new agreement should be, and how developed and developing country obligations should be differentiated (Rajamani 2014). Loss and damage remained a high-profile issue at Warsaw. As mandated by the Doha Gateway, COP-19 established a dedicated policy mechanism for loss and damage: the Warsaw International Mechanism on Loss and Damage (WIM). However, the exact meaning of loss and damage remained contentious and the WIM text was kept deliberately ambiguous and broad (Vanhala and Hestbaek 2016; Boyd et al 2017).

November 2014: **China-US Climate Accord**

On 12 November 2014, just three weeks before COP-20 in Lima, the US and China made a joint announcement on climate change, unveiling ambitious targets to cut their GHG emissions (The White House 2014). This surprise move had important implications for the negotiation dynamics in Lima as it signalled greater willingness of the world's two largest emitters to collaborate and embrace ambitious climate action. The announcement also introduced a more flexible version of the CBDR–RC principle by adding the phrase 'in the light of different national circumstances', a formulation that was picked up in Lima and eventually made its way into the 2015 Paris Agreement (Bodansky 2016). The US-China commitment on climate change was reinforced a year later, in September 2015, when the two countries issued a Joint Presidential Statement in the run-up to COP-21 in Paris (The White House 2015).

1 to 12 December 2014: **COP-20 in Lima**

In many ways, COP-20 was a 'dress rehearsal' for the upcoming conference in Paris (Grubb 2015, p. 299). The decisions adopted in Lima – also known as the Lima Call for Climate Action – laid the groundworks for a new universal global climate agreement, including by providing elements for a draft negotiating text. They also offered additional, albeit limited, guidance on the scope and content of INDCs. Due to continued disagreement over the legal nature of the new climate deal, COP-20 decided that submissions would be made 'without prejudice to the legal nature and content' of the INDCs or any future climate agreement (UNFCCC 2015a, Decision 1/CP.20, para 8). The question of how to differentiate responsibilities between rich and poor countries under a new treaty also remained a major point of contention. Eventually, parties adopted language from the bilateral US China agreement (see above), thus agreeing that the 2015 deal should reflect the principle of CBDR–RC but that this should happen 'in the light of different national circumstances' (ibid, para 3) and not along the traditional divide between Annex I and non-Annex I countries. Thus, while the Lima Call for Climate Action remained rather vague on many key issues, it made clear that a future climate deal would see all countries

contributing to the global effort to combat climate change. COP-20 also took an important step in formally recognising the 'groundswell' of climate action by companies, investors, cities, regions and civil society organisations. With the launch of the Lima–Paris Action Agenda (LPAA) and the Non-state Actor Zone for Climate Action (NAZCA), new platforms were created to showcase and galvanise commitments by non-state and sub-state actors and integrate them into the UNFCCC regime (Chan, Brandi and Bauer 2016; Guy 2018).

30 November to 12 December 2015: **Adoption of the Paris Agreement at COP-21 in Paris**

The adoption of the 2015 Paris Agreement marked a major diplomatic breakthrough. Representing a decisive shift away from Kyoto, it enshrined a 'new logic of international climate politics' that combines both bottom-up and top-down elements (Falkner 2016). By the time COP-21 began, the bottom-up component of this new hybrid architecture was largely complete as virtually all states had submitted voluntary national targets in the form of INDCs (Bodansky 2016). Thus, a major focus of COP-21 was the negotiation of transparency and stocktaking mechanisms to ensure implementation and galvanise greater ambition. Other outstanding issues included the Agreement's legal form, the global mitigation target, climate finance, loss and damage, and differentiation and equity (Christoff 2016). Although many of these issues were highly controversial, the French COP presidency managed to secure 'a remarkably positive spirit' throughout the conference (Bodansky 2016, p. 294). After two weeks of intense negotiations, parties adopted the first universal climate treaty, reflecting global consensus on the need to limit global temperature rises to 'well below 2°C above pre-industrial levels' (UNFCCC 2015b, Art 2a). The most vulnerable developing countries and island states managed to secure reference to an aspirational 1.5°C target and inclusion of an entire article dedicated to loss and damage, although developed countries made sure this did not provide a basis for liability or compensation (Calliari 2016). While the Agreement itself is legally binding, it includes a hybrid mix of obligations, most of which are facilitative rather than prescriptive (Rajamani 2016b). Unlike the Kyoto Protocol, the Paris Agreement does not include any 'hard' enforcement mechanisms. Instead, it puts in place various review processes, including a periodic global stocktake, to assess individual and collective progress and scale up ambition. The agreement also introduces a more nuanced approach to differentiation, moving beyond the static dichotomy of the Convention and the Kyoto Protocol while recognising that developed countries must continue to take the lead in reducing GHG emissions and mobilising climate finance and other forms of support for developing countries (Sarawesi 2016).

2016-now: Preparing for the Paris Agreement to take effect

The Paris Agreement has been widely celebrated as a 'model for effective global governance in the twenty-first century' (Slaughter 2015). Rather than attempting to resurrect Kyoto-style 'megamultilateralism' (Hoffmann 2011), it acknowledges that bottom-up national action, combined with sub-national and private experimentation, may be the most realistic approach to keeping global warming to 1.5-2°C. However, the Agreement's success hinges on whether or not ambition will be scaled up significantly over time. For now, it remains a 'promissory note' (Christoff 2016), with current mitigation pledges insufficient to limit global warming to 2°C.

7 to 19 November 2016: **COP-22 in Marrakech**

Touted the 'COP of Action' by the Moroccan presidency (UN News 2016), COP-22 took place just a few days after the Paris Agreement entered into force, thus also serving as the first meeting of the parties for the Paris Agreement (CMA-1). The rapid entry into force of the Agreement added significant momentum to COP-22. Although the first week of the conference was jolted by the election of US president Donald Trump, who had made withdrawal from the Paris Agreement one of his campaign promises, declarations by other state parties reflected considerable resolve to push ahead towards successful implementation (Yeo 2016). The Marrakech Action Proclamation, issued by heads of state and government at COP-22, signalled the political will of world leaders to keep the 'irreversible' momentum of the Paris Agreement going (UNFCCC 2016). Negotiators also started the important task of developing the rules and guidelines for implementation. Outcomes were largely procedural in nature,

with parties adopting work plans and setting December 2018 as the deadline to complete the rulebook. They also agreed on a range of other issues, including the continuation of the Kyoto Protocol's Adaptation Fund under the Paris Agreement (Deheza et al 2016). Importantly, COP-22 also reaffirmed the central role of non- and sub-state actors in the post-Paris international climate regime. The Global Climate Action Agenda (GCAA) – otherwise known as the Marrakech Partnership for Global Climate Action – was launched to continue and expand the process of non-party stakeholder engagement, which had first been set in motion at COP-20 in Lima (Chan and Amling 2019).

June 2017: **US withdrawal from the Paris Agreement**

On 1 June 2017, US President Donald Trump announced that the US would withdraw from the Paris Agreement and stop implementation of its NDC, stating that the Agreement was 'simply the latest example of Washington entering into an agreement that disadvantages the United States to the exclusive benefit of other countries' (Trump 2017). In light of this decision, a significant development in the US has been the continued leadership from some powerful non-state actors, such as California which hosted the Global Climate Action Summit in September 2018 (Arroyo 2018).

6 to 17 November 2017: **COP-23 in Bonn**

COP-23, which took place in Bonn under the presidency of Fiji, made moderate progress on negotiating the details of the Paris rulebook (Obergassel et al 2018). It also launched the so-called 'Talanoa Dialogue', a one-year facilitative process to review and enhance collective efforts towards achieving the long-term goals of the Paris Agreement. Considered a 'test-run' for the global stocktake, it aimed specifically at building momentum for new or updated NDCs to be submitted by 2020. Significantly, civil society, businesses and sub-state authorities were invited to directly contribute, making the Talanoa Dialogue 'the most concrete effort to involve non-state actors in the formal decision-making process of the UNFCCC to date' (Nyman and Stainforth 2018). As the first 'Oceanic' climate conference, COP-23 put an emphasis on issues that are of particular importance to developing countries and small island states, such as loss and damage and climate finance. A large diversity of side-events demonstrated that 'climate protection is increasingly seen in a wider context', and this was also reflected in the formal negotiations, for example through the adoption of the first-ever Gender Action Plan (Obergassel et al 2018, p. 15).

8 October 2018: **IPCC Special Report on Global Warming of 1.5 ºC**

In October 2018, the IPCC published a Special Report on the impacts of global warming of 1.5 °C, as requested by COP-21 in Paris. Described by UN Secretary General António Guterres as an 'ear-splitting wake-up call', the report highlighted the enormous benefits of limiting global warming to 1.5 ºC compared to 2°C, or more (UN News 2018). It also made clear that achieving this is still technically possible but would require 'rapid and far-reaching transitions' in all aspects of society (IPCC 2018, p. 15). This message was amplified a month later, when UNEP published its latest 'Emissions Gap Report', demonstrating that changes are not occurring nearly as quickly as needed (UNEP 2018).

2 to 15 December 2018: **Adoption of the Paris Agreement's rulebook at COP-24 in Katowice**

COP-24 in Katowice had two key objectives: finalising the rulebook to implement the Paris Agreement and sending a strong signal on the need to raise ambition to meet the Agreement's long-term goals (Obergassel et al 2019). At the start of the conference, many long-standing issues remained open, including those relating to the prescriptiveness and legal bindingness of rules and the degree of differentiation between developed and developing countries (Rajamani and Bodanksy 2019). Nevertheless, by adopting the 'Katowice Climate Package', COP-24 largely managed to deliver on the objective to specify rules, procedures and guidelines for the various elements of the Paris Agreement. Among other things, the Katowice Climate Package clarifies how to develop, format and track the NDCs, how to operationalise the enhanced transparency framework and how to review collective progress through the global stocktake. While parties were unable to agree on rules for voluntary cooperation and market mechanisms, overall, the rulebook turned out to be 'more robust than many

had dared to expect' (Obergassel et al 2019, p. 6). However, COP-24 did not instil much confidence that progress is being made towards achieving the long-term mitigation goal of the Paris Agreement. In particular, the refusal of four oil- and gas-producing countries – the US, Saudi Arabia, Russia and Kuwait – to 'welcome' the IPCC's special report on global warming of 1.5°C cast a shadow over the proceedings (Watts and Doherty 2018). In addition, the 'Talanoa Dialogue', which concluded at Katowice, did not seem to have encouraged parties to scale up ambitions significantly. While the 'Talanoa Call for Action' called upon parties to act 'with urgency' (UNFCCC 2018), the COP decision failed to reflect this urgency, merely 'inviting' parties to 'consider' the outcomes of the one-year dialogue (Verkuijl and van Asselt 2019, p. 17).

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