

Politicization Conflicts in Global Climate Governance

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Climate change was introduced to the global agenda in the late 1980s. Over the next three and a half decades, countries negotiated and renegotiated the rules. To an extent, the need to revisit and reset the rules in the global climate regime stems from conflicts between actors seeking to repoliticize and depoliticize the resulting treaties. Efforts to question and rewrite rules require as much diplomatic and material investment as maintaining stability through depoliticizing potentially contentious topics. While the literature tends to focus on one dynamic or the other, there is a need to understand how these two opposing coalitions interact (Paterson, Tobin, and VanDeveer 2022). As this chapter shows, these tensions play out in unique ways at the global level, where stability can be fragile and difficult to maintain. Politicization, on the other hand, can come from many sources and employ a range of behavioral and rhetorical tools.

This chapter focuses on one such conflict, when the United States sought to repoliticize the Kyoto Protocol and the European Union (EU) sought to protect it by depoliticizing discussions. Each drew upon a range of strategies, rhetorical and behavioral, creating a rift between the countries. Eventually, the EU and the United States accommodated one another, changing the course of the climate regime. New concepts became mainstream, notably a “bottom-up” treaty allowing all countries to pledge their own targets. The Kyoto Protocol was set aside to make room for a new agreement and US involvement. These changes masked stability as policy lock-in. The United Nations Framework Convention on Climate Change (UNFCCC) was solidified as the central forum for climate governance. Market mechanisms remained central. Even the mitigation rules showed institutional stability despite the rhetorical changes.

A central subject of repoliticization and depoliticization efforts since the 1990s can be broadly termed “burden sharing,” or which countries should do the most to reduce their emissions. Mitigation rules vary somewhat among the three treaties in the climate regime: the UNFCCC (adopted in 1992), the Kyoto Protocol (adopted in 1997),

and the Paris Agreement (adopted in 2015). The UNFCCC identifies industrialized countries and economies in transition as “Annex I” countries and specifies several principles related to “developed country leadership” and “common but differentiated responsibilities and respective capabilities” (CBDR-RC). The Kyoto Protocol specifies that only Annex I countries have legally binding emissions targets, while non-Annex I (developing) countries can undertake voluntary measures. The 2015 Paris Agreement requires all countries to submit nationally determined contributions (NDCs). Developed countries are to have quantitative targets, while developing countries have more flexibility; they can submit plans or policies, for example. The question of burden sharing has expanded to include all countries in the mitigation effort, although with flexibilities allowed by the nationally determined (or “bottom-up,” but for a critique of this label, see Depledge 2022) nature of the Paris Agreement.

There has been considerable change to expand mitigation rules to all countries and to soften the hard distinctions between Annex I and non-Annex I into newer categories or developed and developing countries. Yet there are several similarities between the Paris Agreement and the 1997 Kyoto Protocol. Both agreements share similar categories of climate policy (except for “loss and damage” that appears only on post-Kyoto agendas) (Allan and Bhandary 2022). Both give a central role to market mechanisms that allow emissions trading. The substantive mitigation requirements of both agreements involve nationally determined target setting (Depledge 2022). Countries pledge their NDCs under the Paris Agreement, while the Kyoto Protocol famously inscribed the emissions reduction targets for developed countries into the treaty. However, the process to arrive at the Kyoto targets was unilaterally determined – in the final hours, developed countries wrote down their targets and handed the papers to the Secretariat without further multilateral discussion (Depledge 2022; UNFCCC 2000). National determination and market mechanisms, to name a few, seem baked into the climate regime.

This chapter outlines politicization strategies used in international climate negotiations, and how they played out in the case of the Kyoto Protocol. There are key lessons to be learned for contemporary climate politics. There are signs that the United States, this time with the EU, is repoliticizing the Paris Agreement. This time, China, India, and other larger developing countries are engaging in similar depoliticization strategies used by the EU in the 2000s. This may again prolong the implementation of climate policies while countries debate how to move forward.

14.1 Politicization Strategies in International Climate Negotiations

As Chapter 1 outlined, there is a push–pull relationship between depoliticization and repoliticization. Depoliticization involves actors seeking to remove an issue from the spotlight, often by framing it as a technical exercise. Repoliticization, by

contrast, is characterized by efforts to add an issue to a political or public agenda, highlight power imbalances, and urge continued debate. These strategies can occur simultaneously, over the same rules and issues, leading to conflict or compromise.

The unique characteristics of global governance influence how politicization conflicts unfold. Unlike in domestic politics, the stability of global politics is more or less secure. Global rules are upheld because countries agree to be bound to them. Stability rests on legitimacy and countries can withdraw their consent. Beyond states, there is a wide range of actors that can exert influence over global outcomes, formally and informally. These actors meet yearly to review policies' implementation, resume negotiations, or raise new issues. There is no electoral cycle, when policies could be more stable if implemented by a governing party or coalition. At the global level, many can regularly contest the rules.

Many actors could repoliticize or depoliticize an issue or rule in global environmental politics. It is not necessarily the case that the weak seek to expand the scope of conflict while the powerful seek to limit it, as Schattschneider (1960) suggests. States are legally equal. In the UNFCCC, decisions require consensus. Some states, notably the United States, clearly pull considerable weight, shaping global rules to suit domestic legal needs (Kemp 2016). But also, small island states and other climate-vulnerable countries exert moral authority leading to influence that outstrips their economic power (de Águeda Corneloup and Mol 2014). In a situation where many actors wield various types of authority, repoliticization could come from a range of actors working together formally or tacitly.

Repoliticization can occur at any time because there are routine opportunities to politicize global rules and to reinterpret policy design. Global negotiation fora are key sites of agreement-making where actors advance, resist, or alter how we understand or govern key climate issues (Hughes et al. 2021). Agenda-setting politics are often thought to occur when negotiations are in their infancy. States can propose new agenda items. Such proposals are often hotly contested as parties debate the mandate, scope, and name of the new agenda item; many ultimately cannot gain the consensus of all states and fail to make it to the formal agenda (Allan and Bhandary 2022). For example, calls for a Loss and Damage Fund in 2021 sparked a year of debate and agenda-setting efforts to get the issue onto the formal UNFCCC agenda in 2022. Those negotiations established a transitional committee, with membership limited to fourteen countries. The group had a tight mandate to recommend institutional arrangements, based on an analysis of existing funding sources, gaps, and potential sources (UNFCCC 2022). Both repoliticization and depoliticization were at play. Developing countries set a new agenda, resisted by developed countries who sought to depoliticize the issue by limiting the scope of discussion to technical discussions outside of major meetings.

Even after the agenda-setting stage, the annual (or biennial) meetings of parties to a treaty provide regular opportunities for repoliticization using a range of strategies. A key strategy could be to delegitimize the rules, even to the extent of upturning international agreement entirely. Rhetorically, actors could question the efficacy or desirability of existing rules and provide alternatives to the status quo. Repoliticization efforts can seek to reframe existing issues as unjust or inefficient.

In addition to these discursive tactics, actors can use actions to raise questions about existing issues or rules. States can leave a treaty or refuse to join to undermine how others perceive it and its overall efficacy (Bäckstrand and Söderbaum 2018). Also unique to the global level, states can create alternative fora to discuss and advance alternatives. “Minilateral” solutions to climate change could be more efficient, by reducing the numbers of those involved. But by definition, they lack inclusion (Eckersley 2012; Gampfer 2016). At the very least, alternative fora help test or diffuse ideas among other states, without the constraints of rules of procedure and history of other fora. New fora could be an attractive strategy because there are fewer opportunities for repoliticization within the UNFCCC negotiations.

However, upholding the status quo requires responding to repoliticization while maintaining support coalitions. Maintaining legitimacy, after all, requires the consent of all or most states. There are several options. Technical negotiations abound in global environmental politics. Such discussions can sort through technical issues – for example, the finer points of global monitoring networks. But often, deeply political issues are repackaged as technical. Discussions regarding market mechanisms require decisions over which countries are eligible, how to ensure emissions reductions, and who receives the benefits (financial and carbon credit), among many other political issues masked through debates of double counting, CO₂ equivalence, and reference levels. As the Loss and Damage Fund example shows, negotiations can lead even the most political discussions toward seemingly technical, limited debate.

Relatedly, limiting the scope of discussions is an additional tactic to depoliticize global negotiations. Countries can limit the time for a work program or set a deadline for discussions. Work programs or dialogues are common ways to do this. Usually two or three years long, such road maps often set out a series of workshops or roundtable discussions. The mandate for such work programs often seeks to support, rather than overturn, the status quo. For example, the Glasgow–Sharm El Sheikh work program on the global goal for adaptation seeks to, among other objectives, “enable the full and sustained implementation of the Paris Agreement, towards achieving the global goal on adaptation, with a view to enhancing adaptation action and support” (UNFCCC 2021).¹ The work program on long-term

¹ The other seven objectives also support a limited view of the work on the global goal on adaptation, including to “enhance understanding,” “contribute to reviewing progress,” “enhance national planning and implementation,” and “enable parties to better communicate their adaptation needs.”

finance has featured biennial reports on countries' efforts to scale up reports, annual workshops, and biennial high-level dialogues (UNFCCC n.d.). As yet, no tangible outcomes are apparent, and after several years of debate, countries agreed to conclude the work program in 2027.

Beyond negotiation tactics to take issues out of the spotlight and limit the scope of potential reforms, legitimacy can be a resource aiding depoliticization. Countries, non-state actors, and others can point to hard-fought, globally agreed rules as something to protect and uphold. Citing these rules, and the legitimacy they may hold by those who agreed to them, can be an important defense against repoliticization.

Repoliticization and depoliticization strategies work in opposite directions. Where repoliticization strategies seek to enlarge the scope of conflict and prompt change, depoliticization seeks policy stability. When these strategies collide, hard bargaining and collective meaning-(re)making ensue. The repoliticization camp employs tools to build support for new systems, while the depoliticization camp remains invested in the existing policies. Perhaps surprisingly, there is room for compromise. Amending an existing policy and making it seem new could satisfy both sides. The rhetoric of repoliticization is adopted, which creates new opportunities for change. The underlying policies remain largely stable, rewarding the investments of those supporting the status quo.

In global climate politics, politicization debates are most evident around questions of burden sharing, or "who does how much." Usually, burden sharing debates occur in the context of mitigation. After transparency, mitigation is the second-most discussed topic on UNFCCC agendas, although half of those discussions are buried in technical talks related to markets and forests (Allan and Bhandary 2022). Countries long worried about comparative economic advantage have sought to ensure all their economic rivals have the same obligations. Some have refused participation at times (e.g. the United States). In other cases, developed countries raised concerns about emerging economies, such as China and India. Arguments and various notions of "fairness" abound.

14.2 Politicization Conflicts over the Kyoto Protocol

In the early years, the focus of the regime was industrialized countries' emissions. The UNFCCC, adopted in 1992, set out several rules and principles that would be the focus of politicization efforts for decades. Each of these rules and principles centers around which countries should be primarily responsible for reducing emissions or "burden sharing" in the UNFCCC's lingo.

The commitments set out in the Convention set out a differentiated approach. In the early 1990s, this was less controversial. There were clearer divisions

between developed and developing countries before the rapid economic growth of some non-Annex I countries that had a largely taken-for-granted status. Dividing countries into two groups was institutionalized in the Convention. Broadly, industrialized countries were listed in Annex I of the Convention, and all other countries became “non-Annex I.” Responsibilities vary between these two groups.

The Kyoto Protocol upheld the bifurcated approach to burden sharing. It inscribes legally binding targets and timelines into the treaty itself, but only for Annex I countries. This was less of an imposition on Annex I countries than it may seem. As Depledge (2022) explains, countries chose their targets. There were negotiations, but at the end of the long discussions, negotiators from Annex I countries wrote their targets on paper and handed them to the Secretariat for compilation and adoption without further discussion (Depledge 2022). The Protocol encourages non-Annex I countries to take on mitigation actions voluntarily.

The bifurcated approach was, and in some ways remains, at the center of repoliticization efforts. The United States questioned the feasibility and efficacy of the Kyoto Protocol even before it entered into force, pointing to its domestic requirements for a treaty to “meaningfully” engage emerging economies, and continued difficult international negotiations (Lisowski 2002). The EU sought to uphold the Protocol, given its many investments in the Protocol’s institutions.

14.2.1 Depoliticization Strategies

For many, the Kyoto Protocol was a significant global achievement to be protected and implemented. The EU, international NGOs, and other countries invested materially, diplomatically, and discursively into ensuring the Protocol entered into force. They also invested in its institutions, building global and regional carbon markets, improving science around the carbon sink potential of forests, and reducing emissions to meet the Protocol’s targets.

The EU was a staunch advocate for the Protocol. It invested heavily to secure leadership in global climate politics (Christiansen and Wettestad 2003; Gupta and Ringius 2001; Paterson 2009). It pursued a strategy to implement the Kyoto Protocol without the United States. It viewed its strategy as “walking the walk” to bring countries along. In particular, the EU invested heavily into making carbon markets work. The EU Emissions Trading Scheme was developed and linked to the Protocol’s Clean Development Mechanism (CDM). This strategy involved reducing its own emissions, which, some argue, decreased the price of renewables, helping to make the case to developing countries that climate action was in their interest (Betts 2021: 114). With developing countries, the EU became a major source of climate finance. It used the CDM to build trade and investment

relationships with China and India (Paterson 2009). The strategy also aimed to boost material investment and ideational support for the Kyoto Protocol.

Diplomatic levers were a common strategy to ensure the continuation of the Protocol. The EU worked to secure Russia's ratification by leveraging World Trade Organization membership (Paterson 2009). EU leaders hoped President George W. Bush could also be brought on board. Shortly after his election in 2001, EU member states invited him to a meeting in Sweden that ended in a stalemate (Black and White 2001). Ten days later, the European Council "reaffirm[ed] its commitment to delivering on Kyoto targets and the realization by 2005 of demonstrable progress in achieving these commitments" (EU 2001: 8). Tense EU-US relations on climate change characterized the 2000s, forging the "transatlantic climate divide" (Schreurs 2004; Szarka 2012). Regardless of the American position, the EU was firmly committed to its leadership role.

Within the UNFCCC negotiations, the EU pushed for the conclusion of technical negotiations. These negotiations sought to work out the operational rules around the Protocol's provisions, particularly on forests and markets. The EU had a strong interest in ensuring these aligned with its domestic policies. Somewhat awkwardly, the United States continued to provide input to these operational negotiations around the Protocol, despite not ratifying the Protocol. This did not seem to faze the EU, which continued to lead these talks (Paterson 2009). When the technical rules were adopted in 2001, this hope was still alive, as Conference of the Parties (COP) President Jan Pronk, from the Netherlands, remarked that the outcome "now provides the US with a suitable legal structure to join the process of combating global climate change" (IISD 2001).

The EU wanted legally binding emissions reduction targets for the United States, China, India, and other major economies. Its first preference was to accomplish this by amending the Kyoto Protocol's architecture; the second choice was a new treaty that looked very much like the Protocol (Kulovesi and Recio 2023). The Protocol's entry into force provided an opportunity to support and augment the existing rules and test other countries' willingness to sign up for mitigation targets. At the 2005 climate meeting in Montreal (COP11), the EU pushed for further technical work under the Protocol's Articles 3.9 (Annex I countries' targets in subsequent commitment periods, i.e. after 2012) and 9 (periodic reviews of the Protocol). The broader Article 9 review, the EU contended, should include all provisions and decisions taken under the Protocol to date (UNFCCC 2006). While Japan and Australia specifically mentioned the need to bring all major emitters into the Protocol through the review, the EU stressed that "enhanced cooperation" was necessary in light of the science. Calling the Protocol "innovative," the EU also preferred a focus on markets, forests and land use, aviation and shipping emissions, and sources and sectors (UNFCCC 2006).

There was also a strategy for the second option, a new treaty that looked much like the Kyoto Protocol. In Montreal, the EU pushed for the Convention Dialogue. It was a two-year series of roundtable discussions on “long-term cooperative action to address climate change by enhancing the implementation of the Convention” focused on advancing development goals sustainably, adaptation, technology, and markets (UNFCCC 2005). After the United States left negotiations on this dialogue because it worried that new commitments would be on the table, the EU could better push through its agenda (IISD 2005). The EU focused on existing rules, and largely sought to frame the discussions in technical terms. The goal was to operationalize and implement the existing rules, not create new ones.

The support for the Protocol and the Convention inside the negotiations was echoed by the EU’s diplomatic engagement through the G8. The 2005 G8 meeting in Gleneagles, Scotland, was one of the first with dedicated, high-profile discussions related to climate change. UK Prime Minister Blair set the tone before the summit, stating that the aim of the talks would be how to move forward in 2012 when the Kyoto Protocol’s first commitment period expired (Geoffrey and Procter 2005). As France’s President Jacques Chirac put it:

The entry into force of the Kyoto Protocol is a historic step. But we also know that we will have to go much further. The first commitment period for reducing CO₂ emissions from developed countries ends in 2012. We must prepare for the follow-up, within the UNFCCC, of which we are all members ... We will have to begin at the Montreal conference, happening at the end of this year, negotiating a new mandate, the first step towards a future international framework for combating climate change that fully integrates development objectives. (G8 2005)

The wording was significant. The “follow-up” or “new international framework” could be a second commitment period or a new treaty. Several leaders carefully separated the Protocol from the UNFCCC. It strongly supported the current institutions the EU had already spent considerable resources to uphold. The strategy also left the door open to American involvement. That hope increased with President Obama’s election and a Democratic majority in both houses of Congress. EU member states and negotiators saw the opportunity for a Kyoto Protocol-style agreement that would apply to all, have strong accountability provisions, and generate ambitious deep emission reductions (Betts 2021: 115).

Throughout the 2000s, the EU was a global leader, strongly supporting the existing global responses to climate change. Within the UNFCCC negotiations, the focus was on ensuring the Protocol entered into force and continued technical negotiations on markets and forests. When the opportunity arose to potentially expand or amend the existing rules through the reviews of the Protocol and new discussions on future global arrangements, the EU framed these firmly within the global architecture of the Protocol and the Convention.

14.2.2 Repoliticizing the Protocol

The US strategy to repoliticize the Kyoto Protocol took two forms. Inside the negotiations, the United States limited its engagement. Outside the negotiations, there was considerably more action. The United States built support for an alternative form of cooperation through new fora, drawing on rhetorical tools originating from US-based think tanks. It also openly questioned the Protocol's logic and efficacy.

Under the Clinton administration, the United States secured several wins in the Kyoto Protocol negotiations, including flexible emissions accounting and market mechanisms. Yet the United States knew it was negotiating a treaty that would be nearly impossible to ratify at home. In 1997, as the Protocol was under negotiation, the Byrd–Hagel Amendment passed in the United States with rare bipartisan support. It stressed that the United States would only ratify a climate treaty with wider participation by emerging economies (Harrison 2010). Without such “meaningful participation,” the world's largest emitter failed to ratify the treaty. The United States underlined domestic worries about the effects of the Kyoto Protocol on the economy and votes (Harrison 2010).

Walking away from the Kyoto Protocol was a behavioral strategy to delegitimize it. The George W. Bush administration seemingly believed that this strategy would be enough to undermine the treaty, possibly prompting a new direction. After the meeting with the EU in 2001, where the EU hoped to bring the United States on board, US Secretary of State Condoleezza Rice countered, “Kyoto is dead” (Paterson 2009).

The administration pointed to several reasons why the United States would not join the global effort. Bush declared the treaty “fundamentally flawed” and a threat to American jobs. It was largely rhetorical. Actual US climate policy remained similar to that under the Clinton administration (Harrison 2010; Paterson 2009). But the rhetoric showed a desire to undermine the treaty, not just opt out. US rhetoric on climate change focused on the economic damage and potential job losses under the Kyoto Protocol. Interest groups representing coal and other climate-damaging industries were heavily invested in this narrative and presented a strong electoral disincentive for support for the Kyoto Protocol (Harrison 2010).

The strategy of skeptical engagement continued within the UNFCCC. While the United States continued to offer input on technical negotiations regarding the Protocol's markets or forests, it would refrain from any hint of discussions around new commitments, including walking out of some negotiation sessions. The “breakthrough in Bali” in 2007 was significant because the United States agreed to join the negotiations toward a new agreement. It was extremely reticent, going into the final plenary to either block consensus or not join it. Ultimately, the United States agreed after South Africa and other developing countries agreed that their emissions reduction efforts would be measured, reported, and verified (IISD 2007).

During this time, American foreign policy consistently advocated for a new approach to multilateral climate governance, using language and ideas from US-based think tanks and other advisors close to the Bush administration. Think tanks like the Brookings Institution and the Council on Foreign Relations put forward ideas palatable to the US administration. They billed the Kyoto Protocol as a collapsed, failed, and ineffective treaty before it entered into force. The aim was to advance ideas that may bring the United States back into global climate cooperation. As David Victor, writing for the Council on Foreign Relations, stressed: “By making it clear that the United States won’t pretend to meet the Kyoto limits, the Bush administration has, for all intents and purposes, killed the Kyoto Protocol. Now it has a responsibility to build an alternative” (CFR 2003).

The targets in the Kyoto Protocol were often criticized. The president’s Council of Economic Advisers chair argued that a “fixed emission limit harms the economy. Until we invent and commercialize new technologies to generate electricity and provide transportation ... a fixed emission limit eventually means lowering economic growth” (Hubbard 2002). Similarly, the Brookings Institution argued that fixed targets reduced “emissions at any cost, rather than substantial emissions reductions at low cost” (McKibbin 2000). A low-cost emissions reduction plan would require a complete overhaul of the “flawed” CDM (Wilcoxon and McKibbin 1997, 2000).

Perhaps the most powerful rhetorical tool used by American think tanks was framing the Kyoto Protocol targets as a “top-down” infringement on national sovereignty. It helped create rhetorical space for the Bush administration to work on climate change on new terms. The Council on Foreign Relations identified three options for US involvement in multilateral climate action in the early 2000s as part of its Climate Policy Initiative. Two of the three options involve a successor agreement. One of these options for a new agreement is one of the first references to “top-down” and “bottom-up” treaty architectures. Invoking the success, and legitimacy, of the World Trade Organization’s rules, CFR argued that bottom-up approaches to carbon markets could lead to successful treaties. A series of national or regional carbon markets could be interconnected, in a way similar to how currency markets had evolved (Victor 2004). Through this system, countries could all participate. The United States favored stronger national sovereignty and tried to diffuse the idea of a bottom-up approach.

The review of the Kyoto Protocol and the start of new negotiations in 2007 for a potential post-Kyoto agreement were also an opportunity for the United States. While the EU tried to use these openings to narrow the scope of discussions to the existing architecture by staying within the UNFCCC, the United States started alternative fora. It created alternative fora to advance its interests, widening the scope of discussions beyond the rules of the Protocol.

First, the United States formed the Asia-Pacific Partnership on Clean Development and Climate to entice these countries to set their own emissions reduction targets. The first six countries included China and India, representing half of global emissions at the time. At the inaugural meeting, the United States pledged USD 52 million to support the partnership in the first year (US Dept of State 2006). The Partnership was proposed as a complement to the Kyoto Protocol. In practice, the Partnership was a competitor to the Kyoto Protocol, largely because of its key features and timing, when the Protocol was yet to enter into force (McGee and Taplin 2006).

After the decision in Bali to start negotiations for a potential new agreement, the Bush administration started the Major Economies Process on Energy Security and Climate Change. Harlon Watson, the lead US climate negotiator, announced the Process at a UN meeting of the Convention Dialogue, explaining its primary aim to “seek agreement on the process by which the major economies would, by the end of 2008, agree upon a post-2012 framework that could include a long-term global goal, nationally defined mid-term goals and strategies, and sector-based approaches for improving energy security and reducing greenhouse gas emissions” (US Dept of State 2007). Seventeen countries, plus the EU, were invited.² The EU worried that the Process would weaken global climate cooperation (Bäckstrand and Elgström 2013). Perhaps due to EU efforts, the discussions only produced a declaration. The declaration referenced the value of a long-term greenhouse gases (GHG) goal. “Developed Major Economies” pledged to act “in the mid-term” to stabilize emissions and achieve absolute emission reductions, and “developing major economies” offered to act to deviate from business-as-usual emissions (White House 2008).

The United States repoliticized the Kyoto Protocol behaviorally and rhetorically. It first refused to ratify the Protocol, later establishing alternative fora to advance its preferences for global climate cooperation. These preferences were advanced in a way that would discredit the Protocol. It was a necessary rhetorical means to an end. Since President Bush had publicly denounced the Protocol, an alternative was necessary. The idea of a bottom-up treaty with nationally set targets helped create the distance between the Protocol and a new treaty.

14.2.3 Resolving the Impasse

Neither the repoliticization nor depoliticization strategies were proving effective in the run-up to the 2009 Copenhagen COP15 when a new agreement was to be adopted. The hope that others would follow its lead and support the Kyoto system had yet to be borne out for the EU. The United States had not realized any real

² Meeting participants: the US, the EU, France, Germany, Italy, United Kingdom, Japan, China, Canada, India, Brazil, South Korea, Mexico, Russia, Australia, Indonesia, and South Africa.

gains in the alternative fora it set up, leaving the new Obama administration with the options of working within the UNFCCC or walking away as his Republican predecessor had. The impasse was resolved by providing rhetorical wins for the United States, setting the stage for a new agreement while preserving the core institutions the EU heavily invested in.

The Copenhagen conference was largely a bust. Countries “took note” of the Copenhagen Accord, a short political document agreed to by a small set of leaders. But the Accord, and subsequent Cancun agreements, explicitly set down two important standards. First, developed countries would choose their own targets. Second, developing countries would choose their own actions subject to measurement, reporting, and verification. These standards raised the level of participation for developing countries while maximizing flexibility for developed countries.

The Accord also represented a compromise between the EU and the United States. It was the quintessential expression of a bottom-up agreement, starkly contrasting with the “top-down” Kyoto Protocol. This was the rhetorical win that the United States needed. It would not be backtracking to the unpopular Protocol but could move ahead to a new treaty based on national determination.

Yet this was not as sharp a break with the past as it seemed. As Depledge (2022) reminds us, Annex I countries had set their own Kyoto targets. The EU, in particular, set its target before the Kyoto Conference. It highlighted the difficult negotiations required to get agreement among the member states to reduce emissions “as a bubble” and refused to budge. The Accord (and later Paris Agreement) targets are not legally binding and have fewer rules governing their structure (e.g. a common baseline). But the nationally determined nature remains.

Since Copenhagen, the EU and the United States moved toward one another, building a bridge across the transatlantic divide (Kulovesi and Recio 2023; Paterson 2009). The EU began to pivot toward more of a facilitation role to try to get the United States and emerging economies on board (Bäckstrand and Elgström 2013). China, the United States, and the EU vied for leadership roles on the climate agenda.

14.3 Repoliticizing the Paris Agreement

With the Paris Agreement rules adopted in 2015, and superseding the Kyoto Protocol in 2020, it seemed that the climate regime was finally in “implementation mode.” COPs from 2016 onward convened under themes calling for “action” or “implementation.” Yet there is evidence of repoliticization, perhaps signaling a prolonged period of contestation rather than implementation.

The countries involved differ this time around. The United States, the EU, and other developed countries are repoliticizing Paris Agreement rules, largely in a way that isolates China, India, Saudi Arabia, and other larger developing countries

that stand in defense of the Paris Agreement. The strategy is pocketing the Paris Agreement's wins, especially countries' wide participation. The United States and EU are now pushing for more. Burden-sharing emissions reductions remain a focal point, joined by calls to share the financial burden. In response, developing countries seek to add new institutions to fund loss and damage.

Strategies, however, remain largely the same. In repoliticizing mitigation rules, the United States and the EU have pushed for new language and concepts and initiated new fora. Attempts to introduce "major emitters" as a new category of countries have fallen flat, as have calls for new action "in this critical decade."

The coalition of Like-Minded Developing Countries (LMDCs)³ has sought to depoliticize mitigation rules. The LMDCs would only accept a work program on mitigation, not new discussions that would change countries' varied responsibilities or the timelines for NDC submission. The 2022 mitigation work program decision limited it to a series of dialogues to conclude in 2026. There is limited scope to raise the issue to a political level or even get it on a negotiation agenda. Indeed, a proposal from the EU and Environmental Integrity Group to discuss the mitigation work program in the negotiations was unsuccessful (IISD 2023).

The scope of discussions on mitigation remains severely limited. Under the Paris Agreement, countries submit or update their NDCs every five years. There is no mitigation-related work at the UNFCCC in the intervening years, except for oversight of the market mechanisms. This new politicization conflict could augment these rules or distract from NDC implementation.

14.4 Conclusion

This chapter traces just one instance of a politicization conflict in the history of the UNFCCC. Shortly after the Kyoto Protocol was signed, it was already being questioned. Two competing strategies were at play, both behavioral and discursive, inside and outside the UNFCCC. The EU employed depoliticization efforts to shore up support for the Protocol. Markets were central for the EU to meet its mitigation targets and to build international networks and invest in the Kyoto Protocol's mechanisms. When opportunities arose, the EU sought more technical, roundtable discussions to bring the United States, China, India, and others into a Kyoto-like agreement. These efforts were successful in several ways. But, together, they show how much effort is involved in maintaining even a minimal level of stability, and the ease with which global rules can be reinterpreted or revised.

³ Membership of the LMDC coalition has not been stable or public. Long-term core members include China, India, Saudi Arabia, Bolivia, and Cuba, among others.

Repoliticization efforts included refusal to ratify the treaty and creating alternate fora to build a support coalition for new ideas. New concepts recharacterized the national determination of mitigation targets. Instead of choosing a target and inscribing it in the treaty, as in the Protocol, the idea of “bottom-up” targets involved choosing a target that would remain non-legally binding. The rhetoric of the repoliticization efforts was adopted but not many of the actual recommendations. Carbon market reform was ultimately limited. The Paris Agreement maintains the primacy of national sovereignty but extends that flexibility to choose targets or other mitigation actions to all countries.

The resulting compromise may be more common in international politics than domestic arenas. A new government can hold a preponderance of power at the national level. States need to gain the support of others to achieve decisions by consensus. There is a fundamental need for compromise. Discursive strategies can be a powerful tool to achieve that consensus, by allowing countries to build common understandings. Yet this change can take considerably longer.

This Kyoto Protocol politicization conflict spanned roughly ten years and can reveal potential obstacles to the future implementation of the Paris Agreement. This recent round of politicization features similar tactics, but fault lines are more complex. Developed countries try to introduce new rules and concepts related to mitigation. Larger developing countries seek to limit the scope of this discussion. Developing countries are united in pushing for greater support to address the permanent effects of climate change through funding for loss and damage. Meanwhile, the Paris Agreement mechanisms are still in their infancy and already questioned.

For the Kyoto Protocol, countries on both sides found a way to accommodate one another, delaying climate action. The compromise resulted in a rhetoric of change that masked stability in mitigation rules. The central institutions of the Paris Agreement may stand, although the climate crisis is unlikely to withstand another delay.

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