

# Background Paper

Brendan Guy

Energy, Environment and Resources Department | November 2018

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## The Role of Sub-state and Non-state Actors in International Climate Processes: Civil Society



## Summary

- Following the failure of the 15th Conference of the Parties (COP 15) in Copenhagen in 2009, there was a step change in the sophistication and unity of civil society engagement on climate policy. This ensured that, subsequently, civil society was more effective in exercising multiple channels of influence around the negotiations for the Paris Agreement in 2015.
- Civil society proved to be particularly effective at harnessing the twin narratives of climate science and economics, and at leveraging an emerging multi-level governance architecture, to create political space for climate leadership.
- Given today's challenging geopolitical conditions and the evolving nature of the international climate regime since Paris, civil society must now once again recalibrate its strategies to ensure continued and increasing relevance.
- In particular, the shift to a more 'nationally grounded' implementation regime focusing on individual states' climate commitments will require civil society to become more effective at influencing domestic politics. At the same time, civil society will need to continue to seek strategic synergies at the international level.
- Civil society has a central role to play in ensuring that the first key test of the Paris 'ratchet' mechanism – revising countries' pledged climate actions, or Nationally Determined Contributions (NDCs), by 2020 – is robust, science-informed and strongly rooted in domestic politics.

## Introduction

This paper seeks to assess both the historical and potential future influence of civil society in the international climate process. Specifically, the paper assesses the role of civil society as one of four key sets of sub-state/non-state actors – the others being business, financial institutions and subnational governments,<sup>1</sup> evaluated in three companion papers – in shaping international climate policy. The paper briefly details the history of civil society in the international climate process; outlines examples of the channels civil society deployed to seek influence in the lead-up to and at the 21st Conference of the Parties (COP 21) in Paris in 2015; and provides overarching recommendations for how civil society could recalibrate its strategies to seek even greater influence in the current era of international climate politics.

The definition of civil society used in this paper is by necessity somewhat circumscribed. The paper focuses on transnational and internationally relevant domestic non-governmental environmental and research organizations. Civil society organizations interacting primarily with businesses, investors and subnational governments are addressed in the corresponding companion papers. Broader civil society influence in the international climate process is significant and diverse, but for the purposes of this paper the analysis will stay focused on the above definition– though many lessons and recommendations may still apply to wider civil society.

Civil society seeks to shape the direction and outcomes of the international climate processes through myriad means. Civil society exercised all these channels of influence, with varying degrees of effectiveness, in the lead-up to and at COP 21, as further elaborated in the next section. These activities can be roughly grouped into five primary channels of civil society influence:

- Conducting scientific analysis and communicating research implications;
- Agenda- and norm-setting, policy input and direct advocacy;
- Direct pressure, including moral force, the granting of legitimacy, and mobilization;
- Cultivating coalitions, including with states, international organizations and other non-state actors; and
- Narrative-shaping, including through the media and the public.

## A brief history of civil society involvement and influence in the UNFCCC

The United Nations Framework Convention on Climate Change (UNFCCC), adopted in 1992, explicitly promoted the participation of civil society and utilization of the information that civil society provides. Formal civil society constituencies in the UNFCCC were initially narrowly defined, comprising NGOs (non-governmental organizations) and so-called ‘BINGOs’ (business and

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<sup>1</sup> In this context, ‘subnational’ refers to regional, state, municipal and other local governments subsidiary to the national or federal level.

industry NGOs), with other formal constituencies added over successive COPs. There are now nine such constituencies,<sup>2</sup> mirroring the ‘Major Groups’ established by the UN in Agenda 21.

Additionally, many civil society organizations are part of informal groupings both inside and outside the formal intergovernmental process.<sup>3</sup> More than 2,000 NGOs are now admitted as observers to the UNFCCC. Many others have channels of influence outside the conference halls, through side events, protests, narrative-shaping and ad hoc meetings.

### Civil society discord at and resurgence after Copenhagen

Looking back to COP 15 in Copenhagen in 2009, the failure of countries to come to a meaningful agreement at that conference has been viewed by some as a concomitant failure of civil society. Civil society was immensely effective in shaping the meta-narrative and political expectations of a legally binding deal in Copenhagen. However, it did not back up that outside influence with sufficiently robust efforts to change the politics on the inside of the negotiations – or, more importantly, in capitals prior to the summit. Much of this inefficacy can be attributed to the deep fragmentation of civil society over fundamental issues. For example, divisions over the respective responsibilities of developing and developed countries manifested themselves in a split between ‘climate justice’ and ‘climate action’ coalitions. The absence of a unified civil society voice providing consistent pressure contributed, in turn, to the clash of governments that characterized COP 15.<sup>4</sup>

Following the disunity among NGOs at Copenhagen, civil society reinvigorated itself. One of the overarching factors in its influence post-Copenhagen was the burgeoning of global civil society from a collection of primarily Western NGOs campaigning on narrow climate issues to a far broader set of constituencies – encompassing developing-country groups as well as groups seeking policy intersections on issues such as health, development, the economy, labour, faith, women, youth, etc. This revitalized global movement dovetailed with mounting civil society pressure on governments, businesses and investors to reduce health-harming air pollution (particularly from the dirtiest coal plants), divest from fossil fuel holdings and stop the build-out of new fossil fuel infrastructure, among other salient domestic political issues. Civil society was effective in strategically integrating the climate change framing of these issues with more traditional concerns around air pollution, land rights and environmental justice.

### Harnessing the twin narratives of science and economics

Civil society knew from past experience that the most effective time to influence a major international negotiation is in the years and months preceding it. Civil society actors – particularly research organizations – held numerous meetings and informal consultations, working proactively with UNFCCC party delegations and decision-makers in capitals to shape shared norms and

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<sup>2</sup> The nine official UNFCCC constituencies comprise the following: environmental NGOs, business and industry NGOs, farmers’ and agricultural NGOs, indigenous people’s organizations, local governments and municipal authorities, research and independent NGOs, trade union NGOs, the women and gender constituency, and youth NGOs.

<sup>3</sup> Since 2016, the UNFCCC has recognized three informal NGO groups: faith-based organizations, education and capacity-building and outreach NGOs, and parliamentarians.

<sup>4</sup> Busby, J. and Hadden, J. (2014), *Nonstate Actors in the Climate Arena*, Washington, DC: The Stanley Foundation, [http://www.stanleyfoundation.org/publications/working\\_papers/StanleyNonState\\_BusbyHadden.pdf](http://www.stanleyfoundation.org/publications/working_papers/StanleyNonState_BusbyHadden.pdf) (accessed 6 Nov. 2018).

institutional design features of the Paris Agreement. Some of the important areas in which civil society helped advance the agenda included the five-year ‘ratchet’ mechanism and stocktaking periods, the mid-century strategies<sup>5</sup> and the role of markets. Many of these design features were rooted in the latest scientific findings, such as those set out in the *Fifth Assessment Report* of the Intergovernmental Panel on Climate Change (IPCC), released in 2014.<sup>6</sup> The scientific imperatives that broader civil society leveraged to advance its agenda included the time frame of approximately three decades before the remaining global carbon budget would be exhausted at current rates of emissions, and the need to reach net zero greenhouse gas emissions in the second half of the century.

In addition to commanding a strong physical science-based underpinning for enhanced action, civil society conducted and disseminated significant research on the economic opportunities of climate action. Many of these efforts were centralized and spearheaded through a series of New Climate Economy reports, published under the auspices of the Global Commission on the Economy and Climate, which made the powerful argument that cutting emissions could generate better-quality growth and a suite of accompanying benefits. The narrative that climate action is a boon for economic growth was mainstreamed so powerfully that it became the default message for influential intermediaries, ranging from the president of the World Bank to the secretary-general of the OECD. More broadly, civil society made increasingly sophisticated and compelling economic and financial arguments beyond the traditional moral and environmental arguments for climate action. For example, the development by key civil society groups of the concept of ‘stranded assets’<sup>7</sup> allowed authoritative engagement with new audiences about the fossil fuel resources that, as a result of the global transition to a low-carbon economy, may no longer generate viable and lasting economic returns.

## The 2014 Climate Summit and new multi-level governance architecture

The release of the first flagship New Climate Economy report<sup>8</sup> in 2014 helped create the conditions for one of the most pivotal moments of civil society influence in the lead-up to COP 21: the September 2014 ‘People’s Climate March’ and UN secretary-general’s Climate Summit in New York. Civil society was deeply engaged in shaping both the external and internal strategies for these events. Among other accomplishments, civil society organized the global marches that poured 400,000 people on to the streets of New York and many more thousands into hundreds of parallel activist events around the world. This mass mobilization put climate change on the front pages of major newspapers in the days before the summit and ensured that heads of state attending the summit knew they were being watched and needed to demonstrate responsiveness to their citizens.

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<sup>5</sup> Mid-century, or long-term, strategies are a tool to better understand the decades-long structural shifts that must occur for a country to deeply decarbonize, and thus align national actions with the ambition required to limit global warming to safer levels. These strategies also play a key role in informing near-term decision-making processes, helping governments and other stakeholders to avoid investments that are incompatible with a low-carbon future. The COP 21 decision in Paris in 2015 invited UNFCCC parties to communicate mid-century strategies by 2020, and a total of 10 countries had made submissions as of November 2018.

<sup>6</sup> Intergovernmental Panel on Climate Change (2009), *Fifth Assessment Report (AR5)*, <http://www.ipcc.ch/report/ar5/> (accessed 6 Nov. 2018).

<sup>7</sup> Carbon Tracker Initiative (2017), ‘Stranded Assets’, <https://www.carbontracker.org/terms/stranded-assets/> (accessed 6 Nov. 2018).

<sup>8</sup> Global Commission on the Economy and Climate (2014), ‘Better Growth, Better Climate’, <https://newclimateeconomy.report/2014/> (accessed 1 Nov. 2018).

It also helped raise awareness with the media and citizens that the summit was a milestone on the journey to an expected global agreement in Paris just over one year later, and effectively started the public countdown clock. On the inside of the summit, civil society helped to shape and participate in the so-called ‘Cambrian explosion’<sup>9</sup> of transnational initiatives and institutions that had arisen in the previous years and were captured at the summit. Civil society engagement and endorsement also provided legitimacy to this emerging multi-level governance architecture for climate action.

Civil society was instrumental in the formalization and design of that multi-level governance architecture at COP 20, held in Lima in December 2014. Civil society convenings and strategic input to the UNFCCC secretariat and COP presidencies helped shape the contours of both the Lima–Paris Action Agenda (LPAA) and the NAZCA (Non-state Actor Zone for Climate Action) portal.<sup>10</sup> The launch of the LPAA was the first formal recognition of non-state actors as agents of climate action – rather than solely as constituencies in the intergovernmental process – and linked them to the centre of gravity of the UNFCCC. The LPAA served to connect the groundswell of bottom-up climate leadership and pragmatism with the negotiations. It demonstrated not only that accelerated emissions reductions are possible, but that political constituencies exist that are prepared to work with governments to enable the low-carbon transition rather than simply criticizing governments for impairing economic growth. (This shift in perception was aided by the growing evidence base in the New Climate Economy reports and elsewhere.) The NAZCA platform was another major step forward in officially showcasing the climate commitments of non-state actors as complements to, and enablers of, the national contributions of UNFCCC parties. Civil society groups continued to proactively shape the institutional evolution of the LPAA and NAZCA in the lead-up to COP 21, in close coordination with the French and Peruvian presidencies, the UNFCCC secretariat and the UN secretary-general’s office. The political atmosphere created by the LPAA and broader non-state actor engagement in the climate process helped provide a measure of reassurance to decision-makers in capitals and to negotiators, allowing them to make bolder commitments than they might otherwise have done.

### Channelling influence at COP 21

At COP 21 itself, civil society played an influential role through a number of channels. Civil society was the ‘go to’ source for quotes to the media on the progress of the negotiations, helping weave a coherent and unified narrative that made it exceedingly difficult for countries to significantly block or reverse progress. Civil society effectively orchestrated the twin narratives of science and economics to pressure governments into the positions that made the final negotiations on a balanced deal possible. This international leverage was enabled in part by stronger roots in domestic political affairs through civil society pressure campaigns to divest from fossil fuels and clean up air pollution and dirty coal plants, among other issues. Civil society also supported and amplified the agendas of vulnerable and progressive countries in their demands for the 1.5°C target, net zero emissions by mid-century, acknowledgment of loss and damage, and provisions of adequate finance – agendas that were presented in the media in a way that resonated with the

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<sup>9</sup> Abbott, K., (2011), ‘The transnational regime complex for climate change’, *Environment and Planning C: Government and Policy* 2012, volume 30, pp. 571–90, <http://journals.sagepub.com/doi/pdf/10.1068/c11127> (accessed 6 Nov. 2018).

<sup>10</sup> NAZCA Global Climate Action (2018), ‘Global Climate Action’, <http://climateaction.unfccc.int/> (accessed 6 Nov. 2018).

public. NGOs also acted as ‘fixers’ in the home stretch of the COP 21 negotiations. They helped understand the nuances of countries’ positions and interests in order to unblock thorny issues and create conducive environments for compromise proposals. Finally, civil society presented a much more tightly unified coalition in Paris than it had in Copenhagen, thanks to built-up norms of cooperation and proactive leadership. The unity of civil society in leveraging pressure and shaping a coherent narrative was all the more significant given the burgeoning in diversity and number of groups since Copenhagen in 2009.

## Recommendations for civil society to enhance its influence

The current geopolitical conditions in which civil society seeks to influence the international climate process are markedly different from those that prevailed just three years ago at COP 21. In the lead-up to 2020, simply repeating the same strategies employed in the past will not be as effective, and channels of influence will therefore have to be recalibrated for the current conditions.

### Moving from a confidence-building regime to a political implementation regime

There is currently a high degree of uncertainty around whether countries will ratchet up their Nationally Determined Contributions (NDCs) in 2020 – or even signal a readiness to do so. Civil society can and must play a central role in shaping expectations to ensure success in the first test of the Paris ratchet mechanism, and to set a strong precedent for future global stocktakes of collective ambition starting in 2023. To achieve its goal of upwardly revised NDCs by 2020, civil society must retool its channels of influence for the new geopolitical landscape and the new phase of the international climate regime.

The international climate process is transitioning from the confidence-building regime employed in the run-up to Paris to one driven, due to the requirements of the current era, more by political engagement and implementation. The same strategies of demonstrating momentum and building political ‘mood music’ at the international level will not alone suffice in the new era, in which international climate policy is even more deeply rooted in national implementation and politics. From this shift in the nature of the climate regime derives the notion that civil society may need to reallocate resources from the relatively less important international process to the more direct exercise of influence at the domestic level. This includes civil society exploring creative ways to amplify its effectiveness by harnessing synergies between the international process and domestic politics, operating at both levels simultaneously in order to facilitate strategic interactions among countries.<sup>11</sup>

### Triggering a process for enhanced national contributions

The political trigger for countries to reevaluate their NDCs must come at the end of 2018 in order to allow adequate time for domestic analysis and policy processes to play out ahead of the September

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<sup>11</sup> Keohane, R. and Oppenheimer, M. (2016), ‘Paris: Beyond the Climate Dead End through Pledge and Review?’, *Politics and Governance* (ISSN: 2183-2463) 2016, Volume 4, Issue 3, pp. 142–51, doi: 10.17645/pag.v4i3.634, <https://www.cogitatiopress.com/politicsandgovernance/article/view/634/634> (accessed 6 Nov. 2018).

2019 UN secretary-general's climate summit, at which countries will be expected to communicate or signal ambitious new or revised targets. Using the summit itself as the trigger moment will come too late in the timeline for a robust national process to occur, as the Paris decision stipulated that parties should submit their revised NDCs at least nine to 12 months ahead of the relevant COP<sup>12</sup> – in this instance, occurring by November 2019 or February 2020 at the latest. Countries could use the intervening months between the summit and the first quarter of 2020 to finalize any national processes that have already begun in earnest, and particularly to recalibrate ambitions based on new contributions or evidence put forward by other leading and peer countries at the secretary-general's summit. While the summit can inject political momentum at the end of national processes to help them over the finish line, the processes themselves must be well under way already.

Civil society can help frame expectations among governments, media and the public about what national leaders should communicate at the secretary-general's climate summit. However, it must also be careful not to fall into the trap, as happened in Copenhagen, of creating overly high expectations doomed to be frustrated. This 'expectation crafting' can and should build on the gathering momentum from the groundswell of the recent Global Climate Action Summit, the sobering IPCC special report on the implications of global warming of 1.5°C,<sup>13</sup> and the leadership of the Climate Vulnerable Forum Virtual Summit to ensure that the political phase of the Talanoa Dialogue at COP 24, taking place in Katowice in December 2018, sends a loud and clear message on the need to kick-start national target review processes.

### Delivering a robust and inclusive process for revising NDCs

Following the conclusion of COP 24, civil society will have to pivot from arguing *why* countries must enhance their NDCs to focusing on *how* they can enhance NDCs. The research community can play an instrumental role in this regard by publishing nationally relevant research on opportunities to strengthen NDCs early in 2019, and by reaching out to countries to offer its insights. The research community has done a fairly effective job in communicating climate science to global decision-makers in a digestible format; and in conveying that 2020 represents the world's last opportunity to bend the curve of emissions in order to stay on a reasonably least-cost trajectory towards the temperature goals established in Paris, while allowing adequate time for the global economy to adapt smoothly. Now, the research community has the opportunity to nationalize that global analysis and communication and show politically feasible policy options for enhancing ambition; and to demonstrate concretely where other countries – and, importantly, domestic subnational governments and businesses – have exceeded their targets and could unlock further emissions reductions to facilitate raising climate ambition even further.

Once the necessary review of national targets has been adequately catalysed, civil society will have an even more challenging role to play in informing the NDC revision process. Civil society input into the Intended Nationally Determined Contributions (INDCs) – as the provisional NDCs submitted by countries in the lead-up to COP 21 were initially known – was not as robust as it could

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<sup>12</sup> UNFCCC (2016), *Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015*, <https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf#page=2> (accessed 7 Nov. 2018).

<sup>13</sup> Intergovernmental Panel on Climate Change (2018), 'Global Warming of 1.5°C', <http://www.ipcc.ch/report/sr15/> (accessed 5 Nov. 2018).



have been. In part, this was because governments and civil society didn't really know what an INDC was meant to look like, and the timeline was such that most countries were only able to conduct shallow inter-ministerial coordination, let alone broader external consultation. The timeline from the beginning of 2019 to the UN secretary-general's climate summit in September is not as long as might be ideal for a robust national process, but civil society now benefits from much greater understanding of what an NDC should look like, and of the influence mechanisms most likely to achieve greater ambition.

### NDC enhancement – a domestic affair

Civil society's influence on the NDC revision process will hinge on effective domestic political engagement and coalition-building. In the climate regime's new phase of political implementation, civil society can enhance its effectiveness through increased coordination with investors, corporates and subnational governments in domestic contexts. For example, Alliances for Climate Action<sup>14</sup> is an emerging global platform for facilitating national multi-stakeholder coalitions that drive delivery of domestic climate goals.

Such strong domestic rooting is especially relevant in the current political climate of nationalism and retrenchment. Civil society – especially transnational civil society – might not carry as much weight as it did formerly, and the business and investor communities may now have outsized influence. Civil society can act as a credible broker and participant in national platforms by clearly demonstrating the technical and policy potential to enhance ambition, and by lining up the constellation of stakeholders to provide sufficient support for national decision-makers to seize that potential. Civil society often has significant political infrastructure, technical knowledge and understanding of the international policy process that can be brought to bear at the national level. These factors could be leveraged to push NDC revision on to the political – or, at least, bureaucratic – agenda. Of course, civil society must always be cognizant of striking the appropriate balance between infrastructure, coalition-building and direct activities to reduce emissions.

This is not to say that international civil society doesn't also have an important role to play in the NDC revision process. For countries that have not signalled they will re-evaluate their NDCs in time for the secretary-general's climate summit, transnational civil society can help by conducting pressure campaigns from 'above' to supplement grassroots activism from 'below'.<sup>15</sup> This transnational advocacy could include naming and shaming recalcitrant governments at home, and damaging their leadership reputation internationally, through the media. Transnational civil society could also seek creative ways to foster competition among peer countries, so that they could attempt to outdo one another in efforts to address the shared problem of climate change.

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<sup>14</sup> Alliances for Climate Action (2018), 'Alliances for Climate Action', <https://alliancesforclimateaction.com/> (accessed 7 Nov. 2018).

<sup>15</sup> Kreienkamp, J. (2017), *Responding to the Global Crackdown on Civil Society*, UCL Global Governance Institute, <https://www.ucl.ac.uk/global-governance/sites/global-governance/files/policy-brief-civil-society.pdf> (accessed 7 Nov. 2018).

## Harnessing structural opportunities for greater influence

If civil society is to be more effective at leveraging synergies between the international and national spheres, it must also address some of the structural challenges in the internal workings of its own organizations. Many international NGOs operate on federated models, whereby international branches may have divergent priorities from those of their national counterparts. Bridging this structural disconnect among international NGOs will require more coherent internal communication and clear synchronization of priorities, strategies and funding.

Another avenue for civil society to advocate for stronger national targets is through alignment with mid-century strategies. Such deep decarbonization pathways can provide impetus for a multi-sector, multi-stakeholder approach to structurally reformulating national policy, development and technology pathways, so as to advance climate goals that are compatible with the long-term goal of the Paris Agreement. And mid-century strategies can do more than bring national action in line with needed ambition. They also help countries to avoid costly investments in the wrong technologies, which lock economies into high-emission pathways that carry the potential to leave ‘stranded assets’. For countries that do not yet have mid-century strategies, civil society-produced deep decarbonization plans, or overall and sectoral scenarios as outlined in the IPCC special report on 1.5°C and elsewhere, could be roughly substituted as benchmarks. Demonstrating any gap between governments’ planned targets and the latest science – before governments actually table their targets – is a potentially powerful avenue for civil society to exert pressure.

## Conclusion

In conclusion, it is clear that civil society influence changed the politics of what was achievable around the Paris Agreement. However, civil society now needs to learn from the most effective strategies that were employed in the lead-up to COP 21, and recalibrate these to be more effective in today’s challenging geopolitical landscape. This strategic shift will include rooting civil society’s channels of influence more strongly at the domestic level, while seeking strategic synergies at the international level where this can help to create pressure or unlock policy progress in domestic politics. Civil society greatly enhanced its influence and sophistication in the period between Copenhagen in 2009 and Paris in 2015. A similar step change will be required to ensure a strong precedent is set for the first cycle of the Paris ratchet mechanism, and to exert sufficient pressure on governments to face up to the inadequacy of their current efforts to combat dangerous climate pollution.

## **About the author**

Brendan Guy is the manager of international policy at the Natural Resources Defense Council, an international non-profit organization combining science, law and policy to safeguard the Earth. In this capacity, he seeks to catalyse cooperative action among countries, cities, regions and businesses to advance global climate progress. He holds a master's degree in environmental management from the Yale School of Forestry & Environmental Studies.

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