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‘International climate negotiations: Top-down, bottom-up or a combination?’

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1. Introduction: Purpose and scope

Negotiations over a global climate change agreement have been conducted under the auspices of the United Nations for well over 20 years. Initially the process was swift with adoption of the United Nations Framework Convention for Climate Change (UNFCCC) in 1992 after only a year and a half of negotiations. The Convention came into force quickly (1994) and three years later the Convention was fleshed out with the addition of innovative and flexible mechanisms through the adoption of the Kyoto Protocol. Since then, the negotiating process has been painstakingly slow. It took four years to agree on the precise meaning of the Protocol through the adoption of the Marrakesh Accord, a much diluted version of the Protocol.¹ Another four years went before it came into force and there was not much to negotiate over in this period. One could have expected that when the Protocol came into force in 2005 it would give new energy to the negotiation process, but no. Some optimism was created by the 2007 adoption of the Bali Action Plan, and put into effect at the 2009 COP in Copenhagen. Towards this end, the process of negotiations intensified significantly, but the Copenhagen Accord was a big disappointment for all who had hoped for stronger international commitments. Over the last five years the process has limped along as new action plans and platforms have been produced but limited progress.

Frustration over the fact that more than twenty years of multilateral diplomacy have failed to produce an effective climate regime has caused many observers to call for a new negotiating approach. For most of this period, the so-called top-down approach has been used, a centralized approach where the parties jointly agree how to deal with the issue within the framework of the UN. More recently there have been calls to shift to a bottom-up approach where the countries decide their own climate measures, or to more exclusive club approach. Note, however, that these clubs are usually hybrids between top-down and bottom-up approaches.² The reason for these suggestions is a perception that the negotiations have failed not only because of lack of will or ability among the negotiating parties, but because the overall approach has failed. This raises the question of the significance of institutional design for the outcome of negotiations. Some claim that institutional design can make a significant difference³ while according to others, it does not when political

¹ Hovi *et al.*, “The Persistence of the Kyoto Protocol”.

² Victor, *Global Warming Gridlock*.

³ Biermann and Bauer, *A World Environmental Organization*.

conflicts are sufficiently deep-seated.⁴ We will never know whether an alternative approach would have translated into faster progress than the UNFCCC has achieved to date. However, we do know quite a bit about the merits and shortcomings of these alternative approaches. First, the bottom-up approach has informed the UNFCCC process since 2009. Second, a number of club approaches has been set up by various types of actors at various levels of governance. It is also worth noting that the bottom-up approach is by no means new; it was suggested by analysts and policy-makers back in the late 1980s.⁵

In this article we discuss key characteristics of these approaches, their merits and shortcomings. What is the origin of the top-down approach and what is its impact of the negotiation process? What alternatives are there, and what additions or supplements? More specifically, we zoom in on the more exclusive 'club approaches' before we conclude.

2. Top-down vs. bottom-up: key characteristics

In a fundamental sense there are no top-down agreements in international politics as a true top-down architecture presupposes a centralized institution to authoritatively distribute and enforce rights and obligations among lower-level units.⁶ No such centralized institution exists at the international level as all international cooperation is voluntary and enforcement and compliance mechanisms tend to be weak. Consequently all international agreements, including the UNFCCC, are bottom-up agreements. However, in the literature on the climate architecture this differentiation is applied and as we shall see there are significant differences between the two although combinations of the two approaches are also quite frequent.

A top-down process is *centralized*, a characteristic feature of the UNFCCC where the parties jointly seek to agree on how best to deal with the issue at hand. This was evident in the Climate Convention, which spelled out what collective efforts were needed to cope with the problem. An operationalization of the centralized approach has been the so-called *target and time-table* approach. Under this approach, emissions should be reduced by a certain percentage by a certain date, compared to a specific base-line date. UNFCCC paragraph 4(2) says that Annex 1 countries are to limit emissions "with the aim of returning to" 1990 emission levels by the year 2000. As this was no more than a political aspiration, the approach has been dubbed a 'quasi-target and quasi-time table' approach.⁷ There were no specific commitments on developing countries. Considering the "quasi" nature of the specific commitments, the UNFCCC exemplified a weak top-down approach.

The top-down approach was strengthened by the adoption of the Kyoto Protocol. Most importantly, the targets were *legally binding* for all Annex 1 nations, within a *specific* time frame (2008-2012). Although Annex 1 parties had different targets, they were centrally negotiated; it was not left to the parties themselves. There were still no specific commitments on the developing countries. This strong version of the top-down approach has since been extended in the Kyoto 2 Protocol, which runs until a new comprehensive regime is supposedly in place in 2020. However, its effectiveness has been reduced because former key Annex 1 members like Japan and Russia are not members of the new protocol.

⁴ Najam, "The Case Against".

⁵ Agrawala and Andresen, "Indispensability and Indefensibility?"

⁶ Barrett, "Credible Commitments", 30

⁷ Bodansky, "The United Nations Framework Convention on Climate Change".

Some also argue that a characteristic of the top-down approach is its inclusiveness in the sense that all states take part in the process.⁸

Insofar as 194 states are participating in the UNFCCC negotiations, it qualifies as a *universal process*. However, as a modified bottom-up approach is presently applied by the majority of parties within the climate regime, this approach may also be universal and the new agreement is also expected to be strongly influenced by the bottom-up approach.

More importantly, it has also been pointed out that the top-down approach has a problem-oriented focus, often based on scientific advice.⁹ That is, the negotiators first diagnose the problem and then decide on a necessary cure. To do this they need scientific advice, which is why the International Intergovernmental Panel on Climate Change (IPCC) was established prior to the start of negotiations. In principle, the rules adopted by the climate negotiators may be based on science, but the degree of scientific influence is modest.¹⁰ Scientific advice is reflected in the Climate Convention but the terms used are vague. The Kyoto Protocol may also be inspired by science, but the level of ambition is exceedingly low compared to the scientific advice of the IPCC. The Copenhagen Accord did accept the scientists' advice to limit the increase in temperature to two degrees Celsius, but other more precise recommendations on reducing emissions were ignored.

Although negotiators in the top-down approach are often more inspired by science than they heed the advice, the role of science is generally absent in the bottom-up approach, which is characterized by countries deciding their own climate policies according to what they regard as politically and economically feasible. Policies may include targets and time-tables or simply be limited to spelling out envisaged action. It is in that sense a more pragmatic approach given the focus on feasibility and practicality, rather than problem-solving and science. Bottom-up policies can be adopted unilaterally or by smaller clubs and may also be done conditionally on other countries' pledges. It can be described as a rather 'clumsy' procedure compared to the more elegant and coherent top-down approach.¹¹ Before the 1992 adoption of the Climate Convention, a number of OECD countries had set their own targets and time-tables unilaterally. This ended with the establishment of the climate regime. However, as noted a modified bottom-up approach was introduced in the climate regime following the adoption of the Copenhagen Accord. It is modified or a hybrid approach in the sense that pledges are made unilaterally, but there is a centralized international review or appraisal, a 'pledge and review' approach, applies to the large majority of states, accounting for some 85 percent of total global GHG emissions until the new regime is in place. The top-down Kyoto 2 Protocol applies to the remaining parties.

As this is a truly global problem intuitively it makes sense for nations to seek to solve the problem together, seemingly favoring a centralized and universal approach. This also squares with ideals of legitimacy and good governance.¹² The approach has also been applied with notable success in other global environmental regimes like the ozone regime, a rare example of a highly effective environmental regime. It is sound evidence moreover that global environmental approaches play an important role in fostering agendas, promoting learning and diffusion. Adding legally binding

⁸ Hovi et. al. «Bottom.up or Top-down?»

⁹ Hovi et. al. "Bottom-up or Top-down?"

¹⁰ Gupta et al. 2012 "Science Networks"

¹¹ Rayner, "How to Eat an Elephant".

¹² Hovi et. al., "Bottom-up or Top-down?"

requirements in the strong version of the approach also makes sense; it gives the regime more 'regulatory bite' than soft political commitments.¹³

On closer scrutiny, however, the universal approach is not necessarily the only or the best way forward. Although all nations of the world are (more or less) affected by the climate problem, there are huge differences in terms of *contribution* to the problem. While the vast number of states has done little to cause the problem, the so-called 'G-2' countries, China and the U.S., release 40 percent of global greenhouse gases. If we add ten to fifteen of the next most important contributors, they alone could solve the problem effectively *if* they wanted to. So why include some 200 states in the negotiations, with all the transaction costs this entails when – in principle – less than a tenth of these states could solve the problem? Everyone else would benefit more or less equally from an effective regime without participating in the process. The use of a consensual approach also tends to dilute commitments, resulting in 'the law of the least ambitious program' where the least determined actor(s) decide the pace of the process.¹⁴ However, as we shall have more to say about later, the more exclusive approaches have not been more effective than the universal top-down approach indicating a lack of political willingness to deal with the issue also outside the UN negotiations. However the recent (November 2014) bilateral agreement between the U.S. and China is interesting in this more exclusive bottom-up perspective. It is not overly ambitious but the fact that a deal is struck between the two is important from a political perspective.

The simple and pragmatic proposition of the pure bottom-up approach is that climate change policies should be designed and implemented at the lowest feasible level of organization. The local level is thereby highly relevant – but so are the city, regional, and national levels. It makes sense to target policy where it makes a difference without having to accommodate a formal global charter for action.¹⁵ The strength of this pure version is its practicality, simplicity and pragmatism, based on what makes sense for each country to do without an advanced global regulatory system. The downside is that it is not very likely to result in many pro-active domestic climate policies in the absence of international pressure or incentives. Climate policies are costly, benefits are diffuse and long-term, free-riding is tempting, counter-forces are strong and the main paradigm for most, if not all, countries of the world is economic growth not sustainable development or pro-active climate policies.

3. The top down approach: Has it hampered progress?

In the process of negotiations, it is the states that usually call the shots while non-state actors are less influential. However, the opposite is often of the case in agenda-setting where states have less control of the process, leaving more room for various types of non-state actor to have a say.¹⁶ Non-state actors also played a key role in setting the agenda of the climate regime. Through the concerted action of green NGOs, activist scientists and activist policy makers climate change grabbed the attention of the international community in the late-1980s.¹⁷ Crucial for its subsequent development, a consensus had emerged that a top-down target and time-table approach was the best way to deal

¹³ Oberthur and Kelley, "EU Leadership".

¹⁴ Underdal, *The Politics of International Fisheries Management*".

¹⁵ Rayner, "How to Eat an Elephant".

¹⁶ Andresen *et al.*, "The Climate Regime".

¹⁷ Agrawala, "Context and Early".

with the issue and that the North should take the lead. Both these principles were later endorsed by the large majority of states during negotiations, illustrating path-dependency as well as the importance of individuals and non-state actors in the framing of the problem. The approach was inspired by other international negotiations, most notably the ozone regime. However, the activist community failed to realize the vast differences between ozone and climate. By most standards the ozone regime was fairly easy to deal with as there was easily available 'technological fixes' while climate change is exceedingly 'malign,' as it goes to the heart of virtually all economic activity and is therefore very difficult to solve.¹⁸ The value of transferring the top down legally binding ozone approach to climate change has therefore serious limitations.¹⁹

Before the start of formal negotiations a number of ad hoc climate conferences were held at which the green NGO community and 'progressive' climate actors like the EU endorsed the top-down approach as the most ambitious and best way to deal with the issue. The South also saw it as the best approach – for the developed countries, and successfully demanded that negotiations should be pursued under the framework of the UN General Assembly. The only major actor to reject the approach was the U.S., who described it as political in nature and not backed by concrete measures designed to achieve them. It was premature. The U.S. criticized the proposal as a rigid, inequitable, top-down approach, given the differences between countries in national circumstances and implementation costs.²⁰ The U.S. favored a bottom-up approach that encouraged better information, national strategies and action plans. However, it was perceived as a weak approach by most actors and the U.S was labeled a laggard while the EU was seen as the ambitious pusher.²¹ Interestingly, Japan suggested a compromise in 1991 between the top-down and the bottom-up approach, the 'pledge and review' approach. Here states would be allowed to make unilateral pledges but should also agree to regular international independent reviews. It was argued that this would encourage stricter commitments over time while ensuring transparency. However, most EU countries opposed the idea, favoring internationally defined commitments instead. ENGOs were even more critical, dubbing it "hedge and retreat".²² As noted, this was a blue-print of the approach informing the most important part of the negotiations since 2009. Does this mean that eighteen years of negotiations have been more or less a waste of time and that the more pragmatic approach would have accomplished more? We will never know, but some speculations are warranted.

The U.S. succeeded in watering down the top down approach of the Climate Convention, but as the Clinton administration joined forces with the EU, it paved the way for the Kyoto Protocol. The U.S. was the main architect of the flexible mechanisms, the Clean Development Mechanism, emissions trading and joint implementation, but later pulled out of the Protocol. If it had joined forces with the other Annex I members of the Protocol the negotiations may have been more successful. That being the case, it may not have been the approach as such that was flawed, but that it was never given the chance to work properly because the then main emitter at the time pulled out before it started to work. Also, although critics are right that the Protocol is not sufficiently comprehensive in terms of participation and ambition, it has not necessarily been a complete failure either. Although observers have identified weaknesses in the flexible mechanisms and their implementation by the EU, Japan

¹⁸ Miles *et al.*, *Environmental Regime Effectiveness*".

¹⁹ Andresen and Agrawala, *Leaders, Pushers and Laggards*".

²⁰ Bodansky, "The United Nations Framework Convention on Climate Change".

²¹ Andresen and Agrawala, *Leaders, Pushers and Laggards*".

²² Bodansky, "The United Nations Framework Convention on Climate Change", 486.

and other Annex 1 countries, emissions have in all probability fallen somewhat as a result of these mechanisms.²³ Probably more important in the longer term is the uptake of emission trading by important actors like China, California and others. This may not have happened had it not been for the climate regime and the Protocol.

This being said, when it became clear more than a decade ago that neither the U.S. nor the developing countries accepted commitments or the top-down approach, it may be argued that spending so much time on a rather futile and sterile ideological blame game between the North and the South on the issue of commitments instead of focusing more on what really matters, i.e. action on the ground to reduce emissions, was essentially a waste of time. In principle, a more practical approach could have been facilitated if the bottom-up approach had been employed, as suggested by the U.S. and Japan early on in the process. However, if we look at what is actually happening in the ground it is by no means self-evident that this approach would have facilitated the process of negotiations or resulted in more effective measures. It is a fact that the large majority of states are *not* bound by any specific top-down commitments. In *practice* they have been practicing a bottom-up approach for a long while. Many key countries have also taken steps to reduce their emissions. Looking at the climate policies of two of the most important countries, China and the U.S., several steps have been taken to reduce emissions. While the Bush Jr. administration pursued only voluntary measures, the Obama administration has recently introduced a rather ambitious Climate Action Plan.²⁴ China has also stepped up its climate change measures significantly over the last few years.²⁵ Ambitious unitary bottom-up initiatives have also been undertaken by Annex 1 countries like the German 'Energiewende', but the effects of all these measures have so far been limited. In contrast, the most important measures for emissions reductions is in fact the action taken by developing countries rich in rain forests (like Brazil, Mexico, India and Costa Rica) to reduce deforestation, at present the most effective emission-reducing measure. Although they have received some assistance they are doing most of the job themselves. According to *The Economist*:²⁶ "Rich countries spend billions on renewable energy at home which has so far only cut carbon emissions a bit. They should be willing to spend a few billions abroad, protecting tropical forests that reduce emissions a lot." One of the few front-runners in these policies has been Norway.

Maybe the most important club approach is the European Union's emission trading scheme (ETS). Seen from the global level this is a bottom-up initiative, but seen from the perspective of the EU members it is a top-down approach. There is an interesting discussion presently on the possibilities and obstacles existing to for a linkage between the various emission-trading schemes internationally.²⁷

A number of (bottom-up) initiatives have also come from non-state actors frustrated by lack of progress and ambition on the part of governments and international community. Similar frustration with the Bush Jr. administration's lack of federal ambition caused a creative bottom-up reaction with

²³ Andresen *et al.*, "The Climate Regime".

²⁴ T. Stern, "The Shape of a New International Climate Agreement", London: US Department of State, 22 October 2013, <http://www.state.gov/e/oes/rls/remarks/2013/215720.htm>

²⁵ Stensdal, "China's Climate Change Policy".

²⁶ *The Economist*, "Tropical Forests Seeing the Wood, Saving Trees is One of the Best Ways of Saving the Environment", 23 August 2014, 12.

²⁷ Greene *et al.*, "A Balance of Bottom-Up and Top-Down".

local and regional actors introducing measures to reduce emissions.²⁸ The C40 Climate Leadership Group brought eighteen of the world's largest cities together to coordinate action on climate change from 2005.²⁹ More generally, a wealth of transnational networks and arrangements has been established, from certification schemes for emission reductions, efforts to promote municipal leadership, to corporate commitments to address climate change. This is a vibrant if highly uneven field where actions to address climate change have been translated into schemes focusing on energy, biodiversity, carbon finance and urban infrastructure and where an array of private actors – from corporations to NGOs – work in partnership with national and subnational governments to provide an *alternative* response to climate change.³⁰ It is a fact, however, that all these initiatives have not been sufficient to halt the steady rise in emissions. Somewhat paradoxically, so far it has been neither top-down nor bottom-up initiatives that have been most effective in curbing emissions but slow-down in the global economy.

Note, however, that although these initiatives are often referred to as bottom-up, many of them are in fact hybrids between the two approaches as they often include coordinated action. Let us take a closer look at the theoretical reasoning as well as the practical actions of some of these clubs in which states play a key role. Do they stand forth as useful alternatives or supplements to the UN climate regime?

4. The club approach: theory and practice

First, what is a club? In simple terms it is any grouping comprising more than two actors and less than universal participation that is not as formalized as an international organization. They may have different forms of participation, state and non-state, often various types of partnership, forum or initiative. As noted, the club approach is not a true bottom-up approach. Still, both theoretically and empirically it represents a potential supplement or alternative to the UN approach. Theoretically, a convincing case has been made explaining why this approach is superior to the all-inclusive UN approach.³¹ The basic argument is that it is simply easier for a smaller group of actors to come to an agreement.³² Relating this argument to the climate negotiations, Biermann *et al.* highlight four advantages of adopting a more exclusive approach: speed, ambition, participation, and equity.³³ Victor³⁴ also makes a convincing theoretical case in favor of the club approach, linking it to the creation of incentives and exclusive 'club goods'. However, Hovi *et al.*³⁵ identify weaknesses in this argument. Be this as it may, our main concern here is not the theoretical merits or shortcomings of the club approach, but the empirical reality.

For long the main argument of the proponents of the UN approach was that 'it was the only game in town.' However, this is no longer the case. Since 2005 many other initiatives have emerged, not least since 2009, likely in response to the perceived failure of COP 13. It has led to increasing research on

²⁸ Selin and VanDeveer, "Political Science and Predictions".

²⁹ Rayner, "How to Eat an Elephant".

³⁰ H. Bulkeley, M. Betsill, M. Hoffman and M. Paterson, "Down the Road", *The European*, 2013.

³¹ Victor, *Global Warming Gridlock*; Biermann *et al.*, "The Fragmentation".

³² Olson, *The Logic of Collective Action*.

³³ However, as they also point out, there may be challenges along some of these dimensions regarding this more exclusive approach.

³⁴ Victor, *Global Warming Gridlock*.

³⁵ Hovi *et al.*, "Bottom-up or Top-down?"

the emerging 'regime complex'. Abbot³⁶ has identified as many as 67 new 'clubs' or initiatives. Important work has been done to narrow down the list to some of the most important ones, and seventeen such clubs have been identified.³⁷

They have been categorized into two types: dialogue forums (like the G-20 and the Major Economies Forum); and implementation groups (like the Renewable Energy and Energy Efficiency Partnership (REEEP)). Importantly, they tend to be dominated by developed countries and are often funded by governments. "While these clubs make important contributions," write Weischer *et al.* after a detailed analysis, "their mandate and configuration are not focused on significantly increasing ambition. Current clubs enable incremental rather than transformational change".³⁸ Their observation is supported by studies of some of the other state-oriented club approaches.³⁹ One reason for the lack of ambition may be that they are controlled or dominated by governments not very interested in boosting their ambitions within this more confined setting than they enjoy within the UNFCCC. Due to lack of significant progress by these clubs, Weischer *et al.* suggest that more 'transformative clubs' are needed, linked to incentives related to trade, investment, and access to finance. Thus, as with Victor,⁴⁰ they believe that under the right conditions these clubs are more likely to deliver than the cumbersome UN process. But however innovative and sensible these suggestions may be, they have yet to materialize under real-world conditions.

Certain policy-makers and analysts were worried that the emerging climate complex could be negative in the sense of causing forum-shopping, fragmentation and conflicts over norms, rules and regulations. A detailed study of the seventeen clubs Weischer *et al.*⁴¹ studied suggests otherwise.⁴² They ask whether these clubs run counter to the core norms and principles of the UNFCCC and also whether they offer a useful and maybe necessary supplement to the UNFCCC or likely to disrupt the UN process. With provisos, they come up with 'positive' answers on both accounts. That is, the clubs are not seen as potential rivals but rather as necessary adjuncts that may help speed up the process. The only main exception to this is the so-called Asia Pacific Partnership (APP). Let us therefore take a closer look at the significance of this initiative as it illustrates the potential for 'real' alternatives to the UNFCCC to emanate. It is therefore a crucial test of the significance of the club-approach.

The Asia Pacific Partnership: The only real rival to the UNFCCC?

When it was set up, many were concerned this partnership would become a disruptive alternative to the UN regime. In 2005, China, India, South Korea, Japan, Australia, and the U.S. agreed to set up the Asia Pacific Partnership on Clean Development and Climate Change (APP). Canada joined in 2007 as the seventh member. Here then, some of the main emitters, both Kyoto and non-Kyoto partners, and representing a blend of developed and key developing states, got together to form a potentially highly potent club in line with 'club-logic' thinking. The founders were the U.S. and Australia. Both governments had rejected the Kyoto Protocol and sought other options to the UN approach. Officially the APP was set up to supplement the UN regime, but it has been shown that the U.S. and

³⁶ Abbott, "The Transnational Regime".

³⁷ Weischer *et al.*, "Climate Clubs".

³⁸ (*ibid.*), 177.

³⁹ Andresen, "Exclusive Approaches".

⁴⁰ Victor, *Global Warming Gridlock*.

⁴¹ Weischer *et al.*, "Climate Clubs".

⁴² Widerberg and Stenson, "Climate Clubs and the UNFCCC".

Australia saw in it a potential alternative.⁴³ Its architecture was almost the exact opposite of the UN regime's. In addition to its exclusive nature, there were no legally binding commitments or targets; a technology-oriented sector approach was adopted and its philosophy was that environmental quality improves with economic growth. Civil society organizations were not invited but business and industry played a key part. The U.S. had the dominant position in the institutional set-up while India and China were the only partners *not* to hold the chair of a task force.⁴⁴ Three ministerial high-level meetings were arranged. Not surprisingly, the ENGO community and pro-active climate actors like the EU were deeply opposed to the initiative which they saw as an attempt by the Bush administration to weaken the UN process.⁴⁵ As it became clear that the APP posed no real threat to the UNFCCC, however, policy-makers and scholars turned their attention elsewhere. In 2011, the APP folded, although some of its projects continued in other forums.

Surprisingly, no comprehensive study of the problem-solving effectiveness of the APP has been conducted, considering this initiative comes closest to the 'club approach' championed by key analysts. However, an evaluation based on interviews with APP stakeholders has been conducted.⁴⁶ The findings provide a crude indicator of perceptions of the APP's achievements. In short, a large majority was very satisfied with 'soft' indicators like information sharing and networking, but the score was much lower on more specific and important measures like access to technologies and financing. This finding is supported by other researchers as well: there were no mechanisms to evaluate GHG emission reduction and few activities focused on technology development and transfer, although that was supposed to be its primary function.⁴⁷ According to one key observer, the APP was the "right idea (bringing industry to the table) but an essential ingredient, climate ambition, was lacking" (Ken Purvis, e-mail to the author, 19 April 2013).

Although problem-solving effectiveness was low, the APP may still have had some value in indicating new ways of dealing with climate change. The fact that such diverse and major emitters decided to work pragmatically together was in itself no small achievement, and stands in stark contrast to the 'blame game' taking place under the UN umbrella. Moreover, the APP was a major public-private partnership, implementing specific projects in a range of sectors and this approach may well gain increasing importance in the post-2020 UN regime. The same could be said of the 'soft' legal nature of APP cooperation. Thus, irrespective of its weaknesses, the APP may prove quite important for learning and diffusion of new ideas and approaches.

Why was the APP terminated? It may have lost traction because President Obama has been more inclined to focus the UNFCCC and the broader Major Economies Forum. According to another observer, '[i]t was closed down, mainly, because of the view that that it wasn't really getting things done, I suspect too, that the view that it was an excuse not to engage with Kyoto didn't help APP fate. The APP always struck me as a good idea in principle but badly implemented in practice' (David Victor, email to author, 19 April 2013). Some of the APP's work and projects were transferred to a

⁴³ McGee, "The Asia Pacific Partnership".

⁴⁴ Karlsson-Vinkhuyzen and van Asselt, "Introduction".

⁴⁵ McGee, "The Asia Pacific Partnership".

⁴⁶ Fujiwara, *Sector-specific Activities*.

⁴⁷ Kanie *et al.*, "Fragmentation".

broader international institutional framework but so far little has come of this process.⁴⁸ In short, its fate indicates it is not easy to set up viable clubs as alternatives to the UNFCCC.

Dialogue forums: Limited significance

Various analysts have suggested that other, more exclusive forums are better equipped to deal effectively with climate change than the UNFCCC. For example, it has been argued that '[g]iven the stalemate in the UN climate negotiations, the best arena to strike a workable deal is among the members of the Major Economies Forum'.⁴⁹ This may sound like a good idea but there is scant empirical evidence that it would work. The Bush administration established the Major Economies Meeting in 2007 as an informal discussion forum for the world's seventeen largest economies, responsible for some 80 percent of total GHG emissions. This initiative was *de facto* endorsed by the Obama administration with the establishment of the *Major Economies Forum on Energy and Climate (MEF)* in 2009 as a supplement to the UN process. Meetings have been frequent and have focused on the development of clean technologies. However, judging from the short summaries of work conducted at the meetings, it has essentially been a discussion club where the broad principles negotiated within the UNFCCC are discussed. Its influence and significance appear to be very limited.

Other more exclusive but broader forums like the *G8* and *G20* have also focused on climate change recently. The G-8 has been issuing statements on the matter on a regular basis since 2005 and was the first forum to suggest the 2°C target. More recently, however, the broader and more representative G20 has become more important. The G20 was established as a forum for cooperation on financial matters and its membership represents 90 percent of global GDP. Its significance increased in the wake of the financial crisis in 2008; since then, heads of state have participated. After the G20 turned its attention to energy and climate change, it could have proved to be a more appropriate forum than the UNFCCC, as deals can more easily be brokered in the more confined forums of this type. Frequent references are made to financial institutions, and some analysts have claimed that the G20 has been important in securing financing at COP 15.⁵⁰ However, their attention to climate change has only translated into one concrete commitment: the phasing out of fuel subsidies.⁵¹ Although the potential of the G20 should not be underestimated, so far the group has been better at setting ambitious goals than implementing them.⁵² Importantly, the G20, like the MEF, emphasizes its support of the UNFCCC process, indicating that its members do not see this forum as an alternative to the UN process. This can be witnessed at the most recent G-20 Summit in Australia (November 2014) where President Obama took the opportunity to pledge \$ 3 billion to the Green Climate Fund. That indicates there exists more of a hierarchy in the climate regime complex than suggested by Keohane and Victor.⁵³ Moreover, the most important questions are never addressed in these G20 statements, due to the members' highly diverging interests.⁵⁴ These three dialogue forums may represent useful meeting points for the most powerful states of the world but

⁴⁸ Andresen, "Exclusive Approaches".

⁴⁹ Roberts and Grosso, *A Fair Compromise*, 1.

⁵⁰ Kim and Chung, "The Role of the G20".

⁵¹ Bruynicks and Happaerts, "Negotiating in the New World Order", 8.

⁵² Barbier, "A Global Green Recovery".

⁵³ Keohane and Victor, "The Regime Complex".

⁵⁴ Bruynicks and Happaerts, "Negotiating in the New World Order".

appear to have had rather limited influence on the UNFCCC as well as on the issue of climate change more generally.

5. Concluding comments

The critics are right that the top-down approach has not been effective in addressing the problem of climate change. It was not the superior and ambitious approach many had hoped for. Still, how far this lack of progress can be causally linked to the top-down negotiation approach is difficult to say. Despite its many weaknesses, it can't be denied that the Kyoto Protocol has helped reduce emissions in Annex 1 countries compared to a business as usual scenario. And since the main architect of the flexible mechanisms, the U.S., pulled out of the Protocol, its full potential was never realized. It has also facilitated important learning and diffusion even though the weaknesses of the seemingly elegant top-down approach are easily identified. The basic flaw of the strong version of the top-down approach is that this rather rigid and uniform approach fails to capture the political and economic realities of this incredibly complex and difficult problem. The more pragmatic, bottom-up approach may therefore seem to be the better option for dealing with this unruly reality. Based on experience in applying this approach so far, however, it does not represent a superior way to deal with the problem. Moreover, as we have seen, the differences between the two approaches are not as clear-cut as is often portrayed. Most of the more exclusive approaches are coordinated and centralized, making them hybrid institutions, exhibiting characteristics of both approaches and the same goes for the present UNFCCC regime. The more exclusive approaches, composed of various types of actor, have been in existence for quite some time and are likely to continue in the future. Particularly the non-state partnerships often represent vibrant and creative alternatives to the sterile, ideological blame game taking place within the confines of the UN regime. They have probably also spurred emission reductions, though global emissions continue to rise. One reason may be that these partnerships are dominated by the North while the real challenge to reduce emissions is to get key Southern players on board. An interesting and very important exception in this regard is the successful work done by some Southern countries rich in rain forests to reduce deforestation. When it comes to the various clubs dominated by states, convincing theoretical arguments have been put forward regarding their superiority to the UN regime, but so far their significance has been limited and the only potential alternative to the UNFCCC has been closed down. Since 2009 a pledge and review bottom-up approach has been adopted by the climate regime. So far this has not speeded up negotiations. All this indicates that the various versions of the bottom-up approach or club approaches do not offer a quick fix to the problem, as some analysts argue. That is, institutional design may make a difference but cannot alone remove the effect of deep-seated political conflicts.

As we have seen initially all main 'green forces' favored a top-down approach while the bottom-up supporters were seen as laggards. Over time a more pragmatic approach has emerged where most parties realize there may be benefits and shortcomings of both approaches and that they therefore need to be combined. As to the future, in all probability a last-minute agreement will be reached in Paris. The previous 'firewall' between Annex 1 and non-Annex 1 states will probably be removed. However, the price for getting the new major economies, as well as the U.S., on board, is in all likelihood a definite farewell to the legally binding approach. Flexibility, not rigidity, and domestic pledges, not legally binding commitments will probably be the name of the game. As such this may be a victory for the bottom-up approach but not necessarily for the future of the climate. Clubs and

partnerships will continue to supplement the UN climate regime, but it remains to be seen whether they can be turned into true transformative actors.

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