Article

From Kyoto to Paris and Beyond: The Emerging Politics of Climate Change

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Abstract

Anthropogenic climate change has emerged as the most disruptive socio-political issue in the last few decades. The Kyoto Protocol's failure to curb the rising greenhouse gases emissions pushed the UNFCCC-led negotiations towards a more flexible, non-binding agreement at the Paris COP21 meeting in 2015. The Paris Agreement's hybrid approach to climate change governance, where flexible measures like the nationally determined commitments are balanced against the ambition of limiting the global temperature within the two-degree range, ensured the emergence of an increasingly complex and multi-stakeholder climate change regime. The article outlines the roadmap of the transition from the top-down approach of Kyoto Protocol to the legally non-binding, bottom-up approaches adopted for the post-Paris phase. The article outlines the post-Paris developments in international climate politics, which hold long-term geopolitical and geoeconomic implications. The article focuses on the fundamental shifts and balances within the UNFCCC architecture and examines the four fundamental features of this transition—the interpretation of differentiation and common but differentiated responsibilities, the evolving role of emerging economies in the negotiations, the rising profile of non-party stakeholders in shaping the climate action strategies and the emergence of climate justice movements as an alternate site of climate action.

Keywords

Climate change, Paris Agreement, global environmental politics, equity, UNFCCC, climate justice

Apart from exposing a severe lacuna in public health policies, the COVID-19 pandemic has also highlighted critical questions about human influence of nature, state sovereignty, social justice, nature of economic development and

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other imminent non-traditional risks to security such as climate change. Although the timescales for the two crises sharply differ, both share a long history of political neglect, lack of coherent policies, ideological divisions and strategic ambiguity. This article explores the shifts and balances within the climate change politics, which has undergone a tumultuous transition since the signing of the Paris Agreement in 2015. Given the years of status quo within the United Nations Framework Convention on Climate Change (UNFCCC) negotiations, the agreement was described at the time as, 'By comparison to what it could have been, it's a miracle. By comparison to what it should have been, it's a disaster' (Monbiot, 2015; Clemencon, 2016). The article outlines the four key transitions that have been brought to practice after Paris—the altered interpretation of differentiation and Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) principle, the rising profile of non-party stakeholders in post-Paris architecture, the evolving role of emerging economies in shaping the regime and the emergence of climate justice movements as an alternate site of climate action. The article analyses the post-Paris currents in global environmental politics and the emerging picture of climate policymaking.

From Kyoto to Paris: The Roadmaps to the New Climate Agreement

A wide range of factors contributed towards the groundswell of support for environmental issues in the 1970s, which included the rise of activism, socio-economic shifts and emerging scientific evidence which showed that '[i]f there were global temperatures more than 2° or 3° above the current average temperature, this would take the climate outside of the range of observations which have been made over the last several hundred thousand years' (Nordhaus, 1975, 1977, pp. 39–40). The 1992 Rio Convention marked a watershed moment for global environmental politics, where a precautionary approach was adopted for the stabilisation of greenhouse gas (GHG) concentrations, 'at a level that would prevent dangerous anthropogenic interference with the climate system' (UNFCCC, 1992). Over time, the vague phrases like 'dangerous' were replaced with more specific targets in the Paris Agreement, where the stated objective read, 'Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels' (UNFCCC, 2015).

Five years into the negotiations, the Kyoto Protocol (UNFCCC, 1997) was an ambitious political bet, which upheld the principles of equity and CBDR-RC, as outlined in the article 3.1 of the 1992 Convention, and made the developed states accountable for their climate action through a top-down approach, where the emissions had to be monitored and recorded and reported for verification. The United States objected to this arrangement and backed out of the ratification process, citing the cases of developing states such as China and India, who were not bound by any similar obligations (Böhringer & Vogt, 2004). A decade later, on the heels of the Bali Roadmap (2007), the UNFCCC negotiations were running on

two parallel negotiating tracks—The Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) and the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA). This period coincided with significant political developments such as the Obama presidency in the United States and China's emergence as the world's biggest polluter, which created a policy window to bring climate change issue to the fore of bilateral and multilateral relationships.

Amidst fierce civil society protests, the 2009 COP meeting, which had turned into a site of intense diplomatic deliberations for the post-Kyoto treaty, witnessed key shifts in the position of negotiating blocs, eventually leading to the final draft that was negotiated by a small group that consisted of the United States and the newly formed bloc of four countries: Brazil, South Africa, India and China (BASIC) (Bodansky, 2010). The signed accord was a political statement, rather than a legally binding framework, as it lacked an all-party consensus. Two years on, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) was tasked with charting out 'a protocol, legal instrument or agreed outcome with legal force at the twenty-first session of the Conference of the Parties', which could deliver a climate agreement by 2015 (UNFCCC, 2011b). This was the first instance in the UNFCCC history, when a major document made no reference to the principles of 'equity' or 'common but differentiated responsibilities' (Jayaraman, 2011). Rajamani (2012b, p. 508) argues that 'this is no benign oversight', as the developed countries were persistent that any reference to the CBDR-RC has to be interpreted in the light of the contemporary economic realities. The term 'applicable to all' was fiercely debated at the Durban meeting as it was going to be critical in shaping the future the climate regime and its interpretation of the differentiation principle (Rajamani, 2013; IISD, 2011). During the negotiations for the new agreement, the lead US negotiator Todd Stern made the most telling statement, 'If equity's in, we're out', in reference to the future of the climate agreement (Pickering et al., 2012). This summed up the approach of the developed states towards differentiation, which they eventually managed to push through at Paris meeting in 2015. One hundred and thirty-two parties agreed to the Doha amendment to the Kyoto Protocol, which sets the emission reduction targets at 18% below 1990 levels over the second commitment period from 2013 to 2020. Except for the European Union and Australia, other major actors such as the United States, Russia, Japan and Canada were not parties to this second commitment phase, which ended in 2020 (*The Guardian*, 2011).

The Paris Agreement: A New Era in Climate Action

Article 4 of the Paris Agreement states, 'Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions' (UNFCCC, 2015). This approach mixed a flexibility mechanism, which was necessary to achieve universal participation, with a top-down rulebook which would promote accountability and ratchet

up ambition over time. The agreement fell within the ambit of the 1992 Convention and upheld the principles of equity and CBDR, in light of different national circumstances. The Paris Agreement built on the developments of post-Copenhagen negotiations, which focused on reframing the post-Kyoto framework to accommodate for the changing political and economic scenarios, such as the rise of emerging economies and the rising existential threat of climate change. Apart from the mitigation and adaptation goals, the Paris Agreement installed Loss and Damage (L&D) as the third pillar of international climate change law (Broberg, 2020). The parties agreed to a 5-yearly communication of their nationally determined contributions (NDCs) and the development of an accounting process, based on agreed upon criteria, under the Ad-hoc Working Group on the Paris Agreement (APA). At COP24 in Katowice, the parties agreed to a common set of the Intergovernmental Panel on Climate Change (IPCC) methodologies and metrics for ensuring methodical consistency for comparison between the communicated NDCs and their final implementation (IISD, 2018; UNFCCC, 2018).

> Although Katowice produced valuable guidance to ensure clarity and comparability among NDCs, it did not yet deliver a common time frame for implementing these national contributions. Parties only agreed to continue negotiations under the SBI so as to define a uniform time frame to be valid from 2031 onwards. (Climate Focus, 2019, p. 3)

The Paris Agreement, therefore, remains a collection of individual voluntary commitments rather than a treaty or protocol for effective mitigation of GHGs.

The roadmap to the successful implementation of these NDCs and a viable post-2020 arrangement remains intrinsically linked with the financial and technical support received from outside, as most of the developing countries have submitted two sets of NDCs—the unconditional targets, which would be met independently and the conditional targets, which would be contingent upon this financial support and access to technology from the developed countries. The Paris Agreement also marks a key shift in the interpretation of the adaptation pillar of global climate policy. Framed exclusively as a challenge for the low-income countries during the first Kyoto period, this aspect of climate policy underwent key transitions—from merely an issue of technical assistance to a more robust normative shift in the Cancun Adaptation Framework which acknowledged, 'adaptation must be addressed with the same priority as mitigation' (UNFCCC, 2011a). The Paris Agreement acknowledges adaptation as a global challenge and its article 7.10 states, 'Each Party should, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation, and support needs, plans and actions, without creating any additional burden for developing country Parties' (UNFCCC, 2015).

The new architecture focuses on meeting the two degrees target through a ratcheting up mechanism, which is not self-contained in the text, but integrated into its different pillars such as the enhanced transparency framework (ETF), which is outlined in the article 13 of the agreement. The Paris Rulebook, adopted at COP24 in 2018, replaces the old framework, which had a different set of requirements, reporting vehicles and review processes for the developed and developing countries, with a common set of guidelines, referred to as the

Transparency MPGs (Modalities, Procedures and Guidelines) for all parties (CDKN, 2019). The agreement recognises the different national circumstances of the parties and therefore proposes that the compliance committee would work in a manner that is 'facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing an undue burden on Parties' (UNFCCC, 2015). The new ETF includes two mandatory clauses for GHGs inventories and NDCs progress tracking, a technical review process and multilateral facilitative consideration to share and inform the best practices and experiences. Even though the firewall between annex I and non-annex I countries was undone at Paris, the rulebook recognises that the developed parties must provide to the developing states with financial help, technological transfer and capacity building (Huang, 2019).

The Paris Agreement was a significant moment in climate politics as it brokered a consensus within the fractured polity of the UNFCCC. The next section of this article focuses on four key transitions that have shaped the post-Paris framework and facilitated a transition to the post-2020 phase of negotiations.

Reinterpreting Differentiation: The Role of CBDR-RC in the Post-Paris Regime

The principle of differentiation is operationalised within the UNFCCC through the CBDR-RC. It was integral to the success of both the 1992 Convention as well as the Kyoto Protocol. Rajamani argues that 'the failure of states to reach a legal solution in Copenhagen can be attributed to deep disquiet over the nature and extent of differentiation in the climate regime, in particular the differentiation in central obligations embodied in the Kyoto Protocol' (Rajamani, 2012a, p. 615; Rajamani, 2013). The Paris Agreement did away with the annex-based system and introduced a nuanced distinction between developed and developing countries, by adding the phrase 'in the light of national circumstances', which allowed the latter to gradually increase their ambition without graduating to the annex 1 status (Voigt & Ferreira, 2016). The addition of the phrase 'applicable to all' ensured that the new climate regime would prioritise practical forms of equality and promote a collective level of ambition by ensuring the highest possible mitigation efforts by all the parties involved (Winkler & Rajamani, 2014). The legal operationalisation of the CBDR-RC in the UNFCCC texts has been interpreted differently by countries of the North and those of the South. The southern states favoured a more literal reading of the text of the convention, which meant, 'the Annex I/non-Annex I structure was the agreed way to express the CBDR/RC principle, and its renegotiation would amount to a breach of the convention' (Rajão & Duarte, 2018, p. 370). The northern countries argued against any such literal interpretation of the convention principles and made a case for a more dynamic self-differentiation, which reflected the present realities that had changed drastically since the 1990s.

The Paris Agreement failed to replicate the CBDR-RC principle, as it was enshrined within the 1992 UNFCCC convention, but it is 'ambitious, containing aspirational goals, binding obligations of conduct in relation to mitigation, a

rigorous system of oversight, and a nuanced form of differentiation between developed and developing countries' (Rajamani 2016b, p. 358). This nuanced interpretation of the differentiation in the Paris Agreement does overcome the shortcomings of the annex-based system of Kyoto Protocol, but the problem arises due to the legally non-binding nature of the agreement itself, which implies that there is no consensus on any effective means of assessing the fair share and measurement of performance of each party against such a criterion. Julia Dehm (2018, p. 81) points out that 'the increased focus on "respective capabilities" and "national circumstances" risks facilitating a discursive shift regarding how the proper basis of differentiation is understood and described, with a greater focus placed on considerations of capacity rather than considerations of historical and ongoing responsibility'.

The Paris Agreement does uphold a more subtle form differentiation between states in a context-specific manner that highlights the fractured consensus among the Global South blocs such as the alliance of small island states (AOSIS) and small island developing states (SIDS). This was the case in post-Copenhagen negotiations, where the AOSIS countries took a comparatively firmer stand on issues such as the inclusion of 1.5 degrees target and the entry of (L&D) clause, which were critical to their existence. The Paris Agreement introduced subtle changes in the interpretation of CBDR-RC by including more subsets within 'developed' and 'developing' categories and clearly mentioning groupings like least developed countries (LDCs), and SIDS, on multiple occasions, which were earlier clubbed in a monolithic non-annex I category in the Kyoto Protocol (Pauw et al., 2019). These small island countries were granted flexibility in preparation of their mitigation targets (Article 4.6), financial support in preparation and biennial communication of information (Article 9.5) and shares of proceeds from the mitigation mechanism for meeting costs of adaptation (Article 6.6).

The self-differentiation mechanism, introduced through NDCs, further adds nuance to the interpretation of CBDR-RC within the Paris text. Maljean-Dubois (2016, p. 157) argues that 'self-determination means no more differentiation for developing countries as a single group. But it results in more not less differentiation, as it allows for each country to be treated differently'. The intended nationally determined contributions (INDCs) were introduced through the ADP with a purpose of bottom-up consensus building for the post-Kyoto phase of negotiations. It is important to point out that the INDCs were one of the many proposals that were tabled before Paris COP meeting, such as concentric differentiation (2014) and equity reference framework (CAN, 2014), and the final approval for the INDCs-based approach rested critically on a shared understanding of equitable burden sharing, which included a broad range of issues such as financial and technological transfer, L&D, and transparency and global stocktake mechanism (Maljean-Dubois, 2016). Apart from the Preamble and the article 2.2 of the Paris text, which make a direct reference to the principle of equity and CBDR-RC, there are other subtle references to equity within the text such as article 4.1, which refers to the process of decarbonisation through sinks and sources, 'on the basis of equity', and the article 13.1, which outlines the enhanced transparency framework, with built-in flexibility which takes into account Parties' different capacities (UNFCCC, 2015). The article 14.1 refers to the global stocktake process—a

5-yearly assessment of NDCs, to check the collective progress towards the long-term temperature targets. It is critical to note that while the NDCs will be submitted individually, the assessment of the progress is going to be collective and, 'It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science' (UNFCCC, 2015). The pledge, review and enhance process form the crux of the Paris compliance mechanism as the agreement itself is legally non-binding and non-punitive (Hohne et al., 2017). This compliance mechanism is enshrined in the article 15.2 of the agreement, which indirectly refers to equity through 'particular attention to the respective national capabilities and circumstances of Parties' (UNFCCC, 2015). These subtle inclusions of direct and indirect references to equity and CBDR-RC are subject to the clauses, where they are mentioned in the agreement and are based on the wide array of subject matter under consideration. It establishes a significant shift within UNFCCC from the binary differentiation enshrined in the Kyoto Protocol.

Changing Climate Leadership: The Emerging Economies and Climate Action

The decision of President Donald Trump to withdraw from the Paris Agreement had raised questions of about legitimacy and long-term effectiveness of the agreement in combating climate change (Chan et al., 2016). Although the exit of the second largest emitter was expected to jeopardise the future of effective climate action, there has been a noticeable shift in climate leadership, both within and outside the UNFCCC, which may have lessened its probable harm (Betsill, 2017). The rise of the emerging economies in the Global South, particularly India and China, has steered the climate governance prospects in a positive direction. Traditionally, the states have been classified as either as norm makers or as norm takers (Jinnah, 2017). Throughout the three decades of climate negotiations, the United States and the European Union have been the norm makers, while the Global South countries, boxed as non-Annex I parties, generally played the role of norm takers. With the rise of emerging economies, particularly India and China, these roles have been altered in the past decade. These states, apart from rightfully asserting their post-colonial identities and highlighting their historical disadvantages, have begun to take up greater climate responsibilities, as was witnessed in Copenhagen 2009, where the BASIC grouping emerged as a key actor that shaped the negotiations by co-sponsoring the Copenhagen Accord alongside the United States (Bidwai, 2014). This was a stark change from the earlier years in the negotiations when these countries insisted upon a stringent annex-based distinction and laid singular emphasis on the historical responsibilities of the developed countries. The main argument put forth during Kyoto's first commitment period was the trade-off between growth and environmental action; these countries insisted that poverty alleviation was critical to their national development and environmental degradation is necessary price to pay in the process. Both China and India were depicted as the laggards on global climate action, obdurately

deriding the entire negotiating process. The ideological pillars of the Indian position were succinctly laid out in the PM Indira Gandhi's speech at the UN Conference on the Human Environment (1972), where she insisted that poverty was the greatest polluter (Mathiesen, 2014). The report titled 'Global Warming in an Unequal World' by Centre for Science and Environment further articulated this position by laying the accusation of 'carbon colonialism' on the developed world (Agarwal & Narain, 1991). The Indian position during the early phase in negotiations revolved around the notion of CBDR-RC and the build up to the Copenhagen summit witnessed the first signs of dilution in that position. In 2008, India established its National Action Plan on Climate Change (NAPCC), which outlined eight key missions to mitigate and adapt to climate change (GoI, 2018). Although this shift came under severe domestic scrutiny, India has since adhered to a more proactive position as it has shed its non-aligned stance and embraced the role of an emerging power in a multipolar world. India presented its ambitious NDCs proposal, which aimed to add 40% non-fossil fuel capacity by 2030 and retain a core target of 275 gigawatts (GW) of renewable energy by 2027 in its National Electricity Plan (GoI, 2018). It spearheads the International Solar Alliance (ISA), which is an alliance of 121 tropical states, committed to an efficient usage of solar energy (Mohapatra, 2019). Internationally, India has been a vociferous actor, committed to the principles of equity and right to development, but at the same time it has broadened its engagement, considering its own high vulnerability to climate risk, by providing ambitious domestic commitments both at Copenhagen and Paris (Dubash et al., 2018).

The Chinese position is primarily positioned on prestige, national sovereignty (Zhizhong, 2003) and grand national strategy (He, 2010). In the early phase negotiations, China maintained a position that it will not share any responsibilities to limit GHGs until it achieves a middle-level developed country status (Yan, 2007). At the 16th National Congress of the Chinese Communist Party (CCP), in 2005, the concept of 'building a harmonious society' (Hexie Shehui) was proposed as a new model for development (CCP, 2006; Lam, 2005). It drew on ancient Chinese ideas of universal harmony and balance between man-nature (Kim, 2008). This also marked a substantial shift in the Chinese position within the UNFCCC negotiations, as it began to play a more proactive role in the build up to the Copenhagen summit. China established the Leading Group on Climate Change in 2007, as part of its effort to streamline and coordinate the main government ministries (He, 2010). China has since been lauded for its enthusiastic efforts to bring the Paris Agreement to fruition. In 2014, President Obama and President Jinping brokered an agreement, where China pledged to reach peak emissions by 2030 and the United States announced that it would ensure 26%–28% less carbon emissions in 2025, relative to the base year of 2005 (Landler, 2014). This was a key breakthrough between the two biggest emitters, which paved the path for the successful adoption of Paris Agreement a year later. Dubbed as the obstructers, dead weights and laggards of the Kyoto period, the emerging states have managed shed the negative image and taken up greater responsibilities in the post-Paris period.

The Rising Profile of Non-party Stakeholders

The inability of the states to collectively act against climate change has led to the non-state actors (NSA), coalitions of sub-national governments, civil society organisations and the private sector to take up more pronounced responsibilities in mitigation of the crisis (Betsill, 2017; Bulkeley & Schroeder, 2012). The non-party stakeholders hold a massive potential to benefit the Paris-based climate regime, as these actors have the resources to compensate for the lack of institutional capacity of states and enhance the efficiency of processes such as the reporting of national climate data, development of common standards for nationwide technical assessments, development of inventories for the global stocktake and conduction of independent reviews (Ghosh & Prasad, 2017). At the COP22, held in 2016, parallel thematic sessions were held as a part of the Marrakech Partnership for Global Climate Action, which aimed at enabling collaboration between national and subnational actors such as cities, businesses and investors. Similar initiatives were also held under the umbrella of the Durban platform (2012), the Talanoa Dialogue (2017) and the COP24 (2018). The number of participants in the annual COP meetings has been steadily rising for the past decade, and it peaked in Paris, which witnessed 8,000 non-state observer participants; a phenomenon described as 'hybrid multilateralism', to capture the new landscape of climate governance (Bäckstrand et al., 2017). This term denotes a change in the role of the UNFCCC, which now acts as a facilitator and an orchestrator of multilateral and transnational climate action. A key example of this new development is the Non-state Action Zone for Climate Action (NAZCA) platform, launched in 2014, which aims to bring together nearly 19,000 non-state, transnational and sub-national actors to close the emissions gap, renewable energy transition and setting up of carbon markets in individual states (Chan et al., 2016).

The non-state actors have a long history of participation in domestic environmental action, but the past decade, especially the post-Paris period, has witnessed a transnational coalition of such actors. The 1992 Convention makes no mention of the non-party stakeholder; the concept began to gain credence only after the inclusion of non-governmental bodies in the Kyoto Protocol. The revaluation of the UNFCCC regime, post the Copenhagen debacle, led to a greater impetus on bottom-up architecture of governance and transnational partnerships for climate action (Keohane & Victor, 2011). The increased recognition of non-party stakeholders within the UNFCCC and their growing numbers and diversity pushed the regime towards building greater synergies between state and non-state actors. The Paris Agreement 'deepens and complicates the connections between multilateralism and non-state action' through a polycentric architecture of governance that employs an 'orchestration' model, where a third party assistance is mobilised towards the accomplishment of climate targets; this model has come a long way from 'principal-agent' model that relied on of top-down approach towards climate governance and accountability (Kuyper et al., 2018, p. 7). Climate leadership is now emerging from subnational units, particularly cities which represent an estimated 70% of energy-related emissions (World Bank, 2010; CCFLA, 2018). The C40 Cities Climate Leadership Group (C40) is an alliance of 94 cities, which account for one-twelfth of the world's population and a quarter of the world

economy (IPCC, 2018). Unlike the COP15 event, the Paris talks also demonstrated a greater willingness on the part of businesses to engage with the international politics of climate change, build progressive coalitions, and this was reflected in the inclusion of article 6 in the agreement, which focuses on Carbon market mechanisms (ADB, 2018; UNFCCC, 2015).

This fragmentation of climate governance is a direct response to two main factors. Firstly, the complex nature of the problem demands greater interlinkages between multiple sectors and overlapping of competencies between various institutions and actors. Secondly, this alternative has gained political and economic credence as a more effective form of governing the global commons, which remains an elusive project within the UNFCCC negotiations. Globalisation has rendered non-state actors essential to the success of any transnational issue like climate change, although there is a clear lack of systematic analysis about the agency of non-state actors, the delineation of their responsibilities and their North-South dimension, as the term is largely clubbing of heterogeneous actors with diverse, often conflicting, interests and priorities (Bulkeley et al., 2012; Nasiritousi et al., 2016). Although the non-state actors have gained prominence in the new bottom-up architecture, their access to the highest tables of policy making is still restricted as the states have retained the authority to hold closed door meetings in international organisations. The states 'collectively perceive that the functional efficiency of secrecy outweighs the functional efficiency of NSA participation in particular stages of the negotiations' (Nasiritousi & Linner, 2016, p. 137). The physical limitations of time and logistics during the COP events have also shaped the rules and procedure over the decades, but with an increasing number of non-party stakeholders applying for the observer status, and greater impetus on transparency and ratcheting up of ambition, the UNFCCC will have to reconsider the opening up all stages of its negotiations and decision-making to these new and diverse actors.

Looking Beyond the State: Climate Justice Challenges of Climate Change

Anthony Giddens (2009) asserts that the central paradox of climate change is the inability of the electorate to grasp the scale of a problem which remains abstract and intangible in their day-to-day lives. In this context, the Paris Agreement was a watershed moment which attempted to bridge the divide between the scientific knowledge, socio-economic realities and political action. It was the first time when an international environmental agreement made a direct reference to the human rights paradigm, thus, breaking the barrier between universal rights and climate change (Quirico & Boumghar, 2017). The Warsaw International Mechanism, established in 2013, aimed to address the concerns of weak and marginalised states and communities who bear the brunt of extreme natural events and unpredictability of climate change. It led to the inclusion of the L&D clause in the Paris Agreement, which was a longstanding demand of AOSIS and SIDS nations and a contentious topic of debate, particularly among the developed countries who feared that a legal approach to L&D could potentially hold them liable

for compensations. The Paris Agreement settled for a compromise on the issue, as the specific claims of developing countries were rejected but L&D was acknowledged as a key pillar to the new regime under a separate article 8 of the agreement (UNFCCC, 2015). The Preamble to the Paris Agreement acknowledges climate change a common concern of mankind and makes specific references to 'human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity' (UNFCCC, 2015, p. 2). The Paris Agreement also highlights the interlinkages between sustainability and climate change; both the sustainable development goals (SDGs) and the NDCs proposals include a broad range overlapping concerns that broaden the scope and definition of climate change.

The climate justice movements have mobilised millions around the world, especially after the debacle of Copenhagen in 2009 when the civil society protests emerged as an alternate site of climate action. This urgency on the part of the non-state actors to take the lead on climate action has been in response to the dismal failure of the traditional state-led initiatives and the dire warnings of each of the successive IPCC reports (IPCC, 2014). The recent IPCC special report has predicted that at the current pace of emissions, the world is on its path to breach the 1.5 degrees target between the years 2030 and 2052 (IPCC, 2019). In August of 2018, a 15-year-old Greta Thunberg took time off after school to protest outside the Swedish parliament for stronger climate action. Her protest received international attention and inspired environmental movements such as the Extinction Rebellion and the Friday futures movement, which commenced alongside the UN climate summit in 2019 (Irfan, 2019). Several other ecological movements, such as Friends of the Earth International, the Climate Action Network, 350.org and Climate Justice Now provide climate leadership both inside the UNFCCC and outside (Guerrero, 2011). These climate justice movements strive to pose a challenge to the ecological modernisation discourse that dominated the Kyoto period and continues to dominate mainstream climate politics. The notion of climate debt has also been raised in the Global South, as a form of subversive political strategy against the extractive and exploitative practices of neoliberal capitalism (Bullard, 2010). These grassroots movements are convinced that

> a decade of advocacy work, however well-intentioned, migrated towards false solutions that hurt communities and compromised on key issues such as carbon markets and giveaways to polluters. These compromises sold out poor communities in exchange for weak targets and more smokestacks that actually prevent us from getting anywhere close to what the science—and common sense—tells us is required. (Parkin, 2010)

The point that Thunberg and other climate activists are making is that the business-as-usual approach of the current generation will not merely pass the buck but also raise the magnitude of long-term harm to the point of irreversibility. These movements are trying to construct a socio-political mobilisation, which is rooted in principles of intergenerational equity and public trust doctrine, which advocates state action for equitable and effective management of natural resources (Quirke, 2016).

Post-2020 Climate Scenarios: Emerging Geopolitics of Climate Change

The Donald Trump administration's decision to quit the Paris Agreement led many to speculate over the future of the UNFCCC negotiations and the new targets set in the Paris Agreement. However, it is important to keep in mind that American participation in the negotiations has followed a similar trajectory in the past (Urpelainen & Van de Graaf, 2018). The US exit once again brought forth the relevance of domestic politics in shaping international outcomes. It also brought forth the role of non-state stakeholders as well as the sub-national levels of governance. The campaigns like 'We Are Still In' in the United States saw the coalition of states, cities and organisations, which continued to commit to the reduction targets and even set up a separate pavilion at the COP23 meeting, in which the US delegation promoted coal (Leahy, 2017).

In its first executive decision, the Biden administration decided to re-join the Paris Agreement, followed by key policy issues such as the rolling out of energy efficiency standards, clean power plan and the American Jobs Plan (The White House, 2021a, 2021b). There is a clear emphasis that climate change will be a national security as well as a foreign policy issue in near future. Two key indicators of these shifts in US policy include the Biden administration's invitation to 40 world leaders for a Leaders Summit of climate change and the decision by the Pentagon to incorporate climate change analysis into the future National Defense Strategy (Mehta, 2021). These decisions hold long-term implications for global environmental politics as the United States will attempt to reassume climate leadership and regain the lost faith and confidence of other nations.

The US withdrawal from Paris ceded the climate leadership to China, which has bolstered its commitments to the UNFCCC and emboldened its alliances with the European Union and other parties. It has been setting up its national emissions trading scheme, which will be the world's largest carbon market in the coming decade. In a significant move, President Xi Jinping announced that China would make efforts towards a peaking of its carbon emissions before 2030. This announcement was a critical moment in global environmental politics, as it is the first instance of universal climate action from China, with no reference to CBDR principles, which has been a key sticking point in the negotiations (Wagner, 2020).

Carbon neutrality targets are fuelling the race to zero emissions and becoming a focal point and benchmark for assessing the credibility of state NDCs. EU and 110 other countries have already pledged neutrality by 2050, and China has indicated that it will aim for a 2060 target. The 2020 UN Environment Programme Emissions Gap Report indicates that if US President Joe Biden announces a similar target for the US, the proportion of GHGs emissions covered will increase up to 63% (Dubash, 2021)

Conclusion

1. The post-Paris regime vastly differs from the previous arrangement which upheld the centrality of states in climate action. It adopts a hybrid, polycentric

approach to climate governance where the agency spills beyond the UNFCCC secretariat and the burden of mitigation and adaptation is shared among a broad range of actors, who, prior to Paris, were acting only in an advisory capacity. This fragmentation, both within the regime as well as outside, is a direct result of the changing geopolitical and economic realities of the world as well as the growing public acknowledgment of the complexities of the problem.

2. Although Paris was a political triumph, its net results fall short of its stated objectives as the collective ambition of NDCs has not been compatible with the two degrees target so far. The average increase in carbon emissions in the present decade, although it fell compared to the previous decade, continues to remain at par with the 1990s levels and the COVID-19 pandemic is likely to make it worse.
3. The Paris Agreement falls within the ambit of the UNFCCC and therefore adheres to its principles of equity and CBDR, but the new, subtle differentiation vastly differs from the Kyoto Protocol. The Agreement walks a tightrope on the question of differentiation, opting to define it along a broader set of issues and parameters. With the removal of annex-based differentiation, the question of equity is no more a political tussle; rather it becomes a key to meeting the goals and ambition of Paris. Although the developing countries continue to adhere to their position on CBDR-RC and equity, this can no more be conflated with weaker burden of responsibility, as is apparent from the carbon neutrality targets which all countries are embracing.
4. Developing countries will increasingly play greater role in meeting the Paris objectives. Both India and China have gradually taken up climate responsibilities, through nationally appropriate mitigation actions (NAMAs) and NDCs, which has not only secured the legitimacy of the UNFCCC regime but also ensured that financial accountability of the developed countries forms the basis to effective climate action.
5. The emergence of the transnational forms of climate governance, through cities, corporations and NGOs offer new hope for more effective action, yet this sort of self-regulation within a legally non-binding set up of the Paris remains an untested proposition.
6. There is a greater emphasis within the regime towards a market-based approach to the problem, which relies heavily on the language of carbon markets, negative emissions and yet unseen technological innovations. The achievement of the two degrees target will require a radical departure from the business-as-usual approach, as many countries will have to reach the critical net-zero emissions status by 2050 and the more developed ones have to take a lead. While the ecological modernisation approach of carbon markets is an important tool in achieving these targets, there is a possibility that a business-as-usual approach is likely to persist in the absence of any legal obligations on the parties.
7. A significant development has been the rising profile of climate change in defence and intelligence communities. The UN Security Council first took notice of the subject a decade ago, and it has since held four open debates on

the climate risks to security. As the impact of extreme weather events increase, the links between conflict and climate change will emerge as a key part of the environmental politics. A number of recent reports and studies have established such linkages, which brings out the role of climate change as a 'threat multiplier' in vulnerable regions of the world.

8. Finally, the question of climate change remains an inherently moral one. Whether it is the issue of intragenerational equity, which the Global South has raised for decades or the ethical conundrum of intergenerational justice, which the climate justice movements and the likes of Greta Thunberg are bringing into prominence, the moral character of post-Paris regime remains critical to its success. The failure of the UNFCCC regime 'to impose or encourage the application of one or a limited set of justice principles remains a perennial constraint on the regime's effectiveness and a challenge when translating justice concerns into practical action' (Okereke & Coventry, 2016, p. 846). The Paris regime, with its transparency framework and highest possible ambition, offers hope, and yet it faces the same challenges that afflicted the Kyoto Protocol, such as the withdrawal of major emitters, non-compliance, offsetting, pathway dependencies within the governing institutions and political inertia. Therefore, any ahistorical framing of the climate crisis that fails to acknowledge the asymmetry of power and vast inequalities, both between and within nations, will be at risk of running into the same structural problems that made the Kyoto Protocol ineffective in the first place.

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