

# Bridging the Gap: Non-state Actors' Crucial Role in Shaping the Future of the Paris Agreement

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## Abstract

This research takes a look into how non-state actors might affect the Paris Agreement if they were to be included in the Conference of Parties. The primary objective is to analyze two case studies of influential non-state actors to prove the hypothesis that non-state actors' contributions will aid states in meeting the goal of the Paris Agreement. Based on the analysis, it appears that the intervention of non-state actors will assist countries in fulfilling the main objective of the Paris Agreement. Additionally, the paper suggests adapting a practical mechanism from one of the case studies evaluated, "C40 Cities." These findings underscore that the active participation of non-state actors is essential and needs a clear United Nations Framework Convention on Climate Change.

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# 1 Introduction

Due to the nature of the paper, this paper will utilize various abbreviations throughout the commentary as provided by the following: Biennial Transparency Reports (BTRs), Conference of the Parties (COPs), Enhanced Transparency Framework (ETF), Global Stocktake (GST), Nationally Determined Contributions (NDCs), Non-State Actors (NSAs), and United Nations Framework Convention on Climate Change (UNFCCC).

Human activities have created a dichotomy of development and destruction. While technological and industrial advancements have propelled societies into new realms of prosperity, such advancements have also unleashed an unprecedented climate crisis with emitted greenhouse gas levels at record highs while showing no signs of slowing down (United Nations, 2020). The global climate crisis is no longer a future concern; it is a present reality that is palpable through our five senses. In response, the Paris Agreement aimed to unite countries in its efforts to reduce greenhouse gas emissions with the primary goal of preventing global average temperatures from rising more than 2° Celsius above pre-industrial levels and a more ambitious target of limiting the increase to 1.5°C to avoid catastrophic consequences (QZ, 2019). Implemented through a five year ‘ratcheting up’ cycle (Streck, 2021) by utilizing NDCs, ETF, and a GST, the Paris Agreement faces significant challenges, particularly through the insufficient participation of all levels of actors despite its emphasis on their importance. NSAs, which are independent from governmental control, play a crucial role in climate action; however, their participation remains limited despite their demonstrated capacity for quicker, adaptive, and innovate solutions, which raises concerns about the effective achievement of the Paris Agreement’s objectives.

Despite the increased demands of international cooperation embodied in the Paris Agreement, NSAs still grapple with limited opportunities. To address the backdrop of the climate crisis, the UNFCCC’s COP ought to give space to non-state actors to negotiate directly and adapt the ‘Climate Action Planning Framework’ to the Paris Agreement. This research paper demonstrates how the NSAs’ expanded role can help states meet their Paris Agreement goals.

## 2 Literature Review

Extant literature on NSAs' roles in strengthening the Paris Agreement has been covered from limited perspectives despite the importance of NSA cooperation embodied in the Paris Agreement by mostly focusing on how to integrate NSA actions into countries' policies under the ETF of the Paris Agreement (STreck, 2021; van Asselt and Hale, 2015; Hale, 2018). Such methods include emphasizing the 'orchestration,' which provides the active role of NSAs in monitoring mechanisms (Streck, 2021); a 'name and shame' policy, which publicizes actors and initiatives that perform well while calling out those that perform poorly (ibid.; van Asselt and Hale); and including NSAs in the NDC formation process (Hale, 2018). Prior studies have given insights into how NSAs can contribute to building trust and cooperation among actors in the Paris Agreement by including NSAs in the ETF. Thereby, NSAs would contribute to state compliance to meet the Paris Agreement goal. The findings generally indicate that NSAs can enhance public awareness (Streck, 2021), complement the gap through specialties that only NSAs can provide as they are not subject to political constraints (van Asselt and Hale, 2016), and create a system outside of the United Nations so that NSAs can express their opinions (Hale, 2018).

Monitoring mechanisms are essential because it is important to encourage all levels of actors to be accountable and cooperative; however, expanding the NSAs' role to monitoring is not enough to handle the current climate crisis. The Paris Agreement stems from research indicating that global temperature rise should be limited to 1.5°C to prevent climate change (UNFCCC, 2015). To that end, emissions must be reduced by 45% by 2030 and reach a net zero by 2050 (Pandher, 2024). There is indeed a long way to go considering the current situation. This paper aims to fill this gap by proposing active interventions by NSAs during the UNFCCC COP. The following statement, quoted from the Paris Agreement's preamble, states that "Recognizing the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change." Although preambles are not always regarded as legally binding, they do have a growing influence on constitutional interpretations (Burbank and Friedman, 2002). Preambles can not just be deemed educational contextual information for a comprehensive understanding of the treaties (Orgad, 2010). The Paris Agreement's preamble identifies all levels of government, and various actors' engagements are essential; thereby, this preamble

gives room for a constitutional amendment to include NSAs in the negotiation procedure in COP.

### **3 Methodology**

This paper uses a qualitative approach by utilizing case studies to explore the role of NSAs in supporting the goals of the Paris Agreement. The case study method of this paper helps to comprehend complex social phenomena and interactions between the different actors involved in climate governance. The research focuses on two cases: America's All-In and C40 Cities. Both initiatives have remarkable global influence as demonstrated by measurable progress in reducing greenhouse gases and cooperating with various types of actors. Data for this research is collected through the initiatives' reports and secondary sources from the media and articles. Based on the information evaluated, a final recommendation will be provided at the end of the paper to improve future prospects.

#### **Case Study I: America Is All-In**

An examination of the "America's Pledge" initiative as a case study supports the hypothesis that NSAs can significantly contribute to achieving the Paris Agreement's goals by leveraging local knowledge, fostering community engagement, and implementing innovative solutions that complement national efforts. "America's Pledge" illustrates how NSAs can fill the gaps in national climate policies and create alternative accountability mechanisms at the sub-national level.

In 2017, former US President Donald Trump declared a withdrawal from the Paris Agreement (America's Pledge, 2017). By doing so, Trump made it clear that, regardless of the framework of the Paris Agreement, which takes four years for official withdrawal, the United States would not abide by the NDCs established by the Obama administration, which included a reduction of greenhouse gas emissions 26 to 28 percent below 2005 levels by 2025 (Reuters, 2017). As a reaction to this withdrawal, Michael Bloomberg, former mayor of New York City, established the "America's Pledge" initiative (America's Pledge, 2017); America's Pledge, which is a group of NSAs, decided to substitute the government to address the climate crisis by aiming to uphold the US's NDCs under the Paris Agreement to reduce emissions (Reuter, 2017). Further, "America Is All-In" is an initiative that merged "America's Pledge" and "We Are Still In" initiatives (Bloomberg

Philanthropies) by expanding the coalition of US states, cities, businesses, and other organizations committed to climate action (ibid.). The initiative consists of more than 5,000 cities, states, tribal nations, businesses, and institutions of higher education, faith, health care, and culture (ibid.) and is currently amplifying the efforts of these NSAs to meet and aim to exceed the goals of the Paris Agreement by demonstrating a comprehensive and inclusive approach to tackling climate change in the US (ibid.).

Only official delegates from countries that are parties to the UNFCCC have the right to negotiate and vote. These representatives are typically high-level government officials who have the authority to make decisions on behalf of their country. While “America Is All In” is not an official part of the UNFCCC, it is consistently present at COP. The initiative held an action center in the ‘blue zone,’ which requires accreditation and was present from COP 25 to COP 28, the most recent COP (America Is All In, 2023). There, they hosted several different events and several analytical deliverables, coalition member and partner progress markers, and public announcements that ensured the continued contributions and influence of US communities, businesses, and institutions in delivering ambitious climate action with global impact (ibid.). Their extensive network of NSAs supports this expectation: “America Is All In” provides collaborating networks that connect NSAs to share knowledge, resources, and strategies for effective climate action, including but not limited to partnerships between cities, states, businesses, and NGOs. By negotiating with state actors in COP, they would be the bridge in connecting the countries and NSAs by delivering NSAs’ perspectives, which would increase coordination at all levels.

It is important to connect NSAs and states so they can complement one another. Through an active connection, states can attain local-level perspectives and flexibility; states focused on the national or international level can have the power to enact binding legislation. In contrast, NSAs focus on the local level. NSAs do have a limited capacity for participation, but they are much more flexible than countries as they can adapt quickly to changing circumstances as they have fewer components, such as global stakeholders, to consider. “America Is All In” could enhance policy influence and coordination if its role is expanded to the negotiation level. The “Center for International Law,” which is a nonprofit environmental law organization, consists of experts, participates in OECD conferences, and discusses biodiversity (Chung, 2021). NSAs provide professional information to state actors, and in return, state actors earn not only innovative information but also

political stakes (ibid.). Likewise, “America Is All In” could have a stronger voice in shaping national climate change policies and strategies, which could involve more direct input into federal climate legislation and regulations.

### **Case Study II: C40 Cities**

The C40 Cities network exemplifies the challenges and potential solutions within the Paris Agreement’s framework. The C40 demonstrates that one of the problems of the Paris Climate Agreement is the structure of the agreement as the relations on each country’s NDCs do not create demand incentives for compliance. It also offers a potential solution by adapting the Climate Action Planning Framework to the Paris Agreement.

C40 is a global network that consists of nearly 100 mayors from leading cities across the world and represents around 700 million citizens (C40 Cities, 2019). Mayors of cities joined C40 to confront the climate crisis as a united group and aim to cut their fair share of emissions by half in 2030, which would help the world limit global warming to 1.5°C, and build healthy communities based on an inclusive, science-based, and collaborative approach (ibid.). C40 has a robust structure to facilitate environmental actions: the Climate Action Planning Framework and membership mechanism (ibid.). To foster the cities’ participation, it is essential to motivate them to take substantial action. The method in which “C40 Cities” improve state compliance is through membership requirements. Cities under the C40 earn their membership through action and not through fees (C40 Knowledge, 2021). Their Leadership Standards set the minimum requirements for all member cities and safeguard the integrity for C40 as a network of climate leaders (C40 Cities, 2019). As a membership requirement, all C40 cities must develop a climate action plan in line with this framework. As membership operates on performance-based requirements, it creates a system that cities need to take action to maintain. Every city in the C40 network is reviewed annually against the Leadership Standard (ibid.).

“C40 Cities” have the Climate Action Planning Framework, which is a comprehensive guide designed to assist the development of cities, implement, and monitor effective climate action plans to meet the goals of the Paris Agreement (C40 Knowledge, 2020). This framework is comprised of three pillars: Commitment and Collaboration, Challenges and Opportunities, and Acceleration and Implementation (ibid.). Commitment and Collaboration refers to the phase in which businesses

and communities work together and communicate during the entire process from creating a plan to carrying the plan out. The Challenges and Opportunities is based on data evidence, such as baseline emissions, and considers the 2050 emissions trajectory, climate risk, and socioeconomic priorities. Lastly, Acceleration and Implementation is the step that focuses on creating a plan for implementation, which includes transformational action definition, action prioritization, action development, and the reporting, evaluation, and revision procedures (ibid.).

Although “C40 Cities” is not officially a part of the UNFCCC as it is not a state, the organization collaborates closely with UNFCCC. The initiative has partnered with the Global Covenant of Mayors for Climate & Energy and CDP to mobilize cities around the globe to join the Race to Zero campaign, which aims to align city-level climate actions with the goals of the Paris Agreement (C40 Cities). This initiative emphasizes the importance of cities in limiting global temperature rise to 1.5°C and achieving net-zero emissions by 2050 (ibid.). For C40 cities, COP is an opportunity for the cities to showcase their commitments, achievements, and inspiration (ibid.). The cities participate in the COP negotiations as members of the Local Governments and Municipal Authorities observers constituency through in-session interventions and side events. By doing so, cities demonstrate their ambitious climate action and achievements toward reaching the Paris Agreement goals by calling for bold and urgent actions by people for cooperative and inclusive climate action (ibid.). This engagement aims to impact the COP’s negotiated outcomes in the direction of more ambitious global climate action by including improved long-term strategies, improved integration of local government contributions into NDCs, increased access to financing for local governments, and higher targets in NDCs (ibid.). Within the expanded role, cities can directly negotiate with the states to reform the framework of the Paris Agreement, appeal to the states to adopt similar systems, and have membership prerequisites and the Climate Action Planning Framework.

## **4 Recommendations**

This study’s suggestions are grounded in the findings from the case studies evaluated above; NSAs can help the Paris Agreement by taking substantial actions if their role is expanded in the UNFCCC. Their inclusion will act as a catalyst for driving progressive climate change action. The proposals for this section are all based on the premise that the preamble of the Paris Agreement

should be considered legally binding.

### **I. Motivating State Compliance Through Incentive Mechanisms**

The Paris Agreement could potentially implement a “C40 Cities”-style membership structure but not all the NSAs’ positions can be extended to the negotiation status. Sophisticated criteria must be established to identify which NSAs could be included in the negotiation status. Much like how the “C40 Cities” are currently conducted, NSAs’ qualifications should be provided based on progress and achievements. Under this membership system, NSAs with futile progress will not be given qualification to participate in the negotiations beyond the blue zone of the COP. However, the NSAs’ memberships should be renewed every five years when the GST is reported. The Paris Agreement has set up a ‘ratchet mechanism,’ which results from the interactions between NDCs, reporting under the ETF, and the assessment of collective climate progress under the GST (Harries et al., 2023). Under the Paris Agreement’s ETF, relevant parties must submit the BTRs, whose mandates include greenhouse gases and sinks, NDC progress, and impact and adaptations, every two years to track progress in the implementation and achievements of NDCs (ibid.). Long-term collective progress towards the Paris Agreement is reported every five years under the GST mechanism (ibid.) and the progress of NSAs can also be monitored under this ‘ratchet mechanism.’ Under this mechanism, each of the NSA’s achievements would be reevaluated every five years when the GST is reported, which would lead to a prevention of the slacking of the system.

Through the implementation of Stadelmann et al.’s universal metrics to compare the effectiveness of the climate change adaptation project, the significance of NSAs’ actions can be evaluated based on the ‘tonnes of CO2 equivalent reduced.’ Nonetheless, without a specific metric, the UNFCCC COP will grapple with qualifying the membership of the NSAs and comparing the adaptive effects of ongoing or proposed projects. Through the comparison of the ‘tonnes of CO2 equivalent reduced,’ UNFCCC can provide a certain number of NSA cooperative initiatives to be included in the negotiation status of the COP.

### **II. Improving State NDC Compliance Through a “Climate Action Framing Network”**

A comprehensive set of guidelines called the “Climate Action Framing Network” from “C40 Cities” is intended to assist cities in efficiently achieving the objectives of the Paris Agreement (C40 Knowledge, 2020). The guidelines offer a methodical strategy to assist cities in making the

shift to a resilient, low-carbon future (C40 Knowledge, 2020). If it were to be modified to fit the Paris Agreement, the following structure could offer nations a direction when creating their NDCs. However, the limit of this framework is that it is not globally applicable as it was solely implemented among cities. To address this limit, this framework system can be operated as an optional mechanism; for instance, a nation with a high ambition goal but low economic capacity can utilize this framework to establish the appropriate goal stemming from its competency. Those nations may determine how to cut carbon emissions most efficiently while not exceeding their capacities.

## **5 Conclusion**

In summary, this paper explores the cases to examine the pivotal role of NSAs in supporting the Paris Agreement’s objectives through active intervention in the UNFCCC COP. The case studies demonstrated how UNFCCC COP can benefit from NSAs’ unique strengths, flexibility, specialized expertise, and local perspectives as shown through the successful initiatives of “America Is All In” and “C40 Cities.” This integration can enhance policy influence, coordination, and, ultimately, compliance with NDCs. Moreover, the proposed “Climate Action Planning Framework” can offer nations a structured approach to developing and implementing effective climate action plans. By adapting this framework to the Paris Agreement, countries can set realistic and ambitious goals tailored to their capacities, thereby fostering greater compliance and progress toward global targets.

This research highlights the importance of considering the preamble of the Paris Agreement as legally binding by recognizing the engagement of all levels of government and various actors in addressing climate change. The recommendations presented in this study are designed to motivate state compliance through an incentive mechanism and improve NDC compliance through a comprehensive “Climate Action Framing Network.”

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