Conversations on the Regime and the Institution:
The Copenhagen Accord and Global Environmental Governance

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Abstract

This paper presents an inquiry into the state of conversations in international politics on the prospects for the global environmental governance of climate change. The essay reviews the literature on regime theory and its discontents to provide a working understanding of the authors' conception of global environmental governance for climate change as a regime. The most recent cases of global environmental governance on climate change are discussed, focusing on the United Nations Framework Convention on Climate Change as the primary arena for governance-building discussions, leading up to the 2009 Copenhagen Summit. The paper then considers the conversations that posit the failures of Copenhagen and question a current existential crisis facing global environmental governance on climate change. Finally, it is suggested that these failures of the Copenhagen round can be understood within the context of regime theory and its limitations in International Relations. The experience of Copenhagen is representative of continuity with both regime theory and the recent history of global environmental governance on climate change. While the Copenhagen Accord may represent a failure as an international institution on climate change it is perhaps not a failure if interpreted more broadly as part of a governing global climate change regime.

Keywords: Copenhagen Summit; Global Environmental Governance; Climate Change; Regime Theory

Introduction

James Rosenau, in his discussion on the origins of international institutions, reflects on the salience of the picture of the Earth taken from space during the Apollo mission. These pictures, according to Rosenau, helped to foment a popular consensus on the importance of political interdependence and the shared fate of all humankind (Rosenau, 2005: 131). This sentiment is echoed in the pages of the Brundtland Commission's seminal reflection on the need for sustainable development in *Our Common Future*, which relates the perspective of the planet garnered by the space program during the 1960s as that of "a small fragile ball" (1987: 1). The "spaceship Earth" model that followed the Apollo missions conceptualized our planet as one of limited resources, lacking any external inputs aside from the Sun, the artificiality of state borders and emphasized the necessity of political, social, and economic cooperation. Ever since the Apollo space mission positioned humanity to see the vulnerability of our bounded earth, international environmental institutions—defined in a broad sense as international agreements, treaties, working groups, research organizations and oversight bodies—have literally grown at an exponential rate on a yearly basis (Meyer, *et al.*, 1997: 625).[1] However, it is the ineffectiveness of the contemporary response to climate change that potentially threatens the continued commitment of states to the norm of international environmental institutions.

This paper represents an inquiry into the current conversations on international environmental institutions, or what we call global environmental governance (GEG), that pertain to global climate change in the wake of the December 2009 Copenhagen Summit. It is perceived that these conversations on GEG changed at Copenhagen, as the problem, potential solutions, and the nature of international responses to GEG became less global in scope, less multilaterally-inclined, and focused on national policies rather than an international agreement on reductions of carbon emissions and the means to achieve such reductions. The first section of the paper will provide a discussion on regime theory as well as overview its critics to survey the conversations on institutions and regimes from the perspective of International Relations. We discuss regime theory in the context of GEG to appreciate the scope and variety of the global environmental governance of climate change as a diffuse governing regime, not only as direct treaties and

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[1] These conversations on interstate cooperation for the conservation of the environment have actually been occurring as far back as 1850 and manifesting politically in international relations as "environmental treaties" only a few decades later.

institutions. We will discuss the image of doubt that exists in International Relations regarding the ability of institutions to foment meaningful change, but also consider the differences between regimes and institutions and why this difference matters when judging their efficacy. The second section will consider the conversations on earlier responses to climate change within the forum of GEG leading up to the Copenhagen Summit. It will be explained that these conversations, primarily structured by the United Nations Framework Convention on Climate Change (UNFCCC), included an emphasis on multilateralism, institution building and finding a global consensus on the climate change problem. The third section will focus on the current conversations taking place since the Copenhagen Summit and their implications for GEG. These conversations on the state of the global climate regime have taken on a highly state-centric discourse, and appear to represent a definitive break from an institution for responding to global climate change, to becoming a more general regime that recognizes global climate change as a serious issue for humanity but no longer as an international institution to direct policies, procedures, or targets on addressing the anthropogenic greenhouse effect. The content and direction of the conversations on GEG changed at Copenhagen in ways predicted by International Relations. Copenhagen was intended to provide international targets and mechanisms for carbon mitigation, but instead the Accord denied the formation of an international institution. However, the very fact that an accord was produced, that reductions would be attempted by Western states including the US, as well as emerging economies including China, suggests that the global environmental governance of climate change continues to persist as a regime and as a norm in the conversations on global politics.

Regime Theory and its Discontents

A commonly cited formulation of international regimes in International Relations is Krasner's definition of "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 1982: 186; Young 1989: 194; Ruggie, 1982: 380). This mantra for international regimes emphasizes the behaviour of multiple actors attempting to coalesce their interests around a specific issue of international concern and then to express these political linkages as a social institution. However, Krasner's definition conflates an institutional side of "rules, and decision-making procedures" with an ideational side of "principles, and norms." The institutional side is the conference or document where states

delineate a set of commitments for policy-makers to abide by. The ideational side is the regime, the issue that has garnered international attention and recognition from states as being worthy to address. It is the institution that becomes the policy output of the regime, or loose consensus in international or global society. The regime then becomes a type of forum for actors to engage in conversation and negotiation in international politics. Much of international politics, including the politics and conversations on GEG, is engaged in the institutional side of regime building as evidenced through numerous treaties, documents and accords like the Brundtland Commission, the Earth Summit, and the Kyoto Protocol. On the ideational side, the United Nations forum, through the UNFCCC has served as the primary forum for actors to negotiate policy to address climate change, but also as a venue for the Intergovernmental Panel on Climate Change (IPCC) to participate in scientific research and scientific debate on climate change and to disseminate information to the public on climate change.

The theoretical framework on regimes goes far beyond the commonly cited definition presented above. The structure of international politics in regime theory is often accepted as anarchic, yet not as an anomic realm without rules. The regime, as Krasner describes it, is an "intervening variable" between the anarchic system and the formulation of self-interest by the state. The state is typically regarded as the primary actor in international politics although not the only actor. As a rational and unitary actor, the state is responsible for constructing regimes on the basis of international cooperation toward a set of common interests (Little, 2001: 301).

The self-image of regime theory is that it is derived originally from hegemonic stability theory (Young, 2005: 88, 102; Gilpin, 1981), a perspective that argued that regimes are created and sustained by a hegemonic actor trying to promulgate a self-advantageous status quo. The key assumption of hegemonic stability theory is that regimes merely reflect the distribution of power in the international system, and are created and sustained by the most powerful international actor.[2] However, as changes in the distribution of power became discussed during the late 1960s and early 1970s, conversations in International Relations began to question the "robustness" of these international institutions. And yet, as observers noted, these post-War institutions, like Bretton Woods and NATO, continued to

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[2] One example often used in these conversations is the position of the United States after the Second World War as the distribution of fungible power was heavily in the favour of the United States, resulting in international institutions and conventions, such as Bretton Woods, reflecting the interests and values of the U.S. hegemon.

operate throughout the 1970s and into the 1980s. Many institutions adapted to structural changes in the international order (such as the switch from fixed foreign exchange rates to free-floating exchange rates) and even continue to exist in a different international system of the twenty first century.

Robert Keohane offered an explanation for this apparent robustness of regimes with a critique of hegemonic stability theory through an economics analogy of market supply and demand. (Keohane, 1982). Keohane posits that comparing the number of regimes to the concentration of power in the international system only represents the "supply" side of regimes. Powerful states have the *incentive* to construct an international institution because they can create a context in which other states might construct their foreign policies in a way that is amenable to the international order envisioned by the powerful. Powerful states also have the *means* to support the institution financially and politically while providing the incentives for other states to "free-ride" off of the benefits provided by the institution. However, one must also consider the "demand" for regimes, as suggested by Keohane to depend on "issue density," that is, the prevalence of the issue that requires cooperation, and the effectiveness of regimes to distribute norms and information and is the factor that is typically overlooked in regime theory (Keohane, 1982). It is to the demand side of regimes that we return to when we consider the relevance of the climate change regime at Copenhagen.

It is this focus on the demand side of regimes that informs the social constructivist approach to regime theory. This literature criticizes the institutional basis of regimes as "undersocialized" and attempts to understand the social and ideational forces that constitute the demand for regimes, or interpretations of so-called "issue density" (Ruggie, 1982: 2). The interests that inform the demand for regimes are seen as important but endogenous to identity (Ruggie, 1982: 16). Some constructivist literature adopts a "cognitive" approach that assumes: 1) interest as contingent on the interpretation of actors; 2) these actors face enduring uncertainties; and that 3) the intersubjective meanings of actors form the mechanism for regime formation and participation (Hasenclever, *et al.,* 1997: 140-2). The constructivist approach has particular relevance as a reminder that we are not only considering institutions in global politics that encourage conformance to a set of policy initiatives, but norms and ideas that are being interpreted by multiple actors, as well as their concerns (and fears) that cannot be solved by each state acting individually.

For all of these conversations on regime theory, there are two principal critiques made of regime theory within IR and critical theory

perspectives. The first critique comes from a general perspective of realism, which for the purposes of this conversation we can sub-divide into the "sympathetic" and the "skeptical." Perhaps the seminal author on regime theory, Robert Keohane, might loosely fall under this category of "sympathetic realist."[3] Keohane accepts the anarchy of the international system and the pursuit of the self-interested state as the primary actor. However, Keohane proposes a bounded rationality that operates on a continuum between egoism, where self-interest is narrowly defined, and empathy, a much broader determination of self-interest (Keohane, 1984: 120-7). The state's definition of self-interest is expounded to facilitate a mutual behavioural adjustment of states in the international system. While regimes might be recognized as influencing state behaviour in the pursuit of a less egoistic definition of self-interest, the regime is an intervening variable, whereas the behaviour of states and the distribution of power in the international system remain the basic "causal variables" (Keohane, 1984: 49-64; Krasner, 1982). This is a definition of regime theory that delineates a profound limitation within a context of realist assumptions regarding state behaviour in the international system. For sympathetic realists like Keohane, the robustness of the institution is embedded in the authority of states and the continued existence of such institutions remains dependent on the state to interpret their self-interest within the norms, rules, and procedures of the regime.

A leading realist "skeptic" of regime theory is John Mearsheimer (1994-5), who unlike sympathetic realists, seeks to discourage the value of regime theory, both as an academic research agenda and as a tool for policy-makers. Mearsheimer believes that the structure of anarchy in the international system is the determining factor of international politics. From this perspective, anarchy is the "ordering principle," while regimes can have little affect on the behaviour of states in the international system over the *longue durée*. Cooperation at the international level, which is fundamental to regime theory, is limited by two factors: 1) the relative gains of powerful states over less the powerful; and 2) the cheating that occurs between states to maximize power positions relative to each other. For Mearsheimer,

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[3] We are less interested in placing labels on an individual as we are curious of the self-images that prolific authors have of themselves. In *After Hegemony*, Keohane repeatedly affirms his status as a realist who is trying to explain the preservation of regimes following the redistribution of power in the international system away from the US (1984: 7-9, 29, 66-7). However, we are thankful to all of our reviewers who point out that Keohane also identifies himself as an "institutionalist" and/or "neoliberal institutionalist" as well as realist (Keohane, 2002: 1-3).

regimes are merely an alternative arena for the performance of power relations. Gilpin represents another realist skeptic who does not accept the putative authority of international institutions and questions their economic, political, and social interests (Gilpin, 1981: 239-40). The regime theory skeptic doubts the ability of the regime to be much more than an intervening variable to the ordering of an anarchic system where the attainment of relative gains in a zero-sum international system remains a leading goal of the state.

The second principal critique of regime theory is from the perspective of critical International Relations theory. Critical theory is separated from the problem-solving theory of the mainstream, such as realism, liberalism, and institutionalism, by Robert W. Cox (1993) because "critical theory, unlike problem-solving theory, does not take institutions and social power-relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing." Cox emphasizes the foundations of international institutions as entwined with both liberalism and David Mitrany's "functionalism," or low politics of administration (Cox, 1996: 505-10). The technical administration implicit to functionalism, according to this perspective, has bequeathed a regime theory that is inherently conservative in political orientation, and theoretically a proponent of problem-solving theory. Conversations in critical theory converge on this questioning of whether international institutions truly seek to foment profound changes to the status quo, or if they only attempt to buttress the existing world order, making marginal or incremental changes to global politics, allowing existing violence and injustice be tolerated for the interim, only to be dealt with at a later time. Cox suggests that international institutions might even function to develop and sustain hegemony in five ways (Cox, 1993: 137-8). First, the rules set by international institutions are suggested as facilitating the expansion of the hegemonic system. Second, institutions are the products of the hegemonic world order. Third, they are able to ideologically legitimate the norms of hegemonic world order. Fourth, they are capable of influencing and infiltrating the elites of developing countries, or countries peripheral to the hegemonic power. Fifth, international institutions are able to absorb counter-hegemonic ideas, internalizing them in a contradictory style of discourse with traditional hegemonic discourses but not translating these counter-hegemonic ideas into meaningful political changes. The institution for Cox is like a pillow, absorbing the blows for change from counter-hegemonic ideas while providing a comfortable place for the revolutionist to rest.

In the classic critique of regime theory from the pages of *International Organization* in 1982, Susan Strange posits five "dragons" of regime theory that have come to act as the reference point on critical conversations on regimes (Strange, 1982). The first dragon (or criticism) posed by Strange is that the study of regimes is a passing fad that offers marginal long-term research potential. The second criticism is the imprecise and "woolly" language used by regime theorists. The third is the bias of values suggestive by regime theory. This charges regime theory as irrevocably a problem-solving approach to international politics that does not seriously address social justice and equity. Fourth, regime theorists tend to overemphasize a static international and political context and do not emphasize either potential political and structural change, or historical changes. The fifth dragon offered by Strange is that while regime theory opens the "black box'" of the state to certain powerful actors, such as corporations, it remains too state-centric by insisting that it is the state who will pursue the interests of powerful internal actors and monopolize international politics.

It has been questioned whether these challenges of critical theory are generally true of regime theory, or, if the critique of regimes from either critical theory or realism is properly directed. Going back to Krasner's conflation of "regime" and "institution," institutions represent the procedures, policies, timetables, and deadlines that offer a direct regulatory framework in which states are expected to practice compliance, or perhaps, a strongly stated expectation of conformance. Regimes however, represent the normative context in which institutions are desired, such as the epistemic communities, scientific research, popular conceptions, or media representations. The realist critique qualifies the debate on regimes by making assumptions about the international system and state sovereignty while critical theory doubts the commitment of regimes to meaningful change. However, these are limitations that are directed more toward the international institutions that are built for policy, rather than the broadly based norms of a regime that recognizes an issue requiring institutions of international cooperation. Gale (1998) responds to Strange's dragons on the grounds that regimes are intersubjective entities, constructed and directed by social values and identities held both domestically and internationally, and hold legitimacy as long as there are ideational commitments to the problem. The dragons might apply to specific institutions, but not necessarily to the regime that institutions are situated in.

There is an incessant questioning occurring on the robustness and powers of the regime in conversations in International Relations. Even those sympathetic to the international institution acknowledge their identifiable

limitations. This debate essentially posits two questions: 1) can international institutions and regimes have the operative capacity to foment meaningful change in international politics? And 2) can international institutions and regimes promote cooperation between states to respond to global climate change? The second section of this paper will attempt to follow the conversations on global environmental governance on climate change leading up to the Copenhagen Summit before we consider the state of the international climate regime that was debated at Copenhagen.

The Recent History of GEG on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) was created during the 1991 Earth Summit in Rio de Janeiro, Brazil at a time when the scientific understanding of an anthropogenic greenhouse effect caused by the release of carbon into the atmosphere was just beginning to emerge. With the recognition that global climate change was a substantive issue that would require international cooperation to address, the UNFCCC was to act as the regime to organize international responses to climate change. These institutions, known as the Conferences of Parties (COP), would establish the policy output for states to formulate tangible responses to climate change. The most famous Conference of Parties and the first one to fulfill this role of an institution was the Third Conference of Parties—the Kyoto Protocol of 1997.

  The familiar narrative of the Kyoto Protocol is that of a failure to establish the political framework for the meaningful mitigation of global carbon emissions. Strange's dragons provide a useful framework for discussing the Third Conference of Parties. First, there is the proposition of the institution as a passing fad. Clearly, many groups and entities present at the Kyoto negotiations did not want to see a strong institutional commitment to reduce greenhouse gas reductions. The targeted 5% minimum reduction of carbon dioxide emissions below 1990 levels by 2012 was itself a conservative goal (which itself cannot now be achieved) that was manipulated by coalitions such as JUSCANZ,[4] automobile and petroleum consortiums, as well as representatives from oil producing states (Leggett, 1999). Even countries identified as successfully reducing their carbon footprint towards Kyoto standards, including Russia, Germany and the United Kingdom, were aided more by losses to the carbon intensive

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[4] Japan, United States, Canada, Australia, and New Zealand.

manufacturing sector or through economic recessions than by a firmly held belief that climate change represents a planet-wide threat requiring a coherent strategy of reducing fossil fuel dependencies.

The second dragon posited by Strange is the use of imprecise or wooly language by international institutions. The Kyoto Protocol affirms a rather "wooly" commitment to sustainable development[5] and refrains from being specific on measures for carbon mitigation. The Protocol makes a grudging allowance for a carbon trading mechanism but is agnostic on its implementation. The third and fourth dragons which charge institutions as problem-solving approaches to global politics and as interpreting a static political context, are also certainly applicable to Kyoto. It is perhaps even an exaggeration to go as far as to describe the Kyoto Protocol as problem-solving since it did very little to encourage much in the way of incremental structural changes to existing patterns of order in global politics or in the way energy is used in the global economy.

It is the fifth and final dragon that is most commonly cited as the failure of the Kyoto Protocol. According to Strange, by insisting that states pursue the interests of powerful internal actors and monopolize international politics, regime theory remains too state-centric. The articles of Kyoto propagate state-centrism through their official reification of state sovereignty. At Kyoto states were preoccupied with the potential for adverse economic effects to their economies under Kyoto ratification. Much of the developing world, the non-Annex I countries, would not agree to reductions at the time of the conference in order to allow industrial growth to continue without concern for carbon emissions, similar to developmental patterns in the West, while the West was too concerned with both external and domestic competitiveness to commit to carbon emissions (Smith, 2002: 286-98).[6] Eventually the United States was to deny ratification, the global South was not included in the Kyoto targets, while those states that did ratify Kyoto became accountable to no one to meet their reductions, nor given active support. The Kyoto Protocol was intended to act as the first major institution within the climate change regime, and despite its flaws as noted above, did produce an agreement between states on reducing emissions within a specific time-line, and most importantly, proclaimed a commitment to build on the existing policy toward a more substantive and deep institution.

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[5] Point one of Article Two of the Kyoto Protocol states the commitment to reduce greenhouse gas emissions "in order to promote sustainable development" (United Nations, 1997).
[6] Such as the U.S. Senate's unanimous vote against ratification of the Kyoto Protocol, and the Bush Administration's eventual dismissal of it.

The state of the literature on global climate change regimes since the Kyoto Protocol has become a conversation of the frustrated and discontent as institutional policies failed to build on the Kyoto Protocol framework, leaving International Relations in a reactionary position trying to explain why real progress on carbon mitigation remains so woefully "out of reach" (Okereke, *et al.,* 2009: 59). From Kyoto in 1997 to the eve of Copenhagen in 2009, a number of narratives on the weaknesses of climate change institutions dominated conversations in the discipline about the potential for global environmental governance. The challenges of global environmental governance on climate change that are typically exposited revolve around three major interconnected features pertaining to global climate change—1) the science; 2) domestic politics; and 3) the politics of the international.

There are two major debates regarding the science of global climate change that have complicated regime formation; what we call "the little debate" and "the large debate." The little debate on global climate change is between those who doubt that an anthropogenic greenhouse effect is altering the climate of the planet and those who do. We choose to refer to this debate as "little" to represent the overwhelming scientific consensus on the phenomenon and to highlight that despite this protracted debate, attempts at institution building and agreement-making for global environmental governance have continued. The statement from the Intergovernmental Panel on Climate Change's (IPCC) *Second Assessment Report* of "a discernable human influence on global climate" (IPCC, 1996: 5) has entered the lexicon of climatologist around the world and referenced as the document that reflects the belief of the scientific community of an anthropogenic greenhouse effect (Smith, 2002: 287). As James Baker, the former head of the U.S. National Atmospheric and Oceanic Administration comments on climate change, "There's no better scientific consensus on any other issue I know-except perhaps Newton's second law of dynamics" (Gelbspan, 2004: 73). The debate on an anthropogenic greenhouse effect does still exist though, with particular vitriolic rhetoric in the popular media.

"The large debate" on climate change is the honest debate within scientific and policy circles on what implications a changing climate will have on the planet and for the societies and economies affected. This is a politicized debate because some commentators, particularly those like influential author and public intellectual BjØrn Lomborg, have approached climate change through a lens of the relative (and *potential*) agricultural and health gains of a warming Northern Hemisphere, and a dismissal of the consequences that warming planet might have for the Global South (Lomborg, 2001). This large debate is so important because it has accepted

the scientific uncertainty that was so often invoked for political inaction on climate change between 1997-2009 (Turnpenny, 2009: 634). These two debates on the science of climate change have both undermined the establishment of consensus to take serious action to mitigate greenhouse gas emissions.

The second major problem that plagues the conversations on responding to climate change pertain to the challenges posed by domestic politics. Firstly, domestic politics on the subject of climate change is exacerbated by a phenomenon related to both the science and economics of climate change, described in one study as "time inconsistency" (Hovi, *et al.*, 2009). Time inconsistency refers to the problem facing policy (and politics much more broadly) when a long-term optimal situation (trying to avoid an altered climate due to an anthropogenic greenhouse effect) is at odds with the *interpreted* optimal immediate choice (drastically reducing the carbon footprint) (Hovi, *et al.*, 2009: 21-24). This problem is expressed in the domestic politics of climate change because it is reflected by the short-term cycle of the politics of government versus the long-term politics required by society and ecology (Hovi, *et al.*, 2009: 25-28). Secondly, there is the question of public support on global climate change. There is certainly some discernable pressure from various sectors of civil society for governments to take action on reducing carbon emissions, but there remains a populist disbelief in the science of the IPCC, most obviously in the US, but also in Canada and Western Europe.[7]

Finally, there is the failure of global environmental governance on climate change to act as that "intervening variable" between anarchy and the formulation of state interest. It is the international system, or perhaps, the mutual constitution of the international system as it is interpreted by actors that constructivist regime theory discusses, that is the third major impediment to salient action on climate change. Hovi, *et al*. suggests that the states present during the Third COP at Kyoto were acting in accordance with how a neorealist like Mearsheimer would predict they would behave. An institution was constructed totally bereft of any enforcement mechanisms, with each actor's explicit intent to free-ride as much as possible, and even attempting to institutionalize free-riding through emission trading regimes (Hovi, *et al.*, 2009: 31-32). The powerful upper chamber of the U.S. Congress must also be considered in this context as the Senate voted unanimously

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[7] Check out Hulme's (2009) book *Why we Disagree About Climate Change* for a thoughtful and thorough consideration on the relations between the public, governments, and the scientific community on climate change.

against ratification of the Kyoto Protocol, the legitimacy and effectiveness of the entire COP project came under threat. Reflecting populist fears about the loss of American production and manufacturing jobs overseas to non-Annex I countries such as China and India, the position of U.S. legislators reflected the problem of relative gains in international politics and the struggle to overcome relative gains for a global consensus.

Another study on how states have failed to interpret their interests as embedded with patterns of cooperation in global environmental governance considers the "fragmentations" of institutions (Biermann, *et al.*, 2009). The first level of fragmentation in GEG on climate change is "synergistic", suggesting that the numerous conferences under the UNFCCC have drifted on goals and targets from each COP, lacking internal coherence. "Cooperative" fragmentation between Annex I and non-Annex I countries,[8] and the major per capita carbon polluters and the rest of the world, is the second level of fragmentation. Finally there is the "conflictive" fragmentation between the UNFCCC and other international climate change regimes, such as the Bush Administration-sponsored Asia Pacific Partnership (APP) intended to offer a non-binding regional climate change regime designed with East Asian suspicions of international infringements on sovereignty in mind.

These three factors—the science, domestic politics, and inter-state politics—have confounded global environmental governance on climate change, exacerbating the construction of truly salient regimes. But over the years there has been a dialogue on international cooperation to respond to climate change through the conferences of parties held through the UNFCCC. This dialogue however has had marginal success at translating into tangible institutions that could provide policy measures for states. The norm that international cooperation to reduce carbon emissions has been an accepted one, but the fear of economic zero sum games between states has resulted in attempts to undermine the climate change targets of the climate change institutions, agree to reductions but not attempt to honour ratified agreements, or simply to defer on the question of a strong institutional framework. What we will attempt to do in the next section is to survey the current state of conversations on the GEG of climate change through a consideration of the Copenhagen Summit of 2009 that was supposed to establish a post-Kyoto institutional framework of targets.

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[8] To clarify, the Kyoto Protocol defines Annex I countries as those with developed, highly industrialized economies and "economies in transition," while non-Annex I countries are measured to be less developed states, developing countries of the global South.

The Copenhagen Summit and the State of the Conversations on Global Environmental Governance

The Fifteenth Conference of Parties (COP15) held in Copenhagen, Denmark in December 2009, was attended by over 10,000 delegates, 190 states, 120 heads of state, and almost 30,000 people. The purpose of the Copenhagen Summit, decided at the 2007 COP13 in Bali, was to "ensure an orderly preparation for the expiry of Kyoto" for global environmental governance in 2012 (Christoff, 20101: 637). The emerging consensus leading up to COP15 among the IPCC and others on the previous weaknesses of global environmental governance on the issue of climate change was the failure of previous UNFCCC institutions to construct compliance mechanisms on reductions, a major weakness that Copenhagen was intended to address (Vezirgiannidou, 2009: 41).

Under intense public pressure to come out of Copenhagen with something, government leaders and heads of state met privately to negotiate a compromise. Moving away from open multilateral negotiations, the resulting Copenhagen Accord was only produced when U.S. President Obama met with Chinese, Indian and Brazilian leaders in several closed-door meetings to forcefully determine a compromise under a very real possibility that nothing would be produced by the summit (Drexhage and Murphy, 2010: 4). After twelve days of intense and divisive talks in Copenhagen, world leaders walked away without a binding international agreement or new targets for greenhouse gas reduction as previous climate change meetings had done. The Accord was stripped of its original +200 pages content to become a "political text" of two and a half pages, bereft of any robust measures or goals (Christoff, 2010). Instead of creating a new multilateral agreement to reduce greenhouse gas emissions and begin to deal with the challenges of climate change, states agreed in principle to address climate change, but set national emission-reduction commitments unbound to international law (United Nations, 2009). The "skeletal agreement" reached at Copenhagen was not even formally adopted by the conference parties, who instead voted to "take note of it" and for participating states to act autonomously. The Copenhagen Accord, unlike the Kyoto Protocol, did not set a deadline for states to reach a formally binding international climate change treaty or international greenhouse gas reduction targets; it did not prepare for the expiration of Kyoto in 2012 and did not produce robust measures on emission reducing targets or establish any goals. As a result, the Copenhagen Accord has been described as "a failure" by many

environmentalists and international observers. (Christoff, 2010: 651; Dimitrov, 2010: 18).

The most substantial announcements and commitments that did emerge from the COP15 came from particular states, behaving as unitary, rational actors in the international arena. While an international consensus could not be reached at the Copenhagen negotiating tables, individual states began to pronounce national commitments to domestic climate change strategies and greenhouse gas emissions reductions. For instance, the Chinese government pledged to voluntarily reduce its emissions of carbon dioxide per unit of economic growth by 40 to 45 percent by 2020 compared with 2005 levels, while India pledged 20 to 25 percent reduction by 2020 compared with 2005 levels.[9] The U.S. delegation stated an emissions reduction target of 17 percent by 2020 compared with 2005, contingent on Congress's enactment of domestic climate change and energy legislation. The European Union committed its member states to the highest reduction target in the Copenhagen Accord at 20 to 30 percent emissions cut over *1990* levels by 2020, while Japan pledged to reduce greenhouse gas emissions by 25 percent over the same period. In announcing domestic targets, political leaders framed their actions and decisions in terms of national interest and national politics, indicating a shift away from the forum of global environmental governance and its norms, rules, and procedures, and a movement towards nationally constructed perspectives and policies. Strange's dragons, particularly that of state-centrism, were clearly relevant in the Copenhagen Accord.

Examining the context and content of the COP15 conference, the summit is viewed by some as a transition in international order and of the changing nature of international politics from a global consensus on GEG and a worldwide repositioning of the role of the state in environmental policy (Ivanova and Ageyo, 2009). The onset of "climate realpolitik" (Anderson, 2009) at Copenhagen might indicate changes in the international system. In constructing interests and procedures for addressing global environmental challenges and climate change problems away from coordinating international action, away from a focus on the UN or international environment organizations and away from binding multilateral agreements, the COP15 process undermines the role of the UNFCCC in international negotiations, focusing on the power and influence of major and emerging powers. Many of the participants of COP15 pronounced a need for national

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[9] Excluding the national agricultural sector.

self-determination to address the challenges of climate change and that the time for new multilateral commitments and international institutions has passed.

As Kyoto signaled a failure of global environmental governance to produce tangible public policy results, the prospects for GEG shifted towards a new governance order based on state-centred, state-negotiated and self-committed national policies on climate change in Copenhagen. It can be seen that the conversations taking place around climate change and GEG negotiations shifted away from a focus on institution-building and binding international law, to accepting the founding norms, values and ideas about anthropogenic climate change as a less rigid, more flexible global regime.

Implications of the Current Conversations

There are multiple conversations taking place now on how to interpret the emergence of the state and possibly the end of GEG on climate change. The first set of conversations focus on how to explain this transition from the importance of patterns of GEG on climate change to national policies without international binding targets and goals. The second set of conversations engages with what this means for coping with global climate change and even global environmental governance more generally.

The most prominent narrative on explaining the breakdown of the climate regime at COP15 is the conflict between the Annex I countries (who under the Kyoto Protocol are responsible for emission reductions) and the rest of the countries. This is not a major departure from other meetings of the UNFCCC, but it was the distinctive US-China conflict that marked the conference at Copenhagen—whose combined emissions account for over 40% of carbon emitted through fossil fuel consumption—and made this conflict so much more debilitating to the negotiations. It is suggested that China's carbon emissions have increased 80% over their 1990 levels, with the country overtaking the US in 2007 as the largest aggregate emitter of greenhouse gases in the world. China's primary interests, at least those observed at Copenhagen, have been the entrenchment of its sovereignty and its ability to develop without internationally mandated restrictions (Christoff, 2010: 644-649). China's per capita emissions of ~4.5 tonnes however are still far below the per capita emissions of the US (~14 tonnes) and even the world average (~5.5 tonnes). It was even suggested that China was behind the totally disingenuous coalition of Venezuela, Sudan, Tuvalu, Nicaragua, Cuba, Bolivia, and Pakistan to oppose the accord on account of it being too weak and undemocratic in its constitution, probably true charges to make, but

coming from the most insincere sources on reducing carbon footprints (Dimitrov, 2010: 20-21).

The US on the other hand has shifted its position from the Bush Administration's policy of conventions on climate change outside of the UNFCCC and attempting its disenfranchisement (such as the case of the US toward the COP13 2007 Bali Action Plan) to the Obama Administration's more genuine commitment to working with the UNFCCC (Christoff, 2010: 650). While the US aligned closer to the EU on recognizing the need for action on climate change, they were ostensibly more interested in issuing an accord of some sort in the interests of not allowing a complete capitulation of politics on the issue of climate change, rather than in meaningful targets and deadlines. Further US participation is, once again, contingent on a cooperative Congress that is unlikely to coalesce in the spirit of the 2010 US Congressional elections.

While inter-state conflict is the most direct explanation for the failures at Copenhagen, there are other more subtle conversations in International Relations on the breakdown, such as the formation and degradation of consensus of international society around climate change. Constructivists on global governance, or those who consider the structure of global governance—the norms, values and knowledge that allow for governance—have posited for some time that a transformation could be occurring away from the norms and values of international regimes on climate change (Hoffman, 2005: 113). Constructivism stresses that the multilateral approach to governance "is a socially constructed order, not a natural state of affairs. Even though the notion of [GEG] through state interaction is deeply embedded, we cannot make the mistake of thinking that this is somehow the way things have to be" (Hoffman, 2005: 120). The governance of climate change can take place in a number of ways, including within the state as the words and actions of the COP15 participants indicated. Climate change remains embedded in a deeply entrenched set of debate and discontent. Perhaps it is understandable that the transformation from the regime to the state could occur. This would be a particularly damaging view of the regime, because just as Fred Gale responded to Strange's "dragons" by suggesting that a constructivist interpretation of the regimes would link regimes to ideas embedded in society and therefore to positive change in the world, so

too could the mutual constitution on either regimes or the issues regimes are needed to respond to, such as the environment, might turn against them.[10]

We however, would caution against such an approach to understanding what happened at COP15. We offer this word of caution because it accepts a certain "myth of cooperation" in international climate change institutions, or in global environmental governance more broadly. The state has always been highly prominent in GEG, both in climate regime conferences as we saw, but also in other environmental regimes. Consider the famous Brundtland Commission's 1987 *Our Common Future,* a UN document representing a level of institutional agenda-setting of the environment through its famous discussion on sustainable development.[11] Carolyn Merchant charged that the Brundtland Commission was not only anthropocentric in its discussion on the importance of ecology, but it even promulgated the domination of the West over the rest of the world (Merchant, 2005: 226-31). The Brundtland Commission's successor, the 1991 Earth Summit held at Rio de Janeiro, resembles more of a performance of state sovereignty than an institution designed to lead toward global sustainable development (Middleton, 2002). The state-centrism is so profound in the Rio Declaration on Environment and Development (United Nations, 1992), that twenty-two of the twenty-seven stated principles of the declaration are first affirmations of state sovereignty when it comes to the natural environment in an expression of seemingly neurotic over-compensation.

The belief that Copenhagen represents a radical departure from the pristine international cooperation of previous GEG is simply not true. It follows a trajectory that more closely resembles continuity rather than significant change. Not only is there continuity between Copenhagen and the experience of GEG, Copenhagen might even be interpreted as predicted within the International Relations literature on regime theory. Regimes will remain effective as long the state interprets its own interest to follow the norms, rules and procedures of the institution. However, one cannot help but acknowledge that Copenhagen resulted in a certain further loss of credibility for the regime in the policy-making process. While the interpretation of pristine cooperation historically between states on climate change or GEG

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[10] As Alexander Wendt noted on social constructivism, acknowledging the salience of ideas should not lead one to believe in a caricature of the "Idealism" of humanity (Wendt, 1999: 24-25).

[11] "Humanity has the ability to make development sustainable—to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs" (1987: 8).

might be a myth, it does little to minimize the powerful narrative that emerged from Copenhagen of the "failure" of the UNFCCC.

Another set of conversations that are emerging from Copenhagen question what this transition from GEG to the state means for the ability to respond to climate change. There are those who, in some analytical circles, acknowledge that "the Copenhagen climate summit was always meant to be a transitional step" beyond the Kyoto Protocol and the decision to limit the powers and authorities of climate regimes is not to be considered a total failure because it was first and foremost a conference on building consensus on "where to go from here" (Gorbachev and Likhotal, 2009). From this perspective, the decline of commitments on international cooperation as the basis of GEG, towards a repositioned emphasis on the role of the state offers more room for climate change policy to evolve. The large number of actors present at the summit has augured well for the agreement's credibility and for the overall goal of environmental protection, with "the real question whether this new configuration offers us a fresh way forward" (Athanasiou, 2010: 26). These proponents, such as *New York Times* columnist Thomas L. Friedman, have discussed responding to climate change within a nationalistic context comparable to the space race of the Cold War (Friedman, 2009). From this narrative, what will curb greenhouse gas emissions will be rooted in both citizenship and scientific research. Others have noted that the appearance of more pronounced state-centrism might indicate that climate change has "moved beyond hot air into economic reality" (Anderson, 2009) and it is expressed as hopeful that by leaving complex and protracted international debates behind, national actors can get to work on climate change policy and prevent further irreversible environmental destruction.

Perhaps GEG has failed to produce binding, effective and targeted climate change strategies after nearly two decades international conferences, negotiated agreements and the creation of a multitude of international institutions to monitor and implement climate change policy. There may be more hope for the environment in the traditional sovereign state as the principle actor and enforcer of climate change strategies, enforcing law and order outside of international anarchy, and the international politics of endless debate. Some critics from the perspective of environmental studies reflect that meaningful change towards ecological policies has to start with local interactions and social mobilizations rather than the high politics of heads of state anyway (Hale, 2010: 262-267). This perspective demands political disaggregation rather than an internationally regulating regime, to a compromised but politically feasible agreement (Anderson, 2009).

This optimistic perspective is highly questionable. Numerous proponents within environmental studies, and even the critical voices, continue to support GEG. For example, international institutions for Merchant are still included with her paradigm of "radical ecology" (2005: 245-6) and stated both as a part of Edward Wilson's (1998) "consilience,"[12] and his manifesto on protecting biological diversity (2002). There is also the perspective of regime theory that bears some reflection; "in the absence of conventions, it would be difficult for states to negotiate with one another or even to understand the meaning of each other's actions" (Keohane, 1989: 4). The regime is meant to aid in the cooperation between states in working together and to better interpret each other. The transboundary nature of greenhouse gases make climate change a distinctively global problem, requiring an equally distinctive global forum for cooperation.

We would suggest that the Copenhagen Accord failed to produce a meaningful institution, but it continues as part of the climate change regime. The text of the Accord maintains that climate change is a global problem that cannot be ignored. Climate change persists as part of the discursive reality as a global threat facing humanity. However, the intention of Copenhagen was not to reify the problem of global climate change but to produce a meaningful institution of timetables and deadlines, and the text of the Accord itself was only pieced together at the final hour.

It is perhaps not that Copenhagen is discussed as a failure that is cause for concern on the robustness of global environmental governance on climate change—commitments to global environmental governance has traditionally been questionable—but it is the overwhelming consensus on the failure of Copenhagen that gives power to the conversation. Strange's five dragons of regime theory all seem to be playing out during this period of time on the GEG of climate change—they are "fads", "wooly," "value-biased," "status quo oriented," and "state-centric." State's behaved in a fashion at Copenhagen suggesting the GEG is not necessarily important anymore. The most precise language used is that national governments will decided on reduction strategies themselves. There was little discussion of the social and ecological degradations being predicted in climate models. There was no serious discussion on how to transform the energy inputs of the global political economy to drastically reduce greenhouse gas emissions, assuming the status quo of barely discernable incremental changes. Finally, Copenhagen acted as the stage for one of the greatest performances of state-centrism in the history

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[12] The 'jumping together' of knowledge, which is indicated by Wilson to include the jumping together of politics in the form of international cooperation.

of global environmental governance. Perhaps GEG is not about to completely disintegrate but Copenhagen once again exposed the existential crisis of not only inter-state cooperation on climate change, but perhaps the existential crisis of inter-state cooperation through the regime more generally that is a part of the conversation in International Relations.

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