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Evolving norms in the UN Climate Regime: the EU's and China's contentious interpretations of the normative principles regulating equitable and fair mitigation commitments over the course of the climate negotiations (1992 – 2020)

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Abstract:

This thesis focuses on the normative structure of the UN climate regime, exploring the process by which specific norms of international climate governance on mitigation have diffused and evolved over time and what have been the (normative) roles of the EU and China in this evolution. On one side, the thesis investigates the process by which the norm bundle related to mitigation commitments has been formed and evolved over time. Indeed, as a consequence of the different interpretations of equity and fairness given by the involved actors, the issue of how to differentiate mitigation efforts fairly has always been central and controversial in UN climate negotiations. Due to its contentiousness, fairness in mitigation burden-sharing is a favourable field to analyse the process of norm selection, evolution, and contestation within the context of the UN climate regime. On the other side the thesis determines whether in the above-mentioned process the EU and China have been behaving as normative powers would do at certain points in time, identified as critical junctures (i.e., COP3, COP15, and COP21). In particular, as part of this empirical analysis, the thesis looks at whether the EU and China by invoking and diffusing their preferred interpretation of equity and fairness on mitigation commitments have been able to codify them in governance structures of the UN climate regime, contributing to shaping the normal in global climate politics.

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List of Abbreviations

AOSIS Alliance of Small Island States

AWG-KP Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol

AWG-LCA Ad Hoc Working Group on Long-term Cooperative Action under the Convention

BAP Bali Action Plan

BASIC Brazil, South Africa, India, China (UNFCCC negotiating group)

CBDR Common But Differentiated Responsibilities

CO₂ Carbon Dioxide

COP Conference of the Parties

EU European Union

GDP Gross Domestic Product

GHG Greenhouse Gases

G77 Group of 77

IEA International Energy Agency

IMF International Monetary Fund

INDC Intended Nationally Determined Contributions

IPCC Intergovernmental Panel on Climate Change

LDCs Least Developed Countries

MRV Measurement, Reporting, and Verification

NDC Nationally Determined Contribution

OECD Organisation for Economic Cooperation and Development

UN United Nations

UNCED United Nations Conference on Environment and Development

UNCTAD United Nations Conference on Trade and Development

UNEP United Nations Environmental Programme

UNFCCC United Nations Framework Convention on Climate Change

UNGA United Nations General Assembly

UNSC United Nations Security Council

WMO World Meteorological Organisation

INTRODUCTION

This thesis focuses on the normative structure of the UN climate regime. On one side it explores the process by which specific norms of international climate governance on fair mitigation have diffused and evolved over time, on the other it determines whether in this process the EU and China have been behaving as normative powers would do.

Climate change is a multi-dimensional issue that entered the international political agenda in the late 1970s. Before that period, it was mainly treated as a scientific rather than a political concern (Bodansky, 2001). For example, at the United Nations Conference on the Human Environment, held in 1972 in Stockholm, climate change, despite being present in some recommendations of the final Report, did not have a prominent role in the meeting's agenda (Bodansky, 2001). Yet, with the growing negative impacts of climate change and environmental degradation, states started to increasingly recognize the necessity of international political cooperation to tackle the problem. Today, according to many, climate change has become the defining challenge of our time and it represents the 'collective action problem par excellence' (Bäckstrand and Lövbrand, 2015). It has also become a critical component of states' foreign policies (Minas and Ntousas, 2019; Kalantzakos, 2017; Schunz, 2014; Keukelaire and Delreux, 2014; Harris, 2009; Drexhage et al. 2007; Ott, 2001). If, until recently, climate change was considered to be a very sectoral, low-politics issue with low salience for finance and foreign affairs ministers, it has now grown into a high politics issue (Ciplet et al., 2015).

For a state, contributing to the definition of the rules and legal frameworks that regulate climate change has also become of fundamental, strategic importance (Falkner and Buzan, 2022; Tocci, 2022; Bradford, 2020). On the way towards a

sustainable, green, and resilient future, many sectors will have to undertake a profound transformation, from the agri-food system to the energy, industrial, and infrastructure sectors. Thus, in addition to representing a challenge in itself, climate change is transversally linked to a wide range of policy areas, from economic growth to social stability and energy security, making it a quasi-all-encompassing issue. Due to this reason, climate change is increasingly interpreted by many states and global players as a matter of geopolitical contention (Oberthür and Dupont, 2021; Ivleva and Tänzler, 2019; Kalantzakos, 2017; Ciplet et al. 2015). As such, understanding and influencing the future trends related to the scientific, socio-economic, and political aspects of a changing climate and being able to define future technical and regulatory standards has assumed strategic importance for all the involved stakeholders (Tocci, 2022; David and Gili, 2021).

To cope with the threat posed by climate change, an international climate regime has been established throughout the years. The international regime regulating climate change is a complex system that entails unilateral decisions, bilateral agreements, and various activities at different levels of government (Bäckstrand and Lövbrand, 2015), but mainly international agreements concluded under the auspices of the UN. Many states are actively involved in shaping climate change policies beyond their borders, mainly in the context of multilateral cooperation through global climate negotiations, multilateral environmental agreements, development cooperation and trade agreements (Adelle et al. 2018). Notwithstanding this complexity, this thesis focuses its attention on international cooperation that takes place under the UN system. The UN climate regime started to be formed in the early 1990s and since then it has constantly evolved through negotiation processes – mainly at the Conferences of the Parties (COPs) – leading to the adoption of new treaties and protocols. The United Nations Framework Convention on Climate Change (UNFCCC – 1992) is an umbrella convention under which other treaties have been adopted, such as the Kyoto Protocol (1997) and the Paris Agreement (2015), which regulates climate change at the international level in the post-2020 period.

Neither the construction of the UN climate regime nor the results of each UN climate change conference (COP) can be isolated from great power politics that provide the context in which the negotiations among the stakeholders take place (Falkner and Buzan, 2022; Kopra, 2019). This is true for all the conferences that led to the adoption of the different treaties that regulate — and regulated — climate change at the UN level. In the late ‘80s and early ‘90s, when the climate regime started to be formed, there were “both North-South inequities and East-West tensions” (Toronto Declaration, 1988). Nowadays, the world has substantially changed. East-West tensions are no longer defined by the division between two separate blocs as in the Cold War period, though these tensions have emerged in other forms. The current East-West divide in global climate change politics is represented by China and a larger Asian bloc, comprising India, that hold quite different positions from the ones of many Western countries, which are historically responsible for the problem, as for example recently demonstrated by the aligned negotiating position assumed by these two countries at COP26 around the critical issue of the phase out of coal. The North-South divide, in other terms the one between developed and developing countries, is the most persistent cleavage that has accompanied almost all the negotiations in global climate politics since their onset (Gupta, 2016, 2002; Torney, 2015; Gonzalez, 2015; Rajamani, 2012). The North-South divide is still present, though the composition and dynamics between the two groups have transformed over the years. In a way, this divide descends from the very same essential nature of the climate crisis considering that the accumulated GHG emissions in the atmosphere mainly come from historical emissions by developed (industrialized) countries. Nevertheless, a critical issue for the climate regime architecture – and the debate around it – is that some countries that were considered as being “developing” at the time of the adoption of the UNFCCC are now emerging economies responsible for a large amount of both current and projected future emissions (e.g., China) (von Lucke, 2023; Thompson, 2020; Kopra, 2019). Countries’ emissions figures and economic development levels are continually modifying, with significant consequences for negotiations around issues of responsibility and capability under the UN regime (OurWorldInData, 2022; Okereke

and Coventry, 2016). If we look at the data on historical cumulative emissions since the industrial revolution, the US is responsible for 25% of emissions, the 27 countries that currently compose the EU for 22%, China for 12.5%, Russia 6%, and India 3%. For a large part of the 20th century, Europe and the US were by far the major emitters. If in 1900 over 90% of emissions originated from these two regions, their share fell to 85% by 1950 and to a little less than 50% in 2000 (OurWorldInData, 2020; Ritchie et al. 2020). This downward trend has been counterbalanced by the rise of emissions by a small group of emerging economies particularly across Asia, most notably China. In fact, current emissions data paint a quite different picture from the historical one, with China being the top emitter with around 28%. The US is at the second place with 14%, followed by the EU27 with around 8%, India with 6%, Russia with 5% and Japan with 4%. This transformation puts into question the strict traditional division deriving from the juxtaposition on one side of developed countries as being major emitters and, on the other, of developing countries as being the affected ones. It follows that questions of global distributive justice and fairness remain a central and substantial issue in global climate politics, open to constant debate as not only factual data but also countries' norms, ideas, and conceptions of equity and fairness evolve (Stensdal and Heggelund, 2023; von Lucke et al., 2021; Caney, 2014; Page, 2013; Meyer and Roser, 2010). In relation to the North-South divide, much of the political but also scientific debate that has accompanied the evolution of the UN climate regime concerns the rights, duties, and responsibilities of these two groups of countries, making issues of justice, equity, and fairness unavoidable and necessary aspects of the negotiations (von Lucke, 2021; Will and Manger-Nestler, 2021; Stalley, 2018; Okerke and Coventry, 2016; Torney 2015; Heyward, 2007). Indeed, climate change and in particular the allocation and differentiation of mitigation responsibilities and commitments has been constantly framed by states themselves throughout negotiations as being a matter of fairness and equity, related thus to the concept of climate justice (Stensdal and Heggelund, 2023; Castro and Kammerer, 2022; Gach, 2019; Castro, Hornlein, and Michaelowa, 2014). It follows that at the root of divergences that may arise among states parties to the UN climate regime

when it is time to agree on some mechanisms, schemes and /or principles for deciding to what extent they should contribute to mitigation efforts often lay their respective approaches to questions of equity and fairness.

Many issues at the center of the functioning of the climate regime depend on which interpretation of equity and fairness prevail among parties both in the creation and implementation of the regime (Will and Manger-Nestler, 2021). Indeed, the interpretation of these terms and the search for a common understanding of equity and fairness norms continues to be fiercely debated among parties to the regime and is object of contestation (Barbé et al., 2021; Petri and Biedenkopf, 2020; Torney, 2015; Okerke, 2008). These are the reasons why international climate politics and the negotiations on the global climate regime have long been – and continue to be – characterized by the developed-developing countries cleavage, framed as a North-South divide, and the related tensions (Bodansky and Rajamani 2018; Torney 2015). Hence, the practice of contestation through debates during negotiations where states propose and try to affirm their views over the meaning of fair and equitable mitigation commitments could be conceptualized as a debate over competing conceptions of equity norms (Barbé et al., 2021; Moore, 2012; Okereke, 2008).

Over time there has been a transformation of the main actors involved in the process of regime creation and evolution. The role of states in international regimes and multilateral settings has been receiving increasing attention by scholars that started to analyse more deeply who are the norm makers and takers in international relations and global politics in different areas of global governance (Jinnah, 2017). The literature agrees on the fact that in the recent past, the EU and the US were the key norm setters at the international level as regards not only the climate but also other domains (Kalantzakos, 2017; Bakker and Francioni, 2014; Najšlová, 2014; Vogler, 2005). The EU, during the entire period of the climate regime formation, has been among the most active players in the negotiations, presenting itself and being depicted by other actors as one of the main leaders of the process, enacting this role with alternating degrees of efficacy (Oberthür et al., 2022; Oberthür and Dupont, 2021; Wurzel et al. 2017; Bäckstrand and Elgström, 2013; Wurzel and Connelly, 2011;

Oberthür and Kelly, 2008; Gupta and Ringius, 2001; Gupta and Grubb, 2000). However, reflecting the recent above-mentioned shifts of power (towards East) at the international level and the transformation on states emissions' profiles, China and other emerging economies have been increasingly assertive in the formation of the norms, rules and institutions governing climate change as well as all the other areas of global governance (Zhang Hao, 2022; Belis et al., 2018; De Matteis, 2012; Wouters et al., 2012; Dryzek et al., 2011). In particular, China since 2006 has overtaken the US becoming the world's largest emitter of GHG and the world's second-largest economy, finding itself in a position to influence heavily the success or failure of cooperation on climate change in the framework of the UN process (Stalley, 2015; Gao, 2018; Xiaosheng, 2016). As a result, the relationship between China and one of the most active players in the climate regime, such as the EU, has become a key element for future climate governance practices (Altun and Ergenc, 2023; Wang and Song, 2016; Belis and Schunz 2012; Schreurs 2010). At the academic level, there is still a lively debate among scholars about whether the EU and China are competitors or partners in proposing global governance norms in different sectors, ranging from the economy to the environment (Oqubai and Yifu Lin, 2019; Christiansen et al. 2019; Hodzi, 2018; Jenkins, 2018; Michalski and Pan, 2017; Junbo and Zhimin, 2017). As regard the climate sector, scholars have increasingly started to analyse the politics in the UN climate regime by focusing on these two major actors – the EU and China – both individually and comparatively (Altun and Ergenc, 2023; Wunderlich, 2020; Yan and Torney, 2016; Belis and Schunz, 2013). Following this strand of research, this thesis analyses the UN climate regime and foreign climate policy by focusing on these two major actors. The study analyses the role both the EU and China have played in shaping the climate regime beyond their borders, mainly in the context of UN multilateral cooperation. That is to say, what the EU and China seek to promote abroad and how they do so in the framework of the UN climate regime. Besides analysing how the EU and China are influencing a specific sector of global governance, namely climate governance under the UN climate regime, this thesis aims to explore how these two global actors compare as (green) normative powers. By

doing so, it also aspires to fill a gap in the literature given by the fact that currently there are few studies that have conducted an analysis of the normative power of the EU and China in global governance institutions and even fewer in the realm of climate governance. Of course, there are rare exceptions, but further research is needed. Thus, notwithstanding the rising academic interest on the action of these two actors in international climate negotiations and in climate governance, there is still place for research since there are many gaps to be filled, as indicated in the literature review (Chapter 2) and in the theoretical framework (Chapter 3).

Thus, this thesis focuses on the normative structure of the UN climate regime, exploring the process by which specific norms of international climate governance on mitigation have diffused and evolved over time and what have been the (normative) roles of the EU and China in this evolution. As seen, the allocation and distribution of responsibilities for mitigation commitments is an area of the climate regime that strictly depends on the prevailing interpretations of concepts of equity and fairness. Since fairness in burden-sharing represents one of the most contentious issues in climate change mitigation, it is a favourable field to analyse the process of norm selection, evolution, and contestation in the context of the UN climate regime. Building on critical norms research, I assume that norms could be inherently ambiguous and, thus, consisting of multiple but equally valid meanings – given to them by the involved actors – that could evolve throughout time (Zhouchen, 2021).

The objective of this thesis is twofold. On one side it provides the analytical reconstruction – through narrative process-tracing and qualitative content analysis – of the EU's and China's evolving international positioning under the UNFCCC negotiating sessions. The focus is on the conceptions of equity they have been diffusing in their interpretation of the CBDR organising principle. This lays at the basis of how fair mitigation commitments are regulated under the regime. On the other side it tries to determine whether in the above-mentioned process the EU and China have been behaving as normative powers would do. Although this concept has been initially conceived to qualify the EU, there are reasons to extend it also to the case of other actors such as China (as explained in Chapter 3). Notably, I do not

determine whether the EU and China are two normative powers in global affairs in general. Rather, whether they have been exercising this form of power within the context of the UN climate regime. Indeed, if normative power corresponds to the ability of influencing what passes as normal and thus shape the norms in international affairs, it is not something necessarily exclusive to the EU, but also other major powers could exercise it (Tocci, 2008). As deepened in the analytical framework (Chapter 3), normative power is here understood as consisting of three constitutive elements: norms, diffusion mechanisms and outcomes. It is measured by looking at which interpretation of norms are invoked by the EU and China at UN COPs and the outcomes are represented by the institutionalisation/codification of a norm in the UN climate regime.

In the literature it has emerged also an ethical oriented definition of normative power that present it as a “force for good”. In this thesis I leave apart this definition, and I analyse whether and in case how the EU and China are contributing to shape norms and the conception of normal on fair mitigation under the UN climate regime, but I do not evaluate whether this constitute a bad or good thing and if they are acting as “forces for good”. This choice derives from the main purpose of this thesis, that is to delve into the ontological characters of the EU’s and China’s engagements on climate regime asking if they have been norm-shapers/makers; but I do not examine whether this constitutes a positive change for the international community or for the fight against climate change.

The main research question at the basis of this thesis is: *Have the EU and China exercised normative power by invoking, diffusing, and institutionalising their interpretation of equity norms on fair mitigation commitments throughout the evolution of the UN climate regime?*

If yes: *How far EU’s and China’s interpretations of equity norm are reflected on final decisions adopted under the UN climate regime?*

As detailed in Chapter 1, in this thesis I hypothesize that normative power has not been something exclusive to the EU, but instead China, as a norm-maker in the UN climate regime, has exercised it as well. Moreover, as regard the specific norm through which their normative power is tested, they have been supporting different

interpretation and understanding of that norm. It follows that their normative power and their ability to influence the regime has gone through alternating phases. Finally, I also hypothesize that the EU's and China's evolving international positions under the UN climate regime on fair mitigation commitments and on equity cannot be explained simply by making reference to different norms' interpretations or preferences, but also other factors should be brought in – in particular interests.

The analysis conducted in this thesis in part draws inspiration from the normative power approach and the literatures on norms and norm contestation. Indeed, the norms contestation literature offers an appropriate set of instruments to analyse the different interpretations of equity norms on mitigation given by the EU and China and the disagreement surrounding them. At the same time, the normative power approach offers useful instruments when analysing the positioning of the EU and China in the UN climate governance and their respective international roles. Norm contestation and normative power are strictly related, in the sense that the normative power of the actors that exercise it could undergo a process of contestation, defined as “a social practice whereby actors discursively express disapproval with existing interpretations” of a norm (Tully, 2002). This means that the norms that emerge at the international level and, in this case are enshrined in an international regime, do not remain ‘static’, but their meanings (or the meanings attached to them by relevant actors) are subject to a constant reinterpretation and contestation. This is particularly true in the case of the UN climate regime. Furthermore, there is a strict relation between norms and normative power: being norms constitutive elements of the normative power. Similarly to the traditional definition proposed by Manners' seminal article on the EU according to which normative power is “the ability to shape conceptions of ‘normal’ in international relations” (Manners, 2002), other scholars have defined it as the quality of an actor that diffuses its norms in the international system (Forsberg, 2011; De Zutter, 2010). Therefore, as regards the fundamental theoretical framework, in this thesis I choose to integrate the concept of normative power with that of international norms (and norms contestation) as the suitable framework to analyse how the EU and China

diffuse their (interpretations of) norms regulating mitigation commitments in the formation and evolution of the UN multilateral climate regime starting from their conceptions of equity and fairness. As better explained in the analytical framework and in the methodology section (Chapter 3), I focus both on the input to the norm definition process by analysing EU's and China's interpretations of the norms and their competing normative frames, and on the output by analysing the documents that result from intergovernmental negotiations, such as treaties, protocols, and final decisions. This kind of analysis is coherent with the concept of 'normative impact', considered to be an important factor for a normative power. As put by Tocci (2008), singling out normative impact would require "delineating when, how and to what extent specific foreign policies engender specific institutional, policy or legal changes within a third country". In this thesis rather than focusing on the changes provoked in a third country, I focus on those taking place within an international regime (i.e., the UN climate regime).

According to the theoretical framework underlying this thesis, states' behaviour is not only influenced by material factors, such as states' interests and structural power within a regime, but also by ideational ones that are in fact objects of construction by states, such as the shared and inter-subjective understanding of equity and fairness on mitigation commitments. Among scholars who study normative power there have been debates on the norms/interests divide, that is on whether an actor advocates norms for its own sake or because it is in its interest (Diez, 2013). Although I believe that it would not be possible to disregard the role played by material interests, a normative power could pursue a norm even if it is not necessarily in its interest (Diez, 2013). In this thesis I mainly follow the constructivist scholarship that focuses on norms insofar as it argues that the outcomes of international cooperation (and negotiation) under a multilateral regime do not depend exclusively on states' material power and self-interested calculus (Okereke, 2008; Bernstein, 2001; Checkel, 1998). The UN climate regime is therefore conceived in this thesis as partly reflecting the underlying social expectations advanced by states parties, and not only as being influenced by power and national economic interests (Okereke, 2008).

Indeed, although this thesis does not reject the importance and the potential explanatory power of national interests and power (see hypotheses in chapter 1), I believe that focusing only on these two factors would be inadequate to interpret the continuities and changes in EU's and China's positions on climate change mitigations under the UN regime.

The thesis is structured as follows. Chapter 1 presents the literature review and the theoretical framework; Chapter 2 recaps the research questions, formulates the hypothesis and justifies the choice of the actors under research; Chapter 3 describes the methodology including the analytical framework, the methods and the sources of data. In Chapter 4 I trace the creation and the evolution of the UN climate regime by focusing on the emergence and the transformation of the bundle of norms (*norm bundle*) related to mitigation efforts and burden-sharing (i.e., the distribution of responsibilities for climate mitigation among countries). Thus, this chapter traces the history of consensus and disagreement in the negotiations on equity norms on mitigation to identify areas of norm emergence, institutionalization and contestation as part of the process by which norms can be formed, but also changed and/or reformulated. In broad terms, the norms of climate governance establish the boundaries of appropriate conduct for responding to climate change. By defining who should take responsibility for mitigating climate change, and how such mitigation should be pursued, the norms outline the appropriate states behavior. These norms have been shaping the agendas of the negotiations and the functioning of the UN climate regime (Stevenson, 2011). The question at the basis of this chapter is: *What are the main norms on fair mitigation commitments that have emerged over the course of the UN climate regime?*

By answering this question, this chapter provides a description and chronology of the evolution of the main norms on fair mitigation in the climate change regime. As it emerges from this chapter, there are two main norms that have been central to the debate on fair mitigation throughout the UN climate negotiations: the norm regarding the idea that an international treaty regulating climate change should guide the mitigation action of its parties by establishing legally binding targets and timetables for the reduction of GHG emissions; and the norm on whether there should be a

differentiation in obligations (on mitigation) between different group of countries, especially those of the North and those of the South, or between developed and developing countries. Thus, international debate on appropriate norms regarding the normative structure of the UN climate governance concerned *who* should take responsibility for addressing climate change, and *how* actions to address it should be pursued. Both these two norms are strictly related to the parties' understanding of the equity norm in climate governance and what it entails depending on the prevalent interpretation of the CBDR organizing principle – and its underlying fairness conceptions – given by the parties to the regime (see Chapter 2).

As it emerges from norms contestation literature, norms (including the above-mentioned) are not rigid and unmodifiable; instead, they are subject to contestation and redefinition of their meanings (Hofmann and Zimmermann; 2019; Niemann and Schillinger, 2016; Stevenson, 2011). This contestation and reinterpretation of the norms regulating climate change have taken place in the framework of overarching conflicts and cleavages characterizing the international climate negotiations. In addition, the above-mentioned two norms had profound implications for the institutional architecture and the functioning of the UNFCCC and subsequent climate agreements – the Kyoto Protocol and the Paris Agreement – that have come up with different schemes for the distribution of mitigation efforts among parties. Fulfilling this empirical exercise of mapping and describing the evolution of the UN climate regime (from its foundation to the Paris Agreement) with a particular focus on the norm bundle related to (fair) mitigation serves the purpose of providing both the context and partly the inputs for the subsequent analysis on normative power, where the interpretations/understandings of the norms proposed by the EU and China and the following institutionalization in the UN climate regime are presented.

In the next part of the thesis (Chapter 5), I still focus on the normative structure of the UN climate regime to understand and assess how the EU and China have positioned themselves within the normative debate revolving around issues of equity and fairness on mitigation. To understand how these issues have been understood and interpreted by the EU and China I focus firstly on the CBDR norm

– here considered as an organising principle according to the norm classification scheme proposed by Wiener (2014) (see Chapter 2) –, which is the norm that primarily underpins the issue of the fair distribution of mitigation efforts in the UN climate regime. Indeed, most of the schemes that regulate the distribution of responsibilities for mitigation commitments among parties in the different treaties and legal instruments part of the UN climate regime are based on this specific norm. As for many other norms that underpin the UN climate regime, the CBDR norm/organising principle and the form it should assume has been at the centre of almost every debate during the climate negotiations, and it has been a highly contentious issue (Rajamani, 2018; Josephson, 2017; Sands and Peel, 2012; Honkonen, 2009). This norm has been interpreted differently among parties, and there has been considerable disagreement among them on how to operationalize it. The EU and China are not an exception, and they have been vocal actors in this debate in different UN climate negotiations acting as leaders in proposing and defending their respective positions/interpretations. The first part of the research presented in this chapter examines how the EU and China have respectively defined and operationalized the CBDR norm. The literature has identified three different understandings invoked by the parties during the negotiations on how the mitigation burden of GHG should be fairly distributed that are also at the basis of the different possible understandings/interpretations of the CBDR norm (Underdal and Wei, 2015): (I) Fairness as rights or needs, (II) Fairness as responsibility for damaged caused, and (III) Fairness as capability to solve the problem. Then, the second part of the research detects the ‘normative impact’ by looking at which scheme has been agreed upon in the different treaties that regulate and regulated climate change at the UN level. Indeed, detecting if the EU's and China's competing visions of the norm are also reflected in the particular articulation of the UN climate regime is of extreme interest. This part of the research provides an answer to the following question: *What are the EU's and China's interpretations of the fairness principles enshrined in the CBDR norm, and how have they evolved over time? Which of these interpretations have been adopted in the UN treaties on climate change?*

In order to deepen and better contextualize the analysis on normative power, the last part of the thesis (Chapter 6) traces and illustrates – by adopting a longitudinal approach – the development of the EU’s and China’s positions and their international cooperation/competition on climate change at the intersection between multilateralism and bilateralism (Belis et al. 2018; Fu Cong, 2017). Indeed, the two actors besides cooperating under the multilateral UN climate regime also cooperate under a broader bilateral EU – China partnership, that has been institutionalised in 2005. Following up on the debate on how the EU and China influence and shape each other (Ferency, 2019), this chapter investigates the intricacy of the EU-China relations on climate under the multilateral setting and the bilateral strategic partnership to assess whether divergence or convergence occurred in terms of norms and whether the bilateral level influenced somehow the UN climate regime. Indeed, over the past three decades the positioning and views of the EU and China in global climate governance have changed in important ways and they have had at times diverging and at others converging views especially, but not only, on how to differentiate mitigation efforts fairly. This analysis permits me to assess whether in the framework of the complex ties that the EU and China have undertaken at the bilateral and multilateral levels climate norms have diffused only in one direction or not. The ambition of this analysis is to provide a deeper understanding of the challenges that arise in the strategic partnership between the EU and China both at the bilateral and multilateral levels, looking at how these two levels interact. Thus, this chapter also aims at bringing out how the cooperation that takes place at the bilateral level interacts with and influences the one that takes place at the multilateral level (and vice versa), in the effort to analyse how the EU and China try to influence each other’s normative and ideational stances in the international system (Gurol and Starkman, 2020; Pelkmans, 2020; Wunderlich, 2020). To this end, it is indispensable to delve into the conceptual differences that exist between the EU and China regarding their understandings and approach to prevailing norms and worldviews, already analysed in the previous chapter (Chapter 5) (Song, 2020; Pan, 2010).

Overall, the analysis presented in this thesis – based on narrative process tracing and qualitative content analysis – gives me the opportunity to assess whether or not the EU and China possess the power to shape international norms, and thus whether they have been exercising (any form of) normative power throughout the different phases of the UN climate regime – especially in correspondence with the critical junctures (COP3, COP15 and COP21) – providing an answer to the main research question of this thesis.

CHAPTER 1

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This review aims at analysing the literature related to the main topics dealt with in this study, and thus it aims at outlining the background knowledge that underpin the research conducted for the elaboration of this thesis.

As already presented in the Introduction, this research analyses the role both the EU and China have played in shaping the international climate regime beyond their borders, in the context of UN multilateral cooperation. The project focuses on the normative structures of the UN climate regime, exploring the process by which norms of international climate governance have diffused and evolved over time. The study aims to understand how the EU and China have positioned themselves within normative debates on climate change revolving around mitigation issues mainly related to equity and fairness. It proceeds by looking at how meaning assigned to these norms – in particular the CBDR one – has evolved and what have been the (normative) roles of the EU and China in this evolution. Since fairness in burden-sharing represents one of the most contentious issues in the governance of climate mitigation, it is a favourable field to analyse the process of norm selection, evolution, and contestation within the context of the UN regime.

This process of the formation of global governance norms and of their contestation could be inserted in the larger debate on the contestation of the current international order and its norms by emerging powers, represented in this case by China. However, some norms of the climate regime, and in particular the CBDR principle, represents a particular and almost exclusive case of a norm at the global level mostly promoted by the group of developing countries rather than being diffused to them (Stalley, 2018; Acharya, 2014, 2011). Norms started to become

central in international relations studies in the 1990s, when the liberal international order seemed to have the opportunity of expanding all over the world. It was a time of “normative effervescence” (Barbè, 2021). However, the entrance into the 21st century signed a profound crisis for the liberal international order: norms became issues of contestation and disputes, both in the political and theoretical sphere (Barbè, 2021). Some authors are even wondering if we are facing the end of that order (Ikenberry, 2018).

1.1 A Changing International Order and International Relations Theories

According to a widespread definition in international relations (IR) literature, an “international order” corresponds to an organized group of international institutions that help to govern the interactions among the states that are parties to that order (Mearsheimer, 2019; Mazarr, 2018; Brands, 2016; Ikenberry, 2001). International institutions, which constitute the building blocks of an order, are effectively rules that states establish and decide to follow, because they believe that obeying those rules is in their interest or corresponds to their values. In the same vein, Robert Keohane (2006) argues that an institution is a permanent and connected set of rules that prescribe behaviour, constrain activity and shape expectations. These rules define what are the kinds of behaviour that are permitted and those that are prohibited (Mearsheimer, 1994). Thus, the concept of international order refers to a Westphalian international society, made up of states, which aim to coexist and/or cooperate. Hans Maull has described this type of international order as a ‘thin order’ as opposed to a ‘thick order’, which instead is characterised by ideas such as emancipation, participation or social justice (Maull, 2005). In other words, according to this author, when speaking of international order, it is necessary to consider whether or not the definition of order includes shared values that entail a vision of how society should be organised (Maull, 2005).

According to many authors, the liberal international order built in the 20th century is changing and some authors wonder if we are facing the end of that order (Parsi, 2022; Ikenberry, 2018). Historically, changes in the international order were

mainly associated with transitions of power determined by the struggle between powers in decline and emerging powers (Kennedy, 1987). In the 21st century, international politics is much more institutionalized than in the previous centuries and the processes of change also take place through the institutions, which besides being spaces of struggle for power, are also creators of patterns of behavior and legitimizers of norms. Indeed, multilateral institutions have been conceptualised as being both arenas of international authority (legitimising, for example, the actions of states) and normative structures (Zurn and Stephen, 2010). This helps us to understand that the crisis of international order, seen as a crisis of the multilateral order, is associated with the contestation of the norms that govern relations between states and give content to institutions.

The three main theories of international relations (IR) – realism, liberalism and constructivism – provide different theoretical bases to understand the way in which the global order is gradually evolving and how international institutions work within it (Hosli and Selleslaghs, 2020). Indeed, the three approaches to IR interpret differently the processes by which international affairs evolve, what actors represent the key players in the global system, what degree of importance international institutions have and whether sustainable international cooperation among states is feasible (de Buck and Hosli, 2020). In general terms, the three approaches propose different analyses of international phenomena since they are based on different core assumptions.

Realism bases its analysis on three core assumptions. The first one describes states as the main actors in international affairs and considers them as the main units of analysis. The second assumption argues that since the international system is anarchic all states seek to survive by trying to expand their power, as this increases their sense of security vis-à-vis other states (Johansson-Nogués et al., 2020; Jervis, 1985). The notion of power, thus, is one of the main variables considered by realists. The last assumption indicates that states are rational calculator that strategically consider the costs and benefits of their actions. According to neorealism the behaviour of states is widely determined by the structure of the international system.

Thus, alterations in the global distribution of power capabilities causes changes in international states relations. Though realists' scholars dissent on which is the most lasting and solid form of distribution of power, they all acknowledge that the polarity of the system impacts on state's behaviour (Powell, 1996). Since realism asserts that states seek to maximize their power in order to guarantee their survival in an anarchic system, cooperation between states and the establishment of international institutions are considered rare. According to Mearsheimer (1994), states are only willing to constrain their behaviour by creating international rules and institutions that facilitate multilateral cooperation if these rules and institutions are consistent with their interests. Thus, according to the realist view, international institutions are created by the most powerful actors in the system and they mostly serve their interests and reflect their preferences. According to realists, the same reasoning is also valid for international orders. Realists think that when new international orders are established, it is usually the great powers that set out the rules they think could satisfy their interests. It is widely believed among scholars that, despite the proclaimed multilateralism, the design and the functioning of the new institutions in charge of global governance created in the aftermath of World War II reflected the strength of the great powers (Shi and Langjia, 2020). According to some authors – close to the realist tradition – orders have become necessary starting from the constitution of the modern international system because they enable the great powers to manage, and therefore control, the weaker states according to their convenience (Mearsheimer, 2001; Knight, 1992). In this view, also the creation of international institutions would serve the purpose of influencing weaker states, forcing them to adhere to and obey the rules they created.

In this regard, with respect to the international order established after WWII, for many decades the norms defining the international order in different sectors were for most countries unchallengeable due to their position in the international system. The same was also valid for example for China itself, which for most of the XX century has been a developing country. As suggested by Gilpin, China and countries in the Global South constituted “lesser states in an international system that follow

the leadership of more powerful states” (Gilpin, 1983). This general situation was also reflected, for example, in the role that these countries played until the 1990s in the formation of the small number of international norms that are part of the global environmental and climate governance.

Liberalism, like realism, bases its analysis on a materialistic ontology, considers states as the fundamental actors and argues that there is anarchy in the international system. Contrary to realism, however, liberalism holds a more positive view by arguing that states are prone to cooperate, and international organizations could play a constructive role in maintaining peace and security at the international level. Thus, cooperation is considered not only possible, but also achievable and sustainable. In addition to states, there are also other actors on the international scene that intervene and influence politics at the global level, as recognised by Keohane and Nye themselves in their seminal book 'Power and Interdependence' (1989). Moreover, the ties that form at the transnational level and the various patterns of interdependence that are created between states and other actors have a crucial impact on the way states behave and unfold their foreign policy. Furthermore, states' actions can be shaped by international institutions and regimes, that have been defined as “implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations” (Krasner, 1982). In liberalism view, international institutions have a significantly more important role than the one they have according to realism (Keohane and Milner, 1995). Institutions could influence the ways in which states perceive and interpret their interests and they can incentivize states to prioritize collective gains over relative ones. Consequently, it is believed that states cooperation is made possible, in part due to the presence of institutions and regimes. Therefore, according to liberalism international relations are not a zero-sum game and international cooperation can enhance the absolute gains of every player. According to scholars belonging to liberalism, the creation of an international order is indispensable in the contemporary international system because it facilitates efficient and timely exchanges among states in a highly interdependent and interconnected world (Keohane, 1984; Krasner, 1982).

Indeed, states create institutions and rules that could regulate their increasing interactions and making them more effective and efficient. Thus, according to this view, in a world characterised by deep interdependence, a system of rules and institutions is necessary to reduce transaction costs and ease the large number of interactions that take place among states (Mearsheimer, 2019).

Constructivism in international relations bases its theory on the idea that social reality is not assumed as given, but instead is constructed by agents (de Buck and Hosli, 2020). According to constructivism, world politics is defined as being guided by ideas, norms and values that different actors have. Constructivism focuses on the socially defined and intersubjective meanings of reality looking at the influence of the environment on the formation of actors' behaviours and their interactions. This theory however differentiates from neorealism that consider the structure of the system as the causal force that constraint the agents behaviour by determining their actions. According to constructivism, actors' identities and interests are social constructions, as are discourses and norms. It follows that the relations between agents and the structure is not univocal but "bijective" (de Buck and Hosli, 2019; Finnemore, 1996). Actors' interests and ideas are not unchangeable and defined once and for all by the structure (or the international system), but instead material and ideational factors are complexly interwoven and interdependent by constantly influencing each other (Hay, 2001; Wendt, 1992). Differently from the other international relations theories, according to constructivism the ideational forces are those that influence the most the relation between the actors themselves and those between the actors and the system. The structure and the actors constantly constitute and define each other. If the structure defines the behaviours and the interests of the actors, at the same time they alter the structure with their actions and their ideas, norms and discourses (Hopf, 1998). According to the constructivist approach therefore shared norms and values play an important role being that it is their diffusion together with the socialization patterns and the changing identities of the actors that mainly influence their behaviour, including the interactions between states.

Similarly to liberalism, constructivism argues that international institutions play a central role in spreading norms and values, encouraging intersubjective understanding and supporting cooperation. Similarly to liberalists, constructivists believe that institutions form and give shape to actor behavior in addition to providing formal norms of interaction (de Buck and Hosli, 2020). Institutions, including international ones, both generate and project norms, forming standards of appropriate behaviour, and they socialize states to these norms (Wendt 1992). Furthermore, although material power should not be disregarded, according to constructivists, power as well is not made up only of material factors but also of ideational ones, depending on shared norms and values – intersubjectively determined (Wendt, 1992). Thus, all the elements of international relations exist because the constitutive actors of the system have assigned a meaning to them (Fierke, 2010). For constructivists, it is essential to recognize that an actor's reality is always socially constructed. It is the product of human activity and can, at least in theory, be transcended by instituting new social practices.

Rooting their analyses in different assumptions, the three theories of IR propose different explanations of why and how the global order is gradually changing. According to realism, a change in the global order originates from modification in the structure of the international system, which mainly depends on the distribution of power. Thus, the rise of emerging powers – like for example China – or the decline of existing ones, will likely result in the transformation of the global order reshaping the rules and norms that regulate the international arena. Liberalism, instead, consider as an essential element to explain changes in the global order the impact that the emergence of new international organizations could have both in contributing to cooperative behaviour between states and in hindering conflicting relations among them. Finally, according to constructivism the structure of the international system is socially constructed and - differently from what realist believe - “anarchy is what states make of it” (Wendt, 1999). In addition to material conditions, constructivists take into consideration the ideational dimension in shaping global political dynamics. Material phenomena are not neglected, but they assume importance by virtue of the meaning

that is socially attached to them (Ruggie, 1998). Consequently, from the perspective of constructivism, changes – also of the global order – are the product of underlying norms, identities, and policy paradigms that have been institutionalised over time at both the domestic and international levels.

1.1.1 The Normative Turn in International Relations

Since great part of this research project focuses on the evolution of the norms of the UN climate regime and on norm contestation, before proceeding with the literature on the international climate regime, it is useful to analyse and better understand the literature on norms diffusion and norms contestation.

The end of the Cold War coincides with far-reaching theoretical transformations. IR went through what has been called a "normative turn" (Adler, 2003; Checkel, 1998). Indeed, the 1990s was a time of "normative effervescence" both at the political and theoretical level. The study of norms and their impact has increasingly become central in the IR discipline (Sicurelli, 2010). Different schools of thought inside the discipline started looking at international norms as a key variable in international relations. Especially constructivist scholars of IR have produced an extensive body of literature on the importance of global norms in different areas of international affairs from environment to security to human rights (Checkel, 1998; Keck and Sikkink 1998; Meyer et al. 1997; Katzenstein 1996). As a consequence of this "turn", many scholars went from adopting an instrumental rationality, typical of realism and liberalism, to a normative one, typical of social constructivism. Instrumental rationality focuses on the analysis of the behavior of states, motivated by interests and incentives, which may or may not lead them to cooperate. According to this kind of rationality, institutions could make it easier to cooperate and they could also affect the behaviour of states, but not their pre-established preferences. On the contrary, normative rationality devote its attention on institutions insofar as they are, on the one hand, representative of the values and norms of a society, and, on the other hand, influence the formation of both values and norms of its members. Thus,

institutions not only address common challenges that require collective action and reflect the power of its members, as rationalists think, but their study also help to understand how norms emerge and diffuse through the international system and how states interests change and evolve over time.

The role of norms as an explanation of the behaviour of states gave rise to an important research agenda in the 1990s: what is the origin of the norm, who is responsible for starting the process of creating the norm, under what conditions the norm arises, how the norm evolves (Sandholtz and Stiles, 2008). These are some of the questions that have given rise to studies focused on the emergence and evolution of norms. In the literature exist several definitions of “norm”. Katzenstein et al. (1996) define norms as “collective expectations about proper behaviour for a given identity”. Similarly, according to Finnemore a norm corresponds to “shared expectations about appropriate behaviour held by a community of actors” (Finnemore, 1996). These are considered as standard definitions of norms and they are widely used in the literature on international norms. In this project I adopt the definition of norms provided by Finnemore (1996), considering them as rules which are expressions of what an actor perceives as an appropriate behaviour according to the logic of appropriateness (Börzel T. and Risse, 2011).

In the study of the process by which norms have diffused and evolved over time, it results also of some help referring to the literature on norm diffusion and promotion (Parks and Morgera, 2015; Gilardi, 2012; Finnemore and Sikkink, 1998; Borzel and Risse, 2012). The norm diffusion literature has focused on different aspects. The main questions it has addressed are why do actors commit to norm diffusion and why do they select specific norms over others. In addition, this literature examines the mechanisms through which policy and norms diffuse across different scales of governance. Scholars have extensively studied the different mechanisms of norms and policy diffusion from the international to the regional and domestic levels; but also how norms and policies “trickle-up” or diffuse in the opposite direction (Winston, 2018). In general, the great majority of the studies conducted on international norms diffusion have focused on norms arising from the group of developed countries and

how they have been diffused to the developing ones (Stalley, 2018; Acharya, 2014, 2011; Finnemore, 2003). All these studies tended to follow a similar path, where the developed countries were the “norm makers” and the developing countries the “norm takers” (Cortell and Davis, 2005). There is a tendency to trace the movement of norms from North to South, to use two terms well established in the literature (Acharya, 2014). However, an increasing number of authors exhorts “scholars of global governance to devote more attention to the role of Southern agency in the creation of global norms” (Helleiner, 2014). The study of the emergence and evolution of the norm of ‘common but differentiated responsibilities’ (CBDR) gives an opportunity to focus on ‘Southern agency’ in the formation of norms and it helps contributing to fill a gap in the relative literature. Indeed, CBDR, that since the formation of the UN climate regime has been a fundamental framework principle in global climate governance, is a global norm on whose formation the developing countries have played a leading role (Pauw et al. 2014). Although, the CBDR norm has been negotiated and agreed upon by all the members present at the international negotiating tables, it could be considered as a norm promoted by, rather than diffused to, the developing countries (Stalley, 2018).

Among the studies that analyse the evolution of norms, the study by Martha Finnemore and Kathryn Sikkink on the norm cycle (1998) stands out. The work of Finnemore and Sikkink considers when we can speak of the existence of a norm, from what moment: how does a norm arise? How many members of a society have to share it? Is there a turning point that allows to speak of an existing norm? Based on these questions, the study of the two American academics establishes a life cycle of the norm, divided into three stages: first, the emergence of the norm; second, the broad acceptance of the norm that occurs from a turning point in which a critical mass of relevant actors adopts the norm, producing a norm cascade); and, finally, the internalization of the norm, when the norms are already taken for granted and there is no debate around them. The study details for each of the stages the decisive actors, the reasons that activate the cycle of the norm, and finally, the dominant mechanisms in each stage. From the work of these authors, I retain some ideas and basic concepts.

First, the emergence of a norm is determined by the role of so-called norm entrepreneurs, determined actors who want their community to behave appropriately on a specific issue. Entrepreneurs often create some kind of organizational platform and, if successful, manage to frame the problem differently than before and build a new formulation of the problem. In other words, they exercise a definitional power or productive power, in terms of Barnett and Duvall (Barnett and Duvall, 2005). The definitional power is that kind of power that affects social relations and the systems of knowledge through which are created, experienced and transformed the meanings that create the normal (Barnett and Duvall, 2005). In short, an exercise of power since all norms arise in a contested space (with pre-established ideas and norms). Finnemore and Sikkink wonder, precisely, what is the tipping point or threshold to pass to the second stage (the stage of acceptance of the norm). What is the sufficient critical mass? It is evident that at this point the legal formalization constitutes per se a referent. The number of states required for a treaty to enter into force is a good indicator. Finnemore and Sikkink point out that empirical studies show that it is rarely possible to enter the second stage if at least one third of the states have not accepted the norm. According to the authors, what happens at the turning point is that a sufficient number of states and relevant states have adopted the new norm to redefine the appropriate behavior for the identity defined as “state”. As for the rest of the states, the authors highlight various reasons for them to join the norm (modifying their behavior); that they see it increasingly legitimized, for example, or that the mechanisms work to convince those who still do not share the norm. Among the latter, socialization stands out, in all its manifestations (incentives, material sanctions, diplomatic conviction or embarrassment, known as the naming and shaming process). The third and final stage of the norm cycle occurs when the norm is internalized, stops generating controversy and is taken for granted in the society of states, it is not questioned.

However, the two authors point out that completing the cycle of a norm is not an inevitable process and, in many cases, emerging norms do not reach the inflection point, which leads to internalization. This is precisely the issue that has attracted the

attention of many scholars that have analysed norms in the framework of the 21st century: not their acceptance and internalization, but rather their contestation. Indeed, with the crisis of the international liberal order, norms became increasingly issues of contestation and disputes, both in the political and theoretical spheres (Barbè, 2021).

1.1.2 The Turn Towards Norm Contestation

The diffusion of norms occupied an important place in IR after the end of the Cold War, leaving a unique image: norms spread from above (international sphere) to below (internal sphere), from convinced states (like minded countries) towards the unconvinced one and usually they spread in a linear way (emergence, acceptance, internalization). However, this approach was soon criticized. Thomas Risse, a prominent constructivist academic, pointed out that the diffusion of norms is not as linear or as top-down as previous scholars had anticipated and that setbacks can occur throughout the process; the norm can regress, it can be forgotten, or it can disappear (Risse, Ropp and Sikkink, 1999). If the first generation of constructivist authors studied the diffusion of norms and focused on liberal norms (the “good norms” typical of the humanitarian agenda), the second generation has started from a very different vision of norms. They do not consider them as finished products, but rather “work in progress” (Krook and True, 2012). According to this strand of literature, norms are not fixed once and for all, instead they are subject to shifts, being open to contestation and reinterpretation (Johansson-Nogués, Vlaskamp and Barbé, 2020; Lantis, 2017; Wiener, 2014). Antje Wiener, for example, points out that norms have a dual character, they can be stable or going through the process of contestation. According to this author there is always the possibility of intersubjective disagreement around a norm, which is expressed through discourse. Contestation according to Wiener is an interactive social practice aimed at showing disapproval of existing norms (Wiener, 2014). Norms contestation has been defined as a “social practice whereby actors discursively express disapproval of norms with the aim to establish the latter’s nascent or continued legitimacy” (Wiener, 2014; Tully, 2002). It is then

generally recognised that as the standards of appropriate behaviour are challenged, , and consequently potentially transformed through a process of contestation, the validity of these norms can be weakened or strengthened (Wiener, 2014; Krook and True, 2012; Badescu and Weiss, 2010). In line with this trend, in addition to tracing the evolution and diffusion of the climate norms, this project analyses how the meaning assigned to the norm by the EU and China have evolved over time and how the norm have been contested by these two actors.

As already mentioned, some authors contends that contestation over foreign policy at the international level takes place within a more general dynamics wherein the Western-led liberal world order is in a steady process of erosion (Acharya, 2017; Ikenberry, 2013). Indeed, it is widely recognized that most of the emerging powers have been at the forefront of the request to change the negative (for them) conditions of the multilateral order in the last decades. As a general trend, most of the authors agree in recognizing the fact that most of the actors contesting the international order are emerging countries. The presence of new contesters have brought new urgency into the debate (Johansson-Nogués et al., 2020). However, most of the currently contested global issues, such as climate change, human rights, sovereignty, are not recent, but rather part of a long-established process of contestation. Some authors argue that one of the actors that confront the questioning of fundamental rules by the new contesters is the EU – that has self-proclaimed itself as the protector of a rule-based order and of many global governance multilateral institutions (Sjursen, 2015; Manners, 2008;).

As indicated by the literature, norms contestation takes also place with regards to the norms that are part of the international climate regime (De Matteis, 2011). For states parties to the regime, engaging in a debate during international negotiations on what norms should be part of the climate regime and how those norms should be (re)interpreted in light of changing circumstances is a crucial element of the dynamics characterizing climate negotiations (Johansson-Nogués et al., 2020; Petri and Biedenkopf, 2019). This is why, contestation as the expression of criticism or

objection on current interpretations of norms is an essential part of the history of climate negotiation.

The acceptance of contestation as a practice intrinsic to the norms raises a debate: is it good or bad for the norm? Does it weaken it or reinforce it? Wiener argues that the contestation is positive and necessary to legitimize the norms. How the contestation affects the strength of the norms is a much-analysed topic. Nicole Deitelhoff and Lisbeth Zimmerman have established a differentiation between two types of response. This differentiation is useful in order to analyse the effect that the contestation has on the strength of the norms from the perspective of the discourse in international institutions. They have differentiated between contesting the validity of the norm (justificatory contestation) and contesting the application of the norm (applicatory contestation) (Deitelhoff and Zimmermann, 2013). While the first weakens the norm, the second can reinforce it if the right conditions exist to deliberate and improve the norm (making it more consensual). In the first place, when the application of a norm is contested, it is being discussed whether a norm is adequate for a given situation and what measures must be adopted in that specific situation: in other words, when and how to apply a rule. This type of response is given permanently, due to social changes or technological changes. Secondly, when the validity of the norm is contested, its foundation is questioned and, in some way, the desire not to feel bound by said norm is expressed. A discourse is generated that justifies the non-acceptance of the norm on the basis that it is not adequate, in our case by the community of states. Two other approaches to normative contestation can be referred to: "localization" as a form of contestation and *antipreneurs* as "reprogrammers" of international norms. Both the work on localization and on *antipreneurs* could help us understanding the crisis of the liberal international order. The concept of norm localization is due to Amitav Acharya (2004) and represents a contribution from the Global South to the study of norms contestation. Acharya uses the concept of localization to refer to the process of adapting international norms to the local context through discursive recreation or practical transformation. It has been referred to as the "local turn" of the norms. Acharya argues that international norms

are traditionally grounded in Western (liberal) values and are therefore not consistent with the practices or values of different cultural communities. In subsequent works, Acharya has addressed how the process of incorporating international norms in the local contexts of non-Western countries (top-down process), adapting them (localization) or rejecting them, generates feedback towards the international level when said countries incorporate their vision of norms to international negotiation forums (bottom-up process). This is why studies on *antipreneurs* focus their attention on international actors that, in some way, repeat the model of Finnemore and Sikkink, but with the intention of seeking alternatives to norms of postnational liberalism (Bloomfield, 2016). If the classic study by Finnemore and Sikkink focused on entrepreneurs or promoters of the norm and their techniques, Bloomfield's analysis of *antipreneurs* offers us a mirror image (same type of actors, same method), but, in this case, to claim the suppression of the norm in the name of different values and/or national sovereignty (Bloomfield, 2018).

1.2 Some of the Main Transformations of the Global Order

Since the end of the Cold War in the early 1990s, the global order has experienced various ongoing and profound transformations that are worth highlighting in consideration of the object of this thesis (Wang and Song, 2016). Although the different strands of scholarship that study the evolution and the changes of the global order have stressed different aspects as being preponderant, we can identify three main underlying features as characterising the current international system:

- 1) The reconfiguration of power relations on a global scale with a trend toward multipolarity: in the last decades, there has been a rising number of states that act as key players at the global or regional level. A growing body of literature describes this shift from a unipolar to a multipolar world.

2) New types of actors are changing the nature of the multilateral playing field. In particular, “regions with statehood properties” (Van Langenhove, 2011) are increasingly present in international relations. The EU is a clear example of this tendency. This development shows that multilateralism is no longer only a game between states, but various regions as well as other actors are present and are profoundly changing the multilateral game.

3) The emergence and significant increase of truly global (commons) problems, such as climate change, which demand effective solutions that are often beyond the remit of individual states.

These three aspects, and the relative literature, will be analysed in the following sections.

1.2.1 The reconfiguration of global power, the emergence of a multipolar system and the rise of China

After the bipolar world led by the USA and USSR during the Cold War and the US “unipolar moment” with the end of the Cold War (Brands, 2016; Gaddis, 2005; Krauthammer, 1990), the recent rise of new powers such as the so-called BRIC countries – Brazil, Russia, India and China– has determined a gradual shift towards a multi-polar international system (Murray and Brown, 2013). With regard to the academic debate on the development of a multipolar world, particular attention is given to the rise of some emerging powers, particularly China, that could challenge the existing order. The multi-polarization of the international system and the rise of nations from the global South are represented as two strictly related phenomena (Shi and Langjia, 2020). In studying these transformations, some authors have focused their attention on the overall stability aspects of the new international system structure, arguing that the multipolar system that is emerging is more uncertain and less stable compared to the previous unipolar or bipolar structures (Varisco, 2013).

Other authors, instead, in order to study the reconfiguration of power dynamics that is occurring in a multipolar world and better understand the effects that it has having on the international system, have turned to the concept of ‘agency’ (Fridon, 2018). Agency in the international relations discourse represent the capacity to act in order to modify the outcome or rules of the international system. Agency can be exercised in multilateral negotiations and fora in different areas. Scholars have examined how the agency exercised by emerging powers agency interacts with that of other powers in the context of a multipolar system at the intergovernmental and individual state level (Hosli and Selleslaghs, 2020).

The debate on the transition toward a multipolar world intersects the one on the shift towards East in the distribution of global power. Indeed, a defining characteristic of the international system in the last years, according to some scholars, has been a progressive shift toward East (Shi and Langjia, 2020; Khanna, 2019; Halper, 2010; Jacques, 2009). China’s growth represents a major shift in power relations and global geopolitical patterns (Benvenuti et al. 2022). As China’s relative economic and political power has increased and its influence has extended, it came to challenge the division of power and roles inside the international system. Thus, as underlined by realists, the global order is changing as a result of the ascent of new powers and the relative decline of old ones (Shi and Langjia, 2020). Some authors question what kind of implications China’s rise can have for the global governance system (Defraigne, 2018). Some of them consider it as a potentially disruptive event, while others are more cautious. According to some authors China is putting into challenge the liberal international order that it did not create but was socialized into (Ikenberry, 2011; Khanna, 2019). However, while some authors believe that China, as a revisionist power, is seeking to fundamentally reshape the world order delegitimizing the current one (Jacques, 2009; Kupchan, 2012; Leonard, 2013; Pillsbury, 2014), other scholars endorse the alternative idea that China prefers to join the international liberal order rather than overturning it, contesting the norms of issue-specific regimes and demanding for adjustments (Kim and Kim, 2022; Nathan, 2016; Ikenberry, 2011; Lanteigne, 2005; Yong Deng, 2008;).

A significant feature of China's rise is that it has moved from a position of almost no participation in international regimes to the current position in which it participates in almost all of the major international regimes in which it is eligible to participate. In joining each regime China has not only achieved specific benefits, whether economic, military, or diplomatic, but has also gained the opportunity to try to shape the future evolution of that regime to its preferences. In joining the system as a whole, China has both gained access to and influence over the system as a whole and made itself a more significant diplomatic actor with an enhanced ability to exchange support and opposition with other states across normative platforms. As regards China's participation to international regimes, it has been argued that "the discourse about China's challenge to the liberal world order assumes that such an order exists. The author instead argues that there are multiple orders in different arenas (e.g., environment, military, finance, trade, among others), and that there are tensions within and between these orders. China supports some of these orders, wants to reform others, and opposes elements of others" (Johnston, 2019). This pick-and-choose approach reflects the fact China benefits notably from parts of the current order and normative framework. But there are also other parts of the global order that China wants to change. More research on this aspect is urgently needed, in order to better understand how China behaves at the international level and whether it aims to overthrow existing norms or merely to influence how they evolve in a way that it is consistent with China's basic character. Does China aim to overthrow existing norms or merely to influence how they evolve in a way that is consistent with China's basic character?

In line with constructivist interest on norms, many authors try to analyse how China's rise will shape the global normative framework in different domains and policy-areas. While in the early 1990s commentators were thinking about how far Western norms would spread in a situation marked by "the end of history"; today, the debate tends to focus about how far Asian (and, especially, Chinese) ideas will circulate around the world (Song, 2020). Consequently, some authors argue that China is concerned with having a global order operating on the basis of norms and values

favourable to its national and geopolitical interests (Hodzi, 2018). To do that they seek to delegitimize dominant norms and contribute to the diffusion of China-preferred norms. Martin Jacques argues that China is adopting the features of Western capitalism but is pioneering a very different form of hegemony—illiberal, hierarchical, and culturally based—that amounts to a sharp movement away from the Western logic of liberal modernization (Jacques, 2009). Scholars have begun to explore, more generally, the possible character of a post-Western international order (Marchetti and Menegazzi, 2019; Stuenkel, 2016; Weber and Jentleson, 2010; Kupchan, 2009). Nowadays China, according to many scholars, is proposing alternative global governance norms and values. Indeed, some authors argue that in China is deep-rooted the belief that ‘global governance equals Western governance’ (Li and Chen, 2010) and that the principles or values that many multilateral institutions uphold are western – not universal – ones (Peterson and Bouchard, 2014).

As regard’s the construction of China’s identity, most of the scholars assert that China has worked to transform its image on the international stage, from a hostile, aggressive “rogue” outside the international system to a full and active participant in global institutions, and a (sometimes) constructive player in global problem solving (Beddor et al., 2009).

As we have seen, different strands of literature recognise that the rise of new powers such as China and, more generally, the shift of power at the international level are having a major impact on the global multilateral system/order (Ikenberry, 2001; Patrick, 2009). A great part of the debate on the emergence of a multipolar world has taken place under the framework of the realist theory of IR, that mainly focus on the ‘power’ variable and on its distribution among the parties to the international system. If, following the definition provided by Kenneth Waltz, the global order is represented by the structural distribution of power among states, the rise of new emerging powers, such as China or the BRIC, by definition, constitutes a change in the global order. Also for liberalism and constructivism the international distribution of power among states is an aspect that should be taken into consideration, but – as already said in the above sections – their analyses focus more on other variables. Some

IR scholars analyse in detail the effects of the reconfiguration of global power on the functioning of multilateral institutions. Most are mainly interested in understanding how multilateral institutions and negotiations respond, or fail to respond, to the shifting and reconfiguration of power at the international level. The questions they try to answer include: How are multilateral institutions affected by the shifting global power configuration? Are the multilateral institutions challenged by the shifting global power configuration? (Lesage and Graaf, 2015). Thus, the main aim of this strand of literature is understanding the outcome of shifting power (toward China, the East and the emerging powers more in general) on the negotiations settings - (mainly) under the UN framework.

In the literature (Lesage and Graaf, 2015) it is possible to observe a categorization that distinguishes between different kind of multilateral institutions that are affected differently by the reallocation of power at the international level. The categorization mainly used by scholars is the following:

- Multilateral institutions and settings that have the ambition to shape global governance and in which rising and established powers interact more or less on an equal footing. Various UN-affiliated institutions and negotiation settings, including the United Nations Framework Convention on Climate Change (UNFCCC), are part of this category.
- Multilateral institutions in which major players are deprived from equal treatment in decision-making. A classic example is the United Nations Security Council (UNSC).
- Multilateral institutions that have a selective Western-based membership. Typical examples are the OECD and NATO.

For the purpose of this thesis, the power variable has been important when choosing which actor to focus on. The reconfiguration of power relations on a global scale determine which actors will be more influential. The rise of emerging powers, among which China, and the shift to a more multipolar international order means that building – or even preserving – multilateral cooperation will require satisfying the

desire of rising powers to have their new status recognised (Peterson and Bouchard, 2014). However, as mainly argued by constructivists in the debate about the evolution of global order, the study of norms is important. The question of the challenge posed to the global order by emerging powers is analysed by constructivist mainly through a perspective on norms and identities. Indeed, a shift in the structural distribution of power among states is not the same as a shift in the norms that make up global regimes (Nathan, 2016). As a matter of fact, international regimes are not static but, instead, they change throughout history. If regimes exert influence on the behaviour of states, as argued by liberalism and constructivism, then we can expect that these states will work to shape and reshape them to better serve their own interests and views. This will be equally true of old as well as of rising powers, of the USA and the EU, as of China. So the question is how and to what extent these powers try to influence the evolution of global regimes. Focusing on the evolution of an international regime, especially from a constructivist perspective, means focusing on the norms that compose that regime. Constructivists study the internalization and the contestation of existing norms by emerging powers, but also try to figure out how they will shape the evolution of international norms and suggest a “two-way” study of norm diffusion between norm-takers and norm-makers (Pu, 2012). In the light of Finnemore’s assumption that organizations shape their member’s views and cause them to develop shared expectations about appropriate behaviour, more research on China’s ambition about influencing or contesting existing norms in different international regimes is needed.

1.2.2 The emergence of “regions with statehood properties” – the case of the EU as a global actor

On the international stage, as indicated by the literature, states have now been joined by a series of other actors. Among these new actors, Regional Organizations (ROs) have been extensively studied by authors through the lenses of comparative regionalism and regional integration studies (Van Langenhove, 2011; De Lombaerde,

2012). According to some scholars, the new international multilateral order has moved the focus towards regional groups and organizations (Lala, 2020). Renowned scholars have spoken of the “regionalization of the world order” (Van Langenhove, 2011), they have argued that “we are approaching a ‘world of regions’” (Katzenstein, 2005) and that “regions are now everywhere across the globe and are increasingly fundamental to the functioning of all aspects of world affairs” (Fawn, 2009). As a sub-category of ROs, “regions with statehood properties” (Van Langenhove, 2011) constitute a new and interesting aspect, of which the EU is an illustrative and most probably unique example (Selleslaghs, Telò and Hosli, 2020). The literature now features a very broad array of research topics and a diversity of perspectives about the EU’s potential as a foreign policy actor, although perhaps a less variety in theoretical approaches.

Research on EU foreign policy – broadly defined – has expanded exponentially in recent decades. Besides devoting attention to the EU integration process, scholars have been studying the EU as a global actor for several years now, examining its external relations and its influence in international politics (Selleslaghs, Telò and Hosli, 2020; Keukeleire and Delreux, 2014). This evolution becomes strongly evident if a broad notion of EU foreign policy takes precedence over a definition solely in terms of its Common Foreign and Security Policy (CFSP). From this perspective, the EU has come to substitute or actively supplement the foreign policies of its member states, not only in those domains where it enjoys exclusive competences, such as external trade, but also in many other areas such as development, human rights or environment, where it shares competences with its members (Keukeleire and MacNaughtan 2008). Indeed, the EU today is seen by most of the scholars as a new kind of global power, that can be considered as a “diplomatic actor” on its own, distinct from, but dependent on, its member states (Selleslaghs, Telò and Hosli, 2020; Kooops and Macaj 2015). The role of regional organisations within global governance institutions and institutionalised multilateral fora, such as the UN, has become increasingly important and scholars have started to study it extensively. However, at the same time, it is widely recognised among scholars that there needs to be a lot of

creative research based upon careful analysis of the EU action in the global governance system, especially within the UN – the organisation considered to be standing at the apex of the international system. In this respect, what future research needs is follow the path undertaken by a part of the current research and go beyond what say both the EU Treaties and the UN Charter, analysing empirically the EU action in the UN multilateral system (Keukelaire and Delreux, 2014). Indeed, in theory, according to the way the UN is organised, only sovereign states can be full members (art. 4 UN Charter). However, in many of the regimes that have been established under the UN system the EU, as a regional organization, plays a role – and thus this role should be investigated more deeply. Part of the current research on multilateralism has already taken this direction, exploring the EU’s performances in institutionalised and non-institutionalised multilateral contexts. This literature examines whether and how the EU contributes to effective multilateralism. Most of the authors focus on the EU’s role within international fora, and especially its role within the UN.

The academic debate on whether the EU can be considered as an actor in the international arena dates back to the 1970s. Indeed, from a political science point of view the issue of the EU *actorness* (i.e., the role of the EU as an international actor/ or the EU capacity to act externally) has been subject to a lively debate (Schunz, 2018; Pavese and Torney, 2012). The first effort to formulate a theoretical framework for analysing the EU’s position as an international actor dates back to the seminal research conducted by Sjostedt (1977) that acknowledged the EC as “a genuine actor in the international arena” but he added that the degree of *actorness* can vary depending on the capability of an actor to deliver in the different issue-areas (Pavese and Torney, 2012; Sjostedt, 1977). Bretherton and Vogler (2013; 2006) pinpointed three factors that should be present so that the EU can perform as an international actor: opportunity, presence and capability. Another aspect on which some authors have focused their attention is the recognition of the EU as an international actor by third parties (Schunz, 2012). Nowadays, also as a consequence of the reforms introduced by the Treaty of Lisbon (2009), most of the scholars agree on the fact that the EU

can be considered as a *sui generis* international actor. However, some specifications are needed. Indeed, if the EU can be considered as a fully-fledged international actor with respect to some subject matters, such as for example environment, climate and trade, it does not possess complete international actorness as regard other subjects. It should also be considered that the scholarship that studies the EU's external relations has changed its focus over time. After the debate on the EU actorness, the scholarship has started to explore what kind of actor the EU constitutes. Indeed, although the great majority of scholars recognize that EU has become a distinct player in international relations (Delreux, 2014; Adelle et al. 2018), they disagree on the *type of actor* it is. From the perspective of the supranational-normative view, the EU corresponds to a "normative power" (Manners, 2002). With regard to the external dimension, a normative power is an actor that uses norms as its favoured instrument of international action and tries to export them, and its thus committed to norm promotion beyond its borders (Laidi, 2008). The scholarship that arose from this concept examines the EU's normative identity and how the EU defines its actions in the international arena by placing principles and norms at the centre of its relations with third states. According to this view, the EU is different from other state actors as it makes foreign policy decisions on the basis of constitutive principles and values. The concept of *normative power* describes the "ability to shape conceptions of "normal" in international relations" (Manners, 2002). According to some authors, EU's influence as a source of norms and values shapes the world and the EU exercises normative power directly to set global standards (Bjorkdahl et al. 2015). Some authors have described the EU's action in the climate change domain as corresponding to the one of a normative power (Wunderlich, 2016; Belligoli, 2013).

Similarly to the debate on normative power, the EU has also been described as a "transformative power" (Börzel and Risse, 2009; Börzel and van Hüllen, 2011). This concept, like the previous one, focuses on the conditions and means used by the EU to push other countries to introduce reforms requested by the EU. Thus, *transformative power* is the EU's ability to "Europeanize" other countries into its norms and methods (Dimitrova et al. 2016; Börzel and Risse, 2009; Grabbe, 2006). The EU's

transformative power mainly refers to the EU's leverage towards candidate states (i.e., countries with a realistic perspective of becoming EU members), but it could also refer to neighboring states with whom the EU aspires to create closer ties (Börzel and Lebanidze, 2017; Börzel, 2010; Börzel and Buzogány, 2010). More recently some scholars have introduced the concept of “Europeanization beyond borders” for analyzing the EU's stance on the international stage in reference to a variety of subjects ranging from migration to the environment (Schimmelfennig, 2015; Lavenex and Schimmelfennig, 2009; Börzel and Risse, 2012).

Finally – after the debates on actorness and on what type of actor the EU is – the research attention has shifted toward the EU ‘effectiveness’ or ‘performance’ in international affairs (Drieskens, 2017; Hardacre and Smith 2009; Koops and Macaj, 2015). Indeed, despite the lively academic debate on trying to categorize and conceptualize what kind of actors the EU is, some authors believe that is more important to focus on *what* the EU does and not on *who* it is.

The EU has been described by some authors as the leading advocate of multilateralism as a basis for global governance and international cooperation (Lazarou, Edwards, Hill and Smith, 2014). Indeed, multilateralism is a core goal of the EU's external action. When we sample the research literature, we find frequent claims that “the commitments to multilateralism is at the core of EU external activities” (Bretherton and Vogler 2006; Peterson and Bouchard, 2014). The EU has committed itself doctrinally to promote ‘effective multilateralism’. The 2016 European Union Global Strategy (EUGS) presents multilateralism as one of the EU's primary objectives: “The EU will promote a rules-based global order. We have an interest in promoting agreed rules to provide global public goods and contribute to a peaceful and sustainable world. The EU will promote a rules-based global order with multilateralism as its key principle and the United Nations at its core” (EUGS, 2016). As emerge from numerous studies “multilateralism remains the key element of the EU's approach to all areas of external activity”, ranging from security to climate change (Lazarou, Edwards, Hill and Smith, 2014). Based on the analysis of numerous scholars, the use of multilateralism as a focal point in EU foreign policy may be

perceived as constituting an evolving doctrine. The cases of security, trade and climate change show that, within the EU's foreign policy discourse and across a number of areas, multilateralism is presented as a means towards the effective accomplishment of specific goals and, ultimately, towards the construction of a 'better world'. At the same time, the 'effective multilateralism' advocated by the EU is principle-based and constitutes part of the Union's moral responsibility to work towards this objective. As such, the European Union can be argued to have adopted the pursuit of effective multilateralism as a doctrine (Lazarou, Edwards, Hill and Smith, 2014).

To summarise, despite existing divergences among scholars and different approaches, existing research tends to agree on three assumptions about the nature of the EU as a global actor:

1. It is a unique, *sui generis*, foreign policy actor;
2. It is committed – in a primordial, almost genetic way – to the goal of 'effective multilateralism';
3. It tends to be a normative actor, which prioritises values over interests.

1.3 The emergence of global commons problems and the construction of related international regimes – The Case of Climate Change

According to the literature review presented so far, constructivism has been identified as a useful way of understanding international relations in a complex interdependent world characterised by truly global problems, and norms have been found to be important in pushing forward the study of how both the EU and China behave in a new multipolar international system. Therefore, this thesis pursues that direction of research, applying the knowledge and insight that have emerged so far to the specific policy-area of climate change under the UN climate regime.

1.3.1 The Emergence of Climate Change in the International Agenda: The Perspective of International Relations Theories

In parallel to the development of the concept and the growing interest in the study of international regimes, the last four or five decades have seen a steady increase in the presence of environmental issues on the international agenda. During this time, as Barbé points out, the social, political and academic perception of environmental threats has increased (Barbè, 2013). The environment has gradually entered into the international relations agenda, it has evolved as an autonomous and separate 'issue' rising in the list of priorities of states and other international actors, accompanied by the corresponding interest of the public opinion in environmental issues (Barbé, 2013). Environmental issues have come to have such a substantial impact on the international agenda and on international relations that some 'expert' consider them as the third major area of interest in the study of IR, along with the two main traditional areas represented by security and the global economy (Jackson & Sorensen, 2013).

Starting from the 1960s, environmental research – initially restricted to the scientific domain – began to have a stronger impact both on civil society and on the agendas of policy-makers. Some emblematic works stand out among them. In 1966 Kenneth Boulding published the essay "The economics of the coming spaceship earth" in which he outlines the vision of the earth no longer conceived as an open system with apparently unlimited resources but as a spaceship with no reserves of resources to consume or pollute indefinitely. Already in 1962 Rachel Carson had published the book "Silent Spring", which recounted the harmful environmental impact on bird communities caused by the indiscriminate and widespread use of pesticides. Thus, Carson drew attention to the unwanted impacts of the chemical industry, gradually generating pressure for its regulation (Dalby, 2016). Paul Ehrlich's "The Population Bomb" (1968) and the highly influential "The Limits of Growth" (1974) commissioned from a group of scholars at the Massachusetts Institute of Technology (MIT) by the Club of Rome also had a major impact. These scholars addressed concerns about pollution, natural resource depletion, food production and the impact of pollution, attempting to warn about their effects and the sustainability of human survival (Dalby, 2016). These studies and the growing interest in the issues they

addressed on the part of civil society and governments helped to characterise the interdependent nature of environmental threats and ecological issues. The image they projected was that of an integrated and indivisible earth system, and consequently that local problems of natural resource degradation and pollution have international and global implications (Jackson & Sorensen, 2013) that therefore require to be addressed jointly by the international community.

The first major global environmental meeting was held in Stockholm in 1972, driven by increasing international concerns about global warming, and, for the first time, climate change started to emerge as a global issue. The United Nations Conference on the Human Environment marked the transfer of environmental issues to the international agenda, and it has been considered as being both a catalyst and a reflection of the increase in concern for ecological issues, representing a turning point in the processes of their politicisation and internationalisation (Barbé, 2013). Kurt Waldheim, then Secretary-General of the United Nations, attempted to capture the spirit that the international community should assume when, at the opening ceremony of UNCED, alluding to environmental threats, he stated that, “no crisis ever before has underlined to such an extent the interdependence of nations. The environment forces us to make the greatest leap ever into world-wide solidarity. One issue after another – development, population, the seas and oceans, outer space, even the monetary issue – reveal to us in close succession the interdependence on our planet... but none of them has had greater effects than the crisis of the environment” (Johnson, 2012).

The 1972 UN Conference on Human Environment was the first step in the long process that led to the creation of the present international climate regime – as it is shown more in depth in Chapter 3. Nowadays climate change has come to represent one of the main global challenges. As indicated by good part of the literature, climate change is a global commons problem (Ostrom, 2012; Paavola, 2012; Engel and Saleska, 2005). Its causes – man-made greenhouse gas emissions – and impacts are distributed and felt across the international system, transcending traditional states boundaries and jurisdictions of the international political system

(Sosa-Nunez and Atkins, 2016). Furthermore, the inherent complexities of climate change make it a particularly difficult phenomenon for both national and international governance. Even though the regional effects of global warming would vary across the globe, it was obvious from the beginning of the development of the international climate regime that all nations would be impacted by it, and the costs associated with it would not depend on whether a country had or had not contributed to GHG emissions. Yet, great part of the literature agrees that actions at the international level continue to provide the most effective route to tackle climate change due to its nature of global commons problem (Giddens, 2009; Yamin and Depledge, 2004). Indeed, as underlined by most of the literature on the topic, international cooperation in trying to tackle climate change turns out to be more convenient than competition or conflict between states (Ferrari and Pagliari, 2021). This assumption particularly fits for the management of global public goods, where the sum of individual rational behaviours often leads to a collective irrational result (Morin, 2013). This is exactly the case of global climate intended as a public good (Bechtel et al., 2016; Bodansky, 2012). Public goods are defined by their non-excludability, no private ownership, and their non-rivalry (meaning that everybody has access to it). As a consequence, for a sustainable solution every state, or at least those that are mainly responsible for the problem, have to be included in the negotiations process to secure its effectiveness. If this is not the case, states may be tempted to free-ride: they benefit from the emission reductions of others, but do not themselves contribute with reduction measures (Otto, 2015). Thus, the protection of climate for being effective needs multilateral cooperation under international institutions.

Since climate change has emerged as a prominent foreign policy issue (Minas and Ntousas, 2019; Ott, 2001), scholars have applied international relations paradigms to the study of global climate politics and governance (Luterbacher and Sprinz, 2001). In a first moment, the academic debates about global environmental governance in general (Morin and Orsini 2013; Chasek et al. 2014) and climate change in particular (Hoffmann, 2013) were dominated by the literature on liberal institutionalism and regime theory. With the passing of time, however, constructivist arguments

emphasizing the influence of ideas, norms, and identity have become increasingly common (Below, 2017). The application of international relations theories to the study of climate change politics and governance continues to be prolific (Vogler, 2013).

According to some authors, realism has had the least influence on the study of climate politics and it has not been able to provide a plausible explanation for the strategies of the different actors in the climate negotiations (Cass, 2017). Indeed, according to these authors, notwithstanding the importance of the power variable the outcomes of the climate negotiations could not be explained exclusively by national interests and states' relative power positions (Cass, 2017). A pure focus on power politics could highlight important elements of the negotiations, but overall it provides only a very limited and unsatisfactory understanding of the politics of climate change.

The theory at the basis of much of the literature on climate politics has been liberal institutionalism with an emphasis on the role of international regimes and institutions (Cass, 2017; Vogler, 2013). Most of the research has focused on regime dynamics (Blaxekjær and Nielsen, 2014; Okerke, Bulkeley and Schroeder, 2009), specifically under the auspices of the UN. This has contributed greatly to academic understandings of regime formation, evolution and effectiveness. Some liberal authors analyse the role of institutions with a particular focus on international organizations in shaping the negotiating environment and altering the incentive structures facing states in international negotiations (Grubb, 1989; Skolnikoff, 1990; Paterson and Grubb, 1992). Other liberals emphasize more the role of institutions in promoting, learning and altering national understandings of interests and the appropriate strategies for achieving those interests (Oberthür and Tänzler, 2007; Andresen and Agrawala, 2002; Gupta and Van der Grijp, 1999).

Social scientists increasingly have adopted constructivism to understand environmental issues in general (see for example Broadhead, 2002; Hannigan, 1995) and more specifically as a framework to examine climate change (Cass, 2006; Oels, 2005; Hoffman, 2005). In line with the work of constructivist scholars like Wendt (1999) and Hopf (1998), many international climate scholars make the case that

structure is important, but not as defined solely by the distribution of material constraints and capabilities. The structure of ideas, identities, and norms matters. The importance of norms, or shared expectations of acceptable and unacceptable behaviour, has become the focus of an expanding constructivist literature, which has also been applied to the study of the international climate regime (Stevenson, 2011). As already seen on the general section on the IR theories, constructivists argue that the material and ideational aspects are complexly interwoven and interdependent (Hay, 2001). This theory contend that the behaviour of states is not always determined solely by their material power, but on the contrary states can construct reality based on socially-defined, intersubjective meanings (Wendt, 1992). As such, any study of climate change must give value to both. The social construction of actors' identities and interests and of structures such as discourses and norms is the heart of constructivism. From a constructivist perspective, observed outcomes are the product of underlying norms, identities, and policy paradigms that have been institutionalised over time at both the domestic and international levels. Actions regarding climate change have appeared and fluctuated significantly for over twenty years, thus providing rich and available material. Consequently, constructivism and climate change appear well suited for each other.

1.3.2 The establishment of the international climate regime and its contestation

Contemporary global politics takes innumerable forms, ranging from loose bilateral coordination over more institutionalised multilateral regimes to genuine global institutions (Levy et al., 1996). As seen in the above sections, we live in an age of increasing international normativity characterised by the phenomenon of increasing international norm-making (Nathan, 2016; Sandholtz, 2008). To a degree unprecedented in history, the world is governed by international “regimes” that cover a wide set of issues ranging from security and economy to the environment and the climate. International regimes and institutions have become very important in the

current system, so that according to some scholars international politics today is as much institutional as intergovernmental (Stein, 2010). After World War II, and then with renewed vigour since the mid-1970s, these international regimes have increased in number, complexity, and scope.

The scholars that investigate the role of states or other actors in the international climate regime consider the external environmental policy in the field of climate change to include attempts by an actor to transfer the environmental rules, regulations and objectives to both third countries and international organizations (Adelle, Biedenkopf and Torney, 2018). There are a plethora of activities through which states conduct their external environmental/climate policy that have been analysed in the literature. Multilateral environmental agreements (MEAs) and global climate negotiations under multilateral institutions represent key instruments of global environmental governance. There is a vast literature on international diplomacy, negotiations, and strategies therein (Sweet, 2017; Oberthür and Groen, 2015; Depledge, 2013; van Schaik and Schunz, 2012; Dimitrov, 2010;). International environmental negotiations and diplomacy are essential elements but by far not the only one. Development cooperation, trade agreements and policy dialogue are other crucial tools. There is also an important and growing body of literature addressing different dimensions of international climate change politics, including the role of key states (Harris, 2007; Gupta and Grubb, 2000), sub-state actors (Bulkeley and Betsill, 2004), non-state actors (Newell, 2000), and norms (Cass, 2007).

In order to cope with the threat posed by climate change, an international climate regime was established in the 1990s, but after several rounds of international negotiations, it is still under construction (Jepsen et al. 2021; Klein et al., 2017; Yan, Romano and Zhimin 2014). It is thus important to present the literature on the creation and evolution of the international climate regime. This multilateral effort of creating an international regime has been conceived by part of the literature as a form of crystallizing multilateralism, with new international rules and organizations in the process of being established (Bouchard and Peterson 2011; Yan, Romano and Zhimin 2014). The current international regime regulating climate change is a complex system

that entails both unilateral decisions and bilateral agreements, but mainly international agreements concluded under the auspices of the UN. Many states are actively involved in shaping climate change policies beyond their borders, mainly in the context of multilateral cooperation through global climate negotiations, multilateral environmental agreements, development cooperation and trade agreements (Sweet, 2017; Depledge, 2013; Delreux, 2014, 2011; Dimitrov, 2010). In recent years the international climate regime has gone through dramatic transformations. It has witnessed a considerable broadening in the type of actors involved – from civil society and market actors to multilateral development banks, donors and cities – and consequently it has become more decentralized, polycentric and multilevel (Ostrom, 2009; Jordan et al., 2015). In addition, this polycentricism means that the regulation of climate change at the international level takes place not just under one single regime but in many different venues, which Keohane and Victor call “complexes” (Keohane and Victor, 2011). Examples of these “complexes” under which international negotiations over climate change occur are the G20, some specialized bodies of experts such as the Intergovernmental Panel on Climate Change (IPCC), trade and investments agreements (e.g., border tariff and non-tariff measures and intellectual property agreements in the WTO), multilateral development banks (e.g., environmental standards incorporated in World Bank loans), and bilateral agreements. Bodansky and Rajamani (2015) – that adopt an international law perspective – confirm that the legal regime regulating climate change under the UN is not the only one, but rather it forms part of a larger ‘regime complex’. This regime complex on climate change includes activities in other multilateral institutions such as the World Bank, the International Maritime Organization, and the International Civil Aviation Organization, as well as activities under multilateral environmental agreements such as the Montreal Protocol (Keohane and Victor, 2010). This complexity is reflected in the academic sphere, where there is an increasing number of authors that approach the study of the international climate regime through the lenses of transnational governance (Bulkeley et al., 2014). They focus their attention

on the role of non-state actors (NSAs) and on the interaction between different levels of governance (Bäckstrand et al., 2017; Peel et al., 2012; Zürn, 2010).

Notwithstanding this evolution, most of the legal framework and many of the policies regulating climate change at the international level continue to depend on the regime established by state actors under the UN system. The UN climate regime, thus, remains central as demonstrated by the numerous publications on the topic (Biedenkopf, 2019; Torney, 2014). The UN climate regime started to be formed in the early 1990s and since then it has constantly evolved through negotiation processes that led to the adoption of new conventions and protocols. The centrepieces of this regime at the moment are the United Nations Framework Convention on Climate Change (UNFCCC, 1992); its Kyoto Protocol (1997); the Copenhagen Accord (2009) and the Paris Agreement (2015). Due to its centrality, thus, most studies of climate governance still focus on the UN regime, on inter-state relations under this regime and on the role that single players have had on its formation. Despite its complexity, the UN regime has evolved in a relatively short period, and over time there has been a transformation of the main actors involved in the process. In the past, the EU and the US were the key norm setters at the international level (Najšlová, 2014). During the entire period, the EU has been among the most active players in the negotiations, constantly seeking to provide leadership to the process (Wurzel and Connelly, 2011; Oberthür and Roche Kelly, 2008; Gupta and Ringius, 2001). Reflecting recent shifts of power, however, China and other emerging powers are increasingly assertive in the formation of the norms, rules and institutions governing climate change (De Matteis, 2012; Belis et al., 2018).

The literature has identified three main overarching conflicts, which have characterised all the international negotiations regarding the creation and development of the UN climate regime (Otto, 2015). One conflict is between developing and developed countries and concern the question of how much and by whom (*who*) emissions should be reduced. Regarding this point, in the first period of the creation of the international climate regime (1980s and early 1990s), the developing countries negotiating position was mainly characterized by three key

issues. They were claiming for the West's responsibility for the current environmental damage; developing countries' right to develop and pursue economic growth; and the need to receive funding and technology from developed countries so as to facilitate the control of global carbon emission. In the debate on climate change, developing countries have regularly used concepts such as the "historical responsibility" of industrialized countries and their "right to development". Thus, developing countries framed climate change as an inherently and exclusively political problem generated by excessive consumption patterns in the North, and as a reflection of globally inequitable patterns of development (Stevenson, 2011). This perception directs responsibility exclusively to the industrialised North.

The compromise found on the contrasting visions among developed and developing countries on who should be responsible for limiting GHG have been crystallized in the CBDR norm. Thus, as far as the climate change regime is concerned, the division between developing and developed countries is not merely symbolic. The status of developing country in international regimes is synonymous with 'more favourable' conditions compared to industrialised countries. In the climate change regime established by the UNFCCC industrialised countries (i.e. Annex I countries) are called on to support developing nations (non-Annex I countries) in deploying clean technologies under the principle of CBDR, according to a distinction earlier introduced by the UNFCCC and then used in the Kyoto Protocol. It follows that, under the regime established by the Kyoto Protocol, Non-Annex I countries, including developing countries, are not bound by any legally binding commitment to reduce their emissions, but have simply committed themselves to non-binding mitigation measures, to be achieved with the support of developed nations. Annex I countries' Kyoto targets, in contrast, are legally binding and subject to international monitoring and yearly reporting. However, following some changes that have occurred at the international level since the CBDR norm was formed, it has started to be contested and it has become the object of conflict between some developed and developing countries. As indicated by the literature, while great part of the developing countries (including China) considers the historical interpretation of the CBDR as

part of their identity, many industrialised countries, comprising the EU, contest that interpretation (Johansson-Nogués, Vlaskamp and Barbé, 2020). Indeed, they consider it not to be properly conceived in order to find a viable and effective solution to the climate change problem in consideration of the growing emissions by the emerging powers. On the contrary, on the norm of CBDR China and other developing countries have remained resolute and continue to frame the problem as one of globally inequitable development. This framing directed responsibility exclusively to the North and deflected attention away from emerging countries future responsibilities.

The second conflict lies within the developing countries. While in a first moment developing countries were united in their ambition to prevent any obligations that might harm their economic development, this consensus became more and more fragmented throughout the negotiation process (Lederer, 2014). This fragmentation is grounded in the increased vulnerability of especially least developed countries (LDCs) to the impacts of climate change that have started to pretend that those developing countries characterized by high rates of economic growth (e.g. BRIC countries) do their part in combating climate change. Some developing countries, thus, have started to ask to another group of developing countries to reduce their contribution to the problem. Nevertheless, while the Alliance of Small Island States (AOSIS) and the LDCs request all countries to take reduction measures, the BASIC members (Brazil, South Africa, India and China) are reluctant to do so, as they fear these measures could harm their economies. With the passing of time, thus, China and the other emerging powers – historically part of the developing countries group – are finding it increasingly difficult to convince the rest of the international community of the fact that they still are developing countries. This is due to the fact that China, and the other emerging powers, have become some of the world's largest energy consumers and greatest emitters of GHG. This have created divergences within the developing countries group, that historically were part of the same international negotiating group, the G77+China group.

The third conflict pertains to the industrialised countries. It concerns the division between those countries or group (such as the EU) that ask for a legally binding agreement, and other countries which tried to avoid any binding obligations. The EU and China, as two important economic and political actors and among the largest emitters, have been at the centre of the international climate politics in the last decades and for them it has been impossible to avoid being at the centre of the normative debates about climate governance. Understanding how the EU and China have positioned themselves within normative debates on climate change thus becomes important. In particular, their positions on the issues that regard the first conflict on the normative debate between developed and developing countries need to be examined in depth, especially with regard to the evolution and contestation of the CBDR norm.

1.4 The EU and China External Climate Action in the Framework of the UN Climate Regime

A growing body of literature focuses on the EU and China as two significant players in the global governance of climate change (Yan, Romano, Zhimin, 2014; Belis and Schunz, 2013; De Matteis, 2012). The literature shows that the EU and China have taken different approaches to global climate governance (Yan and Torney, 2016). These differences have clearly emerged during the UN climate negotiations as shown in the next chapters (5, and 6).

One of the major features that currently characterize the EU's action in the climate change field is the increasing prominence of its international and external relations dimension (Adelle et al., 2018). The EU has not only diffused its norms, regulations and objectives on its own member states but has extended its playfield towards the wider world (Buzogany and Costa, 2009). Specular to the debate on whether the EU constitutes an actor in the international stage, the literature has extensively focused on whether the EU can be considered as a separate actor in the global climate regime. From a legal point of view, the EU has been fully recognized as an actor in the UN climate regime. According to article 22 of the UNFCCC, the

UN climate regime do not limit membership to nation-states but it rather permits Regional Economic Integration Organizations (REIOs), as the EU, to be member. Thus, when analysing the EU in the UN climate regime and comparing its action with that of China, it should be taken into consideration that the EU is a sui generis international climate actor, since it is the only regional organization to be member of the UNFCCC and of the other legal instruments composing the UN climate regime (Pavese and Torney, 2012). Consequently, the EU's role in the regime faces constraints that do not apply to any other party. Climate change is an area where the EU and its member states have shared competence and thus the EU's action in the international climate regime does not replace but rather complements that of its 27 members (Pavese and Torney, 2012). Despite these constraints, in the specialized literature many studies and articles describe the EU as a separate and distinct actor in the case of the international climate regime. In fact, climate politics represents a sector where the international actorship of the EU (i.e., the role of the EU as an international actor) has been formed and where it has been mostly studied by academics (Delreux, 2014; Groen and Niemann, 2013; De Matteis, 2012). Almost all the scholars agree on the fact that the EU has been able to affirm its identity as an international climate actor (Oberthür and Dupont, 2021).

At the academic level, there is a lively debate among scholars about whether the EU and China are competitors or partners in proposing global governance norms with regard to climate (Hodzi, 2018; Jenkins, 2018; Oqubai and Yifu Lin, 2019). Since the emergence of climate on the international agenda, China's stance on international negotiations has gone through important changes also in relation to its economic, political and emitter status: indeed, China has become the world's largest emitter of greenhouse gases (GHG) and the world's second-largest economy (Yang, 2021; Hong-Yuan and Song-Li, 2015). Academic interest in studying China's international practice on climate has also derived from its increased relevance to global climate governance. Scholars have proposed different motivations for China's changing practice at the international level on climate, ranging from internal environmental

problems (Schreurs, 2016) to international reputation and image (Belis and Schunz, 2013).

1.4.1 Conceptualizing the EU's and China's external actions on climate governance

When it comes to characterizing the EU's and China's actions in shaping environmental and climate governance beyond their borders, scholars have used different analytical concepts. As regard the EU, although many scholars recognize that it has become a distinct player in international relations (Delreux, 2014; Adelle et al. 2018), they disagree on the type of actor it is. From the perspective of the supranational-normative view, the EU corresponds to a “normative power” (Manners, 2002). This concept refers to an actor who is committed to norm promotion beyond its borders. With regard to the external dimension, a normative power is an actor that uses norms as its favoured instrument of international action and tries to export them (Laidi, 2008). The scholarship that arose from this concept examines the EU's normative identity and how the EU defines its actions in the international arena by placing principles and norms at the centre of its relations with third states. According to this view, the EU is different from other state actors as it makes foreign policy decisions on the basis of constitutive principles and values. The concept of normative power describes the “ability to shape conceptions of “normal” in international relations” (Manners, 2002). According to some authors, the EU's action in the climate change domain clearly corresponds to the description of a normative power (Belligoli, 2013; Wunderlich, 2016). With regard to global climate governance and the UN climate regime some authors have also spoken of “green normative power” (Falkner, 2007).

Similarly to the debate on normative power, the EU has also been described as a “transformative power” (Börzel and Risse, 2009; Börzel and van Hüllen, 2011). This concept, like the previous one, focuses on the conditions and means used by the EU to push other countries to introduce reforms requested by the EU. Thus,

transformative power is the EU's ability to "Europeanize" other countries into its norms and methods (Grabbe, 2006; Börzel and Risse, 2009; Dimitrova et al. 2016). The EU's transformative power mainly refers to the EU's leverage towards candidate states (i.e., countries with a realistic perspective of becoming EU members), but it could also refer to neighboring states with whom the EU aspires to create closer ties (Börzel, 2010; Börzel and Buzogány, 2010; Börzel and Lebanidze, 2017). More recently some scholars have introduced the concept of "Europeanization beyond borders" for analyzing the EU's stance on the international stage in reference to a variety of subjects ranging from migration to the environment (Schimmelfennig, 2015; Lavenex and Schimmelfennig, 2009; Börzel and Risse, 2012).

In the academic literature, there are no similar concepts for China. No scholars have described China's actions in the international stage as "Chinazation beyond borders" or similar concepts. In addition, the other concepts – normative power and transformative power – have rarely been applied in the Chinese case. In this respect, what should be understood is whether this situation depends on the fact that China's behavior in the international arena is completely different from that of the EU or on the fact that the academic debate is not updated to a changing reality that is taking place. When it comes to the comparison between the EU and China on climate politics, recently an author has argued that normative power is hardly unique to the EU, and China represents a competitor normative actor in climate change governance (Wunderlich, 2016). However, this literature is quite limited and underdeveloped. Generally speaking, there are fewer academic studies that analyse China's role in global climate politics compared to those that do so for the EU.

A concept that has been used both in the case of China and the EU to describe their roles in global climate politics is that of 'leader'. Though, it has mostly been used to depict the EU's role throughout the UN climate negotiations, due to China's increased relevance, this analytical concept has also been recently used to investigate China's role, which has been depicted by some scholars as a "new leader" (Qi Ye and Tong Wu, 2015; Lina Li et al., 2017; Oberthür and Groen, 2017; Gupta 2014; Gupta and Ringius 2001). In the literature on global leadership, it is possible to find

references to an ongoing debate on the role and approach of China with respect to global climate governance and multilateralism. Scholars that follow this strand of research have questioned whether China has assumed a leading position in international climate negotiations (Engels, 2018), with some of them who, based on analyses of the evolution of recent positions, have expressed optimism regarding the possibility of a future leadership (Buzan, 2021; Zhuang et al., 2018). The questions that scholars have posed themselves concern whether China is willing to assume the role of leader, if it is able to do so, and if eventually it should become one global leader. What emerges from this literature is that China's commitment to the multilateral regulation and governance of climate change took place well before other global issues (Wu, 2017), and that in the current phase the Chinese ruling class is addressing the climate issue not only based on environmental considerations, but also with the aim to improve in the medium-long term its position as a leader in the international community (Buzan, 2021). In the academic debate over EU climate leadership, the dominant idea is that the Union represents a “green leader”, interested in “ruling the world” by exporting its (high) internal (climate) standards (Bradford, 2020; Schunz, 2012a). Mainly as a consequence of the EU's bad performance as a leader at COP15, that saw its marginalization, some authors started to refer to the EU as a “mediator” (i.e. a leader and mediator) (Backstrand and Elgström, 2013; Groen, Niemann and Oberthur, 2012; van Shaick and Schunz, 2012; Oberthür, 2009). Despite having been used to describe the external action of both the EU and China, according to some authors the analytical concept of ‘leadership’ presents some pitfalls since it does not allow to catch the nuances and the “suboptimal performances” (Oberthür and Groen, 2015) but it only permit a “yes-or-no assessment”: either an actor exercise leadership or it does not (Schunz, 2012a; Schunz, 2010). In addition, the concept of leadership employed in the academic debate on the EU's and China's foreign climate policies underestimates the role of norms, ideas and institutions, that are at the basis of this research thesis (Schunz, 2012a).

1.4.2 Explaining the EU's and China's positioning in the climate multilateral regime

As far as the analysis of the evolution of the EU's and China's international positioning with respect to global climate governance is concerned, three theories of international relations are the ones to which scholars have referred the most: international regime theory, two-level game theory and global leadership literature (already seen above) (Hao Zhang, 2022). These theories, albeit different from each other, aim all to indicate the possible factors that can influence ambitions, objectives and posture with respect to the issue of climate change at an international level, also determining an actor's stance and strategy towards the choices to be made in the context of multilateral climate governance. Although differing in the approach adopted and the variables analysed, these theories as a whole show how the EU's and China's approaches to managing the climate crisis is not static and has undergone changes over time, even of a substantial nature (Stensdal and Gørild, 2023; Oberthür, 2022; McGrath, 2020; Wurzel et al., 2017; Stalley, 2015; Zhang, 2013). There are also other theories to which scholars have resorted to, including, for example, those of rational choice theory, multilevel governance (MLG) and the advocacy coalition framework (Hao Zhang, 2022; Peel et al., 2012; Zürn, 2010; Grundig, 2009). Furthermore, in the Chinese case, given its internal political-institutional system, scholars have also referred to authoritarian environmentalism (Kwon & Hanlon, 2016), consultative authoritarianism (Teets, 2013) and fragmented authoritarianism (Mertha, 2009). The approaches deriving from these theories used for studying an actor's evolving positioning can be distinguished on the basis of the fact that they identify the main explanation of the changes either at the international level, or in internal politics, or in the nexus between national and international factors.

For example, regime theory has been applied to explain how external factors can influence internal decision-making (Kim, 2018; Robinson, 1994). For example, foreign policies of the other superpowers, the structure of the international system itself and the calculation of an actor's relative power, together with the perception that political decision-makers have of these factors, have been indicated as potential

explanatory factors of the internal decision-making on international issues. In the case of China, as well as other states, this theory has been used, for example, to explain the decisions taken on external relations in various fields, including the economic or military one (Ramezani and Kamali, 2021; Botchway, 2011), but also in that relating to climate (Kastner et al., 2018). Some scholars have used this theory, for example, to argue that the pressures/influences deriving from factors external to the dynamics of international climate negotiations can help to understand the positions taken by China under that regime, with particular reference to its willingness to contribute constructively or not to the functioning of the regime itself (Sosa-Nunez and Atkins, 2016; Cass 2017; Below, 2017). The presence or absence of these external factors, and China's perception of them, help to understand when China will adopt constructive behavior in the context of multilateral decision-making processes. Some scholars who have applied this theory to the case of China's rise in climate diplomacy have identified, for example, two independent variables to understand when a rising power like China would likely be constructive or not in the successful building of an international regime: the "balancing of external options" and "whether the contributions of the rising power are considered indispensable to the success of the regime" (Kastner et al., 2018; 2020).

The theory of two-level games was initially exposed by Putnam (1988) in the article «Diplomacy and Domestic Politics: The Logic of Two-Level Games», deriving it – as the theory's name suggests – from game theory. This game highlights how a state's negotiating positions and choices are shaped and influenced by a continuous cycle between the national and international levels. This theory has also been applied to the case of China (Wang, 2018; Zhang, 2013) and the EU (Cao, 2012; Costa 2012) to study their behavior and the decisions taken in the context of international climate negotiations, highlighting the dynamics and exchanges that take place between the two levels. The study of the interaction between domestic factors and an actor's stance in international climate negotiations has also been applied to the case of China (Renjie, 2021). Firstly, it highlighted how internal interests influence China's behavior in international negotiations, providing empirical evidence of how the change in its

international posture can be traced back to internal causes (Renjie, 2021). An example can be given by the influence that national investment in renewable energies or the high levels of pollution in the large Chinese cities and the consequent internal discontent that led China to be more proactive with respect to the positions employed in its climate diplomacy. Other factors identified concern, for example, the ecological cost of rapid economic development also recognized by the national ruling class and the need to embark on a path of sustainable development. The Chinese position with respect to the defense of the principle of common but differentiated responsibility has also been explained by referring to the "domestic-international nexus", i.e., as a position taken in relation to domestic pressure relating to the defense of the national productive and industrial sector (Chan et al., 2008).

In the case of the EU the two-level game theory has also been slightly changed and applied in an original way. Indeed, it has been argued that the EU's international positions and even its ability to defend them can be interpreted as the result of a game of not two but three different levels: that of the member states, that of the EU institutions and the one related to international institutions (Costa, 2012; Conceição, 2010). This type of environment creates all sorts of opportunities for the most diverse actors to establish alliances and mobilize resources. As Aynsley Kellow and Anthony Zito (1998) have argued, EU participation in international agreements adds another layer of institutional structure in which actors must seek consensus. And this modifies the options available to the actors who participate in decision-making, altering the balance of coalitions within the EU, to the extent that its actors have the possibility of forming alliances and taking advantage of ideas outside the Union itself (Kellow and Zito, 1998). Thus, for example, if a policy proposal meets a lukewarm reception among member states, there is always the option of promoting it in an international forum (Zito, 1998). Or vice versa: the adoption of standards that could achieve the necessary consensus in the EU may be slowed down by the appearance of other rival standards in international forums, with or without the support of the member states (Costa, 2012).

1.5 Theoretical Framework

This section integrates and completes the literature review set out in this chapter and hereinafter it examines the literature on normative power, that constitutes the theoretical framework of this thesis. Indeed, as anticipated in the Introduction, this thesis makes use of a theoretical framework that is mainly based on normative power theory, integrated then with elements of norms and norms contestation theories.

The end of the Cold War, and the reshuffling of both the international order and the role of almost all actors within it, brought a prosperous intellectual ferment among scholars that, among the other things, encouraged a fundamentally different way of conceiving and understanding the EU in international politics. At the beginning of the 2000s, Ian Manners condensed many of these new thoughts and ideas on the international identity of the EU in a seminal essay – *Normative Power Europe: A Contradiction in Terms* (2002) – through which he founded the new theory of Normative Power Europe (NPE). This section aims to integrate the presentation of the original NPE theory with a review of its historical development in the years following its initial publication, highlighting the different interpretations and additional elements brought by other authors. Thus, the criticisms and objections to Manners' initial conceptualization are presented with the intention of identifying potential gaps and weaknesses of the original theory, as well as to support the reasons why the operationalization of Tocci (2008) and De Zutter (2010) are suitable to answer the research question of this thesis. Indeed, Manners' publication gave rise to a lively debate among scholars, who debated (and clashed) on what was the exact way to conceive the EU's role as an actor in international politics, and then on what were the attributes and the characteristics that define a normative power. What defines a normative power and what are the factors to identify one became a fundamental question. The NPE theory is extremely useful because of its pre-defined list of components of normative power and, by making some modifications to the operationalization deriving from the work of Tocci (2008) and De Zutter (2010), this thesis attempts to fill some gaps identified in the original theory providing a

reproducible method that fits more for the purpose of the research conducted in this thesis. In this way, the thesis analyses the analytical reconstruction of the EU's and China's evolving international positioning under the UNFCCC negotiations through the lens of normative power to see whether it is possible to determine whether these two actors have exercised it under the UN climate regime.

The choice of this theoretical framework to examine the normative power of the EU and China through a systemic comparative analysis is motivated in the following sections where are also presented more extensively the gaps of this part of the literature that this thesis aims to fill (section 3.3). The reasons why the normative power theory is deemed as an appropriate theoretical framework to study also the case of China, in addition to the EU, are exposed in section 3.1.4.

1.5.1 Traditional Notions of European Power and Normative Power Europe

As previously anticipated, at the beginning of the 2000s, Manners proposed a new theory at the centre of which there was the new concept of Normative Power Europe (NPE). With this, Manners entered a debate on European international role which until then had seen the EU (back then European Community) being described and conceptualized as a civilian or military power, respectively by Duchêne (1972; 1973) and Bull (1982). In particular, Duchêne's notion of a 'Civilian Power Europe' (CPE) dominated the debate for many decades (Whitman, 1998; Nicolaidis and Howse, 2003). Notwithstanding at a first glance the concept of normative power could resemble that of civilian power (Whitman, 2011), NPE put into question both these previously originated concepts that were mainly used to describe Europe's role in the world. Duchêne's notion of CPE paints the image of the European Community as a set of peaceful states, which, lacking a common military power, are exclusively oriented towards the pursuit of civilian objectives which they mainly achieve through the use of economic power. The archetype of civilian power is characterized by three main characteristics: (i) the objectives are pursued thanks to economic power; (ii) international disputes are resolved thanks to the instrument of diplomacy; (iii) international progress is determined by the will to be part of international institutions,

especially of a multilateral nature (Duchêne 1972). In response to the CPE concept, after a few years Bull issued the article “*Civilian Power Europe: A Contradiction in Terms?*” (1982) in which he proposed to overcome the limits of the concept of civilian power arguing that it was ineffective and lacked self-sufficiency in military matters. Indeed, according to Bull if civilian power essentially means that when acting internationally Europe choose economic and political means rather than military ones, he criticized this concept by arguing that Europe’s civilian power is essentially conditioned upon its military power. With prescriptive purposes, he proposed to think about the EC as a European military power (Bull, 1982).

Although the two concepts (i.e, CPE and military power Europe) might seem very different from each other, they actually have more in common than one might initially think. Both are based on empirically measurable concepts of power, be they the level of GDP as an indicator of economic power or the number of atomic warheads of a military power. This represents a difference with respect to normative or ideal forms of power, which cannot be reduced to empirically measurable material indicators. Furthermore, another element shared by the two analyses is given by the central role played by national interests. This attention derives, in part, from the historical context during which the two scholars wrote their articles, marked by the Cold War and by the (then imagined as) static relations, first of all between the USSR and the USA and then also between the other states, which in analytical terms led to consider the role of the nation-state and its interests as a central and immutable element. When the Cold War ended and regimes that then seemed immutable dissolved – also thanks to the revolts of peoples (moved by the power of ideas) against their states – the foundations that supported some of the postulates underlying the two concepts also weakened. It is Manners (2011) himself who uses the end of the Cold War and the collapse of the Soviet regime and those of the Eastern bloc as examples of the affirmation of the power of norms and ideas, thus transforming the academic debate into something other than the dichotomy between civilian power and military power. These thoughts opened the door to new theories, such as that of NPE advanced by Manners.

The locution normative power was used to conceptualise the “‘ideational impact’ of the EU’s international role” (Manners, 2002). Manners in his theory argues that beyond civilian power and military power the EU has normative power, that he defines as “the ability to define what passes as ‘normal’ in world politics” (Manners, 2002), i.e., the power of ideas and of setting norms. According to the author, this does not mean that civilian and military power do not hold analytical value and thus they have not to be considered when analysing the European external role. Manners instead argues that this dichotomy must be integrated with attention also to normative power, therefore by putting attention on ideational elements of power since it is the focus on common principles and the will to go beyond the Westphalian conception of the nation-state that distinguish the EU from other actors (Manners, 2002). Indeed, if on one side the EU has civilian and (embryonic) military capacities, on the other it also has the capacity to define standards and norms in international relations shaping conceptions of what passes as normal. In Manners’ words, “normative power represents a valuable addition to our understanding of the EU’s civilian and military power in world politics” (Manners, 2002) and much more attention should be paid to it. Likewise, this thesis argues that a comparative analysis on the actions of the EU and China in the context of UN climate governance cannot ignore the normative elements of power.

According to Manners (2002), the elements that differentiate the EU from other actors in the international system – such as the historical context that led to its birth (i.e. historical trauma), its hybrid political system (combining elements of supranationalism and intergovernmentalism) and its unique legal-political construction – point to the fact the EU has been constituted since its inception as a normative entity which is committed to a set of “universal norms and principles” (i.e. the EU “normative difference”) (Manners, 2002). Manners identifies five basic EU norms, that are democracy, peace, freedom, human rights, and the rule of law. Then he also identifies other four secondary norms, derived from EU treaties and practices, that are sustainable development, good governance, social solidarity and anti-discrimination – although these are much more contested. The EU’s normative basis

are also made explicit in article 2 of the Treaty of the EU, where a series of norms that the EU considers at the basis of its construction are listed. However, the NPE theory goes further than that, suggesting that these norms are in themselves crucial constituent factors that determine both Europe's international identity and role (Manners, 2002; Groothuisen and Niemann, 2012). It is the fact that the EU is built on a normative foundation that "predisposes it to act normatively in world politics" (Manners, 2002). It is therefore the unique internal nature of the EU, that, according to the author, explain its way of acting in the international system, contributing to its commitment to put universal norms and principles at the centre of its external projection and making it a normative power. From this conclusive remark in turn derives that according to this view the more important factor determining the EU's global role is not what it does or says, but rather what it is. This conceptualization, in a sense, resembles the concept of 'presence' proposed by Vogler and Bretherton in the framework of the debate on EU actorness (Bretherton and Vogler, 2013).

Some important points in Manners' reflection deserve to be underlined. Firstly, his insistence on the singularity of the EU insofar as the Union has a normative identity, but above all this leads it to act in a normative way. Secondly, the way in which he views the spread of European influence: norms indeed appear as both means and ends, and European influence stems both from its mere existence and from more conscious efforts: "EU normative power reflects the structural elements of international relations that are powerfully changed by the EU's mere existence – i.e., by exemplification rather than the presumed 'goal-driven instrumentalism'" (Manners, 2006). Thus, while the development of civilian power according to Duchêne served above all the interests of the EC, the EU as a normative power by supporting universal norms favours the construction of the global order (Laidi, 2008).

Furthermore, in its work Manners seeks to find an answer to the issue of how EU norms are diffused without any traditional form of (material) power to support its normative aspiration. The NPE theory states that in the process of spreading its norms and its normative model, the EU is based on mechanisms that rest on attraction rather than imposition (Manners, 2007). In this sense, normative power

rests on “the ability to use normative justification rather than the ability to use material incentives or physical force” (Manners, 2013). The author analyses the different methods and instruments that the EU uses to diffuse, transfer and project its norms. According to the classification elaborated by Manners there are six different channels that the EU can use (Manners, 2002). They are the following:

1. "Contagion". It is the channel at work when, for example, other regions around the world try to emulate the integration process undertaken by the EU. In this case the diffusion is not intentional, but rather the EU model and norms are emulated because they are considered by others as the most successful model. The establishment of MERCOSUR is an example of this dynamic.

2. "Procedural diffusion". It is based on the institutionalization of relations, which in the case of the EU facilitates a greater approximation to the *acquis communautaire*. It occurs not only within the framework of traditional bilateral relations with third countries but also within international organizations. This diffusion can be observed for example in the case of the WTO where the EU enjoys decisive weight (De Zutter and Toro, 2008; Mörth, 2004).

3. "Transference". It is based on the so-called conditionality, which consists of ‘attaching strings’ (i.e., the fulfilment of certain political, administrative, economic, or legal conditions) in exchange for any sort of support, such as for example financial or technical. In the case of the EU in particular it consists of encouraging reforms in candidate and potential candidate countries (in order to accept the *acquis communautaire*) in exchange for rewards, such as the advancement in the accession process. In this way, the EU seeks to offer substantial benefits in exchange for countries making progress according to the European model. In particular, the enlargement policy presents the most outstanding results, which is why it is considered the most successful tool for normative transformation in the whole of European foreign policy (Borzel, Dimitrova, and Schimmelfennig, 2017). This channel, for example, has also been used by the EU to shape environmental governance in its neighbourhood through the European Neighbourhood Policy (Buzogány, 2013; Buzogány and Costa, 2009).

4. "Informational diffusion". It consists in the diffusion of values and norms through communication strategies. An example could be projects aimed at targeting civil society from third countries that try to diffuse and bring certain values/norms closer to citizens of those countries.
5. "Cultural filtering". It entails the learning of and socialization into fundamental principles, norms and values by third States, in the way they are understood and interpreted by the EU. In this socialization and learning processes, the so-called 'twinning programmes' or peer evaluation, for example, could play a key role to the extent that the European perspective is implicit in the changes to be carried out by third countries (Del Sarto, 2016).
6. "Physical presence". It consists of the diffusion and dissemination of standards, values and norms thanks to the physical presence of a country/the EU. This has increased notably for example with the establishment of the European External Action Service (EEAS) and the creation of new EU delegations after the entry into force of the Lisbon Treaty. This is a substantial change with a very positive impact on the promotion of European foreign action.

These six channels, listed and described by Manners, facilitate a greater impact in terms of norms promotion and diffusion by the EU. An impact that certainly begins through the processes of socialization and association and that concludes with the desired appropriation of the given norm by another country through the internalization process (Manners, 2011). This implies that the other state starts to perceive that the norm constitutes the right thing to do, or the appropriate behaviour, and therefore it is assumed as its own norm (Checkel, 2005). This process resembles Finnemore and Sikkink's norms life cycle model (NLCM).

1.5.2 Normative Power and Its Critics

Since Manners proposed his theory in 2002, the international system, the EU and its international role have undergone fundamental changes. The previous paragraphs have summarized the original characteristics of the NPE theory as proposed by its author; what follows is a review of the criticisms raised and of the

modifications proposed by other scholars in order to present a more contemporary treatment of the theory and one that is more useful for the purpose of developing the analytical framework of this thesis.

Despite the concept of normative power has been used by many researchers, it is still characterized by high heterogeneity and thus it is possible to find divergent positions around it (e.g., Del Sarto, 2016; Manners and Whitman, 2015; Onar and Nikolaïdis, 2013; Forsberg, 2011). Far from being detrimental, this heterogeneity has enriched the academic debate both around the analytical concept itself and on the EU's performance in the international scene. Moreover, the reflection on normative power has given rise to numerous derived concepts, such as “quiet power” (Todorov, 2003), “responsible power” (Mayer and Vogt, 2006), “transformative power” (Grabbe, 2006); “ethical power” (Aggestam, 2008), “structural power” (Holden, 2009) and “model power” (Ferreira-Pereira, 2012). The concept has also given rise to criticism of different kind. First of all, some authors have underlined the risk of eurocentrism that the normative approach carries with it since it may produce a biased discourse in favour of the EU, reflecting the “sympathy for the European project” (Sjursen, 2006) by the researcher, or even her/his difficulty in adopting a critical distance compared to the official discourses produced by the EU (Laïdi, 2008). With respect to this debate Diez argues that the willingness and propensity to export norms are not exclusive qualities of the EU and thus normative power should not be confined to the study of this actor. Throughout history, as well as in the present, other actors have disseminated their norms (Diez, 2005). Therefore, Diez too recognizes the risk that the NPE theory portrays the EU as the only force that works for the good by transforming third parties simply into "others" (with respect to the EU) (Diez, 2005; 2013). And this could precisely derive from an unconscious eurocentrism, as underlined by other scholars as well (Ekelund 2019, Persson 2017, Staeger 2016, Diez, 2005). Other scholars have criticized the normative power approach for the fact that its proponents do not take into consideration power politics and the classical (or realist) conception of power, and instead it focuses almost exclusively on norms and ideational factors (Bicchi, 2006). These scholars, mainly

coming from the realist and neo-realist traditions of IR, argue that granting importance to the role of norms, values and identity in the analysis of the EU foreign policy is certainly valuable, but they warn that an overemphasis on ideational aspects could lead to an underestimation of the importance of material configuration of power (Hyde-Price, 2006). Some authors, including Forsberg (2011) and Sjursen (2006) think it unlikely that the EU has the capacity to diffuse its norms without any form of material power to support this inclination. Furthermore, while according to Manners the very existence of the EU – that is destined to act in a normative way given its nature – modifies the interests of the member states leading them to set aside their own geopolitical interests in favour of common norms, Hyde-Price criticizes this view from a neo-realist standpoint. Indeed, in contrast to Manner's view, he argues that states use the supranational level as a leverage to achieve their foreign policy goals and advance their own national interests, that come first with respect to EU's common goals (Hyde-Prince, 2016). Still with respect to the question of the 'norms/interest divide', Bicchi (2006), starting from a different ontological position with respect to the NPE theory, doubts on the universal nature of the norms promoted by the EU. According to this author as well, the EU could in fact promote norms to simply increase its influence rather than spreading universal norms.

Another open issue that has engaged scholars into debate regards the issue of the effects of normative power. This debate has to do with the fact whether the EU have been successful in establishing its ethical preferences and diffusing its norms internationally. The assessment and the results of the EU's conduct are ambiguous. Related to this, a recurring criticism concerns the fact that from an empirical point of view the theory and analytical framework proposed by Manners are difficult to implement, or at least confused. Indeed, Sjursen blames that in the original NPE theory there were not specified in a clear way the factors to identify a normative power. To overcome this problem Sjursen urged other scholars to conduct empirical research in a more systematic way in order to get more information and have a clearer idea of whether the EU acts in the different areas pursuing its own interest or according to (universal) norms. According to this critique, it seems almost obvious

that— at least in the years immediately after the formulation of the theory – most part of the NPE literature took for granted the fact that the EU was acting as a normative power and it was therefore more focused on conceptual rather than analytical issues. Afterwards, in the years following the original publication by Manners, part of the literature has filled this gap with the publication of several empirically oriented studies on the subject (Whitman, 2011; Niemann e De Wekker, 2010; Tocci, 2008). The elaboration of the analytical framework of this thesis has drawn inspiration from some of them. Indeed, for this thesis, Tocci’s contribution ‘*Who is a Normative Foreign Policy Actor?*’ is of particular interest. Other authors instead invite us, while examining the EU international role, to leave apart the discussions about what the EU *is* (as Manner suggests), and rather “concentrate on what the EU *does*” (Smith,2005).

At the end of this rapid overview of the evolution of the concept of normative power, that also highlighted its criticism, it is possible to conclude that normative power is a concept that has been frequently used mainly by researchers studying the EU’s international role. These scholars either applied it as it was originally conceived or criticized it or slightly modified it. As an influential author has stated, the concept of normative power now belongs to the necessary theoretical background in the study of the EU (though not confined to it); it therefore appears now as an “ideal type” (Forsberg, 2011), a conceptual tool that can be used by researchers for studying international roles by different actors in many different fields and areas.

In the following sections I firstly identify more clearly what are the main gaps of the normative power literature that this thesis aims to fill. Then I present the reasons why I consider this theoretical framework as being appropriate to analyse the case of China under the UN climate regime and not only that of the EU. I proceed then by detailing the main concepts and the core components of normative power as conceptualized in this thesis, before applying it to the empirical analysis in the next chapters.

1.5.3 Gaps in the Normative Power Literature

On the basis of the review of the existing literature on the subject, there is scope to go deeper into the study of the normative power of the EU and China, in order to reveal commonalities and differences, as well as their interconnectedness. In particular, the thesis aims to provide two main contributions that correspond to relative gaps in the literature. Firstly, as seen in the previous sections, only few studies have analysed so far non-EU actors with the lens of normative power. Secondly, there is a lack of scientific research on comparative studies that analysis two (or more) actors exercising normative power simultaneously in the same framework, especially under an international multilateral regime. These gaps, and the ways this thesis try to fill them, are detailed below.

As seen in the section on the theoretical framework, much of the literature on normative power so far has focused on the role of the EU (Lenz, 2013; Whitman, 2011; Balducci, 2010; Hyde- Price, 2008; Manners, 2002, 2008). Only a few studies have considered other actors (Tryggestad, 2014; Kavalski, 2013; Behringer, 2005). This has left a potentially large field of study uncovered. In particular, there is a discrepancy between China's increasingly central role in international affairs and the small amount of research investigating its (if any) normative power. Certainly, there are some exceptions that include, among others, the scientific research by Wunderlich (2020), Kavalski (2013) and Womack (2008). This thesis, therefore – being aware of the large amount of research that still needs to be done – seeks as far as possible to fill this gap by advancing the study of China's normative power, with particular reference to the results of the diffusion of its norms in the UN climate regime. In doing this, the thesis thus wants to demonstrate that the normative power, for a long period associated exclusively with the EU, can also be exercised by other actors.

Furthermore, another gap is represented by the fact that the existing literature focuses above all on the normative power that is exercised by a single actor in bilateral relations (Hallström, 2019; Liszkowska, 2017; Tocci, 2008; Womack, 2008; Behringer, 2005). On the contrary, cases in which a scientific study conducts an analysis of the normative power exercised by two or more actors are much rarer (Wunderlich, 2020). As for the EU and China, while there is a fair amount of scientific research analysing

specific norms (or group of them) and diffusion mechanisms, there are only few studies that analyse situations where the two actors attempt to exercise this form of power simultaneously in the same context. Thus, a gap has arisen in the literature on the comparison between different normative powers especially in an institutional multilateral context as well as on the analysis of the outcomes that are determined by this process. By analysing the case of the UN regime on climate change, this thesis aims to provide some elements of reflection in this area, demonstrating how, among other things, the normative power constitutes a relevant element of the norm-setting process at the international level.

1.5.4 The emergence of China as a Normative Power (?)

Even though it has not been used much to study the actions of other actors outside the EU, I assert that normative power – defined as that kind of power exercised to shape the ‘normal’ at the international level – could be a helpful theoretical framework to study the international positioning of China as well.

In doing this I follow other authors, who perhaps hyperbolically argued that “a ‘rise of normative powers’ in global life is being witnessed” (Kavalsi, 2013). This same author points at the EU and China as “the most conspicuous indications of the different types of normative power in global life” (ibid). The statement according to which we are witnessing an increase in normative powers follows the invitation of Onar and Nicolaïdis to untie the concept of normative power from its "Eurocentric box" (2013), recognizing the legitimacy of western normative orders as well as those that are not western (Kavalsi, 2013; PU, 2012). In this way it is also given equal analytical dignity to the possibility that there could be alternative conceptualizations as well as it is given recognition to the fact that different possible ways of considering an issue as appropriate, such as that of climate change, may exist.

According to Kavalski “such contextualization acknowledges that normative powers are in the business not of enforcing orders over other actors, but of engaging other actors in shared practices” (2013).

The traditional definition of normative power is that of an actor that is able to shape conceptions of the normal (i.e., the ability of an actor to promote its norms to shape global governance, along with the direct results of that actions). Tocci (2008) in particular notes how this conceptualization is intimately linked to the dynamics of power: in fact, only the actors with greater power at the international level have the ability to define what is considered normal and thus give shape to the "norm" (Carrozza, 2018). Following this reasoning, China having now become a great power could have the ability to shape what passes for normal "at least in those regions and in all those policy areas in which it has an active interest and presence" (Tocci, 2008).

The fact that China has an army and has not given up on projecting its military strength abroad - such as in the South China Sea for example - in addition to the objection that its political-constitutional system and the historical context in which this has been formed are drastically different from those of the EU do not preclude in principle China from exercising a normative power. In fact, it is Manners himself who clarifies that normative power is a vehicle of ideological power - which therefore operates "through ideas and opinions" (Diez, 2005) – and which, despite being distinct from economic and military power, can coexist with them.

As shown in the literature (Chapter 2), China has expressed the desire and has shown an inclination to become a producer of norms both within and outside the institutions dominated by the West and within the South of the world, especially through the rearrangement of the concepts of development and sustainable development, peace, justice, equity and security (Carrozza, 2018; Callahan, 2016; 2008; Chin, 2012; Callahan and Barabantseva, 2011). For example, the fact that China, in the UN multilateral climate regime, has been positioning itself as the leader of developing countries (G77+China) – presenting them as fellow representatives of the Global South – and it has been acting in defence of their instances by proposing an alternative vision to that of the developed countries of the North - and against their hegemony – on many issues could be potentially considered as an indication of the normative power that China seeks to exercise (Carrozza, 2018).

This interpretation of normative power therefore differentiates itself from the ethically oriented one, according to which possessing it would mean being a force that works for the good (of others) by promoting universal norms. While acknowledging the importance of this meaning, the analysis conducted in this thesis limits itself to identifying in the EU's and China's external actions the normative character from an ontological point of view and does not instead deal with determining the ethical/normative nature of their actions.

In fact, according to De Zutter, the issue of what normative power actually "is" has often been confused with what it "should be":

Normative power is an identity attributed to a political entity that diffuses its norms in the international system ... the norms that are diffused are not by definition universal. ... neither universal norms nor a particular set of instruments can be considered as ontological necessities for normative power. This move enables us to overcome the force-for-good connotation inherent in much of the NPE literature. A normative power is not 'good' because it diffuses norms (De Zutter, 2010).

Thus, while Manners considers action and universal norms as being elements connected to the identity of a norm diffuser (an association that is constructed as an ethical necessity), De Zutter distinguishes between an ontology of normative power and an ethical one (Carrozza, 2018). Based on this differentiation, in this thesis I do not consider the ethical dimension of the normative power exercised by the EU and China.

CHAPTER 2

RESEARCH QUESTIONS AND HYPOTHESES

On the basis of the theoretical framework and the literature review presented in the previous chapter, in this one I lay down the scope of the thesis and I recap and systematize the research questions at the basis of the project that have been already briefly presented in the Introduction. The rest of this chapter presents both the hypotheses that are then tested via the empirical analysis and the main reasons why I decided to focus on the EU and China as the two actors of this study.

2.1 Scope of the Thesis

As briefly seen in the Introduction, the EU, during the entire period of the climate regime formation, has been among the most active players in the negotiations, presenting itself and being depicted by other actors as one of the main leaders of the process, enacting this role however with alternating degrees of efficacy (Oberthür and Dupont, 2021; Wurzel et al. 2017; Bäckstrand and Elgström, 2013; Gupta and Grubb, 2000). This performance under the climate regime has gone hand in hand with the EU self-perception and external perception from others as being a different kind of power, conceptualized by some authors as “normative power” (Manners, 2002). The Normative Power Europe (NPE) theory has been tentatively extended to analyse other actors as well – mainly emerging economies (Wunderlich, 2020; Jinnah, 2017; Kavalsky, 2013; Womack, 2008) – though the process is still *in fieri* representing a gap in the literature, as shown more deeply in Chapter 3. Although the influence of international norms by emerging powers is a rising phenomenon, and there have been attempts of theorizing and studying it (see Literature Review in Chapter 2), this

process remains under-theorised and under-researched (Jinnah, 2017). The case of China stands out from other emerging powers. Over the course of the last decades China's role as a global actor has drastically increased. China has indeed showed its willingness to contribute to the international system not just by projecting its economic and military power, but also by assuming a prominent role in shaping global norms and in defining thus what passes for normal at the international level (Zhouchen, 2021; Carrozza, 2018, Pu, 2012). The norm socialization literature, for example, has started to depict China not only as a norm-taker that is socialized into the existing international system, but also as an active norm-maker that is giving shape to the norms and rules of global governance both inside and outside Western-led international institutions (Johnston, 2019; 2008; Callahan, 2016). This corresponds to what has been called "two-ways socialization" (Carrozza, 2018). Furthermore, on the basis of the conceptualization of normative power given by some scholars that have argued that any major power could exercise it "at least in those regions and in all those policy areas in which it has an active interest and presence" (Tocci, 2008), I consider it as being a useful theoretical framework to study China's preferred norms and their impacts within the context of multilateral regimes, and the UN climate regime in particular as regards this study. It is indeed, as explained in Chapter 3, an appropriate theoretical framework to see if and in case how China has not only gone through a process of socialization into the international system and the multilateral regimes that are part to it, but whether China has also contributed to their formation, influencing the norms that defines them according ultimately to its vision of world order.

This thesis thus applies the normative power approach to study the EU's and China's evolving positioning under the UN climate regime, focusing on their evolving (and contentious) interpretations of the equity norm and the normative principle regulating (fair) mitigation commitments over the course of the UN climate negotiations from 1992 to 2021. It proceeds in two steps. On one side, it examines the trajectory of norms on fair mitigation commitments as an evolving international norm bundle from 1992 to 2021, with particular attention to the fairness interpretations at the basis of equity norm in the climate regime advanced and diffused

by the EU and China under the UN climate regime. In this way I provide an analytical reconstruction of the EU's and China's international (normative) positioning within the context of the UN climate negotiations, detecting their conceptions of the equity norm and of what is fair in climate mitigation according to their views. On the other side, it aims at analysing whether the EU and China have been exercising normative power in the context of the UN climate regime and thus whether they have been able to set the 'normal' on equitable and fair climate mitigation.

Whereas many studies on normative power have focused mainly on identity and on its evolution to understand an actor's external policies (Damro, 2012; Aggestam, 2008), this thesis by considering power as an ability (Forsberg, 2011) evaluate whether China and the EU have or not this kind of power by looking at the three constitutive elements that assemble normative power. As presented in-depth in the analytical framework in Chapter 3 they are norms, diffusion mechanisms, and outcomes (Tocci, 2008). Using Birchfield's words, this research explores "the 'positivist' dimension of normative power" (Birchfield, 2013), that is how the EU and China operate to shape norms at the global stage, and above all whether they have been succeeding in this endeavour.

The UN climate regime have been chosen as a case study because it is an increasingly crucial multilateral body in which the EU and China have been playing a major role. The examination of this case helps thus to study the norms the EU and China have been diffusing, the mechanisms they have been resorting to, and their outcomes in an important area of global governance. The reasons why I choose the EU and China as the actors of this analysis are illustrated below in this Chapter (see section 1.4).

Due to the emphasis on the power of the EU and China in terms of their ability to set international norms and to establish the boundaries of appropriate conduct for responding to climate change, this thesis differentiates from a considerable number of studies that have used the concepts of "civilian power", "ethical power" or "market power", especially with reference to the EU (Damro, 2012; Duchêne, 1973). Furthermore, while examining the international roles of the EU and China, this thesis

differentiates itself also from other scientific studies that have investigated an actor's ability to exert influence in the international arena or more specifically in a multilateral governance body by using the concepts of "influence" and "actorness". Indeed, contrary to those studies, this thesis aims attention at the EU's and China's direct actions to diffuse their preferred norms and to their ability to shape them, thus setting what passes for normal in a specific area of global governance. Actorness is not a concept that fits this thesis because it primarily pays attention to an actor self-perception, the institutionalization of internal decision-making procedures and the recognition by other actors (Wunderlich, 2012), while this thesis mainly examines the direct actions of the EU and China to diffuse their norms externally. Neither "soft power" is deemed to be appropriate. In fact, this concept also refers to cultural and economic mechanisms that are not of interests for this study that instead focuses on norms and their diffusion. The soft power approach, instead, also analyses other aspects in addition to the capacity to shape international norms that makes it inadequate for this thesis. For all the above-mentioned reasons, in this thesis I selected normative power as the appropriate theoretical and analytical framework for investigating how the EU and China interpret and diffuse their norms to shape the global governance structures and institutions and for identifying a connection between the EU's and China's direct actions and the outcomes of this process. The conceptualization of normative power, based on the literature, is presented in Chapter 3.

2.2 Research Questions

Firstly, the main aim of this thesis – as already anticipated – is to examine and evaluate whether the EU and China could be considered as normative powers through the case study of the UN climate regime and how they interrelate in complex ways in this specific international forum. It thus detects whether they have behaved as a normative power would do during different phases (i.e., critical junctures) of the UN climate regime evolution. Indeed, this preliminary question arises from the fact that

this thesis does not want to take for granted that they can be qualified as normative actors, trying to escape the logic, already criticized by part of the literature, according to which a researcher look for “definitional categories *a priori* to interpret external behaviours” (Nunes, 2011).

In the case of an affirmative answer to the first research question, this thesis also examines and determines how the EU and China have been exercising this form of power in the context of this multilateral governance body (i.e., UN climate regime) with a particular focus on equity norm and fairness on mitigation. Indeed, normative power as conceptualized in this thesis refers not only to the actions of the actor to shape global governance norms through their promotion/diffusion, but also more specifically to the direct outcomes of these actions (see analytical framework in Chapter 3).

Thus, the main research questions of this project are:

RQ1 – Have the EU and China exercised normative power by invoking, diffusing and institutionalising their interpretation of equity norms on fair mitigation commitments throughout the evolution of the UN climate regime?

If yes:

How far EU’s and China’s interpretations of equity norm are reflected on final decisions adopted under the UN climate regime?

To provide an answer to these research questions, I divide the analysis into three main parts where the answers to the three sub-questions combined concur to provide a more complete answer to the main research question (RQ1).

The first step of this analysis (see Chapter 4) is to detect what are the main norms (norm bundle) that have emerged with regards to the forms and mechanisms that the effort to mitigate climate change should take at the multilateral level under the UN regime. This part reveals the trajectory of the norm bundle on mitigation commitments as an evolving international norm bundle from 1992 to 2020. In fact, these norms have witnessed transformations and have gone through processes of

contestation by the parties to the regime during the negotiations (COPs). Though, this part of the analysis focuses on what are the main norms that have emerged and have been established as a result of the debates and negotiations taking place among all the parties to the regime, without a specific focus on the EU and China. This descriptive exercise, fulfilled by using narrative process tracing, serves the purpose of setting the scene by providing the general context, but also singling out what are the main norms related to mitigation on which also the EU and China have been confronting and debating, trying to establish their own views and understanding (as then analysed in the following parts). This also could be considered as representing one of the five-steps of the analytical process proposed by Schunz to study the “EU’s influence on international regimes” (Schunz, 2010) and here adapted for the study of normative power. Since norms are one core components of normative power as indicated by both the theoretical and the analytical frameworks (see Chapter 3), the fulfilment of this descriptive exercise is preparatory to the following empirical analysis on EU and China.

This part of the research is moved by the following question:

SQ1 – What are the main norms on fair mitigation commitments that have emerged over the course of the UN climate regime?

The second part of the analysis proceeds by analysing through qualitative content analysis the EU’s and China’s stances and interpretative positions on the norms on fair mitigation commitments. Since the CBDR norm has been identified as the main norm that underlies the fair distribution of responsibilities on mitigation commitments under the regime, I deem it important to analyse, first of all, the understandings/interpretations of this norm given by the EU and China at different point in time (i.e., critical junctures). Following Wiener (2014) classification of norms I considered CBDR as being the organising principle at the basis of equity norm in the climate regime. Furthermore, based on the literature that have identified three possible different ways of understanding the CBDR norm (*‘responsibility equity principle’*;

'capability equity principle'; 'rights (needs) equity principle') this part of the analysis both trace the debate on this norm/organising principle by focusing on EU's and China's interpretations and look at which of these interpretations have prevailed in the different instruments (i.e., treaties, protocols, accords) forming the UN climate regime. In analysing what were the EU's and China's interpretations of the norm I also assess whether they contested the interpretation given by the other during the UN climate negotiations. Accomplishing this analysis helps me also to collect other elements to appraise whether the EU and China have been exercising normative power in the UN climate regime. Indeed, outcomes ("which of these interpretations have been adopted [...]"), as expressed in SQ2) are another constitutive element of normative power as conceptualized in this thesis (see Chapter 3).

The research question at the basis of this part of the analysis is:

SQ2 – What are the EU's and China's conceptions of fairness behind the CBDR norm, and how have they evolved over time? Which of these interpretations have been adopted in the UN treaties on climate change?

The third part of the analysis focuses on and traces the evolution of the positions of the EU and China and their international cooperation (and/or competition) on climate change at the crossroads between multilateralism and bilateralism. This analysis also allows me to evaluate whether, within the framework of the complex ties that the EU and China have undertaken at bilateral and multilateral levels, there has been any sort of diffusion of the norms between the two actors – thus providing further elements for the analysis of the normative power of the two actors – and to understand how the two levels interact. Indeed, through the qualitative content analysis of the main documents produced in the framework of the bilateral cooperation relationship between the EU and China on climate change, the dedicate chapter presents how the evolution of their roles and the bilateral relationship affected the negotiations at the multilateral level (see Chapter 6). This part of the thesis aims to provide an answer to the following research question:

SQ3 - How have the changing roles of the EU and China and their bilateral relations influenced the evolution of their positions on equitable mitigation efforts at the multilateral level?

2.3 Hypotheses

As stated in the theoretical framework (see Chapter 1), after the formulation of the NPE theory, it is well accepted that the EU has the potential for constituting a normative power both in bilateral relations as well as in many areas of multilateral governance. In light of this observation, a hypothesis underpinning this thesis is that the EU represents a normative power and it has acted to promote its conception of equity norm in the context of the UN climate regime. However, I hypothesize that also China has been trying to establish the boundaries of appropriate conduct for responding to climate change in an equitable way according to its understanding of equity and fairness, and that it has done so not only in the last decades when it came to challenge more clearly the western norms and the international liberal order more in general as a consequence of its rise, but also in the early period of the formation of the UN climate regime in the '90s.

Thus, the main hypothesis of the thesis is that:

H1: Under the UN climate regime normative power is not exclusive to the EU. Instead, China exercised it as well since the first stages of the regime creation.

Another hypothesis relates to the 'outcome' component of normative power (see analytical framework in Chapter 3). Starting from the perceptions, derived from the literature, that the EU and China are moved by different understanding of equity I assume that they have been diffusing different interpretations of this norm. Consequently, their normative impact has gone through alternating phases over the course of the formation of the climate regime depending on their respective capacity

(and external circumstances) that led to create consensus around their preferred interpretation.

H2: Under the UN climate regime the EU and China have exercised normative power by invoking different interpretations of equity norm and fairness principles.

H3: Having different conceptions of equity and of what is fair, when EU's normative power was stronger China's normative power was weaker and vice versa.

2.4 Discussing the choice of the actors: the EU and China

In the following paragraphs I briefly present the reasons why I have decided to focus on the EU and China as the main actors of the research investigation. The main reason why I decided to focus on the EU is because of its centrality in global climate politics and the prominent role it has been playing in the climate governance system (Wurzel et al. 2017). In fact, in the past few decades the EU has progressively emerged as a major environmental actor on the international arena, claiming to be and being perceived as one of the “leaders” in global environmental governance (Oberthür and Groen, 2017). This evaluation is confirmed if we look at the more specific literature on global climate change politics, and especially on the UN multilateral regime, where the EU is considered as one of the leading actors (Gupta, 2014). This shows an extraordinary metamorphosis, given that in the foundational treaties that established the European Community in the 1950s environment did not appear as an area of policy-making (Adelle et al. 2018). Some authors described this transformation in the EU as a shift from “incidental” environmental policy (Hildebrand 1992) to a “system of environmental governance” (Weale et al., 2000). One of the major features that currently characterize the EU's action in the climate change field is the increasing prominence of its international and external relations dimension (Adelle et al., 2018). The EU has not only diffused its norms, regulations

and objectives on its own member states but has enlarged its action towards the wider world (Buzogany and Costa, 2009). As underlined by some authors, apart from trade, it is by conducting environmental and climate negotiations that the EU has succeeded to present itself as a major international actor, changing the widespread image of the EU as no more than a ‘trading bloc’ (De Matteis, 2012). In fact, climate politics represents a sector where the international *actorness* of the EU (i.e., the role of the EU as an international actor) has been formed and where it has been mostly studied by academics (Groen and Niemann, 2013; Delreux, 2014). One aspect that did not change since the 1990s is the EU’s willingness to “play a leading role in promoting concerted and effective action at global level”, as expressed in final decision of the European Council held in Dublin in June 1990 (Hodson and Maher, 2018). This leadership aspiration, together with the will of looking for multilateral solutions to the climate challenge, has been revitalized at various stages throughout the evolution of the climate regime on the basis of shared norms and interests among the EU and its member states (Parker and Karlsson, 2017; Schunz, 2012).

Since this project investigates specifically the UN climate regime, another reason to focus on the EU is represented by the fact that it has been one of the most influential actors in the formation and development of this specific regime. For instance, the EU has been a key driving force in the development of the UNFCCC and it has played a pivotal role in the adoption of the Kyoto Protocol in 1997 and in its entry into force in 2005 (Afionis, 2017). When analysing the EU in the UN climate regime and comparing its action with that of China, it should be taken into consideration that the EU is a *sui generis* international climate actor, since it is the only regional organization to be a member of the UNFCCC and of the other legal instruments composing the UN climate regime. Consequently, the EU’s role in the regime faces constraints that do not apply to any other party. Climate change is an area where the EU and its member states have shared competence and thus the EU’s action in the international climate regime does not replace but rather complements that of its 27 members (Pavese and Torney, 2012). Despite these constraints, in the

specialized literature many studies and articles describe the EU as a separate and distinct actor in the case of the international climate regime.

The EU's role in the UN climate regime has changed profoundly over the last decades, not least as a result of an acute challenge of its traditional leadership role. At the global level, indeed, the EU faces increasing competition from new 'norms setters', such as China, in almost all the sectors of global governance, including on climate. For many decades the norms defining the international order in different sectors were for most countries unchallengeable due to their position in the international system. The same was also valid for China itself, which for most of the XX century has been a developing country (Shambaugh, 2020; Mazarr et al. 2018). As suggested by Gilpin, China and countries in the Global South constituted "lesser states in an international system that follow the leadership of more powerful states" (Gilpin, 1983). This general situation was also reflected in the role that these countries played until the 1980s in the formation of the small number of international norms part of the global environmental and climate governance. However, as China's relative economic and political power has increased and its influence has extended, it came to challenge the division of power and roles inside the international system (Chi-Kwan Mark, 2012). The rise of China has coincided with the period (1980s – 1990s) during which the international regime system has expanded most dramatically. As China has risen it has also joined most of the international regimes, including the climate change regime (Johnston, 2007). In becoming part of these regimes, China has also worked to influence their evolution (Nathan, 2016). As indicated in the literature review, there are many authors who wonder what kind of actor China has become at the international level. In particular, some scholars wonder if it wants to overthrow the existing order and norms or whether it simply aims at influencing their evolution and content according to its own preferences but playing by the rules. In other words, this is equivalent to asking if China represents a revisionist power or one that acts respecting the status quo (Nye, 2017; Ikenberry, 2011).

All these questions may be referred to the particular case of the UN climate regime. In this debate some authors argue that China's action on the international

scene is already challenging the liberal international order, which it did not help create but into which it has been slowly socialized (Parsi 2021; Khanna, 2019; Hodzi, 2018). Thus, we would be moving towards an increasingly multipolar and less Western order, characterized by competing norms and values (Kobayashi et al., 2022). This implies on the part of China a delegitimation of Western norms while it would be engaged in spreading its preferred ones .

Over the past decades, thus, China has played an increasingly pivotal role in international relations, and this is particularly the case in the field of climate change. China largely succeeded in influencing both the narrative and the international climate negotiations, forming and leading large coalitions in support of its views (De Matteis, 2012). Since the early stage of the international climate regime, China's negotiating position has considerably changed in accordance with the evolution of its economic and political status on the global stage. Since it became the world's largest emitter of GHG and the world's second-largest economy, it increasingly found itself in a position to significantly influence the success or failure of cooperation on climate change. China has recently been described as a "new leader" in climate politics and as a "global governance regime shaper" (Lina Li, 2017; Sun Yixian, 2016; Qi Ye and Tong Wu, 2015). Chinese leaders themselves have sought to project their country as a responsible actor in global climate politics and to present it as the future climate leader. Particularly after Trump's election and the weakening US's stance on climate change, China has been trying to assume a new role as a global leader in this sector.

As anticipated, China's new centrality in the international climate regime is a reflection of its changed status as a major emitter. Over the years, China's contribution to the problem has rapidly increased and in 2007 it became the world's largest carbon emitter (Kastner, 2018; Zhang, 2015). While historically China has supported the idea that the industrialised developed countries – as "historical emitters" – should bear the costs of addressing climate change, more recently China's participation in a cooperative solution came to be perceived as politically and technically indispensable by both China itself and the other countries. In particular, the most vulnerable countries to climate change – such as small islands nations and

part of the developing countries – came to see China’s involvement as fundamental. Although China’s commitment to play a major role in the fight against climate change (at least rhetorically) is quite recent, China has been a participant in the UN climate negotiations from the beginning, between the late 1980s and early 1990s (Kastner, 2018). China’s government has been considering the UN framework as the most legitimate venue for addressing internationally climate change and, indeed, in its position papers and the declaration of its representatives always refer to the UN setting as the proper locus of their international efforts (Kastner, 2018). This long-lasting participation in the UN climate regime makes it possible to study the evolution of China’s actions in the regime throughout the entire period – focusing on how China has contributed to the creation and the evolution of norms on how countries collectively should address the challenge of climate change mitigation.

Another reason why it is interesting to examine China when studying the norms on mitigation within the UN climate regime is because China has been in the “limbo” in the classification between developing and developed countries, and throughout the years has been increasingly moving from one pole to the other. This distinction between ‘developed’ and ‘developing’ countries is not merely a nominal one, since in many legal instruments part of the UN climate regime it determines what rules regulate the situation of a specific country and who is legally bound to act when a provision confers an obligation. As it will emerge more deeply in the next chapters, in a first phase of the UN regime, China intended to be considered as a developing country and, in the meanwhile, it was eager to lead the other developing countries in international climate negotiations (De Matteis, 2012). China, by interpreting its role as the leader of developing countries usually in competition with western industrialized powers, gained a prominent role in the G77+China group and started to coordinate the position of the group ahead of the various conferences (COPs). With the passing of time, however, China has found more and more problematic to convince the rest of the international community of the fact that it was still a developing country. This is due to the fact that China currently represents the world’s largest energy consumer and emitters and the second-largest economy (World Bank,

2021). Distrusts over China's status have rapidly mounted also among the other developing countries, and they have created divergences within the G77+China group. Finally, while China is a state generally identified as an important player in international climate change politics, it has surprisingly received insufficient scholarly attention in this area, as underlined in the literature review (see Chapter 1).

CHAPTER 3

METHODOLOGY

3.1 Analytical Framework

Assessing the normative character of the EU and China in climate governance under the UN regime is a complex endeavor that requires an analytical framework to make it operational. The choice behind this specific analytical framework determines how the research questions will be addressed by focusing on norms (i.e., *what do the EU and China want*), diffusion mechanisms (i.e., *how do the EU and China act*), and the outcomes of norm diffusion (i.e., *what do the EU and China achieve*) as the constitutive elements of normative power. The thesis investigates how the EU and China interpret and disseminate their norms, with a focus on those related to equity and fairness, in addition to the positive outcomes of their norm diffusion, to build up academic debate around the similarities and divergences in their normative power under the UN climate regime at different point in time.

3.1.1 Definition of Normative Power and How to detect one

The examination of Manners' ideas in the context of the debate on normative power revealed limitations of the NPE theory and gaps in the larger literature (as outlined in sections 3.1.2 and 3.1.3). Thus, this thesis proposes a conceptualization and operationalization of normative power that addresses these limitations and gaps, forming an analytical framework suitable for the thesis' objective. After presenting

the analytical framework, the research method and data used for the empirical analysis are discussed.

This section, drawing on the above-mentioned literature, starts by providing the definition of normative power that is used hereinafter in the thesis. A well-accepted definition of normative power is the one given by Manners, who defines it as the “ability to change the concept of normal” in international affairs through the diffusion of an actor’s norm externally (Manners, 2002). Although the definition adopted in this thesis slightly departs from this, it represents the starting and reference point. Indeed, taking inspiration from other conceptualizations of normative power which already highlight the importance of the actions taken to cause effects while shaping governance frameworks (Forsberg, 2011; Bickerton, 2011), this thesis aims particular attention at the EU’s and China’s deliberate actions to promote their norms and emphasize the importance of the results (i.e., outcomes) of said actions.

In this thesis, normative power is understood as the power to institutionalize an actor’s preferred norms through norm diffusion within different contexts, including international regimes. This definition entails that normative power combines both the diffusion of an actor’s set of norms and the successful outcome of this process. The main feature of this definition, which originates from the literature presented above, derives from what Birchfield (2013) defines as the normative power’s “positivist dimension” (i.e., “how an actor acts to change norms in the international system”).

This section thus outlines the conceptualization of an actor’s normative power in global governance, which is defined as the set of actions of an actor that promotes its norms to shape global governance, along with the direct results of these actions. The analytical framework used in this thesis is influenced by Manners (2008) and follows Tocci's approach (2008), considering normative power to consist of three main elements: norms, diffusion mechanisms, and outcomes. These three elements align with the three dimensions that Tocci (2008) identifies as characterizing a "normative foreign policy actor" (NFPA): "what an actor wants (its goals), how it acts (the deployment of its policy means), and what it achieves (its impact)". The

framework is similar to Manners' tripartite analytical framework of "Principles-Actions-Impact" (PAI) (Manners, 2008; 2009). According to this framework, whether the EU and China act as normative powers is dependent on their identification of a set of norms, promotion of those norms, and success in institutionalizing them within the framework of global governance. These three elements will be further explored (see Section 3.2.2).

This definition of normative power, along with the conceptualization of its constitutive elements, allows me to examine the EU's and China's direct actions under the UN climate regime that are aimed at pursuing normative goals and objectives through normative instruments and measuring in this way if they exercise normative power. Each of the three elements must be analyzed to conclusively assess the nature of the EU's and China's roles in climate governance. Additionally, I argue that normative power is subject to contestation, which is defined as "a social practice whereby actors discursively express disapproval with existing interpretations" of a norm (Tully, 2002). This means that the norms enshrined within international regimes are not static and their meaning, or the meaning attached to them by relevant actors, is subject to constant reinterpretation and contestation (See Section 3.3.1).

3.1.2 The constitutive elements of Normative Power: Norms, Diffusion Mechanisms, and Outcomes

Definition of norms and types of norms

According to the analytical framework adopted in this thesis, norms constitute one of the three fundamental elements of normative power. They are the object of normative power, serving as the target of external promotion by actors. In this project, I adopt a widely used definition of norms in the literature on international norms, as provided by Finnemore: "shared expectations about appropriate behavior held by a community of actors" (Finnemore, 1996). From this perspective, norms correspond

to rules that reflect what actors consider to be appropriate behavior based on the logic of appropriateness (Börzel and Risse, 2011).

To analyze the comparative case study on the evolution and contestation of the equity norm and the CBDR principle at the international level, I also make use of the norm classification scheme proposed by Wiener (2014). To guide empirical research on norms, Wiener distinguishes three types of norms: fundamental norms, organizing principles, and standardized procedures. These types are identified based on their respective levels of generalization, specification, and contestation on ethical grounds.

Fundamental norms are broad and universal norms that usually have wide social and moral recognition (Johansson-Nogués et al., 2020). Examples include sovereignty, the rule of law, democracy, and human rights. They are viewed as ‘basic procedural norms’, established through agreements among states, and are usually viewed as the pillars of global governance, feeding into international regimes, treaties, and international organizations.

Organizing principles offer more detail and concrete regulation of the fundamental norms to which they are linked. For instance, the prohibition of the use of force against a state’s independence and territorial integrity stated in an article of the UN Charter could be classified as an organising principle in relation to the fundamental norm of sovereignty (Johansson-Nogués et al., 2020). These norms are more closely connected to policy and political processes and evolve through the practices of politics and policymaking.

Finally, *standardized procedures* consist of specific prescriptions, rules, and regulations. They are low in moral content but encompass very detailed provisions and rules for how an actor should implement the fundamental norms at the local level. They are specified as clearly as possible and involve, for example, electoral rules or assembly regulations.

In her analysis, Wiener (2008) considers the principle of CBDR as an organizing principle with a modest level of specification that structures “the behavior of individuals or groups”. Indeed, she writes that the CBDR principle “become an

organising principle in so far as it allowed for subsequent meetings which brought actors in the climate sector together under the umbrella norm of sustainability”. According to Wiener, organizing principles like CBDR represent the legitimacy gaps between the universal moral claims of fundamental norms and the practical enactment of standardized procedures and are therefore subject to regular contestation (Stalley, 2018; Wiener 2014, 2017). The CBDR principle entails recognizing the involved actors’ diverse set of responsibilities and, as Wiener writes, “while the matter of how to interpret ‘differentiation’ remained an issue, the duty to engage in climate preserving issues was set nonetheless” (2008). This research differs slightly from Wiener's interpretation, considering CBDR as an organizing principle aimed at achieving the fundamental norm of equity instead of sustainable development. I agree with Wiener that, while this organizing principle has been widely accepted – as it is found in many founding treaties and UN climate regime instruments –, its interpretation continues to represent a contentious issue (Wiener, 2014). The empirical analysis, then, aims to detect the various interpretations of the CBDR principle promoted by the EU and China. It also looks at the norm divergence on other sets of issue along with the norm contestation process that occurred between 1992 and 2020, focusing on three specific periods: 1997, 2009, and 2015.

Diffusion Mechanisms

The second key component of normative power is represented by diffusion mechanisms, also known as the political instruments used to disseminate one's norms in global governance. Tocci (2008) argues that the rules an actor intends to spread and serve as the basis of their external action cannot be disseminated without resorting to certain strategies and behaviors based on specific diffusion mechanisms, which constitute an essential part of normative power. The intentionality in the diffusion of norms is thus a crucial aspect.

For this thesis, which focuses on analyzing the norms diffusion process within a multilateral international regime, two main diffusion mechanisms are taken into

consideration: persuasion and coalition building. Other mechanisms, such as incentives and coercion, are not analyzed in this study, but are noted by Goh (2016) and Börzel and Risse (2012) as direct diffusion mechanisms used by normative actors. Persuasion refers to the mechanism by which actors attempt to persuade each other to adopt certain norms in bilateral or multilateral relations within international institutions. This is typically achieved through policy dialogue and negotiation (Börzel and Risse, 2012). For instance, the EU's human rights dialogue with other countries serves as a prime example of persuasion, where the EU tries to express its human rights concerns and persuade them to improve their protection. A similar type of dialogue can occur within an international regime.

Coalition building, on the other hand, refers to the formation of coalitions between actors who support the same norm to advance it within the governance structure of an international regime. In multilateral institutions, building coalitions with like-minded actors is a significant diffusion mechanism. While forming coalitions, actors may need to compromise on that specific or on other norms, but a multi-actor coalition provides a broader platform for a single actor to promote their norm in negotiations (van Schaik and Schunz, 2012). Next chapters demonstrate how both the EU and China have formed coalitions to promote their interpretation of norms during negotiations, with a focus on equity norm and CBD principle. For example, the EU created the High Ambition Coalition with other developed countries and small island states ahead of the Paris Agreement negotiations, advocating for an ambitious agreement applicable to all parties. China similarly supported its view of the CBDR organizing principle in the Paris Agreement by forging a bilateral agreement with the US in 2014 beforehand COP21.

The identification of these two mechanisms enables an analysis of the ways the EU and China have used them to shape the UN climate regime with their preferred norms, and a comparison of their respective use.

Outcomes

The last constitutive component of normative power is represented by outcomes, which refer to the impacts and results of norm diffusion (i.e., *what do the EU and China achieve*), rather than to intention. Niemann and De Wekker (2010) refer to this as "normative impact." According to the definition of normative power adopted in this thesis, success – or a positive outcome – is necessary in the process of norm diffusion in order to exercise normative power. To analyze the normative power of the EU and China, it must be verified that their norms (or interpretations of norms) have become part of the governing norms of a given regime, meaning that they have been institutionalized.

The measurement of outcomes differs in bilateral and multilateral contexts, such as an international regime. As far as bilateral relations are concerned, in fact, Manners (2009) himself suggests that “an emphasis on impact [outcome] requires wider reading of the way in which policies change and shape the partners and targets of such actions”. In this context, a positive outcome refers to the adoption of a norm by another country. An example of successful normative power exercised bilaterally is the EU's relationship with Eastern European countries after the end of the Cold War. Indeed, by inserting liberal democracy as a criterion for accession, the EU achieved the objective ("outcome") of transforming the political and institutional systems of those countries, which transitioned from autocracies to liberal democracies.

This outcome could be considered as a testament to the efficacy of the EU's exercise of normative power. However, instead of examining the internal changes brought about in another state, this thesis analyses the codification and institutionalization processes of the norms promoted by the EU and China within the normative framework of international institutions and regimes as an example of a positive outcome. It is worth noting that previous studies have already undertaken similar analyses. For instance, Tryggstad (2014) has analyzed Norway's role as a "norm entrepreneur" in the dissemination of the "Women, Peace and Security" normative framework within the UN Peacebuilding Commission, and how this norm was eventually adopted in a Security Council resolution (UNSCR 1325) after a process of diffusion and integration into the discourse on international peace and security.

Similarly, Behringer (2005) demonstrates how the institutionalization of the norm that prohibits anti-personnel landmines (APLs) in the Ottawa Convention can be considered a result of Canada's efforts to spread its interpretation of the norm on human security. Equally, this thesis also argues that if the norms promoted by China and the EU are codified and institutionalized in the UN regime's normative instruments, this could be considered a positive outcome, which – according to the analytical framework – would also indicate the exercise of normative power should other constitutive elements be present.

This thesis aims to investigate China's and the EU's respective normative powers by exploring the relationship between norm diffusion and positive outcomes. However, it is recognized that empirically establishing a clear connection between the two may prove difficult. Although outcomes could be difficult to trace empirically and it would not be possible to attribute the institutionalization of a norm in an international regime entirely to one single actor's normative power, this kind of analysis attempts to shed light on one of the aspects that, together with other elements that are out of the scope of this thesis, contribute to a positive outcome.

Additionally, it is important to note that norms diffused by various actors can coexist within the same international regime, as norms can result from the compromise of the preferences and diffusion processes of different actors. Manners and Tocci (2008) indeed find that "the diffusion of global norms can occur through the convergence and joint pursuit of norms between different actors." This means that most of the time the institutionalized norm, resulting from political negotiation, is the result of a compromise between the preferred norms of different actors. In the final norm it would thus be possible to find the elements deriving from the different interpretations diffused by the different actors. The comparison of the EU's and China's actions regarding equity norms and fair distribution of mitigation commitments provides empirical data for examination.

This section has outlined the key elements of the analytical framework for the empirical study of normative power, which consists of three crucial components: norms, diffusion mechanisms, and outcomes. The following chapters analyze these

components, providing insight into the relationship between China's and the EU's deliberate attempts to disseminate their preferred norms or their interpretation of a norm, and the outcomes of said diffusion process. The conceptualization of these building blocks also enables comparing the norms and their actors, their diffusion mechanisms, and the interactions between them in exercising normative power within the UN climate regime.

3.2 Analysing the Changing meanings of norms and the normative gap: Norms contestation and norm divergence

The section above has identified and conceptualized the three crucial components of normative power. In regard to the first component, to effectively analyze the multiple interpretations of a norm (i.e., the various meanings that actors associate with it) or the different norms disseminated by various actors, it is advisable to introduce the concepts of norm contestation and norm divergence, that are useful for the overall analysis.

If norms are “shared expectations about appropriate behaviour held by a community of actors” (Finnemore, 1996), norm contestation, in turn, is a social practice whereby actors express disapproval with existing interpretations of such norms (Tully, 2002). As norms go through a contestation process by being challenged, reinterpreted, and transformed, their validity is thus undermined or, alternatively, consolidated (Wiener, 2014; Krook and True, 2012; Badescu and Weiss, 2010).

This means that the norms that emerge at the international level – and in the case of this research are enshrined in an international regime –are not static and their meanings (as perceived by relevant actors) are continuously subject to reinterpretation and contestation. According to Wiener (2008), the evolution of norms and their meanings occurs through interaction in their respective context. This is especially relevant in international affairs, where there are no “categorical imperatives”, and where “the context, or situation, within which activities take place is extremely important” (Jackson, 2005). As Krook and True (2012) state, “norms that spread

across the international system tend to be vague, enabling their content to be filled in many ways and thereby to be appropriated for a variety of different purposes... norms diffuse precisely because—rather than despite the fact—they may encompass different meanings”. Norms are therefore dependent on the meaning assigned to them by the agent and their spatial-temporal context (Dietelhoff and Zimmermann, 2013). As social constructs, norms may acquire stability over extended periods, yet they remain flexible by definition and are thus, by default, contested. In other words, norms are not static objects but must be kept alive through a process of contestation, in which an actor challenges the meaning of a norm. These processes of contestation drive social change and suggest that the meaning of norms must be revised to adapt to new situations. Even as the exact meaning and application are the subject of debate, an imprecise and contested norm still exerts influence in that it structures and shapes discourse. In that sense, ambiguity both makes a norm’s diffusion more likely and increases the odds that its content will evolve over time (Stalley, 2018). All this is also true for the norm bundle on fair mitigation commitments as well as for the equity and fairness norms enshrined in the climate regime, as shown in chapters 4 and 5.

The three categories of norms (fundamental norms, organizing principles, and standardized procedures) vary in their stability over time and space. The least disputed norms are the most specific and have a limited moral scope (standardized procedures). Fundamental norms are those that are generally accepted by all, while organizing principles are subject to revision in light of debates and controversies. This is why, even though all parties agree in principle that the climate regime and mitigation commitments should be guided by equity (a fundamental norm), there remain controversies over the CBDR organizing principle and its interpretation (see Chapter 4), that is to say how the equity norm should be made operational.

Furthermore, Wiener (2014, 2017) identifies four types of contestation processes: arbitration (in courts), deliberation (in international organizations and regimes), justification (in epistemic communities) and contention (in societal protest). They constitute the four main ways of conducting argumentation and contestation in international relations, and they correspond to the legal, political, moral, and social

modes. Arbitration is the legal mode of contestation that concerns issues related to judicial and court processes. Deliberation is the political mode of contestation, and it involves “addressing rules and regulations with regard to transnational regimes according to semi-formal soft institutional codes” (Johansson-Nogués et al. 2020). Justification, instead, represents the moral mode of contestation that questions principles related to issues of justice. Ultimately, contention is the collective social practice of contestation that permits actors to review in a critical way social rules in non-formal environments (Johansson-Nogués et al. 2020). Some authors believe that deliberation is the main mode of carrying out contestation in climate negotiations, where much of the controversy is carried out within an international regime established by an international organization (Petri and Biedenkopf, 2019). The debate at COPs in the context of UN climate negotiations involves elements of deliberation as actors spend much time discussing and negotiating to agree on a final joint document. Thus, Wiener's theory of contestation (2008, 2014, 2017) is a valuable starting point for studying the controversy surrounding the CBDR-RC norm as part of the analysis of normative power.

As regards the concept of norm divergence, there could be two types of norms divergences that may be detected in the process of norm diffusion by the EU and China under the UN climate regime. One relates to different interpretations of the same norm by different actors, and the other to the diffusion of different sets or hierarchies of norms. The analysis conducted in this thesis focuses on the first form of norm divergence, which is the different interpretation of the same norm given by the EU and China. Indeed, international norms – comprising those that have already been institutionalized – could be broad enough to permit different interpretations by different actors. As stated by Tocci, norms “can be interpreted in myriad different ways by different actors at different points in time” (2008). This is the case of the equity norm in the context of the UN climate regime and the different interpretations of the underlying CBDR organizing principle proposed by the EU and China by invoking different fairness principles (see section 3.3).

3.3. Conceptualizing Fairness in Climate Negotiations. Analysing the evolution of equity through the changing meaning of CBDR

Since normative power is described as the power to codify an actor's norms in global governance structures through norm diffusion, the analysis of norm's meaning and contestation serves the purpose of specifying the EU's and China's different interpretations of norms. One fundamental part of this thesis relates indeed to understanding what interpretation of the equity norm the EU and China have advanced and what conceptions of the CBDR principle do they consider to be fair (see SQ2). The literature indicates that throughout the history of the entire UN climate regime there has been considerable disagreement among parties in the negotiations on how to interpret and prioritize norms and principles related to equity and fair mitigation commitments. For this, I am interested in understanding which interpretation of the equity norm, and more in particular of CBDR as an organising principle, has been supported respectively by the EU and China and whether they have contested the interpretation advanced by the other part. By providing the conceptualization of fairness and its possible different interpretations, this section clarifies which role this principle plays in negotiations with regard to climate mitigation. It further presents the relation between fairness principles and equity norms.

The content and the form of the CBDR organising principle has evolved over time, being the product of political actions and negotiating efforts by the parties to the UN climate regime. The evolving interpretation of the CBDR principle is considered to be central for the UN climate regime as it stands at the basis of the regulation of the fair mitigation commitments. How to achieve a distribution of responsibilities, allocation of rights, duties and obligations on climate mitigation that is perceived as being equitable and fair by the parties, depends indeed, among the other things, on the actors' understanding of equity and thus on their preferred fairness principle that they try to diffuse in the interpretation of the CBDR principle. As emerged in the literature review (see Chapter 2), international norms are inherently

a product of politics among international actors. China and the EU have held clearly different understandings of this contentious principle at the basis of equity norm, as a consequence of their different understanding of what has to be considered as being fair in the climate regime. Understanding how equity conceptions vary between two fundamental actors of the climate governance is crucial for understanding the negotiation process and outcomes and for identifying also which institutional arrangements have been considered as acceptable. Detecting how their competing visions and interpretations of the principle have been reflected in the institutional functioning of the climate regime is also of extreme interest, besides being part of the normative power analysis as outlined in the analytical framework.

Recalling the norms classification proposed by Wiener, in this thesis I consider CBDR as an organising principle (type-2 norm) aimed at achieving the fundamental norm of equity (type-1 norm) (see section 3.2.2). This thesis thus illustrates the EU's and China's differing conceptions of the fairness principles that underlie equity norm and the mechanisms envisioned by international climate agreements for the allocation of obligations among countries in GHG mitigation efforts. The evolution of the EU's and China's positions with regard to the fairness principles enshrined in the CBDR norm, and their respective (if any) contestation, is detected through the analysis of the positions assumed by the two actors during COPs.

In this thesis the CBDR-RC norm is understood as being the product of effective arguments that led to the formation and diffusion of that norm. In emphasizing the role of arguments, this project is upholding that the ideas and /or the arguments at the centre of parties' positions affects the final outcome, as opposed to simply material power and interests (Hawkins, 2004). Notwithstanding internal factors and policy-making processes certainly shaped individual states' beliefs and conceptions of their interests, much of the bargaining process happened at the international level within the context of climate negotiations (Stalley,2018). Thus, CBDR was generated primarily at the international level, or what Wiener refers to as the macro-level (Wiener, 2017). Thus, in order to analyse the evolution and contestation of the CBDR

norm I look at the EU's and China's positions during the international conferences on climate change conducted under the auspices of the UN (COPs).

The COP is the supreme decision-making body of the Convention. After the adoption of the UNFCCC in 1992, which entered into force in 1994 establishing the UN climate regime, starting from 1995 there have been every year a COP. All States that are parties to the Convention are represented at the COP, in which they review and take decisions necessary to promote the effective implementation of the Convention itself and of any other legal instruments that the COP adopts. In this analysis the COPs are approached as active political sites that project ideas and standards for the conduct of global climate politics and arenas where particular ways of thinking about and acting upon climate change take form (Petri and Biedenkopf, 2020). In other words, COPs are repositories of norms emergence and formation, expression and diffusion. Due to these reasons, the COPs constitute the focus of my analysis.

Finding solutions that are acceptable to all parties is challenging because of common disputes among parties on which fairness principle enshrined in CBDR should be prioritized in sharing responsibilities as well as costs and benefits. Argumentation serves as a tool for negotiating in situations of conflict of interest because negotiating positions must be supported by some arguments (Tørstad, 2016; Holzinger, 2004). Fairness principles can be used as a tool to accomplish this endeavour. Indeed, even justifications for self-interest must make reference to some principles or norms recognized as legitimate and universal. Fairness principles have this role in climate negotiations (Risse 2000). Fairness principles therefore set boundaries for what is deemed to be possible in the talks because most of them make reference to one or more of these principles. Propositions must therefore in some way be consistent with (at least one of the) generally accepted fairness principles (Hoffmann 2007).

Based on the literature (Sælen et al. 2019; Underdal and Wei, 2015) I assume that there are three ways in which the fairness principles could be interpreted and have

been invoked during the climate negotiations with regard to how mitigation burdens should be distributed fairly among countries:

- I. Fairness as responsibility for damaged caused (or ‘Responsibility equity principle’)
- II. Fairness as capability to solve the problem (or ‘Capability equity principle’)
- III. Fairness as rights or needs (or ‘Rights (needs) equity principle’)

I. Fairness as Responsibility

This interpretation of the principle demands that climate change should be solved by those who have caused it, that for this reason should be held responsible. In other words, the malefactor owes compensation to the harmed. In the context of climate change, this means that those responsible for pollution must bear the costs (i.e., the polluter pays principle). Those states that have emitted most GHGs emissions should also pay for mitigation and abatement measures. Nevertheless, the principle that the polluter ought to pay is open to different possible interpretations with respect to temporality. Indeed, the responsibilities and consequently the costs could be attributed on the basis of current, past, or future emissions.

Furthermore, there is controversy on when a polluter’s responsibility commences. According to some, causality is a necessary, but not sufficient, condition (Underdal and Wei 2015). The controversy concerns the fact whether the polluter must have also had control and knowledge of the risks associated with the activity that caused the damage. Responsibility should normally account for a minimum level of awareness by the concerned actor (Colonomos 2008), leaving the principle open to interpretation. Some argue that historical responsibility should date back to the Industrial Revolution, while others claim it should start with the 1990 first publication of the IPCC report, that scientifically proved and diffused at the global level the knowledge on the adverse effects of GHG.

Another proposal is that responsibility begins with the implementation of the agreement. In the context of the climate regime this could mean that historical GHGs emissions, which were unregulated, should not result in any sanction today in the form of major costs. This opens up the possibility for a third interpretation, where the responsibilities are distributed proportionally to the projected future emissions of an actor. One of the difficulties, however, concerns the fact of determining when GHGs started to be regulated by law.

II. Fairness as Rights

This interpretation of the principle suggests that an actor is either entitled by right to emit a given amount of GHGs, or that it needs to be exempted from undertaking provisions. The rights-based principle of fairness asserts that all states possess an equal right to emit GHGs. Accordingly, one possible interpretation is that a country accounting for a determined percentage of the global population would be entitled to the same percentage of total GHGs. Though, this approach is often considered to be the most persuasive from an egalitarian point of view (Paterson 2001), its operationalization is considered as practically unfeasible.

Another possible conceptualization of this principle regards the fact that least developed (or developing) states should not be asked to undermine their potential economic development to tackle climate change (Shue, 1992). This is also known as the principle of preserving future development opportunities (Tørstad, 2016), and it is interconnected with the right to development – that brings with it poverty alleviation – and equitable access to sustainable development.

This principle entails that developing countries should be allowed to develop the same way as developed countries have done over the past when climate mitigation was not considered as a burden and a cost to be distributed among countries. Consequently, preserving and granting the right to future development opportunities implies that mitigation commitments would entirely (or at least in great part) fall on developed

countries. A more extreme version of this principle asks for the exemption of certain countries from contributing given their low performance on certain criteria.

III. Fairness as Capability

This interpretation of the principle emphasizes that a potential solution to differentiating the climate mitigation burden lies in the principle that those who possess the capability to address the issue are morally obliged to do it. This corresponds to the ability to pay principle. It therefore divides the burden for mitigation among state independently of responsibility for emissions, following the rationale that those who have the capability should aid those that are most vulnerable. Although the capability to solve the climate challenge may potentially include a large spectrum of indicators, it is usually considered in economic and financial terms. Therefore, capability understood as capacity-to-pay is usually measured by the GDP level and it implies that those that have more financial capacities should bear the burden of reducing the emissions (Kallbekken et al. 2014).

3.4 Methods and Sources of Data

As outlined in the previous sections and chapters, the thesis adopts a qualitative research design to conduct a comparative analysis of the EU and China approaches towards equity and fairness on mitigation commitments through the case study of international negotiations within the UN climate regime. This is in line with the methodological approach generally used by academic scholarship to study global climate change politics and foreign climate policy. In fact, in this field of study there is not much research where scholars have tried to quantify and operationalize potential explanatory variables (Below, 2017). On the contrary, most scholars adopt qualitative case studies (single or comparative) or carry out small-N analyses. Thus, the methodology used in this field is relatively homogeneous and the research design of this project is in line with this well-established praxis.

In order to investigate analytically the historical evolution of the EU and Chinese positions in the UN negotiations with respect to norms related to fair mitigation commitments, this research conducts a longitudinal case study. In view of the fact that the research aims to explain the normative evolution of China's and EU's foreign climate policies in the framework of the UN climate regime, the longitudinal study will cover the 1992-2020 period with a particular focus on the critical junctures identified from the secondary literature, outlined below. This approach responds to the empirical objective of mapping the evolution of EU's and China's direct actions in the context of the UN climate regime with the final aim of detecting whether they have been exercising normative power. Indeed, the longitudinal analysis of the three constitutive components of normative power, presented in the analytical framework, allows this thesis to systematically examine the attempts of the EU and China to diffuse their preferred norm's interpretations in the UN climate regime and the results of these attempts at different points in time corresponding to the critical junctures that are COP3, COP15, and COP21.

The starting point of the investigation corresponds to the adoption of the UNFCCC at the UN Rio 'Earth Summit' in 1992 and the establishment of the UN climate regime. The end of the period corresponds to the adoption of the Paris Agreement at COP21 held in Paris in 2015, aimed at regulating the climate regime for the period post-2020. Cross-time comparisons, enabled by the longitudinal character of the study, allow for the development of a clearer understanding of the EU's and China's normative power on the UN climate regime, which has gone through several phases. The longitudinal analysis is divided into three time periods, selected on the basis of the different stages of UN climate regime development. The three periods are 1992 – 1997, which corresponds to the formation phase and the Kyoto protocol negotiation phase. This period runs from the inception of the UN climate regime with the adoption of the UNFCCC to the adoption of the Kyoto Protocol. The 1997 – 2009 period corresponds to the post-Kyoto phase with the implementation of the protocol and the road to the Copenhagen summit. The period 2009 – 2015 corresponds to the post-Copenhagen phase and the negotiation of a follow-up

agreement phase. It concludes with the adoption of the Paris Agreement in 2015 at the COP21. This periodization, with the division into three phases, permits me to conduct an analysis of EU's and China's actions at different points in time with respect to the three constitutive elements of normative power identified in the analytical framework and then make a comparison between them across these phases – and thus analyse whether the EU and China have been exercising normative power at these critical junctures.

As deepened below, for the different parts of the analysis, the research conducted in this thesis makes use of two methods: narrative process tracing and qualitative content analysis. The sources of data are of different kind. These sources help me to reconstruct the analytic history of both the evolution of the norm bundle on fair mitigation under the UN climate regime and the EU's and China's normative power since the inception of the UN climate governance system. In order to collect data one technique is employed: document analysis. The sources of data are constituted by three main categories: official/formal documents (i.e., primary sources such as statements and submissions of the parties to the UNFCCC, reports, resolutions, decisions, strategies, etc.); secondary literature, including academic publications; and NGO reports.

In the early stage of my research, secondary literature was an important source of information for writing a first narrative and sequence of events, fact and ideas aimed at tracing the creation and the evolution of the norm bundle on (fair) mitigation commitments. For this purpose, secondary literature produced mainly by NGOs working on climate information campaigns revealed to be very useful. In this phase I made use of the reports and accounts series on the UN climate negotiations produced by the International Institute for Sustainable Development – IISD (“Earth Negotiations Bulletins – ENB), the ‘Fondazione per lo Sviluppo Sostenibile’ (“The Negotiation on Climate Change. History and Chronicle”), the summaries of COPs released by Carbon Brief and the ECO newsletter – a daily insiders look at what happen in the UNFCCC negotiations – released by Climate Action Network (CAN).

The specific methodological tools applied to conduct the first part of the research presented in chapter 4 on the emergence and evolution of the norm bundle on mitigation is narrative process-tracing. Indeed, in that part I trace the creation and the evolution of the UN climate regime by focusing on the emergence and the transformation of the norm bundle related to mitigation commitments. Thus, this part traces the history of consensus and disagreement in the negotiations on equity norms on mitigation commitments to identify areas of norm emergence, institutionalization, and contestation as part of the process by which norms can be formed, but also changed and/or re-formulated. This part not only sets the general scene to understand in which context the EU and China have been acting but it also serves to understand what are the main issues and norms on fair mitigation on which the two actors have then taken position on trying to diffuse their preferred interpretations, as part of the first constitutive element of normative power (see analytical framework). Process-tracing is nowadays widespread in social science methodology (Bennett and George 2005; Gerring 2007). In a positivist understanding, it involves the attempt “to identify the intervening causal process - the causal chain and causal mechanism - between (...) independent (...) variables and the outcome of the dependent variable” (Bennett and George, 2005). Differently, the narrative variant of process tracing, used in this project, is regarded as narration in search for patterns (Gysen et al. 2006). The underlying logic of the narrative variant is to give an account of events as they unfolded, and it fits perfectly with the aim of providing the narration of the norm bundle related to mitigation efforts and burden-sharing from 1992 to 2020.

The other part of the thesis, that focuses on normative power, relies both on document analysis of primary sources – including UN, EU and China official negotiation documents such as position papers, press releases and negotiation syntheses spanning the 1990s and 2000s – and the ENBs summaries.

While the documents of the UN and the EU are quite easily accessible through the internet, those of China are in most of the cases confidential and classified and in the best cases there is the impediment of the language. Thus, to integrate these

documents and interpret the available ones, I rely on Earth Negotiation Bulletins (ENB), which are independent reports produced by IISD providing in-depth accounts of all the UN climate talks, including COPs and inter-sessional meetings between the annual COPs. The ENB provides detailed, daily coverage at selected UN negotiations and at the conclusion of each meeting they publish a 10.000-30.000-words summary and analysis of the meeting. In their website, they have an archive of reporting documents that cover the negotiations and meetings throughout the entire period of interest of this research (1992 to nowadays). Since full transcripts of the debates occurring during the negotiations are not available, these summaries are a valuable alternative data source where it is possible to find the statements made by the delegation of different countries during the plenary meetings as well as the reactions and responses given by others (if any). They thus constitute a useful source for text coding. I use ENB summaries to code the interpretation of the CBDR principle given by the EU and China, as well as their interaction at the negotiations. The decision to use this type of data is due to the fact that they are available for the entire research period and are also consistent. These summaries do, in fact, adhere to a regulated reporting style that tries to ensure political neutrality and consistency throughout time, allowing for comparison of coding results. Certainly, over time, however different authors and editors might have left their mark and caused a small variation in the documents. Nevertheless, the limitation of the ENB is precisely represented by the fact that they only could give a summarized, and thus “filtered”, version of the UNFCCC negotiations, leaving out of record what was not reported. It is important thus to integrate these data with official documents that are direct expression of the EU’s and China’s statements. In recent years, the UN has made a large part of the official documents relating to the UNFCCC negotiations available online. In particular, as regards the documents of interest for this research, it is possible to find them on the online portal of the UNFCCC on the page "Submissions from Parties to the COP".

The part of the analysis that focuses on norm presented in Chapter 5, analyses the ways in which the EU and China have promoted their distinct interpretations of

the CBDR organizing principle and if they contested their respective interpretations during the UN climate negotiations. Specifically, to analyse the preferred interpretation of the CBDR principle supported and diffused respectively by the EU and China I perform a qualitative content analysis (QCA) to count the frequency with which the principles appear in analysed documents with regard to the negotiations leading up to Kyoto (1997), Copenhagen (2009) and Paris (2015). I thus trace the CBDR norm interpretation and contestation throughout crucial moments of UN climate negotiations. However, the analysis will not stop at the adoption of the Paris Agreement in 2015, and it goes beyond that date in order to understand the most recent evolution. The sample of documents taken from ENB consists of 44 documents in total. There are 10 documents on COP 3 – 1997 (Kyoto) for a total of 20 pages in addition to a 16 pages summary. As regard COP 15 – 2009 (Copenhagen) there are 12 documents for a total of 38 pages and a 30 pages summary. On COP 21 – 2015 (Paris) in the ENB website is possible to find 12 documents for a total of 36 pages and a 30 pages summary.

In order to analyse the data, derived from the ENB COP reports and summaries, I divided the analysis into three steps:

- First, I separated and extrapolated the parts of the text relevant for the analysis that directly or indirectly refer to the CBDR principle and equity issues.
- Second, as far as in this project I explore the roles and attitudes of both the EU and China I extrapolated the statements that can be attributed or connected to these two actors.
- Third, within the extracted parts of text statements I identified the different interpretations of the CBDR principle advanced by the EU and China. As stated above, I assume that there are three possible interpretations of this principle: ‘responsibility equity principle’, ‘capability equity principle’ and ‘rights (needs) equity principle’.

In order to understand the way in which the CBDR organising principle was interpreted and contested during the UN climate negotiation process, through deliberation as a political contestation process, I primarily refer to EU's and China's verbal statements as reported by the ENB summaries (Castro and Kammerer, 2021). The comparative analysis on the norm component provides a framework for understanding whether the EU and China approaches towards fair differentiation of mitigation commitments among countries differ from one another in the position they have hold and in the norms they have diffused. To understand which fairness principles do the EU and China support and diffuse it is conducted a qualitative content analysis (QCA) to map their references to one of the principles conceptualised above (i.e., responsibility equity principle, capability equity principle, and rights(needs) equity principle). The EU's and China's understanding of CBDR according to one these principles is deduced by using a manual content analysis of both ENB and position statements submitted to the UNFCCC secretariat (that has created a new submission portal to enhance the efficiency and transparency where it is possible to view the "Submissions from Parties to the COP"). The analysis is thus based on an inductive method since it detects fairness principles as they are invoked directly by the EU and China and reported by the ENB. Due to the limited number of documents, it was possible to proceed by using manual coding instead of computer-assisted coding. In analysing the documents, it is considered that one of the actors refers to equity and fairness when it makes reference to the principles, the structure of the agreement or the functioning of the regime, as well as the criteria to be used to establish the mitigation commitments. The categories of the fairness principles as well as the rules for each coding unit are detailed in the codebook. The second part of the analysis examines normative power by focusing on the outcome component. According to the conceptualization of normative power provided in this thesis, in fact this is composed of three constitutive elements, including outcomes together with norms and diffusion mechanisms. Namely, it analysis whether the EU and China have been successful in the process of institutionalizing their preferred norm (or their preferred interpretation of the norm)

within the UN climate regime. According to the analytical framework, these outcomes constitute a way to evaluate whether the EU and China have managed to exercise normative power by favouring the diffusion of the norm – following the identification of a connection between the diffusion of the norm and the outcome (Tocci, 2008). This thesis focuses on the institutionalisation/adoption of norms advanced by the EU and China in the context of a multilateral international institution such as that of the UN climate change regime. This research objective is achieved by examining how the diffusion of their rules by the EU and China, analyzed in the manner described above, shapes the structures and regulations of international institutions. In this sense the EU's and China's normative power would lie in their "ability to contribute to norm spreading and institution-building" (Scheipers and Sicurelli, 2007).

This part of the analysis explores how the mitigation normative framework and mechanisms and regulations on fair mitigation commitments can be conceptualised as the institutionalisation of norms diffused by the EU and China. The analysis is conducted by reading the text of the main legal instruments composing the UN climate regime (UNFCCC, Kyoto Protocol, Copenhagen Accord, Paris Agreement) as well as the final decisions of COPs (1/CP.3; 1/CP.15; 2/CP.15; 1/CP.21; 1/CP.26). In addition, the reading of these texts is accompanied by the analysis of the interpretation of these documents given by the most authoritative secondary literature, including international law scholars.

Finally, (by using a role theoretic approach) the last part of the research proceeds to investigate how the changing roles of the EU and China throughout the different phases of the UN climate regime could explain the evolution of their positions on climate mitigation, and how their bilateral cooperation influenced their stances at the multilateral level. Through the qualitative content analysis of the main documents produced in the framework of the bilateral cooperation relationship between the EU and China, this analysis aims at understanding how the evolution of their roles and the bilateral relationship affected the negotiations at the multilateral level.

CHAPTER 4

THE UN CLIMATE REGIME: FROM ITS FOUNDATION TO THE PARIS AGREEMENT (1992 – 2015). CHARTING THE EVOLUTION OF ITS MAIN (MITIGATION) NORMS

In this chapter I provide an analytical description of the debate on appropriate norms of governance highlighting the emergence, formation and institutionalization of climate norms on (fair) mitigation (i.e., the rationale behind and the schemes for the distribution of responsibilities for climate mitigation among countries). Indeed, by defining who should take responsibility for mitigating climate change, and how such mitigation should be pursued, the norms outline the appropriate states behavior. Furthermore, by providing an analytical description and chronology of the evolution of the main norms on fair mitigation in the climate change regime, this chapter also traces the creation and the evolution of the UN climate regime itself. Fulfilling this empirical exercise of mapping and describing the evolution of the UN climate regime with a particular focus on the norm bundle related to (fair) mitigation serves the purpose of providing both the context to the entire thesis and partly the inputs for the subsequent analysis on normative power, where the interpretations of those norms proposed by the EU and China and the following institutionalization in the UN climate regime will be presented.

Although the greenhouse effect caused by human activities was recognised by science long ago – already at the end of the XIX century – climate change only entered the international political agenda in the late 1970s. After the rise of climate change as a global political issue, the debate among states and other stakeholders has focused on the normative structure of the international climate regime, and states have been confronting themselves on the norms that establish the boundaries of appropriate

conduct for responding to climate change (Stevenson, 2011). It took many years for the international community to adopt an international treaty that set some common rules aimed at mitigating the effects of climate change by reducing emissions and adapting to its adverse effects. Indeed, the UN climate regime was only formed in the early 1990s and since then it has constantly evolved through negotiation processes that have led to the adoption of new legal instruments, including treaties and protocols. The inception of the UN climate regime coincides with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) at the Earth Summit in Rio de Janeiro, which entered into force in 1994, and includes 197 parties today. The regime's other milestones are the Kyoto Protocol, adopted at COP3 in 1997, and the Paris Agreement, adopted at COP21 in 2015, that regulates climate change in the post-2020 period. The first Conference of the Parties (COP) – the supreme decision-making body of the Framework Convention – was held in 1995 in Berlin, and since then they have been convened annually amounting so far to a total of 27.

As indicated in the literature review (Chapter 2), international regimes have gained increasing attention under political science and international relations due to their relevance in the contemporary world and have been subject to great theoretical development in the last decades. The research on international regimes has turned out to be a scholarly orientation for understanding under what conditions states – and increasingly non-state actors – can cooperate with each other on a specific issue. Climate change represents an area where there has been intense negotiation that resulted in agreements that reflect a diplomatic process aimed at contributing to find a common solution to a common problem. While the precise definition of a regime is still debated, one of the main theorists, Stephen Krasner (1986), defines them as sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations. In turn, other authors such as Keohane and Nye (1989) stress the fact that in the creation of an international regime – that entails its rules, norms and principles – there is an essential renunciation by States of part of their own autonomy and sovereignty

to achieve a common multilateral objective. What also emerge from great part of the literature on the topic is that a regime creates convergence of expectations among its parties, establishes standards of behaviour, and cultivates a general sense of obligation. Regimes mitigate anarchy that would otherwise prevail in international relations and thereby facilitate cooperation among States and other potential actors. The international regime on climate change does not escape this logic. Thus, the adoption of the UNFCCC in 1992 signal the beginning of an evolutionary process meant to create principles, norms and procedures that should help to reduce and control the adverse effects of climate change.

The politics that relates to the UN climate regime has now been in existence for more than thirty years, from its beginnings in the late 1980s to the present day. During these three decades, the international context providing the stage to the climate negotiations has changed consistently. Indeed, climate negotiations under the UN began tentatively at the end of the Cold War, being formalized in the early 1990s and then languished for ten years, when the Kyoto Protocol was negotiated and then entered into force. Thus, the climate regime began to take shape at a time - the 1990s - of general "normative ferment" at both a political and theoretical level (as evidenced by the centrality of norms in International Relations studies). Throughout the decade, major UN conferences were convened, generating expectations of normative-institutional development in many areas (e.g., the UN Conference on Environment and Development in 1992 in Rio de Janeiro; the International Conference on Population and Development in 1994 at El Cairo; the World Conference on Women in 1995 in Beijing). The appearance of new international institutions, new international organizations and new treaties regulating specific subjects as well as the strengthening of old ones (such as the UN Security Council) constituted a step forward in the institutionalization of the post-Cold War international order. The climate regime and international climate politics in the second half of the 2000s were influenced by a quite rapid redistribution of power at the international level that led to an increased influence by some emerging powers (including China) in this as well as in other domains. With regard to UN climate negotiations this structural change

overturned hitherto accepted expectations of what the outcomes of these negotiations would be. Out of that ground-breaking evolution came the Paris Agreement in 2015, which initiates the international climate regime as we know it today.

The evolution of the climate regime – summarized and analysed in this chapter – has involved and impacted on all the three constituent levels of an international order: power, rules, and institutions. First, as already indicated, during this period there has been a redistribution of global power, which has had acute implications for the climate negotiations, not least because of the change in the share of global GHG emissions by country that it has provoked. During this period the emissions by country and region have changed substantially both in absolute and relative terms: if until well into the 20th century, global emissions were dominated by Europe and the United States, in the first decades of the 21st century we see a significant rise in emissions in the rest of the world, particularly across Asia, and most notably, China. Secondly, the norm bundle related to climate change has also gone through important changes. The main norm – the idea that it is necessary to fight climate change – has remained substantially unaltered, but the norms on what form the effort to address climate change at the multilateral level should take have witnessed some transformations: should this effort be global and uniform or should it be differentiated between groups of countries? Should legally binding targets and timetables be imposed on states to limit and reduce emissions? And if so, who should set these targets?

Since these questions also relate to the debate on the shape of climate institutions, the institutional level has also changed. As will emerge from this chapter – as well as from the next chapters and especially from chapter 5 – the UN climate negotiations hereinafter discussed have been long-running and highly contested. In the case of climate negotiations, it is not possible to locate norm emergence, formation and contestation at specific point in time, as if an already widely accepted norm were to lose the consensus achieved during the normative cascade phase (Finnemore and Sikkink, 1998). In the climate negotiations, contestation has been constant and spread all along the different phases. This has been true both with regard to the general norm

- the need to fight climate change (think here of the scientific denialism of some countries) - and (above all) with regard to the more specific norms and rules on what form climate multilateralism should take. I will focus on the latter type of norms, since they have been the ones that have changed the architecture and the functioning of the regime but they are also strictly related to the conceptions of equity and fairness. The chapter is structured around three key milestones that facilitate the explanation of the evolution of the regime and the mitigation norms within it:

- 1) The United Nations Conference on Environment and Development, held in Rio in 1992, which adopted the United Nations Framework Convention on Climate Change (UNFCCC);
- 2) The adoption in 1997 of the Kyoto Protocol at the third Conference of the Parties to the UNFCCC (COP3); and finally
- 3) The 21st Conference of the Parties in 2015 (COP21), where the so-called Paris Agreement was reached.

If the Earth Summit in Rio in 1992 represents the phase prior to the institutionalization of the package of norms (norm bundle) associated with the fight against climate change and its mitigation, the Kyoto Protocol represents the first institutionalization of these norms and the adoption of the Paris Agreement should be seen as their re-institutionalization, insofar as, the package of norms related to the institutional architecture and essential functioning of the regime on matters related to (fair) mitigation drastically changed. The description of the development of the UN climate regime from the late 1980s until the 2015 Paris COP21 provided in this chapter will serve as a basis for the analysis of the EU's and China's foreign climate policies under the regime conducted in the next chapters, that will focus on the perspectives brought by these two actors to the international debate for meeting the challenge of climate change.

4.1 The events beforehand the institutionalization of the UN climate regime – Until Rio 1992

This section, in the first place, wants to trace the process by which climate change entered the international political agenda and identify the actors that caused it. In the second place, it describes the premises of the long negotiating process that eventually led to the adoption of the UNFCCC during the Rio Conference in June 1992, also called the Earth Summit. Starting from the appearance of a well-structured scientific debate about the risk of pouring into the atmosphere large amounts of carbon until then trapped underground, it took almost three decades to the climate issue to enter the international political agenda. Indeed, the greenhouse effect remained for years more of a scientific than a political concern. Scientists have long known that the build-up of CO₂ in the atmosphere can cause climate change. As early as 1824, the French scientist Joseph Fourier described the greenhouse effect but the first scientific article suggesting that the Earth's temperature was going to increase as the carbon dioxide emitted by the industrial revolution was changing the composition of the atmosphere by increasing the proportion of GHG, was published by a Swedish scientist, Svante Arrhenius, in 1896. In 1938, another research article asserted that the levels of CO₂ in the atmosphere were increasing dramatically and with high probability they might cause the rise of global temperatures (Callendar, 1938 in Chasek et al., 2017). Even though the greenhouse effect and its causal relation with emissions produced by human activities started to be investigated as scientific phenomena already at the turn of the nineteenth and twentieth centuries, they remained for a long period under-researched topics and they did not enter the mainstream international scientific agenda (Calvo Buendía, 2014). It would only be during the second half of 20th century that the scientific consensus was consolidated, and climate change started to become an important issue first for science and then for international politics.

According to Bodansky – who separates the regime formation process into five stages – the first stage encompasses the formation of scientific consensus prior to the politicization of climate change (Bodansky, 1992). This stage is characterized by the

development of a deeper scientific understanding of the phenomenon with events such as the development of the Keeling curve and the greater reliability in climate models thanks to improvements in computing power and the identification of the danger posed by GHGs other than carbon dioxide for global warming (Bodansky, 2001). Starting from the mid-1950s two very important events took place that would mark the beginning of the most recent scientific study of global climate change. Firstly, the publication of a seminal article by Roger Revelle and Hans E. Suess titled “Carbon Dioxide Exchange Between Atmosphere and Ocean and the Question of an Increase of Atmospheric CO₂ during the Past Decades” and then the celebration in 1957 of the International Geophysical Year that consolidated the foundations of the global scientific community dedicated to studying the human influence on the atmosphere and the climate, in addition to establishing a network of monitoring stations that would facilitate research on these kinds of issues (Costa, 2004; Bodansky, 1994). The progress of scientific knowledge was, from then on, quite rapid also due to the advances in climate modelling that favoured new scientific studies, which prompted the UN Secretary General to mention the possibility of a “catastrophic warming effect” (Grubb, Vrolijk and Brack, 1999). All this occurred in a context of growing concern for environmental issues, which was both reflected and promoted by the UN Conference on the Human Environment, held in 1972 in Stockholm (also known as the Stockholm Conference). This conference acted as a catalyst in the process of transferring a good part of environmental concerns to the political arena. However, despite being effective in visualizing all ecological problems, the Stockholm Conference focused on issues related to transboundary pollution, acid rain, marine pollution, and other aspects of a regional rather than global nature. Thus, climate change, despite being present in some recommendations of the final Report, did not have a prominent role in the meeting's agenda.

The greenhouse effect, therefore, for a few years remained more a scientific than a political concern. In a first moment, the main concern was to reduce "the existing uncertainty in the knowledge about climatic variability", as reflected in a declaration prepared by the World Meteorological Organization (WMO) in 1976

(Chueca, 2000). In fact, until the mid-1970s, scientists were still divided between those who feared global warming and those who expected the start of a new glacial age (Bodansky, 1993; Glantz and Adeel, 2000). In order to face these challenges, the WMO itself convened the First World Climate Conference in Geneva in 1979. Although its effort to attract and engage politicians was quite unsuccessful, this was the first time that climate change had been discussed at a major intergovernmental conference (Andresen, 1998). The Conference statement cautiously acknowledged that “it seems plausible that increasing amounts of carbon dioxide in the atmosphere may contribute to global warming” (Dasgupta, 1994). The most relevant contribution of the 1979 Conference was the establishment of the World Climate Research Program, which paved the way for the construction of a scientific consensus on global warming and both the causes and dynamics of climate change. This task was also assisted by other international scientific meetings convened by UNEP and the WMO in the early 1980s (Grubb, Vrolijk, Brack, 1999; Andresen, 1998). It is worth noting that the creation of a shared body of scientific knowledge played a crucial role in the preliminary phase of the diplomatic process that led to the formation of the UN climate regime.

With some rather minor exceptions, until the mid-eighties the interest in climate change was mainly reduced to scientists, who acted during this time as promoters of the issue of global warming on the international agenda. Furthermore, when some political actors (mainly intergovernmental organizations) intervened in this thematic area, they did so in response to scientific concerns and initiatives (Bodansky, 1994). Nevertheless, starting from this period – that Bodansky calls ‘the configuration of the agenda’ phase – climate change moved from being only a scientific concern to being also a political one discussed by policy makers both at the national and international level. In this regard, the Villach Conference on the “Evaluation of the Role of Carbon Dioxide and Other Greenhouse Gases in Climate Variations and Associated Impacts” held in 1985 marked a turning point and a "shift of emphasis" insofar as the scientists apart from referring to the need for more research, called for political action (Paterson, 1992). Climate change was becoming a

much more urgent issue than previously thought. The transition from a scientific approach to a more political one culminated in 1988, with the conference held in Toronto on “The Changing Atmosphere: Implications for Global Security”. From then on, intergovernmental conferences proliferated, with disparate objectives, compositions and results (Toronto, 1988; The Hague, 1989; Noordwick, 1989 and Geneva, 1990) and climate change by then became fully inserted in the international political agenda.

According to the periodization made by Bodansky the other two stages in the formation of the UN climate regime are that of the first international political responses to the challenge of climate change between 1988 and 1990; and later that of the UNFCCC negotiations between 1990 and 1992 (Bodansky, 2001). With regards to the incipient political response to climate change at the international level stands out resolution 43/53 of the UN General Assembly of 1988 that recognized climate change as a common concern for humanity and calls for the protection of the climate for current and future generations (Yamin and Depledge, 2004; Zevallos, Cigarán, Flórez, and Castro, 2014). During these years it started to emerge the idea that a potential international treaty on climate could include goals and timetables, under the conviction that any possible solution to the problem of global warming required the collective action of the states and that this could mean the adoption of specific and mutually acceptable targets for limiting emissions. One possible solution was to apply to climate change the approach adopted for other international environmental regimes. Indeed, precisely in that period the construction of the international regime for the protection of the ozone layer proceeded at great speed and it was based on the adoption of multilaterally negotiated and legally binding targets (Benedick, 1998). However, the adoption of that model for the international climate regime was by no means an inevitable and easy task. As it will emerge from both this chapter and from chapter 5, the idea (the norm) that states should negotiate and incorporate mutually accepted targets and timetables for limiting GHG emissions in a legally binding international treaty was then, and still is, a norm promoted by some actors and contested by others. With this regard, the conference hosted by Canada in Toronto

in 1988 represented an important moment. The conference on "The changing atmosphere" brought together delegates from 46 countries with different profiles, from scientists to members of environmental movements and representatives of key industrial sectors. The final resolution of the Conference stated that it was "imperative to act now", recommending among other things the adoption of a "comprehensive global convention as a framework for protocols on the protection of the atmosphere" and a 20% reduction in emissions of CO₂ by 2005 compared to 1998 levels. Toronto marked the path of international aspirations on the climate: a treaty that included targets and timetables.

Besides the role played by scientists – ever more convinced of the urgency of addressing climate change and of the need of calling politicians into action – the process of the politicization of climate change was also the result of the role played by some international organizations with the supports of states. The Intergovernmental Panel on Climate Change (IPCC), created jointly by the World Meteorological Organization (WMO) and UNEP in 1988 to provide the world with a shared body of scientific knowledge of this phenomenon, contributed significantly not only to the establishment of the international climate change regime but also to its subsequent evolution. The IPCC's main function is to assess the state of scientific knowledge related to climate change, analysing its potential environmental and socioeconomic impacts in order to advise governments on the formulation of public policies (Zevallos et al., 2014). The creation of the IPCC reflects by itself the transition of climate change from being considered solely a scientific issue to being one of international politics, since it signals the growing involvement of governments in an issue previously dominated by the scientific community (Bodansky, 2001). Indeed, the IPCC is the UN body for assessing the science related to climate change, but it also has a political nature since it is an international organization composed by 195 states whose main objective is to provide governments at all levels with scientific information that they can use to develop climate policies. As highlighted by some scholars, the IPCC has established a new interface model between science and politics that aimed to achieve two main objectives: provide a platform to the scientific

community to transmit the results of scientific research on climate change to governments, which, on the other hand, through their participation, would legitimize scientific consensus and generate knowledge among decision makers (Calvo Buendía, 2014; Robinson and Shaw, 2004). The First Assessment Report of the IPCC, released in August 1990, stated that global warming amounted to a serious threat. The report showed that if states would not change their policies and behaviours with high probability, it will follow an extraordinary increase in global temperature (IPCC, 1990). Notwithstanding this consensus on showing the nature of the problem, the report did not indicate how the challenge should be addressed and how the costs should be distributed (burden sharing)—one of the key contentious issues accompanying all the climate negotiations in the following years (Chasek, Downie and Brown, 2017).

The adoption of an international ad hoc legal instrument to address climate change and coordinate mitigation efforts among countries appeared to be a necessary step in consideration of the countries' free-riding attitude in providing this public good (Clini, 2017). This process began in December 1990, when the UN General Assembly through resolution 45/212 appointed the Intergovernmental Negotiating Committee (INC) to negotiate and draft the text of a framework convention containing "appropriate commitments". The INC was composed by representatives of more than 150 states and some intergovernmental organizations, as well as the European Community and some NGOs. As indicated in the resolution, the convention was to be opened for signature at the UN Conference on Environment and Development (UNCED) scheduled for June 1992 in Rio de Janeiro. Two main controversies arose during the negotiations that began in February 1991 under the auspices of the INC. The first concerned the level of ambition that a framework convention should assume, with countries such as the USA and other oil producers advocating a framework convention with little substantial content; while other countries, mostly Europeans, promoted the insertion of some substantive obligations. The second controversy revolved around issues of equity and the assertion made by developing countries that climate change had been caused by developed countries and

that, therefore, such countries should assume greater responsibility to reverse the problem, highlighting, furthermore, that global efforts should not be an impediment to the economic development of developing countries (Bodansky, 2001; Viñuales J., 2009). Most of the controversies revolved around issues as targets and timetables for emission reductions, financial assistance, technology transfer, and the development of institutions and implementation mechanisms (Bodansky, 2001).

In particular, the debate on whether including or not targets and timetables occupied large part of the negotiations and it was implicitly or explicitly present in all the discussions on the construction of the international climate regime. On December 22, 1989, the UN General Assembly already took a few steps in this direction, adopting Resolution 44/207 on the 'Protection of global climate for present and future generations of mankind' which – recalling its resolution 43/53 of 1988, in which it recognized climate change as a common concern of mankind – urged "governments, intergovernmental and non-governmental organizations and scientific institutions to collaborate in efforts to prepare, as a matter of urgency, a framework convention on climate and associated protocols containing concrete commitments" (UNGA Res. A/RES/207 (1989)). It also specified that these "commitments should be taken in the light of priorities that may be authoritatively identified on the basis of sound scientific knowledge and taking into account the specific development needs of developing countries". The expression 'concrete commitments,' although vague, naturally evoked the will of many states to include quantifiable commitments to limit emissions in the treaty that was going to be negotiated. Nevertheless, the deliberate vagueness of the expression revealed the disagreement among states on this issue.

The European Community's position was formulated in autumn 1990: carbon dioxide emissions in the year 2000 should be stabilised at 1990 levels and then start to decrease. In contrast, the United States opposed any formulation that suggested the establishment of binding targets and timetables. Japan, for its part, proposed a mechanism, known as 'pledge and review', which was intended to be a compromise between the European and the US positions, requiring states to make unilateral pledges consisting of national strategies to limit their greenhouse gas emissions,

together with an estimate of the resulting emissions. A number of member states of the European Community expressed serious reservations about the Japanese proposal, which was also strongly criticised by many environmental NGOs. Nor was it welcomed by the states of the global South, which considered that if implemented it would dilute the specific commitments of the North and would impose obligations on developing countries in an inequitable manner. As will be shown in the dedicated section of this chapter, with the adoption of the Paris Agreement (2015), the international climate regime has been articulated in a way that is very reminiscent of the Japanese proposal of the early 1990s.

In short, much of the climate negotiations prior to the Rio Earth Summit in 1992 were devoted to determining what kind of commitments states should take under the UNFCCC. At that time, great part of the negotiating effort revolved around what then become article 4 of the UNFCCC, on the division of commitments among states (Grubb, Vrolijk and Brack, 1999). By the end of April 1992, the issue was still being discussed at a high political level, including a meeting in Washington between the President of the European Commission Jacques Delors and the USA President Bush (Bodansky, 2001). On this issue, the agreement finally emerged as a long and convoluted, deliberately ambiguous article (4.2), which establishes a timetable (end of the 1990s) and a target (return to 1990 emissions levels), but does so in two distinct subparagraphs, expressly separating the target from its temporal concreteness, and with an unclear language subject to different possible interpretations.

4.2 1992 UNFCCC – The Emergence of the Norm Bundle

In 1992, the UNCED, also known as the Earth Summit, was finally held in Rio de Janeiro. This highly participated intergovernmental meeting is the perfect example of the optimism unleashed after the end of the Cold War. Everything seemed possible in a world without bipolar competition. The so-called peace dividends promised ample scope to invest resources and attention in development and environmental protection. On that occasion the Framework Convention on Climate Change

(UNFCCC) was adopted, and it entered into force two years later – on 21st April 1994 – as a result of its ratification by 50 states. Some other important documents came out of the conference, such as the Rio Declaration, containing 27 principles on environmental sustainability.

Table 1 presents a synthetic reading guide for this section, identifying its main arguments about the norms under discussion within the framework of the norm bundle on the fight against climate change, the key actors and the negotiating agenda. This was a phase in which the states dealt with two main issues. As seen before, the first was particularly contested and refers to whether adopting or not targets and timetables for the limitation of greenhouse gas emissions. This debate was led, on the one hand, by the European Community, in favour of their adoption, and, on the other hand, by the United States, openly against it. The second issue, on the other hand, quickly gave rise to consensus and had to do with the differentiation between the obligations of the states of the North and the South under the international climate regime. These two features make up the core of the UNFCCC, the main achievement of this stage of the negotiations.

Table 1

Norms under discussion	<ul style="list-style-type: none"> • Targets and timetables negotiated multilaterally and legally binding • Rigid differentiation between North and South
Key actors	Contrast European Community - USA
Agenda of the Negotiations	Climate enters into the agenda and negotiations of the UNFCCC on the way toward the Earth Summit (1992)

The UNFCCC did not set specific targets and timetables but it generally required Annex I (developed) countries to reduce their emissions by 2000 to “earlier levels” – quite a vague time references interpreted by some parties, including the EU, as meaning 1990 levels (Chasek, Downie and Brown, 2017). In addition, it envisaged

a regular review of states' commitments. Indeed, the UNFCCC was a compromise that incorporated both a substantial dimension with specific obligations, as well as a procedural dimension that guarantees future negotiations and the evolution of the regime.

Objectives and principles

The UNFCCC, following the model of a "framework" convention, aims to establish general objectives and obligations, as well as procedural elements outlining the institutional and legal mechanisms for the future development of the regime. In this sense, the UNFCCC is an instrument that establishes in general terms the objective of the international climate change regime, a set of principles that govern the actions necessary to achieve the regime's objective, a series of general obligations for the States Parties to the convention, and a set of mechanisms for the development of the regime aiming to ensure future negotiations. The ultimate objective of the UNFCCC is contained in its article 2 and it refers to the norm that stands at the basis and gives general meaning to the whole norms bundle of the international climate regime: the need to address climate change. Indeed, article 2 calls on states to achieve the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". This objective – according to the convention – should be achieved “within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner”.

It should be noted that the primary objective is set on the basis of an environmental threshold that must not be exceeded by the parties to the Convention, namely the concentration of GHGs in the atmosphere that however is not clearly defined. The definition of this level has constituted a contentious issue among the states parties to the convention, insofar as the framework convention does not specify what that level should be, neither in terms of temperature increase, nor of GHG concentrations in

the atmosphere. It should be noted that establishing these limits and identifying what would constitute a threshold that generates dangerous anthropogenic interference is both a scientific process, in which the work of the IPCC plays a fundamental role, and a process of political negotiation that requires the agreement of the States Parties to the UNFCCC (Blobel, Meyer-Ohlendorf, Schmidt, Schmidt-Ohlendorf, Schlosser-Allera, and Steel, 2006).

Principles

From the paragraphs of Article 3 of the Convention we can identify three fundamental principles. Indeed, one of the most important aspects of the UNFCCC that must be taken into consideration is the fact that this legal instrument was the first to establish the principles related to the issue of climate change. Among these stand out:

- 1) Equity: protect the climate system on the basis of equity and in accordance with the common but differentiated responsibilities of the different states;
- 2) Precautionary principle: the parties must take precautionary measures to prevent or minimize the causes of climate change and mitigate its effects.
- 3) Sustainable development: the parties have the right to sustainable development and should promote it.
- 4) Cooperation: the parties should cooperate in promoting an open and supportive international economic system conducive to economic growth and sustainable development for all parties.

However, these principles enshrined in Article 3 (UNFCCC) could be subject to different interpretations according to the views, identities and interests of the parties, as will be seen in chapter 6 with regards to equity and the CBDR principle.

For the purpose of this thesis, it is worthy to put particular attention to equity principle. The principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) is based on the recognition of the unequal distribution,

between developed and developing states, of both historical GHG emissions that contributed to climate change and current GHG emissions at the time of the adoption of the Convention. It is also a recognition of the different capabilities and resources that developed and developing states have to address the causes and effects of climate change in meeting the ultimate objective of the Convention (Blobel, Meyer-Ohlendorf, Schlosser-Allera, and Steel, 2006). The Convention therefore differentiates between the States Parties into three groups: Annex I, Annex II and non-Annex I countries. The 41 industrialised countries in Annex I are considered relatively wealthy countries and include in the list those that were members of the Organisation for Economic Cooperation and Development (OECD) in 1992 as well as countries considered economies in transition (EITs) in Central and Eastern Europe, which were major emitters of GHGs and had greater financial and institutional resources to address climate change. Annex II is a further differentiation between Annex I countries and consists of all of them except the EITs, in recognition of the economic transition process. Finally, all non-Annex I countries are so-called "non-Annex countries" that are considered developing countries.

In contrast to the vagueness of its main objective (stated in article 2), the UNFCCC is much more explicit about another norm of the norm-bundle: the differentiation between Northern and Southern countries. The UNFCCC provides for two different types of commitments: general commitments that apply to all parties to the Convention, and specific commitments that apply only to the countries that in 1990 were considered "industrialized", based on the list of States belonging to the OECD, and that were listed in Annex I and Annex II of the treaty (those of the North). The architecture and functioning of the UNFCCC was thus conceived starting from the fundamental assumption – initially shared by countries and then contested – that climate change has been caused by countries of the North and suffered by those of the South, considered “victim states” (Clini, 2017; Engberg-Pedersen, 2011). This differentiation derives from the interpretation of the CBDR-RC principle that prevailed during the negotiation that led to the adoption of the UNFCCC. Indeed, the different interpretations of the CBDR principle given by the parties to the treaty

– on the basis of what states consider to be “equitable” and “fair” – have constituted a crucial and contentious aspect in the climate negotiations, with profound implications for the development of the international climate regime as will be seen in chapter 6 (Zevallos et al., 2014).

The Framework Convention (UNFCCC) had offered a general basis for developing subsequent actions and instruments to confront climate change. But its text did not include neither details on the specific emission reduction levels that should be achieved nor regarding the obligations that would correspond to each country in this regard. In this sense, it limited itself to indicating that the industrialized countries should return their emissions in the year 2000 to the levels of 1990. These commitments were not enough, and the negotiators of the Convention knew it, that is why they also agreed that, on the first occasion that the countries parties to the Convention met, they would examine this matter. In view of the fact that the UNFCCC does not contain specific emission limitation commitments, some authors have concluded that the provision for annual Conferences of the Parties (COPs) for further negotiation is "its main legacy", insofar as it could lead the international community to more stringent commitments in the following years. The UNFCCC thus focused on building institutions that would keep the process alive, in the hope that, as was the case with the international regime for ozone layer protection, the continuity of the meetings, together with increased scientific certainty, would be able to generate the necessary political momentum.

Before analysing the Paris Agreement – which regulates climate change at the international level in the post-2020 period – it is necessary to briefly review the previous evolution of the international climate change regime. In this regard, it is important to note the impact of the Kyoto Protocol as the first reinforcement of the UNFCCC, the process initiated in 2005 through the Bali Action Plan that culminated in "failure" at COP15 Copenhagen, and finally the Durban Platform that set the negotiations on the road to success at COP21 in Paris.

4.3 1997 – The Kyoto Protocol. The Institutionalization of the Norm Bundle

In the previous sections I identified the gradual emergence of three norms within the climate change norm bundle: first, the general norm regarding the need to combat climate change; second, the more specific norm on the convenience of negotiating quantified targets and legally binding timetables for limiting emissions; and finally, the clear differentiation between the commitments taken by Northern and Southern countries. These last two norms already featured in the UNFCCC – which created a clear North-South differentiation but on the contrary avoided to establish precise emission reduction targets – remained the ground on which the negotiation of the Kyoto Protocol was played out in the following years. This section focuses on the institutionalisation of a particular set of norms under the general heading of combating climate change. This institutionalisation took place with the adoption of the Kyoto Protocol in 1997. However, the period that goes from the start of negotiations and the entry into force of the Protocol was long and it lasted from 1994 to 2005. To pursue the main objective of the UNFCCC set out in article 2, countries relied on aggregate and non-binding objectives to be achieved by 2000. The first concrete targets came a few years later, when following the entry into force of the Convention (1994) and the first two COPs in Berlin and Geneva, the Kyoto COP3 (1997) was held where the countries managed to reach an agreement for the adoption of the homonymous protocol.

Table 2

The Kyoto Protocol	
Norms under discussion	Institutionalization of the two norms of the previous phase: targets and timetables, but only for countries of the North
Key actors	Contrast UE vs JUSCANZ
Agenda of the Negotiations	Negotiation of the Kyoto Protocol (1997) and its entry into force

The road from Rio to Kyoto began as early as 1995, when it was convened the first COP to the UNFCCC. At COP1 states' parties decided to start negotiation on emissions' quantitative limits beyond 2000 to be decided by the end of 1997 – recognizing in this way that the commitments that appeared in the framework convention were insufficient (Chasek, Downie and Brown, 2017). Since COPs often transfer large and potentially divisive issues into separate subsidiary bodies, COP1 created the Ad Hoc Group on the Berlin Mandate to deal with, among the other things, the issue of targets and quantitative limits to the emissions. Thus, as had already been the case during the negotiations leading up to the adoption of the UNFCCC, the issue of targets and timetables was at the centre of the debate and the negotiations towards COP3 in Kyoto. The issue of targets and timetables was divisive, allowing for a variety of opinions and positions among the state parties. On the one hand, while almost all OECD countries argued that new commitments should be taken, they were divided with regard to the form they should take. While some recommended to negotiate a UNFCCC protocol (the EU, for example), others preferred any other formula that would allow non-legally binding commitments. The United States did not support the negotiation of a protocol, but merely "stressed the need for new targets" (ENB, 1995). On the other hand, most developing countries argued that the commitments adopted so far were insufficient and that the new ones could not involve the South. However, China, fearful that an extension of emissions reductions would affect large developing countries, was also unwilling to push for new commitments, arguing that the negotiation of a protocol was premature (ENB, *ibidem*). Saudi Arabia, Kuwait and other oil-exporting countries even denied the desirability of negotiating any new commitments. These discussions shaped the first COP, held in Berlin in 1995 and during it the alliances that had begun to form in the preceding years crystallised. The major states were distributed into three poles, nucleated respectively around the United States and its JUSCANZ alliance (that included Japan, Canada, Australia and New Zealand) which tended to have positions coinciding with those of Russia and Ukraine; the EU (back then with 15 members, but often with the support of Central and Eastern European countries); and the

South, including the G-77 plus China, that in this period continued to play a secondary role, as will be seen below, but they firmly opposed any proposal that would require a reduction of emissions on their part.

Neither COP1 nor the Ad Hoc Group initially could find an agreement on some contentious issues related to the quantitative limits on emissions (targets), such as which countries would be bound by the commitments, whether they should be real cut compared to current level or simply a reduction of future emissions (Chasek, Downie and Brown, 2017). The Alliance of Small Island States (AOSIS) played a lead role by submitting the first draft of the protocol. Indeed, the (AOSIS), a coalition of 37 UN states which, while making an almost negligible contribution to GHG emissions, are hard hit by climate change because of their high exposure to some of its effects: sea level rise and increased frequency of extreme weather events. AOSIS was able to set the agenda by presenting a protocol proposal that included a 20% reduction in CO₂ emissions by Annex I members by 2005 compared to 1990 levels. Although this proposal was far from being acceptable to the other states, its breakthrough in the negotiations consisted in raising the question “if not this, then what?” (Grubb, Vrolijk and Brack, 2014). The EU, on its part, advanced a proposal with a double objective: reducing its emissions of 7.5 percent by 2005 from 1990 levels and of 15 percent by 2010. By making this (for the time) ambitious proposal the EU confirmed its lead-state role. On the contrary, the US suggested to stabilize GHG emissions at 1990 levels by 2008–2010 for all Annex I parties. During the negotiations, Australia supported by some other countries introduced another important issue: the one related to differentiation inside the Annex I group of countries. This was mainly thought as a way for some countries to set lower targets in the case it would be adopted an agreement that foresee targets and timetables.

This array of negotiating positions resulted in the Berlin mandate, adopted at COP1, which launched a process to negotiate a protocol or another legal instrument that would establish quantified and differentiated commitments to reduce GHG emissions, with the aim of mitigating the influence of human activities that cause climate change. In fact, the Berlin mandate called on the parties to the Convention to

“begin a process to enable [the COP] to take appropriate action for the period beyond 2000, including the strengthening of the commitments of the Parties included in Annex I to the Convention (Annex I Parties) [...] through the adoption of a protocol or another legal instrument”. The Berlin mandate thus called for setting "quantified limitation and reduction objectives within specified time-frames, such as 2005, 2010 and 2020", while recalling that this should not "introduce new commitments for non-Annex I parties". The states had until the third Conference of the Parties in 1997 to finalise their work.

As parties convened in Kyoto at COP3, divergences among countries had even increased. While, for example, the US in a first moment had proposed equal reductions for Annex I countries, it then moved to endorse the proposal on differentiation initially made by Australia to soften the burden that certain states would bear in the case of equal treatment. In addition, the US made it clear that it could not accept any emissions reduction targets for them unless emerging economies would be included in reductions commitments as well. Otherwise, this would have created a competitive advantage in favour of those emerging economies considered as unfair by the US. These emerging economies – first of all China and India – claiming the need to uphold (their interpretation of) the CBDR principle, strongly opposed the US proposal and any other proposal that would have entailed their involvement in emissions reductions, even if voluntary (Ott, 1998).

At the end of COP3, after intense negotiations, the Kyoto Protocol was finally adopted. The Kyoto Protocol followed an annex-based, differentiated structure by establishing binding emissions targets and stringent annual emissions reporting for developed countries (Annex I) while setting no mandatory targets for developing nations (Non-Annex I). By recognizing their significant, historical responsibility, 37 industrialized countries and economies in transition plus the EU (Annex I) committed to reducing overall global emissions by 5.2% compared to 1990 levels. This emission reduction target was to be achieved over the 2008–2012 period (the first commitment period). Within this collective objective, countries had different emissions reduction targets, ranging from an increase of 10 percent for Iceland to reductions of 8 percent

for the EU, 6 percent for Japan and Canada, and 7 percent for the USA (though, this last objective would never be formalized since the US did not ratify the Protocol). To achieve its objectives, the Protocol also established three market-based mechanisms that give Annex I countries the opportunity to reduce their emissions anywhere in the world in order to meet their own emission reduction targets. Emissions Trading, as set out in Article 17 of the Kyoto Protocol, is a system of tradable quotas based on assigned and calculated quantities that allows countries to sell their un-used emissions permits to countries that are over their targets. The allowed emissions are divided into assigned amount units (AAUs). The mechanism known as "joint implementation", defined in Article 6, allows a country with an emission reduction or limitation commitment under the Kyoto Protocol (Annex B Party) to earn emission reduction units (ERUs) from an emission-reduction or emission removal project in another Annex B Party. Finally, article 12 establishes the Clean Development Mechanism (CDM), which enables developed countries to finance emission reduction projects in developing countries and receive credits in exchange. These credits are called Certified Emissions Reductions (CERs).

The Kyoto Protocol did not have a specific temperature objective but operationalized the one stated in the UNFCCC, setting binding emission reduction targets for a group of industrialized countries (Annex I countries). In this sense, while the UNFCCC was the expression of the initial compromise at the political level between different stakeholders (North vs South), the Kyoto protocol could be considered as the operationalization of that compromise (Clini, 2017). Indeed, the Kyoto Protocol institutionalised the norms developed in the previous phase: firstly, the general norm of the need to fight climate change that was already present in the UNFCCC; secondly, that this fight should lead to the adoption of multilaterally agreed and legally binding targets; and finally, that these targets had to differentiate sharply between the responsibilities of the North and those of the South.

As a step in the evolution of the international climate change regime, it is necessary to highlight that the efficacy of the Protocol – in terms of stabilizing and reducing GHG concentrations in the atmosphere – has been limited. Firstly, because the

binding scope for the effective reduction of GHG emissions was limited only to a restricted group of countries (Annex I). This architecture became soon inadequate mainly as a consequence of the changes in the global economy and in global emissions distribution. The Kyoto “firewall” dividing the commitments between developed and developing countries became a problematic feature, particularly considering the rapid economic growth of a group of emerging countries with booming emissions (including China, India, Brazil, and South Africa) who, under the Kyoto regime, were exempted from emissions reduction obligation. Secondly, not all the states that were supposed to reduce their emissions have ratified the protocol. An emblematic example of this limitation is the case of the USA, the second largest global emitter of GHGs, which never ratified the Protocol (Hall, 2016). Likewise, despite having managed to negotiate and agree on a second commitment period between 2013 and 2020 for the Kyoto Protocol, thanks to the Doha Amendment of COP 18 in 2012, major GHG emitters such as Japan, Russia and Canada decided not to participate in it (Zevallos et al., 2014; Calvo Buendía, 2014).

The Kyoto Protocol entered into force in February 2005, ninety days after Russia ratified it in late 2004. For entering into force, the treaty needed the ratification by at least 55 countries, including enough Annex I countries that represented at least 55% of the world's greenhouse gas emissions in 1990. Without the ratification of the USA, responsible for 36% of emissions in 1990, because of the decision taken by the Bush administration, the ratification of Russia was the only chance for the treaty to come into force. Between 1997 and 2005, the negotiation of the rules for the implementation of the Kyoto Protocol – finally adopted in 2001 at COP7 – as well as the election of George W. Bush as US president, made progress on international climate politics very difficult. The EU had to work hard to avoid a cascade of renunciations after the announcement that the US would not ratify the Protocol. In any case, since the commitments included in the Protocol were due to expire in 2012, states had to face the debate on the future of the international climate regime immediately after its entry into force. This new negotiation took place under completely different conditions than the previous ones and led to fundamental

changes in the norm bundle and in climate multilateralism. The next sections will focus on these changes.

4.4 2005 – 2014: Before and After the Copenhagen Accord: A Transitional Phase for the Climate Regime. The Negotiations Leading Up to the Paris Agreement

This section analyses the many changes that have occurred in the period that goes from 2005 to the negotiation in Lima at COP20 in 2014, just prior to the adoption of the Paris Agreement at COP21 in 2015. Yet even before the Kyoto Protocol entered into force (2005), significant attention had already turned to the question of what would happen when the first commitment period of the protocol ended in 2012 and the process of regime formation had to renew. Many argued that negotiations on a regime to replace the Kyoto Protocol's first commitment period had to begin at the latest in 2008 to prevent a gap between the first and second commitment periods. The issue of how climate change should be regulated internationally in the post-2012 period was highly contentious. Indeed, achieving consensus on the nature of such an agreement was not easy and generated many divergences among the parties on multiple issues including its main goals, what should be the mechanisms for burden sharing on mitigation commitments, and how to regulate the differential treatment among countries possibly in such a way that those major emitters, i.e. China and the USA, whose emissions were not covered by the Kyoto Protocol would be included. The transformation that started to take place during this period with regards to the norms of the climate regime was also a reflection of other important changes that occurred in the fields of emissions distribution by country at the global level and consequently in the influence (or power) that certain countries reached in the negotiations. Indeed, in the period starting from approximately 2005, the position of some states and the composition of state coalitions as well as other negotiation dynamics underwent several transitions that characterised the entire phase until the adoption of the Paris Agreement in 2015.

The growing emissions of China, India and some other countries of the South with emerging economies put them at the forefront of international climate politics, since without their substantial participation there could not be any possible solution to climate change. This was reflected in the increased awareness of many states, cross-cutting the division North-South, that the future international climate regime had to include some type of commitment to limit emissions by, at least, some large developing countries that under the Kyoto Protocol were not subject to any limitation. Due to this reason the South and the front of developing countries more and more struggled to find a solid unitary negotiating position due to their increasingly divergent views and interests. The influence gained by these actors (i.e. emerging economies and rising emitters) has been lost by the EU for symmetrical reasons, in addition to those connected with the economic crisis (2008 – 2012) that made more difficult for the EU to take a leading role (Chasek, Downie and Brown, 2017).

The modification in the distribution of emissions by country that led to a redistribution of influence exercised by different countries in the negotiations, consequently reflected on adjustments and changes that occurred in the norm bundle. While the general norm on the will to fight climate change remained unchanged, all the others entered a process of contestation and revision including the norms on the need of establishing or not legally binding targets and timetables for the reduction of emissions and the one on whether there should be a differentiation in obligations (on mitigation) between countries of the North and those of the South. The crisis of these norms was definitively evident at COP15, held in Copenhagen in 2009, but it did not lead to a new institutionalization of the norms until COP21 in Paris in 2015, that brought to a new architecture of the climate regime and thus a modification of the institutional dimension.

The negotiations for the international regulation of climate change in the post-2012 period began in 2005 at the COP held in Montreal, where two negotiating tracks were launched: one under the Kyoto Protocol and one under the UNFCCC. The fact of organizing the negotiation on the future of the regime through two different channels was the result of a compromise solution to manage the existence of two conflicting

projects regarding the future of the post-2012 international climate regime. On the one hand, the South wanted the new legally binding commitments and targets of the North to be at the centre of these negotiations. The South – whose position coincided mostly with that of G77 + China – was committed to prioritizing the negotiating track aimed at renewing the Kyoto Protocol, whose Annex B provided for Quantified Emission Limitation and Reduction Commitment (QERLC) only for the North (industrialised countries). The North, on the other hand, considered this position as being outdated since it was based on a strict differentiation of commitments that no longer corresponded to the new reality of the distribution of GHG emissions by country. Therefore, they prioritized the other negotiating track, which left more possibilities open to find solutions for including the South (or part of it) into the commitments for limiting the emissions. The disagreement reflected a new negotiating dynamic increasingly present in this new phase of the international climate regime. Almost for the entire first decade of the UN climate regime (i.e. until the early 2000s) the interest of the parties' delegates to the climate negotiations was almost exclusively directed on how to reduce developed countries' emissions (Chasek, Downie and Brown, 2017). At that time the main “cleavage” was between the EU and the US (Kalantzakos, 2017). Developing countries, although formally involved in the negotiations, were set aside in terms of their involvement in finding a solution to the climate challenge – that focused primarily on developed countries contribution (Bodansky, 2010). Starting from the early 2000s, almost simultaneously with the entry into force of the Kyoto Protocol (2005), climate negotiations increasingly focused on the possible substantial involvement of developing countries, feeding divergences and creating contrasts over a possible re-interpretation of the CBDR principle – in consideration of its repercussions over the subdivision of the mitigation burdens among countries. Some obstacles that made it more difficult to find a compromise were related to the diverging views on the issue by the US and China, the two world's major emitters and largest economies. The USA wanted the future agreements to foresee binding mitigation commitments for both developed and developing countries; on the contrary, China, supported by other emerging economies, rejected

this possibility, even in the case of differentiated commitments. At the same time, the great majority of Annex I parties would not agree on renewed targets unless all the major emitters (including China and the US) were included in the scheme. In 2005 thus began a phase that lasted several years in which the negotiations were, to a large extent, a meta-negotiation: Which of the two tracks was going to reach an agreement first? Which of them was going to influence the other?

The real foundations for post-2012 regime began to be created in 2007 during COP13 in Bali. Some of the most contentious issues at the negotiations concerned what form should take the new legal instrument; what kind of targets and timetables should be adopted, and which countries would be bound to reduce their emissions; should developing countries assume specific commitments in exchange of technology transfer and financial assistance. At COP13 it was decided that the work in Bali should led, two years later, to reach a new global agreement on the occasion of COP15 for the post-2012 period. The Copenhagen summit (COP15) was expected to be a milestone in global climate politics (Bodansky, 2016): for many it would have been the culmination of the *top-down* approach, which for over 15 years had characterized the negotiations in the attempt to impose objectives and targets from above to the countries deemed most responsible for the problem and that were the holders of the tools and resources to address it. The negotiations leading up to COP15 stuck in a stalemate “as countries seemed overly cautious of not yielding their positions” (Josephson, 2017). In particular, many developing countries deemed important not to lose the advantage they had under Kyoto claiming to maintain the strict differentiation also in the second commitment period. However, the developing countries front was fragmented: while some developing countries, i.e. India and China, were against any new legal instrument, others, among which the AOSIS, favoured it (Bodansky, 2010). Many of the fundamental issue under negotiation at COP15 could not be resolved and it did not meet the high expectations that preceded it. It is worth noting that already at COP13 in Bali it was not possible for the parties to agree on what legal form the Copenhagen outcome should take. The fact that the parties could not agree on whether the accord would be legally binding represents a signal that something

was broken in the consensus built from the entry into force of the UNFCCC. For better or worse, and although fragile, agreement on the need for legally binding emission limitation commitments and targets dated back to the 1995 Berlin Mandate, but by 2007 this consensus had disappeared. In addition, the sharp division of the two negotiating fronts of Northern and Southern countries was as pronounced as ever. The disagreement in the negotiations around a redefined North-South cleavage and the breakdown of basic normative consensus responded to the same underlying process: the rise of large developing countries as central actors in the negotiations, due to the growth of their emissions because of their growing economies. Most developing countries objected to any decision that they see as contravening their interpretation of the CBDR principle, while some developed countries refused additional commitments, arguing that they would impair their competitiveness and comparative advantage over emerging economies (Clini, 2017).

During the COP15, while negotiations continued the formal two-track process (with very little progress), informal discussions between delegations of a restricted group of countries took place to try to hammer out a political deal. Following this informal and confidential venue, the representatives of a restricted group of countries, led by the diplomatic efforts of the US and China, finally agreed on a political accord that then was presented to the plenary session for its adoption (ENB 12, no. 459). Rather than formally adopting the Copenhagen Accord, the COP agreed to merely take note of it. The result was a political rather than a legal document, but still, it signified a turning point in the general approach to address climate change as well as in the way of interpreting the CBDR principle. Indeed, the political stalemate of the conference resulted in a document – the Copenhagen Accord – that probably deserves more credit than it generally has been given. The Copenhagen Accord represented a creative compromise that avoided a breakdown of the climate regime and introduced some of the elements that will characterise the next phase of the climate regime with the adoption of the Paris Agreement. For the first time, a long-term aspirational global goal of limiting temperature rise to no more than 2°C was identified. The accord provided for explicit emission pledges by all major economies – including, for the

first time, China and other major developing countries – but charted no clear path toward a treaty with binding commitments. Non-Annex I parties – previously exempted by any mitigation commitments – were subjected to implementing ‘nationally appropriate mitigation actions’ establishing in this way a process for recording voluntary mitigation targets and actions of both developed and developing countries. Both achievements came to be significant hallmarks of future developments, and particularly the latter signalled that even major developing countries had softened in their rhetoric concerning how CBDR should guide future efforts. It was the first time that the BASIC countries had accepted that their domestic climate change policies would be subject to international scrutiny (Josephson, 2017). By establishing a process for listing both developed-country targets and developing-country actions, the Copenhagen Accord satisfied the demands of symmetry made by many countries, including the EU and the US. By establishing only political commitments for developing countries, it satisfied China’s rejection of legally binding obligations. And by focusing on a political rather than a legal outcome, it postponed the decision about whether to continue the Kyoto Protocol (Chasek et al., 2017; Bodansky, 2010). Certainly, Copenhagen appeared to have shifted the static relations between the developed and developing world that had culminated in 2007 (Bodansky, 2010).

The following year, in December 2010, COP16 in Cancún went almost unnoticed despite the establishment of the Green Climate Fund, which would become the largest global fund to provide financial assistance to developing countries to implement mitigation and adaptation projects. The Cancun Agreement served also the purpose of “creating trust after the failure of COP15” (Clini, 2017). By the time it was clear that the Kyoto Protocol architecture was unacceptable to many countries as a model for a new climate regime and thus further attempts to apply a *top-down* approach would lead to new failures: it would no longer be possible to bind industrialized countries to adopt targets that they found too strict, especially until the moment when developing countries would not do the same (Brocchieri, 2020).

Among the other things, reaching the Cancun Agreement was made possible by the more cooperative attitude between China and the USA, the two major GHG emitters. In particular, one key point regarding China's new posture was fundamental. It regards the fact that China moved from supporting only voluntary mitigation actions (as in Copenhagen) to supporting the measurement, reporting, and verification of these actions (Zhang, H., 2013). Furthermore, the Cancun Agreement confirmed and reinforced the overturn of the top-down, differentiated architecture typical of the previous UN climate treaties, that started to be supplanted by a regime characterised by a bottom-up and without differentiation approach.

After the failure to reach a legally binding agreement in Copenhagen and the inability in Cancun the following year to determine the future of both the Kyoto-track and the Bali Action Plan, the turning point came at COP17 in Durban (2011) with the establishment of the Durban Platform for Enhanced Action. Its objective was to develop a protocol, another legal instrument, or an agreed outcome with legal force under the Convention applicable to all Parties, to be reached no later than 2015 in order to be adopted at COP21 and for it to come into effect and be implemented from 2020. The new platform would be based on a bottom-up approach, with the aim of reaching a global agreement where all countries, developed and developing, would contribute to the reduction of greenhouse gas emissions. Thus, at COP 17 it was further consolidated the logic of ending differentiation between North and South. In the final text of the Durban Platform there are no references to fundamental principles such as equity and CBDR, unlike the Copenhagen Accord and the Cancun Accord. Their absence - for the first time in two decades of climate negotiations - is therefore a significant feature (Clini, 2017; Hurrell and Sengupta, 2012). The Durban Platform assured the continuity of international negotiations, but because of the positions of key strategic actors, such as the US and China, progress took place at a slow pace (Conrad 2012; Grubb 2010). The new geoeconomics and geopolitical scenarios determined a redefinition of the alliances at COP17 that became ever more transversal to the North-South divide: for example, the EU, the LDCs and AOSIS aligned their negotiating positions on many issues. Meantime, the increased divide

between China and other developing countries (e.g., LDCs), both in economic and emissions terms, made appear – at the eyes of many developing countries – China’s interests closer to that of developed countries determining a fragmentation on the G77+China front. After the failure in Copenhagen, the EU was among the most active players in attempting to invigorate the international negotiations process to reach a global agreement for regulating climate change in the post-Kyoto period. In Durban, at COP17 in 2011, it agreed to extend the Kyoto protocol for a second commitment period, on the condition that a future global agreement would be negotiated by 2015 and come into force in 2020 (UNFCCC 2011b).

The following year, at COP18 in Doha, with the adoption of the Doha Amendment it was established a second commitment period of the Kyoto Protocol from 2013 to 2020, which in turn led the BASIC countries to accept the mandate of the Durban Platform and also the USA to do the same (Bodansky, 2016). China’s cooperative attitude towards the US at COP20 in Lima, preceded by a deal among these two countries before the conference, helped to find an agreed outcome. COP20 formalized the request made to all countries to voluntarily submit an Intended National Determined Contribution (INDC), containing the promise of a series of mitigation and adaptation measures. These INDCs should have been communicated to the UNFCCC Secretariat well before COP21 in order for the Secretariat to have the necessary time to prepare, within that conference, a report on their aggregate effect and therefore assess whether they were in line with the scenarios necessary to ensure the maintenance of global average temperatures below the thresholds indicated by science. The progress made at COP20 in Lima played a fundamental role in bringing the success of COP21 the next year.

4.5 2015 – Paris Agreement. The Re-Institutionalization of the Norm Bundle

The Paris Agreement, adopted at COP21 in 2015, is generally considered the first legally binding climate agreement with a deep global connotation (Kinley et al. 2021). As described above, after Copenhagen years of difficult negotiations began. The negotiation did not get unlocked until the USA and China jointly announced, in

November 2014, the conclusion of a bilateral deal with the purpose of strengthening their cooperation on emission reductions. Under this deal, the USA would reduce its emissions by 28% by 2025 compared to 2005 levels and China would begin to reduce its emissions in 2030. The pledge made by these two countries resulted from an effort of pragmatic cooperation and played a key role in the successful outcome of CO21 since it incentivized other parties to submit their own reductions pledges (Parker and Karlsson, 2018). China and the USA, representing at the time around 40% of global emissions, were considered by all the stakeholders as fundamental actors to conclude any climate treaty because their involvement was essential for any real solution to the problem of climate change. The agreement, which demonstrated the interdependence of their respective positions, opened the doors to the negotiation of the Paris Agreement, which was eventually reached the year after. Differently from COP15, at COP 21 heads of state and governments voted for a new legally binding treaty, finally adopted by 196 countries. This agreement, often described as a hybrid, was the result of the overwhelming force of an alliance of states calling itself the High Ambition Coalition, which basically consisted of the bloc articulated by the EU in Durban (with AOSIS and the group of African countries), in addition to the USA (which had for its part reached a pact with China) and other hitherto reticent states such as Canada and, from a certain point on, Brazil. It became difficult for other countries to hinder a group that contained the main victims of climate change, some of the states traditionally more resistant to climate politics, the traditional leaders of the climate negotiations, and some large countries of the South. The attractiveness of the coalition was very high, and it is exemplified by the fact that the Australian government felt forced to announce its accession to the agreement when the conference was already over.

The Paris Agreement, which regulates the post-2020 period, marked a strong change of direction compared to previous regime architecture. This treaty was built on the idea that the new major emitters, previously exempted from any commitments, were to be included in the mechanisms of mitigation envisaged by the UN climate governance. The idea at the basis of the Paris treaty is that every country, without

distinction between developed and developing ones, would set goals to curb carbon emissions in an effort to avert the worst effects of climate change.

The Paris Agreement marked some important changes with regard to the two main norms traced in this chapter. As regards the differential treatment norm, the Paris Agreement overcame the traditional concept of differentiation of obligations between developed and developing countries: the so-called "bifurcation", by introducing rules and provisions common to all adhering parties - while guaranteeing at the same time specific forms of flexibility for those developing countries that need them based on their respective capacities. With this regard, though considerable divergence among countries during the negotiations, the final version of Article 4 of the Paris Agreement keeps some degree of differentiation, by stating that:

“Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances” (UNFCCC, 2015: art 4, para 4, p. 22).

This article’s wording resulted from a compromise between those countries (including China) that desired some sort of differentiation and those that wanted to go beyond the previous understanding of the Annex-based strict ‘differential treatment norm’, which furthermore according to their view, was one of the factors that determined the lack of effectiveness of the Kyoto Protocol.

The new architecture established by the Paris Agreement eliminated ‘targets and timetables’ as well. As already seen, Article 3 of the Kyoto Protocol established that the countries included in Annex I had to contribute, collectively, to the reduction of global emissions by at least 5% compared to 1990 in the period from 2008 to 2012; to do this, specific binding commitments were assigned for each of them, according to the percentages indicated in Annex B. On the contrary, the Paris Agreement does not provide a specific list of targets for individual countries; instead, it adopts a bottom-up approach: the definition of the commitments to reduce GHG emissions

depends on the independent national choices of each state, which present them by their National Determined Contributions (NDCs). Thus, the Paris Agreement lacks the centralized, *top-down* approach of the Kyoto protocol, meaning it does not impose any specific reduction target to any country or group of countries, instead leaving governments themselves indicate their objectives and national policy measures through the NDCs, recognized on the international scene as the main instrument of climate action under the agreement. If taken cumulatively and fully respected, these contributions should allow the international community to achieve the objective of keeping the temperature well below 2°C – ideally 1.5°C – by the end of the century. Furthermore, according to the provisions of the treaty, these plans must be updated every five years and, above all, they must pursue a growing ambition.

Table 3

	Paris Agreement
Norms under discussion	Crisis of the previous norm bundle: <ul style="list-style-type: none"> • Nationally Determined Contributions • No rigid distinction between countries: subtle differentiation of countries' responsibilities
Key actors	Growing influence of emerging powers (particularly China)
Agenda of the Negotiations	Paris Agreement (2015)

In short, the climate multilateralism architecture put in place by the Paris Agreement has made it possible to cut one important gordian knot of the climate negotiations involving all the major emitters in the system of commitments to combat climate change. Although there are instances in which the Paris Agreement still has elements of more concrete differentiation – such as some provisions on finance, technology, and capacity building – the categorization of developed/developing countries is undefined and therefore leaves the structure much less rigid than before when it was characterized by lists of countries included in the Annexes (Chasek et al., 2017; Bodansky, 2016). This new model of international climate regime made it possible to

put an end to the rigidity of the Kyoto Protocol regarding the differentiation between the commitments of the countries of the North and those of the South, but in fact maintaining, by the very design of the agreement, the idea of differentiation since each state has the possibility to unilaterally decide what is the level of commitments most appropriate for itself.

To conclude, with reference to the norm bundle analysed in this chapter, the Paris Agreement completed and institutionalized the shift – initiated already at COP15 in Copenhagen – towards an undifferentiated, bottom-up system based on pledge and review departing from the differentiated, top-down architecture based on targets and timetables typical of – though in different measures – the UNFCCC and the Kyoto Protocol.

4.6 Conclusions

For the purpose of this research, it is possible to detect some main shifts that have characterised the evolution of the UN climate regime. As emerged above, they are: the shift from the top-down Kyoto architecture to the bottom-up Paris outcome that meant the shift from setting binding targets for emissions reductions only for industrialised countries under the Kyoto Protocol to mandating voluntary contributions from all countries under the Paris Agreement; the move from the strict binary differentiation between developed and developing countries to an architecture where all the countries are included in the mechanisms of mitigation envisaged by the UN climate governance; the transformation of the North-South divide in the negotiations, that although had always been heterogeneous groups, they went through a process of further internal fragmentation and the creation of transversal alliances at the COPs. Finally, it is worthwhile to draw attention to the possible emergence of a new norm in the international climate regime that regards climate neutrality.

The issue of how to differentiate efforts fairly around mitigation (burden sharing) has always been central and controversial in UN climate negotiations. Over the past 30 years, there has been a profound shift in how emissions reductions are distributed between states under the UN regime. As seen in the previous sections, two main

norms have been central to this debate throughout the UN climate negotiations: the norm regarding the idea that an international treaty regulating climate change should guide the mitigation action of its parties by establishing legally binding targets and timetables for the reduction of GHG emissions; and the norm on whether there should be a differentiation in obligations (on mitigation) between countries of the North and those of the South, or between developed and developing countries. The first norm on targets and timetables was institutionalised in the Kyoto Protocol, it was severely contested during the first decade of the climate negotiations and it was not included in the Paris Agreement. The norm on differentiation followed the same path, being institutionalised in the Kyoto Protocol and being practically abandoned in the Paris Agreement.

These norms had profound implications for the institutional architecture of the UNFCCC and subsequent climate agreements – the Kyoto Protocol and the Paris Agreement – that have come up with different schemes for the distribution of mitigation efforts among parties. As aforementioned, the Kyoto Protocol followed an annex-based, differentiated structure by ascribing emissions reductions (formally Quantified Emission Limitation or Reduction Objectives; QELROs) and stringent annual emissions reporting for developed countries (Annex I) while setting no mandatory targets for developing nations (Non-Annex I). Although perhaps efficient the approach based on QELROs was certainly not equitable given the different trends of GHG emissions increases (or decreases) across countries. It was perhaps also not effective as the emissions did not slow in many states and industrialized countries became less willing to sign up to the Kyoto Protocol's second commitment period (2013 – 2020).

Mainly as a consequence of the changes in the global economy and in global emissions distribution, the Kyoto architecture became inadequate. The Kyoto “firewall” dividing the commitments between developed and developing countries became a problematic feature, particularly considering the rapid economic growth of a group of emerging countries with booming emissions (including China, India, Brazil, and South Africa) who, under the Kyoto regime, were exempted from emissions reduction obligation.

The Paris Agreement, which regulates the post-2020 period, marked a strong change of direction compared to previous regime architecture. This treaty was built on the idea that the new major emitters, previously exempted from any commitments, were to be included in the mechanisms of mitigation envisaged by the UN climate governance. The idea at the basis of the Paris treaty is that every country, without distinction between developed and developing ones, would set goals to curb carbon emissions in an effort to avert the worst effects of climate change. While in the Kyoto Protocol there was a clear differentiation of obligations between developed and developing countries, in terms of emissions reduction, the Paris Agreement eliminated the so-called "bifurcation" (or firewall) between the two groups of countries by creating rules and provisions common to all parties. In addition, it lacks the centralized, top-down approach of the Kyoto protocol, meaning it does not impose any specific reduction target to any country or group of countries, instead leaving governments themselves indicate their objectives and national policy measures through the "Nationally Determined Contributions" (NDCs).

Finally, the regime established by the Paris Agreement has favoured the birth of a new norm. As we have just seen, the Paris Agreement represents an important shift in the institutional design adopted by climate multilateralism; a turn that responds to the normative preferences of – in the first place – the key actors in the last phase of the negotiations, such as China and the EU among others. In a regime like the one designed in Paris, once the group of pioneer states reaches a sufficient critical mass, the spread of norms and standards about what is ambitious enough and what is not can happen at great speed. Once this critical mass (which however is difficult to determine) has been reached, the most advanced states will be able to point out and shame (naming and shaming) the laggards. This is a mechanism equivalent to that indicated by Finnemore and Sikkink's normative cascade concept. This could be precisely the process that is taking place with the diffusion of the goal of climate neutrality by 2050; with the adoption by a growing number of countries of the goal of achieving net zero greenhouse gas emissions by mid-century. At the international level, the race between the various countries of the world has begun to take a leading

role in the challenge towards climate neutrality. Many countries, including the USA, the EU and Japan have announced their willingness to achieve net-zero emissions by 2050, while China by 2060. Increasingly, in the international community, the goal of climate neutrality is seen as the indicator that the state's goal is up to the task. Paradoxically, a treaty – such as the Paris Agreement – that is not based on binding targets and timetables for emissions reduction but on nationally determined contributions may have increased the influence of international normative entrepreneurs because it facilitates the articulation of alliances between these actors and states that hold more ambitious positions, with the hope of modifying the framework of the discussion and unleashing processes such as the one on reaching climate neutrality.

CHAPTER 5

DETECTING THE EU'S AND CHINA'S NORMATIVE POWER BY CHARTING THEIR (CONFLICTING) INTERPRETATIONS OF FAIRNESS PRINCIPLES IN THE UN CLIMATE GOVERNANCE REGIME. THE CASE OF COP3, COP15 AND COP21

Growing anthropogenic GHG emissions have been causing the earth's climate to change. Thus, limiting the adverse effects of climate change requires substantial and sustained reductions in GHG emissions (IPCC 2022; 2021; 2018). Achieving the necessary emission reductions entails an aggregate effort by most, or ideally all, significant emitting countries. The EU and China are two of the largest emitters of GHG, accounting respectively for around 8% and 28% of current global emissions. As regards their responsibilities for historical emissions, data are different as the EU counts for 22% while China for around 12.5% in the period starting from 1750 to nowadays. As emerged in previous chapters, while the EU has been playing a key role in international climate negotiations for years, China has been part of the UN climate regime since the beginning but it has increased its engagement in recent years – though with alternating phases – becoming a crucial actor not only to meet the objectives of the current regime, but also for imagining any further strategy at the multilateral level that is effective in mitigating climate change and tackling the climate crisis (von Lucke, 2023; Yeophantong and Goh, 2022). The growing centrality of China within the UN climate regime arises within the framework of an increasingly multipolar world, with rising powers acquiring new capacity and responsibility as leaders and norm-challengers and/or -setters in international regimes (Falkner and Buzan, 2022; Noesselt, 2016). Consequently, understanding the EU's and China's diverse conceptions of equity and fairness is of fundamental importance not only to

provide an historical reconstruction of their climate policies and strategies but also for identifying divergences and common points of view that could be useful to figure out what mitigation schemes and mechanisms have been perceived as fair and equitable in the past by both actors and which one could be considered so in the future.

As seen in Chapter 4, for around three decades, countries participating in UN multilateral climate negotiations have been trying to find consensus around a set of principles that could generate the aggregate effort necessary to tackle climate change mainly by reducing the level of emissions. The issue of how to differentiate responsibilities and efforts fairly around mitigation (*burden sharing*) has always been central and controversial in all the UN climate negotiations. In the context of these negotiations finding a common view on how to allocate mitigation responsibilities among parties has proved to be complicated due to – among other things – diverging interpretations of fairness, reflecting different conceptions of equity. As analysed in Chapter 4, parties to the UN climate governance system have tried to agree on principles over *who* has to contribute, and by *how much*, to mitigation efforts. Who will have to bear the brunt of the costs of mitigation – and why? Any reasonable answer to this question and, therefore, any position taken by the parties in the negotiations, entails some kind of normative positioning. Thus, this chapter focuses on the normative positioning on issues of fairness and equity on mitigation, investigating how they have been understood and interpreted by the EU and China throughout the different UN climate negotiations. This together with the analysis on the outcomes – as described in the analytical framework in Chapter 3 – could provide useful elements of reflection for evaluating whether the EU and China have exerted normative power. To understand how these issues have been understood and interpreted by the EU and China I focus firstly on the CBDR norm – here considered as an organising principle according to the norm classification scheme proposed by Wiener (2014) (see Chapter 3). Indeed, most of the schemes that regulates the distribution of responsibilities for mitigation commitments among parties in the different treaties and legal instruments part of the UN climate regime are based on this specific norm. As for many other

norms that underpin the UN climate regime, the CBDR organising principle and the form it should assume has been at the centre of almost every debate during the climate negotiations, and it has been a highly contentious issue (Rajamani, 2018; Josephson, 2017; Sands and Peel, 2012; Honkonen, 2009). This norm has been interpreted differently among parties, and there has been considerable disagreement among them on how to operationalize it according to their conception of fairness and equity. The EU and China are not an exception, and they have been key actors in this debate throughout the different phases of the UN climate negotiations acting as leaders in diffusing their respective positions/interpretations (Petri and Biedenkopf, 2020).

The case of the CBDR principle, at the basis of the equity norm in the climate regime, is quite unusual compared to other principles and norms (Stalley, 2018). Indeed, as it has emerged from the literature review (Chapter 1), the rise of CBDR in international environmental politics, and in the international climate regime more specifically, initially has mainly been promoted by developing countries rather than being diffused towards them (Stalley, 2018; Acharya, 2017, 2011). This case thus has been used by some authors to indicate as developing countries could also be “norm shapers” instead of just “norm takers” (Stalley, 2018; Jinnah, 2017; Acharya, 2011;). Developing countries, with China at the forefront, strongly supported the insertion of the CBDR organizing principle into the climate regime, leading to its first mention as an official international principle in the 1992 Rio Declaration and in the UNFCCC (Pauw et al. 2014). Based on the literature, it is clear that China did not create the CBDR norm on its own, but rather that it has been one of “the norm’s key architects and most vocal advocates” (Stalley, 2018). The EU, after the adoption of the UNFCCC, was among those actors that on several negotiating occasions under the UN regime pushed for revisiting the meaning of the CBDR principle as initially understood, according to its conception of fairness and equity – that are thus important to detect (Petri and Biedenkopf, 2020).

With regards to the climate case, fairness has been comprehensively analysed by the literature (Tørstad, 2016; Undedal and Wei, 2015; Gampfer, 2014; Sunstein, 2007). Nevertheless, this theoretical interest has not been followed by sufficient

empirical research. There are few exceptions to this trend (Sælen et al., 2019; Underdal and Wei, 2015; Kallbekken et al., 2014) but more research is needed. Moreover, systematic studies around distributive justice and fairness principles invoked by the parties that retrace the historical evolution of the UN climate negotiations at critical junctures seem to be missing (Petri and Biedenkopf, 2020). The analysis carried out in this chapter attempts to fill this gap by providing an overview of the distributive fairness and equity dimensions in UN climate negotiations, with a focus on the EU and China. This chapter demonstrates how differing conceptions of fairness represent an important cleavage in climate negotiations, and it does so by analyzing the EU's and China's usage of fairness principles in the interpretation of CBDR over the 1992-2020 period. In this chapter climate negotiations are analysed at the COP's level, that is the supreme decision-making body of the Convention where the parties review and make decisions necessary to promote the effective implementation of the Convention itself and of any other legal instruments the COP may adopt. As recalled in Chapter 3, in this analysis the COPs are approached as political sites where it is possible to detect the parties' preferred norm (interpretations) and the boundaries of what they deem to be appropriate conduct in climate governance. They are arenas where these norms are invoked. In other words, COPs are repositories of norms emergence and diffusion (Petri and Biedenkopf, 2020). Due to these reasons, the COPs constitute the main focus of my analysis. Thus, to deepen my understanding of the fairness conceptions as well as the normative power exercised by the EU and China in the context of the UN climate regime, I analyse the evolution of their interpretation of fairness during the UNFCCC COPs that led to the adoption of the three, above-mentioned important international agreements in the field of climate change: the Kyoto Protocol (COP3), the Copenhagen Accord (COP15) and the Paris Agreement (COP21).

Building on a framework based on the normative power approach – as outlined in Chapter 3 - I use manual content analysis to examine documents on the UN climate negotiations. The result is an overview of how the EU and China invoke different fairness principles (and thus different conceptions of equity norm)

throughout the analysed time period. The first part of the analysis presented in this chapter enquires into how the EU and China invoke fairness within the context of UN COPs and consequently how their conceptions of fairness and equity – enshrined in their interpretation of the CBDR principle – have shifted over time, providing an answer to the question: *What are the EU's and China's interpretations of fairness principle enshrined in the CBDR organizing principle, and how have they evolved over time?*

Conducting such an analysis entails an understanding of what fairness is. This chapter makes use of three different understandings of the fairness principles identified by the literature (as conceptualized in Chapter 3), that have been invoked by the parties and that are at the basis of the different possible interpretations of the CBDR principle: (I) fairness as responsibility; (II) fairness as rights or needs; (III) fairness as capability to solve the problem.

Then, the chapter illustrates how fairness and equity principles affect substantive outcomes in the UN climate regime. Indeed, the second part of the chapter proceeds by answering a second related question: *Which of these interpretations have been adopted in the UN treaties on climate change?*

The analysis looks at which scheme has been agreed upon in the different treaties that regulate or regulated climate change at the UN level to detect the 'normative impact', as indicated in the analytical framework (see Chapter 3). This serves the purpose of analysing whether the EU's and China's visions of the norm are also reflected in the articulation of the UN climate regime. Indeed, as anticipated in Chapter 4, the UNFCCC and subsequent climate agreements – the Kyoto Protocol and the Paris Agreement – have come up with different architectures around the distribution of mitigation efforts among parties. Most of these schemes are also based on a specific interpretation of the CBDR principle that have prevailed over the others.

Finally, the chapter discusses the implications of the findings of the two-fold empirical analysis for climate negotiations, to detect some elements of the exercise of normative power by the EU and China under the UN climate regime.

Thus, in analysing the evolution of the EU's and China's positioning under the UN regime, I look primarily at them from a *global justice* angle. Since I focus on the distribution of responsibility for climate change mitigation, my understanding of justice focuses predominantly on distributive justice. The fact that a climate treaty is considered to be equitable and fair by its members, has also been identified by the literature as a requisite for being effective (Tørstad, 2016). However, states rarely agree on what constitutes a fair treaty, as they are moved by different fairness conceptions (Winkler and Beaumont, 2016). This generally determines divergences, conflicts and contestation during the negotiations as exemplified by divisions that usually emerge throughout the UN climate negotiations between developed and developing countries, or between large and small emitters and different regional groups (Ülgen, 2021).

The next part of the chapter is structured as follow. The first part sets the context by tracing the development of the CBDR organising principle throughout the different phases of the UN climate regime – by also taking some elements from what emerged in Chapter 4. Then, I examine the evolution of the interpretations of the principle given by the EU and China, given the ambiguous nature of the norm under scrutiny in terms of the different meanings that can be attached to it by the different parties. In particular I examine – through a quantitative content analysis – how this principle has been invoked at the international level to present the EU's and China's respective interpretations of the CBR principle and what they consider to be fair in relation to climate mitigation. I then look at the outcomes of the diffusion process, highlighting whether by invoking different interpretations of fairness the EU and China have been exerting any form of normative power.

5.1 A Case of Distributive Fairness under the UN Climate Regime: The Evolution of the CBDR Principle

Operating as one of the central pivots on which the global climate regime and the appropriate code of conduct in climate governance are founded, the CBDR centrality is widely accepted by all states, as it is demonstrated by its presence – explicit or implicit – in all decisions and instruments adopted in the framework of the climate negotiations (Stally, 2018; Brunnee and Streak, 2013). The CBDR principle is thus central for the functioning and the architecture of the UN climate regime.

Since I argue that different understandings of climate fairness and equity do not simply originate from different material interests, but they also structures states' conceptions of their interests, detecting the conceptions of fairness that stands behind the EU's and China's understanding of the CBDR principle is critical to detect what kind of beliefs and views have been guiding these countries in their efforts to establish a climate governance regime under the UN perceived by them as fair. Indeed, despite its continued presence and centrality within the international legal framework for climate governance, CBDR has been interpreted differently depending not only on the level of development of different countries – albeit with nuances and exceptions in this clear division – but also on their different conceptions of equity and fairness. Generally, while developing countries have tended to interpret it as a burden-sharing principle grounded on historical responsibility, developed countries have placed an emphasis on capability (Brunnee and Streak, 2013). In particular, countries have expressed different views depending on whether they argued that the basis for differentiation should lie on the level of capability (i.e., economic development) or historical responsibility and thus the level of GHG emissions in the atmosphere (Scott and Rajamani, 2012). These differentiations, and the logics that prevail from time to time, are clearly reflected in the language of the UNFCCC and other treaties and legal instruments that are part of the UN climate regime.

Furthermore, although the CBDR principle – and the form it should assume – has been at the centre of almost every debate during the climate negotiations, it was

not inevitable for the CBDR principle to become part of global environmental and climate regimes and politics (Stalley, 2013). Early environmental and climatic accords, in fact, were founded on principles that rested on logic substantially different from that of CBDR, such as sovereign equality among states and states' reciprocity (Pauw et al. 2014, Stalley, 2013). This shift of emphasis, eventually embodied in the CBDR norm, was the product of two decades of political action at the international level aimed at diffusing this norm. China has been an active player in this process. The influence of China in the negotiation process that led to the introduction of the CBDR principle in the environmental and then climate regimes dates back to the 1972 UN Conference on the human environment held in Stockholm (UNCHE) (Stalley, 2013; Najam, 1995; McCormick, 1990). On that occasion, in the final stages of the conference, the Chinese delegation expressed its willingness to set up a working group to discuss the Stockholm Declaration by presenting its own ten-point proposal in which a clear differentiation was outlined between developed and developing countries on their responsibility and culpability (Sohn, 1973; Timmler, 1972). The working group released a new version of the final declaration in which new principles were set out on the need to balance development with environmental protection strongly supported by the group of developing countries. One of this principle (n.11) stated that the environmental policies of all states must increase without affecting the development potential, present and future, of developing countries and without impeding the achievement of better living conditions for all. Another one (n.21) stated that states have the sovereign right to exploit their resources according to their environmental policies and have the duty to ensure that activities carried out within their jurisdiction or under their control do not cause damage to the environment of other States or in areas outside the limits of national jurisdictions. In addition principle 23 stated that "without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most

advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries”.

During the 1970s and 1980s, within the context of international negotiations on environmental issues China continued to diffuse the principle according to which responsibility should fall exclusively on developed countries. In particular, from this principle it derived the need for establishing the obligation of technology transfers and financial assistance to the benefit of developing countries by developed countries. This dynamic occurred for example in the context of the Montreal Protocol on the ozone layer and the Third UN Law of the Sea Negotiations (Stalley, 2013). Indeed, it was with the Montreal Protocol that a principle of differential treatment was included for the first time in an international agreement. From its first formulation in connection with the environmental agenda starting in the 1980s in the negotiations that institutionalized the governance mechanisms of the ozone layer, and later in the UNFCCC, the CBDR consolidated as an interstate norm destined to mediate the troublesome relations between developed and developing countries in climate negotiations (Kiessling, 2011; Honkonen, 2009). Thus, the CBDR principle is not exclusive to the international climate regime, nor does it have its origin in it, though it has become undoubtedly one of its pillars.

China has therefore played a prominent role in introducing and then maintaining the CBDR principle at the heart of international climate negotiations. The 1991 Beijing Ministerial Conference, held just before the Rio Earth Summit that led to the adoption of the UNFCCC, helped to mobilize and create a unified position with the other developing countries in support of the norm. Therefore, especially in the initial phase China played a central role, compared to the marginal role of the EU, in the phase of emergence and then diffusion of the norm, as demonstrated by the constant reference to the principle by the Chinese delegation during the negotiations.

As regards the climate regime, the CBDR principle was stated for the first time on the occasion of the 1992 Rio Declaration on Environment and Development.

The principle 7 of the Rio Declaration states that:

“States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command” (Rio Declaration on Environment and Development 1992, UN).

All the different architectures conceived under the UN climate regime on the distribution of mitigation efforts among parties were — and are — based on the CBDR principle, which recognizes that climate protection is a common goal for the entire international community, though at the same time it justifies a differentiation of the burdens borne by countries given the different extent to which they have contributed — and continue to contribute — to the deterioration of the climate or to their greater economic, financial and technological capacity to act. Therefore, in general terms, from this principle it follows that different levels of climate protection should be required to developed countries compared to developing countries or, at least, that the latter should have longer period at their disposal to implement mitigation actions (Kiessling, 2019). Despite the centrality of CBDR principle for the the UN climate regime, its definition, content, and scope – as well as the nature of the legal obligation it entails – have been and continue to be deeply contested, in particular with regard to the responsibilities it calls for. As indicated in the following section (5.2) showing the results of the qualitative content analysis on the fairness principles invoked by the EU and China, there are differing views among the states as to whether the basis of differentiation lies in the level of economic development (‘capability equity principle’), in contributions to GHGs in the atmosphere (‘responsibility equity principle’), and whether certain countries should have the right to be exempted from mitigation (‘right (needs) equity principle’). According to some

authors, the fact of being contested as a principle depends on the fact that the negotiators deliberately used the tool of "constructive ambiguity" to overcome delicate and divisive issues and allow the parties to reach an agreement while maintaining their (different) positions (Biniaz, 2016). Constructive ambiguity would therefore serve to achieve three purposes: it allows member states to continue to support their own interpretation without leading to an interruption of negotiations (Moore, 2011); it increases the possibility of agreement between parties with opposing visions; and finally it postpones the identification of a solution to subsequent phases (Bodanski et al., 2017).

The UNFCCC established the UN multilateral climate regime. Since the norms and rules agreed upon in this framework convention would potentially induce differentiated effects on the parties, the convention needed to be particularly attentive to fairness concerns (Wiegandt 2001). With regards to the formulation of the CBDR principle, the UNFCCC provides a visible example of 'constructive ambiguity' in its article 3.1, which states that:

The Parties should protect the climate system [...] on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof (UNFCCC, 1992. Art.3).

The CBDR organizing principle was initially designed to be as universally applicable as possible so that all the countries could agree to it. This principle was the parties' solution to the problem of what an equitable burden-sharing system should look like: developed countries should be accountable for being both historically responsible for climate change and having higher capabilities for its mitigation (Tørstad, 2016). Responsibilities and capabilities were considered as normatively relevant elements for differentiation; and high or low levels on these two aspects stands at the basis of the division into two groups (Tørstad, 2016). On one side in

Annex I were listed 36 developed countries, while the rest was categorized as Non-Annex I. As such, CBDR became the first attempt at differentiating the mitigation burden among parties. The fact of being member of the Annex I became synonym of responsibility to mitigate, while non-membership became related to exemption (Castro et al. 2011). From the textual formulation of the UNFCCC it stands clear that the CBDR principle has been interpreted according to the logic of the "polluter pays" principle. According to this logic, the responsibility for reducing emissions has been attributed to developed countries due to both their historical emissions, considered as the main cause of the problem, and conversely the low emissions of developing countries in absolute and per capita term accompanied by their need to reduce poverty by embarking on a path of economic development (UNFCCC, 1992). As a result, all developing countries, including China, were exempted from emissions reduction obligations and targets. Nonetheless, according to the 'constructive ambiguity' strategy, the text was drafted in such a way that it was also compatible with the interpretation of the CBDR principle supported by the group of developed countries who insisted on the inclusion of the wording "their respective capabilities" (Brunnee and Steck, 2013). In doing so, they stressed that attention should also be paid to a country's capabilities, that should have the same importance as responsibility.

As stated earlier, despite the fact that countries agreed on principle that developed countries should take the lead, they started to disagree on whether they should take the lead on the basis of their responsibilities, capabilities (or both) and whether some countries should be exempted on the basis of their needs (rights) (Biniaz, 2016). That is, the organising principle does not specify the mechanism to allocate mitigation responsibilities and neither how they should change throughout time. This different understanding also depends on what it is considered to be fair by the parties.

Due to its widespread acceptance, the CBDR evolved quickly into a fundamental and constitutive norm of the regime, facilitating new ways of interplay and cooperation among countries, establishing an institutionalized mechanism for

continued negotiations to adopt in case further emission limitations (art.17, UNFCCC).

The first substantial agreement concluded after the adoption of the framework convention was the Kyoto protocol, agreed upon at COP 3 (UN 1997). The differentiation determined by CBDR became evident in this protocol, wherein the Annex I countries were bound by individually differentiated and legally binding targets, while non-Annex I countries were exempted from this obligation. The Kyoto Protocol followed an annex-based, differentiated structure by establishing binding emissions targets and stringent annual emissions reporting for developed countries (Annex I) while setting no mandatory targets for developing nations (Non-Annex I). By recognizing their significant, historical responsibility, 37 industrialized countries and economies in transition — plus the EU (Annex I) — committed to reducing overall global emissions by 5.2% compared to 1990 levels. This emission reduction target was to be achieved over the 2008–2012 period (the first commitment period).

While the CBDR principle created some common ground among the parties, at the same time it polarized them into two separated groups (developed and developing countries) and established a quasi-permanent cleavage between them - known as “the firewall” (Torstadt, 2016). With few exceptions, the countries on each part of the cleavage developed clashing interpretations of the CBDR principle over the years.

Mainly as a consequence of the changes in the global economy and in global emissions distribution, the Kyoto architecture started to be perceived as inadequate. Indeed, the Kyoto “firewall” dividing the commitments between developed and developing countries became a problematic feature, particularly considering the rapid economic growth of a group of emerging countries with booming emissions (including China, India, Brazil, and South Africa) who, under the Kyoto regime, were exempted from emissions reduction obligations.

The principle has evolved significantly during the transition from the Kyoto Protocol (1997) to the Paris Agreement (2015). The Paris Agreement eliminated the so-called “bifurcation” (or firewall) between the two groups of countries by creating rules and

provisions common to all parties. Though, the historical conception of CBDR remained present during the negotiations, but this time in a more generic way rather than by categorically dividing nations into different Annexes. The underlying idea was referenced in the preamble of the Paris Agreement, where CBDR is related to the "respective capacities" of nations. Significantly, it was also added that this principle should be viewed and applied "in the light of different national circumstances". Notwithstanding this new institutionalization/codification of the principle in the agreement, the divergences among states at the basis of the interpretations of the CBDR principle have remained present.

5.2 Content analysis results of CBDR principle

This part of the analysis, based on the analytical framework described in Chapter 3, emphasises the analogies and differences between the EU's and China's norm interpretations. Indeed, as regards the norm component, the comparative analysis of the EU and China focuses on the different interpretations of the same norm given by each actor, rather than on different norms that they have been promoting in the international stage. Norm divergence is a vital issue in the analysis of international norms. In fact, a norm "can be interpreted in myriad different ways by different actors at different points in time" (Tocci, 2008). In analysing the different interpretations of the same norm as invoked and diffused by the EU and China, this thesis explores how their the different perspectives on fair allocation of mitigation responsibilities is reflected in the institutional settings of the UN climate regime. For the parties to the UN climate regime, the distribution of mitigation burdens in the climate negotiations is mainly considered as an issue related to fairness (Torstadt, 2016). Finding solutions that are acceptable to all parties is challenging because of common disputes among parties on which fairness principle should be used in sharing costs and benefits.

In order to answer the first question regarding which of the three interpretations of the fairness principle – enshrined in the CBDR organising principle

and at the basis of equity norm – is supported respectively by the EU and China, I conduct a content analysis to calculate the frequency with which the principles have been invoked by the EU and China during the negotiations. Thus, this section presents descriptive results from the content analysis of the ENB, which are independent reports providing in-depth accounts of all UNFCCC COPs provided by the IISD. Since original transcripts of the debates occurring during negotiations are not accessible, these summaries are a valuable alternative data source where it is possible to find Parties' statements during the plenary meetings. As indicated in Chapter 3, on the basis of previous literature (Torstad and Saelen, 2017; Underdal and Wei, 2015), I assume that there are three possible interpretations of this principle, that corresponds to the ways GHG emissions reduction effort should take place in a fair manner according to the parties: 'responsibility equity principle' (i.e., this interpretation of the principle demands that climate change should be solved by those who have caused it), 'capability equity principle' (i.e., this interpretation of the principle emphasises that all those who have the capacity to mitigate climate change have an imperative to do so), and 'rights (needs) equity principle' (i.e., this interpretation of the principle suggests that an actor is either entitled by right to emit a given amount of greenhouse gases, or that it needs to be exempted from undertaking provisions). Since historical accounts of UN climate negotiations reveal that there has been substantial disagreement among parties on how to interpret and prioritize these principles in discussions on assigning responsibilities and burden sharing, in the analysis I am interested in understanding which of the three interpretations have been supported by the EU and China during the negotiations. This section focuses on the divergences between the EU and China in terms of the interpretations they have given to the CBDR organising principle. Through an analysis of these different interpretations of the CBDR principle, this section deepens the understanding of the nature of differentiation as it evolved in the UN climate regime, in particular as it relates to mitigation obligations already described partly in Chapter 4.

5.2.1 Results of content analysis

An analysis comprising 48 ENB documents reveals that, overall, China alluded to fairness/equity more frequently than the EU. In fact, in the analysed documents China referred to CBDR 56 times, while the EU 39; suggesting China is more concerned with such principles than the EU. This finding confirms what also emerged from the literature review: the rise of the CBDR norm in international environmental politics, and in the international climate regime more specifically, has mainly been promoted by, rather than diffused to, the developing world (Stalley, 2018; Acharya, 2011). In the framework of the UNFCCC COPs, China has long identified itself as a developing country, or even more as the leader of this group of countries. As such, it has been a hard advocate of incorporating the CBDR principle in all legal instruments (i.e., COPs final decisions, treaties and protocols) during the entire negotiation process. Thus, this data confirms what emerge in the previous section that traced the emergence of the CBDR principle in international environmental and climate politics: China, presenting itself as a developing country, played an important role in influencing beliefs about the appropriateness on climate mitigation and burden sharing. It played a key role as source of a global norm that has mainly flowed from the South to the North. This finding is also in line with other authors' research, who point to the fact that especially until COP15 (2009), Non-Annex I parties, such as China, used to refer more frequently to equity/fairness than Annex I parties (Petri and Biedenkopf, 2020; Torstad and Saelen, 2017), being 'developing countries' more concerned with fairness in their negotiating positions than "developed" countries. An interpretation of this finding based on interests, would argue that non-Annex I (developing) countries supported an interpretation of the CBDR principle that exempted them from being held accountable for legally binding targets to cut GHG emissions. According to this view, developing countries' interpretations (including China's ones) were in reality aimed at defending a material privilege by using equity and fairness arguments. On the one hand it could be that the EU and China have resorted to Schimmelfenig's concept of 'rhetorical action' which refers to the strategic use of norm-based arguments to pursue one's own interest (Schimmelfenig, 2001). In

this sense, for example, China may have promoted the CBDR norm to support differentiation which was in its interest, through the rhetorical device of the division between North and South responsibility and the question of equity. According to this interpretation, the strategic use of motivations related to equity and fairness to support the CBDR norm by China would be nothing more than a justification to legitimize its opposition to the binding emission reduction targets, deemed to be contrary to its interests. Moreover, in this way China would be able to maintain its leading role of the group of developing countries. Yet, treating the invocation of fairness principles as merely a calculated attempt to pursue underlying material interests is an oversimplification. China's promotion and interpretation of the CBDR norm is not to be considered as just an instrumental issue. Chinese leaders believe in the fairness concerns that the norm embodies. This is also evident in the statements made by China's delegation, during the negotiations, as well as those made by the EU. From this point of view, China has been rejecting binding emission reductions targets not simply because the refusal is in its national interest, but because it perceives as unfair that other countries require it to pursue that objective. It follows that the data presented below on the invocation of fairness principles by the EU and China are interpreted not so much as deriving (only) from their material interests, but as elements that structure the conception of the interests of these two actors.

By disaggregating the data on the references to the three possible interpretations of fairness, it is possible to notice how the two parties have jointly referred 45 times to the 'responsibility' interpretation, 32 times to the 'capability', and 18 to the "rights (needs)". China, on its own, has made 27 statements related to "responsibility", 17 statements related to the "capability", and 12 to the 'rights (needs)'. In the case of the EU, numbers are quite different: it referred 16 times to the 'responsibility', 16 times to the 'capability', and 7 to the 'rights (needs)'.

Tab. 1

	<i>Responsibility</i>	<i>Capability</i>	<i>Rights (needs)</i>	Sum
China	27	17	12	56
EU	16	16	7	39

Tab. 2

CHINA	<i>Responsibility</i>	<i>Capability</i>	<i>Rights (needs)</i>	Sum
COP3	10	5	6	21
COP15	9	8	4	21
COP21	8	4	2	14
Sum	27	17	12	

Tab. 3

EU	<i>Responsibility</i>	<i>Capability</i>	<i>Rights (needs)</i>	Sum
COP3	6	4	3	11
COP15	5	6	2	13
COP21	5	6	2	7
Sum	16	16	7	

Two main findings stand out in the interpretation of how the EU and China distributed their references to the three possible understandings of the fairness principle. The EU seems to be a moderate negotiator by supporting equally more than one fairness/equity principle. It distributes its fairness references evenly between ‘responsibility’ and ‘capability’. The EU supports the idea that the climate change regime must accommodate different responsibilities and capacities. This result confirms what has emerged from other empirical analyses on the topic, in particular Sælen et al. (2019), Tørstad and Sælen (2016), Kesternich et al. (2014) and Hjerpe et al. (2011). The fact that the EU has diversified its references to more than one interpretation of the concept of fairness, playing the role of mediator between the

more extreme positions of other actors, certainly eased the achievement of consensus during COPs on how to understand CBDR principle and equity. However, especially since the 2000s, the EU has begun to oppose more insistently (albeit always in a moderate way) the interpretation of the CBDR principle from which a rigid dichotomy arose, initially established in the UNFCCC and then strengthened in the Kyoto Protocol.

China, on the contrary, looks as being more “radical” in its position since it refers to the ‘responsibility equity principle’ most of the time, though it also quite often alludes to the ‘capability equity principle’ and more often to the ‘rights (needs) equity principle’ than the EU does. It pushed for maintaining an interpretation of the principle that puts the burden of responsibilities on developed countries. According to China, indeed, climate fairness basically means that those countries that have become industrialized and have had the opportunity to achieve a state of economic well-being thanks to unlimited emissions have a responsibility not only to fight climate change, but also to help other countries by assisting them. China identified itself with the global South to emphasize historical responsibility (responsibility equity principle), placing the burden for addressing climate on the countries of the North that had already gone through their path of development and were considered to be at an advanced stage to tackle climate change through mitigation efforts. China over the course of UN climate negotiations has undertaken a profound transformation. Indeed, it initially went from questioning climate science, to firmly opposing targets for developing countries, to accepting voluntary targets for developing countries and communicating ever more ambitious national targets for emissions reduction, and to allow that an agreement was reached on international monitoring of the mitigation commitments undertaken by developing countries. Despite these important changes, however, throughout the negotiations China has always pushed for maintaining an interpretation of the CBDR principle that puts the burden of responsibilities on developed countries (mainly due to their historic emissions). So, despite a series of important adjustments, China's interpretation of equity and fairness has remained quite stable.

Although their preferred interpretations are quite different, the EU and China do not seem to have clashing conceptions of the fairness principle in the context of the UN climate regime. However, it is important to see how their positions have evolved throughout the different COPs. The next section looks at the positions these two actors assumed at COP3, COP15, and COP21 that led respectively to the Kyoto Protocol, the Copenhagen Accord, and the Paris Agreement.

5.3 Normative power “outcomes” analysis

The following section charts the evolution of the EU and China with regard to their positions in the UN climate regime on responsibility, burden-sharing, and the institutional settings. All these issues are strictly related to CBDR since they depend on the underlying interpretations of fairness. The following section portrays the debate on the role of CBDR itself and the implications for the three above-mentioned dimensions in the final stages of the negotiations that led to the adoption of the Kyoto Protocol, the Copenhagen Accord, and the Paris Agreement, during COP3, COP15, and COP21 respectively. As illustrated above, since this thesis delves into norms interpretation and diffusion and the respective outcomes, it focuses on one specific type of outcome: the institutionalisation of the norm in international regime (i.e., UN climate regime). The thesis assumes that these outcomes represent a meaningful indicator in evaluating the effectiveness of norm diffusion, though direct causality is difficult to prove in relation to how fairness interpretations influenced final decisions. The second part of the analysis aims to answer the following question, which is complementary to the previous one: *Which of these interpretations have been adopted in the UN treaties on climate change?*

5.3.1 COP3 1997 – Kyoto Protocol

China at COP3

According to the understanding of climate equity and fairness advanced by China in this period, countries that had the opportunity to become developed thanks to unlimited emissions have the responsibility to fight climate change and to assist other countries. At the time, China viewed legally binding obligations for emissions reduction for developing countries as being unjust and unfair. China indicated that the right to economic development takes precedence over climate protection (rights (needs) equity principle), and that developed countries have a responsibility to cut emissions (responsibility equity principle) and provide financial assistance and technology to compensate developing countries. According to China, the differential treatment is based not only on a legal responsibility, but also on the recognition of a moral responsibility of developed countries. With this regards, China's leading negotiator Shukong argued that the "luxury emissions" of developed countries should be limited by the UN regime, while the "survival emissions" of developing countries could not be limited as far as the right to fight poverty and economic development should be recognised (Kobayashi and Sanchez, 2017). China considered mitigation the main responsibility of developed countries and repeatedly insisted on fairness and equity while making no binding commitment under the Kyoto Protocol. China asserted that, as a consequence of the historical responsibility and the different socio-economic capabilities, developed countries should bear the burden of both mitigation and financial transfer and technical assistance towards developing countries. According to China, this differentiated treatment is inspired by a principle of equity, since it is only by this differentiation that developing countries can improve their socio-economic situation and reduce their future negative impact on the atmosphere. Thus, in China's view, the goal of differential treatment is to produce global advantages rather than benefiting only developing countries, being the climate a global common good.

In the climate negotiation that took place at COP3, China explicitly reaffirmed the importance of inserting CBDR in the new protocol that was going to be adopted, stating that it was "a basic principle of international climate change negotiations"

(ENB). During the overall negotiation round, China and the other developing countries of the G77+China group have often acted as a compact bloc, with a tendency to invoke an application of the CBDR principle that allocates responsibility to developed countries due to their largest historic emissions. Indeed, China at COP3 perceived itself as being the largest of the developing countries and asserted that this group of countries should stick together to ensure that it was developed countries to bear the burden of mitigation.

Moreover, throughout this period China has assumed a leadership role within the group of developing countries, and the G77 in particular. Being one of the “most vocal advocates” of the principle of CBDR, China has repeatedly motivated developing countries to stand together on issues concerning fairness and equity. Moreover, China employed the principle of CBDR to characterize climate change as a North-South issue, in an effort to persuade North industrialised countries to abide by its interpretation of the CBDR principle. China insisted that the distinction between poor and developed nations was "the basic foundation of the Convention system" and that the final decision of the COP should reflect the historical responsibility of developed countries. Moreover, it stressed that development situations and the capabilities of developing countries needed to be fully considered. It can be argued that both China's conception of the principle of fairness and justice and its material (economic) interests led it to take this position during this period with regards to CBDR, burden-sharing and bifurcation. The fact that China's vision and beliefs on fairness and equity structure its interests is also demonstrated by an example that emerged during COP3 negotiations. At that time, China was very reluctant to accept any proposal from developed countries, considering them as unfair. This becomes evident at COP3 during the debate on the creation of the Clean Development Mechanism (CDM) - a regulated carbon market that allows companies from industrialized countries with emission constraints to carry out projects aimed at reducing GHG emissions in developing countries without emission constraints. Although China would have benefited economically from the creation of the CDM – becoming one of the largest sellers of credits and beneficiary of investment projects

– during the negotiations it opposed the creation of any kind of flexible mechanism, including the CDM. The Chinese delegation during COP3 argued that the mechanism amounted to an unfair and unjust attempt by developed countries to avoid their responsibilities by transferring them to developing countries instead of reducing their domestic emissions. According to a Chinese official it amounted to a form of “economic imperialism” (Harris and Yu, 2005). In that case China did not act according to what the pursue of its economic interest would have dictated, and this is due to the fact that China also approached the negotiations through the lens of fairness and equity.

During the 1990s China’s negotiating position was shaped by some key issues, that were also present at COP3: the Global North’s responsibility for the current environmental damage, developing countries’ right to develop and pursue economic growth (that takes precedence over environmental protection), a country sovereign right to use its natural resources (including the atmosphere), and the need to receive funding and technology from developed countries so as to facilitate the limitation of global carbon emissions. China’s leaders were also cautious about the possibility of foreign countries attempting to interfere in China’s internal affairs with the excuse of environmental protection. In this respect, non-interference and national sovereignty remained two guiding principles in Chinese foreign climate policy. This vision and these principles correspond also to the principles outlined by the Chinese Premier Li Peng at the UN Conference on Environment and Development (UNCED) in 1992 that layed the basis for China’s environmental diplomacy in that period.

The EU at COP3

In the negotiations leading to the Kyoto Protocol, the EU tried to push for a legally binding climate treaty, which committed industrialised countries to fixed mitigation targets in order to limit global warming according to what indicated by climate science. In addition to supporting the integration of legally binding and ambitious reduction targets for all industrialised countries, the EU also pushed for

giving the agreement a ‘protocol’ status under international law. Though the EU’s overall goal at that time was to make the climate regime as binding, comprehensive, and ambitious as possible, the EU acknowledged the different responsibilities and capabilities of Global South’s countries. Due to this reason, it recognised the necessity of introducing elements of distributive justice on mitigation according to its fairness conception. The targets and timetables became the dominant part of the negotiations with the EU proposing to set different targets for different countries. The EU was also the first actor from the North that presented an emission reduction proposal. The quantified objectives put forward by the EU - namely a 15% reduction in the emissions by 2010 made of the Union the most ambitious and proactive player among industrialized countries. Nevertheless, many parties opposed this approach based on a system of targets and timetables. The USA was the most fervent opponents of these binding reductions in GHG emissions. The debate around the inclusion of emission reduction pledges for developing countries – especially China, India, South Africa and Brazil – saw fierce disagreement between the EU and USA. While the EU was keen to see in the Kyoto Protocol the formulation of a differentiation mechanism that would respect the equity principle as enshrined in the CBDR principle formulated in the UNFCCC, the US asked for the active participation on mitigation commitments of emerging economies that were in the process of becoming industrialized. Nevertheless the opposition of developing countries, supported by Europe, led to their exemption from any form of reduction obligations. This exemption, written into the heart of the Kyoto Protocol in the form of the division into annexes, institutionalized a differentiated responsibility along a North-South axis which then became one of the pillars of the climate regime.

Outcomes

While the UNFCCC adopted CBDR as a central principle, the Kyoto Protocol operationalized it by establishing binding emissions targets and stringent annual emissions reporting for developed states (Annex I) while setting no mandatory targets

for developing states (Non-Annex I). Indeed, the CBDR organizing principle, as enshrined in the 1997 Kyoto Protocol, determined that Annex I countries had to reduce GHG, while non-Annex I countries faced no binding climate mitigation commitments. In the early 1990s, the differentiation of countries into two separated groups mirrored what at the time was deemed as fair and equitable mostly following ‘responsibility equity principle’: those who historically produce the emissions should bear the burden of addressing it to prevent further damage.

The final outcome was positive for the G77 and China and reflected their aims. The Kyoto Protocol incorporated these principles with the developed and industrialised countries (“the North”) paying first in the form of immediate caps on emissions, while developing countries (“the South”) were exempted from such caps and received substantial financing and support from developed countries. Support included economic incentives such as the CDM, under which developed countries financed emissions reduction projects in developing countries such as China.

The final Protocol was also mainly the result of mutual concessions between the two major negotiating parties during COP3, namely the EU and the US. The EU was forced to concede a significant part of its original position in order to guarantee the US adherence to the emissions mitigation targets and the differentiation mechanism. Thus, while the US accepted an 8% reduction target for their emissions by 2010, the Protocol provided for flexibility mechanisms at US's request; mechanisms to which the EU had been fiercely opposed, with a preference for national reductions mechanisms.

The ‘Kyoto Firewall’ dividing the commitments of the developed and developing countries became a very problematic framework, particularly creating a stalemate between the global North and South. Emerging powers such as China, that witnessed a dramatic growth in emissions due to their rapid economic rise in the late 1990s and 2000s were not willing to cut their emissions without a ‘meaningful’ contribution from Annex I countries. The precise definition of this ‘meaningful’ contribution became a focus of COP debates in the lead-up to Copenhagen in 2009, where an agreement to succeed Kyoto was expected to be reached.

5.3.2 COP 15 2009 – Copenhagen Accord

China at COP15

At this stage, the negotiations were centred on how to revise the Kyoto Protocol since its first commitment period was going to end in 2012. China and the other emerging powers became the focus of negotiations and came to be seen by most of the parties as separated from the other non-Annex I countries due to the substantial increase in their emissions as well as their importance for reaching and implementing any future agreements on climate mitigation. The BRICS countries, without Russia, formed the BASIC group in UN climate negotiations. The central point for China, as well as for the other BASIC countries, remained the same as before: the greater responsibility of developed countries. According to China and to the other countries of the BASIC group, the persistence of climate risk was mainly due to the absence of mitigation policies adopted by developed countries, which therefore ought to maintain higher reduction targets than the others. China also opposed the idea of using absolute emissions as the measurement of a country's emissions in the UNFCCC negotiations: per capita calculations were the preferred method for China and other developing countries, which would make the rankings for emissions quite different, placing China at a much lower position in the ranking of major emitters. At the COP15 in Copenhagen, Chinese premier Wen Jiabao illustrated the Chinese conception of fair differentiation by outlining its interpretation of CBDR:

“The principle of common but differentiated responsibilities” represents the core and bedrock of international cooperation on climate change, and it must never be compromised [...]. Developed countries must take the lead in making deep quantified emission cuts and provide financial and technological support to developing countries.

This is an unshrinkable moral responsibility as well as a legal obligation that they must fulfil”.

China's prevailing idea on climate fairness involved that it could not be required to developing countries with low per capita GDP to take binding commitments internationally. China insisted on the interpretation of fairness according to which developing countries should be left free to embark on a path of economic development without obstacles. While at COP3 the main justification advanced by China for the differentiation of mitigation responsibilities and commitments was mainly based on historical responsibility of developed countries, at the COP15 China gave more importance to the minor (economic) capabilities of developing countries and to their right to pursue it. In interpreting the CBDR principle, China highlighted the need to take into account the level of economic development as an exception to their binding emissions reduction commitments (Rights (needs) equity principle). Chinese Premier Wen Jiabao gave a speech that emphasized China's identity as a developing country:

“China has a 1.3 billion population and its per capita GDP has only exceeded 3,000 U.S. dollars. According to the U.N. standards, we still have 150 million people living below the poverty line and we therefore face the arduous task of developing the economy and improving people's livelihood”.

In addition, in that period China appeared to be willing to engage autonomously in mitigation through actions taken at the national level. However, for China it was fundamental that these actions were not required by an international obligation established by a binding international legal instrument. China judged as unfair any interference with what it considered its sovereign right to economic development for catching up with the economies of countries that had the opportunity of becoming industrialized when there were no limits imposed. Indeed, despite the approval in that period of ambitious objectives on climate mitigation at the national level – for

example in the Five Years Plan – China remained an opponent of the negotiating proposals that aimed at redefining the separated categories of the Kyoto Protocol, asking emerging countries to be bound by commitments similar to those of industrialized countries. The understanding that their actions were necessary to reduce climate change led however China and the other BASIC countries to agree in adopting voluntary measures to reduce emissions. According to the instrument indicated in the final accord, countries had to announce their national policies for mitigation. The acceptance mitigation measures by these countries – although voluntary and in a political accord – represented an important change in their positioning under the UN climate regime.

The EU at COP 15

In the negotiations of a follow-up agreement to the Kyoto Protocol, at COP15 the EU was a vocal proponent of revisiting how the CBDR principle was enshrined in the UN climate regime so far. In the negotiation process, the EU advocated for an adjustment of the agreement to the new realities of climate change, characterized mainly by the emergence of new, big emitters, pushing thus for an international agreement “applicable to all Parties”. Indeed, the EU was questioning the legitimacy of a system that continued to expect and demand emission reduction commitments only from developed countries in a world that was changing, where the economies of countries such as China and India were increasingly growing together with their emissions. The EU repeatedly argued that a climate agreement that fails to constrain emissions growth in large developing economies could not be considered neither fair nor effective. Thus, the EU during the negotiations promoted a blended interpretation of CBDR by insisting that developing states had to accept some sort of emission limits. The EU diffused an interpretation of CBDR principle that required all Parties to contribute, albeit in a differentiated manner. The EU stated that developing countries as a group – in particular the most economically developed among them – would have to limit their emissions, respecting the principle of CBDR.

Thus, the EU's emphasis shifted away from measures in line with the predominately backward-looking 'polluters pay principle' (Responsibility equity principle), towards the 'ability to pay principle' (Capability equity principle) that considers future emission pathways and current capabilities and would require larger developing countries to mitigate as well. Consequently, the EU was promoting a legally binding agreement comprising all major emitters. Its position advocated an inclusive agreement without a clear-cut bifurcation in two groups of countries, but it was contested by some developing countries from the non-Annex I group. Furthermore, the EU proposed a top-down cap through a quantified emission reduction target, based on data provided by climate science. The opposite logic was followed by other countries – primarily the US – which considered more appropriate to set the level of commitment nationally rather than internationally, thus favouring a bottom-up approach in contrast to the Kyoto Protocol.

As in Kyoto, the EU entered the negotiations with a position that can be described as ambitious, and which was reinforced by concrete internal climate policies. Thus, the Climate and Energy Package for 2020 set binding targets aimed at reducing its emissions by 20% by 2020. The objective of the international promotion of such an ambitious internal policy was to support the European offer of leadership, by proposing a model of action that could be mobilized internationally and adopted by other countries – demonstrating that it is possible to combine economic growth, sustainability and reductions in greenhouse gas emissions.

Outcomes

Representing the culmination of an intense period of negotiations, COP15 was expected to lay the foundations for a comprehensive and legally binding treaty to replace the Kyoto Protocol that was coming to an end in 2012. The 2009 UN climate conference instead ended up 'taking note' of a three-page non-binding political agreement – the Copenhagen Accord – that was negotiated by a small group of heads of state out of the official negotiating process on the very last day of the COP

(Bodansky, 2010; Dimitrov, 2010). Despite the widespread evaluation that COP15 ended with a disappointing outcome, it represented a turning point in the interpretation of the CBDR principle and for global climate politics in general. The Copenhagen Accord marked the start of a decentralised architecture of the climate regime, where a system of voluntary emission reduction commitments replaced binding emission targets and timetables. Moreover, the distinction between developed and developing countries eroded and new political coalitions emerged across the North – South divide.

These changes were mainly the result of a change in the hitherto cohesive negotiating position of the G77 and China. In fact, AOSIS, a small group of small island states highly exposed to climate change, took distance from the initial position of the G77 + China which opposed the involvement of developing countries in mitigation policies. In parallel, the US abandoned the demand for quantified targets and accepted that developing countries were involved through voluntary actions, as all the other countries. Thus, the final outcome envisaged a differentiation within the group of developing countries, with on the one hand the least developed countries (LDCs) and the small island developing states (AOSIS) and on the other the remaining developing countries. The differentiation consisted of the fact that the adoption of voluntary measures by the first group of countries would depend on the support received by developed countries. By accepting this differentiation within the group of developing countries, the emerging economies agreed to be separated from the more vulnerable countries giving birth to a three-tiered system. However, the new system introduced with the Copenhagen Accord did not explicitly differentiate emerging economies, which remain in the same category as other developing countries except for the poorest and most vulnerable to climate change (i.e., LDCs and AOSIS).

To a certain extent the Copenhagen Accord could be considered as standing at the opposite of everything the EU had imagined climate multilateralism should be: the accord was not a legally binding text and the core of the agreement called for the formulation of unilateral pledges by each country according to a pledge and review

system. Beyond its content, the process of adopting the final agreement also showed the EU's loss of centrality in UN climate negotiations. The text was mainly decided by the USA and the BASIC countries. If we think at the negotiation of the Kyoto Protocol with an inverted triangle in which the EU and JUSCANZ occupied the upper corners and the South the lower, the negotiation of the Copenhagen Agreement should rather be seen as a structure of concentric circles in which the core of the agreement was occupied by the US and BASIC, which then offered the pact to a first circle of states, including the EU, and then to the COP as a whole.

Fig.1 Negotiating coalitions for the Kyoto Protocol

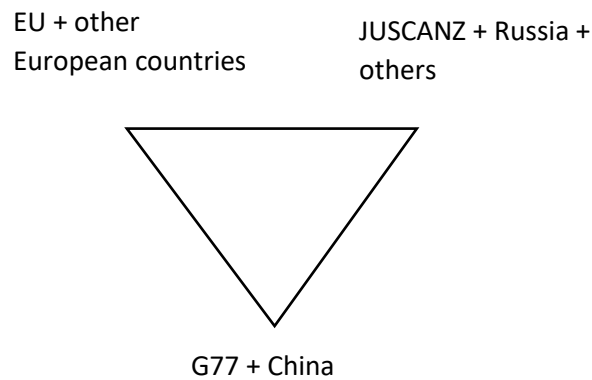
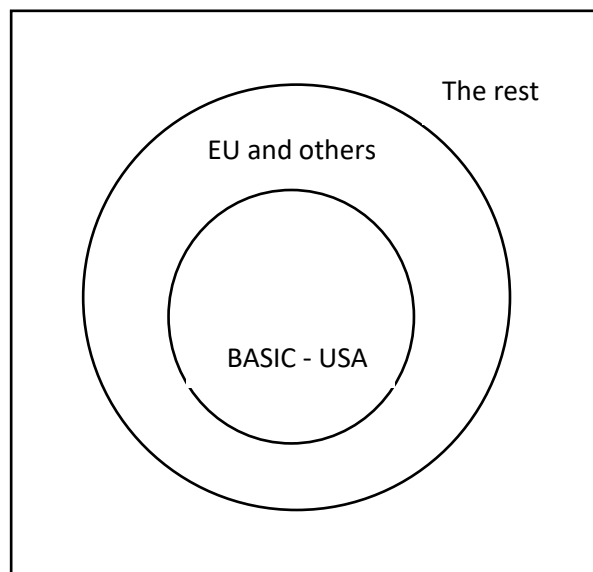


Fig.2 Graphic representation of the negotiation's dynamic of the Copenhagen Accord



Although COP15 was seen as a failure for the EU's aspiration to exercise leadership in climate negotiations, the three-tier system introduced by the Copenhagen Accord brought the CBDR principle closer to the EU's preferred understanding of the time according to which emerging economies should be treated differently than the other developing countries. This is why the EU's reaction finally was to accommodate itself to the new reality of the negotiations as Copenhagen had configured them. The EU started to consider the Accord as a first step towards a new binding agreement, underlining its positive aspects as the beginning of the disappearance of the rigid separation between the Annex I countries (with binding commitments) and the others (without any binding commitments).

As for China, its growing entanglement in international relations, the increase in its emissions, and growing domestic concern about climate change led the country to review its positions. Indeed, with regard to emissions, China became the country with the highest absolute level of GHG emissions in 2006, surpassing the USA. This issue greatly increased the international pressure on China to adopt emission reduction measures. The acceptance of targets and mitigation measures — albeit voluntary — at COP 15 demonstrates the evolution of Chinese positioning, which so far had been contrary to any mitigation measures (Barbi, et al., 2016). The active Chinese participation in Copenhagen points to the country's desire to be a central player in climate negotiations (He, 2010; Conrad, 2012).

5.3.3 COP21 2015 – Paris Agreement

China at COP21

China's strong will to reflect its interpretation of the CBDR organizing principle in the Paris Agreement was particularly evident at COP21, where it called for making explicit references to the principle in the new climate deal. Examples of this were its calls, speaking on behalf of the G77+China group, to place the Paris

Agreement “under the Convention and its principles” (ENB) and to make a clear reference to the treaty as working “in accordance with” CBDR (ENB). The Chinese delegation referred to CBDR as being “the cornerstone of the Paris Agreement” that had to be “kept in all its facets and forms” (ENB).

With regard to the CBDR principle, at COP 21 President Xi Jinping stated:

We should create a future of the rule of law, fairness and justice. It is imperative to enhance the standing and role of international law in global governance, ensure effective observance and implementation of international rules, uphold [...] equity and justice, and build international rule of law. Given the difference between developed and developing countries in historical responsibility, developing stage and coping capability, the principle of common but differentiated responsibilities, instead of being obsolete, must continue to be adhered to. (People’s Daily 2015)

This points to the fact that in 2015 yet China was proposing an interpretation of the CBDR principle almost identical to the one it used to propose in the previous phases. The division between developed and developing countries remained a central point of discussion during the negotiations. China wanted a new deal to replace Kyoto, though it reiterated that the right to economic development should be guaranteed without the imposition of any binding targets. China stated that this did not imply it was not willing to take commitment on emission reduction if they were kept on a voluntary basis. The transfer of technology and financing, for example, was a salient point on the Chinese agenda. China was a very active voice in the negotiations, spotlighting the country’s importance in global climate negotiations, and its central role in international relations more broadly.

The EU at COP21

The EU position at COP21 can be summarised in the following objectives. The EU stressed the importance of concluding a treaty that was both legally binding and applicable to all parties. According to the EU this treaty had to contain fair, ambitious and quantifiable mitigation commitments by all parties. Then, the EU demanded the adoption of an 'ambition mechanism' to compel parties to regularly submit commitments to increase the level of ambition over time. Finally, the European position recalled the need to set a long-term goal and vision in order to implement the needed transformation towards low-emission and climate-resilient economies over the course of the century.

As during COP15, also at COP21 the EU called for more responsibility and involvement from developing countries. With regard to the CBDR principle, during the negotiation the EU reaffirmed the importance of maintaining certain degree of differentiation, though not the rigid one based on annexes. The EU indeed argued that the CBDR should be addressed “in a contemporary and dynamic manner” (ENB) meaning that the strict differentiation between developed and developing countries was outdated due to mainly the current level of emissions of the emerging economies.

At this stage the EU's position on fair mitigation was not to ask for quantified reduction targets, but instead of setting a mechanism for monitoring and evaluating the mitigation efforts of each party in the light of different national circumstances and evolving economic realities and capabilities. The EU stressed that the 2015 agreement should fully respect the principles of the convention and parties' common but differentiated responsibilities according to national circumstances and capabilities. Yet, it claimed each party had to commit to limit or reduce its emissions and that these commitments should be fair, adequate, and ambitious contributions towards the collective objective of limiting global warming to 2°C, in accordance with each country's responsibilities and capabilities as well as national circumstances and development needs.

Outcomes

The Paris Agreement, adopted at the end of COP21, marked a strong change of direction for the UN climate regime. The Agreement aims to keep the global average temperature rise below 2°C compared to pre-industrial levels, and to make greater efforts to limit the temperature increase to 1.5°C above pre-industrial levels. It is the first climate agreement that contains a definite long-term emission reduction goal, which is derived directly from the ‘[...] best available science [...]’ (UN 2015). This treaty was built on the idea that the new major emitters, previously exempted from any commitments, were to be included in the mechanisms of mitigation envisaged by the UN climate governance. The idea at the basis of the Paris treaty is that every country, without distinction between developed and developing ones, would set goals to curb carbon emissions in an effort to avert the worst effects of climate change. In addition, it lacks the centralized, *top-down* approach of the Kyoto protocol, being more similar in this to the Copenhagen Accord (though this was not a binding treaty but just a political agreement). This means that the Paris agreement does not impose any specific reduction target to any country or group of countries, instead leaving governments themselves indicate their objectives and national policy measures through the “Nationally Determined Contributions” (NDCs). If taken cumulatively and fully respected, these contributions should allow the international community to achieve the objective of keeping the temperature well below 2°C – ideally 1.5°C – by the end of the century. By committing all countries to substantial emission cuts, the Paris Agreement confirmed climate change as a global collective action problem that requires significant international policy coordination to be effectively resolved. However, instead of being organized around internationally negotiated targets and timetables for emission cuts, the Paris Agreement rest upon NDCs for national mitigation and adaptation action, submitted by countries themselves. Thus, the agreement covered all countries; each party should voluntarily indicate its own measures; and it did not envisage a bifurcated structure as the Kyoto Protocol. Consequently, national mitigation capacities (Capability equity principle) are

the basis for commitments, respecting the sovereignty of each country and the principle of non-interference. China fully supported this negotiating point as it reflected its interpretation.

The EU's active norm entrepreneurship contributed to this shift, though it also had to make concessions to the contesters of its interpretation of CBDR. As regards the EU's and China's contribution to the outcomes, it is again difficult to accurately trace the two actors' precise pathways. Evidently, other actors were similarly active in pushing back the binary distinction between developed and developing states. My modest claim here is to argue that the EU — amongst others — has contributed to pushing back the binary distinction between developed and developing countries reaching the Paris outcome; thus, helping overcome the regime's rigid bifurcation. In fact, during the Paris negotiations, the EU rejected what it deemed to be unacceptable bifurcated proposals [by the G77] for quantified commitments by developed countries only. In promoting this position, however, the EU took a less hard line than the US, demonstrating the effectiveness of its moderate approach. Indeed, the majority of European demands, as well as their level of ambition, seem to be reflected in the final agreement.

In addition, as anticipated, the CBDR was a major source of contestation in the negotiations that led to the adoption of the Paris Agreement. The treaty does mention the CBDR (preamble; art.2 and 4). However, the Paris agreement makes no fundamental distinction between developed and developing countries and provides that all Parties shall account for their contributions. Most notably, while acknowledging differentiation as a legitimate and necessary part of an international climate deal, the Paris Agreement does not mention the Annex I and non-Annex I categories and, therefore, it manages to incorporate developing states' concern for historical responsibilities of industrialised countries without exempting developing states from reduction commitments. In this sense, the Paris Agreement has managed to pay attention to dynamic aspects of differentiation and has struck a careful balance between the need for ambitious climate action and fair effort-sharing among parties based on differentiation. The greenhouse gas emission reduction arrangements in the

Paris Agreement codify both the EU's and China's approaches to CBDR. Specifically, the Paris Agreement regulates that all parties should adopt progressive emission targets, which is the EU's approach to CBDR. It also states that developed states should take the lead in curbing greenhouse gas emission, which accords with China's emphasis on a differentiation between developed and developing states. The 'capability equity principle' (i.e. ability to pay principle) has become more relevant in the Paris Agreement negotiations and the attempts to better integrate increasingly wealthier developing countries, such as China.

5.4 Conclusion

As indicated in the analytical framework (Chapter 3) I apply the lens of normative power to analyse the data that have emerged in relation to the EU's and China's positioning in the UN climate regime on issues related to fairness/equity and burden-sharing. Through the analysis of the EU's and China's stances towards the fairness principles, and the related mitigation burden-sharing mechanisms, this chapter aims at figuring out whether the EU and China have been exercising normative power. The chapter aims to demonstrate how normative power is exercised by international actors in global governance under a multilateral institution, suggesting that international norms are also an intrinsic product of politics among states and the involved actors, in this case represented by China and the EU. Applying the analytical framework derived from Manners (2002; 2008) and further developed by Tocci (2008) – outlined in Chapter 3 – the normative power of the EU and China under the UN climate regime has been investigated in terms of the interpretations of norms they attempted to diffuse, and the outcomes of their norm diffusion actions. Analysing these components, I argue that both actors have been exercising normative power under this regime. Thus, the empirical analysis presented above was aimed at exploring whether concrete episodes of norm-setting in the context of UN climate regime represent empirical evidence for an analysis of the EU and China in terms of

normative power. The definition of normative power I use in this thesis is “the power to codify an actor’s norms in global governance structures through norm diffusion”. Therefore, a normative power is one that is able to shape the normal in international relations and is thus able to contribute to norm diffusion and institution building (Scheipers and Sicurelli, 2007). As indicated in the gaps identified in the literature, this attempt is engaging because since Manners conceptualised normative power as the ability to define what is normal in international affairs, few studies have analysed China's action through this concept. Equally few studies have analysed normative power within a multilateral governance regime by looking at the actions of the EU and China.

The primary aim of this analysis was to investigate the different interpretations of the equity norm diffused by the EU and China through their understanding of the CBDR organising principle. As regards China’s interpretation of CBDR, it is possible to state that there has been continuity in its position throughout the entire negotiation process. With regard to the fair allocation of responsibilities for mitigation, China has always given priority to the ‘responsibility equity principle’ trying to diffuse this interpretation over the course of the UN climate negotiations. While developed countries tended to stress that responsibilities to combat climate change were common, China — like many other developing countries — stressed they were differentiated mainly on the basis of the different historical responsibilities, and this had to be reflected in the institutional architecture and functioning of the regime. China has always pushed for the recognition of a (more or less) rigid division of mitigation responsibilities between developed and developing countries and has always resisted the introduction of legally binding targets defined at the international level (with a top-down approach) for developing countries. Due to this interpretation of the fairness principles enshrined in the CBDR organising principle, most of China’s statements at UN climate negotiations have been featured by the request for greater participation by developed countries in terms of emission reductions, technology and financial transfer. Especially at the time of COP3 (1997) and COP15 (2009), climate change was considered by China as being a development issue rather than an

environmental one that had to be tackled according to the ‘responsibility equity principle’ and taking into consideration the level of economic development of the different group of countries. This is in line with China’s self-perceived identity as a major developing country, that aimed at speaking on behalf of developing countries who are exposed to climate change and are much less able to respond to its various challenges. In the climate negotiations, China continues to see itself as the largest of the developing countries. Despite the preference for differentiation which has remained constant over time, in the thirty years since the signing of the UNFCCC, China has come to accept that the differentiated architecture of Kyoto was overcome and that voluntary objectives were introduced for developing countries, reducing its own resistance to international monitoring of the mitigation efforts of developing countries as well. In fact, especially since COP15 in Copenhagen (2009), China has apparently reversed its long-standing firm opposition to emission reduction commitments for developing countries, coming to accept with the Paris Agreement legally binding commitments albeit on a voluntary basis. Despite these substantial changes in its positioning, the preferences expressed by the Chinese delegation during the COPs with regard to fairness principles have remained fairly stable. Indeed, despite the above-mentioned changes, the following milestones of Chinese climate diplomacy have remained unchanged over the course of the regime evolution: developed countries have the responsibility to provide technical assistance and financial resources to developing countries, economic development takes precedence over environmental protection, and finally the recognition of sovereignty of a country to use its own natural resources must always be respected. Furthermore, the principles of sovereignty and non-interference qualified China’s interpretation of the CBDR principle.

The EU, for its part, seems to be a moderate negotiator by supporting equally more than one fairness/equity principle. It distributed its fairness references evenly between ‘responsibility’ and ‘capability’ over the course of different COPs and supported the idea that the climate change regime must accommodate different responsibilities and capacities. The fact that the EU has diversified its references to

more than one interpretation of the concept of fairness, playing the role of mediator between the more extreme stances of other actors, certainly facilitated the achievement of consensus during the COPs on how to understand CBDR principle and equity. However, especially since the 2000s, the EU has begun to oppose more insistently (albeit always in a moderate way) the interpretation of the CBDR principle from which a rigid dichotomy arose that had been established initially in the UNFCCC and then further strengthened in the Kyoto Protocol. At COP21 the EU called for more responsibility and involvement from developing countries. In the EU's view, this meant there should still be a form of differentiation according to various national circumstances and capabilities, but that such a strict separation between two groups ought to be revised. At this stage the EU's position on fair mitigation was not to ask for quantified reduction targets, but instead of setting a mechanism for monitoring and evaluating the mitigation efforts of each party in the light of different national circumstances and evolving economic realities and capabilities.

The other core component analysed in this chapter is the outcome of norm diffusion. The positive outcome corresponds to the codification of an actor's norms in the policy and regulatory frameworks of international regimes. The positive outcomes brought about by China's and the EU's deliberate norm diffusion show their normative power within UN climate governance. While it is difficult to univocally single out the EU's and China's impacts on international negotiations or find direct causal links, I contend that it is possible to present a convincing case for the EU's and China's contribution by tracing back key developments and policy measures in the climate regime and comparing them to their respective initial positions. As argued in the analytical framework, a normative foreign policy must produce normative impacts at the level of the structure as well as the agents evolving within it. The actor studied must therefore succeed in modifying what is considered normal on the international scene by injecting its own norms and standards.

Over the years, the EU has played a key role in moving international climate negotiations forward and it has been able to exert normative impact in the UN climate

regime, though with alternating phases. It was an active actor in establishing the UNFCCC, the Kyoto Protocol, and the Paris Agreement, and it has also promoted provisions that acknowledge the different responsibilities of developing and developed countries, despite its increasing reluctance towards the rigid differentiation created on the basis of the CBDR principle. Furthermore, since the outset of the UN climate negotiation, the EU's approach towards climate governance was shaped by some major normative foundations, including multilateralism, sustainable development and the precautionary principle, among others (van Schaik and Schunz 2012; Delbeke and Vis 2015).

The EU's central role in the process leading to the adoption (in 1997) and then entry into force (in 2005) of the Kyoto Protocol is widely recognised by the literature - though it was not the only contributor (Adelle et al., 2018; Wurzel, et al. 2017; Wurzel and Connelly 2011). In particular, in the early stage of the climate negotiations and talks leading up to COP3 (Kyoto), the EU attempted to promote a legally enforceable international climate treaty that would bind industrialized nations to set mitigation goals in order to keep global warming under control. While the EU was fairly successful in pushing through this idea in the Kyoto Protocol. If normative power lies in an actor ability to contribute to norm diffusion and institution-building, the Kyoto Protocol could be considered as an example of normative power exercised by the EU that contribute to the establishment of legally binding emission reduction targets. On the contrary, as strongly proposed by China, the final version of the Protocol also created a distinction between two groups of countries (Annex I and non-Annex I countries). The failure of COP15 in Copenhagen (2009) demonstrated the limits of such an approach. The summit illustrated the growing importance of large emerging economies and the need for the EU to engage with these actors. The Copenhagen Accord on one side codifies China's climate mitigation norms, as it does not contain mandatory targets for developing countries, while it places greater responsibility on developed countries. The inclusion of the Chinese preferred norms as well as the way in which the negotiation dynamics unrolled highlight China's normative power in climate change governance. The aftermath of Copenhagen

signalled for the EU a shift from promising normative power to a power fallen into 'deep crisis'. Although the EU played a marginal role it should be signalled that COP15 contributed to dismantle the rigid differentiation between developed and developing countries satisfying thus the EU' preference in that period. Overall, the side-lining of the EU during COP15 and the decrease of its ability to shape what it is normal within the context of the UN climate regime at this critical juncture, could also be a reflection of the changes in the international context. Thus, the relative position of the EU in relation to other parties could help to explain the success or not in the exercise of its normative power. While in Kyoto a window of opportunity opened with the side-lining and then withdrawal of the USA leadership, Copenhagen proved that the external environment had since changed. The EU seems not to have taken this change into account, and to have acted as if the context was still that of Kyoto. The difference between Copenhagen and Paris, however, lies not only in a new modification of the external context of ideas and powers, but also in the EU taking it into account these changes. In the Paris Agreement can be found elements that were part of the interpretation diffused by both China and the EU as neither was able to ensure that all aspects of their initial positions were adopted and they had to accept a compromise. In particular, the articulation of the Paris Agreement on CBDR, therefore, reflects a normative convergence between the positions of these two actors, that have both exercised normative power being simultaneously norm-makers and norm-takers.

Furthermore, the findings in this chapter show that China is a player that have been exercising normative power as well. The chapter therefore demonstrates China's increased proactiveness in spreading norms, motivated also by its rising desire to reshape existing international institution of global governance in its image. Thus, China throughout the different phases of the evolution of the UN climate regime, was neither only a norm taker nor a norm maker, rather it played both roles simultaneously. In particular with regard to the CBDR principle, China has been a central actor in the process of norm emergence and diffusion. Thus, China has been able to influence since the beginning the functioning and architecture of the UN

climate regime, diffusing then its preferences on how to understand the principle also at later stages of the evolution of the regime. Since China contributed to set the rules of the game it also actively engaged with its evolution.

CHAPTER 6

BETWEEN BILATERAL AND MULTILATERAL COOPERATION: THE CHANGING ROLES OF THE EU AND CHINA AND THEIR IMPACT ON THE EVOLUTION OF THE GLOBAL CLIMATE GOVERNANCE

International cooperation on climate between the EU and China does not only take place at the multilateral level but also at the bilateral one, in a complex dynamic that sees these two levels intertwine (Belis et al. 2018). Indeed, the two actors cooperate both within the multilateral UN climate regime - as seen so far - and within a broader EU-China bilateral partnership. These two actors are increasingly perceived as decisive in both contexts, as together they are now responsible for just over a third of greenhouse gas emissions. Consequently, their climate policies – both those decided at the multilateral and national levels, but also initiatives in the bilateral sphere – are crucial as they have a strong impact on climate change policies as well as on the actions of other countries (Bradford, 2020; Adelle et al. 2018). Since the formation of the UN climate regime in the 1990s, the roles assumed and performed by the EU and China have changed many times over time both within the context of the multilateral regime and in their bilateral relationship. As seen in the previous chapters, if the EU was overall considered a pioneer in climate action, China despite playing since the beginning a 'norm-maker' role with regards to the CBDR principle (see Chapter 5) was originally considered mostly a reactive if not sceptical actor, but gradually came to assume an increasingly central role. Especially after the denounce and withdrawal by the USA from the Paris Agreement in November 2020 under the Trump

administration, more attention has been paid to the EU and China as potential partners to drive global climate cooperation at the multilateral level (Von Lucke, 2023; Altun and Ergenc, 2023; Bai and Wang, 2017).

Since the early stages of international climate cooperation under the UN regime, EU-China climate relations and interplay have gone from being almost non-existent to becoming a significant aspect of the relation. As far as bilateral relations and their spill-over effects to the multilateral level are concerned, it is important to consider their increasing cooperation through bilateral talks, projects, agreements and joint statements (Locatelli, 2020). Indeed, despite their at times profound differences and diverging views on climate governance, the EU and China have been committed to deepening dialogue and developing cooperation on this issue since 2005 through the establishment of the EU-China Partnership, which led to the first Joint Declaration on Climate Change in that same year. Since then, these two actors have steadily deepened the bilateral climate partnership by taking it up to the governmental level with institutionalised dialogues and relationships (Torney and Gippner, 2018; Romano, 2010; Holzer and Zhang, 2008). Subsequent joint declarations as well as official policy documents issued since then often refer to the climate issue. Since 2005, therefore, climate has become a central issue in the framework of the institutionalised bilateral relations of the EU and China, and this has repercussion at the level of multilateral cooperation.

This chapter focuses on the changing roles of the EU and China in global climate governance – here understood in a broad sense to include both bilateral and multilateral levels – analysing how the changing roles of these two actors have influenced (and could eventually explain) their positions and decisions taken on climate norms analysed in Chapters 4 and 5. Using a role-theoretic approach, this part of the thesis aims at providing an answer to the following research question: How have the EU and China bilateral cooperation on climate change influenced the evolution of their positions at the multilateral level?

The ambition of this analysis is to provide a deeper understanding of the challenges in the strategic partnership between the EU and China at both bilateral and

multilateral levels and the interaction between them. Therefore, this chapter analyses how the cooperation that takes place at the bilateral level interacts with and influences that which takes place at the multilateral level in an attempt to analyse how the EU and China seek to influence each other's normative and ideational positions in the international system (Gurol and Starkman, 2020; Pelkmans, 2020; Wunderlich, 2020). To this end, this analysis rests on and further develops the conceptual differences that exist between the EU and China regarding their perceptions of norms and prevailing visions on climate governance emerged in the previous chapter (Song, 2020; Pan, 2010).

This chapter is structured as follows. First, I draw a map of the evolution of the EU and China relations taking place at the bilateral level on climate, showing how cooperation has evolved and intensified over time. I then analyse official policy documents to investigate the development of EU and Chinese roles in climate politics by using the role theoretic approach, show how these roles have shaped EU-China cooperation at the bilateral level, and how this influenced the multilateral one.

6.1 Bilateral EU-China Dialogue on Climate Change

The origin of bilateral cooperation between the EU and China on climate can be traced back to the institutionalisation of their dialogue in the early 1980s on the topic of energy cooperation. In the early stages, however, the cooperation was sporadic, focused almost exclusively on technical issues (e.g., cooperation on energy efficiency) and lacked a broader political vision. Indeed, the 1985 EU-China Trade and Economic Cooperation Agreement enshrined the commitment of developing substantial cooperation on energy mainly through technical exchanges and capacity-building. While this first agreement in 1985 produced few results, the sectoral energy dialogue agreement signed in 1994 was more fruitful. The latter covered issues such as the development of renewable energy and related technologies as well as energy efficiency. A first outcome of this dialogue was to create a biennial conference on energy cooperation, including some elements related with environmental protection,

with the intention of bringing together all relevant stakeholders, including universities, research centres and companies (De Matteis, 2010).

In both agreements, however, very little concerned climate politics in the strict sense. This slowly began to change during the 1990s with the creation of institutional dialogue mechanisms on environmental protection and climate such as the 1996 EU-China working group on environmental challenges such as biodiversity, pollution and climate change itself. This working group was also initiated in view of the negotiations taking place the following year in Kyoto at COP3. In 2003, this working group was then upgraded to the level of ministerial dialogue.

Thus, the issue of climate change was almost entirely marginal, if not absent in the initial phase of the cooperation, but this reflected the broader global trend according to which climate was more a scientific rather than a political issue (see Chapter 4). It was only in the early years of the 21st century that the bilateral relationship between the EU and China expanded to include climate change in a systematic manner and assumed a solid institutional basis on its own (Torney, 2012). In fact, it was only at the beginning of the 2000s that the attention of the two sides began to shift in a more systematic and organised manner to issues of sustainability and environmental protection, including the issue of climate change as well. At that time, both the EU and China were already signatories to the UNFCCC (1992) and the Kyoto Protocol (1997). Both had also adhered to the Millennium Development Goals (MDGs) at the UN Millennium Summit in 2000, which included among others the goal (No. 7) of 'Ensuring Environmental Sustainability'. The turning point for deepening and systematising bilateral relations and cooperation on climate change came in 2005. At the 8th EU-China Summit in Beijing, the two sides established the 'EU-China Partnership on Climate Change' and issued the 'Joint Declaration on Climate Change between China and the European Union'. In addition to building on and expanding the various forms of sectoral cooperation mentioned above, the thematic partnership on climate change also built on the general 'strategic partnership' that had been established two years earlier, in 2003. The establishment of this partnership also sealed a moment of great optimism in bilateral relations between the

EU and China, indicated for example by China's entry into the WTO in 2001. Moreover, the institutionalisation of the dialogue in the form of the partnership was also part of the EU's broader strategy of those years, which, in order to promote its self-proclaimed leadership on climate change, aimed to establish institutionalised cooperative relations on this issue with a number of third countries. Indeed, this was also done with other countries, including Russia, Japan, Mexico and Brazil, in order to influence the adoption of national policies that were ambitious, but also to strengthen climate diplomacy in order to create an effective multilateralism, which the EU believed should largely resemble its own internal model/approach. At the time these partnerships were created, one of their objectives was that of influencing the evolution of the UN regime for the post-2012 period, when the 'first commitment period' of the Kyoto Protocol would come to an end.

The 2005 partnership was based on two strategic directives: on the one hand, to corroborate and strengthen commitment to the goals and principles that were established at the multilateral level with the adoption of the UNFCCC and the Kyoto Protocol, and on the other hand, to deepen bilateral cooperation. The 2005 strategic partnership on climate identified three main objectives: to strengthen dialogue on the topics at the centre of the UN climate negotiations; to cooperate to strengthen the capacities of both sides in decarbonising their economies; and finally, to increase the exchange and transfer of clean low-emission technologies to achieve the objectives identified by the climate regime.

In order to achieve these goals, the EU and China agreed to strengthen the implementation of both the Clean Development Mechanism (CDM) and the Clean Coal Action Plan - which included cooperation on projects to develop 'near-zero emission coal' technology through carbon capture and storage. They also agreed to further develop their capacities to adapt to climate impacts. In particular, the CDM cooperation project (2007 - 2010) aimed at strengthening this instrument through substantial EU funding and to make it the foundation of China's path to sustainable development. More recently, cooperation has extended to the area of emissions trading, with the EU providing expertise and information for building and

implementing a carbon market, following the example of the EU's European Trading System (ETS) (Yang et al., 2022; Torney and Biedenkopf, 2014).

The Bilateral Consultation Mechanism (BCM) was established within the EU-China Partnership on Climate Change in order to ensure regular follow-up on dialogue, projects and more generally on all forms of cooperation taking place within the partnership. Within this consultation format, the EU and China discuss their respective internal political developments and the status of bilateral cooperation, including the exchanges of views on the progress of international climate negotiations under the UN framework. Since 2010, the consultation mechanism has been upgraded to ministerial level, thus establishing the EU-China Ministerial Dialogue on Climate Change. On that occasion, the EU and China decided also to set up a 'Climate Change Hotline' in order to facilitate the exchange of views and information on the topic (European Commission, 2010). In addition to the development of these institutionalised dialogue mechanisms, the partnership has also led to a number of projects and initiatives. One of the most significant is the 'Near-Zero Emission Coal' (NZEC) project, whose aim was to develop carbon capture and storage (CCS) technology. Another project established under the partnership is the 'Europe-China Energy Centre'. This project aims at facilitating China's transition to a low-carbon economy with a more efficient and sustainable energy sector through technical collaboration, information sharing and capacity-building. The elaboration of the 'EU-China Cooperation Roadmap' then defined the terms of energy cooperation between the two actors.

Starting from the beginnings of 2000s, trade in clean energy technologies became increasingly important for EU-China economic ties, with China becoming the world's leading producer of solar and wind energy systems. China thus started to purchase raw materials and equipment for the production of solar panels from the EU, then exporting the finished product to the EU (Liu et al., 2019). In 2012, China accounted for 40 per cent of the EU's imports of wind energy components and 75 per cent of those for solar energy. However, the low cost of Chinese products put many European companies at disadvantage, leading the EU to impose tariffs following an

investigation into China's unfair trade practices. This dispute - the largest between the two countries in the trade sphere - strained EU-China relations and it had repercussions in their climate cooperation. The resolution of the dispute was reached at the Summit that year, which then facilitated the adoption of the 'EU-China 2020 Strategic Agenda for Cooperation' in which one of the strategic areas of cooperation was the fight against climate change and sustainable development. The Agenda's sustainable development chapter included a section devoted exclusively to cooperation on climate change and environmental protection. The two sides reaffirmed their commitment to maximising synergies between China's ecological civilisation and the EU's resource efficiency agenda, recognising their joint duty in driving global development. In addition to collaboratively pursuing the goals of the UNFCCC, they agreed to support complementary projects. To help China establish a national emissions trading scheme, the EU and China launched a Carbon Trading Cooperation (CET) initiative in 2014. The EU and China also jointly declared their intention to work together to “reach an ambitious and legally binding agreement” at the Paris Climate Conference in June 2015, which was eventually achieved.

Subsequently, in 2017, the EU, China and Canada formed the Ministerial Climate Action Committee (MoCA), which provided a comprehensive strategy to address climate change. Since 2017, ministers and officials from these countries have met in annual ministerial meetings to improve action and advance the goals of the Paris Agreement. They also offered business leaders a venue to discuss economic potential.

During the 20th EU-China Summit in 2018, both sides reiterated their desire to make cooperation on climate change and renewable energy a key element of their bilateral engagement and economic connections. Chinese and European top officials reiterated their agreement to step up individual efforts by 2020 and build a long-term strategy for low-carbon development strategies in the Joint Statement on Climate Action and Clean Energy that they signed. For the first time, it was also formalized the intention to explore the possibilities of trilateral cooperation with developing

nations, particularly the least developed countries, small islands and African countries in order to improve their capacity to address climate change and develop clean energy. In terms of how the EU has structured its relations with China, 2019 marks a turning point. The European Commission released a joint communication to the European Council, the European Parliament and the Council titled 'EU-China - A Strategic Outlook'. The Strategic Agenda for Cooperation 2020 was to be revised in the document, as the EU recognised the significant increase in China's economic power and political influence that made of it a "key global player and an important technological power" in the field of climate. Consequently, for the EU, China should no longer be considered a developing country and should not be excused for avoiding its mitigation commitments. The EU in that period realised that it had to create a multifaceted strategy to deal with China, considered as being at the same time a cooperation partner to achieve mutual goals, an economic competitor and a systemic rival.

The 2019 document states that the EU continues to regard China as a strategic and collaborative partner on climate change. However, it draws attention to the fact that China is the world's largest investor in renewable energy, despite being a major carbon emitter and building coal-fired power plants around the world. The EU, a key player in the fight against climate change, has put pressure on China to peak its emissions by 2030, according to the objective of the Paris Agreement, in the hope of promoting greater collaboration on sustainable financing. The need to intensify collaborative efforts to implement the Paris Agreement was again emphasised by EU and Chinese leaders at the 21st EU-China summit held in Brussels. Furthermore, they issued a joint declaration in which both sides committed to promoting renewable energy, switching to low-carbon fuels and improving energy efficiency.

Finally, notwithstanding it is not contained in a joint document, both China and the EU have pledged to achieve climate neutrality around the mid of the century. The commitment to achieve climate neutrality by 2050 in the European Green Deal demonstrates the EU's ambition to take the lead and inspire other countries to increase their own targets. China is also engaged in a transition effort towards a more

sustainable growth strategy. In 2021, at the 75th session of the UN General Assembly, its President Xi Jinping declared before the international community that China wants to achieve climate neutrality by 2060 and, to this end, to peak emissions before 2030.

Climate change is a key area in EU-China relations, with significant potential to be realised from cooperation on this issue. On the one hand, this is due to the economic benefits of the partnership, such as the substantial economic gains from mutual cooperation on low-carbon technologies and climate change adaptation and mitigation. On the other hand, it is due to the partnership's potential contribution to controlling global warming and the possibility that it will be a model for other economies and a testing ground for bold strategies on how to combat climate change and, at the same time, create strategies that are seen as acceptable and equitable to all participating countries (Zhang Chao, 2017). The numerous institutions set up to manage their cooperation on climate change have the task of improving mutual understanding between the EU and China and limiting divergences that could lead to deadlocks in climate multilateral negotiations, as it happened at COP15.

6.2 The Changing Roles of the EU and China

This section focuses on the roles of the EU and China in the UN climate regime, highlighting how they have changed over time and analysing then how they have influenced their bilateral climate relations and consequently the regime established at the multilateral level.

6.2.1 China: a developing country with strong power projection ambitions

Since the creation of the UN regime in the early 1990s, China's role has undergone a significant transformation. China's action in global climate governance is often defined by an alternating double identity: on the one hand a narrative that tends to portray itself as a 'weak power', on the other hand as a strong power (Geeraerts, 2011). Indeed, in global climate politics China mostly positioned itself as

a developing country with the right to pursue economic growth since it has been harmed by developed countries, mostly identified with Western and/or Global North countries. Though, at times, it presented itself as a rising power (Kopra, 2019; Guo, 2004), pursuing the goal of becoming a regional hegemon with a claim to exercise global leadership also in the climate sphere. China has thus alternated a political strategy that projects it as a developing country or a great power depending on the historical phase and the specific case, although its self-perception overall has changed towards greater leadership in international relations. Indeed, China has often portrayed itself as the largest of the developing countries, leading the G77+ China and BASIC negotiating groups in multilateral climate negotiations. China thus seems to alternate these roles depending on the circumstances to decide its position on global climate politics.

China as a Defender of Developing Countries

Throughout the history of climate negotiations, China has traditionally positioned itself as an advocate for developing countries, advancing and often strengthening their arguments. At the core of how China interpreted this role is the idea – remained largely constant throughout time as seen in Chapter 5 – that developed countries with historical responsibility should finance the mitigation and adaptation efforts of developing countries. In support of this claim, China has often cited the CBDR principle as enshrined in the UNFCCC of 1992. China has also played a significant role in developing this concept as part of UN climate politics and in reiterating it at each subsequent climate conference, as seen in Chapters 4 and 5. The EU, for its part, initially embraced it as a way to ease the burden on developing countries, but also anticipated that a day would come when these countries would also have to reduce their emissions and the CBDR principle would no longer be used as a defence against such an obligation (Yan and Torney, 2016).

Although some rising nations with high emissions and rapid economic growth were excluded from the Kyoto obligation to reduce emissions, they continued to face opposition from China throughout most of the first decade of the 2000s. Some countries argue that the Kyoto 'firewall', which divides obligations between rich and developing countries, has become problematic, especially due to changes in the global economy and the distribution of emissions, but China has insisted on maintaining its position. The growing tensions that affected EU-China ties were caused by the discrepancy between what China expected from its position in the international climate regime and what most of the international community expected from China's involvement. Indeed, China's poor efforts have been criticised as not being in line with the country's economic position, which would have required greater responsibility in combating climate change (Li, 2016), especially when China overtook the USA as the largest producer of greenhouse gases in 2006. (Vidal and Adam, 2007).

From Policy-Negator to Policy-Creator: China as a Greater Power

The period before and after COP21 represented a turning point for China. Indeed, China took a more active position as policymaker and norm-maker in the run-up to the Paris Agreement negotiations (Godbole, 2016). While announcing that its emissions would only peak in 2030, it declared its desire to reduce them. Moreover, both China and the US exercised strong leadership in concluding the agreement (Li, 2016). Indeed, the Paris Agreement was adopted at COP21 as a result of a compromise reached by different negotiating groups, and highly facilitated by the political agreement concluded by Barack Obama and Xi Jinping the previous year, in 2014. As shown by this agreement, China's position in the process leading up to the approval of the Paris Agreement changed dramatically from that of a 'weak power' leading the developing world to that of a 'stronger power', aiming to take the lead in global climate politics alongside the US and EU. This change in its international posture can partly be traced back to the rapid expansion of the Chinese economy and its lack of legally binding obligations on emissions reduction, which led to a change

in external expectations and consequently to increased pressure on China. As a result, it arose a discrepancy between the role played by China and what others expected from it. In addition, international and internal pressure intensified on various domestic actors and policymakers to take a more active role in reducing climate change and transforming China into a resource-efficient economy. Thus, in response to domestic and foreign pressure, China started to play a more proactive role in climate governance. Other possible explanations for China's more proactive role could be traced to its desire to be seen as a regional hegemon that facilitates prospects for cooperation, showing that it is taking its duty more seriously to seek new bilateral alliances (Li, 2017). When the US withdrew from the Paris Agreement, China showed that it was ready to take on obligations commensurate with its economic power. China seized the opportunity to demonstrate its commitment to becoming a 'proactive builder' and an important and responsible actor in UN climate governance (Kopra, 2019; Espa, 2018). However, pick-and-choose tactics with respect to its own role persisted and manifested again during COP23 in Bonn (2017). At this COP, China adopted the narrative of a poor country, alongside the Group of Like-Minded Developing Countries (LMDCs) and the G77 group to call for additional financial assistance for the implementation of the Paris Agreement (Dröge and Rattani, 2018). For this reason, China could not continue to play the proactive role it had shown in 2015 at COP21, when it declared that it would invest around \$3 billion in climate finance through the South-South Climate Cooperation Fund. Instead, during COP24, China showed that it was willing to be subject to the same rules as developed countries, without a real division between developed and developing countries. China sided with the EU in proposing ideas during the negotiations on the Rulebook for the implementation of the Paris Agreement, demonstrating its ability to act as an active policymaker and norm-maker.

In conclusion, it is possible to notice a change in China's role and image towards that of a responsible and proactive player in global climate politics, but this move is accompanied by a deliberate approach of choice in fulfilling this role – as

underlined by the pick-and-choose tactic at COP23. This exemplifies China's uncertainty in which role playing.

6.2.2 EU Evolving Roles: From Leader to Spectator and back to “Leadiatorship”

While China's role conceptions and performances have oscillated between those of a great power and those of a developing country, the EU has claimed global leadership since the beginning of international climate policy and throughout the entire regime evolution process. Despite its leadership claim, the EU's role has also changed and evolved over the course of the different COPs, with COP15 in 2009 representing a real turning point for the EU in terms of changing its position and role.

Not only the EU itself, but also other actors have portrayed the EU as a leader in global climate politics. However, this role has been contested and challenged over time (Johansson-Nogués et al., 2020; Wurzel et al., 2017; Schreurs and Tiberghien, 2007;). As seen in Chapter 5, the EU played a significant role particularly in the early stages of global climate politics, helping to the formation and adoption of both the UNFCCC (1992) and the Kyoto Protocol (1997) (Oberthür and Groen, 2017). The Kyoto Protocol in addition entered into force in 2005 partly due to the EU's numerous political efforts and actions (Elgström, 2015). Consequently, the other members of the UN climate change regime agreed to consider the EU as a leader, in line with its self-perception from the beginning of global climate politics until roughly the early 2000s (Kilian and Elgström, 2010). The EU's strategy has been based on a combination of 'leading by example' – i.e., unilateral emissions reduction and ambitious domestic climate policies – and external promotion of ideas, norms and standards to third parties (Bäckstrand and Elgström, 2013; Kilian and Elgström, 2010). While until COP15 in Copenhagen, the EU's leadership style could be described as preeminently normative and ideational, on that occasion the EU's status as a global leader in climate diplomacy was put into question. At COP15, as already described in Chapter 5, the US and the newly formed BASIC coalition had rejected

the EU's plan to introduce legally binding emission targets in the negotiations for a successor treaty to the Kyoto Protocol (Groen et al., 2012). The EU thus emerged from the negotiations in Copenhagen much weaker than when it had entered them, since the failure to meet its objectives affected the way it played its role in the future. Due to the apparent discrepancy between the leadership's goals and the reality of the negotiations, the EU itself began to doubt its own image and role. Furthermore, the outcome of COP15 had a significant impact on the perception and opinions of the EU by external actors. As a result, a divergence has emerged between internal perceptions of the EU, external expectations and the actual execution of the role.

The EU then endeavoured to regain its leadership by changing its role and consequently the negotiating tactics after the loss of influence at COP15 in Copenhagen. This new role could be referred to as 'leadicator', that entails a shift from the exercise of leadership to 'leadicatorship' (Oberthür and Dupont, 2021; Bäckstrand and Elgström, 2013; Groen et al., 2012). A 'leadicator' is an actor who manages to combine leadership and mediation by choice or necessity. With this transformation towards a pragmatic approach, the EU has intensified its efforts to build bridges and heal the differences between major emitters and developing countries. Thanks to this role adjustment, the EU has been in a better position to influence the outcome of negotiations according to its preferences since the Durban COP in 2011 (Bäckstrand and Elgström, 2013). The same role as 'leadicator' was then adopted by the EU at COP21 in Paris, where it presented itself as a leader who does not impose a solution but tries to mediate between developed countries on the one hand and developing and underdeveloped countries on the other. In the run-up to COP21, the EU also actively participated in the creation of the High Ambition coalition, an intergovernmental organisation of around 60 countries committed to promoting ambitious climate proposals, which then played a crucial role in the adoption of the Paris Agreement. In the creation of this coalition, the EU was very active in taking the lead and bring together countries from various negotiating groups in an attempt to break up the already fragmented group of developing countries and thus isolate

China (Vidal et al., 2015). This led the EU to achieve many of its goals (Oberthür and Groen, 2017).

After the failure of COP15, the EU revised its role and strived to maintain its central position in the climate negotiations. However, after COP21 – especially at COPs 23, 24 and 25 – the EU partly failed as a mediator and 'leadator' as it was unable to step up its climate action to help resolving the many divergences over negotiating issues, many of which revolved around the issue of equity (Dröge and Rattani, 2018).

In conclusion, overall, it can be observed a well-defined shift in the EU's position from leading by example to acting as a mediator between countries, notwithstanding the nuances that can be observed from the different COPs. Furthermore, the EU's perception of its role has changed as a result of its failure to act as a leader at COP15 in Copenhagen, not least because it failed to meet global expectations from other actors.

6.3 Roles and EU–China Interplay

In international climate politics, not only the roles played by the EU and China have undergone a dramatic transformation, but also their cooperation at both the bilateral and multilateral levels. EU-China relations themselves have gone through various phases over time, which then spilled over and influenced climate cooperation as well (Michalski and Pan, 2017; Jorgensen and Wong, 2016). Despite numerous tensions, the EU and China have established overall a fruitful relationship of bilateral climate cooperation (Altun and Ergenc, 2023; Yan and Torney, 2016). As seen in the previous sections of this chapter, for a long time, the EU and China have played antithetical, or at least very different, roles in the international climate system. While the EU has long seen itself as a leader trying to persuade other countries through its own example (i.e., 'leading by example'), China has presented itself as a developing country or emerging economy with the 'right to develop' and thus the right to increase its emissions without any limitations. Nevertheless, in 2005, the EU and China initiated a bilateral partnership on climate cooperation, which led to the publication

of a joint declaration on climate change. Since then, numerous other declarations, statements and cooperation programmes have followed, as seen in Section 6.1 and shown in Table 3.

This section presents the results of the qualitative content analysis of the documents listed in table 3.

Tab. 3 List of Analyzed Documents produced under the EU-China Bilateral Cooperation on Climate

Year	Documents
2005	EU–China Joint Declaration on Climate Change
2006	EU Policy Paper on China ‘Closer Partners, Growing Responsibilities’
2010	Joint Statement on Dialogue and Cooperation on Climate Change
2012	EU–China Joint Declaration on Energy Security
2013	EU–China 2020 Strategic Agenda for Cooperation
2014	China’s Policy Paper on the EU “Deepen the China-EU Comprehensive Strategic Partnership for Mutual Benefit and Win-Win Cooperation”
2015	EU–China Joint Statement on Climate Change
2016	Elements for a new EU Strategy on China
2018	EU–China Leaders’ Statement on Climate Change and Clean Energy
2018	Memorandum of Understanding to Enhance Cooperation on Emissions Trading between the European Commission and the Ministry of Ecology and Environment of the People’s Republic of China
2018	China’s Policy Paper on the EU
2019	EU Commission Paper ‘EU–China – A Strategic Outlook’

These documents highlight recent changes in the EU-China relationship on climate. The findings hereinafter presented support not just the shifting in role

conceptions that I have already presented, but also a shift in attitudes regarding climate change on both sides. Throughout the analysed period the climate challenge has acquired increasing relevance for the two actors, and they have repeatedly stressed that without their participation it would not be possible to find a solution to the crisis, stressing in this way their crucial role.

The EU and China began their Partnership on climate change in 2005, laying out precise goals for their collaboration. One of the goals is to uphold the UN-led process and, as stated in the Joint Declaration on climate change between the EU and China, "strengthen (...) dialogue on climate change policies and exchange views on key issues in the climate change negotiations". Another important objective relates to providing technical cooperation and facilitating exchanges of knowledge on issues such as energy efficiency, renewable energy and low-carbon technologies. This demonstrates the strong tie and interdependence in the EU–China relations between climate change, energy policies and energy security. In addition, it could also imply that energy security – i.e., the guaranteed supply of inexpensive and "clean" energy to meet economic needs and generate economic benefits from technological advancements – was considered as being more important than climate change mitigation motives as regards their bilateral cooperation. The Joint Declaration on Energy Security concluded in 2012 reaffirms the importance of energy for EU–China cooperation and includes climate change as a corollary to energy security. More recent documents make reference to climate change more extensively. For example, the EU–China Joint Statement on climate change released in 2015 ahead of COP21, and the 2018 'EU-China Leaders' Statement on Climate Change and Clean Energy' deal with issues that are at the center of the UN climate negotiations: namely, among others, mitigation and emission reduction commitments and policies, climate finance for developing countries, and adaptation measures. Some issues are constantly present, though in different forms and through different formulations, in all the analysed documents from the oldest (i.e., 2005) to the most recent one (i.e., 2019). Among these issues there are the insistence on economic affairs for EU-China climate

cooperation, the relevance of market mechanisms (such as emission trading systems), and other issues related to energy.

With the passage of time, the increased attention paid to climate change by the EU and China in their bilateral cooperation has become more evident, as well as their increased awareness of their critical roles in the UN climate regime – as demonstrated by the documents. While the 2015 Joint Statement recognizes the EU's and China's crucial roles in addressing climate change, defined as “one of the greatest threats facing humanity”, the EU-China 2020 Strategic Agenda of 2013 point out their “shared responsibility for advancing global development”. In comparison to earlier statements and declarations, this constitutes a significant difference. The 2018 EU-China Leaders' Declaration point out this tendency even further by acknowledging the danger induced by climate change, highlighting the importance of the Paris Agreement as a “historic achievement”, and stating that every country must share responsibility for finding a common solution. Additionally, it emphasizes the EU's and China's commitments, stating that they are resolved to display unwavering determination in solving the climate crisis and that they reaffirm their highest political engagement on the full implementation of the Paris Agreement in all its parts. Since the 2018 EU-China Leaders' Declaration is an addendum to the declaration of the 2018 EU-China summit, it may be viewed as a response to the US's announced withdrawal from the Paris Agreement. However, it was first developed in 2017 when a joint declaration was unsuccessful due to trade disputes among the actors. Before it was published, the 2018 edition underwent just minor revisions (Gaventa, 2017; Apparicio and Mathiesen, 2018). It is possible to interpret statements like “they call on all Parties to support the Paris agreement” and to support a “multilateral rule-based system” and “global free trade” as a retaliation against the conduct of the US. This may also imply that the EU and China in that occasion interpreted their roles as cooperative among them in contrast to the US. The EU and China were able to fill the void left by the US withdrawal from the Paris Agreement and, as a result, recalibrate their role performance. Collaboration with the US was a key tenet of China's climate strategy before 2018, as indicated by the important bilateral agreement

reached by the two actors before COP21. When the overall geopolitical relationship between the US and China worsened from vital involvement to rivalry and competitiveness, the cooperative stances of the previous period immediately changed. Once the US denounced the treaty, the EU stepped in into the role of major partner with China in the multilateral regime to address climate change, by sharing the costs and the responsibilities with China. In a similar vein, the EU's Commission Paper of 2019 'EU-China - A strategic Outlook' highlights the significance of climate cooperation between the two parties, highlighting the need "to continue building an enduring and strong relationship" and recognizing that cooperation is essential to the accomplishment and progress in global climate action. The joint documents thus show a growing recognition by the EU and China of the crucial importance of climate change and of their cooperation in solving the crisis. In addition, China has progressively shifted its perception towards its role as a "major power" fully committed to global climate politics, thus fulfilling the EU's expectations for China's external role as the world's largest emitter. Simultaneously, the EU criticises China especially in relation to its role in financing internationally the production of energy from coal mines, and argues that China should reach the peak of its emission before 2030, in contrast to its publicly stated intention. These critics signal that according to the EU China is not fully complying the responsibilities that derives from its self-perceived leadership role.

The analysis of the joint statements and declarations also illustrates the various tenets and principles that underlie the EU's and China's different perceptions and understandings of their respective roles, emphasizing those that each actor consider as being most important. It appears that the EU gives importance to multilateralism, the need for international cooperation based on norms and institutions, and the importance of a rules-based international order in relation to the international action required to address the climate problem. As a framework for collaboration, in these documents the UNFCCC, the Kyoto Protocol, and the Paris agreement are cited and endorsed. In the documents, the EU's role as a multilateralist actor also emerge from the references to other international institutions and fora, including the G20, that are

evoked as useful platforms for climate cooperation. For instance, in the 2018 'EU-China Leaders' Declaration on Climate Change and Clean Energy' there is written that the Paris Agreement stands as evidence of the fact that multilateralism can succeed in establishing fair and effective solutions to the major global crisis of our time. In fact, in the document the term "multilateralism" appears six times in contrast to just one mention of the word "multipolarity". This could entail that China has partly assimilated the EU's conception of international cooperation on climate during its interplay with the EU. Indeed, while traditionally the EU has long prioritized multilateralism as a foundational aspect of its foreign policy, China has predominantly emphasized its understandings of world order as a multipolar one (Jorgensen and Wong, 2016). The CBDR principle is also repeatedly mentioned in the analysed documents. As discussed more deeply in Chapter 5, the way in which the principle is mentioned points to the fact that China views itself as a developing country whose responsibility in terms of mitigation commitments should be equated to those of other developing countries. This suggests how China still continues to see itself as exercising a different role than the EU, with a lower willingness to bear the financial burden to address climate change by reducing emissions.

Ultimately, the relation of cooperation between the EU and China has expanded from a sporadic cooperation limited to energy and technological issues to one based on an institutionalised partnership directed to influencing international climate politics, including the negotiations under the UN multilateral regime. This testifies the EU's and China's recognition of their critical position and vital roles within the global system of climate governance as well as their desire and readiness to play a significant role in addressing this challenge. The possibility for the EU and China to cooperate on climate change has grown as their roles' conceptions got closer and thus more compatible. The joint documents released after the adoption of the Paris Agreement (i.e., the documents from 2015 to 2019) confirmed what also emerged in chapter 5 about the fact that the increased cooperation between the EU and China is also the result of China's role shift before COP21, the EU's adaptation as a "lead actor" after COP15 in 2009, and the new

opportunity created by the US's withdrawal from the Paris Agreement under the Trump's administration.

6.4 Conclusion

This chapter has shown how changing roles have led to increased cooperation between the EU and China on climate change both within the UN multilateral governance system and at the bilateral level. Role theory was used here to analyse the foreign policy behaviour of two actors (i.e., EU and China) rather than single actors as in other studies, thus helping to fill an analytical gap (Michalski and Pan, 2017; Thies and Breuning, 2012).

Notwithstanding the general political tensions in EU-China relations – that have led for instance the EU to consider China as both a partner for cooperation but also an economic competitor and systemic rival – the study noted three significant events that have contributed to an increasing intensification of climate cooperation, accompanied by a shift from a cooperation initially based exclusively on technical issues to one with a broader political scope. The first critical juncture was the 2009 COP15 in Copenhagen, which led to a shift in the EU's position from leader to mediator playing the role of 'leadicator' in international climate governance. The adoption of the Paris Agreement in 2015 at COP21 was the second critical juncture, since the adoption was made possible also by China's shift to a more proactive stance on climate change. Another critical juncture for EU-China cooperation was the US withdrawal from the Paris Agreement under the Trump administration, which altered the dynamics of the negotiations. This left a leadership vacuum and offered the EU and China the chance to reposition themselves in the UN climate change system, giving them the opportunity to increase cooperation both bilaterally and multilaterally.

Although roles - and their evolution - are not the only element that can explain the behaviour of the EU and China and the intensification of their climate cooperation, I believe that the use of role theory can help to better understand these changes and evolution. The analysis showed how actor's conceptions of their own role influence the behaviour of the EU and China in both international negotiations

and bilateral cooperation. Furthermore, the analysis shows how conflicts between different internal role conceptions within an actor (e.g., the conflict between China's role as a developing country and great power) or between internal and external expectations (e.g., the EU's conception of the role of international leader, which turned out to be unsupported by the other actors in Copenhagen) led the involved actor to change its role (Gurol and Starkmann, 2020). From a theoretical point of view, the main contribution of this analysis is the idea that when the roles of two actors (in this case the EU and China) become more compatible, their cooperation intensifies. In recent years, the roles of China and the EU have become more compatible as both recognise their own role and that of the other actor as essential in the international climate system both at bilateral and multilateral levels. For example, it is with the transformation of their roles after COP15 in Copenhagen and during the period leading up to COP21 in Paris, that China and the EU have become more inclined to have cooperative relations as their roles have become more similar. This increased cooperation was confirmed and strengthened following the US withdrawal from the Paris Agreement. This does not mean that the EU and China have become actors with identical roles and expectations. They continue to have, to some extent, divergent views and expectations on their respective roles as well as on the climate governance system. A significant example is the EU's recent request to China to implement its emission reduction commitments. This signals the EU's scepticism towards China's self-representation as one of the leaders of the current UN climate system and global climate governance more generally. Although EU-China cooperation on climate is likely to deepen in the future, this example shows that there are still many divergences between the two actors, partly as a reflection of divergent self-representation and external perceptions of their roles. Overall, therefore, despite many strategic and diplomatic divergences and tensions, the EU and China treat climate change as an issue where their interests could converge, leading them to greater cooperation.

At the same time, however, the role-based analytical focus has some obvious limitations. One of the biggest limitations of this type of analysis is that it does not

take into account how economic factors and the geopolitical context influence the roles or interact with them and the expectations coming from the other actors. Future research on these two factors and their effects on cooperation could prove fruitful. Another significant drawback of the approach taken in this chapter is that, by treating the EU as a unitary actor, it is not possible to investigate and explain the dynamics of cooperation between China and individual EU member states, as well as the disagreement among member states on the approach they decide to have towards China. Indeed, while some member states have established deep and entrenched ties with China on climate – as well as in other areas – others remain more aloof. These divisions and the different approaches among EU member states certainly exert an influence on the overall EU-China cooperation, but they are not taken into account in this chapter.

CONCLUSIONS

The issue of how to differentiate mitigation efforts among the parties to the UN climate regime has always been central and controversial in climate negotiations. Over the past 30 years, there has been a profound shift in how emissions reductions are distributed between states under the UN regime. In this thesis I argue that the different schemes and mechanisms that the parties have agreed on largely depend on their conceptions of equity and fairness. The EU and China have not been aside to this debate, on the contrary they have been at its forefront leading other countries and their respective negotiating groups according to their views and norms. The EU and China have thus expressed at times different and at times converging negotiating positions on the basis of their normative beliefs, prevailing ideas and views on what a fair climate governance is. Throughout the climate negotiations within the context of the UN regime, the EU and China have been invoking different norms or different interpretations of a same norm.

As seen in Chapter 4, two main norms have been central to this debate throughout the UN climate negotiations: the norm regarding the idea that an international treaty regulating climate change should guide the mitigation action of its parties by establishing legally binding targets and timetables for the reduction of GHG emissions; and the norm on whether there should be a differentiation in obligations (on mitigation) between countries of the North and those of the South, or between developed and developing countries. The first norm on targets and timetables was institutionalised in the Kyoto Protocol, it was severely contested during the first decade of the climate negotiations and it was not included in the Paris Agreement. The norm on differentiation followed the same path, being institutionalised in the

Kyoto Protocol and being practically abandoned in the Paris Agreement. These norms had profound implications for the institutional architecture of the UNFCCC and subsequent climate agreements – the Kyoto Protocol and the Paris Agreement – that have come up with different schemes for the distribution of mitigation efforts among parties. As aforementioned, the Kyoto Protocol followed an annex-based, differentiated structure by ascribing emissions reductions (formally Quantified Emission Limitation or Reduction Objectives; QELROs) and stringent annual emissions reporting for developed countries (Annex I) while setting no mandatory targets for developing nations (Non-Annex I). Although perhaps efficient the approach based on QELROs started to be perceived as not being fair and equitable by some parties, including the EU, mostly due to the changing figures on countries' GHG emissions. It was perhaps also not effective as the emissions did not slow in many states and industrialized countries became less willing to sign up to the Kyoto Protocol's second commitment period (2013 – 2020). Mainly as a consequence of the changes in the global economy and in global emissions distribution, the Kyoto architecture became inadequate and perceived as unfair by a growing number of actors, including the EU. The Kyoto “firewall” dividing the commitments between developed and developing countries became a problematic feature, particularly considering the rapid economic growth of a group of emerging countries with rapidly growing emissions (including China, India, Brazil, and South Africa) who, under the Kyoto regime, were exempted from emissions reduction obligation. The Paris Agreement, which regulates the post-2020 period, marked a strong change of direction compared to previous regime architecture. This treaty was built on the idea that the new major emitters, previously exempted from any commitments, were to be included in the mechanisms of mitigation envisaged by the UN climate governance. The idea at the basis of the Paris treaty is that every country, without distinction between developed and developing ones, would set goals to curb carbon emissions in an effort to avert the worst effects of climate change. While in the Kyoto Protocol there was a clear differentiation of obligations between developed and developing countries, in terms of emissions reduction, the Paris Agreement eliminated the so-

called "bifurcation" (or firewall) between the two groups of countries by creating rules and provisions common to all parties. In addition, it lacks the centralized, top-down approach of the Kyoto protocol, meaning it does not impose any specific reduction target to any country or group of countries, instead leaving governments themselves indicate their objectives and national policy measures through the "Nationally Determined Contributions" (NDCs).

As indicated in the analytical framework (Chapter 3) I applied the lens of normative power to analyse the data that have emerged in relation to the EU's and China's positioning in the UN climate regime on issues related to fairness, equity and burden-sharing. Through the analysis of the EU's and China's stances towards the fairness principles, and the related mitigation burden-sharing mechanisms, this thesis aimed at figuring out whether the EU and China have been exercising normative power at certain points in time, identified as critical junctures (i.e., COP3, COP15, and COP21). On the basis of gaps identified in the literature review, the thesis aimed at demonstrating how normative power has been exercised by international actors in global governance under a multilateral institution, suggesting that international norms are also an intrinsic product of politics among states and the involved actors, in this case represented by China and the EU. Applying the analytical framework derived from Manners (2002; 2008) and further developed by Tocci (2008) – outlined in Chapter 3 – the normative power of the EU and China under the UN climate regime has been investigated in terms of the interpretations of norms they attempted to diffuse, and the outcomes of their norm diffusion actions. After having analysed these components, I argue that both actors have been exercising normative power under this regime. In particular the empirical analysis presented in Chapter 5 was aimed at exploring whether concrete episodes of norm-setting in the context of UN climate regime could represent empirical evidence for an analysis of the EU and China in terms of normative power. The definition of normative power I use in this thesis is "the power to codify an actor's norms in global governance structures through norm diffusion". Therefore, a normative power is one that is able to contribute to norm diffusion and institution building, shaping thus the normal in international affairs

(Scheipers and Sicurelli, 2007). As indicated in the gaps identified in the literature, this attempt is engaging because since Manners conceptualised normative power in relation to Europe as the ability to define what is normal in international affairs in the early 2000s, few studies have analysed China's action through this concept. Equally few studies have analysed normative power within a multilateral governance regime by looking at the actions of the EU and China.

The primary aim of this analysis was to investigate the different interpretations of the equity norm diffused by the EU and China through their understanding of the CBDR organising principle. Through an analysis of the different interpretations of the CBDR principle, this project has explored the nature of differentiation as it evolved in the UN climate regime, in particular as it relates to mitigation obligations. Two main findings stand out in the interpretation of how the EU and China distributed their references to the three possible understandings of the fairness principle (i.e., responsibility, capability, and rights). The EU seems to be a moderate negotiator by supporting equally more than one fairness principle. It distributes its fairness references evenly between 'responsibility' and 'capability'. This is also confirmed by the analysis conducted in Chapter 6 through the role theoretic approach. The EU supports the idea that the climate change regime must accommodate different responsibilities and capacities. This result confirms what has emerged from other empirical analyses on the topic, in particular Sælen et al. (2019), Tørstad and Sælen (2016), Kesternich et al. (2014) and Hjerpe et al. (2011). The fact that the EU has diversified its references to more than one interpretation of the concept of fairness, playing the role of mediator between the more extreme positions of other actors, certainly eased the achievement of consensus during COPs on how to understand CBDR principle and equity. However, especially since the 2000s, the EU has begun to oppose more insistently (albeit always in a moderate way) the interpretation of the CBDR principle from which a rigid dichotomy arose, initially established in the UNFCCC and then strengthened in the Kyoto Protocol.

China, on the contrary, looks as being more "radical" in its position since it refers to the 'responsibility equity principle' most of the time, though it also quite often

alludes to the ‘capability equity principle’ and more often to the ‘rights (needs) equity principle’ than the EU does. It pushed for maintaining an interpretation of the principle that puts the burden of responsibilities on developed countries. According to China, indeed, climate fairness basically means that those countries that have become industrialized and have had the opportunity to achieve a state of economic well-being thanks to unlimited emissions have a responsibility not only to fight climate change, but also to help other countries by assisting them. China identified itself with the global South to emphasize historical responsibility (responsibility equity principle), placing the burden for addressing climate on the countries of the North that had already gone through their path of development and were considered to be at an advanced stage to tackle climate change through mitigation efforts. China over the course of UN climate negotiations has undertaken a profound transformation. Indeed, it initially went from questioning climate science, to firmly opposing targets for developing countries, to accepting voluntary targets for developing countries and communicating ever more ambitious national targets for emissions reduction, and to allow that an agreement was reached on international monitoring of the mitigation commitments undertaken by developing countries. Despite these important changes, however, throughout the negotiations China has always pushed for maintaining an interpretation of the CBDR principle that puts the burden of responsibilities on developed countries (mainly due to their historic emissions), and it has pushed for the recognition of a (more or less) rigid division of mitigation responsibilities between developed and developing countries resisting the introduction of legally binding targets defined at the international level (with a top-down approach) for developing countries. Due to this interpretation of the fairness principles enshrined in the CBDR organising principle, most of China’s statements at UN climate negotiations have been featured by the request for greater participation by developed countries in terms of emission reductions, technology and financial transfer. So, despite a series of important adjustments, China's interpretation of equity and fairness has remained quite stable.

Although their preferred interpretations are quite different, the EU and China do not seem to have clashing conceptions of the fairness principle in the context of the UN climate regime. In contrast the EU and China seems to give priority to different sets of tenets and principles in the context of the global climate governance. As regards China, the following milestones of its climate diplomacy have remained almost unchanged over the course of the regime evolution: developed countries have the responsibility to provide technical assistance and financial resources to developing countries, economic development takes precedence over environmental protection, and finally the recognition of sovereignty of a country to use its own natural resources must always be respected. Furthermore, the principles of sovereignty and non-interference qualified China's interpretation of the CBDR principle. The EU, on its side, have always given importance to multilateralism, the need for international cooperation based on norms and institutions, and the importance of a rules-based international order in relation to the international action required to address the climate problem. Furthermore, since the outset of the UN climate negotiation, the EU's approach towards climate governance was shaped by other major normative foundations, including sustainable development and the precautionary principle.

The other core component of normative power analysed in this thesis is the outcomes of norm diffusion. The positive outcome corresponds to the codification of an actor's norms in the policy and regulatory frameworks of international institutions. The positive outcomes brought about by China's and the EU's deliberate norm diffusion affirm their normative power within UN climate governance. While it is difficult to univocally single out the EU's and China's influences on international negotiations or find direct causal links, I argue that it is possible to make a plausible case for the EU's and China's contribution by carefully tracing back key developments and policy measures in the climate regime and comparing them to their respective initial positions. As argued in the analytical framework, a normative foreign policy must produce normative impacts at the level of the structure as well as the agents evolving within it. The actor studied must therefore succeed in modifying what is considered normal on the international scene by injecting its own norms and

standards. Over the years, the EU has played a key role in moving international climate negotiations forward and it has been able to exert normative impact in the UN climate regime, though with alternating phases. It was an active actor in establishing the UNFCCC, the Kyoto Protocol, and the Paris Agreement, and it has also promoted provisions that acknowledge the different responsibilities of developing and developed countries, despite its increasing reluctance towards the rigid differentiation created on the basis of the CBDR principle.

This thesis also found that China is a player that have been exercising normative power as well.

While, since its first conceptualization in the early 2000s there has been much debate among scholars on whether the EU is a normative power – that is thus able to transform the conception of "normal" in international affairs (Manners, 2002) – there has been much less on whether China constitutes one. Even fewer studies have analysed comparatively the normative influence of the EU with that of China or examined how they interact when using that kind of power within global institutions. This thesis contends that China has become more inclined in defining and influencing global governance with its norms since the start of the twenty-first century (Peng, 2020). The global climate regime is a particular case where China, together with other developing countries, behaved as a norm-maker with regards to the CBDR organising principle already starting from the early 1990s. The UN climate regime was therefore an interesting case to assess whether China have been exercising normative power – and thus if it has been able at certain point in time (i.e, critical junctures) to contribute to norm diffusion and institution building (Scheipers and Sicurelli, 2007).

The empirical chapter have shown China's increased proactiveness in spreading norms, motivated also by its rising desire to reshape existing international institution of global governance in its image. Thus, China throughout the different phases of the evolution of the UN climate regime, was neither only a norm taker nor a norm maker, rather it played both roles simultaneously. In particular with regard to the CBDR principle, China has been a central actor in the process of norm emergence and

diffusion. Thus, China has been able to influence since the beginning the functioning and architecture of the UN climate regime, diffusing then its preferences on how to understand the principle also at later stages of the evolution of the regime. Since China contributed to set the rules of the game it also actively engaged with its evolution.

Further research

Certainly, the approach followed in this thesis presents some limits in its capacity to provide a full account and explanation of the EU's and China's evolving positioning under the UN climate regime. However, these shortages or shortcomings could constitute the starting point for further research on the topic. Among the many topics that I could not investigate in this thesis, the one on which I would focus on for further research is the norms-interests divide to explore whether the normative power exercised by the EU and China in the context of the UN climate regime is exclusively driven by norms or, on the contrary, it also rests eventually on their respective (national) interests. Some scholars have described normative power as being at odds with the pursue of interests, as it emerges in the dedicated literature in Chapter 2 (Diez, 2005). Indeed, the argument goes, a normative power is driven by norms rather than interests and thus it could “pursue norms even if they are not in its interests” (Diez, 2013). According to this logic, proving that an actor is driven by interest would undermine the normative power argument. This division between norms and interest is also reflected in part of the constructivist literature on norms, where it is made a clear distinction between the “logic of appropriateness” and the “logic of consequence” (Clini, 2017).

Though it would be almost impossible to determine whether the actions of an actor are driven exclusively by norms or by interests, being them “ontological categories that are next to impossible to prove” (Diez, 2013), what can be done is to draw some plausible inferences that indicate whether the interpretations of fairness advanced by the two actors at the different points in time also reflected what was more convenient for them, and thus their national interests. This further research would serve to understand whether there could be other factors that contribute to explain the EU and China evolving international positions under the UN climate regime, instead of making only reference to norms. Moreover, this would give us more information on what kind of normative powers the EU and China are in this specific context –

according to the analytical framework used in this thesis. If the conceptions of fairness supported respectively by the two actors also reflect their interests, this would qualify the kind of normative powers they are, providing another element to the analysis. A possible research question to be inquired would be: Are the EU and China exclusively driven by norms or also by interests in their exercise of normative power with regard to fair mitigation commitments?

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