

# Montreal to Glasgow – the Role of the International Community for the Past 30 Years of Climate Justice

*ALEX LEMERY connects COP26 to past climate talks and the role of the international community in solving the climate crisis.*

With the pressure of irreparable climate damage ever-growing (IPCC 2021), international efforts to continue on the current trajectory of emissions reduction are tied to a tight timeframe. Prospects of 'climate crisis' are predicated upon the 'all but inevitable' tipping point of global temperature exceeding 2°C (above pre-industrial levels) 'beyond which dramatic, albeit uncertain, effects on food production, water resources, health, the environment and human settlement are likely' (Kallis 2018, 81). By firstly examining pre-2000 international conferences, particularly how the failure of the Kyoto Protocol created a deadlock for the international community to meaningfully further climate justice (Durand 2012; Rosen 2015), this article considers how the political changes at the turn of the millennium instigated a new wave of climate talks, with specific emphasis on the lessons of the Paris Agreement. From Montreal to Glasgow, international cooperation in combating climate change is closely linked to distinguishing between high- and low-emitting nations. As such, given the centrality of a few high-emitting countries, chiefly the United States (US) and China, climate talks depend on a delicate balance between global goals, the preservation of national interests, and trust.

## *Pre-2000*

The Montreal Protocol, universally ratified on 16 September 1987, brought the international

community together to confront the threat of the rapidly deteriorating ozone layer (Velders et al. 2007). This problem, discovered in 1974 by Molina and Rowland (2004), was primarily attributed to the use of chlorofluorocarbons (CFCs) as propellants and coolants. In a case of great international cooperation, only fourteen years elapsed between the scientific discovery of CFCs' adverse effects and an international agreement being signed for their phase-out (Rowland 1989).

The success of the Montreal Protocol was due to its flexibility, the ready availability of a technological solution, the problem's high profile, and its delineation between low- and high-emitting nations. Moreover, the 1985 Vienna Convention for the Protection of the Ozone Layer established a common understanding of the issue of ozone depletion, facilitating Montreal's success. It established the precedent of 'States negotiat[ing] a framework convention' before ratifying international protocols (Weiss 2009, 1). Technologically, alternatives to CFCs (hydrochlorofluorocarbons, HCFCs) were inexpensive to synthesise and endorsed by the US chemical production industry (Beron, Murdoch, and Vijverberg 2003). The economic rationale was apparent: invest in HCFC production, and eschew the costs of continued CFC use.

All CFC-emitting nations were divided into 'high-emitters' and 'low-emitters', with a differentiated plan of phase-out allocated to each group. High-emitters adhered to a strict timeline to phase out their CFC use, while low-emitters



*Illustration: Anastassia Kolchanov*

could delay their phase out by up to ten years. Moreover, high-emitters established the Multilateral Fund, ‘allow[ing] for universal participation in the agreement and facilitated the process of moving away from ozone-depleting substances in developing countries’ (DeSombre 2000, 70). It was crucial that all nations ratified this deal, otherwise, CFC production could be relocated to unprohibited countries, undermining the efficacy of the solution. While the Protocol’s success could be attributed to the convenience of a readily available alternative rather than a shift in global mindset, the strategy worked.

Following Montreal, nearing the end of a century of international conflicts and a Cold War, the imperative for worldwide cooperation in facing the climate threat provided the impetus for the meeting of 172 countries in Rio de Janeiro in 1992. The International Panel on Climate Change (IPCC) was formed in 1988 as global warming ascended the list of international priorities (Bolin 2007; Keeble 1988). Following Vienna’s precedent, the international community met to establish a framework convention with the intention of following with a protocol of global action (Weiss 2009). For the degenerating ozone, this was Vienna.

For global warming, it was Rio de Janeiro.

The Rio Earth Summit opened a host of legally binding agreements for signature, referred to as the Rio Convention. The UN Framework Convention on Climate Change (UNFCCC) established an annual Conference of the Parties (COP) to face the climate threat (Freestone 1994). Adopting a macro-historical perspective, the international community's modus operandi for global cooperation was hitherto characterised by iterative and insular problem-solution interactions, rather than a holistic and established global approach. Plans were proposed at Rio; precedents were set. This international cooperation demonstrates how, despite a history of climate injustice, we were just beginning to look at its solutions (Little 1995). Thus, the Summit was criticised for failing to affect positive change on long-standing issues central to climate justice, such as poverty and pollution (Palmer 1992). Rio also failed to offer solutions with sufficient common ground to onboard high-emitting nations: William K. Reilly, the Administrator of the US Environmental Protection Agency (EPA) at the time, admitted that international community demands and US imperatives were difficult to negotiate. This lack of unity foreshadowed Kyoto's greater disappointment to come (Osborn and Bigg 2013).

The Kyoto Protocol, which sought to ensure countries' commitment to self-imposed but internationally negotiated and legally binding emission caps (UNFCCC 1997), failed because of its rigidity, its rejection by the US on account of not placing obligations on low-emitting nations, and, specifically, for failing to place emission reduction obligations on China. The framework was stringent, regulatory, and top-down, leaving nations with little autonomy. In an attempt to ameliorate the stringency of the Protocol, Article 12 incorporated market mechanisms, such as cap-and-trade carbon pricing, as part of permissible strategies to achieve national emission goals. These offered a degree of discretion for how the strict targets of the Protocol could be met (Copeland and Taylor 2005). Notably, the

novel Clean Development Mechanism (CDM) was proposed to allow high-emitting (Annex 1) nations to offset their emission reductions by investing in low-emitting (non-Annex 1) nations' sustainability projects (Yadav 2021). This would effectively raise the cap of permissible emissions in Annex 1 nations while simultaneously providing the capital that non-Annex 1 nations lacked to develop sustainably without constraining their economies (Wilcoxon and McKibbin 1999).

Nonetheless, it failed to win back the eroded faith of the US on the grounds of insufficient obligations for non-Annex 1 nations (O'Neill and Oppenheimer 2002). While the Kyoto Protocol followed Montreal's precedent of differentiating countries by their emission contributions, Kyoto gave low-emitters zero obligations, rather than delayed obligations as in Montreal. The noncommitment of non-Annex 1 nations, which afforded countries like China no legal obligations, stalled US support for the Protocol and climate action (Durand 2012). The US and other 'detractors of the protocol [...] have cited their dissatisfaction at seeing China [...] able to abide by the same emission standards as Burkina Faso or Haiti' (Durand 2012, 9). Ultimately, Congress passed the Byrd-Hagel Resolution by an overwhelming majority, prohibiting US participation if the Protocol harmed its economy or failed to include non-Annex 1 obligations—an admonition that went unheeded, since the US did not sign the Kyoto Protocol (Lisowski 2002). Subsequently, the simple non-participation of the US debilitated the international community's efforts to address climate injustice for the next decade.

### *Post-2000*

The failure of Kyoto concluded the twentieth century with little hope for climate justice. The economic growth of developing countries had accelerated rapidly, with China eclipsing the CO<sub>2</sub> emissions of the US in 2007 to become the world's highest emitting country (Li et al. 2012; Nejat

et al. 2015; Ma et al. 2019). The efficacy of the entire international community was shackled to the decisions of key high-emitting nations. Of the two biggest greenhouse gas emitters, one did not sign the Protocol and the other had zero obligations as a non-Annex 1 country. The turn of the millennium brought with it new pressures and a President promising a new direction for the US (Brewer 2012). Bailey (2019, 852) underscores that hope for climate justice was foundational to Barack Obama's successful inauguration: 'he had provided details of what he wanted to do, Democrats controlled Congress and opinion polls revealed high levels of public knowledge and concern about the problem at the time.' Anticipation was high in the lead up to 2009 for COP15 in Copenhagen.

Unfortunately, the agreements reached during COP15 in Copenhagen proved to be a lesson in the trade-off between effectiveness and participation. While more nations ratified the Copenhagen Accord than the Kyoto Protocol, it received widespread criticism for being unambitious and insubstantial (Vaughan and Adam 2009; The Financial Times 2009; The BBC 2009). The final document was only two and a half pages of non-legally binding statements demonstrating an understanding of the scientific consensus that climate change is a legitimate, nuanced threat, for which non-Annex 1 countries will require the support of Annex 1 countries (UNFCCC 2009). However, there were incremental victories claimed at Copenhagen for climate justice. Firstly, it established the crucial scientific threshold that 'the increase in global temperature should be below 2 degrees Celsius' in official writing (UNFCCC 2009, 1). Secondly, as the low responsibility engendered widespread ratification, it was an Accord to which both the US and China could sign. Thirdly, Copenhagen set the precedent for how climate targets are established to this day: targets are domestically determined in a voluntary manner, departing from Kyoto's externally negotiated method.

Following Copenhagen, the next COP of

significance convened in Paris in 2015. Before COP21, in 2014, Obama conducted early climate negotiations with Xi Jinping to 'disentangle the climate talks from their own geopolitical tensions' ahead of time (Prys-Hansen and Klenke 2021, 9). This resulted in Nationally Determined Contributions (NDCs): non-legally binding but public self-imposed targets. Both China and the US announced commitments to new, stronger emission goals, hoping that the social pressure of these public agreements would enforce their upkeep and the ambition demonstrated by the two leading emitters would engender ambition at Paris. With almost 200 NDCs proclaimed by countries globally by the time COP21 convened (Zhongming et al. 2021), these hopes seemed increasingly founded. While the Copenhagen Accord was signed by 80% of globally emitting nations, NDCs were proposed by 97% (Pricing Nature 2021), with many Contributions of greater ambition than the Accord.

---

*“There are no strict international penalties for climate injustice (a model that failed with Kyoto), and the wide adoption of the NDCs demonstrates the virality of the US and China's enthusiasm and ambition.”*

---

The US withdrew from the Paris Agreement in 2020 under the Trump administration. Biden re-entered in 2021. Crucially, the international community's engagement with climate action is predicated upon trust. There are no strict international penalties for climate injustice (a model that failed with Kyoto), and the wide adoption of the NDCs demonstrates the virality of the US and China's enthusiasm and ambition. The 'failure among industrialised states to uphold many previous commitments,' Prys-Hansen and Klenke (2021, 3) argue, 'has led to a significant lack of trust in the negotiations.' The indecisiveness of the US to keep its promises under the Paris Agreement sent a clear message to the rest of the international community:

the commitments of the US are valid until its next Presidential election.

Paris provided much of the blueprint for Glasgow's COP26 intransigence. Another non-legally binding agreement, the Glasgow Climate Pact, was produced with pledges continuing the trend of cutting CO<sub>2</sub> emissions. While the pledges, if met, would only limit global warming to ~2.4 ° C, this continues the positive trend of steadily increasing ambition for climate action as 'Glasgow was the largest UN climate conference ever, followed by Paris in 2015 and Copenhagen in 2009' (Michaelowa 2021, 302). For the first time in the history of COP agreements, fossil fuels have finally been specifically mentioned and the detriments of their continued use are being framed evermore undeniably to the international community (UNFCCC 2021, 3).

Crucial progress was made for standardising international carbon market mechanisms, an idea already proposed as part of CDM in the Kyoto Protocol. Article 6 of the Paris Agreement was drafted to clarify the rules of international market mechanisms, and specifically to address the problem of 'double-counting' in the CDM scheme of Annex 1 nations investing in non-Annex 1 sustainability projects. This loophole would potentially allow multiple countries to claim the credit of one country's emission reduction efforts, thus allowing nations to pollute more than the system should allow (McKee 2021). Despite the popularity and widespread ratification of the Paris Agreement, Article 6 did not reach a consensus among the international community and so remained under negotiation until COP26. The Glasgow Climate Pact was published with a long-awaited resolution (Kizzier 2021): new 'corresponding adjustments' will provide common rules for emission credit counting going forward, inclusive of all ongoing CDM projects. 'Thus, stringent rules were combined with lenient CDM transition' (Michaelowa 2021, 7).

In conclusion, the Glasgow Climate Pact can most aptly be criticised on the grounds of its insufficient ambition, rather than of the soundness

of its proposals. This mirrors other conventions; ambition is sacrificed for economic rationale, flexible participation, and high- and low-emitting national contexts. In the final moments of the meeting, India and China edited the Pact's wording of a 'carbon phase-out' into a less stringent 'phase-down,' weakening a key resolution. Climate activist figureheads such as Greta Thunberg have condemned COP26 as ineffectual (Al Jazeera 2021). However, environmental journalist David Roberts (2021b; 2021a) is quick to urge against despair: ultimately, 'COP26 was a snapshot of a world moving to address a crisis, agonisingly slowly but gathering speed [...] there's also nothing wrong with acknowledging and celebrating the progress that's been achieved.' While the international community of governments may not be the current custodians of climate justice, they have an obligation and imperative to take up this mantle of responsibility. On the road to Glasgow, we made progress and lost it at a time when we can no longer afford intransigence.

---

*This article has been edited by Triin Sulengo (International Editor) and Olivia Billard (Chief Regional Editor), copy edited by Sukanya Choudhury, Evie Patel, Nicola Crowe, and Ariane Branigan (Chief Copy Editor), peer reviewed by Julia Carreiro Rolim (Chief Peer Reviewer), checked and approved by the following executives: Veronica Greer (Editor-in-Chief), Sofia Farouk (Deputy Editor-in-Chief), and Lia Weinseiss (Secretary/Treasurer), and produced by Anastassia Kolchanov (Chief of Production).*

---

## Bibliography

- Al Jazeera.** 2021. "‘Betrayal of people, planet’: World reacts to COP26 climate pact." Al Jazeera, November 14, 2021. <https://www.aljazeera.com/news/2021/11/14/betrayal-of-people-planet-world-reacts-to-cop26-climate-pact>.
- Bailey, Christopher J.** 2019. "Assessing President Obama's climate change record." *Environmental Politics*, 28 (5): 847-865.

- Beron, Kurt J., James C. Murdoch, and Wim P. M. Vijverberg.** 2003. "Why Cooperate? Public Goods, Economic Power, and the Montreal Protocol." *The Review of Economics and Statistics*, 85 (2): 286-297. <https://doi.org/10.1162/003465303765299819>.
- Bolin, Bert.** 2007. "A history of the science and politics of climate change: the role of the Intergovernmental Panel on Climate Change." Cambridge: Cambridge University Press.
- Brewer, Paul R.** 2012. "Polarisation in the USA: Climate Change, Party Politics, and Public Opinion in the Obama Era." *European Political Science*, 11 (1): 7-17. <https://doi.org/10.1057/eps.2011.10>. <https://dx.doi.org/10.1057/eps.2011.10>.
- Copeland, Brian R, and M Scott Taylor.** 2005. "Free trade and global warming: a trade theory view of the Kyoto protocol." *Journal of Environmental Economics and Management*, 49 (2): 205-234.
- DeSombre, Elizabeth R.** 2000. "The Experience of the Montreal Protocol: Particularly Remarkable, and Remarkably Particular." *UCLA Journal of Environmental Law and Policy*, 19: 49-81. [https://heinonline.org/HOL/Page?public=true&handle=hein.journals/uclalp19&div=8&start\\_page=49&collection=usjournals&set\\_as\\_cursor=0&men\\_tab=srchresults](https://heinonline.org/HOL/Page?public=true&handle=hein.journals/uclalp19&div=8&start_page=49&collection=usjournals&set_as_cursor=0&men_tab=srchresults).
- Durand, Alexandre.** 2012. "Common responsibility: The failure of Kyoto." *Harvard International Review*, 34 (1): 8.
- Freestone, David.** 1994. "The Road from Rio: International Environmental Law after the Earth Summit." *Journal of Environmental Law*, 6: 193-218. <https://heinonline.org/HOL/Page?handle=hein.journals/jenv6&id=199&div=19&collection=journals>.
- IPCC.** 2021. *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.* Cambridge: Cambridge University Press. [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_Full\\_Report\\_smaller.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report_smaller.pdf).
- Kallis, Giorgos.** 2018. *Degrowth. The Economy Key Ideas.* Newcastle upon Tyne: Agenda Publishing.
- Keeble, Brian R.** 1988. "The Brundtland report: 'Our common future'." *Medicine and war*, 4 (1): 17-25.
- Kizzier, Kelley.** 2021. "COP26 Ends with a Strong Result on Carbon Markets and an International Call to Action for the Most Urgent Climate Priorities." *Environmental Defense Fund*, November 13, 2021. <https://www.edf.org/media/cop26-ends-strong-result-carbon-markets-and-international-call-action-most-urgent-climate>.
- Li, Qian, Hongguang Cheng, Tan Zhou, Chunye Lin, and Shu Guo.** 2012. "The estimated atmospheric lead emissions in China, 1990–2009." *Atmospheric Environment*, 60: 1-8. <https://doi.org/https://doi.org/10.1016/j.atmosenv.2012.06.025>.
- Lisowski, Michael.** 2002. "Playing the two-level game: US President Bush's decision to repudiate the Kyoto Protocol." *Environmental Politics*, 11 (4): 101-119.
- Little, Paul E.** 1995. "Ritual, power and ethnography at the Rio Earth Summit." *Critique of Anthropology*, 15 (3): 265-288.
- Ma, Xiaojun, Changxin Wang, Biying Dong, Guocui Gu, Ruimin Chen, Yifan Li, Hongfei Zou, Wenfeng Zhang, and Qiunan Li.** 2019. "Carbon emissions from energy consumption in China: Its measurement and driving factors." *Science of The Total Environment*, 648: 1411-1420. <https://doi.org/https://doi.org/10.1016/j.scitotenv.2018.08.183>.
- McKee, Francis.** 2021. "COP26 in review." *The Lancet Planetary Health*, 5 (12): e851. [https://doi.org/10.1016/s2542-5196\(21\)00320-x](https://doi.org/10.1016/s2542-5196(21)00320-x).
- Michaelowa, Axel.** 2021. "The Glasgow Climate Pact: A Robust Basis for the International Climate Regime in the 2020s." *Intereconomics*, 56 (6): 302-303.
- Molina, Mario J., and F. S. Rowland.** 1974. "Stratospheric sink for chlorofluoromethanes: chlorine atom-catalysed destruction of ozone." *Nature*, 249 (5460): 810-812. <https://doi.org/10.1038/249810a0>.
- Nejat, Payam, Fatemeh Jomehzadeh, Mohammad Mahdi Taheri, Mohammad Gohari, and Muhd Zaimi Abd. Majid.** 2015. "A global review of energy consumption, CO2 emissions and policy in the residential sector (with an overview of the top ten CO2 emitting countries)." *Renewable and Sustainable Energy Reviews*, 43: 843-862. <https://doi.org/https://doi.org/10.1016/j.rser.2014.11.066>.
- O'Neill, Brian C, and Michael Oppenheimer.** 2002. "Dangerous climate impacts and the Kyoto Protocol." *American Association for the Advancement of Science*.
- Osborn, D., and T. Bigg.** 2013. *Earth Summit II: Outcomes and Analysis.* Taylor & Francis.
- Palmer, Geoffrey.** 1992. "Earth Summit: What Went Wrong at Rio." *Washington University Law Quarterly*, 70(4): 1005-1028. <https://heinonline.org/HOL/Page?handle=hein.journals/walq70&id=1017&div=46&collection=journals>.
- Pricing Nature**, "3. The Road to Paris: 30 Years of Climate Negotiations (in under an hour)," 2021, in *Pricing Nature*, <https://open.spotify.com/>