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Nonstate Actors in the Climate Arena

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Nonstate Actors in the Climate Arena

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Greenhouse gas concentrations peaked above 400 parts per million in 2013, the highest level in 800,000 years (Freedman 2013). With some climate change now inevitable, concern has shifted to containing the expected increase and minimizing the consequences. Political leaders have previously committed to restraining global temperatures to no more than a 2 degrees Celsius increase above pre-industrial levels, a level beyond which scientists fear “dangerous” consequences. Since the main greenhouse gas -- carbon dioxide -- persists in the atmosphere for about one hundred years, analysts note with urgency that the world has only a few decades to move towards dramatic decarbonization of the global economy in order to avoid overshooting the 2 degrees target.

The United Nations Framework Convention on Climate Change (UNFCCC) has been the main instrument for international negotiations on climate since 1992. The subsidiary Kyoto Protocol was negotiated in 1997 and included legally binding emissions reductions for some advanced industrialized countries. Even before its first commitment period was set to expire in 2012, negotiators labored to create a successor agreement. In 2009, contentious negotiations in Copenhagen generated a political agreement based on non-binding country pledges. Negotiations are now underway for a new agreement, the precise legal form of which is still unclear, to be finalized in Paris in 2015.

Nonstate actors have been active participants throughout the past twenty years of global negotiations. Aside from academic scientists, the principal nonstate actors involved in the UNFCCC have been environmental non-governmental organizations (NGOs), originally primarily Northern environmental NGOs with technical expertise. In the early years before the regime became highly regularized and institutionalized, NGOs intermingled with government scientific authorities in informal and *ad hoc* conferences on the topic where priorities, targets, and initial approaches were discussed.

Over time, with the creation of a formal institutional apparatus and state-based intergovernmental negotiations, NGOs became more peripheral players who primarily sought to influence states by taking part in the annual negotiations as accredited observers. Their influence became more contained to agenda-setting and exercised through informal kibitzing in the hallways, side events, and protest and advocacy activity. The number of actors increased dramatically, gradually diversifying their substantive interests and geographic representation. By the late 2000s, development organizations and Southern NGOs, many of them with a stronger concern for equity for the developing world, became regular participants in the process.

In the face of rising emissions, unmet expectations and an increasingly heterogeneous movement, the NGO community has fissured, with some opting for other technical venues for issue-specific influence on issues like forests and transport while others have become more adversarial *vis a vis* governmental actors. This frustration was most keenly illustrated at the 2009 Copenhagen climate negotiations where the venue was too small to accommodate the tens of thousands of NGO participants. As a consequence, many NGO delegates were literally left out in the cold. Thus, as we enter in to the home stretch of negotiations before 2015, how the UNFCCC handles the demands for participation will be a critical issue, especially since wider participation

of large numbers of people may be accompanied by negotiators retreating to smaller, more secretive side processes.

This first section of this memo summarizes the stages of NGO advocacy. In so doing, we shed light on the role nonstate actors have played historically in the UNFCCC negotiations and how they have sought to shape the agenda. In the second section, we assess whether their interventions have been effective, their degree of accountability non-state actors and what lessons we can draw both for this regime and others grappling with nonstate actor participation.

I. The Chronology and Character of Nonstate Actor Influence on the UNFCCC

We focus on non-governmental organizations, primarily those advocating for greater action to address climate change. Scientists have been important contributors to the climate regime, largely through the Intergovernmental Panel on Climate Change (IPCC), but in the policy arena, scientists typically tread lightly as they risk compromising their perceived objectivity if they are seen as too engaged as advocates, though there are a few prominent exceptions.¹

Early Advocacy (1988-1996). Early engagement in climate change politics came mostly from environmental NGOs that had extensive scientific resources. The Environmental Defense Fund had its scientific staff, Michael Oppenheimer in particular, writing opinion pieces on climate change as early as 1984. Many cite James Hansen’s dramatic testimony before the US Congress in 1988 as a turning point in the environmental community. Environmental organizations came together in 1989 to form a transnational coalition – the Climate Action Network [CAN] – with the goal of putting climate change on the international agenda. CAN was from the start composed of highly professionalized NGOs, including Greenpeace, WWF and Friends of the Earth. As Michele Betsill documents in her study of the early years of CAN, those individuals participating in the early negotiations were much more ‘academic’ than they were ‘activist’ and had the technical capacity to digest complicated scientific information (Betsill 2000).

The fact that CAN had a strong scientific bent had important implications for how its advocacy developed. In the agenda-setting phase, NGOs contributed a good deal of their own scientific analysis to the political process. Many of the activities of environmental NGOs involved during this time period had the capacity to perform scientific and policy research on topics related to accounting for greenhouse gas emissions (Rahman and Roncerel 1994). One of the earliest joint projects of CAN was the “Escaping the Heat Trap” paper, which explicitly drew upon the experience of the Montreal Protocol to propose ways to deal with the climate change issue (Betsill 2000, 169).

The first big success for CAN was signing of the UNFCCC at the 1992 Rio Earth Summit. The text of the UNFCCC committed developed countries to reducing their greenhouse gas emissions to ‘earlier levels.’ The Convention text did not, however, commit countries to concrete emissions reduction goals, as had the Montreal Protocol. The first Conference of Parties (COP) to the UNFCCC took up this task in Berlin in March 1995.

¹ Business organizations are also important nonstate actor constituents affected by the climate negotiations, many of them opposed to more robust action to address the problem. While some of them are involved in the UNFCCC, their participation has historically been limited, with most of them focusing their advocacy efforts on domestic processes in the countries where they operate. In the last climate negotiations in Warsaw in 2013, some 16% of the NGO participants represented business-friendly NGOs, which is a not inconsiderable percentage but includes both fossil fuel-oriented organizations as well as advocates for renewables and clean energy.

The first COP was seen as an opportunity for NGOs to deepen their engagement. Much of CAN's efforts during this time promoted the work of the IPCC and worked to establish its centrality in the international climate regime. Their main strategies included direct lobbying of delegates, provision of scientific information and analysis, and the writing of a daily newsletter to distribute to participants. CAN decided early on that all its political demands should be based on peer-reviewed science: a decision that was intended to highlight the coalition's scientific legitimacy in the face of climate deniers. They also attempted to build support for action on global warming by painting it as a "crisis" that requires urgent action (See also Busby 2010a, 120).. This 'scientific urgency' frame was routinely employed in position papers and lobbying documents at this time. Their engagement was generally seen as effective, as parties routinely discussed NGO proposals and employed the scientific urgency framing at early COPs.

The Kyoto Period (1997-2006). As the climate change policy process moved from agenda setting to negotiating concrete solutions, actors had to become increasingly specific in their proposals. The inter-governmental negotiations towards Kyoto proved to be a difficult process. States were deeply divided about issues of North-South differentiation, national targets, and emissions trading. The final Kyoto text (1997) mandated an average reduction in GHG emissions of 5.2 percent below 1990 levels by developed countries, to be shared unequally among states. It contained provisions for a clean development mechanism and joint implementation projects. Developing countries were not required to take on binding targets.

The text of the protocol stipulated that it could enter into force only after ratification by 55 parties to the UNFCCC, which must represent at least 55 percent of CO₂ emissions in 1990. Although a large number of developing countries ratified immediately, many industrialized countries held out to try to negotiate more favorable conditions. Negotiators expected to finalize the Kyoto Protocol at the 2000 COP in The Hague, but political disagreements – particularly related to the operation of carbon markets – prevented this from happening.

It appeared as though the 2001 COP in Marrakesh had made considerable progress on the operationalization of the Kyoto Protocol. The hope was that if Al Gore were elected, the United States would submit the protocol for ratification. These hopes were dashed when newly elected U.S. president George W. Bush announced in 2001 that he would not seek U.S. ratification of the protocol. Ultimately, Russia ratified, putting Kyoto over the 55% threshold. Thus, the Kyoto Protocol entered into force in February 2005 without the participation of the United States.

In parallel, there were emerging disputes within civil society over policy issues related to carbon markets, North-South equity in climate negotiations, and the use of disruptive tactics (Carpenter 2001; Duwe 2001). Environmental groups began to employ more public-facing protest strategies and media work in parallel to their insider lobbying within the UNFCCC. For example, many media-friendly stunts were organized around the high profile Kyoto conference. CAN began to put on a daily skit called the "Fossil of the Day" to draw attention to countries that were blocking progress in the talks, with the hopes that this would create domestic pressure. At the 2000 COP in The Hague, more radical activists stormed the conference building and threw a pie in the face of a U.S. negotiator.

Many observers believed that the Climate Action Network might fragment under these pressures at the 2000 COP. But despite these tensions, CAN managed to reach a common position in support of the Kyoto Protocol. Under this compromise, CAN strengthened its internal

coordination, disavowed radical actions inside the conference venues, and decided to support the use of flexibility mechanisms under Kyoto in an effort to stay ‘relevant’ to the negotiations.

Despite the ENGO community’s reversal on the flexibility mechanisms (for the most part), scholars have noted that NGOs were effective in their advocacy on a number of specific points in this period. Reflecting on the Kyoto Protocol negotiations themselves, Elisabeth Corell and Michele Betsill and Elisabeth Corell argue that civil society groups were able to coordinate a persuasive message and make political contacts in order to shape the agenda within the UNFCCC (Corell and Betsill 2001, 97). For example, the authors argue that NGOs introduced key terms like “hot air” that were then adopted by parties and resulted in issues being added to the agenda. Gulbrandsen and Andresen argue that NGOs were also effective in their advocacy around the design of Kyoto’s compliance system, providing needed expertise to parties (Gulbrandsen and Andresen 2004, 67).

Post-Kyoto (2007-2009). Almost as soon as Kyoto was ratified, states began to consider what would happen when it expired. The first major step in this process was the development of the Bali Action Plan at COP 13 in 2007. The world had changed a great deal between 1997 and 2007. One of the biggest issues was that developing countries – especially China – were now major contributors to global CO₂ emissions. China surpassed the United States in its annual CO₂ emissions in 2007, although developed regions remain historically responsible for most of the CO₂ in the atmosphere. The other major change in the negotiations was that negotiators had to prioritize climate adaptation. Negotiators in Kyoto had hoped to avoid climate change through international cooperation. It was clear by 2007 that some climate change was inevitable, and that international negotiations would be needed on both mitigation and adaptation.

The Bali Action Plan (2007) stipulated that delegates would negotiate a new “agreed outcome” to succeed Kyoto within three years, at COP 15 in Copenhagen in 2009. It also stated that any new text would require developed countries to give substantial aid to developing countries to support adaptation and any mitigation efforts that developing countries might agree to undertake.

Civil society participation changed substantially during this period. First, the sheer number of groups increased. Figure 1 reports data from the UNFCCC’s (2013) official participation report regarding the number of registered NGOs at each COP (UNFCCC 2013; see also Schroeder and Lovell 2011; Fisher 2010). These data show a long-term trend towards increased participation. But the one-year spike in participation around the Copenhagen Summit in 2009 was particularly dramatic: the number of registered observers grew from 874 organizations to 1319 organizations, a 51% increase. Figure 2 shows that beyond the increase in the number of groups, there was also an explosion in the number of registered individuals who attended the climate negotiations, punctuated by the increase in 2009 to more than 25,000 before returning to more normal levels around 8,000 to 10,000 individuals (UNFCCC 2013).

FIGURE 1 here

FIGURE 2 here

Second, the types of groups involved in climate change politics became more diverse. Miquel Muñoz Cabré coded the participation report to categorize NGOs registered with the UNFCCC by

issue area (Cabr e 2011).² These data show that environmental NGOs have been the primary participants in climate politics for most of the history of the UNFCCC. These groups constituted 65% of registrants in 1995-1997, 61% in 1998-2000, and 58% in 2001-2006. But in 2007-2009, environmental NGOs were only 46% of the new registrants. Development and justice groups composed 21% of the new groups, suggesting an important new element in civil society.

Civil society coordination also became less centralized around CAN in the post-Kyoto period. While CAN grew in membership from 65 members in 1995 to over 600 hundred in 2009, it was coordinating a shrinking percentage of the overall population of civil society groups: 100% of registered non-governmental observers were CAN members in 1995, compared to 66% in 2001, 43% in 2007 and 38% in 2009.³

As noted, there were longstanding disagreements between groups within CAN over developing country action, carbon markets, and tactics. But the number of dissatisfied groups reached a critical mass in 2007. By the end of the meeting, NGOs including Friends of the Earth International, Carbon Trade Watch, Institute for Policy Studies, Jubilee South, Action Aid Asia, and FERN had decided to form a new coalition under the name ‘‘Climate Justice Now!’’ This new coalition framed the issue differently than CAN, emphasizing that climate change is primarily a justice issue. The climate justice perspective highlights the importance of the divide between Northern industrialized states and Southern developing states – a divide that CAN was accused of downplaying in order to work within the international negotiations.

Thus there were two main coalitions employing different issue framing at the time of the Copenhagen Summit. Both were engaged in direct lobbying of delegates, media outreach, and public-facing media stunts. But the climate justice coalition also organized more radical actions, including an attempt to ‘‘take over’’ the Copenhagen Summit in the style of the Seattle WTO protests. These radical actions, in combination with the inability of the venue to accommodate the sheer number of registered individuals, led the Secretariat to withdraw accreditation for virtually all civil society delegates for the last two days of the Copenhagen meeting.

This turbulence was echoed in the official negotiations. Despite many behind-the-scenes meetings between world leaders in the final two days, the gulf between parties remained too wide to develop a comprehensive treaty. The outcome of their discussion was that there would be no legally binding agreement in Copenhagen, but that states would set up an international register to monitor one another’s voluntary pledges. The resulting Copenhagen Accord (2009) also established a fund for short-term financing for adaptation. The U.S. delegation initially proposed that this text be adopted formally by the UNFCCC. After an all-night discussion in the plenary, the majority of states agreed to support the Copenhagen Accord. But the states of Bolivia, Cuba, Nicaragua, Tuvalu, Sudan, and Venezuela objected to the weak nature of the text and the non-transparent manner in which they believed it was brokered. Since the UNFCCC

² Hadden slightly modified Cabr e’s dataset to include only those organizations that met the criteria of ‘‘civil society’’, excluding firms and research organizations. I also combined categories in order to better visualize the data. Specifically, Hadden coded environment and conservation, energy, climate change, forests, water, oceans and fisheries and built environment as ‘‘environment and energy’’ issues. Hadden included sustainable development and development in the category of ‘‘development’’ and listed remaining groups outside science, women, youth, indigenous, and justice categories as ‘‘other’’ (Hadden 2015).

³ CAN membership figures are drawn from internal documents provided directly to Hadden forthcoming (Hadden 2015).

functions by consensus and some of these countries blocked the proceedings, the Copenhagen Accord was not formally adopted and became simply a “noted” document of the convention.

Evaluating the effectiveness of civil society is more difficult during this time period because of the fragmentation of actors. When actors push for competing demands, they can work at cross-purposes. Fisher and Hadden both argue that civil society’s inability to coordinate internally detracted from its efficacy (Fisher 2010; Hadden 2015; Kapstein and Busby 2013). Hadden argues that the climate justice movement was effective in getting its issue frame adopted by some key parties in the negotiations, including those that ultimately blocked the Copenhagen Accord (Hadden 2015). Questions remain whether the justice-based framing may actually undermine reform-oriented elements of civil society, hampering progress in the long run.

Post-Copenhagen (2010-2014). A lot of finger pointing took place immediately after Copenhagen. Various actors and commentators laid the blame for the failure on the United States, China, the Danish presidency of the COP, or the states that blocked the Copenhagen Accord in the final plenary (Corn 2009; Khor 2009; Lee 2009; Lynas 2009; Meilstrup 2010; Vidal 2009). Beyond particular states, many commentators began to criticize the institutional setup of the UNFCCC more broadly. Many argued that its universal membership combined with its consensus-based decision rules was simply too unwieldy to produce any agreement and that other approaches might be preferable (Bell and Blechman 2014; Barrett 2009; Victor 2011). Some actors began eyeing smaller institutions, including the Major Emitters Forum and the G20 (Climatewire 2009; Busby 2010b; Busby 2006; Levi 2010; Michonski and Levi 2010). It seemed possible that the UNFCCC might go by the wayside.

In this context, many parties welcomed the series of small achievements produced at the 2010 COP in Cancun, including a framework for adaptation and the creation of a Green Climate Fund. These outcomes were achieved by gaveling over the objections of the Bolivian delegation (who insisted on the inadequacy of the effort) in order to approve outcomes in these sessions. This redefinition of consensus angered some parties, but it also kept the ball rolling within the UNFCCC, answering the criticisms of others (Friedman 2010).

Subsequent COPs in Durban (2011), Doha (2012), and Warsaw (2013) have continued these discussions. The most significant development was the agreement in Durban that parties would develop a new agreement “applicable to all parties” – a departure from the two-track system of the Kyoto Protocol. But disagreements on legal form, scale of ambition, monitoring, adaptation funding, and loss and damage for climate impacts remain pronounced and threaten to derail every negotiation (Busby 2014a). The United Nations Secretary General Ban Ki-moon sought to use his convening power and position to draw attention to the problem by calling a high-level leaders meeting on September 23, 2014 in New York, timed to coincide with the arrival of heads of state for the annual meetings of the United Nations General Assembly.⁴ While not a negotiation session, that meeting attended by more than 100 heads of state increased the visibility of the issue, raising the political stakes for an agreement in 2015 in Paris (United Nations 2014a; Busby 2014b).

⁴ In May 2014, Moon also hosted Abu Dhabi Ascent, which brought together more than a 1000 government officials, NGOs, and business leaders to discuss the issue and sought to build momentum in advance of the fall meeting. See <https://www.abudhabiascent2014.com>.

NGO advocates organized an unprecedented march on September 21st preceding the meeting, drawing 400,000 to New York and hosting satellite marches all around the world. While these marches were the largest of their kind, whether they will have any long-run effect on the processes is unclear, though the global economy is healthier now than it was at the time of the Copenhagen negotiations (Hadden 2014).

II. Effectiveness, Accountability and Lessons Learned

What can we learn from this extended review of the role and history of NGOs in the UNFCCC? How effective have they been? How accountable are they to the regime? What lessons can we draw going forward, both for the climate regime and other arenas?

Effectiveness. NGOs have been marginally effective actors in the UNFCCC, with their effectiveness diminishing over time. If emissions reductions are the ultimate sign of effectiveness, those efforts have largely been failures, except perhaps in Europe. NGOs were reasonably successful at agenda-setting early on by making it political attractive for decision-makers who wanted to appear green to support binding emissions targets and timetables (Busby 2010a). However, when states were highly motivated to pursue policies NGOs did not like, such as flexibility mechanisms, NGOs were powerless to stop them. More significantly, the ambitious aims NGOs preferred for deeper emissions targets and timetables and a successor to the Kyoto Protocol have largely not been supported by states. Instead, at Copenhagen, states negotiated a political agreement based on pledges of national action, an approach largely anathema to the NGO community.

NGOs have been more successful allying with small island states and developing countries to press industrialized states to pledge financial support for mitigation and adaptation. However, while rich states pledged at Copenhagen to mobilize up to \$100 billion by 2020 by both public and private actors, it is unclear whether NGOs possess sufficient political power to hold them accountable. By the same token, NGOs again were able to support developing countries in Warsaw in their request to have loss-and-damage added to the official agenda of on-going discussion. This would create another financial mechanism to compensate countries for climate damage, rather than mitigation (emissions reductions) or adaptation (minimization of harm). However, that particular issue might be sticking point in subsequent negotiations in Paris so it is possible that political success might yield policy failure (Busby 2014a).

The effectiveness of NGOs is not a straightforward product of their strategies and efforts. While we are critical of their lack of cohesion at key moments, climate change is simply a difficult issue on which to achieve progress, due to the costliness of action and the limitations of the universal, consensus-based institution of the UNFCCC. The negotiating processes magnifies the number of actors, establishes a high bar for agreement, aims to encompass all the relevant issues in a single agreement, and encourages very close attention to legal language by the focus on treaty-based commitments. By design, that elevates the political stakes of any agreement but also encumbers the negotiations with structural features that favor deadlock and broad but shallow agreements when such inertia is overcome (Busby 2010b; Victor 2011; Barrett 2007).

More broadly, the regime itself has largely failed to constrain emissions because of political divisions among states. The UNFCCC Secretariat is largely powerless to carry out much of an

independent agenda on this topic, as it is granted very little agency by state actors (Busch 2009). Thus, given the nature of the climate problem and structure of the UNFCCC, it is not surprising that NGOs have had limited influence and effectiveness.

Accountability. Access to UNFCCC depends on non-state actors receiving accreditation. Non-state actors could lose access if they are disruptive or otherwise violate the code of conduct. At Copenhagen, the inadequate size of the facilities coupled with chaotic NGO participation in the proceedings led the UNFCCC to largely exclude NGO from access to the final two days of the negotiations. One challenge at subsequent meetings has been how to handle the potential for disruptive protest. Most observers note that security teams have been more vigilant in ejecting suspected ‘troublemakers’ from the venues. At Warsaw in 2013, for example, three youth observers were expelled from the negotiations after unfurling a banner in support of the Philippines, which that week experienced a devastating typhoon (Englart 2013).

More broadly, groups themselves are accountable to their members, supporters, or sources of finance. Depending on the rules of incorporation in their home countries, organizations have different registration and reporting requirements in their home countries. Organizations could be kicked out of the countries where they operate. In non-democracies, such as China, environmental organizations have to tread very carefully in terms of efforts that are perceived as activism. In such contexts, NGOs tend to focus on more project-based actions, information collection and awareness raising, more akin to research-oriented NGOs than advocacy groups.

Lessons Learned. Participation is a means to an end, though some observers treat participation as an end in and of itself, as if participation inevitably will lead to more effective outcomes. Given the collective action costs associated with larger more inclusive processes, international venues have to structure participation to balance the need for inclusion and effective action. The UNFCCC would probably have fewer detractors if the process led to more robust outcomes. NGOs are also revising their strategies of engagement. Many within the movement consider that the strategies that worked during the agenda-setting and early negotiating phases – insider strategies and expertise – may not longer be optimal. As one put it, “we need to get over our Stockholm Syndrome and realize that the real action is happening elsewhere.” Many organizations have decided to focus more on domestic action and movement building. NGOs in the climate negotiations have become more vocally critical recently, organizing a ‘walk out’ of the Warsaw negotiations to protest the lack of progress.

Observation of recent meetings suggests that there is a growing skepticism – originating from both within the NGO community and from states themselves – regarding the value of formal participation of civil society groups in climate governance around the UNFCCC process. Civil society groups increasingly complain that opportunities for influence have become virtually nonexistent within this institution, causing participants to fear that their continued involvement may legitimize a process that has disregarded their input. And some state delegates complain (off the record) that civil society groups distract from the serious work of the negotiations, generating additional transaction costs in an already complicated process (see also Mathews 1997). Many parties have expressed also that civil society is no longer ‘constructive’ to the discussions as it has moved further from the mainstream of the political debate.

In light of these developments, how can we maximize the benefits of civil society participation in global climate governance? We need to take into account civil society's growing size and diversity in reimagining its role. Change is needed on two fronts.

First, we need forums that can provide broader access and more deliberative opportunities for a wider range of actors. As others have noted, the UNFCCC is only one part of a larger regime complex for the governance of climate change (Keohane and Victor 2011). As the climate problem is inherently beyond the scope of any one set of actors, the continued use of different venues and experiments for designing solutions and seeking input should serve to enhance the process of governing the climate. For example, the convening of international fora like the World People's Conference on climate change in Bolivia and the Rio +20 People's Summit may become important venues for deliberation for social movement organizations. More technical venues, like the various subsidiary groups and financial mechanisms, may offer better opportunities for participation for other groups. Linking these venues will create opportunities for learning and knowledge spillover in this sphere. And a less exclusive focus on participation in the UNFCCC should decrease the mounting pressure on this institution and may provide more meaningful opportunities for participation in global climate governance to a wider range of actors.

NGOs have had recent success by partnering with governments and the private sector in more specific, technical venues such as voluntary agreements to restrict emissions from deforestation, short-lived gases, and transport. In such forums, NGOs have been able to use their technical expertise to inform the process and help set the agenda of action, helping to backstop state actors as advisers. These processes have been oriented to recruiting coalitions of the relevant and motivated, leading to more consensual efforts that leave out potential spoilers. As voluntary agreements, they are also less hierarchical than intergovernmental negotiations where NGOs representatives have observer status only.

While many of these efforts are new, a very promising agreement on forests was reached just before the UN leaders summit in September 2014. The so-called New York Declaration on Forests emerged out of the World Economic Forum in Davos earlier in the year, with ambitious goals to significantly reduce deforestation, particularly through business supply chains (United Nations 2014b). More than 30 countries and sub-national governments signed on including all of the EU, the United States, and Indonesia (but not Brazil). More than 40 companies signed on as well, including Golden Agri-Resources, Cargill, Asia Pulp and Paper, McDonald's, Nestle, Kellogg's, and Walmart. In addition, more than 60 environmental and indigenous organizations such as EDF, WWF, the Sierra Club and the Royal Society for the Protection of Birds signed on (though Greenpeace did not). The climate consultancy Climate Advisers had a key role in brokering and drafting the agreement (Press Association 2014; Phillips 2014). At the summit, a similar agreement on limiting methane leakage was also reached between six major energy companies working with EDF as part of the Climate and Clean Air Coalition, a UNEP-coordinated effort (Koch 2014).⁵ Given that implementation ultimately will require firm-level and sub-national governmental implementation, these new collaborative efforts are positive steps in the right direction. Questions remain whether or not the level of ambition and follow-through

⁵ See <http://www.ccacoalition.org/>

will be enough to overcome skepticism among some environmental groups of the efficacy of voluntary actions.

Second, civil society actors urgently need improved engagement in existing institutions. Other institutions can provide useful models for how to structure non-state actor participation, particularly for relatively new institutions like the Green Climate Fund. When the Green Climate Fund was drafting its operating procedures in 2012, its 24 person board was limited to state actors, with two private sector and two civil society actors enjoying only observer privileges (Green Climate Fund 2012). This might have been a missed opportunity for more active but structured civil society engagement. For example, when the Global Fund to Fight AIDS, TB, and Malaria was created in 2002, the organization was created outside the UN architecture as a public-private partnership with a board structure that included representative for Southern and Northern NGOs, business organizations, and people from affected populations. NGOs then elect among themselves representatives to the Board to serve the wider community (Global Fund 2007). Lessons from other international institutions may also be relevant to the ongoing discussions regarding “enhancing observer participation” in the UNFCCC’s Subsidiary Body on Implementation.

It is in the UNFCCC’s best interest to develop a mutually satisfactory system for civil society engagement before 2015. The UNFCCC has in the past attempted to expand participation to the largest number of participants as possible. This is becoming untenable. While unpopular, limits on the total number of participants are virtually inevitable for future meetings. Such restrictions can be made more palatable by developing equitable and transparent procedures to determine who gets access and why.

Future reform must also focus on improving the quality of participation for those who do secure access. For the benefits of civil society participation to be maximized, transparency within the UNFCCC will need to be increased. Civil society groups need de facto access to most documents and meetings in order to bring their diverse knowledge to the table. And they need clear rules regarding the policies and penalties associated with protest actions in order to make decisions about how best to channel their activism. Focusing on these two areas of reform – in combination with opening up broader spaces for deliberation and experimentation outside the negotiations themselves – will offer the best chance for securing meaningful civil society engagement in global climate governance.

Figure 1: Number of Registered Non-Governmental Organizations to the UNFCCC

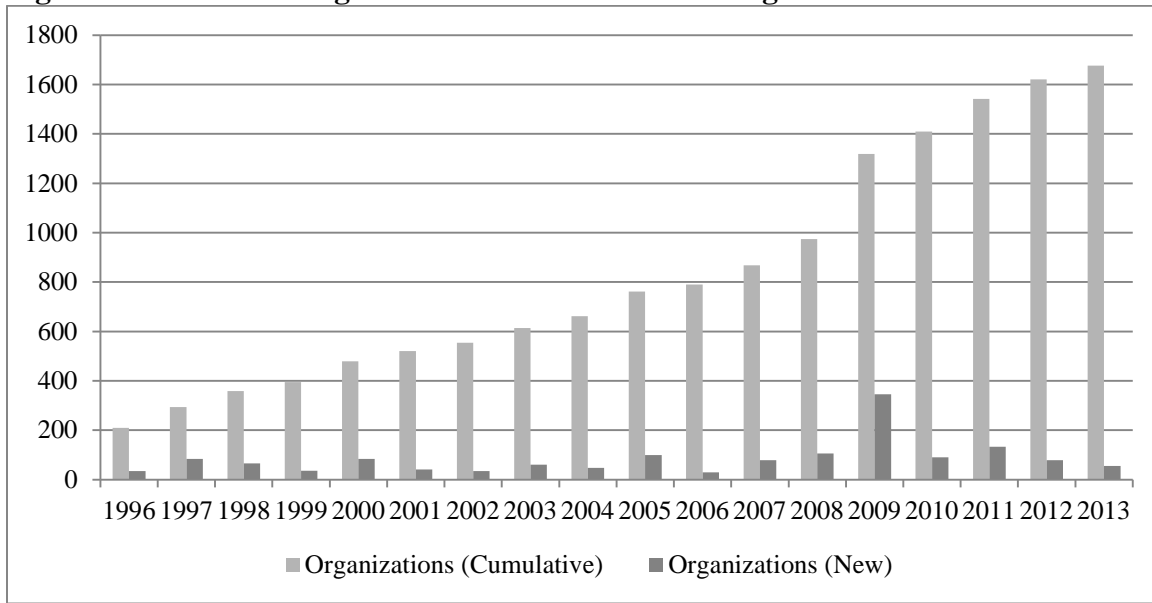
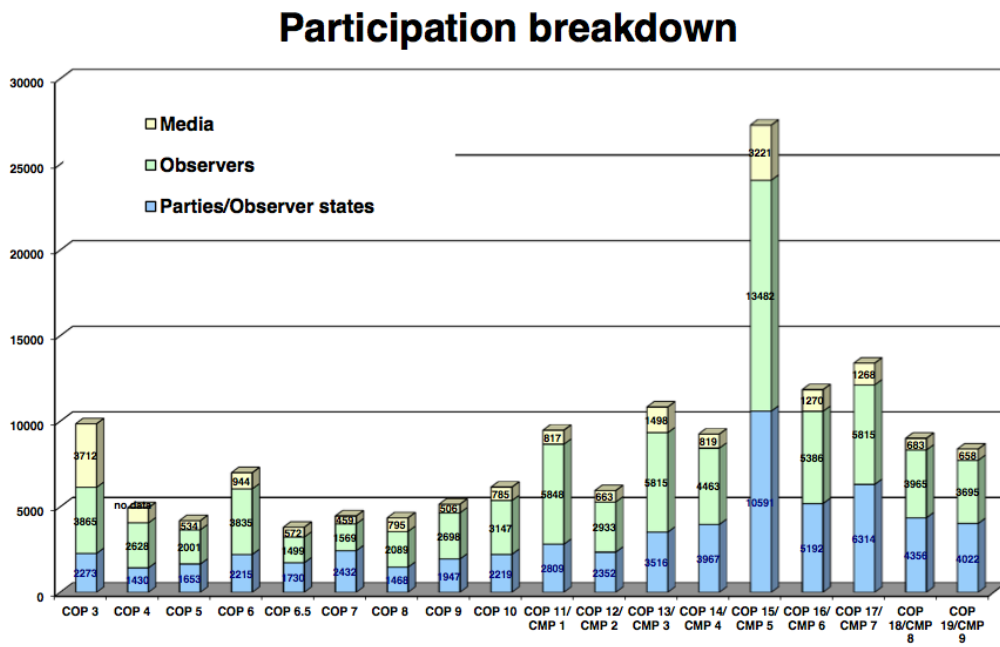


Figure 2: Number of Registered Participants



Source: UNFCCC 2013

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