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The Public Spheres of
Climate Change Advocacy Networks

An Ethnography of Climate Action Network International Within the United Nations Framework Convention on Climate Change (UNFCCC)

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For R and E

Abstract

Climate change is the most important issue of our time due to its potential to very seriously disrupt the life sustaining systems of planet Earth as well as its intersections with other important challenges facing humanity. The United Nations Framework Convention on Climate Change is the key platform upon which the political process of international climate change politics takes place. The aim of this work is to produce an analysis of the role of transnational climate change advocacy networks in this political process and their internal power dynamics and thus contributing to the understanding of a crucial aspect of this political process.

To advance this aim, this thesis engages with two objectives. First, a detailed ethnography is developed which serves to illustrate the political work of the environmental advocacy NGOs involved within this process, especially those that are members of Climate Action Network International (CAN-I). This approach is suitable to uncover the internal dynamics and structures of that NGO network as well as its complex and multi-layered relationships within the larger political configuration of the UNFCCC treaty process. Secondly, the investigation is advanced by analysing this ethnography through the lens of a critical theory of the public sphere. In particular, this analysis features more contemporary conceptualisations of the public sphere which stress the multiplicity of the public sphere concept including notions such as internal and external public spheres, counterpublics, and nested public spheres.

Owing to this research design, the thesis has a degree of hybridity: it is expressly both an empirical thesis, with strong empirical flavour imparted by the focus on the detailed ethnographic account, as well a theoretical thesis offering an original contribution that is advanced throughout the thesis. The main theoretical thesis and contribution is that the theory of the public sphere is appropriate to analyse the political practice of civil society engagement on a transnational level if it is further developed to allow for greater degree of multiplicity and a broader conceptualisation of the notions of the "centre of authority" and the translation of the public opinion.

Keywords: public sphere, climate change, ethnography, global civil society, UNFCCC, transnational public sphere

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Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, this dissertation is the result of my own work and has not been submitted, in full or in part, for any other degree at the University of Glasgow or any other institution.

Signature: _____
                 (Ceecee Holz)

Chapter 1

Introduction

Climate change is the most important challenge of our time. The prospect of large-scale disruptive climate change would likely mean catastrophic consequences that would make all other issues that humanity faces pale in comparison. Indeed, in a world of advanced climate change, many of these other issues would be escalated to previously unknown severity, as changing climate places hundreds of millions more under severe water stress due to shrinking alpine glaciers and changes in rainfall pattern, causes densely populated coastal regions to become uninhabitable due to sea level rise, causes further destabilisation of unstable societies, leads to environmental refugees and causes further resource wars (IPCC 2007a; Giddens 2011; Zedillo 2008). However, as it is also pointed out, at the time of writing it is still possible to avert this doom scenario by taking decisive action (Meinshausen et al. 2009; Baer et al. 2009; Rogelj et al. 2010).

Given the global character of the problem of climate change and the consequently required global scale of the solution, particular attention and expectations are being given to the international political processes aimed at addressing climate change, especially the United Nations Framework Convention on Climate Change (UNFCCC), which was created in 1992 for that purpose and was expanded in 1997 with the Kyoto Protocol which created legally binding greenhouse gas emission reduction targets for developed countries[1]. In these processes, participation of the voices of civil society is explicitly invited (UNFCCC 1992: 12). Accordingly, civil society – and in particular environmental non-governmental organisations (ENGOs) – has participated in this process from its inception and civil society delegates have long outnumbered government delegations. This participation of environmental advocacy groups in the international politics of climate change, then, constitutes the focus of this thesis.

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1   History and institutional make-up of the UNFCCC will receive more attention in chapter 4.

The international politics surrounding climate change is a particularly useful context in which to study the role of non-governmental organisations (NGOs) and the wider civil society in global politics for three reasons. First, climate change can be described as a truly global problem: the limited capacity of the Earth's atmosphere, oceans, and biosphere to absorb greenhouse gases has been described as a global commons, that is, as a good that can be used by everybody while being owned by nobody, thus making resource over-use and depletion likely – the so-called "tragedy of the commons" (Hardin 1968)[2]. Since it has now been widely recognised that global climate change ought to be limited in order to avoid the most dire effects of climate change on human life and ecosystems (as, for example, described in IPCC 2007a), the global commons nature of the problem indicates that a *global* political response will have to be found to meet that goal; thus requiring a scale of international cooperation that is virtually unprecedented, at least in the realm of environmental politics.

Secondly, climate change is particularly interesting as a subject of investigation as is has close links to many other, strongly contested international agendas and issues, such as conflicts over wealth distribution (both horizontally between geographic regions as well as vertically between social strata within the same country), production and consumption patterns, salient development and economic growth paradigms, but also questions of energy security and national security, and even topics such as intellectual property rights and foreign aid. The connection between climate change and security has been made, among others, by Al Gore (2008) who made explicit links between climate change, economic crisis (including the crisis of the US labour market), energy security and national security (the latter two of which being associated with "America's addiction to foreign oil") and suggested that solving the climate change problems would also massively contribute to solving all the others. Likewise, intellectual property rights issues are deeply embedded in the discussion of "technology transfer" of green technology between countries, to help developing countries to develop along a low-carbon development pathway, while foreign aid issues are touched upon when countries discuss the flow of finances from developed countries to developing countries[3]. Such financial flows are sought to aid the latter in climate change mitigation and in the adaptation to the already unavoidable affects of

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2   Cf. the more detailed discussion of this concept in chapter 2.
3   The use of the terms "developed" and "developing" countries will be problematised in chapter 2.

climate change, whereby developing countries and NGOs often demand that these new financial flows must be additional to existing "Official Development Assistance" (ODA) (e.g. CAN 2009a).

Third, in addition to the expansion of the number and breadth of issues and topics considered in the climate change negotiations, in recent years these negotiations have matured to take a more central position in international politics. This is evidenced by the issue of climate change being taken up in most major international fora (such as the UN General assembly, G20 meetings, various regional summits, but also dedicated international platforms such as the US-sponsored "Major Emitters Meetings," etc.), as well as the increased attendance of more senior politicians at the UN climate change conferences (the Copenhagen Climate Change Conference in 2009 witnessed the attendance of 120 Heads of State or Government, UNFCCC 2009a). Furthermore the increased frequency and duration of these sessions are indication of this more central position, but also, for example, by the increasing size of financial figures dealt with in the process – negotiators now comfortably talk about financial transactions in the range of hundreds of billions of dollars annually (UNFCCC 2008a; Harvey 2008). As such, it can be said that climate change politics "has a stronger scent of 'high politics' than any other environmental issue" (Lunde 1995: 52), which has become even stronger in the 15 years since Lunde's original observation.

Identifying climate change as a global problem with the need for a global solution raises the question of what sort of actors would be available to find such a solution on this scale. "Global civil society" (sometime the similar, though not identical, term "transnational civil society" is used, e.g. in Florini 2000) has been suggested as one of the "forces" that has a role to play in this respect. "Global civil society" then is the global version of the "third force" (Florini 2000), civil society, with the other two "forces" referring to the likewise globalising political power (which results in a emerging, albeit still state-centred, international political order) as well as economic power (which gives rise to transnational corporations and increasingly global markets).

"Global civil society" as a concept is, however, not undisputed and it is acknowledged that it is, indeed, a "fuzzy and contested concept" (Anheier et al. 2001b: 11). In fact, a number of potential conceptualisations are applied to the term and – most

notably – it is stressed that both descriptive and normative uses exist, with the latter use hotly contested. In addition, some writers, e.g. Keane (2003), also point toward a third, political-strategical dimension of the term, where the idea of a "Global Civil Society" is used as a campaign criterion to establish political strategies deemed promising for the political goal in question. Strong contestation, however exists with regards to the normative use of the term where, for example, Kenneth Anderson and David Rieff (2004: 28) point to the "standard account of global civil society" as one that usually considers the term to embrace "a 'progressive' movement, and thus it contains only certain politically progressive NGOs and social movements." This indeed seems to be a widely shared view; David Held, for example, states that "civil society […] is indispensable to a robust programme of national development" (Held 2004: 6) and others express their hope that it "can be posed as a counterweight to [economic] 'globalisation'" (Anheier et al. 2001b: 16).

Critics of this view object by countering that the actors of "Global Civil Society" do not have any form of democratic legitimation although they seem to claim to speak for the peoples of the world (Anderson and Rieff 2004: 30). Others, like Ulrich Beck, retort that social movements in a global world do indeed have legitimatory power which, although not strictly speaking democratically legitimated through the ballot-box, consists of an extension of Bourdieu's formulation of different types of capital (cf. Bourdieu 1983), which Beck calls "legitimatory power," and which is bestowed upon the movements or NGOs by their members and supporters (Beck 2005: 240). Additionally, although it might be appropriate to point out difficulties with regards to democratic legitimation of "Global Civil Society" organisations, similar points can be raised with regards to Intergovernmental Organisations (such as the WTO or World Bank), transnational corporations and, indeed, national governments (even the democratically elected ones) once they transcend the realm of their national politics and become part of global governance processes.

Taking Beck's thoughts on the legitimacy of NGOs even further, Habermas (2003) suggests that civil society participation in international negotiating systems is a requirement for the democratic legitimation of these systems as NGOs could serve as links between these negotiating systems and national public spheres, thus making the former transparent for the latter. His conclusion is based on a discourse-theoretical understanding of democratic legitimation, where, with reference to Kant's elabora-

tions regarding the public use of reason, "democratic procedure … draws [some of] its legitimizing force … from the general accessibility of a deliberative process whose structure grounds an expectation of rationally acceptable results" (Habermas 2003: 546). Although this discourse-theoretical notion is not sufficient to bestow full democratic legitimation upon a given institution, it can "tip the balance," particularly in cases with questionable legitimation such as "Global Civil Society" participation in various international negotiating processes, such as on climate change. Elements of this understanding of democratic legitimation are a "functioning public sphere, the quality of discussion, accessibility, and the discursive structure of opinion- and will-formation" (Habermas 2003: 546). Hence there is a need to examine how international negotiating systems, such as the UNFCCC, as well as the "Global Civil Society" actors involved in such systems, perform with regards to these elements. Based on these considerations, the overall aim of this research as well as auxiliary objectives have been developed:

The overall aim of this research is to investigate the role of transnational climate change advocacy networks and their internal power dynamics within multilateral treaty processes.

Dual overarching and interlinked objectives were identified to advance this aim: The first objective is to produce an ethnography of environmental NGOs, especially those that are members of Climate Action Network International (CAN), during the negotiations of the United Framework Convention on Climate Change (UNFCCC). An ethnographic account is particularly well suited to uncover internal dynamics and structures of the NGO network under observation as well as its embeddedness into the larger political configuration of the UNFCCC treaty process. The second objective is to generate an analysis of this ethnography utilising a critical theory of the public sphere. In particular, more contemporary conceptualisations of public sphere which embrace the notion of a multiplicity of public spheres are used as they allow for a more nuanced understanding of the constellation of public sphere deliberations including notions such as internal and external public spheres, counterpublics, and nested public spheres.

These dual objectives contribute crucially to the fulfilment of the overall aim and as a result this thesis features a degree of hybridity: on one hand, the intent is

expressly to offer an empirical thesis, primarily focussed on producing an ethnographic account of the environmental advocacy organisations at the centre of this undertaking. On the other hand, this ethnography is used to inform an advancement of critical theory of the public sphere, in particular as it relates to the transnational level. The integration of these two elements, then – the detailed ethnographic account and the theoretical analysis – helps to effectively conceptualise the role of transnational climate change advocacy networks and their internal power dynamics within the multilateral treaty process.

The concept of public sphere has been characterised as referring to political deliberations of a common interest in a rational fashion (Habermas 1989, 1990). Habermas elaborates three conditions that need to be met for a political arena to be a public sphere. First, universal access to the public sphere is a necessary condition – "The public sphere of civil society stood or fell with the principle of universal access. A public sphere from which specific groups would be *eo ipso* excluded was less than merely incomplete; it was not a public sphere at all" (Habermas 1989: 85). This condition also calls for the deliberations to be among peers, in other words, for differences in social and economic status not to have any impact on the discussion. Second, the discussion in a functioning public sphere has to follow the principles of reason and rationality and focus on the public good, rather than the private interests of the participants. The third element of the public sphere is its orientation towards rationalisation of state power, a notion which Habermas borrows from Kant: "What is to be authoritative nowadays derives its authority, not at all from force, only to a small extent from habit and custom, really from insight and argument" (Kant cit. in Habermas 1989: 117).

Nancy Fraser's recent work (e.g. Fraser 2007, 2008) occupies itself with the re-thinking of the concept of public sphere in an age of transnationalisation. As will be discussed in detail in the course of this thesis, she argues that for a variety of reasons, Habermas' idea of the public sphere (and, to be sure, that of his critics including herself as well, e.g. in Fraser 1990) always had a strong link to the Westphalian notion of state – a model of statehood that, in a nutshell, emphasises the sole authority of a sovereign (be it a monarch or a democratic state) with regards to the affairs within the boundaries of a state's territory. According to Fraser, this includes largely equating the public in question with a citizenry of a territorially defined state

and conceptualising a sovereign in the sense of a Westphalian state as the ultimate target of the public opinion formation carried out within the public sphere. Noticing that there is increasing talk about transnational, or even global, public spheres – which she agrees "is intuitively plausible […] and seems to have purchase on social reality" (Fraser 2007: 7), this Westphalian focus becomes problematic as both features (a national citizenry and a state apparatus) are absent in the transnational case.

However, she contends that the theory of the public sphere, both as an empirical as well as a normative device, should not be "jettisoned" but rather attempts should be made to re-think the concept on a transnational stage in order to retain the normative force of the concept to be used in a critical theory of the transnational and she refers to the concept of a "transnational public sphere" as "indispensable […] to those who aim to reconstruct critical theory in the current 'postnational constellation'" (Fraser 2008: 77).

Clearly, while this overall task must involve more theoretical work such as her own, it is also important to empirically analyse actually existing manifestations of social phenomena that might justify the label of "transnational public sphere," thus advancing the project of democratic theory (and practice!) as it relates to the transnational and examining how the problems and questions raised by the theoretical work map onto real-world political practice. Global environmental politics, and in particular climate change, is a suitable field for such endeavour: featuring an established transnational institution in the UNFCCC and its related bodies and processes as well as a congregation of organisational and individual actors that can be (and, indeed, have been, e.g. in Pulver 2004a, 2005) characterised as having public sphere characteristics. Global environmental politics, as shall become clear in this thesis, is also a suitable case for such an undertaking as some of the features that require attention in such study have a particular relevance in this field. One of these elements is the "all-affected principle," which in brief suggests that everybody who might be affected by a particular decision should have equitable access to the process of public opinion formation relevant to that decision, and which offers a useful framework for critical analyses of democratic practices within global environmental politics.

In order to advance these analyses and in order to fulfil the research objectives as outlined above, this thesis follows an innovative research design which combines ethnography and public sphere theory in order to develop both a rich empirical account and a theoretically grounded analysis. To employ ethnography for the study of members of a transnational advocacy network as they involve themselves in the politics of global governance institutions is a novel approach which promises to yield a richer account of the interactions within the network and between the network members and the political negotiations they participate in. While ethnography is increasingly used to study organisations and professional contexts (for a collection of a number of such undertakings, cf. Gellner and Hirsch 2001), it has not yet been employed to provide an in-depth and detailed account of the work of professional environmental advocates. Other studies of the UNFCCC and CAN, respectively, (Pulver 2004b, 2005; Duwe 2000; Westerlind-Wigström 2008; Depledge 2005; Yamin 2001) relied heavily on interviewing and content analysis of documents and some of these studies only covered very short periods of time. As such these studies were limited by their respondents' interpretation and limited or selective recall of events or, in the case of document analysis, by the fact that a finished document does not readily reveal the story and power dynamics behind its genesis.

My own empirical research, on the other hand, involved a long term (over 2.5 years) ethnography with a strong component of participant observation where the level of my own involvement gradually increased over time until I was a fully participating member of the network. This design is more suitable than interviewing and document analysis for unearthing otherwise hidden structures and dynamics and allow to contrast the participants' own interpretations of events and structures with those of the researcher. Specifically, between August 2007 and spring 2010 (to cover the immediate aftermath of the Copenhagen Climate Change Conference in December 2009), I participated as a delegate of a member organisation of Climate Action Network International (CAN) in seven international conference sessions of the UNFCCC. Additionally and during the same time period, I had continued access to internal discussions of the network even when the UNFCCC was not in session through subscriptions to the relevant CAN email lists, the principle location of CAN's "intersessional" existence, as well as through participation in telephone conferences once the level of my involvement reached that of a fully participating member.

As such, the original empirical contribution of this thesis should be seen in providing a detailed ethnographic account of environmental advocacy professionals' work within and surrounding the climate change treaty negotiations as outlined above. Further, based on this account, the thesis will make a contribution to the development of the theory of public spheres – especially as it relates to a concept of public sphere that embraces a notion of multiplicity and that conceptualises public spheres on a transnational level – by applying this theoretical approach to the analysis of the data generated by the ethnographic research.

First, in the next chapter, I will focus on reviewing the relevant literature in order to provide the necessary theoretical background for this study. The first major section of the chapter will review literature that concerns itself with "Global Civil Society" and related phenomena like transnational NGO networks. In this section I will discuss conceptualisations of "Global Civil Society" by theorists like John Keane, Mary Kaldor and Paul Wapner and will consider the demarcations of "Global Civil Society" vis-à-vis the realms of politics and the state on one side and the realm of the markets and economy on the other. Based on these discussions, I will offer my own definition of "Global Civil Society". The second major part of the chapter is dedicated to the literature on public spheres, where I will, in particular, review Jürgen Habermas' work on the public sphere and will introduce the main strands of criticism of that work, especially the critique of Nancy Fraser. In this context, attempts to conceptualise the public sphere with an understanding of a multiplicity rather than, as implied by Habermas, singularity of the public sphere, will receive further attention. Finally, but crucially, I will focus on recent attempts (mainly by Nancy Fraser) to unpack the public sphere concept in order to identify where it is intimately linked to a notion of nation-state sovereignty and to then be able to re-invent it for the study of "transnational public spheres."

In the next step, in chapter 3, the methodology of the overall research project will be outlined, starting with a description of the scope of the fieldwork and the steps undertaken to gain initial access to the field. The chapter also contains some considerations of the implications of the dual nature of the NGO network under focus, namely as "real world community" during the times of the formal session of the UNFCCC and as a "virtual community" in the time between these sessions, a topic area that is discussed here in the context of the resulting three distinct fieldwork settings –

namely in-session, virtual and hybrid settings – and will be subject to deeper examination in chapter 5. The next section will discuss the gradual increase of my involvement with the advocacy of the network up to the point where I was a fully participating member and the issues related to this approach. In "Learning the Language" I will discuss how it was necessary to become intimately acquainted with the political and technical details of the climate change negotiations both to enable the aforementioned participation in the network's activities and also to be able to understand the significance of the processes observed. I will also discuss how this placed some strains on my role as a researcher, for example in relation to note taking. After discussing some important ethical considerations related to the research I will outline how I went about organising and analysing the data generated through the fieldwork and will present the preliminary theoretical model that had emerged during the data analysis process.

The following three chapters will be concerned with the presentation of the outcomes of the analysis of the fieldwork data as well as the interpretation of these outcomes. The first of these chapters (chapter 4) will introduce some essential background for this study by providing a brief history of the international politics of climate change as well as an introduction to the institutional settings of the UNFCCC. This includes a short overview over the specific politics during the time frame in which the fieldwork was conducted: the negotiation of a climate change accord for the time after 2012, when the first commitment period of the Kyoto Protocol ends. It will also be necessary to introduce the reader to some of the more technical aspects of the discussions, particularly as related to carbon trading, since it is this area of discussion where much of the specific empirical material is drawn from and, hence, some specific knowledge will be helpful in following the examples in the empirical part of this thesis.

Following this, chapter 5 will consider questions of access to the multiple public spheres as understood both broadly as the UNFCCC negotiations in general as well as more specifically with respect to CAN internal deliberations. In this context I will also consider potential barriers that could restrict or limit that access or impact negatively on the effectiveness of the participation. This discussion will be structured around the three main settings of CAN activity (in-session, virtual and hybrid), will discuss the specific activities of each of these settings as well as the different issues related to

these settings, for example, the importance of continued physical access to the in-session setting.

Chapter 6 will be devoted to considering how hierarchy and inequalities as well as various discursive practices impact upon the internal deliberations of CAN. The chapter also advances the theme of multiple public spheres by discussing various constellations of counterpublicity observed. In particular, both the impact of the hierarchical ordering of parties on the UNFCCC negotiations themselves will be illuminated as well as how hierarchies within CAN play out in the internal deliberations of the network. The theoretical analysis of a multiple public sphere is further advanced by considering the implications of the rise of the climate justice network CJN! within the climate change negotiations. The chapter also provides a detailed discussion of the tensions between different discursive approaches within the internal deliberations of CAN, in particular discursive practices emphasising scientific rationality, *realpolitik* and social justice, respectively.

A final chapter will recapitulate the theoretical model that had emerged during the fieldwork and data analysis process as outlined at the end of chapter 3 and will discuss how the presentation and analysis of the ethnographic account contained in the previous chapters advanced the dual objectives of this research programme. In the final chapter, I will also offer additional reflections on the theoretical component of the research programme by discussing further considerations of such analysis. Finally, the chapter will summarise the main points of the thesis and conclude by reflecting upon possible directions for further research.

Chapter 2

Literature Review:
Global Civil Society and the Public Sphere

The aim of this chapter is to provide the theoretical foundation upon which the rest of the thesis will be grounded by reviewing relevant literature on important concepts associated with the topic of the thesis. The main ideas that will be covered in the following sections, are the related concepts of civil society and public sphere, along with their transnationally evolved cousins, global or transnational civil society and transnational public sphere.

Thus the first main part of this chapter will discuss aspects related to global civil society, including its historical roots, the demarcation of civil society with regards to the realms of politics and the state on one side and the realm of economics, the market and the private on the other side. Further, we shall consider whether global civil society represents a categorically new phenomenon or whether it is merely a civil society that has, as it were, outgrown the boundaries of the nation state to whose borders it was formerly confined (or, as some suggest, whether there is actually anything real or empirically tangible that can appropriately be labelled as a global or transnational civil society).

Having thus pondered the concepts of global, transnational and domestic civil society (and after a brief excursus into the related literature of social movement research) the closely associated concept of the public sphere will be the focus of our attention. Here we will first consider the relationship between public sphere and civil society, which some have suggested are, at least for some intents and purposes largely identical, while others have pointed out that the public sphere fulfils a certain limited function of civil society. Then, we will consider the elements and genesis of Habermas' conceptualisation of the idea while, most crucially, also reviewing the arguments of some of his critics, in particular two distinct strands of Nancy Fraser's work which both aim at improving the "critical edge and political point" of public

sphere theory in the context of the important endeavour of critical theory of democracy. Especially this latter section shall enable us to lay useful foundations with regard to the normative and empirical assessment of the focus of this thesis; the involvement of environmentalists in climate change politics under the umbrella of the UN.

However, before we can embark on that task, a few points have to be made about the process that is, in a way, both underlying and uncovering all these processes, namely the process of globalisation.

2.1   Globalisation

Globalisation is a term that has been used to describe a variety of processes over the last few decades. In light of this use as a "sociological buzzword" it has been pointed out that the term was "largely emptied […] of analytical and explanatory value" (Scott and Marshall 2009). Although this cautionary remark has to be taken seriously and thus the term used with a degree of restraint, it is nonetheless largely undisputed that the various processes that are usually described by the term are taking place. Disagreement, however, exists with respect to whether these processes represent a significant historical development, and thus deserve serious attention by contemporary social sciences, or – as David Held and Anthony McGrew paraphrase the position of the critics –whether it is "primarily [an] ideological or social construction which has marginal explanatory value" (2003a: 2). While generally speaking, the concept of globalisation is concerned with the idea that many social, economic, cultural and political processes increasingly obtain an international and global dimension which create interdependences between geographically diverse actors, globalisation is typically linked to a variety of related processes that have been observed during the second half of the twentieth century and that are continuing in the twenty-first.

The first, which is often understood to be identical with the concept of globalisation, refers to the increasing integration of the world economic system related to the consolidation of market based capitalism, which received an additional boost after the end of the Cold War and the collapse of the centrally planned economies of Central and Eastern Europe. This process, which can be termed "economic globalisa-

tion" was greatly aided by international political processes that resulted in the increasing reduction in barriers to international trade and investment, the establishment of free trade regimes, international intellectual property rights regimes, and other measures aimed at providing a favourable environment for global economic expansion. The economic globalisation process was further aided by certain technological advancements brought about by the rapid development of relatively cheap information technology and relatively cheap fast international air travel, both making accessible even farther reaches of the globe for even more people and companies in even shorter periods of time (Castells 2008). Further enabling support for economic globalisation can be seen in certain infrastructural features, such as the establishment of the US dollar as the de facto currency and English as the lingua franca of the globalised economic realm. This economic aspect of globalisation is mainly related to its material dimension, but has strong implications for the other aspects.

As a result of this material aspect of globalisation, whole societies and states, but also smaller communities, families and individuals become increasingly connected in worldwide systems and networks and as a result, actions of geographically distant actors can have profound impact locally while in reverse, local activities can bear significant consequences at distant locales. Keane (2003) illustrates this by considering the different layers of transnational interconnectedness and interdependence of very different classes of actors through the – material as well as cultural – production and consumption of jeans. This represents a shift both in the spatial and temporal component of social relations and can thus be called the spatio-temporal aspect of globalisation, which manifests itself as "time-space compression," where the perceived distance shrinks and at the same time the relative speed of social interactions increases, exemplified by how "crises and events in distant parts of the globe, [...] [such as] the events of 11 September 2001, come to have an immediate worldwide impact involving diminishing response times for decision-makers" (Held and McGrew 2003a: 4).

Certainly related to the theme of economic globalisation is the notion of economic development with the associated notion of certain regions, countries or parts of countries possessing different levels of development. While the notion of economic

development based on a ideology of unlimited growth is problematic for a host of reasons – especially in the context of a thesis that focuses on environmental issues, since the environmentally destructive effects of unlimited economic growth have been known at least since the very influential 1972 Club of Rome report "The Limits of Growth" (Meadows et al. 1972) – this cannot be treated here in detail. However, it is important to somewhat problematise the use, throughout this thesis, of the phrases "developing country" and "developed country." The decision to use these terms instead of better alternative terms proposed (e.g. "richer" vs. "poorer" countries, or "North" vs. "South") has been made despite an awareness of the substantial flaws of this terminology. For example, use of the past participle "developed" implies that these countries have obtained a final and desirable state which those labelled with the gerund "developing" still have to continue aspiring to. Among other things this is problematic since "developed" countries themselves generally speaking still aspire to continued, unlimited economic development (making them "developing countries" as well, in the literal meaning of the word) which also means that it is a constantly shifting goal post that developing countries are expected to aspire to.

However, the "developing" vs. "developed" dichotomy is firmly established in the terminology of the UNFCCC regime and since this regime represents the empirical focus of this thesis, the terminology has been adapted here as well despite its problematic background. Further, the use of these labels within the UNFCCC (and wider UN system) does not adequately map onto possible alternative dichotomies such as "richer" vs. "poorer" which therefore could not have been used consistently throughout the thesis. To illustrate, the "developing" country Qatar has the world's highest per capita GDP (PPP) of $90,950; while other "developing" countries such as South Korea ($27,133) or Saudi Arabia ($23,369) have a per capita GDP similar to the average of the "developed" countries of the European Union. On the other hand, a country like the Ukraine – considered a "developed" country in the UNFCCC regime – has a per capital GDP (PPP) of $6,310, which is only about half the global average ($11,128) and in the immediate neighbourhood of African countries like Namibia ($6,387) or Angola ($6,029) and well below "developing countries" Brazil ($10,344) or Mexico ($14,439) (2009 data from Worldbank 2011).

It is important to point out, however, that the use of these terms in this thesis does not represent an endorsement of the often-associated notion of desirability of economic development to the level of, or exceeding, current "developed" countries globally.

Although certainly used to refer to economic globalisation, the term "globalisation" usually also comprises related processes of globalisation of other spheres of human life. For example, both enabling and responding to economic globalisation, a process of what could be called "political globalisation" results in the emergence of a set of institutions that collectively constitute an emerging system of global governance. These "enabling" institutions include the aforementioned international agreements to reduce barriers to and promote measures to encourage international trade, including free trade agreements, international intellectual property rights regimes, the emergence of a body of international law relating to trade disputes (such as those ruled over by the WTO) etc. Another set of international political institutions can be seen to respond to economic globalisation, aiming to set some limits to its operations in a global space not regulated by national laws. This relates, for example, to international agreements restricting the trade in endangered species, or setting minimum standards for working conditions through the International Labour Organisation, and so forth. In addition, "political globalisation" results in the establishment of a number of institutions of global governance that are not or not directly related to economic globalisation, such as treaties to ban landmines, limit nuclear proliferation, advance human rights or the rights of Indigenous Peoples, or address environmental concerns such as damage to the ozone layer or climate change.

Another important aspect of globalisation is what could be termed "social globalisation" and refers to the increasingly global dimension of and the increasing impact of the global on a variety of aspects of social life. Many of these aspects are directly or indirectly related to what has been called "economic globalisation'. This includes, for example, how links between previously unrelated people, societies and cultures are created by migrations for economic reasons (including push factors of, for example, economic hardship or violent conflict as well as pull factors of employment opportunities associated with a globalising economy). Likewise, the shifting of production capacity of multinational companies between countries creates new opportunities in

one community while limiting them in another and this can also be seen as an example of economic globalisation having an impact on societies. This "social" part of the globalisation discourse also includes the often-quoted resistance against what are perceived to be destructive forces of globalising capitalism, often called the anti-globalisation movement.

This discussion is relevant for the thesis at hand since these globalisation processes give, on one hand, rise to a new class of collective actors – including phenomena variously called transnational social movements, global civil society organisations, international non-governmental organisation, transnational activist networks and the like. On the other hand, collective actors that are first and foremost active on "local" issues are required to examine these through a "global lens" since many of these "local" issues increasingly necessitate, in order to be properly understood and addressed, an awareness of the larger global processes in which they are embedded.

Environmental degradation is commonly listed as a standard global issue in texts on globalisation (e.g. Beck 2000; Held and McGrew 2003b). Among other issues of environmental degradation, climate change is possibly the ideal example to investigate: while other examples of environmental degradation, such as the deterioration of the ozone layer, acid rain or the depletion of global fish stocks have similar features, these features are stronger and more marked in the case of climate change. For example, the spatial, cultural, social and temporal distance between those causing and those suffering from the problem is indicative as is the difference between those who would have to carry the majority of the costs associated with solving the problem versus those who benefit from such a solution.

Further, the system of international institutions set up to address the problem, among them the UNFCCC, relevant EU institutions such as the EU ETS, dedicated programs within other UN agencies, various bilateral dialogues and multilateral fora such as the MEF[4] etc., represents a part of what has been called global governance and is thus also an important case to consider in the context of the globalisation debate.

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4   Major Economies Forum; an initiative of the US government under George W. Bush to facilitate dialogue among major developed and developing economies with regards to international climate politics. Currently, 17 nations participate in this dialogue.

2.2   Global Civil Society

NGOs operating within the field of international politics have often been described as constituting, or being a part of, a "global civil society" (Anheier et al. 2001a; Kaldor 2000, 2003; Keane 2003; e.g. Lipschutz 1992; Wapner 2000). However, strong disagreement exists with regards to the definition and scope of that society (or even whether it is, in fact, appropriate to refer to the phenomenon in question as "global civil society," e.g. in Keck and Sikkink 1998) as well as its relationships to related concepts such as NGOs, transnational social movements, activist networks etc. It thus appears to be appropriate to review different accounts of this concept.

2.2.1   Historical Roots of the Concept of Civil Society

Standard accounts of the history of global civil society trace the origins of the concept back to the re-emergence of civil society in Central and Eastern Europe towards the end of the Cold War or further back to the older concept of *societas civilis*. The term *societas civilis* was used, up until the end of the 17th century, to describe the state of a society as a whole as being "civil" (in the word's sense of "civilised") as opposed to barbaric. This use of the phrase "civil society" is fundamentally different from later uses of the phrase in that it describes a *state* (civil or civilised) of a society rather than a *type* of society or part thereof. The main feature that set these civilised societies apart from other forms of society, was the rule of law which was guaranteed by the state and which enabled the civilised coexistence of people in these societies. Therefore, some argue, civil society (or *societas civilis*) was not separate from the state in this early understanding of the term (Keane 2003; Wapner 2000) since it was the existence of state that guaranteed the rule of law and was thus the prerequisite for *societas civilis*. Others point out that this state of civilisation was not only based on the state's guarantee of the rule of the law, but also dependent on "the existence of independent groups of citizens able to uphold and disseminate the values and norms which underpin the rule of law and check abuses of power by the state" (Kaldor 2000: 106). The notion that this early understanding of civil society already contains an element of societies or groups of individuals independent from states, is also shared by Lipschutz, who understands the term to refer to communities who establish and share their own set of norms and behavioural codes, independent from – and indeed

occasionally as a reaction to – the "legal or other socially constructed" (1992: 398) settings of a given state system.

The other historical reference that is usually discussed when tracing the roots of global civil society is that of the re-emergence of civil society in the socialist countries of Central and Eastern Europe towards the end of the Cold War "where the term was applied to those aspects of social and cultural life that had not been captured or colonised by the totalitarian state" (Lipschutz 1992: 392) and where civil society provided a niche for individuals and groups for association and eventually develop-ment of shared values and norms. Notably, Lipschutz and Kaldor also talk about the application of this newer sense of civil society in "Western" societies. While Lipschutz (1992) points out how in these Western societies certain political realms have also been colonised by their states (most notably foreign policy), Kaldor (2000) remarks on how the notion of civil society and its gradual re-establishment in the European socialist countries was used by Western political elites as an indicator of the victory of actually existing democracies over state-socialism while at the same time, "the inheritors of the so-called new social movements began to use the term to express a demand for a radical extension of democracy" (Kaldor 2000: 107).

Elsewhere, Kaldor (2003) expands more on her understanding of the historical roots of global civil society. According to her analysis, global civil society involves five distinct versions of understandings of territorially bound civil society as its roots, every one of which brings with it certain features that get incorporated into the academic concept of global civil society. The first two versions are historical uses of the term, while the remaining three refer to contemporary usage. The two historical usages are the already discussed *societas civilis*, from which the notions of civility and rule of law[5] are carried forward to global civil society, while the other one, *Bürgerli-che Gesellschaft*, or bourgeois society, as understood by Marx and Hegel, encompasses

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5   The application of the phrase "rule of law" to the transnational and global levels might appear counterintuitive, particularly in the light of regular reminders that the international arena is a characterised first and foremost by its anarchic character. At the same time, however, it can certainly be argued that there is something like and embryonic "rule of law" on the transnational (and occasionally, global) level, characterised by and constituted of a myriad of international treaties and other legal instruments – from ozone depletion treaties to Indigenous Peoples' Rights to the International Criminal Court – which, at least for their respective parties, create a legal situation that is probably appropriately described as "rule of law," however embryonic and incomplete.

all associational actors between the levels of the family and the state, including, for example, the market economy, social classes, welfare organisations, or literary cricles, which, transposed to the global level, equate to the forces of economic, cultural and social globalisation.

The contemporary uses of the term civil society include activist, neoliberal and postmodern versions. The activist version, which is rooted in the understanding of civil society within the opposition in Central and Eastern Europe in the 1970s and 80s, presupposes a system that is based on the rule of law and demands "restraints on state power [and] […] a radicalisation of democracy and an extension of participation and autonomy" (Kaldor 2003: 8). Carrying over the essence of the activist version to the global level, global civil society so understood would take the form of a global public sphere of active citizens, "where non-instrumental communication can take place, inhabited by transnational advocacy networks […], global social movements […] [and] new global 'civil religions' like human rights or environmentalism" (Kaldor 2003: 8). The neoliberal version seeks to promote an understanding of "civil society" that restrains state power but more importantly also acts as a substitute for functions that the state is not capable or unwilling to provide, that is, most importantly, all sorts of welfare services. The civil society of this flavour is the civil society of non-profit organisations or "the third sector" and carried forward to the global scale would be understood as the "social counterpart of […] economic globalization, […] perform[ing] the functions necessary to smooth the path of economic globalization" (Kaldor 2003: 9) by providing humanitarian services as well as help the advancement of the rule of law and acceptance for human rights through the activities of democracy-building or human rights NGOs. Finally, the postmodern version of civil society seeks to overcome the universalism of the first versions by stating that civil society is "an area of pluralism and contestation" which is not only inhabited by the "civil" but also "incivil" manifestations of associational life. As such, civil society covers both the groups and organisations that are contained in its activist and neoliberal version, but in addition to these also groups based around nationalist and religious identities, including those where these identities give rise to extremist or fundamentalist forms.

For Kaldor then, the current descriptive usage of the term "global civil society" comprises elements of all three contemporary versions of civil society, with the

various actors within that society ranging from social movements and activist networks over the charities and "tamed" NGOs of the neoliberal version to the religious and national fundamentalists of the postmodern version. The two historical versions of understanding the concept, however, provide a necessary basis for global civil society since the existence of global civil society is dependent on "at least the aspiration for a rule of law and for economic autonomy" (Kaldor 2003: 10).

2.2.2   Extension of Domestic Civil Society or Something New?

One point of contention between proponents of the concept of global civil society is the question of the degree to which global civil society represents merely an extension of domestic or national civil societies where the concept of domestic civil society is used as a metaphor and applied to the global scale, or whether it rather represents a completely new phenomenon with fundamentally different properties. The former view (held by authors such as Mary Kaldor and Paul Wapner) asserts that the parallels between the concept of civil society as applied to the domestic sphere and its application to the global level justify the use of the term as a globalised equivalent of civil society. For Kaldor this parallel is found in the function of civil society to uphold and disseminate its values and norms and consequently provide checks on the abuse of power by the state. Global civil society, so understood, fulfils the same functions vis-à-vis the "range of interlocking institutions, including – but not only – states" (Kaldor 2000: 108), of global governance which would represent the metaphorical equivalent of the nation state on the global level. Wapner (2000), on the other hand, points out that transposing civil society to the global level is not unproblematic due to the contextually specific location within the Western tradition of political thought, but nonetheless uses the term "global civil society" as a metaphorical extension of "civil society" because of the observable similarities: "People communicate, collaborate, and build relationships across national boundaries. In doing so, they establish modes of interaction and generate affiliations that constitute rich transnational networks" (Wapner 2000: 267). And due to the similarities of these practices with domestic civil societies it makes sense to call this domain global civil society.

The other view, that global civil society is a completely new phenomenon with very distinct features – not just an extension in scope of the civil societies existing domestically – is held by John Keane, who rejects that latter idea by implying a two-tier concept with global civil society and domestic civil society being binary opposites with a "strong presumption that politically defined territory remains the ultimate foundation of civil society institutions – as if 'the global' was an add-on extra, a homeless extra-territorial phenomenon" (Keane 2003: 23). In his interpretation, other writers' accounts of global civil society (he quotes the definitions of Wapner and Anheier et al.[6]) stress civil society's continuing attachment to the nation state level, a notion which he denies. However, he fails to make fully clear why he reads these accounts as proposing a two-tier understanding of civil society with the global level being merely an "add-on" and not – as my own reading of these accounts suggests – a use of the concept of domestic civil society as an *analogy* to describe phenomena at the global level. In that case, then, his view that global civil society is something fundamentally new does not contradict what could be called the "analogical extension" of domestic civil society to the global level. In fact, writers who suggest that civil society is a useful concept to transpose to the global level to describe the phenomena found there, explicitly acknowledge its newness and suggest that "because of conceptual similarities [with domestic civil societies], it makes analytical sense to understand this domain as global civil society" (Wapner 2000: 267). The fundamentally new feature of global civil society, then, is its radical interconnectedness of different locales (whether national, subnational or regional) with each other and with the global level itself, "[t]he 'micro' and the 'meso' and the 'macro' dimensions of this society are both interconnected and co-determinant of each other; [...] the domestic and the global are [...] linked together in complex, cross-border patterns of looped and re-looped circuitry" and "[t]he tiniest and the largest operations and events are implicated in loops that produce feedback [...] so adding to the overall heterogeneity and dynamism of the components of the global social system" (Keane 2003: 24).

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6   "Global civil society [...] is a transnational domain in which people form relationships and develop elements of identity outside their role as a citizen of a particular state" (cit. in Keane 2003: 23; Wapner 2000). "Global civil society is 'above and beyond national, regional, or local societies', or 'above the national level'" (Anheier et al. 2001a; cit. in Keane 2003: 23).

A third way of relating the older understanding of civil society with the new phenomenon of global civil society is to observe similarities in the conditions that are thought to have fostered the emergence of domestic civil societies with conditions of global civil society. For Ronnie Lipschutz (1992), leakage of sovereignty away from the state is a structural precondition for the emergence of civil society, while another, functional, precondition is the decreasing ability or inclination of states to provide certain services (e.g. welfare, protection of public goods, security) to their citizens, triggering efforts on behalf of these citizens to organise these services through other, non-state institutions and thus forming civil society.

Paul Wapner (2000) also observes that certain conditions for the emergence of civil society on a domestic scale can currently be observed on the global level, thus – he concludes – strengthening the case for the use of the "civil society" terminology to label this global phenomenon. For Wapner, the structural prerequisites for the formation of civil society (he explicitly restricts his analysis to civil societies that "evolved within the Western tradition of political thought" (Wapner 2000: 266)) are, first, the existence of a state which has established itself as a separate entity from its citizens, thus encouraging "citizens to necessarily [organise] themselves in opposition to, and independent from, its prerogatives and directives" (Wapner 2000: 264) which, in turn, lead the liberal state to acknowledge (and formally codify) their freedom from state authority and their rights to hold state power accountable. The second prerequisite for the formation of civil societies was the emergence of market-based economies, which led individuals to "concentrate their productive energies on genuinely personal, self-interested enterprises and, in doing so, create and mobilize significant, autonomous sources of wealth" (Wapner 2000: 265). In other words, legally guaranteed private property fostered the creation of resources independent from state control which in turn laid the material foundations for the emergence of civil society. Wapner then recognises these same features currently being observable on the global level: first, "a state system [...] [which] legitimizes, and encourages transnational citizen interaction" (Wapner 2000: 267), which now controls virtually all parts of the world, and which together with other institutions such as international treaties, intergovernmental organisations and regional integration organisations make up this (albeit) "partial, continually contested, and often ineffective [...] structural component [of] global governance" (Wapner 2000: 267). And secondly, the

ever-advancing global integration of markets is observed to be the other structural prerequisite for the emergence of a (global) civil society, establishing a domain in which individuals and organisations can engage in trans-boundary interactions with one another and without being subjected to complete governmental control and thus providing the experience of trans-national cooperation as well as the accumulation of resources independent from state control in that realm – much akin to the previously described processes on the domestic scale. Wapner, however, insists that "[w]hile the state system and the global economy provide a *space* for global civil society, as a phenomenon its existence rests on the activities of certain actors that actually constitute it [... – only their] *activities* actually establish horizontal transnational networks" (Wapner 2000: 268, emphasis added).

2.2.3   Keane's Definition of Global Civil Society

John Keane (2003) distinguishes three main uses of the term global civil society. The analytical-descriptive use of the term aims to provide explanations of the socio-political realities of the world, while the strategic-political use is concerned with the strategic means of realising political goals that global civil society actors might have. Finally, the normative use presents global civil society as a "warranted and plausible and desirable" (Keane 2003: 4) element in the overall make up of global governance and can therefore be used to communicate actions that should be undertaken or avoided in order to expand or avoid weakening its ability to fulfil this role[7].

Of these three usages, the analytical-descriptive use appears most appropriate for empirical consideration. Within this usage, Keane submits, understanding global civil society as an *"idealtypisches"* (ideal-typical) construct yields the more promising outcome. In that context, as an ideal-type, global civil society is defined as a

> dynamic nongovernmental system of interconnected socio-economic institutions that straddle the whole earth, and that have complex effects that are felt in its four corners. Global civil society is neither a static object nor a fait accompli. It is an unfinished project that consists of sometimes thick, sometimes thinly stretched networks, pyra-

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7   Regarding the distinction between normative and descriptive use of the term, Mary Kaldor reminds us, that "[a]ll versions of civil society are both normative and descriptive. They describe a political project i.e. a goal, and at the same time an actually existing reality, which may not measure up to the goal" (2003: 11).

> *mids and hub-and-spoke clusters of socio-economic institutions and actors who organise themselves across borders, with the deliberate aim of drawing the world together in new ways. These non-governmental institutions and actors tend to pluralise power and to problematise violence; consequently, their peaceful or "civil" effects are felt everywhere, here and there, far and wide, to and from local areas, through wider regions, to the planetary level itself.*
>
> (Keane 2003: 8, original emphasis)

This definition contains five main aspects of the understanding of the concept of global civil society as proposed by Keane. First, there is the non-governmental character of global civil society's members whereby everything that is not state belongs to the sphere of global civil society. Keane explicitly mentions individuals, corporations, religious organisations as well as NGOs of all different flavours. This huge variety of actors, then, forms global civil society by conducting their social or economic activities and associational life across national borders and outside the realm of government structures. Keane does, however, acknowledge that this understanding of the "non-governmental" aspect of global civil society carries the risk of converting global civil society into a "dustbin category" which ends up containing everything that is not the state. This risk, however, has been overcome in his definition by using the other criteria of the definition to limit the so defined phenom-enon to a specific subset of non-governmental actors. One aspect of this first criterion that warrants further discussion is his treatment of corporations and other economic actors. This topic will receive more thorough attention later, but for the moment it should be noted that Keane very explicitly includes the entire realm of economic transactions and activity in his understanding of global civil society.

The second of the criteria put forward in the definition qualifies global civil socie-ty as a "society." As a society, it is "a dynamic ensemble of more or less tightly interlinked social processes [...], a highly complex ensemble of differently sized, overlapping forms of structured social action" (Keane 2003: 10 f.), in other words, it refers to an array of institutions, associations and networks within which individuals and collective actors are interdependent and interrelated. A noteworthy implication that this aspect indicates, is that – as a society – global civil society has some structural features (norms, rules and institutions) that have a certain degree of independence from its actual members. These features, on one hand, limit the scope of possible activity within that society (but also enable activity within these limits

which would not be possible without the institutional framework created by global civil society) and, on the other hand, also predate and are set to outlive the current members of global civil society.

The third dimension of this definition of global civil society is "civility." This notion borrows very strongly from the root of the concept in the idea of *societas civilis* in that for Keane, the notion of civility refers to the character of the interactions within global civil society being interactions that are characterised by a degree of "respect for others expressed as politeness towards and acceptance of strangers" (Keane 2003: 10) and a generally "strong and overriding tendency to both marginalise or avoid the use of violence" (13). This characterisation describes a *state* of global civil society very much like the state of society that was described when referring to a society as a *societas civilis*, namely that of a society in which rules and norms create a state of absence of violence and barbarism[8]. This criterion, then, can be understood to provide the strongest demarcation feature of the definition to make sure that the definition does not include the actors of the "the dark side" of transnational associational life. To be sure, Keane underscores that "civility" is understood differently in the different cultures that individual members of global civil society might come from. However, all of these actors agree on a broad understanding of "norms of *non-violent* politeness covering matters of indirection, self-restraint and face-saving" (Keane 2003: 12, original emphasis).

Another feature of global civil society, as defined in this way, is its "*pluralism*" and "*strong conflict potential*" (Keane 2003: 14, original emphasis). These features are strongly related to the understanding that most (if not all) trans-boundary economic activity takes place between members of global civil society, which is conceptualised to include all sorts and sizes of businesses, provide the incomes of hundreds of millions of households, and is seen to be the primary locus of production, distribution

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8   Of course, as explained above, the classical understanding of *societas civilis* explicitly refers to the rule of law guaranteed by a state to ensure this condition of peacefulness; a notion that is not fully replicated in the case of global civil society. However, the less formalised norms and values that Keane does find in global civil society (openness towards the other and rejection of violence) can be assumed to sufficiently take the place of guaranteed rule of law. It is also worth remembering that some writers (Kaldor 2000) stress that the entire set of values, norms, mores etc embedded in society form the basis for both the law implemented and guaranteed by the state to establish the state of *societas civilis* as well as the checks on power by the citizenry. In that sense then, as also identified by Lipschutz (1992), the values and norms of these societies exist both independent from and above and prior to their legal implementation by states.

and consumption, technological innovation and investment – all connecting individual actors across borders and vast distances. This economic activity within global civil society, then, is only possible due to the non-economic functions and structural components of global civil society: by having established a set of norms and values that members of this society can feel confident to share among themselves, economic activity can then be based on these norms and values. These cross-border activities also serve to sub-divide the world in two ways, horizontally and vertically. The horizontal boundaries are drawn by activities of global civil society between itself and the various levels of state (i.e. national states and their sub-national entities as well as international governmental bodies) when the civilian institutions of global civil society engage in activities that place limits upon governments and thus potentially provide "a brake or potential check upon various forms of government, and especially absolutist political rule. *All* governmental institutions, from local councils through territorial states and regional and supranational institutions like the United Nations and the WTO, are now feeling the pinching effects of this civil society" (Keane 2003: 15, original emphasis). In contrast, the horizontal sub-dividing of the world takes place *within* global civil society itself. Here, Keane refers to the "scuffles and skirmishes over the distribution of socio-economic power," which determine "who gets what, when and how" (Keane 2003: 15). It is worth noting, though, that this notion does not only apply to strictly economic activities. The same mechanism, the same "scuffles and skirmishes," also helps elevate local concerns to global importance and translates global-level problems to local issues.

Finally, but not least importantly, global civil society is obviously defined by its *global* scope. In Keane's understanding, this globality does not only refer to the fact that global civil society involves interactions which take place across state boundaries, but also "underneath" forms of state and sub-state governance. He conceptualises global civil society as a "'macro-society' or 'society of […] societies' [that] consists of […] a bewildering variety of interacting [actors] […]: INGOs, voluntary groups, businesses, civic initiatives, social movements, protest organisations, whole nations, ethnic and linguistic clusters, pyramids and networks" (Keane 2003: 17–18).

2.2.4   A Critique of Keane's View of Global Civil Society

This last criterion illustrates most clearly one of the disadvantages of Keane's definition. While explicitly stating that the definition is crafted in order to prevent the concept of global civil society becoming a "dustbin category," which is only demarcated by its feature of not being "the state" and which thus ends up holding everything else, the list of an – indeed – "bewildering variety" of actors, including potentially rather large collective actors such as "whole nations," seems to suggest that the success of this endeavour was incomplete given that "whole nations" would almost certainly include the elements that he sought to exclude from the conceptualisation of global civil society as understood through this definition. Furthermore, the relevance of an empirical category in the social science (which, after all, is the declared purpose of Keane's definition of global civil society as an ideal type for analytical-descriptive use) becomes questionable when the category becomes too broad and begins to contain too many heterogeneous members, whose common features are less marked, less obvious and less important than their differences.

In addition to the problem of becoming too large and too broad a category, other aspects of this definitional delimitation of global civil society appear to have problems and internal contradictions as well. Many of these contradictions are related to the inclusion of the entirety of the economic realm in the concept of global civil society. For example, Keane explicitly sets out to craft a definition of global civil society that excludes the "dark side" of civil society, in other words those aspects of trans-boundary associational life that engage in criminal, terrorist or violent activities and thus argues that only actors should be considered part of global civil society that fulfil the criteria of "civility" which is detailed to mean a "tendency to […] marginalise or avoid the use of violence" (Keane 2003: 13). However, his seemingly indiscriminatory inclusion of the realm of global capitalism into the concept of global civil society would suggest that corporations which earn money directly or indirectly with violence (e.g. private military companies or arms producers) are equally part of global civil society as large transnational corporations with often considerable degrees of violence along their supply chain[9]. Conversely, this definition would

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9   For example, the Dutch Shell Corporation has repeatedly been accused of being involved or complicit in human rights abuses associated with its operations in Nigeria. But even if these

exclude some individual and collective actors that are typically associated with (global) civil society and (transnational) activism, but that – to varying degrees – embrace the use of some sort of violence (as either source or target of that violence), ranging from acts of expressed non-violent civil disobedience with, however, the associated acceptance of the chance of resulting violence on the part of, for example, police forces[10] to so-called "direct action" protests that might include violence against objects. A classical example for the latter is the use of arson in the Suffragettes' movement of the early 20th century in Britain (Pankhurst 1931).

Another problem rests in the fourth criterion of his definition, which refers to the "pluralism" and "strong conflict potential" of global civil society. As detailed above, these features are said to divide the world in two ways across which global civil society acts. Activities across the horizontal divide between global civil society and the various levels of state-power are said to place limits upon every government's actions, which are "now feeling the pinching effects of this civil society" (Keane 2003: 15). This limiting effect is suggested to be particularly strong in those countries with absolutist political rule. Failing to provide examples for these claims, the impression arises that Keane's view of global civil society might be too optimistic; particularly in light of plentiful examples to the contrary. Given the level of suppression of (domestic) civil society organisations in those countries that Keane considers under "absolutist political rule" it is difficult to see how civil society institutions place limits on these governments. Even considering the possible effect of the large *global* civil society on "absolutists" governments, for example via the "boomerang pattern" (Keck and Sikkink 1998: 12)[11], the often low level of concern over outside critique puts in

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accusations proved untrue, Shell's and others practice of flaring natural gas associated with oil extraction in that area, which is both illegal under Nigerian law and a severe hazard for the health and lives of the communities in that area (FoE-I 2005), could be interpreted as activities from the "dark side" of globalised capitalism.

10 Examples are numerous and include the "Reclaim Power" march during the 2009 UN Climate Change Conference in Copenhagen, which was "committed to non-violent civil disobedience, […] [e]ven if attacked by police" (Klein 2009) but resulted in some violence after police aggression (Watts and van der Zee 2009), including police violence directed at the author of this thesis (field note, Copenhagen, 16 Dec 2009). Another famous example, are some of the events surrounding the 1999 WTO ministerial in Seattle (Danaher and Burbach 2000) or the annual summit meetings of the G8.

11 The "boomerang pattern" describes how in cases where a country's government is not accessible to civil society organisations in that country, these civil society organisations would then activate their trans-boundary links to civil society actors in another country with a more accessible governments to raise the issue in question with the government of that second country with the aim to have this government pressure the first government directly or via intergovernmental organi-

question how global civil society activity places limits upon these governments. Furthermore, even if global civil society were to successfully utilise the boomerang pattern, the actual limiting pressure upon the government in question would originate from another governmental or intergovernmental body and would, thus, come from outside the realm of global civil society.

But even in countries that are usually considered democratically governed, the "pinching effect" of global civil society seems to be overestimated. Consider, for example, the 2003 anti-war demonstrations, which involved 10 to 12 million people in approximately 800 cities worldwide (Bivens 2005) – a level of trans-boundary participation which could be considered a text-book example of global civil society activity – *before* the Iraq War had even begun – compared to the 1960s anti-war movement against the Vietnam war, where eight years *after* the beginning of the Vietnam War 250,000 to 500,000 people marched in Washington –, but which failed to sway the determination of the governments involved to engage in a war in Iraq (Bivens 2005; Kaldor et al. 2003). While the discussion of this example certainly provides enough material for many other theses, it shall suffice for now to note that Nancy Fraser suggests that this failure can be partially explained with a phenomenon she calls the deficit of political efficiacy, and which will be discussed in more detail in a later section of this chapter: "Although this outpouring of opinion could not have been more forceful or clear, it lacked an addressee capable of restraining George W. Bush, and so, in a sense, remained powerless" (Fraser 2008: 156).

Moreover, Keane's characterisation of the conflicts arising from the vertical division of the world by the activities of global civil society defined as mere "scuffles and skirmishes over the distribution of socio-economic power" (Keane 2003: 15) indicates an underestimation of the seriousness and severity of these conflicts. Although acknowledging, that these conflicts can result in processes wherein "local

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sations (Keck and Sikkink 1998). An example is the demands of Tibetan independence organisations in Tibet whose demands are routinely ignored by the government of the PRC. However, through international contacts to other human rights organisations in other countries, the expectations have been created that Tibet and, more generally, "the human rights record" of China, are raised on the occasion of most high level meetings between Chinese and other countries' politicians, who are expected to exert pressure on their Chinese colleagues. While this example serves to describe the mechanism of the boomerang pattern, it also illustrates that this approach does not increase global civil society's ability to "place limits" upon those governments that have little susceptibility to outside critique.

matters [...] can assume global importance" (Keane 2003: 15) and thus raise their level of severity, it is left unacknowledged that the "local matters" themselves often constitute much more than just "scuffles and skirmishes" but rather fundamental conflicts over access to resources, health issues, environmental degradation, poverty, human rights, etc. It can be argued that the vertical division described here, is to some degree identical with the division between capital and people and describing this fundamental antagonism as a mere internal conflict of civil society is understating its severity and importance.

2.2.5   Is Economic Activity Part of Civil Society?

This discussion already shows how the inclusion of the economic realm can pose problems of the understanding of civil society, and global civil society, and in fact writers on global civil society differ in their support or rejection of the inclusion of the economic realm. Summarising different approaches to describing the scope of global civil society, Mary Kaldor suggests that the term is used within the discussion to describe three different views of what should or should not be included within its boundaries. The distinction between the first and second versions refers to the inclusion of the economy: "Global civil society [...] can refer to everything between the state and the family, that is to say it can include the market" (Kaldor 2000: 107)[12]. This view mirrors John Keane's understanding of the scope of global civil society, where his criterion of actors being "non-governmental" would equate to Kaldor's description of them being "below" the state, while she also adds the useful distinction of those actors also being "above" the family, or in other words, excluding the private sphere; a criterion that Keane does not explicate but which appears to be compatible with his understanding[13]. Alternatively, the term "may be used to refer to the non-

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12   Elsewhere, Kaldor (2003) points out that some recent interpretations in the wake of the 1970s and 1980s women's movement now no longer exclude the family from civil society as this exclusion historically merely reflected the male nature of citizenship which became obsolete since.

13   Cf., for example, his description of the "empirical contours" of global civil society, in which he lists a number of classes of collective actors (corporations, international NGOs and so forth) and individual figures of the *public* life (he mentions, among others, Mahatma Ghandi and Bill Gates); thus suggesting that the *private* is outside the scope of global civil society. To be sure, among the actors that he perceives global civil society to be composed of, he also lists "individuals" and "households" (Keane 2003: 8), but the context suggests that "households" are included in their capacity as actors within the economic realm (as opposed to the overlapping concept of "family" as an entity of the private life) and "individuals" insofar they become visible as actors in trans-boundary activities, e.g. as activists or business people.

profit sector: everything that operates across national borders and between the state, the market, and the family" (Kaldor 2000: 107). In this case, global civil society excludes any primarily profit-seeking entities or behaviours. This view of global civil society mirrors Jean Cohen and Andrew Arato's characterisation of civil society as involving "the self-defense of 'society against the state' (and the unregulated capitalist market economy)" (Cohen and Arato 1992: 492), wherein the conflicts of the so-understood civil society vis-à-vis the governmental realm but also the economic realm is emphasised. According to this view, global civil society becomes the "third force" (Florini 2000) on the global stage besides the globalising economy and the emerging international political order of global governance.

A third distinct understanding of the scope of global civil society further limits the range of the non-economic collective actors considered to be part thereof by restricting its membership to advocacy networks, which would, however, include "both those that advocate a global 'civilising process' and those that take fundamentalist positions"[14] (Kaldor 2000: 107; also cf. Keck and Sikkink 1998). This understanding of the term is also shared by Kenneth Anderson and David Rieff, who reject the idea that global civil society is a valid concept but who nonetheless identify the "standard account" of global civil society as one that refers to "a 'progressive' movement, and thus it contains only certain politically progressive NGOs and social movements" (Anderson and Rieff 2004: 29)[15].

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14 In talking about a "civilising process', Kaldor explicitly refers to the ideas of Norbert Elias from his book of the same name (Elias 1939) and which describe the process of the removal of violence from everyday life by concentrating, centralising and eventually monopolising violence in the hands of the state, the creation of a rule of law in the process and thus moving from a barbaric to a civilised society. Kaldor, however, stresses that in a globalised world this civilising process cannot anymore rely on the concentration of power and violence through "the establishment of a world state because this would imply an unimaginable concentration of power" (Kaldor 2000: 108), but rather an interlocking system of intergovernmental institutions, individual states, multilateral treaties and so on, which collectively would expand the rule of law to the international or global sphere.

15 It is important to note, that their rejection of the theoretical construct of global civil society is not related to this description of the "standard account". Anderson and Rieff reject global civil society (regardless of the definition used and the scope applied) because of their disagreement about the appropriateness of the "two alleged analogies" upon which, in their view, the concept of global civil society rest. Namely the analogies "between 'civil society' and 'global civil society' and between a settled domestic democratic society (in which civil society is a part of the fabric of domestic society) and an 'international society' or, if one likes, 'international community'" (Anderson and Rieff 2004: 29).

The first question (whether the concept of civil society should include or exclude the economy) has been identified by Cohen and Arato to be a dichotomy between the Hegelian and the Gramscian model of civil society. They further observe, that, although for different reasons, neoliberal and "residually neo-Marxist"[16] scholars usually argue in favour of inclusion of the economic realm. According to their observation, the reason that this is the case for the neoliberals lies in their under-standing of the concepts "civil" and "bourgeois" as identical, the importance that they attach to property rights in the overall hierarchy of rights and their rejection of the idea of significant economic redistribution by the state (Cohen and Arato 1992). Consequently, their conceptualisation of civil society thus avoids giving social movements or activist networks a strong position of legitimation vis-à-vis the economic realm (which might explain why the conflicts between these forces get characterised, for example, as "scuffles and skirmishes" *within* the civil society, i.e. among relative equals)[17].

Besides Keane, who, as has already been shown, perceives the economic realm as an integral and important part of civil society, Ronnie Lipschutz (although certainly not arguing from a neoliberal position) also supports the view that economic activity is encompassed within civil society. He conceptualises global civil society as being constituted by "the social, cultural, *economic* and ethical arrangements of modern industrial society," which are "somewhat autonomous of state control" (Lipschutz 1992: 398, emphasis added). Lipschutz also observes the dominance of "liberalism with the individual at its core" (Lipschutz 1992: 407) as the "operating system" of the global system. "Operating system" understood in that way describes a set of norms

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16 Habermas points out that the Marx' understanding of civil society matches that of Hegel with respect to the inclusion of the economy. Given this similarity, it does not surprise that Marxist writers also employ the Hegelian understanding of civil society. Habermas points out that both Marx and Hegel would have translated the concept of "societas civilis" to mean "bourgeois society" rather than "civil society": "the nowadays established meaning of the expression 'civil society', which, contrary to the modern translation of 'societas civilis' as 'bourgeois society' – the common translation since Hegel and Marx – does *not anymore* include the sphere […] [of the] economy" (Habermas 1990: 46, original emphasis; own translation – from the preface to the 1990 German reissue edition of The Structural Transformation of the Public Sphere, which is not included in the English edition of the book).

17 For the other group of writers that include the economic realm in their conceptualisation, the "residually neo-Marxist writers" (Cohen and Arato 1992: 75), conceptualisation of civil society in that way refer to future, or postcapitalist, civil societies. For that reason these thoughts are not particularly relevant here, since the concern here is with the contemporary phenomenon. For completeness, "[w]hile neoliberals reduce the civil society to economic society, neo-Marxists either reduce the future (postcapitalist) economy to political society or propose, in the manner of utopian socialists, some kind of socially reembedded economy" (Cohen and Arato 1992: 75).

that are universally or near universally shared within the system and thus outline the basis on which all interactions within this system are based[18]: "[t]he principle of economic and political liberalism thus come to represent [...] new social constructions. It is under the umbrella of these emerging social constructions that new forms of non-state global political activity – global civil society – are emerging" (Lipschutz 1992: 407). Clearly, global civil society understood in this way would imply the inclusion of the economic realm in the concept of civil society.

Paul Wapner, as detailed above, identifies as preconditions for the emergence of both the Western "domestic" civil society as well as global civil society, first, the rise of the liberal state (or, in the case of global civil society, the rise of an – albeit rudimentary – system of global governance) and, second, the existence of a globalised market place that creates resources independent of the state system and fosters "experience[s of] free association across state boundaries; [and of] individual and corporate action based on prerogative rather than coercion or necessity" (Wapner 2000: 268). However, although he describes how the economic sphere provides one of the necessary conditions of the emergence of global civil society, he does not consider this sphere a part of civil society. The central reason for that is his understanding of the term "civil" in civil society: "civil refers simply to the bonds and allegiances that arise through sustained, voluntary, noncommercial interaction" (Wapner 2000: 266). This definition demarcates civil society against both state and market, as activities that are part of the governmental realm cannot be considered civil in this sense as "they follow preordained patterns emanating from official authority" while activities associated with economic interactions are not civil given their nature as being "purely instrumental [for] [...] enhancing monetary gain" (Wapner 2000: 266). Having so established the boundaries of global civil society, the advantages of the concept understood as being in opposition to both the state and the market become clear:

> Global civil society, as a transnational domain in which people form
> relationships and develop elements of identity outside their role as

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18   The "operating system" terminology is a metaphor that is explicitly borrowed from the computer world. Just like a computer operating system enables and limits the sort of functions that hardware and software can offer and the interactions between individual programs or peripherals, an "operating system" of shared norms enables and limits the sort of interactions that can legitimately happen.

> a citizen of a particular state, represents a sphere that thus trans-
> cends the self-regarding character of the state system and can work
> in the service of a genuinely transnational, public interest. [...] Aside
> from developing an identity outside one's role of a citizen of a par-
> ticular state, global civil society is also a sphere in which one thinks
> and acts independently of one's role as a consumer and producer. It
> thus represents a sphere of collective life that is free from the struc-
> tural impediments not only of the state system but also of the world
> economy.   (Wapner 2000: 261)

According to Kaldor's analysis, too, the economy is not part of global civil society. Among the five versions of the concept "civil society" previously discussed, only the three contemporary versions have an impact on the conceptualisation of the scope of global civil society. Since all of these versions exclude the economic sphere, global civil society understood in this way would accordingly also exclude the economic sphere. It is worth noting her different interpretation of the neoliberal version compared to Cohen and Arato. While the latter equate the Hegelian understanding of civil society as *Bürgerliche Gesellschaft* with the neoliberal account (and thus conclude that the neoliberal account would include the economic sphere within the scope of civil society), Kaldor differentiates between the two and conceptualises the neoliberal version as one that is closely related to Western market liberalism, but which is not inhabited by economic actors themselves but rather "third sector" non-profit organisations which fulfil the function of "smoothing the path of economic globalization."

Her suggestion, that "for civil society to exist there has to be a relationship with markets, which secure economic autonomy, and the rule of law, which provides security" (Kaldor 2003: 11), provides for an interesting dynamic between the "three forces" of state, market and civil society. In this context it is important to remember Cohen and Arato's reminder that an adequate analysis of the relationship between market economy and civil society "is a precondition for any really serious conceptual alternative to the dangers of economic liberalism and the false promises of utopian socialism" (Cohen and Arato 1992: 77). In their view, civil society is "a program that seeks to represent the values and interests of social autonomy in face of *both* the modern state and the capitalist economy" (Cohen and Arato 1992: 30) and is in this way different from other forms of the wider project of "society against the state," in particular the antimodern stream that wishes to return to a time before the estab-

lishment of the modern state itself and the procapitalist stream, in which "various neoconservative, neoliberal, and libertarian initiatives (rarely movements, but with significant force behind them)" (Cohen and Arato 1992: 30) attempt to return to the "already failed" experiment of unregulated capitalist market economy. The main aim then, of this third stream of civil society is both the defence and further democratisation of civil society by connecting the concept of civil society with the idea of discourse ethics with its strong democratic values of equal participation in the formulation of political norms.

An interesting perspective on the dynamic between the governmental, the economic and the non-governmental, non-economic realms can be developed from Polanyi's historical description of the development of the modern state[19]. According to Polanyi, the emerging capitalist forces that promoted unregulated market economy were a driving force during the emancipation of the liberal state from absolutist rule during the 19th century and were, in fact, claimed to be largely identical with this project of liberal governance. However, during the late 19th and much of the 20th century, other political forces challenged and resisted the increasingly obvious socially and environmentally destructive tendencies of an unregulated capitalist market economy. These forces were emergent political elites, who were no longer merely representing the goals and logic of the economic realm but rather the goals and logic of the liberal state project itself and thus were able to successfully claim to be representing the interests of broader and more heterogeneous social groups. A result of this reversal is the transformation of capitalism into welfare state capitalism with all its attempts to reconcile the interests of the capitalist economy with the interests of the general public to be protected from its most destructive effects through a series of worker protection measures, market regulation, welfare state institutions and so forth. Thus the state can be seen (at least at the historical juncture described here) as a mediating force between the economic and non-economic realms with both sides attempting to influence it in their interest. Considering the dynamic between the "three forces" in this manner, illustrates in yet another way how the economic and non-economic spheres of the private realm are located in fundamental-

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19   This summary of Polanyi's history of the modern state is mainly owed to Cohen and Arato's (1992: 29) account of his writing.

ly different positions and with fundamentally different objectives that position them as adversaries against each other, rather than as each one of them vis-à-vis the state.

In addition to these theoretical considerations regarding the inclusion of the sphere of economics into the concept of civil society, there are more practical aspects of demarcation. For example, under an understanding of civil society as a sphere that should exclude the economy, there are issues of deciding whether a given type of collective actor or individual organisation is part of the economy or the so defined civil society. This is, for example, the case for non-profit organisations set up by the corporate sector to represent its interests in fora where access is formally limited to non-profit organisations or where direct, unmediated participation of economic interest would be considered inappropriate. This is the case in many UN fora, including the UNFCCC, where a formal requirement for participation as observer organisation is the registration as a non-profit organisation (UNFCCC 2006a). As a result, non-profit business front groups are set up and attend as NGOs under the formal label "civil society"[20]. As far as the empirical work of this thesis is concerned, the formal distinction of non-state interest into "constituencies" within the UNFCCC (cf. chapter 4 for more details), such as environmental business groups, is used to demarcate the principal area of focus of the research: while some attention was paid the activities of other constituencies, the focus of the research was limited to the non-state actors that associated themselves with the environmental NGO constituency within the UNFCCC.

Similarly, the demarcation between economic interest and the non-economic sphere can be hard to define decisively from "the other side" as well. Here, NGOs can be observed who would quite clearly appear to belong to the non-economic core of civil society, yet who are engaging in their own economic activity. As an example consider the involvement of the American conservation organisation The Nature Conservancy in the carbon market by creating its own carbon offsetting projects. Or

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20 Examples include the now defunct Global Climate Alliance, which included most major players in the oil, gas and coal industry, including among others Exxon Mobile, Shell and BP, and which was infamously active in particular in the lead up to and during the 1997 Kyoto Conference of the UNCCC (Leggett 1999) or the International Emissions Trading Association (IETA), which unites corporations from a variety of polluting industries and financial institutions with an interest in carbon markets, and which has earned the distinction of being the non-governmental group with the largest delegation at the 2007 UN Climate Change Conference in Bali (Hardstaff 2007) and repeated that in 2008 in Poznań and 2009 in Copenhagen.

consider other NGOs that are promoting goals that are more typically associated with corporate interest, for example when development organisations actively or indirectly promote development agendas that are rooted in neoliberal conceptions of economy. On the other hand, a grassroots peasants' organisation that sets up a cooperative business in order to structure its efforts to, say, operate a small scale electricity generation scheme or communal agricultural cooperative, would strictly speaking "cross over" into the economic realm, while arguably still primarily concerned with the theme of poverty relief associated with their grassroots activism. In general, it could then be argued that any efforts to improve the *economic* situation of disadvantaged populations would have to be considered as belonging to the economic realm.

To be sure, both cases (corporate interest appearing in a non-profit guise and "genuine" non-profits concerning themselves directly with economic issues) also have their analogous manifestations along the governmental – non-governmental divide. In a similar manner to corporations setting up NGOs to be represented at international fora such as the UNFCCC, governmental bodies below the state level, i.e. cities and municipalities as well as local and regional governments, establish formally non-governmental bodies to be admitted as observers to the fora. In the case of the UNFCCC, the largest of these organisations is called "ICLEI - Local Governments for Sustainability" and tends to have a relatively strong presence at the UNFCCC conferences. For example, Hardstaff (2007) identifies them as the second largest NGO after the emission trading lobbyists at the 2007 UN Climate Change Conference in Bali. Similarly, there are a great number of NGOs (in particular in the areas of foreign aid and development) that provide services that would "traditionally" be associated with the activities of the welfare state, i.e. with the governmental realm.

This serves to illustrate how the boundaries between the economic and the non-economic realm are fuzzy and continuous and membership vs. non-membership to either of them cannot always be understood in a binary manner. Particularly along the fuzzy divide between the economic and non-economic realm there are a number of organisations that belong, to differing degrees, to both of these spheres. Nonetheless, there are a large number of cases that are ideal-typical for either class (i.e. corporations without an NGO guise and NGOs that do not engage in economic activity)

and therefore the distinction between economic and non-economic can be used to define the scope of civil society although one has to acknowledge that at the periphery of that so defined civil society there will be cases whose membership cannot clearly be established.

For a demarcation with the purpose of defining the scope of civil society, then, the primary concern of a class of collective actors should be considered central to illustrate the fundamental difference between the "three forces." In this context, the primary purpose of the governmental realm could be considered to be, as Charles Tilly suggests, defence: "governments are in the business of selling protection ... whether people want it or not" (Tilly cit. in Lipschutz 1992: 407), which includes defence against external threads but also, in the case of the welfare state, protection from internal forces and some of the effects of being in socially disadvantaged situations. In the economic realm, the main concern is with profit making and, by extension, the concern with creating and/or preserving conditions that are beneficial for continuously being able to make profits[21].

In contrast, civil society should be considered to be concerned with "a program that seeks to represent the values and interests of social autonomy in face of *both* the modern state and the capitalist economy" and which is concerned primarily with "the idea of the defense *and* the democratization of civil society" (Cohen and Arato 1992: 30, original emphasis). Civil society, so perceived, can be defined as

> a societal realm different from the state and the economy and hav-
> ing the following components: (1) *Plurality*: families, informal
> groups, and voluntary associations whose plurality and autonomy
> allows for a variety of forms of life; (2) *Publicity*: institutions of cul-
> ture and communication; (3) *Privacy*: a domain of individual self-
> development and moral choice; and (4) *Legality*: structures of gen-
> eral laws and basic rights needed to demarcate plurality, privacy,
> and publicity from at least the state and, tendentially, the economy.
> Together, these structures secure the institutional existence of a
> modern differentiated civil society.   (Cohen and Arato 1992: 346)

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21   Also note the different time scales under consideration by the different actors which add to the notion that these classes of actors act under fundamentally different logic: while the economic sub-system of a society is said to be motivated by the profit-making and risk-reducing considera-tions and operating on a time scale of fractions of one up to few years, the political sub-system is motivated by power and subject to a time horizon of the electoral cycle, while civil society is concerned with moral and ethic rightness on a much longer time horizon that includes future generations (Harmeling 2008).

In defining a *global* or *transnational* civil society, then, a fifth criterion would need to be added: (5) *Transboundary Connectedness*: which expands the original four criteria beyond territorial bounds: plurality by including a variety of forms of associational life from all (global) or many (transnational) geographical loci; publicity by having established institutions of communication and culture that link these geographically diverse forms of associational life; privacy by embracing considerations for others in distant locations (both, geographically and culturally) in one's own moral choices; and legality by requiring a set of international (in addition to, not replacing those on the national level) legal and moral norms and institutions to protect these other elements of global or transnational civil society.

2.3   Social Movements

Since this research focuses on parts of the environmental movement, which is routinely considered to be one of the "new social movements" given its focus on "post-materialist" concerns and also because social movements have been widely identified as key forces in generating and constituting global civil society, it is appropriate to briefly explore the notion and concept of "new social movement" (NSM) and to differentiate the NSM theories from other theories that deal with social movements.

Summaries of the main strands of social movement theory usually distinguish between Resource Mobilisation Theories (RMT) and NSM theories (e.g. McNeish 1999) while some authors also include the "Collective Behaviour" and "Political Process" perspectives (Diani 1992) with the latter sometimes named after its central concept "political opportunity structure" (POS) (Edelman 2001; Mamadouh 2004).

Typically, NSM theories are associated with European writers such as Alain Touraine and Alberto Melucci while the other three strands are mainly represented by American scholars (e.g. Jenkins 1983; Zald 1992; McCarthy and Zald 1977; Tilly 1985). The geographical concentration of proponents of either theory appears so marked that some feel inclined to speak of "European" and "American" approaches to social movement research (Klandermans and Tarrow cit. in Diani 1992: 3) while others identify an "Atlantic divide" in social movement theory (McNeish 1999: 47).

However, according to Mario Diani all four main strands exhibit a number of common features that he forges into this "consensual" definition, despite acknowledging that some of the authors discussed might disagree with some of his interpretations of their work:

> A social movement is a network of informal interactions between a plurality of individuals, groups and/or organizations, engaged in political or cultural conflict, on the basis of a shared collective identity.
>
> (Diani 1992: 3)

This definition is quite a useful device for thinking about social movements and thus it is worth considering its three main elements and their relationship to the aforementioned four main areas of social movement theory. The first element of this definition is the characterisation of social movements as "networks of informal interactions" involving "individuals, groups and/or organizations." Despite intending to present a consensual definition, the main social movement theories agree to quite differing degrees with this aspect. For example, the focus of RMT on the ways in which social movement mobilisation occurs places a large emphasis on the importance of strong organisations with skilled leaders. In fact, the presence of organisations is arguably a necessary condition in what is called the "micro mobilisation contexts" (Tarrow 1994) within RMT. Hence, RM theorists might disagree with the implicit claim of Diani's definition that social movements could exist without any formal organisations involved. In contrast, collective behaviour theorists stress the difference between social movement and social movement organisation (SMO) despite acknowledging that the latter "carry out much of the movement work and frequently attempt to [...] speak for the movement" (Turner 1981: 5). In the early NSM theory of Alain Touraine, social movements represent the organised and collective struggle of a "class actor" (Touraine 1981: 77; it is worth noting that Touraine employs a rather broad class concept), with no particular reference to whether or not the internal structure of this collective actor would be "individuals, groups and/or organizations"[22].

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22 It is important to note that Touraine did not explicitly use the concept of NSM in his early work, but has rather been grouped together with Melucci as an NSM theorist in subsequent discussions of his work due to the characteristics his analysis shares with Melucci's approach (cf. Delanty 1999).

Turning to Diani's characterisation of social movements as networks of "informal interactions" it again appears questionable if RM theorists with their emphasis on organisation and skilled leaders, with the latter often referred to as "movement entrepreneurs" (McCarthy and Zald 1977), would agree with identifying the interactions within the movement as primarily informal. Similar might hold for the Collective Behaviour approach which, although conceiving of social movements as contrasted to "organisational" and "institutional" behaviour, stresses that this does not equate to a lack of organisation (Diani 1992: 4).

Although all four main theoretical approaches to the study of social movements contain some notion of conflict, the degree of conflict differs strongly between them, the strongest variant of conflict probably to be found in Melucci's definition of social movement as taking conflict so far that it "breaks the limits of compatibility of the system that it can tolerate without altering its structure" (Melucci 1989: 29). This view of a conflict that can only be resolved by "wholesale social transformation" (McNeish 1999: 92) is a general feature of New Social Movement theories. Thus Touraine reserves the term "social movement" only for those movements that are dealing with the central conflict over the "*social control of the main cultural patterns*" (Touraine 1985: 754, original emphasis), which principally is the endless conflict between the "masses" or "people" and the elites[23]. All other types of conflicts that might occur are sub-types of this conflict and do not (at least in Touraine's own writing) merit the term social movement.

The social movements as described by the "American" approaches do not necessarily aim for a complete change of all aspects of society: although Collective Behaviour theorists, for example, acknowledge that social movements "promote or resist a change in the society" (Turner and Killian 1987 cit. in Diani 1992: 4), they do not explicitly suggest that this change necessitates a "wholesale transformation" of the society. At the same time, Tilly's definition of social movement mainly emphasises their function "to speak on behalf of a constituency lacking formal representation" (Tilly 1984 cit. in Diani 1992: 5). In RMT, finally, the type of change that social

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23 It should be noted that the emphasis of Touraine's later analysis (e.g., notably, Touraine 2000) shifted somewhat away from his earlier work as described here. The discussion here, however, was limited to this early work as it had been very influential for the social movement literature of the late 20th century.

movements are said to aim for is not about changing the whole system but "merely [about] aiming for inclusion so as to participate more fully [and] do not however pose a challenge to the legitimacy of the liberal democratic political system" (McNeish 1999: 54).

An important feature of the definition above is the mentioning of both political and cultural conflict. As with conflict in general, the four approaches differ in their respective emphasis on cultural over political conflict. While the "American" theories mainly stress the political facet, the NSM theorists place great emphasis on the cultural aspect, with both sometimes merging into an interdependent relation: for Touraine, for example, the fundamental struggle of social movements is first and foremost about the "social control of the main cultural pattern" (Touraine 1985: 760) which has in turn political implications. Besides political struggle, Melucci identifies cultural (re-)production as an important aspect of social movements. Besides – as the name suggests – being important for maintaining the latent structure of the movement between periods of political activity, *latency* "allows people to experience directly new cultural models ... which are often opposed to the dominant social codes ... [and] makes individuals practice them" (Melucci 1985: 800). In the contemporary environmental movement in Britain this would be, for example, the CRAGs – Carbon Rationing Action Groups – whose members, besides typically being involved in campaigns to promote the idea of carbon rationing as a means to overcome the perceived crisis, *live* the proposed rationing scheme within their group including rewards and penalties for members who under- or over-emit respectively (CRAGs UK 2006).

It has been established above that it is useful to think of social movements as "networks of ... individuals, groups and/or organizations." Furthermore, it is important to note that the degree of organisation differs between specific movements in different localities and points in time. For the environmental movement, for example, this can be illustrated by the emergence over time of Green parties from within the movement and the growth (in size and numbers) of environmental NGOs. It can, thus, be argued that NGOs play a particular role in social movements for different reasons. First, it is often not easy to establish whether specific NGOs belong to a social movement, since often NGOs fulfil a dual role as agents of social change and

welfare service providers. Second, however, especially in areas where social change is sought using (solely or additionally) "conventional" political practices, NGOs have an advantage over other social movement actors in gaining institutional access to decision-making in certain governmental or inter-governmental settings. So, for example, "being a formal organisation" and having non-profit or tax-exempt status are criteria for the access as observers to the negotiations of the UNFCCC (UNFCCC 2006a), a rule which favours formally established NGOs over informal groups or loose associations of individual activists.

Having this particular role makes NGOs that are part of social movements (subsequently the term SMO – Social Movement Organisation – will be applied to these organisations to distinguish from other types of NGOs) an important focus for research: the fact that SMOs have some access to decision making institutions and thus have some opportunity to represent movement interests in these settings, serves as an incentive to other actors within the movement to influence the SMOs' positions, while on the other hand SMOs are prone to be utilised by governments to influence the movement as it has, for example, been noted before that "NGO networks [...] have an extraordinary capacity to *absorb and tame* challenges from the radical left" (DeMars 2005: 37, emphasis added).

In his structural theory of NGOs, DeMars (2005) points to a number of important aspects that research on NGOs should take into account. In thinking about the nature of NGOs, for example, he defines them as "private actors pursuing public purposes" (DeMars 2005: 41) and claiming to have the normative mandate to represent a certain constituency. Further, he points towards GONGOs and BONGOs – government- and business-organised NGOs respectively – that use the mask of an NGO to falsely make those representative claims.

A more substantial part of the structural theory deals with networking of NGOs and the latent agendas of partners that become attached to the organisation during the networking. Networking partners are as diverse as other NGOs, UN organisations, businesses and governments but might also include rivalling warlords or private security companies, in the case, for example, of humanitarian organisations in war zones. Through this partnering, the latent agendas of the partners become attached to NGO operations, making "*[e]ach NGO ... an institutional site of dynamic cooperation*

and conflict among its partners" (DeMars 2005: 45, original emphasis) and necessitating the negotiation within the NGO of this multitude of potentially conflicting latent agendas and while preserving its own salient agenda. In the case of the aforementioned SMOs at the interface between social movement and governmental or intergovernmental decision-making institutions, this notion can be utilised to explore the tension between the latent agendas that allies in both movement and governments attach to the organisation.

2.4 Public Sphere

Related to the previously discussed concepts of civil society and social movement is the notion of the public sphere, which will be the focus of this following section. As we shall see, one of the main functions of the public sphere is the formation of public opinion geared at influencing decision making by state power and it thus overlaps partially with the notions employed above when explicating the meaning of civil society. In fact, the relationship between public sphere and civil society is not seen consistently between theorists. Jürgen Habermas (1989), for example, when speaking about civil society points out that activities within civil society map onto two different spheres: the public sphere of civil society and the private sphere of civil society, whereby the former refers mainly to the political public sphere wherein the political activity of civil society takes place[24] and the latter refers to the private sphere of economic activity (the market) as well as the "intimate" sphere of the family, which represents the core of the private sphere of civil society. Hence, it is clear that Habermas originally uses the term "civil society" in a fashion that is different from the one favoured above and explicitly includes both the economic realm and family life of the private sphere and is principally defined by being "contrasted with public authority or government as a sphere that is private *in its entirety*" (Habermas 1992: 433, original emphasis).

In later reflections on his original work, he refers to "the now current meaning of the term 'civil society,' which no longer includes a sphere of an economy regulated via

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24 Since Habermas, as we shall see, traces the development of a political public sphere back to a literary public sphere (or a "public sphere of letters"), the public sphere of civil society also includes this type of public sphere. However, since the political public sphere (as the locus of the formation of political public opinion) is of greater relevance here, this aspect can be omitted.

labor, capital, and commodity markets" but rather "is constituted by voluntary unions outside the realm of the state and the economy" or, in other words, "opinion-forming associations" (Habermas 1992: 454) – in other words institutional actors engaged in what, as we shall see, is one of the core functions of the public sphere.

Elsewhere, John Downey and Natalie Fenton suggest another relationship between the concepts of public sphere and civil society: according to their understanding, civil society is the "mediating space between the private and public spheres in a pluralist democracy," translating the "individual passion" of private individuals into "public concerns" in the public sphere (2003: 190), or in other words, the formation of a public opinion. Mary Kaldor, restating her own definition of civil society as "the medium through which individuals negotiate and struggle for a social contract with the centres of political and economic authority" (2007: 299) notes that civil society thus understood is very close in meaning to the notion of a public sphere but places a stronger emphasis on the agency of the individual and that both have changed over time in terms of their composition, exclusions, the specific "centre of authority" they are targeted at and so forth. At any rate, the concept of public sphere is closely related to that of civil society, being conceptualised, for example, as one of the ways in which the latter can be enabled to influence policy making, and thus deserves more detailed discussion.

2.4.1 Habermas and the Public Sphere

As mentioned, the concept of the public sphere is most often associated with the work of Jürgen Habermas. A central part of his work on the theory of democracy and related to his ambition to contribute to the completion of the project of modernity, which was begun in the Enlightenment (Lechte 2008: 243; cf. also Staats 2004 on Habermas' concept of "discourse theory" as a comprehensive theory of democracy), his inquiries into the public sphere as a category of bourgeois society can be seen as a useful starting point, but due to their theoretical and empirical restriction to the bourgeois society of the 19th century, they must be read in association with his later work as well as related work of his critics. It is worthwhile pointing out that some of the criticism might be related to the timing of the English translation of Habermas' major work on the public sphere (Habermas 1989), which was published nearly three

decades after the original German version first appeared in 1962. In fact, one year after the publication of his book in English, in the preface to the 1990 re-issue of the German edition, Habermas already addresses many of the criticism that has emerged between the first publication of the German and English versions and also details further developments of his thinking on the public sphere.

In his early book *The Structural Transformation of the Public Sphere*, Habermas describes his concept of the public sphere as an establishing element of the rise of democracy in the Europe of the 18th and into the 19th century. His main interest is in how rational-critical deliberations among private individuals might become the basis for political activity. The resulting conceptualisation of public sphere is closely related to the practice of the male bourgeoisie of that time, conducting frequent and continuing public discussions which were concerned with the issues of the time including the development of democracy itself. This limited focus on the public discussions of the male bourgeois has been the subject of much of later criticism (Fraser 1990; Negt and Kluge 1972, 1993), but has enabled him to establish an ideal-typical model of public sphere (albeit limited to the specific time of the late 18th century and social stratum of the male bourgeois) and thus enabled considerations of how this public sphere might have transformed over time and what might be the implications of this transformation for democracy and how "actually existing" public spheres differ from the ideal type.

Somewhat in Habermas' defence, Craig Calhoun reminds us that he specifies the focus of his book as "bourgeois public sphere" not simply because of "the class composition of its members. Rather, it was *society* [i.e. society at the end of the 18th century in Europe] that was bourgeois, and bourgeois society produced a certain form of public sphere" (Calhoun 1992: 7). In either case, though, it has been pointed out that Habermas' version of the bourgeois public sphere of the late 18th century is not even an accurate description of the bourgeois practice of that time, and rather represents a romanticised version of the actual phenomenon (e.g. Fraser 1990: 61 suggests that "he ends up idealizing the liberal public sphere"), but as a heuristic device, the ideal type can still be considered useful. He has also been criticised (e.g. by Negt and Kluge 1993) for failing to make clear the distinction between describing a generalisable ideal-type versus the actual practice of a bourgeois public sphere.

In Habermas' ideal-typical notion, then, the public sphere exibits three main characteristics. First, the discussions in the public sphere are conducted among relative peers. This means that the quality of the discussants does not bear any impact on the discussion and its outcome. In Habermas' words, this made the interactions in the public sphere "a kind of social intercourse that, far from presupposing the equality of status, disregarded status altogether" (1989: 36). The status disregarded here did not only refer to the "power and prestige of public office" that a participant might possess outside of the debate, but also economic relationships and dependencies that participants had with each other did not impact on the deliberations, so that in the end "alone the authority of the better argument could assert itself […]. Not that this idea of the public was actually realized in earnest […]; but as an idea it had become institutionalized and thereby stated as an objective claim" (Habermas 1989: 36). An important feature of this ideal-typical public sphere, that is derived from this characteristic, is the strong emphasis on the use of reason as the dominant mode of deliberation. In the end, the rational quality of an argument and not the quality (e.g. social or political status or economic wealth) nor quantity of its supporters were supposed to be the decisive component of opinion formation within the sphere. In Habermas' own words, "[i]ntrinsic to the idea of a public opinion born of the power of the better argument was the claim to that morally pretentious rationality that strove to discover what was at once just and right" (Habermas 1989: 54). Related to the notion of deliberations among peers is the principle of general access to the discussions within the public sphere. Habermas takes this demand as far as stating that a "public sphere from which specific groups would be *eo ipso* excluded [is] less than merely incomplete; it [is] not a public sphere at all" (Habermas 1989: 85). Specifically, this notion is expressed in what was later called the "all-affected" principle, which means that everybody who might be affected by a political position should be able to participation in the deliberations of a public sphere (Fraser 2008).

The second characteristic refers to the content of the deliberations. Tracing the genesis of the bourgeois public sphere from literary public spheres[25] of the earlier 18th century, Habermas defines the type of content under discussion in the public

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25 Cf. the note of Habermas' translator, who points to the difficulties of translating *literarische Öffentlichkeit* and mentions the two phrases employed as approximation: "literary public sphere" and "public sphere in the world of letters" (Habermas 1989: xv).

sphere as relating to issues of "common concern" or of "common interest." In the beginning, these issues related to the areas of philosophy, literature and art, and specifically themes that had previously been the exclusive domain of interpretation by Church or state authority since they were elements of the "representative publicness" (*representative Öffentlichkeit*) of these entities. During the genesis from literary public sphere to political public sphere, this set of topical areas under consideration eventually expanded to include the political realm, at which point the public sphere could continue to make use of the already established institutions of relative equality of discussants, inclusiveness in principle, the strong emphasis on the use of reason and the focus on matters of common concern[26]. According to Habermas, the commodification of cultural goods (and the profaning of the previously sacred associated with this commodification through its removal from the representative publicness of the monarch and church and the now required determination of meaning for and by this new non-sacred public) was a precondition of this focus on literature, philosophy and arts. Through this commodification, the cultural goods were now accessible to the (educated and reasonably wealthy) bourgeois public. Associated with this commodification of cultural goods is the notion that public sphere was, at least in principle though often not in practice, inclusive – to those at least who could acquire the goods in question[27].

The third important feature of public sphere understood in Habermas' sense is the aim of the formulation of strong public opinion which has the explicit purpose of setting limits or providing checks to state authority. In the historical context in which the public sphere formed according to Habermas, this process was primarily concerned with challenging the (potentially, and often factually, arbitrary) rule of the sovereign monarch, gradually replacing it with a set of general, objective and abstract laws, which thus inhere "a rationality in which what is right converges with what is just"; "Hobbes's theory of the state is prepared: *Veritas non auctoritas facit legem* (truth not authority makes law)" (Habermas 1989: 53, original emphasis). Critically,

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26 Cf. the detailed account of the relation of the public sphere in the world of letters to the public sphere in the political realm in Habermas 1989: 51-56.

27 Habermas describes this inclusiveness-in-principle as relating to the understanding of the word "public". The understanding here was that the "issues discussed became 'general' not merely in their significance, but also in their accessibility: everyone had to *be able* to participate". He also describes how, whenever a part of the public sphere development more into a closed clique "it did not equate itself with *the* public but at most claimed to act as its mouthpiece, in its name" (Habermas 1989: 37, his emphases).

the members of the public sphere ultimately came to perceive of public opinion (i.e. the public sphere's own "output') as the only legitimate source for this type of law, since the values of generality and abstractness had been deeply internalised into its discursive practice throughout its own genesis from literary to political public:

> The bourgeois public's critical public debate took place in principle without regard to all preexisting social and political rank and in accord with universal rules. [...] These rules, because universally valid, secured a space for the individuated person; because they were objective, they secured a space for what was most subjective; because they were abstract, for what was most concrete (Habermas 1989: 54)

Stemming from this history of gradually introducing reason (and with it universality and abstraction) into the political realm by instituting public opinion as the source of legitimation for state activity, the formation of such public opinion, strong enough to impact on state decision-making, has become one of the main features of public sphere.

2.4.2   Re-Thinking the Public Sphere: Fraser's Critique of the Masculinist Bourgeois Public

This original concept of the public sphere received criticism from a number of directions, some of which were collated during a conference and a subsequent edited volume (Calhoun 1992) on the occasion of the publication of the English translation of Habermas' *The Structural Transformation of the Public Sphere* (1989)*.* For example, his failure to examine other "subaltern counterpublics" (Fraser 1990) leads to a conceptualisation of the liberal or bourgeois public sphere that is characterised by the exclusion of certain groups based on criteria such as gender or class[28]. Fraser, summarising the historical work of Mary Ryan, points out that, even though not formally politically recognised through suffrage, women in different positions of social class successfully organised counterpublics such as "counter civil societies" of the alternative voluntary associations of elite bourgeois women or, in the case of less privileged women, through "participation in supporting roles in male-dominated working class protest activities" or even specifically the work of "women's rights advocates [who] publicly contested [...] women's exclusion from the official public

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[28]   Both, the title of this and the next section allude to titles used in Fraser's work: the title of her 1990 essay (Fraser 1990) and a subtitle used in a later article (Fraser 2007), respectively.

sphere" (Fraser 1990: 61) – all of which Habermas misses due to the conceptual limitations of his understanding of the public sphere.

In that sense then, Habermas' class- and gender-based bias which manifests itself in the exclusion of women and non-bourgeois from his concept of the public sphere, become more than a simple omission of historical fact – it rather points toward fundamental flaws in his theory. As Fraser and others (e.g. Negt and Kluge 1972; Eley 1992) have pointed out convincingly, rather than Habermas' characterisation of the bourgeois public as *the* public, there have always been alternative and counterpublics: "virtually contemporaneous with the bourgeois public there arose a host of competing counterpublics, including nationalist publics, popular peasant publics, elite women's publics, and working class publics" (Fraser 1990: 61). Thus, her initial conclusions are that Habermas' conception of the public sphere was not simply an ideal typical representation of a generic model of public sphere from which the actually discussed case of the bourgeois public sphere deviated to a certain degree, but rather that Habermas' discussion elevated to the status of the ideal type one particular – specifically, the masculinist bourgeois – public sphere and thus contributed to the legitimisation of an emerging vehicle for class based rule. Here, she invokes Geoff Eley's (1992) conclusions, who claims that the historical processes that Habermas seeks to unpack do not, as suggested, represent a shift from the rule based on force by an absolute monarch to one of the public by virtue of reason and good argument but rather merely represent a shift in the mode of political domination from the repressive force of the monarch to a new hegemonic form of domination. Crucially, though, both the starting point and the result of this transformation are characterised by the ability of one specific (albeit different) stratum of society to dominate, and rule over, all the other strata, with the masculinist bourgeois public sphere, as described by Habermas, representing the principle institutional vehicle for this shift.

This critical analysis highlights the fundamental flaws in Habermas' analysis and especially points out that the public sphere theory as presented by him glosses over power differentials between and domination over substantial parts of society and their exclusion from the democratic project the public sphere is seen to be a part of. However, Fraser – recognising its potential for critical and democratic theory –

decides against abandoning the concept altogether and instead embarks on "rethink-ing" the public sphere theory with an aim to salvaging it and improving both its analytical and normative potential. Specifically, she contends that four assumptions central to Habermas need to be revisited: the assumption that it is possible for the participants of the deliberations in the public sphere to bracket social inequalities and pursue their deliberations as if those inequalities did not exist, or have any bearing on the discussions; the assumption that a multiplicity of publics is obstructive to the promise of better democratic participation and a single, unified public is preferable to a multiplicity of publics; the assumption that the deliberations of the public should be restricted to matters of the "common good" and therefore exclude matters of "private interest"; and, finally, the assumption that a clear separation between the state and civil society is a necessary condition for the functioning of the public sphere.

For the advancement of the theoretical framework used in this thesis, the first three of these points are the most relevant and will be discussed in turn. First, consider Habermas' contention that the interlocutors in the public sphere should be expected to be able to bracket their differences in social status and should expect that only the rational quality of an argument (and not the social quality of its proponents) has an impact on the final outcome of a deliberative process. Here, Fraser uses findings from feminist research to show that even where formal political exclusion based on class, gender, race and so forth are overcome, Habermas' principle of open access appears violated when investigated based on the practice of discursive interaction within a public sphere. This is because "discursive interaction within the bourgeois public sphere was governed by protocols of style and decorum that were themselves correlates and markers of status inequality [and that] [...] functioned informally to marginalize women and members of the plebeian classes and to prevent them from participating as peers" (Fraser 1990: 63). In that sense, "bracketing" social inequalities, as Habermas demands, and thus pretending they do not exist (even if done with the noble goal of excluding possible bias of socially advantaged interlocu-tors from rational discussion) helps to mask their very real domination of disadvan-taged groups even if they are formally admitted to the public sphere. Therefore, "unbracketing" the inequalities, in order to be able to explicitly problematise them

and uncover their potential to dominate specific participants in the public discourse, better serves the advancement of participatory parity in the public sphere.

Secondly, according to Fraser, Habermas' original characterisation[29] suggests that a single public sphere is preferable to a situation where multiple competing public spheres exist as the latter case is a move away from, as opposed towards, adequate democratic participation[30]. Based on her previous conclusion that the "bracketing" of social inequality in the context of public opinion formation in the public sphere is – at least in the stratified society of the "actually existing democracies" – neither achievable nor desirable, she sets out to argue that in such societies "arrangements that accommodate contestation among a plurality of competing publics better promote the ideal of participatory parity than does a single, compre-hensive, overarching public" (1990: 66): if, so goes the argument, social inequalities are not bracketed but it is accepted that they result in structures of power and domination, then the members of the dominated groups would – in the case of a singular, unified public sphere – have no communicative arenas wherein to undertake "deliberation among themselves about their needs, objectives, and strategies. They would have no venues in which to undertake communicative processes that were not, as it were, under the supervision of dominant groups" (1990: 66). This would further consolidate the hegemony of the dominant group and the subordinated position of

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29 To be fair, Habermas later (e.g. in Habermas 1992), referring to the work of E.P. Thomson, Günter Lottes and Mikhail Bakhtin, acknowledges that although he had originally considered his neglect of "additional subcultural or class-specific public spheres" justifiable given his impression that they represented "merely a variant of the bourgeois public sphere that remained supressed [sic] in the historical process" (1992: 425), the insights provided by the works of the mentioned authors helped him understand their specific historical places and roles and their different inner dynamics. Having thus been able to acknowledge the substantial differences between a bourgeois public sphere (which in this context he calls the "hegemonic bourgeois public sphere") and a proletarian or plebeian one, he is also able to better understand counterpublics based on other dimensions of exclusion: "If we apply the same perspective to the bourgeois public sphere, the exclusion of women from this world dominated by men now looks different than it appeared to me at the time" (Habermas 1992: 427).

30 Again, to be fair, it is not fully clear to me, where Habermas makes this point. To be sure, he does discuss very briefly (in the foreword to *The Structural Transformation*) the very short-lived existence of a "*plebeian* public sphere as a variant [of the bourgeois one] that in a sense was suppressed in the historical process. In the stage of the French Revolution associated with Robes-pierre, for just one moment, a public sphere […] [associated] no longer [with] the 'educated strata' but the uneducated 'people'" (Habermas 1989: xviii, original emphasis) briefly emerged and disappeared again. This characterisation, as well as his talking of the public sphere in the singular that Fraser points out (1990), suggests that he certainly does not discuss a social world of multi-ple publics, but it might be unfair to imply a preference for a singularity of publics from that omission. Either way, Habermas' thoughts regarding the question of a multiplicity vs. singularity of public(s) are not relevant for the argument that Fraser makes in favour of multiplicity.

the less powerful, thus making it less and less likely for them to be able to establish their grievances as issues worthy of consideration in the public sphere, and therefore further reducing the chances of resolving the issues relevant to these groups through the venue of public opinion formation by their own initiative.

Fraser refers to the historical record to suggest that groups disadvantaged due to a variety of characteristics – gender, colour, class, sexuality etc. – have found it advantageous for their cause to form alternative publics, which she proposes to call "subaltern counterpublics" – in order to define the terms of their grievances (or, as Fraser puts it, "formulate oppositional interpretations of their identities, interests, and needs", Fraser 1990: 67) in discursive isolation from the dominating and restricting forces of the hegemonic public sphere. This relative, and ideally temporary, discursive isolation allows this "counterpublic" to argue out issues that were previously not on the radar of public deliberation. Thus, proliferation of subaltern counterpublics can be equated with a widening of the discursive space in the society. Furthermore, the relative (and temporary) isolation of the subaltern counterpublic allows this quasi internal arguing out and development of new issues before being subjected to the scrutiny of the "official" public sphere; they "function as bases and training grounds for agitational activities directed toward wider publics" (Fraser 1990: 68).

As a powerful support for her point, Fraser invokes the example of the subaltern counterpublic of US feminism of the second half of the 20th century, which, in its vibrant counterpublic of "journals, bookstores, publishing companies, film and video distribution networks, lecture series, research centers, academic programs, confer-ences, conventions, festivals, and local meeting places" managed to invent and define new terms to describe the social reality of a deeply sexist society including terms such as "sexism," "the double shift," sexual harassment," and "marital, date, and acquaintance rape" (Fraser 1990: 67). Thus enabled ("armed") to express relevant grievances in a language and terminology different from that of the dominating, "official" public sphere, feminists were able to resist the dominant public sphere's definitions of the issues relevant to their struggle, such as defining marital rape as a domestic, or "private," issue thus not admissible for consideration in the public

sphere (which is concerned only with matters of "public" relevance as relating to the "common good").

Likewise, the notion of counter-publics promises to be a useful tool in analysing different approaches to thinking about climate change and the political and societal solutions that might be available or desirable in regard to it. For example, Lohmann (2006) charges that, within the UNFCCC process, the mainstream environmental NGOs and more progressive government delegations were co-opted into a framework which seeks to solve climate change predominantly by employing market-based mechanisms. He suggests that this has been achieved by a few actors within the negotiations (he singles out the US delegation and the lobby of the fossil fuel industry) by "impos[ing] a language on the climate talks in which objections to neoliberal policies could not be effectively made" (Lohmann 2006: 50), which effectively sets the boundaries for admissible topics and arguments within the public sphere of these negotiations:

> As IPCC member Wolfgang Sachs notes, orthodox economics and public policy methodology prevented the question even being raised as to what type of changes would be necessary to reduce green-house gas concentrations to a safer level or allocate atmospheric rights equitably. [...] [The character of this dominant discourse combined with other aspects of the structure of the climate negotiations] handicap activist Southern diplomats by automatically relegating talk of structural change to the category of the "merely rhetorical" or "irrelevant"   (Lohmann 2006: 51)

This then, following Fraser's logic, is a conducive environment for a counterpublic to emerge in order to create a discursive space in which arguments, language and solutions which are not currently admissible to the dominant public due to the its hegemonic discourse can be invented, refined and rehearsed before being brought back into the "official" public sphere. And, indeed, there are hints that this is actually taking place, with a section of the climate movement which self-identifies as the "climate justice movement" engaging in such exercises and brandishing some of the institutions developed within the UNFCCC negotiations as "false solutions." However, a detailed discussion of that phenomena is beyond the scope of the present chapter but will be taken up again in chapter 5.

The last concern mentioned from Fraser's work relates to the next point of contention with Habermas – the suggestion that only certain topics, namely issues of "public concern" and the "common good" and certainly not those that merely represent "private matters," are admissible for consideration in the public sphere. On first sight, this problem on its own seems to be a non-issue – after all, the boundaries of what constitutes a matter of public concern can be recast to include what formerly was regarded merely a private trouble. In fact, this process has been described, by Charles Wright Mills, as one of the main functions of a public sociology and a central part of the "promise of social science" (and crucially informs my own understanding of the role of sociology in society): the translation of "personal troubles of milieu" into "public issues of social structure" (1959: 8)[31]. However, although Fraser appears to agree that public concerns can be defined and re-defined to include virtually any issue, she reminds us of the power relations within society and within the public sphere that have informed her critique thus far and that also play into the question of defining the boundaries of private and public in this sense: as the relevant public sphere (who else?) defines these boundaries itself, so goes Fraser's argument, how can we expect that a hegemonic public sphere would be interested in defining what constitutes a matter of public concern in such a way that the specific grievances of the dominated are considered, especially since at least some of these grievances would likely be directed against the latter? We can't – concludes Fraser and therefore there should not be any topics that are *a priori* excluded from the considerations of the public sphere[32].

However, this issue has an important converse: not only are there relevant concerns, as described above, that the boundaries of what constitutes a public matter

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31 For example, by uncovering the social processes that underpin issues of structural unemployment (with each individual unemployment being a "private trouble" of the person thus affected) sociology turns this collection of private troubles into a "public issues" thus elevating it to the appropriate level on which a solution can be found: "When, in a city of 100,000, only one man is unemployed, that is his personal trouble, and for its relief we properly look to the character of the man, his skills, and his immediate opportunities. But when in a nation of 50 million employees, 15 million men are unemployed, that is an issue, and we may not hope to find its solution within the range of opportunities open to any one individual. The very structure of opportunities has collapsed. Both the correct statement of the problem and the range of possible solutions require us to consider the economic and political institutions of the society, and not merely the personal situation and character of a scatter of individuals" (Mills 1959: 9).

32 As evidence, she uses an example from feminism already referred to above: history shows that for the longest time "wife battering" was considered a domestic, and thus private, issue not suitable for public consideration and certainly no concern of public interest, which in turn served to perpetuate pattern of dominance based on sexism and gender subordination.

might not be cast wide enough to include certain (possibly new) thus private matters, there is also the risk that the boundaries might be redefined to exclude as private issues formerly considered public and – in an understanding of public sphere that finds private issues inadmissible – this consequently leads to the exclusion of the matters so redefined from public discussion. In this context, it is important that in Habermas' conceptualisation of the public/private distinction the private realm refers to both the economic sphere of the markets and well as, separate from it yet thoroughly linked to it, the intimate sphere of the family. Therefore, the re-defining of public issues as private troubles, as it were, can place these issues either in the domestic realm of the family or in the realm of the economy. An example of the latter has been given by Simone Pulver from an area relevant to this thesis: according to her interpretation, over time a redefinition of the climate change crisis as not merely an environmental problem but also (or even mainly) a problem "at the intersection of the environment and the economy" (2004a: 9) took place. This redefinition gave rise to the idea of mandating the markets with solving the question of where and when greenhouse gas emissions should be reduced by introducing markets in greenhouse gas emission rights. Pulver then argues that this represents a removal of some key aspects of the climate change debate from the public political realm and onto the private realm of the economy to be solved by managers and technocrats. It is not surprising, then, that there are efforts[33] to re-redefine issues relating to carbon markets as one of public concern by various means: for example, by highlighting that – despite the explicit purpose of carbon market related projects to contribute to greenhouse gas reductions – the opposite is often the case (Haya 2007; Schneider 2007; McCully 2008), or by lobbying to improve the public consultation processes associated with the projects (CDM Watch 2009). Interestingly, some of these efforts explicitly problematise this move towards an increasing reliance on markets for the resolution of the climate crisis as an issue of power and domination between the hegemonic interests of globalised capital on one hand and subordinate and disadvantaged groups such as women, farmers, Indigenous Peoples etc. on the other. For these reasons, these voices declare the various market based attempts "false solutions" as well as vowing to reclaim the public political process (CJN! 2008).

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33   Those efforts are not covered by Pulver, presumably since her work largely predates these manifestations.

The public sphere theory, at this point, has seen a few improvements: most importantly, Fraser's critique serves to sharpen our awareness of the various important impacts that social inequalities and exclusions have on the theory and practice of the public sphere – observations that the bracketing out of such inequalities as advocated by Habermas would obscure, which renders such bracketing undesirable. While primarily appearing to be a contribution to a normative evolution of the public sphere, her remarks also provide for useful improvements to the use of the concept as an empirical device. First, her critique has sensitised us to be vigilant towards processes of domination between the main tenants of the dominant public sphere and excluded or subordinate groups. Secondly, and related to the first point, her work prepared us to conceptualise the social phenomena associated with the public sphere not as *one* public sphere with a multitude of competing interests, but to recognise that, especially in light of pattern of hegemony and domination, a multitude of competing publics might exist. Lastly, we are invited to problematise the casting of the boundaries between private trouble and public issues and therefore the problem of admissibility of issues for consideration by the public sphere.

2.4.3   On Counter-Publics and Nested Public Spheres – Conceptualising Multiplicity in the Public Sphere

Departing from the work of Nancy Fraser and others (cf. Calhoun 1992 for a collection of examples of such work, or Squires 2002 for a more thorough review of that literature) the literature shows increasing agreement that the "public sphere" is not to be conceptualised as a single monolithic social phenomenon, but rather that a multiplicity of such public spheres exists. These publics then are in a various degrees of flux, as, for example, demonstrated by Fraser's example of the feminist counterpublic, as they separate themselves from the dominant public in order to create a sheltered discursive space, and later re-engage within the mainstream of the dominant public. While, as mentioned, agreement exists that public sphere theory has to embrace the idea of a multiplicity of publics, there are a number of points of contestation in the literature about issues such as the enumeration and demarcation of these multiple publics – how many there might be and how to define their membership (and who decides how the membership is defined) – as well as their function and interactions with each other.

For example, Michael Warner elaborates a model of public spheres which sets out from the observation that there is a crucial difference between *the* public and *a* public. "*The* public is a kind of social totality. Its most common sense is that of the people in general" (Warner 2002: 49), which "is understood to encompass their members all the time, no matter what. A nation, for example, includes its members whether they are awake or asleep, sober or drunk, sane or deranged, alert or comatose" (Warner 2002: 60). *A* public, on the other hand, is not such a fixed concept but is in permanent flux and, as "a space of discourse [that is] organized by nothing other than the discourse itself" it comes to existence by the act of "*being addressed*" (Warner 2002: 50, original emphasis) and as such, and in contrast to *the* public, "it must predicate some degree of attention, however notional, from its members" (Warner 2002: 61). This distinction is important since only the latter definition would be suitable to define a public of the type used in this thesis as synonymous with "public sphere". As a result of his conceptualisation, Warner ends up with a model of public which supports a potentially infinite number of publics that are overlapping and in a constant state of flux as individuals' status vis-à-vis a given public changes from stranger to member and back again depending on their degree of engagement with the discourse of the public.

This surely is an intriguing way of conceptualising publics and certainly drives home the point that publics cannot be understood or studied without also focussing on the public's discourse about itself. After all, discourse is what defines, or even more so, creates, a public in the first place. This notion of an extremely fluid public is particularly useful when contrasted with other idea of publics as it can help to highlight the limits of such other notions. For example, Warner himself points out that this feature of a public condemns empirical endeavours of "pollsters and some social scientists [who] think that their method is a way to define a public as a group that could be studied [...] independently from its own discourse about itself" (Warner 2002: 53) to failure as the shifts in shape and size of that given public will remain opaque to such study. Likewise, Kate Burningham, Julie Barnett and their colleagues (Barnett et al. 2010; Burningham et al. 2007) observed that actors from renewable energy technology and chemicals industries, respectively, imagined a similar static and monolithic public when describing their "public engagement" where *the* public was primarily defined by their "lack of knowledge and presence of concern" (Barnett

et al. 2010: 11). Interaction with *the* public was therefore centred around provision of information and suggestions that "their concerns are being allayed" (Burningham et al. 2007: 36).

Having described such a liquid form of public, Warner criticises Fraser's notion of the counterpublic. What, he asks, makes the feminist counterpublic in her example "counter" other then its reform program and why would counterpublics be restricted to progressive "subalterns" and not for example also refer to "the publics of U.S. Christian fundamentalism, or youth culture, or artistic bohemianism?" (Warner 2002: 86). In answering his own questions, he confirms that Fraser's counterpublic remains indeed a counterpublic according to his own definition as well, however, he proposes a stronger sense of counterpublic. Crucial to this notion is the continued awareness (whether conscious or not) of the counterpublic of its subordinate status vis-à-vis a wider, and crucially, dominant public.

To contrast and complement this understanding of counterpublic, Robert Asen (2000) provides the view that the "counter" in counterpublics can be found when examining the ways in which agents within such counterpublics express their views of the processes of exclusion that places them in a subordinate position compared to the dominant public: "counterpublics [...] [take] up exclusion and the practices that sustain it as explicit themes of discourse or imagine themselves explicitly as alternative collectives" (2000: 441). Likewise, in her review of the history of the Black public sphere in the USA, Catherine Squires (2002) identifies counterpublics as one among three modes in which, over time, the Black public has positioned itself vis-à-vis a dominant public. Accordingly, she describes counterpublics mainly in comparison to these other two forms (enclaves and satellite publics) as a form which actively engages the dominant public in order to challenge, and eventually alter, the dominant public's perceptions, opinions and actions with regards to the issues most relevant for the counterpublic in question.

In addition to the notion of counter publics, multiplicity in the public sphere is expressed through other concepts as well. As mentioned, Squires distinguished two other forms of dominated publics (enclaves and satellite publics) which both share the characteristic that interactions with the dominant public or the state as centre of authority are held to a minimum. The reason for this is in the case of the enclave is a

desire to remain safe in a hostile and violent environment (she evokes the example of African American publics in the American South prior to the Civil War) while in the case of satellite publics the isolation is a self-chosen configuration. However, Fraser questions whether such phenomena can accurately be described as publics: "Insofar as these arenas are publics they are by definition not enclaves" (Fraser 1990: 67). Here, the issue lies in the understanding of the word "public" – while Fraser appears to imagine an "external" publicity, where a public is only a public insofar as it is visible to non-members as well, while Squires clearly perceives of publicity as also including internal publicness, where discourse is only public to members and not to outsiders: "The enclave is signified by the utilization of spaces and discourses that are hidden from the view of the dominant public and state" (Squires 2002: 458).

While all these conceptualisations of specific manifestations of multiplicity in the public sphere assume a antithetic relationship of dominance and subordination, multiplicity can also be conceptualised in less conflicted terms. To be sure, most accounts of multiplicity take the case for granted wherein multiple publics can exist side-by-side without relationships of direct opposition (after all, Warner's account of a multiple public sphere, for example, assumes such a high degree of multiplicity that this coexistence of various publics goes, literally, without saying). One explicit example of a possible relationship within a multiple public sphere, which does not necessarily relate to pattern of domination, is found in Charles Taylor's description of "nested public spheres". According to Taylor's understanding, nested public spheres can be understood as a configuration wherein "smaller public spheres are nested within larger ones, in the sense that what goes on in the smaller ones feeds into and has an impact on the agenda of the national sphere" (Taylor 1995: 208). In this characterisation there is a smaller public (for example, a public sphere of a certain locality within a country or that of a political party) within which separate processes of public opinion formation take place. However, since the members of this smaller public are also at the same time members of the larger public (hence "nested"), in his case conceptualised as "the national public", these processes then feed into the deliberations with the larger public as one of many streams of input.

2.4.4   Re-Thinking the Public Sphere Yet Again – Transnationalisation

After having discussed possible conceptualisations of multiplicity in the public sphere, Nancy Fraser invites us, with the distance of nearly two decades, to re-think the public sphere yet again (Fraser 2007, 2008; but also Bell 2007; or Nash and Bell 2008). This time – highly relevant for the subject matter under investigation in this thesis – Fraser confronts the public sphere theory with the problem of transnationalisation; namely with the implications of the removal of the public sphere from its – as we shall see, implicit – foundation in the Westphalian state concept. The term "Westphalian" historically refers to the Peace of Westphalia of 1648, which ended the Thirty Years War from 1618-1648. One of the reasons for the war was the opposition of the Catholic Church to the prospect of allowing individual rulers to adopt the newly established Protestantism or Calvinism as their personal and state religions. The Treaties of Westphalia resolved this issue by reaffirming the formula "*cuius regio, eius religio*" ("whose land, his religion") which has been formulated in the Peace of Augsburg of 1555 and which allowed the sovereign of a realm alone to decide the state religion (and by extension any other domestic affairs) without any intervention of external forces such as the Catholic Church. Reference to a "Westphalian system," then, – as it is used here – refers to this feature: that the sovereign (regardless of whether this might be a democratic, monarchist or other sovereign) has the sole authority to decide upon domestic matters of the realm in question (including holding the monopoly of force) without any external influence. The Westphalian system thus also includes the existence of mutually recognised borders to demarcate the area of sole authority of each sovereign as well as the acceptance of the right and power of these sovereigns to enter in mutual contractual and legal relationship by means of mutually binding bi- or multilateral treaties (with the Treaties of Westphalia being the first) (c.f. also McLean and McMillan 2009)

To return to Fraser's invitation to rethink the public sphere beyond its Westphalian foundation and within a transnational context, two observations suggest that the phenomenon of a transnational public sphere has empirical relevance. First, the transnationalisation of public issues: while previously private troubles were appropriately translated to public issues on the national or sub-national level, for an increasing number of issues only some sort of transnational level can be imagined as the appropriate level for problem resolution, with climate change being a strong case

in point for this argument. Second, the term "transnational public sphere" seems to describe an actually existing phenomenon, mirrored by a "growing body of […] literature [that] is documenting the existence of discursive arenas that overflow the bounds of both nations and states" (Fraser 2008: 76). These observations, however, represent a problem for the theory of the public sphere as both Habermas' original description as well as later improvements to the concept, including the one discussed above, implicitly assume an (at least approximate) mapping of the public onto a state in the Westphalian sense.

This is the case due to two criteria of the public sphere that have not yet been discussed. According to Fraser's interpretation of the critical theory of the public sphere, a public sphere can only fulfil its democratising function when it features both *normative legitimacy* and *political efficacy*. In a nutshell, a public sphere has full normative legitimacy if (and only if) is it fully inclusive of all citizens in a country, who are also enabled to participate as real equals in the public opinion formation of the public sphere (but without merely bracketing and thus hiding inequalities). Recalling her own critique, it becomes clear that – save the sudden (and unlikely) disappearance of stratified societies – the criteria of legitimacy is thus expressed as an ideal typical, normative yard stick against which the actual legitimacy of actually existing publics can be assessed. Likewise, political efficacy, refers to a process, or the result of that process, whereby the public opinion generated within the public sphere gains political gravitas sufficient to actually influence political decision making to – in the case of the ideal type – match the public opinion, thus the public opinion has become politically efficacious. Again, far from being a description of an empirical reality, political efficacy so understood was rather intended as a normative device of the critical theory of democracy. Collectively, both concepts "are essential to the concept of the public sphere in critical theory. Without them, the concept loses its critical force and its political point" (Fraser 2008: 77).

When considering these two criteria on a level above the nation state, it becomes quickly clear that this introduces both empirical as well as normative difficulties. Clearly, there are obvious empirical problems of demarcation: demarcation with regards to the boundaries of the social phenomenon in question (the transnational-ised public sphere) as well as with regards to the corresponding centre of political

authority that becomes the focus of scrutiny by the public sphere and further the demarcation of the subject area considered in the interaction between the two. Fraser, however, is concerned with the normative aspect of the problem: she distinguishes the problems of the deficit of political efficacy and the deficit of democratic legitimacy, with the latter having two different possible manifestations: first, as for example in the case of the European Union, a deficit of democratic legitimacy is created because the progressing transnationalisation of legislative and administrative bodies within the Union is not matched by a parallel European public sphere to hold these bodies accountable[34]. In the reverse case, on the global level, transnational publics are already in existence but are not matched up by comparable administrative and legislative centres of power. To illustrate the deficit of political efficacy, she invokes the example which has already been referred to above: "the worldwide anti-war demonstrations of February 15, 2003, which mobilized an enormous body of transnational public opinion against the impending US invasion of Iraq. Although this outpouring of opinion could not have been more forceful or clear, it lacked an addressee capable of restraining George W. Bush, and so, in a sense, remained powerless" (cit. in Nash and Bell 2008: 156).

The question then, becomes whether the notion of the public sphere can be salvaged for the empirical and normative analysis of a level beyond the Westphalian state or whether is has to be abandoned. Fraser suggests that such a concept of a transnational public sphere "is indispensable [...] to those who aim to reconstruct critical theory in the current 'postnational constellation'" (Fraser 2008: 77). This endeavour requires a comprehensive re-thinking of the notion of the public sphere – a dismantling of the concept in its nation-state-based incarnation and its subsequent re-assembling on the transnational level. Given the deep embeddedness of the Westphalian understanding in the theory and critique of the public sphere, however, this presents itself as a rather difficult undertaking. Without wanting to elaborate in detail Fraser's convincing discussion of both the implicit and explicit entanglement of Westphalian system and public sphere as well as the ways in which these Westphali-

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34 Habermas would likely disagree with this characterisation. As Boutang summarises, Habermas, together with Derrida, argues that "even if one cannot at the moment find something approaching a European *demos*, the expression of a European public opinion is henceforth effective and opens the way for the creation of a federal state which will in time replace the nation-states" (Boutang 2007: 72, original emphasis).

an underpinnings represent a challenge to the re-imagining of the public sphere on a transnational scale, it is worth quotinh her interim conclusions about this challenge in full:

> In general, then, public spheres are increasingly transnational or postnational with respect to each of the constitutive elements of public opinion. The "who" of communication, previously theorized as a Westphalian-national citizenry, is often now a collection of dispersed interlocutors, who do not constitute a *demos*. The "what" of communication, previously theorized as a Westphalian-national interest rooted in a Westphalian-national economy, now stretches across vast reaches of the globe, in a transnational community of risk, which is not, however, reflected in concomitantly expansive solidarities and identities. The "where" of communication, once theorized as the Westphalian-national territory, now increasingly occupies deterritorialized cyberspace. The "how" of communication, once theorized as Westphalian-national print media, now encompasses a vast translinguistic nexus of disjoint and overlapping visual cultures. Finally, the "to whom" or addressee of communication, once theorized as a sovereign territorial state, which should be made answerable to public opinion, is now an amorphous mix of public and private transnational powers that is neither easily identifiable nor rendered accountable.   (Fraser 2008: 92)

Given all these problems with separating the public sphere from its Westphalian frame of reference, and explicitly stating that she "shall not pretend to answer them," Fraser suggests to focus on the two features that have been briefly introduced above and which, in her analysis, represent the main value of public sphere theory to critical theorising: the normative legitimacy and the political efficacy of public opinion. In further abstracting these principles to a level where they can be applied to both a public that matches up with a territorially bounded state in the Westphalian sense (although she would probably assert that this is an increasingly problematic way of thinking about publicity) as well as one that is transnational in nature, the critical theory of publicity is further enriched.

Specifically, she identifies two conditions that have always underpinned the norm of normative legitimacy: the inclusiveness condition and the parity condition, with the former being concerned with the requirement that everybody who has a stake in the matters under consideration by the public sphere should have the chance to participate and the latter being concerned about the communicative practices of the public, where participants must have approximately equal chances to effectively

"state their views, place issues on the agenda, question the tacit and explicit assumptions of others, switch levels as needed, and generally receive a fair hearing" (Fraser 2008: 93). While political citizenship offered a suitable model to meet the inclusiveness condition within the Westphalian frame[35] and thus the parity condition received most attention of critical theory of the public sphere, the inclusiveness condition must now be reformulated. Fraser suggests that the "all-affected principle" (everybody who is affected by a certain issue should have a say in formation of a public opinion on this issue) already formulated for the public sphere of the Westphalian frame should be abandoned for the more appropriate "all-subjected principle," which, in a nutshell states

> that what turns a collection of people into fellow members of a public is not shared citizenship, or co-imbrication in a causal matrix, but rather their joint subjection to a structure of governance that set the ground rules for their interaction. For any given problem, accordingly, the relevant public should match the reach of the governance structure that regulates the relevant swath of social interaction. Where such structures transgress the borders of states, the corresponding public spheres must be transnational. Failing that, the opinion that they generate cannot be considered legitimate.
>
> (Fraser 2008: 96)

The inclusiveness condition so redefined certainly already represents a demanding component for assessing the normative legitimacy of actually existing public spheres. However, this assessment becomes even more demanding when this inclusiveness condition is combined with the parity condition, i.e. when demanding that at least rough communicative parity exists between the individuals thus combined into a public. However demanding, though, this definition *does* represent a sufficiently specific and thus usable normative yardstick that can be employed to think about the normative legitimacy of actually existing publics (and therefore it certainly fulfils Fraser's self-imposed aim of maintaining the "critical edge" of a critical theory of the public sphere).

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35   Fraser submits that this, the convenient matching of the citizenship of a Westphalian state to the maximum extent of a public sphere, truncated the discussion of legitimacy as the inclusiveness condition was removed from the attention of the critical theorist. Thus, as we shall see, rethinking this condition for the transnational level also improves critical theory within the old Westphalian frame.

With regards to the second feature with which the critical theory of the public sphere is concerned – political efficacy – Fraser further separates this criterion into the translation condition and the capacity condition, where the former refers to the translation of the public opinion first into binding laws and secondly into administrative power (hence, it is concerned with the "flow of communicative power from civil society to an instituted public power" (Fraser 2008: 97)), while the latter refers to sufficient capacity or ability of the relevant centre of authority (e.g. a state, in the Westphalian case) to implement the collective will of the public, "both negatively, by reining in private powers, and positively, by solving its problems and organizing common life in accord with its wishes" (ibid). While having been able to present a workable solution for the problem of normative legitimacy, Fraser is less successful with regards to the aspect of political efficacy. She concedes that existing public sphere theory is not helpful in this regard and that this question will require more work. However, she nonetheless provides some important clues toward that work, including conclusions with regards to the work that will need to be carried out by, so we need to assume, a transnational civil society: specifically, "it must consider the need to *construct* new addressees for public opinion, in the sense of new, transnational public powers that possess the administrative capacity to solve transnational problems" (Fraser 2008: 98, emphasis added) and subsequently subject them to the accountability of the new transnational public sphere.

This last point, the construction of new addressees, seems a bit unfortunate as it introduces an element of circularity to an otherwise very convincing endeavour. Granted, Fraser admits that she does not currently have an answer to offer for the re-conceptualisation of the political efficacy problem on the transnational level. Furthermore, her empirical observations that there *is* an actually existing phenomenon that can be adequately described as a transnational public sphere and that this phenomenon *is* characterised by a lack of political efficacy (recall her anti-Iraq example) partly due to the absence of matching centres of political authority, the need to create transnational institutions that could become, as it were, the focus of the transnational publics' deliberations seem understandable. However, since her definition of the boundaries of any given public requires as a prerequisite the existence of a transnational governance structure (per "all-subjected principle"), this issue presents itself as the proverbial chicken-and-egg problem. Clearly, this merely

indicates, as Fraser is the first to acknowledge, that more theorising is required in this respect. Perhaps, the "all-affected principle" – which states that the inclusiveness condition is met if (and only if) all individuals who are affected by a given problem are in principle able to participate adequately in the relevant public, and which Fraser had abandoned in favour for the "all-subjected principle" – is the more appropriate mode of demarcation of any given public after all? Or is this issue in fact a non-issue given that, over time, the discursive actions within the new, transnational publics will give rise to transnational governance institutions akin to the structural transfor-mation of the weak publics of mere public discourse into strong publics of the "public spheres-cum-decision-making-bodies" that characterise the double function of parliaments in parliamentary democracies (c.f. her earlier work on strong and weak publics in Fraser 1990)? Or possibly, as suggested elsewhere (Cassegard 2011), the task of constructing transnational governance structures is merely to then be able to hold them accountable is not at all a task for civil society itself and that therefore, efficacy should be considered secondary to legitimacy and should thus not preoccupy a critical theory of transnational publics too much?

Clearly these questions point toward a need to further elaborate these problems, but can also serve as important markers to inform this theorising as well as the empirical work that is necessary to inform the critical theory so developed.

2.5   Climate Action Network in the Literature

Although quite a number of studies exist – too many to review here comprehensively – that deal with the UNFCCC system from varying angles or specific policy areas within that system, a few works are particularly relevant for this research and should therefore receive some focused attention.

In particular, the case study work of Simone Pulver (2004a, 2004b, 2005) relates well to the thesis unfolding here, as she concludes in her own study that the UNFCCC system represents a political space that can be described as a Habermasian public sphere. This conclusion is based on her observation that, at least initially, the UNFCCC regime was "a forum for rational deliberation about the shared global interest in protecting the planet's climate system," (Pulver 2004a: 276) thus fulfilling at least

two of Habermas' criteria of a functioning public sphere as described above. She largely gives credit for the prevalence of rational deliberation based on scientific information within the UNFCCC regime to the environmental organizations involved in the establishment of the UNFCCC from the beginning. This view is also echoed by Peter Newell (2000), who explains how the genesis of the UNFCCC framework from scientifically-oriented conferences such as the World Climate Conferences in Geneva in 1979 and 1990 contributed to the strong standing of scientific argument within the regime.

Before that backdrop, Pulver's main contribution is her conclusion that ENGOs – with CAN and some of its member organisations representing her central case studies – were much better positioned to "leverage the power in the public sphere" (Pulver 2004a: 70) since they managed to align their arguments with the discursive terrain of the UN climate negotiations, which is based on "a global outlook and science-based environmental stewardship as normative elements of the public good" (Pulver 2004a: 259). In contrast, oil companies – the other group from which Pulver's case studies are drawn – were not successfully navigating this discursive terrain. In other words, they were not generally persuasive when arguing that their private interests were, in fact, in the interest of all. This failure, as Pulver suggests, is the reason for the dissolution of the Global Climate Coalition, an association of the world's largest oil companies that was led by Exxon and which was very active during the first decade of the UN climate negotiations.

Interestingly, Pulver also suggests that the UNFCCC after the Kyoto COP in 1997 no longer represents a Habermasian public sphere. This was due to the introduction of highly technically complex mechanisms through the Kyoto Protocol, such as carbon trading and the CDM, and as a result the negotiations moved to a very technical level to spell out all the details of these mechanisms. These more technically-oriented negotiations, then, lacked the clear focus on the common good that characterised the pre-Kyoto negotiations as Habermasian: "After the Kyoto conference, the public sphere of the UN climate negotiations lost some of its critical power. As expert deliberation over greenhouse gas emissions trading came to dominate the work programme of the COPs, their role as a forum for public debate declined" (Pulver 2004a: 278). Given the historical character of Pulver's work (covering the period

from 1991 to 2003), and the empirical focus of this research, a comparison between her findings and the findings of this research with regards to the public sphere character of the UNFCCC during my own field work promises to be enlightening.

Another study that should receive some targeted discussion is that of Matthias Duwe (2000). His research into the internal power dynamics of CAN, largely based on fieldwork during and around the July 2000 UNFCCC session in Bonn, focused on the dynamic relationship between CAN members from developing and developed countries. He provides a useful account of the nature of the dynamics between Northern and Southern CAN member organisations at that time and offers a typology to aid more systematic understanding of the different perspectives with regards to two dimensions that he perceives as crucially impacting these dynamics: first, what he calls the 'priority-paradigm dimension' identifies different approaches of prioritising between equity and environment within the international response to climate change, and secondly, a dimension that refers to the member organizations' own analyses of CAN's structure and performance (i.e. whether or not they perceive the network as functioning as a single voice and the severity of the impact that they perceive the North-South divide to have on the internal dynamics of the network). Using this typology, he is able to systematically assess the power differentials within the network and how certain shared experiences can act either as empowering or frustrating depending on a member organisation's position within the typology.

His overall assessment is that, generally speaking, CAN members are aware of the power dynamics between member organisations from developing and developed countries, and that "CAN has institutionalised the inclusion of underrepresented views to some extent and that there are valuable initiatives to facilitate co-operation" (Duwe 2000: 43). He further agues that "the degree to which co-operation and support have been happening so far is quite an achievement, which stands out in comparison to other [NGO] networks" in similar political settings (Duwe 2000: 43).

A very striking parallel between Duwe's work and the conclusions of Pulver is that both point toward the increased technical complexity of the UNFCCC negotiations after Kyoto as a fact that is negatively impacting the discursive quality of the public sphere. Pulver refers to the entire UNFCCC public while Duwe, without explicitly referring to it as a public sphere, focuses on the CAN-internal public

wherein he perceives a decline in a chance for discursive equity as a result of this increased technical complexity within the negotiations, which "alienates certain [Southern] parts" of CAN (Duwe 2000: 43). As mentioned before, this assessment is important for this research, as the fieldwork period, which is described in greater detail in chapter 4, featured both the high-level political deliberations characteristic of the pre-Kyoto era as well as an on-going focus on the technically-implementation-oriented negotiations that started after the adoption of the Kyoto Protocol.

Furthermore, also writing at the turn of the millennium is Peter Newell who offers a very thorough and complete (and possibly the first of this level of detail) account of the role of non-state actors in international climate change politics. Grounded initially in an International Relations (IR) perspective, Newell highlights the shortcomings of that perspective – especially those of the regime-focused approaches within IR – to satisfactorily explain the actually observable influence of non-state actors on international regimes. His analysis then goes in turn through a variety of non-state actors (the scientific community, the media, the fossil fuel lobbies and environmental NGOs, with CAN representing one central case study for the latter) and analyses in detail the mechanics of their influence. Using elements from regime approaches within IR theory, Newell considers their impact at the agenda-setting, negotiating/bargaining and implementation stages of the overall political process. While his chapter on environmental NGOs provides some useful insight into the dynamics within the ENGO community (including CAN) during the time period covered by his research (pre-2000), his conclusions offer a theoretical contribution about the role that non-state actors can play vis-à-vis states in international regimes that is useful for this research. His research aims to speak to the following observation: "if [non-state actors] are in a position to perform traditional regime functions, it may be that they can significantly determine the prospects of cooperation. Key issues such as free-riding, iterative decision-making, information exchange and the stabilisation of states' expectations, which are so prevalent in the regime literature, are strongly affected by the participation of [non-state actors]" (Newell 2000: 25). The conclusion, then, is that there is a strong "case that state preferences can be conditioned by NGOs, [and that] [...] many of the functions that have thus far been attributed to regimes may be shown to be the product of NGO influences" (Newell 2000: 26). Although coming from a different theoretical background, Newell's work

shares the specific empirical focus of my own research to some degree and for that reason these conclusions are important as they support the argument that is unfolding here: that non-state actors play an important role in international politics and international political regimes (for example, through their participation in or formation of various public spheres, or by being part of Global Civil Society) which can only be fully understood if substantial attention is paid to non-state actors.

In addition to the literature discussed here in detail, there are a growing number of works that report on research into various aspects of the UNFCCC regime (e.g. Depledge 2005; Gulbrandsen and Andresen 2004; McGregor 2010; Westerlind-Wigström 2008; Yamin and Depledge 2004; Yamin 2001), the international environmental movement (Alcock 2008; Carter 2007; Pellow et al. 2001; Perron et al. 2001; Waddell 2001, 2003; Walk and Brunnengräber 2000) or international climate politics more generally (Brunnengräber et al. 2008; Giddens 2011). Many of these works routinely include discussions of CAN and its history, including acknowledgment of its central role within the overall group of environmental NGOs that participate in the UNFCCC negotiations. While a detailed discussion of these works is beyond the scope of this section, insights drawn from this literature base will be included throughout the thesis where appropriate.

2.6   Conclusions

In this chapter I aimed to provide a theoretical background for this thesis by reviewing a number of distinct, yet related, bodies of literature that are relevant for the subject matter dealt with in this thesis.

First, I provided a very brief introduction to the notion of globalisation which has been used to portray the processes, actors, dynamics and institutions of an ever increasing global interconnectedness and interdependence in terms of the political, the economic and the social. In particular, in a nutshell, globalisation has been characterised as the process in which economic processes are becoming more and more integrated, creating *inter alia* global markets, international competition and transnational corporations, and as the way in which these global economic processes (as they moved into a "political vacuum") have created the need for matching

globalisation of political institutions variably enabling and regulating the economic globalisation. In addition these globalisations gave rise to alternative globalisations, including the development of a transnational (or global) civil society as a counter-force to both political and economic globalisation, including the development of an anti-globalisation movement.

As one of the developments associated with globalisation (and certainly one of the most relevant for this thesis), the phenomenon of global civil society received further consideration. In particular, I discussed the historical development of the concept of (territorially bounded) civil society from the early understanding as simply a society that is characterised by its being civilised (as opposed to barbarian) via an emphasis on a society established through and expecting the rule of law and to the conceptualisation of civil society as the realm that is not the state and further as a civil society of voluntary associations. Turning to the question of a global or transnational civil society the problem arose to what degree this phenomenon should be understood merely as an extension (by metaphor) of the already familiar, territorially bounded civil society or a civil society that gradually transcended its former territorial fixation or a completely new phenomenon. In this context, attempts to define global civil society have been discussed and a number of criticisms of the concept have been heard. Finally, the important question whether the realm of economic activity should be considered part of the (both domestic as well as transnational) civil society has been discussed including the development of this question over time, and a preference for a conceptualisation of civil society that excludes the economic realm and thus poises civil society against both the realm of the state and the realm of the market has been defended.

Subsequently, I provided a brief excursus into social movement literature in the middle section of the chapter. After which, the focus moved onto the body of literature that discusses the theory of the public sphere. The concept of public sphere was identified as closely related to the focus of the first part of the chapter, global civil society. In particular, the public sphere is said to be the locus of the formulation of public opinion with the aim of influencing (or supporting) political decision-making within the realm of the state, an activity that is also one of the functions of civil society. Indeed, Habermas has differentiated the public and private spheres of civil

society (with the latter including the economic sphere of the market place and domestic sphere of the family) and given the preference developed earlier to exclude the economic realm from the concept of civil society, the concept of public sphere and that of a civil society as thus understood map onto each other relatively closely.

The discussion of the public sphere, then, was divided in four sections: the first of which was reserved to clarifying the original formulation of a public sphere theory, while the other sections focused on different ways of expanding and improving upon this concept. The first of these endeavours, following Nancy Fraser, had the aim of improving a critical theory of the public sphere in light of the empirical lessons learned from "actually existing democracies" and the stratified society associated with these democracies. Secondly, starting from an emerging agreement in the literature that public sphere is best understood as a multiplicity rather than a monolithic singularity, a number of different conceptualisations of such multiplicity were discussed, most notably the ideas of "counterpublics" and "nested public spheres". Thirdly, again focussing on Fraser's work, I noted the observed rise of "transnationalised public spheres" and the realisation that previous public sphere theory fails to adapt to this new situation due to its inextricable association with the Westphalian frame that was implicitly the foundation of Habermas' original formulation as well as all previous critique. This requires a re-think of the public sphere on a transnational level.

While the latter of these critiques (which provides some guidance toward the application of a critical theory of the public sphere at the transnational level) is clearly of particular relevance to the thesis unfolding here, the first critique (and, indeed, Habermas' own contribution) likewise offers valuable lessons. In particular Fraser's work sensitises the analyst of public spheres to issues of domination, exclusion and power differentials between actual and potential participants in public spheres as well as in matters of communicative practice and admission or exclusion of issues from consideration in the public sphere. She also offers a conceptualisation (as well as a normative justification for the preference) of a structure of multiple, competing public spheres, where she distinguishes between the hegemonic public and additional subaltern counterpublics which can provide temporary isolation for subordinate groups to establish alternative language to be able to describe and define

their grievances before re-entering the discourse of the general public thus equipped. Expanding her critique to the transnational level, Fraser contributes to a critical theory of transnational public spheres by further abstracting the main criteria of a functioning public sphere, the principle of normative legitimacy and political efficacy by establishing two conditions for the former (the inclusiveness condition, either realised through the "all-affected" or "all-subjected" principles, and the equity condition) and providing a number of useful pointers toward further empirical and theoretical work on the latter.

This chapter, by means of reviewing and engaging with the relevant literature, has thus laid the foundations for the further development of the topic of this thesis. Therefore, after a discussion of the methodological underpinnings of this research as well as an introduction to the preliminary theoretical model as it emerged during fieldwork and data analysis, I will proceed to the main part of this thesis – wherein I will present the empirical findings of this study while, at the same time, advance the development of the theoretical contribution of this thesis to the critical theory of the transnational public sphere – before, in the last chapter, drawing together main themes of these empirical findings and the literature here presented and presenting conclusions.

Chapter 3

Methodology, Research Design and Preliminary Theoretical Model

The following chapter begins with a short introduction, which recalls the research aims and objectives and introduces the general methodological approach employed. This will also include a brief description of my own political identity and highlight why this identity enabled me to employ an innovative methodological approach to my specific field. Following this, I will outline the scope of the fieldwork and briefly describe the organisations that have been the focus of this fieldwork and during which time periods the fieldwork was carried out. In the next step, I will outline the two-step approach taken to gain access to the field, whereby a first step secured access to the general negotiation sessions within the United Nations Framework Convention on Climate Change (UNFCCC) and a second step was required to gain access to the environmental NGO network Climate Action Network International (CAN). This section also discusses the practical implications of formally "being a delegate" of an NGO at the UNFCCC sessions.

Then, I will discuss the three different, distinct fieldwork settings within which the research has been carried out, namely the "in-session" setting where my research took place at the UNFCCC negotiation sessions, the "virtual" setting between the UNFCCC sessions and a "hybrid" setting which carried features of both of the other settings. Following the discussion of these settings, I will explain my growing involvement in the work of CAN during the fieldwork period and the implications thereof. This will also include the consideration of the notion of "going native" and will examine the shifts in perception among social scientists that have occurred within the last few decades. In this context I will discuss what risk "going native" is perceived to represent by some authors and will explore the potential associated with *being* "native." In "Learning the Language" I will discuss how gaining some level of proficiency in understanding international climate change policy and climate science was necessary in order to avoid inadequate interpretations of events, by discussing

an example of such an inadequate interpretation from the beginning of the fieldwork period. Finally, ethical considerations of the research project will be discussed with a particular emphasis on negotiating access and consent and the use of data gathered in confidential or semi-confidential settings.

3.1   Research Aims, Objectives and Ethnography

The overall aim of the empirical research upon which this thesis is based, is to investigate the role of transnational climate change advocacy networks and their internal power dynamics within multilateral treaty processes, in particular within the multilateral climate change negotiations under the UNFCCC. Specifically, the first of two interrelated objectives focuses on the production of a detailed ethnography of environmental NGOs, especially those that are members of CAN, during these negotiations. The second objective is to generate an analysis of this ethnography utilising a critical theory of the public sphere, in particular, more contemporary conceptualisations of this theory, which embrace the notion of a multiplicity of public spheres. In order to address these research objectives, a close understanding of the structure and culture of the internal discourse among the environmental NGOs was required. As the empirical method used for this investigation, I identified the ethnographic approach as the most appropriate tool. Ethnographic research has been described as "grounded in a commitment to the first-hand experience and exploration of a particular social or cultural setting on the basis of […] participant observation. Observation and participation […] remain the characteristic features of the ethno-graphic approach" (Atkinson et al. 2001: 4).

The choice of ethnography for this research project also constitutes one of its most innovative features. While ethnography has been used widely to study a large variety of different societies and groups, its use to shed light on the work of environ-mental advocacy professionals at international treaty negotiations – which places it in an area of social scientific inquiry which is related to, if not part of, the field of elite studies (Higley and Moore 2001) – must be considered a unique feature of this research project.

Alternative methodological approaches to the same field, for example the analysis of published documents, would not have been sufficient to address the research aim

and objectives as the internal discourse that lead to the publication of the documents cannot be inferred from the finished product. Likewise, qualitative interviewing, although proven to be able to shed some light on the internal structures and conflicts of NGO networks active at UNFCCC conferences (e.g., Gulbrandsen and Andresen 2004; Pulver 2004a; Duwe 2000; Westerlind-Wigström 2008), must rely on respondents' interpretations and selective recall of events and represents, thus, inevitably a mediated version of these events. Ethnography, especially through its use of participant observation, on the other hand, promises a much more complete image of the social setting researched through immersion in the social setting for extended periods of time. Furthermore, exclusive use of interview data would limit the type of questions that can be asked about the social phenomenon researched: while my research is largely concerned with the internal quality of the discourse and interaction between ENGOs within and outside of their networks, previous, interview based research had to be limited to investigating structural aspects of CAN (Duwe 2000; Westerlind-Wigström 2008).

In addition to participant observation, ethnographic approaches usually employ other data collection techniques, for example more formal interviews with members of the researched group, analysis of written documents or spoken discourse, the collection and interpretation of visual data and so on. In the case of my own research, participant observation was mainly complemented by analysis of published documents (and unpublished drafts and working documents) from NGOs, UNFCCC, or party governments, email conversations from within the NGO community and video webcasts from UNFCCC negotiation sessions as well as "informal interviews" in the form of conversations with NGO representatives on the side lines of the conferences, for example, in order to shed light on their own interpretation of events or to test their agreement with mine. The fieldwork also resulted in some on-going friendships with some of these NGO representatives, which allowed me to solicit further feedback on my interpretations of my data after the analysis and write-up stage of my research began.

Furthermore, it is important to describe my own political identity with respect to climate change as this has crucial importance for my role as both researcher and participant within the environmental advocacy networks and the wider UNFCCC system. Long before developing the initial ideas and programme for this research, I

self-identified as an environmentalist and as such was already very aware of the great danger that climate change posed for the future environmental health of this planet. In fact, this understanding was the main motivator in developing a research programme in this area as I had the desire to pursue my PhD research in an area with importance to me. As a result, my political identity at the beginning of the fieldwork (further shaped and solidified by targeted reading in the pre-fieldwork period of my PhD) already included a general agreement with the mainstream scientific work on climate change, an agreement that urgent steps to reduce greenhouse gas emissions were needed and that, while an international process was in place to advance those steps, these efforts were not yet sufficient. In addition, my political identity included a strong scepticism regarding growth-centred and consumption-oriented economic development paradigms as well as a deep concern with social injustices, in particular those created by the effects of colonial and post-colonial processes as well as other economic exploitations.

This political background placed me in a position wherein I broadly shared the analyses, perspectives and objectives of the NGOs I was studying. It is important to note, that only by virtue of this general agreement, was it possible to engage in the participatory research that I conducted. This is because this agreement enabled me to effectively assume the role of an increasingly active participant within the political activism without conflicts between this participation and my own genuine political identity. This absence of conflict between my "genuine" self and my participant role also made it easier to reconcile my simultaneous roles of participant and researcher. The relationship (and its changes over time) between my role as researcher and my role as delegate of the NGO network will be discussed in much more detail in a later section of this chapter (starting on page 101 below).

3.2   Scope of fieldwork

The fieldwork is mainly concerned with participant observation of Climate Action Network International (CAN-I or CAN), which "is a worldwide network of over 500 Non-Governmental Organizations (NGOs) working to promote government and individual action to limit human-induced climate change to ecologically sustainable levels" (CAN 2010a). Historically, the member organisations of CAN were mainly

environmental NGOs, but in recent years a growing number of development organisations joined the network as well. Although my initial, pre-fieldwork, plan was to focus my participant observation on all the environmental NGOs active within the UNFCCC, I quickly identified CAN as the most appropriate context for the research as its membership includes the vast majority of environmental NGOs that are continuously involved in the UNFCCC negotiations and it serves as the "constituency focal point" of all environmental NGOs for the liaison with the UNFCCC secretariat. While I was unaware of this central role of CAN before starting my fieldwork, this role (which made CAN virtually the only relevant focus for observation) became very clear during the attendance at my first UNFCCC negotiation session.

It is important to point out that there are a number of ENGOs that are active within the UNFCCC but are not members of CAN. At the beginning of my fieldwork, however, those were only a very few and their attendance mainly limited to the annual COPs. During the fieldwork period, however, and particularly towards the end of it, Climate Justice Now! (CJN!), a second ENGO network began to emerge. As its name suggests, CJN! particularly focuses on the social justice aspect of the climate change discourse which its members feel is largely ignored in the mainstream of the UNFCCC negotiations. Details of CJN!'s platform and main differences and relationships between CAN and CJN! will be discussed in greater detail in a later chapter. However, since much of my participant observation of CAN had already been undertaken by the point of CJN!'s consolidation, I decided to keep the scope of the fieldwork focused on CAN, but to pay some attention to this emerging network as well.

The fieldwork covered the time from just before the landmark 2007 Bali Climate Conference up to and including the 2009 Climate Conference in Copenhagen. This represents a distinct period in international climate change policy which was concerned with the attempt to negotiate an agreement that would cover the period after 2012 (the end of the first commitment period under the Kyoto Protocol), with the Bali Action Plan agreed in Bali in 2007 providing the framework and work plan for the following two years with a view to concluding work in Copenhagen in 2009. In total, 74 days of negotiation meetings were attended over a period of two and a half years. In 2008, 32 out of a total of 39 (82%) negotiation days were observed, while in 2009, 23 out of 57 days were attended (40%); a grand total of 55 out of 96 (57%). The decision not to participate in all negotiation sessions was mainly due to

budgetary restrictions, but considerations of the distance of the session locale and the associated environmental impact of travel to attend were also made (e.g. in the case of the 2008 Accra and 2009 Bangkok sessions). Table 1 below summarises my attendance by listing the time and place of the conference, the names of the UNFCCC bodies that were holding sessions during the respective conferences[36]. During these negotiation conferences, I was formally admitted as a delegate of an NGO observer organisation (as explained in the following section below), granting me the same access to the negotiation meetings and CAN internal meetings as most other NGO delegates.

Table 1: Attendance of UNFCCC Negotiation Sessions – Fieldwork in "In-Session" Setting

Date	Place	UNFCCC Bodies in Session	No of Days
26 Aug 2007 – 31 Aug 2007	Vienna, Austria	AWG-KP 4, Dialogue 4	6
2 Dec 2007 – 14 Dec 2007	Nusa Dua, Bali, Indonesia	COP 13, CMP 3, AWG-KP 4bis, SBI 27, SBSTA 27, (Dialogue)	13
29 Mar 2008 – 4 Apr 2008	Bangkok, Thailand	AWG-KP 5, AWG-LCA 1	7
1 Jun 2008 – 13 June 2008	Bonn, Germany	AWG-KP 5bis, AWG-LCA 2, SBI 28, SBSTA 28	13
1 Dec 2008 – 12 Dec 2008	Poznań, Poland	COP 14, CMP 4, AWG-KP 6bis, AWG-LCA 3bis, SBI 29, SBSTA 29	12
30 Mar 2009 – 8 Apr 2009	Bonn, Germany	AWG-KP 7, LWG-LCA 5	10
7 Dec 2009 – 19 Dec 2009	Copenhagen, Denmark	COP 15, CMP 5, AWG-KP 10 , AWG-LCA 8, SBI 31, SBSTA 31	13

AWG-KP: Ad-Hoc Working Group on Further Commitments of Annex I Parties Under the Kyoto Protocol, COP: Conference of the Parties of the UNFCCC, CMP: Conference of the Parties of the UNFCCC Serving as the Meeting of the Parties of the Kyoto Protocol, SBI: Subsidiary Body on Implementation, SBSTA: Subsidiary Body on Scientific and Technological Advice, AWG-LCA: Ad-Hoc Working Group on Long-Term Cooperative Action

Although the participant observation was mainly concerned with CAN, observations also included other actors within the climate change negotiations. For example, the delegations of the countries that are parties to the Convention were observed during their formal negotiations and informal negotiation groups if they were open to NGO observers and through my attendance of some of CAN's lobbying meetings. I also observed some of the activities of environmentalists and climate justice activists of the emerging Climate Justice Now! (CJN!) network who began to provide an alternative voice for the environmental movement during my fieldwork period. Further, observation sometimes included delegates of other observer organisations, including business and research organisations, demonstrators outside the UN conference

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36 The number after the name of each body denotes the number of its session, for example, "COP 15" refers to the 15th session of the Conference of the Parties, while "AWG-KP 6bis" is the resumed (i.e. the second part of the) 6th session of the Ad Hoc Working Group under the Kyoto Protocol. For a description of the function, mandate and scope of work of these bodies, see chapter 4 or the glossary.

venues and so forth. Observation (participatory and non-participatory) of these additional actors was important in order to aid understanding of the wider contexts in which CAN as a network of actors was operating.

In addition to the attendance of the negotiation sessions of the UNFCCC ("in-session" setting), my participant observation also took place in what I call "virtual" and "hybrid" settings. The former took place in the time between the climate change conferences, when CAN predominantly interacts through means of various email lists (some of which have very high-traffic; for example, in December 2009 the main email list, *CANtalk*, received 295 emails on a single day) and occasional small scale telephone conferences. In contrast, the "hybrid" setting is a cross over between virtual and in-session settings, where parts of CAN are physically present at a UNFCCC session while another part of the network, including myself, would only have virtual links with the members at the session. I will discuss the specifics of these distinct settings in more detail below.

3.3   Access to the Field

Formally speaking, I attended the UNFCCC negotiation sessions as a delegate of one of the member organisations of CAN-I, which afforded me the same access to CAN internal meetings and processes as any other CAN delegate. Furthermore, I was able to attend the plenary and contact group sessions of the UNFCCC bodies just like any other delegate of non-governmental organisations.

Adequate access to the field was obtained in two steps, both of which will be outlined in detail below. The first step was to secure general field access to my first UNFCCC conference in August 2007 and the second step was to gain access to CAN for all subsequent conferences and the "virtual" and "hybrid" settings. During the process of gaining access to the field, some individuals acted as gatekeepers, a role which will receive more attention later in the section discussing ethical considerations of the research.

On the occasion of the first conference I attended in August 2007, I was regis-tered with the defunct "Scottish Academic Network on Global Environmental Change" (SANGEC). SANGEC used to be a network of Scottish academics from different

disciplines working on themes related to global environmental change and was mainly active during the early 1990s, particularly surrounding Agenda 21 in the lead up to, during and immediately following the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, dubbed the "Earth Summit" (for a brief overview of some of SANGEC's history and its involvement in implementing the Agenda 21 in Scotland, see Roddick 1995). Since SANGEC was involved as an observer in the UNCED and INC processes leading up to the creation of the UNFCCC, it gained (semi-) automatic accreditation to the UNFCCC (UNFCCC 1995), which had only been used to register SANGEC members for the very first Conference of the Parties of the UNFCCC in 1995 but which never expired even after SANGEC ceased to exist except on paper in the mid-1990s. I came across SANGEC when searching through the list of organisations accredited to the UNFCCC to identify organisations to approach with a request to be included in their delegation so I could attend the UNFCCC sessions for my fieldwork. I noticed that SANGEC's point of contact was a member of staff at the University of Glasgow (not related to my PhD research or the department or faculty at this this research was carried out) whom I subsequently contacted and who agreed to register my name as a delegate of SANGEC for the upcoming UNFCCC session in Vienna in August 2007. It was understood that my registration as SANGEC delegate to the UNFCCC would not empower me to formally represent SANGEC there, however, since my intentions for this meeting were passive observation and networking, this was not considered a problem.

During this first UNFCCC session in Vienna, I attended every day what was posted in the official daily programme of the conference as "ENGO daily meeting." During the course of the conference, it became clear that this meeting – although posted in the daily programme as open to all ENGO observers – was a closed meeting of CAN member organisations (with SANGEC not being a CAN member), so I approached one of the CAN node coordinators to discuss my attendance at these meetings. He confirmed that these daily meetings were, in fact, closed CAN meetings but that it was acceptable if I continued to attend these meetings for the remainder of that Vienna conference but that my continued participation in "CAN only" activity was only possible if I gained accreditation to subsequent UNFCCC negotiation sessions via a CAN member organisation.

Thus, the second step of gaining access to the field consisted of identifying a CAN member organisation that was willing to register me to subsequent UNFCCC sessions as part of their organisation's delegation. Consequently, I approached the director of one CAN member organisation that I was told had in the past been accommodating to similar requests from researchers. After agreeing the conditions of this arrangement (for example that I would refrain from speaking during lobbying meetings, or that I would not make statements that would contradict the organisation's positions) we agreed that my request would be granted for the next and, if required, subsequent UNFCCC sessions.

As a result of this agreement, I was included in that organisation's list of participants for all following UNFCCC sessions I attended starting with the Nusa Dua, Bali session in December 2007. The specific composition and internal structure of CAN-I afforded me a high level of insight and group membership that is hard to achieve in other participant observation settings where, for example, obvious markers of gender, education, language, ethnicity, class, etc. or the mere knowledge of the observed group about the researcher's role disallow the researcher to become a full member of the group researched. In the case of CAN, however, the group membership undergoes relatively fast changes, with large numbers of new individuals joining, leaving or re-joining the process virtually constantly as new member organisations join the network, existing members hire new staff or funding situations or organisations' priorities change. Thus it is a very common experience for CAN members to encounter individuals they have not previously interacted with and instantly accept them as members of their group and work with them.

This is facilitated by a general gatekeeping arrangement, where regional CAN coordinators distribute to individuals they know to belong to a CAN member organisation stickers with the CAN logo to be affixed to the conference badge, and therefore CAN members can easily assume that individuals in possession of a conference badge with CAN sticker are, in fact, legitimate CAN members themselves. At larger internal CAN meetings it is usual to have a person at the door checking for the presence of stickers and "sticker check" agenda items where members are asked to check the people sitting next to them to present their stickers. Occasionally, these "sticker checks" are also repeated just before particularly sensitive agenda items. As a delegate of a CAN member organisation, I was also given a CAN sticker.

It is important to note, however, that generally "being a delegate" in the sense used above – in respect to my registration via both of the mentioned NGOs – does not imply any formal functions of representation of these organisations at the UNFCCC. Since the process of accrediting an organisation at the UNFCCC is a relatively time consuming process which also requires certain formal characteristics of the organisation seeking accreditation and is not open for individuals[37], it is quite common in the UNFCCC environment for individuals to merely be "put on the list" of an organisation that is accredited and willing to accommodate such a request. Some organisations, for example, routinely add media representatives to their lists (media access is more restrictive than NGO access) or "do a favour to smaller organisations who don't yet have their own individual official status with the UNFCCC" (Hardstaff 2007). This widespread practice is also employed by some government delegations, with for example, Central and Eastern European and Latin American countries routinely registering NGO representatives as part of their official delegations (see, for example, Duwe 2000, 2001). In these cases, individuals so gaining access are not representing the organisation or country of which they are, "formally," a delegate and in some cases are required to sign a formal agreement to this effect while for others verbal arrangements are satisfactory. For example, NGO representatives registered as part of the delegation of an EU member state are requested to agree to and sign a specific Code of Contact that prohibits them attempting to get into certain types of closed meetings or participate in certain activities (field note, Poznań, 4 Dec 2008).

3.4 Fieldwork Settings

The main focus of the fieldwork carried out for this research project was with the ENGOs that are organised within CAN. This fieldwork took place within two main settings, with the first being the negotiating sessions of the UNFCCC at the various climate change conferences attended, during which many CAN members[38] are

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37   My initial attempts of securing access to the UNFCCC involved an attempt to obtain accreditation as observer organisation for the University of Glasgow, but the time consuming nature of this process, additional institutional barriers within the University, and, ultimately, my success in gaining access through other means, made me abandon this path.

38   Strictly speaking, CAN members are *organisations*, not individuals. However, it is common for the staff of these member organisations to think of themselves as members of CAN, too, and therefore, though strictly speaking incorrect, I am using the term "CAN member" mainly to refer to representatives of CAN member organisations who act as the member organisations' agents within CAN (to avoid having to use the cumbersome "individuals acting on behalf of CAN member organ-

physically located in the same locale, enabling among other things face-to-face interactions, and the other referring to the "inter-sessional" period between these sessions, where CAN largely exists as a "virtual community" largely based upon emails exchanges and occasional phone conferences. Within both of these fieldwork contexts, my role as a researcher within the field changed substantially over the two and a half year fieldwork period. These changes related to an increasing involvement with the political work of CAN. The specific settings and related methodological concerns of both main fieldwork contexts will be considered in turn.

3.4.1 In-Session Setting

Within the first setting, I attended the negotiating sessions of the bodies of the UNFCCC in order to carry out participant observation of the involvement therein of environmental non-governmental organisations in general and CAN-I in particular. During a typical UNFCCC session, my fieldwork would include attendance of an (often full-day) "CAN strategy session" on the day before the official start of the UNFCCC session, during which CAN would discuss recent developments in international climate change politics and their strategy for the upcoming UNFCCC session. In the case of two week long UNFCCC sessions, a second strategy session would be held half-way through the meeting. During the actual UNFCCC session, a daily meeting of the delegation of the CAN member organisation would typically start the day, in which that organisation discussed the developments of the previous day (both in the UNFCCC negotiations and internally within CAN), the likely developments of that day and their own strategy vis-à-vis past or potential future developments as well as a distribution of that day's tasks.

Further items included attending the daily meeting of CAN members where political developments were shared and discussed, press conferences and other media activities planned and overviews over the work of the CAN working groups given. During some of the later UNFCCC sessions I attended, I became more involved in the work with one of CAN's working groups – the "CDM Working Group," which is mainly concerned with issues around carbon markets – and the work of that working group

isations" or similar phrases). When it is important to clarify that I am, indeed, speaking about the "CAN member *organisations*" I will use this term instead.

became a focus of the daily activities. Working group activities included attending the group's meetings, accompanying group members to their lobbying meetings with members of government delegations, making contact with government delegations to set up such meetings, involvement in drafting articles for the CAN daily newsletter ECO or interventions for the meetings of the UNFCCC bodies on the working group's issue. It also included participation in the group's development of CAN policy in their area and attendance of joint meeting with other working groups, where areas of concern to different working groups overlapped. As further elaborated in a later section of this chapter, over time the degree and nature of my involvement would intensify, and came to include acting as lead or coordinating author on a number of the group's written outputs as well as a brief period as the group's coordinator. Given my initial agreement with the CAN member organisation that had provided my registration with the UNFCCC to refrain from statements that would contradict that organisation's views, I regularly confirmed with representatives of that organisation that our views were, in fact, aligned.

Throughout every day, and in fact throughout the entire period of my PhD research, my role as a participant in and observer of the work of CAN required that I keep up with the political developments surrounding climate change in general and the UNFCCC in particular as well as the internal policy development processes within CAN (I will deal with this issue more thoroughly in the section "Learning the Language" below). This staying up-to-date with political and policy development was necessary in order to make sense of the internal dynamics within CAN that would unfold during my fieldwork. This meant that in addition to the aforementioned activities during UNFCCC sessions, I also had to keep up with a massive body of CAN internal emails – at peak times during UNFCCC sessions in excess of several hundred emails daily – as well as attending some of the actual negotiation meetings of the UNFCCC bodies to follow the political developments during the session.

Generally, on a typical day, I would have to get up around 7 in the morning and only come back to the accommodation late in the evening, often after midnight, with only little time during the day between meetings, sessions and events. This very intensive fieldwork period proved to be a challenge for a variety of reasons, including note taking: during the UNFCCC sessions there was no time to sit back and write reflective field notes; most of the more reflective field notes were produced in the

weeks after I had returned from the session. General note taking, however, was easily possible during the fieldwork, as in the setting of a climate change conference, it is very common for people in attendance to take notes during conversations and events[39]. However, note taking also proved to be one area where a degree of conflict between my role as researcher and my role as a participant in CAN's work had to be negotiated: in the researcher role, I was mainly interested in – and thus taking notes regarding – observations that would help me further my understanding of CAN with regards to my research theme, while in the role of the CAN member I would be mainly interested in – and thus taking notes regarding – details of political developments. Typically, individual events would contain information and observations relevant to both roles, so field notes often contain a *mélange* of these two aspects, or could be variably dominated by either one of the roles. To distinguish from the other two classes of field notes described below, field notes that were taken while in the field, are simply labelled "field note" when quoted.

In addition to the note taking at the sessions, whose completeness, as mentioned, suffered from time constraints as well as the role conflict described, I typically attempted to write detailed accounts of a field trip, as complete as memory would allow, during the days or weeks following my return from the field. Naturally, these notes would be subject to some degree of bias due to selective recall and this selectiveness of recall would likely favour events that turned – in hindsight – out to be parts of contingent themes over those occurring in isolation, but nonetheless I considered this approach the best compromise with regards to the challenges to note taking faced in the field. This class of notes is designated as "post-field note" whenever used in subsequent chapters. However, during the process of reviewing and analysing the existing notes in order to prepare the writing up of the research, I recalled relevant events and details that were neither contained in the "field notes" nor the "post-field notes" and so I reconstructed these events from recall. Depending on which fieldwork period the notes refer to, this reconstruction took place between 6 months and 3 years after the fieldwork took place and notes obtained in that

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39   In this sense, my fieldwork setting differed from many other settings where ethnographic field research is carried out and where it would be impossible to take notes in the field. This problem, shared by many ethnographers, is, for example, described by Homan who, during his own field-work period, took accommodation "within a two minutes walk of the chosen assembly [fieldwork site] and field notes were recorded there after each observation" (Homan 1980: 50) since it was not appropriate to use pen and paper at the fieldwork site.

fashion are labelled as "reconstructed notes." It is prudent to clearly mark the different ways and settings in which notes were obtained as each of these settings were subject to their own set of specific challenges, for example the role conflict and time constraints of the in-field setting vs. the increasing selective bias and recall bias that the post-field and reconstructed notes are subject to[40]. Furthermore, it has been pointed out that fieldnotes should be considered textual *representations* of events, "reducing just-observed events, persons and places […] [and] welter and confusion of the social world to written words," which should be "produced in or in close proximity to 'the field'. Proximity means that field notes are written more or less *contemporaneously* with the events" (Emerson et al. 2001:353, cit. in Mason 2002: 98, original emphasis). Thus, the textual representation of an event can be expected to differ when produced a few days or weeks (in the case of post-field notes) or even months to years (reconstructed notes) after the events. As the representation (and not the event itself) represents the data of any research using participant observation, it must be made clear when it was not possible to completely adhere to the principle of *contemporaneousness*.

3.4.2 Virtual Setting

In addition to its work during the sessions of the UNFCCC, CAN and its members are also actively working on climate change policy throughout the year. Parts of that activity, namely the aspects that are directed towards or related to policy making at the international level, are often coordinated through CAN International[41]. This includes the sharing of information from official sources from different countries and the UNFCCC, and new relevant developments in the field of climate science, sharing of CAN member organisations' analysis of political developments or other reports related to climate change, for example relating to countries' performance in fulfilling

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40   The place and date indicated for post field notes and reconstructed notes are the date and place of the event described or referred to rather than the date and place where and when the note taking occurred. However, since it was often not possible to pin-point the exact date of the event, dates for post field notes and reconstructed notes will be specified by month and year only.

41   In addition activities coordinated through CAN *International*, regional and national CAN nodes also coordinate and cooperate on issues related to their domestic and/or regional policy making with regards to climate change and related issues (such as energy), for example, CAN Europe which is based in Brussels is actively lobbying on the EU level. However, since this research is concerned with CAN's role within the UNFCCC negotiations, these activities are largely outside the scope of this study, and, since many of them are also coordinated though the nodes' own dedicated communications channels, which I have not monitored, remained largely invisible to me.

their various obligations and promises. This also includes the development of CAN policy positions on specific aspects of the climate change policy process under the UNFCCC and the presentation of such positions in various forms, such as background or discussion papers, position papers or formal submissions to the UNFCCC.

Due to the international nature of the network, CAN members from different countries or regions would not typically be physically in the same place unless a UNFCCC session is underway or a special event is taking place[42]. Consequently, in-between the UNFCCC sessions, CAN makes use of various means of communication, including telephone or Skype conferencing, and primarily its suite of email lists, wherein the main email list ("*CANtalk*") is complemented by additional email lists for the use of the various working groups within CAN. Thus, between UNFCCC sessions, CAN turns into a "virtual community" – a term first coined in the seminal work by Howard Rheingold (1993) – which presents a distinct set of methodological challenges[43].

In the virtual fieldwork setting, then, data mainly consists of the large body of emails exchanged through the various CAN lists to which I was subscribed. Specifically, I was subscribed to the general purpose email list, *CANtalk*, as well as the lists of three of CAN's working groups, the *can cdm/ji* list, used by CAN's Flexible Mechanisms group, and *can sinks*, used jointly by the REDD and LULUCF working groups. During the fieldwork period from August 2007 to December 2009 these lists received a total of 10,091, 789 and 3,168 messages respectively. In order to effectively deal with this large amount of messages, I pre-sorted each email after reading in folders

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42   For example, during the time of the fieldwork, the CAN equity summit and a CAN strategy retreat brought together a number of members outside the UNFCCC setting. In addition to these CAN events, other non-UNFCCC events related to climate change occasionally provide an opportunity for a small subset of members to get together, such as G8/G20 meetings or the Cochabamba conference in April 2010.

43   It should be noted that the notion of the "virtual community" is not uncontested, in particular the question of whether "community" requires a character of reality beyond what can be found in the virtual, or whether communities are rather largely social constructions (i.e. imagined as communities by community members). Most of the criticisms, however, that are voiced with regards to labelling these phenomena "communities" are not applicable to CAN as it presents the special case where it exists both in "real life" and in the virtual. As a lengthy discussion of this controversy goes beyond the scope of the thesis, it shall suffice to point to the conclusions of the study by Nick Fox and Chris Roberts (1999) who find that virtual communities can in fact be described as communities at least in cases where they are concerned with "real," as opposed to virtual, issues (in their study GP practice in the UK, in mine international climate policy) and that the criticism only applies to virtual communities where both the community and its topical concerns are virtual.

based on my assessment of whether a given email could be potentially relevant for later re-reading and use in the thesis[44]. Within the "relevant" category I also used three subcategories corresponding to degrees of relevance. Frequently, I also sent additional emails to myself containing, for example, information on the wider context of an email thread or reflections on the reason why I thought the email thread warranted further attention (akin to field notes in an "offline" ethnographic setting), using the subject line of an email thread so that the email containing the notes would be stored alongside the thread to which it related. In addition to reading emails sent over the CAN lists, I participated in a number of conference calls of the Flexible Mechanisms working group within CAN, where the work of the group was coordinated and policy positions and related publications of the group prepared.

3.4.3   Hybrid setting

While the reasons for the non-attendance of a few of the UNFCCC sessions during the fieldwork period related mainly to budgetary restrictions[45], the experience of, what I call "hybrid" attendance was very useful as well. Hybrid attendance refers to situations where the UNFCCC negotiation bodies are in session and thus a number of CAN members are physically present at the negotiation venue, while another part of the membership is not physically present but linked to the events at the conference venue through, for example, significantly heightened activity of the electronic communication tools of CAN. The ratio of CAN members in hybrid versus physical attendance differs vastly between the different negotiation sessions and types of UNFCCC body in session (e.g. COP and CMP meetings vs. others) and will be discussed at a later stage in this thesis, alongside its implications for the internal dynamics of CAN's work at the climate conferences.

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44   Emails classed as "non-relevant" where mainly those in which CAN members shared news items or reports of member organisations or other relevant bodies thought to be of general interest, but also short email conversations of a mere coordinator matter, for example arranging the particulars of a meeting or phone conference.

45   These budgetary limitations were amplified by an increased intensity of negotiations under the UNFCCC during the time covered. While a "regular' negotiation year only has two two-week sessions with a total of about 24-25 days, there were four sessions with 39 days in 2008 and six sessions with 57 days in 2009.
    The omitted sessions were in 2008: Accra, Ghana, 7 days in August; in 2009: Bonn, Germany, 12 days in June and 5 days in August; Bangkok, Thailand, 12 days in October, and Barcelona, Spain, 5 days in November.

In addition to increased email volume, the hybrid setting also differs from the virtual setting by the content and style of the communication, which is more directly concerned with the UNFCCC session in progress and characterised by more urgency and a faster turnaround time for email exchanges. In contrast, the hybrid setting differs from the in-session setting in that the hybrid setting allows only a superficial and mediated insight into what is happening simultaneously at the UNFCCC session, through webcasts of a selection of negotiation meetings, minutes of CAN meetings and the like.

3.5   Growing Involvement – "Going Native" vs. "Being" Native

During the fieldwork period, my role within the fieldwork setting changed substantially, in all three fieldwork situations, i.e. "in-session," "virtual" and "hybrid." This change can be partly understood as a moving along on an observer–participant continuum, as described by Raymond Gold (Gold 1958; based on earlier work by Junker (1952)). Gold describes four ideal typical stages on that continuum: complete participant, participant-as-observer, observer-as-participant and complete observer, each of which entail their specific advantages and dangers. This change can also be understood in the context of Victor de Munck's (1998) "three stages of hanging out," where first a "stranger" stage is characterised by the researcher's learning of the language and rules of interacting within the group as well as with mutual familiarisation. The second, "acquaintance" stage, where the researcher and the researched begin to recognise each other as individuals and where "the researcher is accepted (though not necessarily liked) as part of the audience at the various public arenas in the community" (de Munck 1998: 42). In this stage the researcher also becomes more and more competent in the specific language and behaviour of the group. In the final, or "intimate," stage the researcher has become a "full-fledged participant observer, acting and responding automatically-without first having to consciously construct his or her behavior and speech-to the actions of those nearby" (de Munck 1998: 42).

During my first attendance at a UNFCCC conference, the August 2007 Vienna Intersessional Meetings, I chose a role in the fieldwork setting that matches well with Gold's description of the complete observer, one of the extreme points of the continuum, which he states is only rarely employed in fieldwork: This "role is

illustrated by [...] reconnaissance of any kind of social setting as preparation for more intensive study in another field role [...] [and thus an] important starting point for subsequent observations and interactions in appropriate roles. It is not surprising that reconnaissance is almost always a prelude to using the participant-as-observer role in community study" (Gold 1958: 222). This phase also marked the beginning of the "stranger" stage in de Munck's description. During that conference then, I mainly sought to understand in more general terms the internal structure of CAN's work during the UNFCCC sessions and the inner workings of these sessions. In both cases, I had attempted to prepare well for the fieldwork by studying publicly available documents (mainly CAN policy positions available from CAN's website as well as the CAN Charter) and webcasts of negotiation sessions, which, however only gave a very superficial and thus distorted insight into the reality of the session. For example, the webcasts of negotiation sessions on the UNFCCC website only covered publicly accessible discussions (i.e. sessions open to NGO observers and media), while other discussions, in particular contact groups and informal consultations (both being closed for media and only the former open for NGO observers) and corridor encounters (providing some degree of access to the proceedings in the closed rooms), remained hidden until actually attending a UNFCCC session. Likewise, with regards to certain documents, including negotiating text and NGO briefings, publicly available documents were restricted to finished versions while the attendance also gave access to versions of the same texts as they were developed. During this first session, I also negotiated continued access to internal CAN-I meetings by introducing my research project to a regional CAN node coordinator and a director of one of CAN's member organisations, who in turn agreed to provide me with registration to future UNFCCC sessions via that organisation. Besides the logistical advantage of gaining continued access to the sessions, this also constituted explicit informed consent to my research by two important gatekeepers.

During later conferences, I increased my participation within CAN, and my interaction with other CAN members, including participation at meetings of some working groups of CAN, which I had not done during the Vienna conference. I also started to occasionally offer my help to CAN, for example, at the Bali climate change conference in December 2007, I wrote a computer program which allowed for the sending of bulk text messages about breaking news and fast developments to the mobile phones

of all CAN members present in Bali, or offered layout help for CAN's daily newsletter, ECO. During the same time, I was signed up to some of CAN's internal email lists, a resource initially not available to me, which now enabled observation of the interactions within CAN in the "virtual" situations. This became possible as I moved increasingly towards the "acquaintance" stage of my interaction with CAN. Using Gold's (1958) categorisation, my role during this period could be described as a "participant-as-observer" since I did not actively participate in the network. However, the realities of my fieldwork situation also show a substantial problem with Gold's categorisation. Gold's work, which is regarded as "one of the most widely cited schemes [...] [of] classification of participant observer roles" (Bryman 2008: 410), links the observer-participant continuum to a covert-overt continuum, where the "complete participant" employs the most covert approach to the field, anxiously hiding her true identity as a researcher from the other members of the group and, in fact fearing the discovery of his real identity which may jeopardise the entire research project (Bryman 2008: 406), and typically merely "playing" a role: "He must bind the mask of pretense to himself or stand the risk of exposure and research failure" (Gold 1958: 219). In his characterisation of the "participant-as-observer," however, Gold assumes universal knowledge among the group members regarding the identity of the researcher, i.e. a fully overt situation.

In this stage of my own research, however, full disclosure of my position and intentions as a researcher was not practical: most of the settings that I participated in, involved rather large number of people, where no individual introductions were made, and even in smaller settings, members usually only introduced themselves with their names and the organisation that they worked for, with no time for further details. As a result, while I strove to inform CAN members of my particular role wherever practical (for example, in smaller, even more informal encounters, and in particular those with whom I interacted more frequently and more personally), most CAN members were not aware of my role during this period, rendering my research effectively semi-overt research[46]. However, it is often acknowledged that virtually all

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46   Semi-overt, or partially overt, can be regarded as a close relative of what Bryman (2008: 406) calls "partially covert," where some are aware of the researchers identity (in Bryman's case the business owner, in mine the "gatekeepers" with whom I had negotiated access as well as individuals I had closer contact with) while others are not (in Bryman's case the costumers, in mine the large majority of CAN members). However, I chose to conceive of my research as semi-overt,

participant observation will involve some covert elements (Bryman 2008; Fielding 2008; Mason 2002; Pollner and Emerson 2001), often for practical reasons such as the ones outlined above, and "that, short of wearing a sign, ethnographers cannot signal when they are and are not collecting data" (Fielding 2008: 272).

In the later stages of the fieldwork period (starting with the December 2008 climate change conference in Poznań), I got more actively engaged in the work of one particular CAN working group – the CAN working group on "Flexible Mechanisms," which is concerned with the carbon market instruments within the UNFCCC framework. Among the CAN working groups, this working group was the group that I had followed most closely as an non-participating observer during the previous fieldwork periods, and when I decided to become a more active participant in one of the groups, I chose this one over the others since I had – through the preceding passive observation – acquired a more intimate knowledge of the group's issue area including the politics of the carbon markets as well as some of the specific technical and academic aspects of this area. An increased involvement also seemed appropriate at this stage, as I had over the course of my research acquired relevant skills and specialist knowledge in issues related to carbon market that would be of use to this group – thus, I saw it as my obligation to offer these skills where they could be useful to CAN.

This change of involvement opened a new set of situations in which I was able to participate. I contributed to the development of text for media purposes or to be used as verbal interventions or written submissions to the UNFCCC, accompanied some of the group members to lobbying meetings with members of government delegations and in general had more access to and insights into the more informal and "productive" parts of working group activities that took place beyond the formally convened working group meetings I had restricted myself to until that point. During that period, my involvement increased to the point where I became the coordinator of the working group for a period of several months. I had thus moved into the third of de Munck's stages of "hanging out," the "intimate" stage, where my role in the group was largely indistinguishable from other members.

rather than semi-covert, since the general attitude employed was that of openness rather than concealment.

One possible problem with such an approach, which is frequently discussed in texts on ethnography and participant observation, is associated with the notion of "going native." "Going native," as a phrase, clearly gives away participant observation's history as the dominant method of the early anthropology at the beginning of the 20th century, a period "in which social and political life saw race, gender, and sex as white, male, and heterosexual; academia and science reflected that same homogeneous state; and lands of the non-Western world were occupied by the objects of science commonly known as 'natives' and 'savages'" (Kanuha 2000: 439). While the notion has, for that reason, certainly a racist and colonial dimension which causes un-ease in using it, the phrase and the processes it described keep appearing in methodological discussions (e.g. Malinowski 2003 [1922]; Gold 1958; Atkinson et al. 2001; Adler et al. 1986; Fuller 1999; Kidd 2008; Kanuha 2000). It is important to note that while the descriptions of the process remain largely identical – a very high degree of involvement of the researcher in the lives of those researched that causes the researcher to adopt at least some of the values, practices and meanings of those being researched as his or her own – the judgement of its desirability shifts over time.

The phrase is routinely attributed to Bronislaw Malinowski (e.g. by Kanuha 2000) who, in his own ethnographic account of the "Argonauts of the Western Pacific" (Malinowski 2003 [1922]) argued that a degree of "going native" is a required step to fully understand the social relationships within the groups and society under observation. Starting with the Chicago School of social scientific research, though, "going native" was considered a grave risk that was to be avoided. It was feared that "developing an overrapport with research subjects […] can harm the data-gathering process" (Adler et al. 1986: 364) which could occur when an academic observer abandoned the role of the non-engaged outsider in favour of the role of a full participant who is getting too involved in the group. This is seen as a possible result of "the prolonged immersion of ethnographers in the lives of the people they study, coupled with the commitment to seeing the social world through their eyes" (Bryman 2008: 412). In other words, ethnography "is enmeshed in the very lived order and ordering activities it ought to study, and as a consequence its findings and analysis risk 'usurpation' by the lived order" (Pollner and Emerson 2001: 124).

Recently, however, it has increasingly been argued that this alleged problem is not necessarily problematic after all. For example, it has been stated that

> What seems to lie behind the belief that "going native" poses a seri-
> ous danger to the fieldworker is the logical construction of the rela-
> tionship between objectivity and subjectivity, between scientist and
> native […] as an unbridgeable opposition.   (Tedlock 1991: 71)

Of course, participant observation always has a strong subjective aspect to it and there is no shortage of ethnographies conducted of groups that the researcher feels particularly sympathetic with or worthy of support in their struggle and/or is an active member or has previously been a member of (among the vary many example are Roseneil 1993; Davis 2006; Kidd 2008), or indeed of "auto-ethnographies" (Murphy and Dingwall (2001) discuss a few examples of auto-ethnographies), which put the researcher right in the centre of the research thus making subjectivity an obvious feature of the research. Further, as has been pointed out above, that fieldnotes, rather than representing events themselves, are always textual represen-tations of events as seen, interpreted and described *by the researcher*, which clearly adds an additional element of subjectivity.

Valli Kalei Kanuha (2000) points out that for much ethnographic research the question of "going" native does not even apply as the researcher has chosen groups for her study which she was sympathetic towards or part of from the outset of the research and thus the question of "being native" while at the same time embracing the standards of academic inquiry steps into the centre of attention. Likewise, Duncan Fuller's (1999) reflections on his own research show that a critical perspective can be retained in social scientific inquiry even if the researcher chooses a position of a "researcher as activist," which implies full engagement with the group researched and explicitly departs from any claim of objectivity (at least as far as the activist aspect of the researcher's overall, integrated self is concerned). Indeed, as he concludes (quoting Fraser), social scientific inquiry that aims to contribute to critical theory should develop "its research program and its conceptual framework with an eye to the aims and activities of those oppositional movements with which it has a partisan, though not uncritical identification" (Fraser, cit. in Fuller 1999: 226).

The implicit suggestion of Barbara Tedlock's afore-quoted double negative is that subjectivity and objectivity are in a *"bridgeable"* opposition to one another. This might suggest that while a certain degree of subjectivity in the field is an inherent feature of participant observation, objectivity in analysis and interpretation, once returned from

the field, could be achieved. However, even in this aspect the possibility of producing accounts free of subjectivity has been questioned. Clifford, for example, points out that ethnographic texts are always based on "systematic and contestable exclusions" (cit. in Murphy and Dingwall 2001: 344) made according to the ethnographers' subjective judgement.

We are also reminded by Howard Becker that it is impossible "to do research that is uncontaminated by personal and political sympathies [...] and, therefore, that the question is not whether we should take sides, since we inevitably will, but rather whose side we are on" (1967: 239) and, given this situation, those sympathies and this side-taking should be made explicit. In that context, for example, engaged anthropologists (Kidd 2009) or "pracademics" (Davis 2006) understand themselves as having a moral and ethical obligation for taking the side of the underprivileged and marginalised and "using research for change" (Davis 2006: 229).

Participant observation is typically chosen as a method since other methods would not allow the same depth of insight into the researched group. Peter Newell, for example, argues that "being closer to the activities being studied provides valuable insights that are not otherwise available to the academic who observes from the sideline" (2000: 12), while Severyn Bruyn (1966) includes "intimacy" as one of the criteria to guarantee the subjective adequacy of participant observation and Raymond Gold notes that the logical opposite of "going native," causes the fieldworker to "seemingly or actually [reject] the informant's views without ever getting to the point of understanding them" (Gold 1958: 222). Thus, participant observation requires that researchers immerse themselves in their fieldwork setting and in the lives of those researched in order to be able to understand how reality is seen and interpreted by them and to produce rich accounts and explanations of these lives.

It thus seems that much of the cautioning against "going native" risks limiting the desirable immersion into the field in a bid to preserve the (largely unattainable) value neutrality and objectivity of the research. If this interpretation of "going native" poses the quest for neutrality and objectivity against the need for immersion, it seems that an active avoidance of "going native" in this sense of the phrase would more likely hinder than support an adequate research outcome.

It is important to note, though, that despite this, it remains important that the researcher aims to keep a critical view on the observed events and on their own interpretation and the interpretations of those researched. "Going native" is also described as the process where a researcher "may over-identify with the informant [...] [and] accepting the informant's views as his [sic] own" (Gold 1958: 222). Recently, however, researchers (especially from a feminist background) have begun to question the researchers' exclusive authority to interpret the social realities of those researched (Murphy and Dingwall 2001). Thus, research projects aim for formulating interpretations and conclusions *together* with the research subjects, consequently accepting that in all likelihood (at least some of) informants' views will be accepted as the researcher's own (Davis 2006; Roseneil 1993). In conclusion, it appears that "going native" is only a problem if researchers identify with the research subjects to such a degree as to *uncritically* accept their interpretations as their own[47].

3.6 "Learning the Language"

"Learning the language" of the field is important for ethnographic insights to generate relevant knowledge and to enable any meaningful participation of the participant observer (Fielding 2008). This is quite obviously the case where the language used is foreign – in the literal sense of the word – to the participant observer. However, as stressed by Severyn Bruyn who (based on work by George Homan) puts knowledge of the language forward as one of his "six indexes of subjective adequacy" of participant observation, this "applies equally to the study of people who appear to speak the same tongue as the observer" (Bruyn 1966: 182), "on the argument that the more familiar the observer is with the argot, slang or jargon in use, and with ordinary phrases which bear a setting-specific meaning, the greater is the accuracy of observation" (Fielding 2008: 279). In the context of my research, this "learning the language" entailed getting intimate with the meanings of the many acronyms used in the negotiations, understanding to a certain level the science behind climate change, the political positions of the major countries and groups of countries and of the major NGOs and groups of NGOs as well as the implications of various possible policy

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47   Clearly, if, after critical consideration, the researcher arrives at the same interpretation as the research subject, this interpretation is more likely to be valid, if only for the reason that two individuals came to the same conclusion independently of each other.

outcomes for the future of the climate negotiations, and, thus, indirectly, the fate of future generations with regards to climate change. Without this knowledge, my interpretation of certain events would possibly be flawed or even completely wrong. To illustrate this, I offer this field note from my first UNFCCC session in 2007:

> Later on that day [of the presentation of the report[48]], I got the text of the report off the internet since I thought at the time of the presentation that there was something funny about the mitigation scenario. So I did some calculations (and even used Acrobat to measure the lengths of some of the bars in a bar chart to use in my calculations) and found that the "mitigation scenario" actually allows a substantial increase of emissions in 2030 compared to 2000 (in the region of 15%) while claiming to reduce emissions by 25%.
> The only sector that DOES reduce its emissions is LULUCF, where positive emissions turn negative in 2030, but I doubt very much that it is possible for LULUCF to soak up all that carbon. I mean, unless you really want to plant LOTS of trees or green the desert or something. I asked [...] [a CAN member], who is also a newbie, and he couldn't imagine that either.
> So I was really wondering why nobody in CAN picked up on that and raised it in the daily meeting. I personally didn't think it was appropriate for me to raise the issue myself. But just how DO things like this get picked up? It would be really interesting to see how/if CAN would deal with something like this.
> Also, what are the (political) implications if the [UNFCCC] secretariat or the consultants they hire chose mitigation scenarios that plan to achieve emissions reductions by planting trees (the report also mentions CCS and nukes) rather than ACTUALLY reducing emissions?   (post field note, Vienna, Aug 2007)

Given my lack of "language skills," i.e. knowledge of the relevant background, at that point in time, I really felt I was onto something interesting and important. This feeling was further supported when I realised that the appendix to the document that was supposed to provide further background information on the scenarios, had not been uploaded with all the other appendices to the UNFCCC website:

> Is it just a random coincidence that the "Appendix 5" to the report that should contain more details and information on both (reference and mitigation) scenarios can be found nowhere on the UNFCCC website (but no problems finding appendices 1-4)?
>   (post field note, Vienna, Aug 2007)

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48   "Investment and Financial Flows to Address Climate Change" (UNFCCC 2007a), a report commissioned by the UNFCCC secretary as requested by the parties whose main outcomes were presented to parties in Vienna.

However, during the analysis of my field notes nearly three years later, after acquiring more competence in, as it were, the language of the field, the note reveals an observer at the beginning of his fieldwork, eagerly (zealously?) looking for interesting and relevant events rather than revealing anything in itself interesting and relevant: in hindsight, and equipped with a much better understanding of climate change, the figures do not suggest to me anymore that questionable politicised assumptions have been made by the authors of the report. The size of the LULUCF sector's difference between reference scenario and mitigation scenario in 2030 in the report is quoted as 14.6Gt CO_2eq globally (UNFCCC 2007a: 216), which is reasonably close to other commonly used scenarios, for example the IPCC scenarios which gives a global figure of 13.8Gt CO_2eq (IPCC 2007b: 559), based on a synthesis of three different models.

However, what became clear (although at the time I was obviously not aware that the event described above would be an example of that) at the first UNFCCC meeting attended was that in order to gain relevant insight and to reduce the chance of inappropriate interpretations (which can result in both missing a relevant event whose relevance is not recognised and overestimating the relevance of benign occurrences) I would need to learn the relevant language and gain intimate knowledge of at least some aspects of climate change politics. It also became clear that climate change politics is too wide a field to acquire intimate knowledge of all its aspects, so I decided – while still aiming to obtain and maintain good working knowledge of the wider climate change policy context – to focus on one particular sub-issue (carbon markets), where the level of specific knowledge I acquired was soon enough to produce discussion papers on policy options proposed by countries (e.g. Holz 2009a) or give a conference presentation on behalf of a CAN member organisation on related topics (Holz 2009b), and, as indicated above, act as a coordinator of the relevant CAN working group for a period of time.

3.7   Ethics

Ethical considerations must guide any social science research exercise. This is mandated by both a universal imperative of ethical behaviour in general and then more specific requirements of professional codes and institutional requirements of

professional bodies, funding institutions or Universities (ASA 1999; ESRC 2010; BSA 2002; University of Glasgow 2010, 2011). My research posed some ethical questions, mainly related to the problem of limited consent in the semi-overt research setting I employed as well as the use of data gathered in confidential settings. After a short introduction to the general topic of social research ethics, I will consider these concerns as they presented themselves to me, their discussion in the ethics literature and how I proceeded to address these concerns. The research on which this thesis is based has been submitted to the research ethics committee of the Department of Sociology, Anthropology and Applied Social Sciences for approval and the board granted this approval on July 9, 2007.

Research ethics frameworks are often designed around principles intended to ensure the validity and quality of the research in question, to avoid or minimise the harm to research participants and to protect the researcher and the discipline. Among other things, research ethics is concerned with the overriding notion that the benefits of a given research project that involves human subjects ought to outweigh the potential risks or adverse effects of that research. The obligation to avoid harm is typically summarised under the principle of non-maleficence, while the principle of general beneficence refers to an (albeit not generally accepted) obligation to contribute to the increase of good in the world. Generally, both the concept of risk as well as the concept of benefit are rather broadly understood. In that sense, benefits include both the "potential to increase the sum of good in the world" (Israel and Hay 2006: 2) that is inherent in increasing social science's understanding of the social world as well as the use of social sciences and social scientists' often privileged positions to directly benefit marginalised and disadvantaged groups under investigation. Christopher Kidd, for example, found himself morally obliged to change his research design with regard to the Batwa people of South-Eastern Uganda to take up a role as an active advocate for their rights rather than the envisioned position as a "normal" ethnographic observer (Kidd 2008). In a similar experience, Dana-Ain Davis was more directly "recruited" by a study participant to become an engaged envoy for the concerns of that particular group:

> Sherita asked me what I was going to do with all of the information I collected. She make it very clear that she was only a "case file" at social services and that it was my responsibility to tell "people" how difficult life was and share the problems woman faced while on wel-

> fare. What Sherita was asking of me was to move my work as an an-
> thropologist from the margin of my own personal achievement, that
> of being awarded a degree and facilitating my employment as an ac-
> ademic, to a center of relevance, to the realm of policy. In return for
> the "gift" of her life story and the stories of other women, I was
> asked to do something that might make a difference.
>
> (Davis 2006: 231)

In general, though, the benefit that research represents as an increase in social science's understanding of social reality is deemed largely sufficient, assuming that the risks involved in a certain research project are minimised.

In turn, the notion of risk, following the emerging, yet not unproblematic paradigm of analysing the merit of proposed research by the means of cost-benefit-analysis (Israel and Hay 2006) – is interpreted in a number of not necessarily straight-forward conceptualisations. The most basic and obvious notion of risk, and the demand that social science research ought to be designed to avoid or minimise that risk, refers to the

> potential physical or psychological harm, discomfort or stress to
> human participants that a research project might generate.
>
> (ESRC 2010: 26)

However, besides this fundamental and rather self-evident notion of risk,

> social science raises a wider range of risks that [...] include risk to a
> subject's personal social standing, privacy, personal values and be-
> liefs, their links to family and the wider community, and their posi-
> tion within occupational settings, as well as the adverse effects of
> revealing information that relates to illegal, sexual or deviant behav-
> iour.
>
> (ESRC 2010: 26)

It is clear that with these broad conceptualisations of benefit and risk, the assessment as to whether the benefits outweigh the potential harm, is not simply a straightforward exercise. Furthermore, it is often not fully possible at the outset of a study to foresee the potential risks or the need to adapt research design and methodology during the life time of a research project and thus ethical evaluations need to be carried out throughout the research process from design through data collection and analysis to publication and beyond.

Mark Israel and Iain Hay, for example, compiled a collection of studies where such ethical problems arise throughout the research process. Among others, they describe the ethical dilemma during the data gathering process that researchers found themselves in when they realised that their intravenously (IV) drug using African-American and Puerto Rican informants were more likely to be subject to arrest when seen in the presence of white persons (i.e. the researchers). Subsequently, the researchers had to decide whether it was ethical to continue with the research project (and thus potentially harming individual informants) in order to fulfil the research's aim to identify the sources of contaminated syringes which represents a potential considerable benefit for the wider community of IV drug users (Israel and Hay 2006, 104-5).

Similarly, in other, later stages of the research process, researchers found themselves routinely subject to ethical (and legal) dilemmas, for example when refusing to share data covering possibly illegal activities with relevant authorities. In an example for the latter case, an American graduate student found himself sentenced to over five months jail time after refusing to disclose information to a grand jury that he had gathered under the promise of confidentiality (Israel and Hay 2006: 88). Similarly, Jane Fountain (1993) had difficulties negotiating the interest of her informants – pot dealers in England – to remain unidentifiable by police and to keep secret some of their more ingenious ways of avoiding arrest with her desire to publish detailed accounts of her ethnographic fieldwork. As a result "some highly relevant data was omitted – often at the expense of emphasizing a particular point or providing a 'good' story" (Fountain 1993: 167).

In dealing with the ethical consideration of my own study, I had particular difficulties dealing with aspects of prior informed consent and the use of data gathered in confidential settings, which I will now consider in turn.

Generally speaking, most ethics guidelines of professional and funding bodies require prior informed consent by study participants for a study to be considered in compliance with ethics requirements (for example, ESRC 2010; ASA 1999; for an overview of the relevant conventions in English speaking countries outside the UK, cf. Israel and Hay 2006). At the same time, it is often acknowledged (especially in the context of ethnographic research) that negotiating consent also implies flexibility in

the way that information and consent is communicated in the particular circumstanc-es of a given research project (ASA 1999), for example, with regards to the practice of handing out written information sheets and collecting signed consent forms, as stipulated as the expected default approach in some disciplines (University of Glasgow 2010).

In my particular case, consent from each individual member of CAN could not be practically obtained, as it would have considerably disrupted the daily work of the network and thus violated the non-maleficence requirement of ethical behaviour. For example, since the daily meetings of the CAN delegations to the UNFCCC negotiations varied considerably in their composition from day to day, in order to obtain complete informed consent from every person in the room, I would have had to request the floor at the beginning of each meeting, explain the purpose of my research and allow time for questions and finally responses to my request for consent. Since these meetings were important strategising tools for CAN and time extremely precious (in fact, I cannot recall attending a daily meeting where the agenda was completed without exceeding the allotted time) it would have been inappropriate to seek consent in this manner.

Due to this restriction, consent had to be sought through other means. To this end, I both gained consent from relevant gatekeepers and disclosed my role as a research-er to any individuals I had repeated and intensive contact with. The gatekeeper consent was sought at the very beginning of the fieldwork phase, during the August 2007 UNFCCC session in Vienna. During that session I approached the coordinator of one of the regional nodes of CAN and explained my research. In addition to express-ing support for my project, the coordinator also advised me that, in order to have continued access to CAN internal meetings, I would have to approach a CAN member organisation in order to be added to their list of nominations to future UNFCCC sessions and also mentioned one particular organisation that had in the past already accommodated similar requests by researchers. Consequently, I approached my second gatekeeper – one of the directors of that CAN member organisation – with this request. After I explained in detail the aim and purpose of my research and he outlined the terms under which my request would be granted, we agreed that I would be added to the organisation's list for subsequent UNFCCC sessions. The terms of my participation included the stipulation that I was not allowed to publicly state political

positions of my own that contradicted the positions of the organisation (or of CAN, for that matter) in internal CAN meetings or when I came to accompany NGO delegates to meetings with, for example, government representatives or ministers. This requirement was particularly important as I would wear a conference badge with the name of the organisation on it and thus would be seen by the uninitiated to be making statements on their behalf. This requirement then, is also in line with the CAN charter, which stipulates that members should not make "statements in the name of CAN which are contradictory in substance of in interpretation to CAN statements" (CAN 2002: 26).

Further, the initial terms indicated that I would not actively participate in any CAN internal work, i.e. in terms of actively participating in substantial discussions on the formulation of CAN policy positions, lobbying strategy and the like. This agreement was later subject to re-negotiation as an opportunity presented itself to become more involved in the CAN working group on "flexible mechanisms," i.e. carbon market instruments. This re-negotiation involved that I wrote a detailed description of my own "personal" understanding and position regarding the relevant political issues, which would then be commented on by the director of the organisation to highlight the minor areas where his organisation and my views differed by some specific details. In those few cases, I would then represent their, not my own, view in public[49].

As a result of these two conversations, two important figures were fully aware and supportive of my research. However, since I did not intent to conduct covert research (as stated above, I consider my methodology semi-overt, but adopted that approach for pragmatic rather than methodological reasons), I disclosed my dual role as participant in CAN's activity and PhD researcher to anybody with whom my contact became more frequent and more intensive. In doing so, I also followed the cautioning of several ethics guidelines that gatekeeper consent cannot simply be taken as proxy for the consent of members of the group in question (e.g. ASA 1999;

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49   It was also agreed, during a later conversation about the issue of my participation, that during large CAN internal meetings I would indicate my institutional affiliation not as "University of Glasgow" but rather state the name of the organisation that had "sponsored" my attendance to make this relationship clear to all attendees. On the other hand, in smaller contexts, for example, in CAN working group meetings, I would continue to self-identify as a University researcher.

ESRC 2010)[50]. In that sense – and thus in contrast to covert observation as described in the literature –, I never actively deceived people by hiding my "true identity" using "the mask of pretense" (Gold 1958: 219) or inventing elaborate cover stories like the one Fountain (1993) employed to hide her true intentions from some of her research participants (but also from police and her own acquaintances in a bid to protect her participants).

In contrast, for example, when writing emails to CAN's internal email lists, I included my standard email signature which identified me as a "Doctoral Researcher, University of Glasgow, Department of Sociology." Similarly, when introducing myself to other CAN members, or in fact, anybody during the UNFCCC sessions, I would typically introduce my organisational affiliation as being with the University of Glasgow (including by using University of Glasgow business cards) and would correct people if it became clear that (for example, by reading my conference badge) they assumed that I was with the organisation that had registered me for the session. Whether this statement of organisational affiliation was followed by an explanation of the dual nature of my attendance of the UNFCCC session depended on the setting and nature of the encounter. For example, when attending lobbying meetings with time-constrained members of government delegations, it would not have been appropriate to use up some of the precious lobbying time by explaining my project, while on the other hand I was most forthcoming with details in more informal settings where time pressure was less of an issue, or indeed whenever asked for any details.

Further, when escalating my involvement from a rather passive observer to the coordinator of one of the CAN working groups, I put considerable effort into negotiating my new role with relevant people, in particular with the directors of both CAN International and the organisation on whose list I attended the UNFCCC sessions. I also made sure that the email to the members of the working group in which I was nominated as coordinator contained a clear statement of my "true" organisational affiliation (i.e. as a Doctoral student of the University of Glasgow) and my research

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50 The ASA ethics guidelines caution that "researchers should not devolve their responsibilities onto the gatekeeper" (ASA 1999), which would include the responsibility to secure consent, while the ESRC's remarks regarding the use of gatekeepers explicitly suggest that "[p]assive assent, including group assent (with consent given by a gatekeeper) should be avoided wherever possible, and every effort should be made to develop methods of seeking consent that are appropriate" (ESRC 2010: 30).

interest in the UNFCCC negotiations although most (if not all) of the more active members of that group were already aware of this.

As a result, I believe that I have undertaken a sufficient effort to secure consent in a setting where the method suggested as standard in some research disciplines (e.g. written consent after reading an information sheet and being able to ask questions about the information provided) had only limited applicability. In that sense, I followed the advice that Andrew Garner offers his students:

> Use ethical guidelines. Pragmatically. [...] Apart from laying out an ideal for professional practice [...], the ethical guidelines point us to a key principle underpinning ethnographic research: how do we avoid situations which would result in a betrayal of identification and trust?   (Garner 2008)

The second issue of ethical concern relates to the use of some of the data that was obtained during the fieldwork. A number of different internal settings within CAN entail the basic understanding of confidentiality, for example, the strategy meetings at the beginning of each UNFCCC session, the daily meetings throughout the sessions, and email conversations on *CANtalk*. However, this confidentiality understanding is not universal, for example intelligence shared during meetings or via email would be further shared during lobbying meetings if that is deemed useful or occasionally emails sent to *CANtalk* are quoted in publications of CAN member organisations (cf., for example, Bals 2007: 19). Thus confidentiality cannot be assumed to be an overriding principle and the decision over whether a particular piece of information, an event or part of a conversation is confidential must be made every time on a case-by-case basis. Further, the confidentiality of some pieces of information might "expire," in other words, information that was very sensitive and thus confidential at some point in the past, might now have become common knowledge and thus lost its confidential character.

In studying the written documentation regarding the requirements imposed on certain classes of actors that CAN interacts with and grants access to its internal debates, it also becomes clear that my position as a researcher who has been granted access by an organisation that is a full member of CAN (i.e. via the CAN member organisation that nominated me as a delegate) via inclusion on their list of partici-pants, is not covered by the statutes. For example, CAN's policy on the participation of

non-CAN members during the 2007 Bali Climate Change Conference (CAN 2007a), states as a condition for the participation of these groups in CAN daily meetings, the observance of restraint when sharing information obtained from these meetings:

> All information aired at CAN meetings are confidential, and should not be divulged to outsiders unless this is part of an agreed political strategy.   (CAN 2007a)

Further, the CAN charter stipulates that organisations or individuals that are not full members of the network, but enjoy a status as observer members, ought to "respect the confidential nature of internal CAN meetings at all times" (CAN 2002: 10). From these rules of engagement for partial (observer) or non-members can be concluded that CAN meetings are generally understood to be confidential, but since equivalent rules are not contained in the code of conduct for full CAN members, it can be assumed that a different approach to confidentiality applies to these members. Further, while clearly describing the requirements imposed with regards to CAN meetings, the Charter does not contain any rules governing the use of CAN's various email lists.

Another related area of regulation in the CAN Charter (CAN 2002: 26) deals with rules regarding the issuance of statements by CAN members and details the principle that statements should not be issued "in the name of CAN which are contradictory in substance or interpretation to CAN statements" (CAN 2002: 26). While this section of the Charter seems to be relevant to the research – since certainly statements are made in this thesis – the context of these regulations, as well as the opening sentence of this part of the CAN Charter ("A statement refers to a position statement.") indicated that the word "statement" in this context exclusively refers to statement of policy preference or policy position with regards to climate change policy and related policy fields. Since this thesis is not concerned with climate change policy *per se*, such a conflict did not arise during the production of this thesis, but the underlying spirit of these regulations was nonetheless observed.

However, although the *letter* of the relevant CAN regulations were not fully clear regarding my particular situation as someone occupying a dual role as a researcher but also as a member of a CAN member's delegation to the UNFCCC (and later as the coordinator of one of CAN's issue based working groups), the *spirit* of these regula-

tions and generally my knowledge of the largely tacit agreement of confidentiality as an general underlying principle but not as a non-negotiable hard and fast doctrine required some more attention in dealing with this issue. In line with the ethical requirement of non-maleficence but also with my own firm conviction to avoid by all means necessary that any possible harm originating from my research could adversely affect CAN or the larger struggle to find a political solution to the climate crisis (but also individual organisations or persons), I felt the need to employ further safeguards in my research process.

The first of these safeguards was the anonymisation of names of individuals and organisations as well as events. This is a standard practice suggested in several ethics codes (e.g. ESRC 2010) to preserve confidentiality of information given by participants. It has been variously recognised that the mere changing of names might not be sufficient to effectively protect individuals from being identified in the finished research report (Israel and Hay 2006; Roseneil 1993; Tolich 2004) since, for example, verbal mannerisms (Tolich 2004), specific details of events (decription of Ellis' fieldwork in Tolich 2004) or characteristic quirks (Fountain 1993) might be sufficient for other insiders or even partially initiated outsiders to identify otherwise anonymised individuals. Jane Fountain, in her study of pot dealers, describes her anxiety when thinking about how confidentiality could be compromised in such a way, with potentially very serious effects for her study participants:

> My anxiety knew no bounds: for instance, I quoted Sally saying that her profits from selling cannabis meant that she could make impulse buys without worrying about the cost. She gave an example: "I'm going through Marks and Sparks and I fancy some prawns, and I can buy loads." I became obsessed with the prawns that were usually in her fridge, and that if she was arrested, her relationship with me would be revealed; my thesis scrutinized by the police; the quote and the prawns in the fridge connected; everything I had written about "Sally" used against her; and the whole network traced – all because of those dratted prawns.
>
> (Fountain 1993: 168)

The point here is, that while mere changes of names protects participants from being identified by outsiders (what Martin Tolich (2004) calls "external confidentiality") it cannot guarantee the same degree of protection from discovery by insiders (or even partial insiders or individuals that gain a degree of insider knowledge later, like the police in Fountain's example). However, the discovery of the identity of a participant

by an insider leaves participants potentially even more vulnerable (compared to discovery by an outsider) as Fountain's example clearly illustrates. Tolich, who calls this "internal confidentiality," decries the fact that potential vulnerabilities stemming from breaches of internal confidentiality are not addressed in the ethics codes of professional associations and funding bodies[51] but must be taken seriously to at least the same degree as external confidentiality[52]. In practice this might mean that not only names of individuals, places and organisations are changed, but it might be also required to amend details in particular quotes or events or even, in cases where the risk of discovery is too grave, to omit material in the final report. Tolich (2004) cautions, though, that even this might not be enough. In the case of the couple research mentioned in footnote 51 above, he is concerned that, for example, the wife might be able to identify the husband even though the researcher might have altered the child support payment for expenses for prostitutes if, for example, certain speech mannerisms appear in quotes that the researcher did not change because they did not seem to be particularly typical of that participant but would allow the participant's partner to breach internal confidentiality.

In the case of my research, I found that (at least as far as external anonymity is concerned) anonymisation was sufficiently realised by not using any names (not even changed ones) of organisations or individuals and instead referring to them by using collective nouns, such as "delegate," "director," "staff member" and, in the case of organisations, where necessary for the argument being made, occasionally adding vague geographic identifiers such as "American" or "developing country."

The more difficult aspect to resolve in my research, though, was the decision over which particular events and details should be omitted from this thesis for their potential to cause harm not only to individual participants but possibly the wider

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51   Another very illustrative example (taken from Tolich 2004) involves research into decision making regarding the spending of money by married couples, which were interviewed individually and where, for example, the husband confessed to the researcher that he secretly diverts money from his salary to pay child support for a child fathered on the occasion of an extra-marital affair or where a wife shares with the researchers her secretly financing an abortion that the teenage daughter underwent. Clearly, compromised internal confidentiality would leave the individuals in these cases particularly vulnerable.

52   Referring to the American Sociological Association Code of Ethics he also observes that that code's definition of vulnerability would have to be substantially extended to include the ethical challenges posed by internal confidentiality taken serious (Tolich 2004).

network of CAN[53], or by extension even CAN's aim to work toward a solution as regards dangerous climate change, an aim that I deeply identify with. Since there were no specific rules governing the use of confidential material by full CAN members (and even less so by individuals in dual roles like myself), and since I was aware of the "spirit" that underlies the general notion of confidentiality within CAN meetings and email lists, as well as of the fact that a portion of the exchanges taking place in those meetings and on these lists were never sensitive or had their sensitivity expired at some point, I came to the conclusion that it would be useful to engage in a conversation with CAN about which particular piece of evidence would be potentially harmful for CAN and its mission. In that, I followed Tolich's advice who suggests engaging the group in question to make this sort of determination:

> This involves taking time to learn from insiders what information is potentially damaging [...] and which information is innocuous. (Tolich 2004: 105)

To that end, I proactively engaged with CAN members from different backgrounds in conversations about specific examples from the fieldwork which I considered likely candidates for inclusion into the thesis. These conversations started toward the end of the fieldwork period and continued beyond the end of the fieldwork with some CAN members with whom I continued to maintain ties, for example due to friendships that had developed over time or due to my continued involvement in CAN's Flexible Mechanisms working group and in the carbon market related advocacy activities of other environmental groups with links to CAN. Through these conversations I cultivated a sense of where it is uncontroversial to share information and where there was a chance of disagreement, thus following Tolich's advice. Further, when ultimately deciding what to include, I chose to err on the side of caution if I had doubt about whether a particular piece of information should be included. Also, to further defuse this potential problem, on some occasions, I chose to rely on publicly available material to support my argument rather than information gained in confidential settings, even if thus my argument was slightly weakened.

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53   To illustrate, if I would directly reveal sources or means through which CAN gains access to important confidential information or provide careless descriptions from which people familiar with the UNFCCC could deduce these sources or means, these sources could be jeopardised was my thesis to be read by somebody with an interest in interrupting this access to information.

3.8   Data Analysis and Presentation of Preliminary Theoretical Model

3.8.1   Data Analysis and Organisation

The large amount and the nature of data collected during the fieldwork period represented a challenge for systematic data analysis. As indicated above, the data generally consisted of field notes (as well as post field notes), a large amount of emails as well as documents from various sources such as official UNFCCC documents (and their various preliminary versions), CAN papers and documents from other organisations. In particular in the case of the email data, on-going "filtering" of the emails into the broad categories of "potentially interesting" and "not so interesting" throughout the fieldwork phase was employed in order to keep the amount of emails manageable. However, this means that only a fraction of the overall email volume became "data" which was readily available for analysis. It should be noted though, that as a subscriber to the relevant email lists, I had continued access to the email archives and so I could, during the analysis phase, attempt to find emails that had been originally classed as "not so interesting" where necessary.

To aid analysis of my field notes, I scanned my hand written fieldwork notes and combined them with the post field notes (which I had entered directly into the computer) into a computer file where the left half of the landscape page would contain the scanned image of the page or a copy of the text of the post field note and the right half would be split into three columns to allow the input of codes and notes. The same approach was undertaken with the emails from the "potentially interesting" category. In the case of UNFCCC and CAN documents, I added them to my document database within the reference management software Zotero, which allows adding notes to documents as well as convenient searches for documents' names and within their full-text content.

Thus prepared, I embarked on a data analysis process wherein I would read through all my notes (as well as the "potentially interesting" emails) and begin to fill the three columns reserved for data analysis. These columns were supposed to fulfil the double objective that I wanted to achieve with this undertaking: on one hand I wanted to make the data (especially the scanned hand written notes) more systematically searchable and organised and therefore I used the first column to record the

reason for the field-note (for example, "conversation with", "reflection", "background information") or, when recording a specific episode, its main setting (for example "AWG-KP plenary" or "CAN daily [meeting]") as well as the main participants in that episode (e.g. "Uganda", "chair", "Peter" etc.). This enabled me, during the writing up of my research, to quickly find, re-read and use the relevant parts of my notes.

On the other hand, this read-through of my notes served the second objective of advancing the analysis of the data. This is where the second and third columns were used. The second column was used to record categories that were assigned to the notes, while the third column was reserved for noting any thoughts or observations that I had while reading through the field notes. The categories used at this stage broadly reflect the themes that were later used to structure chapters 5 and 6 of this thesis (for example, "North/South conflict", "realpolitik", "consensus formation", "language" or "technology") as well as the main political and institutional themes that were relevant for chapter 4 (e.g. "CDM" or "target discussion"). This read-through also served to re-familiarise myself with the events of the earlier parts of the fieldwork phase and to verify whether the themes that had already emerged during the fieldwork as the likely major themes of the analysis were also supported by the data and could be sufficiently well illustrated using the data available.

After having read through all notes and emails once, I decided upon the indicative structure of the chapters 4 to 6 and went through the data once more to start adding references to and/or quotes from specific pieces of data to the relevant sections of the skeletal structure of these chapters. In doing so, I also refined, where appropriate, the categorisation of the data (as recorded in column 2) or added additional notes to column 3 of my data analysis document. This enabled me then, to begin writing about the themes that were identified in the indicative structure of the chapters using the material so added. During this process, I regularly referred back to the data analysis document to search for additional material or to re-read some of the notes that recall suggested could also be relevant to the topic currently under consideration.

It should be noted, that already during the fieldwork period I had identified major themes within the research and that no additional major themes surfaced during this analysis process. However, the process helped organising the material around these major themes and to further differentiate subthemes. Additionally, the process helped

advance thinking on a preliminary theoretical model which had already taken some shape during the fieldwork phase and which will be presented now in order to draw upon the model during the following chapters.

3.8.2 Preliminary Theoretical Model –
The Nested Public Spheres of the UNFCCC and CAN

During the fieldwork, and more importantly during the data analysis process, it became evident that the notion of the public sphere, while certainly allowing for useful insights, had certain limits when applied to the UNFCCC and its various interlocutors, especially the environmental NGOs in the centre of the research. Especially while observing how certain discursive structures and practices are reproduced on different levels within the UNFCCC it became evident that this political space is perhaps best thought of as an assemblage of *multiple* public spheres, that are partially parallel to each other, partially overlapping and partially parts of each other and that variably target different centres of authority, which, in some cases, might in turn themselves constitute collective interlocutors on other levels of this multi-dimensional arrangement of publics. Before this backdrop it became evident that the theory of the public sphere required to be developed to another level of abstraction to adequately capture the discursive practices observed.

In this context, I understand Nancy Fraser's work of discussing the implications of imagining public spheres on a transnational level as a first step of abstraction: by unpacking the theory on its former level closely associated with the Westphalian system and then carefully re-assembling it on the transnational level, she developed the elements of the public sphere theory in a way that could still be applied to the special case of the Westphalian nation state, but also to many other empirical situations. Specifically, as outlined in chapter 2 of this thesis, she detached the public from the specific notion of a public conceptualised as the political citizenship of a Westphalian state that was implicitly or explicitly employed by previous theorists of the public sphere. Instead she conceptualised it as the collective of individuals that share a common fate by either being "all affected" by a given issue or being "all

subjected" to the rule making of a given institutionalised centre of authority[54]. This making explicit of the definition of the public still allows her to conceptualise the citizenship of a nation state as a public, as individuals are, for example, all collectively subjected to the authority of their government, but it also enables conceptualisations of publics beyond the boundaries of the nation state, such as publics consisting of all EU citizens which are all subjected to the authority of EU institutions or, indeed, a globally universal public of all of humanity with regards to climate change as the entirety of humanity is potentially "all affected" by its impacts.

On the other hand, as also discussed in chapter 2, Fraser's attempt to re-construct on the transnational level what formerly equated to the Westphalian state itself, i.e. the addressee of public opinion, is not as straightforward as the re-construction of the public just described. Here, she focuses on the processes that link the addressee of public opinion with the generators of that opinion. That is, first, the communicative process through which the public opinion is transmitted to its addressee who is then expected to translate it into binding laws and the administrative power required to enforce those laws and, secondly, through the reverse process of actually implement-ing the will expressed by public opinion and thus illustrating the capacity of the addressee to be the appropriate target of the first process. These two processes also map onto the conditions that Fraser identifies as the necessary conditions for a public sphere to possess political efficacy: the translation and the capacity conditions. In the Westphalian case, again, this maps onto the Westphalian state itself, which is both the addressee to which the public communicates the public opinion with the view of translation into enforced laws as well as, in the reverse flow of processes, the entity possessing the capacity to implement the wishes contained in the public opinion (precisely *by* translating it into enforced laws). Figure 1 shows how both the public sphere as the locus of the generation of public opinion and the corresponding centre (or sphere) of authority is created through counter-directional processes. These processes are communication of the public opinion from the public sphere on one hand (which corresponds to the translation condition and thus to one of the aspects constituting the "authority") and the implementation of the public opinion on the

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54   As also discussed in chapter 2, but worth repeating here again as it will be part of the argument unfolding here, Fraser changed her preference from the all-affected to the all-subjected principle over time.

other hand (which corresponds to the capacity condition as well as the all-subjected principle).

Figure 1:   The Constituting Processes of the Public Sphere and its Corresponding Centre of Authority
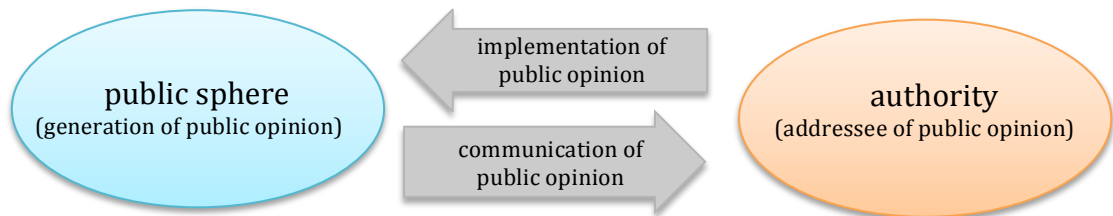
However, as discussed in chapter 2, in the transnational case the relationship between the public and the corresponding "centre of authority" is not as clear: in fact, as Fraser herself is sure to point out, the reality of transnational public spheres is often characterised by a lack of these two conditions: most often due to the addressee of the public not possessing the capacity for effectively implementing the public's wishes (as illustrated by her example of the protests against the Iraq war). This problem is interesting for two reasons: first, when considering the normative use of the public sphere theory it can be taken to suggest that the practice in the transnational public sphere lacks, at least currently, political relevance due to a lack of political efficacy expressed by severe limitations in both the translation and the capacity condition. When, at the same time, observing actually existing transnational phenomena (e.g. those variously described as transnational social movements, global civil society) the question arises what this asymmetry (where, so to speak, the public has arrived in the transnational arena before the corresponding centre of authority) means for the democratic practice on this level. Fraser therefore concludes that transnational social movements should focus on the creation of institutional actors that can fulfil this role. Besides its normative dimension, this problem is also interesting from a theoretical perspective: if actually existing relevant phenomena can not be explained with the theory, for example, since the addressees of the actually existing transnational public sphere lack with regards to both the translation and the capacity condition (i.e. they cannot reasonably be called upon for translating the communicative power of the public into the instituted power of enforced laws), maybe a revision of the theory should be considered.

It is in this context that I believe that a further development of both Fraser's conceptualisation of the public as well as the addressee of its communicatively derived collective opinion can improve the theoretical and empirical use of the concept as well as its usefulness as a normative device. First, it appears that in particular the definition of the centre of authority requires further development. As has been shown in figure 1, the centre of authority is defined by being the target of the communicative process of the public sphere and, explicitly, the expectation embedded in this process to "do something" in order to advance toward a world that is considered desirable according to the public opinion so communicated. While Fraser, Habermas and other theorists of the public sphere take for granted that this "something" can only be the translation of the "communicative power generated in [...] civil society [...] into legislative and administrative power" (Fraser 2008: 81, paraphrasing Habermas' original argument), I would suggest that this is a very specific interpretation of the "translation condition" among many possible others and is, in fact, a late artefact from a conceptualisation of the public with a view to the Westphalian state. In my view, a conceptualisation of the translation condition is more appropriate if it leaves open the question of what exactly public opinion should be translated into in order to advance toward a situation deemed desirable.

This conceptualisation overcomes the *a priori* assumption within public sphere theory that translating public opinion into "legislative and administrative power" is always the aim of the members of a given public and the degree of its success in fulfilling this aim is the normative yard stick against which the translation condition is to be assessed. By departing from this *a priori* assumption, the question as to what exactly the collective opinion of a given public ought to be translated into not only becomes part of the deliberations within that public itself – "Who are we trying to get to do what?" – but it also can so become one of the parameters of empirical engagement with this public. For example, Catherine Squires refers to a set of situations wherein a given public attempts to convince other, dominating publics to "reject pejorative definitions of [that] group's identity, cultural practices, rights, and privileges" (Squires 2002: 448). In this case the "who" is not a state but other parts of the society while the "what" is not the passing and implementation of laws but rather a re-evaluation of their own beliefs vis-à-vis the dominated public. Similar to Fraser's own work on further developing the constituting concepts and processes of public

sphere theory to fit the transnational case (as described above), this suggestion can also explain the specific configuration of the relationship between Westphalian state and its public sphere, as a unique case among many other potential cases – one where the "who" in the question above is the state and the "what" is the adoption and enforcement of appropriate legislation. On the other hand, it also allows for a wider theoretical, empirical and normative spectrum to be considered. As we will see in the empirical analysis within this thesis, this conceptual expansion allows for the public sphere concept to be applied to a wider variety of empirical phenomena – here, crucially, the various levels of public spheres within CAN and the UNFCCC – and therefore also allows the normative dimensions of the theory to be applied to these cases.

Thus, this exactly is the first part of the further development of the public sphere concept that I am suggesting: instead of presuming that enforced laws are always ultimately the appropriate "something" that public opinion requires translation into, this question ought to be left open to deliberation within the public as well. Consequently, since the centre of authority is defined primarily as whoever or whatever potentially possesses the capacity to translate public opinion into whatever is deemed desirable to further the cause of the public[55], the centre of authority itself is reconceptualised more broadly as it is no longer just enforced laws that are theorised as possible outcomes of the translation process. This appears particularly appropriate, as current governance arrangements in the transnational arena do not feature a strong enough component that could enact globally binding laws and enforce them.

The second aspect of further developing the definitions that underpin the theory of the public sphere is concerned with the public sphere itself. Theories of the public sphere generally imply that public spheres are populated by individuals engaging in discussions on their own behalf. This is particularly clear in Habermas' description of the historical case of the bourgeois public of the coffee houses but this notion is never completely abandoned by later discussions of the public sphere even where the concept is linked to the notion of a civil society of voluntary associations and organisations. I would submit, however, that this idea of the public sphere being

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55   For example, a nation state's government potentially possesses the capacity to translate public opinion into binding laws and associated administrative means of enforcement.

populated by individuals deliberating on their own behalf has to be revised if the concept is still to be applied to the changing empirical reality. In particular, I submit that the interlocutors of the public sphere must be understood as not only consisting of individuals discussing their own position but crucially also of institutional actors, such as organisations of various sizes, types and internal mechanisms, which are typically represented by individuals. In this context, it is important to note that, especially given that deliberations within public spheres increasingly take place in virtual spaces through computer mediated communications, the agents of an institutional actor might be fully hidden from the other interlocutors thus increasingly creating the impression that it is, in fact, the institutional actor itself who is participating in the discussions, as opposed to its agents[56].

This proposed change allows for a number of issues to be brought into the centre of attention: first, the degree of agency that individual agents possess while acting as agents of an institutional actor varies widely between agents and organisations, thus determining, for example, the breadth of possible positions a given interlocutor can take during discussions or the degree to which agents are capable of changing the position of the institutional actor on whose behalf they are acting. As we will see later in this thesis, this appears to be a particularly useful perspective for examining the deliberations within the CAN (especially in cases of friction between member organisation's own positions and emerging consensus within the network) as well as the UNFCCC (where, for example, civil servants negotiating on behalf of their governments receive specific negotiation mandates). Further, and crucial for the normative application of the public sphere theory, conceptualising the membership of that sphere in this way allows for a changing perspective when examining the equity condition that is part of the notion of democratic legitimacy of a public sphere: clearly the presence of institutional actors alongside individuals acting on their own behalf requires a shift in thinking about what the notion of discursive equity means in practice. Again, while it can still be used to assess the special case of the Westphalian

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56 In fact, it might even be the case, that, in the background, a number of different and changing agents are acting on the behalf of the institutional actor. Consider, for example, an organisation's profile on a social networking site. It is typically fully opaque to a visitor who might engage in a discussion on that site which agent, or over the course of a prolonged conversation, how many, possibly changing agents, are acting on behalf of the organisation. This, ultimately creates an impression of interacting with the organisation itself instead of an agent or agents thereof.

state or the specific case of public spheres exclusively made up of natural persons[57], the value of a public sphere model thus expanded lies in its broader applicability and therefore usefulness to examine the (post-Westphalian) international context of the UNFCCC where interlocutors may well represent NGOs or other collective actors.

In my conceptualisation, the public sphere is defined by the all-subjected principle that Fraser already suggested as more appropriately suited than the all-affected principle of Habermas' conceptualisation or other proposals, for example Michael Warner's assertions that a public comes into existence by the mere process of "being addressed" (Warner 2002: 50). However, the implicit assumption that only natural persons can be the subjects is abandoned to explicitly allow for legal persons to be considered parts of the public sphere as well. This makes sense, as we will see, as for example the internal processes within CAN or the deliberations within the UNFCCC can be understood as public spheres and in these cases many, if not close to all, of the interlocutors are not individuals acting in their own behalf but rather institutional actors (or legal persons) which are represented by natural persons. The public sphere is also defined (as illustrated in figure 1) by being the collective starting point of the communicative process that transmits the collectively established public opinion.

It is further important to note, that the theorised relationship between public spheres and their corresponding centre of authority explicitly intends to capture the possibility that different publics might map onto the same centre of authority and further that an entity which is the centre of authority in one configuration might be one of many interlocutors in another setting.

To illustrate these points, I would like to briefly describe how the relationship between CAN and the larger UNFCCC can be so conceptualised; a topic that will receive greater attention within the following chapters. While the internal deliberations within CAN can be seen, so goes the proposition, as taking place in a public sphere of its own right – the public sphere of CAN member organisations – CAN, as a whole, also acts (through various agents) as an interlocutor of a larger public sphere –

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57   The term "natural person" is used here in contrast to "legal person," where the former refers to actual human beings while the latter refers to an institutionalised association of persons which is bestowed with a (albeit typically somewhat limited) legal personhood distinct from that of its constituents. (c.f., for a very early discussion of this phenomenon, Deiser 1908)

the public sphere that is concerned with the political deliberations within the UNFCCC. In the former case – the internal CAN discussions – CAN itself, as a collective entity, is the centre of authority according to the model of public sphere discussed here and the membership of CAN represents the public sphere in question. This example demonstrates the purchase of this extended understanding, especially in terms of translating the public sphere's collective opinion: clearly, CAN does not have the authority required to pass binding laws and enforce them, however this is not the expectation of the CAN-internal public sphere. As will be discussed in greater detail, a substantial portion of CAN internal deliberation is concerned with the question of which policy positions CAN should publicly argue for when it, as it were, acts as a collective interlocutor (represented by agents) in the larger public sphere that is the UNFCCC negotiations. In line with the proposed expansion of the public sphere theory, CAN's unified negotiation stance in the wider political deliberations, then, is the specific case of the abstract "something" that CAN's internal public expects as the outcome of the internal deliberations – its public opinion, as it were – to be translated into.

Likewise, CAN's membership can be regarded CAN's internal public sphere, as it is subjected to the outcome of the translation of its internal public opinion – here unified CAN policy positions. This is due to the expectations – expressed in the CAN Charter, established network practice and implicit norms – that once agreed upon, CAN member organisations typically refrain from advocating positions that are openly contradictory with the unified position[58]. Thus by becoming CAN members, organisations subject themselves to these rules and therefore become members of the CAN-internal public sphere as understood and operationalised through the all-subjected principle. From a normative point of view, the theory now allows for a different demarcation of various publics and allows for normative expectations that have been developed in relation to the public sphere theory, i.e. democratic legitimacy and political efficacy, to be assessed within this demarcation.

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58 To be sure, the CAN Charter explicitly permits member organisations and CAN regional and national nodes to take contradictory positions (albeit not when communication on behalf of CAN) but mandate them to make explicit where and when they decide to do so. However, established informal norms and practices expect CAN members normally to refrain from such activity.

Generally speaking, then, the purpose of this proposal is to be able to conceptualise what appeared during the fieldwork phase and the data analysis to be a multi-layered and overlapping formation of multiple public spheres with multiple centres of authorities that are often in relationship to each other, for example by being counter publics to each other, by being elements of each other, by addressing the same centre of authority or by being publics that are aiming to influence the interlocutors of other publics. This echoes Charles Taylor's notion, as described in chapter 2, of "nested public spheres" wherein "smaller public spheres are nested within larger ones, in the sense that what goes on in the smaller ones feeds into and has an impact on the agenda of the national sphere" (Taylor 1995: 208). Taylor's analysis is a useful starting point (not only for his coining of the apt phrase "nested public sphere"). However, in his characterisation the "smaller" publics are always parts of the larger, national public (he speaks of regionally differentiated publics or those of specific parties or social movements) and aim at the same centre of authority that the larger publics relate to and he always assumes this larger public to be a national public sphere aiming at influencing a Westphalian state. However, the concept of nested, multi-layered and overlapping publics remains useful, especially when imagining a larger variety of possible constellations than those in Taylor's account.

To be sure, this proposal does not intend to advocate a postmodern "anything goes" approach to the empirical analysis, normative critique and democratic practice of the public sphere. Specifically, the proposal does not intend to deny that it is possible that a global demos which is conceptualised as being the public sphere of some sort of global centre of authority might remain the most desirable outcome from the standpoint of normative democracy critique – which would set the bar extremely high for the assessment of normative legitimacy. But regardless of the outcome of such a discussion, it is probably uncontroversial to state that the current configuration of the global does not feature a global demos that comes even near to fulfilling the function of a public sphere on that level (and even if it did it would lack so substantially in, for example, the equity condition that its democratic legitimacy would be all but non-existent). Furthermore, there is considerable doubt whether there is a global centre of authority and even more so whether this centre of authority is suitably equipped with power to fulfil the translation and capacity conditions of political efficacy.

Quite clearly, this arguably desirable situation is all but absent in current empirical reality. However, at the same time, one can clearly observe considerable transnationalisation of problems facing humanity, of discursive spaces wherein possible solutions are discussed and of political activity to address the issues. Given this empirical situation, the proposed development of the theory of the public sphere is intended to allow capturing the multi-dimensional, intertwined and interdependent character of the currently existing phenomena that, in my view, resemble public spheres in the transnational space. It is now also possible to conceptualise public spheres that are concerned with specific, possibly narrow, political issues, while not suggesting that the specific political issue is separate from other political issues.

3.9   Conclusion

This chapter has focussed on the methodological aspects of the research. This included a brief description of my own political identity and highlighted why this identity enabled me to employ the innovative methodological approach to my field especially the aspect of gradually increasing my direct involvement with the work of CAN over time until the status of a fully participating member was achieved. I outlined the scope of the fieldwork and also showed how the ethnographic approach to the field overcomes some of the limitations of previous research, which was based on interviews and document analysis. Further, I described how initial access to CAN was negotiated and how the continuing issue of consent was addressed. I presented the three different, distinct fieldwork settings within which the research has been carried out ("in-session", "virtual" setting and "hybrid" setting) and indicated the specific challenges and opportunities that each of these settings presented to the researcher. I also discussed how the notion of "going native" has been discussed in the literature over time and made the case that "*being*" native can be a desirable position for an ethnographer if the potential conflict between genuine involvement with the group under examination and a necessary critical position as researcher can be resolved.

In "Learning the Language", I discussed how gaining some level of proficiency in understanding international climate change policy and climate science was necessary in order to avoid inadequate interpretations of events, and illustrated this claim by

discussing an example of such an inadequate interpretation from the beginning of the fieldwork period. Finally, after describing the method of data organisation and analysis employed in the research, I proceeded to describe the preliminary theoretical model that emerged during fieldwork and data analysis. The model emphasises the character of the public sphere as a multiple public sphere with a multitude of interdependent, interconnected and nested public spheres. This model is crucially important for fulfilling the dual objective of the research as it is, on one hand, used to structure the presentation of the ethnographic account throughout the following chapters, while it also, on the other hand, represents a further development of the theory of the public sphere which is then used to inform the theoretical analysis of the empirical material.

Chapter 4

Contextualising ENGO Participation in the UN Climate Change Regime – History, Politics and Institutional Make-up of the UNFCCC

The aim of this chapter is to introduce the context within which the fieldwork for this thesis has been carried out – the political negotiations of the UNFCCC between 2007 and 2009. In order to achieve this, I will – in the first part of this chapter – provide a brief history of international climate change politics in the 20th and early 21st centuries, including the circumstances surrounding the creation of the UNFCCC and its Kyoto Protocol. The political landscape within the UNFCCC during the fieldwork phase was characterised by the endeavour to create a post-2012 climate change regime starting with the landmark UNFCCC conference in December 2007 in Bali with a planned completion of that work at the UNFCCC conference in Copenhagen in December 2009. Next, I will therefore provide a sketch of this landscape (and the developments immediately leading up to that phase), whereby particular emphasis will be placed on the issues surrounding carbon market instruments – the substantive focus of this fieldwork.

In the second part of this chapter, I will give substantial attention to the institutional make-up of the UNFCCC – the context within which the participation of ENGOs that constitutes the main focus of the interest of this thesis takes place. In this section, I am first going to focus on the different classes of participants in the process: delegates of parties to the UNFCCC (including their negotiation groupings), non-governmental observers, and observers of the various UN and intergovernmental organisations as well as their relationships to each other and their respective rights within the process. Secondly, the settings of the different negotiation arenas will be described and their characteristics with regards to access and formality as well as their specific role within the evolution of a particular topic within the negotiations will be considered. Lastly, I will introduce the most important types of text that are

used within the UNFCCC as well as their role in helping to "translate" the raw input provided by parties (and to a lesser degree, observer organisations) in the form of submissions and during negotiations into text that can be adopted as collective decisions of the UNFCCC parties. Finally, I will provide a quick summary of the main themes discussed in the chapter.

4.1   A Brief History of Climate Change as an Issue in International Politics

Climate Change as a political issue can now be considered to be firmly established within regional, national, and international politics with a number of sub and sub sub issues – such as climate change mitigation (with the very important and complex sub issue of tropical deforestation[59]), adaptation, the carbon markets, technology and finance transfers etc. – and a variety of links to other policy areas – like international trade and intellectual property rights, foreign aid, energy, security, etc. The rise of climate change as an item on the political agenda has been quite rapid, and the following shall provide a brief historical overview over that process.

The link between increasing carbon dioxide concentrations in the atmosphere from human activity and temperatures on the surface of the Earth has first been proposed in 1896 by Swedish chemist Svante Arrhenius[60]. However, his theory was largely discredited by natural scientists until the second half of the 20th century and certainly did not receive any attention in political circles. The first time "global warming"[61] appeared visibly on the stage of international political was (again in Sweden) on the occasion of the 1972 United Nations Conference on the Human

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59   In the terminology of the climate change negotiations this is referred to as "Reducing Emissions from Deforestation and Forest Degradation" (in developing countries), or REDD.

60   Whose early estimates of the magnitude of that link were surprisingly accurate: Arrhenius estimated the increase in temperature from doubling the CO_2 concentration in the atmosphere to be 2.1C; currently this value (called "climate sensitivity") is believed to be in the range of 2 to 4.5C (IPCC 2007c). It is interesting to note, that Arrhenius considered the greenhouse effect he discovered to be beneficial to humanity since he expected it to prevent further ice ages and contribute to increasing food production to feed the fast growing population of the planet.

61   Global warming was the preferred term in the past. However, since the term only covers parts of the effects expected from climatic change (the overall increase of average global surface temperatures), the more inclusive term "climate change" (which includes other aspects of expected climatic changes such as changing precipitation pattern, increase of frequency and severity of extreme weather events, possible cooling of some regions and so forth. For a detailed description cf. IPCC 2007c; especially its "Summary for Policy Makers") has over time replaced "global warming" and is the preferred term used in this text. In popular use, however, the terms are mutually interchangeable (also c.f. Conway 2008, for a brief discussion of the history and relationship of both terms).

Environment (UNCHE) in Stockholm, the first of a series of large UN conferences on the relationship between humanity activity and the environment. This conference covered a wide range of environmental concerns of the time, such as air and water pollution, acid rain, species extinction, deforestation and so forth and also included global warming as one of the many areas of concern. The conference is considered an important milestone in the genesis of the international institutional structure concerned with environmental protection by, *inter alia*, acknowledging the potentially negative impact of industrial development on the environment, recommending that governments communicate with each other on environmental issue with international implications and, most importantly, the establishment of the United Nations Environmental Programme (Buss 2007).

Despite elevating the profile of global warming to an issue of international importance at UNCHE, it took another 7 years until the First World Climate Conference in Geneva in 1979, which, although rather a scientific than a political conference, concluded that governments should "foresee and prevent potential [hu]man-made changes in climate that might be adverse to the well-being of humanity" (WCC-1 declaration cited in UNEP 2000). Even after that declaration, progress on the issue remained very slow until the end of the 1980s with scientific and political conferences regularly taking place in the second half of the 1980s, for example, the 1985 Villach conference, which helped raise the awareness of the findings of climate science among policy makers (Newell 2000), and the 1988 Toronto Conference on the Changing Atmosphere, which for the first time called for a specific, albeit merely voluntary, target of emission reductions by industrialised nations of 20% of their 1988 levels by the year 2005. The Toronto Conference also established the International Panel on Climate Change (IPCC), the large intergovernmental body of climate scientists who have since then published their Assessment Reports of the state of climate science (in 1990, 1995, 2001, 2007, with the Fifth Assessment Report being due in 2014). It is worth noting that the IPCC is the second international science body on climate change. The first attempt for such a body, the AGGG (Advisory Group on Greenhouse Gases) was abandoned by governments in favour of the creation of a new body since the AGGG was seen to have become too influential and included too much direct advice on the energy policy implications of its findings (Newell 2000).

The IPCC has been described as a "hybrid or borderline organisation between science and policy" (Conrad 2010: 102, own translation) and both of these aspects are reflected in the main aspects of its work: first and foremost, the IPCC is known for its Assessment Reports (ARs), in which the leading climate scientists review and synthesise the current peer-reviewed and published literature in climate science. The ARs consist of the reports of the three IPCC working groups as well as a "Synthesis Report" summarising the contributions of all three working groups. Each of the three working groups is responsible for a certain aspect of the wider area of climate science: "[i.] the physical scientific aspects of the climate system and climate change […, ii.] the vulnerability of socio-economic and natural systems to climate change […] [and, iii.] options for mitigating climate change" (IPCC 2010a). Within each working group, the work is shared by designating two or three Coordinating Lead Authors for each chapter and a larger number of Lead Authors and Review Editors. The individuals serving in these functions are experts from their field and go through a process of nomination (by member governments of the IPCC as well as observer organisations) and selection (by the IPCC bureau). Additionally, contributing authors are involved in managing the work. In addition to and complementing these scientific ARs, the IPCC also produces "Summaries for Policy Makers" for each working group report and the synthesis report of the ARs. These Summaries go through a much more thorough approval process, wherein they are subjected to line-by-line discussion and approval by the IPCC plenary, which consists of delegates of the member states of the IPCC. Like the UNFCCC, the IPCC has grown to near universal membership. Therefore nearly all countries can be involved in this approval process. This line-by-line discussion and approval process acknowledges the much higher policy relevance of these shorter Summaries compared to the much longer, full reports[62] and is instituted to reassure the users of the Summaries "that the Summary for Policymakers […] is consistent with the factual material contained in the under-lying report" (IPCC 2004: 2).

In 1990, the IPCC released its First Assessment Report (FAR), which summarised the state of climate science at that time. The FAR enjoyed a broad level of support and acceptance that led to the agreement, at the Second World Climate Conference (WCC-

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62   For example, the full contribution of Working Group I to the Fourth Assessment Report has a volume of 996 pages, while its Summary for Policy Makers is only 18 pages long (IPCC 2007c).

2) in Geneva in 1990, to use it as the basis for the negotiation of a climate convention. Without dwelling any further on the importance of the IPCC in the climate process, it suffices to point out that this decision – to use the IPCC's reporting as the scientific knowledge base to inform policy making toward an international climate policy regime – cemented the role of the IPCC as the primary source of scientific knowledge for the international climate policy process[63]. The delegates of the WCC-2 also agreed on a number of principle design elements of the future climate convention, namely the principle of "common but differentiated responsibilities and respective capabilities (CBDRRC)" and the "precautionary principle." The principle of CBDRRC acknowledges that countries at different levels of development are responsible for different historical and current contributions to the climate problems and have at their disposal different magnitudes of resources to contribute to solving the issue, while the "precautionary principle" stipulates that lack of scientific certainty cannot be used as an excuse for delaying actions to address the issue at hand.

Following WCC-2, in December 1990 the UN General Assembly formally started the process of negotiating a climate convention by establishing the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC). The INC negotiated and prepared the text of the UNFCCC in time for the 1992 Rio de Janeiro United Nations Conference on Environment and Development (UNCED), also widely known as the Earth Summit, where the UNFCCC was formally adopted and opened for signature, alongside its "sister conventions," the Convention on Biological Diversity and the UN Convention to Combat Desertification. According to Article 23 of the UNFCCC, the convention entered into force in March 1994, 90 days after the 50th signatory country ratified the convention, and the bodies of the UNFCCC (COP, SBI and SBSTA) started their work implementing the convention in 1995. Since then, the UNFCCC has reached near universal membership (the only countries not parties are those whose statehood is not universally accepted, like Taiwan, Palestine, West Sahara etc.).

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[63] In addition to the Assessment Reports, the IPCC reports on a variety of other, often very specific and technical, climate change related topic, often as the result of requests by the UNFCCC when gaps in the knowledge hinder the decision making process in these areas (for an overview, see the "Special Reports" and "Technical Papers" sections in IPCC 2010b).

The UNFCCC is designed to merely be a *framework* convention and does not contain any specific binding emission targets – its "ultimate objective" is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (UNFCCC 1992: Art. 2) without any specific provisions on what those levels might be and how to specifically implement this objective. Therefore, over time, the UNFCCC established a number of temporary ad-hoc groups and permanent subsidiary bodies to advance the work on the implementation of the convention, i.e. to translate the UNFCCC's political declaration of intent into actual practical policies. Figure 2 below shows the development of these bodies over time.

The Convention itself does contain references to specific targets, namely the return to 1990 emission levels by 2000, but the phrasing of that reference is generally understood not to establish a legally binding target – the Convention merely speaks of "the *aim* of returning […] to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases" (own emphasis, UNFCCC 1992: Art. 4.2.b). Thus, one of the first main tasks of the convention bodies was the negotiation and adoption of an additional instrument to legally enshrine specific targets. To advance toward this goal, the first Conference of the Parties of the UNFCCC (COP1) in Berlin in 1995 established the Ad-hoc Group on the Berlin Mandate (AGBM) to negotiate such an instrument. The AGBM finalised its work by COP3, in Kyoto in 1997, and the protocol which had been prepared by the AGBM was subsequently adopted as the Kyoto Protocol.

The main feature of the Kyoto Protocol is a specific target for greenhouse gas emission reductions in industrialised countries, namely a collective 5.2% emission reduction compared to 1990 levels to be achieved by the "first commitment period" in 2008 to 2012. Based on the convention's principle of "common but differentiated responsibilities and respective capabilities" (CBDRRC), the convention, and thus the Kyoto Protocol, differentiates between two groups of countries: Annex I countries and non-Annex I countries. Annex I countries, thus labelled since they are listed in Annex I to the convention, are advanced western industrialised countries (specifically, those countries that were members of the OECD in 1990 when the negotiation process commenced) plus the formerly socialist countries of Central and Eastern

Europe (known to the convention as "countries with economies in transition to a market economy"(EIT countries)).

The Kyoto Protocol covers a certain limited list of greenhouse gases (contained in its Annex A). Since carbon dioxide (CO_2) is the most important one of these gases (the others being methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride) the emissions of these other gases are converted into "carbon dioxide equivalents" (CO_2e) based on their "global warming potential." For example, one ton of emissions of the hydrofluorocarbon HFC-23 equals 11,700 tons of CO_2e since HFC-23 has 11,700 times more impact on the greenhouse effect as the same amount of CO_2. The Kyoto Protocol also created a number of "flexibility mechanisms" to reach these emission reduction commitments, namely Emissions Trading (ET), Joint Implementation (JI) and the Clean Development Mechanism (CDM) which will be described in more detail later. Despite being adopted by COP3 in late 1997 and signed by a large number of UNFCCC parties, it took over seven years for the Kyoto Protocol to enter into force. This was due, first, to missing specifics about some of the elements of the Protocol, such as the specific rules for accounting for emissions and carbon dioxide sequestration by forestry and agriculture, the process details governing elements of the Protocol such as the CDM and other flexibility mechanisms and so on. The process of negotiating and adopting these rules took another 4 years until COP7 in Marrakesh in 2001 adopted the Marrakesh Accords, which contain all the specifics that were missing from the Kyoto Protocol.

The second reason for the long delay for the entry into force of the Kyoto Protocol was the requirement that the protocol had to be ratified by enough Annex I parties to represent at least 55% of the total emissions of Annex I parties in 1990. After the Marrakesh Accords were adopted, a large number of signatories to the Kyoto Protocol ratified the Protocol within a few months' time. Crucially, however, the Russian Federation and the USA (among a few others) did not initially ratify the Protocol, making it impossible to reach the required 55%. This threshold was exceeded by the

ratification by the Russian parliament in November 2004, three years after COP7 in Marrakesh, and the Kyoto Protocol entered into force in February 2005[64].

4.2   UNFCCC Politics During the Fieldwork Phase

The fieldwork for this thesis took place during the period just before the 2007 Bali Climate Change Conference (COP13) up to and including the 2009 Copenhagen Climate Change Conference (COP15). The main objective of the negotiations during that period was to come to an agreement about the future of the international climate change regime after 2012 in which year the first commitment period of greenhouse gas emission reduction commitments for industrialised countries (2008-2012) under the Kyoto Protocol would end. Media stories routinely (and incorrectly) reported 2012 as the year in which the Kyoto Protocol would "expire" (for example, BBC Online 2007). On the contrary, however, the architecture of the Kyoto Protocol does not include any expiration date and parties to the Protocol will continue to be bound by its provisions. Furthermore, the Protocol was explicitly negotiated with the expectation of a continuation for subsequent commitment periods.

The negotiations on the reduction targets and other aspects of the second commitment period started in 2005 in Montreal, Quebec when COP11[65] established the Ad-hoc Working Group on Further Commitments of Annex I Parties (AWG-KP). In accordance with Art 3.9 of the Kyoto Protocol, which stipulates that negotiations for the second commitment period should be initiated at least seven years prior to the end of the first, the AWG-KP was tasked with negotiating the targets and modalities[66] for Annex I countries for the second commitment period from 2012. COP11 also

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64   Meanwhile, like the Convention itself, the Kyoto Protocol has achieved near universal membership, with – at the time of writing – the notable exception of the USA (which also have repeatedly and under different administrations reaffirmed their position to never ratify and remain the only signatory to the protocol not having done so) as well as Afghanistan and Andorra.

65   More precisely, it was CMP1 – CMP stands for "Conference of the Parties of the Convention serving as the Meeting of the Parties to the Kyoto Protocol" –, which is meeting in parallel to the COP since the entry into force of the Kyoto Protocol.

66   It is not consensus among the parties whether anything else but the quantitative targets is within the mandate of the AWG-KP, i.e. whether the modalities are also to be negotiated within the group. Most vocally, China has denied this interpretation while Annex I countries have insisted that additional areas (most importantly the *means* of reaching these targets, e.g. new and improved flexibility mechanisms and altered rules for forestry and agriculture) are part of the mandate of the group. Despite the differences, the group has discussed a variety of topics that went beyond the narrow interpretation of its mandate.

established the "Dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention," an informal platform for countries to share views and exchange experiences and ideas on how, besides a second commitment period under the Kyoto Protocol, the international response to climate change could be further advanced in the future.

The Dialogue had its last session at the first UNFCCC meeting attended during the fieldwork, in August 2007 in Vienna and was subsequently upgraded to a formal negotiation body, the Ad-hoc Working Group on Long-Term Cooperative Action (AWG-LCA), at the 2007 Bali Climate Change Conference (see also figure 2 below). Both the Dialogue and the AWG-LCA were seen to be important negotiation spaces for the development of the overall post-2012 climate regime since they allowed for the conversation on the role of the USA in a future climate change response as well as opening up a space to talk about possible increased contributions toward climate change mitigation by so called emerging economies such as China, India, et al[67].

After a failed COP12 in 2006 in Nairobi (the Nairobi COP has typically been characterised as mere "talking about talks," Bals 2007: 11), climate change enjoyed an increased level of public concern following the publication of the IPCC Fourth Assessment Report (AR4) in spring 2007, which laid out in detail the likely effects of unmitigated climate change as well as the magnitude of a response to the problem required to avoid these effects. The joint award of the Nobel Peace Prize to the IPCC and Al Gore[68] and widely publicised events such as the "LiveEarth" international series of pop concerts on July 7th, 2007 further helped to raise the profile of climate change on the public agenda. In addition, the UN General Assembly's (UNGA) first

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67   Both, the USA and all developing countries, are – albeit for very different reasons – not required by the Kyoto Protocol to implement emission reductions targets and, consequently, any outcome of the AWG-KP regarding the second commitment period of the Protocol would not apply to these countries.
      For the USA, the reason is its non-ratification of the Protocol (and its insistence, under both republican and democratic administrations, that it will never do so) while developing countries enjoy this status due to the Protocol's implementation of the Convention's principle of common but differentiated responsibilities and respective capabilities (CBDRRC), which would remain in place during subsequent commitment periods of the Protocol as well.
68   The prize was awarded to the IPCC since it "has laid the scientific foundations for our knowledge about climate change," not least by publishing the AR4 in the year in which it was awarded the price, while Gore was "in the opinion of the Norwegian Nobel Committee the single individual who has done most to prepare the ground for the political action that is needed to counteract climate change" (The Nobel Foundation 2007), especially for his book, film and associated speaking series "An Inconvenient Truth" (Gore 2006).

ever session devoted exclusively to climate change was held in July/August 2007, which further helped raise the profile of the issue with numerous states making political commitments to take decisive steps to address the issue. Benefitting from that increased level of public attention and support as well as the strong and clear message of the UNGA, COP13 in Bali in December 2007 resulted in an important outcome, the Bali Road Map and, at the centre of the Road Map, the Bali Action Plan (BAP), a comprehensive mandate to advance negotiations towards a post-2012 climate regime to be completed by COP15 in Copenhagen in 2009[69]. The Bali Action Plan also specified some of the guiding principles of these negotiations. For example, in referring to the IPCC's AR4, it suggested that the range of 25% to 40% of emission reductions by 2020, compared to 1990 levels, should be considered for Annex I in the negotiations of the AWG-KP (Bals 2008; for a more detailed discussion of the outcomes of the Bali conference including assessments of the outcome with respect to the negotiations between Bali and Copenhagen, c.f., for example, Ott et al. 2008).

The BAP, in its Article 1.b, also outlines the principles for the negotiations under the AWG-LCA – the negotiation space for, inter alia, the contributions to climate change mitigation by the USA and developing countries. Against strong objections by the USA, the BAP anticipates for the USA[70] mitigation commitments of a similar nature to those of the other Annex I countries: the phrase "quantified emission limitation and reduction objective" (QELRO) is used, which generally refers to Kyoto-style commitments, and the text also stipulates that the US contributions have to "ensure the comparability of efforts among [Annex I parties]" (UNFCCC 2007b: Art. 1.b.i). These strong objections were only dropped after UN Secretary General Ban Ki-Moon flew in from nearby East Timor to remind delegates in a very stern and very brief speech (Ban 2007) of the political commitments their governments had made a few months prior at the UN GA and after the US were famously told by the delegate from Papua New Guinea to "get out of the way" if they refused to lead (or even just

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69   The 2009 deadline for negotiations was seen as important to avoid a "gap" between commitment periods. It was generally accepted that the adoption of the post-2012 policy package was required to give parties enough time to ratify that package so it could enter into force before the end of the first commitment period of the Kyoto Protocol in 2012.

70   Or rather, in the actual text of the BAP, for "all developed country Parties". However, since all other developed countries have ratified the much more stringent and legally binding Kyoto Protocol, this phrase is generally seen to be the "placeholder" for the USA which was expected to engage more fully in the negotiations after an anticipated change in administrations following the November 2008 presidential elections in that country.

follow) in the matter. Developing countries, on the other hand, agreed to negotiate their own actions of climate change mitigation for the post-2012 period, thus making a large good-faith gesture toward developed country parties by agreeing to open up for negotiation the important distinction between Annex I countries that were expected to perform mitigation actions and non-Annex I countries that were, in recognition of the CBDRRC principle and their acknowledged preoccupation with poverty eradication, not required to do so. The BAP also stipulates that these mitigation actions by developing countries could expect to be "supported and enabled by technology, financing and capacity-building" (UNFCCC 2007b: Art. 1.b.ii) by developed countries, thus expressing the willingness of developed countries to provide and the expectation of developing countries to receive in exchange for enhanced mitigation action, financial, technological and capacity-building assistance to achieve this mitigation.

The third main component of the BAP was the launch of a negotiation process aiming at the creation of a comprehensive REDD regime (Reduction of Emissions from Deforestation and Forest Degradation) under the UNFCCC by COP15 in Copenhagen in 2009. These negotiations were also tasked with resolving all associated issues such as financing, accounting, or verifiability of such a regime. This step recognised the large role that tropical deforestation and forest degradation play in respect to climate change[71] and was taking toward the deliberations on the topic that were already launched at COP11 in Montreal to the next level. In addition to these three main streams, the Bali Road Map also mandated negotiations on a number of related themes such as financing, technology transfer, and the role of Intellectual Property Rights.

In order to achieve this ambitious work programme, the number of UNFCCC sessions was significantly increased for this two-year period, with four (instead of regularly two per year) sessions taking place in 2008 and five sessions in 2009.

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71 Nearly 20% of greenhouse gas emissions from human sources are due to tropical deforestation and forest degradation (Parker et al. 2008). The distinction between deforestation and forest degradation is one of degree: forest degradation describes the process in which natural forest loses some, but not all, of its tree cover (depending on the specific definition, at least 10%-30% of an area has to be tree covered to still be considered a forest), for example due selective logging. Deforestation, on the other hand, describes the process of conversion of forested to non-forested land (i.e. no tree cover or less than 10%) and can thus be understood to be the extreme case of forest degradation.

Fieldwork followed most of these sessions in 2008 and a number of the sessions in 2009, as already detailed in the previous chapter (also cf. table 1). The last UNFCCC session that I attended as part of this fieldwork was COP15 in Copenhagen in December 2009, which was expected to complete the work programme of both the AWG-KP and AWG-LCA – but famously failed to do so –, in order to create a comprehensive agreement that would establish the climate regime for the post-2012 period.

Figure 2: Negotiation Streams Related to the UNFCCC Over Time (1990-2010)

INC	COP																			
															CMP					
				SBSTA																
				SBI																
				AGBM																
				AG13																
															AGW-KP					
															Dialogue		AWG-LCA			
90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10

↑ UNFCCC adopted   ↑ Kyoto Protocol adopted   ↑ Kyoto Protocol entry into force

↑ UNFCCC entry into force   ↑ Marrakesh Accords
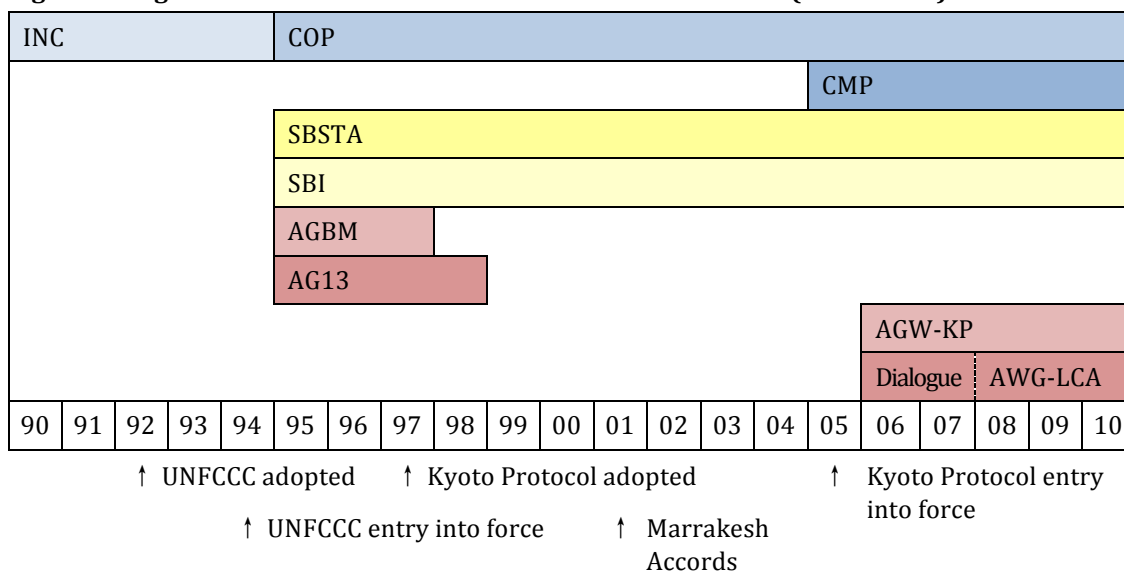
Notes: INC=Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, COP=Conference of the Parties (of the UNFCCC), CMP=Conference of the Parties Serving as the Meeting of the Parties of the Protocol, SBSTA=Subsidiary Body on Scientific and Technical Advice, SBI-Subsidiary Body on Implementation, AGBM=Ad-Hoc Group on the Berlin Mandate, AG13=Ad-Hoc Group on Article 13, AWG-KP=Ad-Hoc Working Group on Further Commitments of Annex I Parties under the Kyoto Protocol, AWG-LCA=Ad-Hoc Working Group on Long Term Cooperative Action under the Convention

Since its creation, the UNFCCC regime and the negotiations of its bodies have quickly increased both in scope and complexity. Therefore, most party and NGO delegations as well as party groupings have developed a system of separation of labour wherein certain groups or individuals would follow and specialise in specific areas within the UNFCCC regime, including creating closer relationships with the experts in the same area of other parties, NGOs etc. This system, however, presents a major problem to delegations of poorer countries, which often only comprise very few members or even just a single person. The UNFCCC covers participation of only two or three (in the case of least developed countries and small island states) delegates from developing countries. In addition to having to cover the entire spectrum of issues related to the UNFCCC, climate change often only represents one part of the overall responsibilities of these individuals thus making it even harder to effectively follow

and engage in the negotiations (conversation with delegate of the government of Afghanistan, field note, Bangkok, 3 Apr 2008, c.f. also Lohmann 2006: 50).

These specific areas are also often more formally reflected as they map onto individual agenda items of the official negotiation agenda and formal negotiation groups such as contact groups. As an example, CAN-I has issue based working groups in REDD, Annex I LULUCF (which mainly deals with forestry in industrialised countries), technology, finance, flexible mechanisms, bunker fuel emissions (emissions from international shipping and air traffic), legal matters, mitigation and adaptation. Similar working groups exist in other NGO groupings like Climate Justice Now! or within party delegations and party groupings, such as the EU or the "G77 and China" (see also sections "Parties" and "Observer Organisations," respectively, in the second part of this chapter).

Due to this high complexity and wide scope of the UNFCCC negotiations, the context of my fieldwork had to be limited as well and thus was mainly focussing around issues relating to carbon market instruments, or "flexible mechanisms," (while also maintaining a general sense for the "bigger picture" of the negotiations). Thus, it is prudent to provide a brief overview over this specific area within the wider UNFCCC negotiations.

4.3   The Carbon Market Instruments of the UNFCCC Regime

Carbon market instruments were introduced to the UNFCCC regime mainly by the initiative of the USA during the negotiations of the Kyoto Protocol. The USA has had some prior success using emissions trading approaches in order to reduce its national sulphur dioxide emissions in the 1990s to address the problem of acid rain and was therefore suggesting a similar approach to reduce GHG emissions in all developed countries. Despite initial strong objections by most developing countries, the EU and most ENGOs, trading became a central component of the Kyoto Protocol and many of the past objectors became strong supporters of the concept, for example the EU consequently established the world's largest marketplace for greenhouse gas emissions trading, the EU Emissions Trading Scheme (EU ETS). As mentioned, the Kyoto Protocol obligates developed countries to collectively reduce their emissions by an average of 5.2% in the period 2008-2012 compared to their 1990 levels. Three

different forms of emissions trading were included in the Kyoto Protocol to allow countries some flexibility in reaching these reduction targets – they are therefore called Flexible Mechanisms or Flexibility Mechanisms – instead of having to carry out all of the mandated reduction in their own country.

The basic assumption which underlies any such trading lies within the observation that the impact of greenhouse gases on the climate system is largely independent of the location where the gases are emitted and, therefore, the location where emission reductions are implemented does not carry much significance either. For that reason Annex I countries can use flexible mechanisms to fulfil their reduction obligations in addition to domestic reductions in their own country through i) emissions trading (ET), ii) joint implementation (JI) of reduction projects or iii) projects under the Clean Development Mechanism (CDM). One of the stated objectives of these flexible mechanisms is to ensure that emission reductions are first carried out where they can be realised in the most cost effective and easiest manner. In all three cases the means to achieve this is the issuance of emission certificates that can then be traded. Each of these certificates entitles the holder to emit one tonne of carbon dioxide equivalents[72]and thus emitters in Annex I countries can decide– dependent on the current market value of these emission certificates – if it is more economical to reduce their emissions themselves or buy the emission rights needed to meet their legal emissions reduction or limitation obligations (or, in fact, overachieve with respect to their emission reduction obligations and subsequently have spare emission certificates for sale on the market).

Apart from this shared feature of issuance and trading of emission certificates for the purpose of compliance with Kyoto obligations, emissions trading and JI differ from the CDM mainly in the origin of the certificates traded: unlike their JI and ET equivalents (where both trading partners are developed countries), CDM certificates originate from CDM projects in developing countries (in CDM context "host countries') which are not listed in Annex I of the convention and are, thus, not subject to emission limitations themselves. From this follows the necessity that all emission certificates that are generated through CDM projects must represent actual emission

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[72] For the concept of "carbon dioxide equivalents" see the glossary or the section on the history of the climate change regime above.

reductions that would not have happened in the absence of the CDM project activity. In CDM terms these projects would be "additional," or feature "additionality." The accurate assessment of this additionality as well as the amount of the additional emission savings is crucial for the CDM projects if they are to really contribute to a reduction of global greenhouse gas emissions in the context of the reduction obligations of the industrialised countries. Since every CDM certificate (called Certified Emission Reduction, or CER) entitles the holder to emit one tonne of carbon dioxide equivalents, each non-additional certificate would result in one tonne not saved in industrialised countries and therefore each misjudgement of the additionality of CDM projects would lead to an actual increase in global greenhouse gas emissions (for more thorough discussions of the concept of additionality see, for example, McCully 2008; Schneider 2007; Wara and Victor 2008).

The CDM has not only been set up to facilitate the inclusion of developing countries in the carbon market and to achieve the goal of reducing the level of global emissions of greenhouse gases but also has the explicit goal (UNFCCC 1997: 11) of contributing to sustainable and low-emission economic development in the host countries by encouraging investment in sustainable development projects. Emission reduction and sustainable development are therefore often called the "twin objectives' of the CDM. Article 12.2 of the Kyoto Protocol mentions sustainable development even before the CDM's objective to function as an emission offset for developed countries and the name of the mechanism also suggests that the development aspect is supposed to play an important role. However, there is no generally applied definition of "sustainable development' in the CDM; rather the host country is charged to assess whether a given project contributes to sustainable development. Through its general design the CDM can even in the best case (if, and only if, the emission reductions of the CDM project are indeed additional) only compensate for the emissions from industrialised countries without providing an additional benefit for the climate. The South Korean climate negotiator Chung maintains that for that reason the "CDM is an 'emission shifting' mechanism, not an 'emission reduction' mechanism"(Chung 2007: 172).

4.4   Developments in Carbon Markets During the Fieldwork Phase

During the fieldwork phase, carbon market related issues were taken up in a variety of UNFCCC bodies and agenda items. Similar to most other policy areas within the UNFCCC during the fieldwork period, carbon market instruments were considered as part of the emerging post-2012 climate but there was also on-going negotiation of outstanding issues relevant to the implementation of the flexible mechanisms of the Kyoto Protocol in its first commitment period.

In this latter category, SBSTA – the Subsidiary Body for Scientific and Technical Advice, one of the subsidiary bodies established under the COP – continued to consider proposals for inclusion of several controversial new project types (specifically nuclear power generation and CCS[73] as well as HFC23 destruction from new plants[74]) as eligible CDM project types, which have been agenda items on the SBSTA agenda for many years, being carried over from one session to the next due to the Parties' inability to reach consensus on these issues. Further, in relation to the Kyoto Protocol, a standing agenda item of the CMP agenda is called "issues relating to the clean development mechanism" (e.g., UNFCCC 2010a) under which the report of the CDM Executive Board (CDM EB) – the body responsible for the day to day implementation and decision making regarding the CDM – is considered and typically "further guidance" to the Executive Board provided. Such "further guidance" generally instructs the Board on areas like establishment of policies regarding conflict of interests of board members, requests for review of certain CDM methodologies etc. During the period covered, at CMP4 in Poznań, parties also used this agenda item to introduce a new controversial project type – Forests in Exhaustion[75] – which was

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73   CCS is short for Carbon Capture and Storage, an acronym that refers to procedures to capture the carbon dioxide that is released in the process of burning fossil fuels and is then pumped into geological storage formations underground or under the sea bed. These procedures are controversial since (among other reasons) the technical feasibility and safety has not yet been demonstrated on a large scale.

74   The destruction of the very potent greenhouse gas HFC23, a by-product of the production of the refrigerant HCFC22, in *existing* facilities is eligible for the CDM – in fact it represents the majority of emission reductions implemented through the CDM (cf. Holz 2010). However, the eligibility of the destruction of HFC23 in *new* HCFC22 production facilities, i.e. those that were established after the cut-off year 2000, is controversial since the large profits that this specific project type promises is said to create perverse incentives to increase HCFC22 production (and thus HFC23 pollution) artificially in order to be able to then earn by abating that pollution (CDM Watch 2010; Forelle 2008; Gronewold 2009; Wara and Victor 2008).

75   See footnote 101, on page 185 in chapter 5 for a more detailed description of this concept.

later at CMP5 in Copenhagen referred to SBSTA and thus probably added to the list of CDM related items that are forwarded from one session to the next due to lack of agreement[76].

Further, Article 9 of the Kyoto Protocol mandates the COP to review, based on "the best available scientific information and assessments on climate change and its impacts, as well as relevant technical, social and economic information" (UNFCCC 1997: Art 9) whether the Protocol is still sufficient to fulfil its purpose or whether additional actions or amendments have to be undertaken. During the fieldwork phase, the second such "Article 9 Review" of the Kyoto Protocol was initiated at CMP3 in Bali, carried out throughout 2009 and concluded without agreement on actions to be taken, despite very emotional interventions from many developing countries in the closing plenary of CMP4 in Poznań. The Article 9 Review included several elements related to flexible mechanisms including improvement of the regional distribution of the Clean Development Mechanism[77] and the expansion of the "Share of Proceeds" to ET and JI. The "Share of Proceeds" is the main funding source of the Adaptation Fund, a fund established under the UNFCCC tasked with "assist[ing] developing country Parties that are particularly vulnerable to the adverse impacts of climate change to meet the costs of adaptation" (UNFCCC 2006b: 1). The "Share of Proceeds" on the CDM, is a 2% levy on most CDM transactions, and during the review of the Kyoto Protocol, developing countries unsuccessfully sought to extend this arrangement to the other flexibility mechanisms, Emissions Trading and Joint Implementation.

In addition to these areas, the main conversation regarding flexible mechanisms was related to the emerging post-2012 climate regime. Here, discussion mainly took place under the AWG-KP agenda item of "analysis of means to reach emission reduction targets" of developed countries. Flexible mechanisms are included in this agenda item since they are, besides domestic emission reduction, among the main

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76 There is some indication, however, that the introduction of Forests in Exhaustion (FiE) as a project type might have been a strategic step in order to break the dead lock of the discussion on some of the new project types in SBSTA since the main proponents of FiE have traditionally been the main opponents of CCS in CDM and vice versa. This first became evident when these two items were linked by putting them in the same paragraph of draft text and within the same bracket within that paragraph (field note, Poznań, 3 Dec 2009).

77 75% of all registered CDM projects are situated in just four countries - China, India, Brazil and Mexico – while in contrast only 1.5% are registered in Sub-Saharan Africa (80% of which in South Africa) (Holz 2010), thus effectively excluding these countries from the carbon market under the Kyoto Protocol.

ways of complying with emission reduction or limitation targets. Under this agenda item, many parties sought to expand the scope of the flexible mechanisms, particularly those mechanisms that generate offset credits from non-Annex I countries. In that context, parties tabled a large number of proposals during the initial negotiation rounds of the AWG-KP, including, for example, proposals to generate credits from "sectoral approaches" or multi-project baselines[78]. Negotiations under this item also included some measures to improve the "environmental integrity" of the flexible mechanisms, for example by discounting credits issued[79] or by limiting carry-over and banking of emission credits or allowances. The section "text" in the second part of this chapter, and in particular table 4 in that section, reviews in more detail how these proposals of parties evolved from "raw" input as written submissions to the UNFCCC and verbal statements during the sessions to formal negotiation text and draft decisions.

As mentioned, the AWG-KP did not finalise its work programme by the original deadline at the end of the fieldwork period at COP15 in Copenhagen. Since COP15 also created substantial uncertainty with regards to the continuation of the Kyoto Protocol after 2012, which is a prerequisite for the implementation of any decisions taken by the AWG-KP, it is not possible at the time of writing to foresee the final outcome of this political process. However, it seems very likely that some of the elements pursued by parties in the AWG-KP negotiations during the fieldwork period, for example sectoral approaches to emissions crediting and trading, will in some form be implemented in a post-2012 climate regime. Such implementation could take form either as part of a second commitment period of the Kyoto Protocol, a new Protocol or instrument that might emerge from the AWG-LCA track, or as a result of unilateral

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78   Under sectoral approaches whole sectors of economies, such as power generation, steel, cement, transportation and so on would be credited if they were to emit less greenhouse gases than mandated under an a priori agreed threshold (as opposed to the single project-based character of the traditional CDM).

79   To illustrate, a fictitious 10% discounting factor would mean – if applied at the supply side, i.e. host country – that 10 tons of avoided CO_2eq would only generate enough certificates to allow emission of 9 tons of CO_2eq. Likewise, if applied to the demand side, an emitter in an Annex I country would have to purchase 10 certificates in order to be allowed to emit 9 tons of CO_2eq.
Carry-over and banking of credits, on the other hand, refers to the ability of parties to carry over any un-used credits from the first commitment period to the next, i.e. to use unused credits from the 2008-2012 period to fulfil their new commitments in the post-2012 regime. This is in particular a controversial issue relating to AAUs (Assigned Amount Units – the basic units of allowance issued to Annex I parties corresponding to their allowed level of emissions) of the former USSR countries, whose AAU allocation far exceeds their actual emissions due to the post cold war collapse of their industrial sectors.

usage of these mechanisms by parties to fulfil their pledges if a pledge-and-review regime as envisioned in the Copenhagen Accords should emerge as the main element of the post-2012 climate regime.
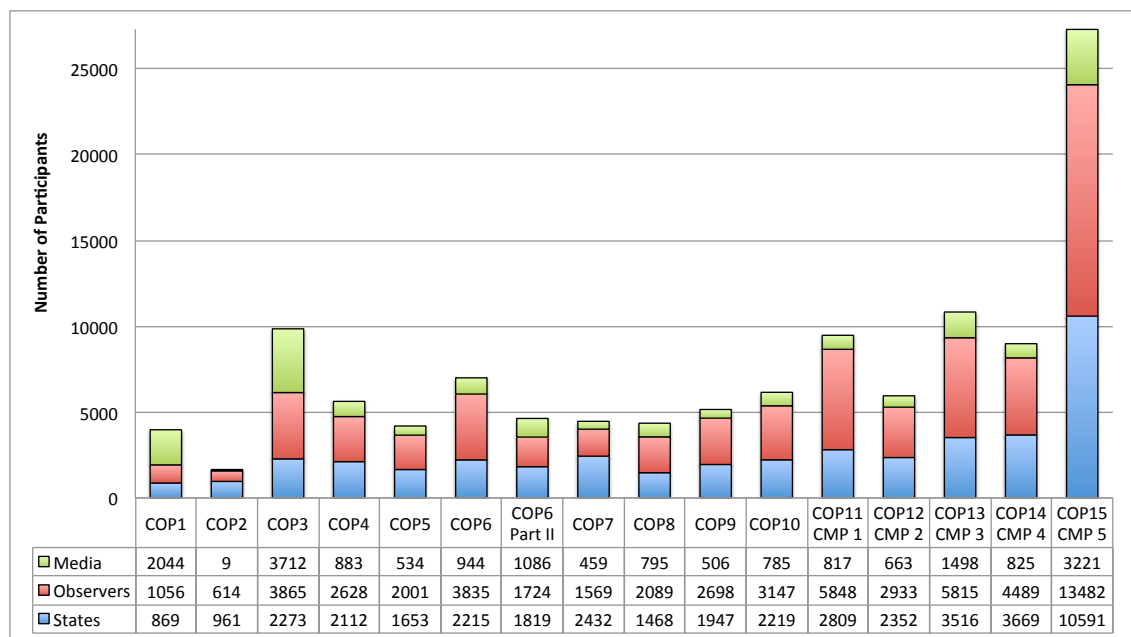
4.5   The Institutional Make-up of UN Climate Change Negotiations

In addition to the historical background of the genesis of the current UNFCCC regime and the political developments in the lead-up to and during the fieldwork phase, this second part of the chapter will examine the general institutional make-up of the UNFCCC negotiations, which is important to provide a clear understanding of the context within which this fieldwork took place. First, the different classes of "participants" of the UNFCCC negotiations and their respective rights and roles as well as their relationships to each other will be introduced. In a second step, the main "negotiation arenas', that is, the main settings within which the actual deliberations and conversations take place, will be laid out and their main characteristics with regards to openness of access, transparency and formality will be discussed. Finally, a brief description of the role of "text," and the different types of text, will be provided including a summary of the evolution of ideas in text from raw input provided by parties to negotiation texts and draft decisions.

4.5.1   Participants: Parties, Observer Organisations and the Media

4.5.1.1   Parties

First and foremost, the UNFCCC is a negotiation process among its parties. Party delegations therefore represent the central, albeit not always largest, group of participants (see figure 3 below – the number of observers exceeds that of party delegates at each of the COPs except for COP2, COP6 (Part II) and COP7). With near universal membership, the parties of the UNFCCC represent a large diversity of different positions on the climate change issue and its many complex sub-issues and, crucially, a large diversity of actors with different economic and political situations, size, population, and position within the global structure of economic and geopolitical power.

Figure 3: Participation Breakdown at COPs (COP 1 - COP 15)

	COP1	COP2	COP3	COP4	COP5	COP6	COP6 Part II	COP7	COP8	COP9	COP10	COP11 CMP 1	COP12 CMP 2	COP13 CMP 3	COP14 CMP 4	COP15 CMP 5
Media	2044	9	3712	883	534	944	1086	459	795	506	785	817	663	1498	825	3221
Observers	1056	614	3865	2628	2001	3835	1724	1569	2089	2698	3147	5848	2933	5815	4489	13482
States	869	961	2273	2112	1653	2215	1819	2432	1468	1947	2219	2809	2352	3516	3669	10591

Source: own representation of data from UNFCCC 2011

The main differentiating feature of parties, with respect to the UNFCCC, is whether they are Annex I parties or not. Annex I to the Convention lists parties that were, at the time of the negotiation of the convention framework, considered to be further developed than the others and thus both more responsible for creating the problem of climate change and more capable of contributing to the effort of its solution. Annex I includes the countries of the Organisation for Economic Co-Operation and Development (OECD) as of 1990 (i.e. the advanced industrial economies of Western Europe as well as the USA, Canada, Japan, Australia and New Zealand) as well as the former socialist countries of Eastern and Central Europe; with the former being also listed in Annex II, while the latter are considered countries with "Economies in Transition," or EIT countries, and therefore not included in Annex II. The convention principle of CBDRRC (common but differentiated responsibilities and respective capabilities) demands that Annex I countries take the lead in reducing their greenhouse gas emissions in acknowledgement of their greater historic responsibility. In addition, Annex I countries that are also listed in Annex II are required to provide financial means to cover the cost of non-Annex I parties to fulfil their requirements under the convention (for example, with regards to regular reporting on implementation of the convention) as well as for promoting capacity building and technology transfer. In general, in UNFCCC documents the term "developed country" is roughly synonymous with Annex I country while "developing country" is equal to non-Annex I country.

While within the UNFCCC negotiations, as in many other UN institutions, every party *formally* has the same amount of power as any other, the *de facto* power within the process varies massively between different parties. The COP of the UNFCCC has never adopted its own rules of procedure even though every single COP deals with the adoption of the draft rules of procedure as one agenda item. The draft rule which parties cannot agree on is draft rule 42 on voting, which envisions voting to be carried out if consensus cannot be reached. In that case every party would have one single vote and decisions could be made with a 75% majority of votes. It is established practice within the UNFCCC that the draft rules (except the controversial rule 42) are "applied" (rather than adopted) at each of the sessions. However, in the absence of a rule which would codify the specifics of voting, COPs and all other bodies of the UNFCCC can, and do, never take a vote and therefore they operate on a de facto consensus requirement with every party wielding formally the same amount of power to veto (or rather: refuse to join the consensus for) any decision (Yamin and Depledge 2004, especially p. 433). In practice, the actual power of a party in the process influences whether (and how frequently and sincerely) it will exercise this power. For example, industrialised countries generally wield more power due to their overall economic and geopolitical position as well as process internal factors such as larger and more highly skilled delegations and are thus frequently seen blocking consensus until the negotiations have moved substantially in their favour. On the other hand, the members of the Alliance of Small Island States (AoSIS; cf. also the section entitled "Parties" in the second part of this chapter) successfully managed to mould their unique situation with regards to projected climate change impacts – including the predicted disappearance of much, in some cases, all of their nations' territory – into a position of moral authority, and have thus acquired a degree of power within the UNFCCC process (this example will be discussed in much more detail in chapter 6 of this thesis).

Furthermore, whether a party can actually exercise its "veto" power also depends on other process related aspects; for example, since no universally accepted definition of "consensus" exists (the "literal meaning equates with 'common feeling' or 'concurrence of feelings'", Depledge 2005: 91), the interpretation of that concept by the chair of a meeting can become a central factor. This happened in the famous example of the adoption of the Kyoto Protocol, where the president of the COP

"gavelled through" the crucial part of the final meeting, ignoring Saudi Arabia raising its flag to indicate a request to take the floor, no doubt in order to raise its objections to the adoption of the protocol (cf., for example, Depledge 2005: 98–99 for an account of these events). Furthermore, in order to voice objections, obviously party delegates must be physically present at the meeting in question, which, given that UNFCCC negotiation sessions often feature many parallel events, clearly favours the larger and better-resourced delegations over others.

Within the UNFCCC process there are some measures in place that seek to overcome some of this power differential. First, the UNFCCC's Trust Fund for Participation, established by UN General Assembly resolution 45/212, funds the participation of one delegate for each eligible[80] developing or EIT country and two participants from small island states if funds permit. The Trust Fund is funded by voluntary contributions mainly by developed country parties, which introduces an element of unpredictability to the funding, but it has nonetheless for the most part been sufficiently endowed to fulfil its function. However, the limiting to one or two delegates means that, while able to participate at least to some degree, delegation from poorer developing countries are still in a disadvantaged position with regards to attending parallel events, or with regards to being able to practice a separation of labour within a delegation to cover all the different, highly complex and technical issues and sub-issues of the negotiations.

This is partly overcome by means of coalitions, or party groupings, in which parties voluntarily come together to formulate and advance common policy positions within the process[81]. The largest among the main party groupings is the "G-77 and

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80   The eligibility is based on per capita GDP of each country. In 2005 the eligibility threshold was $6,500 of per capita GDP in 2000, with a higher threshold of $10,000 in place for small island nations (Depledge 2005).

81   The negotiating blocs are distinct from the organisation of the parties in the five regional groups typical in the UN process, "namely African States, Asian States, Eastern European States, Latin American and the Caribbean States, and the Western European and Other States (the "Other States" include Australia, Canada, Iceland, New Zealand, Norway, Switzerland and [as an observer] the United States of America, but not Japan, which is in the Asian Group)" (UNFCCC 2010b). However, these regional groups also play an important role in the UNFCCC process, namely for establishing proper regional representation when electing officers for the various Bureaux and similar bodies of the convention, such as the CDM Executive Board (CDM-EB). One distinction of the UNFCCC process with regards to most of these limited member bodies, such as the 11 member COP Bureau which advises the COP, is that in addition to balanced representation of the five UN regions, one seat is reserved for SIDS.

China" which is a very diverse group of developing countries. While the G-77 and China tries to speak with an unified voice wherever possible, its large diversity (including oil producing countries like Saudi Arabia, rapidly industrialising economies such as China and small island nations such as the Maldives) also means that there are sub groupings within the group or groupings of G-77 and non-G-77 countries. One example of the latter is AoSIS, the Alliance of Small Island States, another party grouping that has managed to gain – relative to the size and geopolitical power of its member states – a somewhat influential position within the process, based on the moral authority it commands due to the predicted impact of climate change on its members. Other groups with affiliation to the G-77, but at times expressing their own positions, include OPEC, the African group, the Arab League and others. In preparations towards COP15 in Copenhagen in December 2009, Brazil, South Africa, India and China formed the BASIC group of countries, in order to give their jointly agreed minimum demands higher weight. A basic position of the G-77 and China is to defend the distinction between Annex I and non-Annex I countries and resist any attempts to erode this distinction. The G-77 and China position is also to uphold the principle of CBDRRC and the interpretation that this principle means that developed countries must take the lead in reducing their own emissions first before limitations to emission growth or emission reductions can be expected from developing countries. Based on the principle of CBDRRC they also tend to stress the need for financial assistance, capacity building and technology transfer from developed to developing countries in order to enable the participation of the latter in any greenhouse gas mitigation efforts.

The European Union is another of these coalitions and differs from all others in that its members agree in a formal process prior to the UNFCCC sessions on the overall positions of the bloc and always speak with one voice at the sessions. Unlike all other coalitions, the EU is also a party of the UNFCCC itself (as a "regional economic integration organisation"), although it does not have a vote independent from those of its member states. The position of the EU is formally represented by the member state currently holding the rotating EU presidency, however, in the practice of most UNFCCC sessions the EU is represented by the European Commission, which merely means that the same European Commission civil servants sit behind different flags every six months. The EU considers itself as a leader within the process and has,

indeed, committed to the largest reduction target under the Kyoto Protocol of 8% and in subsequent negotiations leading up to Copenhagen has committed itself unilaterally to a 20% target with a move to 30% in the context of a binding international agreement[82].

The Umbrella Group is made up of a number of developed countries that are not part of the EU. The group typically consists of the US, Canada, Australia, New Zealand, Japan, the Russian Federation and the Ukraine as well as Iceland and Norway. The Umbrella Group is often seen by environmentalists and developing country delegations to be the force most active in slowing down or blockading progress within the process with its members ratifying the Kyoto Protocol very late (Russia and Australia) or not at all (US) or openly renouncing any intention to meet their Kyoto target (Canada). This is among other things also evidenced to some degree by the Umbrella Group's record at the "fossil of the day" awards handed out virtually daily at the negotiations by environmental NGOs which "recognise" the countries or country groupings that have done the most during the previous day of negotiations to block progress toward an outcome considered favoured by these NGOs.[83]

In 2000, Switzerland, South Korea and Mexico formed the Environmental Integrity Group (EIG), the only party grouping comprising of both Annex I and non-Annex I countries, with the express focus of working together in their joint positioning toward ensuring the overall environmental integrity of the international climate change regime.

With the UNFCCC being a treaty and negotiation process between parties, the parties are the class of participants with the most direct influence over the process and its outcome – facilitators of the negotiation process often remind parties that

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82   In the Kyoto Protocol, the target for all EU countries is indicated as 8%, however, the EU has established the so called "bubble" which means that this target applies for the EU as a whole, while the EU member states decide internally how this joint effort is to be shared amongst them. In that context, some member states, like Portugal, are allowed to grow their emissions (by 25% in the case of Portugal) while others, like Germany or the UK, are required to achieve cuts much higher than the overall EU figure (21% and 12.5%, respectively).

83   In the fieldwork period, Canada and the US were by far the most common winners of the award, while other Umbrella group members or the group as a whole are regular recipients as well. Between COP5 in 1999 and COP11 in 2005, over two third of all fossil of the day awards were given to Umbrella group countries with seven of its members being in the overall TOP10 and all in the TOP20 of award recipients (CAN 2006).

"this is a party driven process and we [the facilitators] can only work with what you [the parties] are giving us" (Figueres, as co-chair of a contact group on flexible mechanisms, field note, Bonn, 3 Apr 2009). Only parties have formal voices in the decision making process and, besides very limited exceptions[84], only parties have the right to make verbal statements ("interventions") in the various negotiation settings (see also "Observer Organisations" below).

Party delegations are principally made up of expert civil servants and diplomats of environmental ministries, although the larger delegations get, the more diverse their membership becomes, including civil servants of other departments such as industry, trade and commerce, agriculture and so forth, interested members of parliament or lower levels of government (e.g. local, provincial or municipal governments), outside experts from universities, think tanks and the like. Some parties have a tradition of including delegates from NGOs (including environmental as well as business NGOs) in their delegations, to maximise their access at the negotiations, however, that does not give these NGOs any right to speak on behalf of their country, in fact, NGO delegates so accredited often have to sign agreements with their country's delegation limiting the types of permitted activities or statements[85]. During the Copenhagen climate conference, when access for most NGO delegates was revoked by the UNFCCC secretariat due to logistical difficulties (the total number of access badges for the over 12,000 registered participants from non-governmental organisations was gradually reduced to a mere 500 during the second week of the conference), some parties which do not typically do so included large numbers of NGO delegates from their own country in their official delegation in order to enable their continued participation (field note, Copenhagen, 13 December 2009)[86]. In some

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84   Observer organisations are usually given limited opportunities to make a limited number of brief statements (recently, at the Poznań COP, a practice has been introduced to switch off the microphone if the intervention of an observer organisation exceeds the allotted 2 minutes) in some plenary sessions and occasional contact group meetings. Furthermore, experts of observer organisations are sometimes asked to make presentations on specific topic in less formal formats within the negotiation sessions, for example, in the context of in-session workshops.

85   For example, it is regulated to which type of meetings these individuals are allowed to seek access (although their access badge identifying them as party delegate would in principle give them unrestricted access) or what type of statements (if any) they are allowed to make to media.

86   One such example is the case of Australia. Using the data parsed from UNFCCC participants list, it was possible to compare the provisional list (which lists delegates as registered prior to the conference, which is mandatory for NGOs) with the final list (which lists delegates as actually ultimately registered during the conference). It shows that among the 99 individuals ultimately carrying badges of the Australian "delegation," 16 were originally registered as NGO observers

cases, parties are formally represented by (former or current) NGO staff; the most eminent of these cases certainly being Ian Fry of Tuvalu, who, before becoming Tuvalu's long standing, outspoken and very skilled and widely respected[87] representative at the UNFCCC, used to work for Greenpeace Australia, or Andrei Marcu who used to be the president of IETA, the International Emissions Trading Association – the largest carbon trading lobby, before he started to represent Papua New Guinea[88].

4.5.1.2   *Observer Organisations*

In general, observer organisations fall into three broad categories: observer organisations associated with the UN system, other intergovernmental observer organisations and non-governmental observer organisations. The first of these include United Nations bodies, such as UNICEF or the UN Environmental Program, "specialized agencies and related organisations," such as the Food and Agricultural Organisation of the UN or the World Bank. The second category consists of other, non-UN, Intergovernmental Organisations, such as the OECD or the International Energy Agency. The access rights of UN or intergovernmental observers are more similar to those of party delegations: for example, their representatives can request any documents from the document centre, have their individual table with own "flag" in plenary rooms while all NGO observers share a single table with a "civil society" flag. Furthermore, UN observers have access to all formally convened negotiations and the (rare) interventions by UN or intergovernmental observers are not subject to the restrictions that are placed on non-governmental organisations' interventions.

The vast majority of observer organisations fall in the third category of non-governmental observer organisations. This category encompasses a very broad range of organisations representing a vast array of interests and issues. To reflect this range, the UNFCCC has established a system of recognised NGO constituencies with which individual NGO observer organisations can voluntarily affiliate. Limited resources

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across three NGO constituencies: Industry (e.g. Australian Coal Association, Business Council of Australia), Trade Unions and Environmental NGOs (e.g. Greenpeace, CAN Australia, WWF).

87   For example, he was tasked to conduct informal consultations on behalf of the AWG-KP chair during the March/April 2009 UNFCCC meeting in Bonn (field note, Bonn, 8 April 2009)

88   This practice has a established history with some regional differences; as Duwe (2001) points out at one negotiation session in 2000, four out of five CAN delegates from Latin America were part of their official party delegation, with the extreme case of Paraguay whose delegation consisted just of one ENGO person.

such as meeting rooms, office space, slots for interventions in plenary sessions or secondary access passes to gain access to meeting rooms (or, indeed, the conference venue) that have surpassed their capacity are distributed by the UNFCCC secretariat to individual organisations using the designated focal points of each constituency.

During the fieldwork period, the constituency system underwent some significant changes reflecting the deepening of societal interest in climate change and the associated broadening of different specific perspectives that subsequently sought to obtain a voice at the UNFCCC negotiations. The constituencies that were formally recognised by the COP were initially only the Environmental NGOs (ENGOs) and the "Business and Industry NGOs" (BINGOs)[89], which represented the two main perspectives of observer organisation during the negotiation before the entry into force of the UNFCCC[90]. The "Local Government and Municipal Authorities" (LGMAs), despite being designated within UNFCCC context as "non-governmental," include representatives of city, municipal and regional governments (since these governments cannot be parties to the convention) and were recognised as a constituency at COP1 in 1995. "Indigenous Peoples' Organisations" (IPOs) followed in 2001 and "Research and Independent NGOs" (RINGOs), which mainly include independent think tanks and universities, in 2003. During the fieldwork period, international trade union organisations became increasingly involved in the UNFCCC work, resulting in the establishment of the TUNGOs – the Trade Union NGOs – in 2008. In addition, by the time of the Copenhagen climate change conference, efforts were under way to formally recognise Youth NGOs (YOUNGOs), "Women and Gender," as well as "Farmers" as distinct constituencies[91]. Furthermore, during and following the Bali climate change conference in 2007 a separate perspective started to emerge within the ENGO constituency as distinct from the remainder of that constituency (most of

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89 The criteria for accreditation as observer organisation mandate that observer organisations be registered with "non-profit and/or tax-exempt status" (UNFCCC 2010c) in their country of registration, thus requiring any for-profit organisation or enterprise to set up a dedicated non-profit front organisation in order to participate.

90 Due to the starkly different perspectives of these two groups, the constituency system established itself naturally during the process and was later taken up by the COP when it formally acknowledged additional constituencies. The constituency system, however, is not formally anchored in the text of the UNFCCC or its (draft) rules of procedure; it merely represents an established convention.

91 A list of all accredited non-governmental observer organisations, including information about their affiliation with any of the observer constituencies within the UNFCCC, is maintained on the UNFCCC website: http://maindb.unfccc.int/public/ngo.pl

which organised as members of the Climate Action Network, CAN). This new perspective – self-identifying as the climate justice perspective – gave rise to a new coalition of NGOs, Climate Justice Now!, and started to result in increasing conflicts over scarce resources such as meeting rooms, intervention slots and secondary access badges. For a while, these conflicts suggested a possible future split of the current ENGO constituency into two separate constituencies, however, toward the end of the fieldwork period, during the 2009 Bonn UNFCCC sessions, CJN! was recognised as an additional focal point for the environmental NGOs (CJN! 2010a), thus resolving these type of "resource conflicts".

Figure 4: Participation at UNFCCC Sessions in 2007-2009 by NGO Constituency
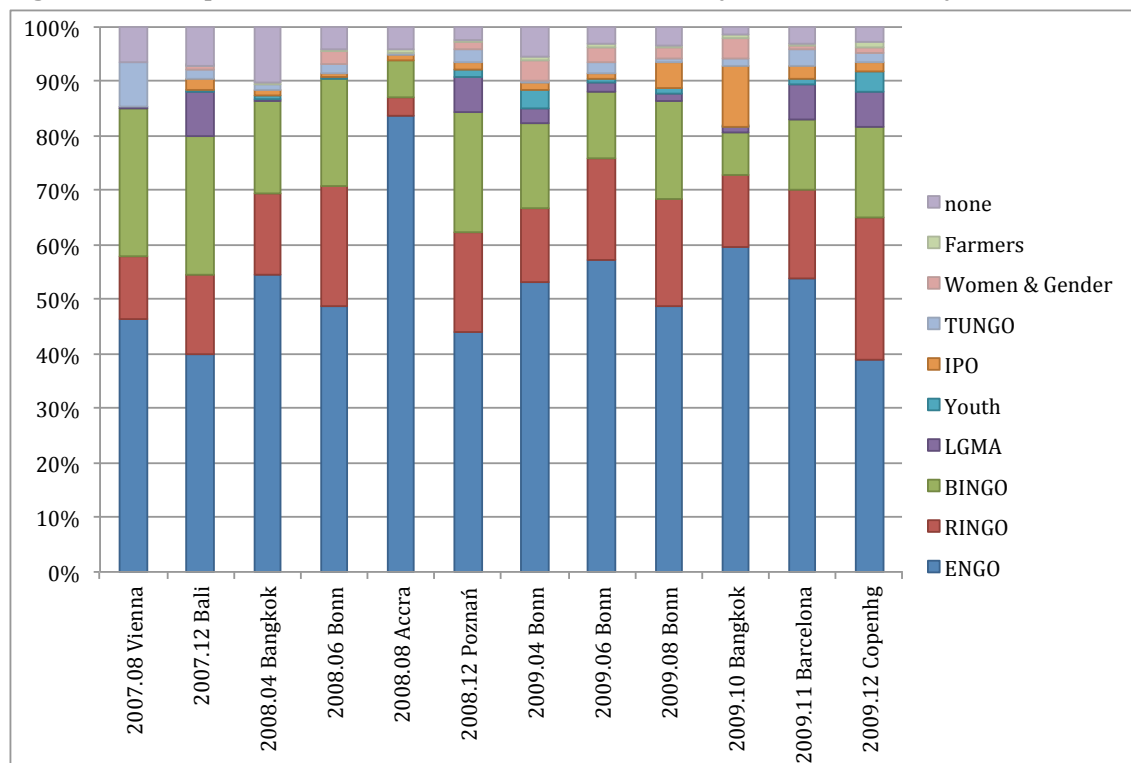
Source: own calculations based on data extracted from UNFCCC participation lists[92]

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92   The participation breakdown in the official UNFCCC participation lists only summarise the main categories of participants, i.e. parties, observer states, UN bodies and specialised agencies, IGOs and NGOs. No further breakdown of participation is available from the UNFCCC secretariat. In order to gain further insights into the participation at the UNFCCC, all 2452 pages of official participation lists of all meetings during the fieldwork phase have been parsed into a dataset using computer software that I specifically wrote for this purpose. In order to ensure the reliability of the software, manual spot checks have been carried with 50 randomly selected pages, all of which were parsed correctly by the software. Furthermore, the summary participation figures have been compared with the summaries given on the first page of each official participation list. Those figures showed some very minor differences between official data and the parsed data set in the case of some meetings (overall differences in participation numbers are 0.2%).

The resulting participation dataset has then been merged with the publicly available UNFCCC NGO contact database in which NGOs self-assign to one of the official NGO constituencies. As a

Figure 4 above and table 2 below shows the proportion of participants belonging to these constituencies for the sessions of the UNFCCC bodies during the fieldwork phase. It shows that environmental NGOs are by far the largest group of NGO

Table 2: NGO Participation at UNFCCC Sessions 2007-2009 and Share of Delegates from Non-Annex I Countries, by Constituency

	2007 Aug Vienna			2007 Dec Bali			2008 Apr Bangkok			2008 Jun Bonn		
Constituency	N	%	%nA1	N	%	%nA1	N	%	%nA1	N	%	%nA1
ENGO	106	46.5%	17.0%	1,987	39.8%	17.0%	129	54.7%	24.8%	283	48.6%	10.2%
RINGO	26	11.4%	11.5%	730	14.6%	20.4%	35	14.8%	22.9%	129	22.2%	19.4%
BINGO	62	27.2%	0.0%	1,278	25.6%	9.5%	40	16.9%	0.0%	114	19.6%	0.9%
LGMA	1	0.4%	0.0%	398	8.0%	0.0%	1	0.4%	0.0%			
Youth				25	0.5%	0.0%	1	0.4%	0.0%	3	0.5%	0.0%
IPO				100	2.0%	77.0%	3	1.3%	100.0%	4	0.7%	100.0%
TUNGO	18	7.9%	0.0%	84	1.7%	0.0%	2	0.8%	0.0%	9	1.5%	0.0%
Women & Gender				29	0.6%	0.0%				14	2.4%	0.0%
Farmers				4	0.1%	0.0%	1	0.4%	0.0%	2	0.3%	0.0%
None	15	6.6%	6.7%	357	7.2%	64.4%	24	10.2%	16.7%	24	4.1%	0.0%
Total NGO	228	100.0%	9.6%	4,992	100.0%	18.3%	236	100.0%	19.9%	582	100.0%	10.1%

	2008 Aug Accra			2008 Dec Poznań			2009 Apr Bonn			2009 Jun Bonn		
Constituency	N	%	%nA1	N	%	%nA1	N	%	%nA1	N	%	%nA1
ENGO	275	83.8%	18.5%	1,701	44.0%	8.3%	345	53.2%	4.6%	766	57.4%	6.4%
RINGO	11	3.4%	0.0%	709	18.3%	13.1%	88	13.6%	4.5%	247	18.5%	4.5%
BINGO	22	6.7%	0.0%	848	21.9%	4.4%	101	15.6%	1.0%	161	12.1%	2.5%
LGMA				258	6.7%	0.0%	18	2.8%	0.0%	22	1.6%	0.0%
Youth				49	1.3%	0.0%	21	3.2%	0.0%	11	0.8%	0.0%
IPO	3	0.9%	100.0%	48	1.2%	68.8%	9	1.4%	100.0%	15	1.1%	93.3%
TUNGO	1	0.3%	0.0%	94	2.4%	0.0%	3	0.5%	0.0%	24	1.8%	0.0%
Women & Gender				58	1.5%	0.0%	23	3.5%	0.0%	38	2.8%	0.0%
Farmers	3	0.9%	0.0%	14	0.4%	0.0%	5	0.8%	0.0%	11	0.8%	0.0%
None	13	4.0%	0.0%	89	2.3%	14.6%	35	5.4%	0.0%	39	2.9%	0.0%
Total NGO	328	100.0%	16.5%	3,868	100.0%	8.2%	648	100.0%	4.6%	1,334	100.0%	5.8%

	2009 Aug Bonn			2009 Oct Bangkok			2009 Nov Barcelona			2009 Dec Copenhg		
Constituency	N	%	%nA1	N	%	%nA1	N	%	%nA1	N	%	%nA1
ENGO	185	48.7%	3.2%	666	59.8%	15.9%	624	54.0%	5.1%	4,705	39.1%	13.4%
RINGO	75	19.7%	0.0%	145	13.0%	10.3%	188	16.3%	2.7%	3,119	25.9%	7.4%
BINGO	68	17.9%	0.0%	89	8.0%	0.0%	148	12.8%	0.0%	2,005	16.7%	3.7%
LGMA	6	1.6%	0.0%	9	0.8%	0.0%	76	6.6%	0.0%	781	6.5%	0.0%
Youth	3	0.8%	0.0%	2	0.2%	0.0%	11	1.0%	0.0%	449	3.7%	2.4%
IPO	18	4.7%	100.0%	123	11.0%	99.2%	27	2.3%	96.3%	197	1.6%	55.8%
TUNGO	3	0.8%	0.0%	17	1.5%	0.0%	33	2.9%	0.0%	218	1.8%	0.0%
Women & Gender	8	2.1%	0.0%	41	3.7%	0.0%	9	0.8%	0.0%	121	1.0%	0.0%
Farmers	1	0.3%	0.0%	5	0.4%	0.0%	3	0.3%	0.0%	102	0.8%	14.7%
None	13	3.4%	0.0%	17	1.5%	17.6%	37	3.2%	0.0%	340	2.8%	21.5%
Total NGO	380	100.0%	6.3%	1,114	100.0%	22.1%	1,156	100.0%	5.4%	12,037	100.0%	9.5%

Notes: N – number of delegates of non-governmental observer organisations associated with given constituency; % – share of participants of given constituency of total NGO observers; %nA1 – percentage of participants within given constituency registered as delegate of an organisation with headquarter in a non Annex I country.

Source: own calculations based on data extracted from UNFCCC participation lists; cf. footnote 92 above.

observers, typically representing between 40% and up to nearly 90% (Aug 2008, Accra) of the total of non-governmental observers. BINGO and RINGO representatives variously are either the second or third largest. The remainder of the constituencies

result, the constituency affiliation of individual participants was thus determined by assigning them the constituency status of the NGO that registered them for a given session. Since constituency self-assignment is voluntary, there is a "none" category of participants that chose to not associate themselves with any of the official constituencies.

are only represented by a small number of delegates; their combined numbers are below 20% of overall NGO participation during the fieldwork phase. Table 2 also shows clearly that, overall, NGO participants from Annex I countries[93] greatly outnumber those from non-Annex I countries. This is particularly marked for BINGO organisations as well as Youth, Women and Gender, LGMA, and TUNGO constituencies. It can also clearly be seen that non-Annex I participation increases significantly when a meeting is held in a non-Annex I country and for COPs (compared to Intersessionals).

One main function of the constituency system is to make the interaction between the UNFCCC secretariat and the vast number of NGO observer organisations more formal and efficient (from the secretariat's point of view). The secretariat designates an individual as a "focal point" for each constituency, which acts as the main "conduit for the exchange of official information between their constituents and the secretariat" (UNFCCC 2010d: 2) and as the point of contact for coordinating intervention slots or the distribution of other limited resources. For example, in the opening and closing plenaries of the sessions of the UNFCCC bodies, an intervention slot is reserved for each constituency, but it is the responsibility of the constituency (and its focal point) to decide internally which individual of which organisation will deliver an intervention and what its content will be. The name of that individual and a draft of the intervention are then communicated to the NGO liaison officer of the secretariat. Observer interventions are often also permitted on specific issues during deliberations in contact groups at the sole discretion of the chairs of the contact group, with some chairs being more likely to allow observer interventions than others (see also footnote 94 below). While on occasion intervention opportunities are given on very short notice, they typically only arise when requested in advance by observer organisations in a manner similar to plenary interventions.

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93   The numbers presented in the table have to be taken with some degree of caution: the number of participants from non-Annex I countries shown in the table refer to participants that are registered as delegates of an organisation that has its head office – as registered with the observer database of the UNFCCC – in a non-Annex I country. While this can be taken as a crude proxy of non-Annex I participation, the actual numbers are very likely different. This is because the location of the head office is not necessarily the location of each delegate. This is especially true for networks of organisations or large international organisations. For example, the delegates for Greenpeace China are counted as Annex I country delegates since Greenpeace International's head office is in The Netherlands, while a number of delegates of the NGO Focus on the Global South who are in fact located in Annex I countries are counted as non-Annex I since that organisation's head office is in the Philippines.

With regards to the special case of the two different coalitions of NGOs within the ENGO constituency, CAN and Climate Justice Now!, the practice of providing one intervention slot for each constituency has already caused some conflict when both coalitions sought to present their views in the plenary. Being aware of this conflict and apparently embracing the mandate of facilitating efficient observer participation, the NGO liaison officer can attempt to find creative solutions to the problem, for example by trying to persuade the chair of a meeting to allow both ENGO coalitions to deliver an intervention by taking up an unused spot of one of the other constituencies.[94] The existence of two NGO coalitions within the ENGO constituency has also caused some friction with regards to the use of the ENGO meeting room and office, which are provided by the UNFCCC secretariat, and which CAN, as constituency focal point, administers on behalf of the whole constituency.

NGO delegates have limited access to some of the meeting rooms, namely those in which informal meetings and closed contact groups are held, thus leaving all plenary sessions open for access as well as contact groups that are not declared closed to observers. The principle established by the draft rules of procedure gives observers access to both plenaries and "private" meetings, such as contact groups, (UNFCCC 1996: rule 30, footnote) but the later clarification of this rule by the COP (UNFCCC 1998: decision 18/CP.4) stipulates that contact groups are open to observers unless a third of the parties request it or the chair of the contact group decides that the contact group should proceed closed to observers. In practice this often means that after a first open meeting of a newly established contact group, the group moves into closed deliberations and returns to the open format for its final meeting.

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94   In my role as CAN working group coordinator I gained some first hand insights into the logistics of arranging interventions for NGO observers:
"I went to see [...] [the NGO liaison officer of the UNFCCC secretariat] to ask for an intervention in the CG on means [available to Annex I parties to fulfill their mitigation commitments, in other words, flexible mechanisms]. She told me to email her [the] text of the intervention and [the name of] the person to deliver [the intervention] plus time & date of the CG where we want to do it. She will then raise the request with the 'substantive officer' of that issue (apparently the secretariat has a 'substantive officer' for each of the agenda items who advices/assists the chairs of AWGs, CGs etc.) who will then forward the request to the chair of the CG and get back to her. She said that some chairs are more likely to agree to intervention requests than others ([...]) – so we should be fine [and have our request granted].
I also asked about problem [regarding conflict over intervention slots] b/w CAN and CJN and she said she's trying to get both a slot if possible, e.g. by convincing chairs to give un-used slots of RINGOs or loc. gov'ts [i.e. LGMAs] to ENGOs as well. [...]" (field note, Bonn, 2 April 2009)

Furthermore, NGO delegates are often denied access to documents at the document centre. As a general rule observers are not given direct access to preliminary draft versions of documents while they generally can request final draft versions, or "L" documents, or the conclusions when they become available. This, however, differs significantly between the setting of the session (COPs vs. Intersessionals, with the latter having much more relaxed access restrictions) as well as according to other, seemingly random, factors. For example, in at the 2007 Bali COP, for a while documents were freely available to observers until, or so it seemed, the locally hired auxiliary staff of the UNFCCC secretariat that operated the document centre were told by (presumably permanent) secretariat staff that only members of party delegations were eligible for most documents (field note, Bali, 7 December 2007).

4.5.1.3 *Media*

A final group of "participants" are media representatives, who only have access to the proceedings in the plenaries, but for which access to specific press conference rooms as well as a dedicated media centre is reserved (both with no access for observers). Media representatives are not strictly considered "participants" of the UNFCCC sessions, which is illustrated by the lists of participants issued by the UNFCCC secretariat, which lists the names, titles and affiliations of all participants from states, UN bodies, IGOs and NGOs, but only includes an overall number of media representatives for information purposes. Media certainly play an important role in the formation and shaping of public opinion with regards to climate change but this role has not been a focus of this research (for a more detailed discussion, especially with regards to the media's agenda setting role, cf. for example Newell 2000). This is partially due to the limited interest that most UNFCCC sessions apart from the COPs receive from media organisations. Also the interaction with media *at* the UNFCCC conferences is not the main focus of the work of the ENGOs at these conferences, with the latter being the main focus of this research. This holds true even in light of a multitude of media interactions in the context of the negotiations: CAN, for example, holds regular press conferences at COPs and Intersessionals, stunts like the Fossil of the Day awards are mainly targeted at media, and media are at least part of the anticipated audience of publications such as the ECO newsletter. Nonetheless, media work is not the main focus of most of the ENGOs' participants and much of the media

work that does take place is targeted at media organisations "at home" (as opposed to those few participating), thus remaining outside of the scope of this research.

4.5.2   Negotiation Arenas

All of the negotiation sessions during the fieldwork period were concurrent meetings of at least two and up to six convention bodies: the most important, the COP and its Kyoto Protocol equivalent, the CMP, were convened once a year in December. The permanent Subsidiary Bodies of COP and CMP, the SBSTA and SBI, are holding two sessions each year – one in conjunction with the COP/CMP and a second one in early June. During the fieldwork period, two temporary negotiation bodies were established – so called ad-hoc working groups, the AWG-KP and the AWG-LCA, both with a limited negotiation mandate and a limited life span (both were required to conclude their work programme by the time of the Copenhagen COP). Both of these bodies met not only during the sessions of the COP/CMP as well as the June sessions of the Subsidiary Bodies but also had additional dedicated sessions (two in 2008, four in 2009) to complete their work programme.

Each of these six bodies, at each of their sessions, goes through a similar succession of use of different negotiation "arenas." These negotiation arenas mainly differ with respect to the degree of their formality, openness, inclusiveness and transparency. A session always opens in plenary, the first type of negotiation arena. The plenary is the most formal, open and inclusive arena: the tables of the delegations are arranged in a fixed (alphabetical order), the agenda of the plenary is prepared and circulated in advance, interpretation services in all six official UN languages[95] are provided, the proceedings are recorded and webcast, the plenary is open to all party delegations as well as media and non-state observers, and the proceedings follow established formal rules and practices. The plenary is also the only arena where formal decisions can be taken.

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95   On occasion, additional languages are provides if requested (and paid for) by parties. For example, the Indonesian host of the 2007 Bali Climate Conference provided for interpretation to and from Indonesian throughout the plenary sessions of that conference and Japan often arranges for Japanese interpretation when senior officials such as the minister or the prime minister are in attendance.

While being the most open and inclusive arena of the negotiations, it is also the most formal, which, in practice, most often means that the majority of the statements are prepared in advance of the meeting and re-state already well known positions of the parties. Due to the formal nature of the plenary, there is often little, if any, actual negotiating and bargaining. Rather, after working through some formal requirements such as the adoption of the agenda, the election of officers and so forth, the plenary typically decides to establish contact groups or mandate the chairs of the session or other individuals to carry out informal consultations on individual agenda items. At the end of a session, plenaries then reconvene to adopt the draft conclusions or draft decisions prepared by contact groups or by the chairs based on informal consultations. This is often a rubber-stamping exercise – especially during intersessional meetings –, as the substantive negotiations have already been held and resulted in an agreed draft text. However, on occasion the closing plenary gives parties the opportunity to state their disagreement with decisions taken or not taken, for example a number of very emotional statements by developing countries were made during the closing plenary of the CMP in Poznań, where Annex I countries blocked a decision to provide more financial means to the Adaptation Fund through the extension of the Shares of Proceed[96] (field note, Poznań, 13 Dec 2008). On other occasions, such as the closing plenary of the CMP in Bali or the COP in Copenhagen, substantial developments might occur, such as the US' agreement after long resistance to the Bali Action Plan or the decision not to adopt the Copenhagen Accord, which had been agreed on by a number of parties in informal meetings, as an official UNFCCC decision. Table 3 provides an example of the typical stages and negotiating arenas through which an issue typically progresses during an UNFCCC session.

Contact groups are a more informal type of negotiation arena than the plenaries. This is expressed in a number of formal differences and functional aspects. In formal respects, contact groups, also known as informal groups, or some times "non-groups" – to underscore the fact that the groups do not have any formal or decision making status (Depledge 2005) – differ from plenaries in that no agenda is prepared or has to be followed, conversation takes place in English only, they have a free seating arrangement. Although typically originally scheduled within the regular UN meeting

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96   For more details on "Share of Proceeds," cf. also footnote 79 above.

times from 10am to 6pm, contact groups are, unlike plenaries, often re-scheduled outside of these times and, especially toward the end of major negotiation sessions, well into the night. Contact groups are open to all parties and, unless required by at least one third of the parties or decided by the contact group co-chairs, to NGO and IGO observers.

Table 3: Time Line and Negotiation Arenas of Negotiations Regarding Flexible Mechanisms During AWG-KP Session in Bonn, 28 Mar to 8 Apr 2009

Date	Type of meetings held under AWG-KP (all agenda items)	Flexible Mechanisms (agenda item 5(a))
28 Mar	n/a (Opening Plenary scheduled but cancelled due to another meeting (AWG-LCA plenary) taking up too much time)	n/a
29 Mar	Plenary (very short first part of the opening plenary, covering only two formal agenda items)	n/a
30 Mar	Plenary (discussion on organisation of work at the session; agreement to establish contact groups on a number of agenda items and launch informal consultations on others)	Agreement to establish Contact Group (CG)
31 Mar	Plenary	Agenda item taken up in plenary: AWG-KP chair introduced the text prepared by the chair on the item before the session and statements were given by party groupings. →Contact Group established.
01 Apr	Contact Groups and Informal consultations	CG (open to observers) Parties start work on negotiating text prepared by the AWG-KP chair before the session based on the previous rounds of negotiations
02 Apr	Contact Groups and Informal consultations	CG (closed to observers) Parties continue work on chair's text: going through options contained in text; either deleting, merging, retaining or referring them to the AWG-LCA.
03 Apr to 06 Apr	Informal Consultations	Informal consultations based on chair's text as amended by contact group: further deletion of text options, removal of text brackets (i.e. agreement on options), general improvements to text
07 Apr	Contact Groups and Informal consultations	CG (open to observers) discussion of draft conclusions to agenda item as prepared by CG co-chairs based on CG meetings and informal consultations
08 Apr	Closing plenary	Closing plenary adopts draft conclusion as discussed in CG

Sources: Field Notes (29 Mar 2009 to 08 Apr 2009, Bonn); Official Daily Programmes (UNFCCC 2009b); Earth Negotiation Bulletin (ENB 2009)

Contact groups are typically established by decision of the plenary of a negotiation body and co-chaired by two delegates (one from an Annex I country and one from a

non-Annex I country) as proposed by the chair. As contact groups are normally dealing with specialised issues within the negotiations, they are normally only attended by delegates and observers with a particular interest and expertise in that area. This is particularly useful for small delegations as it enables them to focus on only some issues while leaving others to the attention of their colleagues from their party grouping. Another effect of this specialisation is that the same delegates will work together on the same issue on a number of occasions, often across different negotiation sessions, thus building a sustained working relationship with each other. Chairs also tend to mandate the co-chairing of contact groups on the same issue to the same individuals across different sessions, which further promotes a productive working atmosphere within the contact groups.

In addition to these two types of negotiation arenas (plenary and contact group) that are open to all parties and often to observers and that have their meeting times and places publicly announced, there are often informal consultations carried out on specific issues. Depledge (2005) points out that these informal consultations are done for two broad categories of reasons. First, informal consultations are carried out on issues of a very technical or procedural nature, where general interest is so limited that the convening of a full-scale contact group is not warranted. The other class of issues includes particularly politically sensitive issues, where a contact group format could prove to be unproductive as positions are too hotly contested or parties feel incapable of speaking frankly about their views in the presence of others (observers or party delegates). Representing an additional category of reasons, informal consultations can also be demanded by parties instead of full-scale contact groups if parties feel that the importance of the issue under consideration is not high enough to warrant the considerable time and effort such a group entails. For example, during the March/April 2009 Bonn session of the AWG-KP, a substantial disagreement between the G77 and China and a number of Annex I countries existed as to whether contact groups should be established on a number of agenda items such as rules for LULUCF, the Flexible Mechanisms etc. The G77 and China argued against the establishment of contact groups based on the allegation that these items had mainly been introduced to distract from negotiating the main mandate of the AWG-KP – the determination of the future emission reduction commitments of Annex I countries –

and should therefore not be allowed to take time away from negotiations on this central question and should only be addressed through informal consultations.

During informal consultations, the chair of a session or body (e.g. the COP president or the AWG-KP chair) or another delegate tasked by the chair will discuss the matter at hand in private with representatives from key parties and party groupings in order to scope out space for a possible compromise. If trust in the leadership of the chair is sufficient among the parties, they will be able to speak more frankly about the range of different options that might be acceptable to them and under what conditions, while such frankness would be seen to possibly damage their negotiating position when exercised publicly. The time and place of these consultations are not publicly advertised and are not open to observers, nor, in fact, to representatives of parties other than those invited.

4.5.3   Text

Within the UNFCCC climate change regime, as within indeed any other international regime, "any negotiation [...] can be characterized as a process of struggle between parties to secure the translation of their favoured ideas into texts" (Depledge 2005: 145). Several examples during the fieldwork phase highlight the central importance of text, including minor details such as punctuation, capitalisation and the use of singular or plural.

For example, consider the famous "Bali comma" in the Bali Action Plan. Paragraph 1.b.ii of the Bali Action Plan requests "mitigation action by *developing* country Parties in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner" (UNFCCC 2007b: para 1.b.ii, own emphasis). The "Bali comma" is the comma after "capacity-building" which was dropped and re-inserted at different stages during the middle-of-the-night negotiations leading into the last day of the Bali conference (field notes, Bali, 14 Dec 2007). The re-insertion of the comma was a result of the insistence of the USA (and assured their agreement to the text), who subsequently interpreted the sentence with the comma to stipulate that the phrase after the comma (that is the measurement, reporting and verification, or "MRV" in UNFCCC speak) refers to the whole preceding phrase, i.e. to mandate MRV of all

mitigation actions by developing countries. Developing countries on the other hand, most notably India and China, insisted that the MRV only applies to the technology, finance and capacity-building support of these mitigation actions, and possibly the mitigation actions so supported, but that any mitigation actions performed by developing countries without any external assistance would not be subjectable to MRV.

The political-linguistic trick of the "Bali comma" enabled the compromise text to be adopted at the Bali meeting but the issues so resolved resurfaced anew during the Copenhagen climate talks, arguably contributing to the failure of that latter conference. Likewise, in the negotiations surrounding REDD, the USA, supported by Canada and Australia, were successful in their bid to ensure any reference to Indigenous Peoples be expressed as "indigenous people" – in lower case and singular – allowing for their interpretation of the text to only refer to individual "people" rather than "Peoples" with any collective identity, status and – subsequently – specific rights (for example, those contained in the United Nations Declaration on the Rights of Indigenous Peoples, UNDRIP).

John Vidal, regularly covering the negotiations for the Guardian, reports another "surreal" example of such language issues:

> What's the difference between "sustainable forest management" (SFM) and "sustainable management of forests" (SMF)? A very great deal in the surreal climate change talks [...] where the final order of these three letters could make the difference between the global logging industry being subsidised by governments to continue clear-felling [...], and communities being left to live in strongly protected forests. SFM is the villain – a meaningless greenwash phrase adopted widely by the global logging industry to allow it to carry on business as usual. SMF, however, emphasises conservation and protection.   (Vidal 2009a)

The struggle to establish parties' own ideas as collectively agreed text generally follows a number of (partially overlapping) stages, each with their corresponding text forms. When negotiations on a new issue are started, for example the negotiations within the AWG-KP, which was first established in 2005, submissions from parties are requested by the new group (which ultimately means, by the parties themselves, as they make up the group) to provide their initial written input. Within the UNFCCC process, it is established practice that these submissions are then, without any editing

or translation[97], assembled in a "MISC" document, one of the informal document types within the UNFCCC regime, and circulated to parties. Since the negotiations under the UNFCCC are a party driven process, submission requests to non-parties are rare. For example, during the negotiations under the AWG-KP from its inception to its tenth session (in Copenhagen), only two out of the 29 submission requests addressed non-parties as well (see column "Addressee" in table 4 below). Regardless, it is now established practice that observer organisations provide submissions of their views on any of the topics on which party submissions are requested. These submissions (even where explicitly invited) are not assembled in official documents nor circulated to parties but are made available on the UNFCCC website[98].

These initial submissions can be seen as the raw input to the negotiation process and form the basis of the first few rounds of negotiations during which parties share more information about their views as submitted, including further explanation of how ideas laid out in the submission could function in practice and identification of possible areas of convergence. In the case of the AWG-KP negotiations, this first stage took place during the first two sessions (AWGKP1, AWGKP2) during which the topics for submission requests were still vague and mainly referred to the formulation of the work programme of the group (see table 4 below). At the end of this phase, topics started to become more focussed and submission invitations now refer to more specific areas – AWGKP3 requested specific input on means to achieve mitigation potential in Annex I countries ("means"), which, by means of further submission of parties, then further specialised into LULUCF and Flexible Mechanisms related issues. At this second stage, in the example by AWGKP5, written input from parties' submissions and further input from the negotiation session is compiled by the chairs (of the AWGKP) in informal, or "INF" documents, in the case of the issue of "means" document FCCC/KP/AWG/2008/INF.2, which at this stage reflects a rather chaotic "laundry list" (field note, Bonn, 4 Jun 2008) of all possible options that parties had considered at any point in time. This is the first time at which input from parties is assembled in a text upon which further negotiations are based.

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97 On rare occasions, "unofficial" translations are provided by the UNFCCC secretariat, as for example with a submission of Belarus during the AWG-KP negotiations that was submitted in Russian. Most countries submit their contributions in English instead of (or in addition to) their national language where this is one of the other five UN languages, so that this is not frequently required.

98 http://unfccc.int/parties_observers/ngo/submissions/items/3689.php

Further rounds of submissions are typically invited based on these texts, and further negotiation submission dedicated to refining the text. Session AWGKP7 – whose proceedings as related to Flexible Mechanisms are detailed in table 3 above – is an example of such a session, where negotiations in the contact groups focussed on merging, deleting and refining text options in a text prepared by the chair before the session based on previous negotiation rounds and various stages of party submissions. At the end of this first stage of negotiating, the relevant chairs (in the example, the chairs of the AWG-KP) summarise the state of negotiations in an official document. These official documents are issued without the "INF" prefix and, as official UN documents, are translated in all six UN languages, English, French, Spanish, Russian, Arabic and Chinese. The text at this stage is often carried out in a language similar to the language used in final decisions by the COP or CMP to reflect actual possible final language that might be used in such decisions and is typically laden with square brackets around text which has not been agreed on by parties or that represents different options for the same piece of text, brackets are often nested (to represent options within options) on multiple levels, often even with the whole document placed in brackets.

At this stage, generally all ideas and proposals have been tabled by parties and are reflected in some way or another in the synthesised texts. Further negotiations then focus on refining this text with a particular emphasis on "removing brackets" by agreeing on particular wordings or removing bracketed options of text. In the case of the AWG-KP negotiations up to Copenhagen (when the conclusion of work was mandated) this point was reached after AWGKP7, which can clearly be seen by the number and the topics of submissions requested from parties (as shown in table 4 below): while up to that point parties were invited to comment on a large number of issues with broad submission mandates, the submission requests of AWGKP7 were much more focussed on specific comments on the text in front of parties, while the remaining pre-Copenhagen sessions of the AWG-KP did not request any additional submissions but rather focussed on the text already prepared. Text will then go through a number of iterative review cycles, supported through various negotiations fora (see section "Negotiation Arenas" above) with the final version either adopted by the relevant body of the UNFCCC, in the example of the AWG-KP, the CMP, or – more likely with more controversial issues – forwarded with the remaining brackets to the

Table 4: Overview of Requests for Submissions from Parties from the AWG-KP during its Sessions up to Session 10 (Copenhagen)

Meeting	Count	Issues	Synthesis Document	Addressee	Decision/ Report
CMP1	1	• Work programme/mandate of AWG-KP	unedited: FCCC/KP/AWG/2006/MISC.1	• Parties	1/CMP.1 para 5
AWGKP1	1	• Topics for in-session workshop at AWGKP2	unedited: FCCC/KP/AWG/2006/MISC.2	• Parties	FCCC/KP/AWG/2006/2, para 25
AWGKP2	2	• External experts • mitigation potential and ranges of reduction targets for Annex I parties	unedited: FCCC/KP/AWG/2007/MISC.2 unedited: FCCC/KP/AWG/2007/MISC.1	• Parties • Parties	FCCC/KP/AWG/2006/4, paras 20 and 22
AWGKP3	2	• mitigation potential of policies, measures and technologies of A1 parties • means to achieve mitigation potential (incl. Flex Mex, LULUCF etc)	unedited: FCCC/KP/AWG/2007/MISC.4 unedited; party submissions only: FCCC/KP/AWG/2008/MISC.1 later: edited synthesis note FCCC/KP/AWG/2008/INF.2	• Annex I Parties* • Parties and Observers	FCCC/KP/AWG/2007/2, para 23 and 24
AWGKP4 (Part 1)	1	• timetable for completion of work programme	unedited: FCCC/KP/AWG/2007/MISC.3 and MISC.6)	• Parties	FCCC/KP/AWG/2007/4, para 25
AWGKP4 (Part 2)	5	• topics and experts for round table at AWGKP5 • methodological issues relating to means to achieve mitigation and input for workshop on this item • more/updated input on mitigation potential and ranges of reduction targets for Annex I parties • further activities of the AWGKP in 2009 • legal implications arising from work of AWG-KP	unedited: FCCC/KP/AWG/2008/MISC.2 unedited: FCCC/KP/AWG/2008/MISC.3 synthesis, as technical paper: FCCC/TP/2008/10 unedited: FCCC/KP/AWG/2008/MISC.6 unedited: FCCC/KP/AWG/2009/MISC.7	• Parties • Parties • Annex I Parties • Parties • Parties	FCCC/KP/AWG/2007/5, paras 19(d)(i), 19(d)(iii), 21(d)(i), 21(d)(ii) and 23(a)
AWGKP5 (Part 1)	0				
AWGKP5 (Part 2)	1	• implications of new options for LULUCF		• Parties (informal)	FCCC/KP/AWG/2008/3, para 26
AWGKP6 (Part 1)	3	• further input on means (referring to INF.2 document) • further input on LULUCF • potential consequences of response measures	unedited: FCCC/KP/AWG/2008/MISC.7 synthesis of INF.2 and MISC.7 into FCCC/KP/AWG/2008/INF.3 unedited: FCCC/KP/AWG/2008/MISC.5	• Parties • Parties and "relevant organisations"	FCCC/KP/AWG/2008/5, para 22, 29, 51

Table 4 (cont'd): Overview of Requests for Submissions from Parties from the AWG-KP during its Sessions up to Session 10 (Copenhagen)

Meeting	Count	Issues	Synthesis Document	Addressee	Decision/Report
AWGKP6 (Part 2)	6	• information on possible own QELROs	unedited: FCCC/KP/AWG/2009/MISC.13 and FCCC/KP/AWG/2009/MISC.15	• Annex I Parties	para 23, 50(a), 51(c), 52(b), 55(a), 56
		• scale of aggregate and individual emission reductions by Annex I countries	unedited: FCCC/KP/AWG/2009/MISC.1	• Parties	
		• input on how possible improvements to Flexible Mechanisms would function	unedited: FCCC/KP/AWG/2009/MISC.3 further developed into FCCC/KP/AWG/2009/INF.2 and sections of FCCC/KP/AWG/2009/4	• Parties	
		• further elaboration on LULUCF options	unedited: FCCC/KP/AWG/2009/MISC.5 further developed into FCCC/KP/AWG/2009/INF.1 and sections of FCCC/KP/AWG/2009/4	• Parties	
		• potential consequences of response measures	unedited: FCCC/KP/AWG/2009/MISC.4 further developed into FCCC/KP/AWG/2009/INF.3	• Parties	
		• "other" issues (e.g. coverage of GHG, sector and source categories)	incorporated into sections of sections of FCCC/KP/AWG/2009/4	• Parties	
AWGKP7	7	• possible elements of amendments to the Kyoto Protocol (request for submissions during session)	unedited: FCCC/KP/AWG/2009/MISC.7	• Parties	request for submission during session and in FCCC/KP/AWG/2009/5, para 38, 46, 49, 56, 65, and 75
		• further views in Flexible Mechanisms	unedited: FCCC/KP/AWG/2009/MISC.9	• Parties	
		• further views on LULUCF	unedited: FCCC/KP/AWG/2009/MISC.11	• Parties	
		• sharing of data and information relevant to LULUCF discussion		• Parties (informally)	
		• further views on potential consequences of response measures	unedited: FCCC/KP/AWG/2009/MISC.12	• Parties	
		• further views on "other" issues (e.g. coverage of GHG, sector and source categories)	unedited: FCCC/KP/AWG/2009/MISC.10	• Parties	
		• possible elements of amendments to the Kyoto Protocol	unedited: FCCC/KP/AWG/2009/MISC.8 and FCCC/KP/AWG/2009/MISC.14	• Parties	
AWGKP8	0				
AWGKP9 (Part 1)	0				
AWGKP9 (Part 2)	0				
AWGKP10	0				

* specifically, "Annex I Parties, in a position to do so"
Notes: The UNFCCC documents referred to above can be located using the document numbers at the UNFCCC's document search facility at http://unfccc.int/documentation/documents/items/3595.php
Sources: UNFCCC 2005, 2006c, 2006d, 2007c, 2007d, 2007e, 2008b, 2008c, 2008d, 2008e, 2009c, 2009d, 2009e, 2009f, 2006d, 2007c, 2007d, 2007e, 2008b, 2008c, 2008d, 2008e

high level segment of the COP/CMP, which usually convenes during the last few days of the COP/CMP meetings when environmental ministers or even heads of states or governments take over negotiations from civil servants, enabling more flexibility within the final negotiations.-

4.6 Conclusions

The purpose of this chapter was the introduction of the overall context of the fieldwork, especially with regards to the historical genesis, more current political developments and institutional make-up of the UNFCCC. To this end, I focussed in the first part of the chapter on the history of the international climate change regime by highlighting the rise of climate change as a political issue on the international agenda, starting with its first appearance at UNCHE in 1972 and the subsequent develop-ments at the two World Climate Conferences (WCC-1 and WCC-2) as well as the establishment of the IPCC and publication of its Assessment Reports, leading toward the adoption of the UNFCCC in 1992 and the Kyoto Protocol in 1997. In doing so, I lent specific attention to the role that the IPCC Assessment Reports played in this history and the specific institutional arrangements within the IPCC that are associated with these Reports (such as the line-by-line approval of the Summaries for Policy Makers by the government delegates in the IPCC plenary).

In the next step, I described the political development in the lead-up to and dur-ing the fieldwork phase, while paying particular attention to the politics relating to carbon markets since that was the specific area within the climate negotiations in which I specialised during the fieldwork phase. In doing so, I outlined the political efforts that were begun at the UN climate change conference in Bali in 2007 and were supposed to be finalised by the end of 2009 in Copenhagen, to negotiate a compre-hensive post-2012 climate change regime for the time after the end of the first commitment period of the Kyoto Protocol and described the two main negotiation tracks that were evident during the fieldwork phase. First, the Kyoto track within which parties to the Kyoto Protocol (which, most notably, excludes the USA) negotiated in the AWG-KP the emission reduction targets for industrialised countries for the time after 2012 including the specific rules of accounting, land use emissions and removals (LULUCF) and carbon markets. The second negotiation track, mainly

taking place in the AWG-LCA, intended to advance all issues not covered by the Kyoto Protocol, most notably mitigation of those countries whose mitigation efforts are not covered by the Kyoto Protocol, such as the USA and non-Annex I countries, adaptation to the effects of climate change, tropical deforestation (under the agenda item "Reduction of Emissions from Deforestation and Forest Degradation," or REDD), as well as additional issues such as financing, technology and capacity building. In concluding the first part of the chapter, I pointed out the failure of both tracks to come to a conclusion of their work programme by the envisioned dead line in December 2009 in Copenhagen and a resulting uncertainty with regards to the institutional structure of the post-2012 climate regime, especially whether the Kyoto Protocol will, indeed, be continued for a second and subsequent commitment periods or whether it will be replaced by another, potentially less ambitious arrangement. However, I also pointed out that regardless of the outcome of these future developments, it seems likely that the progress made in the deliberations of the UNFCCC during the fieldwork phase (for example, relating to the carbon market or REDD) will in some work be part of a future regime.

The second part of the chapter focussed on the institutional make-up of the UNFCCC. In particular, I introduced the several classes of participants: on one hand the parties to the convention and on the other hand three types of observer organisations: UN observers, intergovernmental and non-governmental observer organisations. I introduced the main distinction within the UNFCCC of parties as either Annex I parties (which roughly translates to industrialised countries) or non-Annex I parties and further introduced the main negotiating blocs that parties have established to enhance the effectiveness of their participation, especially in the case of smaller delegations. In discussing the UNFCCC's lack of formally agreed rules of procedure, and in particular a lack of agreement with regards to the rule on voting with the result of a de-facto consensus requirement within the UNFCCC, I established that, formally, every party has the equal power to veto any decision. However, I also pointed out that, in practice, this power differs depending on a party's negotiating bloc, its overall economic and geopolitical position, the size and skills of its delegation or factors such as power stemming from the moral authority commanded by some small island states due to their particularly vulnerable situations vis-à-vis climate

change or the interpretation of the concept of "consensus" of the chair of a UNFCCC meeting.

While parties take the central role in the UNFCCC negotiations and have the most far reaching set of privileges, the delegates of observer organisations, most notably non-governmental observer organisations, routinely outnumber party delegates. I introduced the constituency system that has developed within the UNFCCC, within which NGO observers are loosely and voluntarily associated with a number of constituencies that represent the different types of interests and backgrounds of the observers such as environmental NGOs, business NGOs, research institutions, trade unions and so forth, with the ENGO constituency currently undergoing an internal polarisation process between two distinct perspectives (the traditional environmental and a newly emerging perspective, self describing as the "climate justice" perspective). I also described how this system is used by the UNFCCC secretariat to distribute information and limited resources such as secondary access badges or speaking slots for plenary interventions. Further, I pointed out the restrictions which non-governmental observer organisations are subjected to in comparison to party delegates or intergovernmental observers with regards to access to meeting venues, documents and opportunities for direct participation.

In the next step, I described the different negotiation arenas within the UNFCCC and pointed out their different levels of formality, openness and inclusiveness, with plenaries being the most open, most formal and most inclusive of these arenas and the various forms of informal consultations (e.g. "friends of the chair" groups) taking the other end of the spectrum. I also pointed out how these characteristics of the negotiation arenas are of great importance for the participation of NGO observers, who only have access to plenary and some contact group meetings. Finally, I briefly introduced the different types of text that exist within the UNFCCC and explained the process of textual development (using the specific example of the deliberations within the AWG-KP during the fieldwork phase) from raw input in the form of submission of parties and the proceedings at the negotiation sessions to formal negotiation text and further to draft decision text and finally to decisions.

The overall context provided in this chapter is crucial to the further development of this thesis – in order to understand the participation of environmental NGOs in the

UNFCCC process, the contextual framework within which this participation is taking place is crucially important as this framework both imposes restrictions and opens opportunities for participation and has to be understood in order to be able to appreciate how ENGOs avoid or circumnavigate and use or further broaden them, respectively. Thus, the next chapter will proceed further in analysing how ENGOs negotiate issues of access and hierarchy within this framework.

Chapter 5

Inclusion and Exclusion, Influence and Resources

In this chapter I will focus in detail on issues related to access to the UNFCCC negotiations in general and the CAN-I activities within and in relation to these negotiations in particular. In this context, I will first consider the general parameters of access to the UNFCCC as well as the barriers thereto, in particular as experienced by individuals associated with ENGOs. Following that, I will specifically focus on access to the three settings of CAN activity as they related to UNFCCC politics: the in-session, virtual and hybrid settings. In order to do that, however, the specifics of CAN work including the specific activities of CAN members, working groups and their representatives in these settings will receive substantial attention first. In relation to this examination, particular attention will be given, in the second section of both parts, to barriers to that access, as they might relate to access to the general UNFCCC regime as well as to the various settings of CAN-I work respectively.

Examining these issues is important to further our understanding of the work of CAN (and, to a lesser degree, ENGOs and other actors in general) within UNFCCC: in order to understand their participation in climate change politics, we need to examine how they can access the arenas in which the relative deliberations are taking place as well as which limits and barriers to access exist, as this might systematically exclude or marginalise certain perspectives from CAN and UNFCCC work. In relation to an investigation of the UNFCCC and CAN as public spheres as discussed in the work of, inter alia, Jürgen Habermas (1990, 1992) and Nancy Fraser (1990, 2007, 2008), this is also important as the effectiveness of public spheres is closely related to a largely free access to these spheres (as discussed in chapter 2). In addition, given CAN's implicit claim and self-perception to represent the ENGO "constituency" (further entrenched by the UNFCCC secretariat's long established designation of CAN as the ENGO "focal point" – c.f. chapter 4), especially in the early stages of the fieldwork period, this question of possible exclusions of certain perspectives and possible barriers to access can have an impact on the perceived validity of that claim.

This becomes even more important, given both the implicit and explicit claims of the ENGO constituency to represent present and future generation's interest in a liveable natural environment, which amounts to a claim that the relatively small group of environmental NGOs represented at the UNFCCC sessions acts, in fact, as a legitimate representative of this larger group.

Obviously, as a basic but overriding condition, participation in both the internal deliberations within CAN and the wider UNFCCC process requires access to the physical and virtual spaces where these deliberations are taking place. The nature of that access, as well as the barriers that might restrict such access and any means to overcome such barriers, is distinctly different for the three settings in which CAN work occurs and which have been outlined above (in-session, virtual and hybrid) as well as for the general access to the UNFCCC sessions themselves. Therefore, these four distinct areas (UNFCCC plus three settings of CAN work) will subsequently be considered in turn – with some more attention to the specific activities of CAN in each of the settings –, after briefly recapitulating the characteristics of these settings here.

As "in-session" setting, I understand the situation in which those CAN members that are physically present at the UNFCCC negotiation sessions work and interact with each other and other relevant actors during these sessions. Obviously, the in-session setting can only occur during the few weeks of UNFCCC conferences each year. During the rest of the time, interaction within CAN takes places in what I previously called the "virtual" setting, wherein communication within the network is mediated through technological means such as email lists, telephone conferences, Skype and collaborative online tools, for example Wikis, Google Docs etc. Similar to the "in-session" setting, the "hybrid" setting only occurs during UNFCCC negotiation sessions and refers to the experience of those CAN members who are not physically present at the UNFCCC venue and who therefore have to resort to the mediated communication means otherwise associated with the "virtual" setting to interact with their colleagues at the venue and follow the developments there.

5.1   General Access to the UNFCCC Negotiations and Barriers

Generally, "any body or agency, whether … governmental or non-governmental" (UNFCCC 1992: 12) is allowed to seek accreditation to participate as observers in the

UNFCCC negotiations. However, the application for this accreditation requires a certain institutional status (the requirement of being some sort of an incorporated organisation and having charitable tax status in the country of incorporation) and relatively extensive documentation is required, such as documentary evidence of the organisation's past work in areas related to climate change, annual reports including financial statements, formal documents detailing the governing structure of the organisation and so on (UNFCCC 2006a, 2010c). These requirements and the labour-intensive application process certainly discourage some interested individuals and groups from applying for accreditation; in fact, comments from ENGO delegates have confirmed this to be the case as will be discussed shortly.

However, it is very common for environmental NGOs with accreditation to register the delegates of other ENGOs or un-incorporated groups for UNFCCC sessions (Hardstaff 2007) and, in fact, CAN-I and the regional and national CAN nodes routinely perform this service for delegates of CAN member organisations. This practice is also common among other constituencies – for example the International Chamber of Commerce has an open invitation to register persons nominated by its members and likewise IETA, the International Emissions Trading Association, registers a large number of representatives of its member corporations (Hardstaff 2007). Recently (at the Copenhagen climate conference and beyond) a practice has emerged of limiting NGO access to the negotiation venue by means of a "secondary badge" system. In this system a limited number of secondary access badges are distributed to each organisation when the venue approaches maximum capacity and are then required in addition to the regular, "primary" badge to gain access to the venue. Since the allocation formula of this system favours organisations with fewer registered participants, CAN-I has actively encouraged all national and regional nodes as well as individual member organisations to seek their own accreditation to reduce the number of delegates on the CAN-I list and thus avoid being penalised for having too many individuals registered.

In this context it was also revealed, as mentioned above, that some nodes and organisations, especially from non-Annex I countries, find it difficult to fulfil the registration requirements with regards to documentation to be provided and institutional requirements as detailed above (private communication with CAN-I staff, October 2010). In addition, recently, in 2009, the UNFCCC secretariat actively started

to encourage this practice by placing a notice in the relevant section of their website stating the "admission [of an organisation as observer] is not the only way to attend sessions. [...] [T]he representatives of your organization can be nominated to attend sessions by already-admitted observer organizations who agree to nominate them" (UNFCCC 2009c). This change in policy was probably due to the very large volume of new accreditation request prior to COP15 in Copenhagen. Before COP15 in Copenhagen, the average annual number of newly accredited NGOs was 58 (ranging from 19 (COP7, Marrakech) to 106 (COP14, Poznań)), while for COP15 345 new NGOs were accredited. Further analysis (using linear regression analysis with the number of newly accredited NGOs as dependent variable and year of the session as well as dummy variables for each COP as independent variables) also showed that the difference in levels of new accreditations was only statistically significantly different from other COPs in the case of COP15 (own calculations using data from UNFCCC 2010e).

Furthermore, this change in positions was considered somewhat surprising since this encouragement creates a potentially confusing and harmful situation with regards to which organisation is responsible for potential breaches of the codes of conduct by delegates from other organisations so registered – this question occurs primarily as a result of unauthorised demonstrations inside the conference venue. To illustrate, during the November 2000 COP6 in The Hague, an activist who was registered as an attendee to the COP through another organisation than his or her own, chained her- or himself to the doors of the negotiation rooms, threatening to keep the doors shut until the negotiators in the room successfully broke the deadlock from which the negotiations were suffering (to illustrate the severity of this deadlock, COP6 was, regardless of this action, ultimately suspended and resumed six months later as COP6bis). As a result, the organisation that had registered the activist was threatened with withdrawal of their accreditation and ultimately was not allowed to register anybody but full time employees of that organisation for a number of years (conversation with ENGO delegate, field notes, Bali, 13 Dec 2007). Similarly, during the second week of the Copenhagen COP in December 2009, a group of about 30 Youth delegates from developing and developed countries staged a sit-in on a main junction within the conference centre (without, however, fully blocking traffic) to protest, among other things, the unprecedented near complete shut-out of civil

society participants from the venue during the high-level segment of the last few days of the conference (as discussed in chapter 4). In this example, too, many of the Youth delegates were registered though other organisations than their own, thus jeopardising those organisations' future participation in the UNFCCC meetings. As a result, they found themselves not only in conflict with UN security but also with representatives of their registering organisations who asked them to end their action to avoid repercussions (fieldnotes, Copenhagen, 16 Dec 2009; also cf. SustainUS 2009). This illustrates the extent to which there is a good reason for organisations to be cautious about whom to include on their lists and therefore this creative way of circumventing barriers to achieving an own accreditation has limits.

Besides this institutional barrier, the main barrier for ENGOs to participate in the negotiation session of the UNFCCC is financial. Normally, UNFCCC bodies hold two negotiation sessions annually, totalling about 20 days. However, due to the increased workload of the UNFCCC to produce an outcome by the end of 2009, during the fieldwork period the number of meetings doubled in 2008 (4 meetings, 39 days) and tripled in 2009 (6 meetings, 57 days; see table 1 **Error! Reference source not found.**in chapter 3). It is clear, that the associated costs are difficult to meet for often underfunded ENGOs, and have often prohibitive effect on the participation of environmentalists from developing country ENGOs or smaller NGOs from developed countries. There are support schemes through which developed country governments or NGOs seek to enable the participation of NGO delegates from developing countries. For example, CAN Europe succeeded in securing funding from Scandinavian governments to bring Southern NGO delegates to COPs in 2006 and 2007. However, these schemes primarily focus on improving Southern participation at the Conferences of the Parties (COPs), which results in a clearly visible shift in the ratio of NGO delegates from developed countries to those from developing countries at the COPs compared to the other (so-called intersessional) UNFCCC conferences (Holz 2010). This funding comes with its own sets of issues and problems. For example, the funding of the government of Finland to support southern NGO attendance at the 2007 COP in Bali was subject to a set of restrictions and a timeline that resulted in only 2 days of decision making time during which coordinators of Southern CAN nodes had to decide which individuals to send to the COP. Since the decision making procedures in at least one of these nodes could not accommodate such short

timelines, that node ended up missing out on this chance – and subsequently raised this grievance at the CAN-I Annual General Assembly in Bali (field note, Bali, 16 December 2007).

It is also worth pointing out that visa problems might also represent a barrier to attendance at UNFCCC sessions and that these problems affect potential participants from developing countries much more often. Reports of individuals from developing countries who are not successful in securing an entry visa for the country in which a given UNFCCC session is held, are not uncommon and cause substantial frustration especially when this affects individuals for whose participation funds have been secured, which are thus lost (e.g. post field note, Copenhagen, Dec 2009).

Furthermore, as mentioned, these prevailing problems – especially those related to funding – lead to lower participation of NGO delegates from developing countries at the smaller, intersessional conferences, which has significant implications for their effective participation in the overall process. Most obviously, it means that these observers cannot participate or influence the many discussions and decisions at these conferences. Furthermore, there are strong implications for the effectiveness of lobbying and the access to negotiators. The atmosphere at the intersessional meetings is generally less tense compared to the COPs, which can be explained by the generally lower level of political seniority at these meetings[99], the resulting focus on technical details as opposed to grand political breakthroughs, and the consequently lower attention of media and the public that is awarded to these meetings. As a result, negotiators are under less pressure and there are less time constraints compared to COPs and thus it is easier to approach negotiators to ask for meetings and these are more open for inputs from and exchange with NGO delegates. Thus, NGO delegates who attend intersessional meetings of the UNFCCC have many more chances to establish good rapport with individual negotiators during these intersessionals, which can then be useful to gain access to the same individuals during COPs even with their increased pressure in terms of time, expectations, demands due to the

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99   The negotiators attending intersessionals are generally more technically focussed civil servants while at COPs often the environmental minister takes the role of the head of delegation or even Heads of State or Government attend. This is particularly true during the, thus named, high-level segment of COPs wherein during the last few days most countries are represented by their environmental minister or Head of State or Government.

presence of their minister, increased public interest in the session and higher expectations of "success."

> I run into [...] [a European negotiator] while she was queuing for coffee. I managed to get some information [from her] about what's happening in the informals.
> [...]
> I also got a chance to talk very briefly about some of the concerns that we were discussing within CAN.
>
> (field note, Copenhagen, 11 Dec 2009)

It was very clear to me during this situation, that this easy and quick access to the negotiator was only possible since there was already an established relationship with the individual as a result of my increased involvement with CAN work during the preceding year. In particular, I felt that the same access would not have been possible for me at the previous COP in Poznań – which predated my increased involvement.

Before this first-hand experience, I had frequently observed how ENGO delegates interrupted conversations they were having with other environmentalists to engage a party negotiator they knew and who walked past or came out of a closed session in front of which they had congregated. On one occasion, for example, I had joined a number of ENGO delegates who were waiting outside of a room within which a closed negotiation session took place. After the doors opened and the delegates started streaming out of the room, one of the environmentalists I had been talking to followed one of the negotiators to try and obtain information about what developments had occurred in the talks. When I asked him later how it went, he seemed irritated and even upset that the negotiator had refused to talk to him since he had thought he had a good relationship with that person that had developed over the course of many sessions (field note, Bonn, 10 Jun 2008). Another CAN delegate provides more insights in the formation of these relationships, including their personal character:

> You meet these guys, you talk to these guys at conference after conference after conference, so inevitable you form a relationship.
> [...]
> Sometimes we get information from governments when [other] countries misbehave [in closed negotiations] – [they say] "NGOs do something about this" [for example through contacts with other NGOs or media in the countries in question]. So it's a give and take relationship but you have to grow trust with the people that you're

> talking to and vice versa, so all this is about building relationships
> and having trust, *interpersonal* trust.
>   (conversation with CAN delegate, field note, Vienna, 29 Aug 2007)

Lack of attendance at the intersessional UNFCCC meetings can also restrict the insight into the political developments that underlie the specific versions of negotiating text that are adopted at the end of a meeting (or passed onto the next one). Without physical attendance at the meeting it is very difficult to know the details of the contents of the different versions that documents have gone through during a meeting and even less possible to know which countries have proposed, supported or opposed certain changes to the document such as addition of text, changes to text, deletion of text or removal of brackets around parts of text and the specific justifications and bargains that accompany the changes. New versions of text under negotiation are published regularly throughout a session, often with new versions of the same text coming out daily or even multiple times daily. Some of these text versions are easily accessible by NGO delegates (e.g. text versions that are distributed by UNFCCC staff during contact group meetings that are open to NGO observers), while access to others depends on environmentalists that are registered with a UN agency, like the UN University, or their own country's official delegation[100] or the cooperation of party delegates that are supportive of the ENGO work. Within the ENGO community at the sessions, distribution of text, which is not publicly available, typically occurs through working group coordinators. At working group meetings working group coordinators would often distribute copies of text that is relevant for that working group's work to the ENGO colleagues present at the meeting. Further, working group coordinators would also receive text relevant to their working group's work that ENGO delegates working on other issues have gained access to in one of the ways described and where the latter is considered to be relevant for the working group in question.

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100 This latter is quite common for some countries – being registered as a member of an official party delegation equips the NGO delegate with a "pink badge" (as opposed to, for example, the yellow badges of NGO observers), which in principle grants them the same access as any other party delegate, e.g. access to documents that are not otherwise distributed to NGO observers. NGO delegates with pink badges, however, typically have to agree to a code of conduct that limits their activities, for example prohibiting them to make statements to media on behalf of their country or access meeting rooms closed to observers.

Additionally, verbal statements made by party delegates during negotiations, in negotiation arenas that are open for observers, are not accessible to observers who are not present in person. As mentioned above, statements made in those arenas (e.g. contact groups) differ crucially from those made in plenary sessions (which are accessible to the public, and therefore also to observers not physically present, by means of webcast and being open to media) in that plenary statements are often pre-prepared, are much more formal and largely follow parties' well known official positions.

Knowledge of all these details, however, is an important part of the specific insider knowledge that convenes influence both within the UNFCCC process as well as in CAN. For example, such knowledge can be used to identify potential allies among states to advance environmentalists' objectives and to develop specific strategies.

The textual development with regards to two controversial CDM project types – Forests in Exhaustion (FiE) and Carbon Capture and Storage (CCS) – during COP14/CMP4 in December 2008 in Poznań is a useful example to illustrate this (various field notes, Poznań, 5 - 11 December 2008): under the CMP agenda "Issues Related to the Clean Development Mechanism," the CMP typically provides further guidance to the CDM Executive Board (EB), the body that oversees the day-to-day operation of the CDM. In Poznań, during the proceedings of the contact group tasked with the detailed deliberations on this item and the preparation of draft conclusions to be adopted by the CMP plenary, text referring to "Forests in Exhaustion"[101] was

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101 At the time of the introduction of the concept of "Forests in Exhaustion" (FiE), no definition of this term existed nor was there a coherent understanding of what this concept related a potential new CDM project type involving FiE under the umbrella of Afforestation and Reforestation (A/R) CDM projects would entail. The original phrasing as "*planted* forests in exhaustion" (used in draft text to decision 2/CMP.4, version 9 Dec 2009, cit. in field note, Poznań, 10 Dec 2009) at least clarified that the concept related to plantation forests but not much later even that limited specification was dropped. Therefore, CMP4 ultimately agreed to instruct the CDM EB "to assess the implications of the possible inclusion of lands with forests in exhaustion as afforestation and reforestation [CDM] projects" (UNFCCC 2009d, decision 2/CMP.4, para 42) and the board commissioned a review of this issue. That review describes for the first time what forestation of FiE as a CDM project type could mean in practice: while the CDM A/R methodology generally excludes land which was forest on December 31, 1989 (in order to remove a possible perverse incentive to deforest land solely for the purpose of later establishing a CDM re-forestation project to earn carbon credits), the inclusion of FiE as understood by the CDM EB's assessment would mean that land that might have been a forest by the deadline could also qualify for the CDM if a forest plantation that was established on such land is expected to revert to non-forest land, for example through final harvesting (final harvesting would make that forest a "forest in exhaustion"), unless

introduced into the text by Brazil and later supported by Indonesia, both of which would be one of the main benefactors of such a change due to their extensive forest plantations. The text was introduced into the draft decision text in square brackets, indicating that there was no general consensus for the inclusion of the item. In particular, Saudi Arabia and other OPEC states as well as the EU were opposed to the proposed changes. During the textual developments that resulted from the informal consultations of the co-chairs of the contact group, however, the text referring to FiE was moved to the same paragraph and into the same set of square brackets and using the same language as the text referring to CCS[102], indicating a new political linking of these two issues as typically all text in one set of brackets is considered as a unit and rejected or retained in its entirety. This link became more apparent as the opposition of Brazil against CCS, which has traditionally been strong, appeared to weaken as well as that of Saudi Arabia against FiE. It is worth pointing out, that in the final text of the CMP decision (UNFCCC 2009d: decision 2/CMP.4, para 41–42) both items are included, each of them, however, contained in a separate paragraph, thus making the political linkage and bargaining that accompanied their inclusion on the final version opaque for observers that were not present at the conference and thus had no access to the meeting rooms and the intermediate draft versions of the text.

The knowledge of this background, however, proved important during the nego-tiations on this issue in the lead up to, during and after the Copenhagen climate change conference, where support for the inclusion of FiE as a A/R CDM project type was increasing, particularly among countries that would not themselves benefit from the proposal, but who either were traditionally supportive of CCS or who seemed to have received misleading briefings about the specifics of the proposal (field note and email exchanges, Copenhagen, 14 December 2009). Knowledge of the background of the genesis of the issues, also enabled ENGO delegates to identify the possible

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specific targeted steps, which would require further financial incentives (for example as provided through the sale of CDM carbon credits) and which could thus constitute the CDM project, were undertaken to avert that reversion (CDM EB 2009).

102 Saudi Arabia had requested text to mandate the CDM EB to conduct an analysis of the implications of the inclusion of CCS as a CDM project type, in an attempt to advance negotiations on CCS – a technology that OPEC countries are generally very supportive of as it theoretically allows the continued use of fossil fuels while reducing the greenhouse gas emissions to the atmosphere associated with their use, and that is explained to greater detail in footnote 73 in chapter 4 –, which had not made any progress under the SBSTA for a number of years.

bargaining concessions towards which proponents of FiE were suspected to be disposed:

> Another dangerous twist to the story is that the adoption of FiE could be the result of [...] [a] trade-off for Brazil to drop their veto on CCS in CDM.   (field note, Copenhagen, 12 Dec 2009)

Thus, FiE was correctly identified as an important skirmish in the overall battle to prevent CCS becoming a CDM project type. ENGO delegates thus included that information in their lobbying efforts to prevent both FiE and CCS by, for example, pointing these connections out to parties opposed to CCS, thus increasing the chances that these parties would also become (or remain) opponents of FiE. Further, ENGO delegates lobbied to have the issue of FiE referred to the IPCC for further analysis before decisions could be made, in an effort to decouple CCS and FiE in the bargaining within the UNFCCC negotiations and thus retain Brazil and others as allies against CCS in the CDM.

It can be seen that despite some public access to the UNFCCC negotiations via webcasts of plenary meetings, media coverage and publication of final decision documents, physical presence at the conference venue is crucially important. This is because it does not only allow access to the negotiators, whose behaviour ENGO participation ultimately aims to influence, but also since it allows the building of valuable relationships with negotiators, gives access to non-webcast meetings and corridor rumours, to intermediate stages of textual developments and easier understanding of the intricacies involved in the genesis of particular issues during the negotiations. It has also been demonstrated, that the majority of these advantages of physical attendance can only be fully realised when not only the annual major COP meetings are attended but crucially the smaller intersessional meetings as well.

It is important to point out, though, that non-attendance at these intersessional conferences (as well as the major COP conferences) also has impacts on the deliberations *within* CAN, which will be discussed in the following section which will consider access to CAN in the in-session and other settings.

5.2   Access to CAN Work and Activities

In addition to mere access to the UNFCCC negotiation venue, it is important to consider how access to CAN's various settings is structured. Before proceeding, though, I will first describe, in the next step, the three main settings – in-session, virtual and hybrid – and CAN's main activities in each of these settings in greater detail before considering issues of access and barriers to access for each of these settings in turn.

5.2.1   Main CAN Activities in the In-Session Setting

CAN International is mainly active in the context of the UNFCCC negotiations (as opposed to regional or national CAN nodes which are also trying to influence the national or regional politics of climate change) and since CAN members come from many different countries and from all five continents, the UNFCCC sessions represent virtually the only opportunity for more than a few CAN members to be physically in the same space[103]. Consequently, a large number of CAN activities are centred on these sessions. As described above, I call this setting within which CAN activity occurs, the "in-session setting." It is important to remember that only those CAN members are considered to participate in the work within this setting who are physically present at the UNFCCC conference venue.

The activities that CAN member organisations engage in during their participation at UNFCCC sessions can be broadly divided into external and internal activities, with the external activities aiming at the UNFCCC process, e.g. following and attempting to influence the negotiations, while internal activities are concerned with processes within CAN, e.g. work toward development of policy positions, strategic

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103 On rare occasions, events like the "CAN equity summit" in 2008 are organized where over 100 delegates of CAN member organisation, as well as additional individuals from non-member organisations within the wider environmental movement, from nearly 50 countries met to advance their understanding of the notion of "equity" within climate policy and to try resolve associated conflicts between their organisations. However, due to the substantial financial and logistical demands of such events, they are very rare – the 2008 CAN equity summit was only the second time after the first equity summit in 2001 that such an event was held.
Face-to-face interaction outside UNFCCC sessions is slightly more common for CAN members from the same regional or national nodes as there are more occasions to cooperate within the node, for example, CAN-Europe holds annual AGMs and strategy planning sessions in Brussels and organises other events offering such as an October 2007 conference and workshop on the post-2012 future of the CDM.

planning etc. Since most of the work of CAN-I is aimed toward the UNFCCC process, the boundary between internal and external activities is often blurry. To illustrate this demarcation problem, consider for example the (internal) work required to formulate a common response statement to recent developments at a UNFCCC session with the intention of using the outcome for lobbying and media work (external). For the present task of contrasting the different settings of CAN work – in-session, virtual and hybrid – the internal activities are more relevant and are therefore the focus of the following section.

Among the internal work at UNFCCC session, the increase of intensity and frequency of working group work is the clearest example for how the in-session setting differs from the virtual setting which characterises the work of the network most of the time. For example, the CAN working group that I was most involved with, held daily face-to-face meetings at most of the UNFCCC sessions during my fieldwork period while it would otherwise, during the periods between the UNFCCC sessions, only hold telephone meetings less than once per month plus sporadic email exchanges. Within the virtual setting, the frequency of both calls and email exchange increases substantially when the group is working to prepare specific submissions to the UNFCCC or specific position papers but never comes even close to the intensity of collaboration during the UNFCCC sessions. This pattern is consistent across all other CAN working groups and can be explained through mutually reinforcing internal and external factors. Internally, the comparably much lower effort to organise meetings due to being in the same location and the same time zone contributes to this change as well as individuals' changed work focus: while many CAN delegates can normally, only dedicate part of their working time for UNFCCC related work[104], during UNFCCC sessions (especially after having travelled there) this work becomes the sole focus. Externally, the speed of political developments relating to the UNFCCC is naturally much higher during its negotiation sessions, thus the need to share intelligence about these developments and coordinate with others regarding possible responses or supportive or countering measures, becomes much greater compared to the periods between sessions.

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104 The degree of this is very different between individuals: in some cases, which is in particular the case for employees of the large ENGOs, individuals can dedicate their entire time to UNFCCC issues while, on the other extreme, some others are expected to deal with UNFCCC related topics in addition to their full time duties on other areas their employer organisation is engaged in.

In addition to the change in intensity and frequency of collaboration within working groups, the type of activity that is carried out by the groups is also different from the other settings in which CAN work occurs. Not surprisingly, the main focus of the work at the UNFCCC sessions is targeted at the sessions themselves – members share information they have received on specific developments within the negotiations or when parallel sessions of different groups under the UNFCCC took place, further interpretations of these developments are shared and compared and it is decided if any responses to these developments might be necessary, and if so what sort. For example, when developments begin to emerge (for example, in parties' statements or in actual text) that are deemed undesirable by ENGOs, steps are undertaken to bring these developments to the heightened attention of other parties with a view on the issue in question similar to the ENGOs in order to encourage their resistance. Steps to achieve this can include the publication of an article in CAN's daily and widely read newsletter "ECO," coordination with other working groups within CAN or direct meetings with members of the delegations of potential allies among the parties to discuss the matter.

For example, in the case of the appearance of "Forests in Exhaustion" (see above) in the draft text under a CDM related agenda item at CMP4 in Poznań, members of the CDM working group, who were in attendance at the relevant contact group meeting, alerted their CAN colleagues in the LULUCF working group (the LULUCF working group is where CAN's work relating to forestry in Annex I countries is carried out) who in turn informed the forestry experts among the delegations of their allies among parties, who were not aware of this development since it occurred under an agenda item that was generally assigned to other experts within their delegation. The interaction between CAN's LULUCF and flexible mechanisms working group on this issue also helped improve the latter's understanding of the implications of this issue, thus enabling them to raise the issue in meetings with party delegations, many of which did not have a clear understanding at that point in time (cf. footnote 101 above for an explanation) and therefore CAN's interpretation was welcome to further that understanding (field notes, Poznań, 10 Dec 2008 and 11 Dec 2008). These activities helped to build opposition against this item, as political actors who would not have otherwise taken note of this development were now able to voice their disagreement.

These activities – sharing information within CAN, writing ECO articles and meeting with party delegates – are among the standard working group activities even when not directly responding to recent developments. Since ECO is well regarded and widely read among negotiators and other NGO delegates as well as media (post field note, Vienna, Aug 2007), contributing articles relevant to a working group's area of specialisation is a regular activity during UNFCCC sessions. Likewise, setting up, preparing for and carrying out meetings with the relevant experts from parties' delegations is also regularly done as this represents one of the more direct ways in which the negotiations can be influenced. Such meetings often offer a venue for a more informal and detailed discussion of both CAN's and the party's positions and the background that lead to the adoption of these positions as well as the exchange of views concerning what aspects of each other's positions are not acceptable and why. The meetings also act as a conduit of useful information about recent developments within the negotiations. For example, the party delegates are often able to share new information (or even hard copies of text) about the proceedings in closed negotiation arenas while the CAN members might have insights into the thinking of other parties that go beyond the public statements of these parties as this comment of a CAN delegate illustrates:

> CAN can provide a "second loop" [...] [of communication between parties]. For example, in an EU-Japan bilateral meeting they will not always talk very frankly with each other. [...] But because I talk to the EU [delegates] and I talk to my Japanese [ENGO] colleagues and the Japanese colleagues talk to their own government, so normally my Japanese colleagues have a sense of what's going on in Japan [that is different] from what the Japanese government is saying to the EU. So we can through the Japanese NGOs we can give further information to the EU and back and forth.
> And CAN has a large advantage in this area because of being a large global network of organisations it is very hard to trace a piece of information back to its source and that's a layer of security that we can offer [to the person sharing the information] as well as the personal trust that we won't tell the wrong people too much. So we can, particularly [during] the negotiations, be quite a useful source of information back and forth like that.
> (conversation with CAN delegate, field note, Vienna, 29 Aug 2007)

Since NGOs are not allowed to make any requests for text changes or additions, meetings with party delegations also serve as a venue for ENGOs to try and push for their favoured changes to negotiation text. For example, during meetings, CAN

members will often specifically point out certain pieces of text in the current version of a document that they would prefer to be deleted or suggest specific text changes. In the later case, CAN members would often bring copies of additional (or amended) text to those meetings that they would like to see included into the negotiation text in order to offer them to parties in case the meeting shows that the party in question and CAN are in agreement on a certain item and thus the party might be willing to propose the text change during the negotiations[105].

> During one of the meetings [with government delegates] they [delegates from one CAN member organisation] brought two sets of documents with them. On one they had their briefing notes with very detailed numbers and references to the scientific literature, that they used for the briefing and to hand over at the end. After they had a sense that [the party delegates] agreed with their point, they took out the second set of papers which had specific text suggestions "ready to use" language and specific suggestions where to insert that text. That text did make it into the next version of the draft conclusion but seems to have been dropped later from the text during the chaos of the last few days.
>
> (post field note, Copenhagen, Dec 2009)

Occasionally, either on CAN's own initiative or upon request by parties, CAN members also offer briefings on specific, more technical details to some parties. For example, during the Copenhagen climate conference, I was involved in fulfilling the request of some parties from the LDC (Least Developed Countries) group to be briefed on the more technical details of the discussion on "loopholes" in Annex I targets, which ENGOs had successfully established as a central agenda item at that conference and where some parties had gaps in their specific knowledge about these loopholes which prohibited them make their own judgement about the issue.

To explain, during the lead up to Copenhagen as well as at the actual conference, CAN tried to point out certain "loopholes" in the UNFCCC rules that effectively weaken the emission reduction targets of Annex I countries to a degree where instead of actual emission reductions those countries could further increase their output. A brief report prepared by a group of environmental and academic observers in

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105 Unlike other papers handed out to party delegates at meetings – for example, CAN position papers or briefing documents –, which normally bear the CAN logo or are otherwise attributable to CAN, such text suggestions are normally offered on neutral paper to avoid accidentally revealing the true authors of such text.

Copenhagen (Parekh et al. 2009), for example, estimated that the reductions pledged collectively by Annex I countries at that point of 13-19% would be weakened by the loopholes so that in the best case only a 9.5% emission reduction would remain or, in the worst case, emission increases of 4% could be allowed. These loopholes refer to a number of flaws within the rules of the Kyoto Protocol and relate to (i.) a large number of surplus emission allowances in former Soviet Union countries due to the collapse of their heavy industries post-1990; (ii.) accounting rules for land use and forestry emissions that allow countries to elect not to account for certain emissions while at the same time taking credit for the absorption of carbon by forests and the biosphere; and (iii.) the negative effects of inefficiently designed offset projects (also, cf. CAN 2009b; Vidal 2009b).

Another type of important CAN internal activity that takes place at UNFCCC sessions are half-day long strategy sessions that are organised for CAN delegates on the day prior to the beginning of the sessions and, in the case of two week long sessions, additionally on the day halfway through the session that has no official UNFCCC activities schedules. These strategy sessions typically feature overview presentations by experienced CAN delegates over the current status of the political developments in the main streams of the UNFCCC negotiations including the known positions of parties with regards to these issues as well as brief overview presentations by working group coordinators about the recent development in the area of work of their working group and the main issues under negotiation at the present session. Typically, especially at COPs, there is also a brief presentation of the main points of CAN's expectation document that is normally prepared with strong collaboration from all CAN working groups in the weeks and months leading up to the conference and that outlines which developments CAN would like to witness in the relevant negotiation streams (for examples of such expectation documents, cf. CAN 2009a, 2010b). In addition to these overview presentations, whose main purpose is to share background about the current status with those CAN delegates who might not have a sufficient knowledge of recent developments or insights into the developments of specific working groups' area of expertise[106], the strategy session is, true to its name,

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106 In order to assist individuals who might need additional help, CAN also holds "capacity building sessions" before each of these strategy sessions, which are mainly targeted at first time observers of UNFCCC negotiations and are aimed at easing their possible confusion and disorientation and thus helping to make their attendance more efficient and rewarding. Briefer versions of such

also used to specifically strategise with regards to the work CAN and its member organisations aim to perform in the week ahead. This is typically done through two sets of break-out groups – one by working group topic, where working groups can plan the specific strategies in their own area, and another by regional focus – whose results are then discussed in "plenary."

In addition to this strategic planning work that is specific to the respective UNFCCC session, occasionally strategy sessions are also used to discuss new CAN policy positions or changes to existing policy positions that are expected to cause much controversy and are therefore thought to be better resolved through a strategy session where a relatively large number of CAN members can engage in direct face-to-face discussion as opposed to long and complicated email conversations that would be the default alternative to discussing the policy positions at a strategy meeting. However, since this process takes up a substantial portion of valuable and limited time at the strategy session, this is done only on very rare occasions. One of these occasions was at the April 2009 intersessional in Bonn, where a proposal was considered to change CAN's position with regards to the demanded range of collective emissions reductions for Annex I countries by the year 2020: i.e. to use the phrase "at least 40%" instead of the formerly used "25%-40%" compared to 1990 levels (CAN 2009c). This proposal was considered controversial in large part due to some CAN members' belief that it would be incompatible with the "political realities" within the UNFCCC and international climate change politics in general at the time and will receive more attention later in the thesis.

To complement the strategic planning and information exchange at those weekly, half-day long strategy sessions, CAN also holds "CAN Daily Meetings" in the afternoon of every day of UNFCCC negotiations. These one-hour-long meetings always follow the same structure: i. "working group reports," ii. "session report backs," iii. "bilaterals and country intelligence," iv. press conference, v. ECO, vi. "Fossil of the Day."

The "working group reports" are given by the coordinators of the working groups on the developments of the negotiations in the subject area of each working group as

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capacity sessions are also offered after each of the CAN Daily Meetings where newcomers can talk through anything they did not fully understand at the daily meeting or at the UNFCCC proceedings in general.

well as updates on the work the working group has been doing. During the fieldwork phase, this "report from working groups" section was extended to include newly formed working groups. A special case among these working groups is the newly (in the lead up to the Poznań COP) formalised working group called the "Political Coordination Group" (PCG), which consists of all other working group coordinators, the national and regional node coordinators and a number of specifically nominated "big picture experts" and is concerned with day-to-day strategising and information sharing on levels concerning the negotiations overall, as opposed to the technical level focus of the other working groups (the composition and work of, and access to the PCG will receive more attention in the next chapter). During the "session report backs" from the negotiation sessions, CAN members who had either physically been in attendance at the various negotiation sessions or had secured second-hand accounts of the proceedings share this information with the other attendees of the Daily Meeting. This is done to enable the maintenance of a relatively good knowledge of the overall negotiations even though each individual would never be able to attend all these sessions due to sessions being held in parallel and other events such as side events or working group activities further competing for sparse time. During the next segment in the Daily Meeting, information on meetings with party delegations (known as "bilaterals"[107]) and other intelligence with regards to the positioning and negotiation actions of specific parties is shared, including reports from past meeting between CAN members and members of party delegations, information on scheduled or planned future meetings (to allow members interested in participating in any particular meeting to do so) and additional intelligence from countries including reactions by media, publics and capitals "at home."

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107 The term "bilateral" (meeting) is normally used to refer to a meeting of (parts of) delegations of two (or sometimes more than two) countries in private for the purpose of information sharing and more informal and frank discussion of the respective negotiation positions. CAN's use of the word to refer to meetings between CAN members and party delegates is one of a number of examples where CAN appropriates the language of the negotiations to describe its own internal procedures and structures. Others are, for example, "non-paper" – to describe text written by CAN members without wanting it to be understood to be CAN's official position (for example when there was not enough time to go through CAN's policy position process) or "non-groups" – referring to groups established by the COP chair during the Kyoto Protocol negotiations to underscore that they had no formal status (Depledge 2005), or, in the CAN use of the term, that they are not official CAN working groups. Another example, CAN's use of the concepts of "capacity" and "capacity building" will be discussed in more detail in the next chapter.

Some CAN members are critical of this practice as they see it reflecting a misplaced self-conception of ENGO observers as having a role akin to negotiating parties in the process (field note, Bangkok, 3 Apr 2008; field note, Copenhagen, 13 Dec 2009).

The last three segments of the daily meeting are designated to the various aspects of media work: first, the daily CAN press conference is planned, which includes deciding who the panel speakers should be and which topics should be covered. The second media related part is the planning of the next day's ECO newsletter, where individuals can make suggestions for articles they want to contribute and which are then selected based on urgency, relevance and space in the paper. ECO has a different editorial board each day, which is also selected at this point, and which aims to ensure balance in terms of developed and developing country editors as well as gender and experience with the negotiations, CAN and ECO editing. Also, volunteers for a "graveyard shift" of two additional reviewers are selected who check the final version for grave mistakes as well as layout and spelling. Finally, the recipients of that day's satirical "Fossil of the Day" award are nominated, discussed and decided by attendees of the daily meetings. Fossil of the Day awards are presented to the delegations of the countries that have – within the preceding 24 hour period and in the view of the ENGO delegates – done the most to obstruct the negotiations or to advance them into a non-desirable direction. Examples include an award for a number of European countries for attempting to have accounting rules for emissions from logging that would allow them to ignore these emissions in their emissions accounting (CAN 2009d) or an award for Canada when its Environmental Minister failed to attend important ministerial talks during the Bali COP (CAN 2009e).

While – due to their satirical format – Fossil of the Day awards mainly provide an additional outlet for ENGOs to speak more frankly about their disappointment with specific developments and while they are thus mainly targeted at the negotiators present at the conference, they are also routinely covered in the media of the countries that were so recognised, and anecdotes circulating within CAN suggest that this occasionally leads to changes in negotiating positions. In particular, one such anecdote has it that after Brazil's winning of a first prize fossil award at COP12 in Nairobi, which was covered in the national media, the Brazilian President contacted the Brazilian negotiators in Nairobi to request that he be briefed on the case and to change the instructions to the negotiators (field note, Bangkok, 2 Apr 2008). In other cases and countries, fossil awards also have similar (albeit less extreme) effects and thus the potential impact of an award on a country's negotiation position is one of the aspects considered when deciding which countries to present with an award. In the

reverse case, fossil awards are sometimes not awarded, for example, if it is feared that such an award could undermine a country's self-perception as a progressive force in the negotiations. In addition to such considerations, the CAN delegates from the nominated country can block their country's receiving of the fossil award if they feel that the award could negatively impact on their government's or public's position vis-à-vis the climate negotiations.

In an email thread during the Copenhagen COP, a Canadian CAN delegate summed up the positive role of the Fossil of the Day in maintaining pressure on that country's government:

> In Canada the fossil has become a daily part of the discourse. It is now finally routinely mentioned in all of the major papers when Canada gets it. It is inspiring articles that don't even mention it in major papers. It is attracting high profile people (who are volunteering to receive it on behalf of Canada and hence increase the press coverage). It is even sparking "counter-awards" (the environment minister announced yesterday in Britain that he was starting the daily Hot Air awards and handed it out on the first day to the Pembina Institute, one of Climate Action Network Canada's leading organizations)
> [I]n the case of Canada only sustained political pressure is going to force the government to [improve] its climate position [...] and the fossils have become an important vehicle to sustaining that pressure. So you don't see a quick shift on a day-to-day basis, but it is having a meaningful and important impact.
>
> (CAN email, Copenhagen, 11 Dec 2009)

In addition to these standard activities that CAN carries out at any of the UNFCCC meetings – COPs and Intersessionals alike –, CAN International also holds its Annual General Assembly (AGA) during the annual COPs. During the AGAs, the outgoing Board of Directors, the regional and national nodes of CAN as well as the large international organisations[108] within CAN give reports on their activities during the previous year. Those present then discuss these reports with further discussion about the general direction of the network over the course of the next year and specifically

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108 Large international NGOs, with offices in at least 20 countries, have a special status with specific rights within CAN, similar to the status and rights of regional CAN nodes (CAN 2002: 12). At the beginning of the fieldwork period in 2007 there were three such member organisations in CAN-I, all of which had been founding members of CAN ever since 1989: Greenpeace International (GPI), Friends of the Earth International (FoE-I) and WWF. This changed during the fieldwork period, with FoE-I leaving CAN and Oxfam International, ChristianAid, Wetlands International and Caritas International joining the network.

discussions about areas where members were concerned about problems in the performance of the board or the network. For example, one of the AGAs during the fieldwork period (Poznań, Dec 2008) also included the discussion and adoption of a number of Terms of Reference documents – for working groups, for the adoption of new or revised CAN policy positions, for CAN regional and national nodes and for the newly established Political Coordination Group –, which were prepared by the board on the request of the previous year's AGA in a bid to further codify the procedures that guide CANs internal policy work. This was felt necessary due to the serious problems with the process of formulating policy positions on REDD prior to the Bali COP in 2007 and the deeper rooted problems within the CAN REDD working group that came to light during this process (this example will be discussed in greater detail later in this chapter). Establishing clear Terms of Reference with, inter alia, a clearly specified schedule of deadlines for the submission of draft versions to working group and CAN wide email lists, was felt as a necessary step to avoid similar frustrating experiences in the future (field notes, Bali, 8 Dec 2007; Poznań, 6 Dec 2008).

Further, during the AGA, the previous Board is relieved of their duties and a new Board is elected. The number of members and the specifics of the election procedures are not specified by the CAN Charter (CAN 2002) and have both changed over the fieldwork period: at the 2007 Bali AGA, the outgoing, 14 person strong board recommended to the AGA to elect a much smaller board (ultimately, a new board of 9 people was chosen) as the coordination of that many people across different time zones was experienced as a major problem particularly as it often proved impossible to have the required quorum to make board decisions. At the same AGA – and in contrast to the following ones – nominations for the board were solicited at the AGA itself (and included a few nominations by proxy of individuals who were absent from the meeting) and following the nomination, CAN nodes internally agreed on their preferred board composition which was then presented by all nodes and a compromise suggestion was developed from that by the AGA facilitators. In the following years, nominations were solicited by a "nomination committee," which was established for this purpose by the board, well ahead of the AGA with an intention to suggest a slate of candidates to the AGA for adoption which would – in the view of the nomination committee – best reflect the differences with CAN regarding geography, general political position, gender etc. and have a collective set of experience and skills

to effectively fulfil the board duties. At both AGAs the recommended slates were adopted.

In addition to these main activities within the in-session setting, CAN members engage in a variety of other activities, for example, engaging with their national or local media in their home countries, blogging or podcasting their experiences, interpretations and insights from the conferences, carrying out publicity stunts or similar activities inside and outside the conference venue (including participating in large demonstrations that typically coincide with the COPs) and so forth. This large variety and intensity of activities during the UNFCCC sessions makes the in-session setting unique with regards to the density of activity and the amount and character (i.e. face-to-face) of interactions with other CAN members as well as with negotiators of the parties to the UNFCCC. These are the two main characteristics in which the in-session setting is substantially different from the virtual and hybrid sessions, which I will now turn to.

5.2.2   CAN Activities in the Virtual Setting

As mentioned before, CAN is understood to be in its virtual setting at all times when the UNFCCC is not in session and therefore no significant number of CAN members are at the same place, enabled to engage in direct interaction with each other and with the negotiators of the UNFCCC parties. During "normal" years, with only two two-week long negotiation sessions, this virtual setting therefore characterises CAN work for over 90% of the year, while even in the more intense negotiation period of the fieldwork phase, with negotiations taking place in 10 weeks in 2009, still over 80% of the time, CAN works in the virtual setting[109]. It is therefore important to consider the substantial differences between this setting and the in-session setting.

The most obvious difference is the speed, number and frequency of interactions both within CAN as well as between CAN members and party negotiators as well as the general speed of the political developments related to the UNFCCC regime. Further, while the focus of attention in the in-session setting obviously lies upon the

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[109] Since the virtual setting is only relevant during the intersessional period, I am using the terms "virtual setting" and "intersessional period" roughly synonymously.

deliberations of the various UNFCCC bodies, and therefore more on the global level of politics, national and regional politics take a more important role in the virtual setting. Also, due to the dispersion of CAN members across the continents and time zones, a variety of different means of communication are employed, in particular the various email lists that are used within CAN, but also more immediate means of interaction, such as telephone conferences or Skype[110] and online collaborative tools such as Wikis, Google Docs or Basecamp.

CAN's email lists, while certainly an important communications tool during UNFCCC sessions – with daily email volume occasionally exceeding several hundred messages –, become the main venue of interaction between CAN members during the remainder of the year, albeit with much lower volume. Figure 5 shows the average daily email volume during the UNFCCC session of the fieldwork period as well as the intersessional periods. It clearly shows that the daily volume is generally much lower during the intersessional periods, where CAN functions in its virtual setting (also note the overall trend that has email traffic rising both during sessions as well in intersessional periods since the Poznań COP; especially during the second half of 2009).

CAN operates a variety of email lists, including a general list, *CANtalk*, which is intended the be the virtual venue for discussion, dissemination of information, announcements, sharing of news stories, press releases and reports, and the like, of the whole network. In addition to this general list, every policy working group within CAN has its own email list (the email lists for the Flexible Mechanisms ("CDM List") and Forestry and Agriculture ("Sinks List") working groups are used for figure 5) as well as the Political Coordination Group and there are also additional, more ad-hoc lists for temporary groups, such as the "Copenhagen Samba Group"[111] – an ad-hoc group that was tasked with compiling input from all working groups as well as various other sources from within the network into an expectation document for

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110 Skype is an internet based service that allows participants to communicate with each other using their computers (or more recently, handheld devices such as smartphones). Skype offers text based conversations (also known as instant messaging), as well as voice and/or video conversations. Instant messaging and voice conversations can be held in groups, thus enabling communication akin to a telephone conference call. One important feature that sets Skype apart from telephone conferencing, though, is the cost aspect – calls within the Skype network are free of charge for participants, making the service a popular choice for NGOs.

111 The name of this group is said to be reflecting the group's first meeting place – a Brazilian bar in Bonn (field note, Poznań, 3 Dec 2008).

Copenhagen – as well as lists for individuals interested in certain aspects or sub-topics that are not covered by a formal CAN working group, for example the lawyers group, or temporary lists for certain meetings, such as UNFCCC sessions, G8 summits etc. (conversation with CAN delegate, field note, Vienna, 29 Aug 2007).

Figure 5: Average Daily Email Volume on Selected CAN Email Lists During UNFCCC Sessions and Intersessional Periods
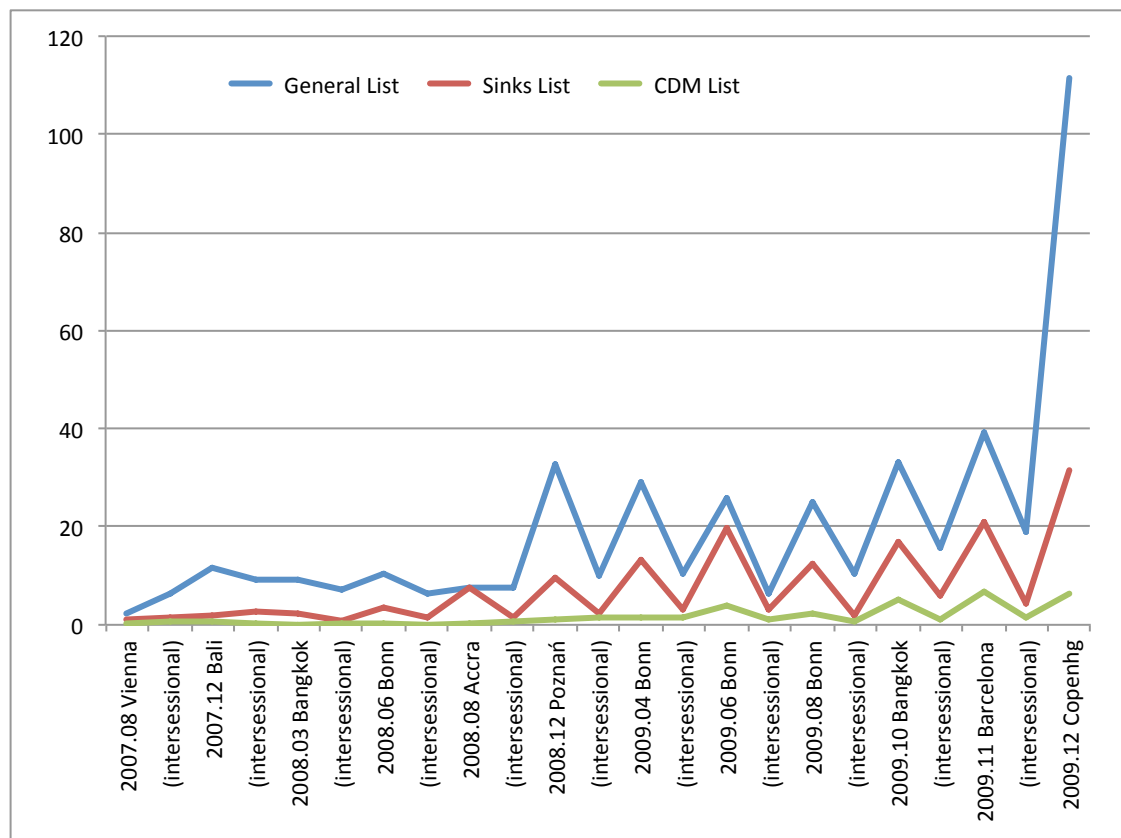
Note: For calculation of the average email volume during the UNFCCC sessions, emails have been taken into account that were sent during the session as well as on the day before and after the official start of the session. "General List" refers to the general CANtalk list, while "Sinks List" and "CDM List" are the email lists of the LULUF and REDD working groups and the Flexible Mechanisms working group, respectively.
Source: Own calculations using data extracted from CAN listserv archives[112]

The main activities that are carried out by CAN International during the intersessional period are information sharing, monitoring text developments – both of official negotiation text as well as submissions by parties to the UNFCCC – and developing the network's policy positions, either in reaction to the developments of the previous session (e.g. in order to inform a submission to the UNFCCC that was mandated

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112 The archives of the CAN listserves are accessible to subscribers of the email lists. Using a specifically written program for the statistical package Stata, email header data (sender address and name, subject line, date) has been parsed from the raw data files downloadable from these archives to generate a usable Stata dataset for further analysis.

during the last UNFCCC session) or in preparation for anticipated developments during the upcoming sessions.

Information sharing – posting of relevant news articles, NGO reports, scientific publications etc. on *CANtalk* or the relevant working group lists – is useful for CAN members in order to keep abreast with the large amount of information that is generated within the climate change related policy field. In the words of one individual:

> When I'm very busy with my projects, I pretty much stop following the general news. I'm pretty certain that the most important climate stories will come up on *CANtalk* anyways, so keeping half an eye on *CANtalk* is enough to feel relatively certain I am not missing any-thing crucial.
>
> (field note, Copenhagen, 12 Dec 2009)

Often, sharing of, for example, news articles regarding new developments in the climate policy realm triggers long and involved discussions on the topic in question as well as associated issues which help those participating in or following the discussion to establish an understanding with regards to the diversity of views on the issue within CAN and to inform their own thinking on the issue. For example, a shared news report (Volcovici 2009) on statements by Chinese diplomats on the question whether China (as producer and exporter) or the consumers in other countries should be responsible for emissions associated with the production of exported goods, triggered a discussion with more than 30 contributions that lasted for over a week on issues such as climate justice, international trade, welfare implications of industrial globalisation and more specific items such as the economics of Border Tax Adjust-ments. Likewise, a shared excerpt from a speech by the U.S. climate envoy (Stern 2009a) unleashed a long debate about the required level of ambition of U.S. emission reductions, the idea of comparability of efforts by the U.S. relative to other industrial-ised countries, the relationship between "political realism" and "scientific reality" with regards to these emission reductions and the role of NGOs in such discussions. As such, the sharing of information, being useful in its own right, often acts as an important catalyst for the discussion of fundamental political issues and thus contributes to a shared understanding of these issues – or alternatively to an understanding about the differences in the interpretation within the network. In

addition to the general *CANtalk* email list, information sharing, of more specialised information, also takes place on working group lists.

Another activity during the intersessional periods is the monitoring of text developments. During the fieldwork period, the chairs of the AWG-LCA and AWG-KP would on occasion develop "scenario notes," or "non-papers" or "chairs' text" to try and reflect what they felt was the status of the negotiations and/or to present actual negotiation text to parties[113]. In addition to these texts developed from within the UNFCCC, parties and observer organisations would respond to the requests for submissions that might have been made by the various bodies of the UNFCCC during the previous sessions (to illustrate, c.f. table 4 in chapter 4 for an overview of all such submission requests made by the AWG-KP up to its Copenhagen session). All these documents are posted to the UNFCCC website, which therefore is monitored for new text, which is then analysed for its implications to CAN policy and strategy developments. For example, many working groups maintain internal documents in which they compile the officially stated positions of parties relevant to the subject area of their working group. Further, working groups occasionally analyse the text in these documents in greater detail and submit their views based on this analysis formally to the UNFCCC. For example, the Flexible Mechanisms working group analysed the options that were summarised by the chairs of the AWG-KP in official documents (UNFCCC 2008b, 2008c) and prepared its analysis together with a more fundamental critique of the design and performance of the CDM thus far as a CAN submission to the UNFCCC (CAN 2009f).

This last example represents an overlap with another crucial aspect of CAN activity during the intersessional period: the development, or updating, of CAN policy positions with respect to the developments in the UNFCCC. The CAN working group within whose subject area an issue in question falls generally undertakes the development of policy positions in that area. On occasion, this gives rise to new (permanent or temporary) working groups when there is currently no working group covering the area in question. For example, when a number of individuals within CAN realised that it would be beneficial for the network to have a agreed policy position

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113 The development of text during intersessional periods, was a specific feature of the increased negotiation intensity during the fieldwork phase and does not normally characterise the ways in which text is developed in the regular, permanent UNFCCC bodies, COP, CMP, SBSTA and SBI.

on non-Annex I mitigation[114], individuals interested in working on such a policy position formed a new working group (aptly named "non-Annex I mitigation") as the issue was not within the area of expertise of any existing working groups (post field note, Bonn, Apr 2009).

The creation of new policy positions or the updating of existing policy positions follows an established succession of steps, with efforts to codify these in a Terms of Reference document being embarked upon towards the end of the fieldwork period. Generally speaking according to these Terms as well as established practice, a number of individuals – most likely within a working group – would determine that work on a new or existing position is required, for example during a conference call of a working group or during a working group meeting at an UNFCCC session. This desire to work on a position would then be communicated to both the working group and general *CANtalk* email lists with the purposes of inviting other interested individuals to join or observe the drafting effort. This initial email to *CANtalk* would also contain an outline of the main anticipated positions to be `taken within the position paper as well as the planned timeline for completion and revision of the position paper. A small group or an individual from the working group is then tasked with the preparation of a first draft, often based on input by the working group. This draft is then circulated to the working group list and feedback, comments and discussions are invited (often using the "track changes" facility of word processor software) and – depending on the level of possible disagreement and anticipated friction – possible conference calls organised to resolve tensions in a more interactive communication environment.

It is then the task of the working group co-coordinators and/or the individuals mainly responsible for the drafting of the position paper to incorporate comments and requests for changes into the draft and to work on finding a consensus between possible conflicting views with regards to the topic in question and to re-circulate the updated draft versions to the working group list. This can also involve off-list email or

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114 Non-Annex I mitigation refers to the actions undertaken by or in developing countries to limit the growth of or reduce the emissions of greenhouse gases. Due to the principles of CBDRRC, non-Annex I mitigation is different from Annex I mitigation (whose mitigation takes the form of quantified absolute emission reduction and limitation objectives according to the Kyoto Protocol) and the nature, scope, size and specifics of this non-Annex I mitigation was one of the central crunch issues of the negotiations during the fieldwork period.

telephone conversations with the representatives of the CAN member holding the main dissenting views. Typically, after a few such editing rounds, a final draft is circulated to the general *CANtalk* list with another period of time (convention seems to suggest that one week is deemed an acceptable minimum) for comments, change requests and possible objections. As a general rule, and as per the CAN Charter, consensus is the desired mode of decision making within CAN, thus the process of policy position formation is expected to lead to a consensual outcome. The CAN Charter prescribes the use of the concept of "sufficient consensus" as a tool to determine suitable agreement of the CAN membership with a decision and/or position paper. "Sufficient consensus" is somewhat (and arguably intentionally) imprecisely described as a situation where "the dissenting view represents less than approximately 5% of the overall size, weight, relevance and particular significance of CAN membership against the issue put forward for decision making" (CAN 2002: 14). This vague formula is prescribed in recognition that "CAN membership is not equally representative of all national, regional and other constituencies, [and that] it is [therefore] recognised that voting by members will not promote fairness of decision making" (CAN 2002: 14). It is also worth noting how the use of an expectation for "consensus" without definitive definition of this concept mirrors the decision making within the UNFCCC – as detailed earlier in this thesis – and how this provides some degree of flexibility of interpretation of that concept to the facilitator of the decision making process. In the case of CAN policy position formation, if it is the case that full consensus is not possible since, for example, different CAN members strongly hold mutually exclusive beliefs, "by-lining" is chosen as the solution. In that case, a footnote is used to note that some member organisations disagree with the position paper and their names are listed. This option, however, is only chosen as the last resort and typically only after involvement of the CAN director or board (e.g. field note, Bali, 2 Dec 2007; for an example of such a "by-lined" policy position paper, c.f. CAN 2007b).

A similar process is used for the preparation of written submissions to the UNFCCC. However, unlike policy positions, such submissions have a specific deadline imposed by the UNFCCC body that requested submissions on a specific topic and as such it is generally accepted that the time frames available for CAN members to discuss, comment on and request changes to submission drafts is, occasionally

substantially, shortened, with on occasion only a few days of feedback between the circulation of the final draft on the general *CANtalk* list and the submission to the UNFCCC secretariat. For that reason, working groups generally attempt to limit their submission to content already agreed upon during policy position formulation or such points as can be deduced from agreed policy positions.

As already mentioned, email communication enables the bulk of interaction between CAN members during the intersessional period, and is complemented by occasional telephone or Skype conferences. Other collaboration tools are also used, especially in the collaborative creation of documents, such as policy positions, submissions or the aforementioned compilation of parties' publicly stated positions, or in the collaborative maintenance of collections of various documents relevant to a certain working group or a certain project within a working group. Examples for such tools are Wikis, web based software designed for collaborative editing most well known as the platform on which the collaborative encyclopaedia Wikipedia is based, or Google Docs, which is a web based application that also allows collaborative editing of text documents and spread sheets. For example, the Flexible Mechanisms working group decided at the UNFCCC session in Poznań to set up a wiki to collect documents that were relevant for the work of the group, such as academic journal articles and reports relating to flexible mechanisms, presentations from side events, relevant negotiation text, party submissions as well as previous submissions, interventions and ECO articles prepared by the group itself as it was felt that a centralised document depository would make it easier for all group members to quickly find these documents and help new members to acquire important background knowledge easily. Over time, the wiki was also used as a place where minutes from the meetings of the group via telephone conference or during UNFCCC sessions were collected, as well as notes from relevant UNFCCC negotiation sessions compiled by group members. Originally, the group wiki was also intended to be used for the collaborative drafting of policy positions and submission as the wiki software allows for easy tracking of changes made by any editor but it soon became clear that the previously used method of employing the "track changes" and commenting facilities of common standalone word processing software (e.g. Microsoft Office or OpenOffice) was more suitable to the drafting workflow of the group.

It is worthwhile noting that the virtual character of CAN work during the intersessional period also characterises the work of the full time staff at the CAN-I secretariat. While CAN-I did not have any full time staff at the beginning of the fieldwork period (the CAN-I secretariat in Bonn previously in operation with one full time staff person had been closed just before the start of my fieldwork), at the end of the fieldwork period, the CAN-I secretariat had a staff of five. The secretariat, however, is virtual in its nature: while CAN-I is a legal entity under German charity law (as per CAN Charter which stipulates that "CAN [is to] be constituted into a legal entity in the form of a non-profit organisation, in Bonn, Germany", CAN 2002: 18) the CAN-I director is based in Washington, D.C. while other members of staff were (at the end of the fieldwork period) based in Ottawa, Sydney, Delhi and Copenhagen. Therefore, the CAN-I secretariat is subject to similar problems in terms of distant communication, time zone difficulties etc. as the other individuals doing work within CAN-I in its virtual setting.

However, a main difference that sets apart full time CAN staff versus staff of CAN member organisations as well as the work of the latter during UNFCCC sessions versus during intersessional periods is the individual work focus. International climate politics within the UNFCCC regime as well as CAN's work in relation to these politics is the primary (or even exclusive) focus of work during the UNFCCC sessions at least for the CAN members who are participating in the sessions. For CAN staff, obviously, these issues are the focus of their work throughout the year. However, during the intersessional periods, many CAN members have to divide their attention between following UNFCCC related issues and other aspects of their overall job brief, for example relating to national, regional or supra-national (e.g. EU level) climate, environmental or development politics, with UNFCCC related work often taking the subordinate role. In extreme cases this can mean that UNFCCC or CAN related work is done in individuals' spare time in addition to their regular work (post field note Bangkok, Apr 2008).

Clearly, as has been shown, the in-session and virtual settings of CAN work are substantially different with respect to the intensity, character and focus of the work carried out by individuals and groups within CAN as well as the nature and frequency of communication between members. A special additional case, the hybrid setting,

combines the characteristics of the in-session and virtual settings in these respects and will now be considered in more detail.

5.2.3   CAN and the Hybrid Fieldwork Setting

The hybrid setting occurs during UNFCCC sessions, where a certain portion of CAN is physically present at the UNFCCC venue and therefore considered to be working in the in-session setting, while another portion of CAN is not at the venue. This latter portion is then considered to be doing its CAN related work in the hybrid setting, which combined features of both the in-session and virtual settings. This third setting became first apparent when I had decided against attending the August 2008 UNFCCC session in Accra, Ghana for both budgetary and environmental reasons and was further confirmed when I did not attend a number of UNFCCC sessions in 2009 for the same reasons as well as through relevant observations during sessions I attended. During these non attended sessions I attempted to follow the negotiations as well as CAN's work at the venue as closely as possible using the means at my disposal – which were, generally speaking, largely restricted to the communicative tools of the virtual setting.

In addition to the communication tools of the virtual settings – email, phone and online collaborative tools – the hybrid setting features additional means of access specific to that setting: during the UNFCCC sessions, the negotiations in the plenary sessions, official press conferences (by the UNFCCC, party delegations, and NGOs) as well as some selected side events are webcast as live video and audio streams on the UNFCCC website; thus enabling any interested individual to follow the proceedings in these fora. However, as far as negotiation sessions are concerned, this access is restricted to the plenary sessions, which have been characterised in the previous chapter as the most scripted of the negotiation arenas and thus least likely to provide useful insights in the progression of the negotiations at the venue.

Access to the remainder of the activities and events at the conference centre is severely restricted and often limited to access to minutes of working group meetings, CAN daily meetings etc. or notes from contact groups and other closed groups a long time after these events have taken place, thus normally prohibiting any direct influence on the part of those CAN members working in the hybrid setting on these

events. Even the availability of these documents is not consistently given – for example, the posting of minutes from CAN daily meetings and PCG meetings to *CANtalk* was not established as a consistent practice until mid 2009. Obviously, other aspects of work during the sessions that characterise the in-session setting are even more restricted, such as direct lobbying of party delegates, corridor interactions, access to draft text (only the very final draft texts prepared by contact groups are published on the UNFCCC website) and direct participation in the discussions of working group meetings.

The specific challenge of the hybrid setting is that is combines features of both in-session and virtual setting. On one hand, in this setting there is a need to follow an increased intensity, speed and output of political developments within the UNFCCC, interactions, discussions and strategising within CAN and the work of CAN's working groups, which are all characteristics of the in-session setting. On the other hand, the CAN members participating in the hybrid setting are largely limited to the tools and subject to the restrictions of the virtual setting which are intended and suitable for less intensive periods of work.

Having undertaken a detailed consideration of the main settings within which CAN work takes place, I will now focus on the specific characteristics and differences of access to these settings before, in the second part of the chapter, proceeding to discuss barriers to this access as well as to the access to the UNFCCC in general.

5.2.4   Access to CAN's In-Session Setting

Quite obviously, a necessary pre-condition for access to the work that is being carried out within CAN during the UNFCCC sessions is access to the UNFCCC sessions themselves. Thus the access requirements that apply to the UNFCCC, and that have been discussed earlier in this chapter, also apply to CAN's in-session setting. However, due to the structure of CAN as a network of member organisations, CAN members can actually circumvent some of the UNFCCC's access requirements. Specifically, CAN member organisations do not necessarily have to acquire UNFCCC accreditation in their own right as it is established practice that prospective delegates of CAN member

organisations are registered as delegates of their regional or national CAN nodes, or – where that node is not UNFCCC accredited either – through CAN-I[115].

In addition to the necessary condition of being physically present at the UNFCCC venue, an affiliation with a CAN member organisation is a general requirement to participate in CAN discussion during the UNFCCC sessions. This affiliation is normally established by being employed as a staff member of a CAN member organisation, but other arrangements are also common, for example having a volunteer relationship to a member organisation or an unconventional relationship like my own based on my dual purpose as both a participant and an academic observer. As a rule, individuals who are registered as delegates to a UNFCCC session through either CAN-I directly or one if its nodes or member organisations, will have access to CAN's various activities during the session.

The requirements for an organisation to become a CAN member are somewhat different between national and regional CAN nodes, but in general applicants for membership are only required to declare that they will adhere to the CAN-I Charter[116], to the general mission of CAN and to its internal procedures and established practices. Further, the CAN Charter stipulates that only organisations "that do not represent industry and which have an interest in the promotion of sustainable development and are active in, have a focus on, or interest in climate change issues, are eligible to become members of CAN" (CAN 2002: 8). Additional rules apply specifically for certain regional or national nodes, for example with regards to the incorporation or non-profit status of organisation or the membership of natural persons in the node[117].

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115 However, this practice is increasingly discouraged by CAN-I due to the disadvantages that delegates so registered would have due to the formula developed by the UNFCCC secretariat to determine access quotas during and since the Copenhagen climate conference; also cf. section 5.1 above.

116 Organisations become members of their regional or national node, as opposed to becoming members of CAN International directly, unless there is no node in their country or none of CAN's regional nodes includes their country (during the fieldwork phase that applied, for example, to all applicants from China, as there was no national CAN node in that country nor did any of the regional nodes in Asia cover China) or if they are considered an "international organisation," with offices in 20 or more countries.

117 While all other CAN nodes only accept organisations as members, the French node also allows natural persons to become members (RAC-F 2010). In addition, different nodes have different requirements with regards to the legal status of a prospective member: for example, while CAN-RAC Canada also allows unincorporated organisations to become members (CAN-Rac Canada 2005), other nodes, like CAN Europe request applicants to be organisations that are "legally

Since CAN's membership base is large (in excess of several hundred organisations[118]) and it is therefore impractical to determine whether an individual should have access to a CAN activity based on the name of the registering organisation on their badge, CAN has established a practice to solve this problem: during the first few days of an UNFCCC session, often during the pre-sessional CAN strategy session, CAN regional node coordinators will give out stickers with CAN-logos for individuals to attach to their UNFCCC conference access badges. Node coordinators are most likely to have a good overview of the organisations that are CAN members within their nodes or, indeed, likely to personally know most delegates of these organisations and can therefore easily determine a person's relationship to CAN – and thus whether they should be given a CAN logo sticker. Subsequently, therefore, access to CAN activities is primarily determined upon the presence of such a sticker on a person's badge and, in fact, "sticker check" is the first agenda item on all CAN daily meetings (in addition to being carried out at the door), is carried out on multiple occasions during strategy sessions and it is not uncommon for chairs of daily meetings to request sticker checks for individual late comers to meetings. For example, on one occasion the chair of a daily meeting noticed a few persons that had entered the room late and that she was not familiar with, so she asked them to show their stickers to the person sitting next to them, at which point it transpired that they were part of the delegation of the International Chamber of Commerce and thus not supposed to be in attendance (field note, Bonn, 10 Jun 2008).

In addition to some type of affiliation with a CAN member organisation, non-CAN member organisations who are present at a UNFCCC sessions can specifically request to be invited to participate in CAN activities, in particular the CAN daily meeting. This option has been established since the Bali climate change conference, and is in recognition of the understanding that a "strong and unified civil society movement [is advantageous in order] to build political pressure towards preventing dangerous climate change" (CAN 2007a). CAN regional coordinators can grant access to the CAN

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constituted pursuant to the laws of their country of origin and […] defined as […] non-governmental, not-for-profit" (CAN Europe 2005).

118 The statement of the number of member organisations in the "About CAN" section on the CAN website (e.g. CAN 2010a) and at the top of all CAN submissions to the UNFCCC (e.g. CAN 2008a) changed several times during the fieldwork phase, with "over 365" at the beginning of the field-work phase (July 2007), "over 400" (about March 2008), then "over 450" (about January 2009) and later "roughly 500" (since about December 2009).

daily meeting on this basis but any CAN member organisation can object to this invitation. This arrangement has been made in recognition of the value of the CAN daily meeting for non-CAN organisations with respect to information sharing, networking and discussions. Organisations thus invited are required to sign a declaration committing themselves "to abide by the general vision, mission, objectives and strategies [...] [as well as] existing CAN procedures and practices" in particular relating to the confidentiality of any information shared at CAN meetings and, while "[t]hey may participate in the discussions, [...] they have no say on influencing policy positions being formulated by CAN" (CAN 2007a). The organisations so invited to participate in CAN daily meetings, may also request to be allowed to participate in the work of the CAN working groups, subject to non-objection by the working group co-coordinators and other working group members.

Thus, access to CAN activities during the UNFCCC sessions can be considered very open for those who are physically present at the conference venue and whose work and general political position roughly matches that of CAN, i.e. generally speaking a desire to work toward protecting the Earth's environment and people from the impacts of human induced climate change. Within this general agreement, a broad variety of views are acceptable, and are indeed found within CAN's membership. On the other hand, access to CAN activities during the UNFCCC sessions is severely limited for individuals where this is not the case, in particular individuals representing industry and business perspectives (thus belonging to the BINGO constituency within the UNFCCC) as these are generally considered directly antagonistic to the concerns of the environmental NGOs.

However, although physical access to the UNFCCC and affiliation with a CAN member or a special invitation to participation as discussed above, are necessary conditions to participation in CAN activities in the in-session setting, they are not the sole requirements for access to effective participation in these activities. Further, albeit less tangible, requirements do exist. These can, however, be better conceptualised as barriers to access (or their absence) and will therefore be discussed in the section of that chapter that will concern itself with these barriers.

5.2.5   Access to CAN's Virtual Setting

Given that during the largest portion of any given year, CAN activities take place in the virtual setting, access to this setting can be considered an important parameter when discussing access to CAN. Generally, access to the virtual places in which CAN activities occur – its email lists, telephone or Skype conferences, online collaborative tools and so forth – is governed by the same rules as access to the physical meeting spaces of the in-session setting, i.e. individuals need to have an affiliation with a CAN member organisation in order to gain access to these places, e.g. by becoming subscribed to CAN email lists. Unlike the in-session setting, though, there is no provision for providing special access rights to representatives of non-member organisations[119].

Considering the nature of the virtual setting, certain technological requirements to access also need to be met to allow participation. However, since email is the main technology used by CAN to enable communication in the virtual setting, and since email has only very limited technological requirements (even the most basic computer with even the slowest internet connection is sufficient), access to the largest aspect of this space can be considered easily attainable. This is particularly true when considering that CAN members are *organisations* as opposed to individuals – and that (at least basic) computers and Internet access are a very basic asset for organisations. In addition, the International Telecommunications Union (ITU), the UN agency responsible for telecommunications technology, reported that by the end of 2009, about one fifth of the population of developing countries (compared to nearly two thirds for developed countries) had access to the internet (ITU 2010). Despite the still relatively low number for developing countries, it is safe to assume that the number is substantially higher for the strata of the populations that are actively affiliated with CAN member organisations. However, it is worth pointing out that at the beginning of the fieldwork phase at least one CAN member, reflecting on past experiences from Africa, hinted in an interview that access to internet was a

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119 Recently, provisions have been introduced to allow *individuals*, who are not formally affiliated with a CAN member organisation, but who still consider themselves part of the "wider" CAN network, for example due to previous formal affiliation with a member organsation, to apply for subscription to CAN email lists. Such applications must be supported by the regional/national node to which the individual would belong and a CAN member organisation from outside that node.

substantial barrier for adequate participation of individuals from that continent (Westerlind-Wigström 2008: 48) but later indicated that this is no longer a major problem (personal communication).

Despite these comments, it is useful to consider the results of a quantitative analysis of the emails sent during the fieldwork period. As mentioned above, the email header data of these emails were parsed into a data file for the statistical package Stata and thus systematic analysis of this very large body of data was enabled.

The main finding of this analysis is that a relatively small number of individuals are responsible for a very large share of all email messages sent to the list. For the three email lists covered in this analysis[120], the five most active individuals were responsible for more than one in five (20.6%) of all emails sent during the fieldwork period (specifically, between August 25, 2007 and December 31, 2009). Likewise, half of the messages on these lists were sent by only 34 different individuals. However, besides these few very active CAN members, there is another large group of persons who do not post as frequently but are persistently part of the conversation: there were nearly 150 individuals that posted at least 20 emails to the three lists analysed, which combined represent over 80% of the overall email volume sent to the lists. This can be seen as an indication that the virtual setting of CAN does feature a healthy number of interlocutors engaged in internal debate and information sharing. Moreover, the number of individuals that participated at least once in email exchanges during that period is many times higher, with emails originating from 753 different email addresses[121].

While the large number of low- and medium-frequency participants in the email discussions on the three lists indicates a good involvement of CAN's membership in the virtual setting (only individuals can post to the list who are also subscribers to the list), further analysis of the demographics of the high- and medium-frequency participants reveals some asymmetries in that involvement. For the purpose of this

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120 The three lists covered are the same data that figure 5 is based upon: the general purpose list, *CANtalk*, as well as the email list of the working groups working on forestry and land use issues as well as the list of the carbon market working group.

121 Some individuals used multiple, different email addresses to post to the list. While I have tried to make sure to capture all of the different addresses of the same individual in the case of the high-frequency participants in the email discussions, this was not the case for low-frequency participants. Thus, the number of distinct individuals represented by these email addresses is lower.

further analysis, gender, organisation and region were manually added to all individuals with at least 30 emails sent to the list[122]. As a result, the demographic composition of the most notorious participants in CAN email discussions can be analysed in greater detail. Table 5 below summarises the main dimensions of that analysis. The units of analysis are the individual emails sent to the list by high- and medium-frequency participants (sending at least 30 emails during the field work period). Furthermore, as figure 5 above clearly shows, the email volume of the CAN email lists figuratively explodes during UNFCCC sessions, thus substantially increasing the overall number of emails sent by those CAN members who are physically present at the sessions. During UNFCC sessions, it could be argued that the demography of the participants on CAN's email lists reflects more on the in-session rather than the virtual setting. For that reason, the demographic breakdown has been calculated separately for periods where the UNFCC was in session ("in-session"), for periods where it was not ("not in-session"), as well as overall figures.

As far as the differentiation between in-session and other settings is concerned, the most marked differences (but even those are not particularly salient) are a slightly higher volume during the in-session from both developing country delegates as well as delegates from Western Europe and non-English speaking countries. Generally speaking and as far as the volume of emails from those most often participating are concerned, there is a clear dominance of men within the discourse and a very striking dominance of developed country CAN members (approx. 94%). Specifically, again regards to email volume, the conversation within the selected three CAN lists appears to be dominated by CAN members from the English speaking countries of North America and Western Europe. Overall, 50% of the emails sent by medium- and high-volume participants are sent from North America (with quite a marked drop in the virtual setting) while 17% overall come from the English speaking countries of Western Europe and 34% overall for all of Western Europe.

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122 The data presented here must be interpreted with a degree of caution based on the methodological limitations of the data. First, since manually matching individuals' demographic parameters to their email addresses was a very labour-intensive activity, only high- and medium-frequency participants (as defined by this 30 emails threshold) were included in this way, which has obvious limitations with regards to capturing the overall demographic composition of all participants in the virtual setting in CAN.

Table 5: Demography of Medium- and High-Frequency Participants on Selected CAN Email Lists

Emails sent by/from… (by demographic variable)	Context		
	In-session	Not In-session	Total
Gender			
Female	34.2%	35.8%	35.1%
Male	65.8%	64.2%	64.9%
Origin			
Developed Country	93.7%	94.3%	94.0%
Developing Country	6.3%	5.7%	6.0%
Region			
North America	54.6%	46.5%	50.1%
Western Europe	28.5%	38.5%	34.1%
Other developed	10.5%	9.3%	9.8%
Other developing	6.4%	5.7%	6.0%
Country/Language			
English-speaking, of which	79.1%	75.2%	76.9%
USA	40.4%	38.6%	39.4%
UK	11.9%	9.8%	10.7%
Canada	14.2%	7.9%	10.7%
Australia	7.7%	7.2%	7.4%
Other English-speaking	4.8%	11.7%	8.7%
Non-English speaking country	20.9%	24.8%	23.1%
N	4,589	5,848	10,437

Source: own calculations from data parsed from email header data

While offering some idea about the nature of the discourse on *CANtalk*, the data presented here has to be interpreted with some caution. First, the data only shows the *amount* of emails, while not considering their nature or content. Besides emails that can be seen as representing actual deliberations of CAN policy positions and the like, a large share of emails are not of this nature but are rather for information sharing or coordination purposes only. Clearly, then, the sender of fewer emails which are all directly geared towards contributing to the internal deliberations, has a different weight within the overall CAN discourse than a CAN member who exclusively writes to the list with the purpose of sharing news articles on climate change, even if the overall volume of the latter might be much higher. Since the content analysis of tens of thousands of emails, which would have been required to overcome this data limitation, was far beyond the scope of this research, this data has to be read in conjunction with this disclaimer. Furthermore, as described above, conversations on *CANtalk* are in English only. Thus, CAN members who do not comfortably converse in English are naturally underrepresented on the list. However, this does not preclude that these members are very active participants on the email lists of their national or regional CAN nodes, which are also beyond the scope of this research.

Besides the aforementioned generally straightforward access to email, access in the other areas of the virtual setting was equally easy: telephony can be considered a sufficiently ubiquitous technology[123] thus enabling easy access to CAN activities conducted via telephone conferences, and while Skype places higher requirements on computers and especially the speed of the internet connection, the established practice is to only use Skype as an alternative to telephone conferencing if it has been determined beforehand that all participants can meet the technological requirements of that service, otherwise telephone will be used by default. Further, during the fieldwork period, CAN began using a telephone conferencing service that offers toll free access numbers in most countries (and additional means of getting access to the telephone conferences free of charge for the caller in other countries) thus further enabling easy access to this part of CAN's virtual setting.

Akin to the in-session setting, there are also additional, less tangible aspects that impact on an individuals' access to the virtual setting of CAN, which are, however, again better understood as barriers to access (or the lack thereof, as the case might be) and thus considered shortly in the relevant section of this chapter.

5.2.6 Access to CAN's Hybrid Setting

As the hybrid setting is characterised as a hybrid of in-session and virtual settings, the access situation to the hybrid setting also closely resembles that described in the case of the virtual setting – some type of formal affiliation with a CAN member organisation and an internet enabled computer and telephone are necessary for access. However some of the communicative tools specific to the virtual setting – in particular live video webcasts of UNFCCC sessions and other proceedings at the conference venues as well as manifold increases in volume of CAN's email lists – put higher demands on the speed of internet connection and computer hardware, thus potentially limiting access to some degree. Further, as mentioned before, following CAN work and UNFCCC procedures without being physically present at the conference venue is a very time consuming activity and therefore only available to

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123 In 2009, according to ITU numbers, there were a combined 84.8 mobile and fixed line subscriptions per 100 inhabitants globally (ITU 2009) with average numbers for mobile subscriptions in developing countries rapidly catching up to average numbers in developed countries.

individuals who are in a position to spend this time in addition to or instead of their other obligations.

5.3   Addressing Access Limitations

Having considered in detail general aspects of access to the various settings of CAN work as well as the specific activities carried out in these settings, I will now turn to a more in-depth discussion of specific barriers to access to each of these arenas and will discuss, where applicable, how these barriers affect certain groups in different ways and magnitudes compared to other groups and will also discuss some of the steps that have been taken, attempted or are planned to remedy some of these barriers, where applicable.

As I pointed out in the introduction to this chapter, concerns over adequate access, including the relative absence of systematic barriers, are an important consideration in examining the participation of environmental NGOs in the climate change policy regime under the UNFCCC as such barriers could potentially systematically exclude certain views and perspectives from the discourse and therefore effectively undermine the ENGOs implicit and explicit claims to represent the interests of current and future generations with regards to the preservation and protection of the natural environment.

In this section I will consider the various barriers to access that are associated with each of the settings of CAN work and which I previously referred to as the "less tangible" aspects of the general notion of access. Unlike the previous section, this section will not consider barriers separately for each of the sections but rather will consider the various barriers in turn and discuss how they apply to each of the settings differently, where applicable.

As previously discussed, barriers do exist to attendance of the UNFCCC sessions and – since CAN work in the in-session setting is taking place at the UNFCCC conferences – these barriers also represent barriers to the access to CAN's in-session work. When discussing these barriers, I also explicated how gaps in attendance of these sessions (for example, due to the focus of attendance on the annual COPs while omitting the other, smaller sessions throughout the year) lead to disadvantages with

regards to access to negotiators (including relationship building), deeper and more detailed inside knowledge of the backgrounds associated with various portions of negotiating text or individual parties' positions and similarly with regards to the work done by CAN during these sessions (i.e. mainly with regards to strategising and the development of ideas within working groups).

While institutional parameters (i.e. an organisation's successful accreditation as an observer with the UNFCCC) was considered as a potential barrier to access, it also became clear that CAN members were less likely to be subject to this barrier as the established practice of registering representatives of non-accredited CAN member organisations through CAN-I effectively neutralises this potential barrier.

5.3.1   Financial Barriers and the Southern Capacity Programme

However, the other main barrier to attendance of UNFCCC sessions discussed – financial restrictions to funding for the substantial travel costs associated with attendance – clearly affects access to CAN work during the sessions. Not surprisingly, this barrier largely affects individuals from developing countries, whose organisations have more difficulties accessing donors and other sources of income and whose domestic fundraising opportunities are limited. However, developing country participants who are part of large international organisations (for example, Greenpeace, WWF, Oxfam etc.) or who work in regional offices of organisations from developed countries[124] are not as strongly affected. On the other hand, small organisations from developed countries are often in financially difficult situations and have to limit their participation as well. For example, due to the increased amount of UNFCCC sessions during the fieldwork phase compared to previous years, smaller NGOs from developed organisations were unable to send as many representatives as they normally would to some of the smaller UNFCCC sessions or had to refrain from attending there altogether (field note, Bangkok, 30 Mar 2008). Further, due to the 2008 global financial crisis, a number of smaller organisations from developed countries experienced shortfalls of donation income and had to cancel attendance of

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124 For example, a number of organisations maintain China offices; among others the American conservation organisations NRDC and EDF or the German Heinrich Böll Foundation.

their representatives at some of the UNFCCC sessions (field note, Bonn, 7 Apr 2009)[125].

As mentioned before, there have been attempts to secure funding for increased participation of ENGOs from developing countries in the UNFCCC sessions, with various degrees of success. Often, such funding is obtained from developed country governments and channelled to "Southern NGOs (SNGOs) through their Northern partners. Northern NGOs (NNGOs) then enter into a donor-like relationship with SNGOs, with all potential strings attached – for both sides" (Duwe 2000: 17). This implies various administrative and decision making problems, such as the ones described earlier in this chapter[126] as well as a high degree of uncertainty with respect to the future availability of that funding. As pointed out before, non-attendance at the smaller UNFCCC sessions and the associated CAN work undertaken there puts individuals at a disadvantage with respect to specific knowledge of the developments at these sessions. This, in turn, affects their effectiveness in participat-ing at the sessions they succeed in attending and can thus be considered a barrier to effective participation in the work carried out there and might lead to frustration with that participation and withdrawal.

This connection has long been recognised within the network – as confirmed by both Duwe's (2000) and Westerlind-Wigström's (2008) interviewees as well as my own observations (especially: field notes, Bali, 16 Dec 2007). Therefore, mandated by the Bali AGA, the CAN board and secretariat specifically undertook substantial fundraising efforts[127] to fund a dedicated program (named the "Southern Capacity Programme," or SCP) that would provide longer term, stable funding for a number of participants from developing country ENGOs (the "Southern Capacity Programme Fellows"). One principle objective of this programme was the specific inclusion of

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125 This observation – that difference in the financial burden of attendance does not simply fall along developed versus developing country lines, but that an organisation's size also affect the access to funding – is not new. For example, Duwe (2000) makes similar observations nearly a decade prior to my own fieldwork.

126 Through her interviews, Westerlind-Wigström (2008) has uncovered a number of such problems and argues that this lead to "fatigue' among developing country ENGOs and imbalances of views and especially imbalances of "capacity" within CAN.

127 In the first year of its operation, the SCP was able to execute activities worth nearly $700,000 in donor funds as a result of this fundraising initiative, including the employment of a full-time coordinator for the programme, the funding of a total of 27 individuals to attend UNFCCC sessions and 7 regional workshops with a combined attendance of nearly 250 individuals from 66 coun-tries (Shukla 2010)

their attendance at *all* negotiation sessions (i.e. including smaller UNFCCC conference and not just limited to COPs) during a certain period of time in order to overcome this problem.

In addition to this aspect of the programme, the Fellows were also given specific training and also participated as trainers – sharing their new or deepened[128] expertise from attending the UNFCCC sessions – in events aimed at benefitting the larger community of developing country ENGOs. An example for the former are intensive capacity building sessions before the start of UNFCCC sessions, including detailed briefings by CAN working group coordinators on the specific politics and technical details of their area of expertise, in order to enable a maximum of effective participation in the session, including the work of CAN working groups. An example for the latter, is the holding of a series of regional workshops in developing countries to "strengthen South-South coordination and South-North interaction across the network and beyond CAN" and which would involve the SCP Fellow from the relevant regions who would "engage in dissemination exercises with fellow NGOs" (Shukla 2010: 4).

At least with regards to the active involvement of the SCP Fellows in the CAN work during the sessions, the programme's objectives appeared to have led to an increase in visibility of developing country perspectives. For example, during the April 2009 UNFCCC session in Bonn – the first session where SCP Fellows' attendance was enabled by the SCP – two of these individuals participated in the work of the Flexible Mechanisms working group, which is otherwise dominated by CAN members from developed countries, and brought their distinct perspective to bear on the group's work[129]. Likewise, at the same UNFCCC session, a new CAN working group dealing with issues relating to "non-Annex I mitigation" was established on the initiative of CAN delegates from developing countries, due to their specific perspec-

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128 According to the CAN report on the SCP's first year of operation, many (although not all) of the SCP Fellows had attended UNFCCC meetings before their acceptance into the programme, with the average number of three UNFCCC sessions before joining of the SCP (Shukla 2010).

129 For example, during one discussion on the idea of "sectoral crediting approaches" that was being actively discussed during that session, a shortfall of this class of carbon trading proposals, that had not been raised by any other members, was pointed out: since sectoral crediting approaches incentivise (and pay) developing countries governments (as opposed to privately owned corporations operating in these countries), corruption concerns and concerns with regards to the appropriate use of the funds so generated were voiced (post field note, Bonn, Apr 2009).

tive on the issue of mitigation of non-Annex I countries. Since the Kyoto Protocol does not demand specific greenhouse gas mitigation actions non-Annex I countries, CAN had traditionally abstained from voicing any opinion regarding mitigation of that group of countries. This was also due to concerns that contributing to elevating the topic on the UNFCCC agenda would risk breaking solidarity within the strong negotiating bloc of the G77 and China with potentially large (and from an ENGO point of view, undesirable) consequences for the internal power dynamics of the UNFCCC (post field notes, Vienna, Aug 2007; Bali, Dec 2007). However, it became clear that these concerns were to a degree specific to CAN members from developed countries (who were also placing demands on their own countries to act before making demands on developing countries, in line with the principle of CBDRRC) and that CAN delegates who were themselves from developing countries, did not share the same desire for self-constraint in talking about greenhouse gas mitigation activities of non-Annex I countries (field note, Bonn, 5 Apr 2009; post field note, Bonn, Apr 2009; the results of this process are available as CAN 2008b).

Similarly, during a discussion as to whether CAN should upgrade its own policy position on the range of possible emission reduction targets of developed countries to a higher number than CAN's previous demands, the increased presence of individuals from developing countries had a clear impact on the conversation. While one perspective within the debate (especially represented by a number of U.S. conserva-tion organisations) suggested that political realities (including those in their own country) should inform CAN's demand with regards to Annex I emission reductions, the increased presence of CAN delegates from developing countries contributed to a shift in the relative weight of their own perspective as individuals who had first hand experiences with the already manifest effects of climate change (field note, Bonn, 5 Apr 2009). Remarks from a SCP Fellow from a Pacific Island had a particularly strong effect who reminded CAN that "politically realistic" targets would likely condemn her own country to disappearance. This was remarkable since arguably most (likely even, all) CAN members are aware, and accept, the climate science that underpins this remark. However, being reminded of these accepted facts by a person who would be directly affected by this, had a much stronger impact than yet another reminder of the same fact by, for example, one of CAN's climate scientists from developed countries (field note, Bonn, 5 Apr 2009).

Without going into too much detail, the SCP conducted its own evaluation which is available in the annual report of the programme (Shukla 2010). This evaluation dates from after the end of the fieldwork period, but suggests that while certain first successes have been accomplished, a long term commitment (including continued funding) to this programme is required in order to sustainably raise the profile of developing country perspectives within the ENGO participation in UNFCCC politics. This is due to a variety of factors, not least due to "years of resource deprivation and understaffing" (Shukla 2010: 41) which have lead to a certain disconnect from the current political debate as the technical and political complexity of the UNFCCC negotiations is increasing while developing country ENGOs more often commit their limited resources to local, regional or national priorities which all too often does not include international climate politics with its specialised knowledge and language. The evaluation also concludes that, while substantial financial resources are certainly a necessary condition for the future improved participation of developing country members, the funding needs to be accompanied by targeted efforts to enable and improve knowledge transfer, cooperation and communication among developing country ENGOs.

5.3.2   Language Related Barriers

A class of barriers that transcend all three settings of CAN activity, and that has significant implications on the participation of individuals in these activities, relates to the use of language. Within this class, there are two main categories of barriers, which will be considered in turn in this section. The first relates to the established practice that virtually all communication within CAN International[130] is in the English language and the second is associated with the fact that the UNFCCC negotiations have, over time, developed a highly specific and technical language of their own (including an dizzying array of acronyms), which is also used in and by CAN when considering the relevant issues. The use of English as the near exclusive language of CAN-I interactions most obviously puts non-native speakers of that language at a

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130 That is likely different in the case of regional and national nodes: in the case of national/regional nodes with one or few dominant, non-English languages (e.g. RAC France, CAN Latin America, CAN China) it can be expected that communication within the node typically feature these languages (however, since this aspect of regional/national CAN activity was outside the scope of my research, this must remain an assumption).

certain disadvantage, which is related to their level of acquired proficiency. This issue impacts upon the different settings differently, thus requiring separate treatment.

During the UNFCCC sessions, for example, CAN daily meetings and strategy sessions are held in English only, which means that CAN members with difficulties understanding spoken English will not benefit as much as others from the information and strategies shared at these meetings, and individuals who – regardless of their ability to understand the proceedings – have problems or reservations[131] about speaking in a foreign language cannot participate in the discussions, thus excluding their perspectives. Further, comments by non-native speakers witnessed on several occasions during CAN daily meetings suggest that following and participating in the proceedings of such meetings is particularly difficult where the speaker's accent was perceived to be very manifest (e.g. in the case of Australian or Scottish individuals), the velocity of the speech high or where the ratio between the ambient noise in the room and the speaker's volume was unfavourable (e.g. field notes, Bonn, 10 Jun 2008; Poznań, 8 Dec 2008).

Presumably as a result of these complaints, certain measures were introduced to address some of the issues: for example, CAN daily meeting co-chairs started reminding individuals who know, or expect[132], that they will speak during the meeting to position themselves close to any of the microphones that are typically available in the meeting rooms. Further, a practice of "live note taking" has been established where the content of the screen of the computer on which detailed meeting notes are being taken during the meeting is projected onto the wall of the meeting room – thus enabling individuals who might have missed a certain detail to read the notes near instantly on the wall. In addition, these notes are being sent to *CANtalk* and posted on a dedicated website (post field notes, Poznań, Dec 2008). However, although these practices remedy some of the problems related to the

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131 My own experience as a non-native speaker of English, as well as numerous conversations with other non-native speakers, suggests that – especially in lively and fast-moving discussions – the discussion has often already moved on before the non-native speaker has had time to process the previous statements, formulate her own thoughts and make his desire to contribute known. This holds true even where the level of proficiency is sufficient to passively follow the ongoing conversation without much difficulty.

132 Due to the relatively fixed format of the CAN daily meetings (c.f. section "Main CAN Activities in the In-Session Setting" in this chapter) a large portion of individuals (e.g. working group co-coordinators) know in advance that they will have to address the meeting.

exclusive use of English during the in-session setting, the issue of active participation by individuals with issues relating to *speaking* English remains unaddressed as does the concern that non-users of English are still fully excluded from the proceedings within CAN[133].

Some of the difficulties associated with English as the near exclusive language within CAN-I are mitigated within the virtual (and hybrid) setting due to the text-mediated nature of the communication in this setting. Since the majority of communication in this setting is carried out by email, which is much less immediate than face-to-face conversations, non-native users of English have more time (and the option of using relevant aids) to process the messages and compose their replies, if applicable[134].

The other language related barrier relates to the highly complicated technical language that has developed within the UNFCCC regime, with a large number of concepts with very precise meanings and associated historical political developments. For example, as one CAN delegate pointed out:

> You can't really talk about "commitments" when speaking about developing countries – you would lose them right there. "Commitments" sounds too much like QELROs [135] and that's just for developed countries. You can say "activities" or "contributions" maybe even refer to them doing their "share," but never commitments – even though you expect them … and they might be willing to – expect them to *commit* to these activities, actions, or whatever.
> (conversation with CAN delegate, field note, Vienna, 20 Aug 2007)

Moreover, the meaning of certain phrases can change depending on the current user of the phrase. For example, the phrase "global climate change regime," when used by CAN refers to,

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133 However, it is worth noting that the entirety of the UNFCCC regime – in particular the negotiation sessions – is strongly biased toward English, with only the plenary sessions (only a small fraction of the deliberations) and official documents (only a small fraction of the text output) being translated in the other five official UN languages. It can thus be assumed that the majority of individuals travelling to these sessions will have a certain command of English, and thus CAN is merely mirroring the language related restrictions of the overall regime within which its work takes place.

134 Similarly, issues of accents, speech velocity and ambient noise vs. volume play no role in written communication.

135 Quantified Emission Reduction or Limitation Objective – the type of greenhouse mitigation activity committed to by Annex I parties in the Kyoto Protocol.

> you know, CAN's three-track approach including the UNFCCC's no-
> tion of "common but differentiated responsibilities [and respective
> capabilities]." While in the U.S., when Congress uses the term "global
> agreement" it would still have the notion of "common but differenti-
> ated," but not CAN's three-track approach, while the White House
> language…, when they use "global agreement" that does not tend to
> refer to "common but differentiated" so much.
> (conversation with CAN delegate, field note, Vienna, 20 Aug 2007)

The intricacies of these and other concepts can be intimidating to new comers and will create the perception of non-accessibility and exclusivity as regards the conversations among those knowledgeable about the meanings.[136] Individuals newly starting to engage in the UNFCCC process, therefore, have to undergo a learning process with regards to these terms which very substantially limits their full, active participation during this learning process. In addition, working groups often have gone through collective learning processes and have a arrived at collective under-standing of certain phrases, words and concepts during their work, a shared history that is also not immediately accessible for new comers (conversation with "new comer," field note, Bonn, 7 Apr 2009).

While applicable to the whole of the UNFCCC regime, this issue is addressed within CAN through "capacity building" sessions, typically scheduled for a few hours immediately before the strategy meeting that takes place on the day before the official start of each UNFCCC session. In addition, at some UNFCCC session, a standing invitation is made explicit at CAN daily meetings that a more experienced CAN member will be available to discuss any questions in regards to the understanding of specific UNFCCC related concepts that participants might have (post field note, Bali, Dec 2007). Similarly, working group coordinators are encouraged to pay particular attention to new members, including offering them detailed explanations and background information where necessary.

However, both language-related barriers can have a strong effect on the partici-pation of individuals within the deliberations within CAN (and the observation of the proceedings of the UNFCCC) and, especially in the case of the political-technological

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136 The strong proliferation of acronyms and very specific meanings of phrases in the negotiations is also regularly decried by journalists covering the negotiations (e.g. Vidal 2009a). C.f. also the reflections on my own experience in the section "Learning the Language" in chapter 3.

jargon of the UNFCCC regime, require the individuals so affected to acquire the necessary competency to improve participation.

5.3.3   Technological Barriers

As stated above, the technological requirements for general participation in CAN's virtual setting are relatively low, and even where access to computer technology and internet was a problem in the relatively recent past, access issues are less problematic more recently (c.f. section "Access to CAN's Virtual Setting" above).

However, technological considerations started to play an increasing role in the in-session setting during the fieldwork phase. As figure 5 above clearly shows, the volume of emails on CAN's email lists during the UNFCCC sessions substantially increased during the December 2008 Poznań session and all subsequent sessions compared to previous sessions. Some of that growth can be attributed to an ever increasing ubiquity of laptops (combined with the general availability of wireless internet at UNFCCC venues) as well as a advancing proliferation of email enabled handheld devices, such as smart phones, and – associated with these changes in technology availability – an increase in the use of email for ad-hoc coordination of, for example, working group meetings[137]. Of course, individuals who are not thus equipped and who rely on the stationary computers that are made available by the UNFCCC at its sessions for accessing *CANtalk*, will often find that they only read about a rescheduled or spontaneously convened meeting after it had already taken place (as evidenced by complaints by individuals affected in this way, post field note, Poznań, Dec 2008).

5.3.4   Organisational Barriers

Certain organisational features of CAN member organisations can also act as barriers to effective participation in CAN activities, for example the internal structure of the organisation or the existence of a person specifically responsible for UNFCCC or CAN related issues within the organisation and the existence of detailed relevant policy

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137 For such purposes extremely short emails, often only consisting of a single line, or even just a subject line without email body, are used, containing text such as this fictive example: "Flex Mex group meet at 13.00 by the couches near the coffee bar".

positions within the organisation. To illustrate, some CAN members are networks of organisations or grassroots groups in their own right, which in some cases means that they have to undertake additional efforts in order to provide their input to the CAN policy formation process. In one case, during the drafting of the REDD policy position prior to the Bali COP, one Latin American network of organisations had to first translate the English draft of the policy position paper for the benefit of its members, circulate it to these members for comment, collate member comments and translate them back to English before submitting them to the CAN REDD working group. In this case, this process took too long for the comments still to be considered by the working group, as the stated completion deadline had already passed, thus excluding the perspectives of this network and all of its member organisations (conversation with CAN delegate, field note, Bangkok, 3 Apr 2008; field note, Bali, 2 Dec 2007). On the other hand, CAN member organisations who have full-time staff dedicated to UNFCCC and CAN work who are authorised to represent the organisation within CAN (possibly within a certain frame defined by the organisation's own policy position on a given issue) can be represented much more efficiently in CAN-internal policy discussions as no further interaction or confirmation with the organisation's membership is required.

To address this issue, as described above, CAN has developed a terms of reference document for the development of new or updated policy positions, which envisages that an intention to develop such policy position documents is announced very early in the development process to *CANtalk*, with an overview of the likely main contents of the document and a time plan of important milestones in the development process. The intention behind this process is to enable interested groups or individuals to get involved in the drafting process from early stages or at least know well in advance the planned time line, thus enabling them to plan ahead with regards to their involvement.

5.3.5   Consensus and CAN Charter

There are a few institutional provisions in the CAN Charter that are suitable to address some of the issues described above. The Charter, for example, recognises that the diversity (and potential access problems) of CAN's membership would make

voting an unfair decision making device. It therefore instructs the facilitators of CAN decision making processes to seek out "sufficient consensus" where the instructor is also required to make judgements about what relative weight (in terms of membership, equity, or relevance to the decision in question) supports the different views[138] and more importantly, is required to ensure that "missing representatives [are] [...] factored in" (CAN 2002: 12) when determining "sufficient consensus." However, in practice this decision making process is rarely employed outside of the AGA; facilitators (which implicitly includes, for example, working group coordinators facilitating the drafting of a policy position) normally strive for full consensus and use the option to note dissenting views in by-lines where full consensus is impossible (see above for a more detailed description of this process). Further, CAN strives for balance in terms of developing vs. developed country representation in the roles of co-facilitators of its meetings, working groups etc. – most CAN daily meetings are co-chaired by both a developed and developing country CAN member and working groups are expected to attempt to appoint their two co-coordinators in a similar fashion.

5.4   Conclusions

This chapter has presented an analysis of access – including the barriers to that access – with regards to participation in the general UNFCCC negotiations and in the work of CAN-I in the three distinct settings of that work. These considerations were deemed important as access to the virtual and physical spaces where the proceedings of this work is taking place is a crucial prerequisite for effective participation of ENGOs in the global climate change policy regime.

To advance the discussion of this issue, I first examined the issues of access as it related to the general access to the UNFCCC and observed that, in principle, the access as observer is relatively easy, with only few formal requirements of organisations

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138 As a hypothetical example, if a decision is to be made with regards to a policy position of CAN that mainly relates to developing countries, representatives of organisations from those countries would have more relative weight (by relevance) than representatives of organisations from developed countries. Likewise, individuals speaking on behalf of, for example, a network of many grassroots groups representing thousands of individual activists, would have more relative weight (by membership) than a representative of a advocacy group with only a few dozen members.

interested in becoming accredited as observers (and it was later discussed how these formal requirements were even less of a concern for CAN member organisations). However, I also pointed out that access barriers to the UNFCCC exist chiefly in the form of the substantial financial burden that is associated with participation and that this barrier disproportionally affects organisations from developing countries as well as smaller organisations from developed countries and that this barrier is more acutely felt in regards to the participation during the smaller, intersessional UNFCCC sessions compared to the COPs. In discussing the effects of the intermittent participation that might result from this financial barrier, I elaborated how continued participation (i.e. including the intersessional UNFCCC conferences) is beneficial in terms of building efficient interpersonal relationships and trust with party negotiators as well as maintaining a detailed insight with regards to the political developments taking place at the sessions, including, for example, detailed knowledge of the genesis of negotiation text and the possible political motivations that are associated with countries making certain text suggestions.

Further, physical attendance at the UNFCCC sessions is also a necessary condition for participation in the work in CAN's in-session setting and thus crucial for having an impact on the work done in this setting. While elaborating what specific activities are undertaken by CAN and its working groups in its in-session setting, it became clear that a substantial part of CAN's internal work, discussion and decision making takes place at the UNFCCC sessions and that therefore CAN member organisations who only intermittently (or never) participate in UNFCCC sessions are also very limited in their participation, and thus representation, in CAN-internal work. This holds true even though the hybrid setting would theoretically enable organisations that are physically absent to participate. In practice, it fails to do so as the hybrid setting suffers from a clash between the intensity and speed of developments during the UNFCCC sessions (i.e. the in-session setting) and the means of communication available for those attending via the hybrid setting, which are the means normally associated with the virtual setting, where developments are less rapid, and where therefore participation is more inclusive.

Among the overarching barriers, which affect all areas of possible participation, in addition to the already mentioned financial barriers, issues of language were discussed including the UNFCCC's and CAN's near exclusive use of English as a

working language as well as the extensive use of complex political and technical concepts, often only fully comprehensible within their specific historical development, and often further obstructed to the not yet initiated by the extensive use of acronyms. CAN's efforts to overcome some of these barriers, for example, through the establishment of its Southern Capacity Programmes, have been highlighted as well.

The consideration of access to the spaces of deliberation within the UNFCCC and CAN as well as the barriers to that access have been a focus of this chapter as this access is a crucial requirement for effective participation of ENGOs in the opinion formation and decision making in these fora. In discussing these issues it has become evident that is it more difficult for participants from developing country ENGOs to effectively play a part in these processes as a number of the barriers described disproportionally affect these organisations and individuals. This is important as both the political process under the UNFCCC as well as the decision making within CAN claim – by means of their application of "consensus" as a primary decision making device – to be equally representative of both developing and developed country perspectives.

Furthermore, within the specific theoretical focus of this thesis, it is relevant to examine to what degree the access to these spaces is generally available as this impacts on the question of whether the decision making arena in questions can be regarded as a public sphere. In his ideal-typical description of a public sphere, Habermas maintains that the concept of the "public sphere [...] [stands or falls] with the principle of universal access. A public sphere from which specific groups would be *eo ipso* excluded [is] less than merely incomplete; it [is] not a public sphere at all" (Habermas 1989: 85). It is, therefore, crucial to assess how this ideal-typical principle maps onto the real world example of the deliberations within CAN and the wider UNFCCC regime in order to be able to assess – as I will undertake in the discussion chapter (chapter 7 of this thesis) when drawing together the various insights gleaned from the elaborations of the empirical findings – whether, despite the barriers to access as described in this chapter, the principle of general access and non-exclusion of specifiable groups still holds.

Chapter 6

Publics and Counterpublics in the UNFCCC –
On Hierarchy, Inequality and Discursive Practice

When analysing the UNFCCC regime and the activities of ENGOs within that regime under the lens of Jürgen Habermas' concept of the public sphere, an important aspect is the examination of the role which discourses about reason and rationality play in the deliberations of this regime and (by extension) in the internal deliberations of the NGO actors involved therein. This is due to Habermas' understanding, borrowed from Kant (as quoted in chapter 2 above), that in modern political systems, authority should no longer be derived from the power of the sovereign based on the command of force, nor primarily from established customs and habits, but rather from the power of rationality and reason, where the best argument determines the outcome of a decision making process.

This aspect – Habermas' view of the prevailing of reason and rationality – has a number of facets that deserve separate treatment in this section. First, related to this notion of the primacy of reason and rationality, is Habermas' declaration that in the ideal typical public sphere deliberations are conducted amongst peers, which means that the status of the participants should not bear any impact in the discussions in the public sphere – that the best reasoned argument would win, regardless of the status of its proponent. Implicitly acknowledging that a social situation with no status differentials is virtually impossible, his theory refrained from "presupposing the equality of status, [but rather] disregarded status altogether" (Habermas 1989: 36). In this context, Habermas also recognises that this characterisation is a mere ideal type, rather than a description of real world public spheres, but he maintains that the expectation that "alone the authority of the better argument could assert itself [...] had become institutionalized and thereby stated as an objective claim" (Habermas 1989: 36). Nancy Fraser, of course, strongly rejected this notion of bracketing social inequalities (i.e. the notion of "disregard[ing] them altogether") as this would obscure

the power differentials within the public sphere or (already applying her concept of multiple publics) between competing public spheres. Therefore, it will be crucial to also investigate the impact that "social inequalities" might have on the deliberations within CAN and the UNFCCC in general. The notion of "social inequalities" itself has a specific meaning in the context of the climate change negotiations which will require some consideration in this chapter.

Thus, keeping in mind Fraser's critique regarding the undesirability of the disregarding (or "bracketing") of social inequalities within analyses of public spheres, and specifically recalling her related preference for a theory of multiple, competing publics and counterpublics to overcome some of the effects of social inequalities on the public sphere discourse, another strand of analysis in this chapter relates to the *type* and other qualitative characteristics of the arguments and claims made in the deliberations themselves, including competing interpretations of the concepts of "reason" and "rationality" themselves. This is an important analysis as it relates to possible differences in discursive style and language used within competing publics and in this sense it is indicated to assess different types of propositions made by different classes of actors within the UNFCCC negotiations and in relation to CAN's internal decision making. In particular, it is crucial to examine what differences exist between the arguments of different actors, for example, whether they represent different degrees of "quality" of argument or whether they are derived from prioritising different aspects of the same problem or whether they do, in fact, represent different, competing conceptualisations of the idea of rationality itself.

Thus, in the first part of this chapter, I will investigate the notion of relative status equality and hierarchy (as one specific incarnation of status inequality and an indicator of relationships of domination within a discursive space) as they relate to the UNFCCC and CAN. Hierarchy can have an effect on individuals' participation in the deliberations of these two arenas as it can create power differentials and thus status inequality between individuals. To a degree, the notion of hierarchy is also related to issues of access (as discussed in the previous chapter), as hierarchical differences can exclude individuals from certain loci of deliberations. However, hierarchical differences might not only apply to individuals as participants in the UNFCCC regime (or the CAN work in relation to that regime) but hierarchy considerations also need to be addressed as they might apply to differences between institutional actors, such

as different convention parties, NGO networks, individual NGOs and so forth. While the notion of different discursive approaches to questions of rationality, reason and power within the UNFCCC regime will be discussed separately later in this chapter, it will also become apparent that this issue is closely tied to notions of counterpublicity, which, in turn, has substantial links to various dimensions of inequality. Therefore, it will be unavoidable to address from the beginning some of the argument to be made later – as it relates to counterpublicity, reason and rationality – when discussing notions of equality, hierarchy and status in the following section.

6.1   Hierarchy, Status and Inequality

6.1.1   UNFCCC

In chapter 4, the different classes of participants in the UNFCCC negotiation sessions were discussed in some detail. In particular, the differences between parties on one hand and UN bodies and related agencies, other IGOs and NGOs, on the other hand, was highlighted and the substantial differences between IGOs (including UN) and NGOs explained. Clearly, this differentiation of participants creates a strong sense of hierarchy within the regime, where generally speaking parties (despite far from being a homogenous group, have the highest hierarchical position, while NGOs occupy the lowest, with the position defined by their rights and privileges within the process, for example, relating to the right (or lack thereof) to request textual changes, make verbal interventions, access meeting rooms, or request documents.

Additionally, as also described in chapter 4, as far as the parties of the UNFCCC are concerned, there is no formal hierarchy and due to the lack of a rule of procedure on voting and the subsequent default practice of decision making by consensus, every party holds, theoretically, the right to veto any decision made by the decision making bodies of the UNFCCC. However, as was also described, due to an absence of a formal definition of the concept of "consensus" this concept has been interpreted differently by different chairs over the history of the UNFCCC regime, thus factually depriving individual parties of their veto powers. However, as this occurs only very rarely in practice, this does not constitute a hierarchical difference between parties. Yet despite this formal equality among parties, there are certainly *de facto* differences in the degree to which they are able to influence the decision making within the

Convention. This is due to a number of reasons, most of which have been already elaborated in chapter 4, thus it should suffice here to restate them very briefly and discuss them in relation to hierarchical considerations.

First, the differentiation between Annex I and non-Annex I countries creates a power differential between the two groups: the Annex I countries are the parties expected to perform absolute cuts to their greenhouse gas emissions, Annex I countries are called upon to raise substantial funds for financial transfers to non-Annex I countries to assist the latter in adaptation to climate change and their own reduction of growth rates of greenhouse gas emission output, Annex I countries are also expected to facilitate technological `and capacity transfers of climate friendly technology and knowledge to non-Annex I countries – this list could be extended ad libitum. Despite that fact that there are also numerous requirements and demands placed on non-Annex I countries, the emphasis on Annex I countries to perform the bulk of the activities with regards to climate change mitigation and financing, at least initially, has given raise to a unbalanced relationship between these two groups, akin to a donor-receiver relationship, whereby Annex I countries more or less autonomously decide how much they are going to "give" in terms of emission reduction targets and climate finance while non-Annex I countries, as a group, do not have much bargaining power.

The legal architecture of the Kyoto Protocol provided a means of breaking out of this structure by enshrining the emission reductions of Annex I parties in a legally binding form. Thus, during and after the Kyoto Conference, the dynamics slightly shifted as now Annex I countries were asking their counterparts to agree to favourable accounting and emissions trading rules that would make it easier for them to meet their targets. However, during the fieldwork phase, in the negotiations under the AWG-KP, there was fierce resistance by a number of Annex I parties – mainly Russia, Canada and Japan – who sought to soften this legal framework and replace the "top-down" approach of the Kyoto protocol (wherein a collective target for all Annex I countries is agreed upon based on scientific information as well as negotiating-bargaining and which is only thereafter broken down into individual countries' targets) with a "bottom-up" or "pledge-and-review" approach where individual countries would offer a target for themselves without, generally speaking, a particular emphasis to the collective emission reductions that would result from combining

these individual pledges. At the end of the fieldwork period, the AWG-KP failed to produce a collective target for Annex I countries by the end of the Copenhagen conference, as it was mandated to do, while the Copenhagen Accords formally included a "pledge-and-review", or bottom-up, instrument (UNFCCC 2010f: decision 2/CP.15, appendix 1). These developments indeed suggest that the Kyoto-style regime of legally binding emission reduction targets, agreed upon through a top-down approach, which provided some additional bargaining power, might be expiring after the Protocol's first commitment period[139].

Indeed, the very way the Copenhagen Accord was negotiated represented a substantial shift in the way aspects of hierarchy and equality among parties were practiced within the UNFCCC. As discussed in chapter 4, negotiations under the UNFCCC generally involve a number of negotiation arenas, with levels of closedness increasing as the bargaining character of these arenas increases. However, all formal negotiation arenas of the UNFCCC are open to all parties and the informal ones (information consultations, friends of the chair/president etc), which do not include all parties, are established by the plenary. Thus the establishment of all arenas (and, in the case of an informal group, their composition) is subject to the same consensus rules as any other plenary decision, including principally equipping every party with a veto. For example, in Copenhagen, Tuvalu vetoed the start of informal consultations, both in the COP and CMP, effectively halting negotiations under these bodies for a number of days, as it argued that only a contact group – not informal consultations – could provide the level of transparency, openness and inclusivity that the matters in

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139 Indeed, Appendix 1 of the Copenhagen Accord quite vividly illustrates all aspects that the Kyoto architectures sought to avoid: 1. the text of the Accord was agreed upon without including *any* specific numbers for emissions reductions, i.e. the framework was agreed upon before the specific targets: the agreed upon version contains an empty table in its Appendix 1, which was to be populated with industrialised countries' pledges later. This, 2., represents a bottom-up pledge system, as opposed to Kyoto's top-down targets. The later version of the Appendix, now filled with the pledges of the parties that associated themselves with the Accord (UNFCCC 2010g), further contains, 3., a wide variety of base years used for the calculations of emission reductions, which makes comparison between countries' efforts difficult, 4. targets expressed in wide ranges, e.g. Australia's "-5% up to -15% or -25%," and/or, 5., associated with conditionalities (chiefly those referring to the activities/pledges of other parties, as the pledge system introduced substantial uncertainties in that respect) – all of which are in clear contradiction to the Kyoto architecture and make it difficult to know with any certainty what level of mitigation actions can be expected collectively from Annex I parties and thus present a substantial barrier to assessing the sufficiency of these actions in light of the levels suggested in the relevant scientific literature (e.g. IPCC 2007b; den Elzen and Höhne 2008).

question required[140] and thus demanded the establishment of contact groups, with which other parties did not agree (field notes, Copenhagen, 9 Dec 2009; 10 Dec 2009). Furthermore, contact groups, informal consultations and informal groups are merely negotiation arenas (as opposed to decision making bodies) where text is prepared based on the input of the parties involved with the intention of developing text that is likely to meet consensus when brought in font of the plenary for decision. Thus, even parties not involved in the development of the text can, and frequently do, still request or suggest text changes to the text brought back to the plenary or withhold their consensus.

In contrast, the Copenhagen Accord was only negotiated by a small number of parties which did not have any mandate from the COP or CMP for doing so, and with only five of them, the US, China, India, Brazil and South Africa[141], spending much time in private consultations to reach an agreement among themselves, only to be later joined by other invited parties (in total, "some 30 parties" (European Commission 2010) were said to have been part of the process at some stage) to prepare *and agree* the text of the Accord. The already agreed text was then presented to the COP, which was then presented with the choice to adopt the Copenhagen Accord, in contrast to the established practice and rules of the UNFCCC where, as I described above, textual changes are possible until the decision is taken. A number of countries refusing to adopt the Accord on a number of grounds, both procedural – such as, among others, the break with established UNFCCC practices, the short amount of time between presentation of the text and decision, the disregard in the Accord of much of the previous two years' negotiation outcome and text – as well as substantial. As a result of this refusal to adopt the document as a COP decision, the COP merely "took note" of the Accord (UNFCCC 2010f: decision 2/CP.15) as an external document not formally or legally associated with the UNFCCC process (field notes, Copenhagen, 19 Dec 2009; post field notes, Copenhagen, Dec 2009; for a legal analysis of the Accord's position

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140 Under the COP, the issue in question was the legal form and content of possible additional protocols to advance the implementation of the Convention in addition to the Kyoto Protocol, where a few countries (including Tuvalu itself) has submitted specific text of such a protocol, while under the CMP, the issue was the breadth and nature of possible amendments to the Kyoto Protocol itself (again, a number of countries, including Tuvalu, had made substantial and specific submissions on this question).

141 China, India, Brazil and South Africa continued to coordinate their international climate change policies with each other as the "BASIC" countries, a word composed of the first letters of their names, after the Copenhagen conference, including holding coordination meetings and issuing joint letters and statements.

relative to the UNFCCC c.f. South Centre 2010)[142]. However, the way in which the Accord was negotiated and decided upon behind closed doors by a small subset of the UNFCCC parties and then presented to the plenary for adoption certainly has created a precedent of a hierarchy of insiders versus outsiders in the decision making process, whose impact on the UNFCCC remains to be seen.

In addition to this potential new form of hierarchy and inequality among the parties of the UNFCCC created by this precedent and the long established differentiation provided for by the dichotomy of Annex I versus non-Annex I parties, two more ways in which parties have relative power differentials should be repeated and further discussed. The first is a result of the fact that the UNFCCC is not situated in a political vacuum but rather its parties are also parties to a variety of other multilateral treaties, bilateral economic relationships, regional economic or defence organisations and the like; in other words, the relationship of the parties within the UNFCCC is always impacted by the general complex political-economic relationship of the parties with each other and their respective position within the global structure of economic and geopolitical power. Furthermore, as has been hinted in chapter 4, some countries have been successful in generating a position of moral authority within the negotiations despite otherwise being amongst the least powerful countries of the world in any other sense of the word. The ideal typical example for this is Tuvalu, a tiny pacific island state of just over 10,000 inhabitants, as well as the Alliance of Small Island States (AoSIS) of which Tuvalu is a prominent member. Tuvalu and AoSIS have succeeded to a substantial degree in generating a position of moral authority based on the fact that their countries populations will be among the first to be adversely affected by the results of climate change. Tuvalu's highest elevation, for example, is just 4.5 meter above sea level, with most of the land area only 1 to 2 meters above sea level, making it very vulnerable to sea level rise as a result of climate change, which could make the whole country uninhabitable during the 21st century. This situation is repeatedly reiterated by AoSIS members and this

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142 The South Centre's legal analysis also concludes that while the Accord does not have any legal standing within the UNFCCC per se, it nonetheless might substantially influence future UNFCCC negotiations as parties associating themselves with the Accord might be bound by its provisions thus preventing them from making decisions under the UNFCCC that contradict the Accord (South Centre 2010).

image of their whole nations' survival being urgently at stake affords them a unique position in the negotiations.

In addition, Tuvalu and AoSIS are supported by environmental NGOs and other external legal and scientific supporters and send very dedicated, skilled, knowledgeable and well-respected delegations to the UNFCCC, which further contributes to this position of relatively high influence. For example, AoSIS was the first country grouping that made an actual text proposal of a fully developed version of a protocol during the negotiations that ultimately led to the Kyoto Protocol thus providing an impulse for other parties to make their own proposals, as the AoSIS proposal was conceived as much too demanding on Annex I countries (Depledge 2005). Likewise, Tuvalu made proposals both for amendments to the Kyoto Protocol for the emerging post-2012 climate regime as well as for a new additional protocol in the non-Kyoto track of the negotiations ahead of the Copenhagen conference (UNFCCC 2009e, 2009f).

Arguably, AoSIS is relatively successful in its work since it manages to combine two complementary aspects of rationality and reason: on one hand it can successfully "speak UNFCCC" in that negotiators are very skilled in the details of the technical and procedural aspects of the negotiations as well as capable of providing substantial, substantive and substantiated formal input into the negotiations as described. Crucially, this also includes input on issues not directly related to their own country such as on the highly technical question of the accounting of emissions forestry in developed countries. On the other hand, they succeed in utilising a powerful imagery associated with the question of survival of whole nations that allows them to discuss from a moral position that is hard to compete with, for example by contrasting possible economic impacts of emission reductions in Annex I countries with the submerging of their entire country (field note, Poznań, 12 Dec 2008). One reason why their unfortunate reality has been translated into such a relatively[143] influential position is the problem it poses to the standard mode of rationality employed in the UNFCCC regime: AoSIS successfully established the normative standard of "survival"

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143 The phrase "relatively influential" is used here to indicate that while the degree of influence that AoSIS countries, and in particular Tuvalu enjoys is surprisingly strong given its overall geopolitical and economic position in the global system, in absolute terms AoSIS influence on the negotiations is still small compared to other negotiation blocs.

as a concept within the negotiations and repeatedly suggests this concept as the yardstick against which to measure the appropriateness of measures suggested ("[t]he survival of all nations," for example, is defined as the "paramount objective" (UNFCCC 2009f: 4) of their proposal of an additional protocol for the Convention submitted for Copenhagen). Bringing this notion to prominence aims to utilise existing moral barriers that prohibit the translation of the extinction of whole sovereign nation-states into, for example, economic figures. Therefore, negotiators cannot openly advocate for scenarios that lead to such outcomes[144] by directly challenging AoSIS' "survival" argument. This is illustrated by the success of the activity of Youth activists at the UNFCCC session in Poznań, who – inspired by a speech by an AoSIS representative – asked party delegations to sign pledges to "safeguard the survival of all peoples and nations" in choosing their negotiating position and succeeded in securing pledges from over 80 delegations within a few days (field note, Poznań, 12 Dec 2008; Russell 2008), presumably as most negotiations would not openly and when directly pressed, denounce such a motion.

By contrast, the group of Least Developed Countries (LDCs) also have repeatedly pointed out that their countries are more vulnerable to the effects of climate change and will be subjected to these effects earlier than other countries, including making already vulnerable parts of their population even more vulnerable through increases in extreme weather events such as droughts and floods as well as the climate change induced damage to fragile economic development in these countries. However, LDCs overall have not been as successful as AoSIS in translating a similar vulnerability into a position of relative influence in the negotiations, which can be explained using the same two parameters that clarified AoSIS success: first, LDC delegations, in general, are not as well skilled and supported in the UNFCCC specific ways of thinking,

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144 Although, crucially and as routinely pointed out by AoSIS delegates and ENGOs alike, virtually all scenarios that are under serious negotiation do in fact will with high or very high likelihood lead to this outcome. AoSIS maintains that in order to safeguard their and other nations survival, temperature increase should be limited to 1.5℃ above preindustrial levels by the end of the 21st century, a level that is only somewhat likely to be achieved by stabilising CO_2eq concentrations in the atmosphere to 350 ppm, or parts per million (c.f., for example, Tuvalu's submission for Copenhagen. The actual language used for both temperature and concentration target is "as far below … as possible", UNFCCC 2009f: 4). By contrast, the most ambitious stabilisation/reduction scenarios assessed by the IPCC would lead to a stabilization of 445-490 ppm, which in turn would make a temperature increase of about 2-2.4℃ likely (IPCC 2007d: 15) and the emission reduction pledges received from countries as part of their association with the Copenhagen Accord would result in an end-of-the-century emissions increase of 3℃ (Rogelj et al. 2010).

speaking and negotiating and secondly, in their cases the survival question is not posed in such clear, binary terms as is the case for Small Island states and do not apply to whole nation-states.

In addition, and related to the notion of social inequalities among the interlocutors of a public sphere, developing countries in general (although this does not apply to all countries designated as developing countries under the UNFCCC regime), are subject to a number of disadvantages due to their limited financial resources. Some of these disadvantages have already been briefly mentioned in chapter 4, such as the lower number of delegates in each country's delegation compared to those of richer countries, thus requiring fewer delegates to cover more of the large number of different issues in the negotiations, in turn causing less detailed insight and understanding with regards to each of the issues covered, possibly requiring a number of issue areas to be ignored altogether and generally putting more strain on the individual negotiators[145]. While some of these shortcomings are addressed by organising in negotiation blocs such as the G77 and China or AoSIS, and accepting additional external legal or expert help, overall the effectiveness of the participation of these countries, and therefore their chances of having their opinion heard and included, is limited.

Differentials between parties with regards to power, participation and success in influencing the negotiation in a way that represents their best interest is certainly an important area, about which much more could be said. However, since the focus of this research is the involvement of environmental NGOs in the climate change negotiations, these brief remarks will have to suffice for the time being and the discussion shall now turn toward considerations of hierarchy, status and inequalities among these actors.

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145 Chapter 4 also quoted the vivid example of the three person Madagascan delegation sharing a noisy youth hostel with Chinese tourists while, in contrast, the over 100 members of the US delegation lodged in a luxury hotel from where they returned well rested and prepared to the negotiations.

6.1.2   CAN and Other Environmental Observer Organisations

Formally, hierarchical structures within CAN are relatively flat. As already mentioned, at the beginning of the fieldwork period, the only clear formal structure consisted of CAN's working groups, each with one or two (co-)coordinators, and CAN's regional or national nodes, which, however did not appear to have much hierarchically structuring impact on the interactions within CAN, besides the fact that interactions of individuals within the same node were overall more likely, with a number of nodes holding regular meetings among themselves (post field note, Vienna, Aug 2007; field note, Bali, 8 Dec 2007). However, at the same time, it was clear that on a different level, there are hierarchical differences between individuals. At the Bali climate change conference, for example, a number of individuals were speaking more often, appeared to have more intimate insights into and more comprehensive analysis of the political developments and their views and contributions seemed to enjoy more weight in discussions (post field note, Bali, Dec 2007).

Analysing the Bali field notes with the insight later gained, it became evident that for the most part these individuals were roughly identical with the individuals, or roles, that were later during the fieldwork phase formalised as the membership of the "Politicial Coordination Group" (PCG). And, in fact, a political coordination group had been operating for many years within CAN, however, its membership, role, modes of communication with the wider network and, to a degree, even existence was not very clear nor formally established. As part of a general endeavour to professionalise and codify the network structures within CAN that was initiated at the AGA in Bali in December 2007, Terms of Reference (ToRs) were proposed and adopted for a number of internal CAN structures, including the political coordination group. In this context, the membership was decided to consist of "fixed spots" filled by CAN's working group coordinators, the regional or national node coordinators, representatives of the large international CAN member organisations (i.e. members with offices in at least 20 countries) as well as "discretionary spots" for "big picture experts" as well as "capacity building" spots. "Big picture experts" are CAN members who focus more on the overall politics (as opposed to more technical details of working groups) and often have a long history of involvement with the UNFCCC process and thus possess a high degree of knowledge about political background that can inform a more complete understanding of current political strategy (c.f. the example regarding

FiE in chapter 5). On the other hand, "capacity building" spots are reserved for individuals, especially from developing countries, that show interest in becoming involved in the long term in CAN's work under the UNFCCC. The creation of these "capacity building" spots acknowledges the useful learning experience that membership in the political coordination group provided and the necessity of passing on some of the historical knowledge of the UNFCCC process to additional CAN members (post field note, Poznań, Dec 2008). The emphasis on filling these spots with members from developing countries, on the other hand, acknowledges the under-representation of that group in the political coordination group.

The function and modus operandi of the political coordination group sets the group apart from the rest of the network. For example, the group's relatively small size is intended to provide a safe environment with regards to the discussion and dissemination of privileged and confidential information, such as intelligence acquired with regards to parties' confidential positions which – if not successfully protected – could damage sources of such information for the future, or such as the group's own internal strategising whose disclosure outside of CAN is feared to impact negatively on its effectiveness. Thus, while notes from the meetings of the group are routinely shared with the rest of the network via *CANtalk*, the content of any information perceived to be confidential is not (field note, Bonn, 3 Apr 2009). However, the wider network knows the composition of the group and members are encouraged to approach "their" relevant PCG member (e.g. working group or regional node coordinator) for more background information that goes beyond the information shared on *CANtalk*. Moreover, the members of the PCG are intended to act as a bidirectional conduit of information, thus are expected to both share the most important aspects of their working group's or regional node's work with the PCG as well as proactively informing working group or node members, for example, during regular meetings, of relevant developments with regards to overall political coordination.

Besides the political coordination group, whose membership is largely determined by its ToRs and which therefore is a rather closed group, all other CAN working groups are explicitly open and CAN "newcomers" to UNFCCC sessions are actively encouraged to join working groups. In order to facilitate this, all working

group coordinators present introductions into the respective area the group focuses on at the special information sessions held for first time CAN COP delegates on the weekend before the start of each COP (field note, Bali, 2 Dec 2007). Of course, as discussed in the previous chapter, the degree of knowledge of specialised technical language and concepts within the working group's field still provides variable degrees of barrier to participation. Thus, formally speaking, hierarchy is only established between the members of the political coordination group (which also includes coordinators of all working groups), on one hand, and the rest of the network on the other.

However, during participation in the internal work of CAN it becomes quickly evident that there are different levels of status that individuals can have within the network, that do not stem from different positions within a formal hierarchy, and that lead to different weight being given to their contributions in discussions. This status is mainly related to the degree of relevant knowledge an individual appears to have relating to one or more specific areas of the climate negotiations. Generally speaking, this knowledge is expressed through two main ways, first, it refers to knowledge gained from a long personal history of involvement with the UNFCCC which allows those individuals to support their arguments during discussions by referring to examples from previous, similar situations within CAN or within the UNFCCC or the wider field of climate politics thus enabling them to present their arguments in relation to a more refined, insightful understanding of the intricacies of climate diplomacy. This status is similar (or, indeed, in case of personal union, identical) to that which makes individuals eligible for the "big picture experts" spots in the political coordination group. In recognition of their specific status, these individuals are occasionally, presumably only half seriously, referred to as "CAN elders" (e.g. field note, Bonn, 4 Apr 2009), thus conjuring associations of experienced members of CAN, with a notion of guiding the other members and imparting parts of their specific knowledge on them.

The other way in which individuals are distinguished in terms of knowledge is their characterisation as "experts" for certain issues, when for example they are working on the issue in question for academic institutions such as Universities, for think tank style NGOs or for bodies such as the IPCC or since they were involved in or authored important studies in the issue area. Due to the high regard that scientifically

generated knowledge enjoys within CAN (a question which will be discussed in more detail later in this chapter), these types of backgrounds afford individuals specific status. For example, the flexible mechanisms working group that I was most involved in during the fieldwork period, had a few "observer members" – people who were known or assumed to follow the group's discussions on its email list but who would not typically be actively involved in the deliberations of, for example, policy positions – who would occasionally be called upon to provide specific input or background knowledge to further the development of policy positions, submissions and the like (virtual field note, Feb 2009). Likewise, the ToRs for the political coordination group allow for experts on specific issues to be invited on a case-by-case basis to advise the group on relevant background information.

As mentioned in the introduction to this section, notions of inequalities also represent an important dimension to consider in the context of ENGO involvement in the UNFCCC negotiations. The discussion of this dimension, however, poses a few challenges with regards to typical markers of inequality in social science research. Mainly, this is due to the fact that CAN as well as the wider UNFCCC and other NGO networks and party groupings, are not populated, as it were, merely by individuals acting on their own behalf. The individual actors that are involved in these settings, most often act as agents of various types of institutional actors, though certainly a number *do* act in their own individual capacity, or – depending on the situation – either as an agent or on their own behalf[146]. Thus any analysis of inequality between the actors in this context must take this specific situation into consideration.

Social inequality, then, has a different meaning than in situations where individuals are interacting with each other, since here it is mainly institutional actors interacting (albeit through their individual agents). Thus, while notions of, for example, income inequality or inequality in terms of access to and use of education, or even race and ethnicity can be relatively easily "translated" from their individual-based origin to the case of an institutional actor, others, most notably gender, are more challenging to apply to organisations. To address the latter one first, gender

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146 It is worth noting, thought, that both CAN as well as the UNFCCC assume that, formally, individuals always act as agents of institutional actors. However, within CAN it is certainly acknowledged that, at least at some levels within the network, some individuals are speaking in their own personal capacity.

does not seem to receive very much attention within CAN. There are, to be sure, some CAN member organisations (such as, for example, Women for a Common Future in Europe) that specifically highlight the particular challenges that women face in terms of adaptation to climate change and the particular roles women can play in mitigation efforts. Likewise, gender balance is expressed as desirable when appointing working group co-coordinators, chairs of CAN daily meetings and so forth and this desire is also expressed in the CAN Charter (CAN 2002: 28). Further, Duwe, writing about CAN at the close of the 20th century realises that more than half of the CAN node coordinators at the time were women and expresses hope that this could represent a "potential of internal bridge-building" (2000: 40) mainly with regards to asymmetrical exchanges between member organisations from developed and developing countries. However, as mentioned, gender as a marker of inequality that requires specific attention in the internal organisational culture, has not played a significant part in internal CAN deliberations and is certainly seen as secondary to other important dimensions of inequality, such as origin from a developing country. Further, as mentioned above, gender is not easily "translated" from a characteristic of an individual to a feature of an organisation and is thus difficult to conceptualise in the context of this fieldwork. In either case, due to the perceived low priority of gender, I did not pay much attention to this issue during the fieldwork and therefore cannot offer more empirical insight.

However, as mentioned, the distinction between individuals and organisations from developing country versus those from developed countries is an important marker for inequalities between individuals and organisations within CAN as well as within the wider group of NGO observers and certainly, as indicated above, is also mirrored in a similar distinction between parties. For this reason, it shall receive some focussed attention. As described in the previous chapter, the inequalities resulting from this distinction are mainly perceived to affect different levels of access to financial resources that are required to guarantee continued access to the UNFCCC negotiations and result in a variety of secondary inequalities such as restricted insight into the complex political dynamics of the UNFCCC negotiations that can be gleaned through continued and prolonged participation, limits to knowledge of specific terminology, technical concepts and other shared, specific knowledge of the UNFCCC process (these first two parameters are often referred to collectively as

"capacity") as well as secondary inequalities such as the access to mobile IT equipment such as laptops and smartphones, or limits in the time that can be dedicated to the UNFCCC process. On the other hand, CAN strives for equal representation of developing and developed country delegates in functions such as working group co-coordinators, ECO editorial boards, press conferences, chairing of CAN daily meetings as well as in the overall composition of the political coordination group and with regards to delivery of interventions in UNFCCC negotiation sessions.

Consequently, as detailed in chapter 5, CAN undertakes efforts to improve participation of developing country NGO delegates. However, due to the prevailing perception of the main reasons for the problem, these efforts focus on what are perceived as the primary and the most important secondary inequality: first, lack of financial resources and, second, limits to individual and organisational "capacity" with regards to participation in the UNFCCC process and the related CAN work. For example, as the name clearly indicates, the main purpose of CAN's Southern Capacity Building Programme is to overcome both these main results and markers of inequality by funding continuing access of a number of CAN members from developing countries as well as organising and financing a suite of complementary activities to build their "capacity" as well as encourage and facilitate capacity transfer from these few financially supported individuals to a larger group of developing country environmentalists.

However, while certainly an effort well regarded by those who directly benefitted (field note, Bonn, 7 Apr 2009) as well as the wider CAN membership, certain aspects of the programme, and in general the concept of "capacity" as used by CAN and in the wider UNFCCC context, should be critically reviewed. This critical analysis is indicated based on the discussion by Nancy Fraser of the effects of "bracketing" social inequalities within the public sphere without addressing these inequalities. Fraser, as discussed in Chapter 2, cautions that such bracketing might blind the student of public spheres from recognising patterns of domination within the public sphere. In this context, it is appropriate to examine the notion of "capacity" and "capacity building" more closely. As the use of these terms by CAN is another example of the application of specific UNFCCC terms for processes within the network, the UNFCCC use will be briefly examined first. Within the UNFCCC political framework, "capacity building" is always referred to as a process that applies to developing countries. It is

at least mentioned in all major milestones of the development of the UNFCCC, from the Convention text itself, to the Kyoto Protocol, to – during the fieldwork phase – the conclusions of the Dialogue, to the Bali Action Plan, where it received a particularly prominent place[147], and to the Copenhagen Accord as well as an actual COP decision on the issue (UNFCCC 1992, 1997, 2007c, 2007b, 2010f, respectively).

In these contexts, capacity building refers to the process of overcoming a lack of the specific institutional, technological and administrative knowledge on the part of developing countries that is needed to implement parts of the Convention, the Kyoto Protocol or related activities. Such activities include the proper setting up and running of institutions to develop, approve and monitor CDM projects, or the collection, analysis and preparation of data for the "national communications". The latter are part of parties' obligations under the Convention and the capacity to collect high quality data is also required for the preparation of possible future arrangements under the UNFCCC such as REDD or sectoral emissions crediting or trading approaches, both of which – without needing to explain these schemes here in detail – require a high level of accuracy and complexity with regards to the underlying emissions data. However, capacity building is never mentioned as a learning process where developed countries are the recipients of the capacity building – the possession of adequate capacity by these parties is taken for granted.

Likewise, with regards to the use of the concept within CAN, the capacity building process is conceptualised as a uni-directional learning activity, with those possessing "capacity" (i.e. knowledge of the UNFCCC specific terminology, technical concepts and political structures and processes as well as institutional history) building the capacity of those who do not (yet) possess it by sharing their specific knowledge. To be fair, unlike the UNFCCC, CAN does not exclusively associate the recipient side of this learning process with organisations and individuals from developing countries – "newcomers" from all backgrounds are expected to first go through some process of learning before they can effectively participate in UNFCCC and CAN activities.

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147 The Bali Action Plan list capacity-building alongside finance and technology (transfer) as one of the three enabling dimensions that developed countries are expected to provide in order to assist developing countries in their own greenhouse gas mitigation efforts (at least according to one reading of this paragraph 1.b.ii of the Bali Action Plan; c.f. the discussion on "the Bali comma" in chapter 4 on how the specific placement of a comma in this paragraph also allows competing interpretations).

Certainly, the framework within which CAN's work takes place – the UNFCCC negotiations – dictates the need for at least some specific learning as my own experience, as described in the section "Learning the Language" in chapter 3, demonstrates. However, just as in the case of the UNFCCC, the uni-directionality and character of the capacity building process where "big-picture experts," or "elders," and issue specific "experts" impart their expert knowledge, indicates that it should be examined. It is a means in which a hegemonic, or dominant, group maintains its hegemonic position by reproducing its specific communicative and discursive structures and practices as well as the values that underpin its interpretations of the political realities in question.

In practice, this examination is not straight forward, however, but some empirical indicators do, indeed, suggest that the capacity building efforts described are not merely an attempt to challenge both causes and effects of certain inequalities within the process but also, albeit possibly unintentionally, maintain the mainstream views and interpretations of the salient themes. For example, capacity building sessions that are offered to newcomers to the UNFCCC negotiations before the official start of the session feature presentation from CAN experts from developed countries covering the most important technical and political areas of the negotiations[148]. These presentations, then, are given from the point of the salient or agreed policy position within the network. Meanwhile the various, often quite hotly contested views of individual CAN members and member organisations, and importantly the processes that lead to the agreed position, remain opaque to the newcomers.

For example, during the Poznań climate change conference I had a conversation with such a newcomer from a developing country and was asked why CAN, as opposed to other environmental NGOs and networks, had such an accommodating position with regard to offsets in general and in particular the CDM, whose environmental and social record was widely criticised by other organisations, especially organisations from developing countries. My conversation partner was surprised to

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148 At least this was the case for the sessions that I personally attended, in Bali and Poznań (field notes, Bali, 2 Dec 2007; Poznań, 30 Nov 2008). On the other hand, the schedule for the capacity session for the Copenhagen COP revealed that 5 out of 14 experts planned to be involved in the session were from developing countries. Possible implications from this shift will be discussed shortly.

hear that the collective CAN position (which did criticise the CDM, but not to the same degree as many other environmental groups who typically concluded that the CDM was so "fundamentally flawed" that it "must be scrapped" (e.g. McCully 2008: 2)) was based on a contested internal negotiation process between CAN member organisations representing very different positions. These ranged from fully rejecting the idea of any carbon offsetting (including CDM) to wholeheartedly embracing and campaigning for it as well as many positions between these extremes[149]. In this context it became clear during the conversation that the agreed policy position was an outcome of a process involving a wide variety of contradictory positions and that the common policy position represented the "lowest common denominator" of the views of those involved in the discussions where some were making more concessions than others, depending on their starting position. Furthermore, it became clear that the outcome of this process could, and likely would, be different if the internal composition and thus the internal power dynamics of the group would change (field notes, Poznań, 8 Dec 2008). However, the initial explanations during capacity building sessions did not include this background and thus the information presented there could be (mis-)understood as a position shared by all network members.

This process then, can be likened to examples, described by Nancy Fraser, where the salient discourse of the dominant groups within a deliberative space, such as a public sphere, is taken for granted by interlocutors of subordinate or marginalised groups, who as a result, even in the absence of formal exclusions, are restricted in formulating and working out their own independent positions, definitions and terms of their grievances. The aforementioned establishment of a second network of environmental NGOs within the UNFCCC regime, CJN!, can be seen as related to these processes as well as other dynamics of inequalities within the UNFCCC process and shall therefore receive detailed discussion in the next section.

First, however, additional considerations of the question of inequality within the process are indicated. In this context, it is important to point toward some developments in the later part of the fieldwork phase. As already mentioned, five out of

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149 As mentioned in chapter 4, some CAN members are well known for running their own offset programs and act as CDM project consultants (e.g. TNC and CI), while others repeatedly and publicly denounced offset in any form (e.g. Friends of the Earth).

fourteen of the experts drawn upon for the capacity building session in Copenhagen were from developing countries. While certainly far from representing parity, this is also far from earlier capacity building sessions described above. Furthermore, again at the Copenhagen COP, the composition of the political coordination group achieved near parity with 25 members from developing countries and 29 from developed countries. Also, the increase in working group co-coordinators from developing countries and the general increased visibility and participation compared to the beginning of the fieldwork phase should be noted – for example during the discussion of an update of CAN's policy position on Annex I mitigation targets, which will be considered in much greater detail later in this chapter, this increased participation gave prominence to views that, arguably, would have otherwise had less weight in the discussion. Taken together, all these features might point toward a more fully equal participation within CAN and might be results of the increase in continued attendance of a number of individuals from developing countries through CAN's Southern Capacity Building Programme and might therefore be indicators that the programme achieved important progress toward its expressed aim of reducing marginalisation of the voices of environmental organisations from developing countries. However, since these developments took place toward the end of the fieldwork phase, it seems premature and not within the scope of the data collected to make strong conclusions in this regard[150] but this question certainly warrants further attention in the future.

As already elaborated in chapter 3, the fact that the negotiations under the UNFCCC, as well as the associated involvement of environmental groups, can be conceptualised as a public sphere that is not only populated by individuals but also, crucially, by institutional actors of various types and sizes (albeit being represented by individual agents) provides, as has been seen, for some challenge for discussing inequalities among the interlocutors in this sphere. This is particularly true, when considering who typically attends such events: put simply, in addition to the civil servants that represent their respective government, employees of UN and other international organisations as well as lobbyists for trade and industrial interests, the

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150 This is especially true since it is at least imaginable that this increased participation of developing country environmentalists merely represents a superficial improvement of structural inequality without resulting in a genuine improvement of the possibilities to include the specific perspectives of developing country representatives in the deliberations but merely gloss over unchanged processes of marginalisation.

representatives of environmental organisations largely belong to what has been described as the "international activist elite" (della Porta and Diani 2006: 133) or, with a more critical connotation, as the "NGO-jet-set" (Altvater et al. 1997) – a group of individuals that, either through their capacity as representatives of an organisation or in their own right, have access to air travel, hotel accommodation, passports and visa, and can therefore be considered part of a – globally speaking – social elite. Thus, from the perspective of thinking about social equality with regards to the – official and observer – participants in the UNFCCC negotiations, these participants appear, with Fraser's critique of Habermas' characterisation of the public sphere in mind, to represent a privileged social strata of society (akin to the bourgeois public in Habermas' description) who conceive of themselves as *the* society while losing sight of the people excluded from their deliberations through social inequalities. Consequently, the specific perspectives of the vast groups thus excluded are missing from the deliberations, which, as a result, might form policies designed without taking their perspectives into account.

This becomes particularly clear on the few occasions where normally excluded groups do take part in the negotiations and very effectively challenge the conventional wisdoms within the process. For example, during the June 2009 Bonn UNFCCC session as well as the December 2009 session in Copenhagen (with plans in existence to continue this project at UNFCCC sessions after Copenhagen), a group of waste pickers from India and Latin America attended the sessions with the financial and logistical help of NGOs from developed countries with related agendas. In their delegation's information flyer at the June 2009 Bonn session, the waste pickers define themselves as "workers in the informal economy who recover recyclable materials from waste" (Wastepicker Delegation 2009) and attended the UNFCCC with the intention of highlighting the multi-dimensional relationships between their informal employment and the climate change regime[151]. In particular, through side events, press conferences, an information booth and meetings with delegates, including members of the Executive Board of the CDM, they sought to illuminate their important contributions to climate change mitigation on one hand and the threat to

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151 All information in this section, if not otherwise indicated, is taken from a conversation with an employee of one of the developed country organisations that supported this project in Copenhagen (field notes, Copenhagen, 14 Dec 2009).

that mitigation contribution as well as their livelihoods posed by some of the instruments designed within the UNFCCC framework to solve the climate crisis.

The waste pickers' contribution to climate change mitigation is mainly character-ised by the diversion, through their work, of recyclable material from landfill sites back into the resource cycle which consequently corresponds to the saving of the emission that would be associated with the mining or harvesting and processing of the virgin materials otherwise used – those emissions savings range from about 50% in the case of steel, cardboard and glass to 90% in the case of aluminium (Tellus Institute, cit. in Wastepicker Delegation 2009). Thus, one of the objectives of their attendance at conferences was to lobby for the design of future UNFCCC mechanisms, for example, those designated to financially assist developing countries in their own mitigation efforts, in a way that would recognise and support their contributions. On the other hand, they also aimed at lobbying against existing (and future) decisions within the UNFCCC regime that would imperil both their contribution to climate change mitigation as well as their employment and thus their livelihoods. In this context, current CDM methodologies, existing CDM projects and projects in the CDM approval pipeline represented their main target: CDM projects can earn carbon credits from waste projects through two main ways. First, "landfill gas" projects are set up to capture gas (predominantly the very potent greenhouse gas methane) that is emitted from waste stored in landfill sites and subsequently burn it, including for the generation of electricity or simply to combust it into the less damaging carbon dioxide. However, such projects restrict access to landfill sites thus effectively separating the waste pickers from their source of income. Secondly, in so-called "waste-to-energy" projects, waste, including recyclable waste, is incinerated to generate electricity and saleable carbon credits earned for that activity. Again, such projects directly compete with the waste pickers for their source of income. Additionally, recycling, compared to waste-to-energy projects, reduces emissions up to 25 times more than the incineration of waste, which emits more greenhouse gases per unit of electricity than a coal-fired power plant (Wastepicker Delegation 2009) and might not even result in any emissions reductions at all, if all relevant parameters

are adequately considered (Parekh and GAIA 2011) and furthermore is a considerable health hazards to the hosting communities[152].

From the description of the developed country NGO employee who helped to implement this participation project, it became clear how the participation of these otherwise excluded individuals changed the discursive dynamics: first, the organisation is a network of mainly community-based groups from both developing as well as developed countries who are affected by waste issues, often incinerators, in their communities. Thus, enabling the waste pickers to represent themselves, even though their inability to speak English made this representation very challenging, rather than being represented by an English speaking and experienced NGO staff, was a principle based decision anchored in the organisational culture of that network[153]. In addition, it is worthwhile stressing the different characteristics of argument that the organisations can put forward. To be sure, the developed country NGO would be perfectly capable of, and is indeed engaged in, communicating the considerable climate benefits that adequate waste management solutions, for example, through improved recycling schemes, can provide in comparison to incineration or landfilling. However, the waste pickers' perspective that they need access to the waste stream in order to feed themselves and their families (in addition the negative impact on the global climate and their local health situation that, for example, the establishment of a CDM project in their communities would have) adds a whole other, human, dimension to the discussion that would otherwise remain excluded. The effectiveness of this approach can be illustrated, for example, by the comments made to one another in a

152 The situation of the waste pickers is not an isolated case. Within the context of the UNFCCC and its implementation, as well as non-UNFCCC related climate change programmes, such as private offsetting schemes, there are many examples were seemingly well intended projects aimed at reducing greenhouse gas emissions severely adversely affected communities in developing and developed countries alike. The movie "The Carbon Connection" (Carbon Trade Watch 2007), for example, addresses how two communities – one in Brazil, the other in Grangemouth, Scotland – are impacted by a carbon offsetting forestry project, whose reliance on fast growing monoculture eucalyptus plantation severely restricted the traditional agricultural practices and access to water of the former, while the carbon credits so generated allowed BP to continue and expand it refinery activities thus creating pollution and health hazards in the latter (Johnston 2007).

153 Likewise, the programme passes much of the decision-making on to the communities involved in the project. For example, while providing more logistical challenges for the developed country partners, the waste pickers have come to the conclusion that it is, overall, in their interest to send more different people to the UNFCCC, to achieve a wider distribution of first hand insights into the process as opposed to delegating the same few individuals to multiple UNFCCC sessions, like other projects that aim to bring delegates from developing countries to the UNFCCC negotiations, for example CAN's Southern Capacity Building Programme, do to maximise the specific knowledge of these delegates.

group of European party delegates, while passing by the waste pickers' exhibition boot on the UNFCCC ground: "Oh, look – that is what I have been telling you about: about how the CDM projects are displacing these poor people…" or by the encouragement to provide written critique of the relevant CDM methodologies after a meeting with CDM Executive Board members.

The waste pickers' message was powerful and unique partially because they provided a human face to the adverse social impacts of projects that are, by many of the participants in the UNFCCC negotiations, generally considered part of the solution, rather than the problem. It was also powerful as the waste pickers' background – being objectively very poor and making their first international trip (in many cases even the first time outside their immediate environment) – created a strong sense that decisions made at the UNFCCC did not just have an impact on some abstract "vulnerable populations" and "future generations" but actual vulnerable people made of flesh and bones. It also created a sense that seemingly small and unimportant decisions within the highly complex and interdependent processes created through the climate regime can have fundamental impacts on the life of individuals, families and their communities. This understanding was even more powerful given the size of the sector of the informal economy that the waste pickers are occupied in and thus the number of people potentially affected by the problems discussed: "Recycling provides productive work for an estimated 1% of the population in developing countries, in processes such as collection, recovery, sorting, grading, cleaning, baling, processing and manufacturing into new products" (Wastepicker Delegation 2009). The waste pickers' presence also lent a more concrete face to the issue of justice in the context of climate change regime, which is also the focus of the Climate Justice Now! (CJN!) network of environmental groups which will be the focus of the next section.

6.1.3   Counterpublics and Environmental NGOs in the UNFCCC Regime

As mentioned above, the establishment of the other NGO network – Climate Justice Now! (CJN!) – within the UNFCCC constituency of environmental organisations can be seen as related (if not indirectly caused) by processes described above. It is, however, important to point out that the discussions offered here are not based, as in the case

of CAN, on long term intensive involvement in the internal work of the network but rather on more isolated interactions with individuals who were active within that network as well as my own participation in some of the networks' activities[154].

The initial emerging of CJN!, so it appears, is closely related with internal processes within Friends of the Earth International (FoE-I). Other elements of CJN! had already existed for a while, for example the Durban Group that had met in 2004 and developed the Durban Declaration on Carbon Trading (Durban Group 2004) which already used "Climate Justice Now!" as the headline for the Declaration and a "loose coalition of climate justice NGOs" (Pulver 2004b: 25) was already identified as an actor within the UNFCCC negotiations in the late 1990s. However, it appears that the involvement of FoE-I was the catalyst that, as it were, turned the previously largely dormant components into a functional and increasingly visible network. During 2007, FoE-I revised its position about the use of carbon offsetting with the result that offsetting, while previously not explicitly condemned, was now denounced and (especially later in the context of CJN!) branded as one of the "false solutions" to the climate crisis. It is important to note, that FoE-I is, unlike other large international environmental organisations like Greenpeace or WWF, a decentralised network of autonomous national organisations in 69 countries that come together in bi-annual meetings to discuss and decide the overall strategic vision for the larger network. Given the membership composition of FoE-I, with more national organisations from developing countries compared to developed countries, developing country concerns have a much more prominent position in the internal strategising (conversation with FoE campaigner, field notes, Bonn, 8 Jun 2008).

Adopting a position that categorically denounced carbon trading, demanded the current CDM to be scrapped and rejected the use of carbon credits for any other future purpose, put FoE-I clearly in conflict with the policy positions of CAN, where FoE-I was a member. This was the case as regards CAN's positions on the CDM and

154 During the Poznań climate change conference, when CJN! first prominently appeared as a new grouping that would likely keep being involved in the UNFCCC negotiations for the foreseeable future, I attempted to expand my participant observation to that network as well, by also joining the working group of CJN! that focused on carbon market related issues. However, it became clear virtually instantly that full involvement in both networks to the degree desirable in ethnography-inspired research was beyond the level that a single researcher could achieve. Nonetheless, I continued to participate in some activities of CJN! and associated organisations and groups both in Poznań and in Copenhagen.

other Flexible Mechanisms, which, while overall critical, focussed on improving the CDM, rather than scrapping it, and remained generally speaking supportive of carbon trading. Likewise, this was also the case for the emerging CAN position on REDD, where disagreements about whether REDD activities should generate carbon credits were hotly contested within the CAN REDD working group. In addition, in an example already discussed in chapter 4, the development of the REDD policy position was also fraught with procedural problems that lead to the de-facto exclusion of the views of one Latin American network of organisations due to language and translation issues. As a result of both these developments, FoE-I publicly distanced itself from the policy position (c.f. the "byline" in CAN 2007b) and defended that decision to by-line by insisting that, especially in the case of REDD – an initiative directly impacting on the lives of already disadvantaged people in developing countries – the views of members from developing countries need to take priority and any process that excludes these voices loses credibility (field note, Bali, 2 Dec 2007; conversation with CAN delegate, field note, Bangkok, 3 Apr 2008).

At the same Bali COP, then, CJN! was launched by means of a joint final statement of its founding "members"[155] and subsequently FoE-I left CAN later in 2008. Both this background of the emergence of the CJN! network, where one of the major founding members was increasingly disillusioned with the internal deliberative processes within CAN, and some of its organisational features, support the notion that it was founded specifically to serve as a counterpublic in the sense described by Nancy Fraser. Specifically, it was created to practice a discursive culture different from that of the hegemonic public, and to allow for the development of terminology, language, definitions of problems and potential solutions in (temporary) discursive isolation from the dominating influences of the hegemonic public. With regards to the first aspect – the cultivation of distinct discursive practices – CJN! has established a few processes that are quite different from the "parallel" processes in CAN and the wider UNFCCC regime.

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155 The word members is placed in quotation marks since CJN!, at least initially, insisted that cooperation in the network does not establish any membership relationship and that CJN! merely is a loose coalition of groups who share common values and objectives (field notes, Poznań, 4 Dec 2008). However, meanwhile, CJN!'s website has started to maintain a "member directory" (CJN! 2010b), thus hinting the possibility that this has changed since the fieldwork was carried out. However, CJN! still is no incorporated organisation with its own legal persona.

For example, while both CAN and the UNFCCC embrace the principle of consensus based decision-making and define, in simplified terms, consensus as reached when there are no dissenting views voiced (in other words, agreement with any position is assumed as the default), CJN! policy positions are always so-called sign-on positions, where only organisations that explicitly state their support for a policy relevant output such as position papers and submissions are listed on the relevant document (disagreement is assumed to be the default). While this clearly is a more cumbersome approach, it ensures that drafting of policy positions does not have to be limited to the lowest common denominator as it accepts that individual statements might only be supported by a subset of the CJN! membership. In CAN and the UNFCCC on the other hand, deliberations with the view of reaching consensus are continued until a text version has no objectors anymore, which either might be due to consensus as a result of a genuine breakthrough or simply due to an example of "negotiation fatigue syndrome" (Weiss 2005), where interlocutors' interest in concluding negotiations outweighs their desire to achieve an outcome that is in their best interest.

In addition to this important difference in the discursive practice, there are other aspects where the discourse within CJN! differs from that of CAN. For example, CJN! understands itself explicitly as part of a wider social justice movement and thus engages its climate justice agenda with a wide variety of allies both inside as well as outside "the process" of the formal UNFCCC negotiations. To illustrate this, my cursory involvement with CJN! and CJN!-associated activities in Poznań and Copenhagen did not only involve meetings and discussion in various spaces within the UNFCCC conference venue (already familiar to me from my involvement in the climate change work of environmental NGOs), but also brought me to discussion and planning meetings in an old factory squatted by Polish anarchists in Poznań, to the alternative summit "Klimaforum" in Copenhagen and to a demonstration violently being broken up with batons and pepper spray by Danish Police. At least partially due to this strong connection with groups and movements "outside," parts of which reject any involvement with the UNFCCC as it is seen as part of the problem rather than the solution, CJN! does not shy away from very strong criticism of the UNFCCC – for example accusing it of being the "WTO of the skies" (CJN! 2010b) – which would be unlikely to come from CAN as among the latter's membership the concern is often voiced that too strong a critique of the UNFCCC could play into the hands of countries

who would prefer to discuss climate change policy among a much smaller grouping, for example in the context of the G20, the Major Economies Forum, or such ad-hoc arrangements like the one that negotiated the Copenhagen Accord.

It is interesting to note the substantial overlap between CJN! and CAN; especially on the "left" edge of the political spectrum of CAN[156]. A number of organisations, including several national Friends of the Earth organisations, and consequently a number of individuals (for example the agents of these organisations) contribute actively both to CAN and CJN! discussions, including, during the fieldwork phase, one of the co-coordinators of CAN's Flexible Mechanisms working group and other prominent members of that group. Incidentally, during the time between the Poznań climate change conference (where CJN! started to fully consolidate itself) and the Copenhagen COP, CAN's position papers on Flexible Mechanisms began to become increasingly critical of the CDM and other mechanisms that were under consideration within the UNFCCC regime for the post-2012 framework. While previously these had mainly focussed on specific critique regarding the implementation of the CDM, criticism voiced in policy positions prepared for the Copenhagen COP began to reject offsets altogether given the political situation of the time (CAN 2009g). This, again, echoes well Nancy Fraser's description of the role of counterpublics with regards to dominant or hegemonic publics: on one hand, by providing a commentary and critique of UNFCCC politics, including on flexible mechanisms, from a different political vantage point, the sheer existence of CJN! as a counterpublic expanded the political-discursive space within which the policy positions of environmental NGOs are established.

More specifically, however, Fraser points out another function of counter publics that can be observed here: by (at least temporarily) isolating itself from the dominant public, the counterpublic can develop its own positions, definitions and terminology

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156 As the "left" edge of CAN, I understand, simplified, CAN member organisations who among other aspects are generally critical of market based approaches to solve the climate crisis and see climate change as part of a larger systemic problem associated with neoliberal, capitalist globalisation, and identifies with notions like "ecological debt," while the "right" edge of the CAN political spectrum quite comfortably relies on market based solutions to many aspects of climate change politics and thus is more concerned with providing the correct incentives and frameworks for these markets to unleash their problem solving potential. "Left" and "right" are placed in quotation marks to indicate that, with environmental protection typically more of an item on left agendas, the "left" and "right" of the internal political spectrum within CAN does not even approximately map onto the left/right distinction in most other political systems.

as well as refine (and rehearse) the arguments that support these without being restricted in this process by the salient opinion of the dominant public. Keeping this function of counterpublics in mind, the empirical case can be discussed under this light: throughout the fieldwork period, it was generally speaking taken for granted that a policy position on flexible mechanisms within CAN could never outright reject market based or carbon trading based solutions to the climate crisis, at least as long as the desire was to produce a policy position that reflected a consensus within CAN as defined above (e.g. field note, Poznań, 8 Dec 2008; virtual field note, Mar 2009). In fact, on one occasion a delegate from a developed country party remarked to me that he was puzzled why CAN had maintained such a "tame critique" of the flexible mechanisms within the UNFCCC regime (field note, Bonn, 4 Apr 2009). Thus, it was known a priori that any critique of the politics of flexible mechanisms within the UNFCCC regime had to be restricted to criticism of the actual specific flexible mechanisms or planned extensions of the scheme, as opposed to fundamental rejection of the concept itself. Therefore, a whole class of possible criticisms was practically not considered and therefore the arguments that would support such criticism were not systematically developed within the discussions. In this sense, CJN! provided those CAN members who constitute the overlap between the two networks a place where these discursive processes could take place in temporary and relative isolation and in an environment that is generally supportive of very critical analyses of carbon market arrangements, where carbon trading of any kind is, as has been mentioned, generally branded as one of the "false solutions." These more developed analyses and arguments could then be brought back into the CAN discourse on the same subject and, being now more refined than before, could (and arguably did) have more influence on that discourse as well.

6.2   Competing Discourses – Scientific Reality, *Realpolitik,* Social Justice

As has just been discussed, within the wider ENGO constituency as well as within CAN itself, different discourses receive different degrees of traction when deliberating common policy positions. In the examples used above, it has been illustrated how the arguments based on justice concerns would be further developed once CJN! had established itself as a counterpublic within the ENGO constituency.

However, this is not the only example wherein different approaches to and under-standings of the concept of rationality itself can be observed as competing against each other. In particular, within CAN deliberations during most of the fieldwork phase, the streams of what can be called "political realism" and "scientific" or "physical realism" were observed as the main conceptualisations of rationality. In addition, a "moral" or "justice" component was also frequently evoked and received more traction during the latter part of the fieldwork phase. In brief, "political realism" is concerned with the limitations of *Realpolitik*, in other words with (albeit often an optimistic interpretation of) the politically feasible. An argument based on "scientific" or "physical realism" or rationality on the other hand, refers to the "scientific necessities" supported by the relevant scientific literature, in particular as collated in the IPCC's Fourth Assessment Report (IPCC 2007a, 2007b, 2007c) and relevant work carried out since (e.g. den Elzen and Höhne 2008; Meinshausen et al. 2009). Finally, "moral" or "justice" based rationality is one that derives the power of its arguments from moral norms, in particular the moral norms of justice and equity.

At this point, it is important to point out that what is described here as different conceptualisations, or types, of rationality and reason, it is equally possible to conceive of the same phenomena as fundamentally different epistemologies – in particular the distinction of the "justice-based" arguments versus those based on political and scientific arguments, respectively. However, a full philosophical treatment of these issues is beyond the scope (and, indeed, the topic) of this thesis and thus it shall suffice to point out here that, while possibly not fully accurate[157], the concept of rationality and reason employed here is one which Habermas, who in turn explicitly borrows it from Kant, refers to when discussing the dialectic foundation of rational-critical debate in the public sphere. There, he contrasts the reason and rationality employed in the public sphere (and employed there partially to justify its own legitimacy) with the foundations of authority in pre-18th century societies, where authority was based on "force, [...] habit and custom" (Kant cit. in Habermas 1989: 117)[158].

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157 Again, a full discussion of the question whether or not the proposed approach is appropriate goes beyond the scope of this thesis.

158 Incidentally, this dichotomy is very similar to the one that Max Weber (1922: 124) draws between the characters of legitimate authority, which can have a rational character (resulting in "legal

Thus, reason and rationality is here understood to be concerned with seeking agreement through convincing and persuasion by argument (regardless of whether the nature of the argument would be deemed strictly "rational" in all interpretations of the word).

It has already been argued elsewhere, for example by Peter Newell (2000) and Simone Pulver (2004a), that scientific knowledge enjoys a preferential role in the UNFCCC regime, which Newell explains as a consequence of the history of the UNFCCC which evolved from more scientifically oriented conferences, while Pulver specifically credits the influence of the ENGOs during this evolution with the strong emphasis on science based policy making within the UNFCCC. The continuing emphasis on science based policy making is, for example, evidenced by references to IPCC reports in official UNFCCC conclusions (e.g., UNFCCC 2007d, 2007e). Especially considering Pulver's argument, it is not surprising that science based arguments enjoy a particular emphasis within CAN. Consequently, many CAN position papers contain specific references to the relevant numbers of the IPCC reports and often other relevant scientific work is referenced as well (e.g. CAN 2009f), and references to these scientific studies are often evoked in internal CAN debates to support the argument in question.

In addition, CAN occasionally goes to further lengths in ensuring the science based character of its arguments within the UNFCCC debate. For example, during the final phase of the Kyoto Protocol negotiations, WWF and other ENGOs had assembled a team of analysts who were able to quickly analyse any new emission reduction numbers that were coming out of the closed negotiations in order to be able to use that information to brief party delegations and media (conversation, field note, Bangkok, 2 Apr 2008). Likewise, in Copenhagen, the CAN working group concerned with accounting of forestry emissions in Annex I countries – one of the "loopholes"

authority or rule" (*legale Herrschaft*)) on one hand and a traditional or charismatic character on the other (resulting in "traditional authority or rule" (*traditionelle Herrschaft*) or "charismatic authority of rule" (*charismatische Herrschaft*), respectively).

Incidentally, it is also appropriate to recall that, earlier in the same book, Weber explicitly distinguished different types of social action, one of them, value-rational (social) action (*wertrationales Handeln*) is explicitly concerned with social action based on "the conscious belief in the unconditional value inherent in a certain behavioral act itself [...] regardless whether this value is based on ethical, aesthetical, religious, or whatever other considerations" (Weber 1922: 12, own translation); thus actions or arguments based on moral norms can be seen as rational in this sense.

discussed earlier – set up a "sub working group on reference levels" whose task before the conference involved equipping itself with the necessary data and analytical tools to then be able, at the conference, to quickly analyse any new proposals in real-time as they came out of the negotiations on this agenda item. This analysis would then be concerned about the question of what these new proposals would mean in terms of the size of an emissions loophole they would create and this information was then intended to be used for media briefings, lobbying work and briefings of other delegations (field notes, Copenhagen, 9 Dec 2009). Both these cases are examples of how CAN employs specific tactics based on the privileged role of scientific knowledge within the UNFCCC discourse.

Before considering how arguments based on "scientific realism" are used in relation to other types of rationality mentioned, a brief (and necessarily simplified) review of some of the processes considered in the relevant climate science is necessary. With regards to the scientific work of the IPCC, it is important to recall that the IPCC reports themselves, as well as much of the related literature, are not prescriptive in their presentation of the science. For example, as far as emission reduction scenarios are concerned, the IPCC, in its widely-cited box 13.7 (IPCC 2007b: 776; referenced, for example, in UNFCCC 2007d) collated a number of emission scenarios from the relevant peer-reviewed published literature to illustrate which ranges of levels of emission reductions are required to achieve a given stabilisation level in GHG concentrations. However, the report does not in itself suggest which of these scenarios should be considered the most desirable. In this sense it can be seen as a success of both the ENGOs and the more progressive amongst the UNFCCC parties that only direct references to the most ambitious group of stabilisation scenarios were ever used in official UNFCCC documents and that official UNFCCC resolutions called upon the IPCC to further study even more ambitious scenarios. Furthermore, the link between the GHG concentration stabilisation scenarios and future temperature increases are expressed as probabilities, not deterministically (IPCC 2007b), and likewise, the link between temperature change and associated impacts on the human and biological systems are equally expressed in non-deterministic terms (IPCC 2007a: 16). This is relevant since it illustrates how even arguments that claim to be supported by the IPCC, which is generally viewed as the most authoritative scientific body concerned with climate science, contain value-

based decisions concerning at least three stages of connecting emission reductions targets and impacts on humanity and the Earth's ecosystems. In addition, due to the dichotomous separation of the parties of the UNFCCC into Annex I and non-Annex I countries, emission reduction targets are normally expressed separately[159]. However, since many expressions of political commitments (e.g. those of the EU, the G8 or the Copenhagen Accord as described below) contain both values for global targets as well as for Annex I countries, they are also implicitly stating (by subtraction) what effort to the global targets non-Annex I countries are expected to contribute.

To illustrate, the European Union has committed itself to limiting global temperature increase to "not more than 2°C above pre-industrial levels" and further states that "this will require a reduction in global emissions of at least 50% from 1990 levels by 2050" (Council of the European Union 2008: 2). This same commitment has been reiterated by the G8 summit in 2009 (McMahon and Moncel 2009) and was furthermore contained in late drafts of the Copenhagen Accords (Lynas 2009), although the final text of the Accords merely "recogniz[ed] the scientific view that the increase in global temperature should be below 2 degrees Celsius" (UNFCCC 2010f: 5) without committing its signatories to this goal. Interpreting these statements and commitments in the light of the IPCC reports, however, reveals that the likelihood of actually meeting the temperature target stated (2°C) is only about 50:50 if the emissions reduction target (50% globally) that is envisioned is, in fact, met (Meinshausen et al. 2009; Baer et al. 2009)[160]. Thus, the scenario of emission reductions and temperature target expressed in these commitments has been described as highly dishonest:

> Calling this a "two degree pathway" is like calling a promise to pay
> you a dollar, if a tossed coin lands heads, "a dollar."
> <div align="right">(CAN member, virtual field note, Jan 2010)</div>

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159 For example, in the aforementioned box 13.7, in order to achieve the GHG concentrations associated with the most ambitious category of scenarios, the studies reviewed by the IPCC conclude that, by 2020, Annex I countries have to reduce their emissions by absolute 25%-40% below 1990 levels while non-Annex I countries have to ensure "substantial deviation from [their emissions] baseline in Latin America, Middle East, East Asia and Centrally-Planned Asia" (IPCC 2007b: 776), which was later clarified to likely mean 15-30% below what would otherwise happen (the baseline) by some of the IPCC reports authors (den Elzen and Höhne 2008).

160 In addition, as pointed out in footnote 144 above, the emission reduction pledges actually submitted under the Copenhagen Accord have been shown to be not sufficient to even achieve a 50:50 chance to limit warming to 2°C, but "mean a greater than 50% chance that warming will exceed 3°C" (Rogelj et al. 2010: 1126).

Consequently, when expressing demands in terms of temperature targets, ENGOs typically add further qualifiers to their demands to avoid the same issue, for example, the environmental justice think tank Ecoequity fully qualifies one of their modelled emission pathways as a "2°C pathway consistent [with] a 75% chance of keeping warming below 2°C" (Baer et al. 2009: 3) and CAN's expectations paper for Copenhagen specifies that any outcome of the COP should ensure a "high probability of staying well below 2.0°C" (CAN 2009a: 6).

This brief excursus into a simplified description of the probabilistic links between emissions reductions targets and temperature goals has been necessary to support the following discussion. In order to illustrate the ways in which the aforementioned different types of discourses have influenced internal deliberations with regards to the formulation and amendment of policy positions within CAN, the case of CAN's policy position with regards to the emission reductions demanded from Annex I countries will be considered in detail.

6.2.1 Science, Realpolitik and Justice: CAN's policy on Annex I emissions

At the beginning of the fieldwork phase, CAN's policy position was that any post-2012 climate policy framework should be consistent with the overarching aim of keeping warming "as far below 2°C as possible" which in CAN's view necessitated target of "at least -30% by developed countries by 2020" and a 2050 long-term goal of -50% globally with -80% for developed countries, all compared to 1990 levels[161] (CAN 2007c, 2007d). The relevant CAN submission to the UNFCCC from June 2007 (CAN 2007d) is furthermore a vivid example of the privileged role that arguments based on

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161 Note the difference between this position and those of the EU and G8 as described above: although both call for a 50% global reduction by 2020, the EU and G8 positions describe this reduction in relation to emissions levels in the year 2000 which were substantially higher than those in 1990, on which CAN's position is based since 1990 is the emission base year typically used under the Convention and the Kyoto Protocol. This practice of referencing different base years is common in political declarations of emission reductions and, for the uninitiated or inattentive, can make reduction commitments or pledges appear much more ambitious than they really are: "Canada's intervention earned a relatively loud 'Wow!' from an NGO person sitting behind me when they said they would commit themselves to 20% emission reduction by 2030. However, the Canadian delegate used (although very well hidden) a 2006 base year for this commitment. [...] [A] 20% reduction below 2006 levels actually means an increase compared to the usual 1990 base year since according to Canada's own estimate it increased emissions by 24% between 1990 and 2005 (despite its Kyoto target of -6% by 2012). In other words, while everybody else is talking about how much they plan to reduce their emissions, Canada is talking about its planned increase" (field note, Vienna, 27 Aug 2007).

scientific knowledge enjoy within CAN and the wider UNFCCC: the submission, at just 4 pages long, features 11 references to scientific articles and reports and includes 4 charts or tables, and, in general, rather displays the characteristics of an annotated review of the latest climate science on the topic in question (Annex I emission reduction targets) than a mere policy position document; even though it provides a running commentary from a particular political vantage point.

This position, with regards to the target for Annex I countries, changed slightly in 2008. The conclusions of both the Vienna and Bali UNFCCC meetings, referring to the relevant range from the IPCC, indicated, as reported above, that the range of emission reduction targets for Annex I countries should fall within the range of 25-40% by 2020, compared to 1990 levels. As a result, the reduction target previously used by CAN (-30%) represented a figure in the lower half of this indicative range, since it was still based on scientific information from before the 2007 IPCC reports, which were only published after CAN's submission. Furthermore, some developing countries, in particular the members of AoSIS, have demanded higher emission reduction targets of over 40%. Thus, CAN strengthened its own policy position to demand more ambitious actions than it had previously called for and to take up the "25-40%" range, including however, further specifying that in CAN's view ultimately the targets should be "*at least* in the top end" (CAN 2008c: 1, original emphasis) of that range. The updated position thus also embraced views of member organisations calling for emission reductions higher than 40% as well as those that consider values in the lower part of the range more realistic.

This language ("at least in the top end of the 25-40% range") was chosen since it incorporated the exact phrasing of the IPCC's reports and thus was seen to have the support of the most credible science available. Scientific work on more ambitious reduction targets, while already available, was – due to the delay inherent in the process – not yet available in peer-reviewed publications and thus did not possess the same level of credibility for some CAN members and other UNFCCC participants, both parties and observers (field note, Bangkok, 2 Apr 2008). Consequently, CAN did not change the formula of its requested reduction range for Annex I countries throughout 2008 and it was still used in submissions during early 2009 (e.g. CAN 2009h). During

this period, and especially toward its end, more and more countries, including AoSIS and the LDCs but also larger developing countries like China and India[162], joined a call to limit warming to 1.5°C (under the theme of "survival" as discussed earlier) and were pointing out that this goal would require returning to GHG concentrations of 350ppm[163] CO_2, a level which had already been exceeded in the late 1980s and which is lower than the lowest class of scenarios considered by the IPCC. In addition, as discussed earlier in this chapter, the establishment of CJN! during 2008 meant the rise of an additional voice from the ENGO community. Furthermore, scientific publications made increasingly clear that the work that the IPCC reports were based upon had generally underestimated the severity of the threat that climate change posed, the speed with which climate change was already occurring as well as the degree of climate change mitigation that would be required (the submission of Grenada, on behalf of AoSIS, to the UNFCCC from early 2009 reviews these trends (UNFCCC 2009g: 3–9)).

Consequently, calls within CAN increased to update this policy position (field notes, Poznań, 5 Dec 2008; Bonn 30 Mar 2009). At the UNFCCC session in Bonn in April 2009 a group of CAN delegates started drafting a policy position paper to state an updated demand for an emissions reduction target for Annex I countries and embed this target in a general narrative about CAN's visions for the Copenhagen agreement. The issue of whether to update CAN's position had been very controversial within CAN and therefore the discussion of the draft position paper was given a privileged treatment at CAN's half-day strategy meeting in the Bonn session. The issue was particularly controversial since it is closely related to substantial differences within the network over whether arguments based on scientific reality, as outlined by the IPCC and complemented by research published since, or those based on judgements about the politically feasible, should be given the dominant role in determining the public demands CAN should be voicing (post field notes, Bonn, Apr 2009).

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162 At the UNFCCC meeting in Bonn in April 2009, for the first time, the G77 and China collectively demanded a 40% reduction target for Annex I countries (Doyle 2009), while

163 The unit of measurement for CO2 (and other GHG) concentrations is ppm, or parts per million, which indicates how many out of one million air molecules are CO2 molecules.

The arguments from the "scientific realism" perspective mainly focus on the warnings from the climate science community as outlined above, stressing, in a nutshell, that the probability of catastrophic interference with the climate system is unacceptably high if Annex I reductions are anything less than the favoured 40% reduction target and therefore this position is the only position that CAN can possibly take. Arguments from the "*Realpolitik*" perspective, on the other hand, would argue that given the emission reduction that Annex I countries were discussing as possible targets, any demands that went beyond the 25-40% range already included in official UNFCCC documents would be out of touch with political realities. To specify, among the largest emitters of the Annex I parties, the EU had long been offering a 30% reduction target for itself in the context of an international agreement (European Commission 2009), placing it at the more ambitious end of the spectrum among Annex I parties, while in the United States, which had recently changed administrations, the new president, Barack Obama, suggested that his country should return to 1990 levels, i.e. offer a 0% reduction (Stern 2009b). Combined, at the time, the reduction figures of all Annex I countries would fall substantially short of even the lower end of the 25-40% range. Thus, for the "political realism" argument, the reduction numbers under consideration at the time were already lower than the previous CAN position and therefore an increase in CAN's demand would clearly indicate a degree of disconnect from or ignorance of the political realities (post field notes, Bonn, Apr 2009).

In addition to these main streams of argument, there was also, as indicated above, a third interpretation of the nature of rationality present – one that drew its arguments from a normative-moral perspective. This perspective was somewhat supported by the "scientific realism" perspective, from which it drew the support of its arguments, which broadly fell into two categories. First, if one argues for a certain temperature or GHG concentration target, this implies a certain (range of) emission reduction targets globally. If one then suggests a specific target for Annex I countries, this always also implies how much emission space remains for non-Annex I countries (i.e. the difference between global and Annex I). Thus the first type of moral arguments would, in support of CAN advocating a higher Annex I target, point out that low ambitions of Annex I countries would have to be matched by much increased reductions in non-Annex I countries (if the temperature or concentration targets are being taken seriously). This, in turn, would represent a grave violation of the moral

principles of the Convention, including CBDRRC; it would severely restrict the chances of developing countries for development in order to lift their populations out of poverty and would further solidify continuation of much higher per-capita emissions in Annex I countries compared to non-Annex I countries, and therefore, in conclusion, represents a deeply unjust approach[164]. Secondly, a class of morality based arguments that were observable in the discussion, again using scientific information as support, principally mirrored the "survival" based arguments that have been introduced earlier in this chapter when discussing AoSIS' success in employing its particularly vulnerable situation into a position of moral authority. This argument then, quoting results of the IPCC reports with regards to sea level rise, or worsening of droughts as well as newer research suggesting that the IPCC report underestimated both the severity and speed of those changes, insists that only an emission reduction target that is suitable for guaranteeing the survival of small island states and other vulnerable populations should be deemed a sufficient demand from CAN.

During the discussion of the new, proposed CAN position paper on emissions reduction targets for Annex I parties, these main positions were taken by a variety of organisations. However, for the arguments based on "political realism" and moral considerations, respectively, specific types of organisations appeared to be more involved than others. Specifically, the *Realpolitik* position was principally represented by American NGOs who were cautious of jeopardising the progress that had been made recently in their domestic climate change politics under the new administration. At the time of the discussion, the new president, Obama, who was then generally seen as an important champion of climate change – a major element of his election platform – had been in office for just over 2 months and US ENGOs still clearly remembered the sidelining of climate change during the preceding eight years under the Bush administration. In addition, during the Bonn meeting, a draft bill for comprehensive climate change and energy legislation was tabled in the U.S. congress

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164 Paul Baer and his colleagues, for example, calculate that, for their chosen stabilisation scenario (which aims at 350ppm CO2eq stabilisation), even for very substantial efforts by Annex I countries (exceeding 40% reductions), non-Annex I countries would be left with only slightly more than half of the overall emission budget, while at the same time being home to about 80% of the world population. In other words, even in a scenario where Annex I countries embark on very ambitious mitigation activity, their population occupies, on a per capita basis, still about 4 times as much "emission space" throughout the 21st century as the populations of developing countries (Baer et al. 2009).

(Waxman and Markey 2009), which was seen as a major breakthrough by US ENGOs and which advocated a 20% reduction limit by 2020 compared to 2005 levels (corresponding to a single digit number when compared to 1990 levels) for the US (field notes, Bonn, 2 Apr 2009). In their view, especially given that even the new administration's envisioned U.S. commitments would fall far short of even the lower end of the original CAN demand, any higher demands could result in their marginalisation both when engaging members of the US delegation to the UNFCCC as well as at home when seeking to influence domestic climate change politics: "If we start talking about 40% in Washington, we'll just get laughed out of the door" (field notes, 5 Apr 2009).

On the other hand, the arguments from the moral positions, in particular those of the second class described above, were mainly produced by CAN members from developing countries – as discussed above, the April 2009 UNFCCC session was the first session at which a relatively large number of Fellows of the Southern Capacity Programme attended – some of which hailed from Pacific island states and thus quite strongly evoked the survival argument. As discussed above in the similar case of AoSIS, the presence of individuals from the affected countries had a powerful effect, as my reflections in the field suggest:

> It was very interesting to see the effect of the capacity programme people on the discussion. Having somebody in the room who could actually ask questions like "do you really think that the domestic Realpolitik in your country is more important than preventing my country from disappearing entirely?" and *put a face to that question* had quite a powerful impact since obviously nobody would tell them in their face that the disappearing of their islands might be unavoidable given political realities. I had the impression that this was sort of a "killer argument" that people couldn't really disagree with without associating themselves with a morally very questionable (and, quite rightly so, stigmatised) position.[165]
> (field note, Bonn, 5 Apr 2009, original emphasis)[166]

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165 It is important to note though, that I did not believe that the "killer" quality of the argument actually changed many privately held opinions or positions of organisations. Rather, due to the moral stigma created in the way described, opinions were withheld or their publicly stated variant was altered to avoid such stigmatization.

166 Although the case of low lying island nations is used here as an example, it is important to point out that other examples from developing countries also played a part in the discussions. As earlier in this chapter, this example has been used since it characterizes quite clearly and vividly the

In contrast, the other class of arguments based on moral considerations – those concerned that an insufficient Annex I target would (when combined with a stringent temperature or GHG concentration goal) result in an inequitable and unjust mitigation burden for non-Annex I countries – was most vocally represented by CAN members from developed countries, mainly those from organisations with a strong climate justice or development focus (post field note, Bonn, Apr 2009).

At the discussions within CAN in Bonn, the balance of views was clearly stacked against the "political realism" perspective with both science and justice based arguments indicating that an update of CAN's position was, indeed, appropriate. In particular, it was felt that the increase in weight of the "survival" type of arguments in the discussions with concrete examples from the home countries of developing country members of CAN, might have tipped the balance (own reflections and conversations with CAN members, post field note, Bonn, Apr 2009). In addition, as discussed above, the consolidation of CJN! as a second voice within the ENGO community, conceptualised as a counterpublic earlier in this chapter, which consistently demanded more ambitious actions from Annex I countries[167], can arguably be understood, as suggested above, as having broadened the deliberative space within the ENGO community. Failing CAN's updating of its own position, the increasing visibility of this additional voice combined with an ever increasing number of developing country parties supporting the "at least 40%" language, could have led to CAN quite transparently being placed at odds with the progressive sections of both civil society and government delegations.

Ultimately, the updated position paper (CAN 2009i) calls for an Annex I target of "more than 40%" and embeds this target number in a description of CAN's vision of the overall mitigation regime established at the Copenhagen COP. Ultimately, also, a small number of American NGOs, all of which are intensely engaged in lobbying activity in Washington, rejected the new policy position and had their dissent noted in a byline (CAN 2009i). It is important to note, that this process represented a

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general nature of the class of examples that is could be considered the most representative, if not ideal typical, member of.

167 The "at least 40%" demand has, for example, been used in the intervention of Friends of the Earth International at the April 2009 UNFCCC session in the context of an "in-session workshop" on the Bali Action Plan (field note, Bonn, 1 Apr 2009).

departure from CAN's normal interpretation of the consensus rule described above as a "lowest common denominator" approach, which would have sought to find a compromise that would have allowed these dissident views to be included as well. This was partially due to statements made in the discussions in Bonn, where it was suggested that, as a network of 400 or more organisations, CAN accept that an agreement of all but a handful of organisations whose views on the matter in question are in direct irreconcilable opposition to the rest of the network, should be considered a sufficiently strong consensus (field note, 5 Apr 2009).

6.2.2   Political Strategy – The Unifying Conceptualisation of Rationality

In the preceding discussion, I suggested that the arguments that were used in the discussion of the CAN policy position on Annex I mitigation targets were based on concepts of reasoning that emphasised one particular understanding over another, i.e. that focussed on scientific, *Realpolitik* or moral considerations. I thus suggested that discussants employed different conceptualisations of what constitutes reason and rationality itself. However, further engagement with the debate also allows a different interpretation. As I will argue in the discussion section of chapter 7, CAN's internal deliberations can best be understood as those of a separate public sphere whose public opinion formation is concerned with the question of which collective policy positions and political strategies CAN should employ within the UNFCCC arena. In this context, the different classes of arguments do not necessarily appear as distinct conceptualisations of reason and rationality but rather all of them are concerned with a question of political strategy, i.e. employ their particular arguments in the discourse about the question which political strategy is more suitable and promising for CAN in order to reach its advocacy objectives.

To illustrate, as already mentioned above, advocates of the *Realpolitik* position were, for example, referring to a specific concern that a CAN demand for a more stringent emission reductions target would marginalise US ENGOs in their domestic climate policy debate. This is an example of a wider concern of this group of discussants that adopting a policy position which is feared to be out of touch with the political realities of both the UNFCCC process as well as domestic policies in all

individual Annex I countries, would risk impeding CAN's influence on both levels and thus appears to be an ill-advised strategic choice.

At the same time, individuals using morality or justice based arguments, were also largely using these arguments to support their view of the strategic direction that CAN should take. In this instance, concerns included the view that it would be strategically unwise if CAN were to be seen as being co-opted by the interests of developed country governments – due to too lenient a demand regarding their mitigation commitments –, or that it would not represent sound political strategy to advocate policy positions that can be seen as contradicting, and thus undermining, important convention principles such as CBDRRC, the clear division between Annex I and non-Annex I parties, or the unity of the G77 and China negotiation bloc. Related to this latter point, it has repeatedly been argued (e.g. field notes, Poznań, 4 Dec 2008; Bonn, 5 Apr 2009) that CAN, and, in fact the entire ENGO community, should in principle always support the most vulnerable populations and thus generally support positions advanced by AoSIS and the LDCs since part of the function of civil society representation within the UNFCCC process is to be the voice of those who would otherwise not have any representation within this process. Therefore, if CAN chose to advocate for policy positions that contradicted the presumed interests of these groups, the implied strategy consideration was that the legitimacy acquired by advocating their interests would be lost.

Finally, arguments based on a "scientific realism" perspective can also be understood as generally arguing for a particular political strategy using the arguments offered by that perspective as their support. In this particular case, the political strategy advocated for is one that as a matter of principle always bases its demands on the best available science – and therefore updates those demands accordingly as scientific knowledge evolves – and, due to the non-deterministic nature of the causal chain of climate science as described above, specifically uses a conservative approach in interpreting this science, based on the precautionary principle. The emission reduction scenario described by Paul Baer and his colleagues is an example of this approach to interpreting science: their scenario work describes a pathway which has a high likelihood of limiting warming to 2°C (and a fair chance of 1.5°C) and which is "robust to bad news" (Baer et al. 2009: 5), i.e. is specifically modelled so it can still be further tightened if evolving climate science were to reveal that the corresponding

mitigation efforts are insufficient. Proponents of a political strategy strongly backed by climate science maintain that this political strategy is superior to one based on *Realpolitik*:

> Some requests we put forward to some parties we just get laughed at and told to be realistic because it's not politically feasible. But then we say but look at the science, which is really a very powerful tool for us because it gives us credibility and actually there's a lot of natural scientists within the NGO movement, including, for example, IPCC authors that have been working for environmental NGOs before.
>
> (field note, Vienna, 30 Aug 2007)

It is important to note that both scientific and morality based arguments for certain political strategies have in common their focus on a strategy that is based by matter of principle on "what is right" – in one case according to the insights of climate science, in the other according to the moral norms employed. In this sense, these classes of arguments complement each other. However, there were also specific arguments that dealt with strategy as it related to the discursive space within the climate negotiations. Such concerns are, for example, expressed in the question "If NGOs stop asking for what is right and necessary – who will ask for it then?" (field note, Bonn, 5 Apr 2009) which confronts the concern that certain views might disappear from the discourse if not held by ENGOs. Other political strategy concerns centred around the discursive space can be seen as relating to the counterpublic discussion that was a focus in the previous section of this chapter: with the establishment of a second voice in the ENGO constituency already advocating for more stringent targets and a large number of UNFCCC parties also demanding the same target from Annex I countries, not also updating the CAN position accordingly was seen as vacating these positions on the more progressive end of the spectrum of political views and thus losing relevance and credibility in the negotiations (field note, 2 Apr 2009).

This conceptualisation of the debate as one that is concerned with rational arguments about which of a multitude of possible strategic approaches CAN should select shows that the internal debate within CAN does, indeed, favour rational discussion (in a very broad understanding of that concept). This holds true even though, at first glance, the arguments employed in this discussion – emphasising scientific, *Realpolitik*, and moral perspectives, respectively – appear to employ different concepts of

rationality itself. However, since, as discussed, generally none of the interlocutors in these deliberations disagrees in principle with the content of the arguments, the main difference in the discussion is about the relative weight that the various arguments should have in determining strategic decisions and, indeed, the desirability of a certain strategic approach itself. For example, supporters of a scientifically focussed argument would hold that the scientifically backed demands should always take precedence over other considerations when deciding a political strategy, for example, due to the high credibility that such an approach entails. Likewise, proponents of *Realpolitik* based strategy, while not denying the relevance of the scientific arguments, hold that a political strategy that is too demanding in the prevailing political climate represents a strategy of self-marginalisation and thus diminishes chances of having influence over the political negotiations and therefore political strategy should always take into account what is politically feasible.

6.3   Conclusions

In this chapter I examined notions of inequalities, hierarchy and status as they relate to the deliberations of the UNFCCC and CAN as well as examining how different notions of rational argument play a role in CAN's internal discussions.

The analysis of these issues has been undertaken through the lens of public sphere theory as employed in this thesis. In Habermas' early formulation of the characteristics of public spheres status inequalities and hierarchy were conceptual-ised as factotrs that ought not have any impact on the deliberations within the public sphere. Habermas suggested that interlocutors in the public sphere should disregard (or "bracket") inequalities in social status in their deliberations and would discuss as if they were equals. This is closely related to his understanding that the use of reason and rationality in public sphere discussion means that only the quality of an argument and not the social and economic status of its proponent should have an impact on the outcome of the discussion. In contrast, Nancy Fraser's critique of the public sphere, showed that bracketing social inequalities is, at least as long as societies feature social stratification, highly undesirable as an *a priori* assumption, as it would prevent the empirical and normative examination of this issue.

Based on these considerations, I proceeded to discuss the relative status inequalities between parties in the UNFCCC process and particularly focussed on the question of how the differentiation between Annex I and non-Annex I countries and the different demands that are placed on these groups of countries impacts on the power dynamics within the negotiations. I also briefly discussed how the embeddedness of the climate negotiations in a wider configuration of multi-lateral political and economic processes bestows different levels of actual power on particular parties, which, in turn, clearly impacts on their ability to influence the negotiations in their favour. I also discussed how the particular configuration of the UNFCCC regime, which is based in principle on full transparency, equal participation and consensus based decision making (at least as far as the parties to the convention are concerned) can be understood as an institutional setup that favours a Habermasian bracketing of inequalities between parties and how this institutional set-up was effectively undermined in the negotiations that led to the 2009 Copenhagen Accord.

In discussing the case of AoSIS, I also considered an example of a group of parties which, despite a very disadvantaged position with regards to geo-political and economic power, succeeded in establishing a position of moral authority that placed it in a position of relative power (relative to its power outside the UNFCCC) within the negotiations. This success is grounded in the transformation of AoSIS' particular situation as a group of nation states that are likely to bear early and very severe impacts from climate change (including the possible loss of their entire national territory to sea level rise) into a position of moral authority. Despite this relative success, I showed that AoSIS nonetheless remained in an overall disadvantaged position compared to other parties as it shared some of the structural disadvantages of most developing country delegations with regards, for example, to delegation size and technical capacity.

Turning to Environmental NGO participation in the UNFCCC process, I described how the hierarchical structure within CAN is relatively flat, with the notable exception of the "Political Coordination Group" (PCG) which I described as a closed group of individuals with a relative position of power and status within CAN. While much of this position stems from the PCG's membership as comprised of coordinators of working groups and regional and national nodes, some members of the group enjoyed this status due to their role as "elders" within CAN or experts on certain

issues. Thus, I argue, different levels of specific knowledge of the political and technical details of the UNFCCC process correspond to different levels of status and influence within CAN. In this context it was important to recall insights from the previous chapter that discussed how some of this knowledge can only be effectively gained by continuing and long-term attendance at UNFCCC meetings and thus puts individuals and organisations at a disadvantage whose financial resources do not allow for such attendance.

In this context, CAN's efforts to increase long-term participation from developing country member organisations has been described and critically analysed, especially with regards to the uni-directional perception of the concept of "capacity building" which is – in line with the use of the term in the wider UNFCCC context – considered to be a learning process of individual and collective actors from developing countries which is facilitated and enabled by actors from developed countries. In this sense, it reproduces perceptions of capacity as specific knowledge that individuals from developing countries possess and those from developing countries lack. It was also pointed out, however, that toward the end of the fieldwork phase, there was evidence of some changes, with an increasing number of individuals from developing countries taking on the role of the "teacher" in the capacity building sessions.

While the interlocutors within CAN and the wider UNFCCC regime can generally be understood as collective actors and therefore notions of social inequality have to be "translated" from a individual frame of reference to one of groups and organisations, individual inequalities can also be seen as an important, yet often hidden, feature in the climate change negotiations. Arguing that most regular participants at the UNFCCC sessions stem from, at least globally speaking, privileged classes – in the case of NGO participants I evoked the image of the "NGO-jet-set" – the occasional attendance of individuals that are not from these privileged strata can powerfully show how different perspectives can impact on the negotiations. Describing the attendance of a delegation of Latin American and Indian wastepickers, I showed how their specific perspectives – in particular the negative impact that programmes designed at the UNFCCC to be part of the solution to the climate crisis have on their livelihoods as well as, ironically, on the global climate – can crucially complement the perspectives within the UNFCCC. This example also demonstrated how the systematic exclusion of certain perspectives can lead to outcomes that would, arguably,

otherwise not have occurred; i.e. the unexpected result that a programme designed to help solving the climate crisis actually, when considering on-the-ground experiences, worsened it and in the process put the livelihood of already disadvantaged individuals, families and communities at risk.

Further elaborating on the notion of inequalities, the establishment and consolidation of CJN! as a second voice (in addition to CAN) within the environmental NGO constituency within the UNFCCC has been discussed. CJN! has been described using Nancy Fraser's notion of a counterpublic because it can be understood to have developed out of a marginalised fringe of CAN (the climate justice perspective) which established its own, at least temporarily, separate, discursive arena in order to be able to refine and define the concepts relevant to its core beliefs in isolation from the dominant or hegemonic discourse within CAN. This allowed CJN! to establish positions that would have been unlikely to find consensus within CAN and to refine and rehearse the relevant arguments to support these positions. In this discussion, I also considered the different discursive practices that CJN! established for its internal deliberations compared to CAN. For example that, instead of what I had characterised as a "lowest common denominator" approach to consensus in CAN and the "assumed agreement" of the whole membership, CJN!'s policy positions and statements were all organised as sign-on statements which specifically allowed for non-consensual statements to go ahead with only a partial membership of CJN! supporting. In concluding the discussion of CJN! as a counterpublic to CAN, I highlighted how overlapping memberships and both networks' relationship to the wider movement makes this example an interesting case study of the dynamics between hegemonic publics and counterpublics. But given that much of these developments took place toward the end of the fieldwork phase and were still ongoing, it remained an open question whether CJN! would further consolidate itself as a separate public or whether CAN's and CJN!'s somewhat distinct views would, indeed, overtime reintegrate into a single public sphere of the environmental NGOs at the UNFCCC negotiations.

The theory of the public sphere also suggests that the arguments that are used within the deliberations to form a collective public opinion have to be based on reason and rationality. In considering one example in great detail – the background and the discussions on updating CAN's policy position on the Annex I emission

reduction target – it was shown how different, competing conceptualisations of the notion of rationality itself played an important role in the deliberations. In particular, notions were based on scientific, *Realpolitik*, and moral conceptualisations of rationality. I also suggested that due to the privileged position of scientific knowledge within the UNFCCC negotiations, arguments founded on science-based notions of rationality enjoy more gravitas in CAN's discussions as well. In mapping the different arguments within the specific discussion on Annex I targets and referring back to notions of inequalities discussed earlier in the chapter, I also showed that an increase in the numbers of CAN members from developing countries during that particular UNFCCC session brought perspectives to bear on the discussions that would have otherwise been absent. These perspectives appeared to have tipped the balance of moral-based over *Realpolitik* arguments, including by insisting on an (at least temporary) departure from CAN's regular "lowest common denominator" approach to consensus and including by "giving a face" to these arguments.

While conceptualising these different classes of arguments as representing distinct conceptualisations of the notions of rationality and reason themselves, I also showed that another possible way of interpreting the discussion is as a rational discussion about the political strategy of CAN. Referring to a notion that will be more fully developed in the following chapter – that of CAN as a separate public sphere where the focus of the public opinion formation processes is on the collective political strategy and collective positioning in the wider UNFCCC context – I argued that, examining the discussion in this light, what previously appeared to be different conceptualisations of rationality itself can now be understood as rational arguments about which of these three notions (science, *Realpolitik* and morality) promise the best position for CAN in terms of political influence on the climate negotiations at the UNFCCC and in other fora.

It has thus been shown in this chapter that the negotiations within CAN, the wider ENGO community at the UNFCCC sessions, and the UNFCCC itself, can be conceptualised as a public sphere, or rather, as will be explored in much more detail in the following chapter, as a configuration of different public spheres, including counterpublics and nested public spheres directing their activities toward the same centre of authority. This chapter can also be seen to lend support to Nancy Fraser's critique and expansion of Jürgen Habermas' original public sphere concept as it has

been clearly shown that a bracketing of status inequalities is not taking place and therefore inequalities have to be given greater attention in studies of such publics. Further, Fraser's notion of the counterpublic proved to be a very useful tool to investigate and think about observed dynamics within the ENGO community.

Chapter 7

Discussion and Conclusions: Re-Imagining a Transnational Public Sphere of Climate Change Politics

7.1 Introduction

The overall aim of this research is to investigate the role of transnational climate change advocacy networks and their internal power dynamics within multilateral treaty processes. The dual objectives that were identified as appropriate to advance toward that goal were, first, the production of an ethnographic account of the work of the environmental NGOs, especially those organised in the NGO network CAN, within the global climate change politics of the UNFCCC and, second, the analysis of this ethnography through the analytical lens offered by the theory of the public sphere, as first formulated by Jürgen Habermas and very constructively expanded through the critique of Nancy Fraser and others. Having discussed the theory of the public sphere, and that of related topics, through a review of relevant literature in chapter 2 of the thesis, I have then presented a preliminary theoretical model as it emerged during the fieldwork and the data analysis process at the end of chapter 3. With a view to fulfilling the dual objectives of my research programme, in the preceding chapters 4, 5 and 6, I have presented a detailed ethnographic account which provided insights into some of the political processes within the UNFCCC and in particular the advocacy work that CAN and other ENGOs engage in for the purpose of influencing these processes. Throughout these chapters I have, with view to the second objective of the research programme, advanced in parallel a theoretical analysis of these processes from the perspective of public sphere theory. Based on these foundations, the present chapter will provide some additional discussion of the research theme.

Nancy Fraser invites and challenges us to rethink the concept of the public sphere on the transnational level as part of a larger project to "reimagin[e] political space in a globalizing world" – the subtitle of her book – since the notion of a public sphere in

thinking about this globalising world is "indispensible [...] to those who aim to reconstruct critical theory in the current 'postnational constellation'" (Fraser 2008: 77). Her use of the word "postnational" is unfortunate as it implies a constellation in which the national state has lost much, if not all, of its power. To the contrary, as I have been showing throughout this thesis, nation states are still very much at the centre of political power in the globalising world, albeit with changing roles. "Transnational," also extensively used by Fraser, seems to be the preferable term, as it captures not only the changing nature of the way in which power is exercised (and to a degree, shared) by nation states, but also parallel processes wherein the problems that require addressing transcend the boundaries of the nation state as do the discourses that occupy themselves with finding solutions for these problems. Despite this unfortunate word choice, her challenge remains the same: to adapt both the empirical as well as the normative dimensions of the concept of the public sphere to the increasingly transnational reality of the problems that face humanity, as well as the attempts made to the solution of those problems, in order to maintain the public sphere as an important tool for the critique of democratic practices (or their lack, as the case may be) on this transnational level.

To be sure, her challenge has two aspects – one theoretical and one normative – which clearly relate to the dual objectives of this research. The first is the further theoretical development of a critical theory of the public sphere and, in this aspect of the challenge then, my discussion throughout the thesis – beginning with the theoretical model outlined in chapter 3 – aimed to contribute by helping answer some of the questions that Fraser's work poses. Secondly, critical theory only contributes to the critique, development and, possibly, improvement of democratic practices inasmuch it is applied to an examination of the empirical realities of actually existing phenomena. In this context, the application of a theoretical lens which is grounded in a theory of the public sphere throughout this thesis, helped to inform a critical analysis of the discursive practices employed within the UNFCCC context by the environmental NGOs under investigation. Based on these considerations, the remainder of this chapter will be in two parts: first, after briefly recapitulating the theoretical model outlined in chapter 3, I will provide some additional discussion on how this model combined with the ethnographic account is suitable to address the dual objectives of this research and thus fulfil its overall aim. In the last part, which is

dedicated to presenting the overall conclusion of this thesis, I will restate the main insights of the thesis and will briefly address some potential caveats and areas where this work might be taken further in future.

7.2   The Multi-Dimensional Publics of Climate Change

In chapter 3 I presented a preliminary theoretical model that suggested a further development of the public sphere theory, especially with regards to a model of a multiple public sphere where interdependent, overlapping and nested public spheres can be observed. In particular, I have suggested that it is prudent to conceptualise such a multiple public sphere in such a way that it is not a priori assumed what specific outcomes the public opinion generated in a public sphere should be translated into and which specifically allows for a configuration where the deliberative stance of a given interlocutor within one public can be the target of the discursive processes within another, nested, public sphere. I have also pointed out that, especially in the context of the application of public sphere theory in the transnational context, public should be understood to be not only populated by individuals but also, crucially, by collective actors that act through their agents as interlocutors within the public sphere. In addition to its application in the theoretical analyses within the preceding chapter, I will now use this concept once more to discuss how different levels of deliberations within the climate change regime can be conceptualised and how the concept allows us to examine these public spheres in terms of their normative legitimacy (expressed through inclusiveness and discursive equity) as well as their political efficacy.

First, in the example that was already used above, the internal deliberations of CAN can be understood as a public sphere, with the external, unified behaviour of CAN as the main objective of the public opinion formation within this public sphere. Of course, the interlocutors of this public sphere – the CAN member organisations – and their agents are, at the same time, also members of other public spheres relating to climate change, most notably the maximum imaginable public with regards to this issue, the entire global populace which must (per both all-subjected and all-affected principles) be seen as the hypothetical, largest possible, thus most inclusive and therefore – given at least approximate discursive equity – most legitimate public

related to the climate change crisis due to its nature as a truly global problem. In fact, their membership in this hypothetical public sphere combined with the relative irrelevance of this larger public in practice, arguably provides an important personal motivation for engaging in the public sphere of CAN as is evidenced by references to speaking on behalf of those who do not have a voice in the international negotiations, such as disadvantages peoples, future generations and non-human species. Having the internal deliberations within CAN so characterised as a public sphere, now enables the evaluation of its internal dynamic using the normative aspects of the theory of the public sphere.

In this sense then, the challenges faced by some CAN members, particularly those from developing countries, in seeking to participate as full equals in the internal deliberations of CAN, must be seen as negatively impacting on the equity condition and thus on CAN's overall legitimacy. An example of this inequality, which has been extensively discussed, are the effects of an asymmetrical command over resources, for example, financial resources, on the participation of CAN members. Likewise, and, as shown, to a certain degree related to financial resources, it has been discussed in great detail how CAN members who only intermittently attend UNFCCC sessions will have a certain disadvantage in terms of detailed insights into the background of specific political developments. This mechanism, then, also greatly contributes to an unequal position in the public sphere deliberations within CAN as these interlocutors are not able to make as convincing an argument (*ceteris paribus*) as their counterparts who have, through continued participation, developed a deeper understanding of the political intricacies. Both quoted examples are also good illustrations for Fraser's reminder that even where participation is formally equal (as there is no hierarchy between CAN members), de facto inequalities nonetheless bear an impact on the legitimacy of the deliberation within the public sphere.

Turning to political efficacy further explains why the expansion of the public sphere theory is useful. The conceptualisation of the internal discussions of CAN, for example, on the occasion of formulating a joint policy position, as public sphere deliberations allows us to assess its overall political efficacy using the tools of public sphere theory. First, assessing the translation condition in its expanded form as suggested above, it is first necessary to conceptualise what the public opinion within CAN suggests that it should be translated into. In the case of CAN, it is clear that the

membership expects their collective opinion to be translated into effective policy positions and an effective negotiation stance and strategy at the UNFCCC negotiations. Judging political efficacy by assessing the translation condition, then, requires us to examine how successfully this translation takes place. Note, however, that this is crucially different from judging how successful the result of the translation – the political positions and strategies of CAN – were in their application within the wider UNFCCC framework.

Thus, it can be said that translation was sufficiently successful when there is, in fact, a common CAN policy position which adequately captures the internal public opinion within the network. As has been discussed in the preceding chapters, this has been somewhat mixed: while for the most part, CAN manages to have policy position papers that reflect the collective opinion of the network, I have also discussed some limitations to this. For example, I mentioned (in chapter 4 and again referred to the example in chapter 5) how, prior to the Bali COP, the views of one Latin American network were not included in the final version of the position paper as language issues internal to that network resulted in their contribution missing the deadline for comments to the position paper. Without providing any judgment regarding the decision to disallow the comments due to their missing of the deadline, this nonetheless clearly shows an example where views within the network were not effectively translated into policy position and thus this example can be understood as one where the political efficacy of the CAN-internal public opinion was compromised. Furthermore, the general discursive practice of CAN to continue deliberations on policy positions until a position gains sufficient consensus and especially the definition of "consensus" as the absence of specifically articulated disagreement with the position, can be seen as negatively impacting the translation of public opinion within the network (and thus the political efficacy of that opinion) as it encourages a domination of the process of agreeing policy positions by a culture of the "lowest common denominator," thus limiting the breadth of views effectively expressed in joint positioning.

Considering the other aspect of political efficacy, the capacity condition, we again need to define how this condition can be used in practical application to a public sphere where the centre of authority is not a state or state-like entity - where capacity can be judged by examining whether the entity is in principle equipped to implement

the will expressed in the public opinion by "organizing common life in accord with its wishes" (Fraser 2008: 97). It turns out that Fraser's way of characterising the capacity condition is already sufficiently abstract to be used here: as we have seen, the expectation of the CAN-internal public opinion is the translation of its views into effective policy positions, political strategy and an appropriate negotiation stance with the UNFCCC negotiations and to communicate with a unified voice in that context. Thus, assessing capacity would require looking at how the structures and practices of CAN enable it to fulfill this expectation. It is in this context, then, that we should think of the expectations for CAN and its members, as expressed in the CAN Charter and in established practices and norms (the latter even stronger than the Charter which allows for exceptions), that CAN generally speaking acts in a unified manner. Member organisations and their agents, at least when speaking in a context where other interlocutors might assume they are representing CAN, limit themselves to statements that are compatible with CAN positions. In thinking about CAN's capacity, then, to adequately translate internal public opinion, examples where member organisations do, indeed, express contradictory opinions must be seen as diminishing the overall political efficacy of CAN.

The second case in which I want to demonstrate the empirical and normative relevance of expanding our understanding of a public sphere, expands the public sphere of the previous example. As has been explained in chapter 4, under the UNFCCC's constituency system for observers, Environmental NGOs are one of a number of formally acknowledged constituencies. A number of features within the UNFCCC illustrate the expectation that observers within the same constituency feature a certain unity: until very recently this has been expressed by the arrangement that each constituency is represented by one single focal point, is given one office and one meeting room and is allowed to give one intervention in plenary sessions. While this situation changed when CJN! was recognised as an additional focal point for the environmental NGOs toward the end of the fieldwork period, the expectation nonetheless existed within the wider UNFCCC for the majority of the fieldwork period (and certainly the time before my own fieldwork) that the environmental NGOs would speak with one unified voice. In this context, then, the entire ENGO constituency can be conceptualised as a public sphere. This allows interesting insights into the developments that were described in the previous chapter that led to

the emergence of CJN! as an additional network of environmental NGOs and it also allows us to think about the relationship between CAN and CJN! using public sphere theory. In this exercise, then, the entirety of the environmental organisations involved in the UNFCCC process are conceptualised as one public sphere.

As has been argued above, the emergence of CJN! was closely related with an increase of prominence of climate justice related views within the environmental groups and in particular with a change of policy position and political priorities within Friends of the Earth International which would render that network's policy positions in large parts incompatible with those of CAN and furthermore assumed disillusionment with the internal processes leading to CAN policy positions. Hence, as described in the preceding chapter, these processes can be understood as a growing deficit in normative legitimacy, especially as expressed through the equity condition. As a result, a counterpublic emerged where FoE-I and organisations that shared these concerns discussed and developed in relative isolation from the dominant discourse within CAN, common understanding, related definitions, policy positions and media material that resonated with their particular position regarding the causes of and the type of solutions required to solve the climate change crisis. As Fraser has pointed out, the role and function of counterpublics is to provide temporary shelters from the hegemonic influences of dominant publics and spaces for refining and rehearsing counterpublic specific arguments and definitions of the specific terms of the specific worldview of the counterpublic. In agreement with that argument and as described in detail above, in the case of CJN! this process expanded and shifted over time the discursive space within CAN and within the wider UNFCCC discussions.

The later consolidation of CJN! as its own network including the eventual recognition of the network as a second focal point within the constituency of environmental NGOs is certainly an interesting development that cannot be fully evaluated given its relatively recent occurrence within the fieldwork phase and also given that CJN! was, as explained, not a main focus of the fieldwork itself. However, this consolidation can be conceptualised in two possible ways within the expanded theory of the public sphere, both with their own set of interesting implications. First, further empirical engagement with the matter could suggest that CJN! continued to act as a counterpublic to CAN, which is particularly likely if there continues to be substantial overlap both in terms of member organisations as well as individual agents of these organisations

In that case, as Fraser's arguments of the functions of counterpublics suggest, it is likely that the relative isolation of CJN! allows its members to further advance the development of its own internal public opinion including the development and rehearsal of concepts and arguments necessary to successfully argue its position, thus further broadening the political-discursive space within the wider environmental NGO constituency. However, with a view on what has been said about the assessment of political efficacy within CAN, the prominence of the "lowest common denominator" approach to consensus within CAN could result in a further diminishment of political efficacy within CAN as a result of this broadening. Secondly, it is imaginable that CJN!'s move to establish a separate network and toward recognition as a second environmental NGO focal point is the first part of a continued trajectory toward separation of the two networks, for example by moving toward establishing a separate "climate justice" NGO constituency within the UNFCCC (as indicated as a possible future development in Chapter 4).

Furthermore, it is interesting to consider the different modes of achieving joint policy positions, statements etc. of both networks: while, as discussed, the "lowest common denominator" culture of CAN represents certain limits with regards to the translation of the internal public opinion to a collective posture, the practice of CJN! to open each proposed joint statement for sign-on by organisations and to only present those CJN! member organisations as in agreement with a position that have explicitly endorsed that position avoids the disadvantages of a "lowest common denominator" approach. However, in terms of the *capacity* of thus communicating with a unified voice, CAN's approach to consensus allows the network to virtually always claim that all members have endorsed a particular position while CJN!'s case-by-case approach is to be judged weaker in that respect.

Finally, I will consider the example of the whole UNFCCC negotiations to illustrate another application of my proposed expansion of the public sphere concept. In this case I shall propose that the UNFCCC negotiations themselves constitute a public sphere that is populated by institutional actors of various kinds: nation states, UN bodies, "specialised agencies" such as the World Bank, various intergovernmental organisations, and, crucially in the context of my own work, a larger variety of NGOs from contexts such as environmental, business, research, local government, trade union, Indigenous Peoples, women and gender. These institutional actors, then, are

represented at the UNFCCC by their respective agents. This example has been chosen because it can be used to vividly show the interconnectedness, interdependence and various other relationships public spheres at different levels have with each other. It is probably controversial to conceive nation states as interlocutors of a public sphere, especially since the nation state itself is, in the classical, Westphalian version of the public sphere theory, the centre of authority to which the public sphere directs its expressions of the public opinion.

However, this example nonetheless serves two purposes: first, it is to illustrate that the interlocutors in a public sphere can indeed be of extremely different types and to show that exactly by considering them as forming a public sphere, the normative dimensions of the public sphere theory can be very usefully employed to examine interactions between these and other interlocutors within a common public. Secondly, this example can vividly show how the same entity (e.g. a nation state) can be the discursive target of one public sphere in its own right while at the same time being an interlocutor among others on a different level in a different public sphere. In addition we can examine whether there might be, in fact, discursive flows of public opinion from the largest imaginable public with regards to climate change – the global populace – to the relevant centre of authority – arguably, the UNFCCC – via intermediary publics of, for example, nation states and social movements. However, since the empirical focus of this thesis was on the ENGO involvement within the UNFCCC, these considerations are inevitably largely theoretical in nature.

Suggesting that the UNFCCC is a public sphere is not new. As mentioned in Chapter 2, Simone Pulver has conceptualised it this way and shown how environmental NGOs, as compared to the oil industry front groups, were more successful in using public sphere features such as advancing the common good and focusing on the rationality of an argument to advance their cause, or, as she calls it, "leverage the power in the public sphere" (Pulver 2004a: 38). She does, however, conceptualise the public sphere of the UNFCCC as consisting only of the observer organisations, focussing especially on ENGOs and the oil industry lobby, who target the collective of nation states that are the parties of the UNFCCC. However, it seems clear that not only observer organisations but also parties do engage in a discourse that bears all the marks of a public sphere discourse: parties attempt to convince each other of their respective positions through intensive and detailed discussions in contact groups,

through specific workshops that are from time to time organised on specific sub-issues within the UNFCCC, through written submissions that lay out their preferred policy options with a clear understanding that parties do these things in order to see their preferred policies implemented. By employing the theory of the public sphere, this can be conceptualised by thinking of the negotiations under the UNFCCC as a public sphere thrashing out a public opinion with a view to its being implemented by the UNFCCC with the latter conceptualised as the appropriate centre of authority.

This explicitly allows for the possibility of considering the UNFCCC as an entity in its own right, rather than merely being the sum of its parties. This view, of the UNFCCC as an entity separate to a degree from its parties, appears to be rather appropriate given that parties are ultimately liable to account to the UNFCCC for their activities (or lack thereof) that the UNFCCC mandates to them. Thus, recalling that according to the all-subjected principle public spheres were defined as those who are involved being subject to a definable authority and given that the parties of the UNFCCC are the entities immediately subject to the authority of the UNFCCC, it appears suitable to conceptualise them as its public sphere. To be sure, through ratification, which makes the UNFCCC legally binding law for its parties, ultimately all citizens of all parties – and, therefore, given universal ratification, ultimately the global populace – also represent a possible interpretation of a public sphere that matched unto the UNFCCC, but one with an empirically questionable status.

As mentioned, once the parties of the UNFCCC are understood as a public sphere with regards to the climate change politics undertaken in that context, the normative dimensions of the public sphere theory can be used to very usefully discuss and evaluate the legitimacy and efficacy of this sphere. Having already discussed these issues in some detail at the beginning of chapter 6, it shall suffice here to refer back to that discussion, especially the details that deal with equity concerns between parties. Furthermore, by expanding that notion of a public sphere of the UNFCCC negotiations to also include observer organisations, the various relationships between these actors can be illuminated, which, as mentioned, does however go beyond the scope of the empirical work of this thesis.

Secondly, understanding the UNFCCC negotiations as a public sphere of a variety of institutional actors can help to shed light on complex interactions and intercon-

nectedness of public spheres on different levels. For example, CAN's double role as a public sphere in its own right and interlocutor in the public sphere of the UNFCCC has already been indicated earlier in this section: it was suggested that the internal deliberations within CAN can be understood to represent a public sphere whose collective opinion is concerned with the questions as to which position and strategy CAN should employ when acting as an interlocutor among others within the public sphere of the wider UNFCCC negotiations. This is already one example of one of these complex relationships and can also be applied for many of the nation states that are parties to the UNFCCC: in many nation states there are national public spheres (or in some cases, embryonic transnational ones, for example in the European case) that discuss the negotiation position that "their" nation state ought to take in the context of the UNFCCC. This can be, to use Fraser's distinction, weak publics of civil society or strong publics-cum-decision-making-bodies such as national parliaments discussing the mandate of their country's negotiators, or a mix of both. As mentioned, this step is important as it connects the largest imaginable public of the UNFCCC, the global populace, via their national, regional or supranational public spheres in multiple ways to the public sphere of the UNFCCC negotiations (through the official delegation of their government as well as, where applicable, through the involvement of their local or national civil society organisations in networks such as CAN, CJN!, the International Trade Union Confederation and so on).

7.3 Conclusions

In this thesis, I set out to investigate the role of transnational climate change advocacy networks and their internal power dynamics within multilateral treaty processes. This subject of study was chosen for two main reasons both of which relate to an overarching theme: transnationalisation. First, the issue area of climate change can be regarded as a truly global problem: no matter who, where in the world is responsible for greenhouse gases emissions into the atmosphere – the resulting greenhouse effect and subsequent global climate change will impact the entire population of this planet (including, crucially, non-human species) if not averted. At the same time, virtually any possible solution will require transnational cooperation on an unprecedented scale, thus calling for a transnational approach to finding such a solution. Therefore, while climate change certainly does not represent the only modern problem that

transcends the boundaries of the nation state, it is one of the best issues to select for study, in part also due to the interconnectedness of its underlying causes to many other policy areas (energy, trade, industry, transportation, agriculture and forestry, development etc.) and possibly even the very core of the capitalist model of economy – all of which gives it a certain gravitas in international politics.

Second, the transnationalisation of debate among individuals, associated with phenomena variably described as global or transnational civil society, transnational public sphere, transnational social movements and the like, can be considered an important area of study. Given the increasingly transnational nature of important problems – such as just described in the case of climate change – associations of individuals concerned about such problems also increasingly transcend the boundaries of the nation state thus giving rise to the phenomena listed. Third, responding from another angle to this increasing transnationalisation of important problems, there is a rise in the proliferation of transnational political institutions that are tasked with addressing these problems, such as the UNFCCC regime that was placed at the centre of this research.

Before this backdrop, the overall aim of this research was the investigation of the role of transnational climate change advocacy networks and their internal power dynamics within multilateral treaty processes. This aim has been addressed through the parallel treatment of two interlinked objectives throughout this thesis, which also introduced an element of hybridity to this endeavour. First, an ethnography of Climate Action Network International (CAN) and related actors within the negotiations of the United Framework Convention on Climate Change (UNFCCC) has been produced. This ethnographic account was used to describe and analyse the internal dynamics and structures of CAN as well as its embeddedness in the larger political configuration of the UNFCCC treaty process. Secondly, this ethnographic account was analysed utilising a critical theory of the public sphere, including contemporary conceptualisations of the public sphere which embrace the notion of a multiplicity of public spheres, and are used as they allow a more nuanced understanding of the constellation of public sphere deliberations. The mentioned hybridity of this thesis results from the simultaneous treatment of these two objectives which creates a thesis that is at the same time an empirical thesis, primarily focussed on producing an ethnographic account of the environmental advocacy organisations, as well as a thesis

centrally concerned with the further development of the theory of the public sphere, in particular as it relates to the transnational level.

After a short introduction to the topic of the thesis and after presenting the overall aim as well as the immediate objectives of the research programme, chapter 2 began to advance this research programme by undertaking a review of the literature relevant for this thesis. In particular, the chapter discussed the literature of the concept of "Global Civil Society" including its historical foundations in the notion of domestic civil societies and considered how the constituting aspects of a civil society might be translated onto the transnational, or global, level. At the end of this section I offered, by expanding on the work of Cohen and Arato, a definition of global or transnational civil society by stressing five features: plurality, publicity, privacy, legality and transboundary connectedness. The literature review further dealt with work on public sphere theory, thus critically advancing on the second research objective of this thesis by providing the necessary foundation for that theoretical work. In this context, the original formulation of the public sphere theory by Jürgen Habermas was presented and contrasted with Nancy Fraser's early critique. Particularly relevant for the development of the research programme was the introduction of literature that further developed public sphere theory by introducing various operationalisations of the concept of a multiple public sphere such as counterpublics or nested publics. Further, again, with crucial importance to the research programme, Nancy Fraser's work developing a critical theory of the public sphere for the transnational realm was discussed. Critically, the literature review provided the framework for applying the relevant concepts in the theoretical analysis throughout the thesis.

Chapter 3 was centrally concerned with the methodological aspects of the research. In that chapter, I presented the research design of this study wherein I became a delegate of a member organisation of the environmental advocacy network, CAN, in order to gain the level of insight required to fulfil the first objective of the research programme: to produce a detailed ethnography of that network. I also showed how this methodological approach overcomes some of the limitations of previous research, which was primarily based on interviews and document analysis. In the chapter, I described how I negotiated initial access to the field as well as continued consent and how, over time, my involvement in the work of the network

increased to the point of being a fully participating member. I also outlined how my own political identity enabled this approach while minimising conflicts between my various roles during the fieldwork. I also presented the notion of "going native" and considered how this has been discussed in the literature over time and made the case that "*being*" native is a desirable position for an ethnographer if the potential conflict between genuine involvement with the group under examination and a necessary critical position as researcher can be resolved. After describing the method of data organisation and analysis employed in the research, I proceeded to describe the preliminary theoretical model that emerged during fieldwork and data analysis. The model emphasises the character of the public sphere as a multiple public sphere with a multitude of interdependent, interconnected and nested public spheres. This model is crucially important for fulfilling the dual objective as it is, on one hand, used to structure the presentation of the ethnographic account throughout the following chapters, while it also, on the other hand, represents a further development of the theory of the public sphere which is then used to inform the theoretical analysis of the empirical material.

The fourth chapter was dedicated to contextualising the participation of environmental NGOs within the climate change treaty negotiations by providing an account of the history and the institutional make-up of these negotiations while also detailing the political developments within these negotiations in the lead-up to the fieldwork period as well as during the fieldwork. It also provided background with regards to carbon market instruments within the UNFCCC regime which was important in order to appreciate the meanings and importance of some of the processes contained in the ethnographic account. The chapter also helped advance this account by discussing in detail the institutional framework as well as the development over time of the participation of non-governmental observers.

Chapter 5 further advanced the ethnographic account by discussing the access to the various levels of the multiple public sphere of, inter alia, CAN-internal and UNFCCC deliberations as well as the potential barriers that could restrict or limit that access or impact negatively on the effectiveness of the participation as well as resources employed to enable more effective participation. In this context I differentiated between the three main settings of CAN activity (in-session, virtual and hybrid) and discussed the specific activities that occur in these settings as well as issues

related to these three settings. Here, it became clear that continued physical access to the in-session setting (crucially including both COPs as well as intersessionals) provides CAN members with valuable resources that can be leveraged to influence the negotiations at later stages. These resources refer amongst other things to the establishment of personal trust and rapport with individual negotiators (including being seen as a resource to draw upon) as well as a deeper insight into the hidden politics and meanings that are associated with the development of the negotiations and which are not readily available to CAN members who do not participate in the same manner or to other outsiders. With regards to the analytical objective of the thesis, this chapter provided relevant contributions insofar as the themes developed therein relate strongly to the aspect of normative legitimacy as put forward by Fraser's critical theory of the public sphere.

In the sixth chapter I further developed both the ethnographic account and the theoretical analysis by considering how hierarchy and inequalities as well as various discursive practices of arguments impact upon the internal deliberations of CAN. The chapter also advanced the theme of multiple public spheres by discussing various constellations of counterpublicity observed. In particular, I consider how the hierarchical order of parties within the UNFCCC negotiations impacts on consensus formation within the process and how hierarchies within CAN play out in the internal deliberations of the network, especially as it relates to the different levels of participation of CAN members from developing countries compared to those from developed countries. The chapter also makes the case that in general the climate negotiations are a gathering of members of, globally speaking, privileged classes and illustrates with the example of a Wastepicker delegation how delegates from different backgrounds can bring unique perspectives to the negotiations with great effect. Further, considering the rise of the climate justice network CJN! within the climate change negotiations helped further advance the theoretical analysis of a multiple public sphere by exploring which theoretical constellations best describe the relationship between the CAN and CJN! publics. The analysis was also advanced by considering in detail the tensions between different discursive approaches within the internal deliberations of CAN, variously focussing on scientific rationality, *Realpolitik* considerations and justice principles, respectively.

Overall, partially as a result of the empirical work and partially in order to further develop a framework in which the empirical account could be analysed more systematically with regards to the empirical and normative considerations relating to the public sphere, further development of the theory of the public sphere has been proposed. This allows us, in a nutshell, to conceptualise multi-dimensional deliberative spaces with are interrelated with each other in complex ways as a multitude of variously overlapping public spheres with a multitude of corresponding "centres of authority." This theoretical expansion, combined with the ethnographic account of this thesis, allowed for specific conclusions to be drawn, for example, how the political efficacy of CAN – understood as a public sphere – is impacted on by its internal deliberation culture including its use and definition of "consensus" as well as organisational norms regarding the unity of its voice. Similarly, it was possible to discuss the normative implications of an asymmetrical command of resources, chiefly among them financial resources and knowledge related resources.

Admittedly, the descriptions of the further abstraction of the public sphere theory and the related empirical discussions above might be read as suggesting that climate change politics, or indeed any other area where public sphere like discussions can be located, can be examined as independent of other policy areas or, indeed other dynamics that have an impact on climate change politics. There are indeed many different policy areas that do have a considerable impact on climate change politics ranging, for example, from international trade and economic politics, to issues concerning intellectual property rights, to questions of the desirability and type of economic development for developing countries, to other environmental issues such as deforestation, bio-diversity and the destruction of the ozone layer. In addition, the international climate change policy arena is certainly not independent from the various national or supranational (e.g. in the case of the EU) politics, in fact these politics have a very strong impact as can be most clearly seen in the way US domestic politics impact on the international climate change politics. Nor can the UNFCCC be seen as separate from the politics of other international bodies that discuss climate change, such as the within the wider UN system or outside, for example fora such as the MEM/MEF or groups such as the G20 or the BASIC ministerial level meetings.

To be sure, examining the politics of a specific regime, such as the UNFCCC and its internal processes of deliberation in relative isolation is not to suggest that the

regime is in fact isolated. However, analyses based on the development of the public sphere theory as presented here are intended to be able to "zoom in" on a specific element or area of the extremely complex and multi-dimensional structure that is transnational politics. During such analyses, the researcher must always remember that the phenomenon under investigation is, in fact, embedded in a complex system of interdependent relationship and should occasionally "zoom out" to assess at least to some degree the possible impacts that developments in other related areas might have on the subject of the study. However, it is important to remember that in a studying a complex system, there is always a trade-off between investigation of the entire system and losing sight of details within or (by "zooming in") focussing on details within the system while accepting that the larger picture might become less focussed.

This thesis then, focused on the deliberative processes within the UNFCCC and even more specifically those among environmental NGOs with an even more particular focus on a specific network of ENGOs – CAN. As the empirical work and the theoretical analysis demonstrated, the descriptions and examples from the fieldwork became richer and more infused with explanatory value the deeper the discussion was "zoomed in" along the UNFCCC – ENGOs – CAN line. Thus, while being able to give very specific discussions of CAN, insights from fieldwork were less detailed in the case of the ENGOs in general and even less so for the entire UNFCCC. "Zooming" even further out and providing meaningful analyses of the processes outside of the UNFCCC, beyond some very basic remarks that were occasionally offered, certainly would have gone well beyond the scope (and feasibility) of this research.

However, this infeasibility points at an important area of further research. Given that it has been stated that the global populace can be considered as ultimately the largest possible public with regards to climate change, and further given that this public is in various ways directly and indirectly linked to the UNFCCC itself as a corresponding centre of authority, the potential benefits of further research are indicated into the specific communicative flows between this public and the UNFCCC. Crucially, such research would consider the role that various intermediate publics (such as national parliaments) perform in the process and, crucially, whether the global populace can even be reasonably be considered *a* public. Further, research more specifically related to the UNFCCC could continue to examine the further

development of CJN! within the negotiations. This can be considered a useful undertaking as this current research has indicated that – given the relatively recent nature of the developments – it cannot be currently said with authority whether CJN! will continue to perform a function as a counter public or whether it will eventually further consolidate a separate position. This promises to be a rewarding research project due to the different organisational and deliberative cultures of CJN! and CAN and also due to the large overlap of membership. Further, the close cooperation of CJN! with groups "outside" the UNFCCC process that fundamentally reject the legitimacy of the UNFCCC process itself provides for yet another public/counterpublic dynamic that might prove very insightful for the further development of the theory.

Glossary

Adaptation

Adaptation refers to the sum of activities that are intended to reduce the impacts of the adverse effects of climate change that are already happening and that are expected to occur in the future. Along with ↗mitigation, adaptation is one of the main areas of negotiation under the ↗UNFCCC.

Annex I Party

Annex I parties are parties to the climate change convention (↗UNFCCC) which are listed in Annex I of the convention. The term is roughly equivalent with "industrialised countries" or "developed country" (all three terms are used roughly interchangeably within the UNFCCC). Annex I countries are countries who were members of the OECD in 1992 and the formerly socialist countries of Central and Eastern Europe. The latter are also known as "countries with economies in transition to a market economy" (↗EIT countries) and have a slightly different set of rights and responsibilities under the convention than the other Annex I parties.

Anthropogenic greenhouse emissions

↗Greenhouse-gas emissions resulting from human activities including the use of fossil fuels like oil, gas and coal as well as deforestation and other land uses.

AoSIS

The Alliance of Small Island States is a negotiation bloc of developing country parties in the ↗UNFCCC negotiations whose members are nation states whose territory consists exclusively of small islands. Often much (or even all) of the inhabitable land of these islands is characterised by very low elevation making it vulnerable to sea level rise, one of the projected results of climate change.

AWG-KP

The Ad-Hoc Working Group on Further Commitments of Annex I Parties under the Kyoto Protocol is a working group of the UNFCCC which is mandated with determining the commitments of Annex I parties to the Kyoto Protocol in the Protocol's second commitment period after 2012. The group was tasked to finish its deliberations by time of the Copenhagen Climate Conference in December 2009, however, since this conference did not conclude on the further commitments of Annex I parties, the mandate of the AWG-KP was extended.

AWG-LCA

Ad-Hoc Working Group on Longterm Cooperative Action under the Convention (↗UNFCCC). The AWG-LCA was established at the 2007 ↗COP in Bali, Indonesia, to advance negotiations toward a comprehensive agreement under the Convention with a view of enhancing mitigation and adaptation. With regards to mitigation, the main objective was to provide for mitigation of all developed countries, including those not parties to the ↗Kyoto Protocol (i.e. the USA) as well as establishing an encouraging and enabling framework for mitigation in developing countries. The AWG-LCA missed the

deadline for completion of its work, the 2009 COP in Copenhagen, Denmark, and was mandated to continue negotiating.

A/R

Afforestation/Reforestation is described the human activity of establishing forest on land that was recently deforested (Reforestation) or has not been forested land in the recent past (Afforestation). Specifically, A/R is a ↗CDM project type, where emission reduction credits are issued to reflect the carbon dioxide absorbed by the growing trees.

BAP

The Bali Action Plan was established through decision 1.CP13 (UNFCCC 2007b) at the 2007 ↗COP in Bali, Indonesia, and provided for a programme of work and a general vision of an outcome of the negotiations for the following 2 years, leading up to the 2009 COP in Copenhagen, Denmark. The BAP included references to the major "building blocs" of a future climate regime (in its paragraph 1), including the establishment of a shared vision for long-term goal under the ↗Convention, enhanced mitigation of emissions (both in developed and developing countries and including reduction of emissions from deforestation), enhanced action on climate change adaptation, enhanced technology transfer and provision of financing to support mitigation and adaptation. The negotiations under the Bali Action Plan took mainly place under the ↗AWG-LCA but missed their 2009 deadline.

CAN / CAN-I

Climate Action Network International is a network of over 500 (in 2010) NGOs worldwide which are working on climate change policy and primarily originate form the environmental and more recently developmental movements. CAN is the main focus of this research.
The acronyms CAN and CAN-I are used interchangeably in this thesis. Unless otherwise stated (e.g. CAN Europe), the acronym CAN always refers to CAN International.

CBDRRC

Common but differentiated responsibilities and respective capabilities is one of the main principles of the ↗UNFCCC, established in its Article 3, which acknowledges the larger historic contribution, and thus responsibility, of developed countries to climate change, and further acknowledges that the different degrees of economic development equip countries with different levels of resources (capabilities) to contribute toward the mitigation of climate change. CBDRRC is the main reason why the developed countries are required to take the lead in combating climate change and its adverse effects.

CDM

The Clean Development Mechanism is established through article 12 of the ↗Kyoto Protocol. It is one of the ↗Flexible Mechanisms of the Protocol. Under the CDM, emission reduction projects in developing countries are rewarded by being issued reduction certificates (CERs, or Certified Emission Reductions) which can then be bought by developed countries and used toward the fulfilment of their emission reduction obligations under the Kyoto Protocol. The main criteria for the registration of a CDM project is the establishment of its additionality, that is, that the project would not have been able to go forward without the additional funding provided by the sale of the CERs. This is to ensure that only projects that would not have happened even without that funding are supported through the scheme.

CDM EB

The <u>E</u>xecutive <u>B</u>oard of the ↗<u>CDM</u> is responsible for the day-to-day running as well as general decision making with regards to the CDM, including registration of CDM projects, issuance of emission reduction certificates, approval of CDM methodologies and conflict resolution.

CJN!

<u>C</u>limate <u>J</u>ustice <u>N</u>ow! is a network of environmental NGOs active at the ↗UNFCCC negotiations that was established at the 2007 ↗COP in Bali, Indonesia. CJN! emphasises a climate-justice perspective in the negotiations.

Climate Change

In the sense used in this thesis, the terms is used interchangeably with "anthropogenic climate change" which refers to a set of changes in the climate of the ↗Earth, as a result of change in the composition of the global atmosphere due to human activity. Anthropogenic climate change is in addition to the natural variation in climate, which is also sometimes called climate change.

CMP

The <u>C</u>onference of the Parties Serving as the <u>M</u>eeting of the <u>P</u>arties of the Kyoto Protocol is the main decision making body with respect to the Kyoto Protocol. As the name suggests, it meets in parallel to the meetings of the ↗COP.

CO$_2$eq

Carbon Dioxide (<u>CO$_2$</u>) <u>e</u>quivalents are the main unit of measurement of ↗greenhouse gases under the ↗UNFCCC, especially under the ↗Kyoto Protocol. Although the Kyoto Protocol covers a "basket" of six different greenhouse gases, all emissions of the non-CO$_2$ gases are converted into CO$_2$ equivalents, based on their global warming potential, when calculating countries' emissions. For example, 1kg of Methane has been calculated to have the same warming effect as 25kg of CO$_2$ over a 100 year period. Thus, 1kg Methane is 25kg CO$_2$eq.

Convention

The United Nations Framework <u>Convention</u> on Climate Change, ↗UNFCCC

COP

The <u>C</u>onference <u>o</u>f the <u>P</u>arties is the highest decision making body of the ↗UNFCCC. All parties to the UNFCCC have a vote in the decisions of the COP, however, due to an on-going inability of the Parties to agree on voting procedures, the COP does not have agreed Rules of Procedure and thus decision making is by consensus.

COP/MOP

COP/MOP is a different way of abbreviating "Conference of the Parties Serving as the Meeting of the Parties to the Kyoto Protocol." The preferred acronym is ↗CMP

Earth

The third planet of the planetary system of the Sun (or Sol), Earth (or Terra) is at the time of writing the only habitable planet in that system, a status that is currently

potentially threatened by human-induced (or anthropogenic) ↗climate change. It is both the home and by far most favourite planet of the author of this thesis.

EIT country
A country with an U̲economy I̲n T̲ransition, i.e. the formerly socialist countries of Central and Eastern Europe. These countries form a special sub-set of ↗Annex I Parties.

FiE
Acronym for ↗Forests in Exhaustion

Flexible Mechanisms
Flexible Mechanisms of the Protocol is a collective term for Emissions Trading, JI and CDM. Under all three types, ↗Annex I country parties that have an emission reduction obligation under the Kyoto Protocol, have the flexibility to either fulfil this obligation through domestic measure or by purchasing emission certificates from other countries and use those toward the fulfilment of their emission reduction obligations.

FoE-I
F̲rieds of the E̲arth I̲nternational is a network of Environmental grassroots NGOs with headquarters in Amserdam.

Forests in Exhaustion
A proposed CDM ↗A/R methodology wherein land that was a forest on December 31, 1989 (the relevant date normally establishing eligibility for A/R projects) would qualify for the CDM if a forest plantation subsequently established on such land is expected to revert to non-forest land, for example through final harvesting (which would the forest a "forest in exhaustion"), unless specific targeted steps were undertaken to avert that reversion. These steps would then constitute the CDM project and general offset credits.

GHG
↗G̲reen̲h̲ouse gas.

Gt CO₂eq
G̲i̲g̲a̲t̲ons (i.e. billion metric tons) of ↗CO2eq

Greenhouse gas
Greenhouse gases are trace gases in the ↗Earth's atmosphere which reflect sunlight that is being reflected to space from the Earth's surface back to Earth, thus causing the greenhouse effect. The greenhouse effect is generally speaking beneficial, even necessary for life on Earth, however human-induced emissions for additional greenhouse gases in recent centuries have amplified the greenhouse effect to a point where the resulting ↗climate change becomes disruptive to the planetary systems with severe potential impact to life on Earth.

INC
The I̲ntergovernmental N̲egotiating C̲ommittee for a Framework Convention on Climate Change was a body established by the ↗UN GA in 1990 to prepare the text of the ↗UNFCCC.

Intersessionals

Intersessional are ↗UNFCCC negotiation sessions that take place during the period between the annual ↗COPs. During intersessionals, the work of the ↗Subsidiary Bodies or Ad-Hoc Groups (↗AWG-KP, ↗AWG-LAC) is advanced.

IPCC

The <u>I</u>ntergovernmental <u>P</u>anel on <u>C</u>limate <u>C</u>hange is a large body of scientists established in 1988 jointly by the World Meteorological Organisation and the UN Environment Programme for the purpose of assessing the state of knowledge on climate change as it develops. The periodically published Assessment Reports represent a synthesis of the published and peer-reviewed scientific literature on climate change and are widely used as reference works on the topic. In 2007 the IPCC, together with Al Gore, won the Nobel Peace Prize for its work in raising public awareness of climate change.

CMP

The <u>C</u>onference of the Parties Serving as the <u>M</u>eeting of the Parties to the <u>P</u>rotocol is the annual negotiation session that deals with matters concerning the implementation of the ↗Kyoto Protocol which is held in parallel to the ↗COP.

LULUCF

The issue area of <u>L</u>and <u>U</u>se, <u>L</u>and <u>U</u>se <u>C</u>hange and <u>F</u>orestry within the negotiations of the ↗UNFCCC deals with changes of ↗greenhouse gases to the atmosphere caused by the various ways in which land is used (eg. agriculture), this land use is changed and through forestry as a specific type of land use (including forest uses such as logging). Unlike other issue areas, LULUCF deals not only with emissions from these activities but also with removals of ↗carbon dioxide from the atmosphere through land use activities, for example as carbon dioxide is absorbed by growing trees. "LULUCF" as used in the context of the UNFCCC negotiations specifically refers to the treatment of land use activities of ↗Annex I countries in the ↗Kyoto Protocol. Another land use related issue area is ↗REDD which is concerned with forest related topics in non-Annex I countries.

Major Economies Meeting/Major Economies Forum

The Major Economies Meetings (MEM) were a series of meetings initiated by the US government under president George W. Bush which met separately from any ↗UNFCCC negotiations and which were limited to the countries with the largest total amount of ↗greenhouse gas emissions. The declared intention was to provide an "informal" forum in which these key countries could attempt to establish broad principles of agreements independently of the UNFCCC process, which would then be used to advance negotiations there. The MEMs were criticised for their limited scope and so excluding the majority of the world's countries, in particular those most vulnerable to climate change. After the end of the Bush presidency, president Obama initially continued convening the meetings as the Major Economies Forum (MEF) but since membership largely equated the G20 membership which had meanwhile established itself as a permanent group also regularly taking up climate change, MEF were not convened anymore.

MEM/MEF

Acronym for ↗Major Economies Meeting/Major Economies Forum

Mitigation

Mitigation refers the sum of activities undertaken by parties to reduce the amount of emissions of ↗greenhouse gases into the ↗Earth's atmosphere or the removal of these gases from the atmosphere. Along with ↗adaptation, mitigation is one of the main areas of negotiation under the ↗UNFCCC.

non-Annex I Party

Non-Annex I Parties are those parties to the ↗UNFCCC which are not listed in its Annex I. ↗Annex I Parties.

ODA

Official Development Assistance refers to the "amount that a nation expends through grants and other developmental assistance programs calculated as a present of GNP [Gross National Product]. A net ODA target of 0.7 percent of GNP for developed nations was agreed to at the 1990 UN General Assembly and reiterated at various summits such as the […] ↗UNCED in 1992" (Saunier and Meganuck 2007: 201)

Party

The countries that ratified the ↗UNFCCC or both the UNFCCC and the ↗Kyoto Protocol are called Parties to the Convention (or Parties to the Convention and the Protocol)

Pink badge

Participants at ↗UNFCCC sessions are issued with personal access badges to the conference venue. These badges are colour coded with pink badges indicating the wearer to belong to an official party delegation. These badges grant the widest access, e.g. to request any documents from the document centre, or access meeting rooms that are closed to observers or media.

REDD

<u>R</u>eduction of <u>E</u>missions from <u>D</u>eforestation and Forest <u>D</u>egradation (in developing countries). Since these emissions represent approximately 20% of all anthropogenic ↗greenhouse gas emissions, REDD has become an important part of the UN system's response to ↗climate change.

SBI

The <u>S</u>ubsidiary <u>B</u>ody on <u>I</u>mplementation assists the ↗COP in reviewing and assessing technical and practical specifics related to the implementation of the ↗UNFCCC.

SBSTA

The <u>S</u>ubsidiary <u>B</u>ody on <u>S</u>cientific and <u>T</u>echnological <u>A</u>dvice assists the ↗COP by thoroughly reviewing technical and scientific questions referred to it by the COP as well as other relevant scientific and technological developments.

Subsidiary Bodies

Collective term referring to the ↗SBI and the ↗SBSTA.

UNCED

The 1992 <u>U</u>nited <u>N</u>ations <u>C</u>onference on <u>E</u>nvironment and <u>D</u>evelopment in Rio de Janeiro, also know as the "Earth Summit," is mainly known for the "Agenda 21" declaration as well as the adoption of the ↗UNFCCC, and its "sister conventions, the Convention on Biodiversity and the Convention to Combat Desertification.

UNFCCC

The <u>U</u>nited <u>N</u>ations <u>F</u>ramework <u>C</u>onvention on <u>C</u>limate <u>C</u>hange has been adopted at the ↗UNCED in 1992 and since then grown to virtually universal membership. The convention's ultimate objective is to limit anthropogenic ↗greenhouse gas emissions to a level where dangerous interference with the ↗Earth's climate system can be avoided. The acronym UNFCCC also refers to the on-going treaty negotiations concerning the implementation of that objective as well as the institutional system of subsidiary bodies, conferences, bureaus and the UNFCCC secretariat in Bonn, Germany.

UN GA

<u>U</u>nited <u>N</u>ations <u>G</u>eneral <u>A</u>ssembly.

Umbrella Group

A loose negotiating coalition ↗Annex I countries within the ↗UNFCCC negotiations which typically comprises of Canada, the USA, Iceland, Norway, the Ukraine, the Russian Federation, Japan, Australia and New Zealand.

WWF

The <u>W</u>orld<u>w</u>ide <u>F</u>und for Nature (formerly known as the World Wildlife Fund) is an independent international environmental and conservation organisation. Funded in 1961, the WWF consists of 28 national organisations and claims a membership of over 5 million worldwide.

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