Public Participation in Global Environmental Governance

A case study of NGO influence in the pre-negotiation of the Paris Agreement

Johanna Velásquez Serna

Lokaverkefni til MA-gráðu í umhverfis- og auðlindafræði

Félagsvísindasvið

Júní 2017

HÁSKÓLI ÍSLANDS

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Abstract

Public participation has become an essential feature of global environmental governance, as it legitimates the system through the engagement of all actors in the international community, and helps overcome the poor cooperation between the different sectors of society. However, the evaluation of the strengths and weaknesses of public participation has shown that it has not been employed at its fullest capacity, and more efforts are required to intensify its effectiveness. The objective of this research is the analysis of public participation within the ongoing intricate, multifaceted and translational normative scenario, to examine its effectiveness, identify failures and recommend some practical alternatives to improve its success at the international level. This analysis was done through a descriptive case study of the participation of civil society during the global environmental governance process that resulted in the adoption of the Paris Agreement in 2015. Public participation was analysed through the submissions of four non-governmental organizations (NGOs) to the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) during the period of elaboration of the Paris Agreement and the establishment of the pre-2020 strategies on climate change. The results show how the increased number of participating organizations has, in fact, not made public participation more effective. Likewise, the findings provide evidence that illustrates how and why the way how public participation is managed within the UN system impedes the proper representation of civil society; and how and why the lack of regulation of civil society participation in international law hinders its effectiveness, along with the representativity and legitimacy of NGOs.

Acknowledgements

Driven by the interest to increase my knowledge on environmental issues from an interdisciplinary perspective, I enrolled in the Environment and Natural Resources (ENR) programme in 2015, right after obtaining my LL.M. in International Environmental Law and Natural Resources Law from the University of Iceland. Although I was under the risk of not being able to complete my credits due to economic constraints, I received the moral support that allowed me to do my best and combine full-time studies with work during the completion of the programme. Now I am sure that all efforts were worth it, and I would like to thank the ENR staff for providing me with the professional strengths that I was looking for.

This research project was motivated by my persistent curiosity to investigate how different policies and laws aimed to address the ongoing environmental challenges, produce or not the desired effects in the real world, so as to identify the possible obstacles and suggest strategic approaches. Nonetheless, the successful culmination of this thesis would not have been possible without the supervision of both, Professor Sigurbjörg Sigurgeirsdóttir and Assistant Professor Helga Ögmundardóttir, to whom I owe my sincere gratitude for their extraordinary support and wonderful guidance. I was really lucky for having them as my supervisors, and I would not have been as happy as I am with the outcomes of this research if they had not been there to advise me and encourage me throughout the entire research process.

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List of Abbreviations

ADP	Ad Hoc Working Group on the Durban Platform for Enhanced Action
AFOLU	Agriculture, Forestry and Other Land Use
AWG-KP	Ad Hoc Working Group on Further Commitments for Annexe I Parties under the Kyoto Protocol
AWG-LCA	Ad Hoc Working Group on Long-term Cooperative Action under the Convention
BCSD	Business Council for Sustainable Development
CAN	Climate Action Network
CBD	Convention on Biological Diversity
CCD	Convention to Combat Desertification
CCUS	Carbon Capture, Use and Storage
CDP	Carbon Disclosure Project
CGIAR	Consortium of International Agricultural Research Centre
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement
CMP	Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol
CO_2	Carbon dioxide
COP	Conference of the Parties
CPACB	Coalition on Paris Agreement Capacity Building
CSO	Civil Society Organizations
DPI UN	Department of Public Information of the United Nations
ECOSOC	Economic and Social Council of the United Nations
EDF	Environmental Defense Fund
ESC	Environmentally Sustainable Cities
FAO	Food and Agriculture Organization of the United Nations
FITs	Feed-In Tariffs
GEF	Global Environmental Facility
GHG	Greenhouse Gases
GRF-SPC	Global Research Forum on Sustainable Production and Consumption
Gt	Gigatons

ICAO	International Civil Aviation Organization
ICCT	International Council on Clean Transportation
ICJ	International Court of Justice
ICLEI	International Council for Local Environmental Initiatives
iCSO	Integrated Civil Society Organizations System
IEA	International Energy Agency
IETA	International Emissions Trading Association
IGES	Institute for Global Environmental Strategies
IGO	Intergovernmental Organization
IIED	International Institute for Environment and Development
IISD	International Institute for Sustainable Development
IMO	International Maritime Organization
INC	Intergovernmental Negotiating Committee
INDCs	Intended Nationally Determined Contributions
IPCC	Intergovernmental Panel on Climate Change
IRENA	International Renewable Energy Agency
ITF	International Transport Forum
LCS-RNet	International Research Network for Low Carbon Societies
LCTPi	Low Carbon Technology Partnership initiative
LoCARNet	Low Carbon Asia Research Network
LULUCF	Land Use, Land Use Change and Forestry
MBBI	Mediators Beyond Borders International
NDC	Nationally Determined Contributions
NGO	Non-governmental organization
OECD	Organization for Economic Co-operation and Development
PMO	Program Management Officer
RDD&D	Research, Development Demonstration and Deployment of Technologies
REDD+	Reduce Emissions from Deforestation and Forest Degradation in developing countries
REN21	Renewable Energy Policy Network
SACCCS	South African Centre for Carbon Capture & Storage
SBSTA	Subsidiary Body for Scientific and Technological Advice

SPMs	Summaries for Policymakers
SRC	Stockholm Resilience Centre
TEMs	Technical Expert Meetings
TEP	Technical Examination Process
TFA2020	Tropical Forest Alliance 2020
UITP	International Association of Public Transport
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UN DESA	Department of Economic and Social Affairs of the United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Fund
UNTC	United Nations Treaty Collection
WBCSD	World Business Council for Sustainable Development
WCC	World Climate Conference
WEC	World Energy Council
WMO	World Meteorological Organization
WRI	World Resources Institute

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1 Introduction

The concept of global environmental governance makes reference to the aggregate of organizations, policy instruments, funding mechanisms, norms, procedures and rules that govern the processes of international environmental protection (International Environmental Governance, 2016). Its origin can be traced back to 1972 with the foundation of the United Nations Environmental Programme (UNEP), which gave place to the enactment of a significant amount of environmental agreements and the subsequent involvement of more than 40 United Nations (UN) bodies related to environmental issues (International Environmental Governance, 2016). Among the many precepts dictated for the proper functioning of the global environmental governance structure, the principle of public participation was added to the system through the 1992 Rio Declaration on Environment and Development. The introduction of this principle embodied a response to the persistent demands of many social organizations to get access to information, both at the national and international levels (UNGA, 1992).

Whereas global environmental governance seeks for legitimacy through the engagement of all the actors of the international community, public participation becomes an important feature to overcome the poor cooperation between the different sectors of society. Hence, the role of public participation has been gaining importance at the international level; and it has been assumed that the application of access principles has increased the participation of civil society in global environmental governance processes. This asseveration comes from occurrences such as the growing attendance of NGOs to the conferences of the parties to the different international conventions (COPs), which has increased hand in hand with the need to address the immediate global environmental problems.

Despite the increasing amount of NGOs getting involved in decision-making processes, the international legal efforts undertaken to improve and delineate public participation seem to remain insufficient, as it is still doubted that the outcomes of the decision-making processes have been the result of comprehensive and participatory

practices (Wisor, 2012, p. 120). For that reason, it is assured that a gap can still be noticed between the expectations of NGOs that make part of these processes and their opportunities to actually influence the decision-making. This asseveration is based on the findings from the evaluation of the strengths and weaknesses of the global environmental governance system, which has shown that public participation is not being employed at its fullest capacity and more efforts are required so as to intensify its effectiveness (Foti & Werksman, 2011, p. 3). Then, the study of global environmental governance flaws and advantages has identified that notwithstanding the extensive efforts for the improvement of public participation, the full potential of NGOs is still held in reserve (Najam, M., & Taiyab, 2006). These indications have put the legitimacy of the global environmental governance system under the risk of being perceived as frustrating instead of an opportunity for improvement; and a generalised feeling of defeat among NGOs rather than a chance for better treaty administration (Foti & Werksman, 2011, p. 3).

Accordingly, this research departed from the hypothesis that global environmental governance can not only achieve more satisfying and useful results, but also strengthen its legitimacy by improving active public participation in international environmental decision-making processes. In line with that, the objective of this research was the analysis of public participation within the ongoing intricate, multifaceted and translational normative scenario to examine its effectiveness, identify important disadvantages and suggest some practical alternatives aimed improve its success at the international level. This analysis was done through a case study of one of the most significant global environmental governance processes to date: the latest international decision-making process on climate change, which gave place to the 2015 Paris Agreement and the establishment of pre-2020 strategies on climate change. Then, public participation was analysed through the involvement of the third sector of society as categorised by the UN; that is, non-governmental organizations (NGOs) (United Nations, 2016).

As a case study can be conducted either through single or multiple case studies, the case was holistic in this research, and it had embedded sub-cases within the general comprehensive case. Then, the holistic particular real-life case that constituted the

concrete manifestation of the abstraction was public participation in the pre-negotiation stage of the 2015 climate change decision-making process. The reason for choosing this case has to do with its contemporaneity, internationality, interdisciplinarity and importance, as it represents the commitment of 196 nations, more than 7 billion of people and hundreds of industries to face the current and projected challenges of climate change (UNEP Climate Action, 2016).

The embedded sub-cases consisted on four NGOs that were selected to offer a more detailed analysis of public participation. The NGOs designated for the study were Greenpeace International, the Institute for Global Environmental Strategies (IGES), Mediators Beyond Borders International (MBBI) and the World Business Council for Sustainable Development (WBCSD). These organizations were chosen in accordance with the following basic selection parameters: they were among the ones that participated with submissions during the pre-negotiation stage of the 2015 climate change decision-making process; they were in ECOSOC consultative status; they were accredited by the UN as official observers to the United Nations Framework Convention on Climate Change (UNFCCC); and they differed from each other by having headquarters in different countries.

This research departed from the fact that more theoretical and practical research is required in this field, as an attempt to answer some fundamental questions about the current global environmental governance system: how effective is public participation in environmental issues at the international level, how can it be improved, and how can it contribute to the improvement of democratic deficit in the international environmental decision-making processes. Given that, this thesis drew on pertinent literature that involves two categories of organizations: non-governmental organizations (NGOs) and intergovernmental organizations (IGOs). Therefore, while focusing mainly on the role of NGOs in representing civil society for environmental action, this thesis also provides information on the role of the UN, the IGO that has played an essential part in promoting, managing and implementing global environmental governance on behalf of Nation-States.

Although this research is mainly focused on studying public participation from the perspective of the UN, the other approaches should not be disregarded, as public

participation can have different meanings and implications, depending on the point of view of which it is studied. Besides, even at the top-down level—as it is the case of this thesis—there are many other actors involved in the decision-making process, e.g. the Member States, IGOs, volunteers, other stakeholders, and the rest of the world's population or uninvolved public (Spijkers & Honniball, 2015, p. 14). These approaches were not included for the reason that they fell outside the main scope of this study and its allowable extent, as it is a 60 ECTS Master's Thesis.

Apart from being subject to the limitations of a Master's thesis, this research was deliberately limited by the design, the methodological approach and the research focus. Therefore, this study focused on NGO participation through formal submissions, during the pre-negotiation stage of the international decision-making process that gave place to the adoption of the Paris Agreement and the establishment of pre-2020 strategies on climate change. As a result of choice, this research is not concerned with the other means by which NGOs participated during the pre-negotiation of the Paris Agreement and the establishment of pre-2020 strategies. In other words, this thesis does not analyze how NGOs raise public awareness on climate change issues; how they lobby domestic decision makers hoping to affect national and foreign policies; how they coordinate boycotts to alter corporate practices that worsen the effects of climate change; or how they monitor and implement the Paris Agreement and pre-2020 strategies. Likewise, this thesis does not study the participation of NGOs during the other stages of the decision-making process, e.g. negotiation, adoption, signature, ratification, accession, acceptance, approval or succession, entry into force, and implementation.

The general research question of this research is: how successful is public participation in influencing decision-making processes, in global environmental governance issues? In order to reach some conclusions on the subject, the following specific questions were addressed, based on a descriptive case study of the participation of NGOs during the pre-negotiation stage of the Paris Agreement and the establishment of pre-2020 strategies on climate change: a) How has the increasing number of NGOs impacted the effectiveness of public participation in global environmental governance?; b) Is the current framework for public participation at the UN level hindering the

effectiveness of public participation in global environmental governance? If so, how and why?; and c) Is the lack of a specific international legal framework for NGOs affecting public participation in global environmental governance issues? If so, how and why?

These questions were born from the gaps detected by the author, from the theoretical, legal and institutional perspectives. Likewise, they were inspired by the asseveration of some scholars that the substantive examination of the aspects that obstructs or ease public participation in global environmental governance issues, can offer an insight of the questions of how and under what circumstances NGO participation makes a difference (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 65). In line with the purpose of this thesis, "effectiveness" was understood as the extent to which something is capable of generating the wanted outcomes (Oxford University Press, 2008). Additionally, the definition of influence used by Knoke in his study of political networks, and suggested by Betsill and Corell in the context of international environmental negotiations, was employed in this study (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 74). Hence, influence is said to have occurred "when one actor intentionally transmits information to another that alters the latter's actions from what would have occurred without that information" (Knoke, 1990, p. 3).

The thesis is structured into nine chapter. Following this introductory chapter, the second chapter provides an overview of the current theoretical, legal and institutional approaches to public participation in global environmental governance. Then, chapter three presents the method selected for this thesis, the research design and the way how the findings were interpreted. Chapter four offers a description of the diverse global negotiation processes that have been giving shape to the climate change regime. Chapter five displays a description and analysis of the possible influence of submissions from the four NGOs selected for this case study, to the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) between 2012 and 2015. Chapter six presents a comparative analysis of the submissions to the ADP between 2012 and 2015, from the four NGOs selected for this case study and examined in chapter five. Chapter seven contains the statement of results of the data presented and analysed in chapter

five and compared in chapter six, which was interpreted in line with the theoretical framework introduced in chapter two. Chapter eight presents the general conclusions of this thesis; and finally, chapter nine encompasses the closing remarks and implications of the research.

The findings of this thesis are expected to contribute both to theory and practice and are aimed to inform not only NGOs and civil society but also international policymakers and stakeholders. The evidence assembled in this research make noticeable why the increased number of participating NGOs has not necessarily made public participation more effective; why and how the current system for public participation within the UN system could be impeding the proper representation of civil society in the global environmental governance system; and finally, why and how the lack of regulation of public participation in international law could be affecting not only its effectiveness but also the representativity and legitimacy of NGOs. The evidence is accompanied by some recommendations, which are aimed to suggest certain approaches so as to improve the effectiveness of public participation in global environmental governance from the theoretical, legal and institutional perspectives.

2 Literature Review and Theoretical Framework

This chapter offers an overview of the current theoretical, legal and institutional approaches to public participation in global environmental governance. Given that, the main literature on public participation in global environmental governance is briefly referenced, followed by the analysis of its legal status and its framework within the UN system. Similarly, the actors of public participation are analysed from the theoretical, legal and institutional perspective, so as to direct the attention to the specific scope of this thesis; that is, the participation of NGOs in decision-making processes, on global environmental governance issues.

2.1 Public Participation in Global Environmental Governance

The concept of global environmental governance refers to the group of organizations, policy instruments, funding mechanisms, norms, procedures and rules that govern the processes of international environmental protection (UNEP, 2016). Its origin can be traced back to 1972, with the foundation of the UNEP, which gave place to the creation of a significant amount of environmental agreements and the subsequent involvement of more than forty UN bodies related to environmental matters (UNEP, 2016). The negotiation of international environmental agreements call for the involvement of different actors, which in general terms can be classified within the three sectors of society as defined by the UN; that is, government, business and civil society (UN, 2016). Even when States are the only actors with formal decision-making power during the negotiations, the principle of public participation was added to the global environmental governance structure in 1992. This insertion represents a response to the persistent demands of many social organizations to get access to information, both at the national and international levels (UNGA, 1992).

Since then, public participation has been increasingly gaining the attention of the academic community, both about all the issues of the international, regional and national agendas; as well as in connection to global environmental governance specifically. In particular, the poor cooperation between the actors of the international community to address global environmental problems; and the need for a better management of natural resources, has ended up in an outbreak of academic writings about these topics. These features have led scholars from different disciplines to acutely

examine the structure and effectiveness of various international environmental regimes, the decision-making processes in global environmental governance, and the role played by the various actors (Esty, 2008, p. 111). In doing so, the general conclusion reached by many researchers is that public participation is required to face not only current environmental threats but also the widespread economic inefficiencies, political disequilibrium and reduced social welfare (Esty, 2008, p. 111).

The importance of public participation at the global level is such that it has gained enormous attention in events of a large international significance. This can be exemplified with the 1992 United Nations Conference on Environment and Development (UNCED), the first international environmental event to involve more civil society participation than any other global environmental governance process held before. As a consequence, the Secretariat of the UNFCCC formally acknowledged that public participation "helps to bring transparency to the workings of a complex intergovernmental process, facilitates inputs from geographically diverse sources and from a wide spectrum of expertise and perspectives, improves popular understanding of the issues, and promote accountability to the societies served" (UNFCCC Subsidiary Body for Implementation, 2004). Finding the most suitable and efficient international strategies to enhance public participation thereby has moved to the top of the list of topics that require urgent action on the global agenda.

As pointed out by Daniel Esty in "Climate Change and Global Environmental Governance", some authors—like Elizabeth DeSombre, Gus Speth, Peter Haas, Pamela Chasek, David Downie, and Janet Welsh Brown, among other—have studied the existing structure of environment-related international organizations, the historical international efforts to respond to the environmental challenges arising at the global level, and have provided valuable case studies of the international community's response to particular environmental problems (Esty, 2008, p. 112). Unfortunately, while the existing literature examines the characteristics of these issues and therefore provides a good starting point for this critical question, they do not go deep into the alternatives to advance towards more effective public participation in the global environmental governance system.

NGOs are usually characterised as the leading actors of public participation—which will be further explained later in this chapter—. Therefore, academic interest in their role has increased tremendously over the last years, with almost every research on global environmental issues referring to NGOs as relevant actors (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 65). Nevertheless, it has been noted that even when there is a considerable amount of evidence of their importance in global environmental issues, the questions of how and under what circumstances NGOs make a difference are still not adequately answered (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 65). This lack of answers could be a consequence of the fact that most studies seem to concentrate on the increasing amount of participating NGOs in global environmental governance issues, rather than in a more detailed analysis of their actual contributions.

In connection with the point previously mentioned, Michele Betsill and Elisabeth Corell have identified three weaknesses of the literature about the role of NGOs in global environmental politics. These shortcomings consist on, first, a propensity to conceive all studies about NGOs on environmental issues as a single body of research; second, an extraordinary lack of stipulation about what is meant by "influence" and how to determine it in a particular field; and third, a lack of elaboration of the causal mechanisms that connect NGOs to international outcomes on environmental issues (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 65). Accordingly, the scholars mentioned above have highlighted that these conditions enhance the need to understand how and under what circumstances NGOs matter. Then, they propose to find answers by, for instance, determining the different political arenas in which NGOs participate, by specifying the meaning of "influence", and by clarifying the causal mechanisms by which NGOs influence global environmental negotiations (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 65).

As the current thesis is interested in evaluating the role of public participation in global environmental governance, the study of theories about how it is expected to work and the analysis of how it operates in practice is fundamental to the design of the

analytical framework for assessing NGO influence in global environmental governance. Therefore, this literature review takes in elements both from theory and practice, of the central concepts that will shape the framework for this research; namely, global environmental governance, the third sector of society, public participation in the UN system, and NGOs.

2.1.1 The concept and essence of public participation

From the perspective of global environmental governance, public participation embodies the engagement of civil society, and it is typically organised by the Secretariats and bureaus of the different international environmental institutions (Foti & Werksman, 2011, p. 1). Although there are different definitions of public participation, it can be concluded that all of them refer to the possibility of involvement granted to people interested in a decision-making process held by a public institution (Spijkers & Honniball, 2015, p. 225). In the existing global environmental governance system, public participation can be demarcated as the process of asking and engaging the concerned and affected world's citizens, in the decision-making and policy-creating procedures of the international organizations engaged on environmental issues (Spijkers & Honniball, 2015, p. 236).

Even when states constitute the major players of global environmental governance, the participation of civil society has been widely acknowledged as an improvement factor, for the reason that it brings up the needs and perspectives that might be left out by governments in the decision-making processes (Foti & Werksman, 2011, p. 1). Accordingly, it is considered that public participation can add greater transparency, legitimise the global environmental governance system, and intensify the essence of the results and impacts of the undertaken efforts (Foti & Werksman, 2011, p. 2). Additionally, public participation is expected to meet an important function by establishing public expectations of global environmental governance processes, keeping track of the progress achieved, and evaluating the success or failure of those events (Foti & Werksman, 2011, p. 3).

The purposes of public participation have different definitions that vary across disciplines and focus on analysis, but the categorization made by Otto Spijkers and Arron Honniball is useful to show the big picture of the discussion. The first category refers to

the intrinsic value of public participation, which acknowledges the need for public involvement as an objective itself. From this viewpoint, public participation legitimates the decision-making process; and therefore, certain procedural standards must be followed to add a *meaningful* rather than a *symbolic* value to the process of participation (Spijkers & Honniball, 2015, p. 228). Despite the usefulness of this approach, one of its drawbacks is that it dismisses the importance of the outcomes and therefore it does not prompt the institutions to analyse and evaluate if all the work produced effects in reality (Spijkers & Honniball, 2015, p. 229).

The second category alludes to the instrumental value of public participation (Spijkers & Honniball, 2015, p. 229). This approach focuses on the goals of public participation and acknowledges the fact that public participation can decrease widespread discontent as well as increase the trust in institutions (Spijkers & Honniball, 2015, p. 229). Hence, from this perspective, the engagement of civil society is seen not only as a precautionary measure against the possible annoyance of non-consulted public; but also as an improvement measure of the policies and plans by treating the citizen as partners (Spijkers & Honniball, 2015, pp. 229-230). Therefore, from this viewpoint, public participation can produce a positive image of the institutions that promoted the participation and create a sense of *community development* (Spijkers & Honniball, 2015, pp. 229-230)

2.1.2 Public participation in international environmental law

Although the idea of public participation can be inferred in the opening words of the 1945 UN Charter, it was not until 1992 that it was given greater importance within the sphere of international environmental law (Charter of the United Nations, 1945). The first explicit legal references to public participation can be found on the primary outcomes discussed and adopted at the UNCED, which took place on 3-14 June 1992, in Rio de Janeiro, Brazil. Those legal instruments that make reference to public participation are the Rio Declaration on Environment and Development (Rio Declaration), the UNFCCC, Agenda 21, the Convention on Biological Diversity (CBD), and the Convention to Combat Desertification (CCD).

Specifically, Principle 10 of the Rio Declaration, states that:

> "Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided."

Three main elements can be inferred from the previous definition: access to information, the chance to participate in decision-making and access to justice (Ebbesson, 2015, pp. 291-294). Likewise, Article 6 of the UNFCCC specifies the duty of States to promote and provide education, training, public awareness, public access to information, public participation and international cooperation addressing the effects of climate change (UNFCCC, 1992, p. Article 6). Furthermore, chapter 27 of Agenda 21 contains a program on "Strengthening the role of non-governmental organizations: partners for sustainable development". In addition to that, Article 14(1) of the CBD allows public participation in environmental impact assessments; and Article 19(3) of the CDD includes the promotion of public participation in the cooperative activities that States shall promote.

Since its first recognition, the principle of public participation has been stated in the most important legal instruments on environmental issues adopted by the UN, as well as in numerous regional environmental agreements and national legislations around the globe (Ebbesson, 2015, pp. 21-294). One of the most referenced examples of regional environmental agreements that contain the principle of public participation is the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998). This convention contains guidelines for best practices on the application of Principle 10, which constitute the cornerstone of international negotiations (Foti & Werksman, 2011, p. 2). Even so, despite the increasing introduction of the principle in different international, regional

and national legal instruments, a single body of legislation that regulates it at the international level has not been developed yet.

2.1.3 Public participation in the UN system

The proliferation of international environmental agreements has increased public participation in the different decision-making processes under the auspice of the UN (Foti & Werksman, 2011, p. 3). Within the UN system, public participation is materialised by the third sector of society; that is, by civil society. In the view of the UN, civil society comprises civil society organizations (CSOs) and NGOs, which are perceived as relevant actors to advance towards the ideals of the UN (UN, 2016).

Nonetheless, it is argued that a critical gap can still be noticed between the expectations of the participants and their real chances to instruct, outline and directly impact the international decision-making processes under the auspice of the UN. This gap has been attributed to the lack of resources and the need for better administration, which has usually led to situations such as the reduction of a number of available registrations for each observer organization, the categorization of organizations with different views into an integral group, and the reduction of the number of speaking slots, exhibition booths, and side events (Foti & Werksman, 2011, p. 3). All this has put the legitimacy of participatory processes in global environmental governance under the risk of being perceived with frustration instead of a chance for improvement (Foti & Werksman, 2011, p. 3).

Despite the legal instruments, administrative procedures and methods available to facilitate public participation in the UN system, many organizations with consultative status have expressed discontent and frustration as they have the feeling of not being heard and not producing real impacts in the final decisions reached (We The Peoples: Civil Society, The United Nations And Global Governance, 2004, p. 7). So, even when the possibilities for public participation have expanded in the last years, it is still doubted that the outcomes have been the result of comprehensive and participatory practices (Wisor, 2012, p. 120).

2.2 The Actors of Public Participation

Departing from the idea that different definitions of public participation and its purposes entail different considerations about who is a public participation actor, it becomes essential to clarify that the analysis of public participation actors in this research corresponds to the UN viewpoint. Therefore, the actors of public participation in this study will be civil society—also referred to as the third sector of society—, which complement the other two sectors of the international governance structure: government and business (UN, 2016).

An important trait to take into account when defining the third sector is the different approaches to the concept. Although the idea of the third sector remains relatively under-theorized and vague, the legal and theoretical approaches include more demarcated features, while in practice it mixes up different types of organizations, such as NGOs, CSOs, charities and networks (Corry, 2010, pp. 11-12). The three perspectives—theoretical, legal and practical—will be explored in the following lines, applied to the selected context; that is, to public participation within the UN system.

2.2.1 Theoretical approach to the third sector

Olaf Corry offers a comprehensive but concise overview of the different approaches to the third sector, which can be used as a framework for the vast amount of literature in this respect. He classifies the definitions in two broad categories: the ontological definitions and the epistemological approaches (Corry, 2010, p. 12). A way to make this distinction clearer is considering that the ontological approaches deal with the way to define what things are schematizing their essence and finding the procedure to reveal the truth behind their existence. The epistemological approaches, on the other hand, are focused on how the organizations or identities become real, delineated and certified depending on the diverse views of them (Åkerstrøm Andersen, 2003, p. 39). Both will be further explained as follows.

Ontological definitions

The ontological category perceives the third sector as an alternative division to the state and the market. Following that logic, the issues administrated neither by market reasoning nor bureaucratic power are part of the third sector (Corry, 2010, p. 13). Hence, the third sector is thought to be driven by the dedication of the people that operate it,

different from the states, whose drivers are coercion and sanctions; and the market organizations, whose drivers are rewards and profit (Lewis, 2003, p. 328). Corry makes reference to the five common characteristics of the third sector outlined by Salamon and Anheier, e.g. their institutional standing; their independence from the government; their non-profit quality; their self-governing structure; and their voluntary character (Salamon & Anheier, 1997, p. 9). The ontological definitions are subdivided into an American view, which conceives the third sector as an independent one with specific characteristics and qualities; and the European view, which sees the third sector as combinations of other types of social organizations (Corry, 2010, p. 12). Although these are the conventional and most agreed definitions, in the view of Corry they have some flaws for the reason that they place the third sector parallel but not equal to the state and market (Corry, 2010, p. 15).

Epistemological definitions

The epistemological definitions perceive the third sector as a sort of social procedure that allows the communications between the private and public sector and looks at the kind of knowledge that it depends upon (Corry, 2010, p. 15). Consequently, these definitions emphasise on how the third sector is created, the position of interpretations that place the third sector in a specific way, and what makes it possible to understand it in a unique manner (Corry, 2010, pp. 12-13). From this perspective, third sector organizations are seen mainly as procedures of bargaining that transcend the market and governability logic between citizens and political or economic agents, to provide action opportunities and agreements (Corry, 2010, p. 16). As well as the ontological definitions, it is subdivided into some categories, which are catalogued as system theory, discourse theoretical accounts and critical communicative civil society (Corry, 2010, p. 12). To summarize, system theory sees the third sector as a method of communication; on the other hand, discourse theoretical accounts identifies it as a way of organizing individuals and ideas; and critical communicative civil society acknowledges it as a channel of communication or struggle between different actors and holders of power (Corry, 2010, p. 12).

2.2.2 The status of third sector organizations in international law

When researching about third sector organizations in the international legal instruments, it can be found that the term NGO is the most widely used and accepted concept to refer to them. But at the same time, the concept of NGO has not been defined, and the term implies various connotations depending on the contexts (Willetts, 2016). The lack of definition leads to the premise that third sector organizations have not been delineated in international law; and even the concept of NGO, which is the common term used to refer to them, is equally vague.

Consequently, the juridical approaches have focused on the legal status of NGOs at the national level and the effects in international law (Martens, 2003, p. 19). Whereas the situation of NGOs might be well handled by the domestic legislation of many states, the standards to regulate and conceptualise them at the global level have not been clearly established by international law (Martens, 2003, p. 19). States have formalised legal instruments to regulate and delineate relevant international issues, but NGOs have not been acknowledged as holders of international legal personality, even when discussions have taken place since the beginning of the previous century (Martens, 2003, p. 19). Therefore, an international convention on the nature, establishment, requirements and legal status of NGOs is still needed; and for that reason, the UN criteria for NGOs is currently the leading point of reference (Çakmak, 2016, p. 12).

The introduction of the term NGO in the UN system can be attributed to the 1945 UN Charter, where the concept was used to set a difference between the participation by the specialized intergovernmental agencies and the involvement of private organizations (Charter of the United Nations, 1945, p. Article 71). Despite not being defined or even included on the first draft of the UN Charter, some provisions outlining the procedure of cooperation of NGOs were included in Articles 70 and 71 of the final version of the Charter, thanks to the pressure of many groups at the Conference by which the UN was established (Willetts, 2016, p. 2).

All the same, the acknowledgement made by the UN about the important role of NGOs does not automatically imply their recognition as international legal entities under international law. Equally, even when Resolution 1996/31 has governed the consultative relationship of NGOs since 1996, it is mainly focused on the requirements of these

interactions rather than on their definition and legal status (Consultative relationship between the United Nations and non-governmental organizations, 1996). Consequently, from the legal outlook of international affairs, NGOs still need to be addressed and States still have to establish the parameters for NGOs operations in the international field (Martens, 2003, p. 23).

On that account, the national legislation of the state where each NGO is established is the one that rules their condition. Then, it has to be taken into account that domestic laws differ from state to state and for that reason, the status of NGOs vary as well, especially regarding tax regulations and parameters for official recognition (Martens, 2003, p. 21). This situation can bring consequences at the international level, as the activities of an NGO can, for example, trespass the limits of its State of origin when it has branches under different national legal systems (Martens, 2003, p. 21). Likewise, as NGOs are required to have a legal status when applying for consultative status with ECOSOC, each NGO follows their different national jurisdictions when participating at the international level (Martens, 2003, p. 21).

Some scholars are of the opinion that this vagueness in defining NGOs in international law could be seen as a chance for diversifying the participation of civil society (Martens, 2003, pp. 2-3). But for other, the lack of agreement on NGOs as subject of international personality gives place to questions about their representativity and legitimacy (Martens, 2003, pp. 2-3).

2.2.3 The status of the third sector in the UN system

As pointed out previously, different disciplines and legislations have different focuses on third sector organizations (Jenei & Kuti, 2008, p. 13). Therefore, in line with the purpose of this research and to find out how the third sector is understood in the global environmental governance system, the departing point of this section will be the UN's view of the third sector.

UN's definition of the third sector

It is important to note that the definition of the third sector within the UN system seems to show a certain degree of incoherence with the way how it is managed in practice. This asseveration comes from the fact that for the UN, the third sector is, in theory, a

synonym of civil society, which is composed of CSOs and NGOs (UN, 2016). But in UNFCCC's practice, for instance, all the organizations that do not fall into its other categories—e.g. States, IGOs, UN bodies or media—are grouped into NGOs (List of participants COP21, 2015, p. 2). Therefore, NGOs and CSOs are not delimited; and what could be even more relevant is that some accredited organizations that would be better suited as market organizations—like Airlines for America for example—are included as NGOs (Observer organizations: UNFCCC, 2016).

So even if it is assumed that the UN has an epistemological perception of the third sector in theory, but an ontological view in practice, this is not entirely accurate as in practice it combines two of the three sectors of society: market and NGOs. As briefly mentioned in the description of epistemological definitions, this view has a substantial disadvantage as it places the third sector parallel but no equal to states and market (Corry, 2010, p. 15). Likewise, there is a lack of precision regarding the definition of NGO and CSOs within the UN system. For example, it can be found that the term NGO has been either included in the category of CSO—which has consequently been considered a broader category—or used as a synonym of CSO (UNDP in China, 2013, p. 124).

Although an explicit definition for both NGOs and CSOs by the UN cannot be found at this time, some documents of its subsidiary bodies refer to them. For example, the United Nations Development Programme (UNDP) in China published the document "Working with Civil Society in foreign aid: possibilities for south-north cooperation?", which contains a note on NGOs and CSOs terminology on its annexe 1 (UNDP in China) In the document, CSOs are defined as (…) *voluntary organizations with governance and direction coming from citizens or constituency members, without significant government-controlled participation or representation."* (UNDP in China, 2013, p. 123).

In the same vein, the Department of Public Information of the UN (DPI UN), assures that the term NGO encompasses any non-profit and voluntary citizen's group committed with the performance of humanitarian functions, monitoring activities and services related to the promotion of political participation among communities (DPI NGO, 2016).

It can be noticed in both definitions that NGOs and CSOs share essential characteristics, which are their voluntary, non-profit and citizens driven character. Even so, according to the document issued by the UNDP in China, NGOs should be accurately

perceived as a subcategory of CSOs, albeit regularly one without clear limits (UNDP in China, 2013, p. 124). But then again, this subsidiary body preferred to use CSOs as the most inclusive concept rather than deepening into the discussion about the pros and cons of the terminology (UNDP in China, 2013, p. 124). Furthermore, in practice, not all categories are as delineated as they seem. For example, the NGOs group includes not only representatives of civil society, environmental groups, indigenous populations, and research and academic institutes; but also delegates from business and industry, local governments and municipal authorities (Observer organizations: UNFCCC, 2016).

As a result, an official definition of NGOs and CSOs is still non-existent within the UN official documents. Therefore, the only clear specifications with regards to NGOs in the UN system are: they may be local, national or international and can be established around specific topics; they shall provide analysis and proficient information for serving as initial counselling mechanisms; they shall support the operationalization of international legal instruments (DPI NGO, 2016); they shall meet some essential organizational principles (ECOSOC, 2016, p. Paragraphs 9 to 13); they shall have an official standing within the particular field that they are representing; and finally, they shall represent large portions of the population and include members designated by governments provided it does not hinder the free expression of the organization's position (Consultative relationship between the United Nations and non-governmental organizations, 1996).

The third sector in the United Nation's practice

In practice, the participants of the meetings and conferences under the auspice of the UN are classified into three categories: representatives of parties to the convention and observer States; members of the press and media; and representatives of observer organizations. At the same time, observer organizations are categorized into three groups: the specialised agencies of the UN system, IGOs and NGOs (Observer organizations: UNFCCC, 2016). Both IGOs and NGOs are allowed to register delegates if they have observer status and have been admitted by the COP as observer organizations to the UNFCCC process.

It is important to note that even when the UN asseverates that civil society is the same as "third sector" and NGOs and CSOs compose it, only NGOs are mentioned when

referring to the two ways how civil society can participate in the work of the UN (UN, 2016). For example, the Integrated Civil Society Organizations System (iCSO)—one of the mechanisms developed by the Department of Economic and Social Affairs (DESA)—is referred to as the "(…) online registration of general profiles for civil society organizations (…)". In reality, the iCSO serves as a as a platform or database where those groups categorized as NGOs can register their general profile in order to apply for consultative status with ECOSOC, submit quadrennial reports and designate representatives to the UN. (UN DESA, 2016). This situation brings up the assumption that the concepts NGO and CSO are used indistinctively, they are not delimited, and they are even used as a residual category in the UN system.

NGOs have two options to take part in the work of the UN: a) through consultative status with the Economic and Social Council (ECOSOC); and b) through their association with the UN Department of Public Information (DPI). Additionally, NGOs without any of the status previously mentioned can be accredited to conferences and other one-time events (UN, 2016). These alternatives will be further described in the following lines.

Consultative status with the ECOSOC

The UN Charter established the Economic and Social Council (ECOSOC). One of the tasks assigned to this body was the preparation of appropriate arrangements for consultations with NGOs concerned with issues within its competence (Charter of the United Nations, 1945, p. Article 71). The relationship between the ECOSOC and the NGOs with consultative status is ruled by the ECOSOC resolution 1996/31. This resolution describes the eligibility requisites, their rights and responsibilities, the procedures for the withdrawal or suspension of consultative status, the role and tasks of the ECOSOC Committee on NGOs and the duties of the UN Secretariat in helping the consultative affiliation (Consultative relationship between the United Nations and non-governmental organizations, 1996).

The consultative status with the ECOSOC grants access to NGOs to the ECOSOC, its subsidiary bodies, the various UN human rights mechanisms, ad-hoc processes and the major events prepared by the President of the General Assembly (UN, 2016). This standing gives place to some direct involvement in the intergovernmental process

through either one of its three categories: general consultative status, special consultative status and roster status. Although the parameters for granting one status or the other are fairly vague, they can be briefly characterised.

The general consultative status is granted to relatively large and established international NGOs with an extensive geographical influence, specialised on issues contained on the agenda of ECOSOC and its subsidiary bodies (ECOSOC, 2016). The concessions and prerogatives granted to organizations with this status are the broadest. It enable them to attend the ECOSOC meetings and the meetings of its subsidiary bodies, to express their position, to circulate declarations of 2,000 words and to submit proposals for the provisional agenda of the ECOSOC and its bodies (Consultative relationship between the United Nations and non-governmental organizations, 1996).

The special consultative status is granted to smaller and newly established NGOs, with particular expertise or unique concern in exceptional subjects of activity covered by the ECOSOC (ECOSOC, 2016). Their privileges are similar to those of the general consultative status, with the difference that they cannot participate in the agenda proposal, they cannot speak during the ECOSOC meetings, and their written statements are limited to 1,500 words (Consultative relationship between the United Nations and non-governmental organizations, 1996).

The roster status is awarded to those NGOs that apply for consultative status but cannot be placed within any of the previous categories, due to their rather precise and technical focal point. The NGOs that have a formal status with other NGOs bodies or specialized agencies can be incorporated in the ECOSOC roster, which allows them to attend the meetings within their field of competence and submit their views in 500 words when formally invited by the ECOSOC or its subsidiary bodies (Consultative relationship between the United Nations and non-governmental organizations, 1996).

All the NGOs accredited by the UN that manifest their will to attend conferences held by the UN shall be authorized for participation regardless their status. Likewise, if other NGOs want to be accredited, they have to apply to the Secretariat of the particular conference to be able to do so (ECOSOC, 2011).

Association with DPI

Beneath the ECOSOC status, NGOs are offered the possibility to associate with the DPI, which despite not allowing participation grants access to the UN. Consequently, having consultative status with ECOSOC is not a prerequisite to associate with DPI, although NGOs with ECOSOC consultative status and reliable public information programmes can request association with DPI (DPI NGO, 2016).

Through the publication of UN activities all over the world, NGOs affiliated with DPI meet not only an educational role but also promotive functions, both of which are fundamental for the work of the UN at the most basic level (DPI NGO, 2016). By Resolution 1297 (XLIV) of 27 May 1968—derogated by Resolution E/1996/31 (Consultative relationship between the United Nations and non-governmental organizations, 1996)—, ECOSOC called DPI to associate with NGOs based on the legal statements about the support work required from NGOs. This association is made on behalf of the UN and in line with their own objectives, nature and scope of their activities (Arrengements for consultation with non-governmental organizations, 1968). As of June 2016, there were around 1,400 NGOs associated with the UN through the DPI to support the dissemination of information on topics of significant relevance within its agenda; like is the case of climate change, sustainable development or the protection of biodiversity (UN, 2016).

Accreditation to conferences and events

This certification must be requested for each event to the secretariat of each conference. The procedures are usually easier than the ones for full accreditation, even when it implies the submission of forms and papers related to the organization's activities (Baillat, 2016). Although it allows meaningful participation and access to formal sessions, it does not give place to a lasting relationship with the UN and the parameters and rights depend greatly on each conference (Baillat, 2016).

Through this status, NGOs have had not only the opportunity to interact with government delegates but also to take part in the side conferences offered as NGO forums, which incorporate information stands, main events and a variety of workshops (Baillat, 2016). One of the major drawbacks of this status is connected to the fact that

getting this accreditation usually takes an enormous amount of time and can even be hindered by states that disagree with the work of a specific NGO (Baillat, 2016). Nonetheless, the regulations are typically flexible, and a great practical advantage of getting this status is that active NGOs with lower status, can, in fact, get more access than less active NGOs with higher status (Baillat, 2016).

2.3 Summary

With the aim to establish a substantive framework for this research and clarify the sphere to which this thesis is expected to contribute, this chapter offered a theoretical, legal and institutional analysis of the concept of public participation, and the actors of public participation in global environmental governance. The theoretical approach on public participation showed that the diverse approaches to public participation could be categorised into instrumental and intrinsic, depending on its value. Also, the legal perspective indicated that public participation has been increasingly introduced in different legal documents of international environmental law since 1992, but a single body of legislation that regulates it at the international level has not been developed yet. Plus, the institutional analysis revealed that a substantial gap can still be noticed between the expectations of the participants and their real chances to impact the process, even when its practice has exponentially grown in the different decision-making processes under the auspice of the UN.

On the other hand, the theoretical approach on third sector organizations showed that the definitions of the third sector could be divided into ontological and epistemological, depending on the way how it is perceived. Furthermore, the legal perspective indicated that there is a lack of regulation of third sector organizations in international law. To conclude, the institutional analysis revealed that there is a lack of coherence about what third sector organizations are and the way how their participation is managed in practice. The analysed situations reaffirm the idea that although the importance of public participation and its corresponding actors for the global environmental governance structure are frequently highlighted, its legal regulation is still weak; and the questions of how and under what circumstances public participation makes a difference in practice are still not adequately answered by academic literature.

3 Research Design and Method

This research provides an example of public participation in an international decision-making process. With the aim to analyse the role of public participation in the current global environmental governance system, the holistic particular real-life case selected for this thesis has been the pre-negotiation stage of the climate change decision-making process that resulted in the adoption of the 2015 Paris Agreement and the pre-2020 strategies on climate change. Additionally, specific cases of public participation in that process have been selected and defined as embedded sub-cases. As such, it tries to clarify the present circumstances in a social phenomenon and seeks to contribute to the existing knowledge on public participation in global environmental governance issues. As a result, this thesis offers an extensive, in-depth, holistic and real world perspective of its status and effectiveness in the pre-negotiation stage of an international decision-making process: the pre-negotiation of the 2015 international climate change agreement. Accordingly, this chapter describes the research design and method selected for this thesis and the techniques used for the interpretation of the findings.

3.1 Description of Research Design and the Choice of Methods

This thesis provides an in-depth analysis of public participation in the pre-negotiation stage of the 2015 climate change decision-making process, so as to offer a deeper understanding of public participation in global environmental governance. Given that, the participation of four NGOs selected as embedded sub-cases was described, analysed and compared, with the aim to identify theoretically relevant characteristics in the light of theoretical, legal and institutional concepts about public participation; and offer a more detailed analysis of public participation in global environmental governance decision-making processes.

The approach chosen for this research was a case study, for the reason that it is the most appropriate method to achieve the results sought with this thesis; that is, the desire to understand and explain in-depth how a contemporary and complex social phenomenon works (Yin, 2014, p. 4). Case-orientated studies are naturally sensitive to the intricacy and historical specificity, and hence suitable for examining the “empirically defined historical outcomes in the research” (Ragin, 1987, p. ix). As this research is aimed to explain how public participation works in the current global environmental

governance system, it tries to clarify the present circumstances in a social phenomenon. In addition to that, this thesis seeks to contribute to the existing knowledge on public participation in global environmental governance issues, by offering an extensive, in-depth, holistic and real world perspective of its current role and effectiveness in the pre-negotiation stage of international decision-making processes. According to Jennifer Mason, comparing, developing and tracing, describing, predicting or theorising, are some of the techniques that can be used for approaching social explanations (Mason, 1996, pp. 136-138). This research presents features of all the categories, with a precise focus on describing, developing and tracing, and comparing.

A unique advantage of doing a case study compared to the other research strategies is the possibility to collect lots of detailed information that would not be easy to obtain when using other research designs. Moreover, case study offers a remarkable opportunity to adjust ideas and produce new hypotheses that can be used for future assessments (Yin, 2014, p. 12). It is fair to say though that other methods cover many topics better than a case study does; but the general idea is that diverse research methods serve complementary functions and a study that takes a different approach might even use multiple methods that include the case study (Yin, 2014, p. 4).

In agreement with Charles C. Ragin's view, case-orientated methods should be seen as whole entities rather than assemblages of fragments or gatherings of scores on variables (Ragin, 1987, p. x). Likewise, outcomes should be studied regarding intersections of factors, assuming that any of different mixtures of factors could give place to a particular result (Ragin, 1987, p. x). This view facilitates the understanding of diversity and the addressing of causal complexity while offering a chance for further direct analysis of the cases in their context (Sigurgeirsdóttir, 2005, p. 47). Hence, case-oriented research was chosen with the aim to deliver not only causally analytic elucidation but also historical explanations. The selection is in line with the desire to comprehend important historical processes by assembling evidence together, taking into consideration historical chronology and presenting a limited historical overview which depends on the context (Ragin, 1987, p. 35).

This research meets the basic scope and features of case study approach, namely: (a) the focus of the research was to answer "how" and "why" questions; (b) the behaviour of those involved in the study could not be manipulated by the researcher;

(c) the research was designed to cover contemporary contextual conditions departing from the belief that they are significant for the phenomenon studied; and (d) the boundaries between the phenomenon and context were not clear (Yin, 2014, p. 2). The methodological approach for the case study research was developed in three main steps: a) case study design; b) case study selection and c) case study analysis (Yin, 2014, pp. 3-24). These three steps will be described in the following subchapters.

3.2 Case Study Design

Every form of empirical research study has either an implicit or explicit research design, as it constitutes the logical sequence that links the first-hand data to the preliminary research questions and its conclusions (Yin, 2014, p. 28). Then, the research design is much more than a work plan; it is the blueprint for the research that deals with at least four problems: what questions to study, what data is relevant, what data to collect, and how to analyse the results (Yin, 2014, p. 28). This case study was designed considering the five building blocks of research designs, as proposed by Robert Yin: 1) questions; 2) propositions; 3) units of analysis; 4) logic linking the data to the propositions; and 5) criteria for interpreting the findings (Yin, 2014). The logical approach to research design used for this project is meant to produce a set of case level evidence, at the same time that it ensures a high-quality output for this particular research. Additionally, it is expected to achieve the outcome of setting the basis and agenda for future research and studies in this field.

3.2.1 Research Questions

The thesis was designed to examine this general research question: how successful is public participation in influencing decision-making processes, in global environmental governance issues? With the aim to reach some conclusions on the subject, the following specific questions were addressed, based on a descriptive case study of the participation of NGOs during the pre-negotiation stage of the decision-making process that gave place to both, the Paris Agreement, and the establishment of pre-2020 strategies on climate change:

a) How has the increasing number of NGOs impacted the effectiveness of public participation in global environmental governance?
b) Is the current framework for public participation at the UN level hindering the

effectiveness of public participation in global environmental governance? If so, how and why?

c) Is the lack of a solid international legal framework for NGOs affecting public participation in global environmental governance issues? If so, how and why?

These questions were born from the gaps detected by the author, from the theoretical, legal and institutional perspectives. In the same way, the questions were inspired by the asseveration of some scholars that the substantive examination of the factors that obstructs or ease public participation in global environmental governance issues, can offer an insight of the questions of how and under what circumstances NGO participation makes a difference (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 65).

In line with the purpose of this thesis, "effectiveness" shall be understood as the extent to which something is capable of generating the wanted outcomes (Oxford University Press, 2008). Additionally, the definition of influence used by Knoke in his study of political networks, and suggested by Betsill and Corell in the context of international environmental negotiations, was utilised in this study (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 74). Hence, influence is said to have occurred "when one actor intentionally transmits information to another that alters the latter's actions from what would have occurred without that information" (Knoke, 1990, p. 3).

3.2.2 Propositions

The propositions that directed the attention to the factors that were examined in this research are:

The increased number of participating NGOs has not necessarily made public participation more effective. NGOs are commonly invited to take part in international processes because they are perceived as the representatives of civil society, and consequently, their involvement is understood as legitimizing or democratizing the decision-making processes (Foti & Werksman, 2011, p. 2). After the Rio Summit in 1992, there has been a growing number of organizations taking part of the international decision-making processes on environmental issues; even so, it has been argued that there is a need to improve the quality of civil society participation (Foti & Werksman,

2011, p. 2). Therefore, this thesis focused on determining if NGOs participated not only as observers but also as informers, shapers and representatives of people and interests that governments might not have been represented adequately during the 2015 climate change decision-making process. This element was studied to find out if NGOs played an active role by making use of formal means of participation; or if they most likely participated as mere observers.

The way how public participation is managed within the UN system, impedes the proper representation of civil society in the global environmental governance system. In the view of the UN, civil society is one of the three sectors of the international governance structure; the other two being government and business (United Nations, 2016). However, in practice, it seems to combine business and CSO into one sector, disregarding the actual differences between both. This research focused on analysing if this view places the civil society sector parallel but no equal to the other segments of the international governance structure, and then proceeded to examine how this situation can hinder the effective participation of civil society in international decision-making processes on environmental issues.

The lack of regulation of public participation in international law can hinder not only its effectiveness, but also the representativity and legitimacy of NGOs. The study of international law has shown that the participation of civil society remains meaningfully unregulated; and for that reason, the rights and duties of NGOs under the UN Charter are not very different from those developed by the League of Nations (Martens, 2003, pp. 2-3). This situation seems to be a consequence of the fact that more effort has been put into regulating the relationship between NGOs and other actors during the last years than into setting criteria for the organizations in general (Martens, 2003, p. 16). Some studies suggest that this lack of regulation might interfere with the effective participation of civil society, as well as it raises questions about the representativity and legitimacy of the participating organizations (Martens, 2003, p. 3). Therefore, this research focused on analysing how the lack of an international legal framework for public participation, interferes with the effectiveness, representativity and legitimacy of both, public participation and NGO involvement in practice.

3.2.3 Units of Analysis

A case study can be conducted either through single or multiple case studies. In this research, the case was holistic, and it had embedded sub-cases within the general holistic case. Then, the holistic particular real-life case that constituted the concrete manifestation of the abstraction was public participation in the pre-negotiation stage of the 2015 climate change decision-making process. The reason for choosing this case has to do with its contemporaneity, internationality, interdisciplinarity and importance, as it represents the commitment of 196 nations, more than 7 billion of people and hundreds of industries to face the current and projected challenges of climate change (UNEP Climate Action, 2016). Additionally, it has been widely acknowledged that the major Conferences of the Parties (COPs) to the different multilateral environmental agreements have historically called the attention of NGOs on a massive scale, which led to select the 2015 climate change decision-making process as an excellent opportunity to study the phenomenon.

Four NGOs were selected as embedded sub-cases, to offer a more detailed analysis of public participation. The NGOs chosen for the study were picked among the ones that participated with submissions during the pre-negotiation stage of the 2015 climate change decision-making process, which were in ECOSOC consultative status and accredited by the UN as official observers to the UNFCCC. Due to the lack of an international legal framework for public participation, the national legislation of the State where each NGO is established is the one that rules their condition; and therefore, each NGO follows its corresponding national jurisdiction when participating at the international level (Martens, 2003, p. 21). Consequently, as one of the research questions has to do with the implications of this lack of international legal framework, the four NGOs selected as embedded sub-cases are organizations with headquarters in different countries. A more detailed explanation of the case study selection can be found in section 3.3 of this chapter.

3.2.4 Linking data to propositions

Based on desk research and qualitative analysis, this thesis offers a description and examination of the normative foundations, methods, actors, process, results and extent of public participation in the pre-negotiation stage of the international 2015 climate

change decision-making process. The research process entailed the application of some approaches such as the analysis of available documentation to identify the primary drivers or obstacles for the success or failure of the studied initiatives, and their effects on global environmental governance. The main sources of data analysed were the submissions issued from the NGOs selected as embedded sub-cases, UN documents, literature, previous research works, and related legal instruments and procedures.

A semi-structured questionnaire was elaborated to consult the NGO representatives who authored the submissions to the ADP or coordinated the side events held at the TEM, on behalf of the NGOs selected as embedded sub-cases. The questions were related to the organizations' role during the pre-negotiation of the 2015 climate change agreement, their experience and their insight of the opportunities granted for NGO involvement (see Appendix 6). The representatives of the WBCSD, Greenpeace and MBBI acceded to answer the questionnaire. Conversely, there was a lack of response from the contacted representatives of the IGES.

While the representative of Greenpeace and the representative of MBBI answered the questionnaire, the representative of the WBCSD contacted in the first place manifested her impossibility to provide answers due to her busy schedule. For that reason, she asked the climate policy manager to replace her for the task; and the climate policy manager offered an interview via Skype instead. Nonetheless, as the climate policy manager had been appointed to the position in September 2016, she was not part of the WBCSD at the time of the pre-negotiation of the Paris Agreement. Consequently, the questions of primary interest for this research from the perspective of the IGES and the WBCSD of the NGOs remained unanswered.

The process of linking the data to the propositions focused on the way how NGOs participated in the pre-negotiation stage of the Paris Agreement and the establishment of the pre-2020 strategies on climate change. Given that, the way how their contributions were reflected or not in the Paris Agreement and the documents that contain the pre-2020 strategies on climate change were analysed as well. The approach used in this study to link the data to the propositions followed a cycle that involved the original research questions, the data, the interpretation of the data, the statement of the findings and the conclusions (Yin, 2014, p. 136). The technique mainly used was pattern-matching, as it allowed to connect the empirically based patterns—the ones

based on the findings from the case study—with the patterns foreseen before the collection of the data (Yin, 2014, p. 142).

3.2.5 Criteria for interpreting the findings

Two general strategies were used for interpreting the findings: relying on theoretical propositions and examining possible rival explanations (Yin, 2014, pp. 136-141). Accordingly, the theoretical propositions that helped to organise the entire analysis yielded the analytical priorities and orientated the interpretation of the findings to the critical contextual conditions and details examined (Yin, 2014, p. 136). Furthermore, the rival hypothesis included in the theoretical propositions were addressed when interpreting the findings (Yin, 2014, p. 140). Regarding the application of analytic generalisation, the previously developed theory was used as a prototype to compare the practical results of the case study. Given that, the effectiveness of the participatory process in representing the actors involved and their influence on the final outcomes was analysed based on the theoretical framework.

3.3 Case Study Selection

The case selected for this research was holistic, and it had embedded sub-cases within the general holistic case. Then, the holistic specific real-life case that constituted the concrete manifestation of the abstraction was public participation in the pre-negotiation stage of the 2015 climate change decision-making process.[1] Besides being subject to the limitations of a Master's thesis, this research was deliberately limited by the design, the methodological approach and the research focus. Therefore, this research focuses on NGO participation through formal submissions, during the pre-negotiation stage of the international decision-making process that gave place to the adoption of the Paris Agreement and the establishment of pre-2020 strategies on climate change.

[1] For a more detailed explanation of the stages global environmental decision-making processes, see chapter four of this thesis.

Table 1. Stages of the 2015 decision-making process on climate change

Stages of the Decision-Making Process	2015 Climate Change Process
Pre-negotiation	2012 – 2015 ADP
Negotiation	30 November to 12 December 2015 Paris Climate Change Conference (COP 21 and CMP 11)
Adoption	12 December 2015 Paris Climate Change Conference (COP 21 and CMP 11)
Signature	22 April 2016 to 21 April 2017 Earth's Day
Ratification, accession, acceptance, approval or succession	Depends on each country
Entry into force	4 November 2016 Threshold achieved on 5 October 2016

Among the NGOs that participated with submissions to the ADP during the pre-negotiation of the 2015 agreement on climate change, four of them were selected as embedded sub-cases with the aim to offer a more detailed analysis. In this regard, it should be kept in mind that NGOs can participate on environmental issues in different ways, like, for example, by raising awareness of environmental problems; by lobbying decision-makers so as to affect national and international policies ; by directing boycotts to change environmentally unfriendly corporate practices; by helping to observe and implement international environmental agreements; and finally, by participating in international negotiations (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 67). Although both public participation and NGOs remain meaningfully unregulated at the international level, the possibility to send submissions during international environmental negotiations is perhaps one of the few formal modalities of NGO cooperation, as it has

some pre-established rules in the UN system.[2] Therefore, as it can be said that NGO involvement through submissions currently represents one of the most formal ways of participation and accounts with written evidence, it constituted the focus of this study.

The data about the organizations that participated with submissions during the 2015 climate change decision-making process was requested via email to the Observer Organizations Liaison Unit of the UNFCCC in August 2016. An expedite reply was received, and it contained the link to the web page where the information was documented; along with their gratitude for showing concern on the UNFCCC and their interest in seeing the results of the research once completed.

By examining the information found on the web page, it was found that in different occasions between 2012 and 2015, the ADP invited parties and admitted observer organizations to submit information for the elaboration of the 2015 climate change agreement and the establishment of pre-2020 strategies (UN, 2016). Then, among the 1900 admitted NGOs to the UNFCCC, 1079 registered their representatives for the twenty-first session of the Conference of the Parties (COP21) and the eleventh meeting to the Kyoto Protocol (CMP11) (List of Participants, 2015, p. 2). However, when reviewing the submissions from non-Party stakeholders to ADP, it was found that only sixty NGOs of those attending had participated with submissions either jointly or independently. While only two of those sixty NGOs are in general consultative status with ECOSOC, sixteen are in special consultative status and fifteen are in ECOSOC roster. Alongside, the remaining twenty-seven NGOs are not in consultative status with ECOSOC; and those NGOs were the ones that sent their views jointly with some NGOs in consultative status (See Annex 1: Submissions from NGOs to the ADP). Consequently, four of the eighteen NGOs in consultative status with ECOSOC, with different country of origin and who sent individual submissions to the ADP, were initially selected for this study (See Table 2).

[2] See further: Chapter Two.

Table 2. NGOs initially selected as embedded sub-cases.

NGO	Year of Establishment	Amount of submissions	ECOSOC Status	Headquarters
Climate Action Network International (CAN)	1989	15	Special since 2012	Lebanon
Environmental Defense Fund (EDF)	1967	6	Special since 1993	United States
Greenpeace International	1971	1	General since 1998	The Netherlands
The IGES	1998	4	Special since 2003	Japan

CAN and EDF were selected for the reason that they were among the most active NGOs, as they participated with multiple submissions. Nevertheless, they were later replaced by MBBI and the WBCSD (See Table 3). The reasons underlying the replacement were the limitations posed by the required length of the thesis and the fact that the high number of submissions to analyse implied by the previous selection, would not necessary illuminate the research questions.

Table 3. NGOs selected as definitive embedded sub-cases.

NGO	Year of Establishment	Amount of submissions	ECOSOC Status	Headquarters
Greenpeace International	1971	1	General since 1998	Switzerland
The IGES	1998	4	Special since 2003	Japan
MBBI	2006	2	Special since 2012	Netherlands
The WBCSD	1991	3	Roster since 1998	United States

By including the WBCSD, the number of submissions to analyse were halted, and the perspective from a business-NGO with ECOSOC roster consultative status was introduced in the study. These are the NGOs finally selected as embedded subcases and they will be briefly described in the following lines.

3.3.1 Greenpeace International

Greenpeace International is an independent international campaigning organization focused on changing corporation's and government's attitudes for the protection and conservation of the environment (Greenpeace International, 2016). Its work expands to more than 55 countries across Europe, the Americas, Asia, Africa and the Pacific (Greenpeace International, 2016). It has different projects aimed to address climate change, defend the oceans, protect biodiversity, promote alternatives to hazardous chemicals, campaign for sustainable agriculture and call for the elimination of nuclear weapons, among other topics of environmental relevance (Greenpeace International, 2016).

The organization was established as a foundation-type non-profit entity based in Amsterdam, the Netherlands (Greenpeace International, 2016). With the purpose to keep its independence from governments and corporations, it exclusively accepts donations both from individual supporters and foundation grants, in line with their belief to avoid permanent alliances or enemies and for the sake of promoting open and informed debate about society's environmental choices (Greenpeace International, 2016). There are 26 independent national and regional offices across the wold that are licensed to use the Greenpeace name within their territories, but each one operates by the legal system of the state where they were set up in (Greenpeace International, 2016). Within the UN system, Greenpeace International is registered as an NGO with general consultative status since 1998 (UN DESA, 2016).

The story of the organization started with a protest led by a group of volunteers and journalists in 1971 when they sailed on a small boat to the north of Alaska to stop an underground nuclear weapon test carried out by the US Government (Greenpeace International, 2016). After that, they continued 'bearing witnesses' in a non-violent way and using research, lobbying, diplomacy and discussions to raise the quality of public debate on environmental issues around the world (Greenpeace International, 2016). The main strategies employed by the organization consist of using their ships at the front position of their campaigning activities, by sailing to remote areas to fight in a non-violent manner against environmental damage (Greenpeace International, 2016). Additionally, the organization advises on smart risk taking, uses freedom of expression

to defend its actions in courts of law and engages in proactive litigation against environmental degradation (Greenpeace International, 2016).

3.3.2 Institute for Global Environmental Strategies (IGES)

The IGES is a research organization based in Japan. The objective of the institute is the development of strategic policy investigation for environmental action in the Asia-Pacific region, as well as at the international level (IGES, 2016). Although IGES was established under a 1998 initiative of the Japanese government, it made the transition to a Public Interest Incorporated Foundation in April 2012 (IGES, 2016). Regardless its legal form, it is classified under the iCSO as an NGO with ECOSOC Special Consultative Status since 2003 (NGO Branch - United Nations Department of Economic and Social Affairs, 2016). Its general organizational structure consists of a Chair of the Board Directors, a Secretary General, a President, a Deputy Secretary General, a Program Management Officer (PMO) plus an Overseas Operation Area (IGES, 2016).

As mandated by the Charter for the Establishment of the IGES, the organization is aimed to face the central challenges brought by the ongoing global environmental crisis. This is achieved through the creation of new techniques and a new social paradigm that redefines the values and value systems of our current civilisations (IGES, 1997, p. Preamble). Therefore, IGES supports research cooperation not only with international organizations but also governmental institutions, research organizations, business sectors, NGOs and citizens; in addition to hosting conferences and study workshops (IGES, 2016).

Its strategic operations include networking, capacity building, knowledge management and outreach to promote policy changes for sustainable development, in cooperation with fourty-eight national and international institutions (IGES, 2016). Thus, it has fifteen different initiatives and networks including the International Research Network for Low Carbon Societies (LCS-RNet), the Global Research Forum on Sustainable Production and Consumption (GRF-SPC) and the ASEAN Environmentally Sustainable Cities (ESC) Model Cities Programme (IGES, 2016).

The sound and solution-orientated research of the institute focuses on the Asia-Pacific region on topics such as climate and energy, sustainable consumption and production, natural resources and ecosystem services, green economy, business and

environment, integrated policies for sustainable societies, and sustainable cities (IGES, 2016). The results and findings are compiled in the form of databases and also published in a wide variety of publications like the IGES White Paper, policy briefs and policy reports (IGES, 2016).

3.3.3 Mediators Beyond Borders International (MBBI)

MBBI is an international non-profit organization focused on the transfer of mediation and expertise to communities around the world (MBBI, 2017). It was founded in 2006 by a group conflict resolution organizations; namely, the United States Institute of Peace, Humanity United, the International Centre for Dispute Resolution, Rotary, JAMS, Samuel Rubin Foundation, IIPC, Wil of Greater Philadelphia and the Rotarian Action Group for Peace (Rotary, 2016). Since then, its consultants have worked in a cross-culturally way in different countries, on topics such as community reintegration, refugees and internally displaced peoples, gender-based issues, public policy and climate change (MBBI, 2017).

MBBI is registered as a non-profit organization under the United States legal system (MBBI, 2017) and classified as an NGO with ECOSOC special consultative status since 2012 within the UN system (NGO Branch - United Nations Department of Economic and Social Affairs, 2016). It is composed of multidisciplinary teams integrated by more than two hundred volunteers and more than one hundred organizations in North and South America, Europe, Asia, the Pacific and Africa (MBBI, 2017). These teams join their efforts to implement, design and put into operation specific projects aimed to enhance social abilities to recover from harsh conflicts, pacify communities establish solid conflict management techniques (MBBI, 2017).

MBBI runs different projects to engage in three primary objectives: capacity building, mediation through advocacy and consultancy assistance (MBBI, 2017). Their capacity building projects take place mostly in countries that have suffered the consequences of war and natural disasters (e.g. Colombia, Ecuador, Israel, Kenya, Nepal and Sierra Leone) (MBBI, 2017). On the other hand, their mediation activities are focused on the participation and attendance of the organization to the different UNFCCC climate change talks and conferences (MBBI, 2017). By developing this task, they advocate for the inclusion of the term “mediation” in the UNFCCC's legally binding

agreements, as an additional method for the resolution of disagreements and controversies arising from climate change (MBBI, 2017).

Similarly, MBBI promotes the development of programs on public awareness and education on mediation, conflict management and informal problem solving to face the effects of climate change. Additionally, besides providing direct mediation services, MBBI supplies tuition and preparation in the different conflict resolution techniques, with the aim to help people and institutions resolve their differences and disputes (MBBI, 2017).

3.3.4 World Business Council for Sustainable Development (WBCSD)

The WBCSD is an international CEO-led organization, integrated by more than 200 well-known business and partners that seek to hasten the transition to a sustainable world (WBCSD, 2017). In the UN system, the WBCSD is registered as an NGO with roster consultative status since 1998 (WBCSD, 2017). Through the work that the organization develops with member companies along and across value chains, it focuses on offering high-impact business solutions to the most challenging sustainability problems for shareholders, the environment and societies (WBCSD, 2017).

In 1990, the Secretary-General of the UNCED—also known as the Rio de Janeiro Earth Summit—invited the Swiss businessman, Stephan Schmidheiny, to be his key advisor on business and to lead the participation of the sector at the UNCED (WBCSD, 2017). Given that, Schmidheiny created the Business Council for Sustainable Development (BCSD) with 48 business leaders, and its first meeting took place on 12 April 1991, in The Hague (WBCSD, 2017). The successful participation of the corporate sector at the UNCED led to the publication of the book “Changing Course: A global business perspective on development and the environment” (WBCSD, 2017). This book collected the expertise of more than 50 international business leaders and indicated how the corporate sector could bring together environmental protection and economic growth. Here, the concept of “eco-efficiency” was coined, to refer to the creation of “more value with less impact” (WBCSD, 2017).

In 1995, the BCSD merged with the World Industry Council for the Environment, and it gave place to the WBCSD (WBCSD, 2017). Although its secretariat is located in Geneva, Switzerland, its second office opened in Washington DC, the United States in 2007. It

has around 200 members from more than 35 countries and 20 major industrial sectors, engaging more than 1.000 business leaders internationally, a combined revenue US$8.5 trillion and an international network around 70 national business councils and 19 million employees.

The WBCSD works with leading companies to define high-impact business solutions across six main clusters: climate and energy, ecosystems and landscape management, social impact, sustainable lifestyles, sustainable material, and water (WBCSD, 2017). The members of the WBCSD drive projects through the network, where they can also learn from other leading companies, work in cooperation with stronger partners and get access to mechanisms and expertise to advance on their transition towards sustainability (WBCSD, 2017). Accordingly, the organization has projects in areas such as cement sustainability, chemicals, corporate greenhouse gas (GHG) accounting and reporting, climate-smart agriculture, education, energy efficiency in buildings, forest solutions, non-financial measurement and valuation, reporting, sustainable mobility, tire industry, and zero emissions cities (WBCSD, 2017).

3.4 Case Study Analysis

Case study analysis makes reference to the examination, categorization, tabulation, testing or recombination of evidence, to give place to empirically based findings as a reproduction of the preliminary study propositions (Yin, 2014, p. 132). Given that, the analysis of this case study was guided by the propositions that helped to structure the entire analysis, yielded the analytical priorities and orientated the interpretation of the findings to the critical contextual conditions and details examined (Yin, 2014, p. 136). Furthermore, the rival hypothesis included in the theoretical propositions were addressed when interpreting the findings (Yin, 2014, p. 140).

The NGOs selected for this research were: Greenpeace International, the IGES, MBBI and the WBCSD. These organizations sent submissions to the ADP in different periods and regarding different workstreams, as illustrated in Table 4.

Table 4. Submissions from the NGOs selected for the case study

Year	Workstream 1 Paris Agreement		Workstream 2 Pre-2020 strategies		
2012	MBBI	WBCSD	-	-	-
2013	IGES	-	Greenpeace	IGES	-
2014	WBCSD	-	IGES	IGES	WBCSD
2015	MBBI	-	-	-	-

In line with the purpose of this thesis and as pointed out earlier in this chapter, "effectiveness" was understood as the extent to which something is capable of generating the wanted outcomes (Oxford University Press, 2008). In addition to that, influence was said to have occurred "when one actor intentionally transmits information to another that alters the latter's actions from what would have occurred without that information" (Knoke, 1990, p. 3). Then, the effectiveness of public participation and subsequently NGO influence was evaluated in chapter five by scrutinising if the submissions from the NGOs selected as embedded sub-cases were identified in the final outcomes of the work of the ADP.

Accordingly, the submissions on Workstream 1 from the selected NGOs, were compared with the text of the Paris Agreement, as it represents the final result of the task assigned to the ADP in this regard. By leaving out the other documents that resulted from the work of the ADP—such as the informal reports of the ADP's meetings and the different drafts to the Paris Agreement—, this research is not ignoring their relevance. Those documents are considered an important source that could shed some light on the possible consideration of the topics presented by the NGOs in their submissions; especially in the cases when they were not included in the Paris Agreement itself. Unfortunately, they were not counted in this analysis for the reason that they fall outside the main scope of this thesis, which consists of the analysis of the effectiveness of public participation as previously explained.

On the other hand, the submissions on Workstream 2 were assessed based on two factors. First, it was examined if each of the NGOs selected for this case study had the opportunity to present their views during the Technical Expert Meetings (TEMs) on the

thematic area related to the topic of their submissions. Then, if they had the chance to do it, their contributions were compared with the information contained in the Summaries for Policymakers (SPMs) on each thematic area. As a consequence, the technical papers and the policy options—the other two key results of the work of the ADP on Workstream 2—were not subject to study when analysing the submissions on Workstream 2 from the studied NGOs.

The reason for analysing only the SPMs and not the technical papers and the policy options relies on the fact that the SPMs are designed to encompass all the relevant information in a shortened version, specifically for policymakers (UNFCCC, 2016). Accordingly, the SPMs can be understood as the "knowledge brokers" that translate the information provided by scientists and experts to policymakers (Choi, et al., 2005, p. 632). In that sense, it could be said that among the information made available on Workstream 2, the SPMs are the ones specifically aimed to serve as the instruments to ensure that policymakers are basing their decisions on the most suitable science; and that scientist and experts are shedding light on policies.

After describing and examining the submissions sent to the ADP from the four NGOs selected as embedded sub-cases, their content was summarised, and their influence—or lack of it—in the final outcomes was compared and analysed in chapter six. Regarding the application of analytic generalisation, the previously developed theory was used as a prototype to compare the results of the case study and draw some conclusion based on the propositions. Then, a statement of results of the information presented in chapter five and compared in chapter six was interpreted in line with the theoretical framework introduced in chapter two of this thesis. As a result, some inferences drawn from the findings were revealed, contrasted with the theories that constituted the framework for this thesis and complemented by the information provided by the NGO representatives that answered the questionnaire. Those inferences were accompanied by suggestions on topics that might need further research, along with some areas that could be tackled to enhance the effectiveness of public participation in global environmental governance, specifically with regards to the participation of NGOs in international environmental negotiations.

3.5 Summary

This chapter presented the research design and method selected and all its phases. The first section explained the reasons why case study was chosen as the research strategy for this study. The second segment described further the research design, including its questions, propositions, units of analysis, logic linking the data to the propositions, and the criteria for interpreting the findings. The third section clarified the criteria used for the selection of the holistic and the embedded sub-cases within the general holistic case. Finally, the fourth part pointed out the strategies utilised for the case study analysis.

4 The International Climate Change Regime

Climate change has been defined as a global environmental problem; and even when its causes are still contested in some countries, the international political discussions have focused on the possible solutions rather than on defining whether it represents a real threat. Consequently, the magnitude and potential alternatives to face climate change have called the attention of all Nations, at the same time that it has opened space for international cooperation between different countries, actors, and institutions. This chapter presents a description of the diverse global negotiation processes that have been giving shape to the climate change regime. Accordingly, the first part briefly describes the role of the UN and the way how climate change was introduced in the international agenda, as a result of the concerns raised by the scientific community. After that, the most important global meetings on climate change will be mentioned, to then emphasise on the key agreements of the international climate change regime. These topics are presented with the aim to offer a better understanding of the climate change decision-making dynamics in global environmental governance, and to show a broad picture of the scenario where the participation of NGOs takes place at the international level.

4.1 The Role of the UN on Climate Change Issues

Although environmental governance has been primarily led by States, national governments have joint forces to create multilateral environmental agreements, along with a system of organizations and institutions to manage them (O'Neil, 2015, p. 26). Given that, Nation States have established International Governmental Organizations to make global cooperation easier (O'Neil, 2015, p. 26). The UN is probably one of the most important examples of international governmental organizations; and even when it was founded in 1945 as an international security and peace organization, more topics have been added to its mission throughout the years, being global environmental governance one of them.

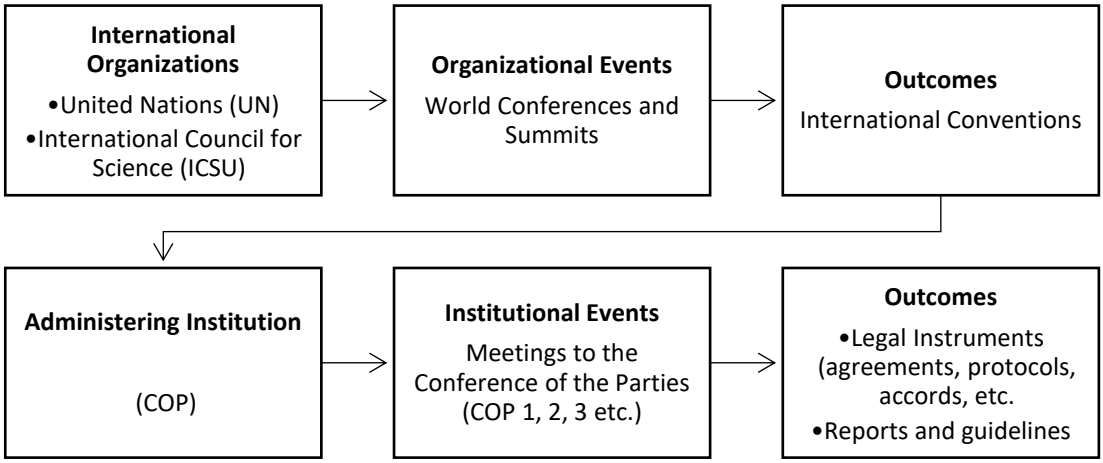
Since the first global summit on the environment in 1972—the Stockholm Conference on the Human Environment—the UN has played a key role in global environmental governance, by offering a scenario for international negotiations on environmental topics (O'Neil, 2015, p. 27). Although a broad body of environmental law

had already existed by then, the environmental agreements formalised before 1972 were not converged under any particular institution, as there had not been many initiatives to create a unifying international system (O'Neil, 2015, p. 28). Then, after 1972, the UN has led multiple global environmental processes that usually give place to conventions aimed to address specific problems; for instance, climate change (O'Neil, 2015, p. 29).

The secretariat administers every multilateral process led by the UN, and it usually involves the collaboration of subsidiary bodies, such as scientific committees and advisory groups (O'Neil, 2015, p. 29). The parties to a particular agreement—in this case, the official representatives of each country—hold periodical meetings known as the Conference of the Parties (COP). The COPs are aimed to make decisions that reinforce the agreement or set strategies to face new problems in the form of protocols, agreements, pacts, accords; among other similar terms utilised to refer to them (Treaties and International Agreements, 2016). The generic term used in this thesis to allude to them is *legal instruments*.

More than 190 countries have played a part in international environmental negotiations in the UN context, where they have a central authority in the decision-making processes. Additionally, hundreds of NGOs have participated as observers and have contributed with their expertise by commenting on plans under consideration and making formal declarations in plenary sessions (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 238). These processes are highly dynamic in practice, and for that reason, it is tough to categorise them in theory. Nonetheless, in order the make the explanation clearer, the core procedure of the global environmental decision-making processes can be characterised as having, at least, the steps illustrated in Figure 1.

Figure 1. Dynamics of global environmental decision-making processes.



It is important to keep in mind that an international agreement does not automatically enter into force after its adoption. That is, it does not start producing effects immediately, as this has to be preceded by certain steps: first, signature; then, ratification, acceptance, approval or accession;[3] and finally, entry into force (UNTC, 2016). Thus, once the States reach an agreement, the negotiations are officially concluded with the adoption of the legal instrument, which needs to be signed by the appropriate representative of each Party. The signature represents the intention of the Party to comply with the agreement, but it is not binding per se. Therefore, after the signature, each State has to follow its national procedures to approve the legal agreement; this is the step known as ratification. After the ratification, the agreement is officially binding for the Party, in line with the terms agreed on by the signatory Parties. The provisions of the agreement commonly contain the date on which the international agreement enters into force, generally at a specified time after its ratification by a certain amount of States. After all this process, the legal instrument finally starts producing effects (UNICEF, 2016).[4]

Of similar importance is the terminology of *soft* and *hard* law used in international law, which in simplistic terms refer to the non-binding and binding nature of the

[3] "The instruments of "acceptance" or "approval" of a treaty have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty." "Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification." (UNTC, 2016).

[4] For further illustration, see *Table 1: Stages of the 2015 decision-making process on climate change* in chapter three, p. 43.

agreements. Hence, *soft law* makes reference to the legal instruments that are not legally binding; that is, the agreements that are not directly enforceable. On the other hand, *hard law* refers to the international instruments that create enforceable duties and entitlements of the Parties (Mitchell & IEA, 2016). The binding or non-binding nature of each agreement depends on its wording and the legal nature assigned to the instrument by reliable sources (e.g. by the Secretariat, the UNFCCC, or an official legal examination) (Mitchell & IEA, 2016).

Each international convention has its objectives, processes, regulations and actors— including NGOs— (O'Neil, 2015, p. 29). As a consequence, the particularities of every multilateral environmental agreement is what has led analysts to refer to each one as a regime; that is, a set of norms, guidelines, procedures, and institutions that call the actors involved to address a particular problem (Conca, 2006). Given that, as the various international negotiations on climate change have created a set of norms, rules procedures and institutions to address the topic, it can be said that an international climate change regime has been taking shape during the last decades.

4.2 Insertion of Climate Change in the International Agenda

The official starting point of the climate change regime can be traced back to 1992 when the UNFCCC was formally adopted (UNFCCC, 1992). Nonetheless, the warnings of the scientific community about the increased greenhouse gas (GHG)[5] emissions started being considered in 1957. That year, Roger Revelle and H. E. Seuss advised about the risks of changing the composition of the global atmosphere, due the lack of capacity of the oceans to absorb the high levels of carbon dioxide (CO_2)[6] that were being emitted as a result of industrialization processes, which would ultimately cause a greenhouse

[5] "Greenhouse gases are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth's surface, the atmosphere itself, and by clouds. This property causes the greenhouse effect. Water vapour (H2 O), carbon dioxide (CO_2), nitrous oxide (N2 O), methane (CH4) and ozone (O3) are the primary greenhouse gases in the Earth's atmosphere. Moreover, there are a number of entirely human-made greenhouse gases in the atmosphere, such as the halocarbons and other chlorine and bromine containing substances, dealt with under the Montreal Protocol. Beside CO_2, N2 O and CH4, the Kyoto Protocol deals with the greenhouse gases sulphur hexafluoride (SF6), hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs)." (Intergovernmental Pannel on Climate Change, 2007, p. 82).

[6] "Carbon dioxide (CO_2) is the most important anthropogenic GHG. Its annual emissions have grown between 1970 and 2004 by about 80%, from 21 to 38 Gt, and represented 77% of total anthropogenic GHG emissions in 2004." (Intergovernmental Pannel on Climate Change , 2007, pp. Topic 2, Synthesis Report).

effect[7] (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 235).

While Svante Arrhenius had previously made some predictions about possible changes in the global temperature, it was not until 1957 that these claims started being addressed (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 235). After Revelle and Seuss had raised some concerns on the topic, the International Council of Scientific Unions launched an observatory in Hawaii to monitor atmospheric CO_2 concentrations (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 235). These observations were combined with other information that exposed the increasing CO_2 levels since the Industrial Revolution (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 235). Based on the findings of different research works, the World Meteorological Organization (WMO) organised the first World Climate Conference (WCC) in 1979. This conference was followed by a series of scientific meetings in Austria between 1980 and 1985, which produced a consensus on the legitimate threats posed by climate change (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 237). Subsequently, two additional conferences to discuss policy options were held in 1987, and they led to a general agreement on the need to immediately evaluate the long-term energy strategies, so as to reduce air pollution and CO_2 emissions (Jaeger, 1988, p. 37).

Building on the results of these last two conferences, the World Conference on the Changing Atmosphere was held in Canada, and it counted with the participation of scientists, policy makers, representatives from the industry sector and environmentalist (UNFCCC, 2016). The actors involved agreed on the "Toronto target", which called upon

[7] "Greenhouse gases effectively absorb thermal infrared radiation, emitted by the Earth's surface, by the atmosphere itself due to the same gases, and by clouds. Atmospheric radiation is emitted to all sides, including downward to the Earth's surface. Thus greenhouse gases trap heat within the surface-troposphere system. This is called the greenhouse effect. Thermal infrared radiation in the troposphere is strongly coupled to the temperature of the atmosphere at the altitude at which it is emitted. In the troposphere, the temperature generally decreases with height. Effectively, infrared radiation emitted to space originates from an altitude with a temperature of, on average, –19°C, in balance with the net incoming solar radiation, whereas the Earth's surface is kept at a much higher temperature of, on average, +14°C. An increase in the concentration of greenhouse gases leads to an increased infrared opacity of the atmosphere, and therefore to an effective radiation into space from a higher altitude at a lower temperature. This causes a radiative forcing that leads to an enhancement of the greenhouse effect, the so-called enhanced greenhouse effect." (Intergovernmental Pannel on Climate Change, 2007, p. 82).

States to diminish their CO_2 emissions 20 percent below 1988 levels by 2005 (World Meteorological Organization, 1988, p. 254). After that, the Intergovernmental Panel on Climate Change (IPCC) was set up in 1988 by the WMO and the UNEP, with the aim to gather scientific information on climate change and assess possible response strategies (IPCC, 2016).[8]

4.3 International Negotiations on Climate Change in the UN system

Following the World Conference on the Changing Atmosphere previously described, the UN started a process of international dialogues through the Intergovernmental Negotiating Committee (INC), as a result of the concerns brought by the IPCC's first assessment report (released in 1990) and the second WCC (UN, 2016). Its first session took place in 1991, and it marks the starting point of the process of setting national objectives to limit GHG emissions, especially by industrialised countries (UNFCCC, 2016). The INC met six times between February 1991 and May 1992, to prepare for the UNCED held Brazil in 1992, where the UNFCCC was adopted (UNFCCC, 2016).

There are currently 197 countries that have joined this international treaty, intending to control the increase in the average global temperature (UNFCCC, 1992). The COP to the UNFCCC—which accounts with the representation of each State that is Party to the Convention— has met every year after the convention entered into force on 21 March 1994. COP 1 took place in Berlin in 1995; and to April 2017, 22 meetings has been held, bringing meaningful outcomes for the international climate change regime as it will be briefly explained in this section (UNFCCC, 2016).

Main Outcomes of the Conferences of the Parties to the UNFCCC

By 1995, some countries had already started debates about the development of an additional legal instrument, to reinforcing the international response to climate change. These discussions represented the starting point of what later would be the Kyoto Protocol, a new legally binding agreement that was formally adopted in December 1997 at COP 3 (UNFCCC, 2016). Then, during its fourth, fifth and sixth meeting, the COP focused on the consolidation of the financial mechanisms, the adoption of guiding rules

[8] To 2016, the IPCC has released five assessment reports: 1990, 1995, 2001, 2007 and 2014 (Intergovernmental Panel on Climate Change, 2016).

for the preparation of national communications, capacity building, technology transfer and flexible mechanisms (UNFCCC, 2016). The most relevant outcome documents from these sessions were the Buenos Aires Plan of Action adopted at COP 4 in 1998, and the Bonn Agreements adopted at COP 6 in 2000 (UNFCCC, 2016).

Following these events, the general rules for the implementation of the Kyoto Protocol, its instruments for funding and planning for adaptation, and its framework for technology transfer were adopted in 2001 at COP 7 as the "Marrakesh Accords". These accords were posteriorly complemented at COP 9 in 2003 and COP 10 in 2004, along with the issues related to the implementation of the UNFCCC (UNFCCC, 2016). Due to a complicated process of ratification, the Kyoto Protocol entered into force seven years later, on 16 February 2005. This event gave place to the first Conference of the Parties to the Kyoto Protocol (CMP 1) later in the same year, which continued taking place jointly with the COP to the UNFCCC (UNFCCC, 2016). In line with the requirements of the Protocol, the Parties launched the Ad Hoc Working Group on Further Commitments for Annexe I Parties under the Kyoto Protocol (AWG-KP), with the objective to start the negotiations on the next phase of the Kyoto Protocol (UNFCCC, 2016). In 2006, this group received the name of the Nairobi Work Programme on Adaptation, which is focused on the facilitation of information sharing and development to support adaptation actions and policies (UNFCCC, 2016).

At COP 13 in 2007, the Parties adopted a process called the Bali Road Map. This initiative consisted of a two-year process towards a reinforced climate change agreement and the post-2012 results under two working groups: the AWD-KP previously mentioned, and the Ad-Hoc Working Group on Long-Term Cooperative Action under the Convention (UNFCCC, 2016). Besides the two working groups, the Bali Road Map established the Adaptation Fund and some decisions on transfer of technology and reduction of emissions from deforestation (UNFCCC, 2016).

Building on the intense negotiating schedule set up at COP 14, a group of accords were adopted at COP 15 in 2009, regarding the long-term objective of restraining the maximum global average temperature increase to 2 degrees Celsius above pre-industrial levels. These accords, known as the Copenhagen Accords, contained the commitment to report the efforts undertaken to reduce GHG emissions regularly; and the long-term commitment to finance developed countries (UNFCCC, 2016).

Then, COP 16 took place in 2010, and it gave rise to a new set of norms and institutions in line with the existing regime, to deal with the fluctuating character of climate change (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 238). The importance of this meeting relies on the creation of the Cancun Agreements, the establishment of the Green Climate Fund, the creation of the Adaptation Committee and the commitment to make a technology mechanism operational by 2012 (UNFCCC, 2016). The Cancun Agreements have been referred to as one of the most relevant accomplishments for the UN climate process. It constituted the pillars of the biggest global efforts to diminish emissions with integrated national plans, within a complete package under the UNFCCC agreed until then (UNFCCC, 2016).

During COP 16, the Parties to the UNFCCC had decided to review whether the goal of keeping global average temperature below 2 degrees Celsius required strengthening in the future, based on the existing scientific knowledge. This objective was subject to evaluation during COP 17 in 2011, and it resulted in the resolution to adopt a new international climate agreement by 2015. Therefore, Parties decided to create the so-called Ad Hoc working Group on the Durban Platform for Enhanced Action (ADP), which was assigned the task of bringing the agreement to life (UNFCCC, 2016). Likewise, an innovative framework for the notification of emissions reductions for all countries was agreed on, based on the precepts of the principle of common but differentiated responsibilities (UNFCCC, 2016).

Several events regarding the development of the new agreement took place at COP 18 in 2012. Some of the actions of great significance are the commitment to adopt the new climate agreement by 2015; the conclusion of the work under the Bali Action Plan; the pledge of governments to work on increasing their ambitions to cut GHG emissions; and the adoption of the Doha Amendment to the Kyoto Protocol, which implied the launching of the second commitment period under the Kyoto Protocol, from January 2013 to December 2020 (UNFCCC, 2016).

Then, at COP 19 in 2013, the main decisions adopted include resolutions on further advancing on the work of the ADP, the development of intended nationally determined contributions (INDCs) to reduce GHG emissions; strategies for advancing on the Green

Climate Fund and Long-Term Finance; the Warsaw Framework for REDD Plus;[9] and the Warsaw International Mechanism for Loss and Damage[10] (UNFCCC, 2016). The next COP meeting took place in Peru in 2014 (COP 20), where the Parties adopted the key features of the 2015 agreement under a document called the "Lima Call for Action" (UNFCCC, 2016).

In 2015, the long expected COP 21 and CMP 11 took place from 30 November to 11 December 2015 in France, where the Paris Agreement was adopted. The adoption of the Paris Agreement brought important outcomes for the climate change regime, as for the first time all nations gathered around the common cause of facing climate change through enhanced cooperation efforts, legally binding commitments and more realistic implementation strategies (UNFCCC, 2016). Then, COP 22 took place from 7 to 18 November 2016, and the main task was the elaboration of guidelines, adaptation plans, reviews and documents related to the preparations for the entry into force of the Paris Agreement (UNFCCC, 2016).[11]

Although all the meetings described in the previous lines show how intricate and multifaceted the international climate change regime is, all those initiatives have their roots on the three international legal instruments that can be referred to as the peaks of the international climate change regime: the UNFCCC, the Kyoto Protocol, and now, the Paris Agreement.

4.4 Pillars of the International Climate Change Regime

It is common to find scholars referring to the aggregate of legal instruments on climate change as a "complex multilevel governance" or the "regime complex for climate change" (Betsill, International Climate Change Policy: Complex Multilevel Governance,

[9] "The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries was launched in 2008 and builds on the convening role and technical expertise of the FAO, the UNDP and the United Nations Environment Programme (UNEP). The UN-REDD Programme supports nationally led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD+ implementation." (UN-REDD Programme, 2016).

[10] "At COP19 (November 2013) in Warsaw, Poland, the COP established the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (Loss and Damage Mechanism), to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change." (UNFCCC, 2016).

[11] A summarized and chronological illustration of the COPs and its major outcomes can be found in Appendix 1.

2015) (Keoane & Victor, 2016). The reason for this is that the initiatives to limit climate change are not contained in a comprehensive governing system, but it rather consists on a freely set of distinct regimes brought together (Keoane & Victor, 2016, p. 5). Nevertheless, for analytical purposes, three main legal instruments can be identified as the peaks of the international climate change regime: the UNFCCC, the Kyoto Protocol, and recently, the Paris Agreement. Even when they are not organized in a hierarchy, all the initiatives are branched out from these international legal instruments. Therefore, as they are of great importance for any analysis on international climate change efforts, supplementary explanations of these agreements will be offered in the following lines.

United Nations Framework Convention on Climate Change (UNFCCC)

The most apparent efforts to establish an international climate change system started with the UNFCCC, one of the legal instrument adopted in 1992 at the Earth Summit in Rio de Janeiro, Brazil (UNGA, 1992) (Keoane & Victor, 2016, p. 5). The objective of this convention was the stabilisation of the GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, through the establishment of a voluntary goal of reducing emissions of developed countries to 1990 levels by 2000 (UNGA, 1992, Article 2). The "framework" approach employed with this convention is a modality commonly used in international environmental law, to establish the core architecture within which global efforts to address specific problems—in this case, climate change—should take place (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 238). Hence, the underlying institutional architecture for the international climate change regime was established under the UNFCCC (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 242).

One of the most prominent characteristics of the UNFCCC is that it grouped industrialised countries in Annexe I and exclusively assigned to them the responsibility to adopt policies and measures to reduce their GHG emissions to 1990 levels by 2000 (UNFCCC, 1992, p. Annex I). At the same time, those States were required to provide technology and financial resources to developing countries, to help them meet their commitments under the Convention, in line with the principle of common but differentiated responsibilities outlined in the framework (UNFCCC, 1992, p. Article 4(3)).

The UNFCCC entered into force in March 1994, and as of March 2017, 196 countries had ratified it. The Conferences of the Parties (COP) to this convention have met each year since 1995 to review and assess the effect of the measures taken to achieve the ultimate objective of the Convention. As a result of this, some new commitments have been born throughout most of its sessions as it was described in the previous section (see 4.3 of this chapter). Nonetheless, as the convention is not legally binding by itself, it did not establish mandatory limits on GHG emissions for each Party, and it did not even enclose any enforcement instruments. Then, although all the participating States had made commitments by 1992, some of the countries with the highest GHG emissions—like the United States—had not adopted any targets or developed an action plan to regulate its CO_2 emissions (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 237).

Kyoto Protocol

The Kyoto Protocol was adopted at COP 3 in 1997 (UNGA, 1997). It entered into force in 2005, and it was born from the need to strengthen the actions and establish stronger and legally binding commitments for industrialised countries to reduce their emissions 5.2 percent below 1990 levels by 2012 (UNGA, 1997). As this agreement was adopted under a "protocol" approach, it outlined specific responsibilities in line with the guiding principles established by the UNFCCC (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 238). This legal instrument, along with the UNFCCC, provided the principles, legal framework and decision-making procedures that have ruled the most significant international cooperation efforts to face climate change for the last three decades (Betsill, International Climate Change Policy: Complex Multilevel Governance, 2015, p. 238).

Two main features characterize the Kyoto Protocol: first, binding emissions-reduction commitments for developed country Parties; and second, a set of flexible market mechanisms based on the trade of emissions allowances (UNFCCC, 2016). Due to a complicated process of ratification, the Kyoto Protocol entered into force seven years later, on 16 February 2005. Therefore, its first commitment period began in 2008 and finished in 2012; and the second commitment period agreed on at COP 17 in 2011, started on 1 January 2013 and is expected to end in 2020 (UNFCCC, 2016). For the reason

that the United States never ratified the Kyoto Protocol and it did not assign obligations to developing countries, its effects in practice were restricted and symbolic (Keoane & Victor, 2016, p. 5).

The Paris Agreement

The Paris Agreement was adopted in December 2015 by the COP to the 1992 UNFCCC in their twenty-first meeting (COP21) and eleventh meeting to the Kyoto Protocol (CMP11). The objective of this summit was the adoption of a new legally binding agreement that represents the commitment of 196 nations, more than seven billion people and hundreds of organisations to face the challenges of climate change (UNFCCC, 2016). The agreement was built upon the UNFCCC, and it outlines a new path aiming to invigorate the international response to the risks posed by climate change (UNFCCC, 2016). Consequently, the primary objective of this agreement is the congregation of efforts to keep global average temperature rise well below 2 degrees Celsius above pre-industrial levels; and to limit the temperature increase even further to 1.5. Celsius (Paris Agreement, 2016, p. Article 2(a)).

With the aim to reach the objectives set out in the agreement, it established a new technology framework, an improved capacity building framework and proper financial flows (Paris Agreement, 2016). Still, the most relevant innovations introduced on the Paris Agreement are: the elaboration of nationally determined contributions (NDCs) by each Party; the periodical report of emissions and implementation efforts; the updating of a global stocktake every five years to evaluate the joint progress; and the implementation of a system to inform further individual actions by countries (Paris Agreement, 2016). By the principles of international law, the agreement exclusively binds the Parties that ratify it; nevertheless, the Paris Agreement welcomes the initiatives of all non-Party stakeholders such as civil society, the private sector, financial institutions and sub-national authorities (Paris Agreement, 2016).

The Paris Agreement was envisaged to enter into force thirty days after the date on which, at least fifty-five Parties to the Convention, accounting for fifty-five percent of the global GHG emissions, had deposited their instruments of ratification, acceptance, approval or accession (UNFCCC, 2016, p. Article 21). On 5 October 2016, the threshold for entry into force of the Paris Agreement was reached. Therefore, it entered into force

on 4 November 2016 and the first session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 1) took place between 7 and 18 Nov 2016, along with COP 22 and CMP 12 (UNFCCC, 2016).

4.5 Closing Remarks

A general explanation of the climate change regime was presented in this chapter, to offer elucidation on the different initiatives to face climate change developed until now. Nonetheless, it should be borne in mind that the explanation previously introduced meets a descriptive purpose, as the stages defined above present critical intersections in reality. Climate change is probably one of the most challenging collective threats that the world has encountered until now. This is mirrored in its complex normative scenario, the multiple attempts to improve the responses and the always increasing efforts to enhance cooperation; which has led to giving even more relevance to the participation of civil society as it will be presented in the subsequent chapters.

5 Submissions from NGOs to the ADP

This chapter offers a description and analysis of the submissions from the four NGOs selected for this case study, to the ADP between 2012 and 2015. That is, the submissions from Greenpeace International, the IGES, MBBI, and the WBCSD, during the period of elaboration of the Paris Agreement and the establishment of the pre-2020 strategies on climate change. With the intention of putting the contributions from NGOs in the decision-making process context, the chapter starts with a quick description of the ADP and its mandate, so as to outline the scenario where NGOs were invited to participate. After that, the specific invitations from the ADP to NGOs are portrayed by year, followed by the description of the submissions of the NGOs selected for this case study. Each of those contributions is accompanied by the analysis of their presence or absence in the documents that resulted from the work of the ADP, given the overall purpose of this research: the study of the effectiveness of public participation in environmental decision-making processes.

5.1 The ADP

The ad hoc subsidiary body in charge of shaping the Paris Agreement was the ADP. It was established at COP 17 to the UNFCCC, and seventh session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 7). Both of these meetings took place between 28 November and 9 December 2011 in Durban, South Africa (UNFCCC, 2016).

The general mandate of the ADP was the development of an international agreement with legal force under the UNFCCC. This agreement was envisaged to be adopted at COP 21 and expected to come into effect and be implemented from 2020 (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011). In line with this mandate, the ADP was assigned two objectives. The first objective was the elaboration of the 2015 climate change agreement; and the second was the identification of the best options to close the current ambition gap the in the period between the adoption of the agreement and 2020 (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011). During the ADP's first session—17 to 24 May 2012 in Bonn, Germany— its agenda was adopted, and its tasks were divided into two workstreams. Workstream 1 corresponded to matters

related to the 2015 agreement; and Workstream 2 related to issues linked to the pre-2020 ambitions (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011).

5.1.1 Workstream 1 - the 2015 agreement

One of two tasks assigned to the ADP was the development of an instrument with legal force under the UNFCCC, applicable to all Parties and comprising strategies on mitigation, adaptation, finance, technology development and transfer, transparency of action, support, capacity building and any other topics of importance to face the effects of climate change (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011, p. Paragraph 5). The ADP's job on this Workstream was expected to be based upon submissions from Parties; pertinent technical, social and economic data and expertise; the Fifth Assessment Report of the IPCC; the outcomes of the 2013-2015 review; and the work of the UN subsidiary bodies (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011, p. Paragraphs 5 & 6).

The ADP completed its work on 5 December 2015, and the agreement was formally adopted by Decision 1/CP.21 as the "Paris Agreement", on 29 January 2016 (Adoption of the Paris Agreement, 2016). By Article 21, Paragraph 1 of the Paris Agreement, it was expected to enter into force on:

> "…the thirtieth day after the date on which at least 55 Parties, accounting in total for at least an estimated 55 percent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession." (Paris Agreement, 2015, pp. Article 21, Paragraph 1).

To 5 October 2016, more than 55 Parties, accounting in total for more than the estimated 55 percent of the total global GHG emissions, had deposited their instruments of ratification, acceptance, approval or accession. As a result, the date of entry into force of the Paris Agreement was the thirtieth day after the threshold was achieved; that is, on 4 November 2016 (Paris Agreement, 2015, Article 21) (UNFCCC, 2016).

5.1.2 Workstream 2 - pre-2020 ambitions

The COP to the UNFCCC put particular emphasis on the serious gap between the cumulative effect of the Parties' mitigation commitments by 2020, and the collective

emissions pathways prone to holding the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011). For that reason, along with the development of the 2015 agreement on climate change, the ADP was asked to elaborate a work plan on amplifying the mitigation goals. This work plan was expected to be based on the information submitted both by Parties and observer organizations; and it was aimed to find and analyse the best options for closing the ambition gap and ensure the highest possible efforts by all Parties (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action , 2011, Paragraph 7 & 8).

In line with this mandate, all the planned efforts, recommendations and strategies for policies and actions to address climate change up to the year 2020, entail a periodical review through a technical examination process (TEP) (UNFCCC, 2016). The TEP started during the work of the ADP and is projected to take place each year by 2020 (UNFCCC, 2016). It consists of regular TEMs by thematic area, held by Parties, international organizations and related partnerships (UNFCCC, 2016). The main objective of the TEMs is to offer a scenario where experts from national and subnational governments can meet with private, financial, international organizations and other stakeholders (UNFCCC, 2016). This with the purpose to present and discuss technologies and policy options with high mitigation potentials, promote their implementation, and enhance their support for climate action (UNFCCC, 2016).

From March 2014 to May 2016, the TEM were held each year on the different priority thematic areas; specifically, on renewable energy, energy efficiency, urban environment, land use, carbon capture, non-CO_2 GHGs, transport, and value of carbon (UNFCCC, 2016). Some organizations, including NGOs, had the opportunity to present their recommendations through exhibits and side events during the various TEMs. Their presentations were published on the "ADP Virtual Expo", a portal on the UNFCCC website created to make the relevant material submitted by Parties and organizations available for the TEMs (UNFCCC, 2016).

All the information on technology practices shared by Parties and observers during these meetings were summarised on technical papers and categorised by thematic area (United Nations Climate Change Secretariat, 2015, p. 5). The technical papers do not imply unanimity among Parties on any of the topics; however, they outline the

dialogues, submissions and approaches that were part of the TEM (United Nations Climate Change Secretariat, 2015, p. 5).With the aim to make it even clearer and easier to implement, the technical papers have been condensed in SPM, which are expected to deliver a firm basis for the enhancement of the pre-2020 action by Parties and non-Party stakeholders (UNFCCC, 2016). The first version of the SPM was published in 2015, the second in 2016, and it is projected to be updated annually up to 2020 (UNFCCC, 2016).

Another key outcome of the TEP is the "Policy Options", which are summarised and presented on the website of the UNFCCC dedicated to the pre-2020 action. The policy options encompass replicable and adaptable technologies and practices with compelling mitigation potential that were being applied well in advance by national governments and can be implemented in many countries during the period up to 2020 (UNFCCC, 2016). Hence, three features can be identified as the primary outcomes of the discussions on Workstream 2: the technical papers, the SPM and the policy options.

5.2 Invitations from the ADP to observer organizations in 2012

The ADP held three sessions in 2012. The first session took place from 17 to 24 May in Bonn, Germany (ADP 1). Then, an informal meeting was held in Bangkok, Thailand from 30 August to 5 September (ADP 1 – informal). Finally, the second part of the ADP's first session was held in Doha, Qatar from 27 November to 7 December (ADP 1-2) (UNFCCC, 2016). On 25 June 2012, the ADP invited all IGOs, and NGOs admitted as observers by the COP, to provide their views by 27 July 2012, on how the ADP could advance its work under both workstreams for the rest of year (Co-Chairs of the ADP, 2012).

It was found on the UNFCCC portal on submissions from non-party stakeholders to the ADP in 2012, that only six NGOs provided their inputs in response to the ADP's invitation. Two of the NGOs selected for this research were found among those participating organizations; namely, MBBI and the WBCSD (UNFCCC, 2016).

As an acknowledgement of the participation of IGOs and NGOs, the ADP thanked them for their submissions and stated that their content was useful for the preparation of the informal session held between 30 August and 5 September 2012 in Bangkok, Thailand (ADP 1 – informal) (Co-Chairs of the ADP, 2012). As a result, one of the conclusions emphasised at the meeting mentioned above was the need to engage with

stakeholders and experts; especially on aspects related to the interchange of practical strategies and recommendations on how the ADP could progress in the development of its work under the two workstreams (Co-Chairs of the ADP, 2012).

In line with that, the ADP prompted IGOs and NGOs to share the results of any relevant research efforts on topics of relevance for its work, as it could be useful for the activities of the ADP, specifically in 2013 (Co-Chairs of the ADP, 2012). This time, only three NGOs participated with submissions; and none of them is part of the organizations selected for this research (UNFCCC, 2016). Thus, the submissions from MBBI and WBCSD in response to the first invitation of the ADP in 2012, will be further analysed on this subchapter.

5.2.1 Submission from MBBI to the ADP

As an answer to the message issued by the Co-Chairs of the ADP on 25 June 2012, MBBI sent a three-page submission on 12 July 2012 (MBB, 2012). The submission started with a brief introduction of MBBI, its status, objective, views and its participation in the different UNFCCC events (MBB, 2012, p. 1). The specific proposal submitted by MBBI consisted of the introduction of the term "mediation" in the text of the Paris Agreement (MBB, 2012, p. 2). Accordingly, mediation was proposed as the general term for a full range of conflict management and dispute resolution activities, such as conciliation, consulting, facilitation, consensus building, conducting public dialogues, among other mechanisms to prevent violence (MBB, 2012, p. 1).

The rationale behind MBBI's proposal was that mediation constituted the proper term for the peaceful settlement of disputes originated on the implementation, interpretation and consequences of the policies applied to climate change. Therefore, from MBBI's standpoint, mediation could be the most accurate mechanism to settle, manage and resolve conflicts in a well-adjusted, unbiased, integrated and comprehensive way (MBB, 2012, p. 2). Given that, MBBI proposed the following text to be considered and subsequently included in the 2015 agreement:

> "Recognizing that conflict and disputes are an inevitable and adverse effect of climate change, the Parties are encouraged to use mediation, conciliation, arbitration, and actions before the International Court of Justice (ICJ) to settle their climate change conflicts and disputes." (MBB, 2012, p. 3).

Evaluation of the influence of MBBI on the Paris agreement

Article 24 of the Paris Agreement contains the provision on settlement of disputes, but rather than establishing a mechanism or procedure, it explicitly refers to the *mutatis mutandis* application of Article 14 of the UNFCCC. In other words, it mandates the application of Article 14 of the UNFCCC, taking into account any necessary minor changes in the language required for its operation (Paris Agreement, 2015, p. Article 24). As a result of this, if two or more Parties to the Paris Agreement have a dispute related to the application or elucidation of the Agreement, they shall resolve their conflicts through "negotiation or any other peaceful means of their own choice" (UNFCCC, 1992, p. Article 14 (1)). In addition to that, conciliation is contemplated for the cases when the Parties do not manage to settle their dispute through the method chosen initially, after twelve months following the notification issued by one Party to the other(s) (UNFCCC, 1992, p. Article 14 (5)).

Article 14 of the UNFCCC also contains the option of submitting disputes to the ICJ.[12] Likewise, in accordance with this article Parties can resolve any possible conflict through Arbitration,[13] once a Party declares that it recognizes those methods "as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation" (UNFCCC, 1992, p. Article 14 (2)). The Parties that are regional economic integration organizations are allowed to make a declaration with similar effects, but only about arbitration (UNFCCC, 1992, p. Article 14 (2)).

As neither text proposed by MBBI or the concept of "mediation" was included in the wording of the Paris Agreement, it can be said that the proposal presented by this NGO on its submission was dismissed.

5.2.2 Submission from the WBCSD to the ADP

On 30 July 2012, the WBCSD and the International Emissions Trading Association (IETA)[14] sent a joint letter to the ADP. The letter referred to the joint submission that the two

[12] The International Court of Justice (ICJ) is the UN main judicial organ, which was established in June 1945 by the Charter of the United Nations. Its main task is the settlement of legal disputes among the UN member states, and the administering of advisory opinions in legal questions (ICJ, 2016).

[13] Arbitration is a legal method for the resolution of disputes alternative to the courts. The parties to a dispute refer it the arbitrators, arbiters or arbitral tribunal; by whose award they agree to be bound (HG, 2016).

[14] The IETA is a non-profit business organization created in June 1999 to establish a functional international framework for trading in GHG emission reductions; and its membership includes leading

organizations had sent to the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)[15] a few days before. The referred submission contained a nine-page proposal on "market mechanisms as the central pillar of a climate change policy framework" (WBCSD and IETA, 2016). It reflected their view on the adoption of a new market mechanism based on the existing market approaches, as an essential element to achieve the required GHG emissions reduction levels (WBCSD & IETA, 2016, p. 1). From the perspective of the WBCSD and IETA, the importance of a market-based approach to the mitigation of climate change relied on the achievement of long-term global emissions reduction through the promotion of global low-carbon investment, by giving value to carbon emissions abatement opportunities (WBCSD & IETA, 2016, p. 2).

The specific proposal presented on the submission consisted on the development of a framework with both crediting and trading mechanisms, so as to ease the connection between different sectors within each country (WBCSD & IETA, 2016, p. 2). Accordingly, each of the Parties to the Agreement would have the chance to decide whether to use the market mechanisms or any of the different options available for GHG emission reductions (WBCSD & IETA, 2016, p. 2). This framework was planned to be supported by standardised international measurement, reporting and verification; and it was envisioned to eventually serve as the transitioning framework for the development of a future global carbon market (WBCSD & IETA, 2016, p. 2).

The proposal included the main elements recommended for the possible new framework, as well as the "blockers" that were recommended to be avoided for the proper functioning of markets (WBCSD & IETA, 2016, pp. 2-3). The potential market-based policy framework presented by WBCSD and IETA could be summarised in three core key elements:

international companies from across the carbon trading cycle (IETA, 2016). This organization is based in Genève, Switzerland, it is one of the admitted NGOs to the UNFCCC, but it is not in consultative status with ECOSOC (United Nations Department of Economic and Social Affairs, 2016).

[15] The Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) was created as a subsidiary body by decision 1/CP.13 (the Bali Action Plan). Its main task was to lead a process to enable the implementation of the UNFCCC through long-term cooperative action, up to and beyond 2012, in order to reach an agreed outcome to be presented to the COP for adoption (UNFCCC, 2016).

1) Ensure that the key developed and developing countries get involved and choose a path in accordance with their respective responsibilities and capacities (WBCSD & IETA, 2016, p. 4).

2) Allow flexibility for each country to use market-based mechanisms, depending on their individual circumstances. This means that some States could decide to reduce emissions merely through their national policies; while other countries could do it through a new market mechanism (WBCSD & IETA, 2016, p. 4).

3) the incorporation of market mechanisms that generate both, demand and supply and consequently a crediting system as well as a trading system (WBCSD & IETA, 2016, p. 4).[16]

To conclude, it was stressed that any new framework on a market-based approach to emissions reduction had to be consistent with the UNFCCC structures, regional trading systems and the market linkages that were in development at the time of the proposal. Likewise, the WBCSD and IETA drew the AWG-LCA's attention to the need to create more incentives for the private sector, to boost their involvement by making investment decisions on climate change mitigation and adaptation (WBCSD & IETA, 2016, p. 6).

Evaluation of the influence of WBCSD on the Paris agreement

Article 6 of the Paris Agreement contains the provisions on mitigation and adaptation actions related to the establishment of a market and a non-market approach. This was reported to be one of the last issues arranged at COP 2 for the reason that it was considered an essential element of the environmental integrity of the Paris Agreement (Marcu, 2016, p. 1). Hence, some Parties wanted to hold an agreement on markets to "trade"; while other Parties opposed to any provision that referred to markets in the agreement (Marcu, 2016, p. 1). Then, with the aim to provide some balance to the agreement and confidence to the Parties that wanted non-market approaches, Article 6

[16] If countries decided to use the global carbon market, the ideal framework proposed was a set of schemes based on CO_2 emissions abatement units, which would eliminate the need to use a credit conversion mechanism The credit conversion mechanism was included as a residual option for nations that decided to choose different units of measure for their scheme (WBCSD & IETA, 2016, p. 4). An example of a credit conversion mechanism that would allow the interested Parties to convert different carbon-related goods into common tradable units in global compliance markets, was added in Annex 1 of the submission (WBCSD & IETA, 2016, pp. 7-9).

contains market approaches in its paragraphs 6.4-6.7; and non-market approaches in its paragraphs 6.8-6.9 (Marcu, 2016, p. 1)

By recognising the fact that Parties can voluntarily choose to cooperate in the implementation of their NDC, the first paragraph of Article 6 includes all current and future options for cooperation (Marcu, 2016, p. 3). Additionally, paragraphs 6.4 to 6.7 establish a market mechanism to advance towards the mitigation of greenhouse gases emissions and promote sustainable development, which can be used on a voluntary basis and under the supervision of a body designated by the Conference of the Paris to the Paris Agreement (CMA). At the same time, the mitigation actions produced under this mechanism can also be used to fulfil the NDC of another Party (Marcu, 2016, p. 3).

On the other hand, the non-market approaches established in paragraphs 6.8 and 6.9 are aimed to assist Parties on the promotion of mitigation and adaptation ambitions; to enhance public and private sector participation in the implementation of NDC; and to offer opportunities for coordination across instruments and relevant institutional agreements without the use of the market mechanism (Marcu, 2016, p. 3). The CMA is in charge of the development of the specific rules, modalities and procedures for both the market and non-market mechanism, under the guidance of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and taking into consideration the views of the Parties (Decision 1/CP.21, 2016, Paragraphs 37-41).

By comparing this provision with the content of the submission issued by WBCSD and IETA, it could be identified that some of the most important elements suggested in their proposal are reflected in Article 6 of the Paris Agreement. Those identified features are the introduction of a new market mechanism (6.4 to 6.7); the involvement of developed and developing countries (by referring to “Parties” in general); flexibility for Parties to use market-based mechanisms on a voluntary basis (6.1, 6.4 and 6.8) and the contribution of the private sector (6.4(b) and 6.8(b)). These findings strongly suggest that the WBCSD—and IETA—might have had some influence on the development of Article 6 of the Paris Agreement.

5.3 Invitations from the ADP to observer organizations in 2013

The ADP held three sessions in 2013. Two meetings took place in Bonn, Germany, from 29 April to 3 May (ADP 2), and from 4 to 13 June respectively (ADP 2-2); and the third

session was held in Warsaw, Poland, from 12 to 21 November (ADP 2-3) (UNFCCC, 2016). During the second part of the ADP's first session in 2012, NGOs had been called to participate when accredited observer organizations were asked to submit information, observations and suggestions on matters related to the topics of Workstream 1—the 2015 agreement— and Workstream 2—pre-2020 ambitions—by 1 March 2013.

Regarding Workstream 1, NGOs were expected to send information on aspects related to mitigation, adaptation, finance, technology development and transfer, capacity-building, and transparency of action and support (ADP, 2013, paragraph 29). This information was requested so as to be considered during the discussions about the application of the principles of the UNFCCC; the application of knowledge acquired during other processes under the UNFCCC; and the establishment of the scope, structure and design of the 2015 agreement (ADP, 2013, paragraph 29). Likewise, the ADP encouraged accredited observer organizations to submit data, views and initiatives on topics related to Workstream 2 with a precise emphasis on 2013. Specifically, recommendations on options for the enhancement of mitigation ambitions, mitigation and adaptation benefits, resilience to the impacts of climate change, obstacles and alternatives to face these effects and incentives for actions (ADP, 2013, paragraph 31).

A total of eleven submissions regarding Workstream 1 were found on the UNFCCC portal on submissions from non-Party stakeholders to the ADP in 2013 (UNFCCC, 2016). As three of those submissions were issued jointly by different groups of organizations, there were nineteen NGOs that participated on this topic. Concerning Workstream 2, a total of nine submissions were identified, accounting for nineteen participating organizations in total, as three of them were issued jointly as well (UNFCCC, 2016). None of the NGOs selected for this case study sent submissions during this period.

Building on the conclusions of the ADP at the second part of its second session, the ADP extended its invitation to send submission under both, Workstream 1 and 2, by 1 September 2013 (ADP, 2013, paragraphs 4, 5 & 6). This time, five NGOs participated with individual submissions regarding Workstream 1 and eight organizations participated with individual submissions on Workstream 2. Two of the NGOs selected for this case study participated with submissions to the ADP in this second period: IGES with two submissions and Greenpeace with one submission.

5.3.1 Submissions from the IGES to the ADP

The IGES sent two submissions to the ADP in September 2013. One of them contained a proposal to achieve more successful NDC; while the other one enclosed some technical contributions on the promotion of energy efficiency and renewable energy.

Submission 1, Workstream 1: "A process to make nationally determined contributions more ambitious."

On 1 September 2013, the IGES submitted a four-page proposal that contained clear steps and time frames, to offer early elucidation and recommendations for the enhancement of NDC to climate change mitigation (IGES, 2013, p. 1). The proposal was characterised as having three special elements: first, the establishment of indicators by a consortium of research institutes, to offer guidance to parties when defining their initial contributions and against which each Party's relative input to the 2°C objective was expected to be assessed. Second, a shared template on data about mitigation contributions elaborated by the consortium of research institutes, which was projected to be completed by Parties ex-ante. Third, a common model and the implementation of an international consultation process with a determined number of parties—the G20 member countries for instance—with the aim to adjust contributions as needed and meet the required collective contribution for the 2°C target (IGES, 2013).

The proposal was intended to take place in five concrete steps that were planned to occur between 2013 and 2015, throughout the development of COP 19 in 2013, COP 20 in 2014 and COP 21 in 2015 (IGES, 2013, p. 1). Then, the first step consisted of a workshop held in 2013, to take stock of relevant knowledge. The second phase entailed the establishment of the consortium in 2014. On the third phase Parties were expected submit their NDC in 2014, based on the benchmarks established by the consortium, and the G20 member countries were projected to complete the standard format. The fourth step consisted of a workshop held between 2014 and 2015, to clarify and assess the G20 member countries contributions. Lastly, in step five the G20 member countries were projected to resubmit their contributions in 2015, with reference to the results of the workshop (IGES, 2013, p. 1).

Evaluation of the influence of the IGES on the Paris agreement

COP 19 took place from 11 to 22 November 2013; and according to the first step of the proposal presented by the IGES, a workshop to take stock of relevant knowledge on NDC was expected to occur at this event. Although it was not until 11-12 March 2014 that the ADP held a workshop on domestic preparations for INDCs, it was found on the UNFCCC archive of side events that the IGES had the chance to present the proposal at COP 19 (UNFCCC, 2016). Consequently, it could be an indicator that at least the first step of the plan submitted by IGES was considered, as the workshop on domestic preparations for INDCs was held right after COP 19.

The INDCs discussed on the workshop held in March 2014, were projected to provide the basis for what would become the NDC, once each Party submitted its respective instrument of ratification, accession, or approval to join the Paris Agreement (World Resources Institute, 2016). This event offered a scenario for Parties to share experiences on strategies, processes, obstacles and challenges related to the establishment of NDC in the context of decision 1/CP.19[17] (Further advancing the Durban Platform, 2013).

A selected group of countries shared their experiences and some relevant organizations and UN agencies presented information on their programmes of support. By the information found on the UNFCCC archive, the possibility to give suggestions at this workshop was extended to observer organizations only through side events and exhibits (UNFCCC, 2016). This time, the IGES had an exhibit about its submission on energy efficiency and renewable energy, rather than on its proposed plan for the establishment of NDC (UNFCCC, 2016).

A draft text on the INDC of Parties in the context of the 2015 agreement was produced by the Co-chairs of the ADP after the workshop. The document reiterated its invitation to Parties to communicate their INDC, setting deadlines for the submissions and specifying the content of the Parties INDC communications (Draft text on ADP 2-6 Agenda item 3: Implementation of all the elements of decision 1/CP.17, 2014). None of the specifications included in this draft text refer to the strategies suggested by the IGES.

[17] By which all Parties were invited to enhance the domestic preparations for their INDC, and communicate them well in advance of COP 21 (Further advancing the Durban Platform, 2013).

Article 4 of the Paris Agreement comprises the obligation of Parties to undertake rapid reductions of greenhouse gases emissions as soon as possible. This with the aim to hold the increase in the global average temperature to well below 2°C and limit the temperature increase to 1.5°C above pre-industrial levels (Paris Agreement, 2015, Articles 2 & 4). Although this provision contains the essential elements for the establishment of the Parties' INDCs, it does not refer to any specific guidelines for setting them up. Parties are requested to reflect their highest possible ambition and go beyond their current NDCs, but the only explicit references that can be found in this regard are expressions such as "in accordance with best available science and on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty" (Paris Agreement, 2015, Article 4, Paragraphs 1 & 3).

The focal point of the NDCs in the Paris Agreement is the previous and subsequent regular communication of each Parties' NDCs, which must be accompanied by the essential elements of clarity, transparency and understanding (Paris Agreement, 2015, p. Paragraphs 8 & 9). Accordingly, all Parties—developed and developing—are requested to communicate their NDCs and their progress on implementation every five years, aiming to raise their ambitions over time and allowing the international community to assess their performance (Paris Agreement, 2015, Article 4, Paragraph 9).

Then, INDCs were determined by each country, by their national priorities, circumstances and capabilities, within the international framework established by the Paris Agreement and giving place to a constructive feedback loop between domestic and international efforts regarding climate change (World Resources Institute, 2016). Hence, the examination of the information available about the establishment of NDC and the provisions on NDC within the Paris Agreement, lead to the conclusion that the proposal submitted by the IGES might have been considered although not fully put into operation.

Submission 2, Workstream 2: "Technical inputs on the promotion of energy efficiency and renewable energy."

On 1 September 2013, the IGES submitted a document that contained technical data on the promotion of energy efficiency and renewable energy, with the objective to raise the level of mitigation ambition by 2020 (IGES, 2013). The text was based on the

discussions at the LCS-RNet and the Low Carbon Asia Research Network (LoCARNet).[18] The submitted report was 6 page long, and it was divided into two main sections: energy efficiency and renewable energy (IGES, 2013, pp. 1-5). Both sections contained considerations on mitigation potentials, implementation and best practices, barriers and solutions, and some final recommendations (IGES, 2013).

The recommendations to lower the obstacles to energy efficiency included the implementation of strategies such as government interventions; the design of policies to tackle the economic and indirect factors related to mobility; further efforts in energy efficiency and supply chain management; further emphasis on the co-benefits of investment in low-carbon technologies; the introduction of performance evaluation criteria for buildings; the use of energy efficient appliances as a requirement on building codes; energy efficiency as a primary parameter when rating industrial environmental compliance; capacity development and increased awareness of government officials within all the ministries that deal with energy-related issues; and finally, energy pricing policies that encourage energy efficiency and the continuous elimination of electricity and oil subsidies (IGES, 2013, p. 3).

As to renewable energy, the crucial mitigation potentials acknowledged in the report were grounded on the findings of the 2011 IPCC report and the 2013 International Renewable Energy Agency (IRENA) report. Based on these assessments, the IGES reaffirmed the possibility of supplying 80% of the world's energy demand from renewable sources by 2050, the potential of renewables on cumulative GHG savings between 2010 and 2050, and the feasibility of duplicating the renewable share in the global energy mix by 2030 (IGES, 2013, p. 4).

In line with the possibilities presented, the general recommendations made by the IGES consisted of the introduction of feed-in tariffs;[19] the progressive cost reduction of the enabling energy technologies available; accelerated innovation; proper measures for risk sharing; increased local benefits; pairing existing technologies with continuous

[18] LCS-RNet and LoCARNet are IGES networks for researcher institutions that contribute to individual state's low-carbon policy-making processes through information sharing, voluntary cooperation among research organizations and the delivery of its findings to policy-makers in order to aid with the creation of science-based policy during the shifts to low-carbon societies (IGES, 2013, p. 1).

[19] "Feed-In Tariffs (also known as FITs) are the electricity part of what some people call Clean Energy Cashback, a scheme that pays people for creating their own "green electricity". The second part of the scheme is the Renewable Heat Incentive, a similar measure for heat." (Feed-In Tariffs Ltd, 2016).

technological innovation and commercialisation; investment on research; development and testing of renewable energies; improvement and modernization of old grid systems; the development of more adjustable and locally-sited smart grids with broader regional interconnections; periodical and up-to-date provision of scientific evidence; pairing the decarbonisation of energy supply with effective strategies to promote energy efficiency and savings; the implementation of innovative approaches; the design a coherent legal framework for policy implementation; and to conclude, the creation of evidence-based advising groups formed by government, industry, NGOs and academic researchers (IGES, 2013, p. 4 & 5).

Evaluation of the influence of the IGES on the pre-2020 strategies

Participation of the IGES at the TEM held between 2014 and 2015:

The first TEM under the ADP's Workstream 2 on the pre-2020 strategies, took place in Bonn, Germany from 10 to 14 March 2014, and it focused on opportunities for action on energy efficiency and renewable energy (UNFCCC, 2016). At this event, the IGES had the chance to exhibit the success and experiences attained from a research project on the application of Japanese low carbon technologies in Indian small and medium business development (SME). Additionally, the IGES presented its suggestions on energy efficiency and renewable energy as offered to the ADP in its submission (UNFCCC, 2016).

A follow-up meeting to the TEM on energy efficiency and renewable energy took place in June 2015, during the ninth part of the ADP's second session (UNFCCC, 2016). This time, the IGES held a side event on the promotion of action for drastic mitigation in Asia towards 2020 and beyond (UNFCCC, 2016). The latest drastic mitigation efforts at the national and regional levels in Asia were presented at this event; as well as the results from research made by the IGES on the elements of the ADP discussions about carbon budget concept, market mechanism and the mechanism for reducing emissions from deforestation and forest degradation (REDD+) (UNFCCC, 2016).

An additional follow-up to the TEMs on energy efficiency and renewable energy took place in May 2016 in Bonn, Germany. The objective of this session was to offer a platform where relevant organizations could present how they had helped Parties on implementing pertinent policy alternatives, and share their perspective on what had changed after the Paris Agreement (UNFCCC, 2016). Likewise, it was expected to provide

a scenario for Parties to talk about their expectations regarding the engagement of the participating organizations, so as to increase their ongoing work (UNFCCC, 2016).

This time, the IGES had the opportunity to present the key elements and actions towards the implementation of the Paris Agreement in Asia, including the review cycle of NDCs, some cooperative approaches and the transparency framework of activities and support (UNFCCC, 2016). It is worth of mentioning as well that during this meeting, Kazuhisa Koakutsu, who is a member of both IGES and the Coalition on Paris Agreement Capacity Building (CPACB), was part of the CPACB expert panel that presented recommendation and observations from Parties submissions (UNFCCC, 2016).[20]

SPM 2015 and SPM 2016:

The priority thematic areas presented in Chapter II of the SPM 2015, includes a brief version of the information shared at the TEMs on renewable energy and energy efficiency held both in 2014 and 2015 (United Nations Climate Change Secretariat, 2015, pp. 20-29). Although there is no explicit reference to the recommendation made by the IGES on its submission, some of the elements pointed out by this NGO were found in the SPM 2015. For instance, the policy options for renewable energy included in the SPM 2015 are: 1) grid access and distributed generation for renewable energy; 2) renewable energy targets as drivers towards higher ambition; 3) fiscal and financial incentives; and 4) feed-in tariffs (United Nations Climate Change Secretariat, 2015, pp. 16-18). Of those four strategies on renewable energy presented in the SPM 2015, the improvement in grid access and distributed generation for renewables, the introduction of fiscal and financial incentives, and the use of feed-in tariffs had been included in the IGES' submission (IGES, 2013, p. 5)**.**

With regards to energy efficiency, the policy options contained in the SPM 2015 include: 1) the introduction of electrical appliance standards and labelling programmes to promote appliance efficiency; 2) providing tax incentives to channel investments into energy efficient solutions; 3) energy performance standards for buildings and certification programmes; and 4) encouraging energy efficiency in industry. On this case,

[20] CPACB is a partnership launched in 2016, which **is** comprised of a group of experts with profound experience in GHG measurement, reporting, and verification (MRV), as well as on capacity building activities (CPACB, 2017)**.**

the four strategies on energy efficiency presented by in the SPM 2015 had been included in the IGES' submission as well (IGES, 2013, pp. 3-4)**.**

On the other hand, Chapter II of the SPM 2016 on the options and opportunities for early adaptation and mitigation action, contains a general section on energy-related issues. It refers to the approaches presented in the SPM 2015 while recalling the great potential for emissions reductions in the energy sector and therefore the importance of shifting towards renewable energy due to its multiple benefits (United Nations Climate Change Secretariat, 2016, p. 25).

In accordance with the information previously examined, it can be said that some of the recommendations presented by the IGES' match with the policy options on energy efficiency and renewable energy presented in the SPM 2015 and SPM 2016. Nonetheless, it was not possible to determine the degree of influence that IGES had over the included strategies, as there is not a direct reference to its submissions in the SMPs.

5.3.2 Submission from Greenpeace International to the ADP

Greenpeace International replied to the invitation of the ADP to observer organizations in 2013, with a submission that contained a proposal on more suitable and economically attractive options for energy efficiency and renewable energy.

Submission 1, Workstream 2: "An Energy [R]evolution to bridge the emission gap - 7.4 Gt energy-related CO_2 by 2020 can be saved."

On 1 September 2013, the Renewable Energy Director of Greenpeace International sent a twenty-six-page submission to the ADP. The submission enclosed a proposal to close the emissions gap and save 7.4 gigatons (Gt) of energy-related CO_2 by 2020, in comparison to the projections issued by the International Energy Agency (IEA) in 2011 (Greenpece, 2013, p. 1).[21] Greenpeace's proposal, named "the Energy [R]evolution 2012

[21] When using the emission factors in Gt, it has to be taken into account that 1 GtC (carbon) corresponds to 3.67 $GtCO_2$ (carbon dioxide). According to the IPCC report published in 1996, with the aim to stabilize the CO_2 level in the atmosphere, human emissions must necessarily be cut by two at least compared to the 1990 level, regardless the stabilization level and the time when we achieve it. The reason for this is that in 1990, the world emissions amounted to 6 billion tonnes of Carbone per year (that is, 22 billion tonnes of CO_2), and the planet could to take 3 back each year, through "carbon sinks" (oceans, and terrestrial ecosystems). Then, if the carbon cycle can only remove 3 GtC per year from the atmosphere while we put 6, the other 3 remain in the atmosphere. Consequently, with the objective to stop the increase of the atmospheric CO_2, we have to halt our emissions (Jancovici, 2016).

scenario", contained an updated version of three previous editions, including more recent trends and their influence on the global goal of transforming the energy supply system (Greenpece, 2013, p. 2). The report was structured in four sections: background to Energy [R]evolution scenarios; methods; results, and conclusions.

Two settings, up to the year 2050, for each world region, were pictured on "the Energy [R]evolution 2012 scenario": a reference scenario and an advanced scenario (Greenpece, 2013, p. 2). The reference scenario, based on the World Energy Outlook (IEA 2011a), only took into consideration existing international environmental and energy policies until 2035 (Greenpece, 2013, p. 3). Taking the reference scenario as a baseline for comparison, the advanced Energy [R]evolution 2012 scenario focused on the reduction of CO_2 emissions from energy to a level below 4 Gt per year by 2050, with the aim to hold the temperature increase in global temperature below +2° C (Greenpece, 2013, p. 3). Furthermore, the proposal envisioned a worldwide removal of nuclear energy and included some alternatives to fully take advantage of the technologies available for energy efficiency (Greenpece, 2013, p. 3).

The essence of the submission seemed to be in the methods section, which contained an explanation of the scenarios; the approach and main premises; the key drivers for energy demand; the energy demand projections; the economic boundary conditions; the projections of future investment costs for power generation; and the estimation of job effects (Greenpece, 2013, pp. 3-15). The topics discussed in the submission appeared to be combined with the comparison between the projections used in the reference scenario, and the projections of the Energy [R]evolution 2012 scenario, along with the suggested approaches to reach the projected goals. Due to this structure, the submission gave the impression of being especially focused on pointing out why the [R]evolution scenario was better than the reference scenario, rather than on presenting the specific suggestions for the pre-2020 period.

Even though, it was possible to identify some recommended approaches that despite not being specifically delineated, could be grouped into three thematic areas: economic aspects, energy efficiency and renewable energy. Greenpeace put particular emphasis on the importance of implementing long-term energy policies within a concise framework for infrastructure investment, with the aim to advance towards the establishment of a renewable energy system (Greenpece, 2013, p. 20). Therefore,

Greenpeace called for consistency between the policies for the supply and demand of energy, to implement a more efficient and decentralised system (Greenpece, 2013, p. 20).

Evaluation of the influence of Greenpeace on the pre-2020 ambitions

Participation of Greenpeace at the TEMs held between 2014 and 2016:

As it was previously mentioned in the section about the contributions from the IGES to the pre-2020, three TEM were held between 2014 and 2016, with the objective to share policies, experiences and expertise on energy efficiency and renewable energy (ADP, 2014, p. Paragraph 30 (i)). The first TEM took place in March 2014; the second one in June 2015; and the third one in May 2016 (UNFCCC, 2016). There is no evidence of participation from Greenpeace during the first and third TEMs held in 2014 and 2016 respectively. Nevertheless, some of Greenpeace's representatives had the chance to present early results from the new global Renewable Energy scenario modelling on new economics of renewable energy, at the second TEM held in June 2015, in Bonn, Germany (UNFCCC, 2016).

To illustrate the Renewable Energy scenario, the Renewable Energy Director of Greenpeace International talked about the "transition logic" of the Greenpeace Energy [R]evolution. This time, the transition was explained as having seven steps, namely: 1) the establishment of natural limits (CO_2 emissions towards zero and resource assessment of fossil fuels); 2) the establishment of renewable energy sources limits (solar, wind, geothermal, hydro ocean and sustainable bioenergy); 3) the identification of the drivers for demand (population and economic development); 4) the establishment of the efficiency potentials by sector (power, heating/cooling, and transport); 5) the establishment of timelines for implementation (power plant market development and future market projection); 6) the identification of the required infrastructure (power and gas grids, storage, e-transport and smart grids); and 7) the identification of the required target (climate target < 2°C and 100% renewable energy target) (Greenpeace, 2016). Furthermore, it was emphasised that renewable energy could supply twenty-five times the modern energy demand with the currently available technology in a cost effective way (Greenpeace, 2016).

Moreover, five additional speakers had the chance to present some examples of implementation of the Greenpeace's alternatives. These presentations were focused on

demonstrating how switching the economy towards renewables energies, could avert not only disastrous climate but also bring economic advantages due to substantial cost reductions produced over the last decades (Greenpeace, 2016). The speakers focused specifically on mainstreaming 100% renewable energies; 100% renewable energies as a tool for low carbon development; the China's structural coal decline; the framework towards 100% renewable energy in Morocco; scaling up wind power development in Pakistan; and financing renewable energy in African countries through the Green Climate Fund (UNFCCC, 2016).

SPM 2015) and SPM 2016:

The priority thematic areas presented in Chapter II of both the SPM 2015 and the SPM 2016, included a brief version of the information shared at the TEMs on renewable energy and energy efficiency held in 2014, 2015 and 2016 (United Nations Climate Change Secretariat, 2015, pp. 20-29). The policy options for renewable energy included in the SPM 2015 and later referenced in the SPM 2016, were: 1) grid access and distributed generation for renewable energy; 2) renewable energy targets as drivers towards higher ambition; 3) fiscal and financial incentives; and 4) feed-in tariffs (United Nations Climate Change Secretariat, 2015, pp. 16-18). Regarding energy efficiency, the policy options contained in the SPM 2015 included: 1) the introduction of electrical appliance standards and labelling programmes to promoting appliance efficiency; 2) providing tax incentives to channel investments into energy efficient solutions; 3) energy performance standards for buildings and certification programmes; and 4) encouraging energy efficiency in industry.

The Energy [R]evolution as presented by Greenpeace was not included in the SPMs. In fact, contrary to Greenpeace's projections about a worldwide removal of nuclear energy, the SPM 2016 included the promotion of nuclear power as a key opportunity for reducing emissions in the energy sector (United Nations Climate Change Secretariat, 2016, p. 25). Many of the policy options contained in the SPM 2015 and SPM 2016 were mostly based on the projections of the IEA, but the proposal presented by Greenpeace was a more ambitious version of the IEA's projections. Therefore, the evidence suggests that Greenpeace's proposal was dismissed.

5.4 Invitations from the ADP to observer organizations in 2014

The ADP held four sessions in 2014; three of them in Bonn, Germany—10 to 14 March (ADP 2-4), 4 to 14 June (ADP 2-5), and 20 to 25 October (ADP 2-6)—and a fourth sessions held in Lima, Peru—2 to 12 December (ADP 2-7)— (UNFCCC, 2016). During the second part of the ADP's first session held in Doha, Qatar from 27 November to 7 December 2012, the ADP had invited Parties and admitted observer organizations to submit information, views and proposals on the work of the ADP before each of its meetings (ADP, 2013. Paragraph 22). A total of nine NGOs accounting for eleven individual submissions were found on the UNFCCC portal on submissions from non-Party stakeholders to the ADP; including one submission from the WBCSD (UNFCCC, 2016).

In addition to that, the ADP had invited Parties and admitted observer organizations to submit data on the opportunities for actions with high mitigation potential, comprising those with adaptation and sustainable development co-benefits, and covering their mitigation benefits, costs, barriers to their implementation and strategies to overcome the identified obstacles. This information was expected to be sent by 30 March 2014 and regularly after that (ADP, 2013, paragraph 29). Thirteen submissions, issued by various NGOs, were found on the UNFCCC portal on submissions from non-Party stakeholders to the ADP in 2014; including two from the IGES and one from the WBCSD (UNFCCC, 2016). Then, two of the NGOs selected for this case study participated with submissions to the ADP in 2014: the IGES with two submissions and the WBCSD with two submissions as well.

5.4.1 Submission from the IGES to the ADP

The IGES issued two submissions for the ADP in May 2014. Both documents contained information on matters related to Workstream 2 with the aim to raising the level of mitigation ambition by 2020 and beyond. However, while one of the submissions enclosed technical inputs on the promotion of urban environment, the other one encompassed technical inputs on the improvement of land use.

Submission 1, Workstream 2: "Technical inputs on the Technical Expert Meeting on Urban Environment."

On 28 May 2014, the IGES submitted an eight-page document that contained technical inputs on the promotion of urban environment, with the aim of raising the level of mitigation ambition by 2020 and beyond (IGES, 2014). The text was based on the discussions at LCS-RNet and LoCARNet.[22] The submitted document contained considerations on the following topics: the role of cities in climate change mitigation; urban policy planning towards a low carbon urban development; practices, implementations and challenges in transition to a low carbon urban development; low carbon technology and dissemination in a local context; stakeholder involvement for policy practices at a local level; capacity development of stakeholders at a local level; and some final recommendations for a low carbon urban environment (IGES, 2014, pp. 1-5).

The submission departed from the idea that low carbon development in cities implicates the consolidation of "hard options" on issues such as changes in infrastructure, waste management, and energy system (IGES, 2014, p. 1). By the same token, it highlighted the need to implement "soft options" on topics such as raising awareness and behavioural changes (IGES, 2014, p. 1). Consequently, sound research and knowledge were suggested on the submission as the basis for city planning and development, as well as for community engagement, scientific evidence, national policies and local actions (IGES, 2014, p. 1). The main obstacles to improving the efforts to build a low-carbon society identified by the IGES were related to pricing policy, incentives, access to financing, land tenure and access, and knowledge on low carbon farming (IGES, 2014, p. 1). Therefore, the IGES recommended to follow a bottom-up approach starting at the practical level, then advance to the national level, and eventually get to the regional scale (IGES, 2014, p. 1).

In line with the topics discussed, the IGES concluded its submission with some general recommendations from the perspective of policy making, supply, demand and the private sector (IGES, 2014, pp. 5-6). Then, the recommendation for policymakers and

[22] LCS-RNet and LoCARNet are the IGES networks for researcher institutions that contribute to individual state's low-carbon policy-making processes through information sharing, voluntary cooperation among research organizations and the delivery of its findings to policy-makers in order to aid with the creation of science-based policy during the shifts to low-carbon societies (IGES, 2013, p. 1).

experts was to explain to the different segments of society, the multiple long-term benefits of the options for mitigation and adaptation with a high cost in the short run (IGES, 2014, p. 5). From the supply perspective, it was recommended to accelerate the development, commercialization and diffusion of early-stage low carbon technologies through innovative financing and the introduction of proper support mechanisms at the national and local levels (IGES, 2014, p. 5).

On the demand-side, the engagement of diverse consumer and citizen groups during the design, establishment, approval, implementation and monitoring of the objectives, was identified as a strategy that would ensure the explicit acknowledgement of linkages and trade-offs across multiple sectors and communities (IGES, 2014, p. 5). Lastly, smart city infrastructure developed as an integrated package by the industry, was highlighted as a strategy with a large potential for decreasing environmental impacts, enhancing life quality, vitalizing the economy and generating new business opportunities (IGES, 2014, p. 6).

Evaluation of the influence of the IGES on the pre-2020 strategies

Participation of the IGES at the TEM held between 2014 and 2016:

The only TEM on urban environment held between 2014 and 2016, took place on 10 June 2014, in Bonn, Germany (UNFCCC, 2016). The partakers of this TEM reviewed the relevance of policies, good governance, funding and management at the city level, to stimulate action and transform cities into low carbon while increasing their resilience to the effects of climate change (UNFCCC, 2016). At this meeting, the representatives of some cities, international organizations, international partnerships and NGOs, had the chance to give presentations about the advantages of transitioning to low-carbon technologies, while giving place to sustainability, competitiveness, livability and inclusiveness on urban spaces (UNFCCC, 2016).

The IGES was found among the NGOs that held exhibits on “adaptation and related issues” at the TEM on urban environment (UNFCCC, 2016). Its exhibit was aimed to publicise the experience, reports and lessons learned from climate change actions, which resulted from the organisations’ activities on cities and land use in the Asia-Pacific region (UNFCCC, 2016). More specifically, the exhibit held by the IGES consisted of the publication of the text of its two submissions to the ADP in 2014, one of which was on

urban environment and the other one on land use. Additionally, the IGES presented the implementation of low carbon society blueprints in Malaysia, with the objective to offer an example of experiences and best practices for cities (IGES, 2016).

SPM 2015 and SPM 2016:

The priority thematic areas presented in Chapter II of the SPM 2015, did not include a specific section on urban environment. As a result, the information shared at the TEMs on urban environment seems to be spread all over the SPM 2015. The policy options on urban environment included in the SPM 2015 are, apparently, mostly covered by the recommendations included in transport, one of the other priority thematic areas (United Nations Climate Change Secretariat, 2015, pp. 24-29). Then, the policy options on transport and urban environment contained in the SPM 2015, were: 1) the implementation of "shift" policies, which incentivize users to choose means of transportation that generate lower emissions; 2) the employment of "avoid" policies, which lessen the need for travel; and 3) the use of "improve" policies, which could help to enhance the energy efficiency of transportation (United Nations Climate Change Secretariat, 2015, p. 27)**.**

In addition to that, Chapter III of the SPM 2015 on international cooperation, contained a section called "inspiring action by non-State actors". In this chapter, the role of urban areas in relation to climate change is mentioned, along with their potential to pave the way for climate action (United Nations Climate Change Secretariat, 2015, p. 55). Here, the positive outcomes that have resulted from international cooperation through initiatives such as ICLEI, the C40 and The Compact of Mayors were referenced (United Nations Climate Change Secretariat, 2015, p. 55)**.**

Conversely, the SPM 2016 incorporated a section on human settlements and infrastructure under chapter II, where both the impacts and potentials of urbanisation and infrastructure development were stated (United Nations Climate Change Secretariat, 2016, p. 23)**.** The policy options suggested in this section were focused mainly on the implementation of regulatory instruments, which have provided satisfactory financial results while improving energy efficiency and decreasing emissions in buildings (United Nations Climate Change Secretariat, 2016, p. 23).

Some additional recommendations included better land-use planning; the enactment of construction rules to flood-proof structures and selective relocation; the

upgrading of buildings to offer more ventilation and passive cooling; investment in engineering prototypes for 'climate proofing' settlements; and finally, mainstreaming adaptation actions into urban planning, land-use administration, and related legal and regulatory structures (United Nations Climate Change Secretariat, 2016, pp. 23-24).

Even when all the policy options included in the SPM 2015 are not opposed to the ones suggested by the IGES, and the ones presented in the SPM 2016 actually match with some of the IGES' recommendations; neither the strategies as displayed on its submission, nor its presentation on the implementation of low carbon society blueprints in Malaysia, could be found in any of the SPMs.

Submission 2, Workstream 2: "Technical inputs on the Technical Expert Meeting on Land Use."

On 30 May 2014, the IGES submitted a five-page document based on the discussions at the LCS-RNet. The submission contained technical inputs on land use, primarily in developing countries, and about forest and land-use policies, practices, implementation, challenges, technology, dissemination, community participation, and funding system (IGES, 2014, p. 1). This submission was founded on the relevant role that changes in the agriculture, forestry and land use sectors are expected to play for the reduction of GHG emissions in Asia over the next 15-20. At the same time, it was grounded on the significant knowledge-sharing contributions that developing countries can provide in the upcoming years based on their experiences (IGES, 2014, p. 1).

Despite the fact that "urban" and "rural" have some features in common, the submission departed from the idea that they require different actions and strategies to reduce GHG as they differ on emissions sources (IGES, 2014, p. 1). For instance, while most of the rural area's emissions in developing countries have their source in land use, land-use change and forestry (LULUCF), around 40% of the urban area's emissions come from the burning of fossil fuels (IGES, 2014, p. 1).

Based on this, the IGES called for the adoption of strategies focused on energy efficiency and public transportation in urban areas; and the development of land use change policies in the countryside (IGES, 2014, p. 1). Subsequently, the submission enclosed some specific suggestions about practices, implementation and challenges to improve land use and mitigate GHG emissions; community participations for land use

and forest management to promote GHG emissions reductions; and a funding system to improve forest management and land use (IGES, 2014, pp. 2-4).

After having discussed the aforementioned issues, the general recommendation of the IGES consisted on the adoption of more efficient management strategies of production forests and peatlands. This with the objective to correct the market, institutional and governmental failures that have led to carbon stock loss and increased CO_2 emissions caused by anthropogenic activities (IGES, 2014, p. 4). Additionally, the organization emphasized on the crucial elements for sustainable forest management and land use. To be precise, the clarification of the legal boundaries of protected areas, the rationalisation of limits of production forests, capacity building of production forest management, local community for land management, and proper management of oil palm industries (IGES, 2014, p. 4).

Evaluation of the influence of the IGES on the pre-2020 strategies

Participation of the IGES at the TEMs held between 2014 and 2016:

Similar to urban environment, the only TEM on land use held between 2014 and 2016 took place on 11 June 2014, in Bonn, Germany (UNFCCC, 2016). The presenters of this meetings could share experiences on behalf of Parties, international organizations, international partnerships and NGOs, about the benefits of the prospective land use approaches (UNFCCC, 2017). In particular, they discussed the climate benefits, the experiences acquired, the foreseen obstacles and the suitable projects to share opportunities for technology development, finance and capacity-building, so as to operationalize land use actions with climate advantages in developing countries (UNFCCC, 2017). As this meeting took place right after the TEM on urban environment previously described, the exhibits held by IGES during the TEM on urban environment were extended until TEM on land use took place (UNFCCC, 2017).

SPM 2015 and SPM 2016:

The critical thematic areas presented in Chapter II of the SPM 2015, included a compact version of the knowledge shared at the TEMs on land use held in 2014 (United Nations Climate Change Secretariat, 2015, pp. 40-44). Same as with the submission from IGES on urban environment, there is no explicit reference to the suggestions on this topic, even when the two core tactics pointed out by this NGO match with the policy options included in the SPM 2015. Specifically, the strategies for improved forest management

and improved agricultural practices (United Nations Climate Change Secretariat, 2015, pp. 42-43).

The policy options on land use contained in Chapter II of the SPM 2016, makes reference to the great diversity of strategies in Agriculture, Forestry and Other Land Use (AFOLU) available for implementation (United Nations Climate Change Secretariat, 2016, p. 19). With regards to mitigation, two groups of measures focused on demand and supply for decreasing emissions in the AFOLU sector were highlighted. These options consisted of land use control and planning, sustainable forest administration, decreased deforestation, and improved carbon stocks on the supply-side; along with measures such as the reduction of waste in the food supply chain, and dietary modifications on the supply-side (United Nations Climate Change Secretariat, 2016, p. 19).

Once again, some of the recommendations presented by the IGES harmonised with the policy options on energy efficiency and renewable energy presented in the SPM 2015 and SPM 2016. Even so, it was not possible to ascertain the degree of influence that the IGES had over the included strategies, as there was no direct reference to its submissions in the SMPs.

5.4.2 Submissions from the WBCSD to the ADP

The WBCSD issued two submissions for the ADP in 2014; one in February regarding Workstream 2, and the other one in September on Workstream 1.

Submission 1, Workstream 2: "WBCSD Climate Change solutions: Action2020 led by the WBCSD."

On 25 February 2014, the WBCSD submitted a seventeen-page document pertaining "Action2020", a platform developed over several years by the WBCSD and its member companies (WBCSD, 2014). "Action2020" is a set of societal targets for business action on climate change and other related environmental areas, which originated in a study of long-term human resource and environmental affairs (WBCSD, 2014, p. 3). The project started with an extensive consultation process led by the Stockholm Resilience

Centre (SRC),[23] which involved 150 scientist and 40 companies. As a result of the consultation process, some specific targets—"Societal Must-Haves"—were established in nine priority areas, including climate change (WBCSD, 2014, p. 3).[24] The objectives chosen for each focus area were the ones considered essential for business, government and society, so as to return to a sustainable track in a cooperative way (WBCSD, 2014, p. 3).

The specific targets or societal must-haves on climate change contained twelve measurable, scalable, replicable and beyond business as usual solutions, which depended not only on business but also on enabling circumstances such as policies, technology and finance (WBCSD, 2014, p. 4). These twelve business solutions were classified into four groups:

1. *Carbon Storage:* this solution encompassed business actions and leadership on three main areas: a) forests as carbon sinks; b) carbon capture and storage; and c) carbon capture and storage utilisation (WBCSD, 2014, pp. 6-8).

2. *Reduce greenhouse gas:* this category included strategies on four fields: a) sustainable cities; b) electrifying cities towards zero emissions; c) energy efficiency in buildings; d) sustainable mobility; and e) low carbon electrification of remote areas (WBCSD, 2014, pp. 9-13).

3. *Resilience to changes in climate change:* this group comprised initiatives on three fields: a) globally interdependent supply chains; b) power sector; and c) resilience in concrete buildings (WBCSD, 2014, pp. 14-16).

4. *Scale:* this strategy referred to the Smart Policies Project, which displays best practices and shows that implementing them would work and deliver results (WBCSD, 2014, p. 17).

The submission made reference to the projects and strategies already in development or in operation. However, it also stressed the need to develop multiple key enablers to achieve the proposed goals, namely: the expansion of sustainable forest

[23] The SRC is a research organization, focused on topics for governance and management of social-ecological systems, with the aim to secure ecosystem services for human wellbeing and resilience for long-term sustainability. The SRC implements and develops the scientific progress of this research within practice, policy, and in academic preparation (Stockholm Resilience Centre, 2017).

[24] These nine priority areas are: 1) climate change, 2) nutrient elements, 3) ecosystems, 4) exposure to harmful substances, 5) water, 6) basic needs and rights, 7) skills and employment, 8) sustainable lifestyles, and 9) food, fibre and biofuel (WBCSD, 2014, p. 3).

management; the restoration of degraded land; the responsible use and application of forest resources; the establishment of partnerships; the identification of the main political figures for carbon capture and storage; the development of a pilot project on carbon capture and storage; and the promotion of a multi-sector global leadership group for sustainable cities (WBCSD, 2014, p. 17).

Evaluation of the influence of WBCSD on the pre-2020 strategies

Participation of the WBCSD at the TEM held between 2014 and 2016:

The contributions made by the WBCSD on its submission are rather comprehensive and include suggestions on almost all the areas on which the TEM have taken place. For that reason, they could have been discussed, perhaps, at the TEM on carbon capture, non-CO_2 greenhouse gases, renewable energy, energy efficiency, urban environment and transport, the value of carbon, or even land use. Even so, it was found that the TEM at which the WBCSD could present its view, were the TEM on carbon capture and the TEM on Non-CO_2 greenhouse gases, both of which took place on the same dates (UNFCCC, 2017).

The TEM on carbon capture, use and storage (CCUS) was held on 21 October 2014. It offered a scenario for Parties, international organizations, the private sector and other relevant actors to share their perspectives and expertise on alternatives, advantages, obstacles and plans for advancing action on CCUS (UNFCCC, 2017). In addition to the TEM on CCUS, a TEM on non-CO_2 greenhouse gases took place on 22 October 2014. Similarly, this meeting allowed all the relevant actors to share their viewpoint and experiences on opportunities to bridge the ambition gap and discuss the best options to enhance cooperation, including the use of existing UNFCCC institutions and mechanism (UNFCCC, 2017).

During these events, the WBCSD had the possibility to hold an exhibit on mitigation and related issues, and show why carbon capture and storage is a critical part of the solution to climate change (UNFCCC, 2017). The exhibition was intended to call for action on the reduction of carbon emissions and consisted of a four-minute film that showed the critical role that CCUS can play on avoiding global temperature rise to 2°C above pre-industrial levels (UNFCCC, 2017).

SPM 2015 and SPM 2016:

Three explicit references to the WBCSD were identified in the SMP 2015. The first allusion was found in Chapter II; specifically in the subchapter that contains the information shared at the TEMs on energy efficiency held in 2014 and 2015 (United Nations Climate Change Secretariat, 2015, pp. 20-24). The subchapter contained a section on solutions on energy efficiency through international cooperation, which refers to the international bodies that had already put into operation the global initiatives to assist Parties in improving their selection of energy efficiency policies and approaches (United Nations Climate Change Secretariat, 2015, p. 24). Here, the WBCSD was listed among the organizations with robust energy efficiency programmes, along with the Global Environmental Facility (GEF),[25] Local Governments for Sustainability (ICLEI)[26] and the IEA[27] (United Nations Climate Change Secretariat, 2015, p. 24).

The second mentioning was found in Chapter III "the power of international cooperation", which lists the different international organizations and cooperation initiatives that can help Parties to increase their pre-2020 ambitions (United Nations Climate Change Secretariat, 2015, pp. 51-57). The Low Carbon Technology Partnership Initiative (LCTPi) led by the WBCSD in cooperation with the Sustainable Development Solution Network and the IEA, was mentioned among the initiatives undertaken by the private sector focused on renewables, CCUS, cement and chemicals (United Nations Climate Change Secretariat, 2015, p. 57).

The third reference was found in the same section previously mentioned. This time the WBCSD was cited in relation to the coalition known as We Mean Business. This coalition consists of a common platform constituted by seven organizations including the WBCSD, to intensify the business voice, promote business climate action and encourage the establishment of smart policy frameworks (United Nations Climate Change Secretariat, 2015, p. 57). Same as in the SPM 2015, Chapter II of the SPM 2016,

[25] The GEF is a partnership of 18 agencies, including UN agencies, multilateral development banks, national entities and international NGOs. It works with 183 countries to address the most challenging environmental issues; and works closely with civil society organization, the private sector, and receives continuous collaboration from an independent evaluation office and a scientific panel (GEF, 2017).

[26] ICLEI - Local Governments for Sustainability is an international network of more than 1,500 cities, towns and regions dedicated to sustainability (ICLEI, 2017).

[27] The IEA is an organization that works to ensure clean energy for its 29 member countries. The IEA has four main areas of focus: energy security, economic development, environmental awareness and engagement worldwide. (IEA, 2017).

listed the WBCSD among the organizations committed to building a partnership to increase the number of companies using renewable energy for the development of their activities (United Nations Climate Change Secretariat, 2016, p. 27).[28]

Although not directly referenced, many of the elements suggested by the WBCSD through its business solutions on climate change related to carbon storage, match with the different alternatives presented in the SPM 2015 and the SPM 2016. One example of this was found precisely in the subchapters on land use of both the SPM 2015 and SPM 2016. This subchapter highlighted that policies related to improved forest management are the most cost-effective policy options to reduce emissions in the forestry sector (United Nations Climate Change Secretariat, 2015, p. 42) (United Nations Climate Change Secretariat, 2016, p. 19). Same as mentioned in the SPMs, the initiatives on improved forest management constituted the basis of the business solutions on carbon storage proposed by the WBCSD (WBCSD, 2014, p. 6).

Consequently, in line with the information previously analysed, it can be concluded that even when the recommendations presented by the WBCSD match with the policy options on carbon storage contained in the SPMs, the organization was not directly referenced in the related subchapters. However, some the initiatives of the WBCSD on specific areas were explicitly acknowledged in both the SPM 2015 and the SPM 2016.

Submission 2, Workstream 1: "2015 climate change agreement: an accelerator for business action."

In September 2014, the WBCSD submitted a twelve-page document expressing the support from industry towards the adoption of a universal, ambitious and balanced climate agreement. This support was based on the acknowledgement that such an agreement could guide business response to the transition to a low carbon, climate resilient pathway before it became pricey or unattainable (WBCSD, 2014, p. 2). In line with that, the WBCSD recognised that low to zero emissions strategies was consistent with economic growth ambitions and could help countries to advance towards the new low carbon economy, if suitably resourced and implemented (WBCSD, 2014, p. 2).

[28] The other organizations mentioned are: the Corporate Sourcing of Renewables Campaign, comprising several governments, IRENA, the Renewable Energy Buyers Alliance, RE100 and WRI. (United Nations Climate Change Secretariat, 2016, p. 27).

The WBCSD highlighted that as part of Action2020, its members had agreed to a societal "must-have" aimed to limit the aggregate of net emissions to a trillion tonnes of carbon while meeting the development needs and building climate resilience (WBCSD, 2014, p. 2). Nonetheless, it was manifested that the range of actions towards a low carbon economy taken by business, require the enactment of meaningful, efficient and predictable policies by governments (WBCSD, 2014, p. 2). Accordingly, the WBCSD suggested four features for the climate change agreement from the perspective of business, so as to direct investment flows towards a low carbon and climate-resilient economy:

1) "Long-term international commitment to achieving global net zero emissions within the 21st century, backed by national contributions to create an upward spiral of ambition": this characteristic referred to the establishment of measurable national emissions reduction goals, the creation of carbon sinks, and a transparent process of periodic review. From the WBCSD perspective, this kind of stable rules was an important enabler of the confidence required for long-term, multi-decadal investments and business strategies (WBCSD, 2014, pp. 3-4).

2) "An international framework that enables robust national policies, including measures leading towards global carbon pricing, to incentivise transformative low-carbon actions": this aspect referred to the support of new and existing markets for climate action; with the aim to both, allow governments to enact suitable policies and legislation, and encourage business to optimise industry models, innovate and scale up. Thus, carbon pricing was highlighted as an important strategy to make low carbon projects more viable and promote investment in low carbon projects (WBCSD, 2014, pp. 5-6).

3) "Enhanced international cooperation for improved local and regional resilience, supported by innovation and optimising risk management frameworks": this component was based on the importance of engaging governments, communities and business, to support low carbon and climate resilient societies. The WBCSD pointed out that the effects of climate change are already being felt and the business sector had already started gaining knowledge on its risks and unpredictability. Consequently, climate change risks management frameworks could be improved through the exchange of best

practices, sharing resources, international cooperation and global support (WBCSD, 2014, pp. 7-8).

4) "Enhanced international cooperation and policy frameworks for scaled up investment in technology innovation": this attribute denoted the need to enact public policies to hasten the research, development demonstration and deployment of technologies (RDD&D) for mitigation and adaptation; while allowing markets to compete in a cost-effective way. The WBCSD expressed that as an investment in RDD&D for low carbon technologies is driven by the potential profits of effective developments, some predictability in demand and stability in regulation was required to boost investments in this area (WBCSD, 2014, pp. 9-10).

Evaluation of the influence of WBCSD on the Paris agreement

The four characteristics that the climate change agreement was advised to have, according to the submission of the WBCSD to the ADP, were analysed one by one as follows:

1. "Long-term international commitment to achieving global net zero emissions within the 21st century, backed by national contributions to create an upward spiral of ambition": Instead of aiming to achieve global net zero emissions, Article 2 of the Paris Agreement incorporates the ambition to enhance the international response to climate change, by, among other approaches, fostering climate resilience and "low greenhouse gas emissions development" (Paris Agreement, 2015, Article 21, Paragraph 1(b)). Still, through Article 3, the Paris Agreement mandates the establishment of NDC, which are the actions that each Party intends to undertake to contribute to the general objective of the Agreement (Paris Agreement, 2015, Article 3). These NDC imply the establishment of measurable reduction goals, which will be recorded in a public registry maintained by the Secretariat and shall be updated every five years (Paris Agreement, 2015, Article 4, paragraph 9 & 12).

2. "An international framework that enables robust national policies, including measures leading towards global carbon pricing, to incentivise transformative low-carbon actions": Article 6 of the Paris Agreement contains market approaches in its paragraphs 6.4-6.7; and non-market approaches in its paragraphs 6.8-6.9 (Paris Agreement, 2015, Article 6). These methods can not only express support to new and existing markets for climate action, but also allow governments to enact suitable plans,

policies and legislation, while encouraging business to optimise industry models, innovate and replicate years.

3. "Enhanced international cooperation for improved local and regional resilience, supported by innovation and optimising risk management frameworks": the importance of cooperation has been emphasized throughout the entire text of the Paris Agreement. Nonetheless, it can be said that the Warsaw International Mechanism for Loss and Damage associated with Climate Change impacts contained in Article 8, represents one of the most important efforts in this regard included in the Paris Agreement. The mechanism was established at COP 19, which took place in Warsaw, Poland in November 2013; with the aim to address loss and damage related to the effects of climate change. Accordingly, it has the objective to enhance knowledge and understanding of wide-ranging risk management approaches; strengthen information flow, harmonisation, consistency and synergies among relevant stakeholders; and enhance action and support, including finance, technology and capacity-building (UNFCCC, 2016)**.**

4. "Enhanced international cooperation and policy frameworks for scaled up investment in technology innovation": in addition to the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts—which contains provisions on finance, technology and capacity-building—, Article 10 of the Paris Agreement establishes a technology framework to offer further direction to the work of the Technology Mechanism.[29] This mechanism is aimed to provide further advancement and facilitation of enhanced approaches to technology development and transfer, for the proper implementation of the agreement (Paris Agreement, 2015, Article 10, Paragraph 4).

Thus, the elements recommended by the WBCSD on its submission were identified in the related provisions of the Paris Agreement. For that reason, it can be assumed that the WBCSD might have influenced the development of the provisions of the Paris

[29] The Technology Mechanism was established in 2010, in order to enhance climate technology development and transfer to developing countries. It consists of two bodies: the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN). "Within the UNFCCC process, countries have confirmed the importance of enhancing climate technology development and transfer to developing countries (UNFCCC, 2016).

Agreement related to the topics tackled in its the submission called “2015 climate change agreement: an accelerator for business actions”.

5.5 Invitations from the ADP to observer organizations in 2015

The ADP held five sessions in 2015. The first meeting took place in Geneva, Switzerland, from 8 to 13 February (ADP 2-8). The following three sessions were held in Bonn, Germany, from 1 to 11 June (ADP 2-9); 31 August to 4 September (ADP 2-10); and 19 to 23 October (ADP 2-11) respectively. The last session of the ADP represented the culmination of its work and was held in Paris, France, from 29 November to 5 December 2015 (ADP 2-12), right before the adoption of the Paris Agreement (UNFCCC, 2016).

During the second part of its first session, held in Doha from 27 November to 7 December 2012, the ADP had invited Parties and admitted observer organizations to submit information, views and proposals on its work before each of its meetings (ADP, 2013. Paragraph 22). According to the UNFCCC portal on submissions from non-Party stakeholders to the ADP, only five NGOs participated with submissions throughout 2015 (UNFCCC, 2016). MBBI is the only NGO of the ones selected for this case study that issued a submission for the ADP in that year. Its submission will be further described in the following section.

5.5.1 Submission from MBBI to the ADP

MBBI sent a one-page submission on 9 June 2009, which same as its 2012 submission, started with a brief introduction of the organization, its status, objective, and its participation in the different UNFCCC events (MBB, 2015, p. 1). This time, the proposal submitted by MBBI was aimed to clarify further one paragraph of the negotiating text of the Paris Agreement, issued on 25 February 2015 (FCCC/ADP/2015/1) (Negotiating Text, 2015). Specifically, the proposal of MBBI consisted of the introduction of an explicit text to further clarify the procedures on the modalities for implementation and compliance with the provisions of the agreement (Section K, for options 1-6, sub-item d. Modalities, iii. Procedures (MBB, 2015, p. 1). Given that, MBBI recommended the following text:

> “The nature of the proceedings of the compliance regime should be primarily facilitative, transparent, non-judicial and non-adversarial; **by**

applying where appropriate methods of mediation and facilitative negotiation." (Text proposed by MBBI in **bold.**) (MBB, 2015, p. 1).

Evaluation of the influence of MBBI on the Paris agreement

Article 15 of the Paris Agreement endows the mechanism to facilitate the implementation and compliance of the provisions contained in the agreement (Paris Agreement, 2015, Article 15). This mechanism consists of an expert-based and facilitative committee, whose precise competence and function has to be decided by the CMA (Paris Agreement, 2015, Article 15, Paragraph 3).

The negotiating text for the Paris Agreement published on 25 February 2015 contained the options for the facilitating implementation and compliance mechanisms. However, the text under discussion is now contained in Article 15, Paragraph 2, as follows:

> "The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties." (Paris Agreement, 2015, Paragraph 2).

While the final text changed from the version proposed in the negotiation text published on 25 February 2015, it still contains the words "facilitative", "transparent" and "non-adversarial". Nonetheless, the concept "non-judicial" was replaced by "non-punitive"; and the additional clarification proposed by MBBI—"by applying where appropriate methods of mediation and facilitative negotiation"— was not included in this Article.

5.6 Summary

This chapter offered a report of the ADP and its mandate, followed by a description and analysis of the submissions from the four NGOs selected for this case study, to the ADP between 2012 and 2015. Then, it was found that in 2012, MBBI and the WBCSD participated with submissions regarding Workstream 1; in 2013; the IGES participated with one submission on issues related to Workstream 1 and another submission on matters related to Workstream 2, and Greenpeace participated with one submission on

Workstream 2. Later on, in 2014, the WBCSD participated with two submissions, one on Workstream 1 and one on Workstream 2; and the IGES participated with two submissions on Workstream 2. Lastly, in 2015, MBBI participated with one submission on matters related to Workstream 1.

The analysis of the presence or absence of the recommendations made by these NGOs in the documents that resulted from the work of the ADP—the Paris Agreement and the pre-2020 strategies—allowed the estimation of their possible impacts. Then, it was found that MBB's and Greenpeace's recommendations were not referenced; the proposal made by the IGES might have been considered; and some evidence suggests that among these NGOs, the only one that could have had certain influence on the final decision reached was the WBCSD, as some of the elements suggested on its submissions match with the provision of the Paris Agreement on the topics addressed. A more detailed analysis of this findings can be found in the following chapter.

6 Comparative Analysis of the Submissions

Having described the submissions sent to the ADP from Greenpeace International, the IGES, MBBI and the WBCSD, it becomes easier to summarise their content and compare their influence, or lack of it, in the final outcomes. Accordingly, this chapter presents a comparative analysis of the submissions to the ADP between 2012 and 2015, from the four NGOs selected for this case study that were described and examined in chapter five. With the aim to facilitate the comparison, a short delineation of the NGOs will be presented first. This depiction will be followed by a summary of their submissions and a reference to their presence or absence in the Paris Agreement, in cases when the submissions addressed matters related to Workstream 1; and in the SPMs, when the submissions addressed issues related to Workstream 2. After that, all the submissions will be analysed and compared separately by workstream.

6.1 Summary of the submissions from NGOs

All the NGO submissions described and analysed in the previous chapter were aimed to contribute to different specific topics within one of the two workstreams established by the ADP, as illustrated in Table 5. With the purpose to ease the comparison of NGO participation, the submissions from the NGOs selected for this case study will be briefly summarised in the following lines, along with a short reference to their presence or absence in the final outcomes analysed; that is, in the Paris Agreement or the SPMs as suitable.

Table 5. Participation from selected NGOs.

NGO	Year of Submission	Workstream	Participation at TEM	Topic
Greenpeace International	2013	Workstream 2	TEM 2015	Energy efficiency and renewable energy
IGES	2013	Workstream 1	-	INDC
	2013	Workstream 2	TEM 2014	Energy efficiency and renewable energy
	2014	Workstream 2	TEM 2014	Urban environment
	2014	Workstream 2	TEM 2014	Land use
MBBI	2012	Workstream 1	-	Mediation
	2015	Workstream 1	-	Mediation
WBCSD	2012	Workstream 1	-	Market mechanisms
	2014	Workstream 1	-	Accelerators for business Action
	2014	Workstream 2	TEM 2014	CCUS

6.1.1 Greenpeace International

Greenpeace International is an independent international campaigning organization focused on changing corporation's and government's attitudes for the protection and conservation of the environment (Greenpeace International, 2016). The organization was established as a foundation-type non-profit entity based in Amsterdam, the Netherlands (Greenpeace International, 2016). Within the UN system, it is registered as an NGO with general consultative status since 1998 (UN DESA, 2016).

Greenpeace International participated with only one submission to the ADP in 2013, on issues related to the pre-2020 strategies. Its submission, "An Energy [R]evolution to bridge the emission gap - 7.4 Gt energy-related CO_2 by 2020 can be saved", was aimed

to enhance the efforts towards the transition to renewable energy and energy efficiency (Greenpeace, 2013). Furthermore, six presenters had the chance to hold side events on behalf of Greenpeace at the TEM on renewable energy and energy efficiency held in June 2015, in Bonn, Germany (UNFCCC, 2016).

Although some of the main pre-2020 strategies condensed in the SPMs about the findings, data and alternatives to enhance mitigation ambitions provided at the TEM harmonise with the ones presented by Greenpeace, the Energy [R]evolution as submitted by this NGO was not included in the SPMs. As a matter of fact, many of the policy options listed in the SPM 2015 and SPM 2016 were based on the projections of the IEA, which constituted the reference scenario of the more ambitious proposal presented by Greenpeace. Consequently, the analysis led to the conclusion that the proposal submitted by Greenpeace was not taken into account in the SPMs.

6.1.2 The IGES

The IGES is a research organization based in Japan. Its main objective is the development of strategic policy investigation for environmental actions, both in the Asia-Pacific region and at the international level (IGES, 2016). The IGES was established under a 1998 initiative of the Japanese government, and it made the transition to a Public Interest Incorporated Foundation in April 2012 (IGES, 2016). Regardless its legal nature, It is classified under the iCSO as an NGO with ECOSOC Special Consultative Status since 2003 (NGO Branch - United Nations Department of Economic and Social Affairs, 2016).

The IGES participated with four submissions to the ADP in total: two submissions in 2013 and two in 2014 (UNFCCC, 2017). While one of the submissions of 2013 was on issues related to the Paris Agreement, the other three submissions had to do with matters related to the establishment of the pre-2020 strategies (UNFCCC, 2017).

The submission issued in 2013 and related to the Paris Agreement proposed “A process to make nationally determined contributions more ambitious” (IGES, 2013). The analysis of the information about the establishment of the NDC and the provisions of the Paris Agreement on NDC, led to the conclusion that the proposal sent by the IGES to the ADP might have been considered but not fully operationalized. This asseveration derived from the fact that the IGES had the opportunity to present its proposal, and actually, some evidence showed that a workshop similar to the one proposed by the

IGES as the first step of the process proposed took place (Further advancing the Durban Platform, 2013). Nonetheless, a procedure was not established after the workshop, and the INDC in accordance with their national priorities, circumstances and capabilities (World Resources Institute, 2016).

The other three submissions regarding the pre-2020 strategies contained "Technical inputs on the promotion of energy efficiency and renewable energy" (IGES, 2013); "Technical inputs on the Technical Expert Meeting on Urban Environment" (IGES, 2014); and "Technical inputs on the Technical Expert Meeting on Land Use" (IGES, 2014). The IGES had the chance to hold exhibits at the TEM on energy efficiency and renewable energy held in March 2014, the TEM on the urban environment held in June 2014, and the TEM on land use held in June 2014 as well (UNFCCC, 2016). Although the definitive ideas included in the SPMs are in line with the goals and principles proposed by the IGES**,** it was not possible to determine the degree of influence that IGES had over the strategies incorporated, as there is no direct reference to any of submissions in the SPMs.

6.1.3 MBBI

MBBI is an international organization focused on the transfer of mediation and expertise to communities around the world. It was founded in 2006 by a group conflict resolution organizations; namely, the United States Institute of Peace, Humanity United, the International Centre for Dispute Resolution, Rotary, JAMS, Samuel Rubin Foundation, IIPC, Wil of Greater Philadelphia and the Rotarian Action Group for Peace (Rotary, 2016). MBBI is registered as a non-profit organization under the United States legal system and classified as an NGO with ECOSOC special consultative status since 2012 in the UN system (MBBI, 2017).

MBBI participated with two submissions to the ADP on issues related to the Paris Agreement, one in 2012 and one in 2015 (UNFCCC, 2017). Both submissions referred to the introduction of the term "mediation" in the Paris Agreement. However, the first one suggested a specific wording, while the second one suggested a clarification of a negotiating text, so as to include mediation among the procedures on the modalities for implementation and compliance with the provisions of the agreement (UNFCCC, 2017).

By examining the submissions from the MBBI to the ADP and comparing their content with the provisions of the Paris Agreement related to the resolution of conflicts, it was possible to determine that the goals and principles of MBBI are not reflected in the outcome. As neither the phrasing proposed by MBBI or the concept of "mediation" was included in the text of the Paris Agreement, it was concluded that the proposals submitted by this NGO were dismissed.

6.1.4 The WBCSD

The WBCSD is an international CEO-led organization, integrated by more than 200 renowned business and partners that seek to hasten the transition to a sustainable world (WBCSD, 2017). This organization was founded in 1991 by the Swiss businessman, Stephan Schmidheiny, in partnership with other 48 business leaders (WBCSD, 2017). Within the UN system, it is registered as an NGO with Roster Consultative status since 1998 (WBCSD, 2017).

The WBCSD participated with three submissionss to the ADP in total: one submission in 2012 and two in 2014 (UNFCCC, 2017). Two of the submission, the one from 2012 and one of the submissions from 2014, were on issues related to the Paris Agreement; the other submission from 2014, had to do with matters related to the establishment of the pre-2020 strategies (UNFCCC, 2017).

The first submission on issues related to the Paris Agreement consisted on a document that proposed the creation of "Market Mechanisms as the Central Pillar of a Climate Policy Framework" (WBCSD & IETA, 2016). This submission was elaborated jointly by the WBCSD and IETA, and it had the objective to suggest the adoption of a new market mechanism based on the existing market approaches, as an essential element to achieve the required GHG emissions reduction levels (WBCSD & IETA, 2016, p. 1). By comparing the content of the submission issued by WBCSD and IETA, it was found that some of the most important elements suggested in their proposal are reflected in Article 6 of the Paris Agreement. Therefore, the findings indicate that the WBCSD—and IETA—might have had a certain influence on the development of Article 6 of the Paris Agreement.

The second submission regarding the Paris Agreement, "2015 climate change agreement: an accelerator for business actions", was developed individually by the

WBCSD (WBCSD, 2014). This submission contained four suggested features for the climate change agreement from the perspective of business, so as to direct investment flows towards a low carbon and resilient climate economy (WBCSD, 2014). As many of the elements recommended by the WBCSD on its submission match with the related provisions of the Paris Agreement, it was inferred that the WBCSD might have influenced the development of the corresponding provisions of the Paris Agreement.

The last submission from the WBCSD concerned matters related to the pre-2020 strategies, and it contained an explanation of its societal targets for business action on climate change (WBCSD, 2014, p. 3). Although the submission made reference to projects and strategies on climate change already in development or in operation, it also stressed the need of various key enablers for the achievement of the proposed goals (WBCSD, 2014). The WBCSD had the chance to hold an exhibit on mitigation and related issues during the TEM on CCUS and the TEM on non-CO_2 greenhouse gases, held in October 2014 (UNFCCC, 2017). While various direct recommendations harmonise with the policy options on carbon storage contained in the SPMs, there is no direct reference to the WBCSD in the corresponding subchapters. However, some of the initiatives of the WBCSD on specific areas were explicitly acknowledged in both, the SPM 2015 and the SPM 2016.

6.2 Comparative Analysis: Submissions on Workstream 1

As illustrated in Table 6, three of the NGOs selected for this case study participated with submissions to the ADP on issues related to the Paris Agreement. MBBI participated with two submissions, one in 2012 and one in 2015; the IGES with one submission in 2013; and the WBCSD with two submissions, one in 2012 and one in 2014 (UNFCCC, 2017).

Table 6. Characterization of NGO participation on Workstream 1

NGO	Year of Est.	ECOSOC Status	Field of Action	Topic of the submissions	Headquarters	Influence of Participation
MBBI	2006	Special since 2012	Mediation	Mediation	United States	Dismissed
IGES	1998	Special since 2003	Research	NDC	Japan	Dismissed
WBCSD	1991	Roster since 1998	Business Coalition	Enablers for business action	Switzerland	Seemingly Considered

These organizations differ not only in their country of origin—which determines the legislations that rule their condition—but also in the kind of interests that they represent and subsequently in their main field of action. Concerning their ECOSOC consultative status, it is important to note that while MBBI and the IGES are in special ECOSOC consultative status, the WBCSD is in roster ECOSOC consultative status.

Accordingly, the privileges of MBBI and the IGES similar to those of the general consultative status, with the difference that their written statements are limited to 1,500 words (Consultative relationship between the United Nations and non-governmental organizations, 1996). Even more restrictive, ECOSOC roster allows the WBCSD just to attend the meetings within its field of competence and submit its views in 500 words when formally invited by the ECOSOC or its subsidiary bodies (Consultative relationship between the United Nations and non-governmental organizations, 1996). While the submissions from MBBI and the IGES were within the 1,500 words limit, the submissions from the WBCSD clearly exceeded the 500 words limit. Nonetheless, this did not seem to determine their influence or lack of it.

Although the five submissions were on issues related to the Paris Agreement, they addressed different topics. Thus, while MBBI proposed the incorporation of the term “mediation” in the final agreement, the IGES proposed a method for the establishment of the INDC; and the WBCSD advocated the introduction of market mechanisms on the first submissions, besides suggesting four features for the climate change agreement from the perspective of business on its second submission.

As a result of the comparison made between the provision of the Paris Agreement on each of the topics addressed by the studied NGOs, and the content of their submissions, it was possible to estimate their probable impact. By making this comparison, it was found that MBBI's proposal was dismissed; the proposal made by IGES could have been initially considered but not fully put into operation; and some evidence suggests that among these NGOs, the only one that could have had a certain influence on the final decision reached was the WBCSD. This asseveration is based on the fact that some of the elements suggested on the WBCSD's submissions match with the provision of the Paris Agreement on the topics addressed. Consequently, it was possible to conclude that there is no indistinct correlation between either their country of establishment, their field of action or their ECOSOC status, and the degree to which they were able to produce an impact on the Paris Agreement.

It could be though that the ideas finally adopted were, perhaps, more viable than the suggestions made by these NGOs; but in some cases, it seems that the measures adopted will be insufficient. For example, decision 1/CP 21 of 2016, by means of which the Paris Agreement was formally adopted, "notes with concern" that the projected aggregate GHG emissions levels in 2025 and 2030 resulting from the INDC are not enough, as they do not fall into 2°C scenarios and lead to an estimated level of 55 Gt in 2030 instead (Decision 1/CP.21, 2016, Paragraph 17). So, if the INDC are not satisfactory, why is it that the process proposed by the IGES to make NDC more ambitious was not operationalized? Perhaps the Parties did not agree with that procedure, or maybe there was a lack of resources to put the procedure fully into operation.

On the other hand, to determine the influence of the WBCSD with certainty, it is still required to further inquire about the circumstances that led to outcome finally adopted and make a verification through different sources. This could be verified by, for example, reviewing the process of negotiation of the provisions and interviewing the main actors involved, so as to avoid any risk of wrongly identifying a correlation with causation (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 71). Accordingly, it should be borne in mind that if a specific suggestion or wording in the Paris Agreement relates to the view of the WBCSD, this does not automatically mean that the outcome was caused by the influence of this NGO. This for the reason that there could be other actors involved in the negotiations

that were endorsing the same views (Betsill & Corell, NGO influence in International Environmental Negotiations: A Framework for Analysis, 2001, p. 71).

Although not reflected in the Paris Agreement itself, some of the characteristics of meaningful public participation could have taken place at the different ADP sessions. For that reason and as explained in the research design and method chapter, the NGO representatives who authored the submissions were contacted in late February 2017 to inquire about their willingness to answer a short questionnaire (See Appendix 6). Concerning Workstream 1, only the representatives of MBBI and the WBCSD in charge of the submissions responded to the request.

The representative of MBBI indicated that although the language proposed in their submission had been accepted by the UNFCCC Secretariat as well as by several national delegations willing to sponsor it, "the process leading to the Paris Agreement was predicated on the reduction of text rather than its expansion" (Fiutak, 2017). When inquired if there were any other actors (NGOs, States, agencies, etc.) sharing the same views, he replied that they had "confirmation from over 85 of the 194 countries associated with the UNFCCC that they were in concert with the concept of the inclusion of the mediation language" (Fiutak, 2017). When asked if MBBI had more opportunities to participate in the pre-negotiation process, he said that they took advantage of their direct contact with various delegations and they found very strong acceptance for the inclusion of "mediation" in the Paris Agreement. He added that this response included invitations to meet directly with Christiana Figueres, the former Executive Secretary of the UNFCCC (Fiutak, 2017). Additionally, he said that they did not receive any information about the reasons why the suggested text was not included (Fiutak, 2017).

In the case of the WBCSD, the person contacted could not collaborate due to her busy schedule. For that reason, she delegated the climate policy manager, who gave an interview via Skype to answer the short questionnaire designed for this research (See Appendix 6). Nonetheless, as she had been appointed to the position in September 2016 and therefore was not part of the WBCSD at the time of the pre-negotiation of the Paris Agreement, the questions of main interest for this thesis remained unanswered.

Consequently, the previous analysis leads to additional questions related to the reasons why the proposals from the other studied NGOs were dismissed; and

interrogations about the actors that played a decisive role or pushed for the adoption of the measures finally formalised.

6.3 Comparative Analysis: Submissions on Workstream 2

As illustrated in Table 7, three of the NGOs selected for this case study participated with submissions to the ADP on issues related to the pre-2020 strategies. Greenpeace International participated with one submission in 2013; the IGES with three submissions, one in 2013 and two in 2014; and the WBCSD with one submission in 2014 (UNFCCC, 2017).

Table 7. Characterization of NGO participation on Workstream 2

NGO	Year of Est.	ECOSOC Status	Field of Action	Topic of submissions	Headquarters	Influence of Participation
Greenpeace	1971	General since 1998	Campaigning	Energy	Netherlands	Dismissed
IGES	1998	Special since 2003	Research	Energy, urban environment and land use	Japan	Dismissed
WBCSD	1991	Roster since 1998	Business	Carbon capture	United States	Considered

As previously explained, the legislation that rules the condition of each of these organizations is different due to their respective country of origin. Additionally, the interests that they represent and subsequently their main field of action are dissimilar as well. Concerning their ECOSOC consultative status, each organization holds one of the three consultative statuses awarded by the ECOSOC: Greenpeace International is in general consultative status; the IGES is in special consultative status, and the WBCSD is in roster consultative status. Accordingly, Greenpeace International has the broadest prerogatives among this three organizations, as it is allowed to attend the meetings of the ECOSOC and its subsidiary bodies, to express its positions, to circulate declarations of 2,000 words and to submit proposals for the provisional agenda of the ECOSOC and its bodies (Consultative relationship between the United Nations and non-governmental

organizations, 1996). While the privileges of the IGES are similar to those of Greenpeace International, its written statements are limited to 1,500 words; and the WBCSD can submit its views in 500 words when formally invited by the ECOSOC or its subsidiary bodies (Consultative relationship between the United Nations and non-governmental organizations, 1996). Still, the submission from Greenpeace International was rather extensive, the submissions from the IGES were closer to the 1,500 words limit, and the submissions from the WBCSD clearly exceeded the 500 words limit. However, same as in Workstream 1, this did not seem to determine NGO influence or the lack of it.

Although the five submissions were on issues related to the pre-2020, they addressed various thematic priority areas and different technical matters. To be precise, Greenpeace presented a proposal on more suitable and economically attractive options for energy efficiency and renewable energy. In the same way, the IGES presented some technical contributions on the promotion of energy efficiency and renewable energy; plus a submission that enclosed technical inputs on the promotion of urban environment; and a submission that contained technical inputs on the improvement of land use (UNFCCC, 2017). The WBCSD presented its programme "WBCSD Climate Change solutions: Action2020 led by the WBCSD", making reference to the key enablers required to achieve the proposed goals (WBCSD, 2014).

All the planned efforts, recommendations and strategies for policies and actions to address climate change up to the year 2020, involve a periodical review through TEMs by thematic area, which are expected to attract the participation of Parties, international organizations and related partnerships (UNFCCC, 2016). From March 2014 to May 2016, the TEM were held each year on topics such as renewable energy, energy efficiency, urban environment, land use, carbon capture, non-COs GHGs, transport, and value of carbon (UNFCCC, 2016). In addition to that, the SPMs were issued in 2015 and 2016, in order to compile the information about the findings, data and alternatives to enhance mitigation ambitions provided at the TEMs by Parties, observer organizations and specialized international institutions. With the aim to make the comparative analysis clearer, the participation of the NGOs mentioned above at the TEM on the topics related to their submission, and their subsequent insertion—or exclusion—in the SPMs, is presented by thematic priority area in the following lines.

Renewable Energy and Energy Efficiency

Both, Greenpeace International and the IGES, had the chance to hold exhibits at the TEMs on energy efficiency and renewable energy that took place in June 2015 and May 2016 in Bonn, Germany (UNFCCC, 2016). Even so, the contributions made by these two NGOs were not found in the SPM 2015 or the SPM 2016, as the findings, data and suggestions to enhance mitigation ambitions on energy efficiency and renewable energy are mostly based on the information submitted by the Parties, UN agencies and IGOs.

Some of the actors referenced in the SPMs are: the UNEP; the IEA; IRENA; the Global Commission on the Economy and Climate; the Green Fiscal Policy Network; the e-Parliament; the Organization for Economic Co-operation and Development (OECD); and Agora Energiewende. Only two organizations that are registered as NGOs in the iCSO of the UN, were found among the organizations referenced in the SPM 2015. Those NGOs are the Renewable Energy Policy Network (REN21) and the World Energy Council (WEC) (United Nations Climate Change Secretariat, 2015, pp. 16-17). In addition to that, the work of two NGOs more, the WBCSD and the World Resources Institute (WRI), were mentioned on the SPM 2016 (United Nations Climate Change Secretariat, 2016, p. 27).

As for the NGOs selected for this case study, contrary to the projections of Greenpeace about a worldwide removal of nuclear energy, the SPM 2016 included the promotion of nuclear power as a key opportunity for reducing emissions in the energy sector (United Nations Climate Change Secretariat, 2016, p. 25). Furthermore, many of the policy options contained in the SPM 2015 and SPM 2016 were mostly based on the projections of the IEA; which constituted the basis of the more ambitious estimates submitted by Greenpeace. Therefore, the evidence suggest that Greenpeace's proposal was dismissed. In the case of the IGES, even when some of the pre-2020 strategies match with the ones presented in its submission, this NGO was not cited or explicitly mentioned in any of the SPMs.

Urban Environment

The IGES was found among the NGOs that held exhibits on "adaptation and related issues" at the TEM on the urban environment, which took place on 10 June 2014, in Bonn, Germany (UNFCCC, 2016). While the SPM 2015 included the strategies on the urban environment within subchapter that contained the recommendations for the

transport sector, the SPM 2016 included a section on human settlements and infrastructure**.** After reviewing those subchapters and comparing them with the submissions from the IGES, it was found that the contributions from the IGES on the urban environment were not referenced in the SPM 2015 or the SPM 2016.

The findings, data and suggestions to enhance mitigation ambitions on the urban environment contained in the subchapter about transport in the SPM 2015, are mainly based on the information submitted by the Parties, UN agencies, and IGOs. Some of the actors referenced in the SPMs are: the UNEP, the IEA, the IPCC, The International Transport Forum (ITF), the UN-Habitat, the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). In the SPM 2015, there are explicit references to four organizations registered as NGOs in the iCSO; that is, the WRI, the International Council on Clean Transportation (ICCT), the International Association of Public Transport (UITP), and the World-Wide Railway Organization (UIC) (United Nations Climate Change Secretariat, 2015, p. 29).

On the other hand, the findings, data and suggestions to enhance mitigation ambitions on urban environment contained in the section about human settlement and infrastructure of the SPM 2016, contained references to the IPCC, the UNFCCC, the UNEP and the Global Alliance for Buildings and Construction. The only referenced actor registered as NGO in the iCSO is the Carbon Disclosure Project (CDP) (United Nations Climate Change Secretariat, 2016, pp. 23-24). Then, the findings show that, even when some of the key elements recommended by the IGES match with the ones presented in its submission, this organization was not cited or explicitly referenced in any of the SPMs.

Land Use

As the TEM on land use took place on 11 June 2014, in Bonn, Germany—right after the TEM on urban development previously described—the exhibits held by the IGES during the TEM on the urban environment were presented during TEM on land use as well (UNFCCC, 2017). While the SPM 2015 contained a subchapter named “land use climate action”, the SPM 2016 contained a subchapter named “Agriculture, forestry and other land use” within Chapter II (United Nations Climate Change Secretariat, 2016, pp. 21-24).

After examining these subchapters, it was possible to determine that the contributions from the IGES on land use were not referenced in the SPM 2015 and the SPM 2016, as the findings, data and suggestions to enhance mitigation ambitions on land use contained in the SPM 2015, are mainly based on the information submitted by the Parties, UN agencies, and IGOs. Some of the organizations referenced in the SPM 2015 are the UNEP, the World Bank, the Tropical Forest Alliance 2020 (TFA2020), the Food and Agriculture Organization of the UN (FAO), and the Global Research Alliance on Agricultural Greenhouse Gases (United Nations Climate Change Secretariat, 2015, pp. 40-44). Similarly, the findings, data and suggestions to enhance mitigation ambitions on urban environment contained in the section about land use in the SPM 2016, contained references to the IPCC, the World Bank, the World Food Programme, the Consortium of International Agricultural Research Centre (CGIAR), Swiss Re, Unilever, Marks & Spencer and Mondelez International (United Nations Climate Change Secretariat, 2016, pp. 21-24).

While the only actor registered as NGO in the iCSO and referenced in the SPM 2016 is Oxfam America, some of the other organizations, or coalitions mentioned involve the work of organizations classified as NGOs, such as the TFA2020 and the We Mean Business Coalition (United Nations Climate Change Secretariat, 2016, pp. 21-24). Yet, the evidence shows that, even when some of the key elements suggested by the IGES match with the ones presented in its submission, this NGO was not cited or explicitly referenced in any of the SPMs.

Carbon Capture and Storage (CCUS)

The WBCSD was found among the NGOs that held exhibits on "mitigation and related issues" at the TEM on carbon capture and the TEM on Non-CO_2 greenhouse gases, both of which took place on 21 October 2014 and 22 October 2014 respectively (UNFCCC, 2017). While the SPM 2015 included two individual subchapters on "carbon capture, use and storage" and "non-CO_2 greenhouse gases", the SPM 2016 summarised the recommendations in one subchapter about the "social and economic value of carbon and carbon pricing". After examining both SPMs, it was found that the WBCSD was directly referenced in five occasions, three times in the SPM 2015 and once in the SPM 2016.

Although these references were not identified precisely on the subchapters related to carbon, many of the elements suggested by the WBCSD through its business solutions match with the different alternatives presented in the SPM 2015 and the SPM 2016 on carbon-related issues. Nonetheless, the findings, data and suggestions to enhance mitigation ambitions on carbon capture, use, storage and pricing contained in the SPM 2015, are mainly based on the information submitted by organizations such as the UNE), the IEA, the UNFCCC, the Commission to the European Parliament and the Council, the South African Centre for Carbon Capture & Storage (SACCCS), the Global Carbon Capture and Storage Institute, and the Ministerial-level Carbon Sequestration Leadership Forum; without any reference to organizations classified as NGOs in the iCSO (United Nations Climate Change Secretariat, 2015, pp. 30-34).

Additionally, the findings, data and suggestions to enhance mitigation ambitions on carbon-related issues included in the SPM 2016, contained references to the World Bank, Ecofys, the Globe and Mail and Reuters. Two allusions to organizations classified as NGOs in the iCSO were found among the references, namely, REN21 and the International Institute for Sustainable Development (IISD) (United Nations Climate Change Secretariat, 2016, pp. 35-38). Then, even when the WBCSD was not directly referenced on the subchapters related to carbon issues, some of the initiatives of the WBCSD on specific areas were explicitly referenced in both, the SPM 2015 and the SPM 2016.

6.3.1 Recapitulation and analysis.

The verification of the NGOs that had the chance to participate at the different TEM held between 2014 and 2016 showed that all the NGOs chosen for this case study had the opportunity to hold side events during the TEM linked to the topics of their submissions. On the other hand, the comparison between the submissions from the studied NGOs and the pre-2020 strategies contained in the SPMs on each of the topics addressed, allowed to assess their possible impact. Then, it was found that while some of the strategies included in the SPMs harmonise with the views and recommendations of the NGOs studied, the only NGO explicitly referenced in both, the SPM 2015 and the SPM 2016, was the WBCSD. Consequently, similar to Workstream 1, it is possible to conclude that there is no indistinct correlation between either the country of establishment of

the NGOs, their field of action or their ECOSOC status; and the degree to which they were able to produce an impact on the pre-2020 strategies.

Similar to what was pointed out in the analysis presented for Workstream 1, some of the characteristics of meaningful public participation could have taken place at the different TEMs, even when not reflected in the SPMs. For that reason and as explained in the research design and method chapter, the NGO representatives who authored the submissions and represented the studied NGOs at the TEMs were contacted in late February 2017 to inquire about their willingness to answer a short questionnaire. Concerning Workstream 2, only the representative of Greenpeace replied to the request (See Appendix 6).

The representative of Greenpeace pointed out that the organization had published over 40 global, regional and national scenarios with 50%, 80% and 100% renewable energy target by 2050 (Greenpeace, 2017). He specified that the Greenpeace Energy Revolution series was chosen by the IPCC to be included in a Special Report on Renewable Energy Sources and Climate Change Mitigation (IPCC, 2017). He also indicated that it is extremely hard for NGOs to get in those publications, as governments are reluctant to take information from NGOs/civil society and usually only take into consideration the information provided by IGOs (e.g. IEA, IRENA) (Teske, 2017). When inquired about the attendees to the side events/exhibits held by Greenpeace during the TEM, he stated that as he had represented Greenpeace at this kind of events between 1994 and 2014, he could say that Greenpeace reaches the majority of the delegates over the cause of two weeks (Teske, 2017). Therefore, he manifested:

> "I consider direct communication with delegates of all government far more effective than public events during the COP. Communicating via a "filter" (= the media) is more difficult. Also, the delegates want to have very detailed information and have very clear questions/information requests. The message "Save the Climate – go solar" works for the general public, but for those negotiating for governments need significantly more substance. However, both is important – raising awareness and providing detailed information." (Teske, 2017).

When asked if there were any other actors (NGOs, States, UN agencies, etc.) sharing Greenpeace's views, he answered affirmatively, based on the fact that Greenpeace

coordinates position with a huge number or NGOs and it was even one of the co-founders of the CAN (Teske, 2017). Finally, when inquired about the possible influence of Greenpeace in the establishment of the pre-2020 strategies on renewable energy and energy efficiency, he said that:

> "Greenpeace worked on climate negotiations since the RIO summit 1992 and had a delegation on the first climate conference (COP1) in Berlin 1994. Over the past 23 years Greenpeace visited ALL climate negotiations including all preparatory meetings (2 to 4 per year). To submitting one paper will not change much, it is the persistence and expertise build up over 25 years what changes things. I am very confident, that Greenpeace had a significant impact on the entire climate negotiation process."

In line with what has been presented in this thesis, the analysis of the findings and the information provided by the Greenpeace representative confirm the need to investigate further, evaluate and develop a public participation framework for NGOs to be taken into account in a substantial manner in global environmental governance negotiations.

6.4 Summary

This chapter presented a comparative analysis of the submissions to the ADP between 2012 and 2015, from the four NGOs selected for this case study. Ten submissions were analysed in total: five regarding Workstream 1, the Paris Agreement; and five regarding Workstream 2, the pre-2020 strategies. All the submissions analysed were intended to contribute to different issues within the workstreams addressed. The evidence found in both, Workstream 1 and Workstream 2, suggests that the only NGO that could have had a particular influence on the final outcomes was the WBCSD. This asseveration is based on the fact that the recommendations submitted by the WBCSD about the establishment of "Market Mechanisms as the Central Pillar of a Climate Policy Framework" and "2015 climate change agreement: an accelerator for business actions", match with the related provisions of the Paris Agreement. Moreover, the WBCSD was one of the few NGOs referenced in the SPMs and the only NGO of the ones selected for this case study that was directly alluded. However, the findings and the information provided by the NGO representatives that answered the questionnaire, raise further

questions about the underlying reasons that explain why most of the NGO proposals were dismissed; and about the actors that played a decisive role or pushed for the adoption of the measures finally formalised. Furthermore, the analysis presented confirms the need to investigate further, evaluate and develop a public participation framework for NGOs to be taken into account in a substantial manner in global environmental governance negotiations.

7 Contributions from the NGOs Studied

This chapter offers a statement of results of the information described, compared and analysed in chapters five and six, which will be interpreted in line with the theoretical framework introduced in chapter two of this thesis. Therefore, the main objective of this chapter is to present some inferences drawn from the findings and contrast it with the theories that constituted the framework of this thesis. Those inferences will be accompanied by suggestions on topics that might need further research, along with some areas that could be tackled to enhance the effectiveness of public participation in global environmental governance, specifically with regards to the participation of NGOs in international environmental negotiations.

7.1 Analysis of the Findings

This section presents a discussion of the circumstances under which of NGOs were able to participate in the case studied, as well as their possibility or inability to influence the final outcomes; that is, the Paris Agreement, and the pre-2020 strategies for action on climate change.

7.1.1 Contribution of NGOs to the Paris Agreement

One of the two tasks assigned to the ADP was the elaboration the Paris Agreement (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011, Paragraph 5). For the advancement of the task, the ADP was requested to take into account the submissions from Parties; pertinent technical, social and economic data and expertise; the Fifth Assessment Report of the IPCC; the outcomes of the 2013-2015 review; and the work of the UN subsidiary bodies (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011, Paragraph 5 & 6).

On that account, in the strict sense of the word, the ADP was not explicitly obliged to consider the recommendations of NGOs for the elaboration of the Agreement. Still, as explained in chapter five, NGOs admitted as observers by the COP were invited to provide their views on how it could advance its work under both workstreams during the entire work of the ADP. Furthermore, it should be taken into account that most of the studied submissions contained objective scientific, technical, social and economic data and expertise; which was one of the sources that the ADP was requested to use. So, even when it was not explicitly mandated, this two factors could be interpreted as

the entitlement of NGOs to be heard on matters related to the elaboration of the Paris Agreement.

The information presented in the previous two chapters point to the fact that among the submissions analysed, the only ones that might have influenced some of the provisions included in the Paris Agreement were those of the WBCSD. However, it does not unequivocally mean that the result was due to the impact of the WBCSD, as there could have been other actors promoting the same view. Therefore, the findings give place to further investigate about the actors that could have played a leading role in the establishment of the measures finally adopted; and about the reasons why most of the NGO proposals were dismissed (was it merely for political reasons, too technical language, or they failed to communicate their message?).

In the cases when the content of the submissions does not match at all with the related provisions of the Paris Agreement, it is clear that the NGOs did not cause the desired effect. As such, in line with the analytical parameters of this thesis, it can be concluded that public participation was not effective in those cases. Nonetheless, it is considered necessary to evaluate if their submissions were at least discussed at any of the ADP sessions, as they could have been discussed but not taken into account for practical, financial, or any other reasons. In the case of the WBCSD for example, where the evidence suggests that its submissions might have been taken into account, the review of the negotiating documents could help to determine the causal mechanisms that led to that NGO being heard. The information found in that regard could be useful as well to identify certain approaches or strategies that other NGOs can use in the future, so as to be more successful on diffusing their message when participating in international decision-making processes.

7.1.2 Contribution of NGOs to the pre-2020 strategies.

Along with the development of the Paris Agreement, the ADP was asked to advance on a work plan with the aim to amplify the mitigation goals on climate change up to the year 2020 (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, 2011, Paragraph 7 & 8). This work plan was expected to be based on the information submitted both by Parties and observer organizations, in order to find and analyse the best options for closing the ambition gap and ensure the highest

possible efforts by all Parties (Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action , 2011, Paragraph 7 & 8). As explained in chapter two of this thesis, NGOs are classified as observer organizations within the UN system, and for that reason, the ADP was explicitly required to consider the recommendations of NGOs on matters related to the pre-2020 strategies.

The advancement of this workstream implies a periodical review through TEMs, which are expected to take place each year and have the participation of Parties, international organizations and related partnerships (UNFCCC, 2016). From March 2014 to May 2016, the TEM were held each year on different priority thematic areas; namely, renewable energy, energy efficiency, urban environment, land use, carbon capture, non-COs GHGs, transport, and value of carbon (UNFCCC, 2016). All the information on technology practices shared by Parties and observers during these meetings were summarised on technical papers and then condensed in SPM, which are expected to deliver a sound basis for the enhancement of the pre-2020 action by Parties and non-Party stakeholders (UNFCCC, 2016). The first version of the SPM was published in 2015, the second in 2016, and it is projected to be updated annually up to 2020 (UNFCCC, 2016).

While it was found that all the NGOs selected for this case study had the opportunity to hold exhibits and side events at the TEM-related to the topics of their submissions, the only one identified as one of the few referenced NGOs in the SPMs is the WBCSD. It should be noted that among the NGOs mentioned in the SPMs on the topics analysed, the WBCSD and the WRI are the only ones found among the NGOs that in fact sent submissions to the ADP. Although the other NGOs referenced are registered as admitted NGOs to the UNFCCC, and they sent representatives to the 2015 UN Climate Change Conference, they did not send submissions to the ADP.

Even more important, not all the NGOs referenced in the SPMs are in ECOSOC consultative status, which as explained in chapter two, is required to get direct involvement in intergovernmental processes under the auspice of the UN (UN, 2016). This situation gives place to further questions about the reasons why the recommendations of those specific NGOs were included; and about the strategies that they used to get the attention of the actors involved in shaping the SPMs since clearly, it was not through written submissions. But equally important, it gives place to question

the legitimacy of the ECOSOC consultative status, for the reason that NGOs that are not in ECOSOC consultative status had the chance to influence the policy guidelines contained in the SPMs.

Another subject of importance is the poor attention granted to NGOs during the sessions of the ADP. When briefly browsing the documents of the ADP sessions, it was found that the issues related to the pre-2020 strategies contained a subsection referring to the submissions from Parties and the submissions from IGOs about the "views on options and ways for further increasing the level of ambition"; but not a section about the submissions from NGOs (UNFCCC, 2017).

It should be noted as well that the main events of the TEM primarily offered a space for certain Parties, IGOs and specialized agencies of the UN system to present their views and expertise; while NGOs had the chance to hold only side events and exhibits. Although NGOs are "observers" and as such, they do not have decision-making power or direct influential power, IGOs and specialised agencies of the UN system are also categorised as "observers", and still, some of them could hold presentations as part of the main events during the TEM. The possible disadvantage of this circumstance is that while IGOs and UN agencies have higher chances of being heard, NGOs have to rely on the availability and the will of the actors that they are trying to reach to attend their events. As manifested by the representative of Greenpeace and the representative from MBBI that answered the questionnaire, direct contact with delegates is more effective than COP events.[30] Accordingly, the purpose of the side events should be evaluated and replaced by an alternative to enable meaningful and effective communication between NGOs and government delegates.

The situation above does not necessarily mean that the ADP did not have the intention to listen to the NGOs recommendations, as, after all, NGOs were explicitly invited to support the work of the ADP. It rather means that the methods for public participation should be better regulated, especially because of the reluctance of governments to take information from NGOs (Teske, 2017). If this is transformed, the information submitted by NGOs can actually be useful for the UN processes; and at the

[30] See further: Appendix 6.

same time it can reduce the discontent and frustration of NGOs produced by the feeling of not being heard and not generating real impacts in the final decisions reached.

7.2 Implications and Suggested Approaches

In line with the previous analysis and the theoretical framework presented in chapter two, some suggested approaches will be introduced in the following lines, from the theoretical, legal and practical perspectives.

7.2.1 Theoretical: instrumental value of public participation

Having studied NGO influence of from a substantive point of view, it becomes clear that the increased number of participating organizations has not necessarily made public participation more effective. NGOs are commonly invited to take part in international processes because they are perceived as the representatives of civil society, and consequently, their participation is understood as legitimising or democratising the decision-making processes. Although there has been a growing number of organizations taking part of the international decision-making processes after the Rio Summit in 1992, it has been argued that there is a need to improve the quality of public participation. Therefore, it is necessary for NGOs to participate not only as observers but also as informers, shapers and representatives of people and interests that governments might not represent adequately during the negotiation processes.

In the case studied, the fact that there are 1900 admitted NGOs to the UNFCCC and 1079 registered their representatives to attend the 2015 UN Climate Change Conference might seem like a great success (List of Participants, 2015, p. 2). However, when reviewing the submissions from non-Party stakeholders to ADP, it was found that only sixty NGOs of those attending had participated with submissions either jointly or independently. Then, of those sixty NGOs, only two are in general consultative status with ECOSOC; sixteen are in ECOSOC special consultative status; fifteen are in ECOSOC roaster; and the remaining twenty-seven are not in consultative status with ECOSOC (which constitute the group of NGOs that sent their views jointly with some NGOs in consultative status).

Most of these organizations might have participated by raising public awareness of climate change issues; by lobbying domestic decision makers hoping to affect national and foreign policies; by coordinating boycotts in efforts to alter corporate practices that

worsen the effects of climate change; and for what is to come, they might help to monitor and implement the Paris Agreement. Nonetheless, with regards to the pre-negotiations of the Paris Agreement and the establishment of the pre-2020, there is evidence of only sixty NGOs that participated with submissions.

This draws the attention to need to develop more research about the instrumental value of public participation, which as explained in chapter two of this thesis, focuses on the goals of public participation; in contrast to the intrinsic value of public participation, which dismisses the importance of the outcomes (Spijkers & Honniball, 2015, pp. 228-230). Until now, most studies on public participation have concentrated on the intrinsic value, as their inferences are based on statistical information that shows the exponential growth of participating NGOs. The problem with this approach is that it does not prompt the institutions to analyse and evaluate if all the work produced effects in reality (Spijkers & Honniball, 2015, p. 229). In consequence, this approach tends to disregards the discontent and frustration of NGOs, as well as their actual capacity to contribute with objective scientific, technical and social information that can be of high value to achieve the proposed results.

If future research on public participation in global environmental governance focuses on the instrumental value of public participation instead, it would concentrates on analysis of the actual contributions of NGOs in international environmental negotiations. Consequently, the engagement of civil society will be seen not only as a precautionary measure against the possible anger of non-consulted public; but also as an improvement measure of the policies and plans by contributing with more scientific and technical data to achieve the goals; by adding the support of the organizations that participated; by giving a positive image of the institutions that promoted the participation; and finally, by producing a sense of community development (Spijkers & Honniball, 2015, pp. 229-230).

7.2.2 Legal: international framework for NGOs

The study of international law has shown that the participation of civil society remains meaningfully unregulated, which seems to be a consequence of the fact that more effort has been put into regulating the relationship between NGOs and other actors during the last years, than into setting criteria for the organizations in general. Nowadays, the

leading standard for the participation of civil society at the UN level is their ECOSOC status, for the reason that accreditation and access to information are seen as the basis of NGO participation in international institutions.

Nevertheless, the findings of this study confirm the hypothesis that the lack of a formal legal regulation of public participation in international law, might be hindering not only its effectiveness but also the representativity and legitimacy of both, public participation in global environmental governance issues and NGOs. There is no clear correlation between the country of establishment, the field of action or the ECOSOC status of the NGOs analysed in this study; and the degree to which they were able to produce an impact on the final outcomes. In fact, as it was explained earlier in this chapter, some NGOs that are not in consultative status with ECOSOC were referenced in the SPMs. Besides bringing into question the legitimacy of the ECOSOC status, this condition reaffirms the need to regulate public participation at the international level clearly.

Some NGOs seem to be against a legal formalisation of the parameters for public participation, as it is considered that it could lead to more restrictive rules that the current informal practices (Oberthür, et al., 2002, p. 141). But even when it could be thought that less progressive rules can open space for more participation, there is still a big gap between accreditation and access to information, and the possibility to influence the decision-making process through oral and written interventions. At present, if NGOs are admitted to conferences, they are usually not allowed to participate in oral interventions or to partake in discussions with government representatives, IGOs and UN agencies, which leads to discriminatory treatment. Likewise, the results of the case study show that even when they follow the current rules and participate with submissions, which does not necessarily increase their chances of being heard.

This discriminatory treatment is exemplified as well on what was previously mentioned about the chance offered to NGOs to hold only side events, and exhibits during the TEM; different from the opportunity offered to IGOs and UN agencies, who are also classified as observers but still can hold main events. This situation, along with the other uncertainties and imbalanced circumstances discussed above, could be improved if a clear legal framework for public participation is established in international law.

There must be valid reasons that justify the restriction of active participation of NGOs in conferences, but this might be abused by governments so as to avoid public scrutiny and public participation that can be substantially relevant (Oberthür, et al., 2002, p. 6). For that reason, a well-defined general legal framework could be of great use as the application of rights and restrictions on public participation would be limited to cases where clearly delineated parameters are met. This could be complemented with a mechanism to guarantee the fair implementation of the rules governing public participation in global environmental governance (Oberthür, et al., 2002, pp. 6-7).

It should be kept in mind that public participation in global environmental governance might require a special regulation from public participation on other topics of international governance, such as human rights or economic issues for example. This asseveration is based on the fact that, as it was evidenced in the submissions from most of the NGOs selected for this case study, their contributions were aimed to provide scientific, technical, social and economic data and expertise; rather than to advocate for the interests of a particular group.

7.2.3 Institutional: representation of civil society

The findings of this research confirm that the way how public participation is managed within the UN system impedes the proper representation of civil society in the global environmental governance issues. As explained in chapter two of this thesis, civil society from the UN perspective constitutes one of the three sectors of the global structure, the other two being government and business. But in practice, it combines business and CSO into one sector, disregarding the actual differences between both, and consequently, obstructing the genuine participation of civil society in the international decision-making processes.

As a result, it could be said that currently, the UN has an epistemological perception of the third sector in theory but ontological in practice. What this means is that in theory, third sector organizations are seen basically as procedures of bargaining that transcend the market and governability logic between citizens and political or economic agents power (Corry, 2010, pp. 13-15). However, in practice, the third sector refers to the organizations that are managed as neither by market reasoning nor bureaucratic power (Corry, 2010, pp. 13-15). Nevertheless, this could be not entirely accurate as in practice,

two of the three sectors of society, market and NGOs, are clustered into the same group. This view has significant disadvantages as it places the third sector parallel but no equal to states and market (Corry, 2010, p. 15).

As evidenced by the results of the case study, one of the NGOs examined, the WBCSD, represented the business sector and it seemed to have influenced some of the decisions finally adopted. Though it constitutes an indicator of effective public participation, the members of this NGO are businesses and not civil society as such; which falls outside the scope of civil society participation as defined by the UN itself. Ironically, besides from providing useful data and recommendations, the WBCSD gave the impression of being keener to defend the interests of the business sector. Although there is nothing wrong with this attitude and in fact, it is the behaviour expected from the representative of a particular area, the other three studied NGOs seemed to be more objective on their submissions; and still, their suggestions were dismissed, or at least not explicitly recognized.

This situation should not be attributed to the deliberated will of the UN bodies to ignore some NGOs and hear other. On the contrary, it might be a consequence of the lack of a clear framework and better management at the institutional level, as the decision-making processes are already too complex and involve many actors. So it can be inferred that the growing involvement of NGOs has increased the complexity of the international decision-making processes, leading to the dismissal of certain proposals that could make a great difference in reality.

For that reason, it is necessary to separate business from NGOs, as both of them are evidently defending diverse interests and representing different sectors of society. It is great that the business sector is developing projects and actively engaging in global environmental governance; after all, the cooperation of all the segments of society is required to achieve satisfactory results on any of the environmental issues addressed. However, the successful participation of business NGOs does not take away the fact that civil society itself is still being misrepresented, as the NGOs that derive financial resources from governments and companies, or have government officials or business representatives as members, might be limited in their capacity to promote their views independently.

In addition to that, it would be useful to differentiate NGOs in accordance to the subtopics to which they intend to contribute, and the interests they seem to defend. Many options can potentially be used to categorise NGOs: the primary objective of the organization, the scope of their activities, the kind of members that they have, etc. Because each environmental regime possesses unique characteristics, some specific legal regulations could be introduced for each regime. In the case of the climate change regime, for example, the participation of NGOs that intend to contribute on the same subtopics could be facilitated by defining a consultation process among those NGOs, before the elaboration of the submissions. The establishment of such process could help them to agree on the most feasible and suitable options so as to submit a single joint report, in the representation of the third sector of society, on a particular subtopic or priority thematic area. A method like the one used by the NGO called World Wide Views could be employed for example, as it would allow the participants to debate the same policy-related strategies to a given topic; but having NGOs as participants instead of citizens.[31]

The submissions on climate change issues seemed to be characterized by their scientific and technical quality. Therefore, these contributions could be also regulated and canalized through the IPCC, as it is the UN body in charge of assessing the scientific, technical and socio-economic data of importance for the understanding of human-induced climate change. A similar system could be defined for the other international environmental regimes, depending on their particularities.

7.3 Summary

This chapter offered a discussion about the circumstances under which NGOs were able to participate in the case studied; as well as their possibility or inability to produce an impact on the Paris Agreement, and the pre-2020 strategies for action on climate change. The analysis of the findings on both the Paris Agreement and the pre-2020 strategies, showed that among the submissions analysed, the only ones that might have influenced some of the provisions included in the Paris Agreement, were the ones sent by the WBCSD. Even so, further research is required so as to find more evidence about

[31] See further: http://wwviews.org/the-world-wide-views-method/.

the key players behind the final outcomes; as well as to establish specific approaches or strategies that other NGOs can use in the future.

After the general analysis, some suggested approaches were presented from the academic, legal and practical perspectives, in line with the theoretical framework presented in chapter two of this thesis. Then, from the academic viewpoint, it was advised to develop further research focusing on the instrumental value of public participation; from the legal standpoint, it was suggested to establish a well-defined general legal framework for public participation; and from the institutional perspective, it was suggested to clearly delineate the three sectors of society and separate business from civil society.

8 Conclusions

The main objective of this research was the analysis of public participation within the ongoing intricate, multifaceted and translational normative scenario to examine its effectiveness, identify possible significant disadvantages, and suggest some practical alternatives to improve its success at the international level. This was done through a case study of the participation of NGOs during the pre-negotiation stage of the international decision-making process on climate change, which gave place to both, the 2015 Paris Agreement and the establishment of the pre-2020 strategies on climate change. Additionally, the analysis of the acknowledgement or the dismissal of the recommendations made by four NGOs selected as embedded sub-cases allowed the development of a more detailed analysis and permitted to evaluate to what extent NGO participation makes a difference in global environmental governance decision-making processes.

The general research question examined in this thesis was: how successful is public participation in influencing decision-making processes, in global environmental governance issues? As matter of choice, this research was concerned exclusively with the participation of NGOs through formal submissions and side events during the pre-negotiation of the Paris Agreement and the establishment of the pre-2020 strategies, and not with the other methods used by NGOs to get involved. Likewise, this thesis was not concerned with the participation of NGOs during the other stages of the decision making process. To reach some conclusions on the subject, three sub-questions were addressed.

The first question tackled how the increasing amount of NGOs has impacted the effectiveness of public participation in global environmental governance. The proposition that directed the attention to the elements that were evaluated on this topic was that the increased number of participating NGOs has not necessarily made public participation more effective. Then, it was found that only sixty NGOs of those accredited as observers by the UNFCCC had participated with submissions either jointly or independently. The evidence shows that the vast majority of the admitted NGOs to the UNFCCC could have participated not through formal submissions to the ADP, but making use of other strategies. Given that, the proposition drawn on this regard was confirmed.

The second question focused on examining if, how and why the current institutional framework for public participation at the UN level could be hindering its effectiveness in global environmental governance. The proposition that directed the attention to the factors that were examined in this regard was that the way how public participation is managed within the UN system impedes the proper representation of civil society in the global environmental governance system. Then, the evidence shows that in the UN practice, business and CSO are combined into one sector, disregarding the actual differences between both, and consequently, obstructing the genuine representation of civil society in the international decision-making processes. Furthermore, among the four NGOs selected as embedded sub-cases, only the WBCSD might have produced the results sought with its submissions; and there are just a few more NGOs directly referenced, some of which are not even in consultative status with ECOSOC. As a result, the proposition drawn on this regard was confirmed.

The third question addressed if, how and why the lack of a solid international legal framework for NGOs is affecting public participation in global environmental governance issues. This question was guided by the proposition that the lack of regulation of civil society participation in international law hinders not only its effectiveness, but also the representativity and legitimacy of CSOs and NGOs. The findings of this study show that there is no clear correlation between the country of establishment, the field of action or the ECOSOC status of the NGOs; and the degree to which they were able to produce an impact on the final outcomes. In fact, some NGOs that are not in consultative status with ECOSOC were referenced in the SPMs. Besides bringing into question the legitimacy of the ECOSOC status, this condition reaffirms the need to regulate public participation at the international level clearly. Hence, the proposition drawn on this matter was confirmed.

Then, the short answer to the general research question of this thesis is that the current international rules for public participation, are not very effective for achieving the results sought with NGO involvement in global environmental decision-making processes. This for the reason that there are some theoretical, legal and institutional drawbacks obstructing its effectiveness.

9 Concluding Remarks and Implications

This thesis contributes to the body of literature on the role of public participation in global environmental governance. The results of this research provide evidence that can help to assess how effective are NGOs in influencing international processes on environmental issues, when making use of the currently available methods for participation granted by their ECOSOC status, e.g. written submissions and side events. As such, it contributes to comprehending three major aspects: how the increasing amount of participating NGOs does not automatically translate into effective public participation; how and why the lack of an international framework for both NGOs and public participation could be limiting its effectiveness; and how and why the management of civil society participation at the UN level could be hindering the proper representation of civil society itself.

The analysis of the first-hand evidence drawn from the case studies and interpreted in line with the theoretical framework of this thesis, have implications for prospect development of public participation in global environmental governance from the academic, legal and institutional perspectives. Then, from the academic standpoint, it is advisable for future studies to pay more attention to the instrumental value of public participation, as it is concerned with its goals; in contrast to the intrinsic value of public participation, which dismisses the importance of the outcomes.

From the legal perspective, the enactment and implementation of a well-defined general legal framework could be of great use, as the application of rights and restrictions on public participation would be limited to cases where clearly delineated parameters are met, along with a mechanism to guarantee the fair implementation of the rules governing public participation in global environmental governance issues.

From the institutional perspective, it is recommended not only to clearly delineate the organizations representing each of the three sectors of society—government, business and civil society—; but also to group NGOs by the subtopics to which they intend to contribute, and the interests they seem to defend. This with the aim to facilitate the participation of NGOs that wish to assist on the same subtopics, which could eventually lead to the establishment of a consultation process among those NGOs, before the elaboration of the submissions.

If the topic of this thesis is researched further, it would be useful to focus on the underlying reasons that explain why most of the NGO proposals were dismissed; and on the actors that played a decisive role or pushed for the adoption of the measures finally formalised. Furthermore, the analysis presented confirms the need to investigate further, evaluate and develop a public participation framework for NGOs to be taken into account in a substantial manner in global environmental governance negotiations. Additionally, the purpose of the side events should be evaluated and replaced by an alternative to enable meaningful and effective communication between NGOs and government delegates.

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Appendix 1. Chronology of the International Climate Change Regime

Pre-UNFCCC Era (1957-1992)

Year	Organizations	Organizational Events	Outcomes	Institutions
1957	Roger Revelle and Hans Suess	-	Scientific Article	-
1959	International Council for Science (ICSU)	-	-	Mauna Loa, Hawaii Observatory
1961	Charles David Keeling	-	Demonstrated that the level of CO_2 in the atmosphere was rising	-
1967	ICSU and WMO	-	Global Atmospheric Research Programme (GARP)	-
1978	ICSU, WMO and UNEP	International Workshop on Climate Issues (Laxenburg, Austria)	-	-
1979	WMO	First WCC (Genève, Switzerland)	World Climate Research Programme (WCP)	-
1985	ICSU, WMO and UNEP	Role of Greenhouse Gases in Climate Variations (Villach, Austria)	Report on the greenhouse effect, climatic change and ecosystems	Advisory Group on Greenhouse Gases (AGGG)
1988	WMO	World Conference on the Changing Atmosphere (Toronto, Canada)	Toronto Target	IPCC
	UNEP	-	-	
	WMO	Second WCC (Genève, Switzerland)	Review WCP	-

1990	IPCC	-	First Assessment Report	-
1991	UN	-	-	INC
1992	UN	Rio Conference (Rio de Janeiro, Brazil)	UNFCCC	COP to the UNFCCC

UNFCCC Era (1992-2004)

Year	Institution	Institutional Event	Main Outcomes
1995	COP	COP 1 (Berlin, Germany)	Berlin Mandate
1996	COP	COP 2 (Genève, Switzerland)	Geneva Ministerial Declaration
1997	COP	COP 3 (Kyoto, Japan)	**Kyoto Protocol**
1998	COP	COP 4 (Buenos Aires, Argentina)	Buenos Aires Plan of Action
1999	COP	COP 5 (Bonn, Germany)	Guidelines for Kyoto
2000	COP	COP 6 I & II (The Hague, Netherlands & Bonn, Germany)	Bonn Agreements
2001	COP	COP 7 (Marrakesh, Morocco)	Marrakesh Ministerial Declaration
2002	COP	COP 8 (New Delhi, India)	Delhi Ministerial Declaration
2003	COP	COP 9 (Milan, Italy)	Emissions Guidelines & Funds
2004	COP	COP 10 (Buenos Aires, Argentina)	Guidelines

UNFCCC and Kyoto Protocol Era (2005-2015)					
Year	**Institutions**		**Institutional Events**		**Main Outcomes**
2005	COP	CMP	COP 11 (Montreal, Canada)	CMP 1 (Montreal, Canada)	Guidelines
2006	COP	CMP	COP 12 (Nairobi, Kenya)	CMP 2 (Nairobi, Kenya)	Nairobi Framework
2007	COP	CMP	COP 13 (Bali, Indonesia)	CMP 3 (Bali, Indonesia)	Bali Road Map
2008	COP	CMP	COP 14 (Poznan, Poland)	CMP 4 (Poznan, Poland)	Adaptation Fund
2009	COP	CMP	COP 15 (Copenhagen, Denmark)	CMP 5 (Copenhagen, Denmark)	Copenhagen Accord
2010	COP	CMP	COP 16 (Cancun, Mexico)	CMP 6 (Cancun, Mexico)	Cancun Agreements
2011	COP	CMP	COP 17 (Durban South Africa)	CMP 7 (Durban South Africa)	ADP
2012	COP	CMP	COP 18 (Doha, Qatar)	CMP 8 (Doha, Qatar)	Doha Amendment to the Kyoto Protocol
2013	COP	CMP	COP 19 (Warsaw, Poland)	CMP 9 (Warsaw, Poland)	Multiple decisions & strategies
2014	COP	CMP	COP 20 (Lima, Peru)	CMP 10 (Lima, Peru)	Lima call for action
2015	COP	CMP	COP 21 (Paris, France)	CMP 11 (Paris, France)	Paris Agreement

UNFCCC, Kyoto Protocol and Paris Agreement Era (2016 -)

Year	Institutions			Institutional Events			Main Outcomes
2016	COP	CMP	CPA	COP 22 (Marrakesh, Morocco)	CMP 12 (Marrakesh, Morocco)	CPA 1 (Marrakesh, Morocco)	Proposals, reports and plans

Appendix 2. ADP Sessions

Year	Session Date	Location	Session	Type of Event
2012	17 - 24 May	Bonn, Germany	ADP 1	Workshops
	30 Aug - 5 Sep	Bangkok, Thailand	ADP 1 - informal	Workshops
	27 Nov - 7 Dec	Doha, Qatar	ADP 1-2	Workshops
2013	29 Apr - 3 May	Bonn, Germany	ADP 2	Workshops
	4 - 13 Jun	Bonn, Germany	ADP 2-2	Workshops
	12 - 21 Nov	Warsaw, Poland	ADP 2-3	Workshops
2014	10 - 14 Mar	Bonn, Germany	ADP 2-4	Workshops
	4 - 14 Jun	Bonn, Germany	ADP 2-5	Mandated Events
	20 - 25 Oct	Bonn, Germany	ADP 2-6	Mandated Events
	2 - 11 Dec	Lima, Peru	ADP 2-7	Mandated Events
2015	8 - 13 Feb	Geneva, Switzerland	ADP 2-8	Mandated Events
	1 - 11 Jun	Bonn, Germany	ADP 2-9	Mandated Events
	31 Aug - 4 Sep	Bonn, Germany	ADP 2-10	Mandated Events
	19 - 23 Oct	Bonn, Germany	ADP 2-11	Mandated Events
	29 Nov - 5 Dec	Paris, France	ADP 2-12	Mandated Events

Slightly modified from the table found in the ADP Session Archive, on the UNFCCC website (UNFCCC, 2016).

Appendix 3. NGOs that participated with submissions to the ADP

No.	Name of the Organization	Type of organization (iCSO)	ECOSOC Status	Headquarters
1	Interamerican Association for Environmental Defense (AIDA)	NGO	ECOSOC Special since 2014	San Francisco, United States
2	Center for Clean Air Policy (CCAP)	NGO	This organization is not in consultative status with ECOSOC	Washington, United States
3	Center for International Environmental Law (CIEL)	NGO	ECOSOC Roster since 1996	Washington, United States
4	Centre for Science and Environment (CSE)	Not found in iCSO	Information not found	New Delhi, India
5	CAN International	NGO	ECOSOC Special since 2012	Beirut, Lebanon
6	Climate Law and Policy Project (CLPP)	Not found in iCSO	Information not found	Washington, United States
7	College of the Atlantic (COA)	Academics	ECOSOC Special since 2016	Maine, United States
8	Earth in Brackets	Not found in iCSO	COA Students involved in environmental arena	Maine, United States
9	Earthjustice	NGO	ECOSOC Special since 1991	San Francisco, United States
10	Ecumenical Advocacy Alliance (EAA),	NGO	ECOSOC Special since 2013	Genève, Switzerland
11	EDF	NGO	ECOSOC Special since 1993	Washington United States
12	Environmental Investigation Agency	NGO	ECOSOC Roster since 1996	London, United Kingdom
13	Federation of Indian Chambers of Commerce and Industry	NGO	This organization is not in consultative status with ECOSOC	New Delhi, India
14	Foundation for International Environmental Law and Development (FIELD)	NGO	This organization is not in consultative status with ECOSOC.	London, United Kingdom
15	Friends of the Earth	NGO	ECOSOC Roster since 1972	Amsterdam, The Netherlands
16	Global Carbon Capture and Storage Institute Ltd	Not found in iCSO	Information not found	Melbourne, Australia
17	Greenpeace International	NGO	ECOSOC General since 1998	Amsterdam, The Netherlands
18	Institute for Agriculture and Trade Policy (IATP),	NGO	ECOSOC Special since 2000	Minneapolis, United States
19	IGES	NGO	ECOSOC Special since 2003	Kanagawa, Japan
20	Instituto del Tercer Mundo (ITeM)	NGO	ECOSOC Special since 2003	Montevideo, Uruguay

21	International Cryosphere Climate Initiative (ICCI)	Not found in iCSO	Information not found	Information not found
22	International Development Exchange (IDEX)	Not found in iCSO	Information not found	San Francisco, United States
23	IETA	NGO	This organization is not in consultative status with ECOSOC	Genève, Switzerland
24	International Federation of Medical Students' Associations (IFMSA)	Not found in iCSO	Information not found	Amsterdam, The Netherlands
25	International Federation of Organic Agriculture Movements (IFOAM)	NGO	ECOSOC Roster since 1996	Bonn, Germany
26	International Forum on Globalization	NGO	This organization is not in consultative status with ECOSOC	San Francisco, United States
27	International Institute for Environment and Development (IIED)	NGO	ECOSOC Roster since 1973	London, United Kingdom
28	International Lawyers.org	Not found in iCSO	Information not found	Genève, Switzerland
29	International Solid Waste Association (ISWA)	NGO	ECOSOC Roster since 2003	Vienna, Austria
30	Jubilee South Asia Pacific Movement, Inc. (APMDD-JS)	Not found in iCSO	Information not found	Manila, Philippines
31	Mary Robinson Foundation - Climate Justice (MRFCJ)	Foundation	This organization is not in consultative status with ECOSOC	Dublin, Ireland
32	MBBI	NGO	ECOSOC Special since 2012	Arlington, United States
33	Misereor	NGO	This organization is not in consultative status with ECOSOC	Aachen, Germany
34	National Wildlife Federation (NWF),	NGO	ECOSOC Special since 1991 (Suspended)	Washington, United States
35	Natural Resources Defense Council (NRDC)	NGO	ECOSOC Roster since 1973	New York, United States
36	Nord-Sur XXI	Not found in iCSO	Information not found	Information not found
37	Norwegian Refugee Council	NGO	ECOSOC Special since 2000	Oslo, Norway
38	Oxford Institute for Energy Studies (OIES)	Not found in iCSO	Information not found	Oxford, United Kingdom
39	Oxford Climate Policy	Not found in iCSO	Information not found	Oxford, United Kingdom
40	Partnership on Sustainable Low Carbon Transport (SLoCaT)	NGO	This organization is not in consultative status with ECOSOC	Shanghai, China
41	Bridging the Gap (BtG) Initiative	Not found in iCSO	Information not found	Washington, United States
42	Rainforest Alliance (RA)	NGO	ECOSOC Roster since 1998	New York,

				United States
43	Renewable Energy and Energy Efficiency Partnership (REEEP)	NGO	This organization is not in consultative status with ECOSOC	Vienna, Austria
44	Sierra Club	NGO	ECOSOC Roster since 1973	Washington, United States
45	The Gaia Foundation	NGO	This organization is not in consultative status with ECOSOC	London, United Kingdom
46	The Internal Displacement Monitoring Centre (IDMC)	Not found in iCSO	Information not found	Genève, Switzerland
47	The Nature Conservancy (TNC)	NGO	ECOSOC Special since 1996	Arlington, United States
48	Third World Network (TWN)	NGO	ECOSOC Roster	Penang, Malaysia
49	Union of Concerned Scientists (UCS)	NGO	This organization is not in consultative status with ECOSOC.	Washington, United States
50	United Kingdom Youth Climate Coalition (UKYCC) on behalf of Youth constituency	Private Sector	This organization is not in consultative status with ECOSOC	London, United States
51	Wetlands International	NGO	This organization is not in consultative status	Wageningen, The Netherlands
52	Wildlife Conservation Society (WCS)	NGO	ECOSOC Special since 2010	New York United States
53	Women's Environment and Development Organization (WEDO)	NGO	ECOSOC Roster	New York United States
54	Woods Hole Research Center (WHRC)	NGO	ECOSOC Special since 1996	Falmouth United States
55	WBCSD	NGO	ECOSOC Roster since 1998	Genève, Switzerland
56	World Council of Churches (WCC)	NGO	This organization is not in consultative status with ECOSOC	Genève, Switzerland
57	WRI	NGO	ECOSOC Special since 1989	Washington, United States
58	World Vision International (WVI)	NGO	ECOSOC General since 2004	New York United States
59	World Wildlife Fund (WWF)	NGO	This organization is not in consultative status with ECOSOC	Gland, Switzerland
60	Wuppertal Institute for Climate, Environment and Energy	Academics	This organization is not in consultative status	Wuppertal, Germany

Appendix 4. Submissions from NGOs to the ADP

Submissions 2012

No.	Name of the Organizations	Date	Topic
1	MBBI	24 July	Inputs provided by observers in response to the invitation by the ADP
2	Norwegian Refugee Council/Internal Displacement Monitoring Centre	27 July	Inputs provided by observers in response to the invitation by the ADP
3	Third World Network; Earth in Brackets; International Forum on Globalization; Friends of the Earth, US; Instituto del Tercer Mundo (ITeM); Nord-Sux XXI; International-Lawyers.org	27 July	Inputs provided by observers in response to the invitation by the ADP
4	Wetlands International	27 July	Inputs provided by observers in response to the invitation by the ADP
5	WBCSD and IETA	30 July	Inputs provided by observers in response to the invitation by the ADP
6	CAN International	2 August	Inputs provided by observers in response to the invitation by the ADP
7	CAN International	29 October	Inputs provided by observers in response to the invitation by the ADP
8	Federation of Indian Chambers of Commerce and Industry	5 November	Inputs provided by observers in response to the invitation by the ADP
9	Environmental Investigation Agency	4 December	Inputs provided by observers in response to the invitation by the ADP

Submissions 2013

No.	Name of the Organizations	Date	Topic
1	Oxford Institute for Energy Studies (OIES) and Oxford Climate Policy	28 February	Workstream 1
2	Partnership on Sustainable Low Carbon Transport and Bridging the Gap (BtG) Initiative	28 February	Workstream 2
3	WRI	1 March	Workstream 1
4	Women's Environment and Development Organization (WEDO)	1 March	Workstream 1
5	Mary Robinson Foundation - Climate Justice (MRFCJ)	1 March	Workstream 1
6	International Solid Waste Association (ISWA)	1 March	Workstream 2
7	Environmental Investigation Agency (EIA)	1 March	Workstream 2
8	Institute for Agriculture and Trade Policy (IATP), Advocacy Alliance (EAA), The Foundation, Misereor and a non-admitted organization (see below)	1 March	Workstream 2
9	International Development Exchange (IDEX)	1 March	Workstream 2
10	Centre for International Environmental Law (CIEL), Earthjustice, Asociación Interamericana Para La Defensa Del Ambiente (Interamerican Association for Environmental Defense, AIDA), and World Council of Churches (WCC) and non-admitted organizations (see below)	2 March	Workstream 1
11	EDF	2 March	Workstream 1
12	CAN International	4 March	Workstream 2
13	CAN International	5 March	Workstream 1
14	Centre for Science and Environment (CSE)	5 March	Workstream 1
15	International Federation of Organic Agriculture Movements (IFOAM)	15 March	Workstream 1
16	EDF, National Wildlife Federation (NWF), Rainforest Alliance (RA), The Nature Conservancy (TNC), Union of Concerned Scientists (UCS), Wildlife Conservation Society (WCS) and Woods Hole Research Center (WHRC)	15 March	Workstream 1
17	EDF, National Wildlife Federation (NWF), Rainforest Alliance (RA), The Nature Conservancy (TNC), Union of Concerned Scientists (UCS), Wildlife Conservation Society (WCS) and Woods Hole Research Center (WHRC)	15 March	Workstream 2
18	International Federation of Organic Agriculture Movements (IFOAM)	15 March	Workstream 2
19	United Kingdom Youth Climate Coalition (UKYCC) on behalf of Youth constituency	24 April	Workstream 1
20	Centre for Science and Environment (CSE)	24 April	Workstream 2
21	Center for Clean Air Policy (CCAP)	30 August	Workstream 1
22	Wuppertal Institute for Climate, Environment and Energy	30 August	Workstream 1
23	Renewable Energy and Energy Efficiency Partnership (REEEP)	30 August	Workstream 2
24	WWF	30 August	Workstream 2
25	IGES	1 September	Workstream 1
26	Center for International Environmental Law (CIEL)	1 September	Workstream 2

27	Greenpeace International	1 September	Workstream 2
28	EDF	2 September	Workstream 1
29	IGES	2 September	Workstream 2
30	CAN International	4 September	Workstream 1
31	CAN International	4 September	Workstream 2
32	IIED	30 October	Workstream 2
33	Global Carbon Capture and Storage Institute Ltd	3 December	Workstream 2

Submissions 2014

No.	Name of the Organizations	Date	Topic
1	Environmental Investigation Agency (EIA)	6 March	Information, views and proposals on the work of the ADP
2	WBCSD	27 March	Opportunities for actions with high mitigation potential
3	Natural Resources Defense Council (NRDC) and a non-admitted organization	28 March	Opportunities for actions with high mitigation potential
4	Wetlands International	28 March	Opportunities for actions with high mitigation potential
5	Climate Law and Policy Project (CLPP)	30 March	Opportunities for actions with high mitigation potential
6	International Cryosphere Climate Initiative (ICCI)	30 March	Opportunities for actions with high mitigation potential
7	Sierra Club	30 March	Opportunities for actions with high mitigation potential
8	College of the Atlantic (COA), The Gaia Foundation and a non-admitted organization	4 April	Opportunities for actions with high mitigation potential
9	Jubilee South Asia Pacific Movement, Inc. (APMDD-JS), Third World Network (TWN) and non-admitted organizations	4 April	Opportunities for actions with high mitigation potential
10	CAN International	6 May	Information, views and proposals on the work of the ADP
11	WWF	9 May	Opportunities for actions with high mitigation potential
12	Foundation for International Environmental Law and Development (FIELD)	16 May	Information, views and proposals on the work of the ADP
13	CAN International	2 June	Information, views and proposals on the work of the ADP (3 submissions)
14	IGES	2 June	Opportunities for actions with high mitigation potential (2 submissions)
15	WBCSD	29 September	Information, views and proposals on the work of the ADP
16	EDF	16 October	Information, views and proposals on the work of the ADP
17	CAN International	18 October	Information, views and proposals on the work of the ADP

18	WWF	20 October	Information, views and proposals on the work of the ADP
19	CAN International	12 November	Opportunities for actions with high mitigation potential (2 submissions)
20	Mary Robinson Foundation - Climate Justice (MRFCJ)	27 November	Information, views and proposals on the work of the ADP
21	International Federation of Medical Students' Associations (IFMSA)	5 December	Information, views and proposals on the work of the ADP

Submissions 2015

No.	Name of the Organizations	Date	Topic
1	EDF	6 February 2015	A Home for All: Architecture of a Future Global Framework for Mitigation Action under the ADP
2	CIEL on behalf of 240 admitted and non-admitted organizations	7 February 2015	Calling for human rights protections in the 2015 climate agreement
3	World Vision International (WVI)	11 February 2015	
4	MBBI	9 June 2015	Mediation
5	CAN International	4 September 2015	Non-paper Climate Action Network on timeframes and ambition
6	CAN International	6 November 2015	The Paris Package: A Springboard for Sustained, Transformative Change

Appendix 5. Technical Expert Meetings (TEMs)

Year	Date	Location	Thematic Priority Area
2014	March	Bonn, Germany (During ADP 2.4)	Renewable Energy
	March	Bonn, Germany (During ADP 2.4)	Energy Efficiency
	June	Bonn, Germany (During ADP 2.5)	Land Use
	June	Bonn, Germany (During ADP 2.5)	Urban Environment
	October	Bonn, Germany (During ADP 2.6)	Non-CO_2 greenhouse gases
	October	Bonn, Germany (During ADP 2.6)	Carbon capture, use and storage
2015	June	Bonn, Germany (During ADP 2.9)	Renewable Energy Supply
	June	Bonn, Germany (During ADP 2.9)	Energy Efficiency in Urban Environments
2016	May	Bonn, Germany (During SB44)	Social and Economic Value of Carbon
	May	Bonn, Germany (During SB44)	Transport
	May	Bonn, Germany (During SB44)	Follow up dialogue: Renewable Energy
	May	Bonn, Germany (During SB44)	Follow up dialogue: Energy Efficiency Action in Urban Environments

Appendix 6. Questionnaires

Participation of Greenpeace in the pre-negotiation of the Paris Agreement

Question one: Besides the aforementioned submission and the participation at the TEM, did Greenpeace have more opportunities to participate in the pre-negotiation process of the Paris Agreement?

Dr. Sven Teske: "Greenpeace published over 40 global, regional and national scenarios with 50%, 80% and 100% renewable energy target by 2050. The latest one was published in September 2015. The IPCC published a Special Report Renewable Energy– the Greenpeace Energy Revolution series was selected as one of the lead scenarios for climate mitigation scenarios. As NGO it is extremely difficult to get in those publications. In general governments usually only take information from intergovernmental organisations (e.g. IEA, IRENA) but not from NGOs / civil society."

Question Two: How was the attendance to the side events/exhibits held by Greenpeace during the technical expert meeting held in June 2015? What kind of attendees did the event have (government, individuals, other NGOs, academic organizations, press)?

Dr. Sven Teske: "Greenpeace (and I have done this for Greenpeace at Climate conferences between 1994 and 2014) usually hosts side events and a booth at those "COP" (Conference of Parties). The attendance is very different – depending on the event title, parallel sessions and in what phase the negotiations are. Usually the first week is much better than the second week as negotiations during the second week reach the critical phase. However over the cause of 2 weeks, Greenpeace reaches the majority of the delegates."

Question Three: How effective do you consider those side events? Could Greenpeace reach the kind of public aimed to influence?

Dr. Sven Teske: "See above. I consider direct communication with delegates of all government far more effective than public events during the COP. Communicating via a "filter" (= the media) is more difficult. Also, the delegates want to have very detailed information and have very clear questions / information requests. The message "Save

the climate – go solar" works for the general public, but for those negotiating for governments need significantly more substance. However, both is important – raising awareness and providing detailed information."

Question Four: Do you consider that Greenpeace had the chance to influence somehow the establishment of the pre-2020 strategies, on the topics brought up on the submission?

Dr. Sven Teske: **"**Greenpeace worked on climate negotiations since the RIO summit 1992 and had a delegation on the first climate conference (COP1) in Berlin 1994. Over the past 23 years Greenpeace visited ALL climate negotiations including all preparatory meeting (2 to 4 per year). To submitting one paper will not change much, it is the persistence and expertise build up over 25 years what changes things. I am very confident, that Greenpeace had a significant impact on the entire climate negotiation process."

Question Five: Were there any other actors (NGOs, states, UN agencies, etc.) sharing the same views than the ones presented by Greenpeace, in the submission previously mentioned?

Dr. Sven Teske: **"**Yes. Greenpeace coordinates position with a huge number of NGOs. In fact Greenpeace was one of the co-founder of the coordination network (Climate Action Network – CAN). Greenpeace financed the establishment of this organisation and co-finances this network (at least till I left Greenpeace in September 2015."

Participation of MBBI in the pre-negotiation of the Paris Agreement

Question One: Did the ADP discuss the submissions above, at least, at any of its sessions?

MBBI: "NO, not in the plenary or in the committee meetings. While the language proposed had been accepted by the UNFCCC Secretariate, and we had several national delegations willing to sponsor the language, the process leading to the Paris Agreement was predicated on the reduction of text rather than its expansion."

Question Two: Did the ADP provide any information about the reasons why the suggestions contained in the submissions were not considered?

MBBI: "No, as explained above."

Question Three: Besides the submission above, did MBB have more opportunities to participate in the pre-negotiation process of the Paris Agreement? If so, how effective do you consider those opportunities? Could MBB reach the public aimed to influence?

MBBI: "Yes, we took advantage of our direct contact with numerous delegations to discuss the case for the inclusion of the mediation related language and therefore, found very strong acceptance for the concept and its inclusion. This included invitations to meet directly with Christine Figueres, the past Executive Secretary of the UNFCCC, at her request."

Question Four: Were there any other actors (NGOs, states, UN agencies, etc.) sharing the same views than the ones presented by MBB, in the submission previously mentioned?

MBBI: "Yes, we had confirmation from over 85 of the 194 countries associated with the UNFCCC that they were in concert with the concept of the inclusion of mediation language. While there were numerous NGOs that were sympathetic to our goals, each had a policy or political slant that, if we wished to bring on as a confederate, meant the possible compromising of our perceived neutrality."

Participation of the WBCSD in the pre-negotiation of the Paris Agreement

Question One: Besides the submissions to the ADP and the participation at the TEM, did the WBCSD have more opportunities to participate in the pre-negotiation process of the Paris Agreement?

Question Two: How was the attendance to the side events/exhibits held by the WBCSD during the technical expert meeting held in October 2014? What kind of attendees did the event have (government, individuals, other NGOs, academic organizations, press)?

Question Three: How effective do you consider those side events? Could the WBCSD reach the kind of public aimed to influence?

Question Four: Do you consider that the WBCSD played a key role on the development of the provisions of the Paris Agreement, on the topics brought up on the submissions?

Question Five: Were there any other actors (NGOs, states, UN agencies, etc.) sharing the same views than the ones presented by the WBCSD in the submissions previously mentioned?