

How to build consensus in climate change negotiations

About this paper

- This policy brief is the result of an event convened by CDKN and PwC in October 2012 at which leading thinkers presented their ideas for increasing the collective global ambition for climate action.
- The event, and this paper, are outputs of CDKN's International negotiations work to strengthen the voices of developing countries in the international climate negotiations.

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Key conclusions

1. Despite some progress in the global talks, the specialist audience was, in general, sceptical about the prospects of 'business as usual' leading to a meaningful global deal by 2015.
2. The quality of the negotiation process, and the chances of success, could be bolstered significantly if: there were a better gender balance and greater civil society representation in national delegations; country groupings were more flexible and based on ambition; and the climate 'narrative' was transformed from one of solving problems to seizing the exciting new opportunities offered by the move to a green economy and society.
3. In the longer term, more structural changes to the negotiations should be considered, such as the move to qualified majority voting for some agenda items.
4. There are options for making progress outside the negotiation process, such as the use of legal mechanisms.
5. Whatever the shape of international negotiations, it is essential that progress is underpinned by strong national action in the form of legislation and specific action by governments and the private sector.
6. And underpinning all of these, there is a need for stronger, better focused and 'smarter' civil society movements that can make the case for change.

The international climate talks are proceeding slowly, perhaps too slowly to limit warming to 2°C. The talks are based upon a holistic approach to a deal (nothing is achieved until everything is achieved) and consensus-based agreements. Reaching consensus entails understanding the multiple dimensions inherent in a negotiation process: the dynamics of politics, negotiations and groups; as well as power, data and information.

In recognition of the complexities and difficulties in achieving a meaningful international climate change deal, PwC and the Climate and Development Knowledge Network (CDKN) hosted an event in October 2012: **Is consensus in international climate change talks the way to save the planet?**

To help answer this question, seven expert speakers presented their best ideas on how to improve agreement, cooperation

and consensus-building in the United Nations Framework Convention on Climate Change (UNFCCC) to a panel of judges and a voting audience.

Given just three minutes each to ensure a sharp focus, the panellists addressed specific questions to tease out the merits of different approaches.

Topics covered were:

- Fora for building consensus
- Configuration of UNFCCC negotiating groups
- Agreement by consensus vs. other means
- National climate change legislation
- The role of international law
- How social movements can help build consensus
- Equitable and diverse representation on national delegations

Three-minute ideas for consensus in international climate talks

Louise van Schaik – Netherlands Institute of International Relations: Currently, agreement needs to be reached among approximately 180 parties to the UNFCCC. To speed up decision-making and shift dynamics away from the ‘spoilers’, more attention should be paid to the possibility of voting; at least on certain or sub items. In COP-15, a few countries spoiled the deal by blocking adoption of the Copenhagen Accord. Minorities should not be able to prevent a majority of countries from acting on climate change. Majority decision-making is already in place in the United Nations and should be considered in certain cases within the UNFCCC to hasten progress.

“What are the advantages of agreement by consensus as opposed to other means?”

LOUISE VAN SCHAIK

Robert Falkner – London School of Economics: To be effective, climate policy has to be rooted in national policy, given that the costs of mitigation on a global scale need to be paid upfront. In this scenario, states need: 1) strong domestic consensus to move forward; and 2) significant business support for action. Countries that lead internationally have strong domestic measures in place. Multilateral negotiations need to set the level of ambition; urge other parties to raise their ambitions; provide transparency in accounting infrastructure; and provide mechanisms for international cooperation. Multilateral agreements cannot, however, force a commitment at the national level. Countries should lead by example outside the UNFCCC by developing policy blueprints, incentives, and relevant trade policies and sanctions, so we can reframe climate action to work within different national contexts and priorities.

“Is national climate change legislation a prerequisite for a global deal?”

ROBERT FALKNER

Christoph Schwarte – Legal Response Initiative: The solution should not focus solely on UNFCCC negotiations. Other international fora, such as the International Maritime Organisation (IMO) or Vienna Convention, may offer opportunities to address climate change. With some creative legal interpretation, there may be entry points for using other fora that are less polarised and complicated than the UNFCCC. There is, for example, a forthcoming advisory opinion from the International Court of Justice (ICJ) on climate change damages. In the past, a similar request on nuclear weapons led to the indefinite renewal of the Non-Proliferation Treaty. The debate that might take place within an advisory ICJ decision could put significant pressure on policy-makers and result in a more ambitious climate deal.

“Could international law act as a driver of an international climate change agreement?”

CHRISTOPH SCHWARTE

Farhana Yamin – University College London: There are two necessary components for a lower carbon, people-friendly world: 1) carbon pricing in major emitter economies; and 2) climate legislation. The Atlas of Pollution¹, for example, shows countries that do not have any carbon pricing or legislation. To address climate change, we need social movements to tackle vested powers in order to build cross-party consensus in key emitting countries. Social movements catalyse people to demand action from their policy-makers and business leaders. Countries that are not major emitters need to ensure that their work towards cleaner air and water, livelihoods and food security goes hand-in-hand with low carbon development.

“What role can social movements play in helping to build consensus in international climate change negotiations and in building a fairer and more sustainable planet?”

FARHANA YAMIN

Mark Kenber – The Climate Group: Negotiations based on sharing the burden or costs are doomed to fail. Climate change needs to be reframed – from ‘burden’ to ‘opportunity’ – and the emphasis should be on what countries want and how much they want it, bringing them together around those motivations. Clean energy resources, such as expanded grid networks, are better secured collectively than separately. If we start a process to build coalitions of countries/cities/corporations, these could transcend boundaries and bid collectively for what they want. Bids could be inscribed upwards in a registry as commitments. Reducing Emissions from Deforestation and Degradation (REDD) is a good example of an international agreement based on bottom-up opportunity, demand and commitments.

“Are there other forums in which to build consensus, and how best can these be used to support the UNFCCC process?”

MARK KENBER

José Garibaldi – Energia: We need interest-based groupings of Parties across traditional negotiating groups. Alliances would be based on a mutual interest in achieving an ambitious outcome. This restructuring could help overcome the challenge of achieving unanimous consensus in the UNFCCC by building a majority that calls for action collectively, whereby all countries contribute something. Imagine if we had a new coalition of countries across three groups: 1) Alliance of Small Island States and Least Developed Countries; 2) emerging economies; and 3) developed economies, thereby creating a majority of countries calling for a substantial outcome. If these groups band together to create markets, scale and business opportunities, it would create momentum and expectation for the minority of opposing States to also agree. Otherwise, the threat to put the majority’s proposal to a vote could put pressure on that minority to agree. Considering the numbers, it is possible for the many small states to help move the few large obstinate states.

“Does the current configuration of UNFCCC groups most effectively support the ambition of limiting warming to 2°C?”

JOSÉ GARIBALDI

Edward Cameron – World Resources Institute: Despite important steps in the past 18 months in Cancun and Durban and the considerable domestic efforts by some countries, there is still a significant challenge if we are to limit global average temperature increase to 2°C above pre-industrial levels. This is more than an environmental challenge: it is fundamentally an issue of climate justice. The WRI and Mary Robinson Foundation - Climate Justice are therefore launching a ‘Climate Justice Dialogue’ to drive a significant increase in ambition and the effective application of the principle of equity in the new climate agreement in 2015. There is much to learn from the new, extremely varied social movements that have emerged over the past five years that have used justice as a core narrative to push for change. They have mobilised people around notions of rights, freedom and justice. We aim to complement the case for the transition to low carbon development with a human-centred story that embeds climate change as an issue of fundamental rights and justice.

“Does ‘Climate Justice’ offer a route to enhance urgency, ambition and equity in the new climate agreement and close the emissions gap during this decisive decade?”

EDWARD CAMERON

Bridget Burns – Women’s Environment & Development Organization (WEDO): We need to foster a human perspective on climate change, and several aspects of the process need transformation to build a truly representative group. First, negotiator training measures should not assume efficacy hinges upon experience in the political theatre of multilateral processes. Second, there is a false dichotomy between civil society and member states that must be resolved so the two can work together. Third, we need to support transformative representation on national delegations that mirror country populations. Women and youth will be most impacted and also have solutions on how to combat climate change, yet they are not represented in the process. Fourth, greater representation will bring diverse ideas and more people to contribute to a solution.

“Would more equitable and diverse representation on national delegations to help shift the climate negotiations from positions to interest and support more effective consensus building?”

BRIDGET BURNS

The judges weigh in

Richard Gledhill

PwC

1. But what about vested interest?
2. Bottom up action can drive investment and change that needs to be translated into the UNFCCC.

Peter Betts

Department of Energy and Climate Change, UK Government

1. Reforming the process will not be a game changer.
2. Civil society needs to show support for ambition.
3. Coalitions of ambition exist but it is hard to scale them up within the negotiations.

Daniele Violette

UNFCCC Secretariat

1. Governments cannot act alone.
2. We must remain optimistic. There is no way back.
3. Let's transform ideas into action.

Seth Osafo

Legal Adviser to the African Group of Negotiators

1. The use of voting is effectively in stalemate.
2. The lack of trust is the real issue. Trust needs to be restored.

Audience questions

- What if lack of consensus in the UNFCCC is serving to block weak outcomes – is that a bad thing?
- Some of these ideas about building momentum through civil society action and ‘coalitions of the willing’ sound promising, but are they achievable by 2015?
- We have heard about the importance of national climate legislation but, so far, very few countries have achieved this: how will these approaches overcome entrenched political struggles?

And the winner was....

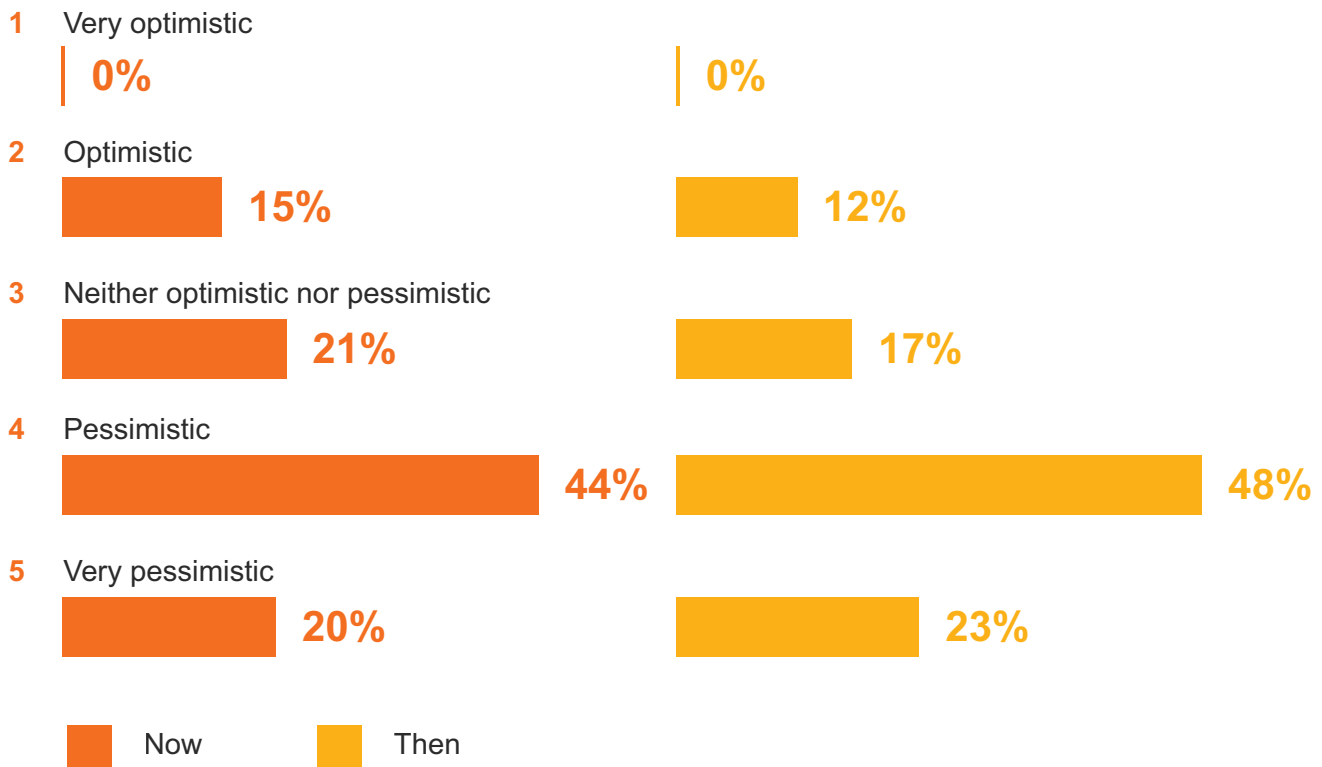
The audience vote for the top idea went to Bridget Burns of WEDO, who advocated more equitable and diverse representation on national climate delegations. But it was a close competition, with support for ideas across the board. Together, the ideas put forward moved the audience from an initial position of pessimism about the chances of a deal in 2015 to one that was slightly more optimistic. The message was clear – the challenge is complex and difficult and no one idea is a ‘silver bullet’.

“A meaningful global deal on climate change by 2015 is in jeopardy. The UN climate talks run the risk of becoming trapped in the mechanics of negotiation and in the web of conflicting national interests. However, we can do better, inside and outside the conference hall. New ideas, new actors, and new approaches by social movements are key to success.”

SIMON MAXWELL, CHAIR CDKN

Pessimism versus optimism

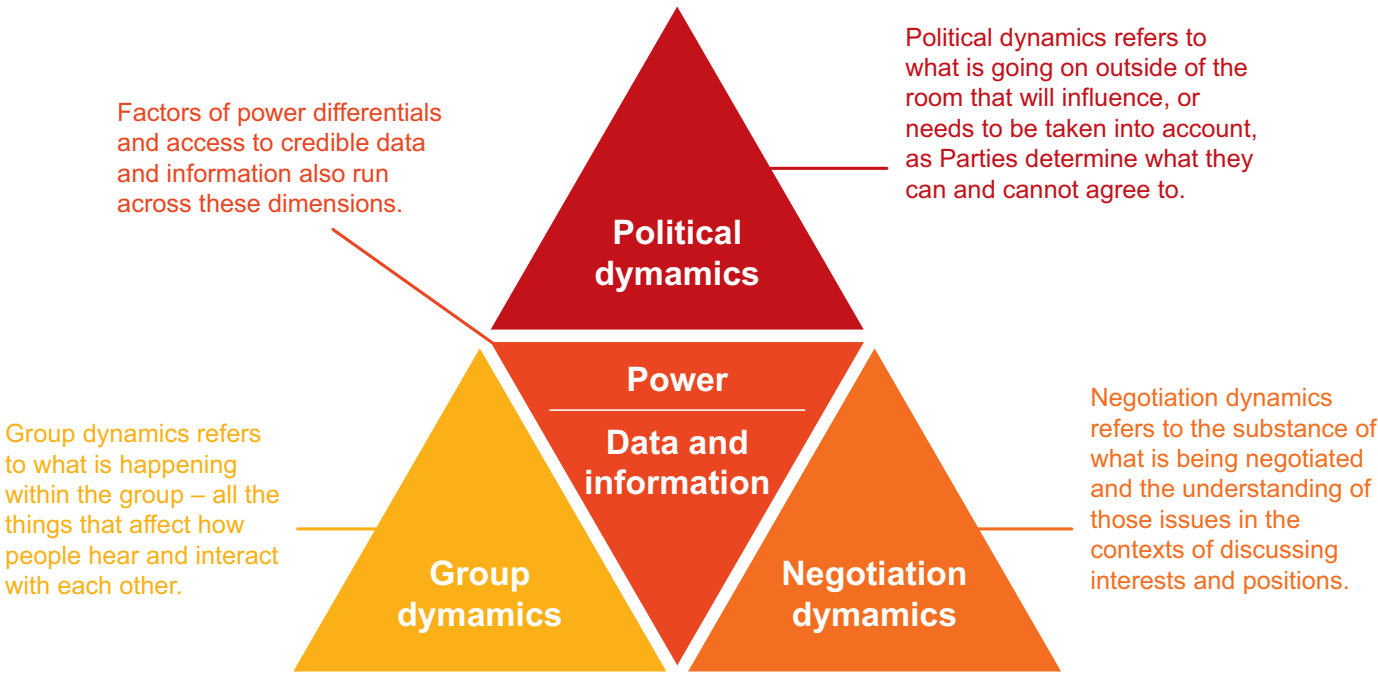
On a scale of 1-5, how optimistic are you of a meaningful global deal in 2015?



Building blocks for the future

Although none of the ideas alone provide a 'silver bullet' for consensus in the negotiations, taken together they could have much more impact. Drawing upon the Dynamics of Collaboration Model (below) can help us to understand the dynamics of consensus-building and how different interventions might affect each of these – the political, the group and the negotiation.

We have to consider ideas for consensus building in the context of achieving progress in the short-term (i.e., agreement in 2015), and improving the overall negotiating system and process in the long-term. Some changes can happen simultaneously, however we also need to assess and understand the risks and impacts of longer-term strategies for improving the system to ensure they do not jeopardise action in the next few years.



Applying the model to ideas for consensus building

The ideas put forth have many potential impacts on collaboration dynamics. The table below offers some hypothetical impacts across each aspect of the model.

	Idea	Political dynamics	Negotiation dynamics	Group dynamics
Structural and procedural	Using majority voting instead of unanimous consensus to enable progress	Could open significant political debate and may re-open negotiation on prior agreements	If enacted, could incentivise more interest-based negotiation to help build a greater majority	Could change traditional negotiating blocs and the way Parties perceive power distribution
	Identifying and leveraging interests that cut across different negotiating groups	Could build alliances outside traditional negotiation blocs and political relationships	Focuses on identifying common interests to inform negotiations	Changes the way individual Parties participate, and are perceived, in the process
Negotiating strategies and approaches	Ensuring diverse representation and inclusion of key stakeholders	Strengthens bonds between society and negotiators; and could have sovereignty implications	Could bring more technical expertise and innovative solutions to the discussion	Could foster improved relationships between Parties and stakeholders; and/or influence how open Parties are in discussion
	Reassess negotiator trainings with focus on collaboration and consensus-building	Could serve to soften some of the political 'theatre' or tensions	Focuses on collaborating to identify mutual interests	Capacity and propensity towards collaboration could shift group dynamics fundamentally
External support	Leveraging international legal opinion or climate justice approach to influence policy-makers	Creates broader international attention in different fora	Threat of legal action could lead to positional-negotiating; climate justice can humanise the issue but create uncertainty as to relevance in UNFCCC	Could present challenges in how Parties perceive each other and whether they build trusted relationships
	Taking a bottom up/sectoral approach for action or innovation	Buttresses national level support and the ability to act	Could inform negotiations or identify innovative solutions and partnerships	Could influence perceptions of intentions and trust
	Building national level action/legislation and leading by example	Adds positive external influence and political leadership	Provides national experience to inform substance of discussion	Could build trust or credibility among countries taking domestic action
	Building social movement political pressure to act	Grows a larger base of popular support to pressure decision-makers	Could inform negotiations or help identify creative options for agreement	Can create pressure for particular countries to act

What's next

What we now need to understand is the relative importance of the different consensus-building dynamics for the current state of international climate change talks. Which ideas have the greatest potential to support a deal by 2015? Which help us in the longer term? And how can these ideas be leveraged individually or collectively to catalyse action?

We will seek to answer these questions through continued dialogue through to 2015 and by assessing possible options for building consensus in international climate change talks. The aim is not only to understand which areas of consensus building need attention and to generate ideas on how to make progress, but also to translate ideas into action by creating connections, fostering relationships, and initiating activities. To this end CDKN has launched a Negotiation Support Innovation Challenge (see www.cdkn.org for more details). Further briefing notes will also be produced that build on this one and on the discussions we are planning.

Notes

1. Atlas of Pollution. See: http://e360.yale.edu/images/digest/carbon_web.pdf

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CDKN

The Climate and Development Knowledge Network (CDKN) aims to help decision-makers in developing countries design and deliver climate compatible development. We do this by providing demand-led research and technical assistance, and channelling the best available knowledge on climate change and development to support policy processes at the country level.

Meridian Institute

Meridian Institute helps people solve problems, make informed decisions, and craft solutions to address society's most complex and controversial issues.



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