Why the frustration?:

Explaining civil society constrains in international climate politics

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Abstract

Civil society organizations play an increasingly important role in global politics. However, during the last years, civil society has become frustrated from the negotiations in the United Nations Framework Convention on Climate Change (UNFCCC). This frustration reached a new quality when civil society organizations walked out in the middle of the 19th Conference of Parties (COP19) in 2013. Drawing from empirical data from the COP19 and the negotiations on Loss and Damage, this thesis seeks to explain the low level of influence which has lead to this frustration. It can be shown that neither civil society capabilities, nor changing state attitudes towards civil society can explain their contemporary low influence. Instead, this paper argues that the increasing financial and legal relevance of the negotiations substantially constrain civil society from exercising influence.

Keywords: Civil Society; Climate Politics; International Diplomacy; International Environmental Politics; NGO Participation; UNFCCC; United Nations.

1. Introduction

Since the post-war period and in particular since the Earth Summit in 1992, Non-Governmental Organizations (NGO) have acquired more and more influence in all international institutions (Reimann 2006). In particular, human rights and environmental politics have been considered as those two fields in which civil society has become most relevant, which is why hundreds of NGO representatives have been constantly participating in international negotiations since the United Nations first gathered to discuss climate change in 1972 (Brühl 2003, 84-92). However, over the last years, civil society has become increasingly frustrated (Bedall & Brunnengräber 2012; Verolme et al. 2013, 11-15). Many civil society organizations (CSO) organized a new coalition, called Climate Justice Nowl, which focuses on protest and prefers not to engage widely in the formal negotiations (Ibid.). Furthermore, many organizations that had initially been supportive of the intergovernmental climate negotiations are reconsidering to what extent it is still useful for them to participate within the official negotiation framework (Maier 2010). This frustration reached a new quality when the majority of civil society organizations demonstratively walked out of last year's negotiations two days before they were actually supposed to end.

Considering the increasing frustration and withdrawal of CSOs from the United Nations Framework Convention on Climate Change (UNFCCC), it can be assumed that CSO influence has to some degree stagnated or even decreased over the last years. This paper will accordingly discuss the following question: What are the reasons for this current low level of civil society influence within the climate negotiation under the UNFCCC? The empirical data used in this paper was collected by observing the negotiations in the first week of the 19th Conference of Parties (COP19) in Warsaw and by conducting several interviews with representatives from civil society and a government delegation. This paper should identify the most pressing constraints to civil society influence in the negotiations and reveal opportunities for future CSO contributions to international climate politics.

The next chapter will open with a brief overview of the international climate regime and civil society organizations. Chapter Three reviews the state of research, identifying three possible explanations for low CSO influence. The methodological framework used in the empirical part of this work is presented in Chapter Four, and Chapter Five reconstructs the negotiations, empirically demonstrating the actual level of influence that civil society exerts. Here, the negotiations on Loss and Damage are used as a case study. Finally, Chapter Six discusses the reasons for this low level of influence before conclusions are drawn in Chapter Seven.

2. The international climate change regime

The international institution concerned with climate change is the UNFCCC, established in 1994 and headquartered in Bonn. Its main objective is to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (United Nations Framework Convention on Climate Change 1992). The countries participating in the UNFCCC meet annually at the Conference of Parties (COP) in order to discuss and adopt further steps to address climate change. In addition to the COP, several subsidiary bodies have been established in order to discuss technical issues on a working level such as the Subsidiary Body of Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

Any non-profit organization with some level of expertise in an issue related to climate change can apply to become an observer organization to the UNFCCC and may be admitted to attending its meetings without the right to vote, unless at least one third of the Parties object (UNFCCC 1996).

Observer organizations may attend the plenary discussions as well as the first and last informal consultations and provide oral contributions (UNFCCC 1996; UNFCCC 1998). However, the decision on whether observer organizations are allowed to attend a certain meeting and to intervene is always up to the decision of the meeting's chair and is usually hard to predict (Dorsey 2011). Furthermore, most controversial topics are not negotiated in the informal consultations but rather in even more informal, smaller meetings (called informal informals) which are closed to all observer organizations. In addition to oral interventions in the open meetings, CSOs are allowed to distribute information material and conference newspapers and speak at workshops.

Civil society shall here be defined as voluntary non-profit organizations aiming to promote values related to equality, freedom, philanthropy, and sustainability in (global) politics (Kumar 2004). Within civil society, many researchers distinguish between classic Non-Governmental Organizations (NGO), which are characterized by a more institutionalized organizational structure, and New Social Movements (NSM), which are organized more loosely and are based on informal and direct membership (Brunnengräber 2011). Furthermore, many scholars distinguish between insider tactics, like strategies that focus on collaboration with decision makers, and outsider tactics focusing more on pressure through protest as well as shaming and blaming (Gulbrandsen & Andersen 2004). Most of the large northern civil society NGOs such as Greenpeace, Friends of the Earth,

and WWF usually employ both strategies (Gulbrandsen & Andersen 2004, 57). This paper however will mainly focus on classic civil society NGOs rather than NSM and more on the success of insider rather than outsider tactics, since the success of the latter is hard to measure without a comprehensive long-term discourse analysis.

3. Explaining varying levels of influence – a theoretical framework

While many scholars agree that civil society plays a relevant role in international politics, measuring and predicting the concrete level of influence often remains a challenge. Part of the reason for this is that it is difficult to conceptualize "influence", defined here as making a third party act in a way it would not do otherwise (Betsill & Corell 2001, 66). Several case studies have been conducted to observe factors that explain varying influence, most notably Arts (1998), Betsill & Corell (2001), or Brühl (2003). Based on these studies, the factors explaining influence are summarized under three categories: CSO capabilities, resource demand of states, and negotiation structure.

3.1. CSO capabilities

Civil Society Organizations depend on certain resources in order to carry out their activities. Across a number of case studies, scholars identified finances, members, network density, knowledge and mobilization power as particularly important (Berlin 2005). It can be assumed that if those resources diminish, the ability of CSOs to exercise influence may decrease.

3.2. Resource demand by states

Since the UNFCCC is an international institution, its member states play a major role in regulating CSO influence. Tanja Brühl (2003) identified three resource sets, namely knowledge (Wissen), power (Macht), and values (Werte). Countries are interested in obtaining these resources from NGOs and in exchange allow the latter to exercise influence. In her study, Brühl was able to show how the changing demand for these resources can explain varying NGO influence at different stages of the negotiations.

Knowledge refers to technical expertise, local and community knowledge as well as social and political knowledge (Brühl 2003, pp. 205-211). However, the extent to which CSOs can offer technical expertise is relatively low compared to research-oriented Non-Governmental Organizations (Gulbrandsen & Andresen, 2004). Furthermore, local and traditional knowledge is also provided for the most part by indigenous people organizations which have their own constituency at the COP. Therefore, the type of knowledge most likely to be requested from Civil Society Organizations is political and

social knowledge, particularly because CSOs have a broad membership base and represent a certain share of voters and citizens.

When talking about power, Brühl notes that CSOs are mainly requested to provide behavioral power, which refers to negotiation skills such as setting up alliances, strategic timing of proposals, or issue linkage (Brühl 2003, 211-217).

The most important values NGOs can provide are transparency and legitimacy (Brühl 2003, 217-221). States ask NGOs to increase the transparency of the negotiations by giving press conferences and publishing reports in order to enhance the democratic quality of the negotiations. International negotiations are often perceived to be more legitimate when CSOs participate. This legitimacy is often demanded by states as it is important for governments to increase and maintain compliance in their home countries (Bedall 2011).

3.3. Negotiation structure

The participation rules, the stage of negotiations, the legal and financial relevance as well as the level of conflict are often considered to explain CSO influence. Most scholars agree that CSO exert the most influence in the early stages of negotiations, such as the agenda-setting phase or when general frameworks are established (Betsill & Corell 2008, 192f.). However, in this paper, the stage of the negotiations will only be considered as an intervening variable, since different negotiations topics go through various stages all the time and therefore the current stage of the negotiations cannot explain the overall decrease of CSO influence.

The rules of participation, such as access to meetings and permitting interventions vary wildly within the UNFCCC (Brühl 2003, 109-112). One may think that with stricter participation rules, CSOs can exercise less influence. However, drawing on case studies from six different environmental negotiation frameworks, Betsill and Corell (2008, 191f.) found that participation rights do not correlate with NGO influence and concluded that NGOs manage to find ways of exercising influence even when few participation rights are granted. Therefore, the level of access will not be discussed in greater detail.

Many scholars also assume that the political and legal relevance of a topic affects the level of influence CSOs can achieve. Usually civil society's influence is greater when the issues being negotiated do not require behavioral change (Betsill & Corell 2008, 194-196). Since issues with higher legal or political stakes are more likely to cause diplomatic conflicts, they are usually negotiated in small groups behind closed doors, to which NGOs have little or no access (Arts 1998, 233).

Equally important is the level of conflict during the negotiations, which can be understood as the size of the common interest space between the negotiating parties. If parties disagree completely about the nature of a topic or whether a certain issue should be regulated at all, then the level of conflict can be considered high (Brühl 2003, 226-229). Out of 18 cases which Arts (1998, 244) has analyzed, the majority of cases in which NGOs had substantial influence were those with low levels of conflict and integrative styles of negotiations, whereas most cases in which NGOs had no or very little influence were cases characterized by conflicted and polarized negotiations. The reason for this is that conflicted negotiations tend to take place in smaller and more restricted meetings. Furthermore, highly polarized negotiations are harder to influence because group positions usually are the outcome of tough negotiations within those coalitions and therefore very difficult to be influenced by CSO advice. On the other hand, it is easier for CSOs to exercise influence in negotiations characterized by multiple unconventional ad-hoc coalitions since they are more open to CSO advice than polarized, well-rehearsed coalition blocks (Arts 1998, 239f.).

4. Methodology

In order to discuss the reasons for the actual level of CSO influence, the process of exercising influence on the micro level is reconstructed here. Furthermore, this paper focuses on a single negotiation issue, since it is easier to observe influence on one single topic rather than on the negotiations as a whole (Betsill & Corell 2008, 15). Furthermore, the focus will be primarily placed on northern civil society organizations and their relationship to northern governments. As a data sample, the relationship with the German government is used, since Germany is an important actor in the European Union and the access to data has been favorable.

Since the decreasing number of CSO participants and the walk-out at last year's COP are not sufficient evidence for a low level of influence, the first step was to reconstruct the level of influence achieved at last year's Loss and Damage negotiations before identifying the causes that have led to this level of influence. The most reliable method known to identify influence is process tracing, since it can provide a detailed picture of each step of the process. However, reconstructing this process may be very difficult with imperfect information. Therefore not only process tracing methodology was used but also the analysis of goal attainment and the perception of influence. None of these methods alone can provide the exact level of influence: Even with a low level of goal

attainment, CSOs can have a great degree of influence, for example when worse outcomes have been discussed and defeated by civil society. Similarly, a high level of goal attainment may be accompanied by a low level of influence, when actors other than civil society have advocated the same goals and have been responsible for achieving them. Likewise, the perception of influence may also be distorted by the individual beliefs and experiences of the respondents. Despite these weaknesses, those three methods together may draw a comprehensive picture of the influence achieved by CSOs (Betsill & Corell 2001, p. 80f.). The combination of a high level of goal attainment, positive perceptions, and a reasonable explanatory chain of influential events may be a reliable indicator for a high level of influence and vice versa.

Following the advice of Betsill and Corell (2008, 15), this paper focuses on a single negotiation topic within the negotiations; in this case the negotiations on Loss and Damage (L&D). This topic was one of the three topics next to finance and the post-2020 mitigation goals that attracted most civil society interest (CAN 2013b). Therefore it was possible to predict that CSOs would engage widely in this agenda item. Furthermore, it was expected that something will be agreed upon at this L&D negotiations, since the COP18 agreed in the previous year in Doha to establish some kind of institutional framework on the issue of Loss and Damage in Warsaw (IFDD 2013, 96).

In order to collect the data, several interviews with representatives from civil society and state negotiators were conducted, and the author observed the first week of the COP19 negotiations first hand. Furthermore, primary and secondary literature such as academic literature, civil society publications, and conference reports were analyzed. In addition to those formal interviews, the author conducted many informal talks with civil society representatives in Warsaw and attended several negotiation sessions and coordination meetings of civil society as well as a working group meeting on Loss and Damage and most press conferences and side events presented by civil society.

5. The negotiations on Loss and damage

For a long time, developing countries had been asking for an institutional arrangement that deals with the damages from climate change, such as extreme weather events and slow-onset events (Shamsuddoha 2013). As greenhouse gas mitigation did not progress as quickly as necessary and discussions on Loss and Damage became more frequent, the COP18 in Doha decided that an institutional mechanism dealing with loss and damage from the adverse effects of climate change should be established in 2013 at the

COP19. Therefore, Warsaw was supposed to provide specifications on the needs to be addressed by this framework, its institutional structure, and which instruments should be included (Ibid.).

As early as the Opening Plenaries, many countries mentioned Loss and Damage as an important topic. The next day, an informal consultation was established during which parties and civil society shared their first ideas on L&D. At this meeting, the developing country's coalition group G77 & China issued a new proposal explicitly calling for "compensation and rehabilitation" (ISSD 2013a). It was clear that this was going to be a controversial issue and already the next day, during an informal informal, Australia and Japan refused to talk about any financial mechanism or the provision of insurance (CAN 2013c). However, according to the Philippines, the progress in the negotiations was very slow and when the SBI was about to close, the parties decided to continue the unfinished negotiations in the second week during the high-level segment of the COP (UNFCCC 2013b; TWN 2013a).

As the second week started, civil society urged the parties to make faster progress on this topic. In general, they were not happy with the way Loss and Damage was discussed in the negotiations: Financial mechanisms, for example, are no longer mentioned in the current draft text (CAN 2013d). However, during the night from Monday to Tuesday, the situation worsened even more when the G77 coalition group became so frustrated that they walked out in the middle of the negotiations. They complained that developed countries were blocking any progress on L&D, and Friends of the Earth warned that the negotiations were about to fail (Indybay 2013). On Thursday, civil society finally had enough. The majority of civil society members demonstratively walked out of the negotiation venue in order to protest the lack of progress (Davis 2013). Inside the COP, negotiations continued. The final version of the compromise text was published on Saturday morning. However, parties could still not agree. Developing countries in particular didn't want to accept that the mechanism on L&D should be established under the Adaptation Framework. The EU proposed stopping the plenary for a brief "huddle", and the negotiators of Fiji on behalf of the G77 and the USA discussed for one hour before announcing that they had found a final compromise (TWN 2013c). In this compromise, the word "under" was left in the text but other paragraphs were added specifying that loss and damage sometimes goes beyond adaptation (Ibid.).

6. Civil Society's Influence at the negotiations on Loss and Damage

6.1. Goal Attainment

Civil society organizations hoped for a comprehensive mechanism as a third pillar next to mitigation and adaptation to enhance cooperation, including a financial instrument, to be fully operationalized in 2015 (CAN 2013b, 23f.). While at least some kind of mechanism was finally created, it was not particularly established as a third pillar next to mitigation and adaptation and does not include any financial mechanisms. All that was established was an advisory panel which will be reviewed and possibly expanded in 2016 (Rönsberg 2013). It is therefore no surprise that civil society heavily criticizes the outcomes of the negotiations (Brot für die Welt 2013). Although NGO's expectations may be lower than stated in their public announcements, CSO representatives also reported in interviews that the outcome only meets "the very bottom line" of their expectations. Considering this, goal attainment can be characterized as low, rather than substantial or high.

6.2. Perceptions

On Thursday, civil society marched out of the negotiations in order to protest the lack of progress up to that point. This happened for the first time in the history of the COP. Therefore it can be assumed that in 2013, it was more important for most CSOs to send a protest signal rather than participating in the negotiation. This may indicate that they considered the influence of their insider tactics relatively low compared to earlier years. Furthermore, civil society representatives reported in interviews that they had not been able to insert their own text elements or phrases in that year's negotiations. Therefore, civil society perception can be classified as low, rather than substantial or high. Since civil society tends to overstate its own influence, this is a strong indication.

6.3. Process tracing

CSOs can already exercise influence in stakeholder consultations preceding the COP. In Germany, such consultations are organized throughout the year. However, as reported in an interview, the talks on Loss and Damage between civil society and the German delegation were not very productive, since their positions differed to a large degree, for example on whether L&D should be established as a third pillar. During the COP, this barrier remained. As civil society opposed the German position to establish L&D under the Adaptation Framework, every party was merely stating its position, and there were few constructive discussions.

Another form of influencing the negotiations is to make statements during the plenaries and the informal consultations. While those interventions reminded decision makers of the opinion of civil society, they did not offer new information or proposals for compromises. For example, the author observed that most of the demands in CAN's intervention at the opening informal consultation on L&D, such as the importance of non-economic losses, had already been mentioned by other country delegations.

Almost all progress towards the agreement was made in bilaterals to which CSOs did not have access. The most significant breakthrough in finding a compromise was achieved in the last hour on Saturday morning. At this time, the majority of CSO delegates had already left the negotiation venue two days earlier, and in the final negotiations between developing countries and the United States, civil society members were not present at all.

6.4. Summary

In summary, it is likely that civil society influenced the tone of the discussion and may have conducted inspiring talks with decision makers, although this cannot be measured systematically. However, a detailed look at the negotiation process has not revealed reliable indications for a substantial CSO contribution in the negotiations on L&D. Furthermore, both the analysis of goal attainment and self-perception indicate a rather low influence. Therefore, overall influence of civil society in the negotiations on the mechanism on L&D can be considered low, rather than substantial or high.

7. Explaining the low level of civil society influence

Referring to the possible explanations outlined above, the following chapter identifies the reasons for the low level of influence of civil society in the negotiations on Loss and Damage.

7.1. CSO Capabilities

CSOs can only work properly when they have sufficient financial assets and skilled employees. However, neither the financial resources nor the skills of CSO employees have decreased significantly within the last years. Likewise, the network density between civil society groups has increased over the past years. The membership of CAN, the dominant climate NGO network, has increased from over 600 in 2010 to over 850 members right now (CAN 2011; CAN 2013e). The network density between CSOs and governmental delegations also remains at a high level. CSO delegates have reported in interviews that the civil society participation in governmental delegations remains constant, and the

participation list shows that CSO delegates from the WWF, Greenpeace, and Oxfam have been included in the official delegations from countries such as Belgium or China at the COP19 (UNFCCC 2013c). Furthermore, the German Federal Foreign Office invited a representative from the WWF to speak at the German Pre-Warsaw briefing in October 2013 which may also indicate a positive relationship.

When it comes to knowledge, CSOs still employ large numbers of scientists and have not been constrained from exercising influence by a raising level of complexity. This has been reported in interviews and can also be demonstrated by the large amount of policy papers and research articles published and commissioned by CSOs over the last years (e.g. Stabinsky 2013, Heede 2013).

Public support is another important resource for exercising influence, since CSOs derive their legitimacy from claiming to advocate public interest. As reported in interviews with CSO representatives, the mobilization power dropped slightly after the COP15 in Copenhagen failed to deliver the expected results. However, public awareness of climate change remains at a high level; in fact, it rose since 2009 all around the world and is perceived by many as the single most dangerous threat (Pew Research 2013; Winter 2013). During the first Saturday of the COP, CSOs organized a demonstration for climate justice attended by 1,200 people, and just after the COP ended, over 60,000 people were demonstrating for a more ambitious climate policy in Australia (Milman 2013). According to interviews with CSO representatives, members of civil society are rather satisfied with this level of participation.

In summary, public awareness increased steadily, and Civil Society Organizations concerned with climate change did not face any significant decrease in material resources, nor do they face problems related to network density or knowledge acquisition. Accordingly, CSO capabilities do not seem suitable to explain the low level of CSO influence.

7.2. Resource demand by states

Knowledge

At the COP19, CSOs provided various forms of social and political knowledge. Greenpeace for example commissioned a representative poll on renewable energy preferences in Poland which they presented at the COP (Greenpeace 2013b). Country delegates reported in interviews that such proposals from civil society were very much appreciated. However, this was not necessarily the case in the negotiations on Loss and Damage, since civil society had been promoting a very different approach towards this

issue. Therefore, consultations were limited to an exchange of different viewpoints. However, according to interviews, there is demand for political knowledge on issues in which civil society positions are closer to those of the respective country delegations.

Power

The national environmental ministries, often entrusted with negotiating in the UNFCCC, not only have to defend their interests against those of other country's delegations but also against other domestic ministries and domestic stakeholders. According to interviews with country representatives, CSO support is very much appreciated in order to communicate environmental interest to other relevant ministries such as the ministries of economy or finance. However, when it comes to negotiations at the COP, CSOs cannot take part in the small or bilateral negotiations wherefore they had little opportunity to exercise behavioral power directly at the COP. Furthermore, country delegations have a very high degree of expertise in diplomacy and do not necessarily rely on strategic support from CSO advice for issue linkage or timed proposals. According to interviews with civil society representatives, this even applies to developing country representatives, which is why few civil society members are included in developing country delegations.

Values

The demand for legitimacy and transparency remains at a high level. As the author observed, the Polish presidency at this COP repeatedly highlighted the importance of civil society participation and in particular transparent operating procedures. Furthermore, the second half of the Pre-Warsaw briefing of the German Foreign Office was devoted to the topic of civil society in the climate negotiations, and a representative from the WWF was invited to hold a speech. Also, the European delegation hold a side event together with CAN in the COP's first week, discussing a future strategy with regard to the 2015 treaty. This indicates that it is still very important for (many) developed countries to have civil society participating in the UNFCCC.

Summary

While the demand for legitimacy has been relatively high, the demand for political knowledge in the context of Loss and Damage has been rather low. However this does not represent a long term trend since the expertise of civil society organizations remains high, and their proposals have been welcomed in other areas. Likewise, the demand for behavioral power can be considered to be at a medium level. While it is still appreciated at

the national level, the opportunity to exercise behavioral power is rather weak at the COP. Taken together, the low demand for knowledge and behavioral power can partly explain the low civil society influence at Loss and Damage. However, these two factors are not sufficient to explain an overall decrease in influence, since knowledge and power were still in demand on other issues.

7.3. Negotiation structure

The negotiations on Loss and Damage at the COP19 were to establish a first governance framework for dealing with the damages from climate change. Usually, negotiations that establish such a general framework are considered not to require a great degree of behavioral change, and usually CSOs have a relatively high influence at such negotiations (Brühl 2003). However, in this case, the losses from climate change were to be regulated, so issues related to responsibility and compensation were discussed right from the beginning (G77 & China 2013). Setting up a framework to establish a compensation fund or assign responsibility for climate-related natural disasters would have had major financial and legal ramifications for developed countries (IFFD 2013, p. 97; Shamsuddoha 2013, 9f.). Therefore, the mandates of developed countries negotiators were strictly curtailed from the start. The EU and the USA did not want to establish L&D as a third pillar and refused to take any responsibility for losses due to climate change, while Australia and Japan even refused to talk about any kind of rehabilitation funds at all (Ciobanu 2013; CAN 2013c). The position of developing countries in fact was rather the opposite. Establishing the L&D framework as a third pillar "beyond adaptation" and including a financial mechanism were their core expectations (CAN 2013b, 23f.).

Civil society mainly supported the positions of developing countries, including their demand to establish L&D as a third pillar and to create comprehensive financial mechanisms. In this situation, it was very difficult for CSOs to exercise influence, given that their own positions were very similar to those of developing countries, leaving the former unable to suggest new ideas or compromises. Likewise, developed country delegations did not consider civil society proposals, since they were given very tight mandates from their home governments which were worried about any legal consequences.

This small interest space also made negotiations very tough. If the discussion climate had been more open and if the mandates had left more space for compromises, it would have been easier for CSOs to make interesting proposals. But in the slow and tough process, any progress was made by bargaining in bilateral and small multilateral groups, where CSOs were not allowed to participate. Furthermore, the author observed the G77

often asking for some time after a new text had been proposed by the facilitators, in order to find a common position within their coalition group. This was presumably very difficult since the G77 is a very sizable and diverse coalition. The constant progress of finding a common position may have made it particularly difficult for civil society to provide advice, since those suggestions are difficult to consider when they always have to be approved by the entire coalition group.

Furthermore, there was no powerful player on the side of the developed countries with whom CSOs could have worked in favor of a compromise. The European Union, traditionally more closely positioned to developing countries rather than other developed countries, was also fully opposed to the proposal to establish L&D as its own pillar in the UNFCCC.

In summary, the high legal and financial relevance of the issue of Loss and Damage as well as the small area of convergence between the highly polarized developing and developed countries provide substantial indications to explain why it was particularly difficult for civil society for exercise influence.

8. Conclusion

The following table summarizes the explanatory power of all factors discussed in the previous sections. In conclusion, the increasingly challenging negotiation structure is most able to explain the low level of influence in the negotiations on Loss and Damage at the COP19.

Table 1: Explanatory power for low CSO influence in the L&D negotiations and in the UNFCCC in general

| Variable | Explanatory power Loss and Damage | Explanatory power overall negotiations |
|-----------------------------------|-----------------------------------|--|
| Capacity | Low | Low |
| Resources | - | - |
| Social Knowledge | Some | Low |
| Behavioral Power | Some | Low |
| Values | Low | Low |
| Negotiation Structures | - | - |
| Access | Low | Low |
| Legal relevance | Substantial | Substantial |
| Lev. of conflict and Polarization | Substantial | Low |

Source: Author.

Material and immaterial capabilities of CSOs have not decreased significantly over the last years. Similarly, the demand from states for legitimacy and transparency through civil society participation seems to remain high, and the access to the negotiations was not unusually constrained. Therefore, these factors are unable to explain a decrease in CSO influence.

However, most countries did not demand much social knowledge on L&D from CSOs, which is why this factor has some explanatory power for CSOs influence. Likewise, they neither demanded behavioral power in the negotiations. However, CSO advice was still welcomed on other issues, and behavioral power was appreciated at the domestic level. Furthermore, developed countries have always been very skilled, and civil society has always been excluded from the actual negotiations in bilateral meetings. Therefore, those two explanations may partly explain the low level of influence in the negotiations on Loss and Damage, yet they lack explanatory power for the decrease of civil society influence in the UNFCCC in general.

The greatest explanatory power could be found in explanations that focus on the legal and financial relevance of the negotiations and on the high level of conflict and polarization. Developed and developing countries have been very polarized in the issue of Loss and Damage which has led to tough negotiations between the two large coalition blocks which did not leave a great degree of space for CSO intervention. However, this polarization cannot be observed in the UNFCCC as a whole. In fact, developing country's coalitions have become much more diverse as new coalitions such as the ALBA Group, the BASIC Group, or the Like Minded Group emerged in the last years (IFDD 2013, 137-140). This diversification may indeed offer new possibilities for civil society intervention since opportunities for support and coalitions increase. Therefore, the level of conflict and polarization may substantially explain the low level of influence in the negotiation on Loss and Damage, but may offer little explanation for the overall frustration of civil society.

However, as shown above, the high legal and financial relevance was also substantial in explaining the low level of civil society influence. In fact, the UNFCCC negotiations in general are also becoming increasingly relevant in terms of financial and legal issues. The capitalization of the Green Climate Fund and the Adaptation Fund are overdue and are perceived as important issues. Also, since the Kyoto Protocol failed to deliver the necessary result, it is expected that the new 2015 treaty should deliver comprehensive, measurable, and verifiable reduction goals (IFDD 2013). Negotiations on that issue are already becoming very slow and difficult as every country tries to minimize its

financial and material contributions towards greenhouse gas mitigation (Eckersley 2012). This makes civil society influence very difficult. In conclusion, the increasing legal and financial relevance of the negotiations seem to be mainly responsible for the low level of influence by civil society organizations in the UNFCCC in the last years.

Having said this, it is necessary to remember that the frustration civil society experiences in the UNFCCC not only arose due to the CSOs' own influence constraints but also because of the general lack of process in the international climate negotiations. However, to make a significant change, civil society would have to find ways to increase its influence in climate politics. Since the increasing legal relevance will leave less room for direct influence at the negotiations, it is crucial to focus more on the domestic level, as many CSOs have already recognized. At the domestic level, civil society can enhance the support for strong environmental protection policies by intervening in public discussions and in the ministries of economy, finance, and foreign affairs. Otherwise, tight mandates for negotiators and poor prospects for ratification and implementation will leave little room for ambitious results at the international level.

Although this paper was able to identify important opportunities and constraints regarding the prospects for the effectiveness of civil society's insider strategies, the effectiveness of outsider strategies such as actions aiming to influence the general discussion tone remains unclear. Unfortunately, Political Science still lacks reliable instruments to measure and compare impacts of those strategies. However, since strategies focusing on influencing the general discourse represent a huge share of civil society's contributions to international politics, it will be very important for future research to develop reliable instruments that can assess their impact.

References

Arts, B 1998, The Political Influence of Global NGOs, International Books, Utrecht.

Bedall, P 2011, 'NGOs, soziale Bewegungen und Auseinandersetzungen um Hegemonie' in Zivilisierung des Klimaregimes, ed A Brunnengräber, Verlag für Sozialwissenschaften, Wiesbaden, pp. 59-84.

Bedall P & Brunnengräber A 2012, 'Internationale Klimapolitik in der Transformation. Die Zivilgesellschaft als Triebkraft?', Informationsbrief Weltwirtschaft & Entwicklung, vol. 11.

Berlin D 2005, 'The Key to Green Power - Explaining NGO-Influence in Global Environmental Governance Structures', Paper presented at the NISA-NOPSA Conference, Reykjavik. Available from

http://www.mim.org.gu.se/pdf/Berlin%20NISA-NOPSA.pdf [04. January 2014].

Betsill, MM, Corell E 2001, 'NGO Influence in International Environmental Negotiations: A Framework for Analysis', *Global Environmental Politics*, vol. 1, no. 4, pp. 65-85.

Betsill, MM, Corell, E 2008. NGO Diplomacy. 'The Influence of Nongovernmental Organizations in International Environmental Negotiations. MIT Press, Cambridge MA.

Brot für die Welt 2013, Klimakonferenz: Verlust und Schaden für das Klima. Available from

http://info.brot-fuer-die-welt.de/blog/klimakonferenz-verlust-schaden-fuer-klima. [04 January 2014].

Brühl T 2003, 'Nichtregierungsorganisationen als Akteure internationaler Umweltverhandlungen', Campus Verlag, Frankfurt am Main.

Brunnengräber A 2011, 'Das Klimaregime. Globales Dorf oder sozial umkämpftes, transnationales Terrain?' in *Zivilisierung des Klimaregimes*, ed A Brunnengräber, Verlag für Sozialwissenschaften, Wiesbaden, pp. 17-44.

CAN 2011, Annual Report 2010, Climate Action Network-International, Washington. Available from

http://www.climatenetwork.org/sites/default/files/Can Annual Reports web spread.pd <u>f.</u> [04.01.2014].

CAN 2013a, Can Warsaw Deliver Climate Action: Policy Experts Detail Expectations for COP19 Policy Briefing (audio file), 5 November, unpublished [recording attached on CD; reference refers to minute 00:36].

CAN 2013b, Warsaw: On the Road to Paris, Climate Action Network International, Available from

http://climatenetwork.org/sites/default/files/warsaw final web 0.pdf. [04 January 2014].

CAN 2013c, Fossil deja vu as Aussies abandon their neighbors on loss and damage, 14 November 2013, Climate Action Network International. Available from

http://www.climatenetwork.org/fossil-of-the-day/fossil-deja-vu-aussies-abandon-their-neighbors-loss-and-damage. [06.01.2014].

CAN 2013d, The Loss and Damage Mechanism: Don't Leave Warsaw Without It!, 19 November 2013, Climate Action Network International. Available from http://www.climatenetwork.org/blog/loss-and-damage-mechanism-dont-leave-warsaw-without-it. [06.01.2014].

CAN 2013e, Annual Report 2012, Climate Action Network-International, Beirut. Available from

http://climatenetwork.org/sites/default/files/can_2012_annual_report.pdf.[04.01.2014].

Ciobanu, C 2013, 'U.S. Fights G77 on Most Counts at Climate Meet, Leaked Doc Shows', IPS News 14 November, Available from

http://www.ipsnews.net/2013/11/u-s-fights-g77-on-most-counts-at-climate-meet-leaked-doc-shows/. [15 December 2013].

Davis, R 2013, Walking away towards the future, 22 November 2014, Greenpeace International. Available from

http://www.greenpeace.org/international/en/news/Blogs/makingwaves/walking-away-towards-the-future/blog/47493/. [06.01.2014].

Dorsey, MK 2011, MK Dorsey on Civil Society Participation in UNFCCC (video file), GEAR Youth Media Project, 3 December. Available from http://www.youtube.com/watch?v=QwKfkpXRFM4. [4 December 2014].

Gulbrandsen LH, Andresen, S 2004, 'NGO Influence in the Implemementation of the Kyoto Protocol. Compliance, Flexibility mechanisms, and Sinks', Global Environmental Politics, vol. 4, no. 4, pp. 54-75.

Eckersley R 2012, 'Moving forward in the climate negotiations: Multilateralism or Minilateralism?', *Global Environmental Politics*, vol. 12, no. 2, pp. 24-42.

Indybay 2013, Warsaw Climate Change negotiations failing warn Friends of the Earth, 21 November 2013, Indybay International. Available from https://www.indybay.org/newsitems/2013/11/21/18746607.php. [06.01.2014].

G77 & China 2013, Input from the G77 & China in preparation for COP19 on loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change. Available from http://unfccc.int/files/adaptation/application/pdf/ Id g77 submission nov 2013.pdf. [06.01.2014].

Greenpeace 2013b, Opinion poll: Overwhelming majority of Poles choose renewable energy over coal and nuclear. Available from

http://www.greenpeace.org/international/Global/international/briefings/climate/COP19/Opinion-Poll-Briefing.pdf. [04 December 2014].

Heede, R 2013, 'Carbon Majors: Accounting for carbon and methane emissions 1854 2010 Methods & Results', Climate Mitigation Services. Available from

http://www.greenpeace.org/international/Global/international/briefings/climate/2013/MRR-8.3-7Nov13.pdf. [04 December 2014].

IFDD 2013, 'United Nations Framework Convention on Climate Change COP19 and CMP9', Institute de la francophonie pour le developpement durable, Québec.

Kumar K 2004, 'Civil Society, Globalization, and Global Civil Society, Journal of Civil Society, vol. 4, no. 1, pp. 15-30.

Maier, M 2010, Klimagipfel gescheitert: Nach der COP ist vor der COP??, Available from http://www.asienhaus.de/public/archiv/maier-kopenhagen-gescheitert-070110.pdf. [06.01.2014].

Milman, O 2013, 'Climate rallies held across Australia', The Guardian, 17 November. Available from

http://www.theguardian.com/world/2013/nov/17/climate-rallies- draw-thousands. [06.01.2014].

Pew Research 2013, Climate Change and Financial Instability Seen as Top Global Threats Survey Report. Available from

http://www.pewglobal.org/2013/06/24/climate-change-and-financial-instability seen-as-top-global-threats/. [06.01.2014].

Reimann, K 2006, 'A View from the Top: International Politics, Norms and the Worldwide Growth of NGOs', International Studies Quarterly, vol. 50, no. 1, pp. 45-67.

Rönsberg, A 2013, 'Warsaw climate talks end with compromise', Deutsche Welle, 24 November. Available from

http://www.dw.de/warsaw-climate-talks-end-with-compromise/a-17248371. [04 January 2014].

Shamsuddoha, Md 2013, Loss and damage (L&D) negotiations at the UNFCCC: Current status and future aspects, Bread for The World. Available from

http://info.brot-fuer-die-welt.de/sites/default/files/blog-

downloads/briefing paper loss and damage bfdw doha.pdf. [06.01.2014].

Stabinsky, D 2013, Tackling the climate reality: A framework for establishing an international mechanism to address loss and damage at COP19. Available from http://awsassets.panda.org/downloads/tacklingtheclimatereality.pdf. [06.01.2014].

TWN 2013a, SBI closes with key unresolved issues, TWN Warsaw News Update, no. 21. available from

http://www.twnside.org.sg/title2/climate/news/warsaw01/TWN update21.pdf. [06.01.2014].

TWN 2013b, Climate talks at risk of delivering nothing, TWN Warsaw News Update, no. 22. Available from

http://www.twnside.org.sg/title2/climate/news/warsaw01/TWN update22.pdf. [06.01.2014].

TWN 2013c, COP 19 establishes Warsaw international mechanism for loss and damage, TWN Warsaw News Update, no. 25. Available from http://www.twnside.org.sg/title2/climate/news/warsaw01/TWN_update25.pdf. [06.01.2014].

United Nations Framework Convention on Climate Change 1992, opened for signature 4 June 1994, entered into force 21 March 1994. Available from http://unfccc.int/files/essential-background/background-publications-htmlpdf/application/pdf/conveng.pdf. [06.01.2014].

UNFCCC 1996, Adaptation of the rules of procedure, FCCC/CP/1996/2. Available from http://unfccc.int/resource/docs/cop2/02.pdf. [06.01.2014].

UNFCCC 1998, Attendance of intergovernmental and non-governmental organizations at contact groups, Decision 18/CP.4. Available from http://unfccc.int/resource/docs/cop4/16a01.pdf#page=66 [06.01.2014].

UNFCCC 2013a, Participation Breakdown. Available from http://unfccc.int/files/parties and observers/ngo/application/pdf/participation breakdown_cop1-19.pdf. [04 January 2014].

UNFCCC 2013b, Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity, FCCC/SBI/2013/L.15. Available from http://unfccc.int/resource/docs/2013/sbi/eng/l15.pdf. [06.01.2014].

UNFCCC 2013c, List of Participants, FCCC/CP/2013/INF.4. Available from http://unfccc.int/resource/docs/2013/cop19/eng/inf04.pdf. [06.01.2014].

Verolme, H, Yamin F, Menotti, V, Fuhr L 2013, 'What Future for International Climate Politics?', Heinrich Böll Stiftung Ecology, vol. 32. Available from http://www.boell.de/sites/default/files/what future for climate politics.pdf. [06.01.2014].

Winter, A 2013, Poll Reveals American Attitude Towards Climate Change, Support for Clean Energy, Environmental News Network. Available from http://www.enn.com/pollution/article/45590. [06.01.2014].