

# **More Equal Than Others? A Comparative Analysis of State and Non-state Perceptions of Global Environmental Governance.**

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## **Abstract**

This paper investigates stakeholder perceptions of the governance quality of two ‘post-Rio’ environmental policy arenas: the international forestry regime, and the largely intergovernmental United Nations Framework Convention on Climate Change (UNFCCC). Participants’ views across a number of mechanisms are explored by way of qualitative and quantitative analysis. The element of the intergovernmental forestry regime explored is the United Nations Forum on Forests (UNFF). In the case of climate change, the Clean Development Mechanism (CDM) and the United Nations Programme to Reduce Emissions from Deforestation and Forest Degradation (REDD+) are investigated. Quality of governance – and ultimately, legitimacy – is evaluated using a normative framework of principles, criteria and indicators (PC&I). The paper concentrates on stakeholder attitudes regarding inclusiveness, equality and decision-making, and identifies the views of regime participants from both the Global North and Global South, where data permits. Evaluation is by means of a series of online surveys conducted in 2010. The research is oriented towards nation-state interests (governments), but non-state actors (non governmental organisations – NGOs) have also been included for comparative purposes. Perceptions appear to be based more on geopolitical factors and attitudes to governance than a straightforward state/non-state analysis would bring to bear. Perceptions of inclusiveness and equality are key indicators of governance quality. Shortcomings of the research techniques are discussed.

Keywords: Global governance, inclusiveness, equality, decision-making, legitimacy, REDD+, CDM, UNFF

## **Introduction: global environmental governance, forests, climate change and the role of the state**

The 1992 UN Conference on Environment and Development (UNCED) played an important normative role in shaping the general response to the environmental crisis, bringing market-based approaches as a method of environmental problem solving to the fore.<sup>1</sup> Another positive outcome, and enshrined in substantive document of the event, *Agenda 21*, was the recognition given to the participation of non-state interests, particularly non-governmental organisations (NGOs) in the framework of international environmental policy and environmental decision-making at all levels.<sup>2</sup> The historical precedents set by Rio have engendered a conceptual evolution away from talking almost exclusively about *government* (“control exercised by the nation-state, through formal (usually elected) parties”) towards *governance* (“control exercised by a variety of public and private institutions that have been established at different spatial scales”).<sup>3</sup>

It is in the forestry arena that environmental governance, understood as “the coordination of interdependent social relations in the mitigation of environmental disruptions” mostly clearly reflects the involvement of civil society and private industry, in the development of regulatory regimes, as well as the state.<sup>4</sup> Deforestation has been attributed to a wide range of causes including international development and debt policies, population growth, poverty, drug cultivation, wars and the role of the military, land tenure inequities and natural causes.<sup>5</sup> Various intergovernmental institutions within the UN system were involved with the forest-related policy decisions arising from the substantive Rio document, *Agenda 21*, and the related *Statement of Forest Principles*. Forests were one of the issues dealt with by *Agenda 21* (Chapter 11, combating deforestation), and initially, post-Rio it was felt that there was a need for a specific body to tackle the forest issue; this was the Intergovernmental Panel on Forests

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<sup>1</sup> Bas Arts, “Non-state Actors in Global Governance”, pp. 190-193.

<sup>2</sup> United Nations, *Agenda 21: Programme of Action for Sustainable Development*, Rio Declaration on Environment and Development, Statement of Forest Principles (New York: United Nations Publications Department of Public Information, 1993), p. 10 and pp. 230-235.

<sup>3</sup> Dianne Perrons, *Globalization and Social Change: People and Places in a Divided World* (London: Routledge, 2004), p. 255.

<sup>4</sup> Norah A. Mackendrick, “The Role of the State in Voluntary Environmental Reform: A Case Study of Public Land”, *Policy Sciences* 38 (2005), pp. 21-44 at p. 22).

<sup>5</sup> David Humphreys, *Forest Politics: The Evolution of International Cooperation* (London: Earthscan, 1996), pp. 2-15.

(IPF), which functioned from 1995-97 to “provide a forum for forest policy decisions.”<sup>6</sup> In 1997 the Intergovernmental Forum on Forests was established, running until 2000. In terms of substantive outcomes, the IPF/IFF deliberations generated 270 Proposals for Action (PFAs).<sup>7</sup> In 2000 a third body, the United Nations Forum on Forests (UNFF), was created.<sup>8</sup> Forest governance has been identified as one of the most useful lenses through which to scrutinise “the increasing tendency for collaboration in many sectors where political and economic trade-offs also exist.”<sup>9</sup>

Climate change management constitutes one of the most significant post-Rio regimes, and, unlike forest management, UNCED did result in creation of a United Nations Framework Convention on Climate Change (UNFCCC). This has its own sets of institutional arrangements replete with a variety of governance systems to solve the problem of climate change through market-based or other sustainable development initiatives including the Kyoto Protocol, and its emerging replacement. However, multilateral environmental agreements are no longer the only, or even central, mechanism for global environmental governance and they sit alongside a range of other forms both public and private, functioning on many different levels and layers of authority and including many different actors – not just governments.<sup>10</sup> Rio has been seen as paving the way for voluntary and self-regulatory initiatives, often developed directly by corporate interests.<sup>11</sup> Several commentators attribute this outcome to the considerable level of corporate attendance at the Earth Summit.<sup>12</sup> Rio, in effect, legitimised the idea of voluntary standards, which was reflected in the outcome document of the Rio negotiations, *Agenda 21*.<sup>13</sup> Ideally, such arrangements complement, rather than cut across, the environmental legislative and regulatory arrangements of the nation state. Such standards are restricted to providing a framework for the systematisation of

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<sup>66</sup> <http://www.un.org/esa/forests/faq.html>, accessed 15/03/07.

<sup>7</sup> <http://www.un.org/esa/forests/factsheet.pdf>, accessed 28/10/04.

<sup>88</sup> Resolution 2000/35, ECOSOC, “Report of the Fourth Session of the Intergovernmental Forum on Forests,” 18 October 2000, <http://www.un.org/documents/ecosoc/dec/2000/edec2000-inf2-add3.pdf>, accessed 15/03/03.

<sup>9</sup> Christine Overdeest, “Codes of Conduct and Standard Setting in the Forest Sector: Constructing Markets for democracy?” *Relations Industrielles/Industrial Relations* 59 (1)(2004) pp. 172-197 at p. 192.

<sup>10</sup> Liliana B Andonova, Michele M. Betsill and Harriet Bulkeley, “Transnational Climate Governance”, *Global Environmental Politics* 9 (2) May 2009, pp. 52-73, at p. 52.

<sup>11</sup> Jennifer Clapp, “Global Environmental Governance for Corporate Responsibility and Accountability”, *Global Environmental Politics* 5 (3) (2005), pp. 23-34 at p. 25.

<sup>12</sup> Ibid, footnote 14, citing Pratap Chatterjee and Matthias Finger, *The Earth Brokers: Power Politics and World Development* (London: Routledge, 1994) and Matthias Finger and James Kilcoyne, “Why Transnational Corporations are Organizing to ‘Save the Global Environment’”, *The Ecologist* 27 (4) (1997).

<sup>13</sup> Jennifer Clapp, “Standard Inequities” in *Voluntary Initiatives: The New Politics of Corporate Greening*, ed. Robert B. Gibson (Ontario: Broadview Press, 1999), p. 199 and footnotes 3 and 4, p. 208 (referring to *Agenda 21*, Chapter 30, paragraph 30.8 and Chapter 20, paragraphs 20.11, 20.13 and 20.9).

environmental management priorities. They do not always specify absolute environmental performance requirements.<sup>14</sup>

Forest and climate change governance both reflect the growing preference for social-political forms of stakeholder interaction with decentralised networks made up of multiple actors functioning at multi-levels, and including NGOs and the private sector (Juhola and Westerhoff 2011: 239-242).<sup>15</sup> This has implications for the nature of relations between state, society and the economy, and for previous notions of legitimacy (Bulkeley 2010: 312).<sup>16</sup> Non-state actors, previously outside the formal decision-making arenas, now play a role in the formation of public policy, albeit from the sidelines, and their participation is challenging traditional conceptions of power and authority (Andonova et al: 52-53).<sup>17</sup> The Kyoto Protocol in particular has opened up climate change to market mechanisms, creating governance structures which require cooperation between state and non-state actors, although nation-states ultimately endorse them (Andonova et al 2010: 57-58).<sup>18</sup>

Sustainable development, voluntary standards, and the market have not always blended well. Over the course of the Earth Summit discussions broke down into two distinct camps, with the global South arguing that industrialised, largely Northern, countries were seeking to use these mechanisms to externalise the costs of the environmental problems they had first created onto developing states.<sup>19</sup> In the climate governance arena, it has been contended that the more powerful the country, the greater influence they have on international policy positions that best suit themselves (Okereke 2010: 464).<sup>20</sup> It is often the case that the more powerful the country, the greater influence they have on international policy positions that best suit themselves.<sup>21</sup> The current regulatory carbon-related framework, and its North to South market-based models of capital transfer and carbon finance mechanisms, has been characterised as distributing development unevenly. The claim has been made, that the management of sinks through the CDM represents the ‘re-territorialization’ of Northern control over the South. Whoever has the responsibility and authority over ‘sinks spaces’ –

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<sup>14</sup> Dick Hortensius, “ISO 14000 and Forestry Management: ISO Develops ‘Bridging’ Document”, *ISO 9000-ISO 14000 NEWS* 4 (1999), pp. 11-20, at p. 14.

<sup>15</sup> Sirkku Juhola and Lisa Westerhoff, “Challenges of Adaptation to Climate Change Across Multiple Scales: A Case Study of Network Governance in Two European Countries”, *environmental science & policy* 14 (2011), pp. 239–247 at pp. 239-242.

<sup>16</sup> Bulkeley, “Climate Policy and Governance”, p. 312.

<sup>17</sup> Andonova, et al, “Transnational Climate Governance”, pp. 52-53.

<sup>18</sup> Andonova, et al, “Transnational Climate Governance”, pp. 57-58.

<sup>19</sup> Patricia Birnie, “The UN and the Environment”, in *United Nations, Divided World* ed. Adam Roberts and Benedict Kingsbury (Oxford: Oxford University Press, 2000) pp. 327-383 at pp. 366-368.

<sup>20</sup> Okereke, “Climate Justice and the International Regime”, pp. 464.

<sup>21</sup> Okereke, “Climate Justice and the International Regime”, pp. 464.

specifically plantations and the management of trees – is especially relevant, and is creating. A form of global environmental governance that is effectively imperial, as it has created an “empire of carbon management and control.”<sup>22</sup> There is an inherent and ongoing tension between sustainable development, and climate governance. Contradictions are evident in the Kyoto Protocol and the CDM in particular. Developing countries argue that developed countries should take the lead in reducing emissions; developed countries in return argue that they were unaware of the impacts of emissions previously and that it is fairer to allocate burden sharing on the basis of current emission levels.<sup>23</sup> The rapid growth of CDM projects, has also generated concerns about the credibility of offsets and whether they solve the problem of rising emissions.<sup>24</sup>

### **Issues of inclusiveness, equality and decision-making in global governance**

The inclusion, or inclusiveness, of stakeholders, is generally associated with interest representation, and is seen as a crucial dimension underlying institutional variation at a global level.<sup>25</sup> Interest representation has been identified as a fundamental problem in contemporary global governance.<sup>26</sup> Interestingly, the inclusiveness of intra-agency cooperation within the nation-state has been contrasted to the practices of intergovernmentalism in particular. Although this contrast should not be overstated, international agencies exist and function in a series of silos. In the WTO for example, only trade ministers participate because of a belief that other participants would simply confuse the situation. That environmental or labour ministers have no place is considered unacceptable, as those being affected by such institutions are not included. A second objection is that the democratic principle of interest representation, expressed in the belief of one person, one vote, does not apply in a number of organisations, including the World Bank and the International Monetary Fund, where votes are allocated on the basis of wealth. This distorts representation and thus distorts outcomes and is in need of reform.<sup>27</sup>

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<sup>22</sup> Matthew Paterson and Johannes Stripple, “Singing Climate Change into Existence: On the Territorialization of Climate Policy Making”, in *The Social Construction of Climate Change: Power, Knowledge, Norms, Discourses* ed. Mary Pettinger (Aldershot and Burlington: Ashgate, 2007) pp. 149-172, at p. 163.

<sup>23</sup> Okereke, “Climate Justice and the International Regime”, p. 470.

<sup>24</sup> Lovell, “Governing the Carbon Offset Market”, pp. 354-358.

<sup>25</sup> Koenig-Archibugi, “Introduction: Institutional Diversity in Global Governance”, p. 13.

<sup>26</sup> Stiglitz, “Globalization and Development”, p. 61.

<sup>27</sup> Stiglitz, “Globalization and Development”, pp. 61-62.

As an attribute of global governance inclusiveness has been broken down into two constituent parts, access and weight.<sup>28</sup> Access denotes the number of actors bounded, or affected, by a given policy, and the extent to which they actively participate in developing its content. Weight refers to the extent to which influence is equally distributed among the active participants. Inclusiveness therefore sits along a power continuum, depending on the degree of access and weight a potential participant might have.<sup>29</sup> Measuring inclusiveness depends on several factors, but significance has been placed on the identification of actors affected by a policy. Governance has been described as being inclusive as when:

[A]ddressees of a regulation are *involved* in the decision-making process behind it, and if the *affected* societal *parties* of a regulation, both the associative targets and all those affected by a rule, are *heard* both formally and informally.<sup>30</sup>

Looking at global governance, democratic theorist Iris Young sees a relationship between inclusion and equality, and exclusion and inequality. For her, legitimacy is normatively expressed by equally including all those affected by any given decision within the decision-making process. However, she does not envisage simply imposing a specific set of requirements for inclusion on previously constituted institutions; political inclusion requires a plurality of methods, since inclusive discussion recognises social differences, transforming the style and terms of debate.<sup>31</sup> For her, part of the process of transformation is to see that inclusion bounded by the nation-state is an inherently exclusive political form, and the contemporary world “normatively requires a more open system of global regulation and local and regional interaction.”<sup>32</sup> In addressing the problem of inclusion in mass societies, she argues that institutions of representation have been wrongly assumed as being incompatible with participatory democracy. She believes that systems of representation are most inclusive when they encourage a wide range of previously marginalised groups and perspectives. Furthermore, varied institutional locations and institutional types can in fact increase representation.<sup>33</sup>

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<sup>28</sup> Mathias Koenig-Archibugi, “Introduction: Institutional Diversity in Global Governance”, p. 14. This interpretation differs from that contained in Patricia Nanz and Jens Steff, “Assessing the Democratic Quality of Deliberation”, *Acta Politica* 40 (3) (2005), pp. 368-383, p. 373, where access (“Access to deliberation”) is seen as a separate democratic indicator of quality of deliberation from inclusiveness (“Inclusion of all voices”). This example highlights the problem of contradictory, or crosscutting sets of indicators in the literature.

<sup>29</sup> Koenig-Archibugi, “Introduction: Institutional Diversity in Global Governance”, pp. 14-15.

<sup>30</sup> Koenig-Archibugi, “Introduction: Institutional Diversity in Global Governance” p. 15 (emphasis in original), citing Michael Zürn and J. Neyer, “Conclusions-the Conditions of Compliance”, in Michael Zürn and C. Joerges (ed.), *Law and Governance in Post-National Europe. Compliance beyond the Nation State*, emphasis in original (Cambridge University Press: Cambridge, 2005 p. 199.

<sup>31</sup> Young, *Inclusion and Democracy*, pp. 11-12.

<sup>32</sup> Young, *Inclusion and Democracy*, p. 13.

<sup>33</sup> Young, *Inclusion and Democracy*, p. 8.

Governance theorists with a more state-centric perspective accept that participation within new institutional modes of governance is basically representative and group-oriented in nature.<sup>34</sup> This also leads to a recognition that the complexities of governance brought about by globalisation call for a reinvention of interest representation in post-modern public administration.<sup>35</sup> The collective nature of governance brought about by globalisation raises issues regarding the relationship between interest representation, inclusion and equality. In such non-spatial and non-territorial venues, equality can be eroded, since the same forces that are increasing opportunities for involvement make it much more difficult to simply use previous nation-state oriented standards.<sup>36</sup> In response, it should be accepted that individuals cannot participate everywhere, and that global governance is essentially representative in nature. Participatory equality may not involve access to all points in the system – but it should include the ability of one organisation to force another to justify or limit the costs it imposes on others. There may even be circumstances allowing for “justified inequality”: a cautionary rule-of-thumb would be that “inequalities are suspect when the voices of those affected are absent.”<sup>37</sup> There is consequently a need for some formulation of baseline equalities, which although they do not guarantee that a given individual will participate, enable them to participate when they choose to do so. In such venues participatory equality is achieved through the presence of multiple associations, whereby the individual can choose the one that best represents their interests and over which they can exercise some control through the possibility of exit.<sup>38</sup>

In the EU literature, attention has been paid to the problems associated with greater participation and wider inclusion inherent in the governance concept, notably the prevalence of hidden places of influence and power.<sup>39</sup> This problem has been referred to elsewhere as ‘fugitive’ power and can result in a number of legitimacy problems associated with European

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<sup>34</sup> For further discussion on the matter of participatory and representative democracy in addition to the material below, see: Daniel Fiorino, “Environmental Policy and the Participation Gap”, in *Democracy and the Environment: Problems and Prospects*, ed. William M. Lafferty and James Meadowcroft (Cheltenham and Lyme: Edward Elgar, 1996), pp. 194-212 at pp.194-201; Andrew Dobson, “Representative Democracy and the Environment”, in the same volume, pp. 124-139; and Lafferty and Meadowcroft, “Democracy and the Environment”, p. 260.

<sup>35</sup> Rhodes, *Understanding Governance*, p. 198.

<sup>36</sup> Warren “What Can Democratic Participation Mean Today”, p. 695.

<sup>37</sup> Warren “What Can Democratic Participation Mean Today”, p. 698.

<sup>38</sup> Warren “What Can Democratic Participation Mean Today”, pp. 695-696. He adds that non-state associations can change market externalities that states -- or corporations - cannot, such as environmental damage, and also makes the interesting observation that “Numerous associations are developing programs to certify products -- wood products for example -- in effect allowing consumers to vote with their purchases for public goods such as ecologically sustainable forestry” (“What Can Democratic Participation Mean Today”, pp. 689-693, at p. 693).

<sup>39</sup> Gerald Berger, “Reflections on Governance: Power Relations and Policy Making in Regional Sustainable Development”, *Journal of Environmental Policy and Planning*, 5 (3) 2003, pp. 219-234, at pp. 224-225.

governance.<sup>40</sup> The European Commission has gone so far as to develop a White Paper on European Governance, in which inclusiveness is identified as a ‘principle’ of ‘good’ governance.<sup>41</sup> A further requirement for effective interest representation is that all participants receive equal capacities and opportunities to participate, using methods that work for all.<sup>42</sup> Scholars point to the need for economic-technical capacity (money and expertise) as a structural framework condition for developing environmental policy, which is capable of identifying and resolving ecological problems.<sup>43</sup>

With their emphasis on institutions and structures, international relations (IR) governance theorists comment only superficially on procedural aspects of governance. Nevertheless, there is general recognition that as governance continues to develop at a global level, procedural arrangements are likely to be based more upon commonly-agreed rules and practices, even if the coercion and bargaining common in territorial systems continues.<sup>44</sup> The reason for this is seen as being twofold. Firstly, governance itself is increasingly multi-level, undermining traditional concepts of community and representation. Secondly, because single national interests must collaborate and seek accommodation if they are to deliver externally derived public goods to their local populations. These forces are generating a form of decision-making, which is occurring in forums that in addition to their democratic expression are also more deliberative in procedural style.<sup>45</sup> Dryzek describes this approach as consisting of “discursive procedures” for dispute settlement through the solving of problems cooperatively.<sup>46</sup> He identifies policy and societal dialogue and mediation and regulatory negotiation as important aspects of procedure. He points to the Canadian Berger Inquiry as one of several practical examples of such an approach.<sup>47</sup>

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<sup>40</sup> Katharine N. Farrell, “Recapturing Fugitive Power: Epistemology, Complexity and Democracy”, *Local Environment* 9 (5) pp. 469-470, p. 476.

<sup>41</sup> Smismans, *Law, Legitimacy and European Governance*, p. 26.

<sup>42</sup> Warren “What Can Democratic Participation Mean Today”, p. 695.

<sup>43</sup> Michael Mason, *Environmental Democracy*, (New York: St Martin’s Press, 1999), pp. 72-73. See also Martin Jänicke, “Conditions for Environmental Policy Success: An International Comparison”, *The Environmentalist* 12 (1992), pp. 47-58, “Democracy as a Condition for Environmental Policy Success: the Importance of Non-institutional Factors”, in *Democracy and the Environment: Problems and Prospects*, ed. William M. Lafferty and James Meadowcroft (Cheltenham and Lyme: Edward Elgar Publishing, 1996), pp. 71-85; “The Political System’s Capacity for Environmental Policy”, in *Successful Environmental Policy: A Critical Evaluation* ed. Martin Jänicke and Helmut Weidner, (Springer: Berlin, 1997).

<sup>44</sup> Keohane, “Global Governance and Accountability”, p. 139.

<sup>45</sup> David Held, “Executive to Cosmopolitan Multilateralism”, in *Taming Globalization: Frontiers of Governance*, ed. David Held and Mathias Koenig-Archibugi (Cambridge: Polity Press, 2003), pp. 174-177.

<sup>46</sup> Dryzek, *The Politics of the Earth*, p. 200.

<sup>47</sup> Dryzek, *The Politics of the Earth*, p. 90.



More traditional IR scholars also pay some attention to the need to improve the procedures of global governance, leading to an observation that: “the processes we use to negotiate global agreements are as important as the ... capabilities ... that the negotiators bring to the negotiating table.”<sup>48</sup> Current intergovernmental processes are seen as lacking the necessary vision – and pragmatism – to cope with greater degrees of non-state participation.<sup>49</sup> This has led to the conclusion that without existing institutional arrangements being changed in favour of more productive interaction, built around consensus, global environmental negotiations will continue to produce inadequate results.<sup>50</sup> Interaction should be less formal and more collaborative, whilst decision-making when it occurs should be built around consensus rather than majority rule.<sup>51</sup>

With their emphasis on process, comparative/public policy theorists look at the procedural aspects of governance in some detail. Whilst not universal in the literature, there is a fairly strong indication that addressing the need to deal with social-political dynamics (at least within modes of ‘new’ governance) requires “processes of discursive consensus formation”, again, like global governance theorists, along the lines of the theories of Habermas.<sup>52</sup> Environmentally focussed scholars have argued that: “a tradition of consensus building strengthens both openness and the integration of politics and thereby reinforces the institutional conditions for relative success.”<sup>53</sup> Another commentator critical of current policymaking has noted an almost obsessive trend to consensus within new modes of regulatory governance.<sup>54</sup> The criticism levelled is that processes of consensus de-centre the state by making it a facilitator between dissenting groups, and simply another player, rather than sovereign decision-maker.<sup>55</sup> A second is that the focus on consensus moves away from making policy that is based upon the public interest, towards policy that is agreeable to those

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<sup>48</sup> Lawrence Susskind, *Environmental Diplomacy: Negotiating More Effective Global Agreements* (New York, Oxford: Oxford University Press, 2004), p. 7

<sup>49</sup> Susskind, *Environmental Diplomacy*, p. 61; Ivana Zovko, “International Law-Making for the Environment: A Question of Effectiveness”, in *International Environmental Law-making and Diplomacy Review 2005* ed. Marko Berglund (Joensuu: University of Joensuu Department of Law, 2006), pp.109-128, at p. 128, citing R. Churchill and G. Ulfstein, “Autonomous Institutional Arrangements in Multilateral Environmental Agreements: A Little noticed Phenomenon in International Law”, *American Journal of International Environmental Law* 94 (2000), p. 623.

<sup>50</sup> Susskind, *Environmental Diplomacy*, p. 7.

<sup>51</sup> Susskind, *Environmental Diplomacy*, p. 61.

<sup>52</sup> Meadowcroft and Lafferty, “Democracy and the environment”, p. 257.

<sup>53</sup> Jänicke, “Conditions for Environmental Policy Success”, p. 48.

<sup>54</sup> Cary Coglianese, *Is Consensus an Appropriate Basis for Regulatory Policy?* (Cambridge MA: Harvard University Press, 2000).

<sup>55</sup> Coglianese, *Is Consensus an Appropriate Basis*, p. 8, citing K. Werhan, “Delegalizing Administrative Law”, *University of Illinois Law Review* (1996), p. 423.

interests represented within the policy process.<sup>56</sup> A third criticism concerns the definitional inconsistencies of consensus, which can be defined as both constituting unanimity, or as a decision everybody can live with.<sup>57</sup> Another problem is that imposition of consensus can constrain decision-making. By making existing processes of policy-making participatory, all of the perceived benefits of consensus (such as reduced conflict) can be achieved, without needing such rigid adherence to consensus. Effectively, participation is more important than a specific mode of decision-making.<sup>58</sup>

EU regime scholars have examined whether decision-making operating on a consensual or majority basis is more effective.<sup>59</sup> The more consensual, it is assumed, the more likely the prospect of implementation, and the more legitimate the decision. However, it carries the potential to be less effective, as it gives ‘laggards’ the upper hand. Unanimity and consensus-based processes, it is argued, result in weaker decisions than majority voting. However, both these assumptions are moderated by the need to balance different considerations in the various stages of a process. One European study finds that both consensus and majority decision-making were used in the environmental agreements investigated. Initially, whilst parties were still generally mistrustful of each other, consensus was the only viable option, but over time as trust between parties built, tougher decision-making practices emerged in several of the cases examined.<sup>60</sup> Anecdotal case studies of environmental processes in the US indicate that agreement is often reached by consensus (understood as total agreement) during the working stages of negotiation, reverting to a majority vote at the end.<sup>61</sup>

When conflict occurs within negotiations, or as a result of complaints over procedure, several sources identify the need for dispute-resolution mechanisms.<sup>62</sup> The breakdown of processes of engagement and negotiation and the inability to resolve conflicts have been identified as two key indicators of governance failure.<sup>63</sup> Van Vliet calls for “integrative negotiations” which are in turn dependent on the extent to which all parties can gain

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<sup>56</sup> Coglianesse, *Is Consensus an Appropriate Basis*, p. 8, citing W Funk, “Bargaining Toward the New Millennium: Regulatory Negotiation and the Subversion of the Public Interest”, *Duke Law Journal*, 46 (1997), p. 1351.

<sup>57</sup> Coglianesse, *Is Consensus an Appropriate Basis*, pp. 4-6.

<sup>58</sup> Coglianesse, *Is Consensus an Appropriate Basis*, pp. 32-33.

<sup>59</sup> Wettestad, “Designing Effective Environmental Regimes”, pp. 318-331.

<sup>60</sup> *Ibid.*

<sup>61</sup> James E. Crowfoot and Julia M. Wondolleck, *Environmental Disputes: Community Involvement in Conflict Resolution* (Washington and Clovello: Island Press, 1990), p. 261.

<sup>62</sup> Van Vliet, “Environmental Regulation of Business” p. 111; Errol Meidinger, “The Administrative Law of Global Private-public Regulation: The Case of Forestry”, *The European Journal of International Law* 17 (1) (2006), pp. 47-87, p. 25-27, Elinor Ostrom *Governing the Commons: the Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990), p. 90.

<sup>63</sup> Gerry Stoker, “The Challenge of Urban Government” in *Debating Governance: Authority, Steering and Democracy*, ed. Jon Pierre, (Oxford: Oxford University Press, 2000) pp. 91-109 at pp. 100-105.

something, and adds that in cases of environmental dispute resolution, the consensus developed through mediation can bring separate interests closer together.<sup>64</sup> Conflict should therefore not be seen as a negative aspect of governance.<sup>65</sup> As venues for developing the skills of bargaining and compromise, conflicts can provide governance systems with a degree of energy and drive. So long as they do not encompass irreconcilable issues such as matters of religion or ideology for example, they can be managed, even if they are ongoing. Indeed, the ongoing nature of a particular conflict may even set the stage for the next round of engagement and negotiation. This leads to the observation that “the cumulative experience of muddling through numerous such conflicts is at the heart of an effective governance system.”<sup>66</sup>

Supporters of ‘new’ governance as a system of public administration, argue that public decision/policy-making, implementation and enforcement inevitably involve conflict amongst interested parties. They point to the value of governance processes in the area of public administration in this regard that make provisions for mediation, facilitation, dispute resolution and arbitration should conflicts arise. Interestingly, it is in the arena of environmental governance where some of the most extensive use of these processes is made. A number of authors argue that procedures of consensus building and dispute resolution enhance the democracy, quality and fairness of decision-making, and consequently – through active and informed citizen engagement via public dialogue, reasoned debate and consensus – increase legitimacy.<sup>67</sup>

### **Governance legitimacy: developments in research and analysis**

It is important to understand the conceptual evolution in thinking about governance in the wake of Rio and the globalisation of environmental policy, particularly the emphasis on deliberative approaches to decision-making and how these new approaches are reflected in climate policy arena. The conceptual framework of this study is consequently informed by what can be termed ‘new governance’ literature, referring to new processes of governing,

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<sup>64</sup> Van Vliet, “Environmental Regulation of Business” pp. 107-108.

<sup>65</sup> Stoker, “The Challenge of Urban Government”, p. 105, citing A. Hirschman, “Social Conflicts as Pillars of Democratic Market Societies”, in *A Propensity to Self-Subversion* (Cambridge MA: Harvard University press, 1995).

<sup>66</sup> Ibid.

<sup>67</sup> Bingham, O’Leary and Nabatchi, “Legal Frameworks for the New Governance”, pp. 54-56.

rather than a specific theory of public administration.<sup>68</sup> The centrality of participation and deliberation to the new modes of what is referred to as social-political interaction form the basis of the institutional analysis below. Here, contemporary governance is conceived of in terms of participation as structure and deliberation as process. This is an extension of the existing idea that governance is now to be understood in terms of both structure and process.<sup>69</sup> In such a context participation and deliberation have a functional significance beyond their particular expression in a given institution; it is not the institution per se, but rather how participation and deliberation occurs within it that determines the effectiveness of its governance.

In totality, the interactions within a given institution represent the major components of what can be termed governance systems, and what structures and processes these systems utilise yields important information about the efficacy of a specific global institution under investigation to the task of delivering sustainable development. It could be argued that the approach adopted in this study is partly constructivist in nature, particularly regarding the behaviour of actors within organisational structures.<sup>70</sup> Some aspects of the approach adopted here could also be interpreted as being both institutionalist, and design-oriented. These analytical approaches share an interest in international organisations, but are often quite state-centric, or regime-oriented, in their analysis of the effectiveness of global environmental governance.<sup>71</sup> Many scholars tend to focus on outcomes, and there is less detailed analysis of the *governance quality* of policy-making institutions, which function within a given regime. Quality of climate governance is evaluated in this study by examining the participatory structures, deliberative processes, substantive products, and longer-term outcomes of a given institution, as it is these, which ultimately determine its effectiveness. *Effectiveness* here continues to be defined as a measure of the performance of a given institution in relation to a set of objectives.<sup>72</sup> In this study, 'good' governance is therefore not to be attributed to any

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<sup>68</sup> Rod Rhodes, *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability* (Buckingham: Open University Press, 1997), p. 48, *contra* Lester Saloman, "The New Governance and the Tools of Public Action: An Introduction", *The Tools of Government: A Guide to the New Governance* ed. Lester Saloman (Oxford: Oxford University Press, 2002), pp. 1-41.

<sup>69</sup> Jon Pierre and B. Guy Peters, *Governance, Politics and the State* (London: Macmillan Press, 2000) p. 14.

<sup>70</sup> Peter Haas, "UN Conferences and Constructivist Governance of the Environment", *Global Governance* 8 (1) (2002), pp. 73-91, at p. 74.

<sup>71</sup> For a deeper analysis of these critical theories, see Mathias Koenig-Archibugi, "Introduction: Institutional Diversity in Global Governance", in *New Modes of Governance in the Global System: Exploring Publicness, Delegation and Inclusiveness* ed. Mathias Koenig-Archibugi and Michael Zürn (London: Palgrave Macmillan, 2006) pp. 1-30 at pp. 3-12.

<sup>72</sup> Christopher Elliott, *Forest Certification: A Policy Perspective* (Bogor: Center for International Forestry research, 2000) p. 23.

single institutional arrangement, such as inclusiveness, equality or decision-making, and so forth, even though these are of course important.<sup>73</sup> Rather than evaluating the performance of an institution on the basis of a few individual attributes, this approach consequently looks at a governance system as a whole. This provides important information concerning some of the broader parameters affecting quality of governance, and their impact on policy responses to climate change.

There is a growing recognition that more research is needed to explore the dimensions governance quality in climate mechanisms.<sup>74</sup> A second, equally important, and related observation is that greater attention should be paid to evaluating the success of climate change policies on the basis of the social processes, which drive decision-making.<sup>75</sup> This is all the more pressing in view of the fact that governance, as opposed to government, is increasingly acknowledged as a primary means by which social and political interaction can be understood in the global context of state, society, and the market. This perspective is predicated on recognising the significance of the social-political nature of stakeholder interactions within contemporary governance systems, and the structures and processes, which underpin them.<sup>76</sup> This grounds theory and practice within the normative assumption that structures and processes are fundamental to understanding the quality of contemporary governance.

Concerns about the quality of governance often centre upon gaps in legitimacy, and not just specific institutional or technical aspects, particularly amongst developing country stakeholders.<sup>77</sup> Legitimacy is a core analytical problem for governance scholars but its study is still in its infancy.<sup>78</sup> Two theories currently dominate. Legitimacy can be ‘input oriented’: that is, derived from the consent of those being asked to agree to the rules, and concerning such procedural issues as the democratic arrangements underpinning a given system.

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<sup>73</sup> See Tim Cadman, *Quality and Legitimacy of Global Governance: Case Lessons From Forestry* (London: Palgrave Macmillan, 2011).

<sup>74</sup> E. Corbera and H. Schroeder, “Governing and Implementing REDD+”. *Environmental Science and Policy* 14 (2) (2011), pp. 89-99; M. Thompson, M. Baruah and E. Carr, “Seeing REDD+ as a Project of Environmental Governance”, *Environmental Science and Policy* 14 (2), (2011) pp. 100–110.

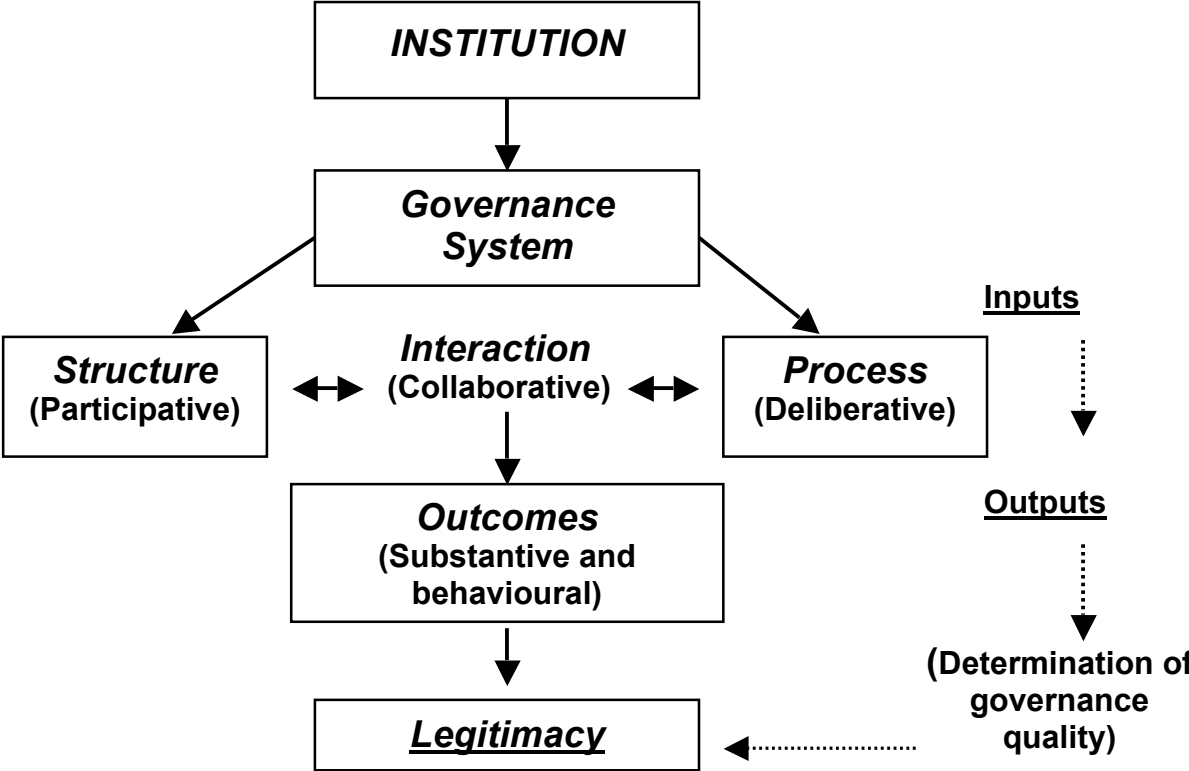
<sup>75</sup> Jon Barnett, “Adapting to Climate Change: Three Key Challenges for Research and Policy – An Editorial Essay”, *Wiley Interdisciplinary Reviews: Climate Change* 1 (3) (2010), pp. 314-317.

<sup>76</sup> Jan Kooiman, “Societal Governance: Levels, Models, and Orders of Social-Political Interaction” in *Debating Governance: Authority, Steering and Democracy* ed. Jon Pierre. Oxford: Oxford University Press, 2000, pp. 138-166.

<sup>77</sup> C. Streck, L. Gomez-Echeverri, P. Gutman, C. Loisel, and J. Werksman, *Institutional Options Assessment: Developing an Efficient, Effective, and Equitable Institutional Framework for REDD+ Under the UNFCCC* (Washington, DC: Meridian Institute, 2011).

<sup>78</sup> See: F. Biermann, M. Betsill, J. Gupta, N. Kanie, L. Lebel, D. Liverman, H. Schroeder, and B. Siebenhuener, *Earth system Governance: People, Places and the Planet*. Bonn (Germany: Earth System Governance Project 2009) and F. Biermann, and A. Gupta, “Accountability and Legitimacy in Earth System Governance: A Research Framework” *Ecological Economics* (in press), doi:10.1016/j.ecolecon.2011.04.008

Legitimacy can also be ‘output oriented’: derived from the efficiency of rules, or criteria for ‘good’ governance, and demonstrated by substantive outcomes.<sup>79</sup> Output-oriented legitimacy can be achieved in climate mechanisms but that a higher degree of input-oriented legitimacy is also necessary, which may require a trade-off between the two.<sup>80</sup> It is only through significant interaction that stakeholder interests can be aligned from the local community level, to international negotiations. The best way to enable this alignment is to examine how stakeholder interaction is facilitated in climate processes.<sup>81</sup> Legitimacy is the end point of activity within the institution. Here, it is determined by the degree of successful interaction between the governance system’s structural and procedural components, i.e. an integrating model, as depicted in Figure 1.



**Figure 1** Theoretical model for the evaluation of contemporary global governance (Cadman 2011).

<sup>79</sup> Anne Mette Kjaer, *Governance* (Cambridge and Malden MA: Polity Press, 2004), p. 12, citing Fritz W. Scharpf, *Games Real Actors Play. Actor-Centered Institutionalism in Policy Research* (Boulder CO: Westview Press, 1997), p. 153.

<sup>80</sup> M. Lederer, “From CDM to REDD+ — What Do We Know for Setting Up Effective and Legitimate Carbon Governance?” *Ecological Economics* (in press), doi:10.1016/j.ecolecon.2011.02.003

<sup>81</sup> Thompson et al 2011.

The institutional arrangements, underpinning the interactions between the various participants in policy regimes, also have a bearing on governance quality.<sup>82</sup> These arrangements refer to commonly identified attributes such as interest representation, decision-making and implementation. One of the major problems with studies that examine governance quality is that the attributes chosen for investigation are often limited in number or quite arbitrary, and not always reflective of the whole suite of arrangements necessary for investigating institutional performance as a whole. The current focus (almost obsession) on accountability and transparency is a good example. Recent work on the quality and legitimacy of global governance addresses these criticisms through the development of a comprehensive analytical approach, based on two core governance arrangements: structure and process.<sup>83</sup> Here, contemporary governance is conceived of in terms of participation as structure and deliberation as process. This is an extension of the existing idea that governance is now to be understood in terms of both structure and process.<sup>84</sup> In such a context participation and deliberation have a functional significance beyond their particular expression in a given institution; it is not the institution per se, but rather how participation and deliberation occurs within it that determines the effectiveness of its governance. In totality, the interactions within a given institution represent the major components of what can be termed governance systems, and what structures and processes these systems utilise yields important information about the effectiveness of a specific global institution under investigation to the task of tackling climate change.<sup>85</sup>

This way of analysing governance is elaborated in terms of ‘participation as structure and ‘deliberations process’.<sup>86</sup> The structural features focus on which actors are viewed as valid participants. In contrast, process requirements focus on the means employed to reach decisions and implement them. Two principles have been created to emphasise those normative values underpinning participation and deliberation: participation is expected to be *meaningful* (i.e. that involvement is genuine rather tokenistic); deliberation is expected to be

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<sup>82</sup> Mathias Koenig-Archibugi, “Introduction: Institutional Diversity in Global Governance”, in *New Modes of Governance in the Global System: Exploring Publicness, Delegation and Inclusiveness* Mathias Koenig-Archibugi, and Michael Zürn (London: Palgrave Macmillan, 2006), pp. 1-30, at p. 24.

<sup>83</sup> Timothy Cadman, *Quality and Legitimacy of Global Governance: Case Lessons from Forestry* (London: Palgrave Macmillan, 2011).

<sup>84</sup> Jon Pierre and B. Guy Peters, *Governance, Politics and the State* (Macmillan Press: Basingstoke and London, 2000), p. 14.

<sup>85</sup> It could be argued that the approach adopted in this study is partly constructivist in nature, particularly regarding the behaviour of actors within institutional venues (Haas 2002: 74). This perspective shares an interest with state-centric regime theory regarding the effectiveness of global environmental governance, particularly as these relate to intergovernmental organisations (Koenig-Archibugi 2006: 3-12).

<sup>86</sup> Cadman, p. 4

*productive* (i.e. that discussion and dialogue is fruitful and actually delivers outputs, that can be acted upon). Based on this division between structure as participation and process as deliberation, the meaning of these two principles is elaborated by developing criteria and indicators to examine the degree to which they are achieved in a given institutional policy context. Principles and criteria are not usually capable of being measured directly either, but are formulated to provide a determination on the degree of compliance. They are consequently linked to *indicators*, which are hierarchically lower, and which represent quantitative or qualitative parameters, and do describe conditions indicative of the state of the governance system as they relate to the relevant criterion. The intention behind the placement of these attributes within such a framework is to ensure that they are located at the right level, to allow for a top-down analysis of principles via criteria and subsequently to indicators. Consistency in this context relates to the correct location within the framework: it is important that elements are placed at the appropriate level and do not overlap or duplicate those at another, and are linked back to the appropriate parameter at a higher level.<sup>87</sup>

**Table 1 Hierarchical framework for the assessment of governance quality (Cadman 2011).**

<b><u>Principle</u></b>	<b><i>Criterion</i></b>	<b>Indicator</b>
<b><u>"Meaningful participation"</u></b>	<i>Interest representation</i>	<b>Inclusiveness</b>
		<b>Equality</b>
		<b>Resources</b>
	<i>Organisational responsibility</i>	<b>Accountability</b>
		<b>Transparency</b>
<b><u>"Productive deliberation"</u></b>	<i>Decision-making</i>	<b>Democracy</b>
		<b>Agreement</b>
		<b>Dispute settlement</b>
	<i>Implementation</i>	<b>Behavioural change</b>
		<b>Problem solving</b>
		<b>Durability</b>

It should be noted that the key governance concept of legitimacy, identified by many scholars, is not directly included, as it is understood, as Figure 1 demonstrates, as the end point of activity within the institution. The normative concept being stressed is that the ends and

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<sup>87</sup> This approach is adapted from Erik M. Lammerts van Bueren and Esther M. Blom, *Hierarchical Framework For The Formulation Of Sustainable Forest Management Standards* (Leiden: The Tropenbos Foundation, 1997).



means are equally important (even if they are not always evenly treated in reality). Both are related and consequential one to another and both play a role in legitimacy.

## **Method**

This paper adopts the viewpoint that studying stakeholders' perceptions from both developed and developing countries to environmental governance provides insights into both the governance quality of the initiatives investigated, and the views of specific geo-political and sectoral participants. International and national level stakeholders associated with the mechanisms investigated were asked to rate governance performance on the basis of their perceptions, using a Likert scale from 'very low' to 'very high' (1-5), by means of an anonymous online survey. Each survey was 'static', i.e. collected over a set period of time (one month).

The results presented here focus on the perspectives of governmental and non-governmental respondents from both developed and developing countries, with respondents identifying themselves as being from either the global North (developed country) or global South (developing country). Participants were recruited variously from publicly available lists of organisational representatives active in global environmental negotiations relating to forestry and climate change. The surveys were conducted in March 2010 (REDD+) July 2010 (UNFF), and October 2010 (CDM). The REDD+ survey has the most comprehensive results. Where relevant, substantive comments are also described. Respondents were asked to identify themselves as 'environmental' and 'social' (to capture non-governmental interests associated with sustainable development), as well as 'government', and in geo-political terms, i.e. 'global North (developed country)' and 'global South (developing country)'. NGOs identified were from a range of international and national environmental NGOs. Social stakeholders included Indigenous Peoples' Organizations (IPOs). Governments included Parties to the Climate Change Convention, and UN Member States as well as representatives from ministries with responsibility for climate change, and forests. All sets of respondents, as active stakeholders in each mechanism, are generally unique to the particular system under investigation. The results across the principles, criteria and indicators are reproduced as whole in Table 2 below. The ensuing discussion emphasises the overall performance of each mechanism under investigation, and concentrates on the themes of this workshop namely the (indicators of) inclusiveness and equality, and (the criterion of) decision-making. Each case study is prefaced by a short description of the relevant mechanism, followed by the

quantitative results, with additional qualitative commentary from respondents, where it existing and/or relevant.

## **Case studies and results**

### *REDD+*

REDD+ is best understood as an initiative to reduce greenhouse gas (GHG) emissions associated with forest clearing, which allows ‘avoided deforestation’ in to be included in market-based carbon trading mechanisms. It is effectively a payment in exchange for actively preserving existing forests.<sup>88</sup> The original concept has been accredited to Columbia University MBA graduate and Kevin Conrad. By the time the KP was formally ratified in 2004 deforestation had effectively dropped off the agenda. Conrad, founder of the Coalition of Rainforest Nations representing the main rainforest regions, successfully lobbied the United Nations Framework Convention on Climate Change (UNFCCC) to consider his proposal as a mechanism for re-integrating action on deforestation back into the climate change talks.<sup>89</sup>

REDD addresses the problem of climate change via a range of state and non-state market-based mechanisms to encourage sustainable management of tropical forests, and thereby reduce greenhouse gas emissions. It is now formally referred to as REDD+ in the wake of the UNFCCC Conference of Parties (COP) 15 in Copenhagen, to reflect the initiative’s growing emphasis on conserving and enhancing forests on the basis of their value for carbon sequestration, rather than simply reducing emissions.<sup>90</sup> It is linked to the Kyoto Protocol (KP) and the Protocol-related Clean Development Mechanism (CDM) as it offers developing countries a means of meeting their emissions targets through reducing GHG emissions and increasing GHG sinks (i.e. forests) in developing countries.<sup>91</sup>

Ultimately, the success of an international REDD+ mechanism will depend on the existence of governance arrangements that are able to deliver emission reductions at scale. To ensure transparency and inclusiveness, decision-making processes should include a system that engages representatives of forest dependent people, civil society organizations, and the

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<sup>88</sup> Carbon Positive, “Glossary” <http://www.carbonpositive.net/viewarticle.aspx?articleID=44> accessed 01/10/2010.

<sup>89</sup> Beth Kwon, “Diet for a Warm Planet”, *Columbia Magazine*, Spring (2006), pp. 22-27 at pp. 24-25.

<sup>90</sup> For more information, see: Charlie Parker, Andrew Mitchell, Mandar Trivedi and Niki Mardas, *The Little REDD+ Book* (Oxford: Global Canopy Programme, 2009), pp. 11- 92.

<sup>91</sup> CIFOR, *Simply REDD: CIFOR’s Guide to Forests, Climate Change and REDD* (Bogor: CIFOR, Undated), p. 9 [www.cifor.cgiar.org/publications/pdf\\_files/.../MediaGuide\\_REDD.pdf](http://www.cifor.cgiar.org/publications/pdf_files/.../MediaGuide_REDD.pdf) accessed 01/10/2010.

private sector.<sup>92</sup> Developing-country concerns are less about gaps in institutional or technical capacity than about gaps in legitimacy and credibility (governance).<sup>93</sup> As national REDD+ agencies become institutionally solid and gradually incorporate appropriate governance principles (such as transparency, quality control assurance, and fiduciary accountability), they may increasingly take on functions related to the management and deployment of international funding, internally contracting for the certification of their operations, results, and reporting procedures. Eventually, the role of international entities could be reduced to the technical review of the established national arrangements, which, in contrast to the concept of verification and certification, does not entail the checking of the accuracy of the data reported, but only the confirmation that the process through which such data are produced follows the minimum.<sup>94</sup>

As there is no final and binding REDD+ agreement, nothing can be described as certain. However, COP negotiators have reached consensus on a number of key issues, which are extremely likely to be part of a REDD agreement when it is reached. There is still ample opportunity for forest sector stakeholders to influence REDD+ negotiations to ensure progressive and equitable outcomes benefiting both people and forests.<sup>95</sup> Studying stakeholders' attitudes to the evolving governance of REDD+ therefore provides insights into the relative influence of specific sectors, and the governance quality of the initiative as a whole.

**Table 2 Breakdown of results of REDD+ by selected indicators and associated criteria**

Sector	Interest Representation		Decision-making				Score
	Inclusiveness	Equality	Democracy	Agreement	Dispute Settlement	Total	
Govt North (3)	3.33	4	3.33	2.67	2.33	8.33	<b>33.67</b>
Govt South (10)	3.5	3.1	2.8	3.4	2.78	8.98	<b>38.41</b>
NGO North (6)	2.67	1.83	2.2	2.17	2.2	6.57	<b>25.21</b>
NGO South (18)	3.29	2.77	2.8	2.88	2.64	8.32	<b>32.88</b>

<sup>92</sup> Charlotte Streck, Luis Gomez-Echeverri; Pablo Gutman; Cyril Loisel; Jacob Werksman, *REDD+ Institutional Options Assessment: Developing an Efficient, Effective, and Equitable Institutional Framework for REDD+ under the UNFCCC*, [http://www.redd-oar.org/links/REDD+IOA\\_en.pdf](http://www.redd-oar.org/links/REDD+IOA_en.pdf), accessed 21/05/2010.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> RECOFT (The Centre for People and Forests) REDD+, "Moving Forward for People and Forests", [http://www.recoftc.org/site/fileadmin/docs/publications/The\\_Grey\\_Zone/2010/REDD\\_2010\\_MovingFINAL.pdf](http://www.recoftc.org/site/fileadmin/docs/publications/The_Grey_Zone/2010/REDD_2010_MovingFINAL.pdf) accessed 18/05/2010.

Notes: 1) The indicators of inclusiveness and equality relate to the criterion of interest representation. 2) 'Resources' is not included, and not commented upon, due to the focus of this paper on inclusiveness, equality and decision-making. 3) Respondents' comments regarding interest representation are included. 4) Respondents' comments concerning the three indicators for decision-making are included. 5) Respondents' comments on the criterion of decision-making are included. 5) Exclusion of principles and indicators does not imply that they are not significant.

## Responses

In terms of the ability to which Northern, governmental interests could get their views represented, a comment was made that "a lot depends on the negotiator and the chair". In terms of inclusiveness, they rated their perceptions lower than their Southern counterparts. For equality, the results are reversed. However, one respondent felt that the various Parties were treated "maybe too equally". They added that "Some countries have more interest/at stake than others in REDD+", so they were "not so sure anymore that the one country, one vote system is adequate for REDD". In terms of decision-making, scores at the criterion level were lower than those from the South, the view being expressed that the effectiveness of REDD+ decision-making had become "definitely less after Copenhagen". The lower score was reflected at the indicator level, except for democracy, which produced a higher rating.

Southern governments generally rated the mechanism higher than their northern counterparts. One respondent noted that had been possible "in cooperation with other (REDD) countries" to make sure REDD+ was included in the negotiations "and in at least the Copenhagen Accord and in several multilateral programmes and in the development [of] financial mechanisms". This same respondent felt that as a high forest cover low deforestation (HFLD) country, their particular country's circumstances had certainly been included, and that they felt it was "necessary to provide incentives for maintaining SFM and conservation". The lower rating for equality was reflected in another comment: "The intention is there but I sometimes doubt the genuine willingness of some (developed) countries to implement REDD + in providing sufficient funds to implement REDD+". Concerning decision-making, the same respondent commented that because REDD+ was consensus-based – "and taking into account the complexity of this global issue and the different interests" – decision-making took a long time. They thought that this could be improved. The lower score for democracy (in opposition to Northern governments) is reflected in their further conclusion that REDD+ was democratic "on paper" but that they "noticed that some developed countries (with more resources and possibilities and political and economic power) are making the decisions, or

influence the decision making”. They also felt that this was also reflected in the manner in which disputes were settled.

Northern NGOs, like their government counterparts, rated the mechanism lower than Southern respondents, albeit at a lower level. According to one respondent, getting their interests “on the table” was difficult, with another making the point REDD+ was especially difficult to follow and influence “when you’re not a government representative”. In terms of the inclusion of specific needs, another respondent felt that matters of environmental and social governance were not being “adequately addressed” in REDD+. This same respondent saw that the failure to address important issues also meant that specific interests such as forest communities were not being treated equally. Equality achieved the lowest rating of all as an indicator within this survey amongst Northern NGOs. One respondent expressed the view that “vested interests and power plays” meant that “despite large opposition” certain “far less logical interests” remained in play longer than they deserved. This same respondent reflected the low score for decision-making. They commented that the UN process of “requiring consensus among countries that may not truly be interested in protecting forests or forest-dependent communities” meant that it had “serious drawbacks”. Democracy, from a Northern NGO perspective, also achieved a low rating. According to one respondent: “the negotiating space is not equitable, for many well documented reasons, and power, corporate lobbying and vested interests have a greater impact on decision making than democratic processes”. Another respondent questioned the value of the agreements reached in the REDD+ negotiations because of the lack of “strong monitoring and enforcement mechanisms”. This indicator achieved the second lowest rating in the survey. Dispute settlement achieved a similar low rating to democracy within this sub-sector of respondents.

Southern NGO responses were more numerous, and diverse in their perspectives than their Northern counterparts, and governments. Respondents from South East Asia and Africa NGOs were generally positive: one NGO respondent from Latin America did not believe civil society could influence the process. One of the more detailed responses pointed out that “given that only parties can actually participate, and they look out for their national interests” there were nevertheless “various forums which spill into the UNFCCC-REDD+ process” even if the “official ‘process’ itself does not allow much for this”. In terms of inclusiveness, Southern NGOs rated close to Northern governments. One respondent made that point that with regards to the extent that issues important to NGOs were heard, the degree of inclusion was medium to high; but in terms of the extent to which they were heeded, the answer was

low. For another: “few countries [led] the political process of the negotiations”. To be inclusive, one respondent added that it was important to include marginalised groups in society, including women. In terms of equality, one respondent challenged the notion that non-governmental interests should be treated equally. For them “the process is driven by the COP, and is set up to vet the views of Parties and to provide a forum for them to reach agreement on a post-2012 climate change regime”. Another felt that REDD+ tried to treat everyone equally “but [it] is very hard to please everyone”. The score was decision-making is on a par with Northern governments, and considerably higher than Northern NGOs. Views regarding democracy, as with other indicators, were along regional lines. One respondent from Latin America felt that “large countries include provisions that do not favour the environment, but economic interests”; by contrast another felt that the REDD+ was democratic, “but the process by consensus is very inefficient and time consuming”. Views regarding the making of agreements were generally positive, although one respondent made an interesting observation that “enterprise interests of the ‘West’ almost always triumph”, although this was “mitigated with ‘Noise’ from the developing world”. Perceptions regarding dispute settlement are on a par with other NGOs and governments.

### *CDM*

The CDM was established under the 1997 Kyoto Protocol, and includes a number of governing bodies, including the CDM Executive Board and related CDM- Methodology and Accreditation Panels, well as small-scale working groups. The CDM approves projects through a complex and lengthy process relating to project design, method approval, validation, registration and verification, after which the project is issued with a Certified Emissions Reduction (CER) offset (Lovell 2010). The CDM programme has been criticised in relation to the complexity and rigidity of procedures for accrediting projects (Brechet and Lussis, 2006; Sterk and Wittneben, 2006). The buying and selling of credits requires legal documentation, but once registered through the CDM Executive Board, carbon finance is channelled through the private sector or the various World Bank carbon funds, which then finance the projects as they are implemented in the developing countries. Host countries and purchasers of credits must be in a country, which is a Kyoto signatory. Host nations must provide a Designated National Authority (DNA) to certify that the project contributes to sustainable development (part of the UNFCCC treaty requirements). Once operational the credits (CERs) are listed on the International Transaction Log (ITL) and may then be used by

Annex I governments to reduce their emissions levels in compliance with their commitments under the Protocol. The ITL is designed to deliver transparent and efficient methods to account for CER trading, and is one of example of the extremely complex regulatory mechanisms in the international compliance offset market (Lovell 2010).

The two-fold objective of the CDM is to assist developing countries (non-Annexe I countries) to achieve sustainable development and allow the Annexe B (“traditional industrialised”) countries to count emissions reduction outcomes from projects in developing countries towards meeting Kyoto targets (Sterk and Wittneben, 2006). Since the registration of the first CDM project in late 2004, the CDM market has grown exponentially. The overall value for the CDM market was US\$2.6 billion in 2005, US\$6.2 billion in 2006, US\$12.8 billion in 2007 and US\$32.8 billion in 2008 (World Bank, 2007, 2008 & 2009; Point Carbon, 2008). The demand for CDM projects is largely driven by the CDM’s eligibility to enter the European Union Emissions Trading Scheme (EU ETS), the world’s largest carbon market), and on account of other voluntary and national carbon markets.

On the supply side, the first CDM project was registered by Brazil in 2004. Since then, project approvals have increased exponentially: 62 in 2005; 409 in 2006, 426 in 2007, 431 in 2008, 684 in 2009 and 735 in 2010 (UNFCCC, 2011). Of the total registered projects, more than 36 percent are from China 23 percent from India, eight percent from Brazil, six percent from Mexico and three percent or less from each of Malaysia, Indonesia and the Philippines. That means approximately 67 percent of projects are in three of the four ‘BRIC’ (Brazil, Russia, India, China) countries which are seen as emergent economies that will become major contributors to global growth in the 21<sup>st</sup> century (Kedia *et al.*, 2006). China, which is the ‘super-BRIC’ in terms scale and growth rate, is also the largest recipient in the CDM programme. This imbalance has affected the participation of many other developing countries in CDM policy development and raises issues about the legitimacy of CDM policy. On the demand side, European countries dominate, as might be expected given that the EU Emissions Trading Scheme has the strongest state regulatory support of any trading schemes to date. Over 80 percent of CDM markets investors are from the United Kingdom and Northern Ireland (29.43 percent), Switzerland (19.53 percent), Netherlands (10.85 percent), Japan (11.52 percent), Sweden (7.28 percent) and Germany (5.31 percent) (UNFCCC, 2011).

**Table 3 Breakdown of results of CDM by selected indicators and associated criteria**

Sector	Interest Representation		Decision-making				Score
	Inclusiveness	Equality	Democracy	Agreement	Dispute Settlement	Total	
Govt North	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Govt South (4)	3.5	3.25	3.5	3.25	3.5	10.25	36.5
NGO North (14)	2.5	2.07	2.07	2.29	2.13	6.49	22.91
NGO South (54)	3.41	3.27	3.27	3.28	3.13	9.68	35.03

Notes: 1) The indicators of inclusiveness and equality relate to the criterion of interest representation. 2) ‘Resources’ is not included, and not commented upon, due to the focus of this paper on inclusiveness, equality and decision-making. 3) Respondents’ comments regarding interest representation are included. 4) Respondents’ comments concerning the three indicators for decision-making are included. 5) Respondents’ comments on the criterion of decision-making are included. 5) Exclusion of principles and indicators does not imply that they are not significant.

### Responses

Overall, Southern governments provided a high score for the CDM. They did not provide many comments. One respondent linked the issue of “additionality” to equality (i.e. the problem that CDM projects could compensate pre-existing projects that did not create additional, genuine, reductions in emissions), and they wanted clear definitions. In terms of democracy, this same respondent was also of the view that “communities are largely unaware, and not involved during the process.” In relation to the making of agreements, another respondent noted that CDM projects were “required to follow methodologies and detailed monitoring plans and the procedures defined by Marrakech”. In contrast to the view of the previous respondent, they felt that provisions for stakeholder consultation were already included and they were not sure what further assent was required.

Northern NGOs provided the lowest score by far; at 22.91 or approximately 42% the CDM failed the expectations of this sector. Those who responded with comments were generally negative towards the CDM. For one, since “the CDM mechanism itself” was “flawed”, they did “not expect improvement or increased inclusiveness of CDM and associated projects”. Several made comments regarding what sort of projects they thought should be included within the mechanism’s ambit. These included a focus only on renewable energy, or energy projects, which supplied the poor. The rules should also be tightened to avoid the problem of additionality, and there should be a “much more thorough and realistic definition of



sustainable development...centred around tangible deliverables". One NGO argued that improving the CDM "cannot be done", since it was "not designed to be inclusive and cannot work if it is". Views regarding equality reflected these sentiments as well. One respondent suggested that there should be a positive bias towards poor countries and "household" level projects. According to others, a major problem with the current system was the predominance of economic interests on the CDM's decision-making Executive Board (EB); this would only be solved by "removing decision makers with either financial or vested interests from the EB". The rules need to be tightened, because their "relaxed definitional basis and methodology" meant that the CDM and its related projects had "evolved and been constructed in such a way that [they favoured] the might of capital rather than the other less 'powerful' interests". Views regarding democracy were nuanced. One respondent suggested that the CDM was "at best ... an exercise in low-intensity democracy; if not a bold attempt to architect a 21st century oligonomy--i.e. [or] an oligopoly ... creating an economic endeavour with a very small universe of the same buyers and sellers". In a "macro" sense it was democratic "in as much as most, if not all participants, are consulted and voluntarily opt for participation". But it was most certainly not democratic at the local level:

Because the project investment isn't benefiting the people it needs and arguably should be. The CDM makes a lot of money and reaffirms the power of those who already have both, and in general do little to improve the socio-environmental conditions of those who stand at the periphery of the arenas of political and economic power.

The economic orientation and design of the CDM also affected nature of the agreements made, which were "hindered by the underlying definitional basis of the market itself". The ability of the CDM to settle disputes fairly was roundly condemned by one respondent: "having attended CDM EBs, we can say that disputes are resolved behind closed doors, outside light of day. The process is nothing short of a vulgar display of corruption in action".

Once again, Southern NGOs were much closer to their governmental counterparts than NGOs from Developed countries. There are only 1.2 points, or a little over 2%, between the two sectors. Despite the high number of participants from this sector, written responses were few. Although inclusiveness rated highly, written responses were mixed; some considered the CDM to be socially inclusive, while others questioned its rigour. One respondent felt that it followed the rules "especially through frequent consultations, not only with regards to the CDM project but also via [independent forest management certification programme] FSC [Forest Stewardship Council]". Other respondents disagreed arguing that: "there should be

more inspection by the government to certify the fact that the CDM project activity directly involves the local community”. CDM projects used people solely as a means to maintain the “existence of such initiatives; however, in reality the benefits for the people in the long run are minimal (when considering the amounts traded)”. Equality rated almost as highly. Written comments were largely negative, by contrast. Echoing NGOs, one respondent expressed the view that: “The interests of investors have priorities. The interests of foreign investors have priority over the interests of local partners. The interests of communities are at the end of the queue”. Democracy also rated highly, although one respondent qualified this perspective by noting that: “In the negotiations, with the (theoretical) principle of one country one vote, there is more democracy. In the projects, it does not exist.” Written comments concerning the reaching of agreements in CDM were again divided between positive and negative opinion. One respondent was of the view that the mechanisms in place to were “the most rigid and conservative worldwide”, but they could also see “room for improvement”. Another was of the view that it was not sufficient for the CDM to make agreements largely in relation only to offsets; they wanted greater effort in addressing “environmental quality in the area where the CDM was being implemented”. At 3.13, dispute settlement was the lowest rated indicator, but was again higher than Northern NGOs. Only two comments were offered. The positive response pointed to the existence of “many CDM projects in the world” as evidence that the mechanism was conflict free. A second opinion was less positive: “In theory it’s better than in practice. The communities end up becoming hostages of the project developers and implementing companies, and have extreme difficulty in bringing lawsuits”.

### *UNFF*

In 2000 the various action-related outcomes of the IPF and IFF were codified under a new international arrangement on forests (IAF), the primary objective of which was to “promote the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end.”<sup>96</sup> The principal functions of this new arrangement were to: a) facilitate the implementation of the IPF/IFF PfA; b) provide a forum for policy development; c) enhance cooperation and coordination amongst relevant agencies and d) enhance cooperation and coordination internationally, through cross-sectoral North/South public-private partnerships at the national, regional and global levels; e) monitor and assess national, regional and global progress on implementation; and finally f) strengthen

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<sup>96</sup> ECOSOC Resolution 2000/35, Article 1, p. 64.

political commitment (e.g. through ministerial engagement). These objectives were to be facilitated through an intergovernmental body -- UNFF (see Figure 7.1 below). The Forum was given, inter alia, two tasks: i) within five years, to “consider...the parameters of a mandate for developing a legal framework on all types of forests” and ii) “to devise approaches towards appropriate financial and technology transfer support to enable the implementation of sustainable forest management.”<sup>97</sup> These objectives and tasks were to be programmatically implemented by means of the development of a multi-year programme of work (MYPOW).<sup>98</sup>

UNFF re-committed itself to the inclusive language of IPF/IFF, but reformulated its structure, determining that owing to its status as a subsidiary of ECOSOC it should “be open to all States and operate in a transparent and participatory manner [and include] relevant international and regional organisations.”<sup>99</sup> There are three broad constituencies in UNFF: Member States, intergovernmental agencies working on forests, and the so-called Major Groups referred to in *Agenda 21*.<sup>100</sup> Member state representation in the Forum itself differs from the previous IPF/IFF arrangements under CSD. Although both CSD and UNFF are subsidiary organs of ECOSOC, UNFF has a higher status in the sense that it consists of a universal membership (all UN Member States are members of UNFF) whilst CSD has limited membership.<sup>101</sup> Governmental participation reflects this profile, with negotiations usually conducted by diplomats and high-level national delegations.<sup>102</sup> There are also ministerial segments conducted at important sessions.<sup>103</sup>

UNFF follows ECOSOC’s *Rules of Procedure* whereby each member state has one vote.<sup>104</sup> Yet despite the existence of voting rights, by convention, these are not exercised. As a result, it has been argued, Member States have become clustered within a series of “veto coalitions” where particular actors whose cooperation is needed on a given issue create alliances between

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<sup>97</sup> ECOSOC Resolution 2000/35, Article 3 (c), p. 65.

<sup>98</sup> ECOSOC Resolution 2000/35, Article 4 (g), p. 64.

<sup>99</sup> ECOSOC Resolution 2000/35, Article 4, p. 65. The text reads, in part, as follows:

Composed of all States Members of the United Nations and States members of the specialized agencies with full and equal participation, including voting rights, with the following working modalities:

(a) The United Nations Forum on Forests should be open to all States and operate in a transparent and participatory manner. Relevant international and regional organizations, including regional economic integration organizations, institutions and instruments, as well as major groups, as identified in the Agenda 21, should also be involved.

<sup>100</sup> <http://www.un.org/esa/forests/factsheet.pdf>, accessed 28/10/04.

<sup>101</sup> Barbara Tavora-Jainchill, personal communication, 06/10/05.

<sup>102</sup> Dimitrov, “Hostage to Norms”, p. 11.

<sup>103</sup> Humphreys, *Logjam*, pp. 93-95.

<sup>104</sup> Rules 58-71, UN Document E/5715/Rev.2, pp. 22-27.

convergent interests to block change. Such coalitions are often clustered around issues such as financial assistance and state sovereignty and have historically hampered other consensus-based forest deliberations including the TFAP, the ITTO and the UNCED process.<sup>105</sup> Consensual decision-making processes, the format UNFF follows by default, are particularly prone to such coalitions.<sup>106</sup>

Resolution 1/1 of UNFF-1 reiterated the importance of stakeholder participation and instituted the concept of a multi-stakeholder dialogue (MSD) at each session to engage representatives of five key (non-state) Major Group stakeholders.<sup>107</sup> Non-state interests do not have the right to vote. Any rights they are given depend on what type of organisation they constitute, although the categories are not entirely clear.<sup>108</sup> Specialised agencies cannot vote, but may be represented at meetings and may participate in deliberations, which relate to items of concern to them, and may submit proposals regarding such items. Other intergovernmental organisations accorded permanent observer status by the General Assembly may participate in deliberations of relevance to their activities without the right to vote. Non-governmental organisations may be granted consultative status according to the determination of the Committee on Non-Governmental Organisations.<sup>109</sup> These rules were supplemented by arrangements, which permitted NGOs to make written representations and speak (with permission) but not have any negotiating role.<sup>110</sup> Civil society participation in forest governance at the national level is through national forest programmes (NFPs).<sup>111</sup> ECOSOC

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<sup>105</sup> Ibid.

<sup>106</sup> Humphreys, *Forest Politics* pp. 157-158, following Gareth Porter and Janet Welsh Brown, *Global Environmental Politics* (Boulder Colorado: Westview Press, 1991) pp. 69-105.

<sup>107</sup> These stakeholders are identified as: forest-related NGOs (e.g. Greenpeace International); indigenous people (eg the Forest Peoples Programme); scientific and technological communities working in forest-related fields (e.g. IUFRO); business and industry related to forests (e.g. the World Business Council for Sustainable Development); and forest owners (e.g. the Confederation of European Forest Owners) (UN, “Multi-stakeholder Dialogue on Sustainable Forest Management,” UN Document E/CN.18/2002/10, 21 December 2001, p. 1). To this should be added women, children and youth, local authorities and farmers, which are identified in *Agenda 21*, and recognised in subsequent UNFF literature, making a total of nine identified Major Groups (UN, “Non-legally Binding Instrument on All Types of Forests”, UN Document A/c.2/62/L.5, 22 October 2007, Annex, section II, footnote g, para. 2 c), p. 4).

<sup>108</sup> Rule 75 (b), UN Document E/5715/Rev.2, p. 28. In this context, the document is referring to specialised agencies. This term is substituted in ECOSOC Resolution 1993/215, Article 2 (p. 97) with “non-governmental organizations.” ECOSOC Resolution 2000/35, Article 4 commits UNFF to the rules and procedures of ECOSOC and the CBD, but uses the term “major groups” (following *Agenda 21*) to refer to all non-state participants, rather than NGOs.

<sup>109</sup> ECOSOC Document E/5715/Rev.2, pp. 28-32.

<sup>110</sup> ECOSOC Resolution 1993/215, pp. 97-98.

<sup>111</sup> Peter Glück, Jeremy Rayner, Benjamin Cashore, Arun Agrawal, Steven Bernstein, Doris Capistrano, Karl Høgl, Bernd-Markus Liss, Connie McDermott, Jagmohan S. Maini, Tapani Oksanen, Pekka Ollonqvist, Helga Pülzl, Rwald Rametsteiner and Werner Pleschberger, “Changes in the Governance of Forest Resources”, in

Resolution 2000/35 requires UNFF to implement the IPF/IFF PfA through NFPs.<sup>112</sup> Participation, policy learning, coordination and decentralisation are identified as guiding principles for the formulation and implementation of NFPs.<sup>113</sup>

**Table 4 Breakdown of results of UNFF by selected indicators and associated criteria**

Sector	Interest Representation		Decision-making				Score
	Inclusiveness	Equality	Democracy	Agreement	Dispute Settlement	Total	
Govt North (1)	4	2	3	2	2	7	<b>33</b>
Govt South	N/A	N/A	N/A	N/A	N/A	N/A	<b>N/A</b>
NGO North (3)	2.33	1.67	2	2.33	2.67	7	<b>23.17</b>
NGO South (3)	3.33	3	2.67	3.33	3	9	<b>35.66</b>

### Responses

Clearly, with only one response, Government – North is not representative of the sector as a whole. Nevertheless it is interesting to see these results from an anecdotal perspective. The first point of interest is the high rating this respondent gave to inclusiveness, perhaps reflecting their status as a UNFF Member State. They did however add that they felt that “recognising contributions from non-governmental actors” would improve the inclusiveness of UNFF. The low rating for equality likewise may reflect the reality that NGOs are not equal by the very nature of UNFF’s participatory structures. They expressed the view that “providing [an] ‘official’ slot for Major Groups at UNFF sessions” might go some way to addressing this issue. No other detailed comments were offered.

It is an artefact of UNFF participatory structures that ‘NGOs’ exist in category separate from other groups, which might otherwise be considered non-governmental (such as Indigenous peoples’ organisations). Those classified as NGOs who did respond rated inclusiveness as low, with one offering the comment that “a higher level of pro-active engagement by the UNFF Secretariat in contacting and keeping Major Groups informed” was necessary. Reflecting the view of the government respondent, this same individual felt that UNFF official meetings needed “to allow for Major Group contributions directly” and should

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*Forests in the Global Balance* ed. G. Mery, R. Alfaro, M. Kaninnen, and M. Lobovikov (Helsinki: IUFRO, 2005), pp. 51-74 at pp. 57-70.

<sup>112</sup> ECOSOC Resolution 2000/35, Article 1 b), p. 64.

<sup>113</sup> Glück et al., “Changes in the Governance of Forest Resources”, pp. 58-59.

“reflect such input in the outcomes of the meetings”. Equality was rated even lower. Of the two responses, one offered the opinion that “UNFF treats the interests of governments above other considerations and stakeholder groups”, while the second commented, that “Governments in many countries undervalue [the] role of Major Groups and [do] not involve them in many activities”. Democracy fared only slightly better, with the single response noting that “there are several countries that dictate many decisions” in UNFF. Major Groups’ opinions were not usually taken into consideration. In terms of the agreement, one respondent felt that the Forum should concentrate less on agreeing to matters that concerned only economic factors, “and should think more on global problems (like climate change, biodiversity destruction, etc.)”. In terms of the Forum’s capacity for settling disputes, the one respondent who did provide an opinion felt that there a lot of improvement was needed in dispute settlement in the official UNFF sessions, where “often diplomats are very stubborn”. Within the related Country Led Initiatives (CLIs) and ad hoc expert advisory groups there was a lot more potential “because real specialists often participate”. Overall, this sector awarded UNFF a ‘fail’.

Southern NGOs scored UNFF considerably higher. Nevertheless, they shared some of the same concerns as Northern NGOs, particularly with regarding to the need for UNFF to put greater effort into including NGOs in UNFF activities and programmes. In terms of equality, one respondent was of the view that “The Secretariat is very much inclined to work more with Governments than NGO’s”. They wanted UNFF to allocate more funds “to improve the level of participation”. Democracy received only a modest score. One respondent commented that: “the Secretariat should reduce the high level hierarchy and the top-down decision making processes”. There was a pre-occupation amongst those who provided written responses that UNFF should provide more funds for all aspects of NGO and Major Group involvement in UNFF.

## **Conclusions**

### *1) Global environmental governance*

As has been noted already, forest and climate governance provides an ideal laboratory to scrutinise the nature of stakeholder interactions in different types of global institution. Where a policy programme is built around a multi-stakeholder initiative (MSI), the role played by governance to address the particular issue becomes a critical one. So too does the style of collaboration utilised to negotiate, make and implement decisions addressing the issue at

hand. Although it is mostly state actors who exercise authority on the basis of their control at the national level, environmental governance is simultaneously global and local, state and non-state, and characterised by the existence of many forms of authority through which different constellations of actors interact to shape policy shape outcomes.<sup>114</sup> The substantive outcome of Rio, Agenda 21, embedded non-state participation in the normative framework of international environmental policy and the role of non-state interests in environmental decision-making at all levels was formally acknowledged.<sup>115</sup> The expectation for increased citizen participation in decision-making that these developments have brought about therefore raise some dynamic tensions between state and non-state actors in the creation of global environmental policy.<sup>116</sup> The ever-expanding numbers of non-state actors and transnational programmes seeking to address climate change issues in particular raises questions about the legitimacy and effectiveness of institutions functioning outside the traditional nationally based political establishment.<sup>117</sup> Given these complexities, researchers have called for more detailed understanding of relations between the issues and interests at play in the environmental governance, particularly in terms of North/South dynamics.<sup>118</sup>

Evaluating the success of policies is therefore increasingly about looking at the social processes which drive decision-making. Decision-making needs to be equitable, and cater for a range of needs, both relating to communities most at risk, as well as broader concerned communities.<sup>119</sup> The rise of these new processes points to the regulatory and implementation deficits permeating existing multilateral regimes, but their legitimacy, in so far as they deliver long-term agreements that reduce environmental threats is as yet unknown.<sup>120</sup> Broader considerations regarding the legitimacy of global governance are therefore built on a range of attributes including democratic and participatory values. In networked climate governance, the accountability problem is nuanced and concerns issues such as balanced representation of interests and inclusiveness.<sup>121</sup> Commentators continue to argue that such deficits undermine the ability of environmental governance to contribute to sustainable development, and not

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<sup>114</sup> Ibid. p. 67; Michelle M. Betsill, and Harriet Bulkeley, "Cities and the Multilevel Governance of Global Climate Change" *Global Governance* 12 (2006), pp. 141-159, at p. 141.

<sup>115</sup> United Nations, *Agenda 21: Programme of Action for Sustainable Development, Rio Declaration on Environment and Development, Statement of Forest Principles* (New York: United Nations Publications Department of Public Information, 1993), p. 10, pp. 230-235.

<sup>116</sup> Bulkeley, "Climate Policy and Governance", p. 312.

<sup>117</sup> Bulkeley, "Climate Policy and Governance", p. 311.

<sup>118</sup> Bumpus and Cole, "How Can the Current CDM Deliver Sustainable Development?" p. 543.

<sup>119</sup> Barnett, "Adapting to Climate Change", p. 15.

<sup>120</sup> Karin Bäckstrand, "Accountability of Networked Climate Governance: The Rise of Transnational Climate Partnerships", *Global Environmental Politics* 8 (3) (2008), pp. 74-102, at p. 76.

<sup>121</sup> Bäckstrand, "Accountability of Networked Climate Governance", pp. 74-100.

merely economic efficiency. More stakeholder consultation and a greater attention to the impact of projects on the local community as well as the environment are required.<sup>122</sup>

## 2) *Surveys and results*

The surveys contained in this paper share some remarkable similarities. Firstly, respondents from the global South rated all three mechanisms higher than their counterparts in the North. This is consistent across governmental and non-governmental respondents. Secondly, there is a similar difference in the gap between governmental and non-governmental respondents in the sense that governments consistently rated the mechanisms higher. These two trends are generally also reflected in the specific indicators of inclusiveness and equality, and in the criterion of decision-making. Where data is missing, namely government North in the CDM results and government South in UNFF, it is still possible to see that both sets of government who did respond followed this trend; i.e. government North rated UNFF lower than government South did for CDM. NGOs followed the same pattern as they did in REDD+.

It might be assumed that environmental and governmental stakeholders would be opposed to each other's perspectives in global environmental negotiations: Governments often deliver less than is often hoped for, whilst NGOs usually demand tougher action. Although there is a discrepancy between the scores accorded to the mechanisms investigated by these sectors, there is a general correspondence in overall perceptions: where Northern governments rate a mechanism lower than their Southern counterparts, so too do NGO respondents. Southern governments and NGOs also have a gap in their rating, but again, there are correspondingly higher results across both sectors. In this regard, it seems that the nature of the perceptions of governance quality of Northern and Southern governments and their NGO opposites is one of 'parallel convergence' of opinion rather than divergence. The difference is to be found in the degree of confidence in the mechanism in question. It might be expected to see governments' views converge with governments, and the same for NGOs, but it is possible that geo-political factors come into play, rather than sectoral affiliation. An alternative, or complementary hypothesis might be that the Southern sectors are beneficiaries in all three mechanisms, whilst Northern governments, as Donor countries, contribute to implementation. NGOs from the North are less likely to gain financially from these mechanisms, and therefore have less of a 'stake' in rating them highly. However, care should be exercised in drawing any definitive conclusions on the basis of the results provided in

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<sup>122</sup> Bumpus and Cole, "How Can the Current CDM Deliver Sustainable Development?" pp. 544-545.



these surveys. Great levels of participation across sectors would yield more certainty regarding the perceptions of each sector and sub-sector concerning the quality and legitimacy of global governance.

Concerns about the representative nature of the size of survey samples notwithstanding, the discrepancy between the Northern and Southern results, and the average of the two cannot be overlooked. In view of the divergence between North and South, analysts should be warned against polling stakeholders purely on the basis of their sector, without taking their geographical and development status into account. These results show that that governments do not speak with one voice, but neither does civil society.

**Table 5 Breakdown of governmental and NGO perceptions regarding the governance quality and legitimacy of three global environmental mechanisms**

Principle	1. Meaningful Participation Maximum score: 25; Minimum: 5								2. Productive deliberation Maximum score: 30 Minimum: 6								Total (out of 55)	
Criterion	1. Interest representation Maximum score: 15 Minimum: 3				2. Organisational responsibility Maximum score: 10 Minimum: 2				Principle Score	3. Decision-making Maximum score: 15 Minimum: 3				4. Implementation Maximum score: 15 Minimum: 3				Principle Score
Indicator	Inclusiveness	Equality	Resources	Criterion Score	Accountability	Transparency	Criterion Score	Democracy		Agreement	Dispute settlement	Criterion Score	Behavioural change	Problem solving	Durability	Criterion Score		
<b>UNFCCC REDD+ related negotiations (March 2010)</b>																		
GOVT North (3)	3.33	4	1	8.33	3	3.67	6.67	<u>15</u>	3.33	2.67	2.33	8.33	3.67	3.67	3	10.34	<u>18.67</u>	<b>33.67</b>
GOVTSouth (10)	3.5	3.1	2.33	8.93	3.3	2.8	6.1	<u>15.03</u>	2.8	3.4	2.78	8.98	3.7	3.5	3.6	10.8	<u>19.78</u>	<b>38.41</b>
<b>Average</b>	<b>3.42</b>	<b>3.55</b>	<b>1.67</b>	<b>8.63</b>	<b>3.15</b>	<b>3.24</b>	<b>6.39</b>	<b><u>15.02</u></b>	<b>3.07</b>	<b>3.04</b>	<b>2.56</b>	<b>8.67</b>	<b>3.69</b>	<b>3.59</b>	<b>3.3</b>	<b>10.57</b>	<b><u>19.23</u></b>	<b>36.04</b>
NGO North (6)	2.67	1.83	1	5.5	2.6	2.67	5.27	<u>10.77</u>	2.2	2.17	2.2	6.57	2.6	2.6	2.67	7.87	<u>14.44</u>	<b>25.21</b>
NGO South (18)	3.29	2.77	2.17	8.23	3.5	3.4	6.9	<u>15.13</u>	2.8	2.88	2.64	8.32	3.06	2.94	3.43	9.43	<u>17.75</u>	<b>32.88</b>
<b>Average</b>	<b>2.98</b>	<b>2.3</b>	<b>1.59</b>	<b>6.89</b>	<b>3.05</b>	<b>3.04</b>	<b>6.09</b>	<b><u>12.95</u></b>	<b>2.5</b>	<b>2.53</b>	<b>2.42</b>	<b>7.45</b>	<b>2.83</b>	<b>2.77</b>	<b>3.05</b>	<b>8.65</b>	<b><u>16.1</u></b>	<b>29.05</b>
<b>CDM (October 2010)</b>																		
GOVT North	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<u>N/A</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<u>N/A</u>	<b>N/A</b>
GOVTSouth (4)	3.5	3.25	2.5	9.25	3.5	3.25	6.75	<u>16</u>	3.5	3.25	3.5	10.25	3.25	3.5	3.5	10.25	<u>20.5</u>	<b>36.5</b>
<b>Average</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b><u>N/A</u></b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b><u>N/A</u></b>	<b>N/A</b>
NGO North (14)	2.5	2.07	1.86	6.43	2.21	2.5	4.71	<u>11.14</u>	2.07	2.29	2.13	6.49	1.75	1.46	2.07	5.28	<u>11.77</u>	<b>22.91</b>
NGO South (54)	3.41	3.27	2.31	8.99	3.29	3.28	6.57	<u>15.56</u>	3.27	3.28	3.13	9.68	3.07	3.23	3.49	9.79	<u>19.47</u>	<b>35.03</b>
<b>Average</b>	<b>2.96</b>	<b>2.67</b>	<b>2.09</b>	<b>7.71</b>	<b>2.75</b>	<b>2.89</b>	<b>5.64</b>	<b><u>13.35</u></b>	<b>2.67</b>	<b>2.79</b>	<b>2.63</b>	<b>8.09</b>	<b>2.41</b>	<b>2.35</b>	<b>2.78</b>	<b>7.54</b>	<b><u>15.62</u></b>	<b>28.97</b>
<b>UNFF (July 2010)</b>																		
GOVT North (1)	4	2	3	9	3	4	7	<u>16</u>	3	2	2	7	2	3	5	10	<u>17</u>	<b>33</b>
GOVT South	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<u>N/A</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<u>N/A</u>	<b>N/A</b>
<b>Average</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b><u>N/A</u></b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b><u>N/A</u></b>	<b>N/A</b>
NGO North (3)	2.33	1.67	2	6	2.5	2	4.5	<u>10.5</u>	2	2.33	2.67	7	2	1.67	2	5.67	<u>12.67</u>	<b>23.17</b>
NGO South (3)	3.33	3	2.33	8.66	3.33	3	6.33	<u>14.99</u>	2.67	3.33	3	9	4	4	3.67	11.67	<u>20.67</u>	<b>35.66</b>
<b>Average</b>	<b>2.83</b>	<b>2.34</b>	<b>2.17</b>	<b>7.33</b>	<b>2.92</b>	<b>2.5</b>	<b>5.42</b>	<b><u>12.75</u></b>	<b>2.34</b>	<b>2.83</b>	<b>2.84</b>	<b>8</b>	<b>3</b>	<b>2.84</b>	<b>2.84</b>	<b>8.67</b>	<b><u>16.67</u></b>	<b>29.42</b>

Notes: 1) REDD+ and UNFF surveys conducted in English only; 2) CDM survey conducted in English, Portuguese and Spanish 3) averages are weighted (North and South), not numerical; 4) rounding to the second decimal point 5) 'NGO' in UNFF most likely selected by respondents on the basis of formal designation as identified under UNFF Major Group accreditation 5) ALL RESULTS SUBJECT TO VERIFICATION