■ synthesis article

Fair and effective multilateralism in the post-Copenhagen climate negotiations

HARALD WINKLER[1]*, JUDY BEAUMONT[2]

[1] University of Cape Town, Energy Research Centre (ERC), UCT Private Bag, Cape Town 7701, South Africa
[2] Department of Environmental Affairs, Republic of South Africa, Private Bag 447, Pretoria 0001, South Africa

Copenhagen failed to agree a new legal treaty, and fragmentation is now a possible scenario. What options exist for a fair and effective multilateralism that might bring about the next turning point? Possible changes are considered in the context of the 'how, what, where and who' of multilateral climate negotiations. Fair process is crucial to an acceptable outcome. In order to increase effectiveness, multilateralism may need to define contributions from smaller groups, on a representative basis. The functions of other fora must be to build common understanding, whereas decisions and agreements are negotiated under the UNFCCC and its instruments. Reorganization of work within the UNFCCC will need to enhance its catalytic role, including how it supports domestic action. A mix of processes is needed to speed up the pace of decision-making, combining well-established UN procedures with some innovative ideas including those from the theory and practice in other multilateral environmental agreements. A review in 2015 must increase ambition. We need to invest in the UNFCCC, which remains the only legitimate, fully inclusive forum. Only a legally binding agreement ensures that others also act ('fair') and a binding nature is the best assurance of implementation ('effective'). Equity demands a fair and effective outcome.

Keywords: climate negotiations; COP-15; Kyoto Protocol; multilateralism; post-Copenhagen; UNFCCC

L'ambition pour un nouveau traité légal a échoué à Copenhague, rendant possible l'émergence d'un régime international fragmenté. Quelles sont les options qui existent pour faire en sorte qu'un multilatéralisme véritable et équitable définisse le prochain point déterminant? Certains changements dans les négociations multilatérales sur le climat sont analysés, en fonction du comment, quoi, où, et qui. Un processus juste est clé pour un résultat acceptable. Le multilatéralisme devrait reconnaître, a dessin d'accroitre l'efficacité, la contribution des groupes plus petits, sur la base de la représentation. Le but des autres forums serait de faciliter une compréhension commune tandis que les décisions et les accords sont négociés dans le cadre de la CCNUCC et de ses instruments. Ce rôle catalyseur serait renforcé par la réorganisation des tâches au sein de la CCNUCC, y compris dans son rôle de soutien aux actions domestiques. Le rythme de la prise de décision serait renforcé par un mélange de processus, alliant les processus des NU bien établis avec des idées innovantes comme celles apparaissant dans la définition de les principes et la mise en pratique dans le cadre d'autres accords environnementaux multilatéraux. La révision de 2015 doit alimenter davantage d'ambition. Nous devons investir dans la CCNUCC celle-ci demeurant le seul forum légitime et entièrement inclusif. Seul un accord réglementaire peut garantir la prise d'action des autres acteurs (équité) et la nature réglementaire est la meilleure garantie de mise en œuvre (caractère effectif). Pour qu'il y ait équité il faut un bilan juste et effectif.

Mots clés: CCNUCC; COP15; multilatéralisme; négociations sur le climat; post Copenhague; protocole de Kyoto

■ *Corresponding author. E-mail*: Harald.Winkler@uct.ac.za

1. What did not work in Copenhagen

The climate negotiations in Copenhagen in December 2009 have been called many things – from a 'historic failure' (Garman, 2009) to a 'big step forward' (Doniger, 2009). The assessment depends on the measure of success and failure. If the aim was to reach a political agreement among world leaders on difficult issues, one could be justified in declaring success. But if success was a 'fair, ambitious and binding' deal (CAN-I, 2009), Copenhagen clearly failed to deliver a new legal treaty, never mind an equitable one.

Copenhagen was a complicated undertaking and was characterized by severe process problems. A multitude of issues, mostly complex and technically detailed, were reflected in hundreds of pages of negotiating text. A complicated set of interconnected issues was addressed at three levels of negotiation – Officials, Ministers, and 119 Heads of State and Government. Even in a 'normal' COP, tensions between the technical and ministerial-political level need to be managed carefully. Copenhagen added a World Summit on top of these dynamics, without any preliminary preparation in the form of a Leaders' Statement prior to the meeting.

The UNFCCC process could not manage negotiations at three levels. The inept chairing by the Danish COP President exacerbated tensions rather than bringing the Parties closer to agreement. The release of a text unrelated to the negotiating text, and the exclusion of the ALBA[1] countries from the commitment circle, perhaps stood out among the many errors.

By the time that leaders arrived in Copenhagen for the last two days, the UNFCCC negotiations had failed to deliver a text capable of achieving political agreement. Seeking to salvage the situation, the Danish Prime Minister produced a text that attempted to rescue a political deal, but was divorced from the inclusive UN process. The text that emerged from the negotiations between 29 world leaders – the Copenhagen Accord – was not recognizable to negotiators.

When given an hour to accept a done deal, several countries rejected the Accord as a COP decision (meaning a decision by all) – which it quite evidently was not. Those observers, mainly from developed countries, who saw this as obstructionism, 'failed to appreciate the importance of procedural safeguards as weapons of the weak in international negotiations' (Dubash, 2009). There were unrestrained interventions by some individual negotiators from several sides, including from the G77, which did not help the process either. While posturing is part of the early stages of any negotiation, offensive statements marred even the final Plenary, when a more responsible and restrained approach was called for. An exclusive and fragmented process could not deliver a package with sufficient balance to be acceptable to all. The COP merely 'took note' of the Copenhagen Accord.[2]

The political deal resolved some contentious matters – not least putting numbers to mitigation and finance, issues that had eluded negotiators. But even its strongest advocates acknowledge that the Accord is not comprehensive. Perhaps the biggest gap is that Copenhagen failed to resolve definitively whether the future of the climate regime lies in one treaty or two. In the immediate future, the COP and CMP (Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol) decided to continue negotiating on the two tracks, but it remains unclear whether this process should conclude in further decisions, or whether it should conclude in a treaty.

What were the underlying reasons for failure to deliver a new legal treaty – a treaty which the world, its climate and people so urgently needed? Various commentators (for example, Dubash, 2009; Müller, 2010) have identified factors behind the events that unfolded, which we summarize as follows:

■ The economic recession made negotiations on finance more difficult, leading to moves to limit financial support to some developing countries and limiting the ambition of developed countries' mitigation commitments.

■ The USA was not ready to engage fully in negotiations due to an absence of domestic legislation and limited domestic political support.

■ With uncertainty on the part of the USA, China and India were reluctant to take on commitments.

■ With the notable exception of Norway, the Umbrella Group, to a significant extent, was looking to the USA, in the case of Canada very explicitly so.

■ The EU had earlier in 2009 been the last group within Annex I to abandon its support for a second commitment period under the Kyoto Protocol, thereby 'moving the goal-posts' set in the Bali Roadmap (Müller, 2010).

■ Shifts in the traditional political groupings, with the emergence of BASIC and the ALBA group as new actors within the G77+China created fluidity. With tensions beyond traditional stand-offs between the oil-producing members of the group and small islanders, the ability to find common positions was strained.

■ No 'green group' of countries emerged in Copenhagen: the kind of alliance across the North–South divide that had driven progress in previous COPs.

The result of such factors and the problems in the process resulted in a breakdown of trust. There simply was no 'contract zone' (Winkler and Vorster, 2007) between ideologically extreme positions. It will take significant effort to rebuild trust in the process beyond Copenhagen. To create trust will require fair and effective multilateralism.

2. Moving beyond Copenhagen

In terms of process, Copenhagen raised serious questions about the ability of the UNFCCC to deliver on climate change. It led one observer to conclude that 'the existing convention has, at best, one last chance to get its act together' (Doniger, 2009). In terms of effective delivery on matters of substance, Copenhagen highlighted the massive gap between the urgent action required by science and what is politically feasible. Multilateralism needs to demonstrate that it can be fair and effective.

Post-Copenhagen, the risk seems high that we might be entering a fragmented world, in which unilateralism dominates and any linkages are determined bilaterally or oligolaterally, i.e. in favour of the rich and powerful. Looking back at earlier scenarios of how negotiations might evolve (Winkler and Vorster, 2007), the international community has perhaps achieved 'enhanced *status quo*', but whether this will lead to an 'ambitious transitional' path or to 'regime collapse' is still unclear. Yet the reasons why a new legally binding agreement is needed remain as compelling as ever. The assurance that others will also act remains a critical factor in many national debates on taking action. In the current authors' view, without a treaty, nation-states would be likely to continue with low levels of ambition. The other actors with the capability to change, for example business, seem unlikely to take ambitious action without loud, long and legal policy signals.

Looking forward, there are different scenarios of the future of multilateral negotiations on climate change. Two divergent scenarios are outlined here: 'big bang' and 'fragmentation'.

The 'big bang' scenario focuses on a comprehensive package. It assumes that change is best achieved by defining a comprehensive solution up-front, for the long term and for all countries.

The question becomes how to move towards the overall solution, framed as a global carbon budget. In this scenario, climate negotiations continue on the existing path, aiming at a treaty – or two legally binding instruments. This approach is most faithful to the science but least true to the politics. It can only be achieved if the USA is fully engaged, having passed its domestic law. It allows a second commitment period under the Kyoto Protocol, to secure carbon markets. An ambitious version of this scenario sees the UNFCCC achieve in Cancún what it failed to deliver in Copenhagen; or the timing might be a year longer, with decisions in Mexico that would build towards an agreement, and then shifting into treaty mode in 2011.

The polar opposite is a scenario of 'fragmentation'. In this scenario, all efforts to reach a global agreement are abandoned. Issues are fragmented, with mitigation largely negotiated in the Major Economies Forum and climate finance in the G20. The UNFCCC would deal only with adaptation, and not with the funding thereof. The shift in focus would be to domestic action and, in the absence of US legislation, countries would merely report to each other at infrequent intervals. It assumes that change comes about through small, incremental steps. Politically it is highly realistic, but it falls far short of what is required by the science. All hopes rest on changing political dynamics in key countries. But without certainty that others will also act, the incentives to free-ride prove irresistible.

Underlying these different scenarios are different conceptions of how change might underpin different options. Do we define the entire change needed up-front? Do we achieve transformative change by setting targets and timetables? The problem is that the challenge can be so daunting that countries are unwilling to commit. The alternative view is to define the change that is possible now, and then increase it later. The huge risk is that 'later' never comes, and that politics will always defer the tough choices until they *have* to be made. For the climate, that it is likely to be too late.

Fragmentation and big bang are sketched above as being diametrically opposed, heuristically indicating the tendencies in the negotiations. It is argued here that we dare not risk the path of fragmentation. Not only is it unlikely to address climate change, but a non-multilateral approach would set a dangerous precedent for other global issues. Does the way forward lie in a compromise between these two 'extremes'? Does it lie in a different structure for negotiating climate change altogether? Or does it require more than one step to reach a more comprehensive agreement? What is fair and effective?

The concepts of fairness and effectiveness are neither objective, nor value-neutral. Different Parties will have different perceptions of what is fair and what is effective. Moreover, fairness and effectiveness are directly linked. In order to be effective, a process must also be fair. Whilst being fair, a process must also be effective in delivering a fair and effective outcome. So what are the characteristics that we would be looking for?

Equity and fairness concerns are central to the global environmental debate (Rajamani, 2006). There are two dimensions to equity: procedural and substantive. Both of these are relevant to climate negotiations. An equitable negotiating process requires inclusiveness of all state actors. If the process is not fair, there is no equity. In addition, the outcome must be equitable, which in turn requires fair sharing of the burden, or alternatively fair distribution of the incentives. The substantive dimension of equity is less clear legally (Rajamani, 2006). Mechanisms are needed to ensure a fair outcome. Agreement on what constitutes fair shares is critical, but may in itself be difficult. A firm basis will be needed to operationalize equity. The criteria of fairness should be based on agreed principles, notably those of the Convention – responsibility, capability and sustainable development (UNFCCC, 1992: Articles 3.1 and 3.4).

Effectiveness is achieved with the desired behavioural change in states (Raustiala, 2001). A distinct, but related, consideration is efficiency in reducing greenhouse gas (GHG) emissions at least cost. A regime could hardly be considered effective if it was not adequate, i.e. it needs to set a goal that solves the problem. The regime might alternatively catalyse actions that lead to a solution. The goal itself would have no effect if there is no certainty that it will be achieved. To the extent that the acceptance of legal obligations makes it more likely that actors will comply with set norms, legally binding agreements will be more effective.

The shorthand phrase 'fair and effective' is used to encompass all these elements. The expanded version would be 'fair, inclusive, effective, efficient, adequate and binding multilateralism'.

3. Lessons from theory and practice in other processes

The search for a way forward in the multilateral climate change negotiations needs to be broadened beyond an analysis of what went wrong in Copenhagen, and beyond a simplistic conclusion that points to the limitations of consensus-based decision-making within the UN system. There are new ideas emerging from within, which are examined in Section 4. Section 3 considers some useful insights from negotiation theory and the practice of processes external to the climate change community.

3.1. Cooperative and competitive approaches to negotiations

Literature on negotiation process distinguishes between integrative or problem-solving approaches to negotiation, on the one hand, and to distributive or positional-bargaining approaches, on the other. Integrative negotiations use cooperative approaches, have an underlying assumption of common purpose, and involve a good-faith effort to meet the interests of all stakeholders, through a win–win outcome. In distributive and bargaining approaches, negotiators use procedures to extract concessions from Parties whose positions are perceived to be incompatible, leading to compromise outcomes (Anstey, 1991).

In negotiations on multilateral environmental agreements (MEAs), there is a tension between a common purpose in managing global public goods (oceans, atmosphere, biodiversity etc.), and sovereign interest in protecting matters of national significance. This tension becomes more acute over time as the global commons are depleted. The climate regime might be about a global public good and global welfare in the long term, but the negotiations are currently about sovereign economic interests (Ghosh, 2009).

The implication is that negotiations, particularly those that deal with global public goods, are in a perpetual state of movement between problem-solving and positional-bargaining approaches, and have to reconcile global common interests with national economic interests. Where tactics are used to extract concessions that favour a national or regional group interest, the common interest is often undermined and the process may shift towards an increasingly competitive approach. Eventually, conflicts reach a point of stalemate, in which neither side is achieving its goals, and the costs of continuing to engage in the process exceed the benefits to be gained. A loss of momentum in the negotiation process is characterized by political entrenchment, 'stuck' issues, taboo topics, and underlying stagnation. Other likely drivers may include complexity of the issues, institutionalization of the North–South divide, the lack of a common system of values and norms, a high threshold for decision-making, space for obstructionists, the absence of key players, and weak implementation (Depledge, 2006).

Future negotiations will require nation-states 'to take actions, driven by a sense of common destiny, rather than national interest; to take the global nature of the problem into account in national policy-making, state practice and negotiating positions; and to arrive at outcomes which reflect progressive solidarity on a global environmental problem, rather than horse-trading between multiple vested interests' (Rajamani, 2006: 135). In Copenhagen, the balance between problem-solving and competitive approaches was lost. Certainly the statements by world leaders and their representatives emphasized the urgent common interest to safeguard the world from the impacts of climate change. But, in most cases, the tactics spoke a different language, in which national economic interest and competitive advantage were of far greater concern. A key question, therefore, is how to maintain the balance between approaches that are inherently competitive, and approaches that promote problem-solving and trust. How can a fully inclusive multilateral process give sufficient comfort to sovereign concerns in order to be effective and to achieve a cooperative solution to global climate change?

3.2. Trends emerging in negotiations under other MEAs

Almost two decades have passed since the historic United Nations Conference on Environment and Development took place in Rio de Janeiro in 1992, producing Agenda 21, the so-called blueprint for sustainable development (UN, 1992).

As global conditions change, so the processes and systems for achieving global governance must evolve. The 2009 report of the United Nations Secretary General, in responding to multiple global challenges, calls for a 'new multilateralism' that (i) prioritizes the provision of global public goods; (ii) recognizes the complex interconnections among global challenges; (iii) delivers security, development and human rights to vulnerable people; (iv) broadens collective response through stakeholder coalitions; and (v) strengthens global multilateral architecture (UNGA, 2005, 2009). A reformed UN system might address climate-relevant systems more broadly and help with reorganization of work within the UNFCCC.

These elements of a new multilateralism have a direct bearing on MEA processes. Global economic and environmental interdependencies are making it increasingly difficult to make progress in many of these processes, particularly those that have a direct bearing on trade and economic interests. As economic globalization proceeds, and global environmental challenges worsen, the tension between the multilateral processes that govern both is likely to increase, and momentum can be lost. There is evidence of this trend in the Stockholm Convention on Persistent Organic Pollutants; in the Rotterdam Convention on the Prior Informed Consent Procedure (PIC); and in the current negotiations under the Convention on Biological Diversity on access and benefit-sharing arrangements for the use of genetic resources. Each of these processes has a direct influence on national economic policy and trade. Chemicals that were used in products and services are being phased out and require alternatives or substitutes; chemical import processes that have not been monitored are now tracked with an information mechanism; and genetic resources that were freely accessed now have a price tag. Each has interconnections with other global challenges, and each requires prioritization of a global public good. Negotiators in these fora have had to use innovative approaches to achieve progress.

The *Stockholm Convention on Persistent Organic Pollutants* requires international action on 12 persistent and highly toxic organic pollutants (POPs). Concluded in December 2000, the Convention is noteworthy for the way in which it resolves controversial issues such as differences in capacity between countries, differentiation of obligations, trade restrictions, scientific uncertainty, and responsiveness to future needs. Examples include the use of country-specific exemptions that allow

obligations to be 'differentiated' between Parties, with a register to facilitate this process; linking the stringency of trade restrictions to the status of a particular substance under the Convention; and the carefully crafted relationship between the Conference of the Parties (COP) and the expert group that advises on additional substances to be controlled. A pre-negotiation decision on the scope of the Convention, namely to start with the 12 worst POPs and to establish a process to add others in future, was important in achieving success in the negotiations (Lallas, 2001).

The *Rotterdam Convention on the Prior Informed Consent Procedure* for the export of hazardous chemicals, at its 4th COP in 2009, focused on the continued effectiveness of the Convention, as Parties failed to reach agreement on non-compliance procedures and on the listing of new substances eligible for the PIC procedures. Various creative modalities were explored to unblock negotiations, including introducing voting procedures in the expert groups, creating a new annex for which Parties would voluntarily apply the PIC procedures, and introducing an interim mechanism for specific chemicals around which negotiations had stalled (ENB, 2008).

The *Convention on Biological Diversity* has, as one of its key objectives, the fair and equitable sharing of benefits arising from the use of genetic resources. Negotiations on an international regime on access and benefit-sharing (ABS) have been protracted, and in March 2010 were temporarily suspended over disagreements on scope of the Protocol; monitoring and reporting obligations; finance and technology transfer; and the relationship with other international processes. At the heart of these differences there are major political divergences between developed and developing countries on the historical debt of access to genetic resources; the relationships with international trade and intellectual property law; and how to achieve compliance. Process options used to unblock negotiations included extensive inter-sessional consultations and were conducted in a 'Vienna-plus' setting, as it became known, involving five spokespersons per UN region and two per stakeholder group, with allowance for rotation (Suneetha and Pisupati, 2009).

A more positive example from other international environmental processes is that of the *Montreal Protocol* on substances that deplete the ozone layer, which has the distinction of being ratified by all UN member countries. It introduced control measures for the phase-out of chlorofluorocarbons (CFCs) and halons, and in 2007 achieved agreement on the accelerated phase-out of hydrochlorofluorocarbons (HCFCs). The Montreal Protocol is frequently held up as an example with lessons that are applicable to the climate change process. It was designed as a flexible instrument that could adapt to changing conditions. Political leaders took decisive action, despite scientific ambiguities, and risked a short-term economic impact. Technology assessment panels provided information on technologies and alternative chemicals. The contribution of industry to this research and assessment process made it possible to tap into business and industry models of research and technological innovation, and created partnerships. The challenges faced by developing countries were acknowledged and addressed through later phase-out dates and the provision of finance through the Multilateral Fund (Kaniaru, 2007).

These examples show that while international environmental negotiations are increasingly being affected by the complex linkages with economic and trade policy, innovative modalities for both process and content can be used to maintain momentum and achieve agreement. Other MEAs have experimented with creative processes. The array of approaches includes the use of flexible instruments with limited initial scope and built-in potential to adapt to future needs; the use of technology assessment panels, expert voting and voluntary application to join new annexes; and the use of alternative settings and country-specific exemptions to differentiate obligations. The process lessons from other MEAs should be explored within the climate negotiations. Together they should seek to move the process from competitive approaches to those that promote problem-solving and trust, and that respond to the UN Secretary General's call for a 'new multilateralism'.

In the framework of turning points, or events that are instrumental in moving negotiations from one phase to another (Chasek, 1997), the international climate change negotiations have achieved that balance on various occasions in the last 15 years, with agreement on the Kyoto Protocol in 1997, the Montreal two-track process in 2005, and the Bali Roadmap in 2007. Many hoped that Copenhagen would agree a treaty to mark the next major phase in global climate action. That did not happen. A key question now is: what will trigger a shift in negotiation style and approach towards one that balances global interests (in cooperating to address climate change) and national self-interests (for the national economy)? What options might bring about the next turning point?

4. Emerging options for fair and effective multilateralism

We turn now to the consideration of options for changing various aspects of the climate process. Specifically we address changes in the '*how*' (style), the '*what*' (content), the '*who*' (actors) and the '*where*' (fora) of the climate negotiations.

4.1. How to negotiate and style of negotiation

Within the community of climate change negotiators, new ideas on problem-solving approaches are emerging as well. Ways of working within the UNFCCC will need to change significantly if another turning point in the process is to be reached.

Tony La Viña, who facilitated the REDD+ discussions in the run-up to Copenhagen, has suggested that there are mechanisms that can improve the effectiveness (or limit the inefficiency) of the process. He identifies bilateral meetings with the facilitator or Chair as being important in building consensus. Representivity in smaller groups, such as Friends of the Chair, is important, but he suggests that 'people do not mind that a Friends of the Chair is created but they do want to have the option to become such a friend' (La Viña, 2010). Given this theoretical option and the assurance of report-back, what occurs in practice is that manageable groups are formed. Under such conditions, it may be possible for the process to be inclusive, but not all countries can be part of the process all the time.

Another person with long experience in climate and other negotiations, Bo Kjellén, has reflected on Friends of the Chair. He particularly highlights the importance of representivity and the need for those who may not be the true friends of the Chair to be present. The key to success of Friends of the Chair 'was the way in which the consultations were perceived: they included a majority of the central players in the negotiations, yet provided for representation of various interests' (Kjellén, 2010). The process by which representative groups are established requires careful attention. It also highlights the need for groups that really represent a constituency. Kjellén also suggests that tensions between co-Chairs may at times constrain progress, and that a single chairperson – or facilitator – might be able to work more effectively.

Different settings have been explored, drawing on experiences in other MEAs (see Section 3). In the April 2010 meetings of the AWG-LCA, the Chair proposed a 'Vienna setting': a central table at which groups are represented by nominated spokespersons, with others able to be in the room and observe, but only being able to speak through those at the table. At the World Summit on Sustainable Development, a new innovation was added to the 'Vienna setting' approach. This entailed the addition of a negotiating group of Ministers, meeting in informal and small groups to resolve key outstanding issues and provide political guidance to unblock negotiations by officials. The political guidance was then translated into text by the negotiators

in the 'officials' group. This became informally known as the 'Johannesburg setting' (ENB, 2002).

A deadlock-breaking mechanism could increase effectiveness. As climate negotiators know all too well, the rule of procedure that has not been adopted is the one on voting. Müller makes the point that consensus-based decision-making is not inherently superior. 'Indeed, a change to a voting procedure with appropriate minority safeguards could well improve the effectiveness of UN negotiations, provided the procedure is generally acceptable' (Müller, 2010). The problem is getting everyone to agree to voting – and perhaps options tried in other contexts are needed. In the negotiations to end apartheid in South Africa, the concept of 'sufficient consensus' was adopted. If the major players agreed on a specific issue, it was agreed that the process could continue; even the draft Constitution was passed by sufficient consensus (Negotiating Forum, 1993). In climate negotiations, a more responsible, pragmatic and principled style of negotiation is needed. The process might benefit from an investigation into deadlock-breaking mechanisms.

Key lessons are that all small group consultations must be representative, and their composition not predetermined but established by consultation during negotiations. Reporting back to inclusive groups is essential. Internal mechanisms should use a blend of established UN practice and innovative means and settings. If a different style of negotiation could incorporate such elements, might it be more effective in negotiating a treaty?

4.2. What to change about the climate process

Fair process is a core part of equity, but without an outcome that is fair in substance, an agreement could not claim equity. There are different views of what constitutes equity substantively, and a full discussion would require a separate article. This section examines two options for processes that make for more effective and fair outcomes.

4.2.1. Negotiating targets and timetables or trajectories

One approach to climate negotiations is to set targets and timetables focused on a near-term year, or a period of years; another suggests defining a trajectory in relation to a longer-term goal. The USA has proposed a trajectory in its draft implementing agreement, in which each developed country formulates a 'low-carbon strategy for long-term net emissions reductions of at least [x] by 2050' (USA, 2009). Procedurally, trajectories could be inscribed in schedules, including projected peaking years and long-term limitation goals, which would form part of a treaty (Australia, 2009). This approach means that the pressure on a mid-term goal is reduced, but it defines reductions for many more years. Definition of schedules is not the only process that can define trajectories, however. The carbon budget approach proposes taking account of the 'area under the curve', with a key question being the starting year in which historical cumulative emissions are counted (WBGU, 2009). Indian Minister Ramesh has suggested that fair shares of a global carbon budget – of say 1,440 Gt CO_2-eq (Kantikar et al., 2010) – might be divided on the basis of cumulative emissions per capita (Ramesh, 2010).

The importance of mid-term goals has been recently re-examined in an analysis of the pledges made in Copenhagen, arguing that without strong goals for 2020, reduction rates after that year become implausible (Rogelj et al., 2010). If a country effectively promises to do more later because it simply cannot do what is required now, the question is whether the cumulative reduction over time (the area under the curve) is reduced by the same amount as if it had met the mid-term goal needed. Even if a trajectory could be drawn, and the present administration committed to it, the political risk would remain that future politicians would undo the work of their predecessors. The

temptation to defer the tough action for as long as possible will always be strong – but each year of delay exacerbates the climate problem and unavoidable impacts, particularly on the poorest and most vulnerable.

4.2.2. Review to ratchet up pledges

Copenhagen showed that what countries are willing to commit to is still far from what is required by the science. What has been pledged politically would go beyond the remaining carbon budget to keep temperature increase below 2°C. The challenge in the next few years is to bring the political realities closer to what is required by science. With low pledges, a strong review is a mechanism that can ratchet up the level of ambition. The Copenhagen Accord included political agreement that a review (or 'assessment' in its terms) should strengthen the long-term goal, 'including in relation to temperature rises of 1.5 degrees Celsius' (UNFCCC, 2009). The mechanisms for carrying out a review are elaborated in the Convention. Setting a target in 2012 *ex ante* and a strong review *ex post* in 2015 may not yield widely differing results – if the review indeed strengthens pledges.

The Copenhagen Accord itself – the main outcome in the form of a political deal – recognizes 'the scientific view that the increase in global temperature should be below 2 degrees Celsius' (UNFCCC, 2009). But the pledges subsequently submitted to the UNFCCC commit us to a world of 3.5°C above pre-industrial levels (Rogelj et al., 2010). The pledges made by Annex I countries range from reductions of 14% to 19% below 1990 levels by 2020. This is well below the bottom end of the range of 25–40% identified by the IPCC's Third Assessment Report as being required for the lowest stabilization level assessed. The pledges by developing countries are less unambitious (Ecofys, CA and PIK, 2009; Höhne, 2010), but the global level of effort implies severe impacts on poor countries and communities.

The provisions of the Convention mandated a second review by 1998 and further reviews until its objective was met. Article 7.2 provides that the COP 'shall keep under regular review the implementation of the Convention', while Article 4.2(d) of the Convention establishes a review of adequacy of commitments (UNFCCC, 1992). The second review of adequacy was due in 1998, but it proved impossible to reach any agreed conclusions or decisions at COP-4, and the agenda item has been held in abeyance on the provisional agenda ever since. With several developing countries committing to mitigation, the time is right to implement the Convention reviews. The political deal reflected in the Copenhagen Accord called for an assessment, with a clear intent to strengthen what could be agreed in 2009, 'including in relation to temperature rises of 1.5 degrees Celsius' (UNFCCC, 2009). The strengthening of commitments and actions agreed politically should be reviewed using the existing provisions for reviews that are clearly established in the articles of the Convention (UNFCCC, 1992). By 2015, after the IPCC's fifth assessment, the need to re-examine the extent of reductions will be critical. Defining a clear mandate, scope and date for completion of a review is an important means of making multilateralism more effective.

4.3. Who negotiates and at what scale

The failure of negotiations among nation-states to deliver a treaty has raised questions around actors and scale of action. An explicit alternative to the Copenhagen Accord was considered by the World People's Conference on Climate Change and the Rights of Mother Earth, held at Cochabamba, Bolivia, on 20–23 April 2010. Through Working Groups, the Conference elaborated means of asserting the rights of Mother Earth and adopted a 'Peoples Agreement' which 'categorically rejects the illegitimate 'Copenhagen Accord' as imposed by a minority' (WPCCC and RME, 2010).

The initiative came from Bolivia together with other members of ALBA, who invited a wide range of social movements to the People's Conference. The Conference identified capitalism as the root of the problem of climate change. Consistent with its ideological position, the Conference opposed any use of market mechanisms. It does, however, strongly defend the Kyoto Protocol – except for its market mechanisms.

The key actors, from this perspective, need to change from nation-states to ordinary people. Social movements are highly effective at lobbying at the national level, in some cases even assisting with implementation. The question is whether we can expect solutions that involve implementation at a global level from this approach. We think that that is unlikely, and that the role of civil society is primarily at the national level, with an important lobbying function in multilateral negotiations.

A different alternative to global treaty negotiations turns the focus to domestic implementation. Along the lines of the fragmentation scenario described in Section 2, the assumption is that it will not be possible to agree a fair and effective treaty and that change is needed at the national level. The locus of action shifts to mobilizing national political systems in major countries. Once this was achieved, countries would be willing to join a global deal. The approach would see a shift in perception of self-interest as a key motivator, in other words it would follow a competitive model of negotiation, but at the national scale.

What would motivate countries at the domestic level, without a global agreement? One suggestion is that a 'race to the future' will motivate countries: 'low carbon is the way to go for a vibrant, prosperous green economy … and those who join the race early are sure to come out as winners' (Eco, 2010). On the other hand, some countries – particularly poorer ones – might believe that they would be left behind in a 'race to the future'.

The other motivator might be climate impacts. Once countries realize the extent of potential damages, more aggressive action would be a matter of self-interest. Countries would have to become convinced that they stand to lose from the impacts associated with a global temperature increase of 3.5°C.

There is little doubt that action at the national level is critical. But a shift to domestic action seems unlikely to lead to a greater amount of action globally. Without a global deal, no country is sure what others will do. The domestic focus will have to guard against the risk of becoming permanent and turning into fragmentation.

The multilateral system could define its role as enabling action at the national level – and even on a local scale. Instead of prioritizing a new treaty, the focus would be more on development-oriented approaches, and support in the form of finance, technology and building institutional capacity. The multilateral system could seek to shift the pattern of investment in the portfolios of international financial institutions. In the language of the Bali Action Plan, much greater focus would be given to 'ways to strengthen the catalytic role of the Convention in encouraging multilateral bodies, the public and private sectors and civil society, building on synergies among activities and processes, as a means to support mitigation in a coherent and integrated manner', with identical language for adaptation (UNFCCC, 2007). An effective multilateralism might be to induce target setting, but perhaps not in the rigid way conceived in the past, but in supporting transformative change at the national level.

4.4. Where to negotiate and forums for negotiation

The previous sections have examined the 'how', 'what' and 'who' of negotiations, which leaves the question of where negotiations take place. One of the many options considered by commentators post-Copenhagen is to negotiate in other fora (see, for example, Ladislaw, 2010).

Various rationales have been advanced for making use of political processes and fora outside of the UNFCCC. Smaller fora could have a more focused scope of discussion and treat the issues in more depth. Limiting the number of participants allows for freer exchanges. Around GHG emissions, the rationale has been that 'twenty-five countries account for 83 percent of global greenhouse gas emissions, 71 percent of global population, and 86 percent of global income' (Pew Center, 2005, citing data from Baumert et al., 2004).

The Major Economies Meeting (MEM) initiated by the USA in 2007 was based on this rationale. Coming from the Bush administration, which had formally withdrawn from Kyoto in 2001, the MEM was met by a significant degree of mistrust. The question, in particular, was whether it was designed to supersede the UNFCCC in order to do business with a smaller group of countries. Countries that were not invited felt the exclusive nature acutely, but the concern was also shared by the developing countries who participated. Through a series of exchanges, it was clarified that the function was to contribute to the processes under the UNFCCC. When the Obama administration rebranded the MEM as the Major Economies Forum on Energy and Climate Change (MEF), it stated the contributory function up-front. The clarification of the roles and functions of smaller fora is a useful lesson to be learnt from this experience.

The rationale of a few countries being able to make the deal does not apply to adaptation. While differences in adaptive capacity mean that poor countries are more vulnerable in aggregate, all countries will be affected by the negative impacts of climate change. This points to one of the risks associated with negotiating in multiple fora. In essence, the risk is that adaptation would be divorced from its funding. This might be the case if adaptation remained under the UNFCCC – since it affects all countries – but finance were decided in a forum of Finance Ministers, the G20. The likelihood of adaptation not getting serious money appears high in such a configuration.

De-linking mitigation from its finance has a somewhat lower risk, as the major players seem to agree on that there is an exchange taking place of finance for emission reductions – even if not the terms of that exchange. In terms of process, multiple fora run the risk of degenerating into the fragmentation scenario sketched above. The key risk of smaller processes is that they are exclusionary, and therefore hardly fair. A critical question, then, is how far discussion should progress in different fora, before being decided under the UNFCCC.

Nevertheless, smaller fora met before Copenhagen and continue to deal with climate change. The G8 dealt with climate change and started by inviting five developing countries, sometimes referred to as G8+5.[3] Processes were run following meetings with configurations of the G13 following the Heiligendamm meeting, and the G20 after Gleneagles. Fairly limited progress was made, either among the G8 countries alone, and even less so with developing countries. The G20 group of Finance Ministers put climate on the agenda, but for its summit in September 2009 this topic was opposed on the basis that climate finance needed to be discussed under the UNFCCC. However one assesses the substantive outcomes, the sheer proliferation of fora led to a fatigue among Ministers, climate negotiators and even Heads of State. In reality, political fora such as the G8 and the G20 can facilitate progress in exploring solutions to the blockages, but cannot take decisions that are binding to the UNFCCC process.

A different kind of process emerged in the so-called Greenland dialogue. Initiated by Denmark in 2005, informal meetings of Ministers became a feature of negotiations until 2009. A pattern was established in which Ministers met in (truly) informal settings in mid-year in which space and time allowed for free exchange of ideas. By the pre-COP around September/October, the focus shifted to the agenda of the upcoming COP. By the time Ministers met in the high-level segment of the COP and CMP at the end of the year, a common understanding had been developed of both differences and areas of convergence. There is undoubted value in these exchanges, but

common understanding still needs to be translated into formal agreement. In Copenhagen, with a Summit added, this did not succeed. Perhaps one could say that informal Ministerial Meetings are a necessary, but insufficient, condition for the future.

The small group process in Copenhagen was remarkable in the level of engagement by world leaders, who are not commonly seen drafting text. It did not help that the text was not recognisably derived from the official negotiating text. The group was not set up through a Plenary Meeting, unlike the attempt at a Friends of the Chair in the first week, when the Danish Minister for Climate and Energy was still COP President. In the second week, she resigned her role to make way for the Danish Prime Minister. Interdepartmental rivalries had been a problem in Bali. In Copenhagen the differences between the Ministry and Prime Minister's office did not help. In his convening of a Friends of the President, attempts were made at representivity, but these critically excluded the ALBA group. By the time the results were reported back to the Plenary, they lacked legitimacy in the eyes of the excluded.

For processes outside of the UNFCCC and its Protocol, a lesson we draw is that such fora are useful for airing different points of view, achieving better understanding, and brainstorming possible solutions. The UN is the place to make decisions; it remains the only legitimate multilateral forum for concluding a global deal. So that they do not undermine this role and become centrifugal, smaller fora need to report their contribution to the process under the UNFCCC.

The roles of different levels of negotiation should be clear. Officials need to explore options, while Ministers close the deal, but not necessarily always or only Environment Ministers. Increasingly, the economic and social portfolios must play their part. Leaders' time should probably be used sparingly and the material to be presented to them should generally be clear in advance. They might resolve a final issue or two.

For processes within the UNFCCC, the lessons are that smaller processes must originate within an inclusive, transparent process (i.e. start in Plenary); remain connected (text must be recognizable); and return (feedback to Plenary).

5. Investing in the UNFCCC

Given the unravelling at Copenhagen, levels of trust seem too low to make another attempt at a treaty in 2010. The immediate focus must be on implementation and action, yet with decisions making clear that they should be used in an overall package. It might be wiser to relinquish the dream of achieving this all in one step, and instead acknowledge a process entailing multiple stages.

Perhaps what is needed is simply more effort in further elaborating the framework of the Convention and its instruments. This approach could be to invest more heavily in the UNFCCC, and to substantially reorganize the work. That would involve many of the process changes discussed above, as well as existing provisions for review already discussed. It could also mean reorganizing work to focus on the issues now clearly identified. The building blocks of adaptation, mitigation, technology and finance are firmly established through the work under the Bali Action Plan (UNFCCC, 2007). The statement from the recent meeting of Ministers of the BASIC group argues for negotiations to follow a two-pronged approach. The first prong would develop a politically balanced comprehensive outcome in the formal negotiations under the two Ad Hoc Working Groups (underpinned by the principles of equity and common but differentiated responsibility and respective capabilities). The second prong would use the annual US$10 billion fast-start funding in 2010 to develop, test and demonstrate practical implementation approaches to both adaptation and mitigation, which can be used to inform the comprehensive package (BASIC, 2010).

6. Conclusions

This article began with a consideration of what did not work in Copenhagen. The politics of exclusion failed clearly in Copenhagen. Scenarios for climate negotiations range from continuing with a 'big bang' solution to 'fragmentation'. Rather than dwelling on the multiple causes of failure to agree a new climate treaty, positive trends in other multilateral environmental processes were identified and the implications of different negotiation styles considered.

Fair process is crucial. Without it, no outcome – no matter how carefully balanced – is acceptable. Multilateralism must remain fully inclusive, an essential condition to rebuild mutual trust. Key criteria for a better multilateralism were articulated: fair, inclusive, efficient, adequate and binding (or, in short, fair and effective multilateralism).

There is no doubt in our minds that climate change negotiations need to continue under the UNFCCC, as the only fully inclusive multilateral forum and hence the only legitimate one that is able to provide fair process. If the process is integrative and oriented towards problem-solving, that creates space to define the distributive issues.

To increase effectiveness, multilateralism may need to be opened to and, indeed, define contributions from smaller groups and inputs from other actors. Experience with some smaller fora suggests that their functions must be clearly defined: decisions are taken in the UNFCCC, whereas smaller groups explore differences and develop common understanding. It is essential that such smaller groups are representative and define their role as feeding back into the single decision-making process under the UNFCCC.

Climate negotiations do not happen in isolation. Their changing dynamics relate to and reflect broader changes in the world. The UNFCCC needs to structure ways to receive inputs from elsewhere: from the rest of the UN system, from the business community, and from social movements. The catalytic role of the Convention should be operationalized.

A reorganization of work within the UNFCCC is needed, which could benefit from the broader process of UN reform. In moving to action, it makes most sense to use the mechanisms of the Convention and its Protocol. It would be foolish to throw away decades of negotiation. But there is much that is not fully utilized and could be more effectively structured. The future of the Kyoto Protocol (a crucial instrument of the Convention) needs to be resolved politically in 2010.

Internally, the process needs to be as simple as possible, but no simpler – this is no small qualification, given the complexity of the task. Fairness is in good measure ensured by fair process. The process needs to be well run, competently chaired and facilitated, and the culture of negotiating needs to be responsible. Due process provides important protection for weaker Parties, but should not become an end in itself, nor allowed to dominate substance. A blend of processes is needed: some well-established within the UN (Friends of the Chair, informal consultations) together with some innovation (Johannesburg setting). Such a blend of existing and new processes is needed in order to speed up the pace of decision-making while ensuring representivity and access. A fully engaged and responsible style of engagement is needed from all negotiators.

A legal treaty is needed, ultimately. Political agreement is too partial and ephemeral. Business is unlikely to take action at the scale required without a clear policy and legal framework. And without the certainty that other will act as well, nation-states would be likely to continue with a low level of ambition.

If multilateralism existed with such characteristics, it could deliver a legally binding agreement. It may be not happen in a big bang, defining a complete long-term solution up-front. The alternative of only focusing on domestic action risks fragmentation. Only a legally binding agreement ensures that others also act ('fair') and a binding nature is the best assurance of implementation ('effective'). Fair process is crucial, but equity demands a fair outcome.

Acknowledgements

Notes

1. The Bolivarian Alliance for the Peoples of Our America (in Spanish: Alianza Bolivariana para los Pueblos de Nuestra América, or ALBA). Recent statements have added PTT (standing for People's Trade Treaty); hence ALBA-PTT.
2. For an excellent analysis of the legal implications of 'taking note' of the Accord, see Werksman (2009).
3. The G8 group of leaders consists of the heads of government for the G8 nations (Canada, France, Germany, Italy, Japan, Russia, the UK and the USA). The five developing countries are Brazil, China, India, Mexico and South Africa.

References

Anstey, M., 1991, *Negotiating Conflict: Insights and Skills for Negotiators and Peacemakers*, Juta, Cape Town.

Australia (Government of Australia), 2009, *Submission by Australia. A. Enhanced Action on Adaptation; B. Schedules in a Post 2012 Treaty*, Document FCCC/AWGLCA/2009/MISC.4 (Part I), Bonn, UNFCCC, 22–23 [available at unfccc.int/resource/docs/2009/awglca6/eng/misc04p01.pdf].

BASIC (Brazil, South Africa, India, China), 2010, *Joint Statement Issued at the Conclusion of the Third Meeting of BASIC Ministers*, 25 April, Cape Town [available at www.environment.gov.za/NewsMedia/MedStat/2010Apr26/BASIC%20Ministers.doc].

Baumert, K., Pershing, J., Herzog, T., Markoff, M., 2004, *Climate Data: Insights and Observations*, Pew Center on Global Climate Change, Arlington, VA.

CAN-I (Climate Action Network – International), 2009, *Fair Ambitious and Binding: Essentials for a Successful Climate Deal* [available at www.climatenetwork.org/climate-change-basics/CAN_FAB_Essentials.pdf].

Chasek, P., 1997, 'A comparative analysis of multilateral environmental negotiations', *Group Decision and Negotiations* 6(5), 437–461.

Depledge, J., 2006, 'The opposite of learning: ossification in the climate change regime', *Global Environmental Politics* 6(1), 1–22.

Doniger, D., 2009, *The Copenhagen Accord: A Big Step Forward* [available at http://switchboard.nrdc.org/blogs/ddoniger/the_copenhagen_accord_a_big_st.html].

Dubash, N.K., 2009, 'Copenhagen: climate of mistrust', *Economic and Political Weekly* XLIV(52), 8–11.

Eco, 2010, 'Race to the Future', *Eco–NGO Newsletter* April (3), 2 [available at www.climatenetwork.org/eco/bonn-i-2010-ecos/BonnIeco3.pdf/view].

Ecofys, CA and PIK (Ecofys DE, Climate Analytics and Potsdam Institute for Climate Research), 2009, *Climate Action Tracker*, N. Höhne, M. Schaeffer, C. Chen, K. Eisbrenner, M. Hagemann, C. Ellermann [available at www.climateactiontracker.org/].

ENB (Earth Negotiations Bulletin), 2002, *Summary of the World Summit on Sustainable Development*, 28 August to 4 September, International Institute for Sustainable Development [available at www.iisd.ca/linkages/download/pdf/enb2251e.pdf].

ENB (Earth Negotiations Bulletin), 2008, *Summary of the Fourth Meeting of the Conference of Parties to the Rotterdam Convention*, 31 October, Rome, Vol. 15, No. 168, International Institute for Sustainable Development [available at www.iisd.ca/download/pdf/enb15168e.pdf].

Garman, J., 2009, 'Copenhagen – historic failure that will live in infamy: green activist's searing despatch from Denmark', *The Independent*, 20 December [available at www.independent.co.uk/opinion/commentators/joss-garman-copenhagen-historic-failure-that-will-live-in-infamy-1845907.html].

Ghosh, A., 2009, 'Climate for a win–win dialogue', *Financial Express* [available at www.financialexpress.com/news/column-climate-for-a-winwin-dialogue/557335/0].

Höhne, N., 2010, 'New UN emissions pledges still stack up to 3.5°C', *New Scientist*, 8 February [available at www.newscientist.com/article/mg20527462.900-new-un-emissions-pledges-still-stack-up-to-35c.html].

Kaniaru, D. (ed), 2007, *The Montreal Protocol: Celebrating 20 Years of Environmental Progress*, Cameron May, London.

Kantikar, T., Jayaraman, T., D'Souza, M., Sanwal, M., Purkayastha, P., Talwar, R., 2010, *Meeting Equity in a Finite Carbon World: Global Carbon Budgets and Burden Sharing in Mitigation Actions*, Background paper for Global Carbon Budgets and Equity in Climate Change, 28–29 June, Tata Institute of Social Sciences, Mumbai [available at www.tiss.edu/events/attachments/BackgroundPaper31May2010.pdf].

Kjellén, B., 2010, *Friends of the Chair, or the Chair's (True) Friends? The Art of Negotiation in the Rio Process and Climate Negotiations: The Art of Negotiation in the Rio Process and Climate Negotiations*, ecbi Policy Brief, European Capacity Building Initiative (ecbi), Oxford [available at www.eurocapacity.org/downloads/ecbiFOCPolicyBrieffinal.pdf].

La Viña, A.G.M., 2010, *Ways Forward After Copenhagen: Reflections on the Climate Change Negotiating Processes by the REDD-plus Facilitator*, Paper for FIELD, Foundation for International Environmental Law and Development, London.

Ladislaw, S.O., 2010, *Post Copenhagen Pathways*, Center for Strategic and International Studies, Washington, DC [available at http://csis.org/publication/post-copenhagen-pathways].

Lallas, P., 2001, 'The Stockholm Convention on Persistent Organic Pollutants', *American Journal of International Law* 95(3), 692–708.

Müller, B., 2010, *Copenhagen 2009: Failure or Final Wake-up Call for Our Leaders?*, Oxford Institute for Energy Studies, Oxford [available at www.oxfordenergy.org/pdfs/EV49.pdf].

Negotiating Forum (Negotiating Forum (South Africa): Constitutional Committee), 1993, *Constitution of the Republic of South Africa: Draft Outline*, 17 November 1993, passed by the Negotiating Forum on 17 November 1993, by means of sufficient consensus, Kempton Park, Gauteng Province, South Africa.

Pew Center, 2005, *International Climate Efforts Beyond 2012: Report of the Climate Dialogue at Pocantico*, Pew Center on Global Climate Change, Arlington, VA [available at www.pewclimate.org/global-warming-in-depth/international/reports/pocantico_release.cfm].

Rajamani, L., 2006, *Differential Treatment in International Environmental Law*, Oxford University Press, Oxford.

Ramesh, J., 2010, *MRV and Equity Critical Issues in Climate Change Discussion*, Press Information Bureau, Government of India, New Delhi [available at http://pib.nic.in/release/release.asp?relid=62934].

Raustiala, K., 2001, *Reporting and Review Institutions in 10 Multilateral Environmental Agreements*, United Nations Environment Programme, Nairobi.

Rogelj, J., Nabel, J., Chen, C., Hare, W., Markmann, K., Meinshausen, M., Schaeffer, M., Macey, K., Höhne, N., 2010, 'Copenhagen Accord pledges are paltry', *Nature* 464, 1126–1128, doi:10.1038/4641126a.

Suneetha, M.S., Pisupati, B., 2009, *Benefit Sharing in ABS: Options and Elaborations*, Biodiplomacy Programme, United Nations University Institute of Advanced Studies Yokohama, Japan [available at www.ias.unu.edu/sub_page.aspx?catID=111&ddlID=884].

UN (United Nations), 1992, *Agenda 21*, United Nations, New York.

UNFCCC (United Nations Framework Convention on Climate Change), 1992, *United Nations Framework Convention on Climate Change*, United Nations, New York [available at http://unfccc.int/resource/docs/convkp/conveng.pdf].

UNFCCC (United Nations Framework Convention on Climate Change), 2007, *Bali Action Plan*, Decision 1/CP.13, Bali, Indonesia.

UNFCCC (United Nations Framework Convention on Climate Change), 2009, *Decision 2/CP.15: Copenhagen Accord*, noted in COP Report, FCCC/CP/2009/11/Add.1 [available at http://unfccc.int/documentation/documents/advanced_search/items/3594.php?rec=j&priref=600005735#beg].

UNGA (United Nations General Assembly), 2005, *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary General, Document A/59/2005 [available at www.un.org/largerfreedom/report-largerfreedom.pdf].

UNGA (United Nations General Assembly), 2009, *Report of the Secretary General on the Work of the Organization*, Document A/64/1 [available at www.un.org].

USA (Government of the United States of America), 2009, *Draft Implementing Agreement under the Convention Prepared by the Government of the United States of America for Adoption at the Fifteenth Session of the Conference of the Parties*, FCCC/CP/2009/7, 6 June 2009, UNFCCC, Copenhagen [available at http://unfccc.int/documentation/items/4898.php].

WBGU (German Advisory Council on Global Change), 2009, *Solving the Climate Dilemma: The Budget Approach*, Berlin [available at www.wbgu.de/wbgu_sn2009_en.pdf].

Werksman, J., 2009, "*Taking Note" of the Copenhagen Accord: What It Means*, Program Director, Institutions and Governance, World Resources Institute, Washington, DC [available at www.wri.org/stories/2009/12/taking-note-copenhagen-accord-what-it-means].

Winkler, H., Vorster, S., 2007, 'Building bridges to 2020 and beyond: the road from Bali', *Climate Policy* 7(3), 240–254.

WPCCC and RME (World People's Conference on Climate Change and the Rights of Mother Earth), 2010, *Peoples Agreement*, Cochabamba, Bolivia [available at http://pwccc.wordpress.com/2010/04/24/peoples-agreement/].