Climate Governance and Non-State Actors’ Participation In International Climate Negotiations

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Abstract

The global climate governance currently seems to be falling short when it comes to both effectiveness and legitimacy. Different sectors of society express frustrations at the impasse in the multilateral negotiations. There is clamor for cost-efficiency. But how can it be achieved without sacrificing legitimacy in which effectiveness fundamentally hinges? Participation is employed to enhance legitimacy of a decision or action in a democratic environmental governance system. By definition, it requires inclusiveness, but it is important to look at exactly who/what is being included, and on what terms.

This paper examines the aspect of representation in international climate cooperation to find out its ‘representativeness’ under the current system. The aim is to come up with both theoretical propositions & policy recommendations that can contribute to the legitimacy and effectiveness of the UNFCCC and climate governance. It reviews existing proposals characterized as ‘exclusive minilateralism’; ‘inclusive minilateralism’ involving representatives of the most capable, the most responsible, and the most vulnerable states (Eckersley 2012); and ‘minilateralism plus discursive representation’ (Stevenson and Dryzek 2012). It then submits a climate governance architecture that endeavors to institutionalize non-state actors’ participation in international climate negotiations, highlighting the role of a bridging institution as an arena of discursive representation and a tool for transmission of public interests and opinions to the state-based multilateral forum for more legitimate, just, and effective decisions and collective actions. It hopes to contribute to the body of knowledge on the contentious issue of representation in democratic governance and policy process.

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1 Introduction

There is a growing recognition of the interface between procedural environmental rights and environmental sustainability. Public participation and access to information are paramount to the promotion of both ecological and human wellbeing. Effective participation that is compatible with justice considerations depends largely on relevant governance-supportive structures, processes, and discourses. In the field of climate governance, one of the contentious issues is on the effectiveness of non-state actors’ participation in international climate negotiations. While there are increasing activities initiated by civil society aimed to address climate change and affect the latter’s global governance, these are characterized mostly as piecemeal and fragmented. How can these be integrated in key mechanisms that influence major decisions and actions? What features of governance architecture for a future climate regime are needed to facilitate transformative participation?

Participation is employed to enhance legitimacy of a decision or action in a democratic environmental governance system. By definition, it requires inclusiveness, but it is important to look at exactly who/what is being included, and on what terms. A closer examination of this question will bring into light that what really matters is the representation of the stakeholders’ interests and values. The aspect of representation in international climate cooperation is especially examined to find out its ‘representativeness’ under the current system and craft innovative ways to improve it. This article explores the viability and effectiveness of discursive representation employed by a ‘bridging institution’ as a strategy in addressing the seeming tension between cost-efficiency and legitimacy while maintaining the quality of inclusiveness in our climate-challenged and financially-constrained society.

In the following section (second), I review the literature on global governance, especially its developments and issues in the climate domain. In the third section, I discuss key scholarly works proposing for climate governance reform, such as ‘exclusive minilateralism’, ‘inclusive minilateralism’ involving representatives of the most capable, the most responsible, and the most vulnerable states (Eckersley 2012); and ‘minilateralism plus discursive representation’ (Stevenson and Dryzek 2012). In the fourth section, I submit and elucidate a climate governance architecture combining some elements from existing proposals, coming up with a ‘state-based multilateralism with discursive bridging institution’ as a principal feature at the ‘empowered space’. I provide some practical suggestions in employing discursive representation in this mechanism that transmits public interests in policy-making process. In the concluding section, I reiterate the broader implications of discursive representation for the overall legitimacy and effectiveness of a global climate governance.
2 Global Climate Governance

A shift from ‘government’ to ‘governance’ is evident in the literature. This conceptual move has captured changes in politics in a growing ‘network society’ where there is an observable rise of less hierarchical and more collaborative governance arrangements (Rosenau 1992; Rhodes 1996; Rhodes 1997; Hajer and Wagenaar 2003; Dryzek 2009; Backstrand et al. 2010). A critic of the new ways of governing however contends that, even under the ‘new environmental governance’, what is involved is ‘collaboration in the shadow of hierarchy’ in which a variety of stakeholders “provides local knowledge, ownership and legitimacy while the state provides essential steering functions and resources” (Gunningham 2009, p.207). Amidst a growing number of failures among conventional approaches however, many scholars assert the need for, and the value of, having alternatives to current forms of governing the social-ecological systems (see for example, Olsson et al. 2006; Armitage et al. 2009, and Lebel et al. 2006 on adaptive governance; Connick and Innes 2003 on collaborative governance; Agrawal 2003 on the need for greater attention to micro-politics).

A pressing question of our time has been on how to manage the global threat of anthropogenic climate change. Researchers argue that in order for human societies to avoid the critical tipping points leading to rapid and irreversible change, “a fundamental reorientation and restructuring of national and international institutions” both inside and outside the UN system involving public and private actors is needed (Biermann et al. 2012 p.1306). In response to the governance challenge, a transformation of current global environmental politics to increasingly transnational forms of policy making, involving a growing number of non-state actors in voluntary schemes and other coordinated efforts is evident. This is perceived to be a reaction to the detrimental transboundary and large-scale impacts of climate change that are increasingly beyond the reach of individual governments and international cooperation (Chan and Pattberg 2008). Multi-actor, multi-level and multi-centric governance arrangements in inter-governmental, hybrid and transnational settings have gained prominence on the environmental arena (Backstrand and Lovrand 2006; Stevenson and Dryzek 2011). Others use ‘institutional fragmentation’ (see Biermann et al. 2009), or a ‘fragmented leadership landscape’ (Parker et al. 2012) to describe a phenomenon that characterizes the global environmental governance.

Climate governance mechanisms range from private governance to public multilateral diplomacy. The rise of climate partnerships has led to a renovation of multilateralism, furthering predominant trends toward “complex” multilateralism which indicates a changing feature of global governance from a state-centered to a society-centered multilateralism, showing the limitation of intergovernmental modes of decision-making (Backstrand 2013). Different models of multilateral cooperation such as “multi-stakeholder” multilateralism, or “market” multilateralism co-exist, including those outside the purview of UN bodies. While it is acknowledged that there are many climate partnerships between governmental or private actors, Backstrand argues that only a few represent “true” public-private partnerships in terms
of institutionalized cooperation between state and non-state actors (2008 p. 84).

Climate change regime is posited to be the most challenging international regime ever negotiated in terms of its “complexity, the breadth and depth of change that is required, the moral and geopolitical stakes involved and the unthinkable consequences of failure” (Eckersley 2012 p.40). The current global climate governance is however being criticized on various aspects. Okereke for instance contends that it is experiencing ‘responsibility deficit’ that is mainly due to the cooptation of equity norms by neoliberalism, and that there is an extremely low level of support that many developing countries receive in the context of the regimes which purport to be based on common and differentiated responsibility (2008, pp.25-32). A number of academic works on the other hand, reflect a call for more accountability, legitimacy and effectiveness of the system (Baber and Bartlett 2009; Fisher 2010; Bäckstrand 2011; Biermann and Gupta 2011; Dryzek and Stevenson 2011; Eckersley 2012; Stevenson and Dryzek 2012; Biermann et al. 2012).

In the following paragraphs, I discuss the prevailing mode of governance in the climate negotiations associated with the United Nations.

**Multilateralism**

Multilateralism in the environment domain appears to have moved in the direction of equality in a substantive sense that instead of imposing generalized principles of conduct and providing reciprocal benefits over time for all parties, many environmental regimes impose “asymmetric obligations” on the more developed states in favor of the developing world in order to lessen “asymmetries in power, wealth, income, risk, and opportunity” between the two consistent to the principles of “equity and common but differentiated responsibilities and capabilities” (Eckersley 2012 p.26).

The United Nations Framework Convention on Climate Change (UNFCCC) process has been widely recognized as the key international forum to discuss climate change (Karlsson-Vinkhuyzen and McGee 2013). Negotiations conducted under its auspices have been going on for almost 20 years, with a yearly Conference of the Parties - involving essentially every country in the world, plus numerous preparatory meetings (Stevenson and Dryzek 2012). It is the only body viewed to deliver comprehensive, legally binding international climate treaty, but the failure of the Copenhagen, Cancúin and Durban conferences to produce a new, legally binding treaty has generated increasing concern over the capacity of the multilateral climate negotiations to efficiently and effectively respond to the challenge of climate change; with critics of this process arguing that it has become fatally cumbersome as “it requires the impossible: consensus decision-making by 194 parties on every line of a complex and lengthy treaty” (Eckersley 2012 p.24) touching on a wide range of issues in multiple policy area (Parker et al. 2012). Moreover, some academic researchers have posited that the Copenhagen UN climate summit marked a legitimacy crisis of global climate diplomacy and
the retreat of climate multilateralism, undermining multilateral norms of democratic legitimacy, such as equal participation and transparency (Fisher 2010; Bäckstrand 2011).

It is worth noting however how the UNFCCC is regarded among state and non-state actors as the legitimate principal forum in the long-term despite extensive criticism for lack of progress in UN climate diplomacy and the rise of “club model” of multilateralism (see Bernstein 2011). Even with the observed restriction of civil society access at the climate summit in Copenhagen, the UNFCCC and the UN environmental institutions are perceived to be open for non-state actors compared to other policy fields (Backstrand 2013). There is an increasing interest to find climate solutions outside the multilateral arena. Despite its legitimacy deficit however, a research finding suggests that “effectiveness and legitimacy are unlikely to be advanced by giving up on multilateralism altogether” (Stevenson and Dryzek 2012, p. 15).

A growing frustration coupled with an increasing interest to investigate the legitimacy and effectiveness of other political arenas of global climate governance away from, or beyond the conventional multilateral negotiations has led to the conceptualization of alternative proposals to the current UNFCCC architecture and decision-making processes, which I will discuss in the following section.

3 Exploring Alternative Governance Reform Proposals

Academic analyses and recent developments recognize ‘minilateralism’ as a strategy that can respond to the clamor for effective international climate negotiations (see Eckersley 2012; Stevenson and Dryzek 2012). A key question we can ask is what governance system can better facilitate negotiations that would likely lead to comprehensive and effective climate agreements? While this system is discernable, the problem on how it can be made operational without undermining procedural legitimacy and justice considerations however calls for further investigation.

Exclusive Minilateralism

The last decade has witnessed the emergence of several minilateral climate change forums. These include for example, the Asia-Pacific Partnership on Clean Development and Climate (APP) with Australia, China, India, South Korea, Japan, and the US as the six member countries; The Major Economies Meetings during the U.S. President Bush administration which was a series of US-sponsored meetings of the top fifteen emitting economies, intended to “complement” the UN process (membership became seventeen during the Obama administration when it was re-launched as the Major Economies Forum on Energy and Climate - MEF); and The Group of Eight (G8) composed of economically powerful nations, namely: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the US. In a study conducted which examined these three forums, the results show some serious
shortcomings brought about by their low level of civil society participation, absence of accountability mechanism through which stakeholders can hold the decision makers accountable, and their poor performance on equity considerations, having a tendency to aggravate North-South disparities. Moreover, their effectiveness is also questionable, either in terms of ambition, or results. Despite their legitimacy and effectiveness deficit notwithstanding, they play a role in “discursive contestation over the architecture of international climate governance”. The APP and MEM for instance were used by key developed states to support a norm of voluntarism, advocating a weaker legal form in the design of any post-2012 climate agreement (see Karlsson-Vinkhuyzen and McGee 2013, pp.60-74).

Recognizing the collective capacity of critical players to realize collective goals believed to produce more effective agreement drives the interest of those proposing to formalize the practice of exclusive minilateralism (Eckersley 2012). One of its defenders suggests that the number of participating countries in a minilateral climate change forum will be limited to twenty considering the world’s top twenty carbon polluters which account for about 75 per cent of global emissions. While acknowledging the undemocratic and exclusionary nature of this governance arrangement, the researcher does not seem to consider its defects a big deal if compared to the pitfalls of multilateralism and argues that it could form the basis for more inclusive agreements (Naim 2009 in Eckersley 2012). Such claim for inclusiveness is however contentious given its weakness in the level of representation of competing interests and differing perspectives. As Eckersley has put it, exclusive minilateralism is “elitist, procedurally unjust, self-serving, and likely to thwart the justice principles of the UNFCCC” (2012, p.26). Sacrificing representation for the sake of cost-efficiency does not solve the effectiveness problem that current multilateral forums face. It marginalizes the most vulnerable states whose representation is crucial in coming up with a comprehensive climate agreement as it brings with it certain interests shared by most countries in the world.

**Inclusive Minilateralism**

Designed to avoid the dangers of exclusive minilateralism and endeavors to reconcile the tension between procedural legitimacy and effectiveness, Eckersley (2012) had proposed ‘inclusive minilateralism’ which combines the idea of critical mass with inclusive representation. Adhering to what she describes as ‘common but differentiated representation’, representatives of countries considered to be the 1) ‘most capable’ of bearing the costs of mitigating greenhouse gas emissions and of assisting developing countries with mitigation and adaptation; 2) the ‘most responsible’ in terms of historical, aggregate and forecasted emissions; and 3) the ‘most vulnerable’ to the impacts of climate change and have the least capacity to adapt, will constitute the ‘Climate Council’. This minilateral forum is conceptualized as recommendatory body imbedded in the UN negotiation process. Its main
responsibility is to reach an agreement on most crucial matters such as the question of medium-and long-term emission reduction targets that will be presented to, and approved by the UNFCCC Conference of the Parties, which will have the final power to accept, modify or reject Council recommendations. The proponent argues that recommendations on long and near term mitigation targets forged within the Climate Council has the greater probability to serve as a stepping stone towards a more inclusive multilateral agreement than informal, exclusive minilateral agreements made by the major emitters. It is also emphasized that this “Council would be small and manageable enough to enhance the prospects of meaningful dialogue and creative compromise and diverse enough to avoid the representation deficits of exclusive minilateralism” (Eckersley 2012, p.26; see also Stevenson and Dryzek 2012).

Eckersley’s proposal for inclusive minilateralism is a great improvement of exclusive minilateralism. The inclusion of countries other than the major emitters in the minilateral forum and the latter’s link with the multilateral negotiation process offer a greater potential for an enhanced interest representation and transmission. However, if the task includes reducing the legitimacy deficit that characterizes exclusive minilateralism without undermining effectiveness, it does not seem to have moved that far. As a complex problem, climate change does not only include interests that relate to emission reduction, mitigation and adaptation respectively. Since it encompasses many other issues and interests, perspectives solely coming from the ‘most responsible’, the ‘most capable’, and the most vulnerable’ countries could be too limiting, marginalizing those that are not being represented. While it is true that involving so many people at the negotiating table can be counterproductive, leaving their interests unrepresented can also raise accountability question that can adversely impact the legitimacy and effectiveness of a treaty or any decision. Moreover, if civil society’s participation can contribute in democratizing global climate governance, why don’t non-state actors have any role in what is claimed as ‘inclusive’ governance mechanism?

**Inclusive Minilateralism plus Discursive Representation**

Contending that existing proposals to reform multilateral negotiations promise greater effectiveness, but still fall short on legitimacy, Stevenson and Dryzek (2012) had suggested combining discursive representation with minilateralism. While the proponents acknowledge Eckersley’s inclusive minilateralism as an effort to resolve the tension between effectiveness and legitimacy, they have posited that there are discourses that would be left unrepresented if representatives will be sought only on the basis of responsibility, capability, and vulnerability. They have cited the following as the basic reasons why they want all relevant discourses to be represented in a forum: a) rationality: one of the standard arguments for democracy is that it enables the criticism of policies both before and after their implementation from a variety of directions; b) feasibility: in a global context, absent a well-
defined people or demos, representing discourses is actually much easier to organize than representing persons; c) discursive psychology: individual subjectivity is often crafted at the intersection of multiple discourses; and d) ethics: if discursive psychology holds, then discursive representation means that all the discourses to which an individual subscribes get represented (Stevenson and Dryzek 2012, p.12; for an elaboration of these, see Dryzek and Niemeyer 2008, pp. 482–485).

To improve effectiveness and discursive legitimacy of the UNFCCC, the proposal endeavors to link minilateralism with reformed access for civil society, noting that in Eckersley’s inclusive minilateralism, “the COP is the ‘polity’ from which representation is drawn, and conventional bounds of authorization and accountability would link the COP and the Climate Council – but would not run to civil society, which has no obvious place in Eckersley’s representative scheme” (Stevenson and Dryzek 2012, p.12). In discursive representation, a mapping of the “constellation of discourses that exist on global climate change issues needs to be carried out before identifying good representatives of all the relevant discourses. The proponents argue that to be effective there is a need for discursive representation to be somehow “incorporated into deliberation that is authentic and consequential as well as inclusive”. They suggest that such kind representation could plausibly be applied as one of the key principles in the selection of states that would participate in what Eckersley conceptualized as ‘Climate Council’ to enhance its inclusiveness. And as a way of improving non-state actor’s participation, they put forward the idea of “Chamber of Discourses” which was earlier introduced by Dryzek and Niemeyer (2008). Discursive representatives from the civil society may then constitute said Chamber whose main role is to deliberate. Stevenson and Dryzek theorize that Eckersley’s Climate Council could be required to respond to any conclusions or recommendations reached by the Chamber. The Council will in turn submit its decisions to the UNFCCC Conference of the Parties for formal ratification. While accepting that such kind of relationship is not sufficient in itself to grant legitimacy to any agreements reached, they argue that it can contribute in enhancing the legitimacy of global climate governance, and “one very obvious way for the UNFCCC process to discharge its obligation to consult with, seek input from, be accountable to, and so gain legitimacy from an engagement with non-state actors” (Stevenson and Dryzek 2012, p.14).

The proposal for inclusive minilateralism plus discursive representation is well positioned to advance both procedural and substantive climate justice. Its idea of institutionalizing civil society participation through this means is also laudable. While the proponents impliedly accept the co-existence of a multilateral forum (the UNFCCC COP), a minilateral forum (the Climate Council in Eckersley’s term), and the hypothesized ‘Chamber of Discourses’, I don’t find it necessary to have the minilateral forum that is constituted by another group of state actors (Climate Council) given the presence of the other body that employs discursive representation. It appears that it will only add another layer of bureaucracy whose function may not be essential compared to that of the UNFCCC Conference of the Parties in terms of
reaching a climate treaty. Why can’t the non-state actors serving as discursive representatives move closer to the state-based multilateral forum?

When describing the different climate governance modes in the aspect of representation, we can say that multilateralism has the most inclusive representation in terms of number of state actors representing; exclusive minilateralism has obviously a representation deficit; while inclusive minilateralism which is based on ‘common but differentiated representation’ may be less inclusive than multilateralism, it appears to have a more inclusive ‘representativeness’ compared with exclusive minilateralism and offers the potential to reach a more timely climate treaty than the inclusive multilateralism. While inclusive minilateralism looks mindful of procedural rights by enhancing representation, it still falls short on democratic legitimacy that would likely have an adverse impact on its effectiveness. When inclusive minilateralism linked to the UNFCCC COP is however combined with discursive representation as a means to profoundly substantiate inclusiveness and subscribe civil society’s access in key decision-making process, the prospect of both legitimacy and effectiveness becomes brighter.

Building mainly on the proposals for ‘inclusive minilateralism’ and ‘inclusive minilateralism plus discursive representation’ as conceptualized by Eckersley (2012), and Stevenson and Dryzek 2012) respectively, I will illustrate in the following section what might a global climate governance architecture look like when operationalized. While I adhere to the same basic governance principles that the authors have advanced in their arguments, I make few changes on specific institutional arrangements that they have proposed.

4 Institutionalizing Non-State Actors’ Participation in Climate Governance

I will discuss what I propose as a climate governance architecture (Figure 1) utilizing Dryzek’s notion of a deliberative system that is basically constituted by a public space, empowered space, transmission and accountability, and decisiveness of its features in determining collective actions (2011, p.225-226). While I recognize deliberation as an essential part of both the public and empowered spaces and that the civil society’s ‘critical distance’ from the latter is important in raising accountability at this space, I put forward the idea of a bridging institution as an added component of the system to underscore the value of a mechanism needed for a more strategic transmission of public interests and opinions to the empowered space. I highlight the role of a ‘bridging institution’ in providing a systematic avenue for non-state actors’ participation that can better fulfill a promise of a consequential impact on international climate negotiations.

This added feature, which advocates discursive representation, is also meant to address the legitimacy deficit in current climate governance systems.
The following elaborates the above template in the context of global climate governance.

**Public and Empowered Spaces**

State actors represented by the UNFCCC Conference of the Parties serving as the governance and decision-making body primarily inhabit the empowered space. On the other hand, occupying the public space is a vibrant civil society which has the ability to express a plurality of values especially including those undermined by the state or market, in a more or less unconstrained manner (acting as political pressure group, putting forward their advocacy, or challenging the socio-political system through various means of expressions such as lobbying, dialogues, protests, boycotts among others). While it is necessary to keep civil society at the public space active and discursively engaging given its inherent advantage in its accountability-enhancing role and its potential to contribute in improving the legitimacy and performance of the overall governance mechanism, it is equally important to explore strategies that could facilitate transmission channels where public interests can be more
strategically and sustainably integrated in authoritative decisions influencing collective outcomes.

**Why Discursive Representation?**

Any democratic environmental decision-making arena calls for representation of stakeholders’ interests and values; such is supposedly a minimum requirement for an empowered space in the process of obtaining legitimacy. Some academic researchers point out that a first practical challenge in governance reform is the design of governance institutions that guarantee balanced inclusion of diverse interests and perspectives (Biermann and Gupta 2011). Vieira and Runciman contend, “Representation is an open-ended concept that is able to accommodate a wide range of different political visions, including long- as well as short-term political thinking. ...Whatever solutions are to be found to the problems the world currently faces, they will have to involve representation in some form or other since there is no plausible form of politics in the modern world that can eschew the concept of representation altogether. We cannot do without representation if we are to assert our presence, and shape our environment collectively” (2008, p.183-191).

Common practices reflect ‘descriptive representation’ that Mansbridge had put forward giving emphasis on the virtue of shared experience in which “representatives are in their persons and lives in some sense typical of the larger class of persons whom they represent” (Mansbridge 1999, p.629). This more conventional representation of persons and groups, while having its benefits, does not guarantee adequate accommodation of interests and values. Some factors can weaken a descriptive representation’s representativeness as well as its transformative potential. These can include financial resource limitation, constraint in the individual actors’ communication skills or language barrier, and the limiting effect of state dominance.

Implications of some disappointing performance of climate negotiations suggest the prospect of representing discourses to be more enabling and encompassing in terms of improving substantial representation, that is, representation of interests that can lead to more comprehensive treaty more efficiently. A discourse refers to a “special ensembles of ideas, concepts and categorization that are produced, reproduced and transformed in a particular set of practices” (Hajer 1995, p45). Discursive representation is associated with theories of deliberative democracy that put emphasis on the “engagement of discourses in existing institutions of government and the broader public sphere, and those that ponder the design of deliberative institutions as part of the architecture of government” (Dryzek and Niemeyer 2008, p.481).

Even in some identified contexts in which ‘descriptive representation’ is viewed to be favorable for the disadvantaged groups (Mansbridge 1999) discursive representation seems to be decisive in enhancing representation of interests and values, and can be complemented by
the descriptive representation utilizing discourses in its reflexive engagements. In the context of representing indigenous peoples for example, what determines its representativeness is not much about the fact that the representative is a tribal group elder whose skin color and other physical attributes or life circumstances are akin to the peoples he represents. These are important and are often enabling factors but these do not ensure effectiveness in transmitting views and values. What looks more critical in terms of influencing collective action is his capacity to articulate and put forward his tribe’s interests in decision-making processes through discourses. I then argue that while descriptive representation is contingent, discursive representation is a necessary condition, for how else can one capture interests and values better than through the discourses articulated by those who hold or support them? Furthermore, a danger in representing actors directly by personal or sectoral representatives is that it tends to erase the possible converging values among descriptive representatives that could have been enabling for collective actions and more sustainable outcomes.

Discursive representation has the potential to resolve some aforementioned constraining factors. It is relatively cost-efficient avoiding usual material costs entailed in representation of persons or groups. It can narrow or bridge the communications skills gap between and among descriptive representatives by giving prime consideration to discourses rather than the people supportive of them; and gives the responsibility to deliberate to those having competence to articulate them better, giving a relatively more equal footing to the discourses and interests represented.

What I particularly emphasize in the notion of public space are not the actors or sectors themselves but their interests and values, represented by discourses that are formed not exclusively by civil society members but through the dynamic interactions between non-state and state actors. This assumes that discourses put forward in the public space inevitably reflect different shades of interests shared within and/or among individuals regardless of their sectoral affiliation. It would then be less reasonable if representation were anchored on persons or sectors than basing it on discourses that aptly capture the heterogeneous nature of interests. It is easy to think of clusters of discourses showing how some values can be commonly intertwined in another value. Applied in the global arena for example, it is not surprising if countries or their citizens who promote climate change adaptation and poverty reduction also advocate climate change mitigation measures and ecosystem protection even if they also support livelihood and economic growth; or that some interest put forward by the most vulnerable island states are also advocated by big economies. These overlaps call for an alternative and more innovative way of representing.

Discursive representation has the potential to resolve some issues that one encounters in the world of theories and practice. It responds to the problem associated with public participation that is closely tied to the vague nature of civil society (see Hendrik 2006). It makes one think beyond the ‘who’ question to the ‘what’ and therefore has the potential to be more inclusive as it pays better attention to substance more than its form (e.g. interest itself, rather than the interest holder, and therefore more universal and encompassing). It is then also attuned to
those advocating for a representation of nature or of the future generation. An emphasis in
discursive communication facilitates deeper understanding of fundamental bases of
individuals’ preferences that can shed light on more universal principles upon which they are
based. It recognizes the complexity of human individuals (or an organization) and points out
that a more practical alternative to capture them is through different discourses that are
treated separately. Moreover, by representing discourses, it avoids giving an undue advantage
to an already relatively more ‘influential’ person or sector in a deliberative arena as it
attempts to address the issue of stakeholders’ difference in terms of communication
competence, which is prevalent in the conventional way of representing. And it can address
logistical and material constraints rendering the infeasibility of face-to-face participation and
descriptive representation in some cases.

How can we advance inclusive participation and fair representation of differing interests and
perspectives given the inherent differences in material resources? Having an opportunity to
participate is one thing; the capacity to access such opportunity is another. In the context of
global climate governance, non-state actors participation in activities relevant to negotiation
processes requires material resources that the already marginalized groups such as the
indigenous peoples and some NGOs from the Global South often lack (see Orsini 2013). As a
result, “the ideals of collaborative problem-solving and stakeholder participation have been
less pronounced in policy practice than in official multilateral rhetoric” (Backstrand and
Lovrand 2006 p.70).

The nature of representation will have implications on the issue of distributive justice in
various levels and scales of environmental governance. To realize its justice-facilitating
potentials, how can we institutionalize discursive representation as a strategy in integrating
procedural and substantive rights into climate governance and decision-making?

**Bridging Institution and Non-State Actors’ Participation**

An important device to operationalize discursive representation is having a ‘bridging
institution’ responsible in mapping and representing the discourses from the public space.
This may mean improving the role of the UNFCCC Secretariat as a support unit of what I
choose to call here as a ‘Climate Forum’, and together serves as a functional ‘bridging
institution’ in the interface between the discourse-holders and the policy-makers (Dano
2013). The envisaged bridging institution will be responsible in researching, mapping, and
deliberating the differing discourses (both dominant and marginal) relevant to the policy issue
under consideration and transmits them to the authoritative body. The same unit can function
to feed back to the public the recommendations resulting from the deliberation and the
decisions made. Moreover, the bridging institution has the capacity to downgrade elitist
structures or procedures.

The relevance of a ‘bridging institution’ is also acknowledged in the literature as it is akin to
what other researchers term as boundary or bridging organization (see for example Cash et al.
framing it as that which mediates differences inherent in conflicting perceptions and interests as it plays an intermediary role between different arenas, levels, or scales and facilitate the co-production of knowledge (Cash et al. 2006) in the boundary between science and policy for instance (Clark et al. 2011). When analyzed in relation to discursive representation, this organization serves as instrument in distilling discourses and improving transmission; it may or may not be officially attached to the empowered space, and like many NGOs or other private organizations partnering with the government, it may ‘come and go’ but its effectiveness in transmitting public values and interests through the discourses relies much on its salience and credibility.

In the above prototype (see Figure 1) where the ultimate decision-making responsibility remains in the hands of the state representatives, an embedded Climate Forum employing discursive representation can enhance both legitimacy and effectiveness. Like Eckersley’s idea of the Climate Council, it is connected with the UNFCCC Conference of the Parties, but unlike it, instead of having state actors representing the most capable, the most responsible, and the most vulnerable states, non-state actors serving as discursive representatives (comprehensively covering discourses relevant to climate change) will constitute its membership. Employing 'discursive representation' is not only compatible with Eckersley's recognition of the virtues of 'responsive' and 'indicative' representations but can in fact serve to enhance them, and likely address some 'hesitations' she mentioned associated with the Climate Council proposal (see Eckersley 2012 pp.38-39).

The Climate Forum will serve as a recommendatory body (which engages discourses, and deliberates in aid of decision and policy-making processes) and is still linked to the Conference of the Parties that does the formal ratification. Its nature is close to that of Stevenson and Dryzek’s 'Chamber of Discourses' in their proposal. Its representation being discursive, it is more encompassing, and will be accountable to the polity- both the member states represented in the COP as well as the broader public. Addressing some discursive disconnects that exist between the public and empowered spaces, this added layer of accountability has also the potential to improve the UNFCCC's legitimacy. I suggest that the non-state actors constituting the Climate Forum/discursive representatives will be coming from reputable and competent research organizations, and universities. Membership of the representatives is interim and their number is contingent as these are need-driven, depending on the discourses that have to be represented in response to the issues under consideration, although it should also take into account well-grounded ideal numbers enabling for an effective deliberation.

The UNFCCC Secretariat can feasibly take charge in the mapping of discourses. Representatives of each relevant discourse can be chosen from among those who meet the criteria that are set out (choosing options may largely depend on the objectives of the deliberation and the material resources available but basic considerations ideally include the strength of one’s support to the discourse to be represented, and communicative competence as minimum requirement). This proposal is a way of systematizing inclusive interests
representation, as well as institutionalizing non-state actors’ participation in international climate negotiations. It does not preclude (in fact this can encourage) a vibrant and vigilant civil society's parallel existence at the public space maintaining a critical distance and an arena of contestations.

5 Conclusion

When I advanced discursive representation in the proposed governance architecture specifying that the articulate should represent discourses, it may create tension with the egalitarian aspect of democracy emphasizing that all people are equal and therefore deserve equal rights and opportunities. Discursive representation does not undermine equality and distributive justice. In fact, it raises them. However, it recognizes that there are fundamental disparities when it comes to actors’ capacities to influence decisions and collective actions which need to be addressed in a more creative way to advance the broader interests of marginalized sectors, because in order for basic institutions to realize the value of equality, “they must be to the greatest benefit of the least advantaged members of society” (Rawls 1985, p.227).

Upgrading the current legitimacy status of the global climate governance system cannot be addressed without looking beyond conventional practices. Some radical proposals for systemic transformation are readily available in the literature; they just need to be buttressed and implemented so that the ideals of governance will become a reality and not just rhetoric. A key proposition emanating from the analyses is that institutionalizing non-state actors’ participation employing discursive representation in a bridging institution is a viable strategy to integrate procedural and substantive rights into climate governance and decision-making. By combining discursive representatives with the UNFCCC Secretariat to constitute the bridging institution, it creates an added accountability-enhancing layer that can improve the overall legitimacy and effectiveness of the system. Moreover, the proposal to have a discursive bridging institution integrated with a state-based multilateral forum is also consistent with the Conference of the Parties’ role to “seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies” (Article 7, UNFCCC 1992), as well as with the States’ responsibilities to promote and facilitate public participation, public access to information, and international cooperation with respect to addressing climate change (Article 6, UNFCCC 1992). The envisaged engagement of non-state actors with the UNFCCC Conference of the Parties in a state-based multilateral forum creates a higher potential for transmission of public interests and opinions that can lead to more legitimate, just, and effective collective actions.
References


