



## The Secretariat of the Climate Convention

### Make a Living in a Straitjacket

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The Global Governance Project is a joint research programme of eight European research institutions. It seeks to advance understanding of the new actors, institutions and mechanisms of global governance, especially in the field of sustainable development.

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## **Abstract**

This paper explores the role and function of a particular organizational form in the architecture of global environmental governance: international treaty secretariats. Although the relevance of treaty secretariats in international negotiations, rule-setting and implementation has been acknowledged by a number of scholars, social science research still lacks theoretical distinction and empirical scrutiny in understanding when and how they affect global environmental governance. The paper explores these questions by analyzing and explaining the influence of the secretariat to the United Nations Framework Convention on Climate Change, the climate secretariat. It directs the attention to the bureaucracy that manages and influences the activities of the collectivity of member states and acts in the international arena. The paper is part of the research project MANUS that analyses the influence of international bureaucracies in global environmental governance. In line with the MANUS analytical framework, this paper distinguishes three dimensions of influence: cognitive, normative and executive. Bureaucracies can act as 'knowledge-brokers', as 'negotiation-facilitators', and as 'capacity-builders'. The variables that may explain possible influences are integrated into three clusters: the external problem structure; the polity set by the bureaucracies' principals within which the bureaucrats operate; and the activities and procedures that the staff of the bureaucracies develops and implements within the constraints of problem structure and polity framework. The analysis shows that the influence of the climate secretariat has been largely restricted to the normative dimension. Within this dimension, its influence has been limited to the facilitation and support of international negotiations, and the climate secretariat has not been able to make substantial independent contributions to the negotiations. The paper identifies the problem structure, in this case the political and economic interests at stake in the international negotiation and implementation of climate policies, as the main constraint on the climate secretariat's influence.

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## Foreword

This working paper was written as part of the Global Governance Project, a joint research programme of eight European research institutions that seeks to advance understanding of the new actors, institutions and mechanisms of global governance. While we address the phenomenon of global governance in general, most research projects focus on global environmental change and governance for sustainable development. The Project is co-ordinated by the Institute for Environmental Studies (IVM) of the Vrije Universiteit Amsterdam and includes associate faculty members and research fellows from eight European institutions: Science Po Bordeaux, Bremen University, Freie Universität Berlin (Environmental Policy Research Centre), London School of Economics and Political Science, Oldenburg University, Potsdam Institute for Climate Impact Research, Vrije Universiteit Amsterdam, and Wageningen University.

Analytically, we define global governance by three criteria, which also shape the research groups within the Project. First, we see global governance as characterised by the increasing participation of actors other than states, ranging from private actors such as multinational corporations and (networks of) scientists and environmentalists to public non-state actors such as intergovernmental organisations ('multiactor governance'). These new actors of global governance are the focus of our research group MANUS—Managers of Global Change.

Second, we see global governance as marked by new mechanisms of organisation such as public-private and private-private partnerships, alongside the traditional system of legal treaties negotiated by states. This is the focus of our research group MECGLO—New Mechanisms of Global Governance.

Third, we see global governance as characterised by different layers and clusters of rule-making and rule-implementation, both vertically between supranational, international, national and subnational layers of authority ('multilevel governance') and horizontally between different parallel rule-making systems. This stands at the centre of our research group MOSAIC—Multiple Options, Solutions and Approaches: Institutional Interplay and Conflict'.

Comments on this working paper, as well as on the other activities of the Global Governance Project, are highly welcome. We believe that understanding global governance is only feasible through joint effort of colleagues from various backgrounds and from all regions of the world. We look forward to your response.

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## Introduction

“We support cooperative action by States to combat climate change and its impacts on humanity and ecosystems.”<sup>1</sup> So reads the introducing clause in the staff vision of the intergovernmental bureaucracy that states created to assist them in their cooperative struggle to confront climate change: the climate secretariat. It services states in the negotiation and implementation of what has been described as “being one of the most ambitious treaties ever adopted” (Oberthür and Ott 1999:95) and “the most profound and important global agreement of the late twentieth century” (Grubb et al. 1999:xxxiii), which in many respects “is without precedent in international affairs” (Grubb et al. 1999:xvii).

In 1992, alarmed by increasing scientific evidence on anthropogenic interference with the climate system, governments had adopted the United Nations (UN) Framework Convention on Climate Change (“climate convention”).<sup>2</sup> Its ultimate objective is “to achieve, (...), stabilization of greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system” (climate convention, article 2). In another nine years of intense negotiations often on the brink of failure governments agreed upon two other landmark agreements of the climate regime. In 1997, they adopted the Kyoto protocol, which specifies legally binding reduction targets for greenhouse gas emissions in 38 developed countries. In 2001, they agreed upon the Marrakech Accords, which lay down implementation rules for the Kyoto protocol.<sup>3</sup>

In this paper, I investigate how the climate secretariat has supported states in the negotiation and implementation of the climate regime, whether it had autonomous influence on the regime evolution, and what explains its influence. Yet, academic literature has neglected the secretariat, although the negotiations and the implementation of the climate regime have attracted considerable attention in the literature. So far, the analyses have focused on five research areas: 1) the political conflicts between negotiating parties and their impact on negotiation outcomes (e.g. Schröder 2001; Mintzer and Leonard 1994; Paterson 1996; Biermann 2005); 2) the role of science and other non-governmental actors in regime formation and implementation (e.g. Newell 2000; Boehmer-Christiansen 1994; Brunner 2001; Siebenhüner 2002a, b); 3) the normative or empirical assessment of the regime, its expected impacts and its mechanisms (e.g. Grubb et al. 1999; Oberthuer and Ott 1999; McKibbin and Wilcoxon 2002; Böhringer 2003; Victor 2001); 4) questions related to regime implementation and effectiveness (e.g. Schram Stokke et al. 2005; Dixon 2004); and 5) issues of equity and ethics (e.g. Biermann 1999; Pinguely-Rosa and Munasinghe 2002; Carraro 2000; Metz et al. 2002). In this literature the secretariat has at best been mentioned in side notes. Only a

<sup>1</sup> <http://unfccc.int/secretariat/items/1629.php>

<sup>2</sup> See Weart (2003) and Houghton (2004) on the history of climate science. See Bodansky (2001) and Jäger and O’Riordan (1996) on the historical evolution of the climate regime.

<sup>3</sup> See Yamin and Depledge (2005) for a comprehensive account of the rules, institutions and procedures of the convention and the Kyoto protocol. See Grubb, Vrolijk and Brack (1999) and Oberthür and Ott (1999) for an assessment of the Kyoto protocol. See Dessai and Schipper (2003) and Babiker et al. (2002) for an assessment of the accords.

very few scholars have in some detail addressed the role and influence of the secretariat (in particular Depledge 2005:62-79, forthcoming; Yamin and Depledge 2005:500-508).

I start with a brief introduction to the analytical framework, on which my research draws (see for more details Biermann and Bauer 2005; Biermann and Siebenhüner, forthcoming). Subsequently, I describe the secretariat's activities and assess the cognitive, normative, and executive influences of the secretariat. I then link the observations to the explanatory variables of the analytical framework, namely polity, problem structure, and people and procedures.

## The Analytical Framework

This research is part of the comparative research project MANUS—*Managers of Global Change*, which studies the influence of international bureaucracies in global environmental governance. This paper thus follows the overall analytical framework that has been developed by the MANUS project team (Biermann and Bauer 2005, Biermann and Siebenhüner, forthcoming). The MANUS project distinguishes the influence of international bureaucracies in three dimensions: cognitive, normative, and executive. Bureaucracies may act as “knowledge-brokers” that gather, synthesise, process, and disseminate scientific or other forms of knowledge and change the knowledge or belief systems of other actors (cognitive dimension). They may perform as “negotiation-facilitators” that create, support, and shape norm-building processes for issue-specific international cooperation and can thus influence the outcomes of international cooperation (normative dimension). And they may operate as “capacity-builders” that assist countries in their efforts to implement international agreements and thereby help countries to comply with international rules or even shape domestic policies (executive dimension).

To explain any observed cognitive, normative, or executive influences, this paper explores the explanatory potential of three groups of variables that have been identified in the MANUS project as affecting the capability of international bureaucracies to change the behaviour of other actors: *polity*, *problem structure*, and *people and procedures*. These factors have been derived from different bodies of literature, namely international relations theory, organizational theories and management studies (see in detail Biermann and Bauer 2005 and Biermann and Siebenhüner, forthcoming). *Polity* refers to the formal structures, the legal and institutional setting within which international bureaucracies operate, as well as the competencies and resources at the secretariat's command. *Problem structure* refers to the stakes and costs involved in addressing or not addressing a given problem, its saliency and urgency, and its complexity in terms of the availability and feasibility of solutions. *People and procedures* comprises four variables: 1) *expertise*, that is the ability of international bureaucracies to generate and process knowledge; 2) *organizational structure*, that is the formal structures of bureaucracies and the formalized internal rules and procedures that assign tasks and positions in the hierarchy; 3) *organizational culture*, that is the processes of decision-making, professional cultures and backgrounds of the staff members in the international bureaucracy; and 4) *leadership*, that is the specific behaviour of staff members, in particular of the executive level, vis-à-vis external actors.



## The Influence of the Climate Secretariat

### *Cognitive Influence: back-up server*

The climate secretariat does not generate new knowledge or contribute to the scientific understanding of climate change. However, it stores, compiles, and distributes all factual information that is essential for the regime and that regime participants submit in response to their reporting or other obligations. It prepares and makes available documents that present the submitted information without adding any factual analysis or evaluation. In general, the climate secretariat cleanses all information from any political or policy-sensitive implications. It maintains several online databases, e.g. on clean development mechanisms, joint implementation, greenhouse gas inventories, on the development and transfer of climate friendly technologies, and on public information, education and training in the field of climate change. Moreover, on its website the climate secretariat ensures the availability of all official documents since the start of the negotiations in 1991. Its informatory output serves the purpose of keeping regime participants informed and facilitating the intergovernmental process. Occasionally, the climate secretariat develops information products, publishes press releases, or gives interviews to inform the public (Depledge 2005:68).<sup>4</sup> By 2005, the secretariat had published 13 background documents. Between 2001 and 2005, the secretariat issued 43 press releases and from 2002 to 2005 staff members gave 34 interviews.<sup>5</sup> However, it has never attempted to shape public or scientific discourses or to push these towards a specific political direction. Nor does it play an important role in keeping the issue on the agenda.

Nevertheless, in analytical, political, and scientific assessments and related discourses, policy makers, negotiators, media, science, and civil society often draw on the information that the climate secretariat compiles and disseminates. In particular, governments and their delegates use the climate secretariat's output.<sup>6</sup> In an internal review of the climate secretariat's activities, parties expressed their satisfaction with the information and documents provided. At the same time, they requested additional informatory and documentary support from the climate secretariat. They also urged it to publish more information in languages other than English (UNFCCC 2005). This demand from parties for the climate secretariat's output and its appreciation indicates the importance and relevance of the information and documentation of climate secretariat.

Likewise, other stakeholders appreciated the output of the climate secretariat. In a survey about the climate secretariat's online database on the development and transfer of climate friendly technologies 85 percent of 303 respondents from 81 countries found the information useful and relevant to their work (UNFCCC 2004). An expert survey supports these results: 23 (82%) of the 28 respondents judged the climate secretariat's output to be relevant for their work (Tarradell 2006). The frequency of

<sup>4</sup> Author's interview with staff member of the climate secretariat, secretariat headquarters, Bonn, 12 July 2004.

<sup>5</sup> See [http://unfccc.int/essential\\_background/items/2877.php](http://unfccc.int/essential_background/items/2877.php) and <http://unfccc.int/press/items/2794.php>.

<sup>6</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

visits and downloads on the climate secretariat's homepage underscores this assessment. From 1999 to 2004, roughly 80.000 return visitors visited the website on annual average. During the same period document downloads amounted to over 24 million.<sup>7</sup> In 2004, the climate secretariat estimated that at least 50.000 to 60.000 people around the globe follow the climate regime by utilizing information on its website.<sup>8</sup> Moreover, between 1996 and 2005 over 800 academic articles quoted documents that the climate secretariat had prepared.<sup>9</sup>

In sum, the climate secretariat functions as important, but passive and apolitical information hub in the climate regime that does not autonomously interfere with any political, scientific, or public discourses.

### *Normative Influence: technical assistance*

A review of scholarly accounts of the negotiations of the climate regime suggests that the climate secretariat neither has shaped the political outcomes of the negotiations nor convinced parties to agree on the adoption of specific measures (see for example Grubb et al. 1999; Grubb and Yamin 2001; Ott 2001b; Schröder 2001; Vrolijk 2002; Depledge 2005; Oberthür and Ott 1999). Such indications lack in the daily reports of the Earth Negotiations Bulletin, too.<sup>10</sup> When reporting on other multilateral negotiations, these reports usually devote a separate section to the roles of treaty secretariats. By contrast, the more than 300 reports on the negotiations of the climate regime do not contain single separate section on the role and influence of the climate secretariat. As in the academic analyses, in these reports the majority of references to the climate secretariat describe the input that the climate secretariat provided or requests of parties to the climate secretariat. Likewise, not single interviewee in the climate secretariat was willing to attribute any autonomous political influence to the climate secretariat.<sup>11</sup>

The climate secretariat merely facilitates, supports, and coordinates and thereby<sup>12</sup> mainly responds to requests of parties. The climate secretariat has not tried to tell parties what they should agree. At best, it has assisted parties in their efforts to agree upon approaches acceptable to them whenever parties requested.<sup>13</sup>

However, Yamin and Depledge view the climate secretariat as important and pivotal in that respect. They show that within these confines it has contributed to the smooth progress of negotiations by providing advice mainly on technical issues and by organizing the negotiations (Yamin and Depledge 2005:432 and 507; see also Depledge

<sup>7</sup> UNFCCC Website Statistics, cited December 29, 2005, available for download from [http://unfccc.int/essential\\_background/about\\_the\\_website/items/3358.php](http://unfccc.int/essential_background/about_the_website/items/3358.php)

<sup>8</sup> Author's interview with staff member of the climate secretariat, secretariat headquarters, Bonn, 1 July 2004.

<sup>9</sup> According to the SCOPUS database (accessible at [www.scopus.com](http://www.scopus.com), subscribers only).

<sup>10</sup> ENB is an independent reporting service that provides daily information about multilateral negotiations of 26 international environmental agreements.

<sup>11</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12 – 16 July 2004.

<sup>12</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12, 14, and 15 July 2004.

<sup>13</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12, 14, and 15 July 2004.

2005:73). That parties have on a number of occasions expressed their appreciation for the climate secretariat's role in the negotiations confirms this judgment (e.g. ENB 2005:18, 2003a:2, 2001b:11 and 12, 2000:17, 1996a:11). However, the facilitation of tangible outcomes did not transcend support of parties in translating political agreements into hands-on technical approaches.<sup>14</sup> The climate secretariat supported the parties in three ways.

Firstly, the climate secretariat facilitated successful outcomes by providing technical advice. On the request of parties (see also Depledge 2005:70-76), it then analyzes specific technical and methodological issues and thereby discusses a broad range of conceivable solutions or approaches. It carries out the bulk of work in the preparation of drafts for decisions, proposals, conclusions, resolutions, or negotiating texts (Depledge 2005:147). External experts judge this advice to have been "extremely important" (Depledge 2005:74). For example, the climate secretariat's advice facilitated the adoption of the Marrakech accords (Ott 2001a). The climate secretariat helped parties to make sense of the complex and technical issues, and to embark on the final stage of negotiations (Depledge 2005:154). In the aftermath of the seventh conference of parties many parties appreciated the invaluable contributions of the climate secretariat to the progress made in the negotiations (ENB 2001a:1). The most important means to communicate its advice to parties is the assistance the climate secretariat provides to presiding officers in the preparation of drafts and proposals. Although presiding officers or chairs introduce any proposal and draft, the climate secretariat drafts almost every negotiation text (Depledge 2005:73). Even if presiding officers or chairs develop own proposals, they draw on the climate secretariat's advice (Depledge 2005:44). The initial drafts and proposals constitute a fundamental, albeit only facilitative basis from which negotiations evolve (see Chapter 11 in Depledge 2005). Moreover, the climate secretariat facilitates negotiations by removing inconsistencies in drafts or negotiation texts and by identifying options for agreement.<sup>15</sup> Several examples suggest that these contributions fostered successful outcomes. For example, during the negotiation of the Kyoto protocol the climate secretariat, together with the conference chair Raul Estrada, identified options that enabled parties to reach consensus (Oberthür and Ott 1999:83 and 85; see also Depledge 2005:68 and 73; Grubb et al. 1999:64). It made indispensable contributions in the preparation of the negotiating text, which was then positively received by a majority of parties (Depledge 2005:159-161). In the post-Kyoto negotiations the climate secretariat had "coordination teams" in place, which were indispensable in removing inconsistencies in the negotiation texts and the final decisions (Depledge 2005:122).

Conversely, the lack of the climate secretariat's advice has occasionally complicated the negotiations, e.g. during the conference of parties in The Hague when parties struggled with the specification of the implementation rules for the Kyoto protocol. Observers of these negotiations conclude that the limited involvement of the climate secretariat in developing proposals partially caused the failure of parties to reach an agreement. The then president of the conference of parties, Jan Pronk, had not as ex-

<sup>14</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12, 13, 14, and 15 July 2004.

<sup>15</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12 and 15 July 2004.

tensively as other presidents resorted to the advice of the climate secretariat (Ott 2001b; see also Depledge 2005:68 and 162). An additional reason for the failure was the delay in bringing in the controversial issue of sinks into the negotiations. Depledge concludes that the climate secretariat has partly to take responsibility for this delay (Depledge 2005:76).

Secondly, the climate secretariat facilitated tangible outcomes by assisting in the organization and management of negotiations. It gives informal and direct advice to the presiding officers of the negotiations, namely the president of the conference of the parties and the chairs of the subsidiary bodies. Together with the climate secretariat they are responsible for the smooth conduct of the negotiations (Depledge 2005:35-53). Prior to or during the negotiations and on the request of parties, the climate secretariat identifies options and makes strategic proposals on the conduct of negotiations, e.g. on possible outcomes, on the appropriate negotiating arena or group of delegates for dealing with certain issues, on potential procedural pitfalls and hurdles and how they might be overcome, or on qualified chairs. Moreover, it supports the presiding officers in the chairing of meetings by preparing speaking notes, by giving technical advice on the merits of proposals, or by counselling on procedural issues.

In particular through its advice on the appropriate choice of negotiation arenas and its role in the time management, the climate secretariat enabled parties to progress in the negotiations (see Chapter 9 and 12 in Depledge 2005). For example, the climate secretariat was given credit for its skilful support in the management of the negotiations that eventually led to the adoption of the Geneva Ministerial Declaration (Oberthür and Ott 1999:54). Subsequently, the pressure on parties to reach agreement on a legally binding protocol increased and the declaration gave the negotiations additional momentum (Depledge 2005:179). Also during the negotiations of the Kyoto protocol the climate secretariat together with chair Estrada maintained time pressure, thereby contributing to the successful conclusion of the negotiations (Depledge 2005:179-181). Conversely, when parties failed to agree on implementation rules of the Kyoto protocol in The Hague, the climate secretariat and the conference chair performed comparatively poor in the procedural and time management (see Depledge 2005:183-189; Ott 2001b).

Thirdly and finally, the climate secretariat has supported the progress of negotiations by providing logistics. The provision of logistics must not be underestimated. “No meeting ever succeeded because the logistics were great. But if the logistics are bad, the negotiations can fail” (statement staff member of the climate secretariat, cited in Depledge 2005:71). Between 1996—the year when it commenced its operations—and 2005 the climate secretariat organized over 120 sessions and meetings of permanent and temporary bodies of the convention and the Kyoto protocol.<sup>16</sup> Moreover, it arranged more than 60 expert workshops and inter-session consultations on specific issues.<sup>17</sup> In the climate regime, the organization is particularly challenging, since a greater number of delegates and other actors participated in the negotiations of the convention and the Kyoto protocol than in any other intergovernmental negotiations (Barrett and Chambers 1998:15). Altogether, over 82.000 delegates of parties, repre-

<sup>16</sup> See Chapter 13 in Yamin and Depledge (2005:398-430) on the permanent and temporary bodies of the convention and the protocol, their institutional set-up, mandates, functions and responsibilities.

<sup>17</sup> See [http://unfccc.int/meetings/unfccc\\_calendar/items/2655.php](http://unfccc.int/meetings/unfccc_calendar/items/2655.php)

sentatives of observer states, intergovernmental organizations, non-governmental organizations, and journalists had attended sessions of the conference of the parties and its subsidiary bodies.

In their submissions to the internal review of the climate secretariat's performance, parties "generally appreciated the work of the secretariat in organizing sessions and meetings" and praised the conference scheduling and the logistics (UNFCCC 2005:4). The provision of appropriate meeting space at short-term notice is a particular organizational challenge, which the climate secretariat mastered when parties requested. At the resumed sixth conference of parties, for instance, it had to provide at very short notice meeting facilities for selected groups of delegates, taking into account all necessary requirements such as security batches, country flags, and unusual seating arrangements (Depledge 2005:71). That it accomplished "in the required time frame was extremely important to maintaining the momentum of negotiations" (Depledge 2005:71).

In sum, the absence of autonomous political influence and own initiative best characterize the normative influence of the climate secretariat. The climate secretariat reacts to requests of parties or presiding officers and then provides valuable advice on technical questions or organizational issues without promoting any particular options.

#### *Executive Influence: making implementation work*

The executive influence of the climate secretariat is the weakest compared to its cognitive and normative influence. It does not implement projects or distribute financial resources. It has not autonomously influenced the behaviour of any actor involved in the climate regime or triggered the adoption of new policies.<sup>18</sup> Neither has it tried to prompt parties to adopt certain actions to improve their implementation record or to criticize parties for the lack of implementation. Nor has it assisted governments at the domestic level to implement the climate regime.

The climate secretariat coordinates—together with experts from parties—reviews of the implementation progress. It has developed the methodologies of the greenhouse gas emission inventories, designed a computer-based registry and transaction log to make emissions trading systems work, and helped the clean development mechanism executive board to create feasible assessment procedures.<sup>19</sup> It has organized a number of workshops that served to build capacities, for example in reporting methodologies. The climate secretariat's support satisfies parties: neither the internal review of its activities nor the literature give any indications that parties have complained about its support in that area what they usually do if they are dissatisfied (see below). The observation that parties demand additional support from the climate secretariat for the development of effective and smooth implementation procedures supports this assessment (UNFCCC 2004:7-8).<sup>20</sup> Moreover, the climate secretariat collected, processed

<sup>18</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 14 and 16 July 2004.

<sup>19</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 13 and 14 July 2004.

<sup>20</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 14 July 2004.

and made available information on implementation, e.g. in the greenhouse gas emissions database. In the internal review of the climate secretariat's activities, parties gave a positive feed-back, in particular on its coordination and support of the in-depth reviews of national communications (UNFCCC 2004:7-8).

In sum, the climate has ensured that implementation procedures and systems work but has not autonomously shaped the implementation process.

## **Explaining the Influence: make a living in the straitjacket**

Overall, the autonomous influence of the climate secretariat has been limited: it has provided informatory services, which interested actors used, it facilitated successful negotiations, and it supported parties in the development of implementation procedures. However, the climate secretariat has at best assisted parties to achieve what they wanted to achieve. It has helped to operationalize political agreements among parties by setting up functioning systems and procedures or by translating political decisions into workable solutions. However, neither in the search for political responses nor in the development of technical solutions has the climate secretariat advocated own ideas. It has not autonomously influenced *whether* and *which* political approaches or technical solutions parties adopt. Rather, whenever parties requested, it has supported parties in identifying options for consensual political decisions and facilitated their decisions on *how* they might implement these decisions. In sum, the climate secretariat operates as "technocratic bureaucracy". It facilitates progress within the confines parties define and that does neither openly take initiative nor proactively pursue own goals. It stays away from autonomous political influence and instead rather executes what governments intend.

Two questions arise against this background. Firstly, why have the climate secretariat's cognitive, normative, and executive influence been so limited? Secondly, despite these limitations what has enabled it to facilitate, support, and coordinate the negotiation and implementation of the climate regime?

### *Problem Structure: fabric of the straitjacket*

The problem structure constitutes the main external reason for the limitations of the climate secretariat's overall cognitive, normative, and executive influence. Scholars describe climate change as "malign problem" (e.g. Depledge 2005; Miles et al. 2002; Wettestad 1999). When addressing climate change policymakers face high scientific complexity, persistent scientific uncertainties about causes and impacts, substantial differences in the contributions and the vulnerability to climate change between developed and developing countries, long time delays between high short-term costs and benefits that materialize in the long run, and low visibility. On many occasions have these characteristics complicated the negotiations and set hurdles for the effective implementation of the regime (Schröder 2001:1-92; Ott 2001b; Grubb et al. 1999:61-114; Depledge 2005:18-34; Oberthür and Ott 1999).

Nevertheless, these problem characteristics only partly explain the limitation of the climate secretariat's influence, in particular of its normative influence, and its technocratic approach. After all, they are not specific to climate change. Many other inter-

national environmental regimes share at least some of these characteristics. Hence, the problem characteristics alone cannot explain these differences.

However, the problem of climate change is unique on another dimension: domestic and international responses to global warming and inaction alike involve higher political stakes than any other past or current international environmental agreement. These high stakes and their implications have affected the climate secretariat's potential to influence and confined the climate secretariat to its role as technocratic bureaucracy. Above all, the high stakes result from the magnitude of expected changes when addressing climate change. Effective responses to climate change are expected to have comparatively drastic consequences on prevailing economic and social structures because they challenge the mode of economic and social development that has been pursued ever since the industrial revolution (Depledge 2005:20; Ott 2001b:278). Ultimately, they may culminate in a new international economic order (Ott 2001b:278).

“The climate change issue is essentially about an alternative economic development, choice of energy, and industrial economic processes. Parties have to change practically the way the whole world economy is running”.<sup>21</sup>

Oberthür and Ott (1999:1) even argue that climate change became a matter of “high politics” in international relations. At the domestic level, responses to climate change likewise involve high politics (e.g. Lee 1999:279; Nitze 1994:190; Andresen and Butenschon 2001:351), including concerns about economic growth and competitiveness, energy and infrastructure development, or industry and transport (Depledge 2005:32; Eckersley 2004:82).

Since energy use constitutes the basis of almost any human activity in the contemporary world, all individuals contribute to the problem. Hence, responses to global warming potentially affect all individuals (Depledge 2005:19). “At its heart the climate regime is about how people use resources and how we organize ourselves”.<sup>22</sup>

At the same time, concerns related to inaction are high, too, given that “the stakes associated with projected changes in the climate are high” (IPCC 2001:21). The effects of climate change are irreducibly global and threaten systems that sustain human societies across the world, culminating, for example, in catastrophic and devastating weather events. Climate change may cause “substantial and irreversible damage to or loss of some systems within the next century” (IPCC 2001:21), and may globally affect the welfare of all nations and individuals alike, albeit to varying extents (IPCC 2001).<sup>23</sup>

This unique combination of high political stakes with the characteristics outlined in the beginning of this section has not only led to fundamental—in some cases insurmountable—differences in national interests and positions, which prompted all parties to proceed very cautiously in the negotiations. At the same time, it has also motivated parties to be wary of any activities of the climate secretariat and to impose severe constraints on its potential to influence others that exceed facilitation, support, and coordination. These constraints and the caution of parties are again not particular

<sup>21</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 12 July 2004.

<sup>22</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>23</sup> (See for a detailed and authoritative elaboration IPCC 2001)

to the climate regime. However, compared to other global environmental challenges and related regimes, they are more pronounced because the negotiation and implementation of the climate regime involves unmatched high political stakes.

In the next section, I show that the parties' wariness has repercussions on the climate secretariat's resources and its organizational culture. Overall, it results in severe constraints—the straitjacket—on the climate secretariat's ability to influence. That these constraints are so strong explains the limitations of the climate secretariat's influence to facilitation, support, and coordination and its technocratic approach.

*Polity: tightness of the straitjacket*

The climate secretariat does not have any financial resources for the implementation of projects or the supply of financial incentives. The Global Environment Facility (GEF) funds the implementation of the climate regime (see Chapter 10 in Yamin and Depledge 2005). The climate secretariat has no regulatory competencies to adopt legal decisions or formal sanctions that would allow it to force parties or other actors to change their behaviour. All legal decision-making power lies with the conference of the parties, which—since the entry into force of the Kyoto protocol—serves also as the meeting of parties to the Kyoto protocol. The climate secretariat has no scientific research tasks. Within the climate regime the exclusive responsibility for the provision of scientific input lies with the Intergovernmental Panel on Climate Change (see Chapter 15 in Yamin and Depledge 2005). Hence, the definition of tasks and competencies explains that the climate secretariat had neither any autonomous and direct normative or executive influence, nor shaped scientific debates.<sup>24</sup> However, given that many other treaty secretariats face similar restrictions, the definition of tasks and responsibilities alone cannot explain that the climate secretariat was less influential.

The climate secretariat had weaker influence because it faced stronger restrictions than the other secretariats in the use of the only resources that they avail of to have influence: the production of informatory, technical, and analytical knowledge as well as the provision of advice. Because of the problem structure, parties imposed on the climate secretariat what I label a “straitjacket”. Like any other secretariat the climate secretariat is mandated to objectivity and impartiality (Yamin and Depledge 2005:485; Depledge 2005:85). However, in the climate regime, parties were particularly sensitive about any indication that contradicts this mandate.

“[T]he secretariat is expected to help to steer the negotiations to a successful conclusion. However, this expectation does not extend to one of true leadership; the parties do not expect the secretariat to lead, but rather to assist them. In the minds of the parties the secretariat is their servant, not their leader” (Depledge 2005:65).

Parties do not at all tolerate if the climate secretariat advocates own ideas or lacks balance in procedural issues (Depledge 2005:85). Parties immediately react, in some cases harshly when the climate secretariat presents input that exceeds these boundaries, contradicts positions and interests of parties, puts an undue emphasis on

<sup>24</sup> See article 8 of the convention for the exact formulation of the mandate and the tasks of the climate secretariat. See for further specifications rules 28 and 29 of the Rules of Procedure, the biennial program budgets, and specific requests of convention and protocol bodies.



specific approaches and aspects of a given problem, or favours one group of parties over another.

“Whenever we kind of stretch our mandate beyond what they want us to do, there is immediate feed-back and the feed-back will be quite effective”.<sup>25</sup>

Parties then force the climate secretariat to revise or even withdraw its input (Depledge 2005:77).<sup>26</sup> If the input relates to politically controversial questions these constraints become particularly evident. The parties expect the climate secretariat to identify and take into account a broad range of different positions and interests in a way that all parties can accept. It needs to carefully balance the differing pressures and expectations of parties and to justify any action against its mandate (Depledge 2005:64-65 and 165). If the climate secretariat fails to live up with these expectations, it risks losing the trust and confidence in its impartiality, which it has built up over time (Depledge 2005:69). Only when it advises parties on technical questions, it has some scope for own ideas.<sup>27</sup> Even then, it provides input on the request of parties, which define the terms of reference quite narrowly.

Moreover, the climate secretariat can only provide advice indirectly through the presiding officers (Depledge 2005:66-67). The “presiding officers will always have the final say in whether a particular approach—substantive or procedural—is taken” (Depledge 2005:67). This procedure makes the climate secretariat dependent on the presiding officers’ will to introduce the input into the negotiations. The lesser experience and competence a presiding officer has, the more important becomes the climate secretariat’s expertise (Depledge 2005:66 and 72; Yamin and Depledge 2005:507). However, if the presiding officer decides not to draw on its expertise—like it happened for example during the sixth conference of parties—the climate secretariat is condemned to inactivity.

The climate secretariat faces similar constraints when it prepares information on parties’ compliance with their obligations. Instead of generating and brokering knowledge, it is operating as information clearinghouse and processes factual information that parties provide (Depledge 2005:68). It must not assess the political implications and relevance of this information. In fact, it is inconceivable that the climate secretariat feeds this information into public discourses to pursue own purposes or to blame a party for non-compliance. At best, it identifies a number of options for further action. The compilation and synthesis of the information must not involve any criticizing political assessments of the results or policy recommendations.

“Criticism is not wanted. An assessment is immediately seen as being an assessment of whether the party is doing its job and then it becomes political. The parties do not want us to get into those areas”.<sup>28</sup>

Overall, parties severely constrain the climate secretariat’s leeway to advocate own ideas, thereby ruling out initiatives by the climate secretariat that they did not re-

<sup>25</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 13 July 2004. See for examples (Depledge 2005:67 and 76-77; ENB 1996b:10, 2002:1, 2003b:2)

<sup>26</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>27</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 16 July 2004.

<sup>28</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 12 July 2004.

quest and forcing it to act as technocratic bureaucracy. Against this background, it becomes clear why the climate secretariat's influence does not exceed facilitation, support, and coordination.

In the next section I show that it is crucial in understanding the actual achievements of the climate secretariat, that it obeys to these limitations and lives up to the expectations of parties by deliberately assuming the role of a technocratic bureaucracy and by forgoing any leadership vis-à-vis parties or autonomous political influence.

*People and Procedures: the 'heart of the climate regime'*

ORGANIZATIONAL CULTURE AND LEADERSHIP: TABOOS AND THE STRIVING FOR IMPARTIALITY

The analysis of the dominant organizational culture in the climate secretariat adds further insight on the reasons for the limitations of its influence. Paradoxically, it partly explains its executive and normative influence, too.

Overall, the climate secretariat has internalized the expectations of parties and has accepted their definition of boundaries, thereby limiting itself to a technocratic and politically neutral approach in any of its activities. Staff members, including the top executives in the secretariat, deliberately abstain from exercising leadership vis-à-vis parties and pursuing openly a more proactive role in the regime.<sup>29</sup> Already the first executive secretary of the climate secretariat, Michael Zammit Cutajar, urged staff to abstain from any proactive and intrusive involvement in the negotiation or implementation of the climate regime (Depledge forthcoming). The staff's reluctance, often unwillingness, to attribute openly any kind of autonomous influence to the climate secretariat indicates this behaviour as part of its particular organizational culture.

"The job of the secretariat is not to shape or influence any international climate politics. Our house philosophy is that we see our process as being very much government driven. We are not an independent think tank that can just develop and throw ideas into the process. We are here to serve a particular process and we are paid for doing this job according to the instructions that are given by parties. Basically our role is to listen what we are told and to do what we are told".<sup>30</sup>

Staff stressed that the attribution of any kind of autonomous influence to the climate secretariat or any perception of leadership would conflict with its mandate and be in disaccord with the expectations that parties have of the climate secretariat's role. In fact, as technocratic bureaucracy the climate secretariat "has very rarely attempted to exercise open substantive leadership by brokering agreements among parties" (Depledge 2005:73, see also page 58). All staff members, including the top executives, strove to ensure that parties perceive the climate secretariat as an impartial body that does not favour one party's views over those of another or advocate specific approaches.

<sup>29</sup> Author's interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12, 14, 15, and 16 July 2004.

<sup>30</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 12 July 2004.

It rather attempts to present a variety of options.<sup>31</sup> Moreover, staff members hesitate to initiate discussions on issues that are taboo in the perception of parties. For example, they deliberately refrain from raising the question on future reductions of greenhouse gas emissions after the first compliance period of the Kyoto protocol, because it is such a fundamental and politically sensitive question to parties.<sup>32</sup> The deliberate decision of the climate secretariat to adopt a rather minimalist approach to public information supports this characterization of its organizational culture (Depledge 2005:68).<sup>33</sup> The climate secretariat sees itself as provider of factual information that never takes sides with one or another party or comments on any activity of parties.<sup>34</sup> As a result of criticism by parties when it went too far,

“secretariat staff have been extremely reluctant to paraphrase or simplify complex negotiated text (...), even to make it more accessible to non-experts, for fear of inflaming sensitivities and being accused of bias” (Depledge 2005:68 see there also for examples when the secretariat went too far).

However, this particular organizational culture of a technocratic bureaucracy at the same time explains the climate secretariat’s achievements. The successful maintenance of this organizational culture is an important, if not indispensable prerequisite for its ability to promote successful outcomes of the negotiation and implementation of the regime (Yamin and Depledge 2005:485; Depledge 2005:78).<sup>35</sup> The climate secretariat needs to keep up its impartial appearance : “Perceptions of partiality within the secretariat would be a (...) persistent problem that could put the whole process in jeopardy” (Depledge 2005:65). Staff members share this assessment. The climate secretariat would be able to influence the regime evolution only

“if we are balanced and if we try to meet the demands of the parties. This is our big plus that we are following what we are told to do and that we are doing this in an objective and non-biased way”.<sup>36</sup>

However, what has allowed the climate secretariat to develop such input and therefore has enabled it to have its limited influence? I explore this question in the next section.

#### ORGANIZATIONAL EXPERTISE: THE ONLY ESCAPE FROM THE STRAITJACKET

Apart from the organizational culture, the influence of the climate secretariat rests on its expertise. To start with, actors use the climate secretariat’s informatory output because the climate secretariat is the only authoritative source of information on any aspect of the regime. For example, its database on greenhouse gas inventories is the most comprehensive and reliable source of information on greenhouse gas emissions.

<sup>31</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>32</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 14 July 2004.

<sup>33</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>34</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>35</sup> Author’s interviews with staff members of climate secretariat, secretariat headquarters, Bonn, 12, 14, and 15 July 2004.

<sup>36</sup> Author’s interview with staff member of climate secretariat, secretariat headquarters, Bonn, 12 July 2004.

Likewise, the climate secretariat administers and disseminates all official documents related to the negotiation and implementation of the climate regime. Hence, actors interested in the regime evolution must draw on information of the climate secretariat. In fact, also the parties have no other choice than to use the climate secretariat's website if they want update information on the regime progress since the website serves as important negotiating tool.<sup>37</sup>

More importantly, however, the climate secretariat's outstanding expertise enables it to provide parties with useful input and advice on any substantive or procedural issue in the negotiation and implementation of the regime. The political and technical expertise that the climate secretariat has accumulated since its creation allows it to carry out targeted analyses on specific negotiation and implementation issues (Yamin and Depledge 2005:485), as well as to counsel presiding officers on the management of negotiations (Depledge 2005:72). The climate secretariat's ability to provide input "closely tailored to the parties' needs" is an indispensable prerequisite for its achievements. In their submissions to an internal review on the activities of the climate secretariat parties commended its expert advice and its analytical input with regard to technical and legal issues (UNFCCC 2005:7; see also Depledge 2005:77). The skill of the climate secretariat in developing balanced and impartial input results from its experience with the political sensitivities and the technical issues (Depledge 2005:73).<sup>38</sup> Staff members could gather important inside knowledge about the parties because of their exclusive access to the delegates. Moreover, the opportunity to follow the discussions between parties during the negotiations strengthens their expertise (Depledge 2005). On that basis the climate secretariat is capable to grasp what formulation or which option(s) look promising and could constitute the basis for a consensual decisions of parties (Depledge 2005).<sup>39</sup> In addition, the broad geographical distribution of staff<sup>40</sup> and the diversity of professional backgrounds facilitated the consideration and incorporation of distinct perspectives from affected countries and regions across the world.<sup>41</sup> Internal procedures ensure an adequate exploitation and incorporation of this diversity in the preparation of input. In fact, the preparation always involves several staff members. They contemplate and play through the range of conceivable scenarios and options from a broad range of different angles and seek to identify those options that promise to emerge as the basis for consensual decisions.<sup>42</sup> Eventually, the full-time occupation at the climate secretariat with political and technical issues related to the regime has resulted in a "competitive advantage" of staff vis-à-vis government officials in terms of

<sup>37</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>38</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 16 July 2004.

<sup>39</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

<sup>40</sup> As of June 2005, of the 76 program officers employed at the secretariat, 33 came from Western Europe and other industrialized countries, 16 from countries in Asia and the Pacific, 11 from countries in Latin America and the Caribbean, 8 from countries in Africa, and 8 from countries in Eastern Europe. Over time, these patterns have only changed slightly.

<sup>41</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 16 July 2004.

<sup>42</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 15 July 2004.

expertise.<sup>43</sup> Government officials often lack time for a thorough preparation or have first to become acquainted with the issues.

## **Conclusion**

The climate secretariat is a technocratic bureaucracy that has not had any autonomous political influence. It has not promoted an own agenda or pursued specific policies. However, it facilitated, supported, and coordinated the overall evolution of the climate regime, which is one of the most ambitious and far-reaching international environmental agreements adopted so far.

The climate secretariat's organizational culture of a technocratic bureaucracy and expertise are key to its achievements. It has not provoked any serious conflicts with the parties but rather internalized and complied with their expectations on its role in the negotiation and implementation of the regime. Its acceptance of the limitations and constraints that parties imposed on it because of the high political stakes associated with climate change has appeased the majority of parties. In return, parties were willing to accept the climate secretariat's support. On this foundation and by using its political and technical expertise the climate secretariat facilitated successful outcomes and helped parties to conclude agreements. Whenever parties requested, the climate secretariat supported them in their search for political solutions to the challenge of climate change and assisted them in the translation of their agreements into working technical procedures and systems. It has, however, not shaped international climate politics or even attempted to leave a genuine footprint on it.

<sup>43</sup> Author's interview with staff member of climate secretariat, secretariat headquarters, Bonn, 13 July 2004.

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